

MINUTES OF THE
JOINT MEETING OF THE SANTA FE
CITY COUNCIL & COUNTY COMMISSION

June 13, 2013

This special joint meeting of the Santa Fe County Commissioners and the City of Santa Fe Councilors was called to order on the above-cited date in the Santa Fe County Chambers, at the County Courthouse at approximately 5:35 p.m. by County Commission Chair Kathy Holian.

Roll call indicated the presence of a quorum with the following representatives present:

Commissioners Present:

Kathy Holian, Chair
Robert Anaya
Miguel Chavez
Liz Stefanics

Councilors Present:

Mayor David Coss
Rebecca Wurzbarger
Carmichael Dominguez
Christopher Rivera
Peter Ives

Commissioners Excused:

Danny Mayfield

Councilors Excused:

Ronald Trujillo
Patti Bushee
Bill Dimas
Chris Calvert

Commissioner Anaya participated telephonically until his arrival at 6:00.

III. APPROVAL OF AGENDA

Commissioner Holian pointed out there were no action items on this agenda.

Councilor Wurzbarger moved to approve the agenda as published. Councilor Dominguez seconded and the agenda was unanimously approved.

IV. PRESENTATION AND RESTATEMENT: Annexation Settlement Agreement and Service Phasing Agreements

COMMISSIONER HOLIAN: Before we get started I would like to note that the County and the City have both signed the amendments to the Annexation Settlement Agreement as well as amendments to the service phasing agreements on road improvement, water, wastewater utilities and solid waste as well as the phase in of law enforcement and fire protection in those areas which will be annexed.

I would like to say a big thank you to all of the staff, County and City, for the time that they have taken to work out all the details on the phasing agreements. Too many people really participated in it for me to mention everybody who worked on it but there is one person whom I would particularly like to thank and this Katherine Miller who is the County Manager. She has literally spent months on this issue and worked very hard to move it forward and make it a success. When negotiations stalled she often was the one to come up with solutions and I would say that there is a good chance that we wouldn't be here today at this very moment in time if it were not for her hard work and persistence. So thank you very much, Katherine.

Mayor, would you like to say a few remarks for opening.

MAYOR COSS: Well, I would first echo what you said, Commissioner, and thank the staff, both City and County staff, for working through this and getting this agreement ironed out to where you got the approval of both governing bodies. I think this is something really historic. We started on this and I had black hair and a ponytail and so did Pego. So it's been a long road and I think of people like Dianne Quarrels and Commissioner Campos so many that have worked on this for almost 20 years now. I feel really good about having this agreement done and I think it's going to lead to good government, better government and the ironic thing is that it is just local government, it's so inside baseball that a lot of people don't recognize the significance of it but it's very, very significant what we've accomplished. So I want to thank all of the County Commissioners, City Councilors and the staff especially and the community that have watched this doing this too. Thank you, Commissioner.

COMMISSIONER HOLIAN: Thank you, Mayor. I would just like to note that first there will be presentations from staff on the various parts of the phasing agreements and I would like for staff to be able to pretty much give their presentations in their entirety, although, if people have questions for clarification feel free to jump in to ask clarification questions and then at the end of each presentation I will open it up to questions from the County Commissioners and the City Councilors.

A. Annexation Process

MARCOS MARTINEZ (City Attorney): Thank you, Commissioner Holian, thank you members of the Board of County Commissioners, member of the City Council. As you know and as Commissioner Holian and the Mayor has noted the Board of County Commissioners approved several agreements to facilitate annexation on April 30, 2013 followed by the City Council approving the same agreements on May 8, 2013. These agreements will facilitate a smoother transition for the actual process of annexation.

As the statutes on annexation recognize in considering an annexation pursuant to this section the city council shall consider the impact of annexation on existing county contracts and provisions of services including fire protection, solid waste collection or water and sewer service

and they may make agreements to the county to continue such services if it is in the interest of the county, the residents of the proposed annexed area, or the municipality. The governing body of the City and the County have made such agreements.

I was going to talk about a little about the process of annexation because that's how this was noticed. So I'll do that a little bit and then give an overview that facilitate Phase 2 of annexation. By statute if a petition is not signed by the owners of a majority of the number of acre in the contiguous territory a three-step process is required. First, the Extraterritorial Land Use Commission shall consider the matter and make a recommendation to the Extraterritorial Land Use Authority. Second, the Extraterritorial Land Use Authority shall approve or disapprove the petition. Third, if approved by the Extraterritorial Land Use Authority the City Council may by ordinance approve the annexation. So that is the process that will be coming up now that we've done these service agreements and phasing agreements to facilitate annexation and have a smooth transition to when the actual annexation occurs. So they'll be at least three more public meetings, well, four more to accomplish the actual annexation of the territory. But to give a broad overview of what has already occurred there has been a fire and EMS agreement in which the County agreed to maintain its current level of fire and EMS service in Phase 2 of annexation for five years from annexation. There is some consideration over the County would consider a donation, sale or transfer of Agua Fria Fire Station I on certain conditions. The City has agreed to assume fire and EMS service in Phase II of annexation Areas 5 and 7 south of Airport Road, maintain current level of fire and EMS service in Area 18 for five years following annexation. The City will maintain plan development review and investigations of Phase 2 and Phase 3 of annexation for five years following Phase II of annexation. The County will continue to provide fire and EMS service in Area 1 north of Alameda even after annexation through a mutual aid agreement.

In law enforcement there's basically a three year stepped up increase in services where the City will be taking over more and more portions of Phase II of annexation and finally by January 1, 2017 the City shall assume and maintain law enforcement throughout Phase II.

Under the roads, prior to the City acceptance of ownership and maintenance responsibility for roads in Phase II of annexation the County has agreed to perform roadway improvements and maintenance activities identified in an agreed upon list of roads and that was a lot of work by both City and County staff. Road improvements will go beyond Phase II level 6 and improving some surface road to meet city standards. The parties agree to make drainage improvements to Alameda in Area 1 of annexation and to share costs of drainage improvements equally.

