



# City of Santa Fe, New Mexico

## LEGISLATIVE SUMMARY

**BILL NO. 2014-32**

### **ENN Parks**

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**SPONSOR(S):** Councilors Dominguez and Bushee

**SUMMARY:** The bill relates to Early Neighborhood Notification (ENN) and amends Subsection 14-3.1(F)(3) SFCC 1987 to require that an ENN be conducted for new parks or reconstruction or expansion of existing parks; and makes such other changes as are necessary to carry out the intent of the ordinance.

The proposed amendment went before the Parks and Open Space Advisory Commission (POSAC) on September 16, 2014. Pursuant to the discussion at POSAC, Councilor Dominguez has proposed an amendment to the bill that would include ENN requirements for new buildings, structures and lighting systems at parks, that exceed \$250,000.

Thereafter, the Public Works Committee, at their October 7, 2014 meeting, recommended an amendment to change the acre size from two acres to one and reduce the cost for improvements to \$150,000.

**PREPARED BY:** Melissa Byers, Legislative Liaison

**FISCAL IMPACT:** No

**DATE:** December 4, 2014

**ATTACHMENTS:** Amendment Sheet – Public Works  
Bill  
FIR  
Minutes and Action Sheets

**CITY OF SANTA FE, NEW MEXICO  
PROPOSED AMENDMENT(S) TO BILL NO. 2014-32  
ENN FOR PARKS**

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**Mayor and Members of the City Council:**

**I propose the following amendment(s) to Bill No. 2014-\_\_\_:**

1. On page 2, *delete* lines 6 through 8 and *insert* the following, in lieu thereof:

(v) any new park or reconstruction or expansion of an existing park that exceeds one acre in size or one hundred and fifty thousand dollars (\$150,000) in cost; construction of a new building or structure at a park or placement of new lighting at a park that exceeds one hundred and fifty thousand dollars (\$150,000) in cost.

Respectfully submitted,

\_\_\_\_\_  
Public Works Committee

ADOPTED: \_\_\_\_\_  
NOT ADOPTED: \_\_\_\_\_  
DATE: \_\_\_\_\_

\_\_\_\_\_  
Yolanda Y. Vigil, City Clerk

1 CITY OF SANTA FE NEW MEXICO

2 BILL NO. 2014-32

3 INTRODUCED BY:

4  
5 Councilor Carmichael Dominguez

6 Councilor Patti Bushee

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9  
10 AN ORDINANCE

11 RELATING TO EARLY NEIGHBORHOOD NOTIFICATION (ENN); AMENDING  
12 SUBSECTION 14-3.1(F)(3) SFCC 1987 TO REQUIRE THAT AN ENN BE CONDUCTED  
13 FOR NEW PARKS OR RECONSTRUCTION OR EXPANSION OF EXISTING PARKS;  
14 AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO CARRY OUT THE  
15 INTENT OF THIS ORDINANCE.

16  
17 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

18 Section 1. Subsection 14-3.1(F)(3) SFCC 1987 (being Ord. No. 2011-37 § 3) is  
19 amended to read:

20 (3) Applicability to City Capital Improvement Projects

21 (a) ENN is required for certain types of *city capital improvement*  
22 projects requiring review by the *governing body* as follows:

23 (i) facility plans for municipal facilities or services, including  
24 wastewater, solid waste, potable water and airport facilities;

25 (ii) new projects or projects to expand or extend service to new

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service areas included in the *capital improvement plan* or *general plan*;

- (iii) any new road construction or reconstruction of an existing road that materially expands capacity; and
- (iv) projects funded out of capital impact fee funds.
- (v) any new park or reconstruction or expansion of an existing park that exceeds two acres in size or two hundred and fifty thousand dollars (\$250,000) in cost.

(b) The following types of *capital improvement* projects do not require ENN:

- (i) *replacement*, repair or maintenance of underground facilities where such activity does not represent a material expansion of existing facilities;
- (ii) road maintenance, repair, surfacing or resurfacing, striping, curb and gutter or sidewalk repair or maintenance, *sign* maintenance, signal repair, shoulder work, bridge or culvert maintenance work; and
- (iii) special assessment districts covered by *state* law or *city* ordinance.

