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BOARD OF COUNTY COMMISSIONERS

SANTA FE, NEW MEXICO

REGULAR MEETING

SEPTEMBER 8, 1998

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

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REGULAR MEETING
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September 8, 1998

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

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

Members Present

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

Members Absent

IV. INVOCATION

An invocation was given by Father Jerome Martinez from Santa Maria de la Paz.

V. APPROVAL OF AGENDA

CHAIRMAN TRUJILLO: I understand we have a couple of changes, David?

DAVID WOLF (County Manager): Yes, Mr. Chairman, Commissioners, there are two changes. A request that we delete item VIII.B.3. It's CDRC Case A/V #98-5470. And we ask that you add item VIII, C, which would read Matters from the Public - Non-Action Items.

CHAIRMAN TRUJILLO: Is that it, David?

MR. WOLF: Yes, Mr. Chairman.

CHAIRMAN TRUJILLO: Thank you.

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Commissioner Griñé moved to approve the agenda as amended. Commissioner Anaya seconded the motion, which passed unanimously.

VI. APPROVAL OF MINUTES: August 11, 1998

Commissioner Anaya moved to approve the minutes of August 11, 1998 as presented and he was seconded by Commissioner Duran. The motion passed unanimously.

VII. STAFF AND ELECTED OFFICIALS

A. Matters from the County Manager

None were presented.

VII. B. Matters from the Commission

- 1. Resolution No. 1998-91. A resolution renaming the Santa Fe County First Judicial Complex in memory of the Honorable Judge Steve Herrera**

CHAIRMAN TRUJILLO: First of all I'd like to recognize the distinguished guests and family that are here this afternoon. Judge Hall, would you please stand up. Chief Justice, or Chief Judge Vigil; is she here? Judge Pfeffer. Judge Carol Vigil. Judge Ellington. Justice Serna. Federal Magistrate Judge Garcia, former District Court Judge and presiding judge. Justice McKinnon. Justice Franchini. Court Administrator, Joanne Quintana, welcome.

I'd like to recognize Mr. and Mrs. Trinidad Herrera, who are the parents of Judge Steve Herrera. We have Judge Wexler who is here. Thank you. Judge Donnelly. I'd also like to recognize the wife of Judge Steve Herrera, Carol Herrera and Justice Minstzner.

The wife and the children of Judge Herrera, the ones that are here, Inisha, Denise, Jessie and Elena. Judge Armijo, thank you. And I'd like to recognize a cousin of Steve Herrera and Judge Herrera's staff is also here this afternoon. Thank you for being here this afternoon. I will yield to Commissioner Duran to introduce and read the resolution designating and naming the First Judicial Complex on behalf of Judge Steve Herrera.

COMMISSIONER DURAN: Several months ago I ran into Judge Herrera and he looked pretty excited about having organized a group of judges and community leaders to agree to build the judicial complex. And at that meeting, I promised him that I would help him in any way that I could. So I would like to make that promise to all you judges and everyone that this Commission is dedicated to that dream and we will help in any way

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we can. And with that I would like this County Commission to consider adopting, and I would like to make a motion that we adopt Santa Fe County Resolution No. 1998-91, a resolution renaming the County Judicial Complex in memory of the Honorable Judge Steve Herrera.

Whereas the Honorable Judge served as a district court judge of the First Judicial District from January 1988 until his tragic and untimely death in August 1998; and whereas during his tenure as a district court judge, Judge Herrera displayed unrelenting compassion, unparalleled integrity, and exceptional insight as a jurist; and whereas Judge Herrera has left a legacy for the people of northern New Mexico to use the law as a tool, rather than a weapon, to right wrongs, defend the defenseless, and bring justice to the oppressed; and whereas Judge Herrera's presence on the court of the First Court Judicial District and his influence on the people of northern New Mexico will long be remembered with fondness and appreciation; now therefore, the Board of County Commissioners of Santa Fe County hereby resolves to rename the Santa Fe County Judicial Complex the STEVE HERRERA JUDICIAL COMPLEX in memory of our leader, our instructor and our friend.

Be it further resolved that should a new Judicial Complex be constructed in the future, that said judicial complex should likewise be named the STEVE HERRERA JUDICIAL COMPLEX. I'd like to give that in the form of a motion.

COMMISSIONER ANAYA: Second, Mr. Chairman.

CHAIRMAN TRUJILLO: We've got a motion, seconded by Commissioner Anaya. All those in favor? [Unanimous]

We've got one more guest here, Judge Pickard that I'd also like to recognize. We have a plaque this afternoon to present to the family of Judge Steve Herrera and the plaque reads as follows: "In loving memory of Judge Steve Herrera for his unwavering commitment to fairness and compassion in the law, for his support in providing a judicial complex to meet the needs of a community and for his love and dedication to his family, friends and the citizens of Santa Fe County. Su memoria vivirá eternamente." Chairman Marcos Trujillo, Commissioner Paul Duran, Commissioner Javier M. Gonzales, Commissioner Richard D. Anaya, Commissioner Joe S. Griñé, Jr., County Manager David Wolf.

COMMISSIONER GONZALES: Mr. Chairman, I'd just like to begin on behalf of my family, Ms. Herrera, to you and your kids to send our condolences and also a great sense of thanks for the service that your husband has done for this community and the impact that he's had on all our lives. I had an opportunity to visit with a mutual friend of ours, Charlotte Roybal, and asked her, Charlotte, what can you share with me about Steve Herrera that possibly a lot of people who just knew him as a judge might not know. She told me that his four incredibly beautiful kids were adopted by you and the judge and that's a testament to your commitment to the youth and certainly to assuring that people are given opportunity and they're given a chance to have a good life. Certainly with your kids I know you've done that.

I also know that you had a favorite cabin that he liked to go to quite a bit and I know

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that he and several of the judges had a great time in that and certainly his commitment to his family and to this community is something that all of us can learn from, can benchmark and hopefully can truly cherish for a long time to come. So on behalf of my family and to you and yours, we express our condolences to the judges and the justices here. It's a testament to Judge Herrera that you're all here supporting the naming of the judicial complex. I know that he always encouraged the Commissioners, as Commissioner Duran indicated to get you guys better air conditioners to make sure that the building was heated properly. He was a true advocate for the environment so that you can truly serve the people in your judicial capacity.

And as Commissioner Duran indicated, he was a constant supporter of getting a new judicial complex up there. I'm proud to support this resolution, to support the fact that his memory doesn't only live through his wife and his kids but it lives in his community through the buildings that we participate in and in future buildings that we will have hopefully here in this community. So if there's anything we can do for your family, please feel free to ask. Thank you, Mr. Chairman.

CHAIRMAN TRUJILLO: Thank you, Commissioner Gonzales.

COMMISSIONER ANAYA: Mr. Chairman, also to the family, on behalf of myself and my family, I offer our condolences. There are really great people who serve our community who deserve many honors out there but it's truly an honor for myself and this Commission to set a person's name like Steve Herrera in concrete, so to speak, by naming this complex after him. He was a personal friend of mine, a good person, everybody heard at the funeral services that he loved rock and roll and of course I'll always remember him as such a happy person and it's truly an honor to name a building after him and put his name in concrete. My condolences go out to the family. A good man. Thank you, Mr. Chairman.

COMMISSIONER GRINÉ: Mr. Chairman, I also want to share with the family my condolences with them on behalf of the Commissioners. I've had the privilege and honor to go to work with the Municipal Public Defenders Office when it first was put into place in the state of New Mexico. I was in Albuquerque, New Mexico and I think we were probably hired about a week apart. Either I was hired first or Judge Herrera was hired first but it was only like a week apart. He had just left high school and he was getting prepared to take the bar exam.

So we both had the inspiration that we wanted to return back to Santa Fe. We'd get together after working hours, and that came true. He was able to pass the bar exam, come back to practice law in the northern part of the state of New Mexico. I had the privilege to return myself in the Child Support Enforcement Division. I came up to open the Santa Fe District Office and again, I was able to share my time with the judge.

Most recently, in the last five years or so I had too much extra time so I would run into the judge at the dry sauna at the Santa Fe Spa. I asked what's happening in his life, so I had an opportunity to share with the judge and he became a very close friend and I also

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got to share my life before his bench.

He was always the most fair judge that you could ever have to face, the issues concerning litigation. So I got to know the judge in various aspects of my life. Of course, he was also a good litigator.

So I have a lot to share with the family, the good moments too. It's tough to share these tough times so my condolences goes to each one of you in the family and the wife. Thank you very much.

CHAIRMAN TRUJILLO: I'd also like to extend my heartfelt condolences to the family. I knew Steve in a little different perspective. I went to school with Steve, Pojoaque High School. I saw Steve function at the very grass roots level and give impetus to fairness and equity when we were in the student council. In fact he went to me and told me, Marcos, get involved. Voice your opinion. Maybe that's a reason that I'm up here today. Steve personified and epitomizes what is fair, what is egalitarian, what is user-friendly for not only the judicial system, but for avenues of relief, for accesses by constituents and by communities. Again, my heartfelt condolences to the family and my Judge Steve Herrera rest in peace.

I'd like to recognize Chief Judge Vigil to say a few words.

JUDGE VIGIL: I'd like to thank you all on behalf of the First Judicial District Court. The judges and staff of the judicial complex, for your resolution today, naming our judicial complex after our late Chief Judge, Steve Herrera. In particular I'm also pleased, Commissioner Duran, that you amended that resolution to include that Judge Herrera's name will follow the complex wherever that may be. I also wanted to take this opportunity to thank the County of Santa Fe for being such good landlords. Judge Herrera often commented about what a good working relationship we had with the County.

The County has provided us with daily maintenance and cleaning of the complex and we appreciate the hard work of your employees. We also, over the years, have requested alterations, remodeling the building to meet the ever-increasing caseloads and programs that have been added over the years. The County has always acted promptly and professionally in meeting our needs. Most recently, under the leadership of Judge Herrera and others, we were fortunate to have passed by the legislature and signed by the governor a bill creating a seventh division judgeship. We again called upon the County for assistance in remodeling and preparing our building to house the new judge. We thank you for that assistance.

In addition, under the leadership of Judge Herrera and also Judge Hall we have established a drug court which is now also partially housed in the complex. We have also over the years expanded our family court services program to meet the increased case load. This is a mediation program for families which is headed by Mrs. Carol Herrera. With these changes and additions it's become very clear that we've outgrown our current facility. Judge Herrera, being the visionary that he was, began to set in motion a plan to accomplish the goal of a new judicial complex. Judge Herrera formed a task force made up of judges, lawyers, business people, government officials and others to begin planning for the building

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of the new complex.

We would ask you today to go one step further and possibly appoint one of the Commissioners to serve on that task force. They'll be meeting rather quickly and once you appoint someone we ask you to get a hold of Judge Hall who will be our contact person at the judicial complex. There are some very interesting possibilities that the task force is pursuing that require that we move swiftly towards accomplishing a goal of a new judicial complex. The last couple of weeks have been very difficult for all of us and in particular for Carol and her children and Judge Herrera's staff. Judge Herrera's loss is being felt not only in the three counties of Santa Fe, Rio Arriba and Los Alamos, but by the entire state.

Judge Herrera's vision and impact was felt throughout the state. And his untimely death leaves a vacuum that will take some time to fill. There is no greater honor this community could pay to Judge Herrera than by seeing his dream come true and that is by making a reality a new Steve Herrera Judicial Complex. And we thank you for your support and ask you to work with us to accomplish that dream.

CHAIRMAN TRUJILLO: Thank you, Judge. I'll open the podium to anybody else who wants to speak.

CAROL HERRERA: I'm not going to talk long. I'm very proud of being from this community and this community has opened its arms to us and I want to thank you for honoring Steve in this way and I want to thank the whole community of Santa Fe for being such a wonderful family to us. Thank you.

CHAIRMAN TRUJILLO: Thank you. Anybody else? If not then thank you very much and the naming of the judicial complex is the appropriate thing to do and that's in recognition, as Commissioner Anaya has said, in concrete, in perpetuity, to recognize a great man.

[The Commission recessed from 5:35 to 5:50.]

VII. B. Matters from the Commission (con't)

CHAIRMAN TRUJILLO: Let's get started.

COMMISSIONER GONZALES: Mr. Chairman, I have a couple of issues on Matters from the Commission, if that's okay. One on the request by the judges to appoint an individual to the new judicial task force, I'd like to put in the name of Commissioner Griñé to serve on that task force on behalf of that Commission.

COMMISSIONER DURAN: Second.

CHAIRMAN TRUJILLO: Got a motion, seconded by Commissioner Duran. All those in favor? [Unanimous]

COMMISSIONER GONZALES: Secondly, there's a question to David. David, I made a call to the Fair Board to follow up on how things went and my understanding that we haven't paid the Fair manager yet. I know that we have a lot of legal issues, or financial issues that we have to deal with but I was just wondering if we could

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look into that and get it done fairly quickly. The manager working through that weekend. It was a great fair and it's been more than a couple of weeks and I'm not sure --

MR. WOLF: Mr. Chairman, Commissioner Gonzales, I thought we had that resolved. I'll follow through on it.

COMMISSIONER GONZALES: Thank you. Please, if you could. And then the other issue was the take-home policy for vehicles, County cars. Any chance that we could see that? I'm a little anxious to see about how that's coming along.

MR. WOLF: Mr. Chairman, Commissioner Gonzales, I intend to bring something forward to you at the administrative meeting. I think it's the 28th or 29th.

COMMISSIONER GONZALES: Great. Thank you.

COMMISSIONER DURAN: Mr. Chairman, I was wondering if the Commission would consider appointing Rudy Garcia at this point to be Land Use Administrator rather than acting Land Use Administrator. I think that by the designation [inaudible]

COMMISSIONER GONZALES: Mr. Chairman, I was just going to ask Commissioner Duran, is there concurrence with the manager? I haven't talked to him yet.

COMMISSIONER DURAN: I spoke to David a week or so ago.

COMMISSIONER GONZALES: I just wanted to make sure that we're not springing anything on him that he didn't know about.

COMMISSIONER ANAYA: Mr. Chairman, I think I can support Commissioner Duran's request. I believe in Rudy.

MR. WOLF: Mr. Chairman, Commissioner Gonzales, to follow up on your question, Commissioner Duran had discussed it with me and I agree. I think it's a good decision at this time.

COMMISSIONER DURAN: Mr. Chairman, the only other thing I would like us to consider appointing him Land Use Administrator that in this appointment, if at some point in time Rudy is asked by the Commission to step down, he has the ability to go back to the classified position.

CHAIRMAN TRUJILLO: Is that consistent with our personnel rules and regulations? I think that if you're acting, then that's an option. That's a possibility. If you're an FTE, a full-time equivalent, unless you're probationary, I don't know -- what are the rules on that?

MR. WOLF: Mr. Chairman, I don't remember the rules specifically but what we had consider in regard to Rudy that he was acting, there would be that ability to step back into a classified position if that was his wishes and the Commission's wishes, or mine. Now that we're going to make, if the Commission chooses to make him permanent, exempt position, then I think he should be treated as all other exempts which don't have any specific allowances to step back into a classified position if things don't work out.

CHAIRMAN TRUJILLO: As far as I'm concerned I think that Rudy's a known quantity. He's a good planner. He's demonstrated the ability to function as an

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administrator and I don't have any doubt that he'll succeed as an administrator. And if there's a position that's available as a planner I think he'll probably need to compete like everybody else will compete for the position on his own merits and I don't have any doubt that he can compete.

COMMISSIONER DURAN: Mr. Chairman, than I would withdraw that second suggestion and go with appointing him Land Use Administrator.

COMMISSIONER GRINÉ: Mr. Chairman, I don't think it's the authority of this Commission to decide appointments. I think we can convey to the County Manager to go ahead and do that himself without us having to take action here. I think we're getting into an area where we're micromanaging and I don't think that's what this Commission should do. I think we can send direction and say to be considered to be appointed but let the County Manager do that on his own.

