City of Santa Fe

Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JULY 30, 2014
CITY COUNCIL CHAMBERS

CITY CLERK'S OFFICE
DATE 7/25/14 TIME 4:00pm
SERVED BY
RECEIVED BY

AFTERNOON SESSION – 5:00 P.M.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – July 9, 2014
9. PRESENTATIONS
   a) FORE Kids Scholarship Tournament Committee. (Peso Chavez, Chair, Molly Harris-Whitted, Member and Jennifer Romero) (5 Minutes)
   b) Making Strides Against Breast Cancer Campaign -- American Cancer Society (Councilor Dominguez) (5 Minutes).
   c) Status Report on the Activity of the North Central Regional Tranist District Board (NCRTD). (Anthony Mortillaro, NCRTD Executive Director) (5 Minutes)
10. CONSENT CALENDAR
   a) CONSIDERATION OF RESOLUTION NO. 2014-____. (Councilor Maestas) A Resolution Calling on the New Mexico State Legislature to Take Immediate Action During the 2015 Legislative Session to Enact Legislation that Would Remove the Taxing Limitations Currently Imposed on Home Rule Municipalities. (Marcos Martinez)
   b) CONSIDERATION OF RESOLUTION NO. 2014-____. (Councilor Maestas) A Resolution Calling on the New Mexico State Legislature to Take Immediate Action During the 2015 Legislative Session to Enact a Municipal Telecommunications Tax Act that Would Authorize Municipalities to Collect from Telecommunications Providers a Municipal Telecommunications Tax on the Telecommunications Provider's Gross Receipts from Telecommunications Service. (Marcos Martinez)

c) Bid No. 14/42/B – Emergency Repair for Operations and Maintenance Contract for Water Division; Alpha Southwest, Inc. (Bill Huey)

d) Request for Approval of Professional Services Agreement – Ground Water Monitoring and Engineering Services at Paseo De Vista Landfill (RFP #14/42/P); Souder Miller & Associates. (Lawrence Garcia)

e) Request for Approval of Procurement Under Cooperative Price Agreement – Zamboni 552 Ice Resurfacer for GCCC Ice Arena; Frank J. Zamboni & Co., Inc. (Robert Rodarte)

f) Request for Approval of Agreement Between Owner and Architect – Downtown Transit Center – Sheridan Improvements (RFP #14/39/P); Wilson & Company, Inc. (Mary MacDonald)

g) Request for Approval of Professional Services Agreements – Intensive Community Monitoring Program Services and Facilitator for Santa Fe Regional Juvenile Justice Board through New Mexico Children Youth and Families Department (RFP #14/43/P). (Richard DeMella)

1) Mary Louise Romero
2) Communities in Schools

h) Request for Approval of Exempt Procurement and Services Agreement – Maintenance and Repairs of City's Land Mobile Radio System; Motorola Solutions. (Thomas Williams)

i) Request for Approval of Sale of Exchange/Purchase of Real Estate Containing 1,078 Square Feet Located at the Southeast Corner of the Intersection of Jefferson Street and Staab Street by Kings Map 8 LLC and King Map 9 LLC. (Edward Vigil)

j) Request for Approval of Lease Agreement for Outdoor Seating Within a Portion of the Lincoln Avenue Right of Way Adjoining 130 Lincoln Avenue Containing Approximately 36 Square Feet; Chuck Higgins d/b/a Chuck's Nuts. (Edward Vigil)

k) Request for Approval of Grant Award – Public Programs at City of Santa Fe Community Gallery at Santa Fe Community Convention Center; New Mexico Arts. (Julie Bystrom)

1) Request for Approval of Budget Increase – Grant Fund

l) Request for Approval of Procurement under Cooperative Price Agreement – Seven (7) CNG Replacement Buses for Transit Division; Gillig LLC. (Ken Smithson)

1) Request for Approval of Budget Increase – Grant Fund

m) CONSIDERATION OF RESOLUTION NO. 2014-____.
A Resolution Relating to a Request for Approval of Fourth Quarter (Year-End) Budget Adjustments for Fiscal Year 2013/2014 Ending June 30, 2014. (Cal Probasco and Andrew Hopkins)

n) CONSIDERATION OF RESOLUTION NO. 2014-____. (Councilor Bushee and Councilor Lindell)
A Resolution Relating to a Local Government Road Fund Cooperative Agreement Between the City of Santa Fe and the New Mexico Department of Transportation for Improvements to Alameda Street Between Camino Alire and Calle Nopal; Directing Staff to Cause Such Cooperative Agreement to be Executed on Behalf of the City of Santa Fe. (David Catanach)

o) CONSIDERATION OF RESOLUTION NO. 2014-____. (Councilor Lindell and Councilor Bushee)
A Resolution Endorsing the City of Santa Fe's Partnership with Santa Fe Wine & Chile Fiesta in Facilitating Participant Transportation Associated with the Santa Fe Wine & Chile Fiesta's Grand Tasting Event on September 27, 2014. (Jon Bulthuis)

p) CONSIDERATION OF RESOLUTION NO. 2014-____. (Mayor Gonzales and Councilor Rivera)
A Resolution Authorizing a Waiver of User and Parking Fees at the Santa Fe Community Convention Center for the Annual City of Santa Fe Employee Holiday Party Hosted by the Employee Benefit Committee. (Randy Randall)

q) CONSIDERATION OF RESOLUTION NO. 2014-____. (Councilor Dominguez and Councilor Rivera)
A Resolution Directing Transit Division Staff to Develop and Execute a Co-Promotion Initiative Between the City of Santa Fe and the Southside Farmers' Market to Advertise Both the Market and Santa Fe Trails Buses as a Convenient and Efficient Way to Get to Market. (Jon Bulthuis)

r) Request to Publish Notice of Public Hearing on August 27, 2014:

1) Bill No. 2014-22: An Ordinance Authorizing the Issuance and Sale of the City of Santa Fe, New Mexico Gross Receipts Tax Improvement Revenue Bonds in an Aggregate Principal Amount of $18,000,000 for the Purpose of Defraying the Cost of Public Projects Related to Public Utilities, Public Works, Parks And Recreation, and Community Services as Authorized by Law and the City's Home Rule Powers; Providing That the Bonds Will be Payable and Collectible From the Gross Receipts Tax Revenues Distributed to the City; Establishing the Form, Terms, Manner of Execution and Other Details of the Bonds; Authorizing the Execution and Delivery of a Bond Purchase Agreement; Approving Certain Other Agreements and Documents in Connection with the Bonds; Ratifying Action Previously Taken in Connection With the Bonds; Repealing all Ordinances in Conflict Herewith; and Related Matters. (Councilor Dominguez) (Helene Hausman)

2) Bill No. 2014-23: An Ordinance Relating to Impact Fees – Amending Section 14-8.14 (C), (E) And (F) to Remove the 50 Percent Reduction of Residential Impact Fees, Adopt a New Impact Fee Schedule and Incorporate Definitions Related To Land Use Types; and Relating To Park Dedications – Amending Section 14-8.15 (C)(2) SFCC 1987, The Park Dedication Section; And Making Such Other Changes As Are Necessary. (Councilor Bushee) (Reed Liming)

a) A Resolution Adopting The "*Impact Fee Capital Improvements Plan 2020 For Roads, Parks, Fire/Ems And Police*" To Meet the State Required Impact Fee Program 5-Year Update as Called for in the State Development Fees Act (5-8-30 NMSA 1978). (Councilor Bushee) (Reed Liming)

s) Lodger's Tax Audit Report Through June 30, 2013. (Liza Kerr) (Informational Only)

t) Internal Audit. -- Report on Special Advisory Services – Transportation Department/ Transit Division Cash Walkthrough. (Liza Kerr) (Informational Only)

u) CONSIDERATION OF RESOLUTION NO. 2014-____. (Councilor Dominguez and Councilor Rivera)
A Resolution Directing Staff to Explore Potential City of Santa Fe Taxpayer Empowerment Policies Related to Outsourced City Services that Would Promote Transparency, Accountability, Shared Prosperity and Competition. (Brian Snyder and Kelley Brennan) **(Postponed at June 25, 2014 City Council Meeting)**

v) CONSIDERATION OF RESOLUTION NO. 2014-____. (Councilor Bushee, Councilor Lindell, Councilor Dimas, and Councilor Ives)
A Resolution Authorizing an Amendment to the *2012 General Obligation Bond (GO) Parks and Trails Implementation Plan* to Reallocate 2 Million Dollars Currently Designated for the River Trail Underpass at St. Francis/West Alameda, Less Certain Costs Already Incurred, to Bike-Pedestrian Trails and Related Safety and Infrastructure Projects. (Eric Martinez) **(Postponed at July 9, 2014 City Council Meeting)**

11. Report on Standard & Poor's (S&P) and Fitch Ratings for City of Santa Fe for 2014 GO Bond Issue. (Brian Snyder and Helene Hausman)

12. Consideration and Approval of Requested Fee Schedule, Parking, Shuttle and Handicap Shuttle Plan for Zozobra-- August 29, 2014; Kiwanis, Raymond G. Sandoval. (Jon Bulthuis)

13. Request for Approval to Spend Over $50,000 (up to $100,000) from Tourism Santa Fe's Reserve Budget to Support a Marketing Joint Venture for the Filming of an Episode of *The Bachelor* in Santa Fe; State of New Mexico Tourism Department, City of Santa Fe Tourism Santa Fe, a Host Hotel and *The Bachelor*. (Randy Randall).

14. Request to Publish Notice of Public Hearing on August 27, 2014:

    Bill No. 2014-24: An Ordinance Amending Section 16-15 SFCC 1987 to Reduce the Penalties for Possession of One Ounce or Less of Marijuana and Possession of Marijuana Paraphernalia; and Creating a New Section 20-6 SFCC 1987 to Establish That Possession of One Ounce or Less of Marijuana and Possession of Marijuana Paraphernalia are Civil Infractions. (Kelley Brennan and Yolanda Y. Vigil)

15. MATTERS FROM THE CITY MANAGER

16. MATTERS FROM THE CITY ATTORNEY

In Accordance with the New Mexico Open Meetings Act §10-15-1(H)(7) NMSA 1978, Discussion Regarding Pending or Threatened Litigation in Which the City of Santa Fe Is or May Become a Participant, Southside Transit Center Location. (Zachary Shandler)

17. Action Regarding Southside Transit Center Location. (Zachary Shandler)

18. MATTERS FROM THE CITY CLERK

19. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. SALUTE TO THE NEW MEXICO FLAG

D. INVOCATION

E. ROLL CALL

F. PETITIONS FROM THE FLOOR

G. APPOINTMENTS

H. PUBLIC HEARINGS:

1) Request from M2 Productions for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Beer and Wine at El Museo Cultural de Santa Fe, 555 Camino de la Familia, Which is Within 300 Feet of Tierra Encantada Charter School @ Alvord, 551 Alarid Street. This Request is for the Following: (Yolanda Y. Vigil)

- "The Santa Fe Show – Object of Art", to Benefit New Mexico PBS, Which Will Be Held on Thursday, August 14, 2014 from 6:00 p.m. to 9:00 p.m.

- "The Santa Fe Show – Object of Art", to Benefit the Institute of American Indian Arts, Which Will Be Held on Tuesday, August 19, 2014 from 6:00 p.m. to 9:00 p.m.

2) Request from the New Mexico Children's Foundation for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Alcoholic Beverages at the Drury Plaza Hotel Palace Ballroom and Wedding Garden, 228 East Palace, Which is Within 300 Feet of the Cathedral Basilica of Saint Francis of Assisi, 131 Cathedral Place, the Episcopal Church of the Holy Faith, 311 E. Palace Avenue and the New Mexico School for the Arts, 275 E. Alameda Street. This Request is for the New Mexico Children's Foundation Gala to be Held on Friday, August 8, 2014 from 5:00 p.m. to 12:00 a.m. (Yolanda Y. Vigil)

3) Request from London Holdings, LLC for a Transfer of Ownership and Location of Dispenser License #0656 from Casanova Bar, Inc., dba Casanova Bar, HSE #90-Highway 68, Alcalde to London Holdings, LLC, dba Adelitas Mexican Restaurant (Leased), 3136 Cerrillos Road. (Yolanda Y. Vigil)

4) CONSIDERATION OF RESOLUTION NO. 2014-____. (Councilor Rivera, Councilor Trujillo, Councilor Lindell, Councilor Bushee, Councilor Ives, Councilor Dimas, Councilor Maestas and Councilor Dominguez)
A Resolution Proclaiming Severe or Extreme Drought Conditions in the City of Santa Fe; Imposing Fire Restrictions, Restricting the Sale or Use of Fireworks Within the City of Santa Fe and Prohibiting Other Fire Hazard Activities. (Fire Marshal Reynaldo Gonzales) **(Postponed at July 9, 2014 City Council Meeting)**

5) CONSIDERATION OF RESOLUTION NO. 2014-____.
Case #2014-43. 3197 & 3193 Jemez Road. James W. Siebert & Associates, Inc., Agent for the L-Fam Partnership, Requests Approval of a General Plan Future Land Use Map Amendment to Change the Designation of 0.64 Acres from Very Low Density Residential (1-3 DU/Acre) to Community Commercial. The Property Consists of Two Lots, 3197 & 3193 Jemez Road Located at the Northeast Corner of Airport Road and Jemez Road. (Donna Wynant)

6) CONSIDERATION OF BILL NO. 2014-21: ADOPTION OF ORDINANCE NO. 2014-____.
Case #2014-44. 3197 & 3193 Jemez Road. James W. Siebert & Associates, Inc., Agent for the L-Fam Partnership Requests Rezoning of 0.64 Acres from R-4 (Residential, 4 Dwelling Units per Acre) to C-2 (General Commercial). The Property Consists of Two Lots, 3197 & 3193 Jemez Road Located at the Northeast Corner of Airport Road and Jemez Road. (Donna Wynant)

I. ADJOURN

Pursuant to the Governing Body Procedural Rules, in the event any agenda items have not been addressed, the meeting should be reconvened at 7:00 p.m., the following day and shall be adjourned not later than 12:00 a.m. Agenda items, not considered prior to 11:30 p.m., shall be considered when the meeting is reconvened or tabled for a subsequent meeting.

NOTE: New Mexico law requires the following administrative procedures be followed when conducting "quasi-judicial" hearings. In a "quasi-judicial" hearing all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross-examination. Witnesses have the right to have an attorney present at the hearing.

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) days prior to meeting date.

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SANTA FE CITY COUNCIL MEETING
July 30, 2014

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BILL NO. 2014-24: AN ORDINANCE AMENDING SECTION 16-15 SFCC 1987, TO REDUCE THE PENALTIES FOR POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA AND POSSESSION OF MARIJUANA PARAPHERNALIA; AND CREATING A NEW SECTION 20-6 SFCC 1987 TO ESTABLISH THAT POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA AND POSSESSION OF MARIJUANA PARAPHERNALIA ARE CIVIL INFRACTIONS	Approved	24-27
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REQUEST FROM M2 PRODUCTIONS FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF BEER AND WINE AT EL MUSEO CULTURAL TO SANTA FE, 555 CAMINO DE LA FAMILIA, WHICH IS WITHIN 300 FEET OF TIERRA ENCANTADA CHARTER SCHOOL AT ALVORD, 551 ALARID STREET. THIS REQUEST IS FOR THE FOLLOWING: a) THE SANTA FE SHOW – OBJECT OF ART," TO BENEFIT NEW MEXICO PBS, WHICH WILL BE HELD ON THURSDAY, AUGUST 14, 2014, FROM 6:00 P.M. TO 9:00 P.M.; AND b) "THE SANTA FE SHOW – OBJECT OF ART," TO BENEFIT THE INSTITUTE OF AMERICAN INDIAN ARTS, WHICH WILL BE HELD ON TUESDAY, AUGUST 19, 2014, FROM 6:00 P.M. TO 9:00 P.M.	Approved	32-33
REQUEST FROM NEW MEXICO CHILDREN'S FOUNDATION FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF ALCOHOLIC BEVERAGES AT THE DRURY PLAZA HOTEL PALACE BALLROOM AND WEDDING GARDEN, 228 EAST PALACE, WHICH IS WITHIN 300 FEET OF THE CATHEDRAL BASILICA OF SAINT FRANCIS OF ASSISI, 131 CATHEDRAL PLACE, THE EPISCOPAL CHURCH OF THE HOLY FAITH, 311 E. PALACE AVENUE AND THE NEW MEXICO SCHOOL FOR THE ARTS, 272 E. ALAMEDA STREET. THIS REQUEST IS FOR THE NEW MEXICO CHILDREN'S FOUNDATION GALA TO BE HELD ON FRIDAY, AUGUST 8, 2014 FROM 5:00 P.M. TO 12:00 A.M.	Approved	33-34
REQUEST FROM LONDON HOLDINGS, LLC, FOR A TRANSFER OF OWNERSHIP AND LOCATION OF DISPENSER LICENSE #0656 FROM CASANOVA BAR, INC., D/B/A CASANOVA BAR, HSE #90 - HIGHWAY #68, ALCALDE, TO LONDON HOLDINGS, LLC, D/B/A ADELITAS MEXICAN RESTAURANT (LEASED), 3136 CERRILLOS ROAD	Approved	34-35

ITEM	ACTION	PAGE #
CONSIDERATION OF RESOLUTION NO. 2014- ___. A RESOLUTION PROCLAIMING SEVERE OR EXTREME DROUGHT CONDITIONS IN THE CITY OF SANTA FE; IMPOSING FIRE RESTRICTIONS, RESTRICTING THE SALE OR USE OF FIREWORKS WITHIN THE CITY OF SANTA FE AND PROHIBITING OTHER FIRE HAZARD ACTIVITIES	Postponed to next meeting	35
CONSIDERATION OF RESOLUTION NO. 2014-65. CASE #2014-43. 3197 & 3193 JEMEZ ROAD. JAMES W. SIEBERT & ASSOCIATES, INC., AGENT FOR THE L-FAM PARTNERSHIP, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 0.64 ACRES FROM VERY LOW DENSITY RESIDENTIAL (1-3 DU/ACRE) TO COMMUNITY COMMERCIAL, THE PROPERTY CONSISTS OF TWO LOTS, 3197 AND 3193 JEMEZ ROAD, LOCATED AT THE NORTHEAST CORNER OF AIRPORT ROAD AND JEMEZ ROAD	Approved w/conditions	36-38
CONSIDERATION OF BILL NO. 2014-21: ADOPTION OF ORDINANCE NO. 2014-25. CASE #2014-44. 3197 & 3193 JEMEZ ROAD. JAMES W. SIEBERT & ASSOCIATES, INC., AGENTS FOR THE L-FAM PARTNERSHIP, REQUESTS REZONING OF 0.64 ACRES FROM R-4 (RESIDENTIAL, 4 DWELLING UNITS PER ACRE), TO C-2 (GENERAL COMMERCIAL). THE PROPERTY CONSISTS OF TWO LOTS, 3197 & 3193 JEMEZ ROAD, LOCATED AT THE NORTHEAST CORNER OF AIRPORT ROAD AND JEMEZ ROAD	Approved w/conditions	39
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MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
July 30, 2014

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Javier M. Gonzales, on Wednesday, July 30, 2014, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

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

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

6. APPROVAL OF AGENDA

Brian Snyder noted there is an amendment sheet on the desk for Item # 10(r)(2), and amendment sheet indicates the caption is being changed. He said what is in the packet right now is a request to publish notice of public hearing, and the only change is that we are removing the 50% reduction of Residential Impact Fees. He said, "What is meant by that, is the current impact fee reduction of 50% will stay and place, and that's the only change I have for the agenda."

Councilor Rivera would like to remove Item H(4) from the agenda for the Evening Session, and postpone that Resolution for another month. He said we have had sufficient moisture to postpone for another month and then see where we are at that point.

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

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

7. APPROVAL OF CONSENT CALENDAR

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

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

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

Against: None.

10. CONSENT CALENDAR

A Memorandum dated July 29, 2014, to the Finance Committee/Mayor & City Council, from Reed Liming, Long Range Planning Division Director, regarding Item 10(r)(2), is incorporated herewith to these minutes as Exhibit "1."

A copy of a proposed amendment to Bill No. 2014-23, Impact Fees Update, Item 10(r)(2), submitted by Councilor Patti J. Bushee, is incorporated herewith to these minutes as Exhibit "2."

A Memorandum dated July 29, 2014, to the Finance Committee/Mayor & City Council, from Reed Liming, Long Range Planning Division Director, regarding Item 10(r)(2)(a), is incorporated herewith to these minutes as Exhibit "3."

A copy of a proposed amendment to Resolution No. 2014- ___ Taxpayer Empowerment, Item 10(u), submitted by Councilor Carmichael Dominguez, is incorporated herewith to these minutes as Exhibit "4."

a) CONSIDERATION OF RESOLUTION NO. 2014-55 (COUNCILOR MAESTAS). A RESOLUTION CALLING ON THE NEW MEXICO STATE LEGISLATURE TO TAKE IMMEDIATE ACTION DURING THE 2015 LEGISLATIVE SESSION TO ENACT LEGISLATION THAT WOULD REMOVE THE TAXING LIMITATIONS CURRENTLY IMPOSED ON HOME RULE MUNICIPALITIES. (MARCOS MARTINEZ)

b) CONSIDERATION OF RESOLUTION NO. 2014-56 (COUNCILOR MAESTAS). A RESOLUTION CALLING ON THE NEW MEXICO STATE LEGISLATURE TO TAKE IMMEDIATE ACTION DURING THE 2015 LEGISLATIVE SESSION TO ENACT A MUNICIPAL TELECOMMUNICATIONS TAX ACT THAT WOULD AUTHORIZE MUNICIPALITIES TO COLLECT FROM TELECOMMUNICATIONS PROVIDERS A MUNICIPAL TELECOMMUNICATIONS TAX ON THE TELECOMMUNICATIONS PROVIDER'S GROSS RECEIPTS FROM TELECOMMUNICATIONS SERVICE. (MARCOS MARTINEZ)

c) BID NO. 14/42/B – EMERGENCY REPAIR FOR OPERATIONS AND MAINTENANCE CONTRACT FOR WATER DIVISION; ALPHA SOUTHWEST, INC. (BILL HUEY)

d) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – GROUNDWATER MONITORING AND ENGINEERING SERVICES AT PASEO DE VISTA LANDFILL (RFP) #14/42/P); SOUDER MILLER & ASSOCIATES. (LAWRENCE GARCIA)

e) REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT – ZAMBONI 552 ICE RESURFACER FOR GCCC ICE ARENA; FRANK J. ZAMBONI & CO., INC. (ROBERT RODARTE)

f) REQUEST FOR APPROVAL OF AGREEMENT BETWEEN OWNER AND ARCHITECT – DOWNTOWN TRANSIT CENTER – SHERIDAN IMPROVEMENTS (RFP #14/39/P); WILSON & COMPANY, INC. (MARY MacDONALD)

g) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – INTENSIVE COMMUNITY MONITORING PROGRAM SERVICES AND FACILITATOR FOR SANTA FE REGIONAL JUVENILE JUSTICE BOARD THROUGH NEW MEXICO CHILDREN, YOUTH AND FAMILIES DEPARTMENT (RFP #14/43/P). (RICHARD DeMELLA)
   1) MARY LOUISE ROMERO
   2) COMMUNITIES IN SCHOOLS

h) NOTIFICATION OF APPROVAL OF EXEMPT PROCUREMENT AND SERVICES AGREEMENT – MAINTENANCE AND REPAIRS OF CITY'S LAND MOBILE RADIO SYSTEM; MOTOROLA SOLUTIONS. (THOMAS WILLIAMS)

i) REQUEST FOR APPROVAL OF SALE OF EXCHANGE/PURCHASE OF REAL ESTATE CONTAINING 1,078 SQUARE FEE, LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF JEFFERSON STREET AND STAAB STREET BY KINGS MAP 8 LLC AND KING MAP 9 LLC. (EDWARD VIGIL)

j) REQUEST FOR APPROVAL OF LEASE AGREEMENT FOR OUTDOOR SEATING WITHIN A PORTION OF THE LINCOLN AVENUE RIGHT OF WAY ADJOINING 130 LINCOLN AVENUE CONTAINING APPROXIMATELY 36 SQUARE FEET; CHUCK HIGGINS D/B/A CHUCK'S NUTS. (EDWARD VIGIL)

k) REQUEST FOR APPROVAL OF GRANT AWARD – PUBLIC PROGRAMS AT CITY OF SANTA FE COMMUNITY GALLERY AT SANTA FE COMMUNITY CONVENTION CENTER; NEW MEXICO ARTS. (JULIE BYSTROM)
   1) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND

l) REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT – SEVEN (7) CNG REPLACEMENT BUSES FOR TRANSIT DIVISION; GILLIG, LLC. (KEN SMITHSON)
   1) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.

m) CONSIDERATION OF RESOLUTION NO. 2014-57. A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF FOURTH QUARTER (YEAR-END) BUDGET ADJUSTMENTS FOR FISCAL YEAR 2013/2014 ENDING JUNE 30, 2014. (CAL PROBASCO AND ANDREW HOPKINS)

n) *[Removed for discussion by Councilor Trujillo]*

o) CONSIDERATION OF RESOLUTION NO. 2014-58 (COUNCILOR LINDELL AND COUNCILOR BUSHEE). A RESOLUTION ENDORSING THE CITY OF SANTA FE'S PARTNERSHIP WITH SANTA FE WINE & CHILE FIESTA IN FACILITATING PARTICIPANT TRANSPORTATION ASSOCIATED WITH THE SANTA FE WINE & CHILE FIESTA'S GRAND TASTING EVENT ON SEPTEMBER 27, 2014. (JON BULTHUIS)

p) CONSIDERATION OF RESOLUTION NO. 2014-59 (MAYOR GONZALES AND COUNCILOR RIVERA). A RESOLUTION AUTHORIZING A WAIVER OF USER AND PARKING FEES AT THE SANTA FE COMMUNITY CONVENTION CENTER FOR THE ANNUAL CITY OF SANTA FE EMPLOYEE HOLIDAY PARTY HOSTED BY THE EMPLOYEE BENEFIT COMMITTEE. (RANDY RANDALL)

q) CONSIDERATION OF RESOLUTION NO. 2014-60 (COUNCILOR DOMINGUEZ AND COUNCILOR RIVERA). A RESOLUTION DIRECTING TRANSIT DIVISION STAFF TO DEVELOP AND EXECUTE A CO-PROMOTION INITIATIVE BETWEEN THE CITY OF SANTA FE AND THE SOUTHSIDE FARMERS' MARKET TO ADVERTISE BOTH THE MARKET AND SANTA FE TRAILS BUSES AS A CONVENIENT AND EFFICIENT WAY TO GET TO MARKET. (JON BULTHUIS)

r) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON AUGUST 27, 2014:

1) BILL NO. 2014-22: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO GROSS RECEIPTS TAX IMPROVEMENT REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT OF $18,000,000, FOR THE PURPOSE OF DEFRAYING THE COST OF PUBLIC PROJECTS RELATED TO PUBLIC UTILITIES, PUBLIC WORKS, PARKS AND RECREATION AND COMMUNITY SERVICES AS AUTHORIZED BY LAW AND THE CITY'S HOME RULE POWERS; PROVIDING THAT THE BONDS WILL BE PAYABLE AND COLLECTIBLE FROM THE GROSS RECEIPTS REVENUES DISTRIBUTED TO THE CITY; ESTABLISHING THE FORM, TERMS, MANNER OF EXECUTION AND OTHER DETAILS OF THE BONDS; AUTHORIZING THE EXE4CUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT; APPROVING CERTAIN OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION WITH THE BONDS; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND RELATED MATTERS (COUNCILOR DOMINGUEZ) (HELENE HAUSMAN)

2. BILL NO. 2014-23: AN ORDINANCE RELATING TO IMPACT FEES – AMENDING SECTION 14-8.14(C), (E) AND (4) TO ~~REMOVE THE 50 PERCENT REDUCTION OF RESIDENTIAL IMPACT FEES,~~ ADOPT A NEW IMPACT FEE SCHEDULE AND INCORPORATE DEFINITIONS RELATED TO LAND USE TYPES; AND RELATING TO PARK DEDICATIONS – AMENDING SECTION 14-8.15(C)(2) SFCC 1987, THE PARK DEDICATION SECTION; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY (COUNCILOR BUSHEE). (REED LIMING)

a) A RESOLUTION ADOPTING THE *"IMPACT FEE CAPITAL IMPROVEMENTS PLAN 2020 FOR ROADS, PARKS, FIRE/EMS AND POLICE,"* TO MEET THE STATE REQUIRED IMPACT FEE PROGRAM 5-YEAR UPDATE AS CALLED FOR IN THE STATE DEVELOPMENT FEES ACT (5-8-30 NMSA 1978) (COUNCILOR BUSHEE). (REED LIMING)

s) **LODGER'S TAX AUDIT REPORT THROUGH JUNE 30, 2013. (LIZA KERR) (INFORMATIONAL ONLY)**

t) **INTERNAL AUDIT – REPORT ON SPECIAL ADVISORY SERVICES – TRANSPORTATION DEPARTMENT/TRANSIT DIVISION CASH WALKTHROUGH. (LIZA KERR) (INFORMATIONAL ONLY)**

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

v) ***[Removed for discussion by Councilor Bushee]***

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – JULY 9, 2014

MOTION: Councilor Trujillo moved, seconded by Councilor Rivera, to approve the minutes of the Regular City Council meeting of July 9, 2014, as presented.

