




COUNTY OF SANTA FE)
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BCC MINUTES
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SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

December 14, 2010

Harry Montoya, Chair – District 1
Virginia Vigil – District 2
Michael Anaya – District 3
Kathy Holian – District 4
Liz Stefanics – District 5

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SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

December 14, 2010

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 11:00 a.m. by Chair Harry Montoya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance and State Pledge, roll was called by County Clerk Valerie Espinoza and indicated the presence of a quorum as follows:

Members Present:

Commissioner, Harry Montoya, Chair
Commissioner Virginia Vigil, Vice Chair
Commissioner Kathy Holian
Commissioner Liz Stefanics
Commissioner Mike Anaya

Members Excused:

[None]

V. INVOCATION

The invocation given by Agnes Lopez, proceeded the pledges lead by Lisa Griego and Ish Lovato.

VI. APPROVAL OF THE AGENDA

- A. Amendments**
- B. Tabled or Withdrawn Items**

KATHERINE MILLER (County Manager): Mr. Chair, there's a few changes. Under special presentations, IX. A., the cross country team is not available because of finals this week and we'll have to withdraw that. Then on page two, item 12, we added the appointment of the Ethics Board members, and I'll update you on that. We won't be able to do the full appointment today but you have a recommendation on that, so I wanted to bring that forward to you. Then on page four, item ten at the top, it's item XIII, C 10, a resolution

SFC CLERK RECORDED/12/24/10

to formally recognize restructuring plan for the office of the County Manager, this action item had been on here but there was a change to the wording of the item to be in alignment with the resolution. Then on page five, also, XIV, B. 10 that item is under the joint session with the Housing Authority Board and the Board of County Commissioners. Originally we just had it noticed as the Board of County Commissioner. And then under item E, on page six E.4., the road cut ordinance, we need to table that. We're still working on that item. Number five, under there would also be tabled.

Under Executive Session, 6.F that is an addition for a contract negotiation discussion. Then under public hearings, item XV. 5, that also has been tabled.

COMMISSIONER HOLIAN: I move for approval as amended.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Holian and second by Commissioner Stefanics. Any further discussion?

The motion passed by unanimous [5-0] voice vote.

VII. APPROVAL OF CONSENT CALENDAR

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: I would like to pull items XIII. B. 2 and XIII C 5, please.

CHAIRMAN MONTOYA: Okay, any other withdrawals?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: I'd like to pull XIII. C 10; that's all I have.

CHAIRMAN MONTOYA: Any others?

COMMISSIONER VIGIL: Move for approval as amended.

CHAIRMAN MONTOYA: XII, C. 4, I'm going to pull that one.

COMMISSIONER VIGIL: Okay. I'll move to approve the consent calendar with the amendments.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Okay, any other discussion?

The motion passed by unanimous [5-0] voice vote.

XIII. CONSENT CALENDAR

A. Final Order

1. **CDRC Case # V 10-5160 Larry Martinez Variance.** Larry Martinez, Applicant, Requested a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a second dwelling unit on 1.25 acres. The Property is located at 20 Camino Visa Grande, within Section 25, Township 16 North, Range 8 East, (Commission District 5). DENIED 5-0

B. Miscellaneous

1. **Request approval of the accounts payable disbursement made for all funds for the month of November 2010.** (Finance Division)
2. Request approval of Joint Powers Agreement for Management of the REDI Middle-Mile Broadband Network by and among the North Central New Mexico Economic Development District, the Incorporated County of Los Alamos, Santa Fe County, the City Of Española, Rio Arriba County, the Pueblo of San Ildefonso, Ohkay Owingeh, the Pueblo of Santa Clara And The Pueblo Of Tesuque. (Growth Management Department/Planning) – **Isolated for Discussion**
3. **Approval of letter regarding inspection of Santa Fe County Adult Detention Facility.** (Legal Department)
4. **Annual renewal of the Public Liability Insurance Policy with One Beacon Insurance Company (\$994,430)** (Legal Department and ASD/Risk Management)
5. **Request approval of a Joint Powers Agreement between Santa Fe County and the State of New Mexico Energy, Minerals and Natural Resources Department on behalf of the Santa Fe County Fire Department, outlining the terms and conditions of a Youth Conservation Corps (YCC) Grant Award in the amount of \$145,504.00 to hire up to ten local youth, ages 18-25, to provide training in Natural Resource Management such as forest management, fire ecology and watershed health.**

C. **Budget Adjustments**

1. **Resolution No. 2010-226: A Resolution Requesting an Increase to the Federal Forfeiture Fund (225) to budget Federal Forfeiture Revenue received for the Region III Program / \$10,651.54.** (County Sheriff's Office)
2. **Resolution No. 2010-227: A Resolution Requesting an Increase to the General Fund (101) to budget a Memorandum Of Agreement between the City of Santa Fe and Santa Fe County to improve Agua Fria Road (Phase III) / \$45,000.** (Public Works Department/Roads)
3. **Resolution No. 2010-228: A Resolution Requesting An Increase to the General Fund (101) to budget a Memorandum of Agreement between the Santa Fe Public School District and Santa Fe County to improve Agua Fria Road (Phase III) / \$30,000.** (Public Works Department/Roads)
4. **Resolution No. 2010 – A Resolution Requesting An Increase to the Economic Development Fund (224) to Budget a Grant awarded through the NM Department of Finance and Administration and Economic Development Department for the Media District / Santa Fe Studios / \$9,935,000.** (CMO/Finance) **ISOLATED FOR DISCUSSION**
5. **Resolution No. 2010- A Resolution Requesting an Increase to the Corrections Operations Fund (247) to Budget the Fiscal Year 2010 State**

Criminal Alien Assistance Program (SCAAP) Award received for expenditure in Fiscal Year 2011 / \$81,703. (Corrections Department)

ISOLATED FOR DISCUSSION

6. **Resolution No. 2010-229: A Resolution Requesting an Increase to the General Fund (101) to Budget a contribution received from Life Link for The Clubhouse Model Facility Project / \$42,925.60.** (Community Services Department/Projects)
7. **Resolution No. 2010-230: A Resolution Requesting an Increase to the Corrections Operations Fund (247) to budget cash carryover for sliders at the Youth Facility / \$35,000.** (Corrections Department)
8. **Resolution No. 2010-231: A Resolution Requesting an Increase to the Law Enforcement Operations Fund (246) to budget a grant awarded through The New Mexico Department of Transportation for the "Operation Buckle Down" Program / \$3,358.** (County Sheriff's Office)
9. **Resolution No. 2010-232: A Resolution Requesting an Increase to the Law Enforcement Operations Fund (246) to budget a grant awarded through the New Mexico Department of Transportation for the "Operation DWI" Program / \$33,801.** (County Sheriff's Office)
10. **Resolution No. 2010 – A Resolution to Formally Recognize a Restructuring Plan for the Office of the County Manager which will result in one new position and abolish two positions.** (County Manager's Office)

ISOLATED FOR DISCUSSION

VIII. APPROVAL OF MINUTES

A. Approval of November 5, 2010 & November 12, 2010 BCC Canvassing Board Meeting(s)

COMMISSIONER ANAYA: So moved.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya and second by Commissioner Stefanics. Any discussion?

The motion passed by unanimous [5-0] voice vote.

B. Approval of November 9, 2010 BCC Meeting

COMMISSIONER HOLIAN: Mr. Chair, I move we approve the minutes of the November 9, 2010 BCC meeting.

CHAIRMAN MONTOYA: Okay, motion by Commissioner Holian.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Second by Commissioner Stefanics. Any discussion?

The motion passed by unanimous [5-0] voice vote.

IX. SPECIAL PRESENTATIONS

A. Presentation by Robert Martinez to Pete Rivera, Sr. for 18 years and 6 months of dedicated service to Santa Fe County

ROBERT MARTINEZ (Public Work): Good morning, Mr. Chair and Commissioners. Pete, can I ask you to come up here, please. Mr. Chair, Commissioners, prior to working for Santa Fe County Pete worked for several road construction companies constructing roads throughout the state of New Mexico. One day Pete and a couple of his friends that he worked construction with decided to apply for jobs with Santa Fe County. It was May 12th 1992 that Pete and his buddies, Ted Rodriguez and Sal Trujillo all got hired by the County's Public Works Department. Pete was promoted to the equipment service worker on July 8, 1995. For those of you who don't know what an equipment service worker does, Pete was responsible for providing routine maintenance on all the heavy equipment and commercial trucks owned or leased by the County. He would do oil changes, transmission fluid changes, grease the equipment, fill the equipment with fuel and so on and so forth. By the end of the day Pete would be covered head-to-toe in diesel fuel, grease and oil. This is not the most glamorous job but Pete took pride in his work. Showed up everyday and never complained.

Pete didn't have the luxury of doing this work in a nice heated or air conditioned shop. He did this work out in the field. Pete would crawl under the equipment or trucks in the middle of the winter and summer. Rain, shine or snow Pete did his job. Currently, there are approximately 100 pieces of heavy equipment and trucks that Pete would maintain.

Pete, you are going to be missed tremendously and whoever takes your place will have their work cut out for them because you set the bar so high. Pete, enjoy your retirement and I hope the next time that you're covered from head-to-toe in oil it's because you struck it rich in the oil business.

PETE MARTINEZ: The only thing I can say is when I started working for the County my wife didn't let me quit because the first check I got from the County I told her, no, I ain't going to make it over here. And she told me, no, we're getting old and need the insurance. You'd better stay here so I stayed. That's all I can say.

[Pete Martinez was awarded a plaque, congratulated by the Commission and photo were taken.]

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you. I'd like to personally congratulate Pete for all of the work he did with Santa Fe County and I don't know who is going to take over that job that you had but it's going to have to be somebody very dedicated because we can't operate the County without Pete filling up the graders, backhoes, and loaders with diesel and changing the oil. So, thank you very much Pete for everything that you did and good luck in your retirement.

CHAIRMAN MONTOYA: Thank you Pete.

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C. Presentation by Sheriff Robert Garcia to Alfred Archibeque, 14 years and 4 months of dedicated serve to Santa Fe County

SHERIFF ROBERT GARCIA: Mr. Chair, Commissioners, Alfred isn't here with us but I'd like to ask the supervisor William Pacheco to come up here and accept this for him.

Alfred Archibeque has been with the County for 14 years and decided it was time to move on. He worked with Sandoval County for a few years before coming here and serving 14 years and a couple of months. He has been a great asset to the Sheriff's office. This individual is not afraid of signing up for overtime. In the State of New Mexico he was recognized for being the number one law enforcement officer for enforcing traffic laws in the state by issuing the most citations in this whole state.

Alfred is not here and I want to wish him the best in his retirement and I wish him the best of luck.

D. Presentation by Sheriff Robert Garcia to Vanessa Pacheco, 19 years and 11 months of dedicated service to Santa Fe County

SHERIFF GARCIA: It's actually 20 years of service because she served her whole time to be eligible for retirement. I won't call her supervisor cause I know she was the supervisor here but this is her husband Corporal Pacheco. Used to be Sergeant Pacheco. But, again, Vanessa I want to thank her for her 20 years of service to Santa Fe County and serving the citizens of Santa Fe County. She surprised me that having to deal with the public for 20 years and not in the best of terms at all times but she actually is very shy about presenting her self her before us. But Vanessa, Sergeant Pacheco was a person that no matter what assignment that you gave her, she gave it 100 percent. She is retiring as our supervisor from the Court Services unit where she did an excellent job. I wish her the best and since she's not here we'll have Corporal Pacheco, soon to be Sergeant here on Saturday, make sure that she gets this.

And one last note, I'd like to thank you Commissioner Montoya and Commissioner Anaya for your service to the citizens of Santa Fe County. I enjoyed working with you and I look forward to seeing you down the road as we move forward.

CHAIRMAN MONTOYA: Thank you, Sheriff, appreciate it.

E. Presentation by Bernadette Salazar to Andria Duran, Employee of the Quarter

BERNADETTE SALAZAR (HR Director): Good morning, Mr. Chair and members of the Commission. I'm Bernadette Salazar from the HR office and I'm proud to introduce our employee of the quarter Andria Duran. Andria began her career with Santa Fe County in August of 2005 as an intern while she was attending college at the University of New Mexico. When she received her Bachelor's degree in HR from UNM in December 2005, she was then promoted to an HR administrator in 2006. She is currently the HR liaison

to all elected officers, the community services projects division, the regional emergency communications center, the housing division and the health and human services division. She also does thorough work with our classification and compensation plan. She has a thorough background of HR knowledge and is extremely patient with every person she provides assistance to with the everyday challenges we face in HR.

Andria always has a positive attitude and is willing to always do more than what is expected of her. She's also been a really good mentor for the junior level staff within our office. Andria has earned the respect of many people throughout her tenure with the County and as a result of that was nominated by nine other county employees for this award. She is very dedicated and has a high degree of integrity and an exception work ethic. So I am very fortunate to have Andria as an employee. Thank you.

ANDRIA DURAN: I just want to thank everyone for all the really nice letters, the nominations that people gave for me. I really really appreciate it and I really enjoy working for Santa Fe County especially within the human resources division. We have a really awesome team and some of them are here today but I just really want to thank you guys for giving me the opportunity to continue to serve Santa Fe County and the residents of Santa Fe County.

[Ms. Duran received a plaque, standing ovation and photos were taken.]

CHAIRMAN MONTOYA: I don't see Paul Gutierrez in the audience yet. So, we'll defer on F and G until he shows up.

X. MATTERS OF PUBLIC CONCERN – non-action items

CHAIRMAN MONTOYA: This is for anything that is not on the agenda. Okay, there is no one here for this.

XI. MATTERS FROM THE COMMISSION

A. Resolution 2010-233: Adopt the Santa Fe Amended "Code of the West"

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. This is a resolution to adopt the Santa Fe County version of the Code of the West known as Rural Living in Santa Fe County. I'll go ahead and read the resolution and then open it up for comments: Whereas, the Code of the West was first chronicled by the western novelist Zane Grey and adopted by numerous counties across the nation. And, whereas, men and women who settled the western frontier were bound by an unwritten code of conduct, and, whereas, in keeping with the spirit we offer this information to help people who have chosen to build and/or live in the rural areas of Santa Fe County. And, whereas, life in the County is rich and rewarding treasured by both Santa Fe County residents who have been here for generations and those who have recently moved here. And, whereas, it's important that new property owners and homeowners know that life in rural parts of the County are different than life in town. And, whereas, the County government cannot provide the same level of service in rural areas of

Santa Fe County that cities and towns' government provide. And, whereas, the information included in the Santa Fe County version of the Code of the West is designed to help you make an educated and informed decision as you consider purchasing or developing land in the unincorporated areas of Santa Fe County. Now, therefore, be it resolved, that the Board of County Commissioners of Santa Fe County adopt the Santa Fe County version of the Code of the West for publication and distribution.

And, Mr. Chair, I'll open it up for any comments and I would like to thank the other – the Clerks and the Treasurers for providing some more comment to the Code of the West and anybody else that did.

CHAIRMAN MONTOYA: Okay, Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Well, I attended a community meeting last week and I handed out the Code of the West already. And, I have to admit when I was trying to figure out what to call it really Code of the West rolls off the tongue a lot more easily than whatever the title is now. So I have rethought my position on that and I would like to suggest we just call it the Code of the West – Rural Living in Santa Fe County or something like that. I actually, after thinking about it for a month, I kind of like that name. That's my comment.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I'm totally supportive of the change to the title. As I have indicated when we discussed the Code of the West I do think it is pertinent information for many people who live in the city and who then move to Santa Fe or any other place and then decide to become a rural resident. And so I thank the Commissioner for bringing this forward and hopefully we can get it into the hands of the people who need it.

CHAIRMAN MONTOYA: Okay, so we'll call it Code of the West: Rural Living in Santa Fe County.

COMMISSIONER HOLIAN: Yes, something like that.

CHAIRMAN MONTOYA: Okay, can I have a motion?

COMMISSIONER ANAYA: So moved.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: We have a motion and a second. Any further discussion?

The motion passed by unanimous [5-0] voice vote.

B. Memorandum of Understanding Between the Pueblo of Pojoaque and Santa Fe County for Emergency Fire Suppression Services on Tribal Lands [Exhibit 1: MOU]

CHAIRMAN MONTOYA: This memorandum has been reviewed by both the Pueblo and our Legal. Hvtch, was there anything else that you or Stan, I know that Stan from the Fire Department was also involved want to add?

HVTCH MILLER (Intergovernmental Coordinator): Mr. Chair, Commissioners, Hvtch Miller, Santa Fe County Intergovernmental Coordinator. I needed to

pass out the amended item with the addition that was made yesterday morning.

CHAIRMAN MONTOYA: Hvtch, what was the change on this?

MR. MILLER: You will find the change on page number three, under part three miscellaneous items, letter E. That states that: "The parties hereto agree to continue negotiations with a goal to achieving agreement to be documented with future MOUs concerning fire protection for tribal enterprises such as the Buffalo Thunder Resort and the Cities of Gold Casino and EMS services within the boundaries of the Pueblo." That is just stating that this particular MOU is only for emergency fire protection services and emergency medical services are still being discussed with the Pueblo and the County fire department.

CHAIRMAN MONTOYA: Any questions? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I have a question. Do the pueblos contribute any funds to our fire department like for specific fire fighting incidents or just in general?

MR. MILLER: There are no any specific tax dollars earmarked to the County, but the pueblos do pay in through gaming contributions through their compacts which are negotiated with the state and those are in turn funneled down to the counties and municipalities within the state.

COMMISSIONER HOLIAN: And the other thing I wanted to ask about is I know that in the case of the Pojoaque area there might be some special equipment that's needed with regard to fire fighting at the Buffalo Thunder, specifically like special ladders and so on because of the height of the building. And I just wonder what the status of that was whether we have gotten that equipment or whether there were any plans to?

MR. MILLER: Mr. Chair, Commissioner Holian, I'll let Chief Holden answer that.

CHIEF HOLDEN: Mr. Chair, Commissioner Holian, we had made application for a quint/ladder truck, a 75 foot ladder truck. Commissioner Montoya actually spearheaded a group that went to meet with the Speaker to determine whether or not there were any funds available to purchase that ladder truck, I think utilizing those funds that Hvtch alluded to and we were told there were no funds available for that purpose. So as it stands today, there are no funds available for that purpose and the department is still in need of equipment, apparatus, and personnel to serve that tribal enterprise.

COMMISSIONER HOLIAN: Thank you. And, I was just sort of curious, in a typical year how many fire fighting incidents might we respond to on Pueblo land? Do you have any idea – a ballpark? Ten, hundred, hundreds –

CHIEF HOLDEN: About 30 percent of the overall call volume from the Pojoaque fire district are on tribal lands but we have to remember that many of those residences are private residences on or surrounded by tribal land. So it's almost impossible to discern to what is a response to tribal property and what is response to a private resident as a result. So we're hoping that the discussion that we'll have forthcoming will be geared specifically to the tribal gaming enterprises and we can point to the responsiveness and the requirements not just on the fire side but the EMS side which is as most of us remember are the high call volume calls are really EMS calls which the tribal governments in the future. And we hope that this document that you're reviewing today will be a precursor to future

discussions with not on the Pojoaque Tribal Government but other tribal governments in the northern part of Santa Fe County.

COMMISSIONER HOLIAN: Thank you, Chief, for explaining that.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Hvtch, I thank you for bringing this forward and the Chief as well. I would ask that as the last statement says, "agree to continue negotiations" that if we're talking about specific tribal structures, gaming areas, the hotel, etcetera perhaps there could be some discussion about financial contribution. The reason I bring this up is that the money from gaming and the compact goes to the state. It doesn't trickle down to us. There's no separate line item unless our County manager or finance person can tell us; I don't believe that there's any line item of revenues from the state that says this came from the tribes.

So, I, of course want to take care of everybody in the County but if we are going into some new arena of service I would ask that we keep that in mind as we go forward. Thank you.

CHAIRMAN MONTOYA: Any other discussion? Commissioner Vigil.

COMMISSIONER VIGIL: Hvtch, do we know, Katherine, this may be for you. But do we know who is going to be part of the negotiation team with them and I assume it is about fee for service.

MS. MILLER: Mr. Chair, Commissioner Vigil, the first thing we want to do is make sure we've got an agreement in place to make sure the ISO rating was not affected by the fact that there was not an agreement in place. And during that time it was noted that we really do need to address this other issue so we wanted to make sure that that was brought forward to you that it still needs to be addressed relative to the larger facilities that we don't have the ability to go forward with. That was just something that came out in the review of this and we haven't put together a negotiating team at this point. It was really just to bring that distinction to your attention and that we do need to address some additional fire protection issues in the area.

COMMISSIONER VIGIL: Thank you, Mr. Chair and thank you, Katherine.

CHAIRMAN MONTOYA: Any other discussion? I'll move for approval.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Motion and second by Commissioner Holian with the amendment.

The motion carried by unanimous [5-0] voice vote.

C. Update on San Marcos Transfer Station

COMMISSIONER ANAYA: Thank you, Mr. Chair. I wanted to hear from Pego or staff on – I know that this was one of the things that I wanted to try and get done before I was – before I left office and Pego if you could just tell me where we're at with this and then I have some more questions.

PEGO GUERRERORTIZ (Utility Director): Mr. Chair, Commissioner Anaya, the project right now is very close to having a bidding packet, on the 22nd of this

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month we should have the complete, I don't want to call it redesign but finalizing the design work in our hands. And then at that time we'll be ready to advertise for a minimal of three weeks for a contractor to come in and do the work. I apologize for not having had the opportunity to meet that first challenge but as I have mentioned to you by the end of the year we'll have groundbreaking. It took a little longer than I had anticipated to bid the contractor/engineer or the engineer on the contract to take over the design that had been issued by another engineer. That was the main issue. There were some minor issues that we'll have to live with. Procurement, that we needed to make sure that we crossed all the t's and dotted all the i's and we've been working continuously on that project – I can guarantee you that. We're about a month behind my initial anticipated date.

COMMISSIONER ANAYA: Okay, and do we have the money for it, Pego?

MR. GUERRERORTIZ: Yes, we do, Commissioner. We do have the money and we are prepared to spend that money as a matter of fact. The revised project will give us or we have found opportunities to reduce the cost as well.

COMMISSIONER ANAYA: Okay, good. I just wanted an update on it and I hope that the new Commissioners, Robert and Danny, will continue and Commissioner Stefanics will continue with this. I think it's very important especially now that we have paved CR 42 a lot more people are going to that transfer station. Is it going to be pretty much designed like the one that is at the Stanley area?

MR. GUERRERORTIZ: Commissioner, yes, it is very much along the same lines. We will have a finished facility, a finished access facility which we don't have right now, we have a third entrance. We will have the accommodations for the operation and it will be very similar to the one we have at Stanley. We expect to have the ability to provide the same or higher quality of service as well. We will be honored by your presence when we are finally able to break ground.

COMMISSIONER ANAYA: Okay, Pego, thank you and thank you, Mr. Chair.

- D. Election of County Commission Chair for 2011**
- E. Election of County Commission Vice Chair for 2011**

Commissioner Holian nominated Virginia Vigil to serve as Chair and Liz Stefanics to serve as Vice Chair for 2011. Chair Montoya seconded and the motion passed by unanimous [5-0] voice vote.

IX. F. NMAC Soaring Eagle Awards Presented to Commissioners Anaya and Montoya

CHAIRMAN MONTOYA: Okay, we're going to go back in the agenda because I see Paul Gutierrez is here now. I'd also like to recognize a couple of fellow Commissioners: Jack Sullivan and Paul Campos. Thank you for being here.

PAUL GUTIERREZ (Executive Director Association of Counties): Thank you, Mr. Chair and Commissioners. I apologize for being late. I am speaking down at the Tax

Research Institute conference in Albuquerque and as I was coming up there was an accident and the freeway was closed so I got off on Cerrillos and there was another accident. It was a challenge to get here.

I wanted to make two presentations today: one to Harry Montoya and one to Mike Anaya. They both served on the Board of Directors for the Association of Counties and gave a lot of leadership to our organization and also served at the national level. I'll give the first Soaring Eagle award to Commissioner and Chairman Harry Montoya who served on the Board of Directors from 2003 to 2009. He also ran for the NACo president and served on the Labor Committee and was chair of that committee for a couple of years. Mr. Chair, if you'd like to come down I'd love to give you this award on behalf of the Board of Directors.

[Chair Montoya accepted the award and received a round of applause.]

MR. GUTIERREZ: Commissioner Anaya, the other award goes to Commissioner Michael D. Anaya. He served on the Board of Directors from 2005 to 2009. He was actually the president of the association in 2008 and 2009 and had great leadership and brought us through a new executive director when I was hired onboard. He also served on the Rural Action Caucus for the NACo Board and then was also awarded the Dale Sauers Award from the WIR Board of Directors for his work in natural resource issues and rural issues. Commissioner Anaya, thank you for all of your leadership.

[Commissioner Anaya accepted the award and received a round of applause.]

G. End of Term Recognition to Commissioners Anaya and Montoya

COMMISSIONER VIGIL: Mr. Chair, with the prerogative of the Vice Chair, I'd like to start on the next item of the agenda and that's the end of the term recognition to you and Commissioner Anaya. We have quite a few presentations to give to you but before we get started on those Commissioner Holian, Commissioner Stefanics and myself have a few words we'd like to share with you. And I will start.

I was looking for what to say last night for today as I see the two of you will be leaving us and this is our last meeting and I started looking sort of externally and saying well what can I say and what qualities can I say and I actually realized that it's not about looking from the outside to the inside that I really wanted to talk about it's really about talking about who you two are from the inside out. Because I want to start with my first experience with you and that was when I first became a county Commissioner. The quality that you have the inside out is and the first one I noticed is kindness and the welcoming nature that both of you have. You are great hosts. When I first became a commissioner on the Commission, I was the new kid on the block and you know neither you, Mike, or Harry never made me feel less than your equal. Mike in his manner of always shaking hands which is something we'll miss and calling me Commissioner no matter where he saw me at the Legislature or here. I never felt more at home or more welcomed than when Harry Montoya called me two weeks before I got sworn in to take me to lunch and I thought oh, what's this going to be about and it was just a welcoming lunch, there was no agenda on his part. He just invited me to lunch to welcome me.

These two gentlemen before you are generous. Do you both remember the very first

year and see that Commissioner Robert Anaya was here earlier and there he is, I wanted to mention that first year that you're a commissioner you just run, run with lots of ideas in your head. One of the ideas I had was to gather a donation from all the Commissioners, that first Christmas of my first year, and give that donation to a charitable organization. I got applause and kudos from both of you and you did it in public for doing something like that and there was no question about your willingness to participate. That generosity was really prevalent and continues to be and to that I would say for all the races that both of you have run and the donations I have given you to your campaigns, are we even yet?

Caring, Mike you started birthday wishes for employees; remember that? And Harry you jumped on board, we all have since then. It's a small but very caring gesture and it became very apparent to me when an employee came up to me and said, you know, that is the only birthday card I received. Kind and caring gestures that go a long way.

You, gentlemen, are compassionate. These chambers were never so alive as when you brought in the youth to be recognized, both you and Commissioner Anaya. Perhaps it was because of your experience in your youth that you recognized that it is important to be validated by adults and you brought that opportunity for many youths – athletes and many youth who accomplished a variety of things in their particular schools. That livens up the chambers quite a bit and I'm not sure the chambers had been alive more than bringing youth in.

Your accomplishments, both of you probably know more than any of us will ever know what your accomplishments are because you were both so constituency-based and you worked so hard and you had open policies and you were willing to meet with everyone. Mike, you've worn your heart on this bench. I've seen it. I saw it when you advocated for a resolution to name a state building after your father. That was a courageous thing to do. It was difficult but I saw you see yourself through it. I saw you gather the courage for that.

Harry, you've worn your heart on this bench. Not only this bench but on every other place you've sat at. When you have opened up the site of your neighbors and now ours in the tribal government area in that you leave a legacy. I cannot remember not serving on a committee that you didn't bring that perspective to the Commission and other committees. You're fair and you really have equity in everything you do.

Mike, you brought together one of the most outstanding things I remembers, you brought together a community who had a major issue of illegal dumping and you coordinated the state, the Land Office, and the County to take care of the problem that was persistent in La Cienega and today there are fences and illegal dumping has really gained a stronger sense of success far more than it ever did before you came onboard. That is such a fair thing – and you did it in a way that you brought forth collaborative forces. That's a success of yours that I will never forget and neither will the community. I actually was at La Cienega Valley Association meeting last night and you receive a lot of kudos for what you've done.

Harry, I saw you struggle with what is fair and equitable when we had to make a decision about the regional transit district. That was very difficult for you to do and you struggled for it one way and you struggled for it another way. It was a very polarized experience for you but in the end you showed leadership. We all try to do the right thing: Harry did it this time. And we all try to do those things right. A leader like Harry does it.

There's two things I want to say about the next observation I have and I think most of us when we talk about how we're going to miss you is what gentlemen you both are. The word of a gentleman is as good as his bond and sometimes better. That is something I can always count on for you and you Harry and you Mike, I can always count on you following through whatever word you said. Mike, except of one time, you got upset with me over a road and Harry, one time you got except one time when I was asking for the keys to the Prius and you told me where to find them and what to do with them. Both of you have been the epitome of gentlemen. And I wanted to say something more about that. The epitome of any man who can disagree without being disagreeable.

I'm sure to those of you who are in the audience and have witnessed these Commission meetings you see it from your perspectives and your points of references and definitely our entire community who views this and has vested outcomes in the decision that we make. Being a Commissioner and being behind this bench is being in a constant dilemma. One truly is stirring the pot and we never know when it's going to boil or over boil and we certainly we've seen many boiling moments. In a sense, that is the challenge and reward of governance. I would even say the beauty. Governance almost works best when it is crossed and when the obstacles are challenged and removed and these gentlemen did it with such grace and dignity and their gentlemanliness always came through.

Thank you, Harry and Mike for taking the positions you did. They weren't always the same positions I took but they were never handled with any amount of disrespect and without being disagreeable. In the end, Mike, you always had a word to say, a handshake with a good job. And, Harry, I don't know what I'll do without your sense of humor next to me. I'm going to miss it so much and who's going to give me gum?

Thank you both for all that you are and all that you have given us wherever and whenever you meet up with your next challenges, whomever you are around will be the richer for having you in their presence as we have been. Thank you. I'm going to turn it over to Kathy Holian now.

COMMISSIONER HOLIAN: Thank you. I feel like I was very fortunate to come onboard to this County Commissioners at a time when Commissioner Anaya and Commissioner Montoya were on the Board as well. I feel as though I have been part of a wonderful supportive team. We haven't always agreed about things but we've always treated each other with respect and I have to echo what Commissioner Vigil said, you Harry and you Mike have been the most wonderful gentlemen to work with and it's been a true pleasure to work with you.

I also want to say that I have learned a lot from you. I remember when I first came onboard and I was really wet behind the ears and I didn't know what the heck was going on, and I would go into your office, Harry, and I would ask what's going on around here? How do you get things done? How do things work? And you were always so patient with me and always tell me what the scoop was and I just so appreciated your help. And, Mike, I remember that shortly after, it was about two years ago that Commissioner Stefanics and I attended the [inaudible] meeting and you gave that wonderful session on how to be a good commissioner. And I paid close attention and remember your telling me that when a constituent comes to visit you, you don't talk to them across your table. You walk around

your table and you sit next to them and talk to them. All kinds of little tips like that and believe me I paid attention and I learned. I've learned a lot from both of you I just cannot express how much.

Also, I would have to say that I have learned a lot about communicating with people. Both of you are extraordinarily good about talking to people about complicated issues. I know I tend to be wordy and use long words that have lots of syllables and stuff and so often I ask myself before I'm trying to explain something difficult, How would Commissioner Anaya say this? And so I've learned a lot in that regard too. That's a very important thing to be able to communicate with people in a way that they understand.

Both of you also have a great sense of humor. I know that we've dealt with a lot of really tough issues up here and sometimes I feel like we're too serious and that I'm too serious. I love it when one of you cracks a joke that relieves the tension and we all get to laugh. So you're really great at that and also you're both great chairs and I've learned a lot in watching that as well. I remember just – well, it was four weeks ago when we had the land use meeting about the Sustainable Growth Management Plan and that meeting could have evolved – I shouldn't use that word. That meeting could have degenerated into a free-for-all but Commissioner Montoya through your leadership it went smoothly and everybody got to express their opinion and I think that the whole – it all turned out successfully and it was partially, a very big part of it, was your leadership at that meeting. Not only at that meeting but also on the issue itself. And I feel that both of you are very hard workers. You study the issues. When you bring forth an initiative it's with a lot of thought and that brings me to my last point.

I think both of you share this: what you care about most is the community. I feel that any decision that you make, everything that you have done on the Commission has been because you care about the community and you want to do what's best for our community. So I'm going to miss you both very much. You have no idea. I'm going to miss you so much. I hope that whatever the future brings it will be a success. So thank you very much for my being able to work with you.

COMMISSIONER STEFANICS: Mike and Harry, I loved to have had the opportunity to work with both of you. And, although I've only been here for two years I went around not calling people Commissioner but by their first name because I felt that lots of time, well, we're people just like everybody else and I wanted to make sure that the constituents knew that about me and that I could do that with you and I appreciate that.

First of all I would like to thank you both for being good chairs. Mike just moved things along quick, quick, quick. And we were out of here sometimes early. Harry also in terms of having very lengthy hearings had a decorum that allowed people to speak and when the public got upset I think that we were there to defend and support each other when they accused us of leaving to go the bathroom or whatever.

The comments that have been made by Commissioner Vigil and Commissioner Holian I can only echo. But it's the professionalism and respect among this body has been great. And I think as the new Commissioners come forward that's what they are going to find. And I hope that our working together, not always agreeing, but working together in a professional and respectful manner will continue.

Mike, I think in terms of what I perceive, you have been there for rural issues. Your sincerity about community and I know that you were very instrumental in helping PILT, the money that comes forward for public lands come to our state and our county and that's been very, very important.

And, Harry, I can only echo about the youth and drugs and alcohol, you' have really put yourself on the line for that both professionally otherwise and here in terms of our Commission. But speaking up for the tribes and also the water issues in the north. Those are some of the things I'm going to remember you both for and I will keep my remarks short because there are other people. But thank you for having me, for me to have had the opportunity to work with both of you.

COMMISSIONER VIGIL: I'm going to do a presentation of two really nice gifts then I'm going to turn it over to Katherine. The gift for you get to keep is a picture of yourselves and these are the pictures that hang out in the hallway. [audio difficulties] Katherine.

MS. MILLER: [audio difficulties] -- Honestly, it has been really great for me to have been brought on board while you're here since I did actually get to work with you both for four months in your first four years and I have really appreciated your support on coming on board. We have had a lot of challenges and a lot happening in the last few months of your term. You have been super supportive and great to work with and I'm disappointed I won't get to work with you longer.

I think your constituents have been greatly served and so has the County staff and everyone here. I can tell you having worked elected officials for a long time you two do a fabulous job. You really are engaged in the activities of the County, the County staff, your community, the County as a whole, the meetings and discussions I have had with you – you are just so well informed and interested in what happens and you care and that comes across everyday and in every meeting. I don't think that people realize just how hard it is to be a commissioners and how difficult it is to make some of the decisions that you make. To meet with all your constituents to try and represent the County as a whole as well as all the individual opinions and input that you get and I think you have done an excellent job.

I will say that as Chair, and as Commissioner Stefanics said, Harry you are definitely the diplomat. You run an excellent meeting and I think you'll find the gifts we have for you and maybe it was unknowingly very much represent your personalities. Mike, you're a "getter-done" kind of guy and that comes out in all the things that you do and I think everyone will miss you. The Commissioners that will be succeeding you have big shoes to fill. I don't think they even realize it yet and you will be greatly missed and from my perspective I will very much miss working with you and I think you will find that to be the case with the rest of the directors and staff who has had the great pleasure of spending time with you.

We want to surprise you and not let you open them before I say what it is, and part of the reason is that I was thinking as we were listening – Commissioner Anaya, brining forward the Code of the West, that your gift is actually a vest with your name as Commissioner and it is representative as you work with the community, how you ran meetings, how your office looks and everything. I was thinking how nice this is as a great representation of your

personality.

Commissioner Montoya here are cufflinks, turquoise cufflinks. And I must say that I have never met anybody that has a turquoise office so you get to take a little bit of your office with you as well. Anybody that has been in Commissioner Montoya's office – I said there's just a little bit of your office in this gift.

Congratulations on eight wonderful years. Good luck on your ventures going forward and I'd just like to say thank you so much from everybody -- all the Commissioners, the staff, and the constituents for the time you've given the community. We really appreciate it.

COMMISSIONER VIGIL: Katherine, why don't you go on and present them before we go down and take pictures. There's two people that probably need to be in the photo and that's Commissioner Jack Sullivan and Commissioner Paul Campos and I invite you to come up and say a few words if you'd like and definitely you will have to be a part of the photo. Welcome, we are honored that you're joining us.

JACK SULLIVAN (Former County Commissioner): Commissioners, thank you for inviting both Commissioner Campos and myself to share in your retirement ceremonies and your accolades which are well deserved for your outgoing Commissioners. I assume with all of the very accurate and very complimentary comments that have just been put forward that the reason I was invited was to roast these two. But I'll spare them that this morning.

I do want to say thanks to them because I remember just two years ago that over an eight-year period we had challenges, many challenges: water supply was a big issue, drought, water conservation, land use particularly as it affected and impacted water use, Christus/St. Vincent Hospital, effective regional transit, the Corrections Department, relations with the City of Santa Fe, public transparency you may recall that 10 years ago meetings were not even televised of the County Commission. And I want to thank you for having solved all of those challenges – we have those issues out of the way. We really do appreciate your efforts in having done that.

