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SANTA FE CITY COUNCIL MEETING
Wednesday, June 10, 2015

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MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
June 24, 20125

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Javier M. Gonzales, on Wednesday, June 24, 2015, at approximately 5:00 p.m., in the Santa Fe Community Convention Center. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

Members Present
Mayor Javier M. Gonzales
Councilor Peter N. Ives, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Bill Dimas
Councilor Signe I. Lindell
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera

Members Excused
Councilor Carmichael A. Dominguez
Councilor Ronald S. Trujillo

Others Attending
Brian K. Snyder, City Manager
Kelley Brennan, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

6. APPROVAL OF AGENDA

Brian Snyder, City Manager, said he would like to postpone Item 10(q), noting there is no date specific for postponement. He said staff will take it back, work on it, and bring it back to Council.

MOTION: Councilor Maestas moved, seconded by Councilor Rivera, to approve the agenda as amended.

VOTE: The motion was approved on a voice vote with Mayor Gonzales and Councilors Dimas, Ives, Lindell, Maestas and Rivera voting in favor of the motion, none voting against, and Councilor Bushee absent for the vote.

7. APPROVAL OF CONSENT CALENDAR

MOTION: Councilor Dimas moved, seconded by Councilor Maestas, to approve the following Consent Calendar, as amended.

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

Absent for the vote: Councilor Bushee.

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, June 22, 2015, regarding Item 10(p) is incorporated herewith to these minutes as Exhibit " 1."

a) **REQUEST FOR APPROVAL OF COOPERATIVE AGREEMENT – DESIGN AND RIGHT-OF-WAY ACQUISITION FOR ROUNDABOUT AT AGUA FRIA/COTTONWOOD DRIVE INTERSECTION; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (JOHN ROMERO)**

b) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – RADIO ADVERTISING TO PROMOTE AND MARKET THE CITY PARKS & RECREATION DEPARTMENT; HUTTON BROADCASTING, LLC. (LIZA SUZANNE)**

c) ***[Removed for discussion by Councilor Ives]***

d) **REQUEST FOR APPROVAL OF DONATION OF FIRE TRUCK TO THE SIERRA BONITA VOLUNTEER FIRE DEPARTMENT. (ROBERT RODARTE)**

e) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – CITY-WIDE BARRICADING AND TRAFFIC CONTROL SERVICES (BID NO. 15/08/B) FOR WATER DIVISION; SOUTHWEST SAFETY SERVICES, INC. (MICHAEL MOYA)**

f) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT – TEN (10) FIFTEEN YARD ROLL-OFF REFUSE CONTAINERS; WASTEQUIP MFG. CO. LLC (HGACBUY). (LAWRENCE GARCIA AND CINDY PADILLA)**

g) REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT – SIXTEEN (16) SIX-YARD COMMERCIAL FRONT LOADING REFUSE CONTAINERS; WASTEQUIP MFG. CO. LLC (HGACBUY). (LAWRENCE GARCIA AND CINDY PADILLA)

h) REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT – PROVISION OF WASTEWATER COLLECTION AND TREATMENT SERVICE FOR THE THORNBURG AMENDED MASTER PLAN AREA LOCATED OUTSIDE THE PRESUMPTIVE CITY LIMITS; SANTA FE COUNTY. (STAN HOLLAND)

i) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – PUBLIC RELATIONS SERVICES FOR TOURISM SANTA FE; LOU HAMMOND AND ASSOCIATES. (RANDY RANDALL)

j) *[Removed for discussion by Councilor Ives]*

k) REQUEST FOR APPROVAL OF AGREEMENT – INTEGRATED SERVICES DIGITAL NETWORK PRIMARY RATE SERVICE A/K/A ISDN PRS FOR ITT DIVISION; CENTURYLINK QC. (YODEL CATANACH)

l) REQUEST FOR APPROVAL OF AGREEMENT – QWEST METRO OPTICAL ETHERNET SERVICES FOR CITY HALL AND MOST SATELLITE OFFICES; QWEST CORPORATION D/B/A CENTURYLINK QC AND APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF $48,852. (YODEL CATANACH)

m) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENTS TO TRANSFER RESTRICTED CASH IN THE GRT BOND FUNDS AND TO REDISTRIBUTE PROPERTY TAX BETWEEN GO BOND FUNDS 4150 AND 4151. (HELENE HAUSMAN)

n) CONSIDERATION OF RESOLUTION NO. 2015-58 (COUNCILOR IVES). A RESOLUTION DIRECTING THE PUBLIC UTILITIES STAFF TO CREATE A "CARBON NEUTRAL IMPACT REPORT" (CNIR) FORM DESIGNED TO IDENTIFY AND QUANTIFY CARBON EMISSIONS STEMMING FROM PROPOSED CITY RESOLUTIONS, ORDINANCES AND OTHER ACTIONS, IN ORDER TO BETTER ASCERTAIN THEIR POSITIVE OR NEGATIVE EFFECTS ON THE ENVIRONMENT; REQUIRING CITY STAFF TO USE AND COMPLETE THE CNIR WHEN ASSESSING PROPOSED RESOLUTIONS, ORDINANCES AND OTHER ACTIONS. (JOHN ALEJANDRO)

o) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING FOR JULY 29, 2015:

1) BILL NO. 2015-24: AN ORDINANCE AMENDING SUBSECTION 12-6-6.1 OF THE CITY OF SANTA FE UNIFORM TRAFFIC ORDINANCE TO PROHIBIT THE PARKING OF A MOTOR VEHICLE IN A MARKED BICYCLE LANE; MAKING MINOR GRAMMATICAL CHANGES (COUNCILOR BUSHEE). (KEITH WILSON)

2) BILL NO. 2015-25: AN ORDINANCE AUTHORIZING THE SALE OF 2,263 SQUARE FEET OF REAL PROPERTY LOCATED ADJACENT TO 830 EL CAMINITO STREET AND DESCRIBED AS "AREA OF GAIN" AS SHOWN AND DELINEATED ON A PLAT OF SURVEY ENTITLED, "LOT LINE ADJUSTMENT WORKMAP OF PROPERTY LOCATED AT 830 EL CAMINITO" PREPARED BY PAUL A. ARMIJO, N.M.P.S. NO. 13604, DATED OCTOBER 2, 2014, LYING AND BEING SITUATE WITHIN THE SANTA FE GRANT, PROJECTED SECTION 30, T17N, R9E, N.M.P.M., IN THE CITY AND COUNTY OF SANTA FE, NEW MEXICO (MAYOR GONZALES). (MATTHEW O'REILLY)

p) CONSIDERATION OF RESOLUTION NO. 2015-59 (COUNCILOR BUSHEE). A RESOLUTION ENDORSING THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT'S FY 2016 BUDGET PROPOSAL, APPROVING THE FY2016 CITY OF SANTA FE REGIONAL TRANSIT PLAN, AND DIRECTING STAFF TO SUBMIT THE CITY OF SANTA FE REGIONAL TRANSIT PLAN FOR FY 2016 TO THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT BOARD OF DIRECTORS FOR CONSIDERATION AND APPROVAL. (JON BULTHUIS)

q) CONSIDERATION OF RESOLUTION NO. 2015-___ (COUNCILOR DIMAS). A RESOLUTION ADOPTING GUIDELINES AND REGULATIONS FOR THE ACCEPTANCE OF MEMORIAL DONATIONS FOR PLACEMENT IN CITY-OWNED PARKS, OPEN SPACES AND TRAILS. (ROBERT CARTER) This item was removed from the agenda and postponed indefinitely, to be brought back to the Council in the future

r) REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT – FY 2015/16 SANTA FE MUNICIPAL COURT DUI/DRUG COURT TREATMENT SERVICES; MILLENNIUM TREATMENT SERVICES, INC. (JUDGE ANN YALMAN)

s) REQUEST FOR APPROVAL OF AGREEMENT – FY 2015/16 COORDINATE OUTLINED SERVICES THROUGH THE SANTA FE REGIONAL JUVENILE JUSTICE BOARD; STATE OF NEW MEXICO CHILDREN YOUTH AND FAMILIES DEPARTMENT. (RICHARD DeMELLA)

t) REQUEST FOR APPROVAL OF GRANT AWARD AND PROFESSIONAL SERVICES AGREEMENT – VO2 MAX (CARDIOPULMONARY) TESTING FOR SANTA FE FIRE DEPARTMENT PERSONNEL; UNIVERSITY OF NEW MEXICO AND APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF $61,200. (JAN SNYDER)

u) *[Removed for discussion by Councilor Ives]*

v) REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT – CITY-WIDE BUILDING SUPPLIES AND SERVICES FOR FY 2015/16 AND 2016/17; HOME DEPOT. (ROBERT RODARTE)

w) REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT – CITY-WIDE AUTO AND TRUCK SUPPLIES AND SERVICE FOR FY 2015/16 AND 2016/17. (ROBERT RODARTE)
- CARQUEST
- NAPA
- O'REILLY'S

x) REQUEST FOR FINAL APPROVAL OF THE SALE OF APPROXIMATELY 221 SQUARE FEET OF CITY-OWNED REAL ESTATE (CITY PARCEL 1) ADJOINING THE NORTHERN BOUNDARY OF 325 SANCHEZ STREET. (MATTHEW O'REILLY AND EDWARD VIGIL)

y) REQUEST FOR FINAL APPROVAL OF THE SALE OF APPROXIMATELY 221 SQUARE FEET OF CITY-OWNED REAL ESTATE (CITY PARCEL 1) ADJOINING THE NORTHERN BOUNDARY OF 319 SANCHEZ STREET. (MATTHEW O'REILLY AND EDWARD VIGIL)

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – JUNE 10, 2015

MOTION: Councilor Rivera moved, seconded by Councilor Ives, to approve the minutes of the Regular City Council meeting of June 10, 2015, as presented.

VOTE: The motion was approved on a voice vote with Mayor Gonzales and Councilors Dimas, Ives, Lindell, Maestas and Rivera voting in favor of the motion, none voting against, and Councilor Bushee absent for the vote.

9. PRESENTATIONS

a) MUCHAS GRACIAS – FORMER PLANNING COMMISSIONERS ANGELA BORDEGARAY, RENEE VILLARREAL, LAWRENCE ORTIZ AND JOHN PADILLA (MAYOR GONZALES)

Mayor Gonzales said, "On behalf of the City Council, I want to extend my heartfelt thanks to all of you. What I have learned from my time of being Mayor Santa Fe and observing the Planning Commission is that the Commission that of all you belonged to, set an incredible standard for fairness, for being a Commission that always studied packets, came prepared, asked hard questions, but when you deliberated and made decisions you got it right. And I want to say thank you for that, because there are many projects in our community that are for the better because of your participation on the Planning Commission. So you should know that we're all incredibly, incredibly grateful. You have certainly set new standards and a higher bar by which future Planning Commission needs to meet or exceed and for that you can know that you certainly left this Planning Commission in better hands than when you came in, and Councilor Lindell was there before. You've continued a pattern of escalating the level of professionalism and the standards by which the Planning Commission approaches difficult subjects and certainly tonight the City Council will get to see what you guys saw on a regular basis and how you had to step back and listen to all sides deliberate and make a decision that, not only was in accordance with our Code, but certainly something that you felt was the right decision to make."

Mayor Gonzales, assisted by Councilor Lindell, presented Muchas Gracias to the outgoing members: Commissioner Schackel-Bordegaray, Councilor Villarreal, John Padilla and Lawrence Ortiz [who was not in attendance.

Councilor Lindell said, "Again, these are my peeps. We spent a lot of lot of evenings together. I don't know that the community has any idea of how much work a Planning Commissioner does. It's a tremendous amount of work and these 3 people did that work willingly, cheerfully and most importantly, completely. It was an absolute pleasure to serve with each of you. I learned a tremendous amount. We didn't always agree, but there was an absolutely civility to how everyone conducted themselves and the friendships that came out of our time together are really long-lasting and enduring. It's a great way to meet people and get to know them. And I spent a lot of Christmas parties with you guys, it's amazing. Thank you so so much for your dedication to this City. And thank you to your families for the dinners that you weren't home for."

Councilor Maestas said, "I just want to thank all 3 of you John, Renee, Angela. I know it's the hardest working Commission in our City government. I know you guys bring some incredible expertise and experience. But what I'm going to miss most is your passion that you have for our community. And I always knew you had the best interest of our community in mind before you made decision. I know you've made very difficult decisions. And I read your minutes, thoroughly, as we should, especially in times like tonight. So I will miss you and I thank you for all your service to Santa Fe."

Councilor Rivera said, "Angela, Renee and John, I too want to thank you. I didn't get to go in front of the Planning Commission too often, but when I did, you were always very respectful, thoughtful and I know you weighed-in many of your long hours on tough decisions. Just like Councilor Maestas said, every time we read the minutes, I knew that you vetted issues thoroughly and really relied on the feedback you provided. It's been about 3 ½ since I've been here, and we haven't overturned many decisions from the Planning Commission and that just goes to show the great job that you have done throughout your time. So thank you very much for your service to the City."

Councilor Dimas said, "I want to echo what everyone else has said, but I thank you for your dedication to the City of Santa Fe, because that's not an easy job. Many years ago, I sat on the Planning Commission and I know what a tough job it is. I can't tell you how much as I appreciate as a citizen of Santa Fe, the hard work that you've done to maintain what Santa Fe believes in: tradition, culture. It's a tough road to hoe and there's a lot of difficult decisions that you had to make, and I know that you struggled with them, just as we struggle here on the Council with making those kinds of decisions. But I will say that you were brave enough to face those decisions, and you made those decisions as well as could be expected. I can't tell you how proud I am of our City and the great job that you've done as a part of the City, and a big part of the City. And I will miss you being on the Planning Commission. And hopefully with the new people we have on the Planning Commission, we won't be having a lot of appeals and things that will be overturned and brought to the Council, because you did such a job. And we certainly will miss your hard work. Congratulations and enjoy the time off."

Councilor Bushee arrived at the meeting

Councilor Ives said, " I would only echo some of the remarks. As a practicing attorney, I'm used to the process of the trial in the District Court, the appeal upwards, and how long that can take and how fraught with issues it can become. So the fact that there were so few cases that were coming to the Governing Body from the Planning Commission, I think, is probably the best possible statement that can be made for the intelligence, reasonableness and good judgment that everybody exercised, so I merely echo the many, many many thanks for your service. The City truly relies on its citizens in order to do what it can do, and you're served exemplarily, so thank you."

Councilor Bushee said, "Well I hope you feel like you're going home with more than a nameplate and piece of paper that says Muchas Gracias. Because I can tell you, I know all 3 of you very well, professionally and personally and I consider you friends and consummate professionals. We have two land use planners, people that actually have degrees in planning and John is an architect. So it is a big loss from my perspective to see you all no longer serving on our Planning Commission. I know, geographically, you're in District 3, Renee and Angela, I think you're District 4, and John you're District 4 as well. I hate to see you leave really, I'll just say that again. But on top of all of that I will say thanks from the bottom of my heart for all your years of service, and I look forward to seeing you continue to serve our community in some capacity."

Mayor Gonzales said, "Thank you all very, very very much."

b) INTERNATIONAL FOLK ART MARKET; TOURISM AND COMMUNITY IMPACT. (CONNIE BURKE)

A copy of a power point presentation *International Folk Art Market Santa Fe*, is incorporated herewith to these minutes as Exhibit "2."

Cynthia Delgado introduced Connie Burke, Chief of Staff, International Folk Art Market Alliance for a presentation.

Ms. Burke presented information via power point. Please see Exhibit "2" for specifics of this presentation. She noted the Santa Fe Market has been voted the number one best art festival by USA Today Reader's Choice, and named by American Express as one of the 20 must see global events, one of 3 in the United States.

Ms. Burke said anyone can volunteer to help and they would welcome your help. She thanked the City and the Arts Commission, Santa Fe Trails, Regional Transit District, Police Department and Tourism Santa for their support of their efforts.

Ms. Burke introduced Mr. Gasali Adeyemo from Nigeria, a fiber artist, who has been with the Market since 2005.

Mr. Adeyemo said he is here tonight to say, from the bottom of his heart, thank you so much for this City, because "without you I don't see how we can do this." He said, "Thank you so much for all your work, for being able to give me life to give life back to people in my community in Nigeria, people that need help in so many things, schools, hospital, food, so I thank you for all your work and to make people to be able to come to the Market to see what we bring and to be able to afford a space in the market. Thank you so much."

Mayor Gonzales thanked Mr. Adeyemo and the others, saying we wouldn't have a Market without their presence. It is a true partnership, we work together and are mutually committed and important to one another. He said, "I want to assure you and your artist colleagues that you're the show, why people want to come to Santa Fe. Looking forward to this year's Market and many, many years to come."

Ms. Burke invited the Governing Body to the opening party on Friday, 6:30 to 9:30 p.m. – the dress is Folk Art festive. She said the public opening is on Wednesday at St. John's and the whole community is invited to attend.

Ms. Delgado said she would reminded the Governing Body that 365 days a year this Alliance is raising money through public and private support. She said they have donors and she thanked them for their support.

Councilor Ives talked about the benefits of the Folk Market to the City and to the artists and their respective communities. He said the success of the Market is a direct reflection that it is intended to benefit the artists and in doing that, we all receive the benefits that flow from that.

Councilor Bushee said she has attended Markets, and commented on the 6,700 volunteer hours which is astounding. She thanked the founders and the founding board members and those that thought it up, and said, "The City should provide whatever support you need, so let us know what that might be in the future. Thanks again for all your efforts."

CONSENT CALENDAR DISCUSSION

10 (c) REQUEST FOR APPROVAL OF FOUR-MONTH EMERGENCY PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – SECURITY SERVICES AT MUNICIPAL PARKING FACILITIES, CITY HALL, SANTA FE COMMUNITY CONVENTION CENTER, PUBLIC LIBRARIES, MUNICIPAL COURT AND SANTA FE TRAILS; BLACKSTONE SECURITY SERVICES, INC. (NOEL CORREIA)

Councilor Ives said an issue he raised when this was going through committees is whether Blackstone was registered as a corporation in New Mexico, and asked if that question has been answered.

Mr. Correia said he and the staff were unable to find a New Mexico registration, but they do have a City Business License.

Councilor Ives said they are hiring people in New Mexico, have staff in New Mexico and will be paying people in New Mexico, and part of the registration is designating a service agent in the State so if they're sued people can find them. He questions whether or not it is prudent to contract with anybody for these kinds of services who isn't registered in the State, in this case, as a foreign corporation. He asked Mr. Correia's thoughts.

Mr. Correia said he agrees with Councilor Ives, noting he has a meeting with the principals of this company tomorrow, and he was going to personally ask them the question, and as soon he gets an answer he will forward it to the Governing Body.

Councilor Ives said we have contracted with them in the past and may be under contract with them now at other facilities, so the fact they don't have it isn't due to the fact that they're waiting for this contract to be put in place.

Mr. Correia said they do have a current contract with Parks & Recreation, and "I am confident they are meeting all the eligibility requirements, but he will get that confirmation tomorrow.

Councilor Ives asked him to confirm that to him via email or another mechanism, commenting they are required to be in compliance with all State laws in our contract form.

Councilor Ives said in the Memo on packet page 5, it says the Parking Division Director, will be working with the Purchasing Office to prepare a new bid or RFP using pre-qualification method in RFP 14/27/B, and presumes that is the one used a year ago when the contract was first put in place.

Mr. Correia said that his understanding.

Councilor Ives said his question is whether or not, given advances in terms of how security can be provided, the use of cameras, remote sensing devices, etc., it isn't clear to him whether that is the correct mechanism for accomplishing these purposes. He would urge you to speak with IT Director, Renee Martinez about what might be available to leverage capacity. He said the price for the 4 months is

proposed at $120,000 plus, which would bring the total dollar value to some $363,000 over one year. He said AAA said they would do it for $307,000 and remembers at the time wondering if that would be sustainable. He asked if we can realize savings in reforming the prior RFP. He would urge taking a hard look at it to see if we need to engage in a new bidding process, because the AAA experience was not successful. Speak with Renee Martinez about sustainability. Engage in new bidding process for security as look forward.

Councilor Ives said the bid process is to design and bring the bid criteria to the Finance Committee, but not all of us here serve on Finance and he is interested in that, and requested to receive anything delivered to the Finance Committee in this regard.

Councilor Ives said on packet page 9 of the contract, some of the services to be delivered are Item 4 "use reasonable efforts to deter or when absolutely necessary to detain persons attempting to gain or gaining unauthorized access to a facility or vehicle in the parking area, and Item 7 " maintain the scene of a crime to protect possible evidence in accordance with established procedures." He said these are some of the things taught at the Police Academy in terms of chain of evidence and custody. He has concerns in circumstances where we're asking people to detain people and maintain chains of custody because those are usually assigned to uniformed officers. He wants to know what kind of training they receive that qualifies to make these significant judgment calls on which liability and/or prosecutions might rely subsequently.

Councilor Ives said on packet page 12 under Subsection F(1), it says, *"Contractor shall assign personnel who have the same comparable training levels and following qualifications. Trained, knowledgeable employees who are licensed with excellent background."* He said he has no idea whatsoever what an "excellent background" is in the context of this. We do require criminal background checks, but that the fact that someone hasn't been arrested for something criminal is not indicative of an excellent background. There is terminology in here that leaves him wondering what we're looking for. Any information that can be provide would be helpful, and believes the contractor would be interested as well.

Councilor Ives said as we come up with the new bidding process, he will be curious to see what sorts of responses we are going to get, commenting he would be leery of AAA participating in this again. He would caution as to the accuracy of the bids that may be received and how we evaluate those.

MOTION: Councilor Ives moved, seconded by Councilor Maestas, to approve this request.

DISCUSSION: Councilor Maestas shares the same concerns, noting we had considerable discussion about this at Finance. He said he would repeat his request that when we develop the next RFP's for these, that we revisit the termination clause and extend that instead of having it remain as a standard 30 days given the sensitivity of these kinds of contracts and for other contracts. He said we also should look at the administrative procedures for meeting with our contracts in the middle of a multi-year contract and have them request a one year extension far in advance of the termination. He favors a termination clause of 60-90 days on these kinds of contracts so the City isn't in the position of proceeding with an emergency contract.

Mayor Gonzales said in the industry clearly there are people who undercut to get a contract and through a series of change orders, exceed the previous contractual amount. He said we need to figure out how to do a reasonableness test when there is such a disparity between bidders to see if the capacity exists, or to add a penalty for early withdrawal when we have fulfilled our bargain.

Councilor Rivera said Councilor Ives brought up the issue of looking at cameras in consultation with Renee Martinez. He asked Mr. Snyder if we can form a committee to look at this before it goes out to RFP. He said there is more than one department involved and they may have different needs. He thinks we need to do a comprehensive look at security needs and get people involved that understand security, perhaps someone from the Police Department to look at the issues brought up by Councilor Ives.

Mr. Snyder said he will ask Robert Rodarte to take the lead in putting this together.

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Bushee, Councilor Dimas, Councilor Ives, Councilor Lindell, Councilor Maestas and Councilor Rivera.

Against: None.

10 (j) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – ENTERPRISE RESOURCE PLANNING SYSTEM (ERP) SOLUTION SELECTION AND CONSULTING SERVICES FOR CITY OF SANTA FE (RFP #15/18/P); BERRY DUNN. (RENEE MARTINEZ)

Councilor Ives back said on page 1 of the Memorandum it says, "*The current system is limited in its ability to support the evolving business requirements of the City, as it was designed for the manufacturing sector and not the local government sector. The City is planning to replace the current system with a more suitable and capable solution and is seeking the professional services of an experienced and highly qualified ERP solution selection and consulting services firm to assist City Staff. ...*" He said with that, as a predicate, he would thank Ms. Martinez for looking beyond that to better systems.

Councilor Ives said on page 8 of the agreement, our contractor is identified as BerryDunn, commenting he likes to see the full party identified as well as the principal place of business. He said BerryDunn is a consulting firm that exists throughout the country and it sounds as if we are contracting with their office in Portland.

Ms. Martinez said this is correct, their headquarters are in Portland, Maine.

Councilor Ives said he would like to see that information included in the future so we can evidence proper capacity to execute contracts, so he would ask for more close attention to these kinds of things.

Councilor Ives asked Ms. Martinez, regarding the scope of services, if she is satisfied that Sections 1(A) through (G) are sufficient and can be accomplished within the year-long time frame, i.e. through June 30, 2016, without..... he wants to be sure we can get through this entire thing and we won't see amendments asking for more money because it was underestimated.

