

BOARD OF COUNTY COMMISSIONERS
SANTA FE, NEW MEXICO
REGULAR MEETING
SEPTEMBER 28, 1999

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



COUNTY OF SANTA FE)SS
STATE OF NEW MEXICO /095) 083
I hereby certify that this instrument was filed
for record on the 27 day of Oct A.D.
19 99, at 3:53 o'clock a m
and was duly recorded in book 1762,
page 124-192 of the records of
Santa Fe County.

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

Veronica Blanton

Deputy

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

September 28, 1999

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 1:35 p.m. by Chairman Joe Griñé 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 Paul Duran, Chairman
Commissioner Joe Griñé
Commissioner Richard Anaya
Commissioner Marcos Trujillo
Commissioner Javier Gonzales

Members Absent

[none]

IV. APPROVAL OF AGENDA

SAMUEL MONTTOYA (County Manager): Mr. Chairman, members of the Board, the amendments on today's agenda are under item XI. Executive session. We have under item A. Discussion of pending litigation in *Santa Fe County v. PNM*, B. Discussion of possible acquisition of real property and C. Discussion of possible acquisition of water rights. That is the only section amended in today's agenda.

The tabled items, Mr. Chairman, would be on page 4, item E.1. Resolution No. 1999-___. A resolution approving the Public Housing budget for fiscal year 2000. The budget is not quite ready for review by the governing body. Under item G. 3. A request for authorization to enter into an amendment number one to co-op agreement with the New Mexico State Highway Department on County Road 73. We've not received the contract document back from the state yet, so we're recommending that be tabled. Those are the only tabled items for today's agenda, Mr. Chairman.

CHAIRMAN GRINÉ: Thank you, Sam. Do I have a motion to approve the agenda as amended and items tabled?

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

V. APPROVAL OF THE MINUTES: August 31, 1999

Commissioner Duran moved to approve the minutes of the August 31, 1999 meeting as submitted and Commissioner Anaya seconded. The motion passed by unanimous voice vote.

VI. CONSENT CALENDAR

CHAIRMAN GRINÉ: We'll go ahead and just enter them into the record, Sam, and if the Commission would like to just take a few moments and read through the Consent Calendar to see if they want to single out any item in particular to further discuss it. If not, we'll just move for blanket approval.

COMMISSIONER ANAYA: Mr. Chairman, I'd like to make a comment on one issue.

CHAIRMAN GRINÉ: Okay, go ahead, Commissioner Anaya.

COMMISSIONER ANAYA: And this is in regards to the item N. under the Consent Calendar. It's just a matter of comment, Mr. Chairman. Entering the joint powers agreement with San Ildefonso Pueblo with the DWI funds that are come to the County. I just want to bring attention to the Commission and perhaps the audience that at this point, the Native American community is now selling alcohol to go out into the public without paying any excise tax at all and I kind of take issue to that. Of course this is a legislative item, but we are using our funds when they are not paying any excise tax, no gross receipts tax and any tax of any kind of nature to help us along with our cause as far as County government is concerned.

Mr. Chairman, I'd like to state that for the record.

CHAIRMAN GRINÉ: Thank you, Commissioner Anaya.

COMMISSIONER DURAN: Mr. Chairman, I'd like to request that we take item E. and item J. out of the Consent Calendar. Those are two items that I feel that I need to recuse myself from voting on. So I'd like to take them out and we can all vote on them separately.

CHAIRMAN GRINÉ: Thank you. Any other discussion concerning the Consent Calendar? Do I have a blanket approval with the exceptions of items E. and J. to

accept the Consent Calendar?

Commissioner Trujillo moved to approve the Consent Calendar with the exceptions of items B. and J. Commissioner Gonzales seconded and the motion passed by unanimous voice vote.

Commissioner Gonzales moved to approve Resolution No. 199-125, and item J, Request authorization to accept and award a construction agreement, #20-12. Commissioner Trujillo seconded and the motion passed by unanimous voice vote, with Commissioner Duran recusing himself from the vote.

[The items on the Consent Calendar are as follows:]

- VI. A. Resolution No. 1999-121. A resolution requesting a budget increase to the general fund/MCH grant program to budget remaining cash balance from fiscal year 1999 due to a donation received from the Frost Foundation for expenditure in fiscal year 2000
- B. Resolution No. 1999-122. A resolution requesting a budget increase to the general fund/DWI screening program to budget remaining cash balance from fiscal year 1999 for expenditures in fiscal year 2000
- C. Resolution No. 1999-123. A resolution requesting a budget decrease to the general fund/DWI Magistrate Court data entry program fiscal year 2000 budget due to non-renewal of grant funding
- D. Resolution No. 1999-124. A resolution requesting an operating transfer from the contingency fund to the state special appropriations fund - Chupadero/Rio en Medio SAP to appropriate required matching funds for expenditure in fiscal year 2000
- E. Resolution No. 1999-125. A resolution requesting an operating transfer from the general fund to the road projects fund to increase the budget from the Fin del Sendero construction project for expenditure in fiscal year 2000
- F. Resolution No. 1999-126. A resolution requesting a budget increase to the Emergency Medical Services fund to budget remaining cash balance from fiscal year 1999 for expenditure in fiscal year 2000
- G. Request authorization to enter into amendment number three to the professional services agreement (98-00198) with Ralph Lopez for Region III coordination services
- H. Request authorization to enter into amendment number one to the professional services agreement (98-00217) with Frank E. Rael, Regional III narcotics agent, for the Drug Enforcement task force

- I. Request authorization to accept and award multiple (2) professional services agreements to the highest qualified respondents, RFP #99-34 RB1, for drug and alcohol screeners for the Municipal Court
- J. Request authorization to accept and award a construction agreement to the lowest responsive bidder, IFB #20-12, for the Fin del Sendero road paving improvements project
- K. Request authorization to accept and award a professional services agreement to the highest qualified respondent, RFP #20-14, for the Media Literacy program
- L. Request authorization to accept and award a price agreement to the lowest responsive bidder, IFB #20-15, for the printing of the 1999 tax bills
- M. Request authorization to accept and award a construction agreement to the lowest responsive bidder, IFB #20-19, for the Camino de Jacobo asphalt paving project
- N. Request authorization to enter into a joint powers agreement with San Ildefonso Pueblo for a Youth Alcohol Prevention program
- O. Request authorization to enter into a joint services agreement with the City of Santa Fe for Extraterritorial Zoning Authority services
- P. Request authorization to enter into a joint services agreement with the City of Santa Fe for parking services
- Q. Request authorization to enter into a joint services agreement with the City of Santa Fe for paratransit services
- R. Request authorization to enter into a joint services agreement with the City of Santa Fe for senior citizens services

VII. ADMINISTRATIVE ITEMS

- A. Committee expirations, resignations, vacancies
 - 1. Santa Fe County Maternal and Child Health Planning Council

MR. MONTTOYA: Mr. Chairman, I'll defer to Mr. Chavez.

ANDREW CHAVEZ (Health and Human Services Director): Mr. Chairman, thank you very much. We -- Shirley Astilli has resigned her appointment to the Santa Fe County Maternal and Child Health Planning Council. She's attending school and her class schedule does not allow her to participate. You may recall that in a previous meeting we reported that the MCH Council had amended their bylaws to reduce membership from 25 to 15 members. Therefore they're not recommending anyone to replace her. We recommend that Shirley Astilli's resignation be accepted.

CHAIRMAN GRINÉ: Any questions of Andrew?

Commissioner Anaya moved to accept Shirley Astilli's resignation. Commissioner Gonzales seconded and the motion passed by unanimous voice vote.

VII. B. Committee appointments

1. County Development Review Committee

DIANA LUCERO (Land Administrator): Mr. Chairman, committee members, Steve Moya of Galisteo has stepped down from the CDRC. His term is said to expire on December 31 of this year and the BCC should appoint a new member to the CDRC. It is recommended that their term run until December 31 of 2001.

CHAIRMAN GRINÉ: Any questions of Diane?

COMMISSIONER GONZALES: Just a quick question. I know the Commission has adopted a policy about if individuals miss two meetings unexcused that they would automatically be dropped. Are we enforcing that policy?

MS. LUCERO: Mr. Chairman, Commissioner Gonzales, it's three meetings and yes we are enforcing it.

COMMISSIONER GONZALES: I'm sorry. Say that again. It's three meetings.

MS. LUCERO: It's three meetings and we are enforcing it.

COMMISSIONER GONZALES: You are enforcing it? Okay.

MS. LUCERO: Yes, sir.

CHAIRMAN GRINÉ: Thank you. Any further questions of Diane? If not what's the wishes of the Board on accepting this resignation by Steve Moya

Commissioner Trujillo moved to accept Steve Moya's resignation and Commissioner Gonzales seconded. The motion passed by unanimous voice vote.

COMMISSIONER DURAN: Mr. Chairman, how do we go about finding a replacement for the -- do we have people make application to the Land Use Department?

CHAIRMAN GRINÉ: Yes, I've been trying to find some but I haven't found one that is willing to volunteer to put the time in it.

MS. LUCERO: We'd be open and receptive to accepting any nominations and we can bring those nominations forward if you'd like.

COMMISSIONER DURAN: Okay, so anyone interested should contact you?

MS. LUCERO: That's correct.

COMMISSIONER GONZALES: Mr. Chairman and Commissioner Duran, what I always thought was that we were trying to have a balanced representation throughout the county so I would hope that we at first find somebody from the Galisteo, that area primarily first so that we can bring that --

MS. LUCERO: Mr. Chairman, Commissioner Gonzales, you're correct. From the Galisteo area, this is where he's residing.

COMMISSIONER GONZALES: So I guess Eldorado, -- Hills, any of that area.

MS. LUCERO: Correct.

COMMISSIONER DURAN: That's good. I agree.

VII. B. 2. Santa Fe County Road Advisory Committee

ROBERT MARTINEZ: Mr. Chairman, Commissioners, the Road Advisory Committee Area 5, which is in Commissioner Anaya's district, has been unrepresented for the past two years. The Area 5 includes Cañada de los Alamos, Old Santa Fe Trail, Hondo Hills, San Sebastian and Cañoncito area. Richard S. Glassman has requested to be appointed to this vacant position. Public Works is recommending the appointment of Richard Glassman to Area 5 of the Road Advisory Committee.

CHAIRMAN GRINÉ: Thank you, Robert. Any questions of Robert? If not, what's the wishes of the Board?

Commissioner Anaya moved to accept Mr. Glassman's appointment and Commissioner Duran seconded. The motion passed by unanimous voice vote.

VII. B. 3. Valuation Protest Board

BRIAN BACA (Chief Appraiser): Mr. Chairman, Commissioners, my name is Brian Baca. I'm the Chief Appraiser for the County Assessor's Office and we would like to recommend the nomination of John Valdez to our Santa Fe County Valuation Protest Board. This would be an alternate member. We do have a full board but we would like to have an alternate in case any member is not able to attend.

CHAIRMAN GRINÉ: Thank you, Brian. Any questions of Brian? If not, what's the wishes of the Board?

Commissioner Trujillo moved to accept the appointment of John Valdez and Commissioner Gonzales seconded. The motion passed by unanimous voice vote.

VII. B. 4. Extraterritorial Zoning Authority

COMMISSIONER GONZALES: Mr. Chairman, I know that this is coming

up in between my term. It was my intent originally to serve out my term on the EZA but it's becoming increasingly more difficult with my responsibilities both in my personal business and with the National Association of Counties and so I respectfully ask the Commissioners to relieve me of this term early on and would like to submit my resignation for it.

CHAIRMAN GRIÑÉ: Any discussion?

COMMISSIONER ANAYA: Resignation denied. Just kidding, Mr. Chairman. Move for acceptance of Commissioner Gonzales' resignation.

COMMISSIONER TRUJILLO: Second.

The motion to accept Commissioner Gonzales' resignation from the EZA passed by unanimous voice vote.

CHAIRMAN GRIÑÉ: Now, do we have an appointment to the EZA?

COMMISSIONER ANAYA: Mr. Chairman, I nominate Commissioner Paul Duran, who has volunteered anyway to join the EZA, so Mr. Chairman, I move for nomination of Paul Duran.

COMMISSIONER GONZALES: Second.

The motion to nominate Commissioner Paul Duran to the EZA passed by unanimous voice vote.

VIII. PRESENTATION OF AWARDS

A. Recognition award to Eppie Herrera for her years of service to Santa Fe County

CHAIRMAN GRIÑÉ: I have a presentation here to read. Eppie Herrera for 25 years of service to Santa Fe County residents. Eppie, it gives us great pleasure to congratulate you on your upcoming retirement which is in effect this Thursday, September 30, 1999. Eppie first became employment approximately 25 years ago on July 1, 1975. Probably those were the Commissioners, probably those, Bennie Chavez, Bouncer and Catanach? Am I right, Eppie? See, I know my history a little bit.

COMMISSIONER TRUJILLO: Ben Lujan was in there too.

COMMISSIONER ANAYA: Froggie, Rudy Fernandez, Jerome Block.

CHAIRMAN GRIÑÉ: Not during Eppie's tenure?

COMMISSIONER TRUJILLO: When she started, Ben Lujan was Commissioner.

CHAIRMAN GRIÑÉ: Okay. You know some history too.

COMMISSIONER ANAYA: Jerome Block. Froggie Fernandez, he was

there. Nancy Rodriguez. Betty Platts.

CHAIRMAN GRINÉ: Eppie has had various positions in County government, ranging from --

COMMISSIONER ANAYA: How about Rudy Rodriguez, were you there then?

CHAIRMAN GRINÉ: -- ranging from accountant to Indigent Fund Director and has done a magnificent job in each position that she has held. Currently Eppie is serving as the Indigent Fund Director. As Commissioners, we have first hand acknowledged Eppie's great works and she presents matters concerning the Indigent Fund on a monthly basis to the Commission. Because of Eppie's diligent efforts, Santa Fe County continues to improve and increase the primary health care to the indigent constituents while continuing to provide for hospital services. Various other counties look to Eppie for guidance in improving their Indigent Fund programs.

Eppie is well respected by health care providers and is considered an expert in Indigent Fund matters. We could take all afternoon listing Eppie's accomplishments, but understanding that in addition to being a great asset to Santa Fe County she is also very modest. Therefore, on behalf of the County Commissioners, I would like to present you Eppie with this plaque in appreciation of your devoted service to Santa Fe County and its constituents for the past 25 years. Please come forward and receive this award.

COMMISSIONER GONZALES: Mr. Chairman, just a point of personal privilege for Eppie. Eppie I want to personally thank you, certainly on behalf of the people in my district and behalf of myself for some outstanding work. I came to work at Santa Fe County probably in '94, Eppie, and I worked for Eppie. And I tell you it was a wonderful experience to work with her and to continue to work with her at this point. I wanted to point out to the Commissioners that Eppie has been a leader in the state. She served as president of the Indigent affiliate, on behalf of indigent people all across this state promoting legislation that supported people who are less fortunate who need access to this indigent.

So you will be remembered not only by this Commission and certainly this community but by people throughout this whole state who have benefitted from your efforts as being an indigent director. So thank you and best of luck and please make sure you stay close.

COMMISSIONER TRUJILLO: Mr. Chairman, your longevity, your contribution to Santa Fe County has been impeccable. I'd just like to say that I remember back in 1974 when you and I started to work together in Santa Fe County. Thank you for the guidance that you provided to a ranchero from El Rancho that didn't know what corbels were. I appreciate your guidance and it's been a great pleasure, and again, Eppie, the positive impact that you've had on the Indigent Fund, thank you, like Commissioner Gonzales has said for providing the services that you've rendered to my constituents, to my district and opening the lines of communication and always being sensitive and really to listen to those people in need. Thank you.

CHAIRMAN GRINÉ: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Eppie, I can't say anymore than they've already said. All I can do is just wish you the best and God bless you because you sure have done a lot for the County here. God bless you in your endeavors.

CHAIRMAN GRINÉ: Hey Eppie, I though you could go 7 1/2 years some time. Isn't that correct? Anyway, we hate to see you go and things do happen but they, I'm sure, people live today to see those days come and I still remember when I was in the state government, you know, there's a lot of free time and I don't want to insinuate this happens in County government but there's a lot of free time and you'd be surprised how government employees, all they do is figure out what day and year that time's coming.

Even if they just came in and I sure don't miss those thoughts at all because I've been gone from state government since '79, but congratulations, Eppie. I've known you for many years, probably since back in the mid '70's and only because my brother-in-law then that was Bennie Chavez who served this County on three different occasions. I just hate to see you go. Congratulations.

IX. STAFF AND ELECTED OFFICIALS ITEMS

A. Quarterly Report

1. County Sheriff

RAY SISNEROS (County Sheriff): I asked Eppie to say for a minute to also acknowledge my time with Eppie. I think most of us are going to miss her Whoopie cushion. But I also ask that the time that you spend maybe a historical marker in her office or something to signify all the time that she's been here. Thank you, Eppie.

Mr. Chairman, in front of you you have a copy of our quarterly report. It's basically self-explanatory. I'd like to highlight the calls for service on the very top of the first page. You see an increase of almost 200 over the same period last year. If you go through the report you'll see additional increases in the citations. The other major one is the animal control calls. As you can see the animal control calls have increased in the same period about 260-some calls and that's a large increase for us. Again, the county's growing and we're just getting a lot busier.

The other part that I want to point out to you is on page 3. That's the transport unit. In the three month period, we had to transport over 1100 prisoners to various locations - Hobbes, Las Cruces, Los Lunas, Grants, the psychiatric hospital, beside all the in-town arraignments and court transports. The other part of our duties is the judges want them in many of these criminal trials that are going on, they want at least one, sometimes two in the trial at all times. So that impacts our manpower quite heavily.

Other than that, if you have any questions about any of the numbers I'll stand for any questions, Mr. Chairman.

COMMISSIONER GONZALES: Mr. Chairman, Sheriff, thank you for being here. I just wanted to maybe get some clarification on a couple of the numbers. On the aggravated assaults for the weapons, is that -- what type of weapons would you classify? Is that everything from a knife to a gun?

SHERIFF SISNEROS: The breakdown that you have you here is basically the way that they want the UCL report done, broken down, and it causes actually additional categories. But you're asking about just the weapon?

COMMISSIONER GONZALES: Yes, the aggravated assault with a weapon.

