

MINUTES OF THE
JOINT MEETING OF THE SANTA FE
CITY COUNCIL & COUNTY COMMISSION

November 29, 2012

This special joint meeting of the Santa Fe County Commissioners and the City of Santa Fe Councilors was called to order on the above-cited date in the Santa Fe County Chambers, at the County Courthouse at approximately 5:30 p.m. by County Commission Chair Liz Stefanics.

Roll call indicated the presence of a quorum with the following representatives present:

Commissioners Present:

Liz Stefanics, Chair
Danny Mayfield
Virginia Vigil

Councilors Present:

Mayor David Coss
Chris Calvert
Bill Dimas
Carmichael Dominguez
Peter Ives
Christopher Rivera
Ronald Trujillo
Rebecca Wurzbarger

Commissioner(s) Excused:

Kathy Holian
Robert Anaya

Councilors Excused:

Patti Bushee

III. APPROVAL OF AGENDA

Commissioner Vigil moved to approve the agenda as published. Her motion was seconded by Mayor Coss and the agenda was unanimously approved.

Commissioner Stefanics advised the Council and Commission that there were action items on this evening's agenda as well as public comment. Public comment will commence at 7 p.m.

IV. City-County Joint Services and Annexation Discussion (cont. from 8/15/2012)

A. Annexation

- 1. Road Transfer Agreement for Phase II**
Discussion and Possible City/County Action

CHAIR STEFANICS: Mr. Ross, this is the first time we have seen this material tonight. Could you tell us what we have in our materials in case we want to refer to them?

STEVE ROSS (County Attorney): The first document in the packet is the

Settlement Agreement which is the document from which all of the remaining documents implement. I just put it in there to remind us of what it is and if we need to make reference to it, it's right there in the packet. The second document is the item that was just called which is a proposed Roadway Improvements MOU to implement the provisions in the settlement agreement concerning roads. The third document is a proposed agreement for law enforcement services and other document called for specifically in the settlement agreement. And the fourth document is the document you saw last summer which is just a discussion document with blanks in it which eventually we're going to need fill in with dates so that the remaining tasks can be completed that are set forth in the Settlement Agreement. That's what we have.

CHAIR STEFANICS: Thank you very much. Gentlemen, please proceed.

ADAM LEIGLAND (County Public Works Director): Madam Chair,

Commissioners, Councilors, I am pleased to report that I think we have made a lot of progress in writing this and I just want to mention some of the things that we have agreed on so far. We've agreed on what roads are involved. And that was actually, surprisingly, a little bit more complicated than I expected. We've agreed on the condition of the roads of all the roads and we've agreed on an evaluation process by which to determine what customary County maintenance is. Just to remind you, the annexation agreement said that the roads involved shall be maintained in customary maintenance, County maintenance standards and that wasn't necessary clear so we've spent a lot of time discussing what that is. So we've actually created a spreadsheet that annotates the information just mentioned – the roads involved, their conditions. We've actually had a joint, both parties have agreed on the conditions that are involved and we've agreed on what the County's responsibility is to meet customary maintenance standards.

All that is mentioned here in the recitals of this agreement. We've also agreed on a process by which to accept roads once these roads are brought up to the standards that we've both agreed to, we'll have that acceptance process. And we've also agreed to a phasing, a schedule to implement these changes. We think it will probably take us three seasons, three construction seasons, three years to do the work and we have a draft schedule to implement that work. And we have tried to target the most important roads and in the first amendment – the roads in the worst condition.

As I said, I think we've come a long way. We have all of that. I think that the only remaining point, well actually there are two remaining points. The annexation agreement says that no significant capital improvements will be made – will require separate agreement and I think that both parties agree that West Alameda has some serious drainage issues that need to be addressed and so we think that we need to look at that probably as a separate agreement. We also are still discussing on the actual, on some individual streets with the treatment, relevant treatment is in order to bring it up to customary County maintenance standards. And we're still negotiating on those treatments and when the actual treatments are finalized they will be annotated on the spreadsheet that I mentioned earlier. And, so, did I miss anything?

IKE PINO (City Public Works Director): The only two things that I would add to that are the attachment will continue to be worked on as Mr. Leigland said and the MOU language that is in your packet, is MOU language at our level anyway, that we're both satisfied with. So that part of the agreement works well for what we need to accomplish. We just need to get the attachment completed and that's what we're working on now. That's what he was talking about, us going out and having final agreement on various treatments for some of the roads. Our staff are already working on those and so we should have that finished inside of a month it would seem to me.

And then the only other thing that I wanted to bring up was there's a small donut hole

over off of Richards Avenue where Calle Jalisco is, right across from the power station, that is in the County that is part of Annexation Phase 3. But we thought that it makes sense just to include that donut hole in this Phase 2 even though it is shown on the maps as Phase 3 and to get your concurrence if you feel similarly so that we can make sure that that gets put in the agreement. It doesn't amount to a hill of beans in terms of roads. But there are a couple of public roads in there that will need some attention and I think that was everything that I can remember.

CHAIR STEFANICS: Before we go to questions in general, I would like to clarify that legal from both the City and the County have reviewed the MOUs.

MR. ROSS: Madam Chair, that is correct.

GENO ZAMORA (City Attorney): Madam Chair, that is correct.

CHAIR STEFANICS: Thank you. So questions, comments? Mayor, do you have anything.

MAYOR COSS: Councilor Dominguez.

CHAIR STEFANICS: Yes, Councilor Dominguez and then I have Commissioner Vigil and who else would like to, okay, we'll go around.

COUNCILOR DOMINGUEZ: Thank you, Madam Chair. I'm just -- a real quick comment before my question. I'm glad to see that staff has gotten to this point where they're able to put some stuff down in an agreement and move this forward, if you will.

I guess one of the questions that I have is, I know that Exhibit A isn't included in here but where is that coming from. Where is that coming from? Is it the BBER list? Is it a part of the BBER list? What is that?

MR. PINO: Councilor, Madam Chair, that's kind of what I was referring to earlier. It really actually came off the map because the GIS-ing of the map because the BBER report had some misidentified roads. It had roads that were private roads. It had roads that were in the traditional village. We had some lists that also had some mistakes and so we actually had to go out and jointly determine that, yes, these roads are private, these roads are outside the area, or these roads are in the village.

COUNCILOR DOMINGUEZ: I think we'd like to get that list so that we know what you guys are looking at and what is being considered because otherwise I'm going to go off the BBER report and I'm going to say that doesn't make sense if it's not on the report. So if we can get that list I think that would be helpful.

CHAIR STEFANICS: Councilor, is that list relevant or important to you before you would vote?

COUNCILOR DOMINGUEZ: No, no, no. I guess if City staff is comfortable and I think they understand the City's interest and I'm sure the County's staff understands the County's interest. I'm comfortable with that. Let's just make sure that we get that list. And I guess the other question that I had is Section C of the Roadway Improvement Agreement or Section 1, Subsection C when we talk about minimum maintenance improvement that's something that staff has agreed to; correct? You have the same definition of what minimum maintenance improvements are.

MR. LEIGLAND: Madam Chair, Councilor, I think that probably right there is the remaining point of disagreement. We're trying to determine what minimum maintenance improvement standards are.

COUNCILOR DOMINGUEZ: Do you need help with that?

MR. LEIGLAND: Well, we're trying to be careful that we don't dip into the area of significant capital improvements.

COUNCILOR DOMINGUEZ: Okay.

MR. LEIGLAND: And we understand where the City is coming from. The County understands the City's position. So we're just trying to make sure that we jointly figure that out.

COUNCILOR DOMINGUEZ: Just so I understand the process a little bit more with respect to minimum maintenance improvements, once you have that definition after that you will do the joint acceptance inspection?

MR. LEIGLAND: Madam Chair, Councilor, no, the plan is that once we decide on minimum maintenance improvement, the actual improvement itself, the technique, because it's really a discussion of techniques at this point, the technique itself for that section of road will be annotated on the Exhibit A road list which is also the list you asked for. So we've already identified the schedule or we've proposed a schedule of improvements. We've kind of broken out the 20 miles or so of road for three years and then our job is just to implement the improvement, the technique, that was agreed to and then once that improvement is done we'll have a joint inspection at the end of that. And our plan is not to wait until the entire process is done. We want to do it on a segment-by-segment basis so that it's a phased orderly approach.

COUNCILOR DOMINGUEZ: That's it for me, Madam Chair. Thank you.

CHAIR STEFANICS: Thank you. Councilor Dimas.

COUNCILOR DIMAS: None.

CHAIR STEFANICS: Thank you, Councilor Wurzburger?

COUNCILOR WURZBURGER: Is that in the agreement?

CHAIR STEFANICS: Yes.

COUNCILOR WURZBURGER: Good. I want to make sure that I understand the process. Does that mean that the actual annexation completion would not be finalized until that corrections are made? Are we still on that path for Phase 2?

MR. LEIGLAND: Madam Chair, Councilor, the agreement says prior to final recording of the annexation phase so the idea was that we wouldn't want to delay the entire process if we were waiting for just the last road in the third year. The idea I think was to do it in a phased approach.

COUNCILOR WURZBURGER: So you're going to have three phases for the implementation of the road and that's when the final papers for annexation are actually filed as part of the legal process.

MR. LEIGLAND: Madam Chair, Councilor, that's my understanding when we put that in but maybe we should turn to the attorney.

