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 Wednesday, September 9, 2015

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Approved [amended]

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Approved

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Approved w/conditions

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CONSIDERATION OF BILL NO. 2015-33: ADOPTION OF ORDINANCE NO. 2015- ____ . AN ORDINANCE AMENDING THE DISTRESS MERCHANDISE SALE LICENSE PROVISIONS, SECTION 18-5.1 SFCC 1987, TO REQUIRE ADDITIONAL INFORMATION BE PROVIDED WITH AN APPLICATION FOR A BUSINESS LICENSE; AND TO CLARIFY UNDER WHAT CIRCUMSTANCES A LICENSE WILL BE DENIED

Postponed to 09/30/15

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ADJOURN

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**REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
September 9, 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, August 26, 2015, at approximately 5:00 p.m., in the City Hall Council Chambers. 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 Carmichael A. Dominguez
Councilor Signe I. Lindell
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera
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(f), noting staff has been working to coordinate with DFA and then bring it back to the Council. He said he would call to the attention of the Council that Item #14 on the Afternoon Agenda is postponed to the meeting of October 14, 2015, as published, as well as Item #H(6) on the Evening Agenda is postponed to the meeting of September 30, 2015, as published.

Councilor Bushee asked the reason Item 10(f) can't be heard this evening, noting people have been texting her and she doesn't know what to tell them.

Mr. Snyder said we need to reformat some things to meet DFA's approval, noting staff has been working with DFA since the money was appropriated, but we have never been able to meet DFA's requirements.

Councilor Bushee asked how long that will take, noting it has been in the works for about two years.

Mr. Snyder said the money was appropriated in 2013, and we've been working on it and continue to work on it, but he doesn't have a timeframe.

MOTION: Councilor Dominguez 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 Bushee, Dimas, Dominguez, Ives Lindell, Maestas, Rivera and Trujillo voting in favor of the motion and none against.

7. APPROVAL OF CONSENT CALENDAR

Councilor Ives asked to be added as a cosponsor on Item 10(x).

Councilor Maestas asked to be added as a cosponsor on Item 10(x), and Item #11.

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

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

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

Against: None.

10. CONSENT CALENDAR

- a) **REQUEST FOR APPROVAL OF BID NO. 15/32/B FOR AGREEMENT BETWEEN OWNER AND CONTRACTOR FOR WATER DIVISION – DOUGLAS STREET, MILLER STREET, CAMINO ESCONDIDO WATER MAIN REPLACEMENT PROJECT; SUB SURFACE CONTRACTING, INC. (BILL HUEY)**

- b) REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT AND AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – REPAIRS TO CORROSION WEST AND EAST DIGESTERS FOR WASTEWATER MANAGEMENT DIVISION; ANDERSON-BROWN, INC. (LUIS OROZCO)
- c) *[Removed for discussion by Councilor Lindell]*
- d) REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT – CITY-WIDE ADVERTISING AND LEGAL PUBLICATION SERVICES; SANTA FE NEW MEXICAN. (ROBERT RODARTE)
- e) REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – CITY’S ADOPT-THE-RIVER PROGRAM PURSUANT TO RESOLUTION NO. 2001-67; SANTA FE WATERSHED ASSOCIATION. (MELISSA McDONALD)
- f) SOLACE CRISIS TREATMENT CENTER. (DAVID CHAPMAN)
- 1) REQUEST FOR APPROVAL OF QUITCLAIM, LEASE AND REPURCHASE AGREEMENT AND QUITCLAIM DEED.
 - 2) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – CITY TO SERVE AS PROJECT MANAGER/FISCAL AGENT FOR EXECUTION OF NEW MEXICO STATE LEGISLATURE SEVERANCE TAX BOND AGREEMENT.
- This Item has been postponed pending DFA approval.
- g) *[Removed for discussion by Councilor Bushee]*
- h) REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT – MAINTENANCE FOR TURNKEY HARDWARE AND SOFTWARE SYSTEMS FOR SANTA FE PUBLIC LIBRARY; INNOVATIVE INTERFACES, INC. (PATRICIA HODAPP)
- i) REQUEST FOR APPROVAL OF AGREEMENT – PUBLIC SAFETY 800 MHZ RADIO SYSTEM MAINTENANCE AND SUPPORT SERVICES FOR ITT DIVISION; MOTOROLA, INC. (RENEE MARTINEZ)
- j) REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT FOR SUPPORT AND MAINTENANCE AGREEMENTS – CITY-WIDE HARDWARE AND SOFTWARE SERVICES FOR ITT DIVISION. (RENEE MARTINEZ)
- SUNGARD PUBLIC SECTOR, INC.
 - DENOVO VENTURES, LLC
 - SELECTRON TECHNOLOGIES, INC.
 - SPINNAKER SUPPORT, LLC.

- k) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – FULL-TIME DOMESTIC VIOLENCE & SEXUAL ASSAULT COORDINATOR; SOLACE CRISIS TREATMENT CENTER. (INTERIM POLICE CHIEF GALLAGHER)**
- l) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – SHELTER STRAY ANIMALS RETRIEVED BY CITY OF SANTA FE ANIMAL SERVICES OFFICERS; SANTA FE ANIMAL SHELTER, INC. (INTERIM POLICE CHIEF GALLAGHER)**
- m) **REQUEST FOR APPROVAL OF INTERNAL AUDIT DEPARTMENT’S ANNUAL REPORT FOR FISCAL YEAR END 2015. (LIZA KERR)**
- n) **REQUEST FOR APPROVAL OF REAPPROPRIATIONS:**
 - 1) **REMAINING GRANT BALANCE OF FIRE PROTECTION FUNDS FOR FY 2015/2016 BUDGET FROM STATE OF NEW MEXICO IRE MARSHAL. (JAN SNYDER)**
 - 2) **REMAINING FY 2014/15 BUDGET FOR CONTINUING SERVICE CONTRACTS TO FY 2015/16 FOR ENVIRONMENTAL SERVICES DIVISION. (MANUAL SANCHEZ)**
 - 3) **REMAINING FY 2014/15 BUDGET FOR ONGOING SERVICE CONTRACTS TO FY 2015/16 FOR HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT. (KATE NOBLE)**
 - 4) **REMAINING FY 2014/15 BUDGET FROM LIBRARY BOND AND STATE AID GRANT TO FY 2015/16 FOR LIBRARY DIVISION. (PATRICIA HODAPP)**
- o) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – LABORATORY SERVICES FOR THE WASTEWATER MANAGEMENT DIVISION; ALBION ENVIRONMENTAL. (PATRICIA ROSACKER)**
- p) **CONSIDERATION OF RESOLUTION NO. 2015-75 (COUNCILOR MAESTAS AND COUNCILOR IVES). A RESOLUTION SUPPORTING LEGISLATION AMENDING NMSA 1978, §71-1-9 PRESERVATION OF MUNICIPAL, COUNTY AND STATE UNIVERSITY WATER SUPPLIES. (MARCOS MARTINEZ)**
- q) **CONSIDERATION OF RESOLUTION NO. 2015-76 (COUNCILOR MAESTAS AND COUNCILOR IVES). A RESOLUTION SUPPORTING LEGISLATION AMENDING NMSA 1978, §72-6-4 LESSEE’S APPLICATION, USE BEFORE APPROVAL. (MARCOS MARTINEZ)**
- r) **CONSIDERATION OF RESOLUTION NO. 2015-77 (COUNCILOR MAESTAS AND COUNCILOR IVES). A RESOLUTION SUPPORTING LEGISLATION AMENDING THE OSE’S HEARING PROCEDURES, NMSA 1978, §72-2-16. (MARCOS MARTINEZ)**

- s) **CONSIDERATION OF RESOLUTION NO. 2015-78 (COUNCILOR MAESTAS AND COUNCILOR IVES). A RESOLUTION SUPPORTING LEGISLATION AMENDING NMSA 1978, §§72-12-3(D) AND 72-5-5-5(B), TO DEFINE THE STANDING OR PROTESTANTS. (MARCOS MARTINEZ)**
- t) **CONSIDERATION OF RESOLUTION NO. 2015- 79 (COUNCILOR MAESTAS AND COUNCILOR IVES). A RESOLUTION SUPPORTING LEGISLATION AMENDING NMSA 1978, § 72-12-24 SUPPLEMENTAL WELL, AND §72-12-22, REPLACEMENT WELLS. (MARCOS MARTINEZ)**
- u) **CONSIDERATION OF RESOLUTION NO. 2015-80 (COUNCILOR LINDELL AND COUNCILOR IVES). A RESOLUTION DIRECTING STAFF TO RESEARCH OPTIONS FOR CITY DEPARTMENTS TO INITIATE COLLECTIONS OF DELINQUENT FEES AND PAYMENTS FOR SERVICES RENDERED. (OSCAR RODRIGUEZ)**
- v) **CONSIDERATION OF RESOLUTION NO. 2015-81 (MAYOR GONZALES). A RESOLUTION EXTENDING THE TIME PERIOD BY WHICH STAFF SHALL PROVIDE A REPORT ON THE 2012 PARKS & TRAILS BOND PURSUANT TO RESOLUTION NO. 2015-50. (OSCAR RODRIGUEZ)**
- w) **CONSIDERATION OF RESOLUTION NO. 2015-82 (COUNCILOR RIVERA). A RESOLUTION DECLARING THE CITY OF SANTA FE, NEW MEXICO, A HYBRID ENTITY FOR PURPOSES OF HIPAA AND HITECH COMPLIANCE. (THERESA GHEEN)**
- x) **CONSIDERATION OF RESOLUTION NO. 2015-83 (MAYOR GONZALES, COUNCILOR DOMINGUEZ, COUNCILOR RIVERA, COUNCILOR TRUJILLO, AND COUNCILOR DIMAS, COUNCILOR IVES AND COUNCILOR MAESTAS). A RESOLUTION ADOPTING THE CITY OF SANTA FE AS A "MY BROTHER'S KEEPER COMMUNITY" TO BETTER SERVE THE CHILDREN AND YOUTH OF SANTA FE. (CHRIS SANCHEZ)**

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – AUGUST 26, 2015

MOTION: Councilor Trujillo moved, seconded by Councilor Dimas, to approve the minutes of the Regular City Council meeting of August 26, 2015, as presented.

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

9. PRESENTATIONS

a) **AUGUST 2015 EMPLOYEE OF THE MONTH – BRYAN HIDALGO, SERGEANT, PATROL TEAM C – SANTA FE POLICE DEPARTMENT.**

Mayor Gonzales and Councilor Dimas presented the Employee of the Month to Bryan Hidalgo, Sergeant, Patrol Team C. Mayor Gonzales read the letter of nomination into the record.

Mayor Gonzales presented him with a plaque and a check for \$100 from the Employee Benefits Committee. He thanked him for his outstanding service above and beyond on behalf of the City.

Councilor Dimas said people are always talking about how bad police officers are, that they don't have a heart and so on. He said this goes to show what a great Police Department and Police Officers we have that really care about our citizens. He said he said no matter where you go, you carry that caring for others with you, even after retirement. He congratulated him for this honor and for his services on behalf of the people of Santa Fe.

CONSENT CALENDAR DISCUSSION

10(c) **REQUEST FOR APPROVAL TO IMPLEMENT THE TOILET RETROFIT CREDIT BUY-BACK PROGRAM FOR WATER DIVISION. (ANDREW ERDMANN)**

Councilor Lindell asked if we have a specific buy-back price, how many we are talking about and if it is a small handful of people who own these at this point in time.

Mr. Erdmann's remarks here are inaudible because his microphone was turned off.

Councilor Lindell asked if these retrofit certificates are turning into a commodity in and of themselves. We're paying a price to buy these back now, and asked if 10 years from now if the price will be doubled.

Mr. Erdmann's remarks here are inaudible because his microphone was turned off

Councilor Lindell asked the number of certificates out there and how much was one of them.

Mr. Erdmann said it is 55 afy.

Councilor Lindell said she hates to see these turned into a commodity that are sitting out there and we're buying them back, and asked if it serves us to buy them back, or just out there on the market place. She asked why we are creating that market.

Mr. Erdmann's remarks here are inaudible because his microphone was turned off

Councilor Lindell said they say they have a high administrative fee for dealing with these, and asked if we are taking on the administrative fee of dealing with these.

Mr. Erdmann said our primary reason for doing this is not to alleviate their administrative burden, because for us to acquire the additional water rights. He said it's a way for us to increase the pool of water available to sell to the developers with small developments, so we don't force them go out on the market to buy rights themselves. He said it has been a pool of water that has been difficult to keep well stocked, because water rights are only available when there is a willing seller. The rate we've been able to generate for those through conservation has dropped as the lower hanging fruit has been picked.

Councilor Lindell said if we're paying \$300 for them, what do we sell them for.

Mr. Erdmann said we sell them for \$16,000 afy when they come in, and buy them for \$12,000 afy.

Councilor Lindell said then we take \$100 each on them, and Mr. Erdmann said that is correct.

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

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

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

Against: None.

10 (g) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – STUDY AND EVALUATION OF CITY'S 50% RESIDENTIAL IMPACT FEE REDUCTION (ORDINANCE 2014-8); DUNCAN ASSOCIATES, INC., AND APPROVAL. (REED LIMING)

A copy of a Budget Adjustment Request (BAR), regarding this matter, is incorporated herewith to these minutes as Exhibit "1."

Councilor Bushee said this isn't a lot of money, but she assumed we would conduct this in-house, when we asked for the review, and there were no minutes from the Capital Improvements Advisory Committee [CIAC].

Reed Liming said the feeling was to use the City's Impact Fee consultant as a good way to look at our permit situation, but other cities in the State and then what our growth has been as compared to the State as a whole, and the nation. He said it is requesting Impact Fees, and we never spend Impact Fees without coming to the Council. He said even though it was a small amount, staff felt like it was money well used.

Mr. Liming said when the Ordinance was adopted in 2014 to reduce the residential impact fees to 50%, it was done quickly. And we are trying to give the Council more heads-up this terms of having a report and data to review in making your decision in February as to whether to continue the residential impact fee reduction, to discontinue it or change it some way.

Councilor Bushee said she would presume that Mr. Liming and the Land Use planners are tracking our residential permits and your Trend report of this, and she saw this as superfluous, not knowing what else would be discerned from this.

Mr. Liming said, "Again, we think not only looking at the City's permits, but also comparing that to other cities and what's happening around the nation, and using our Impact Fee consultant would be a good third party to give us an objective view of what's happening here as compared to other cities.

Councilor Bushee said when we were conducting hearings on the Ordinance a few years when things were not great, Matt O'Reilly, Land Use Director, was providing data and we didn't get much deeper than that.

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

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

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

Against: None.

END OF CONSENT CALENDAR DISCUSSION

- 11. **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON SEPTEMBER 30, 2015: BILL NO. 2015-35: AN ORDINANCE RELATING TO EARLY VOTING; AMENDING SUBSECTION 9-1.7 SFCC 1987, TO AUTHORIZE THE MUNICIPAL CLERK TO ESTABLISH ALTERNATE EARLY VOTING LOCATIONS AND REQUIREMENTS FOR SUCH LOCATIONS. (MAYOR GONZALES, COUNCILOR DOMINGUEZ, COUNCILOR RIVERA, AND COUNCILOR DIMAS, COUNCILOR MAESTAS, COUNCILOR IVES, COUNCILOR BUSHEE AND COUNCILOR TRUJILLO) (YOLANDA Y. VIGIL)**

Yolanda Vigil, City Clerk, said the bill will allow the establishment of an additional Early Voting location, noting currently all Early Voting is conducted in the office of the City Clerk. She said, if approved, she would proposed to do another early voting site, on the south side of town at the Genoveva Chavez Community Center.

Councilors Ives, Bushee and Trujillo asked to be added as cosponsors.

Mayor Gonzales asked if the theory is that people living in Districts 1 and 2 would come to City Hall to early vote, and those in Districts 3 and 4 would go to the southside location.

Ms. Vigil said, "This would allow anyone to go to any location. It would allow an additional site, there's additional parking, and everybody doesn't have to come downtown."

Mayor Gonzales asked if the hours will be the same as at the City Hall, or are the hours extended.

Ms. Vigil said, "What I am going to propose is that we would do Tuesday through Saturday, 9:00a.m. to 6:00 p.m.. So there is an additional day, which is Saturday which we don't offer here at the Clerk's Office and would go one hour beyond the 5:00 p.m. deadline here."

Mayor Gonzales suggested perhaps we could start later and stay open later, which might help working families and those who can't make it there by 6:00 p.m. He asked if she would consider staying open until 7:00 p.m., if you start at 10:00 a.m.

Ms. Vigil said that can be considered.

Councilor Bushee asked if this would be similar to the convenience centers.

Ms. Vigil said, "This is just early voting, and would commence 20 days before the election, so it's a total of 13 days. We have looked at the convenience centers for the regular election. I am not entirely sure we are going to do that for this election."

Councilor Bushee said she supports the Mayor's suggestion to stay open as late as possible, and is the reason she asked about the convenience centers and if she would have to different hours there as well. She asked to cosponsor the bill.

Councilor Maestas said this is the first election since redistricting and asked if she will be doing any advanced PR to inform the public of the changes to the Districts, what precincts have changed.

Ms. Vigil said the County already has sent out cards to all the people affected by the redistricting, telling them their new City Council District. She said, "I also proposed, as part of my budget to send out notification to all of these people that were affected by the redistricting. And of course, we will do press releases as well."

Mayor Gonzales asked if someone went to the Office of the Secretary of State or County Clerk voting site, would it tell them what City District they vote in, or can they do that through the City Clerk site.

Ms. Vigil said, "We do not have that set up on our site, because they are the County's records, not the City's records. I believe that if they go to the Secretary of State's website they would be able to access their District."

Mayor Gonzales said then the new information has been uploaded to the County system, and Ms. Vigil said yes.

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

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

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

Against: None

Mayor Gonzales thanked the Clerk for bringing this forward and said it's going to be great for the public.

12. **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON OCTOBER 14, 2015: BILL NO. 2015-36: AN ORDINANCE AMENDING SECTION 23-4.13 SFCC 1987, TO INCLUDE THE SOUTHWEST AREA NODE (SWAN) REGIONAL PARK IN THE CITY SPORTS FIELDS. (COUNCILOR DOMINGUEZ) (ROB CARTER)**

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of 09/08/15, is incorporated herewith to these minutes as Exhibit "2."

MOTION: Councilor Dominguez moved, seconded by Councilor Lindell, to approve this request.

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

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

Against: None.

13. **CASE NO. 2015-78. REQUEST FOR APPROVAL OF THE RECOMMENDATION OF THE CITY ATTORNEY PURSUANT TO SANTA FE CITY CODE SECTION 14-3.17(D)(6) THAT THE GOVERNING BODY DISMISS THE APPEAL OF MARGIT PEARSON FROM THE JULY 14, 2015 DECISION BY THE HISTORIC DISTRICTS REVIEW BOARD – 1598 CANYON ROAD. (ZACHARY SHANDLER)**

A Memorandum prepared August 27, 2015, for the September 9, 2015 Meeting of the Governing Body, with attachments, to the Members of the Governing Body, from Zachary Shandler, Assistant City Attorney, is incorporated herewith to these minutes as Exhibit "3."

Mr. Shandler presented information from his Memorandum of August 27, 2015. Please see Exhibit "3," for specifics of this presentation.

Mr. Shandler noted there are sample motions on page 5 of his Memorandum. Please see Exhibit "3," for the text of the motions.

The Governing Body commented and asked questions as follows:

- Councilor Ives said on page 5, Mr. Shandler noted, "...Appellant should have, but did not, timely appeal City' staff's decision.... City staff made its administrative approval and permit error in the Spring 2015. Appellant should have filed a written appeal of City staff's action within fifteen days under Code Section 14-3.17(C)(1)(b). Appellant did not take this action in the Spring of 2015." Councilor Ives asked when this action taken.

