

COUNTY OF SANTA FE)
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BCC MINUTES
PAGES: 527

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County Clerk, Santa Fe, NM

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
August 14, 2012

- Liz Stefanics, Chair – District 5
- Kathy Holian, Vice Chair – District 4
- Robert Anaya – District 3
- Danny Mayfield – District 1
- Virginia Vigil – District 2

FILED
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10/11/2012

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SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

August 14, 2012

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 3:16 p.m. by Chair Liz Stefanics, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance by Deputy County Clerk Vicki Trujillo and State Pledge led by Marcella Salazar, roll was called by and indicated the presence of a quorum as follows:

Members Present:

- Commissioner Liz Stefanics, Chair
- Commissioner Kathy Holian, Vice Chair
- Commissioner Robert Anaya
- Commissioner Danny Mayfield
- Commissioner Virginia Vigil

Members Excused:

[None]

V. MOMENT OF REFLECTION

The moment of reflection was led by Vicki Trujillo from the Clerk's Office.

VI. APPROVAL OF THE AGENDA

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- B. Tabled or Withdrawn Items**

KATHERINE MILLER (County Manager): Madam Chair, under the Public Hearings, XV. A. 1 is tabled, and also item XV. A 3 is tabled. It wasn't properly noticed.

CHAIR STEFANICS: So besides XV. A. 1 being table, XV. A. 3 is also tabled. Commissioners, anything else?

COMMISSIONER VIGIL: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER VIGIL: Unless there is anything else I move to pass with amendments.

CHAIR STEFANICS: Is there a second to the amended agenda?

COMMISSIONER ANAYA: Second.

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

VII. APPROVAL OF MINUTES

A. Approval of July 10, 2012 Study Session Minutes

CHAIR STEFANICS: Is there any discussion? Could I have a motion for approval?

COMMISSIONER MAYFIELD: Move for approval, Madam Chair.

CHAIR STEFANICS: Thank you. Is there a second?

COMMISSIONER ANAYA: Second.

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

B. Approval of July 10, 2012 BCC Minutes

COMMISSIONER MAYFIELD: Move for approval, Madam Chair.

COMMISSIONER ANAYA: Second.

CHAIR STEFANICS: There's a motion and a second. Any discussion?

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

VIII. APPROVAL OF CONSENT CALENDAR

CHAIR STEFANICS: What's the pleasure of the Commission?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: I would ask that item C. 1 be removed.

CHAIR STEFANICS: C. 1 will be removed. Anything else? Okay.

COMMISSIONER VIGIL: Madam Chair, I move to approve with amendments.

CHAIR STEFANICS: Okay, there's a motion to approve the Consent Calendar as amended. Is there a second?

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR STEFANICS: There's a motion and a second for the approval of the amended Consent Calendar.

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

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IX. CONSENT CALENDAR

A. Appointments/Reappointments

1. **Appoint Jennifer Manzanares as a New Member to the El Rancho Community Center (Community Services Department/Health & Human Services Department/Seniors)**
2. **Appoint Ramon Gomez as a New Member to the El Rancho Community Center (Community Services Department/Health & Human Services Department/Seniors)**

B. Miscellaneous

1. **Ethics Board Quarterly Report (Chair Randy Forrester)**

C. Resolutions

1. **Resolution No. 2012-91, a Resolution Approving the Ojo De La Vaca Right-of-Way Acquisition Funded By the Commission Priority Fund in the Amount of \$11,000.00 ISOLATED FOR DISCUSSION**

D. Final Orders

1. **CDRC Case # V 12-5080 David Vigil Variance. David Vigil, Applicant, Requested a Variance of Article III, Section 2.4.1a.2.b of the Land Development Code and a Variance of Article 4, Section 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to Allow the Placement of a Manufactured Home on 2.17 Acres. The Property is Located at 16 Santa Cruz Dam Road, in the Vicinity of Chimayo, within Section 7, Township 20 North, Range 10 East (Commission District 1) Approved 5-0 Wayne Dalton**
2. **CDRC Case # V 12-5050 Andres M. Garcia Variance. Andres M. Garcia, Applicant, Requested a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Two Dwelling Units on 10 Acres. The Property is Located at 107-B Canada Village Road, within Section 26, Township 16 North, Range 10 East (Commission District 4) Approved 3-2 Jose E. Larrañaga**
3. **CDRC Case # V 12-5001 Camino de Paz School and Farm Variance. Camino De Paz School and Farm, Applicant, Scott Hoeft (Santa Fe Planning Group, Inc.), Agent, Requested a Variance of Article III, Section 9.1 (Parking Requirements), of the Land Development Code. The Applicant Submitted an Application for Master Plan Zoning and Preliminary Development Plan, as a Community Service Facility, Which Did Not Meet the Parking Requirements Set Forth in the Code. The Property is Located at 03AB Camino de Paz, in Cuarteles, within Section 7, Township 20 North, Range 9 East (Commission District 1) Approved 5-0 Jose E. Larrañaga**
4. **CDRC Case # MP/PDP 12-5000 Camino de Paz School and Farm Master Plan/Preliminary Development Plan. Camino de Paz**

**School and Farm, Applicant, Scott Hoeft (Santa Fe Planning Group, Inc.), Agent, Requested Master Plan Zoning and Preliminary Development Plan Approval, as a Community Service Facility, for Phase I and Phase II on 2.7 Acres. Phase I Consists of a 2,000 Square Foot Main School Building, a 625 Square Foot Classroom Building and Includes Utilizing the Existing 1,350 Square Foot Dairy Building and 1,200 Square Foot Barn. Phase II Consists of a 4,000 Square Foot Classroom/Multiuse Structure, a 700 Square Foot Classroom Addition, a 1,500 Square Foot Boys Dormitory and 1,500 Square Foot Girls Dormitory. The Property is Located at 03AB Camino de Paz, in Cuarteles, within Section 7, Township 20 North, Range 9 East (Commission District 1)
Approved 5-0 Jose E. Larrañaga**

Withdrawn item:

IX. C. 1. Resolution No. 2012-91, a Resolution Approving the Ojo de la Vaca Right-of-Way Acquisition Funded by the Commission Priority Fund in the Amount of \$11,000.00

CHAIR STEFANICS: Let's have a presentation of that by Mr. Adam Leigland, then we will go to public comments since it is a resolution.

ADAM LEIGLAND (Public Works Director): Madam Chair, Commissioners, this is a resolution to allocate some of the Commissioner priority funds that were approved in the GRT, part of the capital improvement plan. So as the Commissioners recall, we had a line item for \$1 million reserved for what we considered high visibility, low cost projects that wouldn't score well through our normal scoring algorithm, so we wanted to give an outlet for those sorts of projects. This particular project is the very first one that meets all those criteria. We've actually been holding on to this project. We've been working with the owners of the Herrera Ranch since probably about February and we've just been waiting for the budget to become available. So that's kind of where the resolution is coming is how to allocate these funds out of that lump sum in the GRT.

This particular project is actually a very good project for us and Commissioner Mayfield, as you know, right-of-way is something we struggle with throughout the county so it's our policy to try to rectify that whenever we can. In this particular instance the landowner came to us with an opportunity to rectify the right-of-way through this particular stretch of land. So this was a small project to provide him with some fencing to fence off the right-of-way and then he'll give us the right-of-way. So I can stand for questions either on the use of funds or the particular project in questions.

CHAIR STEFANICS: Okay. Before we go to questions let's take public comment. Is there anybody in the audience that would like to comment on this resolution? Okay. Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Leigland. Thank you. I fully support doing these acquisitions to help out the County. I guess my question to you is as I read portions of the resolution, it says the County has prescriptive easement on this road. So then I guess my thoughts were, so that's private landownership along this road that we do not

have prescriptive easement on? I guess my question is is the County going to start entertaining – and I don't have a problem if we do this negotiating with land that we've arguably already taken over with a prescriptive easement with landowners, and are we going to give just compensation to everybody who we have a prescriptive easement on?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, we do have prescriptive easement on this particular section of the road here, so it's the Herrera Ranch is what the prescriptive easement is through. And so we have the [inaudible] easement there. As you know, prescriptive easement really ties our hands with what our ability to do future improvements to the road is, so really we would much rather have a traditional easement, which is more than just edge of road-edge of road. It allows us to do better drains; it allows us to do improvements.

As you recall, on County Road 72A what really hamstrung us was the prescriptive easement issue. So I think that answers the first part of your question. The second part of your question is – I think if the County is interested in pursuing to try to get as much normal easement as we can, but it would be very expensive and so that's why opportunities like this are so attractive. But we could purchase it outright. I think we're much better served by just taking a very long-range plan and identifying opportunities like this when they come, or pursuing right-of-way if we're going to do some sort of – like for instance – and this is just off the top of my head – maybe during the Aamodt construction there's opportunities there when we're actually tearing up the road already. So I don't think we're going to pursue a dedicated project to go out and acquire right-of-way. That would take a lot of staff resources and a lot of money. I think we're better off doing it just piece by piece over time.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Leigland, thanks. And I'll either go to you or Mr. Ross. Then help define to me what a prescriptive easement is, and when the County has one, what our actual entitlement is on a prescriptive easement.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, I better leave that to the County Attorney.

STEVE ROSS (County Attorney): Madam Chair, Commissioner Mayfield, a prescriptive easement is an easement that's established by use over time, in this case ten years. In New Mexico you can establish a right to use someone else's land without having any title to it by just traveling across it in an open and notorious manner for ten years. It doesn't entitle you to do any more than how you established the original easement, which in this case is traveling across the land. So it wouldn't allow you to, say, put a gas line in or give an easement to the power company, just travel across the property. So trading a prescriptive easement for a fee, as is proposed here has a lot of advantages.

COMMISSIONER MAYFIELD: So, Madam Chair, now you can put the utilities in, you can do construction a little more without having to go through the whole process. Okay. Thanks. Thank you. Madam Chair, I move for approval.

COMMISSIONER VIGIL: I'll second the motion.

CHAIR STEFANICS: Yes, Commissioner Anaya. Okay. So we do have a motion and a second and we have further discussion by Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Leigland what you didn't say in your presentation was that this was a specific individual that's been seeking to figure out this right-of-way issue for a long time, long before I ever came to this Commission. I think it

makes sense for the property owner and the agreements that those property owners have made to offset that cost to do a lot of work associated with dealing with the issue at hand. So I am very appreciative that this has come before the Commission and that staff worked with the landowner to resolve the issues or concerns and come to an agreement. So I'm very appreciative. This is one that I can erase off the top of my board in my office. Good work to you and your staff and Ms. Miller, thank you very much.

COMMISSIONER MAYFIELD: Thank you. So there's a motion and there's a second.

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

X. STAFF AND ELECTED OFFICIALS' ITEMS

A. Public Safety Department

1. Ordinance No. 2012-9, an Ordinance Adopting the Fire Protection Excise Tax

CHAIR STEFANICS: We will hear from Mr. Sperling and anyone else from his department who would like to speak, and then we will go to the final public hearing.

DAVE SPERLING (Fire Chief): Thank you, Madam Chair, members of the Commission. I thought I'd note that joining me here today are nine of our volunteer district chiefs, introducing them from the northern region, Nick Martinez from Pojoaque, J.D. Damron from Tesuque, Joseph Sandoval representing La Puebla, Tom Chilton from the Hondo District, Steven Tapke from the Eldorado District, Assistant Chief David Hamilton from Glorieta Pass, Jean Moya from Galisteo. Jean is also president of our District Chiefs Association, Linda Anaya from the Stanley District and Assistant Chief Tim Solinski from the Edgewood District. In addition we have Captain Buster Patty, Mike Jaffa, Mike Fuelner, Mike Mestas, and Karl Ehl all representing our administrative staff. And I think I saw Tim Gilmore – yes, Tim Gilmore from Prevention.

Madam Chair, Santa Fe County is authorized to enact an ordinance imposing an excise tax on any person engaging in business in the unincorporated areas of Santa Fe County equal to one fourth of one percent for the purpose of financing the operational capital outlay and ambulance expenses of the Santa Fe County Fire Department. This tax known as the Santa Fe County Fire Protection Excise Tax can be used only for the above-stated purposes. It cannot be used for personnel expenses such as salaries and benefits. I'd like to repeat that. It cannot be used for salaries and benefits.

This ordinance will not go into effect until after an election is held and a simple majority of the qualified electors of the county area voting in the election vote in favor of imposing the County Fire Prevention Excise Tax. This tax was first imposed in 1985 in Santa Fe County and was for many years utilized to support the construction and improvement of fire stations, to purchase fire apparatus and ambulances for all 14 – originally 15 fire districts, and regional stations, and to purchase essential protective gear and equipment for both volunteer and career firefighters. It is estimate that under current conditions the tax would generate \$1.24 million annually to help the Fire Department meet its capital needs.

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The original legislative language authorizing the tax contained a sunset provision requiring a positive voter referendum every five years. The tax, as you know, was last renewed in Santa Fe County in 2003. In 2004 the state legislature removed the sunset provision. However, Santa Fe County was required to submit the tax question to county voters one more time. A referendum effort in November 2009 was defeated and the tax expired.

The lack of capital funding for improvements represents an enormous short- and long-term challenge for the County Fire Department. The excise tax provides a critical and essential revenue source for the Fire Department to meet its capital and public safety mission to Santa Fe County residents. Fire Department staff, including our district chiefs recommend approval of the ordinance, adopting the Fire Protection Excise Tax with the understanding that the ordinance does not go into effect until after an election is held and a simple majority of the qualified voters of the county area voting in the election vote affirmatively. With that, Madam Chair, I'll stand for any questions.

CHAIR STEFANICS: Thank you. Would any of your fire chiefs or professional staff like to speak on this item? If anybody could give a specific example of a piece of equipment that this might help with in your fire area it might be helpful. Some members of the public have thought and made comments already that we have enough money for everything we need. Nobody needs anything?

COMMISSIONER MAYFIELD: Madam Chair, on that point.

CHAIR STEFANICS: yes.

COMMISSIONER MAYFIELD: Madam Chair, Chief Sperling, weren't we also going to be provided a list for our district needs for prioritization?

CHIEF SPERLING: Madam Chair, Commissioner, we are working on a comprehensive list to provide to you. It will be forthcoming.

COMMISSIONER MAYFIELD: Thank you.

J.D. DAMRON: Madam Chair, Commissioners, we could use a new pumper.

CHAIR STEFANICS: And what area are you from again?

CHIEF DAMRON: Tesuque. I currently have a pumper that's almost 30 years old that we use up north an awful lot, as well as a tanker or tender that's reaching 25 years as well. So I do need two pieces of apparatus. I'd be happy with one for sure.

CHAIR STEFANICS: And so the cost of a new versus used would be –

CHIEF DAMRON: Generally about \$250,000 to \$500,000, once you equip it. It's usually about \$300,000 just for the basic apparatus and by the time you put everything on it that you need, hoses and equipment, it can be probably to \$600,000.

CHAIR STEFANICS: Thank you. Great example. Anybody else want to give an example of something that could be used?

COMMISSIONER ANAYA: Madam Chair, on this point. I appreciate what the chair is doing. Even to talk about what the quarter percent did for your district when it was in place before. I think it's an opportunity for each district to say what has gone in and what potentially could come in if you're able to have the tax, since the public's listening on the radio and watching on TV. So I appreciate that the chair asked this question.

CHAIR STEFANICS: Thank you, Commissioner.

JTM SOLINSKI: Madam Chair, Commissioners, I'm Tim Solinski, assistant

chief with the Edgewood Fire District and just to give you a few examples we have at least five pieces of apparatus that are over 25 years old and we're in desperate need of some new apparatus. Especially recently, we're getting a new engine, but that's just one to replace some of the many that still need replacing. Unfortunately Commissioner Anaya, I wasn't around before to cite specific benefits that we had so I defer to somebody who's been here a little bit longer.

CHAIR STEFANICS: Thank you very much. There's a couple more people that are going to come? Great. The public really would like to know what we're going to spend this money on; there have been questions and we appreciate hearing your information.

JEAN MOYA: Madam Chair, Commissioners, when I purchased my engine and my tanker, those came out of the quarter percent. Those are now 15 years old and I have an ambulance that I need to replace. That's my oldest equipment, which is 17, and I need to build an additional bay, which I have been saving for the last three years. I have \$150,000 saved, but it's not enough. I need double that. So that's what I'm working on in Galisteo District.

CHAIR STEFANICS: Thank you, Chief Moya.

JOSEPH SANDOVAL: Madam Chair, Commissioners, my name is Joseph Sandoval. I'm the District Chief up in La Puebla, up in the northern region. I also – all my apparatus, half of them are 25 years or older. My last engine that was purchased was back in 2003 which was bought by the quarter percent. Like every other district we have to save with whatever budget we have and our budget is to do other expenses of what's needed for our district for utilities and bills and everything that's paid, so it's pretty tough to buy a \$500,000 piece of apparatus and keep up with the inflation of everything else. So it's very important to get this quarter percent passed for our districts. Thank you.

CHAIR STEFANICS: Thank you very much. Any other? Yes, please.

LINDA ANAYA: Madam Chair, members of the Commission, my name is Linda Anaya. I'm the District Chief for the Stanley Fire District. The Stanley District is one of the largest districts in the county, comprised of approximately 420 square miles, most of which is comprised of dirt roads. Some are maintained by the County, many are maintained by the County but a lot are private. So for us the big challenge is accessing our community. So we are in desperate need of 4-wheel drive vehicles that would help us better serve our community. Thank you very much.

CHAIR STEFANICS: Great. Thank you very much for sharing that. Anybody else want to share needs? Come on up. And then I think we'll go to public comment after that, and then we'll go to Commissioner comments.

CHIEF DAMRON: Madam Chair, Commissioners, J. D. Damron with Tesuque. I wanted to mention that the last quarter percent tax you guys built an additional bay onto our main station which has been very positive. You paved our dirt parking lot; it's now paved so it was very useful and went to a good use. Just wanted to let you know that.

CHAIR STEFANICS: Thank you. Is there anybody from the public that is here for this public hearing. This is our first and final public hearing on voting on this ordinance. Is there anyone here from the public for this public hearing? The public hearing is now closed. Commissioners, questions, comments? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you and fire chiefs and

members, thank you so much for coming. I think this is a very important, worthy need in our community. I was at a few community meetings I guess over the past few weeks and there were some comments that came in and they did ask me to share them. One of the comments were the comments again on the sunset and I explained how you all explained to me and why I do believe the benefit of long-term dollars availability for these acquisition needs are what merit the sunset of renewing it. So I wanted to get that to the community. And also there were some of the community members that don't want to support this, just ask for more education information on this from the Fire Department. Chief, I believe you've met with some of this membership and I'll show you the few emails that I've received. But they just asked that the chief, and if all the chiefs can just promote more awareness of what the needs are and if we can even go kind of on a talk circuit to some of these meetings, and I just wanted to convey that. But I wish you all the very best and I'm not lobbying, but I think this is a very worthwhile cause for our community. Thank you.

CHAIR STEFANICS: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Thank you, Chief, and thank you for being here. I too have gotten feedback from my community about this fire excise tax. I got, and I was actually a little surprised, I got some negative feedback, so it would be very, very helpful for me to be able to give more information to people about exactly what kinds of things this tax would be used for, at least in the next year or two. Also, just to sort of itemize what might be done, and also to give me some information. Because I had some comments about used versus new, and so on, so if you have any thoughts on why buying used equipment is not a good idea, or in some cases why you really need to have new equipment versus used equipment, that would be very helpful for me as well. So thank you very much. And I certainly am in support of voting to put this on the ballot. I can't lobby but in any event I do feel an obligation to educate my constituents as much as possible, so any information that I could have would be very helpful. Thank you.

CHAIR STEFANICS: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, this tax as put into place by the voters will provide for engines, tankers, brush trucks, rescue vehicles, improvements to stations, equipment and other station improvements for the well-being and public safety for residents throughout Santa Fe County. I echo the sentiments of the Commission that has spoken relative to specific items. It's going to be about education and outreach of what those items are in each and every respective district for a prescribed period of time. Thank you, Commissioners, and thank you, Chief Sperling and thanks to all the chiefs.

CHAIR STEFANICS: Thank you. Yes, Commissioner Vigil.

COMMISSIONER VIGIL: I have a question. Is one quarter percent the max that we can request? Or does the statute allow for more?

CHIEF SPERLING: Madam Chair, Commissioner Vigil, a quarter percent is the max.

COMMISSIONER VIGIL: A quarter percent's the max. I think it's really important and I definitely support this. The public should understand that this was a tax that was in place that actually got replaced when we had to join the City for a fire excise tax. That fire excise tax allowed us to put this one to the side, but what we realized since then is this is not really helping the rural areas of our county, and there's quite a few of them. Almost 2,000

square miles in Santa Fe County. So as a result of this I think, the county residents who are the ones who will be voting on this, not the city, and that needs to be really clarified. It's the county residents who will be voting for this quarter percent increase. And it brings in \$1.2 to \$1.3 million, somewhere in there, depending on the gross receipts intake in the county.

My concern about that is I heard testimony that one piece of equipment could be anywhere from \$150,000 to \$500,000. The \$1.3 million is really going to help you get by. The problem I see with some of the comments that I hear in the community is why don't you take some of the money that you've invested here and here and here and transfer it to these things? The problem with that is those are not sustainable dollars and at a place and time where we are looking for sustainable communities in our future, and sustainability has to be highly addressed with regard to emergency response, these dollars are sustainable. As we deal with the sustainable growth plan we'll be able to deal with sustainable growth management for emergency response, and hopefully as economic development becomes more and more a part of that we'll be able to address those much more readily with this quarter percent tax. So I'm very much in favor of it.