CHAIR STEFANICS: Mr. Pino, do you want to comment on any of this?

MR. PINO: I think we got Councilor Dominguez' thing - I was going to drill down just a little bit and show you that this PASER method is something that we've agreed to with the County to help us to determine what level of maintenance the road needs before it can turned over. So we have this. And then this is a draft of the new list and I'd give it to you but it has all of my top-secret notes that I'll die without. But we have a list that we can provide to you relatively soon that was derived from a map like that which is like the map behind the Mayor there, to identify all the roadways because the BBER list just isn't terribly complete. And then Councilor Wurzburger's question, I think Adam was looking at 1.A. and it says, prior to the final recording of that plat the County shall perform the roadway improvement and maintenance activities identified in the annexation phase roadways to be improved and description of improvement activities. So this sounds to me like once we've accepted all the work that was on the map that was done then the recordation of the annexation plat can occur at that point, is the way I read this. I too invite the attorneys to disagree with me if I'm not reading it correctly.

MAYOR COSS: I guess you must be reading it correctly.

CHAIR STEFANICS: Councilor Wurzburger, you still have the floor.

COUNCILOR WURZBURGER: So if we get a call regarding a road prior to final recording where is it going to come to – to whom will it be addressed? That’s what I’m trying to figure out because it sounds like a three-year process. Maybe you all have this – I’m concerned about understanding from the constituents’ perspective who is on first. Thank you.

ROBERT ROMERO (City Manager): Madam Chair, what we did in the last – first phases, as soon as the road was completed and we accepted it, then we would accept responsibility. Before that the County would retain responsibility. And, so I think we could do the same here. As soon as the road’s improvements are made, we both, we’ve accepted that the improvements were made correctly, the City take over responsibility. I don’t know if we need to wait until the end. I think as soon –

COUNCILOR WURZBURGER: I guess my follow up question then for the City, Robert, for us would be how are we letting constituents know that they now need to call you or Ike?

MR. ROMERO: When they have called we’ve just said it is still County maintenance until we’ve accepted it.

COUNCILOR WURZBURGER: So we’re not doing any kind of proactive –

CHAIR STEFANICS: Okay. On this point I have a couple of comments. Councilor Calvert and then Commissioner Mayfield on this point.

COUNCILOR CALVERT: Yeah, I would think that we could publish this in the newspaper as we go along at the very least, to be proactive. Not everybody is going to read the paper and get the word but I think that at least we should try to do something proactive as it happens to let them know. It will only help ourselves in answering the phone calls or not having the phone calls to answer as a result.

COUNCILOR WURZBURGER: And on that point, I agree because I’m still getting occasional calls on who is doing what when and where am I, so I know this will help because I know the roads are a key issue. Thank you.

CHAIR STEFANICS: Commissioner Mayfield, you had a comment on this point?

COMMISSIONER MAYFIELD: Madam Chair, just the general street signage also changes between the City and the County so I think if the City takes over a County street we’d have new signage also.

MR. PINO: That’s true. We do use a different color –

CHAIR STEFANICS: Councilor Wurzburger?

COUNCILOR WURZBURGER: No, I’m good for now.

CHAIR STEFANICS: Commissioner Vigil?

COMMISSIONER VIGIL: I actually had some of my questions posed already.

CHAIR STEFANICS: Thank you. Mayor?

MAYOR COSS: You said that West Alameda is still the major one you’re discussing about drainage, but isn’t that Phase 3? I don’t think West Alameda would really affect Phase 2.

[Cross talk occurs as Mr. Pino and Mr. Leigland review a map]

MAYOR COSS: So there is a piece of it in Phase 2?

MR. PINO: Well, when it comes out of being County Road 70 then it becomes a frontage to the 599. But the part further to the east is in Phase 3 and then it becomes part of the traditional village. It was probably included before they noticed it was part of the traditional

village.

CHAIR STEFANICS: If members of the audience can't hear, will you just kind of wave and we'll get people to speaking a little bit differently. Thanks.

COUNCILOR CALVERT: So on that point, there are parts of West Alameda in Phase 2 and we want to correct drainage is it going to be hard to draw a line at the boundary of Phase 2 and Phase 3 and stop there and have something workable?

MR. LEIGLAND: Madam Chair, Councilor Calvert, the drainage part of West Alameda is from the roundabout at Siler to essentially Calle Nopal and that's very easy to pull out -that's Phase 3.

MAYOR COSS: Madam Chair, I would just like to move approval of this agreement.

COUNCILOR DOMINGUEZ: Second.

CHAIR STEFANICS: Okay, there's a motion and a second and we'll continue with discussion. Once discussion is finished we'll go on to vote.

COUNCILOR TRUJILLO: Thank you, Madam Chair. Ike, on the recital, I'm looking at six, the County uses a third-party paving evaluation system called PASER; what do we use at the City?

MR. PINO: I would have to ask my street superintendent. We use a different one.

CHAIR STEFANICS: Can you get to a microphone please because this is being recorded and also put on TV.

DAVID CATANACH (City Street Superintendent): We don't use a formal PASER program like they do. Although we have looked at it and it is very similar to what we use. Their system has a scale of zero to 10 where 10 is a perfect road and zero is a failed road. We usually use and I have a list of all our roads and I grade them as A, B, C or D or zero to four with four being an A. So that's how we do it. And, it's very similar to what they're doing.

COUNCILOR TRUJILLO: Great, the only I bring it up is because I want to know because it says, customary County maintenance standards to produce the County roadway network with an average PASER rating of 6. So we're going to be getting PASER ratings of six at the City standard, what is that?

MR. CATANACH: That's about a B or a 3 on a scale of zero to four.

COUNCILOR TRUJILLO: Okay, that's the only question I had, Madam Chair.

CHAIR STEFANICS: Thank you very much. Councilor Ives.

COUNCILOR IVES: Thank you, Madam Chair. A couple of questions on that same point that Councilor Trujillo was mentioning in item 7 in the recitals it says, Customary County maintenance standards have produced a country road network with an average PASER rating of six. Is that descriptive of what's in the annexation or just across the County or what's the reference point for that?

MR. LEIGLAND: Madam Chair, Councilor, the average PASER rating that is referenced here refers to all 575 miles that we have and then you do the PASER rating and you do it on a mileage weighing system and then we compared that to the roads in the annexation area that are slightly lower than the County average. So we acknowledge that the maintenance improvements need to be done. The average PASER rating of the 20 or so miles in the annexation area is closer to - is just over four.

COUNCILOR IVES: And so the maintenance work that would be done would be designed to bring all those roads up to a minimum of six?

MR. LEIGLAND: Yes.

COUNCILOR IVES: It might be useful to reference that if that is the benchmark we're using. This just talks about an average of six across the County. So I'm recommending modification to the language.

Under the agreement itself, Paragraph 1A, that says in the last sentence, The County shall determine the phasing and scheduling of the improvement activities with the intent to accomplish all activities as quickly as funding allows. I don't know if it would be possible to do that in consultation with the City if the intent is that the City will take over those roads as soon as they're ready which seems to be some of what we're talking about - I'd like to make sure that the roads have some proximity to each other as opposed to one here and one a mile away. So if we could coordinate on that and make sure it's done in a sensible way and a sort of progression that, I think, would make it easier for all parties.

On C there, the parties acknowledge that the word to identified are minimal maintenance improvements that do not address structural, operational, capacity and accessibility deficiencies. That just sort of makes me wonder how did those play into a PASER 6 rating. Could you have a PASER 6 road that had significant structural issues?

MR. PINO: Structural issues that are mainly referred to here are such things as drainage, culverts, such as that, operational capacity number of lanes. PASER, think of it as a land rating - a surface rating more than anything else.

COUNCILOR CALVERT: Madam Chair, Councilor, I think to answer your question, you're wondering if a road is PASER 6 would it need structural improvements?

COUNCILOR IVES: Or would it have certain drainage improvement even. I'm just trying to get a sense of where that responsibility line is drawn.

MR. LEIGHLAND: Actually, to use the PASER it's going from 4 from 5, if it drops below 5 that's where it starts to need major structural changes generally. So PASER 6 is in pretty good condition. It's a B on your scale and usually you just want to do things like applying another coat of oil or [inaudible] so contractual issues also he mentioned you have some base failure so you start to get some running that can't be addressed with overlay and that sort of thing.

COUNCILOR IVES: And I'm just begging the question, if the intent, again, is to bring the roadways up to PASER 6 level to say that they will not address structural, operational capacity and accessibility deficiencies suggests that regardless of whether or not you would normally be doing that to reach a six it's not intended here. Is that what you're intending or is the intent to bring it up to a six to include any of these as might be necessary to get that done?

MR. LEIGHLAND: Madam Chair, Councilor, exactly. If we needed to do something here to bring it up to a six we would do. But our intention is not to bring it to a 10.

COUNCILOR IVES: Right, no understood. Again, you may want to look at tweaking that language refer to the PASER 6 level without necessarily precluding structural, operational et cetera.

In Paragraph 2 it says it will terminate when basically all the roads are annexed and it says this may be extended by the written mutual agreement of the parties, and I'm confused - I mean presumably if it's fully accomplished in terms of a timeframe and there is no specific timeframe so whatever timeframe it takes, why any type of extension would be - I'll leave that to your further cogitations.