CHAIRMAN TRUJILLO: So that is the direction then that this Commission, I think all of us agree, at your discretion, David, decide whether to appoint on a permanent basis Rudy Garcia as Land Use Administrator.

MR. WOLF: Thank you, Mr. Chairman, Commissioners.

CHAIRMAN TRUJILLO: Can we move up Matters from the Public so it will be next? There are some people here from Puesta del Sol that want to address the Commission. Is it okay if we move it from item VIII. C to now?

MR. WOLF: Mr. Chairman, I believe there'd need to be a motion to amend the agenda.

Commissioner Duran moved to undertake agenda item VIII. C. immediately, and his motion was seconded by Commissioner Gonzales. The motion passed by unanimous voice vote.

VIII. C. MATTERS FROM THE PUBLIC - NON-ACTION ITEMS

DAVID NOBLE: Mr. Chairman, and members of the County Commission, my name is David Noble and I live in Pinon Hills, which is a subdivision on the west side of Santa Fe in the vicinity of the Relief Route and the bypass. David Munger is from Puesta del Sol, he's going to follow up my comments. I thank you very much for the opportunity to present the Commission with a petition signed by 250 residents of Pinon Hills, Puesta del Sol, Sierra Azul and Alameda Ranchettes.

These are all subdivisions that are on the west side of Santa Fe located along the bypass. This petition reflects our desire to improve certain aspects of the bypass. We are presenting this petition to other governing bodies as well as to the Santa Fe County Commission. We are requesting that all parties involved in building the bypass or approving development along the bypass will take our concerns to heart and do whatever they can to

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wisely influence the following issues: The first is safe vehicle crossings. At-grade crossings as are presently designed will be hazardous for both cars and pedestrians and these at-grade crossings I refer to are for the frontage road that will be in place for the next two or three years as well as the finished bypass.

The second issue is the number of interchanges. The number of interchanges will influence whether this road will be a true bypass as designed around Santa Fe or whether it will be evolved into something else. We would like the number of interchanges to be limited. Commercial development is the third issue. We neighbors along the bypass do not want the bypass to take on the commercial character of Cerrillos Road. Commercial development will have to be very carefully thought out in order to serve the overall public interest.

Trail crossings is the next issue. Trail crossings need to be both numerous and safe. To walk or to ride a horse across a thoroughfare with high speed traffic using at grade crossings simply will not work. At present the bypass plans call for these kinds of crossings for pedestrians and horses and bicycles. And lastly, the environmental impact of the bypass. This concerns light and noise abatement through landscaping. Now, I realize that some of these issues such as environmental impact do not concern the County Commission as much as they do other agencies. Future commercialization on the other hand certainly will be a County concern.

For the present, we who live along the bypass look forward to the promised public comment hearings. We had one recently on trail crossings that was organized by the City and had a chance to speak at that but we have not been advised of the other scheduled meetings. One has been promised for example, the next one, on safe vehicle crossings, but we have not heard anything about this. The bypass is due to open in October. So I'd particularly like to ask the Commissioners if you can bring your influence to bear on the City to get these public comment meetings moving along so that we can have those.

And we hope that the bypass will not be opened without public comment on some of these specific issues that have been promised. So basically, what we're asking the Commission through this petition, which has just about universal signatures from the people living out in our subdivisions, is that you will be willing to work with us and to listen to our concerns and to get involved in whatever way you can with the development of the bypass and later on land use around the bypass. Thank you very much.

CHAIRMAN TRUJILLO: Thank you, David. We had with the City some joint City/County meetings that address all of these areas. As a result of those meetings there's some committees, some councils that have been set up to discuss all of these areas. In fact, we've got representatives from the County sitting in on those meetings and the public is invited to those meetings. Commissioner Duran also chairs the corridor committee that's going to address commercialization of the bypass and all of those things, so I think that we're moving in a positive direction in all of these areas.

Yes, we need to continue the open dialogue and communication with the communities

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that are going to be impacted in that area. David, can you give us a status on what's going on with our participation in a lot of these areas? Or Rudy?

RUDY GARCIA (Acting Land Use Administrator): I'm sorry, I wasn't hearing. Are you talking about the County's participation in regards to the over and under easements across the bypass?

CHAIRMAN TRUJILLO: The whole gamut of issues. The health and safety issues, the providing for safe crossings and turns, what is the number of interchanges, commercial development, access from one side of the bypass to the other, and the noise and light pollution.

COMMISSIONER DURAN: Excuse me, Mr. Chairman, didn't we pass a resolution several months ago in support of all these concerns? Because my understanding is that the City is the lead agency for the bypass and I guess David, I'm not sure how much you want us to get involved or what is available to us. What else can we do? I'm sure there's more that we can do than just pass a resolution. Do you have any ideas on what that might be?

MR. NOBLE: Specifically, to bring your influence to bear upon the City and the Highway Department. Those are the two other agencies that are involved. Eighty percent of the bypass goes through the county and then 20 percent through the city, so in that sense the County is involved although the City is the lead agency. We simply would like the County Commission to support us and to bring whatever influence you can to bear on the Highway Department and the City in support of these five points.

COMMISSIONER DURAN: I know in those meeting we had with the City that we were all in agreement that your issues, your concerns that are addressed in this petition were ones that all of us shared in. I guess we can lobby the City Councilors to support this. I think the bottom line is that we have already all, in a public meeting agreed to all these issues. The only one that I am not sure of how to deal with is number three which is denial of commercial development. I'm sure that that doesn't mean neighborhood convenience centers or neighborhood facilities. Is that correct?

MR. NOBLE: No.

MR. GARCIA: Mr. Chairman, if I may add a little bit. As Commissioner Duran pointed out, the City is the lead governmental agency on this bypass and they are the government agency that will handle a lot of the safety issues as well as the Highway Department. As to the commercial uses, along this bypass the Board of County Commissioners has appointed a Relief Route Committee which is reviewing all these issues along this bypass which I believe if Commissioner Duran can correct me by mid-November of so they will come forward with the regulations at that time which are the uses, esthetics, purposes, that the Commission would hope will be adopted into what everybody would like this bypass to look like.

The County's role in this if we do adopt the different commercial districts at these intersections along State Road 599 are the crossings. The County and the City have been

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involved as a joint effort in preparing a memorandum to the state Highway Department which the County and the City outlined seven different crossings that we would like to see. The Highway Department mentioned to us that if we paid for the design work of these crossings that they may at that time look to see if there's any additional funding for these crossings.

The County and the City have agreed and we have paid for the design work of these crossings and now it's in the Highway Department's lap to determine whether or not they have additional money to fund these crossings.

CHAIRMAN TRUJILLO: I understand exactly where the communities are coming from. There's issues in the bypass that impact Santa Fe County residents. One issue is the County Road 70 intersection. I think that the community has represented that the existing design is an aberration to health and safety. That intersection needs lights or stop signs, a four-way stop of some sort. We're looking at that. Or are the people that we've assigned to the committee, are they representing those needs?

MR. GARCIA: Mr. Chairman, my portion of the County would be the zoning would be the uses allowed at these intersections. As to the safety issues, that would be the Highway Department and I'm sure Larry Velasquez of the Public Works Department would be involved because that is a County road. I could deal with these issues with Larry Velasquez or I could get these gentlemen's names here and we could have Larry speak to this gentleman regarding those issues.

MR. WOLF: Mr. Chairman, Commissioners, also I met with David Gold and Larry Velasquez last week about some of these same issues. They were going to do a traffic study and a count on the County's access roads onto 599 and make some recommendations as to whether or not what needed to be done as far as stop signs. The Highway Department has specifically said they don't want any stop signs or stop lights at this point on 599.

CHAIRMAN TRUJILLO: I've got a schedule here. It's called the Highway Corridor Planning Committee, revised time line and topics for discussion. It says the meetings will be held on the first and third Wednesday of the month, four to seven p.m. There's a meeting scheduled for September 16, 1998 at Sweeney Center. I can pass this on to the public. Recommendations for I-25 commercial gateways, and Airport Road, the Relief Route industrial sections.

September 24, recommendations for I-25 foothills and I-25 vistas sections. October 7, recommendations for La Cienega rural and Relief Route, Tierra Contenta sections. On October 21, the recommendations for Relief Route, Caja del Rio, Trampas and Relief Route, Ridgetop sections. This schedule is available to the public, right?

MR. GARCIA: Yes, sir.

COMMISSIONER DURAN: Mr. Chairman, that's the Highway Corridor Planning Committee, right?

CHAIRMAN TRUJILLO: Yes, this is the highway corridor. This is not for design.

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COMMISSIONER DURAN: This is the one that Richard and I are on that I chair. Your committee should probably come. You should get the schedule of these meetings because I don't think that we have yet gotten to the point where we're discussing the bypass. I think that's probably one or two meetings away but there is going to be some public discussion and ideas from the public on how that corridor develops and the land uses that we adopt and implement.

MR. NOBLE: Commissioner Duran, the land use issue is something that we're interested in. The top priority on our list is the safety of crossings. And the City has promised that we have a meeting, a public meeting on the highway safety, on the safety of the crossings, and this has not been announced yet. I particularly would ask the Commission if they could urge the City to schedule this meeting on safety to follow up the one they had on the trails.

COMMISSIONER DURAN: Mr. Chairman, Dave, what if the County Commission was to prepare a letter, if the County Manager was to prepare a letter that would indicate that the County Commission is behind your efforts on the crossings issues. Again, I think we're all behind you on all five of your concerns. The only one that needs considerable thought is how do we deal with the neighborhood needs for commercial, for light commercial.

MR. NOBLE: Yes sir. And that's a long term process. If you would be willing to draft a letter to the City expressing your support at least on these issues, our neighborhoods would greatly appreciate it and that's why we're here tonight.

CHAIRMAN TRUJILLO: Then that's the direction that we'll give our County Manager, David Wolf, to initiate a letter to the City of Santa Fe addressing all of these areas and again opening the lines of communication and dialogue and getting status on what's going on with the health and safety issues, environmental issues, commercial issues, all of the points that have been identified here. Can we get -- we have a person that is serving -- Lesli, isn't she serving on one of the committees, on the design of the bypass?

MR. GARCIA: Lesli is the primary one from our department that is handing the bypass for Santa Fe County.

CHAIRMAN TRUJILLO: Can we get a presentation by her next week on what's going on with the design of the bypass and what areas are being addressed? There's real concern by the community and again most of the bypass impacts Santa Fe County residents. So of course, the City of Santa Fe is going to procrastinate in addressing some of these design issues.

MR. GARCIA: Mr. Chairman, at the next Board of County Commissioners meeting I will have Lesli give you a presentation on all the issues you just brought forward.

CHAIRMAN TRUJILLO: Please.

MR. NOBLE: If you could also ask that the bypass not be opened up until these safety issues have been addressed. Thank you very much.

MR. GARCIA: Mr. Chairman, I'd just like to let the public know that that

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is a state highway and I know the Board of County Commissioners have tried extensively to have the safety on 599, but that is a state road and a lot of those issues have to be addressed to the state Highway Department. Although the Commissioners have done an extensive effort, such as the State Road 599 and the west frontage road, I think a year and half ago you guys all did a resolution to adopt a traffic light out there and there's been several accidents out there and right now, a year and half later they are putting the traffic signal out there.

CHAIRMAN TRUJILLO: I know it's a state Highway Department road, but the message was loud and clear that there are major anomalies with health and safety, that something needs to take place. I know that Representative Ben Lujan is supporting the changes in the design. I know that this Commission is supporting the changes in the design. I know the City of Santa Fe is supporting the changes in the design. What else do we need?

MR. GARCIA: There is one thing that I want to point out, if I might. They have a committee to do the trails, there's still some trails concerns. But there has not been a combined City/County committee to deal with any of the crossing issues. The concern is that they're going to go ahead and open this thing up without having any public input and the Highway Department has so far been somewhat intransigent. The corridor committee has been leaning toward land use. There's really no forum right now to have public hearings on any of the safety issues. That's the concern.

CHAIRMAN TRUJILLO: David, we need to impress on the City that the community is concerned about addressing all of these issues and public hearings for all of these issues. It's a travesty that we get 200 people at the Sweeney Convention Center. They get up and identify their concerns. Everybody listens and then everybody goes away and it falls into a vacuum. That's not the way to serve the community.

MS. BUSTAMANTE: I wanted to note that the Calle Nopal people are not here tonight but we certainly are very concerned also, those of us who live off Calle Nopal. We're concerned and certainly we want to support whatever they've done, since we are being impacted also in the Calle Nopal area.

CHAIRMAN TRUJILLO: Thank you, Becky.

DAVE MUNGER: My name is Dave Munger with Puesta del Sol. To answer Mr. Duran's -- or at least partially answer Mr. Duran's question about what more can you do, I guess I can make you aware that we are presently trying to organize the community plan, or community plan district in that general area, actually quite a large general area. It includes the College of Santa Fe land, all the way out to past Cottonwood, out in that area. On the northside of the bypass.

I just want to make you aware that we're trying to get that organized. We're going through the steps of the ordinance as passed by you body, a year, six months ago. And do ask your support on that. It does involve, from the commercialization standpoint along the bypass, we would consider along the bypass in that section part of the community planning district and would ask that consideration be given to the community plan vis-a-vis

commercialization and trying to have a plan as opposed to since the bypass is there, just do it in those areas. It may or may not be a good fit. So that is one area that you could show some support for us also. Thank you.

CHAIRMAN TRUJILLO: Thank you, David. Anybody else? Matters from the public?

ROBERT ROMERO: Good evening, Mr. Chairman and Commissioners. I'm Robert Romero. I'm sure you're all familiar with me by now. I represent La Cienega and La Cieneguilla as president of their valley association. I come before you tonight to ask you -- I have a letter here that I'd like to present to you. [Exhibit 1] I'll try to make this as brief as possible.

Honorable Sirs: We are in need of your support to recognize our planning boundaries and allow us some time to work on our community planning uninterrupted by continuous development. This could be done possibly by designating our boundaries as a crucial planning area and delaying further development until which time our planning is complete.

We have spent countless hours addressing development and working on our plan. It is very hard, if not impossible to do both. We need your help. Some may say we are merely crying wolf, but indeed the wolf is at our door and has already begun to consume our community. Any planner will tell you a planned development holds far greater value than one without. We feel the same about our community and have invited them to participate in the process with little or no response. The bottom line is time and money, of which we have neither. I ask respectfully for your help in this matter.

Items of concern: Loss of planner -- we have a community member who was a planner who was assisting us in our efforts, Patrick Mulligan. Unfortunately he passed away. God rest his soul; critical population as stated within the County General Plan has exceeded in the La Cienega area for the past three years. I'm unsure of what it is at this time, but I believe in 1976 it was at 960 at which point 600 was maximum capacity; ground water contamination and depletion. I have some information here that I'm going to present for you also for you to review. I know this is a non-action item but my request is to be put on the agenda for next month. I feel I would take this opportunity to present some of this information to you to familiarize you with what we are proposing and what we are asking for.

Area of critical environmental concern -- actually which has been designated by the BLM. I also have information in here that I will present you on that for your review; Historical and cultural sites throughout the La Cienega area which are being jeopardized by development as we speak; noise and safety from the airport; and illegal dumping, as you have seen from the photographs.

To my belief and what I've heard from the Commission and other County agencies, if there is to be something done with the dump fees to minimize illegal dumping in the area. La Cienega has actually become a dumping ground for Santa Fe and the area of the south

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county. It's very bad out there. If you noticed, our community water supply tank has been vandalized by graffiti and if you look closely you can also see bullet holes in the tank. A lot of the dumping and shooting that's going on in the area go hand in hand. I feel it's coming from outside the community, although some of it may be internal.

We have worked, the water association has worked to keep that tank secure. They have fenced the area, put locks on it, to no avail. The vandalism still occurs. I'm not sure what solution we have there in that matter. One solution to the dumping would be to eliminate dump fees and allow people to go to the dump. I think that's one of the major reasons why people are going out and dumping in the hills and the arroyos of La Cienega.

