

City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

Bill No. 2015-20

Planning Commission

SPONSOR(S): Councilor Bushee

SUMMARY: The proposed bill amends Section 14-2.3(D) SFCC 1987; establishing membership requirements for the planning commission.

1. Each district within the city shall have at least one representative on the commission in addition to the following requirements:

- One member shall be a nominee of the Old Santa Fe Association;
- One member shall be a nominee of the Santa Fe neighborhood network;
- One member shall be a nominee from the local affordable housing roundtable;
- One member shall be a representative of the architecture, construction, development or real estate community;
- One member shall be a representative of the landscape architect or landscape designer community; and

2. Four (4) members shall be appointed at-large.

Note: Research of other city models determined many cities have adopted similar models with representatives from each district within the city. Most other examples did not prescribe specific professional requirements, aside from having “relevant experience”.

PREPARED BY: Jesse Guillen/Rebecca Seligman

FISCAL IMPACT: No

DATE: May 20, 2015

ATTACHMENTS: Bill
FIR

**CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2015-20
Planning Commission**

Mayor and Members of the City Council:

I propose the following amendment(s) to Bill No. 2015-20:

1. *Delete* page 1, line 21 through page 2, line 9 and *insert* in lieu thereof:

“(2) Membership

- (a) Each district will have two (2) representatives on the commission, in addition to the following requirements:
 - (i) One member will be a nominee of the Santa Fe neighborhood network.
 - (ii) One member shall be an affordable housing planner or advocate.
 - (iii) One member shall be a professional planner.
 - (iv) One member shall be a representative of the architecture, construction, development or real estate community.
 - (v) The other four (4) members shall possess necessary professional experience to fulfill the duties of the commission.
- (b) One member shall be appointed at-large.”

Respectfully submitted,

Public Works Committee

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk

1 CITY OF SANTA FE, NEW MEXICO

2 BILL 2015-20

3 INTRODUCED BY:

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5 Councilor Patti Bushee

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10 AN ORDINANCE

11 AMENDING SECTION 14-2.3(D) SFCC 1987; ESTABLISHING MEMBERSHIP
12 REQUIREMENTS FOR THE PLANNING COMMISSION.

13
14 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

15 Section 1. Subsection 14-2.3(D) (being Ord. No. 2011-37 § 2) is amended to read:

16 *D) Membership and Procedures*

17 (1) Composition

18 The planning commission is composed of nine members who are qualified by
19 training, experience and ability to exercise sound and practical judgment on
20 civic, social, economic and governmental affairs.

21 (2) Membership

22 (a) Each district within the city shall have at least one representative on
23 the commission in addition to the following requirements:

24 (i) One member shall be a nominee of the old Santa Fe
25 association;

1 (ii) One member shall be a nominee of the Santa Fe
2 neighborhood network;

3 (iii) One member shall be a nominee from the local affordable
4 housing roundtable;

5 (iv) One member shall be a representative of the architecture,
6 construction, development or real estate community;

7 (v) One member shall be a representative of the landscape
8 architect or landscape designer community; and

9 (b) Four (4) members shall be appointed at-large.

10 ([2]3) Appointment and Term

11 The members of the planning commission shall be appointed by the mayor
12 with the advice and consent of a majority vote of all the members of the
13 *governing body*. Members shall serve two-year overlapping terms,
14 maintaining the original overlap of planning commission terms. Members
15 shall serve until their successors have been appointed and qualified.

16 APPROVED AS TO FORM:

17 
18 _____
19 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 AMENDING SECTION 14-2.3(D) SFCC 1987; ESTABLISHING MEMBERSHIP REQUIREMENTS FOR THE PLANNING COMMISSION.

Sponsor(s): Councilor Patti Bushee/Councilor Signe Lindell

Reviewing Department(s): Land Use/City Attorney

Persons Completing FIR: Lisa Martinez/Jesse Guillen Date: 4/23/15 Phone: 955-6617/955-6518

Reviewed by City Attorney: *Valley A. Berman* Date: 4/27/15
(Signature)

Reviewed by Finance Director: *J. Bus* Date: 4-27-2015
(Signature)

Section B. Summary

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

The proposed bill would require that future appointees to the City of Santa Fe Planning Commission meet certain professional requirements, as well as requiring that each district within the City have a representative on the Commission.

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)*

I. 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)

Finance Director: _____

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.)

None

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

2. Consequences of Not Enacting This Bill/Resolution:

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

Appointees to the Planning Commission will continue to be selected at the Mayor's pleasure without having to meet certain requirements.

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

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.

Changing the requirements for members of the Planning Commission would ensure that highly qualified members of the community, with a relevant professional background, would sit on the Commission. However, members of the community who may be quite familiar with planning, but don't meet the requirements would be unable to serve on the Commission. The four at-large members allowed for in the amended membership requirements could fill that gap.

read the definition for sheltered care facilities which is 9 to 25. He said since adult day care isn't defined, he wondered if that was a gap. He has seen no classification for 1 through 7, and asked if that was discussed previously, or should it be addressed in the future.

Mr. Smith said, "Within the category of adult day care, there is not a specific limit as to the number of persons, in part, because, in each of the residential districts where that occurs it is a special use permit type of use. So, for example, if you are caring for, in your home, the residential care of senior citizens, you might be able to get administrative approval of your permit without a public hearing. But if you are providing adult day care services to people who did not live in the home with you, in each situation, whether that was 1 or 100 seniors who were being provided day care, you would be coming to the Board of Adjustment or to the Planning Commission for a permit approval."