On nine of the scope of the agreement on the next page, it says, This MOU incorporates all of the agreements and understandings between the parties concerning County roads in Phase II of annexation and all such covenants and understandings are merged into this MOU. Normally, when drafting an integration provision like this they're usually saying that all those are either set

forth herein or this instrument supersedes any of those discussions. This is sort of halfway betwixt and between and seems to allow a lot of potential argument down the way about whether or not there were other agreements that were part of this. Are there any other agreements that are part of this?

MR. PINO: I don't believe so.

MR. LEIGLAND: I don't think so.

COUNCILOR IVES: In which case, again, just as a drafting matter we may want to tighten that up just to clarify what the obligations are.

Those are all the questions I have, Madam Chair, thank you.

CHAIR STEFANICS: Thank you. Councilor Calvert.

COUNCILOR CALVERT: Thank you, Madam Chair. I guess a question on the minimal maintenance improvements, I'm sorry if I missed it but it seemed like there was still some, what? Not concurrence on exactly what that is and so what I'm a little puzzled is how I'm going to approve something where the two parties haven't necessarily agreed. How's that going to work itself out? If we approve this now and that's still not been resolved how is it going to get resolved?

CHAIR STEFANICS: Mr. Zamora, you wanted to comment on that?

MR. ZAMORA: Madam Chair, Councilor Calvert, tonight's approval is much more of the group conception approval. These agreements have to go back to the individual governing bodies and be voted on. So the direction you're giving tonight is for staff to move forward with this agreement and then what's left to be done is tighten up the exhibit by agreement where the two bodies individually voting on it.

COUNCILOR CALVERT: Okay. So this is a current conceptual so that we can move it to each individual governing body but with details fleshed out.

MR. ZAMORA: Madam Chair, Councilor Calvert, what would be best is for this merged entity to approve the agreement itself so that we're not tweaking it later but at such time that you bring it to the Council or to the Commission there should be an agreed upon exhibit. So there are two parts that we'll eventually present to you. If you approve one tonight, then we get to focus on the second part and bring that second part to the individual bodies.

COUNCILOR CALVERT: And when you reference exhibit, is that where the minimal maintenance improvements comes in? Is that going to be detailed in the exhibit so there's no question to what that means?

MR. ZAMORA: Yes.

COUNCILOR CALVERT: Okay. And then I would just on Councilor Ives' point back in the recitals, not meaning to try and wordsmith tonight but it says on 7, Customary County maintenance standards have produced a County roadwork network with an average PASER rating of 6 and I would just say, put a coma which will be the standard of the County road when it is turned over to the City. I would just add that so there no – Thank you.

CHAIR STEFANICS: Thank you. Commissioner Mayfield and then we'll come over to Councilor Rivera.

COMMISSIONER MAYFIELD: I have nothing to add, Madam Chair.

CHAIR STEFANICS: Okay, Councilor Rivera.

COUNCILOR RIVERA: Thank you, Madam Chair. Geno, are the recitals part of the agreement? I assume they are.

MR. ZAMORA: Madam Chair, Councilor Rivera, the recitals are the preface to the agreement. They are the mutual understandings upon which the agreement itself is based. The actual contractual agreement begins on page 2 at Paragraph 1 under the language agreement

you have a specific contractual agreement relating to roadway improvements and then the other numbered items are terms, third-party beneficiaries, appropriations and then the conflict of interest, Tort Claims Act, dispute resolution, scope of the agreement, the applicable law for enforcing the agreement, and then finally the definition of the effective date.

COUNCILOR RIVERA: Okay, my question is number 8 on the recitals, it seems to contradict everything that I've heard tonight from both the speakers here. It sounds like annexation would occur after all the roads are accepted if this provides for a method without all the roads being complete. Is that correct or am I reading it wrong?

MR. ZAMORA: Madam Chair, Councilor Rivera, if you'll give me a second to look through that. Madam Chair and Councilor Rivera and maybe I can get some clarification either from the County attorney or the two gentlemen before you, but as I read Section 8 it's a statement of context basically saying – saying that the purpose and it may need to be rephrased, that the purpose of entering into this agreement is so that the City doesn't incur extensive cost by taking on these roads if they're not improved properly. Maybe if that was combined with another paragraph or just gets phrased – but it really is a statement that without this agreement this is what happens that the City takes on too much cost.

COUNCILOR RIVERA: Okay, so does it need a therefore or something in there to make it clear or do you think it's okay the way it is?

MR. ZAMORA: Madam Chair, Councilor Rivera, I suggest an amendment which reads as follows: If these agreements are not made, delete before annexation, and insert without the MOU the City would instead of will, acquire ownership of certain roadways that would require immediate and substantive investment of City funds. And that makes it more of a preparatory statement for [inaudible]

COUNCILOR RIVERA: Thank you and –

MAYOR COSS: I'll accept both Geno's amendment and Councilor Calvert's amendment in my motion.

CHAIR STEFANICS: And the second are you fine with that?

COUNCILOR DOMINGUEZ: Yes.

CHAIR STEFANICS: Yes, Councilor Dominguez.

COUNCILOR DOMINGUEZ: Yes, another and at the risk of micromanaging this agreement but when we talk about dispute resolution that indicates it is paid for by both parties if we have to hire a mediator.

CHAIR STEFANICS: Can you repeat that?

COUNCILOR DOMINGUEZ: Just some simple language in the dispute resolution that if we have to go to mediation that it's agreed to and paid for equally by both parties.

CHAIR STEFANICS: Okay, anything else, Councilor?

COUNCILOR DOMINGUEZ: That's, it thank you.

CHAIR STEFANICS: Thank you. Anyone else who would like to comment or ask questions? Yes, Councilor Ives and Councilor Calvert.

COUNCILOR IVES: One point of clarity then would it be in Exhibit A of draft reference to bring the roads up to the PASER 6 status is found?

MR. LEIGLAND: Madam Chair, Councilor, yes. The Exhibit A will show the road. It will show the termini of the road. It will indicate the agreed upon current condition of the road and it will finally indicate the agreed upon minimal improvement or improvement that will be necessary. As I mentioned earlier it's really just a matter of techniques and the techniques can be indicated rather succinctly so it can be shown on this.

COUNCILOR IVES: Well, again, I'm just looking for that PASER 6 status to be referenced somewhere in there.

MR. PINO: It's on here, Councilor. I didn't pass these out because you'll need a telescope to read them. It's on there.

COUNCILOR CALVERT: Just on that point. If as the attorney said that the recitals are not where the meat of the agreement is it would seem that something in the agreement 1 through 11 needs to say that PASER 6, needs to say there that PASER 6 is the standard that is required for turning over the road. I want it in the meat of the agreement part not in the recitals as part of the action of the agreement.

COUNCILOR IVES: Toward that end, an easy way to do it if it is in Exhibit A in Paragraph 1.A I would make a few language, and hopefully friendly amendments, right after the reference to Exhibit A in 1.A, so it says this MOU as Exhibit A and incorporated herein by reference. Incorporating Exhibit A into the terms of the agreement by doing that and that should solve that problem.

Again, I would propose an amendment in the second sentence there, That the County shall determine, and I would add the phrase in consultation with the City for phasing and scheduling. And then in subparagraph C, down below at the end of the second line where it says a minimal maintenance improvements, make that "are generally" so inserting the word generally minimal maintenance improvements, but which may include structural, operational, capacity and accessibility deficiencies. Again, just the notion being whatever PASER 6 requires.

And, then finally, on number 9 which refers to friendly amendment the last portion of that which says in all such covenants and understandings are merged into this MOU have it say: and this MOU supercedes any and all such covenants and understandings and agreements and representations.

CHAIR STEFANICS: Mayor, are you –

MAYOR COSS: So moved.

CHAIR STEFANICS: Okay and Councilor Dominguez?

COUNCILOR DOMINGUEZ: I guess.

CHAIR STEFANICS: Yes, Councilor Wurzburger.

COUNCILOR WURZBURGER: On the point that Councilor Ives just made, I would ask our attorneys and our staff, is that indeed true? Not knowing what these covenants and understandings indeed will they supercede because there's a difference between including in here those that we already have. So I don't know what they are. Is that indeed correct? I would like affirmation from staff that all the covenants and understandings that were referenced indeed are superceded as opposed to still being relevant.

CHAIR STEFANICS: Mr. Zamora.

MR. ZAMORA: Madam Chair, Councilor Wurzburger, the short answer is yes. With the edits a provided and I'm going to read them back, Councilor Ives, if you don't mind to make sure that I understand it correctly. This MOU supercedes all of the agreements and understandings between parties concerning County roads in Phase II of Annexation. That should be sufficient because the other agreements include the Settlement Agreement calls for a separate agreement on the maintenance and improvement of the roads.

COUNCILOR WURZBURGER: So we're not superceding that agreement?

MR. ZAMORA: We're not superceding that agreement because that agreement didn't really address that. It's very narrow and specific to it. I defer to Mr. Ross if he has any other additional comments on that.

CHAIR STEFANICS: Mr. Ross.

MR. ROSS: Madam Chair, I would have to ask Mr. Zamora to read that back. I'm not completely following. Can you read that first sentence again, Geno?

MR. ZAMORA: Sure. Starting with the original Paragraph 9, delete the first three words, This MOU incorporates and replace it with This MOU supercedes all of the agreements and understanding between the parties concerning County roads in Phase II of Annexation. To my knowledge no previous agreements with this detail of improvements on these roads and all other items be deleted.

