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MINUTES OF THE BOARD OF COUNTY
COMMISSIONERS

DATE OF MINUTES 2-10-98

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CAMERA OPERATOR YVONNE SANCHEZ

REGULAR MEETING

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BOARD OF COUNTY COMMISSIONERS

SANTA FE, NEW MEXICO

REGULAR MEETING

FEBRUARY 10, 1998

**Javier Gonzales, Chairman
Paul Duran, Vice Chairman
Richard Anaya, Commissioner
Joe Griñé, Commissioner
Marcos Trujillo, Commissioner**

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

February 10, 1998

This regular meeting of the Santa Fe Board of County Commissioners was called to order at 5:00 p.m. by Vice Chairman Paul Duran in the Santa Fe County Commission Chambers.

Roll Call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

Members Present

Commissioner Javier Gonzales, Chairman [late arrival]
Commissioner Paul Duran, Vice Chairman
Commissioner Richard Anaya
Commissioner Marcos Trujillo [late arrival]
Commissioner Joe Griñé

Members Absent

none

IV. INVOCATION An invocation was given by Commissioner Duran.

V. APPROVAL OF AGENDA

COMMISSIONER DURAN: Are there any changes?

MR. SÁNCHEZ: Mr. Chairman, one thing that I want to bring to your attention is an amendment to the agenda and it identifies two items. The first item is X. B. 2, which request authorization to enter into an agreement with the New Mexico General Services Department for the County to lease and operate the wastewater treatment plant at the penitentiary of New Mexico. Then item number two is X. F. 1, which is a resolution supporting an amendment to House Bill 477 concerning the Santa Fe Relief Route and Highway 84-285.

Also on your regular agenda, page one, VII. A. Presentations and Awards, we are

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tabling A, which is the Arroyo Seco golf course and recreation fields. The presenter requested that we table that item for now. The next item is on page two of the agenda under XI. Public Hearings and it's under A. Land Use Items, 2. EZ Case #S 97-4870 is tabled. And with that, Mr. Chairman, those are all the changes of amendments to the agenda that I am aware of at this time.

COMMISSIONER DURAN: Okay, Commissioner Gonzales would like to be around for item VIII. B. Recognition awards to the General Plan Steering Committee members. When we get to that I'd like to kind of just let it float until he gets here.

MR. SANCHEZ: That's fine, Mr. Chairman, and I'm told he'll be here at six.

COMMISSIONER DURAN: Are there any other changes to the agenda?

Commissioner Griñé moved to approve the agenda as amended. Commissioner Anaya seconded the motion which passed by unanimous voice vote.

VI. APPROVAL OF MINUTES: January 13, 1998

COMMISSIONER DURAN: Are there any changes of additions to the minutes?

Commissioner Griñé moved to approve the minutes of January 13, 1998 as presented. His motion was seconded by Commissioner Anaya and passed by unanimous voice vote.

January 20, 1998

COMMISSIONER DURAN: Any changes or additions to the minutes of January 20, 1998? What is the pleasure of the Commission?

Commissioner Griñé moved to approve the minutes of January 20, 1998. Commissioner Anaya seconded the motion which passed by unanimous voice vote.

January 27, 1998

COMMISSIONER DURAN: Are there any changes of additions to the minutes of January 27, 1998? What's the pleasure of the board?

Commissioner Griñé moved to approve the minutes of January 27, 1998. His motion was seconded by Commissioner Anaya and passed by unanimous voice vote.

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[Commissioner Duran read the Consent Calendar as follows:]

VII. Consent Calendar

A. Request approval of actual expenses for Commissioners to meet with the Jefferson County GIS staff in Golden, Colorado

MR. SÁNCHEZ: Mr. Chairman, under this item we will simply be getting permission from the Commission recognizing on the record that actuals will be paid for elected officials.

COMMISSIONER DURAN: Any discussion? Any questions of staff? What's the pleasure of the board?

Commissioner Griñé moved to approve the Consent Calendar. Commissioner Anaya seconded the motion which passed by unanimous voice vote.

IX. ADMINISTRATIVE ITEMS:

**A. Committee expirations/resignations/vacancies
1. DWI Planning Council**

MR. SÁNCHEZ: Thank you, Mr. Chairman. Mr. Chairman, with the DWI Planning Council we received a resignation letter or request from Dolores Sloan. She's going to be moving from the state of New Mexico, moving I believe it was to California and therefore is resigning from the DWI Council which will then leave a vacancy that the Commission can consider now which would come up at the February 24 board meeting. So again, we were asked to identify all vacancies as they came up. This is one of those vacancies.

COMMISSIONER GRINÉ: Mr. Chairman, Domingo, what was this individual's background? Do you know what she did?

MR. SÁNCHEZ: Mr. Chairman, I'm not sure. Andrew, do you know what the background was of this individual?

ANDREW CHAVEZ (Administrative Director): Mr. Chairman, Commissioner Griñé, she was one of the at-large members from the community.

COMMISSIONER GRINÉ: Thank you.

COMMISSIONER DURAN: Do I hear a motion to accept Dolores Sloan's resignation?

Commissioner Griñé moved to accept the resignation. Commissioner Anaya seconded the motion which passed by unanimous voice vote.

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COMMISSIONER DURAN: Also, I'd like to recognize a couple Commissioners who are in the audience. Commissioner Linda Grill and Commissioner Betty Platts. Thanks for coming today. It's nice to see you.

Commissioner Anaya has asked to take my place on the DWI Council and I would like to resign that position. I've been so busy. I really haven't been able to attend any of the last six months or so. I'm glad that Andrew has been going as my replacement. But how do I go about making that recommendation? Could I resign and recommend Commissioner Anaya?

MR. SÁNCHEZ: Mr. Chairman, I think you have to in resigning you simply have to let us know and when the board accepts your resignation and then if you choose at this time to make an appointment, I think it's really your call.

COMMISSIONER DURAN: Do we have to publish?

MR. SÁNCHEZ: We would need to be noticing for the appointment. Let me ask Steve, because we noticed the resignations, vacancies, can we accept the chairman's resignation? We can do it at the next meeting. This way we have everything formalized.

COMMISSIONER DURAN: I'll go ahead and resign.

IX. A. 2. Agua Fria Development Review Committee

MR. SÁNCHEZ: Thank you, Mr. Chairman. Mr. Chairman, the Agua Fria Local Development Review Committee received a letter from Mr. Mark Gonzales, submitting a letter of resignation in order to pursue other activities within the community. I believe there's a copy of his letter in the packet. So we're just bringing it for you for consideration and his intention is to resign effective April 1, 1998.

Commissioner Grifé moved to accept Mr. Gonzales' resignation. His motion was seconded by Commissioner Anaya and passed by unanimous voice vote.

X. STAFF AND ELECTED OFFICIALS ITEMS:

- A. Resolution No. 1998-12. A resolution authorizing the County to submit an application to the Department of Finance and Administration, Local Government Division to participate in the local DWI grant and distribution program**

MR. SÁNCHEZ: Mr. Chairman, Andrew will present this particular item.

MR. CHÁVEZ: Thank you, Mr. Chairman. What I'd like to do is this year, we had an increase in this, in the ability to ask for more money this year. Last year we got \$400,000 this year we're getting something like \$680,000 if DFA grants our request. I'd like to rehash some last minute changes from yesterday to the budget, based on some

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discussions with DFA and the Planning Council. Commissioner Anaya was present at our meeting yesterday. I'd like Linda to go ahead and come up and present the proposal and the changes that we have from yesterday. I'll hand out the changes.

LINDA DUTCHER: Mr. Chairman, Commissioners, thank you for having us here on this particular agenda. I know that this isn't normally the kind of an item that would normally appear but given the deadline requirements for submitting this proposal this is the Commission meeting at which we needed to do this. So I appreciate that.

If you recall, a few weeks ago we gave you an executive summary of the proposals that would be going in with your approval. What you have today is a copy of the longer document which includes more statistics and other things that are a little different from the original executive summary. If you turn to this two-page budget, this is where we can really talk about what's happening that's new and interesting this year and what we're asking you to approve.

We received word yesterday that the initial suggestions that were made by the committee of the Planning Council would not be totally acceptable to DFA and therefore there are some changes in relation to the budget. If you look at the long column here with the most numbers in it under amount, these are the actual figures that are now being proposed. The figures in parentheses are the changes that had to occur as a result of the information we received yesterday about 4 pm. Those figures are incorporated in the long column. They're just there in parentheses to show you what the difference was between what you'd seen earlier.

If I may at this time, I'd like to talk about the program for this year and some of the real interesting things we'll be doing. The opportunity to receive quite a large amount of money above and beyond what we had last year has permitted some components that we didn't have previously. The first one is alternative sentencing. In alternative sentencing there is a comprehensive program. In this case it will be operated at the Municipal Drug Court. Because this will be able to accept DWI offenders and help them with a wide variety of services we're proposing that you support it by providing some money for their rent.

In the enforcement category of course we have had two DWI deputies specially trained on the job all along. We want to continue to support those. We've been able to add a little extra overtime here, so perhaps they can be serving some bench warrants, or setting up additional DWI checkpoints or whatever's needed. And they're in need of video cameras. The equipment that they have is very old and doesn't work and cannot be repaired.

In the coordination, planning and evaluation section part of my salary is there. We're anticipating that the remainder of my 1.00 FTE will come out of the CDWI proposal which will be submitted in a few months. We're proposing an administrative assistant for this program and a half FTE for the grant accountant. The grant accountant of course already is working for the County and does all the budget work, the procurement documents and so forth and so on. Plus this will enable the County to get some financial support for that. We would need an additional computer and of course there's some staff travel and supplies and

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so forth.

In the teen court program this proposal would allow us to provide some family therapy. Family therapy or individual therapy in conjunction with family therapy is recommended by the substance abuse screeners if there's a substance abuse problem, and for people who are not able to pay, this enables them to get some therapy. So we're very pleased about that. The coordinator and substance abuse screening and the administrative assistant of course were there previously.

Under prevention, one of the changing community ideas about drinking and driving is the designated drivers alliance. This is a voluntary, no-charge alliance which will help provide restaurant owners and bar owners with materials that will let them promote the idea of designated drivers. We also will have a Pueblo youth coordinator in order to provide some services in the northern part of the County to a population that has been underserved. We're adding a screening, a screener at the municipal court. We're hoping to add some transitional living probably through St. E's, because they are developing a program, although that would be available from RAP I believe. We're adding an EEG Biofeedback component, which is an advanced form of therapy for the multiple DWI offenders. We're adding a clerk at the Municipal Court and we're adding monitor staff for compliance monitoring. This is so that there's someone who goes out face-to-face when the offenders are not meeting their sentences, not doing the community service and the like, checks up on them, finds out what the problem is and tries to get things on the program again.

The summary page is simply a summary of the components. If you have any questions, I'd be glad to answer them.

COMMISSIONER ANAYA: Mr. Chairman, Linda, what's the time frame for the submittal of applications to DFA?

MS. DUTCHER: It absolutely must be in by the sixteenth of this month. We're aiming for the thirteenth.

COMMISSIONER ANAYA: On the rental proposal, the subsidized rental for the Municipal Court, can you tell me what the total amount of their rent is?

MS. DUTCHER: I'm not certain what the full amount is. Their proposal is a match, approximately \$13,500 that they will provide.

COMMISSIONER ANAYA: Your application requests what?

MS. DUTCHER: Twenty-six thousand.

COMMISSIONER ANAYA: Twenty-six thousand --

MS. DUTCHER: That's what they indicated. But I didn't ask them what their total rent was.

COMMISSIONER ANAYA: I realize that the council analyzes what the allocation of the budget is going to be, it's a little bit late in the game right now. I guess my concern, the whole budget can be restructured for categorization?

MR. CHÁVEZ: Mr. Chairman, Commissioner Anaya, the way we understand it is this is a plan of what we are wanting to do. DFA will allow us the money

based on this plan and then when we actually implement this plan, in the communications between us and DFA we can adjust items through there.

COMMISSIONER ANAYA: Okay. Very good. That was my major concern, Andrew. Thank you for the flexibility. I have no further questions, Mr. Chairman.

COMMISSIONER GRIÑÉ: Linda, is this the first time that we're going to have these two deputies under this program, or do we have them currently now?

MS. DUTCHER: Mr. Chairman Gonzales, no, we have had those two full-time deputies all along.

COMMISSIONER GRIÑÉ: Is there a way that we can increase that number?

MS. DUTCHER: That is something that we talked about and of course Captain Delgado is on our Planning Council. After consideration we all felt that at this time the best approach would be to retain the two to allow some additional for overtime, and to get them the equipment that they needed.

COMMISSIONER GRIÑÉ: Is there anywhere in this budget that can maybe make some rearrangements or possibly increase this by maybe one or two more FTEs?

MS. DUTCHER: For the deputies?

COMMISSIONER GRIÑÉ: Yes.

MR. CHÁVEZ: Mr. Chairman, Commissioner Griñé, originally, as of yesterday, we had provided funding for three FTE's and after yesterday's discussion with the council, the council in other words voted and recommended that instead of having the extra FTEs, that that money be placed for example in prevention. You'll notice that we put \$10,000 more in prevention, that we put a little bit more money in prevention and some of the other programs. We're merely bring their advice to the Commission. But the Commission has the ultimate decision. If you want us to move money in there and that's your direction we can do that.