Mr. Shandler said, "What this argument being made was that once City staff said it was okay to have the 4 foot wall, then that was conveyed downstairs to the Land Use Department that then issued a Building Permit, and the Building Permit has its own time for appeal, and that wasn't appealed. I don't know if, in the record, they have a specific date of when that Building Permit was issued, but it was sometime in the Spring of this year."

- Councilor Ives asked what was stated on the Building Permit, with precision that would have given notice to the Appellant.

Mr. Shandler said, "I don't know, and that's why I didn't bring it up as one of my top arguments today. I had it in my memo, because I think it's a conceivable argument, but I don't think that's the strongest argument I have for the exact reason you pointed out."

- Councilor Ives said, "Part of what I'm struggling with, in this case, is it seems to be somewhat an application of the old adage *It is easier to seek forgiveness than it is permission*. And, in this case, I do find it odd, too, and I'm looking at page 44 in the packet, which is the administrative approval in this instance. And it says, '*Extension to file for Construction Permit H-08-022. HDRB approval on August 12, 2008, until 7.15.14. No changes to design or conditions of approval or application shall return to HDRB except 1 change: adobe to frame.*' So it seems the determination by the HDRB was specifically that there would be no changes unless you bring it back to us. But what you're telling us is that staff decided not to follow this decision of the HDRB, but to grant an administrative waiver, in effect, of the ruling of the HDRB. Is that a fair assessment."

Mr. Shandler said, "The Land Use Department does follow that adage usually, that it's better to come into compliance than to punish. But you are correct and the Historic Board in their minutes did raise that same argument with staff, but at the end of the day the punishment they would mete out would be for the two aspects of the project that were visible from the streetscape. And they made the judgment that, while they were unhappy that this exact language was not followed, they were going to go ahead and allow it."

- Councilor Ives said, "And that's where I have my trouble here. Because if the Applicant, in this case Mr. Park, had come in saying I want to change this split rail fence to a coyote fence and I'm going to make it under 4 feet so there shouldn't be this tunnel effect, that would have one thing in my mind. But to put the decision before the HDRB, whether or not having already constructed it, it was whether or not to compel him to remove it, to put back the other. It just seems to have shifted some of the considerations that might have gone on at that point in time, so I do have issues with some of these administrative changes, especially when the HDRB determination is so clear on the record. Is there anything that prohibits staff from changing those decisions in this context, when the direction to staff was, presumably crystal clear, no changes to design or conditions of approval or Applicant shall return to the HDRB. Do we have anything that prevents staff from saying, oh well, I understand it says bring it back to us, but I don't have to because I have administrative say over this particular decision."

Mr. Shandler said, "That's the argument I'm making tonight, that the 1999 wall guidelines is a delegation of authority from the Board to the staff, that as issues come up, then staff has that authority. I understand the point you're making. My larger point is that I don't think this merits a *de novo* hearing before the Council over a 4 foot coyote fence."

Ms. Brennan said, "If I can just add, that it has been practice that if sometimes something falls within an area where staff has been delegated authority, they exercise that authority. The language you quote is standard language, of course, if you need to come back if these change. But if the change is less intensive and falls within the staff authority, then staff typically has exercised that authority."

- Councilor Ives said, "The distinction I'm getting to is, I understand staff has that authority and presumably could have exercised it if Mr. Park had come in simply asking to put in a 4 foot coyote wall in place of the split rail, prior to any action by the Board, but this is after action by the Board and with the specific direction to no changes, unless you come back to us. So, I'm wondering does that create a distinction in the Council's mind as it might in mine."

Ms. Brennan said, "I understand, Councilor. I would say that was exactly the point I was speaking to when I said it has been practice and the Board has typically, if it comes back to the Board, verified the staff action."

- Councilor Ives said, "The other thing I found concerning was on page 16, minutes from one of the meetings, about 8 lines from the top where Mr. Armijo is speaking and said, '*...the HDRB needs the builder to follow what is approved because it will be inspected after the fact to make sure. Lisa Martinez is here, the Board has asked her to work with the staff for some penalty for those who don't follow the regulations. We have this issue a lot.*' Now this is disturbing to me, because it sounds like are putting people in the common practice of seeking forgiveness rather than permission. And that's not, to me, how a regulatory system should be administered. So do we have penalties that we have put in place at this point in time."

Mr. Shandler said, "Mr. Armijo, Boni Armijo, was a Board member at the time. And I'm not sure how... he was obviously upset with Mr. Parks, on how Mr. Parks had done this. My observation, it doesn't occur regularly, but it is a concern. I know the Board of Adjustment, another Board I represent, has asked me to look into this issue, because the most common penalty is a double application fee. And I think we've talked about that issue before. And so I think that subordinate committee is also interested in maybe we need to have a little more tools in the toolbox. And so, I'm looking into that issue."

- Councilor Bushee said Councilor Ives raised most of her points. She asked, "Is it super clear in our ordinances and administrative procedures when staff has the authority to do that. Because this is more layered than it has been presented here this evening. There are covenants, there previous fences that were constructed that were 10 feet high and there are lots of things that precede and predate this. But I would just say that from the City's responsibility side of things, I would hope that we were going to... in particularly in H-Board cases, that we are not overreaching or over-stretching our authority in any way."

Mr. Shandler said, "Exhibit C on page 27 is the wall and fence guidelines, which was adopted in 1999, and I think it's a two page document. I think that provides the guidance for the last 16 years on how to handle these matters. Certainly the Historic Code at this point is getting so old that it's almost historic, and it's something staff is looking into to make it more expressly clear to all parties."

- Councilor Bushee said, "I just noticed in the last so many... we haven't had so many appeals, so that's great, but quite a few of the last ones we have had dealt with administrative authority of staff and so I just want to make sure we're clear and take a look. Maybe the H-Board could spend some time taking a look at these ordinances, and set up a study session with us."
- Councilor Lindell said, "I'll just echo this a little bit. I realize there was administrative approval. But on page 37 of our packet, I just don't think it could be any clearer to anyone, in the Board action where it says, '*...all existing split rail fence remain...*' It couldn't be any clearer to me, really. So I don't expect staff when someone comes in and asks for an administrative approval to remember everything that was put into an approval by the H-Board. That would be unreasonable. But in this case, I think that it is disrespectful of the H-Board that approval stand. I would have to support this appeal. I think that is so clear in the Board action that it can't be ignored. So those are my comments. Thank you."
- Councilor Bushee said, "Just procedurally, Zach, can this be sent back to the H-Board for a *de novo* hearing, rather than here."

Ms. Brennan said, "If I'm correct, the H-Board has already consider this, and is aware of the 42 inch fence, and approved it."

- Councilor Bushee said, "That's a different Board makeup, correct."

Ms. Brennan said, "It's the same question. I would assume their decision would be consistent with the prior Board's, but you have remanded to the H-Board before."

- Councilor Bushee said, "We would presume that staff would be consistent with what previous H-Boards have ruled as well, so I agree with Councilor Lindell."

Mr. Shandler said, "Well, I would argue that I have enough appeals in cases coming your way, that I could fill your docket for the next 4 months, and I will. So remanding it back for a decision they already made, in the big picture of things, may not be the most productive use of time, because it's going to be remanded back on a decision they already scolded staff for the exact same reasons. So I don't think they're going to say well you need to change back to this split rail fence, or tear down that fence, because we really don't like... we think staff over-reached. So my argument, in all due respect is to look at maybe a broader context. I respect the points you're making, and they're very good points, but in the broader context, that's why I brought this forward for dismissal at this point."

- Councilor Bushee said, "Listen, can I just be clear about one thing, that this is not a visibility issue. I've read a lot of different things."

Mr. Shandler said, "Right. The visibility in the minutes were used in two contexts. One, whether there would be sight visibility from the Traffic Engineer. The Traffic Engineer said there's no problem with sight triangle visibility. The second use of visibility is from Canyon Road. This particular fence goes up the driveway and is not visible from Canyon Road, according to the Historic Board."

- Councilor Rivera said, "So there was some direction given to take down the fireplace as well as the parapet on the garage. Was that done?"

Mr. Shandler said, "Yes."

- Councilor Rivera said, "Okay, so both of those. Do we know what the cost of those really were to put up and then, in essence, tear down again?"

Mr. Shandler said, "I don't have those facts. My working presumption is taking down the parapet was an expensive expenditure."

- Councilor Rivera said, "Then all we're really talking about here is the 4 foot fence."

Mr. Shandler said, "In Claim number 2, yes, Councilor Rivera."

Councilor Rivera said, "I understand what my colleagues are saying, and again, have some concern that we make some people follow the rules, and others are allowed to slide through it. They brought up similar concerns I had, so just wanted to make it clear that there has been some punishment and that had already been done to quite a large expense I guess."

MOTION: Councilor Ives moved, seconded by Councilor Bushee, to deny the dismissal of the appeal.

VOTE: The motion failed to pass on the following roll call vote:

For: Councilor Bushee, Councilor Dominguez, Councilor Ives and Councilor Lindell.

Against: Mayor Gonzales, Councilor Maestas, Councilor Trujillo, Councilor Rivera, and Councilor Dimas.

MOTION: Councilor Dominguez moved, seconded by Councilor Maestas, that the HDRB acted in accordance with law and reliance on substantive evidence and to dismiss the appeal in Case No. 2015-78, adopting the HDRB's Findings of Fact and Conclusions of Law as our own.

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

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

Against: Councilor Bushee, Councilor Ives and Councilor Lindell.

14. **CASE NO. 2015-51. RECONSIDERATION OF THE DECISION OF THE GOVERNING BODY AT ITS JULY 8, 2015 MEETING DENYING THE APPEAL IN CASE NO. 2015-51 FROM THE MAY 7, 2015 DECISION OF THE PLANNING COMMISSION APPROVING THE REQUESTS OF THE BENEVOLENT AND PROTECTIVE ORDER OF THE ELKS LODGE NO. 460 TO DIVIDE ITS PROPERTY AT 1615 OLD PECOS TRAIL INTO TWO LOTS; AND OF MVG DEVELOPMENT/ MORNINGSTAR SENIOR LIVING'S REQUESTS FOR A SPECIAL USE PERMIT TO OPERATE A CONTINUING CARE FACILITY ON ONE OF SAID LOTS AND FOR DEVELOPMENT PLAN APPROVAL FOR THE CONSTRUCTION OF AN APPROXIMATELY 73,550 SQUARE FOOT BUILDING ON SAID LOT TO HOUSE SAID FACILITY. (Postponed to October 14, 2015 City Council Meeting at the Request of the parties)**

15. **MATTERS FROM THE CITY MANAGER**

There were no matters from the City Manager

16. **MATTERS FROM THE CITY ATTORNEY.
EXECUTIVE SESSION**

Kelley Brennan, City Attorney said before she recommends the Executive Session, she would like to report that we had our Second Annual Vehicle Forfeiture Conference on September 2, 2015, and about 120 people attended. It was very successful and they are planning on doing it again next year, and she hopes to engage some of the members of the Governing Body on the panels.

Responding to Mayor Gonzales, Mr. Snyder said the Executive Session will be 5-10 minutes, but we do have dinner.

Mayor Gonzales said he would like to finish Items #17 and #18, before going into Executive Session.

17. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

18. 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 September 9, 2015, incorporated herewith to these minutes as Exhibit "4."

Councilor Dimas

Councilor Dimas wished his wife, Candy, a Happy Birthday, noting she will be celebrating her birthday on Saturday, and they will be celebrating their 33rd anniversary on September 22nd. He said his youngest daughter, Jessica, is expecting a baby girl, Addison, which is due tomorrow.

Councilor Maestas

Councilor Maestas introduced an Ordinance amending Subsection 18-10. SFCC 1987, to rededicate a portion of the Municipal Gross Receipts Tax to recreational facilities and bike and pedestrian pathways. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "5."

Councilor Bushee

Councilor Bushee said there is a rumor that the City is closing facilities, including libraries.

Mr. Snyder said he doesn't know where the rumor is coming from, and he responded to the email she forwarded to him earlier today.

Councilor Bushee said there are concerns to which there has been no response, and she needs to reissue the concern to whomever.

Councilor Bushee asked if it would be possible to do a small study session on the forfeitures, and she wants to know what happened in this year's state-wide conference on this issue. She is interested in the details of what we might need to amend, or not amend.

Ms. Brennan said she sent her a proposed amendment along the grounds she suggested, and she will resend it.

Councilor Bushee asked her to resend it, and asked to have a small meeting with herself, Councilor Lindell, Ms. Brennan and those associated with administering the ordinance. She also would like to explore whether it needs to be administered by the Police Department, or City Legal. She would like to know any changes that come forth from the Conference.

Councilor Ives

Councilor Ives had no communications.

Mayor Gonzales

Mayor Gonzales said tomorrow, his nephew, Joshua, will graduate the Fire Academy and become a Santa Fe Firefighter. He said he is very very proud of him for making it through the Fire Academy, and he is sure "he is making my brother, Anthony, very proud."

Mayor Gonzales introduced a Resolution sponsoring the upcoming Beirut Concert, a free community event, scheduled for October 4, 2015, on the Santa Fe Plaza; authorizing the closure of San Francisco Street for the event to allow for food vehicle vendors in the Plaza area. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6." He said he will be using his public use this year for this Concert. He asked that the Chairs of Finance, Public Works and Public Utilities through their respective committees, noting it needs to go to the Council by the end of the month.

Councilor Bushee said she would like to cosponsor the Resolution, and asked if there will be shuttles, commenting she anticipates a very large attendance.

Mayor Gonzales said there was no discussion of shuttles by the organizers, but he will check and make sure that question is answered.

Councilor Dominguez

Councilor Dominguez congratulated the Kiwanis on the burning of Zozobra, as well as to the City for all their work and support in making sure our residents are safe and we can enjoy that event. He said he also attended the Burnout Tournament which was very successful.

Councilor Dominguez said Fiesta will begin on Friday morning. He asked the public to enjoy fiestas and please be safe and responsible.

Councilor Dominguez said we need to get the Capital Budget approved as soon as possible, and out the door so we can get that portion of our budget complete.

Councilor Lindell

Councilor Lindell had no communications.

Councilor Trujillo

Councilor Trujillo wished a Happy Birthday to his mother who will be celebrating her birthday on Friday.

Councilor Trujillo said we had the softball tournament. He said it was a fabulous tournament and teams from throughout the State, commenting he was there at midnight and got to throw out the first pitch. He said there were some sixty plus teams from Albuquerque, Santa Rosa. He said it is growing. He said a shout-out to Paul Rodriguez and the members of the Santa Fe Slow Pitch Association for putting on the tournament at the MRC, as well as the Parks staff.

Councilor Trujillo said he was watching TV a few weeks ago, and twice a week, the City of Albuquerque is driving around and finding people who are panhandling and hiring them to work on the weed problem. He wants to set up a meeting with the City to see how it works.

Mayor Gonzales said he met with the City Manager and Chris Sanchez this morning and we directed him to reach out and study that program.

Councilor Trujillo said it is something we definitely should look into.

Mayor Gonzales said the City of Albuquerque partnered with a charity group that put up \$50,000, to go out and find people on street corners with signs saying, "We will work for food," and offer them a job for the day to do work in a public place.

Councilor Trujillo said they offer them \$45 per day, and pay them in cash at the end of the day.

Councilor Bushee asked if that meets the Living Wage.

Mayor Gonzales said will have to meet our Living Wage, for sure.

Councilor Trujillo said there is a man that picks up trash at Cerrillos and St. Francis, and that is good too.

Councilor Rivera

Councilor Rivera wished his mother a Happy Birthday on Monday September 7th. He wished his eldest daughter, Gabrielle, a Happy 20th Birthday tomorrow.

Councilor Rivera said he heard about issues with the bridges on the night of Zozobra and would like an update on what happened, and any recommended remedies.

Mayor Gonzales said he was told that the Bridge was starting to bend down as people were coming across, so the call was made to shut it down quickly, noting that was at the beginning of the evening. He would like an update on a replacement and the costs.

Councilor Rivera asked if the bridge is still shut down.

Mayor Gonzales presumes it is.

Councilor Bushee would like a debriefing on Zozobra.

Councilor Lindell said last year after Zozobra, Mr. Sandoval called a meeting of people from the neighborhood.

Councilor Bushee said she would like to hear from staff and the Kiwanis if there is anything we need to improve for next year.

Mayor Gonzales said that could be done at the Public Safety Committee.

Councilor Rivera said he has asked Rob Carter to address the weeds on the medians on Airport Road which hasn't been done, and will be a tough task now that we have waited so long. He asked the City Manager to be sure that is done.

Councilor Rivera introduced a Resolution calling a Special Election to be held in the City of Santa Fe on March 1, 2016, in conjunction with the next regular Municipal Election, for the purpose of voting on the issuance of General Obligation Bonds in an aggregate principal amount of \$12,000,000; describing the purposes to which the bond proceeds would be put; providing the forms of the bond questions; providing for Notice of the Election; prescribing other details in connection with such election and bonds; and ratifying action previously taken in connection therewith. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7."

16. **MATTERS FROM THE CITY ATTORNEY.
EXECUTIVE SESSION**

IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT §10-15-1(H)(7)NMSA 1978, DISCUSSION REGARDING PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS A PARTICIPANT, INCLUDING, WITHOUT LIMITATION, DISCUSSION AND UPDATE ON MEDIATION UNDER THE DISPUTE RESOLUTION PROVISION OF THE WATER RESOURCES AGREEMENT BETWEEN THE CITY OF SANTA FE AND SANTA FE COUNTY; CITY OF SANTA FE V. THE LIQUID COMPANY, INC., ET AL., FIRST JUDICIAL DISTRICT COURT, NO. D-101-CV-2015-01330. (KELLEY BRENNAN).

MOTION: Councilor Rivera moved, seconded by Councilor Trujillo, that the Council go into Executive Session, in accordance with the Open Meetings Act §10-15-1(H)(7) NMSA 1978, as recommended by the City Attorney for discussion regarding pending litigation in which the City of Santa Fe is a participant, including, without limitation, discussion and update on mediation under the Dispute Resolution Provision of the Water Resources Agreement between the City of Santa Fe and Santa Fe County, *City of Santa Fe v. The Liquid Company, Inc., et al., First Judicial District Court No. D-101-CV-2015-01330.*

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

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

Against: None.

Mayor Gonzales said we will return from Executive Session shortly before 7:00 p.m.

The Council went into Executive Session at 6:12 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 7:05 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 a voice vote with Mayor Gonzales, and Councilors Bushee, Dimas, Dominguez, Ives Lindell, Maestas, Rivera and Trujillo voting in favor of the motion and none against.

END OF AFTERNOON SESSION AT APPROXIMATELY 7:05 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 7:05 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 Carmichael A. Dominguez
Councilor Signe I. Lindell
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera
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

Mayor Gonzales gave each person two minutes to petition the Governing Body.

David McQuarie, 2997 Calle Cerrada, said there is a Federal Court Order that says when you overlay roads all intersections must be brought to standard for access. He said in 2014, overlay projects were done in August and September of that year, and no plans have been stated and no upgrade has been done. The same in 2015, the roads were overlaid in August 2015, but no plans and no updates. That brings us to 2013, a set of plans was done but they were sparse and incorrect and were not accepted. And our Committee recommended that you don't spend public funds on it because it was so incomplete. He said two public libraries were brought to safety standards in spite of the City Charter of anti-donation. Busy intersections weren't done. One was on Rodeo Road to the Chavez Center and the engineer said, well, "I don't want any pedestrians to cross." He asked if this is right. He asked since when you build roads and you don't allow pedestrians. Is that against the idea of roads. He said he's getting tired of being told by that same engineer, that apparently I can't really understand. He said, "I'm not capable, therefore, my estimation is *inaudible*, and I really wonder if you shouldn't file a hate crime investigation."

