



SUMMARY INDEX  
 SANTA FE CITY COUNCIL MEETING  
 Wednesday, November 10, 2015

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
<u>AFTERNOON SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2-3
CONSENT CALENDAR LISTING		3-6
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – OCTOBER 28, 2015	Approved	6
<u>PRESENTATIONS</u>		
CONSIDERATION OF RESOLUTION NO. 2015-103. A RESOLUTION DESIGNATING SANTA FE AS A PURPLE HEART CITY AS PART OF THE NATIONAL CAMPAIGN BY THE MILITARY ORDER OF THE PURPLE HEART OF THE UNITED STATES OF AMERICA	Approved	6-8
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF FISCAL YEAR 2015-2025 EMERGENCY APPARATUS & VEHICLE FLEET PLAN FOR FIRE DEPARTMENT	Approved	8-9
REQUEST FOR APPROVAL OF FISCAL YEAR 2016/2017 SALARY INCREASE FOR MUNICIPAL JUDGE, AFTER THE 2016 MUNICIPAL ELECTION, PER SECTION 2-3.3 SFCC 1987	Denied	10
REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – SECURITY GUARD SERVICES FOR MUNICIPAL PARKING FACILITIES (RFP #16/06/P); G4S SECURE SOLUTIONS, INC. DISCUSSION FOLLOWING VOTE	Post. to 12/09/15/to Public Works	10-12 13-17

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CONSIDERATION OF RESOLUTION NO. 2015- ____ . A RESOLUTION ACKNOWLEDGING THE CITY OF SANTA FE'S OPERATING BUDGET DEFICIT AND ITS OUTLOOK; AND COMMITTING TO ADOPT POLICIES CONSISTENT WITH BEST PRACTICES TO ADDRESS THIS DEFICIT AND ITS OUTLOOK	Denied	17-18
REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CHRISTUS ST. VINCENT REGIONAL MEDICAL CENTER (CSV) CASE NO. 2015-47. CSV MASTER PLAN AMENDMENT	Approved [amended]	19
	Approved [amended]	19
CONSIDERATION OF RESOLUTION NO. 2015-104. A RESOLUTION TO SUPPORT MEOW WOLF AND THEIR PROJECT, THE HOUSE OF ETERNAL RETURN AND EFFORTS TO DIVERSIFY THE ECONOMY, REVITALIZE AN ECONOMICALLY DISTRESSED NEIGHBORHOOD AND PROVIDE A UNIQUE FAMILY ENTERTAINMENT OPTION FOR SANTA FE	Approved	19-23
REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$60,000 FOR WORKFORCE DEVELOPMENT AND LOCAL PRODUCT CREATION SERVICES, MEOW WOLF, LLC	Approved	19-23
***** END OF CONSENT CALENDAR DISCUSSION *****		
REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON DECEMBER 9, 2015: BILL NO. 2015-42: 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	Postponed to 12/09/15	23-25

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
REQUEST FOR DIRECTION/APPROVAL TO STAFF REGARDING RESOLUTION 2015-55 – A RESOLUTION AUTHORIZING MOBILE VEHICLE VENDORS WITHIN THE PLAZA PERIPHERY AREA AT SPECIFIC LOCATIONS AND AT LIMITED TIMES, PURSUANT TO THE VEHICLE VENDOR ORDINANCE, 18-8.9 SFCC 1987; REQUESTED BY THE GOVERNING BODY AT THE MAY 27, 2015 CITY COUNCIL MEETING	Consensus to move forward w/direction to staff	25-29
<u>MATTERS FROM THE CITY ATTORNEY</u>		
EXECUTIVE SESSION	Approved	29
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	30
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	31
PETITIONS FROM THE FLOOR		31
<u>APPOINTMENTS</u>		
Planning Commission	Approved	32
<u>PUBLIC HEARINGS</u>		
BISTRO, LLC, FOR A RESTAURANT LIQUOR LICENSE WITH PATIO SERVICE (BEER AND WINE FOR ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED IN MILAD PERSIAN BISTRO, ] 802 CANYON ROAD	Approved	32

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
<p>REQUEST FROM STARRY NIGHTS BEVERAGE, LLC, FOR THE FOLLOWING:</p> <p>PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES AT THE INN OF THE FIVE GRACES, 150-160 E. DeVARGAS STREET, WHICH IS WITHIN 300 FEET OF THE SAN MIGUEL MISSION CHURCH, 401 OLD SANTA FE TRAIL</p>	Approved	33
<p>IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, REQUEST FOR A TRANSFER OF OWNERSHIP AND LOCATION OF INTER-LOCAL DISPENSER LICENSE #0421, WITH PATIO SERVICE, FROM CORRALES BEVERAGE, LLC, D/B/A RANCHO DE CORRALES, 4895 CORRALES ROAD, RANCHO DE CORRALES TO STARRY NIGHTS BEVERAGE, LLC, D/B/A INN OF THE FIVE GRACES</p>	Approved	33
<p><u>CASE NO. 2015-87</u>. APPEAL BY BRAD PERKINS FROM AUGUST 25, 2015 DECISION OF THE HISTORIC DISTRICT REVIEW BOARD REGARDING GRANTING THE APPLICATION FROM COURTENAY MATHEY FOR CONSTRUCTION WORK AT 2 CAMINO PEQUENO LOCATED IN THE DOWNTOWN AND EASTSIDE HISTORIC DISTRICT</p>	Withdrawn	34
<p>CONSIDERATION OF RESOLUTION NO. 2015-105. <u>CASE NO. 2015-43</u>. 2729 &amp; 2751 AGUA FRIA STREET GENERAL PLAN AMENDMENT. JAMES W. SIEBERT AND ASSOCIATES, AGENT FOR EMELECIO (LEROY) ROMERO, REQUESTS APPROVAL OF A GENERAL PLAN AMENDMENT TO AMEND THE EXISTING GENERAL PLAN FUTURE LAND USE DESIGNATION FOR 2.20 ACRES FROM MOUNTAIN DENSITY RESIDENTIAL TO COMMUNITY COMMERCIAL. THE PROPERTY IS LOCATED AT 2749 AND 2751 AGUA FRIA STREET</p>	Approved	34-48

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
<p>CONSIDERATION OF BILL NO. 2015-39:  ADOPTION OF ORDINANCE NO. 2015-34.  CASE NO. 2015-43. 2729 &amp; 2751 AGUA FRIA  STREET REZONE. JAMES W. SIEBERT AND  ASSOCIATES, AGENT FOR EMELECIO  (LEROY) ROMERO, REQUESTS REZONING  OF 2.20 ACRES FROM R-1 (RESIDENTIAL –  1 UNIT PER ACRE) TO C-2 (GENERAL  COMMERCIAL). THE PROPERTY IS LOCATED  AT 2749 AND 2751 AGUA FRIA STREET</p>	Approved	34-48
<p>CONSIDERATION OF RESOLUTION NO. 2015-____.  CASE NO. 2015-57. GERHART APARTMENTS  GENERAL PLAN AMENDMENT. SCOTT HOEFT  OF SANTA FE PLANNING GROUP, AGENT FOR  STORM RIVER, LLC, REQUESTS APPROVAL OF  A GENERAL PLAN FUTURE LAND USE MAP  AMENDMENT TO CHANGE THE DESIGNATION  OF 11.83± ACRES OF LAND FROM R-1  (RESIDENTIAL 1 DWELLING UNIT PER ACRE)  TO R-21 (RESIDENTIAL, 21 DWELLING UNITS  PER ACRE). THE PROPERTY IS LOCATED AT  2800 SOUTH MEADOWS ROAD</p>	Postponed to 12/09/15 [amended]	48-62
<p>CONSIDERATION OF BILL NO. 2015-38: ADOPTION  OF ORDINANCE NO. 2015-35. CASE NO. 2015-58.  GERHART APARTMENTS REZONING SCOTT HOEFT  OF SANTA FE PLANNING GROUP, AGENT FOR  STORM RIVER LLC, REQUESTS REZONING  APPROVAL OF 11.83± ACRES OF LAND FROM R-1  (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO  R-21 (RESIDENTIAL, 21 DWELLING UNITS PER ACRE).  THE PROPERTY IS LOCATED AT 2800 SOUTH  MEADOWS ROAD</p>	Postponed to 12/09/15	48-62
<p>REQUEST FOR APPROVAL OF STAFF  RECOMMENDATIONS FOR MAKING THE WATER  UTILITY ENTERPRISE FINANCIALLY SELF-  SUSTAINING AS CALLED FOR IN RESOLUTION 2015-41</p>	Deferred to budget hearings	63

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
REQUEST FOR APPROVAL OF STAFF RECOMMENDATIONS FOR IMPROVING THE CITY'S COLLECTION OF DELINQUENT FEES AND PAYMENTS AS CALLED FOR IN RESOLUTION 2015-80	Direction to staff/no action	63-67
CONSIDERATION OF RESOLUTION NO. 2015-106 (MAYOR GONZALES). A RESOLUTION ADOPTING BEST PRACTICES AND STANDARDS TO HELP GUIDE THE MANAGEMENT OF THE CITY'S FINANCES AND FOR ASSISTING THE GOVERNING BODY AND CITY STAFF IN EVALUATING CURRENT ACTIVITIES AND FUTURE PLANS	Approved Substitute Resolution	67
MATTERS FROM THE CITY MANAGER	None	67
MATTERS FROM THE CITY ATTORNEY	Information	68
MATTERS FROM THE CITY CLERK	None	68
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	68-75
ADJOURN		75

**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
November 10, 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, November 10, 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 said he would like to move Item 10(p) on the Consent Calendar to Presentations. He and Item H(3) on the Evening Agenda has been withdrawn.

**MOTION:** Councilor Trujillo moved, seconded by Councilor Maestas, 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**

**MOTION:** Councilor Ives moved, seconded by Councilor Lindell, 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.

\*\*\*\*\*

Mayor Gonzales asked, regarding the Council considering an item that has been referred to various committees, if the Council can take action on that item tonight.

Mr. Brennan said, "Typically, an item is not brought before this body unless it has been approved by one Governing Body Committee."

Mayor Gonzales asked if we can entertain a motion on Item #11, or is the agenda is set already and we will address it when we get there.

Councilor Ives said, point of order, we did pass that measure, as amended, last night, is his recollection, but we understood it was coming back to Finance.

Councilor Trujillo said that is correct.

Councilor Bushee said, "We actually didn't. We asked for it to come back to Public Works after Finance, because there was confusing language and maybe not published correctly."

Ms. Vigil said there should be an Action Sheet on the desks of the Governing Body.

Councilor Ives said, "if you will look at the record from last night, you will see it was passed, but we did talk about it going to Finance so the language in the matter that had been amended at the Public Works Committee could be considered by the Finance Committee as well."

Mayor Gonzales asked Councilor Maestas if he would like to have Item #11 addressed tonight with the regular agenda or if he is okay with postponement.

Councilor Maestas said it simply a request to publish and they are going to work on some amendments. He said there was a request to clarify the actual amendment in the caption, but he doesn't believe it is a material. He said, "In fact, I have added a clarifying statement to the caption to address the concerns about accuracy of the description of the amendment through the caption."

Mayor Gonzales said, "In deference to Council Maestas, let's just go ahead and keep it on the agenda and we'll address the issue as a whole when it gets to that point."

\*\*\*\*\*

**10. CONSENT CALENDAR:**

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee Meeting of Monday, November 9, 2015, regarding Item 10(l), is incorporated herewith to these minutes as Exhibit "1."

- a) **REQUEST FOR APPROVAL OF BID NO. 16/02/B – AGREEMENT BETWEEN OWNER AND CONTRACTOR FOR CAMINO CAPITAN, VEREDA RODIANDO, PASEO DE TULAROSA AND PASEO DE CANTO WATER MAIN REPLACEMENT PROJECT; SASQUATCH, INC. (BILL HUEY)**
- b) **REQUEST FOR APPROVAL OF BID NO. 16/06/B – AGREEMENT BETWEEN OWNER AND CONTRACTOR FOR PARKS PLAYGROUND SHADE STRUCTURES INSTALLATION; SARCON CONSTRUCTION CORPORATION. (JASON KLUCK)**
- c) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT AND PROFESSIONAL SERVICES AGREEMENT FOR PARKS PLAYGROUND SHADE STRUCTURES MATERIALS; THE PLAYWELL GROUP, INC. (JASON KLUCK)**
- d) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT AND AGREEMENT BETWEEN OWNER AND CONTRACTOR – CITY OF SANTA FE SENIOR CENTERS IMPROVEMENTS PROJECT; COOPERATIVE EDUCATIONAL SERVICES (CES)/ANCHORBUILT, INC. (LeANN VALDEZ)**
- e) **REQUEST FOR APPROVAL OF TWO 2015 STATE OF NEW MEXICO SEVERANCE TAX BOND CAPITAL APPROPRIATION PROJECT AGREEMENTS – SALVADOR PEREZ POOL AND SANTA FE PUBLIC HEALTH & SAFETY INFRASTRUCTURE; STATE OF NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION, LOCAL GOVERNMENT DIVISION. (DAVID CHAPMAN )**
  - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$950,000.**
- f) **REQUEST FOR APPROVAL OF TOILET RETROFIT PURCHASE AGREEMENT – PURCHASE OF 2,173 TOILET RETROFIT CREDIT BUY BACKS; MURTAGH NEVADA, LLC. (ANDREW ERDMANN)**
  - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$651,900.**

- g) REQUEST FOR APPROVAL OF SU-GRANT AGREEMENT AND AWARD – 2015 STATE HOMELAND SECURITY GRANT PROGRAM FOR POLICE AND FIRE DEPARTMENTS; NEW MEXICO DEPARTMENT OF HOMELAND SECURITY & EMERGENCY MANAGEMENT. (DAVID SILVER)
  - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$199,000.
- h) *[Removed for discussion by Councilor Ives]*
- i) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT TO FUND PROFESSIONAL SERVICES AGREEMENT WITH ATKINSON & CO., LTD, FOR 2008 PARK BOND EXAMINATION ENGAGEMENT IN THE AMOUNT OF \$160,303; APPROVED BY THE GOVERNING BODY ON OCTOBER 14, 2015. (DAVID RODRIGUEZ)
- j) *[Removed for discussion by Councilor Bushee]*
- k) *[Removed for discussion by Councilor Ives]*
- l) CONSIDERATION OF RESOLUTION NO. 2015-101 (COUNCILOR LINDELL). A RESOLUTION ESTABLISHING DESIGN STANDARDS FOR ALTERATIONS AND NEW CONSTRUCTION AT THE SANTA FE AIRPORT TERMINAL BUILDING AND PROVIDING FOR HISTORIC PRESERVATION DESIGN REVIEW IN CONSULTATION WITH THE CHAIR OF THE HISTORIC DISTRICTS REVIEW BOARD. (DAVID RASCH)
- m) CONSIDERATION OF RESOLUTION NO. 2015-102 (COUNCILOR LINDELL, COUNCILOR DOMINGUEZ, COUNCILOR TRUJILLO, AND COUNCILOR MAESTAS AND COUNCILOR IVES): A RESOLUTION AMENDING RESOLUTION 2015-50 TO PERMIT THE USE OF CITY FORCE ACCOUNT WORK TO COMPLETE PARKS RELATED PROJECTS AS AUTHORIZED BY THE GOVERNING BODY. (OSCAR RODRIGUEZ)
- n) REQUEST FOR APPROVAL OF CITY OF SANTA FE SCHEDULE FOR 2016 CITY COUNCIL AND COUNCIL COMMITTEE MEETINGS. (YOLANDA Y. VIGIL)
- o) *[Removed for discussion by Councilor Bushee]*
- p) *[Removed to Presentations at the request of the City Manager.]*

- q) **CASE NO. 2015-51. REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE APPEAL OF THE MAY 7, 2015 DECISION OF THE PLANNING COMMISSION APPROVING THE REQUESTS OF THE BENEVOLENT AND PROTECTIVE ORDER OF THE ELKS LODGE NO. 460 (BPOE) 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. (ZACHARY SHANDLER AND KELLEY BRENNAN)**
- r) **REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CHRISTUS ST. VINCENT REGIONAL MEDICAL CENTER (CSV). (ZACHARY SHANDLER AND KELLEY BRENNAN)**
- 1) *[Removed for discussion by Councilor Rivera]*
- 2) **CASE NO. 2015-89. APPEAL FROM THE SEPTEMBER 3, 2015 DECISION OF THE PLANNING COMMISSION APPROVING CSV'S APPLICATION FOR A SPECIAL USE PERMIT AT 455 ST. MICHAELS DRIVE WITH CONDITIONS; AND**
- 3) **CASE NO. 2015-96. REQUEST FOR APPROVAL OF APPEAL FROM THE SEPTEMBER 3, 2015 DECISION OF THE PLANNING COMMISSION APPROVING CSV'S DEVELOPMENT PLAN AT 455 ST MICHAEL'S DRIVE, WITH CONDITIONS.**
- s) **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON DECEMBER 9, 2015:**
- 1) **BILL NO. 2015-37: AN ORDINANCE AMENDING SECTION 24-26 SFCC 1987, TO ADD A TRUCK AND OTHER LARGE VEHICLES TRAFFIC RESTRICTION TO EAST DE VARGAS STREET BETWEEN PASEO DE PERALTA AND CANYON ROAD (COUNCILOR MAESTAS). (JOHN ROMERO)**
- 2) **BILL NO. 2015-40: AN ORDINANCE AUTHORIZING THE LEASE OF 29,490 SQUARE FEET OF REAL PROPERTY LOCATED WITHIN A PORTION OF THE NORTHWEST QUADRANT ADJACENT TO 786 CALLE MEJIA AS SHOWN AND DELINEATED ON A SURVEY ENTITLED, "PARKING LEASE PARCEL EXHIBIT," PREPARED BY RICK CHATROOP, N.M.P.S. NO. 110011, LYING WITHIN PROJECTED SECTION 14, T17N, R9E, N.M.P.M., IN THE CITY AND COUNTY OF SANTA FE, NEW MEXICO (MAYOR GONZALES). (MATTHEW O'REILLY)**

- 3) BILL NO. 2015-41: AN ORDINANCE AMENDING ARTICLE IX AND ARTICLE XII OF THE UNIFORM TRAFFIC ORDINANCE TO ESTABLISH THAT ALL PARKING VIOLATIONS ARE CIVIL PARKING VIOLATIONS AND SUBJECT TO ADMINISTRATIVE ADJUDICATION AND COLLECTION BY AN EXTERNAL ADMINISTRATIVE AND COLLECTION AGENCY; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO MEET THE PURPOSES OF THIS ORDINANCE (COUNCILOR DIMAS). (NOEL CORREIA)
- 4) BILL NO. 2015-43: AN ORDINANCE AMENDING SECTION 21-2.1 SFCC 1987, TO AMEND EXISTING DEFINITIONS; AMENDING SECTION 21-3 TO DELETE SANTA FE HOMES PROGRAM APPLICABILITY; AMENDING SECTION 21-4.3 TO CLARIFY THE CONDITIONS OF SERVICE FOR RESIDENTIAL COLLECTION; AMENDING SECTION 21-6 TO CLARIFY CONDITIONS OF SERVICE; AMENDING SECTION 21-71 TO CLARIFY THAT NONRESIDENTIAL ESTABLISHMENTS SHALL PAY A SERVICE RATE; AND AMENDING EXHIBIT B OF SECTION 21 TO INCREASE RATES FOR RESIDENTIAL CURBSIDE COLLECTION AND FOR COMMERCIAL RECYCLING IN ORDER TO PURCHASE NECESSARY EQUIPMENT TO TRANSITION THE RESIDENTIAL RECYCLING PROGRAM FROM MANUAL TO AUTOMATED COLLECTION (COUNCILOR IVES). (NICK SCHIAVO)

t) *[Removed for discussion by Councilor Dimas]*

**8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – OCTOBER 28, 2015**

**MOTION:** Councilor Trujillo moved, seconded by Councilor Lindell, to approve the minutes of the Regular City Council meeting of October 28, 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**

- 10(p) **CONSIDERATION OF RESOLUTION NO. 2015-103 (MAYOR GONZALES, COUNCILOR BUSHEE, COUNCILOR RIVERA, COUNCILOR TRUJILLO, COUNCILOR IVES). A RESOLUTION DESIGNATING SANTA FE AS A PURPLE HEART CITY AS PART OF THE NATIONAL CAMPAIGN Y THE MILITARY ORDER OF THE PURPLE HEART OF THE UNITED STATES OF AMERICA. (CHRIS SANCHEZ)**

Mayor Gonzales said he asked for an exception to move Item 10(p) to Discussion. He thanked Former Councilor Calvert for being in attendance this evening.

Mayor Gonzales read Resolution No. 2015-103 into the record.

Mayor Gonzales said we as a City are grateful to the men and women who serve our country – now, in the past and in the future.

Roger Newell thanked the Mayor and Council for taking up the campaign to become a purple heart city. He said one of the motives of the organization is to support all veterans, and when you see the symbol of the Purple Heart to remember “all your fellow veterans and other citizens, whether in combat, or in support or standing by, each and every one of them are the reason you are able to exercise those freedoms you have now and please never forget that.”