APPROVED AS TO FORM:



KELLEY A. BRENNAN, CITY ATTORNEY

### City of Santa Fe Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

**Section A. General Information**

(Check) Bill: X Resolution: \_\_\_\_\_  
(A single FIR may be used for related bills and/or resolutions)

**Short Title(s):** AN ORDINANCE RELATING TO EARLY NEIGHBORHOOD NOTIFICATION (ENN); AMENDING SUBSECTION 14-3.1(F)(3) SFCC 1987 TO REQUIRE THAT AN ENN BE CONDUCTED FOR NEW PARKS OR RECONSTRUCTION OR EXPANSION OF EXISTING PARKS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO CARRY OUT THE INTENT OF THIS ORDINANCE.

Sponsor(s): Councilors, Domiguez and Bushee  
Reviewing Department(s): City Attorney's Office  
Person Completing FIR: Rebecca Seligman Date: August 15, 2014 Phone: 955-6501

Reviewed by City Attorney: *Vallin A. Brennan* Date: 8/19/14  
(Signature)

Reviewed by Finance Director: *[Signature]* Date: 09/22/2014  
(Signature) FOR TERESITA GARCIA

**Section B. Summary**

Briefly explain the purpose and major provisions of the bill/resolution.

The purpose of the ordinance is to include in the existing ENN requirements that an ENN be conducted for any new park or reconstruction or expansion of an existing park that exceeds two acres in size or two hundred and fifty thousand dollars (\$250,000) in cost.

**Section C. Fiscal Impact**

**Note:** Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)\*

**1. Projected Expenditures:**

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate: "A" if current budget and level of staffing will absorb the costs  
"N" if new, additional, or increased budget or staffing will be required
- c. Indicate: "R" – if recurring annual costs  
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

X   Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Professional Services	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Total:	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____

\* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. \*\*For fringe benefits contact the Finance Dept.

**2. Revenue Sources:**

- a. To indicate new revenues and/or
- b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
Total:	\$ _____	_____	\$ _____	_____	_____	_____

**3. Expenditure/Revenue Narrative:**

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

Not applicable

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**Section D. General Narrative**

**1. Conflicts:** Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

None staff is aware of.

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**2. Consequences of Not Enacting This Bill/Resolution:**

Are there consequences of not enacting this bill/resolution? If so, describe.

Without ENN participation, neighborhoods would not have input on any new park or reconstruction or expansion of an existing parks.

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**3. Technical Issues:**

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None that staff is aware of.

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**4. Community Impact:**

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

The major positive effect this ordinance would have is that through ENN, neighborhoods would be able to have input on any new park or reconstruction or expansion of an existing park which could potentially benefit their neighborhood park and the community at large.

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Form adopted: 01/12/05; revised 8/24/05; 4/17/08

Mr. Pino said there are parks missing and that might be because the city had the bond sale just last week. He offered to send Chair Booth the financial report, which is up to date.

SWAN Implementation was discussed. Ms. Romero said \$5 million was budgeted and \$1.1 million has been spent; Phase I is currently under construction. A park superintendant was assigned to work with the vendors on the work schedule. There are electrical issues and the water line tie-in is near completion.

Ms. Schruben asked about the water tank and vegetation.

Mr. Dave Clukowski answered: the graffiti on the tank was painted over. He said a neighborhood meeting was held to decide whether to paint the tank or have a mural or a combination. There were about eight people attending who voted to change the color and plant shrubs and trees in front of the fence. He explained he started the *nextdoor.com* website for Tierra Contenta citizens.

d. 2008 Audit RFP Update

Ms. Hansen said she sent the information to everyone and the audit is going through the process.

Chair Booth explained that she took the scope of services from the 2008 Audit RFP to submit into the record. Ms. Hansen suggested it be clear that the information is an excerpt; pages 10-13 of the 2008 Bond Audit RFP.

**NEW BUSINESS** (Revised Agenda Order)

- c. *An Ordinance Relating to Early Neighborhood Notification (ENN); Amending Subsection 14-3.1(F)(3) SFCC 1987 to Require that An ENN be Conducted for New Parks or Reconstruction or Expansion of Existing Parks; and Making Such Other Changes as are Necessary to Carry Out the Intent Of This Ordinance. (Councilors Dominguez and Bushee) (David Pfeifer) (Revised agenda order)*

Chair Booth said the ordinance states that *any* park improvement would need to go through an Early Neighborhood Notification process (ENN). She said Councilor Dominguez mentioned that he did not totally buy into the \$250k, but staff thought the amount would work. She asked Mr. Pino's opinion.

