

SANTA FE COUNTY

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REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

August 29, 2000

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 1:45 p.m. by Chairman Richard Anaya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

Commissioner Richard Anaya, Chairman
Commissioner Joe S. Grinë, Jr.
Commissioner Paul Duran
Commissioner Javier Gonzales
Commissioner Marcos Trujillo

Members Absent:

None

APPROVAL OF AGENDA

CHAIRMAN ANAYA: Let's go to approval of the agenda. Sam, are there any additions or deletions?

SAM MONTOYA (County Manager): Mr. Chairman, there are two amendments to today's agenda and they would come under Item VI, N., on page three, and Item VIII B., which would be "Awards to Family self-sufficiency Participants..." for Santa Fe County. And the third item, Mr. Chairman, I would wish the Commission to move is that the Executive Session, IX. H., would be the next order of business after IX, D., which would be right after the Public Works Department report and followed by Matters from the County Manager. And I'll stand for any questions, Mr. Chairman.

CHAIRMAN ANAYA: Are there any questions of Sam?

Commissioner Duran moved to approve the agenda as amended. His motion was seconded by Commissioner Trujillo and approved by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

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APPROVAL OF MINUTES :

June 7, 2000

Commissioner Trujillo moved to approve the minutes of June 7, 2000 as submitted. Commissioner Duran seconded and the motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

June 20, 2000

Upon motion by Commissioner Griñé and second by Commissioner Trujillo, the motion to accept the June 20, 2000 minutes by unanimous voice vote.

August 8, 2000

Commissioner Griñé moved to approve the August 8, 2000 meeting minutes as presented. Commissioner Duran seconded and the motion passed by unanimous voice vote.

CONSENT CALENDAR

- A. Resolution No. 2000-95. A resolution requesting a transfer from the NMFA equipment loan proceed fund (340) to the NMFA equipment loan debt service fund (403) to budget cash balance for debt service expenditure in fiscal year 2001
- B. Resolution No. 2000-96. A resolution requesting an increase to the Community Development Block Grants fund (250) to budget a federal grant received from the US Department of Housing and Urban Development (HUD) for expenditure in fiscal year 2001
- C. Resolution No. 2000-97. A resolution requesting an increase to the State Special Appropriations fund (318) to budget the 2000 NM Legislative Special Appropriations Projects (SAP) Grants received for expenditure in fiscal year 2001
- D. Resolution No. 2000-98. A resolution requesting an increase to the general fund (101)/DWI Teen Court program to budget fiscal year 2000 cash balance for expenditure in fiscal year 2001
- E. Resolution No. 2000-99. A resolution requesting an increase to the Indigent fund (220) to budget fiscal year 2000 cash balance for expenditure in fiscal year 2001
- F. Resolution No. 2000-100. A resolution requesting an increase to the general fund (101)/Maternal Child Health Care Program to budget a grant received from the Frost Foundation for expenditure in fiscal year 2001

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- G. Resolution No. 2000-101. A resolution requesting an increase to the CIAP fund (301)/1998 and 1999 programs to realign the appropriated fiscal year 2001 budget with the US Department of Housing and Urban Development (HUD) approved budget for expenditure in fiscal year 2001
- H. Resolution No. 2000-102. A resolution requesting an increase to the EMS-Health Care fund (232)/Health Care Initiatives program to budget a grant received from the Kellogg Foundation for expenditure in fiscal year 2001
- I. Resolution No. 2000-103. A resolution requesting an increase to the general fund (101)/Region III grant program income to budget federal forfeiture revenue for expenditure in fiscal year 2001
- J. Resolution No. 2000-104. A resolution requesting an increase to the Fire Protection fund (209) to budget fiscal year 2000 fire impact fees cash balance for expenditure in fiscal year 2001
- K. Resolution No. 2000-105. A resolution requesting an increase to the Fire Tax fund (222) to budget fiscal year 2000 cash balance for expenditure in fiscal year 2001
- L. Resolution No. 2000-106. A resolution requesting an increase to the general fund (101)/Fire Administration to budget forfeited developers' permit fees revenue for expenditure in fiscal year 2001
- M. Resolution No. 2000-107. A resolution requesting an increase to the Water Enterprise fund (505) to budget a federal grant received from the US Department of Housing and Urban Development for expenditure in fiscal year 2001
- N. Resolution No. 2000-108. A resolution requesting an increase to the general fund (101)/Region III HIDTA (High Intensity Drug Trafficking Area) grant program to budget remaining grant revenue for expenditure in fiscal year 2001
- O. Request authorization to accept and award a price agreement to the lowest responsive bidder, IFB #21-13, for the microfilming services of Old Deed Books
- P. Request authorization to accept and award a construction agreement to the lowest responsive bidder, IFB #21-11, for renovation of public housing units
- Q. Request authorization to accept and award a construction agreement to the lowest responsive bidder, IFB #21-09, for the Jacona Landfill closure project
- R. Request authorization to ratify a memorandum of understanding with incorporated County of Los Alamos for law enforcement and animal control support

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Commissioner Duran moved approval of the Consent Calendar and Commissioner Trujillo seconded. The motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

VII. ADMINISTRATIVE ITEMS

- A. Committee expirations/resignations/vacancies**
- B. Committee appointments**

MR. MONTROYA: There are none, Mr. Chairman.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: I was just wondering, the EZC has an at-large vacancy, and I've been approached by a gentleman by the name of Fred Raznick. He's going to be sending you a resume. He lives out in Eldorado. I believe that is within the limits, anyway, I think he qualifies. Just so that you know.

MR. MONTROYA: Thank you, Mr. Chairman.

VIII. PRESENTATIONS & AWARDS

- A. Employees of the quarter – Given to Animal Control Officers**

CHAIRMAN ANAYA: The Santa Fe County employees of the quarter are the officers of the Animal Control Division of the Sheriffs Department. They are Juan Alvarado, Gene Portillo, Donald Duran, John Sanchez, and Andrew Jaramillo. Sam, would you like to take it over?

MR. MONTROYA: Yes, sir, Mr. Chairman. We'd like to call the members of the Animal Control Division up, Mr. Chairman, if they're here, and also Sheriff Sisneros. Mr. Chairman, members of the Board, the Santa Fe County employees of the quarter are the officers of the Animal Control Division of the Sheriffs Department. They are Juan Alvarado, Gene Portillo, Donald Duran, John Sanchez, and Andrew Jaramillo. As Animal Control Officers for the County, they are responsible for enforcing Animal Control ordinances. They patrol the 2,000 square miles of the county; respond to citizens' complaints concerning animal care and control; issue warnings and citations to violators; capture and impound stray domestic and exotic animals; investigate animal bite cases; respond to emergency calls for sick and injured animals; appear in court to testify and perform educational workshops for area citizens.

The Animal Control Division has gone beyond their normal scope of duties in recent months to help not only the County and the citizens of Santa Fe County, but the citizens of Los Alamos County during their time of need. On May 10, 2000, Los Alamos County was in

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the middle of a natural disaster. With the help of the Animal Control Division, Los Alamos County was able to evacuate over 400 pets that were left behind by owners that were evacuated to the Cerro Grande fire. Also, in recent months, the division was called out to a residential home where they found six baby raccoons along with their mother in the flue of a chimney. They rescued all of the animals without any incidents.

The Animal Control Division goes above and beyond their duties in the assistance that they offer. They remain courteous and professional in their duties as is shown by the many commendation letters that they have received.

With that, I am pleased to present Officer Jaramillo, Officer Portillo, Officer Alvarado, Officer Duran and Officer Sanchez with these certificates of appreciation for employees of the quarters, and each of them will receive a day of administrative leave. Congratulations and thank you very much for a job well done.

[The officers received a standing ovation.]

B. Awards to Family Self-sufficiency participants who have successfully completed and graduated from the program, presentation by Santa Fe County Housing Services Division

CHAIRMAN ANAYA: And what I have here is for Alexandra Lopez, Geraldine Gurulé, and Bernadette Gomez. Robert Anaya.

ROBERT ANAYA (CHUDD Director): Mr. Chairman, Commissioners, it brings me great pleasure to come forth today to discuss these three individuals that have done an exceptional job in our Family Self-sufficiency program. And to tell you a little more about it, I'd like to ask Dodie Salazar our Family Self-sufficiency program coordinator to come forward at this time.

DODIE SALAZAR: Chairman Anaya, County Commissioners, in 1993 the [inaudible] the FSS program. [inaudible] The Housing Authority provides [inaudible] to help them reach their goals towards self-sufficiency. [inaudible] Today we are here to present escrow checks [inaudible] Bernadette Gomez will receive \$5,878. Geraldine Gurulé will receive a check in the amount of \$3,323.06, and Alexandra Lopez will receive a check in the amount of \$4,324.73.

I would like to say that all three participants are no longer receiving housing assistance and they have all worked very hard in achieving their goals towards home ownership.

CHAIRMAN ANAYA: Thank you very much and congratulations to all of you. It's really an honorable thing and I'm sure you're all going to appreciate these.

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IX. STAFF AND ELECTED OFFICIALS ITEMS

A. Community, Health and Economic Development Department

- 1. Request approval of a grant agreement from the Frost Foundation, Ltd. for funding to the Santa Fe County Maternal and Child Health Planning Council and Program**

MR. ANAYA: Mr. Chairman, Commissioners, before you is a grant requested via the Maternal and Child Health Council to provide services in Santa Fe County coming from the Frost Foundation. I stand for any questions.

Commissioner Griñé moved approval of the grant agreement with the Frost Foundation. Commissioner Trujillo seconded and the motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

- A. 2. Request authorization to enter into a memorandum of agreement with St. Vincent Hospital for health care services**

Commissioner Griñé moved to approve the memorandum of agreement with St. Vincent Hospital and Commissioner Trujillo seconded. The motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

MR. ANAYA: Mr. Chairman, I'd just like to acknowledge that the president of the board of directors for St. Vincent Hospital, Mr. Richard Carpenter and Dr. John Lucas are in the audience and they were instrumental in helping us to put this agreement together.

CHAIRMAN ANAYA: Along with Dr. Arturo Gonzales.

COMMISSIONER DURAN: Congratulations, gentlemen.

CHAIRMAN ANAYA: Congratulations, and we look forward to working with you.

IX. B. LAND USE ITEMS

- 1. Request authorization to enter into a professional services agreement with Rick Pruetz, AICP, to prepare an implementation report for the transfer of development rights program for the Santa Fe Metro Area Highway Corridor**

JACK KOLKMEYER (Planning Director): Mr. Chairman, good afternoon. You have before you a proposal for a professional services agreement with Rick Pruetz, his name is pronounced Preetz. We'll become real familiar with him after a while. And as you know, we're looking to include a transfer of development rights program as part of the

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Highway Corridor Plan and we have prepared a contract and Mr. Pruetz has signed it to come in and develop the transfer of development rights program with us over the next six months. And it's for the amount \$19,945.

Just a couple of comments, Mr. Pruetz is well known as the number one expert on transfer of development rights programs in the country. He's written two books, one called *Saved by Development*, which is kind of the bible of TDRs and he has another book called *Putting Transfers of Development Rights to Work in California* where he lives. He's been very successful at them.

COMMISSIONER DURAN: Could I borrow that one?

MR. KOLKMEYER: No, you're not borrowing this one. You borrowed the other one and never gave it back to me.

COMMISSIONER DURAN: I lost it.

MR. KOLKMEYER: So we think that, Mr. Pruetz came here in March of last year and conducted a very successful workshop for us that kind of precipitated our interest in TDRs and just to make it clear what we're asking him to do initially is to develop a TDR program for the Highway Corridor, it would specifically be for the Highway Corridor, and we're also asking him, as part of the program that he's working on, to look at how we might be able to use TDRs for agricultural lands, and we're going to have him work with the community of La Cienega to investigate that as well. So those will be the two things that he would be working on.

It's going to take him approximately six months to pull this program together for us. So we'd like your approval of this particular request.

CHAIRMAN ANAYA: Thank you, Jack. Any questions? Commissioner Duran.

COMMISSIONER DURAN: Mr. Chairman, will he be working in Colorado for those six months or will he be down here?

MR. KOLKMEYER: In Colorado?

COMMISSIONER DURAN: Where does he - is he going to be living here?

MR. KOLKMEYER: No, he lives in California. He'll be working under contract, but he'll be working here.

COMMISSIONER DURAN: He'll be living here?

MR. KOLKMEYER: No.

COMMISSIONER DURAN: How often will he be available for discussion with us?

MR. KOLKMEYER: As often as we need him.

COMMISSIONER DURAN: So there's no set schedule of when he'll be coming to town?

MR. KOLKMEYER: Well, we haven't been able to set that up till we have a contract with him, but he, in my conversations with him this morning, we've agreed that his kick-off would be at the BCC meeting of the 12th. He'll come here on September 12 to do a presentation at the BCC meeting, and then he'll be here all that week to meet with property

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owners, neighborhood groups, to meet with you if you'd like and we'll have as many meetings as we need to pull together. He'll have a full schedule. But that will be the kick-off date, September 12.

COMMISSIONER DURAN: I would only ask this Commission to instruct staff to make sure that he's available to us I think at least on a monthly basis because I have some concerns, I have some ideas I'd like to bounce off of him and spend some real time becoming more familiar with how this TDR program works, so that when it comes time to make decisions on this kind of a program I'm well informed. So I would like to have some time with him.

MR. KOLKMEYER: You'll be asked to participate at workshops with him. So you're telling me you'll be present at all of them?

COMMISSIONER DURAN: You bet.

MR. KOLKMEYER: We'll make sure that he meets with you as frequently as you need to.

CHAIRMAN ANAYA: Are there any other questions?

COMMISSIONER TRUJILLO: One other question. You said protection of agricultural land will be the springboard from La Cienega, working with the community there to develop a program that essentially will be implemented across the county? Because the protection of agricultural land goes beyond La Cienega to all areas of northern Santa Fe County and places like that. So I just want to make sure that we're looking at all the communities that are affected.

[Commissioner Gonzales joins the proceedings at this point.]

MR. KOLKMEYER: Mr. Chairman, Commissioner Trujillo, we have to start with some very specific things because that's where a TDR program works best, because its basic principle is protection, and that's why the Highway Corridor lends itself to that as well. The subject of agricultural lands is a little broader but we think if we take a look at a particular community like La Cienega, which is also in the Highway Corridor area too. So they're linked together as well, but we'll know right away - well, not right away, but after working with Mr. Pruetz, we'll have an idea of whether it will be applicable at all to development of agricultural rights. In that case, yes, we would broaden the program at that point. We want to see if it's going to work first. So we have a willing group in La Cienega. We have people there as part of that community planning process who actively want to undertake this with us. The University of New Mexico has offered some students to help us out with this too, so we think it's a good starting point.

But we want to be small and focused enough to make sure that we're on the right track. The TDR program, even though it's focused on Highway Corridors at the moment, and Commissioner Duran asked me this this morning, would be applicable all over the county once we got it started for a variety of different protective situations. But we have to stay focused on a couple of starting points first.

COMMISSIONER TRUJILLO: Thank you.

COMMISSIONER DURAN: Mr. Chairman.

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CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Just to elaborate on that a little bit. I understand that we need to start some place. I want to make sure that we don't start some place and don't expand it to the other areas that need the TDR program implemented, like the Village of Agua Fria, that also has some potential for development that could be preserved through a TDR program. So I'm on board with you on having a place to start but I want to make sure that the program is developed with the understanding that it's going to be expanded to the other areas. That's all.

COMMISSIONER GONZALES: Mr. Chairman, I apologize for coming in late, and if you've already addressed some of the comments that I'll make on this, Jack, I apologize for that. This opportunity, as Jack may have indicated already, and as we need to continue to remind the public, is not a new concept. We've been talking about it for two years. It was supported by resolutions at both the City and the County - is that right?

MR. KOLKMEYER: That's correct.

COMMISSIONER GONZALES: Both City and County resolutions supporting this issue. Unfortunately, the pressures right now are on the scenic corridors. That's where we're seeing a lot of the growth pressures. So we have a lot of the communities that are focusing on that area. As Commissioner Duran indicated, there's so much more and so much more benefit that this TDR program can have for us. This morning, I had the opportunity to go and take a horse ride up the Cerrillos Hills Park, the property that we purchased. And I'm not sure how long, but hopefully in perpetuity we'll have an open space program, but I've got to tell you, what a great feeling it is to be on beautiful land that is owned by the public.

And this TDR program, hopefully, will give us an opportunity to run parallel with the open space acquisition program. A method to vacate private lands and put them into public ownership. And out there, as we know, there are large ranch lands that are still held by private owners that still have the right if they can prove water to go down to 40-acre densities. So I think it's really important that we keep in mind that this is not just about preserving the scenic corridors, although that is definitely all on our minds, but it is about preserving many sensitive areas to many traditional communities and certainly many ranch lands that could be threatened by development.

So this is the start of what hopefully will be a long program. And I shouldn't stay a start - it's a continuation. The start actually happened a couple of years ago when this Commission and the City Council said we do need to embrace a TDR program. It requires, any program, lots of collaboration with neighborhoods and developers and local governments to try and find a win-win situation for everybody. And that's the challenge that lies before us as we go forward in this program.

I know you've probably already stated this, Jack, but Jack has assured it to me and I think it's important that we reiterate that this will be a full public process. To develop the program is going to take a period of months through lots of community participation and certainly participation with the County. I hope that the City will participate in this, and I guess you've got wonder with last week's vote where the City denied an infill project, I'm not

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sure where they're going to be going, but I actually had somebody approach me about possibly moving that infill project into one of the TDR programs, which if we're going to get into that mold it gets a little dangerous, where you're starting to move development out of the city into receiving areas.

So it's going to take a lot of coordinated effort between the City and the County to try and figure out what areas are conducive to receiving areas and which absolutely need to be vacated, and hopefully we can do that, Mr. Chairman. But this is a start. I understand this individual is a professional. He understands it. We want to create a winning situation and we'll be here to assure that that happens. I'm just pleased that Jack was able to find him in such a quick amount of time.

CHAIRMAN ANAYA: I agree. Thank you, Commissioner Gonzales. This has been a long time coming. I think it should have been implemented a long time ago. It's a step in the right direction. The Chair would like to recognize the presence of Judges Jim Hall and Steven Pfeffer who are in the audience. Welcome to the County Commission.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Can I just make one more comment. Jack, these meetings are going to be open to the public. Is that correct?

MR. KOLKMEYER: Yes, sir. There will be - focus meetings will be open to the public and we'll also do several public meetings, because this is a tricky concept and from the very beginning, we want everyone to understand and Mr. Pruetz is really good about that as he displayed at the workshop. So all meetings will be open to the public, even when they involve property owners, and we'll have meetings specifically designed for the public to be involved in.

COMMISSIONER DURAN: Because I think it's real critical that it's a public process, because it's a hard concept to understand, and there's so many elements in it to make it work, but I think it needs to be open to the public, so I'm glad to hear that.

MR. KOLKMEYER: Yes, sir.

CHAIRMAN ANAYA: Okay, if there are no further questions, what's the pleasure?

Commissioner Duran moved to approve the professional services agreement with Rick Pruetz and Commissioner Gonzales seconded. The motion passed by unanimous voice vote.

COMMISSIONER GONZALES: And Mr. Chairman, I apologize, for the record I was not here for the authorization to enter into the MOA with St. Vincent, and I'd like to for the record state my support for that.

CHAIRMAN ANAYA: Thank you, Commissioner Gonzales.

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IX. B. 2. Request authorization to enter into an operating agreement with Ranchland Utility Company for operation of the Ranchland Utility Company wastewater treatment facility

DOUG SAYRE (Utility Director): Chairman Anaya, Commissioners, staff and public, the Utilities Department comes before you today to consider again an operating agreement with Ranchlands Utility Company. To advise you of what that is, it's really the Rancho Viejo Development area. That's what they call the company that operates their wastewater treatment system. We come before you with an operating agreement for the County to operate that facility, which is the wastewater treatment facility out at Rancho Viejo.

For the past year, the County, meaning the Utility Department has operated the Ranchlands Utility wastewater treatment plant and met requirements from its initial start-up, which was last August, in which they had a minor amount of flow, up to now, it's approximately 30,000 gallons a day coming into that treatment facility. In the near future, of course, they're going to have an additional development, which is the Windmill Ridge, and in addition, IAIA will be coming into that facility with their waste. So we'll probably be up to pretty close to, I'd say, 60,000 to 65,000 by the end of this next year.