- Chair Harris said on this Ordinance and the next one, as Mr. Smith said, we are a recommending body to the Governing Body.

Public Hearing

Speaking to the Request

There was no one speaking to the request.

The Public Testimony Portion of the Public Hearing Was Closed

MOTION: Commissioner Padilla moved, seconded by Commissioner Villarreal, to recommend approval to the Governing Body, of the proposed amendments to the Land Development Code, Chapter 14, 1987, amending Subsection 14-6.1(C) and Table 14-6.1-1, as presented.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Chavez, Gutierrez, Kadloubek, Kapin, Ortiz, Padilla, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [8-0].

2. AN ORDINANCE AMENDING SECTION 14-2.3(D) SFCC 1987, TO ESTABLISH MEMBERSHIP REQUIREMENTS FOR THE PLANNING COMMISSION (COUNCILOR BUSHEE). (LISA MARTINEZ)

A Legislative Summary for this Ordinance, dated April 24, 2015, prepared by Jesse Guillen/ Rebecca Seligman, Legal Department, regarding this case is incorporated herewith to these minutes as Exhibit "8."

Jesse Guillen, Legislative Liaison, City Attorney's Office, presented information in this case. Please see Exhibit " 8," for specifics of this presentation.

Public Hearing

Speaking to the Request

There was no one speaking to the request.

The Public Testimony Portion of the Public Hearing Was Closed

The Commission commented and asked questions as follows:

- Commissioner Kadlubek asked the effect of the proposed bill on the current makeup of the Commission, when is it effective, and how would these requirements be phased in.

Mr. Guillen said it would affect future appointments, and doesn't believe it would affect anyone currently serving on the Commission.

Mr. Shandler said, "The current text which isn't being changed, is that members shall serve until their successors have been appointed and qualified."

- Commissioner Kadlubek said the follow up question is with a term coming up, which one of these requirements are phased in first. Is it the District, the Neighborhood Network, commenting he is trying to see how we would fill these seats according to these requirements.

Mr. Guillen said he doesn't know the answer to that.

- Commissioner Kadlubek said he appreciates effort to get representation from a broad cross section of Santa Fe, and definitely appreciates the effort to get representation from each District. He said there is a lot of common sense there. He said, with regard to the not so slight requirements for nominees from the Old Santa Fe Association, the Santa Fe Neighborhood Network, the local Affordable Housing Roundtable, a representative of the architecture, construction, development real estate community and a landscape architect or a landscape design community, these strike him as lacking. He said, "I see Historic, I see Neighborhoods, I see affordable housing, I see architecture and development and landscaping, but I don't see representation from the business community, from the green building community, the youth community or the arts community. So I guess in drafting this, what went into coming up with these 5 specific criteria for requirements."

Mr. Guillen said that was something in consultation with Councilor Bushee, so it was a back and forth dialogue on what options there were, and this was what was decided on. He said, "I did do research for planning commissions from other municipalities around the country. The majority of them did have requirements that the various districts within the City are represented, but for the most part, there were no requirements for specific professions, just that they be qualified to serve on the Commission.

- Commissioner Kadlubek said the Mayor makes the appointment and the Government Body has consent. He said there is a process of vetting of requirements that could happen within that process. He said it does make sense to have representatives of architecture, construction development on the Commission, and a landscape architect or designer make sense as well, commenting those are more general.
- Commissioner Kadlubek continued, saying with regard to specific nominations from the Old Santa Fe Association and the Santa Fe Neighborhood Network, he said being new on the Commission, he has no background information on these Associations. He knows a little about the Old Santa Fe Association, but knows less about the Neighborhood Network. He asked if there is any complementary material to explain to us who these organizations are that will be nominating planning commissioners.

Mr. Guillen said he too is new to the job, so he isn't well versed in those organizations and can't answer that question.

- Commissioner Kadlubek said he believes the Old Santa Fe Association is more of a historic preservation association, reiterating he doesn't know much about the Neighborhood Association. He said in visiting their website it seems they are a political non-profit with a specific interest in stopping development. He said, "I would like to have a lot more information about these organizations if they're going to have such a strong hand in the process of what makes up this body. Could that be supplied. I don't know the process, and do I ask that be supplied at a later date."
- Chair Harris said we're going to have discussion tonight. We are recommending, but we can postpone consideration. We don't have to recommend, take a formal action this evening, and asked Mr. Smith if this is correct.

Mr. Smith said, "There have been occasions in the past where the Commission has postponed to a specific date to get more information from the Sponsor. The Commission in the past has asked that the Sponsor appear before them to do that. I defer to Mr. Guillen with regard to the specifics. There have also been instances where the Council Sponsor has indicated that they did not intend to wait for the Commission recommendation before they introduced the matter at the Council level. So, I'm not sure whether the Councilor sponsor has expressed urgency to the staff involved with drafting it."

- Chair Harris asked him to repeat his remarks.
- Mr. Smith said, "In the past the Commission has postponed this type of case to a specific date with a request for more information. There are also cases where the sponsor has indicated to the Commission that the matter will be scheduled for a hearing at a particular Council date, with or without the formal action of the Commission. I'm not in a position on this bill.... land use staff does

not have information from the sponsor as to the urgency of getting this matter before the full Council for a hearing. Although, we would note that it is likely appointments or reappointments will be made in June for Commissioners whose terms expire in July."