COMMISSIONER GRIÑÉ: I guess I would like to see if we could at least increase it maybe one or two more. I don't know if it's possible. Maybe I'm asking too much, but I would like to see that category increased. I don't know how the rest of the Commission feels.

[Commissioner Gonzales joins the proceedings]

COMMISSIONER DURAN: I have a couple questions. It seems to me that - the program director, that's not a full time position?

MS. DUTCHER: It is a full-time position but I'm being partly funded by other funds.

COMMISSIONER DURAN: By who?

MS. DUTCHER: By probably from the grants that will be going into the Traffic Safety Bureau.

COMMISSIONER DURAN: So you don't think that we're too heavy on the assistants here? I agree with Commissioner Griñé. I think that there should be some, we

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should try to rearrange the budget somewhat so that we can take care of the need for more deputies, but I guess we can have that discussion on a later date. That's all I wanted to say.

COMMISSIONER ANAYA: Mr. Chairman, one more question. Can you explain to us what administration overhead represents?

MS. DUTCHER: Yes, in fact I'll look in here to remind myself.

MR. CHÁVEZ: Commissioner Anaya, Mr. Chairman, that is, every time that the County gets a grant, we are allowed 10% of that grant to serve as administrative overhead to pay for services such as the services we provide in reviewing RFPs, our procurement section reviews RFPs. Our attorney reviews the RFPs. Personnel reviews personnel acts. It's just stuff that the County provides as a service to this particular grant. If you'll notice that \$20,000 is not 10% of the total grant, which was \$680,000. That's the part that DFA said you are already using some of that overhead in the grant accountant and therefore we don't want you to be taking \$68,000 as overhead. And they told us \$20,000 is what we're going to allow you.

COMMISSIONER ANAYA: Good. Thank you. I remember yesterday it was a substantial amount. Mr. Chairman, if there's no further questions then I'll move approval to support Resolution No. 1998-12 as a submittal to the Department of Finance Administration for allocation of funds.

MR. CHÁVEZ: Just one question. Is the Commission directing us to add an FTE?

COMMISSIONER ANAYA: I think it should go back to the DWI Council for further consideration and reconsideration of the allocations of funds. I don't know whether the DFA standards of anything of this nature, Domingo, whether you can recategorize any of these funds, which I think there's certain direction that the funds can be steered to that would probably benefit DWI enhancement, I mean, anti-DWI enhancement a lot better. One of the reasons why I requested that is because I go to that council being that I am in the industry, I see some very basic needs out in the community as to where these funds can be directed and particularly in view and in light that we are the ones that collect these funds from the paying public.

MR. SÁNCHEZ: Mr. Chairman, Commissioner Anaya, I think that if the interest is in going forward as it is and revisiting that, that's something we can easily do because we have that flexibility to revisit the budget and you as the council. I think the good thing about funding it the way it is is my understanding is DFA's already seen it and blessed it and if they've already blessed it, and we get the amount from them that we're applying for, the issue then after that is sitting down and talking to them about how we would like to reconsider the way we're spending it.

COMMISSIONER ANAYA: Thank you, Domingo. Mr. Chairman, my motion holds.

COMMISSIONER GRINÉ: Second.

COMMISSIONER DURAN: We have a motion and a second. I just have

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one question. So that, my understanding is that the FTEs that Commissioner Grifé was suggesting that we go forward with can be brought up at another point for discussion. We can make a decision for another FTE later.

Is there any other further discussion? All in favor signify by saying "aye."
[Unanimous] Opposed. Thank you, Linda.

At this time I'd like to turn the Chairman Gonzales.

CHAIRMAN GONZALES: Thank you very much. I think we bypassed the presentation and award to the General Plan Steering Committee so let's go ahead and move to that.

IX. B. Recognition awards to the General Plan Steering Committee members

CHAIRMAN GONZALES: Let's give the Commission for the record an overview of the General Plan Steering Committee, how it started and the fine works that they did.

JUDY MCGOWAN (Senior Planner): Okay. Mr. Chairman, Commissioners, I'll do a very, very brief history because it's late and getting on. The General Plan Steering Committee was appointed by the Board of County Commissioners in 1993 as the citizens' committee to represent the whole county and to meet and to listen the citizens at community workshops and then meet on their own and make recommendations for changes, any changes or updates to the County General Plan. We started with thirty appointed members including representatives from CDRC. And over the years people fell out, new people were appointed so there's a whole range of experience. Some people were appointed in 1993 and served through 1997. Others came on in 1995 and served the last few years and so there's a whole range.

They've put in a lot of hours, met every two weeks in the evening for a couple of hours for all of 1994, all of 1995 and a good part of 1996. So that's a lot of volunteer time to put in. And they were a wonderful committee to work with. They did a real good job of representing the citizens, of bringing in different points of view and discussing with each other and telling staff what they thought and making very constructive recommendations for the County General Plan. We at staff really appreciated that.

CHAIRMAN GONZALES: Thank you, Judy, and certainly on behalf of the Board of Commissioners we do want to thank the Steering Committee for what seemed to be an enormous amount of effort in coming forward with the comprehensive General Plan. We've prepared for the committee members certificates and we're waiting for Commissioner Trujillo so that he can sign, he's the last to sign and I guess what we'd ask the committee members to indulge us and allow us to mail you your certificates so that we can have all the signatures of the Commissioners.

What it basically reads is "The Board of County Commissioners, in recognition, certification of appreciation is presented to, in this case, Dean Thornton, and that's where

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we insert all the names of the committee members, for his dedication, tireless effort and exceptional service to the citizens of Santa Fe County. As a member of the Santa Fe County General Plan Steering Committee, Mr. Thornton's guidance and vision were instrumental in formulating the original draft of the Santa Fe County General Plan by the order of the Commission, this tenth day of February, 1998.

So what I'd like to do is for the record, read in the names of the people who served on the Steering Committee and then Commissioners, maybe we can individually offer our thoughts on the committee. But let me go ahead and name the individuals: Mr. Gene Thornton, is Mr. Thornton in the audience? Mr. Gil Sanchez, Commissioner Linda Grill, thank you for being with us, Commissioner, Helen Boyce, Hello Helen, Stephen Allen, David Nichols, is that correct? Bob Wenzel, Rhonda King, Mike Siegal, I saw Mike here, thank you, Mike, William Seedorff, Walter Waite, Joseph Paul Cisneros, Felipe Baca, Amarante Romero, Al Lilly, Stephen Benjamin, Cynthia Burke, Mr. Gil Tercero, Eduardo Vigil, C.C. Kimball, Patricia Hotchkiss, Julie Bennett, Eppie Velasquez, Jill Cooper, the family of Carl Hanlon, Virginia Eldridge, James Karas, Kathleen Jones, Herman Barkman, Ken Cassutt, Greg Walke, Willie Garcia, Cathy Campbell, Maria Isabel Sandoval, Phil Garcia.

So with that we'd like to thank members of the committee. I'm not sure the Commissioners would like to offer any words.

COMMISSIONER DURAN: We'd just like to thank you all for helping us weed through all that information and go through that whole process. I'm sure you spent a lot of time, a lot of thought and hard work and without you we couldn't have made the decisions that we've made, so thank you.

COMMISSIONER ANAYA: Mr. Chairman, I'd just to echo Commissioner Duran's remarks. I personally understand the efforts and the endeavors that people volunteered to put into endeavors of this nature and am really appreciative and thank you all.

COMMISSIONER GRINÉ: I'd just like to add on to that that we caught the latter part of the process but at the same time there were countless hours that were spent not only going out to community forums, but also spending time with the leaders of the groups and spending much time here in the building here and trying to come up with a document and who could have never done it and being guided with it like a bible and that bible was created by you folks. So we can always say that when things come together, when people come together, things get done and thank you very much for your work.

CHAIRMAN GONZALES: I'd like to open up the floor just to any member of the committee who'd like to possibly address the Commission, give us your thoughts or maybe offer us suggestions. We do want to hear from anyone who wants to address us on these issues or on the general plan or maybe share some of their thoughts on how it's progressing. Commissioner Platts? You're always one to speak your mind.

BETTY PLATTS: I attended a lot of meetings. I was never a member of the committee, but I know how hard they worked.

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HELEN BOYCE: I want thank all of the people for years and years of work and many hours and much driving. It really made an impression on us how much concern there is for this county to stay and be as beautiful as it is. I hope that this Commission will look very carefully in how to address this process. It's just a very small part of this whole venture. We have tried very, very hard, and I know that you must be overwhelmed with what you have to do by being careful to keep Santa Fe beautiful.

MIKE SIEGEL: I'd just to thank Judy and all the people who are still involved [inaudible] I'd just like to say after five years I'm disappointed that you guys can't vote on it. [inaudible]

WALTER WAITE: I'd just like to comment on the noble intent to create the County General Plan. A lot of people worked hard to create innovative ways to protect [inaudible] We worked through consensus to bring together all the various components. I too am disappointed that after all the committee's work the plan was exposed to the special interests and the end result was that it was wounded by the special interests. Hopefully we can recover the documents from the necessities and will allow the document to grow with the county. I want to thank Judy and staff for the help and assistance. They did a terrific job.

CHAIRMAN GONZALES: Thank you. Anyone else? Once again, this is a very dynamic and every changing process and so I would hope that the committee members especially those who have thus far continued to stay involved, to offer your suggestions and assistance as we move forward. We're probably moving to a critical part at this stage of the document where we will begin to map the new community districts and the rural preservation and as we begin to move to identify the open space areas, get ready to appoint a committee, the Open Space Committee to identify what parts of the county need to move into permanent status. And then certainly after that, we begin the implementation, which means we rewrite the ordinances to support the plan.

So I would sincerely hope and ask that all of you would continue to offer your input and your guidance on how this plan can be better and more useful for the future of the county. So thank you very, very much.

X. A. 2. Request acceptance of contract modification for invitation for Bid #97-20 regarding options for fire tankers

MR. CHÁVEZ: Mr. Chairman, Commissioners, the Santa Fe County Emergency Service Department and the purchasing section request ratification of a purchase modification in the amount of \$26,804 to compensate the contractor for design changes to five fire tankers.

CHAIRMAN GONZALES: Okay, what's the pleasure of the Commission?

Commissioner Anaya moved to approve the request. Commissioner Griñé seconded the motion which passed by unanimous voice vote.

X. B. UTILITIES DIVISION

1. Resolution No. 1998-13. A resolution adopting a water line extension policy to serve new customers of the Santa Fe County water utilities

ESTEVAN LÓPEZ (Utility Division Deputy Director): Good evening Mr. Chairman, Commissioners. You should have in your packet before you a copy of the resolution adopting a water line extension policy to serve new customers in the Santa Fe County water utility and also a memo which summarizes the content of that policy. The Santa Fe County water utility needs an explicit policy under which to operate and to extend its service to new customers. Since its creation until now, the utility has extended lines and services to its customers on a reasonably consistent basis, but it's never been under any sort of explicit policy.

The terms under which extensions were granted were generally negotiated on a case by case basis and generally required the applicant to pay for infrastructure and water rights needed to provide that service. As I stated earlier, however, we've never had an explicit policy for dealing with such requests. Now that the utility is viewed as a viable utility by the public, and the public is seeking service connections, we need to have something that we can present to the applicant so that they are sure that they are being treated fairly and consistently with others and that we are also assured that our practices are consistent.

If adopted by the Board of County Commissioners, the proposed water line extension policy will tie water line extension application review and approval timelines to the County's Land Development application review and approval timelines and assure that one approval doesn't go forward without the other where a certain project is going to be relying on the County utility for its water. Also it places the burden of planning, design and construction of the necessary water utility infrastructure on the applicants unless the utility agrees otherwise.

It also makes the applicant that's requesting the service responsible for the costs associated with the water infrastructure and the water rights. The policy would also assure that any planning, design and construction undertaken by the applicants for the service will comply with the standards set by the utility and that any such construction will be subject to review and acceptance by the utility. It will assure that adequate water rights will be available to provide the requested service, not only now, but over the long haul. And the policy preserves the utility's discretion to over-size lines or to extend service to other areas within its service area as it deems necessary.

Having read through this, you're probably aware that this is very similar to the existing practice, but as I said, it's never received a very thorough review. That's now been

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done with input from not only the Utilities Division but from the County Land Use staff, the County Hydrologist, Legal staff, the County Manager and we believe that the policy that we are presenting here represents a policy that will allow us to deal with all applicants fairly reasonably and in a consistent manner with all applicants. We recommend that the Commissioners adopt the resolution.

CHAIRMAN GONZALES: Are there any questions?

Commissioner Duran moved to approve resolution 1998-13 as submitted. His motion was seconded by Commissioner Anaya and passed by unanimous voice vote.

- X. B. 2. Request authorization to enter into an agreement with the New Mexico General Services Department for the County to lease and operate the wastewater treatment plant at the penitentiary of New Mexico

MR. LÓPEZ: Mr. Chairman, I would like to pass out some material. Mr. Chairman, Commissioners. I just passed out a copy of the proposed lease and operating agreement between the state of New Mexico state General Services Division for the lease and operation of the wastewater treatment plant of the New Mexico state pen and the County, and I've also passed out a letter that summarizes the need for a facility and the proposed agreement.

