



Tuesday, March 12, 2024
Regular BCC Meeting (Amended Agenda 03-08-2024 - 6:00 PM)

Board of County Commissioners of Santa Fe County
Hybrid In-Person and Virtual Meeting
Santa Fe County John Gaw Meem Historic Building
Commission Chambers
102 Grant Avenue
Santa Fe NM 87501

Members of the public have the choice of listening and participating in this meeting in person or virtually via Webex. For instruction on participating via Webex, visit www.santafecountynm.gov/joinmeeting.

In addition, people may watch the meeting at

<https://www.youtube.com/channel/UCKGV2GEB1Qv38Pn61083xg> and

<https://www.facebook.com/Santa-Fe-County-Board-of-County-Commissioners-101109334955454/>.

1. Opening Business

- A. Call to Order - 2:00 p.m.
- B. Roll Call.
- C. Pledge of Allegiance. (Chair Hank Hughes)
- D. State Pledge. (Chair Hank Hughes)
- E. O'ga P'ogeh Owingeh Land Acknowledgement. (Chair Hank Hughes)
- F. Moment of Reflection. (Growth Management Department/Destiny Romero)
- G. Approval of Agenda. (Action Item)

2. County Canvassing Board Meeting - The Board of County Commissioners Will Temporarily Recess and Convene as the County Canvassing Board

- A. Call to Order.
- B. Roll Call.
- C. Approval of Agenda. (Action Item)
- D. Request Approval of the November 17, 2023, Canvassing Board Special Meeting Minutes. (Action Item) (Item Added)
- E. Request Approval of the March 5, 2024, Espanola Municipal Election Report of the Canvass, Pursuant to NMSA 1978, Section 1-13-13(A). (City of Espanola Municipal Clerk, Debbie J. Garcia) (Action Item) (Caption Updated)
- F. Adjourn and Reconvene as Board of County Commissioners. (Action Item)

3. Approval of Meeting Minutes (Action Item)

- A. Request Approval of the February 13, 2024, Board of County Commissioners Meeting Minutes.

4. Consideration of Proclamations, Commissioner Resolutions, and/or Recognitions (Action Items)

A. None

5. Consent Agenda (Action Items)

A. Request (1) Approval to Utilize the Cooperative Educational Services Contract No. 2024-02-C232-ALL with FSJ Tactical DBA Safe Haven Defense NM, LLC, to Furnish and Install Bullet and Riot-Resistant Film on Windows and Doors at the County's Administration Complex, Located at 100 Catron, in the Amount of \$324,854.39, Inclusive of NM GRT, and (2) Delegation of Signature Authority to the County Manager to Negotiate, Sign, and Execute the Contract and Sign the Purchase Order(s). (Public Works Department/Phillip Montano and Finance Division/Bill Taylor)

B. Resolution No. 2024-____, A Resolution Requesting a Budget Adjustment to the Law Enforcement Operations Fund (246) and to the Emergency Communications Operations Fund (245) in the Net Amount of \$0. (Finance Division/Yvonne S. Herrera; Sheriff's Office/Ken Johnson; and Public Safety Department/Roberto Lujan) (Item Added)

6. Appointments and Reappointments (Action Items)

A. None.

7. Presentations

A. Presentation on the Modernization of Santa Fe County's Public Safety Land Mobile Radio System. (Federal Engineering/Brad Barber, Vice President & Gregory Senter, Senior Consultant)

B. Presentation on Santa Fe Regional Emergency Communications Center Construction. (Public Works Department/Robert D. Lambert)

C. Accounting of Physical Water, Water Rights, Allocations, and Water Deliveries Pursuant to Resolution No. 2006-057. (Public Works Department/Paul Choman; County Attorney's Office/Cristella Valdez; and Contract Water Counsel/John Utton) (Packet Material Added)

8. Miscellaneous Action Items

A. Request Approval of Agreement No. 2024-0198-PW, Buckman Direct Diversion Shared Pool Agreement and Authorization for the Chair of the Board to Execute the Agreement. (Public Works Department/Paul Choman)

B. Resolution No. 2024-____, A Resolution Authorizing the County Manager to Sign a Water Rights Purchase Agreement and All Other Documents Necessary or Proper to Acquire Water Rights from Suerte Del Sur, LLC and Have the Water Rights Permitted for Direct Division at the Buckman Direct Diversion. (Public Works Department/Paul Choman and Brian Snyder) (Caption Updated and Packet Material Added)