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

9. PRESENTATIONS

a) FORE KIDS SCHOLARSHIP TOURNAMENT COMMITTEE (PESO CHAVEZ, CHAIR, MOLLY HARRIS-WHITTED, MEMBER AND JENNIFER ROMERO)

A copy of a packet of information regarding the 16th Annual FORE Kids Gold Tournament, is incorporated herewith to these minutes as Exhibit "5."

Mayor Gonzales welcomed former Councilors Peso Chavez and Molly Whitted.

Jennifer Romero presented a short video showcasing youth who have participated in the FORE Kids Scholarship Program at the Marty Sanchez Golf Course as well as the Genoveva Chavez Community Center.

Former Councilor Peso Chavez said over the past 15 years, they have given around $175,000 to the youth of Santa Fe, provided 35,000 scholarships for children to attend Genoveva Chavez, and golf and soccer. He said this is a great tournament and they invite everyone to attend. He noted that Councilor Dominguez has been an avid golfer and supporter of this group. He said they have the triple green chile cheeseburgers with chile roasted on site. He said the nice thing is that of the $100 you spend on the tournament, $97-98 goes directly to the children and scholarships. He invited everyone to attend on Friday, August 29, 2014, noting there is a shotgun start. He said it is a privilege to be able to raise these funds for our kids.

Former Councilor Molly Whitted, presented a check to the City in the amount of $7,202.75, which is the revenue from last year's tournament. She thanked the Governing Body for their support and participation over the years.

Councilor Dominguez encouraged the Governing Body to attend, and "if you if don't play, at least attend and visit." He said it is "the funnest tournament I've ever been to." He said this is a great cause and he will be talking about using funds for homeless youth to be sure they can have access to the golf course and/or the Chavez Center. He challenged the Mayor to the longest drive.

Mayor Gonzales said it will be the Mayors challenge for the longest drive on the fairway. He thanked the sponsors, the staff, the MRC and the contractors. He appreciates the City's concentrated efforts to focus on our youth and to make the use of the Marty Sanchez Golf Course affordable to people throughout the community.

b) MAKING STRIDES AGAINST BREAST CANCER CAMPAIGN – AMERICAN CANCER SOCIETY.

Councilor Dominguez said he has been working with this organization for some time, commenting it is an issue which is "near and dear to my heart."

Cindy Padilla, American Cancer Society, gave a brief history and overview of American Cancer Society and its work the work in this regard. She is a volunteer with the Society and a breast cancer survivor. She wants to see the continued support of the City. She said more than 1,500 people came together last year for this event. She said they would like to have the City's continued support in this fight.

Ms. Padilla said the Walk for Breast Cancer will be on Saturday October 4, 2014, at DeVargas Park, and listed the sponsors for the event. She introduced Katy Johnson of the American Cancer Society and the volunteers from last year. She said there will be a Breakfast on August 6, 2014, at the Courtyard Marriott to discuss the upcoming event and invited the members of the Governing Body to attend. She said there will be a "Paint the Town Pink Day" on October 3, 2014. She said they are also working with the Schools to have another "Tough Enough to Wear Pink" high school game. She said, "Together, we can win this fight."

Ms. Johnson said Ms. Padilla covered everything beautifully, and they are glad to have her as a volunteer, especially as a recent breast cancer survivor..

Mayor Gonzales thanked Ms. Padilla for attending, saying she is correct, this is a community fight, because every family is affected by cancer, and many have family members that are fighting breast cancer, so participation is important. He said his hope is we can figure out to broaden this to more than a day to a week, and incorporate everything throughout the community in lots of many different ways.

Ms. Johnson said *The Santa Fe New Mexico* has given the Society a number of ads and one of those is Paint the Town Pink Day on October 3, and they are hoping to involve local businesses and donate a certain portion of funds that day, and to give people wearing pink 10%, or something of this sort.

Ms. Padilla said she appreciates the Mayor's comments about expanding this effort, noting that e. October is Breast Cancer Awareness Month across the nation.

Mayor Gonzales said this is successful at New Mexico State University, where there is a Tough Enough to Wear Pink Game and week, and during the week the community itself raises about $600,000 to fund cancer research. He said he knows we can do it here if they can do that in Las Cruces. He said he knows the organizers in Las Cruces, and would love to arrange a visit with them for the Santa Fe Society and its volunteers.

Councilor Dominguez thanked Cindy Padilla, Katy Johnson and City staff, for their support and hopes that will continue. He said part of the challenge for the FORE Kids Golf Tournament is that you have to wear a pink shirt for the Golf Tournament. He said the Fire and Police Departments participates, as well as other City departments. He said whatever we can do to bring awareness to this issue would be helpful. He will do his best to put together a Governing Body team and will do his best to make t-shirts available.

c) STATUS REPORT ON THE ACTIVITY OF THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT BOARD (NCRTD). (ANTHONY MORTILLARO, NCRTD, EXECUTIVE DIRECTOR)

A copy of a power point presentation on the NCRTD Service Area, is incorporated herewith to these minutes as Exhibit "6."

Chair Daniel R. Barrone, Mayor of Taos, and Taos County Commissioner, thanked the Governing Body presented the history and a brief overview on the North Central Regional Transit District Board (NCRTD), and its services. He said public transportation helps to reduce the carbon footprint within the communities.

Anthony Mortillaro, Executive Director, NCRTD, presented the information from Exhibit "6." Please see Exhibit "6" for specifics of this presentation.

Mayor Barrone reiterated his thanks for this opportunity to update the Governing Body on the NCRTD. He invited the Governing Body to attend the 10 year celebration of the NCRTD on September 16, 2014, along with the riders of the NCRTD,

Mayor Gonzales thanked them for attending the meeting and providing this information.

Councilor Ives congratulated the NCTRD. He said today, on behalf of Mayor Gonzales, he attended the promotions ceremony for David Torres to the Adjutant General, New Mexico National Guard. congratulations. He said the Town of Taos has another great person from its community serving the State of New Mexico.

Mayor Barrone said General Torres is a stellar individual in the community.

Councilor Bushee congratulated Mayor Barrone for his promotion in the Town of Taos. She said he has done a wonderful job as Chair of the NCTRD on which she serves. She suggest that we meet more often, if there is a chance, to update. She said they had a positive meeting this morning with members of the Tribal Council, Governor, former Governors of Tesuque Pueblo, City staff and people from Nambe Pueblo. She said we may be moving forward conceptually, and she is pleased to be able to report this.

Mayor Barrone said he agrees and this is a great opportunity to expand the service into that area, provided there is buy-in from the different entities.

Councilor Dominguez expressed congratulations on a 10 year celebration. He asked how much a driver earns with the NCTRD.

Mr. Mortillaro said the starting salary is $12.96 an hour for drivers, which is less that Santa Fe's pay to its drivers, noting the pay will increase to $13.26 an hour in 2016.

Councilor Dominguez thanked them for the work they've done, and said this model will be implemented in southern New Mexico which speaks for the potential and the services provided.

CONSENT CALENDAR DISCUSSION

11(n) CONSIDERATION OF RESOLUTION NO. 2014-61 (COUNCILOR BUSHEE AND COUNCILOR LINDELL). A RESOLUTION RELATING TO A LOCAL GOVERNMENT ROAD FUND COOPERATIVE AGREEMENT BETWEEN THE CITY OF SANTA FE AND THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO ALAMEDA STREET BETWEEN CAMINO ALIRE AND CALLE NOPAL; DIRECTING STAFF TO CAUSE SUCH COOPERATIVE AGREEMENT TO BE EXECUTED ON BEHALF OF THE CITY OF SANTA FE. (DAVID CATANACH)

Councilor Trujillo said, "As always, I always take anything dealing with NMDOT in these Resolutions just to state that I do work for the New Mexico Department of Transportation. I used to oversee these projects back when. There is no conflict of interest, so I'll move for approval."

MOTION: Councilor Trujillo moved, seconded by Councilor Bushee, to approve this request, as amended.

DISCUSSION: Councilor Bushee said, as a request for Mr. Snyder, "Repaving that road is much needed, that stretch of road from Alire to Nopal, but what's needed even moreso is a shoulder or a bicycle lane. In most parts, it's just a severe drop-off. I know we did not fund in this CIP bond the drainage and right-of-way issues, but I guess I wanted to see if there was any way, as they resurface, if we could move toward getting some kind of shoulders and/or bicycle lanes on one or both sides of that road. It's one of those things that's just never happened. I see Ike's not here, and I know it's going to take more than we have to just do the repaving, but I would like to see that we're not going to repave and continue to have these drop-offs like we have."

Mr. Snyder said he will discuss this with staff and see what is involved in getting a shoulder or bicycle lane.

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

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

Against: None.

10(u) CONSIDERATION OF RESOLUTION NO. 2014-62 (COUNCILOR DOMINGUEZ AND COUNCILOR RIVERA). A RESOLUTION DIRECTING STAFF TO EXPLORE POTENTIAL CITY OF SANTA FE TAXPAYER EMPOWERMENT POLICIES RELATED TO OUTSOURCED CITY SERVICES THAT WOULD PROMOTE TRANSPARENCY, ACCOUNTABILITY, SHARED PROSPERITY AND COMPETITION. (BRIAN SNYDER AND KELLEY BRENNAN). (Postponed at June 25, 2014 City Council Meeting)

Councilor Maestas said he received an email from the CEO of the Chamber of Commerce, voicing concerns over this. He said perhaps there are misperceptions that this Resolution will explore some options for being more transparent "in how the private sector spends City money." He said it would be good clarify things in this Resolution to allay those concerns on the part of the business community.

Councilor Maestas said, "The only question I have, I guess, is for legal counsel, is if it is possible for us to legally mandate a private contractor under contract with the City to post how they spend public monies. Is this even legally possible. I realize we're going to explore, but a cursory review at this point, Ms. Brennan, are some of these potential exploration directives even legally possible."

Ms. Brennan said, "I believe we can ask private contractors to account for their expenditure of public funds. I'm not sure how far that goes, or what we can ask, and yes, it does need further exploration, but I do think it's possible. I don't think we can penetrate beyond the expenditure of public funds."

Councilor Maestas said, "The last question I have is, whenever I look at these, I like to understand the need, because we do create a lot of consternation in the community. And I think if we can present the need to even explore such a thing, then I think we can all feel better about moving forward. But do we, in fact, have a lot of bad actors out there that have done business with the City, contractors with records that have been written up by some of these sanctioning organizations like Construction Industries. Or have they been disbarred and then reapplied, and been back in business and done business with the City. I don't have a handle on the prevalence of problem contractors where something like this would surely benefit. Mr. Snyder, do we have a problem with bad actors, with contractors. Do we not consider prior performance when we put out RFP's and if a business that has done business with the City in the past submits a proposal, do we consider past performance. Just give me a sense for what it's like, because apparently I don't know what problems we're experiencing with contractors and other folks that do business that we subcontract with."

Brian Snyder said, "When we go through the Request for Proposal process, we definitely consider past performance as one of the criteria that we evaluate. When we go through a Request for Bids process, there is not that level of evaluation. It is typically the lowest qualified bid. That being said, one of the processes we often do go through now is a Request for Qualifications first, so we can narrow down and make sure that, similar to the Request for Proposals, we go through a selection criteria. And once you're qualified, then we solicit Request for Bids. That doesn't happen on every project. To answer your first question, I'm not aware of any really bad contractors that we've had problems with. Over the years, I guess there have been some, but I'm not aware. I can't think of anybody off the top of my head that we've had problems with that we haven't been able to address. That being said, I think this is an opportunity for us to explore and look forward to making sure what the processes are."

Councilor Maestas said, "I agree with the principle that we really shouldn't be doing business with a company or organization that has had a past record of violating our own rules or environmental laws and so forth. I guess I'll just look forward to the results of this exploration, but I want to make sure there is no specific action that we're going to take., that we're going to some exploration. So I want to make sure that the business community does not become overly concerned about tonight's action."

Mr. Snyder said, "I believe this is an exploration or a study. This is for staff to evaluate and then come back to the Governing Body and present its findings. It's not to take action."

MOTION: Councilor Maestas moved, seconded by Councilor Bushee to adopt Substitute Resolution No. 2014-62, with the amendments.

DISCUSSION: Councilor Bushee said, "Again, this is just a Resolution and we're going to develop a program. I guess two examples come to mind. In the past we hired a landscape company that did not honor the warranties on plant material at Frenchy's Park, for instance. And there was nothing in our procedures that would have prevented them from bidding, being the low bidder and get that work, even though they had not honored thousands of dollars of warranty week. The only other one that comes to mind that I just pose, because it's not as if they would have violated anything in the City's Codes or regs or procurement code. But RedFlex, for instance, is getting a bad reputation nationally, and was concerned.

Would that prevent someone like RedFlex, if we had a policy in place or program in place, from even bidding. It's just a question. That's a national contractor, but it's the only thing I can think of right now that would even pertinent. So I'm just throwing it out there for staff to ponder."

Mayor Gonzales said that would be better as a consideration than a response at this point.

Councilor Ives said he shares many of Councilor Maestas's concerns about some of the impacts and extent to which this particular legislation can be brought forward. He said when he looks at many of the provisions they suggest penalties, they suggest significant capacity in the Santa Fe City government to reach into the business community for information to conduct investigations, presumably to hold hearings on various types of matters, such as whether somebody has violated federal or State tax laws. As you're looking at this, he wants to know what we will do if any of this passes – what mechanisms and additional staff will be needed in place to enforce the Ordinance. He wants to understand the economics, staffing involved, as well as the legalities of some of this, commenting this is a question is for both the City Manager and the City Manager.

Councilor Dominguez said, "The intent of this is to provide and promote the transparency that needs to be continually worked on, especially City government. It's not so much any bad actors or good actors that we have, it's really to keep the bad actors, if you will, out of City Hall, or at least to be able to make sure that the good actors are held accountable and that they promote and provide that transparency. And I want to thank Councilor Maestas for recognizing this is more of an exploration. I'm hoping to be able to take whatever staff brings to me and codify some of that and provide some policy, and giving direction to make some of this happen.

Councilor Dominguez continued, "And there is going to be a fiscal impact to speak to Councilor Ives concern. One of the things we want to look at is how much staff it is going to take to be able to really hold some of these contractors accountable. And that's something I want to consider as well. I don't imagine it will take a whole lot, but we need to be considerate of staff's time in this process as well. In most cases, it's a bi-partisan kind of bill. It just promotes government responsibility in making sure that the taxpayers who are all of us and the public know exactly how their money is being spent, so that's the general intent of it."

CLARIFICATION BY THE CITY CLERK: Ms. Vigil asked, "Just for clarification, Councilor Maestas, this is for the approval of the Substitute Resolution with the amendments. Correct." Councilor Maestas said, "Yes, correct."

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

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

11(v) CONSIDERATION OF RESOLUTION NO. 2014-63 (COUNCILOR BUSHEE, COUNCILOR LINDELL, COUNCILOR DIMAS AND COUNCILOR IVES). A RESOLUTION AUTHORIZING AN AMENDMENT TO THE *2012 GENERAL OBLIGATION BOND (GO) PARKS AND TRAILS IMPLEMENTATION PLAN* TO REALLOCATE 2 MILLION DOLLARS CURRENTLY DESIGNATED FOR THE RIVER TRAIL UNDERPASS AT ST. FRANCIS/WEST ALAMEDA, LESS CERTAIN COSTS ALREADY INCURRED, TO BIKE-PEDESTRIAN TRAILS AND RELATED SAFETY AND INFRASTRUCTURE PROJECTS. (ERIC MARTINEZ). (Postponed at July 9, 2014 City Council Meeting)

A copy of *BTAC Proposed Project List for Reallocation of Funds from the River Trail Underpass, recommended July 16, 2014*, with attachments, regarding Item 10(v) is incorporated herewith to these minutes as Exhibit "7."

Councilor Bushee said, "We've had a lot of different venues that we've had a lot of different discussions. And for those who are not on Public Works or did not attend that meeting and were just simply on Finance, you will see a handout from the City Clerk on your desk, and it has Item 10(v) [Exhibit "7"]. I took this off to make sure that everybody understood that what was approved at Public Works.... and I would like to make a couple of suggested changes. I've spoken to a few of you. After the meeting at Public Works, I managed to have a long conversation with Councilor Calvert, and my hope is that we could kind of have everything, in some way, down the road."

Councilor Bushee continued, "I would like to suggest that, on the list on 10(v), which are priority projects that have been vetted in the community from the Bikeways Master Plan, that we actually consider taking the $300,000 which were suggested to be used for improvements at the at-grade crossing of the Santa Fe River Trail, and ask that staff look for creative, inexpensive and/or free at-grade improvements. And that we take the $300,000 and continue to complete engineering studies for that potential crossing. And I would also ask that that crossing not simply be limited to what I would call tunnel vision, and have it be this box culvert and/or very narrow, dark tunnel, but look at receiving lots of community input as to what they would like to see there, of course noting that we don't have the funds, we didn't have the funds to even complete the project as it had been already studied. That's why we are pursuing this reallocation. But if you could look at a more open bridge concept, kind of along the lines of what the community came up with for the Acequia Trail Crossing."

Mayor Gonzales asked, "Can I ask you a question, as a matter of procedure as moving this along, do you want to start with a motion, and then we can move with....."

MOTION: Councilor Bushee moved, seconded by Councilor Dimas, "to reallocate the $2 million currently designated for the River Trail Underpass at St. Francis and West Alameda, less certain costs already incurred, to Bike-Pedestrian Trails and related safety and infrastructure projects throughout the City, and delineating those projects, and I would like to leave the list and make suggested changes to two of them."

CLARIFICATION BY THE MAYOR: Mayor Gonzales said, "So, I guess I'm just trying to understand to make sure that we work off what we need to try to keep the matter of process in place. The motion should be to reallocate the funds, right, and then we can start talking about the projects after that."

Ms. Brennan said, "Mayor, on a point of Order, the Resolution does 3 things. It authorizes the reallocation of the money, less expenditures to date; it establishes that the Governing Body shall consider project recommendations, saying that the Governing Body has final authority; and directs BTAC to consider the priority list of projects. At Public Works on Monday, there was discussion of the projects, but I don't believe that Public Works decided or approved the list. I think it was contemplated that the list would be discussed as a separate matter. And the Resolution simply authorizes the reallocation and directs BTAC to....."

Councilor Bushee said, "Then I won't get into the details, and we'll have BTAC explore this in more thoroughness and have the River Commission participate as well."

Mayor Gonzales said, "Perfect."

Councilor Bushee, "Great. I thought we had approved a list because we went over it a bunch."

Mayor Gonzales said, "So, okay, do you want to make your motion again, Councilor Bushee."

RESTATEMENT OF THE MOTION: Councilor Bushee moved, seconded by Councilor Dimas, to adopt Resolution No. 2014-63, approving the reallocation.

DISCUSSION: Councilor Rivera said, "I believe that when we approved this at Public Works, that we approved the list that came with it."

Councilor Bushee said, "Yes, we did, but, it's okay, I'm good with more discussion.

Councilor Rivera said, "That BTAC had discussed the matter, they had provided a list of couple of different ideas and actually have spent the money, along with Eric, I believe came up with the amounts, and the amount was going to be $1.930 million, and I thought that's what we had approved as part of the...."

Councilor Bushee said, "And that's why part 2 of my motion was just going to be to accept the list that was recommended by the Public Works Committee with amendments."

Ms. Brennan said, "I think if you wanted to do that, you would have to propose an amendment to the Resolution removing, yes, removing the second and third Resolutions, Be it Resolved that the Governing Body shall consider project recommendations, and Be it Further Resolved that BTAC shall first consider the priority list, and amend it add, Be It Further Resolved to adopt the attached list."

FRIENDLY AMENDMENT: Councilor Bushee said, "I would make that motion as a part of my motion if there is a second to that."

DISCUSSION ON THE FRIENDLY AMENDMENT: Mayor Gonzales asked if that would be a friendly amendment.

Councilor Lindell said, "I second."

Councilor Bushee said, "And while I'm making those amendments...."

Mayor Gonzales said, "Councilor Dimas had made it, so do you accept it as friendly.

THE AMENDMENT WAS FRIENDLY TO THE SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.

CONTINUATION OF DISCUSSION ON THE MAIN MOTION, AS AMENDED: Councilor Bushee said, "And the only other thing was I was going to amend the list slightly, if I could tonight, and the suggestion had been that we take the $300,000 for at-grade improvements, because I really do believe staff could, you know, make the light go a little longer, perhaps stop right hand turns and do some small things that wouldn't cost a whole lot. And the suggestion was to further study and complete the engineering studies for a crossing of some kind, underpass most likely, at St. Francis and West Alameda, so that it would be shovel ready in the occurrence that we either had local, State or federal monies available to build it, which we do not have currently."

Mayor Gonzales said, "That would be in the form of an amendment, I think, but before we go to the list, let me just ask,...."

Councilor Bushee said, "One final thing. The other was to take the Wayfinding funds of $30,000 and add them to be a contingency fund for any of the other projects."

Mayor Gonzales said, "Let's just stay on discussion for the motion, and then I'll ask you for your amendment.

Councilor Maestas said, "Just a point of order, Mr. Mayor, when this came before Finance, there were absolutely no proposed projects whatsoever, that's why it was denied at Finance. And secondly, I'm not on Public Works, so this is the first time I've seen this list of projects. And thirdly, the whole idea behind preparing an agenda with related information is to get it to the public well in advance, and this is substantial, a substantial material difference to the Resolution that was advertised. And so I really think that this action is out of order. I think we ought to just vote on the Resolution itself, and make a decision as to whether or not to reallocate, and then finalize the list through the appropriate committee process, and bring it back to the full Governing Body, that would be my suggestion."

Mayor Gonzales asked, "Is there a rush on having to name the projects tonight, Councilor Bushee."

Councilor Bushee said, "Not necessarily, but what I can say is the reason Finance wanted it to be heard again at BTAC, I believe, and BTAC met after Finance. And so that, I thought, was following the procedure, of send it to BTAC for their advisement. This was their list. Then it was brought back to Public Works. I think there was also a suggestion to have Public Hearing; there was. This was thoroughly vetted. The decisions were discussed and this list was discussed quite intensively, and I believe, I know Councilor Ives who is not on Public Works was there. So again, I'm just saying that BTAC has already weighed-in. Public Works has weighed in, so I'm not opposed to necessarily having another hearing, but I can say that it has...."

Mayor Gonzales asked, "Councilor Maestas, is there a pathway, outside of what has already happened that you would propose that we go through in being able to review the projects as presented tonight."

Councilor Maestas said, "Yes. I just stick to my original recommendation. Let's just vote on the Resolution, whether or not to reallocate, and then finalize the list of these projects. Because, again this is the first time I've seen it, and this project includes a request from the County to match some funds regarding Federal Lands Access. And I'm not sure staff has even looked at that request from the County, and it's on this list. So I think staff needs time to look at this request, and make appropriate recommendations to us whether it should be considered along with the other proposed bike trails. And we just finished talking about transparency, and I think we're not really operating in a very transparent manner by horse-trading out here, real time, on this Trail List. So again, I would really strongly suggest that we just kind of stick to the scope of the Resolution."

Mayor Gonzales said, "So, if we stuck to the scope, and then put it out for public review and participation, would it go back through BTAC, Public Works and back up here, or how would you suggest that that public review of the proposed list take place, just so we can get some direction. I don't know if you have a problem with...."

Councilor Maestas said, "This doesn't really show how these trail improvements are distributed by District. I don't like to get too parochial. I realize this is a priority list that BTAC developed, but there are other improvements in my District that I would like to see considered, that I think would compete very well with these proposed projects. One of them being widening Old Santa Fe Trail to add some bike lanes. There's a stretch that doesn't have bike lanes."

Councilor Maestas said, "And then one last thing, the substitute project for the underpass, which is number one on there on the list at St. Francis and West Alameda, calls for at-grade improvements, at an estimate of $300,000. That was really meant to be an interim improvement to the full buildout of the underpass. And so, now that the full buildout of the underpass is postponed, I don't think that $300,000, investing it at that same location is wise, so I think that's in play as well, the $300,000. So I would like to have a full discussion about that well and bring forth some of my recommendations for projects in my District."

Councilor Bushee said, "If I could just respond. You know, it's interesting, I guess you can call it horse-trading, but I will tell you that this reallocation of this limited amount of money has had as much, or public input than the whole CIP $18 million, thus far. And so, what I will say is, Councilor Maestas, you may not

have participated. You were not there at the Public Works hearing or the BTAC meeting in this past month, but the gentleman from the County was there on Monday. I am really in support of their pursuit of some money for a trail that's wholly in the County, but I think the priority that came from the committee, or committees thus far, is that we have so limited amount of funds.... I know Councilor Dominguez is looking for some better ways to cross Airport Road. But I will tell you that staff did send an email out. It had a map of how these projects are disbursed, the monies would be disbursed throughout the City. And again, I'm not opposed to having more hearings, but I can tell you... in fact BTAC is made up of members from all Districts, and each and one of these priorities were suggested by some of the Planning staff that have been in involved in the Bikeways Master Plan. And that Master Plan was vetted better than this bond was vetted, in terms of public input. So that's all I'm going to say."

Councilor Ives said, "I was able to attend a portion of the Public Works meeting on this, but did not have the list 6in hand, so it is a little difficult to follow some of the discussion. I do note that at that meeting, there was discussion of the fact that a number of these potential projects might involve condemnation possibly, or the exercise of eminent domain to actually accomplish them. That, to me, is something that could add significant cost, time, etc. And so, I'm curious, really, to some degree, how ready these are, what additional expenses may or may not be incurred. I do agree with Councilor Maestas. It is a little frustrating, and probably frustrating for members of Finance who passed on this who hadn't necessarily seen this, and are now, presumably, seeing it for the first time as well. To move quickly ahead on it would probably also be in favor of approving the Resolution to reallocate, but in terms of coming up with a list to which the funds are to be devoted, having a little more opportunity to answer some of those questions, have a little further discussion, and make sure we're clear with the community. Because, certainly, a good deal of the discussion had focused on the capacity to reallocate the bonding in the first instance, and we certainly want to be very clear that we have engaged in sufficient public process. I certainly appreciate that a public hearing was, in fact, held. However, I would agree with Councilor Maestas on the points he was making."

WITHDRAWAL OF THE AMENDMENTS: Councilor Bushee said, "I would withdraw my amendments and just ask for overall approval, and ask that this be sent back to wherever you want it to be sent. So I would like to see it at BTAC, and I would like to see it at the River Commission for the specifics, and from there, if people want, Finance and if Public Works wants another whack at it."

Mayor Gonzales said, "You're already done, right, with it, unless it changes."

Councilor Trujillo asked, "Do you want a public hearing on each one of these projects now."

Councilor Bushee said, "I'll tell you right now, I think you will get less public attendance at this point, but it's up to you if you want to have a public hearing or not, Chair.

Mayor Gonzales said, "If it stays as is."

Councilor Bushee said, "You want to see it again."

Councilor Trujillo said, "Well this list, we've seen at Public Works. I'm just asking... I don't necessarily want to have another public hearing, but once it goes through the process of going to the River Commission and BTAC, that it come back to Public Works one last time for review, that's fine."

Mayor Gonzales said, "I think the original motion was just to pass a Resolution. There weren't any amendments that were accepted."

MAYOR'S CLARIFICATION OF THE MOTION: Mayor Gonzales said, "On the Motion, and with the direction that BTAC, the River Commission, Public Works and then Finance review the projects and make a recommendation in the future, hopefully the near future, to the Council on it in it's totality. It will be something that we will just navigate through.".

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

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

Against: Councilor Maestas.

Mayor Gonzales said, "And Councilor Bushee, nice work in terms of trying to find some resolution with those that are conflicted by this. And Councilor Maestas, I think you're right, in terms of being able to continue to open it up for public participation and what those projects look like. You know, I think it's always the right path."

Councilor Maestas said, "If you could correct the record on the Action Sheet from Finance, because it shows we approved the reallocation, and I think we denied it."

11. REPORT ON STANDARD & POOR'S (S&P) AND FITCH RATINGS FOR CITY OF SANTA FE FOR 2014 GO BOND ISSUE. (BRIAN SNYDER AND HELENE HAUSMAN)

Mr. Snyder said he felt it would be beneficial for the entire Council to hear about our recent bond rating affirmation, and some of the points that both Fitch and S&P called out about our budget.

Mr. Hausman presented information from her Memorandum of July 30, 2014, to the City Council, in this matter, which is in the Council packet.