As you're undoubtedly aware, the County must soon begin providing wastewater utility service to its County jail that's currently under construction and later will be required to provide such service to the planned law enforcement complex. Both of these facilities are envisioned to be the state penitentiary facilities. The state pen has a wastewater treatment plant that has excess capacity available and the County Utilities Division proposes to be allowed to enter this agreement whereby sewage treatment service would be provided through the state pen's wastewater treatment plant with the County taking over operation of that facility.

The staff analyzed several alternative approaches to providing sewer service to the County facilities that are being constructed and planned. Those alternatives included a constructed wetlands sewage treatment system, a package sewage treatment plant for using the existing state pen sewage treatment plant. Staff analyzed not only the costs associated with each of the alternatives but several other pertinent issues relative to each alternative.

The memo that I've provided you outlines and summarizes the costs. As you can see, the construction costs would be lowest for the state pen waste treatment plant although the operations costs are fairly high for that plant, we feel that by using the excess capacity and marketing that capacity we would be able to -- we have the potential to earn some revenues by which we can offset those operational costs.

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COMMISSIONER DURAN: Excuse me, Estevan, I have one quick question while we're here. Are there expansion possibilities for this facility?

MR. LÓPEZ: Yes, there are. First of all, just to summarize its present capabilities, has a treatment capacity as designed of approximately 374 thousand gallons per day. After having closed its main facility, the state pen right now requires on the order of 100,000 gallons per day. So there's excess of close to 274,000 gallons per day, which we can make use of immediately and we've tried to structure an agreement that would allow us to expand beyond that if the need arises.

COMMISSIONER DURAN: And you feel that you would be successful in negotiating that?

MR. LÓPEZ: I do. I'll get a little bit more into that in just a minute. In addition to the costs, other pertinent issues, some of which we've already just talked about. The state pen has significant excess capacity. We feel that not only can it be used to satisfy our needs but we can use it to generate additional revenues and thereby offset the costs. We feel that the state pen plant is well situated to provide a regional sewage facility for the area covered by the current County water service area. Following up on Commissioner Duran's question, we feel its capacity can be increased beyond its current capability if necessary.

The package treatment plant alternative, in addition to having high capital costs, would be served specifically to serve the County facilities and therefore would not lend itself for expansion or to be used as a regional facility. With respect to the constructed wetlands, after conversations with the Environmental Department, they recommended against that sort of facility for our circumstances. That played strongly in our recommendation of the pen facilities. Having decided to go forward with the state pen alternative, the staff has proceeded with negotiating an agreement with the state General Services Department under which the County would lease and operate the waste treatment plant, and this would be for five years with an option to renew for an additional five years.

Under this agreement, the County would pick up all the costs of the operation of the facility in exchange for the use of the facility and would provide free treatment for sewage from the state pen and the Department of Military Affairs. The memo states that that volume would be limited to three million gallons per month. We've just received some word that says they may want to rethink that number but we think we can come to an agreement.

The agreement would also allow that the County could establish and charge rates for sewage treatment in excess of that free treatment that would be given to the state pen and the National Guard. As I said, these negotiations have been ongoing to just a few minutes ago and just a few minutes ago I think that Mr. Sanchez received a letter from GSD further explaining some of this.

MR. SÁNCHEZ: Mr. Chairman, I guess I just wanted to clarify to let you know what's in this letter. We had hoped to bring to you a signed contract this evening. We had all the issues negotiated with the General Services Department of New Mexico, the state of New Mexico General Services Department and upon last minute review, the

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Corrections Department identified some minor concerns, we considered them minor and so did General Services. So the letter that we received and we'd hoped to have a signed copy of the agreement, actually approved less than everything else for this evening, but the Corrections Department wanted to make some minor changes again, which we considered to be immaterial and we weren't able to get those in until probably tomorrow morning and so they would expect another day or two based on this letter to get the document finalized.

The question or the issue we're asking the Commission for is to the extent that those changes are actually minor and we don't feel that they in any way would materially change the document, we would like to have authorization to enter into the agreement. The chairman of course would have to sign it. If, in our view, there's something that comes up that is material in nature that would significantly change the contents of the contract, which we don't anticipate, we would then want to have an opportunity to bring it back because it's not then the same contract that we're asking for your consideration of this evening.

So that's the purpose of this letter is to notify you that we had some last minute -- but again we can live with changes and see whether or not the Commission would be willing to give us authorization to enter into this, because we're moving quickly on the jail project and again, if it's a material change where they propose something we can't live with we'll need to come back to you.

CHAIRMAN GONZALES: Any questions?

COMMISSIONER DURAN: I have a couple, Commissioner. Domingo or Estevan, can you point me to --is this the agreement, the one you just handed out?

MR. LÓPEZ: Mr. Chairman, Commissioner Duran, yes it is and I would point out that in the rush to get the package put together this afternoon and so forth, I somehow omitted the signature pages. Let me assure you that this has been reviewed by Legal and Finance and approved by them.

COMMISSIONER DURAN: You omitted a few pages?

MR. LÓPEZ: The signature pages. I had sent those over with the original contract to get signed but it didn't get signed. Also it's missing two exhibits. One of which would be a survey defining the lease premises. The second being an inventory of equipment that would go with the leased premises. But other than that, yes, this is the agreement.

COMMISSIONER DURAN: I don't see any place in this contract where it says we have the right to expand it, or being able to do that. My question is actually after the first five years go by and we have hooked up some of our facilities to it, there's nothing in this contract that requires the state to honor those agreements. Is that a problem or is that covered somewhere else? My thought is that by taking over this wastewater treatment facility that we might be able to use it for our industrial park out there and for a lot of things we might be doing out in that area. And if we hook up and we start using that to take care of our wastewater, and after the lease is over we have to disconnect, that might be a problem.

MR. LÓPEZ: Mr. Chairman, Commissioner Duran, I think that you raise

a valid concern and to the extent that it's not in here, I can't think exactly where it might be if it is, but if to the extent that it's not I think that is something we could --

COMMISSIONER DURAN: Has Legal reviewed this contract?

MR. LÓPEZ: Yes, they have.

COMMISSIONER DURAN: Steve, can you answer that for me?

STEVE KOPELMAN (County Attorney): Mr. Chairman, Commissioner Duran, there are provisions in here that do allow us to expand and I think you've focused in on one of the issues that we have on this which is we originally expected this to be a ten- or twenty-year agreement. For reasons why it's been reduced to five and clearly it's important for us to follow up on what happens after the five years and I think that because time is of the essence, there have been some issues that will not be able to be fully flushed out -- no pun intended -- in the short period of time that we have.

COMMISSIONER DURAN: Is there a rush here? When are we supposed to take possession? When is the facility supposed to open up?

MR. SÁNCHEZ: Mr. Chairman, the actual facility itself is already open. We anticipate the jail going into actual operation in the June, July-ish time frame, but a need for us to start flowing waste from our facility probably a few months before that. So we would anticipate an official assumption of responsibilities in the June, July time frame, officially, July 1, but if we have to go in earlier because, again, we need to be on a parallel track in terms of taking it over, of if we need to work out a temporary agreement for them to charge us for our waste, we can do that.

The other thing I wanted to also mention in terms of the five-year limitation on this contract which we discussed with General Services, we wanted to enter into a longer term contract but we needed to get a joint House-Senate resolution through the legislature. We had been working with our legislative delegation to see that language adopted and to get that through. My understanding now is that it's already been approved in the House and the Senate floor as of this afternoon. So it went through the House first then it went through the Senate as of 5:45 I'm told. Now, given that authorization, and assuming of course that the governor doesn't veto it, assuming that we go forward in there, then we can now enter into a longer term agreement and that was something we had discussed with the General Services Department, absent any certainty that would go through. They didn't feel comfortable going with the long term. We felt comfortable even with five years because we felt we'd get that legislation through and the other thing is, we then have a facility to handle out waste for the jail, which is very important to us, regardless of the term of that contract.

COMMISSIONER DURAN: I was just curious, I have a problem with kind of rushing into this. It seems to me that we're rushing into it. The other thing is that the contract doesn't have the attachments, exhibits, I think that for us to make a decision on this, I think that we should be supplied all the things that we need to make a decision. And we're still waiting for the legislature to make a decision. What would be wrong with tabling this until the next meeting in March?

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MR. SÁNCHEZ: Mr. Chairman, Commissioner Duran, we're no longer waiting as of 5:45 for the legislature to make the decision. It now passed the floor of the Senate committee. So it's well on its way to being blessed across the street. What was the other issue? I lost my train of thought. Why can't we wait? There is a very good reason why we would like to go forward quickly and that reason is because we are trying to meet all the deadlines associated with the jail construction and going forward and signing this contract then gives us the ability to go in and move forward on the actual construction of the line with the General Services Department. If we put it off for two weeks, or four weeks, then we're putting the construction further out and we're under a tremendous amount of pressure to see that line put in place. We're very quickly approaching the period of time when we're going to start flowing waste through our facility.

COMMISSIONER DURAN: Give me the worst case scenario. If in five years they don't renew the contract, what will we do then?

MR. SÁNCHEZ: Worst case, in my opinion, if they just say, five years and that's it? We've tied into their facility. And they're receiving our waste. Then they have to come to us and tell us, we're going to be charging you so much. I think it would be very likely that they would be in a strong position to tell us we can no longer accept your waste. I think that's the worst case. I guess an even worse case than that is that they said, no you can't have any of your waste come here and then I think the position we would be in is that we would have to build a facility or look at a package plant system to collect the waste that we are generating at our prison facility and at that point the Sheriff Admin and the detox center.

CHAIRMAN GONZALES: Any other questions?

MR. LÓPEZ: Mr. Chairman, just a follow-up on that with respects to the exhibits, although I don't have five copies, I do have a single copy of both of the exhibits if anyone is interested in seeing them. I had sent those over with the package for signatures as well, so they're available.

COMMISSIONER DURAN: I'd like to see them.

COMMISSIONER DURAN: Mr. Chairman, I'd like to make a motion to approve this item.

CHAIRMAN GONZALES: Is there a second?

COMMISSIONER ANAYA: Second, Mr. Chairman.

CHAIRMAN GONZALES: Any discussion?

COMMISSIONER ANAYA: Mr. Chairman, Domingo, or Steve, under terms, in my experience, the more options that you have in there, where the options may be written into the agreement, to kind of address Commissioner Duran's concerns, would it behoove making a request for an additional five years, another option, having three options. Well, the first is the initial contract and then two additional options. Is there a potential for that type of feasibility? Is it feasible?

MR. KOPELMAN: Mr. Chairman, Commissioner Anaya, I think the

intention would be to nail something down now, That's what we were thinking. And then after we get this and we're at least out there doing what we need to do is to revisit this on a long term. I think there's a lot of indication that that is what will actually happen. I think that at this point we're in a situation where we need to move forward quickly, but I think the points you make are real valid ones.

COMMISSIONER ANAYA: Mr. Chairman, my second holds.

CHAIRMAN GONZALES: Okay. Any other discussion? If not, all in favor of the motion signify by saying "aye." [Unanimous] Opposed? Motion carries.

X. C. LAND USE DEPARTMENT

- 1. Request authorization to publish title and general summary of an ordinance amending and replacing Ordinance No. 1997-5, declaring a moratorium on new subdivision serviced by Eldorado Utilities, Inc. and encouraging conservation measures within the Eldorado Utilities Inc. service area**

JACK FROST (County Hydrologist): Good evening, Commissioners. I'm here again to request authorization to publish title and summary regarding a new and revised ordinance replacing Ordinance No. 1997-5, a moratorium on new subdivisions serviced by Eldorado Utilities, Inc. and in the Eldorado Utilities service area. The reason for this request is that there has been no demonstrated long term water availability data submitted in the interim. And based upon that, new submittals will not be approved by me and the State Engineer based on a letter by the State Engineer in April of last year.

The 1997 moratorium postponed new submittals until the subdivider of the utility demonstrated sufficient long term production capability and until the utility tested all the fire hydrants in the area. It is the applicant's responsibility to demonstrate water availability per our code and the State Subdivision Act. There's no cause to change the conditions of the moratorium at this time. No long terms sources of supply have been identified or approved. The 1997 ordinance found a long list of inadequacies with the utilities. The ordinance adopted a moratorium on new and pending subdivisions and several other conditions, requiring, for example, fire test targets.

That moratorium suggested fifteen activities that might be undertaken to solve the situation out there. Perhaps four have been addressed of those fifteen. Other communities in the area and in the greater watershed Eldorado is part of are concerned about water resource issues. It is difficult to isolate Cañada de los Alamos and Cerrillos water issues from the greater watershed. I believe the watershed approach to the water problem is probably most appropriate as it helps integrate common problems in the area. In the absence of the actions taken voluntarily by the utility and by developers in the area hoping to hook up to the utility, staff suggests that the County assume leadership to conduct the study with

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help from agencies, large landowners and developers in the area.

So I'm seeking your approval to go ahead with a new moratorium and many of among staff and the Commission have already discussed the County taking some initiative on this issue.

CHAIRMAN GONZALES: Are there any questions of Jack?

COMMISSIONER ANAYA: Mr. Chairman, Jack, or maybe Steve you can answer this for me. Being that there is litigation from some of the concerned people to lift the moratorium, can you tell me what the status is on the litigation as far as say, Joe Miller and people outside of that area that were kind of promised by the utility to hook up? Steve, do you know anything? Maybe it's too recent. The suit was filed in September 1997.