The Santa Fe County Utility Department is proposing to operate this with our current personnel at a cost of approximately \$3,011 per month. That's to furnish our personnel over there, at approximately two to three hours a day, plus make the required tests. And we also check it on weekends to make sure that it's operating adequately and meeting all requirements. We also submit all paperwork to NMED, regarding their discharge and that they're meeting all requirements. Perhaps at this time I can field some questions on this operating agreement. It's to go from August 1 through July 31 of next year.

COMMISSIONER GRINÉ: Thank you, Doug. Any questions of Doug?

COMMISSIONER DURAN: Mr. Chairman.

COMMISSIONER GRINÉ: Commissioner Duran.

COMMISSIONER DURAN: Doug, this operating agreement – they're going to provide the equipment and the facility is going to be built by, or has been built by the operator, Ranchland Utility Company?

MR. SAYRE: Commissioner Duran, yes, it's already been built. It's been operating for the last year. So they have furnished the facility. They just needed an operator and because we had the personnel, because we operate the State Penitentiary wastewater treatment plant, we said that we could also operate this one for Ranchlands.

COMMISSIONER DURAN: Is there any provision in this agreement that would allow us to require that they bring the wastewater to a potable level? Have they every thought about that? The reason I'm bringing that up is that in another section of the agenda I'm going to bring up some ideas that staff has come up with relative to our water resource, and one of them is recharging the aquifer. All I'm trying to say is that I would hope that at some point in the future if we adopt these kinds of programs that this facility would be capable of working with us on that, in that effort.

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MR. SAYRE: We have already approached them on this in previous discussions, Commissioner Duran. We have discussed reuse of wastewater for various purposes. One will be probably construction purposes, another will be landscaping, another would be possibly recharge of the aquifer and it could be that we also consider some return flow credits in various fashions. We're trying to maximize their program since basically, they're on the County water system and use what we call San Juan Chama water that's imported for all the development. So very definitely, we are on that track too.

COMMISSIONER DURAN: Thank you. Thank you, Mr. Chairman.

COMMISSIONER GRINÉ: Any other questions of Doug? What's the wishes of the Commission?

Commissioner Trujillo moved to approve the operating agreement with Ranchlands Utility. Commissioner Duran seconded and the motion passed by unanimous voice vote.

IX. B. 3. Request authorization to proceed with negotiations for the Santa Fe River open space property based on COLTPAC recommendations

ALINA BOKDE (Planner): Mr. Chairman, Commissioners, on August 8, 2000, the Board of County Commissioners directed staff to work with COLTPAC to review a proposal for the acquisition of property on the Santa Fe River. Richard Cook owns the 18.45-acre site on the San Isidro Crossing and has expressed a willingness to negotiate with the County. In your attachment you have a site map, as well as a couple photographs that the applicant submitted that shows the property that's up for consideration.

Staff and COLTPAC met with the applicant and the representative Phil Sena on August 22, 2000. A number of Agua Fria Village community representatives also attended the site visit to express their support for the purchase. Currently, Santa Fe County is negotiating to acquire a 12-acre M & R gravel site that is downstream from the San Isidro property and this property. A purchase of this property would enable the County to apply for federal funds to restore the river and would give the Village of Agua Fria a 30-acre river park. Their property would also connect with the Santa Fe River Trail.

I'd like to once again just recognize all the COLTPAC members who have worked with staff to come forward with the recommendation today. There are three committee members here today: Edward Archuleta, David Gold and Mary Louise Williams. Other COLTPAC members who were on the committee but not able to attend today's meeting are Dale Lewis, Bruce Richardson, Orlando Romero, Robert Romero, Rita Lloyd Simmons, and Eduardo Vigil. The committee is made up of nine members and is representative of the County. The committee met and evaluated the project based on the criteria that is based on natural resources, recreation, and cultural resources and the overall score for the property was 71 percent.

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COLTPAC recommends that the County proceed with negotiations on the river property with the condition that the County not pay more than the appraised value, less the cost of restoration and that the cost not exceed more than \$300. An additional recommendation includes removing garbage and concrete on the property prior to acquisition with the assistance of community members.

COMMISSIONER DURAN: Mr. Chairman.

COMMISSIONER GRINÉ: Commissioner Duran.

COMMISSIONER DURAN: Alina, can you tell me really what that means that we'll pay no more than appraised value less the cost of restoration and that this cost not exceed \$300,000.

MS. BOKDE: Mr. Chairman, Commissioner Duran, what their recommendation is that all properties – if we are given authorization by the Board to move forward with the negotiation, the first thing we'll do is an appraisal of the property and let's say the property comes back at \$340,000 as fair market value for the 18 acre site, we would then work with staff to determine what the cost would be to reclaim the property or restore the property because the property has been degraded fairly substantially and has erosion problems and bank stabilization problems. So it would be the \$340,000 and let's say the restoration cost would be \$100,000 to restore so then the offer would be \$240,000 so the recommendation from COLTPAC is not to offer more than \$300,000 for the purchase of the property but to take into account the cost of the restoration.

COMMISSIONER DURAN: Well, it's my understanding of what an appraisal does is it takes into consideration existing conditions and it seems to me that this is the only property that has come forward for us to review or to approve that has a limitation on value, appraised value is appraised value to me. I think that when you get it appraised the appraiser should factor in what ever it is going to cost to restore it and that should represent fair market value – maybe I'm wrong in that but let's – it says you pay more than appraised value but not to exceed \$300,000. It just doesn't make sense to me.

MS. BOKDE: Mr. Chairman, Commissioner Duran, the appraisal of that that we're working off of was the one that was done adjacent to this property that is before the Board today which is the M&R Gravel site appraisal and that appraisal was done on the fact that the land would be completely reclaimed so the appraiser did not take into account the land and all the work that would have to go into to reclaim the property. So the appraisal was done on the assumption that the property was already reclaimed. And the \$300,000, where that figure came from is based on the cost per acre of the appraisal that we have done for M&R Gravel, so the expectation is that if the appraisal comes back similar for Cook's property as M&R Gravel property minus the reclamation cost of \$300,000 would suffice in closing on the property.

COMMISSIONER DURAN: I thought the M&R Gravel piece – we had an appraisal and then the property owner got an appraisal and isn't there some problem with those two appraisals?

MS. BOKDE: Mr. Chairman, Commissioner Duran, there is one appraisal

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done and the way we moved through the negotiations is to have the property owner and Santa Fe County agree on one appraiser and so the appraiser does the appraisal for both clients. The property owner pays for half and the County pays for half, so there was one appraisal done for the M&R site.

COMMISSIONER DURAN: I thought there was a problem with the property owner wanting more money than what the appraisal indicated.

MS. BOKDE: Mr. Chairman, Commissioner Duran, it's my understanding in speaking with the property owner that he was very happy about the appraisal because the submittal when the application came forward in Phase 1, the negotiations had the cost at \$143,000, so the appraisal came back at a much higher cost than the land owner was initially expecting.

The land owner is happy with the appraisal and we are waiting to get cost for the reclamation for that property.

COMMISSIONER GONZALES: Mr. Chairman.

COMMISSIONER DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Just following along, Alina, I guess as we have done with other properties, we are going to pay when we approve this fair market value and that will be an adjustment of whatever has to be reclaimed; right?

MS. BOKDE: Mr. Chairman, Commissioner Gonzales, that is correct. We work off the fair market value so the appraisal is where the beginning point it.

COMMISSIONER GONZALES: I guess what I wanted to find out is what happens if it exceeds the \$300,000; are you going to have to come back to the BCC or are we going to have to disregard the project? By having the ceiling does it prevent flexibility not knowing what the appraisal will be?

MS. BOKDE: Commissioner Duran, with the \$300,000 it does offer flexibility. What this does is basically lays out the initial request to work with the land owner.

But say the appraisal comes back at \$500,000, the restoration costs are maybe \$125,000 so that would exceed the \$300,000 recommendation. What we have been doing as staff is going back to COLTPAC and bringing forward the additional information to why it is that the appraisal came back at this point and we work with COLTPAC to come back with a recommendation to the Board. We will come back when all the information to the Board and the Board can at that point make a decision as to how they are going to proceed.

COMMISSIONER GONZALES: Let me just do a follow-up because I guess I don't remember seeing this "not to exceed" and maybe it has been on other issues but it seems to me that there's a lot of bureaucracy. I can understand going back to the COLTPAC board if they have set some parameters and say these are the issues and we need to discuss them and all that. But to get set for another Commission agenda item and to come forward for that --- I mean is there a problem if we were just to say, should not pay more than appraised value, and direct you to work with the COLTPAC members within the parameters that they have set and to continue to work with them and if it exceeds the parameter that COLTPAC has set that you will continue to work with the members to help them to understand why and make a

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determination there. I mean are we threatening – does it violate or go against the existing practice of COLTPAC or will it create a lot of problems?

MS. BOKDE: Mr. Chairman, Commissioner Gonzales, it would –

COMMISSIONER GONZALES: I'm not asking to remove COLTPAC's oversight if it goes over the \$300,000; I'm just saying to get us out of the picture without having it come back.

COMMISSIONER DURAN: Mr. Chairman, may I respond to that please.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: I think this is the only project that has been brought forward to us – all the other projects that have been brought forward to us to review or give authorization to basically says that we give you authorization to go out there and negotiate. I'd like to amend this to say that we give them authorization to go out there and negotiate with the property owner based on fair market value, which is what we have done with the other properties and if there's something about reclamation factored into it then you and COLTPAC work that out with the property owner and come back to us for authorization to approve the purchase based on what you have done with all the other property owners.

MS. BOKDE: Mr. Chairman, Commissioner Duran, the first two phases that staff and COLTPAC came forward to with the properties, COLTPAC did place monetary limits or recommendations on the various properties. For example, the El Rancho property, the recommendation was to limit it to \$175,000 and the Hughes property initially was \$700,000 so there have been other properties that have come forward with a limitation in terms of the funding. I think one of the concerns that COLTPAC has expressed is that some of these appraisals are coming back higher than expected and what the land owner is willing up front to sell it for. So it protects the integrity of the process, so that if the landowner is saying that they would be willing to sell the property at \$300,000 and the appraisal comes back at \$500,000 that 300,000 is what the property owners maybe initially expressed a willingness to sell the property at. So it's one of COLTPAC's concerns that these appraisals are coming back much higher than what the landowner has stated they are willing to sell it for.

All of the appraisals are done for a fair market value that is where all of our negotiations begin and I think COLTPAC's recommendation is definitely to proceed from fair market value and to look at the reclamation cost and if that is over \$300,000 that we go back to COLTPAC and then back to this Board with a recommendation.

CHAIRMAN ANAYA: Okay, are there any other questions of staff?

COMMISSIONER GRINÉ: Mr. Chairman, move for approval.

CHAIRMAN ANAYA: I think –

COMMISSIONER GRINÉ: Move for approval to proceed with authorization to proceed with negotiations.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

COMMISSIONER GONZALES: Mr. Chairman, for discussion. I don't want to belittle this issue, but I think going along with what Commissioner Duran indicated that just – I can understand the internal issues of COLTPAC and I appreciate the fact that they're

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setting parameters but the issue of having to come back before the Commission and go through all that route I think that the community has indicated that they want it and it seems that COLTPAC has indicated that they want it and if this is an issue – I mean the issue is trying to negotiate with the landowner and it isn't necessarily up to the Board of County Commissioners to establish the parameters. I think it could be yours along with COLTPAC's responsibility to establish the parameters and I think that it could be yours along with COLTPAC's responsibility as they negotiate with the landowners as to whether they'll get paid fair market value or something less than fair market value if they're willing to do that, which I think would be great. But, I'd just as soon see in here that the County issue the direction that we proceed forward and not pay more than appraised value less the cost of restoration and set the direction for staff and COLTPAC to go forward and purchase the property. And the issue of the \$300,000 is just – it seems by keeping the County Commission it's another level of bureaucracy and I'd rather us make the statement that we're in favor of the purchase and give you the tools to go out there and negotiate with COLTPAC the ability to buy it and not so much to have these continuous parameters that are set up. And it's not to violate the process but to put more faith in COLTPAC and say I trust that you guys are going to do everything that you can to get the best deal for the community and don't worry about coming back to the County we just think that this is an important purchase for the community based on your recommendation.

CHAIRMAN ANAYA: Commissioner Griñé, do you agree with Commissioner Gonzales.

COMMISSIONER GRINÉ: That's fine.

COMMISSIONER TRUJILLO: Second.

COMMISSIONER DURAN: So, Mr. Chairman, then it would just say that the County would not pay more than the appraised value less the cost of restoration and it stops right there?

COMMISSIONER GONZALES: With direction to the COLTPAC members to continue to work with you in the parameters that they think are available. And let COLTPAC and staff decide. They have been studying it and they have been involved in the community and we have not. We purposely removed ourselves from it so let's keep it at that level and go get that property for the community and work the best way that we can.

CHAIRMAN ANAYA: Okay, with that then let's call for the question.

The motion passed by unanimous voice vote.

COMMISSIONER DURAN: Mr. Chairman, it seems to me that perhaps we might want to consider getting our own appraisal. I think that when you get two different goals, the seller and the buyer, and I'm not sure if you get one appraiser that that appraiser is going to come up with the correct – I mean you can get three appraisers and they all come up with different value and I'm afraid that if we're getting one appraiser and everyone is agreeing to that one appraisal it might be a high

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appraisal and it might be a low appraisal and I'm just wondering if we might want to consider at some point getting our own appraisal which would be confidential to COLTPAC and to the BCC. I think it would protect the integrity of the negotiations that we get involved in.

B. 4. Resolution No. 2000-109. A joint City/County Resolution Instructing Staff to Investigate Public Acquisition of the Santa Fe Southern Railroad Right-of-Way (superceding Resolution No. 2000-38).

MR. KOLKMEYER: Mr. Chairman, thank you. This joint resolution proposes the County and City of Santa Fe begin investigations of the public acquisition of the Santa Fe Southern Railroad right-of-way from the southwest corner of St. Francis Drive and Cerrillos Road intersection down to Lamy. The right-of-way would be acquired for the purpose of initiating privately operated commuter rail service.

Santa Fe Southern Railroad right-of-way acquisition is intended to facilitate development of light rail transit system to address transportation issues created to the growth of the region particularly to Eldorado and the Santa Fe Community College District. The acquisition matches goals and policies regarding alternative transportation development and efficient land use outlying ability of the County Growth Management Plan and the City General Plan.

Furthermore, the project has received \$10 million in authorized funding from the U.S. Congress through the I-21 transportation equity act of the 21st century with \$3 million already appropriated and another \$3.5 million in the appropriation pipeline at this moment. So that's \$6.4 million that we have currently at our disposal for this project.

The Board of County Commissioners previously approved a resolution on March 28. The Santa Fe City Council subsequently made alterations to that resolution before passage and is now returning it to us for final approval. The changes to the resolution instruct staff to investigate rather than pursue the acquisition of the right-of-way and include a call for analysis of the short-term and long-term cost of future operation and maintenance of a commuter rail system and these changes are delineated for you on the various pages as indicated there.

The Land Use Department staff requests approval of the joint City/County resolution to begin investigation of the acquisition of the Santa Fe Southern Rail right-of-way. This resolution will supercede the one that you previously passed on March 28.

COMMISSIONER GRIÑÉ: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Griñé.

Commissioner Griñé moved for approval of Resolution No. 2000-109. His motion was seconded by Commissioner Gonzales.

COMMISSIONER DURAN: Mr. Chairman, Jack, why are we investigating

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this? Why can't we just go out and pursue it?

MR. KOLKMEYER: The City is a tad more cautious than we are. We think that it's – we have some things that we have to investigate and that is right-of-way and there needs to be some appraisals down of the land and I think that that has shifted things into an analytical beginning. So that's the track that we're on right now.

The motion passed by unanimous voice vote.

IX. C. Resource Development Department

1. Resolution No. 2000-110: A resolution adopting the Santa Fe County Human Resource Rules and Regulations, Replacing Resolution No. 1992-12.

ARTURO RODRIGUEZ (Human Resource Division Director): Mr. Chairman, Commissioners, I am very pleased to be here presenting this resolution today. The Human Resource Division has worked long and hard on this project at the direction of the County manager.

The current personnel rules have been existence since 1992. Since that time there have been several policies written to supplement these rules. There have also been resolutions adopted to revise portions of the personnel rules as they currently exist. It has become difficult to maintain and utilize the rules with the supplemental policies and resolutions. There have also been statutory changes in the personnel field. The charge then was to develop a human resource management rules and regulations manual that was up to date including current statutes and terminology while incorporating existing policies and resolutions as appropriate.

The attached resolution proposed a new set of human resource management rules and regulations that has taken these factors into consideration.

I'd like to briefly describe how we came up with these. The Human Resource Division developed a draft of the rules and presented those to senior staff and elected officials. After that discussion, that information was incorporated into a final draft of the rules and that was taken back to senior staff and the elected officials and that input was incorporated into the version that you have before you now.

Staff recommends approval of the new rules and I stand for questions.

CHAIRMAN ANAYA: Thank you, Arturo. Any questions?

COMMISSIONER TRUJILLO: Mr. Chairman, what sort of input did you get from elected officials and senior staff regarding the final document as we have it before us?

MR. RODRIGUEZ: Actually the input, Mr. Chairman, Commissioner Trujillo, the input from the elected officials was very good. We had everything from appointments of exempt deputy positions in the elected officials offices that will now be done

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by the elected officials to – gosh, it was all types Commissioner. There was three pages as I recall.

COMMISSIONER TRUJILLO: But the input was incorporated into the final document?

MR. RODRIGUEZ: Not in its entirety. The discussions went back and forth and we tried to come to some kind of consensus of what would work but there was significant input. They were done in group meetings.

CHAIRMAN ANAYA: Any other questions of staff? If not –

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Arturo, this booklet that we have in here is the new guidelines?

MR. RODRIGUEZ: Yes, it would be, Commissioner.

COMMISSIONER DURAN: Can you help me find 1020, page 47. Oh, never mind, I was in the wrong section. I just wanted to say that this section that I was talking about allows us to enter into a mentoring program like we agreed to pursue several months ago. And by agreeing to this new guideline it allows the manager of the County to grant annual leave – is it annual leave, Sam or –

MR. RODRIGUEZ: That would be administrative leave, Commissioner Duran.

COMMISSIONER DURAN: That would be paid administrative leave --

MR. RODRIGUEZ: That's right.

COMMISSIONER DURAN: If they were participating in this mentoring program.

MR. RODRIGUEZ: In the mentorship program, that's correct.

COMMISSIONER DURAN: So I just wanted to say thanks.

CHAIRMAN ANAYA: Commissioner Duran, would you care to make the motion?

Commissioner Duran moved to approve Resolution 2000-10 as presented. His motion was seconded by Commissioner Trujillo and passed by unanimous voice vote. [Commissioner Grifé and Commissioner Gonzales were not present for this action.]

D. Public Works Department

1. Request Approval of a grant agreement with the New Mexico State Highway and Transportation Department for the New Mexico Litter Control and Beautification Grant.

JILL HOBERT: Good afternoon, Commissioners, this grant is basically the grant that we apply for and receive every year from the State Highway Department. We internally call it our adopt a road grant. We have been approved this year for the amount of

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\$13,800 and Public Works requests approval of the litter control and beautification agreement with the New Mexico State Highway and Transportation Department for the New Mexico Clean and Beautiful Grant in the amount of \$13,800.

COMMISSIONER DURAN: Thank you, Jill. What's the pleasure.

Commissioner Grifé moved to approve the grant agreement as proposed. His motion was seconded by Commissioner Duran and passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

2. Request Authorization to enter into the 2000 Severance Tax Agreements with the New Mexico State Highway and Transportation Department for Road Projects

COMMISSIONER TRUJILLO: Excuse me before Jim starts. I was under the impression that we were going to look at the ordinance regarding solid waste; is that not in today's agenda?

MR. MONTOYA: Sorry, Mr. Chairman. It's under the public hearing section.