These are just a few. Without proper planning it is only a matter of time before our historical, agricultural and environmentally sensitive community is lost forever. Our boundaries have been established and our plan conceived. We merely ask you for some time for us to deliver our community plan. With that said, I'd like to present you with some of this information I have here for your review at your convenience. -- and also from the two acequias. We have worked diligently on the planning process and made every effort to include everyone. We hope to proceed with our planning and have our boundaries adopted as established by our community and we would welcome any comments from the Commission and any other comments from Land Use on the issue when it comes up on the agenda. I'd like to thank you for your time and consideration

CHAIRMAN TRUJILLO: Thank you very much. As you know, Mr. Romero, there is a process in place that does afford communities the right to conduct community planning, set up community plans and master plans. Our staff is willing to go out to communities and coordinate that and organize that and set up meetings for the community to put a community plan in place. What you're talking about permeates this county. We've got issues with dumping all over. We've got issues with dense development. We've got issues with losing traditional land from one side of the county to the other and that's what the Land Use Department has set up in the area of community planning to help communities self-determine and give impetus to what they want for their communities.

MR. ROMERO: I'd like to say thank you to the Land Use staff, especially Mr. Kenny Pin. He's been very cooperative, and Rudy Garcia in assisting us with our planning process, but what we'd like to ask is the same consideration that was allowed to the community of Canada de los Alamos where it states here on item 6 on an ordinance that was passed. The Canada de los Alamos Association working in conjunction with property owners and the community is in the process of developing a community land use plan for the area. In accordance with Article IV-3 of the Santa Fe County Land Development Code, the purpose of local land use plan is to provide for orderly development and for preservation of the land for the benefit of the residents and the landowners taking into account among other things, the health and safety and welfare of community members, family transfers for traditional families, retention of its residential and rural character, and in our case, preservation of the Camino Real. This is very much what we're asking. Thank you.

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CHAIRMAN TRUJILLO: Thank you.

COMMISSIONER GONZALES: Mr. Chairman, for David, you see the dump fees. I know that we had asked that that be brought back to the Commission. Is that coming up in the administrative meeting?

MR. WOLF: Mr. Chairman, Commissioner Gonzales, I hadn't intended to bring that back at this admin meeting. There's a couple other things I'd like to see happen before we bring that back to the Commission.

COMMISSIONER GONZALES: I'm just a little bit frustrated because this is a commitment we had made to bring this issue forward and I'd like to see it brought before the Commission. We agreed to table it to put the finances in order to get to the situation where we were. I think you've done a good job in doing that and I get asked continually, by Robert and some of the other people when those dump fees are going to be reduced. It's certainly something we're all committed to. I'd really like to see that come up to the Commission for a decision soon.

CHAIRMAN TRUJILLO: Commissioner Gonzales, I think that we also advocated and supported the legislation, the gross receipts tax and that will bring forth, I think half a million dollars. We can't send that out to the community for referendum until January. It won't become effective until January, right? July 1?

MR. WOLF: Actually, if we could have a special election between now and I believe some time in May, I might have to defer to Becky, and take that to the voters, and then the voters approve that gross receipts tax. Then it could be built into the next year revenue stream. There's another issue that we wanted to address and that was the transfer station being part of the regional landfill, which could help us with about 40 percent of our volume. I'll talk to some of you guys about that, and I wanted to find out the status of that, again, before I brought this back to you, but I'll be happy to follow your direction on when you want to address it.

COMMISSIONER GONZALES: I think regardless of the gross receipts it's a commitment that we made so we have to vote on it one way or another whether we're going to support it or not if the gross receipts doesn't happen, the voters don't support it. I don't think the simple answer is not, we're not going to reduce the fees. Actually, I think it's important that we stay focused on that effort to try to reduce them. All of us up here have advocated for it, so all the Commissioners are concerned that that be done. So as soon as you can bring -- I know we're waiting on the transfer station out at the Caja del Rio and I know we've got the RFP out for the operation to assess those costs, let's just not let this thing fall by the wayside.

Our last direction, I think was to get it up to us within a month. That might have been a month ago, so let's see about trying to get this before the Commission fairly soon.

CHAIRMAN TRUJILLO: Thank you, Commissioner Gonzales.

[Inaudible portion of hearing occurs]

COMMISSIONER GONZALES: What it would do to reduce the cost, to

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privatize the transfer stations and hopefully, utilizing those savings to further reduce the dump fees. So that's what I was under the understanding that we were waiting on. And that's what I'm conveying to my constituents, so we need to basically bring some resolution on this on what the status of those fees are going to be and I think people are basically getting tired of us waiting for us to decide that. I know it's a tough position to put you in, David, but the sooner you get that resolved we need to get on that.

Secondly, just real quick, as Robert brought up a little bit of it [inaudible] if we go back out and ask the staff to arrange a series of community meetings throughout the county in each of the districts just to discuss general issues, the county performance or issues of community plans, so I'd like to send that direction to David now, so you can begin that process of setting up community meetings within each of the districts so they can come out and talk to us about whatever issues might be their concern.

CHAIRMAN TRUJILLO: Thank you very much, Commissioner Gonzales.

MR. ROMERO: I'd like to add a few words to that. The County had made some efforts to clean up the area in early spring with a youth program out there. They went out, I believe it was the County, and cleaned up some of the roadside trash along the road. I believe it was the County that did this. There were some bags that were put on the side of the road. I believe there was a youth program in place where there was some clean-up done. But all this trash has occurred over the last summer. Most of this garbage was cleaned up. So this is an on-going problem.

Right now I'm trying to coordinate -- I spoke to Commissioner Gonzales -- coordinate a clean-up come late October, early November with the BLM and the County. The BLM has promised equipment to be available, provided they would have open use to dump the trash into the County landfill. There was a clean-up that was done there earlier the previous spring and they had to pay to dump the trash that was thrown on the public lands into the County landfill, which they felt was kind of an uncoordinated effort. I believe that if they had gotten with the County beforehand I think something could have been done to minimize that, an alternative, so to speak.

I would like to let you know that I am trying to coordinate that and I'll be getting with Commissioner Gonzales or anybody else that handles that matter when the time comes that we can coordinate that effort.

CHAIRMAN TRUJILLO: Thank you, Mr. Romero.

MR. ROMERO: Thank you once again.

CHAIRMAN TRUJILLO: Okay, anybody else from the public? If not then we'll go to Matters from the County Attorney.

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VII. C. MATTERS FROM THE COUNTY ATTORNEY

DENICE BROWN (County Attorney): Mr. Chairman, Commissioners, I have given you a memo about this new law that has come into effect on September 1. We talked about it briefly at the last Commission meeting. I have since that time spoken with the Dona Ana County Attorney's Office. They didn't know about this either and it's sort of taken everybody by surprise. I spoke previously with Commissioner Trujillo and we're going to give it a whirl. The City hasn't gone through this yet so they're probably going to watch and see how we do.

This new law requires us now do written orders. One of the problems with the new law that I don't think was ever taken into consideration that counties probably could have expressed is that it's really tailored towards situations where one person is making a decision. Unfortunately, or fortunately for us, but unfortunately under the new law, we make our decision by consensus and by majority vote. So it's a little bit, going to be a little bit of a trial run on how we make this work.

The order that you have to enter on each of your decisions isn't really that different from what you've been doing all along, which is saying, I move to approve this. And then typically in our discussion on a motion is where you set out your reasons for wanting to move however you want to move. That now should probably be part of your motion. So I've given you a hand-out and I've attached more than you probably need but the last four pages -- I have tried to make it as simple as I possibly can for you. I've given you a sample order to use in a CDRC case and one to use in an EZC case. Really, the only difference is the caption, whether it's CDRC or EZC, and down under the conclusions of law, you're either concluding that it complies or doesn't comply with the Santa Fe County Land Development Code, which is the County Code, or in an EZ case, you're ruling on whether or not it complies or doesn't comply with the EZ Subdivision regs. That's really the only difference between the two forms.

This is certainly open to change. Suggestions are welcome. I wish we had had the ability before tonight to get together and try to see how we're going to make this work, but I guess there's no way other than trying to implement it. What I would recommend you do, there isn't any perfect way of doing this, but just when you make your motion you would say something like, and the first case tonight is an easy example because it's a liquor license transfer. But if you were to approve that case, for example, you might say, I move to, in CDRC Case number blah blah blah, applicant so and so, findings of fact, I find that the -- and I just briefly read the staff report on that, that the liquor license is staying in the same place and just the owner is changing. Conclusions of law: therefore the request should be approved.

That would be how you would use this form. On a variance you might say, CDRC Case number blah blah blah, applicant so and so, findings of fact: I heard testimony tonight that there is a hardship based on whatever. Maybe that's your only finding. I do see in the

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memo that even though I've given you space for three, you may only have one. You may have seven. And that's really in your discretion how many findings. Findings are nothing more than the things you heard that are important to you. And they're typically the things that you all discussed, like I said, in your motion, but you don't necessarily typically make them part of your motion.

What you might do is say, read this and at the end say, so I make a motion to approve the order as I just read it. You'll see there under findings of fact, then you'll go to conclusions of law. I've made that as simple as possible. There's one of two options. The first therefore or the second therefore. The first one is where you want to approve it; the second one is where you want to deny. The first one would be, therefore the applicant's request should be approved, and then you've got three options: with staff conditions, or without them, or with certain ones. And that's what we typically do anyway. Because the request is in compliance with the Land Use Code.

Or you say, the applicant's request should be denied because it is not in compliance with the Land Use Code. I think that's about as simple as I can make it, but again, either during this meeting, after the meeting, I'll be happy to take written comments, phone calls, anything on how you think we can make this easier for you. I don't think you're required under the new law to specify the exact Code provision. I don't think any of you is required to become a Land Use Code expert. And you'll hear in the staff report, and throughout the course of each case what Code section we're talking about anyway. So I don't think it needs to be that specific. I think you're okay to just say it's either in compliance and you want to approve it with the conditions as follows, or it's not in compliance so you want to deny it. I think that will suffice under the new law.

If you have any questions for me, I'd be happy to try to answer them.

CHAIRMAN TRUJILLO: Any questions of Denice?

COMMISSIONER ANAYA: I guess in my estimation then will probably fall more heavily on staff to give us the insight since they work with these issues more closely than we do when it comes up to decision making. So I was wondering how it was going to be set up but it seems to me that the bigger burden will be on staff to come forth to giving us some of these conclusions.

MS. BROWN: Mr. Chairman, Commissioner Anaya, I think you're right to some extent, although one of the reasons the finding weren't able to be set out the way I was able to do it with the conclusions is you're not going to know until the night that the applicant appears what their whole story is. We here some of it about why they want a variance or why they want a subdivision approved, but a lot of it's not going to come out until the very night. So the applicant's really going to be the person who's going to provide you with the facts that you're going to rely on in making your decision.

COMMISSIONER ANAYA: That's being done now. Especially in the EZA, I think. Thank you, Mr. Chairman.

CHAIRMAN TRUJILLO: Thank you. Any other questions of Denice?

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COMMISSIONER DURAN: You'll be here when we stumble, right?

MS. BROWN: That's right. And we'll just work through this. I do think that the staff reports, for the most part set out most of the information you need, although I know they can be lengthy and sometimes it's hard to remember everything. Usually though the applicant will provide you I think with the information that you need. Or your free to ask questions as we work through this.

CHAIRMAN TRUJILLO: Is this something that we're going to try to night. I see CDRC and EZA.

MS. BROWN: The second is actually EZ. Your last case tonight is an EZ case, a subdivision case.

CHAIRMAN TRUJILLO: So we'll try it tonight.

MS. BROWN: I think we might as well go for it.

COMMISSIONER GONZALES: I don't know if there's trying; I think we have to do it.

CHAIRMAN TRUJILLO: We'll do it. We'll do it tonight. Thank you, Commissioner Gonzales.

VIII. PUBLIC HEARINGS:

A. Community Development Block Grant (CDBG) 1999 funding cycle and selection of a CDBG application

DAVID MADRID (Grant Writer): Mr. Chairman, Commissioners, this is the fourth and final public hearing that we'll have on the Community Block Development Grant. Just to bring you up to date, we have heard from Hands Across Cultures, who is looking at building a teen youth center, the Santa Fe Rape Crisis Center, which would like to build a new facility, Youth Shelters and Family Services, which is also looking at a new facility, and I would request that the Commission open this meeting up to a public hearing so we can hear from any new applicants at this time.

CHAIRMAN TRUJILLO: Okay, we'll open it up to new applicants for the CDBG grant and we've got one coming forward.

FREDERICK SANDOVAL: Buenas tardes, Mr. Chairman, Commissioners. My name is Frederick Sandoval. I'm the principal planner for the Community Services Department at the City of Santa Fe. With me is Michael Coop, who is associated with Shanning Associates and he's going to prop up some materials there for you to look at. Momentarily, he'll hand out to you the information so that you can actually have it there closer to you in case the font isn't large enough. I'll keep my comments very brief.

First of all, I'd like to be able to speak on behalf of a project that the City and the County have been involved with for some time. It's the Assessment, Detoxification Treatment Center. This particular project as you know, currently is being supported by both

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City and County funds. Part of my presentation momentarily will be to answer specific questions you might have. I'd like to first of all begin with letting you know that there are several people at the meeting in support of this project who are sitting in the back there. Some of whom may come and speak to this.

Just very quickly, in terms of the history on this project, in 1994 you all may recall an incident involving Francisco Ortega. It was an incident involving law enforcement here at the City of Santa Fe where an individual with mental illness and substance abuse problems was inadvertently shot and killed. That incident has since prompted a variety of community forums that have led us to where we are today. In 1995 the City of Santa Fe formed a Crisis Response Task Force that included some County officials as well as many community-based providers and agencies. That task force put forward a set of recommendations, one of which included having crisis beds developed in our community that would serve city and county residents who would include individuals experiencing behavioral health emergencies, either mental health or alcohol.

That same year, in 1995 the Santa Fe County DWI Planning Council, which is a committee of this particular board, indicated that there was a need for crisis stabilization beds for people with substance abuse problems. Largely the reason for that, Commissioners is because we currently use the detention facility as a crisis bed facility for individuals who have mental health and substance abuse problems. However, they're in there without criminal charges. Both of those particular bodies were critical to influencing a plan document called the Crisis Response Plan that was approved by the City of Santa Fe in February, 1996.

That Crisis Response Plan called for the development of a crisis center or a crisis facility to serve city and county residents. In 1996, the County asked that a business plan be prepared from monies the County received from the state DWI grant council, of which \$10,000 was spent on this business plan. That business plan called for a facility that could be built within the County of Santa Fe, which would include two options, whether constructing a new facility or potentially renovating a portion of the current jail facility. Well, where we are as of today, the City of Santa Fe has put in approximately \$500,000 for this facility which comes from capital improvement funds.

The County has also been instrumental in awarding \$500,000 from jail revenue bonds for the facility, primarily for the furnishings, design and construction. The request that you have before you is for the amount of \$400,000. The money would be used specifically to help complete the construction of that facility. Currently the local match in relation to CDBG under national guidelines is the \$500,000 from the Santa Fe County jail revenue bonds.

I'd like to mention, however, that we did not, at the time that we awarded that \$500,000 from CIP, conclude that that would serve as a match for the CDBG, otherwise we would have done that. Had we known we would have proceeded with this particular request. So at this point, we have just the one local match. The current site location, as you know,

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is within the same proximity as the current jail, which is built out on Highway 14, directly across from the state penitentiary. So the location of that is in the front portion of that complex. It's separate from the jail. It will be a free-standing facility.

The land availability, site control, is currently under County's control. That's property that's owned by Santa Fe County. This particular project does meet the national CDBG objectives. Incidentally, it also meets the local City of Santa Fe CDBG objectives in that one, it will serve very low and low income users. The vast majority of individuals in detention for PCs and mental health are individuals who have very low or low income. We approximate that to be about 80 percent, which means that it's a very vulnerable, economically disadvantaged population.