Mayor Gonzales said, "I think it's pretty clear there needs to be a roadmap tied to a calendar, as to when the items are going to be addressed, how they will be addressed and some of the communication that is going to the rating agencies. I think you need to continue the Council periodically on the internal memos that are going on that are addressing the questions that have been asked, and the messaging that we're going to be moving forward."

Mayor Gonzales thanked Mr. Snyder and Ms. Hausman for this information, saying it is helpful in dealing with the rating agencies.

12. CONSIDERATION AND APPROVAL OF REQUESTED FEE SCHEDULE, PARKING, SHUTTLE AND HANDICAP SHUTTLE PLAN FOR ZOZOBRA – AUGUST 29, 2014; KIWANIS, RAYMOND G. SANDOVAL. (JON BULTHUIS)

Ken Smithson, Transit Division, said, "We are proposing to support the Parking and Shuttle Plan for the Zozobra events again this year, much as we did last year, which was highly successful."

Mr. Smithson introduced Raymond Sandoval, Chairman, Kiwanis Club.

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

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

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

Against: None.

Absent for vote: Councilor Bushee

Mr. Sandoval thanked the Governing Body for their support.

13. REQUEST FOR APPROVAL TO SPEND OVER $50,000 (UP TO $100,000) FROM TOURISM SANTA FE'S RESERVE BUDGET TO SUPPORT A MARKETING JOINT VENTURE FOR THE FILMING OF AN EPISODE OF *THE BACHELOR* IN SANTA FE; STATE OF NEW MEXICO TOURISM DEPARTMENT, CITY OF SANTA FE TOURISM SANTA FE, A HOST HOTEL AND *THE BACHELOR*. (RANDY RANDALL)

Randy Randall presented information from his Memorandum of July 24, 2014, with attachments, to Mayor Javier Gonzales & City Councilors, regarding Request for Funding for Promotional Marketing for the Bachelor, which is in the Council packet. Please see this Memorandum for specifics of the presentation.

Mr. Randall said we will hear by Friday, and if an additional amount is requested, or if there is a need to negotiate a little more funding, and if we felt it was worth that additional amount, approval was requested which took it a little beyond the $50,000, where the Mayor and City Manager could give the authorization for a slightly different amount. The County is considering contributing an amount, but there is no commitment.

Councilor Ives thanked Mr. Randall for the presentation, and especially the Memo which answered many of his questions. He said this airs in over 235 countries and territories world-wide. He said this is the number one program for ABC, for women 18-34, all of which it is a platform that has potential significant exposure for the City. He understands the program highlights the culture and facilities wherever it is filmed. He said will fully support Mr. Randall since he believes this is a good investment by the City, and he will be very interested in a follow-up study, if any, to see what the impact was.

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

DISCUSSION: Mr. Randall clarified that funds would come from reserves, and not out of the current budget. The reserves are estimated to be $765,000 at the end of this fiscal year. He said $100,000 was added to reserves, due to a sales program which didn't get started last year, as well as unexpended travel expenditures. He said this proposal would use 50% of the addition to reserves.

Mayor Gonzales asked him to explain the reserves.

Mr. Randall said it is the reserve fund for the 50% marketing fee which comes to Tourism Santa Fe from the OTAB.

Mayor Gonzales asked if the expenditure of these reserve funds are restricted.

Mr. Randall said, "Yes, Mayor, they are for promotion."

Mayor Gonzales asked if any of the funds in reserves be spent for anything other than for promotion, and Mr. Randall said no.

Mayor Gonzales said, "The consideration for the Council today is to take a portion of the reserves for promotion and use it on this type of programming."

Mr. Randall said this is correct.

Councilor Maestas said then the estimate to produce the episode is $500,000, and asked if one of the conditions to host the projection is that the host city has to come up with the entire amount. He asked, "What puts this thing in play. Do we need to keep gathering some other partners to make up the $400,000 needed to pay for all of the projection. Could you tell me what the main condition is."

Mr. Randall said, "No, it is not a not a requirement to do the total funding. They in essence, let us know what the various expenditures are, and they ask us what we can do to help them offset some of those expenses, and it is a negotiation. And we don't know yet whether our offer, the combined offer we made with the State will be accepted or rejected, or if they'll come back and want to negotiate. I'm sure they are considering other venues at they same time. They've got 4 different episodes that they talked to us about, and we would be talking about doing 1 of the 4, so they've got other cities that they're obviously talking to at the same time."

Councilor Maestas said you said State Tourism initially is committed to coming up with $50,000, but they haven't finalized it yet.

Mr. Randall said, "No, we have a commitment from them."

Councilor Maestas said this will be trying to track them through our innovative partnership and marketing, if the episode is produced here.

Mr. Randall said, "It is. It will be something different for us."

Councilor Trujillo said, "I guess my concern is.... what are we trying to do. Are we trying to put Santa Fe on the national scene because it's already on the national scene. People come to this community because of the culture and all that. As the Mayor just said, that's one of my concerns is. Here's $50,000 to $100,000. It's unfortunate that we have this much reserve and we can't put it somewhere else. We've got IT and all that, that need a lot oft fixing in this community. Yes, maybe The Bachelor is world-wide. I'm sorry, it's a drama, that's what it is. I've seen it, my wife watches is. I think it is two people who get together, do a reality show, and then divorce at the end of the 4 months. That's what it actually ends up being. It's a light soap opera, that's what I see."

Councilor Trujillo continued, "And you know what, I don't think Santa Fe needs any help when it comes to the national scene. We stand on our own. We're Santa Fe, we're the best small city to visit in the entire world. I just cannot see spending $50,000 to $100,000. I would much rather you would spend this getting tourists to come visit Santa Fe, as you've done. I just cannot vote for this, I'm sorry. It may be a good idea, but in reading some of the newspaper articles here they're saying, we'd like to see them go on a balloon ride, I see that in Albuquerque. Go on river rafting, I don't think they'd be river rafting on the Santa Fe River, more likely Taos. I think if they come to Santa Fe, we're the capitol city, but they're probably look at other venues, meaning Taos and other parts of this State to film in. Maybe Santa Fe, but I don't know, but I'm sorry, I'm not going to vote for this."

Mr. Randall said, "The actual activities have not been determined; that would be part of the negotiation and we would ensure they were representative of Santa Fe and be a part of Santa Fe. The other thing is that the City of Santa Fe runs 63% occupancy. We may be well known, but we need to reinforce that, and anything like this that we can do that would serve more as an endorsement of the City as opposed to paid media is far more valuable to us. We are lucky that we are well known, but we have a long way to go as far as bringing in the tourism that we need."

Councilor Rivera said, "If we approve the funding for this and then they decide that they are not going to come to Santa Fe, do we lose anything, or does that money come back, or really not spent."

Mr. Randall said in that event, there would be no cost to us.

Councilor Rivera said, "And the other thing, there is plenty of information in the packet about cities that have had a good response from being on the Bachelor, are there any that have received negative publicity or negative effects from having them on."

Mr. Randall said he is unaware of any, and has never heard of that being a problem. He said, "The whole idea... they probably do get divorced in a while, but the whole idea is to create a romance environment and they highlight the areas. They don't pick on anything that is negative. Their whole idea is to promote all of the positive components."

Councilor Rivera said he has never sat and watched the program, and asked if there are instances where they are inappropriate at times and may shed a bad light on the City – that's what he's trying to avoid.

Mr. Randall said, "Mr. Mayor, we would make sure that did not happen."

Councilor Dominguez asked the demographic to which the show appeals.

Mr. Randall reiterated that it is age 18-34, and we have been told is it is the number one program with ABC with women aged 18-34. He said it is the most popular show produced for that demographics.

Councilor Dominguez said this isn't the demographic that visits Santa Fe and doesn't even know if we market to that demographic, noting he will reserve the balance of his comments until later.

Councilor Dimas asked Mr. Randall if he watches The Bachelor, and Mr. Randall said, "No, I do not."

Councilor Dimas asked if there is a reason.

Mr. Randall said, "I don't watch much evening television. I start at the news. I work until 6:30 p.m. here on your behalf, and then I don't have time for TV."

Councilor Dimas said his wife knows how much he hates this show, but she and his two daughters love it. He said it's a terrible show, and it's awful, and it there was a city on the show and he watched it, "I probably would say, I'll never visit this city."

Councilor Bushee wants equal time to get The Bachelorette here as well. She asked Mr. Randall if there were film funds available for this. She said we just heard "that we're not supposed to spend our cash balances and reserves to maintain our good ratings."

Mr. Randall reminded the Committee the cash balances increased by $100,000 last year, "so this would use 50% of the increase that came from last year, and we will operate on a balanced budget, and that my funding source, being OTAB, is the Occupancy Tax. It's not like it's taking General Funds and using them for a different purpose."

Councilor Bushee said he has her support for this reason. She asked if he checked on the funds earmarked for film.

Mr. Randall said he couldn't find out about that, but he will look at that. He said, "If there is a way I could mitigate this amount and have it be less out of our pocket, but we still lived up to the $50,000 commitment that would match the State's, I assure you I would do that. Because I'm as interested in having that fund balance as everyone else is.

Councilor Maestas said there is a motion and second, and this is the extent of the discussion. He is going to support the request, noting it is last minute, so time must be of the essence. He said, "If Randy Randall is bringing it to us, it's got to be serious. It's got to have great potential, and I think if we do successfully attract this production, I'm sure the economic impact will pale in comparison to what we are going to invest in marketing for the show. So I'm with you on this, but I think given the financial state of the City, we really need to be a little more deliberate when it comes to issues that have financial impact."

Councilor Bushee said, "In the name of transparency, I would like to send this request to Finance, Public Works, OTAB, BTAC and the River Committee before we make a decision."

Mayor Gonzales said, "Here's the reality. Regardless of how any of us feel, whether we've seen it or not, if we just look at this from a pure business perspective, I don't know if there is anywhere else that we could ever spend $50,000 to get 14.3 million people to look at Santa Fe for one hour. Now the story plot might be something, Councilor Dimas, that you don't want to look at, but I will tell you, that people are going to get to see the best of this community. Regardless of how we feel about the show, I don't know that we're ever going to get opportunities like this, and when we do, we should absolutely invest in opportunities to show Santa Fe for an hour to 14.3 million people, 200 plus countries around the world, and the fact the data has been clear that you get $2 million for a show that comes into this community. What I would ask the Council to think about it from the business perspective, and not so much from the show perspective. This is a promotional opportunity for a program that has 14.3 captive people."

Mayor Gonzales continued, "And I want to point out two more quick things. Randy said it right. The data shows women make the decision in families on where to go. Two, there was a recent top 10 that showed top destination for women travelers is Santa Fe. I think we're in the top 3 when it comes to women travelers, they pick Santa Fe to go to. Womens' group getaways. 18-34 years old, the majority of that demographic are women, so there is a complement to the people that are already focusing on coming to Santa Fe and the demographic that is going to be achieved through this program. So, I think it's a hand in glove fit. I'm wanting to look at this from the standpoint of how to increase tourism, because as you indicated earlier, 63% occupancy is not enough. We have a lot of room to grow in our town when it comes to bringing in more tourists. And if we can showcase it for an hour on the number one rated TV show for ABC, I think it's a worthy investment, and I want applaud you and your team for pursuing it. And also going around and asking for money like you did to the County. That's really good, too, I appreciate that you did that too."

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

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

Against: Councilor Dimas, Councilor Dominguez, Councilor Trujillo and Councilor Rivera.

14. REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON AUGUST 27, 2014:

BILL NO. 2014-24: AN ORDINANCE AMENDING SECTION 16-15 SFCC 1987, TO REDUCE THE PENALTIES FOR POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA AND POSSESSION OF MARIJUANA PARAPHERNALIA; AND CREATING A NEW SECTION 20-6 SFCC 1987 TO ESTABLISH THAT POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA AND POSSESSION OF MARIJUANA PARAPHERNALIA ARE CIVIL INFRACTIONS. (KELLEY BRENNAN AND YOLANDA Y. VIGIL)

Yolanda Vigil, City Clerk, said she has been verifying petition signatures, and they have accepted 4,061 signatures, and the total required is 5,673, so what is needed are an additional 1,512 signatures.

Mayor Gonzales said, "In the statutes as written, regarding this initiative, is there a date certain by which the signatures or threshold needs to be qualified."

Ms. Vigil said, "There is actually 90 days given to gathering of petitions for referendum and initiative, and they commenced on July 24, 2014, and they have until September 22, 2014, to actually collect petition signatures. Right now, the goal is to get this on the November General Election ballot."

Mayor Gonzales said then that is the goal of the petitioners, and Ms. Vigil said yes.

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

DISCUSSION: Councilor Bushee said she read in the newspaper that we would have the option, even with this Ordinance, as a home rule City to either go with the State law or with the City law. She asked if this is correct, and if any amendment is needed before we have public hearings. She doesn't want to circumvent the efforts.

Ms. Brennan said,"I'm not sure I understand the question, but there is an existing State law which of course, would not change. This would merely change the priority of enforcement in the City fundamentally."

Councilor Bushee said, "I understand that, maybe it was just coming from the Chief that said Officers would have the option of choosing to follow State law or City Code."

Ms. Brennan said, "The option to enforce State law would still exist, and our Ordinance currently tracks State law."

Councilor Bushee said, "No. If the Ordinance were to change and we were to lower the penalty, could we not build in somewhere that they would have to follow the City's law."

Ms. Brennan said, "State law preempts actions of the City that either prohibit what State law allows, or allows what State law prohibits, so we could not do that. What we are doing with this Ordinance, if passed, is changing the penalty and establishing priorities within the City."

Councilor Bushee said, "And our Police Force would have to follow that."

Ms. Brennan said, "Our Police Force would follow the priorities established by the Council, but could still enforce State law."

Councilor Bushee said she doesn't want to have inconsistent enforcement.

Ms. Brennan said, "If enough signatures are verified, and it is certified by the Clerk and it comes to this Governing Body as an Ordinance, I will be giving an opinion on the legality of it. And I cannot give that opinion now."

Councilor Bushee said, "Okay. It seems like a lot of effort for maybe not having all the parameters up front. Is there a possibility of having those."

Ms. Brennan said, "I do not believe there is a conflict between what is being proposed and existing law."

Councilor Dimas said, "I just wanted to add one thing. Police officers have the discretion. You cannot direct a Police officer to file in one Court or another. And with this resolution, you cannot direct them to file in Municipal Court where this would be effective. Police Officers in this jurisdiction have their own jurisdiction where they can file in either Magistrate Court which is a State Court or a Municipal Court. And if they file in Magistrate Court, then they will follow the Magistrate State Statutes which will eliminate whatever it is that this resolution is trying to do, the $25 fine and make it a civil. In Magistrate Court, it will still be a criminal violation."

Councilor Bushee said, "What we did with the resolution for the immigrant community, in terms of making it not our priority as a local police force to act as if we were ICE. That was a resolution. That was the intent of the Council. Is that something that could then be developed by resolution. These are a lot of if's. I get it. I'm just asking because we're setting this ball in motion tonight."

Ms. Brennan said, "The people who are circulating the petition set this ball in motion."

Councilor Bushee said, "I know that, but we're moving it forward."

Ms. Brennan said, "And our response is governed by our Charter."

Councilor Bushee said, "Okay, I'll ask those questions when we have a chance down the road."

Mayor Gonzales asked when the public hearing will take place, and Ms. Vigil said it will be August 27, 2014.

Mayor Gonzales said, "August twenty-seventh, where the public will be able to come in and weigh-in, and at that point, the Council can determine whether they want to advance this forward, or to stop it at that point. Correct."

Ms. Brennan said, "The Governing Body would be deciding whether to adopt it as an ordinance, itself, and therefore render an election not necessary, or to let it got to the electorate. But the Governing Body couldn't really stop it at that point. This is all subject to the certification of the signatures."

Councilor Maestas said, "Again, this is kind of a procedural action, but I urge my colleagues.... it looks like they have the potential to get enough signatures, and if anything, let's let the people speak on this issue. This is the first such petition based referendum that is being used under our Charter. I think we're watching an experiment kind of unfold in the most form of participatory government. So I hope we don't try and truncate it, and let it take its course."

Councilor Rivera said, "Just a quick question Kelley, based on your last comment. If they get the appropriate amount of signatures this will go to referendum. Why do we need to have a public hearing on it. Obviously, they have enough, probably more than would attend here, signed the petition. What's the purpose of a public hearing.".

Ms. Brennan said, "I believe it is required by the Charter, and essentially it's an ordinance that would be enacted by the City which would require a public hearing."

Councilor Rivera said, "But we could decide not to accept, or not to change the Ordinance or accept the Ordinance, but it would still go to referendum."

Ms. Brennan said this is correct.

Councilor Ives said, "I am in agreement with many of the comments that have been made in terms of process. This an important one, in terms of portions of our Charter rarely brought before us. So, from the procedural point of view, I support this, because I think the public hearing is an important opportunity for the discussion to occur, because the issue clearly has gotten significant attention nationally. Various states have acted very affirmatively on these issues. It's designed to address many systemic problems across our society, so I actually look forward to the public hearing, regardless of whether or not there are enough signatures, and regardless whether or not this body would have the power to prevent it going forward. So I'm glad we're doing it."

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

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

Against: Councilor Dimas.

Explaining his vote: Councilor Dimas said, "I can't support this. No."

Explaining his vote: Councilor Dominguez said, "Part of our democracy, somewhat democracy [inaudible]. I vote yes.

15. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

16. MATTERS FROM THE CITY ATTORNEY EXECUTIVE SESSION

A. IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT §10-15-1(H)(7) NMSA 1978, DISCUSSION REGARDING PENDING OR THREATENED LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT, SOUTHSIDE TRANSIT CENTER LOCATION. (ZACHARY SHANDLER)

Councilor Maestas said, "Mr. Mayor, I need to read a statement. It's a statement of recusal regarding the executive session. I want to disclose that my sister-in-law represents a party claiming an interest in the matter that is the subject of tonight's executive session. Although she is not a, quote, family member, unquote, under the City's Code of Ethics, in the interest of avoiding any perceived conflict, I am recusing myself from participating in Item #16 and Item #17 on tonight's agenda."

MOTION: Councilor Rivera moved, seconded by Councilor Dimas, that the Council go into Executive Session for discussion regarding pending or threatened litigation in which the City of Santa Fe is or may become a participant, Southside Transit Center Location, in accordance with§10-15-1(H)(7) NMSA 1978.

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

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

Against: None.

Recused: Councilor Maestas.

The Council went into Executive Session at 7:00 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

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

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

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

Against: None.

Absent for the vote: Mayor Gonzales.

Recused: Councilor Maestas.

17. ACTION REGARDING SOUTHSIDE TRANSIT CENTER LOCATION. (ZACHARY SHANDLER)

MOTION: Councilor Rivera moved, seconded by Councilor Dimas, "to instruct the City Attorney to take action consistent with the discussion held during the Executive Session."

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

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

Against: None.

Absent for the vote: Mayor Gonzales.

Recused: Councilor Maestas.

18. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk

It was the consensus among the members of the Governing Body in attendance to move Item #19 Communications from the Governing Body to the end of the Evening Agenda

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

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor Pro-Tem Peter N. Ives, at approximately 7:25 p.m. Roll Call indicated the presence of a quorum as follows:

Members Present
Councilor Peter N. Ives, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Signe I. Lindell
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Members Excused
Mayor Javier M. Gonzales

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

F. PETITIONS FROM THE FLOOR

A copy of a statement for the record, with attachment, submitted for the record by Stan Rosen, is incorporated herewith to these minutes as Exhibit "8."

Stan Rosen, public citizen, formerly a Professor of Industrial Labor Relations, said he has been listening and watching government at work, the complexity of government, the patience of all of you and your good questions. It has been an educational experience. He said he comes here on a pressing issue we are facing immediately, which is the possibility that a settlement can't be reached at Christus St. Vincent Hospital. He said he was just handed a Resolution sponsored by Councilor Bushee, supporting safe nurse staffing levels in the health care system at the federal, state and governmental levels and the private sector. He said the local newspapers have given us a service by framing the issue as a dispute which needs to be settled in the interest of the nurses, the patients, the citizens of our community, and the interest of management. He thinks they fairly covered the issue, and he commends them.

Mr. Rosen read from a prepared statement. Mr. Rosen said, "We the progressive and humanistically sensitive citizens and patients of Santa Fe want to have our hospital a place of working democracy, of hope, fairness, a shining overall example to our community. Please see Exhibit "8," for the specifics of Mr. Rosen's statement.

Stephanie Beninato said, "I would like to bring 3 things to your attention and I hope I'm given similar time to Mr. Rosen. I hope I'll do faster than he did. Number one, I have a lawsuit going on with the City. I'm in discovery. I asked for certain records, and I was told those records did not exist. That was done under oath by Barbara Bobrack [Boltreck?] and it was David Pike's photographs that I was asking about, and the lawyer told me there were no photographs. I know there were photographs, because during my deposition on July 10th, the lawyer used those photographs. So you have Ms. Bobrack lying under oath. You have the lawyer lying in discovery, and David Pike, because apparently she was the one who went around and collected information rather than having David Pike actually swear under oath that the information he was giving the lawyer was true and correct. So I would like to bring that to your attention. I intend to go to Court and ask for sanctions and I intend to ask for an ethics investigation of Ms. Bobrack and David Pipe."

Ms. Beninato continued, "Secondly, the City has insurance when there are torts when the City has been negligent. Jane Coleman who lives on Paseo del Sol, on nine August 2011 had a flood in her house due to a water main break. Her insurance company paid her $12,000. I think everybody needs to know that when her insurance company went to the City's insurance company to be compensated that the City's insurance company paid her insurance company 15% more than they had paid Ms. Coleman. How come her insurance company gets an additional 15%. Weren't the premiums Ms. Coleman paid enough to compensate that company. What is the City doing paying 15% above a stated claim. I'm just hanging that out there. Maybe some of you can direct the City Manager to actually answer that question."

Ms. Beninato continued, "The third thing I want to bring up to you is the out of control nature of Public Works. Public Works apparently says that they go around inspecting drains on a regular basis. They have no scheduled inspections, they have no logs of inspections, they have no long of maintenance of any storm drain. They have no log of maintenance of clearing any road. So, in other words, we have a whole department that runs around, and maybe they all sit someplace and play craps all day. I don't know what they do, but I can tell you that we the citizens have no way of affirming what they're doing. You also have Public Works out there at 5:30 in the morning cutting a couple of blades of grass that could be pulled by hand in a residential area. You have Public Works showing up at Salvador Perez to lay down a parking lot, that have 5 guys standing around for half a day because they don't have a plan to lay the parking lot. And they have to stand there for 4 hours to figure out the slope they needed to put that in. Most recently, Salvador Perez was supposed to be cleaned [inaudible] by actual elbow grease. That would be too old fashioned, so they hired a company to do a soda wash, like sandblasting, that's basically what they were doing soda blasting. Two days into it, they figured out the company didn't have the equipment they needed, that it wasn't going to get done in time. So, of course they had already told everybody that the

shower room was going to be closed for a while. Now it's going to be closed longer, and the pool facility, instead of being closed at 3 days at the end to do whatever should have been happening is now going to be closed for 5 days. It seems to me that Public Works needs to be reigned in. They need to be made accountable and have plans. I am sure there are some people in that Department who are actually engineers, and they should be able to draft plans, so when somebody comes out and lays a berm or puts down a parking lot, well then they hire somebody for a contract, they actually make sure ahead of time that that company has the ability to do the work. And I'd certainly like to know what happened with the original company. Did they give back the City the money that they got paid. I mean, really, it's pretty outrageous that this kind of thing goes on at the City. It would never be tolerated at a private business. Thank you."

G. APPOINTMENTS

There were no appointments.

H. PUBLIC HEARINGS

1) REQUEST FROM M2 PRODUCTIONS FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF BEER AND WINE AT EL MUSEO CULTURAL TO SANTA FE, 555 CAMINO DE LA FAMILIA, WHICH IS WITHIN 300 FEET OF TIERRA ENCANTADA CHARTER SCHOOL AT ALVORD, 551 ALARID STREET. THIS REQUEST IS FOR THE FOLLOWING: a) THE SANTA FE SHOW – OBJECT OF ART," TO BENEFIT NEW MEXICO PBS, WHICH WILL BE HELD ON THURSDAY, AUGUST 14, 2014, FROM 6:00 P.M. TO 9:00 P.M.; AND b) "THE SANTA FE SHOW – OBJECT OF ART," TO BENEFIT THE INSTITUTE OF AMERICAN INDIAN ARTS, WHICH WILL BE HELD ON TUESDAY, AUGUST 19, 2014, FROM 6:00 P.M. TO 9:00 P.M. (YOLANDA Y. VIGIL)

The staff report was presented by Yolanda Vigil, City Clerk, from her Memorandum of July 25, 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet..

Public Hearing

Stephanie Beninato was sworn. Ms. Beninato said, "As usual, I wonder why the City Council has 6 of these Resolutions in front of it to do waivers. Again, I would ask that the City Council go to the State Legislature and get some kind of waiver on this. I also want to point out that the City is so concerned about having alcohol sold on the south side of town near schools, but it's perfectly okay to have these fundraising events near schools. So again, I understand that there may be somewhat more control, it's a less time, but to me, it's all the same issue and I don't understand why it's important in one aspect, but we can waive it all the time. And really, our City Council would save a lot of time and energy if you just did a

general waiver, and told anybody when they wanted to come in, as long as it wasn't more than x times a year, you're going to waive it. Thank you."

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Maestas, to grant the request from M2 Productions, for a waiver of the 300 foot location restriction, and allow the dispensing/consumption of beer and wine at El Museo Cultural de Santa Fe for the following events: The Santa Fe Show – Object of Art" to benefit New Mexico PBS on Thursday, August 14, 2014 from 6:00 p.m. to 9:00 p.m.; and "The Santa Fe Show – Object of Art" to benefit the Institute of American Indian Arts, on Tuesday, August 19, 2014 from 6:00 p.m. to 9:00 p.m., with all conditions as recommended by staff.

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

For: Councilor Bushee, Councilor Dimas, Councilor Dominguez, Mayor Pro-Tem Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

2) REQUEST FROM NEW MEXICO CHILDREN'S FOUNDATION FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF ALCOHOLIC BEVERAGES AT THE DRURY PLAZA HOTEL PALACE BALLROOM AND WEDDING GARDEN, 228 EAST PALACE, WHICH IS WITHIN 300 FEET OF THE CATHEDRAL BASILICA OF SAINT FRANCIS OF ASSISI, 131 CATHEDRAL PLACE, THE EPISCOPAL CHURCH OF THE HOLY FAITH, 311 E. PALACE AVENUE AND THE NEW MEXICO SCHOOL FOR THE ARTS, 272 E. ALAMEDA STREET. THIS REQUEST IS FOR THE NEW MEXICO CHILDREN'S FOUNDATION GALA TO BE HELD ON FRIDAY, AUGUST 8, 2014 FROM 5:00 P.M. TO 12:00 A.M. (YOLANDA Y. VIGIL)

The staff report was presented by Yolanda Vigil, City Clerk, from her Memorandum of July 25, 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet. Ms. Vigil said, "As a condition of approval, we're requesting that the Drury Plaza Hotel must obtain building final and certificate of occupancy prior to the requested event. There are letters of no objection in the packet from the Cathedral Basilica of St. Francis of Assisi and the Episcopal Church of the Holy Faith. The Applicant has contacted the New Mexico School for the Arts, but has not received a letter stating its position on this request."

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Dominguez moved, seconded by Councilor Dimas, to grant the request from the New Mexico Children's Foundation for a waiver of the 300 foot location restriction and allow the dispensing/consumption of alcoholic beverages at the Drury Plaza Hotel, Palace Ballroom and Wedding Garden, 228 East Palace, for the New Mexico Children's Foundation Gala on Friday, August 8, 2014, from 5:00 p.m. to 12:00 a.m., with all conditions as recommended by staff.

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

For: Councilor Bushee, Councilor Dimas, Councilor Dominguez, Mayor Pro-Tem Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

3) REQUEST FROM LONDON HOLDINGS, LLC, FOR A TRANSFER OF OWNERSHIP AND LOCATION OF DISPENSER LICENSE #0656 FROM CASANOVA BAR, INC., D/B/A CASANOVA BAR, HSE #90 - HIGHWAY #68, ALCALDE, TO LONDON HOLDINGS, LLC, D/B/A ADELITAS MEXICAN RESTAURANT (LEASED), 3136 CERRILLOS ROAD. (YOLANDA Y. VIGIL)

Councilor Maestas said, "I have another statement to make regarding Item H(3). I have disclosed that I have an interest in a family business that owns an inter-local dispenser liquor license in Espanola that is currently for sale, and stated that I will be recusing myself until the family license is sold from voting on any inter-local license request and from any discussion this body may have about inter-local transfer licenses generally. Although Item H(3) on tonight's agenda is not an inter-local transfer request, in order to avoid any perceived conflict, I will recuse myself from participating in this matter."