- Commissioner Kadlubek reiterated he knows really nothing about these organizations, noting he couldn't find information on the Affordable Housing Roundtable on line. He asked if the Neighborhood Network represents all neighborhoods, or only neighborhood associations or specific neighborhoods, and said it is important to know in which those neighborhoods lie. He wants more information about that. He said it makes sense to ask for further information about these organizations, definitely the Old Santa Fe Association, the Santa Fe Neighborhood Network, and the Housing roundtable. He thinks this has to be delayed beyond the June appoint of Planning Commission members, commenting it is too soon for him to make a decision.
- Chair Harris said we certainly can postpone this item. He appreciates Commissioner Kadlubek's comments which are in sync with many of his own. He said, "Or we can make a statement to the Governing Body that we do not recommend these changes. Correct."

Mr. Smith said, "I believe the procedural actions are: recommend approval, recommend denial. There might be some language the Commission might indicate, unable to recommend approval without additional information. Or to postpone to a specific date."

- Commissioner Kapin asked Mr. Guillen to speak to the question of what is the objective of this change from Councilor Bushee. What is the problem she is attempting to solve.

Mr. Guillen said she never communicated that to him directly, so he can't answer that question.

- Commissioner Kapin said she agrees with Commissioner Kadlubek, and what feels appropriate to her and what she likes is the four districts being recommended and would feel comfortable recommending that, but she would not be comfortable with the rest.
- Commissioner Schackel-Bordegary asked Mr. Guillen, regarding the current composition, if he can tell us how the composition of the Commission currently tracks in terms of Districts, as well as some of these categories. She asked if he did that research on "those of us sitting up here."

Mr. Guillen said he is not familiar with that, and this was brought to him after the most recent appointments to the Planning Commission.

- Commissioner Schackel-Bordegary asked when the most recent Planning Commission appointments were made, and if that was at the last Council meeting. She said, "I'm going to read that: 'The composition is 9 members who are qualified by training, experience and ability to exercise sound and practical judgment on civic, social, economic and governmental affairs. Appointment and Term. The members of the Planning Commission shall be appointed by the Mayor with the advice and consent of a majority vote of all the members of the Governing Body. Members shall serve two-year overlapping terms, maintaining the original overlap of Planning

Commission terms. Members shall serve until their successors have been appointed and qualified.' Again, you may not be the person to answer this, but one of the things I think some of us have wondered is how all of our terms are expiring at the same time. I would actually like to point that question to the City Attorney or the Land Use Director acting tonight."

- Mr. Smith said, "The provision in the Code indicates that the Commissioners will continue to serve until their replacement is appointed. The terms of one-half the Commission members expire each year. There were four slots who had not had their replacements appointed, and one vacancy. Commissioner Pava and Commissioner Bemis were essentially serving past the expiration date of their terms and that's why those were up for replacement last month."

- Commissioned Schackel-Bordegary said those whose terms are now expiring are Commissioner Padilla, Commissioner Villarreal, Commissioner Harris, Commissioner Ortiz and Commissioner Schackel Bordegary. So one person continually has been on the Commission.

Mr. Smith said Commissioner Gutierrez was appointed to a term that will expire in 2016.

- Commissioner Schackel-Bordegary said then the four Districts refer to the City Council Districts.

Mr. Guillen said yes.

- Commissioner Schackel-Bordegary asked if anybody has verified that the four districts have been represented on the Commission for the last several years.

Mr. Smith said staff hasn't done that, and he can't guarantee that is the case.

- Chair Harris said when he was with the Land Use Department, Mr. Lamboy did track the geographic representation at the time. *[Chair Harris's remarks here are inaudible because his microphone was turned off]*. He said he thinks Commissioner Pava and Commissioner Bemis terms expired in June 2014, and they continued to serve.

Mr. Smith said he concurs with the Chair on the expiration date of the terms.

- Commissioned Schackel-Bordegary asked Mr. Guillen what other cities he researched in terms of the composition of the Planning Commission to base this Ordinance on.

Mr. Guillen said he doesn't have a list in front of him, but there were two in California, one in Pennsylvania.

- Commissioned Schackel-Bordegary asked if those municipalities were similar in size, or what was the criteria for the research.

Mr. Guillen said they were similarly sized.