Ms. Martinez said the proposal received from BerryDunn was evaluated and similar to the other finalists. It is a 9 month project, and assuming there is approval to proceed tonight, they will be kicking off the project as soon as possible – so we could have a start within the month and then an RFP out within 2 months, the first two months focused on a lot of requirements gathering and specifications. She said, " I feel confident that with starting the project within the month that we will be finished... that in a year, we should be finished in 9 months."

Councilor Ives asked when she says, "finished in a year," it sounds like we're saying we will have a new ERP system up and running in place functioning across the City and asked if this is correct.

Ms. Martinez said, "No. Let me clarify. This is really the selection phase of the project, so it's selecting the vendor, the product and the implementation services. Most of the time if you're looking at systems, I'm going to say our Tier 2 systems that are designed for municipalities, usually the software vendor is the same as the implementation services vendor. Unlike very large companies where oftentimes you will have an implementation party that is a reseller or not the same as the software vendor. In this case, I think we likely will have the same company that provides both the software and the implementation services. And so by the end of this phase of the project, we will have selected or be recommending a solution and funding for the implementation of the system."

Councilor Ives said then this is a next year's budget item, and asked her to rate it in terms of its significance for the City – it's importance to our IT operations.

Ms. Martinez doesn't think it's important to our IT operations, but it is very important to our City operations, but it would be a priority 4 as a project and it is a project already in the project planning as something "we are going to support." If there are new, incoming projects, this will be considered a higher priority unless there was some reason the City said no, we need to hold on this and put something in front of it. And now that we have an IT governance committee in process, we have a way of vetting those kinds of decisions with that Committee and the department heads who serve on the Committee.

Chair Ives said one reason he is highlighting this is wanted everybody up here to hear this is coming in our budget discussions for next year and it's of significant importance, so folks can get their head around that and that we're engaging in this process to be prepared to have a platform that supports the City as a municipal government as opposed to as a manufacturer.

Councilor Ives said in 1(G) they talk about developing a formal training plan. Is there any intent at this point that BerryDunn would do that training, do they do that training and would that be something we're looking for whoever the software vendor is to bring to the table.

Ms. Martinez said we would be asking BerryDunn to help us draft a training plan before we hand it over to the vendor and the implementation service provider, and they intend for the provider to finalize the plan based on its approach to training. We really want to engage BerryDunn because they have spent 9 months with us to understand our unique training needs. So those are already scoped out in terms of a set of requirements for the implementation phase of the project.

Councilor Ives asked if BerryDunn has done these types of projects previously and have you talked with folks with whom they have worked on these types of projects.

Ms. Martinez said yes, noting that was a key evaluation factor, as well as organizations of like size to Santa Fe, the recent track record on similar projects, noting the list of recent clients in the last 3 years include: College Station, Texas 95,000 residents; Mesa, Arizona; Tucson; Surprise, Arizona; Goodyear, Arizona; Mesquite, Texas; Midland, Texas; West Jordan, Utah; Pearland, Texas; Richmond Virginia; Lake County, Illinois. There are probably 20 such engagements over the last 3 years. This is what they do and their focus is on the government sector for ERP selections, and often the clients engage them in the next project phase, but we haven't made and won't be making that decision now. That does, however, say a lot for the company.

Councilor Ives, referring to page 9 where it talks about standards of performance and licenses, it says, "*Contractor represents that it possesses the personnel experience and knowledge necessary to perform the services described under this agreement*." That doesn't talk about a standard other than that they have minimal knowledge and qualifications. He asked if we can get a "best efforts," or like that type of standard in this.

Ms. Brennan said, "We can try to get a best efforts. I think that the ensurance of this kind of provision is typically a well drafted scope that gets incorporated as a scope of services in the contract so that are representing specifically that they can carry out the services and have the personnel and resources to do it. So we can ask for best efforts, I'm not sure that's any substitute for a well drafted scope, so that the expectations are clear at the beginning."

Councilor Ives said some of that relates to his unease of how the scope of services is described which speaks in many instances to coordinate, to assist, to assist, to assist to develop, all of which are pretty darned soft when they come to statements of the services to be delivered.

Ms. Brennan said, "I have, at times, asked people to expand a scope, but typically the originating department scopes a project and it's something we could probably do some training on."

Councilor Ives said he is willing to look at a budget request to do that.

Councilor Ives said in the first sentence of Section 1 it says, "*The contractor shall provide the following services to the City as represented in their proposal to the City in response to RFP 15/18/P*." He asked if this is being attached as an exhibit to this contract. He said, "I can say, having litigated similar computer services contracts here in Santa Fe in the past, at a large scale, probably not dissimilar from this, when you're looking for issues having clarity as to what those representations are, and that they are part of

the contract itself is often a very critical issue. I suppose, begging the question are we including that as a very solid part of the contract, and are you and our Director of IT comfortable with the statement of those representations and having them incorporated into the contract."

Ms. Brennan said, "Again Councilor, we are contract drafters, you know hundreds of these contracts go through my office. We look to the originating department to establish the standards and evaluate them. Many RFP's are very long, but they should be incorporated into the agreement and any modifications that have been made to the scope as the result of the discussions in arriving at an award should be incorporated as well, so it's clear the scope has been somewhat modified by negotiations."

Ms. Martinez said she is very comfortable with including the proposal as referenced. She thinks it's very important, and in fact, they have agreed on fixed price deliverables. The scope of services as it's shown in the Agreement is more general than we have in the proposal. They had a cost proposal form that had deliverables and fixed prices, and so we are not going to be paying them on time and materials, or paying them on fixed priced deliverables after we accept the product.

MOTION: Councilor Ives moved, seconded by Councilor Maestas, to approve this request, with a request that the RFP and those representations be explicitly identified as an exhibit to the agreement, and with consideration of seeing if best efforts might be a standard added in the discretion of the City Attorney and the Director of IT.

DISCUSSION: Councilor Maestas asked if we have a funding source to purchase and deploy this system, hiring a technical expert to assist us during the procurement process and terminates at the end of the next fiscal year – do we have a dedicated funding source to purchase and deploy it.

Ms. Martinez said, "We do not. I placed in our budget for consideration for CIP funding, a placeholder for the software and implementation services. I also have asked BerryDunn to come give us sort of a best estimate at this time based on similar engagements as to what the cost might be, and it's in the $300,000 range. Actually I want to clarify that. I want to make sure that I'm giving a good number. So let me just back off on that, because I don't think I have that information right here with me. But we do plan to put this in the CIP. A couple of different things we need to think about however. Now with software you have options to either purchase software as a non-recurring expense software license. But oftentimes now with a Cloud enabled application, you also have the option to put a software subscription or annual cost as an op-expense type of funding or costing versus capital. So we don't know which direction we're going to be going at this point. So that's up for future decision-making as to how to fund the project, and how we're going to fund it – with operating budget or with CIP."

Councilor Maestas said his concern in today's IT world, the shelf life of anything regarding IT is very short, and he wants to make sure we identify and secure a funding source well in advance of the end of this contract to ensure we're not stuck with the "latest and greatest," and 6 months later there is another system that is more advanced than the system we came up with as a part of this RFP. He said we can come up with a ballpark figure and pursue and sure it well in advance of the end of this contract.

Mr. Snyder said, "This will be part of our CIP discussion which we start next month in July."

Mayor Gonzales said this is an important step for us to get to the point of understanding what the costs will be. He said he thinks of this like an architect who sits with owner to map out what they want in a house and build the requirements and then put it out to bid. However, until they sit with an owner, they're not going to know what the owner wants. He said some of the goals, or scope of services, a formal business process review is really critical so we are able to document and understand how a transaction takes place at the City. And that allows us to try to drive more efficiencies or find ways we can use technology to develop it. The written requirements for a new ERP system, regardless of the changes in technology, in many respects are going to map to the City.

Mayor Gonzales continued, "I think the question I would ask is who is the executive committee that you have on this."

Ms. Martinez said it hasn't been established yet, but that's part of the project kick-off activities, so they'll be putting together our project charter, project communication plan, project management plan, identifying the executive committee and when they will meet. These things will be put in place as we kick-off the project.

Mayor Gonzales said from a best practice, the City Manager needs to chair Executive Committee with key individuals, because without his participation it will be hard to get buy-in to any future process changes that will be required. And the only other thing I think is important to come back to Council through this process, in addition to what Councilor Maestas would like, which is when we get to some idea of cost, and he thinks it will be more than $300,000. When we get to the point of writing the RFP for the ERP software and implementation services, the previous requirements for the new ERP system and the business process review to the degree that could be presented to the Council at as high a level as possible so we understand how the ERP will be a tool set to driving greater accountability, transparency, being used as an effective decision-tool for everybody including citizens, all those things. I think it's important we be able to see so we understand what is going to be put out in an RFP. The Council should hear the actual tool sets will deliver for the Council so they can determine if the staff got it right. The other thing he would suggest is setting up some webinairs for Councilors individually, sooner rather than later, so they can see how the ERP systems work.

Ms. Martinez said one of the up-front deliverables in the project, after we do the requirements at a high level, is to put a business case together which she can share that with Governing Body and inviting the Governing Body to webinairs.

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Bushee, Councilor Dimas, Councilor Ives, Councilor Lindell, Councilor Maestas and Councilor Rivera.

Against: None.

10 (u) REQUEST FOR APPROVAL OF RENEWAL FOR FISCAL YEAR 2015/2016 COMPREHENSIVE INSURANCE PROGRAM COVERAGE FOR CITY OF SANTA FE (RFP #12/19/P); A.J. GALLAGHER RISK MANAGEMENT SERVICES. (BARBARA BOLTREK)

Councilor Ives said two items about which he has questions – the cyber liability with a premium of $4,300 and then SWMA pollution liability at a premium of $34,000. He asked what kinds of claims are covered by cyber liability.

Ms. Boltrek said she is unsure, but asked the City's Insurance Broker to speak to this.

Nazarene Kolpecke, J.J. Gallagher, said the cyber liability covers any personal identification information which is stolen from City computers is what it basically covers. You would be responsible for the notifications you would have to send to anyone whose information has been hacked or compromised.

Councilor Ives asked if it is geared only toward personnel information.

Ms. Kolpecke said anybody's personal information that might come through the City such as Social Security numbers, health information, and anything of that sort.

Councilor Ives said then it doesn't cover things such as people attacking the City's system with viruses or anything of that sort, and Ms. Kolpecke said no.

Councilor Ives asked how much coverage do we have.

Ms. Kolpecke doesn't recall the limit, but it part of a package policy the City has with Travelers Insurance.

Ms. Boltrek said it is $1 million.

Councilor Ives said if we had 1,500 employees, and somebody accessed and copied all of our employees' information.

Ms. Kolpecke said you only have $1 million, but they definitely can market another full-blown fiber policy for the City with $5 million of coverage, but of course it will cost more money.

Councilor Ives said he's begging the question: are we insuring against the risk sufficiently. He asked that this be looked at and consider what the risks are in terms of moving this forward.

Councilor Ives asked about the pollution liability.

Ms. Kolpecke said it is for the Santa Fe Waste Management Agency [SWMA]. She said it is anything that would contaminate the land, noting even if the property is sold, the City would have to continue coverage.

Councilor Ives asked if it would cover the circumstance where the various cells are ruptured and there is contamination in the environment, and Ms. Kolpecke said yes.

Councilor Ives asked the amount of coverage.

Ms. Kolpecke said it is $1 million coverage as well.

Councilor Ives asked for the same assessment on this coverage as on the previous one in terms of are we sufficiently covered for this risk.

Councilor Ives said he is asking to be sure we are properly insuring against the risk.

MOTION: Councilor Maestas moved, seconded by Councilor Dimas, to approve this request.

DISCUSSION: Councilor Maestas would like to see what is the rolling five-year average of claims in each of the categories, commenting he doesn't need to see the details, so we can make a better judgment as to whether the total coverage is adequate given the history of the types of claims paid. He said it probably can be "scrubbed clean," so we don't have to discuss it in executive session.

Ms. Boltrek said she has that information as well as an annual actuarial which she can provide to the Committee.

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Bushee, Councilor Dimas, Councilor Ives, Councilor Lindell, Councilor Maestas and Councilor Rivera.

Against: None.

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END OF CONSENT CALENDAR DISCUSSION

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11. REQUEST FOR APPROVAL OF APPOINTMENT OF MUNICIPAL COURT PRO-TEM JUDGES PURSUANT TO §2-3.4(C); ANTHONY TUPLER, PAUL BIDERMAN, VIRGINIA VIGIL AND STEPHEN PFEFFER. (JUDGE ANN YALMAN)

Judge Ann Yalman said she is here to request the approval of four pro-tem Judges, commenting these are highly respected attorneys who have been serving during the past year as pro-tems, and several have served for many years.

Councilor Bushee asked if Paul Biderman still serves on the Ethics Committee.

Judge Yalman said he does, and she has talked with him about it. She said, "My requirements, which may be different from yours, was that he not vote on anything concerning the Governing Body."

Councilor Bushee said that is a concern, noting the Committee has had difficulty with attaining a quorum, and Mr. Biderman has had to recuse him on just about every vote she's seen in the last so many years. She said she would love to see him as a pro-tem Judge, but she really would like to remove the conflict of interest on the Ethics Board if you could in the future.

Mayor Gonzales said, "I think there are some appointments that are going to be coming up. I would just say, by way of that, if there are individuals who you know want to serve on the Ethics Committee to please submit their names."

MOTION: Councilor Dimas moved, seconded by Councilor Bushee, to approve this request.

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Bushee, Councilor Dimas, Councilor Ives, Councilor Lindell, Councilor Maestas and Councilor Rivera.

Against: None.

12. CONSIDERATION OF RESOLUTION NO. 2015-60 (COUNCILOR DOMINGUEZ, COUNCILOR BUSHEE, COUNCILOR RIVERA, COUNCILOR DIMAS, COUNCILOR IVES, COUNCILOR MAESTAS AND MAYOR GONZALES). A RESOLUTION DIRECTING STAFF TO SEND A LETTER ON BEHALF OF THE CITY OF SANTA FE TO THE NEW MEXICO DELEGATION IN SUPPORT OF THE CCM-CARE ACT THAT WOULD INCREASE CARE FACILITIES AND RESEARCH ON CAVERNOUS ANGIOMA; TRANSMITTING A COPY OF THIS RESOLUTION TO THE DIRECTORS OF HE NIH, FDA AND CDC URGING THEM TO PROVIDE NECESSARY RESOURCES TO RESEARCH POTENTIAL TREATMENTS FOR CCM. (TERRIE RODRIGUEZ)

A copy of Terrie Rodriguez's statement for the record, entered for the record by Terrie Rodriguez, is incorporated herewith to these minutes as Exhibit "3."

Terrie Rodriguez presented information regarding this information and its importance to the people of Northern New Mexico especially. Please see Exhibit "3" for specifics of this presentation.

Councilor Bushee said a lot of families in Northern New Mexico, particularly here in Santa Fe, noting the family members of her Treasurer for years, recently deceased, have experienced this condition. It is important to recognize it and put whatever effort we can toward having our Congressional Delegation try and support funding for us.

Councilor Bushee, Councilor Rivera, Councilor Ives, Councilor Dimas, Councilor Maestas and Mayor Gonzales asked to be added as cosponsors of the Resolution.

MOTION: Councilor Bushee moved, seconded by Councilor Rivera, to adopt Resolution No. 2015-60 as presented.

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Bushee, Councilor Dimas, Councilor Ives, Councilor Lindell, Councilor Maestas and Councilor Rivera.

Against: None.

13. **CONSIDERATION OF RESOLUTION NO. 2015-61(MAYOR GONZALES). A RESOLUTION AMENDING RESOLUTION NO. 2015-42 TO CLARIFY THAT MEMBERS OF THE PARKS AND OPEN SPACES ADVISORY COMMISSION (POSAC) AT THE TIME SAID RESOLUTION WAS ADOPTED SHALL CONTINUE AS INTERIM MEMBERS OF THE PARKS AND RECREATION ADVISORY COMMISSION (PARC) UNTIL THE MAYOR HAS APPOINTED PERMANENT MEMBERS TO THE COMMISSION; PERMITTING THE INTERIM CHAIR OF PARC TO APPOINT INTERIM MEMBERS TO SUBCOMMITTEES CREATED IN ACCORDANCE WITH RESOLUTION 2015-42. (JESSE GUILLEN)**

Jesse Guillen presented information regarding this Resolution, noting it is a clarification of what was intended by the original Resolution creating PARC, to ensure those members who had been serving on POSAC at the time of the original Resolution when that was passed, would continue in their positions as in interim members of PARC until the permanent members have been appoint. The language in the original Resolution was vague as it relates to that and the City Attorney's office determine that clarifying language was required before PARC could take official action on matters before them.

MOTION: Councilor Rivera moved, seconded by Councilor Lindell, to adopt Resolution No. 2015-61.

DISCUSSION: Councilor Ives said, "In the caption it talks about the permanent members to the Commission and he presumes this is to distinguish them from an interim appoint to fill and unexpired term, but not that these people are being appointed permanently and incapable of being term limited or anything else. Is my understanding correct."

Mr. Guillen said, "Correct. So the intention is that those that were serving at the time the original Resolution was passed would continue as PARC members. Nothing in either of the Resolutions, the one passed before or this one, is intended to prevent any of those people who were on POSAC from them being appointed to PARC as permanent members."

Councilor Ives said, "But it would be subject to reappointment in due course in the future, as opposed to the notion of a Section 3 Federal Judge appointed for life, i.e. permanently."

Mr. Guillen said, "Correct. The appointment would be made by the Mayor."

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Bushee, Councilor Dimas, Councilor Ives, Councilor Lindell, Councilor Maestas and Councilor Rivera.

Against: None.

14. PURSUANT TO RESOLUTION #2011-56 AND SECTION 1-7.11 SFCC 1987, REVIEW AND UPDATE OF NEW MEXICO OPEN MEETINGS ACT, INSPECTION OF PUBLIC RECORDS ACT, CITY OF SANTA FE ETHICS ORDINANCE AND NEW MEXICO GOVERNMENTAL CONDUCT ACT. (ZACHARY SHANDLER)

Copies of the New Mexico Open Meetings Act, Inspection of Public Records Act, City of Santa Fe Ethics Ordinance and New Mexico Governmental Conduct Act are in the Council packet.

Mayor Gonzales said, "And Zach if you can go this very quickly and then move us to Item 15 for action, that would be very helpful."

Mr. Shandler said, "City Code 1-7.11 states, 'The Code of Ethics shall be reviewed by the Governing Body on an annual basis, not later than June 30th of each year.' I'm going to spent 3 minutes highlighting the Code of Ethics, and since it's an election year, we'll talk about that, and I'll spend 2 minutes on the Open Meetings Act and Inspection of Public Records Act."

Mr. Shandler continued, "This is an election year. Some of you will be running for re-election as privately funded candidates, so please be aware of the Ethics Section 1-7.5, the provision on Conflict of Interest. If someone gives you more than $250, you can't vote on their contract for 2 years. Let's say the Commissioner of the Pecos Baseball League wants to give you a contribution. I'm not picking on Councilor Trujillo because he's not here and because you are all fans of Fuegos. Let's say the owner sets up an auction for Chevy Newmoda's white helmet. Chevy is the star home run hitter from Hawaii. He has an extra large white helmet. Let's say that auction nets $300 and the Pecos League gives you a campaign contribution of $300, that means you can't vote on Pecos League matters and Fuego contracts for a two-year period after receiving that contribution."

Mr. Shandler continued, "Now, you're probably going to ask how am I going to know every business who gives me money and who the source is. The Code reads, 'If the public knows or reasonably should know that business or any of it's owners.' So if you got $300 from TNT Corporation, and you don't know anything about them, and later on its owner, Donnie Destruction, is bidding on a contract, you don't have to recuse yourself because you didn't know TNT and Donnie Destruction were connected. But that's a lot different if I can get a Face Book picture of you posing with the 2014 Fuego Championship Trophy and Andrew Dunn giving you a gigantic $300 check in your hands. Nothing stops you from getting that check, it just means you can't work on Pecos League matters or Fuego matters for two-years. It's also $250 in aggregate over a two year period, so multiple check counts. Please know this provision kicks-in March 2014, that's the start of the clock, so if you've gotten a ton of cash before 2014, you don't have to worry."

Mr. Shandler continued, "Now, some of you won't be running for reelection. Let's look at 1-7.7(C). I believe Councilor Dimas has publicly stated that he won't run again. So let me tell the community and the special interest groups out there, that although Councilor Dimas will provide you with very good advice, you cannot pay him for consulting you, representing you or advising you regarding any transaction with the City for one year after he leaves office. So members of the community, if you want to hire him to advise you on getting the Bachelor, Part 2 contract approved, too bad. He probably won't agree to it anyway, right. But you're going to have to wait until March 2017."

Mr. Shandler continued, "For the record, there are some campaign no-no's. A public official should not knowingly request or authorize another person to request a staff person to make a campaign contribution. I can voluntarily give you money, but you and your campaign manager cannot ask me. Also, 'A public official shall not promise an appoint as a reward for political activity or contribution. I can voluntarily walk in your parade and hold your sign, but don't offer to make me the new City Clerk because I do."

Mr. Shandler continued, "One minute on the Inspection of Public Records Act. I predict this is the year *The Santa Fe New Mexican* makes a public records request of your emails dealing with governmental business. So make sure you emails and your phones and devices are searchable by name and topic area. I would advise that you set up folders for common topics or emails, like Bike and Brew, Interfaith Shelter emails and populate these folders with all your emails on those particular topics. I also predict this might be the year that your campaign opponent files a complaint against you and asks the City's Ethics Board to subpoena your campaign materials to see if you're actually talking to the Coke brothers. So it might be a prudent practice as well to set up your campaign devices the same way."

Mr. Shandler continued, "One minute on the Open Meetings Act. I used to be worried about this, particularly if a quorum of you would go to have dinner between the afternoon and evening session. But since this group does not believe in dinner, I'm not worried. Heck I don't even think I could get a quorum of you to take a bathroom. Okay, I've tried to have a little fun with this topic, but it's serious business and I hope to conduct a longer training with Department heads and supervisors, but I'm going to do it with web video so the workers don't all have to come to City Hall, they can view it at their work station, and I've started to write the script."

Mr. Shandler continued, "Finally, I want to close. If you didn't like my presentation, please be aware of the Ethic Ordinance regarding workplace bullying by Governing Body Members. It reads, 'The Governing Body members shall not intentionally bully any public employee, the City Manager, City Attorney or City Clerk. It includes persistent or constant criticism in front of other people. It's tough for me to come up with a fun example quickly, because the provision also forbids 'behavioral language that frightens, humiliates, belittles, degrades, including criticism that is delivered with yelling and screaming. As a lawyer, do you know what we call that. We call that behavior effective cross-examination, I can't really explain that very well, but I will gladly accept these protections, and with those protections in place, I stand for any questions."

Councilor Bushee asked, with regard to the one year after office period, do other cities have longer periods of time, or if this is a standard time frame.

Mr. Shandler said that is pretty standard based on the State Governmental Conduct Act former employee provision.

Councilor Bushee asked if "consulting, representing, advising," is the same as... She said, "We've had Councilors that might actually just take jobs in the field they're in, their actual field – within that one y ear, that's not allowed."

Mr. Shandler said, "They are allowed to go back to their professions or continue with their professions, but I think the example that is most common is someone trying to get you to advise them on how to get a City contract through, that probably crosses the line."

Councilor Bushee said, "So, it's okay if you've served on a Board that's related to your job in your capacity as a Councilor and you go back to your profession and take a contract, there's not a distinction here."

Mr. Shandler said, "I think your scenario, Councilor Bushee, is permissible, but I'll be happy to talk to you at a greater length when we have more time."

Councilor Bushee asked what is the distinction really. What if one were to set up these kinds of job creations while you're serving as a public official, line up contracts essentially, to further your business. How is that not using your influence or your abilities.

Mr. Shandler said, "There's another provision that prohibits someone from setting up a contract that they will benefit from."

Councilor Bushee asked, "Where is that provision."

Mr. Shandler said, "I'm aware it's in the State Governmental Conduct Act, and I'd have to get you the exact citation in the City Ethics Code in a minute."

Councilor Bushee said we recently received an email from our new Finance Director saying that they wanted to get everybody little iPads, and she wrote back and said, don't buy me one, she has her own. She understand the emails are open to inspection, but would she be wrong in using her personal iPad so that City wouldn't have to buy one.

Mr. Shandler, "If you're conducting governmental business, I don't care what device it is, public or private, *The New Mexican* wants to know it, and they have a right to know it."