Utilities, solid waste, wastewater and water, the City will assume solid waste service in Phase II of annexation sooner than annexation. The City and County will inventory infrastructure to be exchanged along with customer information as City transfers infrastructure outside the presumptive City limits to the County associated with specific developments who require master meters which the City agrees to provide. The County agrees to transfer infrastructure within Phase II of annexation to the City. The City wastewater customers outside the presumptive City limits shall become County customers as soon as the County is able to provide wastewater service. And they'll be a technical transition team who will address issues arising over the transfer of infrastructure. The City and County will forego appraisals of infrastructure and differences in costs for other benefits the City receives in fire, police and roads.

I think that basically covers my overview of the agreements. If there's any questions on the process of annexation I will stand for those questions.

COMMISSIONER HOLIAN: Thank you, Mr. Martinez. Any questions?

COMMISSIONER CHAVEZ: Madam Chair.

COMMISSIONER HOLIAN: Yes.

COMMISSIONER CHAVEZ: I just have maybe one clarifying, Mr. Martinez. On the solid waste that would include I would assume recycling; right?

MR. MARTINEZ: Yes.

COMMISSIONER CHAVEZ: So having said that, I think that's good. I don't see it – it's solid waste but it would lead you to think it's also recyclable but I just wanted to make sure. But would that include all of Area 1 or just Phase I of the Area 1?

MR. MARTINEZ: No, my understanding is that it would be the portion of Area 1 that will be immediately annexed and then when the City annexes the remainder of Area 1 then solid waste service will proceed as soon as services in that area as well.

COMMISSIONER CHAVEZ: So I think that in these areas especially along West Alameda where you have Area 1, West Alameda being the boundary between what will be the new City limits and the presumptive City limit, that's going to be a big educational campaign to inform the residents there on all of these issues of solid waste and curbside recycling, law enforcement, animal control. If you're on one side of the street and you have your dog on the leash and someone on the other side expects you to do the same, well, that's not the reality of it. And, so I think we're really going to have to educate the public about that and maybe even have to work with law enforcement in the interim to sort of work through that. But I wanted to touch on this area and the services because I think it's a little bit of a hybrid and it's not clear-cut and dry we haven't really removed that jagged edge completely. And so I wanted to just touch on that briefly and make sure that as we move forward that we don't lose the sight of these details. Thank you, Madam Chair.

COMMISSIONER HOLIAN: Thank you, Commissioner. I have a question about land use. Area 18 which was in the presumptive City limits but is no longer in the City limits, no longer going to be annexed. When should the people in that area start coming into the County land use department if they have land use issues?

MR. MARTINEZ: Commissioner Holian, my understanding on that is that it would require an ordinance change in the Extraterritorial Land Use Zoning Ordinance that has been adopted so that would be another matter for ELUC and ELUA to take up. But because of the SPAZO ordinance that was passed, the City has land use jurisdiction in that area and these extraterritorial statutes that grant municipalities authority to do so would remain valid even in spite of the fact that the City will not be annexing that area. So it will take an ordinance change by that body.

COMMISSIONER HOLIAN: Okay, thank you, Mr. Martinez. Any further questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Could you talk about when the first phase of the presumptive annexed area will be part of the representation by voting in the City? Because I think that that's a question that the public has asked and there's different perceptions.

MR. MARTINEZ: I believe that that would occur when the City adopted the ordinance annexing the territory identified in Phase II of the annexation. So until that period of time, the City will not have assumed political jurisdiction over that area such that they will also be represented by the persons in Phase II annexation.

COMMISSIONER STEFANICS: So let me be more specific; are you expecting, Madam Chair and Mr. Martinez, that this will occur before the next City election?

MR. MARTINEZ: Yes.

COMMISSIONER STEFANICS: So will the residents of those areas be provided enough notice to understand that they are eligible to run for office or in fact vote for office?

MR. MARTINEZ: Well, the running for office question is something that I have not considered in detail yet because I know there's a deadline for basically submitting a packet application to make yourself a candidate so I would have to review those ordinances and/or statutes as they apply. For voting purposes I believe, I would think that the public notice through ELUC and ELUA and the public hearings that the City would have to pass the ordinance in order to annex that territory would be, hopefully, noticed to the public and so they would be able to vote in those elections. But I think we need to think about the candidate question that you posed.

COMMISSIONER STEFANICS: Okay, so, Madam Chair, while you go back and work on the candidate question perhaps there could be a tentative schedule provided about these decisions that are going to be made. I mean we get pressured all the time from the public about when are you going to make decisions about X or Y or Z and I think we just want to be able to say to the public, watch out for something happening this fall or next winter or something, so that they are given some notice. Thank you very much.

COMMISSIONER HOLIAN: Thank you, Commissioner. Any further questions. Thank you, Mr. Martinez.

B. Road Improvements

ADAM LEIGHLAND (County Public Works Director): Good evening, Madam Chair, Mr. Mayor and members of the Commission and the Council, as we've already heard we have an agreement whereby the County will improve the roads in the annexed area. The total amount of that roads is just a little over 12.5 miles. We have a detailed spreadsheet of every road, the improvements to each road that have been required, as we heard earlier, in exchange for forgoing the appraisal of the water system, the County agrees to confer extra benefits to the City and part of that is with the roads. So the County has agreed to do the road improvements that the City has asked for which are over and above what the County thinks is necessary.

We estimate that the total amount of the road improvements will be about \$2.2 million. We plan to execute this over three consecutive construction periods, starting about this time next year and we'll do about a third of that each construction season. At the end of the improvement for each individual road section there will be a joint acceptance inspection and upon the successful acceptance of the road by the City that particular road will become part of the City's roads. A lot of work went into agreeing to that. Kind of the only open piece is having to do with West Alameda. That section, as we heard earlier from Commissioner Chavez, that forms kind of a boundary, and it's been agreed that while the road itself does not require any improvements; it's in pretty good shape. It needs some significant drainage improvements, and so it's been agreed that the City will take the lead on addressing those drainage improvements but the cost to remedy those will be shared equally by the City and the County. And the schedule to do so and actually the scope of work is still to be determined. But it has been agreed that we will share the cost.

So I think we have a pretty good agreement. I don't know if you want to add anything.