Mr. Pino said he thought the ENN is not needed. The ordinance will require that every project fall within the threshold and there does not have to be a limiting factor to have a minimum. He said this formalizes that projects be heard at least once. He said the ENN is more appropriate when going through the project list.

Ms. Guerrerortiz said she has mixed feelings, because ENNs are supposed to happen early and with CIP, the details many times are already worked out.

Mr. Lehm said the skate park at Ragle would come under the ordinance and the neighborhood might say they don't want a skate park there. He said neighborhoods rarely say no to parks, unless a skate park.

The members discussed the ordinance requirements for an ENN:

Ms. Schruben said her neighborhood could have saved \$75k if there had been an ENN. She thought it a good idea; people are becoming more sensitive and want their voices heard.

Mr. Coriz said Mr. Lehm's point is a good one and discouraging.

Ms. Taylor recalled her experience with an ENN. She said from a policy standpoint she is in favor, but also sympathetic. Some important projects are often rejected projects, but she would vote *for*, rather than against.

Mr. Torres said often public notification is redundant, but on occasion could save a neighborhood from something drastic. He was sympathetic to Mr. Lehm's situation.

Ms. McDonald appreciates looking at ENNs and where they would be most appropriate, but favors public notification.

Ms. Guerrerortiz said she fears additional cost and *design-by-committee* is always expensive. She had concerns.

Chair Booth said she thought that Councilor Dominguez's intent is that ENN on projects are not all the same; some were good and others are not.

Mr. Lehm asked to be on record that he is in favor of early notification; it makes sense. His challenge was that it isn't what kind of skate park or about the features or design; more that people would just say they do not want a skate park.

The members discussed the ENN and ideas; if raising the amount would help; that bringing the issues out before construction started would be better; the number of notifications that would need to be sent, etc.

Mr. Pino said there is a challenge down the road for City Council on some CIP projects. He said ENNs have not been done on those projects and the ordinance might lend itself to those as well.

Chair Booth said she would refer back to the pump track, where there was no public meeting. She said a city councilor was called by two of his neighbors who said they did not want the pump track.

She said she is also not comfortable with the \$250k; if someone wanted to put lighting up in a park paid out of CIP, there would not be an ENN. People could wake up with a light in their window. She said she would like more time to think about the ordinance.

Mr. Pino suggested an ENN be done at the master plan stage and stand-alone projects comply with the ordinance.

Ms. Guerrerortiz said the amount should be higher; the controversial things are lighting, noise and traffic.

Chair Booth suggested the item be tabled because of concerns about traffic, lighting and the number of meetings needed. She said she would voice the Commission's concerns to Councilor Dominguez and let him know the Commission would like to work with him.

Ms. Guerrerortiz said there are many projects that would hit the \$200k mark that do not need an ENN. She said projects in a master plan should go through an ENN; like those that introduce new lighting, or a new large structure, or an increase in lighting, noise or traffic; things the public would be concerned with. Projects that do not need an ENN would be like reconstructing a basketball court.

- Mr. Ortiz said Larragoite received a grant (legislative funding) of \$20k (thousand) for new basketball rims and backboards. Also the tennis courts were striped; two new benches were added and a shade structure was put near the volleyball court.
- Chair Booth asked about the cost at De Vargas Skate Park and how much money was left for the skate park at Ragle and what had been done with the bond money at Ragle. Mr. Pino said there are a lot of elements and he would send the details to her. The drainage issues on the basketball court caused work that was not planned. The remaining budget at Ragle is \$364k and about \$130k at West DeVargas. He said the bricks Parks planned to use at DeVargas were historic so they decided to go with concrete.

b. The 2012 Bond Parks and Trails Implementation.

Mr. Pino said he just received a report and after he reviews it, he will send to Chair Booth.

c. The 2008 Audit RFP Update.