F. APPOINTMENTS

SUSTAINABLE SANTA FE COMMISSION.

Mayor Gonzales made the following appointments to the Sustainable Santa Fe Commission:

Chair – Beth R. Beloff – to fill unexpired term ending 05/2018;
Glen Schiffbauer – Reappointment – term ending 05/2016;
Amanda Hatherly – Reappointment – term ending 05/2016;
Christian E. Casillas – to fill unexpired term ending 05/2018;
John J. McGowan – to fill unexpired term ending 05/2018;
Michael D. Loftin – to fill unexpired term ending 05/2016;
Robb Young Hirsch – to fill unexpired term ending 05/2016;
Tejinder Ciano – to fill unexpired term ending 05/2016; and
Kathleen S. Holian – to fill unexpired term ending 05/2018.

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

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

HUMAN SERVICES COMMITTEE.

Mayor Gonzales made the following appointments to the Human Services Committee:

Marizza Montoya-Gansel – Reappointment – term ending 03/2019;
Brian Serna – Reappointment – term ending 03/2019;
Kristin E. Carmichael, LISW, MBA – to fill unexpired term ending 03/2018;
Jeremy J. Perea – to fill unexpired term ending 03/2019; and
Anthony A. Romero – to fill unexpired term ending 03/2019.

MOTION: Councilor Dominguez moved, seconded by Councilor Dimas, to approve these appointments.

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

H. PUBLIC HEARINGS

PULTE LAS SOLERAS

Items H(1), H(2), H(3), H(4) and H(5) were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.

Disclosure: Councilor Ives said, "By the way, my wife is an attorney at Cuddy McCarthy, but I don't think she's involved in this and there's certainly no benefit to either her or I, from any of this proceeding, and I did speak with the City Attorney who did not perceive any conflict, as I did not either, but wanted to make sure I had disclosed that though."

A Memorandum prepared August 17, 2015, for the August 26, 2015 City Council meeting, with attachments, to Mayor Javier M. Gonzales and Members of the City Council, from Zach Thomas, Senior Planner, Current Planning Division, regarding Case #2014-124 General Plan Amendment, Case #2014-123 Master Plan Amendment, Case #2014-125 Rezoning and Case #2015-09 Electrical Transmission Line Relocation, is incorporated herewith to these minutes as Exhibit "8."

A Memorandum dated August 10, 2015, to Mayor Javier M. Gonzales and Members of the Governing Body, from Alexandra Ladd, Housing Special Projects Manager, Housing and Community Development Department; regarding Proposal for Alternate Compliance for SFHP Pulte Homes, Las Soleras, is incorporated herewith to these minutes as Exhibit "9."

A document, *Nava Adé shows neighborhood agreement with HOA Board position*, entered for the record by the Land Use Department, is incorporated herewith to these minutes as Exhibit "10."

A copy of the slide presentation *Pulte Homes Las Soleras Santa Fe*, dated September 9, 2015, entered for the record by Jim Siebert, is incorporated herewith to these minutes as Exhibit "11."

A copy of the slide presentation *Position on the Pulte Group's Proposal to Build Two New Neighborhoods in Las Soleras*, dated September 9, 2015, entered for the record by the Nava Adé Homeowners Association Board of Directors, is incorporated herewith to these minutes as Exhibit "12."

A copy of *Historical Perspective on Las Soleras Plans & Supporting Rationale for Pulte's Plan Amendments and Rezoning Requests*, with attachments, entered for the record by Richard Lange, is incorporated herewith to these minutes as Exhibit "13."

A copy of the *Memorandum of Understanding Regarding Compliance for Pulte Development in Las Soleras*, entered into on September 2, 2015, by and among Pulte Homes, Las Soleras Oeste, Ltd., the Housing Trust, the Coalition to End Homelessness, is incorporated herewith to these minutes as Exhibit "14."

A copy of a Memorandum dated August 25, 2015, to Garret Price, Kevin Patton, Scott Forrester Skip Skarsgard and Sharron Welsh, from James W. Siebert, regarding Timeframe for Submittal of Application for Low Income Housing Tax Credit, is incorporated herewith to these minutes as Exhibit "15."

A letter dated July 22, 2015, to Alexandra Ladd, Housing Special Projects Manager, from Hank Hughes, Executive Director, New Mexico Coalition to End Homelessness, is incorporated herewith to these minutes as Exhibit "16."

An article from *The Journal North*, by T.S. Last, *In the City Different, Renting Gets Tougher*, is incorporated herewith to these minutes as Exhibit "17."

A copy of the *Relocation Report for PNM 115 KV Transmission Line*, prepared for Pulte at Las Soleras, dated January 2015, is incorporated herewith to these minutes by reference, and is on file in and copies may be obtained from the City of Santa Fe Land Use Department.

A copy of *Pulte Homes Reports and Plans Prepared for the August 26, 2015 City Council Meeting*, is incorporated herewith to these minutes by reference, and is on file in and copies may be obtained from the City of Santa Fe Land Use Department.

Public Hearing

Mayor Gonzales gave Jim Siebert 30 minutes to make his presentation to the Council.

Presentation by Applicant

James W. Siebert, James Siebert & Associates, Agent for the Pulte Group, and Garret Price, Vice President of Land, for Pulte Homes New Mexico, 1422 Stanford NE, Albuquerque 87106 [were sworn].

Mr. Siebert said also in the audience is Sharron Welsh, Director, Santa Fe Housing, and Hank Hughes, Executive Director, New Mexico Coalition to End Homelessness, and they are available to answer any questions you may have regarding the affordable housing proposal.

Garret Price and James W. Siebert and presented information via slide presentation. Please see Exhibit "11" for specifics of this presentation.

Presentation by Nava Adé

*Mayor Gonzales gave the Nava Adé Homeowners Association
10 minutes to make its presentation*

Kimberly Wiley, 4263 Riverside, member of Nava Adé HOA and Richard Lang, President of Nava Adé HOA, were sworn.

Ms. Wyman and Mr. Lang presented information from Exhibit "12," via slide presentation, in support of the proposed development. Please see Exhibit "12," for specifics of this presentation.

Mr. Lange said of 3 minutes. GET HIS REMARKS FROM THE TAPE. Red border alternative. Residential densities would be eliminated. 129 acres to commercial uses.

Speaking to the Issue

*Mayor Gonzales gave each person 2 minutes to speak to these requests
All those speaking were sworn en masse*

Elizabeth Van Denzen, 4444 Analise Lane, Nava Adé, [previously sworn], said she is one of the 22 people in the minority on moving the open space. She said today's *Santa Fe New Mexican* is an excellent example of the reason she is in opposition in moving the active park space away from Monte del Sole. She said the soccer teams from Monte del Sol would have to bus away from campus to practice. She said as a former school athlete, she understands the important of having facilities at her school. She said it is an important way to create community within a school, and the way the open space and active park space has been moved away from Monte del Sol, they will be landlocked. As a resident a block away from Monte del Sol she welcomes access to an active park and will benefit her family's quality of life and will increase her property values. She works at home and can hear the students all day at Monte del Sol and they need access to outdoor space, and the ability to let off steam. At one of the previous Pulte presentations she heard that they don't need access, they'll just need to walk to the new active space. That could take up to 20 minutes of valuable class time in getting to and from that location. If it was closer, it would allow them to use more quality time in the outdoor space. She opposes the gated community in the second part of the Pulte development. She does not feel it is neighborly, nor Santa Fe-like. It doesn't feel they are part of her community in shutting themselves off and gating themselves away from her and her family. She said, "I pretty much agree with the Board on everything else."

Steve Burns-Chavez, Landscape Architect, the National Park Service [previously sworn], said he has lived in Nava Adé since 2000 and was involved with the original Las Soleras and this project. He said there are a lot of good things about this project, and would like to suggest that perhaps the Nava Adé Board doesn't represent the community as has been expressed or characterized. He said the reason is that in the original involvement in Las Soleras there was a committee which he chaired, so there was an opportunity for the community to participate in the presentation of our response to Las Soleras in recommendations to the Board. He said, "In March 2015, the Nava Adé HOA met at a family meeting, and he suggested that committee should be reconstituted because there were many people who were involved in this project for many years, or who have moved in and have interest in what the position of the community should be. He said it was made explicitly clear that any one person one person who was able to influence and be involved with the Board and that was Richard Lange. And in that meeting Mr. Lange

said his sole condition for being involved with this project is that he wouldn't have to be involved with the committee and no other community members were allowed to be involved with the Board. There was no announcement that the Board has all of the HOA and that the Board was going to be considering this project to provide input and interest in what they were doing. It was fairly closed between the Board and one person in the community."

Mr. Burns-Chavez continued, saying when he saw the results of the survey he was surprised, noting he lives near the project. He said all of the water will be channeled behind his house in a low spot and all the homes on the south side of Nava Adé. In the survey about the park, it was expressed in some response to the survey, the Board identified that most of the residents of Nava Adé were opposed to the active park. He said somebody should read what the survey said about the active park. The position of the Board opposes the location because of traffic, noise, crime and safety concerns and supports both these proposals to add open space on the south border. So, the demonization of a park is kind of unique. He said most real estate agents will tell you if you live near a park, it adds value to your home. The idea that it's going to increase crime, traffic and is bad for the quality of life is something fairly new and novel, and for those who responded to the survey, with that kind of language, it maybe influenced their response to that.

Ellen Buselli, 4477 Dancing Ground, [previously sworn], said as a homeowner in Nava Adé and also one on Dancing Ground south of Governor Miles, she has been very concerned about the Las Soleras development plans and the Pulte plan. They want to protect and maintain the beauty of life in their wonderful Nava Adé community. She supports the Nava Adé Board of Directors response, the presentation you saw and the latest Pulte Plan. It will divert traffic from Nava Adé and connect Richards to Beckner before construction begins so it isn't going through Nava Adé which would be dangerous and cause terrible traffic problems as you know. She said, "I just wanted to state for the record that as a homeowner in Nava Adé, I agree with the plan wholeheartedly and think the public plan has addressed all our needs. Also relocating the 20 acre active park on the south border would be a very bad idea for our community if it caused traffic night and day, noise, crime and would really destroy the quality of life in our community." She said she also supports the low density housing which will enhance their property values and she is pleased that their Board has been able to address these important issue and work with the Pulte team.

Gilbert Archuleta, Case Manager, St. Elizabeth's Shelter, [previously sworn], said he is in support of alternative compliance for the housing program, while providing rental units for affordable housing. At the shelter his job is to help people find affordable housing here in Santa Fe, which is almost impossible.

Becky Stamm, 4136 Soaring Eagle Lane, Nava Adé, [previously sworn], said she is the daughter of Alan Stamm, and she respects a builder that considers the impact its development has on the community. She said Pulte has work with the Nava Adé HOA, in solving traffic concerns in Monte del Sol, and providing parks space in the community and the sports fields. She said the 3 acres which is about 3

football fields has already been given to Monte del Sol. It is adjacent to the School and there is enough room for the school to have all its sports and recreation needs met. She said, as a former PE teacher and coach she knows this from experience. She said she hopes the City Council sees the value of this quality master plan which benefits Nava Adé, Monte del Sol and the community."

Mayor Gonzales said it is an honor to meet a member of the Stamm family that provided so many homes to Santa Feans, and thanked her for all they have done and continue to do for our community.

Hilario Romero, 1561 La Cieneguita, Vice President of La Cieneguita/Camino Real HOA, [previously sworn], said, although he does have concerns, he is in support of this development mostly because of the involvement of the developers in working with the community from the get-go, as opposed to his previous experiences with developers who came and went. He supports the plan because it shows that cooperation between the neighbors and the developers and that's what we want. He said he agrees with woman who spoke earlier that we don't needed gated communities in residential areas. He is concerned about the rock cairns on the Arroyo Chamiso. He said you can see the cairns from Cerrillos Road on the Arroyo Chamiso and those cairns better go higher. He watched the water during a downpour and it was really close to the top. He supports the plan because the Housing Trust and Sharon Welsh are involved in this, and the fact that Pulte is going above and beyond required amount of affordable housing on this spot.

Hank Hughes, Executive Director, New Mexico Coalition to End Homelessness, [previously sworn], said he is here to express support for the affordable housing component of the project. He said the Santa Fe Community Housing Trust has been developing some of the best housing that includes homeless people around the State. He said we borrowed the model from our friends at the Colorado coalition in Denver who had been incorporating homeless people into tax credit projects for many years before we did it here. He said the Housing Trust has taken that model and improved upon it. He said their two housing projects, Village Sage and Stagecoach in Santa Fe are nice places to live. And homeless people do appreciate nice places to live. So it's really great we're going to have a few homeless people integrated into a mixed income apartment developed, so it is a nice mixed income community.

Mayor Gonzales thanked Mr. Hughes for everything he does for our homeless community.

Rick Martinez, 725 Mesilla Road, President of the Neighborhood Network, [previously sworn], said he is in full support of this project. He said this was discussed with the Board, and he has worked with the Nava Adé HOA for about 8 years, and they've done a great job in working with the developers throughout the years. They are looking after their neighborhood and looking after the development itself. He throws a lot of support behind them, and for neighborhoods like this to do this in the future. He hopes this encourages a lot more neighbors to be involved so things like this go a lot smoother in the future.

Frank Nordstrom, Cactus Flower, Member of the Nava Adé Board of directors, [previously sworn], said he came to Santa Fe as a 5th grader and stayed here most of his life, after attending UNM and NMSU, and then returned here, working for Eddie Ortiz as his Assistant Superintendent, commenting he was an outstanding Superintendent. He said he first heard about Las Soleras from Eddie Ortiz. He said at that time, he had no idea he would be standing here and talking about that. It is a very special development. You are in a wonderful position as a Council to make a difference for all of Santa Fe by what you do in Las Soleras. There are not many 550 acre parcels left in this City. There are many hospitals looking for a site in New Mexico cities. You have a great opportunity. He applauds this Governing Body for its work. He said the Nava Adé Board submitted so much information to this Governing Body, and about 1/10th of it has been presented tonight. He said comments were made which aren't supported by the data we provided to you. He said there was so much that preceded the survey they did that has been questioned tonight – countless emails to all of the community. He said the community knew the Board's position from the get-go. It was no surprise. He said near the end, between the meeting with the Planning Commission and this body, we wanted to serve it. But they filled out that survey with a great deal of knowledge of what each of those question meant.

Dr. Robert Jesson, Head Learner, Monte del School, Head Learner, located at 4157 Walking Rain Road, and home address is 464 Cactus Lane, [previously sworn]. Dr. Jesson said he welcomed the 7th grade to Monte del Sol at the beginning of this year, by telling when they are my age, it's going to be the year 2058. He said what he has heard in the discussion so far today is that this team is incredibly short-sighted. He said, "No one is speaking about the youth or potential youth of the residents. The children from Monte del Sol will not benefit from the regional park and will have to get in the park to drive there, and if it next to Paseo del Sol they would have walk there. This is what the children with the muddy shoes would have to do, because they'll be slashing in a retention pond next to their houses. I spent a month in Oaxaca this summer and didn't get into a car for the entire month. I saw projects on water retention from roofs. I saw projects on solar heating for water on top of houses. I don't see any of that thinking in this project. In previous meetings, I heard Pulte was the largest homebuilder in the United States, so large that it reminds me of the Exxon Valdez oil tanker. It doesn't turn very quickly, it has a project that is old fashioned and reminds me of General Motors vehicles built in 1972 which are now obsolete. In 20 years, the homes that are built in this community also will be obsolete. Thank you very much."

The Public Hearing was closed

Mayor Gonzales said he would like to hear from staff regarding each of the Items in their Order on the Agenda, and he will begin with Item H(1)

Staff presentation and discussion on Item H(1)

Alexandra Ladd presented information from her Memorandum of August 10, 2015. Please see Exhibit "9," for specifics of this presentation.

Ms. Ladd said, "I think this proposal is very innovative, in that it looks at how it could work between the public, private and non-private sector. And that's very powerful because each partner brings their own individual strengths to the table and can really achieve quite a substantial project based on that. And I wanted to touch base briefly. She said Jim Siebert showed a picture in his presentation of what the Housing Trust's most recent projects look like. And what I realized when I was listening to the testimony during the El Rio conversation with that a lot of people were still under the perception that low income rentals or subsidized rentals is too *[inaudible]* and green, just horrible pits of deplorable, crowded unsafe housing where people are entrenched in poverty and can barely claw their way out."

Ms. Ladd continued, "And the projects the Housing Trust has done in the past and what this project would have the intention of being is a green built, beautiful, very well situated housing. And I think the most important part here is this sort of new kind of subsidized housing offers services along with the subsidized rents and the shelter. And what is important about this is very low income renters rarely have more than one challenge. The lack of affordable housing is not the only thing they're dealing with. They don't get paid enough in their jobs, they don't have reliable child care for their kids, they don't have access to employment opportunities, decent health care, reliable transportation. The list can go on and on. And what I think is really innovative about this new housing model because it is fairly new, is that, because services are provided on site, there is an efficiency of scale there, obviously, for the provider. But there's also an ease of access for the tenant. So if you're wanting to take a GED class to try to get paid more, and you have to figure out childcare for your kid getting across town to a class, when are you going to have time to do it with your 3 low paying jobs. That's a lot harder than walking across the courtyard into a community where your kid can play on the playground equipment, etc."

Ms. Ladd continued, "Now any technical questions you have, I will refer them to the Housing Trust. And I should also mention, Ted Fisher from Habitat from Humanity is here as well. So any questions you might have about the 6 lots being donated to Habitat, he can speak to their development process and timeline, and how that would work for them. But Habitat's model is also very unique, in that they're putting very low income homeowners, almost lower than the City's lowest income tier, into homes, because of the way that they subsidize their home sales prices."

Ms. Ladd continued, "So, with all of this said, I think that the issue facing the Governing Body tonight is to consider whether it's enough to have a proposal that relies on a potential to provide affordable housing, and I don't say this because I doubt the capacity of any of the development partners. I cannot think of a proposal that I am more in support of, in terms of feeling like it would result in high quality rental housing that's desperately needed in our community. But if the alternate proposal is to pay a fee, we can calculate that, that's easy. Looking at the donated lots is a little bit harder because we're looking at a real estate value, and a real estate value is only what someone will pay for it, not so much the estimated value, but that's got at least a little bit of an equivalent value. But when you're looking at a potential to do something, no matter how well it's thought out, or how capable the developer, it's not a sure thing until it's a sure thing."

Ms. Ladd continued, "So what I would ask you, is how do we contemplate securitizing the proposed compliance. How do we know how to ensure that the community reaps the full benefit of what it's owed under our regulations. Are we setting up a mechanism that has some sort of claw-back provision

title restriction. Are we asking the developer, the applicant, to provide some sort of financial guaranty just in case the proposed project doesn't happen. And I ask these question, not because I know the answers, but because I think that these are questions that are important to consider when you're looking at this proposed compliance, and again, I want to emphasize that I have as much confidence as anyone could possibly have that this the right development team for this job. I just want to put out there that I think it's a little bit more complicated than just apples for apples. It's a different animal here."

Mayor Gonzales said Ms. Ladd went where all of us were focused a little. He applauded Ms. Ladd for recognizing that we have to be innovative and flexible in meeting the most immediate needs of our citizens, noting we are going to try to present changes to the Governing Body over time. He said, "I know Homewise and others have existing inventory they could put into production for these for sale properties, so there is an availability of potential supply out there, but these are tough. They are tough because they're competitive at the State level to get a 9% tax credit, the same discussion we had during El Rio when the proposal was made. Because it's so competitive, what happens in the event there isn't an allocation that takes place, and I think Garret, without putting you on the spot, you are the ones that made this proposal, and asked him to address the issue. He said as good as Sharron and her groups are, there are other groups, including our own Civic Housing Authority that are going to be competing for 9% tax credits over the next 1-2 years. The question is how do we assure that those Santa Feans the most in need of housing now are able to have their housing issues addressed if we're not successful, or Sharron may not be successful in the next round."