MR. KOPELMAN: Mr. Chairman, Commissioner Anaya, I have talked with Matt Spangler, who is the attorney representing Eldorado Utilities, Inc. and at this point it's still in the early discovery stages. It's really too early to evaluate it but the basic thrust of the litigation, and I believed it was filed by Joe Miller and Pat Coughlin and some of their companies is that the utility has somehow defrauded them, or breached a representation in making a commitment to them to provide water service and then not being in a position where it can deliver in accordance with County code and state law. So it's still pretty early in the process and we'll try to monitor their litigation to the extent that we can.

COMMISSIONER ANAYA: Do you feel though that granted all the approvals that have been approved by the County Commission, do we, as County Commissioners and staff, expose ourselves to any type of litigation in supporting the furtherance of the extension of the moratorium?

MR. KOPELMAN: Mr. Chairman, Commissioner Anaya, I believe that at this time the County has actually approved in the vicinity approximately 1,000 lots that have the right to go forward. They have final development approval and they just need to come in for building permits. Having said that though, I believe that we're in a very strong position legally to continue the moratorium. We already have a ruling from District Court Judge Michael Vigil that the moratorium was an appropriate and reasonable exercise of this Commission's legislative authority and police power. I believe that based on all the technical information we have and the information that I've been given by the County Hydrologist and the State Engineer's Office, I believe that this is very defensible and if the Commission decided to readopt the moratorium that we would prevail in a court of law.

COMMISSIONER ANAYA: So the ball is actually in Eldorado Utilities' court.

MR. KOPELMAN: That's true, Commissioner.

CHAIRMAN GONZALES: Any other questions?

COMMISSIONER TRUJILLO: Mr. Chairman, what efforts has the County, what efforts are we making to work with the utility to direct us in a direction that will lift the moratorium, that will provide potable water to that subdivision? How is Santa Fe County playing a proactive role to rectify this problem? To give them moratorium on top of

moratorium on top of moratorium, will never address the real issue, which is availability of water.

MR. FROST: Mr. Chairman, Commissioner Trujillo, good question. There have been discussions, I'm afraid you may have been left out of a couple discussions between staff and the Commissioners where we have discussed how we can take some initiative here. The idea I've proposed is that we do a study of the whole watershed area, the water resources reaching from Cañada de los Alamos down through the Eldorado Subdivision area and down to and including the Turquoise Trail and Cerrillos source of water supply. In fact, we've received a lot of encouragement to lead a study that tries to assess the water resources of that whole area and I believe we're going to get some financial support too.

COMMISSIONER TRUJILLO: There's a comprehensive study, a water availability proposed for this area?

MR. FROST: Yes sir. And in fact Earl Wright, the GIS coordinator and I were in Albuquerque trying to drum up support for that today. We have a lot of encouragement and support from the downstream end of this problem. The El Vadito de los Cerrillos water supply system. Their water supply is in the valley floor. Years ago the railroad dammed up the drainages that drain that whole area. It filled in with sand and gravel. They put a well in there so they're in the bottom end of any and all water issues that occur in that whole area that would be the bottom end of this study.

COMMISSIONER TRUJILLO: How long do you think that will take, Jack?

MR. FROST: I would like to suggest, and in the revised ordinance that I would compose that we would extend this until the end of the year or the study is completed, if it is completed sooner. Then we would take those findings to the Commission for your review and disposal.

COMMISSIONER ANAYA: I guess, Steve, I've been just thinking and looking futuristic if the worst case scenario, say Eldorado Utilities were to lose substantial amounts of damages to say, Joe Miller and company out there, in the event that would happen and they were to file bankruptcy, could that still, keeping the moratorium in effect, reflect on us? I'm seeing the worst case scenario. There might not even be a potential for Eldorado Utilities to file bankruptcy, but the worst case scenario is what I'm asking.

MR. KOPELMAN: Mr. Chairman, Commissioner Anaya, I don't know the entire corporate set up there. I'm under the impression that Eldorado Utilities is owned 100% by Amrep. And if that's the case, I don't think that that would be in the cards, but from a legal standpoint, I think that the County's imposing a moratorium if anything, would probably assist the property owners there because I think it's an indication from the data that the County's taking a responsible position in not approving new development because of the limited water resource. The other point that needs to be made is that even if the moratorium were dropped, which of course staff is recommending we don't do, the State Engineer is still not going to give favorable letters to new development coming in.

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these studies. Obviously they've been given an ample period of time and haven't done it and the County coming in and trying to spearhead this, I think is clearly in the public interest but it's unfortunate that the utility hasn't done this on its own when the moratorium was initially put forward. To answer, again, your question, I don't believe that having the moratorium in place should detrimentally impact the utility of the landowners within the service area.

COMMISSIONER ANAYA: The bottom line is that probably the consensus feeling is that Amrep is financially stable, capable of moving forward on their own accord.

MR. KOPELMAN: Mr. Chairman, Commissioner Anaya, again, Amrep, from everything I've heard is a very, very rich company. They have a lot of assets. Again, I don't know the corporate set up and there may be some way that if this company were to go under -- but I believe they have too many commitments. I don't think that's likely. I think that if the utility declared bankruptcy, I think everyone of the people living out there would be filing suit against Amrep. They'd be piercing the corporate veil. It would be a mess. I don't see that in the cards at all.

COMMISSIONER ANAYA: Thank you.

COMMISSIONER DURAN: I agree with Commissioner Trujillo that the County, I think needs to take a more proactive approach to this problem. I think that a water study is fine and probably the amount of money that we would be able to contribute to that at this point would be insufficient. I think a water study would be very expensive and require a lot of work and it's going to take a long time. I believe that Amrep needs to be held responsible for making representations to the County. We approved a major subdivision out there based on representations that Amrep made to us, whatever the original development was. Now it's been in court for years and they're stonewalling everybody and our only solution to the problem is the moratorium because information has not been supplied to us to support their claims. The claims they've made about water to develop such a large subdivision. I'd just like to take a more proactive approach. I don't know exactly what that is but I think Amrep needs to be made aware that they made representations to us and we approved the subdivision out there based on those representations. I think we need to do more than just a water study. I don't know where we go with that but I really think that we need to do more than just a water study.

CHAIRMAN GONZALES: Are there any other discussions? Again, this is just a request to publish this ordinance. There'll be a public hearing at the next meeting. This is a land use ordinance, right? Which means there's going to have to be two public hearings for this?

MR. KOPELMAN: Mr. Chairman, there may be some issues about a gap in the effective date of the ordinance, though, if there are two public hearings a month apart, so I believe that what would be appropriate is to schedule two public hearings in very close proximity so that we don't run into a situation where there's a gap in the moratorium.

CHAIRMAN GONZALES: Whatever we have to do, but I think we have to have two hearings.

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MR. KOPELMAN: Mr. Chairman, the resolution did provide for two public hearings on land use matters. That's correct. Land use ordinances.

COMMISSIONER GRIÑÉ: Mr. Chairman, move for approval to publish title and general summary of the ordinance to replace Ordinance No. 1997-5.

COMMISSIONER ANAYA: Second, Mr. Chairman.

CHAIRMAN GONZALES: Is there any discussion? If not, all in favor signify by saying "aye." [Unanimous] Opposed?

X. D. MATTERS FROM THE COUNTY ATTORNEY

1. **Request authorization to schedule a public hearing to reconsider Lost Creek Ranch Subdivision, a 66-lot residential subdivision on 88.36 acres. The property is located south of County Road 10, east of State Road 344 in the traditional community of Edgewood, within Section 14, Township 10 North, Range 7 East**

MR. KOPELMAN: Mr. Chairman, members of the Commission, staff is merely requesting at this time that the Commission proceed and we schedule a public hearing to reconsider certain aspects of the Lost Creek Ranch Subdivision, specifically, to reconsider matters that would increase the safety of the subdivision in light of the fact that it's located right next to a small runway and airport. I think the idea here was to have the applicant further consider and add safety features to this particular proposal and have it considered in a public hearing next month.

Commissioner Griñé moved to approve the request. His motion was seconded by Commissioner Anaya and passed by unanimous voice vote.

X. E. MATTERS FROM THE COUNTY MANAGER

MR. SÁNCHEZ: Mr. Chairman, I just wanted to give you a brief legislative update on what's going on so everybody knows. And in general, we've gotten all the capital bills to the extent we've been running through and following up on them. There is some confusion about some of the capital items because there was a bill from last year that ended up going really nowhere that was resurrected and that's added to some confusion with our legislators. But our understanding is, based on our discussion with all of our senators and representatives that the capital requests that we've been asked to pursue are in there in some form or another.

The primary issues that we've discussed with them other than capital items really had to do with the same thing, we had that meeting with our legislators on Friday for, which was

Senate Bill 250 on the changes to the improvement district act, the County Improvement District Act, something like that. Just in general now, we're following committees and testifying. So I just wanted to let you know if there are issues we need to follow up on, please let us know and then we've also let our legislators know that we'd be available and we have been available as we're needed. So that's really all I had.

COMMISSIONER DURAN: I was just going to ask you a question. We had talked today earlier about the senior center and all that. Are we going to try to put that on the next meeting or do you want to talk about it tonight?

MR. SÁNCHEZ: We can discuss it now, Mr. Chairman, Commissioner Duran. The issue was we had a meeting this afternoon with representatives from the City and they're going forward with the recreation facility complex just off of Rodeo Road. They had expressed an interest in working with us to secure a portion of the ten acres right on the frontage line for an accel lane out of that area. We had discussed the possibility of doing that but we had also discussed the issue of the property on County Road 56 next to the sewer plant that we were interested in talking to the City about in exchange for that. This is all discussion right now.

We need to inform, or discuss this in little more detail with the Fair Board but that was the extent of the discussion. I think what the City would like to ask is that we move quickly in terms of providing them some type of guidance in being able to use a small, thin strip for an accel lane along our Rodeo Road property. So with that, Mr. Chairman, that was the issue.

COMMISSIONER DURAN: I had heard we might be discussing it at the next meeting. Is that still the plan?

MR. SÁNCHEZ: I think, Mr. Chairman, at the next meeting we'll certainly have more information because I know that I'm supposed to be receiving a letter from the City Manager responding to some of the questions we had raised in a letter to them about that issue. So at the next meeting I can give you an update and I'll follow through on that. I think the big issue right now is if the Commission is not uncomfortable with us giving them some direction about the accel lane then we can work with them, also recognizing there's other outstanding issues that we want to work with them also.

COMMISSIONER TRUJILLO: Mr. Chairman, I apologize for being late. Was the resolution supporting House Bill 477 considered?

MR. SÁNCHEZ: Mr. Chairman, Commissioner Trujillo, that was included on an amendment that is under Matters from County Commissioners, which is the next item.

CHAIRMAN GONZALES: Are you done with matters from the manager?

MR. SÁNCHEZ: I'm done if you're done asking me?

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X. F. MATTERS FROM THE COMMISSION

1. Resolution No. 1998-14. A resolution supporting an amendment to House Bill 477 concerning the Santa Fe Relief Route and Highway 84-285

COMMISSIONER TRUJILLO: Yes, I think Domingo worked on the resolution and essentially what the resolution is saying is for the engineering of the relief route to be more sensitive to visual, noise and aesthetic emphasis. There are some amendments that have been included in the legislation and essentially this is from the surrounding neighborhoods to do that.

MR. SÁNCHEZ: Mr. Chairman, Commissioner Trujillo, we've done that and it is a version that is not as lengthy as the original request came in. The reason that we felt we wanted to be careful on how we approach this is because the Commission was very supportive of the Las Campanas issue as we were trying to resolve the right-of-way for the bypass and has been very supportive of the need for the bypass. It's my understanding that as we're speaking or maybe it's already over that there was discussion between the City and the Highway Department on this very issue and I was just told that a few minutes ago. So they are having favorable discussions about this issue. But we have a good working relationship with them and the County has supported this so we were just a little concerned about making sure that we didn't do anything to jeopardize that. But there's still supports for those changes to House Bill 477 as requested.

COMMISSIONER ANAYA: Do you have a copy of 477 for review?

MR. SÁNCHEZ: Mr. Chairman, I do and I can get it for you.

COMMISSIONER ANAYA: Okay, Mr. Chairman, Domingo, what I see is the House Bill 477 is mainly appropriates for various projects. I'm trying to figure out how our resolution would impact 477.

MR. SÁNCHEZ: Mr. Chairman, as you've indicated the bill is an appropriation for a number of different types of projects that would be bonded and to get the language changes as presented, number one, I'm not sure they fit in with the bill, but that's beside the point. I think the issue is, and this is what I'm most concerned about, is if we suggest something that is taken in a bad way by the Highway Department and given the discussions they're already having with the City, and they then make a decision to pull the funding, we really shoot ourselves in the foot and I'm hoping that those discussions are going well over there because otherwise, we stepped in under the Las Campanas issue, and I'd like to think we're a part of what resulted in us getting to go forward. I would hate for us to be part of what undoes it. I'm hoping again that things go well and that it's not a big issue and that's why we're suggesting that we are careful about the language that we employ.

COMMISSIONER ANAYA: Item E, page 4 could be line-item vetoed by the governor.

MR. SÁNCHEZ: It could be or the Department may just say, too many

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problems. We've gone through the public process, we've had the hearings, we've gone through all the requirements and now this imposes an additional financial burden we can't live with in the operating budget or the suggested amount for this project, therefore we're going to pull it into another project. We don't want to jeopardize that in any way.