Councilor Bushee said she understands that, but is it okay for her to use her personal device to receive.... She said, "I try and keep my phone separate and all of that, and receiving emails separately, but I just thought it was silly to buy me an iPad when I already have one."

Mr. Shandler said, "Councilor Bushee, that is permissible."

Councilor Bushee said this evening it's *pro forma* for us to pass these, but she doesn't understand if we've got this nice new provision that says you can't consult and engage for two years if it's over $200, and asked if that is correct. Mr. Shandler said that is a conflict of interest provision, $250.

Councilor Bushee said, "Right, so why on page 5, Item 1-7.7(B), do we still want to have it be that you can receive an occasional non-pecuniary gift to exceed $250, that's too high in my estimation, and how do I go about amending that back down."

Mr. Shandler said, "The $250 that I referenced in my presentation is a campaign contribution, I believe you're referencing the gift language. Staff would be happy work with you if you want to amend that section."

Councilor Bushee said, "I do. I think that should be removed. I think the $50 for p ublic official should be the same for any government official. I don't believe we need to accept gifts, so I would like to make that change."

Mr. Shandler said he will ask his coworker, Jesse Guillen, to work on that for her.

Councilor Bushee said these things stand out to her said, "I know that you have the capacity, but I didn't know you had the talent to be a stand-up comedian."

15. REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING FOR JULY 29, 2015:

a) BILL NO. 2015-26: AN ORDINANCE AMENDING THE CAMPAIGN CODE, SECTION 9.2 SFCC 1987, TO MODIFY THE DEFINITIONS OF "CONTRIBUTION" AND "EXPENDITURE" AND CREATE A DEFINITION FOR "COORDINATED EXPENDITURE;" TO MODIFY PROVISIONS RELATED TO INDEPENDENTLY SPONSORED CAMPAIGN COMMUNICATIONS AND REPORTING TO MODIFY PROVISIONS RELATED TO THE CONTENTS OF CAMPAIGN FINANCE STATEMENT; AND TO MAKE SUCH OTHER CHANGES AS ARE NECESSARY TO CLARIFY THE PROVISIONS OF THE CAMPAIGN CODE (COUNCILOR IVES). (ZACHARY SHANDLER)

b) BILL NO. 2015-27: AN ORDINANCE AMENDING THE PUBLIC CAMPAIGN FINANCE CODE, SECTION 9-3 SFCC 1987, TO MODIFY THE DEFINITIONS OF "CONTRIBUTION" AND "EXPENDITURE," DELETE THE DEFINITION OF "QUALIFYING CONTRIBUTION" AND CREATE A DEFINITION FOR "COORDINATED EXPENDITURE" AND "QUALIFIED SMALL CONTRIBUTION;" TO MODIFY THE REQUIREMENTS TO QUALIFY AS A PARTICIPATING CANDIDATE; TO DELETE PROVISIONS RELATED TO "SEED MONEY CONTRIBUTIONS" AND "QUALIFYING CONTRIBUTIONS;" TO ESTABLISH PROVISIONS FOR QUALIFIED SMALL CONTRIBUTIONS; TO MODIFY PROVISIONS RELATED TO "REPORTS OF EXPENDITURE" TO EXPAND REPORTING REQUIREMENTS; TO ADD PROVISIONS

FOR "ADDITIONAL REPORTING OF QUALIFIED SMALL CONTRIBUTIONS AND ADDITIONAL MATCHING PAYMENTS FROM FUND;" AND TO MAKE SUCH OTHER CHANGES AS ARE NECESSARY TO CLARIFY THE PROVISIONS OF THE PUBLIC CAMPAIGN FINANCE CODE (COUNCILOR IVES). (ZACHARY SHANDLER)

MOTION: Councilor Ives moved, seconded by Councilor Lindell, to approve the request to publish Bill No. 2015-26.

DISCUSSION: Councilor Maestas said these changes came straight from the Ethics Committee, noting the implementation of it falls on staff. He asked if the appropriate staff has had the opportunity to look at these, comment and make modifications to what was proposed by the Ethics Board.

Mr. Shandler said this is set for Finance on Monday and that's when the discussion will occur.

Councilor Maestas asked the Committee referrals in addition to Finance.

Mr. Shandler said, "That is the sole referral."

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Bushee, Councilor Dimas, Councilor Ives, Councilor Lindell, Councilor Maestas and Councilor Rivera.

Against: None.

Explaining her vote: Councilor Bushee said, "Yes, and please prepare that amendment for me."

MOTION: Councilor Ives moved, seconded by Councilor Maestas, to approve publication of Bill No. 2015-27.

DISCUSSION: Councilor Bushee asked Mr. Shandler if there is a way to tighten the definition of "coordination of expenditure," or "coordination," somewhere else in the Ordinance without violating State law and "Federal crazy rulings."

Mr. Shandler said, "I worked with the ECRB during its multi-month session. And, they brought in an expert and this is far as you can go as is proposed."

Councilor Bushee said, "I don't think it's gone far enough."

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Bushee, Councilor Ives, Councilor Lindell, Councilor Maestas and Councilor Rivera.

Against: Councilor Dimas.

Explaining his vote: Councilor Dimas said, "Before I vote, I just wanted to say, I'm really hurt about the bachelor, and as a result of that, I think I'm going to seek re-election again. So that's just something I want to clarify. And as far as Public Campaign Financing is concerned, I vote no."

16. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

17. MATTERS FROM THE CITY ATTORNEY.

EXECUTIVE SESSION

IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT §§10-15-1(H)(8) NMSA 1978, DISCUSSION OF THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY OR WATER RIGHTS BY THE CITY OF SANTA FE, INCLUDING, WITHOUT LIMITATION, THE DISPOSITION BY LEASE OF APPROXIMATELY 4,000 SQ. FT. OF BUILDING SPACE. (KELLEY BRENNAN).

Mayor Gonzales asked Ms. Brennan how much times she needs in Executive Session, and Ms. Brennan said 10-15 minutes will be okay.

MOTION: Councilor Rivera moved, seconded by Councilor Ives, that the Council go into Executive Session as recommended by the City Attorney for discussion regarding threatened or pending litigation in which the City of Santa Fe is a participant, including, without limitation, and §10-15-1(H)(8) NMSA 1978, for discussion of the purchase, acquisition or disposal of real property or water rights by the City of Santa Fe, including without limitation, the disposition by lease of approximately 4,000 sq. ft. of building space.

VOTE: The motion was approved on the following roll call vote:

For: Mayor Gonzales, Councilor Bushee, Councilor Dimas, Councilor Ives, Councilor Lindell, Councilor Maestas and Councilor Rivera.

Against: None.

The Council went into Executive Session at 6:25 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 7:20 p.m., Councilor Rivera moved, seconded by Councilor Ives, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

VOTE: The motion was approved on the following roll call vote:

For: Mayor Gonzales, Councilor Bushee, Councilor Dimas, Councilor Ives, Councilor Lindell, Councilor Maestas and Councilor Rivera.

Against: None.

18. MATTERS FROM THE CITY CLERK

Ms. Vigil reminded the Council and public that the next meeting will be held on July 8, 2015, and it will be held at the Santa Fe High School Toby Roybal Gymnasium. She said the Council will be considering a number of items as well as Morning Star, so that's why we're going to the Santa Fe High School gymnasium.

19. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of June 24, 2015, is incorporated herewith to these minutes as Exhibit "4."

Councilor Dimas

Councilor Dimas had no communications.

Councilor Maestas

Councilor Maestas introduced a Resolution recommending the Governing Body not support any legislation that would alter the method by which Municipal Gross Receipts Taxes are distributed to municipalities. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "5."

Councilor Bushee

Councilor Bushee said this is a last minute request, but she just learned that because we moved the meeting here, there is no on-street parking, so a lot of people are having to park in the Garage and pay $5, and asked if there is any way we can waive that fee.

Mayor Gonzales said, "Yes."

Councilor Bushee wished everyone a save and lovely 4th of July.

Mayor Gonzales

Mayor Gonzales introduced a Resolution directing the City of Santa Fe Arts Commission to develop a long-term cultural plan, the purpose of which is to inventory cultural assets, assess needs, draft specific recommendations to support the current and long-term health of our cultural community, and identify ways the City of Santa Fe can support and develop its unique cultural brand. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6."

Councilor Ives

Councilor Ives said he would like to cosponsor the Mayor's Resolution.

Councilor Ives introduced a Resolution authorizing and approving submission of an application for project approval to the New Mexico State Board of Finance for allocation of qualified conservation bonds for the implementation of a Green Community Program, Energy Performance Contract and other qualified conservation projects, and directing the City Manager and City staff to take necessary action in connection with the application to the New Mexico State Board of Finance. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7."

Councilor Lindell

Councilor Lindell had no communications.

Councilor Rivera

Councilor Rivera had no communications.

END OF AFTERNOON SESSION AT 7:25 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor Javier M. Gonzales, at approximately 7:25 p.m. There was the presence of a quorum as follows:

Members Present
Mayor Javier M. Gonzales
Councilor Peter N. Ives, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Bill Dimas
Councilor Signe I. Lindell
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera

Members Excused
Councilor Carmichael A. Dominguez
Councilor Ronald S. Trujillo

Others Attending
Brian K. Snyder, City Manager
Kelley Brennan, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

F. PETITIONS FROM THE FLOOR

A copy of a letter dated June 24, 2015, to Brian K. Snyder, City Manager, from David McQuarie, entered for the record by David McQuarie, is incorporated herewith to these minutes as Exhibit "8."

Mayor Gonzales gave each person 3 minutes to petition the Governing Body reminding the public it is to petition the Governing Body regarding items not on the agenda

David McQuarie, 2997 Calle Cerrada, said he is here to speak about the lack of a comprehensive and up to date Transition plan of all programs in accordance with the Americans with Disabilities Act. Please see Exhibit "8" for specifics of Mr. McQuarie's petition.

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VERBATIM TRANSCRIPT
OF THE REQUESTED PORTION OF PETITIONS FROM THE FLOOR, ITEM #F
CITY COUNCIL MEETING
June 24, 2015

STEFANIE BENINATO: Stefanie Beninato, P.O. Box 1601, Santa Fe, New Mexico. I am here for a couple of reasons. I still have not gotten any response to my public records request. It's now getting close to 4 months and I can't even get a written denial. And I have asked now several times, so I'm asking Mayor Pro-Tem, Mayor Gonzales, City Council members that you direct the City Manager and the City Attorney to give me an answer as to why I'm not getting responses to public records request, including people's duties and educational background, how much we've paid out in legal fees in the past 3-4 years, because really, when we don't have $100 to serve process on somebody in California, but we can pay a lawyer here, or in Albuquerque actually, $75,000 to $80,000, and I will be talking to Council about that kind of representation that happened there. I'm not going to do it tonight because I can't show you visually the documents that I want you to see that were used that were altered, etc., which is ethical violations. So if we can pay $75,000 for that, I'm sure we can find $100 to serve process. And again, I would like some direction from the Council from the Mayor Pro-Tem and from the Mayor himself, directing the City Manager and the City Attorney to respond to my public records request. Thank you."

MAYOR PRO-TEM IVES: Thank you ma'am.

I certify that this is a true and accurate transcript of the requested portion of Petitions from the Floor, Item #F, City Council Meeting, June 24, 2015.

Melessia Helberg, Council Stenographer

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MOTION: Councilor Bushee moved, seconded by Councilor Lindell, to reconsider the previous approval of the agenda to move Item H(4) up on the agenda to be heard following Item H(2), and to approve the agenda as amended.

VOTE: The motion was approved on a voice vote with Mayor Gonzales and Councilors Bushee, Dimas, Ives, Lindell, Maestas and Rivera voting in favor of the motion and none against.

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G. APPOINTMENTS

Santa Fe City and County Advisory Council on Food Policy

Mayor Gonzales made the following appointments to the Santa Fe City and County Advisory Council on Food Policy:

Lynn M. Walters – Reappointment – term ending 01/2017; and
David D. Sundberg – to fill unexpired term ending 01/2017.

MOTION: Councilor Rivera moved, seconded by Councilor Bushee, to approve these appointments.

VOTE: The motion was approved unanimously on a voice vote with Councilors Bushee, Dimas, Ives, Lindell, Maestas and Rivera voting in favor of the motion and none voting against.

Historian

Mayor Gonzales appointed Ana Pacheco as Historian

MOTION: Councilor Rivera moved, seconded by Councilor Lindell, to approve this appointment.

VOTE: The motion was approved unanimously on a voice vote with Councilors Bushee, Dimas, Ives, Lindell, Maestas and Rivera voting in favor of the motion and none voting against.

H. PUBLIC HEARINGS

1) **REQUEST FROM SANCHEZ LIQUOR LICENSE, LLC, FOR A TRANSFER OF OWNERSHIP (THE APPLICANT CURRENTLY OWNS THIS LICENSE BUT THE SOLE STOCKHOLDER OF THE COMPANY HAS CHANGED) AND LOCATION OF DISPENSER LICENSE #2563 FROM RETRO'S BAR, 1410-B WYOMING BLVD., NE, ALBUQUERQUE TO SANTA FE SAGE INN, 725 CERRILLOS ROAD. (YOLANDA Y. VIGIL.**

Disclosure: Councilor Maestas said, "I disclosed at a prior meeting that I have an interest in a family business that owns an inter-local dispenser liquor license in Espanola. That liquor license is currently under contract, but not yet finalized. I have stated on the record that until the family license is sold, I will be recusing myself from voting on any inter-local license transfer request and from any discussion this body may have about inter-local transfer licenses in general. As a result, I will recuse myself from Item H(1) on tonight's agenda."

The staff report was presented by Yolanda Y. Vigil, City Clerk, from her Memorandum of June 17, 2015, which is in the Committee packet, noting the applicant currently owns the license, but the sole stockholder of the company has changed. They also are asking for a transfer of location from Retro's Bar, 1410-B Wyoming Blvd. NE in Albuquerque to the Santa Fe Sage Inn, 725 Cerrillos Road. The location is not within 300 feet of a church or school. The Santa Fe Sage Inn has an outdoor patio seating area, so as a condition of approval she requests that the Applicant be required to enclose the proposed outdoor licensed premises. There are staff reports in the packet regarding littler, noise and traffic and we recommend the business be required to comply with all the City's Ordinances as a condition of doing business in the City.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Dimas, to approve the transfer of ownership and location of Dispenser License #2563, from Retro's Bar, 1510-B Wyoming Blvd., NE, Albuquerque to Santa Fe Sage Inn, 725 Cerrillos Road, with all conditions of approval as recommended by staff.

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, and Councilor Rivera.

Against: None.

Recused: Councilor Maestas.

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Mayor Gonzales said, "I want to thank the Council for allowing Item H(4) to be brought forward so there can be some time given. Just for members of the public, I asked the leaders of the various associations to see if they could come together and work to develop a more coordinated message to take advantage of the time tonight as it relates to the Blue Buffalo General Plan Amendment and Rezoning, so they would be allotted more time than the typical time that is allotted to individuals, so they're outside working to identify areas that they want to bring. I just wanted to disclose that for the record. I also extended the same opportunity to the business community and any other interested parties who are here as a group, to make sure we are able to provide ample time beyond what will be available for individuals to be able to speak, so I wanted to point that out for the record."

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4) CONSIDERATION OF BILL NO. 2015-17. ADOPTION OF ORDINANCE NO. 2015-17 (MAYOR GONZALES, COUNCILOR LINDELL, ~~AND~~ COUNCILOR IVES AND COUNCILOR BUSHEE). AN ORDINANCE CREATING A NEW SECTION 7-16 SFCC 1987, TO REQUIRE THAT SINGLE-OCCUPANT PUBLIC OR EMPLOYEE RESTROOMS IN ANY COMMERCIAL FACILITY BE GENDER NEUTRAL AND IDENTIFIED AS SUCH BY APPROPRIATE SIGNAGE. (LISA MARTINEZ). (Postponed at June 10, 2015 City Council Meeting)

Mayor Gonzales said, "I had the opportunity to address the Council at various committee stages about the importance of this type of Ordinance for our community. Gender neutral bathrooms for many people in our community provide a safe place. For our City, it sends out a powerful message that we recognize that not everyone in our community feels safe, and so we need to go to measures that would allow for that type of safety to take place, even when using the restroom. And I would point out that as I have done as we've gone through the committees, this won't create a single hardship or on any individual in the City. Gender neutral restrooms will be limited to what you see today when you see family restrooms where there is a single toilet and a single sink and a door that's meant for one individual. In some cases, fathers may have to take elderly they are caring for or their daughters, or mother may have take their sons. And in those instances, going to family restrooms are much easier of a decision than trying to figure if you go to the men's restroom or the women's restroom."

Mayor Gonzales continued, "But beyond that, there are many people in our community who are going through transitions where their gender is different from who they were when they were born or how they're identified on their birth certificate. Many times, it's a place that you feel locked out of, or you don't feel like you're embraced. I've gone through this incredible journey with our trans-gender community who have taken the time, as promised, to educate me and to help me understand that little things like this in the community can go a very very long way for individuals. Over the course of these last 6 months, I have met parents of young individuals that are going through the transition stage and they have stated unequivocally that they believe that with this little change, it sends a powerful message to their kids that they are accepted by our City."

Mayor Gonzales continued, "So having said all of that, this is a public hearing and we'll allow people to come in and address the Council one way or another if they are for or against this, and then we can go to questions."

Councilor Rivera said he has questions of staff before the public hearing. He said Ms. Martinez was in front of the Committee when this came up, and there was a question to whether every business had to have that specific signage. Or if signage like you see at Starbuck's that has both a female and male picture on one sign, if that would suffice and he is unsure he ever got an answer.

Greg Smith, Director, Current Planning Division, said he doesn't have a lot of background on this. He said he understands there is no retroactive provision that requires retrofitting of any restroom. It's the case that, for example you mentioned Starbuck's, it's often the cases that businesses have voluntarily provided gender neutral signage despite there being, in fact, Code provisions that discourage or prohibit that in the Code, as currently instituted under the current Code."

Councilor Rivera said then their signage would suffice and they wouldn't need to purchase new signage if this passes.

Mr. Smith said, "The staff anticipates that this would be enforced only where a business comes in for a substantival change of use or modification to the restrooms."

Mayor Gonzales said that's not the way we drafted this.

Mr. Smith said then he would defer to legal staff and they have a newer version of that than the one that he reviewed

Mayor Gonzales said, "This would, if passed by the Council, give a period of time for businesses to change their signage from Men's Rest Room or Women's Restroom to Family Restrooms or to some universal sign above.

Councilor Rivera said the question was if they already have it, like places like Starbuck's that family bathrooms or have a male/female sign, do they need additional signage on top of it.

Mayor Gonzales said no. If the restrooms have already been designated as family restrooms, there's no change.

Councilor Rivera said the other question was because it is going to be somewhat of a financial burden on some businesses if the City has funding to help those businesses, noting several Councilors asked that, and thinks Councilor Bushee asked at the last Public Works Committee meeting and I'm not sure we received an answer on that yet either.

Mayor Gonzales said, "Certainly at this point with the staff, Councilor Rivera, it's up to the Council if they want to allocate and develop a source of fund. I think the fees, or whatever cost to replace signage are pretty minimal. I think the majority of small businesses have restrooms that don't have any signage on them. I don't think that needs to be a part of this. I have spent time with business owners and no one has raised cost as being a barrier to executing this. If it's a matter of creating a pot of funds to support small businesses."

Councilor Rivera said the question to staff was if there currently are funds in somebody's line item that could fund these purchases since they're not very big. He said the question was asked of Mr. Pino and he isn't here.

Mr. Snyder said staff has not identified a funding source within the City's existing budget that is approved for this additional purchase.

Councilor Bushee said, "Yolanda, I did add my name back in the Committee process, but never made it on as a sponsor."

Councilor Bushee said now that the issue has been raised about retroactive enforcement of this, she doesn't see anything in the bill, noting we just changed the Code to suggest that the exceptions to having separate bathroom facilities provided for each sex would be for single-occupant or employee restrooms. She thinks it would be an enforcement nightmare. She asked Ms. Brennan as to how we would go back and correct the situation of single occupant public or employee restrooms, or is that just going forward.

Ms. Brennan said, "I think that enforcement is always driven by complaint. Certainly, when anyone comes in with a new permit and is doing new construction, we will require and check them, and then they would be checked as went along in the ordinary course of business.'

Councilor Bushee said, then it is retroactive.

Ms. Brennan said, "Yes. The requirement in the Ordinance speaks for itself."

Mayor Gonzales said, "In conversation with the Land Use Administrator, it's not her intention to allocate a lot of Code Enforcement to this issue, that there would be a lot of self reporting, or businesses that may not know that this Ordinance has passed, and the City will work very gently with individuals to come into compliance, so this isn't something, I believe, that will rise to the top of Code Enforcement levels. But nevertheless I think the City, as other cities have, can work out a process giving businesses time to actually change out the signage."

Public Hearing

Unidentified thanked Councilors Ives, Lindell and Bushee for introducing this and sponsoring the bill. He said he is a transgender individual in Santa Fe, from here, grew up here, plans to raise his family here and work very closely with the trans community in Santa Fe. He said, "There are quite a few of us, more than the folks might think and bathrooms are a daily struggle, finding a bathroom that feels safe and where you feel your gender will not come into question and seeing gender neutral or family bathrooms is a moment of peace in a day where I might be called a name or a day where someone might have outed me without my permission. And those moments of peace and validity are huge and important." He said this is a small step that makes a huge difference for so many folks in Santa Fe and not just the trans community. When we create access for the most marginalized people in our community, we create access for everybody.

Amber Royster, Executive Director, Quality New Mexico, the state-wide LGBTQ civil rights organization and they are wholeheartedly in support of the Ordinance and also committed to helping the City pay for the $20 fee of those signs.

Vince Kadlubek said he is here representing the Envision Fund, a fund of the Santa Fe Community Foundation that is specific to funding programming state-wide that supports the LBGDT community. He said as a member of the Envision Fund he wants to put his full support behind this Ordinance and thank Mayor Gonzales, Councilor Bushee, Councilor Lindell and Councilor Ives for sponsoring this Ordinance change, and putting Santa Fe in the forefront of these issues.

Daniel Werwath said, "Just a normal citizen here to voice support for this important change to our City Code. Thank you."

Jan Jefferson thanked the sponsors for introducing this bill, commenting this can affect in a positive way, it feels like a no brainer to most of us. As a parent with 2 small children, I often use the family restrooms and I think this can benefit everyone, and she doesn't see a down side, so she is in full support of this Resolution.

Eileen Everett said she stands in support with our transgender community this evening. She said taking this measure to provide a safer opportunity for our transgender community is important, and there are benefits the bill, and this makes her even more proud to be a Santa Fe citizen.

Helena Scheim, Executive Director, Impact Personal Safety, said the topic of safety in bathrooms is often called out as an excuse not to have more inclusive restroom policies, and the fact is our trans and gender non-conforming community members that face the biggest risk for their personal safety, mental health and physical well being when they go to the bathroom, so this is a really important issue.

Kathryn Morgan said she is the average citizen as well and thanked the Council for hearing this tonight. She just wanted to offered her full support saying it's time for everybody to feel safe.

Alex McDonough said his brother is trans-gender, and he spent an evening walking around downtown looking for a safe bathroom for him, and "it was unnerving, so I have come in support of this. Thank you."

Jessica Montoya said as an advocate against violence she understands our marginalized populations are at risk of experiencing violence. This will provide safety and sanity and relief of mind, and asked that they adopt this Resolution.

Polina Smotkov said he is transgender, and with the Transgender Support Group and on the Board of the Human Rights Alliance of Santa Fe. He commended the Governing Body for its support of their community, "especially you, Mayor Gonzales. I think it took a lot of courage to bring this forward, and so we all thank you."

Bisante Nava a member of the transgender community said safety is an important issue and no one should have to look over their shoulder or having someone looking out for them when they go to the bathroom or safety walking down the street. She said, "Safety is for everybody. Thank you."

Marie Campos talked about her personal experience and being educated about what it would be like, and said she had empathy, and what it would be like to have to go the bathroom. She has heard stories over time, and said it is a very simple and good thing to be done for safety and for people to go to the restroom in peace without having issues raised, and it must be a horrible and hard thing to go through when you just need to go to the restroom. "So good going, and keep it up."

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Maestas, to adopt Ordinance No. 2015-17, as presented.

DISCUSSION: Councilor Bushee thanked those who came out tonight. She said you shouldn't have to be brave to use a public facility. There have been concerns, and people have written that it will be less cleanly for women because men aren't as neat in bathrooms. She said it is the business owners' responsibility to keep a public restroom facility clean, so let's make sure this is done. She said when you need to use the restroom, you shouldn't have to think twice, so this is an important measure for our community, and commended the Mayor for bringing it forward, and she is proud to cosponsor the bill.