I'm sorry we don't have it in place now. The fire apparatus problems that you have had because gross receipts tax had been down throughout the state and the allocations have been less, this is another way to address that gap. I hope when the voters do go to the ballots they recognize that this is strictly for county residents to address the rural issues, which sometimes means our Fire Department has to travel many, many miles to an emergency response. And to be able to do that, somebody, one of the firefighters said they have equipment that's 25 years old. I'm not sure we should allow that and neither should the residents of Santa Fe County. So I totally appreciate your bringing this forward and support it fully and I hope – again, this is in the voters' hands. I hope they recognize that it creates the benefit for them. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I think this provision is worthy of reading for the public's knowledge. If this tax is passed for one quarter percent for the purpose of financing operational capital outlay and ambulance expenses of the Santa Fe County Fire Department this tax, known as the County Fire Protection Excise Tax can be used only for the above-stated purpose. It cannot be used for personnel expenses such as salary and benefits.

CHAIR STEFANICS: Thank you. Anything else from the Commission? I would move adoption of Ordinance No. 2012-9. Is there a second?

COMMISSIONER HOLIAN: Second.

The ordinance passed by unanimous roll call vote with Commissioners Anaya, Holian, Mayfield, Vigil and Stefanics all voting in the affirmative.

CHAIR STEFANICS: We have a 5-0 vote. Thank you very much, Commissioners. Thank you very much Fire Department. But just remember, we're just starting our work on passing this. So, Chief Sperling, before we go to the next item, could you give us an update about our injured firefighter?

CHIEF SPERLING: Madam Chair, members of the Commission, from what

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I've heard today they've listed him in stable condition, which is an improvement from his previous critical condition. He remains at UNM and from all accounts had a successful surgery yesterday to graft some skin onto one of his arms. So the prospects are looking up. Of course he has many hurdles he has yet to cross over, but he has tremendous support I can assure you from his family, from the Pojoaque Fire District and from all of our Santa Fe County Fire Department family who've been down there supporting him from last Wednesday onward, as well as the New Mexico Gas Company. They've also been in attendance. So there is currently a website maintained by Captain Jaffa from fire admin. It's called Care Page www.carepages.com/stephenbaca will get you into the site, and Captain Jaffa is posting with the permission of the family regular updates to Firefighter Baca's condition.

CHAIR STEFANICS: Would you please let him know, and his family, that he is in our thoughts and prayers from the entire Commission?

CHIEF SPERLING: Thank you, Madam Chair, Commissioners. I will do so.

CHAIR STEFANICS: And before we go on to our next resolution could you comment on your graduation last night?

CHIEF SPERLING: Thank you, Madam Chair. We graduated seven career recruits, now career firefighters last night, utilizing our new Rancho Viejo training room, and I thought it was very successful. We are now at full staffing for the first time in a couple of years. These positions will help us provide enhanced service to the field and help reduce our overtime expenditure, which I know that the County Manager's Office and our Finance Department will appreciate. Commissioner, you were in attendance last night, very much appreciated. We had a good turnout as well from family members. I think we had about 80+ individuals in attendance.

CHAIR STEFANICS: My comment, as I was passing out was to one of the chiefs was that the graduates were very young and they were EMTs?

CHIEF SPERLING: Correct.

CHAIR STEFANICS: So I hope they really can take care of us when they get to us. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, on the previous item, I did want to make another comment. I know there's been questions from the public relative to used apparatus and the need for new apparatus. The districts utilize their apparatus to their fullest potential and they work with what they have, but given the volume of calls that Santa Fe County has it's always good to make sure that they have safe emergency equipment that I know our staff keeps up. But another benefit that's an ancillary benefit when the County does buy new apparatus is this Commission and prior Commissions from a long time know has also utilized the apparatus that we no longer use and given them to small, rural entities, not only in the region but throughout the state of New Mexico that wouldn't otherwise be able to get any apparatus whatsoever. So there is opportunities to help where they have lower call volumes but the apparatus is still functional.

Chief, I don't know if you just briefly want to maybe touch on that because I know we've done that historically at the County. So there are direct benefits for counties where we maybe not retire apparatus but transfer it to other areas that have less call volume and wouldn't otherwise be able to get any apparatus whatsoever.

CHIEF SPERLING: Thank you, Commissioner, Madam Chair. We do always look for other departments that maybe in need of our surplus equipment. You're absolutely correct. We often utilize our equipment, our apparatus to the fullest extent. We work very hard to maintain it in serviceable condition. We also, I should let you know, and we do look around for replacement apparatus, we do occasionally look for used apparatus. My experience is in this state in particular, most departments utilize their fire apparatus well beyond a real serviceable date. So we find it's very risky to purchase used generally. That's not exclusively but generally. And I – the last thing I really want to do is bring apparatus in that taxes our already taxed mechanics division and they have their hands full serving what we have in our fleet.

But it is very important for us to make sure that our surplus apparatus does get shopped to those needy departments in the state of New Mexico.

CHAIR STEFANICS: Thank you.

X. A. 2. Resolution No. 2012-92, a Proclamation Calling for an Election to Be Held Coincident with the General Election on November 6, 2012 Concerning Whether to Adopt a County Fire Protection Excise Tax in the Amount of One Quarter of One Percent

CHIEF SPERLING: Thank you, Madam Chair, members of the Commission. The Board of County Commissioners has determined a need to submit to the voters during the regular election of November 6, 2012 the question of whether to impose an excise tax equal to one quarter of one percent. The excise tax is for the purpose of financing the operational expenses, ambulance expenses and capital outlay costs of independent fire districts or ambulance services provided by Santa Fe County Fire Department.

Approval of the attached proclamation resolves that on November 6, 2012, as part of the general election, the voters in the unincorporated areas of Santa Fe County will get to decide whether to impose a fire excise tax on any person engaging in business, for the privilege of engaging in business in the unincorporated areas only. The proclamation contains the specific language of the question to be voted on and lists the precinct numbers and polling locations. The Santa Fe County Fire Department staff recommends the Board of County Commissioners approve the attached proclamation calling for an election to be held coincident with the general election to be held November 6, 2012 concerning whether to adopt a County Fire Protection Excise Tax in the amount of one quarter of one percent. With that, Madam Chair, I stand for questions.

CHAIR STEFANICS: Thank you. This is a public comment period. Is there anyone in the audience who would like to comment on this resolution to put this on the ballot? Seeing no one for public comment, what is the pleasure of the Commission?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER HOLIAN: I move for approval.

CHAIR STEFANICS: Is there a second?

COMMISSIONER VIGIL: Second.

CHAIR STEFANICS: There's a motion and a second to place this on the

ballot. Any further discussion?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Ross, we had a discussion earlier about annexation. Where do the presumptive areas fall associated with this ordinance? I would hope that the presumptive areas are still included because they're not in full effect, are they?

MR. ROSS: Madam Chair, Commissioner Anaya, that's correct. The city limits are the limits that describe who gets to vote in this election or not, not the presumptive city limits. So anyone living in the presumptive city limits has an opportunity to vote for or against this ordinance.

COMMISSIONER ANAYA: Madam Chair, Mr. Ross, and until annexation is effectuated they would be contained?

MR. ROSS: That's right. That's right.

CHAIR STEFANICS: Thank you, Commissioner Anaya. We have a motion and a second. This is a resolution and does not require a roll call.

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

CHAIR STEFANICS: This will be placed on the November 6th ballot so we all have some work to do in terms of objective, factual information to give to the public. Thank you very much.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, just a couple points I want to bring up, and one would be for Clerk Espinoza. But I know that I raised some concerns with voting precinct number 4, which is the Cundiyo fire station, if we have enough parking up there, so I was trying to make sure that we adequately address the parking needs up there. I don't think we have enough parking up there to accommodate even the poll workers at that location. And then Madam Chair, Clerk Espinoza, yesterday it came to my attention, and I don't know if it's something this Board did by accident, but I was told that we displaced some folks in Rio en Medio, like there was a new redraw or some codification of a line and now it's pushing those folks into maybe Cuyamungue or Pojoaque area to vote and then vice versa. Some folks on the other side of 285/84 are now being pushed into the Rio en Medio area to vote.

VALERIE ESPINOZA (County Clerk): How many people are you speaking of would you say?

COMMISSIONER MAYFIELD: I don't know. One side of the street versus the other side of the street. So I don't know how many people.

CHAIR STEFANICS: Ms. Lamb, do you want to respond to these questions?

COMMISSIONER MAYFIELD: Thank you.

CHAIR STEFANICS: So why don't you start with the parking first and then go on to the precinct lines.

DENISE LAMB (Elections Bureau Chief): I'm sure we can work with the Fire

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Department to deal with the parking. Fire Department, Public Works, to increase the parking.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Lamb, I think we'd be working with the Public Works Department for the parking for the voting.

MS. LAMB: I'll be happy to work with them on that issue.

COMMISSIONER MAYFIELD: Thank you.

MS. LAMB: In terms of the precinct boundary, the precinct boundary there is the boundary of Nambe Pueblo, and it has to do with a section of state law called the Precinct Boundary Adjustment Act. And what you have to do is – and I think Erle, when we were doing our precincts explained this to you but I'll refresh your understanding. What it is is we have to have physical boundaries on the ground in order to draw our precincts according to the census rules and regulations and the state law. And so the boundary there is the southern boundary of Nambe Pueblo. It's specifically permitted as a precinct boundary under that law.

What that means is yes, in fact, we have some people on one side of the street that now have to go to Nambe, and we also have some on the other side that go ahead and vote where they always have. So it has inconvenienced – I think I've talked to three people. I have suggested to them that there are other alternatives such as absentee voting and early voting, because in fact, in Santa Fe County only about 25 percent of our voters actually vote at the polls on election day. So I'm hoping that they will take advantage of those options so that they won't be inconvenienced.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, Ms. Lamb. And will you do some additional outreach, maybe, to the additional folks that live out there? If there would be a flyer, an email, anything on the website?

MS. LAMB: We can. We can put something up. Most of the voters already know. They all got new cards. We mailed out 83,000 new voter cards as a result of redistricting in Santa Fe County. So every voter who was moved to another polling place did get a new card and was noticed. And then of course we just had the primary election, which was the first election, that those new districts were in effect. And so like I said, I had about three voters inquire as to why they were no longer just voting right across the street.

And we run into that all over. We run into that right here in Santa Fe where a precinct boundary, let's say, could be drawn down Galisteo Street and on one side of the street is E.J. Martinez School, but the people on the other side are in another precinct and they have to go up to the Unitarian Church. And so that does happen all over the county and we would love it if everybody could just walk across the street to their polling place but in a rural area it's not always possible to draw the boundaries that way.

COMMISSIONER MAYFIELD: Thank you.

COMMISSIONER VIGIL: Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: Denise, thank you for being here. I actually have a question for you. In the recent election – this is about site changes. In the recent election, in Precinct 66, 67 and I'm not sure which others, those voters were accustomed to voting at Agua Fria Elementary School. When they got there there was a sign that said voting will take place at Nancy Rodriguez Center, many of whom didn't know Nancy Rodriguez and there was no address on that. So I told them to take pictures or let us know because that might have been more helpful. So as a result, many of those voters didn't vote because they're not

familiar with Nancy Rodriguez Center is. So I wanted to tell you, for the general, if that site changes, perhaps an address would be very helpful.

MS. LAMB: I'll make sure that that happens. I do want to tell that in addition to a portion of the 83,000 that we sent out had to do with those kinds of polling place changes. I think when we did our precincts and polling places back last November, I think I may have mentioned to you that we had 13 schools that were going to be closed for construction and just during the primary election voters would be affected. And we mailed every single one of those voters a letter, not just a card, but a letter explaining why they were being moved and giving the location along with the address. So all those voters did get a letter from the County Clerk's Office with the address and location of their polling place.

We will not be able to use Agua Fria Elementary, so I will make sure that there is a sign placed with the address for any of the voters who didn't see the letter that they received from our office.

COMMISSIONER VIGIL: Thank you very much.

CHAIR STEFANICS: Thank you. Anything else for Ms. Lamb? Thank you for rushing over here.

MS. LAMB: It's not far; it's close.

CHAIR STEFANICS: Thank you very much for identifying that. Thank you all the Fire Department for coming, all the volunteers, all the professional staff. We really appreciate it. And let's make sure we get out the word about what the good purposes for this are.

X. B. Public Works Department

1. Road Advisory Committee Update

MR. LEIGLAND: Madam Chair, Commissioners, I just wanted to come and give you an update on how the Road Advisory Committee is working. We've met a couple of times now and I just wanted to tell you some of the things we're working on and what this Board will see coming out of them in the near future. So we're focusing primarily on policy documents right now. The very first thing that this Board will see is a new Road Acceptance Ordinance. The current Road Acceptance Ordinance dates from 1998. It's outdated, and so we're working on that. We have a draft now and the Road Advisory Committee has helped us draft that and we expect to be bringing that to this committee, this Commission in September.

The other things that the Road Advisory Committee is working on, we're working on a road improvement policy which will be similar to road acceptance but this will be a policy that helps us decide when we want to take, for instance, an unpaved road and pave it, because there are some significant financial implications for that so we wanted to have a good policy grounding to help us make those decisions. Maybe of more interest to the Commission is we're also working on a traffic calming policy. Traffic calming is something we've heard a lot of, but again we wanted to have a policy that was more than just putting in speed humps, and they're helping us with that.

We're looking at putting some drainage and vegetation management policies. That's something we struggle with on who is responsible for maintaining culverts, who's responsible for maintaining the vegetation that can impinge on the roadway, so we're

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working on a policy like that.

So the Road Advisory Committee has been very engaged and I think we're going to see some really good policies coming out of that. So if there are no questions on that I'll just take this opportunity to address the Cundiyo parking.

CHAIR STEFANICS: Let me – I think there are some questions on this. I'm not going to make a big deal about this but you might want to talk to Robert Martinez and find out a little bit about the hubbub we had about clearing the sides of the road and cutting down trees and public involvement and see if that fits into one of your policies. Other comments, questions, on the Road Advisory Committee?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'm just glad that they're now on a regular meeting schedule because I know, having spent a fair amount of my own personal time on the Road Advisory for several years that there is a lot that we can learn from those Road Advisory members as a Commission and staff, because they give updates on the roads and projects along with the policy review stuff. Are they meeting monthly or every other month?

MR. LEIGLAND: Madam Chair, Commissioner Anaya, they're meeting every other month.

COMMISSIONER ANAYA: Okay. I just look forward to getting more updates and appreciate that they're now meeting on a regular basis. Do you have any vacancies?

MR. LEIGLAND: Madam Chair, Commissioner, no.

COMMISSIONER ANAYA: Okay. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Okay, so now onto Commissioner Mayfield, question about the parking lot.

MR. LEIGLAND: Thank you, Madam Chair. I just want to give you an update on Cundiyo. We've been working with the landowner who originally fenced off the property, and we believe that he will allow us to use that on election day. So we will have access back to that property on election day.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Leigland, thank you. That's kind of why I asked to remove that Consent item a little earlier. If we have established a prescriptive easement on a piece of property and if we do need to work with an adjacent landowner, I think that's great that we're working with that adjacent landowner to try to alleviate some of these properties, especially – and I'm going to say especially – it's for all county use if it's a County road, but when we actually I guess are owners of that private road, because we have one of our buildings or one of our structures on that private road, and folks say, well, you can't do anything to that road because you're in violation of the Anti-Donation Clause, I would hope that that's something that if we need to address at a state level please let me know and I would more than welcome championing that. If we need to address that by interpretation by our County Attorney, let me know that and I will try to ask the question. So that's kind of where I'm at and I do appreciate that you are working with that landowner adjacent to that property. Thank you.

CHAIR STEFANICS: Thank you, Commissioner. Thank you, Mr. Leigland.

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X. B. 2. Resolution No. 2012-93, a Resolution Accepting a Portion of El Alto Road for County Maintenance

MR. LEIGLAND: Madam Chair, Commissioners, this is I hope the last road that we will accept under our current Road Acceptance Ordinance. This is small portion – actually it's very timely with what Commissioner Mayfield just brought up – the Rio en Medio Community Center is on County-owned property and it is on El Alto Road, which is actually a private road. It's about, as it turns out, 355 feet up the private road. So the road needs improvement. A lot of the community members have been asking us to do improvements, but because of anti-donation reasons we couldn't. So this is a resolution to accept that portion of the road for County maintenance. It stretches from its intersection with the State Highway 503 to the farthest most boundary of our County-owned property which stretches, as I mentioned, about 355 feet. So this will allow us to go ahead and maintain it and improve access and allow access to that County-owned facility. So the road has to be accepted by resolution and then once this is accepted we'll update all our maps and all our other maps accordingly.

CHAIR STEFANICS: Okay. Thank you. Anything else?

COMMISSIONER MAYFIELD: Madam Chair, I have no questions. I'd move for approval and I'm glad that you all are working on this and you've been very attentive to work on this and I thank you so much for that.

COMMISSIONER VIGIL: Second.

CHAIR STEFANICS: Thank you. So there's a motion and a second on Resolution No. 2012-93.

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

CHAIR STEFANICS: We didn't do public comment. Sorry about the vote. Got to pay attention here. So let's do the public comment then we'll come to you, Commissioner Anaya. Is there anybody in the audience who's here to comment on this particular resolution, 2012-93, a resolution accepting a portion of El Alto road for County maintenance? I see none. Okay, we have a motion and a second by Commissioner Anaya would like to speak.

COMMISSIONER ANAYA: Madam Chair, so this is a private road, but we've had a County facility on it for, what? I want to say 13 years? Madam Chair, Mr. Martinez?

ROBERT MARTINEZ (Roads Division): Madam Chair, Commissioner Anaya, the actual road is on the County property.

COMMISSIONER ANAYA: The actual road is – so this is similar, Madam Chair, Mr. Martinez, very similar to when we had the Housing Authority roads, but they were Housing Authority, they were County Housing Authority but not necessarily County roads? Same type of situation?

MR. MARTINEZ: Madam Chair, Commissioner Anaya, that is correct.

COMMISSIONER ANAYA: Excellent. So, Madam Chair, this clarifies that

we are ratifying our own responsibility within the road improvement list for total mileage? Okay. Thank you, Madam Chair. I stand in full support but I would be remiss if I didn't take this opportunity to pick on Commissioner Mayfield just a little bit to say that I think there are circumstances and priorities that individual Commissioners have and this is one that's clear, makes sense to me, but that it's not necessarily something that applies throughout the entire county. This is important right now, makes sense. I'm surprised we haven't done it before. But I think it's a priority of his and it's a priority for the community and it makes sense. But it doesn't mean that everywhere throughout the county that we're going to have these issues all overnight. I know I have some issues that are County roads and then there's a private section and then they're a County road again but I know as we go forward and the policy and look at other options that we'll take those into consideration as they come up through the Road Advisory Committee and otherwise. But I respect him bringing it forward and it makes sense to me. Thank you.

CHAIR STEFANICS: Thank you. We have a motion and a second.

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

COMMISSIONER MAYFIELD: Madam Chair, may I ask a question?

CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: Why wasn't this on Consent, Mr. Leigland? And let me ask one other question of Mr. Ross. Mr. Ross, help me understand again, because I'm going to go back to the Cundiyo fire station. As I know, and Mr. Martinez, correct me if I'm wrong, the Cundiyo fire station is on a private road, but we are actually part-owners of that private road because we have one of our facilities, but if we can't maintain it, then the issue arguably over Anti-Donation Clause that I understand. So that's what I'm having a hard time understanding.

I know we similarly addressed this with a fire station that was further southeast, so that's just what I'm asking if we need to make some sort of changes for this adoption. And if this is something that you all are considering now through your new Road Advisory Acceptance policy.

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, as per our conversation the other day, we advise property owners that live on private roads that they need to cooperate with their neighbors, the other property owners, that they need to maintain their roads jointly. So I see where you're going. The County as the property owner on this road should be able to jointly, with the rest of the neighbors cooperatively maintain the road, so that's what we were doing on the Glorieta roads until we got the BNSF license, we were maintaining it as a property owner, but we were maintaining that one solely on our own. I think what you're getting at is the County could get with the other neighbors and jointly maintain the road as property owners. So I guess that's a question for Legal.

MR. ROSS: Madam Chair, Commissioner Mayfield, it works, as long as we don't pay more than our proportional share of the maintenance cost.

COMMISSIONER MAYFIELD: Okay. Thank you.

CHAIR STEFANICS: Thank you.

XI. Matters from the County Manager

A. Miscellaneous Updates

1. ICIP Public Meeting Schedule [Exhibit 1]

MS. MILLER: Madam Chair, we have the ICIP public meetings coming up that we need to do for the ICIP, capital improvement plan that we provide to the state, and Adam is going to give you the list, and we're also – there's going to be an update on it – and then also, we're going to talk about what items are in the general obligation bond question when we go out to those meetings.

MR. LEIGLAND: This is a list of meetings that we plan to have and their locations. As Katherine mentioned, this is going to be both the ICIP that's required by the state and also an opportunity to advertise the upcoming bonds. We're also working on our general outreach plan for the bond, so in addition to these public meetings we are working on getting information in the papers, for instance, the *Rio Grande Sun*, the *Independent* down in Edgewood, the *Albuquerque Journal North*. We're creating the brochure and actually these are the brochures that have been created in the past. We'll create a similar brochure for this bond election. And then we can also – we can use our existing media outreach, for instance the radio KSWV.