The strengths of Mike and Harry are really quite similar and complemented Commissioner Vigil and Commissioner Campos and myself as we served on the Commission. And number one in my judgment as a fellow commissioner was "civility." You cannot run whether it's a non-profit board, or a church committee or a county commission or a state legislature if you cannot function civilly with those that you are working with whether you agree with them or not. And, these two gentlemen were the epitome of that and I thank them for that.

The second item which has been brought up was "constituent attention." Both of these gentlemen spent hours and hours and thousand of hours on constituent attention and that's part of what counties do quite frankly and that really [inaudible] our southern commissioners as well. I would place that as very high on the list of what these two gentlemen did.

The third and last thing is that both of these gentlemen have a true drive for public service and this job is a full time job. To do it and do it well you have to have a drive for it and you have to maintain that drive all the way through the fourth quarter and the last two minutes of the fourth quarter. That means eight years. I recall Commissioner Campos saying

to me when we finished our terms, "Jack," he said, "do you realize we've been doing this as long as it takes to get through high school and college." That's eight years and it goes by really fast and it really does. That drive for public service is something any elected official must have and these two gentlemen do have and did have.

So those are three traits that I found personally to help me in my time as a County Commissioner. Finally, I just have to say a particular strength for each of these gentlemen. I have to isolate one strength for each of them. For Mike, I'm going to give Mike the tenacity award. Mike has been trying to get the Code of the West passed for eight years and couldn't do it while we were here. So, Mike, today you are the recipient of the "Jack Sullivan Tenacity Award" for getting the Code of the West passed.

For Harry, most definitely receives the "Dapper Gentleman Award." There is no one on this Commission and I will again bring to your attention prior meetings early on in my term when the Commissioners came in sweat suits and all manner of attire before the meetings were televised, no one dresses as well and presents himself as Chair or Commissioner in meetings as Commissioner Montoya does. I think I even starting buying shirts that were the same as his so I could look as good as he, as Commissioner Montoya looks.

Those are my two particular awards for the two of you and again thanks and the best of luck to you on your adventures in the future.

CHAIRMAN MONTOYA: Thank you, Commissioner.

COMMISSIONER ANAYA: Thank you.

PAUL CAMPOS (Former County Commissioner): Thank you for the invitation. I was invited for lunch and I didn't know I was going to have to give a speech but as a recent graduate of the Board of County Commissioners class of 2008, I'm glad to be back. It feels good. It's good to see familiar faces all over this room and I want to thank Harry and Mike especially for putting up with me for six long years. I know it was tough and some of those nights were a little intense but I enjoyed it very much. I enjoyed the public service. The issues that we were involved in. I enjoyed working with you very much. I think you guys, as Jack said and a lot of people have said, are committed public servants. It takes a lot to sit there every night at every meeting and go through so much information and listen to so many issues and be effective as leaders. I thank you for that and I thank you for the time you spent as County Commissioners. Eight years is a long time. I remember when you were baby commissioners and just starting and now you're finishing. Eight years passes quickly. You did a good job. You made a difference and that's what is important in public service, making a difference and doing what you think is right and really pushing hard.

The community needs leadership. You provided that leadership and thank you very much.

COMMISSIONER VIGIL: Mr. Chair, we do have lunch that is probably going to be available here shortly. What will do is I know that you had some comments you wanted to share and I believe Commissioner Anaya did so if lunch can wait –

MS. MILLER: Madam Chair, it's really simple, we'll bring in tables and lunch.

COMMISSIONER VIGIL: I want to give you your opportunity to speak and

Commissioner Anaya, speak your piece and forever hold it.

COMMISSIONER ANAYA: First of all, thank you very much. Those were very kind words and it's good to see the other Commissioners here. I guess we didn't invite Paul Duran.

COMMISSIONER VIGIL: Actually, we did.

COMMISSIONER ANAYA: I first of all would like to thank my wife and my kids, Dora and Miranda, I couldn't have done it without them and I thank them. I thank my family. My brothers and sisters, my mom, my dad. I wouldn't be up here if it wouldn't be for them. And, I thank them very much. I want to thank the County managers that served with us; Gerald Gonzales, Roman Abeyta and now Katherine Miller. I didn't realize it that we spent four months together and then you went somewhere, I don't know where you went, but you found the light and you came back.

I want to thank staff and I'm not going to name the names because I'll miss people and I don't want to name all 800 names but there's one person that I want to name and that's Jennifer Jaramillo who really helped me out. I don't know where she went but Jennifer, thank you so much. Thank you, Jennifer for all the help you gave me, I appreciate that.

I want to thank the County elected officials that I got to work closely with and that was County surveyors Allen Grace and Jeffrey Ludwig; County treasurer Phillip Trujillo and Victor Montoya, County assessor Benito Martinez, Domingo Martinez; County clerk Becky Bustamante and Valerie Espinoza, County sheriff Greg Solano and our new sheriff now Robert Garcia – I thank you all. Every time we met and spoke we were always professional and I really appreciate that and you all helped me very much.

I have to thank my constituents in my district. If it wasn't for them I wouldn't be up here either. So I thank you all. The executive director from the New Mexico Association of Counties, Sam Montoya who is not with us anymore but he's one of the guys or he is the guy that told me, Mike, we need you to be a part of -- he told me he wanted me to be the president of the Association of Counties way back when I first started and I followed through with that but I wouldn't have done it without him. And, Gus Cordova helped a lot and Paul Gutierrez thank you all very much. And then on the national level, the traveling and getting to meet other commissioners who basically did the same thing that we did. I thank all of them.

I want to thank our representatives that I worked closely with: Representative Lujan, Representative King, McCoy, Representative Wallace, Representative Trujillo, Senator Sue Wilson Beffort, Senator Pete Campos, Senator Griego, Congressmen Lujan, Domenici, Bingaman, Udall and all of their staff. Thank them. I want to thank working with the other entities: the State Land Office, the Department of Transportation, the State Police, Energy and Minerals Department, BLM, State Forestry and I probably left out some but I think it's important and I thank them for advising me and helping me with the decisions that made up here on the bench. And they weren't all my decisions, you probably all thought that, but they weren't.

My community associations and the communities throughout my district: Madrid, Galisteo, Cerrillos, Edgewood, Cedar Grove all them that worked so close with their association presidents and the members. I want to thank the Volunteer Fire Department and

the members and the people that volunteer for Santa Fe County, thank you very much and all the boards that people will sit on which there are thousands of people that really make Santa Fe County operate and run. It's not just the Commissioners, it's all of you and all the seniors and adults and the seniors and the youth that have come before us at the Commission – those were special days and thanks for bringing that up Commissioner.

Thank you all for your kind words, comments and I'll never forget those. I'm so proud that my brother Robert is going to follow in my footsteps and I know he'll do a good job. We have a lot in common: we came from the same parents. One man that I think of everyday and every time I come into a Commission meeting I have his picture in my office and I touch it so that he can help me with decisions that I make and that's my father. I miss my father but he's here. Thank you.

COMMISSIONER VIGIL: Thank you, Commissioner Anaya. Commissioner Montoya.

CHAIRMAN MONTROYA: Thank you, thank you, thank you. *Mil gracias a todas.* I don't even know where to begin. It's unbelievable what's transpired in the last eight years. I certainly have to start by thanking my wife, Doris, my two sons, Brian and Angelo, and four grandchildren, two of who were born during the past eight years. Certainly, I'll get to spend more time with them now, obviously, I'll have a lot of free time to catch up on their lives. And, certainly, I want to thank my parents for encouraging me to be involved, particularly my dad, in public service. That's one thing that he stressed that it is about the public service and not self-service and certainly I believe that any time I was making a decision or we were doing things around issues in the County it all built around the constituents, the people that we serve, the people that put us in these positions to make sure that we're going to do things that are going to be in the best interest of all people and that's really how I've looked at the service that I've given in terms of looking beyond just what's beyond in front of me right now and looking to the future because if we don't do that as civil servants, if we don't do that as policy makers then we're not doing our job as elected officials to insure that we're going to leave rules, regulations, codes, whatever it may be for future generations not just what's going to satisfy us immediately and not -- I think is certainly something I've always looked at in terms of how I approached my life as a public servant.

Just wanted to reflect back a little bit and I just happen to have found my inaugural address for January 1, 2003 and look a little bit and then reflect a little bit on what I have talked about and what's actually been done, and, I have to say, Commissioners Campos and Sullivan were great to work with. Commissioner Sullivan didn't roast me now because he roasted me every Commission meeting we were at. I really appreciated working with both of you. And, when anything that has been accomplished in Santa Fe County hasn't been as has been mentioned just me, it's been we that have accomplished a lot of things. For that I want to thank Liz, and Kathy, and Virginia and Mike for getting things done and leaving Santa Fe County in a better place than when we first got here eight years ago. And, Commissioners, thank you for being part of the team that we were able to accomplish a lot of things that I'm going to mention. Looking back I had on my platform for my election were three words "passion, commitment and results." I feel like I brought that in terms of the passion to get the job done. And the commitment, certainly, to get the job done and I think that ended up in a

lot of results that we have accomplished and I have a list of about 100 different accomplishments that were done during the time that I've been on the Commission; six years with Commissioners Sullivan and Campos and then now the last two years with Commissioners Holian and Stefanics and certainly Commissioner Vigil, the last six years with you we've done a lot of good things – we've done a lot of good things.

I've talked about water for generations to come. Look at the list of water accomplishments: that Aamodt settlement has been completed, the Buckman Direct Diversion Project is going to be operational next month, we're working with Cuatro Villas and the Sombrillo/La Puebla/Santa Cruz area and getting that mutual domestic up and running. We've worked with the Chimayo Mutual Domestic to get that up and running. We've provided acequia rehabilitation in Santa Fe County to insure that the waters in our acequias which are the lifelines and bloodlines of northern New Mexico continue to flow and people get the water that they need. The Water Conservation Ordinance that Commissioner Campos brought forth in order to use recycle and have hot water immediately from the tap. So there were a lot of different water projects and certainly that was one of the things I felt coming into office was a focus that we needed to have.

Special focus on our youth: you know, I thank Commissioner Stefanics and Commissioner Vigil for mentioning that because that certainly was one of the things that I felt we needed to focus on. We've built some libraries and put money into libraries around the County. We helped restore the Pojoaque Valley Little League Field and then the recognitions, Virginia, that you mentioned in terms of recognizing our student athletes that have achieved different things in their lives as a young team as an adult. I think that it's important that they have been recognized and certainly I want to thank them also for participating.

And we talked about some safety issues. One of the things that we did was we passed a gross receipts tax for full-time firefighting and EMS services. Also this Commission has approved several positions, new funding for Sheriff's deputies throughout the Sheriff's department and certainly we have talked about public safety and the need to insure that our public feels that they're being monitored against any crime that may be out there. And like I said there are too many accomplishments here to mention them all. But I just wanted to mention a few things from my address and one of the things that's on here is *A mas tiempo que vida* and if that ain't the truth. There's more time than life. Certainly, the life we have here is limited to eight years and when we just look at life in general it goes by so quick. I started this with black hair eight years ago, by the way, leaving with silver as the silver fox now. We certainly have to look at that when we take what we're doing into consideration of knowing that we're time limited which is probably a good thing.

We recently celebrated Thanksgiving and there's nothing wrong giving thanks as a ritual and we can all share a day devoted to gratitude whether it's directed to a deity or for the benediction of breaking bread together. Gratitude connects us with our source. It is an acknowledgement of our identify as God's children and I've always looked at things through what Martin Luther King used to say when he said, "Unconditional love and unarmed truth will have the final say in reality. That is why truth temporarily defeated, is greater than evil triumphant." Again, in policymaking we have to look at things sometimes in terms of what

we're giving is not always the truth. We know what the truth is and we just work toward that to make sure that in the end the truth is the policy that is going to come out. In the end people know the intentions of what we did and what have accomplished. Again, I think looking at it in the perspective of the bigger picture.

I have some paradoxical commandments of leadership – I'm almost done – and these I felt helped carry me. Number one, people are illogical, unreasonable, and self-centered. Love them anyway. If you do good people will accuse you of selfish or ulterior motives. Do good anyway. If you are successful, you win false friends and true enemies. Succeed anyway. The good you didn't do today will be forgotten tomorrow. Do good anyway. Honesty and frankness make you vulnerable. Be honest and frank anyway. The biggest men/women with the biggest ideas can be shot down by the smallest men/women with the smallest minds. Think big anyway. People favor underdogs but follow only top dogs. Fight for the underdogs anyway. What you spend years building may be destroyed overnight. Build anyway. I hope that doesn't happen. People really need help but may attack you if you do help them. Help them anyway. And give the world the best you have and you'll get kicked in the teeth. Give the world the best you have anyway.

Before I close I want to thank Lisa Roybal and Hvtch for all the work that you've done for my district and I really appreciate the good work that you've done and I know that you'll continue to do. And, this was a little prayer that I had to close with and I'm going to close. Oh mighty God as I have carried out my responsibilities as a County Commissioner you have given me the grace with the faith of Abraham, the hope of Sarah, the perseverance of Jacob, the leadership of Moses, the loyalty of Ruth, the strength of Samson, courage of David, wisdom of Solomon, tongue of Isaiah and John, incredible trust and humility of Mary and the love, kindness and gentleness of Jesus, your son, in whose name I pray. Amen.

COMMISSIONER VIGIL: Mr. Chair, I'm going to take the privilege of the Chair still and just say we need to go down and get pictures taken. I'm not sure where they are with the lunch but please take your Nambe ware and Commissioner Sullivan and Commissioner Campos we'd like you to join us. And shortly after that if there's still a little bit of time I believe Barbara Deaux is here and maybe we can get to that item of the agenda that she is here for because I believe that they just started setting up. Valerie.

MS. ESPINOZA: Chairman Vigil, may I just say thank you to both of the Commissioners for making this place a better place to work and to always having an open door when I needed you.

COMMISSIONER VIGIL: Thank you, Valerie.

- XIII B. 2. Request Approval of Joint Powers Agreement for management of the REDI Middle-Mile Broadband Network by and among the North Central New Mexico Economic Development District, the Incorporated County of Los Alamos, Santa Fe County, the City of Española, Rio Arriba County, the Pueblo of San Ildefonso, Ohkay Owingeh, the Pueblo of Santa Clara and the Pueblo of Tesuque**

COMMISSIONER VIGIL: Kathy Holian requested this removed from the

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consent calendar so she may be the one who has specific questions and she's not here – will someone bring Kathy Holian back.

COMMISSIONER STEFANICS: Madam Chair, while she is – while we're finding Commissioner Holian I would like to just say that I was very surprised when I learned that Barbara Deaux, the director, had retired from her position.

COMMISSIONER VIGIL: I know. You surprised us all.

COMMISSIONER STEFANICS: And she I thought where would she go? How could she stop working? But she in fact let me know that she's working on a different project at the Economic Development District so I'm very happy to still see her here and I think she'll make introductions for the new director as well.

COMMISSIONER VIGIL: Wonderful. We still need to wait for Commissioner Holian. This item was pulled from the consent calendar –

COMMISSIONER STEFANICS: Maybe we could have the introduction of the new director by Barbara.

COMMISSIONER VIGIL: Okay, Barbara, please.

BARBARA DEAUX: Madam Chair, Mr. Former-Chair, members of the Commission my name is Barbara Deaux and I'm the BTOP manager for the North Central New Mexico Economic Development District and I'd like to take this opportunity to introduce the new executive director for the North Central New Mexico Economic Development District, Tim Armer. Tim is a native New Mexican who went to New Mexico State and who has worked for the past number of years in Oklahoma with the Indian Nations Council of Government so he's got a lot of experience with councils of governments, with state agencies, federal agencies, with rural communities and metropolitan communities and Native American tribes. So this is Tim Armer.

COMMISSIONER VIGIL: Tim, welcome. Is there anything that you'd like to address us about?

TIM ARMER: I just wanted to confirm that we are keeping Barbara onto see this project through so we appreciate the opportunity to work with you all on this as well.

COMMISSIONER VIGIL: Thank you very much. Thank you, Barbara, and you didn't tell us what you would be doing besides helping out.

MS. DEAUX: Well right now this is a project that's on consideration right now is a major federal grant for the development of broadband in the northern part of the state here and I'll be working on the compliance issues regarding that. And then, actually, Commissioner Montoya and the County attorney were witnesses at my wedding here in November. I collared them as we were coming in and so I plan – my husband will be retiring in March – and we plan on, we'll be staying in Santa Fe and we plan on traveling and playing lots more golf.

COMMISSIONER VIGIL: Wonderful. And after this, Commissioner Montoya, I'll return it to you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I guess I just had a couple of questions. First of all there was nothing really mentioned in here about what the Santa Fe County share of the initial start-up costs might be? Has there been any thought or discussion about that?

DUNCAN SILL (Growth Management Department): Madam Chair and Commissioner Holian, there is not a cash contribution and upfront investment on the part of Santa Fe County right now. That was our position as part of the original application and certainly aside from that there's staff time and involvement in participating with the ongoing management and operation of the network. There will be a final engineering that will be completed in the next few months and there might be issues that as a result of that finalized engineering that could be brought to our attention. But currently the project is fully funded and I'm personally very pleased that Barbara Deaux is staying on and work on this fulltime now. I don't know what she's getting herself into but I think she's prepared to do that and so that's what's happening.

COMMISSIONER HOLIAN: Okay, thank you. Then I was going to ask you it does sound like the engineering design is just a couple of months away from completion; do you have an estimate for when work might actually begin on this?

MR. SILL: Madam Chair, Commissioner Holian, I think we're looking at a fairly aggressive schedule. To put it in context, we have to complete the initial phase of the environmental assessment in the latter part of January and early part of February. At that point the engineering, final engineering, will take place so I'm going to point to Barbara to talk a little bit about the schedule so she can lead you into the construction phase.

MS. DEAUX: Mr. Chair and members of the Commission, we will complete our environment assessment which is a requirement for the expenditure of federal funds on construction by January 31st and by that time the engineering will be well under way. We expect to go out to bid on construction early in the year, February/March timeframe. There's about an 18 to 24 month construction schedule. The grant must be completed by July 31, 2013 and I can tell you having attending the workshop in Washington with the other BTOP recipients this is a very aggressive program. The administration wants to see this happen as quickly as possible and we're very very pleased that this consortium was funded to the extent that it was \$13 million and in partnership with a roughly \$80 million investment that the tribal government has made in broadband in northern New Mexico just in this past year. That \$64 million went to Kit Carson with who we will join up in the area around Hernandez and another amount, I can't remember quite how much Eastern New Mexico, ENMR, the telephone cooperative was funded both in round one and round two and we have great plans to join up with them here in the Santa Fe area and then there were some smaller grants that were provided in the northern part of the state. It's going to make a world of difference. We're really excited.

COMMISSIONER HOLIAN: I can imagine. Also the cost for maintenance, will that come out of the fees for people who hook into this?

MS. DEAUX: Mr. Chair, members of the Commission, the ongoing revenues for this consortium will come from the sale of services to the 123 anchor institutions and the so far seven last mile providers who will take that service directly to people's homes. So this is a reinvestment model the way the grant was written. All of those revenues are reinvested in the maintenance and expansion of the network.

COMMISSIONER HOLIAN: And then one final question I have is are the members of the board of the JPA will those be staff employees or will they be elected

officials?

MS. DEAUX: The selection of the member for Santa Fe County for instance will be the responsibility of the County Commission. It would be my firm hope that the persons appointed to that board have a good understanding of the aspects of the operation of the system whether it's customer service, whether it's engineering, whether it's the technology, whether it's the operation of such an organization under federal rules of governance because this is going to be a very hard working board of directors. This is the first time that we've done anything like this with such an investment and I'm hoping that you will appoint someone who can represent the county in a very hard working sense.

COMMISSIONER HOLIAN: So not an elected official. [Laughter]

MS. DEAUX: Could be anybody. There could be an elected official that's actually an IT engineer – how do I know.

COMMISSIONER HOLIAN: Maybe we will. I just want to say congratulations. This is going to really move our technology forward. Thank you.

MS. DEAUX: Absolutely. It's wonderful. Thank you.

COMMISSIONER HOLIAN: I move for approval.

COMMISSIONER STEFANICS: Second.

COMMISSIONER VIGIL: May I ask a question, Barbara. Can you explain to me from your knowledge how much this particular project will benefit Santa Fe County? I mean in terms of how many residents might be able to hook-up or perhaps maybe the area that it will benefit.

MS. DEAUX: Mr. Chair, members of the Commission, Duncan may be able to help a little bit better about that, the map part, than I. But I think the important thing is that for the anchor institutions which we will connect with directly that tends to include, and I'll speak in generalities because I don't know specifically which ones, public safety, schools, hospitals, and I know we are connecting the schools in Pojoaque I got the information from our engineer just yesterday. The price will be considerably lower than they're paying now and the bandwidth available to them will be much, much higher. That was one of the reasons why this grant was funded was that we were able to demonstrate that much of northern New Mexico is underserved in bandwidth for the 20th century let alone the 21st.

COMMISSIONER VIGIL: Great, thank you and I'll talk to Duncan later.

CHAIRMAN MONTOYA: Okay, we have a motion by Commissioner Holian and second by Commissioner Stefanics. Any other discussion?

The motion passed by unanimous [5-0] voice vote.

[The Commission recessed for lunch from 12:45 – 2:00.]

CHAIRMAN MONTOYA: It's 2 o'clock p.m. and I will call this meeting back to order.

XI. MATTERS FROM THE COMMISSION

CHAIRMAN MONTOYA: Commissioner Stefanics.

ST. CLERK RECORDED BY 11/22/20 2010

COMMISSIONER STEFANICS: Thank you, Mr. Chair, and it was a very nice recognition but we did roast you all enough. So I hear that people will be stopping in the hallway and saying, 'Do you remember when you did X?' But first of all I would like to thank our Employee Benefits Committee for organizing the upcoming holiday dinner and I look forward to seeing all of our staff there and I would just wish everyone a peaceful holiday and be safe on the roads. We had some horrible accidents today and we certainly don't want anything to happen to our own staff or anybody else. Thanks.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I know that we're trying to go for a record for the length of this meeting but I'm only going to say one thing. I'd like to thank all of our employees in Santa Fe County for their hard work. It's been a challenging year and probably next year is going to be challenging too but hopefully it will be challenging in a good way. I just want to wish everybody a Merry Christmas and happy holidays and hope that you all enjoy your long overdue and well-deserved rest during the holiday.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chair. In keeping in line with Commissioner Stefanics' statement, I wanted to remind everyone that Santa Fe County does sponsor the CADDy program. It runs every Friday and Saturday night from 5:30 until 2:30 a.m. You can reserve a cab for yourself and the cost is \$5 for one or two people and \$10 for three or more with Santa Fe City limits. If the rider's destination is outside the city limits, he or she is responsible for the fare from the city limits to their final destination. And one end of the ride must be a residence so you can't go from party to party. I guess they've had that problem and Steve might be able to reference that - I don't know. But reservations can be made in advance or when needed by calling 995-9528.

I also want to announce that Santa Fe County and we all received an email from Gigi on this, Santa Fe County is partner with Santa Fe Community in Schools to help increase awareness of I also want to announce that Santa Fe County and we all received an email from Gigi on this, Santa Fe County is partner with Santa Fe Community in Schools to help increase awareness for the Graduate New Mexico campaign. Graduate New Mexico offers high school non-completers an opportunity to earn their high school diploma. Santa Fe County employees are encouraged to assist in the high school dropout rates by volunteering to recruit, mentor or tutor students. To get started as a volunteer call 955-1812. And there will be some information on the government channel about this IT will be running that information.

I wanted to remind everybody that Santa Fe County is ringing in Christmas this Saturday night, Friday night rather, it's at Buffalo Thunder and I think there are still tickets available. One of the Employee Benefits Committee members mentioned it to me and so that's a wonderful way to get together with your colleagues and enjoy each other outside of the workplace and have a Merry Christmas. It's going to be a steak dinner this year and that should be nice.

That's all I have Mr. Chair.

CHAIRMAN MONTOYA: Okay, Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. I'd like to wish everybody a merry, merry Christmas and a happy new year. Thank you for my vest that you all got me, the staff, I appreciate that. And, this Saturday at 10 o'clock in the Village of Galisteo we're going to do the dedication of the bridge to Colonel George Michael Anaya. And, Robert, if you could kind of clean that bridge up a little bit, I'd appreciate that. And then we're going to do the Philip Watts Memorial Park dedication too. That's going to be right after about 11 o'clock. If you'd like to join us we'll be there this Saturday from 10 to noon. Thank you.

CHAIRMAN MONTOYA: Okay. I mentioned at our last meeting and since then it has become official, President Obama has signed the Aamodt Settlement so that is complete and certainly over 44 years of work that has been done on this has come to fruition in terms of the Pojoaque Valley having water system and certainly something that we're very grateful for. I want to thank President Obama for signing it and certainly Senator Bingaman for taking the lead on that legislation along with Congressman Ben Ray Lujan. That is done and we're trying to plan a little celebration and we'll let you all know when that's going to be so that we can have all the parties that have been involved in that participate in that type of celebration.

I too want to wish everyone a Merry Christmas, Feliz Navidad and a happy new year. Please do be safe and buckle up. Don't drink and drive and don't drive and drink.

CHAIRMAN MONTOYA: We're going to go back to matters of Public Concern. Phil, you missed that this morning and if you'd like to go ahead.

X. MATTERS OF PUBLIC CONCERN

PHILLIP SENA: Mr. Chair, Madam Commissioners and members of the Santa Fe County Board of Commission, I come before you today and basically a lot of things have happened over the last approximately 19 months of which is Pavilion of Santa Fe is going to be developing 371 acres of ground. It's in the southwestern sector or southwest sector of Santa Fe right next to the Santa Fe Aviation Airport. We have been annexed and I thank this body for helping getting the annexation zoned and we now have the water agreement settled with the City and the County. We come before the Planning Commission on the 16th of this month to go ahead and approve our development plan. We still have to go in January 20th for the master plan. We seem to be very much support by the Mayor and Council and the Commissioners.

The reason I'm here has a lot to do with what I read in the paper yesterday and of course the information that I have regarding the Santa Fe County Courthouse and the fact that an estimated, according to the paper, \$2 million of additional money for toxic clean-up and expenses or whatever. In speaking with my and meeting with my partner and my boss, Richard Cook, that owns the Pavilion he sat down and we thought why don't we make a presentation today before this body and tell them what we're willing to do. What we're willing to offer as a proposal to the Santa Fe County Board of Commissioners is all the expenses that have been spent on the courthouse in buying the land, toxic clean-up and whatever. Those expenses we feel can be washed away almost entirely if not entirely by

transferring the courthouse to the Pavilion. We've had the Pavilion setup in anticipation that someday maybe the courthouse would go there. Not knowing that any time the situation that have been occurring that have occurred which is problematic. Nobody can look into the future and see what is going out there. I mean, I think everybody did everything they could in support and are supporting it. I met with Joseph and Paul yesterday. And, in fact, what we want to do is that eliminating the garage over here at the courthouse, I believe it's estimated and I'm going on approximations so please bear with me, somewhere between \$35 and \$40,000 a parking space. This can be completely eliminated by buying property from the Pavilion and we have estimated at one of the meetings I had with Joseph and Paul, four or five months ago, approximately 3.5, even as much as 5 acres of ground right in the market. The property is worth \$11 a square foot and we came in at \$6.89 a foot, fully developed, interchange extension from I-25 from Jaguar all the way to the Aviation crossing the bridge, onramps/downramps and yes, we'll give you the water. We have our own private water and we're not going to take any water away from the constituents of Santa Fe and that includes our effort to go after the Super Compacts which we are in the process of doing right now. We feel that the cost with the economics and everything that has happened to our city, our county, our country, we feel that it's everybody's' personal agenda, if you want to call it that, to come and do the best we can in offering everything that we can. So we have something that nobody else can offer because of the man up north that was born and raised here. I'm very proud of him. I've thanked him many a times as he has thanked me and I'll thank the Commissioners and all of our elected officials. We're just very proud of him.

We have the opportunity to offer economic development like Santa Fe has never seen.

This is the new Up Town Santa Fe. We're between 1.5 and 2 million square feet of office and commercial. You have in your packets [copy was not provided for the record] a restaurant that's coming in which is the largest family restaurant in the world at the Pavilion; a Golden Corral Pavilion is what they call it. We have other entities, gas stations and so forth. You also have in front of you a hotel that we're going to specially design/build. As you can see the concepts for the plan there before you in a southwestern style that everyone can be proud of that we can have a hotel right on top of the hill right next to the Aviation extension from Jaguar to the airport.

So, what we're offering is a situation where we feel that we'd like to present to the body here in such a manner that you don't have to worry whether or not that you meet the contract of an estimated \$60 million or \$61 million that was planned for the courthouse because we're telling you that you that that can be absorbed by simply not building the garage which is approximately \$6.5 million to \$7 million for 170 spaces. So with all these things, the property value, the north parking area that we are offering, Santa Fe County and its constituents we have it in a full offer and proposal to you. Rests assure that the man behind this is very capable of doing this and that's why I stand before you. Madam Commissioners, Mr. Chairman, I am open for any questions that you may have of me and I can answer to the best of my knowledge.

CHAIRMAN MONTROYA: Okay, any questions.

COMMISSIONER STEFANICS: Mr. Chair, I would assume our County manager will have staff look into that and then let us know if it's something that we should

look into or not.

CHAIRMAN MONTROYA: Thank you, Phil.

MR. SENA: Thank you, Mr. Chair and County Commissioners. Thank you very much for the time.

XII. APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS

A. Appointments of the Santa Fe County Ethics Board Members

MS. MILLER: Mr. Chair, this Commission passed an Ethics Ordinance a couple of months ago and in that ordinance it established that the Commission will appoint a Ethics Board consisting of three members. We went out, put out, a notice for application advertising for applicants and you should have a memo that was handed out to you. We received 17 applications from public members and nine applications from County employees. We did a preliminary review at the staff level to make sure that those applications were responsive to the request. We made some time to try and move forward and try and then made some time to try and move forward and give a completely independent recommendation to you we requested that an outside entity review those applications. We actually found Common Cause who agreed to do that for us. They did not have a conflict with any of the applicants where some of the other groups we contacted either had applicants in there or were not interested in doing that. But Common Cause graciously offered to help us with this. They actually reviewed all the applications.

First off they commented that they believed it would be a conflict of interest for any County employee to serve on the board and they noted that both the city and the state ethic boards have actual preclusion from that. With that they did continue to review those applications but recommended that the Commission not appoint someone who is an employee.

From that they came back with seven of those 26 applicants that they felt were standout applicants. We had hoped they would have had a more narrowed down recommendation and that was as I said initially I had hoped we would have a recommendation of three and an alternate for you today but they suggested a couple of things. They thought it would be helpful if we had one-on-one interviews with the managerial staff to meet with them and ensure that they don't have any conflicts of interest with anybody at the County. They are seven very good applicants so I think of those seven we can come back with a recommendation for three of those with an alternate. They also recommended that we do background checks on anybody and that's something that we've been discussing at the Manager's office and the County Attorney's office of doing background checks on new appointments to boards as we move forward into next year. So that would be in line with this.

We do have permission from these individuals to do background checks but we just couldn't get all of that done before this meeting. I wanted to give you the update on it and just request your approval to move forward to interview those seven individuals and come back with a recommendation of three of them and an alternate based upon that process.

CHAIRMAN MONTROYA: Any questions? Yes, Commissioner Stefanics,

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Katherine, I understand that we want to have qualified people and a clean background and no conflict, but it would seem to me that we would want some diversity. Whether we're talking about male/female or ethnicity/race or geographic, I just would want to make sure that we don't end up with the same kind of people – three of the same kind of people.

COMMISSIONER ANAYA: Three lawyers.

COMMISSIONER STEFANICS: Three lawyers. Three city residents or whatever. I'm just putting out that comment for some diversity in this selection.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER ANAYA: I agree.

COMMISSIONER VIGIL: I do too.

MS. MILLER: Mr. Chair, Commissioner Stefanics and that was something that we did note with the seven outstanding applicants that came back I think that there is room to do that as well because that was something that we did look at.

COMMISSIONER STEFANICS: Thank you.

CHAIRMAN MONTOYA: So you'll come back next month with recommendations.

C. 4. Resolution No. 2010-234: A resolution requesting an increase to the Economic Development Fund (224) to budget a grant awarded through the NM DFA and Administration and Economic Development Department for the Media District/Santa Fe Studios/\$9,935,000.

CHAIRMAN MONTOYA: I had this pulled from the consent agenda because I have a very simple question and just wanted to find out if they're going to have a groundbreaking for this. It's been going on for about a year.

MS. MILLER: Mr. Chair, I can answer that. I was hoping we'd have one along with the San Marcos Transfer Station this month but – I'll give you an update and I was going to do it on matters from the manager to tell you where we are on this project in total.

We do now have LEDA approval from Economic Development Department and DFA. We have invoices in that will be paid next week. The Board of Finance staff pays invoices twice a month on the 10th and the 20th so ours will be paid at that time.

We also have roadwork that we will be doing on Highway 14. We're ready to do pre-proposal work on that and put that out to bid probably next month.

The Santa Fe Studios have re-engaged all of their contractors and they're waiting for a permit to be issued from the County to move forward and hopefully they will actually start re-engage the contractors out on the property sometime next week or before the end of the year. I did talk to this Studios about some kind of groundbreaking and they thought probably early next month but I think primarily just because of all the holidays right now and they wouldn't be at that stage until later next week.

That's where it is all the way across the board with them, with us and with the state.

CHAIRMAN MONTOYA: Okay. With that I'll move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Motion by me and second by Commissioner Vigil. Any other discussion?

The motion passed by unanimous [5-0] voice vote.

CHAIRMAN MONTOYA: Thank you Commission and thank you, Katherine, for that update.

XII C. 5. Resolution No. 2010-235 – A resolution requesting an increase to the Corrections Operations Fund (247) to budget the Fiscal Year 2010 State Criminal Alien Assistance Program (SCAAP) Award received for expenditures in FY 2011/\$81,703.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I just have one question in reading through this State Criminal Assistance Program grant in the paragraph under issue it says that the expenditures will be – the grant will be solely for expenditures of jail operations. And then in the last paragraph it says that these funds will be used to support construction costs of buildings and structures. So that sounds contradictory.

TERESA MARTINEZ (Finance Director): Mr. Chair and Commissioner Holian, it is and I apologize for not catching that. Initially when this came it was addressing both operations and capital. When we looked at the guidelines for what the dollars could be used for it can be used either for operations or capital. But we've made the choice to use it in capital outlay and it should read like that.

COMMISSIONER HOLIAN: Thank you. I move for approval.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Holian and second by Commissioner Stefanics. Any other discussion?

The motion passed by unanimous [5-0] voice vote.

C. 10. Resolution No. 2010-236 – A resolution to formally recognize a restructuring plan for the Office of the County Manager which will result in one new position and abolish two positions.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Move for approval

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya and second by Commissioner Stefanics. Any discussion?

The motion passed by unanimous [5-0] voice vote.

COMMISSIONER STEFANICS: Mr. Chair, we finished a book: are we finished with our meeting?

CHAIRMAN MONTOYA: Whose joke was this for our last meeting. We've got two big old binders here. [Laughter]

XIV. Staff and Elected Officials Items

A. Public Works

- 1. Adoption of a resolution No 2010-237 authorizing and supporting a Community Development Block Grant (CDBG) applicant for capital improvements to the wastewater treatment facility that serve the Valle Vista Community, Santa Fe County**

MR. GUERRERORTIZ: Mr. Chair, Commissioners, this resolution is so that we can take our application to the CDBG for funding or partial funding of the facility that we are in the process of designing to replace the wastewater treatment plant of Valle Vista.

COMMISSIONER STEFANICS: Mr. Chair, I would move for approval but wait for everyone's discussion.

CHAIRMAN MONTOYA: Okay, we have a motion.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: Second by Commissioner Anaya. Any discussion? Commissioner Vigil.

COMMISSIONER VIGIL: Pego, is this the same CDBG dollars that we had public meetings for?

MR. GUERRERORTIZ: Mr. Chair, Commissioner Vigil, yes.

COMMISSIONER VIGIL: What was the outcome of those public meetings? Did you have much participation?

MR. GUERRERORTIZ: We had limited participation in the first meeting and something a little more in the second meeting. They had two other projects that people were suggesting. One was a [inaudible] and the other was the second phase of Nambe Community Center.

COMMISSIONER VIGIL: I'm sorry.

MR. GUERRERORTIZ: The second phase of the Nambe Community Center.

COMMISSIONER VIGIL: Thank you, Mr. Chair.

The motion passed by unanimous [5-0] voice vote.

B. Community Services Department

- 1. Resolution No. 2010-238 – A resolution amending policies and procedures for rental of the Santa Fe County Fairground Facilities**

PAUL OLAFSON (Community Projects Division): What we have here before you is a proposal for amended policies and procedures for the rental of the Santa Fe County Fairground facilities. You'll see in your packet a memo as well as a resolution that would enact the new policy, copy of the facility regulations and policies, a copy of the draft rental agreement and then a draft rate schedule for the rental of the facility.

As you'll recall we've had previous discussions here regarding how the fairground

facility is rented and practices there. In the past we've had issues where the fairground facilities have been rented and the renters have left in not a very good condition. We've had issues of vandalism or property destruction, lack of cleaning and also some inappropriate uses out there including consumption of alcohol and other issues. We've been looking at the process that we have been using in the past to rent the facility and looking at ways that we might amend that to make it a more efficient and more beneficial ways to use the facility as well as to protect the County's interest and to make sure the facility is maintained and not damaged and/or having problems as a result of the rentals. It's also – the primary purpose of the facility is for the County Fair and the New Mexico Extension Service as well as other activities like 4H and FFA. We're looking at means to make the Fairgrounds run more efficiently and effectively.