Councilor Rivera said, for reasons he brought up at committee, he will vote against this. He said, "Not because I think it's a bad idea, but because I think making going to the restroom for one group shouldn't make things more difficult for another group, specifically in this sense, woman. And having 4 daughters and a wife and having to follow men into the restroom, and there are some men I don't even want to follow

into the restroom. And I think it's going to be difficult for them. I know, in theory, what Councilor Bushee says is good, that it will force people to keep restrooms much cleaner. That's good in theory, but it doesn't always happen. So I think it's going to make things more difficult for the women in this town, but I applaud the sponsors of this, and I'm sure it will pass."

Councilor Maestas said tonight's action may seem trivial, but it's very important, noting the preamble of our City Charter declares itself as an inclusive community, respectful of all cultures. I think this sends a strong message that we, in fact are an inclusive community, respectful and accommodating of all people.

Mayor Gonzales thanked the transgender community for investing the time with him, and "you have made me a better person, as well as a better Mayor of Santa Fe." He said if we truly believe in one Santa Fe, then Santa Fe needs to be safe for everyone. And I think this is going to go a long way in making that is, in fact, a reality."

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Bushee, Councilor Ives, Councilor Lindell and Councilor Maestas.

Against: Councilor Dimas and Councilor Rivera.

Explaining his vote: Councilor Dimas said, "I agree with Councilor Rivera on this, and after much thought, I vote no."

Explaining her vote: Councilor Bushee said, "Yes. Happy pride everyone."

2) CONSIDERATION OF RESOLUTION NO. 2015-____. CASE #2014-121. BLUE BUFFALO GENERAL PLAN AMENDMENT. JAMES W. SIEBERT & ASSOC., INC., AGENT FOR BLUE BUFFALO, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 16.53 ± ACRES OF LAND FROM OFFICE AND RMTN (RURAL MOUNTAIN, 1 DWELLING UNIT PER ACRE) TO HIGH DENSITY RESIDENTIAL (12-29 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED AT 2725 AND 2639 AGUA FRIA STREET AND INCLUDES TWO ADJOINING PROPERTIES TO THE EAST. (DONNA WYNANT)

Items H(2) and H(3) were combined for purposes of presentation, discussion and public hearing, but voted upon separately.

A Memorandum, with attachments, prepared June 10, 2015 for the June 24, 2015 Council Meeting, to the City Council, from Donna Wynant, Senior Planner, Current Planning Division, regarding this case is incorporated herewith to these minutes as Exhibit "9."

A power point presentation prepared by Donna Wynant, *Case #2014-121 Blue Buffalo General Plan Amendment and Case #2014-122 Blue Buffalo Rezoning, City Council, June 24, 2015*, is incorporated herewith to these minutes as Exhibit "10."

A compilation of emails received by the City after the City Council packet was assembled, with attached communications, submitted for the record by Donna Wynant, Case Manager, Current Planning Division, is incorporated herewith to these minutes as Exhibit "11."

A power point presentation *El Rio a LEED Certified, sustainable, multifamily development in Santa Fe, City Council Meeting, June 24, 2015,* with attached text for the power point presentation, entered for the record by James W. Siebert, is incorporated herewith to these minutes as Exhibit "12."

A petition, *Petition against Blue Buffalo LLC/Tierra Concepts "El Rio" Apartment Complex Application,* represented to contain 1,137 signatures, entered for the record by Hilario Romero, is incorporated herewith to these minutes as Exhibit "13."

A copy of a zoning map of the subject site, prepared by Rick Martinez and entered for the record by staff, is incorporated herewith to these amendments as Exhibit "14."

Two color aerial maps, one depicting Current Overhead View and Projected Complex overhead view, and the second depicting Current Overhead Aerial Photo and Projected Complex Overhead Aerial Photo, submitted for the record by Hilario Romero, are incorporated herewith collectively to these minutes as Exhibit "15."

A Table of available apartments in Santa Fe and Average Monthly Rent, submitted for the record by Hilario Romero, is incorporated herewith to these minutes as Exhibit "16."

A statement for the record, in opposition to the proposed project, dated June 21, 2015, from the Casa Alegre Neighborhood Association in opposition to the proposed project, submitted for the record by Anna Hansen, is incorporated herewith to these minutes as Exhibit "17."

An email dated June 24, 2015, from Bob Walsh to Nancy Ruiz, with attached statement for the record by Edward A. Heighway, President, Vista Encantada Neighborhood Association, submitted for the record by Nancy Ruiz, is incorporated herewith to these minutes as Exhibit "18."

A copy of *Design Standards, Chapter 4: Neighborhood Form*, submitted for the record by Suby Bowden, is incorporated herewith to these minutes as Exhibit "19."

A statement for the record, in opposition to the proposed project, dated June 24, 2015, to Mayor Javier M. Gonzales, from Deborah Byrnes and Mary E. Schruben, Board Members, Rancho Siringo Neighborhood Association, submitted for the record by Mary Schruben, is incorporated herewith to these minutes as Exhibit "20."

A statement for the record dated June 24, 2015, in opposition to the proposed project, to the Santa Fe City Council, from Deanna Einspahr for the Old Santa Fe Association, submitted for the record by Deanna Einspahr, is incorporated herewith to these minutes as Exhibit "21."

A color map indicating *Age, Income, Hispanic Population by Census Tract*, with attached information, submitted for the record by Daniel Werwath, is incorporated herewith to these minutes as Exhibit "22."

A Question and Comment sheet, submitted for the record by Norma Cross, is incorporated herewith to these minutes as Exhibit "23."

An additional 56 pages of a Petition with the heading *Petition against Blue Buffalo LLC/Tierra Concepts "El Rio" Apartment Complex Application* entered for the record by Jim Gray, to supplement what has already been submitted, is incorporated herewith to these minutes as Exhibit "24."

Mayor Gonzales asked Ms. Wynant to give a quick overview of how she would like to present these cases and move forward.

Ms. Wynant said she will give a brief presentation on the basics of the proposal, the recommendation of the Land Use Department, the recommendation of the Planning Commission, and then move forward to the Applicant's presentation and the public hearing. Ms. Wynant said the Applicant is Blue Buffalo but the project popularly is known as El Rio Apartments.

Ms. Wynant presented information regarding these Cases via power point. Please see Exhibits "9" and "10" for specifics of this presentation.

Ms. Wynant said Greg Smith, Director, Current Planning Division, who worked on the Annexation Process through the SPPAZO [Subdivision Planning and Platting and Zoning Ordinance] when the area was annexed and these designations were made.

Mr. Smith said, "One of the most frequent questions that has come up in the neighborhood meetings and at the Planning Commission Hearing was how the C-1 PUD came into effect. As Ms. Wynant explained, when the City and the County were going through the rezoning and annexation process in 2008 and 2009, the staff was directed to take any zoning approval that had been granted by the Extraterritorial Zoning Authority and translate those as closely as possible into City zoning designations. The City and County staff reviewed the various tracts of land involved that were identified as C-1 PUD had received approval at rezoning hearings in front of the EZA and that's the rationale for the C-1 PUD. When staff made that recommendation to the EZA, when the EZA and the City adopted that as the official zoning map in this area, they apparently agreed with the City staff noting that the PUD overlay would mean that any change to the use of those properties would require a public hearing process in front of the City Council."

Mr. Smith continued, "The current application of course has included not just those parcels, but two others adjacent to it. And so if the Councilors do have more specific questions about that process, I would be happy to respond at the appropriate point. Thank you."

Mr. Wynant continued with her presentation.

Councilor Bushee asked, 'Is it possible for staff to produce a map, it's been throughout our packet that there are two plots that were rezoned C-2 recently, but is there a map anywhere that we can see where they are. I wouldn't find one in the packet, so I'm asking if someone can produce one this evening in any way."

Ms. Wynant said she thinks it may be on her computer and she can't get to it right now, but she will try to get that to her.

Ms. Wynant continued with her presentation.

Ms. Wynant noted John Romero, City Traffic Engineer, and other staff are here to answer specific questions by the Governing Body.

Mayor Gonzales asked staff to help him understand from the principles of planning, when you look at how residential and multi-family areas coexist or complement. He asked some of the principles around some of the best planning guidelines. One of the things he sees here is, because of the annexation, that this didn't get the benefit of going through the planning process the City typically would do through its General Plan, so it came in with an equal zoning that was designated through the EZA. He asked if there are general guidelines in looking at these transitions, noting across the street is the Cienegita neighborhood, some good density, but not at this level, but more of a density than what you would find further around the Agua Fria Village area because of how it was planned. Are there typical principles that say how you begin to build on density after density, so there is this complement of neighborhoods *per se*.

Ms. Wynant said, "That's a very good question. We grapple with this in our office and among various departments. I think the principles that we would look at, certainly first of all we look at what is the property zoned, and what is the future land use designation, what does the Plan say about such things. Sometimes we don't always come up with the same conclusions, because there's lots of policies that promote infill development and also to develop within the character of the area, or at least not so so vastly different from the area. There are policies about making things accessible and using public transportation a variety of things. So as far as defining the things we look at with infill development, I think the main thing is to make it compatible, take care of any impacts, such as traffic, and make sure that the infrastructure is there to service that development and address any concerns that arise to be able to look at who is most directly impacted with any kind of noise, massing of structures, views, impact on traffic, all those things. So this goes to the heart of the proposal tonight, what do we look at. I'm not sure what else to say."

Mayor Gonzales said, "Part of what I was trying to understand, what I see up to today, if you look at the Zia Road or Rodeo Road Corridors, you have some residential developments, the two apartment complexes right off St. Francis."

Ms. Wynant said those are The Enclave and Valle Vizcaya.

Mayor Gonzales said, "And then as you proceed west, you go in through residential neighborhoods and you get to the Ragle Park area and then you have this cluster of apartments and then it goes to residential. I was just trying to understand how you mix in high density with residential communities and still create the connection."

Mr. Smith said, "Thank you Mayor Gonzales and Councilors. As Ms. Wynant stated, this is something the staff and the different departments discussed within the staff. The Planning Commission discussed at great length, with regard to your specific question about land use compatibility. Certainly there are cases where, for example, in our large R-29 complexes next door to or across the street from R-5 or R-7, there often are cases where the land use pattern transitions from R-1 to R-5 to R-29. There are not specific criteria for how to make those choices. As Ms. Wynant noted, we've tried to identify, both ourselves and the Long Range Planning Division, the General Plan policies that do provide some guidance in terms of, not just land use compatibility issues *per se*, but also the evaluation of neighborhood character factors. The only specific standard in the Code with regard to this rezoning is that since it is larger than 2 acres that it is not technically a spot zoning as that term is used in the General Plan and in the City's Chapter 14 Development Code."

Mayor Gonzales said he was just trying to understand some of the best practices out there when you see these transitions of density that are occurring along corridors, what some of the data shows about proper moves from R-5 to an R-12 to an R-21, or how that properly works, and he assumes infrastructure is the driver of that for the most part.

Mr. Smith said, "That's correct. It's the infrastructure, particularly the particularly road connections and the traffic volumes and those types of issues are important factors in making that decision."

Councilor Bushee said she has a question of John Romero. She said it wasn't clear to her that the proposal to shift the traffic entrance, the ingress, from La Cienegita to Maes Road was allowed for due to right-of-way consideration. She asked where we stand on that.

John Romero, Director, Traffic Division, said the Applicant has not demonstrated to us whether a right turn deceleration lane is obtainable. Their currently proposed access location is across from Maes Road.

Councilor Bushee asked Mr. Romero what his division is recommending at this juncture.

Mr. Romero said, "With that information, all I can safely say is if the access were to be located directly across from La Cienegita, there would be the opportunity to provide that right turn deceleration lane as it is along the subject property's frontage."

Councilor Bushee said, so that's what your recommendation is at this point.

Mr. Romero said yes.

Councilor Bushee said it didn't pass the Planning Commission, so there's no condition of approval requiring that it be at Maes, and observed she guesses we can ask the developer those questions.

Councilor Bushee asked who and when do we talk to about the affordability and how that's going to be handled. It wasn't clear to her in the packet.

Ms. Wynant said the Affordable Housing Plan would be presented with the development plan as it goes before the Planning Commission, but Alexandra Ladd is here and she is prepared to address that or answer your questions.

Councilor Bushee said it's difficult because we're not into the nitty-gritty of a development plan, but it has been a big selling point, or at least been in literature that this is an affordable project, so she is interested in hearing, at this point, to clarify how the affordability piece is going to be handled. She read certain things that it may be segregated or sent off to the Community Housing Trust to develop. She said, "I just want an understanding and then I want an understanding of market rates versus following our Affordable Housing Ordinances, so maybe Alexandra Ladd can address that."

Alexandra Ladd, Housing Special Projects Manager, said, "The Applicant has proposed to deed over a parcel of the lot that would support a 60-unit, low income housing tax credit project. And you're right, in terms of it feels like it's segregating the most affordable units on one part of the property. There are a couple of aspects to that, that because affordable rentals these days aren't just about constraining the rents, income certification. There's a lot more to them these days. There is supported services, a lot more around the idea of helping people..... most people, especially very low income renters, the affordability of their housing isn't their only problem, or their only challenge. These projects are much more heavily subsidized. They have many more support services connected to them, and to have units scattered throughout the project, would actually hinder that model of deepening the affordability of those 60 units. So if we follow the low income housing tax credit model and it really can only be financed if its it's own entity, we can really serve folks below 30% of area median income, folks who are transitioning out of homelessness. To a degree, that is sort of your typical rent constraint, income certified unit can't do."

Councilor Bushee asked if the 60 unit development would be Section 8 and under a civic housing authority, commenting she is trying to understand.

Ms. Ladd said the proposal at this point would it would be developed as a 9% low income housing tax credit project, which would also entail most likely several other sources of subsidy. Sharon Ross of the Housing Trust is here tonight, and she has built the most recent project in the community after which this proposal would be modeled, the Stagecoach Apartments and the Village Sage. To get the subsidy, it's so competitive, these projects are super high quality, green built, with a range of affordability, so it's the standard, traditional low income housing tax credit project, if the limit was 50% of area median income and everybody came in at 49%. She said this is a new model, and the idea is that several different income tiers are served. She thinks this model serves the need of the very low income renter, and the not so low income renter, better than the way the City's Ordinance is written just has the income certified and the rent constraint, also in tiers. But there is nothing else attached to it.

Councilor Bushee said she understands. She asked if our Affordable Housing Ordinances require that we integrate any affordable units into a project.

Ms. Ladd said that the ideal, but there also are provisions in the Ordinance for an alternate if it better meets a demand or a need.

Councilor Bushee said she thinks she has an understanding, but she doesn't know where physically it would be located, again, we're not at the Development Plan stage, but would it be called Del Rio, would it have a separate entrance – how segregated are we talking about.

Ms. Ladd said this is all very conceptual. There is one corner of the lot that lends itself to having its own structure. But we had very early discussions with the Applicant that there wouldn't be a segregated feel to it, that there would pathways through the project to get to the street, the bus stop, and visa versa through the rest of the project to get to the bicycle path, but again the details will come out later as the project moves forward.

Councilor Bushee said some of her questions may have to be asked of the Applicants, because there are things built into our packet about LEED certification, gold standard. She said she wants to talk about a lot of things, she is guessing she will have to wait and ask the developers.

Councilor Maestas said he is trying to understand the Staff Report, the process that goes into a consensus to support a proposed development. He said in looking at the Staff Report this definitely is not a consensus document. We know the comments by the Long Range Planning Division that the density is just not compatible with the area. There are other staff responses in the report that question the compatibility of the higher density with the surrounding area, and mention the development could be compatible with well designed landscape screening and buffering, and appropriate connection to public transportation and the River Trail. There is a statement by staff that the proposed development is inconsistent with the existing character of the area.

Councilor Maestas continued, saying he thinks there still are lingering questions about our streets and whether we can accommodate the anticipated traffic, and he knows there has been conjecture that high density apartments don't generate the traffic that everyone thinks it will, but he is going to rely on the Staff Report. He said, given some of the changes in the density and the pending final traffic impact assessment, there are significant questions on the transportation side. He said, "So tell me, with dissent sprinkled throughout the staff report, how did we recommend approval of this development."

Mayor Gonzales asked the audience please to refrain from applause so we can keep the meeting moving forward and answer the Councilors' questions as efficiently as possible.

Greg Smith said, "The Land Use Department had prepared the bulk of the staff recommendations before we received comment from the Long Range Planning Division. The Council is correct in pointing out that this is a fairly unusual situation to have the differing evaluations and relevant policies by the different departments. We don't anticipate that this will come before the Council again. The Staff Report offered by the Land Use Department notes at this point, the conflicting recommendation, both initial recommendation from Land Use Department and the other determination by the Planning Commission. On behalf of the Land Use Department, I think while we stand by our initial evaluation, we do realize this is a case of evaluating conflicting policy and conflicting interests and we anticipate that this hearing process will give the Council the appropriate basis for making a judgment on how those policies should be weighted."

Councilor Maestas said he understands, noting there is some discussion in the General Plan and in the Staff Report about urban form, promoting compact urban form. He doesn't believe this area even applies in talking about promoting compact urban form. He doesn't see the Agua Fria Corridor as an urban area. And Staff did state explicitly in the report that we already 11 acres zoned high density for the potential for more than 2,000 units. He said, "Wouldn't we as a City want to promote compact urban form in the existing high density zoned areas with tremendous potential for a high number of housing units."

Mr. Smith said these are excellent points which were addressed in some detail by the public comment at the Planning Commission and in less detail by the City staffs' responses. He said there is an exhibit on page 95 that Councilor Maestas has cited in terms of existing acreage with multi-family. In general, staff evaluation of those sites is they are farther from downtown, and in general closer to existing services and most are well served by transit. Much of that acreage is in the Las Soleras and Tierra Contenta master planned areas which have phasing issue that might be an obstacle to immediate development, but over time do represent the planning decisions of the Council and the Planning Commission in the past as to suitable locations for multi-family housing.

Mayor Gonzales said, "Councilor Maestas, real quick as you continue your line of questioning, make sure that the Applicant and everyone has been able to speak before the opinions start moving out. I know you offered a good perspective on it, but maybe we can wait on...."

Councilor Maestas said he is trying to get a feel for the staff deliberations and the process that went into having a consensus to recommend with all the dissension. And even with respect to infill development, to him infill applies to an area where there is existing high density with an undeveloped area within the higher density area. He reiterated that in the Staff Report, staff questioned whether the General Plan applies, "The development should propose a reasonable increase in density over the surrounding neighborhoods. The design of the infill project must reflect the character of the surrounding neighborhoods while maintaining a balance between land use and the traffic carrying capacity of the existing streets," noting that is in the General Plan.

Councilor Maestas said then you're stating that the Planning Director gets the sense for making an overall recommendation on behalf of the entire staff even though there is not consensus among the entire staff within the department.

Mr. Smith said the ideal situation is to involve all the different departments and divisions in the analysis before we complete the Planning Commission Report. In this instance, we had difficulty in coordinate that, and apologized for any confusion that might have indicated. A brief summary is the Land Use Department seems to have given more weight in our recommendation to certain policies in the plan, than those that were evaluated by the Long Range Planning Division, and Reed Liming from that Division is here if the Councilors want to address specific questions on their evaluation.

Councilor Maestas has questions for the Applicant, but he'll put those on hold.

Mayor Gonzales said, "For Alexandra, a quick question. I understand the point on the proposal on how to finance apartment units through the MFA, that they have to be on a single lot, together, it's a single financing package, it's how the tax credits come in, and allows the rents to be lowered. He asked, if the proposal is for 9% how many 9% tax credits the State allocates a year, and when was the last time Santa Fe got one. Knowing what we have in the pipeline, i.e. the Arts and Creativity Center and a few others, what happens if there is a pipeline of tax credit proposals state-wide. The way I understand it, not every applicant for a 9% tax credit will get a 9% tax credit, is that correct.

Ms. Ladd said that is definitely correct, commenting she has heard recently that 1 of 6 applications are funded the first year. She said that can be a reflecting of MFA shifting priorities with the applications to hit a certain need that eliminates even great proposals. She said there are other subsidy sources that could be used to create a project.

Mayor Gonzales asked, in year 2 or 3, if the 9% hasn't been granted, what mechanisms are in place to assure that the apartments are built and made available.

Ms. Ladd said it would be done through a legal mechanism to be sure any donation proposal is contingent on certain criteria and if those weren't met, there would be some sort of claw-back provision where the City would get some sort of cash donation to use as a fee for a different project, or would find a different developer or different development scenario.

Mayor Gonzales asked if the proposal is to grant the lot to the City and the City would pursue it, or would the developers hold the responsibility for pursuing the tax credit and building.

Ms. Ladd said the developer would deed the lot to the City and the City would donate it to the developer because that's the way to get the most points on the tax credit application.

Mayor Gonzales asked who is responsible for pursing to pursue the application and the cost associated with applications.

Ms. Ladd said the developer would have to get the entitlements through what we're doing here tonight, but the actual application for the funds, the pre-development costs and all of that would be borne by the eventual owner of the project which would be the non-profit.

Public Hearing

Presentation by the Applicant

All those presenting were sworn en masse

Mayor Gonzales said to the degree the Applicant has heard some of the questions if you could, as you go through your proposal to address as many of them as you may have remembered through your presentation, that would be helpful as well.

Ms. Vigil asked the time allotted for the presentation.

Mayor Gonzales said, "We're going to allow the applicant to present and then we'll move in to the timing part.

Kurt Faust, 1512 Pacheco Street, said he and his business partners, **Eric Faust 1512 Pacheco Street**, and **Keith Gorges, 232 Onate Street** will present information via slide presentation. Please see Exhibit "12," for the specifics of this presentation.

Councilor Bushee said she has many questions. However, we may start to lose people, and starts unfair that we don't allow the neighborhood to speak, and she would prefer that we hold our questions until the neighborhood speaks.

Greg Smith distributed copies to the Governing Body of a zoning map prepared by Rick Martinez [Exhibit "14] and copies of the recent rezoning cases [which was not entered for the record]

Speaking to the Request

All those speaking were sworn en masse

Each Neighborhood Association or similar organization were given 5 minutes to speak

Mayor Gonzales noted the Applicant's presentation was 55 minutes, and will allocate the same amount evenly divided between each neighborhood association and gave each 5 minutes each to speak to the request, and said they will speak first and then members of the public will be allowed to testify.

Jim Gray, 1308 Camino Carlos Rael, representing the West River Neighborhood Association [previously sworn],, said they are next door to the project. Mr. Gray noted the traffic has decreased on Agua Fria for the last two years, timely with the opening of the Siler Bridge and road and the closure of Camino Carlos Rael as a way to get to the dump, commenting a lot of traffic has moved to Alameda, so traffic on Alameda has decreased. Siler Road has now become incredibly more congested, and trying to go home to the west side via Siler Road in the evening, you are backed up all the way to the new Alameda/Siler Road rotary across the bridge all the way to Cerrillos. A lot of the traffic coming up Agua is now diverting through Maes, Harris, La Cienegita, plus the mess on Osage coming to Agua Fria and to St. Michaels. He said if we throw in another 2,000 cars per day, a lot of that will disburse onto Osage, Harris, Maes, La Cienegita which already are tough travels. They said they have already determined that they could not put a deceleration along the westbound side of Agua Fria, which will be additional traffic through the day coming in and out of El Rio. If they try to put a roundabout there it will slow the traffic even more – 12,000 cars a day from either way through the roundabout – everybody has to slow down to make sure they have the proper rights of way, let along negotiating your way around a roundabout which makes it a real slow down, not an addition. He said when you get to Osage you go from two wide lanes to two narrow lines and the same at Siler Road to Agua Fria – a bottleneck on either end. On top of the El Rio, in a very short time we have a project for 10 acres on Harrison Road under consideration as well as all the other projects up and down Agua Fria into Agua Fria village which will add to the 14,000, which is a whole lot of cars on that two-lane road and dispersing onto all the side roads which are narrow with speed bumps and all of which have troubles.

Mr. Gray continued, "It is also going to make it difficult for deliveries in and out of the complex and the Allsup's, and anybody else trying to travel with commercial vehicles up and down that road."

Mr. Gray said the bus comes along every 30 seconds and it's a good bus to go downtown or to DeVargas Mall, because it doesn't go elsewhere but there. There is no way you can take the bus directly to do grocery shopping or needed service supplies. You have go downtown, go some place else. The bus service isn't as wonderful and useful as it would appear. He said it was an eyeopener to look at the map of the bus routes. He said you can go to Osage via St. Michael's, but that still doesn't get you near a grocery store and you still have to make a couple of swaps. So the bus route is not is as viable as everybody would have you believe.