SHERIFF SISNEROS: That can be anything that's used as a weapon. That could be a screwdriver, a chair, a gun, a knife, a toothpick, anything that is used as part of an assault that is a weapon is classified in that category.

COMMISSIONER GONZALES: So would that include a gun, or would that be under negligent use of a deadly weapon?

SHERIFF SISNEROS: It depends on how the gun was used. Under negligent use of a deadly weapon, that could be firing a shot in the air in a residential area. They didn't actually assault someone but they used the gun negligently.

COMMISSIONER GONZALES: So of the numbers on the aggravated assault for a weapon, do you have any idea of how many might have been use of guns?

SHERIFF SISNEROS: I didn't break that down, Mr. Chairman, Commissioner Gonzales.

COMMISSIONER GONZALES: What's your general feeling in our county about the issue of guns? Are they being -- are we seeing or are we concerned that they're being used more as a deadly threat? I mean they're always out there as a deadly threat. But are you confiscating guns from people who shouldn't be having them? Is there a need to be concerned in this community about access to these weapons?

SHERIFF SISNEROS: Mr. Chairman, Commissioner Gonzales, as any community in the United States, we all have the same concerns. But the proliferation of handguns has increased tremendously with gang units. Teenagers have gotten more. I think that's common knowledge. But yes, we do confiscate them when we can. We also are required to confiscate weapons on domestic violence calls if there are any known weapons in the house, in the residence. And I'd like any one of you, any time, please stop by my evidence room just to see how many firearms are in there. It even shocks me to see how many. We've got one room dedicated to nothing but firearms and that's a room, that's not a shelf.

COMMISSIONER GONZALES: Is there a coordinated effort that's been done with ourselves and the City and the state to do a targeted effort about taking guns out of the schools and out of individual's hands who shouldn't have them? Is there some kind of effort on that, or is it just based on part of your routine duties as you go through the day and you identify people that have them and you confiscate them?

SHERIFF SISNEROS: Well, my detectives, Mr. Chairman, Commissioner

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Gonzales, my people are involved with the youth activities and the gangs and work closely with the City staff. Chief Denko and I are extremely in contact with each other constantly. In fact it's gotten to the point that we know each other's pagers by heart know. But we do it quite a bit. The concerted effort, we've had a meeting with representative Udall to try to put something together even from the federal level on the coordination of resources and see if he can get us additional resources. He met with us in fact in our building the last time he was here on break.

COMMISSIONER GONZALES: Do you feel that a buy-back program would be helpful in this community, that it would be beneficial if we had a buy-back program for some of these guns that are out on the street that shouldn't be there?

SHERIFF SISNEROS: A buy-back program?

COMMISSIONER GONZALES: Yeah.

SHERIFF SISNEROS: They're good for people that want to get rid of some guns that are not ever going to use them anyway, but generally the other chief executives that I've talked to since I was back with the City, it does not, basically impact what happens on the street because the ones that are going to use the guns primarily are not the ones that are going to turn them in. It's usually -- in fact 50% of the weapons that get turned in in that buy-back program are inoperable anyway. And you're using tax money to destroy something that doesn't work any way. So whether that would work here or not, that's an executive decision but in my opinion I don't believe it would cause any decrease in our numbers.

COMMISSIONER GONZALES: What about the number of accidental shootings with firearms? Have we seen that that's been an issue in our community, especially amongst children?

SHERIFF SISNEROS: No sir. We've had some discussions on it. There's been maybe one or two in the last three or four years.

COMMISSIONER GONZALES: Have they been fatal?

SHERIFF SISNEROS: No, they've been minor. But I'll be honest with you, it's generally around this time of the year that we get any of those accidentals because people are getting their rifles ready for hunting season. But that's not a problem at all.

COMMISSIONER GONZALES: Do you have a position on child safety locks, as far as whether that would be beneficial if they were mandated?

SHERIFF SISNEROS: My personal position?

COMMISSIONER GONZALES: Personal, as a sheriff, as a community leader, however, that could help guide at least me in formulating an opinion on child safety locks and whether they're effective or not.

SHERIFF SISNEROS: Mr. Chairman, Commissioner Gonzales, I lobbied for that bill in the last legislature and yes, I do agree with it. So I worked on that bill.

COMMISSIONER GONZALES: So we would need basically the permission of the state to adopt some type of child safety lock requirement?

SHERIFF SISNEROS: Mr. Chairman, Commissioner Gonzales, that's a legal question. I can't answer that. Maybe Denice could. But I believe because there may be something involved with the federal firearm licenses that the dealers have that you may or may not have the ability to do that. I don't know legally.

COMMISSIONER GONZALES: And I guess where I'm going with this, Mr. Chairman, and I'll conclude is that I was out in Washington a couple weeks ago when the police chiefs went in to meet with the president and to lobby Congress about issues of the child safety locks and about issues of promoting buy-back programs and taking guns out of schools and everything. One of the things that the president indicated was that in the United States, when it comes to accidental shootings, that the United States is 17 times higher in having these fatal accidental shootings for minors, 17 times higher than any of the other European nations combined.

It got me to thinking, is that translating into what's happening in our own community. Are we suffering from some of these accidental shootings and is there an opportunity within Santa Fe County to play a leadership role in trying to establish some safety issues for children. And a lot of it's through education as well. It's not about gun control, it's about gun safety which is now the new buzz word in Washington and everyone's not saying control anymore, they're saying safety and you do it through education, you do it through child locks and the whole process to make sure that kids understand how to use guns. It just got me thinking is there an opportunity to work with your office to try and implement safer measure for our community when it comes to handguns and any other type of gun out there that might exist.

SHERIFF SISNEROS: Mr. Chairman, Commissioner Gonzales, sure, we'll work with you on it, but I just don't know what the legality is, whether County government or the City for that matter has the authority under state statutes to put something that is more stringent than what state law allows, I just don't know. But yes, nationwide I agree with you. There is that problem occurring, but again, the many years that I've been a lobbyist and have worked even in Congress, the biggest problem we have on any kind of gun safety, the new buzz word is the NRA.

COMMISSIONER GONZALES: Right.

SHERIFF SISNEROS: And I'll tell you that and I'll tell them to their face. They're the biggest impediment to any of this.

COMMISSIONER GONZALES: So with that, Mr. Chairman, can I ask the legal department, unless they're able to offer us a statement now, if we can do some research in that area to see what opportunities exist for the County to address the issue of gun safety in our community. Not only in the County, but through your relationship with the Chief and maybe the Chair's relationship with the Mayor to see if the City and County can work on some coordinated effort to bring about gun safety in both the city and the county area.

CHAIRMAN GRINÉ: That's the direction you want to give, Commissioner Gonzales?

COMMISSIONER GONZALES: Yes, if we could do that it would be very helpful.

CHAIRMAN GRINÉ: Commissioners?

mt: No problem at all.

COMMISSIONER ANAYA: Okay, Mr. Chairman, just a comment, Ray. I was watching -- I'm not sure whether it was NBC, CBS -- one of the major stations, news stations, about the confiscated weapons, by the police departments and how they were utilizing these weapons as a revenue producing source for the departments. And they were selling them to gun dealers, the same weapons that they confiscated from the bad people, so to speak. They were recirculating them into the community via gun dealers, selling them back to them to the highest bidder, whatever. I was just wondering what your reflection and comment on that was.

I think the sentiment out there is to stop that and I'm sure that the major police departments, Detroit -- I think it was Detroit, just wanted reaction from you on that.

SHERIFF SISNEROS: Mr. Chairman, Commissioner Anaya, in the last couple of years we've had three opportunities with one dealer in town and two dealers out of town that made us offers on any of our weapons like that, basically trade-offs that they would buy us certain types of weapons that we could utilize as an across the board even trade. And Benjie at the time -- he was Sheriff and now that I'm the Sheriff, we will not do that.

COMMISSIONER ANAYA: Good.

SHERIFF SISNEROS: I will destroy the weapons before I let them back on the street. I won't do that.

COMMISSIONER ANAYA: I think the national sentiment is out there to stop recycling weapons. I think that's it.

SHERIFF SISNEROS: Mr. Chairman, Commissioner Anaya, I really encourage you to stop by our evidence room so I can show you just what's in there and give you an idea of the type of weapons that we are holding on to.

COMMISSIONER ANAYA: Grenade launchers, Sherman tanks.

SHERIFF SISNEROS: Not that bad, but you'd be surprised at some of the stuff you saw. But I will not allow back in there.

COMMISSIONER ANAYA: Good. Good. Thank you for that comment.

CHAIRMAN GRINÉ: Any other questions of the Sheriff?

COMMISSIONER TRUJILLO: Mr. Chairman, another comment. During the last time that you made presentation to the Board, there was some discussion regarding lack of presence from the Sheriff's Department in the outlying areas of the county. Since then, I have heard from the community that they have seen patrolling deputies in the area. I've seen them myself. I want to extend my gratitude that that is happening because the presence in the outlying areas of the county, the rural communities is very important, and the community feels that it's very important. So I just want to extend my gratitude that that

is happening.

SHERIFF SISNEROS: Thank you, Commissioner.

CHAIRMAN GRINÉ: Any other questions? Thank you, Ray.

SHERIFF SISNEROS: Thank you, Mr. Chairman.

MR. MONTAYA: Mr. Chairman, I had a question for the Sheriff. I think it is a question that goes to the soundness and the effectiveness of some of the public policy. I'm referring to the issue that relates to residential alarms. If you'll note on your report, there's 914 of those alarm calls. I think it's a very pressing problem for the Sheriff and the undersheriff to make certain that deputies are taken off the street to investigate these alarm calls.

I was asking our legal counsel if we had an ordinance in place to -- that basically charges people for false alarms. My understanding is that we do and that the City does also. My question to the Sheriff would be if this ordinance, which requires you to pay for false alarms, if it's working and if it's not, if there are any suggestions to improve that, because I know, just the basic number, 914, that's quite a bit of calls into the residential areas and I'm sure that not all of them are calls that really need help. I was just asking the Sheriff to see how that has played out.

SHERIFF SISNEROS: Mr. Chairman, Mr. Manager, yes the ordinance is in place. I worked on it when we put it in place and modeled it after the City. It requires that anyone that has an alarm that they have to register with our department which we have probably almost 1000 already registered. And they had to pay, I believe it's a one-time \$5 or \$25 registration fee. I don't recall exactly what it is.

CHAIRMAN GRINÉ: Twenty-five.

SHERIFF SISNEROS: I believe it is \$25 and it's a one-time fee. It's not renewable annually. But the sanctions called for in the ordinance have not been enforced to my knowledge to this date as far as an inordinate number of alarms because it's become a legal question as to who is the collecting authority, who makes the decision as to whether they exceeded it and for what reasons, acts of God that caused their alarms to go off, thunderstorms, etc. But it's an administrative problem in the ordinance and the identical problem the City's been having.

They were dealing with the same problem when I retired from there. In the three-plus years that that ordinance was in effect when I was still at the City, we had not collected one fine under that ordinance. How much they've collected since is I think probably less than one percent. So it's an administrative nightmare. So if that's the answer --

COMMISSIONER TRUJILLO: Mr. Chairman, along those lines, there's also a fee schedule in place regarding warrants. If somebody, a resident, wants the Sheriff's Department to serve a warrant, they're charged. Is that correct?

SHERIFF SISNEROS: Mr. Chairman, Commissioner, no. We do not charge money to serve warrants. We do not charge money to serve restraining orders either. The only money that is charged, and that's required by statute, is to serve a civil process. And

that's by statutory authority. That's civil process. Not warrants. No, that's illegal as far as I know.

COMMISSIONER TRUJILLO: One of my constituents, maybe he was misinformed, but he said that he was charged, whatever, \$25, \$50, to serve a warrant. Maybe it was something else. Maybe it was a civil payment.

SHERIFF SISNEROS: If there was an order of restitution or an order of eviction of something like that that's civil, yes, they are going to be charged. And that's by statute.

COMMISSIONER TRUJILLO: That's good to know.

SHERIFF SISNEROS: No, a warrant, no. That is not done.

CHAIRMAN GRINÉ: Any other questions? Thank you, Ray.

IX. B. CLERK'S DEPARTMENT

1. Resolution No. 1999-27. A resolution increasing the equipment recording fee for the County Clerk's Office

BECKY BUSTAMANTE (County Clerk): That's Resolution No. 1999-127. Currently the law allows under statute from NMSA 1978, 14-8-12.2b, allows the County Clerk to charge, in addition to any other fees authorized by law including the fee stated above. The equipment recording fee shall not exceed \$3 for each instrument recorded except that in Santa Fe County the equipment recording fee shall not exceed \$2.

Currently we are only charging \$2. Most of the Class B counties in the state of New Mexico have gone to the \$3 and this will allow us to charge \$3 for the recording fee. I would ask you to please approve it because it will help us to increase the equipment fee and right now, people are sending in that extra dollar anyway because most of the Class B counties are already doing it in the state of New Mexico. And we don't send the money back. What we do is make an extra copy for them and send it back to them. So this will help us very much.

In regard to what happens when we become a Class A county, because right now the law says that Class A counties cannot charge more than \$2, the Class B counties that will become Class A counties have introduced a resolution, we hope to have it carried in the legislature which says that Class B counties, with a population of less than 200,000 should be able to continue with the \$3 and we're very confident that will go through.

CHAIRMAN GRINÉ: Thank you, Becky. Any questions of Becky?

COMMISSIONER TRUJILLO: Mr. Chairman, when is Santa Fe County going to be a Category A county? Is that --

MS. BUSTAMANTE: Mr. Chairman, Commissioner Trujillo, we should have been and we missed it by 200 people or so, in the 1990 census. We will become one after Congress does the 2000 census which should be by 2001, effective January 1, 2001.

Commissioner Trujillo moved to approve Resolution No. 1999-127 and Commissioner Anaya seconded. The motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this vote.]

IX, C. FINANCE DEPARTMENT

- 1. Request authorization to accept and award a professional services agreement to the highest qualified respondent, RFP #20-05, for the architectural design services for the Rio en Medio Community Center project**

KATHERINE MILLER (Finance Director): Mr. Chairman, Commissioners, the Finance Department and General Services request authorization to enter into an architectural design services agreement with Chord Architecture for the design of the Rio en Medio Phase 2 and Phase 3 project. That's for a \$14,785. We request your authorization on this agreement.

CHAIRMAN GRINÉ: Any questions of Katherine?

Commissioner Trujillo moved to authorize granting Chord Architecture RFP #20-05. Commissioner Anaya seconded and the motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this vote.]

- IX, C. 2. Request authorization to accept and award a professional services agreement to the highest qualified respondent, RFP #20-08, for the advertising services for Santa Fe County**

MS. MILLER: Mr. Chairman, Commissioners, the Finance Department and the Lodgers' Tax Advisory Board request authorization to enter into a contract for advertising services for the Lodgers' Tax. We issued an RFP, 20-08 and have two respondents, Rick Johnson and Company and Anderson/Ward Advertising. Both proposals were reviewed. Rick Johnson score the highest. We request authorization to enter into an agreement with them for advertising services for one year with options to renew for three additional years.

CHAIRMAN GRINÉ: Any questions of Katherine?

COMMISSIONER TRUJILLO: Just one question, Mr. Chairman. Do we have any demographics, any data as to what this expenditure's doing for Santa Fe County? Does the Lodgers' Tax committee have any information on what the benefit is? What the added value is with this expenditure?

MS. MILLER: Mr. Chairman, Commissioner Trujillo, yes, they actually do

measure the results of their advertising and I could get a specific report from them. Off the top of my head I don't know --

COMMISSIONER TRUJILLO: I'd like to see that please.

MS. MILLER: Okay. We'll get that information for you. They do provide that to us on a monthly and quarterly basis when they come to the Lodgers' Tax Advisory and report on their services so I'll be sure to get that report to all of you.

COMMISSIONER DURAN: Mr. Chairman, I have a question concerning the Lodgers' Tax. I'm wondering if there might be a way to have some of this Lodgers' Tax money go to other worthy causes. My understanding from our legal department is that it's specifically tied in to the promotion of economic development of the county or Lodgers' Tax. I'd like to see this \$240,000 go to our public schools. I'm wondering if we might be able to investigate how we can allocate or funnel that money to other projects other than just the promotion of tourism. Can you help answer that?

MS. MILLER: Mr. Chairman, Commissioner Duran, by statute, there are two funds, a facility fund and an advertising fund and the lodgers' tax collection which is now 4% -- we just increased that in the last change of the ordinance. It's 4%, 2% goes to one fund and 2% goes to the other. By statute, the first two percent that goes to the advertising fund does have to be spent on advertising. The other 2% can be spent on facilities and/or advertising and there are specific items that it can be spent on that's regulated by statute.

COMMISSIONER DURAN: Could you find out what law that is that requires that we do that? The reason I ask is that when I go out of town -- I'm sure all of you have experienced it too -- you pay 15, 20% lodgers's tax in some cases. And if we're only charging 4% right now -- I think there might be a way of generating more money for worthy causes. One of the thoughts that I had was asking the governor to declare Santa Fe a disaster area for the schools, but we can't do that because they can't allocate monies just to Santa Fe County.

But if we can somehow find a way of generating our own money and try to alleviate the problems that are community is experiencing, I think that our community would be a better place to live. I think that we need to start dealing with that on a level that we have control over. It might require that we have to change the law of the lodgers' tax. But I'd rather see this \$240,000 put in our schools than to try and promote Santa Fe anymore. I think that for the time being we have other problems that need to be dealt with.

COMMISSIONER TRUJILLO: I think that's a good point because the lodgers' tax is paid by the users of the facilities so it's not a burden on the taxpayers of Santa Fe County. Somebody coming in from the outside would pay that tax and the County, Santa Fe County would benefit from those monies.

COMMISSIONER DURAN: And the other thing is that I don't think that charging -- it's 4% now, but if it's 10% that it's going to have any significance on the number of people that are coming to Santa Fe. They're going to come here whether they're

paying 4% or 10% on lodgers' tax. It provides such an added benefit to our community. It's just a dream right now, but we're going to leave that up to you to help make it a reality.

MS. MILLER: Mr. Chairman, Commissioner Duran, the statute does limit it right now to 5%. But I'll get you a copy of the statute and what it does authorize expenditure on as it currently is stated and give you any other information that I can.

COMMISSIONER DURAN: Okay. Thanks.