Ms. Hansen said the selection committee selected a vendor and is negotiating a contract and she will be informed when that is finalized.

d. Strategic Planning Decisions

Chair Booth asked Mr. Pino when she might receive the inventory. Mr. Pino replied the inventory was completed last week and is ready to be released.

Chair Booth said regarding the community gardens; she sent a Google invitation to the majordomos for a meeting, but is not sure they can meet.

e. POSAC Commissioner Search

Chair Booth said she sent e-mails to all of the organized sports [leagues], but received nothing back. She asked to publish the position and work with the city to get the information into the newspapers, etc.

**Ms. McDonald moved to approve moving forward with a request to advertise the vacant POSAC position. Ms. Taylor seconded the motion, which passed by unanimous voice vote.**

**OLD BUSINESS** (Exhibit 4)

- a. An Ordinance Relating To Early Neighborhood Notification (ENN); Amending Subsection 14-3.1(F)(3) SFCC 1987 To Require That An ENN Be Conducted For New Parks Or Reconstruction Or Expansion Of Existing Parks; And Making Such Other Changes As Are Necessary To Carry Out The Intent Of This Ordinance. (Councilors Dominguez and Bushee) (David Pfeifer)

Chair Booth explained she had written a letter asking Councilor Dominguez for guidance.

Councilor Dominguez said the issue is before the Commission because of the experience with SWAN Park. He said there were meetings, but there is no policy in place that requires a formal notification

process. He said he suggested staff use the ENN process for the future SWAN stages to ensure there is a formal record.

Councilor Dominguez said he and staff discussed what the threshold should be that requires an ENN process. He said re-doing a parking lot or installing lights, neighbors would want to know; but repairing or putting in a new sidewalk would not require notification. He explained that ENNs require certified mail to neighborhood associations and residents within a certain radius. The intent of the ENN is to educate people about what will occur and provide them an opportunity for input. He asked the Commissioners thoughts on the threshold.

Ms. Hansen thought \$250k was not a high dollar amount for a threshold. Ms. Taylor said she is for the ENN process, but common sense has to be applied. Mr. Coriz said because of what occurred at SWAN, there should be an ENN there. Mr. Lehm said the dollar amount is not as important as notifying people about a change in the level of noise or lighting at 15 feet. Mr. Torres agreed with concerns about the noise and lights.

Mr. Pino said parks used to be thought of as an oasis and a place for peace and quiet and lots were sold at a premium when next to a park. He said now a group at Los Acequias wants to give up parts of their park to keep certain elements out of the neighborhood and people are irate about the basketball court at Ragle. He said he could not imagine what the reaction will be about the skate park.

He said the meetings had been positive at SWAN and he was thinking the ENN process could be circumvented by the master planning process. He is not sure that is sufficient now. He said it might make sense for everything to have an ENN process.

Ms. Esparza said she thought ENNs are a good idea and Sunny Slope community garden is an example. Fruit trees and fencing were put in for neighbors who were worried that the gardens would be an invasion of their privacy.

Ms. McDonald said she supports ENN. She said language could be added about the concern of noise and lights. She said as a designer she appreciates information from the public and the input is good and gives her ideas.

Chair Booth said a question for her is where the master plan fits with the ENN. She said the process to develop the master plan at SWAN was the best she had seen. She asked if the water tank was in the master plan.

Councilor Dominguez said the tank was in the master plan. He explained that the ordinance is so a resident had no excuse that they were not notified and it will protect the city. He said he is sympathetic to the idea that skaters might not be welcome in a park, but getting skaters and neighbors together in an ENN would educate both sides and encourages dialogue.

Chair Booth asked if reconstruction should be included in the ENN process; fixing the irrigation system or repaving a parking lot.

Ms. McDonald said she would caution about clogging up the city's process.

Chair Booth said the last master plan was done in 2002. She said several parks are on the 2012 Bond; Escondido is one, where staff said the neighbors do not want the park. She said she has talked with neighbors who were desperate to have the "pit" cleaned up. She said parks are coming on board that should have an ENN about whether to move forward.

Ms. Hansen said Adam Armijo wants a community garden and Patrick Smith's irrigation will be redone and those should not require an ENN notice.

Chair Booth asked what would be recommended for Escondido Park and the \$31k for renovation that now will not be done. Councilor Dominguez said the money will be reallocated and is not subject to an ENN. Chair Booth said that concerns her, because she thinks the neighbors have not been consulted.