CHAIR STEFANICS: Councilor Wurzburger, have you had your question answered?

COUNCILOR WURZBURGER: Yes, I have. Thank you.

CHAIR STEFANICS: Commissioner Vigil.

COMMISSIONER VIGIL: My only concern, Madam Chair, with not including the language that says, All such covenants and understandings are merged into this MOU, and I can't speak for the City on this but I know the County enacts resolutions and ordinances sometimes that affect roads. So I think what that will do is create no conflict with previous enacted legislation that at least the County has done and that would make me much more comfortable because I wouldn't want a conflict to be created as a result of this. And, I'm assuming that covenants here means covenants within governance authority not covenants within neighborhoods because we don't honor those at all.

CHAIR STEFANICS: Mr. Ross, do you want to comment on that first and then we'll hear more.

MR. ROSS: Madam Chair, Commissioner Vigil, I'm okay with this because the subject of the sentence is County roads in Phase II of the annexation. So what this merger clause is really – the subject of the merger clause is discussion concerning County roads in Phase II of annexation. And I understand Councilor Ives's objective is to have a more artfully worded merger clause and I totally hear that and I think that's what Mr. Zamora was trying to in cleaning it up. We have a merger clause that we use at the County that has quite a bit more detail and we could substitute that – I don't have it here. But addressing Commissioner Vigil's question, again, I think it's very narrow what we're merging in this discussion is concerning County roads in Phase II and nothing else.

CHAIR STEFANICS: Mr. Zamora.

MR. ZAMORA: Madam Chair and Commissioner Vigil, and to further give you a comfort level on this, there's a qualifying language that says, Agreements and understandings between the parties. So it's really limited to agreements between the City and the County and not agreements that the County and or the City have with other parties. So it wouldn't supercede those.

COMMISSIONER VIGIL: Okay.

CHAIR STEFANICS: Thank you. Anything else, Commissioner Vigil?

COMMISSIONER VIGIL: No.

CHAIR STEFANICS: Okay, thank you. Any other questions for concerns?

We have a motion on the floor and a second and several amendments. Are there any further discussion or questions? Unless there is a request for roll call we will do this by vote.

The motion as amended passed by unanimous voice vote.

CHAIR STEFANICS: Thank you very much. The Road Transfer Agreement for Phase II can move ahead to the respective bodies.

IV. A. 2. County of Santa Fe and the City of Santa Fe Mutual Aid Agreement for Law Enforcement Services

CHIEF RAEL: Madam Chair, Commissioners, City Councilors, the Sheriff and I have had some discussions regarding law enforcement phasing and I believe we've come to a reasonable agreement. The agreement is in essence is that the County will continue providing the current law enforcement services from July 1, 2013 through June 30, 2014. In the meantime, we will ramp-up our staffing and prepare to take over the Airport Road South come July 1, 2014 – or was it 13 – sorry, I'm getting a little confused on the dates, but in any case at that point we will take over from Airport Road South and staff that. The Sheriff's Department can then withdraw their resources. The following year we will ramp-up and then take over the Airport Road North area. Eventually, in 2016, we will take over the entire annexation on Phase II.

CHAIR STEFANICS: Okay, thank you. Sheriff.

SHERIFF GARCIA: Madam Chair, Councilors, Commissioners, I think it is something we can work with. At the beginning I did say that I would allow the two year period so that they could ramp-up resources. The southern part of the district that they will be taking after the first year is the larger call volume so that helps the County to move forward. Along those same lines the County Sheriff will continue to provide the same number of resources for that area even after annexation and after they take over the entire area. Thank you.

CHAIR STEFANICS: Okay, thank you. Mr. Sedillo, anything you want to add?

PABLO SEDILLO (County Public Safety Division Director): Madam Chair, Councilor and Commissioners, I've been in support of both the Sheriff and the Chief of Police and I've been in discussions with both of them that's the extent of Public Safety.

CHAIR STEFANICS: Okay, thank you. Do the attorneys have anything they want to add before we go to questions or comments? Okay, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Chief, thank you and Sheriff, thank you so much for accomplishing this task. This is great and will be great for the public. I really appreciate this. The only thing I would ask if any chance that date could come any sooner and the City can ramp their forces up any sooner. I would appreciate that. I just ask City Council if there's any way you can get more law enforcement on that street. It would really help out the County but I really am very appreciative this is happening. Thank you so much.

CHAIR STEFANICS: Thank you. Councilor Calvert, anything?

COUNCILOR CALVERT: I'll pass right now. I'm still reading.

CHAIR STEFANICS: Councilor Ives.

COUNCILOR IVES: Unfortunately, likewise, still reading, Madam Chair.

CHAIR STEFANICS: Okay. Councilor Trujillo.

COUNCILOR TRUJILLO: Madam Chair, I'm still reading as well.

CHAIR STEFANICS: Mayor.

MAYOR COSS: Thank you, Madam Chair. I'm quite happy with the work of the Chief and the Sheriff and Mr. Sedillo.

CHAIR STEFANICS: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: I'm glad that there's been progress made, Madam Chair, with regard to this. I know that whoever mentioned it, that this is really one of the highest response for emergency and law enforcement areas now and perhaps will continue to be in the future. I'm wondering, it's also an area where the schools – and Councilor Dominguez may have more information about the needs and the support too, and I'm not sure if that affects law

enforcement unless you're actually dispatch out there. Do you work with Ortiz and Ramirez Thomas and Agua Fria Elementary and Capital High and all of those schools that are situated there are highly populated and is that how the division is going to be also. You're going to take the southern part of Airport Road and you'll be handling Thomas Ramirez – Thomas Ramirez is within the City limits; right?

SHERIFF GARCIA: Thomas Ramirez the school is actually on County property. Rufina is City property. So I know that the City police are out there in the mornings [inaudible] making sure that people are abiding by the speed limit there on school crossing. Any calls for service from schools our deputies respond. That will continue. The first phase, first year as an example, the Sheriff will continue to provide those services. I'm sure that if we need assistance from the City that they will be more than happy to assist. We work very well together.

As we move forward, the schools within the southern part of Airport Road will be taken care of by the City. Anything north will be our responsibility.

COMMISSIONER VIGIL: Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Councilor Wurzburger.

COUNCILOR WURZBURGER: Thank you, gentlemen. I really do appreciate the movement that has been made on this. For purposes of public record, even though I know we have spoken about this in many City meetings as well as previous County meetings, Chief would you mind sharing with the public, before we take a vote on this, what the projected resource needs are for each phase, so that that's clear to the public and to us collectively.

CHIEF RAEL: Madam Chair and Councilor Wurzburger, the BBER report and our analysis indicated that we needed approximately 26 additional personnel. Now that number may be adjusted somewhat but it's going to be somewhere in that area. Phase I we're probably going to need the majority or the next – I'm sorry, the first part of Phase II we're probably going to need a good chunk of them because we are absorbing a high call area. So in all probability we'll be asking for 12 to 14 additional officers during that portion of the annexation. We've currently started to ramp-up some of our PSA, our public safety aides, in anticipation of bringing some of this area. So we're already getting started on some of those resources.

The difficulty for us is going to be attracting new police officers and the approximate year we have for training to get them street ready which is where the Sheriff very graciously allowed us the opportunity to have that lead in time to prepare our staff.

COUNCILOR WURZBURGER: So does that mean that in looking forward to the last two, in 2014, 2015, 2015, 2016 is that equally split? Is there more in the phase 214/215 period – I know that these are not hard numbers to which we shall hold you but just in terms of the initial plan what does it appear to be in terms of what we're facing?

CHIEF RAEL: Madam Chair, Councilor Wurzburger, what I anticipate is that the majority of the request coming in during this following year –

COUNCILOR WURZBURGER: I understand that.

CHIEF RAEL: -- and then tapering down thereafter. Because, again, we're in the first part of annexation or our portion of it will be taking in the highest call volume. Thereafter we're bringing in a smaller population with less calls and we can start decreasing the amount resources.

COUNCILOR WURZBURGER: It might be seven and seven or whatever?

CHIEF RAEL: Approximately seven.

COUNCILOR WURZBURGER: Okay, than you for the clarification.

CHIEF RAEL: Yes, ma'am.

CHAIR STEFANICS: Thank you. Councilor Rivera.

COUNCILOR RIVERA: I have no questions at this time, Madam Chair.

CHAIR STEFANICS: Thank you. Councilor Dimas.

COUNCILOR DIMAS: As I read in number four of the recitals and Settlement Agreement also states the City shall immediately upon annexation match that level of law enforcement service provided by the County and over the three year period replace the County law enforcement services. Sheriff, how many officers – and I think we’ve been before this before – but how many officers are you presently assigning to that entire area both south and north Airport Road which is a lot of that annexation area?

SHERIFF GARCIA: Madam Chair, Councilor Dimas, it can vary but you’re looking at anywhere between 12 and 14 over a 24 hours period 24/7. Our scheduling is somewhat different than the City’s in one day of the week where we have a common day so Fridays you would see a larger amount of deputies. But on the average you would see anywhere between 12 to 14 being assigned to that area.

COUNCILOR DIMAS: Just to that area?

SHERIFF GARCIA: Yes, sir.

COUNCILOR DIMAS: Okay.

SHERIFF GARCIA: Not at one time.

COUNCILOR DIMAS: Okay, okay, that –

SHERIFF GARCIA: At any given time we’re talking two to three per shift. Two to three per shift. Supervisor and two deputies.