C. Final Order for Case # 23-5071 Carlos Gallegos Variance Appeal. Stuart Stein, Appellant, Appealed the Santa Fe County Planning Commission's Final Order Regarding a Variance Request, to Allow a Second Dwelling on 2.69-Acres as Allowed by SLDC, Section 10.4 (Accessory Structures). Due to the Terrain Constraints on the Property the Applicant Requested a Variance of Section 10.4.2.3.3 to Allow a Separate Access and a Variance of Chapter 10.4.2.4 to Allow the Proposed Dwelling to Utilize a Separate Septic System and Utilities. The Property Lies Within the Residential Estate Zoning District Within the La Cienega and La Cieneguilla Community District Overlay (LCLCCD). The Property is Located at 53 Sunset Road Within Township 16 North, Range 8 East, Section 28 Commission District 3, SDA-2. (Growth Management Department/Ryan Olivas, Case Manager) (Appeal Denied 4-1)

D. Resolution No. 2024-____, A Resolution Authorizing the Disposal of Specified Solid Waste Without Paying Service Fees in Santa Fe County. (Public Works Department/Maria Molina and Community Development Department/Michael Carr)

E. Resolution No. 2024-____, A Resolution Authorizing Santa Fe County to Apply for a Federal Climate Pollution Reduction Grant and Delegating the County Manager Authority to Execute all Related Documents and Agreements. (Community Development Department/Michael Carr)

F. Resolution No. 2024-____, A Resolution Declaring the Eligibility and Intent of Santa Fe County to Submit an Application to the New Mexico Department of Transportation for Federal Fiscal Years 2025 & 2026 Recreational Trails Program (RTP) Grant and Delegating the County Manager Authority to Execute all Related Documents and Agreements. (Growth Management Department/Adeline Murthy)

9. Matters of Public Concern (Subject to Three (3) Minutes or Other Time Limit Imposed by the Chair; Pre-Register at www.santafecountynm.gov/comment)

10. Matters from the County Manager

A. Miscellaneous Updates, Including, But Not Limited To, Memorandum of Agreement Between the City of Santa Fe and Santa Fe County Regarding the Investigation, Modeling, and Planning for PFAS Contamination. (Caption Updated)

11. Matters from the County Commissioners and Other Elected Officials (Action/Non-Action Items)

A. Commissioner Issues and Comments, Including but not Limited to Constituent Concerns, Recognitions, and Requests for Updates or Future Presentations. (Non-Action Items)

B. Other Elected Officials Issues and Comments, Including but not Limited to Constituent Concerns, Recognitions, and Requests for Updates or Future Presentations. (Non-Action Items)

12. Matters from the County Attorney

A. * Executive Session. Limited Personnel Matters, as Allowed by Section 10-15-1(H)(2) NMSA 1978; Board Deliberations in Administrative Adjudicatory Proceedings, Including Those on the Agenda Tonight for Public Hearing, as Allowed by Section 10-15-1(H)(3) NMSA 1978; Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations Between the Board of County Commissioners and Collective Bargaining Units, as Allowed by Section 10-15-1(H)(5); Discussion of Contents of Competitive Sealed Proposals Pursuant to the Procurement Code During Contract Negotiations as Allowed by Section 10-15-1(H)(6); Threatened or Pending Litigation in which Santa Fe County is or May Become a Participant, as Allowed by Section 10-15-1 (H)(7) NMSA 1978; and, Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as Allowed by Section 10-15-1(H)(8) NMSA 1978, including: (1) Breach of Contract Action Regarding Water Project and (2) City of Santa Fe vs. Board of County Commissioners, First Judicial District Court, Case No. D-101-CV-2023-01555.

B. Waiver of Any Potential Conflict of Interest That May Arise from Modrall Sperling's Representation of the Tessera Sewer Cooperative Relative to Transfer, Assignment, and Assumption Agreement with Homewise, Inc., and Related County Utility Line Extension and Service Agreement. (County Attorney's Office/Jeff Young) (Action Item)

13. Public Hearings on Proposed Ordinances - To Be Heard No Earlier Than 5:00 P.M.

A. Ordinance No. 2024-____, An Ordinance Amending Ordinance No. 2012-3 to Expand the List of Roadways Within Santa Fe County Where Engine Retarders are Prohibited. (Public Works Department/Maria Molina)

B. Ordinance No. 2024-____, An Ordinance Amending the Santa Fe County Sustainable Land Development Code, Ordinance No. 2016-9, To Amend the Sustainable Land Development Code, to Amend and Restate Appendix F, Map 2 (Santa Fe Community College District Circulation Map) & Appendix C- Map 5 – Official Map Series (Open Space, Trails, and Parks) of the Sustainable Land Development Code. (Growth Management/Brett Clavio)

C. Ordinance No. 2024-____, An Ordinance Amending the Sustainable Land Development Code, Ordinance No. 2016-5, as Amended, to Amend Section 9.5 (Tesuque Community District Overlay) to Revise Purpose Sections; to Make Minor Technical and Grammatical Changes; to Revise the Fences and Walls Standards; to Amend Dimensional Standards for Base Zoning Districts; to Add and Amend Select Use Regulations in the Use Table and Base Zoning District. (Growth Management Department/Nate Crail and Brett Clavio)