The staff report was presented by Yolanda Vigil, City Clerk, from her memorandum of July 25, 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet, noting the business is not within 300 feet of a church or school. Ms. Vigil said, "As a condition of approval, the restaurant, which currently has a beer and wine license... this building has two parts. The front is a restaurant and the back side is an event center. So the front has the beer and wine license, so the restaurant shall not exceed 99 occupants, based on an occupant load factor of 15 sq. ft. net of unconcentrated, which are tables and chairs. Space for occupants is allowed by the 2009 International Building Code Table 1004.1.1 Maximum Floor Area Allowances for occupants. Use of the restaurant will be limited to its current use, but if Adelitas Mexican Restaurant wants to expand their use of the event center into the restaurant, they will have to submit a request for an amended building permit with update architectural drawings which could require but not be limited to an automatic sprinkler system, additional bathrooms, additional exits and additional fire alarms. Also, as an additional condition of approval, the use of the event center shall follow the attached, which is in your packet, path of egress presented to the Fire

Marshal. And they were in agreement on that path of egress. We are recommending also that the business be required to comply with all of the City's ordinances as a condition of doing business in the City."

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Dimas moved, seconded by Councilor Rivera, to approve the request from London Holdings, LLC, for a transfer of ownership and location of Dispenser License #0656 from Casanbova Bar, Inc., d/b/a Casanova Bar, HSE #90, Highway 68, Alcalde, to London Holdings, LLC, d/b/a Adelitas Mexican Restaurant (leased) 3136 Cerrillos Road, with all conditions of approval as requested by staff.

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

For: Councilor Bushee, Councilor Dimas, Councilor Dominguez, Mayor Pro-Tem Ives, Councilor Lindell, Councilor Rivera and Councilor Trujillo.

Against: None.

Recused: Councilor Maestas.

3) CONSIDERATION OF RESOLUTION NO. 2014- ___ (COUNCILOR RIVERA, COUNCILOR TRUJILLO, COUNCILOR LINDELL, COUNCILOR BUSHEE, COUNCILOR IVES, COUNCILOR DIMAS, COUNCILOR MAESTAS AND COUNCILOR DOMINGUEZ). A RESOLUTION PROCLAIMING SEVERE OR EXTREME DROUGHT CONDITIONS IN THE CITY OF SANTA FE; IMPOSING FIRE RESTRICTIONS, RESTRICTING THE SALE OR USE OF FIREWORKS WITHIN THE CITY OF SANTA FE AND PROHIBITING OTHER FIRE HAZARD ACTIVITIES. (FIRE MARSHAL REYNALDO GONZALES). (Postponed at July 9, 2014 City Council Meeting)

This Resolution was removed from the Agenda by Councilor Rivera, and postponed to the next meeting of the Council.

5) CONSIDERATION OF RESOLUTION NO. 2014-65. CASE #2014-43. 3197 & 3193 JEMEZ ROAD. JAMES W. SIEBERT & ASSOCIATES, INC., AGENT FOR THE L-FAM PARTNERSHIP, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 0.64 ACRES FROM VERY LOW DENSITY RESIDENTIAL (1-3 DU/ACRE) TO COMMUNITY COMMERCIAL, THE PROPERTY CONSISTS OF TWO LOTS, 3197 AND 3193 JEMEZ ROAD, LOCATED AT THE NORTHEAST CORNER OF AIRPORT ROAD AND JEMEZ ROAD. (DONNA WYNANT)

Items #H(5) and #H(6), were combined for purposes of presentation, discussion and public hearing, but were voted upon separately.

A Memorandum dated July 16, 2014, for the meeting of July 30, 2014, with attachments, to the Governing Body, from Donna Wynant, Senior Planner, Current Planning Division, regarding Case 2014-43 and Case #2014-44, is incorporated herewith to these minutes as Exhibit "9."

Donna Wynant presented information regarding this matter from her Memorandum of July 16, 2014, with attachments. Please see Exhibit "9" for specifics of this presentation.

Councilor Dominguez said the applicant has indicated there are no proposed improvements. He asked if there is a change in use, the Applicant will have to come before this Council to determine the traffic impacts on Jemez Road and Airport Road.

Ms. Wynant said, "Yes. They would come to Current Planning to discuss their proposal and we would then review if a special review would have to be done, such as a development plan, variances, or anything to do with the arrangement of the structures on the property."

Councilor Dominguez said that was part of the Planning Commission Findings. As indicated in the Findings, the City may require the Applicant to improve public facilities and such.

Ms. Wynant said this is correct.

Councilor Bushee asked which came first, the businesses or the zoning, and how did it get to be a low residential zoning category.

Ms. Wynant said the property was in the County and was annexed under SPPAZO in 2009, and came into the City officially the first of this year. They did receive approvals from the County for both businesses. When it went through our process, the City and County both looked at this and designated it as continued very low designation for future land use, and it is zoned R-4. The businesses have been there for a long time and it came in as R-4 because the other zoning in the area was R-4.

Councilor Bushee said then the majority of what is there is small commercial.

Ms. Wynant said yes. There are a variety of things in the area, it's a mix, and further to the north is residential. It's relatively low density residential to the north and to the east. There are some other things happening down Airport Road for future commercial development, noting Walgreens was recently developed.

Councilor Bushee said there is not enough residential concern that the C-2 category would generate a kind of business down the road, because there are no conditions of approval, no restrictions and nobody is concerned about what might come in the future in replacement of the existing businesses..

Ms. Wynant said in this case, it's strictly that the property owners, the L-Fam partnership, Bill and Tim Layden, through their agent, Jim Siebert, were looking this to get it into some conforming status, in the event something would happen with it. They have not indicated any plans in the near future for this property, although things could change. However, with this application, nothing was indicated and they stated there would be no changes.

Matthew O'Reilly said in 2008 when the City went through the process of the Settlement Agreement and the SPPAZO came about, one of the first things that had to happen in all of the presumptive City limits was zoning had to be applied to properties previously in the County, where as you know, there is no zoning. There were thousands of these properties to which zoning was applied. During that process the Extraterritorial Land Use Commission and the Extraterritorial Land Use Authority had to take a look at the proposed zoning map and decide what zoning was appropriate. The public was given opportunities for various property owners to come forward and say they didn't think there property should be zone that way. The City rezoned thousands of property, so it wasn't possible to pick the perfect zoning for every single property. This is one of those properties, for whatever reason, it was designated as residential, but there have been commercial business there long before the zoning was in place.

Councilor Bushee said 3 people attended the public hearing, and there were no concerns. She said the concern usually isn't for the current business, but down the road, C-2 is a fairly open ended category. She asked if there have been any concerns to date about future possibilities.

Mr. O'Reilly the reason she is seeing this in this case, is one thing about these properties is that they are very small. And what could happen on these properties is extremely limited, and the impacts of what could be there, it would be a very small kind of use.

Public Hearing

Presentation by the Applicant

James W. Siebert, 915 Mercer, agent for the Applicant L-Fam Partnership, was sworn. Mr. Siebert, "To reinforce what staff said, are two issues. One is the length of time this has actually been used for commercial purpose. I think a lot of you remember it as a used book store in the 1980's and 1990's. and I think in the 1970's it was a boat repair shop for a while. There is a long history of being a commercial use. The other thing that happened, and this speaks to what Mr. O'Reilly was talking about, it's really kind of an oversight that took place when they established the zoning. Both these properties under the extraterritorial area had already received commercial zoning. They had gone through the entire rezoning process to receive commercial zoning. And it was the policy if they had received commercial zoning in the extraterritorial area, the uses that were approved would be carried over to the City zoning. And for whatever reason, that never happened. So we're just really trying to correct that error. And I'll answer any questions you may have."

Mayor Pro-Tem Ives asked what is being proposed before us tonight, the most comparable and the most equivalent under the City's current Code as was permitted under the EZA.

Mr. Siebert said there is comparability, but not exact comparability, because the County and the extraterritorial have a different process. But the answer, generally is yes/

Speaking to the Request

There was no one speaking for or against this request.

Public Hearing was closed

MOTION: Councilor Dominguez moved, seconded by Councilor Dimas, to adopt Resolution No. 2014-65, approving Case #2014-43, 3197 and 3193 Jemez Road, General Plan Future Land Use Map Adjustment, and to adopt the Planning Commission's Finding of Facts and Conclusions of law in this case.

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

For: Councilor Bushee, Councilor Dimas, Councilor Dominguez, Mayor Pro-Tem Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against:. None.

6) **CONSIDERATION OF BILL NO. 2014-21: ADOPTION OF ORDINANCE NO. 2014-25. CASE #2014-44. 3197 & 3193 JEMEZ ROAD. JAMES W. SIEBERT & ASSOCIATES, INC., AGENTS FOR THE L-FAM PARTNERSHIP, REQUESTS REZONING OF 0.64 ACRES FROM R-4 (RESIDENTIAL, 4 DWELLING UNITS PER ACRE), TO C-2 (GENERAL COMMERCIAL). THE PROPERTY CONSISTS OF TWO LOTS, 3197 & 3193 JEMEZ ROAD, LOCATED AT THE NORTHEAST CORNER OF AIRPORT ROAD AND JEMEZ ROAD. (DONNA WYNANT)**

MOTION: Councilor Ives moved, seconded by Councilor Dominguez, to adopt Ordinance No. 2014-25, approving Case #2014-44, 3197 & 3193 Jemez Road, rezoning of 0.64 acres from R-4, to C-2 General Commercial, and adopting the Planning Commission's Finding of Facts and Conclusions of Law in this case.

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

For: Councilor Bushee, Councilor Dimas, Councilor Dominguez, Mayor Pro-Tem Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against:. None.

19. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of July 30, 2014, is incorporated herewith to these minutes as Exhibit "10."

Councilor Dimas

Councilor Dimas had no communications.

Councilor Maestas

Councilor Maestas said he toured the Police Department last week, and asked Mr. Snyder to give a special thanks to Selena and Rich from the Evidence Room who gave him the tour.

Councilor Maestas said he toured the Business Incubator, spending a couple of hours with Marie Longserre.

Councilor Maestas said the LANL Coalition just adopted a strategic plan. He said they are going to revisit the Community Commitment Plan, a diverse plan that the team adopted in 2006 when it won the contract. It will be going before their Board of Governors at the September meeting. He urged the Coalition to weigh in on the Plan and make recommendations. He said at the meeting it was announced that the Energy Secretary will be visiting WIPP, and they are going to try to provide some formal communication from the Coalition with regard to WIPP and the situation there.

Councilor Maestas said he would like to cosponsor Mayor Pro-Tem Ives Resolution regarding capping interest and fees on non-bank lending.

Councilor Bushee

Councilor Bushee introduced a Resolution supporting safe nurse staffing levels in the health care system at the federal, State and local government levels and in the private sector. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11."

Councilor Bushee said she spoke with Mr. Snyder, and would like for him to make sure staff tackles the weeds along the River Trail, particularly the new sections below Alire to Frenchy's.

Councilor Bushee said also, she said she received a letter about gentleman who fell at a Fuego game. She asked if there funds left from the bonds or any of the Parks funds, she would like to use those to make the risers more safe.

Councilor Bushee said she would like to cosponsor Mayor Pro-Tem Ives Banking Resolution, and she wants to talk with him about his second resolution.

Councilor Bushee said, regarding the ENN, she recalls that we included ENNs for City projects. She would like to find out if it already exists in the current Ordinance.

Ms. Brennan said, "Councilor Bushee, there are only certain categories, so this is adding a category."

Councilor Bushee asked if we open the ENN, if Councilor Bushee would consider changing the language from Early Neighborhood Notification, to Early Neighborhood Negotiation and pursue the language. She said the Neighborhood Network would like this to be done..

Councilor Dominguez said he is a reluctant to open up that whole debate, but he would agree to go ahead and open it, commenting he has no problem in looking at it in a broader context. The initial intent was to make sure Parks Projects were part of that ENN process.

Councilor Bushee said she will pursue some language from the Neighborhood Network.

Councilor Dominguez

Councilor Dominguez introduced 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. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "12."

Councilor Dominguez thanked the members of the Governing Body for attending the event on Thursday. He said, technically, we are in violation of our U.S. Constitution, therefore we will have to start working on rezoning relatively quickly. He asked Ms. Vigil, at her earliest convenience, to provide him a calendar, working backwards, when any rezoning has to be done for the next election.

Councilor Dominguez said at Public Works he had asked Mr. Pino to an update on any flooding from the recent rains. He is particularly interested in Fairley Road.

Councilor Dominguez said School will be starting soon, and he is hoping that we make sure the rights-of-way around the schools are in good shape.

Councilor Lindell

Councilor Lindell introduced an Ordinance relating to the Land Development Code, Chapter 14 SFCC 1987; amending various sections to make technical corrections and minor clarifications; and making such other changes that are necessary. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "13."

Councilor Trujillo

Councilor Trujillo said regarding Councilor Bushee's issue with the gentleman who fell at a Fuego game, until we completely revamp Ft. Marcy, including ADA compliance, he doesn't think a lot of things can be addressed, noting the cost is $6.5 million. He said we missed the boat with the Parks bond, by not putting Ft. Marcy on it back then. He said it is unfortunate, but it's just the way the field was constructed. It is something we definitely need to look at.

Councilor Trujillo congratulated his daughter, Krystianna, who is finishing Break Through. He said his son, Hunter, just completed his first summer working with Yolanda's hita for the summer program. It was a great experience for him. He said hats off to Parks & Recreation, because this is a fabulous program for kids during the summer. He asked Mr. Snyder to pass his thanks to the staff.

Councilor Trujillo said the Santa Fe Fuego season was just completed. He thanked everyone for attending the games. They are playing in the championship game in Alpine, Texas, and the score is 4-3, bottom of the 7th, so they are winning right now. He hopes they bring home a championship.

Councilor Rivera

Councilor Rivera said he would like to thank Terrie Rodriguez, Edith Martinez and Michelle Gurule, commenting the summer program went very well. He said this is the first year since he was elected that he receive no complaints about the summer program. He understands the kids and employees enjoyed it. The only thing he heard was that the City should extend the program. He asked Mr. Snyder to extend his thanks to them on behalf of the Council.

Mayor Pro-Tem Ives

Mayor Pro-Tem Ives, on behalf of Mayor Gonzales, introduced the following:

1. A Resolution relating to Santa Fe's historical heritage; authorizing staff to enter into a professional services agreement for historian services that would provide opportunities for local residents, including children and youth, to be educated about Santa Fe's historic heritage and create a marketing strategy for local residents and tourists to experience Santa Fe's rich historic heritage. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "14."

2. A Resolution directing Transit Division staff to develop and execute a pilot project to provide Santa Fe pick-up service between the Santa Fe University of Art and Design and the Railyard and downtown Plaza areas on weekend evenings, during the 2014 Fall Semester. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "15."

Mayor Pro-Tem Ives said he would join as a cosponsor on both Resolutions.

Mayor Pro-Tem Ives introduced the following:

1. A Resolution calling on the Governor, the Legislature, the Attorney General and the Regulation and Licensing Department to take immediate action, within their respective powers, to cap interest and fees on non-bank lending institutions in New Mexico. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "16."

2. A Resolution directing staff of the Public Utilities Department to study the necessary components of a Comprehensive Cross Connection Control Program and Ordinance designed to protect the City's public water supply system. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "17."

I. ADJOURN

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 8:20 p.m.

Approved by:

Mayor Javier M. Gonzales

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:

Melessia Helberg, Council Stenographer

ITEM #10 (r)(2)

City of Santa Fe, New Mexico

memo

DATE: July 29, 2014

TO: Finance Committee / Mayor & City Council

VIA: Kate Noble, Acting Director, Housing & Community Development Department KN

FROM: Reed Liming, Long Range Planning Division Director RL

SUBJECT: Impact Fees Bill (Draft) – Amendments to 14-8.14 and 14-8.15

Summary
The draft Impact Fees Bill, sponsored by Councilor Bushee, makes the following changes to the current ordinance:

1. **50% reduction of impact fees for all residential permits** – At the Public Works committee meeting (7-28-14) the sponsor agreed to an amendment to retain the 50% reduction for all residential permits originally approved by city council February 26, 2014, to be in effect through February 26, 2016. However, the sponsor also requested a review of the need for the reduction after one year.

2. **Land Use Category Consolidation** – The new fee schedule consolidates more detailed categories into more generalized categories, from 20 to six non-residential and from six to five single-family residential categories. This approach recognizes that commercial land uses (tenants) often change, avoids extremely high fees for a small number of land uses, eliminates most impact fee charges for change of use, thereby encouraging reuse of existing buildings, and simplifies impact fee administration.

3. **Fee Schedule Set at 70% of Maximum** – the new fee schedule would have fees set at 70% of the maximum the CIP states the city could justify, in order to have most of the categories pay slightly lower fees than the current fee schedule. By setting fees somewhat lower in the new fee schedule, subdivisions and development plans that would normally still pay according to the previous more detailed fee schedule, would choose to be charged according to the new, lower fee schedule. This allows those developments that have been approved within the last four years to use the newer more simplified fee schedule. This also would virtually eliminate the need for the current fee schedule to be used, thereby having the vast majority of building permits all using the same consolidated new fee schedule. This would make impact fee administration much easier for both the applicant to understand and for Land Use Department staff to administer.

4. **Adding Definitions to 14-8.14** – Because the new fee schedule consolidates and simplifies land use categories, more detailed definitions of the various general land use categories are included within 14-8.14 to provide guidance to staff and applicants in determining which category is to be used and fees paid, upon permit application.

5. **Amends the Park Dedication section (14–8.15)** – The proposed bill also clarifies the definition of "parks" by eliminating the distinction between regional and neighborhood parks for the purposes of assessing impact fees.

SS001.P65 - 7/95

Exhibit "1"

ITEM #10 (r)(2)

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2014-23
Impact Fees – Update

Mayor and Members of the City Council:

We propose the following amendment(s) to Bill No. 2014-23:

1. On page 1, line 12, *delete* **"REMOVE THE 50 PERCENT REDUCTION OF RESIDENTIAL IMPACT FEES,"**

2. On page 2, lines 23 through 25 and on page 3, lines 1 through 5, restore the stricken language and amend as follows:

   "(2) Beginning February 27, 2014 and ending February 26, 2016, [~~*residential plats, development* plans and~~] construction *permits* for *residential developments* shall be [~~assessed impact fees. At the time of assessment,~~] charged fifty percent (50%) of the scheduled values in the Fee Schedule in Subsection 14-8.14(E)(3) [~~shall be assessed~~]. Beginning February 27, 2016, such *residential developments* shall be [~~assessed impact fees in accordance with Subsection 14-8.14(E)(3). At the time of assessment,~~] charged one hundred percent (100%) of the scheduled values in the Fee Schedule [~~shall be assessed~~]."

   Editors Note: Renumber paragraphs accordingly

3. On page 15, line 16, *insert* the following sections:

   "Section 8. Effective Date. This ordinance shall become effective on September 15, 2014.

   Section 9. Review. This ordinance shall be reviewed one year from the effective date."

Respectfully submitted,

_____
Councilor Patti Bushee

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

_____
Yolanda Y. Vigil, City Clerk

Exhibit "2"

ITEM #10 (r)(2)(a)

City of Santa Fe, New Mexico

memo

DATE: July 29, 2014

TO: Finance Committee / Mayor & City Council

VIA: Kate Noble, Acting Director, Housing & Community Development Department KN

FROM: Reed Liming, Long Range Planning Division Director RL

SUBJECT: Impact Fee Capital Improvements Plan 2020 (CIAC-Approved Draft)

Summary

The ***Impact Fee Capital Improvements Plan 2020 for Roads, Parks, Fire/EMS and Police*** provides the basis for determining new impact fees and includes "land use assumptions" (i.e. growth projections) as required by the New Mexico Development Fees Act (§§ 5-8-1 to 5-8-43, NMSA 1978) and provides the basis for new impact fees. The Act requires that a local government's impact fees must be updated every five years (unless the governing body determines that no update is needed). The draft Impact Fee CIP 2020 update recommends changes in the following major areas of the CIP and for the Impact Fees ordinance. These changes include:

1. Land Use Categories – The city has been using a detailed list of land uses in the previous fee schedules. Changes recommended include:

- Non-Residential Land Use Categories – reduce from 20 to six categories,
- Residential Categories – set the upper limit at "3,001 square feet or more"
- Residential Categories – add a single "Accessory Dwelling Unit" category (i.e. for Guest Houses, etc.),

The study shows that moving from more specific, detailed non-residential uses to fewer, more general uses would result in a 6% loss of impact fee revenues from commercial uses. However, a benefit of moving to fewer, more general uses includes ease of assessing and collecting fees and greatly reducing the number of cases where new commercial tenants are charged impact fees due to their business falling into a detailed commercial land use category that owes more in impact fees than the previous tenant's business.

2. Level of Impact Fees to be Adopted – In 2008, the City Council adopted an impact fee schedule with fees set at 60% of the maximum the consultant stated the city could justify charging. The draft Impact Fee CIP 2020 shows the maximum amount the city could charge (Table 2, p.3) and what the fees would be if adopted at 70% of maximum as recommended by the CIAC (Table 3, p. 4). Currently, all residential permits pay only 50% of the amounts shown in the fee schedule through February 26, 2016. (The draft Impact Fees Bill proposes to remove the 50% reduction; the CIAC recommended that the 50% reduction remain in the ordinance.)

3. Capital Facility Plans – The final two pages of the document (pp. 77-78) contain Tables 80-83 which list the planned projects eligible for impact fees through 2020, as recommended by city staff in the key departments that manage the projects.

Table 80 – Planned Major Roadway Improvements, 2014-2020
Table 81 – Planned Park/Trail Improvements, 2014-2020
Table 82 – Planned Fire/EMS Improvements, 2014-2020
Table 83 – Planned Police Improvements, 2014-2020

SS001.P65 - 7/95

Exhibit "3"

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4. Service Areas / Benefit Districts – Multiple service areas or benefit districts were discussed by the CIAC, but were not recommended by the consultant or the CIAC. Separate benefit districts would charge the same impact fees but would limit the fees collected in a district to being spent only in that district. Growth and annexation in the southwest area of the city has provided a basis for ensuring that impact fees collected in that area be spent only in that area. U.S. Census data shows that the Southwest Area (bounded by Cerrillos Road, I-25, NM 599, Agua Fria THC and Richards Avenue) absorbed **45.3%** of all new housing units in the urban area from **2000-2010**. Separate analysis of the city's monthly permit reports indicates that the Southwest Area absorbed **44.4%** of all new housing from **2004-2013**. During that time approximately **48%** of all impact fee funds expended have been for projects generally serving that area.

The following questions arise when considering possible multiple benefit districts:

A. Which fees would have multiple benefit districts? (Study suggests "Roads" and "Parks" would be appropriate)
B. What would be the specific boundaries for the districts?
C. How would existing account balances be divided among the new districts? (50/50, if just two districts?)
D. Would funds from one benefit district be able to be used for a project in another district? If yes, under what circumstances?
E. Could reduced impact fee revenue (due to continued lower growth in the city combined with a 50% waiver of residential fees for two years), when split among separate accounts in multiple benefit districts, leave all accounts with too little revenue for useful project funding?

ITEM #10 (u)

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2014-___
Taxpayer Empowerment

Mayor and Members of the City Council:

I propose the following amendment(s) to Resolution No. 2014-____:

1. On page 2, line 10, after "WHEREAS," ***insert*** "in many cities,"

2. On page 2, ***delete*** lines 20 through 22 and ***insert***, in lieu thereof:
   - In some instances, taxpayers have very little say over how tax dollars spent are allocated and reported and little say on many actions taken by private companies that control our public services; and

3. On page 3, ***delete*** lines 4 through 9 and ***insert***, in lieu thereof:
   WHEREAS, in general, the arguments for privatization of government resources or functions to private business or an industry fosters competition in the market place, which usually results in lower prices and greater choices for the consumer; and

4. On page 3, line 13, ***delete*** "reclaim" and ***insert***, in lieu thereof, "maintain"

5. On page 4, ***delete*** lines 22 through 25 and ***insert***, in lieu thereof:
   - Require no bid contracts and with respect to taxpayer funded expenditures, require any company being paid with tax dollars to make its books and meetings available to the public, as such books and meetings relate to taxpayer funded expenditures, just as government does.

Respectfully submitted,

_____
Councilor Carmichael Dominguez

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

_____
Yolanda Y. Vigil, City Clerk

Exhibit "4"

16th Annual

Marty Sanchez Links de Santa Fe

KIDS

Golf Tournament

Friday, August 29, 2014

9 a.m. Shotgun Start

"Providing the youth of Santa Fe with a healthy lifestyle through recreational activities!"

Fore Kids Scholarship Fund

Last Year's 2013 Raised Revenue.....$7,202.75

Last Year's Expense.....$1,423.48

Scholarships Awarded

Marty Sanchez Links de Santa Fe.....152

Check us out ONLINE

Like us on FACEBOOK

Follow us on TWITTER

Watch us on YOUTUBE

Created and Designed by the Marty Sanchez Links de Santa Fe Marketing Office

16th Annual FORE KIDS

Golf Tournament

Friday, August 29, 2014

History

"Providing the youth of Santa Fe with a healthy lifestyle through recreational activities!"

Dear Sponsors and Participants,

Since 1998, the annual "Fore Kids Golf Tournament" has assisted the local youth of Santa Fe County by providing them a healthy lifestyle through recreational opportunities. Created by former City Councilor Peso Chavez and assistant, former City Councilor Molly Whitted, the idea of the annual Fore Kids Golf Tournament was established. For the past 16 years, this tournament has brought much needed recognition to the youth of our city.

The original concept was to hold an annual golf tournament that was fun, affordable, competitive and offered prizes for everyone. Since the creation of this tournament and its continuous growth, former City Councilor Matthew Ortiz introduced the idea of having an annual tournament to keep supporting the youth through recreation programs at the Genoveva Chavez Community Center (GCCC) and Marty Sanchez Links de Santa Fe Golf Course. This tournament has raised enough money to provide thousands of scholarships for the youth of our city and allowed our youth to use the facilities at the GCCC and Marty Sanchez Links de Santa Fe Golf Course. Without these scholarships, many of our youth may never have had the opportunity to enjoy these facilities and programs to live a healthy lifestyle.

"But fore the support and commitment of our outstanding business community, the Mayor, our City Councilors, City Manager and our City Staff this idea would have never been a reality. It is through these individuals that we have succeeded. The original idea of this tournament can only continue with the dedicated support you have shown. We have created a "fun" tournament - come out and enjoy - and again thank you for all your support!"
-Former City Councilor Peso Chavez

Sincerely,

Julio "Alo" Brodsky, Head Golf Pro/PGA Member

Marty Sanchez Links de Santa Fe Golf Course

16th Annual FORE KIDS Golf Tournament

Friday, August 29, 2014

Sponsorships

Dear Friends,

Since 1998, the annual "Fore Kids Golf Tournament" has assisted the local youth of Santa Fe County by providing them a healthy lifestyle through recreational opportunities. On Friday, August 29th, the City of Santa Fe will be sponsoring the 16th annual "Fore Kids Golf Tournament." We would like to invite you or your business to become a sponsor and/or participate in this wonderful opportunity. This tournament helps raise money for our local youth right here in Santa Fe County and will be used in the form of grants to offer recreational opportunities for those who could not otherwise afford to take advantage of our facilities.

As business owners, you have a wonderful opportunity to give something back to our local youth by becoming a sponsor or offering an in-kind donation. We are also accepting monetary & gift (in-kind) donations of golf towels, hat, tees, balls, golf shirt, etc. We have several sponsorship opportunities available, which include:

- **MAJOR: $1,000 & Up**
- **GOLD: $750**
- **SILVER: $500**
- **BRONZE: $250**
- **Hole: A sign with your logo will be placed at a hole on the day of the tournament**

The tournament will feature a four person scramble and will be open to the first 30 teams of four players. Early registration for individuals and team members is encouraged. Lunch will be served during the awards ceremony after the tournament; a hole-in-one contest and door prizes will be added to the tournaments excitement!

The cost for individual golfers to enter is **$100** which includes a golf cart, greens fee, lunch and a beverage. Together we can make a difference in our local community. Thank you in advance for your support in our annual "Fore Kids Golf Tournament."

To sign up as a sponsor or to play in the tournament download an entry form at **www.LinksdeSantaFe.com** or contact Henry Lucero, Links de Santa Fe Recreation Coordinator at **955-4480.**

Sincerely yours,

FORE Kids Annual Golf Tournament Committee

YES, I WOULD LIKE TO SUPPORT THE FORE KIDS PROGRAM!

Name: _____ **Business:** _____

Phone: _____ **Email:** _____

Enclosed is a check in the amount of $_____ to be a (circle one): Major, Gold, Silver, Bronze or Gift Sponsor.

Please make checks payable to the following: **FORE KIDS SCHOLARSHIP FUND**

(a Fund of the New Mexico Community Foundation, a 501©3 organization. Contributions are fully tax-deductible as allowed by law.)

Mail Sponsorship to:

Attn: New Mexico Golf Limited, 205 Caja del Rio Rd., Santa Fe, NM 87507

16th Annual FIRE KIDS

Golf Tournament

Friday, August 29, 2014

2013 Sponsors

"Providing the youth of Santa Fe with a healthy lifestyle through recreational activities!"