COMMISSIONER TRUJILLO: All right, I see it there. We want to welcome the new Public Works Director who has been on the job and done a good job for us. So we want to welcome him to Santa Fe County.

JAMES LUJAN (Public Works Director): Thank you, Sam. Item two is your severance tax authorization and an agreement with the New Mexico State Highway Department in the amount of \$240,000. It's for various low-water crossings that have been approved.

Public Works recommends approval of this.

Commissioner Grifé moved for approval as recommended. His motion was seconded by Commissioner Duran and passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

3. Request Authorization to Enter into the 2000-Co-Op Program Funding Agreements with the New Mexico State Highway Department and Transportation Department for CR 66/Agua Fria Road Improvement Project

MR. LUJAN: This request is in the amount of \$230,439 with a county match and it is for CR 66, the Agua Fria Road Project Phase II.

Commissioner Grifé moved for approval. His motion was seconded by Commissioner Duran and passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

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CHAIRMAN ANAYA: Thank you, James.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner.

COMMISSIONER DURAN: James, since the Public Works Department is here I was wondering, we had a meeting last night with the Agua Fria Village and since you were here I was just wondering if I could fill you guys in on what happened last night and get some concurrence.

Basically, the Village would like for the Public Works Department to redesign phase II of the Agua Fria Improvement Project so that the character of the village is maintained and we don't have a large swath of road that goes through the village and will ruin the character of it.

So in last night's meeting the community had asked for the Public Works Department to redesign the project so that in most cases there will be a 12 foot driving service with 3 foot sidewalks on either side and in those areas where our right-of-way won't allow us to do that, that the driving surface would be less - narrowed down and that only occurs in a couple of places. So that we could still maintain the 3 foot sidewalks on either side of the road and the curb and gutter. That way the driving surface itself would be narrow and I guess what I would like is to let you guys know that's what the community wanted last night and to give staff and the Public Works Department to go ahead and follow through with that design.

CHAIRMAN ANAYA: Okay, is there consensus. Is that understood, James?

MR. LUJAN: Yes.

COMMISSIONER DURAN: Is that pretty much it?

MR. LUJAN: Yes, that's pretty much it. To go ahead into the new design at the request of what the community wanted.

COMMISSIONER DURAN: Thank you very much.

IX. H Matters from the County Attorney

1. Executive Session:

- a. **Discussion of Possible Acquisition of Real Property or Water Rights**
- b. **Discussion of Pending or Threatened Litigation**
- c. **Limited Personnel Matters**

COMMISSIONER DURAN: I need a motion to go into Executive Session.

Commissioner Duran moved to go into executive session pursuant to NMSA Section 10-15-1 (1) to discuss the matters delineated above. Commissioner Grifé seconded the motion which passed upon unanimous roll call vote with Chairman Anaya and Commissioners Grifé, Trujillo, and Duran all voting in the affirmative.

[The Commission met in executive session from 2:48 to 3:50.]

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Commissioner Grifé moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Duran seconded. The motion passed by unanimous voice vote.

CHAIRMAN ANAYA: For the record, I'd like to read, we directed the staff to proceed with the purchase of the Thorton Ranch property for the COLTPAC program for the purchase price of \$2,257,500. And also we directed staff to proceed with the purchase of El Rancho property for the COLTPAC program for the purchase price of \$230,000.

IX. E. MATTERS FROM THE COUNTY MANAGER

1. Resolution No. 2000-111. A resolution supporting Sandoval County's request to obtain national monument designation for the Tent Rocks Area

MR. MONTROYA: Mr. Chairman, members of the Board, we received a request from Sandoval County to support their initiative to seek this particular area which is designated as the Tent Rocks Area, to be designated by the Bureau of Land Management as a national monument, Mr. Chairman. I don't know if the Commissioners have had the opportunity to visit this site, but it is a geologic wonder and they're very concerned about the erosion and the impact that traffic might have on these very sensitive formations.

Mr. Chairman, the resolution itself basically calls for the Santa Fe County Board of Commissioners to support the initiative forwarded by Sandoval County Commission to ask BLM to designate this site as a national monument. I want to also point out that our own Commissioner Gonzales does serve on the National Park Service Board and I would like to defer to him for any comments, but Mr. Chairman, I would stand for any questions if the Board has any.

CHAIRMAN ANAYA: Are there any questions?

COMMISSIONER GONZALES: Mr. Chairman, none other than the facts that the Park Service is clearly looking for opportunities to collaborate with local communities in the preservation of monuments and so this is in line with what they're trying to do and I'd advocate that the Commission support this resolution.

Commissioner Trujillo moved to support Resolution 2000-111 and Commissioner Duran seconded. The motion passed by unanimous voice vote.

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IX. E. 2. Resolution No. 2000-112. A resolution joining a coalition of local governing bodies in the Santa Fe, Rio Arriba, Los Alamos Tri-County Region in order to foster a positive and competitive environment of telecommunications in the region

MR. MONTTOYA: Mr. Chairman, the resolution before you, as you indicated in the header would request that there be kind of a regional approach at working on telecommunications issues. I think that there are some serious questions about being able to provide service to residential folks that are looking for new phone lines. Also access to high-speed technical businesses that are in the community that are seeking to bring new jobs and to stimulate the economy by running into some situations where acquisition of the appropriate infrastructure is not available for many months and is creating some major issues and creating some difficulty in allowing us to be competitive in the market.

I have Ms. Lisa Cochran who is here today who is representing TRADE, who has been the conduit for organizing this regional cooperation. And I would like to ask Ms. Cochran to come forward and to make any comments she might have. Mr. Chairman, members of the Board, this would be a cooperative collaboration to work jointly amongst the local governments in the region to work on a resolve to this important matter, and I would defer to Ms. Cochran for a moment and then stand for any questions.

LISA COCHRAN: Thank you. My name is Lisa Cochran. I'm the executive director of the Tri-Area Association for Economic Development. We've been working with telecommunications issues for about three years now. It started working with individual businesses across the region and looking into what their businesses needs were and who's staying and who's leaving and what we need to retain the businesses and what we need to do really to maximize access to the Los Alamos National Laboratories Commercialization Office for tech transfer jobs.

And they need bandwidth. Individually, each of the communities across the region really don't have the demand that's required for the kind of bandwidth we need for future jobs. It's like the railroad guy going by and you want to have a spot for the railroad with that bandwidth going by. We need to get the region together and coordinated on who needs what where so we can have a master plan across the entire place, because you don't have telecommunications stopping at one border and going through to another. It has to go across all of the territories.

So if we can get Los Alamos, Rio Arriba, Santa Fe, City of Santa Fe and the City of Española coordinated and make a master plan among all of us, and make sure that when we put in conduit, that the conduit from one end matches to another, and that where we want drops, as people are going by, as telecom providers are going by, then we should be on our toes to say this is what we need where in order to grow businesses here.

I'm sure you saw the article in the *New Mexican* with Mr. Janice who requested a phone line from US West and was told to build a trench. It cost him \$10,000. He put the

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trench in and still couldn't get service because the lines were at capacity at that particular junction. Those are the kinds of businesses that we need to grow and that we need to grow in the rural regions. And so if we can't get together on this, I think this is a perfect opportunity to grow businesses and to serve the citizens. It's also a quality of life issue, because it's telemedicine and distance education for the rural areas. So I'd ask you to join with the other governments in the region to make a coalition to address some of the issues.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Trujillo.

COMMISSIONER TRUJILLO: Yes, I agree with the contents of the resolution, but I see a major entity, governing body missing from the Tri-County Region, and that's the Native American community. I don't think anything can happen without the cooperation and participation of the Native American community. They own a lot of the land. They need to be partners in this initiative, because a lot of the infrastructure is going to go through their land. It would behoove them to participate because they're also talking about industrial parks and telecommunications and fiber optics and things like that.

MS. COCHRAN: Mr. Chairman, Commissioner, we have been to speak to the Eight Northern Indian Pueblo Council and I have been asked to speak with each of the governors individually about their telecommunications needs. The reason they're not listed in this particular document is out of respect for each governor to speak to them individually on what their needs are and to not throw them in with everyone else until we had their okay. The rest of the governments are at the table and talking and there's great interest. I believe there's great support, and so that's why they're not listed at this point. I have a meeting with San Ildefonso and Pojoaque Pueblo day after tomorrow. And we have been to the governors and they're all very interested but I can't speak for them.

COMMISSIONER TRUJILLO: Okay. But that's the point that I was trying to make.

MS. COCHRAN: Oh yes. We understand it very well and we would like to include them to the extent to which they care to be included. There is a - I think it's the end of September, there's a national telecommunications conference for all the tribes across the United States. It's sponsored by the FCC and many of the tribes are waiting to be informed because it's pretty technical. When you start putting - I always say when you start putting the alphabet together with numerals it gets technical, and the tribes, like most of the other governments would like to get up to speed and understand the issues more because I'm not an engineer. I'm not a technician. But I do understand for economic development that this is the highway coming through and we're either on the train or we're not. So with respect to the tribes, we'll speak with them individually.

MR. MONTAÑA: Mr. Chairman.

CHAIRMAN ANAYA: Sam.

MR. MONTAÑA: Mr. Chairman, Commissioner Trujillo, we have been working on an initiative also to convene the tribes to talk about communication and mutual issues that concern all of us, and we would like to introduce this particular issue for discussion

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as well. So we will be including that in the tribal summit that we're working on convening.

CHAIRMAN ANAYA: Any further questions of Ms. Cochran?

Commissioner Gonzales moved to approve Resolution 2000-112 as presented.

Commissioner Trujillo seconded and the motion passed by unanimous voice vote.

IX. E. 3. Request direction and Authorization on potential general obligation bond questions

MR. MONTROYA: Mr. Chairman, we have provided a memorandum to the Commission that basically will synopsize the possible bond questions that could be placed on the ballot for the November 7 election. Mr. Chairman, in the first section of the memorandum we talk about the deadline dates that are required to be fulfilled by the statute in order to meet the deadlines to get the appropriate questions on the ballot. Mr. Chairman, we are required to submit by September 12, 2000 the adopted resolutions by this Board that would direct the Clerk to place the appropriate questions on the bond for general obligation bonds on the ballot.

Mr. Chairman, if we go to page 2, we have in no order of priority, listed the potential bond questions and would like to have the Commission discuss these potential six questions and then give the staff some direction as to which of these they believe should be placed on the ballot. Mr. Chairman, the first question is the public safety bond, which is a \$6 million bond, broken up in the following manner: \$2.5 million for fire buildings and equipment -

COMMISSIONER DURAN: Excuse me, Mr. Chairman. Excuse me, Sam.
Mr. Chairman.

CHAIRMAN ANAYA: Go ahead.

COMMISSIONER DURAN: Sam, we've been through this like four times. I don't think we need to go through it again. We have a long agenda and if the Commission would agree, I think we can just make a decision on what we want as a referendum. The question I have though is is four a reasonable number to put up?

MR. MONTROYA: Mr. Chairman, I don't know in any quantitative way to tell you how many questions should be placed on the ballot, but I do know that if we saturate the ballot with more than two or three questions, I think the electorate might have a difficult time looking at so many questions. Conversely, they might also say, well let's look at all of them and give us an ability to make a decision on every potential question that might be there. So Mr. Chairman, I do not have a good answer for you there. It would probably depend on who you ask, but I think we're posing all of the potential questions to you and taking your wisdom in terms of your experience with the constituency on bond issues.

There are some people that would say that if you have all six questions, all of them might go down and if you have a smaller number like three, there still could be a potential that some of them could be rejected, but Mr. Chairman, I would defer to your wisdom on that issue.

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CHAIRMAN ANAYA: Well, Sam, there's also the potential of not only entertaining these on the general election, but there's also a potential for a special bond election. Can you elaborate a little bit on that?

MR. MONTOYA: Mr. Chairman, that is an option. Conceivably the County could, at a later date - well, the scenario could be this way. The County Commission could choose to put a few of these questions on the ballot for November and could defer a couple of additional questions for a later date after the new year. That is a possibility. Commissioner Griné.

COMMISSIONER GRINÉ: We just discussed recently, Sam, we pretty much addressed question number three and question number five. Those can be consolidated now. Right?

MR. MONTOYA: That's correct, Mr. Chairman. That's a possibility.

COMMISSIONER DURAN: So that takes care of them.

COMMISSIONER GRINÉ: That takes care of two of them.

MR. MONTOYA: Mr. Chairman, for the record, if I could just read quickly what the potential questions are, just so that the public can follow the discussion of the Board. The first potential question is a public safety bond for \$6 million, which is related to fire and law enforcement. Potential question two is the open space bond, phase 2, for about \$12 million. The potential question 3 is a new County administration building for about \$8 million. Question 4 is a public works facility which would go to construct a new public works facility out on 599 and also would designate \$2 million towards solid waste facility improvements county-wide. Question 5 is the St. Vincent property acquisition for about \$12 million, and question 6 is renovation of the judicial courthouse complex for about \$12 million, \$8 million of that going toward renovation, \$4 million towards a shared parking facility potentially with the City. We've not advanced that discussion with the City very far, but those are some of the potential questions that could go on the ballot.

CHAIRMAN ANAYA: Thank you, Sam. Commissioner Duran.

COMMISSIONER DURAN: If I could just kind of address these issues, I'm going to start backwards from the back on number 6, and just some informational, letting you know some of the commitments that the County has made, so the public has some information on this. We've been working with the judges on the judicial-courthouse complex for over a year now.

COMMISSIONER GRINÉ: Two years.

COMMISSIONER DURAN: Two years. So we pretty much have a commitment to them that we will put this up for the voters to make a decision as to whether or not they want to have a new judicial complex built. So, I think that the commitment that we've made to the judicial, to the judges in that segment of our community, I think that we need to do that. So I think that needs to be put on there.

The old St. Vincent property, the state is going to be closing bids on that on the seventh, and I had a meeting with Lees Swindel a few days ago and he believes that he's going to receive offers somewhere in that \$15 million price range for it. And I tend to believe that

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it's true because it has so much value to the private sector. I think it's a shame that it's going to the private sector and we can't preserve it but the state has a need to generate revenues for their capital improvements projects and plans. So I think it's really out of our control.

We need the new public works facility. We've been talking about that for several years and I think that if we can relocate the public works facilities from where they are right now, it opens up some other economic opportunities that we can pursue at that location because of its proximity to other economic businesses and companies that have located in that area.

And then the new County administration building, it seems to me from a priority standpoint that we need to put this on the back burner for now and maybe put that on as a special election at some point in the future.

The open space bond, I've had a lot of people calling me, saying how important it is and I think again that this should be a decision that the public makes.

And the public safety bond - I don't know. I don't see a problem with having four on the ballot. I know I've been to vote some times and there've been five or six things I had to read through before I made a decision. So I would say for me, I'd put all four of those one. The two that I wouldn't put on would be the new administration building and the St. Vincent's.

CHAIRMAN ANAYA: Thank you. Thank you, Commissioner Duran.
Anybody else for open dialogue?

COMMISSIONER GONZALES: Sam, do you know how many, or Becky, how many state-wide referendum questions are going to be on the November ballot?

BECKY BUSTAMANTE (County Clerk): There'll be two constitutional amendments.

COMMISSIONER GONZALES: But will there be any requests by the legislature for severance or tax increases that you usually see?

MS. BUSTAMANTE: I can give you that answer in about five minutes. I'll run downstairs.

COMMISSIONER GONZALES: Where would this fall? Where would the ballot questions fall in relation to the state questions?

MS. BUSTAMANTE: It would fall in the County portion of the ballot, which would be after our elected official, the positions that are up.

COMMISSIONER GONZALES: So right after the elected officials, then you'd have the bond questions, and then after that would you have the state questions that follow?

MS. BUSTAMANTE: No, the state questions will be first in the state portion.

COMMISSIONER GONZALES: Okay. So if the state's asking the voters to tax themselves and we're the same it's a bit risky, also. But we don't know for sure what's going to be on, is that right?

MS. BUSTAMANTE: I don't. I'll go downstairs and check. I do have the package.

MR. MONTROYA: Mr. Chairman, I do want to point out that the legislature quite often has severance tax bonds and general obligations bonds both on the ballot.

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COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Trujillo.

COMMISSIONER TRUJILLO: In going down the list, I would agree with Commissioner Duran, except for the open space bond. I feel that we should get more creative in that regard. We've already floated and passed a \$12 million open space bond in the last couple years, which became a model program in Santa Fe County that is being looked at across the nation. I think we can work outside of the box and get creative to attract and retain other forms of monies to continue the open space program at this point. And then look at it again later on. Because I supported open space initially. I continue to support open space now, but I think we cannot make that the only game in town at the expense of taxpayers.

So I look at the judicial complex as a priority, the public safety as a priority, and the public works facility as a priority, providing other services that the community needs and I don't agree that we would include four items, four initiatives on the bond because I feel we don't want to inundate the community with a whole list of bonds that we need to consider. For example, in the Pojoaque Valley, the school is totally dependent on bonds to support their operations, their infrastructure and they're going to float a bond this year, that's something that they're going to consider and that's all they have to fund their operations and their infrastructure. What we need to do is limit the amount of items that we have on the referendum.

CHAIRMAN ANAYA: So, Commissioner Duran, the story there is he agrees with three out of four. I think what Commissioner Trujillo is alluding to is that on the open space issue, this should fly on its own merits, under its own election structure.

COMMISSIONER TRUJILLO: Right. Look at other ways of bringing more monies for open space. It's a very popular concept; it will go out to the public and probably get approved, but there's a lot of constituents in my district that will not support it and it has a disparate impact on them. They're on fixed incomes. They're aged. It's a good program. It's a model program, but I think we need to look at other ways to fund it at this time.

CHAIRMAN ANAYA: Thank you, Commissioner Trujillo. Commissioner Griñé, I think I overheard you also agree with Commissioner Duran on those top priorities?

COMMISSIONER GRINÉ: Yes, but I'd put open space bond as number one on my list.

CHAIRMAN ANAYA: On your list, okay. Commissioner Gonzales.

COMMISSIONER GONZALES: Mr. Chairman, just to address the issues that I think, in my discussions with the community that I feel are important, and I'll start at the top of the list for my priorities. I've had the opportunity to see first hand the benefits of what open space can mean to this community. It's not just any more about protecting the visual nature of pristine lands. It is about assuring quality of life issues and educational opportunities to learn from these lands that are threatened for development. So I do believe that this is a worthy investment in our community, that it is an investment that can generate lots of educational interest, lots of opportunities for the children in our schools and people in our communities to learn from the lands that have been so important to us for many generations.

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In fact, we're talking to people in La Cienega and how we protect some of those agricultural communities. There are lots of needs out there that we need to have addressed and it's again, not from so much a visual standpoint, but also from an educational, quality of life standpoint. So I would rate the open space bond question going out to the public as being something very important and a program that we should allow the public to decide whether they want to continue or not.

The second priority, I think of course does have to belong to the judicial complex. Right now we have many users of the complex that don't have adequate parking. It makes it difficult for people who need to serve the judicial process - I'm talking about jurors and other folks that work with the courts that come to the property and actually find parking and be able to go into the building and be able to work in an efficient manner. Certainly the judges have all told us that they're feeling very crowded and that is our statutory responsibility. It's not a responsibility that we can negate and walk from. It's not a choice. It's a requirement that we provide the judges with proper office facilities and assure them that they have a good work environment to serve the public. So I think that that's real important.

And I would also advocate for the public works property. Not so much - well, one, in that it's in a residential community. I know that early morning truck traffic bothers some of the residents in that area but I'm excited about an idea that Commissioner Duran has and am anxious to see how he develops it and moves it forward in terms of economic development and how that property can be used to achieve some of the goals that he's been talking about. So I think that that's really important.

And I'm a little concerned about putting four questions up. I do agree with Commissioner Trujillo. I think it's asking a lot of the community to look at four questions to ask them to set priorities. Although I on the other hand, I know that the recent polls showed that public safety is important, that the fire situation is really important to our community and it's a difficult situation. But I do think that we need to prioritize. Those are priorities that I think are important, those three issues, and I would limit it to three questions and not go for four, because I do think that we run the jeopardy of hurting other questions or just taxing our constituents too much.

So if I just reiterate the three questions I'd like to see go forward would be open space, the judicial complex, and the public works facility.