- Commissioner Schackel-Bordegary said it is good for us to be talking about this tonight, because "you are about to have a pretty different Planning Commission composition. That's my impression of why this has come up. It is surprising to see it in this form tonight, as a trained City planner, with a Masters Degree in Community and Regional Planning from the University of Texas at Austin, and a Masters Degree in Planning. And Planning is not in here. And on the Commission for the last several years, we've been commended for being the most professional Planning Commission in the City of Santa Fe, if not others. There have been 3 of us that are planners. Dan Pava was a licensed Planner [*inaudible*]. So I don't know that I would recommend denial. I'll see what we decide here tonight, but I think we should pass our comments on [*inaudible*] according to how we, the Planning Commission see it. And I certainly will add something on planners. I will say that planners tend to look at qualitative and quantitative data integrated, and I don't know what discipline does that but planning. So you can't have a Commission, I think, that can function very well and [*inaudible*] has anything less than 2 planners on it."
- Commissioner Schackel-Bordegary continued, "I absolutely believe architecture, design landscape, we've had the benefit up here. I'm the veteran Commissioner here tonight, and had the benefit of being on this Commission with people who know infrastructure, know how to build it, know how to design it. You need to lay all that out. The beauty of this is that we've always had community members with that expertise and experience represented up here. So I would not want to see us prescribe that ala a big city, and make it be formalized. If we were to make it formalized it better darn sure have people with degrees and experience in community and regional planning."
- Commissioner Schackel-Bordegary continued, "Let's see, I think I had one more question. I know the Historic District Review Board, I used to be the Historic Case Planner, has requirements for their members and that makes sense. And I think the Old Santa Fe Association is one of those slots on the Historic Design Review Board. I do believe the historic preservation interests should also be very well represented on this Board. Again, we have people in this City who wear several hats and carry that with them in the spirit of preserving Santa Fe. I wouldn't want to see that proscribed. However, if we decide it should be, we will have to expand this list quite a bit to include the multi-faceted talents of this City."
- Commissioner Schackel-Bordegary continued, "The local Affordable Housing Roundtable represents a strong community value, so of course they should be on there, but Commissioner Kadlubek has raised good questions about what does that really mean and who would that be. The Neighborhood Network, I have some real questions about that as well. Again, neighborhood preservation, strong value in this community. If you're sitting up here and this is how you put neighborhoods, you probably don't belong up here. But about factually verifying it..... Again, I have a question, is Santa Fe going to such a formalized membership criteria. So those are my comments, and I appreciate this opportunity to discuss it, since this is so timely for all of us."
- Commissioner Schackel-Bordegary continued, "For our new members sitting up here, welcome. And I do want to say, the generation component, Santa Fe is facing... I said this at the last meeting, too sleepy didn't go through the minutes, I didn't crack them. I welcome you to the Commission. I welcome new blood of all ages and we do need to be more forward thinking. And

you are inheriting the City and inheriting it from many of us who have saved it, to be there for us to save it. And that means the 90-80-70-60-50-30-30 somethings, and so you carry a great responsibility in maintaining this community. And that's what I wanted to say. Thank you."

- Chair Harris said he would like to, mostly reinforce some of the comments he's heard and just provide a little bit more clarification about what he thinks the process holds. We've verified that we have 5 Commission members whose terms expire at the end of June 2015. And as you said, this language hasn't changed. "Members shall serve until their successors have been appointed and qualified." He also wants to make sure the Commission members understand they can resign if they choose not to continue past their term.

Mr. Smith said, "If I may, just for the record and because I've not been in on the recent meetings, I believe that our staff has advised the existing Commissioners that they may address a letter to the Mayor indicating that they are interested in having their terms extended. And if they are interested in continuing to do that, and haven't submitted that the letter to the Mayor, they should do so immediately. I would have noted that under communications from staff at the end of the meeting."

Chair Harris said the sitting Commissioners have heard that if they're interested in continuing, they should submit a letter. But what he hasn't heard anybody say, per the City Committee Rules, that they can resign, rather than the limbo that has occurred in the past.

- Chair Harris said, "As to the proposed Ordinance, to me it represents... I don't understand why, so I have to assume that it's a statement that the way it's worked in the past or the way it's working now, represents a failure and it needs to be changed. Because we already have geographic balance and we have had, and our City Committee rules call for that, and we've honored that. So, it's either a failure, or I think more likely, it's a political statement. Because the Old Santa Fe Association does represent, and they have a strong voice and they use it periodically and generally, graciously. But I don't see a reason for them to have a formal seat at the table as a Commissioner."
- Chair Harris continued, "And when it comes to Neighborhood Network, again, we've got a process with the ENN process, we have a very active Neighborhood Network. And I agree, it seems to be a loose confederation. It doesn't have any formal status that I'm aware of, and it certainly doesn't cover the whole City, and so I don't see any reason for it to be allowed to have consistently a seat at the table. Affordable Housing Roundtable. You know we have City staff that handles affordable housing. We have any number of Ordinances related to affordable housing and it shows up during most every one of our considerations. So that, and particularly, when we've looked at the 1999 General Plan, the themes that were stated, most people would acknowledge that the City has come a long way in working toward affordable housing."
- Chair Harris continued, "It's really not very far at all when it comes to economic development, which is another stated theme. When I first read this, I had similar... I made a quick list, Chamber of Commerce, Green Chamber of Commerce, Santa Fe Community Foundation. On the south side we have being formed, again a loose network not formally, the Quality of Life Initiative. And that's

where the growth is, that's where the families are, and I think really needs a seat at the table, if anybody does. And the representatives from various groups, construction development I think they have been pretty well covered in the past. I look around and I see a Registered Architect, I see a Professional Engineer for myself. I hold two GB98's as a contractor, a construction man. And planners, I would agree with Commissioner Schackel Bordegary if we had to have anybody, I think it would be planners. Or the last category, landscape. Again, we've got any number of standards that are documented in Chapter 14. I see no reason to have a landscape architect or landscape designer allowed to have consistently a seat at the table."