COMMISSIONER ANAYA: I understand. Thank you.

COMMISSIONER TRUJILLO: Mr. Chairman, I understand though, that at this point there's concurrence among the legislative delegation that they agree with the proposed amendments which are essentially to change the engineering to make it more safe and make it more aesthetically pleasing from a noise and from a visual perspective. So there is support from the legislative delegation for that. And in fact, if these designs are not made now, it will impact the community in a disparate way. Later on, they're going to have to be made and they're going to cost a lot more money.

MR. SÁNCHEZ: Mr. Chairman, Commissioner Trujillo, I agree. The support could be there. The issue would then be how much do you attach for that type of an add-on to the project. And again, once you start driving the price tag up for this project, the executive could make a decision or say that it's too costly. We can't live within the dollars we had designated for this specific project and then have the project put on hold, or maybe not even done at all, although I know it's an appropriation, but they don't have to spend that appropriation but they don't have to spend that appropriation within the given time.

Just like we stand to lose monies that are appropriated for specific purposes or projects within the County and we're fighting that deadline. The same thing could happen here. They could choose -- again, depending on how they felt about the way you approach it. We'll just let it expire. And that's something again, we don't want to jeopardize.

COMMISSIONER TRUJILLO: All this is is a resolution of support of the proposed amendment.

MR. SÁNCHEZ: That's correct. And if the legislature chooses to make it, we have been supportive of that and again what happens between discussion with the City and the state and other people that choose to intervene and discuss with them happens. At least we don't contribute to anything negative.

COMMISSIONER TRUJILLO: I understand the City also is passing a resolution that is favorable on those amendments.

MR. SÁNCHEZ: Mr. Chairman, that's my understanding, but I don't know what is included in the language of that proposed resolution. I've not had an opportunity to review that.

COMMISSIONER TRUJILLO: This is really innocuous. It states support for the amendment.

MR. SÁNCHEZ: That's correct.

CHAIRMAN GONZALES: Is there any other discussion? What's the pleasure of the Commission?

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COMMISSIONER TRUJILLO: Mr. Chairman, make a motion to approve Resolution No. 1998-14, a resolution supporting House Bill 477 concerning the Santa Fe Relief Route and Highway 84-285.

CHAIRMAN GONZALES: Is there a second?

COMMISSIONER DURAN: Second.

CHAIRMAN GONZALES: Is there any discussion? If none, all in favor of the resolution as presented signify by saying "aye." [Commissioner Trujillo and Commissioner Duran voted in the affirmative.] Opposed? [Commissioner Anaya and Commissioner Griñé voted no.] The chair goes with the makers of the motion.

Any other Matters from the Commission? I have a couple of issues. Domingo, can we get notice for the 24th discussion or decision by the Commission on whether to participate in the Atalaya purchase? I've been asked that that come before this board. And recommendations from staff in looking for the \$200,000 which request has been made.

Also right now in Madrid, next to the firehouse there's a tank there that I don't think we can use but I understand it's only a \$2000 or \$3000 investment that we'd have to make to upgrade the tank. Is that right? Steve, do you have an idea of if it would be about \$3000 to upgrade the tank? But I think that with the population growing in Madrid, that's something we should step in and be able to do rather than having that community try and raise the money. That's the only tank, I think that we would be able to use if we had to fight a fire and it's just kind of crazy that we haven't been able to do it.

MR. SÁNCHEZ: Mr. Chairman, is it a storage tank?

CHAIRMAN GONZALES: Yes, it's a water storage tank right next to the fire house.

MR. SÁNCHEZ: I think that we can probably look at something in line with what we're doing even on the project out there. I was not aware of any need for a storage tank or any discussions about the one that's out there not being adequate or --

CHAIRMAN GONZALES: Right now, the one that's out there [inaudible] but we can't use that one right now, is that correct?

STEVE VOGEL (Fire Marshal): Mr. Chairman, it's in a state of disrepair right now. Steps are being taken to assess its condition.

CHAIRMAN GONZALES: Well, whatever we do, let's make those decisions quick and get in there and either cut up the tank if they can't use it or fix that one and get it built. I'd like a report back if I could Steve, at the 24th meeting as to some definitive action about that.

The other thing is that I want to ask the Commission to -- the community of La Cienega has been working on a five-acre request from the State Land Office that they put up a cultural center. In my discussions with the land office, they can only lease it to the community for five years, a five-year basis, but they can lease to the County for 25 years, I believe. So what I'd like to ask the Commission is to allow the County to lease this five acres on behalf of the community of La Cienega and to basically at that point sublease it,

possibly to La Cienega Community Association so that they could proceed forward with their plans to build a multi-cultural facility.

I understand the cost of the land has been arranged between six to eight thousand dollars a year. That's what the State Land Office has indicated, and I'm hear to ask the Commission to allow that appropriation to occur on behalf of that community. I asked the staff, I think [inaudible] allocated about \$10,000 for playground equipment out there and I asked the staff to put that on hold. I don't think there's been any playground equipment that we allocated in our budget and that would be the source at least for this year to cover at least this lease payment and then it would be on an annual basis and I'd come back and ask the Commission to support that lease. So I told the community I would you tonight. It is something they're very excited about. They've worked on it for a long time. The issue is having the Commission come in and one, pick up that lease payment and two, allow the staff to [inaudible] for 25 years.

COMMISSIONER DURAN: I think it's a good idea that we allocate funds to these communities. I think it's a good thing to support.

CHAIRMAN GONZALES: Is there any opposition on that? It's a recurring cost and it's just something we would have to come back and do, represent our district and ask on an annual basis to support that. Okay, while we're at it, I send a direction to the staff to proceed in working on that lease with the State Land Office. I believe that is it.

COMMISSIONER DURAN: I don't know why they've chose me to help them in this situation but animal activists in the community have asked for my assistance. Pawprints has given the County 90 days notice and I've been asked to help them find a site for the County animals. I know I shouldn't have chased those cars when I was a young kid. So I was just wondering if we could have the discussion. I've talked to the Sheriff and the Sheriff is in support of my assistance. I've been getting a lot of calls from people out there that feel that the animals would be better taken care of, and I talked to Sheriff Montano and together we're going to look at the animal control that we have so that we can finally deal with the animals that the fashion that the community feels they should be taken care of.

I'm just kind of letting you know what's been going on and I know that we need to start dealing with a place for them, right?

MR. SÁNCHEZ: Mr. Chairman, Commissioner Duran, we're looking at developing an RFP now, so that, since we did get the notice, so that we can issue that and see what type of response we get from the public.

COMMISSIONER DURAN: Would this be another emergency situation?

MR. SÁNCHEZ: Ninety days, I don't think so. I think that we can probably work within that time frame to try to get an RFP out and then get everything in place by the time we run out of time. The other thing, I don't know that this is actually on good word, but someone mentioned to me there was some interest in Pawprints living through the end of the fiscal year as originally signed in the contract. But I haven't heard anything official. So I think that we can probably work within the 90 days and then if we need a little more

time I suppose we'll just deal with it as we need to.

COMMISSIONER DURAN: I'd like to see, before we develop an RFP that we actually address the concerns and the needs of the animals before we develop something. There's no need, in my opinion, to develop an RFP if the one that we had before which allowed us to go to Pawprints, or caused us to go there, wasn't sufficient because the reports from the Sheriff was that they had to go out and hire veterinarians where before they were provided by the animal shelter. I would like to suggest that before you prepare an RFP that we actually analyze the needs the current ordinance requires us to fulfill.

MR. SÁNCHEZ: Mr. Chairman, Commissioner Duran, the current ordinance to which you refer isn't necessarily going to drive all the related expenditures associated with the program but it does have -- the animal ordinance provides guidelines for how we're going to be treating or citing people with respect to their animals. But it doesn't necessarily address specifically the requirements of the program and the expenditures per se. It has a fiscal impact, no doubt, because of the enforcement, but it doesn't necessarily speak to some of the issues that have surfaced about the needs for services of whatever type at the new location or that were maybe received at the old location.

I think that in terms of developing the RFP we can flesh out all the operational issues and address them, not in an emergency manner, which is what we did the last time, but address them. And then we have now the institutional memory and understanding of the program when it resided in two locations. So we'll draw off of the experience from both in developing the overall RFP. We'll also do that in discussions with -- because we would be doing it for the Sheriff's Department and Animal Control personnel. So I think that we can fashion an RFP that addresses all the areas.

The ordinance though, if you pursue the ordinance, that issue, or the issues within the ordinance, could, from a financial impact affect the budget of the Animal Control Division. Because you might make it tighter. You might require more things in there that currently aren't issues that we would consider. So they're kind of parallel, but there's also a distinction between what one does and the other.

COMMISSIONER DURAN: I think whoever the provider turns out to be after we develop an RFP, I really believe that the public outcry right now for a partnership that involves the provider, the County and the private sector, I believe that in an emergency situation, had we had a little bit more time, I think we would have found that the private sector would been willing to participate somehow in the care of the animals. I think what we should start doing is to try to build a partnership between those three entities.

MR. SÁNCHEZ: So am I.

CHAIRMAN GONZALES: Okay, any other issues? Thank you.

X. G. MATTERS OF PUBLIC CONCERN - NON ACTION ITEMS

HELEN BOYCE: Mr. Chairman, Commissioners, my name is Helen Boyce and I'm before you again with a seemingly simple matter that's turning into something long term and really difficult. As you know, I have approached you for years concerning a signing of a small, very small road, dirt road which has been given the name Turquoise Trail. I mentioned years ago that this was a duplication of names in the County and that the Turquoise Trail is designated by the Highway Commission in 1975 as the road that's State 14.

I am a member of a steering committee which is working with the Highway Department concerning the repair of the stretch of 14 between the Lone Butte and Madrid and as you all know, I'm also a member of the San Marcos Association and chairman. We've many times come before you. I visited the road advisory committee and I've written a letter in April 1996 to the Commission requesting that the sign be removed or changed from Turquoise Trail to perhaps an addition, Turquoise Trail Lane, or Avenue or Circle and the sign's still up.

It is very confusing for visitors who come on to the Turquoise Trail, looking for an address and turning into that little road because that sign is there in the middle of the night. I believe even that the road is a dead end. The sign as it's there does not note that. If you have ever driven that little road, which is only about 12 or 14 feet driving lane each way, I mean one way for two cars to be able to maneuver after a storm or rain or snow melt, you get stuck. I have accumulated documentation on this particular name. I just want to quickly read to you the resolution that was made December 5, 1975 whereby the Highway Commission declared, "Now therefore be it resolved by the New Mexico State Highway Commission that State Road 14, from its intersection with I-40 east of Albuquerque, to its intersection with I-25 south of Santa Fe be designated a scenic route and appropriately signed designating it as the Turquoise Trail."

Ever since then you've probably noticed that on each of the ends of this particular road there is a highway sign saying Turquoise Trail. The Highway Commission reaffirmed the designation in May 30, 1996. This seems to be, as I said, such a simple matter. Actually, as I've told you before all you have to do is take that sign and twist it so that it will say according to State 14, the Turquoise Trail. We're running into problems with visitors, the Post Office, the post mail delivering our mail. We're now all numbered, as you all know. My number is 3741 Turquoise Trail. But the postman goes to that little road and of course doesn't find the number 3741.

I would like to leave this document with you in your good hands and I hope you pass it on to the appropriate addressing or road advisory committee, wherever this has to go and perhaps Mr. Gonzales when he visits with us on the 19th, can give us a progress report on this subject.

CHAIRMAN GONZALES: Thank you. Let me ask Larry to maybe address

issue as you know and help us channel this so we can get some resolution. Because I know Helen is absolutely right. If there's been anything she's ever asked me for in the past three years it's been to work on this sign. I'm not sure why it's an issue.

LARRY VELASQUEZ (Public Works Director): Mr. Chairman, Commissioners, I recall that we've worked on this but I don't recall what the resolution was, so what I'm going to do is go back what it was we did about a year ago when we worked on it.

CHAIRMAN GONZALES: So can I get an answer back before the 19th. In fact Larry's going to be going out to that meeting with me Helen. So we'll make sure we have what we can do and what we can't do to get that thing resolved.

MS. BOYCE: It needs to be done.

MR. VELASQUEZ: We'll get on it.

CHAIRMAN GONZALES: Can I give you this? She has here a Public Works customer service request that's just been made. Are there any other matters of public concern?

X. D. 2. Executive Session
a. Pending or threatened litigation

The Commission went into executive session following majority roll call vote with Chairman Gonzales, Commissioners Trujillo and Anaya voting "aye" and Commissioner Griñé voting "nay" with Commissioner Duran out of the Chambers.

[The Commission met in executive session from 7:10 to 7:25.]

Commissioner Anaya moved to come out of executive session, noting the discussion was of pending or threatened litigation. His motion was seconded by Commissioner Griñé and passed by unanimous voice vote.

XI. PUBLIC HEARING

A. LAND USE DEPARTMENT ITEMS

1. CDRC Case #MIS 97-5531. Santa Fe Airport Grill Liquor License. City of Santa Fe, applicant, requests approval of a liquor license for Santa Fe Airport Grill. The property is located at the Santa Fe Airport, within Section 15, Township 16 North, Range 8 East

RUDY GARCIA (Development Review Specialist): Mr. Chairman, I'd just

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like to remind the Commission that on November 12, 1997 the Board of County Commissioners approved a request for a zoning statement by the City of Santa Fe Airport for the sale of alcohol at this location. What we're doing tonight is we're actually only approving the ownership change of this license. The recommendation: Staff recommends that the proposed transfer of the license A-2448 be granted.