Mayor Gonzales continued, saying this is a critical point in approving the alternative, commenting he understands the issue of a hardship for Pulte is hard to argue, but the issue of a hardship for many Santa Feans who aren't getting access to this kind of housing, he can see that point. However, if the 9% tax credit doesn't work, they don't get access to the housing, and asked Mr. Price if this is correct.

Mr. Price said, "Absolutely 100% valid concerns. We provided you some context of why we're seeking this. When we first looked at Las Soleras, by no means did we want to come in and try to do a nonconventional project as it relates to affordable housing. We probably have provided more affordable housing through our company in the last decade and a half than any other group. So we're no way trying to circumvent the process. But when we were putting pencil to paper and looking at new lots with new infrastructure costs, it became challenging for us to do what we've done in the past, particularly given some of the high infrastructure requirements related to our project, such as building Beckner and some of the open space. It's a high cost project, I had shared with CDC and I don't mind doing that publicly. We're on a lot cost close to \$90,000, but we're still providing the price points that we had shared with you earlier."

Mr. Price continued, "Rather than telling my corporation that we can't find a project that works in Santa Fe, we sat with Alexandra, who is fantastic, and Sharron and others on your staff, and said, what other mechanisms are in place that we haven't done before Centex, and that's where this alternative means of compliance came about. And I understand it is a risk."

Mayor Gonzales asked what he is prepared to do.

Mr. Price said, "I'm not sure I have any legal way. If we could provide a financial guarantee, for example, that would provide the delta between the land that we're transferring and the obligation we're committing to, \$100,000 to complete the tax package, we would have met the normal means of compliance. Because that delta is what we would have put in our *pro forma*. So I'm sure other than we have reached an MOU with Hank, Pulte and Sharron, outlining our commitments. We have relationships with MFA, and we're going to be at the table, at least Las Soleras, we hope to invest in the future in Santa Fe, Mayor, that's a 5 year project."

Mayor Gonzales said, "So let me just ask you, Year 1 the tax credit doesn't get approved, Year 2 doesn't get approved, you've got a great relationship with MFA, but still we're not getting this tax credit done. Meanwhile, the obligation you're trying to convince us to go with isn't met. So we need something more."

Mr. Siebert said, "Let me discuss a couple of things that are on your desk and underneath your packet, you had another one that says Memorandum of Understanding [Exhibit "14"]. And the point here is that we put a great deal of thought into this, and the intent is to accomplish this as quickly as possible, and think the way to put it in perspective. It's a 5-year build-out. If you were to have the regular process, you wouldn't be able to accomplish those affordable homes within a period of less than 5 years. And what this does, it outlines the process, it outlines the payments that would take place by Pulte. And there is a signed document that I gave to the City Attorney on how it would be accomplished. And, in addition to that, what we've done is put a timeline and that's behind the MOU how it would be accomplished, so the Housing Trust would be able to make the deadline for the application on January 30, 2016. And that's assuming this project gets approved tonight, so that's the caveat that goes along with that. So what we've done is we've blended both what the requirements are by Pulte to accomplish their development in conjunction with accomplishing the Low Income Housing Tax Credit Project."

Mr. Siebert continued, "So what it says is this is an obligation on the part of Pulte and the Housing Trust to meet that timeframe to accomplish an application by January 30th. I think the important thing, if you'll give Sharron Welsh the opportunity.... the concern is well none of this will ever get accomplished, but I think you have a chance to listen Sharron Welsh and by what's she's done in the past, and what the prospects are, I think it would give you a better perspective on this."

Mayor Gonzales said, "Jim, just so we can get to this point, I don't think anyone up here nor on City staff doesn't believe Sharron can't get a good application put forward. That is a given, and she's proved they deliver. What I know is that the Council has approved or is working to approve the allocation of land for a 9% tax credit deal that's called the Arts and Creative Center, so that's going to compete with this project. I know that the Civic Housing Authority has notified they are going to submit two applications for 9% tax credit allocations. How many 9% tax credit allocations does the State do a year, Sharron."

Sharron Welsh, Director, Santa Fe Housing, was sworn, said about 21 people applied last year, anywhere between 19 to 25 projects will be applied for within the year. She said, "I think the Council should be aware it's not a competition that is subjective among the projects. It's not like, let's put some in the south and some in the north, like last year there 9 north of I-40. So, it's a competition based on a numerical scoring system that has the national federal priorities built into that. All of the projects that

achieve the highest scores under the priority system win. For instance, last year there were at least 3 projects that were approved in Lea County, two in Hobbs, Hobbs population 30,000, and they both scored the same, so they both qualified. So Santa Fe should all of projects score, all of our projects would and the people would buy the tax credits for them because the 3 projects wouldn't feel the brunt. The Housing Authority is supporting these projects and I think we have Jonathan Palmer here, and Dave Martinez is here. Ed wanted to be here, he couldn't. We united in supporting each others projects."

Mayor Gonzales said so there would be multiple projects coming out of Santa Fe.

Ms. Welsh said, "Yes, no limit to it. They could all be from right here."

Mayor Gonzales said last year there were 19-22 applications, none approved north of I-40.

Ms. Welsh said, "Not last year, because we didn't have the needs priority that the south did, nor did we have the requisite 10% public donation to the project."

Mayor Gonzales said, "Let me ask your opinion to help us get over this. How do we assure that you actually have a project to put up that's important."

Mr. Welsh said, "We have the support of The Coalition to End Homelessness, and all the shelters in town, because we partner with them on the projects to assure that a good size portion of the project, like 15-25% of the project, at all times, has tenants occupying that are emergent for homes. So we have a very strong support team, and all of our support lends its service and capabilities to the project. That's why it works and it doesn't cost a fortune, because we just work together, instead of running in different directions, separately. So anyway, it will have a professional design team. They're paying for the design team with one designer working with both projects. Both projects are LEEDS platinum, and both times we applied for the projects, we got it first time out in Santa Fe, against all odds, but because they're good projects."

Mayor Gonzales said he hasn't gotten the answer he wanted, but he is assuming that all you can tell us right now is that you willing to offer, is there is an MOU and hopefully, we get the tax credit because we've got a good team, and if not, that's kind of the deal you're making with us.

Mr. Price said, "Mayor you are absolutely correct. I wish I had a solution that could satisfy your concerns that was a legal document or a financial guaranty. If we could do that, our claw-back provision previously suggested, we probably would have done the affordable housing through the commission and paid the fee-in-lieu. I do know that, in speaking to Alexandra and others, those projects that you had mentioned, Mayor, of the other ones we compete against, those sound like they may be in year two or year out. If approved in the near future at Council, we would transfer this property, 4½ acres, immediately, which provides Sharron the opportunity to get this application in this year. So it sounds like maybe those competing interests are not going happen if we can get this application this year."

Councilor Bushee asked if this project isn't forthcoming, can we have the fee-in-lieu as a guaranty or bond that we're not going to be left empty handed. She said we want to support this effort, it's the greatest needs. She asked how it is going to work in terms of the timeline and build-out.

Ms. Ladd said tracking it is a matter of calling Sharron and asking, noting the Housing Trust is such a long time partner with the City that we could stay on top of it. The timing would be determined by the actual allocation of the tax credits, so there is a period of time where the housing has to be built if the tax credits are granted.

Councilor Bushee asked if we could do an alternative backup in terms of the fee-in-lieu if this falls through.

Ms. Ladd said, "I would love that."

Councilor Bushee said, "That's just creative paperwork, right."

Mr. Price said, "Alexandra and I had that conversation several months ago, but when you calculate the fee-in-lieu it is \$7 million. Again, if that was an option, financially for this project specifically, we would have either paid it or agree to do a *[inaudible]* for the last 15 years, and provide the affordable housing through the 20% within the community. Maybe there's a mechanism. I don't know that financially we can get to the full current fee-in-lieu, the way it's calculated. I question the criteria and the cost per home or per lot. Again, if we paid that fee-in-lieu, the project is not financially feasible. So having that as a claw-back would be a challenge for us to guarantee that fee-in-lieu of the low income housing tax credit is not approved. But I understand, and your concerns are valid. I don't have the solution, Mayor Gonzales, you are looking for and I apologize."

Ms. Ladd said, "One thought would be, if the parcel is deeded to the City, at some point down the line, if the project hasn't happened, at that point in time we could value what the parcel is worth, and maybe there's a difference between the value of the asset and what the original fee-in-lieu would be, and maybe at that point it would be a much lower amount, but it would still be a fee."

Councilor Bushee said then they would have an opportunity to sell some of the homes and have the ability to pay the rest, and asked if that is possible within the confines of our Ordinance.

Ms. Ladd said our Ordinance is quite vague when it comes to alternate compliance, but it is very very specific on how the homes get delivered. So it is a negotiation and there's a lot of flexibility.

Councilor Bushee said everybody wants to be trusting. However, we've seen these things fall through before. She is having a hard time with the hardship concept. She understands they are aiming for a price point that's going to meet the market need, but she wants to make sure there is compliance.

Councilor Dimas said, "Two things. One, is I live in Villa Sonata, and am a neighbor to Nava Adé, and know many of you from Nava Adé from knocking on your doors, and also being involved with the Association at times. I've lived in a Pulte Home in Villa Sonata and it's a great product. I enjoy the area

which is very nice. However, I'm a little concerned about the affordable housing part of this. The reason I say that is because we have a lot of affordable homes in Villa Sonata, and a lot of young, professional people living in those homes. And I think home ownership here in Santa Fe is a real critical for our young people to be able to own a home and not have to rent an apartment. That's the one part of this I'm not in agreement with as far as affordable housing is concerned."

Councilor Dimas continued, "And I agree with Councilor Bushee, if there is something we could.... I know there's no guarantees in any of this, but I think it's important to have something to fall back on. For me, I would rather see the acreage you've giving up for the apartment complex go to the School, and allow them to have the acreage they need for the fields, and have the affordable housing in the project. And I think that just makes sense. I know it doesn't make sense to you, but it certainly makes sense to the young people that are going to school there and for the young individuals looking to have home ownership. And the homes you built in Villa Sonata, I will say the affordable homes are very nice. In fact my daughter bought one. She lives two blocks from us. She would have not otherwise been able to buy a home, and she bought it through the Housing Trust in Santa Fe, and they helped her immensely. She's a school teacher, and they don't make a whole lot of money, but she's able to own her own home as a result. And I think it's important for other young people that live here too. I don't think they want to rent apartments, quite frankly; I think they want to own their homes."

Councilor Dimas continued, "So if there's something that can be built into this... I'm all for this project. I'm excited about it. I've seen Pulte homes over the years, and seen a lot of the model homes in Albuquerque and Rio Rancho, and I'm just really impressed with what you've done with them. As I said, we love our home. It's a great house, there's a few things I want to talk to you about. I will say one thing, I hope the streets aren't as narrow as they are in our neighborhood, because you can't park a car on a lot of the streets in Villa Sonata. And hopefully you will have regular streets. I don't know how you're going to rectify the problem we have, unless you knock down a house or two and increase the area of the streets."

Councilor Dominguez said, "We're just on the affordable housing piece right now, so just a couple of questions on that. I imagine the provision on the table right now... this is for the Applicant... is contingent on whether or not we approve the Rezoning and the General Plan Amendment. So it makes no sense for us to approve this affordable housing contingency and then approve the General Plan Amendment and the Rezoning. It's kind of putting the cart before the horse, if you will. That's why I was hoping to have some of the discussion about the General Plan Amendment and Rezoning first, but we're not going there, so I won't go there."

Councilor Dominguez continued, "Two other questions. We've talked in the past about not supporting the clustering of affordable homes. How does Pulte see that."

Mr. Price said, "Again, our philosophy about clustering homes. We support the current Ordinance. We've been a huge proponent and advocate of affordable housing in the current Ordinance which provides you don't put them in the same location. The nuances of the low income housing tax and doing rentals makes it where those are basically put in one location, given the type of use and the high density type of project that is. We intentionally put it right next door so it's part of the community and right next to the trails and roads and not putting them near the VA or the commercial locations. We felt mixing single family

detached and across the street... and this is a high density project next door. For our philosophical view of that, we support it, and frankly, we're looking at other projects within Santa Fe we would meet the normal means of affordable housing.

Councilor Dominguez said, "What you're saying is outside the credit homes, you're going to go ahead and not cluster."

Mr. Price said, "Yes. Specifically Councilor, I hope I'm answering your question. So the Habitat homes, for example, if you look at that exhibit, they're sprinkled throughout the community and not put in one location. They're disbursed among the balance of the homes. We believe in that in Villa Sonata, to Councilor Dimas' point and in Colores del Sol have them throughout the community, and we're a large fan of that. It's just the nuances of doing a high density rental doesn't allow itself to be put right in the location of the single family detached, but it's right across the road within a minute walking."

Councilor Dimas asked Mr. Siebert how this works in the entire Las Soleras Master Plan. He asked is the intention to do all of the affordable housing in this phase and this application right here, or is it the intent to spread it throughout the entire Master Plan.

Mr. Siebert said, "What's happening is, there's another project called Ross's Peak, and actually they do meet the 20% requirement internally, but they also had the ability to apply for the increase in density that is permitted under the Affordable Housing Ordinance. So there is an offset there. Pulte doesn't have that benefit because they have product to provide and doesn't do increases in density. The answer is that these two projects here represent pretty much represent all of the single family housing in Las Soleras. The remainder area, and this 4 ½ acres is within that remainder area and is zoned for apartments. And we anticipate there will be another approximately 500 apartment units. So the answer would be that, the answer is between the two projects for single family, this is the proposal for affordable housing. The apartments would probably have to come in for application."

Councilor Dominguez asked how the phasing will look like in two years. He asked how we ensure that in 2-3 years we can relook at being able to somehow comply with the intent of what it is you're trying to get to.

Mr. Price said, "The phasing, I wish we had the exhibits still up. Does that exhibit demonstrate the lot plan. Maybe if you look at your package and then Jim can show it. So within the age targeted community, and within the traditional targeted family buyers, we have 2 phases of development, so in essence there are 4 phases. Two within each of the demographics. We're here trying to get approvals for starting Phase 1 of the Pulte traditional. We'll be back before you in about 1½ years, once we're able to deliver finished lots, if all goes well for the entitlement process, we would like to begin development in November, start models in June. We anticipate current absorption, between those two, 5 units a month selling. So that would be 1 ½ years we would be back to you seeking approvals for Phase 2 of both of those projects. Does that answer your question, Councilor. "

Councilor Dominguez said it does. He said he knows this is the intent and the goal, but who knows what the market is going to do. He said, "Getting it on the record I would like to say is good enough, but we know how that goes."

Councilor Dominguez continued, "I guess the comment I wanted to make, Mayor Pro-Tem, and then a question about process. There is a reason why the existing Master Plan is the way is. There are urban densities that have been debated and talked about, discussed at length, since the late 1990's, since I was on the Planning Commission. I think you remember that Jim. And we had discussions about that since way back then. What we're doing, in essence, is lowering densities and getting away from the urban theory and lowering densities and going to a more rural kind of density. A perfect example demonstrating how that discussion is relevant, are the questions Councilor Dimas was asking, and how we deal with multi-family dwellings and the changing demographics in our community. I'm a little nervous, maybe, about moving away from.... the whole reason we have an Annexation Agreement is because negotiated hard, and debated at length the urban densities and the densities articulated in the existing Master Plan. So I want to make that point very clear."

Councilor Dominguez continued, "And Mayor, the question I have regarding procedure is that really, approving the affordable housing component is contingent on whether or not we approve the...."

Mayor Gonzales said the City Manager was talking to me about modifying this, and rather than voting on each one, to go ahead and allow for discussion through each one of them, and then we'll come back and take them off for votes, that way we don't get hung up, as we are right now on just the affordable housing. He said, "Maybe the Pulte guys will be able to think something through where we work through some of the others, but I think our concerns have been brought up on that. What I hear you saying, and what the Manager suggested, is to continue to go down each of the issues to debate and then we'll just roll back in for the votes. Is that right."

Councilor Dominguez said he has questions on two outlying issues, and he has other questions on two categories dealing with parks and schools.

Mayor Gonzales asked the Governing Body if we should open it up on what is here and we can get all our questions asked and answered on all cases.

Councilor Maestas asked if that is opening it to all subjects and Mayor Gonzales said yes.

Mayor Gonzales said he had hope to go through each one, but seeing how we're getting hung up on one and there's a lot of substance to be discussed on the other issues, we probably should let all the Council go ahead and get all their questions out, and they can direct them to each of the staff members here for each of the areas, or not.

Mr. Smith said, "I believe the staff had anticipated a 10 minute presentation on the Master Plan issues, if that is the pleasure of the Council.

Mayor Gonzales said the Governing Body can ask questions and staff can address issues.

Mr. Smith said, "Staff had also considered presenting the action of the Planning Commission and their recommendations as well."

Staff presentation [if any] and discussion on Items H(2), H(3), H(4) and H(5)

Councilor Dominguez said in the Staff Report [Exhibit "8"] it basically talks about how the realignment of the road does not promote connectivity, which he can see in the example given by Mr. Siebert. He said, "You really have two roads going north/south, where before you had a road that kind of went from the south to the Norwest and then you had the little connector that kind of went east. So is that why you're saying this does not promote road connectivity. You have two north/south alignments instead of one that goes a little northeast/southeast."

Zack Thomas, Senior Planner, Current Planning Division, said, "Yes. That is correct. That's one of the two reasons. Basically in the original Master Plan, you had Walking Rain Road connected to Railrunner Road. That has been reconfigured to connect straight down to Beckner. And so, you eliminate the connection to Railrunner Road. In addition, there also was a planned road from the Nava Adé Subdivision also to Beckner. So one of those connections in this proposal is eliminated. There was also reference to the decrease in connectivity having to do with the gated community portion that would be on the west side of Walking Rain Road. And with the gated community, those are private roads and not accessible by the public. So that was the other component to that."

Councilor Dominguez said perhaps this is a traffic question. He asked if we are anticipating with this road network that there is not going to be sufficient traffic flow.

Mr. Thomas said John Romero, Traffic Engineer, reviewed the traffic analysis for this project.

Councilor Dominguez asked, "Given the proposed road alignments, is that going to ensure adequate traffic flow throughout the development?"

John Romero, Director, Traffic Engineering Division, said, "I believe so. I think it did remove the connection from Walking Rain to Railrunner, but then it introduced the connection from Walking Rain to Becker. And my sense is, it's more of a grid system, which I think will operate more efficiently, or has the potential to operate more efficiently than what was previously proposed."

Councilor Dominguez said he is hearing conflicting statements from staff, "but I'll just leave it at that."

Councilor Dominguez said, "So, Kelley, this is a question for you. I guess this is in regards to the Annexation Agreement. We've kind of considered how this change in this Plan complies with the, it could

even be a complicated Annexation Agreement we have with the County and everyone else that is a party to that. So in other words, are we in compliance with the Annexation Agreement if we change e zoning and amend the Master Plan."

Ms. Brennan said, "I think we contemplate change with annexation agreements, and as long as it's approved by this body, I think it's permissible. If it required an amendment to the Annexation Agreement, we would..."

Councilor Dominguez asked, "Have you tested this against the existing Agreement.

Ms. Brennan said, "No, I have not."

Councilor Dominguez asked, "Is there a need to."

Ms. Brennan said, "I would certainly look at it, yes, but I think that typically, we don't go back in time, that you have the authority to amend these plans and to rezone, and that it would not be a conflict."

Councilor Dominguez said, "So the Annexation Agreement then would change with whatever action we take tonight, if there is any, if we approve the change."

Ms. Brennan said, "If we needed to, we would go back and so that, but I think typically, changes contemplated to master plans by Ordinance can be amended, areas can be rezoned, and I don't think it's a conflict."