This particular project will serve Santa Fe County residents, north to central to south, so that means that individuals from Chimayo, individuals from Pojoaque, Santa Fe, Edgewood, all of those county residents will be able to access this facility. It would also behoove us to also explore, because of the proximity to other communities, like Española, Los Alamos, and Bernalillo to also explore being able to make that an option available to those users under the contention that we will be able to access funding from those particular users, such as County or City governments.

The other is that this particular project will meet one of the CDBG objectives of serving special needs populations, in this case mental health and substance abuse. The other services that we want to speak to regarding this facility would include four primary components. The first is assessment services, so that the individual is assessed to determine that that's the appropriate facility for that individual. The second is detoxification, because largely, PC cases, as you know are cases where the individual is picked up by law enforcement and placed in a protective custody environment primarily for detoxification. This facility would provide that service, largely because almost 65 percent of the individuals who would be using that would be individuals with substance abuse problems or cases.

The other is we would provide treatment services so that what we're able to do is triage the individual to the next level of services. That might include inpatient services, it may include hospitalization, it may include outpatient. Also support groups and any other array of services that the individual may need and that is determined through the assessment process.

The last is case management, where an individual needs to be able to work through the maze of providers in our community. The idea is to be able to facilitate that through this center. It becomes a single point of center because a crisis center, as you know, tends to be a very highly used central point for services, because individuals have crisis throughout the community. One of the providers who will be speaking here shortly will speak to about 6,000, I believe emergency calls that they received this last year that had to do with behavioral services in this County. So you'll see that the demand is extraordinarily high.

Just very quickly here as I end and if you have any questions, is that the projected number of annual referrals in year one, when the facility is available for operation, the

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projections based on the business plan is that there will be 2,431 referrals in year one. Those referrals, however, can include duplicated counts. In other words an individual may be counted in there more than once because in the original crisis response plan and the needs assessment we found that 80 percent of the protective custody cases that we were housing at the current County facility were individuals who were protective custody that ended being 80 percent of the time as recidivists. That meant that 80 percent of them kept coming back. An extraordinarily high percentage.

Where we stand now, Commissioners and Mr. Chairman, is that the architectural firm, Mazaria and Associates have asked as part of their work with us to make some determination about the size of this facility and what we have proposed was that, in working in conjunction with your County staff, especially Mr. Armijo and the County Manager, was that we carefully examined the number of beds we could actually have with the amount of money we currently have which is approximately \$1 million. As you'll notice, the information down below shows a quarter of a million dollars is still outstanding, meaning it's money we still have to be able to completely firm up.

That will purchase us 6700 square feet. It won't meet the demand that we have for the number of users, one. Two, it will limit the degree of security that we need for that facility, so the proposal that we are asking that we move forward with be a 10,000 square foot facility that will provide services to 43 beds. Secondly, what that will do is it will provide all the services in regard to security that's essential for this kind of facility.

So a 10,000-square foot facility with that number of beds would approximately need \$1.7 million. At the current point, what we're finding is that in order to fulfill that objective we need to pursue other multiple sources of funding and this is why we've come forth before the Commission for the CDBG request. So I certainly would like to entertain any questions you might have regarding the operations and Mr. Coop, who helped with the business plan also has some of the research data available regarding that facility, so he'd be happy to answer any of your questions.

CHAIRMAN TRUJILLO: Are there any questions?

COMMISSIONER ANAYA: Thank you, Mr. Chairman. Fred, are you still on the DWI Planning Council, the council from which I was 86-ed. Are you still a member of that?

MR. SANDOVAL: Mr. Chairman, Commissioner Anaya, yes I am. I'm still a sitting member.

COMMISSIONER ANAYA: Through my recollection, through the Liquor Control Act and perhaps through Taxation and Revenue statutes, the DWI tax on alcohol, beer and wine that's imposed on the purchasing public, I think there are provisions in there where you have the ability to tap that particular tax for detoxification. I'm not sure but if my recollection is correct, I know that's an avenue for you to approach. Have you ever done that through the Planning Council?

MR. SANDOVAL: Mr. Anaya, yes. I'd like to answer a couple of your

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points. One is you're absolutely right. The DWI Planning Council funds that are available from the state through the Department of Finance and Administration can be used for detoxification services. So on the operation side, that is definitely one of the sources that we have on our list for revenue sources for the operations. Currently in terms of that particular set of monies, Mr. Commissioner, the monies that we have available of \$145,000 came from the state DWI Planning Council, and that's money that we want to be able to use for the construction and that's part of the money that's outstanding at this current point.

We're continuing to pursue that to make that as part of the total count of money that we need for the construction. The City of Santa Fe is currently in a joint powers agreement with Santa Fe County for approximately \$30,000 of that DWI Planning Council money. In subsequent years, we intend to pursue asking for an additional amount from the DWI Planning Council from that pot. So, Mr. Commissioner, you're absolutely right. That money can be used for those purposes. Because there are so many competing programs that tap into that particular pot, obviously we wouldn't be able to use all of it, even though that would be one of our desires. So we will submit a request for operations from that particular source.

COMMISSIONER ANAYA: Well, my feeling was, if I were to have been on that council, I think they made a mistake, but that my opinion. Was to balance between administrative expenditures and the true intent of what that tax was imposed for. To me I see that's the avenue to the answer of what you're requesting up here. I've been involved in that type of lobbying efforts for years and years and years, so I know basically what the intents are, New Mexico being the type of state that doesn't record committee meetings and so forth. I think it's an error. I think it's a mistake that the state legislature does. I think they should record the intent of legislation that's passed. But I know that if you research that, that that in itself can be a substantial source of revenue for you to pursue what you are requesting.

MR. SANDOVAL: Mr. Commissioner, thank you very much. I appreciate your comments because you're absolutely right. As you know, the state legislature passed one particular bill that spoke to that very issue of how to potentially reallocate and increase the allocation to communities where the number of DWI fatalities are extraordinarily high. Santa Fe County will be one of the beneficiaries from the increase in that new bill. So the additional increase that will come forth to the County, it will certainly behoove us to pursue asking for some portion of that to help us with the operations. Because you're absolutely right. The money was intended for those kinds of services.

COMMISSIONER ANAYA: I'd also like to submit, I can't recall whether any of the Commissioners were here at that time, but I remember it being presented before the indigent fund board. I don't know if you people were here. Maybe Marcos and Javier were here. But the specific request that came before the indigent fund, and I believe we gave approval then, was specifically to address what the Pancho Ortega type of situation on the approach for mental instability out there and how the patrolmen would handle these

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situations and where we would send them. And there was a request at that time, many, many years ago.

I don't remember how far back. Maybe Nancy Rodriguez was here at the time, but we did give approval through the indigent fund to give that kind of revenue for the type of actions and request that you're asking for tonight. So there's another source, I'm sure. I don't recall specifically, but I remember it coming before us and say that we did give approval for that type of care. I know it's there somewhere.

MR. SANDOVAL: Mr. Commissioner, you're absolutely right again. Your memory is right. You actually through the indigent fund appropriated a \$50,000 grant to the Santa Fe Community Guidance Center to provide reimbursement to that mental health center for being able to provide those types of crisis services. And if I may, if I can just add to the list of funding sources for the operations, because clearly the construction is one piece, the flipside of that is the operations.

On the operational side for the revenue, there are multiple funding streams that have to be accessed in order to support that kind of service. The first of course is the City of Santa Fe through two particular pots. The first is -- and both of them actually come from general funds. One has to do with, the City Police Department currently contracts the jail operator for the payment to PCs and mental health hold cases. It will behoove us as we make the shift from the jail track into the treatment track that we actually support the treatment provider who will then now be providing the services to PCs and mental health holds because the jails will no longer do that. That's one source.

The second is through the Human Services which is a pot that I oversee and that will be an additional piece from the City of Santa Fe. The next of course, is, you're absolutely right, the DWI Planning Council, the third is the County indigent fund, which is another source that's eligible for indigent populations and the other four include third party resources, which can include for those individuals who have Medicare/Medicaid coverage. If they have that benefit, they can be covered through here. The other is client fees and finally the Crisis Response Project, which is a project we currently fund. Some of those funds can be diverted to help support that particular project.

So it will take all of these sources to be able to finance the operations of this facility, much like La Familia Medical Center, which you supported last year for the southside clinic, it takes approximately twenty of their funding streams to be able to support one service out of that one clinic. So we have to pursue all of them because simply it will take that many to be able to keep the operations going.

CHAIRMAN TRUJILLO: Any other questions?

COMMISSIONER GRINÉ: Mr. Chairman, Mr. Sandoval, looking at money right now just to budget the project, just to get it up and going, and looking at operational fees at this point. I guess my question is, if we were to go forward to give this grant to the detox center, this still leaves us short \$111,000. That means between the City and the County, we're still going to have to share that \$111,000, approximately \$55,500. I don't

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know how we're going to come up with additional monies since my fellow Commissioners here want to reduce the trash fee. We're talking about real dollars and reality here, so I don't know. It is going to be tough decision to make this afternoon.

CHAIRMAN TRUJILLO: Thank you, Commissioner Grifé. Any other questions of Fred?

COMMISSIONER DURAN: Fred, this \$400,000 will allow you to provide 43 beds?

MR. SANDOVAL: The \$400,000 in conjunction with the other dollars that are available for this facility will allow us to get to 43 beds. We need approximately \$1.7 million in order to get the 43 beds. In relation to the shortfall that the Commissioner referred to, the City will also pursue two other sources in conjunction with the County. One is the City CIP reallocation funds and then the other is of course the state legislature. You may all recall that we actually requested a million dollars from the state legislature two years ago, which died in the filibuster. By the time it came to actual funding we received \$100,000. So we will pursue the remaining balance from those two sources, for sure, and potentially the City CDBG. But the \$400,000 will help us to attain the 43 beds.

COMMISSIONER DURAN: Without the \$400,000 you would be able to provide how many beds?

MR. SANDOVAL: If we were to subtract the \$400,000 from the \$1.7 it will have a significant impact on the number of beds. As you know, right now we have a million dollars; that gets us twenty beds. So if we were to approximate that, that means we'd be at about \$1.3 million, assuming that we are able to retrieve the quarter of a million dollars that still have yet to secure, we would probably be close to about 30. The impact of that of course is that by reducing the number of beds is that one of the problems is that one, is your operational costs continue to be high if you have lower beds.

Our contention is to have as many beds as possible. The reason we have gone with 3 is because that will, if we can show this illustration here in this bubble diagram, show you what we find are the minimum number of space requirements to be able to serve residents in this county in this type of facility. So for 43 beds, that will provide us the minimum square footage and that we will believe will adequately serve the clients in this particular community.

Our belief right now is that if we start to reduce those number of beds, we may run the risk of continuing to have to house individuals in the County jail simultaneously to this. The objective is to move people out of that facility because as you may recall during the jail feasibility study that was provided to the County two years ago, that it was approximated in the needs assessment that 25 percent of the individuals in the jail are special management populations. Special management means alcohol and mental health cases that are in there without criminal charges. A significant percent. So what we're trying to do is accomplish getting the largest number of beds possible with the money that we believe we can feasibly attain. Does that answer your question or did you need more of an explanation?

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CHAIRMAN TRUJILLO: Any other questions? Fred, thank you, sir. Anybody else? New applicants for CDBG monies?

NAOMI WOODSPRING: I'm Naomi Woodspring. I'm from Youth Shelters and Family Services. I know you've received our proposal but I wanted to speak briefly about more of the human face of that proposal, because I know you have lots of numbers and facts. New Mexico has the second highest per capita teen pregnancy rate in the country. What that amounts to in northern New Mexico is kids being thrown out of their houses and being homeless for either economic reasons or their parents just don't want to have a pregnant teen in their home and a subsequent teen mom and baby in their home.

Last year, through our street outreach program, we served 42 kids on the street without looking for them, because we don't have services for homeless teens, homeless pregnant teens. We received approximately six to eight phone calls a month to our transitional living program from homeless pregnant teens who didn't have anywhere to go and we don't have the services for them.

CHAIRMAN TRUJILLO: Excuse me, this is not a new proposal, right?

MS. WOODSPRING: No, this is not a new proposal.

CHAIRMAN TRUJILLO: We're opening it up for those entities, those organizations that have a new proposal. Otherwise we would have to give the opportunity for everybody else that has submitted a proposal to come up and talk.

MS. WOODSPRING: I'm sorry. I thought I could make public comment.

CHAIRMAN TRUJILLO: We've already heard the proposal, so now we're opening the floor up for new proposals. Thank you. Anybody else with new proposals?

COMMISSIONER GONZALES: Mr. Chairman, I have a question for David, if possible. On the CDBG money, David, as far as the way the state ranks, how does the ranking occur, from the way you understand the process? What is it based on? I know that this \$400,000 max available. Does that mean that for any project we submit, we'll always get the \$400,000, or is it based on a ranking which is based on the application that's submitted?

MR. MADRID: Mr. Chairman, Commissioner Gonzales, the way that it goes is, we submit the application to the Department of Finance Administration, Local Governments Division and they evaluate our application based on a number of criteria. One of them is urgent need. Are you building a clinic? As a matter of fact, that's probably why we got La Familia rated so highly was because there are very few medical or health clinics in that part of the county that we're building La Familia Satellite Clinic in. Another one is benefit to low to moderate income individuals, and that part of the county, the Agua Fria Village area had a very high population of those with very low incomes, so we scored high in that area also.

Another factor that they consider is percentage of match. They only require a 10 percent match to submit the application, but anything beyond that rates your application higher and higher. And they check these facts very, very closely. I got a couple of calls

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regarding the statistics that I submitted asking how did I generate the population? How did I generate the percentage of low to moderate income? Once the staff reviews our application, they make their recommendations to the Community Development Resource Council. That's the entire council. It's made up of the governor, the lieutenant governor, people from all across the state in specialized areas and they determine what projects are rated high, which are usually funded at 100 percent of what they request.

Those projects which are rated medium, which may be determined on an individual basis for last year, what they did is they funded all the medium range projects at \$300,000. So even though we had requested \$400,000, all the projects in our range, which is 90 percent of the projects, received \$300,000. Then there are the low priority projects, which rarely receive any funding and are usually sent back for further consideration, additional funding, or more research.

COMMISSIONER GONZALES: We had that happen two years ago, right? Wasn't there a project that we submitted that was sent back, that we didn't get funded for?

MR. MADRID: I believe so. I believe that was for public housing, which was returned to us.

COMMISSIONER GONZALES: Let me ask you a question on the percentage of the match, you're saying that the criteria requires a 10 percent match by the applicant?

MR. MADRID: A 10 percent match by the agency submitting. It can be the entity itself and a number of these organizations come to us with their own match or in other cases across the state, the City or County will provide the 10 percent match.

COMMISSIONER GONZALES: So is it 10 percent of the \$400,000 that you have to submit on the application that the entity is matching or that the County is willing to match?

MR. MADRID: Some entities do not apply for the entire \$400,000 amount.

COMMISSIONER GONZALES: But in our case here?

MR. MADRID: In our case, yes.

COMMISSIONER GONZALES: So, as far as the percentage of match, do all the entities that have applied, have they demonstrated that they have the match capable, or is there a request that the County provide that match?

MR. MADRID: I believe that -- and there are individuals from all of these agencies present -- I believe that the Santa Fe Rape Crisis Center, the Youth Shelters and Family Services, the detoxification facility, which is a program of the City of Santa Fe, all have their matches. I believe the only one that doesn't have a cash match would be the Hands Across Cultures facility, which is a teen youth center and I believe they were planning on requesting the \$40,000 from the County of Santa Fe, if that's correct. Harry Montoya, the executive director of Hands Across Cultures.

COMMISSIONER GONZALES: Mr. Chairman, can I continue the questioning of the applicants? Assuming that there are members of all the agencies here. Is that correct? Rape Crisis is here? Okay. I guess my questions is, we could probably start

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with Harry, being that he's been staying a little quiet. Can I ask you a few questions? Harry, what do you anticipate the total cost of your project to be?