Former Councilor Calvert thanked Mr. Newell for attending tonight. He said in addition to being a Purple Heart recipient and member of the Military Order of the Purple Heart, he is also Mayor Berry’s right hand man on veteran affairs in Albuquerque, so he serves veterans every day. He said this is one of the first fruits of the labor of the Veterans’ Advisory Board, and they will build on this and other programs. He also reminded the Council that pins have been put in each of the Governing Body’s boxes, and invited them to join them tomorrow for the parade and ceremonies, so you can hand these out and thank the veterans in the community for their service.

Former Councilor Calvert noted that Chris Sanchez is the staff liaison to the Veterans’ Advisory Board, and introduced Carmen Rodriguez a member of the Board in attendance this evening.

Former Councilor Calvert invited the members of the Governing Body to attend another function taking place on Veterans Day, presented by the Veterans Helping Homeless Veterans, and said Michael McGarrity will be at Owens Gallery, 120 E. Marcy, tomorrow to give a short talk. He also will be selling and signing books, with the proceeds going to the homeless veterans in Santa Fe. He said there also will be a Stand Down at the Santa Fe University of Art and Design on Friday and Saturday, another event celebrating veterans. He invited everyone to attend and support your local veterans.

**MOTION:** Councilor Trujillo moved, seconded by Councilor Rivera, to adopt Resolution No. 2015-103 as presented.

**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.

**Explaining his vote:** Councilor Ives said, “Yes, and I would join as a sponsor.”

**Explaining his vote:** Councilor Rivera said, “Yes and I would like to join as a sponsor as well.”

**Explaining his vote:** Councilor Trujillo said, "Yes and please put me down as a sponsor as well."

**Explaining her vote:** Councilor Bushee said, "Yes, and thank you Former Councilor Chris Calvert for your efforts on this."

## **CONSENT CALENDAR DISCUSSION**

### **10 (h) REQUEST FOR APPROVAL OF FISCAL YEAR 2015-2025 EMERGENCY APPARATUS & VEHICLE FLEET PLAN FOR FIRE DEPARTMENT. (JAN SNYDER)**

Councilor Ives said the only real question he has relates to some information about the nature and type of responses that the Fire Department is called upon to perform, and spoke about the changing role of the Fire Department. He said he is hoping, and would ask the Department, as we begin budget discussions to look seriously at modifications that we can make to the protocol of sending a ladder truck with an ambulance to a medical issue, to give the vehicles a longer life.

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

**DISCUSSION:** Councilor Bushee said it is a long stretch to go for a 10 year plan, knowing the times have changed financially, and the replacement for a ladder truck is now about \$500,000.

Assistant Chief Jan Snyder said it is closer to \$1 million, noting ladder trucks and Type 1 engines are two different operations.

Councilor Bushee said it is important to project into the future, that we look at it in today's terms.

Assistant Chief Snyder said, "The plan is just that. It is a quality tool that helps us determine grade apparatus so when we do come to replacement in two years and request permission to buy it, that it's not that Chief Snyder has the money and wants to buy a truck, it's that we have the money and based on our qualitative tool, this truck does quality for consideration. It's just a consideration tool at this time. And to address what Councilor Ives talked about, I think the duality is to make sure we identify how we need to perform for the majority of our calls while maintaining the appropriate resources for the minority of the calls, if that makes sense. And so, no, we are constantly on that kind of watch out, and mostly during contract negotiations, trying to find that balance."

Councilor Bushee said she applauds the Fire Department in its master planning for the future, she "is always skeptical about looking that far out when we don't know.

Assistant Chief Snyder agreed, saying they didn't want anybody to be confused that once this plan is approved he can come back in a few years and say, "Oh no, you approved this." He said it is a way for the Department to start planning for the future if they know they will need to spend \$1 million in the next 5 years.

Councilor Bushee said, "Last night we were looking at things [at Public Works] and they said the money is in the budget, you approved it a year ago. And it's like a year ago, we didn't have a \$15 million deficit. So, I'm just looking at things a little differently."

Councilor Trujillo commended the Fire Department for looking at the replacement schedules, commenting "this is what I do for a living." He said, "I want to make it clear to the Governing Body, in order to make this work really good, in the future we really need to look at a fleet management system – that tracks the entire City and not just Police and Fire." He said it really works, commenting this is a first step. He said the Fire Department has done wonders and it's imperative we look at the entire fleet, first Public Works, but this is a good start. He said, "Good job."

Councilor Maestas said we just celebrated Mental Illness Week, noting we have a crisis response collaboration with the County. He wants to be sure we revisit protocol to ensure the response doesn't work against response to a crisis, particularly involving someone with mental illness.

Councilor Maestas continued, saying this isn't the right time to deal with this, and agrees with Councilor Ives that sometimes when we deal with these responses, perhaps sending the fire engine isn't the way to go. He said we don't have a lot of people in the Police Department that are trained in crisis response and he wants to be sure we have "a real robust cadre" of firemen and policemen working together with the mental illness community to respond appropriately to incidents.

Deputy Chief Snyder said it isn't part of the plan, but they are on the verge of implementing a separate division/group in the Fire Department to respond to such crises – not an emergency, but homeless, alcoholism, drug abuse issues or mental illness, and then follow-up by health care providers, counselors and placement of people into programs in an interactive situation. He said they just accepted applications for some of the positions, noting the training is in the beginning of December, so hopefully they can roll that out at the end of the year.

Councilor Ives said he believes this Council adopted a Resolution calling for an exploration of a fleet plan, and asked the City Clerk to research that, and if so, to take it up at Public Works.

Councilor Trujillo said we did adopt that Resolution, and he is simply saying we need to get that moving forward.

**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 (j) REQUEST FOR APPROVAL OF FISCAL YEAR 2016/2017 SALARY INCREASE FOR MUNICIPAL JUDGE, AFTER THE 2016 MUNICIPAL ELECTION, PER SECTION 2-3.3 SFCC 1987. (OSCAR RODRIGUEZ)**

Councilor Bushee said she didn't find the applicable Code in her packet, but she understands we are being asked to make this effective after the election. She said the raises were tied to the salary of the District Court Judges. She wants to revisit this policy of automatic increase for any salary, noting the current salary is \$100,467.90 annually and there will be a 5% increase to \$106,546.33. Her concern is that these are times of deficits and she will vote against this, and is looking to consider undoing what the Ordinance calls for now, and the reason she pulled this item.

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

**VOTE:** The motion failed to be approved on the following Roll Call vote:

**For:** Mayor Gonzales, Councilor Dimas, Councilor Ives and Councilor Maestas.

**Against:** Councilor Lindell, Councilor Rivera, Councilor Trujillo, Councilor Bushee and Councilor Dominguez.

Mayor Gonzales asked what happens now.

Councilor Bushee said she will bring something forward.

Ms. Brennan said, "You will have to amend the Ordinance and bring it forward prior to the election."

Mayor Gonzales said, "I do think the role of the Municipal Court Judge... there is just one in our City, not multiple, and those dockets are getting bigger and bigger, and there is now a requirement to be an Attorney, right, to serve in the position. So I understand the points that were brought up, but we also have to make sure that the salary is commensurate with duties to attract qualified quality individuals to be able to serve in that position. So I am hopeful that, as the Ordinance is brought forward, that it is kept in hand as well."

**10 (k) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – SECURITY GUARD SERVICES FOR MUNICIPAL PARKING FACILITIES (RFP #16/06/P); G4S SECURE SOLUTIONS, INC. (ROBERT RODARTE)**

Councilor Ives said he is sorry to see that the one Santa Fe contractor was bumped from this, and he is curious as to the reason this didn't come to Public Works.

Mr. Rodarte said it was a matter of timing. He said it could have gone to Public Works, but the contract wasn't ready at that time. He said to ensure we are ready in 45-days with this new organization, they needed to move it forward.

Councilor Ives said when we considering the 4-month extension, it was so that there could be a long and considered look at that the RFP terms were, and the possibility on-foot patrol and camera patrol, and he is surprised to have it come forward like this where we have to approve it this last moment. He just doesn't understand the reason this couldn't go to Public Works, so he will be making a motion to remand this to Public Works.

Councilor Ives said there was a reference of October 25, 2015, in Mr. Rodarte's Memo, saying the requirement for submitting 3 years of audited financials was introduced as a direction given to the Purchasing Officer by the City Council. He said he is hoping that tomorrow, Mr. Rodarte will send him "chapter and verse, including minutes where that presumably was undertaken.

**MOTION:** Councilor Ives moved, seconded by Councilor Bushee to remand this matter to Public Works for consideration.

**DISCUSSION:** Mayor Gonzales asked if this jeopardizes existing services, or will there need to be modifications to existing contracts.

Mr. Rodarte said they would have to bring this back to this Governing Body before the end of the year, to be fair to this organization since they are brand new to this, they need 45 days at least to transition into the contract.

Councilor Ives said Public Works meets on December, 7, 2015, and the meeting of the Council in December is December 9, 2015, so there would be time to accomplish that before the end of the year.

Mayor Gonzales said but there wouldn't be the transition period that Mr. Rodarte says is needed for them to take over the service. He said if this is approved on December 9<sup>th</sup>, that is 20 days to the start of the new contract.

Mr. Rodarte said the extension approved by the Governing Body with the existing company will end on December 31, 2015.

Mayor Gonzales said then there could be some risk in a transition period that is very much shortened.

Mr. Rodarte said, "Exactly. What I'm trying to say it is in the City's best interest to move it forward based on everything you have before you. Or can't we hear what Councilor Ives wants to talk about here. I'm just concerned with, especially the Airport, anything related to public safety or that nature, I'm just concerned that if we go back again, we may be opening ourselves to not having security. And I don't know... in the event that we go past December 31<sup>st</sup>, I don't think the existing company will stick around later than that. They make decisions on their staffing as well."

Councilor Ives said he is a little confused, because it went to Finance, but Public Works met yesterday, so it easily could "have been on our agenda."

Mr. Rodarte said he never thought of putting on Public Works, because when he brings something forward, "my stuff goes, Finance, Council. I very rarely go to Public Works."

Councilor Ives recalls these particular series of security contracts having gone to Public Works in the past, "if I'm not mistaken." He said, "I hate to put us in a bind, but I'm very frustrated by the process." He said he would still like the information by tomorrow in any event.

**RESTATED MOTION:** Councilor Ives moved, seconded by Councilor Bushee to postpone this matter to the next City Council meeting, and refer this matter to Public Works for consideration.

**VOTE:** The motion was approved on the following Roll Call Vote:

**For:** Councilor Bushee, Councilor Dominguez, Councilor Ives, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

**Against:** Councilor Lindell, Councilor Dimas and Mayor Gonzales.

**Explaining his vote:** Councilor Trujillo said, "You said you want to bring this to Public Works on November 7, 2015, just the one item. All right. I'll vote yes."

**Explaining his vote: Councilor Maestas** said, "I'll vote yes, because we have an interim contract in place, and we can always extend it can't we, with Blackstone. **Mr. Snyder** said the interim contract expires December thirty-first. And what I heard Robert Rodarte saying is that this contractor needs at least 45 days to transition. If you approve this, assuming it goes to Public Works on December seventh, it makes it out of Public Works and goes to Council on December ninth, they won't have adequate time to transition by the end of the calendar year. The \$50,000 signature authority on the previous contract, so we'll need to bring an amendment to Council for your consideration." **Councilor Maestas said,** "All right, I'll vote yes."

**Explaining his vote:** Mayor Gonzales said, "I vote no, and I understand the point and the frustration over the process. I think that could have been dealt with, and allowed this to move forward. But we have a short term issue in terms of safety that we have to address, because there's not going to be enough time in the 20 day period to transition a security contractor, so I don't know if we can... I think we ought to reach out to the Santa Fe PD and see if we can get some of their folks to come in and cover some of our services. I don't know what we do during that period."

### Discussion following the vote

Councilor Trujillo said, "I guess I would ask you from now on in the future for something like this, to bring it to the Public Works. This is the only Committee that Councilor Ives sits on, so I do know he does have questions and concerns. In fairness, we should be able to do this."

Mayor Gonzales said, "I guess I'm assuming you're asking us to acknowledge that there will be a period of time that there won't be security services in municipal facilities. That's correct right."

Mr. Snyder said, "That is correct."

Mayor Gonzales said, "We're all clear that the next start time would be.... when do we think they would transition, even if it's 45 days."

Mr. Rodarte said, "We were scheduled right on target as we sit right now, but visualize from the ninth [December] forward we still have to sign the contracts which would be after the ninth. So, we're talking about mid-January. We're talking about two weeks of no security at the Airport."

Mayor Gonzales asked if we have to provide security at the Airport for compliance.

Mr. Snyder said, "Yes. The other thing that just occurred to me, after the vote, here again it's circumventing the process, but I'll have to bring forward an emergency amendment for the existing contract to the December ninth Council meeting without going to Committees. That's what we're talking about right here, is circumventing the Committee process."

Mayor Gonzales said, "That still doesn't give us transition time."

Mr. Snyder said, "No, if we extend it until, say January 31, 2016, or February 15, 2016, or to some day in the future."

Mayor Gonzales said, "You said we've been told that they won't grant us an extension past December 31, 2015, the existing contractor."

Mr. Rodarte said, "That's correct. They have to do something with the staff they currently have, and by giving them notice two days ago that they weren't elected, I don't they will extend past December 31, 2015. I can ask them, but I don't think so. So that means, what do you do in the interim."

Mayor Gonzales said, "We cannot go without security at the Airport."

Councilor Trujillo said, "So the contractor needs 45 days. It could be a little quicker. Have we asked the contractor can they do it quicker. If they're here, I would like to ask them, you're the experts."

Mr. Rodarte said Mr. Heaney is in attendance.

**Steven Heaney, Regional Director, G&S Secure Solutions**, said, "Councilor Trujillo, your question is, can we do it quicker."

Councilor Trujillo asked, "Can you do it in 20 days transition."

Mr. Heaney said, "30 days is really about the minimum. And the problem with that is primarily the background and screening we do. It's a very rigorous process. And it's a 10 year background and 10 panel drug screens, and depending on where the employees have lived, the numbers of residences throughout the 10 years, occasionally that, in itself, takes 3 weeks, 4 weeks. We have a 40 hour training program we have to put everyone through, even they are an incumbent, to join our company. There is a lot of training, with a minimum of 40 hour training, which includes CPR and First Aid."

Councilor Trujillo said, "So you're hiring new people. I though maybe you already had staff on board."

Mr. Heaney said, "Potentially, even the incumbents we may hire still have to meet the criteria, but it's not like we have 12-20 people. We have 250 people in the local area that already are currently assigned. So we have to work in advance to bring them on and we can't just set them on a shelf, and hire them in advance."

Councilor Trujillo said, then you're saying your quickest is 30 days, right.

Mr. Heaney said, "Yes. There are emergency circumstances and we can draw on resources that are outside of the area and we have global response teams and I've got 600 armed officers within 100 miles, but the cost starts going up exponentially as I bring those people in, they would say 'parachute them into Santa Fe' to take care of that contract. Could it be done, yes, but certainly with a cost associated."

Councilor Trujillo said, "I'm looking at Brian. How much would you have asked to extend their contract. How much are we looking at."

Mr. Snyder said, "I don't have the numbers in front of me. I know it exceeds my \$50,000 authority."

Councilor Trujillo said, "I'm sure it would exceed \$50,000 for you to bring those people in as well."

Mr. Heaney said, "Depending on the length of time, and if it is a couple of weeks, probably not."

Mr. Rodarte said, "I might add. Steven Heaney just mentioned it would cost us money to bring people over. Why can't... if we're going to work with them, to get this thing approved eventually, hopefully, why can't we come up with a solution for a couple of weeks with them, where they bring in their people that are qualified. Why can't we do a contract with them under \$50,000, to assure we do have security on 911 while this thing goes through the process."

Mayor Gonzales said, "I can virtually assure there is going to be a premium on bringing them in early, so if those guys can tell us out there that there won't be a premium and it's going to be a net neutral, that makes sense. But I don't see how they bring already existing qualified people at less than a premium."

Mr. Rodarte said, "We can take a good hard look at what we could and could not use, as far as manpower from this extension from December 31, 2015, this way. Why can't we do that for a couple of weeks until they have their fully trained staff in place."

Mayor Gonzales said, "Well the vote has been made."

Councilor Dominguez said, "A quick question Brian, or maybe even Robert. This, not the contract, but this issue has a history. Correct. I mean it's not like this went to Committee for the first time. I mean there's a history behind the purpose of the contract."

Mr. Rodarte asked, "A history."

Councilor Dominguez said, "Yes. There was a contractor that we had and then they couldn't perform services, and so we kind of had to restart the process all over again."

Mr. Rodarte said that is correct.

Councilor Dominguez said, "Okay. So that's part of my frustration, Mayor, is that this is not a new issue. It's not like this is the first time this has gone to any Committee. In fact, we made sure that at Finance, it was a discussion item, because there was, not necessarily controversy, but there were things that needed to be resolved. But having said that, I will also say that I have become frustrated with the Governing Body Rules and Procedures as it pertains how things are getting introduced, and the track that it takes through the Committee. I know staff has been having a difficult time with bills that get introduced at Finance or Public Works, and it misses the cycle or it gets pushed back or forward. And so, we have some responsibility in that sense as well, maybe not as it pertains to this bill, but our behavior."

Councilor Dominguez continued, "Aside from that, I did ask you Brian, a couple of weeks ago, to have staff start working on some amendments to the Governing Body Rules and Procedures so we can bring them forward. And it wouldn't necessarily help this particular situation, but there's lots of frustration to go around. And I think with a contract like this that has a history, that has some concern, that it would have been best to vet it through as many committees as possible. I know when I introduce a bill, I take a look at that, and if there's a chance that BQL might want to hear it, I consider taking it there and giving myself plenty of time to do that. So there you go, there's my speech for the night, Mayor. Thank you."

Councilor Maestas said, "Not only that, but if I think if you look at the timeline in our packet on page 3, when we approved the emergency contract, it was for an initial 4 month period. And surely staff realized, hey, we can put the RFP together, put it out there, get it awarded and in place before the expiration of the emergency contract. But the subsequent extension to the emergency contract was approved by the City Manager, not by the City Council. So obviously, we had a breakdown, I believe in the

procurement process. If you look, 9 weeks transpired from the time the previous contractor notified us until we issued the RFP. I don't imagine the scope of that contract changed any. I don't know what the reasons were for the delay, but I believe we had a breakdown in the procurement process that put us into this position where we had to extend the emergency contract, and in that contract, it clearly was an option. I believe the initial 4 months for the Blackstone emergency contract should have been enough time to go through the procurement process and award this contract."

Councilor Maestas continued, "And I think if the Council had heard the extension to the emergency contract from October 30, 2015 until the end of the calendar year, I think you would have had more of an appreciation of what's happened. I think we would have had proper context, Mayor, to be able to decide on this tonight, but we were not privy to the extension. We didn't weigh-in on the extension of the Blackstone contract, so we weren't able to query staff in terms in why are we so late in getting the permanent contract awarded. So I think that needs to be said. That's all I had."

Mayor Gonzales said, "I respect everyone for their decisions, but there is an opportunity to correct the procurement process going forward. This vote tonight has clearly, unless we figure it out, put the operations of our Airport in jeopardy during a critical time of the year, which is New Year's. And if it's an objection about the procurement process, then let's correct it going forward. But to clearly hold up a contract that's going to take 45 days to execute so we can send it through one more committee, so there's more deliberation on it, and put at risk the ability to keep our Airport operational because of that, I don't understand the point of it, when we could achieve the objective all of you are bringing up tonight as being an issue, but still be able to keep this in place. We've got to move on. Brian."

Mr. Snyder said, "Mayor, can I just add one thing, not trying to change anybody's mind, I just to make sure..... the Airport has been referenced here. We have TSA responsibilities to provide certain levels of security. This contract is not just for the Airport. The contract is for the Airport, Parking, Parks, City Hall, CVB, the Courts. That's the security contract, it's not just the Airport. The Airport has certain requirements. The Courts also probably have certain requirements. So I just want to correct the record, that the focus has been on the Airport this evening, and that's for obvious reasons with TSA security, but the Courts also has requirements. We also have Parks, Parking, City Hall and the CVB that is inclusive in this contract."

Councilor Lindell said, "This is just very frustrating to me that, to make a point about procurement, or it didn't go through a committee, that we're taking these kinds of risks. I don't think it's a good idea. When I look at the Committee makeups... this passed through Finance, I think it passed unanimously. When I look at the makeup of Public Works and Finance, the Committees are pretty close, and it would seem to me that it will pass through Public Works if people stay consistent with their vote. I think this is a really really risky thing to select to make a point on. Thank you."

Mayor Gonzales said, "We have to prepare a communication to the services that are impacted so they can address the issues."

Councilor Dimas said, "As I listen to this, it really scares me that we're going to put this burden on our Police Department to have security in all these places, I'm not sure the period of time. But it worries me, because we're short handed as is in the Police Department. And for us to ask the Police Department to do all the security in these places is really asking a lot. We're taking a lot of chances. So, that was the reason I voted no on this. I just don't think that we, as a City right now, can handle that, or take the chances. If it has to go to Public Works, then I guess it will go to Public Works."

Mayor Gonzales said, "For the record, for clarity, the Police are not going to be able to fill the gap on this. This is not going to put a burden on the Police, because they are not going to respond to covering the services that are going to be needed by this contract in critical areas of our City. So, let's move on. It's already been dealt with."