Councilor Dominguez said, "There were a lot of water agreements in the Annexation Agreement that were specific to this development. And I just want to know, from staff's perspective, whether or not those agreements are still in place. Are we going to have to come back and debate the Annexation Agreement again. What is that we're really doing. Because don't forget, and this goes back to the statement I made before, the entire reason we have an Annexation Agreement is because of this development and their need to amend their General Plan before. I just want to make sure we're all talking the same stuff here."

Ms. Brennan said, "I understand."

Councilor Dominguez said it makes him uncomfortable to think we would have to redo the Annexation Agreement. Councilor Dominguez asked if there is someone from the schools here.

Nancy Nieto, Cuddy & McCarthy, representing Santa Fe Public Schools, was sworn.

Councilor Dominguez said there is a requirement that an applicant come before the Governing with regard to Schools because we have been accused in the past of approving plans without considering the impact on Schools. He said there is a letter from the Santa Fe Public Schools regarding this project. He asked if this will be a K-8, or what the District is proposing.

Ms. Nieto said at this point, the particular type of school hasn't been determined by the Board of Education. However, the Planning Commission imposed a condition of approval that the applicant make a commitment to provide at least 10 acres of buildable land and that commitment is collateralized by another lot within the Master Plan area.

Commissioner Dominguez said, "Then you is saying, based on the demographics and everything that is on the table, you will need another school."

Ms. Nieto said yes.

Councilor Dominguez said he would agree, noting other schools west of the project already are over and above capacity. He said there are different formulas throughout the country, and a formula provided by the State that allows you to indicate how many students a development is going to have. He asked if that analysis has been done.

Ms. Nieto said no. She said at the Planning Commission meeting there was testimony from the Property Manager for the School District that they needed a minimum of 10 buildable acres to meet the School needs.

Councilor Dominguez said, "For the record, and to make it clear for everyone, the charter school is not the anticipated school that would take in additional students."

Ms. Nieto said no, "That charter school is a State charter school and not intended to serve the anticipated need for the public schools."

Councilor Dominguez said, "For the Applicant, Skip you want to come up."

Mayor Gonzales asked if this relates to the broader Las Soleras.

Councilor Dominguez said yes.

Mayor Gonzales said, "So I think Skip can probably do it."

Gordon "Skip" Skarsgard, Las Soleras Development, 808 El Alhambra Circle NW, Albuquerque, was sworn.

Councilor Dominguez asked, "Just for the record where is the school site in the proposed Master plan."

Mr. Skarsgard said, "There is not a proposed school site, because we have discussed with the Schools 3 separate sites and each one of them failed to pass the test that the School Board applied to it, so now, we're saying that we will assist the Public Schools in arranging a site either within Las Soleras, close by neighbors or somewhere across the freeway until they get an acceptable 10 acre site that we can assist in providing for them."

Councilor Dominguez said then right now the students who will be living in this development don't have a school to attend.

Mr. Skarsgard said there are existing schools.

Councilor Dominguez said there are existing, over-crowded schools.

Mr. Skarsgard said, "Okay. But as soon as we can locate an acceptable parcel, we will acquire it for the schools."

Councilor Dominguez asked, "What if one of those parcels was one of the commercial parcels."

Mr. Skarsgard we offered one, and it was declined. They didn't want the school located in an industrial area, nor close to the freeway because of noise, pollution and whatever else.

Councilor Dominguez asked if there are sites within the Pulte part of the project that would be sufficient for a school – the entire project and not just Pulte.

Mr. Skarsgard said Pulte's 104 acres they are acquiring is committed to housing and it contains the on-site parks, trails, streets and houses.

Councilor Dominguez asked if there is a sufficient school site on the Pulte part of the project.

Mr. Skarsgard said no, not if you want 10 acres, noting the 104 acres is committed to housing.

Councilor Dominguez said, "But you could commit some of it to the Public Schools if you wanted to, if the numbers work out. I'm not going to get into a debate about what's profitable for the organization or the company. I just want to know, if you wanted to, you could allocate some of that land to the Public Schools."

Mr. Siebert said, "Let me answer that, Mayor. Councilor Dominguez, in fact there is an approximately 22 acre site that was zoned R-6, and so is R-6 an institutional. That's one of the sites that was provided to the Public Schools. That's within the current boundary of Pulte. And after they evaluated it, there was 35 feet of *[inaudible]* across the property, and it just wasn't practical for them to develop it. In fact, we did offer one of those sites there, and it was not suitable for the Schools. Our dilemma is we can offer sites, but the School Board has to be willing to accept those sites."

Councilor Dominguez said he understands, but his concern is that in the entire 540 acres of the Master Plan, we can't find an adequate site for the school, reiterating we have overcrowding in the schools throughout the rest of the District.

Councilor Dominguez asked if age 55 is the age targeted area. *[no audible response to the question]*

Councilor Dominguez said he knows from the research he's done that there is a trend in multi-generational housing, and asked how many students will be living in the age targeted area. He said the "vibe" is that there will be no school age students, but the reality is that there will be school age children there because of the trend throughout the country.

Mr. Price said, "It's been our experience where we've done multi-generational master plans that when we do age targeted, that 10-15% of the homes we're selling, oftentimes may have a family in there. Typically it tends to be an older child, it is an emerging empty-nester, so high school age. We have historical data from across the country that supports that. Again, the homes are designed with minimal bedroom count, and we are not putting in the tot lots and those things that would attract a family buyer."

Councilor Dominguez said the age targeted and traditional portions of the development will generate students.

Mr. Price said yes, particularly traditional. In Villa Sonata, for example there are 40% empty nesters and 60% families without a real strategy, whereas is a more formal strategy.

Councilor Dominguez said he will move forward to his questions about parks. He thanked Mr. Price for all of the information. He reviewed the previous minutes from the first time they requested an amendment to try to refresh his memory about the theory and intent was at the time.

Councilor Dominguez asked if there is a topological map of the terrain for the proposed park space.

Mr. Siebert said they had that it for the Planning Commission, but doesn't believe it is in the Council packet.

Councilor Dominguez said in the past there has been open space which was really arroyos and challenging terrain and it's been called park space, but obviously it isn't usable for a park because of the challenging terrain. He wanted to look at the terrain in the proposed area for the park. He said the discussion back then, was that we would have active park space, not just areas colored green and areas for people to walk or participate in more passive park activity. He asked Mr. Siebert to talk about the proposed park space.

Mr. Siebert said, "What I can say is that the original park, 21.5 acres is the flattest land in Las Soleras and the reason it was picked for the original park, besides it's centrality." He said there is 15 feet of *[inaudible]* going from the east to the west, from Railrunner Road to the boundary of Las Soleras. It is very *[inaudible]* for play fields."

Councilor Dominguez said originally you were going to provide 10 acres of park space.

Mr. Siebert said, "No, the Master Plan itself devised the 21.5 acres."

Councilor Dominguez said he is speaking of the discussion prior to that to get to that acreage. How did we get to the existing number of acres for park space.

Mr. Siebert said, "The 21.5 acres is part of the original master Plan. What is proposed now, is an additional 7 acres adjacent to that 21.5 acres."

Councilor Dominguez asked how many acres currently are approved.

Mr. Siebert said 21.5 for a regional park.

Councilor Dominguez asked, "What was that changed from when you amended your Master Plan the first or second time around."

Mr. Siebert said he is confused about the amendment, and what they were looking at is what the Council approved in 2008, and it was actually included in 2009. He said, "Really, there are no amendments, although there is a discussion about the plan presented in 2003, and then it went to the County instead of the City, if you recall that. And maybe that's what you're talking about. What the Council approved is in fact the 21.5 acres that you approved."

Councilor Dominguez said that was after some Council negotiation to get the space we felt we needed at the time for the development.

Mr. Siebert said his recollection of the hearing was that they came in with a 21.5 acre park. He said at the very end of the hearing, Councilor Ortiz said we need another 20 acres of active park land. And they said that would be determined by the Planning Commission at a later time. In fact, it went back to the Planning Commission, the Planning Commission said you can spread the 20 acres across Las Soleras in small parcels.

Councilor Dominguez said that's not what the Governing Body said.

Mr. Siebert said, "What the condition was, Mr. [Councilor] Ortiz proposed, was that we would have to go back to the Planning Commission and send it all of it back to the City Council."

Councilor Dominguez said right now we have this goal to make sure we have 5 acres of active park space per 1,000 people.

Mr. Siebert said, "To be precise, what the Code says is that for the regional park, you have .024 acres per dwelling unit. And as I point out on the slides, with 1,000 dwelling units, you would have 24 acres of park required under the City Code."

Councilor Dominguez asked how much of the park space is usable – how much is active and how much is passive.

Mr. Siebert said, "Of the 21.5 acres, what we have done, we've looked at, if you would take regulation soccer fields, and we just did this as an exercise, you could lay about 4 regional soccer fields on that 21.5 acre parcel."

Councilor Dominguez asked if part of the direction is that you consult with the Public Schools on the park space as well.

Mr. Siebert said yes, noting it included City staff and the Santa Fe Public Schools.

Councilor Dominguez asked if they have responded to him about the Park space itself.

Mr. Siebert said, "I think that's where the confusion come in. One part of that, and if you go back to the minutes, you can see the confusion that took place, because this is a condition that was already applied. It was our understanding on this 10 acres of park and 10 acres to be allocated to the Schools, and I think the Public Schools take that same position."

Councilor Dominguez asked if we are complying with that.

Mr. Siebert said what has been complied with is that we're adding 7 acres, okay, if you take it 10 and 10, we're falling short by 3 acres. If you take a look at what we're providing in the way of additional open space, it's 6 acres. In the open space, every bit of the open space that is provided is a trail system. Does that make it active on the part of the staff, and they said it doesn't. It's got to be something like a play field or recreational playground equipment. He said, "It seems to me that if you take those two, then you've exceeded the 10 acres, and if you take the commitment for the school, then you've met the 20 acre requirement."

Councilor Dominguez quoted from the minutes from 2009, "*Councilor Ortiz said the reason Tracts 10 and 15 were chosen for you to make a decision was because of the proximity to the school.*" So I think the intent to make sure there was enough space for the School District to be able to hold their activities without impeding the public's use of park space as well. And I don't know if that's clearly articulated either in your proposal or with what the District is providing us. At least I don't see it in your proposal. For me, it's not clearly articulated like that in the proposal. I think if you read the minutes from 2009, the intent is not as clear as it could be, but it's pretty clear. And that we have active space for folks to be able to use in the development. And I don't see that very clearly in the application. I'll go ahead and yield the floor, Mayor, I don't really have any other questions, and we'll see how things go. But I want to thank you for your work. I want to thank the public for their time as well. It's been a long time. Hopefully we can get this project finalized once and for all."

Councilor Maestas, "Zach, if you don't mind taking this question. I used to be a transportation planner in a previous career. And the jobs/housing balance, I think really resonates when I look kind of a large Master Plan like this. So is the jobs/housing an aspirational planning goal, or did we actually take a certain area of the development and calculate anticipated jobs with the right demographic that could hold those jobs. Did we do that calculation."

Mr. Thomas said, "I think there's two parts to that question. Let me address the first part. One, generally speaking, yes, the jobs/housing balance was an essential component or concept for the whole Las Soleras Master Plan. It was adopted as part of an Annexation Agreement and centered around a concept of living and working and shopping, and having a variety of those uses within a central location, especially centralized around, at the time, what was the time the planned Rail Runner station. That's been put on hold indefinitely for the time being by the State as far as staff is aware. The first part of the question, yes, it was definitely was a central component. The second part is whether or not hard numbers were crunched. What I would defer to Reed in Long Range Planning is who would have been involved in that, if that were the case."

Councilor Maestas said, "There is no need to crunch numbers, but I think intuitively if we lower the density that's going to throw our jobs/housing goal balance off. And if we designate a certain portion of the development for an older demographic, will that really disrupt the goal of having jobs/housing balance."

Mr. Thomas said, "That was a thought of staff. So, the original mix of densities in the Master Plan today, mixed with the commercial components and institutional components such as the hospital and the commercial along the I-25 frontage, that is definitely in the thought of staff in looking at and analyzing this project, that this has the potential to skew or adjust that jobs/housing balance in a less favorable favor, because of higher density, affordable housing and especially the age targeted which many of those might not even be of working age, or semi-retired, or part time residents. Hard numbers, we just don't necessarily possess that information at this time."

Councilor Maestas said, "Then we can safely say if we don't have the folks for the jobs, we're essentially going to create these little commuter sheds going through Pulte homes, instead of aspirationally trying to have those folks that live there hold the jobs in the Pulte Development."

Mr. Thomas said that is a potential, yes.

Councilor Maestas said this is a rare opportunity we have, noting we see Santa Fe as the center of government but we don't really have the housing, so we have some pretty heavy commuter sheds in the surrounding region. When you have a Master Plan development like this it's a great opportunity, it's a planner dream, to have jobs/housing balance, and factor in minimizing commuting, improving quality of life. We still have a golden opportunity to achieve a lot of these aspirational planning goals versus the past history where we try and spot zone. There are issues of that potential development not being in character with the area, but we don't have that here. We have a master planned community that has been debated, discussed, that have these goals of having mixed use, a jobs/housing balance, a logic roadway network. He said there are a lot of people from Nava Adé are here and you did countless hours of work because of the changes to the Master Plan, and you want to preserve the quality of life of your neighborhood, just as any other neighborhood.

Councilor Maestas continued saying, as a transportation planner and having a rare opportunity to implement a Master Planned Community with the goals we spoke about, this is a golden opportunity. He sees the proposed amendments as almost decimating those master planning goals in this development. He said, with all due respect, this particular request before us has essentially become kind of a *de facto*

phase of Nava Adé, instead of the first major phase of Las Soleras. He can understand the pressure happening. He thinks there are other issues that play into this. He said Santa Fe has half the density of Albuquerque, and we don't have near that land base. He said we all say we want higher density, but it's very difficult when you're working in a developed area, but this isn't necessarily a fully developed area. He thinks we're missing an opportunity.

Councilor Maestas continued saying, with regard to the affordable housing alternative, he can see the net benefit. Part of our affordable housing goals are to put people in single family homes. He thinks there are things which we are accomplishing in terms of single home ownership. He said he has issues with this, saying he isn't sure if it is worth the net benefit of assisting 16 more families.

Councilor Maestas continued, saying in looking at the location of the low income housing tax credit site, he doesn't see it as integrated, but as segregated and isolated, with the regional park to the north, to the west a trail, to the east a road, adjacent to a proposed gated communities. He can't imagine the quality of life in that low income tax credit site would be as high as owning a home in the development proper. He sees the net benefit, but thinks we're compromising on other benefits from 60 families that could own a single-family home in that development. He said he has issues with nearly all of it, commenting that he does support the relocation of the transmission line. He will listen to the debate, but thinks we're missing a golden opportunity with this Master Plan development.

Ms. Brennan said, "I have reviewed the Annexation Agreement and there is no conflict with the actions proposed for tonight and the Agreement."

Councilor Ives said we started by talking about affordable housing. He said, with regard to alternate means of compliance, at 26-1.33 it says, "*The City may approve an alternate means of compliance for the following, provided that any approval must be based on a finding that the purposes of this Chapter would be better served by implementation of the proposed alternatives in determining whether the purposes of this Chapter would be better served under the proposed alternative. The City shall consider the factors listed below.*" He said it does say at B(1) that SFHP projects of 11 units or more, provided that the projects meets the definition of extreme hardship. He said in looking at the definition of extreme hardship it's pretty strident, or extreme one might say. It says, "*A condition occurring as a direct consequence of the SFHP Ordinance which, a) deprives the property owner of all economically viable use of the subject property taken as a whole; b) would require the property owner to lose money on the development take as a whole and the property owner cannot demonstrate to the Governing Body's satisfaction that said loss would be an unavoidable consequence of SFHP requirements for construction of SFHP units, or c) the property owner can demonstrate to the Council's satisfaction that complying with the requirements of this chapter would constitute taking property in violation of the Constitution.*"

Councilor Ives continued, saying there are a number of portions in our packet where it said there had been some demonstration of the extreme hardship in this instance, justifying looking at the alternative means of compliance, commenting he can't find that in the packet. He asked if anybody can tell him what the extreme hardship was here, and which one of those categories was satisfied and why.

Ms. Ladd said the Ordinance is pretty silent on how to determine an extreme hardship. So they went back and forth talking about what that could look like. She wanted to see a number, that you lose money on the project as a whole, or whatever. She said in Pulte's proposal letter there is a paragraph or two that discusses the reasons it is an extreme hardship. She is going to turn this to them to describe that more in detail.

Mr. Siebert said, "The hardship comes from two factors. When you figure affordable housing, there is always an assumption that there is a subsidy which takes place, which there is. The market rate housing has to subsidize the affordable housing, so that's a cost. In this case, it's not only the cost for the subsidizing the actual affordable home, but in the case of Pulte, it's the lost of revenue that takes place from providing that on that particular lot without having the ability to offset that by increase in density. So if you take the loss of revenue, and subsidy goes on the affordable housing, the project just isn't financially feasible. So the hardship there is that under these circumstances, you just simply don't have a project."

Councilor Ives said he doesn't see that demonstrated in any materials in the packet, and merely a vague assertion in the Staff Memo that an argument has been made, but it doesn't rise to the level of an extreme hardship. He said this, to him, requires a real clear demonstration, because it says, *'deprives the property owner of all economically viable use of the subject property taken as a whole'*. That is a huge hurdle for his mind to overcome. He said we've had testimony that if we were able to do the low income housing tax credit it would be a wonderful thing. But, we don't have any guarantee of that, and we have seen no such projects approved north of Albuquerque or I-40 last year, no guarantees can be offered. He said he is really struggling to find any means of saying he thinks that has been met in order to consider the alternate compliance mechanism at this point in time.

Mr. Siebert said, "The hardship provision was addressed, and addressed as part of the CDC packet. It basically is, as I stated, that Pulte has two components – the subsidy and the loss of revenue – which makes the project not viable."

Councilor Ives reiterated he doesn't see that in anything in the packet in terms of a clear demonstration of that. He said, "I'm not sure I can necessarily go with the alternate compliance model on that basis because it does not seem to be supported in our packets. I'm not sure if the City Attorney has anything. She's occupied otherwise. Has your office reviewed anything to suggest that there is an extreme hardship in this instance."

Ms. Brennan said, "No Councilor, we have not."

Councilor Ives said he shares some of the points of view expressed by Councilor Dimas and Councilor Maestas with regard to the location of the affordable units, noting Councilor Maestas said they appear to be segregated from everything else, and the site doesn't include those units, they're off to the west, across the road and sort of away from the gated.

Councilor Ives asked Ms. Brennan if there is anything in the Code about rules or regulations related to the approval of gated communities, or if that is considered on a case-by-case basis.

Ms. Brennan said, "I don't believe there is a specific prohibition. I believe the General Plan express a preference that there not be gated communities, but we have allowed gated communities under certain circumstances. And someone from Land Use may be able to speak more specifically to that."

Mr. Smith said Ms. Brennan has accurately stated the Land Use Staff's understanding of that. There is a policy in the General Plan that strongly discourages gated communities, but there is not an actual Code prohibition in Chapter 14, and there have been a small number of gated communities that have been approved under Chapter 14.

Councilor Ives said he expects that is a reflection of our desire to have the General Plan promote community, rather than segregated areas of town. He asked if someone from Pulte can tell him how this promotes community rather than segregates a section of the City into its own small community.

Mr. Price said, "Pulte has an institutional history and knowledge around the country of acceptance and preference for gated communities. I mentioned earlier in my testimony, we did an exhaustive survey of more than 4,000 respondents of people that lived in New Mexico or others interested in moving to New Mexico. They said the top 2 reasons which we know, I was born and raised here, climate and culture. That's the reason why they want to stay here and move here. The things they're most concerned about is security and safety. We've seen throughout the State, and not specific to one location, some of the crime rates that made the news. And so they are responding to that demand."