HARRY MONTOYA: Mr. Chairman, Commissioner Gonzales, \$1.6 million.

COMMISSIONER GONZALES: And I understand that you were able to secure a lease on some land?

MR. MONTOYA: Mr. Chairman, Commissioner Gonzales, that's correct, from the Española public schools.

COMMISSIONER GONZALES: What's the term of the lease?

MR. MONTOYA: The term of the lease, it will be defined, but at this point we're looking at twenty years.

COMMISSIONER GONZALES: So it hasn't been signed yet or defined?

MR. MONTOYA: Mr. Chairman, Commissioner Gonzales, I have with me a letter from the superintendent on behalf of the Española Board of Education that they have pretty much decided at this point that they are going to lease the land. They have a board meeting coming up the fourth Tuesday this month, at which time that will be an action item for them to approve.

COMMISSIONER GONZALES: Are there any other sources of funds that you have available right now, other than the CDBG?

MR. MONTOYA: At this point, no. But are plans, as I had indicated during our application project would be to seek from both the legislature and other federal sources additional funding to complete the funding package as a whole. In addition too we do have an individual who is working with us in procuring funds from other private resources as well.

COMMISSIONER GONZALES: So you're asking the County in addition to submitting your application to provide you with \$40,000?

MR. MONTOYA: At this point, yes. And there is a possibility that by the time of submission for the application that if we are approved that we would possibly have that \$40,000 match ourselves. But at this point, we are requesting that match from the County.

COMMISSIONER GONZALES: Thank you. My next question then would be to the Youth Shelter is probably similar. If possible, if you could tell us your expected costs of the project and what you've raised to date?

JULIA TAKAHASHI: We're expecting the project costs to be about \$1 million to \$1.2 million. And the reason that there may be some differential there is that the land was donated by Rancho Viejo and they have come back and offered to assist us in working with the subcontractors that they're using for their second phase development to be able to receive the same cost savings that they have in building materials and some of the subcontracting. So once we get that worked out with Rancho Viejo, I'm assuming that our cost estimates will go down.

COMMISSIONER GONZALES: So you currently have land in possession?

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MS. TAKAHASHI: We have land in possession. Well, we don't have it in possession because they don't have the plat recorded yet. But when the plat is recorded, they will be donating a one-acre site, probably valued at \$150,000 to \$200,000.

COMMISSIONER GONZALES: So it would be transferred to your organization permanently?

MS. TAKAHASHI: Yes.

COMMISSIONER GONZALES: How much money have you raised to date?

MS. TAKAHASHI: We have raised \$117,000 from the Federal Home Loan Bank of Dallas, and I might make a note, that under sort of similar criteria of urgent need, low income and having other sources of funds, we were the number one applicant out of 94 applicants for those funds this year.

COMMISSIONER GONZALES: And are you pursuing any other sources of revenue right now, in addition to the CDBG?

MS. TAKAHASHI: Yes, we are.

COMMISSIONER GONZALES: Because you'll still be short about \$600,000.

MS. TAKAHASHI: Right. We're the first priority project in the City of Santa Fe's application to HUD for support of housing this year. So that's a \$400,000 grant there. We are looking to, we've talked to the Buckaroo Ball. We are one of only a few applicants the Buckaroo Ball this year that is actually doing bricks and mortar projects, which they prefer. They're very excited about our project. We won't know until September. We've asked for \$100,000 from them.

We have our process going to the legislature for a couple hundred thousand dollars and we're starting our fund raising drive to make up other monies. If I could just throw in one other thing that this is really a project that's getting wide community support, wide governmental support from a number of different sources, and it's really a private/public joint venture as well, as well as a collaboration between a couple of different non-profit organizations.

COMMISSIONER GONZALES: My next question is when would be your estimated time of completion on your business plan to complete this? Have you set some goals?

MS. TAKAHASHI: Yes, our goal is to start construction in February or March of 1999. We need to spend our federal home loan bank funds by June. So certainly if we were able to receive the block grant funding from the County, it would allow us, with a great deal more comfort to go forward. We'll find out about the HUD funds at the end of the year, probably November.

COMMISSIONER GONZALES: Are there any other homes that serve homeless teen mothers?

MS. TAKAHASHI: Not with this kind of program. I understand there's one in Albuquerque --

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COMMISSIONER GONZALES: I'm talking about the Santa Fe area.

MS. TAKAHASHI: There's nothing in the Santa Fe area, nothing in the county.

CHAIRMAN TRUJILLO: Commissioner Gonzales, I think Commissioner Anaya has one question of --

COMMISSIONER ANAYA: I yield to Commissioner Gonzales if he hasn't finished. Your name again?

MS. TAKAHASHI: I'm Julia Takahashi. I'm the executive director with Sustainable Communities, Inc.

COMMISSIONER ANAYA: Julia, you state here that you have 50 to 70 teenage parents a year? What's your estimate of how many teen mothers you were be serving or assisting, rather?

MS. TAKAHASHI: My understanding, and we're the developer side of the collaboration and Youth Shelters is the social service side. I may ask Naomi to come back up and help me with this one. But we're planning on thirteen units. Now the program is set up so that the teen mothers will be able to come in and stay for up to 18 months, stabilize their lives --

COMMISSIONER ANAYA: That was going to be my next question.

MS. TAKAHASHI: We're assuming since the average is about eight months, there will be a certain amount of turnover every year and therefore there will be more than thirteen young women and their children served. Do you want to add to that?

MS. WOODSPRING: In our transitional living program for single homeless kids the average stay is about 8.2 months and that means young people that come a month and can't tolerate it and young people that stay 18 months and it averages out to that.

COMMISSIONER ANAYA: And the money, if we were to appropriate the CDBG grant, would be earmarked strictly for pregnant teen mothers, homeless, pregnant teens.

MS. WOODSPRING: Teen mothers 16 through 21 and currently in northern New Mexico there are no facilities that exist for that population.

COMMISSIONER ANAYA: And you base the applicant number out there on what Santa Fe High School does with their teen parent program, 50 to 70 yearly?

MS. WOODSPRING: What those numbers are based on is a needs assessment study I did speaking to the youth facilities in the southern part of the state, figuring their waiting list and population, taking the vital statistics about the teen birth rate in this county and in Rio Arriba County and in addition, the number of requests that we currently get in our other transitional living programs from homeless teen moms for beds in that transitional living program and factored in to that is the number of teen moms, or pregnant teens that we currently serve on the street in our street outreach program.

COMMISSIONER ANAYA: Thank you, Mr. Chairman, I yield back to Commissioner Gonzales.

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COMMISSIONER GONZALES: Then I'd just like to ask, you're asking for construction cost for a new rape crisis center. Is that correct?

DAVID WEBER (Santa Fe Rape Crisis Center): That's correct.

COMMISSIONER GONZALES: And your estimated cost on that again?

MR. WEBER: Our total estimated costs right now are about \$1.2 million.

COMMISSIONER GONZALES: What have you raised to date?

MR. WEBER: Right now, we've got about \$100,000 in the bank earmarked for that. We are going to use the grant from the County, the CDBG grant to start a major fund raising program. If worse came to worst we would build in phases. We would start with a smaller unit and then build as we could go. But our goal is to have over a million dollars in the next year.

COMMISSIONER GONZALES: So you're basically going to use the CDBG money to try to raise other money sources.

MR. WEBER: True.

COMMISSIONER GONZALES: The Santa Fe Rape Crisis Center is part of the national umbrella of the rape crisis centers, or do you have a national umbrella organization?

MR. WEBER: There is no significant national organization. We belong to state coalitions and things like that, but there's no American Rape Crisis Center or anything like that.

COMMISSIONER GONZALES: So there's not any other sources of funds available?

MR. WEBER: Not from a national level, no. We do intend to go to the state legislature, to try to get funds from them. We're going to try to hit every opportunity that we can find.

COMMISSIONER GONZALES: I know from your presentation, I'm trying to recall it, but are there any other organizations that assist women who have been raped?

MR. WEBER: No, not specifically. There's only three in the state of New Mexico as a matter of fact.

COMMISSIONER GONZALES: And one's here in Santa Fe?

MR. WEBER: Yes.

COMMISSIONER GONZALES: Thank you. One last question to Harry that I forgot. Harry, with the teen center that you're proposing in northern New Mexico, assuming that it's going to serve as a teen center, obviously. Are there any other available places for teens in the north other than the schools and the Boys and Girls Club?

MR. MONTROYA: Mr. Chairman, Commissioner Gonzales, no.

COMMISSIONER GONZALES: So it would basically be to serve the Santa Fe County residents in the Española area, where the high school would be.

MR. MONTROYA: No, where it would be, the land that the Española Public Schools is going to lease to Hands Across Cultures is in the vicinity of where David Deer

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is in, as you're leaving the Arroyo Seco, the furthest most northern point of Arroyo Seco is where their land is.

COMMISSIONER GONZALES: At the intersection?

MR. MONTOYA: Before the La Mesilla intersection. It's on the right hand side as you're going into Española. That's where that land is.

COMMISSIONER GONZALES: So would teens have to drive to the center?

MR. MONTOYA: Mr. Chairman, Commissioner Gonzales, at this point they would be required to drive. The other thing that we are working out with both the Española and Pojoaque schools is transportation for specifically after school students, that they would be transported directly to the center.

CHAIRMAN TRUJILLO: Is it correct to say, Harry, that teens are driving around now without any place to go?

MR. MONTOYA: Absolutely. They've told us that and I think that was also part of the presentation as well.

COMMISSIONER ANAYA: Harry, about how many teenagers would you serve daily, on a daily basis? What do you anticipate in numbers as to what you would assist?

MR. MONTOYA: Mr. Chairman, Commissioner Anaya, the anticipated capacity of the facility is about 300 to 350 youths, depending on which part of the facility they'll be partaking of some of the activities in. I would estimate, this is conservatively speaking that probably on the average of about 150 a day. I believe that's conservatively speaking, in terms of the number of youth that we'd be serving on an average daily basis.

COMMISSIONER GRIÑÉ: Also, Harry, this is in the county, right? Where you're trying to locate this facility?

MR. MONTOYA: Commissioner Griñé, yes. It is in Santa Fe County.

COMMISSIONER GRIÑÉ: How far is it from the city limits of Española or Santa Cruz?

MR. MONTOYA: From Santa Cruz it's probably about half a mile from the city limits, probably about the same. Mr. Chairman, Commissioner Griñé, one of the things that we're also pursuing from the City is that they allow us to access both their water and the sewer that they have that runs up to the Sombrillo area itself. So we are working with them to access that as well.

COMMISSIONER GRIÑÉ: Harry, is there a school located in that area, near that area, a public school?

MR. MONTOYA: Mr. Chairman, Commissioner Griñé, there's Sombrillo elementary school.

COMMISSIONER GRIÑÉ: Okay. That's all I have.

COMMISSIONER DURAN: Mr. Chairman, I have a question for David. David, what happens to a project that's approved that is disapproved at the state level? What happens to the money?

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MR. MADRID: Mr. Chairman, Commissioner Duran, all we have to do is provide evidence that we have the money available. If the project is turned down then the money stays where it is, which is with the County, with the applicant. If the application is approved, then at that point, the 10 percent match or above is committed toward the project. And let me make this clear. The ten percent is the minimum amount. If you want to provide, 20, 30, 40 50, or it you want to match the project dollar for dollar, that just makes your application better. But until your application is approved, the money stays with the applying agency.

COMMISSIONER DURAN: Let me rephrase my question. What happens to a project that was disapproved in the past, the housing project? Once it was disapproved, were you able to allocate that money for a different project?

MR. MADRID: Well, the money was essentially used for another project. The money that was committed as the 10 percent match was used for another project.

COMMISSIONER DURAN: I don't mean the 10 percent match. The \$400,000 -- if we gave, whoever we give the \$400,000 to tonight, if it goes to the state, is that where the final say comes from? And if the state doesn't approve the person we gave this grant to, can we then give that \$400,000 -- do we have the ability to award that \$400,000 to another entity?

MR. MADRID: No, Commissioner, you don't.

COMMISSIONER DURAN: So who determines where that money goes then?

MR. MADRID: It's a one-shot deal. Whoever we select as our applicant, they are either approved or denied. We don't get the \$400,000. The applicant gets the \$400,000. Last year it was La Familia Medical Center, but the money is administered by the County of Santa Fe for the construction of the La Familia Medical Center satellite clinic. So it is only given for that project.

COMMISSIONER DURAN: In your information, are any of the projects that are before us tonight, is there any risk that they would not be approved?

MR. MADRID: I think every project here has the risk of not being approved based on a number of factors, including the fact that we're competing on a state-wide basis, and from my own experience dealing with the Department of Finance and Administration, they always say the same thing, why is Santa Fe County coming to us for money? So I think the risk is always present.

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Duran, David correct me if I'm wrong. We don't get \$400,000. That doesn't come to the County. We're approving an application to be submitted for a grant of up to \$400,000.

MR. MADRID: Mr. Chairman, Commissioners, that's exactly right.

COMMISSIONER GRINÉ: Mr. Chairman, David, then on the criteria that you measure on the scale of one to ten, which applicant is probably the best one? What recommendation would you make on a scale of one to ten of all these applicants? To assure that we don't loose this.

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COMMISSIONER ANAYA: I would say that that would be inclusive. Mr. Chairman, if we hope to make it viable, I think we should pitch in. From there on it would give them a stepping stone to go on to make it materialize in the future. I would be more than happy to include that.

CHAIRMAN TRUJILLO: Thank you, Commissioner Anaya.

COMMISSIONER DURAN: As the second of that motion, I think the other thing is, this \$40,000 that they're asking for us to contribute could possibly be absorbed or paid for by other funds that they go out and obtain. I think there are probably private individuals that would consider donating to your cause that probably haven't been asked. And I would be willing to help you on that level.

COMMISSIONER ANAYA: Thank you, Commissioner Duran.

COMMISSIONER GONZALES: Clearly, I agree with the Commissioners that everything that was brought forward to this Commission was worthy of the consideration and clearly if we could support them in a \$400,000 grant for all of them, I know that we would. But Commissioner Anaya talked about numbers, thank God we didn't have a whole lot of homeless teen pregnant women coming in asking for us to help give them the shelter because I think that would have been heartwarming as well. I think the fact that there are needs out there in this county and it's hard to prioritize. The fact is that there is an area of this population that isn't being served.

Every night, there is a teenager that goes home without a roof over their head. They're just carrying the baby. And that's been proved statistically and in reality. We have that. We had a group that has raised \$117,000, that has more commitments. They have land and they're ready to provide a roof over homeless teenage women that are pregnant. God forbid any of our kids or anyone we know have to end up in that situation. But if they do, it should be incumbent upon us as a community that they never go without shelter. And I agree a teen center is very important. They provide a common area for teens to go and collectively learn to share ideas, get away and off the streets. That is important. But if I had to match providing a basketball court or a community area for teenagers with the shelter for homeless teens, women, hands down, it would be for the teenage women.

There's an opportunity for this Commission with the organization in place to support that cause. When we talk about numbers and we talk about heartfelt situations, it's easy to go out on the streets and see the mentally ill people that roam the streets of Santa Fe, the people that need detoxification efforts, who wind up in our County jail who basically just sit there, do their time and they go back out. And thanks to the City and the County and certainly to Mr. Sandoval's efforts, we are very close to establishing a detoxification unit for people to go in and dry out and that includes teenagers. To me that's a priority as well and hopefully, God forbid, any of our family end up mentally ill. But if they do, it's incumbent upon us as community to make sure that they have access to ready care.

I stand in support tonight of the homeless center for teenage women who are pregnant, because we've heard tonight that there is no place for them to go. No shelter for

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them to have and for us to not have that opportunity to rise and support a group that has worked hard, as they all have, to offer that assistance, I disagree with that. I respect the public process. I respect every group that's come forward tonight. The Santa Fe Rape Crisis Center too. A couple of days ago we saw the horrible statistics that exist in our community. And they need help as well. But if I had to set my priorities, if I had to decide between the detoxification center, the teen center or trying to get a new building for the rape crisis center, hands down it would be to provide a roof over a homeless teenage mom. And that's what we have the opportunity to do tonight and to assure that this organization has 30 percent that they're willing to match in funds. That 30 percent equates to more from the CDBG people.