Mr. Gray continued, saying unless they get the bike trails down the River which is going to happen someday. Driving a bicycle down Agua Fria is great until you get to Osage or Siler, and now you have to have a crash helmet, armor plating and red lights, but it's a horrible place to ride a bicycle. It is a pretty and nice project, but a rose is a weed in a vegetable garden. It's not the right place and we need longer term planning on the annexation part, because a lot more projects are to come up for discussion and the whole thing needs to be looked at and discussed better.

Mr. Gray entered an additional 56 pages of a petition [Exhibit "24"] in opposition, to the 1,327 previously submitted, noting they are all from the neighborhood.

Mayor Gonzales asked those speaking to please wind down when they hear the beep for the 5 minutes so each neighborhood associations are kept within the 55 minute timeline. He asked those in attendance to refrain from applause so we can keep the public hearing moving forward.

Melissa Tapia, 1341 Alamo Road, representing the Alamo Road Neighborhood [previously sworn], said she is speaking from the heart. She said most of us have lived in that neighborhood for generations – the houses have come down from generation to generations. She is in favor of building new homes, but not so much apartments, saying her father told her "rent and apartment and kiss your money goodbye." She has 3 children who have graduated from college – a nurse, a policeman and a teacher. Their American Dream is owning a home, not renting an apartment. She has worked at the same neighborhood school, Salazar Elementary School, for 20 years. The ratio of students to teachers at Salazar is ridiculous, commenting it is a failing school. She said there will be children left behind because the classrooms already are over-filled. She said rezoning will develop another school, and would like you to take that into consideration as well. She is a native Santa Fean, the City of Holy Faith, and is talking to you in faith that you are our elected officials. She said, "Please listen to our voice. Thank you."

Mayor Gonzales asked the Associations to point to an issue the Association would like to have addressed tonight – this is the reason you are up front. Then, we can have people to individually offer their comments.

Sheryl Odom, 1162 Vuelta de las Acequias, representing the Las Acequias Neighborhood Associations [previously sworn], which is about 4 miles from the development. Ms. Odom said they are concerned about all of the development that is going to be happening the newly annexed area especially along River, because they have a strong desire to protect the River and make it something nice rather than a series of developments. She went through the County Growth Management Plan, the Sustainable Growth Management of 2010 and the Green Waste Study. And based on that she wrote down some things she thought were interesting and related to this project and the development along the River which she will share. The quote that "development should protect and preserve community character and integrity," "new development must be compatible with the scale of the neighborhood, "we should be

pursuing conservation easements and agricultural conservation easements," and t"o preserve historical, archaeological or cultural aspects of the landscape, develop additional application criteria for concept plans to ensure proper fit with surrounding development." She said Las Acequias is up against Agua Fria Village, sharing a fence, a directive to preserve the edges of traditional communities from development. She believes the beginning of the historic Village of Agua Fria is about ½ mile from this development, strategies such as open space acquisition at the edges of community should be explored to protect and preserve the edges of communities from using their unique character and establish well defined gateways to the communities in the County.

Ms. Odom continued saying, then there was the Greenway Study of 2013, which strongly suggested along the Santa Fe River corridor that conservation easements be pursued to great access to a greenway park, that would run the length of the River to the where they clean it up and send it on down. This is actually Policy 4233, protect, enhance and restore wildlife habitat and vegetation along the Santa Fe, tributary arroyos, minimizing any undesirable effects. She said, "And finally, I leave you with the definition of spot zoning which somebody mentioned it tonight, this is what it says spot zoning is," *Rezoning or plan amendment of a parcel of land to benefit the owner for a use or area of dimensions that are incompatible with surrounding land and inconsistent with the goals, objectives, land use, policies and strategies of the General Plan, or applicable area specific or traditional community land and does not further the comprehensive zoning plan, intent, purpose and findings of the LDC*." She said what she has heard among other neighborhood associations is what we would like to see is a plan for all of the newly annexed areas, including and more specifically along the River Corridor, if development isn't done in a conscious and sensible way, it's too late. It could be a lovely thing. She dreams of having the Bosque back in Agua Fria Village. This is all from these plans and presumes these are things which are "read and stuck to," and that you follow the plan. She was surprised to see all of this and compare it to this suggested development.

Richard Martinez, La Joyas Neighborhood Association, said they ingress and egress off Agua Fria Street so we know what it all about. He asked, referring to Zoning Map [Exhibit "14"] on the overhead, what will it be in 10 years. He said the traffic is down from now, commenting the map was handed out showing the sites of C-1 zonings coming in. He said there are more properties along one, noting the Castles are asking for C-2 zonings, and there are a couple of C-2 zonings. Can you imagine that whole strip from Rio all the way to Siler Road all C-2 zoning. He said C-2 zoning has a lot more uses, and cant take you up to four stories of buildings. He said these are the concerns about the future of Agua Fria. He said Alameda is just as important as Agua Fria. They both are old donkey roads, old horseback roads and that's the way they were built. They are not wide enough. Agua Fria bottlenecks at Osage and in the Village, so we have one section that is almost wide enough, but areas by Frenchy's Park that still slows the traffic. He said when we talk about the traffic being less, but if it turns into C-2 zoning, we're going to be back to the same kind of traffic we had years ago when Siler Road was built. The taxpayers paid for the Siler Road bridge to reduce traffic, and he is hoping that you guys would consider not increasing the traffic. But with this and other developments coming in Agua Fria is in big trouble. He said this has been piece-mealed for the longest time, and through annexation we don't have a plan as to how to approach making

Agua a lot better, safer and have the kind of development we want. If we had a master plan, we wouldn't be here. Piecemealing isn't the way to go. He said, "Please deny this case for additional rezoning and stick with the Planning Commission's decision to deny. If you can do that for us, I think the neighborhoods around Agua Fria and Alameda will understand and be proud of you guys. Thank you."

Claude Cambeser, 7506C Old Santa Fe Trail, Attorney in New Mexico and in 3 other States.[previously sworn]. Mr. Cambeser said his license in New Mexico is inactive and on active status in Virginia. He said community leaders asked him to speak to you, because between 2007-2014, he gave one year of his professional time *pro bono* to try to prevent this day from happening – the conversion of Ecoversity, which its founder, Frances Harwood intended to be a hands on learning center, accredited by the State which it was at one point, into a profit-making venture for Jeffrey Harbour who is the person who seized control following Frances Harwood's death, and his cohorts including the applicants from Buffalo Thunder [Blue Buffalo?]. He said Jeffery Harbour controls Ecoversity and the *[inaudible]* foundation two non-profits established by Frances Harwood in 2000. Mr. Harbour had no relation to Ecoversity and the foundation or to the land until the death of Frances Harwood in July 2003. Mr. Harbour was her tax preparer and she trusted him. He said Mr. Harbour and an unscrupulous lawyer from Albuquerque visited Ms. Harwood 8 days before she died of cancer while she was on morphine, and presented the idea that Mr. Harbour would become the personal representative her estate after she die, meaning he would gain control of the money in her estate and its management. He said a sworn statement by a witness to this meeting says that Frances was basically unconscious throughout the meeting because she was on morphine about to die from cancer and was not aware of what was being presented to her.

Mr. Cambeser continued saying, 3 days later the attorney returned and Ms. Harwood, on medication, she signed the will as well as a trust document in a chicken scratch signature. She died 5 days later. He said Dr. Fitzpatrick her personal physician told him that 5 days before she died on the day she signed her will, the cancerous tumor was protruding from her chest and she was in terrible pain and constantly on morphine at that point. Following her death, Mr. Harbour with the assistance of George and Joan Clark, who each held a seat on the Ecoversity Board and one on the Foundation Board, noting Ms. Harwood set up the Foundation to hold the endowment for Ecoversity, an endowment of millions of dollars. He said the Clarks nominated Jeffrey Harbour to take Frances Harwood's seats on the two boards. The Clarks received questionable payments in a hand-written codicil to the Trust document at the time Frances Harwood signed the will, and seemingly in exchange they got Jeffrey Harbour to serve on the Board since each Board had only 3 members, the Clarks and Mr. Harbour and took control of Ecoversity and the Foundation.

Mr. Cambeser continued saying over time, Mr. Harbour forced the dismantling of Ecoversity by forcing the departure of two complete sets of staff and faculty, terminated its hands on learning capability by ending the course work from which many members of the public benefitted, and caused the loss of Ecoversity's certification as a teaching institution in 2008. They also converted it into a website. Now they are before you to engage in high density development will earn a lot of money, and who knows where that money is going to go. He worked on this *pro bono* until 2014. He finally gave up when they got their act

together and came before you with this application. The biggest tragedy of this is that there was a Picasso painting owned by Ms. Harwood. He asked the Mayor for an additional 3 minutes to wrap up.

Mayor Gonzales said okay.

Mr. Cambeser said this is a complicated story. The Picasso painting was in Ms. Harwood's custody at her death and should have remained in the estate and passed to the residual beneficiaries of the estate for Ecoversity and Progena. Mr. Harbour allowed the Picasso painting to go with a contest to her surviving siblings and her mother on the east coast, so they would not challenge his usurpation of her estate in the manner he did. They got the Picasso and he got Ecoversity, Progena, the land, the endowment and the buildings. He told him in a meeting on April 24, 2007 the value of the Picasso at $13 million or $30 million, and the value would be 2-3 times that today. That painting should be here in Santa Fe as part of the endowment for Ecoversity. No legal authority or investigative authority has looked into this matter despite his hard efforts, a coordinating committee of 20 and the signatures of 1,950 registered voters in Santa Fe County asking the Circuit Court to conduct a Grand Jury investigation of criminal fraud. The Supreme Court of New Mexico dismissed the petition on technical grounds. Neither of two District Attorneys has bothered to investigate this despite our requests and pleas and meeting. And Attorney General Gary King did not do anything. The Attorney General has the statutory authority investigate.

Mayor Gonzales asked him to wrap up quickly.

Mr. Birnbaum said he would cede some of his time to Mr. Cambeser.

Mr. Cambeser said the AG has statutory authority to investigate non-profit corporations that have been corrupted or mismanaged and request the appointment of a Receiver as the new manager and decide how to deal with the land and the endowment.

Mayor Gonzales again asked Mr. Cambeser to wind down as he taking time from the other speakers.

Mr. Cambeser said he would propose to the City Council that in addition to defeating this proposal that you pass a Resolution asking Attorney General Hector Balderas to conduct and investigation of these matters and report a receiver to take over Ecoversity and Progena and do something constructive such as restore a sustainability institute for the benefit of the community.

Mayor Gonzales said I want to again say, there was a lot leniency given to that point and you've learned some history, but to the rest of the individuals, "please try and stay focused on the specific development, its impact on your neighborhood associations, that is why I wanted you guys to have some of the extra time and not deviate from this development and the impact on the association from the premier association's perspective. I believe you have 2½ to 3 minutes. Okay, 3 minutes."

David Birnbaum, 7727 Old Santa Fe Trail, President, Preserve the Trail Association [previously sworn] said the real focus would be a link with his organization and what he sees happening here, is the rights of the residents of an area to have a say in any kind of a change such as being proposed. The right of a resident to have a day in any kind of change such as being proposed. He wrote a letter to *The New Mexican*, in which he tried to remind the Applicants of the spirit of the book *The Milagro Beanfield War,* which they need to take to heart. It is not only here in these chambers that they will have to confront the hundreds of people they are affronting here. A lot of time has been spent in both meetings hearing about how they won so many prizes building expensive homes for rich people, and making a beautiful shopping center. This does entitle them to make this decision for so many people whose families have lived there for generations, and to take something unique and precious, the stretch of rural land with a lot of history on El Camino Real and the Santa Fe River and apportion it to being a profit generating business for their families. He said he is a landlord that owns 8 apartments ½ mile from the site and he is unable to get more than $795 per month. The people they are proposing to help will not be able to afford these apartments and it's a sham that they're proposing to help Santa Fe and the millennials with what they're doing. They are proposing themselves to enrich themselves and the people they propose to help can't possibly afford to live there. It is important for the City to hold to regulations under its Land Use Code. He said to get a variance he would have to document a hardship and it should be applied in trying to change the zoning.

Mayor Gonzales again reminded the Associations to please speak to something that hasn't been addressed that goes to the issue of the development. He doesn't want to go down a path that already has been stated. He wants to give you the opportunity to cover areas that have not been covered to date. He said, "So, if you go down that path, I'm going to ask you to move on to a different subject."

Mary Charlotte Domandi, 623 Velarde Street, representing the Montano Neighborhood Association [previously sworn], about 1/4 miles from Osage. She said what makes a project work or not, boils down to math and she wants to talk about math we have heard tonight that hasn't been talked about. She won't go into traffic because it's been addressed. You are talking hundreds and hundreds of extra cars on two-lane road. Parking hasn't been addressed. If you have 600-800 residents, you're going to have about that many cars, with a need for visitor parking for a total of 800 to 1,000 parking spaces. The idea that people will rent a two-bedroom apartment with only one parking space for $1,500 – she doesn't see it. At 115 parking spaces per acres for parking on one story, you will need 7-8 acres just for parking, if two story, it will be almost 4 acres devoted for parking. If you don't have that much parking, people will be parking on side streets and there will be a horror story, people complaining and you can't do anything about it. The idea that a significant number of people will live there and not have a car might be true in a big city where there is public transportation that runs all night which we don't have here. It's a pipe dream.

Ms. Domandi continued saying the next issue is the market, and the $750 to $1,500 for apartments, they have given something from Craig's List. She looked at Craig's List 15 minutes ago and there were more than 600 listing for housing at or under $1,500 per month, many with driveways and yards. She is not convinced there is a burning need for small apartments in a complex at those price

points. There is the myth associated with project that Santa Fe is awash in affluent millennials who will pay $1,500 for a small apartment with limited parking. She has a rental unit, a free-standing house, with a garden and a driveway and costs about the cost of the average unit in the complex. The idea that if you build it, they will come... young people are not leaving Santa Fe because of housing, they're leaving because there are no jobs. At some point maybe Santa Fe can create those jobs, a happy day, and an apartment complex like this could be relevant, but we don't know when or if that will happen.

Ms. Domandi continued, saying she wants to respond to the assertion that two people earning minimum wage could afford a two-bedroom apartment. A couple earning $11 per hour, between them have a take-home income of $34,000, and at $1,500 a month they are paying $18,000 in rent, which leaves them $150 per week person to pay for food, clothing, health insurance, medical bills, gas, car, repairs, internet, telephone, medical and dental not to mention unanticipated expenses or even a movie now or then. It would be a great development in San Francisco which is awash with affluent millennials, but not here. This is the math.

Ms. Domandi saying there are non-math concerns. The idea of segregating the affordable housing runs contrary to the spirit of Santa Fe as an inclusive and integrated community. A lot of people who need affordable housing, teachers, EMT and the like, waiters and waitresses, would be in a separate complex on this property with the amenities of the complex. They would be looking over the fence at the other renters using the swimming pool they're not allowed to use. She can't see that anybody in this neighborhood want this development on Agua Fria. The support you will get will be from the developers and the 3 or 4 affluent millennials in the City. We ask you respectfully to vote against this rezoning.

Hilario Romero, 1561 Cienegita, Vice-President, La Cienega Camino Real Association [previously sworn], entered petitions for the record commenting this is an update [Exhibit "13"] to the Move On petitions in the packet, noting they now have 516 petition signatures City-wide against the project. Mr. Romero also entered Exhibits "15" and "16." Mr. Romero, using the color aerials in Exhibit "15" on the overhead, said you see it the way it is now, and you have these in the packet. You can look at the 11 x 17 photographs he handed out. He said, "You can see the before and after, the Current Overhead view is what I just showed you before. So that's the top, and then you see 400 units, or 399 units, sounds like a car dealer, you know $49.99. It's 400 units. On this next slides, we squeezed these units, this is exact Google scale and photos of the exact scale. We tried to lay it out in such a way that the site map that Blue Buffalo put on it, so that's the scale. And that's what it will look like from the air. So now, we're going to go to an aerial photo, and here's the way our rural community looks. This is rural land, it was Rural Mountain R-1 zoned for a reason, it is rural, one house per acre roughly. So now, let's superimpose 400, 3 story apartments and voila, there you have your 600 to 625 parking spaces and that's what you're going to see. Except you're going to see on more maps, because you're looking at them from 200 feet in the air. When you're down on the ground, they're going to look massive. This is the first thing I wanted to show you."

Mr. Romero continued, saying the Table of Availability [Exhibit "16"] he distributed is for your review and wanted you to make note of it, noting it is also in the packets. He said they did a 12 day daily study of the apartments to apartments and found there is an average of 325 apartments daily in March which hasn't changed, noting they went back in June, but he didn't want to do another study. He said this is close enough and current enough. He said, "And another thing, if you look at all the data that the gentleman from Blue Buffalo presented, look at the dates on everything, it's all mostly prior to 2010 and everything that I'm presenting now is within months."

Mr. Romero continued, "The next thing is affordable housing. I think that's what policemen, teachers and people want in Santa Fe, affordable houses, not housing. Housing means rentals. Affordable houses is what we need to take our hats off and really get into some think tanks about how we can provide affordable houses, community and do some grantwriting, get people together, look at people donating their land like Henry Culver did for what I would call and award-winning affordable housing neighborhood which is La Cienegita del Camino Real. Sharon at the Housing Trust and her group deserve an award for the La Cienegita neighborhood. That is an award winning housing development that is 100% affordable."

Mr Romero continued, "In closing, I'm the former State Historian and you're looking at the historic El Camino Real, otherwise known as Agua Fria, that vacant land now there has been farmed or ranched for 3,000 years, let's give it another 3,000 years."

Anna Hansen, 2008 Kiva Road, and a member of the Casa Alegre Neighborhood Association [previously sworn], said she is going to speak about crime, because this the highest density area in Santa Fe and we have the highest rate of crime in their neighborhood, consistently. She said two years ago, Councilor Bushee, helped us when the crime was really out of control. It is still high in the neighborhood and the have problems constantly, and this will exacerbate the issue of crime. She wants to follow up on what Hilario was saying about agriculture and this being an historic area. She said, "Two of the strips of land that are R-1 at the moment, are the last two Ranchitos left in the City proper. And they are historic ranchos that have been there from the land grant, and were divided and given out to families. And as Robert Redford said when he spoke with you, Mayor, he said, 'I don't want to just see over-development in a community.' We need to have this land protected and respect the agricultural rights that have been on land for a long time. There are two acequias that go through this piece of land. Of course there can be some kind of development. What would be really fabulous is some kind of new urbanism which includes mixed use. We would be commercial and residential, that would provide a community gathering place for the neighborhood that is in a transition zone where there is rural, commercial and residential. And that area where Ecoversity is and the development could be, if we could develop a really interesting new urbanism concept with commercial, a restaurant, a grocery story that would provide services to the community along with a community farm and urban agriculture. We would have an interesting mix in that neighborhood and it would pull the neighborhood together."

Ms. Hansen continued saying zoning is a big issue because of the way the City annexed that area without respect some of the zoning. Some of the neighbors in the area who have commercial zoning, if they change their business permit will revert to R-1 and lose their commercial status. We have a whole problem there and what we really need is a master plan and a community conversation. She said, "Mayor and City Councilors, when you ran for Mayor, you held all these community conversations and that is what we need. We need more of that, especially in this area to create a vibrant community where there could be some rental units, some affordable housing, but mixed together – really new urbanism and progressive and smart, and we have farming and all of it together, not one huge, overwhelming complex.

Nancy Ruiz, 1553 Camino Amado, [previously sworn], read a letter into the record from, Edward A. Heighway, President, Vista Encantada Neighborhood Association, in opposition to the project. Please see Exhibit "18," for the text of this letter.

Bob Welch, 1553 Camino Amado, President, San Mateo Area Society of Homeowners, [previously sworn]. Mr. Welsh said this association is far from the proposed development. He said the proposed rezoning is typical of a City-wide problem where the developer obtains land zoned for one intensity and asks for an increase in intensity based on social good. Traffic projects don't adjust for recovery from the recession, and the neighbors are labeled selfish for wanting to have a quiet perimeter for their homes. The development is praised as infill and job-creating, but the land might be sold for a quick profit. Infill is formed through existing zoning, and just as many jobs would be created if they built on appropriately zoned land. It is in the interest of all of us to stop this type of encroachment on quiet residential neighborhoods.

Marilyn Bane, 662 ½ B Canyon Road, President, Historic Neighborhood Association [previously sworn], said she will say two things you haven't heard tonight. One is the Historic Association is very much against this project for the area and, two we ask you to deny the general plan and rezoning the properties to R-29 even if it's only R-24. You will hear a lot of repetition because we weren't prepared to organize ourselves prior. She said the best thing she can do is to refer you to the Charter Commission and to the Policy Statement 2.04, and it was amended to read, 'Cultural and Neighborhood Preservation.' That was two years ago and they voted unanimously to approve on July 1, 2013, and she was there. She thanked Councilor Maestas for bringing in the City Charter. She said the statement now says, "*The people of Santa Fe derive invaluable benefits from our multi-cultural heritage. The multi-ethnic and multi-racial residents who have made their homes here over the centuries have each left their unique cultural mark on our City, producing a rich blend of stories, traditions and neighborhoods. The result is a community that treasures a variety of artistic, literary and usable forms that symbolizes an architectural style and celebrates the diversity of those who have chosen to live here. We therefore declare that the multi-cultural heritage and neighborhoods of Santa Fe are essential to the people of this community, and that public officials at all times shall exercise their powers with sensitivity to, and respect for, that cultural and neighborhood heritage*."

Ms. Bane continued saying she brings this up because are at a point, and this one of those cases, where values come head to head with dollars or great ideas, and choices are made. It doesn't always happen, but it is happening tonight, "and I wanted to share that with you. Thank you."

William Mee, 2073 Camino Samuel Montoya, Agua Village Association, [previously sworn], said he included a June 16th letter in the Council packet, and he will try not to say anything that was in that letter. He said his topic is the true cost of development to a municipality. He looked at a lot of economics and tried to be scholarly about it. He asked another member of the Association Susan Stokes to present her piece and he will follow up.

Susan Stokes, 4747 River's Edge Lane, in the Agua Fria Village area [previously sworn]. She attended the meeting held on June 9, 2015 at the public library between the community and the builders. She said some of the statements made by the contractors at that meeting were a little misleading, in particular pertaining to the growth of the Santa Fe construction industry as the result of this project. She said that hasn't come up tonight, but they spent quite a bit of time talking about it at that meeting. She said many of the Santa Fe commercial general contractors are no longer in business, which has resulted in the closing of a large number of our commercial subcontractors. The smaller subcontractors left in Santa Fe aren't able to perform on the scale needed for this project. She would imagine that most of them are not able to meet the bonding requirements.

Ms. Stokes continued, saying at the meeting, when the developers were asked about workforce and the Santa Fe market, the developers assured us they would try to use Santa Fe companies for building. However, in the same discussion, they explained how expensive it is to build in Santa Fe and they would have to pursue the lowest bid. They said the project would generate about 67 temporary jobs during construction. She said it seems to her that if all these jobs go to out of town subcontractors, those companies will use their workforce and will not be hiring Santa Fe people and will have their own crews in place. This won't grow the Santa Fe construction industry at all. Additionally, subcontractors purchase materials where they are located, so suppliers are in place for these people to deal with and we won't get any benefit from GRTs either. Lastly, but certainly not least, we asked the builders about management of the completed project. They said they are actually managing their Pacheco Park project, but this project was much too large for them to manage personally, and they would have to subcontract that out. They also told us there is no qualified management company in Santa Fe and they would plan to give the contract to an Albuquerque firm. So this does not help construction or management companies in Santa Fe at all. She said it seemed to her they were putting forth a lot of misleading statements about construction and even now some of their other statements have been misleading.

William Mee said Susan and her husband have worked in the construction industry for 30 years, so she's an expert. He said municipalities and counties chase after development in hopes of getting the economy humming. The rule of thumb of economics is that putting a new development in your City will have a multiplier effect of 3-7 times. What this is you pay construction worker who buys furniture, the furniture salesman buys a TV and so on. But when the construction worker is out of town, your multiplier

effect is moot. This has been a problem throughout the State. He said this subsidy will have to be picked up by all the taxpayers of Santa Fe County.

Mayor Gonzales said the Chamber of Commerce, the Green Chamber and the Sierra Club can represent their interests and then we'll move to the general public. If you hear your point of view has been represented you may choose or not choose to speak.