Basically what we've done is re-evaluated the rate structure and look at different policies regarding security at the facility and also better monitoring our control of the damage deposit structure so we will have an ability to monitor the facility before you and after use. We're also proposing that there be a person assigned as the County fair or facility manager who would oversee this. We envision this as a current County staff position and they would basically be in charge of monitoring the fairground and having that sense of control.

With me I also have Greg Smith and Steve Shepherd from Health who have also been working very closely on doing this as well as Patrick Torres from the New Mexico Extension Service if you have any questions for them.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. There are many people who might be listening or watching, could you talk a little bit about the expected uses and whether or not we have a different fee structure, and although I have it here, people who are listening don't really know. But do we have a separate fee structure for non-profits or are we going to consider everybody as one population? Please talk a little about that, Paul.

MR. OLAFSON: Mr. Chair, Commissioners, we do have a fee structure. There's a fee structure for the initial level of renter which would be County, Extension Service and County and Extension Service sponsored events including things like 4H and FFA. They would not have a fee for the use of the facility. The next level is non-commercial/non-party events. Next is commercial/non-party event. Next is private/non-party event. And the last is party or dance activity. This is based on the kind of uses that we've been seeing in the past years and we're not changing those types of uses we're simply attaching a slightly modified fee structure to those uses. So for County sponsored events and Extension Service sponsored events there isn't a fee and for the rest of the uses there is a fee.

COMMISSIONER STEFANICS: Mr. Chair. Paul, if a neighborhood association wanted to use our facility for a meeting they would have either a – they would have a fee for a building and then they would have a fee per table and per chair; is that correct?

MR. OLAFSON: Mr. Chair, Commissioner Stefanics, yes. The option is there that if it is a County-sponsored event that fee is not included. So if the County is sponsoring the event the fee is not applicable. If it's another entity's, the fee is applicable.

COMMISSIONER STEFANICS: Mr. Chair. Paul, are there fees proposed or

a division of fees for daytime versus evening hours?

MR. OLAFSON: I don't believe so, no. And if I might Commissioner, because of the vast array of types of uses we have as well as trying to fit in with our not favoring one entity over another entity we've structured it this way to try and provide an equal planning field across the board.

COMMISSIONER STEFANICS: So Mr. Chair, and Paul, would say that our goal is to have people use it or to keep it empty?

MR. OLAFSON: Mr. Chair, Commissioner Stefanics, I think our goal is to have it used and have it used primarily for County-sponsored and Extension Service-sponsored events which is kind of the focus of the facility and then also provide it for rental to other entities as they might wish to use it for other activities. We have a wide range of things. Your example of a neighborhood association which might be addressed through the County sponsoring that one-time meeting or that type of meeting. We also have tools sales, we also have weddings and funerals and there's such a broad array that it is very complex to try and pick out one versus the other versus the other.

COMMISSIONER STEFANICS: Thank you. That's all for right now, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. How do you envision the manager job being? Would it be a full-time job? Would it be a new employee or would you use the services of an employee who is already here?

MR. OLAFSON: Mr. Chair, Commissioner Holian, we have envisioned that it would be an existing County employee and this would be part-time aspect of what their current functions are. And we do not have an individual identified for that at this point. The point of having someone identified in these documents as the County Fair Manager is that we do have a single point person for the facility to coordinate and oversee what is happening.

COMMISSIONER HOLIAN: Okay, that seems like a good idea. The other question I have is that I know the Fairgrounds have been used before for the emergency boarding of horses when there are fires in the area. I participated in that myself is regards to the Cerro Grande fire and I wonder if that will still go on? And the fee, I don't even know if you charge a fee for that and will that be affected in any way?

MR. OLAFSON: Mr. Chair, Commissioner Holian, I don't believe so. I'm not sure how that has been handled in the past exactly but there is provisions in here for a use to be allowed and there isn't a specific emergency clause per se, but there is mechanisms in here to address different events. As I was mentioning earlier if it is a County- or an Extension Service-sponsored event the fee structures are altered for that.

COMMISSIONER HOLIAN: Is there a fee charged when people just want to say visit Santa Fe County, they're traveling through and they have horses; do we have a fee structure for people being able to board their horses there?

MR. OLAFSON: Mr. Chair, Commissioner Holian, I'm not aware that that happens at this point. In fact, Patrick Torres is saying no.

COMMISSIONER HOLIAN: Well if we don't, I think we should have something like that.

PATRICK TORRES (County Extension Services) Mr. Chair, if I may chime in here momentarily. As far as boarding a horse the facilities there really aren't that conducive to boarding horses per se. The ceilings for the barn are a little too low and so therefore whenever folks do come into town looking for a place to board their horse for a night or two, I refer them to the neighboring property to the north of the Fairgrounds, the Horseman's Association which is built for that particular purpose and they are very gracious at accommodating those kinds of folks who do come by.

COMMISSIONER HOLIAN: But we still would allow in an emergency situation for horses to stay there; correct?

MR. TORRES: If that is the desire of this Commission I don't see why not.

COMMISSIONER HOLIAN: I'm just wondering if we should have some sort of policy regarding that or whether – I don't know. It just seems that it was very helpful during the Cerro Grande fire and I can see other fires happening and I worry about horses. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay, other discussion. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Paul, how much money did we make last year off of the rental of the facility?

MR. OLAFSON: Mr. Chair, I'm going to defer to Greg or Steve. Do you have any idea?

GREG SMITH (Health & Human Services): Mr. Chair, the last number I believe that we had looked at and I believe it was fiscal year 09 and that was approximately \$7,000 to \$8,000 that was taken in for the rental of those facilities at that point in time.

COMMISSIONER ANAYA: And we're increasing them?

MR. SMITH: Mr. Chair, Commissioner Anaya, actually the fee structure is right on par to where it's at right now. The only thing that we're looking at increasing, Commissioner, is the damage and cleaning deposit because it's not that we – the idea behind this was to try and make it rental friendly to those who needed a facility to go to and that they could afford it. But where our issues had come is in the damage and cleaning deposit so where we were losing a lot of money to have to do additional clean up and additional damage repairs that were not covered in the current structure.

COMMISSIONER ANAYA: And where did the money go, the \$8,000?

MR. SMITH: Commissioner Anaya, that money goes back into the general.

COMMISSIONER ANAYA: Okay. I would like a suggestion just to see the money that is raised off of that that it go into the 4H program or back into the facility. I know that we have an award winning master plan for that facility and we haven't been able to get that thing rolling to get monies – and I'm not saying that this \$8,000 is going to be enough, but I know come fair time we need monies and maybe, I don't know if this helps or hurts you guys, I haven't talked to you about it. But any money that goes back into the fairgrounds would help us with the 4H program. That's just a suggestion.

What I would really like to see is this Commission and the new Commission try to work on getting that award winning fairground master plan to work so we can get that going. That's all I have Greg and thanks for answering that.

And, do you have somebody who is going to oversee this? Is that you, Greg, or who?

MR. OLAFSON: Mr. Chair, Commissioner Anaya, we have not identified an individual we've just identified that there should be someone appointed to this to have that single oversight and control.

COMMISSIONER ANAYA: Pat, you do it now? Okay.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Could somebody refresh my memory; didn't we in the past few years something that the voters could consider to identify some funds for the fairgrounds?

MR. OLAFSON: Mr. Chair and Commissioner Stefanics, in 2008 the November election there was a bond question for doing a new extension service office for the Extension Service and that was rejected by the voters.

COMMISSIONER STEFANICS: That was rejected.

MR. OLAFSON: Correct.

COMMISSIONER STEFANICS: I would suggest that we look at that issue for the future and combining it, if possible, with other purposes because I do feel the Santa Fe Fairground is very important. But I don't think it touches enough lives for people to vote for it. But if it was combined with something else that people thought was important it might have a better chance. So that's a future item. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: What are the wishes?

COMMISSIONER HOLIAN: I move for approval.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Holian and second by Commissioner Stefanics.

MR. OLAFSON: Mr. Chair, before you vote I would just like to note that there are a couple of typos in the document, specifically the application that I wanted to note that staff will be correct any of those.

COMMISSIONER HOLIAN: I move for approval with corrections.

CHAIRMAN MONTOYA: Okay, with corrections. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you. Pat, are you in support of what's through here?

MR. TORRES: Mr. Chair, Commissioner Anaya, yes, I am support of what is being proposed here this afternoon and I would encourage you all to really pass it.

COMMISSIONER ANAYA: And I know that you've been dealing with this and we had a few conversations about it but I wanted to make sure.

MR. TORRES: Sure. And just for your information, I'm willing to work with whoever that designated person is so that we can transition smoothly and even keep working with that individual for the future.

COMMISSIONER ANAYA: Thank you, Pat.

CHAIRMAN MONTOYA: There's a motion and second. Any other discussion?

The motion passed by unanimous [5-0] voice vote.

B. 2. A Resolution No. 2010-239 - Rescinding Resolutions 1998-105, 1998-132, 2000-14, 2001-01, 2001-46 and creating the County Open Lands, Trails and Parks Advisory Committee (COLTPAC)

BETH MILLS (Planning Department): Good afternoon, Mr. Chair and Commissioners. I just thought I would make you run through all those numbers before you left.

This resolution is to reorganize and restructure COLTPAC since it was originally organized in 1998. Since then a lot has changed in the County and a lot has changed in the program so to bring it more in line with current circumstances and also to address some of the concerns of the Manager's office with this committee.

So what the resolution essentially will do that will be different is it will add parks to the committee's responsibilities. It will request that the committee advise on changes to the Open Space and Trails Plan. It will ensure the committee responds to future land use plans and land use codes. It will decrease the number of committee members which has been important to the Manager's office and change their geographic representation. It will specify the qualifications and characteristics of desirable members and it will clarify the terms of the members' service which was another problem that we had with some of these other resolutions.

We're asking for approval.

CHAIRMAN MONTOYA: Any questions? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you, Beth. My question is will this be a whole new committee when it is reconstituted or will existing members be allowed to apply for the new committee?

MS. MILLS: Mr. Chair, Commissioner Holian, there are seven members on the existing committee who will be able to reapply for a second term. The other terms are expiring and they will not be able to part of the pool of applicants.

COMMISSIONER HOLIAN: And when do you think the committee can be reconstituted then? I guess it would take a couple of months to receive the applications and –

MS. MILLS: Mr. Chair, Commissioner Holian, I was hoping to do it in January. As soon as we could in January to come to you with the applicants for your review.

COMMISSIONER HOLIAN: Thank you and will you screen the applicants?

MS. MILLS: Mr. Chair, Commissioner Holian, yes, that's part of what we're recommending that applications come to staff and that we look through them and we pass them on to you with recommendation.

COMMISSIONER HOLIAN: Okay, thank you.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Because of our new Code of Ethics it really needs to go through the standardized process so let's make sure that your process does that. Because we want to make sure that people don't have a conflict of interest. Although we have many people well meaning, people do have property up there that they're trying to sell, etcetera, so I just want to make sure that we get this back in line with our Code of Ethics.

Thank you.

CHAIRMAN MONTOYA: Okay. Any other discussion?

COMMISSIONER HOLIAN: Move for approval

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Holian and second by Commissioner Stefanics.

The motion passed by unanimous [5-0] voice vote.

B. 3. A Resolution No. 2010-240 - Rescinding Resolutions 1999-45, 2000-35, 2000-52, 2000-73, 2009-71 and creating the Santa Fe County Health Policy & Planning Commission

MR. SMITH: Mr. Chair, Commissioners, this resolution is going to be utilizing the new standard format for the County advisory groups. The membership will be decreased from 21 members to seven members. Currently there are 16 members on the active roster and right now it's unclear how many of those members will be able to participate in the future due to the Santa Fe County Ethics Ordinance that is going through. It will limit memberships to two terms of two to three years initially and three year terms subsequently. It will restrict membership to County residents and the five district representatives must reside within their designated district. Meetings shall be held at least quarterly and can be scheduled at more regular intervals as they are needed. Staff would like to recommend approval of this resolution rescinding the prior resolutions and approving the proposed resolution as stated.

CHAIRMAN MONTOYA: Questions for staff?

COMMISSIONER STEFANICS: Mr. Chair, I move approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Stefanics and second by Commissioner Vigil. Any other discussion?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: I just want to thank the outgoing Health & Policy Planning Commission. I particularly liked their analysis of the national health care legislation. It was very helpful for me to understand how it would impact the County. I would just like to say thank you.

COMMISSIONER VIGIL: Mr. Chair, on that note.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Greg, we do do a certificate of appreciation and a letter and something of that nature; don't we as a standard practice?

MR. SMITH: Mr. Chair, Commissioner Vigil, that's correct there will be recognition letters coming.

CHAIRMAN MONTOYA: Any other discussion?

The motion carried by unanimous [5-0] voice vote.

- B. 4. **Request approval of Change Order No. 4 to the Contract between Santa Fe County and Bradbury Stamm Construction, Inc., for the consideration of the First Judicial Courthouse project in the amount of \$893,803.95**
5. **Request approval of Change Order No. 5 to the Contract between Santa Fe County and Bradbury Stamm Construction, Inc., for the consideration of the First Judicial Courthouse project in the amount of \$964,053.99**
6. **Request approval of Change Order No. 6 to the Contract between Santa Fe County and Bradbury Stamm Construction, Inc., for the consideration of the First Judicial Courthouse project in the amount of \$77,800.00**

[Exhibit 2: Staff memo re: Judicial Complex remediation activities]

JOSEPH GUTIERREZ (Community Services Department Director): I have a little handout for you and what I'm going to cover is items XIV B. 4, 5, and 6 which are all adjustments to the courthouse project.

The first page of the handout basically gives you an update of where we are in terms of remediation activities. So far we've moved 20,000 tons of contaminated soil off our site which converts to 15,000 gallons of gasoline. We've installed a steel plate perimeter around the site which many of you have seen. We've also treated 3.5 million gallons of contaminated groundwater. You can also see that off-site NMED has removed 9,000 gallons of gasoline from the area. In addition to that and based on the change order that we have in front of you, we plan to remove another 2,000 tons of contaminated soil in the southeastern portion of our site. In addition, we're going to place some oxygen release compound to the backfill to reduce dissolved-phase contamination in the groundwater.

The second change order that we have which is item 5 on the agenda on page 2 and page 3 talk about the foundation system. What we're proposing is that the current system is a drill pier foundation system and you can see a schematic of that. If you look at the parking garage you'll see the drilled piers. There are 64 of those in the parking lot area and what we're proposing to do is to change that foundation to what you see on page 3, which is a mat-slab foundation. The reason we're recommending to make that adjustment is because we're putting a liner system on the base of the parking garage and if we have the mat-slab foundation we don't have the penetration that we would with 64 piers. That's the reason for that recommendation. That change order is \$964,000.

In terms of where we are financially on the courthouse project, the last page is a brief summary of that. Basically, you look at the revenue balances the first one is the 1/16th GRT this is the revenue that funds the project. As of the end of October there was about \$3.7 million of cash available. You can see the balance of the 2007 GO Bond which is about \$371,000 and the balance of the 2008 revenue bond is \$703,000 making about \$4.8 million available. We will continue to realize revenue through to the end of this fiscal year, almost

\$1.4 which brings that projected revenue balance to a little over \$6.1 million.

What we have in front of you today in terms of expenditures against those dollars are the remediation efforts and when I say the remediation efforts, this is the balance. This is putting the final steps into the remediation of the site at the courthouse and that is \$966,984.15 – that's removing the contaminated soils and disposing of it and dealing with other various miscellaneous issues. I have an estimation for consultation fees which is \$300,000. Today what's in front of you is about \$76,000 of that. The mat-slab system, which includes the gross receipts tax which is a \$1.42 million and also on top of that we want to start the courthouse project with a 5 percent contingency which is \$2 million.

We would plan to start activity at the site on January 1st in terms of removing the soils and putting the liner system in place. We would expect to start working on the parking garage basically toward the end of February. But the activity at the site will be January 1st. If you look at those expenditures there is still an estimated balance of cash that is available of \$1.8 million at the end of the fiscal year and that's what is projected.

I stand for any questions and Judge Pfeffer is here that wanted to make a comment when you feel it is appropriate for him to do that.

CHAIRMAN MONTOYA: Judge Pfeffer, you want to go ahead and make your comment, please.

JUDGE STEPHEN PFEFFER: Thank you, Mr. Chair, members of the Commission. Just once again I'd like to thank you all for the continued support for the courthouse and on behalf of the judges of the district and I'd also like to say as a member of the community I appreciate your continued dedication to cleaning up this site. Thank you.

CHAIRMAN MONTOYA: Thank you, Judge. Okay, questions for staff.
Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. I didn't have any but I could make some up.

CHAIRMAN MONTOYA: You don't have to.

COMMISSIONER ANAYA: It seems like we've kind of been spinning our wheels. I know that the Commission had some tough decisions to make in terms of first of all where to put the courthouse and some of us wanted it closer to the jail and as you heard this afternoon there's still people that want to put it in their properties. But and I was one of the Commissioners that wanted to put it closer to the jail but then after hearing on the issues of why we needed it in Santa Fe or in town, I agreed with them. But it seems that we have been spinning our wheels and nothing – and it seems like nothing has been getting done but things have been getting done. The main thing that I see is that we're cleaning up the ground water and that was the important thing. If we didn't put that courthouse where we put it nobody would have discovered the groundwater that was contaminated and I know it's a very complex issue and we're dealing with the underground contaminants but I want to applaud you guys for working hard and I can't wait until we see something come out of that hole. Something other than gas. But I know it's costly but we are doing a lot of cleanup and I hope we get invited to the ribbon cutting, Commissioner Montoya. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thanks. Underscoring what Commissioner

Anaya is saying, I actually think this was a blessing in disguise. Based on the fact that those plumes got pierced I don't think we would have ever discovered that until that contamination actually reached our river because they weren't that far from it. In many ways we are doing a huge service to the community in preventing what could easily be a far worse problem.

My question to you, Joseph, is this still within our budgetary forecast?

MR. GUTIERREZ: Mr. Chair, Commissioner Vigil, right now based on the financial sheet I gave you it's within our means to continue and finalize the cleanup and start the courthouse at the current site.

COMMISSIONER VIGIL: Okay. Next question: Do you perceive that this is the last phase of contamination cleanup before we start construction?

MR. GUTIERREZ: Mr. Chair, Commissioner Vigil, we have the whole environmental team/courthouse team and it's their expertise that basically we're in the final steps. So basically by the end of February the contamination in terms of on the site of the courthouse, that will be completed. Off site will still continue by NMED for months or years to come. But in terms of the County's commitment to the site itself that will be finalized by the end of February.

COMMISSIONER VIGIL: Thank you. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: I would really like to commend our staff and our consultants for coming up with some very clever solutions for not only cleaning up the site but being able to build a project as original planned in a safe manner. I really feel confident that we don't have to worry about the exposure of people in that building to contaminants that you have figured out how to make sure that the contaminants stay outside the perimeter and I would like to commend you for that. Thank you.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Recently I was approached for a comment on what was happening with the Santa Fe County courthouse. I indicated, of course, that I wished it was already rising from the ground but that we had made a commitment of doing this the correct way and what we were doing, in fact, what all my colleagues have said, cleaning up the environment and protecting the ground and the groundwater and the Santa Fe River and the health of our citizens. So although we might be disappointed that it's not happening faster. We might be disappointed that it's costing a little bit more it is necessary to do the right thing.

I would again thank the staff as Commissioner Holian indicated but I think we're all in agreement that once we got into this we had no choice. We couldn't turn our backs on a problem: we had to clean up the problem and so I just wanted to make that comment. Thank you.

COMMISSIONER HOLIAN: Move for approval.

COMMISSIONER STEFANICS: Second.

COMMISSIONER VIGIL: Mr. Chair, does that include all three items?

COMMISSIONER HOLIAN: All three items.

CHAIRMAN MONTOYA: Items 4, 5, and 6.

COMMISSIONER ANAYA: That includes the mat-slab; correct?

CHAIRMAN MONTTOYA: Um-hum.

COMMISSIONER HOLIAN: Yes.

CHAIRMAN MONTTOYA: I too would like to comment that I think what is happening there which was said by my colleagues here is that it needed to be done regardless of what some people have thought or felt. We are certainly doing what we need to do in terms of cleaning up the site, providing a site for the judges, so certainly we need to move forward with this. And, I like Commissioner Anaya, do expect to be there for the ribbon cutting.

The motion passed by unanimous [5-0] voice vote.

B. 7. Authorization to negotiate a proposed contract with Financial Marketing Concepts, Inc. for a Prescription Discount Card Program

CHAIRMAN MONTTOYA: I'll preface this by saying that we are looking at a program that is actually going to be more beneficial to our residents in Santa Fe County. This is an initiative that I brought forward from the National Association of Counties and we continue to participate in it and the proposed program I'll let Greg give the specifics on but it is certainly going to be a benefit for Santa Fe County residents.

MR. SMITH: Thank you, Mr. Chair and Commissioners. At the November 30, 2010 Indigent Health Care Board meeting staff presented an alternative prescription discount card program as Commissioner Montoya stated. At the meeting that Board asked staff to research other cards that might present county residents with the same type or greater benefits.

Staff found out that there are several cards that consumers can print directly off their computers, staff was not able to locate another card that could be offered by the County other than the NACo or the proposed Coast-to-Coast cards. We were also asked to take this to the Health Policy & Planning Commission. The Health Policy & Planning Commission did not have a meeting in the month of December, however, it was taken to the Health Policy & Planning Commission's executive committee on December 9th to discuss and the recommended action to the BCC was for this to be approved. At the meeting stated on November 30th we did go over a lot of the major benefits that we were looking at and I don't know if you want to discuss those in full detail but what staff would recommend to the Commission is to authorize staff to negotiate a contract with Financial Marketing Concepts to operate the Coast-to-Coast Prescription Discount Card Program within Santa Fe County. I'll stand for any questions.

CHAIRMAN MONTTOYA: Questions for staff.

COMMISSIONER ANAYA: So they're recommending that we go with the Coast-to-Coast discount card?

MR. SMITH: Mr. Chair, Commissioner Anaya, that is correct.

COMMISSIONER ANAYA: And tell me what this card will do. And how can you get it and what will it do for me?

MR. SMITH: Commissioner Anaya, it will operate in the same fashion of

what the current card is which is it is absolutely free to any resident within the County. We have a handful, a couple of handfuls, of providers within the county that are willing to participate in it. What it does is it provides a savings of approximately 39 percent to 49 percent per prescription to the constituent representing the card at the local provider. We have a list of them in here. It has a potential for our residents to save anywhere between 50 percent to 80 percent on additional labs and even possibly imaging costs.

So what the card is, it doesn't require a name, a social security number or an address. It doesn't ask any information and is absolutely free without anything in return from the resident. Like I said, they can take that to their local place to have prescriptions filled.

COMMISSIONER ANAYA: And where do we get it?

MR. SMITH: It will be offered – a couple of things that we're looking at doing. It will be offered from the actually providers themselves. We're looking at having this on the Health Care Van as well. I don't know if we'll have staff –

MR. SHEPHERD: We'll distribute from our office as well.

MR. SMITH: -- distribute from our local office which is on Galisteo Street as well.

COMMISSIONER ANAYA: The reasons I'm asking these questions is that there are listeners out there that are listening to us and they're probably going wow, a saving on drugs discount care; how do we get it? Give them a number so that they can contact you? Is it available now if we approve it?

MR. SMITH: Mr. Chair, Commissioner Anaya, it's not going to be available until we negotiate the actual contract with them.

COMMISSIONER ANAYA: Oh, okay. Thank you, Mr. Chair.

CHAIRMAN MONTTOYA: I just want to add the emphasis on this is that there is no lab or imaging currently offered through the prescription discount card that we are currently making available to the constituents. So this will be a new service that will be available.

MR. SMITH: That's right

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. Mr. Chair, would of the things that I had asked for at that meeting was that we have a marketing plan put into place and I see you included one. It looks like the company did this. So I want to make sure that our staff have a marketing plan and see to it that it gets out. If we are going to approve it we talked about the fact that this is such a good idea then our residents in Santa Fe County need to know about it and we need to have some PR on it and really do a great outreach effort.

Katherine, I would ask you, Joseph, Greg, Steve, and everybody to put your heads together on what we could really do to make a big splash with this. It's starting a new program even though it's another discount card it really is a new program. It's bigger and better benefits to the residents so let's try to do something big with it.

CHAIRMAN MONTTOYA: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. I think we originally discussed this also that one of the alternatives that was also brought was considering putting the discount

card in payroll for County employees. I think there were two questions. There was the threshold of whether or not we could do that, and you know, I can't even remember what the second threshold question was. But do you recall that conversation?

MR. SMITH: No, I don't, not right off the top of my head.

COMMISSIONER VIGIL: I think maybe we didn't delve into that much because we were discussing whether or not it could be done. Do have a response, Ms. Miller?

MS. MILLER: Mr. Chair, Commissioner Vigil, I think we talked about the tax bills or some type of mailer that we had that goes out countywide and whether there was some avenue for that. Those are some of the things that we're going to look into. A lot of it was timing. There were timing issues as to when it would be implemented and executed and to whether there is something we could put out on a countywide basis to include it with. We will look into that.

COMMISSIONER VIGIL: Okay, thank you.

CHAIRMAN MONTROYA: Other discussion?

COMMISSIONER HOLIAN: Move for approval.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTROYA: Motion by Commissioner Holian and second by Commissioner Stefanics. Any other discussion?

The motion passed by unanimous [5-0] voice vote.

CHAIRMAN MONTROYA: Thank you, Commissioners and thank you Greg and Steve for all your work on this.

B. 8. Request approval to pursue a purchase agreement with Campbell Farming Corporation for acquisition of approximately 200 Acres at the Intersection Of State Road 14 (Turquoise Trail Scenic By-Way) and State Road 344, on recommendation from The County Open Lands And Trails Planning Advisory Committee, Commission District 3 [See Page 51]

MS. MILLS: Thank you, Mr. Chair. I'm Beth Mills from the Open Space and Trails Program. On April 1st of this year the Turquoise Trail Preservation Trust acting as an agent for Campbell Farming Corporation submitted an application to COLTPAC for the acquisition of a parcel of land on SR 344 near its intersection with SR 14.

The proposed use for the property is open space, public recreation, hiking, mountain bike and equestrian trails and a regional trailhead for south Santa Fe County. And, then again, on August 19th of this year at the regular COLTPAC meeting, the Committee scored applications. They actually scored seven applications that we had been collecting since the spring. This project ranked number three out of seven applications and then finally on October 7th of this year, COLTPAC unanimously requested that staff proceed with negotiations with the landowner for the acquisition of the property and to bring the results of those negotiations to the Board of County Commissioners for approval. What I'm asking for today, is permission to pursue the purchase agreement for this property.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you, Beth, I am very supportive of this. I was just wondering, have you made an estimation yet of what might be a fair market price for this property.

MS. MILLS: Mr. Chair, Commissioner Holian, we've had appraisals, we've had two appraisals done for two different configurations. We, as you probably know, cannot spend more than appraisal. But yes – we have a good idea of what we can do.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you for bringing this forward and thank COLTPAC for the work that they do. My question to you is what does this do to our fund? Does that bring us down to a zero balance or how close to that? Because I understand that we are going through that quite a bit. And I'm hoping, ancillary to that question, that you can respond to whether or not COLTPAC will be discussing a recommendation to go back to the voters for I guess in 2012 for them to reconsider this GRT?

MS. MILLS: Mr. Chair, Commissioner Vigil, I could go into the specifics of what is left in the General Obligation Bonds, if you would like, but the purchase of this property would not, in and of itself, would not bring the balance down to zero. In fact, I have another property on the agenda today.

COMMISSIONER VIGIL: I'm looking at that one also.

MS. MILLS: If you'd like the specific numbers, I can speak to that. And as to the second part, we have been in discussion with the bond counsel and our attorneys and the manager's office and other people about the opportunities that we might have and we have recommendations in fact from the Trust for Public Land about going forward as soon as possible with another bond. I would defer to the program manager, Colleen Baker, on that and she's not here at the moment but yes, we are discussing that.

COMMISSIONER VIGIL: Okay. With the balance that you have, will it allow you to consider the purchase of any other properties?

MS. MILLS: Yes, Commissioner Vigil.

COMMISSIONER VIGIL: Besides the ones that we're taking action on today.

MS. MILLS: Yes, they would. There would be money left and we are trying to – it's hard to say exactly because of how much land we actually end up negotiating with the owner in San Pedro for. But I'm happy to go through the numbers if that's appropriate.

COMMISSIONER VIGIL: I can look at them later. I was just concerned that this would deplete it because the messages I had gotten was that we were going through that fund quite rapidly.

MS. MILLS: Commissioner Vigil, we are. We're looking at spending the last of this general obligation bond with this discussion today and other things that are on the table.

COMMISSIONER VIGIL: Okay, thank you.

CHAIRMAN MONTOYA: Commissioner Stefanics and then Commissioner Anaya.

COMMISSIONER ANAYA: Yes, go ahead.

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COMMISSIONER STEFANICS: Well, this is more or else following up a little bit on Commissioner Vigil's questions. Do we have some kind of grand plan for where we want our purchased property to be and connectors to or other lands? I mean right from the beginning we didn't put it in about connectors, we've talked about it and haven't required it and if, in fact, we are getting to the bottom of the pot of money, you know, are there other properties that would make more sense in terms of the entire county. And these might be great properties; I have nothing against these properties. But in terms of Commissioner Vigil's question about the amount of money that will be available there's not an infinite amount, do we have a grand scheme/grand plan for where we want our different properties?

MS. MILLS: Mr. Chair, Commissioner Stefanics, I believe the answer is yes. We've been working pretty hard on that big picture long-term plan and Colleen Baker has actually done an amazing job of putting together a plan for what we would need in the next bond to get exactly the properties we want. And, yes, we are looking at connectivity and the overall open space plan for the County. In terms of these properties, staff and COLTPAC did in this priority setting exercise over the past several months, went through several meetings where we looked at how well the properties, there were seven properties we were considering for this last bit of money, and we looked at which ones fit into the grand scheme the best. Yes, we are comparing with what's coming to us to a larger plan.

COMMISSIONER STEFANICS: On that point, I think that in the future, if we move ahead with these today, in the future when you come I think we need to have a map of the entire County and where we have purchased space so that we can see perhaps areas of the County that we've ignored or whether or not we really are looking at connectors or whether we're just doing pockets. That's all for right now, thank you.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you. Where exactly is this piece of property? You say at 344 and 14 but where? I've been looking for that all day and I couldn't find it.

MS. MILLS: Mr. Chair, Commissioner Anaya, you're looking at the blue-shaded approximately 160 acres and then after COLTPAC's site visit we expanded the request to include the additional 40 acres at the corner because of access and you'll notice that the location allows this to be a trailhead for the BLM open space that is adjacent.

COMMISSIONER ANAYA: You said that the additional 40 acres – who owns this right now?

MS. MILLS: It's Campbell Farming Incorporated. It's Campbell Ranch.

COMMISSIONER ANAYA: The reason I wanted to know exactly where it was is because I kind of had an idea it was this and there was a proposal to stock-pile material there and I'm thinking that COLTPAC is – I don't want to get into where we're purchasing land to try and run people out of business and that's what I think is happening. There's a proposal that is going to come forward because there's a mine up here and they didn't want the mine in Goldmine or in San Pedro so they were working to try and find an alternate spot. They found an alternate spot and now COLTPAC is working with San Pedro to stop the mine so why not purchase it and then we'll run those people out of business. That's what it seems like and I was afraid that that was it. Can you give me some history?

MS. MILLS: Mr. Chair, Commissioner Anaya, let's start at the beginning. The Turquoise Trail Preservation Trust is the agency that brought us this application on behalf of the Campbell Ranch. I'm quite sure that their motivation in bringing it in April was around that case that you're discussing about the –

COMMISSIONER ANAYA: The motivation to bring it forward to stop it?

MS. MILLS: Right, well, to make sure that material was not stock-piled there. But there's more. Because their directive is to protect views from the Turquoise Trail, that's the reason they exist as an organization. They brought it to us and to COLTPAC and since that time the application -- during the discussion the application to stock-pile was withdrawn and the people who were looking to do that were able to negotiate with the BLM for a more appropriate place to do their work as part of a larger BLM planning process that was going on.

So, yes, I think you're right. It started down that road but that is not the point that we're at now with the community or the person who wanted to do the stock-piling.

COMMISSIONER ANAYA: I'm glad you clarified it because I didn't want COLTPAC to be the entity that's going to go around helping other communities – they're helping other communities preserve land. But we have to be careful how we do that because we need gravel. We need mining. I don't want it to seem like COLTPAC is another avenue to stop development.

This is in my district and after hearing what you talked about I fully support it. I know that we have purchased more land in District 3 than any other district but that's because District 3 is more than half of Santa Fe County. That's where all the vacant land is. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Any other discussion?

COMMISSIONER HOLIAN: Move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Holian.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: Second by Commissioner Anaya.

The motion passed by majority [4-1] voice vote with Commissioner Vigil voting in nay.

[This motion was later rescinded see page 51]

9. **Request approval to pursue a purchase agreement with The Santa Fe Conservation Trust for acquisition of approximately 50 acres off Brownell Howland Road to allow for a trail connection between the Dale Ball Trail Network at the County's Little Tesuque Trail and Open Space Property, on recommendation from the County Open Lands And Trails Planning Advisory Committee (COLTPAC).**

MS. MILLS: Again, this is one of the applications that the committee has been working on this year. In July the Santa Fe Conservation Trust staff attended a regular meeting of COLTPAC to present a conceptual plan to create a trail connection from the Dale

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Ball trails north on property belonging to the City of Santa Fe to a trail along Little Tesuque Creek on land owned by Santa Fe County and managed as part of the County Open Space Program.

The purchase of approximately 52 acres that we are considering here of owned land by the Trust would allow for that trail connection to be made. When completed the trail would be approximately one mile in length. The trail will provide an important connection between the Dale Ball Trail Network and US Forest Service trails in the Santa Fe National Forest through existing County open space and will be a key link in the regional trail network. At a regular meeting of COLTPAC in August, members conducted this exercise about seven potential acquisitions in an effort to prioritize and this project scored as the number one priority.

On September 13th the Trust submitted a formal application to COLTPAC for their consideration. On October 7th COLTPAC voted unanimously to recommend the acquisition to the Board of County Commissioners. The motion recommending the application to the Board includes a request that the purchase price comes from the Discretionary or Gateway funding from District 1. So we are requesting approval to go forward to pursue a purchase agreement for this property.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. This property actually belongs to the Santa Fe Conservation Trust right now?

MS. MILLS: Mr. Chair, Commissioner Holian, I believe it does. I'm sorry it's in a slightly different configuration than the one you're looking at on the map now. A lot line adjustment was done at the City last month to configure this so that the white line that you're seeing will be on the property.

COMMISSIONER HOLIAN: The whole white line?

MS. MILLS: Yes, actually we're going to have to seek a short easement down close to the creek from another land owner which we are pursuing. But essentially the bulk of the line.

COMMISSIONER HOLIAN: How did the Conservation Trust happen to come to own this property? Normally they just hold easements.

MS. MILLS: Mr. Chair, Commissioner Holian, the property was donated to them.

COMMISSIONER HOLIAN: My other question then is why not just purchase an easement from them rather than the property? Wouldn't that cost less money?

MS. MILLS: Mr. Chair, Commissioner Holian, I'm not sure if an easement would cost more or less money or not. The discussions with the Trust have been for an extremely bargain sale like essentially a contribution with the price of the property being approximately what it's going to take to construct the trail.

COMMISSIONER HOLIAN: I see, thank you.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I think this kind of goes back to what Commissioner Vigil was bringing up at the last consideration. In terms of acquisition of real property we should be reviewing revenue and expenses at the same time and while we

might not want to identify any negotiations publicly we should be aware of this before we start voting on it. Now, I'm becoming a little more uncomfortable about it.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I have the same sort of discomfort. One of my concerns is we have a huge project with the Santa Fe River Trail and it's hugely expensive. Had I been here at the beginning of that project I would have really advocated for going out to the voters for a full bond that we could fund that project fully. As it turns out it is piecemealed and as a consequence of that we're having so many problems now, erosion being part of it as a result of the construction.

Trails is a part of the direction for COLTPAC and maybe there's a simple answer to this that I don't know. Why hasn't COLTPAC dedicated dollars for the purchase and design and build of the Santa Fe River Trails?

MS. MILLS: Mr. Chair and Commissioner Vigil, I believe that the \$3.5 million bond that was passed for the Santa Fe River has been earmarked for the river. You're right it should have been more but we have earmarked that for the river and they're not using that for anything else and that's in addition to the General Obligation Bond I'm talking about his afternoon. So there has been that dedicated.

In terms of expenditure of funds, this trail connection I think is going to be very significant. It's going to be really important and essentially tie the forest to the Dale Ball Trail to our own open space property. And we're going to do it – as a result of this the trail is going to be constructed essentially for the cost of what we pay for the property which will be a miniscule amount compared to the value of the property would hold on the open market.

I just see this as a real opportunity to get a whole lot of connectivity within the trail network for a very little amount of money.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Three and a half million, I understand that. My response is that's wonderful but it's a drop in the bucket when you have a project that is \$9 million or \$20 million. The narrower question is have they ever or would they ever consider assisting the Santa Fe River Trails Project?

MS. MILLS: Would the Trust?