CHAIR STEFANICS: Mr. Leigland, Commissioner Holian and I already are doing something in that community that night that will not be compatible with this. So we're going to need to change the Eldorado/Eastern County area one.

MR. LEIGLAND: Okay.

CHAIR STEFANICS: Any comments from other Commissioners so they can work on this right away?

COMMISSIONER ANAYA: Madam Chair, Mr. Leigland, I think it's a good document and a good segue. I think it's up to us, and I think we all do it with our communities in working with them on notification, but do we have – does staff have the email list from Planning? Do we have the list from Planning and Land Use of the community associations, water association presidents, the mutual domestics and the community association presidents? Because I think if we're real explicit with this and we target them specifically as staff, sometimes there's a disjoint between what happens in Planning and Land Use an other departments.

I don't think there's any malice. I think everybody is just so busy. But they have pretty comprehensive lists of people and I think if we, in addition to the meetings, target those people and tell them, okay, go to your meetings and here's the things that we're going to be coming to your community on. It will help us get more input. It can give them more opportunity to provide feedback, in addition to the work I know the individual Commissioners do to convey information. Just as a thought.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Thank you. I think that's a great suggestion.
Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, my suggestion, and Mr. Leigland, you may not be the right person for this, but also, if we have hopefully captive audiences at these meetings, such as Commissioner Anaya mentioned, we did do some

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targeting there, but we also use it as they need to do some of the education on the fire excise tax. Thank you.

CHAIR STEFANICS: Thank you. Anything else from Commissioners about this schedule? So it sounds like you have just one change that needs to be made. Thank you very much for presenting that.

XI. A. 2. County Events

MS. MILLER: Yes, Madam Chair, Commissioners. At the last meeting we were having a public safety recruitment day. We did have that last Saturday on the 11th from 9:00 to 1:00 over at the County Fairgrounds and it was a really great success, great turnout. There were about 50 people that attended. The interested individuals that practiced written tests for fire, the Sheriff's Office and physical tests for both of those. They also did practice tests for RECC and demonstrations from the SWAT and special tactics team occurred and staff assisted community members on how to complete the applications and they also had a recruitment table for nurses for Corrections. And just an example of some of the comments that people made, that they thought it was very helpful and they now know what to expect if they want to work in our dispatch or at Corrections or in the Public Safety at the County, and also it was helpful for them to know what to work on for a test if they're going to take the test again. Or for the real tests that they would have to take. So I just wanted to give you an update on that and hopefully, we'll do more of those and hopefully we'll get some very successful applicants and candidates from that.

CHAIR STEFANICS: So, Ms. Miller, were there a few or a lot of people?

MS. MILLER: Fifty. Around 50 people.

CHAIR STEFANICS: Wow. That's great. That also tells us how many people are looking for jobs in the community.

MS. MILLER: So another update is that this Friday from 12:00 to 5:00 at the fairgrounds is the County employees picnic. Offices will be open but staff will be able to go over to the picnic and rotate with other staff. We have some new surprises this year so I'm really hopeful that the Commissioners can come attend and we're looking forward to that.

And then the other thing that's coming up before our next meeting is the ribbon-cutting for the Nambe Community Senior Center. It's located off New Mexico 503. It's going to be Saturday, August 25th from 10:00 to 2:00 and we'll have an open house after the ribbon-cutting, and we've invited the Santa Fe delegation, Nambe Pueblo and surrounding pueblo leaders and there will be some snacks and refreshments, so hopefully individuals can come to that.

So those are my kind of community or County events update, and that's all I have.

CHAIR STEFANICS: Thanks. Questions for the Manager from the Commission? This isn't Matters from the Commission, but it's questions, since it's the Manager's –

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Edgewood Community Center, they had been waiting on an icemaker for quite a while. Did they ever get their icemaker

fixed or replaced? Do you know?

MS. MILLER: I don't know. Teresa might know.

CHAIR STEFANICS: Ms. Casados could you come up?

COMMISSIONER ANAYA: I took a lot of heat over that icemaker. It's important to them.

TERESA CASADOS (Senior Services): Madam Chair, Commissioner Anaya, the icemaker has been repaired. They are enjoying ice daily. So, yes.

COMMISSIONER ANAYA: Good. Thank you.

CHAIR STEFANICS: Thank you. Anything else for Ms. Miller? Thank you.

XIII. Matters of Public Concern – (Non-Action Items)

CHAIR STEFANICS: Is there anybody in the audience that would like to bring up a matter of public concern? Thank you.

XIV. Matters From the Commission

A. Commissioner Issues and Comments (Non-Action Items)

CHAIR STEFANICS: Who would like to start? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. First of all, I would like to commend the League of Women Voters. They won the Santa Fe Community Foundation Tried and True Pinon Award, and the reason that they got that is the work that they did through the League's Education Fund, and a quote from this award says that they had consistent, high-quality programming and service in informing the community about elections and other issues of public interest. And I would just say from my own personal experience of being on the League of Women Voters that they do a really great job of researching topics and really getting the information out about topics of interest to the community. So, anyway, congratulations.

And then I wanted to give the Board an update on the last NCRTD meeting, which was on August 3rd. It took place at the new transit center, which was really exciting and it was a very nice space, except that the phone is not working. There were several issues of interest there. One is that the employees of the NCRTD have voted for collective bargaining, and so we passed a resolution to create a local Labor Relations Board for them, and that Board will designate the appropriate bargaining units and appropriate bargaining agents.

We also modified the personnel rules and regulations and the most important thing that we did was to put in place the sick leave incentive program. It turns out that the employees have been taking a lot of sick leave, amazingly enough, right around weekends and holidays. And of course it's expensive for a transit operation to have a lot of unplanned sick leave so we put in place a program where people, if they have beyond a certain amount of sick leave, can then transfer that to vacation leave which they can use any time. And of course with vacation leave they schedule it so it's a lot nicer for organizing.

The third thing that happened was that we passed a resolution to accept the transit plan for Los Alamos and the City of Santa Fe and we voted to acknowledge the transit plan from Santa Fe County, as opposed to accepting it. Now, I abstained and I read what I was

bound to support from our recommended service resolution. Then the first thing was that the staff presented a route assessment summary and asked for direction. The most interesting thing that they said was that the Las Trampas route is very lightly used, and it costs around \$150,000 to run that. So I made a motion that we would give notice to Las Trampas that that route might possibly be disconnected and we asked staff to evaluate – to go out and talk to the community and evaluate whether it really was a viable route or not, and then they will report back to the board as to what the upshot of that was, and in line with our line with our resolution I made a motion that if discontinuation is recommended that they should evaluate the Golden route as well as other proposed commuter routes and make a recommendation to the board for possible different service.

Then I just wanted to add that on August 17th, this Friday at 11:30 there's going to be a ribbon cutting for the new Jim West Regional Transit Center in Espanola and it's really a beautiful facility. So I urge anybody who's interested and they can go out and get a tour. Thank you.

CHAIR STEFANICS: Thank you.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, just a question for Commissioner Holian. Madam Chair, Commissioner Holian, I was just wanting to clarify. The resolution that the Commission passed was that the priority of routes would be the commuter routes as opposed to the non-commuter routes. Did you convey that in the resolution? And not Las Trampas. Las Trampas is just another route in some other part of the NCRTD.

COMMISSIONER HOLIAN: I'm not really sure whether Las Trampas is a commuter route or not but they are –

COMMISSIONER ANAYA: But that's not our county, right? It's another county?

COMMISSIONER HOLIAN: Right. Well, actually, I have the resolution here and I can read the resolution if you would like. The resolution that you passed and I stayed within the letter of the law, because when we had the resolution to acknowledge the Santa Fe County transit plan I abstained because it says here that – let's see – that the transit plan that is attached to this resolution is adopted as the recommended transit plan service for Santa Fe County for fiscal year 2013 and shall be submitted to the NCRTD. Because they only acknowledged our transit plan I abstained from that vote. But then I made a motion that they consider the Golden route and other commuter routes should there be funding, and it looks like there might well be funding because of the possible discontinuation of the Las Trampas route.

CHAIR STEFANICS: Commissioner Anaya, does that answer your question?

COMMISSIONER ANAYA: Well, Madam Chair, Commissioner Holian, I don't think that you reflected the desire of the Commission. I think you shouldn't have abstained against the City. I think you actually should have provided clarification as to what the perspective was of the full Commission, but I guess that goes with your prerogative of sitting on the commission.

COMMISSIONER HOLIAN: Commissioner, when I abstained, I did in fact read this resolution into the record.

COMMISSIONER ANAYA: Well, you voted against the resolution and so I guess that's what your justification for abstaining, but you're the representative on the board, so I don't have any further questions or comments.

Madam Chair, Ms. Miller, do you want me to go ahead with my –

CHAIR STEFANICS: Yes, please.

COMMISSIONER ANAYA: Madam Chair, Ms. Miller, I know, because Adam and Mr. Hogan have been providing me some feedback, but I know we had a discussion about the portable in the Stanley area and during the budget I had brought that up during the budget discussion but the feedback I got was that there was already some resources in the current budget and so I'm just excited to try and convey some more positive feedback to the members in that area that will potentially utilize it. Well, not potentially – they will. So can you give me just a brief update on that particular item?

MS. MILLER: I'll have Mark Hogan give you one because I talked to him about ten days, a week ago but it might be even better news.

MARK HOGAN (Public Facilities Director): Madam Chair, Commissioner, the modular unit is being purchased right now. It's going through the procurement process. That includes the placement on the site as well as the foundation. We have civil engineering being procured so that we can address the utility hookups. As you may know, we have a water issue. We're looking at taking the water line from the fire station well across the street and bring that over to the site and we also have to locate a septic field for the modular as well.

COMMISSIONER ANAYA: I appreciate the work and effort. If I could – and I know you gave it to me once before, but if you could make me a copy, Madam Chair, Mr. Hogan, of the preliminary master plan that we did for that parcel, the community members and people on 4-H and otherwise want to provide some feedback on that as part of the placement, and so that it doesn't impinge on the future work that we're going to do. I would appreciate that.

MR. HOGAN: Madam Chair, I'd be happy to do that and that would be timely too, before we move ahead with any civil work in terms of specifying that location. So we'll not only pull the brochure on the modular that we bought but we'll arrange a meeting where we'll get together with you and discuss placement.

COMMISSIONER ANAYA: Excellent. Thanks for the update on that. I don't know if it would be you or someone else. What type of timeline are we looking at for executing the well and storage facility for the La Bajada residents, based on Water Trust Board work? Just so we could provide a framework for the residents, because I know they're still in the same dire situation and I know we now have procured funding but it takes time to go through the process. So what kind of path are we on and what kind of communications have we had with La Bajada to get to the end result?

PATRICIO GUERRERORTIZ (Utilities Director): Madam Chair, Commissioner Anaya, the project has been through four different phases so that we can have the best probability of being finished with a well and a tank by the end of this year, or prior to next winter. So we're in the process of pre-purchasing the tank because it has a lead-time that is excessive. We have to wait until all the design and all the other ends are complete. And we are in the process of drilling a new well down at the – in La Bajada near the community. The

bottom line is we want to have service before the end of the calendar year, bringing clean water to them.

COMMISSIONER ANAYA: Excellent. I know it's been a lot of work by staff and the community and legislators and board members on the Water Trust Board and a whole lot of people. So I very much appreciate the work and efforts in that direction.

I mentioned at the last meeting that the village of La Cienega and La Cieneguilla will be coming at the end of the month and we're going to be talking about some of the projects, several of which that we've worked with them on but they're also going to be providing updates on items that they would like us to see done in the region, in the area, specifically, I know Entrada, the road we're going to be doing work on, and the park that we actually got, received legislative dollars and they were ultimately vetoed. Those are still going to be priority issues that we've already had on our list but I know they're going to bring up the discussion about working with COLTPAC and a possible trail within that project that we're doing that would tie from the community and Camino Entrada all the way to that park site, and that park site is the site that we acquired the lease from the State Land Office on an I don't know how much interaction – I guess what I want to do is make sure between now and the end of the month we at least have some general discussions with the State Land Office to make sure the lease is still in effect for that property. It's been on our ICIP for several years. And just provide staff the heads up that it's going to keep coming up and Representative Hall is very supportive of it as is Senator Griego who allocated resources to it. So that's just a heads-up. I'll be coming back.

They did mention to me, Madam Chair, Ms. Miller, that there's a group, and I'm hopeful. I think Mr. Guerrerortiz or his staff has been notified but I'll just do it publicly here if they haven't. There's a group that's been assembled of BLM individuals, La Cienega residents, La Cieneguilla residents, the acequia association, Forest Guardians and I don't know who else, but they're going to work on the issue associated with water flows and issues associated with the beavers as well as other issues. But I was told that the County was hooked in. I want to make sure that we're hooked into that discussion. Mr. Dickens is the one that brought it to my attention. So if we could get in touch with Mr. Dickens and make sure we're at the table, then we don't have to recreate our own group. We could just continue to work with them and try and work through those issues.

So those were some of the items I wanted to bring up. Thank you, Madam Chair. I have some others that I will share with staff outside of the meeting. But thank you.

CHAIR STEFANICS: Thank you very much. Commissioner Vigil, anything?

COMMISSIONER VIGIL: I did want to just wish everyone good luck and safety on the start of a school year; that's all happening this week. I also want to wish our new superintendent of Santa Fe Public Schools a lot of good luck. We also have an incoming president at Santa Fe Community College and I want to wish her good luck, and I hope we have an opportunity to meet with them. I did meet with the superintendent at a reception that they had and I know some of the conversations that we've had here is how does the County engage with our public schools and he seems quite dynamic. If he does need to rely on local government it does seem like he would have the energy to come forth with it.

So to the students who are going to bus stops and driving in buses to the parents who are taking their kids to school: Safety. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you, and I echo Commissioner Vigil's. Safety and awareness with all these kiddoes out there on the street. Madam Chair, I just also want to commend and thank our Fair Board and all staff involved with the Santa Fe County Fair. I think it was a phenomenal event and a pretty fun one. When I attended [inaudible] but maybe we could also, Manager Miller, have an opportunity to bring them back for some acknowledgement. There were very many blue and red and purple and yellow ribbons out there, so I think it was a big success and I know we also had some participation from our senior services. Hopefully next year it will be a little more and I've been at a couple senior centers after the fair concluded and just kind of mentioned, you guys ought to get in some of your entries so I think they'll work on it for next year.

Also, Madam Chair, yesterday, Jemez Mountain Electrical Cooperative had a vote of membership for trying to amend or just asking for consideration of their bylaws. They haven't redone their bylaws in I don't know how many years. So they had about seven amendments. I did cast votes for Santa Fe County on those seven amendments. If you guys want to ask me how I voted I'll let you know but if you don't, I won't. But I think a lot of those amendments were very meaningful. These amendments, some of them dealt with term limits. Some of them dealt with openness and transparency in government and just different issues.

CHAIR STEFANICS: So I have a question, Commissioner Mayfield. Are you – or is Santa Fe County represented because we utilize their services?

COMMISSIONER MAYFIELD: Madam Chair, yes. If you all don't recall you passed a resolution I think late last year that allowed us for voting for the trustees, because we vote for trustees. But also they've been trying, and they tried at the last annual meeting which happened in July, that annual meeting wasn't successful to have a quorum so they tried to have special elections in each district and they just weren't successful in obtaining the quorum needed. But I did vote. But they had some incentives to get voters out there. They were pretty good incentives. They were giving away a car. So I have these for Ms. Miller, and we need the five Commissioners registered so if I don't know if we won the car but if we do Santa Fe County gets a car. And they were also giving away door prizes. We were not successful in winning any door prizes, but they were also giving away door prizes last night.

So that was attended by myself last night. I brought up the Fair Board. Again, Madam Chair, I appreciate you mentioning it – Mr. Baca, our volunteer fire chief out of Pojoaque, condolences and prayers to his family. Just awareness out there. There were other individuals hurt. I would like, Madam Chair, if possible, just a recommendation. Not knowing particularly the incident, but if Santa Fe County can do its part also with promoting 811 – Call Before You Dig. And maybe in the permitting process, when folks are obtaining the permit, for whatever they're obtaining a permit through our Land Use Department, we also put, hey guys, know about Call Before You Dig before somebody puts anything into the ground. That's a great awareness we should have. So I'll just throw that out there. And Madam Chair, I believe that is all I have, so thank you.

CHAIR STEFANICS: Thank you. Just a couple of items. Ms. Miller, I'd asked that if staff are going to have meetings in our district that they notify us, invite us, and maybe we can send our staff if we're not available.

The second thing is that there seems to be a misperception, and I'm not sure how this happened, when we talked about the southeast connector at a prior meeting, that Eldorado thought somebody said we were taking the southeast connector through Eldorado. We are not. And there is a map and a description of the southeast connector that Mr. Martinez has provided to my office. We will get it on the web, so that anyone listening or was under the perception that we were doing that can actually see the route. And if – Ms. Miller, do we have an update on the Highway 14 senior center location or the scoping of locations? I see Ms. Casados and Mr. Hogan coming down. Because somebody came to me very angry that they had heard of a particular spot. So I would just like to clarify what we're doing.

MS. CASADOS: Okay, Madam Chair, Commissioners, we are still looking for viable options for the Highway 14 senior center. We have had discussions with Mr. Hogan and we will continue to do so. Right now, the only two locations we have looked at is one near the school and one near the fire station. We haven't had any discussions with anybody regarding pricing. We haven't yet done specifications on the size of lot that we're looking for. But once we do determine what size of lot we're looking for and the actual area that we're looking for, then we'll be working with our procurement department to make sure that we post and notify and that people that have property in that area are given opportunities. So nothing has been decided at this point in time.

CHAIR STEFANICS: So let's clarify. The two pieces of property you're looking at are by the Turquoise Trail Charter School and the Turquoise Trail Fire Department?

MS. CASADOS: Yes, that's correct.

CHAIR STEFANICS: Okay. Because we have various Fire Departments out there, we have various other roads, so I just want to clarify it for the public. Great. Thank you. Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, on this point and I've said it publicly on many occasions, that's going to be a senior center that would service a lot of your district as well as mine, and it's my strong belief that the closer we get that to the communities of Madrid and Cerrillos and Galisteo, while still being in proximity to Highway 14 the better. So I – of those two locations I want to be very clear that.

[Audio difficulties]

MS. CASADOS: ...we're working on that which you guys approved to be able to serve that whole corridor which is underserved right now. So we're hoping to have that up and running in mid-September. The equipment is being installed right now. Most of it is in and we're recruiting for our cook. So that can address those concerns as well.

CHAIR STEFANICS: Okay. Thank you very much, Ms. Casados. Okay, any Commissioners have any last items. Great. Is there anybody in the audience that is here for public comment on a non-action item? Okay, we are going to take a recess for an executive session. Mr. Ross, how long do we need?

XII. Matters From the County Attorney

A. Executive Session

1. Discussion of Pending or Threatened Litigation

MR. ROSS: Madam Chair, we need a discussion of pending or threatened litigation in closed executive session. I would estimate we'll need an hour but we might be able to do it faster.

CHAIR STEFANICS: Any other items?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Ross, will UDV be one of the cases under discussion?

MR. ROSS: We can talk about that.

COMMISSIONER ANAYA: I don't want to talk about that in executive.

MR. ROSS: Well, then let's not.

COMMISSIONER ANAYA: I was just asking that clarifying question.

MR. ROSS: It wasn't on my high priority list.

COMMISSIONER ANAYA: Okay. Thank you.

CHAIR STEFANICS: Okay. Is there a motion?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER HOLIAN: I move we go into executive session where we will discuss pending or threatened litigation.

CHAIR STEFANICS: Is there a second?

COMMISSIONER ANAYA: Second.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (7) to discuss the matters delineated above passed upon unanimous roll call vote with Commissioners Anaya, Holian, Mayfield, Vigil and Stefanics all voting in the affirmative.

CHAIR STEFANICS: We are going to recess until about 5:45 or 5:50. And we will return for the evening session.

[The Commission met in closed session from 4:50 to 6:15.]

CHAIR STEFANICS: We're out of recess. Could somebody make a motion to come out of executive session?

COMMISSIONER VIGIL: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER VIGIL: I move that we come out of executive session where the only matters that were discussed were pending litigation. Present at executive session was our attorney, our County Manager, Deputy County Manager, Deputy County Attorney and all five Commissioners.

CHAIR STEFANICS: I'll second. Any discussion?

The motion passed by unanimous [4-0] voice vote. [Commissioner Holian was not

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present for this action.]

CHAIR STEFANICS: Did anyone else have a comment before we go on to our land use cases?