MAJOR
$1,000 & Up

Peso Chavez/ Chavez Security Inc.

Santa Fe Motor Sports-Sid Mace

GOLD
$750

Big Jo True Value Hardware

Los Alamos National Bank

SILVER
$500

Hutton Broadcasting, LLC

Macias, Gutierrez & Co.

BRONZE
$250

Coronado Paint & Decorating

ExerPlay, Inc.

MSL Men's Golf Association

Molly Harris-Whitted/ Valdez & Associates

SPECIAL SUPPORTERS

Back 9 Grill

City of Santa Fe, Parks Division

Genoveva Chavez Community Center

Just The Best Produce

Ladies of the Links

Nike Factory Store

NM Golf Limited

Peso Chavez Investigations

GIFT SPONSORS
(In-Kind Donations)

Art Affair Nail Salon

Coca-Cola

Discount Dancer

Don Symington

Elevate Media

Fast Signs of Santa Fe

Five Star Burger

Flying Tortilla

Fusion Fire

Hampton Inn

Holiday Inn Express

Maria's

Molly's Kitchen

Nike Factory Outlet

Olive Garden

Outback Steakhouse

Pantry

Premier Distributing

Puerto Penasco

Ron Cowles-State Farm Agency

Santa Fe Bar & Grill

The Ranch House

Tiny's Restaurant

Tomasita's

16th Annual FORE KIDS

Golf Tournament

Friday, August 29, 2014

Registration Form

"Providing the youth of Santa Fe with a healthy lifestyle through recreational activities!"

9 a.m. Shotgun Start

Format: **Four Person Scramble — Net & Gross Prizes**

(Free range balls available for participants starting at 8 a.m., coffee & doughnuts served from 8 - 9 a.m.)

Proceeds to benefit the Santa Fe County youth thru scholarship programs at the Genoveva Chavez Community Center and the Marty Sanchez Links de Santa Fe Golf Course.

GOLD	SILVER	BRONZE	INDIVIDUAL
$750	**$500**	**$250**	**$100**
Includes fees and lunch for four players, display of your company name/logo on all publicity.	Includes fees and lunch for two players, display of your company name/logo the day of the event.	Includes fees and lunch for one player, display of your company name/logo the day of the event.	Includes fees and golf cart, lunch and beverage.

Please submit your logo or business name for sponsorships to: hglucero@santafenm.gov

GOLFERS NAME	E-MAIL	PHONE	HDCP	FEE

Please make checks payable to the following: **FORE KIDS SCHOLARSHIP FUND**

(A Fund of the New Mexico Community Foundation, a 501©3 organization. Contributions are fully tax-deductible as allowed by law.)

Mail Check and Registration Form to:

Attn: New Mexico Golf Limited
205 Caja del Rio Rd.,
Santa Fe, NM 87507

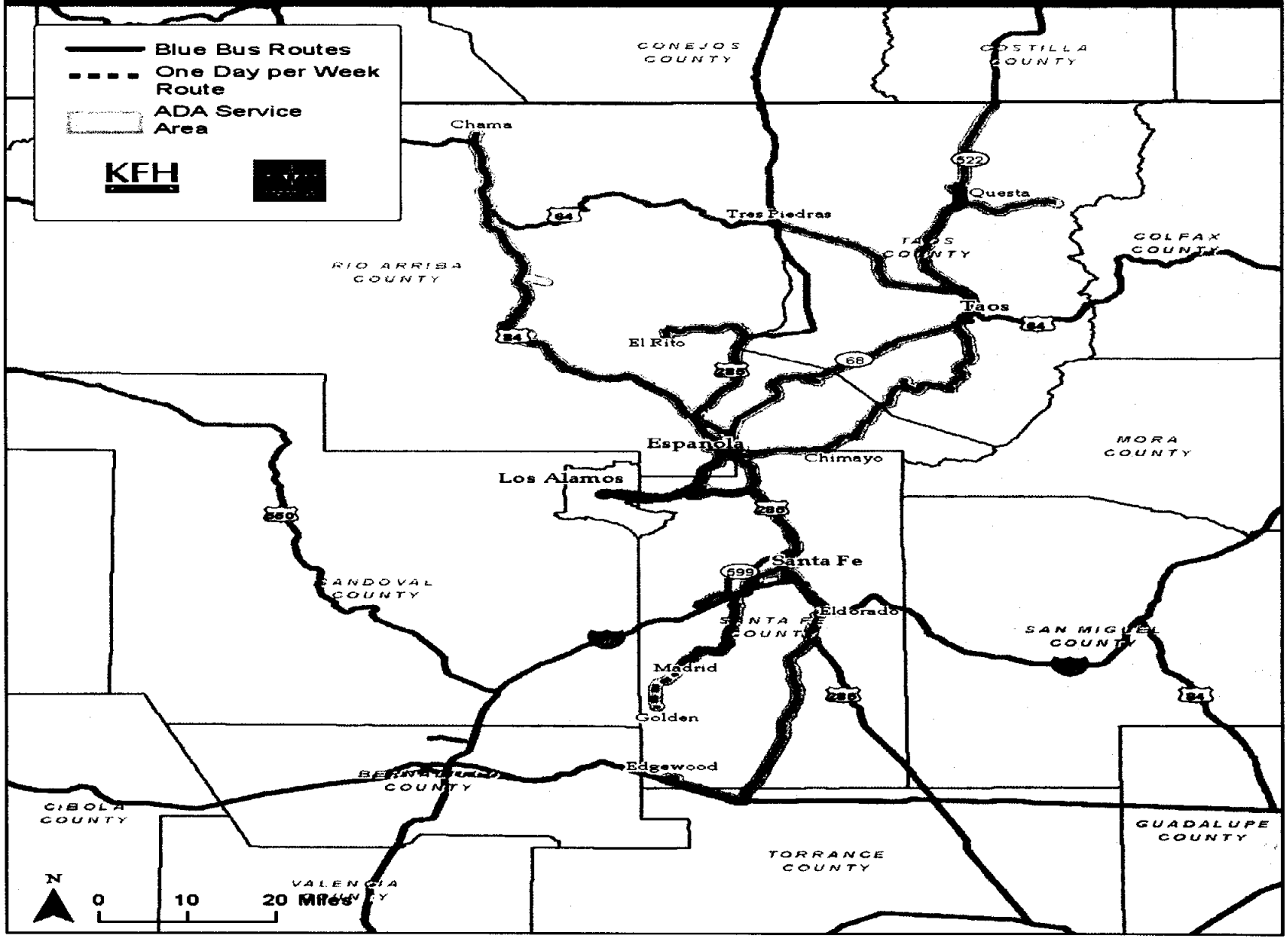
Santa Fe City Council

July 30,2014

Exhibit "G"

NCRTD Service Area

Figure 25: System Map and ADA Service Area



Communities Served – 50+!

Pueblos:
Ohkay Owingeh
San Ildefonso
Tesuque
Pojoaque
Santa Clara
Nambé

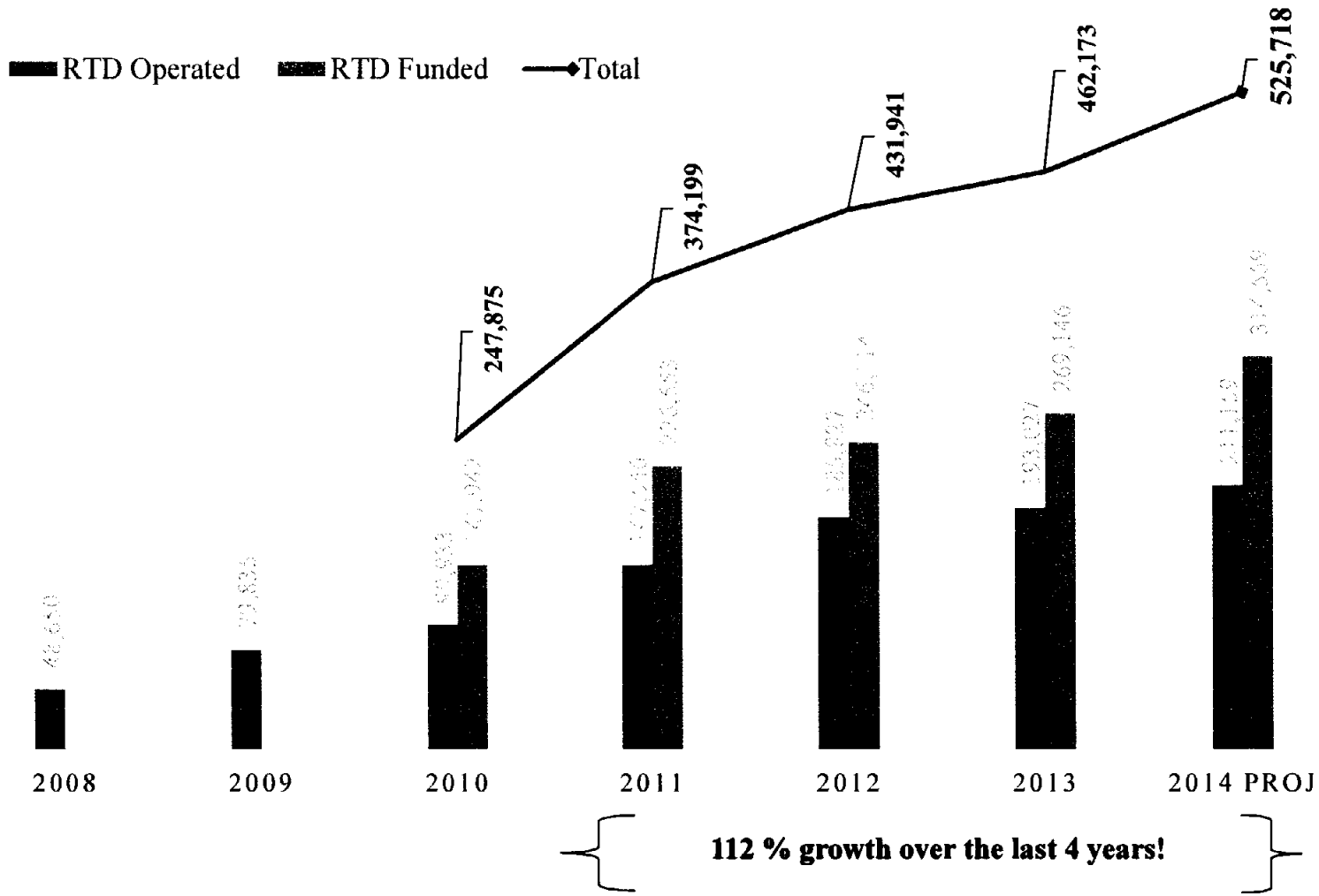
Los Alamos County:
Los Alamos

Taos County:
Taos
Questa
Costilla
Red River
Peñasco
UNM Taos-Klauer
La Lama
Cerro
Arroyo Hondo
Las Trampas
Chamisal
Rio Lucio
Rodarte
Vadito
Talpa
Pilar
Ranchos de Taos

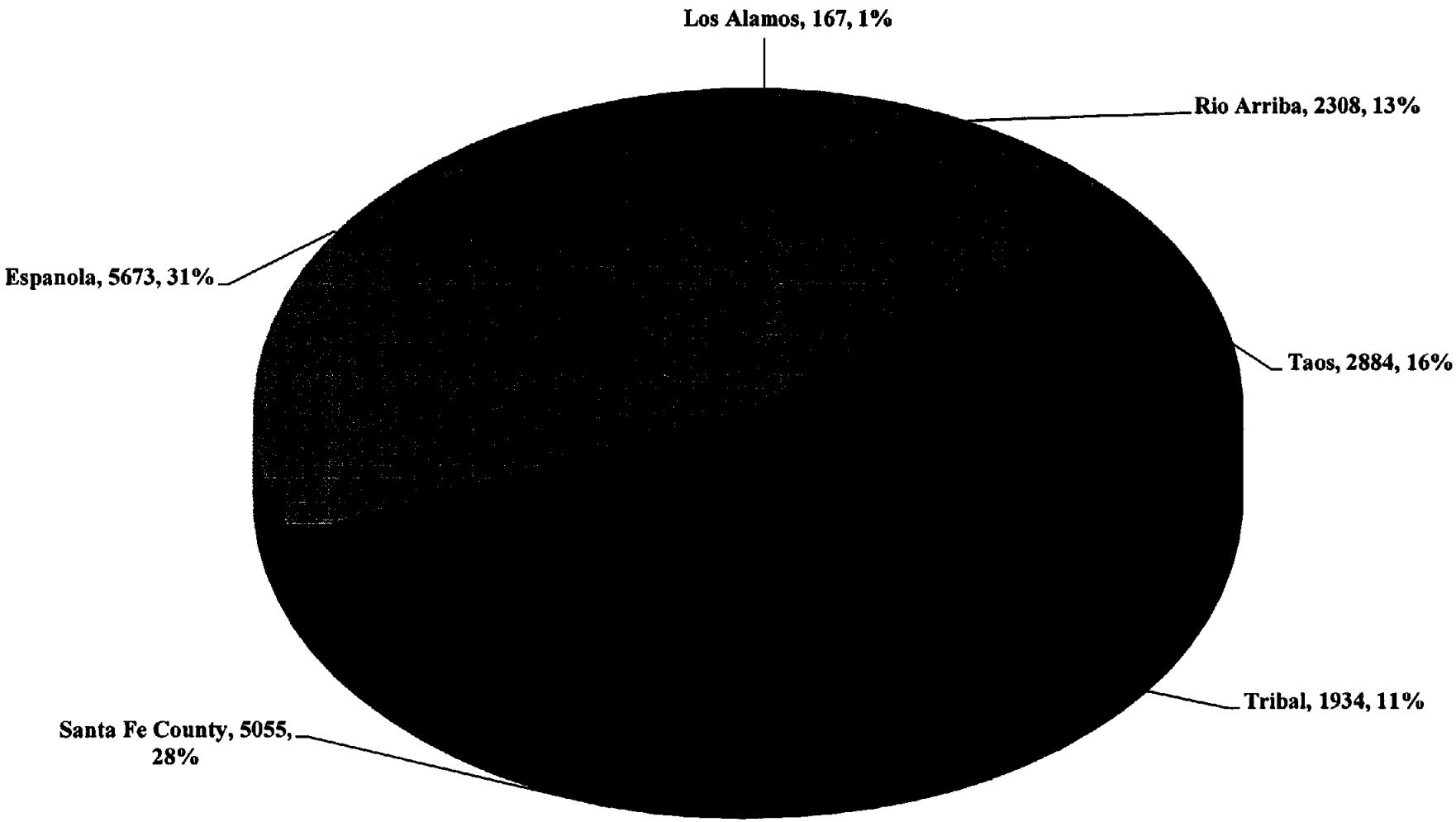
Santa Fe County:
Santa Fe
Española
Eldorado
Edgewood
Lone Butte
Los Cerrillos
Moriarty
Chimayo
La Puebla
Stanley
Tesuque Village
Galisteo
Madrid
*and the facilities of
Oñate Military Complex
(Homeland Security, National
Guard, Troop Command)
NM Corrections Department
SF County Adult Detention Center

Rio Arriba County:
Española
El Rito
Ojo Caliente
Chama
Tierra Amarilla
Cebola
Canjilon
Ghost Ranch
Abiquiu
Chimayo
Cordova
Truchas
Ojo Sarco
Dixon
Embudo
Santa Clara
El Duende
Medanales
Hernandez
Velarde

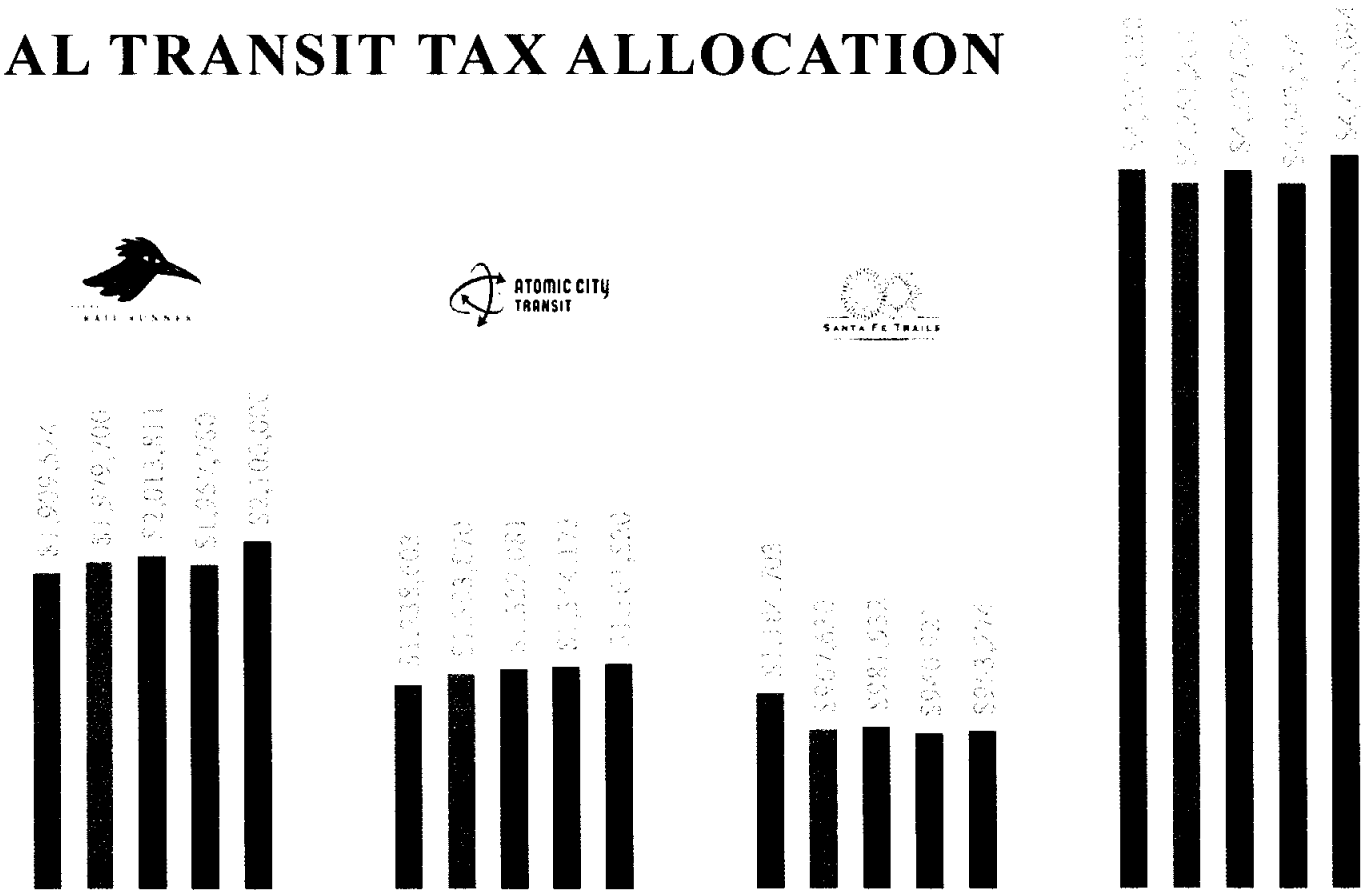
NCRTD Historical Ridership (Fiscal Years)



Ridership by County



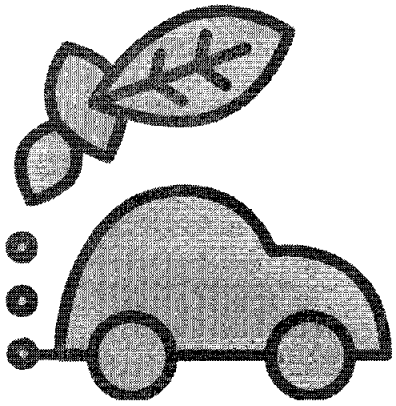
REGIONAL TRANSIT TAX ALLOCATION



	Rail Runner	Atomic City Transit	Santa Fe Trails	Total
■ 2011 Act.	$1,909,524	$1,238,603	$1,184,703	$4,332,830
■ 2012 Act.	$1,979,700	$1,303,870	$967,630	$4,251,200
■ 2013 Act.	$2,013,811	$1,332,081	$981,932	$4,327,824
■ 2014 Bud.	$1,957,780	$1,344,173	$940,921	$4,242,874
■ 2015 Proj.	$2,100,000	$1,361,820	$953,274	$4,415,094

Fewer cars on the road,
reduced carbon in the atmosphere:

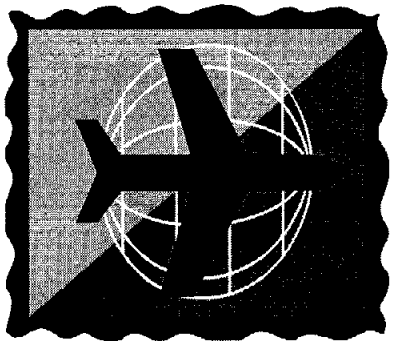
FY2013



Greener New Mexico

More than 2,161 tons of carbon emissions were reduced; equaling more than 4,322,000 lbs.

4.35 million vehicle miles removed from our streets and highways which equates to traveling around the world 174 times

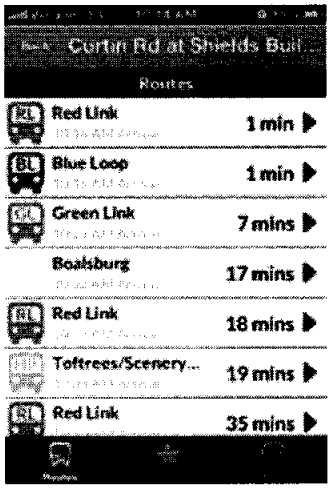


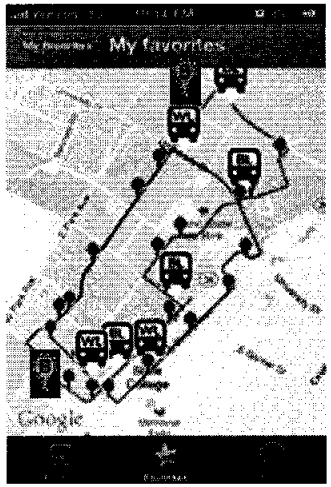
Fiscal Year 2014

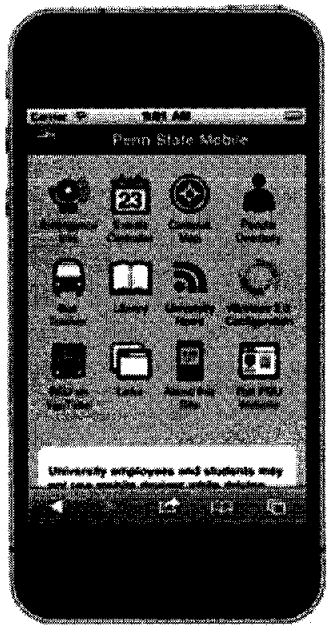
Service Plan Update SF Routes - current recommendations:

- Golden Extension, **six month trial basis** – one day per week, two round trips – (599 Service Expansion)
- La Cienega/Las Golondrinas Route – will **need future funding** - $114,000/yr and $120,000 capital (have submitted revised FY 15 funding request to NMDOT for this route)
- Santa Fe National Forest/Ski Santa Fe – will **need future funding** – costs unknown at this time, Forest Service Access Program (FLAP) funding request in process. Have held discussions with private and public sector partners. Discussions with Tesuque Pueblo also occurring.
- Pojoaque/Nambe – route being **converting to a dial-a-ride**, costs and service hours to remain the same at this time
- Eldorado Route – modifying mid-day service in order to add the **Edgewood mid day** round trip –**six month trial basis** – cost increase of $19,000
- All routes will now be **Para Transit compliant** through a flex-route service that when scheduled will allow the bus to deviate up to ¾ mile from the route
- Regional Premium Express – Weekends i.e. Taos Express, Santa Fe and Bandelier National Monument (ACT connect in White Rock), **funding through fares and other partnerships**
- More service changes that pertain to our other routes – copy of the plan is on our website

- Intelligent Transportation System Improvements, such as "trip planning", google transit, smart phone app's, "where's my bus", QR tags and text messaging, Automatic Vehicle Locators and Computer Aided Dispatch







Ongoing Collaborative Efforts

- ❑Veteran's Transportation and Community Living Initiative - funding to improve transportation options for veterans and their families – joint outreach efforts (NMDOT, Park and Ride, SF Trails, NCRTD and RMRTD)
- ❑Regional Service Funding for specific routes and special events in the City of SF (Folk Art, Indian, Spanish, Zozobra)
- ❑CommUNITY Day at the Plaza
- ❑Annual Legislative Reception hosted by SF Chamber (we share cost for sponsorship and a booth with SF Trails and Rail Runner)
- ❑SF MPO Transit Service Plan
- ❑RTD Long Range Service Plan
- ❑Updating of Intergovernmental Contract
- ❑SF Ski/SF National Forest Service

September 16, 2004

Certified by State Transportation Commission as the First Regional Transit District formed in the State of New Mexico serving North Central New Mexico!

September 16, 2014 a decade latter. Hope you will join us to celebrate 10 years of service to the constituents of the counties of Santa Fe, Los Alamos, Rio Arriba and Taos !!!!!