COMMISSIONER VIGIL: Would COLTPAC consider?

MS. MILLS: Oh, I'm sure they would.

COMMISSIONER VIGIL: And they just haven't so far?

MS. MILLS: They have. They have been participating with helping make recommendations about the acquisitions that are going on now. We have four or five that are currently going on to secure the corridor along the river and to be able to begin the restoration and with the restoration will come the trail. We are in negotiation I believe I'm correct in saying on four properties as we speak that will be coming to you shortly out of that \$3.5 million bond. And, COLTPAC, yes has approved that and has been helping us think through what is the right – with the appraisers, think through what is a good use of public funds and so forth.

COMMISSIONER VIGIL: And the narrower question to that is, COLTPAC fund have been dedicated to that not the \$3.5 million?

MS. MILLS: The \$3.5 million bond is also what COLTPAC recommends, they are the body that recommends towards that bond as well as the other General Obligation Bond.

COMMISSIONER VIGIL: So you're telling me there wasn't a separate bond for the Santa Fe River Project?

MS. MILLS: I'm sorry, excuse me. There was a separate bond and COLTPAC is asked to advise on that spending of that bond as well.

COMMISSIONER VIGIL: Okay, and my narrow question is, there is another bond for COLTPAC for the purchase of open space and trails separate from the river?

MS. MILLS: Commissioner Vigil, yes. That's correct.

COMMISSIONER VIGIL: And so the question is, why has COLTPAC not supported through the bond that they received funding for the river project?

MS. MILLS: Commissioner Vigil, I believe they have in the past with the work at San Ysidro, with the work down on the State Land Office at the Camino Real Trail that we're constructing right now on the river. So the Santa Fe River Greenway Project has several components to it, as you well know, and they have assisted in recommending funds be spent on acquisition and then out of the capital funding for work on the river.

COMMISSIONER VIGIL: Thank you, Mr. Chair. Thank you, Beth.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I would like if there's agreement, I would like for this to go back to be looked at in terms of the purchase of land versus the purchase of just the easement. And for that purpose I move to table.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Before I get a second could I just make a comment, please.

COMMISSIONER VIGIL: Sure.

CHAIRMAN MONTOYA: The comment is that I guess I have one question and this was going to be paid from the discretionary fund of the \$200,000 that I have for District 1?

MS. MILLS: Mr. Chair, the COLTPAC committee requested that staff to ask you if that was appropriate or not.

CHAIRMAN MONTOYA: I think in the past I've had some concerns with this, particularly why are we paying the Trust? They typically are in the business of giving or giving rather cheaply land for these types of projects. That's a concern that I have. Secondly, was that there has been minimal acquisition of purchases in District 1 and if there's other places – and it's probably part my fault that I hadn't been following COLTPAC more closely in who's representing my district to ensure that they're looking at acquisition of properties that may be more beneficial and could be in the bigger picture of everything that is going on right now. Those are the concerns that I have in terms of this particular acquisition and I'd rather that we look at some other locations and District 1.

So we have a motion to table by Commissioner Stefanics. Second by Commissioner Vigil.

The motion passed by unanimous [5-0] voice vote.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: I'd like to make a motion to reconsider the purchase agreement with the Campbell Farm Corporation.

COMMISSIONER VIGIL: I'll second that.

COMMISSIONER STEFANICS: Mr. Chair, I don't think Commissioner Vigil can second that because she voted against it. But I will second it.

COMMISSIONER VIGIL: Is that correct, Steve?

MR. ROSS: Yes.

CHAIRMAN MONTOYA: Okay, I have a motion by Commissioner Anaya and second by Commissioner Stefanics to reconsider item number 8 the agreement with Campbell Finance Incorporated.

The motion passed by [4-1] voice vote with Commissioner Holian voting against.

B. 8. RECONSIDERATION: Request approval to pursue a purchase agreement with Campbell Farming Corporation

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I just – something just doesn't feel right with this and I'm kind of going on the lines of Commissioner Stefanics in terms of what properties are out there and how things are going to connect. Just from what I stated, I feel that this is something that has to do with maybe taking gravel mining and this is a gravel mining area, and just trying to stop it and we're using COLTPAC to do that.

That's how I feel and I just don't feel comfortable at this point unless we get maps where we can tie what COLTPAC is doing all together instead of purchasing here and there and everywhere.

I move to table this or just deny this actually.

CHAIRMAN MONTOYA: Okay, I have a motion by Commissioner Anaya.

COMMISSIONER HOLIAN: Mr. Chair, I would like to ask Commissioner Anaya if he would at least consider tabling it so that more information could be brought back and it could be put in context.

COMMISSIONER ANAYA: I'd be okay with that. I'd be okay with a table, yes.

COMMISSIONER STEFANICS: Then I'll second.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya to table and second by Commissioner Stefanics.

The motion passed by unanimous [5-0] voice vote.

COMMISSIONER VIGIL: I move that we go into the Housing Authority Board and act in that capacity.

COMMISSIONER STEFANICS: Second.

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CHAIRMAN MONTOYA: Motion and second.

MR. ROSS: Mr. Chair, we actually need a joint session of both the BCC and the Housing Authority –

COMMISSIONER VIGIL: I'll amend my motion to move that we go into joint session of the Housing Authority Board and the Board of County Commissioners.

CHAIRMAN MONTOYA: Okay, is the seconder okay?

COMMISSIONER STEFANICS: Oh, yes.

The motion passed by unanimous [5-0] voice vote.

The Joint Session of the Housing Authority Board and the County Commissioners was called to order at 3:40 with the following members:

Present:

Harry Montoya, Chair
Mike Anaya
Virginia Vigil, Vice Chair
Kathy Holian
Liz Stefanics
Tim Vigil

Excused:

Michelle Hoffman

MS. MILLER: Mr. Chair, on both of these items you'll need two resolution numbers. One for the Housing Authority Board and one for the regular Board.

DODI SALAZAR (Housing Director): Mr. Chair, if I may I would like to address item 11 before item 10 because if you don't approve item number 11 there is no need to go into item number 10.

CHAIRMAN MONTOYA: Okay, that's fine.

11. **JOINT SESSION of the Housing Authority Board And The Board Of County Commissioners A Joint Resolution off The Board Of County Commissioners 2010-241 the Housing Authority Board [2010-19] Adopting A Foreclosure Prevention Program and Policy and Delegating Signature Authority for Transactions Valued at Two Hundred And Fifty Thousand Dollars (\$250,000) and below to the County Manager for the negotiation, purchase, and sale of homes under the Program.**
[Exhibit 3: Staff memo/Policy]

MS. SALAZAR: This actually approval of the foreclosure prevention program and with approval of this policy there are five objectives that we want to achieve. 1) Insuring long-term affordability of homes creating through the County's Affordable Housing Program; 2) Insuring that persons purchasing homes through the Affordable Housing Program of the County are able to keep those homes; 3) Preventing foreclosure of affordable unites; 4) Directing assisting program participants when unforeseen problems threaten homeownership; and 5) Providing a means to purchase affordable homes and to make them available to

eligible buyers when default or foreclosure becomes inevitable.

To achieve these objectives the following options will be made available to the homeowner and/or the County in this specific order: 1) Refinancing, once we are made aware that there is a situation and a family may go into default, County staff will meet with the owner to discuss the possibility of refinance. If the homeowner qualifies, staff may also coordinate discussions between the homeowner and the lender. 2) Loan modification, if refinance is not an option staff will facilitate discussions between the homeowner and the lender to obtain loan modification to allow the homeowner to remain in the home. 3) Mortgage assistance, emergency mortgage assistance may be granted to remedy a hardship. This would be in the case like loss of income, a medical emergency or other extenuating circumstances. This option will enable the homeowner to bring their mortgage current and may assist in making monthly payments as needed to insure that the homeowner retains the home. 4) Voluntary sale, this option would be used if there was a homeowner who could no longer afford the mortgage, for whatever reason, but the home has not gone into foreclosure. Staff would work with the homeowner to identify another buyer within the same income range per the affordable housing ordinance. 5) Purchase, the last option. In the event that none of the previous options are successful the County may consider the purchase of the unit. Funds to purchase the unit will come from the Housing Authority Home Sales Proceeds. The County Manager will have full discretion in making decisions related to the purchase of these units. That being said, the resolution also delegates signature authority for transactions up to \$250,000 to the County Manager for the negotiation, purchase and sale of homes under the program.

Darlene Vigil, Affordable Housing Administrator, is also here and I'm here to answer any questions you may have.

COMMISSIONER VIGIL: Are there any questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I don't want the public to think that we're taking this lightly because we did start discussing this a few weeks ago in a Housing Board meeting and I continue to believe it's a good idea and that we as we move forward if it is passed today, that we'll continue to refine it. Thank you.

COMMISSIONER VIGIL: Thank you. We're taking action on item 11.

COMMISSIONER HOLIAN: I move for approval.

COMMISSIONER STEFANICS: Second.

The motion passed [4-0] voice vote. Commissioners Montoya and Anaya were not present for this action.

10. **JOINT SESSION of the Housing Authority Board [2010-20] and the Board Of County Commissioners: Resolution No. 2010-242 a Resolution requesting an increase to the Home Sales Fund (229) to establish the Fiscal Year 2011 Operating Budget for expenditures under The Santa Fe County Foreclosure Prevention Program. / \$1,000,000.00**

MS. SALAZAR: Mr. Chair, Commissioners, this is actually to budget funds for the Foreclosure Prevention Program in the amount of \$1 million.

COMMISSIONER HOLIAN: I move for approval.

TIM VIGIL: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Holian and second by Commissioner Tim Vigil. Any discussion?

COMMISSIONER VIGIL: Actually, I am very excited by the possibility of this program. I know I've worked really closely with the RPA and other City Councilors to try and get a joint project going. It's seeming that that is next to impossible, and this isn't the appropriate time for that, so helping those who are in need of help when it comes to housing is our focus with this Foreclosure Prevention Program. My question to you is that just based on the work that we have given you to do thus far, how quickly will we go through this \$1 million; do you have a sense of it?

MS. SALAZAR: Mr. Chair, Commissioners, I don't have a sense. I am aware of only one or two homes that are foreclosure right now. But we also realize that there are other issues with some of the other homebuyers that we need to address prior to even moving into purchasing any of those units. I really don't know.

COMMISSIONER VIGIL: And the two homes that we may be working towards are under \$250,000; is that basically, yes?

MS. SALAZAR: Mr. Chair, Commissioner Vigil, yes, that is correct.

COMMISSIONER VIGIL: Okay, thank you. And, thank you, Mr. Chair.

CHAIRMAN MONTOYA: I apologize I just stepped out to get some hot water and you all voted quickly on the previous one. Exhibit A was not attached hereto on the previous one and I was just curious as to what Exhibit A was?

MS. SALAZAR: Mr. Chair, Commissioners, that should be the actual policy. Darlene Vigil distributed those earlier.

COMMISSIONER STEFANICS: Mr. Chair, there is an article in front of the policy.

The motion passed by [6-0] voice vote.

CHAIRMAN MONTOYA: May I have a motion to adjourn.

COMMISSIONER VIGIL: So moved, Mr. Chair.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil and second by Commissioner Stefanics.

The Joint Housing Authority Board and the Board of County Commissioner session was adjourned.

CHAIRMAN MONTOYA: We are reconvening as the Board of County Commissioners.

C. Finance Department

- 1. An Ordinance 2010-14: Authorizing The Subordinated Pledge of the Portion of the distributions to the County of the revenues of the One-Fourth of one percent Capital Outlay Gross Receipts Tax for the payment of One-Half of the Principal Due In Connection With (1) the Water Trust Board Loan/Grant to the City of Santa Fe (Project No. 68-WTB) in an amount equal to \$100,000 and (2) Water Trust Board Loan Grant to the City of Santa Fe (Project No. 134-WTB) in an amount equal to \$400,000, plus one-half of the annual 0.25% administration fees due on the Outstanding Principal Balance of the Water Trust Board Loan/Grants, for the purpose of defraying a portion of the Buckman Direct Diversion Project. (Finance Division)**

MS. MARTINEZ: Teresa Martinez, Finance. This is if you'll recall back in August you actually approved the loan agreements for the County's participation for credit share on the Buckman Project and the intent of this Ordinance is to clearly identify this as a subordinate pledge and it further delineates the debt service schedule relative to those two loan grant agreements. I also have our bond counselor here if you have any additional questions.

CHAIRMAN MONTOYA: Additional questions; Commissioner Vigil.

COMMISSIONER VIGIL: Because you were at the meeting I was at yesterday with regard to the audit committee; do these dollars have anything to do with operational dollars?

MS. MARTINEZ: Mr. Chair, Commissioner Vigil, no, this is strictly related to the construction and the capital cost.

COMMISSIONER VIGIL: Okay, thank you. I needed that distinction.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: ms, on that – following in that vein, if we were – if the County was asked for more money for operations of the BDD, we would not have the ability to bond for any of that money; is that correct?

MS. MARTINEZ: Mr. Chair, Commissioner Stefanics, you are correct. We would not be able to bond for operational support.

COMMISSIONER STEFANICS: So if the County, Mr. Chair, was asked for any more money for operations for the BDD it would have to come out of our cash reserves at this point?

MS. MARTINEZ: Mr. Chair, Commissioner Stefanics, you are correct. Our intent is to grow our utility into a true utility, move forward with utility rates but at this time if the operational dollars were to increase we would be looking at general fund or cash reserve support to assist in that matter.

COMMISSIONER STEFANICS: Okay. Mr. Chair, Teresa, do we envision that the County, the Board of County Commissioners would be asked for more money in the future?

MS. MARTINEZ: Mr. Chair, Commissioner Stefanics, I can't give you a

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guarantee answer. This is the first year, if you will, of operations so there's what ifs and unknowns. They have taken a very conservative approach to developing the operational budget. We met with them yesterday and reviewed it as staff, the utilities director and myself and our budget administrator will go through that. We'll have a conference call with the repairs of the budget and then we'll have a presentation to the Board relative to our analysis of their proposed operational budget. You'll hear it on the BDD agenda on Thursday evening and we're asking that you not act on it until we have a chance to give you a true assessment.

COMMISSIONER STEFANICS: So, Mr. Chair and Teresa, will we have some kind of presentation before the BCC in early January?

MS. MARTINEZ: Mr. Chair and Commissioner Stefanics, both bodies would have to approve the –

COMMISSIONER STEFANICS: No, that's not what I'm asking, Mr. Chair. I'm asking, Teresa, if you will be ready to give us a presentation on any request for further operational funds?

MS. MARTINEZ: We will.

COMMISSIONER STEFANICS: Thank you.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I need a question clarified. When the BDD is talking about operational funds, it is my understanding that part of that is maintenance; correct?

MS. MARTINEZ: Correct.

COMMISSIONER VIGIL: Okay, does maintenance include replacing infrastructure and if so, is that considered capital?

MS. MARTINEZ: Mr. Chair, Commissioner Vigil, maintenance does include replacement. Typically, that's not included/considered capital because that's something you would have capitalized when you initially constructed the asset. But it's something that is evaluated upon each action item because it could add value to the asset. Typically it's not. It's considered a replacement and therefore it's usually considered a maintenance item.

COMMISSIONER VIGIL: Okay. So the distinction currently is between fixed costs correct and operational?

MS. MARTINEZ: There's fixed and variable.

COMMISSIONER VIGIL: Variable, that's right. Okay, thank you and thank you, Mr. Chair.

CHAIRMAN MONTOYA: Any other questions?

COMMISSIONER STEFANICS: Mr. Chair, I move for approval of this Ordinance.

CHAIRMAN MONTOYA: Motion by Commissioner Stefanics.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Second by Commissioner Vigil.

The motion passed by unanimous [4-0] roll call vote as follows: Commissioners Montoya, Vigil, Anaya, and Stefanics all voting in the affirmative. Commissioner Holian was not present for this action.

D. Matters from the County Manager

MS. MILLER: Mr. Chair, I have just a couple of things. First of all I'm sure as most of you are aware there was an accident on I-25 about 2:30 this morning. It was a head-on collision of a passenger vehicle and an ambulance. The ambulance is not one of Santa Fe County's ambulances; however, the driver of the ambulance who is in fairly critical condition at UNMH is a County volunteer. I just wanted to make you aware of that. As a matter of fact she just graduated Saturday's ceremonies at the Fire Department. I just wanted to make sure you know and that we have her in our prayers and our concerns. I let Stan know that if there's anything that the County can do to help we very much want to do so. I just thought that you should know that. It was a terrible tragedy and we're very concerned that it was also one of our County family members.

Additionally, there was – Commissioner Vigil you had spoken to me a little bit about the audit committee and I wanted to give you an update on where we were on that committee.

This Commission had requested previously that an audit committee be formed and finance department has been working on that. It was put off from this meeting because of issues relative to doing the forensic audit, search for a forensic auditor for the Sheriff's department but it actually brings that whole issue – it brings forward what type of things need to be addressed by an audit committee looking at internal audit functions within the County. So, the core functions of the audit committee and we're getting all this put together and we'll bring it back in January to put that in front of the Commission. It would be to review internal control framework and reviewing areas of purchasing, accounts payable, accounts receivable, payroll, fixed assets and cash; do reports to the BCC on adequacy of the internal controls and then make recommendations. This is in addition to our regular annual financial audit but having these types of controls reviewed throughout the year and have an internal audit functions so that we make sure that we have proper controls that may not be seen in an annual audit. They would also be looking at our financial statements insuring that those financial statements that are done on the annual audit are audited properly to oversee and review internal audit functions the County and also assess management financial reporting practices.

The audit committee membership and structure we're looking at three voting members and one non-voting member. This comes out of recommendations of best practices from organizations like the GFOA, Government Finance Officers Association. Two of the voting members would be BCC members, a non-voting member would be a staff representative, a finance staff or a person appointed by the County Manager. And then a citizen member with appropriate expertise. These would also have staggered terms and a set schedule for audit committee meetings. The ideal would be six regularly scheduled meetings per year and then might hold special meetings as needed. So that's where we are with that. We just didn't have it all ready to bring to you today, and considering what we did bring to you today, I thought having something that was quite fully finished wasn't appropriate for today's meeting. But I did want to give you an update on that particular committee and I think it's also extremely timely with regards to several other things that are going on in the

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County right now.

I don't know if you have any questions on that.

COMMISSIONER VIGIL: I do, Mr. Chair. I was just going to refresh our memory because we had a joint meeting with City Council where a representative from the State Auditor's office recommended that and I think there was a general consensus that we give staff direction to come forth with a recommendation of what an audit committee would do and what it would be comprised of. So that was the question I proposed to Katherine, and I appreciate the update. Thank you.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. And my question I'm going to ask is different than the audit committee because I believe that we need to have that. But usually when there is some incident in an organization, a death, an accident, a crime, etcetera, usually there is a risk manager who does an assessment internally or externally of what could be changed to avoid the incident occurring again. And I'm not sure that we're set up like that or if we could seek assistance from our insurance company because usually the insurance companies, and I notice that we're renewing our policy, usually insurance companies can provide off site risk managers to come in and deal with a particular incident and make recommendations and leave and then we do with them what we want. I'm suggesting that we look at some process like that.

MS. MILLER: Mr. Chair, Commissioner Stefanics, I think that's a very good point. We do do that in certain areas, for instance in the incidence at the jail and in the Fire Department and whatnot, I think we could definitely benefit from broadening that Countywide.

COMMISSIONER STEFANICS: And the other part of my suggestion, Mr. Chair, was whether or not our insurance company offers us that service with our purchase of or policy. It's something to check into. Thank you.

CHAIRMAN MONTOYA: Other questions? Okay, Katherine.

MS. MILLER: Mr. Chair, the next item is on new Commission training session. Jennifer has been working on a schedule for the new Commissioners coming in for Tuesday, January 4th to have some training. I just want to offer that any one of the sitting Commissioners at this time, if they're interested in those it would the agenda that we have right now covers the budget review, human resources, personnel matters, the union contract where we are in general with the different union contracts we have, media and public information, legal, *ex parte* communications, and Open Meetings Act. If, since at the moment it is just the two new Commissioners, it would not need to be a fully scheduled meeting. But if there is any interest from the three other Commissioners could you please let Jennifer know because what we'll do is a proper noticing. We can send you this information via email and if you would just let us know then we will move forward in making it a public meeting and structuring it that way. You could come and go if you're interested and it will probably be a better part of the morning and maybe a little better part of the day. But I just wanted to make sure you were aware of it and if there's anything that you'd like added or anything that you would like to participate in as well, we can accommodate that.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Just a comment. As a new Commissioner you all had an orientation with the sitting Commissioners and the new ones and I found it very helpful to come and meet heads of department but also to ask questions and hear the sitting Commissioners perspective as well.

So from a learning experience I thought it was pretty worthwhile for the Commissioners to be there when I went through that. So I just wanted to put that out there.

CHAIRMAN MONTOYA: Yes, that was very helpful for everybody.

MS. MILLER: Mr. Chair, we could have a part of it, some of these things may not be things that all of you want to sit through, so we could actually structure it in a way that there's time for directors as well as all Commissioners to be there and to talk about items. We'll have Jennifer contact you and add to this agenda and if that is the desire of the Commission that there be more than the two incoming Commissioners we'll make sure that it's properly noticed.

And, Mr. Chair, that's all I have.

CHAIRMAN MONTOYA: I had neglected and forgot to mention one last item and this one actually involves the County Manager. I've been approached by a firm that is interested in leasing part of the Santa Fe Canyon Ranch and I've asked that he meet with Katherine regarding any possibility of talking about a solar [inaudible] collection field and managing the property of which right now I understand we don't have anyone managing the property. It may be a possibility for you all to consider in terms of offsetting some of the costs for maintenance at the ranch. So I just wanted to FYI, I forgot to mention it earlier.

E. Matters From The County Attorney

1. Ordinance No. 2010 - 15, An Ordinance Amending The Dedication to Ordinance No. 2002-5, An Ordinance Adopting a County Capital Outlay Gross Receipts Tax; Repealing Certain Sections of Ordinance No. 2002-5. (Final Public Hearing)

MR. ROSS: Mr. Chair, we have three ordinances here that are housekeeping ordinances. The first of which is the ordinance that amends the dedication of the County capital outlay GRT to permit all expenditures that are permitted by law. Currently, the ordinance has a formula and restricts expenditures to certain things that are set forth in the old ordinance. The proposal by the RPA was that this ordinance be enacted and then a follow on JPA apportion the revenue from the ordinance amongst the different subject matters that were previously discussed in the ordinance itself.

COMMISSIONER VIGIL: Move to approve.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil and second by Commissioner Holian.

MR. ROSS: Mr. Chair, I think we'll have to have a brief public hearing.

CHAIRMAN MONTOYA: Thank you. Open this up for a public hearing.

Okay, the public hearing is closed.

COMMISSIONER VIGIL: Same motion to approve, Mr. Chair.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil and second by Commissioner Holian. Any other discussion?

The motion passed by roll call vote as follows: Commissioner Montoya, Commissioner Anaya, Commissioner Vigil, Commissioner Holian, and Commissioner Stefanics all voting in the affirmative.

2. **Ordinance No. 2010 -16, An Ordinance Amending Ordinance No. 1998-16 (An Ordinance Establishing Provisions For Extension Of Sewer Service; Adopting Operating and Management Procedures; Setting Rates; And Establishing Design Standards for the Santa Fe County Wastewater Utility) to make Clarifying Changes; Repealing Prior Inconsistent Language. (Final Public Hearing)**

MR. ROSS: Mr. Chair, this is another housekeeping ordinance. Our current Sewer Ordinance provides for reimbursement for people advancing sewer infrastructure but it contained a gaping loophole for somebody whose property did abut a sewer line to avoid contributing to the avoid contributing to the cost of the line. It's felt that that was would be a disincentive to people advancing substantial amounts of money to provide sewer infrastructure. That's the only change that was proposed today. Stand for questions.

COMMISSIONER VIGIL: Any questions. Commissioner Stefanics.

COMMISSIONER STEFANICS: Yes. When the – this wasn't the sewer but this was water went down by Longsford and down a little bit 14, who all participated in the purchase of that water line; do you remember?

MR. ROSS: I believe that that is a City water line because of the unique connection with Longsford and the City and an old PRC order. I believe that's a City line.

COMMISSIONER STEFANICS: The reasons I'm asking this is some of the people paid and some of the people didn't pay and it really has created angst down in that area. Are we talking about a similar situation here?

MR. ROSS: We are talking about a similar situation here, yes, with the sewer subject. We don't have a similar ordinance for water but we are working on one. In the sense that it's unfair that some people pay and some people don't pay. That's exactly it.

COMMISSIONER STEFANICS: Okay, I'll retain my comments for later, thank you.

COMMISSIONER VIGIL: Any other questions? Seeing none, this is a public hearing, is there anyone that would like to address the Commission on this?

FRANK HERDMAN: Madam Chair, yes, thank you. My name is Frank Herdman, members of the Commission, my name is Frank Herdman and I represent Harry Shapiro who is here today, the owner of Harry's Roadhouse, I'm sure you're all familiar with. We are in part the driving force behind bringing about these amendments to this particular

ordinance. What we're trying to do is avoid the type of angst that Commissioner Stefanics has referred to another situation. Basically, the existing ordinance when it comes to reimbursement of the cost incurred by a private citizen for the installation of very expensive sewer infrastructure the existing ordinance is just wholly inadequate. It's replete with ambiguities, the formula is unclear and there are constraints imposed on it, for example, you have to be an abutting property owner so if the sewer easement happens to be in an easement and there's a 5-foot separation you could connect and not have to participate.

What we've done is put together and proposed with Steve Ross's assistance a very simply equitable formula that explains objectively that if you are going to take advantage of sewer infrastructure, a new sewer line, that someone else has paid a lot of money to install you basically have to participate based on the portion of the sewer line that you're going to be using divided by the number of users who are participating in that. It couldn't be clearer. If you take advantage of it and you connect to it, you simply have to pay your pro rata fair share. Thank you and I'll stand for any questions you might have.

COMMISSIONER VIGIL: Questions.

COMMISSIONER ANAYA: Madam Chair.

COMMISSIONER VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: So you agree with what he's proposing?

MR. HERDMAN: Since I drafted it, I would have to, yes.

COMMISSIONER ANAYA: Yes, okay.

COMMISSIONER VIGIL: Any other questions?

COMMISSIONER HOLIAN: Madam Chair, I move for approval of Ordinance 2010-16.

COMMISSIONER ANAYA: Second.

COMMISSIONER VIGIL: Motion and a second. Any further discussion?
Commissioner Stefanics.

COMMISSIONER STEFANICS: Right. We had to close the public hearing, I think.

COMMISSIONER VIGIL: I will officially, thank you.

COMMISSIONER STEFANICS: I would like Pego to come forward. I have some questions about this. And this is a question really for Steve and Pego together. On the face this seems rational. Can you see a problem in implementing this? Are there going to be some individuals who already have a connection or somehow connect into something without us knowing it? Do you perceive any problems with the way that we're proposing to do this?

MR. GUERRERORTIZ: Madam Chair, Commissioner Stefanics, from the technical perspective every ordinance has challenges to us to enforce the ordinance. In this case, the main difficulty exist when the initial individual who built the facility does not get the reimbursement from somebody who is connecting several years down the line because the records are not well kept or because other circumstances obscure the construction. So every utility is going to have issues and is going to have challenges associated with this. What we need to develop is a system that minimizes the challenge so that a developer or individual who builds a line for instance would have to create a record that is kept with the utility so that when the utility authorizes new connections to that facility the initial investor can be

reimbursed.

COMMISSIONER STEFANICS: So, Madam Chair and Pego, this is for County sewer lines; correct?

MR. GUERRERORTIZ: Yes. The idea is that this facility would become a County facility.

COMMISSIONER STEFANICS: So, would these individuals anybody who is connected to the sewer line then be receiving a utility bill from the County?

MR. GUERRERORTIZ: The initial connection will be authorized by the County and it would have to pay the County an initial capping and connection fee. When that happens the pro rata share will also be charged.

COMMISSIONER STEFANICS: Well, behind my question it's – I'm not sure I know what I'm asking, but if we have water bills and then we have wastewater service on the bill does that assist us in the population we need to make the BDD successful for the County? Can you see where I'm going with this? I'm trying – we need more customers for the BDD and so does wastewater help us?

MR. GUERRERORTIZ: Madam Chair, Commissioner Stefanics, wastewater would not help us directly but any customers that we can get on each one of the two utilities will minimize the impact or the subsidy that the County has partial or otherwise toward that utility, toward the operation of that utility. Let me give you an example, right now, the wastewater utility has 335 customers, plus the penitentiary, plus our own detention facility. Those are the customers for the wastewater utility so the general fund or the public funds in the County have to subsidize to the tune of \$305,000 a year or something to that effect to the operation of the wastewater utility. As we gain customers the cost of operation is not going to increase at the same pace as the number of customers. It will increase at a much lower rate but you have the [inaudible] and the volume related rates. So the wastewater utility stands to gain from getting customers because the cost of operating or providing services for another 10 customers is not going to be 10 times more it's going to be a fraction of the original cost.

So we end of the increasing the ratio between the two –

COMMISSIONER STEFANICS: I understand that the numbers, Madam Chair, help, but I was thinking back in terms of the BDD. Thank you very much.

COMMISSIONER VIGIL: There's a motion and second. And we need to take a roll call.

The motion passed by roll call vote as follows:, Commissioner Vigil, Commissioner Holian, Commissioner Anaya and Commissioner Stefanics all voting in the affirmative.

3. Ordinance No. 2010 -17, An Ordinance Amending Ordinance No. 1999-12, which prohibits the use of Engine Retarders, to include additional portions of Highway 84/285 and Repealing Certain Provisions Of Ordinance No. 1999-12. (Final Public Hearing)

MR. ROSS: Madam Chair, members of the Commission, this is the ordinance that we discussed last month that extends the prohibition of Jake brake use from the City

limits of Santa Fe to the County limits of Española on 84/285. We've also added some clarifying language to the final draft of the ordinance that specifies that Highway 84/285 and all the other highways mentioned in there include frontage roads, ramps and intersections so as to avoid a loophole for someone who runs down a frontage road with a Jake brake on. I stand for questions.

COMMISSIONER VIGIL: Questions? Okay, this is a public hearing, anyone caring to address the Commission on this item. Seeing none, what's the pleasure of the Commission?

COMMISSIONER STEFANICS: I'll move approval of Ordinance 2010-17.

COMMISSIONER HOLIAN: Second.

The motion passed by roll call vote as follows: Commissioner Anaya, Commissioner Vigil, Commissioner Holian, and Commissioner Stefanics all voting in the affirmative.

6. **Executive Session**
 - A. Discussion of Pending or Threatened Litigation
 - B. Discussion of Limited Personnel Issues
 - C. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights
 - D. Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations with a Bargaining Unit
 - E. Discussion of the Case of New Mexico Gas Co., et al v. The Board of County Commissioners [tabled]
 - F. Contract Negotiations under The Procurement Code.

MR. ROSS: We need a closed executive session to discuss pending or threatened litigation, limited personnel issues, and contract negotiations under the procurement code.

COMMISSIONER HOLIAN: Madam Chair, I move we go into executive session where we will discuss pending or threatened litigation, limited personnel issues and contract negotiations under the procurement code.

COMMISSIONER VIGIL: I have a motion.

COMMISSIONER STEFANICS: Second.

COMMISSIONER VIGIL: And there is a second.

COMMISSIONER VIGIL: Steve, do we need to state any of the other items that have been noticed?

MR. ROSS: Why don't we put D on there just in case.

COMMISSIONER HOLIAN: I will add, bargaining strategy preliminary to collective bargaining negotiations.

COMMISSIONER VIGIL: So we need to discuss item E?

MR. ROSS: We do not. That is tabled for tonight.

COMMISSIONER VIGIL: Okay, it's A, B, C, D and F; correct?

MR. ROSS: Correct.

COMMISSIONER HOLIAN: Yes.

COMMISSIONER VIGIL: Okay, seconder okay with that?

COMMISSIONER STEFANICS: Yes.

The motion passed by roll call vote as follows: Commissioner Vigil, Commissioner Holian, and Commissioner Stefanics all voting in the affirmative. Commissioner Anaya voted against.

COMMISSIONER VIGIL: Okay, that passed with one dissenting. Steve, how long will we be?

MR. ROSS: Madam Chair, I think we can be relatively quick so as to get out of here and start this long public hearing agenda that we have. I would guess 45 minutes.

COMMISSIONER VIGIL: Thank you.

[The Commission met in executive session from 4:15 – 5:20].

CHAIRMAN MONTOYA: Okay, we're out of executive session.

COMMISSIONER VIGIL: Mr. Chair, I move that we come out of executive session having only discussed pending or threatened litigation, limited personnel issues, discussion of bargaining strategy and contract negotiations under the procurement code.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil and second by Commissioner Holian. All those in favor.

The motion passed by unanimous [5-0] voice vote.

XV. Public Hearings

- 1. CDRC Case # MIS 07-5502 Apache Springs Subdivision Extension.
Beverly Chapman, Applicant, Joe Ortiz, Agent Request a two-year time extension of the Final Plat approval for the Apache Springs Subdivision. The Property is located at 87 Camino Valle, within Section 10, 11, 14, and 15 Township 15 North, Range 10 East, (Commission District 5). Vicki Lucero, Case Manager**

VICKI LUCERO (Development Review Team Leader): Thank you, Mr. Chair. I'm Vicki Lucero with Development Review Team Leader with the Growth Management Department.

On May 13, 2008, the BCC granted Preliminary Plat and Preliminary Development Plan approval for the Apache Springs Subdivision which consisted of 16 residential lots on 40 acres.

On November 18, 2008 the BCC granted Final Plat and Development Plan approval.

Article V, Section 5.4.6 of the County Land Development Code states, " Any approved or conditionally approved Final Plat approved after July 1, 1996 shall be recorded within 24

months after its approval or conditional approval or the plat shall expire. Upon request by the subdivider, an additional period of no more than 36 months may be added to the expiration date by the Board.”

Due to the slow economy and lack of funding through the banking system, the applicant is requesting a 2-year time extension of the Final Plat approval.

Recommendation: There have not been any major changes in the ordinances that govern this area since the time of the previous approvals for this development. Therefore, County staff recommends the BCC grant an extension of the prior approval as requested by the Applicant.

CHAIRMAN MONTTOYA: Any questions for staff? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. First of all, maybe this is a question for Jack, what would happen if we were to pass a new code before any development were done on this property? In other words would the development then have to comply with the new code?

JACK KOLKMEYER (Land Use Administrator): This is for master plan extension?

MS. LUCERO: It's actually final plat.

MR. KOLKMEYER: Final plat, since this was previously approved it would go forward as approved, is our understanding.

COMMISSIONER HOLIAN: Another question that I have is has any development been done at all on the property? For example, construction of roads or anything like that?

MS. LUCERO: Mr. Chair, Commissioner Holian, there has been no development on this property thus far.

COMMISSIONER HOLIAN: Okay, thank you. And for two years from this date?

MS. LUCERO: That's correct.

COMMISSIONER HOLIAN: And then if nothing happened between now and the expiration then it would just revert to – it would have to be completely replanned; correct?

MS. LUCERO: Mr. Chair, Commissioner Holian, I believe they would be allowed to ask for a one-year of extension time. It's up to three years and then I guess it would be based on what the new code, if there were new regulations or requirements regarding expiration in the new code.

COMMISSIONER HOLIAN: Thank you, Vicki.

CHAIRMAN MONTTOYA: Any other questions for staff. Will the applicant please come forward. Do you agree with everything that staff said?

JOE ORTIZ: I do, Mr. Chair. Thank you very much.

CHAIRMAN MONTTOYA: Anything else you wanted to add?

MR. ORTIZ: No, I think the project is a good project it's just the economic downturn.

CHAIRMAN MONTTOYA: Questions for the applicant. I'm sorry would you identify yourself.

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MR. ORTIZ: My name is Joe Ortiz. I reside at 99 San Marcos Loop, Santa Fe, New Mexico.

CHAIRMAN MONTOYA: Thank you. This is a public hearing if there is anyone who would like to speak on this case if you'd please come forward. Okay, public hearing is closed.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I move approval of CDRC Case number MIS 07-5502.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Okay motion by Commissioner Stefanics and second by Commissioner Vigil.

The motion passed by unanimous [5-0] voice vote.

MR. ORTIZ: Thank you and Merry Christmas.

CHAIRMAN MONTOYA: Merry Christmas to you, too.

2. **CDRC Case # MIS 10-5550 Tessera Subdivision Extension.**
Northwest Villages LLC (Michael Hurlocker), Applicant requests a two-year time extension of the Master Plan approval for the Tessera Subdivision. The property is located on the North Side Of State Road 599 at the Intersection of Via Tessera, within Sections 17 And 20, Township 17 North, Range 9 East (Commission District 2). Vicki Lucero, Case Manager

MS. LUCERO: Thank you, Mr. Chair. On December 18, 2001 the Extraterritorial Zoning Authority granted Master Plan Zoning approval for the Tessera Subdivision which consisted of 166 residential lots on 145.97 acres to be developed in 2 phases.

On December 12, 2002, the EZC granted Preliminary Plat and Development Plan approval for Phase I of the Tessera Subdivision which consisted of 88 lots. And on January 13, 2004, the BCC granted Final Plat and Development Plan approval for Phase I.

