Tuesday, February 9, 2021
Regular BCC Meeting (Amended Agenda 2-5-2021 - 5:41 p.m.)

Board of County Commissioners of Santa Fe County
Virtual Meeting
This meeting will be conducted virtually, though some staff and commissioners may be physically present in the Plaza Conference Room at 100 Catron Street Santa Fe NM.
Members of the public can listen and participate in the meeting via Webex. To participate by phone, call 1-408-418-9388, using meeting number (access code) 961 151 996 and password 7PDm4yvJuH3. To participate via the internet, go to https://sfco.webex.com/sfco/j.php?MTID=m2c6c019cce7b77d01e9ac56eeb5b131f.
In addition, people may watch the meeting at https://www.youtube.com/channel/UCKGV2GEBC1Qv38Pn61083xg and https://www.facebook.com/Santa-Fe-County-Board-of-County-Commissioners-101109334955454/.

1. Opening Business

A. Call to Order - 2 p.m.

B. Roll Call.

C. Pledge of Allegiance. (Chair Roybal)

D. State Pledge. (Chair Roybal)

E. Moment of Reflection. (Treasurer's Office/Jennifer Manzanares)

F. Approval of Agenda. (Action Item)

G. Approval of January 12, 2021, Board of County Commissioners Regular Meeting Minutes. (Action Item)

2. Consent Agenda (Action Items)

A. Resolution No. 2021-___, A Resolution Requesting a Budget Increase to the GOB Series 2017 Improvement/Refund Fund (356) in the Amount of $2,500.00 to Budget Cash for Bond Issuance Costs. (Finance Division/Yvonne S. Herrera).

B. Resolution No. 2021-___, A Resolution Requesting an Increase/Decrease to the Law Enforcement Operations Fund (246) to Budget two U.S. Department of Justice Grants in the Amounts of $6,133/$5,818. (Finance Division/Yvonne S. Herrera)

3. Appointments/Re-Appointments (Action Items)

A. Resolution No. 2021-___, A Resolution Appointing One Replacement Member to the Board of Registration. (County Clerk's Office/Robert Adams)

4. Miscellaneous Action Items

A. Request Authorization to Publish Title and General Summary of Ordinance No. 2021-___, An Ordinance Amending the Sustainable Land Development Code, Ordinance No. 2016-9, to Amend and Restate Section 7.2 to Include the Latest Adopted Codes and to Amend and Restate Section 7.14 Concerning Energy Efficiency to, Among Other Things, Require New Structures to Comply with Specified Pathways in the 2018 New Mexico Residential Energy Conservation Code and 2018 New Mexico Commercial Energy Conservation Code and Remove the Whole-House Mechanical Ventilation Requirement for Residential Structures. (Growth Management Department/Penny Ellis-Green and Robert Griego and Sustainability Office/Jacqueline Beam)

B. Resolution No. 2021-___, A Resolution Adopting the Water Policy Advisory Committee's Calendar Year 2021 Work Plan and Meeting Calendar. (Public Works Department/John Dupuis)

C. Request (1.) Approval of Amendment No. 4 to Agreement No. 2018-0047-A-CSD/MM with First Choice Healthcare, Increasing the Compensation an Additional $67,800.00 for a Total Contract Sum of $271,200.00, Inclusive of NMGRT; and (2.) Delegation of Signature Authority to the County Manager to Sign the Purchase Order. (Purchasing Division/Bill Taylor and Community Services Department/Patricia Boies)

D. Request (1.) Approval of Agreement No. 2021-0123-PW/KE with Holly Frontier Refining and Marketing, LLC, as an Indefinite Quantity and Multiple Year Term Agreement; and (2.) Delegation of Signature Authority to the County Manager to Sign the Purchase Orders. (Purchasing Division/Bill Taylor and Public Works Department, RUF Division/Ryan Ward)

E. Request (1.) Approval of Amendment No. 5 to Agreement No. 2018-0349-A-CSD/MM with Interfaith Community Shelter, Increasing the Compensation an Additional $150,000.00 for a Total Contract Sum of $559,250.00, Inclusive of NMGRT; and (2.) Delegation of Signature Authority to the County Manager to Sign the Purchase Order. (Purchasing Division/Bill Taylor and Community Services Department/Jennifer N. Romero)

5. Presentations

A. Road Acceptance Policy Update. (Public Works Department/Ryan Ward)

B. Road Improvement Policy. (Public Works Department/Ryan Ward)

6. Matters of Public Concern

7. Matters from the County Manager

A. COVID-19 Updates. (Caption Updated)

B. Miscellaneous Updates – including upcoming Public meetings and schedule changes (Item Added)

C. First Session of the 55th Legislature: Potential Action to Express Support for or Opposition to Legislation that Has Been or May be Introduced. (Potential Action Item)

D. Potential Action Regarding Legislation on the Removal of the 3% Cap on Multi-Family Housing, HB 136 Oil & Gas Subdivision Parcels, SB32 Wildlife Conservation & Public Safety Act, SB93 Broadband Access and Expansion Office and HB26 Exclude Greenfield Areas from TIDD Projects (Potential Action Items) (Caption Updated)