CHAIRMAN ANAYA: In my opinion, just in prioritizing all of this, I would - there all good issues, every one of them, there's no doubt. But the judicial complex, of course has to be in there. I guess the last issue on my mind would be open space and I kind of agree with Commissioner Trujillo. I'd like the Commission to kind of rethink this approach and perhaps put it on its own merits and let it ride on its own merits. I agree the sentiment is out there. I don't know the validity of the poll that was taken as to how well structured it is, Commissioner Gonzales. And the reason I kind of hesitate on this is exactly what Commissioner Trujillo alluded to, as to the small people are going to take the tax hit on this also, along with the bigger parcels. It kind of worries me as to how they can handle their own livelihood for the sake of open space. Anyway, that's my sentiment on this.

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As far as the St. Vincents Hospital issue along with question number 3, I think there's a lot of potential to coordinate another effort in that direction and perhaps the County can still get a handle on St. Vincents if we pursue ideas that have already been generated. So the decisions, of course, gentlemen are up to you.

COMMISSIONER GRINÉ: Mr. Chairman, this is just a request for direction and authorization and we vote on it next time.

CHAIRMAN ANAYA: Oh, I see.

MS. BUSTAMANTE: Mr. Chairman, just to answer Commissioner Gonzales' question, there will be five questions. Three will be bond questions and two constitutional questions on state.

COMMISSIONER GONZALES: Are the bond questions general obligation bonds that affect the property tax base? Are they general obligation bonds or are they severance?

MS. BUSTAMANTE: I'm not sure. They're bonds. I don't know. I didn't go downstairs. I just the information. But there'll be three of them.

COMMISSIONER GONZALES: That's okay. We still have time to check them.

MS. BUSTAMANTE: The other thing I want to bring your attention to is that on September 12, Po'oaque schools is having a special election on bonds.

CHAIRMAN ANAYA: So I guess there we have it, gentleman, as to putting all these options out to the public, as to what's going to pass and what isn't and that's the roll of the dice that we're going to be deciding pretty soon.

COMMISSIONER TRUJILLO: We're not going to decide that today?

CHAIRMAN ANAYA: No. Direction.

COMMISSIONER DURAN: So what's the direction? To put four on there?

COMMISSIONER TRUJILLO: Put three on there.

MR. MONTOYA: Mr. Chairman, we definitely need to have the direction from the Board today so we can structure the bond questions and call a special meeting on September 5, which is when you would actually adopt the resolutions with the actual questions on them. So my understanding is that you've agreed on four possibilities, and there's a question now that you might go from four to three.

CHAIRMAN ANAYA: Well, there's unanimous - I think there's unanimous consent on the judicial complex, the public works and the public safety. I think there's unanimous consensus on that. I think what's up for grabs right now is the open space and the other two.

COMMISSIONER GONZALES: I disagree, Mr. Chairman.

COMMISSIONER GRINÉ: I disagree too.

CHAIRMAN ANAYA: I can call it the way I read it.

COMMISSIONER TRUJILLO: I read it like that too, Mr. Chairman.

COMMISSIONER GRINÉ: Mr. Chairman, I make a motion that we go for the same four that Commissioner Duran alluded to.

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COMMISSIONER DURAN: Second.

CHAIRMAN ANAYA: Okay, there's a motion to move forward with the four top inclusive of open space. And there's a second. Is there any further discussion?

COMMISSIONER TRUJILLO: Discussion. If we're getting creative with the acquisition of St. Vincent Hospital, by partnering with a private entity to provide the space that we need for administration in Santa Fe County, why can't we get creative with open space? I talked to Representative Lujan this morning and he said, you know, you can ask us to augment gross receipts for open space to be used in Santa Fe County in perpetuity. And that is a program that is funded on a yearly basis forever, and it's not on the taxpayers' backs. Okay? Again, open space is great. It's a model program. We don't even have a maintenance program yet for open space. It is not the only game in town.

We need to do other things. There's other services out there that we need to provide. Let's get creative. Let's work outside of the box. Let's give impetus to this program being solidified in perpetuity forever, but let's get away from bringing it to the taxpayers' backs year after year after year. Let's take a hiatus. Let's take a break and look at it, develop and implement the maintenance program. And continue from there.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Gonzales.

COMMISSIONER GONZALES: Just to address Commissioner Trujillo, because I have enormous respect for the Commissioner and hear exactly what he's saying and what the chair has talked about in terms of who's ultimately responsible, all the taxpayers. But clearly, in this community where we have individuals on fixed incomes these are difficult issues. The reason why I'm supporting this so much now, Commissioner Trujillo, is that we've been working, both at the national level and individually to lobby Congress to create additional monies for the Land and Water Conservation Fund, which would bring about \$40 million, or create about 40 million more dollars to New Mexico for the acquisition of open lands.

Most of that money, though, from what I understand, requires local communities to have a match, and minus that match we're not going to be able to access it. I think that's one way that we try to leverage the taxpayer dollars to go farther than what it would otherwise. I would also point to the fact that, in terms of stepping out of the box, hopefully, this transfer of development rights, Commissioner, will result in a very long-term, successful program to move development rights out of sensitive areas, areas that we can move for educational purposes, areas that protect scenic values, move the development and vacate the development rights out of those areas into areas that are more sensible.

I don't know. I'm hoping and I believe in my heart of hearts that that will be successful, but that's a big challenge that we don't know whether it will be complete or not. I do understand the issues that you talk about because we have continuously been concerned about the amount of property tax dollars that the public needs to pay, but I do think that we need to continue to give the public the choice as to whether they want to participate in this program or not. And if they say no, then we know the will of the communities. And they

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have. Our communities have voted down lots of GO bond obligations, unfortunately for the schools, but where they have felt that they haven't been needed or necessary, they've gone to the polls and they've voted against them.

So I'm primarily supporting this in the hopes that it's just another choice for the community to make a decision whether they want us to continue in this program or not. If they do, we do have an opportunity to leverage lots of federal dollars to maximize the amounts of private lands that we could put into public ownership. So I do sympathize but it just seems like we're missing a window of opportunity if we discontinue the program now and miss out on some federal dollars that could help us acquire more lands.

CHAIRMAN ANAYA: And that's true, because ultimately it will be up to the voting public to say what they decide.

COMMISSIONER TRUJILLO: And we want to see this program continue forever and we can get creative with it. We can get matching money in other ways. You, Commissioner Gonzales, as our incoming president of the National Association of Counties. You have a direct line on funding and funding sources and resources and things like that. We can get matching monies other ways. We have other services to provide to the community. Open space is very important, but it's not something that we should send out to the community on a yearly basis every two years. Let's get creative. We've established the program. It's a model program. We spent \$12 million to buy land, let's step back and implement maintenance plans and bring it back to the taxpayers later on. In the meantime, get creative about this program.

CHAIRMAN ANAYA: Good discussion. Let's move on to the vote then because the motion is already on the floor. Inclusive of the four prioritized, Sam. All those in favor of the four priorities that have been discussed, signify by saying "aye."

There is a tie-vote with Commissioners Duran and Grifé voted with the motion and Commissioners Gonzales and Trujillo voted nay.

COMMISSIONER DURAN: I thought you said you wanted -

COMMISSIONER GRIFÉ: Open space is out.

CHAIRMAN ANAYA: Open space is in.

COMMISSIONER GRIFÉ: Yes, open space is in now.

COMMISSIONER GONZALES: The vote was against the four priorities. I am in favor of three questions going forward and the three questions that I was in favor of going forward are the open space project, the judicial complex, and the public works facility.

COMMISSIONER GRIFÉ: You don't want public safety in there?

MS. BUSTAMANTE: It's a two-two tie.

CHAIRMAN ANAYA: I realize that. So the choice of open space being on there is mine, right?

COMMISSIONER GONZALES: No, no, no. That's not the choice. Well, hold on. Then let me - we need to clarify this real quick.

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COMMISSIONER GRIÑÉ: I made the motion to keep open space in there, the judicial complex, public safety and also the public works.

COMMISSIONER GONZALES: My issue is – let me just ask Commissioner Duran or Commissioner Griñé to help me understand if – are you not concerned that a fourth ballot question is too much or would jeopardize any of the other bond questions?

COMMISSIONER GRIÑÉ: Mr. Chairman, Commissioner Gonzales, you just stated earlier, let the public make a choice.

COMMISSIONER GONZALES: So then why wouldn't we put up all the questions?

CHAIRMAN ANAYA: Well we are putting up –

COMMISSIONER GRIÑÉ: I said four –

COMMISSIONER DURAN: Because the other two aren't valid requests. St. Vincent isn't a valid one and the admin building, I don't think that's as high a priority issue as the other four.

CHAIRMAN ANAYA: Those two aren't part of the motion, Commissioner.

COMMISSIONER DURAN: I know, but he's asking me why we didn't put all six, and the reason we didn't put all six is because there were two that were in my opinion non-issues. But what I was going to say –

CHAIRMAN ANAYA: As it stands right now, there's four in motion.

COMMISSIONER GONZALES: Okay, I'll withdraw my no and go with a yes.

CHAIRMAN ANAYA: Go with a yes. So there's four priorities going in. By a vote of three to one, Commissioner Trujillo voting in the negative, the four priorities are established. That was fun.

IX. F. MATTERS OF PUBLIC CONCERN – NON-ACTION ITEMS

CHAIRMAN ANAYA: Is there anyone from the public that would like to address the Commission? There's no one in the audience that would like to address the Commission? The Chair wishes to recognize the presence of Councilor Matt Ortiz who is in the audience.

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IX. G. MATTERS FROM THE COMMISSION

- 1. Resolution No. 2000-113. A joint City of Santa Fe/Santa Fe County resolution directing the creation of a task force to develop policy recommendations regarding adoption of a joint water management plan for the greater metropolitan area's water resources, amending Resolution No. 1999-95**

COMMISSIONER DURAN: I'd like to ask to table this resolution. I haven't had a chance to get with staff, but basically what -

CHAIRMAN ANAYA: There's a motion for tabling.

COMMISSIONER DURAN: But let me just finish. It won't take a second.

Basically, what I'm trying to do with this amendment, I'd like to give staff direction, is that we have a joint City/County resolution in place right now, Resolution 1999-95 and it basically deals with the creation of a task force to develop policy recommendations regarding adoption of a joint water management plan for the greater metropolitan area's water resources. This is pretty much based on working out a long-term wheeling agreement with the City. That's pretty much the basis of this resolution, and I would like to amend it to incorporate a few other concerns that I have. I think that the City and the County should get together to try and find new water sources and rather than just put, limit the use, I think we need to get more proactive in actually quantifying the water that we have available, exploring some deep well exploration, and finding new sources for this water resource.

I have a list here from Katherine Yuhas, and I won't go into it, but I think this is great, Katherine, if you could meet with Virginia. She's going to help me make some amendments to this and then at the next meeting we would bring them forward.

COMMISSIONER GONZALES: Just real quick, before you move to table.

Commissioner Duran, you were at the RPA meeting when Councilor Bushee brought this forward or -

COMMISSIONER DURAN: No, I had to slip out.

COMMISSIONER GONZALES: Okay, I think the goal of the Councilors was to actually get the RPA to begin to work as a body to help in addressing the metropolitan water needs, addressing things like the wheeling agreements, new water issues and things like that. So, I know you have some amendments but I wanted to make sure that this body is clear that this is a priority that's been placed on the RPA's agenda to begin addressing and it's not through task forces other than through individuals on the RPA - is that right, Jack? That we had talked about that the individuals on the RPA were going to begin to work to develop the water plan in a very rapid period of time.

We were talking about really going out and working very aggressively to get a metropolitan water plan in place, that the RPA could begin to dialogue, to debate discussion and then hopefully act on and then sent back to the individual governing boards. So I know there was a lot of excitement on the Council's side as to moving forward with the creation of

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this task force and getting the RPA to begin work on it.

COMMISSIONER DURAN: And all I was trying to do is make sure that we added another dimension to this thing and that was – and you've just answered that. That we actually go out and quantify the aquifer, explore deep well exploration possibilities and stuff like that.

COMMISSIONER GONZALES: But I think again that the goal of Councilor Bushee from what I understand she was indicating is that let's start at the RPA level having this regional discussion about all the elements of what it takes to have a regional water system and start talking about it amongst ourselves and then coming up with a plan that we can bring back to the governing boards for approval and support so that we can move forward.

COMMISSIONER DURAN: Well, Katherine, could you give this to Jack and maybe he can get it to the appropriate individuals at the RPA. The only thing I don't see here is deep well exploration, so could you add that to it. So I move to table.

COMMISSIONER GRINÉ: Second.

CHAIRMAN ANAYA: That's a mighty long motion to table. But very good. A motion and a second. All in favor signify by saying "aye."

The motion passed by unanimous voice vote.

IX. G. 2. Request authorization to enter into an agreement with the City of Santa Fe to coordinate and facilitate on areas of mutual regional concern through national and state lobbying efforts

COMMISSIONER GONZALES: Mr. Chairman, this is another discussion that was held at the RPA and Councilor Ortiz is here and I defer to him to follow up on any issues, but clearly the RPA began to talk about how the City and the County could begin to share resources to address some of the needs that the RPA is going to need to identify in accomplishing some of the goals. Clearly, the Mayor has set forth the water plan that calls for the number one priority to be a diversion project to the river. There will certainly be other issues that come out of the RPA in terms of needs and what we've talked about – and Councilor Ortiz can address the MOU because he actually worked on it with our staff, is to share resources where the County would actually share our federal resources in providing support to the RPA and the City would share resources in providing support both federally and at the state level.

MATT ORTIZ: Mr. Chairman, thank you for your indulgence. Thank you for allowing me the opportunity to speak. I want to give a brief introduction. I believe that in the past there has been an inclination amongst both our City and County staffs that when all else is equal, City and County staffs fight with each other. And I believe that there is a spirit and will, not only on this Commission, that has been here for some time, but now on the City Council, to try and work together, cooperatively, on issues that have consequence for both the

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County and for the City.

I believe that this policy, this policy coordinator position is a step in that direction and it is with that intent that I brought this issue forward. It is my contemplation and the discussion that we had at the RPA was that this position would be a coordinator position for those areas in which the City and the County have mutual concern and have areas in which they want to cooperate on the national level, on the state level, even on the local level, this would be the position, the coordinator position that would be responsible for shepherding those policy initiatives through the various processes.

The proposal as it's written is essentially a position swap. The City is going to give up a position. Currently, it's the public information officer at the City. The County would allow access to the lobbyist that you already have on contract. It would be a coordinated effort through the offices of both the City and the County managers. This position would not have the ability to take any independent actions except through specific direction by action of both of the governing bodies. And with that, I would stand for any questions that any of you would have.

CHAIRMAN ANAYA: Thank you, Councilor.

COMMISSIONER GONZALES: Mr. Chairman, I would just point out also, in the discussions at the RPA is that there is considerable duplication of efforts that are being undertaken by the City and the County and clearly, we have continuously talked about how we would reduce those duplications of effort and try and work more collaboratively. And again, there's no fiscal impact to the County. There's no fiscal impact, from what I understand, from the City's standpoint. This is just a commitment through a memorandum of understanding that states we're going to share our resources to collaborate on common issues, common concerns that we both have and create more of a coordinated effort in addressing some of the activities that the RPA is going to need and the support that the RPA is going to need.

So with that, Mr. Chairman, I'd like to move for approval of this authorization.

CHAIRMAN ANAYA: Motion for approval.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN ANAYA: Second, Commissioner Trujillo. Any further discussion?

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Just a real quick question. How is this individual - he's going to be working directly with the Regional Planning Authority? Will he be working with the individual that we hire to oversee that project?

COUNCILOR ORTIZ: Mr. Chairman, Commissioner Duran, this is not an enviable position to be in. I believe that this position is not only responsible to the RPA and the ultimate director of the RPA. This person is also responsible to the City Manager, as well as to the County Manager. So I think that this person is responsible to all of those individuals to make sure that again, we have a coordinated effort on our policy initiatives and that we try and eliminate duplication of services on both the City and the County side. So, yes, he would

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be responsible to the executive director of the RPA as well as to the City and to the County managers, individually.

COMMISSIONER DURAN: So he would be getting his direction from who?

COUNCILOR ORTIZ: He would be getting direction, the day to day direction, I assume, from both the City and the County manager. He would be given his policy direction from official actions of the governing body as well as the official actions of the City Council.

COMMISSIONER DURAN: And the governing body is the RPA?

COUNCILOR ORTIZ: The RPA, that's right.

COMMISSIONER DURAN: And that would be, what constitutes a quorum in giving him direction? It would not be a super-majority, or would it be just a majority of the then present board?

COUNCILOR ORTIZ: Mr. Chairman, Commissioner Duran, in terms of the RPA as it relates to policy initiatives, that pertain to I believe it's Section B, Paragraphs 1, 2, and 3, the specific authorization on land use items, that according to our JPA requires a super-majority. On all other matters, I would assume that's a majority vote of all RPA members present. That's how I believe -

COMMISSIONER DURAN: Okay, good. I think that makes sense to me.

COUNCILOR ORTIZ: Okay. Thank you.

COMMISSIONER GRINÉ: Any other questions of Councilor Ortiz? I understand there's a motion to approve and a second already? All those in favor signify by saying "aye."

The motion passed by unanimous voice vote.

COMMISSIONER GONZALES: Mr. Chairman.

COMMISSIONER GRINÉ: Commissioner Gonzales.

COMMISSIONER GONZALES: I have an issue. There was a letter that each of the Commissioners received from Don Martinez, a member of the Santa Fe Fiesta Council. I'd ask Don to maybe step forward if you will, that is asking the County Commission to fund \$5,500 to basically promote the County and during Fiesta weekend. Now, Mr. Martinez has followed the proper process in trying to go the Lodgers' Tax Board and ask them for support in this area. However, the Lodgers' Tax Board failed to have a quorum at the time that Mr. Martinez requested to be before them.

The problem is the Fiesta is just about a week away and the Fiesta Council is in need of this money and what I would like to propose, and I spoke with the County Manager. The Manager has the ability, by the authority that we've given him, to basically award these kinds of requests and I'd like to ask the Commission to award the \$5,500 request and then seek support from the Lodgers' Tax to basically reimburse the County after they've had a chance to sit down with the Fiesta Council and I know this is a little backward, but the reason that we need it is because the Fiesta Council, the fiestas are taking place and they need this money so that they can begin to promote it and actively promote the County.

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I'd stand for questions. Mr. Martinez is here to stand for any questions if the Commission has them, but this is to benefit our community. It should go through the Lodgers' Tax but - and they tried to go through Lodgers' Tax, the Lodgers just didn't have a quorum, and I'm just asking that we make this temporary -- if you would. And I don't know, we'd probably remit to the Fiesta Council and -

COMMISSIONER GRINÉ: Is that in the form of a motion, Commissioner Gonzales?

COMMISSIONER GONZALES: It's in the form of a motion. I don't know if we can actually act on it because it hasn't been noticed.

COMMISSIONER GRINÉ: We can't. It's not noticed, right?

COMMISSIONER DURAN: I think you have consensus.

COMMISSIONER GONZALES: We'd just like to see if we can get direction to the County Manager.

COMMISSIONER GRINÉ: That's fine. I have one question also, is how much money does the Lodgers' Tax Board have?

COMMISSIONER GONZALES: I'm sorry?

COMMISSIONER GRINÉ: How much money do they have in their kitty?
Katherine.

MR. MONTOYA: Actually, Mr. Chairman, we just went to seek that number. We're trying to ascertain that information, Mr. Chairman.

COMMISSIONER DURAN: Mr. Chairman.

COMMISSIONER GRINÉ: Commissioner Duran.

COMMISSIONER DURAN: So in any case, this isn't going against any anti-donation provision, right?

COMMISSIONER GONZALES: Well, the Fiesta Council is a non-profit organization, so -

COMMISSIONER DURAN: Are they going to be representing the County?

MR. MONTOYA: Mr. Chairman, I think the proposal is based on the fact that the fiestas attract visitors to the community to the city and to the county and that it promotes our community in a general sense, so that falls under the purview of the statutory authority to provide funds for something of this nature.

COMMISSIONER DURAN: Great.

COMMISSIONER GRINÉ: Thank you. Any other questions?