At the time these approvals were granted the subject property was located in the 2-Mile Extraterritorial Zoning District and therefore under the jurisdiction of the Extraterritorial Zoning Ordinance. The EZO stated that "approval of a master plan shall be considered valid for a period of five years from the date of approval by EZA." This would have maintained the validity of the master plan until December 18, 2006. However, the EZO also stated that "progress in the planning or development of the project approved in the master plan consistent with the approved phasing schedule shall constitute an automatic renewal of the master plan approval. Progress means the submission of Preliminary or Final Development Plan, or Preliminary or Final Subdivision Plat for any phase of the Master Planned project." With an automatic two-year renewal for the Preliminary Plat approval of

Phase I and another two-year renewal for the Final Plat approval of Phase I, the master plan approval would remain valid until December 18, 2010.

With the elimination of the Extraterritorial Zoning District this development now falls under the regulations of the County Land Development Code. The language in the Code regarding expiration and renewals of Master Plans is exactly the same as the EZO. Article V, Section 5.2.7, Expiration of Master Plan, states, "Master Plan approvals may be renewed and extended for additional two year periods by the Board at the request of the developer." The developer states that the downturn in the economy means it is not prudent to submit a Plat/Development Plan for Phase II when Phase I is not selling. Therefore, a two-year time extension is being requested.

Recommendation: There have not been any major changes in the ordinances that govern this area since the time of the previous approvals for this development. Therefore, staff recommends the that BCC grant a two-year time extension of the Master Plan which would render the approval valid until December 18, 2012, subject to the following condition:
1) Compliance with the conditions of the approved Master Plan. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Questions for staff, Commissioner Vigil.

COMMISSIONER VIGIL: Vicki, thank you for the presentation. Is this in the annexed area or the proposed area?

MS. LUCERO: Commissioner Vigil, it is not.

COMMISSIONER VIGIL: Thank you.

CHAIRMAN MONTOYA: Other questions. Commissioner Holian.

COMMISSIONER HOLIAN: In phase one how many lots, I didn't quite see that, there are 88 lots in phase 1.

MS. LUCERO: That's correct.

COMMISSIONER HOLIAN: And they've all been developed already?

MS. LUCERO: Mr. Chair, Commissioner Holian, they haven't all been sold. The infrastructure for Phase 1 is in but not all the lots have been sold. I'm not sure exactly how many, but perhaps the applicant can address that.

COMMISSIONER HOLIAN: Okay, I'd like to know how many of been sold.

CHAIRMAN MONTOYA: Other questions for staff. If not, the applicant would please come forward. Your name and address please.

MICHAEL HURLOCKER: Michael Hurlocker.

CHAIRMAN MONTOYA: Any questions or would you like to add anything?

MR. HURLOCKER: Seven lots is the answer.

COMMISSIONER HOLIAN: And when did you start selling them?

MR. HURLOCKER: Good question, three years ago.

COMMISSIONER HOLIAN: Thank you.

CHAIRMAN MONTOYA: Other questions for the applicant. Okay, this is a public hearing, if anyone would like to speak on this case please come forward. Seeing none, this public hearing is closed. Wishes of the Board.

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya for approval.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTROYA: Second by Commissioner Holian.

The motion passed by unanimous [5-0] voice vote.

3. **CDRC Case # V 10-5410 Archie Perea Variance Archie Perea, Applicant, Requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow for a Second Dwelling Unit on 1.08 Acres. The Property is located at 130 Camino San Jose, within Section 5, Township 15 North, Range 8 East, (Commission District 3). Jose E. Larrañaga, Case Manager [Exhibit 4: Lauren Deyo letter dated 12/15/10]**

JOSE LARRAÑAGA (Building Development Services): Thank you, Mr. Chair. On September 16, 2010, the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend approval of Case # V 10-5410.

The Applicant requests a variance of Article III, Section 10 of the Land Development Code to allow a second dwelling unit to be placed on a 1.08 acre parcel. The Applicant states that his wife suffers from chronic obstructive pulmonary disease and requires assistance daily. The Applicant is requesting the placement of a 28 x 48 double wide mobile home that his daughter and son in-law will occupy and help care for his wife.

The Applicant acquired a portion of the 1.08 acre property from Santa Fe County A septic system and community water had been installed on the .30 acres, by the County to service a mobile home which was occupied by a Sheriff's Officer. The existing residence is served by a separate septic system and domestic water is being supplied by the La Cienega Mutual Domestic Water Association. The Applicant has submitted a letter from the Water Association stating that domestic water will be made available to Mr. Perea for this site.

The residential property, which borders the 1.08 acre parcel, averages .50 acres with one dwelling unit per lot. The minimum lot size required for a conventional septic system is 0.75 acres for a three bedroom home, the lot size minimum increases with each additional bedroom. The State Environment Department has specific regulations regarding maximum design flow based on parcel size; NMED staff has indicated that the maximum number of bedrooms that could be allowed on a 1.08 acre parcel is four. More than four bedrooms might not be permitted by the NMED, and the Applicant is herein advised that an advanced liquid waste treatment system might be required, dependant on the number of bedrooms present, and the number proposed. Permitting of the liquid waste disposal systems is through the NMED, and must be addressed prior to application for a County Development Permit.

Article III, Section 10.3.3 states the minimum lot size within the Traditional Communities shall be .75 acres and can be reduced to .33 acres where Community Water and Sewer Service systems are utilized. Ordinance No. 2002-9, Section 6.4 states the maximum density is three quarters of an acre per one dwelling unit. Article II Section 3 of the County Code states that "where in the case of proposed development it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that

these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance.” This section goes on to state, “In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.”

Recommendation: Staff has reviewed this application and has found the facts presented do not support this request: the Applicants interpretation of the variance criteria does not justify the approval of this application; strict compliance with the requirements of the Code would not result in extraordinary hardship to the Applicant as contemplated by the Code; to reduce the density requirements allowed by the code, by allowing a second dwelling on 1.08 acres, the purpose of the Code would be nullified; the Applicant has not justified a hardship which is contemplated by Article II, Section 3 of the Code; the maximum density of three quarters of an acre per one dwelling unit is established in Ordinance No. 2002-9 and in Article III, Section 10.3.3 of the Code. The variance requested by the Applicant is not considered a minimal easing of the requirements of the Code therefore staff recommends denial of the Applicants request.

Mr. Chair, I stand for any questions.

CHAIRMAN MONTOYA: Any questions for staff? Commissioner Vigil.

COMMISSIONER VIGIL: CDRC voted to grant the variance and I was looking through the minutes of that, do you the basis that vote was taken on?

MR. LARRAÑAGA: Mr. Chair, Commissioner Vigil, what basis the vote was taken on? I believe that the CDRC found that since there was a mobile home on there prior and that’s how they made their recommendation.

COMMISSIONER VIGIL: And that’s the mobile home that the Sheriff’s officer was living in?

MR. LARRAÑAGA: Yes, that’s correct.

COMMISSIONER VIGIL: Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Any other questions for staff. Seeing none, I’d like to call the applicant up please. And if you could be duly sworn in.

[Duly sworn, Archie Perea, testified as follows]

ARCHIE PEREA: Thank you, Commissioners, for giving me the opportunity to make my request. May I approach the bench to give you a letter [*Exhibit 5*].

I’d like to state that the mobile home that is being parked there is a 28x50 and it has two bedrooms. This is a new mobile home. It’s esthetically probably the best in the area right now and being we have a traditional community and they usually have both extremes. You have the not so good and the very good. We’re on high grounds and we look down on high grounds to others. I have no objections to anybody building whatever they wish around my home. I don’t – as the letter that was handed me to [*See Exhibit 4*] a few moments ago, I never noticed that we look across the road or any place else. We’re just busy with our life. This mobile home will not be facing that particular home. It will be facing diagonally away from it and it will 100 feet away from that particular home in question and I would appreciate that you would approve this for me because of the conditions that state in that letter.

CHAIRMAN MONTTOYA: Okay, questions? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Mr. Perea in your home, your primary residence, how many bedrooms do you have?

MR. PEREA: I have four bedrooms.

COMMISSIONER HOLIAN: And so what would you be planning to do with regard to the septic system because it sounds like –

MR. PEREA: We have – oh, excuse me, please go ahead.

COMMISSIONER HOLIAN: -- it sound like the septic that you have now could only handle four bedrooms.

MR. PEREA: I have two other septic tanks for my home. And this one could be used and it's partially used on occasions but it's not the most common one that I use. I have a septic tank for the part of the house in the back and to the east side I have another septic tank.

COMMISSIONER HOLIAN: So you have two septic tanks on your property?

MR. PEREA: Yes, prior to this one that the County built. The County built a state-of-the-art as you can see in those pictures, a state-of-the-art septic system. It was inspected by the State and approved. They have four different leach lines and two clean-out tanks beside. You can't ask for anything better than that.

COMMISSIONER HOLIAN: Still it seems to me that if you have two septic tanks, you're suppose to have only one septic tank per .75 of an acre.

MR. PEREA: The original one was built in 1957 and it's used just for a washer, for the wash and the other one is used for the rest of the house. And this that the County built there is partially used on occasions. I have guests that come in. I have a family. The question was brought up that why didn't my daughter move in with us because of the large home. But I have family that comes from out of town and out of state and we can't – we need to have those bedrooms for our guests.

COMMISSIONER HOLIAN: So then you have quite heavy usage of those septic tanks at that time if you're using both dwellings.

MR. PEREA: They get taken care of very often and at the rate that they charge now it's [inaudible] The maintenance on it is quite frequently, every three months.

COMMISSIONER HOLIAN: Okay, thank you.

CHAIRMAN MONTTOYA: Other questions for the applicant? Thank you, Mr. Perea. Okay, this is a public hearing and if there is anyone who would like to speak on this case please be sworn in and state your name please.

[Duly sworn, Pauline Sandoval, testified as follows]

PAULINE SANDOVAL: Hello, my name is Pauline Sandoval. I am Archie Perea's daughter and I would be the individual moving in next door to him. I just wanted to introduce myself and let you know that after much decision and in consideration of my parents' health, we decided to move in next door. We're not asking for anything different than what was already there, a mobile home. Like my dad mentioned the sewer system was put in by the County so the property already supported a mobile home. My parents have their own home with a sewer system there and I'm not sure if – I know that there's a main sewer system and then the one the County installed.

Thank you for your time.

CHAIRMAN MONTOYA: Thank you. Anyone else who would like to speak on this case. If not, this public hearing is closed.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: I see that the CDRC approved this so I'd like to make a motion to approve this case.

CHAIRMAN MONTOYA: Okay, we have a motion by Commissioner Anaya for approval.

COMMISSIONER VIGIL: Approval of the variance; right?

COMMISSIONER ANAYA: Variance, yes.

COMMISSIONER VIGIL: Okay, I'll second that.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya and second by Commissioner Vigil. Any discussion?

COMMISSIONER STEFANICS: Yes.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. The property owner that wrote the letter to us, am I correct that they are not here?

MR. LARRAÑAGA: Mr. Chair, Commissioner Stefanics, that's correct and I did speak to the property owner.

COMMISSIONER STEFANICS: So could you let us know. It seems his concern is that his privacy is going to be lost with something high up looking down in his windows.

MR. LARRAÑAGA: Mr. Chair, Commissioner Stefanics, that is correct. What she requested to me when I spoke to her is that they could build some kind of fence and why haven't they built a fence. And I explained to her that during the permit process, if this variance would get approved, and they would come in and meet all the criteria for the permit process they would probably include that fence into their site plan. I don't know if that's agreeable to the applicant.

COMMISSIONER STEFANICS: So you've seen, Mr. Chair, you've seen the property and concur with this letter that there would be a privacy issue?

MR. LARRAÑAGA: Mr. Chair, Commissioner Stefanics, I am familiar with the property. I live down there so I see it all the time, yes.

COMMISSIONER STEFANICS: So I guess the question would be to the owners; would you be willing to put up some kind of privacy fence?

MR. PEREA: Yes, there will be a 5-foot fence put up but the property where the mobile home is going to be parked is road level. It's not up on top – my home is the one that's on top, 10-feet above the road. This home will invade the privacy of letter in question that you have before you.

COMMISSIONER STEFANICS: So, Mr. Chair, you're already up at a high level looking down.

MR. PEREA: My home is up, my home is the one – that's my mother, my parents' former home. We never had a problem with anybody that rented that home

afterwards complaining that we were looking down upon them. We don't even notice that anybody is around there. The mobile home is going to be at road level so it has no vision in the direction of that living room that the lady is talking about.

COMMISSIONER STEFANICS: So I'm a little confused then. If you're willing to build a fence, Mr. Chair, where would you be building the fence then?

MR. PEREA: the fence would be right along the road and it would be a 5-foot fence.

COMMISSIONER STEFANICS: To block?

MR. PEREA: To block the dust and traffic and noise from the road. But this home would be diagonally pointing away from that home in question and it's 100 feet away. As you see the road, it's not going to be parallel to the road. It's going to be diagonally away, pointing away from the road. My home is parallel to the road. This lady, I forgot her name, but she lives across the street and her home is parallel to the road. I'm across the street, 10 feet above and it's parallel to the road. The mobile home will be diagonally away so there's no reason to claim that they would be looking into her living room window. I walk out there every morning to feed the birds and look around and I don't notice anybody walking in their home, or in front, or around or anything like that.

COMMISSIONER STEFANICS: Mr. Chair, Jose, I have some questions for you. I'm a little confused by the description here. So we have this letter from a neighbor. Is the letter accurate that the new home or the existing home is looking down into her home?

MR. LARRAÑAGA: Mr. Chair, Commissioner Stefanics, I know that Mr. Perea's home is well above the road. The property or the area in question where the mobile home is going to be is right next to the community center there in La Cienega so it's a little lower and there are railroad ties along the front of the road. In Exhibit K you can see where the mobile home is going to be placed or where the applicant would like to place the mobile home.

COMMISSIONER STEFANICS: Mr. Chair, Jose, have you seen this letter from this neighbor?

MR. LARRAÑAGA: Yes.

COMMISSIONER STEFANICS: Is her concern valid?

MR. LARRAÑAGA: Mr. Chair, Commissioner Stefanics, I don't believe it's valid for the proposed mobile home.

COMMISSIONER STEFANICS: Okay, thank you very much.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Jose, with regard – in our packet here it says that the NMED might require an advanced liquid waste treatment system if there are more than four bedrooms on the property. So my question is, before this is permitted even if we pass the variance they will have to get signed off by the NMED; correct? And the NMED might require them to do something more advanced.

MR. LARRAÑAGA: Mr. Chair, Commissioner Holian, yes, that's correct. If this is approved, if the variance is approved to have two dwellings on the one acre lot then they would have to come in for the permitting process and part of that would be to submit an updated septic permit from NMED.

COMMISSIONER HOLIAN: And do you follow through on this? In other words, if they don't come in for a permit what happens?

MR. LARRAÑAGA: Mr. Chair, Commissioner Holian, they won't be able to put a mobile home on there.

COMMISSIONER HOLIAN: Isn't there a mobile home already on there?

MR. LARRAÑAGA: No.

COMMISSIONER HOLIAN: Oh, okay, right I see. Thank you, Jose.

CHAIRMAN MONTOYA: Jose, I understand it's not a doublewide but a singlewide that is going in there?

MR. LARRAÑAGA: Mr. Chair, I understood it was a doublewide. It's 28x50/28x48 so I would assume it's a double.

CHAIRMAN MONTOYA: But only two bedrooms?

MR. PEREA: It's a doublewide, 28x50 by 48 actually with the tongue it's 50. The two bedrooms that are going to be used are the only ones. The others my son-in-law decided with the manufacture to remove some walls to extend their living room and so on. So it's a modified two bedroom.

COMMISSIONER HOLIAN: Mr. Chair, I have one more question.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Perea, after it's not required that your son-in-law and daughter live there anymore will you remove the mobile home or will you just continue to keep it there forever and rent it out or something like that.

MR. PEREA: At this moment we would want to keep it there. The thought is there to keep it on the property. It's going to take a lot of work to place it there on a solid footing and in the future, I hate to say it when we fade away and somebody will use the property for something else and that would be up to my daughter and my son-in-law. I'm sure that they would have a thought on that.

CHAIRMAN MONTOYA: Okay, any other discussion. We have a motion and a second.

The motion passed by majority [4-1] voice vote. Commissioner Holian voted nay.

4. **CDRC Case # VAR 10-5230 Charles Lujan Variance. Charles Lujan, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a Second Dwelling Unit on 3.6 Acres. The property is located at 9B Caminito de Pinon, within Section 7, Township 15 North, Range 11 East, (Commission District 4). John M. Salazar, Case Planner**

JOHN MICHAEL SALAZAR (Development Review Team Leader): Thank you, Mr. Chair. Mr. Chair, this might be the only opportunity I get to say this but I'd like to say it real quick. Commissioner Anaya and Commissioner Montoya I want to thank you for your leadership and public service over the last eight years. It has been an honor and a privilege working with the two of you. I started here nine years ago so it's kind of we grew

up together over the last eight years and I just want to wish you guys good luck on your future endeavors and I'm going to miss the conversations we had over the years and it's going to be strange for me to see two new faces up there come January.

CHAIRMAN MONTOYA: Thank you.

COMMISSIONER ANAYA: They're probably not going to look as good as us. [Laughter]

MR. SALAZAR: Probably not.

COMMISSIONER VIGIL: You can always reference the women here.

MR. SALAZAR: On August 19, 2010, the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend approval of the case by a unanimous vote of 5-0. As stated in the caption, the Applicant is requesting a variance of Article III, Section 10 of the Land Development Code to allow a second unit on 3.6 acres. The property is located within the Mountain Hydrologic Zone. Article III, Section 10 states the minimum lot size in this area is 80 acres per dwelling unit. It can be further reduced to 20 acres with water restrictions. The subject contains a permitted mobile home, a permitted 2,000 square foot detached garage with an office and studio. There's also a business being conducted on the property, Lujan Drilling which is licensed by the County.

The applicant is requesting this variance due to an extreme financial hardship he and his wife are currently undergoing. In March of 2009 the applicant had to file for bankruptcy and is currently losing his home to the bank. I believe that may have been done already. In March of 2010 the applicant's son gave him permission to move a home onto the subject property. Since that time the applicant's son has passed away in a tragic accident. The applicant still has permission from his daughter-in-law and he's like to spend his final years surrounded by his family.

Since the minimum lot size in this area is 80 acres or 20 acres with water restrictions staff is recommending denial. The CDRC, however, recommended approval with the following conditions. There are five conditions would you like me to read them, Mr. Chair?

CHAIRMAN MONTOYA: We can enter them into the record.

Conditions are as follows:

1. The Applicant shall provide updated septic permits at the time of permitting for the second dwelling unit.
2. A shared well agreement shall be recorded in the County Clerk's office.
3. Water use shall be restricted to 0.25 acre-feet per year per residence and each residence shall install a water meter. Annual water meter readings shall be submitted to the Land Use Administrator by January 31st of each year.
4. The Applicant must obtain a business license from Santa Fe County for the Lujan Drilling Company at the current address where business is being conducted.

CHAIRMAN MONTOYA: Okay, questions for staff.

COMMISSIONER STEFANICS: Mr. Chair, this is more a comment than a question. But I think when CDRC provides a recommendation that is separate from the staff we need to have some rationale. And if we agree as a body I think we should send that as a directive. If not, I'm just making the comment.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER HOLIAN: I agree with it.

COMMISSIONER VIGIL: I do too.

CHAIRMAN MONTOYA: It doesn't matter what I say anymore.

MR. SALAZAR: I wasn't at the CDRC meeting but by looking at the conditions it appears to me to be more of a temporary recommendation of approval with a temporary permit.

COMMISSIONER VIGIL: So, Mr. Chair, on that point. And I know we've done that before when there's a hardship that doesn't involve the terrain which we're allowed to do but a hardship involves family systems or illnesses anything of that kind; what is the limitation that we provided for on that; so you recall? Maybe, Jack, you do.

MR. SALAZAR: Mr. Chair, Commissioner Vigil, the longest permit I've seen the Commission grant is a five-year. Although it has ranged over the years from two to five and then there's the condition that should the hardship continue to exist after the allotted time that the applicant come back before you.

CHAIRMAN MONTOYA: Any other questions from staff. Okay, you've got your marching orders that anytime you get a recommendation from the –

COMMISSIONER STEFANICS: Well, Mr. Chair, I think that this is probably not going to be John Michael who makes this directive or passes on this directive. So, I don't know if it's going to be Jack or Shelley but we have agreed up here the majority of us, that from now on when the CDRC makes a recommendation that is opposed to the staff we want some rationale for why they're doing it. And if you would please communicate to them that the County Commission did ask for that in the future.

MR. KOLKMEYER: Mr. Chair, we'll be happy to do that. Just to clarify one other thing here, we're following the Code about granting a variance which has to be a variance caused by the land essentially. So as some of these other things come up that might be medical hardships, or financial hardships we will not recommend approval of them as a matter of course. But the CDRC may. So what you're asking of us is that we just pass on a rationale that makes it clear that they were asking for a medical hardship or –

COMMISSIONER STEFANICS: No. Jack, Mr. Chair, what we're asking for is why did the CDRC, what is the CDRC's rationale, not yours. Are they doing it for a medical hardship? Are they doing it for something outside of the Code? We'd like to have them be specific rather than just have them pass something to us.

MR. KOLKMEYER: Okay, we'll do that in the future of staff reports. Then the other issue is we do, the Land Use Administrator does sometimes grant temporary permits but usually I only do that if somebody is building a house and they need to be on that property for a temporary period of time. That's the case in which I would grant a temporary permit and that's usually about six months.

COMMISSIONER VIGIL: Mr. Chair, Jack, if I may, I'm referring to cases that this governing board has recommended a temporary permit, medical hardships or the need for family systems to stay close to each other. You're right it does not fit within the terrain hardship but it also I think is within our authority if we see the need for a hardship based on medical needs or medical attention or any other reason we have granted temporary permits

before. My question, and John Michael answered it, is that he has seen those permits granted from a two year period to a five year period. And then the applicant must come in and if there no longer exists a need for the permit then the permit is lifted.

MR. KOLKMEYER: That's correct.

CHAIRMAN MONTOYA: Or extended.

COMMISSIONER VIGIL: Thank you, Mr. Chair and thank you, Jack.

CHAIRMAN MONTOYA: Any other discussion or questions? If the applicant would come forward please.

[Duly sworn, the applicant, Charles Lujan and his agent, Roman Salazar testified as follows]

ROMAN SALAZAR: Mr. Chair, my name is Roman Salazar. I'm here with my friend, Charlie and I've known his for about 25 years. He's a very successful well-driller businessman and when the recession hit Charlie had already gone into the construction business. The well-drilling, the bottom fell off of it, construction and everything went down to pot. He lost everything he owned. His home and his business he was lucky enough to have transferred the business over to his son, Tom. Tom was killed fixing a well and I think it was in Pecos, he hit a power line and – but the well drilling business is picking up a little bit. It doesn't belong to Charlie anymore. It belongs to his daughter-in-law. The bank took over his home and everything else he owned. It's pretty hard to understand unless you go through it. But after being very successful for 20 years or more –

CHARLES LUJAN: Forty-five.

MR. R. SALAZAR: And working your way up from nothing and losing everything. I really consider that a real hardship. We don't really know – when we come to this point in the road it leaves us no choice but to come to you. We have been residents of Santa Fe County, I have been here all my life. I was born here. And we've seen hardship cases before but I have not seen one as bad as this one. His wife, Lilly, is 65 years old, he's 65 –

MR. LUJAN: Seventy-five.

MR. R. SALAZAR: Seventy-five, I'm sorry. I'm 76 and I've known him for 25 years and I've been involved with the County in different committees and boards in my prime. I'm 76 years old, I think I've served my time. And we're just asking for you to approve with the recommendations from the CDRC meeting. If you want us to go through that whole thing again we will, that's fine. Any questions you have we'll be glad to answer them.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Mr. Lujan, do you agree with the conditions that were set under the case with the CDRC?

MR. LUJAN: I do.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I still have question. Mr. Lujan, do you still have the drilling company?

MR. LUJAN: No.

COMMISSIONER STEFANICS: Because one of the conditions was that the applicant shall obtain a business license from Santa Fe County for the Lujan Drilling

Company. So I guess, John Michael, why was that a condition?

MR. J.M. SALAZAR: Mr. Chair, Commissioner Stefanics, I was asked to put that condition in since the property he'll be moving on is the property that Lujan Drilling is operating out of. We do – I think what it is is that we're asking him to come in to – they have a home occupation business license on it and we're asking them to come in and get something larger than a home occupation.

COMMISSIONER STEFANICS: Okay, but, Mr. Chair, and Mr. Lujan, you don't have the business anymore.

MR. LUJAN: No, I don't have the business anymore. It belongs to my daughter-in-law and her son.

COMMISSIONER STEFANICS: But the daughter-in-law and her son live on that property.

MR. LUJAN: I'm sorry, I didn't hear you.

COMMISSIONER STEFANICS: The daughter-in-law and her son live on that property.

MR. LUJAN: Yes.

COMMISSIONER STEFANICS: So the business license, John Michael, would be for the daughter-in-law and son.

COMMISSIONER HOLIAN: The son died.

COMMISSIONER STEFANICS: I'm sorry, the son died.

MR. R. SALAZAR: They have a license already. I think what they're talking about is that Tom before he passed away moved. The address of the business is to his home and I think what they want is for them to bring back the address to the place of business.

MR. J.M. SALAZAR: Yes.

COMMISSIONER STEFANICS: Mr. Chair and John Michael, I still am confused about this. John Michael, Shelley, somebody?

MR. KOLKMEYER: Mr. Chair, we're trying to figure this out right now. Wayne I believe has information on the permit.

MR. J.M. SALAZAR: Mr. Chair, Commissioner Stefanics, what Wayne Dalton was telling me was the business license for this business was issued to a property down the street to Tom Lujan. Before he passed away he moved the business to this property so this property doesn't have the business license. There's a business license for the business but it's not on this property where they're operating from now. It's another property from down the street that his son owned.

COMMISSIONER STEFANICS: And so, Mr. Chair, John Michael, refresh my memory, what's a business license cost per year?

MR. J.M. SALAZAR: Thirty-five dollars to renew, Commissioner Stefanics.

COMMISSIONER STEFANICS: To renew.

MR. J.M. SALAZAR: To renew.

COMMISSIONER STEFANICS: But if it's a new one.

MR. J.M. SALAZAR: If it's a whole new one I believe it's \$275.

COMMISSIONER STEFANICS: Okay, so Mr. Lujan, would you be able to come up with \$275?

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MR. LUJAN: Yes, ma'am.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Other questions for the applicant. Seeing none, thank you gentlemen. This is a public hearing and I'd like to open up to any comments that people may have regarding this case. Seeing none, the public hearing is closed.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval of CDRC Case VAR 10-5230 with staff conditions.

COMMISSIONER VIGIL: I second.

CHAIRMAN MONTOYA: Motion by Commissioner Holian and second by Commissioner Vigil. Discussion, Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. I was shocked to hear the Mr. Lujan, Tom, had passed away. I didn't know him well but I did know of him and anytime you needed a good well-driller you called the Lujans. I wanted to send my condolences to you, Mr. Lujan, and thank you Mr. Salazar, thank you for helping him in his presentation. I was an electrician and that's how I knew Tom and like I said, anybody who wanted a good well they called the Lujans. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Thank you, Commissioner Anaya. Any other discussion.

The motion passed by unanimous [5-0] voice vote.

6. **CDRC Case # MP/PDP/DP 10-5330 Holy Family Praying Heart Portal Sons of the Holy Family, Applicant, Louis Martinez, Agent, request Master Plan Zoning, Preliminary And Final Development Plan Approval for an existing residence to be modified and used as a meditation facility. The property is located at #2 Santo Nino Drive, within the Traditional Community of Chimayo, via State Road 520, within Section 1, Township 20 North, Range 9 East (Commission District 1). Jose E. Larrañaga, Case Manager**

MR. LARRAÑAGA: Thank you, Mr. Chair. On October 21, 2010, the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend approval of Case # MP/PDP/DP 10-5330, with staff conditions.

Currently there are three structures on the .38 acre site. The Santo Niño Gift Shop/Gallery consisting of 2,878 square feet, the Holy Family Chapel consisting of 252 square feet and a residential structure consisting of 2,100 square feet. All three structures were constructed prior to 1981; therefore the Code acknowledges the structures and the current use of the structures as non-conforming.

Article II, Section 4.5 states: "existing uses of land and structures including signs constructed prior to the adoption of the Code, as amended, but which may not be in conformance with the Code, as amended, or are prohibited or restricted under the current

provisions of the Code, including the provisions of any amendments thereto, are considered to be non-conforming uses.”

The Applicants intent is to refurbish the existing 2,100 square foot residential structure into a meditation area. The structure was built pre-code as a residence therefore a Master Plan to allow the use of this structure as a Community Service Facility is required. The request does not include expansion of the existing Gift Shop/Gallery and Small Chapel.

Article II, Section 4.5.3 states: “re-use or expansion of non-conforming uses are subject to the submittals and review requirements set forth in the Code for the category of use which is proposed.” Article II, Section 4.5.2 states: “except as otherwise provided in this Section, any non-conforming use of land or structure may be continued so long as it remains otherwise lawful.” Ordinance 2010-13, Section 7 states: “Community Service Facilities are facilities which provide service to a local community organization. These may include governmental services such as police and fire stations, elementary and secondary day care centers, schools and community centers, and churches.” Section 7.1 of Ordinance 2010-13 states: “Community Service Facilities are allowed anywhere in the County, provided all requirements of the Code are met, if it is determined that: the proposed facilities are necessary in order that community services may be provided for in the County; the use is compatible with existing development in the area and is compatible with development permitted under the Code; a Master Plan, Preliminary and Final Development Plan for the proposed development are approved.”

Historically the Santuario Chapel and the Santo Niño Chapel have served the Chimayo Community as well as visitors from around the world. The Gift Shops and privately owned businesses revolve around the attraction of the two Chapels. The creation of a meditation center is compatible with existing uses and structures within the surrounding area.

Article V, Section 5.2.1.b states: “a Master Plan is comprehensive in establishing the scope of a project, yet is less detailed than a Development Plan. It provides a means for the County Development Review Committee and the Board to review projects and the subdivider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a Preliminary and Final Plat approval.”

The Applicant is also requesting Preliminary and Final Development approval to convert the structure to a meditation center. This conversion will take place in the form of remodeling the existing building to create approximately 926 square feet of meditation area, 200 square feet of office space, 98 square feet of storage and 415 square feet as a multi-purpose room. The modification of the structure shall not expand beyond the existing square footage.

Article V, Section 7.1 states: “a Preliminary Development Plan may be only a phase or portion of the area covered by an approved Master Plan, so long as the Preliminary Development plan substantially conforms to the approved Master Plan.” Article V, Section 7.2. states: “the Final Development Plan shall be submitted to the County Development Review Committee accompanied by a staff report. The County Development Review Committee shall review the plan and make a determination as to its compliance with the County General Plan and Code. The County Development Review Committee may

recommend changes or additions to the plan as conditions of its approval. The Final Development Plan as approved by the County Development Review Committee shall be filed with the County Clerk. The approved Final Development Plan becomes the basis of development permits and for acceptance of public dedications. Any changes in the plan must be approved by the County Development Review Committee.”

The Application was reviewed for the following: existing conditions, adjacent properties, parking, access, outdoor lighting, signage, water, fire protection, liquid and solid waste, terrain management, landscaping, rainwater harvesting, and archaeology.

Recommendation: Staff has reviewed this application and has found the following facts to support this submittal: the existing structures were constructed prior to the adoption of the Code; the Code acknowledges the structures and the current use of the structures as non-conforming; the submittal for the re-use as a meditation center meets the requirements of the Code; Community Service Facilities are allowed anywhere in the County; the use as a meditation center is compatible with existing development in the area and is compatible with development permitted under the Code; the proposed Master Plan is comprehensive in establishing the scope of the project; the Preliminary Development Plan conforms to the proposed Master Plan; the proposed Final Development Plan complies with Code requirements. The review comments from State Agencies and the Building and Development Services Department have established findings that this Application is in compliance with Article II, Section 4.5, Ordinance 2010-13, Section 7, Article V, Section 5.2 and Article V, Section 7 of the Land Development Code.

Staff recommends Master Plan Zoning, Preliminary and Final Development Plan approval to allow the re-use of a non-conforming structure as a meditation center to be known as the Holy Family Praying Heart Portal on .38 acres, within the Traditional Community of Chimayo, subject to the following conditions. Mr. Chair, may I enter these conditions into the record?

CHAIRMAN MONTOYA: Yes.

Conditions:

1. All Staff redlines shall be addressed, original redlines will be returned with final plans for Master Plan and Final Development Plan.
2. The Applicant shall comply with all requirements of the County Fire Marshal.
3. Master Plan with appropriate signatures shall be recorded with the County Clerk.
4. Final Development Plan with appropriate signatures shall be recorded with the County Clerk.

MR. LARRAÑAGA: Mr. Chair, I stand for any questions.

CHAIRMAN MONTOYA: Any questions for staff? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Jose, where are the toilet facilities now for this proposed whatever it is?

MR. LARRAÑAGA: Mr. Chair, Commissioner Holian, the restroom facilities are in front of the Santuario. The whole idea of this is that it's just down the street and it is a pedestrian friendly area so the Santuario/Chapel and that property came forward with a master plan years ago to build these restrooms. And the gift shop itself where this facility is has a restroom for employees only.

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COMMISSIONER HOLIAN: So those restroom facilities are public and anybody can use them, correct?

MR. LARRAÑAGA: Mr. Chair, Commissioner Holian, that is correct. They are public.

CHAIRMAN MONTOYA: The site is on – the diocese owns that property?

MR. LARRAÑAGA: Mr. Chair, that is correct. The Santo Niño Chapel is in a different property and then adjacent to it, and then the gift shop is right next to it and then there is a small chapel right behind where the residence is. On Exhibit D, you will see where it points out to the site there is a residence and then there is the gift shop and over to the west of that would be the Santo Niño Chapel.

CHAIRMAN MONTOYA: Yes. So all of those, even though they show different plots and different boundaries, are all owned by the Archdiocese.

MR. LARRAÑAGA: Mr. Chair, that is correct and if you look over farther where you see the parking lot and that's a different piece of property, and that's owned by the Archdiocese also.

CHAIRMAN MONTOYA: Okay. Other questions for staff? If not, would the applicant come forward and be sworn in.

[Duly sworn, Derrick Archuleta testified as follows]

DERRICK ARCHULETA: Mr. Chair, members of the Commission, my name is Derrick Archuleta and I am serving as agent and planner for the Sons of the Holy Family. We have reviewed comments received from various agencies and land use policies applied by staff to this request and we agree and support them. On behalf of the Sons of the Holy Family, we respectfully request both master plan and preliminary and final development approval of this facility. Thank you.

CHAIRMAN MONTOYA: Questions for the applicant? Derrick, are you representing the firm then that we have in our packet?

MR. ARCHULETA: Mr. Chair, Commissioner, that is correct.

CHAIRMAN MONTOYA: Okay, then who is Louie Martinez, a different agent?

MR. ARCHULETA: Mr. Chair, members of the Commission, he is the designer of the project and I am the planner.

CHAIRMAN MONTOYA: Okay, thank you. Commissioner Vigil.

COMMISSIONER VIGIL: Did you request master and preliminary or master, preliminary and final?

MR. ARCHULETA: Mr. Chair, members of the Commission, the entire thing, yes.

COMMISSIONER VIGIL: Okay, I just didn't hear you say final and that could be me. Thank you and thank you, Mr. Chair.

CHAIRMAN MONTOYA: Any other questions of the applicant. Thank you, Derrick. This is a public hearing and we'd like to open it up to any other people who would like to speak on this application. Seeing none, the public hearing is closed.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval of CDRC case MP/PDP/DP 10-5330.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Holian and second by Commissioner Stefanics.

COMMISSIONER HOLIAN: With staff conditions.

CHAIRMAN MONTOYA: With staff conditions. Any discussion?

The motion passed by unanimous [4-0] voice vote. Commissioner Vigil was not present for this action.

7. **CDRC Case # Z-10-5360 St. Francis South Business Park. J.O.E.B. LLC (David Gurule), Applicant, Jenkins/Gavin Consultants, Agent Request Master Plan Zoning Approval for a Mixed Use Subdivision (Commercial, Residential And Community Service) consisting of 22 lots on 68.94 acres and approximately 760,000 square feet of buildings at full build-out. The development will be completed in four phases. The Property is located at the southwest corner of I-25 and St. Francis Drive, within Section 11, Township 16 North, Range 9 East.** (Commission District 4) Vicki Lucero, Case Manager.

MS. LUCERO: Thank you, Mr. Chair. On September 16, 2010, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the request.

The Applicant requests Master Plan Zoning Approval for a mixed-use subdivision consisting of 22 lots with up to 760,000 square feet of buildings on 68.94 acres. Uses will include a combination of office, community service, retail, warehouse and residential, for a complete use list refer to Exhibit A. Lot sizes range in size from 1.04 acres to 2.90 acres. A 14.61 acre open space area will also be included, as well as a 3.05 acre area designated for a wastewater treatment system.

Article III, Section 4.2.1.d.2 of the County Code states "Proposed mixed-use developments are allowed to locate anywhere in the County, except that the location of any specific commercial or industrial non-residential use area designated by such proposals shall be subject to the purposes and intent of Subsections 4.2.3 and 4.1."

This application was reviewed for existing conditions, adjacent properties, access, traffic, water, fire protection, liquid and solid waste, terrain management, archaeology, signage and lighting, parking, open space and trails.

Recommendation: Staff has reviewed this Application and makes the following findings to support this request: the Application satisfies the submittal requirements set forth in Article V, Section 5.2.2; the Application is comprehensive in establishing the scope of the project; the proposed Master Plan meets the criteria set forth in the Land Development Code; the Application is in accordance with Article V, Section 5.2 of the County Land

Development Code.