Ms. Taylor said common sense has to prevail. She said a Parks staff or City Councilor could knock on a few doors and let the neighbors know what is being considered.

Councilor Dominguez said the city has to start somewhere and the resolution can always be amended. He suggested that item # 4 in Chair Booth's letter about noise, lighting, traffic, odor, trash, etc., be included and the noise be taken out. He said he would not change "*creating a new building/structure*" and the last point regarding "*significantly changed the use of the park*"; he wasn't sure how to define "significant" unless a threshold was put in.

**Ms. Taylor moved to recommend approval of the ENN ordinance for Parks with the two modifications proposed by Councilor Dominguez for lighting above 15 feet and creating a new building or other structure, with the condition that the resolution be reviewed prior to any parks bond. Mr. Coriz seconded the motion, which passed by unanimous voice vote.**

**NEW BUSINESS** (Exhibit 5)

- a. A Resolution Recognizing The Unique Volunteer Services Of I Ride NM, A Nonprofit Dedicated To Maintaining The City Of Santa Fe's Buckman MX Track; And Authorizing The City Manager To Enter Into A Professional Services Agreement With I Ride NM To Provide Volunteer Maintenance Services At The Buckman MX Track.

Councilor Dominguez said he would defer to staff. He knew that Mr. Coriz had some concerns with the language on line 16 that defined the maintenance operation.

Mr. Pino said the intent is for city maintenance to be the larger maintenance and heavy equipment work. He said the MX community knows what the thresholds should be. The city will let I Ride have the track and will fund them and I Ride can use that money to take out insurance for the track.

He explained that the city will do quarterly maintenance to the parking lots and compact the dirt and help with drainage. The smaller maintenance such as trash and hand work, etc. could be handled by volunteers. He said the model used for the contract with I Ride is similar to the city contract with the Santa Fe Conservancy and the Trails Coordinator.

Mr. Coriz said I Ride is ready to go and he agrees with the wording. He said he can obtain insurance if the funding is provided.

~~VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla and Villarreal voting in favor of the motion and no one voting against [5-0].~~

~~E. OLD BUSINESS~~

~~There was no Old Business.~~

G. NEW BUSINESS

1. AN ORDINANCE RELATING TO EARLY NEIGHBORHOOD NOTIFICATION (ENN); AMENDING SUBSECTION 14-3.1(F)(3) SFCC 1987, TO REQUIRE THAT AN ENN BE CONDUCTED FOR NEW PARKS OR RECONSTRUCTION OR EXPANSION OF EXISTING PARKS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO CARRY OUT THE INTENT OF THIS ORDINANCE (COUNCILORS DOMINGUEZ AND BUSHEE). (DAVID PFEIFER)

A Legislative Summary for this bill, with attachments, is incorporated herewith to these minutes as Exhibit "4"

David Pfeifer, Facilities Division Director, Public Works Department, presented information in this case from the materials in the Commission packets. Please see Exhibit "4," for specifics of this presentation.

**Public Hearing**

**Marian Schruben, representing her Neighborhood Association,** said she is here in favor of the proposed Ordinance. She said if this had been in place and they had notice they were planning to rebuild the pocket park, it would have saved the City a lot of money, because they had to go back redesign after neighbors saw the diggers in the yard. She said, "I would just like to caution you that this may come up again, even though you have set some *[inaudible]* – the lighting and noise, and other kinds of things like that are appropriate. And I've heard the discussions that we have had twice at the Parks and Open Space Meetings, and all of these things have been thoroughly thrashed out, so I do encourage you to include an ENN in as many parks as possible."

**The Public Testimony Portion of the Public Hearing Was Closed**

Commissioner Padilla said Ms. Schruben gave testimony that this would not have included pocket parks.

Ms. Schruben said this correct. Their pocket park is less than one acre, and the remodeling cost \$197,000, so it wouldn't have qualified for an ENN, but they still had a complete renovation of their park, and initially the neighbors were distraught. They thought the pocket park was going to be removed, so it

was really good for them. She said, "The pocket parks across town are in various states, and it's going to be a challenge for you all, but I'm sure Public Works and Parks are on it. I hope this helps."