CHAIRMAN GRINÉ: Thank you, Katherine. Any other questions of Katherine? Okay, what is the wishes of the Board?

Commissioner Duran moved to award RFP #20-08 to Rick Johnson & Company. Commissioner Gonzales seconded and the motion passed by unanimous voice vote.

IX. D. GENERAL SERVICES DEPARTMENT

1. Review of the draft infrastructure of Capital Improvements Plan (ICIP) for the fiscal year 2000

DAVID MADRID (CIP Manager): Mr. Chairman, members of the Commission, at this time I would like to distribute the draft fiscal year 2000 Infrastructure Capital Improvements Plan for the County and I'd like to tell you a little bit about it if I could. Mr. Chairman, members of the Commission, on the first page of the ICIP you will find a memo that discusses the process for the Infrastructure Capital Improvements Plan. What we typically do is, the General Services Department will take last year's Capital Improvements Plan. We'll send it to each department within the County that participates in the ICIP and we'll ask them to update, delete, give us a status report on each one of the projects, which ones are completed, which ones are ongoing, and any new projects that they'd like to see in there.

One of the things that did happen was the Department of Finance and Administration updated the software which is used to generate this, so there are still some kinks that we are working out with the Department of Finance and Administration. You will see that when you go through this document. This is by no means a final document. The final document will be prepared for you and will be submitted for approval at the end of October and at that time a printed version and an electronic version will be submitted to the Department of Finance and Administration so that they can include it with all the other ICIP projects throughout the state.

I would ask you to please look at this very carefully and let us know if there are any projects that you would like us to include, any comments that you have on any of the projects that are in there, or if there's any questions, please feel free to call me. I'll be happy to answer any of your questions. And if any of your constituents would like to see

a project included in there, please direct them towards me, and I'll get as much information as possible and make sure that it is included in here. And I'm continuing to work with the Department of Finance and Administration to get the bugs out of their software on this document. At this time, if there's any questions, I'd be happy to answer them.

CHAIRMAN GRINÉ: Any questions of David?

COMMISSIONER TRUJILLO: David, this is a list of all project including road projects that Santa Fe County will submit to the state legislature?

MR. MADRID: Mr. Chairman, Commissioner Trujillo, yes it is and this parallels, essentially, what the Road Advisory Committee is working on and I worked directly on this with Robert Martinez and he double-checked his figures and what he's submitting. So yes, it essentially is the same document.

COMMISSIONER TRUJILLO: I would conjecture that the projects here are the same as last year. So a lot the projects last year were not funded, were submitted, were approved by the legislature but vetoed by the governor, so a lot of those projects are still needed in the community. So I would say that those projects remain in this packet?

CHAIRMAN GRINÉ: Commissioner Trujillo, I don't think the governor vetoed much at all. Right, Virginia?

COMMISSIONER TRUJILLO: I know that he vetoed some projects in my district. Water crossings in the Cuyamungue, water crossing in Pojoaque.

ROBERT MARTINEZ (Assistant Public Works Director): Mr. Chairman, Commissioner Trujillo, the Road Advisory road improvement list, the way it works is projects that are not funded remain on the priority list for the following year. So, yes, those projects that were on there last year that weren't funded will be on the priority list.

COMMISSIONER TRUJILLO: Okay. Thank you, Robert.

CHAIRMAN GRINÉ: I've got one question first. Virginia, I'm unaware that the governor vetoed any of our projects.

VIRGINIA VIGIL (Policy Analyst): Mr. Chairman, Commissioners, the capital outlay request had, I believe it was \$30,000 appropriated for La Puebla and by the time the special session went into session there was some confusion about that particular project being appropriated twice so there were \$15,000 that were cut in the special session final capital outlay appropriation but that was the only project that received second consideration for appropriation.

CHAIRMAN GRINÉ: I see. Okay.

COMMISSIONER DURAN: Mr. Chairman, David, in reference to Commissioner Trujillo's question, this ICIP plan, although it doesn't mention the roads, the roads are included in it?

MR. MADRID: Yes, if you look in, I believe it's Section 2, that is the section for the Public Works Department.

COMMISSIONER DURAN: Oh, okay.

MR. MADRID: And at the very end of Section 2 there's a list of all the

project titles and their reference to County Road 42, 54, 62, 70, Cowboy Lane, Frost Road -

COMMISSIONER DURAN: Excuse me. Are these listed based on its priority to the County? Is there a priority level?

MR. MADRID: Mr. Chairman, Commissioner Duran, if you'll look on the last page of each section, you'll see the priority is 2000-00. The priorities have not been established. That will be done with the direction given by the County Manager and I'm still not sure exactly how they will be prioritized by that will be in the final version of the document, which you will see at the end of October. But the priorities are still all at zero.

COMMISSIONER DURAN: And who puts this priority? Who gives it a priority?

MR. MADRID: Mr. Chairman, Commissioner Duran, the Department of Finance and Administration requests that we prioritize those projects. They don't give us any guidelines. So in the past I believe Domingo Sanchez did all the prioritization himself. David Wolf did it in coordination with his departments, so essentially that's up to us. However the County Manager would like to approach that.

COMMISSIONER DURAN: I'm wondering if it's possible for the Commission -- I have a question. Two questions to the Commission. For me, I think I'd like to be involved in how these things are prioritized and I'm wondering if the Commission as a whole feels the same way.

MR. MARTINEZ: Mr. Chairman, Commissioner Duran, I'd like to add the Road Advisory Committee, they do prioritize roads, say one through twelve if say for example we send twelve projects. They do prioritize one through twelve. In our packet, what we do is we designate what Commission district they're in, what senate and representative areas they're in. Basically, they don't -- the legislative body does not go by our priority list. They have their own priorities and they try to get funding for the projects that are within their district. So if there's a project at the bottom of our priority list, if that representative feels that's a priority on his agenda, he will make that his personal priority.

COMMISSIONER DURAN: So it's pretty much based on where it's located?

CHAIRMAN GRINÉ: It can because also constituents go directly to their senators and representatives, Commissioner Duran, and sometimes the County doesn't even have any input or say-so. And then others, like I tell you, if they're on the priority list like the Road Advisory recommends, sometimes that is not followed because maybe constituents show up on those public hearings and some things get changed around. I think staff has stayed on top of things because I've seen them in the past three years, particularly this past year. They pretty much were listening to County staff, according to our request and pretty much I would say they stayed in line this past year.

COMMISSIONER DURAN: I'm not as concerned about the roads as maybe some of the other projects that are mentioned on this, like the County administration building, the youth agricultural activities facility, the detox center, although that's taken care

of in our CDBG grant. I don't know, it just seemed to me that in our projects that we as a Commission should have some idea of what has some priority in the goals and visions that this Commission has.

VINCENT OJINAGA (General Services Director): Mr. Chairman, Commissioners, a couple weeks, myself, Virginia, David and Katherine attended a meeting with the state legislature. Their direction this year is a little different from last year. Instead of seeing multiple projects, they would like for us to submit the County's highest priorities. The direction I received from the County Manager is that we set criteria up to ask some of those questions. Example would be is do we have land already purchased for a road widening or for a new project for a new community center or administration facility.

Do we have the land in place and secured? Do we have utilities in place? Do we have matching funds? Those are some of the questions that we're asking each department head to address. This way, when we get that information back, we will sit down again with the County Manager and it gives him an idea of the prioritization of those particular projects. Then we will invite our legislative delegation as we do, as we've done for the last four years, to give them an idea of the projects that we have that are actually ripe or ready to go. Because that was the direction of that committee a couple weeks ago.

MR. MONTROYA: Mr. Chairman, additionally, I want to point out to the members of the Commission, that we will be convening a retreat that will require the senior staff to be there as well as an invitation to the Board of County Commissioners. One of the agenda items that we'd certainly like to cover would be the projects that are priority to the Board of County Commissioners and that would be the time where we would have quality time to look at projects that are important to the Board and then we would move to make certain that they have the appropriate prioritization at that point.

The only problem that we're having at this point, Mr. Chairman, is the definitive date of the retreat has not been ascertained as of yet, but we are working on that diligently. But aside from the criteria that I've asked Mr. Ojinaga to put together, we are also expecting to discuss in detail these projects with the Board of County Commissioners.

MS. VIGIL: Mr. Chairman, Commissioner Duran, just to underscore our Manager's statements, this prioritization list will not be presented to the legislature without your review and approval. So that once we go through the criteria process and our own prioritization, based on the direction that we've gotten from the interim Taxation and Revenue committee, our County Manager and our new criteria, we will present the prioritization of staff, based on their rationale, and that criteria to you. You will have the opportunity to review that and reprioritize and direct us. You are the ultimate authority on that prioritization.

COMMISSIONER DURAN: Mr. Chairman, my only concern is that each one of us, representing the districts that we represent have an opportunity to bring forward projects that are beneficial to those areas that we represent.

CHAIRMAN GRINÉ: Any further questions? That was just a presentation,

David? No action?

MR. MADRID: No action at this time.

CHAIRMAN GRINÉ: Thank you, David. Thank you, staff.

IX. F. LAND USE DEPARTMENT

1. **Request authorization to publish title and general summary of an ordinance to amend Article VII, Section 6.6.2g of the County Land Development Code. The amendment would delete the existing prohibition on lots created after July 1, 1996**

ORALYNN GUERRERORTIZ (Subdivision Engineer): Good afternoon, gentlemen. In July of 1996 you adopted the Land Development Code modifications that resulted in no lots created after July 1, 1996 being allowed to have swimming pools. What's before you today is a request to publish that would allow the ordinance to be modified either one of two ways and we're looking for direction. One, just a blanket allowance of swimming pools period. Two, allowing swimming pools that have covers and also have a filtration system that doesn't use a backwash. Because some of those backwash systems waste gallons at a pop.

Also embedded in this are minor changes that staff recommended that are pretty insignificant with regards to clarifying that the restrictions apply to all residential development, not just subdivisions, that water budgets should be based on full build-out, and conservation covenants have to be complied with if you want to get any further building permits or permits from our office. I stand for any questions.

COMMISSIONER ANAYA: Mr. Chairman, since this is merely a matter to publish title for public hearing, I move for approval.

CHAIRMAN GRINÉ: This is just for public hearing, right? Not for asking for if it ever does get amended. That was my understanding for this noticing.

COMMISSIONER ANAYA: Just for authorization to publish title to go into public hearing.

MS. GUERRERORTIZ: That's correct. Then we go on to the CDRC for recommendation and back to you all for two public hearings.

COMMISSIONER ANAYA: I so move.

COMMISSIONER DURAN: Second for discussion.

CHAIRMAN GRINÉ: I have a motion to approve it. Second for discussion by Commissioner Duran.

COMMISSIONER DURAN: And the reason that I brought this forward, just so that you all know, is that it was my observation that there were some people out there, and not many, that wanted to have a swimming pool, that were in their water budget allowed .5 acre-feet of water. I think that it's pretty tough to assume that someone with a quarter

acre-foot of water rights would have enough water in their budget to have a swimming pool. I think Oralynn you told me that it was .33 would be the minimum?

MS. GUERRERORTIZ: We're recommending .12 for additional, just related to a swimming pool.

COMMISSIONER DURAN: An additional .12?

MS. GUERRERORTIZ: Yes, on top of the .25 for a dwelling unit.

COMMISSIONER DURAN: And the only reason I wanted this to come up for discussion was that I thought that if someone had .5 acre-feet and now it's .3 or whatever, that if they could prove within their water budget that they had adequate water for the swimming pool, that it might be reasonable to allow them to have one. I just wanted to have some discussion and further clarification on that.

COMMISSIONER GONZALES: Mr. Chairman, just for discussion. I would support the motion, because I think it's healthy to allow public debate to occur, especially on public policy issues on this, but I need to say now that I'll keep an open mind but I think as a matter of public policy I've got a lot of concern about moving to a form of bureaucracy basically trying to prove who has what as far as water rights go to determine whether you get a wet pool or not. It's going to create, I think a bureaucratic nightmare in our Land Use Department and I think, as far as I'm concerned, at this point where we're trying to determine the long term sustainability of water supply in our county, encouraging conservation, it just doesn't seem like in my mind it suits well with good public policy when it comes to future water planning.

I think this is an important process to go through and I'm going to keep an open mind so that maybe someone out there can convince me that it would be good public policy to go this route. But I've got a lot of concerns about this issue coming forward, but I think it's healthy to do anyway.

COMMISSIONER ANAYA: Mr. Chairman, Commissioner Gonzales, I'm sure your concerns will surface when it comes into public hearing. Call for the question, Mr. Chairman.

CHAIRMAN GRINÉ: Any further discussion? All those in favor signify by saying "aye." [Unanimous] Ayes have it.

IX. F. 2. Request authorization to publish title and general summary of an ordinance amending Ordinance No. 1998-15 to delete service lines

DENICE BROWN (County Attorney): Mr. Chairman, Commissioners, I ask that we move this item to after executive session. We will be discussing the PNM litigation and some of the discussion about that litigation could impact the direction you want to give staff on this matter. So if we could move it to after executive session.

CHAIRMAN GRINÉ: That's fine. Any problem with that, Commissioner?

COMMISSIONER TRUJILLO: Do we have anything in our packet regarding this matter?

MS. BROWN: No, Mr. Chairman, Commissioner Trujillo. No.

CHAIRMAN GRINÉ: So if there's no problem we'll move it until after executive session. Is that okay?

COMMISSIONER ANAYA: That's fine.

IX. G. PUBLIC WORKS DEPARTMENT

- 1. Request authorization to enter into amendment number one to the co-op severance tax agreement with the New Mexico State Highway and Transportation Department for the County Road 54 project**

MR. MARTINEZ: Mr. Chairman, Commissioners, in 1998 the County received \$50,000 for paving improvements to County Road 54. That has been completed. In 1999, the County received an additional \$100,000 for additional paving and drainage to County Road 54. So this amendment is just to include the additional \$100,000 that has been allocated. Public Works requests approval and execution of the project funding amendment for the project of County Road 54.

Commissioner Trujillo moved to approve authorization and Commissioner Anaya seconded. The motion passed by unanimous voice vote. [Commissioner Duran and Commissioner Gonzales were not present for this vote.]

- IX. G. 2. Request authorization to enter into a signal and lighting agreement with the New Mexico State Highway and Transportation for the intersection of New Mexico 599 and Airport Road**

MR. MARTINEZ: Mr. Chairman, Commissioners, the New Mexico State Highway and Transportation Department is letting a contract for the construction of highway projects on Airport Road. As part of the project, the Highway Department wants to enter into a lighting agreement with Santa Fe County for the intersection of State Road 599 and Airport Road. Public Works Department recommends the approval of the signal and lighting agreement with the Highway Department for the Airport Road project.

Commissioner Anaya moved to approve the agreement with the Highway Department. Commissioner Trujillo seconded and the motion passed by unanimous voice vote. [Commissioner Duran and Commissioner Gonzales were not present for this vote.]

IX. H. MATTERS FROM THE COUNTY MANAGER

MR. MONTROYA: Mr. Chairman, the first item I had for you has already been discussed. That relates to the development of a retreat and we have an agenda, a draft agenda for you that we will disseminate to you. As I stated earlier, we've not determined a date yet because of the fact that some of the key players need to be consulted again on a definitive date for that retreat, but we will be back in contact with you on that issue shortly.

The second item, Mr. Chairman, was earlier action taken by the Board. I want to thank the Board for adopting the joint services agreements between the County and the City of Santa Fe for various types of services. The one thing I did want to point out to the Board of County Commissioners is that these agreements which cover the areas of senior services, para-transit, parking and services related to the Extraterritorial Zoning Authority administration, and others, have a three-year term.

Mr. Chairman, it's taken a very long time to negotiate these contracts and they were originally proposed for a two-year period, 1999, fiscal year 2000 and just this morning we were able to talk to Dr. Meir and other representatives from the City and extend them out to 2001. So those agreements will cover a three-year period. And I think that's beneficial for both the County and the City and I think it's of mutual benefit and I wanted to mention that particularly. Other than that, Mr. Chairman, I have no other matters and I'll stand for any questions from the Board.

CHAIRMAN GRINÉ: Thank you, Sam for that, because that thing has been - bears us down completely when things are locked down. Any questions of Sam?

COMMISSIONER TRUJILLO: No questions, Mr. Chairman.

IX. I. MATTERS OF PUBLIC CONCERN - NON-ACTION ITEMS

CHAIRMAN GRINÉ: Anybody like to address the Commission, come forward.

CAROLYN SIGSTEDT: I just wanted to state my position early on --my name is Carolyn Sigstedt. I'm a resident of Santa Fe. I kind of agree with Commissioner Gonzales regarding the swimming pool ordinance. I realize it's an emotional issue and it's not the problem but it does send a message. Sometimes I think it's not the letter of the law that's so important, but the spirit of the law. I think if we open up -- turn around the ordinance that was put in place in 1996, we're basically sending a message to the people that is negative in two ways. One, ecologically certainly, and two, economically. So I just wanted to state my position on that.

Secondly, I know that you're all looking for a location for the judicial complex and you're considering the Seville Apartments. I just wonder if you have ever looked into the possibility of the Federal Building where the Post Office is. A lot of the City offices will

be moving out of that building when the City moves on to St. Vincent's. My understanding is that the Post Office is only interested in mail boxes and a small store. And so most of their operation could be moved somewhere else, or perhaps even a trade of locations. the present judicial complex traded for the Federal Building.

I just think it's a neat concept because you have the Federal Courthouse on the same block to your right and to have the County Courthouse in that same block down the road I think would be magnificent. There's plenty of parking there as well.

CHAIRMAN GRINÉ: Carolyn, I don't see the City acquiring the St. Vincent's at all. I just met with Dr. Maes this morning and they say that that is a nightmare if the City even tries to take it up. And this was coming from a state legislator.

MS. SIGSTEDT: Well, I actually can't speak for that. The last I had heard that they were moving forward on that. So that was my understanding, but I'm not privy to the most recent information on that. I do know the building has some problems.

CHAIRMAN GRINÉ: Thank you, Carolyn. Anybody else from the audience that would like to address the Commission?

IX. J. MATTERS FROM THE COMMISSION

COMMISSIONER TRUJILLO: Mr. Chairman, there's a situation that's of dire concern in the area of Pinon Hills, San Isidro Crossing and West Alameda. I understand that's a pretty dangerous intersection. Robert, can we look into possibly doing a three-way stop at that intersection going east and west and one going north at the intersection of San Isidro and West Alameda by the radio tower there. I understand there's been some close misses there and it's pretty dangerous.

