

MINUTES OF THE
JOINT MEETING
of the
SANTA FE
CITY COUNCIL & BOARD OF COUNTY COMMISSIONERS

1852771

November 21, 2000

Santa Fe, New Mexico

This special joint meeting of the Santa Fe City Council and Santa Fe County Board of Commissioners was called to order by City Mayor Larry Delgado at approximately 4:00 on the above-cited date in Sweeney Convention Center, 201 West Marcy, Santa Fe, New Mexico.

Roll Call preceded the Pledge of Allegiance and indicated the presence of a quorum of both governing bodies, as follows:

County Commissioners Present:

Javier Gonzales
Paul Duran
Joe S. Griñé, Jr.
Richard Anaya

Commissioner(s) Excused:

Marcos Trujillo

Other Elected County Officials Present:

Becky Bustamante, Clerk

City Councilors Present:

Larry A. Delgado, Mayor
Patti Bushee
Miguel Chavez
Matt Ortiz
Karen Heldmeyer
Cris Moore
Frank Montañño

Councilor(s) Excused:

Carol Lopez
Jimmie Martinez

County Staff:

Sam Montoya, Manager
Steve Kopelman, Attorney
Estevan Lopez, Land Use Admin.
Roman Abeyta, Deputy Land Use Admin.
Doug Sayre, Utilities Director
Stan Holden, Fire Marshal
Rudy Garcia, Policy Analyst
Virginia Vigil, Policy Analyst
Terry Brunner, Policy Analyst
James Lujan, Public Works Director
Robert Anaya, CHUD Director
Susan Lucero, Finance Department

City Staff:

Frank Di Luzio, Manager
Peter Dwyer, Attorney
Police Chief Denko
Yolanda Vigil, Clerk
Anne Condon, Planning Director
Joseph Montoya, Community Services
Cyrus Saami, Planner
Jim Romero, GSD

APPROVAL OF AGENDA

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Councilor Ortiz requested removing item J, "A joint County/City resolution creating a dispatch task force regarding the formation of a regional emergency 911/radio communications system," until further information is obtained on this item.

Councilor Bushee moved to approve the agenda with the deletion of item J. Her motion was seconded by Councilor Heldmeyer and passed by unanimous voice vote of both bodies.

F. CONSIDERATION OF RESOLUTION No. 2000- :A Joint City/County Resolution Supporting Sate Legislative Issues as the Relate to Community Development (Local Option Transfer Tax, Development Fees Act and Anti-Donation Clause)

Mayor Delgado read the agenda caption and the respective clerks identified the resolution numbers as City Resolution number as 2000-70 and County Resolution number 2000-152.

Joseph Montoya described the resolution as an opportunity for Santa Fe to work on the following section items:

1. Local option transfer tax on residential real estate sales to create revenue stream for funding of preservation of open space and construction of affordable housing.
2. Amendment to Development Fees Act to allow City and County to waive impact fees for projects meeting affordable criteria and to expand the list of eligible facilities to include affordable housing development and libraries.
3. Amendment of the Anti-Donation Clause to allow the State and local governments to provide resources such as land, infrastructure, and other service for affordable housing projects.

Councilor Ortiz moved to approve the resolution as presented. His motion was seconded by Commissioner Moore.

Councilor Bushee recommended an additional section requiring disclosure statements for real

estate. She pointed out that general disclosures were essential to make the impact fees work and recommended adding a Section 4 to address this issue. Mr. Montoya stated that a disclosure regarding the impact fees was required.

Commissioner Gonzales expressed concern that the local option tax would be levied on all residential sales regarding of economic status. He asked whether a constitutional change was required. Mr. Montoya stated that at this point who would be taxed was not defined and the legislature would make that decision. He indicated that there were different thoughts on the constitution issue.

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Commissioner Gonzales reiterated his concern about taxing individuals during a residential sales. He stated he would be more comfortable approving this section after reviewing the City's proposed procedures. Mr. Montoya offered to forward last year's proposal, which is identical to what will be introduced this year, to the County.