Commissioner Padilla asked if the criteria, 2 acres or \$250,000, would apply to all parks or only to City Parks.

Mr. Pfeifer said it would impact only City owned parks.

Commissioner Padilla asked for an example of the location for the smaller parks.

Mr. Pfeifer said Colonial Prisma, located near the Southside Library, is a 2½ -3 acre park, and would be the kind of park that would fall into this category, because it is a little more than 2 acres.

Commissioner Padilla said any development that requires open space, a park for its development, would be reviewed under the review and approval guidelines through development plan review. He asked if this is a correct statement.

Ms. Baer said, "That is correct. So you would be seeing that as either a subdivision or development plan, probably a subdivision, which would be a park. If it was to be dedicated to the City after it was built, you would see it at that time. And obviously, there also would be public notification and the opportunity for public comment through review of the subdivision."

Commissioner Bemis asked how the parks are watered.

Mr. Pfeifer said, "That varies so immensely that I couldn't even answer the question. It depends on whether we put all dry landscape in and some park benches, or if we do grass, or if we do some plants. So drip irrigation, the bubblers for any kinds of plants that are planted, spray irrigation for any grass. And most of the parks use City water, unless you can get some effluent water in different locations like SWAN Park will be, that great big giant park. But most of it will be City water, and it totally depends on the structure of the park. The smaller the park, probably the less water usage, probably. Does that answer your question?"

Ms. Bemis said it does, but she has more questions about the water later.

Vice-Chair Villarreal reminded the Commission that this is a recommendation to the Governing Body from the Planning Commission, and the motion should be so stated.

**MOTION:** Commissioner Padilla moved, seconded by Commissioner Ortiz, to recommend approval to the Governing Body for the proposed Ordinance relating to Early Neighborhood Notification (ENN), amending Subsection 14-3.1(F)(3), to require an ENN to be conducted for new parks or reconstruction or expansion of existing parks.

**VOTE:** The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla and Villarreal voting in favor of the motion and no one voting against [5-0].

**ACTION SHEET  
ITEM FROM THE  
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING  
OF  
MONDAY, OCTOBER 7, 2014**

**ITEM 11**

REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO EARLY NEIGHBORHOOD NOTIFICATION (ENN); AMENDING SUBSECTION 14-3.1(F)(3) SFCC 1987 TO REQUIRE THAT AN ENN BE CONDUCTED FOR NEW PARKS OF RECONSTRUCTION OR EXPANSION OF EXISTING PARKS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO CARRY OUT THE INTENT OF THIS ORDINANCE (COUNCILORS DOMINGUEZ AND BUSHEE) (DAVID PFEIFER)

**PUBLIC WORKS COMMITTEE ACTION:** Approved with amendments

**FUNDING SOURCE:**

**SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:**

<b>VOTE</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAIN</b>
<b>CHAIRPERSON TRUJILLO</b>			
<b>COUNCILOR BUSHEE</b>	<b>X</b>		
<b>COUNCILOR DIMAS</b>	<b>X</b>		
<b>COUNCILOR DOMINGUEZ</b>	<b>X</b>		
<b>COUNCILOR RIVERA</b>	<b>X</b>		

Councilor Dimas asked if the officers they will use would be officers who have already been trained in airport security.

Ms. Jesson said before they can work at the airport they have to do through a lot of training, including significant on-line video training.

Councilor Dimas was a little concerned about the carrying of weapons which was required. He also was concerned and hoping that the TSA really does check into these things. He asked if TSA had anything to do with the approval of this company.

Ms. Jesson said no, but TSA approved the scope.

Councilor Dimas asked if she had any kind of a report on the job they did at the Sunport.

Ms. Jesson said they worked for the Airport Commission.

Councilor Dimas surmised that was not part of the TSA.

Ms. Jesson agreed. What they did for the Sunport was similar to what they would do at the Santa Fé Airport.

Councilor Dimas asked if they would be handling people coming in and out of the airport gate.

Ms. Jesson said that all the screening and searches were done by the TSA. The AAA responsibility at the check point was that they were the first ones flagged over by TSA and could detain a person but not to arrest people.

Councilor Dimas understood their main duty was to secure the facilities.