ITEM # 10-V

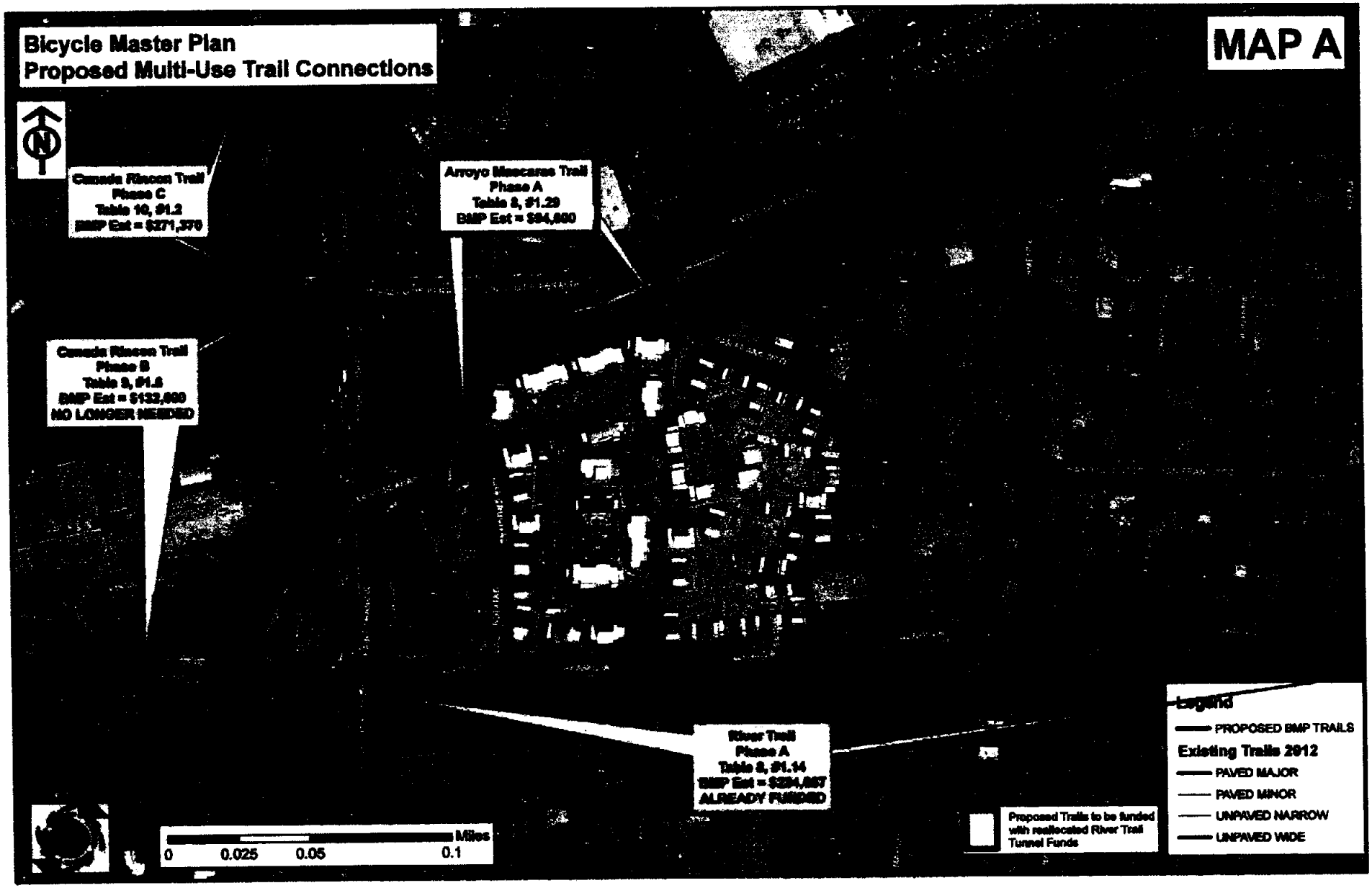
BTAC Proposed Project List for Reallocation of Funds from the *River* Trail Underpass - Recommended July 16, 2014

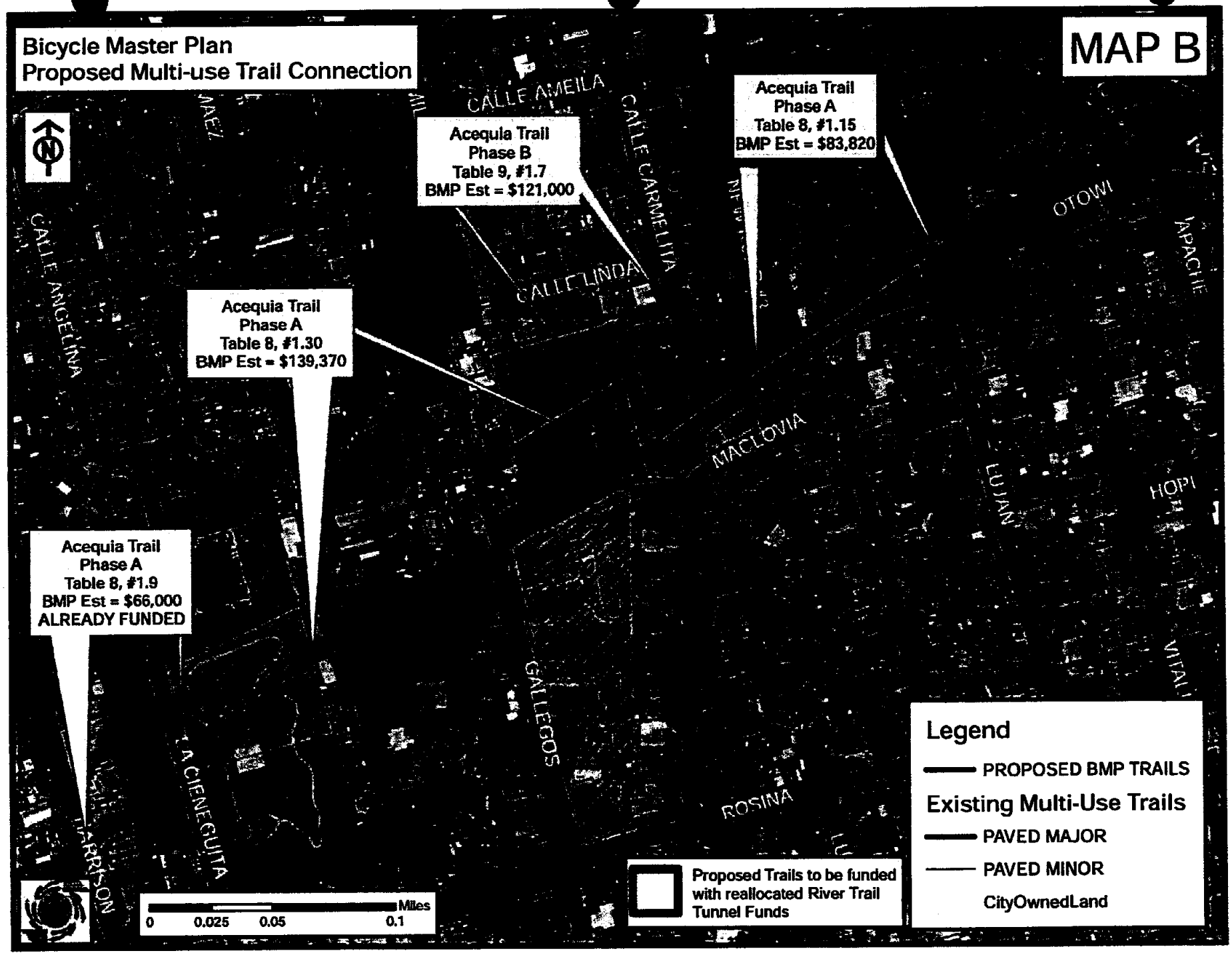
Description	Termini	Amount	Comments	Scope Required to Complete	Map Reference
SF River Trail Crossing	St. Francis Dr./W. Alameda St.	$ 300,000	BTAC Recommendation for At-Grade Improvements	Design+Construction	N/A
Railroad Xing Improvements	Rodeo/Zia/Siringo/St. Mikes/Railyard	$ 10,000	BTAC Rec. for Signs, Pavement Markings, Rumble Strips (Trails & Sidewalks)	Materials+Installation (Traffic Operations)	N/A
City Wayfinding	City Wide	$ 30,000	2012 GO Bond Implementation Plan-Additional Funds to Complete	Construction (Design 20% Complete)	N/A
Arroyo Mascaras Trail	Las Mascaras St. to E. of W. San Francisco St.	$ 150,000	2012 GO Bond Implementation Plan-Additional Funds to Complete	Construction (Design Complete)	A
Acequia Trail	Otowi Rd. to Maclovia Park	$ 80,000	SFMPO Bicycle Master Plan, Table 8-Phase A, Trail Construction Project #15	Design+Construction	B
Tierra Contenta Trail	Buffalo Grass Rd. to S. Meadows Rd.	$ 300,000	SFMPO Bicycle Master Plan, Table 8-Phase A, Trail Construction Project #17	Land Acquisition+Design+Construction	C
Acequia Trail	Rufina St. to San Felipe Rd.	$ 660,000	SFMPO Bicycle Master Plan, Table 8-Phase A, Trail Construction Project #18	Land Acquisition+Design+Construction	D
Canada Rincon Trail	Calle Mejia to Cam. Francisca/Ave. Rincon	$ 200,000	SFMPO Bicycle Master Plan, Table 8-Phase A, Trail Construction Project #31	Land Acquisition+Design+Construction	E
Arroyo En Medio Trail	Zia Rd. to Sawmill Rd.	$ 200,000	SFMPO Bicycle Master Plan, Table 8-Phase A, Trail Construction Project #34	Land Acquisition+Design+Construction	F
	TOTAL	$ 1,930,000			

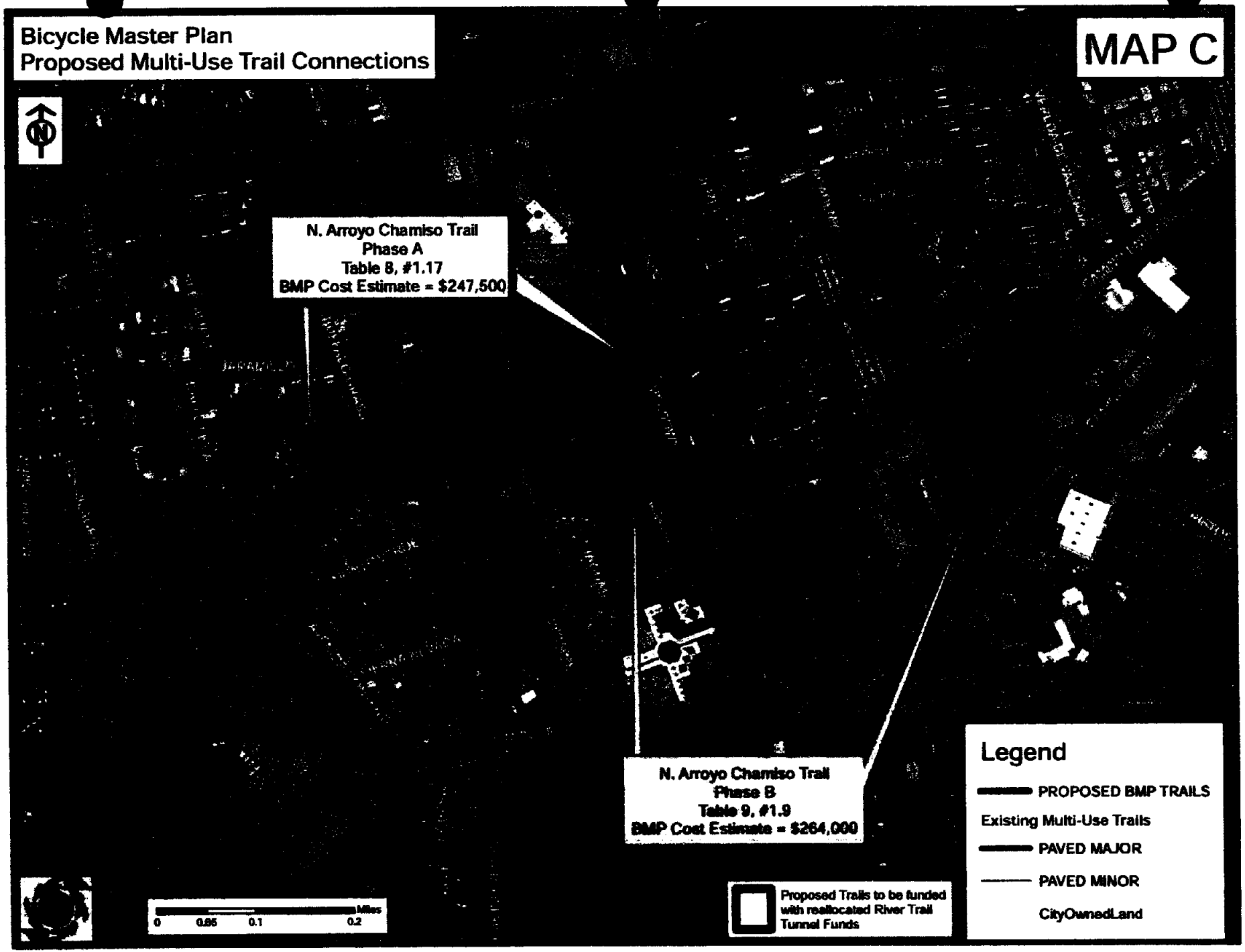
Santa Fe County Request for Federal Lands Access Program Local Match - Letter Dated July 15, 2014

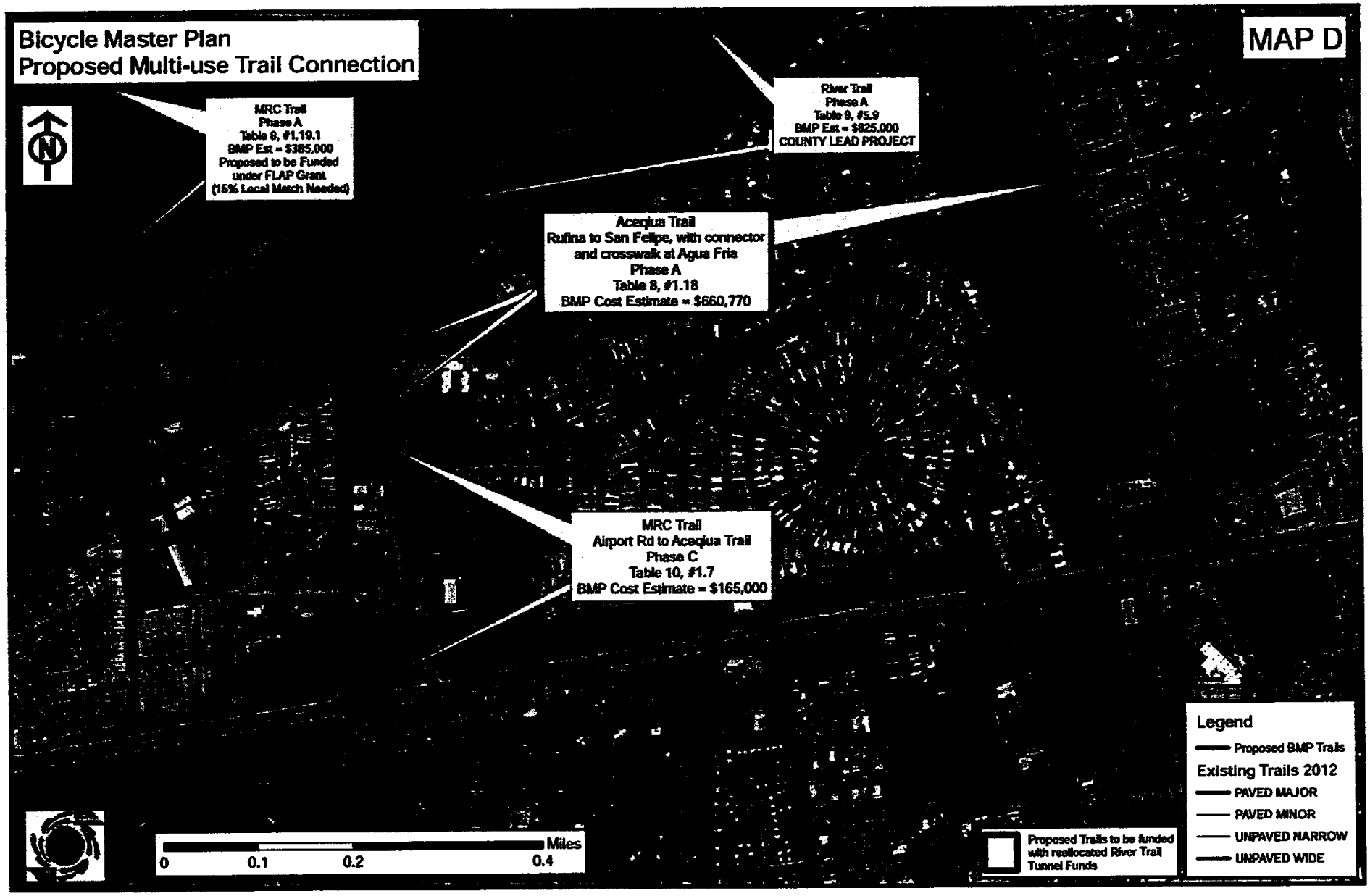
Description	Termini	Amount	Comments	Scope	Map Reference
MRC Trail	River Trail to JCT Caja del Rio Rd./NM 599 Frontage Rd. (via existing underpass)	$ 150,000	SFMPO Bicycle Master Plan, Table 8-Phase A, Trail Construction Project #19.1	Design+Construction (Managed by Federal Lands if County's grant application successful)	G
MRC Trail	NM 599 Frontage Rd. to MRC Entrance		SFMPO Bicycle Master Plan, Table 8-Phase B, Trail Construction Project #11		

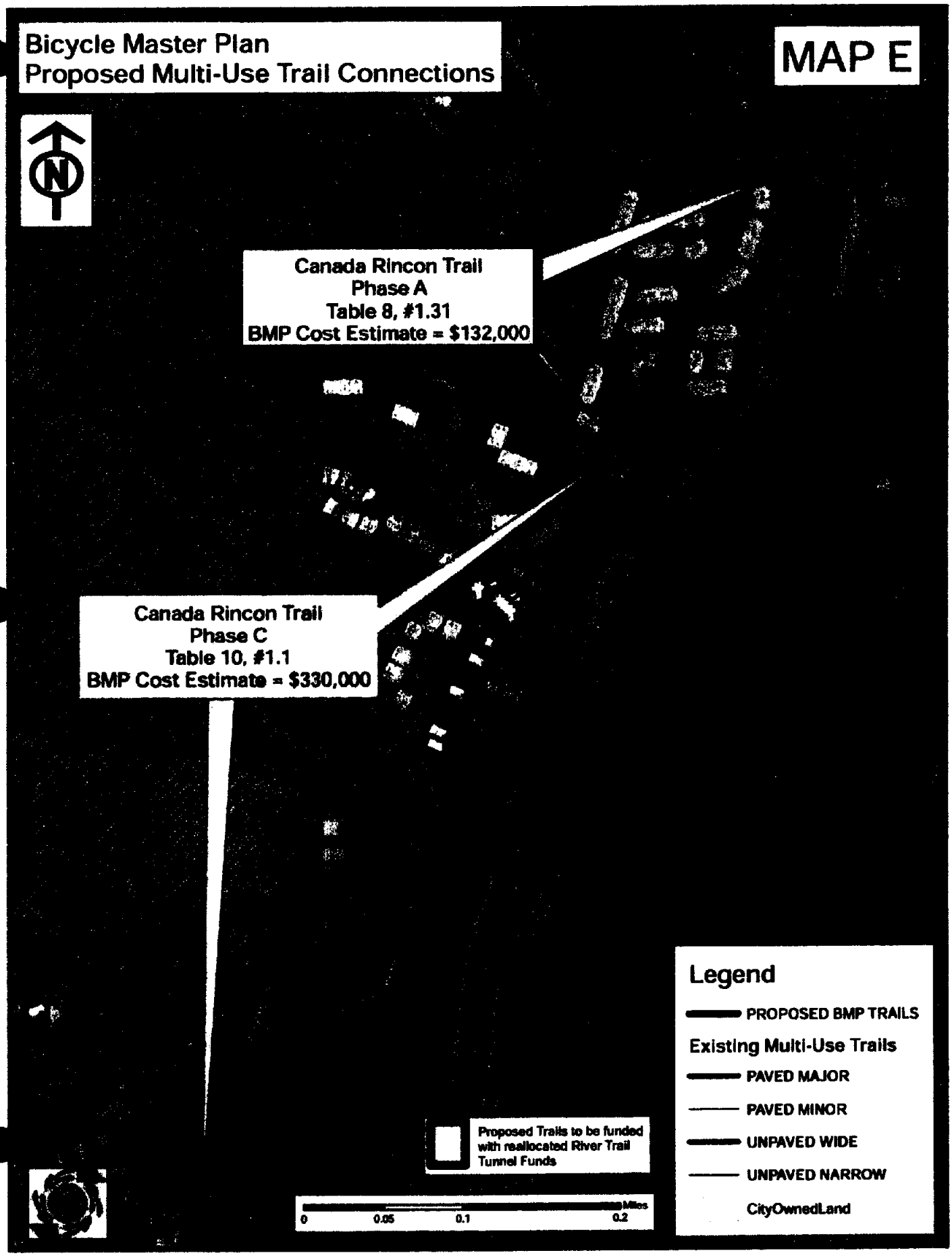
Exhibit "A"

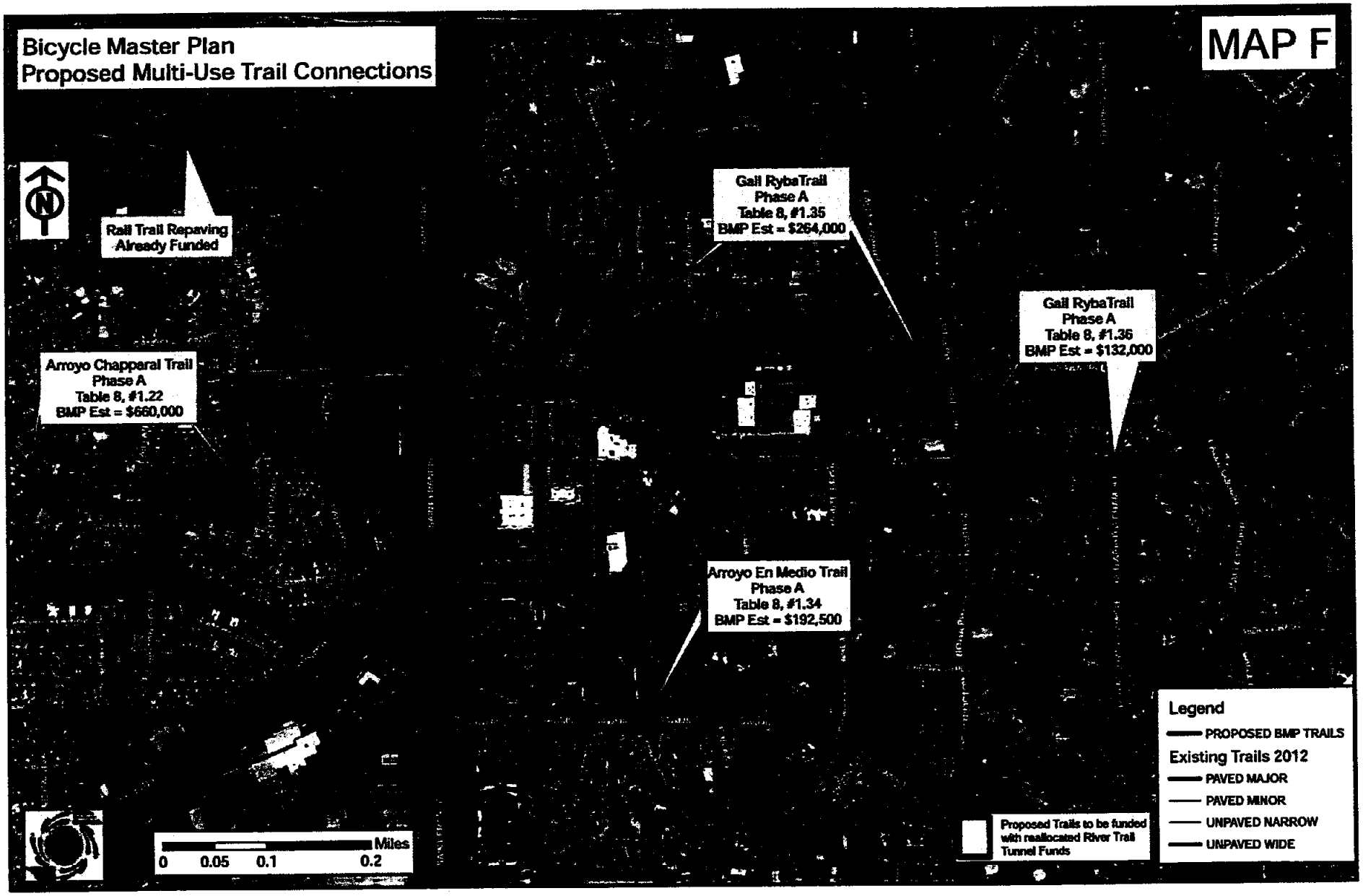

Bicycle Master Plan
Proposed Multi-Use Trail Connections
MAP A
Canada Rincon Trail
Phase C
Table 10, #1.2
BMP Est = $271,370
Arroyo Mescaras Trail
Phase A
Table 8, #1.29
BMP Est = $94,600
Canada Rincon Trail
Phase B
Table 9, #1.5
BMP Est = $132,600
NO LONGER NEEDED
River Trail
Phase A
Table 8, #1.14
BMP Est = $324,667
ALREADY FUNDED
Miles
0
0.025
0.05
0.1
Proposed Trails to be funded with reallocated River Trail Tunnel Funds
Legend
PROPOSED BMP TRAILS
Existing Trails 2012
PAVED MAJOR
PAVED MINOR
UNPAVED NARROW
UNPAVED WIDE

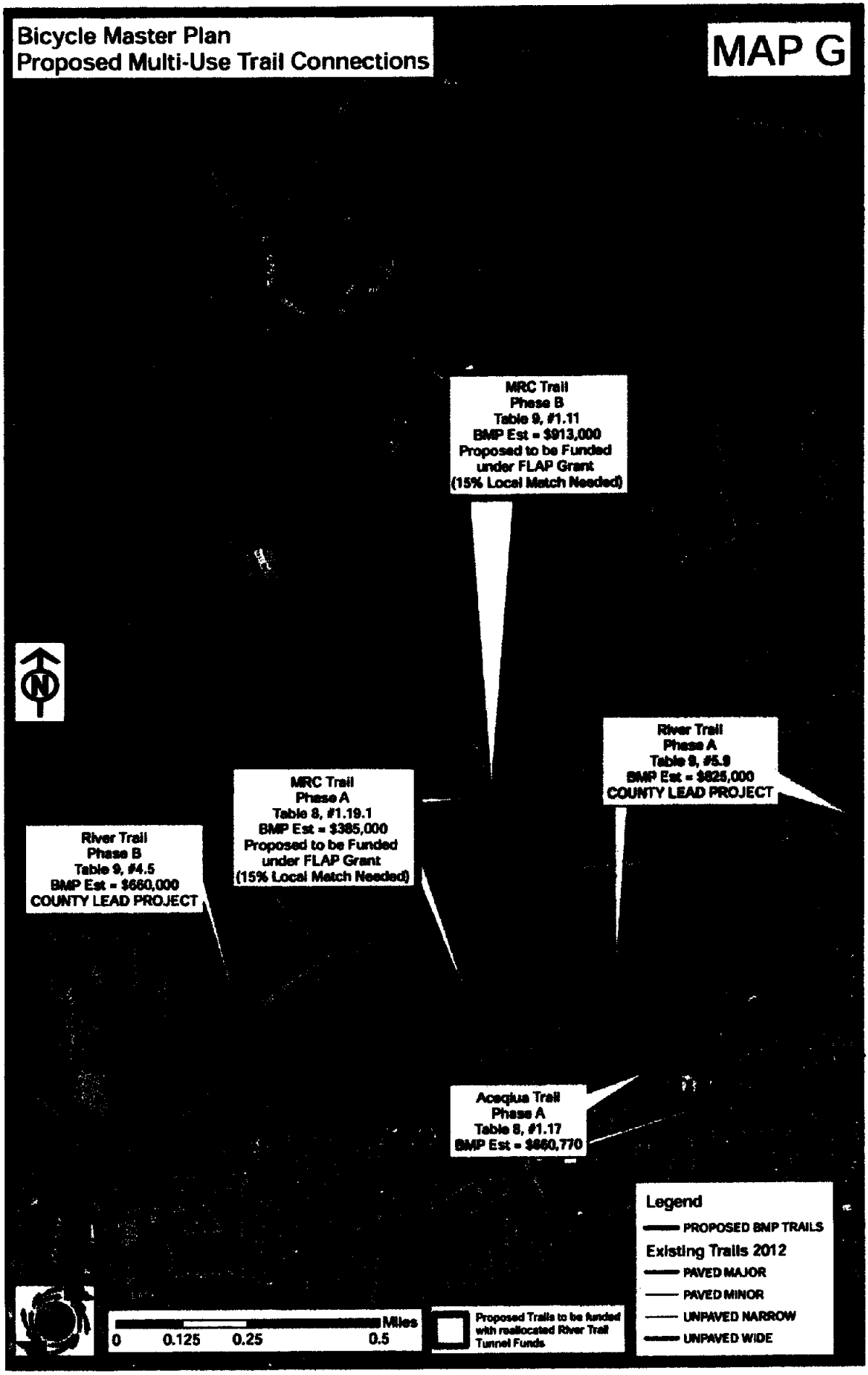

Bicycle Master Plan
Proposed Multi-use Trail Connection
MAP B
Acequia Trail
Phase A
Table 8, #1.15
BMP Est = $83,820
Acequia Trail
Phase B
Table 9, #1.7
BMP Est = $121,000
Acequia Trail
Phase A
Table 8, #1.30
BMP Est = $139,370
Acequia Trail
Phase A
Table 8, #1.9
BMP Est = $66,000
ALREADY FUNDED
CALLE AMEILA
CALLE CARMELITA
CALLE LINDA
CALLE ANGELINA
OTOWI
APACHE
MACLOVIA
LUJAN
HOPI
VITAL
GALLEGOS
ROSINA
A CIENEGUITA
HARRISON
Miles
0
0.025
0.05
0.1
Proposed Trails to be funded with reallocated River Trail Tunnel Funds
Legend
PROPOSED BMP TRAILS
Existing Multi-Use Trails
PAVED MAJOR
PAVED MINOR
CityOwnedLand


Bicycle Master Plan
Proposed Multi-Use Trail Connections
MAP C
N. Arroyo Chamiso Trail
Phase A
Table 8, #1.17
BMP Cost Estimate = $247,500
N. Arroyo Chamiso Trail
Phase B
Table 9, #1.9
BMP Cost Estimate = $264,000
Legend
PROPOSED BMP TRAILS
Existing Multi-Use Trails
PAVED MAJOR
PAVED MINOR
CityOwnedLand
Proposed Trails to be funded with reallocated River Trail Tunnel Funds
0
0.05
0.1
0.2
Miles


Bicycle Master Plan
Proposed Multi-use Trail Connection
MAP D
MRC Trail
Phase A
Table 8, #1.19.1
BMP Est = $385,000
Proposed to be Funded
under FLAP Grant
(15% Local Match Needed)
River Trail
Phase A
Table 9, #5.9
BMP Est = $825,000
COUNTY LEAD PROJECT
Acequia Trail
Rufina to San Felipe, with connector
and crosswalk at Agua Fria
Phase A
Table 8, #1.18
BMP Cost Estimate = $660,770
MRC Trail
Airport Rd to Acequia Trail
Phase C
Table 10, #1.7
BMP Cost Estimate = $165,000
Miles
0
0.1
0.2
0.4
Proposed Trails to be funded
with reallocated River Trail
Tunnel Funds
Legend
Proposed BMP Trails
Existing Trails 2012
PAVED MAJOR
PAVED MINOR
UNPAVED NARROW
UNPAVED WIDE


Bicycle Master Plan
Proposed Multi-Use Trail Connections
MAP E
N
Canada Rincon Trail
Phase A
Table 8, #1.31
BMP Cost Estimate = $132,000
Canada Rincon Trail
Phase C
Table 10, #1.1
BMP Cost Estimate = $330,000
Proposed Trails to be funded with reallocated River Trail Tunnel Funds
0
0.05
0.1
0.2
Miles
Legend
PROPOSED BMP TRAILS
Existing Multi-Use Trails
PAVED MAJOR
PAVED MINOR
UNPAVED WIDE
UNPAVED NARROW
CityOwnedLand


Bicycle Master Plan
Proposed Multi-Use Trail Connections
MAP F
N
Rail Trail Repaving
Already Funded
Arroyo Chapparal Trail
Phase A
Table 8, #1.22
BMP Est = $660,000
Gail RybaTrail
Phase A
Table 8, #1.35
BMP Est = $264,000
Gail RybaTrail
Phase A
Table 8, #1.36
BMP Est = $132,000
Arroyo En Medio Trail
Phase A
Table 8, #1.34
BMP Est = $192,500
Miles
0 0.05 0.1 0.2
Proposed Trails to be funded with reallocated River Trail Tunnel Funds
Legend
PROPOSED BMP TRAILS
Existing Trails 2012
PAVED MAJOR
PAVED MINOR
UNPAVED NARROW
UNPAVED WIDE


Bicycle Master Plan
Proposed Multi-Use Trail Connections
MAP G
MRC Trail
Phase B
Table 9, #1.11
BMP Est = $913,000
Proposed to be Funded
under FLAP Grant
(15% Local Match Needed)
River Trail
Phase A
Table 9, #5.9
BMP Est = $825,000
COUNTY LEAD PROJECT
MRC Trail
Phase A
Table 8, #1.19.1
BMP Est = $385,000
Proposed to be Funded
under FLAP Grant
(15% Local Match Needed)
River Trail
Phase B
Table 9, #4.5
BMP Est = $660,000
COUNTY LEAD PROJECT
Aceqiua Trail
Phase A
Table 8, #1.17
BMP Est = $660,770
Legend
PROPOSED BMP TRAILS
Existing Trails 2012
PAVED MAJOR
PAVED MINOR
UNPAVED NARROW
UNPAVED WIDE
Miles
0
0.125
0.25
0.5
Proposed Trails to be funded with reallocated River Trail Tunnel Funds

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3

Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

July 15, 2014

Brian Snyder
City Manager
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Dear Mr. Snyder,

Santa Fe County and the City of Santa Fe have been presented with an excellent opportunity to obtain significant Federal Lands Access Program (FLAP) funding support for design and construction of the El Camino Real Buckman Road Retracement Trail from the Santa Fe River Trail to Diablo Canyon. Mayor Coss provided a letter of support for the project to accompany the County's application in January of this year. A scoping meeting for this project was held June 24, and we are optimistic that the grant will be awarded. Two members of the Santa Fe Metropolitan Planning Organization staff were able to attend this meeting to provide input. If awarded, this grant would provide 85% federal funding for design, construction and project management and would require a 15% local match.