E. Resolution No. 2021-___, A Resolution Urging the New Mexico Legislature (1) to Amend House Bill 4 of the First Session of the 55th Legislature to Incorporate the Approach of the New Mexico Tort Claims Act, Which Strikes a Balance Between Compensating Plaintiffs and the Need for Government to Provide Essential Services for All, and (2) to Address Some Root Causes of Civil Rights Claims Against Law Enforcement by Dedicating Adequate Resources for Behavioral Health Prevention and Treatment As Well As Improving the Operations of the New Mexico Law Enforcement Academy. (County Manager's Office/Katherine Miller and County Attorney's Office/Gregory S. Shaffer) (Action Item)

8. Matters from 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)

C. Certificate of Appreciation to Marcus Archuleta for his commitment and act of kindness shown towards his community in Pojoaque. (Chair Henry P. Roybal)

9. 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) Disposition of Open Space Property Within the City Limits of the City of Santa Fe; (2) Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations with NMCPSO; (3) Breach of Settlement Agreement and Related Agreements Related to Annexation; and (4) Santa Fe 330 Investments, LLC v. County of Santa Fe, et al., Cause No. D-101-CV-2016-00008.

B. Resolution No. 2021-___, A Resolution Declaring the Vacation and Abandonment of Certain Unused and Unneeded Road Right-Of-Ways Near the NM 599 and Camino La Tierra Interchange. (County Attorney's Office/Gregory S. Shaffer) (Action Item)

C. Potential Action On Items Discussed in Executive Session. (Action Item)

10. *Public Hearings in Administrative Adjudicatory Proceedings - To Begin No Earlier than 5:00 P.M.

A. Case # 21-5000 BW - Gas & Convenience Retail, LLC Transfer of Ownership of Dispenser Liquor License Number 0946. BW Gas & Convenience Retail, LLC, Applicant, Linda Aiken, Agent, Requests Approval of a Transfer of Ownership of a Liquor License (License No. 0946). The Property is Located at 2 Avenida Del Sur, Within the Community College District, Within Section 25, Township 16 North, Range 8 East, (Commission District 5). (Jose E. Larrañaga, Case Manager) (Potential Action Item)

B. Case No. 10-5366 - St. Francis South Preliminary Plat Approval for Phases 1-4 and Final Plat Approval for Phases 1 & 2. Vegas Verdes, LLC, Applicant, JenkinsGavin, Inc., Agent, Requests Preliminary Plat Approval for Phases 1-4, Which Consists of 22 lots and Final Plat Approval of Phase 1, Consisting of 4 Lots and Phase 2, Consisting of 8 Lots, on 68.94 Acres, of the St. Francis South Mixed-Use Subdivision. The Applicant is Also Requesting the Removal of a Previously Imposed Condition by The BCC on the Preliminary and Final Plat Extension, Which Required a New Conceptual Plan Application to be Submitted if the Final Plat for Phase 1 Was Not Recorded Prior to Its Expiration. The Property is Located at 199 Rabbit Road, via St. Francis Drive, Within Section 11, Township 16 North, Range 9 East, SDA-1 (Commission District 4). (Vicente Archuleta, Case Manager) TABLED

C. Case # 20-5070 - Las Campanas Conceptual Plan Amendment. Las Campanas Master Association and Verizon Wireless (jointly, the Applicant), Are Requesting an Amendment of the Las Campanas Conceptual Plan to Allow a Stealth Wireless Communication Facility on Lot 5 Within the Existing Planned Development District (PD-16) as a Permitted Use. The Applicant is Proposing a 70’ Stealth Communications Facility (and Its Associated Switching Infrastructure) as an Allowed Use on a Proposed Bell Tower Within the Las Campanas Planned Development District (PD-16). The Proposed Stealth Cell Tower Will Be on Parcel 5, Which Comprises 7.62-Acres. The Site is Located at 366 Las Campanas Drive Within T17N, R8E, Section 15, SDA-2 (Commission District 2). (Gabriel Bustos, Case Manager) (Potential Action Item)

11. Concluding Business

A. Announcements.

B. Adjournment. (Action Item)

12. 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. *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. The applicant and interested persons must participate in the public hearing via Webex, as described below. Any exhibits to be used at a public hearing must be delivered to the Land Use Administrator by noon on Friday, February 5, 2021, preferably by email at pengreen@santafecountynm.gov.

C. No Public, In-Person Attendance. In accordance with the public health emergency declared by the Governor and the Secretary of Health's Public Health Emergency Orders, in-person attendance at the meeting will be limited to an appropriate number of County Commissioners, critical staff, and credentialed members of the press.

D. Alternates to In-Person Attendance. Members of the public can listen and participate in the meeting via Webex. To participate by phone, call 1-408-418-9388, using meeting number (access code) 961 151 996 and password 7PDm4yvJuH3. To participate via the internet, go to https://sfco.webex.com/sfco/j.php?MTID=m2c6c019cce7b77d01e9ac56eeb5b131f. For additional ways to join the Webex meeting, see the County's website. In addition, people may watch the meeting at https://www.youtube.com/channel/UCKGV2GEBC1Qv38Pn61083xg and https://www.facebook.com/Santa-Fe-County-Board-of-County-Commissioners-101109334955454/.