ISAAC PINO (City Public Works Director): I have nothing more to add, Madam Chair, and Councilors and Commissioners, other than to say that the bulk of the work and the road exchange is going to be on the County's plate, really. We'll participate when it comes time to inspect, accept and then take over maintenance at that point. And we do have a clear understanding on the West Alameda piece and occur with Mr. Leigland's report.

COMMISSIONER HOLIAN: Thank you, Mr. Leigland and Mr. Pino. Any

questions? Yes, Commissioner Chavez.

COMMISSIONER CHAVEZ: Just on the West Alameda piece. Touch again on the length in miles and maybe the timeframe, just a ballpark timeframe on when you think that project might break ground.

MR. LEIGLAND: Madam Chair, Commissioner Chavez, the length of the road in question is 2.27 miles and as far as the schedule, I think I have to defer to the City because, as I mentioned earlier they'll be taking the lead and I would imagine probably two years.

MR. PINO: Madam Chair and Councilors and Commissioners, we haven't taken that up with the City Council yet. That would be a matter that we would probably go to our Public Works Committee with and beyond that.

COMMISSIONER CHAVEZ: So you'll have to sort of mold that into your projects or your schedule on your list of road improvements, you'll have to put that on that list and work on getting that through your process.

MR. PINO: Madam Chair and Commissioner, that's right. We have, as you probably recall, we have a fairly elaborate process for project management and we would just wind it right into that.

COMMISSIONER CHAVEZ: Okay. Well I guess the only thing that I would ask is that maybe these projects would be highlighted and have, not special consideration but at least be highlighted so that they can move up through the projects in a timely fashion so that those improvements can be made because I think as we go through with this we're suggesting that services that were not provided will be provided, with the suggestion that the level of service in roads in other areas will be improved and so I think we want to let the public know that we're serious in that effort and that we're going to be timely about it. Thank you, Madam Chair.

COMMISSIONER HOLIAN: Thank you, Commissioner. Any further questions? Thank you, Mr. Leigland and Mr. Pino. You got off easy.

MR. PINO: Adam's an agreeable guy to work with.

COMMISSIONER HOLIAN: Yes, indeed.

C. Water, Wastewater and Solid Waste

COMMISSIONER HOLIAN: I think that Mr. Guerrerortiz and Mr. Schiavo will take this one. Oh, and Mr. Leigland as well.

MR. LEIGLAND: Madam Chair, members of the Commission, members of the Council. We've worked out a plan. To back up: There's an exchange of customers. The City will be taking approximately 50 water customers from the County and the County will be assuming approximately 800 customers from the City, and there will also be concomitant transfer of infrastructure. As we heard earlier, there will be no exchange of funds; there will be no appraisal and transfer of funds in exchange for the other benefits.

The immediate plan to transfer these customers, we had planned to start to implement in July and the plan is to install on all the affected customers the relevant meter-reading information because the City and County unfortunately don't have the same technology for reading the meters remotely. So we will, over the month of July, install the new meter-reading equipment so that the last meter reading of the current service provider will be at the end of this month. We'll use the month of July to install the new equipment, and then the first meter-reading of the new service provider, be it the City or the County, will occur at the beginning of August and they will be getting their new bill, the July bill in August from their new service provider. That's just an interim step, because there will have to be the installation as we heard earlier of master meters.

There will have to be some infrastructure adjustments to fully establish the two side-by-side utilities. We have a plan for that that will take place over a number of years because as you can imagine it's a capital improvement.

In accordance with the water resources agreement there will have to be an accounting of the water that's being used but in the meantime we can use the aggregated readings from the individual residential customer meters to provide that information to the City for wheeling, and also for the sanitary sewer.

The County is progressing with this. We're well on track. Our plan is to send a joint letter to all the customers to let them know, hey, this is what's going to be happening so they'll expect to get – the bill will have a new address on it starting in August. There should be no change in service. The service parameters for each of the utilities is identical so there should be no change. It will just be from whom they receive their bill.

I think that sums it up. I think we've worked hard. Perhaps this has been the most tangled, but I think we've worked really hard to achieve something and I guess with that I'll turn it over to Mr. Schiavo to see if he has anything to add.

COMMISSIONER HOLIAN: Mr. Schiavo.

NICK SCHIAVO: Madam Chair, Mayor, Councilors, Commissioners, I think Adam did a wonderful job summing things up. I am anxious to form that technical transition team so we can start that conversation around those master meters, the conversation around the bulk billing rate for water and wastewater, and the City will also be sending out those transition letters to people who are leaving the City service and those who have been picked up by the City.

COMMISSIONER HOLIAN: Thank you. Do you have anything to add, Mr. Guerrerortiz?

PATRICIO GUERRERORTIZ (County Utilities Director): I just want to summarize how successful this work had been. It's taken a long time, but I think that the City and the County have been – have demonstrated one more time that we can work together on these issues. And as they say, water is for fighting, right? We haven't fought.

COMMISSIONER HOLIAN: Thank you. I have a question. Will the rates be the same to the customer?

MR. LEIGLAND: Madam Chair, no. I think we have a slightly different rate schedule and I believe that our rates are slightly lower.

MR. GUERRERORTIZ: On the average, the rate charged by the County is slightly lower than the City, that water that is. The wastewater rate, the County hasn't had any adjustments in the past seven or eight years. One is overdue and we are substantially lower on the wastewater rate than the City is. So we're trying to keep up with one another so that at some point, or at any point the customers will not see a difference between the service providers.

COMMISSIONER HOLIAN: Thank you. Any questions? Yes, Councilor Rivera.

COUNCILOR RIVERA: I've been asked by future constituents in the area about Waste Management and the contract that the County may have with them and if that's going to be – at what point will that be terminated before City services begin to take over?

MR. LEIGLAND: Madam Chair, Councilor Rivera, well, first to clarify, the County has no contract. So all solid waste management that's happening in all annexation areas is private contracts with the residents straight with the private contractors. And actually we believe that in all annexed areas there are three providers: Waste Management, Incorporated, MCT, and a firm called L&L. And the County – actually, excuse me, Madam Chair. I guess I'm jumping ahead a little bit on the agenda, the County passed an ordinance that created mandatory curbside in all the annexed area and the intent of that was to ease transition for these residents on

the City service, and that ordinance allows the County Manager to designate the City as the service provider, and that was our intent. But we do have to figure out how we're going to negotiate with the private contractors because the residents will have a contract and there may have to be some sort of treatment.