At the June 24 scoping meeting, it was identified that portions of this trail are on the Santa Fe MPO's Bicycle Master Plan Phase A (2012-2017) and Phase B (2017-2022) priority lists as City Lead projects. The MPO's list denotes these as Multi-Use Trails and calls them out as the MRC Trail. Although the original FLAP application called for a soft surface trail treatment for these segments, the scoping meeting conversation addressed the necessity of paving this portion of the trail to improve bicycle access to the Municipal Recreation Complex for City residents. In addition, a pedestrian steel bridge over an arroyo between NM599 and the MRC was identified and added to the project scope. As a result of these changes, the project budget estimate has been revised upward by the FLAP scoping contractors and is now estimated at $3.03 million.

Because of the exceptional leverage characteristics of this federal program, the local match portion of this estimated project cost is just over $450,000. Santa Fe County is requesting a financial commitment from the City of Santa Fe for approximately 1/3 of the local match portion. If the grant is awarded, for a match portion of $150,000, the City of Santa Fe would be able to ensure the completion of two planned City-Lead trails that have been projected to cost over a million dollars.

Federal staff indicates that, if awarded, funding for the project must be committed by the end of Federal Fiscal Year 2016. To meet the August 20, 2014 projected grant award date, FLAP is requesting a funding plan by the end of July to verify that local match funding is available. Santa Fe

102 Grant Avenue · P.O. Box 276 · Santa Fe, New Mexico 87504-0276 · 505-986-6200 · FAX: 505-995-2740 www.santafecountynm.gov

County sees this potential grant award as a rare chance to leverage local funds to improve trail connectivity for both the City and County. Construction of this trail segment would tie in to the goals of City Resolution 2014-24 and help to make Santa Fe more of a national bicycling destination. The project builds upon past City-County collaboration in the construction of El Camino Real Park on the Santa Fe River Greenway, utilizing a National Scenic Byways grant, and furthers the preservation of internationally significant El Camino Real de Tierra Adentro National Historic Trail. The project has received tremendous inter-agency and local support, including almost 20 letters endorsing the project from federal, state, and local agencies and community organizations.

We plan to request support for the local match program for the trail from the New Mexico legislature ICIP program and would ask for your support on this request as well.

Santa Fe County welcomes an opportunity to enlist the partnership of the City on this very exciting and important project. Please work with the City Council to commit up to $150,000 in current year, FY16 or FY17 funding for the match on the engineering and construction of the MRC portion of this trail. If you are able to secure that commitment, please communicate that to me by the end of July or as soon as possible.

Sincerely,

Katherine Miller
County Manager

Enc.

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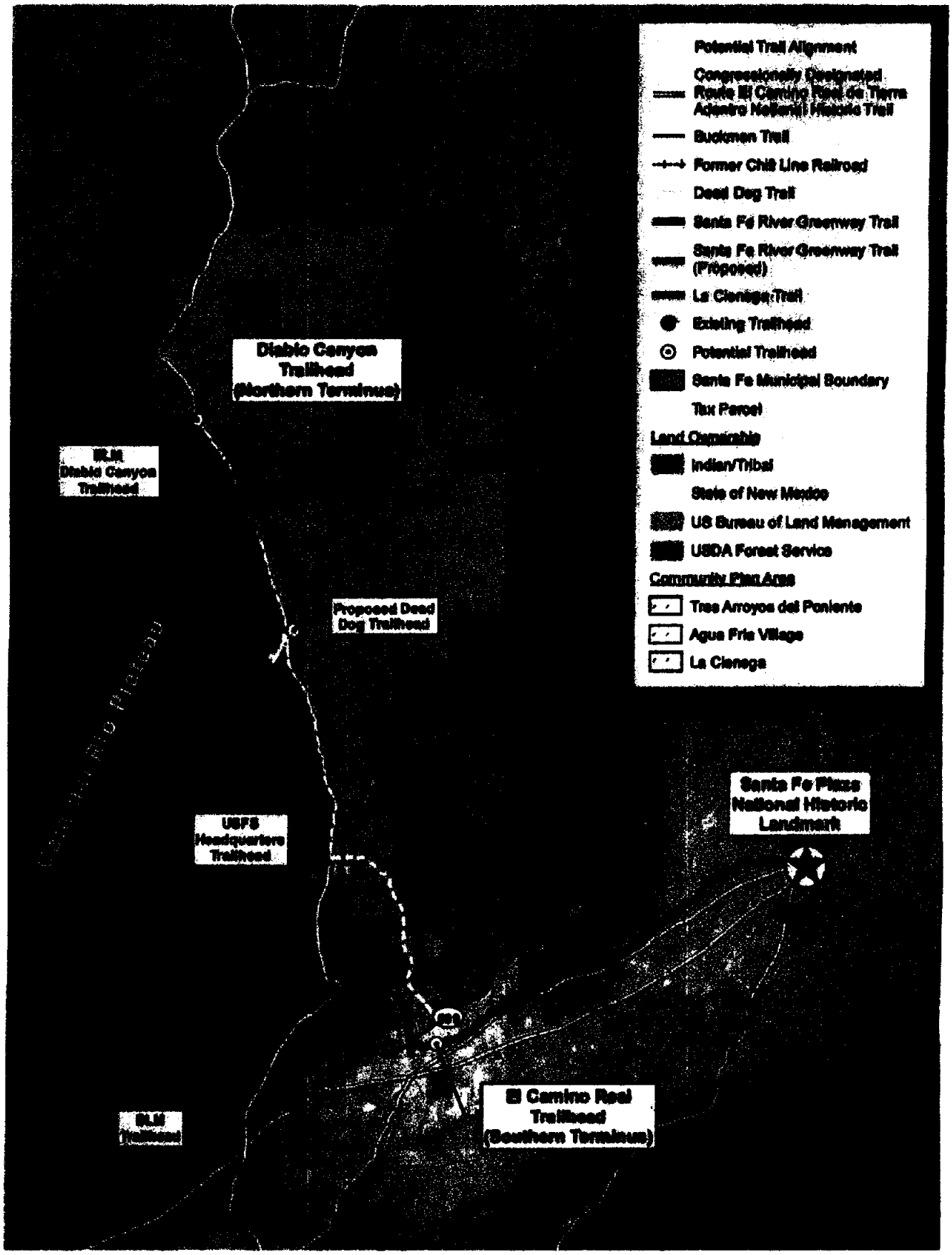

Potential Trail Alignment
Congressionally Designated Route El Camino Real de Tierra Adentro National Historic Trail
Buckman Trail
Former Chili Line Railroad
Dead Dog Trail
Santa Fe River Greenway Trail
Santa Fe River Greenway Trail (Proposed)
La Cienega Trail
Existing Trailhead
Potential Trailhead
Santa Fe Municipal Boundary
Tax Parcel
Land Ownership
Indian/Tribal
State of New Mexico
US Bureau of Land Management
USDA Forest Service
Community Plan Area
Tres Arroyos del Poniente
Agua Fria Village
La Cienega
Diablo Canyon Trailhead (Northern Terminus)
BLM Diablo Canyon Trailhead
Proposed Dead Dog Trailhead
USFS Headquarters Trailhead
Santa Fe Plaza National Historic Landmark
El Camino Real Trailhead (Southern Terminus)
BLM Trailhead

City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

David Coss, *Mayor*

Councilors:
Rebecca Wurzburger, Mayor Pro Tem, Dist. 2
Patti J. Bushee, Dist. 1
Chris Calvert, Dist. 1
Peter N. Ives, Dist. 2
Carmichael A. Dominguez, Dist. 3
Christopher M. Rivera, Dist. 3
Bill Dimas, Dist. 4
Ronald S. Trujillo, Dist. 4

January 5, 2014

Mr. Allen Grasmick, Program Coordinator
Central Federal Lands Highway Division
12300 West Dakota Ave, Suite 380B
Lakewood, Colorado 80228

Dear Mr. Grasmick and FLAP Selection Committee:

I submit this letter in support of the "El Camino Real Buckman Road Retracement Project" for which an application will be submitted in January by Santa Fe County for Federal Lands Access Program grant funds.

The Congressionally-designated El Camino Real de Tierra Adentro National Historic Trail is a valued resource in Santa Fe County. This groundbreaking project represents a unique opportunity to develop a non-motorized trail system that offers trail users an opportunity to retrace the historic route and experience history, while also serving recreational and transportation needs and creating a tourism draw for the area.

Trails and open spaces are also valued resources in Santa Fe County, supported at neighborhood, municipal, county and regional levels and by various interest groups. The El Camino Real Buckman Road Retracement Project would improve connectivity of the trails network in Santa Fe and enhance access to federal lands west of Santa Fe, providing a multi-use trail connection between the historic Santa Fe Plaza and the pristine lands to the west, through which Oñate first passed more than 400 years ago.

Santa Fe County's proposed project would link two significant segments of El Camino Real de Tierra Adentro National Historic Trail, one of which (El Camino Real Park on the Santa Fe River) has already received significant County and City investment and federal Scenic Byways grant funds. We applaud the project's capacity to leverage other funds and to bring together federal and local partners.

Thank you for your time and consideration of Santa Fe County's funding request. If you have any questions about my support for this project, please contact me at (505)955-6590.

Sincerely,

David Coss, Mayor
City of Santa Fe

SANTA FE METROPOLITAN BICYCLE MASTER PLAN - TRAILS IMPLEMENTATION PLAN - Option C
(Highlighted Projects Approved By BTAC 11/15/2012)

[redacted]

(1) City-Lead Trail Construction (in rough order of priority)

	Type of Improvement	Improvement	Miles	Cost Estimate
[redacted]				
15	Multi-Use Trail	ACEQUIA TRAIL: Cloud Dr. to Maclovia Park (w/ Cloud improvements @ C. de Chelly & San Felipe)	0.10	$ 63,820
16	Multi-Use Trail	RIVER TRAIL @ C Coton: Widen connection	NA	$ 5,500
17	Multi-Use Trail	TIERRA CONTENTA (N. Arroyo Chamiso): Buffalo Grass Rd. to S. Meadows	0.38	$ 247,500
18	Multi-Use Trail	ACEQUIA TRAIL: Rufina to San Felipe, with connector and crosswalk at Agua Fria	1.00	$ 660,770
46	~~Multi-Use Trail~~	~~LA TIERRA TRAILS: Connection from Camino de los Montoyas via NM599 Underpass (to be completed w/Interstate Auction)~~	0.40	~~$ 264,000~~
19.1	Multi-Use Trail	MRC TRAIL: River Trail to JCT Caja del Rio Rd./NM599 frontage rd (via exists underpass)	0.60	$ 396,000
20	Multi-Use Trail	SPUR ROADBED along E. Boundary Ditch, wide-ins to Llano @ DV MS & La Farge Library	0.70	$ 737,000
[redacted]				
22	Multi-Use Trail	ARROYO CHAMISO / PAYAL TRAIL: from Kagle Park to Zia Station via Candelaro Park, with tie-in to ped bridge to Zia	0.50	$ 660,000
23	Multi-Use Trail	NM CENTRAL / KENNEDY LINE: Pinon ES to Pueblos del Sol trails	0.20	$ 132,000
[redacted]				
25	Multi-Use Trail	Railyard Park & Plaza, West Railyard Connections (see Bikeways Mapping Project)	NA	$ 63,800
26	Multi-Use Trail	NM CENTRAL / KENNEDY LINE: AC Trail / SCCC to Rodeo Rd. (w/X-walk to sidewalk to front entrance)	0.30	$ 198,386
27	Multi-Use Trail	PUEBLOS DEL SOL: N-S Connector across Gov. Miles (w/related improvements)	0.10	$ 126,370
28	Multi-Use Trail	ARROYO DE LOS CHAMISOS TRAIL: Connection south to Richards Ave.	0.10	$ 66,000
[redacted]				
30	Multi-Use Trail	ACEQUIA TRAIL: Maclovia Park to Hnos. Rodriguez Park	0.20	$ 126,370
31	Multi-Use Trail	CAÑADA RINCON TRAIL: Calle Mejia to Zocalo	0.20	$ 132,000
32	Multi-Use Trail	RAIL TRAIL CONNECTION: Calle Sombra	0.10	$ 66,000
33	Multi-Use Trail	ARROYO DE LOS CHAMISOS TRAIL: NM14 to Entrada Contenta (to meet Las Solanas)	0.20	$ 132,000
34	Multi-Use Trail	ARROYO EN MEDIO TRAIL: completing route from Zia to Sawmill	0.25	$ 192,500
35	Multi-Use Trail	GAIL RYBA TRAIL: East to Botulph Side Path, w/ St. M's connection	0.40	$ 264,000
36	Multi-Use Trail	GAIL RYBA TRAIL: Zia to Zia Connection	0.20	$ 132,000
37	Multi-Use Trail	RAIL TRAIL CONNECTIONS: Rodeo Park E. (x2-3)	0.10	$ 66,000
38	Multi-Use Trail	SARAH WILLIAMS TRAIL: Gonzales Rd. to Dale Ball Trails along Hyde Park Rd.	0.80	$ 44,580
39	Soft-Surface Trail Easement	LA TIERRA TRAILS: Connection from Cañada Rincon Trail (x. of Tano Rd.)	0.30	$ -
40	Soft-Surface Trail Easement	ARROYO POLAI: Formalize connection from Upper Canyon Rd. to Dale Ball and O Bonanza Trails	0.20	$ -
[redacted]				

2-32

SANTA FE METROPOLITAN BICYCLE MASTER PLAN - TRAILS IMPLEMENTATION PLAN - Option C
(Highlighted Projects Approved By BTAC 11/15/2012)

(2) City-Lead Trail Maintenance Projects (in rough order of priority)

	Type of Improvement	Improvement	Miles	Cost Estimate
[redacted]				
3	Repave M-Use Trail	ARROYO DE LOS CHAMISOS TRAIL: Repave from Siringo to bridge over Arroyo Chamisos	0.50	$ 220,000
[redacted]				

(3) City-Lead Trail Crossing Improvements (in rough order of priority)

	Type of Improvement	Improvement	Miles	Cost Estimate
1	Crossing	ACEQUIA/RAIL TRAIL: St. Francis-Cerrillos Intersection Improvements, Phase I (inc. w-bound bike lane)	NA	$ 201,080
[redacted]				
6	Crossing	ST FRANCIS DRIVE TRAIL: St. Francis-Siringo Intersection Improvements	NA	$ 220,000
[redacted]				
9	Crossing	ACEQUIA / CHILE LINE (Railyard Pk.): X-walk across Cerrillos to Gilmore St.	NA	$ 12,540
[redacted]				

(4) City-Lead On-Road Bikeway Improvements (in rough order of priority)

	Type of Improvement	Improvement	Miles	Cost Estimate
[redacted]				
2	Bike Lanes	Siringo: Study and Implement Bike Lanes where feasible (Ave de las C to Botulph)	2.50	$ 115,500
3	Bike Lanes	W. Alameda: Stripe bike lanes between Alire and Defouri St. (restrict some parking; consider sharrows @ major intersections) Possibly CIP funded.	1.20	$ 37,810
4	Bike Lanes	Galisteo: Stripe bike lanes from St. Michael's/Hartle to Hospital	0.40	$ 14,438
[redacted]				
6	Bike Lanes	Widen Camino de las Crucitas: 5 ft., Michelle to Buckman	0.20	$ 55,000
7	Bike Lanes	San Mateo: Study and Implement Bike Lanes where feasible (Galisteo to 2nd St.)	1.00	$ 46,200
8	Bike Lanes	Widen Old Santa Fe Trail: Sun Mtn Rd. to E. Zia Rd. and beyond within city limits	0.75	$ 208,250
9	Bike Lanes	Paseo de Peralta Road Diet: Palace to Old Santa Fe Trail	0.60	$ 27,720
10	~~Bike Lanes~~	~~Siler Road Diet (completed under alternative funding)~~	~~0.40~~	~~$ 18,480~~
11	Bike Lanes	Pacheco St.: Study and Implement Bike Lanes where feasible (n. of San M to Siringo)	1.00	$ 30,800
12	Bike Lanes	Wagon Rd.: Restripe with Bike Lanes (if not sharrows) Possibly CIP funded	0.10	$ 4,620
13	~~Bike Lanes~~	~~Cerrillos Rd.: Reconstruct with Bike Lanes, Mass Rd. to Llano St. (to be completed w/alternative funding)~~	~~0.80~~	-
14	Sharrows	Osage: Sharrows bet. Agua Fria and San I Possibly CIP funded.	0.10	$ 550
15	Sharrows	Paseo de Peralta: Sharrows bet. Washington and Palace Possibly CIP funded	0.30	$ 1,650
16	Sharrows	Tierra Contenta: Sharrows as needed where road narrows on Jaguar, Paseo del Sol, etc. Possibly CIP funded	1.00	$ 5,500
17	Sharrows	Wagon Rd.: Sharrows Possibly CIP funded.	0.10	$ 550
[redacted]				

(5) Other Phase A and Ongoing (in rough order of priority)

	Type of Improvement	Improvement	Miles	Cost Estimate
1	Bike Share System	Bike Share System	NA	$ 550,000
[redacted]				
3	Wayfinding	County Wayfinding: Various Bike Routes along Trails and Roads	NA	$ 11,000
4	Wayfinding	State Highway Wayfinding: State Bike Routes 9 and 68	NA	$ 1,100
[redacted]				

1.. A fair settlement is in the interest of the nurses, management the patients and the Santa Fe community. This idea has been endorsed by editorials in the Journal North and the Santa Fe New Mexican.

2..The legally established process of Collective Bargaining is a key element of our American Democratic society.In Santa Fe it should be welcomed and supported by our political leaders .All efforts should be made to work for fair solutions to contested issues.

3 ..Contract clauses dealing with patient care and are essential to worker effectiveness (working conditions), worker moral, maximizing the quality of th the hospitals of delivering quality care.

Such a clause should be considered not only a promise but includes a process that involves the front line staff on a continuing basis, giving respect for their expertise and opinions. The best interest of the hospital leadership is best served in addition by transparency and accountability to patients as customers and the public .

4..In the attached chart I have passed out It makes several important points. .First management has important issues and legitimate concerns, Second labor unions are established to protect and the interests regarding wages hours an working conditions by negotiating a contract with management that represents the democratic wishes of their members. . The second key role is to deal with grievances within a process for settlement.

Second, in a situation where the on the ground knowledge and needs of workers are given consideration and dealt with in a friendly respectful and co-operative way can be serve the mutual interests of the workers through their union. This is called problem solving, a goal worth trying to achieve.

Third and equally important establishing an environment indicating managements clear acceptance of collective bargaining with a union with and its potential as a partner in problem solution we can see a new era of good feeling and progress .

We the progressive and humanistically sensitive citizens and patients of Santa Fe want to have our hospital a place of working democracy,,of hope, fairness , a shinning overall example to our community. Much has been done.

A fair settlement to this contract will move us farther ahead on all fronts.

Do Your part to achieve this important goal.

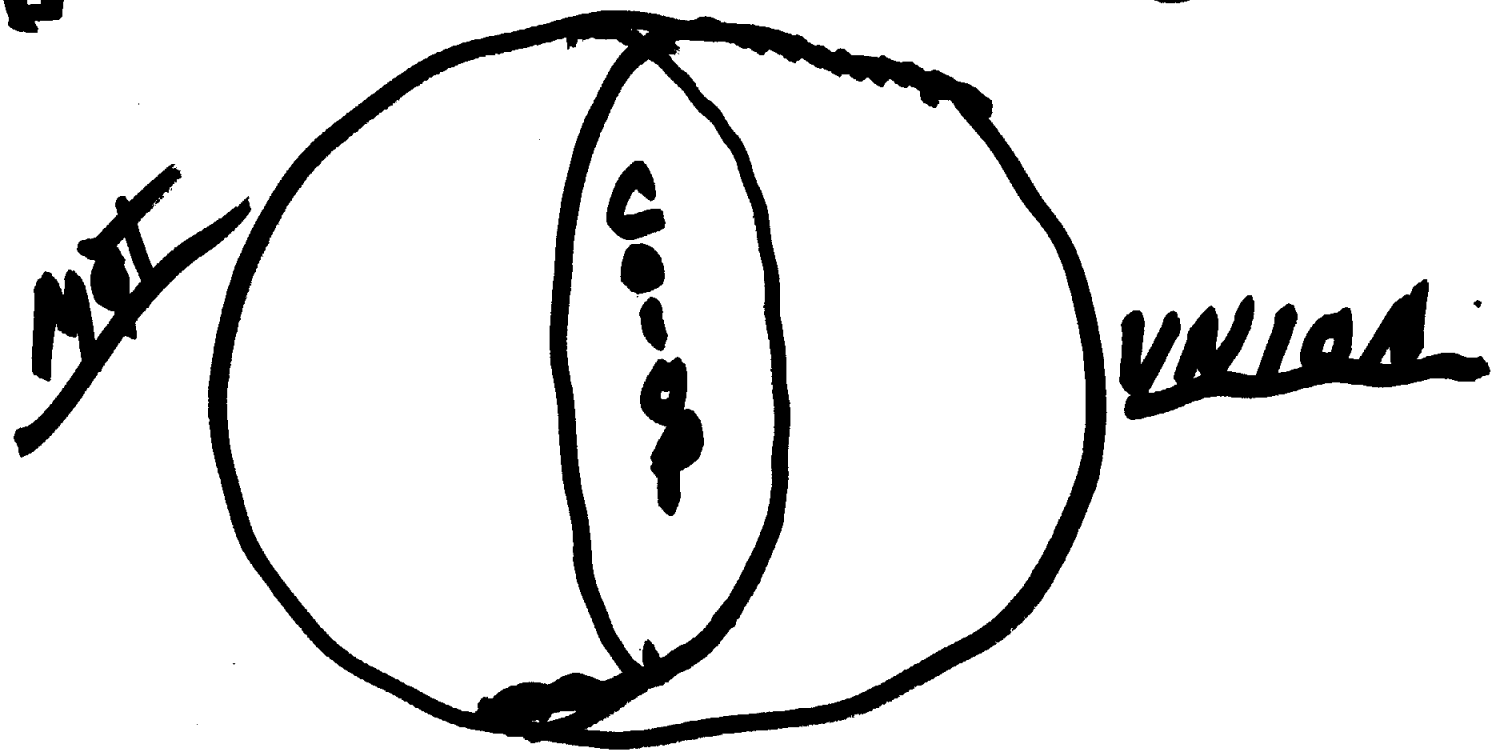
Stanley Rosebud Rosen
P.O. Box 5496
Santa Fe, NM 87502

Exhibit "8"

THE PUBLIC

THE PATIENTS

THE FRONT LINE STAFF



A POSITIVE MODEL FOR OB IN A HOSPITAL ON CARE ISSUES

City of Santa Fe, New Mexico

memo

DATE: July 16, 2014 for the July 30, 2014 meeting

TO: City Council

VIA: Brian Snyder, City Manager
Matthew S. O'Reilly, P.E., Director, Land Use Department
Tamara Baer, Planning Manager, Current Planning Division

FROM: Donna Wynant, AICP, Senior Planner, Current Planning Division

---

Case #2014-43. 3197 & 3193 Jemez Road. James W. Siebert & Associates, Inc., agent for the L-Fam Partnership, requests approval of a General Plan Future Land Use map amendment to change the designation of 0.64 acres from Very Low Density Residential (1-3 DU/Acre) to Community Commercial. The property consists of two lots, 3197 & 3193 Jemez Road located at the northeast corner of Airport Road and Jemez Road. (Donna Wynant, Case Manager)

Case #2014-44. 3197 & 3193 Jemez Road. James W. Siebert & Associates, Inc., agent for the L-Fam Partnership requests rezoning of 0.64 acres from R-4 (Residential, 4 dwelling units per acre) to C-2 (General Commercial). The property consists of two lots, 3197 & 3193 Jemez Road located at the northeast corner of Airport Road and Jemez Road. (Donna Wynant, Case Manager)

On June 5, 2014, the Planning Commission found that the application meets all code criteria for a General Plan Amendment and Rezoning. The applicant does not anticipate any specific development to occur as a result of these applications.

Cases #2014-43 and #2014-44 are combined for purposes of staff report, public hearing and the City Council review, but each is a separate application and shall be voted upon separately.

I. RECOMMENDATION

The Planning Commission unanimously recommended **APPROVAL** of both cases to the Governing Body. There are no Conditions of Approval. On June 5, 2014, the Planning Commission found that the application meets all code criteria for a General Plan Amendment

Exhibit "9"

and Rezoning. The two properties are currently fully developed and the applicant does not anticipate any further development to occur as a result of these applications.

Two motions will be required in this case, one for the General Plan Amendment and another for the Rezoning.

II. APPLICATION OVERVIEW

Bill and Tim Layden (the L-Fam Partnership) are requesting a General Plan Amendment from Very Low Density Residential (1-3 DU/Acre) to Community Commercial and to rezone the property from R-4 (Residential, 4 dwelling units per acre) to C-2 (General Commercial) to bring them into conforming status.

The subject 0.64 acre site is comprised of the Chamisa School of Driving at the northeast corner of Jemez and Airport Road, addressed 3197 Jemez Road, and the Catholic Social Services on the adjacent property to the east at 3193 Jemez Road. Both properties are accessed from Jemez Road and not Airport Road. Master Plan Zoning approval for the Catholic Social Services building was granted by Santa Fe County in 1997 and for the Driving School in 2004. The properties were annexed into the City as part of the Phase 2 Annexation on January 1, 2014. The application does not propose any changes to the current development on site. Access will continue to be from Jemez with an easement along the north property line to access the easternmost property (Catholic Social Services). A second curb cut gives access directly into the Driving School parking lot. The property is connected to City water, but not to the City public sewer system. Connection to wastewater will be required at the time of development or improvements to the property.

The properties surrounding the site consist of a mix of residential, commercial and office developments. The Walgreens building is located to the west across Jemez Road and is zoned C-2, General Commercial. Properties to the south across Airport Road include a mix of residential, office and commercial uses, and to the north, in the R-4 district, is a heating and air-conditioning business which operates as a home occupation. A private drive, Caminito Quintana, runs along the east side of the Catholic Social Services property.

An Early Neighborhood Notification meeting was held on March 14, 2014. Three neighbors to the development in addition to City staff, the applicant and the applicant's agent were in attendance. No objections to the applications were expressed.