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, yes, we can explore it. One thing is that there are some trees that are not on the County right-of-way but are within private property so it does impede some sight distance for people that are turning west off of County Road 66-A. But we can explore it.

COMMISSIONER TRUJILLO: Would you please? And there's a another situation in the village of Agua Fria. I got a call from Marcos Gonzales. There's been a few accidents there. I can't recall what the name of the intersection is. Maybe you're familiar with it, but I can give you a call and let you know which one it is.

MR. MARTINEZ: Okay.

COMMISSIONER TRUJILLO: And regarding solid waste, again in the southwest part of the county, the residents of Pinon Hills are having to pay to dispose of their solid waste at the regional facility or drive many miles to Tesuque to get in for free. They're not reaping the benefits of the 24 punches that everybody else is enjoying getting them for free. I think the bureaucratic answer is that you can get it for free if you go to Tesuque or you can pay if you go to the regional facility. I think we need to get more

creative and we need to afford these residents the same benefit that everybody else is getting and that is 24 punches of free solid waste disposal.

It's not fair that these people, because they gave up the transfer station in that area, that they're not enjoying the same benefits that everybody else is. Pinon Hills is the only area in Santa Fe County that has to pay at the regional facility for disposal. They don't get the 24 punches.

CHAIRMAN GRINÉ: I think the only way that's going to happen is if open up another transfer station in a nearby area, right?

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, the La Cienega transfer station is around the neighborhood of five miles away from Caja del Rio. So they have the opportunity to visit the La Cienega transfer station also.

COMMISSIONER TRUJILLO: Five miles, it's like somebody from El Rancho having to go to Tesuque to dispose of trash, to dispose of solid waste. It's not convenient for them. Everybody else is getting the convenience within close proximity. These people are not. Maybe we can do something with the regional facility so that they will admit these people free of charge.

CHAIRMAN GRINÉ: I don't see that happening.

COMMISSIONER TRUJILLO: We need to get creative. We need to do something. This is the only area in Santa Fe County that is not enjoying the same benefits that everybody else is. We need to do something.

MR. MARTINEZ: We will look at this, Commissioner Trujillo.

COMMISSIONER TRUJILLO: Thank you.

CHAIRMAN GRINÉ: Thank you, Robert. Any other concerns from the Commissioners?

COMMISSIONER DURAN: Mr. Chairman, I was wondering, I just forgot something I was going to bring up. If I remember it later, can I bring it up later. I just had an elder moment.

IX. K. MATTERS FROM THE COUNTY ATTORNEY

1. Request authorization to publish title and general summary of an ordinance prohibiting the use of engine retarders on State Road 599 from US Highway 285 to Interstate 25, US Highway 285 in the vicinity of State Route 503/Nambe intersection and from the intersection with Interstate 25 to the intersection with County Road 33 on US Highway 84/285 from the north entrance of the Santa Fe Opera to the north Tesuque interchange, and on State Road 344 from milepost 16 to milepost 17; repealing emergency ordinances 1999-8 and 1999-9

CHRIS GRAESER (Assistant County Attorney): Thank you, Mr. Chairman. Now that you've read that, you've pretty much done my work for me.

COMMISSIONER ANAYA: Mr. Chairman, again to avoid redundancy and it's merely going out to publish, to public hearing, I move for approval.

CHAIRMAN GRINÉ: Got a motion to approve it. Do I have a second?

COMMISSIONER TRUJILLO: Second.

CHAIRMAN GRINÉ: Second for discussion. Any comments you want to add on, Chris?

MR. GRAESER: No, all what this does is it adds all of 599 to what you already approved before and sets it up for public hearing and notice.

CHAIRMAN GRINÉ: Okay, any further discussion? All those in favor signify by saying "aye." [Unanimous. Commissioner Gonzales was not present for this vote.]

Ayes have it.

X. PUBLIC HEARINGS

A. Land Use Department

1. Request consideration of amendments to the Santa Fe County Growth Management Plan, Part II, submitted at the public hearing of September 14, 1999

COMMISSIONER TRUJILLO: Move for approval.

COMMISSIONER DURAN: Second.

CHAIRMAN GRINÉ: I've got a motion for approval from Commissioner Trujillo. Second by Commissioner Duran. Is that correct?

COMMISSIONER DURAN: Shouldn't there be some public comment?

CHAIRMAN GRINÉ: All right. We'll get public comment. Jack?

JACK KOLKMEYER (Planning Director): Mr. Chairman, I like that spirit.

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That's good.

COMMISSIONER ANAYA: This could have been done last meeting.

MR. KOLKMEYER: The item before you today is to have one final public hearing on a couple of amendments that still continue from the August 10 meeting that we had and that continued for a couple meetings. We'd like to though, just be real clear, unlike the beginning of the last meeting that we had. Just to make sure everybody knows where we're at and what the procedure is here today before we go into the public hearing and that is that today, we assume that this is the last of the public hearings that we have had scheduled going all the way back to June on the General Plan.

There won't be an adoption of anything that is discussed today by resolution because we had already passed that resolution. This is just for clarification. What we would like to do, however, just so that we're clear with the Board of County Commissioners is that we'll come back to you at the BCC meeting on October 26 with the whole entire General Plan completed. And we will present that to you as a resolution for you to adopt a resolution that will bring together all the parts of the General Plan that you have adopted up to this point and you will then readopt that with one resolution and we'd like to do that on the Consent Calendar on October 26.

I've consulted with the County Attorney on this issue and she assured me that would be a reasonable way to go. So in other words, today was the last public hearing and then we'll come back to you with a resolution on the Consent Calendar.

CHAIRMAN GRINÉ: Any questions?

COMMISSIONER DURAN: Mr. Chairman, Jack, I have a question. Of the amendments that were submitted at the last meeting, your department has had a chance to review those and you had no problems with those?

MR. KOLKMEYER: Judy's going to go over those with you just before the public hearing to make sure that that's communicated to you that we've gone over them. We'll give you our opinion and open up for public hearing. Yes we have gone over them.

COMMISSIONER DURAN: And you're understanding is that they don't amend or alter the intent of the section of the plan at all, significantly?

MR. KOLKMEYER: Not the way that we have the memo written, but Judy will go over that with you in detail.

COMMISSIONER ANAYA: The point was these amendments were merely matters of clarification of language within the changes that we had already adopted. Is that correct?

MR. KOLKMEYER: Yes, Commissioner. That's correct. That's why we don't have to go back and do it as a resolution again.

COMMISSIONER ANAYA: And Carolyn out in the audience was the one that put a stop to the vote earlier. You guys remember. Javier, you weren't here for that one. But anyway, that's merely what these amendments are.

MR. KOLKMEYER: That's correct.

1702154

COMMISSIONER ANAYA: I guess my question now is have those concerns been answered to the public right now. If the public has any concerns, let's go into public hearing.

MR. KOLKMEYER: Okay, Judy would like to go over exactly what it that we're talking about first and then we'll go into public hearing.

COMMISSIONER ANAYA: That's fair.

JUDY MCGOWAN (Planner): Mr. Chairman, Commissioners, you have a very brief memo, and as you recall from the last meeting there were a number of pages of potential amendments that were submitted to you and then the actual request for amendments were done verbally in the public hearing and it got quite confusing. So that you forwarded those to come back to this meeting in particular when it was a little clearer. So we got the draft of the minutes from September 14 and read them to make sure that what we presented to you as amendments was exactly what was proposed in that public hearing and that's the memo you have here.

And as you will note on the first page of attachments, the September 28 discussion amendments that the first section of clarifications that were read into the record by Karl Sommer were not requests for amendments. He merely wanted it on the record what his clarifications were and acknowledgement from staff and from the Commission that those were correct interpretations. And I believe that the minutes of September 14 do reflect that acknowledgement. So we have not proposed those as amendments.

There were in addition a couple of amendments that were proposed by Rhonda King. The first one is on the bottom of that page. Once again, in the Estancia Basin District, she asks that a potential location for a new community district be broadened so that it could be considered north of the new incorporated Edgewood as well as east of that and staff did agree that that could be done without changing the content of the plan.

The other amendment which she requested was on the tables for rural district, and it was just a clarification under Section I, Community Plans, in that table, a clarification that those community plans apply to contemporary villages -- contemporary communities as well as traditional communities. So that is drafted in here also.

I attached also the actual pages that were submitted by Rhonda King and Karl Sommer at that public hearing but did note in the minutes, they felt that a number of these amendments that they had proposed had already been taken care of previously by the Commission.

CHAIRMAN GRINÉ: Any questions of Judy? If not, what are the wishes of the Board?

COMMISSIONER ANAYA: Now we need to go into public hearing.

CHAIRMAN GRINÉ: Oh, I'm sorry. That's right. It is a public hearing. Anybody in the audience like to address this issue?

1702155

Commissioner Duran moved to approve the amendments to the Growth Management Plan. Commissioner Trujillo seconded.

COMMISSIONER GONZALES: Discussion. So, Judy, what you basically stated was the issues that Rhonda King and Karl Sommer brought forward last meeting have been addressed already. They feel comfortable with the language. Are they still requesting the same changes that they presented?

MS. MCGOWAN: Karl was not requesting changes. He asked for acknowledgement in the minutes. So he was just reading those clarifications into the record to make sure that there was an understanding on them. Rhonda did ask for two amendments and those are shown on the bottom of page one and then on page 2 attached to your memo.

CHAIRMAN GRINÉ: So everything is there as we were going to try to proceed forward last time. So everything is there now.

COMMISSIONER GONZALES: So now we're adopting the amendments.

COMMISSIONER ANAYA: The amendments. The clarification of amendments.

COMMISSIONER GONZALES: And the amendments, that were presented by Rhonda?

CHAIRMAN GRINÉ: Right.

COMMISSIONER ANAYA: What happened, Mr. Chairman, Commissioner Gonzales, you weren't here for that meeting but Carolyn out in the audience spotted the concern and there was already general consensus in the audience from that particular area as far as the Edgewood area, the Estancia Basin area and my motion was defeated or tabled to address these concerns and it was Carolyn's concerns out in the audience and hope that everything's been clarified for her and she was the -- it has been clarified for you, right, Carolyn?

I do think that these are concessions that were made.

COMMISSIONER ANAYA: Actually my question was are you happy with the -- okay.

CHAIRMAN GRINÉ: Let's go on. Any further discussion? If not, all those in favor signify by saying "aye." [Unanimous] Ayes have it.

- X. A. 2. Request authorization to proceed with negotiations for initial phase I projects for the Wildlife, Mountains, Trails and Historic Places program. These recommendations are to satisfy the County's necessity to spend ten percent of the general obligation bond fund**

LESLI ELLIS (Planner): Good afternoon, Commissioners. We are very pleased to be here today to come forward with our first initial recommendations from the

committee of COLTPAC. You know who I am, I suppose, Lesli Ellis. Alina Bokde is also presenting and I'll introduce all the committee members to you in a moment.

As you know, we are trying to make recommendations to satisfy the need to spend some of the funds for the general obligation bond. This general obligation bond voters passed last year is to preserve historical areas, natural areas, mountain foothills, arroyos, river parkways, sacred sites, trails, desert habitats, neighborhood parks and playfields. So the reason that we're here today is to make an initial set of recommendations. COLTPAC will be making their initial, preliminary recommendations so that we can proceed with negotiations to spend 10% of the bonds to avoid paying arbitrage taxes.

COLTPAC will come forward with their preliminary recommendations to assist the County with meeting this obligations. They're hoping that the Commissioners will approve authorization to proceed with those negotiations. There's also another public meeting this week tomorrow night to take the full set of recommendations out to the public and get more input on the projects and you have a table in your packet right after the yellow sheet toward the end of the packet and also in your packet just prior to that yellow sheet, about two pages before that is the table with the five recommendations that are coming forward today, so those are useful references.

COMMISSIONER TRUJILLO: Could you go over those? For the record, could you go over the five recommendations for today?

MS. ELLIS: Yes. And we'll get into that as we go through the presentation here so we'll do that in just a moment. Next slide please. So as you know there have been a number of people involved with this program including COLTPAC and the County staff and other members of the public. I'd like to introduce to you the COLTPAC members who are here today. I know they all wanted to be here and some of them have jobs that they couldn't leave today. There are four people here today.

Edward Archuleta is here and he's a representative from the city of Santa Fe. David Gold is here from the city's west side. Dale Lewis was unable to make it. He's from Stanley. Robert Romero from La Cienega was also unable to make it. Rita Loy Simmons is from Edgewood. She's not here today. Eduardo Vigil is here today. He's from La Puebla and Mary Louise Williams is also here today from Pojoaque and they will all be participating in this presentation.

And I'd like to just stress what a wonderful process it's been for us at staff to work with these folks and how much hard work and dedication they've put into this process and the committee really worked out to be a very regionally representative committee. There have also been a number of County staff involved in this and won't go through all of their names.

These committee members, as I mentioned, put in a great deal of time and we figured at a minimum they've put in at least 125 hours each and some of them have probably put in about three times that much time when you consider driving back and forth to meetings and spending time outside of meetings. But they did attend all the full COLTPAC meetings and

that's the committee of 30 for eight months. Sub-committee evaluation meetings, this group of seven has met for the last two months and they've done site visits to all of the projects and spoken with all of the applicants and the community groups that have been supporting the projects. And then they've also put in a great deal of outside time just reviewing project applications. So there's been a lot of work put in to it.

We've also done a number of meetings and public outreach attempts to get other members of the public involved with this project. We had a workshop in May. We've had meetings in June in August to invite the public to come participate. We had a meeting in Pojoaque last week and one in Edgewood this week and we'd like to follow up with more of those meetings in different areas of the County. And then also the COLTPAC members themselves have served as liaison or representative for their various communities that they work with. And as I mentioned, there's one more meeting tomorrow night.

Mary Louise Williams will present next.

MARY LOUISE WILLIAMS: Good afternoon. I'm Mary Louise Williams and I'm going to be talking about the criteria. But to begin with, I want to thank you for the opportunity actually to be a citizen in this process. A friend of mine who is a well known educator-lawyer once said that the office of citizen is the most important office in the United States or any democratic process and you know this very well being citizens yourself. But I want to point out, we've taken responsibility very seriously in trying to come up with the criteria that works well and is democratic in its treatment of these projects.

The first thing I want to point out is that one can think of the criteria as very much like a sifting process. We have criteria that sift these projects and to start with, the first screen, really, is the threshold criteria. There are five parts of the threshold criteria which simply have to be answered yes or no and any one of those then makes us look very suspiciously at the rest. There have been very few projects that did not pass that but the ones that had some questions sometimes we had to question whether it had a public benefit. But having gone through this wide-screened mesh, then the projects had to go through a very, very fine screen mesh called the general criteria.

Here is where we began to use actual quantitative scoring. The first things we considered were financial considerations, to maximize and leverage County assets. And we did this by looking at not only availability to reduce costs but if it was going to cost in terms of management. We also looked at community benefit. And that meant local communities and also how it benefitted the county at large. We looked very closely at these projects that had large community support and by that I mean projects that had citizens who had done their homework in trying to demonstrate the benefits to not only their community but to perhaps the county at large.

Then we looked at protection conservation resources criteria that included natural, cultural, historical and recreational. Aesthetics, we have one of the most beautiful counties in this state and we did not forget the scenic and aesthetic values and certainly, the cultural values. Then we looked at system enhancement of already existing planned systems of open

land, parks and trails, work that has been going on by dedicated city and county people for a long time in the general plans, as you well know.

Then we moved on to step three which is very specific criteria, where it's a very finely meshed projects that have gone through that process and then are looked at specifically in terms of cultural and historical, natural and recreation and trails. We began to look at these very, very specific things to determine if we were meeting the needs. After that very, very strenuous process we then put them in numerical order based on their quantitative rating. And the last thing is to once again revisit our vision statement, which you are acquainted with. The vision statement really looks at whether or not the County can afford that project based on what this bond issue produces and secondly, if it's fairly distributed within the county. We also wanted to make sure that the citizens up and down the county have been fairly represented in their recreational and open space needs.

EDWARD ARCHULETA: Chairman Griñé, Commissioners, my name is Edward Archuleta for the record. I'm going to be talking about the five projects that we're recommending today. Lesli mentioned that there's a table in your packet that has the five projects listed and how big they are in the amounts, the acreage that is included in the projects. The first one is La Cienega-La Cieneguilla petroglyphs and river. This project was the highest scoring project of all eighteen projects that we looked at. It received a score of 89%. There's tremendous community support on this one.

The project itself, they're submitting an application for 214 acres for an asking price of \$2.14 million. We're recommending that 151 acres out of the 214 be purchased for a price of \$1.51 million. The additional 63 acres is a separate tract from the rest of them, the BLM is interested in acquiring that and we're recommending that the BLM acquire that property. But this is an incredible property. It is adjacent to the petroglyphs in Cieneguilla. There is some Spanish colonial ruins in the middle of it, and the old Pueblo of Cieneguilla is adjacent to it also. The Santa Fe River also runs through the property.

The next project is the Cerrillos Hills Park. This project too had tremendous community support. It was the second highest scoring project. It received an 83% rating. They submitted a project of 1,100 acres, asking price was \$1.145 million. Since they submitted this project they completed an appraisal of it and the price has actually gone down. We're recommending that the County spend \$935,000 for the 1,100 acres. The Cerrillos Hills includes a historic mining district with I believe something like 400 old, abandoned mines including the oldest mine in North America is up there. There's plenty of recreational opportunities including especially trails. We hiked quite a few of the trails when we were up there. It also provides for wildlife protection.

The next project we're recommending is the Wildlife West Nature Park in Edgewood. This project also scored very high. It received 71%. It also has community support from the folks in Edgewood. The property that we're looking at is 30 acres which is right next door to the 120 acre wildlife park. What they want to do is use the 30 acres as a buffer from development for the park. The 30 acres, they're asking \$1.11 million and we're

recommending \$1.11 million on this on as well.

COMMISSIONER DURAN: Excuse me, Edward. The assumption is the property will sell for \$.85 a square foot? Does property out there sell by the square foot?

MR. ARCHULETA: I'm not sure how that -- Rita Loy Simmons who's a realtor from Edgewood is the one who was doing the research on this and unfortunately she's not here but she did say that \$.85/square foot was a good price for the land in Edgewood.