We've scheduled a meeting with the three private haulers, though actually I learned just a half an hour ago that I think City staff have already met with Waste Management and I think, and correct me if I'm wrong, but I think Waste Management was very cooperative. They've been following the issue and they know what's coming, so I think they'll be very cooperative and will maybe even help transition the customer billing information and what not. So our plan, and I think we're on that track is to make it as transparent and as seamless as possible. Thank you.

COMMISSIONER HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, and I wanted to talk a little bit more. I appreciate Councilor Rivera bring that up because I think that that's one piece of that service and in many cases the private haulers are providing only solid waste but not recycling, so hopefully we'll be able to do both and do it consistently and I think even more affordably. But I do want to ask the question that I asked earlier relative to Area 1 and how that might phase in relative to the different providers and to whether it would apply to Area 1 or just Phase I, specific to solid waste and recycling. I know it might be a little premature and I don't know if you've put any thought into this but I just want to take a few minutes now to touch on that.

MR. LEIGLAND: Madam Chair, Commissioner Chavez, well, first of all I will say that it is possible to include that area. We would have to amend the ordinance we just passed to include that area and I think the mechanics of that would be very simple. And the City has indicated that they're willing and able to serve that area. It would be just a marginal increase since they're already going to be there. I think the real concern would be whether or not the constituency in that area wants it just because they're an annexation area it's obligatory. But since they're not going to be annexed –

COMMISSIONER CHAVEZ: It would still be presumptive. Well, maybe this was another piece of the educational component that we can go out with and we can give the residents this option because it is a hybrid. But we don't want to limit the services if they're – as an example, [inaudible] So how do you make that seamless? I just want to bring it up again, just food for thought. I know it's something that we can work on. I think it's do-able. It may not be in the agreement right now but I just wanted to spend a few minutes on it. Thank you, Madam Chair.

COMMISSIONER HOLIAN: Thank you, Commissioner. Any further comments, questions? Did you have any further information on solid waste or have we covered that?

MR. LEIGLAND: Madam Chair, I believe we covered that. I think I may just add something. The schedule – I'll turn it over to the City because it's really I think in their court now.

MR. SCHIAVO: Madam Chair, the plan is to start curbside pickup and recycling August 1st.

COMMISSIONER HOLIAN: Okay. Thank you. No further questions? You're free.

D. Law Enforcement

COMMISSIONER HOLIAN: Chief Rael, and I believe – Katherine, are you going to be – who is covering this from the County side?

MS. MILLER: Madam Chair, Councilors, Commissioners, the Sheriff had a conflict and I told him either I or Steve could cover it for him.

COMMISSIONER HOLIAN: Okay. Who's going first?

RAYMOND RAE (Police Chief): Madam Chair, Commissioners, Councilors, the Sheriff and I have had a few discussions. We've reached an agreement that we believe is reasonable. In summary the agreement basically states that on January 1, 2014 through January 15th the Sheriff's Department will maintain full coverage of the annexed area. On January 15th through 16th the Police Department will take over Airport Road south and provide all law enforcement coverage for that area. Law enforcement coverage will also include animal control services since that part of both of each department so we'll be phasing that in.

January 16th through January 17th the Santa Fe Police Department will take over coverage from Airport Road north and that should entail or encompass the entire annexed area from 17 forward. The timeframe allows the opportunity for us to staff sufficient numbers to provide coverage for that area and I think both the Sheriff and I have agreed this is a reasonable solution to and method for annexation.

COMMISSIONER HOLIAN: Thank you, Chief.

MS. MILLER: Madam Chair, Commissioners, Councilors, I wanted to add there was some question if animal control would fall with this. Well, animal control on both the County on the City side is part of law enforcement so that will phase at the exact same time that the rest of law enforcement services do. And that was also understood by the City and County Police and Sheriff's Office. So it would follow that exact same schedule.

COMMISSIONER HOLIAN: Thank you. Any questions, comments?
Commissioner Chavez.

COMMISSIONER CHAVEZ: Go ahead. I yield.

COMMISSIONER HOLIAN: Councilor Dominguez.

COUNCILOR DOMINGUEZ: Thank you, Madam Chair. I guess just a real quick question in terms of the RECC. RECC is prepared for the transition in a couple years I guess with regards to the Phase II and the [inaudible] to the south of Airport Road. There's no [inaudible] to perform these operations?

CHIEF RAE: Madam Chair, Councilor Dominguez, it's my understanding they're fully prepared. They currently handle the call volume now. It's just a matter of shifting over the - I'm not sure what you call it. The shifting over their internal mechanisms from the Sheriff's Department to the PD and adjusting those maps.

COMMISSIONER HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: This is a perfect lead-in. Councilor Dominguez, so then that would dictate who the first responder would be, right? Even though it's presumptive some of it is presumptive, some of it will be the city, some will be technically in the county. And so I think all of that has to be sifted through. You have to drill down through that. But I think the RECC will dispatch, will identify the closest unit and that will be dispatched.

CHIEF RAE: Madam Chair, Commissioner Chavez, the way I understand it is effective the dates mentioned, we will be taking over full control. RECC will in fact make the adjustments in their dispatch mapping in order to send us. Now, that does not mean and currently, if a call comes in that a Sheriff's deputy is not available and we are, we will still respond to assist. And vice versa. So we do not in any way, shape or form intend to leave anyone unprotected if in fact they face an emergency situation.

COMMISSIONER CHAVEZ: Yes. So that RECC will be able to determine who the closest unit is and they will then be the first responder if one of your units is not available

then if the Sheriff is available then they will be dispatched.

CHIEF RAEL: Madam Chair, Commissioner Chavez, yes. And of course they would call us, notify us if no one from the SO is available if we could respond into SO territory but that happens now. And we do assist one another when emergencies arise.