By our assistance to the teen center offering 10 percent doesn't assure a strong application. So I would just ask the Commissioners to reconsider, to know that our efforts up here tonight can really go on impacting people's lives, make the difference between having to live on the streets and having to have a shelter over their heads and I would hope that we choose to assist these teenagers, these homeless teenagers that are pregnant, that they have a place to sleep like everyone else does. Thank you, Mr. Chairman.

CHAIRMAN TRUJILLO: We've got a society, a community that has a lot of needs. There's no doubt. All the applications that we have before us tonight are viable applications. But I just want to read a few words that I pulled out of a newspaper. They say, Early intervention in kids' lives, in our youths's lives by teachers, by community and by counselors will have a long-term effect of decreasing crime, unemployment and other social problems. We need to address the issue at the root cause level. Everybody, the youth that is going into the detox center, the pipeline, there they go. Youth that are getting raped and homeless, the pipeline. There it goes. Viable shelters, but we need to address it at the root cause level. We need to tap the pipeline and the way to do it is by a teen center.

Making a facility available to youth, that they can go to and get counseling and get needs and get alternative direction. Something that has never happened in northern Santa Fe County. Something that the kids are driving around the community without anything to do, as a result, they land up in the detox center. As a result, they end up homeless. We need to address the situation at the very root cause level. I advocate and I support totally the teen center.

COMMISSIONER GRINÉ: I knew it was going to be a tough afternoon because all the applicants are very good candidates for it. But I guess I didn't want to put David on the spot but I would say on the criteria of going forward for these applicant to really have a strong program in place, I see two other ones, the detox center and see the youth shelter and family services, probably have more of a stronger application here which probably has the least impact to the County.

We obviously don't see that we deal with the money factor up here and financial liability that this Commission is putting forth this evening here when we are addressing other issues this evening concerning our constituents with the problems that we already have out

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there in the countywide that it seems sometimes that we perceive to see in a narrow line that some of us maybe do not want to really deal with the realities of things. The bottom line here, we're making a commitment from the financial of it, where we don't have. And yet we're asking our management that revisits the issues here and all it is, it's going to be a financial impact on this Commission at one point or another.

So, I'm not saying that the applicant here tonight, whoever gets the majority of the votes is not in the best interest of all of our future leaderships, which we can't ignore, but by really putting facts together, putting the dollar in reality here, we are really dealing with something. We're probably taking the possibility of not going forth. David indicated to us earlier that when it goes before the state level or to the legislature, they always say why Santa Fe? They perceive Santa Fe as a county, high property tax, what it raises through that source, and therefore they think that we just see dollar signs all the time. So they don't perceive us as you people think, that we would like.

Even though, yes, we've got to think the Santa Fe delegation is probably one of the strongest statewide. They're not the majority. They're going to decide when the legislature gets a hold of these applicants and decides to go forward. That's all I'd like to say, and best wishes to the applicant who gets it here tonight and hopefully it doesn't fall and lose the possibility that somebody else could have gone this that has a much stronger criteria of meeting and winning this grant. Thank you.

CHAIRMAN TRUJILLO: Thank you, Commissioner Griñé. We've got a motion on the table, duly seconded for the grant to go to the Hands Across Cultures Teen Center.

The motion passed by majority voice vote as follows: Commissioners Anaya and Duran voted in favor and Commissioners Gonzales and Griñé voted against the motion. Chairman Trujillo broke the tie by voting for the motion.

COMMISSIONER ANAYA: Mr. Chairman, this was a toughy because they all are honorable applicants. It was tough.

MR. MADRID: Mr. Chairman, I would like to be allowed to place the Santa Fe Rape Crisis Center, the Youth Center and Family Services and the Detoxification facility on the infrastructure capital improvements plan for consideration by this body at a later date.

COMMISSIONER DURAN: So moved.

COMMISSIONER ANAYA: Second.

MR. MADRID: I would also like to provide you with the first draft of the infrastructure capital improvement fund.

CHAIRMAN TRUJILLO: Very good.

COMMISSIONER DURAN: David, this then gives the applicants that did not get the award tonight the opportunity to seek other sources of funding through our ICIP?

MR. MADRID: Yes, Mr. Chairman and Commissioner Duran, the ICIP is

the basis for which we obtain funds from the legislator. It is my understanding that you have to be on the ICIP to be funded through the legislature with capital improvement projects funds. And we've been very successful in the past.

The motion passed by unanimous voice vote.

[Commissioner Gonzales leaves the meeting]

VIII. B. Land Use Department Items

1. **CDRC Case #MIS 98-5440. Rancho Encantado Liquor License.** Encantado LLC, applicant, requests approval to allow a transfer of ownership of Liquor License No. 958 due to a change in more than 10 percent of the ownership of the liquor license. The property is located on SR 592, north of Tesuque, within Section 7, Township 18 North, Range 10 East.

PENNY ELLIS-GREEN (Review Specialist): Mr. Chairman, Commissioners, liquor license number 958 is currently owned by Encantado LLC at the same address. The applicant is requesting approval of liquor license 958 as more than 10 percent of the ownership of the liquor license.

Recommendation, the liquor license will remain at the same address only owners of the business are changes. Staff recommends that the proposed transfer of liquor license 958 be granted.

CHAIRMAN TRUJILLO: Do we have the applicant here? Do you want to address the commission?

[Duly sworn, Rand Levitt testified as follows]

RAND LEVITT: I'd like permission for the transfer of the license.

CHAIRMAN TRUJILLO: Are there any questions of the applicant?

Citing standard procedure and findings of fact, Commissioner Anaya moved to approve the transfer of liquor license No. 958. Commissioner Griñé seconded the motion which passed by unanimous [3-0] voice vote.

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VIII. B. 2. CDRC CASE # A/V 98-5280. Gilbert Salazar Appeal/Variance. Gilbert Salazar, applicant, requests an appeal of the Land Use Administrator's decision to deny a request for a second dwelling unit on 0.83 acres, which would result in a variance of Article III, Section 10 (lot size requirements) of the Land Development Code. The property is located within the traditional community of Nambe, within Section 10, Township 19 North, Range 8 East

VICKI LUCERO (Review Specialist): Thank you, Mr. Chairman, Commissioners. The applicant is requesting a variance of the lot size requirements of the Land Development Code in order to place a second dwelling unit on the property. The property is located in the traditional community of Nambe where the minimum lot size in traditional communities is 0.75 acre.

The second dwelling unit will be used by the applicant's daughter and her children. Mr. Salazar, the applicant, has health problems associated with diabetes. With his daughter living nearby she would be able to provide him with the care he needs.

The applicant is also concerned for the health and safety of his daughter and her family. Her current place of residence is raising the rent which will create a financial hardship for her. She has also had a terrible experience at her current residence in which she and her son were assaulted by a man with a knife.

The applicant is therefore requesting a variance of the lot size requirements of the Code to allow a mobile home on his property.

Recommendation: Staff recommends that the variance be denied as it does not meet minimum lot size requirements as set forth in Article III, Section 10 of the Land Development Code. The CDRC, however, met on July 30, 1998 and acted on this case. The decision of the CDRC was to grant the appeal of the Land Use Administrator's decision to deny the request for two dwelling units on 0.83 acres. The CDRC's decision on the variance was to recommend a temporary permit that will be reviewed administratively for renewal every five years. Renewals will be based on the hardships the applicant presented at the time of the CDRC hearings. The CDRC also recommended that water restrictions of .35 acre-feet per dwelling unit per year be imposed.

CHAIRMAN TRUJILLO: Any questions of Vicki? Is the applicant here?

[Duly sworn, Carol Salazar testified as follows:]

CAROL SALAZAR: Carol Salazar, Route 11, Box 20, Space #29.

CHAIRMAN TRUJILLO: Carol, do you agree with the conditions set forth by the CDRC? Do you want to represent your situation to the Commission?

MS. SALAZAR: The situation is just that I do want to be able to live closer to my father so I can help take for him and also to raise my children around the family environment and get them away from the environment that they're at now.

CHAIRMAN TRUJILLO: Any questions of the applicant?

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COMMISSIONER ANAYA: Mr. Chairman, this has been common practice in the history of this Commission and perhaps even the EZA that I can recall. It's for a five-year variance request, so with that, Mr. Chairman, I move that we uphold the decision of the CDRC and grant the request for a five-year variance permit as proposed.

COMMISSIONER GRIÑÉ: Second.

CHAIRMAN TRUJILLO: I think we need, before the motion, listen to the public hearing.

COMMISSIONER ANAYA: Sorry.

CHAIRMAN TRUJILLO: If there aren't any more questions, is there anybody that wants to talk for or against this proposal?

COMMISSIONER ANAYA: My motion holds, Mr. Chairman.

COMMISSIONER GRIÑÉ: Second.

CHAIRMAN TRUJILLO: Got a motion, seconded by Commissioner Griñé. All those in favor? [Unanimous 3-0] All those opposed.

COMMISSIONER DURAN: Mr. Chairman, I was just wondering, are we supposed to say, based on the findings of fact?

COMMISSIONER ANAYA: I think I said that in different words, didn't I?

MS. BROWN: In very few words, I think you did, Commissioner Anaya.

COMMISSIONER DURAN: Mr. Chairman, so when do say, based on the conclusions of law?

MS. BROWN: Mr. Chairman, Commissioner Duran, you should be saying things like for instance, like the woman who just spoke, Commissioner Anaya's motion was brief but probably could have been a little more developed so you might want to say something like, "Based upon the applicant's testimony that there is an urgent need for her to live near her family due to medical emergencies or circumstances. Those are my findings, or my motion, and my conclusion is that therefore, her request should be approved."

COMMISSIONER ANAYA: Okay, and that too.

COMMISSIONER DURAN: It's a good thing there's not a lot of people out there. We can practice tonight.

VII. B. 4. CDRC CASE # A/V 98-5430. Herrera Appeal/Variance. Martha Herrera, applicant, requests an appeal of the Land Use Administrator's decision to create two lots on 1.021 acres. The property is located west of US 285 with Section 6, Township 19 North, Range 8 east

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, the property is located within the traditional community. Minimum lot size in this area is 0.75 acres per dwelling

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unit. The applicant is requesting to create one 0.514-acre tract and one 0.507-acre tract.

The lot is owned by Maria Herrera, the applicant's mother, who lives on the property. There is also a second home on the property where the applicants live. The applicants state that both homes have been on the property since before 1981. Both homes currently share a well and have their own septic systems.

Recommendation: Staff's recommendation is that the intent of the Code is to set minimum lot size in this area at 0.75-acres per dwelling unit. Therefore staff recommends that the request for a variance be denied. On July 30, 1998, the CDRC met and acted upon this case. The decision of the CDRC was to recommend approval of the variance of Article III, Section 10 of the Land Development Code to allow for two homes on 1.021 acres.

CHAIRMAN TRUJILLO: Thank you. Any questions of Penny?

COMMISSIONER ANAYA: Penny, on the summary here, what's this that the applicant is requesting that this case be tabled until October 13?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Anaya, I think you might be on the next case.

COMMISSIONER ANAYA: Okay. Never mind.

CHAIRMAN TRUJILLO: Is the applicant here?

[Duly sworn, Martha and Larry Herrera testified as follows:]

MARTHA HERRERA: Martha Herrera, 15 Herrera Road.

LARRY HERRERA: Larry Herrera.

CHAIRMAN TRUJILLO: Mr. Herrera, I understand that the situation that exists there now is that there's two houses already, according to the documentation that we have. And this has been the case since 1981? What you want to do now is you want to split the land so that each house has a lot, right? And you're sharing the well? So there's no disruption in the situation, the status quo. It remains the same?

[The applicant nodded in the affirmative.]

CHAIRMAN TRUJILLO: Okay. Any other questions? Is there anybody for or against from the public?

COMMISSIONER DURAN: Mr. Chairman, I just have one question. If you are granted approval to create these two lots, each of them would only have one residence on them. Is that correct?

MR. HERRERA: Yes.

CHAIRMAN TRUJILLO: What is the desire of the Commission?

COMMISSIONER ANAYA: Mr. Chairman, I'm going to move for approval to overrule the decision of the Land Use Administrator and uphold the decision of the CDRC based on the findings of fact that have been presented by the Herreras of compliance.

MS. BROWN: Mr. Chairman, if I could, Commissioner Anaya, just to assist you. Some of the things that Commissioner Trujillo was just bringing out, that homes have been on the lot since '81 and they're simply dividing. Those might be facts that you're relying on.

COMMISSIONER ANAYA: And that too. Move approval.

COMMISSIONER GRIÑÉ: Second.

CHAIRMAN TRUJILLO: Got a motion, seconded by Commissioner Griñé.

All those in favor? [Unanimous 3-0] Opposed?

Thank you. Congratulations.

VIII. B. 5. CDRC Case #Z 5210. Gypsy Plaza. Fire Marshal requests clarification of a condition of approval for Gypsy Plaza, seven-unit commercial building. The property is located at 04 Fire House Land, within the town site of Madrid, South of the Tavern, within Section 36, Township 14 North, Range 7 East

HANK BLACKWELL (Fire Marshal): Good evening, Chairman Trujillo, Commissioners. What we're requesting, right now, on November 12, I believe, of 1997, the Commission overturned a CDRC committee decision denying approval of the seven-unit commercial building, Gypsy Plaza in Madrid. Based on that, since that time, I think there are a couple of points I want to make, and I will be brief.

As far as fire protection is concerned, there's still not a water supply, which was one of the contingencies, nor has there been a life safety code final inspection for compliance with the life safety code. That's roughly over nine months ago. I'm requesting clarification from the BCC regarding these requirements for Gypsy Plaza for their permit for their development plan. The concerns I have, again, fire protection and life safety. Second, that a clear decision and a directive from the Commission be brought forth, and third that we put the issue to rest.

My guess is, and I can't speak for Mr. Sylvia or the Sylvias. I think we're both frustrated with how long this has taken. I think both of us have a different interpretation of what the November ruling was. Clearly, I'm not pointing fingers at Mr. Sylvia. I think we just want clarification, so we can move on with fire protection requirements and he can get on with his business. Again, that's what I'm requesting is clarification from the Commission.

CHAIRMAN TRUJILLO: Can you refresh our minds, Hank, and represent, delineate some of those conditions that were implemented at the time?

MR. BLACKWELL: I believe so, Chairman Trujillo and Commissioners. In my recollection, in November basically the development plan was approved by you all, but basically, instead of a seven-unit commercial building in Madrid, it was to be a three-unit commercial, this commercial business. The contingencies, if you look at the minutes -- and yet I can see how if you look at interpretations, how they can be interpreted differently by both my office as well as by the Sylvias, and that's I think why I would like clarification. One of the contingencies was that there be a water source and the water source -- again, it's

unclear whether that was to be the 10,000-gallon water tank, which is adjacent to the Madrid Fire Station, which was at that point in time not operating, or the 10,000-gallon water tank owned by Mr. Sylvia's neighbor, Cliff Cato.

That was one condition, that one of those water sources be developed for fire protection. The second requirement was that, again, life safety requirements had to be met prior to a permit and the business being opened. I believe that the difficulty was in terms of which water source, which 10,000-gallon tank should be used, and financially, who should be responsible for that. Since that time, and as I had read the minutes of the meeting, the choice was to use Cliff Cato, Mr. Cato's water tank. So in February, myself and few other people from our department as well some of the Madrid volunteers and the Madrid district chief, met with Cliff Cato and Joe Sylvia and we looked at Cliff Cato's tank, which he very, very graciously offered to us.