COUNCILOR DIMAS: Okay, that’s what I wanted to know. I didn’t need to know for the whole County. I just particularly for that particular area. So it would be two to three on a shift?

SHERIFF GARCIA: Yes, sir.

COUNCILOR DIMAS: And Chief, you’re saying that we need 26 additional officers?

CHIEF RAEL: Madam Chair, Councilor Dimas, for the entire phase in of the annexation this portion that we’re taking in is the highest call volume where the Sheriff has about 12 to 14. But in order to anticipate for the additional growth that’s where we’ll be asking for the additional resources of personnel.

COUNCILOR DIMAS: But you’re talking about annexation of the areas 2 and 3; is that correct? You’re not talking just two?

CHIEF RAEL: We’re talking a portion of two, Councilor Dimas. We’re talking the Airport Road South.

COUNCILOR DIMAS: Okay. I can’t understand why we need so many more officers than what the Sheriff’s Office is providing now between two and three and we need between 12 and 14 additional just for that area; it doesn’t quite calculate.

SHERIFF GARCIA: If I could assist the Chief in this respect. Councilor, with all due respect, I wish I had more deputies to be able to assign to increase the amount because of the call volume coming out of that area. That is the largest call volume that we do have throughout Santa Fe County. So with respect to that, I wish that my numbers were greater so that I would be able to assign four or five deputies not only to that area annexation but to the surrounding areas.

CHIEF RAEL: Madam Chair, Councilor Dimas, I guess in answer to that question our analysis is based on calls, standards of officers per call volume and the ratios that we anticipate that are standard throughout the industry. In this case we’ve made that determination based on the formulas of call volume. An additional issue that we have is that we have in the City an expectation of a response time. Because of the large size of the County, the

Sheriff's response times are a little bit larger than the citizens of the City of Santa Fe are used to.

COUNCILOR DIMAS: That was going to be my next question, do you have a number, Sheriff, for response time and I know that this is going to be difficult, for that particular area of the annexation; do you know what your response time is generally?

SHERIFF GARCIA: Councilor, I don't have that with me at this time. I wouldn't want to say. It can vary depending on how the calls are prioritized so I'd hate to give you a number right off the top of my head right now but you're talking non-emergency calls could be up to an hour depending on call for service. Emergencies, you want to say that you're within the 15-minute response time.

COUNCILOR DIMAS: Fifteen minutes?

SHERIFF GARCIA: Yes, sir.

COUNCILOR DIMAS: In the City what's the average response time right now in the City?

CHIEF RAEL: Madam Chair, Councilor Dimas, I don't have that on the top of my head but I think it's within seven or eight minutes on emergency calls and approximately 15 minute or so for non-emergency calls generally speaking.

COUNCILOR DIMAS: And you didn't clarify emergency calls, but if there was an emergency call, how long would it take?

SHERIFF GARCIA: I want to say, and again I'd have to --

COUNCILOR DIMAS: I'm not going to hold you to this. Because I'm not going to go out and time you.

SHERIFF GARCIA: -- go back. I would say that we're okay saying that within 15 minutes on an emergency call. Within 15 minutes.

COUNCILOR DIMAS: Fifteen minutes on an emergency call. And you're saying between seven and eight.

CHIEF RAEL: Seven or eight.

COUNCILOR DIMAS: So it's about half?

CHIEF RAEL: Right.

COUNCILOR DIMAS: Okay. And, by the way congratulations on working out an agreement here. I was very worried that it would never happen but congratulations on coming together. It does my heart good to see that the law enforcement agencies are working well together as they always have in the past.

CHAIR STEFANICS: Councilor on this point, Commissioner Vigil.

COMMISSIONER VIGIL: I just wanted our Sheriff to explain that large gap. When we respond to somebody on an emergency basis it's because we're dealing with rural components and long distance. So when you're dealing with urbanized areas the response time is likely to be less. So that did not become part of this discussion and I want to make sure that it is.

COUNCILOR DIMAS: Right. I understand that.

CHAIR STEFANICS: Councilor, you still have the floor.

COUNCILOR DIMAS: In the agreement, the actual agreement in Paragraph B it states in second year and following annexation July 1, 2014 through June 30, 2015 the City will assume law enforcement south of Airport Road in Phase II. The County will maintain responsibility of law enforcement in all other areas of Phase II. You're talking about the north side; is that correct of Airport Road?

SHERIFF RAEL: Yes, Councilor.

COUNCILOR DIMAS: Okay. And in C, I don't know why we have a C because it's identical to paragraph B because it reads exactly the same, In the second year following

annexation, July 1, 2014 through June 30, 2015; the year is the only change.

COUNCILOR WURZBURGER: It talks about Agua Fria.

COUNCILOR CALVERT: That's south of Agua Fria.

COUNCILOR DIMAS: Oh, does it say Agua Fria? Oh, it does, I'm sorry, the City will assume law enforcement south of Airport Road, I'm sorry, I didn't catch that.

Okay, thank you, Councilor. That takes care of that and I don't have any other questions at this point.

CHAIR STEFANICS: Okay, thank you. Councilor Dominguez.

COUNCILOR DOMINGUEZ: Thank you, Madam Chair. I just comment or as the councilor in District 4 used to say a speech, but I'll make it short though. I guess I just want to first of all thank staff for the work that they've done to get this to a different point or a different level. It's been a point of contention for many, many, many years and quite frankly the resources or numbers of resources and the ability to provide a level of service is always been a point of contention but that's something that is true in probably every department across the nation at every level both local and at the state level, federal level, whatever. So I appreciate the discussion on level of service, et cetera but the reason that – I guess if we don't do this annexation because of that then we are going to continue to serve residents at a lower or longer response time and that's something that is not really acceptable to me and hopefully not to the County residents either. But really what it means is that the City has to take some responsibility in the future to make sure that we provide that level of service consistently in those areas that are going to be annexed.

I guess to respond to Councilor, I'm sorry, Commissioner Mayfield regarding additional officers, I think that is going to be the commitment the City is going to make as they continue to move in that direction because we're going to need to do that whether we annex or not. But it also says that we're going to have to beef-up on additional efforts and that means that we're going to have to be diligent to pursuing additional grants so that we can supplement some of that level of service with that extra funding from the State or the federal government or whoever. And that means that we're also going to have to beef-up on things like alternative programming, neighborhood watch, you know, whatever is out there to increase that supplement in law enforcement.

And then I guess the other thing is the reason that we have that high level of service or that high call volume is because we because of our inability to annex the land use decisions that have been made in the past have contributed to a lot of the challenges that we have in this area so I think that moving forward in the annexation with respect to law enforcement is going to potentially help law enforcement so that we don't continue going in the direction that we're going in now which is requiring high call volume. So I'm in support – I would just again thank you for the work that you've done in getting some of these details taken care of. I didn't think we'd ever get there but we did. That's all. Thank you, Madam Chair.

CHAIR STEFANICS: Okay. Councilor Calvert.

COUNCILOR CALVERT: Thank you, Madam Chair. So in the agreement 1.B which states will assume law enforcement south of Airport Road so that meaning to get too technical but is that the call is from Airport Road then the City is not responding or is not the first responder is that what I'm – is that correct? I mean, Airport Road stays doesn't come into play until C, if that's what I'm understanding.

SHERIFF GARCIA: Madam Chair, Councilor Calvert, I would think at this point Airport Road right now belongs to the City; correct me if I'm wrong. But I believe all of Airport Road belongs to the City at this point. We shouldn't be drawing a line like Agua Fria was at one

point, a centerline. We would argue in the early 80s that the north side is County so deputies – you need to call a deputy because we were not going to handle that accident. I can assure you that if the Sheriff's Office or I'm sure if the PD were called upon to respond to any call on Airport Road our deputies and our officers are directed and under orders that they will not get into any form of discussion as to who handles that call. They are to handle it.

One thing I must assure you is the County Sheriff has jurisdiction throughout the City so that will be well taken care of.

COUNCILOR CALVERT: Okay, so then the other one, similarly in C, south of Agua Fria, so this is a little different. So Agua Fria is again a dividing line, I mean, we're setting up these regions for a purpose to phase in responsibilities so in C, I would think that Agua Fria doesn't come into play until D.

SHERIFF GARCIA: Under the same answer it would be part of the City as part of the agreement with regards to annexation.

COUNCILOR CALVERT: No, it's not the same because we don't own Agua Fria.

SHERIFF GARCIA: If you go into annexation you would be owning Agua Fria and, again, Agua Fria is part of the annexed area. So if you annex the area, you're annexing Agua Fria other than the village; am I correct? What the agreement is, is not part – the agreement is that we'll continue providing services. Now if something happens on Agua Fria just like Airport Road, one of us will respond.

COMMISSIONER VIGIL: I think one of the clarification to this point, Madam Chair, would be everything south of the traditional historic village and maybe that's the language that needs to be here because just saying Agua Fria really encompasses some of the area that is not part of the traditional historic village community and the traditional historic village cannot be annexed. So maybe further clarification by stating south of the traditional historic village boundaries. And I think that you're saying the same thing.

SHERIFF GARCIA: Right.

CHAIR STEFANICS: So Councilor Calvert, do you want any legal response? Okay, further questions? Councilor Ives.