CHAIRMAN GONZALES: Okay, any questions of staff?

COMMISSIONER TRUJILLO: Mr. Chairman, this license will go to the Santa Fe Municipal Airport, but will that include the full gamut of liquor distribution, beer, wine, hard liquor, everything?

MR. GARCIA: Mr. Chairman, Commissioner Trujillo, it is by the drink only. There is no package liquor. They will not be able to sell package liquor. There's no drive-through. You have to go sit down and have a meal and that's the only way you'd be able to get served.

COMMISSIONER TRUJILLO: Initially, was this a proposal for beer and wine in that restaurant or am I confused?

MR. GARCIA: Mr. Chairman, Commissioner Trujillo, a beer and wine license is a license that -- Commissioner Anaya can correct me if I'm wrong, but a beer and wine license is a license where you go to a restaurant and you can purchase beer or wine sitting down having a drink. There's no package liquor. There's no mixed drinks and no hard liquor. In Santa Fe County through a state statute, in order to get a beer and wine license you need to petition the Board of County Commissioners to be placed on the ballot and you need to have, I believe is so much of a percentage of the voters agree to have beer and wine licenses throughout Santa Fe County and the County of Santa Fe has not ever done a beer and wine license through an election ballot.

So the licenses that we do have in the County is a full liquor license but this type of license through the lease agreement that the City has with the cater that's going to be located in there is similar to a beer and wine license in that they're not going to sell package liquor. You have to sit down and order something to eat in order to get liquor. There is no bar in this restaurant. It's strictly a refrigerator that has beer bottles in there and then it does have wine in there. There's no bar.

COMMISSIONER TRUJILLO: Have you heard from the community regarding this transfer?

MR. GARCIA: At the last hearing there were several community members that did not want the zoning statement for this location. I believe they're here in the audience and they would like some sort of testimony, I believe on the issue.

COMMISSIONER TRUJILLO: Thank you, Rudy.

CHAIRMAN GONZALES: Any other questions? Is the applicant here? Please step forward.

[Duly sworn, Michael Halpin testified as follows:]

MICHAEL HALPIN: My name is Michael Halpin. I live at 1411 Santa Rosa

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Drive in Santa Fe. Mr. Chairman, I'm the airport manager and I'm also the resident agent for the City of Santa Fe in the application for this liquor license. As was stated, not that it's changed since you last voted on this in November on the zoning statement, but I wanted to address a couple of concerns that have come up in our community hearings and in past discussions. It basically boils down to DWI concerns, and if you will, FWI concerns -- flying while intoxicated. Number one, for DWI, I don't think it's going to be a problem out there, because as was stated, you can only buy alcohol with a meal. There's going to be no bar. You can't go in and drown your sorrows. You have to order a lunch or dinner and you can have a couple of beers with it.

If you decided to get drunk out there you're going to have to get pretty fat too. I don't think a lot of people are going to want to do that. We anticipate that most of the sales of alcohol will be to airline passengers, people waiting to get on a plane. We don't think they're going to drink and then get back in their car to go home, because most people who get off a plane just go straight home. The other fear expressed was pilots getting drunk and going out and flying. I can assure you that is not a problem. If it was a problem they'd be doing it now and you'd be reading about an aircraft accident at least once a week. As every pilot knows takes all your ability and if you're not up to full speed you're going to crash that plane.

Usually, you're going to crash before you take off, while you're taxiing. Most alcohol related aircraft accidents, less than 1/2 of one percent of all aircraft accidents involve alcohol, most of those occur while the pilot is taxiing out and runs into another plane or something. Not when he's in the air. The requirement for pilots with regards to drinking and flying are a whole lot stricter than driving and drinking. Under FAA regulation 91.97 requires eight hours between the consumption of any alcohol and the flying of an aircraft. While it would be perfectly legal for you to have a beer at a bar and get in a car and drive home, as far as aviation is concerned, as soon as you have one drink of a beer you'd have to wait eight hours before you could pilot a plane.

Because of the seriousness of it, it's rarely done. The legal levels of being drunk while flying is .04%. For driving it's .08%, so there's even a stricter standard there. And because these pilots have both an investment in the airplane, which sometimes can cost more than I make in my whole career, and they have thousands of dollars invested in getting their pilot's license, they do not want to risk that, and they don't want to risk their lives. Flying while being drunk is not a problem.

So with that I just want to answer your questions and address any concerns that they public may bring up.

CHAIRMAN GONZALES: Any questions of the applicant?

COMMISSIONER TRUJILLO: A couple questions, Mr. Chairman. You said that you had to eat a lot of you're going to get drunk. Do you limit it to drinking with a meal?

MR. HALPIN: The operator of the restaurant is here. His plan is to limit

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you to a couple of drinks with your meal. But you can't go in and buy a bag of chips and drink a six-pack of beer; that's not going to be allowed.

COMMISSIONER TRUJILLO: Thank you, Mr. Chairman.

CHAIRMAN GONZALES: Any other questions? Okay, this is a public hearing. Is there any one who would like to address the Commission concerning this issue? Please come forward.

[Duly sworn, Leonard Trimmer testified as follows:]

LEONARD TRIMMER: My name is Leonard Trimmer. I live at 118 Camino Montoya. My property borders the Santa Fe Airport property. I'm one of those people that are concerned about the pilots drinking while getting ready to fly a plane or whatever. In testimony, it was a beer and wine license that everybody was under the impression they were getting. Now we found out it's also hard liquor. Later on something else will be changed I'm sure. But what I'm worried about is that pilots coming in from other places, stopping, you don't know who they are. They could be just like you or me. They don't wear uniforms, getting a drink and going out in a plane and causing havoc. We now have homes around that area.

It's building up more and safety is a concern of ours out there. One of the Commissioners knows how it was once before out there with the beer and wine and booze and everything going on out there. They didn't know who was a pilot and who was a passenger. Nobody knows. You see somebody drinking and whatever. I was criticized for not saying anything once before about the drinking out there before. You can't very well talk to the fox, because it was people working out there that were drinking also.

I don't know if it's changed or not, but I don't want to chance it. I live out there. You're our last line of defense. You are our Commissioners. We can't vote in the City. The City says phooey, we are not going to listen to you people. That is City property and surrounding County land. So I wish you would really consider safety as you were considering the safety of the airport in the southern part of the County for the resolution you were talking about. That seemed to be a concern of yours. Could you please make it a concern now? I ask you. Thank you.

COMMISSIONER GRINÉ: Mr. Trimmer, have you ever been in an airport?

MR. TRIMMER: Yes I have.

COMMISSIONER GRINÉ: Did they sell alcohol?

MR. TRIMMER: In the terminals, yes.

COMMISSIONER GRINÉ: [inaudible]

MR. TRIMMER: I understand that.

COMMISSIONER GRINÉ: Have you ever flown on a major airline?

MR. TRIMMER: Yes I have.

COMMISSIONER GRINÉ: Have you ever had alcohol served to you on an airline?

MR. TRIMMER: Me, no. I don't drink on a plane.

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COMMISSIONER GRINÉ: Have you seen alcohol served?

MR. TRIMMER: Yes.

COMMISSIONER GRINÉ: Have you read of many airplanes crashing in major airports?

MR. TRIMMER: Yes, they do crash.

COMMISSIONER GRINÉ: Because of alcohol related?

MR. TRIMMER: I don't know about that. What I'm telling you, Commissioner is Santa Fe Airport is known as one of the dangerous airports in the country. It is well known because of their radar and their other facilities out there.

CHAIRMAN GONZALES: Thank you for your input. Next please. Remember to state your name and your address for the record.

[Previously sworn, Troy Nofling testified as follows:]

TROY NOFLING: My name is Troy Nofling. I live at #10 Camino Alondra, Vistaland Subdivision. Mr. Chairman, Commissioners, I'm here representing Vistaland Homeowners Association and we'd like some clarification on several items. Number one was a clarification which was answered earlier by Mr. Rudy Garcia stating that it's not only a beer and wine license, but they're also going to sell hard liquor.

The other concern we have is the County legally bound to grant them a license? And if they're legally bound, what would be the outcome if they were denied? Those are the only questions I had.

CHAIRMAN GONZALES: Steve, can you answer the questions please.

MR. KOPELMAN: Excuse me sir. Could you just repeat them one more time please.

MR. NOFLING: The first question was is the County legally bound to grant them a license and the number two question was what would be the outcome if they were denied?

MR. KOPELMAN: Mr. Chairman, sir, basically this matter is before the Commission because it has to make a decision, so inherent in that decision is the right to approve or deny. A denial with a valid basis would be appropriate as would approval with a valid basis. If it were denied, there would have to be a record sufficient to demonstrate the reasons and be supportable in a court of law.

MR. NOFLING: Okay, would the County be legally -- would they be sued? Can the County be sued if the license was denied?

CHAIRMAN GONZALES: Anyone has the right to sue the County.

MR. NOFLING: I'd just like to make one more comment. We're not just worried about the air traffic but there are commercial flights coming in with people drinking, being served and getting in their cars and driving away. That's the only comment I'd like to make.

CHAIRMAN GONZALES: Thank you for your input sir. Next please.

[Previously sworn, Maryann Nofling testified as follows:]

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MARYANN NOFLING: My name is Maryann Nofling and I also live at #10 Camino Alondra in La Cieneguilla. I also represent the Vistalands Homeowners Association, the Airport Committee. Concerned citizens for the City and County of Santa Fe who strongly opposed the Santa Fe Airport Grill obtaining the liquor license on October 30, 1997 by the County Development Review Committee. We gathered petitions with close to 300 signatures opposing the liquor license. We strongly oppose a liquor license of any kind, whether it be governmental or individual.

Airport safety is a major concern of our community. Out of 250 flights out of the airport daily, we understand that only five of those are commercial airlines. Our concerns are not only with pilots drinking and flying but with the clients drinking and driving. How can this be controlled with as many as 250 pilot flying in and out daily, and possibly as many people driving in and out of the airport daily. The fact that the roads surrounding the airport are poorly lit and the 599 and Airport Road intersection is a very dangerous one. This adds to our concerns. Also, 599 is the route that WIPP will be taking for transporting radioactive waste. That is also a major concern.

We feel that City and County have allowed the area around the airport to grow both in residential, with over 250 homes and many businesses, including Honstein Oil Company, which is a distributor with huge holding tanks, which creates another safety issue because it is along one of the major flight patterns by the airport. Our last concern is that the Santa Fe Airport Grill assured us that there would be a limit of two drinks per eating customer. We were also assured that the airport grill would only sell beer and wine until 5 pm daily. Does the governmental liquor license change that agreement. We feel we have no control over the situation. I think you for listening to our concerns.

CHAIRMAN GONZALES: Thank you. Any questions?

COMMISSIONER TRUJILLO: Understanding that you aren't sitting in a bar consuming drink after drink after drink and I think Mr. Halpin said there's a limit of two drinks with dinner. It's a social consumption of liquor. Do you understand that it's not dispensing of liquor drink after drink after drink until somebody staggers out of the building, but consumes a couple of drinks with their dinner.

MS. NOFLING: I understand that concept, and I really respect them. But New Mexico is one of the highest cities with high DWI records and Santa Fe being the number one in New Mexico, that concerns me.

COMMISSIONER TRUJILLO: Do feel that the owners cannot control?

MS. NOFLING: I'm concerned about that, yes. And we also witness the airplanes flying very low over our homes, which frightens us because we wonder are these people drinking? Are they safe? I'd like to know who regulates when a pilot is supposed to take eight hours before flying after having a drink. Who's out there to do that?

CHAIRMAN GONZALES: Thank you. Anyone else like to address the Commission concerning this issue.

[Previously sworn, Ken Mock testified as follows:]

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KEN MOCK: My name is Ken Mock. I live at Route 9, Box 16-d in the County. Speaking for myself but I'm also the president of the Santa Fe Air Show. I'm a pilot, spent eight years in the Air Force. I've been around airplanes since the early fifties. Pilots have a tremendous amount of money invested in their license. I have over \$15,000 in mine. The airplane I fly is worth about \$80,000 and all those are negligible when you talk about my life or the life of one of my -- and I can't say passengers, because I'm not a commercial, but someone else in the airplane with me.

If a pilot gets a driver's violation for alcohol you lose your license to fly. Bam. It's not like the state, where if you get a DUI you can get 15 or 20 of them if you're lucky and never lose your driver's license. The FAA does have ramp checks and they check on people. They are walking around and any pilot that I know that saw anybody they suspected of being drunk might get a little bit of a problem, because they'd probably just go out and get the keys to the airplane and call the police and take the consequences of their actions but they'd at least alleviate that problem.

With two drinks and a meal, I don't think it's going to be a problem. You have to have eight hours before you can fly. Pilots are a lot more disciplined than the average person, not better, but a little more disciplined in this area. There are a few people that do violate it as in any group. The FAA had a random drug and alcohol testing, which was reduced from 25% per year to 5% per year just two weeks ago because of the findings that alcohol and drug abuse were not rampant like it was suspected originally. For that reason, I don't see a problem out there. As was stated earlier, most of the people partaking will be people going on the airline. It could be somebody coming back into town but two drinks and a meal before you drive home, I don't think that's a real problem and people should take care of themselves. We don't need Big Brother looking over our shoulders for anything. Thank you.