Mr. Price continued, "And in fact, in Albuquerque, we just launched a true Del Webb community that is gated and also adjacent to family buyers, next to an APS School site. They integrate. They use the parks and the trails. They are outside of the gates and all of the common areas which you will see in our proposal here too. We have plenty of trail network on the edges of that and around it. It's not too large of site where those folks, and in fact, we have an HOA that promotes the blending of those folks in community events and such. We've done this around the country and there is a very successful project in Albuquerque, which is now the fastest selling community in New Mexico, which has the exact same model and it's community rich. I think if you ask the people that live there, they'll tell you it's not segregated."

Mr. Price continued, "In my early testimony, I also mentioned that only 10% of that demographic is what we're serving at Las Soleras. So we're not saying we're the only solution, we are a choice for that 10% of buyers that would choose to live in a gated community. There's 90% as not being met elsewhere possibly, so we're just one element and one choice."

Councilor Ives said, "I understand you are responding to your understanding of the market. Our Code promotes, in fact it takes a sort of leery eye towards those types of developments. And certainly, from my perspective, not without good reasons."

Councilor Ives said he has a few questions on park space, and in the materials that were distributed, there was reference to Monte del Sol School and there is a sheet talking about commitments to Monte del Sol School. It says, '*Reduction in lots adjacent to the school from 10 lots to 1 lot,*' and I was just trying to figure out what adjacent meant in that context. There is one that shares a line and then there's a

bunch across the street, and then there's one of those green spaces you talk about, so that's a reference only to the fact that one particular lot shares a boundary line with the School."

Mr. Siebert said they have a slide that would indicate 3 things from Monte del Sol, and that would be the reduction in lots from the previous design to the current design, the location of the place where the practice field will be donated by Pulte, and then the actual location where the fill would be added to the Monte del Sol site making it more developable.

Councilor Ives asked if the proposed playing field is the small piece of land immediately to the east of the school.

Mr. Siebert said that is correct.

Councilor Ives noted it is shown on one of the drainage maps as a "future detention pond." He asked, "Walk me through how a detention pond is a great playing field for Monte del Sol School."

Mr. Siebert, "In this particular case though, it's a large pond, so it's a very shallow pond. And in this case, it will be graded to be a completely flat surface, it will be approximately, and correct me if I'm wrong Fred, it will be approximately a foot deep. Fred Arfman is the Civil Engineer on the project. And what Pulte would agree to do, is they would level the site and prepare it for a flat playing field. It would serve as a pond, and would collect water, something that is used quite often in Albuquerque for parks and recreation because it is so flagged."

Councilor Ives asked where the drainage coming into the detention pond comes from.

Mr. Siebert said it is coming from the Beckner Road area, is carried through and into the pond until it is carried through in streets.

Councilor Ives asked if the practice field is adjacent to the future gym.

Mr. Siebert said that is correct, at least on the plans he's seen from Monte del Sol, there is a gym on what would be the adjoining property.

Councilor Ives said it seems a good deal of the open space you are proposing to add is along the relocation of the electric transmission line.

Mr. Siebert said that is correct and it is also for the location and the trail and the series of ponds they placed to reduce the flooding.

Councilor Ives said the plan in that regard is well up to the BLM or the Forest Service motto of, "Land of many uses."

Mr. Siebert said it is.

Disclosure: Councilor Ives said, "By the way, my wife is an attorney at Cuddy McCarthy, but I don't think she's involved in this and there's certainly to either her or I, from any of this proceeding, and I did speak with the City Attorney who did not perceive any conflict, as I did not either, but wanted to make sure I had disclosed that though."

Councilor Ives said he has a question of Dr. Robert Jesson, Head Learner, Monte del Sol School [previously sworn].

Councilor Ives asked Dr. Jesson, as Head Learner if has he reviewed the sheet explaining the commitments to Monte del Sol, and what is his impression of the commitments. He understands Dr. Jesson's criticisms of the development he is making, but "now, I'm asking specifically, in connection with its impact on the school.

Dr. Jesson said, "Monte del Sol has a full range of teams, boys/girls soccer, JV soccer, so currently we are using the MRC which lately has gotten a lot of requests recently as practice fields and also fields for competing. If we had the retention pond/practice field, that would be adequate for PE classes occasionally, but it wouldn't suffice for any of the sport teams to practice adequately after school of have any event. It's not large enough for a legal size soccer field or another sports field. Whereas, according to the original Master Plan, you had the 20 acre park with the active field. That would be athletic Nirvana for Monte del Sol, and I think also for the residents of the Las Soleras community who have yet to move into those homes. In a sense, we're looking at Nava Adé's desires, and we're just assuming that people who move into those homes wouldn't need those, but I get off topic a little bit. Does that answer the question."

Councilor Ives said, "Yes. I did see one map that suggested there was a 5 acre park space to the immediate West."

Dr. Jesson said that was in a previous plan prior to the change in the Master Plan that suggested a 20 acre active park adjacent to the School, that was the previous idea of the playing field or the active park, noting there have been several maps and plans throughout this period.

Councilor Ives asked Pulte if the location of a five 5 acre park next to the school as a park nestled within the homes there is reachable or unattainable in terms of its business model.

Mr. Siebert said previously, Dr. Jesson talked about that site. He said currently the high voltage line cuts through that diagonally, and the drainage we talked about with the 145 csf was also located on that particular tract, and it would be very difficult to develop that tract for play fields, bottom line.

Councilor Trujillo said he has some issues, one of which is a gated community. He said the only gated community in Santa Fe he knows of is at Quail Run. He said that's not what he sees for the south side of Santa Fe. He said he remembers all the things we discussed when this was before the Council previously. He remembers Councilor Ortiz bringing up the park at the eleventh hour. He said when we

had this discussion it was all about new jobs in Santa Fe and affordable housing for the workers, and that is all this was going to be, "and it was a good spiel, it was, because that's what we wanted here in this community, especially on that piece of land. As Councilor Maestas said, we're missing an opportunity to do these things."

Councilor Trujillo continued, "Another thing that really irks me, and I've gotten a lot of calls from a lot of parents of children attending Monte del Sol, and hoping if they move in there that they do want a park. Being the representative from District 4, we're very fortunate we have so many parks in my district, but unfortunately, the south you get, those parks aren't there, as Councilor Dominguez and Councilor Rivera can attest to. And I believe having the 20 acre park as was just stated would enhance the quality of life for the people living there and also for the school."

Councilor Trujillo continued, "It's kind of funny, when somebody said the way a question was framed, well of course, we're not going to say crime, violence and drugs, well what are you going to think. Yes, all this stuff happens in parks. It happens all over Santa Fe, not just the parks. The thing about is we Police Officers, they go there, they protect, they check this out. I was hoping Matt O'Reilly, is he still here. At the time, you were the Chair of the Planning Commission."

Mr. O'Reilly said yes.

Councilor Trujillo said, "And you were the Land Use Director with the current plan. Is that right. I want to ask you two questions. Is the Pulte Plan consistent with the spirit that was approved in the master plan."

Mr. O'Reilly said, "No."

Councilor Trujillo asked, "Does the proposed plan help with the effort to bring new jobs."

Mr. O'Reilly said, "That I don't know, and I didn't mean to be so flippant with my first answer, but the change in zoning that is being proposed is quite a bit different than what was approved in 2008, so that's why I say it doesn't comply with that. We have another large master plan community in Santa Fe that is actually very successful. It's called Tierra Contenta. And in Tierra Contenta, there are a number of subdivisions and there have been lots of small changes to that master plan over the years from time to time. For example, sometimes what was planned on one tract in Tierra Contenta was swapped and done in another site, but at least within Tierra Contenta there has always been a consistent level throughout the whole development of a certain amount of affordable housing as an example which was always maintained. The reason was because a non-profit corporation was running Tierra Contenta and making sure their main goal was to carry out that master plan."

Mr. O'Reilly continued, "I think if the Council wants to go down the road of lowering density in this project it can do so, but I would concur with a lot of what Councilor Maestas said. There are very few places in the City where we have actually master planned for this kind of higher density. And many of you have been around and watching this process for many years and you know how hard fought some of that was and the reason the reason the 2008 master plan was approved unanimously by both the Council and

by the Planning Commission. We've seen the fate of some of our higher density projects in the recent past. I'm not sure where we build high density housing if we don't build it here, quite frankly. That's not to say that some of the points that were made tonight by the neighbors particular, there aren't opportunities to potentially blend this project a little bit better with Nava Adé. I would point out that one of the largest tracts as currently master planned in Las Soleras is already an R-6 tract which is on the northern edge of Las Soleras and the southern edge of Nava Adé. That's why I say I don't think it really complies with the intent of the previous approval."

Councilor Trujillo thanked Mr. O'Reilly for his response.

Councilor Trujillo said, "Clarify this for me. What I saw in the slides, right now as the Master Plan states, 2,087 dwelling units would be built. Right, as the Master Plan stands now."

Mr. Siebert said, "That's correct if you were to take the underlying zoning and take it to the maximum possible, there would be 2,087 dwelling units."

Councilor Trujillo said they are now proposing 1,000 dwelling units.

Mr. Siebert said yes.

Councilor Trujillo said, "Well that means 1,087 possible families won't get a house in this subdivision now. Can I say that."

Mr. Siebert said, "Yes. There's this consideration, but Pulte is only one project in Las Soleras, and in fact Ross's Peak is developing [inaudible] units for you. So there is a provision for a lot higher density housing, so the remaining land is zoned R-21, which means 21 units per acres. So there still is opportunity left to provide for higher density housing."

Councilor Trujillo said, "Everyone talks about the streetscape, how thin they are. As I recall, during the discussion back then, were there provisions for wider streets. I think we had that discussion, but I didn't look at the minutes, but I remember Councilor Ortiz was talking about that, instead of having 8 foot streets, having 12 or 24 feet... I don't know... like in Bellamah. We did have that discussion, do you remember any of that discussion."

John Romero said, "I somewhat remember it. Right now, my understanding is that City Code allows for either a road without parking, a road with parking on one side, or a road with parking on both sides. And the off site parking requirements are a function of house, something I'm not too familiar with. For this particular project, we did recommend that they meet Code requirement and that would be two 10-foot lanes if they were going to have parking."

Councilor Trujillo said will these streets look like Tierra Contenta. Will they be wider.

Mr. Romero said, "Yes and no. They'll be wider than Tierra Contenta, but there will be instances where there will be parking only on one side similar to Tierra Contenta, and not on the other."

Councilor Trujillo said, "I don't want to drag this out, but when we had this discussion many years ago, it was a subdivision where you have locals, like Tierra Contenta on the other Cerrillos Road, and that's what I envision, and still envision that. I still think it happen, whether you want to, or not. I hope you want to, because there are demographics of 55 and other, but there are also demographics of young people just starting in life, wanting to live in this community. Unfortunately, what's happening, is where's the better deal – Albuquerque. I want to keep our local people here in Santa Fe, and if it means higher density.... I live in Dale Bellamah and that's a heckuva high density. It's a wonderful community. I see Las Soleras as Bellamah like. People living there, prospering. The way this is coming before us, I'm sorry, I can't support it. Thank you Mayor."

Councilor Lindell said she previously sold affordable housing. She said, "I will tell you that I never thought of at the time, Centex as the Exxon Valdez. I thought of them as the Queen Mary. They provided an astounding amount of affordable housing to this community. And they were generous about it, they were cooperative about it. And when the market went in the wrong direction, it wasn't pleasant for them, but they were forthright about it, and they supported affordable housing in this community. They sat with the houses in the affordable program with a given price, but the market was selling houses for less than that, and they sat with them for a long time, and they kept their work with it, and they did right by us. So, to think of them as the Exxon Valdez is some improper thinking, because I've had a lot of experience in selling their clients to affordable homes."

Councilor Lindell continued, "With that, however, I am concerned about the affordable agreement we're looking to enter into here. We have years and years of experience with Sharron Welsh, all of it positive and all of it good. But this, it's a little risky with looking toward tax credits. And I'm hoping you would have maybe a Plan B for us or something else we could consider. I don't know if you can speak to that tonight, or if that's something you would speak to in the future."

Mr. Price said, "Thank you for your kind comments. We were brainstorming about the challenge the Mayor gave us: what could we do try to minimize the risk. And absent any significant financial guaranties, which I don't think we can commit to that, would be the opportunity for us to somehow come back before you, or hold up or delay issuance of building permits for Phase 2 of our project, so we can reassess the commitment we've made to have Sharron be the most successful that she can be, and us to help facilitate this project and see how things are going. It's that kind of commitment. If we all believe, and I surely agree, Sharron's a fantastic resource, that if we get all hands on deck, including Pulte, and we'll be there, not just signing an agreement and leaving."

Mr. Price continued, "But signing an agreement and watching it come to fruition, helping that, and putting all the cards on the table, saying we believe it so much that we'll come back before you for Phase 2 to reassess our success, or lack thereof. I'm optimistic it will be successful. In fact, although we provided conventional ways of meeting the affordable housing, I do believe this is going to be a really neat litmus test to what can be done. It's not the only solution, but it's a new solution to the new needs that were outlined in the 2013 housing development. So Councilor Lindell and Mayor Gonzales, I don't know if that's

the solution you're looking for, but it's something that I think gives it some teeth and a commitment that we're not going to just do Phase 1 and walk away. We want this to be successful. This would be our new flagship."

Councilor Lindell said, regarding gated communities, gated communities aren't her preference and don't work for her, but she doesn't think it is for her to be critical of people with that preference. Different people like different homes, noting some people live in teepees. She doesn't want to turn away a potential development in Santa Fe over something like a gate as a reason for not approving this. She said it's amazing the number of people and the diversity of the background of the people who came forward and supported this. She said that speaks well to how much time has been spent on this and the work that has gone into it.

Councilor Lindell she thinks in the Planning Commission minutes, there was an indication of 3 acres of property being offered to the schools.

Mr. Siebert said that is correct. He said the reference was that previously, Las Soleras had gifted 3 acres of land to Monte del Sol, and it's that little "bump out" that goes into the property. In the future that's where they plan to put their gym.

Councilor Lindell asked if it was accepted.

Mr. Siebert said yes, it was gifted in 2006.

Councilor Lindell said then that was a previous gifting and Mr. Siebert said yes.

Councilor Rivera thanked everyone for staying through meeting, listening to us and having the patience to go through the questioning process and listening to the answers. He thanked everyone for really coming together. He said the last projects we've heard, the neighbors are against the builders and it makes for a much longer night than we've had tonight. He thanked Pulte for implementing some of the things the neighbors wanted into its plan, and commends them for that.

Councilor Rivera, "Like my colleagues, again, I think they asked most of the major questions, but I don't particularly like the low income piece, how it plays, how it's segregated, but I think I understand why it's there, and I'm not sure who gave us this *In the City Different Renting Gets Tougher* article, whether Pulte, staff or someone else. I realize there are different needs for different types of people and we have to make housing affordable for everybody, whether we think they want to live in a house or in a manufactured home or an apartment, I think we have to make sure we offer different avenues to meet those needs."

Councilor Rivera continued, "With regard to the park, I think a commitment was made to Monte del Sol and would like to see that honored. I think if I knew that the Santa Public Schools had property near the proposed location of a park I might feel better with it. But without knowing where that school is going to be, I feel we should honor the promise that was made to Monte del Sol."

Councilor Rivera continued, "And lastly, similar to what some of my colleagues said, is really the opposition to a gated community. There's one currently at the end of Governor Miles, just east of Yucca, and as you drive down that street, the whole neighborhood looks very inviting. And that specific neighborhood which is less than 20 homes, looks uninviting. It doesn't look like they want anything to do with the community. So I would really like to see that removed from the plans as well. With that Mayor, those are my comments. I think all the major questions have been answered, so thank you."

Councilor Dimas said we haven't heard from Presbyterian Hospital, and understands there is someone in attendance representing them.

Mayor Gonzales said they do have property there, but there is no one from Presbyterian.

Councilor Dimas asked if anybody can tell him what Presbyterian's plans are for the acreage.

Josh Skarsgard, 3500 Camel Farm Lane, Attorney, Las Soleras Development, was sworn.

Mr. Skarsgard said he is a developer/land use attorney, and a former City of Albuquerque Hearing Officer. He said Presbyterian closed on the 40 acre Lot 8, which is owned in fee by Presbyterian Hospital, which is completing its remodel and expansion of its Rust Medical Center in Rio Rancho. He said they were told that after that was completed and they retired some debt they would turn their attention to Santa Fe, so there is no firm date, but in 3-5 years there will be more investment from them in this project.

Mr. Skarsgard said, "Briefly, I wanted to, Councilor Trujillo and Councilor Maestas, I want to address some of your concerns. He said the 550 acre Las Soleras project has 5 residential components, and Pulte is one of the 5. Ross's Peak is 6.5 units per acre. We're working on a GenCap apartment project from Texas which is 22 density and it's 4 acres. We working on a Spectrum Senior Housing Project, assisted living, it's 20 dwelling units per acre. So this Pulte project is getting a lot of attention tonight, but I just want to make this very clear to this Council. This is a very important vote, I think, for this Council, because Pulte has done extensive research on the data of your market, the City of Santa Fe. 75% of the housing in the City of Santa Fe is either age 55 plus, or it's move up families. I'm 37 and have 4 kids. None of your workforce in Santa Fe has housing opportunities here."

Mr. Skarsgard continued, "Pulte has identified that 51% of your workforce used to live in Santa Fe, and it's down to 38%. You're losing your young families, they're living in Rio Rancho and Bernalillo. Pulte has responded to the market. This Pulte project is one of 5 inside this Master Plan. It is responding to the market, so if say no to this project right now.... we didn't come back with a 2000 Master Plan... this goes away, it stays vacant. Pulte is one of the few national builders that is building in Santa Fe. I was here when you adopted it, Councilor Bushee was here when the Master Plan was adopted in 2008 that contemplated 2,000 units."

Mr. Skarsgard continued, "Councilors, the great recession happened since 2008. Pulte is responding to your needs for housing. You're only going to solve 10% of your housing needs, but they've responded to it. The 2,000 units was pre-recession. 1,000 is responding to your market, and if you guys don't take this opportunity it doesn't go, we come back in 2 months with a 2,000 unit master plan, we come back with, I don't know. We've been trying to market this property for 7 years. Pulte has stayed in Santa

Fe, and navigate your affordable housing and water rights, and parks, and they've committed to your community. I just want to make that clear, there are 4 other residential in this that are addressing these needs. Thank you."

Councilor Dimas said, then Presbyterian, to Mr. Skarsgard's understanding is committed to come here anyway even if this project doesn't go through, or does he have any understanding of that.

Mr. Skarsgard said they own the property so they eventually will make the investment, commenting that Presbyterian was delighted that Pulte was going to make a 104 acre investment, because they need nurses and doctors. He said they work with Mr. Price, the State and Pulte and we're all in this together. If Pulte gets rejected by this Council tonight it will be bad for Presbyterian's plan in his opinion, and will hurt the State GDS's motive to move out here, noting everything is tied together.

Councilor Dimas reiterated he lives in a Pulte home, and he supports the project. He thanked the people from Nava Adé for the time they invested in this project, and for asking the difficult questions that need to be asked, although he isn't thrilled about the gated community and doesn't think it is an answer to crime.

Councilor Bushee said she doesn't hear anything tonight from her colleagues that underestimates the magnitude of this decision and she heard great things about the developer and the process. She said you've heard that we want less risk on the affordability and to look at densities in a way that would fit the neighbors and meet the goals of the Master Plan we approved originally. She said we also want the Schools issue to be addressed.