COMMISSIONER GONZALES: So with that, Mr. Chairman, I'd just like to ask for a consensus and give direction to the County Manager to make available as soon as we can, because I know that they're in need of the money, a check for \$5,000 to the Santa Fe Fiesta Council and set up the proper appointments with the Lodgers' Tax. Mr. Martinez, I'd like to ask you, I know it's going to be after fiestas probably, but we would like you to continue the commitment of going to the Lodgers' Tax, explaining to them the benefit that the County has received, and formally requesting their support for this and then at that point, when they approve it, we can transfer the money from the Lodgers' Tax back into the general

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fund.

DON MARTINEZ: Yes, Commissioner, I'd be more than willing, and as you may know, the Fiesta Council works year-round, so we'll definitely be able to come to the next Lodgers' Tax and I do understand that the chairman of the board did have eye surgery so that was the problem.

COMMISSIONER GRINÉ: Thank you, Mr. Martinez. I guess you do have a consensus, Sam. Are there any questions from Sam?

COMMISSIONER GONZALES: So are we okay in terms of being able to get them the check in an adequate time table?

MR. MONTOYA: Yes, Mr. Chairman.

COMMISSIONER GONZALES: Okay. So, Mr. Martinez, we can talk to Katherine then and she'll be able to assist. She's the bank.

COMMISSIONER GRINÉ: Thank you. Any other discussion?

COMMISSIONER DURAN: Mr. Chairman.

COMMISSIONER GRINÉ: Commissioner Duran.

COMMISSIONER GRINÉ: I do have one matter before we get out of Matters from the Commission. I've asked Roman in the Land Use Department to check into a situation for me. There seems to be - I have some concern and need some clarification. When a subdivision that was approved prior to the adoption of our terrain management ordinance, let me back up, there is a situation where the Circle Drive Compound during the platting and approval process there were building envelopes approved and recorded at the time the subdivision was approved by the County. We subsequently approved a terrain management guideline that has created some problems in staff's interpretation of what can be done or whether or not the individual can build on the approved building site. Staff has been telling individuals that they cannot build on that site even though it was approved because we adopted new guidelines that mandate something different. I've checked with Chris Graeser of the Attorney's Office and there is a court case back east somewhere where the same situation has occurred and the developer prevailed in that. It just seems unconstitutional to me to approve a subdivision and a building site and then we adopt an ordinance that restricts the use of that site as it was approved. So I've asked Roman to find out or just give us a report on that. I'd like to give staff direction.

ROMAN ABEYTA (Deputy Land Use Administrator): Mr. Chairman, Commissioner Duran, the ordinance in the County Code does not specifically exempt these types of situations or it doesn't have a clause that states specifically that if your lot/buildable area was designated prior to the effective date of this ordinance amendment that it's grandfathered in. What staff is going to rely on is legal's opinion and if they are of the opinion that if you do have a plat that the Land Use Administrator has signed off on and it has been recorded with a buildable area, if it's legal's opinion that we have to recognize it then we would amend our policy list that we have and we would start recognizing those lots for development or those buildable areas.

COMMISSIONER DURAN: What if it was in the plans and it wasn't recorded

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but was part of the submittal and approval process and is in the file? I'm not certain - I know that in La Tierra Nueva the same situation came up several years ago where the site was approved through the development process but they didn't require recordation of the building envelopes. Because of that they were able to require the applicant to build elsewhere when for 10 years he has owned the property and thought he could build his house where it was designated.

MR. ABEYTA: Mr. Chairman, our position would be the same. If a prior administration or administrator or there is a file that shows a previously approved buildable area -

COMMISSIONER DURAN: Okay.

MR. ABEYTA: -- we would ask legal their opinion and if we could recognize it we're open to recognize it.

COMMISSIONER DURAN: That satisfies my concern about it.

MR. ABEYTA: Mr. Chairman, if I may just get legal's opinion. I don't know whether you've had time to research it but we do have these situations that happen almost on a daily basis and we would like clarification.

COMMISSIONER DURAN: Can you check into and get back to us or let staff know at a later date.

MR. GRAESER: Yes, Mr. Chairman, Commissioner Duran, I could certainly go over it with staff with the individual facts on a broad legal staff as a matter of vested rights. If you don't have a vested right, the zoning can change and there's no constitutional prohibition raised. To get a vested right you need final development approval so whatever the final approval is that staff requires for development to happen out there and that might require the recording of a plat and you also have to significant change your position or reliance's, essentially spend money, starting to development and then zoning can't be changed. We can go over the individual facts and see if this fits in or not.

MR. ABEYTA: Thank you, Mr. Chairman.

COMMISSIONER DURAN: Thanks, Roman. That was all I had, Mr. Chairman.

COMMISSIONER GRINÉ: They have asked us to jump over to letter C on the public hearings. I guess the TV stations want to run this on the 5 o'clock news.

X. Public Hearings

B. Emergency Ordinance No. 2000-9: An ordinance declaring drought conditions in Santa Fe County and adopting Water Use Restrictions on the customers of the Santa Fe County Water Utility

MR. SAYRE: Chairman and members of the Commission. We come before you for the consideration of this ordinance which we have called an emergency ordinance requiring adoption of water restrictions on the County water system. I think we're trying to

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look at the that the City has passed down water restrictions on its system and considering the drought conditions that have existed in Santa Fe County this past summer in that certainly we have water supply problems that we need to look at preserving as much water as possible. We want to look at how we can do this and certainly the users of the Santa Fe County system need to also be restricted in their water use equally as well as the users of the City of Santa Fe system.

By this ordinance and I don't know whether you'd like me to read it but by this ordinance we basically adopt the same restrictions of Stage III of the City of Santa Fe. Maybe I could field questions at this time.

CHAIRMAN ANAYA: Are there any questions?

COMMISSIONER DURAN: How many people do we have on our water system?

MR. SAYRE: We have approximately 210 users, residences on the County water system. That includes the South County System which would be south of the Interstate and down toward Rancho Viejo and the west sector system.

COMMISSIONER DURAN: Did we ever consider making these water restrictions mandatory for people on wells in addition to the water utility. I know it would be a nightmare for enforcement but if someone – if we could impose that on people that have wells out there and take into consideration that there are agricultural uses and other factors that are different than the city – I think that would be more appropriate. I think 200 people on a water system, although I think it's going to help, I don't think that it's going to make as big a dent as it would if we require all the people in the county who are even on wells to adopt some water – mandatory that they adopt some water conservation policy.

MR. SAYRE: Commissioner Duran, I certainly agree with you. What we're considering is drafting some kind of ordinance that we could try and look at that. And we have been discussing that with the south county residents as well as other area residents and we've been trying to get legal opinions on how we can do this and we'll try and come forward with something about that if this condition persists.

COMMISSIONER DURAN: Because I don't think it's fair because I hear a lot of people tell me that people out in the county who are on wells are just not effected by this water shortage because they're on well. They are affected but they are using water as though they were not. I think we need to be more aggressive with these restrictions.

MR. SAYRE: We're looking into that and as you know the County Code does restrict water use on a lot of wells as far as approved subdivisions over the past few years. So we've been conservatively applying a lot of restrictions to current subdivisions that are on wells because a lot of them are required to be .25 acre-feet or .31 acre-feet of use which is below what the state engineer allows or the City allows. But we're trying to look at what's within the state statutes and what we can do within the laws to try and restrict water use on well users. We would like to come before you and suggest an ordinance but we are trying to get some legal opinions on how that can be done. We feel we can do it on the water system on the users right now and get that to lessen the impact on the system. That way it will be

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equally applied to all users.

COMMISSIONER TRUJILLO: I think what we need to do, Mr. Chairman, Doug, is we need to instead of mandating water usage, we need to educate the community regarding conditions that exist and impress on the community that water is a scarce commodity and that we need to protect it. I know that in my community if you start mandating things and monitoring wells and things like that, the community is not going to take that. So we're going to have to be very diplomatic and educate the community regarding the ramifications of exploiting and mining water in this arid environment.

MR. SAYRE: Commissioner Trujillo, looking at water management and the reuse of water and as many aspects as we can and whether we can recapture water by various things like cisterns and things like that, that we don't have to use as much off of wells or other means of the city system. That would be mandatory that we look at that. But by education that's one of the things that we want to look at.

We tried to look at that by resolution that this is what we need to do as a way of overall use but I guess we're looking at do we need to go to more restrictive requirements. Since the City has done that on the water system we need to pass that on to our current users which we didn't have a way to do other than by ordinance.

COMMISSIONER DURAN: Doug, you know the City has implemented water surcharge fees; has the County implemented such a structure?

MR. SAYRE: Chairman Anaya, the City did have that surcharge and then they backed off on it because of their billing system. We currently have a conservation charge which we apply which is similar to the City's in the summer that for additional use you get an additional use if you're over a certain usage. So we have applied that. We have not applied a surcharge yet unless the City so decides to so, but they have elected not to do that at the present time.

We want to look at penalties similar to the City so that they're applied equally and in this ordinance we have presented that to you. The first time offense is \$20; the second time offense is \$50 and; the third time offense is \$100. Any subsequent offense will be \$100 penalty but we tried to pattern it after the City so that we don't get into a problem of who is being applied the surcharge.

COMMISSIONER DURAN: I understand that. This is a public hearing; does anyone want to address this issue? If not; what is the pleasure.

Commissioner Gonzales moved for approval of Emergency Ordinance 2000-9. His motion was seconded by Commissioner Grifé and Emergency Ordinance 2000-9 passed by unanimous roll call vote with Chairman Anaya, Commissioner Duran, Commissioner Gonzales, Commissioner Grifé, and Commissioner Trujillo all voting in the affirmative.

COMMISSIONER DURAN: Mr. Chairman, I'm not suggested that we infringe on anybody's right just like Commissioner Trujillo said to educate them and have them assume more responsibility for the problem of the drought.

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MR. SAYRE: We'll take that under advisement and try and come back to you with an education program.

CHAIRMAN ANAYA: Sounds good.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Trujillo.

COMMISSIONER TRUJILLO: Mr. Chairman, we have some distinguished members of the community in the audience and I would like to recognize the leaders of the Pojoaque Pueblo: Governor Jake Viarrial and Lt. Governor George Rivera.

CHAIRMAN ANAYA: Governors, welcome.

COMMISSIONER TRUJILLO: Welcome to our meeting.

A. Seeking Community Input for Proposed Projects for the FY 01 CDBG and the Infrastructure Capital Improvements Plan

DAVID MADRID: Mr. Chairman, this will be the last public hearing for input on CDBG application on September 12 and on September 12 it will be an agenda item and then the final version of the Infrastructure Capital Improvements Plan will be approved on September 26 to be submitted to the Department of Finance Administration on September 29. So at this time I would like the Commission to open the meeting up to any interested parties that would like to be considered for the CDBG application.

CHAIRMAN ANAYA: Okay, is there anyone in the audience who has not addressed the Commission on this issue?

MR. MADRID: This is Liz Stephanics with Open Hands.

LIZ STEPHANICS: Thank you, Mr. Chairman, members of the Commission.

My current outgoing president, Catherine Harris Tiarinna, and May Rivera our incoming president sends their greetings to the Commission and hopes that you will see this proposal in a favorable light.

As you know, Open Hands exists to keep the frail, elderly, disabled and the poor living in their own homes so that they're not evicted or institutionalized and put into nursing homes and on the second page all of our services are identified and on the third page we actually individually categorize every person who comes in our doors at their income level according to the services. And for the past three years Open Hands has come before the County Commission seeking funds in a variety of manners. In the past two years when the County Indigent Funds did open up, we did make a formal proposal for County Indigent Funds but we did not receive those. We have not received CDGB funds in the past from the County and we did not pursue the County bonds even though we have talked to Mr. Terry Brunner regarding that for our new facility.

We have been spending time raising \$3.9 million to build a building and support programs. That's not our ongoing regular operating fund and at this point, Open Hands is seeking support from the County for infrastructure, equipment, and some capital equipment and some vehicles. We are making this request for both CDBG funding and inclusion in the

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infrastructure capital improvement plan so that if we're not successful at the County level, we can seek funding from the state level as well.

I would be happy to answer any questions you have.

CHAIRMAN ANAYA: Are there any questions of Ms. Stephanics? I guess not. And will certainly take it under consideration.

MS. STEPHANICS: Thank you very much.

MR. MADRID: Mr. Chairman, I have Mr. Timothy Vigil from the Cundiyo Water Users Association.

TIMOTHY VIGIL: Good afternoon, thank you for having me here. I'm a member of the mutual domestic water association with Cundiyo and we are trying to update our water system because we've had a number of times that we have run out of water. We have a storage problem and we would also like to update our well system and we would also like to update our lines that feed the houses within the water service area.

We don't have fire protection. We don't have hydrants. We don't have any of those things that we think we need in the case we do have a fire in Cundiyo. We do have support from the community to pursue improving this system. The first step that we need to make is to figure out how the system should look. We have talked to NMFA and we are on a list and they are willing to help us obtain funds to improve the system but we need to get the planning of the system done first. We were hoping that we could ask the Commission to consider us for a planning grant under the CDBG.

If you have any questions I would be glad to take them.

COMMISSIONER TRUJILLO: Yes, Mr. Vigil, what amount of money are you talking about. It seems that it will not encompass or take into account the full spectrum of the CDBG monies. As a result maybe we could look for other ways to fund this project. How many families does the infrastructure serve? I understand the pipes are in dilapidated condition and are pretty antiquated and they lose pressure and things like that, and it helps the community from a health and safety perspective. But you're just looking for design and planning money; is that all that you're looking for?

MR. VIGIL: Yes. It's my understanding that there is a planning grant within the CDBG fund of about \$25,000 and we think that that's probably adequate to help us at least get the mapping and survey and engineering/design work. And then once we figure that out we walk down to NMFA and we give them our application with that information and then we can figure out what the system is going to cost and maybe we can cut that system into a three part system where we may try to get improved storage to begin with and then after that maybe an improved water source, after that maybe an improved line or do everything at once.

COMMISSIONER TRUJILLO: So, David, we can fund more than one project off of the CDBG monies or is this an adjunct to the grant.

MR. MADRID: Mr. Chairman, Commissioner Trujillo, in the past there has been funding available for either \$400,000 for the capital outlay which is what we usually apply for or \$25,000 for a planning grant. It was an either or type situation. So naturally we never applied for the \$25,000, we always went for the larger amount. DFA has changed that

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and now they let us apply for both essentially so we can submit an application for \$400,000 for a capital project as well as a \$25,000 for a planning project.

COMMISSIONER TRUJILLO: That's great.

CHAIRMAN ANAYA: Gilbert Romero gave us a presentation some months back as far as on infrastructure of some sort in the whole northern community out there -- are you coordinated with his effort at all?

MR. VIGIL: No, we're a separate mutual domestic water association and our limit is within the community of Cundiyo so we have no affiliation with any other entity.

CHAIRMAN ANAYA: Thank you very much for your proposal. Anyone else? Thank you, David.

MR. MADRID: Mr. Chairman, I would like to mention that Mr. Vigil has discussed his situation with Doug Sayre so essentially the County is aware of what is in that area and I'm sure that Doug will work with me on this type of project.

CHAIRMAN ANAYA: Thank you, David.

X. B. Resolution No. 2000-113: A resolution adopting the Santa Fe Metro Area Highway Corridor Plan for portions outside the Two-mile Extraterritorial Zone, including an amendment to allow creation of a transfer of development rights program for the Corridor District and to adjust the re-development district boundary to include properties of John McIntosh and the Baca Family

MR. KOLKMEYER: Mr. Chairman, thank you very much. I don't think we need to go through the entire Highway Corridor Plan because according to my recollection, I think you've heard this six times. So we're going to get pretty quickly on to the issues, which are the amendments and the area of the County's jurisdiction in particular. I apologize for not having a big blow-up of the map but that's City GIS and I wasn't able to make the appropriate changes on that map, but we do have a blow-up, although not in color for a matter of a different reason, but we have a blow-up of the area of concern.

I wanted to start off with just a personal note of thanks and congratulations to the Commission. We've had to endure a little criticism here for you guys being last to adopt this, and why are we dragging our feet all the way through. We've been criticized a little bit as the Commission and the staff for taking our time in getting to the position where we have today but in fact and in recollection, I think it's to our credit and to our merit that we've taken time to be deliberate about something that's become one of the most important plan in the entire Metro area. In fact, we get to include transfer of development rights, to go after a couple of legal issues that were really problematic. It's really to your credit and I'd like to thank you for your diligence and congratulate you on that. I really appreciate it.

Having said that, the Metro Area Highway Corridor Plan should be adopted by the Board of County Commission with certain amendments relative to portions of the Corridor Plan within the jurisdiction of Santa Fe County. The need to undertake a Highway Corridor

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Plan for the I-25/New Mexico 599 Corridor within the metropolitan area around the City of Santa Fe was formalized in the Santa Fe County Growth Management Plan as adopted by the BCC with Resolution 1999-137 back on October 26 in 1999. Deliberations about how to plan for this area actually began even before the adoption of the County Growth Management Plan and these discussions focussed on the regional nature of this area and the need to approach this as a regional planning project.

Recognizing the need for input and collaboration from the City, various neighborhood groups and property owners within the corridor. Consequently, Santa Fe County passed a resolution, 1998-32 on March 31 of 1998 to establish a Highway Corridor District and an advisory committee. The City of Santa Fe also passed a supporting resolution on May 13, 1998. After the first committee meeting, the BCC amended the original resolution on June 30, 1998, to allow for three additional City appointments to represent adjacent city neighborhoods, and that was done with Resolution No. 1999-62.

On November 25, 1998, the BCC passed an additional resolution to extend the planning time till April 1999. The Santa Fe Metro Area Highway Corridor Plan was finally completed April 23, 1999. The plan was presented to a joint public hearing of the Extraterritorial Zoning Commission, the City Planning Commission, and the County Development Review Committee on May 30, 1999. These three review bodies adopted the plan unanimously with various amendments that were forwarded to the EZA, the Extraterritorial Zoning Authority. These amendments are included in your packet.

Most recently, on July 26 at the City Council, the City Council adopted the Highway Corridor Plan also with amendments. Action requested of you this evening is to adopt the Metro Area Highway Corridor Plan with all of its amendments, but also with additional amendments pertinent to your area of jurisdiction. And there are three amendments that I would like to go very carefully through with you.

The first is that the Highway Corridor Plan include a transfer of development rights program. I think we're pretty much in agreement with that and you have approved a contract with Mr. Rick Pruetz to develop that program for us.

Secondly, the boundaries of the redevelopment district need to be amended for two reasons. The first reason is to include property owned by John McIntosh, and that's shown on your packet, and I'll just briefly again make sure you know where that is on this plan up here.

A problem that occurred - Mr. McIntosh's is this piece here. When we drew the lines for that redevelopment district it was drawn mostly according to section lines and topographic features that were out there and some other things that we could follow as well. We did not look at who owned the property at that point to be fair. We didn't want it to be arbitrary in any particular way to give us the truest district that we could.

Unfortunately, in this case what happened is Mr. McIntosh's property kind of goes like that and we cut him in half. And what that meant was he had half that would have been heavy industry and another half that would have been light industry or fallen under the purview of the redevelopment district. He came in and requested that he be a part of the entire redevelopment district because he preferred to do light industrial or business park type uses

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and we thought that was a good suggestion and we agreed that he should be included in that area. So that's the first one there.

Now, immediately, what this does, and I think I want to bring this up so we're clear on this right up front is you know we've had a little criticism that that redevelopment district is already too large and here we are again enlarging it, but I think in this case there's a substantial reason to do that and in our discussions with Mr. McIntosh he indicated that he thought it was very important to extend the opportunity to work with the Santa Fe River as it cuts through that area too, and his properties are entirely along that area. He's agreed to work with us in that regard as well.

COMMISSIONER GONZALES: Jack, can I ask you a quick question concerning this map?

MR. KOLKMEYER: Certainly.

COMMISSIONER GONZALES: Commissioner Duran has been working real hard and maybe he can interject as well to remove some of the heavy industrial on the corridor back. It seems to me by having light industry we're preventing heavy industry from relocating off the corridor into the other areas of the economic development park. Do we have to designate as light industry now? Can we just designate as industry and through zoning mechanisms and through development decide in the future whether we want heavy or light or -

COMMISSIONER DURAN: My understanding, Jack is that we haven't designated that anything. It's redevelopment district. It's up for discussion and study.