Mary Schruben, 2119 Rancho Siringo Road, Rancho Siringo Neighborhood Association [previously sworn], said the Association urges the City Council to deny both cases tonight. The existing General Plan designation of Rural Mountain and the existing zoning of R-9 are both appropriate for the area and consistent with the existing use and character of the neighborhood. The annexed property that currently has C-1 zoning, which was a converted zoning has not bee approved by the public process. Registering your neighborhood association only support in-fill development for all areas of Santa that is consistent with the neighbor's existing character, appropriate in scale and impact to the adjacent neighbors and surrounding neighborhoods and does not cause adverse impacts on existing City infrastructure and services. Blue Buffalo's requests in these two cases are speculatively, and set a dangerous precedent for all areas of Santa Fe which are vulnerable to speculative development. You are not asked tonight to approve Blue Buffalo's promises of amenities and luxuries, lifestyle of the young and well to do in an urban like setting are opportunities or opportunities for social and professional growth. None of that will come to pass through general plan amendments or rezoning, that is all just fantasy.

Ms. Schruben continued saying, you are deciding tonight on a general plan amendment and rezoning that will affect all of Santa Fe. Your denial of these request will protect all of Santa Fe's historic, aging and vulnerable neighborhoods from speculative development, dwindling natural resources, property value decreases, utility and service upgrades for which the City does not have money. Degradation of the quality of life and culture of historic neighborhoods and the negative consequences for the Historic Village of Agua Fria. For more than 400 years, Santa Fe has grown into its unique existence, one home, one family and one neighborhood at a time. The insertion of 400 rental housing units and 600 to 750 people into an area that has long been planned and zoned for 40 homes, 150 to 200 people, is too much of an insult to be borne by these neighbors and our community. Until it is updated and replaced through a public process, we must stick with our general plan and zoning we currently have that places this type of dense housing on major streets that serve commercial and business corridors that offer the infrastructure and services required by these tenants. There are more appropriate locations for this particular development proposal, and more appropriate developments for this specific location. We urge you to deny these requests tonight.

Chris Rodgers, 1810 Calle de Sebastian, Southwest Neighborhood Association [previously sworn], said she lives off Old Pecos Trail behind the Elks Club in this Association. She said she would like to quote from the founding document of planning for land use in Santa Fe. "The general plan, land use framework, "is the result of many months of work by the community and the Planning Commission. Ideas and principles that have shaped the general plan land use framework include protection and conservation of neighborhoods. Limitations are imposed on the size and scale of development to prevent encroachment of large scale, commercial uses in neighborhoods."

Mayor Gonzales said those points were brought up earlier, so "I want to make sure that we move to some new points if possible."

Ms. Rodgers said, "Very briefly, just main points, respect for traditional communities such as Agua Fria and Tesuque. The community area plan will help to preserve the lifestyle and character of semi rural, residential areas, as concerns the greater Agua Fria area, while providing for a sensitive, urban development, of mixed land uses and residential densities. These principles apply to neighborhoods throughout the City. We ask that the City not preempt the public participation process, particularly of concerned neighbors that the general plan has provided for. I urge the Governing Body to amend the general plan until this process takes place. Thank you."

Jan Brooks, 811 Camino Acoma, Vice President Southwest Neighborhood Association [previously sworn], said the is the other half of the Association, they stand in solidarity with the eloquent letter read by the Rancho Siringo Road Neighborhood Association. She said the process of development has created a level of acrimony and tension between the Land Use staff and the neighborhoods that are incredibly detrimental to our growth as a unified community to build sustainable and progressive housing. And I think the things we're not talking about is how we pay for this. She has enormous respect for these developers and have done their homework and tried to listen to the community. But they never said one thing about what was in this development for the people who are there already. Developers should try to do a progressive development and so a cultural impact study. We need cultural policies that guide development so we can bridge the innovation and experimentation and vision that is happening as the result of philanthropy. What has made Meow Wolf go. What's going to happen on Siler. All the exciting stuff that Vince is talking about with Meow Wolf. We need to build a bridge with the traditional communities. We need the third stool of the process which is organized philanthropy. The elderly people moving here have money and have high net work. This City has never collaborated with the philanthropic community. The McCune Foundation made a program related investment in Albuquerque years ago for downtown development, and they are in our back yard. Why aren't we having a conversation between Meow Wolf and the traditional community. We know we can't have agricultural preservation along Agua Fria and we know the future is providing the housing we're talking about tonight. We need to reexamine the process for development and get the third sector involved in this and something visionary.

Mayor Gonzales again implored presenters to present new information and new points of view that have not been heard.

Suby Bowden, 333 Montezuma Avenue, Guadalupe Area Business Association [previously sworn], said she also is here in the following additional roles: Project architect for La Cienegita, worked twice with the Fausts who are good people who do very good work. She is not a NIMBY and has spent 30 years developing the Railyard, which is high density. La Cienegita was consider high density at the time it was done. She was a member of the 1999 Planning Commission, which designed and approved a general plan with a gigantic public process with great representations. The public process recommended that Siler and Agua Fria be the center of a high density zone. And a circle was drawn which was discussed and debated and approved by the community, but the area didn't extend this far down Agua Fria. There has been no public process for a general plan for the density in this location. She feels the Fausts have a great idea, but in the wrong location. She has a simple recommendation that may pull the different opinions together. She will provide some handouts which include maps and photographs to help you see the scale we're currently discussion. Our downtown Plaza is essential tall, two-story buildings. El Rio is proposing 3-4 stories, of course La Fonda is taller, but all the other buildings immediately around the square are 2-3 story buildings, El Rio 3-4.

Ms. Bowden continued saying, El Rio is proposing a density that is greater than Zocalo, noting Zocalo is 7.3 to 14 units per acre, therefore they are proposing a density twice the density of Zocalo, the orange buildings on 599 and St. Francis, in a rural neighborhood with one-story buildings. She reiterated that she feels it's the wrong location. It is the wrong location because of the roads. The applicants are proposing Maes Road for its turnaround, and Maes has no lights at Cerrillos, and asked how the traffic will cross Cerrillos Road commenting she doesn't see the City putting a traffic light in that location. She understood John Romero to recommend the traffic go through La Cienegita. La Cienegita is the same size as the historic Acequia Madre. The difference is La Cienegita was planned and approved by City staff to slow down traffic and there is parking on both sides which is required because of high density, 10 units per acre. If she understands the traffic count correctly, between the Santa Fe Community Housing Trust traffic and the El Rio traffic, there will be 4,800 cars a day going down a one lane road with parking on both sides of a street the same size as Acequia Madre – again, wrong location.

Ms. Bowden continued saying there is a simple solution which may seem extremely radical to the Fausts and the City, which is the following. "You have already approved through a public process, Siler and Agua Fria. The Mayor and Councilors have been talking with Creative Santa Fe about the idea of doing artist studies and affordable housing, rentals, etc., on the City property. If that is true, what if we were to take all the homework the Fausts have done, ask them to move to the City land, it would support the Creative Santa Fe project, and also allow the Fausts to not lose funding they have invested, and they can sell the land if they have purchased it. We could keep our rural fabric and do a general plan for the newly annexed areas that keeps low density along Agua Fria." Ms. Bowden provided a handout to the Governing Body [Exhibit "19"].

Maria De Anda Hay, 961 Acequia de las Joyas, off Agua Free, on behalf of the Sierra Club [previously sworn]. Ms. Hay said she will be speaking for the Sierra Club and herself as a resident. She said wants to clarify something that was misstated by one of the partners of the development – the Sierra Club did not endorse the El Rio Project. She was present at the Executive Committee meeting when they voted on this issue. She said, "Although the Sierra Club supports infill, I believe they wrote a letter to the Council and to the Mayor, and I was privy to that letter. The letter states that, also they support infill, they support it only if it is consistent with the characteristics of the neighborhood it will be built in, and they sent out certain parameters they wanted to have met, which won't be met in this instance. Additionally, questions have been raised about the legality of annexing the land at issue at C-1 and R-21 into an R-1 residential district. Questions were raised as to whether the zoning provisions of Chapter 14 were met when that land was annexed. And putting that aside for now, our City Code provides, " A rural residential district is intended to respect existing rural character of the area and 'prevent urban densities in that are.' And that the R-1 residential district is to have residential areas of low densities. The Code provides that R-21 and R-29 districts are to make available a wide range of dwelling types at medium and high density level. Blue Buffalo is a high density development. The Applicant refers to Blue Buffalo as an infill project in a rural, residential district. This is a misnomer. Traditionally infill development occurs in undeveloped or under-developed land in a neighborhood and the land is developed consistently with the existing character of the neighborhood. She said the Code recognizes these differences, and Blue Buffalo is urban infill, if anything. She said it does not belong in a rural residential district as described in City Code. If approved, it will set a precedent in the Agua Fria District, which means there will be further high density in the area and the rural residential district will be destroyed.

Simon Brackley, President, Santa Fe Camber of Commerce, 1821 Camino la Canada [previously sworn], read a statement into the record. "The Chamber represents over 900 businesses in Santa Fe and dozens of businesses within a mile of the proposed El Rio project. Businesses are neighbors too. You've heard a lot of emotions tonight. I'd like to give you some facts so you can make a decision based on actual numbers, rather than on anecdotes and hearsay. This project represents economic development for the entire City. You've heard an outstanding presentation from these excellent local builders who are extraordinarily sensitive to the needs of the neighborhood, the community and they did a great job of presenting an analysis of the economic impacts of this project."

Mr. Brackley continued, "The stated intention of the City's current general plan is to encourage infill and smart growth in dense developments such as El Rio. As you've heard, there's a huge need for workforce housing in Santa Fe. The vacancy rate for apartments is less than 6%. The gentleman from La Cienegita talked about nurses and teachers and police officers wanting housing. Those people are going to Rio Rancho to live which represents a $300 million loss to our community because of people commuting out of Santa Fe. 51% of working Santa Feans now live outside of the community. This project will help to keep our nurses, teachers and police officers living in the community and help provide career opportunities for local people. The City has invested heavily in improving infrastructure in the El Rio area, to accommodate this kind of infill, smart growth projects. Tierra Concepts are an award winning local builders who care about our community who have stated, wherever possible, hire local talent for this project. We've

lost more than 2,000 construction jobs from our community over the past 8 years. This means local jobs created by this project. This project will create gross receipts tax, affordable housing and homes for working Santa Feans. We urge you to show vision and approve this project for the benefit of the entire community."

Mr. Brackley continued, "Mayor, you spoke earlier and asked questions about transitional zoning, and I remember being at a similar hearing for this about 15 years ago, when the Governing Body had the opportunity to approve The Lofts at Marquez Place. There was a great deal of conversation about the existing neighborhood around Don Diego and the traffic, right on the edge of the commercial district around Camino de los Marquez. The Governing Body showed vision and courage and approved the project and the Lofts at Los Marquez have been outstandingly successful providing live/work opportunity and space for dozens of local businesses. We would urge you tonight to show similar vision and courage and step forward and approve the small zoning change that's requested by this outstanding local company and vote for jobs in Santa Fe. Thank you."

Mayor Gonzales said we will now hear from individual members of the public and gave each person 1 ½ minutes to speak to this.

Tony Ynegas, 1652 Las Cienegita, in Cienegita [previously sworn], said he and his wife have lived there comfortably. You all live happily and content in your homes. That's what we want, to live the same way we're living now, happy comfortable. We can't afford all this traffic on our little streets. He said this gentleman said he has invested a lot of money, and we have invested a lot of money in our homes so we can be comfortable and happy. This is infringing on us, and please find someplace else, so we can be happy.

Deanna Einspahr, 725 Mesilla Road, on behalf of the Board of the Old Santa Fe Association [previously sworn], read a letter into the record in opposition to the project. Please see Exhibit "21" for specifics of this letter.

Carol Thomas, West Alameda Association [previously sworn], said she will be looking directly at this project from her property. She said since approval was not recommended by the Planning Commission or the Long Range Planning Division, she wants to know why we are here. Blue Buffalo is requesting a 45% increase in units over current zoning, which isn't a sensitive compatible infill development and not about housing demand, but about the size and density of the project. She said there is no project of this size inside the City. She said she is asking you to deny this application.

Ron Delgado, 1501 La Cienegita [previously sworn], has the home closest to the project, and said he respectfully request that you deny the amendment based on all the arguments that have been repeated over and over and thanks for your consideration.

Pam Matthews 155 Calle Don Jose [previously sworn], lives on the other side of the River, said she was coming here to say she opposes this because it's too dense for the area, and the builders made it sound good. However when the lawyer spoke, she was really shocked and saddened to learn how the land was acquired. She was a caregiver for a friend who died of cancer, and she can't imagine someone on morphine and dying being in any kind of condition to make big, legal, important decision. " If a sin was committed, and it sounds like somebody should look into this, this is no foundation to build housing to help people."

Montserrat Baez, 1561 La Cienegita [previously sworn], said she is here to ask the Council to deny the Blue Buffalo Rezoning Application, following the Planning Commission recommendation, noting they provided more than 1,652 signatures to the Council from residents in opposition to this project. We need to create a master plan for this land that was sacred to the Pueblo Indians and the Ecoversity and we need to keep it for the community like that.

Oscar Peterson, 222 Sombrio Drive [previously sworn], has lived near Agua Fria for many years and he fully supports this project. He said the Council needs to understand is that nobody in this or any area is entitled to use force stop peaceful and honest people from mixing their labor with land to build something of value. Do we really want to live in an area where people want to use force to stop something from being built because they don't approve of it personally. It would be great if we lived in a society where people minded their own property rights and respected the homesteading abilities of others. Please let Tierra Concepts build.

Gregory Ross, 1302 Agua Fria [previously sworn], said he is the only non-homeowner and renter that has spoken. He implores the Governing Body to consider the rights and needs of this unrepresented group that has a large presence in the City. He has rented property in Santa Fe exclusively for almost 20 years and has had to moved further and further and further out of downtown. He is in a 500 sq. foot apartment with no yard, no air conditioning no dishwasher for $800 per month. He is a lawyer who is dependent on the economy and he has no trust fund. He asked the Governing Body to please consider the unspoken voices and approve this project.

Shannon Murphy, 106 Mesa Vista Street [previously sworn], asked the Governing Body to please approve the request. She said the core of the opposition to the project has to do with the agricultural heritage of the area, which she loves and is part of what drew her to Santa Fe. She said while agriculture is really important to the identity of the area, functionally agriculture can't happen there in the way it did hundreds of years ago. The developers say they are interesting in using gray water harvesting for various purposes stated in their presentation. We need to think in modern terms in a way that is sustainable and can be sustained. She would like to see this go to development plan, so she can see what they propose.

Alexander Desuric, 422 Gregg Avenue [previously sworn], said he is a local architect specializing in the multi-family and affordable housing, and know what good multi-family housing developments look like, and he sees here a perfectly reasonable proposal which has been well research the need documented, the vision articulated for a sustainable community. He said this is not a complete approval of what their development will be, this is a rezone and a general plan amendment, and you will have the opportunity to go back later and see what they propose. He said at the current zoning, they could do a 275 unit apartment complex or other things. It is a reputable and well respected developer and he has faith he will do a good job. He urged approval of both cases, and if needed the Governing Body can impose a condition that you follow-up on the development plan review process.

Nancy Fay, 728 Mesilla Road [previously sworn], said in *Euclid v. Ambler* the landmark Supreme Court Case in 1926 established the constitutionality of zoning law, and hinged on the crucial ruling written by Judge Brandeis that benefit for the public welfare must be determined in connection with the circumstances, conditions and the locality of the case. We must ask who benefits from the rezoning approval. How does a private development that results in private profits meet the criteria of benefitting the general public. Why should the taxpayers subsidize or offer significant financial or tax accommodations for a project that does not provide affordable, inclusive housing. How is this not the definition of segregated housing. She said the Governing Body needs to serve the needs of people and vote no.

Gina Ortiz, 1316 Avenida Aliso, off West Alameda [previously sworn], is a native of Santa Fe, and considered a millennial professional. Blue Buffalo proposes a project that is supposed to have strong appeal for millennials like herself who wants affordable housing, noting initially the apartments at El Rio would be an average of 850 sq. ft. from $750 a studio to $1,500 for a two-bedroom unit. She went on line yesterday after to work to apartment guide for housing, www.forrent.com and on Craig's List. She found average one-bedroom apartments in the $700 range, and two-bedrooms in the $800 range. She said the Blue Buffalo changed somewhat recently, in reducing the number of apartments from 450 to 399. They also propose market rate units where they charge $1,070 per month for two-bedrooms and $960 for one-bedroom. This is not cheaper than the abundance of available apartments in Santa Fe which average over 300 on any given day. Since there are so many apartments available, they likely will give one month free and she doubts Blue Buffalo will do the same. She said we in Santa Fe cherish the agricultural roots of our community and Agua Fria is already a busy street. Blue Buffalo is out to make a profit, overwhelm our existing neighborhood, impact Santa Fe's future. There are other City districts that already allow for medium, high density development. "Don't destroy the community's rural residential and historic character."

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MOTION: Councilor Ives moved, seconded by Councilor Maestas, to suspend the rules and continue the meeting after midnight.

VOTE: The motion was approved on a voice vote with Mayor Gonzales and Councilors Bushee, Dimas,

Ives, Lindell, Maestas and Rivera voting in favor of the motion and none voting against.

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Marty Kennessey, 12 Calle Francesca [previously sworn], has a 25 minute commute to work downtown. She is a teacher and wants to live closer and the apartment complex designed by Blue Buffalo is thoughtful and well planned, and although she is not a young professional, she would like to live there. We talk about sustainability and infill, but when it comes down to it, nobody wants it in their backyard. It's time we think more about the whole community. The schools in south Santa Fe are incredibly over-crowded, so when you add more housing in that part of the City, you are proposing to build another school which the School District can't afford right now. She urges approval of the project.

Bill Roth, 1713A Montano [previously sworn], said when the woman spoke for the Montano Street Neighborhood Association, he asked her why he hasn't been contacted, and she told him they had just formed. He finds it a problem when people speak on behalf of the neighborhoods if in fact they aren't speaking on behalf of the neighborhood. He supports this project and believes that " the perfect is the enemy of the good." Santa Fe needs projects like this and it can be a bellwether development for other high density projects we will need in the future on St. Michael's, or what Daniel is working on with Creative Santa Fe. None of these will solve the housing problem. He believes these are the right people to do with this. He agrees that conditions can be put on the development to resolve issues to make sure they " walk the walk and talk the talk." He urges support of this project.

Paul Dracos, 623 Baca Street [previously sworn], said he is one of the owners of Glorieta Geo Science, a geology consulting company here. He has been following the controversy surrounding the project and completely agrees with the housing needs Blue Buffalo has identified and the appropriateness of the proposed infill development. He talked to some of the younger members of his staff, and they all indicated this is the sort of housing they want to see in Santa. This should be great housing for young geologists as well as nurses, teachers and police. It is important for the City to support development that ties into bike paths, fits the needs of underserved members of the community and promotes infill rather than pushing development to the fringes of the City.

Jay Lazarus, Glorieta Geo Science co-owner,[previously sworn], said he is here to speak on behalf of his company and staff, and said we need affordable housing, noting he just lost an employee because of the cost of living in Santa Fe. He said his is the kind of business that brings in young, highly educated professionals with advance degrees that need this kind of housing and environment so they can meet other young professionals. They have 18 employees, are a home-grown business, and they are losing revenues because they can't bring people to Santa Fe because of the high housing costs. And even with the high salaries they pay, people still can't afford to live here.

Peter Brill, 1021 Camino Redondo [previously sworn], said he is in favor of the project. He said an immutable fact of life is nothing stays the same, we grow, we shrink, we die, we adapt or fail to adapt. Communities are no different and we have to continue to make progress. Your roles as community leaders sometimes require you to make unpopular but sensible decisions that promote the general well being of the community at large. This project is well conceived by thoughtful people who value the community, who live here, raise their families and who play by all the rules. He said, " If the City Council and community cannot get behind projects such as these that meet this important and demonstrated demand, then essentially, we're saying we don't care about our vitality and relegate ourselves to obsolescence, thank you."

Carlos Ortiz, 2222 Vuelta San Marcos [previously sworn], lives directly across the street from Frenchy's Park. He said we are talking about an area that is also industrial, and he sees large trucks and buses on Agua Fria very often and in other areas and they have a difficult time negotiating a roundabout, and that would be the case on Maes Road. Additionally, on Monday mornings traveling east on Agua Fria, quite often you're behind a garbage truck with delays getting downtown by 15-20 minutes. There also are other large trucks making deliveries on Agua Fria and it's the same thing. Traffic is backed up when anybody is making a left turn. He said this is a good project, but if it goes through, we will end up with a traffic nightmare and there's no way to fix it.

Zane Fisher, 3094 Agua Fria [previously sworn], operates a business on Baca Street and his company has done design work for the applicants, but he doesn't stand to profit from this development, but he believes in disclosure. He said there is so much energy and hyperbole and ideas going around, some true and some not. There obviously are very real issues that are being grappled with and the applicants are proposing to be one part of the solution. He doesn't think it's fair to decide this entire project at a request for zoning change and general amendment, because we haven't seen it. The issues are real enough that we should consider approving the zoning change and the general plan amendment, because residential, even high density residential, is more appropriate transitional zoning, rather than the commercial and industrial already abutting this neighborhood. The community can have a better dialogue when we can see a planned unit. He would urge you to use your will as a Governing Body, if you approve this, to propose a facilitated dialogue. The high point tonight has been seeing the changes the developers have made in the plan as the result of engaged dialogue with different aspects of the community which we need to continue and get to the point where are communicating and working together. That would make more sense than shutting this down at this point.

Matthew Ellis, 8½ miles south of the City in the County [previously sworn], said he is educated, works hard and he has an affordable house, commenting he bought it 10 years ago because it was affordable. He said jobs haven't come up much tonight. He said according a report from the Associated General Contractors, Santa Fe ranks second to last in over 350 municipals for contractor development in business, noting we rank with Appalachia. Up to a week ago, he was the manager for a 40

year old legacy roofing company that decided there isn't enough business to justify keeping an office open in Santa Fe. He said prior to that, he had to let 6 men and their families go, commenting layoffs are fact of life for Gen-X and have been for 7 years. He's a second generation New Mexican and doesn't know if there will be a 3rd generation for his son. He said time have changed and high density housing is an affordable option for those who have suffered the ravages of the recession. He said for a lot of Gen-Xers and a lot of millennials, renting is an option because they can't commit to owning a home, because they don't know whether they're going to have a job or not. This project models what goes in Europe, Latin American in terms of green, clustered housing. Millennials tend to have fewer children and they're not buying cars, so some of these arguments don't apply to younger people. They want to bike and not starting families because the economics are against them. Please approve this project.

Christopher Gurule, 1480 Avenida Rincon [previously sworn], said two projects were mentioned today, one the Lofts at Marquez and Zocalo, saying he has lived in both. He moved back to New Mexico from living in his uncle's kitchen which was 250 sq. ft., into a 650 sq. ft. affordable housing unit at Marquez, across the street from Blue 102 Radio where he works. It was an affordable option and made living in Santa Fe possible. He subsequently moved to Zocalo which is going through a major infrastructure enhancement, adding 150 to 190 units. He said we have found affordable housing in New Mexico, and these are the kinds of options that allow young people to come to Santa Fe, find a home, make a living. He thinks it's important to find affordable solutions for young people.

Daniel Werwath, 1726 Agua Fria Street [previously sworn], handed out information to the Governing Body [Exhibit "22"]. He said he is holding a petition with 200 signatures. He said he is a neighbor to this project, he has lived on Agua Fria for 12 years, and bought the house because it was the only one he could afford that wasn't on the edge of town, and he could still ride a bike to his job. This project isn't perfect, but it won't destroy the neighborhood or solve our problem with youth housing. He wants to talk for the 30,000 people who drive into town every day to work, 72% of which say affordable housing is the issue. He said these debates always are asymmetric. He is talking about his neighborhood and his friends who live in the neighborhood who are home with their kids, and how it is unfair to expect people to self-identify as low income and be recognized as such, to advocate for a hypothetical benefit down the road. This is how it always happens, and many of you are at those meetings. Neighbors always have a bigger motivation based on the fear of change than the benefit of the entire community, noting 82,000 live in our community.