Councilor Heldmeyer said it was her understanding that the recommendation intentionally lacked specifics and if the general concept was passed by the legislature, the governing bodies would work out the details. Councilor Moore agreed and added that staff is looking for local option legislation that enables the City and County to identify and impose certain fees.

Commissioner Duran stated he was not opposed to the concept, but was concerned that attaching actual value was not the best proposal to forward to the legislature.

Commissioner Gonzales supported Commissioner Duran and stated he was not prepared to support the resolution without fleshing out the details regarding the local option transfer tax. He pointed out that the County residents have recently approved various bond issues and adding the proposed transfer tax may not be a prudent move at this point.

In effort to compromise and still obtain County support, Councilor Montano recommended eliminating section 1.

In response to Commissioner Anaya's question of whether the tax was expected to run in perpetuity, Mr. Montoya said that was yet to be determined.

Councilor Bushee reiterated Councilor Chavez' comments adding that the resolution established a concept for local option tax transfer. She said the County's support was crucial in going forward.

Commissioner Duran suggested that the County's policy analysts have an opportunity to review this issue and discuss it with the commissioners.

Commissioner Gonzales said he wanted more time to determine if a local option transfer tax was the best avenue to achieve the goals. He stated that he was in no way questioning the validity of affordable housing, open space, parks, libraries, etc.

Councilor Bushee recommended developing this dialogue by holding a joint City/County Affordable Housing Retreat.

City Attorney Dwyer informed the governing bodies that the resolutions must be identical if identified as a "joint" resolutions. He suggested Councilor Montañó's recommendation to delete item 1 may be appropriate.

City Action

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Councilor Ortiz amended his original motion to approve Resolution 2000-70 with sections 2, 3 and adding section 4 (disclosure statement). Councilor Bushee seconded.

During discussion there was Council consensus to meet again with the County to further review section 1.

Resolution 2000-70 (Sections 2-4) passed by unanimous roll call vote with Councilors Bushee, Chavez, Heldmeyer, Montano, Moore, and Ortiz all voting "aye."

County Action

Commissioner Duran moved to approve Resolution 2000-152 with sections 2, 3, and 4. His motion was seconded by Commissioner Anaya and passed by unanimous roll call vote with Commissioners Anaya, Grifé, Gonzales and Duran voting "aye."

G. CONSIDERATION OF RESOLUTION No. 2000- :A Joint City/County Resolution Supporting Sate Legislative Action Related to Revision of Development Fees Act to Include Schools as an Eligible Facility.

Mayor Delgado read the agenda caption and identified the resolution numbers as City Resolution 2000-71 and County Resolution 2000-153.

Regional Planning Authority Coordinator Juan Rios advised the governing bodies that this resolution was sponsored by Councilor Chavez and is fairly straightforward in that it adds public schools as eligible facility within the Development Fees Act.

Councilor Chavez stated there was Council and School Board support for this resolution. He requested an amendment to the fifth "whereas" to read that the "School District has adopted resolution 101700..."

County Action:

Commissioner Gonzales moved approval of Resolution 2000-153 as amended. His motion was seconded by Commissioners Duran and Resolution 2000-153 passed by unanimous roll call vote with Commissioners Anaya, Grifé, Gonzales and Duran voting "aye."

City Action:

Councilor Bushee moved approval of Resolution 2000-71 as amended. Her motion was

seconded by Councilor Moore and Resolution 2000-71 was approved by unanimous roll call vote with Councilors Bushee, Chavez, Heldmeyer, Montano, Moore, and Ortiz all voting "aye."

H. CONSIDERATION OF RESOLUTION No. 2000- :A Joint City/County Resolution Creating a Regional Culture, Arts and Tourism Advisory Board and Repealing City Resolution No. 1999-38 which Created the Tourism Advisory Task Force.