COMMISSIONER CHAVEZ: Yes, and I guess another example of that would be like maybe the traditional Village of Agua Fria. Then does that require the cross-commissioning or are you able to respond to calls even in that area?

CHIEF RAEL: Madam Chair, Commissioner Chavez, right now the majority of our officers are cross-commissioned.

COMMISSIONER HOLIAN: Councilor Rivera.

COUNCILOR RIVERA: Thank you, Madam Chair. Chief, we currently, or I currently see State Police on Airport Road frequently. Will their service continue as this goes on or will they go away as the City begins to take over more of the area?

CHIEF RAEL: Madam Chair, Councilor Rivera, I believe their service will continue. I'm not aware of any intent or desire to withdraw their patrols. As a matter of fact the State Police has jurisdiction throughout the state so it can be in the city, out city, wherever they're assigned.

COUNCILOR RIVERA: But they are currently on the Airport Road area more frequently now because of the number of Sheriffs that are patrolling the area.

CHIEF RAEL: Madam Chair, Councilor Rivera, I really don't have the answer to that. I don't believe that's necessarily the case. Airport Road is a common access route between 599 and Cerrillos Road, kind of a shortcut. So I don't think their travel through that area is going to minimize. And again, they're also available to assist in the event of an emergency, no matter what the situation is.

COUNCILOR RIVERA: What I've seen more is not necessarily travel through but actually stationed in the areas or positioned in the areas and providing additional coverage, it appears to me. So I hope that discussion with State Police will occur and they will continue to be in the area as much as needed and as much as possible.

CHIEF RAEL: Madam Chair, Councilor Rivera, believe me, we can use all the help we can get and I will coerce, harass, whatever, anytime I can get some additional manpower.

COMMISSIONER HOLIAN: Any other questions? Thank you.

E. Fire

DAVE SPERLING (County Fire Chief): Thank you, Madam Chair, Mayor, Commissioners and Councilors. The agreement that we've reached basically is a continuation of our status quo level of service at the current time for the next period of five years. I thought I'd quickly go through what the County will be providing during that period of time and then I'll let Chief Litzenberg talk a little about what the City's responsibilities will be.

So the County has agreed to maintain the current level of fire and EMS service in Phase II of annexation, Areas 2 and 4, for a period of five years. We've agreed to maintain Agua Fria Fire Station 1 and the primary response hub for County fire, career and volunteer response activities during this period while providing the City the opportunity to jointly or fully occupy the Agua Fria station as the City expands its fire and emergency services during this period of time. And we've agreed to work collaboratively with the City Fire Department to ensure that adequate fire facilities exist for both EMS and fire response.

We've agreed to continue to perform under the current joint powers agreement regarding

fire and EMS response which has been and will continue to be an important part of how we take care of business, and have the ability to decrease our daily staffing at the Agua Fria main station, which is currently at four during the transition period as the City incorporates new fire and EMS resources into the area. The bottom line agreement is that during this period we will work to maintain the current level of fire and EMS service in these areas in an effort to ensure that these services delivered to the public consistent with what we're doing currently.

COMMISSIONER HOLIAN: Thank you, Chief. Chief Litzenberg.

ERIK LITZENBERG (City Fire Chief): Madam Chair, Mayor, Commissioners, Councilors, I will also now go on and talk about [inaudible] what the City's portion of the agreement is. We will assume coverage of Areas 5 and 7. We will maintain coverage of 18, which is the Hyde Park Road area, and plan review and code enforcement in all phases II and III. We are prepared to do all of those as we do at present and as we'll do in the future, we're ready to work collaboratively with the County to provide EMS and fire services to all of the residents and visitors. Both Chief Sperling and I and Chief, I apologize for speaking for you, but I believe we understand the need to maintain currency of our joint powers agreement to provide those services as best we can with the closest resource. And throughout all of this, overarching our current agreement and future agreements our intent is to provide services to the public as best we can. I think this plan is manageable and agreeable to us.

COMMISSIONER HOLIAN: Thank you, Chief. Any questions? Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, both of you, for the presentation. Does the City fire equipment have as many water-holding tanks as we do, like when we have to bring in tanks to supplement areas where there's no water?

CHIEF LITZENBERG: Madam Chair, Commissioner, the short answer is no. We have always been more prepared to operate in hydranted areas. One of our limitations is our ability to move water with the same capacity that the County Fire Department can. There will always be a need for us to work together in areas that are currently city and areas that are currently county, and in areas that will be exchanged over time. So it really forces our hand to work together and it is one of our limitations with our current infrastructure.

COMMISSIONER STEFANICS: Okay. Madam Chair, my second question is that in the county, oftentimes the fire houses are used for educational meetings. Does that occur in the city?

CHIEF LITZENBERG: Madam Chair, Commissioner, yes. We have community rooms in most of our fire stations that are used for many community purposes, one of which is educational opportunities.

COMMISSIONER STEFANICS: Thank you very much.

COMMISSIONER HOLIAN: Any further questions? Yes, Councilor Rivera.

COUNCILOR RIVERA: That brings up a question about joint training which I know probably hasn't haven't that often in the past. Is there a plan to have more training sessions where we work together to provide some of these services?

CHIEF SPERLING: Madam Chair, Councilor Rivera, part of our agreement was to include language specific to joint training operations in the recognition that in some of these areas we will be working very closely together and we as a County in particular look forward to taking advantage of some of the training opportunities that the City can provide for us, and we hope to reciprocate.

COUNCILOR RIVERA: Thank you. The other question I had is I believe it was Marcos that talked about Area 18 and said that we would maintain coverage there I think I heard

for five years, and then after that is it the plan that the County take over Area 18? Or is that still up for discussion?

CHIEF SPERLING: Madam Chair, Councilor, the City has traditionally served Area 18 with fire and EMS services although it has remained a part of the county, and I know that for the next five years we will have discussion about that area in greater detail. The County at the present time is not really prepared to provide services to that area as far as fire and EMS goes. It's not actually a part of any recognized fire district and I think the City has done a great job over the years serving that area for fire and EMS.

COUNCILOR RIVERA: Thank you.