**10(o) CONSIDERATION OF RESOLUTION NO. 2015- \_\_\_\_ (COUNCILOR MAESTAS). A RESOLUTION ACKNOWLEDGING THE CITY OF SANTA FE'S OPERATING BUDGET DEFICIT AND ITS OUTLOOK; AND COMMITTING TO ADOPT POLICIES CONSISTENT WITH BEST PRACTICES TO ADDRESS THIS DEFICIT AND ITS OUTLOOK. (OSCAR RODRIGUEZ)**

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee Meeting of Monday, November 9, 2015, regarding this item, is incorporated herewith to these minutes as Exhibit "2."

A copy of an Amendment Sheet to the proposed Resolution, submitted by Councilor Maestas, is incorporated herewith to these minutes as Exhibit "3."

Councilor Bushee said her understanding is the Mayor has his Resolution and there was talk about melding the two, and thought this was going to Finance. She has concerns that we have a lot of Resolutions with a lot of approaches, and doesn't understand why this is necessary. She said, "I don't really know what it says or does to be honest. I don't want staff to be any more confused about the direction that we are trying to give them with regard to trying to deal with this deficit. So, I'm taking it off because I'm not in favor of it at this juncture unless somebody has something else to tell me."

Councilor Maestas said he sat in Public Works, but he couldn't stay for the discussion, so he is unsure of the final recommendation by Public Works. He said the last he heard was that this Resolution would be combined with the Mayor's Resolution.

Mr. Snyder said, "On your desk is an Action Sheet for Item 10(o), from last night's Public Works Committee meeting, and the motion was to deny this request."

Councilor Bushee said this was her understanding as well.

Mr. Snyder said he believes it was approved in the Finance Committee, and last night the Public Works Committee denied this request.

Mr. Maestas said, "To close Mayor, there is nothing confusing. It's very obvious we're facing a deficit and the intent was to begin the whole policy process to begin addressing the deficit. Originally, I wanted to call attention to some of the practices we've been engaged in that have not been sound financial practices. And I was told that our funders would not look favorably on that, so I removed all that language. But I felt like, just like any problem, it's always good to acknowledge it and commit to addressing the problem through a number of policy actions. So yes, it's all obvious, it's out there, but I think it's different when we all speak on this. So, regardless of what your feelings are, I felt it was an important start to addressing this deficit problem. And if denial was the final outcome of the Public Works vote, that's fine. I'm simply seeking to get this dialogue going and get us on a consistent track to work at addressing this deficit right now, not in January or February which is when we usually initiate our budget hearings."

Councilor Bushee said, "Just to finish up, Mayor, I'm not sure if it made it to Finance, can the Chair tell me that it has. Again, I think it was another one of those that should not have been on tonight's agenda. We've spent a lot of time talking about it, and it hasn't made it out of Committee."

Councilor Maestas said it was approved at Finance and Public Utilities.

Councilor Bushee said, "Okay, so then let me read the paragraph that.... and I appreciate Councilor Ives' characterization of it last night as a 12-step Resolution that just says we have a problem. It says, *'Now Therefore Be It Resolved the Governing Body of the City of Santa Fe in coordination with the administration, key boards and commissions, employee unions and other stakeholders shall enact appropriate, balanced policy actions, with transparency and robust public involvement, before June 30, 2016, that will collectively eliminate the expected FY 2017 \$15 M+ budget deficit and place the City on a path to stability and sustainability.'* Which is exactly what we have to do in the next 6 months. So again, I'm just not one for meaningless resolutions, from my perspective."

Councilor Ives said, "I admit I was getting confused between the two matters that were on our Public Works agenda last night as I am listening for 11 and 13. 11 was Councilor Maestas' Resolution that dealt with rededication of certain GRTs, eliminating the possibility of taking the final 1/4% which was dedicated to our Public Bus System and quality of life issues, eliminating the possibility after that 1/4% was devoted to the Public Bus System, 2/3 would be allocated to the General Fund and 1/3 of the balance would be allocated to other quality of life measures. We modified that particular measure, bringing in the recitals from Item 13, which is Item 11 on our Agenda tonight, and that's the matter that we did move forward. Item 11 from last night, which is not on the Agenda tonight, which is going to Finance. But this item, as such was not approved last night. Again with the understanding that the statement of the issue was brought into Item 11 from last night which has yet to go to Finance."

**MOTION:** Councilor Bushee moved, seconded by Councilor Lindell, to deny this request.

**VOTE:** The motion to deny was approved on the following Roll Call Vote:

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

**Against:** Councilor Maestas, Councilor Rivera, Councilor Trujillo, Councilor Dominguez.

**10 (r) REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CHRISTUS ST. VINCENT REGIONAL MEDICAL CENTER (CSV). (ZACHARY SHANDLER AND KELLEY BRENNAN)**

**1) CASE NO. 2015-47. CSV MASTER PLAN AMENDMENT.**

Councilor Rivera said, "On page 3, of the packet, under Item #4, I think when we had this discussion at the Council meeting, we said ' *the Certificate of Occupancy for the new patient wing will not be issued until the conditions established by the Commission with respect to the development are fulfilled.*'"

**MOTION:** Councilor Rivera moved, seconded by Councilor Trujillo, to approve the Findings of Fact and Conclusions of Law in Case No. 2015-47, Christus St. Regional Medical Center Master Plan Amendment, and to modify the Findings of Fact and Conclusions of Law by adding to Additional Condition 4 in the Governing Body's Order, the words "for the new Patient Wing," after the words, "Certificate of Occupancy."

**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 (t) CONSIDERATION OF RESOLUTION NO. 2015-104 (COUNCILOR RIVERA AND COUNCILOR LINDELL). A RESOLUTION TO SUPPORT MEOW WOLF AND THEIR PROJECT, THE HOUSE OF ETERNAL RETURN AND EFFORTS TO DIVERSIFY THE ECONOMY, REVITALIZE AN ECONOMICALLY DISTRESSED NEIGHBORHOOD AND PROVIDE A UNIQUE FAMILY ENTERTAINMENT OPTION FOR SANTA FE.**

**(ZACKARY QUINTERO)**

**1) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$60,000 FOR WORKFORCE DEVELOPMENT AND LOCAL PRODUCT CREATION SERVICES, MEOW WOLF, LLC. (ZACKARY QUINTERO)**

**Disclosure:** Councilor Dimas said he pulled this item for the purpose of abstaining on this issue.

Councilor Bushee said she likes that there are metrics in the Resolution, but she doesn't see any way to have a clawback or an enforcement mechanism. She said, "I think you are going to achieve, and have already achieved the short term. She said page 2, line 9 says you will create 80 short term jobs between May and November and asked if that has been achieved.

Zackary Quintero, Economic Development, said to give context, this has passed through Economic Development Review Subcommittee, Business & Quality of Life Committee and the Finance Committee, with the requirement from Councilor Maestas that this be put up for 30 days for sole sourcing, contesting, and no contest was made. He said, "To answer your specific question Councilor, the clawback

that you are looking for, any of the work that you're talking about that has been done, it cannot be counted right now, it has to be done after we pass the contract to the Governing Body."

Councilor Bushee said that isn't the piece about which she has a question. She said on page 2 of the Resolution, line 9, it says, "*Meow Wolf will create 80 short-term jobs between May and November 2015, and 30 full-time and 35 part time retainable jobs...*" Councilor Bushee asked, "So did the timeline change somewhere along the way, but the Resolution in my packet.... I really would prefer staff to answer the question."

Mr. Quintero referred the question to Kate Noble.

Kate Noble, Interim Director, Housing & Community Development Department, said, "We did intend to address the timeline. The timeline had been moving out when this was drafted, so that should really be by June 2015."

Councilor Bushee said then she would make this amendment to this Resolution, noting she hasn't made a motion, but wants to make sure that amendment happens tonight.

Councilor Bushee said back to the matter of what you are going to achieve, which is recognizing the economic importance of this project. She thinks it's important in that it's generated excitement in a certain population in our community that really deserves that recognition and emphasis. She said, however, her concern is that you have 7 achievable goals, and if they are not achieved, what is the option. She noted those goals begin on page 3, line 6 of the Resolution, and enumerated those 7 goals from the Resolution and what she thinks is achievable. She asked what happens if Goals #5 and #6 are not achieved what happens – she wants to know what the City's enforcement piece is on this.

Mr. Quintero said, "With respect to the capacity of meeting those requirements, Councilor, I can defer to Vince [Kadlubek] and his expertise for his company."

Councilor Bushee said, "I really need the staff. Who created these and do you think they're achievable, and if they aren't, what happens."

Ms. Noble said, "Those were created in consultation with Meow Wolf, around the deliverables. It's a fairly rich deliverable pie, if you will. And we are working on basically... they are paid for performance. So, through the phases in the contract, they need to hit those benchmarks in order to get payment. And we will pay after the benchmarks have been met."

Councilor Bushee asked, "So, is each benchmark worth \$10,000, is it \$60,000. This isn't millions of dollars. But I did read in the paper today that there is the possibility someone is coming in, and I see the Mayor has introduced a Resolution on the Santa Fe Film Office, looking for \$150,000. I don't know how much you have left in your budget, Kate, but you know, you have to keep track of these things. So how does that work. If you don't get to #5 and #6, they only get \$20,000."

Ms. Noble said, "In the Compensation section, which is on page 19 of your packet, page 4 of the contract, we have outlined the phases according to the amounts to be paid, so that Phase 1, Subsection A is \$10,000, Phase 1, Subsection B is \$10,000, Phase 2, Subsection A is \$5,000 and so on and so forth. So we have amounts to each phase very deliberately."

Councilor Bushee said these are her questions, and reminded any maker of the motion to amend the Whereas on page 2 of the Resolution, line 9, and make the date more realistic to whatever staff thinks.

Ms. Noble said. "That 'Whereas' was not intended to be adjusted, because that was simply stating a fact. They did create that many short term jobs. We did at one point, adjust the timing."

Councilor Bushee asked if there is anything left to adjust.

Ms. Noble said, "I don't believe so."

Mayor Gonzales said, "I do want to adjust the statement you made. I'm not asking for \$150,000 for the film office."

Councilor Bushee said, "I read that in the paper that they are going to make an ask of that. And so maybe, in answer to that question Kate, what do you have left in your budget after this."

Ms. Noble said, "I would need to double check all of the numbers, we've been holding a space for an initiative, so not including any money allocated for a film initiative, roughly \$60,000, for what was budgeted in fiscal year 15/16. This current fiscal year."

Mayor Gonzales said, "On that point real quick, I know we spent a lot of time on this. I actually thought that there was more capacity in the Economic Development budget. Because I know we're addressing a LEDA application now by Santa Fe Spirits. It's making its way through BQL. And from what I understood in meetings we've had, there is capacity for additional economic opportunities. Is that true."

Ms. Noble said, "We have an approved budget for this fiscal year, which we are keeping track of the SFID contract passed BQL today, so I'm including that as well as an assumption on the \$60,000 for Meow Wolf, so there are some built in assumptions there. The Incubator contract also passed today as did YouthWorks. We can bring the full breakdown for the Council. For a LEDA application, we would very likely bring forward, with the Ordinance amendment and designation of a LEDA project, a budget adjustment request. As you may remember, all of the Economic Development money, in essence, comes from the same pool, so if it's not spent this year, it's available next year. And if we designate more LEDA projects in any given fiscal year, it might reduce our capacity over the long run. But with the work of the office of asset development, we have seen a change in budget environment for Economic Development. So I would not think that any proposed ideas would all fit within this fiscal year's approved Economic Development budget."

**MOTION:** Councilor Lindell moved, seconded by Councilor Rivera, to adopt Resolution No. 2015-104 and approve the request in Item 10(t).

**DISCUSSION:** Councilor Rivera thanked Mr. Kadlubek for his invitation for him to see what this is about. He said, "Not knowing, I was very impressed about what was happening there. And really it addresses one of the items that the Finance Director has put before us, which is a way to address some of the budget deficits we have, and that's economic development. So this create jobs, provides training for people at the University of Art & Design, and maybe at some time, at the Community College as well. It also does something that I think we're all passionate about up here, and that's providing another opportunity for our young people, something for them to do on weekends, during the summer, which right now is one of the main complaints I think they have is that they don't have enough to do. So I commend you for your project. I know it's going well, and I'm glad that we're able to, hopefully, help a little bit. So thank you."

Mayor Gonzales said, "I just want to add thank you to the sponsors. I will say, what is unique about this project, is that it involves highly skilled young artists in our community, working to create an experience for the young people of our community. We can't say we want to be a community of artists and not support economic development efforts where artists can actually thrive. I am pleased to see there is a requirement in here for patents. One of the things the Santa Fe Institute has relayed to me and to others, is that the number of patents that are created in a community, directly correlate with the amount of productivity that's occurring in a community over a period of time."

Mayor Gonzales continued, "So not only are we able to create jobs for an experience that young people can be part of, there's also going to be applications and products that we're asking them to create in addition that, that will further enhance our economy. And if the Santa Fe Institute is correct, the patents do dictate the amount of productivity moving forward, seeds opportunity for more patent creation and development, so when we look into the future, the productivity of our community, meaning the number of workers, in jobs that have upward and social mobility increase exponentially. I am very proud of the Meow Wolf organization for not trying to push back on the requirements here. I have every belief that if this is approved tonight, they will be able to meet these requirements."

**CLARIFICATION OF MOTION BY THE CITY CLERK:** Ms. Vigil asked if the motion includes the staff amendments on page 3, and Councilor Lindell said it does.

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

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

**Against:** None.

**Abstain:** Councilor Dimas.

**Explaining his vote:** Councilor Dominguez said, "Good luck to you. Yes."

**Explaining his vote:** Mayor Gonzales said, "Yes and I would say that the City is joining hundreds of Santa Feans who believe in the Meow Wolf experience and we wish you all the best of luck. When do you think you will open. We'll wait for that answer later. Make it soon."

\*\*\*\*\*  
**END OF CONSENT CALENDAR DISCUSSION**  
\*\*\*\*\*

**11. REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON DECEMBER 9, 2015: BILL NO. 2015-42: 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 (COUNCILOR MAESTAS). (OSCAR RODRIGUEZ)**

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee Meeting of Monday, November 9, 2015, regarding this item, is incorporated herewith to these minutes as Exhibit "4."

A proposed Amendment Sheet regarding this matter, submitted by Councilor Maestas, is incorporated herewith to these minutes as Exhibit "5."

A Memorandum dated July 1, 2015, with attachments, to the Mayor and Members of the City Council from Oscar S. Rodriguez, Finance Director, regarding Report on Resolution 2015-40, is incorporated herewith to these minutes as Exhibit "6."

Councilor Maestas said he sat in the discussion at Public Works on this legislation, and thinks there was some confusion over the intent of the legislation, and there were comments about how the caption didn't clarify the spirit of the amendment. He has proposed language which he doesn't think represents a material change which would clear the way. He reminded the Governing Body that this is just a request to publish notice. He said it will go to Finance for consideration.

Councilor Maestas said the amended caption will read as follows: *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, and removing the provision for allowing the use of excess funds for general municipal operations.* He reiterated he doesn't believe this is a material change, and it will go to Finance for further discussion. He said, "I think we're nearing consensus and understanding on this bill, so I would like to see this keep moving. It's eventually going to come back to this body for approval it gets past Finance."

Mayor Gonzales asked what other Committees will hear the bill.

Ms. Brennan said, "This is a request to advertise. If it goes back to Finance on November 30, 2015, it can go to Public Works on December 7, 2015, and still be back at Council on December 9, 2015, assuming it has been approved in those two Committees, and if not, could be postponed on the tenth."

Mayor Gonzales said he would like input from Councilors Dominguez and Trujillo as the Chairs of Finance and Public Works, respectively, on whether they would like to defer consideration of this so the Committees can hear it, or if they want the Council to fully address this tonight.

Councilor Dominguez asked if this bill was introduced at Finance or Public Works.

Councilor Maestas said, "Last night. Yes. Public Works and then it's going to Finance."

Councilor Dominguez said he would like to know when it was first introduced, and if it was introduced at Finance or at Public Works.

Councilor Maestas said, "I don't recall."

Councilor Dominguez said, "That's part of the problem with many of our bills, as I mentioned before on one of the other items. I guess my feeling is that this is really Request to Publish. It has to get out of one of those two Committees with a positive approval. It's kind of odd that we're going to request to publish something that really doesn't have support yet. I don't mind it going to Finance, of course. We haven't seen it at Finance. It has some pretty significant financial implications. It's going to potentially tie our hands even more, if I understand things correctly. But it sounds like you're wanting to work it so that maybe there is some flexibility. I stand in support of moving this forward, but there is the strong possibility that it doesn't even get out of Committee."

Councilor Trujillo said the only concern he has is that the only time Councilor Bushee and Councilor Ives will hear it is when it goes to Public Works. He would like to give them the opportunity to hear it, noting Councilor Ives sits on only one Committee.

Councilor Trujillo reiterated he has no problem in advancing it forward, but as Councilor Dominguez said we could hear it for a request to publish and it might not make it out of either Public Works or Finance.

Councilor Bushee asked if there was a motion on this item.

Mayor Gonzales said, "What I was doing was asking the Chairs of both Committees if they wanted the Council to consider this request by Councilor Maestas, or if we defer it and allow it to go through the Committee process – that was the question I was asking."

Councilor Bushee said, "Just today, with Melissa, I took it off BTAC because the motion that I remembered from last evening was that it hadn't been to Finance. And I don't think it was very clear or very clearly advertised. The discussion was about changing it to expand the definition for anything left over to be about recreational facilities and trails. The rest of the discussion was about transit and making it so that all the money would go toward buses, so I find it needs some clarification, at least in the title, and I see there are amendments. But I honestly think it has to go back to both committees because it wasn't advertised correctly. I understand the intent and I appreciate focusing on that, but I also think it should be a part of the budget discussion, so I don't see the urgency."

Councilor Maestas said, "I am okay with delaying this and letting it go through the Committee process. But I know for a fact, because I had the City Attorney to look at the caption to ensure it reflects the amendment, and I was assured it does. So I don't believe it was advertised improperly. It's not my fault if certain Councilors don't understand the amendment, but it's very clear what it's doing. But the intent is to provide the opportunity to allocate more funds to the public transportation system, which was the intent of this dedication. So if there's discomfort on the part of the Council, I don't want to jeopardize this legislation. I want to make sure it goes through our process and that people know exactly what it means.

Councilor Maestas continued, "So I'm okay to defer this, because I think Councilor Bushee is right, there's really no rush. But I believe it's one of those policy decisions we need to make to stop these bridging strategies that are getting us in trouble, and this is a bridging strategy. So it's a bridging strategy and it's a social just issue, because we're depriving our public transportation system and a part of our constituency that relies on public transportation of at least \$1.25 million that is going to the General Fund."

**MOTION:** Councilor Maestas moved, seconded by Councilor Bushee, to postpone consideration of this item to the next meeting of the Governing Body on December 9, 2015.

**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.

**12. REQUEST FOR DIRECTION/APPROVAL TO STAFF REGARDING RESOLUTION 2015-55 – A RESOLUTION AUTHORIZING MOBILE VEHICLE VENDORS WITHIN THE PLAZA PERIPHERY AREA AT SPECIFIC LOCATIONS AND AT LIMITED TIMES, PURSUANT TO THE VEHICLE VENDOR ORDINANCE, 18-8.9 SFCC 1987; REQUESTED BY THE GOVERNING BODY AT THE MAY 27, 2015 CITY COUNCIL MEETING. (MATTHEW O'REILLY)**

A Memorandum dated October 30, 2015, with attachments, to the Governing Body, from Matthew O'Reilly, Asset Development Director, with regard to this matter, is incorporated herewith to these minutes as Exhibit "7."

Matthew O'Reilly, Asset Development Director, presented information regarding this matter from his Memorandum of October 30, 2015. Please see Exhibit "7," for specifics of this presentation.

Mr. O'Reilly said the Council didn't ask us to address other issues relating to the underlying Ordinance, but we did receive inquiries and complaints about things that are happening with the vehicle ordinance. He said one of those complaints was in regard to Canyon Road. The Canyon Road Gallery Owners Association met with the Mayor and himself, and he spoke with a couple of the Councilors. He said because the mobile vehicle units are typically sort of box truck type units, because of the size, they were blocking the view of the galleries from the street. There were concerns that because the street was

narrow there might be some safety concerns. That is not specifically related to the Resolution, but something that did come up about the Ordinance itself related to Canyon Road.

Mr. O'Reilly said the Council was provided a copy of a letter that was submitted to him a few minutes ago by Mr. McBride who is here, and is a merchant in the Plaza area and he has comments in that letter that is on your desks. [STENOGRAPHER'S NOTE: The letter was not submitted for the record.]

*The Council commented and asked questions as follows:*

- Councilor Bushee asked what are the obstacles and hopes for more activity in the Spring. She said given the feedback you got was that the fee was not the obstacle.

Mr. O'Reilly said, "I'm not sure, honestly. There was a lot of publicity about this at the time and I think people were excited about it. It does cost some money to put together one of these mobile vehicle vending units. You have to buy a truck. It's not inexpensive. I think there are people who are considering doing this, and I would expect us to see more of these as the years go on, but this is very new. I think that's part of the reason that we didn't see as many people out there in the summer."