CHAIRMAN GONZALES: Thank you. Any questions? Next please.

[Previously sworn, John Hendries testified as follows:]

JOHN HENDRIES: My name is John Hendries, Box 1947, Santa Fe. I am the Santa Fe Airport Grill. I'm the guy that's going to make sure that there's not more than two drinks a person and the guy that's also going to make sure I don't open a bar. In fact if you've been out at the airport recently, when we moved in there, the first thing I did is we tore out the bar. We literally threw it away. I've been in the bar and restaurant business for half of my life and the next half of my life I have no plans for being in the bar business.

When we opened the restaurant down there we opened the doors at about 10:00 in the morning and a couple of people came in and the first question I was asked there was can I have a beer. To which my reply was, why do you want a beer at ten o'clock in the morning? And I begin to realize that they get out from my place and they're going on a little 20-passenger plane, or the bigger one that Aspen flies and people get a little nervous getting on that plane. Like me, I don't drink, except when I go to the airport and I go to get on a plane.

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We get asked at least half a dozen times a day for a drink. My regular customers out there are the people who live there are the people who work at the airport and they've never asked me for a drink. I don't suspect that they're going to do that. My basic customers are these people waiting for the four Aspen flights and the four United flights a day and that's what we're looking for. On a couple of the concerns I would apply for a beer and wine license but the County doesn't have beer and wine licenses. I've got to go for the full liquor license. But my lease with the state clearly states that I can only do the beer and wine. I can only do it with the meals and I'm perfectly comfortable with that. I don't have a problem with that. As I say, we've torn out the facility to serve by the drink anyway.

I'm looking at a comfortable family atmosphere. I'm a family guy myself and no plans in opening some raucous bar like people tell me that used to be there. If I'm not there, this license reverts back to the City, so it's not like the City can transfer it to someone else without coming back and talking to you gentlemen. You can look at the next person straight in the eye and say are you going to do something else that's not going to work?

I also want to mention I'm going to be the only place in town with a cop on premise, because we do have a policeman who lives in our parking lot out there in a trailer the City provides him. We also have the shooting range about 300 yards down the road, which is constantly full of the PD, the Sheriff's Department and the Highway Patrol. That's probably the most patrolled stretch of road in the state of New Mexico because these guys are over there driving up and down. I learned that the hard way when I first drove down that road at 35 miles an hour. So if you're ever driving to the airport don't drink and don't speed.

CHAIRMAN GONZALES: Any questions?

MR. HALPIN: Mr. Chairman, if I could, I'd like to address a couple of the issues brought up. First of all, to defend my airport, there is nothing that I've ever seen or ever heard of that has stated that the Santa Fe Airport is one of the most dangerous airports in the country. We just don't have the accident rates or the problems that some of these other airports have. There was a concern brought up about the commercial airline passengers drinking. Basically you've got two types. You've got the outbound, who if they have a couple of drinks there, they're going to get on the plane and fly off to Denver or Dallas. So they're not going to be driving back into Santa Fe.

The inbound passengers, if they have a couple of drinks on the plane, the airlines are restricted by FAA regulations. They cannot keep serving somebody drinks until they're drunk on the plane. So they airlines will regulate that and take care of that. There was a concern of the low-flyers flying around. Most of the low flyers you see right in the vicinity of the airport are in the pattern. They're either in the process of taking off or landing, and that's why they're flying below the minimum 1000 foot level.

Two other things I'd like to bring up. Right now I'm working on next fiscal year's budget and one of the things I'm looking to get is a security officer to be there to start with at night and eventually to have a full 24-hour security officer there and one of their jobs would be to control the parking area and the traffic and keep an eye out for any DWI people.

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Right now, even without a liquor license, we get people on the weekend that think this is a good place to come out, go hide behind the trees or something and drink a six-pack of beer. So we're trying to take care of those people.

We're also seeking funds to put up a bunch of street lights on that road going in to the airport because it is very dark on a moonless night. So we're trying to get the money to take care of that problem also.

CHAIRMAN GONZALES: Thank you. Any questions? All right. What's the pleasure of the Commission?

COMMISSIONER DURAN: Mr. Chairman, I think there's good pilots and I think there's bad pilots. I think whether or not you have a restaurant serving alcohol at an airport or not isn't going to make a difference. If a bad pilot wants to have a drink, he's going to. I would like to make a motion to approve CDRC Case #MIS 97-5531 as submitted.

COMMISSIONER ANAYA: Second.

CHAIRMAN GONZALES: There's been a motion and a second. Commissioner Duran, there have been some statements during the testimony that there was only going to be two drinks served per customer and I understood that they only were going to be served with meals. That's one of the questions Commissioner Trujillo was asking. So can we make that one of the friendly amendments and the conditions that there is only a maximum of two drinks allowed and they must be served with meals as was stated by the applicant tonight?

COMMISSIONER DURAN: I don't see why we need to restrict someone's business. I would not accept that as part of my motion.

COMMISSIONER ANAYA: Mr. Chairman, I'd kind of like to explain the rationale behind this type of license. First of all, it's a governmental license. It cannot be sold and transferred. The City of Santa Fe will own the license. People here will be acting as agents for the City of Santa Fe perhaps. If you can't trust the City of Santa Fe as a dispenser, or a governmental entity as a dispenser, who in the heck are you going to trust? I will support this motion.

CHAIRMAN GONZALES: Okay, all in favor, signify by saying "aye."
[Unanimous] All those opposed? Thank you.

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- XI. A. 3. CDRC Case #Z 97-5610. 360 Communications Cellular Tower - La Bajada Site. 360 Communications, applicant, requests master plan zoning with preliminary and final development plan approval for a 24 foot high cellular tower. The property is located south of County Road 57, east of I-25, within Section 20, Township 15 North, Range 7 East**

PENNY ELLIS-GREEN (Development Review Specialist): Mr. Chairman, Commissioners, the applicant is requesting approval of a cellular site to consist of a 24-foot high mono-pole tower with six antennas. A 24-foot by 28-foot equipment shelter with a six-foot microwave dish on top of it and a generator pad.

Recommendation: The decision of the CDRC was to recommend master plan zoning approval with preliminary and final development plan approval subject to the following conditions.

CHAIRMAN GONZALES: Hold on a second because unless Steve tells us otherwise, this has already been on the table. We need a motion to bring it off the table.

MR. KOPELMAN: Mr. Chairman, thank you, yes. That's correct.

CHAIRMAN GONZALES: So we'll go ahead and take this off the table so you don't have to read everything into the record.

MS. ELLIS-GREEN: Mr. Chairman, staff does recommend a change to condition number one to make it read "All trees will be eight to ten feet high at planting with two and a half inch caliper and will be located to the northeast of the building." And then on to say, "Any dead or diseased trees will be replaced for the entire length of the project."

CHAIRMAN GONZALES: Do I need a motion to bring this off the table?

COMMISSIONER GRINÉ: So moved.

COMMISSIONER DURAN: Second.

CHAIRMAN GONZALES: Any discussion? All those in favor of bringing it off the table, CDRC Case 97-5610 signify by saying "aye." [Unanimous.] All those opposed?

Sorry, Penny. So that was the only modification or adjustment?

MS. ELLIS-GREEN: Right.

CHAIRMAN GONZALES: Okay, are the applicants here? Please come forward.

[Duly sworn, David Olson testified as follows:]

DAVID OLSON: My name is David Olson, 360 Communications in Chicago. Good evening. Our La Bajada site is the last site that 360 Communications will need to put on I-25. It will complete our seamless coverage from the City of Santa Fe out to the County line. It will consist of a 24-foot tower per the regulations. It will have six cellular antennas on top of it and one microwave dish interconnecting to our La Cienega site.

I think we've done a good job working with the Planning Department in insuring that

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this site will be aesthetically pleasing. It will look nothing like the Western wireless site that's currently out at La Bajada. We've got the thing set back well enough to the point that the cellular antennas will be visible. They're small panel antennas. Obviously, we need to have those visible to get line of sight to provide the coverage we're looking for. Other than that, the tower will not be visible and as Penny pointed out, we will be planting trees.

CHAIRMAN GONZALES: Thank you. Are there any questions of the applicant?

COMMISSIONER DURAN: Just one. Does that mean that when you top La Bajada Hill your phone won't --

MR. OLSON: It's actually as you go south towards Albuquerque, when you go in that area, you're phone drops if you're carrying a call. Or you won't be able to make one. Now, you'll be able to complete the call all the way to the County line.

COMMISSIONER DURAN: Will it switch to roam there though?

MR. OLSON: It will switch to roam after you cross into the County line. You'll get a little bit of a bleed into it, but we're really going into another carrier's coverage.

CHAIRMAN GONZALES: Any other questions? This is a public hearing. Is there anyone who would like to speak for or against this issue? Okay, what's the pleasure of the Commission?

Commissioner Grifé moved to approve CDRC Case 97-5610 with the amendments. Commissioner Duran seconded the motion, which passed unanimously. [3-0. Commissioner Anaya was not present for this vote.]

XI. A. 4. CDRC Case #Z 97-5660. SP Construction Fiber Optics Station. SP Construction, applicant, Richard Gorman, agent, requests master plan zoning with preliminary and final development plan approval of a fiber optic station. The property is located south of the railroad tracks in the town of Lamy, within the Bishop Lamy Grant projected Section 33, Township 15 North, Range 10 East

MR. GARCIA: Mr. Chairman, I don't know if you Commissioners would like the entire report read, or if we can maybe make it part of the record and go to the recommendations.

CHAIRMAN GONZALES: Why don't you give us just a summary, Rudy, and then go to the recommendations of the issue.

MR. GARCIA: Mr. Chairman, Commissioners, the applicant is requesting approval for a fiber optic utility substation. We're roughly looking at a 1300 square foot cable switch station. The building will consist of roughly 1000 square foot. It measures 113

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by 12 feet in width and it's ten and a half feet high. At one time at the CDRC level the applicant was placing this substation east of the depot, so many hundred feet. The area residents wanted it not located near their homes. It got tabled at the CDRC to work with the area residents and since then they have moved the site 400 feet still east, where there's basically no homes in that area. The community at the CDRC level agreed to that site.

The recommendation is the CDRC on January 29 granted master plan zoning approval with preliminary development plan approval only, and final development plan to be reviewed and approved by Land Use staff subject to the following conditions:

1. All utility lines will be underground.
2. The wall surrounding the facility and the outside of the building will be a stucco finish with an earth tone color.
3. The applicant will submit a landscaping plan in accordance with Article III, Section 4.4.4.f of the County Code to include a mix of trees and shrubs, height at planting and watering schedule.
4. Any dead or diseased trees will be replaced for the entire length of the project. This should be noted on the master plan.
5. The applicant will address all staff redlines.
6. A monitoring device for smoke and heat with an audible outside alarm and a Knox Lock entry system will be installed as required by the Fire Marshal.
7. The master plan will be recorded with the County Clerk prior to the issuance of a grading permit.
8. Applicant submit plan showing limits of construction, to be reviewed and approved by staff prior to final development plan approval.
9. Applicant submit dust control measures prior to final development plan approval.
10. The applicant shall verify setbacks and topography when staking the project prior to development permit being granted by Santa Fe County.

CHAIRMAN GONZALES: Any questions? Will the applicant please step forward?

[Duly sworn, Harold Moya testified as follows:]

HAROLD MOYA: My name is Harold Moya. I work with Richard Gorman Associates. Our address is P.O. Box 8841, Santa Fe, New Mexico. We represent the SP Construction and Qwest Communications in their request for your approval of a fiber optics substation. The project is located in Lamy, New Mexico. It is southeast of the Lamy train station. Access is via County Road 33C. As Mr. Garcia mentioned in his presentation, we've met with the concerned neighbors and we've moved our site to this location and they agree with the site location and they don't have a problem with the project any more. They have no opposition. We've read all the conditions of approval. We agree with staff's conditions and we accept them. If you have any questions regarding the overall application I'd be happy to answer them. Mr. [inaudible] will be able to answer any questions regarding

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the fiber optics substation and Mr. Gomez will be able to answer any questions regarding traffic and engineering.

CHAIRMAN GONZALES: Thank you. Are there any questions?

COMMISSIONER TRUJILLO: Mr. Chairman, you said that you talked to the community regarding this project?

MR. MOYA: Yes, we've met with several members of the community, the immediate neighbors. We actually moved our site based on their concerns further to the east and this is the site that we all agreed upon.

COMMISSIONER TRUJILLO: What does a fiber optic substation look like? What is it?

MR. MOYA: This particular building is basically a rectangle. It's ten feet tall, 100 feet long, twelve feet wide. There's a small wall that encloses it. The fiber optics cable will be placed within the existing railroad right-of-way. This is one of several stations that start from Denver and go all the way to El Paso.

COMMISSIONER TRUJILLO: Thank you.

COMMISSIONER DURAN: What is the spacing between this one and the next one?

MR. MOYA: Each of these stations are spaced approximately 50 to 60 miles apart. The nearest one is in Las Vegas and also in Albuquerque. We'll have a spur going into Santa Fe.

CHAIRMAN GONZALES: Any other questions? This is a public hearing. Is there anyone in the audience who would like to speak for or against this issue? Right, what is the pleasure of the Commission?