The tank was going to have to be plumbed. We were going to have to put a dry hydrant in the tank, which meant draining the tank, plumbing it and putting in a hydrant so we could actually access water. As the tank exists now, we cannot use the water. We can't access it with our pumpers. At that point in time, I wrote a letter to Mr. Sylvia basically outlining what I thought was what we had determined, what our plan of action was going to be, which was that the tank would be emptied, that they would proceed with the design and based on that design, they would submit that to me for two reasons. One, I offered personally to help with the labor, for the one or two or three days that I would be there to help with the labor, whether it was shovels or picks or what have you. Secondly, even though this was not a requirement in the minutes, that the fire department would even purchase the pipe and the hydrant for the water tank, and that we would purchase those as a good faith effort, because obviously it will not only benefit Mr. Sylvia, but it would benefit the fire department and all the residents in Madrid, so we had offered to do that.

As time has passed, it was unclear again as to whether that was really what was going to happen. We're in the process now of still, although it's been frustratingly slow, retrofitting our water tank. We found that it was viable. We've done all the plumbing. We're at the point right now of just waiting for the contractor to just coat the inside of our tank. At that point in time we should be able to have our 10,000-gallon tank up and running. But it took much longer than we anticipated with the contractors.

The bottom line is there still has not been a life safety inspection for Gypsy Plaza, and more importantly, there's still no fire protection. I want to make it clear, I don't want anyone to -- I don't want this to focus -- there's no blame here or no fault from my point of view. That's not why I come before you. It's not my point here to call Mr. Sylvia to task and tell Joe he's wrong or that he avoided doing what he was supposed to do, or that we did. The issue is there's still not fire protection and that's critical. Not only for Joe and his family and his businesses, but for Madrid. And so based on this information, we'd just like some clear direction from the Commission so that we can go on with that fire protection, get his business protected, and both of us can contribute as we're told to do by the

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Commission in terms of developing that.

CHAIRMAN TRUJILLO: So the issue is where the County and Joe are polarized at this time, or maybe not polarized, but where there's a point of contention is the fire protection?

MR. BLACKWELL: I'm not even sure it's that contentious or that we're polarized. And I can't speak for Joe of the Sylvias but at least my interpretation in working with Joe over the last several months is that we're not polarized. I think clearly, we have slightly different interpretations of what was supposed to happen. But because of those interpretations, I think that's really kind of slowed the process of getting that water tank, whichever one, up and running. I think again, the bottom line is through nobody's fault, Gypsy Plaza and downtown are without some fire protection, which I think is significant, given his business and the businesses in the area, and we need to push forward to get that developed.

CHAIRMAN TRUJILLO: And the fire station is right there, and there's no source of water.

MR. BLACKWELL: Other than what's in the pumpers. Now again, hopefully, our water tank will be up and running in another few months at the latest, but again, it's one of those things dealing with a contractor and dealing with the coating of the tank and trying to get our tank fixed, it's taken much longer than has been anticipated. Joe basically, just about a month ago submitted plans that he had drawn up. A contractor drew them up, and he said, which one of these would work for you?

There was a question at the end of his letter that said and how are we going to finance this? In other words, here's the plans, I understand this is the one that would be good for the fire department, now how is this going to be financed? It was that last question that clearly indicated I wasn't sure and he wasn't sure and so I think there's a financial responsibility, perhaps, but also just which water source we're going to use to get, and again, get a life safety inspection done for the business, because those businesses are operating, but he does not have a permit. I think it's one of these cases where there's been some misunderstandings, but I think both the fire department, the County, and the Sylvias have been caught in the middle altogether.

CHAIRMAN TRUJILLO: Do we have any other questions of Hank?

COMMISSIONER DURAN: Hank, is there any difference today in what type of water is available at the site? From when it was approved?

MR. BLACKWELL: No, sir. There is not.

COMMISSIONER DURAN: So the same situation exists?

MR. BLACKWELL: The same situation still exists as it did in November.

COMMISSIONER DURAN: Did they take the building down to three spaces, four spaces?

MR. BLACKWELL: I believe so. Yes, sir. They did comply with that. Cliff Cato does have a 10,000-gallon water tank that he uses for the restaurant, the Mine

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Shaft. And again, basically offered it to us. But as it exists right now, we can't use it for water supply. We can't access it. We would have to modify Mr. Cato's tank and that has not been done. Again, it's not an inexpensive venture for us to do that. It would be one that, with that 10,000-gallon tank of Mr. Cato's, if it was accessible to us as well as our own, that's another 20,000 gallons of sorely needed water in Madrid. It would benefit the entire community.

But right now, Cliff Cato's tank has not been plumbed and our tank has yet to be completed. So both the fire department and the Sylvias are still in the same condition as far as life safety and fire protection as they were in November.

COMMISSIONER DURAN: You have to excuse me for not being able to figure this thing out, but what do you want the applicant to do? Or what do you need clarification on exactly?

MR. BLACKWELL: Chairman Trujillo, Commissioner Duran, right now, I think what I need from the Commission is a clear direction in terms of number one, life safety code compliance, a life safety inspection.

COMMISSIONER DURAN: I don't know what that means.

MR. BLACKWELL: That means basically going into Gypsy Plaza and making sure that the exits are clearly marked, that the aisles are a certain width, that fire extinguishers are available, and that he meets Uniform Fire Code in terms of the businesses that are operating right now in his structure.

COMMISSIONER DURAN: So your understanding is what we passed last time prevented you from doing that?

MR. BLACKWELL: Right now, I know I did not sign the permit for him to open, but I know he's operating. I'm not sure, again, that I have all the information. But I think a life safety code inspection needs to be finalized and he needs to meet life safety code.

COMMISSIONER DURAN: Does the applicant have any problem with that?

MR. BLACKWELL: I don't believe so. Mr. Sylvia's here, so it would be good to ask him and get his point of view, obviously. Secondly, I think we need to decide on a water source. Either one or both of those tanks, number one, which one is to be used, and financially, what responsibility does Gypsy Plaza have and what responsibility does the County bear in terms of developing that water source as fire protection. So I think those are the two issues that I'm asking for clarification for.

COMMISSIONER DURAN: Correct me if I'm wrong. I thought that when we approved the use and took it down from seven to four, that we didn't have a requirement that the applicant didn't have to go out and do anything. I thought that there was some impetus for him to go out and do something by the mere fact that he could get up to seven, but I don't recall that there was a time limit for him to do anything in order to get up to that total number of units. If that's the case, does that clarify your concern. I understand that you're concerned about the fire protection but I don't think when we passed this thing, this

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application, that we gave them a deadline or required them to go out and expend more funds to provide fire protection.

MR. BLACKWELL: Chairman Trujillo, Commissioner Duran, that helps me in terms of clarification. And indeed, whatever the guidance or the clarification from the Commission is, obviously we will participate willingly and fully in. And if that is indeed so, then that's fine. If additional fire protection in terms of a water source is not necessary for the three units he has now, that again would be a point of clarification. I would be a little nervous with that, but again, that's the clarification I'm seeking.

I think the second thing is again, that I know that I have not signed off on his permits, on his licenses. I know he's operating now. And he has, to my knowledge, not had a final inspection as far as life safety and I'm not sure how that occurred but again, I think that's something else I need to find out if that's going to be acceptable to the Commission or not, or if there's going to be a time limit on that.

COMMISSIONER DURAN: Without a time limit, or without funds expended to get water, or fire protection in place, would it meet your criteria to sign off on his application?

MR. BLACKWELL: Number one, again, without a final inspection for compliance with the life safety code, no. Secondly, as far as water, again, that's an issue that in terms of most commercial structures we need a certain amount of flow. We did have a moratorium in Madrid because we didn't have enough water flow and I think that's one of the things that finally brought this case to you all in terms of an appeal from CDRC. It had to do with the fact that we had a moratorium on commercial businesses because we don't have water supply. One of the issues was we may be able to access one or two water tanks for additional water supply for this new business and therein, I think that has something to do with your decision to approve his development plan for those three units.

CHAIRMAN TRUJILLO: Hank, at the time we approved the project, I seem to recall and correct me if I'm wrong, that the basis for going from seven to three units was that the applicant would find a source of water for fire protection. That was one of the conditions and the applicant would have had to, before giving impetus or opening up any businesses in that area, in the Gypsy Plaza, that there would be a sustainable, or a source of water for fire protection, from a health and safety standpoint. And I think I remember that the applicant agreed that that was going to happen.

MR. BLACKWELL: Chairman Trujillo and Commissioners, again, that is my recollection as well. The minutes to the November 12 meeting basically there's a quote here from Chairman Gonzales that says, "I'm not sure that we can accept some kind of limit, but there should be conditional agreement between the Madrid Fire Department and the gentleman who offered his tank to use, the tank is a source of water to fight the fire, to have access to it." And Mr. Sommer, Mr. Sylvia's attorney, legal counsel then answered, "He has indicated by nodding his head, meaning Mr. Sylvia, that he is willing to entertain that agreement from the fire department. I assume that it requires improvements to the hook-up

of the tank and then filling the tank. Right? That's what it requires, and I guess we can enter into that agreement."

CHAIRMAN TRUJILLO: That's pretty clear.

MR. BLACKWELL: It is to me, but again, I think that since Joe's here, in fact he just got back from a long trip, why don't you ask him.

MR. GARCIA: Mr. Chairman, I think just to clarify some issues, I think on the bottom of page 68 of the minutes, some of those conditions, staff, Ms. Guerrerortiz asked if Commissioner Gonzales' motion included all of staff's conditions and it said yes and I think the issues were coming up as to number seven, that they would recommend number seven if he did have adequate fire flow. Then I think Mr. Sommer got up there and spoke and said there is an appropriate tank out there which is next door which is Mr. Cato's and I think what the problem is the Fire Marshal's Office went out there and they found out that there is a tank out there and there is water but we cannot connect to this tank.

I think that's where the issue came up is that everybody thought that this tank had the ability to hook into the tank and Mr. Sylvia said if there's a tank there and it's full of water then sure, we'd like to use it. Then when these guys went out there they found out that the tank was unable to be used.

CHAIRMAN TRUJILLO: Thank you, Rudy. Any other questions?

MR. BLACKWELL: One other attachment. It's probably about ten pages back from the back of your document, Chairman Trujillo and Commissioners. It's dated February 3 and it's a memo from myself to Stan Holden. This basically documented the meeting that we had with the Madrid Fire Department as well as Joe Sylvia, Cliff Cato and myself. At that point in time, again, I thought that we had reached consensus, and the consensus was to drain the tank, cut a hole, put in a hydrant and then I said down here, "In good faith, I recommend that we provide the hardware, primarily the pipe and the hydrant for this project. I think this will be a win-win situation which will provide an opportunity for a productive community cooperative. Consequently I believe that this will be welcomed by everybody in the area, including ourselves." But again, that's my interpretation. Again, I would say again, I would say again I'm not sure if that's part of protocol and a clarification but Mr. Sylvia is here and I think you may want him to comment.

CHAIRMAN TRUJILLO: And I think, speaking for the Commission, and along the lines of your interpretation, my conjecture is that this Commission would not have approved a development without the appropriate fire protection and commitment of viable water sources. I think that commitment was made to this Commission at that meeting. Otherwise, that development would not have been approved. Any other questions? Is the applicant here? Joe?

Joe, I think there's some real issues here you might want to address regarding sustainable water sources for fire protection and what your position is along those lines.

[Duly sworn, Joe Sylvia testified as follows:]

JOE SYLVIA: Well, I'd like to bring the attention back to November 12

when Karl Sommer was here with the little displays showing you that the fire department has to drive on my property in order to even leave their building. That's how close we are. Now, Karl proved one of many things. One of the things he proved is that the fire department is within, at that time we said 300 feet. It's actually within 200 feet. It's actually less than that.

The other thing is, this is not a new development. That the building exists, has been divided from its original time. Commissioner Duran is very correct in what the final statement was. Hank is addressing an area in the middle of the minutes that were dealing with a discussion of what the possibilities were and then Mr. Sommer went on to conclude and to prove that no new fire protection would be needed on those two previous points that I discussed. This is my recollection and also I've brought some other people that have chosen to come to verify that because we're very confused about this issue.

We did supply the letter which says that this tank -- it's emphasized in the minutes on page 68 and then again in the final motion on page 69. It's emphasized that this fire tank is to be, the letter is to offer the water for use in an emergency situation. Now I had originally begun dealing with fire protection with Steve Vogel, who I see is not here tonight, and we had talked about a number of possibilities that we would be able to use with Cliff Cato's tank. I would like to approach the bench and show you one of the options is to have [inaudible] and the existing tank has a 12-inch hole in the top.

This present tank that Mr. Cato has is a round cylinder so you have to be accustomed to [inaudible] And both Steve and even Hank agreed that this would work, but it would be slow and not be the ideal situation. We never talked about hydrants or adapting the tank at that November 12 meeting. What we did talk about is the fact that the fire station is right across the street and the other tank came up in the middle of the meeting, and Mr. Cato just happened to mention it. And then there was some confusion about the fact that there were two tanks.

Now I have approached the Madrid Volunteer Fire Department and asked them if we could modify the tank and repair it. I had been in the fire brigade in Madrid in 1983. Actually I was chief at that time for two years and we did trainings at that time. At that time we were using that tank and it was my belief that it was still in use. Other than that, I'll show you some [inaudible] activity after I had realized that I was just [inaudible] Mr. Cato had offering his tank of water. And I went out to the community and did a little poll. I'll show you [inaudible] Within 48 hours I obtained approximately 150 signatures from the community who could not believe that this tank was not used anymore.

So I brought these to the Fire Marshal's Office and Hank and Steve and I [inaudible] and I brought a copy to Commissioner Gonzales [inaudible] The response was by and large that they didn't want to deal with the tank because they felt that it would increase [inaudible]

I'm not saying it's his fault. This has taken a very long time for a small project to be completed. It's a great asset to the community. This will increase the water storage by 10,000 gallons and our regular drinking water and tap water is only 33,000 gallons. Now,

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getting back to Mr. Cato's tank, it is a 10,000-gallon tank which is already filled, again sitting behind my building on his property about 150 feet from me. Now this tank, I met with Steve, we went through these rural water designs. As a matter of fact, I got this pamphlet from Steve Vogel.

When we went to look at Mr. Cato's tank, the only thing I disagree with Hank is that in his letter he says that the agreement is to drain. We never came to an agreement that we were going to do anything to Mr. Cato's tank. As a matter of fact after the Fire Marshal left and everyone left we were kind of confused because in the final motion it requests only a letter from Mr. Cato saying this water is available. And there's a variety of options to get this water out of there, and it was proven by Mr. Sommer that because it's an existing building, it's not in increased danger because it's not new development and also that the fire department is within 200 feet of my property.

I understand what you are saying, Commissioner Trujillo that you would not have passed this situation. And it's true, I believe you would not have. But we are not increasing the fire danger. As twenty people were here that evening, several testified that my even cleaning up the building and occupying it has reduced the risk of fire in that building. And I applied for licenses for my business almost immediately after leaving this chambers in November. I figure it was maybe by January or February I had applied to Land Use and they said you cannot get a license because the Fire Marshal's Office will not sign off on this. I held out as long as I could and I will admit that I have been operating, my wife has been operating a gift shop because we just simply could not financially continue, because we have not earned any money for an entire year that while we prepared up to that November 12.

My original time that I applied for my first license in that building was actually, I believe April or May of 1997. So when we came here November 12, by that time we had already not done a single bit of business. Instead we had to spend a lot of our time on research reading the laws dealing with land use, applying for our zoning. We were happy on November 12 when we received the zoning. And we were happy with the four businesses that according to the minutes claims, and we were ready to go start our lives again. And now here it is almost a year later and we still do not have another license for that building and I do not understand. And I am here for clarification too. I think there is enough evidence before us here if we focus on what the final motion was and we look at the unanimous decision I think it's very clear.