- Councilor Bushee asked if anyone from staff attended any of *The Santa Fe Reporter's* gathering of food trucks to try to encourage and find out what some of the obstacles were. She understands the initial investment is perhaps prohibitive for some. She wants to see this take off both downtown and at the Railyard. She understands events are different than doing it night after night, but again, but would love to know any to make it really take off.

Mr. O'Reilly said a group in the private sector prepared an info sheet about mobile vehicle vending in both English and Spanish to be made available. He said the City could make that available as well. He said this is a big investment, and the Council has taken a pro-active, bold approach to make this available and thinks people will start to use it. He said whether there is more competition for the 3 spaces by the Plaza, he doesn't know.

- Councilor Bushee asked if Mr. O'Reilly could ask Kate Noble's shop to look for micro loans that could be offered for some of these people to retrofit vehicles – somehow to kick this off a little more. She thinks we are behind Albuquerque in some of these efforts. She said, "I would suggest we continue onward and try and encourage them in whatever way we can. And thanks for the report."
- Councilor Trujillo said the same thing was said about this as about the Fuego – that it was bad for the City, but the first year was good and more and more people showed up and it really took off. He thinks that is the same thing it will take for the food vendors. He attended the one at *The Santa Fe Reporter*, and as he told Councilor Lindell it was a great thing. He said it is good for it to be downtown, but you are going to have to expand it to get more people from the community wanting to these things. You have to expand it to the South side. He would like to see something at Ragle Park, and there's enough parking. He asked about the possibility of getting the food trucks to the

Fuego games. He said there are opportunities in this community other than solely the Plaza. We focus on the Plaza, but there's more to Santa Fe than just the Plaza. There's a huge community and he wants to see more outreach to those parts of the City where you don't see this. He said there was a food truck on the Food Channel and they concentrated everything on "this side of town." They don't go past Cerrillos Road. There are other opportunities, although he thinks this is a good thing for the community and he supports it, but wants to expand it to other parts of the community. He said, "Let's get the entire City involved and not just one segment."

Mr. O'Reilly said he would like to let the people of Santa Fe know that their City Council has really opened this wide-open. There are no limit to the number of permits that can be issues, and we were ahead of Albuquerque. We introduced our Ordinance and adopted it before Albuquerque. He said our Ordinance is more lenient than Albuquerque's, noting we allow this parking on public streets as well as in public parking lots, on private streets and on private property. So we've made a big change from where we were. He said, "I would venture to say we are ahead of Albuquerque now. Albuquerque only allows these trucks to sell food. The City of Santa Fe allows the vehicles to vend other items. They can vend art, clothes, and be a mobile manicure truck. They can do all kinds of things. We have really opened this up for all kind of creative ways for new businesses to start in this City. We're ahead of them, as we should be, and Council has done a very good thing with this."

- Councilor Dominguez said, "Matt, you are absolutely right. We are way ahead of lots of places in the Country, quite frankly. I've done a lot of research on mobile food vending, as you know. We've had lots of discussions about their impact, positive and negative, in many parts of this City. What this really does is to set the stage for a better policy eventually, once we start to get more vendors and we start to expand to more places outside the downtown area."
- Councilor Dominguez continued, "The other thing I wanted to say is that what it really does, is it opens the entrepreneurial spirit that really, a lot of these folks have. And with that, is going to come the opportunity to stimulate the economy. However, it's not going to be a huge impact, but as we continue to promote that entrepreneurship, these folks hopefully eventually will open restaurants. I think it's a great policy, a great start. I'm actually looking forward to working with Councilor Trujillo to make sure we can expand in more creative ways. Congratulations. I know I was one of the very first main sponsors when it came up. So, I'm really excited about the opportunities."
- Councilor Maestas thanked Mr. Reilly for the report. He thinks we can take this entrepreneurial incentive program to another level. We have 3 kitchens in the Convention Center and we don't have an in-house caterer. You have to hire your own caterer when you have a convention, and they temporarily use the kitchens. We have 3 kitchens that aren't being used full time. He said he is looking into what it takes to create community kitchens, commenting there are health issues associated, and would like to see us make one of these kitchens available to the mobile food vendors. He said in the future this service could really help these vendors. He sees nothing but good things for the whole mobile vendor industry.

- Councilor Maestas continued, saying he wants to echo the concerns brought to his attention by Ms. Bonnie French of the Canyon Road Merchants Association. He believes there is a safety problem with these large mobile vendors parking along Canyon Road. It's not a standard size street and is narrow, and sidewalks are not standard width, and this is creating some unsafe driving conditions. He wants to work with Mr. O'Reilly to see how to address those safety concerns without unduly limiting activity in the area. He noted the Mayor also met with Ms. French. He said the Ordinance will need tweaks, and perhaps we can address some of these issues in that process.

- Mayor Pro-Tem Ives asked Mr. O'Reilly what guidance he is requesting.

Mr. O'Reilly said he thinks the Council's intention was rather than have the resolution sunset at a date certain, we wouldn't do that, and the Council would review it after six months, which is the purpose of his presentation. He said he infers from that, that it would be nice to know if the Council is okay with Resolution and wants it to continue, or to stop allowing this in the Plaza periphery.

- Councilor Lindell said she doesn't think there is a sunset on it, and appreciates the report. She thinks we can continue on. She said if we need to make changes we will need to bring those forward to change the Resolution.
- Mayor Pro-Tem Ives said, "I believe so. I think the most we can give you is a consensus on that."
- Councilor Dominguez said he agrees. He said, "One of the things I will be working on at the beginning of the year is amending it to promote healthy opportunities and healthy options. So I would rather that the bill be in place so those amendments can be made at the appropriate time. I agree with Councilor Lindell in the movement of this particular item."
- Councilor Ives summarized the discussion: "A very favorable opinion of the Council toward the food truck vendor ordinance. And you've heard we'd love to expand it so it reaches across the entirety of the City and not just the Plaza." So it might be appropriate to examine other areas where different actions might cause it to be expanded. He doesn't know whether designated parking spots near the various community centers, the Southside Library or various gathering points on the south side would be appropriate. He said, "Certainly, I think you're hearing us say we'd would love to figure out how to make it more significant, vital. Of course, there are particular challenges on Canyon Road, that will need to be part of that moving forward."

Mr. O'Reilly said, "Just for those vehicle vendors, people thinking about this or listening tonight, the only reason a Resolution had to be adopted is because the Plaza periphery area was always somewhere where these vehicles were prohibited. The ordinance allows this to happen anywhere, anywhere on the south side, anywhere in this City. It opens it so we can have as many of these vehicles as we want. It's just because of the Plaza periphery restriction that the Resolution was required.

Responding to the Mayor, Mayor Pro-Tem Ives, said general direction was given to move forward with it as directed, and no vote is needed at this time.

\*\*\*\*\*

**MOTION:** Councilor Ives moved, seconded by Councilor Lindell, to reconsider the previous approval of the Agenda to hear Item #17 next on the agenda, to move Items #13, #14, #15, #16, #18 and #19 to the end of the Evening Agenda, and 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.

\*\*\*\*\*

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

**IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT §10-15-1(H)(2) AND (7) NMSA 1978, DISCUSSION REGARDING LIMITED PERSONNEL MATTERS, INCLUDING, WITHOUT LIMITATION, DISCUSSION ON UPCOMING UNION NEGOTIATIONS; AND 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 PROVISIONS OF THE WATER RESOURCES AGREEMENT BETWEEN THE CITY OF SANTA FE AND SANTA FE COUNTY. (KELLEY BRENNAN).**

**MOTION:** Councilor Ives moved, seconded by Councilor Lindell, that the Council go into Executive Session, in accordance with the Open Meetings Act §10-15-1(H)(2) and (7) NMSA 1978, as recommended by the City Attorney, for discussion on upcoming union negotiations; and 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 provisions of the Water Resources Agreement between the City of Santa Fe and Santa Fe County.

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

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

**Against:** None.

**Absent for the vote:** Councilor Bushee.

The Council went into Executive Session at approximately 6:55 p.m.

**MOTION TO COME OUT OF EXECUTIVE SESSION**

**MOTION:** At 7:45 p.m., Councilor Trujillo 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.

**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 AFTERNOON SESSION AT APPROXIMATELY 7:45 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 7:45 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  
Carl Boaz for Melessia Helberg, Council Stenographer

### F. PETITIONS FROM THE FLOOR

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

Yolanda Vigil, City Clerk, noted Item H-3 has been withdrawn from the Agenda.

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

**David McQuarie, 2997 Calle Cerrada**, said he wants to address ADA etiquette, the Americans with Disabilities Act, it's not the Handicapped Act. He said he recently he was reviewing the plans for redoing the Airport, and asked when they are going to address the 2010 Transition Act. He said he was informed that they don't have to, we don't have the budget. He provided the City Manager with another copy of the letter he gave out in June 24, 2015 [Exhibit "8."] He asked everyone to pay attention to Paragraph 5. He said they have an option to *[inaudible]*. He said it was incomplete, and at the last minute they handed us the *[inaudible]* that they would not do a bunch of the curb ramps because of the acute angle. He said, "I hate to say it, but their engineer, that's what he gets paid for." He said the ADA requires a maximum 8.3 angle, and they're not close to 8.3. He asked, what's going on. They are denying us our Constitutional rights afforded by Amendment 8 which says undue punishment, so you will hear more from me on this.

## G. APPOINTMENTS

### Planning Commission.

Mayor Gonzales made the following appointment to the Planning Commission:

John B. Hiatt (At-Large) – to fill unexpired term ending 06/2017.

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

**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

- 1) **BISTRO, LLC, FOR A RESTAURANT LIQUOR LICENSE WITH PATIO SERVICE (BEER AND WINE FOR ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED IN MILAD PERSIAN BISTRO, 802 CANYON ROAD. ( YOLANDA VIGIL)**

The staff report was presented by Yolanda Y. Vigil, City Clerk, from her Memorandum of November 6, 2015, which is in the Council packet.

The Applicant was in attendance.

### Public Hearing

There was no one speaking for or against this request.

### The Public Hearing was closed

**MOTION:** Councilor Ives moved, seconded by Councilor Maestas, to approve the request from Milad Bistro, LLC, for a Restaurant Liquor License with Patio Service (Beer and Wine for on-premise consumption only) to be located at Milad Persian Bistro, 602 Canyon Road, with all conditions of approval as recommended by staff.

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

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

**Against:** None.

2) REQUEST FROM STARRY NIGHTS BEVERAGE, LLC, FOR THE FOLLOWING:

- a) PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES AT THE INN OF THE FIVE GRACES, 150-160 E. DeVARGAS STREET, WHICH IS WITHIN 300 FEET OF THE SAN MIGUEL MISSION CHURCH, 401 OLD SANTA FE TRAIL.
- b) IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, REQUEST FOR A TRANSFER OF OWNERSHIP AND LOCATION OF INTER-LOCAL DISPENSER LICENSE #0421, WITH PATIO SERVICE, FROM CORRALES BEVERAGE, LLC, D/B/A RANCHO DE CORRALES, 4895 CORRALES ROAD, RANCHO DE CORRALES TO STARRY NIGHTS BEVERAGE, LLC, D/B/A INN OF THE FIVE GRACES, 150-160 E. DE VARGAS STREET.  
(YOLANDA VIGIL)

A letter dated November 10, 2015, to Yolanda Vigil, City Clerk, from David Blackman, Chairman, Preserve San Miguel Mission, is incorporated herewith to these minutes as Exhibit "9."

The staff report was presented by Yolanda Y. Vigil, City Clerk, from her Memorandum of November 6, 2015, which is in the Council packet, noting there is a letter on the Councilors desk from the Preserve San Miguel Mission stating the have no objection to the request [Exhibit "9"].

The Applicant was in attendance.

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

**MOTION:** Councilor Lindell moved, seconded by Councilor Maestas, to grant the request for the waiver of the 300 foot location to allow the sale of alcoholic beverages at the Inn of the Five Graces, 150-160 E. DeVargas Street.

**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.

**MOTION:** Councilor Lindell moved, seconded by Councilor Dimas, to approve the request for a transfer of ownership and location of Inter-Local Dispenser License #0421, with patio service, from Corrales Beverage, LLC, d/b/a Rancho de Corrales, to Starry Nights Beverage, LLC, d/b/a Inn of the Five Graces.

**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.

- 3) **CASE NO. 2015-87. APPEAL BY BRAD PERKINS FROM AUGUST 25, 2015 DECISION OF THE HISTORIC DISTRICT REVIEW BOARD REGARDING GRANTING THE APPLICATION FROM COURTENAY MATHEY FOR CONSTRUCTION WORK AT 2 CAMINO PEQUENO LOCATED IN THE DOWNTOWN AND EASTSIDE HISTORIC DISTRICT. (THERESA GHEEN) Postponed at October 28, 2015 City Council Meeting**

This item was withdrawn by the parties.

- 4) **CONSIDERATION OF RESOLUTION NO. 2015-105. CASE NO. 2015-43. 2729 & 2751 AGUA FRIA STREET GENERAL PLAN AMENDMENT. JAMES W. SIEBERT AND ASSOCIATES, AGENT FOR EMELECIO (LEROY) ROMERO, REQUESTS APPROVAL OF A GENERAL PLAN AMENDMENT TO AMEND THE EXISTING GENERAL PLAN FUTURE LAND USE DESIGNATION FOR 2.20 ACRES FROM MOUNTAIN DENSITY RESIDENTIAL TO COMMUNITY COMMERCIAL. THE PROPERTY IS LOCATED AT 2749 AND 2751 AGUA FRIA STREET. (ZACHARY THOMAS)**

*Item H(4) and H(5) were combined for purpose of presentation, public hearing and comment, but were voted upon separately.*

A Memorandum prepared October 29, 2015, for the November 20, 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 #2015-43, 2749 & 2751 Agua Fria Street General Plan Amendment, and Case #2015-44, 2749 & 2751 Agua Fria Street Rezoning, is incorporated herewith to these minutes as Exhibit "10."

A photograph of Leroy Romero's father, entered for the record by Leroy Romero, is incorporated herewith to this minute as Exhibit "11"

Zachary Thomas, Senior Planner, Current Planning Division, presented the staff report for this case. Please see Exhibit "10," for specifics of this presentation.

Councilor Bushee said she will ask more questions later. She said it's interesting that the last "so many" zonings have gone from R-1 directly to C-2. She asked if this is staff recommendation the applicants are taking, and asked the reason they don't stop at C-1, commenting it is an extreme jump.

Mr. Thomas said those are staff processing a request directly by the applicants to go to C-2, most typically in these cases, and staff bringing forward the request to the Governing Body. He said, "Is not necessarily a recommendation from staff to go to C-2, it's a request from the applicant."

Councilor Bushee said she wondered if there was a trend she isn't aware of.

Mr. Thomas said, "The concept we're trying to bring forward, is that there is increased pressure in this area to upzone property, commercial in this case, C-2."

Councilor Bushee asked if, in the other cases, they were accompanied by any kind of development plan or if it's always been a rezone and general plan amendment and directly from R-1 to C-2.

Mr. Thomas deferred the question to Greg Smith who has a little more history on that.

Greg Smith, Director, Current Planning Division, said in the previous cases, as Mr. Thomas has indicated, it is at the Applicant's request. And in several of those cases, many of the pre-existing uses did become conforming uses under C-2 zoning, and he believes that was the motivation for several of the previous applicants to request C-2. None of the previous cases had any development plans attached to them under advice of the City Attorney and the Planning Commission, and the City Council did not impose restrictions on the types of uses permitted under the previous zonings.

Councilor Bushee said this case is different in terms of the conforming or existing use, and it is a leap, it is a home occupation.

Mr. Smith said neither the existing residential nor the existing commercial uses will become fully conforming uses in this circumstance.

Councilor Maestas said on page 1 of the Staff Report under recommendation it says, "... *it is not clear that the proposed general plan amendment and rezoning for unrestricted C-2 development would be consistent with the applicable approval criteria...*" And then paragraph 3 under the Executive Summary, it says, "*Although rezoning to C-2 was approved for two nearby parcels in 2004, staff is concerned that the continued approval of rezoning applications with a community plan or other coordinated effort to address land use and infrastructure will make it more likely that a haphazard pattern of development will occur, resulting in undesirable changes to neighborhood character, inefficient use of property and difficulties in providing roads and other public infrastructure.*" He said this is out of the staff report and asked if we really can say that staff accepts or concurs with the Planning Commission action.

Mr. Smith said, "That issue did get [*inaudible*] at the Planning Commission and the staff is prepared to defer to the judgment of the Commission on that issue."

Councilor Maestas said there was considerable discussion about not making the abrupt change from R-1 to C-2. There was discussion about C-1, but yet there is no development proposed. He thinks a question was asked during one of the Planning Commission, why isn't C-1 on the table. He asked why C-1 wasn't a consideration, maybe as a compromise between staff concerns and the applicant's request for C-2.

Mr. Smith said, "The case, along with the previous cases that were reviewed and approved by the Council and the Planning Commission, were very difficult, so that C-1 might be viewed as a spot zoning whereas C-2 was consistent with the previous actions by the Commission and the Council. As was indicated in both staff reports to the Commission and the Council, there was some concern that future land use patterns are problematic in this area. The issue the Planning Commission and Staff indicates is the issue that there are some existing uses that are larger in scale than a typical home occupation lodging scale and could be accommodated under the City's Home Occupation Regulations. But there is still some concern on the other side that the eventual development under the set of uses by C-2 might overwhelm the existing infrastructure and cause problems with consistencies. Again, this issue was reviewed by staff, as was that issue reviewed by the Commission, and staff is prepared to defer to the Commission on that point."

Councilor Maestas asked, if C-2 is approved tonight, when the development request comes forward, if there is any way to address any proposed much higher intensity of development under C-2, or if we just approve C-2 *carte blanche* without any kind of restrictions, they can propose any development allowed under C-2.

Mr. Smith said, "Most development proposals that are above 10,000 square feet or greater, would require approval of the development plan by the Planning Commission. The Planning Commission would have limited authority to be able to put conditions of approval on those uses if they are over 10,000 square feet. Development of the types of uses allowed in C-2 zoning, less than 10,000 square feet, in some circumstances, if those uses are the only thing keeping it to the residential district, they will require a special use permit. In many cases, they would go through an administrative approval process without a public hearing."

Councilor Maestas said there was some discussion about postponing this to buy time to create a broader master plan. He thinks the timing is unfortunate and he wouldn't want to curtail the applicant in moving forward with their proposal because we need to get our plan together. He thinks it would be ideal that we have an updated master plan to kind of guide development, and we don't have that right now, but he wishes we did. He said, "So, I'm not really inclined to delay this at this point, Mayor, so that's all I have."

Mr. Smith said, "If I may just say to address your point, the Land Use Department and the Current Planning Division are working with the working group. We have initiated the master planning process, and we anticipate it will be about 12 months before the Railroad Corridor Plan comes to public hearings."

Councilor Lindell said, "I am happy to wait if you want to do all the questions at once."

Mayor Gonzales said, "Right. That's what I wanted to do. Thank you Councilor Lindell."

## Public Hearing

### Presentation by Applicant

*Mayor Gonzales gave Jim Siebert 10 minutes to make his presentation to the Council.*

**Jim Siebert, James W. Siebert & Associates, 915 Mercer, Planning Consultant, representing Leroy Romero was sworn.** Mr. Siebert noted that Leroy Romero, his wife and his daughter Rosella are in attendance this evening.

Mr. Siebert said, "What I would like to do is to give you a little brief history on the property and on the Romero family itself. Leroy's dad bought the property in the 1940s. I was also involved with George Rivera and the Club Alegria. What George explained to me, is that in that day, what would happen is that people would come in, divide their land, build their house and then start their businesses. And that's exactly what the Romeo family. Leroy is going to hand out a photo of his dad [Exhibit "11." This is a bit of an iconic structure, and has always been referred to as the castle on Agua Fria, and the building that is behind him, is the very beginning of the castle. The castle expanded into two stories."

Mr. Siebert continued, "Mr. Romero's father was selling cars from that location in the 1960's. And subsequent to that, Leroy and his brother opened a commercial business, in conjunction with his mother, and they had a trading post at that the location. Mr. Romero operates a well repair business and has for the past twenty-some years. Mr. Romero lives on the property and occupies one of the 2 mobile homes on the property. He has always had a business license, now and when it was in the County. This property was annexed at the beginning of 2014, and he currently has a City business license."

Mr. Siebert, using enlarged site drawings and photographs, said, "What I would like to do to show you how this relates to the zoning in the area. The first one is the actual layout of the property. Do you have any questions regarding that. The site sits 'here.' Some of the zoning that surrounds it. 'This' is the Club Alegria, the Council approved 6-7 months ago. 'This' is the Boylan property sitting 'here,' C-2. 'This' is the EcoVersity sitting here is on C-1 PUD. Directly across the street is light industrial. This whole area used to be part of a more industrial complex. 'This' is Corazon Santo, which is also kitty-corner and across the street, which is a mixed use project. This was also approved probably 4-5 years ago, another mixed use project down the way and then light industrial further down."