COMMISSIONER HOLIAN: Yes, Commissioner Chavez.

COMMISSIONER CHAVEZ: Follow-up question. Area 18 though does have fire hydrants. Is that correct? How are you handling your responses in that area?

CHIEF LITZENBERG: Madam Chair, Commissioner, part of the area is hydranted and we're able to handle it without any issues within our normal function. When there are fire occurrences it's one of the areas that we would have the expectation and need to count on the County to move some water in for us. By simple geography, it's an easier and quicker response for us and probably will be even five years from now. And whether or not the land is officially transferred, the City would be prepared to maintain the primary response within that area indefinitely.

COMMISSIONER CHAVEZ: It's one of those pockets, and I know I keep going back to Area 1 but the fact about Area 1 is that it does not have hydrants and so that makes it a challenge even though it's close to the urban center. And so I think it's just the conditions that we're dealing with and we're just going to have to work through that. And the only way that it can be done is through mutual aid and cooperation, because at some point it makes better sense for one to be providing the service instead of two providing the service. But we're working through that. And so I just want to say there's pocket and we'll have to work together. It's not cut and dry. There's going to be a lot of little details that we're going to have to stay on top of over the next five to ten to fifteen years. Thank you, Madam Chair.

COMMISSIONER HOLIAN: Thank you, Commissioner. I have a question about Area 18 too. I understand it will be the City that provides the emergency services but the County Fire Department will help with Firewise programs for the residents, won't they?

CHIEF SPERLING: Madam Chair, that's correct. We're happy to help with Firewise and have done so up there for a number of years. We'll continue to do so.

COMMISSIONER HOLIAN: Thank you, Chief. Any further questions? Okay. Thank you, Chiefs. Yes, Commissioner Anaya.

COMMISSIONER ANAYA: [inaudible] other comments? After public input or –

COMMISSIONER HOLIAN: I was going to – yes. I thought I would ask for public comment first and then allow all the Commissioners to make comments at the end.

COMMISSIONER ANAYA: Thank you, Madam Chair.

V. PUBLIC COMMENT

COMMISSIONER HOLIAN: Is there anyone here from the public who would like to comment on the annexation area in any way? Please come forward and identify yourself for the record.

JIM SIEBERT: Madam Chair, Mayor, Councilors and Commissioners, my name is Jim Siebert. My address is 915 [Mercer] and I represent several clients that are located within

the areas to be annexed, Phase II annexation, and what I'd like to do is kind of raise some issues and see if we could get some guidance on how to deal with those particular issues.

The first one, when the City and the County zoned within the presumptive limits, there were some areas where the zoning was kind of very inappropriate. And we're working with several owners along Agua Fria. Kind of the center of this, to locate you is the Club Alegria and it's basically a commercial and light industrial area. It's directly across from City zoned I-2. This particular area is zoned R-1, single family residential. So the problem is that if anybody comes in, wants to change the particular business, all of a sudden they find that they're out of compliance with what was a legal non-conforming use that took place in the extraterritorial area.

So I guess a consideration that I would like to ask is that perhaps as part of the annexation process it's my understanding that ELUC and ELUA, or ELUA in particular, still have the authority to zone. So we would ask for, at the time they do the annexation, that they would consider rezoning of this particular area to a more appropriate zoning that single-family residential.

COMMISSIONER HOLIAN: Thank you, Mr. Siebert. Commissioner Chavez.

COMMISSIONER CHAVEZ: So, Madam Chair, could I ask Mr. Siebert to expand on what that area might look like. There's some mixed use there already, right?

MR. SIEBERT: Well, actually, all these buildings that you see here outlined in the black are commercial buildings.

COMMISSIONER CHAVEZ: They're all commercial.

MR. SIEBERT: They're all commercial

COMMISSIONER CHAVEZ: Is there any residential at all in that?

MR. SIEBERT: There is one building next to Club Alegria owned by Mrs. Rivera.

COMMISSIONER CHAVEZ: That's the only residential?

MR. SIEBERT: That's the only residential.

COMMISSIONER HOLIAN: So, Mr. Ross, do you have any comments on how the owners in that area would go about asking for rezoning?

MR. ROSS: Madam Chair, we'll look at this. I'll get with Matt and we'll discuss it. If there was a mistake made when the initial zoning was assigned the law in our state protects that and we'll have to make the appropriate adjustments. I would think that the first thing to do would be for the landowners to go to the City because that's what the ordinance says that the responsibility for maintaining the zoning system after the ELUA ordinance was adopted was the City's. But we'll look at it. If we screwed up we'll make it good.

COMMISSIONER HOLIAN: Thank you, Mr. Ross. Anything further, Mr. Siebert?

MR. SIEBERT: I have a few more items here. On the – I think some of the Commissioners remember the Polk?? property at Richards Avenue and Rodeo Road and the County Commission at that time determined that a slight rezoning which would extend the C-2 zoning over to Richards Avenue, .36 acres, was something that would not be in violation of the settlement agreement. They approved that, and then when we went to the City to proceed forward with the rezoning the City Land Use Department determined that the only way to do that would be to go through and actually amend the settlement agreement. So I guess we're a little late to the party on that. I didn't know it had already been amended, so we'll have to figure out – we'll probably just have to come before you to request an amendment.

COMMISSIONER STEFANICS: Mr. Ross, did you hear that?

COMMISSIONER HOLIAN: Yes, Mr. Ross, could you possibly talk about how in this particular case how the owners might go about changing the zoning?

MR. ROSS: Madam Chair, I think on all these things, I think maybe Mr. Siebert should get with Matt and myself and we should look over each particular situation and share information and see what we can get to well in advance of the ELUA meeting if we have to make adjustments during that. I think that's probably not going to happen until the fall. So we have plenty of time to work through the issues.

COMMISSIONER HOLIAN: Thank you.

MR. SIEBERT: The other issue is I represent two owners of two business parks that are going to be annexed and they have a development agreement with the City of Santa Fe because they receive City water and City sewer. And they actually – the City has accepted the waterline; it has not accepted either the sewer or the roads, both of which were built to City standards and inspected by the City. But the deal in the development agreement was that the City would not accept them until such time as it was annexed. Well, it's about to be annexed. My clients are in the process of making repairs which would satisfy City staff regarding both roads and sewer. The problem we have is my clients have a concern that if they make all these repairs and it's a substantial amount of money, can they have some kind of assurance that in fact the City will accept the roads and the sewers?