COMMISSIONER DURAN: And you believed that? Do we have an appraisal on it?

MR. ARCHULETA: We do not have an appraisal on it yet I believe, but every property before they're purchased, once you make the recommendation or vote on proceeding with these projects, the first step it to have an appraisal done to make sure that we are getting a fair price.

COMMISSIONER DURAN: So \$.85 a square foot, that sells by the square foot? It's the first time I've heard of rural property selling by the square foot.

MR. ARCHULETA: It is zoned commercial. It has been zoned commercial. The zoning has been changed.

COMMISSIONER DURAN: Okay, thank you.

DAVID GOLD: I'm David Gold and I want to thank all of you for having given me the opportunity to serve on this committee and also I want to thank Lesli and Alina for having done an excellent job in guiding us. I'm going to talk about the last two projects. The first one is the trail system. It's actually a trails and recreation system. Our plan is to create a link between all of the COLTPAC properties that are acquired as well as state and federal properties. As a result of having presented this trail system to the Bureau of Land Management, they are now talking about taking thousands of acres out of disposal status and making it part of this system. So just by virtue of having a system like this, we'll be gaining thousands of acres that we wouldn't have to purchase.

What we're asking for here is the first link in that system. It's a prepurchase agreement. In COLTPAC we decided that if we're going to create a trails system it would be impossible to do it just little piece by little piece. So what we've recommended is that we contact all the property owners along a huge stretch and get prepurchase agreements from all of them then buy the segments simultaneously. If we do that then we can actually get a trail system. Otherwise we won't.

I should say that this concept was unanimously approved by the entire committee which was probably the only one. But anyway, the grants that are possible with this, it's possible to get four to one matches from TEA-21. The plan itself respects property rights. It's completely voluntary. What we do is we have a corridor that we would go down and then within that corridor contact property owners and make that everyone is on board with having the trail on their property. This is probably the most property right sensitive approach tried anywhere in the US right now. Rather than just draw a line on a map we're drawing a corridor. It makes a big difference.

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Finally, the other part of this is we would attempt to preserve historic trails where possible, also waterways so that we can -- for example if there's an arroyo that will fit in our corridor then we can go down the arroyo and buy a slightly wider swath. Typically the trail cost would be like \$400 to \$1000 a mile, so if we bought a slightly wider one and could preserve an arroyo, that's what we'd be doing.

Then we come to Pops. This project scored very low on the criteria. In fact there is a considerable controversy within COLTPAC whether to buy it at all. You should understand that all the projects that we've recommended, the ones that you've seen here as well as the ones that we'll be recommending later have satisfied -- have a tremendous depth. They all serve, have great cultural value, preserve natural resources, have tremendous recreational value. We've chosen jewels to incorporate in this system in general. Not even in general, every other piece of property.

This property is here, really because we felt that there was tremendous community support for it and to honor the fact that the property owner was willing to come to the table. So because of that we've recommended partial funding. We've recommended \$200,000. In talking with the applicant, they felt that they could get the rest of the money from other sources. I should also point out that all the other projects we presented today, and practically every other project that we have as tremendous matches. Cerrillos Hills, BLM and state land have 2,000 acres that would adjoin it. The La Cienega has -- it's a whole BLM property plus BLM is going to be buying more. Wildlife West, basically, by buying those 30 acres we're getting the use of the 160. The trail system has four to one matches.

So this is the only one that there was no matching so we've suggested that they get matching. I should point out that the amount of money that we have for this entire project, \$12 million, is a very small amount really, compared with what we have to do. In this committee, we have spent hours trying to figure out how to make this a viable system. We feel that if we spend any more than this that the ability to create a viable open space and trails system in Santa Fe County will be threatened and we would urge you to stick with its recommendation. And finally, I think Eduardo Vigil --

COMMISSIONER TRUJILLO: Mr. Chairman, David, just to clarify, you're saying that the Pop's property was nominal in meeting the criteria that was established by the committee?

MR. GOLD: As I recalled, it scored something like 32% or something like that. The other properties scored typically like 70 or higher. We have a very strict criteria by the way. We don't mess around. There's no property that will ever get 100.

COMMISSIONER TRUJILLO: I'm concerned, David, and my fellow Commissioners, that this is going to send the wrong precedent to the community because my constituents have some land in Nambe that they want to preserve for open space. Zero historical significance, zero traditional significance, but they want to preserve it for open space. If we're going to preserve land for open space, then we should change the criteria.

or go another route but the City of Santa Fe, if they want to participate in preserving this area for open space and open space only, then they should get involved, because this is what it is. It's open space and that's all it is.

COMMISSIONER DURAN: Mr. Chairman, I agree with Commissioner Trujillo. I think that -- I commend you on the projects that you have selected but I'm not convinced that preserving gateways and open space are far removed from the intent of why the bond was issued. And I think that by allowing or -- I think that the group giving Pop's location such a low priority it sounds to me that none of these properties that are gateways to our community will ever get a fair shake. Or given the consideration that they deserve.

COMMISSIONER ANAYA: Mr. Chairman, Commissioner Duran, I don't understand what you're getting at. Could you explain it?

COMMISSIONER DURAN: I guess what I'm saying is that I think that Pop's location obviously is one of the last undeveloped gateways into our community. If you're traveling north on I-25 you have Cerrillos Road, which has all sorts of commercial activity. It's not a pristine entryway into the community. You get to St. Francis, it's the same thing, and when you get to the Old Santa Fe Trail, it's a beautiful entryway into our community. So to have a gas station or a convenience center located on that site versus preserving its natural beauty, and your committee not giving it any real consideration, I don't agree with that.

MR. GOLD: If I might.

CHAIRMAN GRINÉ: Commissioner Gonzales. Just a minute, David.

COMMISSIONER GONZALES: Well, Commissioner Duran, I guess I misunderstood you the first time around. I think that what I saw was that the committee was going to set a threshold that was centered around cultural and historical issues, natural areas, recreation and trails, things that would have a community wide benefit and it seems to me, I guess I'm a little taken aback by the committee's recommendation here on the first shot out. It seems to me that there's a thousand places around this county that strong community support exists for preservation of a small amount of open space and there is large amounts of opportunity to preserve gateways.

This money wasn't approved, I don't think, solely to improve gateways. It was approved to protect cultural areas and to preserve open space as it can be used not only for recreation but for educational opportunities. And who is Pop's going to benefit? It's going to benefit a neighborhood that is opposed to a gas station going up in their community and I can understand that. But that went through the process and it got zoned and they're moving forward and all of a sudden, and David, my criticism is more towards the committee, and I don't mind saying that publicly.

When we count on the committee saying there's going to be a very strict set of criteria that's going to exist and we're going to follow this threshold, this presentation opens up the door for every other little piece of property out there that the neighborhoods want to preserve that will have the right to preserve if the Commission adopts what the committee

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is recommending. And all I would say to the Commissioners today, if we go along with the committee's recommendation to pursue the Pop's it doesn't stop there. And I would expect that the committee would go back. You're going to change your criteria so that neighborhoods have the same opportunity to have access to the money as the Pop's neighborhood's had.

That's only fair. It's only right. I know that they've had a lot of community support for it, but Commissioner Trujillo is right. We have the same issues in La Cienega where they want to preserve a little 12-acre piece that's right next to Las Lagunitas. This is going to open up that door for them to come forward and they should have the same opportunity. That's right. It's a gateway view. It's aesthetically pleasing. It shouldn't be for commercial. It's been designated commercial, but all I'm saying is I would rather have the debate whether we're going to change the criteria to allow for consideration of open space purchases prior to approving anything than for us to go and approve this and say well, it's just because it has a lot of community support, because I think that's the wrong way to go about this.

You told me, David in your committee that you guys were going to hold a strict threshold and that was a representation that I went forward and entrusted in your committee to bring forward and now you guys are asking us to approve a purchase that scored 37% by the community for at least a portion of the purchase. And that changes the whole dynamic of what the \$12 million is for. Then let's move it to assistance so we can provide matching funds for communities that want to buy a parcel of land and I won't be opposed to that if that's what the will is of what committees want to do to assist communities in providing parcels that are important to their neighborhoods, let's do it, but let's not go forward under the pretext that we're going to have a threshold and every other project is going to have to meet that threshold but by the way, if you have really strong community support and you can demonstrate that you have community support we'll go ahead and we'll throw it up in the ranking.

It's not about the money, it's about going against the criteria that you guys told us was going to be very strict and was going to be the basis by which you made recommendations to the Commission.

COMMISSIONER ANAYA: Mr. Chairman, Commissioner Gonzales, I'm not sure if you're for the Pop's convenience store purchase of Pop's property purchase or not but let me state this. The Pop's site is a matching type of effort, almost three to one something like that, and I'm not sure whether La Cienega proposal that you said has the same type of access to support from the public monetarily. My concern, Dave, is the Wildlife Center in Edgewood. That has the connotation of us bailing out somebody that's already an existing business, which it is a business, bailing them out with the taxpayers' money and the higher input of taxation, I think it's a property tax issue here, comes from resources like the high-end properties within the city itself. I think they're all obligated into this COLTPAC situation.

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So the disbursement of the money in my perspective is a little bit too much. I would think that the two-mile reservoir would probably be a more beneficial for the public as whole than the Wildlife Center in Edgewood, because that is protecting the watershed that serves the city of Santa Fe. That to me is a major concern. That would be a priority, the Two mile reservoir.

MR. KOLKMEYER: If I might add --

CHAIRMAN GRINÉ: Let David respond first. He still has the floor.

COMMISSIONER DURAN: While we responding to, I just want to say one thing please.

CHAIRMAN GRINÉ: Are you done, Commissioner Anaya?

COMMISSIONER ANAYA: No. I'm waiting.

CHAIRMAN GRINÉ: Let's get a response from David.

MR. GOLD: Okay. Should I respond to -- so far four different things have been said. I could respond in order.

CHAIRMAN GRINÉ: Respond to him first, David, and then we'll get back to Commissioner Gonzales.

MR. GOLD: The Wildlife West project, the way we viewed it is that -- I actually had a lot of the concerns you do. And I went through that also. But what they've done there, the Wildlife West Center will exist whether or not we buy this money. It's not in their master plan, but what it does is it does create, it enhances a natural environment. What they've done down there is they have a wetlands area that they've created and they've actually in a sense supplemented -- as a result of all the development and so forth, there's migratory patterns that have been affected and they're in fact supplementing that.

By buying this additional land the wildlife that goes down there will have a place to roost. So it's more than just sort of like a business thing, it actually is like a significant natural area that's being conserved. The other thing is that what we looked at in terms of like going by these properties, there's no money for maintenance in the bond issue. So we looked to see if anybody was going to maintain it, anybody be willing to deal with it.

Wildlife West has already shown that they do an incredible job. They get like Boy Scouts coming in, they get prisoners and stuff like that to help work on it. It's an incredibly organized effort and the community in Edgewood is very supportive.

COMMISSIONER ANAYA: That's good, but my concern there is matching funds and the Pop's convenience store purchase versus this is dollar for dollar. There is no matching funds.

MR. GOLD: Well, the thing is at Wildlife West, one thing they're a public organization. They're not private non-profit. They're dedicated to doing this and in their charter there's a whole bunch of stuff about that and so the thing is on a certain level, by buying one-fifth of it -- we're basically buying 1/5 of it and in a sense bringing the rest of it into the county system. And they've also agreed, in talking with the fellow that owns it that they would have a trail down the side of it and public trails to be part of our system and

even discussed having trail head access, that kind of thing. So it's not -- really it's not -- I can understand how you'd look at it that way, but if you go down there, the people there are, it really is very much a community project. It's not like a private enterprise.

COMMISSIONER ANAYA: What we're doing here is just exchanging criticism to a certain extent. That's a little too harsh.

MS. ELLIS: There's one other point whispered from the audience that part of that match is the existing 120 acres that are out there that are in essence serving an open space function. Also the assumption is probably the appraisal will come in higher than that price and we're hoping we can get the land for less than fair market value if the appraisal comes in higher.

In response also to Javier's comment, Commissioner Gonzales earlier, regarding the Pop site. That was definitely an easy choice by the committee. There was a lot of debate about this project and they did want to reward communities that had put in a tremendous amount of time on projects such as this and I think the decision that they made was that in a project, in a case where there was evidence of a tremendous amount of community support, even though it scored low on the criteria that that might be something that could come forward as a recommendation. But I can guarantee that this decision was not an easy one. So we trust that you'll make the final decision with regard to that project.

Alina is going to make a couple comments just to wrap up the conclusion and then we're open for all kinds of questions and answers, if that's okay.

COMMISSIONER DURAN: Mr. Chairman, I have one question. Lesli, I'm just a little confused because over the last several months I always asked you whether or not the committee was going to bring forward all the properties that had been considered and now you all are making a presentation on three projects.

CHAIRMAN GRIÑÉ: Five.

COMMISSIONER DURAN: Well, five projects, when we haven't even had an opportunity to look at the other ones that have been submitted. How can we actually make a decision that this is the appropriate one to use. I know that the committee was charged with coming up with the best recommendations and I'm not saying that -- and I understand that. But for me, to make an appropriate decision requires me to have all the information. And I don't know where -- who decided this but what I asked you to do was inform us.

ALINA BOKDE (Planner): Commissioner Duran, I can respond to that with Lesli's help. We had a request from the County Manager to come at an earlier time than was scheduled with some of the top projects based on the criteria to recommend to the Board so staff could then get some direction from the Board to proceed with negotiations and actually use 10% of the funding by the end of the year. The concern was that if we waited until the scheduled time, which is -- we're hoping for October 19, that there would not be enough time to actually have one of the negotiations complete by the end of the year to meet our obligation to spend 10% of the bond.

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COMMISSIONER DURAN: Maybe you could have memoed us about what properties have been presented.

MS. BOKDE: The list, you do have the list in your packet that does include all of the properties that were submitted to be reviewed for phase I of this program, and the ones that were before you today are the ones that are the top ones based on the criteria. We will come back to the Board in October with the other recommendations that the committee does have.

We do have a public meeting, so in my concluding remarks it might be a good lead in. We do have a public meeting scheduled for tomorrow night from seven to nine p.m. and all the Commissioners are invited where the committee will present the rest of the recommendations to the public and get their feedback on it, so that's going to happen tomorrow night.

At this point, what we are requesting, because we are working to meet our obligations of the 10%, to use 10% of the bond money by the end of the year, we are requesting that the Board give authorization to staff to begin negotiation with property owners and their representatives for the projects that are before you today.

And just one last thing, the committee has put in a tremendous amount of work. I think as shows today and the staff and the committee are very excited about what this open space program is going to be for Santa Fe County. Through this process we've worked with a number of other non-profit organizations and other counties involved in open space that have been, I guess really supportive and also kind of anxious to see where this program goes. So we're very excited about the possibility of this open space program. And I guess we'll just kind of continue on with questions then.

COMMISSIONER DURAN: Alina, why can't we just spend the 10% that we need. If we're obligated to spend 10% -- this is for Sam -- why can't we spend \$12 million and we're almost there with the La Cienega property, and then allow the Commission the opportunity to get involved in the process.

MR. MONTROYA: Mr. Chairman, Commissioner Duran, the request to staff working with the COLTPAC committee was exactly what Alina has laid out. We will have an arbitrage problem come December of 1999 if we have not spent approximately 10% of the \$12 million. Now, the issue was that in order for us to negotiate, prepare the contracts that are required on these real estate initiatives that we need some quality time to put those documents together and to actually procure. So what I had asked staff to do, working with the committee, was to identify the top two or three projects that had almost unanimous support from the committee members so that the Commissioners could look at those top three projects and make decisions about supporting them and authorizing us to negotiate purchase, if that is your desire.

Now, the projects that are before you here, Mr. Chairman, members of the Board, obviously exceed the 10% amount.

COMMISSIONER DURAN: By how much, Sam?

MR. MONTTOYA: I believe --

CHAIRMAN GRINÉ: By 30%.

MR. MONTTOYA: Yes, right exactly. By about 30%.

COMMISSIONER DURAN: So my question is, why can't we just spend the 10% and -- I understand what you just said but why can't we spend the 10% now and --

MR. MONTTOYA: Mr. Chairman, Commissioner Duran, that can happen. You can do that. The issue was to provide you enough information to make that preliminary decision that I think is very important that we engage before the deadline arrives and we are unable to meet it.

COMMISSIONER DURAN: So is the request to spend 30% of it? Is that what we're being asked to do today?

MS. ELLIS: Can I answer that one? Commissioner Duran, in answer to your question, the reason that there are more projects than the \$1.5 or \$1.2 million is in case, during the negotiations one of those projects shouldn't work out for whatever reason or wouldn't be complete in time for us to meet our deadline. So the idea was to give the County a little bit of flexibility so that we could begin negotiations and hopefully, one of those would come through by the deadline.

CHAIRMAN GRINÉ: Are you done Commissioner Duran?

COMMISSIONER ANAYA: One question along those lines, Mr. Chairman. Sam, why can't we allocate the whole \$12 million that's been voted on all at once?

MR. MONTTOYA: Mr. Chairman, Commissioner Anaya, I believe the committee's not quite done with their review of all of the other projects. They're being extremely thorough and they're spending quite a bit of time making sure that the communities and the projects all have an opportunity to share in that process which is a very commendable approach. They've put in hundreds of hours already and to their credit I think they are being very diligent on your behalf and I respect their due diligence, Mr. Chairman, and I believe, to answer the question, Commissioner, we wouldn't have enough time to get them all to you before the deadline and that's why I was hoping that with staff, we could identify maybe one or two projects to give us the ability to negotiate the \$1.5, \$1.2 million acquisition or thereabouts and do away with the arbitrage concern that I have.

COMMISSIONER ANAYA: Okay, but according to the draft though, phase 1, which totals out to \$7.2 million, which is already 3/4 of the G.O. bond that's been voted on, I guess going back to my question, why can we not allocate what they've already approved within that realm of phase 1?

MR. MONTTOYA: Phase 1 being --

COMMISSIONER ANAYA: Phase 1 being the draft that was presented to us by COLTPAC, preliminary project recommendations for September 29.