Mr. Siebert continued, "In terms of zoning, it's kind of a mixed bag. The R-1 is really the result of when the City annexed in 2014. The simple solution is not to annex according to what the actual land use was, but to simply rezone it to R-1, and that gave the City the opportunity that if anybody wanted to go beyond R-1, they would have to come in request rezoning, and give the City Council the opportunity to review the plan."

Mr. Siebert continued, "The other thing is, one of the conditions, and this addresses some of the issues of how this can blend in with the future development of the area, Traffic Division has required an additional right of way up front, that allows for a future deceleration lane off Agua Fria into the project. And it allows it to blend in on both sides with more of a continuous deceleration lane."

Mr. Siebert continued, "We are in agreement with the conditions as stated by staff. You will note in the report, the Planning Committee approved this unanimously, both the General Plan and the Rezoning request. And I'll answer any questions you have. The question was asked why jump straight to C-2. A lot of that is around what the historic uses were in this particular area. An example is Club Alegria would have to be C-2. Mr. Romero's business would have to be C-2. The other businesses that had occupied the property historically, also would have fallen into the same category. So with that, I'll answer any questions you may have."

Mayor Gonzales asked to go through the public hearing and round out the input of the staff and the applicant.

### Speaking to the Request

*All those speaking were sworn en masse*

*Mayor Gonzales gave each person 2 minutes to speak to the request, asking speakers to try to keep their comments to any additional items we have not heard before.*

*"If someone has spoken on an issue that you want to reiterate, please just say so and allow the meeting to continue."*

**Anna Hansen, Casa Alegre off Osage Avenue on Kiva Road, was sworn.** Ms. Hansen said, "I am concerned that we are in the midst of the planning process, and that we've started the planning process for the whole corridor, and we are continuing to approve and zone things, that we're trying to create a whole area where..... I'm not necessarily opposed to your project because you have been there a long time and you're trying to fit into those issues, and your delving will fit into the C-2. But I would like to see the plan be able to go forward, without the continuing piecemeal approach to zoning and to changing the zoning. So I would like you to please think about the fact that we are using staff time, we are using a lot of people, volunteers, meeting every week to discuss the Santa Fe River Corridor Plan and this ongoing process that is happening right now. And so I just think that needs to be taken into consideration with this whole rezoning of this area. Stop the piecemeal zoning. Respect the planning process. Thank you."

**Pablo Sanchez, 1142 Harrison Road [previously sworn],** said he lives right around the corner from Mr. Romero's property. He said, "I have lived on or right off Agua Fria all my life. Mr. Romero's property has been a business location for at least 50 years. I remember going there with my dad to buy a car from Leroy's father, Archie's Car Lot, about 1965. The castle building has been a well known landmark for many years. You talk about preserving our historical properties, this is one of those properties. I feel it has been very unfair that these property owners on Agua Fria have had to spend so much time and money rezoning their properties that had been historically commercial. Please approve this rezoning. Thank you."

**Ralph Lopez, 1817 Camino Consuelo [previously sworn]**, said he has known his brother-in-law Leroy Romero since 1966 when he met his wife. He said, "I'm here to ask you to consider rezoning to C-2. It recall it being zoned R-2 in the 1960's, and the car lot being there, the building being there and also a small store in the 1970's. I'm here to support my brother in law and requesting that you give this a lot of consideration and thought. I understand from what I heard tonight that some of the area is already rezoned C-2 and this would fall in line. I hope you will consider it."

**Pancho Sobien, 2823 Agua Fria Street [previously sworn]**, said he lives 1/4 mile directly west of this property. He said our families, the Ulibarris, Riveras, Romeros and Boylans, have lived and operated businesses on this strip of Agua Fria for 60-70 years. He said he is a member of the Committee that is working on the Master Plan. He said what Mr. Romero is requesting, is not out of line with what we are thinking about for this area. He said he has already gone through the expense time of applying for this rezoning, as has Mr. Rivera and Mr. Boylan. He said we will be forced to do the same thing if we weren't going to redo the Master Plan. He said every one of us have been in business there for 60-70 years and none of us are opposed to what Mr. Romero is requesting.

**Santo Montoya, 2750 Agua Fria [previously sworn]**, said he has owned the place just across from Leroy and been neighbors for 50-60 years. He said as a kid he remembers this as having always been commercial property and at different times there has been a car lot and before that a grocery store and a lumber store. He said it's not so bad, it's okay, and "I think it would be a wonderful thing if you do approve it."

### **The Public Hearing was closed**

Councilor Bushee asked Mr. Siebert if there is a planned use for the property, or is to get the highest and best zoning.

Mr. Siebert said nobody is waiting in the wings to develop this for some other commercial purpose than exists right now. He said Mr. Romero just wants to continue with his well and pump repair businesses.

Councilor Bushee said there are four parcels immediately surrounding it, and the larger one to the east, currently is residential.

Mr. Siebert said, "Actually 'right here,' the larger parcel right 'here'." These are actually 3 long, narrow strips of land and facing it is another home occupation that has been a commercial use in the past. 'This' is fairly vacant. 'This' right 'here,' the larger site 'here' is actually."

Councilor Bushee said, "So the one to the right, currently has a home occupation, or used to have one."

Mr. Siebert said it currently has a home occupation, Casa Blanca Cleaning. He said 'this' actually is a high density mix of single family and apartments.

Councilor Bushee asked about the next one.

Mr. Siebert said it is a single family residence.

Councilor Bushee said then there is no predestined use, or no plan right now to go in any particular direction.

Mr. Siebert said, "That's correct and he would just like to have the ability to continue to operate a business under the appropriate zoning."

Councilor Bushee said she heard Mr. Smith say this currently would consistently stay non-conforming under C-1 and C-2, and asked if that is correct.

Mr. Smith said, "That is correct. It is a residential use and a mobile home use cannot become a conforming use in a C-2 district."

Councilor Bushee asked what are the allowable uses under C-1.

Mr. Smith said those uses include single family, multi family residential, offices, retail sales, office supplies, restaurants up to 1,000 sq. ft. maximum, barber and beauty shops. There are multi-family residential uses such as senior care, and public and private schools are permitted uses in a C-1 District.

Councilor Bushee asked what is the biggest difference, in terms of allowable uses, between C-1 and C-2.

Mr. Smith said, "There are larger setbacks required in a C-1, and there height limits in C-1, and C-1 is much more restrictive in terms of commercial and light industrial uses.

Councilor Bushee asked for some examples. She said in C-2 you can have "everything from, you know, standard retail, clubs to automotive service and repairs, electrical substations, flea markets, single homes, mortuaries, general laboratories." She asked the difference in terms of industrial uses.

Mr. Smith said industrial uses are not allowed in a C-2 District, and the light industrial is okay but not heavy industrial.

Councilor Bushee said for her it is logical that Club Alegria and the Boylan property would go to C-2. That made it a conforming use, a little more high intensity commercial use. But immediately surrounding the site, it seems to be very similar to what the castle has in terms of its uses. It's more residential, home occupation, and she sees light industrial across the street.

Mr. Smith said that side of Agua Fria has I-1 and I-2 zoning predominantly.

Councilor Bushee said she is concerned, by default, if this property automatically goes to C-2, the 4 surrounding parcels logically, will come in and ask for the same zoning, "of course it makes sense." She

said she is still puzzled as to why we would go immediately to C-2, noting the applicant is seeking that zoning. However, given that the existing use will remain non-conforming under either category, and given the recent concerns expressed in why we even brought forward a sector study plan, whereas the El Rio Apartments really kicked that off, and they aren't even a C-2 zoning they are a C-1 PUD. She asked what would that category allow different than C-1 for the applicant, just so they understand.

Mr. Smith said, "The PUD is an overlay district which requires approval of a specific development plan at the time the property is rezoned."

Councilor Bushee, "I'm expressing my concerns of leaping to C-2. I understand that we don't want to remain in the R-1 situation, that is just a starting placeholder of sorts. But given all of the discussion we just had in terms of ingress, egress, traffic and not knowing what the future would hold for this property, I still have some reticence to jump right to C-2. Thank you."

Councilor Dominguez asked staff when this process started – when did the applicant first meet with staff to begin this process.

Mr. Smith said the pre-application meeting was in January or February 2015.

Councilor Dominguez asked if there are fees associated with applying for a general plan amendment and rezoning.

Mr. Smith said depending on the number of acres, there is a range of several hundreds of dollars.

Councilor Dominguez asked what is the case in this case.

Mr. Thomas said, "There is a \$1,000 application fee for a General Plan Amendment and a \$1,000 application fee for a rezone. So, it's \$2,000 plus roughly an additional \$90 for signs on the property to provide public hearing notice.

Councilor Dominguez asked if the meetings for the Master Plan have started, and Mr. Smith said yes.

Councilor Dominguez asked if the intent is to consider zoning in that process. He said if you look at sector plans, or neighborhood plans like the SWAMP, zoning isn't a part of that document either, noting it has concepts, but doesn't mandate zoning.

Mr. Smith said, "The Southwest Area Master Plan ["SWAMP"] document did have future land use, had general land use categories but there was not a specific zoning map as part of that. Chapter 14 does require that any rezoning action taken by the Council must be consistent with the policies and the future Land Use Map, and the General Plan."

Councilor Dominguez said there was a statement that the process would take 12-16 months.

Mr. Smith said it could take longer, noting the working group has met 3 times and there are no clearly established goals in terms of the work plan, and it will not include recommendations for rezoning.

Councilor Dominguez said, "We don't know what the disposition of that process would be, and for all we know, there may not be anything that comes out of that process. I hope there is something, because a lot of people are working hard on it, but the reality is we don't know what's going to happen."

Mr. Smith agreed that we don't know what the products will be from that process.

Councilor Dominguez said, for clarification, the surrounding properties that are zoned C-2 happened in 2014.

Mr. Smith said he believes it happened in 2013 and 2014 – Boylan and Rivera were both in 2014.

Councilor Dominguez said, "Part of my concern is that we have an application before us that has been administered correctly in terms of the administrative process and people have spent money on this. I know that I don't have \$2,000 to pay and leave in limbo. In my opinion, there is a fairness issue in play here that needs to be considered. In terms of the legal nonconforming use, those things are just going play themselves out, just as the West Santa Fe River Corridor planning proceeds. There may be others who will have legal nonconforming uses. I don't see anything different. I see a property owner trying to make things right and to comply the best they can with what has been in the past and what they hope to have in the future, what is required now and is consistent with the map we have. That's all the comments and questions I have."

Councilor Lindell said there currently are two mobile homes on the property, and asked where are the other 3 residences.

Mr. Siebert said the Castle has two apartment rentals and there is a single-family residence right next to the Castle, which creates the 3 dwelling units.

Councilor Lindell said, "It's problematic, because in asking for C-2, C-2 doesn't allow residential. Correct."

Mr. Siebert said, "I does not, correct. It does allows apartments."

Councilor Lindell said then the current uses could be considered under C-1.

Mr. Siebert said, "I'm not sure how the City would consider the manufactured homes, whether than would fall under the park or not. If it falls under the limitation of a park, then they would not be permitted period, under any zoning."

Councilor Lindell asked Mr. Smith if the pump repair business would be allowed under either C-1 or C-2.

Mr. Smith said, "The pump business would be permitted under C-2 [inaudible]."

Councilor Lindell said then we aren't sure it would be a conforming use under C-2.

Mr. Smith said if they are presented with changes to the site, development would be required to make it a conforming use.

Councilor Lindell said, "My concern is we have a long history, and a complex ask here with two different types of things going on – residential, a repair business. But a C-2 general commercial district, just really opens up that property, even though there are no development plans right now, to be a gas station, auto repair business, personal care facility, pharmacy, Police station, electrical substation. It opens it up to a pretty intensive amount of use which I really don't see other uses like that nearby. I would be much more comfortable with a C-1 use for this property. Thank you Mayor."

Councilor Rivera asked Mr. Siebert if the Applicant is aware that under C-2, the manufactured homes in the back would not be allowed.

Mr. Siebert said, "He is. That's again, under current zoning, they are sitting in a final category of park and they wouldn't be allowed in any district. But they are legal nonconforming uses, so as long as they remain, they can continue to live there."

Councilor Rivera said, "The other thing is, the current business that is there, obviously under the C-2, would require probably less changes than if it were offered at C-1. Is that correct. They would have to spend a lot more money to make improvements to meet zoning."

Mr. Siebert said, "No. Actually under C-1 it would be, from your standpoint, it would be a nonconforming use. It is only under C-2 that it would be a permitted use. There are site standards he would have to meet, and if he expanded the business, he would have to meet those site standards."

Councilor Dominguez asked if a gas station were to be put there, if there would be some extensive staff review.

Mr. Smith said, "The example of a gas station or another type of drive-through facility, such as drive-in retail, or a drive-through bank, would trigger a special use permit in most instances. Uses of less than 10,000 sq. ft., would be approved through the permit process, but there would be no public hearing."

Councilor Dominguez said he agrees, to some extent, this could 'potentially open things up.' It doesn't come without extensive review from staff. It's not as though you get a C-2 zoning and next week they will be able to open a gas station or any other permitted use.

Mr. Smith said it depends on the number of square feet, and the type of...

Councilor Dominguez said, "Okay. It would have extensive staff review, there would be staff review, I don't know if it would be extensive, although I think that sometimes staff does things too extensively in the review."

Mr. Smith said the setbacks, lot coverage, building setbacks, open space, parking, screening of parking lots, those kinds of standards would apply even in the administrative permit process.

Councilor Dominguez said then there is so no public hearing associated with this.

Mr. Smith said there will be none unless it is a facility of more than 10,000 sq ft.

Councilor Dominguez asked, "Do we have the purview, under the rezoning, or actually, maybe it's the amendment, I can't remember, where we can actually.... I think it's the rezoning. In annexations, I know that we have the ability to require more than what is identified in Chapter 14. Is that the case for either a general plan amendment or a rezoning."

Mr. Smith said the City Attorney has advised us those types of restrictions are not appropriate with rezoning.

Councilor Dominguez asked for an example.

Ms. Brennan said, "I think an example of what you seem to be talking about is if the zoning category that is applicable across the City only allows X, Y and X, and you try to approve it and say you can do X and Y, but not Z, I do not believe that is an appropriate use of the Zoning Code. In other words, by giving zoning, you give the zoning...."

Councilor Dominguez asked, "Under what circumstance would we be able to say that, well I guess it doesn't. Then any of those C-2 uses; we could not mandate that there either be a public hearing or a development plan approval. Correct."

Ms. Brennan said, "I think you could, if you're talking about imposing conditions, that there would be a public hearing under some circumstances. That would be different than saying that you approve the zoning, but they can't have the uses otherwise permitted in the zoning. There is a difference between restricting the permitted use and a condition on how that use is granted."

Councilor Dominguez said, "So, I guess where I'm trying to get to, is I'm trying to find a way to trigger the applicant, even though they have already spent money, resources and time, to try to do the right thing. I'm trying to find a way to trigger something to require them to come for additional approval, scrutiny or review, whatever the case may be. And Jim, do you have any ideas."

Mr. Siebert said, "Let me try something out. And it seems to me that if the applicant agrees to the condition, then that takes on a different nature than if it is imposed unilaterally. An example, a condition might be that any development that exceeds 5,000 sq. ft., or greater, would require a hearing in front of the Planning Commission. I think the applicant would be willing to agree to that kind of condition, and that provides some oversight on the part of the City. So I'm just throwing out an example..."

Councilor Dominguez said, "We've done that before."

Mr. Siebert said, "Yes, but understand that the applicant has to say that they agree to that. I recall one recently, it was on Alameda, it was a rezoning to R-7, and I forget exactly what the condition was, but the applicant said yes, I would agree to that condition."

Ms. Brennan said, "Applicants can offer conditions which you can accept, and you can impose conditions which they can approve or they can accept."

Councilor Dominguez asked, "So is the applicant offering that, I guess is my question. Not that that's going to be the decision, but."

Mr. Siebert said, "The condition that we would offer is that if any development on the site is 5,000 sq. ft., or greater than that above the existing intensity of use, that would require a hearing in front of the Planning Commission."

Councilor Dominguez asked, "If the applicant is willing to impose that condition themselves, are there additional fees that have to be filed?"

Mr. Smith, "It would [*inaudible*] thinking part on how that is structured. There are application fees for most applications that are heard by the Planning Commission. The development plan is an application for the final evaluation of the construction. The special use permit type of hearing would have an option based on the type of application."

Councilor Dominguez said, "Okay Mayor, that's all I have. Thank you."

Councilor Ives said in the Chart of Permitted Uses for different categories of land use, and he is thinking of C-1 and C-2 in particular, under manufactured homes, it appears to be a permitted use under C-1, but a P-6 under C-2. He asked what is the P-6 reference, and how does that differ from just a P in that chart.

Mr. Smith said, "I will double check that. It states that mobile homes are prohibited in the C-2 District."

Councilor Ives said he is looking at manufactured homes as opposed to mobile homes. He said, "I agree, mobile homes, at least that are permanent, are prohibited in C-2 and presumably a special use in C-1."

Mr. Smith said, "The cross reference is to Subsection *[inaudible]* really says *[inaudible]* do not include mobile homes or acquisition of vehicles. And it also states in most *[inaudible]* requires approval of the Planning Commission. There is some other applicable County reference to a mobile home and mobile home typically applies only to mobile home parks and structures that were built in prior to the 1980's. Manufactured housing.... staff is not certain whether structures that are on the applicant's property qualify as mobile homes prior to the 1980's and the 1970's, and are manufacture housing. That after the 1980's, and subsequently, if they are constructed under the *[inaudible]* from the 1980'as and forward, they are treated largely like a stick built house. But if they are truly mobile homes (in 1970's) those are the most restrictive category."

Councilor Ives asked Mr. Siebert if we can clarify the nature of the structures being used as residences on the property – do they fall under those categories.

Mr. Siebert said the two manufactured homes are occupied by members of the Romero Family and the Castle is occupied as a rental, and the single family is a rental too, is it not. "Yes, single families are rentals as well."

Councilor Ives said you have referred to two manufactured homes, and asked how long they have been on the property.

Mr. Siebert said, "Mr. Romero says in excess of ten years."

Councilor Ives said he is trying to get a sense of whether it would date back to the time frames that Mr. Smith was just talking about, in terms of understanding the distinction between manufactured versus mobile homes.

Mr. Siebert said, "To me, they're one and the same."

Councilor Ives asked if the applicant can tell him how long those structures have been on the property, commenting, surely they know.

Mr. Siebert said, "Mr. Romero said they have been there... you need something more precise than over 10 years. Is that what you're looking for."

Councilor Ives said he is looking for when they were put there.

Ms. Brennan said, "The date I've sometimes seen is 1976 and sometimes it's 1978. And the dividing line is when HUD adopted certain safety standards, and the newer modulars... And the older ones are mobile homes. I'm sure mobile homes would be permitted anywhere in the City if they didn't already exist there, because of their age and lack of safety. So it would be after probably 1978 that it would be manufactured housing."

Lisa Martínez, Director, Land Use Department, said, "Actually, I think the date is 1974. Anything after 1974, a manufactured home and a mobile home are pretty much considered the same thing. It was built according to HUD standards. It's the more current structures called modulars that are built according to the current building codes, and that's the distinction."

Councilor Ives said, "To clue you on the reason for asking this question. One of the reasons brought forward for this request here tonight, is that the applicant wants to resolve a nonconforming use, make it conforming, so that heirs don't have to deal with that issue. And I can I respect that. But Mr. Siebert, a few moments ago, said the homes would remain a nonconforming uses if we approved C-2. So if we're just changing the use and still allowing nonconforming use, then I'm not seeing the point in the exercise. However, I do see that C-1 appears to permit, as a special use, mobile homes which are permanently installed, and it certainly allows for manufactured homes, so I'm inclined to default to the C-1 instance, to make sure that your uses actually are conforming, so you don't have the problem that you identified that brought you here tonight, which is that you have a non-conforming use. And you would like to make sure it is conforming by changing the zoning on the property."

Councilor Ives continued, "So, I'm looking for some consistency here and this issue of manufactured and mobile seems to play a role under our Code in making that determination. It seems defaulting to C-1 solves that problem as best we can, without knowing the date of those structures. So, and I'm a little surprised that people don't know when those were put on the property. So I'm not trying to be.... I'm trying to understand the facts here, which, to me, helps me make a decision, and I'm not seeing anybody solving that question of when they were put there, which confuses me."

Ms. Martinez said, "They might have been put there say ten years ago, but I don't know how old they actually are. I don't know where they came from or when they were originally constructed, so that might make it a little more complicated as well."

Councilor Ives said, "I wouldn't disagree. So, if nobody can give me an answer, that's that."

**MOTION:** Councilor Trujillo moved, seconded by Councilor Dominguez, to adopt Resolution No. 2015-105, approving Case #2015-43, 2749 & 2751 Agua Fria Street General Plan Amendments, with all conditions of approval as recommended by staff.

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

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

**Against:** Councilor Ives.

**Explaining his vote:** Councilor Ives said, "In light of the fact I could not get answers to simple questions, I will vote No."