COMMISSIONER HOLIAN: Mr. Snyder, do you have a comment on this?

BRYAN SNYDER (City Utilities Director): I think similar to Steve, I think we would be willing to consider and discuss some of these issues with Jim. I have the concern that this is not the correct forum for this and I'd welcome an opportunity to have Jim come and meet with Land Use staff or Water Division staff or the Utilities Director or myself and we will consider each request on a case-by-case basis.

COMMISSIONER HOLIAN: Okay. Anything further, Mr. Siebert?

MR. SIEBERT: I also represent the Summit Subdivision and there's an issue there that a one-year extension of time from the development expiration has been granted. They are eligible for another extension of time. I guess the concern my client has is at what point in time does the regulatory jurisdictional control convert over to the County. I didn't quite understand what the time schedule on that is. The concern would be we would come up, ask for another time extension and the City would say, oh, gee, that's not our authority anymore. It's the County. And the County would say, well, the City really hasn't completed the transfer of regulatory control to us. So I guess what we're asking, is there a definitive time period that we could count on?

COMMISSIONER HOLIAN: Mr. Siebert, my understanding from the presentation earlier was that ELUC and ELUA would actually have to do an amendment to the ordinance that says that the City is making land use decisions in that area. So we don't have a timeline for that.

MR. SIEBERT: Would ELUC and ELUA handle that at the same time they would handle the annexation then?

MR. ROSS: Madam Chair, that's the objective. Yes.

MR. SIEBERT: Okay. The other thing, Duke Klauk, who is the owner of 10,000 Waves, asked me an interesting question. He said, look, they did a teahouse up there recently that was permitted by the City and he paid City impact fees. And the question is if it's taken out of the City jurisdiction and put back in the County jurisdiction, does he get any kind of a credit against those impact fees that he paid?

COMMISSIONER HOLIAN: Well, Mr. Siebert, I think that's a City question. Perhaps Mr. Snyder would comment on that or Mr. Zamora.

MR. SNYDER: Madam Chair, similarly, I'd give it the same response. I'd welcome the opportunity to have Jim come in and speak with staff and we'll review this. I know

this discussion has been discussed amongst land use staff, City and County previously. I think we have a pretty good approach and I would welcome that opportunity to have him come in and speak. Once again, I don't feel that this is the forum for that discussion but we definitely would welcome that opportunity as well as any other opportunity on land use discussion.

MR. SIEBERT: Thank you very much.

COMMISSIONER HOLIAN: Thank you, Mr. Siebert. Is there anyone else here from the public who would like to address this board? Okay. Seeing none, I will now open it up to the Commissioners and Councilors if they would like to make some comments. Commissioner Anaya.

VI. COUNCIL & COMMISSION COMMENTS

COMMISSIONER ANAYA: Madam Chair, Mayor, Councilors, Commissioners, I have a few comments I want to make and most of them piggyback off of a lot of other conversations and comments that have occurred over a long time. The Mayor mentioned a 20-year process. I know now Commissioner, former Councilor Chavez has talked on many occasions about that process and the work that took place that led up to what's occurred. But ultimately it comes down to leadership and the final closure. So I want to thank former Chair Stefanics, current Chair Holian and yourself, along with all of the Councilors, both here and not here, and the Commissioners on the County Commission for finishing the action and the work and the discussion that's taken place over that 20-year time frame.

I think in that interest I can say as a Commissioner that prior to January 1 I had the largest share of people in my district that would be impacted by the Phase II annexation. Now Commissioner Chavez has a large portion of that. But those citizens now finally, after all that work and effort and coordination and ups as well as downs have finally come to the point where they can see closure, and I think now what we need to absolutely work on collectively is what Commissioner Stefanics talked about earlier in this meeting, and that's that through the transition we need to be as steadfast and as focused to make sure that we communicate to the public the things that are going to occur, exactly when they are going to occur, and what those expectations and needs are of those citizens in the public as we go through the process.

I think she articulated well with the questions relative to the elections but I think there are many others that deal with solid waste. Commissioner Chavez brought up areas of concern in that northern part of Area 1, that I think if it's possible we should try and serve that area if we can with some of the service needs, and I've said that in meetings with Commissioner Chavez as well as on the bench.

A few other comments, when I set foot in the Commission one of the first things I brought forth on the Commission was we need to sit down with the City of Santa Fe and we need to collectively work together. And it seemed like for two years, it seemed like I was shouting at the wall by myself. But through patience and persistence and a little prayer mixed in there and some compromise on your part, Mayor as well as our Chair, Chair Stefanics and the whole Council and the Commission, we got there. And it's not a small feat that occurred and it's based on what I said earlier. It's based on that leadership and direction that was provided.

The other thing I was told in the discussions at the Commission level and even in the hallways was that if we had joint meetings as two governing bodies it would end in grandstanding or it would end in too much conflict or there wouldn't be an ability to maintain focus and actually get things done. Those were the things that I was told offline and those are the things that some said even in public meetings. And I think going back to that leadership and this

entire body and governing bodies on both sides we showed that there's absolute disagreement in some cases but that when we sit down and feel each other's pulse, as opposed to just having our own meetings in our own separate chambers, that we actually can have some focus and we actually can work with our staff and that we actually can collectively move and make things happen.

This isn't the only item. The Buckman Direct Diversion project, SWMA, many of the things that the City and the County had done in the past and will continue to do. What I would ask you, Mayor, in your time remaining as Mayor and this existing Council and whoever fills the seat of Mayor in the next election cycle, is that we shouldn't do it less often; we should do it more often. We should find those areas of focus and need that we need to work on. We should put a clear agenda and a clear timeline and a calendar and focus and get it down, Chair Stefanics, Chair Holian and yourself and the Council and the Commission did that in this case. We can do that in other cases.