Ms. Jesson agreed. When folks walk into the terminal off a flight the guards monitor that to make sure no one in terminal goes back out.

**Chair Trujillo made a motion to approve the request with the amendment of a 2 year term contract. Councilor Dominguez seconded the motion and it passed by unanimous voice vote.**

**11. REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO EARLY NEIGHBORHOOD NOTIFICATION (ENN) ; AMENDING SUBSECTION 14-3.1(F)(3) SFCC 1987 TO REQUIRE THAT AN ENN BE CONDUCTED FOR NEW PARKS OF RECONSTRUCTION OR EXPANSION OF EXISTING PARKS, AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO CARRY OUT THE INTENT OF THIS ORDINANCE (COUNCILORS DOMINGUEZ AND BUSHEE) (DAVID PFEIFER)**

**Committee Review:**

Parks & Open Spaces Advisory Commission (Postponed)	08/19/14
Parks & Open Spaces Advisory Commission (Approved)	09/16/14
Planning Commission (Scheduled)	10/02/14
Finance Committee (Scheduled)	10/20/14
Council (Request to publish)	10/29/14

Councilor Bushee said the Committee did not see minutes from the Planning Commission. She asked if they wanted to limit the size of the park subject to ENN.

Ms. Byers said she went to the Planning Commission meeting last Thursday. It was unanimously approved.

Councilor Dominguez was not sure where you would draw the line.

Councilor Bushee said it involved public dollars.

Councilor Dominguez said it would be any public project, any public funds and his attempt was to establish something reasonable. He was amenable to reasonable changes.

Councilor Bushee preferred to leave off the financial qualifier.

Mr. Blake Whitcomb didn't think that would work.

Councilor Bushee asked if there was some better way to do it so people could have a say. She recalled the original intent was to include city projects so that people would have a say.

Mr. Whitcomb said that was more of a policy question.

Councilor Bushee was looking for some word smithing.

Councilor Dominguez said he was agreeable to amendments if they make sense. He noted that they all worked on this.

Councilor Bushee and Councilor Dominguez discussed ways of allowing public input and if there should be limits on park size. Chair Trujillo noted they had meetings in his neighborhood about it.

Councilor Dominguez agreed to go down to one acre now.

**Councilor Dominguez made a motion to approve the request with amendments of the amount reduced to \$150,000 and the size reduced to one acre. Councilor Bushee seconded the motion and it passed by unanimous voice vote.**

#### **DISCUSSION AGENDA**

#### **13. REQUEST FOR DISCUSSION ON THE ZIA RAIL RUNNER STATION (KEITH WILSON)**

Chair Trujillo said he requested this item and asked if there were City plans for the station.

Councilor Dominguez asked if this was a request for discussion.

Chair Trujillo agreed. He wanted to have discussion on this.

**ACTION SHEET**  
**CITY COUNCIL COMMITTEE MEETING OF 10/29/14**  
**ITEM FROM FINANCE COMMITTEE MEETING OF 10/20/14**

**ISSUE:**

21. Request for Approval of an Ordinance Relating to Early Neighborhood Notification (ENN); Amending Subsection 14-3.1(F)(3) SFCC 1987 to Require that an ENN be Conducted for New Parks or Reconstruction or Expansion of Existing Parks; and Making Such Other Changes as are Necessary to Carry Out the Intent of This Ordinance. (Councilors Dominguez and Bushee) (David Pfeifer)

**Committee Review:**

Parks & Open Spaces Advisory Commission (approved/w amend) 09/16/14  
 Planning Commission (approved) 10/02/14  
 Public Works Committee (approved/w amend) 10/06/14  
 City Council (request to publish) 10/29/14  
 City Council (public hearing) 12/10/14

Fiscal Impact – No

**FINANCE COMMITTEE ACTION: APPROVED AS CONSENT ITEM**

**FUNDING SOURCE:**

**SPECIAL CONDITIONS OR AMENDMENTS**

**STAFF FOLLOW-UP:**

<b>VOTE</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAIN</b>
COUNCILOR TRUJILLO	X		
COUNCILOR RIVERA	X		
COUNCILOR LINDELL	X		
COUNCILOR MAESTAS	X		
CHAIRPERSON DOMINGUEZ			

3-17-14