- Chair Harris continued, "So, again, in terms of professionals, surveyors. Every document we look at has a plat, just about every one needs comments and corrections. And so again, that would probably be somebody I would add to the list of substitute categories. So I really... I think if, in fact, the sponsor is going to take it through the Committee process, I think the Commission should have a voice in what they think. They should hear it. Perhaps postponement for additional information is appropriate, or in my own view, denial is appropriate."
- Chair Harris continued, "But, that's really what I wanted to say, I was really almost offended by this. Okay."
- Commissioner Villarreal said, "I have the same issues that my fellow Commissioners brought up, so I won't repeat them. And I think all of us just need some clarification, definitions would be nice. I think what strikes me the most is that these required groups that were really specified, architecture, landscape, etc. I also think that we're not considering that City staff has that professional expertise. And they're the ones that vet these projects first and foremost and really dive into the details. We have to listen and understand that expertise is important for our decisions. Sometimes I thought I was really getting into the nitty-gritty. It's an insult to the staff that really does this on a daily basis."
- Commissioner Villarreal continued, "I do think it's a little short sighted to start picking out groups and professional expertise that we need. I think it is important, but then we need to consider the whole gamut, not just what's listed here. And we haven't talked about transportation expertise, or economic development, or utilities, engineering you said, but then also the makeup other than just the Districts. What about ethnic balance, what about gender balance, age, you don't even think about that. And do we need to consider that. It really depends on how much time people have to be a volunteer member of the Commission up here. And then the other group that never gets considered, it seems like, is the immigrant community, and do we have a representative from the immigrant community. We usually don't. So that's something to consider. It would be helpful to define these groups before wanting membership from them."
- Commissioner Villarreal continued, "I do feel, and I think this a question posed to either Councilor Bushee, or whoever else is helping shape this legislative piece, is that the Old Santa Fe Association, I'm not quite sure how much dealings they have on the south side of the community. It's really focused on the historic area of Santa Fe, and all the new subdivisions and areas that are fairly recent, and I'm not sure how they represent that community as a whole. And then the

Neighborhood Association, just to be cognizant of who the Neighborhood Network represents, which neighborhood associations they represent, but also to remind ourselves that it is important to have neighborhood association's participation, but they don't always represent the communities they're from, so that's something to consider. And then local Affordable Housing Roundtable, I think that's a good idea, but that in itself makes up, not just affordable housing, but the homeless community, a lot of service providers, a lot of non-profit service providers, so maybe those are members-at-large. I'm not quite sure. I'm just throwing out these ideas to think about, because we really need to flesh this out a lot better."

- Commissioner Villarreal continued, "I think I've covered my points, and again, planning wasn't involved, but I was just assuming we'd fall into that, but maybe I don't know. So I'll hand it to my fellow Commissioners. Thank you."
- Commissioner Padilla said, "I would like to echo and support the comments made by my fellow Commissioners tonight, and I would like to express a great disappointment with the lack of information provided by our Legislative representative here tonight. There should have been more information, or someone to be able to speak to this. I would also like to refer to the City of Santa Fe FIR, and Item #4 that states, 'Changing the requirements for members of the Planning Commission would ensure that highly qualified members of the community, with a relevant professional background, would sit on the Commission...' I frankly take that or infer that, that your current seated Planning Commissioners are not qualified, and I take exception to that. I would just like to express that."
- Commissioner Padilla continued, "And the other question I have, is I see the 4 Districts need to be represented. You have 5 affinity groups or associations that you would like to be included to this, plus 4 members to be appointed at large. My question to you then, Mr. Guillen, is that 13 members of a Planning Commission that you're recommending."

Mr. Guillen said no, it's the same numbers as on the current Commission.

- Commissioner Padilla asked, "How do you select which ones are not represented. Do you say, well okay, we won't have Affordable Housing on there, we'll only have 1 member at large. How are those decisions made as to how you fill a Planning Commission with qualified individuals."

Mr. Guillen said he believes that would be left to the Governing Body to determine when they vote on if they're approved or not.

Mr. Shandler said, "This is a Councilor bill, so staff just did what the Councilor wanted. So it's important to convey those messages. I'm sure part of Mr. Guillen's job is to later confer with the Councilor on your comments. But be aware, he is neutral on this matter. He is not supporting it or opposing it. His job is just to memorialize what a Councilor wanted to do."

- Commissioner Padilla asked the reason Councilor Bushee wasn't here this evening to present this and support it.

Mr. Guillen said doesn't know the answer. He said, "I believe she knew the committee process it was taking."

- Commissioner Ortiz said, "I'll make this quick. When I looked at this, I said, well, you know, the reality of all this is, we do serve at the pleasure of the Mayor, and he does whatever he's going to want to do. Whatever Mayors want to do, they're going to do that. When I saw the 5 bullets, the bottom two, okay I understand that. I didn't see any engineering, I didn't see any surveying. I thought the top 3 were special interest, and in the political aspect, the reality of things is again, we serve at the pleasure of the Mayor and the Governing Body. But I also see an Ordinance that outlines exactly how it's supposed to happen, so why do we have a bill. It's already sitting in the Ordinance, and the fact of the matter is the Mayor is going to appoint who he thinks is best suited to his administration. And that's what I see as the reality in this. So I just wanted to make that point."
- Commissioner Gutierrez said, "Up until tonight, I was the new kid on the block. I don't have much time on the Commission. Reading over this, it's not a diverse amount of people, none of those members here, and it's already been said. If I wanted to become a member of the Old Santa Fe Association, how do I do it. What do I have to do. Where do I belong. The Neighborhood Network knows me. So I guess, my bullet points would probably say somebody who knows how to read, somebody with common sense, the ability to understand, listen and ask questions in the best interest of the City. Thank you."
- Commissioner Chavez said, "I would echo what everyone else has said tonight and I don't feel the need the need to repeat that. And then, I basically just have a technical question. So for d(2)(A)(1), (2) and (3), it says and specifically, (1) and (2), it says one member shall be a nominee of the Old Santa Fe Association. And my question is, would that nominee be nominated by the Old Santa Fe Association. And, if so, is that then in conflict with Section 3 that says the Planning Commission shall be appointed by the Mayor, and that cannot be interpreted to be a conflict."