D. Ordinance No. 2024-____, An Ordinance Amending the Sustainable Land Development Code, Ordinance No. 2016-9, as amended, to Amend Section 9.14 (San Marcos Community District Overlay) to Revise Purpose Sections; to Make Minor Technical and Grammatical Changes; to Remove Select Sustainable Design Standards; to Add a New Sustainable Design Standard to Prohibit Swimming Pools; to Amend Dimensional Standards for Base Zoning Districts; to Revise Architectural Design Standards in the Commercial Neighborhood Zoning District; to Revise the Home Occupations Table; to Add a New Section to Amend Commercial Cannabis Use Regulations; and to Add and Amend Select Use Regulations in the Use Table and Base Zoning Districts. (Growth Management Department/Nate Crail and Brett Clavio)

14. **Public Hearings on Administrative Adjudicatory Matters - To Be Heard No Earlier Than 5:00 P.M.

A. Case # 23-5151 Tierra Pintada. D.R. Horton, Applicant, Through NM Land Solutions LLC, Agent, Requests Preliminary Plat Phases 1 & 2 and Final Plat Phase 1 Approval for a 138-Lot Mixed Use Major Subdivision Known as Tierra Pintada, With a Total of 32.143+ Acres. The Applicant Also Requests Approval of the Affordable Housing

Agreement with 11 Affordable Lots in Phase 1 and 21 Affordable Lots in Phase 2. The Subject Property is Located at 4475 NM 14 (Parcel #64256256) Which is Within the Mixed-Use Zoning District (MU) (Commission District 5). (Growth Management Department/Kenneth Quintana, Case Manager) TABLED

B. Case # 23-5140 Cresta Ranch. TT2 LLC, Applicant, Through NM Land Solutions LLC., Agent, Request Approval of a Preliminary and Final Plat Subdivision Plat for 9 Lots Located on Two (2) Adjacent Parcels with a Combined Total of 17.4+ Acres. The Applicant Also Requests Approval of the Affordable Housing Agreement for 1 Required Affordable Lot. The Subject Property is Located at 3 & 9 Finish Line Dr (Parcel #s 960001999, 910001762) Which Are Within the Planned Development District (PDD) Within the Employment Center Subdistrict of the Community College District (CCD) (Commission District 5). (Growth Management Department/Kenneth Quintana, Case Manager) TABLED

15. Concluding Business

A. Announcements.

B. Adjournment. (Action Item)

16. Public Meeting Disclosures

A. Santa Fe County makes every practical effort to assure that auxiliary aids or services are available for meetings and programs. Individuals who would like to request auxiliary aids or services should contact Santa Fe County Manager's Office at (505) 986-6200 in advance to discuss specific needs (e.g., interpreters for the hearing impaired or readers for the sight impaired).

B. Attendance. Members of the public have the choice of listening and participating in this meeting in person or virtually via Webex. For instructions on participating via Webex, visit www.santafecountynm.gov/joinmeeting. In addition, people may watch the meeting at <https://www.youtube.com/channel/UCKGV2GEB1Qv38Pn61083xg> and <https://www.facebook.com/Santa-Fe-County-Board-of-County-Commissioners-101109334955454/>.

C. * During the course of an open meeting, the Board of County Commissioners (BCC) may go into Executive Session at any time to discuss any item on the agenda that falls within the enumerated exceptions to the open meetings requirement of the Open Meetings Act, upon a motion stating the authority and reason for closure (with reasonable specificity) and approval by a majority vote of a BCC quorum. NMSA 1978, §10-15-1(I). While the BCC has a practice of listing on its agendas for its open meetings specific items to be discussed during for Executive Session, the Open Meeting Act does not require executive sessions be listed on the agenda at all or that executive sessions be listed on the agenda multiple times for multiple executive sessions to occur (so long as the subject to be discussed in executive session is on the agenda). If a closed meeting is called when the BCC is not in an open meeting, the BCC will provide public notice stating the specific provision of the law authorizing the closed meeting and stating with reasonable specificity the subject to be discussed.

D. **These land use cases are administrative adjudicatory proceedings. Among other things, this means that Commissioners generally may not discuss a case with the applicant or other members of the public outside of the public hearing on the case. In addition, before taking final action, the Board of County Commissioners may choose to deliberate on an administrative adjudicatory proceeding in closed or executive session, as permitted by Section 10-15-1(H)(3) NMSA 1978. Finally, the Board may not announce its decision on a land use case at the conclusion of the public hearing tonight.