MS. ELLIS: The reason that all of those projects are not coming forward at this time is because of this public meeting tomorrow night, and a number of those projects are still unresolved at this time and the committee would like to get some more information,

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find out, really, the extent of the community support on various projects. Some of them are fairly clear-cut. They did score well on the criteria. For example, the Galisteo project

COMMISSIONER ANAYA: I think my question is being alluded here.

MS. ELLIS: I'm sorry. I may have misunderstood.

COMMISSIONER ANAYA: My question is, if these are already prioritized, why can we not allocate that funding before the December deadline?

CHAIRMAN GRINÉ: Commissioner Anaya, they've indicated that they're still going through this process, like the public hearing's tomorrow night, and not all these have actually been, I guess thoroughly worked out.

COMMISSIONER ANAYA: I realize that, Mr. Chairman. But the recommendations have already been presented to us as asked for.

MR. MONTOYA: Mr. Chairman, there is one part of the formula that I think is very important and might answer the question. The committee has also been extremely diligent about trying to find projects in every part of the county. At this point in time, we do not have a project in the northern part of the county and they are working seriously to try to work -- I think the property is behind the santuario, to protect that watershed in the back. However, there are some issues relative to the title and there's several people involved and they're still studying that thoroughly to make sure that it would be a good acquisition.

They are wanting to make certain that there is appropriate amounts of money to have a second phase to take in projects that would be representative of the entire county.

COMMISSIONER ANAYA: I understand the justification of this funding, but my question is that we still have the potential to vote on this in the entirety before December deadline.

CHAIRMAN GRINÉ: We're not going to do that.

MS. ELLIS: Yes, that's correct, Commissioner Anaya. October 19 --

CHAIRMAN GRINÉ: The 10%.

COMMISSIONER ANAYA: What's holding back the other 90%..

MR. MONTOYA: Mr. Chairman, October 19 is what our timetable is for the balance of the entire project.

COMMISSIONER ANAYA: I know but we have to spend -- I'm saying why can't we spend 100%. Everybody's saying decision and everything like that. We know we have to spend 10%.

CHAIRMAN GRINÉ: Why do you want to spend 100%?

COMMISSIONER ANAYA: Because it's already presented. The committee hearings, and we have till December --

CHAIRMAN GRINÉ: They're just sites that have been selected and not been worked out to see if they're really going to be available.

COMMISSIONER ANAYA: The potential is, okay the final question to finalize this. The potential still exists that we can spend the whole entire amount by

December 10.

CHAIRMAN GRINÉ: No. Ten percent only.

MR. MONTROYA: Mr. Chairman, you could make a decision on the project. Now, acquisition is a different question. Acquisition is what we're after in this particular initiative. But in terms of making decisions on all the projects, you can do that. Now, buying them before December '99 is not possible. But that is why we're trying to procure at least one or two properties before '99 so that we avoid the arbitrage problem and payment to the IRS for money unspent.

CHAIRMAN GRINÉ: I understand that.

COMMISSIONER ANAYA: We understand that too. But the potential still exists that we could spend the whole amount by December.

CHAIRMAN GRINÉ: That's fine. I'll give you a check on the tent. Commissioner Gonzales, did you want to continue your discussion?

COMMISSIONER GONZALES: Just to understand the process. If the Commission moves to proceed forward with allowing the pursuit of negotiations, the final price still needs to come back to the Commission, right?

MS. ELLIS: Yes, the way that I understand it, and Barbara may want to correct me on this, but the way I understand this process to work is that today we're requesting authorization to begin negotiations. We're not requesting any allocation of funding. We would come back with individual project resolutions for each individual project at the time that that negotiation has been complete.

COMMISSIONER GONZALES: And you're not requesting final action either so if any of us wanted to do continued due diligence on the properties and to review appraisals and everything --

MS. ELLIS: That's correct.

COMMISSIONER GONZALES: There's still time to allow us to do that for the properties.

MS. ELLIS: Yes. Yes. So the idea and the hope is to complete negotiations with at least one of these properties and meet our deadline by December so that we can avoid the tax penalties, but also you will see a full set of recommendations in October. October 19, which probably will total more than that amount and the same issue would happen then where we would request approval to begin negotiations on projects and then come back with individual resolutions for each project, once those negotiations have been undertaken.

CHAIRMAN GRINÉ: Are you done, Commissioner Gonzales?

COMMISSIONER GONZALES: Thank you, Mr. Chairman.

COMMISSIONER DURAN: Mr. Chairman, I would just like to ask -- it's obvious that the Commission is very interested in what happens with this project. I think that we all would like to get a little bit more involved in the process now that the committee has come up with their recommendations and have prioritized those recommendations. But

I only ask, Mr. Chairman, that Land Use Department can keep us apprised on a meeting by meeting basis as to what's going on. I can't attend every COLTPAC meeting and actually, I'm not sure that it would be appropriate for me to do that, but I would like to be apprised more as to what is going on in the meetings, what their recommendations are, what their thoughts are.

I really want to know more about it so that when I'm asked to make a decision on where to spend this money that I have a clear understanding of the philosophies behind it and where the next step is going to take place.

MS. ELLIS: Alina mae the comment, Commissioner Duran, that we'd be happy to provide minutes from all the meetings and we also do have more detailed information about all of the projects, the applications and all the materials. There's quite extensive materials on each one of these projects that you saw today. And also there have been suggestions that we go out and do site visits with the Commissioners and the committee or staff or whoever would be interested in participating in that.

COMMISSIONER DURAN: Mr. Chairman, I want you to make a presentation to us every meeting. That's what I would like.

MS. ELLIS: I'd be happy --

COMMISSIONER DURAN: I don't have to go out to every site, but I would like to know what's going on. Especially now that we're getting to the ninth hour on this thing.

CHAIRMAN GRINÉ: Any other questions of staff?

COMMISSIONER TRUJILLO: Mr. Chairman, yes. Going over the list here, I see that there's representation from all the areas of the county. There's south and there's central Santa Fe area, but there's nothing from the north. Again, I'm concerned with the Pop's recommendation. There's a piece of land in Rio en Medio that satisfies all the criteria. It's an old piece of land. It has an old orchard. It has a presa, a water gate. It's at the watershed, perfect to be preserved. There's a possibility that the BLM or the National Forest Service will want to buy it, which if we expend monies to purchase this piece of land, we can get reimbursed.

I'd like to see that piece of land included in this top priority, one, two, three, four, five list. I can't see why Pop's needs to be there.

CHAIRMAN GRINÉ: Any other questions of staff?

COMMISSIONER DURAN: Why it needs to be there?

COMMISSIONER TRUJILLO: Why it's there. It doesn't meet the criteria.

COMMISSIONER DURAN: -- any of those view corridors. Why don't we have those view corridors preserved.

COMMISSIONER TRUJILLO: Oh, no. What I was saying is that number five does not satisfy the criteria and I'm really concerned that the money's being used to purchase open space. That's my concern. It doesn't satisfy the criteria.

CHAIRMAN GRINÉ: We're going to come maybe down to consider these

by the Commission and we'll see where they want to be in or out or whatever we decide up here. But are you guys done with your presentation?

MS. BOKDE: One last comment to respond to Commissioner Trujillo's concern about the northern part of the county. Currently, tomorrow night we do have the public meeting where the committee is going to bring forward all of the projects that they're recommending. And one of the concerns of the committee was that they hadn't heard any community feedback regarding that proposal. But I've spoken to a number of people from Rio en Medio just in the last couple of days and they will be coming tomorrow night to the meeting as well to talk about how they feel about the project. So definitely, the committee is very concerned about making sure that the northern part of the county is represented in this open space program and I think that there will be some recommendation from the committee to the Board regarding that project.

And also the concern about for Phase 2 funding and trying to work with some of the property owners and Santuario de Chimayo as well.

COMMISSIONER TRUJILLO: Where's the meeting going to be at?

MS. BOKDE: The meeting will be here tomorrow night from seven to nine p.m. and it's also, Commissioner Duran, a great opportunity to hear about all of the projects in detail, each of the projects. If any of the Commission is able to attend tomorrow night's meeting it will be another opportunity to hear more detail.

CHAIRMAN GRIÑÉ: Alina, Commissioner Duran don't have time.

MS. ELLIS: There's another committee member who wished to make a few comments and then we are done with our presentation. We'd be happy to entertain any questions and answers. Eduardo Vigil.

EDUARDO VIGIL: Thank you, Commissioner Griñé, members of the Commission. I wanted to talk a little bit about some of Commissioner Trujillo's concerns and I wanted to thank Commissioner Duran for submitting or bringing to the attention of Mr. Carrillo, the gentleman that owns the property in Rio en Medio that submitted the project.

COMMISSIONER DURAN: It was Commissioner Trujillo that brought it up.

MR. VIGIL: Yes, but the property owner had mentioned that you had brought it to his attention.

COMMISSIONER DURAN: I did. He's my neighbor.

MR. VIGIL: And I just wanted to thank you because that particular piece of property is a precious crown jewel in historical traditional communities in the northern part of the county because it represents so many layers of the criteria that this committee painstakingly came up with and those are both from wildlife habitat to watershed preservation to bordering national forest to trail heads, the Rio en Medio trail is right as part of this property. Staff has told me today that the property owner upstream from Mr. Carrillo is very interested in submitting his parcel of property for acquisition for this open space and trails also.

As Commissioner Trujillo suggested, mentioned, the Forest Service is very interested in possibly acquiring these pieces of land also, but that process takes a long time. So if the County were to acquire this Rio en Medio project it could very well get its money back from the Forest Service and put it back into the \$12 million pot and acquire other projects as Commissioner Anaya brought forth. The two mile reservoir. I guess that's five separate pieces of land, but one piece of land in particular is very critical to wildlife habitat and also watershed preservation so I encourage you all to review all of the projects that were submitted and look at them all.

And if you can, just personally go out and visit some of these, and they'll become obvious to you the value of some of these projects. The Pop's location is significant, yes, because of a viewshed coming into a community, and I want to remind the Commission that the City of Santa Fe, yes, is a very historical, traditional place that views coming into this community need to be protected. But it is not the only community in the county of Santa Fe that has entrances coming into it that need to be protected.

The communities of Española and also Pojoaque, Nambe, the communities of Edgewood down south, also are incorporated municipalities in the County of Santa Fe that also have concerns about inappropriate commercial development in some of their entryways into their communities also. And I agree with Commissioner Gonzales that if we're going to consider this Pop's acquisition, that we also consider other gateways into other communities in Santa Fe County. Thank you very much for your time. This committee has been a challenge to work on. You have to be stout to serve on this committee. They worked long hours and I get home at 11:30, 11:45 at night from these meetings because they're very thorough and very knowledgeable people. Thank you very much.

CHAIRMAN GRINÉ: Thank you. Let's start down and you only get one shot at it, okay?

COMMISSIONER DURAN: Start over there.

COMMISSIONER ANAYA: I was just going to state, in consideration and fair taxation base, the tax base that's creating this particular fund, for \$200,000 on Pop's convenience store, isn't even a -- what? 3%?

CHAIRMAN GRINÉ: Your point is well taken, Commissioner.

COMMISSIONER ANAYA: Three percent, Mr. Chairman. Three percent of the whole \$12 million. Plus the fact that there's matching funds in this effort. It's just some consideration that should be -- something that should be taken into consideration.

CHAIRMAN GRINÉ: Thank you. Commissioner Trujillo.

COMMISSIONER TRUJILLO: I acquiesce with the way that Ed represented the area in Rio en Medio. I do not agree that we should buy Pop's commercial area to save it as open space. Santa Fe is getting their fair share of projects that meet the criteria, that satisfy the criteria and the acquisition of those lands is appropriate. Pop's is not appropriate.

CHAIRMAN GRINÉ: Thank you. Commissioner Gonzales.

COMMISSIONER GONZALES: Well, I know, Mr. Chairman, that we still

need to go up to a public hearing, but just again, looking at the five that are going forward, La Cienega and La Cieneguilla we're offering petroglyphs to the community for educational purposes, to learn to understand about our ancestry and our history. Cerrillos Hills has significant historical impact from the standpoint of people being able to go out there and understanding our history of mining and the archaeological roots that exist out there. The Wildlife West Nature Park and certainly the primary trails segment preacquisition study providing a link of open spaces throughout the county is for the community.

I guess my question to you, Edward, when you went to go talk to the people in this area where Pop's is located, I guess what I want to know. One, are there significant archaeological sites? Is there going to be an opportunity for the public to go and walk on a trail on the Pop's, on the five acres, or to go and have some type of educational opportunity on the Pop's property? Are those things that you looked at? Because in the top four, it seems that it's more than just the viewshed. An opportunity for education and for recreation and historical and cultural preservation.

I see that in all those that I'm having a hard time seeing in the Pop's.

MR. VIGIL: As I did. I was I guess one of the only dissenting votes because I basically didn't really see a public need or how the public was going to benefit from that particular acquisition. There's I guess significant concern from surrounding communities, Quail Run and Sol y Lomas and some pretty high end areas there, neighborhoods of a commercial development there. And I can applaud those people for coming together to oppose something like that. But as you yourself brought forth earlier, La Cienega, an unbelievable view of entryway into Santa Fe also has some concerns with significant pieces of land being commercialized coming into Santa Fe from the Albuquerque area.

So I really didn't see any cultural, historical type of criteria being met, or any wildlife or riparian areas or any watershed preservation or any live water or any acequias or anything like that that was present on that property. So there are other projects, the two mile reservoir, piece of property just below the two mile reservoir, where the Santa Fe River went through. Even a mining project down on the lower part of the Santa Fe River that really right now today is in pretty bad shape but can be resurrected back to what the Santa Fe River used to be like.

COMMISSIONER GONZALES: I understand what you're saying and I guess my question for Lesli or maybe a member of the committee who supported this is other than the views on Pop's, is there an opportunity for people to go walk on the five acres? Is there an opportunity for some type of educational center to exist there? Did we approach them about putting a visitors' center or about doing some kind of educational center on why that gateway is significant?

MS. ELLIS: In answer to your question, Commissioner Gonzales, at this time in the application there is no proposal for any use of that property. I know that discussions in the committee have centered around the idea that if that property were acquired that they would like to work with the applicants to see that something take place there, some sort of

interpretive site, visitors' center, along those lines. But at this point there is no proposal along those lines.

COMMISSIONER GONZALES: Is that different from any of the other properties that have been submitted or is that the same for others?

MS. ELLIS: They're all unique in their own respects. Each property has opportunities for trails or interpretive uses and that kind of thing. The other four projects do entail some sort of public access.

CHAIRMAN GRINÉ: Commissioner Duran. Did you remember?

COMMISSIONER DURAN: I remembered. There were three things. First of all I was wondering, Sam, if you could coordinate a bus tour? When we did the Highway Corridor Committee, we got a couple buses and we went and toured the corridor. Maybe you could do that for us on a weekend. We can pull out and take a look at it. Whenever. Just some time we can all get together. You could publish it so that there's not a quorum issue and we can go out and look at these sites.

The other thing, I would just like to say that we're acquiring a piece of property in Edgewood who has spent the last couple of years trying to become their own municipality. So we're spending money in an area that really doesn't want anything to do with Santa Fe County anyway. I'd like some clarification on that. Not today, but later.

And in terms of the Pop's location, I don't mind if we take this out right now. I don't have a problem with that because tonight at the EZA we're going to be discussing transfer of development rights and this village district concept that is coming forward by the Land Use Department and part of the discussion on the acquisition of the Pop's site was to reduce the cost of that property by having a transfer of development rights program in place so that we wouldn't have to spend all that money on it. And it might be premature to consider the acquisition of this at this point, although I know the owner of the property is somewhat in a hurry.

But the other thing is for Commissioner Trujillo, the Yamada property in your district represents a high, a very visual area that your constituents requested that it be considered as an applicant for this program. And it would be a very similar situation as the Pop's property.

COMMISSIONER TRUJILLO: And I agree.

COMMISSIONER DURAN: Had it been submitted.

COMMISSIONER TRUJILLO: From an egalitarian standpoint it should be considered in the same way. If that's to buy open space, and it doesn't satisfy that criteria. What I'm proposing today is that we include the Rio en Medio property that does satisfy the criteria from an agricultural standpoint, from a preservation of watershed standpoint, from all the right areas. So if we include that property in this list of priority, that would satisfy the criteria. I'm not advocating for the Yamada property. It's not been designated commercial.

COMMISSIONER DURAN: I just have one more thing and then I'll

relinquish the floor. The other thing is that I think that preserving these corridors are important. I went to Boulder, I was up checking their transfer of development rights and their open space acquisition program. And I think what we did here in the county, I think we've put the cart before the horse. The first thing they did is they went out in designated areas that they thought were special and areas that needed to be preserved and once they'd designated those areas, then they went out, got the money and then they started negotiating the purchase from those property owners.

And what we did here is we got the money and now we're trying to select the sites. I would like to propose that once we spend this \$12 million, or before we spend it that we go out there and designate areas that are special to us that we want to preserve so that when we go out and get another chunk of money we actually know where we're going to go with it and avoid having so much discussion as we're having.

MS. ELLIS: If I might answer that question just very briefly. We are in the process of developing that plan that you mentioned and there are a number of inventory maps that are in progress and that's what the committee of 30 has been working on diligently for the last eight or nine months. So those are getting very close to completion as well as the criteria that you have in your hands. Those establish criteria for identifying those sites that have those significant resources. So that is something that we have been doing and we're definitely very conscientious that we need to identify those sites throughout the county before just haphazardly looking at purchasing property.

CHAIRMAN GRINÉ: Sam, did you want to make a comment?

MR. MONTROYA: Yes, Mr. Chairman, members of the Board. Again, I don't want to beat a dead horse or reiterate too much but I do want to point out that under the criteria score, I want to point out that the first three projects rated probably the highest based on the criteria that the committee has diligently put together. Now, we might have erred in that we gave you too many things to look at in this first review. But items one through three, that being the Petroglyph, Cerrillos Hills and the Wildlife Park, are one, two, three, based on the overall criteria that the total committee has looked at.

So those three projects, regardless if we're looking at only the first three or the whole list are definitely going to be right on top. Now, the fourth project, the only rationale for having that in there was the immediacy of getting the study moved ahead and the concurrence to allow that to move in due diligence for trying to get it done quickly.

Mr. Chairman, I might recommend that the Commissioners want to take them one at a time and maybe stop at whatever point, that would work.

COMMISSIONER GONZALES: Just ready to go forward with the public hearing.