XV. Public Hearings

A. Growth Management Department

1. **BCC Case # MIS 12-5240 Carlos Vigil & Susie Coronado Vigil Vacation of Easement.** Carlos Vigil & Susie Coronado Vigil, Applicant's Request Approval to Vacate a Platted Twenty Foot (20') Wide Private Access and Public Utility Easement on 10.99 Acres. The Property is Located at 6 Calle Tres Pinos, within Section 15, Township 16 North, Range 9 East, (Commission District 4) Wayne Dalton, Case Manager. (TABLED)
2. **BCC Case # V 12-5260 KGB Spirits, LLC. KGB Spirits, LLC, dba KGB Spirits, Applicant, George Schurman, Agent, Request Approval of a Wholesaler Liquor License to Allow the Wholesale Distribution of Spirituous Liquor and Wine. The Property is Located at 36 Bisbee Court, Unit B, within Section 24, Township 16 North, Range 8 East (Commission District 5)**

JOSE LARRAÑAGA (Case Manager): Thank you, Madam Chair. KGB Spirits, LLC, dba KGB Spirits, applicant, George Schurman, agent, request approval of a wholesaler liquor license to allow the wholesale distribution of spirituous liquor and wine. The property is located at 36 Bisbee Court, Unit B, within Section 24, Township 16 North, Range 8 East, Commission District 5.

In December of 2002 a master plan for the Thornburg property was approved by the Board of County Commissioners. The master plan approval included commercial zoning of Lot D-5, located at 36 Bisbee Court. The zoning approval allowed for wholesale distribution of spirituous liquor and wine. Ordinance 2000-12, Community College District, designates Lot D-5 as an employment center zone which allows for wholesale distribution as a special use. A special use is a use allowed in the approved master plan.

The applicant requests approval of a wholesaler liquor license. A wholesale liquor license will allow the applicant to warehouse and distribute spirituous liquor and wine wholesale. The State Alcohol and Gaming Division granted preliminary approval of this request in accordance with Section 60-6B-4 NMSA of the Liquor Control Act. Legal notice of this request has been published in the newspaper.

The Board of County Commissioners is required to conduct a public hearing on the request to grant a wholesale liquor license at this location.

Growth Management staff has reviewed this project for compliance with pertinent code requirements and finds the following facts to support the submittal. Ordinance 2000-12, Community College District designates Lot D-5 as an employment center zone which allows for wholesale distribution as a special use. The Board of County Commissioners approved the Thornburg property master plan which allows wholesale distribution of spirituous liquor

and wine. The applicant has met the state of New Mexico requirements for noticing distance from schools and churches. Staff recommendation is approval of a wholesaler liquor license to be located at 36 Bisbee Court. Madam Chair, I stand for any questions.

CHAIR STEFANICS: Thank you very much. Is the applicant here? Do you have anything you'd like to say? Okay. This is a public hearing. Is there anyone in the audience who came to speak for or against this application? Seeing no one, the public hearing is closed. Commissioners, what's the pleasure of the Commission? Or any questions? Discussion? This is not a retail facility; it's wholesale. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, and you may have brought this up but just to refresh my memory. But on Exhibit 1, Madam Chair, staff, again, this is only wholesale, but the zoning does allow for retail also, doesn't it?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, yes, it does.

COMMISSIONER MAYFIELD: So, Madam Chair, Mr. Larrañaga, if the applicant decided to later change it to retail – if – do they have to come back to this Commission for approval or can they just do it for the approval we've given today?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, I believe they would have to go back to Alcohol and Gaming and change that. This is for a wholesale liquor license and they would have to change the status of their license.

COMMISSIONER MAYFIELD: Okay. Thank you. Madam Chair, thank you, Mr. Larrañaga.

CHAIR STEFANICS: Thank you. This particular area, it's like warehouses. Any other questions, comments?

COMMISSIONER ANAYA: I'd move for approval, Madam Chair.

CHAIR STEFANICS: I'll second. There's a motion and a second.

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

- XV. A. 3. CDRC Case # V 12-5090 Lawrence Maes Variance. Lawrence Maes, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Three Dwelling Units on 10.21 Acres. The Property is Located at 85A County Road 44, within Section 31, Township 15 North, Range 9 East, (Commission District 5). Wayne Dalton, Case Manager **TABLED**

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XV. A. 4. CDRC Case # V 12-5180 Joseph & Hope Roybal Variance. Joseph and Hope Roybal, Applicants, James Siebert (James W. Siebert and Associates, Inc.), Agent, Request a Variance of Article III, Section 4 (Commercial and Industrial Non-Residential Districts), of the Land Development Code to Allow Commercial Zoning Outside of a Designated Commercial District on 3.98 Acres. The Property is Located Southeast of the Village of Cuyamungue, East of the US 84-285 Frontage Road, Between Exit 176 and Buffalo Thunder Road, at 22 B Mystic Lane, within Section 28, Township 19 North, Range 9 East (Commission District 1)

MR. LARRAÑAGA: Thank you, Madam Chair, Joseph and Hope Roybal, applicants, James Siebert agent, request a variance of Article III, Section 4 of the Land Development Code to allow commercial zoning outside of a designated commercial district on 3.98 acres. The property is located southeast of the village of Cuyamungue, east of the US 84-285 Frontage Road, between Exit 176 and Buffalo Thunder Road, at 22 B Mystic Lane, within Section 28, Township 19 North, Range 9 East, Commission District 1.

On June 21, 2012, the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend approval of the applicants' request for a variance.

The applicants request a variance to allow commercial uses to be located outside a designated commercial node. The applicants state that this site is suitable for commercial uses for the following reasons: the Buffalo Thunder interchange could be considered a qualifying intersection as a major center district; a significant portion of the property is located within the required 2,500 foot radius used for inclusion in a major center node; commercial businesses have consistently operated on the site; the site is contiguous or in close proximity to properties that are used for commercial or non-residential activity.

A County Business Registration was assigned to the property for New Mexico Trees in 1996 and expired in 2007. No other business registrations have been issued to this site. The neighboring properties with commercial or non-residential activities are State and Pueblo owned and the County has no zoning jurisdiction on these parcels.

Article III, Section 4.1 states commercial and industrial non-residential land uses are permitted only in zoned districts of various sizes and locations in the County of Santa Fe. Non-residential districts specifically for commercial or industrial land uses are established in order: to permit intensive development of selected land uses at designated locations; to avoid strip commercial and industrial patterns of development along highways, arterials, collectors, and local roads of the County; to protect the function of the County's highways, arterials, collectors, and local roads by controlling the number of access locations to commercial and industrial use areas; to prevent the preemption of prime areas for commercial or industrial development by residential development; to protect existing and future residential development from encroachment of non-residential uses; to provide the opportunity to master plan non-residential use areas, so that adequate fire and police protection may be provided and appropriate infrastructure constructed.

Article II, Section 3 states, Where in the case of proposed development, it can be

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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.

Article II, Section 3.2 states, In no case shall any variation or modification be more than a minimum easing of the requirements.

Growth Management staff has reviewed this application for compliance with pertinent code requirements and finds the project is not in compliance with County criteria for this type of request.

Staff recommendation: Denial of a variance from Article III, Section 4 Commercial and Industrial Non-Residential Districts of the Land Development Code, to allow commercial zoning outside of a designated commercial district on 3.98 acres.

If the decision of the BCC is to approve the applicants' request, staff recommends imposition of the following condition. May I enter that condition into the record?

[The condition is as follows:]

1. The applicant shall submit, in a timely manner, a request for Master Plan Zoning to the Building and Development Services Department (As per Article III, § 4.1.1.6)

MR. LARRAÑAGA: Thank you, Madam Chair. I stand for any questions.

CHAIR STEFANICS: Thank you. Is the applicant here? Why don't you do your presentation and then we'll go to public comment.

COMMISSIONER VIGIL: Madam Chair.

CHAIR STEFANICS: Just a minute. We have a staff question.

COMMISSIONER VIGIL: Could you just check? You may not have the answer to this. Are any of those other plats in that node, were they granted through a variance process, do you know?

MR. LARRAÑAGA: Madam Chair, Commissioner Vigil, the existing commercial development that's out there?

COMMISSIONER VIGIL: Yes.

MR. LARRAÑAGA: Most of that existing commercial development is pueblo land. Buffalo Thunder, we don't have jurisdiction on that so we didn't see any of the development review.

COMMISSIONER VIGIL: Okay. So none of it went through any of our approval process.

MR. LARRAÑAGA: Madam Chair, Commissioner Vigil, that's correct.

COMMISSIONER VIGIL: So there's Nambe and Pojoaque as part of this, right? They both own property there is what I'm asking.

MR. LARRAÑAGA: Madam Chair, Commissioner Vigil, I believe so, and there's also a state piece where they have a yard right across the street.

COMMISSIONER VIGIL: Okay. Thank you very much.

CHAIR STEFANICS: Thank you. Any other questions for staff before we go

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to Mr. Siebert?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Larrañaga, on your proposal, or excuse me, on your summary memo that you provided, of knowing why we allow commercial districts, why we don't, but this is a mixed-use district from the Pojoaque Planning Commission, correct?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, this is outside of the –

COMMISSIONER MAYFIELD: Okay, so [inaudible] So I guess my other thoughts of what's presented here are some of the reasons, for safety out on the highway, this whole corridor is done off a frontage road. So there's only so many access points now off of that corridor by about two or three different bridges. So I know exactly where this property is, and as a matter of fact, our maps are wrong because they're saying that there's an adjacent Pueblo of Pojoaque structure in front of it. That's arguably Nambe's gas station and everything else. It's not the Pueblo of Pojoaque's; it's Nambe's. But I guess my whole point is that whole corridor is behind a frontage road right now so it does not have direct access onto the highway anymore. So I just wanted to let that be known.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Commissioner Anaya, question for the staff?

COMMISSIONER ANAYA: No, I just wanted to move for approval.

COMMISSIONER MAYFIELD: Second.

CHAIR STEFANICS: We haven't done – we need the presentation from the applicant. We need the public hearing. Sorry. Mr. Siebert.

JIM SIEBERT: I would accept that motion.

CHAIR STEFANICS: Okay, then you can make it very short, your presentation, because I have to go to public hearing.

MR. SIEBERT: Madam Chair, Commissioners, my name is Jim Siebert. My address is 915 Mercer.

[Duly sworn, Jim Siebert testified as follows:]

MR. SIEBERT: Just a clarification in terms of the approval of the CDRC, it was a unanimous decision on the part of the CDRC to approve this. To give you the kind of locational area, this is the interchange, and what I've drawn on here is a 2,500-foot limit that would be traditionally the location for the major center district. This is the golf course, this is the frontage road, this is Mystic Lane. The property in question is just here. This is the Pojoaque Pueblo administrative office. This is the Nambe Pueblo center. It has a gas station, convenience store and it has all commercial uses in that particular area. Then this is the State Highway Department construction now is here. This is actually a lot, a vacant mobile home and according to Joe Roybal it's been vacant for quite some time.

The property was historically used by New Mexico Trees and it began about 1976, and was used continually until the time that Joseph Roybal with Thompson Wells bought the property. This is kind of an indication of the uses that are near or adjoining it. The hatched grid is Thompson Wells, the solid red is pueblo lands that are commercial. The green is – this is also the construction yard for the golf course, construction yards for the State Highway

Department. There is a use here that's kind of a mixed commercial/industrial where they work on vehicles.

I think the unique situation, this is not really part of the zoning of the village itself. It's really outside the zoning for the village. We feel that it would in fact fall under the County code with regard to the distance from a qualifying intersection. The majority of this property, as you can see, falls within that commercial node. And I'll answer any questions you may have.

CHAIR STEFANICS: Thank you. Any questions for the applicant?
Commissioner Vigil.

COMMISSIONER VIGIL: Thanks. Mr. Siebert, who owns the property beyond the boundaries of Mr. Roybal's property? Are those all privately owned?

MR. SIEBERT: Right. In the pink tone?

COMMISSIONER VIGIL: Further south on the map.

MR. SIEBERT: This is pueblo land. It's arroyo. It's Pojoaque Pueblo land.

COMMISSIONER VIGIL: Are there any other lots or plats within that area that are privately owned?

MR. SIEBERT: This tract here is approximately one acre that it has the name of Peter Watts to it but according to Joseph, since he's been there it's always been just an abandoned mobile home.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes. Question for Mr. Siebert.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, Mr. Siebert, but going south though, that's where we have, I guess like an arts and crafts commercial building. There's also Gabriel's Restaurant. We approved a while back that gentleman that has a building to store his trucks going down that road.

MR. SIEBERT: I'm not sure about that. This is principally an arroyo here. Unless – this map is two years old so things may have changed.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Siebert, your client is just down the road from that, that you came to the Commission a couple months ago.

MR. SIEBERT: Oh, no, no, no. That's further down

COMMISSIONER MAYFIELD: Okay. So, Madam Chair, Mr. Siebert, the residential area is kind of going more towards the east?

MR. SIEBERT: Yes. The residential is here really.

COMMISSIONER MAYFIELD: And all those residents have been served notice?

MR. SIEBERT: Yes, they have. Actually, Mr. Roybal has talked to them personally.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, staff, are there any conditions put on this?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, there is the one condition, which was entered into the record but I'll read it out: The applicant shall submit, in a timely manner, a request for master plan zoning to the Building and Development Services Department.

COMMISSIONER MAYFIELD: Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Let's go to public comment. This is a public hearing. Is there anyone here to support or oppose this project? Okay, the public hearing is now closed. There was a motion to approve and a second. Discussion, questions from the rest of the Commission?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: I just wanted to apologize for jumping in there. I read the packet and saw the discussion in CDRC and saw the condition contained therein and those approvals, but I definitely don't want to jump the gun on the public, so thanks for realigning us.

CHAIR STEFANICS: No further discussion?

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

- XV. A. 5. **CDRC Case # V 12-5200 Robert & Bernadette Anaya Variance. Robert & Bernadette Anaya, Applicants, Talia Kosh (the Bennett Firm), Agent, Request a Variance of Ordinance No. 2007-2 (Village of Agua Fria Zoning District), Section 10.5 (Village of Agua Fria Zoning District Use Table), to Allow a Towing Business on 0.70 Acres. The Property is Located at 2253 Ben Lane, within the Traditional Community of Agua Fria, within Section 31, Township 17 North, Range 9 East (Commission District 2)**
[Exhibits 2 & 3: Letters of Opposition]

MR. LARRAÑAGA: Thank you, Madam Chair. Robert & Bernadette Anaya, applicants, Talia Kosh, agent, request a variance of Ordinance No. 2007-2, Section 10.5 to allow a towing business on 0.70 Acres. The property is located at 2253 Ben Lane, within the Traditional Community of Agua Fria, within Section 31, Township 17 North, Range 9 East, Commission District 2.

On June 21, 2012, the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend denial of the applicants' request for a variance.

The applicants request a variance to allow a towing business as a special use under Ordinance No. 2007-2, § 10.5, Village of Agua Fria Zoning District Use Table. A special use is an allowed use which is subject to master plan and development plan approval by the Board of County Commissioners. The use as a towing company falls under the category of vehicle service not listed which is not allowed as a use as outlined in the commercial use category within the Traditional Community Zoning District.

The applicants state, The towing business has been in operation since 1989 at the current location and the property has been in the family for generations. The ability to operate the business with eight towing vehicles on the site provides a community service in response time to emergencies.

The applicant's were issued a notice of violation of Ordinance No. 1992-3 on February 9, 2012, for operating a business without a county business registration. It was

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determined by staff that this type of business activity was not allowed within the Agua Fria Traditional Community under Ordinance No. 2007-2.

On July 12, 1989, the applicant made application to allow a small-scale commercial vehicle impound yard on this site as a special exemption of the Extraterritorial Zoning Ordinance. On August 28, 1989 the Extraterritorial Zoning Authority denied the Applicants' request and ordered the Applicants to discontinue all commercial activity on the site.

Article II, Section 3 of the County Code states: 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.

Article II, Section 3.2 states: In no case shall any variation or modification be more than a minimum easing of the requirements.

Growth Management staff thoroughly reviewed the application for compliance with pertinent Code requirements and found the application is not in compliance with County criteria for this type of development. Staff has conceptually reviewed the site for zoning requirements as a special use and has determined that further variances may be required for this site to meet master plan/development plan criteria.

Staff recommendation is denial of a variance from Ordinance No. 2007-2, Village of Agua Fria Zoning District, Section 10.5 Village of Agua Fria Zoning District Use Table, to allow a towing business as a special use under the Zoning Use Table. Madam Chair, I stand for any questions.

CHAIR STEFANICS: Are there questions for staff? Commissioner Vigil.

COMMISSIONER VIGIL: Does this comply with the Agua Fria plan? Have you had an opportunity to do that evaluation?

MR. LARRAÑAGA: Madam Chair, Commissioner Vigil, no, not to the plan. It doesn't comply with the ordinance.

COMMISSIONER VIGIL: Thank you.

CHAIR STEFANICS: Any other questions for staff before we go to the applicant?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Larrañaga, could you talk again – and I'm reading back through some of what you just went through- but relative to the length of time that the company's been in business, and restate when the violation was issued. Has it been in place since 1989? Is that correct? Has the business been in place in that location since 1989?

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, that's what the applicant states. The notice of violation was issued February 9, 2012. That's when we had a complaint and an officer went out there and saw that they were running a business without a business license.

COMMISSIONER ANAYA: Has the County – and I thought you mentioned we had issued some other violations? Have we issued other violations preceding February 12th of this year?

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, not to my knowledge. In 1989, that's when the applicant made application to the EZO for a special exemption to have a towing – to have a storage yard and parking yard there and they were denied. One of the letters, exhibit 8, where they were supposed to take the cars out of there as an impound yard.

COMMISSIONER ANAYA: So we provided a notice for them to take the cars out in 1989 for an impound yard? The County did?

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, that's correct. It was after a denial from the Extraterritorial Zoning Authority.

COMMISSIONER ANAYA: So then we only followed up on that and 23 years later in February of this year we got another complaint and we followed up with a code enforcement violation. Is that what it was?

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, of course I wasn't here in 1989 but they followed up and made them take out all the cars. Some of the aerials, they covered a lot more than what their property is, .70 acres as an impound yard, and then we recently got a complaint back in February, January/February of having the tow trucks. They don't have any more, that I know of – they're not using it as an impound yard as you can see from the newest aerial. It's all filled up with residential houses and different lots on that area.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Larrañaga, did the County ever, prior to February of this year, issue any violations for a tow truck business?

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, not to my knowledge.

COMMISSIONER ANAYA: Thank you.

CHAIR STEFANICS: Anything else for staff before we go to the applicant? Okay, is the applicant here? Please come forward and be sworn in. Okay, anyone who is going to speak for the applicant needs to be sworn in, so yourself or others.

MERIT BENNETT: I'm counsel for the applicant.

CHAIR STEFANICS: So is anyone else going to speak for the applicant except yourself?

MR. BENNETT: I think counsel will and also Mr. Anaya will speak.

CHAIR STEFANICS: Okay. So anyone who's not counsel – are rules are different for counsel, correct, Steve? They're bound to the word. Okay, so anybody on this group who's not an attorney would you please stand and be sworn in.
Dddgroup.

CHAIR STEFANICS: Okay, so when you speak, we're going to need you to say your name, your full name and your address so it goes into the record. And why don't you start off with your introduction. I missed your name. I'm sorry.

MR. BENNETT: Merit Bennett.

CHAIR STEFANICS: Oh, Merit Bennett. Okay.

MR. BENNETT: Good evening. Thank you for taking this time to hear the

case of the applicant. First, in response to Mr. Larrañaga's comments with respect to the decision in 1989 regarding not having an impound lot on this property. That decision was obeyed. This is not about an impound lot. The Anayas were conducting a towing business. They were since 1989 to this date at this location. At that time they did make application to store some of the vehicles that they had towed when they would go to the scene called by the State Police, County Sheriff's Office or City Police, they would oftentimes – drunk drivers, they would have to tow an impounded vehicle and impound it. And yes, they were making application to be able to impound those vehicles on this particular property and their application was denied.

In response to that denial the Anayas then established another offsite impound lot where they have been since 1989 towing the vehicles that are impounded to that lot and they're stored and warehoused at that lot. The impound lot question has nothing to do with this application, just to be clear, because that, as we already know, that petition was denied for those reasons. It presents a whole different issue within a community area than conducting a family business. So this is not that, just to make clear.

The Anayas have owned this property. They're fifth generation family, have owned this particular property on Ben Lane for probably as long as we've been here and they have been landowners. Their family compound has been in the Agua Fria Village for that period of time. In 1989 Mr. Anaya purchased an existing towing company, Padilla's Roadrunner Wrecker Service. This is Anaya's Roadrunner Wrecker Service, purchased an existing towing company that had been grandfathered in in 1981 by the Agua Fria Village Ordinance. So there already was an existing towing company that I believe, according to Mr. Anaya had the same number of vehicles as the Anayas currently park at their location.

This towing company consists of eight vehicles of varying sizes and capabilities and in order to perform a varying degree of tasks for state, local, federal, our City and our County. These services include anything from towing a vehicle from the scene of a crash or a drunk driver is stopped, to recovering vehicles that have gone down ravines or into riverbeds or off the road during ice storms or whatever, and some of these vehicles have very large weight capacities and degrees of difficulties in extracting them from various hazardous positions. And the Anayas are really the only towing company in northern New Mexico that can accommodate all of these needs of state and local authorities.

So they're called constantly, and this is a constant, 24/7 business. They have a contract with the County to provide 24/7, 365 days a year service and that contract I will discuss later. It's in the exhibit book that you've been provided.

As a part of this obligation to keep the community safe and perform activities that are vital to our community they run a 24-hour business and as a result, most of these vehicles are not always on the property at the same time. This is 24/7. On average they have about four vehicles that are parked on this property. There's plenty of room on this property to park the vehicles and I will discuss that with you in a minute. There's adequate ingress and egress. They've been doing this for 23 years, safely. There's never been any safety incident at all in this neighborhood caused by one of their emergency tow truck vehicles in the last 23 years, which I think is really remarkable.