COUNCILOR IVES: Thank you, Madam Chair. Just a few language things again in terms of what we intend. Section 7, scope of the agreement, again, would recommend a change similar to the prior document we looked at to clarify that the four-corners of this documents define the relationship. The one – I did have a question to some of the specific language when it says, this agreement and I would put in supercedes any and all agreements and other agreements and understanding between the parties concerning law enforcement services following Phase II of annexation. I'm trying to understand the delivery of these services in terms of when annexation occurs. This says following. So this doesn't kick-in then until everything has been transferred. So if we have a three-year phase-in on roads it doesn't happen for three years. Am I understanding that timing correctly?

CHIEF RAEL: Madam Chair, Councilor, I'm not quite clear on your question. As I understand it the annexation occurs at least for the Sheriff's Department continues providing law enforcement services for one year and then we take over Airport Road south. Then the following year we take over from Agua Fria south. So it would follow the annexation it would just be the matter of when we start moving our resources into the assumed law enforcement areas.

COUNCILOR IVES: In that case, I would simply recommend replacing the word following with concerning law enforcement services in the Phase II annexation area. Following

implies a temporal component that I just don't understand against the context of what you've said.

The other thing on the liability, I presume the desire there is to have be responsible for his or her own, if you will, depending on whether our governmental entities and such descriptors, what I would recommend is having that provision read, Each party to this agreement shall be solely liable for the defense and satisfaction of any claim, including costs and attorney's fees, against that party and/or that party's officers, officials, employees or agents, that arises from conduct of any such persons when acting pursuant to this agreement. To clarify that if it is either a City of Santa Fe police officer or other employee that causes a suit to be filed, the City is responsible for doing that. And I think that's what is intended there and I think that that language would simply make that read a little easier.

That's all I have, Madam Chair, thank you.

CHAIR STEFANICS: Yes, thank you. Mr. Zamora, you caught all of that?

MR. ZAMORA: Madam Chair, I did catch all of that on both 7 and 9 I do want to point out that on paragraph 6 dispute resolution that the same amendments suggested in the Road Agreement will be placed here also.

CHAIR STEFANICS: Okay, thank you. Councilor Trujillo.

COUNCILOR Trujillo: Thank you, Madam Chair. Sheriff, Chief and Mr. Sedillo, I too want to thank you for coming to an agreement. I'm very pleased with that.

Just a comment. You know, Chief, when you say we're going to need 20 some more, we've already had this discussion so Sheriff so I don't know if you guys at the County have – but we've all heard that stuff that's going on with the State legislature and how throughout the state we may see an exodus on a lot of police officers throughout the state with these new rules that may happened but I don't know what you guys are doing on the County side but we're trying to see that at the City because we don't want to have a situation where we don't have enough police officers to patrol the City so I would just ask you guys at the County to be diligent and keep an eye on this thing because there's going to be a lot – there's going to be a lot of people who will take advantage of leaving early and so we don't want to leave the City or the County unprotected so, other than that, thank you for the work you guys have done.

CHAIR STEFANICS: Thank you. Councilor Dominguez.

COUNCILOR DOMINGUEZ: Madam Chair, just I guess another real quick comment and just for clarification; when we talk about south of Airport Road and we're talking about Tierra Contenta which the City already patrols, a large portion of that south southern part is the Country Club so the high call volumes are those primarily in the – well, we changed the name last night from mobile home to manufactured homes, but is it primarily in those mobile home parks that has a lot of the high volume calls come from? And maybe we could let the Sheriff answer.

SHERIFF GARCIA: Yes, we do get a lot of calls coming out of the manufactured home area. So, yes, it is a lot of calls coming in from there.

COUNCILOR DOMINGUEZ: So what kind of calls are they? Are they domestic violence and I mean is there anything that sticks out?

SHERIFF GARCIA: Councilor, you name it and it's coming out of there. You're talking about violent crimes, domestic violence, homicide, I'm glad that we don't have that problem as other cities do with regard to the high volume of violent crimes. But property crimes, narcotics – you name it, it's there.

COUNCILOR DOMINGUEZ: Do I know that every call has a different kind of response? I mean if somebody gets home and it's a burglary they get put, I guess, lower down on

the list versus someone who is actually being burglarized and they're calling you at that same time. It's obviously more direr, more important. So do we know what calls – do we have some sort of analysis about, well the majority of the calls that we're getting or a large majority of the calls that we're getting are not calls that require immediate response; do we have that kind of analysis? And the reason I ask, I'll tell you why, is because I did some [inaudible] analysis using GIS. We worked with Ken Martinez and you, Chief, may have been part of that as well. And when we looked at the numbers of calls that were coming out of the area for different things, I seem to remember that not a whole lot of those calls were calls that were requiring immediate response. And you know, I guess I'm just wondering if you have that kind of analysis that takes it to a different level?

SHERIFF GARCIA: Councilor, I'd have to get with Director Martinez who is sitting back here and get those analyses. Now the majority of calls that you do get are not priority one calls. That's not the case. The after-the-fact calls that you get in some case can take half-hour to an hour to respond to a burglary that has already taken place compared to something that is taking place at that moment. So, it can vary but I would have to get with Ken Martinez from the RECC and then –

COUNCILOR DOMINGUEZ: That's okay. I'm not sure if I should have even brought that up. But, I guess, Chief Rael, that's part of the reason we want more patrol officers and not investigators because we want to be more proactive than reactive in the area.

CHIEF RAEL: Madam Chair, Councilor Dominguez, that's part of it. The other is the volume of non-emergency also tie up police officers for sometimes an extended period of time while they're doing that burglary investigation or larceny investigation. And if we do have that emergency call come in at the time and we don't have officers available to respond in that area then we have to pull them from other areas and it takes longer to get there and provide that service. So by adequately servicing the area with patrol officers we can provide preventative patrols, we can ensure our coverage is adequate and we can ensure our response times are within City requirements.

Now with respect to the Sheriff, he does have a very large area to cover and a limited staff so it makes it much more difficult for him to respond as quickly as we do because we have a more concentrated area and more concentrated presence.

COUNCILOR DOMINGUEZ: So, Madam Chair, I guess that discussion makes me feel a little bit better even more about this agreement because what really we are talking about is being proactive in the sense that we're going to hopefully create an environment that isn't going to require such a high volume of calls and opportunities to redevelop some of those areas that will potentially reduce the numbers of calls as well. So you're talking about social engineering/re-engineering and all of that other good stuff, but, you know, relatively speaking every community has their challenges with regard to law enforcement. I choose to believe that Santa Fe, although it has its challenges certainly, it's not an overly violent city but we certainly need to continue to work to make it safer on a daily basis really.

So, thank you, Madam Chair.

CHAIR STEFANICS: Thank you. I have Councilor Wurzburger.

COUNCILOR WURZBURGER: Well, given the fact that I know that both your brain function and your back are correlated with sitting, I would like to make a motion to approve this agreement as amended, yes, with all the amendments we have discussed.

COMMISSIONER MAYFIELD: Second.

CHAIR STEFANICS: That was a second from Commissioner Mayfield. Now we're back to discussion, questions. Councilor Rivera, Councilor Dimas.

COUNCILOR DIMAS: Just one question and actually what I wanted to know was have you talked to Ken Martinez from the RECC before you entered into this agreement? Just to clarify what the plans are and how that's going to effect the RECC as far as you know assigning calls and – I mean there's going to be confusion. I don't care what happens one way or the other just in decimating these calls and forth. And I was just curious if you had spoken to Ken about this at all?

SHERIFF GARCIA: Madam Chair, Councilor Dimas, let me bring him up. I don't foresee a major issue with regards to the calls coming in. They are covering for the region. I'm sure that, and I'll let him answer, but I'm sure that –

CHAIR STEFANICS: Mr. Martinez, why don't you come up please? And if you'd share that mike with him, thanks.

KEN MARTINEZ (RECC Manager): Thank you, Councilors, Commissioners, and I do appreciate that it was brought up and the fact that the RECC factors into this whole equation is one thing that I would like for us all to remember as we go forward into the discussions of public safety and emergency and law enforcement response in these areas because all of the focus is always in, as it should be, on responding to the calls that the public make. And they deserve and they expect the level of service that we want to provide for them. So I just want us to always remember as we go forward the integral part that the RECC plays to both the City and the County and I want us to remember as we move forward to include the RECC in the planning stages of what we have to do as the call volume increases as we increase numbers of responders, apparatus, equipment the RECC does take the initial call from the public and we are the ones that respond to the public when they call and provide that assistance ahead of the responders – not to take away from the importance but we're there immediately on that scene before the police or the fire department are.

So it is crucial that we are remembered in the planning and the way that the RECC is structured. So I do speak a lot with the Chief, with the Sheriff and the fire chiefs in what we're doing and how we're going to do things in response to jurisdiction. I also field the calls from the public when we do have to answer why we didn't respond within a certain amount of minutes from the time we got the call. And as the Chief mentioned earlier a lot of times with non-emergency calls they take resources to be pulled from one area to go to another one and those are the calls that my dispatches are asked to make on the fly as it's happening. So it is important that RECC is included and consulted when we're talking about changing plans, jurisdictions, response and anything of that nature. And I'll be happy to answer any questions. We not only provide the initial response but in records and reports after the fact as well.