COMMISSIONER GONZALES: I just see light industry there so I didn't know, it confused me into just being an office complex and light the way we understand it and not dealing with handling some of the heavier industries that we're trying to get off the corridor.

COMMISSIONER DURAN: The whole idea of this was to move all those batch plants and all that ugliness back off the corridor.

COMMISSIONER GONZALES: Right.

COMMISSIONER DURAN: And we didn't discount the fact that there might be some travel-related services like a hotel or something.

COMMISSIONER GONZALES: Right. My point again though is that do we have to say light industry or can we just leave it at industry and keep the flexibility in place to deal with multiple types of industry?

MR. KOLKMEYER: Commissioner Gonzales, those designations were put in there to kind of differentiate that area from heavy industry. But I think you're right. In fact this has come up repeatedly now where in fact we really ought to take another step forward and do a more detailed plan for the whole redevelopment area. How we get there, I'm not sure, but we probably ought not to walk into designating things because that implies certain uses.

COMMISSIONER GONZALES: Right. And it kind of restricts us into just a certain purview and I know that people are really taking this plan to its literal sense and how we're kind of governing growth by it, as they should. If we have light industry, the only thing

we're going to be allowed to plan for is light industry when there may in fact be a need for heavy industry.

MR. KOLKMEYER: I guess the amendment as stated here is probably what we need to focus on and that says to amend the boundaries of the redevelopment district to include portions of property owned by Mr. John McIntosh, not designating it as heavy or - I was just trying to differentiate what sort of things were going there. Also, just briefly, relative to Commissioner Duran's point, that's also why in the growth management plan we have designated the Airport Development district, a much larger area. Because we are concerned with where heavy industry goes in a larger area, but that's another issue and we need to move on that at some point after the first of the year as well.

COMMISSIONER GONZALES: Which map will we be adopting tonight?
This map or the -

MR. KOLKMEYER: Well, that's the map in the Highway Corridor Plan, but I haven't had a chance to change that one yet so we'll adopt the redevelopment district map but it will also change the whole corridor map as well.

COMMISSIONER GONZALES: I don't want to beat this. I just want to make sure that when we adopt this tonight that we leave the options open to explore all the uses of industry in that area.

MR. KOLKMEYER: That's correct.

COMMISSIONER GONZALES: And that they just don't relate to light.

MR. KOLKMEYER: Well, the light industry that's on there already that you can see under, right in there, just to the - Mr. McIntosh's property is there. It's not labeled at all. That's an old label that was on the redevelopment district just to differentiate it from heavy industry. You could take that off if you want but what we want to be concerned about this evening is just to make sure Mr. McIntosh's property is in there.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Jack, I'm opposed to adopting this map. Being the chair of the Highway Corridor Committee, we had agreed that the Airport Road Redevelopment District was going to go through a process, a study process. For this Board to agree to these uses that you have on the map is in conflict with what the Highway Corridor Committee had adopted.

MR. KOLKMEYER: These are the - this is the adopted map of the Highway Corridor Committee. Those uses are the ones that the -

COMMISSIONER DURAN: Within the Redevelopment District?

MR. KOLKMEYER: This is the original map, with the exception of the lines.

COMMISSIONER DURAN: I understand the boundaries, but we never designated any uses.

MR. KOLKMEYER: Yes, you did. That is the map you adopted.

COMMISSIONER DURAN: When did we adopt that?

MR. KOLKMEYER: In October of '99.

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COMMISSIONER DURAN: With those uses?

MR. KOLKMEYER: Yes, that's the original map.

COMMISSIONER DURAN: Well, then I would like to rescind that approval process. The whole concept here was that we were going to study the area. The only way that we're going to be able to get people to relocate these batch plants is to enhance the value of those properties, and I don't recall ever being involved in any discussion or any studies that indicated that this business park location or a business incubator location was the type of use that was going to create some value there that would cause people to relocate the batch plants.

MR. KOLKMEYER: That may be the case but this is the map that was adopted by the EZA.

COMMISSIONER DURAN: I want to go through the process of rescinding it because it doesn't go with what the original intent was when we created this Highway Corridor Plan.

MR. KOLKMEYER: But this is the map that you created is my point.

COMMISSIONER DURAN: It slipped by me. This is the first time I've seen this size map.

MR. KOLKMEYER: It's been in the plan since October of 1999.

COMMISSIONER GONZALES: Commissioner Duran, can you help me along this, because I think we're on the same issue. To me, the redevelopment area is going to be an area for non-residential activity. And it seems to me that the next phase after tonight would be to develop the ordinances that create the underlying types of activity that are going to take place and it seems to me that that's where - that's where my issue was. It sounds to me that's where you want to go is that as we develop the ordinance that create the underlying types of activities, your issues will be able to come forward as well as the ones that I think are important, which is to vacate - or not vacate, but to relocate these heavy batch plants that are sitting on the corridor back into an area.

It seems to me, what I want to ask again, what Commissioner Duran indicated, what Commissioner Duran actually indicated is true and that is, are we limited to just what's on this map in terms of the types and uses of redevelopment that's going to occur in this area or can we actually engage in some good dialogue and create an ordinance that allows for multi-use type non-residential activities.

COMMISSIONER DURAN: Before you answer that question, if you don't mind, could you explain to me then the reason why we created this Airport - because you and I are not on the same page here. Why did we develop this Airport Redevelopment District?

MR. KOLKMEYER: So that we could go in there and do a plan and determine what uses should go there.

COMMISSIONER DURAN: Okay. And who determined those uses?

MR. KOLKMEYER: Those uses haven't been determined except what you as the committee and the committee chairman put on this original map to guide us so that it wouldn't be heavy industrial.

COMMISSIONER DURAN: I never agreed to put these things on this map.

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MR. KOLKMEYER: Commissioner, I don't want to argue with you about that because this is the map that's traveled with the document since it was adopted.

COMMISSIONER DURAN: Well, as chairman, I never had any dialogue with you concerning these uses. And I guess, I take issue with it because you have uses in here that this Commission has never been able to have any input in. I don't know where you pulled these uses out.

MR. KOLKMEYER: They came from the Highway Corridor Committee, of which you were the chairman. This is the original map that you adopted. I did not put those on there. Your committee put those on there.

COMMISSIONER DURAN: Getting back to the reason why we created this redevelopment district was so that we could come up with land use zoning that would be appropriate for properties that are being used as batch plants, to give them some impetus to move out of there. That wasn't supposed to be a decision just made by the Land Use Department or the Planning Department. There was supposed to be some dialogue; there was supposed to be some study; there was supposed to be some input, not only from the Commission but from the people that live in there. And I don't recall ever having -

MR. KOLKMEYER: Commissioner, the Land Use Department did not create this map. The Highway Corridor Committee created this map. We're presenting this to you as it has gone through the approval process to the City, the EZA, the EZC, the CDRC, for the last two years. However, I would like to say that this is the - the redevelopment district is outside of the Two-mile, within the jurisdiction of the Board of County Commissioners. If you would like to change what you originally created for this plan, now's your chance to do that. I suggest that you're bringing up a really good point that in fact a lot of the Airport Road neighborhood residents bring up the same issue is that we need to do a detailed land use plan for this redevelopment district to determine what that is. But the fact is sir, we did not create this map. This was the map created by your Highway Corridor Committee.

COMMISSIONER DURAN: You must admit that it slipped through the cracks because we had agreed that we were going to create this redevelopment district and that we were going to have further study and determine what uses were appropriate for that.

CHAIRMAN ANAYA: So, Commissioner Duran -

COMMISSIONER DURAN: Would you agree with me on that; is that correct?

MR. KOLKMEYER: I don't think it slipped through the cracks. It's been a map that's been at every meeting.

COMMISSIONER DURAN: Whether it slipped through the cracks or not, you agree that we created this redevelopment district to accomplish what I just mentioned.

CHAIRMAN ANAYA: Commissioner Duran, where do you want to take this?

COMMISSIONER DURAN: Well, I'm not opposed to including the boundaries of the map. I want to take out the uses because we haven't -

COMMISSIONER GRINÉ: Make a motion.

CHAIRMAN ANAYA: Where do you want to take it?

COMMISSIONER GONZALES: This whole area again is going to be non-

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residential. It's going to be an area that we're going to be able to, through an ordinance, develop proper uses. The ordinances require public input and participation. So I think we're all going in the right direction and Commissioner Duran is saying the same thing that I was asking about which is, I don't want to be tied to light industry or business park on one area or business incubator. We really want flexibility to take a look at that property and develop a very solid redevelopment district that has multiple uses that makes sense to our future needs of economic development.

CHAIRMAN ANAYA: Okay, now that we've resolved that, let's go into public hearing, I think.

MR. KOLKMEYER: We have one amendment to go, Mr. Chairman.

CHAIRMAN ANAYA: Okay. Final explanation.

MR. KOLKMEYER: We're in agreement with that. There's no problem with that. And the final amendment also is a boundary adjustment issue and that is to amend the boundaries of the redevelopment district to include a property owned by the Baca family to comply with a 1996 settlement agreement. That's the way that it's written that you have before you. Roman Abeyta and I subsequently met with Mr. Baca and we agreed that that amendment would be better served if we would change it slightly to read as follows: "Amend the boundaries of the redevelopment district to include a property owned by the Baca family to comply with a 1996 settlement agreement and recognize and comply with the settlement agreement for the Baca property located on New Mexico 599 adjacent to the Cottonwood Mobile Home Park."

That's another property that the Baca family owns further up 599 but within the jurisdiction of the EZA, but Mr. Baca asked us if we would reference both properties in the amendments before you tonight and as staff we suggested that that was probably a good idea. And those are the amendments.

CHAIRMAN ANAYA: Okay, any questions on the amendments? Thank you, Jack. This is a public hearing. Anybody in the audience is more than welcome to address the Commission. Please come forward.

PHILIP BACA: Mr. Chairman, my name is Philip Baca, P.O. Box 29205, Santa Fe, New Mexico. This is Mr. Kurt Sommer, who is our family attorney on this matter. I'd like to go through a little bit of history on this, and then we have some things we'd like to request that still go back to our 1996 agreement. That thing's been beat up all over the place and misunderstood by a lot of people and what have you.

But let me give you a little of the history of the area and if I can use this over here I'll refer to it. Two years ago, we had five batch plants in this area where mining was taking place. There was five batch plants. And as you know, I was one of the opposers of batch plants. We've lived out there with them since 1957 and we never like, but it's a necessary thing when you're mining gravel and road products, what have you. We understood.

When the Land Office started running out of land to mine, they said they were going to move the batch plants out. Okay, two years later, today, we have five batch plants. Only two are on Land Office property; three are on private property. In May of this year you zoned a

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piece of property here belonging to Mr. Leeder and I opposed the use of batch plants. At that time you limited it to three years. Two weeks ago, you amended it and included that his batch plant, instead of three years can stay there for ten years. Right here, you approved a batch plant for Mr. Richard Cook. Next to Mr. Cook, you approved the batch plant for La Farge.

So now we have three batch plants, those things that we wanted to get out of the area are now on private property instead of on state property that have been approved by the Commission. This afternoon, a few minutes ago, about an hour ago, you approved a bond issue that includes a maintenance yard for the County right next to our property, which is heavy use also. So now, all along the corridor, from the river on, we have three batch plants, all the way over here to Mr. Leeder's, and a maintenance yard for Santa Fe County, and now we want to put the Baca property in, and say let's put it in the redevelopment district so we can get the heavy industry out of there. But already, you've already approved the heavy industry that this place can stand and now you want to exclude just what's sandwiched in between all of it, which is the Baca property, and say well, we'll put them in the redevelopment district. They don't have anything yet there, and then we'll come up with ideas of whether we want to have light industry or what have you, but you already grandfathered everybody else in.

It sounds unfair. It sounds a little discriminatory even up to two weeks ago and then this afternoon, you're still approving heavy stuff in there. And then we get the idea, let's get this sexy redevelopment district and we want to get this whole area and maybe get some light industry in there, make it look nice, have a nice corridor and the whole works. But the only one that's involved, the boundary adjustment comes up, you don't put Leeder's property in there. Actually, it gets left out. How are you going to get those batch plants out? And why was this property left out? It's only sixteen acres.

COMMISSIONER DURAN: Where's Leeder's property?

MR. BACA: Adjacent. Mr. Leeder's property, we bounded on the south by this little jog in here. 599 took some of our property and his property comes up like this.

COMMISSIONER DURAN: Mr. Chairman, Mr. Baca, do you not want to be in the redevelopment district? I thought this was all about you wanting to be in there.

MR. BACA: Mr. Chairman, we have an agreement that we signed in 1996 that says that that property, and one of the reasons it really came up at that time was because it was in the airport noise zone and the only thing the airport noise zone allows is industrial. And we signed an agreement that when we requested the Commission would rezone it industrial. Another piece of property, we signed an agreement in 1996 when we settled the lawsuit on the dump, that would be commercial.

We feel that that was signed way before in 1996. We're grandfathered in, because we already have an agreement that spells what our properties are to become.

CHAIRMAN ANAYA: Actually, he's right. That's the deal that was dealt.

MR. BACA: And I think it would save us all a lot of headaches. This thing has been batted around and becomes real critical and I'll let Mr. Sommer give you his point of view on it from a legal point of view. And the other thing that it does, the district, is put, on

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that little piece of property we have, 340-foot setbacks, and there's no such thing as density transfer on industrial property or commercial property. I understand a density transfer for a residential property, but there's no such thing for industrial property or residential.

So we have an agreement that our property is going to be industrial, and then you put a 340-foot setback on it. So where are we going to transfer those rights? I know Commissioner Gonzales is proposing a transfer of development rights, but where are we going to transfer those rights? The furthest property we have from the corridor that we could transfer those rights to, if we want to get that industrial away from the corridor, we have some property that's right next to Los Niños Subdivision and Las Campanas.

Now, if you want us to transfer the industrial up there, that'd be your call and if you make a motion to that effect, because we're losing about 25 acres with those setbacks of that property, and that's a taking. There's no way we can transfer density. I'll let Mr. Sommer speak to this from a legal point of view and then I'll be happy to stand for any questions.

KURT SOMMER: Mr. Chairman, members of the Commission, I have prepared some proposed amendment language to number three that Mr. Kolkmeier handed out to you. And what I'd like to do is pass it out, if I might. There's two amendments if you would look at them. Take the top two and then pass two on. The reason this comes up is when we went back and looked at the Highway Corridor Plan that you adopted and Commissioner Duran, I know you all spent a great deal of time working on this and it shows in the work that was prepared.

But the language of the ordinance itself is vague and confusing. It says to take into account the settlement agreement with the Bacas in 1996 under opinion of counsel. Something to that effect. I couldn't tell you what meant. Unfortunately, sitting down with Mr. Graesser and members of the staff, he couldn't tell me exactly what it meant and that led to some vagueness and some uncertainty on our part in dealing with this issue. And so what we're really asking for is that the amendment that you adopt today is to exclude this one tract that's shown here on this plat, and another tract that appears up here next to the Cottonwood Mobile Home Park. We would like to exclude both of them because they were dealt with in the 1996 agreement.

And what we would like to do is have you adopt the language of these two amendments as number three and number four, separately, to exclude these two tracts of land to conform to the 1996 agreement, and exclude them entirely from your Highway Corridor Plan, because the 1996 agreement dealt with it. That doesn't mean that we're not going to have to come back and deal with the zoning on it. I recognize what you all are trying to do to make this beautiful, and so do the Bacas. The problem is in order to induce the current users of the adjacent property, you're going to have to drive those values up so that they don't want to use them for batch plants.

But if you can't, and this area doesn't get developed, and this property here is included in that, we're going to be sandwiched between batch plants, and between a maintenance yard, and nobody's going to want to do it for light industrial use or any other industrial use unless it comports to something that's going to be compatible with those uses surrounding it. And so

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that's why we're asking you to adopt these two exclusions and make it clear that they're not part of your Highway Corridor plan and to clarify the language of the plan that you did adopt, which is unclear to me, and I think unclear to your own counsel as to what it means. So thank you very much for your time.

COMMISSIONER GONZALES: Mr. Chairman, I have a question for Mr. Sommer.

CHAIRMAN ANAYA: Commissioner Gonzales.

COMMISSIONER GONZALES: Mr. Sommer, so you understand that if you were excluded from the Highway Corridor Plan, that Mr. Baca, even recognizing that he has industrial – is that what it's labeled in the settlement? Industrial use?

MR. SOMMER: Industrial use, yes.

COMMISSIONER GONZALES: Industrial use, that Mr. Baca would still need to submit for master plan zoning and comply with all issues as they relate to –

MR. SOMMER: Industrial use.

COMMISSIONER GONZALES: Well, industrial use, and types of uses, though.

MR. SOMMER: And the types of uses that would fall under that category? Sure. I don't think – we recognize that it has to come back to that.

COMMISSIONER GONZALES: I think it's important that your client understands, that Mr. Baca understands also that it just doesn't give carte blanche to any type of use that's going to be on the property or a subversion of design standards or review processes that are going to – that anyone else on either side of him are going to have to come in for to be able to have their uses approved by the County.

MR. SOMMER: To be permitted, that's correct. Yes, we understand that. What we were concerned about is we saw – I recognize the discussion that you all had relative to this map. We saw this map and it says light industrial. Well, everything around it isn't light industrial. It's heavy industrial. So that gave us concern about not even wanting to be a part of it.

COMMISSIONER GONZALES: So is there language that clarifies what industrial is so that are we going to move into an interpretation issue when there's a submission of master plan approval?

MR. SOMMER: Well, I can read to you the language in the 1996 agreement. I was just trying to adopt the language and there was already an approved agreement.

COMMISSIONER GONZALES: So the '96 settlement defined the types of uses.

MR. SOMMER: It defined what could be done with these two different tracts. Exactly. Yes. I'm not trying to ask you to adopt something different. I'm saying conform to what was already agreed to in 1996. Well, let me tell you what it says. It says the County agrees that within a reasonable time after requesting to do so it will allow a portion of the two parcels currently designated in Exhibit E and E-1 to this agreement located in whole or in part within the airport noise zone – that's this area here – to be rezoned to industrial and

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commercial use. So that's what it said.

Now it didn't define, it did not go on and define what industrial and commercial use were.

COMMISSIONER GONZALES: I think there's a sense on the Commission that we agree with Mr. Baca if he's asking to be removed from this, but I want to make sure, Mr. Baca, that you understand that all terms when you submit for your master plan zoning, design standards, density issues, all those issues are subject to existing County regulations and I don't know if we're going to have this continuous battle every time there's a submission where you keep throwing the '96 agreement forward. I think it's important that we honor it, as we indicated with you, but it seems to me that - I just want to make sure that you understand that you're going to have to follow the same process as any other property owners in that area in terms of coming in and submitting for master plan requests, coming before the Commission for types of uses that relate to the actual agreements that were in place, and again, design standards are an issue that we're trying to really invoke pretty heavily along that corridor.

I understand the 300-foot setback issue and exempting you from this apparently would exempt you from that, but there are some design issues and density issues that you're going to have to comply with that you're not exempted from on the settlement. Or maybe he is.

MR. BACA: Somewhere on this - I'll read this sentence that's in the agreement, okay, in the 1996 agreement. "The development plan shall comply with applicable County Code." We never - we signed it. Let's face it. A negotiated agreement of a lawsuit, there's give and take. I'm sure there's things that you all don't like that's in there and there's things that we don't like that are in there. It's a negotiated agreement. When we come in, industrial, whatever the Code allows for industrial. What we don't like that's been happening out there, that a lot of heavy stuff has been approved in the last two years, including one two weeks ago. And including another one tonight. If the bond issue passes we're going to have a maintenance yard there.

COMMISSIONER GONZALES: I completely agree and understand the situation that you're in.

MR. BACA: You have been squeezing us in a position that we don't like at all. And I've been before you before and I said we want clean industry. All the dirty stuff, thank God we're finally going to get rid of it. And it got moved from State property to private property, and now we can't get rid of it.

COMMISSIONER GONZALES: Let me just ask Commissioner Duran for a clarification on this issue or the staff, and the reason I ask Commissioner Duran because I know you followed it and have been involved. From what I understand is to the agreements is that the time limit that we're allowing these batch plants to be on the corridor is the lesser of either the ten years or at a time that suitable locations have been provided.