Commissioner Griñé moved to approve CDRC Case #Z 97-5660 as presented. Commissioner Anaya seconded his motion which passed by unanimous voice vote.

- XI. A. 5. EZ Case #S 97-4600. Santa Fe Summit, Phase 7 & 8. Summit Properties, Inc., applicant is requesting final plat and development plan approval in accordance with the approved master plan for 37 residential lots on 66 acres and a variance of road, access and slope standards. The property is located off State Road 475 within the two-mile Extraterritorial District, Sections 9, 16, and 17, Township 17 North, Range 10 East**

JOE CATANACH (Development Review Specialist): Thank you, Chairman Gonzales, Commissioners. Before I start, I want to hand out some letters about this case. Commissioners, before I get into the staff report, I would want to make the Commissioners aware of the City memo that I just passed out. This issue came up earlier today and I got

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a call from Jim Salazar from the City staff and he indicated to me that the applicant had agreed to a condition and that would be the condition that's on the City memo and you can best read it right at the bottom of the page. This condition was imposed by the EZC/EZA and the applicant had agreed to the condition and the condition states that the applicant would follow up on finalizing the mapping for the escarpment, ridgetop building sites on this property prior to coming to the Board of County Commissioners.

The City staff is indicating to me that that mapping has not been finalized so I guess there's a question here as to whether this case should in fact proceed until that has been done. Now, certainly the applicant would like to address that before the Commission. I have not got any word at this point from Jim Salazar that that mapping has been finalized at this point. The only thing I can say is that certainly the applicant has indicated to me that they would be willing to commit to the Commission in the public record that they would follow up on this condition before the plat is filed, but I want to make you aware that this issue came up and that there's a question as to whether this case should proceed until that mapping is finalized.

COMMISSIONER DURAN: Joe, what does that involve?

MR. CATANACH: Well, there have been some preliminary mapping done. What it involves is having to make an evaluation of the viewsheds from public roads and which lots will have building sites on the ridgetops, within the escarpment, and which lots will be visible from public roads. My understanding from the applicant is that they have in fact done quite a bit of work with the City staff and that the only remaining issue is that they would follow up on building sites that are not actually on ridgetops but are visible from the public road. I think that probably constitutes building sites that would be considered foothill subdistricts. Apparently what's remaining are not actually building sites that are on ridgetops but building sites that are visible from Hyde Park Road.

CHAIRMAN GONZALES: Are you through with your presentation?

MR. CATANACH: I'm through as far as making you aware of this issue. If you'd just like to keep that in mind. Like I say, I think again the applicant has indicated to me that they would be willing to commit to the Commission that they will follow up on the condition prior to filing the plat. I'll just go ahead and make the staff presentation now and summarize the report.

The EZC on January 8 did recommend final plat and development plan and also a variance of road, access and slope standards. The EZA also recommended final plat and development plan with the requested variances and they did that at their last meeting on January 27. The request is for final approval with the variances for 37 residential lots on 66 acres. This property is off of Hyde Park Road. There was a previous master plan approved that included this property. The overall master plan was for 114 lots on 175 acres and that was eight phases. So far, the first three phases within the City have been approved by the City and phases 4, 5, and 6 have also been approved by the Board of County Commissioners back in 1995. The present subdivision phases involve lots ranging from .32

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acre to 3 acres. There would be 22 acres of common open space and additional private open space.

There would be 175-foot buffer along Hyde Park Road that's part of the common open space. This overall density as part of the master plan comes out to a density of 1.8 acres and that is in accordance with a density bonus, which is relevant to 80% open space of the entire master plan. There would be twelve guest houses within this subdivision phase and that would be in conformance with the density bonus that was approved for the master plan. Again, a density bonus based on the amount of open space within the project.

There's an existing access road off Hyde Park Road. That will be further extended and upgraded. There will be finished road grades of up to 15% in this subdivision. That is allowed by ordinance for subdivisions like this that are in steep or mountainous areas. The County Fire Marshal has indicated they do not support this type of road grade but I do want to emphasize that this is in a City-response area for fire protection and that to this date I have not actually gotten any memo or letters from the City Fire Department not supporting these road grades. This property is not within the 100-year flood zone. The property is primarily 20% to 30% slope, but there is buildable area for house sites and driveways.

The applicant has followed up on submitting homeowner documents and disclosure statements. The request for variances which the EZC/EZA recommended are as follows: There would be finish road grades shall not exceed 3% for 100 feet from an intersection approach and the applicant is requesting finish road grades ranging from 12 to 15% for two intersections. The variance having to do with access has to do with the single road into the property; it's a dead end road. It's a cul-de-sac which would exceed 1000 feet in length serving more than 30 lots. The applicant is proposing a dead end roadway of approximately 3500 feet with 37 lots.

I think it's important to understand though that the second letter that I passed out to you has to do with two conditions that Orallynn and the applicant have come to agreement on, having to do with this issue of having more than 30 lots on a single access. Since we're on this issue, I'll just go ahead and mention that these conditions that they have agreed to do have to do with -- these homes will all have sprinkler systems. And also the last condition having to do with the developer pursuing an off-site easement through City-owned land in order to provide a secondary access into this property and that's what these conditions state and the applicant is in agreement.

Anyway, the third variance has to do with disturbing slope greater than 30% and exceeding 1000 square feet in area. The applicant is willing to meet a high level of terrain management in order to stabilize those slopes and address that particular variance. As I mentioned, the EZC and the EZA did recommend final plat and development plan with the variances and the applicant has addressed the conditions and staff recommends final approval with the conditions.

COMMISSIONER DURAN: We'll take note that there are 14 of them, though.

MR. CATANACH: Well, 16 with the last two. Thank you.

COMMISSIONER TRUJILLO: I have a question, Joe. Have any traffic studies of analysis been done regarding the impact on Hyde Park Road? Isn't that going to augment the traffic into that very narrow road? What sort of traffic studies have been done on the impact to that road?

MR. CATANACH: A traffic study was submitted to the State Highway Department and the Highway Department has reviewed the traffic study and has issued an access permit requiring, I think it's a decel lane, so there will be a decel lane in order to get traffic off the main road as you enter into the subdivision. I can tell you that the Highway Department has reviewed the traffic study. I can't, at this point, issues of the level of service on Hyde Park Road or capacity -- I couldn't address that right now, but the traffic report has been reviewed by the Highway Department.

CHAIRMAN GONZALES: Any other questions? Will the applicant please step forward.

[Duly sworn, David Schutz testified as follows:]

DAVID SCHUTZ: My name is David Schutz, 460 St. Michaels Drive, Suite 902, Santa Fe. Thank you, Mr. Chairman, members of the Commission. I want to address a couple of quick points and then I'd like to turn it over to Karl for some brief remarks. Commissioner Trujillo, the traffic study was approved and reviewed by the State Highway Department. The level of service on State Highway 475, Hyde Park Road is a very high level of service most of the time. The only time that it does have -- there is some impact is when the ski traffic comes either going up or down during the winter months. But most year-round it's a very adequate level of service. We would have no real, appreciable impact on the road.

In regard to the ridgetop issue that Joe mentioned earlier, it really is a non-issue. As most of you know, we've agreed voluntarily to impose ridgetop standards on the ridgetop lots within the Summit. There isn't a subdivision in the County that has done that. We agreed to that with the neighborhood. We agreed to that with the City. We agreed with the County. So the memo is incorrect. The ridgetop lots have been mapped. We've complied with that condition. I don't know where -- there must be some misunderstanding. This map I have in front of me, this is a copy from Jim Salazar thirty days ago. You can see the lots that are colored in pink are the ridgetop lots. There are ten ridgetop lots. And we agreed to incorporate ridgetop protective covenants on those ridgetop lots.

What Joe Catanach is referring to about the uncompleted status of the mapping refers to the fact, refers to this note here: Lots 13 through 27, he'd like for us to consider imposing ridgetop standards on foothills lots. He said, it's not a condition. We want you to do a visual impact study on these lots and see if you would consider putting ridgetop standards on these lots. I said, fine. We'll consider it. He said, but if you decide otherwise, we won't hold you to it. That's what the unfinished business is. It's not an adversarial situation here. We are working with the City to try and accommodate their

request, but it's certainly not a situation that requires you to hold us up on that one issue.

In fact we would be willing to go back to the original condition that states that this issue be resolved prior to filing of the final plat. And I think Oralynn will attest that that's an appropriate measure to take. I don't want you to think that we're in an adversarial position. We want to protect the ridgetops. We want to protect the environment and we've been working very closely with the City to accomplish that.

[Duly sworn, Karl Sommer testified as follows:]

KARL SOMMER: My name is Karl Sommer. My address is P.O. Box 1984, Santa Fe, New Mexico. What we'd like to do is go over the whole history of the Santa Fe Summit from the beginning until the end. We'd just like to say that we agree with the staff conditions 1 through 14 as stated in the February 10 memo. We'd also like to note for the record that all of the conditions have been complied with, for the most part with the exception of a couple. One is number five, which is the bonding estimate and supplying the bond. We will do that. Obviously we can't do that until we get the financial security together to present to the County.

Number six, solid waste fees, those will be calculated at the time we submit our plat and we'll pay those. The trail easement, there's only one clarification on number seven and that is that we are not going to do any improvements to these trail easements that run through that Cañada Ancha and you wouldn't obviously build trails in the arroyo there. The idea is to provide the access to the National forest through there. The only other conditions that need clarification are number 13 -- the number of lots shall not exceed 37. This is part of a larger subdivision. We would just ask that the phrase "in phases 7 and 8" be added. Number 14, we agreed with condition 14 and that can only be complied with when we get on a City Council agenda.

I believe that the record should reflect that the memo that the two additional conditions are contained in was revised earlier tonight. Is that the one that was handed out? We agree with those conditions dealing with the sprinkler and making our good faith, best effort to get that done. I'd just like to note for the record that the language regarding good faith, best effort does not mean that we will guarantee it but we will do everything reasonably within our power to get the City to agree and the adjoining property owners to do it. I'd just like to put that on the record so that staff knows and there is a record here tonight that our client has made the commitment to in earnest try and get this additional access. I'd just like to make that clear.

That will do the history from the beginning to the end. We started this subdivision in 1991 and this is the last phase and I think it's been a good project all the way around. We'd like to thank you for your consideration of this and I think that there are really no issues remaining. Thank you.

MR. CATANACH: I'd just like to point out that the preceding conditions are also applicable, which the applicant has agreed to as reflected in the January 8, EZC minutes.

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CHAIRMAN GONZALES: Are there any questions of the applicant? Okay, this is a public hearing. Is there anyone who would like to speak for or against this issue. What's the pleasure of the Commission?

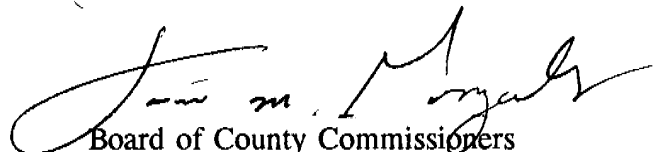
ORALYNN GUERRERORTIZ (Subdivision Engineer): Can I only ask the chairman and Commissioners if you would approve this project, would you direct staff to prepare a letter to be sent to City Council to recommend that in fact this easement be granted for emergency purposes.

Commissioner Anaya moved to approve EZ Case #97-4600 with the conditions imposed by staff and the conditions agreed to by the applicant and the request of Ms. Guerrerortiz. He also included the rationale for the variance submitted by Mr. Schutz and the stipulation that "in phases 7 and 8" be included. Commissioner Duran seconded the motion, which passed by unanimous [4-0] voice vote.

ADJOURNMENT

Chairman Gonzales declared this meeting adjourned at approximately 8:30 p.m.

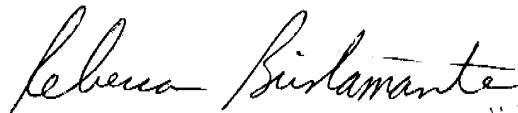
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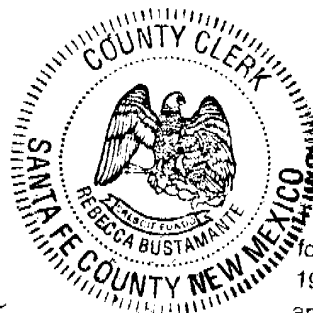

Board of County Commissioners
Javier Gonzales, Chairman

Respectfully submitted:


Karen Farrell, Commission Reporter

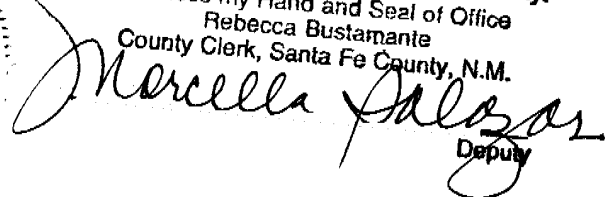
ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



1013.547
COUNTY OF SANTA FE
STATE OF NEW MEXICO
I, SS
hereby certify that this instrument was filed
for record on the 25 day of Feb A.D.
19 98, at 9:07 o'clock a.m.
and was duly recorded in book 1452.
page 386 of the records of
Santa Fe County.

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.


Deputy

**END
OF
BOOK**

**MINUTES OF THE BOARD OF COUNTY
COMMISSIONERS**

DATE OF MINUTES-----2-10-98-----

DATE OF FILMING-----

CAMERA OPERATOR YVONNE SANCHEZ

REGULAR MEETING