Staff recommendation and the decision of the CDRC is to recommend Master Plan Zoning approval subject to the following conditions. May I enter those conditions into the record?

COMMISSIONER VIGIL: You may.

The conditions are as follows:

1. All redlines comments must be addressed.
2. The Applicant must seek approval from the CDRC to allow the eastern driveway to exceed 500 feet.
3. The western driveway shall be constructed at phase II.
4. A TIA will be required with future phases I, II, III, and IV to ensure that offsite improvements are addressed for the development.
5. Speed change lanes and tapers are required as per the TIA.
6. Future TIA shall address St. Francis Drive/Old Galisteo Road concerns regarding the feasibility of a signal light or a round-about.
7. The Applicant shall provide turnarounds with a driving surface of a minimum of 120' diameter at all dead ends servicing internal lots.
8. Supporting documentation for the drainage calculations consistent with the requirements of the NMDOT's Drainage Design Criteria, 4th ed. and Ordinance No. 2008-10 must be submitted at Preliminary Plat/Development Plan stage.
9. Drainage control infrastructure plans with sufficient detail to define construction specifics for that infrastructure having a direct impact on NMDOT facilities shall be submitted at preliminary plat/development plan stage.
10. A map showing the complete drainage basin contributing flows to and within the site shall be submitted at preliminary plat/development plan stage in accordance with Ordinance No. 2008-10.

MS. LUCERO: Thank you, Madam Chair. Staff would like to recommend one additional condition as follows:

11. In order for this development to qualify as "mixed-use" it must contain a residential component. Therefore, the first phase of the development shall have a residential element to be determined by the Applicant and the appropriate County Staff. [Condition removed at motion]

Thank you, Madam Chair and I will stand for questions.

COMMISSIONER VIGIL: Thank you. Are there any questions for Vicki? Seeing none, is the applicant here? Please, would you be sworn In. Jennifer, are you going to speak on behalf of the applicant?

[Duly sworn, Jennifer Jenkins testified as follows]

JENNIFER JENKINS: I am.

COMMISSIONER VIGIL: Does he agree to all the terms and conditions as stated by staff?

MS. JENKINS: Most of them, which we will get to.

COMMISSIONER VIGIL: Okay, please proceed.

MS. JENKINS: Thank you. Commissioners, my name is Jennifer Jenkins and

this is Colleen Gavin. We are Jenkins Gavin Design Development and we are here this evening on behalf of the applicant, Dave Gurule and Ernie Romero and also part of our team is Mike Gomez, with Santa Fe Engineering Consultants who is our civil and traffic engineer on the project. And I'm going to keep it as brief as possible considering everybody is looking down the barrel of the holidays.

As Vicki mentioned we are requesting master plan approval for a large-scale mixed-use project at a 69-acre parcel at the southwest quadrant of St. Francis Drive and I-25. In September the CDRC recommended unanimous approval of our application. So I'm going to go ahead and approach and show you some visuals and go through just the highlights and key points on our proposal.

This here is the subject property. Again, it is just shy of 69 acres. This is I-25, the St. Francis interchange. St. Francis dead-ends into Rabbit Road. So everybody, I think, is oriented to where we are. I'm going to zoom-in, this is zoomed in on the subject property. It has actually very gentle nice gentle rolling terrain and it is in the Sustainable Land Development Plan that was recently adopted. This property has a couple of designations that I believe are pertinent to our existing request. One of which is this in Sustainable Development Area 1, which is the highest priority for growth. And, secondly, this is identified as a Regional Center. Regional Center contemplates retail, employment center, mixed-uses, and things of that nature. But I would consider Regional Center kind of the highest intensity type of designation that the Sustainable Land Development Plan contemplates.

We are proposing a mixed-use subdivision. Our master plan here contemplates about 22 lots ranging in size from just over an acre to just under three acres. We show two access points off of Rabbit Road with a loop road that would serve the project and we're contemplating four phases of development starting on the east side and working our way to the west side. The project has a significant amount of open space here that is reflected in green. We are showing a 100-foot buffer from the Rabbit Road right-of-way because we have an existing neighborhood so we are very cognizant of the existing neighborhood that we part of. Our goal here is to buffer our activities as much as possible and as we move forward with design guidelines and things of that nature really keeping in mind the residential nature of this neighborhood while at the same recognizing that we're on I-25 and St. Francis Boulevard, a major arterial and an interstate which really presents fantastic opportunities from a standpoint of economic development for Santa Fe County. We have excellent access. We have excellent visibility and at the same time over here we have an existing neighborhood so it is a wonderful site. It's a challenging site but we believe that we can do something here that really works for the County in terms of the County's own economic development goals but also is respectful of our neighbors.

One of the really wonderful features of this property is the terrain. It's very gentle. It's very easily developable but we have a natural ridge that runs right here and then the property slopes down towards I-25. So when you're standing here looking north you can't see what's over here. So as buildings are constructed whether they be office buildings or other types of uses are constructed here the terrain really provided a wonderful natural buffer for those activities that really want to relate more to I-25 in terms of visibility. And, again,

the 100-foot buffer here in terms of preserving this existing vegetation is going to have a wonderful impact as well as the open space here and 100-foot buffer here along the I-25 right-of-way.

We also conducted two neighborhood meetings. One in August, prior to going to the CDRC and we had a second neighborhood meeting in October prior to coming to the Board of County Commissioners. We had maybe, anywhere between four and seven neighbors in attendance at each meeting. We discussed a variety of things. We talked about access. We talked about uses and we think we had a very productive dialogue and never really received what we deemed as strong objection to the concept of what we're proposing. More was looking at how we're going to handle the lighting, and how are we going we to handle traffic, and how are we going to handle some of types of issues. So I think we had a really productive dialogue in those meetings.

So let's talk about the access. Again, we are proposing two access points on Rabbit Road. We submitted a traffic impact analysis that was submitted, reviewed and approved by the County's Public Works Department as well as the Department of Transportation. And, our recommendation for roadway improvements were covered there so we are proposing and I'm going to have a little drawing that I'm going to show you, that talks about the improvements to Rabbit Road that we are proposing that includes turn-lanes, medians, landscaped medians, bike lanes and things of that nature. We're also proposing a trail that gets built in this buffer that will connect to the new rail trail extension that stops right here at Rabbit Road. So we're creating a connection opportunity to that rail trail system.

As part of our first phase, we're proposing to construct just this eastern most entrance and we would have a temporary emergency turnaround here and then as we move into phase two, we will be constructing the remainder of this. So once we construct the whole thing, this eastern portion here will be limited to right-in/right-out only movements and this will become our full access.

With respect to utilities, we are proposing to extent a 12 inch county water line from Campos Conejos – are you guys familiar with the Campos Conejos Subdivision that is just south of I-25? It's off this map but it's located just over here, just south of I-25 and we would extent a 12 inch water line what is called Old Agua Fria Road to Rabbit Road to serve the project. We have been working very closely with Patricio Guerrerortiz, the Public Utilities Director, to make sure that the property can be adequately served. And we do have a statement in your packet from him to that effect.

Which respect to wastewater, Mr. Guerrerortiz would prefer, he wants to, you know, pursue something possibly with the City where we can send our effluent across the street into the existing infrastructure in Rodeo Business Park. But that is going to need, you know, we're working with him on that. But we also have an area set aside for on-site wastewater treatment and we'll be reusing all the water for irrigation on site. We are prepared to accommodate it on site if necessary but if we have an opportunity to have it taken care of municipally, then that is what we will do.

And, lastly, I would like to address the new condition that staff has requested that pertains to the phasing of the project and the request that our first phase have a residential

component. We are extremely concerned about this condition for several reasons. First, there is not a code requirement that says a mixed-use project must have a residential component in their first phase. That's my first concern. My second concern really is about geography. The first phase of the project in this area is really the worst place to put a residential element on this property. This is closest to St. Francis Boulevard. It is one of the more prime commercial areas from a marketing standpoint. And, frankly, in this economic climate, we really believe in this project and we really believe this project is going to attract employers and is going to be really again, dovetail beautifully with the County's own economic efforts. We need flexibility to attract users. To make sure the first phase is successful and gets off the ground so that we can construct significant infrastructure to serve the project as well as this part of the County. I'm not saying there won't be a residential component in the first phase. Say there's senior housing for example. We thought this site might be beautiful facility and maybe they would love that location. We need the flexibility to negotiate with users and make sure that the project is viable and successful. So imposing that type of condition creates a restriction that can really hamper our ability to do that. I respectfully request that this project be approved without that new condition. But we are in agreement with all the other conditions that staff has requested.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya then Commissioner

Stefanics.

COMMISSIONER ANAYA: Could you read that last condition again?

MS. LUCERO: Mr. Chair, Commissioner Anaya, it's in the staff report as condition number 11.

COMMISSIONER ANAYA: Okay, thank you.

CHAIRMAN MONTOYA: Commissioner Stefanics and then Commissioner

Vigil.

COMMISSIONER STEFANICS: Thank you and this is back to the developer. I'm sorry what is your name again?

MS. JENKINS: Jennifer Jenkins.

COMMISSIONER STEFANICS: Jennifer Jenkins, thank you. At what phase would you be doing any improvements to Rabbit Road?

MS. JENKINS: In the first phase.

COMMISSIONER STEFANICS: So before you start your building in your phase one or concurrently or –

MS. JENKINS: The infrastructure will come first. So we will come in for a development plan and subdivision plat application to the County for phase one to create the lots that we're proposing and to provide all the civil drawings for the roadway and improvements on Rabbit Road, utilities and everything. That will happen first and then you'll see building permit applications for the buildings on those individual lots afterward.

COMMISSIONER STEFANICS: And, Mr. Chair, have you done a traffic study on the amount of traffic on Rabbit Road currently?

MS. JENKINS: Yes, we absolutely have and Mike Gomez speak specifically to the existing traffic on Rabbit Road and the significant improvements that we're proposing

to mitigate the additional traffic that we will be adding.

COMMISSIONER STEFANICS: The current Rabbit Road does need major improvement so I'm very interested in Rabbit Road being improved. I do know that more people every week are starting to use that as a venue. I just am interested that we not – as people get used to a thoroughfare if it's blocked for construction then it's going to upset some people.

MS. JENKINS: We will have traffic control plan, nothing that we're doing will absolutely block traffic. We will always be permitting traffic to move through. There may be some days that it's a little slower than others but we will not be absolutely blocking traffic. We actually can't. We will be making sure that there are lanes of passage while we're working on this side we'll divert all the traffic to this side, and when we're on this side we'll divert to this side. There will be a full traffic control plan that will be submitted for approval by the Public Works Department.

COMMISSIONER STEFANICS: And the other question I have is what type of residence were you going to build, eventually?

MS. JENKINS: You know, what we're believing that this site would be appropriate for this site, we're not envisioning large single-family semi-rural lots. We do not believe adjacent to I-25 that this is an appropriate use. We think in combination of this mixed-use environment of office buildings and other types of employments, again, I think senior center – a senior housing facility I think could be a really good use. Possibly live-work, some higher density residential. Those are the types of uses as we are talking to the market and talking to potential users, those are the types of users that have expressed interest up to now.

COMMISSIONER STEFANICS: And, Mr. Chair, what phase were you intending to put the residential in?

MS. JENKINS: You know we aren't going to build it ourselves. It's going to be marketing those end-users to come and purchase lots and build that. But based upon my understanding of the site and my understanding of the market, I think you could see residential in phase two and we could see it in phase one. It's a tough thing to predict right now but I think it's very likely that we could see some residential uses in phase two.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

CHAIRMAN MONTROYA: Commissioner Holian and then Commissioner Vigil.

COMMISSIONER HOLIAN: Thank you. Do the developers have a track record in mixed-use development?

MS. JENKINS: The owners of the property have a long track record of different types of real estate ventures here in Santa Fe. I can't speak directly to mixed-use but they are not the actual users so we are looking at people coming in and owning their lot and building their facility in accordance with the master plan and the approvals and the entitlements that we receive. And so they are not actually going to be doing the sticks and bricks.

COMMISSIONER HOLIAN: I see. So how many lots do you anticipate

creating in phase one?

MS. JENKINS: In phase one, I believe it's five. And one of the reasons that we have the lot layout right now the way we do is that it allows flexibility. For example, it is six lots, so phase one is six lots right here. What these six lots allow us to do, for example in these lots right here it's a little over two acres. We could have the user say I really like this right here and I want to put my company's headquarters here but I need two acres. All we have to do is consolidate these. It allows for that type of flexibility. At the end of the day, do I think that we're going to have 22 different facilities out here? No, I do not. I think it's going to be a lot less.

COMMISSIONER HOLIAN: Okay, thank you. Do you know that, are you aware of that on the side of Rabbit Road there is a property that has a whole lot of junk cars on it?

MS. JENKINS: Yes.

COMMISSIONER HOLIAN: Have you been in contact with that owner?

MS. JENKINS: You know I have not. Mr. Gurule lives in the neighborhood across the street, actually, and he knows his neighbors really well and I don't know – have you had any communications? [Mr. Gurule nods in the negative.] No we haven't.

COMMISSIONER HOLIAN: We have been trying to work with him to have a lot of the cars removed but it's a slow process. I don't know that we can guarantee that they're going to be off –

MS. JENKINS: We understand and as I said it's the existing local color.

COMMISSIONER HOLIAN: I also wanted to ask you, you had mentioned that there's a pedestrian pathway where people could get to the rail trail and it goes through a couple of private property lots and I wonder if there's been any progress made with talking to the owners of those lots?

MS. JENKINS: I'm so glad you asked that question. Let me show you this first, what we are proposing, this is the adjacent property here. We are actually not proposing to put the trail on private property. There's a really generous shoulder of the Rabbit Road public right-of-way that will easily accommodate. The trail that will be on our property through the open space here and then we'll just divert it down; it'll be a little bit closer to the road just for that short stretch. And you can see here, this is a section of what Rabbit Road will look like after our improvements progress. So you can see we have the landscaped median in the center, we have the driveway on the edge and here we have a 14-foot corridor, essentially, adjacent right on the frontage of that lot next door to accommodate that little stretch of trail. So we're not infringing on any private property.

COMMISSIONER HOLIAN: Okay, terrific. And then I have one final question. Well, first of all I'll make a comment that I actually like the idea of having a wastewater treatment facility on the property because then you can reuse the water so actually that would be my preference. In any event, what kind of wastewater treatment facility; have you done any research on that?

MS. JENKINS: You know we have done some research just to make sure that we have the appropriate amount of land area set aside to accommodate it. That was our primary concern at the master plan stage. So we'll be definitely looking at a fairly intensive

treatment, advanced treatment plant so we can get the water to irrigable standards.

COMMISSIONER HOLIAN: Great, thank you very much.

MS. JENKINS: You're welcome.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Vicki, this is for you. Was there a compelling reason or an ordinance that you needed to cite for the purposes of recommending the residential component in phase one?

MS. LUCERO: Mr. Chair, Commissioner Vigil, staff's concern was basically that this was proposed as a mixed-use development which means that there's a residential and a commercial component to it. And mixed-use developments are allowed to locate anywhere in the County. We were concerned that if the project, if phase one got built out with strictly commercial and for some reason the rest of the project never got built-out then we would be stuck with a commercial development which is not allowed in this area. Strictly commercial is not allowed in this location of the County so that was our concern and the reasoning for that condition.

COMMISSIONER VIGIL: Thank you, Vicki and thank you, Mr. Chair.

CHAIRMAN MONTOYA: All right. Any other questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I just remembered something else as you were talking about Rabbit Road. Have you – I noticed that you have consulted with the DOT, did you, in fact, review the 25 year plan that the Metropolitan Planning Organization just approved as it relates to the I-25 and the St. Francis improvements.

MS. JENKINS: You know I am familiar with that plan but honestly, Mr. Chair, Commissioner Stefanics, I have not read it thoroughly.

COMMISSIONER STEFANICS: Well, you might want to get in touch with either Mark Tippets or Keith Wilson to actually identify what portions of our plan that we have put forward to the federal government as projects for the next 25 years and there is quite a bit of work that is going to be done to St. Francis.

MS. JENKINS: Thank you. I was actually aware of the improvements being proposed at the interchange and when we were interfacing with the DOT that did come up in our dialogue with them.

COMMISSIONER STEFANICS: Okay, thank you.

CHAIRMAN MONTOYA: Any other questions? I'd like to open this up for a public hearing. If there is anyone who would like to speak on this case, please come forward.

[Duly sworn, Baron Wolman, testified as follows]

BARON WOLMAN: Mr. Chair, Commissioners, I'm Baron Wolman. I live in a small-scale development across from what the proponents are calling a large-scale mixed-use development. Five minutes from my house, our houses, are two gas stations, two mini-marts, and two fast food restaurants. Five minutes from our developments is the big development on Zia Road with Albertson's and Walgreen's and all that stuff.

A large mixed-use development in our small-scale development, most of – the entire

area is small-scale development with single-family homes everywhere; it's going to have a huge impact on us. There's just no way around it. We're going to see it. We're going to hear it. We're going to feel it. We don't need for example things like mini-marts. We don't need any more gas stations. We don't need a truck stop. In fact, I don't even know why we need office buildings because I went across I-25 and looked at all the office buildings over there and there's unbelievable amounts of space for rent and lease. So I don't understand the need for this development actually. And, actually, I don't really like the development but I understand that people own property and they can develop it.

I don't understand how the neighborhood itself is going to benefit from this development. There is nothing that they're proposing that they're proposing that they're going to put in there that we need or that we would use. We don't need a senior citizen center. We don't need. We don't need – I don't know what the homes are going to be like, what the residential area is going to be like but I assume it's going to be apartment and things like that and that totally changes the nature of our entire neighborhood. And those of you who have been there, you know. I don't see it's actually going to benefit Santa Fe at all other than the tax income and things like that. It just doesn't feel right. This whole development is so massive in the face of such small scale living that I'm – it just doesn't feel right. And I'm – I don't see the need for it.

The one thing that I'm puzzled about is that the applicant is saying we're not going to do anything here. We're not going to build anything here. We're just going to sell it off. So where is there involvement? Where is their part for something that is going to affect so many of us so greatly? They're just going to sell it to anonymous buyers and that doesn't feel right either.

I don't know on balanced needs and I wrote a letter already that says I'm not really in favor of this development as they have described it. I just have to say it doesn't feel right. It just doesn't feel right. Thank you.

CHAIRMAN MONTROYA: Thank you. Anyone else like to come forward to speak on this case please come forward, be sworn in and state your name and address.

[Duly sworn, Sam Hitt, testified as follows]

SAM HITT: My name is Sam Hitt and I live at 48 Old Galisteo Way about a mile from the proposed development.

I have several concerns. Let me just start with the trail. Staff report says that this is a pathway that leads to nowhere. And that the trail would force people to use quote the heavily used and dangerous Rabbit Road. So if you have the map in your packet then perhaps you can see that when the trail gets toward the rail trail it's forced into the shoulder of Rabbit Road. That is heavily used now and of course will be more heavily used in the future. So, I'm concerned that if this – I think you should make a condition of your approval if that's what you want to do tonight, that an easement would be required through those private properties so there could be actual safe connection to the rail trail from this proposed trail.

I think that I have some similar concerns of Mr. Wolman. I think a lot of the neighbors where I live are familiar with the business park that's on Rodeo Road and we like the unified look there. The proposed development being sold off piece by piece in various phases will not have that. I'm not sure what authority you have to require the developer to

have a unified architectural look to the property but we think that would be a very good idea.

I'm just not familiar with why the density can be so great where the lots can go down to just over one acre for example. But it certainly seems too dense to us. We would like to see more open space. Right now there's about 25 percent of the land as open space. We'd like to see perhaps 50 percent.

Also, water use that was not discussed, but in the staff report and in the materials that I reviewed a figure of 40 acre-feet per-year was mentioned as possible use. That seems excessive so I think approval should be granted on the condition that businesses that are low water users use the property.

Also, I understand that the study has not been done. The geohydrology study has not been done and that is a code requirement and I think that should be done before approval.

This is going to be a big development. It's going to change our neighborhood a great deal. It's going to increase traffic tremendously. We would like to see in the spirit of the Sustainable Growth Management Plan that local businesses be favored in the property. Again, I don't know what authority you would have to require that but that would certainly make it better in our eyes.

On the question about the condition of residential use, it's just a bit confusing to me because in the Sustainable Growth Management Plan the area is designated mixed-use non-residential and as a regional source. Mixed-use non-residential what does that mean? That to me, means that there's not residential as part of the mixed-use and perhaps I'm just not reading things right but I don't understand that problem. I think that's about it. Thank you very much.

CHAIRMAN MONTOYA: Thank you. Please come forward, next.

[Duly sworn, Shawn Sweeney, testified as follows]

SHAWN SWEENEY: Mr. Chair, my name is Shawn Sweeney and my address is 214 Rabbit Road. I also represent my parents, Ed and Frances Sweeney at 216 Rabbit Road. Rabbit Road as what it is now. It's been Route 3, Route 7, Route 9 over the years that the County has changed it.

We have seen a lot of change in the decades that we have lived there and I would like to say that I have found the developers to be listening people. They have indeed answered my questions when I've put forward to them.

I would like the Commissioners to consider the chickens, pigs, sheep, horses, goats – the very rural lifestyle that we lead facing this development. I appreciate that the developer has put a 100-foot greenbelt between Rabbit Road and the start of the development. But, unfortunately, if you look at the plat lots I believe, 15, 19 and 20 are not helped by what the developer described as favorable geography. They face us directly.

When you hear words like “regional center” and “high-intensity” we do realize that there will be change but again I would like to ask the Commissioners to keep in mind the rural nature of the area being developed and the residential nature. Thank you.

CHAIRMAN MONTOYA: Thank you. Come on forward.

[Duly sworn, Don DeVito testified as follows]

DON DEVITO: Hi, my name is Don DeVito and I want to take this opportunity to thank the Commissioners for approving the rail trail area in Rabbit Road. It's

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been a huge benefit to the community and I really would encourage continued improvement of that rail trail as a community asset.

I live right across the street from the proposed development and I also work as a real estate broker so I try and walk the line of what is good land use and good development while maintaining and respecting what's already there. And what you're looking at here if you go to your maps, you're creating a commercial use bulge if you will into a rural residential area. That's fine. That's change and we can learn to live with that provided it's planned accordingly.

What I would favor, what I can live with, is something that earlier commented on where you've got some continuity which what's already across I-25 in the Rodeo Road Business Park. I-25 has always been a natural demarcation. South of I-25 was rural residential, 2.5 acre lots, horses, donkeys, chickens, mobile homes and custom homes. With this development now we're headed into a new frontier, if you will, where you're extending that commercial development across I-25 into what historically has been rural residential. They're opposed that but I ask that you think carefully about the conditional uses. And what I would not like to see are things like gas stations, retail or anything of a 24/7 nature. So I land on what's a compromise? Professional offices, churches, schools, maybe a community center just something that is not there 24/7. That's all I really have to say. Thank you for your consideration.

CHAIRMAN MONTOYA: Anyone else like to speak on this application.

[Duly sworn, Ernie Romero, testified as follows]

ERNIE ROMERO: Mr. Chair, members of the Commission, my name is Ernie Romero. I live at 35 Camino Monte Feliz in Santa Fe. And I wasn't planning on speaking because there are other people here who can speak on the specifics of this project a lot better than I can.

I just wanted to make a comment that when we first got the opportunity to look at this project it had a great amount of appeal to me. I've been here all my life. But to be involved in a viable commercial mixed-use project in the County was pretty interesting me because I've always seen all of that happen in the City where the City benefits from all of the gross receipts taxes and so forth and yet the County provides a lot of the housing which doesn't – but you don't get the benefit of the gross receipts taxes to support what you have to do here. So a project in the County that's viable is very appealing to me.

There are other mixed-use projects in the County but nothing that is so obvious that a mixed-use commercial development could take place. Because of its frontage along I-25 and St. Francis Drive. I really am proud to be part of a project that can provide jobs and economic opportunity to the citizens of Santa Fe County and people that live there and work there we're all the same. We're all just part of the greater Santa Fe area.

There's been some statements that all we would do is get it zoned and get the infrastructure in and start selling off parcels. That's not entirely true. You know, we'll be looking at doing some build-to-suit. We'll be looking at possibly moving our office there. We would do joint ventures with people. We have a track record. I've been in this business for 25 years and I have many projects under my belt in Santa Fe, Albuquerque, and in all of our neighboring states. We're here and we're here to stay. I just want to say that this will be

a good project and we really appreciate your consideration.

CHAIRMAN MONTOYA: Thank you. Anyone else wish to speak on this application? Okay, the public hearing is closed. Final comments.

MS. JENKINS: Just a few final comments. I just want to address a couple of things really quickly. I really appreciate the comments made about what – about maintaining some architectural integrity and continuity in the project. That's absolutely our vision as well. So as we move forward with our first phase, we will be developing design standards. We'll have CC&Rs that will have architectural standards and we will possibly have different standards depending on which lot a facility is being constructed. Depending on how visible is that lot from the people across the street. That's one of the things that we're looking at. So strict architectural standards, we absolutely believe in that and I'm really glad that Mr. Romero addressed their involvement. And Rodeo Business Park across the street, we do see that to some degree as a model. As a matter of fact, this property used to be owned by the original developers of Rodeo Business Park and Rodeo Business Park has developed well over the years but all of those parcels are individually owned. All of those facilities were built by the users of those parcels and so that pattern of development there is really seen as a model for what we're doing but we want to do it better. We want to have that mixed-use component that we think is really important especially as part of this existing neighborhood.

I think that's all I have now. I'll be happy to stand for any questions.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Jennifer, would you be willing to take all 24/7 businesses off the use list?

MS. JENKINS: You know what my preference would be and I appreciate the concerns about that, and my preference would be to address that when we come in for our first phase because the marketing effort in terms of the types of users and the types of facilities that we may be attracting that's really going to kick off assuming that we receive our entitlement this evening. So we'll be in a better position to respond to that once we are coming in with our first phase and say these are the users and really see if that is even – I don't think that that is going to be an issue frankly based on this site. But I would just ask for the opportunity to address that specifically when we come in with our first phase.

COMMISSIONER HOLIAN: And, another condition, well I don't know if this is a condition so much as just asking you to at least look into whether you could put the trail across the properties next door?

MS. JENKINS: We would be happy to reach out to that property owner. You know, it's only about 260 feet. It's a very short stretch and I appreciate the concerns about safety. We would be happy to reach out to that landowner and see if they are open or willing. I do know that it gets to be kind of a liability issue for an independent – for just a person who owns their home and lot there to have a public trail on their property. And if I owned that house that would be my primary concern. But I can tell you that we will absolutely reach out to that landowner and see if we can possibly come to an arrange with them.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thanks. I have a question for clarification purposes from staff and Vicki this might be for you but Jennifer I'll probably ask you some

too. With regard to the request that's before us, it's for master plan specifically; correct.

MS. LUCERO: That's correct.

COMMISSIONER VIGIL: But this project is going to be phased in. Does that mean that each phase will come to us for preliminary and final?

MS. LUCERO: Mr. Chair and Commissioner Vigil, each phase will be coming back to the Board for preliminary and final plat approval which is actually subdividing the lot. The development plan for actually constructing the commercial or residential buildings on the site will just go to CDRC. But for plat approval it will come back to the Board for each phase.

COMMISSIONER VIGIL: Okay. The architectural integrity that wants to be protected by the agent, is that something that we would have to put as a condition of approval in master plan or can it be done in preliminary?

MS. LUCERO: Mr. Chair and Commissioner Vigil, it should be – when they make application for preliminary they'll have to support any kind of restrictive covenants that they plan on having and at that point they'll address any architectural standards that they see appropriate. If there's something at that point that the Commissioners would like to add, I think that that would be the more appropriate time.

COMMISSIONER VIGIL: The other question is more a technical question. How close is this property to the contiguous requirement for annexation with the City do you know?

MS. LUCERO: Mr. Chair, Commissioner Vigil, I do not know the answer to that. I don't know if Jennifer does.

MS. JENKINS: I-25 right-of-way was annexed as part of the phase one annexation so we are directly adjacent. But this property is subject to the 20-year limitation on annexation per the settlement agreement from May of 2008.

COMMISSIONER VIGIL: So it's in phase three or something?

MS. JENKINS: No, this property cannot be annexed. It is not part of the presumptive City limits. This is County property and it is not even eligible for consideration of annexation for 20 years, actually 18 now.

COMMISSIONER VIGIL: Okay, thanks for clarifying that, Jennifer. I have no further questions.

CHAIRMAN MONTOYA: Okay, the public hearing is closed.
Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, I would like to move for approval of CDRC Case Z 10-5360 with staff conditions but removing number 11. Also, I would just like to urge you to investigate whether you can get an easement across the neighboring property for the trail – I won't put that as a condition. And, also, to work on for the preliminary plat phase to work on covenants that provide a uniform architectural look for the property. And, also, to be favorable towards local businesses.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: Okay, motion by Commissioner Holian and second by Commissioner Anaya. Any other discussion?

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The motion passed by [5-0] voice vote.

COMMISSIONER VIGIL: Clarification, Mr. Chair. Were those conditions of approval?

COMMISSIONER HOLIAN: No. I wasn't really adding them as conditions it was more of requests.

COMMISSIONER VIGIL: Okay, so those conditions can be addressed at preliminary. Thank you.

CHAIRMAN MONTOYA: We're going to move to item 11.

11. **CDRC Case # Z/DP 09-3132 PNM Caja del Rio Substation. Public Service Company of New Mexico "PNM" (Jeanette Yardman), Applicant, Requests Master Plan Zoning/Preliminary and Final Development Plan approval for the construction of the Caja del Rio Substation on 2.4 acres. The substation is needed to serve the City of Santa Fe/Santa Fe County Buckman Direct Diversion Water Pumping and Treatment Facilities, and future growth in the area. The project will consist of the substation, installation of two tap structures approximately 45 feet in height, and an interconnection with PNM's existing 115k V transmission line. The property is located at 11 W. Caja del Oro Grant Rd., within Section 22, Township 17 North, Range 8 East (Commission District 2). Wayne Dalton, Case Manger**

CHAIRMAN MONTOYA: I'll ask Steve Ross for some comments on this case.

MR. ROSS: Mr. Chair, I think we're going to ask for this case to be tabled for a month to allow us to work out some arrangements that began yesterday. Mr. Leyba who is a member of the community that's affected by the proposed substation there on Caja del Rio and County Road 62 has proposed an interesting suggestion yesterday which we are working on with PNM and the Buckman Direct Diversion Board. The suggestion is this, that the proposed substation be moved from its current proposed location at Caja de Rio and County Road 62 west down County Road 62 about 1,500 feet, 500 yards, which would put it below a rise that exists in the natural topography over there closer to the landfill and hopefully mostly out of sight for the community as it has been concerned about the effects of the substation on their neighborhood.

There are a number of technical issues that still need to be resolved. One is that we need to verify that the City actually owns the property where the station would be moved to. Remember, the proposed substation is going to be located on City property. There's maybe some technical issues that need to be worked out. They need to take a long at a new site, select a new site, and do the engineering on that site plus they would need to amend their application so that it can be brought back to you next month with a new location specified and all the other necessary details. Plus, they need to look at the cost for purposes of

informing the Buckman Direct Diversion Board how this will impact the project.

Mr. Leyba is here and he has agreed to say a few words and PNM would like to read a brief statement but I think that's where we're going in looking for a tabling tonight so we can work out some more of these details and bring you back an agreed solution to this long-running controversy.

CHAIRMAN MONTOYA: Okay, Mr. Leyba – oh, yes, go ahead.

[Duly sworn Jeanette Yardman testified as follows]

JEANETTE YARDMAN: Good evening, Mr. Chair, members of the Commission, nice to see you again. PNM has come fully prepared this evening to discuss and present our amended substation submittal to you. However, PNM has just learned as of yesterday afternoon about a new location that one of the local residents has proposed to place the substation. PNM is willing to investigate a location further west along the existing transmission corridor. But in order for PNM to determine if this is a viable site, PNM will need to verify several things, including; is this location technically feasible within the existing transmission lines, what environmental issues exist, and what process would be required to receive an environmental decision. There are, of course, cost decision and cost considerations. And, timing, timing as you all know has been and is of the essence with this project. As was necessary for the review process for the current site that we've brought forward to you, we will need City Council approval. An appraisal will need to be done on the property. An easement will need to be granted to PNM from the City of Santa Fe. These are just a few of the issues that PNM will need to have analyzed.

We have already done some site base-line screening of the proposed location from the residents. However, we have not had ample time to conduct a technical analysis that is required to determine if this site is feasible.

Mr. Chair, members of the Commission, we are ready to move forward with our current application tonight and we believe it is a good application before you now. However, we are willing to explore this location over the next 30 days so that we can come back to you in January to share our findings. Thank you.

CHAIRMAN MONTOYA: Thank you. Mr. Leyba, do you have a statement?

[Duly sworn, Mr. Leyba testified as follows]

MR. LEYBA: Do you want me – Dear Commissioners, I just want to thank you for the time that you've given us and we're hoping – we would support PNM moving the site and realistically, I don't know what they're going to come back with next month. This spot would work and, you know, we know from the testimony that PNM has given is that who knows what they're going to come up so, if you think that moving it and tabling it is a good decision tonight and realistically think that PNM would move it then that would be a good idea. But if you don't think PNM is going to try and move it, which I don't know, I mean I can't tell, I would appreciate it if you would deny it. So at this point it's just up to you guys. We'll support them moving it and we'll help in any way we can. That's pretty much it.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Leyba. I have a clearer question to ask you. If PNM works with you and community to move it to the lower site,

that's going to be acceptable to you and the community; is that correct?

MR. LEYBA: Yes, ma'am.

COMMISSIONER STEFANICS: Thank you very much, Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: I don't have a question for Mr. Leyba. I have a comment and my comment is that we've been tabling this for six months now. I was ready to act on this the first day we heard it. It was the right thing to do. Mr. Leyba and the residents that live out there they knew that they bought in a corridor area, utility corridor, and they should know that these kind of things are going to happen. Not only was it electrical but there's water, and no telling what else.

We keep holding up the decision because we can't make a decision. We're holding up the Buckman Direct Diversion Project. Something that we have fought long and hard and we're still holding it up and it makes me sick. It makes me sick because I wanted to act on this a long time ago and I wanted to act on it tonight and now it looks like we're going to table it again. And then what's going to happen, Mr. Leyba and the neighbors, something else is going to come up that you're not going to like? Of course. And the Commission cannot make a decision. What are we going to do, Commissioners, we're going to have to spend another \$200 or million dollars to move the location and who pays for that? The taxpayers. Maybe the residents should help pay that live out there.

You know, we've got to make decisions. We're pushing it again over. They have gone back and they have worked hard. The City of Santa Fe and we've all tried to come up with a solution and here it is again, we need to table. You're not going to make those neighbors happy. You're not. They look at power lines. I've been out there, they look at power lines and there's a landfill right next to it. What is an electrical distribution going to do anymore harm? I don't think anymore. Plus, they're going to need that to develop in that area and you're going to let 9 residents, possibly 10 or 15, stop the whole Buckman Direct Diversion Project which we have been working so hard on? I just don't agree and you guys have the right to complain and argue but there comes a time with the Commission needs to make a decision and we're not going to make the decision again; we're going to pass it on. That's not right. I hope we do not table this. I hope we can make a decision. They're coming to us. They have downscaled, downsized it to please the neighbors and they still haven't pleased the neighbors.

My main concern is how much more it's going to cost Santa Fe County which we don't have money to spend, how much more is it going to cost us to move it 1,500 feet and are they going to have to upgrade the line because maybe those lines aren't big enough; I don't know. I haven't put the pencil to calculate the voltage drop. But it all cost money every time we don't make a decision. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: So do we want to hear this case tonight is the question to make a decision one way or another?

COMMISSIONER VIGIL: I move to table, Mr. Chair.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil and second Commissioner Holian to table.

The motion passed by majority [3-2] voice vote with Commissioners Anaya and Montoya voting against.

CHAIRMAN MONTOYA: I will explain my vote which is a little different I think than what Commissioner Anaya expressed. If this application would have gone through the process the right way to begin with we wouldn't be having a delay, delay, delay, table, table, table – it should never even have come to us the way it came to us. I'm hoping the applicant and the residents can work to some sort of mutual agreement in terms of what's beneficial, what's suitable, what's practical in that area. So --

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: – yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Having voted in the affirmative, I move to reconsider this tabling.

CHAIRMAN MONTOYA: Okay, we have a motion to reconsider the table.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: The motion dies for lack of a second. We have to have people who voted in the affirmative to second the motion.

This case has been tabled and good luck working it out.

8. **CDRC Case # MP / PDP 10-5170 Santa Fe Southwest S.D.A. Adventist Church Texico Conference Association of Seventh-Day Adventists, Applicant, Jenkins/Gavin, Agent, Request Master Plan Zoning and Preliminary Development Plan approval to allow a 6,524 square foot Church facility on five (5) acres. The property is within the Community College District, at 62 A-Van-Nu-Po, within Section 29 & 30, Township 16 North, Range 9 East (Commission District 5) Jose E. Larrañaga, Case Manager**

MR. LARRAÑAGA: Thank you, Mr. Chair. On September 16, 2010, the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend approval of Case # MP/ PDP 10-5170, with staff conditions, with the omission of a condition, by the Public Works Department and the County Traffic Planner, for the implementation of 5-foot bike lanes on either side of A-Van-Nu-Po along the property frontage.

The Applicant requests Master Plan and Preliminary Development Plan approval for a new church facility at 62 A-Van-Nu-Po Road within the Rancho Viejo Subdivision. The Applicant also requests the Final Development Plan be processed administratively. The church facility will consist of a 6,524 square-foot structure. The site is within the Institutional Campus Zone of the Community College District.