This business is operated by Robert and Berna, his wife. Berna sits in the house and take the dispatch calls. They don't have any signage out on Agua Fria and their son Robert

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has been a part of this business, has grown up there and is now working with his dad helping manage the vehicles and the employees they need to drive the trucks. In addition, some of the employees who drive these trucks take them home with them, so that's another reason you'll never find more than four trucks on this property at any give time, is because some of the employees take them home. But there has to be a core number of trucks on the property to be able to respond and to perform the services.

For example, for the County, in their contract they require 60 minutes onsite response time from the call. Anywhere within the county that require that those vehicles be immediately accessible so they can get in the vehicles and go to the scene of a crash or something. Also, as you can imagine, the emergency responder, the lower the time of response the more likely you're not going to have somebody die on you or sustain a serious or disabling injury. So the service that they perform is really kind of a unique business service to this community that is other than just selling goods in a wholesale-retail or in a retail shop. And so consideration should be given for that.

Robert's been a volunteer firefighter for most of his life. He was the chief of the local Agua Fria volunteer force for five years. The Anayas even housed one of the volunteer fire trucks on their property for a year in 1992. This is a family of service to the community. Over the last 23 years they have received community recognition and awards. You can go to tab 8 in the notebooks, and I will warn you about these notebooks. When you get to tab 5, tab 5 has subtabs one through 32 attached. So you don't want to get lost in 1 through 32 which is attached to tab 5. So when I say go to tab 8 you have to bypass that collection of 1 through 32 that's attached to tab 5, and then go on to tab 8 in this notebook. This is a recent, 2012 nomination by the Chamber of Commerce for an outstanding business award in this tab. This is again major tab 8, following the tabs 1 through 32, and it goes to 6, 7, and then 8. Also in this tab is a recent note from Robert Schilling who you may know is the Chief of the New Mexico State Police. Thanks so much for the tow and taking care of me last week. You're a great guy and run a great company. Enjoy and thanks for taking care of my troops out here. This is the type of business that's been operated in Agua Fria Village that improves this important community service.

I indicated that they currently have a contract with Santa Fe County. We've attached that as tab 6. Again, you're going to have to bypass the 1 through 32 of tab 5 to come to - I'm sorry. I take that back. The County contract is under tab 9. So you need to go to tab 9, again, bypassing 1 through 32 in tab 5, to tab 9, is the County contract. It runs from the 2nd of June 2009 to the 1st of June 2013. You'll be able to locate it. In this contract you can see that the Anayas are required by the County to provide emergency wrecker and towing and related services. I'm now looking at page 1 of the contract's scope of work, subparagraph C. The contractor shall provide emergency wrecker and towing and related services 24 hours per day and seven days per week, 365 days per year at the request of the Santa Fe Sheriff's Office.

The contract - and go down to E. The contractor is allowed a maximum 60-minute response time for contractor's tow truck to arrive at the arrest location. Response time begins upon receipt of notification of request for services by the Santa Fe Sheriff's Office.

So to park these vehicles somewhere else, out away from their property and have to go to get the vehicle at some other location and then respond would then be very difficult in some cases in some parts of the county impossible. So that's another reason that they've been

operating this tow business on their property for the last 23 years is so they can provide that type of emergency response that's not only required by local law enforcement, it's required by the community to literally save lives.

Just to orient you to the property, I'm going to direct your attention to tab 4. This is the tab 4 that's before the tab 5 that has the 32 tabs in it. If you go to tab 4, the last page of tab 4 has a survey map of the Anaya's property on Ben Lane. This is the Anaya's compound and you will see to the left of this fold-out survey, Agua Fria Street and the yellow marked roadway is a dirt road and that is called Ben Lane, and it cuts through the middle of the Anaya family compound that has been there for now five generations. The Anaya's, Bernadette and Robert, own two portions of this property. The first portion as you come down Ben Lane is on the right. That is their residence. The next portion is on the left and that is an open area, a large open area, you're going to see photographs of that in a moment. And at the far end of that open area there is a line here which has been marked here as the Romero wall. This is where the neighbors to the right, on the right of this survey had erected a wall to provide them with privacy for between their property and the Anayas' property and presumably their trucks.

We believe this wall to have been built within the last ten years. You will see a circle where it's indicated that the Anayas park one or more of their trucks when they are unoccupied or unused in this big open area that is designated with the hatch marks as going to the Anayas at the end. There's no structures on it. It's an open area with a huge turnaround and you'll see photographs of that where large vehicles can come in, in order come into this lane and then back out somehow. They can come in and they can turn around no matter what size of the vehicle, around in this big circular area in the back, and then exit, and this is a question that's also been raised about fire access, access to the fire vehicles in and out of this property in case of fire. I will also discuss that as well.

In order to further orient you as to what we're talking about, if you could go to tab 3. This is right at the beginning of the book, tabs 1, 2, 3. This is another fold-out and this is an aerial view, I think from Google Earth, looking down onto their property. This again will help you orient as to what we're actually talking about. As you can see on the left side of this fold-out is again Agua Fria Road, and as you come up to – you see the number 5 that's circled down in the lower left-hand corner, if you then proceed on Agua Fria a little further, the first road on the right is Ben Lane and you can see it lightly marked Ben Ln. And you'll see where that traverses.

You'll see as you come into the road on Ben Lane then you first jog to the left on Ben Lane, then it straightens out and goes down past a large structure with a white roof on it. That's the Anayas' home. The purple roofed structure is their garage. So you will pass that down to the #11 that has been circled. That is the same circled area that I just directed your attention to on the plat survey. That's where the Anayas' vehicles are parked. So you can see, if you're standing on Agua Fria Road and you look to the right, or northward, you cannot see those trucks because the road, Ben Lane, is hooked to the left and then straightens out again. So all you can see if you're a commuter or passerby on Agua Fria is nothing. It's a residential area and the trucks are parked way back down on the end.

You can see that straight white line just to the right of the circled #11 and that is the wall that was constructed by the Romeros who are the chief complainants in this case.

They're the ones who initiated this review, if you will, 23 years after the Anayas began doing business there. That wall was erected by them and to the right of them is their compound. And we'll see pictures of their compound where they conduct a business of their own. They rent property, apartments to people. And so we'll talk about that a little later.

So this is one way to help you orient to the total environment. With respect to the character of the surrounding community, the Anayas are not the only business in this immediate locale. As you can see on tab 3 that we just looked at those circled numbers are all businesses. Every one of them are businesses within this very immediate vicinity. And what we've also done, if you now turn to tab 5, which has the multiple 32, 33 exhibits attached to that, these are the businesses within a quarter mile of the Anayas' driveway, along Agua Fria, along and near Agua Fria in this area. And if you look, we've identified 32 businesses within a quarter mile in the Agua Fria Village of the Anayas' home and business.

And attached – those tabs are photographs of each of these businesses that are numbered within Exhibit 5. We provide the numbers, then you can go to these subtabs and you can see a little bit more about the businesses being conducted here. And there are just a few of these businesses that I would like to direct your attention to.

If we can go to subtab 3 of Exhibit 5, this is photographs of the Rodriguez Brothers Sand and Gravel Company. And as you flip through the pages, if you go to the second page of the exhibit, you will see this is a major business. Far greater activity involving large trucks, sand and gravel trucks. Go to the third page, the third photograph, we've got four trucks side by side, a very substantial size, similar in size to the Anayas' towing vehicles. There's another view of the Rodriguez Brothers Sand and Gravel. Several views, you can see the extent of this business. And this business is located in the immediate vicinity of the Anaya's business. This is on that Exhibit 3 fold-out. This is one of those businesses that is right there next to the Anayas' business. On Exhibit 4 it's business #3, circled #3. As you can see it's within hailing distance of the Anayas' – where they park their trucks. You can actually see it from where they park their trucks.

If we jump to subtab 8, this is Scott's Garage. Talk about impound lots, it looks like an impound lot. Scott's garaging a lot of cars here, a lot of vehicles. So this is the impound lot type situation that naturally the Agua Fria Village was seeking to avoid in 1989, but this is what it then looks like.

If you go to tab 9, this is within a very short distance of Ben Lane. This is the Padilla Bingo Buses business, where they operate bingo buses that transport people to and from their bingo hall. If you go to subtab 12, this is Santa Fe Concrete. This is as you can imagine utilizing very large concrete trucks that tow large concrete trailers that are very heavy and occupy a lot of space and movement within the [inaudible]

Exhibit 13, August Construction Company, and if you'll just thumb through the photographs, you'll see – you're going to get the flavor of the character of this community and how what the Anayas are doing here is consistent with that character. If you just thumb through these photographs you get a quick picture of it.

If you go to subtab 15, we have Cassidy's Landscaping. Again, multiple vehicles parked here. So of them with large trailers and plowing vehicles for landscaping, small tractors.

If you go to Exhibit 23, sub-exhibit 23, this is the property of Mr. Larrañaga's brother,

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where they hold rodeo events on at least a monthly basis, and when they have these rodeo events they have over 200+ people come with their vehicles, families and that creates blockage of traffic, quite a stir in Agua Fria Village and I don't believe Mr. Larrañaga's been investigating them lately.

Number 26 is a combination of businesses. This is owned – these are four businesses owned by four brothers, all located within the same general area. Padilla's Towing, Quality Towing, A-1 Towing, and Tony's Towing, all belonging to the four brothers, and they have an impound lot in addition to towing facilities. So if you just look through some of these photographs you can see that there's a lot more going on here than there is on the Anayas' property.

Subtab 27 is another wrecker service. This is the Flores Wrecker Service and again an impound lot. So they're storing vehicles on these properties as well as storing their own tow vehicles, they're storing other people's vehicles on these properties.

Subtab 28 is Chavez Septic. Again, large septic vehicles. You all know what those look like when they pull up to drain a septic tank. This is the character of this portion of the Agua Fria Village. This is the character of their family businesses that's being conducted there.

29 – 29 is the Romero property, and we've looked at that on the plat. This is the property of the people who have initiated this proceeding in fact. As you can see, the first photograph is looking from the Agua Fria River towards – this is the Romero compound. The Romero compound is blocked by trees that run along the wall that they built and the Anaya property is out of view in this photograph. It's on the other side of the Romero compound. The next photograph is a shot of the compound. Again, there's no view of the Anayas' property from this perspective, from the river perspective. Then if you go down about four photographs you come to a photograph of part of the Romero compound that is the apartment business, the rental business that they conduct on their property.

The next photograph and the third to the last photograph of sub-exhibit 29 is a view, an elevated view of the Romeros' garage – now, this is on the back side of the photos you were just looking at, and what you can see here is you can see the wall that they have constructed, which by the way, the right-hand portion of this wall – what you see on this side of the wall is the Anayas' property, that open area, part of the open area I was talking about. That wall blocks the easement of Ben Lane. The easement of Ben Lane as I showed you on that plat, goes through that wall. That wall has been blocked by the Romeros, and there's been no vacation of the easement that's been recorded of record. So that easement has been blocked. So if the Anayas wanted, or a fire truck needed to get through from Agua Fria to the river or any structure along the way, ordinarily, if that easement were open like it should be, they would go right along that easement and keep on going, but at some point the Romeros blocked this.

The next photograph is again another photograph of their compound and again, you can't see Anayas' vehicles, you can't see anything on the other side of their wall, which is on the opposite side of this photograph. And yet another photograph.

CHAIR STEFANICS: So, Mr. Bennett, are you almost finished so that we can hear the rest of your applicants?

MR. BENNETT: Yes. I'm getting – I just wondered if you could direct your

attention to exhibits 30 and 31. We've got more construction companies and Santa Fe Frame and Auto, again, large vehicles. Let me try and move a little faster.

CHAIR STEFANICS: Right. And just remember, you'll have a chance to answer questions as they come up after the public hearing as well.

MR. BENNETT: Okay. The other thing I would just like to bring up quickly is I think I've pretty well discussed the character of the surrounding community, is if you look at tab 11, it's entitled, and this is in right at the back and it has six subtabs. It's the last major tab with six subtabs, and it's the table of contents to this, tab 11 is entitled to impeachment of opposition. And Ms. Kosh, my colleague is going to discuss the legal issues surrounding all of this including the issue regarding the ingress or the access to the Anayas' property and the other homes in that vicinity by a fire truck. So I'm not going to discuss that.

But at the hearing before the land use committee where this application was denied, I believe 5-1, there was some testimony given by opponents to the Anayas' application that was not quite accurate. For example, tab 1 of tab 12 – excuse me, I take that back – tab 2. Rosemary Medrano testified that this business use was a bane to her ownership of property in that area. Well, if you look at – as it turns out, Ms. Medrano only owns vacant land near the Anayas and Ms. Medrano lives on Botulph Road. And what we have here is a photograph of her residence on Botulph Road, there's a mailbox, 2904, and the last photograph in this is the vacant land that she claims is impaired or its use impaired by the Anayas operating of their business.

The other thing that is of note, it was at the hearing of Robert and Diane Roybal testified that they – actually, if you go to the last tab of this book, tab 6, there are two pages of the testimony given at the last hearing that I would like to direct your quick attention to. The last page, which is the last page of this notebook, talks about Robert and Diane Roybal's testimony. Ms. Roybal says she neighbors the Anaya property and her kitchen window looks out to their trucks. This is true, but she doesn't live there. She – her property is, number 1, not within 100 yards of the Anayas' property, and number 2, she lives in Rio Rancho and she rents out this property. So the impression was given to the committee that she was somehow offended by the view out of the kitchen window.

The other testimony that I want to draw – while we're on this exhibit is the status of Mrs. Romero, who is one of the, or the – her and her husband are the main complainants against the Anayas' ability to operate their business. Some of the things she said, on page 25 of the testimony, which is the second to the last page of this book. She said the Anayas are being investigated by DOT because it's dangerous for those big trucks to turn off Lopez Lane onto Agua Fria. It's not true. It's simply not true. There's no investigation by DOT of anything and Mr. Anaya can testify to that if necessary.

Ms. Romero said – all of these are highlighted. One of Anayas' tow trucks was last registered in 2006. It was not insured, knocked down her wall in January. Now, that reference is to why we're here. What happened was that wall between the Romero property that I pointed out to you, which is the end of the Anayas' property, it was an adobe wall that was erected by the Romeros within the last ten years, one of the Anayas' trucks accidentally backed into and collapsed a portion of it. And that's where all of this came from. The Anayas did have insurance and were trying to get the wall repaired, wanted to get it repaired. The truck damaged it. And got an estimate out and were all ready to go and an agreement to get it

repaired and hire somebody to do it when a demand was made for \$7,000 by the Romeros to pay for the wall, which was of course totally exorbitant.

But the Anayas were insured, but they had a deductible. So they were trying to fix the wall within their deductible which they had to pay anyway, so this is what happened. We're sitting here tonight because of that incident.

Then Ms. Romero questioned Mr. Anaya's business ethics and was concerned that he has not been paying taxes while he continues to the deterioration of Agua Fria. Mr. Anaya pays his taxes, property taxes and –

CHAIR STEFANICS: Okay, we're kind of diverting from the presentation here.

MR. BENNETT: Okay, well, you can see this in here, which is important. The last thing about impeachment is the way that this has been handled by Mr. Larrañaga. I met with Mr. Larrañaga right at the beginning of this and he told me that the business in his office is essentially complaint-driven. So if you're not complaining then he's not going to make sure that you're complying with whatever rules that are out there that the County has. So all he does is respond to complaints. And this was one. And so he responded to this complaint and not only responded to it, inappropriately responded to it. He comes on to the Anayas' property. There's an affidavit from Mr. Anaya here. He will come on to the Anayas' property for really no good reason other than to drive up and down Ben Lane and sit on Mr. Anaya's property. He has told other supporters or neighbors of Mr. Anaya, family members, that if you support Mr. Anaya's application that your property taxes will go up. We have that in Mr. Anaya's application. Bernadette's brother was actually told that, that if you somehow support this you're going to have to actually give up property. I think they're talking about creating a hammerhead where one doesn't need to be created.

So there's been personal influence into this when at the same time all of these other businesses, including his brother's rodeo is not being vetted for compliance with the County's rules and regulations. So I would move, at least I'd have this motion on the record that Mr. Larrañaga and the land use Commission that was investigating this application be disqualified and that their input into this be stopped from making the arguments they're making. This petition should be denied. But all of that documentation is in this notebook. There are legal issues that I'm sure the Commissioners want to hear about briefly. My colleague, Ms. Kosh, will advise you of those.

CHAIR STEFANICS: Thank you. So let's here from Ms. Kosh and the applicants, and then if the Commissioners have questions now they might ask them, or then we'll go to the hearing of the pros – the opponents and the supporters, and I'm going to ask Mr. Larrañaga in a few minutes to speak, as well as Chief Buster Patty. Ms. Kosh.

TALIA KOSH: I'll try to be brief. County Commissioners, I'm Talia Kosh and I represent Robert and Bernadette Anaya. [inaudible] shorter version of what is in tab 2, their letter of request and the supplement to that. So what is the issue here? Parking up to eight towing vehicles, but really at most times, moments of the day and night, about four and dispatching those vehicles from their residence.

First I'm going to talk about, going to demonstrate how the Anayas are grandfathered in and therefore no variance is needed. Second, in the alternative, I will demonstrate the current use of the property is a permitted use consistent with the character of Agua Fria

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Village Association. And I will also demonstrate that the current use of the Anaya's property has not resulted and will not result in any conditions that are injurious to health or safety.

We've already touched briefly on emergency response concerns so I'm going to say a few things about this, but the ability of their towing service, which has written and verbal agreements with several government agencies to respond quickly to emergencies is a public interest concern. Regularly, the Anayas are called by emergency responders who have no other towing company alternative due to the Anayas' range of towing option. This came into play recently. I'll just give you a couple of examples. When the Anayas were called in the middle of the night by emergency dispatch in northern New Mexico about four hours away from Santa Fe because there were no other towing services that would be able to handle a large wrecked semi truck off of a major highway. Again, recently the Anayas moved a City garbage truck that had crashed into a riverbed and no one else could get it out of the riverbed.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Commissioner.

COMMISSIONER MAYFIELD: Just real quick. The Anayas have a Class D?

MS. KOSH: Yes, Class D. Also, even Barbara Salas, the Chief of the fire department has given me permission to tell you that Robert Anaya and his business are incredibly valuable to the community and have trucks that perform services that no other towing company can perform.

Also, there's just a few constitutional issues that I'd like to touch on. Finding a site to lease and park most of these eight towing vehicles offsite from their property would be prohibitively expensive and would effectively destroy their ability to make a living in the tow truck business after 20 year of service. Further, as a tow truck business in a new place the Anayas would have an even more difficult time to get a variance because they would not be faced with a situation which I'll discuss briefly where the use could be deemed permissible within the Agua Fria Village Association and this would effectively shut down their business.

Should the use be disallowed by this Commission this would effectively be an arbitrary denial of equal protection, treating the Anayas differently from similarly situated businesses and individuals. Also this differential treatment would have no rational basis as the Anayas have been using their property without issue for over two decades. Further, the Anayas have many contracts with governmental enforcement agencies and other private parties and these contracts would be nullified by this denial, and that is also a denial of the fundamental right to make a livelihood and the right to contract for personal employment.

I'm going to quote from a United States Supreme Court case. Nothing is more clearly settled that is beyond the power of the state under the guise of protecting the public arbitrarily to interfere with business or prohibit lawful occupations or impose unreasonable and unnecessary restrictions upon them.

Further, in support of this I'm going to just talk briefly again about how the Anayas are grandfathered in. Mr. Bennett already discussed how the business was purchased, and I'd also like to draw your attention to tab 6, which is Mr. Mee's letter from the Agua Fria Village Association. It's the major tab 6. It's a letter from William Mee, the president of the Agua Fria Village Association. I'll call it AFVA. Mr. Mee states that also, and I'm quoting, also during the community planning process a number of businesses which have industrial land uses not compatible with residential land uses were grandfathered in, such as Anayas'

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Wrecking, L & L Portable Toilets, etc. He lists several businesses.

According to the AFVA, the Anayas' Wrecker business has been grandfathered in along with many other businesses, so many that he did not even begin to list all of the businesses that are grandfathered in within this village. Also, they're very much a part of this traditional and contemporary community of the Agua Fria zoning district, and in going back to William Mee's letter, he states parking Anayas' Road Runner Wrecker Service towing vehicles also have been parking them consistent with running their business at 2253 Ben Lane is not inconsistent with the character of Agua Fria Village and there are many mixed-use, family-run businesses within the village. This effectively demonstrates permissible use.

So the only objections to the Anayas' towing business should have been made when the Agua Fria Village Community planning process was occurring from 2003 to 2006. As Mr. Mee states in that same letter, during this process it would have been reasonable to discuss any objections to the Anayas' Roadrunner Wrecker Service land use as being incompatible with the residential land use around it. However, I recall no such objections or protests. This is also in his letter. Neither the Romeros nor anyone else who currently stands in opposition to the towing vehicles ever made objections during this time, even though they were a part of this planning process and they could have easily voiced their objections. They should now be stopped from making such objections after over two decades of the Anayas parking their towing vehicles.