Mr. Shandler said, "I don't think it would be a conflict. The way the Historic Board works, is that the Association forwards a name to the Mayor's Office, and then the Mayor's Office, if they like that name, will then move forward on that. So it's kind of a two-step process."

- Commissioner Kadlubek said, "I just want to say, just more of a personal statement, and just to sort of be on the record here. I do question the timing, the why now. It seems like we've had... Councilor Bushee has had 20 plus years to have these sorts of requirements, and I do question the move of why now. And I can't help but to read this and think that this is all coming out of the recent hoopla over my own appointment. And I just want to be clear that when I went through that process of having to talk to media or other Councilors, or other people in the community who advised me, it was repeated over and over again, that I had to carry a neutrality to the Commission. And I had to be neutral in order to listen to the neighborhoods and to understand situations from the part of me that lives in the neighborhood, because I think all of us here live in neighborhoods I would imagine."

- Commissioner Kadlubek continued, "So that part of being in the neighborhood is part of me, and to think from that part of my heart, and to also think about the Code, and to also think about the part of me that's a business owner, and to think about the part of me that is born and raised in Santa Fe and cares about the City and cares about its future development. So I'm bringing all these things to the table, and finding a neutral place. I think it's a slippery slope, because I think that should be more of what's asked of the Commission members is a general neutrality, rather than trying to find that neutrality by seating 9 people who all have differing opinions. So I do want to just sort of be on the record to say that I am coming from a place of sympathy from all those places, and I think I do represent at least a few of these things here, so."
- Commissioner Villarreal said just a technical addition to consider so we don't run into the same situation with a large number of Commissioners terming-out at the same time, but we should have language about terms and being staggered to avoid large numbers of terms expiring at the same time. So another addition, including all the other comments that were just made tonight. Thank you.
- Commissioned Schackel-Bordegary said this is in the committee process, and asked if this will go to other Committees. Mr. Guillen said he doesn't remember what the next one is, but he believes it will go to Finance, Public Works and to the City Council for a Request to Publish before waiting approximately 30 days for a public hearing.
- Commissioner Schackel Bordegary said this has been a really interesting conversation, to bring it back down to neutrality and community. She said, "I really think it served the purpose of us having the conversation in public and that was probably the intent from Councilor Bushee, I don't know. Mission accomplished here. And I don't know how much of a role we continue to play as a Planning Commission, because tonight we get to look at it and all make comments. But I think I'm hopeful that this will lead to more dialogue and resolution of what it is Santa Fe wants for a Planning Commission. And I do think it's very clear, and that's what I said at the meeting. There's an age divide in Santa Fe that we're all struggling with. So, that's painful, but that's where we are. And to duke it out and to be political is really not very constructive and it's certainly disheartening. But, again, back to the positive. This is a dialogue and we're having it, because it's happening and that's my last statement on that. Thank you."

MOTION: Commissioner Kadlubek moved, seconded by Commissioner Chavez, to not recommend approval of the proposed Ordinance change, based on the Commission's comments and the belief that the current Chapter 14 language suffices.

FRIENDLY AMENDMENT: Commissioner Villarreal said, "I would like to make a Friendly Amendment to the maker of the motion to add the last sentence that we are okay with is currently on the books, and I don't necessarily agree with that, but I think what is presented tonight needs to be fleshed out and provided in more detail or some objective or why this came about and some more detail. So I would ask to scratch that last sentence you said." **THE AMENDMENT WAS FRIENDLY TO MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMISSION.**

DISCUSSION ON THE MOTION AS AMENDED: Commissioner Padilla said, "By not supporting this proposed bill to move forward, that ends the discussion. That does not bring it back to this body for further discussion and conversation, correct."

Mr. Shandler said, "That is correct. It would not come back here, but it would advance to the other City Council committees."

Mr. Padilla said, "With the position of not supporting the proposed bill as written."

Mr. Shandler said, "That would be noted in the agenda caption for those other City Council committees."

Mr. Padilla said, "I would just like to make sure that my fellow Commissioners understand that it will not come back to this body for conversation or discussion, with a vote not to support."

Commissioner Villarreal said, "Point of clarification. Can you explain that point."

Commissioner Padilla said, "Yes. And I would ask staff, or Mr. Shandler, to correct me if I'm wrong, by the motion that is on the floor currently, it will not come back to this body for review and comment. If a motion to postpone is made, with a specific date and specific issues that we would like addressed, then it would come back to this body for further discussion. Or should I say, it could come back to this body for further discussion."

Mr. Shandler said, "I think that's right. It could. I would have to research more whether the Councilor could just proceed on. That's part of the legislative process Mr. Guillen and I are learning, but 'could' sounds like the right word."

Chair Harris said, "If I may say, it could also move forward whether we recommend or not recommend, or postpone, it could move forward according to the pace of the Governing Body."

Commissioner Padilla said, "I guess a question for staff or Mr. Guillen, is what is the position of the Councilor to move this forward, and what is the need for a timely process on this."

Mr. Guillen said, "I don't know what timeline she's looking at. It's my understanding that it could go through the rest of the Committee process, regardless of what decision is made here tonight, or for future meetings."