Mr. Werwath continued saying, included in his handout is a map of how growth has affected population demographics. He is a housing planner for a living. We have pushed youth, low income and young families to the edge of town. Go out to the Southside School with 30 kids stuffed in a portable and tell me that infill is going to stress our schools. He said, "This is a lot for me. I've been watching this go on for a long time, and at some point we have to make a decision to take a different course. This is not going to wreck the neighborhood. 13 of the 16 acres of this property are basically vacant, abandoned land. If this project doesn't happen, something will come back that is crappier, whether an office park, lower

density residential project, it is the south side rental project that everyone says is so bad. Let's get past this moment and agree as a community around the density and figure it out. 24 units per acre. It's 3 units more than 13 of the 16 acres already are zoned. We can do this as a community conversation and a productive conversation."

Catherine Morgan, 1203 Agua Fria [previously sworn], said she has heard a lot of talk tonight about her age demographic and speculation on what we want. For the most part, they're completely off base. She doesn't feel any of the have connections to her cohorts. The only people who have spoke to her cohorts are the developers. She asked the Governing Body to let the process and dialogue continue. She said not all of us can do this. She has to get up in 6 hours, but she's still here because she cares and wants to speak for her cohort part of this community, and to fight for something like this when they've lost all hope.

Lacy Adams, 1726 Agua Fria [previously sworn], said she is too old to be a millennial, but many of her peers, colleagues and associates are millennials who have had an extremely had time finding rentals in Santa Fe. She said a friend found a place today that was over-price and underwhelming, but she took it because it was the only option for her and her child. She would like to see this project move forward. She isn't concerned about the traffic and doesn't think traffic is a problem. She reverses onto Agua Fria every day going to work during peak hours and doesn't see it as an issue. She said many people in her age range and younger do bike to work, some bike as the preferred transportation, and some as their only means of transportation. She wants to see this project move forward.

Jaz Reis, 1528 La Cienegita [previously sworn] said she spoke at the Planning Commission meeting, and hopes you will go with what they decided which was to vote against it. The traffic on La Cienegita is horrible. She talked about her travails as a bus rider and cyclist. She rode the bus tonight, but there is no bus to get home, but if there was she has to cross Agua Fria. It's treacherous. If they put in a roundabout at Maes Road, there is no way "I'm putting my body on a roundabout to get across the street." She said it's really dangerous to put pedestrians and bicycles on a roundabout.

Glen Schifbauer, 519 Vera Drive, Executive, Santa Fe Green Chamber of Commerce [previously sworn], who is speaking as an individual. He said Mr. Brackley put together the economic benefits in a very cogent form. He said the only connection he has to being a millennial is about long ago he played basketball where we are standing now. He said this addresses what said everybody is afraid of which is change. We are in a period where things are changing whether we want them or not, and we also have to advocate for change. He said this administration has been ardent in looking at sustainable, and we have a local company that is going to a LEED certified project with water conservation and water efficiency, noting everything is changing – the way we power our cars and homes. And this is in a transitory area, and as Ms. Ladd pointed out, somebody could come along and put in 275 units. We have a LEED certified project and infill and it would be a missed opportunity not to let this go forward.

Charlie Goodman, 33 Teddy Bear Trail [previously sworn], said the negative economic impact of this project is clear in terms of the number of jobs being lost due to lack of housing. He said he owns the largest property management company in Santa Fe. He can't speak to the occupancy of apartments, but as of today he manages 450 single family homes and there are 10 vacant and available for rent, noting rents have increased 20% in the last two years. The housing problem continues to get worse, and this will contribute to helping that cause and said, "I wish you would support this."

Claudia Borchert, 212 Lugarde Monte Vista [previously sworn], said she is speaking as an individual and doesn't represent the County. She said change is inevitable, but what isn't inevitable is how our elected officials guide it. We can continue with business as usual, or we can embrace innovative, age diverse sustainable projects like this that aren't business as usual, and spoke about projects we can embrace to benefit the community by encouraging young people to move to or remain in the City. She was moved by the Pope's recent encyclical. She urges you to consider his thoughts as you deliberate on this project which she believes is a positive to the climate change challenges our community and world will fact.

Alana Faust 212 Lugarde Monte Vista, Gabby 190 B 9-mile road [previously sworn]. Miss Faust said she Gabby graduated from Santa Fe High, went to college out of state, and Gabby is one of the few people with whom she went to high school that has moved back except for her. She implores you to consider all the people under 45 who have spoken tonight, and 90% of them support the project and there's a reason for that. This project speaks to our generation and the issues they're going to have to deal with in 25-50 years. She urges you to move this forward and think about where we're going to be in 25 years. She wants her friends to move here and people to move back and we need housing to do that as part of the solution.

Gabby said she is speaking to the affordability thing. She and Alana are both here, are college educated, with full time jobs and still living at home because they can't afford to live on their own in the City and that speaks volumes.

Rubena Collanella, 21B Sedesta Place [previously sworn], said she is a paid consultant for the El Rio project. He approached Tierra Concepts and Keith, Kurt and Erica, because she thinks this is an awesome project. We need this project for all the reasons stated. These are big huge issues for Santa Fe. She said these developers are residents of Santa Fe for decades, business owners dedicated to the future of Santa Fe. She said NIMBY is not inclusive of a diverse Santa Fe which is what she and the developers envision, so "Please approve this project."

Kim Shanahan, 1409 Luisa Street, Executive Officer, Santa Fe Area Homebuilders Association [previously sworn], said he is here on his personal behalf and not representing the Homebuilders Association which doesn't have a position. He talked about what it was like when he moved

here 40 years ago when they were embroiled in the issues of growth and developers which was a big deal in the mid-80's. 20 years ago, a lot of smart people got together and started to think about the general plan which was approved in 1999. The general plan was a compact between the development community, neighborhoods and City officials and became this thing on which we pinned our expectations. It influenced what the Faust brothers have become, and it influenced what we did, because we believed in the General Plan. He said some of these came in as R-1 next to PUD C-1, so this really isn't out of the realm, and these general plans are a compact. He would urge you to move forward with the next step. He suggested to hear the public testimony night and table your decision until we have a full Council of all 8 Councilors.

Aviva Faust, 200 Las Mananitas, wife of Mr. Faust ['that' one over there] [previously sworn], said she wants you to know a bit about of us so you understand this is more of a calling then just a business proposition. Our family, at one point there was YouthWorks in one of the old buildings. She and Kurt helped financially and physically to help remode some of the spaces so it would be more useful for that group. She said, "Ms. Harwood, we part of an environmental group that she invited to her house to have a meeting because were funding each other and didn't have enough money to be able to do ecological pieces for our houses, so we are pooling money, so that one person at a time could do something. And what we did is we put a cistern in her house. We attended demonstrations of American Clay's wall applications at Ecoversity, and we really do feel like this is what is necessary. This is something to move Santa Fe forward. This is not just them saying, oh what can we do in Santa Fe. It's what can we do for Santa Fe. She said, "And so what I would say is they have worked with the community, they've taken input. We've improved our plans based on the things we heard from community members. And I would like to say that they will continue to do that throughout the process because that's who they are and that's what they want. Thank you."

Terry Buel, 2129 East Chile Line Road [previously sworn], said she works in the Green Building Industry as an energy rater, and tests homes for energy efficiency. She said nobody has talked tonight that this will be a LEED certified project. Personally, she thinks the owners are a little crazy and could stay in the luxury home business and have it a little easier, but they're not choosing to do that. They want to make this project LEED certified and it's difficult to that. They're going the extra mile, spend some extra money and do a lot of extra work to achieve affordable markets for an under-served market, noting the units will be more energy efficient with lower utilities. They'll probably be able to stay in those homes longer because they can afford the utilities and other things that go with it. From her perspective, she thinks this is a really great project, a great group of people who are conscientious and will take care of the environmental issues in the neighborhood and won't leave a mess for the residents. "I would really urge you to support this project, thank you."

Janis Sanchez, 227 Sereno Drive [previously sworn], said she has been a renter for 4 years, and working in Santa Fe for 4 years, but she is considering commuting because she can't afford to live here. She thinks this project is a great idea for someone like her. She has dogs. The Craig's List ads don't apply to her, because she owns a dog. She is in favor of the project.

Raleigh Henry, 227 Sereno Drive [previously sworn], said he commutes 25 miles from Santa Fe to work every day, as opposed to getting a place in Albuquerque. He wants to stay in Santa Fe because he loves the City, and he thinks this project is a good idea. The Agua Fria area is beautiful and this project does justice to the area and looks forward to one day being a part of the Agua Road community.

Ronny Leyba, 127 Maes Road [previously sworn], said he is against the project. He was born and raised in Santa Fe. They have a lot of traffic on Maes Road, noting they have a stop sign that will cause a lot of backup for the buses.

Pablo Sanchez, 1142 Harrison Road [previously sworn], said he has lived and work on or a block off Agua Fria Street for almost 60 years. He said he has seen the area change little by little through the years, but this development is by far the most drastic and large yet. The developer said there is a shortage of rentals, when an acquaintance who owns 23 apartments and the Coronado Condominium is only a mile away are empty because all of the renters have moved to the apartments down Rufina with the first month's free rent and other incentives. He said there is an infill development at the corner of Harrison and Agua Fria that has been approved, but hasn't been started, they're not sure what will happen there or how that will impact our traffic. He said, regarding the River Trail, it seems like nobody knows when if and when if it will be continued, and regarding who is going to build the bridge across the River. He said this is a historic area that needs to be protected by the General Plan. He said, "Please reject the zoning change. Thank you."

Belinda Marquez, 2605 Agua Fria [previously sworn], said she is right next door to where the apartments will be built. She said, "When I was sitting there and I saw that image on the screen of what these apartments are going to look like, 3 stories high and I'm right right next to them, it scared me. All this land was my ancestors', so it really touches my heart to see such a big, high density change for it. 3 stories is very high and I will have that on my windows looking down at me. They are also wanting a steeple on top which will be even higher than. But just that image on that screen. Please make the right decision. Thank you."

Norma White, 2630 Agua Fria [previously sworn], said she wholeheartedly opposes the El Rio Project. Thank you.

Ray White, 2630 Agua Fria [previously sworn], said he is a lifelong resident, resident of Santa Fe and he has seen Santa Fe grow so much and there's so much traffic, even on Cerrillos, it's really scary, because Santa Fe was a nice place, and it's getting to look like a big City like Albuquerque. And these apartment complexes are really too big for our area and I oppose the apartments. Thank you.

Norma Cross, 1390 Camino Mio [previously sworn] said her home is right on Agua Fria, one property away from the Ecoversity property. Ms. Cross submitted her statement for the record, and asked a question and gave a comment. Please see Exhibit "23" for specifics of this presentation.

Ada Burke, 1447 Santa Cruz [previously sworn], said she is in support of this project. When she moved back to Santa Fe after completing college as the result of a job opportunity, she ended up having to commute initially because she couldn't afford to live here. She said after two years she was able to consider renting a house. She said renting an apartment will always be more cost effect for individuals, not families, looking to reside in Santa Fe. She works for an employer that has a hard time finding individuals that will accept a job in Santa Fe, because of the lack of affordable housing units for younger individuals that don't necessarily have families looking to move here. She said a lot of her coworkers choose to commute and won't live in Santa Fe because they can't afford to live here. "So thank you for your consideration."

Ricardo Sanchez, 562 Onate Place [previously sworn], said he has worked at Thornburg Investment Management for 12 years, and during that time he's seen many people quit because they can't find affordable housing. These are professional, educated people with creative minds, the City can't keep. "So, on their behalf, I support this project. Those lost employees, lost families and the lost futures of this City could have been. I urge you to consider this, and I fully support it. Thank you."

Former City Councilor Karen Heldmeyer, 325 E. Berger [previously sworn], said, "I wasn't going to speak tonight. I was actually here for something else, but since a couple of people mentioned the General Plan, I thought I would say something about it too, because, I too was on the Planning Commission in 1999 that passed it. And every time you see the word infill in the General Plan the Planning Commission passed, the word appropriate is supposed to be in front of it. Now what's appropriate, aha. That's up to you guys, but keep that in mind, it isn't just any old infill, it's supposed to be appropriate infill. And I also thought Greg Smith kind of hit the nail on the head early on when he said there's a lot of conflicting principles in the General Plan. And for a given project, you have to decide which ones take precedence over other ones. And I also thought that it was rather disingenuous for someone who is supporting an amendment to the General Plan, to talk about how it is a compact with the people. It is, to a certain extent, but it's a compact that can evolve, but again, it has to evolve when it's appropriate to evolve. Good luck."

Frank Montano, former City Councilor, Calle 1655 Calle Sotero [previously sworn], said, "I wholeheartedly agree with the comments that the former Councilor just made. And I certainly hope you take into consideration, the decision that the Planning Commission made. They heard everything that you have heard tonight. And they are as progressive a group as any that I've ever seen, and they made the appropriate decision, they certainly did. And I think that it's comparing apples to oranges when you talk about the types of transitions that are needed on St. Francis Drive, Cerrillos Road, Rodeo Road, Airport Road, major arterials as compared to Agua Fria Street. The transition that exists on Agua Fria Street from Siler Road Osage and beyond already is good. You don't need to tweak it or change it. I think one of the Planning Commissioners that made a positive approach to turn this project down said it best when she said, "You're looking at an elephant among mice." That's exactly what this project is. The slide that Mr. Romero gave you of the apartments that would exist is spot on. Don't do that. Please don't do that to us. And you know, in closing, I would just say, I thought it would be appropriate for the Council to take 8 minutes each since you gave the developers 55 minutes, you gave the neighborhood 55 minutes, but when you give the rest of us poor slobs a minute and a half, I now think you need to take a minute and a half each to turn this down."

Rudy Gallegos, 1300 Camino Carlos Rael [previously sworn], said, "All I want to state is when you mentioned the characteristics, Mr. Maestas, I guess I am that characteristic, I've been there 67 years, that's when I was born. And I know I have family there, at least 30 or 40 people on Camino Carlos Rael and we're all opposed to this particular project. We're not afraid of changed, or opposed to development. As a matter of fact we agree that land should be developed sometime later, but like Frank said putting an elephant in this particular area is not the right thing to do. Thank you very much."

Andrea Osleto, 200 Las Mananitas. [previously sworn]. She is a part of the of the unrepresented group that does not own a home, and "I'm a millennial." This summer she is here to work with Meow Wolf, and she was fortunate to be friends with the Faust family and we were going to live with them this summer. When she was looking around in the beginning for a place to stay, she had no options that stood out to her, and the El Rio project just sound perfect. It's an opportunity for a community in a place that I haven't really been able to meet other people my age really. So we're the kind of people that this project is aimed toward helping, so I fully support it.

Adam Steinberg, 1851 Paseo de la Conquistadora [previously sworn], said he would urge you to not vote for this project. He feels it's far too large for this area to accommodate. He lives at 1851 Paseo de la Conquistadora and every morning he has to get on Agua Fria, and every afternoon he has to turn off Agua Fria to go to his house. He can't imagine what it will be like with this much more traffic on the road. He said, "I wonder if the girl before me could afford $750 for a room for rent, it seems awfully high. I'm not sure it's really as affordable as it's presented to be. He said, "So please, I urge you to vote against it. Thank you."

Judy York, 1215 Lujan Street [previously sworn], said, "Since January when we heard about the scale of this project, a good thing has happened. Our neighbors have come together, we've met in living rooms, out on the street and many of us have gone door to door, one house at time, one living room at a time, collecting over 1,200 signatures against the zoning change. I think some amazing statements have been made tonight, and I think it's really clear that we need affordable housing and the kind of high quality housing the Fausts stand behind, but how do we do that and maintain our neighborhoods. I think tonight has also shown that we really need to revisit the Master Plan, at least in relationship to the River Corridor, and determine how to support infill, which is clearly necessary, without losing the very neighborhoods that define our City. Thank you."

Crystal Sena, 1520 La Cienegita [previously sworn], said, "I am 35 years old, I'm a Librarian at Salazar Elementary, born and raised in Santa Fe. My family is from New Mexico, generation after generation. I'm at a loss for words which is rare. I felt bad tonight, bad for both parties. I'm opposing this complex. People who are on my side, I feel bad, because we're just trying to preserve and be seen and heard for what we treasure, what we grew up with, what we love and what we know. When people come to New Mexico and Santa Fe, it's for what we have, what we do and how we do it. None of us have ever said that we're against building up in Santa Fe, we're against growing. It's just not in areas that mean something. There's historic sites all over New Mexico and Santa Fe that are preserved for a reason. This is one of them. And El Camino Rael, Agua Fria Village. There are tons of other areas that they can build in."

Ms. Sena continued, "I understand these young kids. My daughter just graduated from Santa Fe High School with honors, the Royal Blue. She's going to be a pharmacist. I worry about her too, but you know what at 20 years of age, I was a teenage mom, 17 years old when I had her. At 20 years of age, I bought my house on La Cienegita. My husband was 21. We worked two jobs each to make our dreams come true. It wasn't handed to use. And I think with anyone and anything, if you have the gumption, and dedication and you're willing, you can do whatever you want. It doesn't have to be some kind of apartment complex that's going to be affordable to you. You work for your dues and you make it happen."

Marie Campos, 1529 la Cienegita [previously sworn], lives ½ block from the proposed site. She said, "I just wanted to kind of just remind everybody at this point, and it's really late, but just to remind you about open space. A lot of people here, probably the Fausts and staff and these other people, they have houses that might sit on a 1 acre lot or a 2 acre lot, or a 5 acre lot, and they have a lot of open space around them. But in our area, all the open space we have around us is precious, and we need to be able to keep and preserve that. And as you heard with the history of the owner of the property of the trust, that's being betrayed right now, that woman had given a lot of her life savings and that was her legacy. And to betray that and the community would be a betrayal of what Santa Fe is. And even the woman who wasn't from here, but she knew what that value was when she chose the place on Agua Fria. I am 100 % opposed to this and I ask you to deny this tonight. Thank you.

Tony Ynegas, 1652 Las Cienegita [previously sworn], said, "All I've got to say that the majority of the people that came up here that were for this, they don't live in the area and a lot of them are not even from here.

The Public Testimony Portion of the Public Hearing was closed

Questions by the Governing Body

Councilor Bushee asked Mr. Liming if he was here for the Master Plan.

Mr. Liming said yes.

Councilor Bushee asked him to refresh her memory, commenting she has "been around the robin" in this hearing tonight. First she though, okay, they're very close, they said they are going to stick to R-24 and C-1 zoning allows for R-21. She asked, "So what's the problem here. Why couldn't this have been worked out at the Planning Commission level. And I'm trying to understand the specifics. And then the Fizz Harwood story came back, because I've spent some time at Ecoversity, and with Fizz and it was pretty special land and pretty special project that was happening there. That's just a prelude to the question, really is how did we get to the C-1 zoning."

Mr. Liming said he will defer to Greg Smith on that question, because he was closer to that process than he was.

Councilor Bushee said, "Stick with me, because I think your were, well Greg you were probably here too, but both of you help me out because I also remember the General Plan. It was a very public process. We had a San Francisco firm that we paid. A fancy firm came to town. The unfortunate part is some of you really couldn't understand what they were saying, but they went all over town, took a lot of input, but I also remember Joseph Montoya and a very interesting future land use map. So refresh my memory, what was the future land use for that area, that particular plot."

Mr. Liming said actually this area was part of the greater Agua Fria area at that time.

Councilor Bushee said then it was County, and asked if it was rural, residential.

Mr. Liming said we did not show specific land uses on our future land use map originally for this area.

Councilor Bushee again asked how we got to C-1, because she doesn't remember a public process getting us there.

Greg Smith said, "Again the current zoning was adopted pursuant to what is called the SPPAZO process that occurred largely at the Extraterritorial Zoning Authority in 2008 and 2009."

Councilor Bushee said then there was a vote at the advisory committee level.

Mr. Smith said, "The EZA was actually the zoning authority, and the agreement the EZA, the City and the County, agreed in essence that staff would draft a map that would...."

Councilor Bushee said, "Whoa... back it up. So there was a vote a public vote where people could go and actually express their concerns."

Mr. Smith said, "Yes, there were public hearings at the EZA."

Councilor Bushee said, "So 3 people from the County and 2 from the City serve on that board. So, two people decided this zoning."

Ms. Smith said, "After hearings, after neighborhood meetings after hearings at the Extraterritorial Commission and the Extraterritorial Zoning Authority. And again, this was also reviewed by the City Council at the time and approved by the City Council as part of the Settlement Agreement, and at a sequence of hearings on the annexation process. And the direction staff was following going into that hearing process was to, as closely as it could be done, draft a map using City zoning districts that matched approvals granted by the EZA over the years."

Councilor Bushee said, "Wait, wait, wait, so back up. So the EZA decided what."

Mr. Smith said, "The staff was directed to present a map to the EZA which we did that represented as closely as possible, decisions made by the EZA using City Zoning categories."

Councilor Bushee said, "So they didn't actually decide on the C-1 zoning in those public meetings, the two people."

Mr. Smith said, "I'm sorry I may not be being clear. The map that we presented to the EZA was voted on at a public hearing."

Councilor Bushee said, "A map, but what zoning categories would have considered for this land in that meeting with the two people that represented the City."

Mr. Smith said, "The C-1 PUD zoning was applied when the EZA voted on that map."

Councilor Bushee said then it wasn't staff after the fact deciding that was as close as you get for what the County had.

Mr. Smith said, "That's correct. Staff recommended C-1 PUD, and at a public hearing it was approved by the EZA and subsequently by the City Council."

Councilor Bushee said, "My memory of course of Ecoversity was a home that Fizz Harwood conducted the programs, it wasn't quite a school at the time, but there were lots of events. It really wasn't very commercial, it was this home and this beautiful land and there was the idea that it was to sustain and really support, and it was right along the River. So I kind of came around full circle. I've got a few more questions, but I want to follow that lead, and it's getting late and I know everybody's got questions, so I'm going to come back to the developers and I don't know which one of you I should ask the questions of. So, give me some details on the LEED certification, who's the best to speak to that, and it'll be quick, I promise folks."

Councilor Bushee said, "I didn't hear any solar mentioned, but I did hear that you were going to be as energy efficient as possible. And then I want to follow up and asked why we jumped away from 270 or 275 or 278 units. But the LEED certification I would presume adds cost to this and is that why we are not considering what C-1 allows for."

Mr. Faust said, "Councilor Bushee that is part of the reason. LEED certification does cost a little bit of money. It's not a must from the original plans. When we started putting it together, we know that we wanted to do a lot of those green features anyway. We didn't go into the Planning Commission with the idea that we were going to certify it as LEED, and get that certification, but through that process and through the public process we've decided that really the City, or the people and everybody needs that third party certification of what we were planning on doing."

Councilor Bushee said, "In all the minutes, I read them all, and I read every comment. I do recall after the decision by the Planning Commission, Tamara Baer was still on staff at the time, and answered one of the Commissioners, perhaps Commissioner Villarreal's concerns at well, why wouldn't you go back and work it out at the Planning Commissioner level, instead bring it right to the Council. Those were your options. Was there no possibility of going back and really working things out at the Planning Commission level."

Mr. Faust said, "Well if you read those minutes, you realize that we had asked the Planning Commission to go back to the neighbors instead and ask to get a postponement. And instead, they voted to deny it."

Councilor Bushee said, "No I meant after the decision by the Planning Commission, you had an option to go back to neighbors and work out the details and your decision was to come here."

Mr. Faust said, "Right. And you know, part of that is just because we were realizing that for our story to get told to the City Council, we had to come to the City Council. Part of it was time wise. It cost a considerable amount of money to turn circle, go back around to the Planning Commission, and we needed to find out whether this project is a go or not go."

Councilor Bushee said, "So let me segue in here. I'm assuming you have a conditional purchase arrangement."

Mr. Faust said, "That is correct. 3 of the properties, 1 of them we own outright, the Dentist's Office."

Councilor Bushee asked how many acres.

Mr. Faust said it is a little under 2.5, maybe 2.3.

Councilor Bushee asked how it is zoned.

Mr. Faust said it is the corner nearest Harrison Road and Boylan Land, and it is zoned C-1 PUD.

Councilor Bushee said, "One quick question for staff. Is there anyone here that we're to deal with. You know I'm kinda used to hearing things about drainage and sewer and infrastructure, so speaks to the infrastructure around sewer connections. Is there anybody that's written a report on that, or given us a thumbs up or thumbs down. I know it's not a development plan. But if we green light this thing we're clearly going to get into those details, but is there anybody that did a cursory review, you looked at traffic, is there anything around infrastructure that you looked at."

Mr. Smith said, "The DRT did review the case and concluded that there were no sewer water deficiencies that could not be addressed fairly routinely at the development plan case."

Councilor Bushee said that's all her questions for now, but she has plenty of comments, but she is going to let other Councilors ask questions.