Ordinance 2010-13, Section 7 states: "Community Service Facilities are facilities which provide service to a local community organization. These may include governmental services such as police and fire stations, elementary and secondary day care centers, schools

and community centers, and churches”.

Section 7.1 of Ordinance 2010-13 states: “Community Service Facilities are allowed anywhere in the County, provided all requirements of the Code are met, if it is determined that: the proposed facilities are necessary in order that community services may be provided for in the County; the use is compatible with existing development in the area and is compatible with development permitted under the Code; a Master Plan, Preliminary and Final Development Plan for the proposed development are approved.”

Ordinance No. 2000-12, Land Use Table identifies churches/religious institutions as an eligible use within the Institutional Campus Zone. Article V, Section 5.2.1.b states: “a Master Plan is comprehensive in establishing the scope of a project, yet is less detailed than a Development Plan. It provides a means for the County Development Review Committee and the Board to review projects and the sub-divider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a Preliminary and Final Plat approval.” Article V, Section 5.2.1.c states: “the Master Plan submittal will consist of both plans and written reports which include the information required in Article V, Section 5.2.2. A typical submittal would include a vicinity map, a plan showing existing site data, a conceptual environmental plan with written documentation, a master plan map, a master plan report, a schematic utilities plan and the phasing schedule. Maps and reports may be combined or expanded upon at the discretion of the applicant to fit the particular development proposal as long as the relevant information is included.”

Article V, Section 7.1 states: “a Preliminary Development Plan may be only a phase or portion of the area covered by an approved Master Plan, so long as the Preliminary Development Plan substantially conforms to the approved Master Plan.”

The Application was reviewed for the following: existing conditions, adjacent property, parking, access, signage, architectural standards, water, fire protection, liquid waste, terrain management, landscaping, and archaeology.

Recommendation: Staff has reviewed this application and has found that the facts presented support this request: Ordinance 2010-13 recognizes a church as a Community Service Facility; Community Service Facilities are allowed anywhere in the county; the Community College District Land Use Table identifies churches/religious institutions as an eligible use within the Institutional Campus Zone; the use is compatible with existing development within the Institutional Campus Zone. The application is comprehensive in establishing the scope of the project; the application satisfies the criteria set forth in Ordinance 2010-13, Section 7; the application satisfies the submittal requirements set forth in Article V, Section 5.2.2; the Preliminary Development Plan substantially conforms to the proposed Master Plan; the application satisfies the submittal requirements set forth in Article V, Section 7.

The review comments from State Agencies and the Building and Development Services Department have established findings that this application is in compliance with Article III, Section 4.4, Design Standards and Review Criteria, Article V, Section 5, Master Plan Procedures and Article 5, Section 7, Development Plan Requirements of the Land Development Code. Staff recommends Master Plan Zoning and Preliminary Development

Plan approval, with Final Development Plan to be processed administratively, for the Santa Fe Southwest S.D.A. Adventist Church, to allow a 6,524 square-foot church facility on five acres located at 62 A-Van-Nu-Po Road within Rancho Viejo.

Mr. Chair, may I enter the conditions into the record?

CHAIRMAN MONTOYA: Yes.

The conditions are as follow:

1. All Staff redlines shall be addressed, original redlines will be returned with final plans for Master Plan.
2. The Applicant shall comply with all requirements of the County Fire Marshal, Public Works and County Utilities Department.
3. The Applicant shall comply with Article XV, Section 6.E.7c.ii (Regulations for the Community College District) regarding bike lanes, sidewalks, curb radii, etc. (Exhibit "N") [revised at motion]
4. Master Plan and Preliminary Development Plan, with appropriate signatures, shall be recorded with the County Clerk.

MR. LARRAÑAGA: Mr. Chair, I stand for questions.

CHAIRMAN MONTOYA: Questions for staff? Okay, will the applicant come forward. Are you in agreement with all of the conditions?

[Previously sworn, Jennifer Jenkins appeared as the applicant's agent]

JENNIFER JENKINS: All of them, but one, Mr. Chair. I would like to address that in a brief presentation if I may.

CHAIRMAN MONTOYA: Sure.

MS. JENKINS: Good evening, again, Mr. Chair and Commissioners. I am Jennifer Jenkins, Jenkins Gavin Design & Development here on behalf of the Santa Fe Southwest SDA Adventist Church. I'm going to approach with a couple of visual aids.

So I think the project is fairly straightforward and I think that Jose did a nice job of explaining the details. This right here is the five-acre site and this is A-Van-Nu-Po Road in Rancho Viejo, this is the IAIA Campus and behind us to the south is the ATC Charter School and this is Avenida del Sur that takes you over Richards Avenue.

This is the site plan. We're proposing a driveway that will align with the – the IAIA has two curb cuts. We're aligning with the easternmost curb cut to create a clean 90 degree alignment here. You come into the parking area and just adjacent to the parking area is a small 6,500 square-foot church facility. We have parking areas of 67 spaces. They are proposing some lovely garden areas and walking paths, and, again, it kind of drops down, so the visibility from A-Van-Nu-Po is going to be pretty minimal.

My only concern is with the condition that the Church construct bike lanes along their property frontage, along both sides of A-Van-Nu-Po. This condition was also present when we went before the CDRC. There was discussion at that time when Mr. Kolkmeier suggested that the condition could be removed and the CDRC approved the application unanimously with that condition removed and yet it's still there. It's a curious thing but we need to talk about it now. In the staff report the western extension of Avenida del Sur all the way over to Highway 14 is discussed and with that extension the A-Van-Nu-Po will become a more significant connector within Rancho Viejo and the Community College District. We

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don't know when this is going to happen. It's part of the MPO Plan that Commissioner Stefanics referenced. But when that happens, how that happens, when the funding for that becomes available for that is anybody's guess. And, as you can see right now, there's very little going on it terms of development and activity on A-Van-Nu-Po. The IAIA was required to get an access permit from Santa Fe County for their facility. Were they required to build bike lanes? No, they were not. The ATC had to get an access permit to access the public right-of-way of A-Van-Nu-Po, they also were not required to build bike lanes. Now, we have a small, 90-member church, coming in the door and they're being asked to build bike lanes that could cost from \$35,000 to build bike lanes to nowhere, connecting to nothing. This is identified as either a living priority or a mixed priority road in the Community College District Ordinance. Based upon the standards of living priority roads do not in this approved roadway section of the ordinance don't call out for bike lanes and in my analysis this does not satisfy the conditions for a mixed priority road also as stated in the staff report, until such time as Avenida del Sur is extended, which we don't know when that's going to be. And, even the mixed priority road says bike lanes are optional.

So this requirement feels unfair. It feels untenable and frankly, it is much too expensive of a burden for a small community church to bear. So I respectfully request your approval of application this evening without the condition for bike land. Thank you very much for your time and attention and I'll be happy to answer any questions.

CHAIRMAN MONTOYA: Thank you. Commissioner Vigil and Commissioner Stefanics.

COMMISSIONER VIGIL: This is probably more for staff and Jennifer you can chime in too. IAIA and ACT, those are separate schools; aren't them? They're not even required to necessarily come for master plan, development and final plan approval for the County are they? I'm not real sure about that. IAIA being owned by a tribal or a federal entity. And then ATC is a charter school isn't it?

SHELLEY COBAU (Building & Development Service Manager): Mr. Chair, Commissioner Vigil that's correct. IAIA did not come for master plan development plan approval. They did, I believe as Jennifer stated, come for an access permit. The ATC school, I was their agent and brought that forward, but it was basically an after-the-fact action. The entire school was built under the assumption that they didn't need Board approval and they were basically red-tagged and came forward.

COMMISSIONER VIGIL: Okay. So had they, either one of these entities, come forward staff would have reviewed it for trails; is that not correct?

MS. COBAU: Yes, that's correct.

COMMISSIONER VIGIL: It seems to me that part of the reason for the trail requirement has to do with the Community College Ordinance; correct? That's a requirement or – explain that to me further.

MS. COBAU: That's correct, it's a mixed priority road and trails as Jennifer has stated trails are optional. And I think the observation; the staff observation is that she's correct in stating that really there would be no connection at this time. And, I think that we've discussed it and we feel comfortable if that condition were removed.

COMMISSIONER VIGIL: Okay. What about if it could be a connector in

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the future?

MS. COBAU: Mr. Chair, Commissioner Vigil, I think in the future as part of our code rewrite and our capital improvements we're talking about perhaps initializing impact fees. And, at that time, perhaps, impact fees could be used to go back and retrofit trails where trails were absent when development was previously done. So, I think it's just a decision for the future. There's really, I live in Rancho Viejo, myself, there's a really extensive trail system that is existing out there and those schools, the kids drive there or are bussed there. They're not necessarily walking there like they did to Amy Biehl Elementary School. They're removed from the residential portions of Rancho Viejo and there are some grade differential issues on the roadway itself. It's sort of perched and there are serious drop-offs, shoulder issues and in the future we'll look at design of A-Van-Nu-Po itself and perhaps at that time trails could be incorporated into the upgraded roadway.

COMMISSIONER VIGIL: Thank you, Shelley and, thank you, Mr. Chair.

CHAIRMAN MONTOYA: All right. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I think Commissioner Vigil addressed my issue whether or not it was even appropriate to put bike trails there. Whether the road was wide enough? Whether the other entities along that road had them and I have some concern about taking one development on a pretty empty road where the other developments don't have the appropriate design. So, as long as we can accommodate that I think that would be good.

CHAIRMAN MONTOYA: any other questions. This is a public hearing, if there would be anyone to speak on this case, please come forward.

[Duly sworn, Michael Maestas testified as follows]

MICHAEL MAESTAS: My name is Michael Maestas and I live here in Santa Fe. Mr. Chair and fellow Commissioners, thank you, and I wanted to take the opportunity, I'm the head elder for the Seventh Day Adventists Church and I have been involved in every single phase of the plan for this church and we're just really elated that we're at this point in time because I want to say that I want to request your approval of the development of our plans.

We have been working very hard and we envision that this time next year we will be worshipping our church. We're really looking forward to the approval of this particular plan. All of our church members have been very faithful in their giving and we had a vision to victory to plan where we all put in a certain amount of commitments of donations of money, and services and time, and we're all just really elated that we're at this particular juncture and we're all just really looking forward to your approval of this request. Thank you.

CHAIRMAN MONTOYA: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chair, I move to approve – is the public hearing over?

CHAIRMAN MONTOYA: We need to give other people the opportunity to speak if there is anyone else. Seeing no one else, this public hearing is closed. Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chair, I move to approve CDRC Case MP/PDP 10-5170 and remove the condition of the requirement for trails.

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COMMISSIONER STEFANICS: I will second but I have a clarification question.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil and second by Commissioner Stefanics. Commissioner Stefanics.

COMMISSIONER STEFANICS: So, we – Mr. Chair and Jack or Shelley, on staff condition number three we want some of those conditions but not others. I'm on page six.

MS. COBAU: Mr. Chair, Commissioner Stefanics, I think if we could just rewrite the condition to state that, The Applicant shall comply with Article XV, Section 6.E.7c.ii (Regulations for the Community College District) regarding ~~bike lanes~~, sidewalks, curb radii, etc. (Exhibit "N") And just strike bike lanes from that condition.

COMMISSIONER STEFANICS: Okay, thank you very much.

CHAIRMAN MONTOYA: Is the maker of the motion okay with that?

COMMISSIONER VIGIL: Yes, that was the intent of the motion.

CHAIRMAN MONTOYA: And the seconder with that clarification.

COMMISSIONER STEFANICS: Okay.

CHAIRMAN MONTOYA: Any other discussion?

The motion passed by unanimous [5-0] voice vote.

8. **CDRC Case # MP 10-5351 Rio Santa Fe Business Park Pena Blanca Partnership Applicant, Jim Seibert Agent, Request Master Plan Zoning Approval for a 31.44 acre parcel as a Commercial/Industrial Use. The property is located at 54 Colony Drive, North West of NM 599, north of Paseo de River, within Section 10, Township 16 North, Range 8 East, (Commission District 2). Jose E. Larrañaga, Case Manager**

Exhibit 6: Memo from Matthew Baca/Baca Ranch dated 12/13/10

MR. LARRAÑAGA: Thank you, Mr. Chair. On September 16, 2010, the County Development Review Committee met and acted on this case, the decision of the CDRC was to recommend approval, of Case # MP 10-5351 with staff conditions.

On August 10, 2010, the Applicant was granted Master Plat Authorization approval, by the Board of County Commissioners, on a 31.44-acre parcel. Approval of the Master Plat delegates authority to the Land Use Administrator to administratively approve a specific lot layout plan when it determines that due to the size, scale or marketing requirements that approval of a plat with a specific lot layout is in the best interest of the county and developer.

After such a delegation is made, the County Development Review Committee and Board shall establish development standards applicable to the subdivision as authorized by the Code and other applicable ordinances and laws, establish the maximum number of lots to be permitted, intensity of use, and required improvements, and may then approve both the Preliminary and Final Plat which will be known and designated as a Master Plat.

The Applicant requests Master Plan Zoning, in conformance with the requirements of

Article V, Section 5 of the Land Development Code to allow for commercial/industrial use on 31.44 acres. The property has been used as a mine site for excavation of sand and gravel which is located in an area of the county where the predominant use is commercial.

Article V, Section 5.2.1.b states: "A master plan is comprehensive in establishing the scope of a project, yet is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the subdivider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval."

Article V, Section 5.2.1.c states: "The master plan submittal will consist of both plans and written reports which include the information required in Article V, Section 5.2.2. A typical submittal would include a vicinity map, a plan showing existing site data, a conceptual environmental plan with written documentation, a master plan map, a master plan report, a schematic utilities plan and the phasing schedule. Maps and reports may be combined or expanded upon at the discretion of the applicant to fit the particular development proposal as long as the relevant information is included. "

The Application was reviewed for the following; existing conditions, adjacent properties, parking, access, outdoor lighting, signage, architecture standards, water, fire protection, liquid waste, terrain management, landscaping, and archaeology.

Recommendation: Staff has reviewed this Application and has found the following facts presented to support this request: the application satisfies the submittal requirements set forth in Article V, Section 5.2.2; the application is comprehensive in establishing the scope of the project; the proposed site is located in a predominately commercial developed area of the county; the proposed Master Plan meets the criteria set forth in the Land Development Code.

The review comments from State Agencies and the Building and Development Services Department have established findings that this Application is in compliance with Article V, Section 5, Master Plan Procedures of the Land Development Code.

Staff recommends Master Plan Zoning approval, of the Rio Santa Fe Business Park, to allow commercial/industrial use on 31.44 acres, subject to the following conditions, Madam Chair, may I enter these conditions into the record?

COMMISSIONER VIGIL: Yes.

The Conditions are as follows:

1. All Staff redlines shall be addressed, original redlines will be returned with final plans for Master Plan.
2. The Applicant shall comply with all requirements of the County Fire Marshal, County Public Works and County Utilities Department.
3. Master Plan with appropriate signatures shall be recorded with the County Clerk.

MR. LARRAÑAGA: I stand for any questions?

COMMISSIONER VIGIL: Seeing none, is the applicant here? Mr. Siebert, do you have a presentation?

[Duly sworn, Jim Siebert, testified as follows]

JIM SIEBERT: My name is Jim Siebert. My address is 915 Mercer. Let me begin by saying thanks to Commissioner Anaya and Commissioner Montoya for their service

over the last eight years. I've spent several nights down with them and I think the legacy that you both leave will be one of service and accessibility and responsiveness to your constituents. I'd just like to thank you for your service all of these years.

COMMISSIONER ANAYA: Thank you, Jim.

MR. SIEBERT: Let me give you a little background. The planning history of this particular property really began with the Airport Master Plan that County staff worked on and was eventually adopted several years ago. Elements of that plan that evolved into the Sustainable Growth Management Plan. And what we handed out depicts two issues: how does this relate to the past plan and how does it relate to the current plan? The first one [*Exhibit 7*] the area marked in orange is the description of the SDA zone relative to the site. The site is marked as site. And this is an SDA one zone or utility and infrastructure planned as the highest priority. The next drawing [*Exhibit 8*] is what the future land use map recommends and the big star is just an indication that it's a regional center, regional in scope and scale. And the red is that it's a mixed-use non-residential project.

What we're proposing tonight is consistent with the SDA designation and consistent with the Land Use designation of the Sustainable Growth Management Plan. In terms of the access, we will be accessing the property off the extension of the 599 frontage road. It'll be the same road that passes by and serves the County's Public Works building. The water will be County water. We have a letter from the County Utilities saying that they're willing to serve the project with water. On sewer, we're currently working with Public Works and with the County Utilities to see if we can combine both projects, both the Public Works building which is currently on a septic tank and onsite wastewater with this project and we would actually lift it into the City sewer. We have the easements already acquired to be able to accomplish that for both, this project and the Public Works' project.

The one thing I think I'd like to discuss with you and we're going to hand out another document here. [*Exhibit 9*] There's another recommendation and it's part of the staff report regarding an access across the Santa Fe River. This is an important issue to the County and it's an important issue to the applicant as well. What I'd like to do is talk about firstly where this is. If you go to the very end there's an aerial photo which is part of the Phase B 599 study and it shows where the improvements would be to the extension of the frontage road including another bridge crossing of the Santa Fe River. This access isn't absolutely necessary to this project but we think overall it's good for the County.

Phase B there was a study done initially on 599; there was a subsequent study done that's called the Phase B study that ranks the priorities of improvements along 599. The cost of this particular improvement as it's shown on their on the photograph is approximately \$4.5 million. This is a substantial expenditure. The priority level is 5 out of 10 of the improvements. The number one priority is County Road 62 and 599 interchange which has been funded and should be completed around 2012. The current users, and one thing I included here is from the traffic study is the next two pages is some of the AM and PM traffic on that road that is currently crossing the Santa Fe River and it's substantial. And, in fact, probably a significant percentage of that traffic is from the Public Works building but there are other users as well. There's the State Game and Fish, the State Archaeology building and there will be other buildings adjacent to the State Archaeology. City solid waste trucks and

this is from observation of being on the site. Recreational users, the City's recreational complex, the asphalt plant trucks and then cut-through traffic from Las Campanas.

What we would seek from the Commission would be consideration to put together a coalition of some of the stakeholders and we already have the support from State Archaeology to proceed forward to see if it is possible to secure funding and maybe increase the priority level of that river crossing.

We are in agreement with the conditions as stated by staff and I'll answer any questions you may have.

CHAIRMAN MONTOYA: Okay, questions for the applicant. Seeing none, this is a public hearing, if there is anyone who would like to speak on this case. Okay, this public hearing is closed. Deliberation.

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya with conditions.

COMMISSIONER ANAYA: Yes.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: And second by Commissioner Holian. Any discussion?

The motion passed by unanimous [4-0] voice vote. Commissioner Vigil was not present for this action.

LOUIS GONZALES: I would like to say a word to our Commissioners who are leaving. I have really enjoyed working with you and I think you have done a commendable job and the Commissioners that are staying have a lot of work ahead of and I commend them too. It's a hard job what you guys do as politicians who represent your constituency. I admire you for it and I thank you for it.

CHAIRMAN MONTOYA: Thank you, Louie. Appreciate it.

MR. GONZALES: Thank you.

COMMISSIONER ANAYA: Would you have said that if we had denied it?

[Laughter]

10. **CDRC Case # MP/PDP/DP 10-5770 Santa Fe Brewing Company**
Santa Fe Brewing Company, Applicant, Brian Lock, Agent,
Request a Master Plan Amendment to allow outdoor
entertainment as a permissible use, Preliminary And Final
Development Plan Approval for outdoor entertainment for the
existing restaurant and brewery. The Property is located at 35
Fireplace Road, off Highway 14, within Section 25, Township 16
North, Range 8 East (Commission District 5) Jose E. Larrañaga, Case
Manager

CHAIRMAN MONTOYA: Next and our last case for Commissioner Anaya and I.

MR. LARRAÑAGA: Mr. Chair, on October 21, 2010, the County Development Review Committee met and acted on this case, the decision of the CDRC was to recommend approval, of Case # MP/DP 10-5770, with staff conditions. On November 9, 2004, the BCC granted Master Plan and Preliminary Development Plan approval for Santa Fe Brewing to allow a brewery facility and restaurant on 3.6 acres. The Final Development Plan was to be processed administratively.

The existing Zoning on the site does not include outdoor entertainment. The Applicant is requesting a Master Plan Amendment to allow outdoor entertainment as a use on this site. The Final Development Plan was not approved by staff consequently not recorded. The Applicants intent is to comply with Land Development Code and the conditions of prior approval by the BCC. Therefore the Applicants request includes approval of the Final Development Plan for the existing facility.

Article V, Section 5.2.6 states: "any substantial change in land use or any increase in density or intensity of development in the approved Master Plan requires approval by the County Development Review Committee and the Board." Article V, Section 7.2 states: "the Final Development Plan as approved by the County Development Review Committee shall be filed with the County Clerk. The approved Final Development Plan becomes the basis of development permits and for acceptance of public dedications. Any changes in the plan must be approved by the County Development Review Committee."

The 3.6-acre site is designated as an Employment Center within the Community College District. An Employment Center allows for liquor sales and distribution facilities as a special use and restaurants as an eligible use, subject to Master Plan approval.

Currently there are two structures on the property, one of which has historically been operated as a restaurant and bar. The second structure is being operated as a brewery. The Applicant proposes to utilize the existing structures as they are currently being used, with a minor expansion to the restaurant for the proposed development.

The outdoor entertainment at the site is currently being permitted by the County as Special Use Permits. The Master Plan Amendment would allow for outdoor entertainment without prior approval by the County. The parameters of the outdoor activities are listed within the conditions of approval herein.

The Applicant was reviewed for the following: existing conditions, adjacent properties, parking, access, outdoor lighting, signage, water, fire protection, liquid and solid waste, terrain management, landscaping, rainwater harvesting, and archaeology.

Recommendation: Staff has reviewed this application and has found the following facts to support this submittal: the Master Plan and Preliminary Development Plan was approved by the BCC; the site is designated as an Employment Center within the Community College District; an Employment Center allows for liquor sales and distribution facilities as a special use and restaurants as an eligible use; the proposal for the Master Plan Amendment and Final Development Plan meet the criteria set forth in the Land Development Code.

The review comments from State Agencies and the Building and Development Services Department have established findings that this Application is in compliance with Article V, Section 5.2.6, Article V Section 7.2 of the Land Development Code and Ordinance No. 2000-12. Staff recommends approval of a Master Plan Amendment to allow outdoor

STC CLERK RECORDED 02/2011

entertainment as a use on this site and Final Development Plan approval for a brewing and restaurant facility on 3.6 acres, subject to the following conditions. Mr. Chair, may I enter those conditions into the record?

CHAIRMAN MONTOYA: Yes.

The conditions are as follows:

1. All Staff redlines shall be addressed, original redlines will be returned with final plans for Master Plan.
2. The Applicant shall comply with all requirements of the County Fire Marshal, County Public Works and County Utilities Department.
3. Master Plan Amendment with appropriate signatures shall be recorded with the County Clerk.
4. Final Development Plan with appropriate signatures shall be recorded with the County Clerk.
5. Outdoor events: noise mitigation shall be in place at all times; a traffic control plan shall be in place; the Applicant shall inform the County Fire Marshal and County Sheriff's Department two (2) weeks prior to any outdoor activities taking place; portable toilets shall be placed on the site for outdoor events; on sight/off site signage advertising an event shall not be permitted; a lease for the off-site parking shall be submitted prior to recording the Final Development Plan; in the case that the off-site parking area is not available or a lease is not renewed outdoor activities shall not be allowed. The above mentioned conditions shall be placed on the Final Development Plan and recorded.

MR. LARRAÑAGA: Mr. Chair, I stand for any questions.

CHAIRMAN MONTOYA: Questions for staff? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. So the applicant is totally aware of the noise ordinance and is prepared to abide by that.

MR. LARRAÑAGA: Mr. Chair, Commissioner Stefanics, that is correct.

There is a noise study in the report and he's totally aware of that, yes.

COMMISSIONER STEFANICS: Well, the one concern I have right now, Mr. Chair, is that some of the neighbors have expressed concern occasionally, not a lot, and if there – if the County never knows what outside entertainment is going to be occurring then we really wouldn't have the notice for the Sheriff's office to check on the premises.

MR. LARRAÑAGA: Mr. Chair, Commissioner Stefanics, condition 5: "... the Applicant shall inform the County Fire Marshal and County Sheriff's Department within two weeks of outdoor activities..." so the owner is required –

COMMISSIONER STEFANICS: Would notify them. So, Mr. Chair, the item number five would require them to notify those offices.

MR. LARRAÑAGA: Mr. Chair, Commissioner Stefanics, that's correct.

COMMISSIONER STEFANICS: Okay, thank you.

CHAIRMAN MONTOYA: Any other questions for staff? Will the applicant come forward, be sworn, and state your name.

[Duly sworn, Brian Lock, testified as follows]

BRIAN LOCK: My name is Brian Lock. My address is 4 Antiqua Place,

SFC CLERK RECORDED/02/2011

Santa Fe, New Mexico, 87508.

Thank you, Commissioners for staying late and listening to this case here. I think my biggest concern is regarding just Santa Fe's community people in general. This potentially could be and probably is the last music venue that is left in Santa Fe for community members to go and see shows of any size. Paolo Soleri is up in the air and I don't think that is going to happen as a live music venue. I think Santa Fe is always seen as a artistic -- and there's a certain mystic about it. There's a lot of galleries here. We have tons of what I consider to be visual art and in my opinion I think the one thing that Santa Fe lacks to bring tourists and to increase the overall awareness of this town is an audio arts, mean music. And there are a lot of people in this town that enjoy the audio arts and I think it's a very big draw for tourism, bringing people into this town, staying in the hotel rooms, spending money at the restaurants and as a part of that I think what I'm proposing here is the ability to provide the community of Santa Fe with a place to actually go and witness and see live music. This is really the last one and if this one doesn't happen, you know, the closest place people have to go is Albuquerque. In my opinion, the farther you have to drive the more risks are involved. I guess my point is that I hope you consider in whatever decision is made that there might be a courtesy to the people of Santa Fe that enjoy the arts visually and audio arts, that this would be a disservice to the community if it was not available to them. That's just my feeling and really what I'm hoping to provide for the citizens of Santa Fe. I'd be happy to answer any questions that you may have.

CHAIRMAN MONTOYA: Okay. And, you're in agreement with all of the conditions?

MR. LOCK: Yes.

CHAIRMAN MONTOYA: Questions for the applicant? Thank you, Brian. This is a public hearing and I don't see anybody out there who is going to come and talk about it. This public hearing is closed.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Since this is my last case of eight years, I'd like to thank Jose and Penny and Shelley, Jack and Steve, Karen and who is behind -- and Jason back there. Through all the cases we've heard it had to end up being at a brewing company with outdoor entertainment. I'm glad it was this one and not the PNM. [Laughter] But I agree with what you said, Brian.

I move to approve this case.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya to approve with staff conditions and a second from Commissioner Stefanics. Any other discussion?

The motion passed by unanimous [5-0] voice vote.

CHAIRMAN MONTOYA: Congratulations. And I sign off for the last time.

MR. LOCK: Thank you, Commissioners, and I don't know if I would have

accepted it had you denied it based on the last case. But I guess thanks for all the service over the last eight years. I think you've done a great job. And I know you heard the case in '04, so thanks for the support and your time and your service.

CHAIRMAN MONTOYA: Thank you and good luck.

COMMISSIONER ANAYA: And I want to sign off too, Commissioners.

XVI. ADJOURNMENT

Having completed the agenda and with no further business to come before this body, Chairman Montoya declared this meeting adjourned at 8:45 p.m.


Approved by:



Board of County Commissioners
Virginia Vigil, Chairwoman


VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Respectfully submitted:


Karen Farrell, Wordswork
227 E. Palace Avenue
Santa Fe, NM 87501

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE PUEBLO OF POJOAQUE AND SANTA FE COUNTY FOR
EMERGENCY FIRE SUPPRESSION SERVICES
ON TRIBAL LANDS**

This Memorandum of Understanding (hereinafter referred to as "MOU" or "Agreement") is made this ___ day of December, 2010, by and between the Pueblo of Pojoaque ("Pueblo") and Santa Fe County, New Mexico (hereinafter referred to as "the County"), a political subdivision of the State of New Mexico.

WHEREAS, the Pueblo of Pojoaque (hereinafter referred to as "the Pueblo") is a federally recognized self-governing sovereign Indian tribe, located within the boundaries of Santa Fe County, New Mexico;

WHEREAS, the Pueblo desires that the County provide the Pueblo with emergency fire suppression services;

WHEREAS, the County and the Pueblo desire to enter into an agreement for emergency fire suppression services; and

WHEREAS, the County and the Pueblo, recognizing the sovereign rights of the County and the Pueblo, and in a spirit of cooperation, have engaged in good faith negotiations and have mutually agreed to the terms set forward herein.

NOW THEREFORE BE IT RESOLVED THAT the signatories to this Memorandum of Understanding mutually agree as follows:

I. TERMS AND CONDITIONS.

A. This MOU establishes terms for providing emergency fire suppression services by the County to the Pueblo within Santa Fe County boundaries.

B. Nothing in this Agreement shall be construed as either an expansion or a limitation of the respective jurisdictional authority of any signatory to this MOU. The parties agree that all applicable County, State, Tribal and Federal laws regarding jurisdictional matters remain unchanged by this MOU.

C. This MOU recognizes the importance of continued cooperation between the Pueblo and the County and their respective agencies involved in protecting the safety, health, and welfare of humans for the overall improvement of community safety, within the overlapping jurisdictions of the County and the Pueblo.

D. Subject to the availability of personnel and equipment, the County Fire Department will render emergency fire suppression services to the Pueblo in accordance with this MOU.

E. The Pueblo agrees to grant the County unrestricted access to the Pueblo lands so that the County Fire Department can respond to emergency fire situations.

F. For the benefit of residents, especially in regard to the availability and cost of property insurance, if the Pueblo operates or maintains a community water system including water tanks, water lines, water pumps or other similar infrastructure, the Pueblo agrees to provide access to its water well information to ISO Claims Services, Inc. ("ISO"), a foreign corporation registered to do business in New Mexico, as needed for audit purposes, provided that ISO executes a non-disclosure form acceptable to the Pueblo. By executing this Agreement, the Pueblo is not obligated to provide access to such information to the County.

II. SCOPE.

A. The County and the Pueblo do hereby waive against each other all claims or compensation for any loss, damage, personal injury, or death occurring in consequences of the performance of this Agreement.

B. Any service performed in accordance with this Agreement by any officer, employee (volunteer or career), of the County Fire Department constitutes service rendered in the line of duty in office, employment, or volunteer service.

C. Any dispatch of equipment and personnel pursuant to this Agreement is subject to the following conditions:

1. In recognition of the County Fire Department's responsibility to assure emergency fire suppression services, including equipment and personnel furnished pursuant to this Agreement, the Pueblo agrees to exercise reasonable care in protecting the County Fire Department's equipment, personnel, and personal equipment.
2. Notwithstanding any provision to the contrary herein, the officer in charge of the County Fire Department may withdraw any and all equipment, apparatus or personnel at any time that officer deems circumstances to be such that personnel, apparatus or equipment is subject to unnecessary risks.

D. The liability of the County shall be subject in all cases to common law principles of sovereign immunity and the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Section 41-4-1 *et seq.*, and any amendments thereto.

E. This Agreement in no way affects other tribal lands or any formal or informal agreements between or relating to the County and the Pueblo for fire protection, emergency medical services and primary or secondary law enforcement services.

III. MISCELLANEOUS.

A. Terms and Termination. This MOU shall have a term of five (5) years, but shall automatically renew for subsequent one-year terms indefinitely unless terminated sooner upon thirty (30) days written notice to the other party.

B. Dispute Resolution. In the event that a dispute arises between the County and the Pueblo over the interpretation of and performance under this MOU, the parties shall make every effort to timely resolve the dispute upon receipt of written notice of the disputed matter. Nothing in this MOU can or does, or shall be deemed or interpreted to waive the sovereign immunity of the Pueblo or the County, or to confer jurisdiction on the State of New Mexico over Nambe Pueblo.

C. Amendment. The parties may amend the Agreement from time to time, but any amendment shall be in writing, executed by all parties.

D. Effective Date. This MOU becomes effective upon the signing by all parties below.

E. Continuing Negotiations. The parties hereto agree to continue negotiations with a goal to achieving agreement to be documented in future MOUs concerning fire protection for tribal enterprises (such as the Buffalo Thunder Resort and the Cities of Gold Casino) and EMS services within the boundaries of the Pueblo.

PUEBLO OF POJOAQUE

_____ Date: _____

Governor

**SANTA FE COUNTY BOARD
OF COUNTY COMMISSIONERS**

_____ Date: _____

Harry Montoya
Chairman

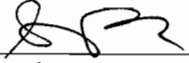
ATTEST:

_____ Date: _____

Valerie Espinoza
Santa Fe County Clerk

SFC CLERK RECORDING 07/2011

APPROVED AS TO FORM:



Stephen C. Ross
Santa Fe County Attorney

Date: 12-13-08

SFC CLERK RECORDED/82/2011

Judge Steve Herrera Judicial Complex – Remediation Activities

In response to the directive of the Board of County Commissioners, the County is remediating a subsurface plume of gasoline from historic service stations in downtown Santa Fe. The County's remediation at the site of the future Judicial Complex (Site) is in coordination with remediation by the New Mexico Environment Department (NMED) in adjacent areas to the north, east and south (Off-Site)

Past Remediation

By County On-Site:

- Removed approximately 20,000 tons of gasoline-contaminated soil (equals approximately 15,000 gallons of gasoline).
- Installed steel plates around perimeter of lower parking garage (north, east and south sides) to protect Site from Off-Site gasoline.
- Reduced dissolved-phase gasoline in ground water by treating over 3.5 million gallons of contaminated ground water.
- Worked within NMED's Voluntary Remediation Program and informed NMED's Petroleum Storage Tank Bureau of remediation steps.

By NMED Off-Site:

- Two soil vapor extraction systems have removed approximately 9,000 gallons of gasoline.
- Two additional wells were installed in November 2010 to address deeper contamination.

Future Remediation

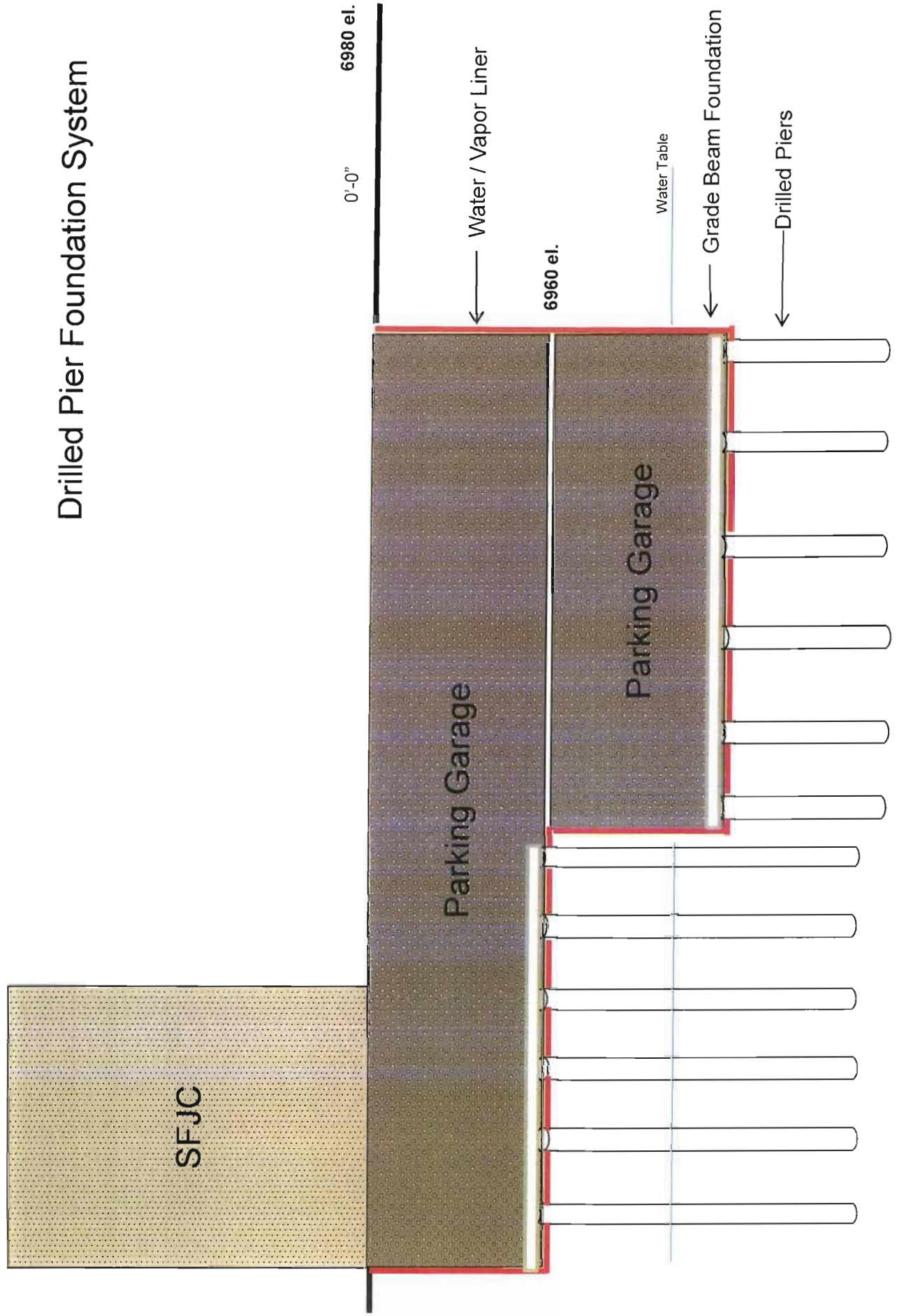
By County On-Site

- Treat ground water daily at a rate of approximately 15 gallons per minute until construction of the lower parking garage is completed.
- Remove an additional 2,000 tons of contaminated soil and replace with engineered backfill.
- Add oxygen release compound to the backfill to reduce dissolved-phase contamination in ground water.
- Monitor On-Site wells and indoor air to confirm lower garage and users are protected.