Mayor Gonzales said, "Before we go to a motion. I'm a little worried potentially as to how this might go. I think it's worth reiterating that 39% of our working population lives here. We have passed more Resolutions as a City Council than he thinks we've issued building permits to date. And that says how much building has slowed in our community. Over the past month, front page, top article, Santa Fe ranks last in construction in the country. What we've seen tonight, we've been almost dying to see a neighborhood association walk hand in hand with a developer, and agree on something. And I understand Councilor Maestas's point that it almost looks like an extension of Nava Adé, but it almost should because it's right against Nava Adé. I think the reality to the market today than when it was approved, is that when it was approved it was an exciting plan. I think it can get there, but the reality is that as a community, we've grown older. The average age of our citizens has gone up, our wages have gone down. I don't think we need a commission for us to know that are hundreds of millions of dollars earned in our community that are spent in Rio Rancho and Albuquerque."

Mayor Gonzales continued, "And tonight, I don't know.... when you have the approval of the Planning Commission, the Community Development Block Committee on the alternative housing, the support of the neighborhood associate, the fact that we are struggling to get our economy moving, how we could actually say no to a project that has all those boxes checked."

Mayor Gonzales said, "My hope is that we support this project. I think if there is a motion to approve it, we should accept Pulte's offer to withhold issuing permits in the second phase until the affordable housing component could be addressed, if it hasn't been by the point. And let's get these homes built and get people in them, because those are price points that people who live in this community can actually move into, so with that, I hope we can see this come to fruition and move on. So is there a motion."

The following cases are listed in the order they were voted upon:

- 2) **CONSIDERATION OF RESOLUTION NO. 2015-84; CASE #2014-124. PULTE LAS SOLERAS GENERAL PLAN AMENDMENT. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL OF A GENERAL PLAN AMENDMENT TO AMEND THE EXISTING GENERAL PLAN FUTURE LAND USE MAP DESIGNATIONS FOR 12.91± ACRES FROM HIGH DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL; 16.06± ACRES FROM MIXED USE TO LOW DENSITY RESIDENTIAL; AND 3.73± ACRES FROM MEDIUM DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL; AND APPROXIMATELY 0.0095± ACRES WITHIN A NORTHEASTERLY PORTION OF TRACT 12B, LAS SOLERAS FROM MEDIUM DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL. THE PROPERTY IS CURRENTLY VACANT AND LOCATED WITHIN THE LAS SOLERAS MASTER PLAN. (ZACH THOMAS) (Postponed at August 26, 2015 City Council Meeting)**

MOTION: Councilor Lindell moved, seconded by Councilor Dimas, to adopt Resolution No. 2015-84, approving Case #2014-124, Pulte Las Soleras General Plan Amendment, with all conditions of approval as recommended by staff.

CLARIFICATION OF ANY CONDITIONS OF APPROVAL BY MAKER: Responding to Councilor Lindell, Mr. Thomas said there are conditions in the staff packet attached to the Rezone Ordinance, so those conditions apply to the Rezone and the Master Plan Amendment, but not to the General Plan Amendment. So the General Plan Amendment would not have conditions.

Mayor Gonzales asked what the Motion includes, would that just be the General Plan Amendment.

Councilor Lindell said it's just the General Plan Amendment and then there will be separate motions on the other.

DISCUSSION: Councilor Dominguez said, "This, in my opinion, is not intended to be a reflection of Pulte and it's not intended to debate the commitment of Las Soleras in general. Part of the job we have is to ask those tough questions. And one of the questions I asked still has not been answered, and that is how much park space is going to be usable. Now Jim, to your credit you said there is going to be enough space all together to put 4 parks. But it's a good thing I'm a cartographer and I understand how to read contours. Because what I'm looking at does not look like there is enough space there for active play, soccer, whatever the case may be. Yes, it's the open space, and you can use some of it for active park

space, but it's not, in my opinion based on what I see and everything else, qualified as active park space. And again, I haven't been given a straight answer about that. I'm just been given the run-around if you will."

Councilor Dominguez continued, "And the second thing is that this is definitely going to have an impact on our public schools. We have been accused in the past of poor planning. You are approving all of these developments for the sake of affordable economic development and doing all this stuff, and affordable housing is being hung over our heads and being asked to approve it, without considering the impact it has on our children and their ability to learn and to make our world better. The reality is that the southside schools are over capacity. I appreciate the commitment to help the Public Schools try to find a space for them, but without having that answer right now, it's hard for me to support this, because we have no idea where those kids are going to go school. Monte del Sol is not a public school, it's a public charter school and that distinction needs to be made. I appreciate everything you've done for Monte del Sol and I am sure they do as well, but the reality is that they are not a public school. The only authority the School District has over Monte del Sol is their budget. I don't think using Monte del Sol is a way to say we're complying with the Public Schools and the need for educational institutions is making the case. I'm not asking for a response."

Councilor Dominguez continued, "And so, again, those two things. I haven't been given honest answers I don't believe, in my opinion, and I'm really concerned about the impact it's going to have on the Public Schools, so I'm not going to be able to support the motion. Thank you."

Mayor Gonzales asked, "On that point couldn't there be a condition... the issue of the Public Schools, you're right, they've got to basically say yes, we want to go in there and that wouldn't have to happen. But couldn't there be, as part of the General Plan Amendment, the ability to keep a Public Schools option alive in this. It would be for the schools to say we're ready to build."

Councilor Dominguez said, "I'm not opposed to that, but that's not what I heard."

Mr. Smith said, "The Land Use staff would advise the Council that a condition of that type would be more properly applied to the Rezoning and Master Plan Amendments than to the General Plan Amendment."

Mayor Gonzales so, "To Councilor Dominguez's point, and not being able to get that clear answer, do the schools want to build on Las Soleras."

Mr. Smith said, "The Land Use Staff is not in a position to represent clearly whether it is in the School District..."

Mayor Gonzales said, "In the rezoning, or later, the condition was then that there would be a space available when the Schools call on it."

Mr. Smith said, "The Planning Commission and staff are aware the applicants were engaged in extensive discussions about how best to achieve that. But I'm not sure the Planning Commission knew that the School District said absolutely we will build a school if the site is available. They had discussed the

possibility and the condition recommended by the Commission anticipates the possibility that the School District would prefer sites in that neighborhood to any particular site that the applicant might offer.”

Mayor Gonzales said, “Somewhere along the line, if we get to it, there can be a condition that’s placed on one of these points that would require Las Soleras to make a site available to the schools. Correct.”

Mr. Smith said, “I believe it is within the....”

Mr. Shandler said, “It is my understanding that as of today, the School District and the developers are meeting and they have not disclosed to staff what their discussions are. So it’s very hard for us to come up with a condition right now since we don’t even know what the proposal between the two of them.”

Mayor Gonzales said, “Can there be a condition in Las Soleras that there is a site that’s made available. It doesn’t have to be marked now, but that they would make a site available that would be brought back to the City for approval.”

Mr. Shandler said, “Sure there can be a condition, yes. We just don’t...”

Mayor Gonzales said, “We just know what it is right now, because the Schools haven’t said they want it.”

Councilor Maestas said, “I just want to say, in general, that almost all of my comments are entirely consistent with the Staff Report. I think the major disconnect was the Staff Report and the Planning Commission actions taken. So I’m not coming out of left field, because I very much agree with the Staff Report in this regard. And I just don’t think that.... undeveloped land in the City of Santa Fe is so hard to come by, and by lowering the density, I don’t feel it’s a wise use of this undeveloped land. And I think it makes our infrastructure a lot more expensive since it’s servicing fewer people. But I don’t want to see this effort go down. And so what I would like to propose is that we postpone action on this and allow all the stakeholders to gather, with direction, because there’s a lot of moving parts. There’s insufficient space in consideration for a school. I can’t compromise on the densities, but I’m willing to maybe consider a transitional density from Nava Adé going into the Pulte development. I would be open to that. But I’m not sure that we can really address all these moving parts here on the fly.”

Councilor Maestas continued, “Perhaps, maybe we should give appropriate staff, developers and stakeholders some time, with our direction to maybe come up with a compromise. I do want to see this go forward, but again, the Councilman in me and City representative in a way, and District representative, is like.... our economy is recovering and development and construction is picking up and I think that we ought not to just take whatever is offered to us. I think we ought not to just take what is offered to us. I think we ought to scrutinize what’s being offered, but compromise, still understanding that this is a slow recovery. I would be willing to support a motion to postpone and give stakeholders and staff time to come up with a solution that addresses some of our primary issues.

MOTION: Councilor Maestas moved, seconded by Councilor Bushee, to postpone this Case, for a period of time not to exceed 60 days.

DISCUSSION ON THE MOTION TO AMEND: Mayor Gonzales asked what we are trying to get in 60 days that they haven't achieved with the neighborhoods in a year. He said, "I think if it's an issue of staff having to work through trying to work some transitional zone to a higher density, we still have control of the rest of the Development Plan outside of Pulte. What we have in front of us an agreed-upon plan between the neighborhood and Pulte. So I'm guess what I'm wondering is, can't we still address the issues you've talked about by sending direction to staff to sit with Las Soleras developers to be able to address some of the rest of the issues going on in the community. If the intention is over the next 60 days to get Pulte to reconfigure what's already been presented through all the Planning Commission, I don't think we're going to achieve that objective."

Councilor Maestas said, "We have the currently approved Master Plan, that is in place, that is approved. I think maybe going where we are right now to try to meet a lot of the Master Plan requirements can be one of the goals for this. And the issue regarding the School is a significant issue. And I think if it's going to prevent Councilor Dominguez from approving, I think it needs to be another consideration that may not be addressed subsequently."

Councilor Bushee said, "If I could answer to the second I made. I don't want to see this derailed. I don't think we're half off, but there are concerns. I have heard the gated community is a concern. I would like to see that discussed and opened up. I would like to see the risks on the affordable housing piece nailed down. I would like to the School and the land and the park issue hammered out. This means all the stakeholders here, and I believe that the densities, in looking at the original Master Plan, along with what we've been presented this evening, there's somewhere in the middle that could maybe, perhaps work things out a little better. Maybe this is a whole kind of El Rio scenario where we're trying to stuff a hugely dense project in a very small space that had been rural up to date. This is our future. This is where we're going to grow mostly in this part of town. We had a master plan that we approved, and I understand a lot has been compromised and worked out and I don't think we're not that far off."

Councilor Bushee continued, "I too don't want to see this project go away. I don't want to see anybody but Pulte develop this plan and I want to see Las Soleras succeed and see new jobs come in. But I think there's always room for compromise and trying to work out the details that we're having trouble with this evening. And I just think there's an opportunity for use to do that."

Councilor Dominguez said, "Honestly, don't want to not support this. I want to support this, but there are some questions that need to be answered that no one can answer for me tonight, or they don't want to answer for me tonight. I'm hoping that some of this stuff can get squared away. The School District. I want to be comfortable in knowing that whatever kids are going to live in, not only Pulte, but all the other developments that Mr. Skarsgard talked about are going to have a place to go and we're not going to burden the existing schools, that's one of them."

Councilor Dominguez continued, "The park space. I want to know better that it's not just going to be land that isn't wanted that is going to be dedicated as park space. It's going to be quality space for residents. And I'm sure the developers want that too. They want their residents to live a high quality of life and they're going to make it as high quality as possible, but not compromising of other things. I want to see the affordable housing issue hammered down, it's great we're going to hopefully move in that direction. But

we shouldn't make decisions with some of these issues kind of hanging over our heads without clear understanding and good answers, and I'm not hearing anybody give me some of those answers."

Mayor Gonzales said, "The staff couldn't answer the question regarding the schools. What is the status between Las Soleras and the Santa Fe Public Schools regarding a site, and do you have anything as part of the packet that says what that status is."

Mr. Price said, "This Applicant is 100% committed to providing a 10 acre school site. We've offered 3 sites inside of Las Soleras that had various problems. We're either going to solve it on site, or we're going to buy or exchange for property off site that meets their needs. Councilor Dominguez, we're to introduce a floor amendment condition of approval that this project has to provide 10 acres."

Nancy Nieto, Public Schools was sworn. Ms. Nieto said, "Yes, you are right, there's an existing, outstanding condition of approval and part of your Findings of Fact, is that they will be obligated to provide a donation to the Schools of approximately 10 usable acres for a future school site, and the value is going to be secured by collateralization of another lot. I know originally in the Annexation Master Plan, there was a site identified for schools, institutional. However there was a condition then added as part of the proceedings that the Schools would work with the developer to identify more active park land. So that was lost as a potential school site. And the developer has offered several sites within Las Soleras that did not meet the requirements of the Board of Education. We are working with them. We met today to work on the documentation to support this condition to have the documents in place, the pledge and a lien of some sort on the property, but at this point in time we do not have a site identified."

Councilor Dominguez said, "That's the problem. If I knew better. There's no doubt that there's a commitment. You all want to do the right thing. I get that, I understand that, there's no doubt about that, but I don't know what those impacts are going to be. Is it going to be an extension.... when you say off site, another location, right, is that what you said was part of the offer Mr. Skarsgard."

Mr. Skarsgard said, "We can do this together. Again, we have a mortgage collateralizing this commitment. It's a current annexation. Kelley could probably back this up. The Annexation conditions of approval adopted in 2009, have a requirement that we deed 10 acres. We've offered 3 for varying reasons that didn't work. So we've recorded a mortgage, collateralizing the value and we're working, we're shopping. We want nothing more than to provide a 10 acre site."

Councilor Dominguez said, "You're shopping, but are you shopping in this project."

Mr. Skarsgard said, "No. South Santa Fe, I'm sorry."

Councilor Dominguez said so that's part of my concern is when you say that, what does that mean.

Mr. Skarsgard said there is a neighboring parcel on Beaty and we're in discussions with them about a 10 acre site. There's a site across.....

Councilor Dominguez asked, "Are you are going to commit another project to this."

Mr. Skarsgard said, "Councilor Dominguez, with all respect, we've offered 3 10-acre sites inside Las Soleras."

Councilor Dominguez said, "I understand that. I respect that. I appreciate that, right. But that's not a concern of those children who are going to be a part of this community. So are you going to commit another project to this, the Beaty project."

Mr. Skarsgard said, "We are 100% committed to finding the 10 acre site. We've offered 3 10-acre sites, we've got a mortgage collateralizing cash to them, and we're shopping. It's like an Easter egg hunt. Anything in south Santa Fe we're offering them to solve the 10 acres."

Councilor Dominguez said, "When you find the good one, let me know where it is."

Mr. Skarsgard said, "Okay. Councilor Dominguez, I want to be clear. We are providing a 10-acre school site."

Councilor Dominguez said, "Mayor, with all due respect, I understand that. I get that you want to do the right thing, but without some of those details and some of that information I don't know if I'm comfortable with that, just that vague statement. This community has been burned too many times, and I want to make sure we're not going to get burned again. I want to trust you, I want to believe you. That's why I'm saying that maybe we need a little bit more time."

Mayor Gonzales asked Councilor Dominguez are you proposing we wait until the school says they have found a site, or, when you say we're used to being burned, what he heard was the issue of Las Soleras committing to, whether on site or at a location that the School District would prefer, that they would have to pay to make sure that site was available. He asked what is the direction Councilor Dominguez looking to give to be able to bring more clarity to how we can assure there is a proper parcel available that meets the needs of the school, more so than what we've heard tonight.

Councilor Dominguez said, "A map that shows me where those potential locations could be."

Mayor Gonzales said just potential locations, not actual committed locations.

Councilor Dominguez said there are sites in Tierra Contenta, and actually an institutional zoned ready to go site that could provide the infrastructure for and build the infrastructure and really help Tierra Contenta and provide space for kids. He said he isn't suggesting we do that, "I'm not about to barter tonight." He said he would like that sort of indication.

Mayor Gonzales said if the schools aren't prepared to tell us that for some period of time, do we just put them on hold until the schools give you location.

Councilor Dominguez said, "I definitely would. In fact if the legislation that I first wrote that made this happen, indicated that if the School District didn't reply, then we move forward without them. And we can't be held accountable for poor planning on their part. But I'm not hearing a clear connection between the School District and the applicant, other than, we're going to work together. I don't know what that means. Working together could be just clear communication, or sitting down and looking for sites, site opportunities."

Mayor Gonzales asked Ms. Nieto if the Superintendent intend to identify a location that Las Soleras will be able to provide to address the needs of the children in this area.

Ms. Nieto said, "Yes, but it takes quite a bit of time. Once a site is identified, it has to be investigated by the Schools, determined to be suitable, and then taken to the Board of Education for approval."

Mayor Gonzales asked how long it will take until the Superintendent determines what site he would like for a new school.

Ms. Nieto said, "The process we've laid out so far, is that it is going to be a pledged agreement, where there is a written commitment on the part of the subdivider here to provide property of at least 10 buildable acres that is acceptable to the school. That commitment is collateralized by a deed of trust or mortgage lien on another piece of property. If it's not fulfilled by a certain point in time, then the School gets the benefit of that collateral to go out and purchase property that is suitable."

Mayor Gonzales asked if that commitment, the agreement in place right now.

Ms. Nieto said is they just started today to negotiate it, we had our first meeting.

Mayor Gonzales said, "I'm confused. From what you're saying and what the developer said, because I thought the developer said they pledged that to you. Am I wrong."

Ms. Nieto said it is a condition of approval, but we don't have the signed documents yet.

Mayor Gonzales asked, "It's a condition of which approval."

Ms. Nieto said of the Planning Commission.

Mr. Thomas asked the Governing Body to go to page 37 of the packet, there is a condition of approval that says, *"A donation to the Santa Fe Public Schools of approximately 10 usable acres for a future school site. The value of the donation will be secured by the collateralized value of another lot within the Master Plan."* Mr. Thomas said the language that is being referred to.

Mayor Gonzales asked, "On that condition itself assures and addresses the issue that Councilor Dominguez has brought up regarding protecting and assuring that there is a future school site. If that condition were adopted tonight, what are the protections to both the Schools and the City that the condition is met."

Mr. Shandler said, "That is a condition that the Planning Commission did pass. Maybe the parties had substantial progress today, but as of yesterday what wasn't represented to me, that they had made progress on this. And so, is this a permissible condition, yes it is. Have staff repeatedly asked for additional information from the applicant for a multi-month process, yes we have and asked some of the same questions you've asked. So we're trying to evaluate conditions or new ideas being brought here, and that's why we're struggling a little bit with your answers."

Mayor Gonzales said, "So basically, even if that condition was approved, you don't feel there is a way to hold them accountable for it."

Mr. Shandler said, "I think that is a permissible condition, but I think it could be subject to some critique that the School may be an Easter egg hunt."

Mayor Gonzales said, "Okay. And on to the issue of the affordable housing requirement, just because I want to make sure we check out these issues, would you agree to an amendment, whether it's tonight, or at some point that withhold the second phase from being issued for more housing, if there hasn't been a tax credit award, that there would be a requirement to come back to the Council and propose, or revisit the affordable housing requirement."

Mr. Price said yes.

Mayor Gonzales said then we have the affordable housing issue nailed down, we think we have the school but we just don't have a signed agreement, but there is a condition. He asked what other issues on the parks they wanted to have addressed so we can make sure we're clear.

Councilor Bushee said, "To clarify, I think the main motion now is for 30 days, not to exceed 30 days, so everybody can make a concerted effort."

FRIENDLY AMENDMENT: Councilor Bushee said she would like to amend the motion to postpone this item for 30 days. **THE AMENDMENT WAS FRIENDLY TO THE MAKER, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

CONTINUATION OF DISCUSSION ON MOTION, AS AMENDED: Mayor Gonzales asked Councilor Maestas for the clear direction of what he wants back in 30 days.

Mr. Maestas said, "The motion was to have the developer get with all the stakeholders."

Mayor Gonzales asked who are the stakeholders, just so we know.

Councilor Maestas said it would be affordable housing, the Santa Fe Public Schools, the neighborhood association for Nava Adé, and he thinks these are the main stakeholders.