- 5) **CONSIDERATION OF BILL NO. 2015-39: ADOPTION OF ORDINANCE NO. 2015-34 CASE NO. 2015-43. 2729 & 2751 AGUA FRIA STREET REZONE. JAMES W. SIEBERT AND ASSOCIATES, AGENT FOR EMELECIO (LEROY) ROMERO, REQUESTS REZONING OF 2.20 ACRES FROM R-1 (RESIDENTIAL – 1 UNIT PER ACRE) TO c-2 (GENERAL COMMERCIAL). THE PROPERTY IS LOCATED AT 2749 AND 2751 AGUA FRIA STREET. (ZACHARY THOMAS)**

**MOTION:** Councilor Dominguez moved, seconded by Councilor Trujillo, to adopt Ordinance No. 2015-34, approving Case No. 2015-43, 2729 & 2751 Agua Fria Street Rezone, with all conditions of approval as recommended by staff.

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

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

**Against:** Councilor Bushee, Councilor Lindell and Councilor Ives.

**CLARIFICATION OF MOTIONS ON ITEM H(4) AND H(5):** Yolanda Vigil said, "The City Attorney just asked me to make sure that both of the motions included staff conditions." Both **Councilor Dominguez** and **Councilor Trujillo** said yes.

- 6) **CONSIDERATION OF RESOLUTION NO. 2015-106. CASE NO. 2015-57. GERHART APARTMENTS GENERAL PLAN AMENDMENT. SCOTT HOEFT OF SANTA FE PLANNING GROUP, AGENT FOR STORM RIVER, LLC, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 11.83± ACRES OF LAND FROM R-1 (RESIDENTIAL 1 DWELLING UNIT PER ACRE) TO R-21 (RESIDENTIAL, 21 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED AT 2800 SOUTH MEADOWS ROAD. (DONNA WYNANT)**

*Items H(6) and H(7) were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.*

A Memorandum prepared October 20, 2015, for the November 10, 2015 City Council meeting, with attachments, to Mayor Javier M. Gonzales and Members of the City Council, from Donna Wynant, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "12."

The Staff Report was presented by Donna Wynant. Please see Exhibit "12," for specifics of this presentation. Ms. Wynant noted the staff has provide a conceptual site plan, purely for illustrative purposes.

## Public Hearing

### Presentation by Applicant

*Mayor Gonzales gave Scott Hoeft 7 minutes, as requested, to make his presentation to the Council.*

**Scott Hoeft, Santa Fe Planning Group, 109 St. Francis Drive, Agent for Storm River, LLC, was sworn.** Mr. Hoeft said they agree with the staff conditions. He said Chris Cordova, Southwest Marketing Planning, who completed the marketing study, is here to answer any questions on that study. He said his Traffic Engineer, Mike Gomez, is attending the County Commission meeting, but may be here later.

Mr. Hoeft said, "We did go through the conditions with John Romero and staff quite extensively, and we concur with John's conditions for road improvements for the project, and I will answer any of the questions you have on the road improvements. But we do have significant changes to make in terms of an acceleration lane, deceleration lane, a median across the road that extends all the way over to the school, compared with fair share contributions for Agua Fria and South Meadows Road."

Mr. Hoeft said, "In terms of speed and to try to reemphasize points Donna made in her Staff Report, what I want to emphasize is that this area for this site, in terms of infrastructure is a really rough site. A brand new road at South Meadows which is near a brand new intersection at County Road 62, the intersection at #599. We have water, sewer. We have the brand new school which is right next door to the site to our west. North to our site is the City-owned land, which is proposed for a new fire station, and Matt O'Reilly is working on that."

Mr. Hoeft said, "We did a market analysis on this project, and we do have apartment occupancy levels in Santa Fe right now at 97%, vacancy levels at 3%. There is a very strong demand for apartments in Santa Fe right now. The market is there. One of the most fair ways to assist affordable housing in bringing product into the market is to bring new apartments into Santa Fe, new development projects, that of course brings more supply and helps to reduce the costs for everyone in Santa Fe, in terms of the apartment projects. I stated before that the people who have the existing apartment projects are the ones that pretty much have it made, because very few apartments are coming on line right now. They are very difficult. This site is very well equipped to handle an apartment project."

Mr. Hoeft said, "I think if you look on the monitor, I think it's very important to see here that this is the subject site 'here,' which is the apartment project. Right next door is shown in green is the brand new school site. Above us is shown in the blue 'here,' is the site that is leased now by the City of Santa Fe. That's earmarked for the new fire station. If you head over toward the east, you will see the project called Village Plaza which is a commercial project that is close to the intersection at 599. As you move away, beyond that, the other projects in the area are the Nancy Rodriguez Community Center, the Agua Fria Park, the *[inaudible]* fire station are in that area. The La Familia Medical Center. If you move in the other direction, you'll have Cottonwood Mobile Home Park 'here,' and then State land is beyond that. And so this area 'here' is fairly well planned out in terms of its uses and future uses for that area."

Mr. Hoeft continued, "On the opposite side I wanted to point out...coming up on the opposite side, across the street from the project is a ten-acre site that is open space. We've been working with the City and the County to have that as part of this project, in terms of our park dedication requirement, the City Housing requirement for park dedication, and the County wants the land for their Trails Corridor Project. And so that's currently underway by Santa Fe County."

Mr. Hoeft continued, "In conclusion, I'm really condensing my presentation in the interest of time, but I just wanted to indicate, and I think it is important to highlight the consistency with the Growth Management Plan and the consistency with the City of Santa Fe General Plan. I think the site next to a school is a great complement. This is in Stage 2 of the Urban Area which is planned through 2025, and the key aspects of that General Plan are concentration of population and greater densities in future growth areas, encourage compact urban form as an MPO project, and then infill should be developed at higher density to make the most efficient use of utilities, roads and parks. And then again, areas that can be served reasonably well with by City utilities. And as I stated earlier, we have a lot of infrastructure in this area already built-out and planned."

Mr. Hoeft continued, "And finally, I just wanted to state that the site, again, in terms of the design, the site is not maximized. The maximum density is R-29, and this site is at R-21, which is what the request is this evening. The design is to a cluster of buildings in the center 'here,' rather than the buildings pushed close to the roadway. There is a central clubhouse 'here,' and so again, this is not maximizing at R-29, this is a comfortable density at 240 units for the site. So with that, I stand for questions."

### Speaking to the Request

**Lorene Mills, 4197 Agua Fria Street, was sworn.** Ms Mills said she is a resident of the Traditional Historic Village of Agua Fria. She said, "I want to speak against this project for many many reasons, one of which is that it is completely out of character with the neighborhood, to have ten 3-story buildings where there have been quail and wildlife running there. I am concerned about that. I am concerned about the traffic. As we know, the intersection of *[inaudible]* and Agua Fria has been a dismal failure. Traffic is backed up at school time all the way to Lopez Lane. You can't get out of your driveway. It's very bad, and the addition of 200 more cars and how many more car trips a day, I don't know. So the traffic is an issue. Also, because there are no services near there, there's no grocery stores, gas stations and no bus service, there is going to be people walking in a very danger area. People go around that curve there by the school very very quickly. We are working on a plan for the River Corridor and we want to protect that. All of us know that the river and water are so important to us. So I would like to ask you to honor the history of the community in Agua Fria Village, and to not allow this, it is such an influx of traffic and it will really affect the lifestyle of the people in the Village. So with that, I want to thank you so much Mr. Mayor and Councilors, and thank you for giving us the opportunity to speak."

**Cheryl Odom, 1152 Vuelta de Las Acequias [previously sworn],** said she sent the Governing Body a lengthy letter with all of her concerns about this development. She said, "I'm 100% opposed to putting apartments there, or putting a development there. My concern is the scale of the project and the fact there is no bus service, that the closest store, is, I don't know, Albertson's, however far away that is,

amenities, and the fact that often on the south side, people do not have transportation and they rely on public transportation. And of course, the things that have already mentioned. The scale of the thing in that neighborhood. I think the biggest issue with people in my neighborhood is the 3-story thing, because there's nothing as big as that anywhere in that part of the southwest part of town. So thank you. I won't go into it, because hopefully, you've all read my letter, but thank you."

**Hilario Romero, 1561 La Cieneguita, was sworn.** Mr. Romero said, "I am very much adamantly against this project and I think for many reasons, but since I only have 2 minutes to speak, I guess I'll just go through with it. Historically, this land the land as part of the Village of Agua Fria and somehow it got annexed into the City of Santa Fe, and if it hasn't, it will be. It is used for pasture from the villages. And the other thing is that it's located next to El Camino Real Academy, and it's so conveniently... I believe that land was sold by the owner of that property to the School District, which means you got free infrastructure off taxpayer dollars. It was built for the Historic Agua Fria Village, this school was, the El Camino Real Academy, because basically their school could not handle the large influx of families and children. The school now has one of the longest waiting lists in the City because it is at capacity. This school was not built for new developments to bring gentrification [*inaudible*] so they can have priority for their children over those of the immediate community. We can't begin to do this kind of thing. It's not right. The criteria set forth in 14.3.2(E) for all general plan amendments re not met by this application. The General Plan Amendment does not allow for uses that are significantly different from the surrounding, prevailing land uses and the character of this part of the Santa River Corridor mix to the Historic Agua Fria Village. The General Plan amendment benefits a developer at the expense of the community. There are many other locations for multi-family housing at the proposed density. And I really would like to encourage all of you to consider the fact that this is urban sprawl, once again, and it's located near the historic Camino Real. Thank you."

**Montserrat Baez, 1561 La Cieneguita [previously sworn],** said she urges the Governing Body to deny this project tonight, because it is out of character with the neighborhood, and opens the way to gentrification, and we need to have a master plan for all these areas, and then all of the community can benefit from this project. She said we need affordable housing. She said, "I don't really believe about the need for this kind of apartments, because we need to study much and we will find out that 375 apartments are [*inaudible*] every day. And this is my main concern, thank you."

### **The Public Hearing was closed**

Councilor Dominguez said his first question is regarding traffic, and John Romero is not here, and asked who from staff is going to speak to traffic.

Mr. Smith apologized that the Traffic Engineer is not here this evening, commenting staff had anticipated that he would be. He said, "The Traffic Engineer has recommended conditions of approval as Mr. Hoelt outlined, and we outlined in our Staff Report, on page 20 of your packet."

Councilor Dominguez said, "I read the conditions, and the reality is that intersection is not good at all. And I know part of the conditions of approval is that there be some mitigation alternatives to the intersection of Agua Fria and South Meadows, but that's too vague for me. So I'm just wondering what

does that mean, because mitigation could be anything from putting in curb and gutter in some areas.... I don't know what that means, because it's horrendous. It's pretty significant."

Mr. Smith said, "I apologize, but we do not have the staff to answer that technical question. I'm not sure whether Mr. Hoeft or his Traffic Engineer would be able to respond."

Councilor Dominguez said, "I appreciate that, and I'm sure Mr. Hoeft could answer, but what reassurances do I have to get to the public that those mitigation alternatives will be enough."

Mayor Gonzales said, "Are you guys prepared to answer that question?"

Mr. Smith said, "Mayor, Council, all I can report is the recommendation of the Traffic Engineer. I can't address specifics about level of service."

Mayor Gonzales asked if he would like to ask the Applicant what assurances they can give him.

Councilor Dominguez said, "No. Because they're going to tell me that they are going to everything that they can to make sure it's right, and I'm sure they will. But for me, it's just a huge issue, because for all intents and purposes, that intersection is failing. To get through there in the morning, and I think Councilor Rivera and myself just went to a few meetings where there were questions about what exactly is going to be done."

Councilor Dominguez said, "The second question I have is for the applicant. I understand in our Code we are really supposed to get School District input at the development plan phase. So my question to you is specific to the School District and not whether or not you have complied with the Code in getting the input from the School District. Do you know what the impact is going to be on the school with that kind of development?"

Mr. Hoeft said, "Yes, we have met with the school. Actually this comment was raised after our first ENN meeting, the school overcrowding issue. And they understand the project that is proposed, they've always understood the project that has been proposed here, going back 3 years ago, so this has not been a surprise to the School District. A representative from the School District came to our last ENN meeting back in August and explained that the School does the best they can to prepare for the future and anticipate the children that will be coming through into the particular school system. Some schools get overcrowded at times, others are left at half occupancy, for example, the one on the other side of town up near Rio Grande. It is very difficult for them to anticipate the shift of populations and the kids at a certain school age. They are aware of this, they came to our last meeting and talked with the neighbors about this issue. I think the biggest concern is will kids in the area be not allowed to attend this school. And what they stated was the kids in the area have the priority to attend the school. What made it at capacity, were other kids shifting over to the school because it's a brand new school."

Councilor Dominguez said, "I appreciate for that, and I'm not going to speak for the School District, I am the one who wrote that Ordinance, so I know what the intent was. The intent was to make sure that the City no longer got accused of allowing projects to happen without proper planning from the School District to accommodate the impact the projects were going to have on the School District. And I don't have anything from the School District. I believe you that they met with you and they've talked to you. But my question was, do you understand the impact this is going to have on the schools."

Mr. Hoefft asked if that is in terms of the children from the project that will be attending the school.

Councilor Dominguez said, "Just any impact, because it goes beyond just doing population."

Mr. Hoefft said, "In terms of the population of the project in terms of the number of kids, it's not as many as you think."

Councilor Dominguez said, "Tell me, what am I thinking. My point is that it will be a huge impact on that school, much less the School District, and it goes beyond student population. My next question to really kind of articulate that.... I had staff do research, and if you look at the District that school is in, you have 4.97 square miles of populated area for 20,000 people. I'm going to use District 1 for example, for no particular reason other than they have the Northwest Quadrant which has a lot of open space. In comparison, that District has 11.05 square miles of populated area, compared to less than 5 in District 3. So what that tells me, without necessarily looking at Districts, *per se*, but looking at areas, is that there is not enough infrastructure in the area to accommodate these young people. There is not enough park space, and I know this is an application for a General Plan Amendment and Rezoning, but they are all pieces of the puzzle."

Councilor Dominguez continued, "I'm just wondering.... I think you said there is plenty of infrastructure in the area, are you talking about the site itself and the surrounding area, or are you talking in general."

Mr. Hoefft said, "In terms of the infrastructure, what I referred to are several things. One is the road in front of the project, the utilities in that road, water, sewer and electricity, the brand new interchange at 599 which is a short distance away. Those are the major pieces of infrastructure I was referring to. The brand new school right next to it, which, by the way the height of that school higher than our site. It was stated earlier that there is nothing in the area that is higher than what we are building here, in terms of the site."

Councilor Dominguez said, "That is a huge school."

Mr. Hoefft said, "In terms of the last piece of infrastructure, parks has come up. We have, as part of this project, across the street, which is where the River Trail Corridor goes through, a 10 acre site, that's part of this project. And we're working with both the City and the County to figure out how to incorporate that into this project. And so that's been on the table all along."

Councilor Dominguez said, "I appreciate that."

Mr. Hoeft said, "That is the last component of infrastructure which is really in terms of the park. A short distance away there is another park across from La Familia. And I stated earlier that there is a fire station that will be built just to our north a short distance away."

Councilor Dominguez asked if it is a County park and there was no verbal response by Mr. Hoeft.

Mr. Hoeft said, "Other components, earlier, there was mentioned that there was no commercial. Just a short distance away, at the interchange there's a commercial project."

Councilor Dominguez said he isn't asking about commercial.

Mr. Hoeft said, "That's in terms of a grocery store component, that's a short distance away as well."

Councilor Dominguez asked if he is considering that as part of potential infrastructure that doesn't quite exist."

Mr. Hoeft said, "Correct, combined with sidewalks...."

Councilor Dominguez said, "My comment is I think you're right, there are sewer, water, new roads, a new interchange at 599. In that definition of infrastructure, you are right, there's been plenty of money spent for that. However, generally speaking, there is not enough infrastructure for the 20,000 people, more or less, who live in a less than 5 square mile area. And this is going to add to that failing infrastructure. Major intersections, lack of amenities like sidewalks and all the other things that come with it."

Councilor Dominguez said, "I'm not sure it is a question, as much it is a comment, I don't know if I consider this infill, quite frankly. When I look at the definition under Chapter 14 of infill, I guess it kind of meets that definition. But in the sense that this is in the outskirts of the City, in many ways, you would think this would be the perfect location for that kind of project, because the terrain is relatively flat. Right."

Mr. Hoeft said, "The site is very disturbed, because it was a gravel pit at one point when 599 was built."

Councilor Dominguez said, "So there's going to have to be some remediation to the soil."

Mr. Hoeft said this is correct.

Councilor Dominguez said, "Going back to my comment about infill, I do not think this fits the definition of what infill should be. Maybe we need to change our definition. Okay, that's all I have, Mr. Mayor Pro-Tem, thank you."

Councilor Lindell said on page 59 of the packet, it says, "*Amendment: The Developer will be eligible to apply for Impact Fee Credits in an amount to be determined by the Public Works Department for Roadway Improvements...*" She asked Mr. Hoeft to speak about that.

Mr. Hoeft said, "What that is related to, is part of the conditions of approval from Mr. Romero, the Traffic Engineer. He wants us to build a median down the center of South Meadows Road, a raised median, which will help pedestrians cross to the other side to the park. He wants that median extended all the way down in front of the school. So it will be the entire distance of our site, plus the entire distance of the School site and that provides for safety for cars and pedestrians. So, in terms of Impact Fee Credits, he said we could get Impact Fee credits for anything we're building beyond our site for the school, for the safety of the school."

Mr. Hoeft said, "The other questions that was brought up earlier, regarding the intersection at Agua Fria and South Meadows Road, there were two specific suggestions. One is a roundabout, or secondly, a signalization with an additional turning lane. And we are charged with exploring those two options."

Councilor Lindell said, "Okay, that's all I had. Thank you."

Councilor Rivera said to follow up on Councilor Dominguez's questions. He said it is clear that Camino Real is already at capacity, and Mr. Hoeft said it is.

Councilor Rivera said a lot of those kids come from other areas not surrounded by the school, so any kids from your kids would have priority at Camino Real, and those kids would be displaced.

Mr. Hoeft said according to his discussions with the School, it is at capacity due to inter-zone transfers.

Councilor Rivera said then the only other three schools they could attend would be Cesar Chavez, Sweeney and the new school. He asked the capacity of those schools.

Mr. Hoeft said he doesn't know.

Councilor Rivera said he believes all of them are full. He said then any children coming from your development going to Camino Real would impact all the schools that are at capacity. He asked if staff has any information in this regard.

Mr. Smith said no.

Councilor Rivera said he and Councilor Dominguez attended a meeting on improvements to Agua Fria and South Meadows. He said, "I took a challenge from one of the neighbors to drive that in the morning and that intersection is crazy. The improvements suggested by Public Works that you would make would be minimal to that intersection, and that whole intersection needs to be redone with turning lanes in every direction and signalized. I don't know if a roundabout is the way to go. From when I've spoken to John, who is not here, he suggested turning lanes in all areas. So until that intersection is ready

to handle all the traffic that would be coming from your development, as well as current traffic, I don't feel comfortable with approving this."

Councilor Rivera said, "A question for staff. On packet page 60, it talks about safety. What is that safety in reference to."

Mr. Smith said he doesn't know.

Councilor Rivera said, "And so the frontage road from County Road 62 to Caja del Rio would serve new development, though safety would not be improved. Page 60 of our packet, 66 of your document. I'm asking the question of staff. So is this safety for the children, safety for vehicles, pedestrians, bicycles, do we know what this is referring to."

Councilor Maestas asked, "Mayor, may I take a stab at that just based on my reading of it. I think that the existing interchange at County Road 62 is also used to access Caja del Rio. This study looked at should we extend the frontage road, or should we build an interchange at Caja del Rio/599. And they're basically saying the interchange is a better improvement over the frontage road, and it alleviates all the traffic that crosses County Road 62, to take the frontage road to Caja del Rio. That's my reading of it."

Mr. Smith said, "I don't disagree with Councilor Maestas's reading of the intersection study. However, the staff is not prepared to address the details. We would note that the likelihood of extension of that frontage road onto 599 has been blocked by construction in close proximity to the existing 599."

Councilor Rivera said, "This doesn't have anything to do with safety going in the other direction."

Mr. Smith said he thinks not.

Councilor Rivera said, "So I guess John would be the person to answer this question, or somebody from traffic."

Mr. Smith said, "I believe this was through a federal grant, and the MPO or Mr. Romero's department."

Councilor Rivera said, "Until the intersection is improved significantly or when John Romero is here to answer some of these questions, I'm not comfortable moving forward with this. I'm not sure where John is, or when he'll be back, and I'm not sure why he isn't here, but these are important questions, and I think important to be answered before we proceed forward."

Mayor Gonzales asked where John Romero is.

Mr. Snyder said he thinks he had an event.

Mayor Gonzales said, "Let's make sure, in the future, whether it's John, or not John, that somebody from his department is represented."

Mr. Snyder said, "I'll do my best to have adequate resources here."

Councilor Maestas said he is going to focus on only one issue which is traffic. He said, "And not just traffic in the immediate area, but it's the lack of a local street network, intersection volumes, capacity. I think if we approve this, we would be setting the stage for a fatal flaw in this area. If you look at page 51, under the discussion about existing infrastructure, in the middle of page 61, it says, '*The TIA does not address whether local roads will be needed to provide access to the other undeveloped parcels nearby, including the parcel leased by the City. Future access issues are complicated by the existence of a hodge-podge pattern of ownership, and by uncertainty regarding the intensity of development that may occur if other land is 'upzoned' in a manner similar to the applicant's property.*' It seems the TIA was approved by staff and there are some localized improvements that will help channel traffic around the development and provide for safety to eliminate any backup into the gates. I think the gates were recessed, and that was accommodating some feedback from ENN meeting."