Mayor Delgado read the agenda caption and identified the resolution numbers as City Resolution number as 2000-72 and County Resolution number 2000-154.

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Resolution sponsor Councilor Chavez, pointed out that the resolution defines an approach to regional tourism by creating a task force charged with the implementation of the Culture, Arts, Tourism (CAT) Plan approved by both governing bodies earlier in the year. He noted that a CAT planner is also addressed in the resolution.

Councilor Chavez requested amending the resolution to include the County's Resolution number assigned when the CAT Plan was originally approved and suggested the legal department make any necessary changes.

Susan Lucero from the County Finance Department informed the bodies that the County's Lodgers' Tax Advisory Board approved funding the planner position pending BCC approval. She recommended in favor of PSA rather than a salaried position. Ms. Lucero also pointed out that the County earns proportionately less in lodgers taxes and she suggested it may be appropriate that the City pay a higher percentage of the planner's wage.

County Manager Montoya agreed that a PSA would be an ideal mechanism and recommended amending line 24 on page 2, to read: "Whereas, the Culture, Arts and Tourism Plan calls for a Culture, Arts and Tourism ~~planner~~ (replaced by consultant) hired by PSA to implement the plan..."

Since the planner position would be hired through a PSA, Councilor Montano recommended using the term "consultant" rather than planner and Councilor Chavez agreed.

Commissioners Duran and Gonzales voiced the County's desire to participate in selecting task force members.

Mr. Dwyer remarked that the resolution serves to get the task force up and running and hiring a planner/consultant would be addressed through a different venue.

City Action:

Councilor Chavez moved approval of Resolution 2000-72 amending page 1, line 24 language and deleting lines 17 and 18 . His motion was seconded by Councilor Moore and Resolution 2000-72 was approved by unanimous roll call vote with Councilors Bushee, Chavez, Heldmeyer, Montano, Moore, and Ortiz all voting "aye."

County Action:

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Commissioner Gonzales moved approval of Resolution 2000-154 with the same amendments noted above. His motion was seconded by Commissioners Duran and Resolution 2000-154 passed by unanimous roll call vote with Commissioners Anaya, Griñé, Gonzales and Duran voting "aye."

I. CONSIDERATION OF RESOLUTION No. 2000- :A Joint City/County Resolution
Condemning the Practice of Filing SLAPP Suits and Calling for Action in Order to Abate
the Practice.

Mayor Delgado read the agenda caption and the respective clerks identified the resolution numbers as City Resolution number as 2000-73 and County Resolution number 2000-155.

Councilor Bushee explained that SLAPP suits (strategic lawsuits against public participation) present a "chilling" experience to neighborhood residents in their attempts to participate in community issues. The resolution sets to strengthen the governing bodies commitment to provide all citizens with access to their First Amendment rights to communicate with elected representatives and keep the government process open "without fear of intimidation or threats of costly litigation..."

Councilor Bushee said the resolution reiterates in strong language the governing bodies commitments to "carrying out their responsibility to be truly representative of all its citizens, even in the fact of litigation or threatened litigation."

The governing bodies moved directly to the motion showing support for the Councilor's resolution.

City Action:

Councilor Bushee moved approval of Resolution 2000-73. Her motion was seconded by Councilor Heldmeyer and Resolution 2000-73 was approved by unanimous roll call vote with Councilors Bushee, Chavez, Heldmeyer, Montano, Moore, and Ortiz all voting "aye."

County Action:

Commissioner Duran moved approval of Resolution 2000-155. His motion was seconded by Commissioner Gonzales and Resolution 2000-155 passed by unanimous roll call vote with Commissioners Anaya, Griñé, Gonzales and Duran voting "aye."

Councilor Ortiz said he reviewed the proposed legislation and had certain concerns that he requested be addressed with legal staff and Fred Rowe.