Mayor Gonzales asked, "Just so I'm clear on that, Councilor Maestas, and I'm sorry because I know a month from now we're going to be dealing with MorningStar and other issues, so I'm trying to make sure we're keeping this clear. Nava Adé, just so the direction is given, what do you want them to work out with Nava Adé that's different from what Nava Adé has agreed to, so there is direction on that."

Councilor Maestas said, "Well, I'd like them to consider, for example, one of my issues, residential densities. I'd like much high densities, much closer to the Master Plan. But, I want to ensure that it address the threat of a lot of traffic from a higher density development. I'm not sure that the agreement to connect Beckner to Richards was agreed to early on in that discussion. My inclination is that there was just a concern over a higher density development creating traffic without the proposed road system alleviating the traffic. So I would like to have higher densities, but maybe we can work out some kind of a transitional plan for residential densities consistent with Nava Adé, but yet, transition into incorporating the densities as specified in the Master Plan. And my overall direction is to revisit the jobs/housing calculation with the goal to achieve jobs/housing balance in this development as stated earlier. I want to see the impact on that jobs/housing balance with this proposal, to bring about greater balance of jobs/housing through higher density."

Mayor Gonzales said, "So the question would be to ask the neighborhood association whether they will agree to more density, and then Pulte to determine whether there's a market for the type of density that you're proposing."

Councilor Maestas said the issue of traffic was a primary fear and motivation for wanting lower density. On affordable housing, there was a lot of discussion about the hardship test that triggered the alternate deal to this. He thinks we need to look at that and the hardship situation and see if there is any other alternative to identifying a parcel and segregating and isolating the way it's proposed today. He said, "I think we're designing disparities into this development." He said, "Let's avoid segregated affordable housing sites."

Councilor Maestas continued, saying he said he agrees with Councilor Lindell about gates, although he can't say to remove the gates, noting the General Plan discourages gated communities. He doesn't like the lack of integration of affordable housing in this proposal. It disregards the discussion and process involved in developing a Master Plan and all conditions under the Master Plan. He wants to try to maintain some of the parameters in the Master Plan.

Mayor Gonzales said you can only maintain what the market is willing to provide. There is the reality of what will actually sell in the market place. He said he agrees with Councilor Maestas on the issue of segregation of affordable housing. However, there is a reality to how the developments are packaged for the 9% tax credits. There is no ability to inter-disburse apartments or even homes under this type of program. He wants us to be clear that if we give direction it is something that is achievable. It is unrealistic to go back and ask the neighborhood to negotiate a higher density, when they've spent a year negotiating the density they feel is suitable.

Mayor Gonzales continued, "I think it's unrealistic to go back and ask the housing advocates who advocated tonight to revision the inclusionary rather than segregation because the 9% tax credits require a single lot and one package to go forward. So if that's the direction, we're not to get back what you're asking for."

Councilor Maestas said he would add that the applicant claims developers aren't interested in higher density developments, and staff couldn't find anything to substantiate that. He doesn't want to force something the market can't sustain. But we do have a master plan calling for higher density mixed use land uses. For the applicant to say the market isn't interested, he can't accept. As part of the direction he would like to see objective evidence there is no market for higher density developments. He said, "I'm hung up on that as well."

Mayor Gonzales said, "That's not what the staff does. The staff isn't going to weigh-in on whether a market can absorb a certain product type or not. That's a totally separate type of study we would have to do."

Councilor Maestas said he listened to staff who said they have nothing substantiate that, and to the best of their knowledge, the market can sustain all types of densities in terms of development. It's a big deal to him, but he has no evidence either way of what the market can sustain.

Mayor Gonzales said if we go on the issue of postponing, the direction we're providing is we're going to come back and it's going to be very difficult to meet.

Councilor Ives said he is in a similar position that we want to find a way to support this, but we still have a few questions hanging out there. He said this is the reason delaying 30 day with direction makes sense, because we don't want to send the message to Pulte that we don't want to happen. He said the 4 issues he talked about were the gated community and to understand better the business reason; the park location and the usability and he wants to see a map showing where the park space is, where the affordable housing is. He said to some degree we're shifting the location, and he needs to understand better how you are proposing that the practice field works, because you are retaining it as draining facility and what commitments you will make to Monte Sol to keep it as a good practice field even if there are flood events. He said it's adding to each of these things.

Councilor Ives continued, saying he appreciates that the proposed affordable housing abuts the regional park and park space, which is constructive, but he doesn't know about how the affordable tax credits play in here. He said, "There's just enough questions that I don't feel comfortable in saying let's go forward exactly as you proposed it. I think I could get there in getting more information. And I don't want to hold up any significant whatsoever." He said he wants to make sure he is comfortable with this decision, because you do that once and that's it, so we have to get it right. He said, "My hope is we can take 30 days and focus on a few of those questions and see this back for a decision. We will talked at Council about segregating the presentations from the decision process, because it had to process. Tonight, we got a few more bits of paper I hadn't seen before, which makes it tough to render a decision as I sit here."

Ms. Ladd said, "I might just point out that a 30 day delay in getting the tax credit application is going to kill it, is what I fear."

Mayor Gonzales said, "This application will not go in. We're ready for a vote. I'm speechless, because I think we're going to end up postponing this which will create a huge risk in moving this project forward."

Councilor Bushee asked the reason the tax credit application can't go forward.

Ms. Welsh said, "In order to maximize the scoring for the tax credit project, everything has to be in place before we apply, including that the City has the capacity to promise a 10% donation, which is afforded by their donation to the City. If that's not in place, then it will not meet the threshold requirements. And the reason we can't just work around the clock and do it faster is because the configuration of the parcel that they would donate to you requires a lot adjustment, because following the recommendation of the Community Development Commission, it would enlarge it by ½ acre which adds 15 or so units to the project which is good. But the allotted time to take hearings before the Planning Commission to allow that to occur could not be in place before the tax credit application is due the one time of the year at the end of January. And because you wouldn't be able to approve the lot you are receiving in a timely fashion."

Councilor Bushee said this doesn't have to go back to the Planning Commission.

Ms. Welsh said, "The lot line adjustment to create the 4.5 acre parcel would, and Jim Siebert can tell you what the schedule is on hearing the lot line adjustment. I just wanted you know, all these issues are very technical intertwined as you saw well exhibited. So I don't want to be an alarmist here, that is the truth. You couldn't apply for another year."

Councilor Bushee said this is astounding to her, noting Mr. Skarsgard emphasized the magnitude of this decision, and we all feel that up here, and there's lots of layers to this. Nobody wants to delay it as I said before, but we certainly want to hammer out the details."

Mayor Gonzales said, "I will say on that, Councilor Bushee, that they were ready to come to Council 6 weeks ago, but we held off because Councilor Trujillo was out. We've held them up so we could have a full Council here to participate in this."

Councilor Bushee reiterated her emphasis this evening on the motion is she didn't feel it was going to pass up here, and that certainly would delay the application anyway. She still feels, in deference to her colleagues, particularly those representing that part of town, if they're uncomfortable with some of the details not being worked out to this date, then we're not ready, and "that's how I feel." She thinks details, other than the density, can be worked out easily. She would hate to see the project delayed. We could spend another two hours to see if we can work things out, but she can't imagine that staff, who's tried all these months to get those details for us, don't have them for us tonight. She doesn't know why we can't try it for one more month and get some of these things worked out.

Mayor Gonzales said, "Because we're going to lose the opportunity to get a tax credit application in."

Josh Skarsgard, "Could I propose a 10 meeting recess for the applicant to meet with staff to iron out those issues. I see park issues, the affordable application and schools. Those are the 3 issues we're contemplating taking a 30 day wait on. If you give us 10 minutes and a recess to meet with staff, I think we can craft some conditions of approval that give you confidence that this application is solid – and the gate issue."

Break – 11:20 to 11:40 p.m.

Mayor Gonzales asked, "Let's see if there were any resolution you guys agreed to, and what you agreed to, what you didn't, so we can move to the votes. I don't want this to go past midnight."

Mayor Gonzales said, "Let's start with the first issue which is affordable, did you agree to a condition."

Josh Skarsgard said, "Yes. The applicant is going to present their revised proposal."

Mr. Skarsgard said, "We identified four issues and I want to read conditions of approval for your consideration if you are going to entertain a motion. As we understand the four issues of concern were Parks, Affordable Housing, Schools and the gate. So I would like to read in our staff and applicant consensus, I want to say consensus, if I'm wrong just tell me." Mr. Price read the conditions into the record as follows:

1. Parks. The Applicant shall bring back to staff a park land within the next 30 days that demonstrates 80% of the park to be usable. There were concerns it was in a flood plain and would not be usable. 80% is 27.6 acres x 80% is 21 acres. The Applicant shall bring back to staff for review and approval a 21 acre park plan.
2. Affordable Housing – Mr. Price said, "It is the original motion that you had suggested that we will hold up building permits for Phase 2 of Pulte Las Soleras until we need those at the affordable housing. Our progress and/or lack thereof, so I'm not sure how to word that in a motion, but it was the original one read into the record." Mayor Gonzales said, "I think it's, if a tax allocation has not been granted prior to Phase 2, that you will come in and present an updated plan for affordable housing following our Ordinance, present a plan with the staff."
3. Schools – We would like to read exactly how the Schools' condition of approval was read at the Planning Commission, laid it out very well with one additional item as suggested by Ms. Brennan that, "The Applicant shall, within 30 days, issue a letter of intent signed by the Applicant, landowner and the Public School District that lay out the sites that have been provided, and additional sites for consideration. A letter or intent or an intent or a MOU within both parties." So both the condition of approval that your Planning Commission unanimously adopted and this new letter of intent, your Council deserves a commitment from the landowner and the School District in the next 30 days. You heard from the School District the long process, Department of Education and will at least show a commitment from the Applicant to the School District within 30 days on an MOU or a letter of intent."

4. Gates – As Pulte, as the Applicant, has laid out to me, if the gates are a predicate to an approval tonight, it will be on the table to be considered as part of the design. Mayor Gonzales said that means if we absolutely do not want the gates that they will reconfigure their property to not include the gates.

Mr. Shandler asked, "For verification. Throughout the night we've talked about two parks. What the condition is, is it's focusing on that one park. And there's not going to be a park by Monte del Sol. It's just that one park. Those were the conditions that they've offered.

Mayor Gonzales said there is an existing 3 acre parcel that has been granted to Monte del Sol, and asked if that is correct.

Mr. Shandler said that is correct.

Councilor Ives said we're still about preserving the drainage facility which will act as an athletic field for Monte del Sol, and that will be maintained, kept clean and available.

Mr. Price said, "One thing we contemplate internally is that we would quitclaim deed that property and have a maintenance easement for the HOA of our homeowners obligated to maintain that, since our drainage would be going into that area."

Ms. Brennan said, "I just want to make clear that these are conditions that the Applicant proposes for approval."

Councilor Bushee asked Ms. Nieto if she is comfortable with the condition. She commented that removal of the Gates would need to be a Friendly Amendment to the motion for her to support this.

Mayor Gonzales said the motion we're going to come back to is the Motion to Postpone. So if it goes back then.

Ms. Nieto said the Schools are comfortable in coming up with a letter of intent that lays out how we are going to get the commitments to get the land donation and how it would be secured.

Councilor Bushee asked Ms. Ladd if she is good with the condition on affordable housing.

Ms. Ladd nodded yes.

Councilor Maestas said he realizes the parameters did not include a density discussion. He is willing to compromise and approve the proposed densities here, but he is very concerned about the deterioration of the balance of jobs/housing.

Councilor Maestas would like to add a condition of approval that there will be no further diminishment of the densities beyond this approval. He asked Ms. Brennan if it would be binding.

Ms. Brennan said, "Basically, even if it were a condition, it could be changed by a future Council, and any changes in density on any other tracts would have to come before you for approval, presumably anyway, reductions in density similar to these."

Councilor Maestas said, "In the context of this discussion, even though it can be overturned, I just think that this is going to set a trend. It's going to be a trend of downsizing densities throughout. And then the Master Plan principles will be lost forever and we would not have any chance of achieving any balance of jobs and housing. Councilor Trujillo you kind of share this concern."

Councilor Trujillo said, "Well, that's my concern. We're setting precedence now. You had Nava Adé that came in and wanted this new subdivision to *[inaudible]*. Now, we allow this to happen, who says the next development that comes in says, wait a minute we want to look like Pulte. That's my concern and always been. We work so hard to get this density and we want people to live here in Santa Fe, but we're saying no, no, to heck with the housing, we don't need any more housing, we're just going to go with this. But you're telling me that there's going to be higher density housing in the next phase. We change the Master Plan now, we can change the Master Plan the next time. If you've got enough votes on the Council, you can do that. So that's what I see. I see a trend happening that's going to happen for this entire development. We change it now, we've lost what we had worked so hard a few years back to do. As I see it, it's already lost."

Councilor Bushee said she is willing to withdraw her Motion to Postpone, if the gate is thrown into the Motion to Approve, the removal of the gate.

Mayor Gonzales said then you are willing to withdraw the second to postpone, then the motion goes back for approval on the General Plan Amendment. He said, "Her motion was just for the General Plan Amendment and so I don't know where the gate would be addressed."

Councilor Bushee said, "Okay, I'll make a motion, okay."

WITHDRAWAL OF THE SECOND TO THE MOTION TO POSTPONE.

CLARIFICATION OF THE MOTION: Mayor Gonzales said the motion is to approve Case #2014-124, the Pulte Las Soleras General Plan Amendment.

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

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

Against: Councilor Maestas, Councilor Dominguez and Councilor Trujillo.

Explaining his vote: Councilor Maestas said, "No. The densities just don't work."

- 3) **CASE #2014-123. PULTE LAS SOLERAS MASTER PLAN AMENDMENT. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL OF AMENDMENTS TO THE LAS SOLERAS MASTER PLAN. AMENDMENTS INCLUDE: THE REALIGNMENT OF ROADS, RECONFIGURATION OF OPEN SPACE AND TRAIL, RECONFIGURATION AND REDUCTION OF PARK LAND AND THE RECONFIGURATION OF LAND TRACTS. (ZACH THOMAS) (Postponed at August 26, 2015 City Council Meeting)**

MOTION: Councilor Bushee moved, seconded by Councilor Lindell, to approve Case #2014-123, Pulte Las Soleras Master Plan Amendment, with all conditions of approval as recommended by staff, and the conditions that were made this evening, including removal of the gated community.

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

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

Against: Councilor Maestas and Councilor Trujillo.

- 4) **CONSIDERATION OF BILL NO. 2015-32: ADOPTION OF ORDINANCE NO. 2015-30. CASE #2014-125. PULTE LAS SOLERAS REZONING. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS REZONING OF: 12.91± ACRES FROM R-21 (RESIDENTIAL - 21 UNITS PER ACRE) TO R-6 (RESIDENTIAL - 6 UNITS PER ACRE); 15.06± ACRES FROM MU (MIXED-USE) TO R-6 (RESIDENTIAL - 6 UNITS PER ACRE); AND 3.73± ACRES FROM R-12 (RESIDENTIAL - 12 UNITS PER ACRE) TO R-6 (RESIDENTIAL - 6 UNITS PER ACRE); AND APPROXIMATELY 0.0095± ACRES WITHIN A NORTHEASTERLY PORTION OF TRACT 12B, LAS SOLERAS FROM R-12 (RESIDENTIAL - 12 UNITS PER ACRE) TO R-6 (RESIDENTIAL - 6 UNITS PER ACRE). THE PROPERTY IS CURRENTLY VACANT AND LOCATED WITHIN THE LAS SOLERAS MASTER PLAN. (ZACH THOMAS) (Postponed at August 26, 2015 City Council Meeting)**

MOTION: Councilor Bushee moved, seconded by Councilor Dimas, to adopt Ordinance No. 2015-30, approving Case #2014-125, Pulte Las Soleras Rezoning, with all conditions of approval as recommended by staff and any conditions that are applicable from this evening.

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

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

Against: Councilor Maestas, Councilor Dominguez and Councilor Trujillo.

- 5) **CASE #2015-09. PULTE LAS SOLERAS ELECTRICAL TRANSMISSION LINE RELOCATION. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL TO RELOCATE AN EXISTING 115 KV ELECTRICAL TRANSMISSION LINE WITHIN THE LAS SOLERAS MASTER PLAN AS THE PART OF THE GREATER PULTE GROUP MASTER PLAN AMENDMENT, GENERAL PLAN AMENDMENT, REZONE AND SUBDIVISION REQUEST. THE PROPOSED RELOCATION WILL FOLLOW THE FUTURE BECKNER ROAD ALIGNMENT. (ZACH THOMAS) (Postponed at August 26, 2015 City Council Meeting)**

MOTION: Councilor Bushee moved, seconded by Councilor Lindell, to approve Case #2015-09, Pulte Las Soleras Electrical Transmission Line Relocation 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, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

- 1) **CONSIDERATION OF PROPOSAL FROM JAMES SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTING ALTERNATE COMPLIANCE APPROVAL WITH THE SANTA FE HOMES PROGRAM AFFORDABLE HOUSING REQUIREMENTS. (ALEXANDRA LADD) (Postponed at August 26, 2015 City Council Meeting)**

MOTION: Councilor Bushee moved, seconded by Councilor Ives, to approve the proposal from the Pulte Group for alternate compliance with the Santa Fe Homes Program affordable housing requirements, with all conditions of approval as recommended by staff, with the condition entered into the record that unless there is a 9% tax credit allocation has been awarded prior to Phase 2, that Pulte will be required to come back with an updated commitment to meeting the Affordable Housing Ordinance.

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

Against: None.

- 6) **CONSIDERATION OF BILL NO. 2015-33: ADOPTION OF ORDINANCE NO. 2015-____ (MAYOR GONZALES AND COUNCILOR BUSHEE). AN ORDINANCE AMENDING THE DISTRESS MERCHANDISE SALE LICENSE PROVISIONS, SECTION 18-5.1 SFCC 1987, TO REQUIRE ADDITIONAL INFORMATION BE PROVIDED WITH AN APPLICATION FOR A BUSINESS LICENSE; AND TO CLARIFY UNDER WHAT CIRCUMSTANCES A LICENSE WILL BE DENIED (LISA MARTINEZ) (Postponed to September 30, 2015 City Council Meeting)**

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 11:55 p.m.

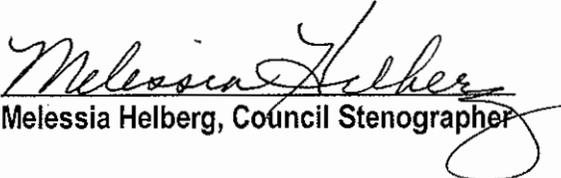
Approved by:

Mayor Javier M. Gonzales

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Council Stenographer

CITY COUNCIL MEETING
EXECUTIVE SESSION
September 9, 2015

The Governing Body of the City of Santa Fe met in an executive session duly called on September 9, 2015 beginning at 6:13 p.m.

The following was discussed:

In Accordance With the New Mexico Open Meetings Act, §10-15-1(H)(2) NMSA 1978, Discussion Regarding Limited Personnel Matters, Including without Limitation, the Status of Negotiations with AFSCME Local 3999, and the Santa Fe Police and Fire Unions.

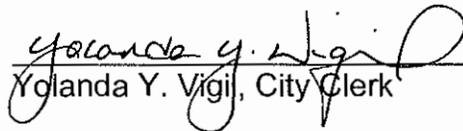
PRESENT

Mayor Gonzales
Councilor Bushee
Councilor Dimas
Councilor Dominguez
Councilor Ives
Councilor Lindell
Councilor Maestas (Left at 6:39)
Councilor Rivera
Councilor Trujillo

STAFF PRESENT

Brian K. Snyder, City Manager
Kelley A. Brennan, City Attorney
Yolanda Y. Vigil, City Clerk
Isaac J. Pino, Public Works Director
Oscar Rodriguez, Finance Department Director

There being no further business to discuss, the executive session adjourned at 6:55 p.m.


Yolanda Y. Vigil, City Clerk