We talked earlier about response time, from the time that a call is taken to the time the units are at least dispatched and also from the time they're dispatched to the time they arrive and to the time they clear. All of that information from the very beginning to the very end is in the RECC. It's taken in and processed there. So thank you for the time and opportunity to come up and pitch the role that the RECC plays, it's hugely important and I just want us to remember that.

COUNCILOR WURZBURGER: And on that point, if Mr. Martinez, if I heard you correctly, and it's very good to see you I haven't seen you in a long while, I would, if I am hearing you correctly you're saying that you have been involved in the process and you want to continue to be involved in the process and that you have much to contribute in the future; correct?

MR. MARTINEZ: That's correct, yes. And I hope to be able to.

COUNCILOR WURZBURGER: Thank you.

CHAIR STEFANICS: Thank you. Go ahead.

COUNCILOR DIMAS: I think it would be important to, before either the County Commission or the City goes forward with it to have those numbers as to what the response time is actual response time and not just what we're going helter skelter here, but you have the actual facts and the actual response time that it is taking right now for the City right now and for the County. And I think it would be very important to have those numbers before we start going forward with this with the City and also with the County Commission just to know those numbers. So I think if you can provide that and any other information you might have through the RECC I think that would be important for the Council and the County Commission.

CHAIR STEFANICS: Mr. Martinez, why don't you consider that a formal request from both the City and the County to do some compilation of a report for us specifically on Phase II if you can't do larger.

MR. MARTINEZ: Well, Madam Chair, Councilors, Commissioners, we regularly pull reports on that information and I can get that readily. Breaking it up within the annexed areas is a little bit more difficult because as we move forward with the annexation and especially in Phase I the map reference areas are having to be changed to reflect the new responses and when you change them you don't have a historic record of that particular map reference area. You have to create it, compile the data and then be able to report on it. But overall, with regard to all priority calls, priority's 1s, 2s, 3s and non-emergency I can give a pretty, pretty accurate estimate of what the actual response times are. And we do that already.

CHAIR STEFANICS: Okay, so we are going to expect some report from you.

MR. MARTINEZ: Yes.

CHAIR STEFANICS: Great, thanks.

COUNCILOR DIMAS: I don't have anything further, Madam Chair.

CHAIR STEFANICS: Thank you. Anybody else. Councilor Trujillo and Councilor Calvert.

COUNCILOR TRUJILLO: Thank you, Madam Chair. Chief, being that we're going to have all these new residents coming in once the annexation I think we need to do a little outreach to make sure that they do come into our False Alarm Ordinance. So if somebody has a false alarm and we show up and then they get a fine from us and they say, I didn't know. So I mean, I think we need to do that and if the County can do that as well. Let your County residents know that these are some ordinances that will – that they'll have to come into compliance with as well.

Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. That was about the False Alarm Ordinance, if people didn't catch that. Councilor Calvert.

COUNCILOR CALVERT: Yeah, I just wanted to clarify, going back to roadway improvements how many – how long did we estimate that it was going to take over a period of how long – I know they are all gone, but does anybody recall?

MAYOR COSS: I think it was three.

COUNCILOR WURZBURGER: Three years is what I remember.

COUNCILOR CALVERT: The reason I ask that is because it says in the very beginning of that, I know that they will turn over roadway that they get improved but it says 1.A under roadway improvements prior to the final recording of the annexation in Phase II. So my understanding from reading that is that Phase II is not recorded until those roadways are completed.

When I get over to this agreement it says 1.A, in the first year following annexation; so what does that mean? What date does that reference? Is that referencing our agreement about

this annexation or does it actually refer to the final recording of Phase II referenced in 1.A which might be three years down the road?

CHAIR STEFANICS: All right. I'm going to refer to our attorneys since they would have to represent us in court over this anyway. So Mr. Zamora and Mr. Ross.

MR. ROSS: Madam Chair, Councilor Calvert, at least with respect to the roads, it seems to me that the annexation would be recorded but the roads would not be accepted until they're completed. Normally roads go in with the annexation. I don't think the agreement says what I just said but I think that's what – at least when I read it that's what I was believing would occur that the annexation would occur –

COUNCILOR CALVERT: The reason I ask is because it says, The County shall perform the roadway improvement and maintenance activities, it say, prior to recording. It doesn't say, you know, and we sort of expected that annexation – I mean at least that's my understanding but that isn't what it says. It's saying that these things have to be done before you can record the annexation. Is that –

MR. ROSS: Where is that language, Councilor?

COUNCILOR CALVERT: Well, in 1.A.

CHAIR STEFANICS: Mr. Zamora, comments on this question.

MR. ZAMORA: Madam Chair, Councilor Calvert and I'm also going to defer to Mr. Ross to correct me at any point in time, and I know we had discussions around this point but I'm looking to see if the solution to that paragraph is prior to the final recording of the road subject to annexation Phase II or each road.

MR. ROSS: Madam Chair, I agree that that language is not – the first clause of 1.A is not what my understanding of the arrangement is. So that would have to be changed in some way.

MR. ZAMORA: Madam Chair, that is something staff can work on and agree upon and bring with the final version. Just getting that order appropriate within the context of the statutes that relate to annexation.

CHAIR STEFANICS: I think you need to hear all the concerns of all the Commissioners and Councilors before we receive any final approvals at our respective bodies otherwise we're going to be going back to the drawing board and we'll be having this same conversation in January and February and et cetera. So at the County, and I'm not sure how you do this at the City, but at the County we expect the staff to get to each individual person to say what is your concern to get it corrected. And I hope that you all have some process that you do that as well.

But even if we conceptually approve, continue to approve the law enforcement and some serious concerns have been brought up about the roads as well, that really need to be clarified so that both bodies will be able to accept otherwise we won't have a mutual agreement.

Councilor Calvert, you still have the floor and then we're going after we do action on this item we're going to public comment.

COUNCILOR CALVERT: And the reason I bring that up is because I'm assuming that what the agreement for law enforcement which says in the first year following annexation, well, it has to be – if it doesn't agree with the road one then we're kind of in a conflict there. So we need to make them work together so that July 1 will fall within that period.

And, so that's to my point was, if the roads weren't necessarily, you know, included as I think you were assuming then that's why I had those questions about those boundaries and stuff because given the road agreement maybe Airport Road would already be annexed or so that's why I had those kinds of questions and that's why I wanted to get it cleared up. Okay, thank you.

CHAIR STEFANICS: Thank you.

COUNCILOR WURZBURGER: On this point.

CHAIR STEFANICS: On this point.

COUNCILOR WURZBURGER: On this point, just like my previous comment.

Thank you, Councilor Calvert, you have now made me move to another question which is I would really like to get crystal in my own mind so that I could tell constituents how do we operationally define the date of annexation? We have discussion about services that are being provided and that's different. So do we have a clear definition, it seems to be getting muddled as we're having this conversation, as to what day is what occurring and a person or a citizen is now in the City as opposed to the County. And the whole discussion, pardon me Commissioner, to completely understand my lack of clarity, the whole discussion around the recording [inaudible] as well as this discussion that he has just now raised. Do you have a simple answer to that?

CHAIR STEFANICS: Councilor Wurzburger, I think the Mayor and I believe that the very next item is addressing that question that you're bringing up. But before we get to that very next item, I did promise the public that we would take public comment at 7 so I'm trying to just finish item 2 and then we will hear public comment and then go on to item 3.

Mayor, do you have a comment?

MAYOR COSS: Yes, I agree. The next item we set that date for annexation of Phase II.

COUNCILOR WURZBURGER: Thank you, Mayor. Thank you, Commissioner. My motion still stands.

CHAIR STEFANICS: Okay, so we still are on the motion and the amendments for law enforcement. Are there further questions, comments about law enforcement?

MR. MARTINEZ: In preparation for discussions on the annexation I did prepare from the CAD reports that we have a breakdown for the annexed areas or the proposed annexed areas.

CHAIR STEFANICS: Great. So you'll get copies to us?

MR. MARTINEZ: I already have those and I can get copies for everyone at the table.

CHAIR STEFANICS: That would be great because we're here for the next 20 minutes.

MR. MARTINEZ: On call volume only right now. I will get the response times at a later date.

CHAIR STEFANICS: Great, thanks.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: Councilor Dominguez's points a little earlier, dispute resolution, not that we'll ever be there, but shared cost.

CHAIR STEFANICS: Right, and we're going to put in the same amendments as I understand from the prior ones to this one.

The motion passed without opposition and Councilor Calvert abstaining.

CHAIR STEFANICS: Thank you gentlemen for all of your hard work. We appreciate it and we know that public safety is so important to our community and law enforcement is right there at the top. So thank you for your work.

IV. A. 4. Public comment

CHAIR STEFANICS: In deference to the public, I want to make sure that we have time for public comment. Is there anyone here tonight who is here to provide public comment? Okay, we're going to ask you to come up to this microphone and introduce yourself for the record.

SID MONROE: Thank you for your time and thank you for the efforts that you've made. Many of you are familiar because I've been at everyone of these meetings and actually this morning I took a quick look and between EZA, joint City/County, ELU, ELUC I stopped counting when I hit over 75 meetings over the last seven years. I actually came the amendment that is the next item is one of the things I really came to hear about. I am Sid Monroe. I am a resident of Coyote Ridge Road. We are in the pink area number one, Phase III annexation. Some of the topics that were discussed, all of the topics this evening so far have been about Phase II but we were referenced there West Alameda to say has drainage concerns is a great understatement. But also public safety. I did actually bring out a point that I'd like to point out to the assembled members. One of the concerns that we have when these things happen and we go from the Sheriff to the City police department and City fire we're in a little cul-de-sac in the back of a subdivision and the Sheriff has difficulty finding us. And a few years ago the County went from a regular address to a 911 address and I assume that's all in the words with staff to address the City transition to be able to find our addresses for emergencies. We have a resident here who had an experience with call time, and we've all – when it's your emergency it is never fast enough. But they have to be able to find us first.