Just quickly, I'd like to point out that the Anayas' use of the property is also consistent with the Santa Fe County Sustainable Growth Management Plan. This mixed-use case is not out of character for that plan and according to the plan, compact mixed-use development served by adequate facilities are a priority. Due to 2.2.4.1 of this plan mixed uses provide for a variety of uses within traditional neighborhood and village type settings and they're integral to achieving appropriate land use and transportation goals and objectives. And the Anayas [inaudible]

I also like to point out a few more statements by the Agua Fria Village Association because I think it's appropriate here. In their blog they state that the residents of AFVA are committed to maintaining their traditional way of life and protecting their independence from Santa Fe. As the Agua Fria Village Association states in its blog there is no need to better understand traditional communities in rural areas and the slow and steady growth they have had as each generation comes of age and wants to do their own thing.

Further the Agua Fria Village Traditional Community is based on three main elements: centralized purpose, cultural function, and mixed uses. The mixed uses is an integral part of the Agua Fria Village Association. Residents have extended families to provide for, childcare and supervision. Many residents are from multi-generational families that have been on their land for years. A goal of the AFVA is to pursue a diverse and sustainable local economy for traditional communities. The Anayas are exactly this type of family and business discussed in the AFVA blog. They also provide multiple family members with employment opportunity, daily childcare. They are the quintessential Agua Fria Village family business.

The Agua Fria Development Review Committee would normally be the proper authority to bring this issue to. At the current time the AFDRC is on hold, according to meeting minutes from the Agua Fria Village meeting minutes since April 2, 2012. That's

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attached as an exhibit to the supplement. These minutes also state that the AFVA, the Agua Fria Village Association will be taking on the role of Agua Fria development review. These minutes also state that the AFVA took on the new role of planning for the THC area. This means that development is reviewed and approved by the AFVA, then mixed use becomes permissible use.

These minutes clearly demonstrate, along with Mr. Mee's letter that the AFVA is standing in place of the AFDRC has previously approved all the Anayas' business uses of their property as mixed use. Therefore a variance is not required to continue this permitted use of the property for just parking their vehicles and taking calls for their business. I'm getting close to the end.

Also the current use of the vehicles existed during the planning process in meetings from 2004 to 2006. The Anayas' use of the property was also approved by the AFVA. And the County's plan also speaks – the County will honor existing community plans and ordinances and support community planning and in this vein the County should honor this process and procedure.

Also, in the alternative, should the Board of County Commissioners find that the Anayas current and past use of the property is not permissible use and is not grandfathered in it should be considered a conditional use of the property which the AFVA could also review. So now we're just getting to the variance argument. As briefly as I can, but it's also very important as a part of the agency's recommendations. The variance is not needed by should the Commissioners find that the storing of eight towing vehicles not be permitted or conditional then we are requesting a variance. And the only vital part of that is the parking of the eight vehicles. The Land Use Development Code does not specify a maximum use of commercial vehicles that can be on the property at a given time, so on its face there's no specific violation of this code.

Multiple factors may be considered in deciding whether to grant a variance, including the economic detriment to the applicant. If the variance is denied the financial hardship created by any work necessary to come into strict compliance, and the characteristics of the surrounding neighborhood, which we've already discussed.

As you've seen, even without the pre-approval of the AFVA the characteristics of the surrounding area make it appropriate to grant this variance. The commercial businesses have evolved over time to create a more mixed use, commercial and industrial area. The Romeros who are the ones who brought this complaint utilize a completely different road to access their house and cannot see any vehicle enter or exit the Anayas' property or Bens Lane. This does not affect them.

Granting the variance would result in a net public benefit and public benefit is another factor that may be considered in the granting of a variance. The agency's recommendations that the entrance to Ben Lane not meet fire code and the only option for the Anayas is to give up a hammerhead are not accurate. The hammerhead option is not required and should be the last alternative considered. Bens Lane meets all requirements and is up to code. It is clear from the photos Bens Lane meets the requirement of a 20-foot entrance. It's actually over 20 feet. Further access does not meet the required 28-foot radius is also inaccurate and you can see the photos on tab 7 that we've actually taken measurements of that area. To save time we don't have to go through those.

CHAIR STEFANICS: You are reviewing pretty much what we have in our book, so was there anything else that you'd like to say and then I'll go to the applicants?

MS. KOSH: Yes, there's a few more things.

CHAIR STEFANICS: Briefly. Briefly.

MS. KOSH: So the reason that the hammerhead is not necessary, number one a fire hydrant should be considered. There's a fire [inaudible] currently in Bens Lane. If that were replaced by a fire hydrant there would be no issues. No one would have to give up any property. This would be the most non-invasive solution to the problem at hand. If that is not possible – currently it's not even necessary because a fire truck, as you can see from these photos can complete a turn without having to use a hammerhead, without having to back up. The second alternative should be that that utility easement is opened up. There have been no vacations of easements recorded. That means it wasn't properly done. In fact the existence of this easement when the survey of the land was taken was vital to how the land was surveyed, and why a hammerhead was not created or considered in the first place.

In order for the easement to be vacated permission has to be granted by all the affected owners and the Anayas were most certainly affected by this and now they're being asked to give up land for this hammerhead, and they were never given notice of this. So at the very least that easement should be considered in lieu of the hammerhead. And that's all I have. Thank you.

CHAIR STEFANICS: Thank you both for your thoughtful remarks, Now, Robert and Bern Anaya, correct? Do either of you want to make a statement? If you'd like to now is your time. Please.

[Duly sworn, Robert Anaya testified as follows:]

ROBERT ANAYA: Basically, what we're asking is so we can park our trucks on the property that we own. We've been doing it for 23 years and we'd like to continue doing so. We're not asking for anything else; we're not asking for commercial buildings and commercial zoning, just permission to have the trucks there and have them for our availability when needed when I need to go out and provide service, be it to a motor vehicle accident or a seizure for the Sheriff's Department, whatever it is, I need my access to be there. So we're asking the County. Thank you.

CHAIR STEFANICS: Thank you very much for that statement. Before we go to public comment I'd like to hear, Mr. Larrañaga, would you please come forward. And for the record, would you please state whether you do or you do not have a conflict in this case.

MR. LARRAÑAGA: Madam Chair, I do not have a conflict in this case. This was brought by code enforcement. I did not issue the notice of violation on the property. All I did was bring it in as a variance.

CHAIR STEFANICS: So in relation, what I'm asking you, Mr. Larrañaga, is a conflict has been identified with your relative in the area carrying out a business. So could you address why you feel you do not have a conflict with this case in relation to those remarks, for the record.

MR. LARRAÑAGA: Madam Chair, for the record, that is my brother. He's been doing that for over 20 years and he is in the city limits.

CHAIR STEFANICS: So being in the city limits you do not feel that we have any purview or what? What is your – where is not your conflict?

MR. LARRAÑAGA: Madam Chair, they listed several businesses, some of which are master planned, some of which are non-conforming, some of which I'm dealing with actually right now. The conflict that they listed is my brother having a roping arena that's been around for 20 years. He has a jackpot once a month, about 40 to 60 people, and he's always had steers there. He has practice twice a week. I don't see where there's a conflict on his property. I don't own the property –

CHAIR STEFANICS: So the issue is his property is in the city.

MR. LARRAÑAGA: Correct.

CHAIR STEFANICS: Thank you. That's where the conflict doesn't arise. Mr. Patty, could you come forward please? Mr. Patty, just in general, and other Commissioners might have questions, do you have anything that you want to add? You have a fire report in here in our book on pages 63 and 64. Anything that you want to highlight or bring to our attention?

BUSTER PATTY (Fire Department): Madam Chair, Commissioners, when this was brought to the Santa Fe County Fire Department for review for the variance for the commercial use we reviewed it like we do any other commercial business and that basically is for access or any kind of fire requirements per the 1997 Uniform Fire Code. In the 1997 Uniform Fire Code it explicitly states what size the fire lanes are to be, what the turnarounds, what the lengths of the turnarounds are. We've mentioned several times before, anything over 150 feet long then does require a turnaround.

There is on their property, on the Anayas' property, on his private property in the area where he turns his trucks around, yes, we can turn around, but it is not designated as a fire turnaround, if it got built on then the turnaround was gone. We re-reviewed and went out there and had a look at the property outside of a cul-de-sac turnaround, that was in our original letter, a hammerhead could be built to be able to turn around in this lot. It is a problem if we have to drive down in there, even if they placed a hydrant. You pull the hose off the back of the truck. So if we pulled down in there we have to turn around somewhere, hook on the hydrant and pull out. Otherwise we have to back back down in there, which is more than 150 feet long.

The access going in off of the main road is what we measured was just a little bit under 20 feet but there is no radiuses on the turns. That is also in the Uniform Fire Code of 28-foot inside radiuses on a 90 degree turn, on a 20-foot wide road. If the road was wider then those radiuses would be cut shorter.

CHAIR STEFANICS: Thank you. There might be further questions for you so stick around. Okay, we're now at that point – how many people are here to speak in support of this application? Okay, so let's hear the supporters first. Are there four or five people who wish to speak? Whoever would like to speak in support would you please come up so you can all be sworn in together, and then we'll go to the opponents in a minute. So there's five of you, right? Anybody else who wants to be sworn in at this time?
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CHAIR STEFANICS: So when you speak please identify yourself by name and address for the record and stay right up here and make it as short as you can. Let's hear. We're very happy that you're here to comment. This is part of the public process.

[Previously sworn, Robert Anaya, Jr. testified as follows:]

ROBERT ANAYA, JR.: My name is Robert Anaya, Jr. My address is 2253 Ben Lane, Santa Fe, New Mexico, 87501. Basically, the only thing – business operations we do out of that area – my father owns the company. That's obvious. We're just asking to park our trucks there, answer our phones, keep our books, that's it. Our storage facility for the cars we tow in is at 2876 Industrial Road. It's in the city. We meet all city requirements for that. For the past 23 years we've just been parking our trucks there as we take them home and that's about it. As for an eyesore, I don't think they're ugly but those are my trucks, so it's my preference.

As for safety, those trucks are as big as any fire truck going down the road so if it's unsafe for my trucks to be driving down the road it's unsafe for the fire trucks to be going down the road. So if it's a problem for our trucks to get up and down Agua Fria whatever way then Agua Fria needs to be widened up because the fire trucks, garbage truck, all them run down those roads too.

So as for the difference in them, the only difference is our trucks are owned by us and not a government. They're there to provide a service for you, anybody out there. If you need our service we're there for you. We provide service 24/7. Not now because we're here but other than that they're always available – day, night, 24 hours, Christmas, Thanksgiving. You name it; we're there. So, thank you.

CHAIR STEFANICS: Thank you very much. Yes sir.

[Previously sworn, Antonio Montoya testified as follows:]

ANTONIO MONTOYA: Hello. My name is Antonio Montoya. I live at 2010 San Ysidro Crossing right there in the village itself. I seen the damage of the wall. I offered to fix it. The estimate was way out of line. I said, hey, I can do that for \$300, \$400. I've known Robert Anaya and his family for many years. As a matter of fact both sides of the family. He's not only a personal friend but a lot of these emergencies he would call me to go and help him. So now that my profession is so low, because I do remodeling, I do a lot of masonry.

So I offered to fix the wall and I told them, hey, I can do it for as low as \$350, \$400. He has all the material and everything. It could have been done in a timely fashion without any incident or anything else. So I think it's a shame, because I give him a lot of respect for the things that he does for the community and for me, and my brothers, he's helped us out with just work. Because right now, I'm facing – if I don't get no work eventually I'm going to be homeless. So he provides much more on a personal level, and I just want to make that known. Especially on his emergency services that no other wreckers here in Santa Fe or even 100 miles closer. I mean Albuquerque is the closest one. And when he calls me I promised that I would be there for him. And that's why I want to be here. Thank you.

CHAIR STEFANICS: Thank you very much for coming. Yes, sir.

[Previously sworn, Charles Smith testified as follows:]

CHARLES SMITH: Yes, my name is Charles Smith. I run C. Smith Construction Company. My address is #2 Entrada de Santiago, Santa Fe, New Mexico, 87508. Robert Anaya asked him to go give him a bid, which I did and I went to do the job and I was chased off by the – I guess [inaudible] or whatever, by him, and he actually threatened my guys. Which we actually walked off at the time, due to the fact that we don't to see fighting or anything going on because of that. Since then, [inaudible] about what's

happening. I feel it's unfair that you guys, 23 years come out to take something away from them that's actually provided a good service for this community and he's been there to help each and every one of us. And everybody's been helped once in a time.

So I don't think that what you guys are looking at – I mean just to look at the truth and see the person for what he is. And his business is a good business and it should be around and left the way it is. It ain't hurting nobody. It never has, whatever the case may be with his family, should be just between them. Robert Anaya is really good people and his business has been very supportive for the community and for [inaudible] Anyway, he's been there for us; we should be there for him. That's why I'm here tonight. Thank you.

CHAIR STEFANICS: Thank you very much. Yes, sir.

[Previously sworn, Mario P. Montano testified as follows:]

MARIO P. MONTANO: Hi. My name is Mario P. Montano and I live at 28-B Prairie Dog Loop, which is right across from Agua Fria park. Obviously, this is my uncle and auntie. It's been in the family, obviously, my whole life, 29 years. I do like he just said, 23 years he's had his business, always looking up to him as far as dedicating his time. Leading a different life than a lot of kids did here in New Mexico, in Santa Fe, it was basically Santa Fe, small community, not really not much to do. He provides a service as far as his time and to the school, with us growing up. He just does a positive impact as far as me growing up in a positive way. So I just think what you said, in 23 years, one complaint and all of a sudden it's just an uproar out of basically nothing. You know what I mean? So I just want to say I support him and I love my family. So thank you.

CHAIR STEFANICS: Thank you very much for coming. Yes, ma'am.

[Previously sworn, April M. Anaya testified as follows:]

APRIL M. ANAYA: Hi. My name is April M. Anaya. I'm a daughter of Robert and Bernadette. My address is at 3019 Primo Colores, Santa Fe, 87507. I would just like to say I'm in support of my family because we have had 26 years of my life, 23 years was all I had with them before they started this business. They have run it 24/7, 365 days a year. I've given up many birthdays, many holidays, just so my dad could be out there serving the community, and now I'm giving up my brother as well. So I'm just here asking that they can continue to keep their trucks, which they are beautiful trucks; they are not eyesores and, on their property, which they have been like I said for 23 years. So I'm just in supportive of them.

CHAIR STEFANICS: Thank you very much. Yes, sir.

[Previously sworn, Patrick Romero testified as follows:]

PATRICK ROMERO: Hello, my name is Patrick Romero. I'm in support of the Anayas' business. I understand it's late and I'll be very brief. I ask for five seconds of your time. Turn around and reflect upon the drawing and the writings on the wall behind you. It states equal justice under law, and I do realize and understand this used to be the old courthouse. But it says protection of property, religion and language. Madam Chair and County Commissioners, you have the opportunity here today to protect someone's property. Please do so. Please be in support of this.

CHAIR STEFANICS: Thank you very much. How many people are here to oppose the application? Could you raise your hands? Okay. And are there – there were six people who spoke in support, are there six people who want to speak in opposition? No, you

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have to be on the record, so just a minute. Anybody who wants to speak in opposition please stand up and come forward so you can be sworn in. We're going to keep it to six since there were six on the other side. So we've got six. Great.

[Members of the audience wishing to speak were administered the oath as a group.]

CHAIR STEFANICS: So if you'd please introduce yourselves by name and by address and we'd love to hear what you have to say.

[Previously sworn, Patrick C de Vaca testified as follows:]

PATRICK C DE VACA: My name is Patrick C de Vaca. I live at 2249 Ben Lane. I'm Bernadette's brother and Robert's brother-in-law. I just wanted to set things straight. The property they're showing towards the back, their property is on the left and my property is on the right of theirs, where they say there's supposed to be an easement. I don't know what arrangements my grandma made or my grandpa made [inaudible] when we were young. That's up to them. But if they knew then [inaudible] an easement there, it's not affecting their property, it's affecting mine.

CHAIR STEFANICS: Okay. Thank you very much.

MR. C DE VACA: That's all I needed to say.

CHAIR STEFANICS: Okay. I appreciate your being here to say that. Very much. And what's your address again?

MR. C DE VACA: 2249 Ben Lane.

CHAIR STEFANICS: Okay.

[Previously sworn, Georgia Romero and Henry Romero testified as follows:]

GEORGIA ROMERO: Georgia Romero, 5124 Avenida de Sesario.

HENRY ROMERO: Henry Romero.

MS. ROMERO: I guess the first thing we should clarify is the easement that Mr. Bennett brought up. Back in 1987 there was a quiet title deed signed by the courts against – for Bernadino Sandoval. And the easement was personal to him so when he died we legally had the right to build this – well, we fenced it off first. To fence off the property so that no one could die. It was actually our property. We paid for even the easement on the land. So then in 1989 Mr. Anaya cuts the fence while we're at work and throws in like 20 cars. So we're the ones that reported him the first time that he was denied and he was hauling – he had a stack of wrecked cars and I think he had like six tow trucks at the time.

Again, back in like November – between September and December, all of a sudden we noticed these big trucks against our wall, and every day, every time they would take these trucks out, they would tap our wall to stop. Well, one day our wall said, no more. On January 13th. They put a 23-foot gap, which is about the size of what the podium you're on, 6 feet by 4 inches. There's photographs in your packet that show his tow truck backed into our wall. To get it fixed, you heard statements from all these people and Mr. Bennett, and at the last meeting they said they could have fixed it for \$200, \$500, well our insurance, home insurance had to fix it and it came in at over \$7,000.

I have insurance paperwork to prove it. Mr. Anaya has evidently received it. Otherwise he wouldn't come up with the figure of \$7,000. And then if you look at your packets from the County, the County packet, there should be pictures of what it looked like when the – when they went in and cited them for illegal parking and for not having a business license or a variance on the property, it was loaded with towed cars and Mr. Anaya corrected

himself. At the last meeting they kept saying eight trucks. There's actually ten. Mr. Anaya corrected himself at the last meeting. He said there were ten tow trucks between 20 and 30 feet long.

Today I went out there and I looked. There were nine vehicles, two trailers, an RV and seven tow trucks and two of the tow trucks are parked in that 30-foot or 20-foot easement that they keep talking about. He constantly parks cars there. They're talking about a utility easement. Mr. Anaya blocks our gas meter with his vehicles. They're his personal tow trucks, which I think is tow truck #2 on the list he gave the County. On that list he lists eight trucks and he says there are two drivers. And yet his attorney wants to say that only four trucks are there at all times. It's not just four trucks.

These trucks run 24 hours a day, seven days a week, 365 days a year. The only difference is these tow truck drivers take a day off. The immediate area, the immediate neighbors, we don't get a day off. They also testified at the last meeting that they don't let these trucks run for hours; they do. We have the diesel fuel fumes. We have dirt. We have fighting. We have lights. We have noise. There is no safety. And the road they come down off of Ben Lane, to get there you have to come off of the four-way stop on Agua Fria and Lopez Lane. So they turn into Agua Fria, come down to go, drive into Lopez Lane, but before they do that they have to go into the left lane because their trucks are so big they can't make the turn. Then they back up into the traffic.

What happens when a school bus hits that? An emergency vehicle? One of these fire trucks? A police vehicle? People run the four-way stop all the time. We're going to have a person beheaded just on Agua Fria itself. It's not wide enough to accommodate the size of trucks they're driving.

On top of that, the truck that hit our wall, it's WD6187 is the license plate number. It hasn't been licensed and it hasn't been registered since 2006. It's still on the road constantly. To get down from Lopez Lane just onto Agua Fria we witnessed that truck making three vehicles that were going up Agua Fria towards town, had to back up to let that truck go down the road. Then they go down the road and again, into that left lane, backing up and going down into Ben Lane.

We have reviewed the piece of property and the fact that he has to have that 100-foot radius, and if you look at the plat, just looking at the plat, you know they don't have the property with a 100-foot radius that the fire department wants, plus the ten trucks they want to park there.

Another issue we're having is the rodents, which is going to even get worse because we were doing the feral cat program for the Santa Fe County. Last year we had 27 cats fixed. We trapped and had them fixed. We were feeding them; they were fine. They have been poisoned. And we've taken them in to be euthanized because they're stumbling back into our yard. So now we really have a problem because all these cats are gone that weren't bothering anybody. And the majority are coming from the other side of the Anaya wall.

If you could just give me a second here. When they talk about this plat, this map that they showed you, we're over here by number 11 and you see between 7 and 11, that's the middle of that property. Technically, that's the property they're talking about. They're talking about this property over here by number 11, against our wall, because the property's been subdivided. That's when he started to park trucks there.

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MR. ROMERO: He hasn't been owner for 23 years.

MS. ROMERO: He hasn't been doing it legally for 23 years because in 1989 in this same room by the committee and told that he had 45 days to pull out the wrecked cars. Well, he never bothered to get a business license. He never bothers to get any kind of permit to park trucks there. So yes, he's been there probably for 23 years some of the trucks, but there are no towed vehicles. This is a picture they're saying from 2005. So where are all these things that he's talking about. But now he's all the way back against the privacy wall that borders our property. There is not enough room for a turnaround and there's not enough room for ten trucks. There's no way he can do a master plan or a development plan. There is no place. There is no more room.

And it wouldn't hurt him to relocate and get himself the proper parking lot that he needs but he's afraid of variances some place else. These people on the internet make \$500,000 a year is what they're recording as income. And the nuisance – this is what they are. It's the unlawful or irresponsible use of one's own property in a manner that causes such inconvenience, annoyance or discomfort as to injure or damage the rights of an other person or the public in general.