Councilor Maestas continued, "But the broader problem is there is really no local road network here. Our General Plan requires one through street every 1,000 feet, and because of the hodgepodge, we need to master plan a local street network to address traffic volume and access. We haven't even resolved access to our City leased property for the future fire station. I'm surprised we didn't object to this because of that very issue – that we haven't resolved access to that property. I just see some fatal flaws now. We could take the approach that there is really no development before us, but we're going to have to address this sooner or later and look at the local street network. But that begs the question of who is going to go in there and plan an ideal local street network that addresses proper access to all the parcels and working with all the different owners. Is it us, the City. I would think we bear some responsibility for that. It's very difficult to me to approve this without any local street network to accommodate the future traffic volume. In the future, we need to expand the scope of the TIAs to look at the broader network, especially when you have a high density in the middle of nowhere, but around parcels that are going to be developed in the very near future. I just see fatal flaws – traffic access, traffic volume, safe access. We either address it now, or address it later. That's all I had Mr. Mayor."

Mayor Gonzales said, "It is hard to address issues of traffic without John Romero here. On one hand, I understand the point of view of Councilor Maestas that it seems to contradict the Traffic Engineer who has stated that there is a pathway forward. So, I think if the decision tonight that you're thinking about is the traffic issue, would you prefer to wait for the Engineer to be here to address this directly, or do you want to go ahead and do this tonight."

Councilor Maestas said, "In one of the City's conditions, we are insisting on a fair share cost for other road improvements. What are those improvements, and who is going to pay for the other part of those road improvements. There are still a lot of unanswered questions, and I think it would be good for John to be here. But again, I have no problem with the mitigating circumstances for traffic in the immediate area of the development, but it's the broader street network. We already have existing problems as it is. And I don't think that some of those measures in the TIA and the conditions for approval are going to address the intersection volume problems. Again, if John were here, I think it would be ideal."

Mr. Smith said, "At the Planning Commission, we did discuss, and the Planning Commission did discuss with Mr. Romero, the issues that there are ways in the Staff Report with regard to the local *[inaudible]*. And the Traffic Engineers and the Planning Commission have agreed that any necessary mitigation measures, it is likely they could be accommodated when the Planning Commission reviews the Development Plan. I would just want to note that in the record. I cannot include Mr. Romero, but I want the staff to know that at the Planning Commission."

Councilor Maestas asked, "If we could have someone weigh in on some appraisal level design costs for our parcels that we just leased for the fire station. I think it's early, but I think the City needs to look at that parcel and speculate or determine where likely access points would be and if they would impact the adjacent development and parcels. We are silent on our plans for that, and I think we need to weigh in on that, is my feeling."

Ms. Wynant said, "The fire station access will be strictly away from that frontage road at the interchange, towards the Gerhart site. *[inaudible because she was away from the microphone]*. I don't know what else to add. The access is strictly from the frontage road off the intersection."

Councilor Bushee said, "There's not much more to repeat, except that it is disappointing not to have the Traffic Engineer here to answer directly. What I would like to understand is.... we needed to address this intersection before this development. Is there a plan. Mayor, you indicated you would like to see this move forward, because the report indicates you approved this. We've had this happen in other parts of town. And we know when we're adding to the problem, and I can't, in [good] conscience do that. I don't think this is a bad development. I have trouble with the existing intersection, and I don't know how to address that. I know we still need housing out there, but I think we're all in the same place, but we don't know how to do that."

Councilor Rivera said, "Just a follow-up to that. I agree with you Councilor Bushee. If the intersection were already built-out and could handle the traffic, the project is beautiful and doesn't look like it's something to stay away from. But until that intersection can handle all the traffic... it already can't handle the demand on it right now, so to increase that is irresponsible."

Mayor Gonzales said it obviously is a challenge without Mr. Romero being here. However, to create intersections on 599, I'm seeing that is a Legislative issue.

Councilor Dominguez said, "It's part of the road network that the MPO has been talking about for quite some time."

Mayor Gonzales said, "So the reality of that coming into play anytime soon would be an issue. It makes it hard without John being here to go to the question of the overall traffic impact and the discussion of what's going on."

Councilor Rivera said Agua Fria already can't handle the traffic.

Councilor Rivera said he is unsure that the intersection at South Meadows goes directly to 599, and he isn't sure that is the intersection that is question. The one on the opposite side of South Meadows, the intersection at Agua Fria which already can't handle the amount of traffic.

Councilor Dominguez said, "A final comment. Again, this is one of those projects where people aren't going to be complaining about their views like they are in other parts of the community. They're going to look into 599 or vacant parcels of land. If they are going to put a project like that anywhere, you might as well put it there at this time, because there's no surrounding development happening. My problem, again has to do with the infrastructure. And again, it goes beyond the road networks that are lacking or in place now. I'm talking about a whole slew of infrastructure, and not just bricks and mortar, it's places to shop, to work, to learn, all of those things that help create community and make a community. Not only is it the intersections that I have problems with, and infrastructure in general as we typically talk about infrastructure. It is all of the things that come into quality of life which are strained or don't exist in that part of our community. That's part of the problem. Thank you Mayor."

Mayor Gonzales asked Mr. Hoeft what he expects to do on the intersection at South Meadows and 599.

Mr. Hoeft said, "John recommended two solutions, one was a roundabout, the other was a traffic signal with turning lanes on both sides, which would require expanded right-of-way at those two locations. And so these issues you are discussing, we need to discuss in depth with John Romero and my Traffic Engineer. And I don't have my Traffic Engineer and I don't have John Romero here. I just want also to remind you, we're a short distance away from a brand new interchange right off 599. So a significant amount of our traffic is heading left toward 599 and the interchange, and we can't lose sight of that."

Mr. Hoeft continued, "The second component is that at the last Planning Commission meeting, we got into an depth discussion with Matt O'Reilly, because he was in attendance as well, and talked about his fire station, up to the north, how he was accessing directly to the interchange and would not be impacting the road network below on South Meadows Road which is a brand new road. We also talked about any connectivity from Matt's parcel to South Meadows Road, and it was deemed that was not necessary as well. And so the discussion was fleshed out quite a bit at the Planning Commission hearing. The comment brought up earlier by Councilor Maestas hit it right on the nose. That's exactly what it is in regard to. At one point the MPO is recommending a frontage road along 599 which was not necessary, because Matt is going to be accessing the interchange from that portion *[inaudible]*"

Mr. Hoeft said, "In terms of the discussion I've heard and it's a concern. We did get an extensive list of comments from Mr. Romero and staff on what we need to do with South Meadows to make the site work. And then we have to do a fair share contribution to Agua Fria and South Meadows Road, and that was our fair share. I think Councilor Bushee pointed out earlier the situation is existing and we are adding traffic, but we're not causing the situation. The other comment that came from the schools is that every school in the City has problem with traffic twice a day. It's the fact of the situation of being at a school at 7:30 a.m. and at 3:00 p.m."

Mr. Hoefft continued, "I feel confident that as we proceed with the project through Final Development Plan, a lot of these issues will be further addressed, pursuant to the extensive report done by John Romero. We had numerous meetings with John over the last 6 months."

Councilor Lindell said, "I would like to see us postpone a decision on this until we do have a Traffic Engineer here. It is a sizable project. It's 240 apartments which we need desperately. And I hate to turn our back on this without doing everything we possibly can to find a way to bring those 240 units into our midst, because I know that we need them. I know that your Traffic Engineer isn't here because he's at the County, I don't know where John is. Perhaps Mr. O'Reilly could shed some more light on this. I just hate to turn my back on this development, when we could postpone it and wait until we have a traffic engineer here to make sure we've gone through every bit of information possible."

Mayor Gonzales asked, "What is the process between this request and a final approval. Is there a development plan that still needs to come back to Council that specifically addresses how the infrastructure will be dealt with. Or if this is approved tonight, basically it's left to you and John Romero to decide what it will be."

Mr. Smith said, "If you approve the rezoning tonight, the applicant would file an application for a Development Plan that would be reviewed by the Planning Commission."

Mayor Gonzales asked, "Or, if the Council asked for it as a part of a condition still to review it."

Ms. Brennan said, "There is a provision in the Code that permits the Governing Body to call up a case heard before the Planning Commission under certain circumstances."

Mayor Gonzales said, "The question before the Council is, one, do we want to amend the General Plan Future Land Map to go from low density residential to high density residential, and then, two, to grant the rezoning from residential to R-21. Is that correct."

Mr. Smith said, "That's correct. The criteria for approval of a general plan and rezoning are, is the infrastructure in the neighborhood adequate to handle the expected intensity of development, or can it be made adequate. There are specific mitigation measures to handle specific impacts *[inaudible]* to approval of the development plan by the Commission."

Mayor Gonzales asked, "So the appropriate time to address the issues with the Traffic Engineer is at the time of the development plan or at the time of the rezoning that's being considered tonight."

Mr. Smith said, "If you need to make that specific finding, that staff finding could be deferred to the Commission hearing on the development plan. In general terms, you need to make a finding that the infrastructure as is would be adequate to handle the likely impacts with regard to the specific development plan and specific mitigation measures that could be deferred to the Commission."

Councilor Rivera said, "I heard the fire department would access off 599 for the frontage road. That's correct. Okay. But their calls for service would be primarily down South Meadows Road. So imagine a fire truck going down South Meadows Road at 7:00 or 8:00 a.m. in the morning with all the traffic problems that are now. Yet, they would access it from 599, but then all their responses would be toward town. That's a point to remember."

Councilor Rivera continued, "The intersection, as far as the ICIP is determined, and I think this came from John, the total cost to make the improvements to the intersection would be \$1.4 million. The developer would provide a fair share contribution, and I'm not sure what that means, and again, without John, I agree with Councilor Lindell that it's probably unfair to move this forward without him being here."

Councilor Rivera continued, "The applicant said that most of this traffic would be leaving from the apartments going to 599, and I'm not sure he can accurately say that without knowing who is living there. I'm not sure there wouldn't be quite a bit of traffic going down South Meadows trying to get where they need to be. So I just wanted to make those clarifications."

Councilor Maestas said, "Just some feedback for staff is, I'm struggling when I read the Staff Report, it's great. But then, I read the conditions and it seems the Staff Report really doesn't speak to the conditions and how effective the conditions would be in addressing their responses in the Staff Report. That's what I'm struggling with, and why there is so much doubt. In the Staff Report, it doesn't mention the conditions of approval, the fair share contributions, the improvements to the intersection, the roundabout or the traffic signal and if this would be enough. So I'm struggling with whether staff really addresses how effective the conditions for approval would be, and there is confusion. I am confused here. It seems like the staff response.... like it was written prior to the conditions of approval. So I think this is a John Romero issue, and I and would support Councilor Lindell on postponing, because as I read this, I can't tell whether conditions for review, particularly the traffic mitigation measures, will address all this doubt about future traffic volume and access in that area."

Mayor Gonzales said, "If there is going to be a motion to table [postpone], since there is no discussion on those, I just wanted to make sure that the Council can really make sure that we offer who we want in attendance, and the clarifications so we can have a draft. That way, when it comes back, we have everybody here together."

Councilor Ives said he concurs that the traffic issues are significant, the issues of infrastructure are significant, and having our Traffic staff here to answer and respond to these questions is necessary to move this forward. He said he too would support postponement with direction to have staff attend and Councilors could submit questions in terms of particulars they would like answered. He said Councilor Maestas has questions on the impact of the conditions, and what a fair share contribution of those improvements would be. He has questions on future land use and availability of open space within this area, because the section just underneath school will be designated and serve in that capacity. Otherwise, the apartments are within ½ mile of a park space. And having that amenity available for school kids and people at the apartment complex would be significant.

Councilor Ives continued, saying he agrees with his colleagues that we don't want to lose the opportunity, so he would rather take a little more time and answer those questions so we do fully understand the issues. He said in looking at the proposed development, it appears it is gated, noting we've had discussions about gated communities and it is an issue for him. He said if a development plan is submitted, he would like to see it come back here, if it is possible to pull the development plan simply to discuss those issues.

Councilor Trujillo said he agrees with postponement. He would also like the applicant's Traffic Engineer in attendance. His main concern is that we know that is a failing intersection, and doesn't see where we can get the extra *[inaudible]* because there are houses right there, there is a bridge. He thinks this is going to be a challenge. He said he definitely would like to know how this can be done, and he wants to hear from the City Engineer and the Applicant's Engineer as well.

Councilor Dominguez said, "I think there is a motion coming, and I am going to be in support of the motion, but I want to know what kinds of apartments these will be. I keep hearing folks say that we should not miss the opportunity for this type of housing. And when I read the Report, it says there is going to be market rate apartments here, but when you look at the need, it's not necessarily market rate apartments we need, it's affordable apartments. I am going to stand in support of the motion to give everyone a chance, but I just keep wondering why these kinds of projects have to be put in one part of our community. When you look at all of the apartment complexes and all of the high density in 4.5 sq. miles of area, why we have this situation and the problems that we have. So that's it."

Mayor Gonzales said, "We need market rate housing, and we can have that conversation, because 97% of the available rental stock in multi-family housing is occupied, which means we're actually driving up the cost of rents for normal working people that can't qualify for a low income apartment, or have the income to qualify for rents that are going up into the future. So the point of a market rate house is to match the level of income of a community with the available housing stock that is in place."

**MOTION:** Councilor Lindell moved, seconded by Councilor Maestas, to postpone Case #2015-57, Gerhart Apartments General Plan Amendment and Case #2015-58, Gerhard Apartments Rezoning to the next meeting of the Governing Body, on December 9, 2015, with direction to staff that both the City Traffic Engineer and the project traffic engineer be present, as well as Matthew O'Reilly.

**FRIENDLY AMENDMENT:** Councilor Maestas would like to amend the motion that we also have an appropriate representative from the MPO in attendance, because he wants someone to speak to the Streets Master Plan, and the MPO is supposed to have a Street Master Plan, and we should have a master plan for the newly annexed area. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

**VOTE:** The motion, as amended, 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.

- 7) **CONSIDERATION OF BILL NO. 2015-38: ADOPTION OF ORDINANCE NO. 2015-     CASE NO. 2015-58. GERHART APARTMENTS REZONING SCOTT HOEFT OF SANTA FE PLANNING GROUP, AGENT FOR STORM RIVER LLC, REQUESTS REZONING APPROVAL OF 11.83± ACRES OF LAND FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO R-21 (RESIDENTIAL, 21 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED AT 2800 SOUTH MEADOWS ROAD. (DONNA WYNANT)**

This item is postponed to the next meeting of the City Council. Please see Item H(6) for action to postpone.

\*\*\*\*\*  
**THE GOVERNING BODY RETURNED TO THE AFTERNOON AGENDA**  
\*\*\*\*\*

13. **REQUEST FOR APPROVAL OF STAFF RECOMMENDATIONS FOR MAKING THE WATER UTILITY ENTERPRISE FINANCIALLY SELF-SUSTAINING AS CALLED FOR IN RESOLUTION 2015-41. (OSCAR RODRIGUEZ)**

Councilor Dominguez said, given the discussions we've had at Committee regarding this issue, it seems that the appropriate action might not need to take place, if at all, until 2016.

**MOTION:** Councilor Dominguez moved, seconded by Councilor Bushee, "to defer consideration of this issue until the budget is considered."

**VOTE:** The motion was approved on a voice vote with Mayor Gonzales, and Councilors Bushee, Dimas, Dominguez, Ives Lindell, Rivera and Trujillo voting in favor of the motion and Councilor Maestas voting against.

14. **REQUEST FOR APPROVAL OF STAFF RECOMMENDATIONS FOR IMPROVING THE CITY'S COLLECTION OF DELINQUENT FEES AND PAYMENTS AS CALLED FOR IN RESOLUTION 2015-80. (OSCAR RODRIGUEZ)**

Councilor Lindell said she doesn't know we need a presentation from staff, noting there is information in the Council packet and we were given two different options. One would be to turn collections over to an Agency, noting we made the decision to do that with parking.

Mr. Rodriguez said, "No, what we have is a plan to the change the Code to allow us to go there, but that hasn't come before you yet. That will be coming before you at the next meeting.

Councilor Dimas said it is a new Ordinance, and it's been amended from the old one. It will include all parking violations which will now be civil matters rather than criminal, commenting it will be uniform and those collections will be through a collection agency, so that's already been determined.

Councilor Lindell noted we have \$6.50 million in overdue collections that are 180 days out. She said considering what we're facing budget-wise, it is time for us to start collecting our debts. Her suggestion is that we should start by having the City Attorney office take the lead in this initially and develop a collections procedure with a collection policy brought forward to us. She said, "We're leaving a tremendous amount of money on the table."

Councilor Bushee said we have had these big numbers associated with parking and ambulance fees in the past, and when you get into ambulance and utilities, it gets a little trickier trying to get money from folks that can't pay it. She asked if there are low income issues regarding the utility that need to be considered. Plus, when it comes to the false alarm, the City has its own issues in having created so many problems and it was the ordinance. She asked if these are real numbers and if we can get more specifics. She doesn't want us to go away with the illusion that we will come back with \$6.5 million. She said, "There is a reason we have these outstanding amounts over and over again in some of these areas."

Mr. Snyder said right now, we're doing nothing about the \$6.5 million. He said in utilities we can cut-off service, or put a lien on the property, but there is no step between 3 notices and nothing. What Councilor Lindell proposed, and one of our options, is to bring it in house so we can gauge that level, and not just, here are the rules of the road and this is how we have to play by the rules of the road. We can have a little flexibility, there are still rules of the road, but staff can be more gentle on the way we collect, rather than turn it over to a collection agency and they're just in it to make the money. The agreement we would sign with the collection agency would guarantee, depending on how outdated the balances are, they would give us 25¢ on the dollar and anything they collect above that would be for themselves. They are in it for the profit. We're just trying to collect some of the money and the reason we proposed possibly bringing it in-house."

Councilor Bushee asked if we have the capacity.

Councilor Maestas said no, we would have to hire someone, it's an expansion.

Mr. Snyder said you would either pay the collection agency a fee or pay for an FTE in the City Attorney's Office. He said we are proposing one FTE at this time.

Councilor Maestas asked if these collection agencies have a track record. He said we haven't done great in collections, so are we going to hire someone else to continue that same collection rate. He realizes they charge a fee and make a profit. He said hopefully this won't be a long term thing. He doesn't see a problem in using a collection agency. He said in decriminalizing traffic citations, we have started automatically started using collection agencies, and thought this was a trend, and not to create an additional FTE and do this in-house. He is opting for turning this to a collection agency because they are more effective, he doesn't see this as a long term issue, and it's always difficult to sunset positions we create. He said, "Unless you can show me that we're more effective than a collection agency, I can't support an expansion."

Mr. Snyder said, "I can't say that we're going to be more effective than a collection agency."

Councilor Dimas said previously we couldn't collect because people knew the only thing that would happen is it would go to Municipal Court and a bench warrant would be issued because it was criminal. Civilly, we couldn't do anything. And the only way you will collect on a bench warrant is if they get stopped for some reason. And he thinks Municipal Court had more than 5,000 bench warrants for different things. He said in Magistrate Court they had thousands and thousands, and if they picked up 1-2 people a week they were doing good. He said the only logical thing to do is decriminalize parking tickets and traffic tickets, including handicapped parking and loading zone and all the rest of them and compile those into one thing. If they choose not to pay, with a collection agency, if they don't pay, it goes on their credit record. He said most people, knowing that, probably will pay a collection agency. He said collection agencies aren't nice people and won't dilly dally around, because that's how they make their money.

Councilor Dimas continued saying, "I don't think going in-house is going to help us at all, and I don't think we have the capability to do that anyway, so that is the reason for doing what we're doing."

Councilor Ives agreed that going outside for assistance on this makes sense. The notion of proposing revenue increases doesn't make sense unless we're attempting to collect what is due. He said we need to be able to justify looking at all options before us in terms of bring balance back to the budget. He is in favor of moving these two collections. He does agree with the language in the Resolution, *That for either option, it is strongly recommended that the City first undertake an aggressive public communication campaign to inform the public and would-be delinquent payer of the City's new stance on delinquent accounts...* He said he thinks that becomes an important part of the process, getting notice to people to let them know what our process will be for collections, so there is no lack of clarity. He thinks we do this reluctantly because we know the impact collection agencies have on people. He said, "But I don't think it is a problem we can't address, and I think the way it makes the most sense to do this, is through a collection agency."

Councilor Rivera said he's been collecting \$5 donations in his part of town for about 6 weeks, and many of the people he represents are struggling to make it from paycheck to paycheck, noting a lot of them have to dig up change and dollar bills to give to him for what he is trying to accomplish.

Councilor Rivera continued, "I think I would support everything in here, with the exception of utilities. I would hate to get to the point where we are collecting from people who are struggling every day to make a decision between paying a utility bill and feeding their kids before school or providing them with a good meal. I know Brian told me we would be some flexibility, but a collection agency is going to be aggressive in the way they collect. Again, the people I represent, I would hate to put them in that position. I know \$1.3 million is significant, but if it's okay with Councilor Lindell, starting with the others and potentially seeing how it works and then coming back, I may feel better with that. So I guess to use a collection agency, I guess, in all the areas you mentioned with the exception of utilities, for the all the reasons I mentioned."