CHAIRMAN GRINÉ: This is open to the public. Please -- how many are wanting to address this issue? Oh, not too many. Please limit your time because we've got another meeting that starts at 6:00 and we're still not done with this evening's meeting. That meeting is the EZA. So please come forward, state your name and address and try to limit

your time as much as possible.

WENDY MALAMUT BLACKWELL: My name is Wendy Malamut Blackwell, 2501 W. Zia Road. I've had the privilege of working with County Land Use staff and the committee of 30 as their facilitator over the past nine months. As a private citizen, having been exposed to all these conversations, I want to say how proud I am to be a member of the community and be a fellow citizen with folks who are so interested in spending their time and energy to plan for the future.

As a practicing professional, I feel obligated to bring up several points to make sure that the committee's true interest is represented here today. A few points that I would have mentioned had we had enough time for every one of us to be involved in the presentation. First of all, as Lesli mentioned, the plan itself and the process that the full committee of 30 have identified most certainly addressed the system and network of resources throughout the entire county, which does include the city, possibly the incorporated, potentially incorporated villages, pueblo properties, federal, state properties, it includes all of those properties and not just the county lands. Because we're looking at a long term regional approach to resource conservation.

One comment I wanted to make in regards to why should we spend the \$12 million, why shouldn't we spend it by the end of this year, and one of the examples, as Commissioner Duran said, in many other communities when we went and looked at their examples, one of the way to stretch the dollars that have been obligated at the local level is to find federal and state and local grant monies and also private foundation grant monies. Often they have a once a year deadline. Of course the federal fiscal year starts this week and so of course to meet the year 2001 deadlines we may need to wait until March to get 50% funding and only have to put up 50% funding. So we think that if we don't spend the money initially and move really quickly, we can expand that \$12 million to double, triple even quadruple. Some of those grants are 75, federal or state and 25 local match.

And one other thing I just wanted to remind you of. There was a suggestion that one of the projects come forward and be considered in one of these first five recommendations. I do want to advocate that the COLTPAC committee was very concerned that their process of submitting applications by specific due date and running those applications through the criteria process you heard tonight, that that is a very strong recommendation by this citizens' committee, that there not be any special projects or urgent projects that get a different treatment than all the others. So again, just to remind you of that. And I thank you for your time.

COMMISSIONER TRUJILLO: Mr. Chairman, I think that if you were referring to the Rio en Medio project, that has gone through the meticulous scrutiny by the committee comparing it to the criteria. So that has gone through the process and it does satisfy the criteria.

MS. BLACKWELL: I did understand that. It brought up the point that in the future we want to make sure that any projects that are brought forward go through that

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process. It made me think of that point. I do realize that the Rio en Medio did go through the application process.

COMMISSIONER ANAYA: Wendy, you stated that, I think what you stated is you need a certain amount of time to find matching funds to expand the \$12 million as far as we can go. Is that correct?

MS. BLACKWELL: That's a possibility. Exactly.

COMMISSIONER ANAYA: And all the proposals that have been presented to COLTPAC right now have that potential?

MS. BLACKWELL: I think each project, I think what they're asking is permission to start researching in more detail, so they can figure out which ones can quickly be turned around and which ones might need six months or three months in order to get those matching grants. Right now we haven't had the staff time or the committee time to do the detailed level of research to find out when due dates might be for these various grants, both public and private.

COMMISSIONER ANAYA: How much time would you need so we don't fall into this category of meeting the ten percent factor before taxation. How much time would you need?

MS. BLACKWELL: I think again, that's going to be based on what they find in this first round of study. If those five that are suggested today, if they could begin doing their research, I think within a few weeks they would have the answer as to which of those five will be able to move forward in two, three months, and which will take longer to move forward, possibly because of grant opportunities, maybe real estate issues. Some other issues may come up, but they need to start studying them in detail before they come back to you and specifically one by one ask for permission to actually purchase the properties. Did that answer?

COMMISSIONER ANAYA: Yes you did. In other words, we need to have these funds allocated for you to pursue other means of funding.

MS. BLACKWELL: We need permission to start studying in detail each project before we can tell you which ones and how long they might take to get matching funds or what issues might come up to make those projects take longer to accomplish.

COMMISSIONER ANAYA: What's the potential on two mile reservoir as far as allocation of other sources of funding?

MS. BLACKWELL: I'm not familiar enough with that project.

MS. ELLIS: I can answer that question briefly. At this time we don't know how many other sources of funding might be possible. The committee has recommended that the County begin to work with the City and other conservation organizations to identify other sources of funding. So they have recommended, at least for the purpose of tomorrow night's meeting that the County look at acquiring one of the tracts and then work with other conservation organizations and the City to come up with other sources of funding for the remainder tracts.

COMMISSIONER ANAYA: I kind of want it kept in mind, Mr. Chairman, that this is one of the areas that benefits almost every district, all the way down to Agua Fria, because of the protection of the watershed factor in that particular area. I think this is one that should be a priority.

CHAIRMAN GRINÉ: Okay, anybody else want to address the Commission?

MR. GOLD: I just want to answer a couple of the questions that were addressed to me that I never really got a chance to answer and discuss some of the other comments that have been made. For one thing, I am speaking now as a private citizen and not as a member of COLTPAC, although obviously I'm intimately familiar with it. And I'll say bluntly that the reason that Pop's was given, was even suggested was that there was a feeling that it was wired in the Commission to approve it and the committee was trying to come up with an alternative to not blow all the money at once.

COMMISSIONER DURAN: What does that mean -- wired to the Commission?

MR. GOLD: There was a sense that, we had heard that there was strong support in the Commission, and so it should be -- that basically it wouldn't matter what we said. That was what we've told. And so I'll just leave it at that and -- so instead of trying to -- like I say \$600,000 would have been a huge chunk of it. \$200,000 was not as big a deal. So now I'm proving that I'm politically an idiot by even saying something like that, but I'll leave it.

COMMISSIONER DURAN: That was the only reason that you brought it forward, because you thought it was wired?

MR. GOLD: Well, there was that, and then it does have some value, obviously and there's potential uses for it. For one thing, the watershed protection is there, although we don't really even have that in the criteria. Another thing is it does have some minor cultural value. It does have potential. A recommendation that we came up with that I didn't get to discuss even was that we felt that we'd like to work with the applicants to come up with a use for it if it's approved, which could include -- we had suggestions like a cultural display site, an informative type of thing, educational thing, permaculture demonstration site, things like that because it is so centrally located.

So there are possible uses for it and also we felt there was strong community support and we should honor that in some way. That's why -- but we certainly -- enough said.

COMMISSIONER DURAN: Well, I guess that just shows you, you shouldn't believe everything you hear.

COMMISSIONER ANAYA: Yes, that's true.

MR. GOLD: Standing in front of the Commission sweating a moment ago, I would agree. I'll leave that. There are some concerns about the Rio en Medio property and that's why it's currently undecided. There's two other properties that are in front of it. It's actually, if we had a map I could show you better but basically it looks like the property is here and then there's two more that's separated from the National Forest although it is

surrounded on all sides. There was a concern about getting in touch with these other property owners and that's why, even though it met the criteria -- also it's got a house on it and there was a question about what to even do with the house.

We thought about turning it into a COLTPAC retreat center, but anyway. The thing is, there's a real serious issue there about what do you do with a house on that property. It is developed. So just so you understand that it's not -- one of the reasons in answer to Commissioner Anaya's questions about shall we spend all the money or not, we're deliberately trying to reserve money right now for several reasons. One is that at this point we have not solidly decided on properties in the north. Clearly we want to include that.

Also you brought up the two mile reservoir. The thing is the two mile reservoir as presented is a \$4 million project. The City has also presented the Hughes project, which also has considerable watershed value. What we've recommended is that we would like to work with the City to acquire these properties. In fact there's another one, the Nile property which we didn't even include at that time. There's \$7 million worth of really pretty important properties in that area, so we feel that that's totally disproportionate to spend, a totally disproportionate amount to spend in that area and we do feel there is a need to negotiate with other parties and that's why we haven't -- that's why we made the recommendations we did and also that explains some of what Wendy was saying about trying to get matching funds from other organizations.

Like with the two mile property, the Audubon Society felt very confident that they could make a private contribution. So we want to work that out. If it turns out that it all falls through then we need to have other money left over so that we can deal with that. Also, there are other projects -- when we went out and submitted -- we shut the application deadline off at a certain point. We assured people there would be another applications deadline. So in COLTPAC we feel very strongly that we want to keep money left over so that as more projects come in -- for example, the santuario has not come in as a project but we hope it does.

CHAIRMAN GRINÉ: Which one?

MR. GOLD: The santuario in Chimayo. It's got cultural values out the wazoo, the river, natural stuff, everything. So we want to leave money to do things like that. So we don't want to spend all the money now. Also with the trails, we put in \$100,000 to create the agreement. Buying the trail has, as I said, it's got four to one matching potential if we stage it. But if we go all at once we won't get those matches. And buying the trail system is probably going to cost \$800,000 is what we estimate at this point with the matches. So that might explain some of those other things. That's about it.

CHAIRMAN GRINÉ: Thank you, David. Anybody else in the audience? Come forward.

ROGER ALLINK: I'm Roger Allink with Wildlife West in Edgewood. And I have a guest, Chuck Mullins from US Fish and Wildlife. We had a little disaster on the way up here so part of my crew didn't get here. We had a wheel fall off our vehicle, so

sorry if I repeat some of the things that may have been presented. Basically, we are a non-profit organization. We're a 501(c)(3). We're all volunteers. We have no paid staff at our place. We have youth programs. We do cultural projects. And one of our main projects is a wetlands project with US Fish and Wildlife and the 30-acre recommended parcel that you heard about today is adjacent to the wetlands.

I think maybe Chuck could explain the project in perpetuity, what they've committed to in the wildlife habitat area. We also are a public area. We do a lot of community things for the community and for the state and also for national, we get some national recognition. Some of you saw us in Sunset Magazine this issue as one of the national sites to visit. So I'll introduce Chuck here and he can explain the wetlands and then I'll answer some questions.

CHUCK MULLINS: I'm Chuck Mullins with the US Fish and Wildlife Service. I actually run a program, it's a national program and I run it for New Mexico, southern Colorado and West Texas. In this particular program we go and partner with private landowners as well as anyone other than other federal agencies. The thinking being that why I should I put my federal dollars on somebody else's federal land. So we don't do anything with Forest Service or BLM or even our own refuges.

When I first came in connect with the Wildlife West folks, the one thing that impressed me was the passion. You give them very few dollars and they do a whole lot of stuff with it. I can almost say that I give them one dollar and they do \$100 worth of work. So that was pretty impressive.

I guess to address the specific piece of land that we're talking about, the 30 acres, to me adding that 30 acres does about three different things. It helps the watershed in that you have another piece of land that's going to be added to the wildlife park that will not be developed, i.e., concreted, asphalted, whatever. The other is that it's going to provide just some additional habitat for whatever critters are going to be around in the area. Then it also acts as a buffer for the park. So if I'm allowed to, I would recommend that it be added to the park.

CHAIRMAN GRINÉ: Thank you, Chuck. Any questions from the Commission? If not, any more speakers out there? I think I saw somebody back there.

CLAIRE FONEMITER: Good afternoon. My name is Claire Fonemiter. I live at 238 Gold Trail in the Lone Butte area in the Cerrillos Hills. And I would like to thank the Commission, COLTPAC, all of those involved in the County, the various agencies, particularly the National Park Service, Trust for Public Lands, for the extensive time, thoroughness and professionalism that you all have put into this process. We have been impressed if not awestruck by its thoroughness and the deliberations involved.

We also have been amazed at the community support for the Cerrillos Hills project and would just like to mention a couple of things to you all in your consideration of the COLTPAC proposal today. One, there is a tremendous opportunity here by the purchase of the initial lands that appear to be available to leverage approximately four more acres for

each acre purchased. I think this is an incredibly valuable use of taxpayer dollars and exactly in line with the bond proposal and we hope that you see it that way as well.

We also believe that the use of this property will provide tremendous access and preservation of historic and archaeological and cultural sites that many, many people in the county will have the opportunity to utilize. So we're gratified, we are filled with anticipation of what is to come, and there are numerous folks prepared to put their shoulders to the harness and help in whatever way possible to minimize the tasks to the County as we go forward. Thank you.

CHAIRMAN GRINÉ: Thank you. Anybody else? I thought I saw fewer hands going up than bodies coming out now.

ALAN RAGINS: I'll keep this really quick. My name is Alan Ragins. I'm at 9 Stone Ridge Road, but I'm with the National Park Service professionally and have been involved with these folks on a couple of levels. One, working with your excellent staff and the COLTPAC committee in trying to grind through this process, giving them a little bit of assistance. Also with the Cerrillos Hills folks in terms of developing the plans and visions for what could go on as a Cerrillos Hills regional park. I hope to be involved in the future with what the COLTPAC committee is doing, like time to breathe a sigh of relief, things are done. Actually a lot of the hard work is left to the future to figure out how we're going to manage and operate these things.

I guess I want to throw out just three quick thoughts. One is I'm not sure who's idea it was to set up the COLTPAC committee, but I think it was a stroke of brilliance that you brought together 30 highly intelligent but also highly dedicated people who knew their own community. So that as you've seen today, this is not a clean process. It's a messy process, where we're trying to mix in objective factors about how important the resources are with very subjective factors about how important it is to the neighborhood or to the county at large. And I think, while they've clearly had their struggles in dealing with this, they've come up with an excellent process for dealing with that that's actually a combination of these more or less objective criteria and the deliberation of a smart group that represents us as the citizens of the county.

So I think it's working well, and I'd encourage you to respect their process and to sort of give them enough rope to keep applying that process to projects as they come forward. I think it's as well or better than any. I'm a professional planner, than any professional planner could have done in trying to prioritize where to spend money in the county.

The other thing I'd just point out, it's sort of echoing what Chuck said about the passion that the neighborhoods and the community groups bring to these projects. I think that's our greatest resource here, and all of these projects at the top I know have some passionate dedicated people behind them. I think that lends to the strength of the proposals but also will hopefully lend to the strength of their long term stewardship and management that we need to figure out how to tie these folks into a management partnership with the

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County and other agencies. So that's all I had to throw out. I hope that again we can follow up with this and turn it into the opportunity that really it presents for the County.

CHAIRMAN GRINÉ: I just want to throw a comment out there that I think this initiative originally had to do with Commissioner Gonzales and yes, we did lose a lot of opportunities not having his presence around but I guess we have gained a lot of information by him being the first vice president of the National Association of Counties so he gets to travel nation-wide and even overseas. So I guess we do gain and we do lose his presence. But in all due respect, you've done a great job, Commissioner.

COMMISSIONER GONZALES: Thank you.

CHAIRMAN GRINÉ: Anybody else? Thank you. This ends the public hearing. What's the wishes of the Commission?

COMMISSIONER GONZALES: Mr. Chairman, just a couple of comments and thank you for the kind words and with my new position on the National Parks Service I'm going to have a better understanding of the issues of acquiring lands and trying to set the priorities and how we work through that. So hopefully I can bring some experience back in that area as well.

David, I guess you were courageous enough to say what the committee felt and while I'm disappointed that the committee felt that the Commission was wired for Pop's, I don't want it -- I just don't want to send out the wrong message that you guys shouldn't communicate to us if there are any of these perception issues out there because this is \$200,000 of taxpayer money that the committee basically supported because they felt that Pop's was wired and that's wrong. And I hope that's communicated back to the committee that we expect more from them when evaluating these issues and evaluating projects that come forward. We're counting on them to be objective and to keep the political process out of it because just by us being up here is a political process. So it's going to be a part of it eventually, because we represent more than just the committee, we represent other constituent issues as well.

That's one message I wanted to send back and the second is to the committee that I thoroughly appreciate the fact that the committee is willing to rally behind community support. And I think it took a lot of courage to go against their own criteria in an effort to try and support communities who really want to preserve a piece of property on their land. But the committee needs to change their criteria. You need to go back and say, there's going to be an opportunity for communities who want to preserve lands that don't fit some of this criteria, who want to participate in the purchase of it, that we're going to have a separate criteria for that and we know that that isn't going to meet all the threshold that we think we need to put in these larger projects and to bring them forward before the Commission.

So I would hope that I see that because I think there are issues in La Cienega. There are issues in Rio en Medio, in Galisteo that everyone can point to that they know communities really want to preserve that just aren't going to make it on that threshold and

if they can provide some type of assistance, that's great, but I don't see it in the criteria that you presented before us that that exists. So before another Pop's comes up I'd hope that that was changed or I'm going to continue to vote no on these types of issues as I will tonight at least under recommendation.

So that's basically my piece of mind. With that, Mr. Chairman, I'd like to make a motion as we begin this journey, this long journey, I hope of preservation of open and cultural lands here in Santa Fe County and we become leaders in our state when it comes to preserving lands that are important to our communities. And with that, I propose to go forward in Phase 1 of COLTPAC for the -- to begin the negotiations for purchases of the La Cienega/La Cieneguilla petroglyphs, the Cerrillos Hills, and the primary trails segment preacquisition study at this time.

CHAIRMAN GRIÑE: I've got a motion.

COMMISSIONER TRUJILLO: Mr. Chairman, second for discussion. I understand about the issue with community involvement and throwing in a new process for review, but what I would like to see is that the criteria remain the same. I don't want to see any more criteria or review process introduced because it's going to convolute the whole process and we're going to get all kinds of submittals from all over the place. I think the criteria the way that it is now is appropriate, clear, concise. It's one set of criteria that can be applied to projects. If they don't satisfy the criteria, they don't satisfy the criteria. They don't get funding. So I'd like to see the criteria remain intact rather than convolute the process.

COMMISSIONER GONZALES: And that's fine by me, Mr. Chairman.

COMMISSIONER DURAN: Mr. Chairman, I'd just like to say that the person that was wired to Pop's was me, and the reason that I was wired to Pop's was that I saw some benefit in acquiring the property. Not only do I believe that it's a view corridor that needs to be preserved but there was this transfer of development rights program that we've been talking about and it worked into it because he was a willing participant that owned property in another area where those rights could be transferred.

I agree with the Commissioners that the criteria should probably stay the same on this one. I just hope that next time when we go out to get another chunk of money to do the same kind of thing that these corridors that are special to our community that need to be preserved are included in that criteria so that when we go out to spend another chunk of money that we can consider that and have those properties fit the criteria for that block of money that the public allowed us to get.