There's one item that I'd like to just remind everybody here, I brought this up at the joint meeting in June, throughout the process area 1 presents a lot of unique challenges. We are the biggest; we have the biggest chunk of undeveloped land. We were the only area in the entire annexation process that did not have a dedicated community meeting. We were also the only area that had a so called rural residential protection built into the Settlement Agreement and since then it has been a moving target as to what that definition is.

As many of you know in the last couple of weeks a major housing developer has purchased all of that open land. That land, our land that we have our houses on, has been within City jurisdiction for zoning, permitting and building since 2009. We are County residents. We have no elected representation within the City and we won't have any for the foreseeable future and when the amendment comes up we'll find out when our next targeted date for annexation might be. But in the meantime we're in no man's land. And we've worked very diligently with both City and County staff about zoning issues, about issues that concern us now. And we already have this situation that if we have a vandalism problem or a graffiti problem, a dumping problem I've called on all three of those in the last six months, the County first says, No, you've got to talk to the City. The City say, No, you're in the County and it goes back and forth. So there's some real concerns that we're already experiencing.

A point was made at the August 27, 2009 ELUA meeting that Area 1 would have a dedicated community planning process to be undertaken in January of 2010 and presented by June 2011. I've been at several meetings and brought this up. We don't have anything to show for it. Now that that undeveloped land has been purchased it's a very big concern because all of our neighborhood is one unit per 2.5 acres which does not exist within the City Code. So all the areas around us and behind us could be much higher density at some point. That also will become a factor in police protection and having more people there at some point at some point.

But my point really is that since 2008 we have been referred to as presumed to be within

the City limit. We're five years presumed and you know if you're presumed to be pregnant sooner or later you find out. Presumed dead, sooner or later you find out. Presumed annexation appears we just had an amendment and we push it down the road.

I would just like to ask that our area, our neighborhood and our residents have some way of being heard throughout this process because we keep showing up at these meeting, and I appreciate your time, but we're just getting sort of nowhere in terms of where we're going here. So I thank you for your time. Again, I'm Sid Monroe, everybody pretty much knows me by now and thank you.

CHAIR STEFANICS: Thank you very much. Is there anyone else? Is there anyone who has any comments for our member of the public? Yes, Mayor.

MAYOR COSS: Thank you, Madam Chair. Sid, 75 meetings that is very commendable. I think you ought to run for office. I think you're catching up with some of us in the number of meetings that you're going to.

I think in the remaining time, Madam Chair, that we're not going to get to item 3 and be able to resolve that. But I think it is very, very important to resolve Phase III and we should make that an agenda item. I will just state my personal preference if we complete Phase II so the annexation is completed at the start of the fiscal year next summer and then I think, and I've said this before, I think the water and the utilities agreement should just be severed from the annexation agreement and we should do the utility question separately because I know that some of us are going to talk about regional systems anyway and I don't want to continue to hang up Phase II especially over the utility agreement and I think Phase III will be better and we should cut bait very, very soon on Phase III. I for one feel that just the fire cost alone is making that really difficult for the City to move forward on.

CHAIR STEFANICS: Commissioner Mayfield, did you have a comment?

COMMISSIONER MAYFIELD: I'll wait, thank you.

CHAIR STEFANICS: Commissioner Vigil.

COMMISSIONER VIGIL: I can empathize with the folks, Mr. Simon Morton [sic], I'm sorry did I get your name right, Morton Simon?

MR. MONROE: Sid Monroe.

COMMISSIONER VIGIL: Sid Monroe. Okay. The lack of representation issue. That is probably the most critical of all the issues that we've heard. What really needs to be clear here is that they are not the only area that the Rural Residential Ordinance protected from the annex in Phase I, Town and Country welcomed the Rural Protection Ordinance and they currently have their rural protection through their annexation.

With regard to dedicated meetings, I think since Mary Helen Follingstad was here, how many meetings did we have with regard to that that outreach was made throughout the County. Those weren't dedicated but to some extent they were because they were held at different school sites throughout that and I know I personally had a dedicated meeting to district 2 and I think some of the folks from your district showed up for that. So I really think that it needs to be real clear that meetings have been held and issues were discussed. At some point in time those meetings were no longer held and we started moving forward with some of the issues that we had.

But I want to make sure that the record reflects that this is not the only area that rural residential protection was enacted for. And, gee, Mr. Mayor, I think this is the last time that I will be at these meetings. And my concern, and I just want it on the record, my concern for not including Phase III for annexation is that doesn't remedy the issue that originated these annexation settlement agreements and if you'll recall when Las Soleras came to us and the battle

was between the City and the County as to what to do, this was the resolution, annexation. And particularly in my district I am in a representative capacity because a lot of the folks in that district were getting annexed anyway because of state statute that does allow the City to annex so long as there's contiguous property. So if we do not annex Phase III, these folks can still be annexed because Calle Nopal is contiguous with that area.

So I'm afraid if we don't stick to a settlement agreement where everyone is really clear about what is going to happen, we're going to have a Las Soleras problem before us again. I just wanted that on the record. I probably won't be here when those decisions are made but that's been my immediate concern. Having experienced that through the villagers of Agua Fria when Calle Zafarano and all of those, which has worked out really well in terms of services available, but I when I first got elected heard so much grief over why are they commercializing our area. The County at that time couldn't do anything about it because we don't have any authority when the City chooses to annex a contiguous area. So my biggest concern is that if we don't stick to our agreements where both the City and County are very clear and have some predictability with regard to what has to happen annexation can still occur. And you know I just wanted to put that on the table and that's been my concern for these residents and it's why I supported the Rural Protection Ordinance and it's why the City enacted the Rural Protect Ordinance because we wanted them to have some predictability. I wanted that on the record. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you, Commissioner Vigil. Councilor Calvert.

COUNCILOR CALVERT: Just real quickly on the Mayor's comment on the utility; do we really need to include all three? I thought solid waste was sort of prepared to move forward and so it wouldn't necessarily be in the same boat as the other two.

CHAIR STEFANICS: At this point, I'm going to suggest and I can of course be voted down on this, I'm going to suggest since it's 7:25 and we are missing two Commissioners and I apologize for that. We will have a new Commissioner of course in January, that some of this conversation in item 3 be moved but not moved late. Like perhaps before the Legislative Session Holiday season is here but if people would find it acceptable to try to hold a meeting in the first of second week of January maybe that could work. Of course I'm just making a suggestion.

COUNCILOR WURZBURGER: I think that's lovely and it ought to be the second week. Which gives us time to do any work we want to as governing bodies around this question. It gives us more time.

CHAIR STEFANICS: Is that acceptable to have staff work together to help find us a date the first or second week of January.

Is there any messages that we want to leave for staff to work on in relation to that last item 3 before we go forward? Commissioner Vigil made her position clear. We have some Commissioners who might not agree with that. I'll just put that on the record about Phase III continuing and I don't know how other Commissioners feel but certainly that might be a discussion in the future.

Yes, Councilor Wurzburger.

COUNCILOR WURZBURGER: From the City's perspective, if I may, I think we would like some time for us, particularly for our newer members sit down and help us and consider this question before we take up a formal or even semi-formal position on this and get more of the background. So that would be giving staff direction –

CHAIR STEFANICS: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. But we're still going to address public safety and the fire side.

CHAIR STEFANICS: Yes, but not this evening. We still have several things to still work out. We need the fire to come to the table. We need water and wastewater to come to the table as well.

COMMISSIONER MAYFIELD: Animal control was taken care of through law enforcement and we took care of that earlier, right?

CHAIR STEFANICS: I believe so, yes. Any other further comments to wrap up this evening? Since it is the last time Commissioner Vigil will be in our annexation discussions, I'd like to thank her. She has history and knowledge of everything that came before me in relation to annexation and we're going to sorely miss her at the Commission. We have another Commission meeting but in terms of annexation she has a wealth of information and knowledge about this. Thank you very much, Commissioner.

V. Adjournment

Chairman Liz Stefanics declared this meeting adjourned at approximately 7:35 p.m.

Approved by:



Geraldine Salazar
~~VALERIE ESPINOZA~~ **GERALDINE SALAZAR**
SANTA FE COUNTY CLERK

Kathleen Holian
~~Liz Stefanics, County Commissioner~~
Kathleen Holian, County Commissioner
ATTEST TO:

YOLANDA VIGIL
SANTA FE CITY CLERK

Respectfully submitted,

Karen Farrell
Karen Farrell, Wordswork

COUNTY OF SANTA FE) BCC MINUTES
STATE OF NEW MEXICO) ss PAGES: 27

I Hereby Certify That This Instrument Was Filed for Record On The 10TH Day Of January, 2013 at 10:44:28 AM And Was Duly Recorded as Instrument # 1693250 Of The Records Of Santa Fe County



Marcella Salazar Witness My Hand And Seal Of Office
Deputy *Marcella Salazar* Geraldine Salazar
County Clerk, Santa Fe, NM