We have people with asthma, emphysema, living there. We have small children running in their tracks. They burn down that road, Ben's Lane. They peel out. They make dust. They're abusive to all the neighborhood. You can't hang clothes out on your clothesline, because I have a clothesline right next to the wall, which will show in the picture where he knocked down our wall. And if you look at the plat again, he doesn't measure up. He doesn't have it. He just doesn't have it.

We are sixth generation on our land and we did buy from Bernadette Anaya's grandfather. My great grandchildren will be seventh generation. And we take a lot of pride in what we did. We built a beautiful home. We donate to the community. We're in the Agua Fria Association also. We've done everything we have to to make a better life for us and our family. We have title insurance. We have an abstract on our property and the reality of it is they've just outgrown the area. They just don't fit there. They started out with six small tow trucks. Now he's got two sleeper trucks, a big truck that hauls semi-trailers. And he's not only parking in that location, he also parks up on Prairie Dog Loop, right behind Nancy Rodriguez. All those semi-trailers and junked buses, and everything – the burnt cars, everything else is his.

He's got a lot there; he's got a lot behind our house. He's got a lot on Industrial Road which he testified was 1 ½ to 2 acres. It's only .4 of an acre and it's packed. Vehicles in that lot have not moved since January.

But this isn't about what he provides to the community. He does nothing for Agua Fria. He hasn't been licensed. He pays no taxes.

CHAIR STEFANICS: Could you summarize?

MS. ROMERO: Excuse me?

CHAIR STEFANICS: Could you summarize, like end your comments? Because there are other people waiting.

MS. ROMERO: Okay. This isn't about what the – the safety issues is what they're bringing up. It's a variance for a residential area with ten residents that he has to come right past their house with a 20-foot easement to the very back property. The fire department

can't get in there as Mr. Patty testified. It's not about the safety issue. It's about the variance. That's what we're here for, if he qualifies for a variance or not. If he's able to develop this land or not, if he should get his variance tonight, which is an impossibility. We're not giving him any land. No one else here is. No one is selling. Thank you.

CHAIR STEFANICS: Thank you. Did you want to say something, sir?

MR. ROMERO: Just the fact that we don't have nothing against – we have no objections to what they want to do. Bernadette is my cousin and to me she is my cousin, my blood. We've been family for years and her grandfather sold that property to me. He came to my property – I asked him when we first got married in 1966 if he's sell me property. He said, no, mi hijito, park your trailer there. You don't have to pay me. Just park it. I said no deal. I want to own. So we let it go at that. Seven years later he came to knock on my door and asked me, ¿todavía quieres comprar? Do you still want to buy? Yes. Vamos. He paced off what he wanted. He buried a stake. I had it surveyed and I have the [inaudible] in there that we paid him for four years, the payments that he wanted. The way he wanted it down. He only wanted so much a month, but he wanted it his way. So I honored that. He's my great uncle. My great grandfather owned that property before my Tio Benjamino owned that property, my grandma owned it first. They swapped properties. By handshake. I bought that property from my tio.

My great grandfather, I named that road, Avenida de Sesario, in honor of my great grandfather, because I stand proud on this earth. And I protect my family, my daughters, my grandkids. This is their future. This is why I'm standing here, to protect my family like he stated. We're here to protect our family. Well, fine. I have nothing against what they're doing but they're not doing it properly. As they say, 23 years? Negative. Only in the past couple years they've been parking up against my wall. And they say it's not an eyesore. Well, maybe it's not an eyesore but it is affecting my view. That's why I had to construct that type of wall that I did, for privacy. We have a personal clothesline that we use, because we're nostalgic. We're still from the old school. We hang our clothes on the clothesline.

My wife has to rewash sometimes those clothes because it was full of diesel fumes because [inaudible] If the clothes are wet and the fumes are coming over, [inaudible] she has to rewash the clothes.

On January 13th when he backed up into our wall, my wife had just removed clothes off that clothesline, and it happened within 15 minutes. She would have been under that debris. I'm sure you have a picture of our property, or our wall. If you need it I can show it to you. I don't know if you have it in your packet.

CHAIR STEFANICS: We have it.

MR. ROMERO: Okay. So that view right there. Evidence that he destroyed our table, our chairs. We used to sit out there and watch the sunset, because sit out there. That's our private quarters. Our clothesline was damaged and not repaired. Our tables and chairs were not repaired. My lawnmower. He claims that I hit him with a hammer. That's absurd. The debris was on top of my lawnmower. The pictures are evidence. The evidence is right there. What more do they need? What does Mr. Anaya need? Does he need to be grabbed by the hand and shown, this is what happened when you backed up into our wall? That's my property. And I stand proud to say that we built that home and it's not an adobe wall like he stated. It's not a wire fence either. It's 8" masonry constructed, well constructed.

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Even my insurance adjustor that came by to give us an estimate, he stated that's a very structurally sound wall to have caused that kind of damage and not destroy the whole thing. The whole thing could have toppled over. But no. Negative. Between the two pilasters that are reinforced with concrete and rebar, it didn't budge it. But he's still, the insurance claim, but he put stress on the entire 80-foot span of it. That's why it came out in the photo as it did. Repair the wall, repair my table and chairs. My brother fabricated those chairs and it was a gift to me. Those are my personal property. He [inaudible] repair. He states that he wanted to repair it, he asked me for a list of materials. It happened on a Friday 13th. Over the weekend Bernadette's dad passed away so I gave him that week out of respect. I didn't bother them, I didn't go approach them. I gave them that week out of respect, because her dad just passed away. I didn't want to go put any stress on them. So I fell back. Out of my kind heart I held back.

The following Saturday I went by to ask him, I had my list. I had it in my back pocket. She asked me. Give us the list of the material and we'll pay you for the material and you fix it. When I went there to negotiate with them, they stated another version. They said, we have a friend that's going to fix it. Okay. So I left.

CHAIR STEFANICS: Okay, so we're not going to get involved in the fixing of the wall. We're here to hear your concerns about the property. So I heard about the wall and the space, so I got it.

MR. ROMERO: But like Mr. Merit said that he had never had an accident in 23 years, well that was an accident. That didn't just happen out of the clear blue, it was an accident, on my property.

COMMISSIONER VIGIL: Madam Chair.

CHAIR STEFANICS: Yes. We have three more people to speak.

COMMISSIONER VIGIL: I have a question of this particular –

CHAIR STEFANICS: Go ahead.

COMMISSIONER VIGIL: Mr. Romero.

CHAIR STEFANICS: She'd like to ask you a question.

COMMISSIONER VIGIL: I'm a very process oriented person and that's an issue that's being elevated for me. We heard testimony on part of the record that the Agua Fria Village Association did have a response to this case. Did any of your who are opposed to this attend that April meeting? Were you at the Agua Fria Village Association when apparently, to some extent, this case was discussed?

MR. ROMERO: At the Nancy Rodriguez?

COMMISSIONER VIGIL: Yes.

MR. ROMERO: I think at that time we were attending a funeral, so I really don't know. We didn't go to the meetings every month.

COMMISSIONER VIGIL: Yes, but that particular one, when there's been testimony that this case was discussed. You don't recall being there? Is that what you're saying?

MR. ROMERO: No, ma'am.

COMMISSIONER VIGIL: Okay. And your wife wasn't there also?

MS. ROMERO: No. We were at a family meeting, a family funeral. My sister-in-law's mother passed away.

COMMISSIONER VIGIL: Thank you. I just needed –

MS. ROMERO: So we didn't – we had planned to make the meeting but then we helped prepare food and all the other things.

COMMISSIONER VIGIL: Most definitely understandably. Thank you very much for answering my question. Thank you, Madam Chair. And those who testify, I'd like to know how many attended any meeting at all if in fact this project was discussed with the Village Association.

CHAIR STEFANICS: I'll ask that in a minute. Yes, ma'am. Your name?

[Previously sworn, Raquel Romero testified as follows:]

RAQUEL ROMERO: My name is Raquel Romero and I live at 1330 Camino Sierra Vista. Georgia and Henry are my parents. So my interest is obviously my inheritance to their property. I'd just like to point out that I don't feel that my parents are trying to shut down the Anayas' business and the last person who spoke on their behalf, Patrick Romero states as the wall says, equal justice under law, it's unfortunate that he can't practice the law and it's unfortunate also that Mr. Larrañaga, that his business is – what's the word that they used? It wasn't the conflict. I'm sorry. I don't remember the word that he used. Something that his business is complaint-driven. And it's unfortunate that they have to make a complaint to make people comply with the law, and I just think if you're going to run a business, do it right. So for 23 years, if you're going to practice a business and you're not going to follow the law, what everybody else has to do then maybe you shouldn't be running a business. That's just my point. Thank you.

CHAIR STEFANICS: Thank you very much. We have two more speakers please.

[Previously sworn, Diane Roybal testified as follows:]

DIANE ROYBAL: Diane and Robert Roybal, 7124 Hartford Hills, Rio Rancho, New Mexico. We're the owners right across from the Anayas' property. There's a wooden fence that divides the property and I have a few problems in regard to the attorneys' comments. Number one, it's true that they've been operating illegally for 23 years. Back in 1989 the only reason we opposed it was we were raising two young boys and they started parking cars right up against our wind fence, [inaudible] window, and they were right up against my fence. And to me, that was a very – it was a safety issue, because it doesn't take the boys very long before they jump the fence, get curious and get in the cars.

You can do everything you can to try and keep them in your yard but it's bound to happen and it did happen. I'm not going to go into that, because we're not here for that right now, but it is also true that right now we are not living on that property but we are the property owners and we have rights. And it is true that we have about three families living there that have all complained about the noise from the towing trucks, the traffic, unfortunately, and again, we're not trying to keep them for being able to operate a business. We just want everyone to come to a mutual understanding, show respect to each other and comply.

We could have come back and we could have said, okay, you guys. You told them you were running an illegal business. You have 45 days to clear it up. They didn't do it so what are you going to do about it? We could have come back here. We didn't do that. Everybody deserves the right to be able to work and provide for their family. Our problem

now here is that they're not doing that. They're not doing that and they have made it apparent – what they do, the work that they do is important. It's important to the community, but they're doing it in the wrong place. They don't have the kind of yard that they need, the space. And just like the fire chief said, there's a lot of things that we could be taking into consideration and all we want is for everyone to come to the table and find a place to have an understanding.

We did leave our property but for the first couple of years we've had family living there. It wasn't being rented out, and that's a matter of choice. We are the property owners and we need to be heard and that's why we're here. So thank you.

CHAIR STEFANICS: Thank you. Do you have anything, sir?

[Previously sworn, Robert Romero testified as follows:]

ROBERT ROMERO: I also want to say something. I'm not really opposing about this but like she said, he might have to change the zoning area for him to have that business there. And I've known the C de Vacas because I was born and raised in Agua Fria and I've known them for many years and the board asked me when we were last time why we didn't turn him in. Well, the C de Vacas are good people. They're humble people and I feel that they should say something if they really like it or not. The one of the [inaudible] said he doesn't want the roundabout. That's what we're concerned. We didn't want the roundabout to go through our property. Now he's talking about a hammerhead, and how could he afford a roundabout? How's he going to afford a hammerhead? So I couldn't see why that was brought up at the last meeting.

So that's what we were concerned, that that roundabout was going to run through our property, which is my sister's property, my sister wrote a letter, Elaine Cervantes, she's my sister, and she wrote a letter to the Board saying she's opposed to this but she don't know what it's about. But we know some others. When we first moved there, it was way before I got married, we – the C de Vacas, we were working at \$3 an hour and I know the Anayas started low, with only three trucks And we felt for him. We couldn't turn him in. We were good neighbors and we wanted to keep it that way. But then this company came about and it's turned into more turmoil and everything because we're good neighbors and we wanted to keep it that way but it's up to you guys to see what is right, if it's right for him to have these trucks parking there or not, or if they're too big.

I guess he went too big on his business. He used to stay with the smaller trucks and now that he has the bigger trucks, or he has ten trucks. I don't understand where he's going to park them. So I thank you, Commissioners, that you guys are going to do your job and we have the right to speak out, and I thank them for what they have done all these years. They have done a good job. And that's all I've got to say.

CHAIR STEFANICS: Thank you so much for coming.

MS. ROMERO: One short comment. You mentioned a meeting of the association?

CHAIR STEFANICS: There were 36 Agua Fria Association meetings and I think Commissioner Vigil wants to know how many of you attended any of those meetings to talk about –

COMMISSIONER VIGIL: No, no. That wasn't the question. There was a meeting when this project was discussed specifically, in April or something. I just wanted to

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know whether there was equal representation. If there were people for and against?

MS. ROMERO: I don't think there really was, because we were never notified of that meeting. And we have been notified – we're keeping up as much as possible. And the last meeting you had, we were here by chance.

CHAIR STEFANICS: Okay.

COMMISSIONER VIGIL: Thank you very much.

CHAIR STEFANICS: Commissioner, there was a woman in the back who attended a meeting. Do you want to hear from her or not?

COMMISSIONER VIGIL: I'm happy to, please. If you'd come forward.

CHAIR STEFANICS: I'm going to end – come on up. I'm going to end the public hearing. I'm going to end the public hearing and now it's the Commission's turn and the Commissioner has asked the question and she believes, we believe this person can answer it. Then if the Commissioners want to ask questions of the staff or the applicants they will. Okay? I want to thank everybody in the audience for coming. Your comments are taken very seriously. So the public hearing is closed. We are now at the Commissioners' point for asking questions.

DONNA ROYBAL: I did not attend – I'm Donna Roybal, but I did not attend the meeting. They did not tell people that they were having a meeting for that day. What they did is they called a community meeting, and it's usually a water association meeting, but they don't tell people ahead of time that they're going to have a community meeting at the center. They're going to have a meeting at the Nancy Rodriguez Center and they tell people ahead of time what the meeting is about. Usually, it's like a water board meeting, but they don't give us notification ahead of time when they're going to have meetings about such as what they discussed about their metal wall or anything like that. Okay?

CHAIR STEFANICS: Thank you very much for coming. Okay. So, Commissioners, questions, comments? Commissioner Vigil.

COMMISSIONER VIGIL: I have a – I represent this district. The people from Agua Fria are long-standing, traditional historic villagers. There's a lot about Agua Fria Village that needs to be protected including property rights and personal business rights and everything that was brought up in the issue tonight. I did put this vote with Agua Fria Village with regard to their planning process, and it was a very long and arduous planning process. I am concerned about whether or not this complies with that ordinance and plan that we adopted after that and I have a concern also about what our fire department is saying.

I have a recommendation though. And I think and hope that you all will agree to move forward on this because it requires an agreement. This involves neighbors. This involves family. There's lots and lots of history with family neighbors. I'm going to recommend that the parties go into facilitation on this issue. I don't think we're ready to make a decision tonight because frankly, there's enough evidence here where the Commission could decide in one favor and possibly in the other. I'm not sure, because that evidence would have to be fully weighed. But what would be far more likely a successful outcome would be if these neighbors, who want to be able to work things out, and I hope that. And those neighbors who want to continue in their businesses went through a facilitation session and I think maybe the way to follow up with that is to visit with staff.

We've actually had several cases that have gone to facilitation and I will tell you,

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when it comes to people in Agua Fria who are related and who have common interests, you have a better chance for success than many of the cases that we've sent to facilitation because you have a common bond. So my recommendation, Madam Chair, members of the Commission – and I heard that this case was discussed at the Agua Fria Village Association, and I do need to disclose that I heard from a proponent and an opponent, from one of each, and did not respond to them because it would be ex parte communication.

So irregardless of any process you go to, the most important outcome is that you all sit down and talk around the table with a facilitator, bring out your issues, and perhaps there's ways it can be resolved. Perhaps there's even a way the issue of the fire department's concerns can be resolved. But this case is not ready in my mind to be approved or disapproved.

I would move that we table this case so that facilitation can actually occur between now and our next land use meeting. That would be fine. I'd be happy to see what the applicant has got to say, to see what this issue is, but I'm really sensing a very strong need for that to occur. And I wouldn't be surprised if you came out with a good resolution of this, at least I hope that would be the outcome would be. And that would be my recommendation, Madam Chair.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: Okay, there's a motion and second. Now, Commissioner Anaya, I'll take your comments, but a tabling motions –

COMMISSIONER ANAYA: That's why I was going to do a comment before the second was made. And all I wanted to ask you –

CHAIR STEFANICS: [inaudible] a tabling motion.

COMMISSIONER ANAYA: I just wanted to ask you, Madam Chair, Commissioner Vigil, I absolutely concur that there is some work that needs to be done that I believe they can do. I'm not quite sure of the logistics of facilitation because this would be the first time I would experience it on the bench here, so I'd need more clarification on what that means from staff. But what I would ask you and Commissioner Holian to consider is before we move on the tabling motion I do have some comments that might help the discussion and specific questions to staff that I would like to get answered that might help that dialogue along. But I think it is worthy to give an opportunity to see if there can be something more set up but I do tonight have some things I wanted to ask.

COMMISSIONER VIGIL: I'm perfectly willing to suspend the rules on a tabling motion and allowing all Commissioners to bring forth any issue that they think might help resolve or clarify based on the testimony.

CHAIR STEFANICS: Okay, and before I do that, Commissioner Vigil, I'm going to ask you to think about how you're going to phrase your motion because you're really doing a tabling motion with a condition and you might want a different motion. But think about that a minute. And the other issue is who would be facilitating? Because we have not in the past paid for professional facilitators here. So, Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. Thank you, Commissioner Vigil and Commissioner Holian. I would just re-emphasize what I think that Commissioner Vigil's comments are in line with my thought process. But I did want to ask some specific question relative to the case, and then provide some comments on the record as

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one Commissioner from my perspective.

Just a comment before I ask some questions. The comment I would make is, as one individual Commissioner sitting on this bench, I would find it really difficult being quite candid with everybody in the room, to look at a business that's been in existence for 23 years, whether it's a donut shop, or anything. Construction business. Any kind of business. Understanding a lot of the sequence of events that have happened, I would have a really hard time going from that business existing to making a decision that would essentially cease the business period. I mean I'm just saying this honestly to all of you in this room and this case, that would go for anybody that would come before us. I just – I would just have a concern with that. That's why I say what Commissioner Vigil has suggested is something that I'm hopeful – like I said I don't know how the logistics would work but maybe that's even a staff mediated discussion that would help the discussion along. I don't know.

But let me just ask these questions. Mr. Bennett, I wanted to ask you a question, and if there needs to be clarification from the Anayas or anyone else I'm willing to hear that. But you say in your presentation that the towing company was purchased – the towing company started in 1981?

MR. BENNETT: No.

COMMISSIONER ANAYA: Hold on. In 1981 the Padillas – okay? – had a towing company from 1981 until it was purchased in 1989. Is that correct?

MR. BENNETT: My understanding is that as of 1981 the Padillas already had a towing company in existence and ran that towing company – I don't know how long before 1981, but ran it continuously through to 1989 when they transferred that very business that had been grandfathered in by the Agua Fria Village Association.

COMMISSIONER ANAYA: Right. But just be brief in your responses because I know there's other people that are going to ask questions. From 1981 to 1989 a towing company was operated by the Padillas in the Village of Agua Fria.

MR. BENNETT: Yes, sir. That's my –

COMMISSIONER ANAYA: Okay. So, okay. And then in 1981, 89 the towing company was purchased by the Anayas and has been operated in the same location from 1989 from to now.

MR. BENNETT: Yes, sir.

COMMISSIONER ANAYA: Okay. So, and this is for you, Mr. Larrañaga, that I think they wanted you doing some review of historical documents or issues pertaining to code enforcement and I asked it earlier but I'm going to ask it again for clarification. Are you aware of any other complaints, land use oriented or otherwise, okay, that came to the County prior to February of this last year?

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya –

COMMISSIONER ANAYA: This year. I'm sorry. This current year we're in.

MR. LARRAÑAGA: On this particular site, no.

COMMISSIONER ANAYA: Okay. So towing companies, and I know my colleague to my left here is the expert on the PRC, but towing companies are regulated by the Public Regulation Commission. Correct?

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, I don't know.

COMMISSIONER ANAYA: Madam Chair, Commissioner Mayfield, towing

companies are regulated by the PRC? Correct.

CHAIR STEFANICS: Yes. There's documents in our book from the PRC records.

COMMISSIONER ANAYA: So just a couple more things. Just a couple more things and a couple comments. Relative to the land use case, and I think this is helpful information that we should see more of in our packet. I went back and read the packet again. I read the letter that came from the County again, from the Land Use Administrator, and what was to cease and desist at the time which – I'm not quite sure – I see that they wanted the commercial activity and what I heard in the testimony was the cars were removed and it just puzzles me that from that letter till now there was nothing else that the County provided or did to stop any operation. I mean, it seems like there would have been more information. I'm just asking you guys to go back and look at that actual document and the discussions and what was the backup information that we could have.

Regardless of what comes out of the outcome of the facilitation, mediation, whatever the heck we call it, I would like to see more of the detail behind that particular decision in 1980 or what was the date?

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, that was 1989 and I did try to find minutes, try to find something and couldn't find anything. This letter – there is a file.