CLARIFICATION OF THE MOTION BY THE CHAIR PRIOR TO VOTE: Chair Harris said, "On the proposed Ordinance, we have a motion to not recommend to the Governing Body the Ordinance as written. We have a second. We have a Friendly Amendment that clarified the Motion and basically just reduced it down to the not recommend. That's what it did."

VOTE: The motion, as amended, was approved on the following Roll Call vote [6-2]:

For: Commissioner Villarreal, Commissioner Chavez, Commissioner Gutierrez, Commissioner Kadlubek, Commissioner Kapin and Commissioner Ortiz.

Against: Commissioner Padilla and Commissioner Schackel-Bordegary.

Explaining his vote: Commissioner Padilla said, "I'd like to vote no on this and make a statement that I would have liked to have additional information presented to us for deliberation, but my vote is no."

Explaining her vote: Commissioner Schackel-Bordegary said, "Like Commissioner Padilla, I'm going to vote no for the same reason [*inaudible because her microphone wasn't turned on*]."

3. CASE #2015-36. 108 VIGIL LANE CERTIFICATE OF COMPLIANCE. SOMMER, KARNES & ASSOCIATES, AGENT, REQUEST PLANNING COMMISSION APPROVAL OF A CERTIFICATE OF COMPLIANCE IN ORDER TO ESTABLISH LEGAL LOT OF RECORD PER THE PROCEDURES SET OUT IN SFCC 1987 14-3.7(A)(7). THE REQUEST MAY INCLUDE A VARIANCE TO LOT AREA AND ACCESS REQUIREMENTS. THE PROPERTY IS ± 0.16 ACRES, ZONED R-5 (RESIDENTIAL – 5 DWELLING UNITS PER ACRE), AND IS LOCATED AT 108 VIGIL LANE. (ZACH THOMAS, CASE MANAGER)

A Memorandum dated April 28, 2015 for the May 7, 2015 Meeting, to the Planning Commission from Zach Thomas, Senior Planner, Current Planning Division, in this matter, is incorporated herewith to these minutes as Exhibit "9."

This item is postponed to the next meeting of the Planning Commission

4. CASE #2015-30. TUNE UP CAFÉ GENERAL PLAN AMENDMENT. LIAISON PLANNING SERVICES, INC., AGENT FOR JC RIVERA LLC, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 0.13± ACRES OF LAND FROM LOW DENSITY RESIDENTIAL (3-7 DWELLING UNITS PER ACRE) TO COMMUNITY COMMERCIAL. THE PROPERTY IS LOCATED AT 536 CORTEZ. (DONNA WYNANT, CASE MANAGER)

Items J(4) and J(5) were combined for purposes of presentation and discussion, but were voted upon separately.

A Memorandum, with attachments, prepared April 22, 2015, for the May 7, 2015 meeting, to the Planning Commission, from Donna Wynant, Senior Planner, Current Planning Division, regarding Case #2015-30 and Case #2015-31, is incorporated herewith to these minutes as Exhibit "10."

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, MAY 11, 2015**

ITEM 8

REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 14-2.3(D) SFCC 1987;
ESTABLISHING MEMBERSHIP REQUIREMENTS FOR THE PLANNING COMMISSION (COUNCILOR
BUSHEE) (LISA MARTINEZ)

PUBLIC WORKS COMMITTEE ACTION: Approved with amendments

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

| VOTE | FOR | AGAINST | ABSTAIN |
|----------------------|-----|---------|---------|
| CHAIRPERSON TRUJILLO | | | |
| COUNCILOR BUSHEE | X | | |
| COUNCILOR DIMAS | X | | |
| COUNCILOR DOMINGUEZ | X | | |
| COUNCILOR RIVERA | X | | |

Councilor Rivera requested discussion on # 8. Councilor Bushee requested discussion on # 9.

Councilor Dominguez moved to approve the Consent Agenda as amended. Councilor Rivera seconded the motion and it passed by unanimous voice vote.

5. APPROVAL OF MINUTES FROM APRIL 27, 2015 PUBLIC WORKS COMMITTEE MEETING

Councilor Rivera moved to approve the minutes from April 27, 2015 Public Works Committee meeting as presented. Councilor Dimas seconded the motion and it passed by unanimous voice vote.

INFORMATIONAL AGENDA

6. UPDATE TO THE SANTA FE UNIVERSITY ARTS AND DESIGN (LISA MARTINEZ)

This item was postponed under Approval of Agenda.

CONSENT AGENDA LISTING

7. REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14, SFCC 1987; AMENDING SUBSECTION 14-6.1©, TABLE 14-6.1-1, TABLE OF ALLOWED USES TO CORRECT TYPOGRAPHIC ERRORS IN THE DESIGNATIONS OF DISTRICTS WITHIN WHICH SHELTERED CARE FACILITIES ARE PERMITTED, AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY (COUNCILOR LINDELL) (GREG SMITH)

Committee Review:

| | |
|-----------------------------------|----------|
| Planning Commission (Scheduled) | 05/07/15 |
| City Council (Request to publish) | 05/13/15 |
| Finance Committee (Scheduled) | 05/18/15 |
| Council (Public hearing) | 06/10/15 |

CONSENT AGENDA DISCUSSION

8. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 14-2.3(D) SFCC 1987; ESTABLISHING MEMBERSHIP REQUIREMENTS FOR THE PLANNING COMMISSION (COUNCILOR BUSHEE) (LISA MARTÍNEZ)

Committee Review:

| | |
|-----------------------------------|----------|
| Planning Commission (Scheduled) | 05/07/15 |
| Finance Committee (Scheduled) | 05/18/15 |
| City Council (Request to publish) | 05/27/15 |
| Council (Public hearing) | 06/24/15 |

Councilor Rivera was hoping to see a more balanced approach to the Commission in general with equal representation from each district. With this proposal there is one per district and then the rest from anywhere. There could be an outnumbering of representatives from one district.