MR. BACA: One batch plant has a -

COMMISSIONER GONZALES: So does Mr. Leeder.

MR. BACA: Mr. Leeder does, right.

COMMISSIONER GONZALES: And so does La Farge as well.

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MR. BACA: No, La Farge -

COMMISSIONER GONZALES: I was at that meeting where I remember that was in place.

MR. BACA: Okay, that was not my understanding. And how about Mr. Cook?

COMMISSIONER GONZALES: I don't know about Mr. Cook.

MR. BACA: And how about the County with the maintenance yards?

COMMISSIONER DURAN: Mr. Cook hasn't come before us for approval yet.

COMMISSIONER GONZALES: Okay.

MR. BACA: His plant is already up.

COMMISSIONER GONZALES: Well, I guess the point is, what I want to make sure you understand, Mr. Baca, and I understand that you're talking about Mr. Leeder being right next to you and I guess we need to do some study on Mr. Cook's approval whether that was in before. But as to the issue of when it's vacated, I mean when Mr. Leeder has - when the County's created a suitable property, which is the idea of the redevelopment district, Mr. Leeder is compelled to go. That's part of the agreement, part of the conditions of his approval.

So it's not like you got the use in place for ten years, you do if the County doesn't act on what we've said we want to do in terms of finding suitable locations. If not, if the County does find suitable locations, he and La Farge and hopefully Cook will be required to move their operations out and back and I understand your not wanting to necessarily participate with the County in this process but it is to your benefit that the County does create these redevelopment areas and create the suitable areas where these can be moved out in terms of, if you want to move to a commercial light industrial type use on your property.

MR. BACA: Commissioner, I understand what you're saying and I understand what your goals are, but I also have to look at the actions that you have taken in the last three years which are not parallel to what your goals and what you're trying to do there. And look what happens to us. When I looked at Leeder's approval, three years, okay, I'll live with that. But now I'm stuck with a piece of property that's sandwiched in between these batch plants for ten years. What can I do with my property in the next ten years?

COMMISSIONER DURAN: You didn't just hear what he said? I guess you weren't listening to what he just said.

COMMISSIONER GONZALES: It would be - we're in the process of designating through this process, Mr. Baca, suitable areas to move Mr. Leeder. He is compelled, along with La Farge, and we've got to look at the Cook approvals to move their properties at the time that the suitable area becomes available. So hopefully, it won't be ten years, hopefully it won't be three years. I agree with you. I think that the Commission needs to act, and I agree that what we've approved is in conflict with what we're trying to do now, but we're trying to get that worked out and what I just wanted to communicate to you is that if you're looking for light industrial or commercial uses of one of these areas, yes, the agreement says you're going to comply with the Code, I just want to make sure that we re-emphasize that

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here tonight, especially for the community out there, that it's not carte blanche, whatever the Bacas decide is going to go on is going to go on. But it's going to be through the same form that anyone else has to in terms of determining uses. And two, that at the time that suitable areas are created for batch plants that they will have to move, and that's something that's important that your family knows that and that you help participate in that if at all possible if you can.

Because I know that the Baca lands, there's some other Baca lands that I thought were apart of this redevelopment district. Where's your other set of lands that fall outside, like towards the left of this map, the upper left?

MR. SOMMER: It's in the Cieneguilla Grant, Commissioner.

COMMISSIONER GONZALES: Because I thought you were part of the redevelopment. Okay, what about this property? So none of this area here is in the redevelopment district?

MR. BACA: No.

COMMISSIONER GONZALES: Oh, okay. Then these are the only two properties that are subject to the settlement? None of these properties are subject to the settlement?

MR. BACA: [inaudible] I think I mentioned the last time I was here, our settlement agreement allows us residential density transfer for everything a half mile from the dump. We've got 640 acres more than that.

COMMISSIONER GONZALES: Right. Good. And that's good.

MR. BACA: That are already there. And then when we start doing setbacks on it, then we [inaudible] this one here, we're starting to get into high-rises because we've got so much -

COMMISSIONER GONZALES: Density moving to one area.

MR. BACA: And now with the setbacks on this property do the same thing. [inaudible] get the density transfer. In 1996 we agreed to save 640 acres density transfer.

COMMISSIONER GONZALES: That's good, because then we've also preserved that also in the open space.

MR. BACA: We've preserved it, [inaudible] but it's real high density over here by Las Campanas and the division there. [inaudible] And then this one has 320 acres [inaudible] we can't put residential on it. [inaudible]

COMMISSIONER TRUJILLO: The minimum lot size is 2.5 acres?

COMMISSIONER GONZALES: Yes. But I think that there's room to work with you, Mr. Baca. I think that there's opportunities. That's a setback issue and design standards. I think thankfully you have enough property where we're going to be able to work with you to accomplish what you want.

CHAIRMAN ANAYA: Let me remind you guys that we have EZA at 6:00, Javier.

MR. SOMMER: Mr. Chairman, I would like to add to the second amendment that I passed out to you. In addition to the word industrial zoning, "commercial use," which I

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neglected to add to that language. So that my recommendation is that it be allowed for industrial and commercial use to conform with the actual language of the agreement in 1996.

COMMISSIONER GONZALES: I guess I don't understand, Mr. Sommer, where you want that. On what you handed out to us doesn't have any reference. It just references the settlement agreement. Couldn't we --

COMMISSIONER TRUJILLO: Pursuant to the 1996 settlement agreement, industrial --

MR. SOMMER: It says industrial and I want to add "and commercial use." I believe it does. I hope it does.

COMMISSIONER TRUJILLO: It does.

MR. SOMMER: Okay. I would like to add "and commercial use" to that, which is the exact language that comes right out of that settlement agreement. I thank you all for your time. I appreciate it.

CHAIRMAN ANAYA: Anyone else like to address the Commission?

GEORGE RIVERA: Good afternoon, honorable Commissioners. My name is George Rivera, Lieutenant Governor from Pueblo of Pojoaque. I'm here today as the president of the Pojoaque Pueblo Development Corporation, which is formally known as PTE, Pojoaque Track and Entertainment. The Downs of Santa Fe, which is owned by Pojoaque Development Corporation is located near the junction of New Mexico 599 and I-25. The Highway Corridor District proposal land use for the Downs at Santa Fe is recreational.

Pojoaque Pueblo Development Corporation respectfully requests that this land be zoned for recreational non-residential use. The Downs at Santa Fe is comprised of approximately 314 acres, and I gave a hand-out. Do you all have the hand-out with the Santa Fe Downs logo on the top? Track A will be used as a multi-purpose use, special events facility, including but not limited to the following uses: equestrian events, car shows, dog shows, concerts, theater performances, festivals, markets, celebrations, corporate events, recreational events, sport events. Plans for potential future development of an amphitheater is enclosed for your review. The amphitheater would expand the activity season and provide for other types of events.

A study for the use of Track B is underway at the present time. The study will be completed in early 2001. The facility study will include the following potential uses, and I quote that "potential uses" because we won't know until the study is done. Conference center, banquet facility, dining facility, shopping center, convenience store, hotel, and other uses as the study is completed.

The Downs of Santa Fe seeks approval of the recreational, non-residential property use for it 314 acres. Pojoaque Pueblo Development Corporation plans to renovate the facility beginning in October 2000 with a completion scheduled for 2001. And I'd like to thank you for your consideration and also stand for questions, and also want to mention as Commissioner Trujillo has already introduced the Governor of Pojoaque Pueblo, Jacob Viarrial, and we have our other legal representatives and other people who can answer any of the questions that you might have.

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CHAIRMAN ANAYA: Thank you, Governor. Any questions?

COMMISSIONER DURAN: I just have one, Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Governor, when you're through with your study and decide what uses you are going to come forward with, you do plan on coming before the Board of County Commissioners, right?

MR. RIVERA: Correct.

COMMISSIONER DURAN: For going through the review process.

MR. RIVERA: Right. That is correct. At this point we want to have the ability to go out and do the studies and without the zoning it seems like we would be spinning our wheels. So we want to get the zoning as non-residential recreational so that we can move forward with some commercial development and anything would have to go through the Commission first.

COMMISSIONER DURAN: Great. Thank you very much.

COMMISSIONER TRUJILLO: Mr. Chairman, Governor, where is the land located, Santa Fe Downs, within the redevelopment district?

MR. KOLKMEYER: [Inaudible]

CHAIRMAN ANAYA: Thank you very much, Governor.

JIM SIEBERT: Mr. Chairman, Commissioners, my name is Jim Siebert. Actually I'm representing several landowners that have approved master plans within the Highway Corridor. I'm just checking on, when you adopted the Highway Corridor and the Extraterritorial areas as I recall, there's a provision where you recognize a valid and approved master plans and they would be permitted to continue to develop under their approved plans. I was just checking to see if that provision was in this Highway Corridor Plan that you're considering.

COMMISSIONER GONZALES: Mr. Chairman, I think it's important that whenever we make that decision that we reaffirm that, absolutely.

COMMISSIONER DURAN: Right.

COMMISSIONER GONZALES: The master plans that are already in place will be allowed to continue to go forward under the rules that they started.

MR. SIEBERT: Thank you.

GENE GALLEGOS: Mr. Chairman, members of the Commission, I'm Gene Gallegos, Santa Fe, an attorney for Las Campanas Limited Partnership. And I wanted to address briefly some property that not when you think of Las Campanas, the large residential development and golf courses, but the property that we refer to as Santa Fe Center. It's 390 acres or was 390 acres, about 330 acres now, that's on the west boundary of the Santa Fe city limits.

We have a bit of a jurisdictional issue here. We're sort of in jurisdictional limbo. And I think maybe you can give some guidance on that tonight as to how we get a decision, because we have a master plan approved, sector plan approval, development agreement that provides for commercial and residential use of that property which would be overcome if the Corridor

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Plan were adopted and applied to that land.

If I might approach, let me hand you a copy of – This is EZA Ordinance 2000-01 and this land, this acreage, 300 and some acres, is within the Two-mile Extraterritorial Zoning area. The agenda for tonight and the publication refers to this Commission addressing the Corridor Plan for portions outside the Two-mile Extraterritorial Zone. Now, what's happened is the EZA and its ordinance which is before you and I ask you to turn back to the third page. It's unnumbered but it refers to amendments approved by the EZA on May 30, 2000 when it adopted this ordinance concerning the Corridor Plan.

You'll see at C, and this was referred to earlier by Mr. Sommer, you'll see that part of the amendments included the following, and I quote, "That the following items be reviewed by City and County legal staff with written opinions and impacts of applying the plan on these developments presented to the respective governing bodies prior to any action by those two bodies. The third item there is a review Las Campanas, concerning Las Campanas' concerns regarding the status of their agreements on the Santa Fe Center, and then existing valid approval will still exist under the plan.

So, as I say, there's a bit of a jurisdictional limbo. The EZA apparently is saying the ball is in your court, the governing body, to make the decision concerning the treatment to be accorded a piece of property such as this, which already has master plan approval for uses that would be inconsistent if the Corridor Plan is applied to it. So our question is, is that to be considered tonight? If it is not to be considered tonight because of the definition here of the resolution you're addressing, then what we ask is that we placed on this Commission agenda. The property is in the County, not in the City, that we be placed on the Commission agenda so that just as in the case of the Baca property and other properties, your Commission can address whether or not the Corridor Plan will apply to this 330-acre property.

If on the other hand, the Commission believes, Mr. Chairman and members of the Commission, that this matter can be addressed tonight, then we would like for it to be taken up and we'll speak to the merits of that.

CHAIRMAN ANAYA: What we're going to do is we're going to recess this meeting tonight, because EZA will be starting out at 6:00 and we're going to reconvene on September 5, at 4:00.

COMMISSIONER GONZALES: When?

CHAIRMAN ANAYA: September 5 at 4:00.

COMMISSIONER GONZALES: Can you hold on for a quick second? I need to check my calendar. Can't we – I don't understand – how many more speakers are there to address the Commission?

CHAIRMAN ANAYA: Well, Chris –

COMMISSIONER GONZALES: There are individuals here that have been waiting all afternoon for us to take action, Mr. Chairman. I think it's unfair to –

CHAIRMAN ANAYA: This was handed to me by our counsel, Commissioner Gonzales, and I was just thinking whether it would be viable and feasible for us to go and digest everything we've heard so far and perhaps come back with some good language in

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amendment form as to how we're going to structure this.

COMMISSIONER GONZALES: I think we should finish this, Mr. Chairman.

COMMISSIONER DURAN: Can we finish this case before we decide whether we're going to do that?

COMMISSIONER GONZALES: Mr. Chairman, I don't think I'm going to be here on the fifth. I'd like to finish this. I know the EZA needs to be moving, but there are people here waiting for the decision. I think we need to get the Highway Corridor Plan adopted.

CHAIRMAN ANAYA: Okay, what's the consensus then?

COMMISSIONER DURAN: Can I have the floor for a second?

CHAIRMAN ANAYA: Are we going to continue?

COMMISSIONER DURAN: Yes.

CHAIRMAN ANAYA: Okay, we'll continue. Go ahead, Commissioner

Duran.

COMMISSIONER DURAN: I would just like to address some of your comments, Mr. Gallegos. The EZA – and I was on the EZA when we adopted the Highway Corridor Plan. They approved it with the understanding that there were some issues that still needed to be discussed, reviewed and some decisions needed to be made based on the approvals, which you claim you have, and that we haven't really been able to make a determination as to whether or not how valid they are.

Those that are on the Regional Planning Authority had a meeting a week ago or so and there was some discussion – because they adopted the Highway Corridor Plan. The RPA adopted the Highway Corridor Plan, and we did it – oh, we didn't adopt it. Okay, I'm sorry. There was some discussion about it, that's right. And in that discussion, I mentioned to the City Councilors that were there that the EZA approved this thing with that condition, that it was the Bacas property and your property that were going to require further study and review. They have a difference of opinion, or they believe that you don't have valid approvals, and I'm not sure that this Commission feels that way.

So I'm not sure that this is the place that we need to approve your request, but I think that if we adopt, I think it is appropriate that if we adopt the Highway Corridor Plan, that we adopt it in the same format that the EZA adopted, which would be subject to further review and approval regarding the status of your agreements on Santa Fe Center.

COMMISSIONER GONZALES: Mr. Chairman, following on with what Commissioner Duran is indicating, Mr. Gallegos, I think that it is appropriate that the Commission have a separate agenda item on this issue because I know that tonight, in the time that we have, there's lots of factors that I want to see in this, Mr. Gallegos, I want to see that the timing issues and why Las Campanas feels that they have the valid right and I think that we have here tonight is a difficult opportunity to do that, but I do think that you guys need to have the time to be able to basically make your case before the Commission,

So I'd recommend that if the Commission were to allow it, at the next land use meeting, which is September 12, that you'd become an agenda item for discussion by the

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Board and whether we want to uphold your development rights or basically say no to what's been indicated.

COMMISSIONER TRUJILLO: I agree, Mr. Chairman, I think the community has some very strong sentiments, Mr. Gallegos, regarding this project. And it only makes sense to discuss them in a public forum, so that they get the opportunity to represent their opinions and their comments. Because again, the community has some real strong sentiments regarding this project.

MR. GALLEGOS: Mr. Chairman, members of the Commission, that's fine and we welcome that. The main problem, and I think it's clarified now was who's going to make that decision because it appears from this language that the EZA was saying we're sending it to the Commission, but yet, we're in the Extraterritorial Zone. So if now I understand, and I want to be clear, I understand now the Commission is saying we, the County Commission, is going to make that decision, and that it will be put on your agenda.

COMMISSIONER GONZALES: We'll have to make the -- the EZA, Mr. Gallegos, is the zoning board that will ultimately reaffirm it, so I think that's important to understand as well. The Commission is going to discuss it, but I don't think the Commission has the right to create zoning on the Santa Fe Center. I think that's outside of our purview, is that correct? Staff is saying yes.

MR. GALLEGOS: Well, who is going -- the decision, the zoning is or is not created but the decision is the Corridor Plan as proposed going to apply to this land or not, and all we're asking is, based on this language it appears that the EZA has said the governing bodies, and in the case of this land it would be the County, is going to make that decision. And we're just trying to get the jurisdiction straight. That's fine with us if you're going to make the decision or it's fine with us if you say the EZA's going to make the decision, we just need to know which body makes the decision and we can go from there.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Mr. Gallegos, the Highway Corridor Plan had to be approved by three bodies, the City, the County Commission and the EZA. And the EZA, if I recall, that was one of my last meetings, did not say that it was up to the Board of County Commissioners to make a decision. They basically said that it required further study before a decision could be made as to how valid the right is that you claim you have. I think that it's the EZA that's going to make that decision, but in addition to that, we have a Regional Planning Authority right now that your property comes under review. So that's why I mentioned it at the last Regional Planning Authority meeting, that the EZA adopted the Highway Corridor Plan with this condition, because I didn't want them to go forward without knowing that this is going to be an issue that the Regional Planning Authority is going to have to deal with sooner than later.

MR. GALLEGOS: It seems like, Mr. Chairman, what you're saying, Commissioner Duran, is what Commissioner Gonzales is saying. We simply want to know where we go for the decision.

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COMMISSIONER DURAN: Well, are you within the boundaries of the EZA?

MR. GALLEGOS: We are within the boundaries of the EZA.

COMMISSIONER DURAN: Then that's the zoning body. That's who is going to decide what zoning you have there.

MR. GALLEGOS: So we will not be on the Commission's agenda then. The Corridor Plan, this question that was left in this amendment is to be resolved by the EZA. Is that what we're understanding?

COMMISSIONER GONZALES: My point, Mr. Gallegos, was that if the County Commission so deemed it to do the review of what the staff has come up with and make a decision on it that we could on the 12th, but the zoning, the actual zoning is going to have to come from the EZA.

MR. GALLEGOS: And I think by this Commission saying that, and saying that to the EZA, then that clarifies it, because the language throws the ball into your court, but I think by the Commission's saying the EZA's going to make the decision, that's -

COMMISSIONER DURAN: Where does it say that?

MR. GALLEGOS: It says under C that after these legal opinions then the plan will be presented to the respective governing bodies prior to any action by those two bodies. It begins referring to the City and County as the governing bodies.

COMMISSIONER DURAN: And the reason we said the City and County legal staff is because the EZA is comprised of both City and County members, and that's why we put City and County legal staff. We wanted their opinions on your projects before that body, the EZA could make a decision as to how to deal with your project.

MR. GALLEGOS: Well, Mr. Chairman, members of the Commission, I think we've accomplished what we hoped to, which is to clarify this. So our understanding is the Commission is saying the decision will be that of the EZA.

COMMISSIONER DURAN: I think we have no choice. We have no choice.

MR. GALLEGOS: All right. Thank you for your time.

CHAIRMAN ANAYA: Thank you, Mr. Gallegos.

WAYNE COE: Mr. Chairman, members of the Commission, I'll be quick. My name is Wayne Coe and I'm speaking for the Vista Primera Homeowners Association. We're right at the junction, of course of Airport Road and 599 so we're very interested in this. And we do have a concern with the development rights program that's being proposed here, and that would be if it was used in a way that would permit high density, high traffic operations to be moved into, for example, that development area. That would cause us concern, because the more traffic at that intersection, the less that we like it because we live right in that area.

So we would be happier actually if the Highway Corridor Plan, as it has been drafted, were maintained. In other words, that there not be additional commercial establishments placed in areas designated as residential, nor that there be a development rights program which might allow commercial operations like that to be moved in to, for example, the development area and bring with them the high density and the high traffic that we would rather not see.

So we would be happier if you maintained the integrity of the Highway Corridor Plan

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as it has been drafted, rather than this development rights program approach. Thank you very much.

ELAINE CIMINO: Hello. My name is Elaine Cimino. I'm from La Cieneguilla. I just wanted to bring to your attention some of the issues surrounding these transfer of development rights. Maybe I'll bring this up to the EZA as well today. But you know, we have a double-edge sword in La Cienega with the fact that we have a need for agricultural land and beneficial use of water rights to preserve this with the transfer of development rights, at the same time to allow the TDRs and the Airport Road and 599 intersection to become developed, out with airport services, truck terminals and mining, etc., expanding the development and growth of the airport area means more planes and more airport noise.