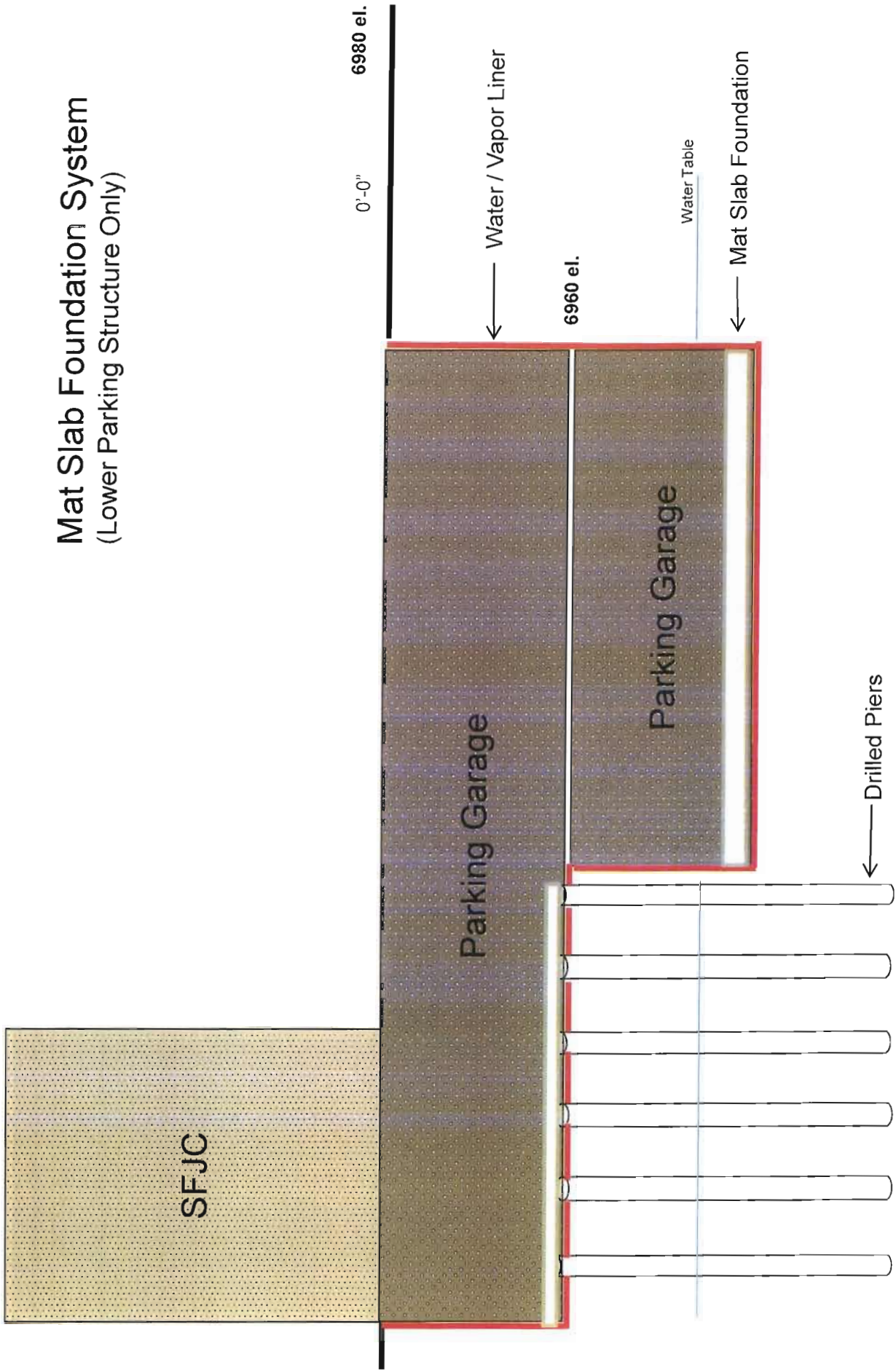
By NMED Off-Site

- Continue operation of the soil vapor extraction systems until all free-phase gasoline has been removed.

Drilled Pier Foundation System



Mat Slab Foundation System (Lower Parking Structure Only)



**1st JUDICIAL COURTHOUSE PROJECT
FINANCIAL OVERVIEW**

REVENUE:

Revenue Balances: (10/31/10)	
1/16 GRT	\$3,709,366.89
2007 GOB – Voter Approved Bond	\$ 371,963.05
2008 Revenue Bond	\$ 703,444.95
	<hr/>
Sub-total:	\$4,784,774.89
<u>Additional FY11 Revenue: 1/16 GRT (projected)</u>	<u>\$1,367,084.89</u>
Total FY 2011 Projected Revenues:	\$6,151,859.78

EXPENDITURE:

Additional Projected Expenditures: (10/31/10)	
Remediation Efforts	\$ 966,984.15
Consultants (estimate)	\$ 300,000.00
Mat Slab	\$1,042,985.91
5% Contingency for Construction	\$2,000,000.00
	<hr/>
Sub-total (projected expenditures and contingency)	\$4,309,970.06

ESTIMATED BALANCE: (06/30/2011) **\$1,841,889.72**

Santa Fe County Long Term Affordability and Foreclosure Prevention Policy

The Santa Fe County Housing Authority - and - The Santa Fe County Affordable Housing Program

1. Activity Description:

The goals advanced by this joint policy document of the Santa Fe County Housing Authority and the Santa Fe County Affordable Housing program include; (i) ensuring long term affordability of homes created through the Santa Fe County Affordable Housing Program, (ii) ensuring that persons who purchase homes through the affordable housing programs of the County are able to keep those homes, (iii) preventing foreclosure of affordable units, (iv) directly assisting program participants when unforeseen problems threaten home ownership, and, (v) providing a means to purchase affordable homes and make them available to eligible buyers when default or foreclosure becomes inevitable.

This policy establishes an equitable process through which staff will review situations that threaten the possession of affordable homes, make decisions concerning the issues threatening the transaction, and, when necessary, purchase homes that may be lost. The policy also establishes the County's discretion to make such decisions, which is delegated to the County Manager.

All words and phrases used herein shall have the meanings assigned to those terms and phrases by Ordinance No. 2006-02 and the Santa Fe County Affordable Housing Regulations. If not assigned a meaning by those documents, words and phrases shall be interpreted according to their usual and customary meaning.

2. Options.

To advance the goals described in the previous section, upon learning of impending default or proposed foreclosure of an affordable unit, the County will take the following actions, in the following order, as appropriate:

A. Refinancing. Immediately upon learning that an impending default or forfeiture threatens ownership of an affordable home, County staff will meet with the owner and discuss the situation. Staff, with permission of the owner, may evaluate the owner's existing income and credit to determine if the mortgage may be refinanced to lower the monthly mortgage payment. Staff will facilitate discussions on this topic between the owner and the lender.

B. Loan Modification. If it is not possible to refinance the transaction to lower the monthly payment, Staff shall facilitate additional discussions with the owner and a lender to obtain loan modification to allow the owner to remain in the affordable home.

C. Mortgage Assistance. If it not possible to refinance or to obtain loan modification, Staff may grant emergency mortgage assistance to remedy a hardship such as a loss of income or medical emergency. Before granting emergency mortgage assistance, staff shall thoroughly evaluate the situation. In particular, staff shall consider whether the underlying problem resulted from a temporary loss of income, loss of employment, medical emergency or other unusual financial circumstance; if the financial circumstance appears to be of a temporary nature not to exceed four months, staff may grant emergency mortgage assistance to the owner to bring the mortgage current and may assist making monthly payments as needed to ensure that the owner retains the home, the default is remedied, and the foreclosure cancelled. In no event, shall mortgage assistance exceed a period of 24 months or \$ 5,000.00.

D. Voluntary Sale. In the event that none of the previous options are successful, staff may work with the owner to seek a voluntary sale of the affordable home, as appropriate, to another affordable buyer within the same income range as applied to the owner when the unit was originally purchased, prior to foreclosure. Staff shall work with the lender, the owner and the prospective affordable buyer to ensure that the transaction is successful, and staff shall have discretion to take reasonable actions consistent with this paragraph including, but not limited to, compromising or releasing County liens that had been imposed on the property pursuant to Ordinance No. 2006-02.

E. Purchase. In the event that none of the previous options are successful, staff may consider purchasing an affordable unit either by exercising its right of first refusal, directly from the owner through a negotiated sale, or through a foreclosure sale. Funds to purchase a unit may come from funds provided by home sales proceeds of the Santa Fe County Housing Authority, in which case low and moderate income households not to exceed 80% of the area median income (AMI). If this option is selected, staff shall thoroughly analyze the situation and provide all relevant facts to the County Manager, who will make the final decision concerning the purchase.

3. Restrictions.

The program is intended to be as flexible as possible to account for differing circumstances. However, certain restrictions apply to the County's administration of the program.

A. Eligible Properties. The County may acquire any property that was originally sold as an affordable home through the County's affordable housing program. The County may acquire homes if the owner is presently delinquent on one or more payments, prior to foreclosure through a negotiated sale, through foreclosure, or following foreclosure in a

negotiated sale from the lender. All property acquired pursuant to this policy must meet U.S. Department of Housing and Urban Development Housing Quality Standards (HQS). Any property acquired through this program must have a current appraisal not more than 90 days old, and the County shall not pay more than the appraised price for any home.

B. Eligibility for Purchase of Homes Acquired Through the Program.

i. Affordable Buyer. All affordable homes acquired by the County through this program shall be sold only to an affordable buyer, as that phrase is defined in Ordinance No. 2006-02. An affordable home that is acquired with funds provided by the Housing Authority shall be sold only to an affordable buyer whose income does not exceed 80% AMI; an affordable home that is acquired with other funds may be resold to an affordable buyer.

ii. Maximum Target Home Price. Homes shall be sold at or below the original maximum target housing price, as established in the Santa Fe County Affordable Housing Regulations.

iii. Annual Income. The total annual family income for any person or persons purchasing an affordable home may not exceed the income range applicable to the property when it was originally purchased by the first affordable buyer. Income is to be determined in accordance with Santa Fe County's standard program definition of "Annual Family Income" as described in Affordable Housing Regulations.

iv. Owner-occupancy. All homes resold to an affordable buyer must be occupied by the owner; as part of the closing documentation for the sale, a second mortgage shall be executed by the affordable buyer that requires the home to be occupied by the owner in default of which, to the extent permitted by law, the County may exercise its rights to foreclose and resell the home to another affordable buyer. The second mortgage shall also grant the County a right of first refusal upon subsequent sale of the home by the affordable buyer.

v. Residency. The three year residency requirement described in the Santa Fe County Affordable Housing Regulations shall apply.

vi. Household Size. The household size of an affordable buyer desiring to purchase an affordable unit through this program must not be less than the following: (i) a one or two bedroom unit may be sold to a one person (or greater) household; a three bedroom unit may be sold to a two person (or greater) household; a four bedroom unit may be sold to a three person (or greater) household.

C. Marketing of Homes for Resale. Santa Fe County staff will market each home to be sold pursuant to this policy; realtors shall not be employed and real estate commissions shall not be paid from revenue derived from home sales by the Housing Authority or from the Affordable Housing Fund. Recognizing that time will often be of the essence during a

foreclosure or default, staff shall pre-qualify affordable buyers eligible to purchase an affordable home through the program.

D. Credit Guidelines, Homebuyer Education. Recognizing that the success of a purchaser of an affordable home depends on the affordable buyer being qualified financially to purchase a home, FNMA mortgage loan credit standards shall be strictly applied to application to purchase an affordable home upon resale through this program. Any exceptions to the FNMA guidelines must be fully supported by staff. The affordable buyer shall secure a prime fixed rate mortgage with a term of from 15 to 30 years. Homebuyers will be required to participate in at least eight hours of homebuyer counseling prior to completing the purchase.

E. Documentation. All documents described in the Affordable Housing Regulations shall be submitted to support an application to purchase a home to be resold pursuant to this policy. Any application shall be denied if the Affordable Housing Administrator determines that an applicant has submitted a materially incomplete, inaccurate, misleading or fraudulent application, or otherwise engaged in fraudulent, dishonest, or misleading conduct.

F. Affordability and Appreciation Share Liens. Staff may release or compromise an appreciation share lien or an affordability lien as necessary to acquire a home that is in default or foreclosure. Liens shall be placed upon the home upon resale to an affordable buyer as specified in Ordinance No. 2006-02 and the Affordable Housing Regulations; staff may reduce the amount of a lien as necessary to account for closing costs.

G. Signatory Authority. The Santa Fe County Manager has authority to: (i) compromise or release an appreciation share or affordability lien to facilitate County purchase of an affordable unit in default or foreclosure; (ii) execute all closing documents necessary to complete the purchase of a home, and resell a home pursuant to this program; and (iii) determine, or delegate to appropriate County staff, the eligibility of an affordable buyer to participate in the program. The phrase "County staff" as used herein shall refer to those County employees assigned by the County Manager the task of administering this policy which, in most cases, will be the Affordable Housing Administrator.

4. Budget.

Santa Fe County shall dedicate the sum of \$ 1,000,000 to fund the activities described in this program. Annually, foreclosure data will be reviewed by County staff to determine whether funding needs to be adjusted based. Any unobligated SFCFPP funds will be eligible at any time for redistribution to other affordable housing initiatives and projects.

December 15, 2010

Dear Board of County Commissioners,

As the property owner of 135 Camino San Jose I am opposed to the variance CDRC Case #V10-5410 Archie Perea. This property is across from mine with an elevation of several feet higher which looks directly into my living room window. The lack of privacy is unacceptable therefore I request the variance be denied. The lot size requirements are set so that people are not "right on top" of one another in the rural setting. Please withhold the present laws which exist to provide residents with some privacy.

Respectfully,

Laver Deigo
135 Camino San Jose



Archie Perea
130 Camino San Jose, Santa Fe, New Mexico 87507
505-438-9138

December 6, 2010

Dear Honorable Chairman and members of the Santa Fe County Commission:

Thank you for the opportunity to present our request for the variance located on 130 Camino San Jose. As you know this request was presented and approved by the Santa Fe CDRC on September 16, 2010.

For your review and consideration, please allow me to submit the following points to assist you in making your decision.

- Variance request would be conducive with the other dwellings and landscaping in the area and most importantly in keeping with the rural streetscape that has been part of the old traditional neighborhood.
- The subject area was a separate legal parcel owned by Santa Fe County with a single family dwelling, specifically a mobile home. A Santa Fe County Sheriff lived there.
- Installed is the existing septic system and utilities installed by Santa Fe County. These installations were permitted, inspected and approved by the state jurisdictions.
- The proposed mobile home would be located in the same location as that of the previous Santa Fe County's mobile home.

As initially stated to the CDRC, my wife is ill and requires assistance, my daughter Pauline Sandoval and her husband Jerry Sandoval will be moving into the home to assist her. I appreciate your consideration and am hopeful that you will approve this very important request.

Respectfully submitted,

Archie Perea

Cc: Santa Fe County Land Use Dept., Jose Larranaga

SFC CLERK RECORDED/02/08/2011

Hand Delivered.

Memorandum

To: Santa Fe County Commissioners
Thru: Jose Laranaga
From: Matthew Baca, Baca Ranch *MB*
Date: December 13, 2010
Re: CDRC Case #MP 10-5351, Rio Santa Fe Business Park



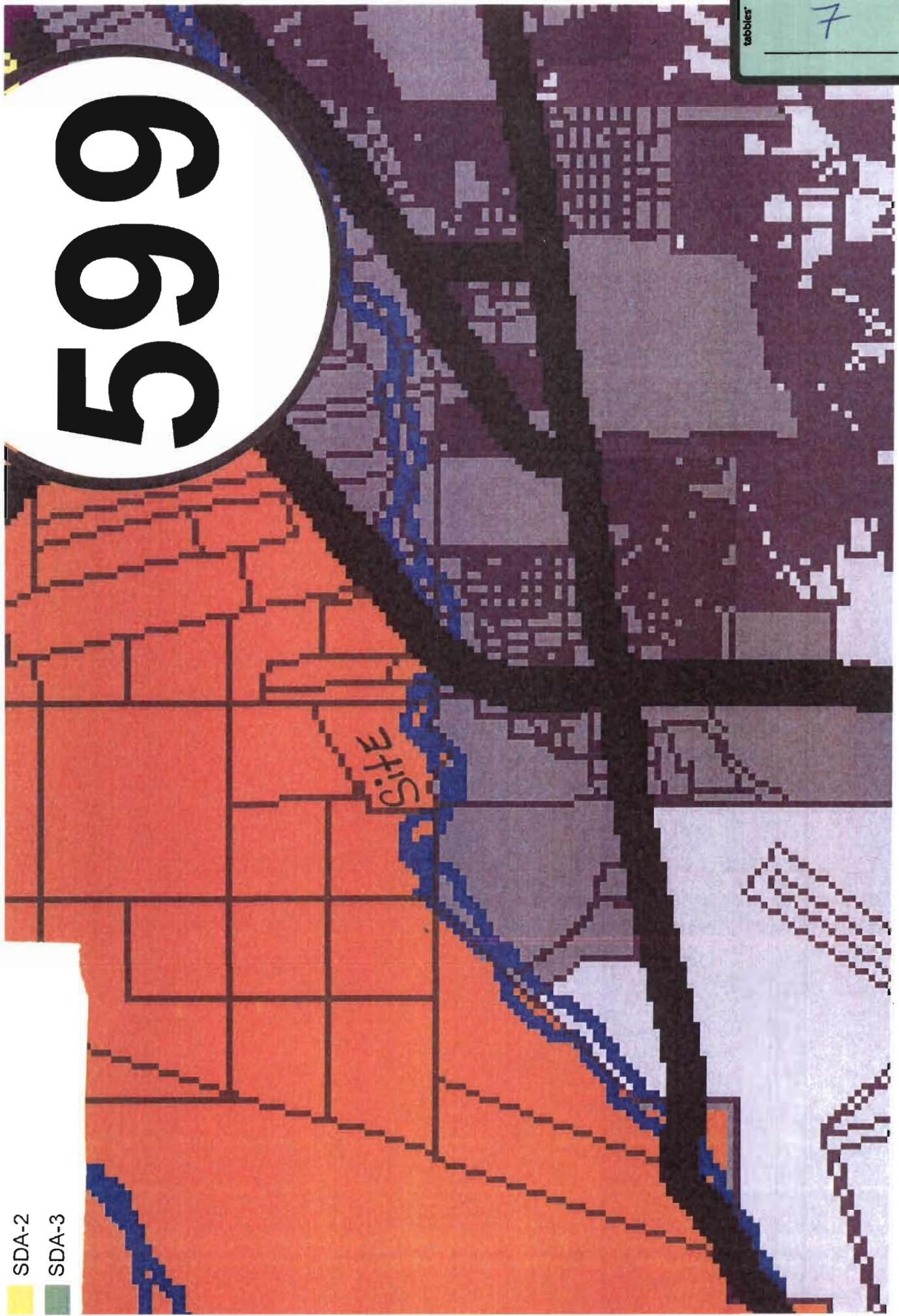
Dear Commissioners:

The above referenced case is to be heard before the commission tomorrow, December 14. The Baca Ranch notes that a Platte has been attached to the application that depicts an easement across private property owned by the Baca family. The application states that the easement will be used by the Rio Santa Fe Business Park for access to the park. The purpose of this memorandum is let you know that at no time has the depicted easement been granted, nor has the Baca family ever been contacted concerning this matter. Please do not hesitate to contact me if you should have any questions at 505-730-1692.

SFC CLERK RECORDED/62/2011

Sustainable Development Areas

- SDA-1
- SDA-2
- SDA-3

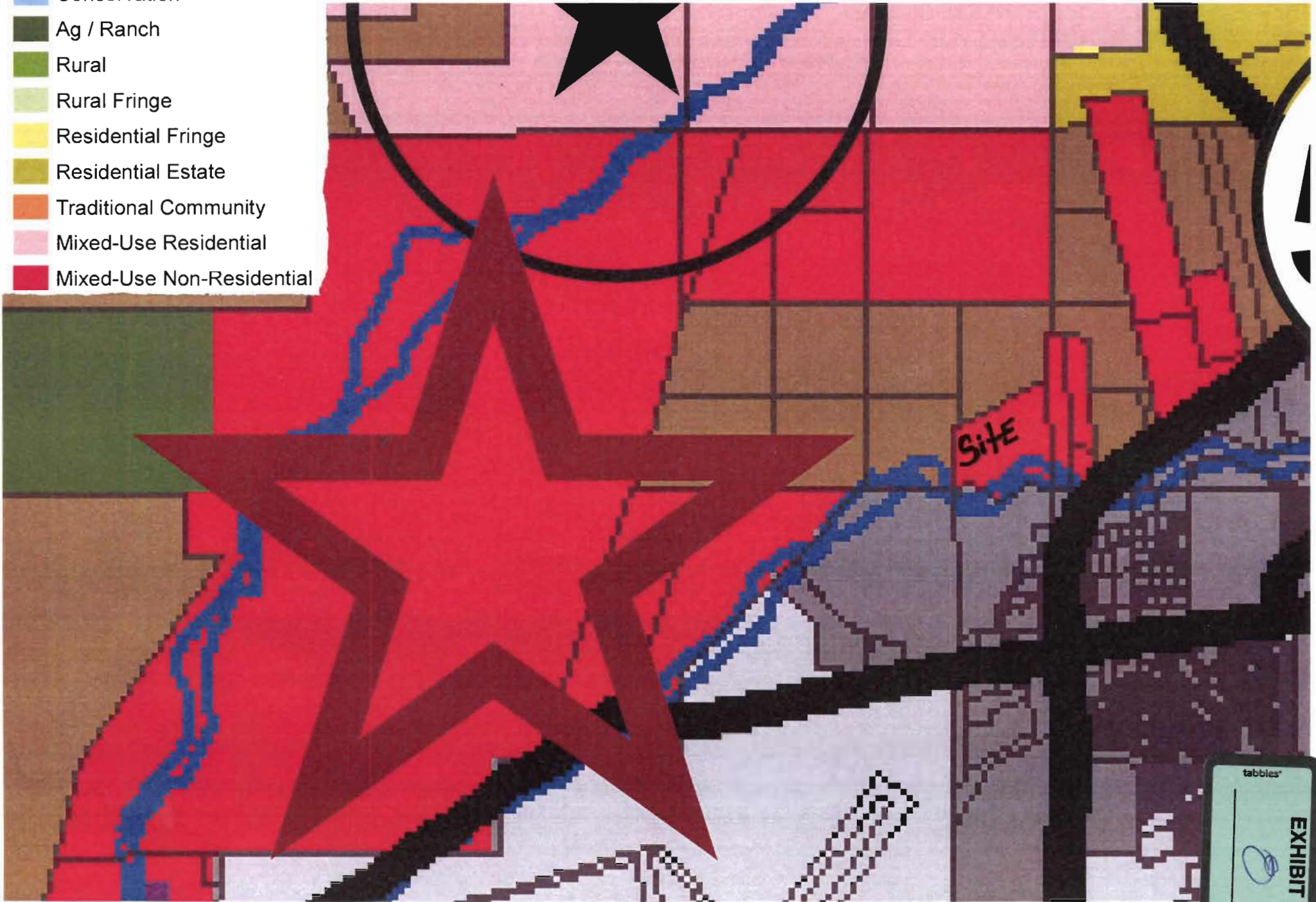


599

Site

Future Land Use

- Conservation
- Ag / Ranch
- Rural
- Rural Fringe
- Residential Fringe
- Residential Estate
- Traditional Community
- Mixed-Use Residential
- Mixed-Use Non-Residential



SFC CLERK RECORDED/02/28/11





Prepared by James W. Siebert & Assoc. Inc.
December 9, 2010

Phase B of NM 599 Study Recommendations

Santa Fe River crossing and frontage road improvements included in study.

Estimated cost by engineering consultants: \$4.5 million

Priority level for funding and construction is 5 out of 10.

CR 62/NM 599 interchange projected to be completed in 2012 (Number 1 priority).

Funding

Project is not on the MPO Transportation Improvement Plan (TIP) for 2010-2013.

State DOT and FHWA funding is dependent on incorporating the project into the TIP and State Transportation Improvement Plan.

Would funding be available through the State Legislature?

Current Users of River Crossing

State Game and Fish and State Archaeology building

County Public Works

City Solid Waste trucks

Recreational users at City Recreational Complex

Asphalt Plant trucks

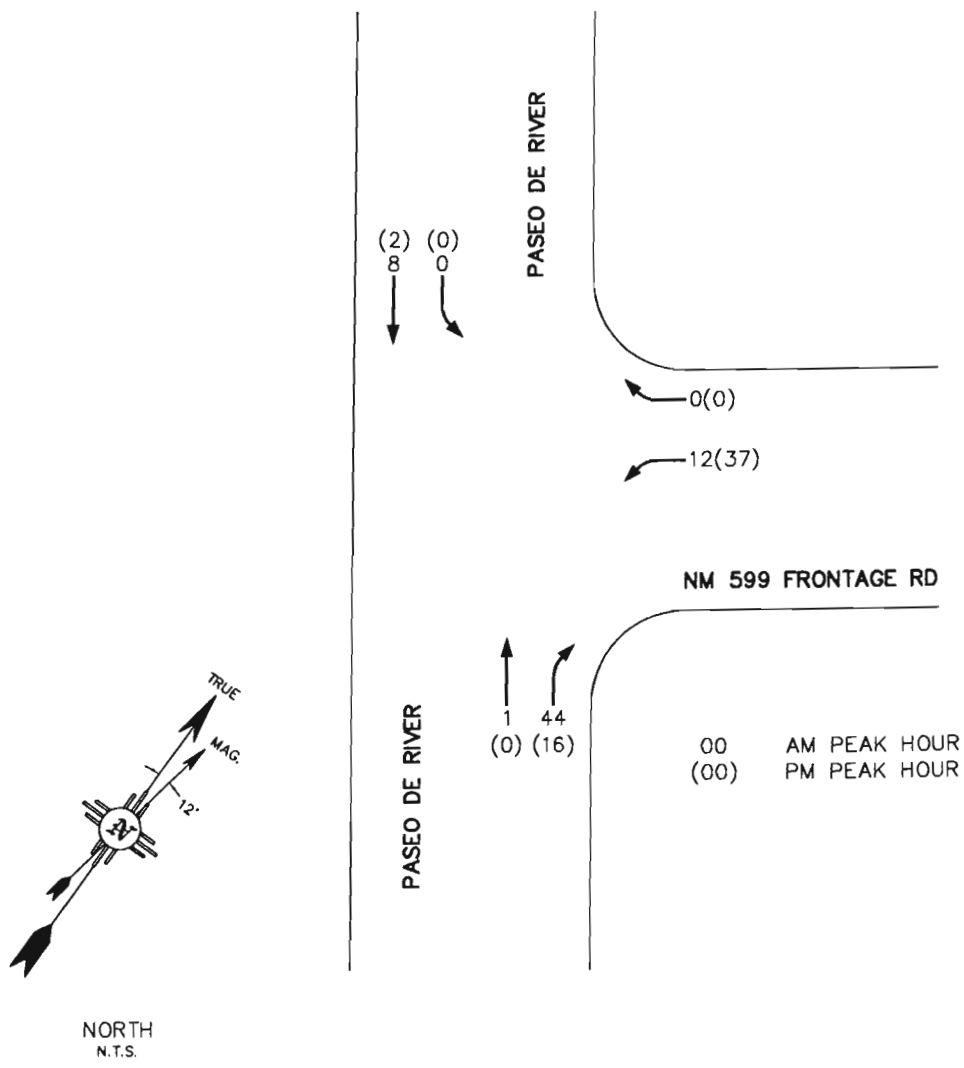
Cut-through traffic to Las Campanas

Coalition of Stakeholders

A concerted effort by current and future users of the SF River Crossing is needed to move this project forward. Rio Santa Fe is willing to lead that effort with the assistance of the County. Funding this project will require the cooperation of all of the stakeholders.


SFC CLERK RECORDED 02/28/11

\\Siebertserver\users\2010\201008\6-10\1008-TIA-06.awg



SFC CLERK RECORDED/82/2611

FIGURE 6

JORGE GONZALES, PE ENGINEERING CONSULTANT <hr/> 38 MOUNTAIN VIEW RD • EDGEWOOD, NM 87015 <hr/> (505) 577-0033	RIO SANTA FE BUSINESS PARK	NORTH 
	EXISTING AUGUST 2009 TRAFFIC COUNTS	SCALE: N. T. S.

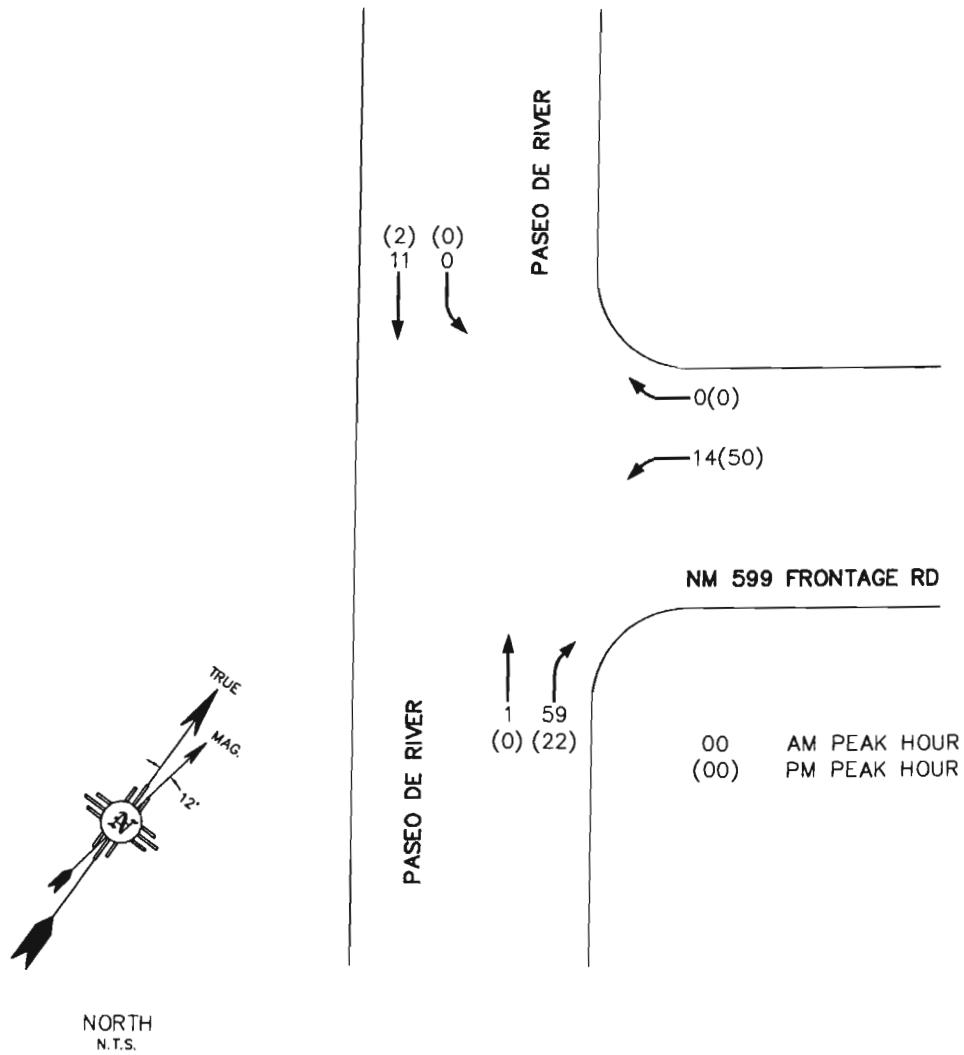

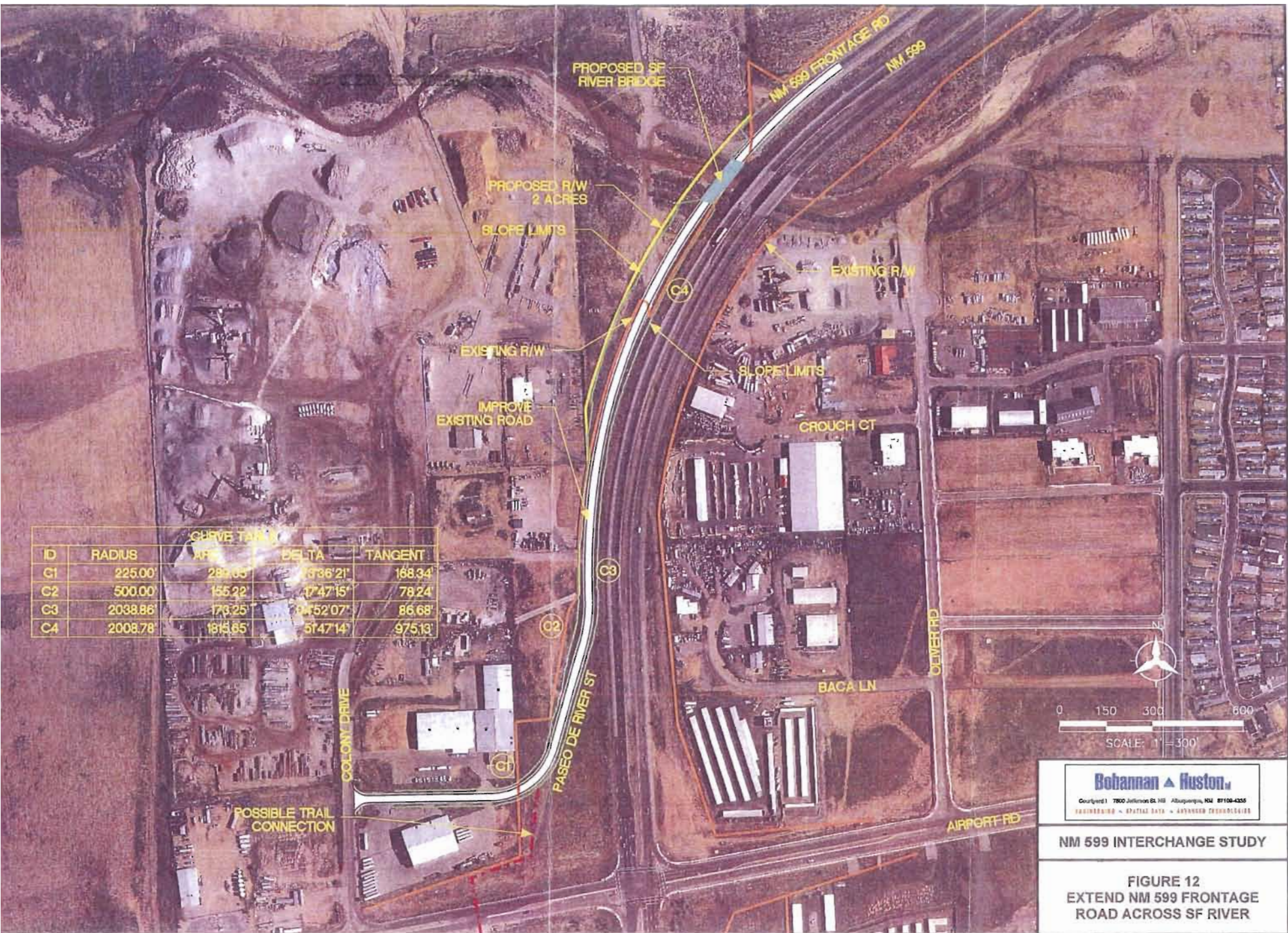


FIGURE 9

<p>JORGE GONZALES, PE ENGINEERING CONSULTANT</p> <hr/> <p>38 MOUNTAIN VIEW RD • EDGEWOOD, NM 87015</p> <hr/> <p>(505) 577-0033</p>	<p>RIO SANTA FE BUSINESS PARK</p> <hr/> <p>NO BUILD 2020</p>	<p>NORTH</p>  <p>SCALE: N. T. S.</p>
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Project Priority Rating for Public Funding

Location	Priority	Total Cost
CR 62 Interchange	1	\$6,500,000
CR 70 Connection Interchange	2	\$8,000,000
Airport Road Interchange	3	\$11,000,000
I-25 Frontage Road Overpass	4	\$6,000,000
Extend NM 599 Frontage Road across SF River	5	\$4,300,000
Ephriam Rd Interchange	6	\$8,000,000
Caja del Rio Interchange	6	\$12,650,000
Camino de los Montoyas Interchange w/ Frt Rd	8	\$11,050,000
Jaguar Rd Interchange	8	\$8,000,000
NM 599 E. Frt Rd to I-25	10	\$10,125,000
Total Cost		\$85,625,000



Bohannon & Huston
 Courtyard 1 7800 Jefferson Bl NE Albuquerque, NM 87109-4355
 ENGINEERING - SPATIAL DATA - ADVANCED TECHNOLOGIES

NM 599 INTERCHANGE STUDY

FIGURE 12
EXTEND NM 599 FRONTAGE
ROAD ACROSS SF RIVER