Councilor Maestas asked John Romero to come up, noting it is getting late and he probably can address this in his comments when we are about to vote. He said, "There's been a lot of discussion about transportation in this. And I spent 23 years as a transportation planner and just looking at the area, and I'm going to ask for your opinion John, as our traffic expert. We really don't have a real robust network in that area. We know the limitations of Agua Fria. There's really not much right-of-way that could facilitate future widening. There's really no parallel facilities, other than Alameda across the River. There's obviously very few River crossings. And I know in the Traffic Impact Analysis for this development, it was quite localized, but if this development is meant to be a Bellwether development and set the stage for future higher density developments, what do you see in terms of that kind of traffic demand. And as you know, as a Traffic Engineer, you look at 20 years into the future to design your ultimate or future highway network in what normally would be a transportation plan. What's your opinion on the future capacity of the current street network and it's potential for expansion to accommodate similar higher density developments in this area, considering what I've already said."

John Romero, Director, Traffic Engineering Division, said, "It's a very good and complex question. The Traffic Study that was conducted was more of a micro traffic analysis, and it looked at localized intersections. So it looked at Siler at Harrison, La Cienegita, Maes Road and Osage. It did show that those intersections would operate at an acceptable level of service, not only at implementation year of the development, but 10 years that in a horizon year, assuming a 1% growth rate along Agua Fria. That 1% growth rate, based on current traffic trends is a very conservative growth rate. It's true that when the Siler Bridge was construction, traffic reduced. There was a noticeable reduction in traffic, but it's continued to reduce, and City-wide, based on counter stations throughout the City, there's been a trend of a 1% reduction in traffic on City streets with permanent counter stations. So I believe this 1% growth is somewhat conservative."

Mr. Romero continued, "Now on a macro level, if the area can support this development, it's true, all we have to get from this area to downtown is Alameda, Agua Fria and Cerrillos. The thing is, if the City is going to take on any form of growth, if it's not here and if it's sprawled toward the western part of town, it could be argued that that's traffic is going to be traveling through Alameda, Agua Fria or Cerrillos anyway. So my sense is there's no way to put a definitive analysis on this, but something closer and denser would at least support the sustainable multi-modal initiatives the City has been pursuing – biking, walking and transit. And again, sprawl is not going to necessarily move the traffic. If they're working downtown they would be driving these primary roads anyway. I hope that explains it."

Councilor Maestas said, "It does. That's all I have Mayor for now.

Mayor Gonzales said, "I just want to state for the record real quick that the Public Hearing portion has closed officially. I apologize. I rushed into Councilor Bushee's questions. So we are closed."

Mayor Gonzales said, "Just to expand on that point, so any development that occurs along Airport Road, which there was some testimony tonight, and I don't know if Reed had suggested those might be more appropriate locations, as those have absorbed the majority of development. If those individuals are working downtown where the largest employment base is, what is their method of going from Airport road to, let's say the County building or the City building."

Mr. Romero said, "From that area to downtown, in addition to 3 roads I mentioned, Alameda, Agua Fria and Cerrillos, I would think it could be Zia..."

Mayor Gonzales said, "So they would go east and maybe get on St. Francis Drive. Got it."

Mr. Romero said it could be Rodeo/Zia, I-25 or 599, of course there's Rufina but that would then funnel into either Cerrillos or Alameda, but those would be the primary ways downtown.

Mayor Gonzales said then there a more options for Airport development to get downtown than just Agua Fria or Alameda.

Mr. Romero said, "Yes, that's correct."

MOTION: Councilor Maestas moved, seconded by Councilor Lindell, to deny Case #2014-121, Blue Buffalo General Plan Amendment, Resolution No. 2015-62 and uphold the decision of the Planning Commission.

CLARIFICATION OF THE MOTION BY SECOND: Councilor Lindell asked if Councilor Maestas would, in his motion, declare the acceptance of the Findings of the Planning Commission, and Councilor Maestas said yes.

RESTATEMENT OF THE MOTION: Councilor Maestas moved, seconded by Councilor Lindell, to deny Case #2014-121, Blue Buffalo General Plan Amendment, Resolution No. 2015-62, to uphold the decision of the Planning Commission, and to adopt the Findings of Fact and Conclusions of Law by the Planning Commission as our own.

DISCUSSION ON THE RESTATED MOTION: Councilor Lindell said, "This is a project that I would like to see very much reworked that would come back in a little different form. We're not looking specifically at the project itself, but we are looking at a zoning change and at a General Plan amendment. And I did not hear anything tonight that would make me disagree with the work that Planning Commission did on this. I do want to thank everyone that came out tonight, and everyone that spoke. I think that both sides were respectful to each other on this, and this is an opportunity for us to find some way to come together on this kind of project, because we clearly do need some kind of project to address housing and this particular presentation doesn't meet the criteria for the criteria for a General Plan amendment. As I said, I don't disagree with the Planning Commission's findings. But, I hope we can find some way to bring a project that will meet, for a plan amendment, and also some type of zoning amendment, if it's necessary for this project. Thank you Mayor."

Councilor Rivera said, "I too would like to thank you all for sticking around and hearing the vote. There were a couple of things that I was jotting down as you were all speaking, and I'll be brief, as brief as we made you be. The first question is why is it okay to build apartments and manufactured home parks on the south side of town, but not okay when we get closer to downtown. Shouldn't people have the ability to work and live in an affordable area close to downtown as well. And the answer to that question was yes. I then asked myself, does this project reflect the character of the current neighborhood and the answer to that was no."

Councilor Rivera continued, "I then asked myself, does this change the character of the Santa Fe River Corridor and the answer to myself is, yes it does. This General Plan Amendment will benefit a few at the expense of the surrounding landowners, that answer too, is yes. I believe this project is a good project, I just believe it's too large for the neighborhood that we're trying to look at putting it into. So with that, I'm going to vote no to this. I'm going to vote against the project itself, and I wanted to give my reasoning for doing so. So again, thank you all for being here and for providing your comments. It was very helpful, very valuable."

Councilor Ives said, "I would certainly echo the remarks of Councilor Rivera thanking everyone for their attendance tonight and their participation. I have known and know the Fausts from years of experience, especially working with Kurt on various non-profit boards around Santa Fe. I also hold Jeff Harbour in high regard, and I'm very disappointed by the demeaning remarks that were made earlier this evening."

Councilor Ives continued, "But putting that aside, there have been two items that have been troubling me all evening. One is a statement on page 45 of our packet where there is a quote from the General Plan, noting that on page 4-30, at Section 4-4-1-6, states, '*The target density for new infill, residential development, in order to address affordable housing goals, is a minimum of 5 units per acre net, with 7 units per acre net preferred. The actual net density proposed for an infill site should be in keeping with the density range shown for the property in future land use, figure 32, and should propose a reasonable increase in density over the surrounding neighborhood. The design of the infill project must reflect the character of the surrounding neighborhoods while maintaining a balance between land use and the traffic carrying capacity of existing streets*.' Based upon what Mr. Romero has said, I'm not that concerned about the traffic, given the studies that were done that showed that those impacts could be dealt with. I am more concerned about this notion of reflecting the character of the surrounding neighborhoods. Because as I look at the aerial maps, I have a hard time seeing the development reflect the surrounding neighborhoods."

Councilor Ives continued, "I think this project accomplishes so many things that we are trying to do across this City in terms of affordable units, in terms of addressing the needs of a large and young rental population moving toward LEED certified construction that is exactly the type that we, in terms of our sustainability goals, are looking for and want in this community. But I do come back to an item that was mentioned earlier tonight, and was the action taken by our City of March 4, 2014, in the last Municipal Election, which added some additional language to our Charter, specifically 2.04 dealing with cultural and neighborhood preservation, where it states, '*We therefore declare that the multi-cultural heritage and neighborhoods of Santa Fe are essential to the people of this community and public officials shall at all times exercise their powers with sensitivity to and respect for that cultural and neighborhood heritage*.' I have said since the day that was passed that we would be, at some point in time, facing directly that question of what neighborhood heritage means. And given that pronouncement by the people of Santa Fe that, '*Public officials shall at all times exercise their powers with sensitivity to and respect for that cultural and neighborhood heritage*.' And given the very different character of the development within this neighborhood, I cannot get by that in my mind in terms of making a judgment on this matter here tonight."

Councilor Ives continued, "I do fervently hope that this matter does not pass from all possible opportunity. I do look at the existing zoning, C-1 and see the 275 units that could be permitted, and I can only hope there is a possibility that this type of development could potentially occur in this site, given all those great factors and the great issues that it is addressing for our City. I can only hope that in the future, other developers will come forward with similar proposals because I think there is so much that is right with this, but I just cannot get by what, to me seems to be the language, not only of the General Plan, but this exhortation to this body in the last election to preserve neighborhood heritage. So let me just conclude my comments there."

Councilor Maestas said, "I'm not going to repeat what's already been said, but I do want to thank all of you members of the public that came out to voice your concerns and be heard. I want to thank the Applicants. I really think your intention for addressing all of the needs in the community I think were genuine, and your ability to compromise on some of the aspects of the development to try to strike some kind of compromise. It's just the location. It's the location of it. I'm a land grant heir, I had acequia water rights, I lived in a traditional Hispanic community. I left the State for 16 years and came back and I understand that conflict between preservation and appropriate context sensitive change. And I think this is a classic case of that. But the proposed density is just not compatible with this area. I believe promoting compact, urban form doesn't apply here. I believe infill doesn't apply here. I believe that this area cannot accommodate that density throughout. Just the transportation system alone. We haven't even talked about infrastructure."

Councilor Maestas continued, "So I know there is a place for this development. We talked a lot about a lot of the existing higher density zones in the City, and I think it's time for us to shift to a new paradigm. Instead of the paradigm of striving to achieve development relative to the location of the Plaza should change. It should be relative to the location of neighborhood services. I don't see too many grocery stores around the Plaza, or pharmacies, or a lot of retail for the middle class at the Plaza. So we need to change that paradigm and start thinking about providing these kinds of affordable housing developments close to neighborhood services."

Councilor Maestas continued, "That's the reason I can't support it. I do want to commend the neighborhood associations. I know there's many, many associations, many are inactive, but tonight, you showed me that you all got organized, you coalesced, you cam together a community and you spoke with a very very loud voice."

Councilor Maestas said, "And I will end my comments by saying this to staff in general. I would like to see greater consensus in these staff reports. I think there was much too much dissension on very critical elements associated with this development, the general plan and others. I think it confuses the public. It confused me in terms of what our internal process is, in coming to a consensus to the point where we make a general recommendation to approve a Plan Amendment and a Zoning Change when there is dissension within the very staff that are involved in coming up with this decision. So I want to see greater consensus by staff before a final recommendation is made to our Planning and Zoning Commission."

Councilor Maestas continued, "And then lastly, I want to commend the Planning Commission. I think they made the right decision and I think that staff report injected a lot of doubt in the minds of those Commissioners. So we need to do a better job of building consensus and coming up with a clear recommendation on actions like this, so thank you."

Councilor Dimas said, "My comments will be very short this evening. I'm not a speech maker, but I want to thank everyone for coming out this morning and being here and presenting your comments. I listened very closely to the majority of those comments this evening and I appreciate the neighborhood associations coming together tonight. I was raised in Casa Alegre, so I was a part of that neighborhood there, and so I know that area very well, and Agua Fria, my grandparents lived there for many years. So I can understand

your concerns for the area and I certainly side with you. I want to thank the folks who are here tonight who brought this development forward. And I think your presentation was a good presentation and I think your heart was in doing the right thing, but I can't support this because of the density. And I really think there's going to be enough traffic problems there that would create even more traffic problems than what is there now. And I've traveled Agua Fria at times, and the street is narrow and there is very little room for increasing any kind of density there, so thank you all for being here."

Councilor Bushee said, "Thank you. Everybody is tired, so I'll try to be brief. Two things really stood out to me this evening that I think are current Codes and development process and/or general regulatory process maybe has failed our community. And for starters, our General Plan is 16 years old now. However, any General Plan you can probably point to a section and say it supports my cause. There's so many different ways... it's very general. So what I really think should happen, in particularly for these newly-annexed areas, we really need to develop sector plans. Our General Plan needs to be made up of sector plans. We have a Southwest Sector Plan, it's very detailed. A lot of input was given into that from a lot of different folks and a lot of different perspectives. We could even drill down to the neighborhood plan level, but we know that takes a lot of resources and perhaps a little harder to achieve, but I would like to see us do that, particularly for the newly-annexed areas."

Councilor Bushee continued, "The other is, it's almost impossible to not talk about the details of a development plan or green light for a general plan and/or for a rezoning. The two almost have to happen at the same time, so how do you fill in the blanks and not know how many 3-stories were we going to have. There were things that really stood out to me. The one thing I want to say to the developers is that we all know that you are some of the best in town and your reputation precedes you and we look forward to more of your projects, so this is not in any way a reflection, at least from my perspective, how we feel about you. And in fact Keith, the missed opportunity for me is you mom used to live in the El Seville Apartments. Affordable, downtown living that has turned into what Charlie manages. Charlie Goodman is not here any more, but it's just a tourist place. It's not affordable. I mourned it and it was just so lovely to work with in trying to save it. And so I wish we had more opportunities in actual downtown Santa Fe. We've tried. We keep trying. We tried around the Railyard and it just doesn't lend itself to any kind of affordability."

Councilor Bushee continued, "I will say the thing that was missing for me in the current plan was I really disliked the segregated affordable housing. I'm pretty sure that will be hard funding to get from the feds and I'm sure that was going to be any kind of anchor that I could support the way it was set up. Again, II like that.... we are at C-1 zoning there, it's not going hold up if we get a good sector plan. But what I would say is that I'm grateful that you pursued residential there. I want to continue the debate with... well I don't know how many actual millennials were in the room this evening, but I really think that.... we did this in 1999 with the General Plan. Joseph Montoya was here. I went full tilt with him about you know, we need to have all kinds of changes in our General Plan that lend to density. What we ended up with were very expensive guest houses on the east side. I led the charge to some folks' chagrin to really support that effort. It was supposed to equate to affordability. It didn't and I don't know how we get there, honestly. It's not just a philosophical debate, it's real."

Councilor Bushee continued, "People need to have these discussions so we can try and keep more of our workforce here in the community, but it's tough. So anyhow, yes. This one was a little tough with some aspects, the streets. And I think Mr. Romero, your placing that development on that land in that overview, really, a picture was worth a thousand words from my perspective. So thank you all for the participation this evening, and we can do this, we've just got to keep working at it, and we do need to, I think, come at it from the sector plan perspective."

Mayor Gonzales said, "Thank you. I want to thank my colleagues and everyone who stayed this late, it's almost 1:00 a.m. I can't feel we would have a whole lot capacity to deal with other issues. When I was County Commissioner, one of the things I was most proud of, was the County's efforts to preserve and protect rural and traditional communities. And we did that because of the fear of the City providing high density in communities that were traditional and historic. And when the traditional and historic communities were created, particularly in Agua Fria, was with that understanding obviously that the City would continue to bring infrastructure and density with it. And that happened in some areas around the Village, it hasn't happened in all of them."

Mayor Gonzales continued, "I think what I'd hoped for tonight was something a little different than what we got. I think that if we continue to go down a path of pitting neighborhoods with individuals who want to develop property, it's going to be no-win situation for our community. We've got to find a way to find a common ground. And find a way that we can find compromise and find and develop lands that, not only are compatible with neighborhoods or areas, but help us meet some of the needs we have as a City. We can't talk about growing our economy and not having a housing strategy that complements that plan."

Mayor Gonzales continued, "We were presented a lot of data tonight, but there are some truths. Part of it is that wages have dropped in our community, housing prices have stabilized, but there's still a huge disconnect. I heard tonight home ownership is where you have to go. Well, when people in our community are making less than $40,000, and they need to actually be making $52,000 to $54,000 just to get into the entry market, it's not going to happen. So what's happening is that our workforce is moving to other areas. They might be moving to Espanola, Pojoaque, areas in the County. We're losing our workforce. And we have to have the courage as a Council to find ways to bring differing sides together to find common ground. And that's hard."

Mayor Gonzales continued, "Tonight there were a number of people here tonight that I rely on for counsel that I respect, who opposed this project. And it's hard to try and advocate for something that's counter to people who you respect and who you care for. And neighborhoods in our community play an important role in the preservation of our traditions and watching out to make sure we have safe areas. But we have to figure out how we're going to move this town forward so that it's accessible to everybody."

Mayor Gonzales continued, "This project tonight was not about developing high end expensive lots that were going to be sold to people from out of state. And unless we get serious about providing infill into these communities where we can connect that infill with neighborhood services and employment centers, we're going to miss out on growing a workforce for future generations. More than 50% of our workforce is

over the age of 55. And we've got to talk about how we can not only grow good jobs, right. The only way we're going to get people into housing is if we have good jobs and we're trying to do that. But if you don't have a complementary housing strategy, we're not going to get there as a town."

Mayor Gonzales continued, "So I had hoped through tonight that we would have been able to find a pathway to more common ground, where the neighborhoods, particularly Agua Fria, and the developers, could to back to the table and try and find something that worked. Because something is going to happen on this property, as much as I wish we could turn into open space or a park, we can't do that. It's zoned C-2. I don't know the process for downzoning, but I don't know that actually can even happen. There's going to be some area on this area, and the sooner the neighborhoods are engaged with the property owners to find common ground, the better off we're going to be. But we're kicking the can down the road when we don't find the common ground and we can't find pathways to assuring that we have accessible housing for everybody."

Mayor Gonzales continued, "So tonight was a tough one and I respect both sides. This is hard. Obviously, the Fausts who have done a tremendous job, are a local family who cares and are raising their kids to be a part of our family, to continue to live in Santa Fe. It's hard to see you pitted against people who have raised their own family in our community. And as a Council, we have to figure out how to stop that from happening if we want to go forward. We've got to find commonality, find that compromise and move forward as a community. Because if we expect things to change by doing what we've done over the past, it's not going to happen."

Mayor Gonzales continued, "So I would have preferred that we would have sent it back to the Planning Commission and ask them to reduce the density to work alongside with the neighborhoods to see if we could find some commonality before it came back, but that's not what the motion was. And part of why I want to do that is that I did believe the density was too much. I mean it was the first reaction of going to 29 per acre. The idea of three stories along the Agua Fria Corridor is not compatibility. Two stories, you probably could figure a way through it. 29 units is pretty aggressive. 15 units, maybe that is more compatible. Who knows what that number would have been, but we stopped at the ability to be able to continue this dialogue between the neighbors and the developers."

Mayor Gonzales continued, "So, I'm going to support the motion because I didn't agree with the amount of density that was being proposed. But I'm going to ask this Council, and the staff and certainly members of the Planning Commission, when we have this coming forward we have to have ways to seek that compromise so this conflict, this division between communities doesn't exist any more. This is not what Santa Fe is about. It's never been what our community has been about. It's hard work. I know we can do, but it's going to take a commitment by all of us to accept a little bit different environment, potentially, in our neighborhoods or in areas that maybe haven't been developed, but it doesn't have to be at the most extreme either. So having said all that, we're going to go ahead and call for the vote."

CLARIFICATION OF THE MOTION FOR THE RECORD BY THE CITY CLERK: Ms. Vigil said, "Councilor Maestas I want to clarify the motion for the record, is to deny the application for the General Plan Amendment and adopting the Findings of Facts and Conclusions of law of the Planning Commission as our own. Is that fine with you. Councilor Maestas said that is correct. Ms. Vigil asked if it is okay with the second. Councilor Lindell said yes.

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Bushee, Councilor Dimas, Councilor Ives, Councilor Lindell, Councilor Maestas and Councilor Rivera.

Against: None.

3) **CONSIDERATION OF BILL NO. 2015-22: ADOPTION OF ORDINANCE NO. 2015-___. CASE #2014-122. BLUE BUFFALO GENERAL REZONING. JAMES W. SIEBERT & ASSOC., INC., AGENT FOR BLUE BUFFALO, REQUESTS REZONING APPROVAL OF 16.53± ACRES OF LAND FROM C-1 PUD (OFFICE AND RELATED COMMERCIAL, PLANNED UNIT DEVELOPMENT) AND R-1 RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO R-29 (RESIDENTIAL 29 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED AT 2725 AND 2639 AGUA FRIA STREET AND INCLUDES TWO ADJOINING PROPERTIES TO THE EAST. (DONNA WYNANT)**

MOTION: Councilor Maestas moved, seconded by Councilor Dimas, to deny the application for the rezoning in Case #2014-122, Blue Buffalo Rezoning and adopting the Findings of Fact and Conclusions of Law of the Planning Commission as our own.

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Bushee, Councilor Dimas, Councilor Ives, Councilor Lindell, Councilor Maestas and Councilor Rivera.

Against: None.

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Councilor Rivera asked Mr. Shandler the timing considerations on Item #7.

Ms. Vigil said, "We would like to act on Item #7 so we can proceed with that, it's the redistricting, so we can get the County and City started. On the other two items, we would request a motion to postpone to the next meeting, but we do want to hear Item H(7).

Mayor Gonzales asked to go next to Item 7(H).

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5) **CONSIDERATION OF BILL NO. 2015-18: ADOPTION OF ORDINANCE NO. 2015-___ (FINANCE COMMITTEE). AN ORDINANCE AMENDING SUBSECTION 11-9.1 SFCC 2987 AND SECTION 18-9 SFCC 1987, TO REQUIRE THAT PRIOR TO AUTHORIZING A REALLOCATION OF PROCEEDS FROM A VOTER-APPROVED GENERAL OBLIGATION BOND OR TAX THAT DEVIATES MATERIALLY FROM THE INFORMATION PROVIDED TO THE ELECTORATE THAT THE GOVERNING BODY AUTHORIZE SUCH REALLOCATION THROUGH THE ADOPTION OF AN ORDINANCE. (OSCAR RODRIGUEZ)**

MOTION: Councilor Maestas moved, seconded by Councilor Bushee, to postpone Items H(5) and H(6) to the next meeting of the Governing Body on July 8, 2015.

VOTE: The motion was approved on a voice vote with Mayor Gonzales and Councilors Bushee, Dimas, Ives, Lindell, Maestas and Rivera voting in favor of the motion and none voting against.

6) **CONSIDERATION OF BILL NO. 2015-20: ADOPTION OF ORDINANCE NO. 2015-___ (COUNCILOR BUSHEE). AN ORDINANCE AMENDING SECTION 14-2.3(D) SFCC 1987; ESTABLISHING MEMBERSHIP REQUIREMENTS FOR THE PLANNING COMMISSION. (LISA MARTINEZ)**

This case is postponed to July 8, 2015. Please see the action under Item 5(H) above.

7) **CONSIDERATION OF BILL NO. 2015-21: ADOPTION OF ORDINANCE NO. 2015-18. (MAYOR GONZALES AND COUNCILOR DOMINGUEZ). AN ORDINANCE AMENDING SUBSECTION 9-1-3 SFCC 1987, TO REVISE THE DISTRICT PRECINCTS TO REFLECT REDISTRICTING PLAN "A," APPROVED BY THE INDEPENDENT CITIZENS' REDISTRICTING COMMISSION. (ZACHARY SHANDLER)**

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Ives moved, seconded by Councilor Rivera, to adopt Ordinance No. 2015-18 as presented.

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Bushee, Councilor Dimas, Councilor Ives, Councilor Lindell, Councilor Maestas and Councilor Rivera.
Against: None.

I. ADJOURN

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 1:10 a.m.

Approved by:

_____

Mayor Javier M. Gonzales

ATTESTED TO:

_____

Yolanda Y. Vigil, City Clerk

Respectfully submitted:

Melessia Helberg, Council Stenographer

CITY COUNCIL MEETING
EXECUTIVE SESSION
June 24, 2015

The Governing Body of the City of Santa Fe met in an executive session duly called on June 24, 2015 beginning at 6:48p.m.

The following was discussed:

1) In Accordance with the New Mexico Open Meetings Act §10-15-1(H)(8) NMSA 1978, Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights by the City of Santa Fe, Including, Without Limitation, the Disposition by Lease of Approximately 4,000 SF of Building Space.

PRESENT
Mayor Gonzales
Councilor Bushee (left at 6:55 p.m.)
Councilor Dimas
Councilor Ives
Councilor Lindell
Councilor Maestas
Councilor Rivera

ABSENT
Councilor Dominguez
Councilor Trujillo

STAFF PRESENT
Brian K. Snyder, City Manager
Kelley A. Brennan, City Attorney
Yolanda Y. Vigil, City Clerk
Matthew O'Reilly, Asset Development Director

There being no further business to discuss, the executive session adjourned at 7:05 p.m.

Yolanda Y. Vigil, City Clerk