



Tuesday, April 9, 2024

Regular BCC Meeting (Second Amended Agenda 04-05-2024 - 5:15 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. (Public Safety Department/Crystal Hernandez)
- G. Approval of Agenda. (Action Item)

2. Approval of Meeting Minutes (Action Item)

- A. Request Approval of the March 12, 2024, Board of County Commissioners Meeting Minutes.

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

- A. Request Approval of a Proclamation Proclaiming April 9th 2024, as "The Academy for Technology and the Classics (ATC) Phoenix Day." (Commissioner Anna T. Hamilton and Commissioner Hank Hughes)
- B. Request Approval of a Proclamation Proclaiming April 11th as "New Mexico Electoral Excellence Day." (Commissioner Hank Hughes and Commissioner Justin S. Greene)
- C. Request Approval of a Proclamation Proclaiming April 2024 as "National County Government Month." (Commissioner Anna Hansen)

4. Consent Agenda (Action Items)

- A. Final Order for Case # 23-5360 Saleh Conceptual Plan Amendment and Preliminary Plat Phases 1 & 2 and Final Subdivision Plat Phase 1. Corrillo De Vida Hermosa Development LLC, Applicant, Design Enginuity (Oralynn Guerrerortiz), Agent, Requested Approval of a Conceptual Plan Amendment to the Saleh Master Plan to Change the Following Uses: Adding Daycare to the Neighborhood Center, Replacing a 100-Unit Hotel with a 100-Unit Independent Living Facility, and Adding Grocery Store to the Approved Use List. The Applicant Also Requests

Preliminary Plat for Phases 1 and 2 and Final Subdivision Plat for Phase 1. The 64-Acre Property is Within the Planned District Santa Fe Community College District. The Site is Located at 4800 Richards Avenue, Within SDA-1, T16N R09E S16 (Commission District 5). (Growth Management Department/Kenneth Quintana, Case Manager) (APPROVED 5-0)

B. Resolution No. 2024-____, A Resolution Adopting Required Community Development Block Grant (CDBG) Federal Certifications and Commitments for Project Number 19-C-NR-I-01-G-17. (Growth Management Department/Maxx PL Hendren)

C. Resolution No. 2024-____, A Resolution Requesting a Budget Increase to Fire Protection Fund (209) in the Amount of \$24,076 to Budget the Second Distribution of State Fire Marshal Funds Received from the State of New Mexico. (Finance Division/Yvonne S. Herrera and Fire Department/Jacob Black)

D. Resolution No. 2024-____, A Resolution Requesting a Budget Increase to the Fire Operations Fund (244) in the Amount of \$222,000. (Finance Division/Yvonne S. Herrera, Fire Department/Jacob Black)

E. Resolution No. 2024-____, A Resolution Requesting a Budget Increase to the Fire Operations Fund (244) in the Amount of \$1,000. (Finance Division/Yvonne S. Herrera, Fire Department/Jacob Black)

F. Resolution No. 2024-____, A Resolution Requesting a Budget Increase to Emergency Medical Services Fund (206) in the Amount of \$4,002. (Finance Division/Yvonne S. Herrera, Fire Department/Jacob Black)

5. Appointments and Reappointments (Action Items)

A. Request Appointment and Reappointment of Members to the Capital Improvements Advisory Committee (CIAC). (Growth Management Department/Maxx PL Hendren)

B. Request Reappointment of Member to the Transportation Advisory Committee (TAC). (Growth Management Department/Brett Clavio and Ben Bachwartz-Lopez)

C. Request Appointment of Members to the County Open Lands, Trails and Parks Advisory Committee (COLTPAC). (Growth Management Department/Adeline Murthy)

D. Request Appointment of Members to the Santa Fe County Valuation Protest Board. (County Manager's Office/Brittney Montoya) (Item Added)

6. Miscellaneous Action Items

A. Request Approval of Three (3) Temporary Construction and Permanent Utility Easement Agreements for the Community College District - Richards Avenue to SR14 Wastewater Interceptor Project. (Public Works Department/Paul Choman and Scott Kaseman)

B. Request Approval of County Utility Line Extension and Delivery Agreement Between Santa Fe County and TT2, LLC. (Public Works Department/Paul Choman) (Item Added)

C. Request Approval of Agreement No. 2024-0215-PW-BT Between Santa Fe County and Esencia Holdings, LLC, for Road Improvements for the Avenida del Sur Project. (Public Works Department/Maria Gomez-Molina) (Item Added)

7. Presentations

A. None

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

9. Matters from the County Manager

A. Miscellaneous Updates.

10. 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)

11. 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) Acquisition of Real Property for a Convenience Center in Cuyamungue and (2) Wolf v. Santa Fe County Board of County Commission, et al., Case No. D-101-CV-2024-00257, First Judicial Court, Santa Fe County. (Item No. 2 Added)

B. Resolution No. 2024-____, A Resolution to Authorize the County Attorney to Initiate and Prosecute Condemnation Proceedings to Acquire Property for a Solid Waste Convenience Center in Cuyamungue. (Action Item)

C. Waiver of Any Potential Conflict of Interest That May Arise from Utton & Kerry's Representation of the Rio Quemado, Rio en Medio, Rio Frijoles, and Santa Cruz Acequia Association Relative to the Rio Santa Cruz Adjudication. (County Attorney's Office/Jeff Young) (Action Item) (Item Added)

12. **Public Hearings - To Be Heard No Earlier than 5:00 P.M.

A. Case # 23-5140 Cresta Ranch Preliminary and Final Plat. TT2 LLC, Applicant, NM Land Solutions LLC., Agent, Request Approval of a Preliminary and Final Plat for a 9-Lot Subdivision 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 and 910001762), Which is 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) (Caption and Packet Material Updated)

B. Case # 23-5151 Tierra Pintada Preliminary Plat Phases 1 & 2 and Final Plat Phase 1. 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 10 Affordable Lots in Phase 2 (21 Total Affordable Lots). 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

13. Concluding Business

A. Announcements.

B. Adjournment. (Action Item)

14. 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/UCKGV2GEBc1Qv38Pn61083xg> 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.