But if we confuse ourselves with the discussion we had, we were in here for over an hour discussing Gypsy Plaza. And Karl was very thorough, and I think he did a very good job presenting the case --

COMMISSIONER GRINÉ: Mr. Chairman, I have one for you, Hank. My question is from reading and our concerns when it comes to the fire issues, what would you like to be clarified so in order to take care of the needs here? And if it is that they have to meet fire code, just let us know what it is and that's what we'll go forward. We can't put this Commission in a situation here where if some mishap happens out there and just because

of our actions up here and then all of a sudden with the County's held liable for such a situation. So my position up here is I don't want no liability against the County. I want to make sure that we abide by what we have to abide by and what is that Hank?

MR. BLACKWELL: Chairman Trujillo, Commissioner Griñé, a couple of comments, and good question. Again, I really believe that -- my focus obviously is clearly much different than the Sylvias' in terms of trying to get their business up and running and wanting to have an income and support themselves. Mine clearly is not against that but my job is fire protection and I have to stay fairly focused on fire protection. It wasn't soon after this was passed that we had the Madrid School fire. And one of the problems was again it had to do with an old building, a building that probably was not to code and again it had to do with the fact that we had inadequate water supply and I think that had a lot to do with that structure burning down.

In terms of water supply, again I think we're getting close to the fact that pretty soon we'll have a 10,000-gallon tank which will be the one that we're retrofitting and repairing right next to the station, which may make this a moot point, but we've been going on and on so long that that's why I felt fairly frustrated. I want to thank also Mr. Cato because he has been more than generous throughout in terms of what he's offered. Not only offered his tank but then even considered the fact that we may have to change this tank for fire protection. So he's been willing and supportive of both Joe and the fire department in the county.

I know that there's a gift shop, but Joe, correct me if I'm wrong, I think there's also a jeweler that's operating right now.

MR. SYLVIA: A studio.

MR. BLACKWELL: A studio, right? And I think part of this, again, Commissioner, with maybe a lack of communication, I'm not sure. I know the February 3 letter I wrote to Chief Holden that said I think that this is the agreement that we came to, was just that. It was to put that in writing. That letter was copied to Mr. Sylvia. And again, I heard no response or reply so my assumption was that there was an agreement because I didn't get any response from that letter. At that February 3 meeting, the same day I wrote the memo, one of the things we talked to Joe about was the fact that he was going to have to have a life safety inspection of all those businesses for exits, fire extinguishers, aisle widths, fire safety and that when he was ready that he was to call us and we'd come out and we'd do that part of the inspection as well, separate and distinct from the whole water supply issue so we could get that moved on. We were never called by Mr. Sylvia. At least to my recollection. If that's wrong --

But anyway, we have not done that inspection. The issue is it just needs to be done.

COMMISSIONER GRINÉ: So I guess Mr. Chairman, Hank, you don't need no action from the Commission, you just want a clarification. To me is they have to meet fire code.

MR. BLACKWELL: Water source, right. To me the clarification is, does

there need to be a water source for the three or four units in that development as they exist now?

COMMISSIONER DURAN: What is the water source?

MR. BLACKWELL: One of those 10,000-gallon tanks. Is that a requirement for his business?

COMMISSIONER GRINÉ: And that's for three but not for seven.

MR. BLACKWELL: Right. That's a point of clarification.

COMMISSIONER DURAN: Hank, the tank that belongs to Mr. Cato, what would it take to just throw -- if there was a fire, don't you have the apparatus to pump the water from that tank?

MR. BLACKWELL: Basically, it would be difficult, Chairman Trujillo, Commissioner Duran, it would be difficult because basically, it's an old railroad tank car.

COMMISSIONER DURAN: Is it open on the top?

MR. BLACKWELL: It is open on the top but basically it is above the level of our steamer port from our pumpers and with the hard suction it would be nigh on impossible for us to pump water from up and make a 180-degree turn or about a 150-degree turn --

COMMISSIONER DURAN: Can't you raise the apparatus? Raise the pump?

MR. BLACKWELL: The pump is the engine. It's the fire engine itself and there's no way to get it to that level. That's the difficulty. And I think we were all in agreement that there was no way -- I mean we've got water inches away from us, but it's going to be very difficult or impossible for us to pump water out of that tank because we can't get our hard suction up that high and then down into the tank and low enough into the tank to provide that.

COMMISSIONER DURAN: So if the applicant provided some kind of unit that would allow you to hook up at a lower level, that would work?

MR. BLACKWELL: Correct. And that's one of the things we discussed. It was just an option but we discussed that on February 3.

COMMISSIONER DURAN: Was the applicant in agreement with that type of arrangement? Were you in agreement with that kind of arrangement? It seems like if you had 10,000 gallons of water there, it's just a matter of how do you get the water out of the tank. If you can't get it with the hose and pump it, you're going to have to put something on it to do it.

MR. SYLVIA: Right. There is a road that leads up, it's an old railroad tank is what it is. And about half-way up the tank, it's buried. So if you get a truck up there, it's definitely much higher. And then as I showed you in the rural water apparatus guide that Steve Vogel had given to me, that this is a very good -- it's not the best way, but it is a possible way to draw water out of there. The fire department already has one of those on board but they may have to get one that they would have to adapt to be wider because the tank is round instead of just the straight sides.

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COMMISSIONER DURAN: Then who would have to get that? The County or you would get it?

MR. SYLVIA: Maybe we would get it. But the point is that when the Commission had agreed, they had stated that Mr. Cato is giving his water, his 10,000 gallons of water and in an emergency I know that the fire department could actually stick a couple of hard suction hoses in there and draw up that water. It's not the easiest way.

CHAIRMAN TRUJILLO: I don't think that we can get into a debate on what the fire department can do and what they cannot do. We'll be here all night. I think where the County's coming from right now is that the County cannot condone the health and safety situation on the basis of lack of water there. What I'm going to ask Hank to do is to sit down with you and try and rectify this situation so that we can identify a sustainable source of water to be available in case of a health and safety issue that is fire. Whatever we need to do. We don't want to stifle your ability to do business, but we cannot condone a situation that is a health and safety issue, and Hank is our expert in that area and he needs to work with you to try and rectify this situation. That's what we want to do. We can discuss this situation all night and not get anywhere, but we need to open the lines of communication and have Hank tell you what we need to do to solve this situation.

COMMISSIONER ANAYA: A clarification has been requested, Mr. Chairman, and I think we're lingering on over here. I think that the chair gave is appropriate.

MR. SYLVIA: There's a second part of the clarification. Hank, when I spoke to you about the 10,000 gallons, you seemed to believe, correct me if I'm wrong, that it's Cliff's tank that we need and that even if this 10,000, any 10,000-gallon tank?

COMMISSIONER DURAN: What was the question?

MR. SYLVIA: There's two 10,000-gallon tanks, and as I said, one is being worked on. They're probably done by now, but it's about to be filled up. Then that would leave Mr. Cato's tank not needing to be adapted.

COMMISSIONER DURAN: Is that true, Hank?

MR. BLACKWELL: As I had mentioned, Chairman Trujillo, Commissioner Duran, yes, I had mentioned the fact that our tank was being worked on but it had taken much longer than we had anticipated. Hopefully, again, it may be available. If it's available it doesn't really matter to me what water source we have as long as we have it. The difficulty was because that was going to take so long, I think the direction of the Commission originally was that they were supposed to use Mr. Cato's tank and that's the direction. Right now, one of the clarifications or recommendations may be either water source, whichever one is available most rapidly, number one, and secondly within a certain time period of we go out and we do our life safety inspection and get some recommendations. I think that's really all that has to happen.

We've been going back and forth on this and I think some of the Commissioners have been talked to individually. I know I have. Joe and I have been working back and forth.

And again, there's really not been any action in terms of fire protection and that's what I'm trying to get clarification.

COMMISSIONER DURAN: Mr. Chairman, I think what I'd like to do is get this thing off dead-center. Hank, I think that if our tank is going to be ready relatively soon, that we should use that for fire protection for the building. Which would mean that you would have Mr. Cato's tank as a supplement to our tank. And it seems based on Mr. Sylvia's testimony that there is a point that if you had to use that tank that you could drive up where you could pump it as an alternative. So I don't see why you couldn't figure this thing out. It's been up before us for an hour. If you're close to providing this gentleman with fire protection, why don't you do that? And make him go through the process that he has to go through to make it a safe place.

MR. BLACKWELL: Chairman Trujillo, Commissioner Duran, that's the guidance that I haven't been able to get without getting before you. And again, I apologize for taking this much time as well.

MR. GARCIA: Mr. Chairman, the only problem that Hank has, I believe is Mr. Sylvia wants to operate tomorrow and the water won't be filled until --

CHAIRMAN TRUJILLO: I don't think Mr. Sylvia should operate until we have a sustainable source of water. We can't let him operate until there's water available to fight fires.

COMMISSIONER ANAYA: I understand it isn't that far away anyway, Hank.

COMMISSIONER DURAN: Mr. Sylvia, how many units or spaces are in operation right now? Three?

MR. SYLVIA: There's actually a change happening. There's two in operation. One is a grandfathered. One is my wife's gift shop. Now, the grandfathered business is -- that occupant is out of there as of actually tomorrow, and my wife would like to apply for a license in that space. So we can, in essence, continue to operate her business legally and wait for the present water system.

COMMISSIONER DURAN: Mr. Chairman, last time you were before us you were granted four spaces.

MR. SYLVIA: Right.

COMMISSIONER DURAN: That's what you have right now. When you are able to get a water source for fire protection, you get to go to seven. When that tank is ready, you can go to seven.

MR. SYLVIA: Right. But also under land use law, when that tenant moves out, another one can go in that space and apply for a license legally.

COMMISSIONER DURAN: Is that a question?

MR. SYLVIA: No, it's not a question. It's a statement.

MR. GARCIA: Excuse me. This gentleman has approval, master plan and preliminary and final based on fire for seven buildings, one of those is a grandfathered in

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business. Spaces, yes. So are you asking -- you want to have your wife's business in this number seven and then the rest of the six will not be operating until the fire tank gets in place?

MR. SYLVIA: That's what I'm saying. I'm just addressing the fact that I can't continue on. I know I can't until they approve that license. I agree with that. And I also want to say that I have a 3,000-gallon tank, which I guess at this point no one's aware of that I have for water service still. So that I do have water for handwashing and landscaping and water on hand.

COMMISSIONER GRINÉ: It's up to him to recognize the source. So you have to deal with Hank.

COMMISSIONER DURAN: So you don't come back for clarification. I'm not sure I understood what Rudy said. So just real quickly, how many spaces can he have, can he lease out at this point in time?

CHAIRMAN TRUJILLO: One.

COMMISSIONER DURAN: One additional, or one?

COMMISSIONER GRINÉ: One only.

MR. GARCIA: Just one out of the seven.

COMMISSIONER DURAN: And that's acceptable to you?

MR. SYLVIA: Right. And then would you clarify what the number is when I get the fire protection?

MR. GARCIA: When he gets the fire protection and all the other conditions are met, then he can move in the other six.

MR. SYLVIA: Thank you. Thank you very much.

CHAIRMAN TRUJILLO: Thank you, Hank.

VIII. B. 6. EZ CASE Z 98-4410. Hoge Subdivision. Jim Siebert, agent for Thomas Hoge, requests final plat and development plan approval for a seven-lot subdivision on 134.86 acres. The property is located off County Road 67, within Section 26, Township 16 North, Range 10 East within the five-mile EZ District

ROMAN ABEYTA (Review Specialist): Thank you, Mr. Chairman.

This application meets all the requirements of Section 3.3.4c of the Extraterritorial Subdivision Regulations for final plat and development plan approval for a Type V, seven-lot residential subdivision.

On August 13, 1998 the EZC recommended approval of this request subject to conditions one through six and listed in the staff report. Mr. Chairman, I would like to clarify that. I would ask that condition 4.a, the prohibition of guesthouses be deleted. In fact guesthouses will be allowed in this subdivision based on the size of the lot and the

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amount of water available.

Thank you, Mr. Chairman.

[Conditions imposed by EZC]

1. Compliance with review comments from the following:
 - a. County Hydrologist
 - b. County Subdivision Engineer
 - c. County Public Works Department
 - d. County Fire Marshal
 - e. State Environment Department
2. Road names and rural addressing must be approved by the County Public Works Department.
3. The developer must submit a solid waste fee of \$39.01 per lot in accordance with subdivision regulations.
4. The final homeowners' covenants and disclosure statement is subject to approval by staff and should include but not be limited to the following:
 - a. The prohibition of guest houses
 - b. Maintenance of drainage structures
 - c. Maintenance of septic systems
 - d. Solid waste removal
5. The developer must indicate on the final plat that each individual lot owner will be responsible for the construction of drainage and erosion control structures to ensure that storm water discharge does not exceed pre-development conditions.
6. The additions to the plat of survey and slope analysis as per the Santa Fe County Subdivision Engineer and plat checklist will need to be addressed prior to recording the plat. The plans and checklist may be picked up from Roman Abeyta, Development Review Specialist with Santa Fe County and resubmitted with the mylar.

CHAIRMAN TRUJILLO: Thank you, Roman. Any questions of Roman?
Is the applicant here?

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: My name's Jim Siebert. My business address in 915 Mercer
and we agree to all conditions as stated by staff and amended by Roman.

CHAIRMAN TRUJILLO: Thank you, Jim. Any questions?

COMMISSIONER DURAN: I have just one quick one. Did you guys have
to do a geo-hydrology on the property?

MR. SIEBERT: Yes, we did.

COMMISSIONER DURAN: Did you give copies of that to the County?

MR. SIEBERT: Yes.

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COMMISSIONER DURAN: And they have copies in their archives? I'd like to establish, Rudy, some archives on these geo-hydrology reports so that when applicants that can't afford to do a geo-hydrology they can use these reports in their reconnaissance. I think the other thing we need to do is to get from the applicant permission to use those in future land use issues if we so choose.

CHAIRMAN TRUJILLO: Are there any comments from the public for or against? What is the desire of the Commission?

COMMISSIONER GRINÉ: Mr. Chairman, move for approval with all the recommendations and conditions put forward on this case, S 98-4410.

COMMISSIONER ANAYA: Second.

COMMISSIONER GRINÉ: Including the findings of fact.

CHAIRMAN TRUJILLO: All those in favor? [Unanimous 3-0] Opposed?

COMMISSIONER DURAN: I have one quick comment before we adjourn. Denice, since David's not here, could you ask him to put together a rotating direction list as part of the agenda. I'll explain it to you in a second. What happens is that we give the County Manager direction, or we give staff direction to do certain things and we forget about it. It gets lost in the void. What I'd like to do as part of the agenda is have some kind of list that were recommendations or decisions handed down by this Commission so that we can go back and review it on every meeting to see what direction was given and follow up on each of those items.

MS. BROWN: And so, Commissioner, would you like it included in the front of each packet, or --

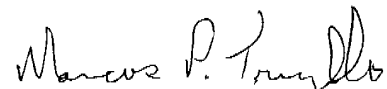
COMMISSIONER DURAN: Or even as a supplement. Just so we all -- I don't know if it needs to be -- just what you figure out and let me know what you want to do.

MS. BROWN: I'll do that.

ADJOURNMENT

Chairman Trujillo declared this meeting adjourned at approximately 9:05 p.m.

Approved by:


Board of County Commissioners
Marcos Trujillo, Chairman

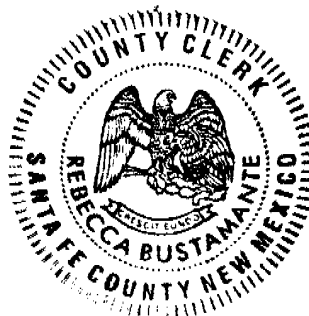
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Respectfully submitted:

Karen Farrell
Karen Farrell, Commission Reporter

ATTEST TO:

Rebecca Bustamante
REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



1043.079
COUNTY OF SANTA FE)SS
STATE OF NEW MEXICO)
I hereby certify that this instrument was filed
for record on the 30 day of Sept. A.D.
19 98, at 8:09 o'clock A. m.
and was duly recorded in book 1546
page 587 of the records of
Santa Fe County.

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

Noelle Salazar
Deputy