Councilor Bushee said she was open to change. Mayors in the past have said the Commission is hard to fill by district.

Councilor Rivera couldn't come up with any ideas that would make it better.

Councilor Bushee asked if two from each district would be okay.

Chair Trujillo said then there would be just one at large member.

Councilor Bushee proposed they skip the at large members and just say each district shall have two representatives on the Commission.

Councilor Rivera asked that they take out the representative from the Old Santa Fe Association.

Councilor Bushee said candidates could be nominated by those associations. She didn't care about the Old Santa Fe Association but would like the Neighborhood Network representation. Architects would squawk if they did not have representation. She recommended they amend it to have two from each district and one at-large member.

Councilor Bushee didn't know how chairmanship works.

Councilor Dominguez said the chair is elected.

Councilor Rivera asked how that would transition from the current membership to this new one.

Councilor Bushee said the Mayor promised her he would take a look at what we did. They will now need to follow this. She looked at the last appointments.

Councilor Rivera so looking a current time in position and how much time left on appointment.

Councilor Bushee the Mayor told me he was looking at new appointments

Mr. Guillen said there will be five openings at end of June.

Chair Trujillo asked what if the district representatives are not from one of these groups.

Councilor Bushee said OSFA could be taken out but Neighborhood Network is important. But we can take it all out. Currently, unofficially, OSFA had a member on the Historic Preservation board. Maybe we say "planner" instead of "affordable housing roundtable." A planner here would be helpful.

Councilor Rivera agreed. That makes more sense than "landscape designer." He asked if OSFA is made up of just eastsiders.

Councilor Bushee said no. It is made up of people interested in preservation of Old Santa Fe.

Councilor Bushee moved to amend the ordinance by deleting the five at large, making one a land use planner, having two people from each district and one at-large. Councilor Rivera seconded the motion.

Chair Trujillo asked if the motion would remove OSFA.

Councilor Bushee said whatever the Committee's pleasure is.

Councilor Rivera was good with the changes now.

Councilor Bushee didn't know if they are even aware of this. The Mayor finds the people. Make it a housing planner or advocate.

Chair Trujillo asked if the affordable roundtable is active.

Councilor Bushee suggested an affordable housing advocate or planner.

The motion passed by unanimous voice vote.

9. REQUEST FOR APPROVAL OF A RESOLUTION RELATING TO THE MUNICIPAL GROSS RECEIPTS TAX ORDINANCE, SECTION 18-10 SFCC 1987; DIRECTING STAFF TO EVALUATE THE ALLOCATION AND EXPENDITURE OF GROSS RECEIPTS TAX DEDICATED FOR THE PUBLIC BUS SYSTEM, THE GENERAL FUND, AND QUALITY OF LIFE PURPOSES FOR FY 2012.2013, FY 2013/2014, AND FY 2014/2015 SO THAT THE GOVERNING BODY MAY DETERMINE WHETHER TO AMEND THE DEDICATION PROVISION OF SECTION 18-10 SFCC 1987 (COUNCILOR MAESTAS) (OSCAR RODRIGUEZ)

Committee Review:

Finance Committee (Scheduled)

05/18/15

Council (Scheduled)

05/27/15

Councilor Bushee asked for discussion because of what they dealt with in Public Utilities. The fund started long ago and has been contorted since then. She thought it would have been clarified in the budget hearings. She asked for response from Mr. Bulthuis.

Mr. Bulthuis agreed that the dedication is old; the ordinance is old. He offered to get that document for the Committee.

Councilor Bushee asked if that is what this is asking for.

Mr. Bulthuis said the intent is to take a look at how those funds have been spent for the last three fiscal years.

Chair Trujillo said Mr. Rodriguez is on his way.

ACTION SHEET
CITY COUNCIL COMMITTEE MEETING OF 05/27/15
ITEM FROM FINANCE COMMITTEE MEETING OF 05/18/15

ISSUE:

19. Request for Approval of an Ordinance Amending Section 14-2.3(D) SFCC 1987; Establishing Membership Requirements for the Planning Commission. (Councilor Bushee) (Lisa Martinez)

Committee Review:

| | |
|---|----------|
| Planning Commission (not approved) | 05/07/15 |
| Public Works Committee (approved w/amendment) | 05/11/15 |
| City Council (request to publish) | 05/27/15 |
| City Council (public hearing) | 06/10/15 |

Fiscal Impact – No

FINANCE COMMITTEE ACTION: APPROVED AS CONSENT ITEM

FUNDING SOURCE:

SPECIAL CONDITIONS OR AMENDMENTS

STAFF FOLLOW-UP:

| VOTE | FOR | AGAINST | ABSTAIN |
|-----------------------|-----|---------|---------|
| COUNCILOR TRUJILLO | X | | |
| COUNCILOR RIVERA | X | | |
| COUNCILOR LINDELL | X | | |
| COUNCILOR MAESTAS | X | | |
| CHAIRPERSON DOMINGUEZ | | | |

4-13-15