Mayor Gonzales said, "Councilor Rivera, wouldn't it be better to propose some kind of loan program or rebate program for folks as opposed to saying we're just going to pursue collections of people who choose not to pay."

Councilor Rivera said, "I think what's in here includes utilities in collection agencies."

Mayor Gonzales said, "There are a lot of people who can afford, but choose not to pay utilities either."

Councilor Rivera said, "Possibly. I would say on my side of town there are less people who are in that situation."

Councilor Bushee said, "Brian, you have experience with the water company, so help me out. I know there's an indigent or some kind of exception for lower income people."

Mr. Snyder said, "There are different low income credits and those kinds of things, that you don't pay as much of the bill. That being said, in my experience and what I've seen is, it's not necessarily food on the table, although it could be food on the table, it is rotating the bills. One month we're not going to pay the utility bill, we're going to pay the Comcast bill, and the next month they're going to pay the Verizon bill. And that's the story I hear over and over from our Collection Section within the Utility Billing Division. The Utility Billing Division currently doesn't do what I would consider pro-active collection, it's reactive. You don't pay your bill, this one, 3 days comes you still don't pay it, you roll into 60 days, now you're getting a shut-off notice. You get a 14 day notice, and you get your 2 day notice, and if you don't pay up in that time in the grace period, then you are shut off. It's \$100 to reconnect. There is a process in place, but the Utility Billing Division doesn't have enough staff to do it proactively."

Councilor Bushee said, "You have money in the Water Company to hire more people to do that. Do you want to do a hybrid, well you certainly have the money in the Water Company. The hybrid version... I agree with you philosophically, Councilor Rivera, and I guess I wanted to find out too, with regard to ambulance collection if we have a similar thing for people who are qualified for indigent health care."

Mr. Snyder said, "I can't speak to that in great detail. I have spoken with the Chief about it, and my understanding is we have a person that sends out the bills. They send out three bills and after the third bill goes out there is no effort to collect on that."

Councilor Bushee said she has heard from people troubled with health care and if they have to use an ambulance, it's life or death, they can't pay it. She doesn't know what the setup there is. She said these are the two areas of her concern in how we go about.

Mayor Gonzales said, "So, there is at least some clear direction to come back with a collection policy for them, right. So, it's a step. I think you've heard some comments from us. Obviously, the low hanging fruit, we can get to it as quickly as possible is a good thing, but keeping in mind that we do want to find ways to build better bridges into payment plays for people who fall behind that show there is some effort to paying. Even \$5 is better than nothing all."

Mr. Snyder said he would request direction from the Governing Body.

Mayor Gonzales said, "Right. So we just gave the direction to pursue a collection policy, using a third party collection agent, and come back with a set of criteria as to how the scope of services will be developed."

**15. CONSIDERATION OF RESOLUTION NO. 2015-106 (MAYOR GONZALES). A RESOLUTION ADOPTING BEST PRACTICES AND STANDARDS TO HELP GUIDE THE MANAGEMENT OF THE CITY'S FINANCES AND FOR ASSISTING THE GOVERNING BODY AND CITY STAFF IN EVALUATING CURRENT ACTIVITIES AND FUTURE PLANS. (OSCAR RODRIGUEZ)**

A substitute Resolution incorporating the amendments proposed by the sponsor and the Finance Committee, is incorporated herewith to these minutes as Exhibit "13."

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee Meeting of Monday, November 9, 2015, is incorporated herewith to these minutes as Exhibit "14."

**MOTION:** Councilor Ives moved, seconded by Councilor Lindell, to adopt Substitute Resolution No. 2015-108 as presented.

**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.

**Explaining his vote:** Councilor Maestas said, "Yes, but we're going to have to revisit the excess revenue from enterprise funds issue down the line, but yes."

**16. MATTERS FROM THE CITY MANAGER**

There were no matters from the City Manager.

**17. MATTERS FROM THE CITY ATTORNEY.**

Ms. Brennan said the City Attorney's Office will be closed on Friday for training.

**18. MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk.

**19. COMMUNICATIONS FROM THE GOVERNING BODY**

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of September 30, 2015, is incorporated herewith to these minutes as Exhibit "15."

**Councilor Rivera**

Councilor Rivera wished his parents a Happy Anniversary.

Councilor Rivera introduced an Ordinance amending Section 24-2.6 SFCC 1987, to extend the truck and other large vehicles traffic restriction on Jaguar Road from NM 599 (Veterans Memorial Highway) to Cerrillos Road. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "16."

Councilor Rivera said recently at the Chavez Center, a gentleman on the treadmill went into cardiac arrest and one of the life guards started proper CPR and used a defibrillator on him and actually brought him back to life. He would like to get the names of these individuals and recognize them at one of the committees or even at the Council which he thinks is very important to do.

Councilor Rivera said we used to have AED around the corner, and about a year ago he noticed it had disappeared from our building. He is unsure what happened to the AED Program which used to be part of City Hall when there were a number of AEDs around the City buildings. All of those have disappeared. He would Mr. Snyder to find out what happened to that program. He said there are studies that show that early CPR and early defibrillation are best for saving lives in early cardiac arrest.

**Councilor Trujillo**

Councilor Trujillo thanked all the veterans and wished them a very Happy Veterans Day tomorrow.

Mayor Gonzales said the Governing Body is invited to participate in the Veterans Day Parade tomorrow that starts at 10:30 a.m., and asked everyone to be there by 10:00 a.m. at Ft. Marcy, and asked them to bring their pins so they can give them out.

### **Councilor Lindell**

Councilor Lindell had no communications.

### **Councilor Dominguez**

Councilor Dominguez said he will not be attending the December meeting.

Councilor Dominguez wished everyone a Happy Thanksgiving.

Councilor Dominguez said he is cosponsoring Mayor Gonzales's Resolution on Bullying.

### **Councilor Ives**

Councilor Ives introduced the following:

1. A Resolution donating a leasehold interest and fee waivers to the Santa Fe Civic Housing, pursuant to the Affordable Housing Act, for the rehabilitation of the Pasa Tiempo Housing site to maximize points awarded under the LIHTC application. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "17."
2. A Resolution donating a leasehold interest and fee waivers to the Santa Fe Civic Housing, pursuant to the Affordable Housing Act, for the rehabilitation of the Villa Hermosa housing site to maximize points awarded under the LIHTC application. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "18."
3. A Resolution directing Public Utilities Department staff to identify and apply for federal and state funding sources for water, wastewater and other water related projects. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "19."
4. An Ordinance establishing an Independent Salary Commission to set the Mayor's salary effective as of March 12, 2018.
5. A Resolution providing guidance on resolving Santa Fe's budget deficit and certain reporting requirements.

Councilor Ives said he has been made aware that there have been some issues in the billing system for water where there were enough problems that credits were given in a particular month, meters were read and then several months were aggregated together in peoples' bills, potentially resulting in them paying the lower tier rate and moving into the higher tier, where, as explained to him, the billing should have been more equitably split 50-50 between the months so the higher rate should not and would not have been incurred. He understands there was quite a scene at the Water Company yesterday. He asked Mr. Snyder to ask Mr. Schiavo about that, and he would like to hear how it will be solved.

Councilor Ives said he would also join Councilor Bushee's Resolution on GUTS as a cosponsor. He would like to cosponsor Councilor Dimas' measure as well.

### **Councilor Bushee**

Councilor Bushee said she was going to ask the reason we are holding up on the Healthcare Study Group appointments, and then sees the Mayor's Resolution asking to reallocate the funding and postpone that effort, commenting we just appointed the majority of the Study Group and it was ready to go.

Mayor Gonzales said, "The reallocation request to the Council is to... we launched the Sustainable Santa Fe Commission without funding, and given our priorities in the City, I'm asking the Council to redirect the money that would go toward consulting services for the Healthcare Study Group to the Sustainable Santa Fe Commission so they can begin the process of creating the plan that we directed them to do."

Councilor Bushee said she didn't find the facilitation money to be necessary, so why does that have to preclude the Hospital and Healthcare Study Group from committing to its efforts. She said the Mayor's Resolution says you want to reallocate the funding and you want to postpone it, and reevaluate its purpose and scope in Spring 2016.

Mayor Gonzales said, "Yes. So one, reallocate the funding.... we did not allocate any money to the Sustainable Commission when we launched them. This \$50,000, was basically funded for the Healthcare Group without a lot of conversation of even how we were going fund some of these other initiatives like the Sustainable Commission, so I wanted that conversation. Two, a health plan was commissioned by Santa Fe County that was completed two years ago. And what I asked Mayor Coss to do is to consider looking at what the objectives and the goals were of that health plan and then what the goals were inside of this Committee and see which ones were relevant and have that conversation with the committee. Then, once those were defined, to be able to pursue some kind of funding mechanism that would meet those goals."

Councilor Bushee said, "Let me just repeat, I don't believe the \$50,000 is necessary to do the work on the Committee."

Mayor Gonzales said, "It's not helping the Committee in any way, shape or form."

Councilor Bushee said, "I don't mind that so much, but I'm really not understanding why the committee can't go forward. There are topical issues. Right now, the whole Presbyterian and Christus not accepting that. There are things that I continue to hear from folks on a regular basis. I've felt for the longest time that perhaps there was some dragging of the feet, but I was encouraged when more than 2/3 of the committee was appointed and we were ready to launch, and that was Mayor Coss as the Chair to get this going. I am sort of mystified."

Mayor Gonzales said, "The Resolution doesn't call for halt to the committee's work. I'm just asking for a reallocation of the funds."

Councilor Bushee said, "No, it says to postpone the Community Hospital and Healthcare Study Group and reevaluate its purpose and scope in the Spring of 2016 , at least in the title. I don't have the full Resolution here."

Mayor Gonzales said, "Well it doesn't stop it, it's an evaluation of its scope and purpose."

Councilor Bushee reiterated said the title says to postpone until Spring 2016.

Mayor Gonzales said, "It's open for debate. I feel that it's going to take us at least to the Spring to be able to get it launched, but my point is, I want to, we need to get serious about the Sustainable Commission. They need funds to get moving. I don't want to come back to the Council and ask for more expansion money. That money was allocated. It seems the money would better serve our Sustainable Commission than it will serve a contract to fund this effort. That is the point I'm hearing. And I'm happy to address the Resolution."

Councilor Bushee said, "My question before I saw the title of this Resolution, was what the heck is happening with the Study Group and why is it taking so long to get it going. I met with the last mayor, gosh at least it was Summer, I know it wasn't Fall, the former Mayor, and we were going to get going. It has now gone on a long time since this has been passed by the Council. I know Councilor Ives has always been less interested in moving forward. I'll read my Resolution in. But, I think it is incumbent on this Council to follow through with what we approved and what you've appointed, and I'm disappointed I guess."

Councilor Ives said, "On that point, I certainly, absolutely, have not lost any interest in..."

Councilor Bushee said, "You are a cosponsor on this."

Councilor Ives said, "In terms of how we structure the Hospital Study Group, we required court reporters and various mechanisms that would require expense. And as you know, part of our great problem was that funding was lost last year and we were able to get it back this year. And I was very appreciative and looking forward to moving that process forward if we can make some changes that eliminate some of those costs, I see no reason why we shouldn't proceed with that. And I still think we'll need funds, but I'm not sure about staff's capacity. I think that was another issue that prevented it from moving forward as quickly as it otherwise might. Staff was interested in engaging a consultant potentially from UNM, folks with knowledge and interest in the field and acting as facilitators of those meetings. So there was a need for funding, or at least it has been perceived. If we can eliminate some of those, I see no reason that we could not get started on the process, and it certainly isn't because I have lost any interest or intent in doing so. In fact, I think we need to broaden the endeavor a little to talk about issues of wellness across the community."

Councilor Bushee said, "We've got to get started is my concern."

Councilor Ives said, "Well, then join me in making a few changes that eliminate some of those costs and let's move it forward."

Councilor Bushee said, "My final statement on this is, I never thought that \$50,000 was necessary, but I just hate to see it used as the excuse to why it's not moving forward."

Councilor Bushee introduced a Resolution to support community efforts to develop a Grand Unified Trail System (GUTS), that allows non-motorized users to travel in a loop around the City of Santa Fe between popular natural surface trail networks, and between the City center and the periphery, and directing City staff to work with public and private sector partners to help achieve the "GUTS" vision. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "40."

Councilor Bushee said, "I sincerely wish all of our veterans a great celebration tomorrow and I will be there in the parade." She said she hopes the community turns out for the celebration, commenting it is near and dear to her heart. Her dad was one of 15 kids, and at one point he and 7 of his siblings were in World War II at the same time. She said the anniversary of his death is coming up on the 21<sup>st</sup>, and on his marker it says that he served in World War II and in Korea.

Mayor Gonzales expressed appreciation for the service of Councilor Bushee's father to our country.

### **Councilor Maestas**

Councilor Maestas said he would like to cosponsor the Mayor's Bullying Resolution, the Mayor's enforcement of the Indian Arts & Crafts Sales Act, and cosponsor the two Public Housing Resolutions introduced by Councilor Ives.

Councilor Maestas asked Mr. Snyder the status of filling the position of Police Chief and his strategy for filling the position. He asked Mr. Snyder for an update on how long it is expected to be open. He is concerned about all the time has gone by without an appointment, unless "you have made a selection that we don't know about."

Mr. Snyder said, "I have not made a selection you don't know about, and you guys will be the first to know when I make a selection. But the process, I was given 45-60 days to try to fill the two vacant positions, the Police Chief, and the Director of Housing and Community Development. He said he has applications for both positions, which currently are being screened by HR. He hopes to do interviews prior to Thanksgiving, and have someone on board shortly thereafter."

Councilor Maestas said, regarding the Police Department, we know about the Memo put out by middle management under Chief Garcia, which highlighted a number of issue in the department, some of which were disturbing. He said, "You told me you were aware of it, so just in general, are we addressing all those issues. I know many were allegedly associated with the current Police Chief and his leadership. There were other issues that were disturbing to me. I know you are aware of them, and had been tracking

them, but can you give me just a brief status report. Are they mostly all addressed. Is Chief Gallagher making it one of his priorities to address some of those issues. Can you just shed some light on that Brian."

Mr. Snyder said, "Most of the items that were in that memo that you I and talked about, I was aware of, and had been addressed prior to Chief Garcia retiring. Any outstanding ones, I'm not aware of, but we're moving forward with an Interim Chief right now that doesn't have the same approach as the previous Police Chief, and I believe they have been addressed."

Councilor Maestas said he read in the newspaper that we hosted an economic summit and said he must have missed the email. He said apparently we surveyed businesses and the focus of the summit was to discuss the results of the survey. The article asked the reason the Councilors weren't there. He asked if there was an invitation, and did we get the results from the business survey. He said it's difficult to read in the paper that you are perceived as being indifferent by not showing up. He said, "But little do they know, I'm totally unaware of the survey and the results. It's disturbing to me because it's a City-sponsored event." He asked staff direction on this. He said this is something very important, and we need to be aware of how businesses feel and perceive City information. If we are going to gather information and hear them, we should all have the opportunity to be invited and at least show some concern.

Councilor Maestas reiterated his concern about the survey. He said perhaps he missed the email, but certainly, "being invited by press release is not the way to go, if that was the public notice that went out."

Mayor Gonzales said he asked the Chamber of Commerce to help host an event with small businesses that would represent a broad array of small businesses, to sit, to break into focus groups, and to try and get a response back on areas on which we needed to focus, areas of concern of the business community. He said Councilor Lindell attended as the leader of BQL which receives a lot of the City's business initiatives. It was by invitation only to small business owners. He said Kate Noble did state that one of the challenges of inviting Council as a whole to any of these meetings is the issue of quorums and discussions as quorums. He said the business surveys were sent to business throughout the past year, commenting he has had a dozen Coffee and Commerce with various business sectors where we collect these surveys. And the survey was released at that point to the business community.

Mayor Gonzales continued, saying this was an effort by the Economic Development Department with the Chamber of Commerce to pull in a group of business owners. He said people did ask about it, and Ms. Noble clarified where she could that the issue of quorums is an issue that always disrupts full participation by the Council at these events. He said they said they also had a film summit of the film industry as well to gather information. He said they definitely will give you a heads up in advance so you know they when these events are happening, reiterating we always try to address the issue of managing and noticing a quorum.

Councilor Maestas asked Ms. Vigil if there is a generic way we can post a certain activity and say there is the possibility of a quorum, and if that complies with the Open Meetings Act.

Ms. Vigil said, yes, we would have to notice it if there could be a quorum of the Governing Body.

Ms. Brennan said, "The Open Meetings Act deals with action by vote, discussing public policy or public business, so this would be a category. Many things. You can go to Christmas parties together, those kinds of things. Those aren't forums where you are discussing public business. This would be, so a quorum would matter."

Councilor Maestas said we concurred on a contract for a consultant to market our economic development goals, and "I thought, wow, how can I approve this when I don't know what our economic development goals are. And the only reason I say that is because I think economic development policy is under the purview of the entire Governing Body. And getting a copy of this survey would give us some insights. Who knows, maybe some of us have a few ideas about economic development." He asked, as a courtesy, for a copy of the survey results. Also, he thinks every single City Councilor and the Mayor should be invited to any City-sponsored events, unless there are extenuating circumstances. He believes public notice of the possibility of a quorum can be posted.

### **Councilor Dimas**

Councilor Dimas introduced a Resolution contributing property and resources to Santa Fe Community Housing Trust for the development of the Soleras Station Low Income Housing Tax Credit Project pursuant to the Affordable Housing Act. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "20."

### **Mayor Gonzales**

Mayor Gonzales said, "I want to thank Councilor Dominguez, Lindell, Trujillo, Bushee, Dimas and Maestas for joining the Resolution related to bullying. I know Councilor Bushee and Councilor Trujillo started this initiative a couple of years back, so it is continued. Thank you for your efforts in those areas.

Mayor Gonzales introduced the following:

1. A Resolution relating to School Bullying; requesting the City of Santa Fe and the Santa Fe Public Schools develop and implement a comprehensive reporting system to track incidents of bullying, administrative responses to incidents and a substantive program to educate youth, parents and city and school staff on the prevention of bullying. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "22."
2. A Resolution supporting the provisions for enforcement of the Federal Indian Arts and Crafts Act by the United States Attorney's Office and the United States Fish and Wildlife Service; and requesting that the New Mexico Attorney General work with downtown merchants and City staff to support greater enforcement of the New Mexico Indian Arts and Crafts Sales Act, Section 30-33-1 NMSA 1978. A copy of the Resolution is

incorporated herewith to these minutes as Exhibit "23."

3. A Resolution, cosponsored by Councilor Ives, to create the Santa Fe Film Commission; and to support economic development and job creation in film and digital media. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "24."
4. A Resolution to reallocate funding from the Community Hospital and Health Care Study Group in pursuit of overall community wellness and a comprehensive approach toward a healthier community; and to postpone the Community Hospital and Health Care Study Group and reevaluate its purpose and scope in the Spring of 2016. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "25."

Mayor Gonzales said, regarding Councilor Maestas' question regarding the Police Chief, "I did ask that you [Snyder] spend time with the Public Safety Committee at one of their upcoming meetings prior to you pursuing interviews of candidates, so they can have input and provide some general input and thoughts on what they feel they would like to see or looked for in a new Police Chief."

#### **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 11:00 p.m.

**Approved by:**

---

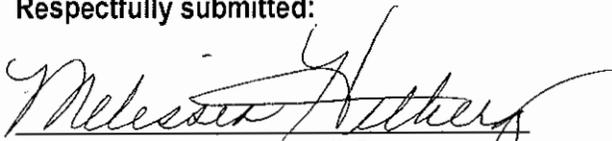
**Mayor Javier M. Gonzales**

**ATTESTED TO:**

---

**Yolanda Y. Vigil, City Clerk**

**Respectfully submitted:**



**Melessia Helberg, Council Stenographer**

CITY COUNCIL MEETING  
EXECUTIVE SESSION  
November 10, 2015

The Governing Body of the City of Santa Fe met in an executive session duly called on November 10, 2015 beginning at 7:00 p.m.

**The following was discussed:**

In Accordance with the New Mexico Open Meetings Act §§10-15-1(H)(2) and (7) NMSA 1978, Discussion Regarding Limited Personnel Matters, Including, Without Limitation, Discussion on Upcoming Union Negotiations; and 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.

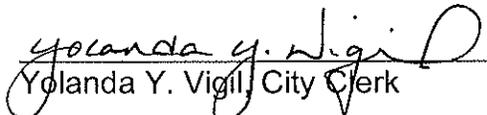
PRESENT

Mayor Gonzales  
Councilor Bushee  
Councilor Dimas  
Councilor Dominguez  
Councilor Ives  
Councilor Lindell  
Councilor Maestas  
Councilor Rivera  
Councilor Trujillo

STAFF PRESENT

Brian K. Snyder, City Manager  
Kelley A. Brennan, City Attorney  
Yolanda Y. Vigil, City Clerk

There being no further business to discuss, the executive session adjourned at 7:41 p.m.

  
Yolanda Y. Vigil, City Clerk