COMMISSIONER ANAYA: Mr. Chairman, the word "wired" that was kind of heavy, but I have to stand with Commissioner Duran as far as my advocacy of the purchase of the Pop's convenience store, and I disagree with a lot of people here that I think it does fall into the criteria, as stated, as presented to us here. I think there is something. I particularly see it more favorable in the low impact it will have on the \$12 million, plus the fact that it's also being co-sponsored by the people up in that area. And considering the

fact -- the fact -- that they pay high taxes in that part of town in the county, I think that they should be taken into consideration seriously.

I think the only two proposals in my district are two mile reservoir and Pop's. Is that correct? It is true. Those are the only two proposals. Wait a minute, I still have the floor, Mr. Chairman. But anyway, I think that's really a basic factor of consideration that we should input into this decision making. My understanding of the motion right now is just item one and four, is what we're voting on for negotiation.

CHAIRMAN GRINÉ: One, two and four.

COMMISSIONER ANAYA: One, two and four? Is that correct, Commissioner Gonzales?

COMMISSIONER GONZALES: That's correct, Commissioner Anaya.

COMMISSIONER ANAYA: Okay, so it's just a mere going forward with negotiations, I can see the effort and I would support it, but I think the effort for negotiations to go beyond that now and a lot of effort should be endeavored in that direction, Mr. Chairman.

COMMISSIONER DURAN: Mr. Chairman, I just have one request. I was just wondering if the motion maker would consider including the Santa Fe River M & R gravel site for \$143,000 which is right on the river, and it kind of goes along with our resolution, our joint resolution with the City that we would contribute to the preservation of the river, or the restoration of the river and bringing it back as a live river. And it's not that much money. It's only \$143,000.

COMMISSIONER GONZALES: Mr. Chairman, and Commissioner Duran, I agree that something like that is needed. I guess my concern is I'm almost paranoid about sending the wrong signals about how these projects are coming up. I'm put in a tough spot because I know the history we have with the Santa Fe River that that's important, especially to the Agua Fria Village, but I'm concerned about sending out the wrong message to the committee on how projects are to be brought up. And I think we're probably, probably seeing at this point something unlike what we're going to see in the future. I'm assuming.

There was a need here to spend some money down, but I'm assuming in the future we're going to have an opportunity to debate a variety of projects and be able to select projects up here through debate and through public hearing of what we think is important and able to go forward. Is that right, Lesli? The way you've conveyed and the way the committee understands the process as being? So we're not going to see four projects continuously coming up and us not getting a chance whether or not. There's going to be a point that we get to go through this and I'm assuming that's on October 19 when the Santa Fe River M & R gravel will be debated and we can decide at that point whether to spend money or not?

MS. ELLIS: That's correct, and what I would anticipate that you would see from here on out is a group of projects each year that would come forward as a recommendation from this committee. And then you could debate the whole group of

projects at that time.

COMMISSIONER GONZALES: Commissioner Duran, I'd prefer to wait.

COMMISSIONER DURAN: I'll withdraw my request.

COMMISSIONER GONZALES: And I guess my comments to the committee too is just, Mr. Chairman, I'd indicated that the committee should change the criteria if it was going to continue to offer projects that didn't meet the criteria, at least in my view. It's not to say they have to go do it. I agree with Commissioner Trujillo. We've got a process in place. We've already spent some money and we should finish it but I've got concerns when a project comes forward that has the 38% rating of the committee when there are several others that ranked very highly above it. Thank you.

CHAIRMAN GRINÉ: I just want to make a comment that the Wildlife West Nature Park didn't make the selection process here, but I was kind of concerned. How can - maybe I should go out there and make a site visit myself, since that is my district, but I'm still concerned as to how 30 acres can be worth \$40,000 each almost even though that there was an additional acre adjacent to it that belongs to this park. But Lesli, I need to see how you guys came to this selection because that is a lot of money for just 30 acres. That doesn't mean that we want it completely off of the selection list. I still want the COLTPAC to keep it on the selection list and by the time we meet next time I will make a site visit and visit with staff too and maybe even some of the COLTPAC members. Anyway, is there any further discussion?

COMMISSIONER ANAYA: Mr. Chairman, I would ask Commissioner Gonzales to reconsider Pop's into his -- perhaps in the form of an amendment. I think it's only fair to the constituency in my district. And I ask for that kind of courtesy.

COMMISSIONER GONZALES: Commissioner Anaya, we all know how important it is to fight and advocate for people in your district and when I came to this Commission to ask for a moratorium in La Cienega, I begged and pleaded that we would have it and when in your always good wisdom not to support that moratorium and I think from my standpoint here is that if it was allowed, if we had a process, a criteria that set forth to allow community participation, I'd support this, because I'd want the same thing to happen in La Cienega. But I just don't see that it's met the criteria.

CHAIRMAN GRINÉ: Any further discussion?

COMMISSIONER ANAYA: Is that a no? Can I make a substitute motion? Is it in order to do a substitute motion? In this case it isn't. This isn't the legislature, right Rhonda?

CHAIRMAN GRINÉ: Any other discussion by the Commissioner? Commissioner Gonzales made a motion to accept La Cienega petroglyphs, Cerrillos Hills, primary trails preacquisition study. Motion was seconded by Commissioner Trujillo. Any further discussion.

The motion passed by majority [3-2] voice vote with Commissioner Gonzales, Commissioner Trujillo and Chairman Griné voting for the motion and Commissioner Anaya and Commissioner Duran voting against.

COMMISSIONER ANAYA: Again, I don't like that process. That's the reason I vote no on this motion.

CHAIRMAN GRINÉ: I vote yes. So it's three to two.

- X. A. 3. CDRC Case #99-5360. Arroyo Seco Head Start. Presbyterian Medical Services, applicant, James Siebert, agent, request master plan zoning for a community service facility with preliminary and final development plan approval of a 1,920 square foot Head Start Center on 1.3 acres. The property is located off of US 84/285 within the traditional community of Arroyo Seco, within Section 30, Township 20 North, Range 9 East

VICKI LUCERO (Review Specialist): Thank you, Mr. Chairman, Commissioners. Presbyterian Medical Services, applicant, James Siebert, agent, request master plan zoning for a community service facility with preliminary and final development plan approval of a 1,920 square foot Head Start Center on 1.3 acres. The property is located off of US 84/285 within the traditional community of Arroyo Seco, within Section 30, Township 20 North, Range 9 East, Commission District 1.

On August 26, 1999 the CDRC met and acted on this case. The applicant is requesting master plan zoning with preliminary and final development plan approval for a 1,920 square foot Head Start Center to serve disadvantaged children between the ages of three and five years old. The center will accommodate 20 children and six staff members. The children will be served breakfast and lunch.

Recommendation: It is staff's position that this application is in accordance with the County Land Development Code, Article V, Section 5.2 for master plans, and Article III, Section 4.4 for development plans. Staff's recommendation and the decision of the CDRC was to recommend master plan zoning and preliminary development plan approval with final development plan approval handled administratively subject to the following conditions.

[Staff's conditions are as follows:]

1. The master plan with appropriate signatures will be recorded with the County Clerk.
2. Handicap spaces shall be labeled and handicap access must be approved by the State Construction Industries Division.
3. Structures shall not be higher than 24 feet above natural grade or finish cut grade as per County Code.
4. Any expansion of change in use shall be subject to CDRC approval.

5. Exterior colors shall be approved by staff and shall be earthtones.
6. The applicant must address left-hand turns from US 84/285 into the property. A driveway permit must be obtained from the State Highway Department prior to recording the master plan. The applicant will pave from US 285 to the edge of right-of-way.
7. An alternate liquid waste system may be required per the State Environment Department.
8. Curbs adjacent to the building, entrances and landscape medians in traffic flow areas not approved as parking spaces shall be appropriately marked as determined by the Fire Marshal prior to occupancy. A final inspection by the Fire Department will be required before certificate of occupancy is approved.
9. This development may be required to install a Knox lock entry system as determined by the County Fire Marshal.
10. All sprinkler and alarm systems as required shall be tested and approved by the County Fire Department.
11. Well construction must be at a minimum depth of 350 feet with well screen or perforation starting at least 50 feet below the water table. Bentonite seal between borehole and casing, pitless adapter and slab around casing at ground level.
12. Water use restrictions of 0.30 acre-feet per year must be recorded with the master plan. Use shall be metered and low water use fixtures are required.
13. All utilities shall be underground.
14. The land division plat creating the 1.31-acre lot must be recorded with the County Clerk prior to final approval.
15. The Head Start must register as a public water supply. A water quality analysis proving that they can meet drinking water standards will be required to business license issuance.
16. A food permit must be obtained from the State Environment Department.
17. A 24-foot roadway meeting County local road standards from US 285 to the parking lot entrance.
18. All redline comments must be addressed.
19. Solid waste containers must be screened on all four sides by a six-foot high solid wall or fence.
20. Compliance with the applicable review comments from the following:
 - a. State Engineer
 - b. State Environment Department
 - c. State Highway Department
 - d. County Subdivision Engineer
 - e. County Fire Marshal
 - f. County Public Works
21. The applicant must connect to the regional water and/or wastewater system if they

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become available.

22. The applicant will work with staff to address issues of over-flow parking space.
23. Kitchen facility drainage must go through a grease trap before entering septic system.

CHAIRMAN GRINÉ: Any questions of Vicki?

COMMISSIONER TRUJILLO: Just one question. What has the communication been with the community in that area? Does the community know that this is happening? Has there been any dialogue?

MS. LUCERO: Mr. Chairman, Commissioner Trujillo, the applicant was required to post a public notice board to notify anyone passing on US 285 and he was required to send out certified letters to all property owners within 100 feet of the boundaries. So the adjacent property owners have been notified. I haven't received any complaints or anyone speaking in favor of the project.

CHAIRMAN GRINÉ: Any further questions of Vicki? Is the applicant here?
James Siebert.

Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: My name is Jim Siebert. My address is 915 Mercer. I'm representing PMS in this request. Commissioner Trujillo wanted to know -- we went a little beyond what is required in terms of notification of the community, more than just sending out letters within 100 feet. There were meetings conducted with the neighbors that are along, that share the same road, to show the plans to them, make them aware of the project, and also representatives from PMS have met with Nancy Williams who is the president of the Arroyo Seco neighborhood association. And we are in agreement with the conditions.

CHAIRMAN GRINÉ: Okay. Is there anybody in the audience that would like to address the Commission on this case, for or against? None whatsoever. What is the pleasure of the Commission?

Commissioner Anaya moved to approve CDRC Case #99-5360 with staff conditions. Commissioner Trujillo seconded and the motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this vote.]

CHAIRMAN GRINÉ: We got to go back and visit, we've got some more land issues, Judy, I guess there are questions, that some of the things did not get in that we had agreed to two weeks ago.

MS. MCGOWAN: Mr. Chairman, Commissioners, I guess Ms. King missed the public hearing and she had wanted to insert as amendments some of the issues that had been on the minutes of the September 14 as just acknowledgements.

COMMISSIONER DURAN: Mr. Chairman, I make a motion to open up that part of the agenda for further discussion to allow Ms. King to put forward her recommendations. Isn't that what we need to do? We need to make a motion to reopen?

COMMISSIONER GONZALES: What's the motion?

CHAIRMAN GRINÉ: We need to reopen the case.

COMMISSIONER DURAN: I need a second.

COMMISSIONER GONZALES: Second.

CHAIRMAN GRINÉ: All those in favor signify by saying "aye."

[Unanimous]

Okay, we'll open it up again. Which case was that on our agenda?

COMMISSIONER GONZALES: It was Land Use item number one, Request consideration.

CHAIRMAN GRINÉ: Request amendments to the Santa Fe -- yes, okay. That's number one under Public Hearing, Land Use Department. X.A.1.

COMMISSIONER GONZALES: Mr. Chairman, is it appropriate, I've had the chance to meet with Ms. King actually several times over the last month concerning these amendments. Ms. King, Rhonda has talked to Judy and I'm only going to propose amendments that Judy has concurred with as well. Okay, so that just for the record that there has been some concurrence by the staff.

The first amendment I would propose is on page 25, paragraph 4, and Judy you know where we are on that, right? So where we would add vacant lands, whether or not previously divided, may be included within the boundaries of a contemporary community plan, or within the boundaries of any other community plan. That's in the form of one amendment.

On page 31, that we would I believe insert the language after community plan, except as otherwise provided in the Land Development Code. Are you following with me on that, Judy?

Then on page 39, we would add new language that would state the guidelines in the table are examples only and the incentives finally chosen will be reflected in actual ordinance amendments, which provides some clarification that what we state in our Land Use Code is not a requirement but an example of how to proceed.

Then page 43, concerning the Estancia Basin District meeting August 10 on the minutes so that we would add zoning criteria, actually, add the word criteria. Criteria will not be changed. Judy, do you concur with those recommendations on the amendment?

MS. MCGOWAN: Yes, they conform to the acknowledgements that we had made at the last hearing.

CHAIRMAN GRINÉ: Commissioner Gonzales, is that in the form of a motion?

COMMISSIONER GONZALES: It's in the form of a motion and with that, Mr. Chairman, I would just for purposes of the record still allow for there to be public comment on my amendments so as to not prevent the public from communicating or they be opportunity for it.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

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CHAIRMAN GRIÑÉ: I have a second. We'll open it up to the public. Any public comment, for or against? Okay, any discussion? If not, all those in favor signify by saying "aye." [Unanimous] Ayes have it.

XI. EXECUTIVE SESSION

- A. Discussion of pending litigation in *Santa Fe County v. PNM*
- B. Discussion of possible acquisition of real property
- C. Discussion of possible acquisition of water rights

Commissioner Gonzales moved to go into executive session to discuss the matters as delineated above by the Chairman. Commissioner Trujillo seconded. The motion passed unanimously upon roll call vote with all Commissioners voting in favor.

[The Commission met in executive session from 5:07 to 6:05.]

Commissioner Trujillo moved to come out of executive session, having discussed the matters listed in the agenda. Commissioner Duran seconded and the motion passed by unanimous voice vote. [Commissioner Anaya and Commissioner Gonzales were not present for this vote.]

CHAIRMAN GRIÑÉ: Now we need to go back and table item F.2 that requests authorization to publish title and general summary.

Commissioner Duran moved to table item F.2 and Commissioner Trujillo seconded. The motion passed by unanimous voice vote. [Commissioner Anaya and Commissioner Gonzales were not present for this vote.]

ADJOURNMENT

Chairman Griñé declared this meeting adjourned at approximately 6:09 p.m.

Approved by:



Board of County Commissioners
Joe Griñé, Chairman

10/26/99

Respectfully submitted:

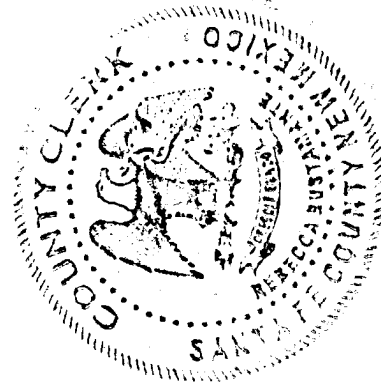
Karen Farrell, Commission Reporter

ATTEST TO:

Rebecca Bustamante

REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK

10/26/99



EXTRATERRITORIAL ZONING AUTHORITY*Resolution No. 1999- 1*

170291

**A RESOLUTION SUPPORTING CONSIDERATION OF THE 4.85 ACRE
PROPERTY AT THE CORNER OF I-25 AND OLD PECOS TRAIL FOR
ACQUISITION THROUGH THE COUNTY GENERAL OBLIGATION BOND**

WHEREAS, Santa Fe County voters approved a General Obligation Bond for \$12 million on November 3, 1998 establishing the "Wildlife, Mountains, Trails and Historic Places Program;"

WHEREAS, community groups and neighborhood associations, including the Committee to Save Old Pecos Trail, support the purchase of a 4.85 acre lot near Old Pecos Trail and I-25 for open space, and have submitted an application to nominate the parcel to the County Land Use Department;

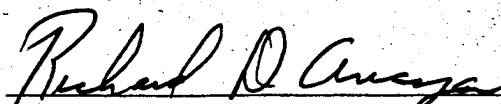
WHEREAS, the property appears to have significant historic value as part of the Old Santa Fe Trail and is an important gateway into and out of Santa Fe;

WHEREAS, the property owner has expressed willingness to sell the land and supporters are seeking additional sources of funding to reduce the fair market cost of the land to Santa Fe County, including a TDR pilot project and private donations;

NOW, THEREFORE, BE IT RESOLVED by the Extraterritorial Zoning Authority (EZA) that:

The County Open Land and Trails Planning and Advisory Committee (COLTPAC) is respectfully requested to consider the 4.85 acre property at the corner of Old Pecos Trail and I-25 for acquisition as part of Santa Fe County's "Wildlife, Mountains, Trails and Historic Places Program" general obligation bond.

PASSED, APPROVED AND ADOPTED this 25th of May, 1999.

EXTRATERRITORIAL ZONING AUTHORITY

Richard Anaya, Chairman

ATTEST:

170-192

1645667

Marcella Salazar for:
Rebecca Bustamante, County Clerk

Approved As to Form

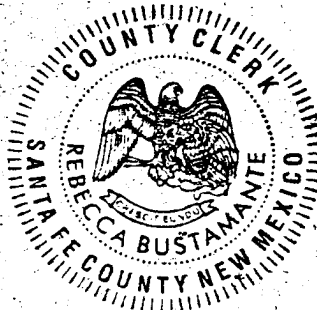
Denice Brown
County Attorney

CERTIFICATE OF FILING

I, Rebecca Bustamante, County Clerk, do hereby certify that the foregoing resolution, designated as EZA Resolution No. 1999-1 was filed in my office on the 27 day of MAY, 1999, in book Number 1645 at Pages 666-667.

SANTA FE COUNTY CLERK

Marcella Salazar for
Rebecca Bustamante



1076.148
COUNTY OF SANTA FE)SS
STATE OF NEW MEXICO)

I hereby certify that this instrument was filed for record on the 27 day of May A.D. 19 99, at 0:28 o'clock a. in and was duly recorded in book 1645 page 666-667 of the records of Santa Fe County.

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

Marcella Salazar
Deputy