At our last meeting there were some folks that got up at the Commission meeting and talked about the Regional Planning Authority. I will candidly say I appreciated the efforts early on of the Regional Planning Authority but over time, watching as a citizen or watching as a staff person on the County side, and the even participating as a County Commissioner, I saw the RPA because dissipated or there wasn't much attention paid to it. And the best assessment I can make of that based on that based on being a citizen or being a staff person or actually participating on it is that you had the majority of Commissioners, you had four Commissioners on there with only the exclusion of one, but you only had four Councilors on there. And I think that's why this process and joint meetings of the full Commission and the full Council and Mayor can be very helpful and can get us to places that we can work more in common and continue to do good things.

My last comment is this: This annexation wraps up a process that is going to do good things for the citizens, but the County and the City in areas of law enforcement and emergency services in particular have always worked collectively together. When we were talking earlier about water tenders and the ability to move water for a fire, Councilor, you as a Councilor now but as a fire fighter and former chief, there was no question as to what we would do collectively between the City and County to take care of a fire or take care of an emergency. Those things will happen now through this annexation. They happened before.

Madam Chair, Mayor, Councilors, Commissioners, it's a big event. It's a big thing that occurred and it will help the citizens of Santa Fe County and it's going to help us as governing boards to do other things. So I sincerely thank each and every one of you for that and I'm in position to say to the public out there that finally they have that closure. So, thank you, Madam Chair, Mayor, Councilors and Commissioners.

MAYOR COSS: Thank you, Commissioner.

COMMISSIONER HOLIAN: Thank you, Commissioner. Any other comments?

COMMISSIONER CHAVEZ: Madam Chair.

COMMISSIONER HOLIAN: Yes.

COMMISSIONER CHAVEZ: Thank you. I'll just be brief. I really appreciate your comments Commissioner Anaya. And I do want to thank staff though, staff on both sides, City and County staff going back at least 12 years. And I think we have to acknowledge efforts in the Southwest Area Master Plan, the Regional Planning Authority even though it went through some variations and maybe lost a little focus. I think it really did lay the groundwork for a lot of the work that we're finally taking action on now. But I will say that not everyone is going to be happy with the decision that we're making today but I feel firmly that it's in the best interest of

the public moving forward but we're going to have to prove that to them. And we're going to have to demonstrate to them that we're serious about the commitment to the public in this effort. So it has to be timely. It has to be done equitably and public outreach we're going to have to start going out soon and we're going to have to share this information with the public so that we can bring more people onboard.

Congratulations to everyone here this evening and to all of those that have worked on this over the past. Mayor, I think I may have had maybe the same amount of hair but much darker 12 years ago obviously, so you and I have the same timeline on that and I've appreciated working with obviously the City staff and I really appreciate the County staff because even though I may be working for a different local government the public is at the front and center of all our concerns and I think that local government can in this case now do a better job.

Thank you, Madam Chair.

COMMISSIONER HOLIAN: Thank you, Commissioner. Yes, Councilor Dominguez.

COUNCILOR DOMINGUEZ: Thank you, Madam Chair. I'm going to be very very brief. I first of all just want to thank the respective staff because they have spent a lot of time and a lot of energy really trying to articulate and decipher what the respective governing bodies have said throughout the course of time. So they've been able to analyze. They've been able to compromise and I'm sure that the debates amongst the staff were at times very lively so I'd like to really thank them for all the work that they've done to get the governing bodies and this community to this point.

I'd also like to thank the Commission and my colleagues on the City Council for continuing to have these discussions so that we could eventually get to this point and these discussions aren't going to stop here. They're going to have to continue. I think that you heard testimony today that there is some things that still need to be worked out so nonetheless outside of things like BDD and SWMA, you know, this effort itself is going to require some dialogue and some communication between the respective governing bodies and staff.

But most importantly I think I just want to thank the public. I remember when I first got elected to the City Council I went to an annexation meeting and it was rough. And before I was a City Councilor I went to some annexation meetings and boy was it rough. But it's not – that's not the case any more for whatever reason and I think it's because well, it's either because people are tired of hearing use talk about it. We're just in a better place respectively and have gone to be able to get the message out in a better way. I just want to really thank the public.

I know it's not going to be easy. Change is never easy. Compromise is never easy and I think that we're really in it for some interesting times. Not in a negative way necessarily. But we're in for some interesting times ahead because this is really monumental and huge.

And, lastly, Madam Chair, I just want to say that I feel good about the future. As I said before, we're going to need to continue these dialogues. It's not a perfect agreement but I think it's a dang good agreement. And I hope that staff are going to continue to be respectful with each other and have those tough conversations and that the governing body is going to be able to have some of those tough conversations as we continue to move forward with this. And the technical transition team, I'd like to be a fly on the way when those two get together.

That's all I have, Madam Chair, thank you very much.

COMMISSIONER HOLIAN: Thank you, Councilor. Any further comments?
Thank you Commissioners, Councilors and staff.

VII. ADJOURNMENT

Chairman Holian declared this meeting adjourned at approximately 6:40 p.m.


Approved by:


Kathy Holian, County Commissioner

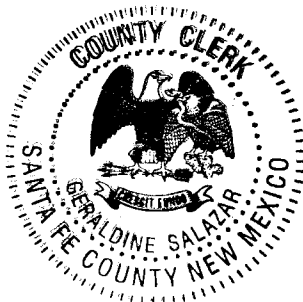
ATTEST TO:


YOLANDA VIGIL
SANTA FE CITY CLERK


GERALDINE SALAZAR
SANTA FE COUNTY CLERK

Respectfully submitted,

Karen Farrell, Wordswork

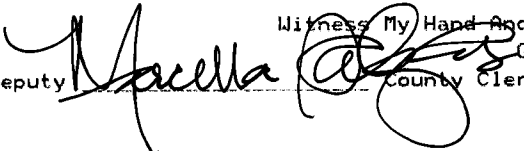
7/30/2013



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 18

I Hereby Certify That This Instrument Was Filed for
Record On The 31ST Day Of July, 2013 at 01:20:23 PM
And Was Duly Recorded as Instrument # 1713729
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
 Geraldine Salazar
Deputy County Clerk, Santa Fe, NM