We have a noise abatement issue in this area that needs to be dealt with and I don't see it being dealt with in the plan. What we have here is flight paths that, existing, historical flight paths with approaches and exits directly on the north-south runway because of prevailing winds on the airport. This is going right over the highway corridor. We have asked the City of Santa Fe for the last six years for a noise abatement program and they've put into a voluntary program. Actually, this is going to where we need open space along the corridors and in this area.

If we start transferring development rights on this, we're overlooking serious federal and state highway codes as well as FAA restrictions that could be mandated in this area for open space. And I think that we need to bring this issue up in this transfer of development rights, in looking at open spaces along this corridor. The New Mexico State Highway Commission has adopted a policy. It's 98-1112 on 8-17-98 which states that its policy of the New Mexico State Highway Commission that follows the guidelines will govern noise abatement for all proposed highway projects and projects that have been built and were state or federally funded. The analysis and abatement of all highway-generated noise will be on the federal aid highway program manual.

This goes on to state that the described noise limitations relative to the pre-development noise levels, and necessity to provide noise receptors and limit noise levels for various land use categories as described. Furthermore, it makes noise abatement on undeveloped land to be the responsibility of the future developers. The federal regulations are described in August 1994 publication "Highway Traffic Noise in the United States - A Problem and Response" and lists five categories in which Category B for residences, motels, and so forth, limits noise to a certain decibel of 67.

Bear in mind that it is the developer's responsibility to provide an attenuation of highway noise and to meet these limits. And the state's responsibility to meet these levels for highways built after development is an expensive project. Of course we know that in West Alameda could not by law be expanded to intrude on already built homes. Without barriers a special means of attenuation as described would limit construction sites to at least a quarter mile from the roadway.

I trust that the City and the County will respect the appropriate state and federal

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highways noise regulations and incorporate these noise limitations into any zoning measures that are going to be considered. Now, we have a problem with the airport in this area. We have a problem with noise abatement in this area and for six years, the citizens out in La Cienega area have been put through the mill on noise abatement issues and put through a benign task force in order to basically deal with this issue.

Now we're coming forward and having to define open space and the noise issues on this development area, and I just want to throw this in to the mix here and say that this is an important issue and something that needs to be dealt with. Thank you.

CHAIRMAN ANAYA: Next speaker.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Could I make a request that the speakers stay focused on what the topic is please.

ANN LACY: My name is Ann Lacy, Commissioners. I just wanted to make a case for what I think you've been doing the past couple of years and that is some really fine, long-range planning, looking at corridor and river issues. I think what we're hearing today, having to do with this resolution is the catch between long and short-term planning that we experience continually when a new long-range idea, even, I would say, of value, is put forth by the community and all else has to follow.

I think the greatest economic boon to this county is that view that people get when they are at the top of the rise and they look down at Santa Fe and to destroy, I think, this resource alone, I think really portends a future that really isn't of benefit to the economic community. And as far as the natural features along the river, I'd just say that as we progress, looking at the Highway Corridor Plan and putting in our ordinances and zoning, that we really try to educate the community into all of the educational and economic reasons that keeping all of these byways, both the corridors for vehicles and the river, are really beneficial for the entire community for the future. Thank you.

CHAIRMAN ANAYA: Thank you, Ann.

DAVID GOLD: My name is David Gold. I'll be extremely brief. I support the idea of coming up with a TDR program. I think it's an excellent one. There's obviously a number of possible downfalls to it and hopefully those will be discussed when an amendment is brought forth. I also would urge the Commission to clarify with staff that when the hearings on the redevelopment district take place as part of the ordinance that it includes the river park. It's not completely clear, but I think it's a fairly obvious thing since it runs right through it, but that should be part of that discussion. And also that there be public hearings so that the Airport Road residents can have some input into the way that looks, especially regarding design standards. And finally, I support the plan. I think it's a good idea.

CHAIRMAN ANAYA: Anyone else? That concludes the public hearing.

COMMISSIONER GONZALES: Mr. Chairman, I'd like to move for approval of the plan as has been amended by the staff to allow for the new programs to come into place and the new boundaries. And I might have some conflict here, because I want to, at the same

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time, exclude the Baca properties as has been requested by Mr. Baca and allow for the language that Mr. Baca's attorney has delivered to the Clerk and the recorder to be inserted as a reason, the language stated for excluding Mr. Baca.

In addition, I would like to clear the uses that have been indicated on the map and just allow for a non-residential area to be designated and that the uses will be determined in the future plan as the ordinance is developed. I would like to amend the plan to allow for the Pojoaque Pueblo property, in addition to being zoned recreational to be zoned commercial as well, commercial activity for non-residential. As is designated on the plan, it's actually recreational and non-residential as it would be designated, and would just state in the motion that all approved master plans are valid and will continue to comply under the Code as it was adopted prior to this.

CHAIRMAN ANAYA: There's a motion with several amendments. Is there a second?

COMMISSIONER GRINÉ: Second.

COMMISSIONER TRUJILLO: Discussion.

CHAIRMAN ANAYA: Okay, second; discussion.

COMMISSIONER TRUJILLO: On the Pojoaque Pueblo development, that has been designated recreational, right?

COMMISSIONER GONZALES: Right. And recreational falls under the uses that the Pueblo has outlined on the first page, Commissioner Trujillo.

COMMISSIONER TRUJILLO: So ostensibly, the Santa Fe Downs was a commercial endeavor?

COMMISSIONER GONZALES: That's correct.

COMMISSIONER TRUJILLO: It was used as a commercial endeavor.

COMMISSIONER GONZALES: That's correct, Commissioner.

COMMISSIONER TRUJILLO: And the community in and around it lived with it essentially, and supported it, ostensibly.

COMMISSIONER GONZALES: Mr. Chairman, that's correct and also the Downs as the Commission has designated, the Pojoaque Pueblo is inside the traditional historic community of La Cienega, so that requires them to go before the community on any plans that they might have and allow the community to participate in that, so -

COMMISSIONER DURAN: I have one question, Commissioner.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: This item is for properties outside the EZA, so does that mean we don't need to mention the fact that further study and discussion needs to take place on the Las Campanas site?

COMMISSIONER GONZALES: Well, after, I think we need to send direction to the EZA members to take up the issue of the Las Campanas because I think it's an issue that remains outstanding. It's an issue that I think everyone wants resolved and I think it would be nice if the Commission sent some direction to the Authority to resolve that issue because it seems the Baca property has been resolved in terms of what the EZA has asked of this Board. I

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think we need to send direction to the EZA to resolve the issue of Las Campanas.

COMMISSIONER DURAN: So part of the motion – we don't need to address – okay.

MR. GRAESER: Mr. Chairman, Commissioner Gonzales, a point of clarification regarding the Baca property. You had moved to adopt Counsel Sommer's language. But when you were discussing it with Mr. Baca you were saying he is still going to have to comply with standards. Were you saying that he has to comply with the current County development standards, or the development standards in the Highway Corridor Plan?

COMMISSIONER GONZALES: No, he's exempt from the Highway Corridor Plan. He'll have to comply with standards that are in place at the time he submits his master plan. I don't want to say current because who knows what's going to happen.

CHAIRMAN ANAYA: Okay, is everybody clear on the motion?

COMMISSIONER GONZALES: And also to send some direction to staff to begin to prepare the publish and title of the ordinance so that we can begin to draft it and send it out to the communities so we can begin to have the public hearings. That's a natural next step that we're going to need to have in this. So if you can get that at the next BCC meeting, published and titled. And the other direction I'd just like to send to Sam on this issue before we vote on it, is that the planning staff is in severe shortage of planners as a number of reasons and so I'd like to meet with you, Sam, to see if we can designate Virginia, Terry, who has a planning background, and Rudy, who obviously has a strong land use background, to get those three focused on assisting Jack as we deal with all these multitude of issues, the TDR program, which is a four to six month program, possibly more, this ordinance, the Community College District, all these areas are on his plate right now and it seems that we have a shortage of planners and I'd like to meet with you to see if we can allocate those resources from your office into Jack's office so that they can begin to assist him in the development of those ordinances.

CHAIRMAN ANAYA: Any further discussion? If not, all in favor signify by saying "aye." [Unanimous 4-0]

We're going to recess the final part of the agenda. We're running really late.

So this is a notice of recess and reconvening. Notice is hereby given that the Santa Fe Board of County Commissioners August 29, 2000 meeting has been recessed and will be reconvened on Tuesday, September 5 of the year 2000 at 4:05 p.m. at the Commission Chambers at the County Administration Building, right here, 102 Grant Avenue. We are in recess.

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This regular BCC meeting was reconvened at approximately 4:10 p.m. on September 5, 2000, with the following Commissioners in attendance:

Members Present:

Commissioner Richard Anaya, Chairman
Commissioner Joe S. Grifé, Jr.
Commissioner Paul Duran [late arrival]
Commissioner Javier Gonzales
Commissioner Marcos Trujillo

Members Absent:

None

X. D. Ordinance No. 2000- : An Ordinance adopting the Santa Fe County Urban-Wildland Interface Code. (First hearing)

County Fire Marshal presented the staff report as written: Previously during the course of the last three years the Fire Prevention Division of the Fire Department has requested action by the Santa Fe County Commission regarding severe and fire conditions in Santa Fe County including urban-wildland interface areas. The Commission has been receptive to enacting these requests including the adoption of fire codes, ordinances, resolutions and proclamations to preserve life and property of Santa Fe County Residents. The recent fires in Cerro Grande and Viveash prove the real threat of urban-wildland interface during times of severe and extreme fire conditions. The possibility of similar fires in Santa Fe County remains as one of the our County's greatest threats.

Therefore, in order to preserve and protect the lives and property of Santa Fe County residents secondary to a wildland interface fire, the Board of County Commissioners is hereby requested to consider adoption of an Urban-Wildland Interface Code for Santa Fe County.

There were no speakers on this item and the Chair noted it would be reheard at the next regularly scheduled administrative meeting.

E. Ordinance No. 2000 - : An Ordinance amending Ordinance No. 1999-6, comprehensive solid waste management ordinance, Section 10, allowing permits to be transferred

County Solid Waste Coordinator Jill Holbert explained that the Commission had expressed an interest in eliminating the rule that residential refuse permits are non-transferable. Section 10 of the ordinance sets out that "Allotted permits are non-transferable" and formal action is required to make any change on this issue.

She outlined three options to facilitate the Commission's desired change:

1. Allotted permits are transferable among residential users
2. Allotted permits are transferable among all users

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3. Allotted permits are remain non-transferable.

[The remainder of this meeting is presented in verbatim format]

MS. HOLBERT: There are people who use the facility, not every week, but periodically and when faced with the fact that they'll lose several punches and they might prefer to use them and that would happen in June prior to them using them in July.

COMMISSIONER TRUJILLO: It's the same situation now, if we have a use or lose situation every month.

MS. HOLBERT: Every month they must do that. So every month we have a little mini-rush that I'm afraid would be compounded in June because it would be up to 24 punches could be used in June rather than the two that are allotted right now.

COMMISSIONER TRUJILLO: Why can't we make the community accountable for them to decide when they want to take their solid waste to the transfer station. If they want to do it all in one month and exhaust the 24 punches or if they want to spread it out throughout the year, that's up to them. If they want to use five a month whatever.

But give them 24 punches for \$3 and let the community use the punches whenever they want.

MS. HOLBERT: Mr. Chairman, Commissioner, I agree that that would be the best system. My problem and hesitancy is that I don't believe we have the manpower or the trucks to handle that kind of system because we're not metering it. We're not selling a certain number of seats, we're letting everyone come in as they wish and we don't necessarily have the capacity or the operational resources to handle that.

COMMISSIONER TRUJILLO: Essentially what we're doing is we're issuing a card and telling the community here's 24 punches but you can't use them all.

MS. HOLBERT: Commissioner, I would like to comply with that and if you give me two FTEs and two trucks and 10 more bins I'll be able to do that.

COMMISSIONER TRUJILLO: How do you know? How do we know that it's going to cost two more FTEs, two more bins and 10 more trucks?

MS. HOLBERT: Because, actually, Commissioner, I could use them right now, today, so it's - -

COMMISSIONER TRUJILLO: If we're giving 24 punches, let's let the community use 24 punches, each and everyone out there. We're supposedly giving them 24 punches.

MS. HOLBERT: Commission, Mr. Chairman, I am agreeing with you but I am just saying I need more resources in order to accomplish that goal.

COMMISSIONER TRUJILLO: And how do you determine that?

MS. HOLBERT: I determine that by the amount of waste we are collecting now each month and when we come to the last week of each month it's like a little mini-rush hour for us and it's very difficult for us. We take three days out of the week just catching up on that. If we compound that by having greater rushes such as June or even December, there

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are times of the year when people want to bring in more trash and it's a timing issue. It might not be any more trash over the period of a year but it will be more trash over a short period of time and that's where our problem is.

COMMISSIONER TRUJILLO: But, Jill, we've got an infrastructure that obsequiously should accommodate solid waste for County residents; okay? That solid waste if it's not going into the infrastructure it's going somewhere. It's going outside, it's going to arroyos, and riverbeds and on top of hills. Why have an infrastructure in place that stifles residents ability to get in and throw out their trash; it just doesn't make sense. Every time that somebody goes and is not admitted into the transfer station they're not going to take their solid waste back home. I see - you go out to BLM land and there's de facto land fills there. I see it all over the country side in my community.

The purpose of the infrastructure is to accept and accommodate solid waste.

MS. HOLBERT: Mr. Chairman, Commissioner, I do agree with you and unfortunately we just don't have the bodies, the staff, the trucks in order to accommodate that goal.

COMMISSIONER TRUJILLO: Well, we need to do something to accommodate.

COMMISSIONER TRUJILLO: Mr. Chairman, Commissioner Trujillo, maybe we can make a suggestion. I agree with what Commissioner Trujillo has indicated that we have to be as flexible as possible and I agree that Jill is probably the best suited to know what that impact is going to have but maybe -- how difficult will it be to go through this as we are staffed today and then come back to the Commission after the end of this year when this rush takes place and give us an analysis based on what we saw come in as opposed to making a budgetary commitment right now.

I understand your need for it but right now we're basically holding the line with everybody else so I think it would be real difficult to offer the FTEs that you're asking for and the capital equipment. But maybe as a resolution we go through this practice and we create the flexibility and then at the end of June I guess is when this rush would take this and maybe we have to hire some temps at that time to come in and help very quickly or we need to pull some resources from other parts of public works to step in to help over a period of time but it seems to me that we could do that without having to have this budgetary adjustment and then after July in August come back and show the impact of the flexibility program and now we know for sure that we do need to accommodate or not but I'm concerned with going forward with new FTEs at this point but I do think we need to have flexibility because people deal with different trips during different times of the year. It may in the fall when they're dealing with all the clean-up of what the fall brings that they may be going four, five times during the month of October and November or during the spring clean-ups they may be doing more trips in March or April then what they otherwise would. If we're only allowing them two trips during those crucial months then it's kind of unfair because they may not use their full two trips at any other time during the course of the year so I think what Commissioner Trujillo is saying is important that we allow that flexibility and I would just offer to the Commission that

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we have a wait and see attitude to see how this goes.

COMMISSIONER TRUJILLO: I agree.

CHAIRMAN ANAYA: I agree, with a year time to monitor to see what kind of projections you're going to need then. Maybe we should implement that now and I agree with that direction. Are there any other questions of staff? If not then, this is a public hearing – is there any one in the public that wants to address this?

STEVE KOPELMAN (County Attorney): Mr. Chairman, I just want to make one quick legal point. The ordinance that was advertised here and posted allows permits to be transferred I think that it would probably be prudent to advertise if you want to change Section 10 A and delete the section that talks about two permits per dwelling unit for each month. And so I'm not quite sure that the way this has been advertised encompasses changing the statutory scheme that you know have in place which says two per month.

CHAIRMAN ANAYA: So is action on this proposal then appropriate and then advertise again.

MR. KOPELMAN: Mr. Chairman, maybe you could direct staff to readvertise this, if in fact, it's the commission's desire to change the requirement that only two punches per month because that's in the statute and that would have to be amended.

COMMISSIONER DURAN: And then we could act on it at the next meeting.

COMMISSIONER TRUJILLO: Sure, that's fine.

COMMISSIONER DURAN: I'd just like to say that I think it's important that we don't turn people away from the landfill no matter what the situation is. That's the worst thing that we can do is to tell them that they can't come in. We have to find a way of letting them bring it in. I think you'll find that those people that are doing that aren't going to be doing it all the time. I don't think it's going to be a factor per se that they will be doing it on a weekly or monthly basis. I just think it's not a very good idea to turn them around.

CHAIRMAN ANAYA: Then is it appropriate to continue this public hearing and just readvertise it?

MR. KOPELMAN: Mr. Chairman, if the Commission is not going forward and it appears there was some discussion about waiting while we transfer permits, and if what you're dealing with is something other than that then I think it would be prudent to readvertise and just have the public hearing again as soon as we can get it advertised.

CHAIRMAN ANAYA: Okay, then let's go in that direction.

COMMISSIONER GRIÑÉ: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Griñé.

COMMISSIONER GRIÑÉ: Also, Sam, when it comes back up again before the Commission, can you give us the concerns that Jill has concerning FTEs, equipment and whatever else it is because right now we're going into the month of July and August and least two months is not much of a track record but maybe we could see what occurred in the past fiscal year and if the Commission is going to make some changes then we also should address the concerns that staff has and take care of it at that time too.

MR. MONTROYA: Mr. Chairman, we will provide that analysis.

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COMMISSIONER TRUJILLO: But I agree with Commissioner Gonzales that we need some experiential demographics by the end of the year and see what's going on. And if we need more manpower at that time and more equipment then we'll decide what to do at that time. But in the meantime, we should be accountable to the community.

CHAIRMAN ANAYA: Okay.

COMMISSIONER TRUJILLO: And one other thing, are we going to also address the pruning?

MS. HOLBERT: Mr. Chairman, Commissioner Trujillo, that wasn't, again, advertised this time but I can address it right now if you want me to or I can address it on the next meeting.

CHAIRMAN ANAYA: Let's do it on the next meeting. That concludes this and it will go back for re-publication and re-hearing. Thank you very much, Jill.

The chair would like to recognize the presence of district judges Michael Vigil and Jim Hall in the audience. Welcome to our chambers.

COMMISSIONER GONZALES: Mr. Chairman, I would also like to welcome Mr. Kopelman. It's like he never left.

COMMISSIONER DURAN: You look good sitting there.

X. F. Ordinance No. 2000-10. An ordinance prohibiting parking of vehicles within areas indicated by signage as "no parking" areas in Santa Fe County and providing for a penalty for violation of this ordinance upon conviction

JAMES LUJAN (Public Works Director): Good afternoon Commissioners, chairman. I understand what it is, is that we have an ordinance of signage in place and what we're doing is placing no parking. This was proposed by the Sheriff's Department for enforcement so there's nothing in the ordinance that would allow for enforcement of this and it is based off of state statute.

CHAIRMAN ANAYA: Any questions of staff? This is a public hearing: anyone in the audience that would like to address the Commission on this proposal.

Commissioner Griné moved for approval of Ordinance 2000-10. His motion was seconded by Commissioner Duran and passed by unanimous voice vote.

ADJOURNMENT

Chairman Anaya declared this meeting adjourned at approximately 4:35 p.m. on Tuesday, September 5, 2000.

1810276

Approved by:

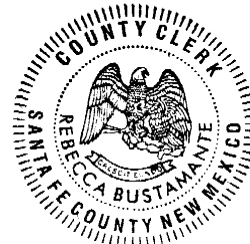
Richard D. Anaya
Board of County Commissioners
Richard Anaya, Chairman

Respectfully submitted:

Karen Farrell
Karen Farrell, Commission Reporter

ATTEST TO:

Rebecca Bustamante
REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



1130.750
COUNTY OF SANTA FE } SS
STATE OF NEW MEXICO
I hereby certify that this instrument was filed
for record on the 27 day of Sept. A.D.
20 00, at 8:10 O'clock P.M.
and was duly recorded in book 1810
page 276 of the records of
Santa Fe County.

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

Marcella Salazar
Deputy