REQUEST APPROVAL: Amended and Restated Regional Planning Authority Joint Powers Agreement

City Attorney Dwyer indicated that the RPA is requesting a language change to the JPA to

assist in hiring a RPA Executive Director. The proposed language follows:

"The Director shall be appointed by the RPA. The Director's salary and any employment related benefits will be included in the RPA's annual budget and will be paid or provided for by the RPA. The RPA shall be the exclusive authority regarding the selection and retention of staff."

The changes, stated Mr. Dwyer, provide greater flexibility in contract negotiations and also provides the contractor with a commitment for a period of time.

County Action:

Commissioner Duran moved to approve the amendment to the RPA JPA. His motion was seconded by Commissioner Duran and the amendments passed by unanimous roll call vote with Commissioners Anaya, Griñé, Gonzales and Duran voting "aye."

City Action:

Councilor Moore moved to approve the amendment to the RPA JPA. Councilor Chavez seconded and the amendment passed by unanimous roll call vote with Councilors Bushee, Chavez, Heldmeyer, Montano, Moore, and Ortiz all voting "aye."

OTHER BUSINESS

Commissioner Gonzales advised the Council that he was presenting a joint resolution this evening to the RPA to request legislative funding to develop water diversion facilities on Santo Domingo land and other aspects of water diversion development.

Councilor Chavez said he hoped to obtain County support in a resolution directing City staff in coordination with County staff to support an annual marching parade in Airport Road in celebration of the life accomplishments of Cesar Chavez.

Directing his comments to the City Manager, Councilor Ortiz stated that he requested CVB information regarding credit card receipts. He said the receipts nor records have been made available to him. He asked the Manager to resolve this issue as soon as possible. Manager Di Luzio said he had every intention of making those records available; however, the personnel records are not public record.

Councilor Ortiz said he was not interested in personnel issues but wanted the financial credit card related information.

As a point of information, Councilor Moore stated that the City PUC recently approved an RFP for a consultant to review diversion at the Buckman well fields and San Ildefonso.

Councilor Bushee asked whether the County has considered hearing as a BCC agenda item, the Mayor's 4-point water growth plan.

ADJOURNMENT

Having completed the agenda and with no other business to come before these governing bodies, Mayor Delgado declared this meeting adjourned at approximately 5:45 p.m.

Approved by:

Approved by:

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Santa Fe City Council
Larry A. Delgado, Mayor


Santa Fe Board of County Commissioners
Richard Anaya, Chairman

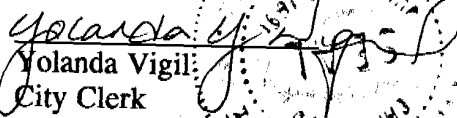
Respectfully submitted:


Karen Farrell

ATTEST TO:

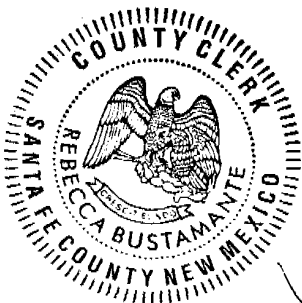

Rebecca Bustamante
County Clerk

ATTEST TO:


Yolanda Vigil
City Clerk

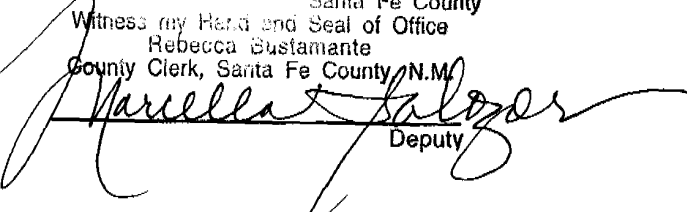
Attached Exhibit(s)

Exhibit 1: Meeting packet containing resolutions



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COUNTY OF SANTA FE } SS
STATE OF NEW MEXICO
I hereby certify that this instrument was filed
for record on the 31 day of Jan A.D.
20 01 at 10:02 o'clock 2 m.
and was duly recorded to book 1852
page 771-827 of the records of

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


Deputy