COMMISSIONER ANAYA: Okay. I think those are all the comments I have for now. The comment – I made a comment at the beginning that said that I couldn't see myself from operating in a place for 23 years and then ceasing and desisting that business. By that same token, and I think this is where the comments of Commissioner Vigil have a lot of merit and a lot of standing with me is that I don't think that having a business is a carte blanche, the opportunity to do whatever the heck you want. I mean I think there are parameters. And I'm not implying that they've done whatever the heck they wanted but I think it's obvious that their business has grown over time and they have had to try and accommodate that growth over time, so that when you look at solutions, that I think we need to look at that closely. We need to analyze the space, we need to analyze the business itself, and trying to figure out what makes the most sense. But there are limitations associated with what you can do in a confined space. And I think we would be remiss if we didn't consider that there should be some limitations associated with the business.

So those are my thoughts. I look forward to seeing what comes of the discussions between the parties and I'm hopeful, as Commissioner Vigil stated that you all will be able to come up with some agreement that is mutual and that as neighbors and as family you could work through. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, and thank you applicants and also the individuals who are opposed to this. I concur also; I think Commissioner Vigil brought up a great suggestion. This is one case that would definitely warrant some sort of mediation as far as the opposing parties, recognizing this area and all areas in Santa Fe County but in particular this area and some of the documents that were forwarded to me. It's mixed use. There's private residences in this area. There are numerous businesses in this area, but I do have a couple questions and I'm just going to shoot them out.

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I don't know who they're appropriate for, if they're appropriate for the applicant or for staff. But I am going to ask really quick that we go to Exhibit 3, the first Exhibit 3 from the applicant's packet. And there's a map, an aerial map that shows a lot of areas. Just so I have in my clarification. Ben Drive. Where on this map, County Road 62, and what is this adjacent road here to my right, to my left, straight up right here? What road is right in front of the circled 5?

MR. BENNETT: Circle #5?

COMMISSIONER MAYFIELD: Yes. What road is that?

MR. BENNETT: The road to the right of that –

COMMISSIONER MAYFIELD: The main paved road.

MR. BENNETT: The main paved road is Agua Fria.

COMMISSIONER MAYFIELD: That is Agua Fria. So then County Road 62 is down here in front of arguably 2 and – in between 2 and 1. Okay, so the access to this property then is accessing Ben Lane right across arguably the street from 5, off of Agua Fria Road?

MR. BENNETT: No, it's just up further from 5 –

COMMISSIONER MAYFIELD: I'm sorry. Right in front of that. In between that red and white structure.

MR. BENNETT: That's correct.

COMMISSIONER MAYFIELD: And it goes to the right in between circle 7 and where it actually says Ben Lane?

MR. BENNETT: Yes, that's correct.

COMMISSIONER MAYFIELD: Okay and then we proceed down that road and now right in that middle area I'm seeing a bunch of vehicles.

MR. BENNETT: There are some vehicles –

COMMISSIONER MAYFIELD: What are those? Are those the towing vehicles? Are those the vehicles that we're talking about now?

MR. BENNETT: Those are personal vehicles. I think they belong to a neighbor.

COMMISSIONER MAYFIELD: Well, help me out, sir. This whole area right in between where those vehicles are at that has all the tire marks, that's arguably vacant property, who owns that property?

MR. BENNETT: Who owns this property?

MR. ANAYA: That belonged to Stella Sandoval. That's my wife's aunt.

COMMISSIONER MAYFIELD: Okay. So there's vehicles parked on Ms. Sandoval's lot?

MR. ANAYA: She's given us permission to park our trucks there. Those are our tow trucks.

COMMISSIONER MAYFIELD: Okay. But now your tow trucks are move to area 11.

MR. ANAYA: That's correct.

COMMISSIONER MAYFIELD: So is there a fence or is that still an open piece of property?

MR. ANAYA: It's been developed now. It's fenced off.

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COMMISSIONER MAYFIELD: Okay. So now let's go from 11 over to 6. I see there's a little entrance in that area that comes over to Entrada Fabian.

MR. ANAYA: Yes.

COMMISSIONER MAYFIELD: So is that a turnabout or is that some way that you can get your vehicles out?

MR. ANAYA: That's actually – between the property line there is an opening that we had created to cross over to visit the sister-in-law.

COMMISSIONER MAYFIELD: But that's not for your business vehicle access?

MR. ANAYA: No, sir.

COMMISSIONER MAYFIELD: Okay. So you kind of just turn around your vehicles on area 11 and then run them back out Ben Lane.

MR. ANAYA: That's correct.

COMMISSIONER MAYFIELD: Okay. Thanks. That really helps me out a lot. So now a question for again the applicants, but that fence that was knocked down on the Romeros' property, I guess to my far right. I'm assuming that's that white wall that was right there in between the green.

MR. BENNETT: Yes, that is – you're looking at still at that same –

COMMISSIONER MAYFIELD: I'm looking at circle 11 on the same page.

MR. BENNETT: Yes, it's just at the top edge of the circle, on the right side of the circle. See that white line that comes down to the right going from top to bottom downward to the right.

COMMISSIONER MAYFIELD: So the wall – I'm trying to question the wall.

MR. BENNETT: It's that white line.

COMMISSIONER MAYFIELD: The wall was built on the property line? Do we know?

MR. BENNETT: Yes.

MS. ROMERO: Actually, when we first put up a fence to separate our property, it's six inches in from the original survey, and then when we built the wall that's another six inches. So we're 12 inches in from what is actually our land boundary. But he has totally destroyed the fence and already knocked down the wall.

COMMISSIONER MAYFIELD: And that wasn't my question. I know typically, everybody does it. I may be guilty of it but I'll say this. But on an adjoining property by law you should arguably have that five-foot buffer on the size. So that means if you guys go to mediation that could arguably be a topic of discussion of at least bringing those vehicles five feet from that wall. Yes, sir.

MR. ANAYA: After the wall incident with the accident itself what we did is we brought the footings in about eight feet and we put railroad ties. So when the back of the trucks back up, when the wheel hits the railroad tie that gives whatever the distance from the wall, so that this incident will not occur again. We do have railroad ties that have been stamped into the ground to give us that boundary so that we back up to the railroad ties, that's the distance that we're given for the wall.

MS. ROMERO: Excuse me, that is incorrect.

CHAIR STEFANICS: If the Commissioner wants to ask you something he

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will. So thank you very much.

COMMISSIONER MAYFIELD: Just so I can understand this, depending on where this case goes, but thank you. So honestly, I think you guys have clarified a lot of this for me except – I'm going to ask this again. That center area that I believe you said Ms. Sandoval owns that property, there are no vehicles that you tow parked on that property, right?

MR. ANAYA: [inaudible]

COMMISSIONER MAYFIELD: Thank you, Mr. Anaya. And I guess my question is, based on some of my past experience in my past capacity, I was looking through your warrant application. The warrants do say, from the PRC, that this is for Ben Lane. I know the provisions within the Public Regulations Commission as far as having to keep an impound yard that people have access to, and I saw that in one of your packets in the back. I think it was 32 or something. Was that your impound lot?

MR. ANAYA: No, sir.

COMMISSIONER MAYFIELD: Who's impound lot is that one? It says Anaya's Towing on it. It's your guys' packet. And I may be wrong on the number; there's a lot of subtitles on here.

MR. BENNETT: Are you talking – yes, subtab 32 –

COMMISSIONER MAYFIELD: On subtab 32 it says Anaya's Roadrunner Wrecker Service. And it says it says it's storage lot 2876 Industrial Road.

MR. BENNETT: May I approach?

COMMISSIONER MAYFIELD: Sure. This one right here.

MR. BENNETT: That's Bob's Towing.

COMMISSIONER MAYFIELD: So that's not – it says Anaya's Roadrunner on the right side.

MR. BENNETT: Where is it?

COMMISSIONER MAYFIELD: So let me ask this question then. That shows an impound lot. And if you guys look at the title on this page it says Anaya's Roadrunner Wrecker, Bob's Towing, storage lot 2876 Industrial Road.

MR. ANAYA: That is correct. That's where we have our towing facility, the storage yard.

COMMISSIONER MAYFIELD: Are you sharing this facility with another towing company.

MR. ANAYA: No, we own both companies.

COMMISSIONER MAYFIELD: Okay. You own – okay, that's great. And then I'm going to go back to some minutes that were given to me in staff's packet, and I'm going to ask this question. And I am on page – let's see what page I'm on. I'm on staff's summary page and it is the second page, and it says the applicant states – so this is staff saying what the applicant stated. Oh, no. I apologize. [inaudible] I am on page 3 and the exhibit number is NBI-6. Okay, here we are. So I'm going through the second paragraph. I'm not going to read the whole paragraph but I am going to say, The Anayas utilize an impound lot away from their property to provide temporary storage for all vehicles that have been towed. However, the impound lot is vulnerable to weekly vandalism and is not an appropriate site to park the Anaya's tow vehicles.

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I'm going to say again, I'm not with the Commission but it causes me concern because you also have to have a secured facility for all impounded cars to be at. And that's why I would believe that your vehicles could also be hopefully safe at an impound lot that you have that is away from your main residence. So I'm just going to throw that out there.

And I guess my other question is in hearing the testimony that was provided on both sides, is that I've been told there are no impounded vehicles at the lot on Ben Lane but I've also been told or heard that there are occasionally impounded vehicles on Ben Lane.

MR. ANAYA: No, sir, those are my race vehicles, recreational vehicles.

COMMISSIONER MAYFIELD: I'm sorry, sir.

MR. ANAYA: They're my racing vehicles. They're recreational vehicles that we use such as my camper, my boat, my racing truck that we do in the mud. You know, various vehicles that we take out and play around when we have free time.

COMMISSIONER MAYFIELD: Again, just for the record, there are no impounded vehicles or no vehicles that you're picking up on a DWI seizure or anything that would be stored at Ben Lane.

MR. ANAYA: No, sir. All the vehicles that are picked up by the seizure contract go to the police or State Police and are held in their facilities. All we utilize that is pick up and transport are those vehicles to the law enforcement wherever they want to seize them at. Our facility on Industrial Road is not adequate enough to park all my tow trucks in there. That's the reason why we don't put them there. Are entry ways that the property has is too small. It's big enough for a small truck to get in there. And basically, that's where we store accidents and stuff that we pick up for the insurance people.

COMMISSIONER MAYFIELD: So say you have Class D wrecker license.

MR. ANAYA: Yes, sir, we do.

COMMISSIONER MAYFIELD: So if you towed a fire truck – you could tow a fire truck with a Class D, where would you store that vehicle at?

MR. ANAYA: We don't store them. Vehicles of that magnitude and size get delivered to the fire department or the – where they do the repairs at Station 5 on Siler Road, or if they're badly wrecked or whatever then we would be delivering them to Albuquerque to a facility that does work on that type of equipment. But here in Santa Fe we don't store anything of that magnitude in our yard. It's not big enough.

COMMISSIONER MAYFIELD: Okay. Thank you. And then this question will be for staff and it will just be a follow-up. Mr. Larrañaga, so in the code as it exists today – and I do appreciate what the Anayas just told me, if they are keeping towed vehicles off at a secured site, but I believe that the question here is keeping their primary business vehicles at this site. I guess my thoughts though on this is that they came in for the application from the County, they came in for a business license, but arguably they have almost like a split-use business license, because of what I heard, they're doing the bookkeeping, they're keeping their primary access vehicles for towing at this site, but everything else that they're impounding and taking to a different location.

So in our current code, if somebody's running a business or doing a business and understanding that people sometimes work 24 hours a day, what are the rules as far as if you have to have a vehicle to get to point A for work that you cannot keep that vehicle on your private residence? Because I don't honestly view it almost as a commercial business being

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run out of the Anayas on Ben Lane if they have that adjacent lot.

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, the Agua Fria Ordinance is the one that governs this and they have a home occupation and they have a home business. When the applicants first came in we discussed the possibilities of doing a home occupation or home business where they could have one tow vehicle on the property and still have their office and everything else at their house, which we've done in the past and allowed a tow vehicle just as long as it's screened and the signage and everything else is not visible from the neighbors. When I looked at the plat, the way the lot is configured, it's one big lot. So they still wanted to store their tow vehicles, the tow trucks on the back – everybody's calling it a lot but it's one lot. It's just shaped oddly. It was probably – I didn't process the family transfer but that was probably done so they could meet the density requirements to allow the family transfer or land division back then.

So it's one complete lot. So they couldn't qualify, showing it as a legal lot, they couldn't qualify as a home occupation by having on one part of the property, having seven, six, whatever tow trucks and then one tow truck parked on the part of the lot where the house is on where they could run their books and so on.

And the variance that's being requested is a variance of the Agua Fria Ordinance. The use list, looking at the use list and analyzing that and discussing that with other staff members and my supervisor we've – it didn't qualify under that use list. So to qualify under that use list as a special use, which a special use would need a master plan, eventually a master plan and development plan to rezone that property as a commercial use for that particular type of use, their best way was to ask for a variance. It's not a variance of the Land Development Code, it's a variance of the Agua Fria Ordinance to allow it to be recognized as a special use under the category that's stated in your packet so that they could still come forward for a master plan, preliminary and final development plan.

As I mentioned in my staff report we haven't analyzed it but a conceptual review it is a small lot, that many tow trucks, that's where they have to meet Fire Marshal requirements, they have to meet other requirements to access onto Agua Fria at the master plan process.

COMMISSIONER MAYFIELD: Okay. Thanks. Madam Chair, that's all I have.

CHAIR STEFANICS: Thank you. Commissioner Holian, and then we'll go back to your final – no issues? Okay. Commissioner Vigil.

COMMISSIONER VIGIL: Was the variance requested for the fire denial?

MR. LARRAÑAGA: Madam Chair, Commissioner Vigil, no. The variance is strictly on the fact that they do not qualify as a special use under that category for the type of business that they're operating and the use that they are using the property for. The Fire was brought into review for the use that they're using right now and that's why they reviewed it.

COMMISSIONER VIGIL: And under the current recommendation they really should consider, if all circumstances stay the same I'm hoping they can work something out with the fire department but if all circumstances stay the same wouldn't they need to request to variance once the fire department is denying if the regs are not met from their review of the case?

MR. LARRAÑAGA: Madam Chair, Commissioner Vigil, at the time of master plan they might not meet the requirements stated by Fire, as a commercial

development. I believe, and Buster can answer this, but right now he's looking at it as a commercial/residential property that's running this type of business. As a master plan it would turn into a commercial property for this type of use.

COMMISSIONER VIGIL: Okay. I think that issue might need to be really insightfully discussed in the motion I'm going to make on the facilitation. With that, Madam Chair, if I may, I move that we temporarily table pending staff arranging for a mediation with a professional mediator between the applicant and persons opposing the application. The mediation should be completed prior to next month's land use agenda, at which time staff can report on the results of the mediation. If in fact more time is required for mediation that report can be given at the next land use. That is my motion.

COMMISSIONER HOLIAN: And I'll second.

CHAIR STEFANICS: Okay. Thank you. We are on the vote. It's to temporarily table with a condition, which is allowed, and the intent is to bring this back in a month. Mr. Bennett, you had a short comment or question?

MR. BENNETT: I have a question. Before a decision is made to mediate this I have some questions about such a mediation. Number one, is there going to be input into who is the mediator? Number two, is Mr. Larrañaga going to be involved with the mediation? And number 3, who are the parties to the mediation? I know the Anayas are; they're the applicants, but is it just the Romeros? What are the limitations?

I know the likelihood of success will rise with the fewer amount of people that are involved so I'd like some clarification on that.

CHAIR STEFANICS: Commissioner Vigil, would you like to address that?

COMMISSIONER VIGIL: What I have anticipated is that the applicants and the opponents to the application be initially the principal parties of that. They will need to meet with staff. I'm not sure if they're fully familiar with what mediation is or is not. But I think there will have to be an orientation to that. I think they can talk about a consensus with the mediator. It is anticipated that a mediator who has some background in land use would be significantly helpful in this process, but when you mediate you actually are able to identify your own process, and I think the mediator can start by identifying between these two parties what the process will be and who will be involved.

And I think they become a part of that decision process. But usually it's the applicant – so that would be the Anayas, and the Romeros. Okay?

CHAIR STEFANICS: Let me add, the County has the ability to utilize State Risk Management Alternative Dispute Resolution Bureau, and they have a list of free mediators and paid mediators that can be drawn upon and have no relationship with the County or probably with you, Mr. Bennett. So there are some venues to selecting somebody totally objective for both parties.

MR. BENNETT: And who would bear the cost of a paid mediator?

COMMISSIONER VIGIL: I think when the County orders it the County is responsible.

MR. BENNETT: Thank you.

CHAIR STEFANICS: So I think we're ready for a vote.

COMMISSIONER ANAYA: Madam Chair, just one comment if I could.

CHAIR STEFANICS: Is it a question or a comment?

COMMISSIONER ANAYA: Just a comment. What's being proposed and being voted on is an opportunity to find some middle ground – bottom line. And all of you should take it as that. Thank you.

CHAIR STEFANICS: Thank you. All those in favor of the motion to temporarily table with the condition for mediation between both parties prior to the next land use case, which is a month from now please say aye.

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

CHAIR STEFANICS: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, just a note that this is still an adjudicated case and we're all bound by ex parte communication. Just so everybody is still aware of that.

CHAIR STEFANICS: That's correct.

MR. BENNETT: One other thing.

CHAIR STEFANICS: Mr. Bennett.

MR. BENNETT: With respect to that schedule, it's very difficult for me. I have out of state litigation that I'm involved with for the next month fairly heavily, and I just don't know if it's logistically possible for me to do it in a month.

COMMISSIONER VIGIL: That's a discussion you need to have with your client, I think. And the motion itself does say if the parties are not ready to come forth at the next land use they have the option of reporting that and extending it, but I don't know that we can make a decision about your availability. Thank you.

CHAIR STEFANICS: Thank you. So Commissioners, I would ask that you keep the section from the BCC book, and the entire binder that was given to you tonight, so that staff do not waste another tree. So we would have all of our materials if you keep the section from the staff BCC book and from the – and the entire book that was presented to us.

XVI. ADJOURNMENT

Having completed the agenda and with no further business to come before this body, Chairwoman Stefanics declared this meeting adjourned at 8:55 p.m.

Approved by:

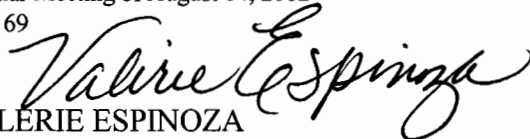


Board of County Commissioners
Liz Stefanics, Chairwoman

ATTEST TO:

REC'D BY: RECORDED: 10/11/2012

Santa Fe County
Board of County Commissioners
Regular Meeting of August 14, 2012
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VALERIE ESPINOZA
SANTA FE COUNTY CLERK

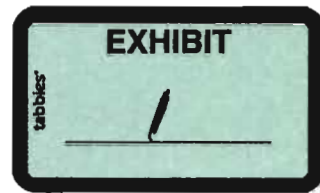


Respectfully submitted:



Karen Farrell, Wordswork
453 Cerrillos Road
Santa Fe, NM 87501

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**SANTA FE COUNTY
COMMUNITY MEETINGS ON CAPITAL IMPROVEMENT PROJECTS,
INCLUDING NOVEMBER 6TH GENERAL OBLIGATION BOND ELECTION**

Santa Fe County invites the public to a series of community meetings to:

- 1) Provide an overview of the County's Capital Improvement Projects (CIP) planning process.
- 2) Solicit input from citizens on infrastructure and capital projects to be submitted to the NM Legislature for funding consideration. Such as:

- Streets, Roads, and Bridges
- Water, Wastewater, and Storm Water
- Affordable Housing
- Planning and Design
- Community Service Facilities
- Parks and Trails

- 3) Provide information on the three General Obligation Bond Questions to be included in the upcoming November 6th General Election. The G.O. Bond Questions involve funding roads, water system infrastructure, and open space, trails, and parks improvements.

North County Area – Wednesday, August 22, 2012 at 6:30 p.m.

Pojoaque Satellite Office

5 West Gutierrez, Suite 9 (in the Pojoaque Pueblo Plaza)

Areas: Nambe, Tesuque, Pojoaque, Arroyo Seco, La Puebla, Chimayo

Southwest & Northwest Metro Area – Thursday, August 23, 2012 at 6:30 p.m.

Nancy Rodriguez Community Center

1 Prairie Dog Loop/CR 62

Areas: Agua Fri, La Cienega, La Tierra, Airport Road

Edgewood Area – Wednesday, August 29, 2012 at 6:30 p.m.

Edgewood Senior Center

114 Quail Trail

Areas: Stanley, Edgewood, San Pedro

Eldorado and Eastern County Area – Thursday, August 30, 2012 at 6:30 p.m.

Eldorado Senior Center

16 Avenida Torreon

Areas: Eldorado, Glorieta, Cañoncito, Arroyo Hondo, Sunlit Hills, Lamy

Southern Metro Area – Wednesday, September 5, 2012 at 6:30 p.m.

Turquoise Trail Fire Station

#3585 NM HWY 14

Areas: Community College, La Cienega, NM Hwy 14, Cerrillos, Madrid

- All meetings are open to the public and community members may attend any of the meetings, regardless of where they reside in the County.
- **For More Information:** www.santafecountynm.gov/public_works
Craig O'Hare, (505) 992-3044, cohare@santafecountynm.gov

August 2012

REC'D CLERK RECORDED 10/11/2012

PLEASE CHECK WITH THE
SANTA FE COUNTY CLERK'S
OFFICE
FOR

EXHIBIT #2

REGARDING:

CDRC CASE #V 12-5200
ROBERT AND BERNADETE
ANAYA