III. ATTACHMENTS:

Exhibit 1	Planning Commission Findings of Fact, Approved 7/10/14
Exhibit 2	Draft General Plan Amendment Resolution
Exhibit 3	Draft Rezoning Bill
Exhibit 4	Planning Commission Staff Report
Exhibit 5	Planning Commission Minutes, 6/5/14

ITEM # 14-0668

City of Santa Fe
Planning Commission
Findings of Fact and Conclusions of Law

Case #2014-43
3197 and 3193 Jemez Road (4989 & 4985 Airport Road) General Plan Amendment
Case #2014-44
3197 and 3193 Jemez Road (4989 & 4985 Airport Road) Rezoning to C-2

Owner's Name – L-Fam Partnership
Applicant's Name – James W. Siebert and Associates, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on June 5, 2014 upon the application (Application) of James W. Siebert and Associates, Inc. as agent for L-Fam Partnership (Applicant).

The property is located at the northeast corner of Airport Road and Jemez Road at 3197 and 3193 Jemez Road (Property) and is comprised of 0.64± acres with the Future Land Use designation of Residential - Very Low Density (1-3 DU/Acre) and is zoned R-4 (Residential – 4 Dwelling Units per Acre)

The Applicant seeks: (1) approval of an amendment to the City of Santa Fe General Plan Future Land Use Map (Plan) changing the designation of the Property from Very Low Density Residential to Community Commercial; and (2) to rezone the Property from R-4 (Residential, 4 dwelling units per acre) to C-2 (General Commercial).

After conducting a public hearing and having heard from staff and all interested persons, the Commission hereby FINDS as follows:

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Santa Fe City Code (Code) §14-3.2(D) sets out certain procedures for amendments to the Plan, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.2(E).
3. Code §§14-3.5(B)(1) through (3) set out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.5(C).
4. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)(1)(a)(i)]; (b) an Early

EXHIBIT 1

Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(iii) and (xii)]; and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.

5. A pre-application conference was held on February 27, 2014.
6. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
7. An ENN meeting was held on the Application on March 14, 2014 at the Southside Public Library on 6599 Jaguar Drive.
8. Notice of the ENN meeting was properly given.
9. The ENN meeting was attended by the Applicant and City staff; there was three members of the public in attendance and no concerns were raised.
10. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the proposed Plan amendment and the rezoning.

The General Plan Amendment

11. Code §14-3.2(B)(2)(b) requires the City's official zoning map to conform to the Plan, and requires an amendment to the Plan before a change in land use classification is proposed for a parcel shown on the Plan's land use map.
12. The Commission is authorized under Code §14-2.3(C)(7)(a) to review and make recommendations to the Governing Body regarding proposed amendments to the Plan.
13. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts:
    (a) *Consistency with growth projections for the City, economic development goals as set forth in a comprehensive economic development plan for the City, and with existing land use conditions, such as access and availability of infrastructure [§14-3.2(E)(1)(a)].*
    The request to change the future land use designation from very low residential to community commercial is consistent with many recent developments along Airport Road, which is a major arterial. Access and infrastructure have served the site with its previous uses as a driving school and non-profit office.
    (b) *Consistency with other parts of the Plan [§14-3.2(E)(1)(b)].*
    The subject property is designated Very Low Residential, 1-3 dwelling units per acre. Such a designation for Future Land Use along a major arterial is not consistent with most of the other designations along Airport Road.
    (c) *The amendment does not: (i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character of the area; (ii) affect an area of less than two acres, except when adjusting boundaries between districts; or (iii) benefit one of a few landowners at the expense of the surrounding landowners or the general public [§14-3.2(E)(1)(c)].*
    A commercial land use designation would not be significantly different from or inconsistent with surrounding development and is not at the expense of surrounding landowners or the general public. Approval of Community Commercial use would be consistent with the historic uses of the property. Although the property is less than two acres in size, it is an expansion of the C-2 district across Jemez Road, and therefore

qualifies as an adjustment in the boundaries of the C-2 district. This request to amend the General Plan Future Land Use map does not benefit the property owner at the expense of the surrounding landowners or the general public.

(d) *An amendment is not required to conform with Code §14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification [§14-3.2(E)(1)(d)].*
The request to change the land use designation from Very Low Density to Community Commercial is not inconsistent with the prevailing use and character of the area, does not affect an area less than two acres, since it is adjusting the boundaries of the C-2 district across Jemez, and does not benefit one or a few landowners at the expense of surrounding landowners or the general public.

(e) *Compliance with extraterritorial zoning ordinances and extraterritorial plans [§14-3.2(E)(1)(e)].*
This criterion is no longer relevant since the adoption of SPaZZo and the relinquishment of the land use regulatory authority outside the city limits and the transfer of authority from extraterritorial jurisdiction to the City.

(f) *Contribution to a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development [§14-3.2(D)(1)(f)].*
There are no major changes proposed to the structures, which are already part of the commercial corridor.

(g) *Consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.*
This request is consistent with the City's land use policies, ordinances, regulations and plans as they relate to the City's desire to maintain a compact urban form, encourage infill development and mixed use neighborhoods.

14. The Commission has considered the criteria established by Code §14-3.2(E)(2) and finds the following facts:

(a) *the growth and economic projections contained within the general plan are erroneous or have changed.*
The Southwest Area Master Plan, adopted as part of the General Plan, identifies this area as the Central Neighborhood Plan Area, and is designated as Very Low Residential (1-3 DU/Acre).

(b) *no reasonable locations have been provided for certain land uses for which there is a demonstrated need.*
There are plenty of locations available throughout the City for existing uses. However, development patterns along Airport Road have changed over the years to include more commercial and office use. The northwest corner of the Airport/Jemez intersection was recently redeveloped with a Walgreens store. The Airport Road Overlay District was adopted last year to encourage development and redevelopment on Airport Road for those properties that directly abut the Airport Road right of way. Low density residential is therefore not the best use along this busy corridor and at this signalized intersection.

(c) *conditions affecting the location or land area requirements of the proposed land use have changed, for example the cost of land space requirements, consumer acceptance, market or building technology.*

When these properties were brought into City jurisdiction with the adoption of SPaZZo in 2009, the City and County made this decision to depict the subject property as Very Low Density Residential (1-3 DU/Acre). The actions proposed under these applications would correct the land use designations and zoning.

The Rezoning

14. Under Code §14-3.5(A)(1)(d) any person may propose a rezoning (amendment to the zoning map).
15. Code §§14-2.3(C)(7)(c) and 14-3.5(B)(1)(a) provide for the Commission's review of proposed rezonings and recommendations to the Governing Body regarding them.
16. Code §§14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings.
17. The Commission has considered the criteria established by Code §§14-3.5(C) and finds, subject to the Conditions, the following facts:
    (a) *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [Code §14-3.5(C)(1)(a)].*
    The R-4 zoning district assigned by the City in 2009 did not recognize the historic uses of these properties. It could be argued that the residential zoning was assigned in error. The overall area along Airport Road is primarily designated with nonresidential zoning categories. Low Density residential zoning does not reflect appropriate development along this busy corridor. A different use category, other than Single Family Residential would be more appropriate to a major arterial such as Airport Road and would bring the property into conformance to better protect the existing uses.
    (b) *All the rezoning requirements of Code Chapter 14 have been met [Code §14-3.5(C)(1)(b)].*
    All the rezoning requirements of Code Chapter 14 have been met.
    (c) *The proposed rezoning is consistent with the applicable policies of the Plan [Section 14-3.5(C)(1)(c)].*
    The proposed rezoning is consistent with the Plan as set forth in the Staff Report.
    (d) *The amount of land proposed for rezoning and the proposed use for the land is consistent with City policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the City [Code §14-3.5(C)(1)(d)].*
    The Property consists of 0.64± acres and its use is consistent with the uses and character of the area as it has developed and with the historic uses of the Property.
    (e) *The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development [Section 14-3.5(C)(1)(e)];*
    Infrastructure and public facilities are available to serve the proposed development of the property. Any new development will require connection to the City public sewer.
18. The Commission has considered the criteria established by Code §§14-3.5(D) and finds, subject to the Conditions, the following facts:

(1) *If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;*
(2) *If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.*
Infrastructure is available to adequately serve the site as it currently exists. Any new development or redevelopment of the site may require various site improvements to include a continuous sidewalk along Jemez Road, closure of unnecessary curb cuts and landscaping along street frontages, which will be evaluated at the time of any construction permit applications.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Commission CONCLUDES as follows:

General

1. The proposed Plan amendment and rezoning were properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The ENN meeting complied with the requirements established under the Code.

The General Plan Amendment

3. The Commission has the power and authority at law and under the Code to review the proposed amendment to the Plan and to make recommendations to the Governing Body regarding such amendment.

The Rezoning

4 The Applicant has the right under the Code to propose the rezoning of the Property.
5 The Commission has the power and authority at law and under the Code to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body based upon that review.

WHEREFORE, IT IS ORDERED ON THE 10th DAY OF July, 2014 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

1. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the Plan amendment.
2. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the rezoning of the Property to C-2.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

Chair

7/10/14
Date

FILED:

Yolanda Y. Vigil
City Clerk

7-11-14
Date:

APPROVED AS TO FORM:

Kelley Brennan
Interim City Attorney

7-11-14
Date:

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2014-__

INTRODUCED BY:

A RESOLUTION

AMENDING THE GENERAL PLAN FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF 0.64± ACRES OF LAND FROM VERY LOW DENSITY RESIDENTIAL (1-3 DWELLING UNITS PER ACRE) TO COMMUNITY COMMERCIAL ON THE NORTHEAST CORNER OF JEMEZ ROAD AND AIRPORT ROAD ("3197 AND 3193 JEMEZ ROAD" GENERAL PLAN AMENDMENT, CASE NO. 2014-43).

WHEREAS, the agent for the owner of the subject property (the L-Fam Partnership) has submitted an application to amend the General Plan Future Land Use Map designation of the property from Very Low Density Residential (1-3 dwelling units per acre) to Community Commercial;

WHEREAS, pursuant to Section 3-19-9 NMSA 1978, the General Plan may be amended, extended or supplemented; and

WHEREAS, the Governing Body has held a public hearing on the proposed amendment, reviewed the staff report and the recommendation of the Planning Commission and the evidence obtained at the public hearing, and has determined that the proposed amendment to the General

EXHIBIT 2

Plan meets the approval criteria set forth in Section 14-3.2(E) SFCC 1987; and

WHEREAS, the reclassification of the Property would be substantially consistent with the provisions of the General Plan to maintain a compact urban form and to encourage infill development and mixed use neighborhoods; and

WHEREAS, the reclassification of the Property will not allow a use or change that is inconsistent with prevailing uses of the area or with the historic uses of the Property, and will not have adverse impacts upon the surrounding neighborhood; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. That the General Plan Future Land Use Map classification for the Property be hereby amended as shown in the General Plan Future Land Use Map attached hereto [EXHIBIT A] and incorporated herein by reference.

Section 2. Said General Plan amendment and any future development plan for the Property is approved; no conditions of approval are required.

PASSED, APPROVED and ADOPTED this ____ day of July, 2014.

_____

JAVIER M. GONZALES, MAYOR

ATTEST:

_____

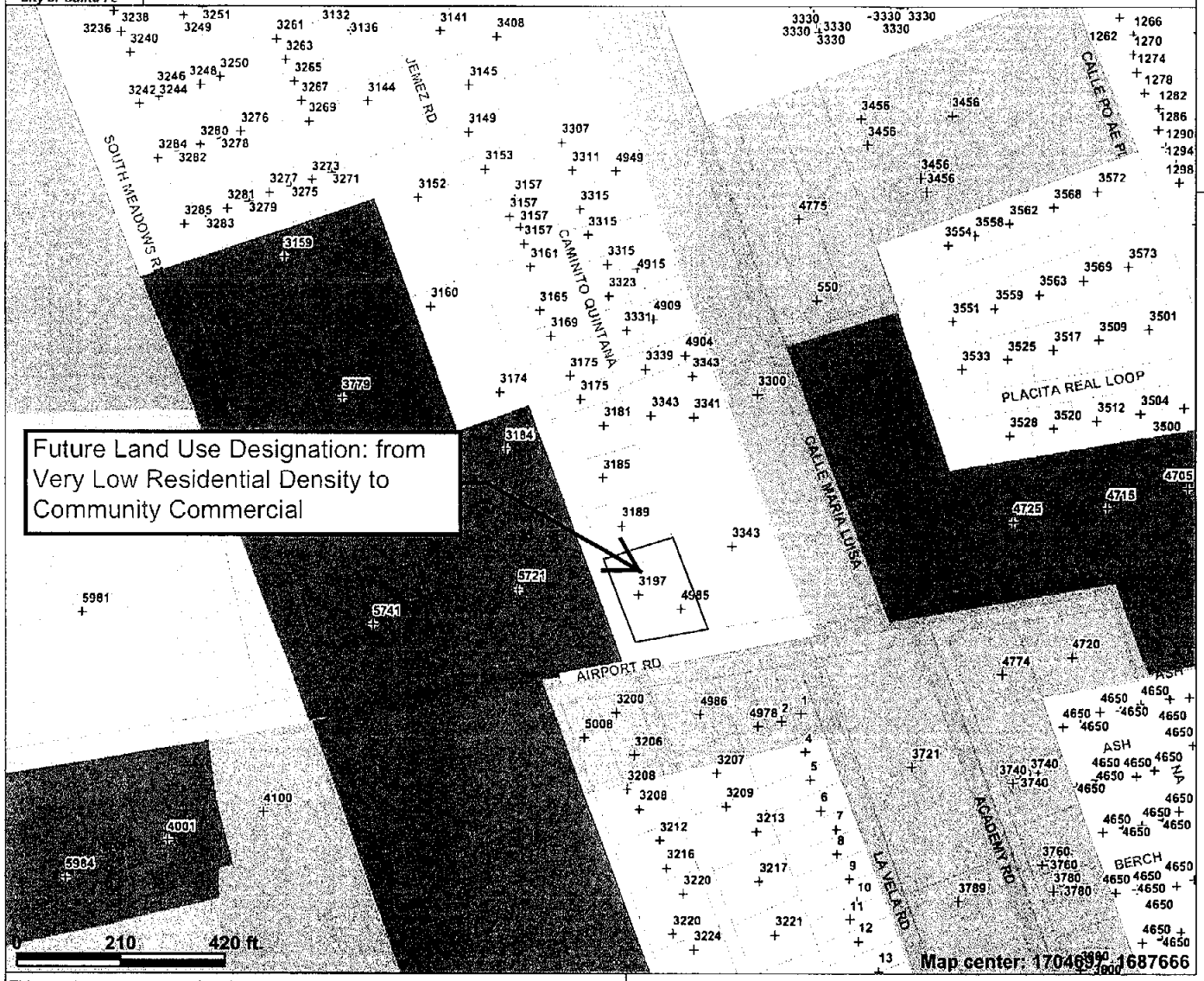
YOLANDA Y. VIGIL, CITY CLERK

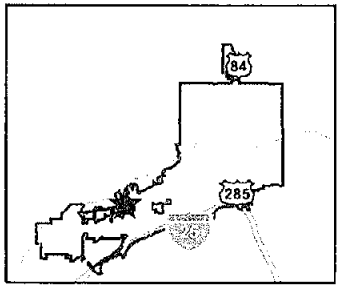
APPROVED AS TO FORM:

Kelley A. Brennan

KELLEY A. BRENNAN, CITY ATTORNEY

Future Land Use Map





Legend

Future Land Use

- Mountain/Corridor (1 dwelling per 10+ acres)
- Very Low Density (1-3 dwellings per acre)
- Low Density (3-7 dwellings per acre)
- Moderate Density (7-9 dwellings per acre)
- Medulm Density (7-12 dwellings per acre)
- High Density (12-29 dwellings per acre)
- Regional Commercial
- Community Commoricial
- Neighborhood Center
- Transitional Mixed Use
- Business Park
- Office
- Industrial
- Public/Institutioanl
- Open Space
- Parks

Scale: 1:3,703

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

EXHIBIT A-11

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2014-21

AN ORDINANCE

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE; CHANGING THE ZONING CLASSIFICATION FROM R-4 (RESIDENTIAL, 4 DWELLING UNITS PER ACRE) TO C-2 (GENERAL COMMERCIAL); AND PROVIDING AN EFFECTIVE DATE WITH RESPECT TO A CERTAIN PARCEL OF LAND COMPRISING 0.64± ACRES LOCATED AT 3197 AND 3193 JEMEZ STREET (REZONING CASE NO. 2014-44).

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

Section 1. The following real property (the "Property") located within the municipal boundaries of the city of Santa Fe, is restricted to and classified C-2 (General Commercial):

A parcel of land comprising 0.64± acres generally located at the northeast corner of Jemez Road and Airport Road at 3197 and 3193 Jemez Road and more fully described in EXHIBIT A attached hereto and incorporated by reference, located in Section 7, T16N., R9E, N.M.P.M., Santa Fe County, New Mexico,

Section 2. The official zoning map of the City of Santa Fe adopted by Ordinance No.

EXHIBIT 3

2001-27 is amended to conform to the changes in zoning classifications for the Property set forth in Section 1 of this Ordinance.

Section 3. This rezoning action and any future development plan for the Property is approved as recommended by the Planning Commission on June 5, 2014.

Section 4. This Ordinance shall be published one time by title and general summary and shall become effective five days after publication.

APPROVED AS TO FORM:

Kelley A. Brennan

KELLEY A. BRENNAN, CITY ATTORNEY

BILL NO. 2014-21

Exhibit A

3197 & 3193 Jemez Road

Legal Description for C-2 Zoning

DESCRIPTIONS

Lot 17 of "PLAT OF TRACT NO. 1, ACRE ESTATES" (filed in Plat Book 2 on page 200 as reception no. 90,141 in the Santa Fe County Clerk's Office) LESS AND EXCEPT that portion taken by the State Highway Department of New Mexico as described in Stipulated Judgment filed in Book 523 on pages 381 through 388 in the Santa Fe County Clerk's Office and being more particularly described as follows, to wit:

Begin at an iron pipe set at a corner common to Lots 16, 17 and 18 of said "TRACT NO. 1, ACRE ESTATES" and run thence S20°36'20"E 189.77 ft. to a capped rebar (no. 4070) on the north line of Airport Road; thence S79°47'55"W, along said north line, 59.99 ft. to a capped rebar (no. 4070); thence N51°31'10"W 28.80 ft. to a capped rebar (no. 4070) on the east line of Jemez Road; thence N20°43'W, along said east line, 159.26 ft. to an iron pipe; thence N73°16'30"E 74.28 ft. to the point and place of beginning, all as shown hereon.

Lot 18 of "PLAT OF TRACT NO. 1, ACRE ESTATES" (filed in Plat Book 2 on page 200 as reception no. 90,141 in the Santa Fe County Clerk's Office) LESS AND EXCEPT that portion taken by the State Highway Department of New Mexico as described in Stipulated Judgment filed in Book 523 on pages 381 through 388 in the Santa Fe County Clerk's Office and being more particularly described as follows, to wit:

Begin at an iron pipe set at a corner common to Lots 16, 17 and 18 of said "TRACT NO. 1, ACRE ESTATES" and run thence N73°16'30"E 74.18 ft. to a point, from which a capped rebar marked "4070" and "WC" bears S73°16'30"W 1.00 ft. distant; thence S20°31'35"E 198.30 ft. to a capped rebar on the north line of Airport Road; thence S79°47'55"W, along said north line, 74.98 ft. to a capped rebar (no. 4070); thence N20°36' 20"W 189.77 ft. to the point and place of beginning, all as shown hereon.

The above described tracts are subject to all easements, restrictions and reservations of record which pertain.

EXHIBIT A

City of Santa Fe, New Mexico

memo

DATE: May 21, 2014 for the June 5, 2014 meeting

TO: Planning Commission

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department MSO
Tamara Baer, Planning Manager, Current Planning Division

FROM: Donna Wynant, AICP, Senior Planner, Current Planning Division DW

Case #2014-43. 3197 & 3193 Jemez Road. James W. Siebert & Associates, Inc., agent for the L-Fam Partnership, requests approval of a General Plan Future Land Use map amendment to change the designation of 0.64 acres from Very Low Density Residential (1-3 DU/Acre) to Community Commercial. The property consists of two lots, 3197 & 3193 Jemez Road located at the northeast corner of Airport Road and Jemez Road. (Donna Wynant, Case Manager)

Case #2014-44. 3197 & 3193 Jemez Road. James W. Siebert & Associates, Inc., agent for the L-Fam Partnership requests rezoning of 0.64 acres from R-4 (Residential, 4 dwelling units per acre) to C-2 (General Commercial). The property consists of two lots, 3197 & 3193 Jemez Road located at the northeast corner of Airport Road and Jemez Road. (Donna Wynant, Case Manager)

Cases #2014-43 and #2014-44 are combined for purposes of staff report, public hearing and Planning Commission review, but each is a separate application and shall be voted upon separately.

RECOMMENDATION

The Land Use Department recommends **APPROVAL** of the General Plan Amendment and Rezoning. There are no required Conditions of Approval. No specific development will occur as a result of these applications. The request will proceed to the City Council for final decision on the General Plan Amendment and Rezoning, and then to Building Permit application for review of any remodeling or new construction under 10,000 square feet.

I. APPLICATION SUMMARY

The subject 0.64± acre site is located at the northeast corner of Jemez and Airport Road and is comprised of 2 lots that are designated as Very Low Density Residential (1-3 DU/Acre) on the Future Land Use Map and zoned R-4 (Residential, 4 dwelling units per acre). The Chamisa School of Driving is located at the northeast corner of Jemez and Airport Road, addressed 3197 Jemez Road, and the Catholic Social Services is on the adjacent property to the east at 3193 Jemez Road. Both properties are accessed from Jemez Road and not Airport Road. Master Plan Zoning approval for the Catholic Social Services building was granted by Santa Fe County in 1997 and for the Driving School in 2004. The properties were annexed into the City as part of the Phase 2 Annexation on January 1, 2014.

Although the utility metering and billing is on Airport Road, the City changed the addresses to Jemez Road since access is from Jemez and not Airport Road. The applicant is requesting the address be changed back to Airport Road (see Exhibit E-2: Letter regarding addressing).

Bill and Tim Layden (the L-Fam Partnership) recently acquired the Catholic Social Services property and now request a rezoning of the two lots to C-2, General Commercial, to bring them into conforming status. The application does not propose any changes to what currently exists on site. Access will continue to be from Jemez with an easement along the north property line to access the easternmost property (Catholic Social Services). A second curb cut gives access directly into the Driving School parking lot.

The properties surrounding the site consist of a mix of residential, commercial and office developments. The Walgreens building is located to the west across Jemez Road and is zoned C-2, General Commercial. Properties to the south across Airport Road include a mix of residential, office and commercial uses, and to the north, in the R-4 district, is a heating and air-conditioning business which operates as a home occupation. A private drive, Caminito Quintana, runs along the east side of the Catholic Social Services property.

The property is connected to City water and dry utilities. However, according to the Wastewater Division records, the property is not connected to the City public sewer system. Connection to wastewater will therefore be required at the time of development or improvements to the property.

An Early Neighborhood Notification meeting was held on March 14, 2014. Three neighbors to the development in addition to City staff, the applicant and the applicant's agent were in attendance. One of the neighbors living in the Jemez Road residential neighborhood wanted information on the requested rezoning but did not express any opposition to the request. Another neighbor across Airport Road was located in an MU, Mixed Use district, and asked how that might be changed.

II. GENERAL PLAN AMENDMENT

The subject property's current land use designation is Very Low Density (1-3 dwellings per acre) as shown on the Future Land Use Map (See Exhibit B-2). The applicant requests the Community Commercial designation to allow for C-2 (General Commercial) zoning which

would bring the zoning into conformance with the historic use of the properties. Section 14-3.2(E)(1) sets out the following General Plan Amendment criteria for approval:

(a) consistency with growth projections for Santa Fe, economic development goals as set forth in a comprehensive economic development plan for Santa Fe and existing land use conditions such as access and availability of infrastructure:

Applicant's response:
The City has recently adopted an overlay district for Airport Road anticipating that growth would occur at a more rapid pace along the Airport Road corridor. In the case of the lot at the corner of the Jemez Road and Airport Road the use has been commercial for over 40 years, including a book store, and more recently a driving school. Rather than create non-conforming uses out of properties that have been used for commercial purposes for extended periods of time it is more reasonable to zone them for the uses that are more consistent for the area.

Staff response:
The request to change the future land use designation from very low residential to community commercial is consistent with many recent developments along Airport Road, which is a major arterial. Access and infrastructure have served the site with its previous uses as a driving school and non-profit office. Any conversion of the structure from their existing uses must comply with building and fire codes at the time of construction permit application. Although the applicant has not mentioned any redevelopment of the .64 acre site, the Land Use staff will conduct an administrative site plan review, if such redevelopment is proposed, to ensure all code requirements including site improvements, are met.

(b) Consistency with other parts of the general plan:

Applicant's response:
The City General Plan shows this property as residential, Very Low Density, 1-3 dwelling units per acre. The properties on the south side of Airport Road are commercial and are zoned MU, Mixed Use. The property immediately north in the residential neighborhood consists of a single family dwelling and a workshop for a heating and air-conditioning business that has a business license from the City. The land to the east is zoned R-4 and is vacant. The land to the west-across Jemez Road is zoned C-2/PUD, General Commercial, Planned Unit Development and is the location of the Walgreens building.

Given the City application of MU, Mixed Use zoning on the south side of Airport Road and the C-2, street corner across Jemez Road this request is consistent with the City General Plan.

Staff response:

The subject property is designated Very Low Residential, 1-3 dwelling units per acre. Such a designation for Future Land Use along a major arterial is not consistent with most of the other designations along Airport Road.

(c) *the amendment does not:*
(i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area; or
(ii) affect an area of less than two acres, except when adjusting boundaries between districts; or
(iii) benefit one or a few landowners at the expense of the surrounding landowners or the general public;

Applicant's response:
(i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area;

The uses have existed on this property for approximately 30 years. The property immediately to the west is zoned C-2 and is occupied by Walgreens pharmacy and across the street there is a mix of commercial and mixed use. Besides the property to the north the subject properties are surrounded by commercial or mixed use zoning districts.

(ii) affect an area of less than two acres, except when adjusting boundaries between districts.
The combined acreage of the two subject lots is less than two acres. The commercial use on these contiguous parcels of land has existed prior to the County Land Development Code.

(iii) Benefit one or a few landowners at the expense of the surrounding landowners or general public.

The requested commercial zoning designation is generally consistent with the land use patterns found on surrounding and near-by lots.

Staff response:
A commercial land use designation would not be significantly different from or inconsistent with surrounding development and is not at the expense of surrounding landowners or the general public. Approval of Community Commercial use would be consistent with the historic uses of the property.

Although the property is less than 2 acres in size, it is an expansion of the C-2 district across Jemez Road, and therefore qualifies as an adjustment in the boundaries of the C-2 district. This request to amend the General Plan Future Land Use map does not benefit the property owner at the expense of the surrounding landowners or the general public.

(d) an amendment is not required to conform with Subsection 14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification:

Applicant's response:
The justification for the rezoning action is based on the historic use of the property.

Staff response:
Subsection 14-3.2(E)(1)(c) states:

(c) the amendment does not:

(i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area; or

(ii) affect an area of less than two acres, except when adjusting boundaries between districts; or

(iii) benefit one or a few landowners at the expense of the surrounding landowners or the general public;

The request to change the land use designation from Very Low Density to Community Commercial is not inconsistent with the prevailing use and character in the area, does not affect an area less than two acres, since it is adjusting the boundaries of the C-2 district across Jemez, and does not benefit one or a few landowners at the expense of surrounding landowners or the general public.

(e) compliance with extraterritorial zoning ordinances and extraterritorial plans:

Applicant's response:
This criterion is no longer relevant since the adoption of SPaZZo and the relinquishment of the land use regulatory authority outside the city limits and the transfer of authority from extraterritorial jurisdiction to the City. As discussed previously while this property was under extraterritorial jurisdiction both lots received commercial zoning and master plan approval from the Extraterritorial Zoning Commission and the Extraterritorial Zoning Authority.

Staff response:
Staff concurs.

(f) contribution to a coordinated, adjusted and harmonious development of Santa Fe that in accordance with existing and future needs best promotes health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development; and

Applicant's response:
Both of these lots have continuously been used for commercial purposes for an extended period of time. In addition to the pre-existing commercial condition both properties received a commercial use approval from the extraterritorial bodies that had jurisdiction

over this area along Airport Road. When the City applied the zoning to this area in 2009 the zoning district did not reflect the actual use of the property or the prior extraterritorial approvals that were granted for these two properties. Given the non-conforming status of the land and buildings these structures could suffer from disrepair since there is no incentive to maintain them if the underlying zoning does not reflect the actual use of the building. The uses on these properties which consist of a driver's education school (principally for high school students) and Catholic social services serve as a beneficial use to the neighborhood and community at large.

Staff response:
There are no major changes proposed to the structures, which are already part of the commercial corridor.

(g) consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.

Applicant's response:
The City has a policy of promoting a mix of land uses, this property has historically included a mix of residential and commercial uses. The recent changes to the City code now permit residential uses within a C-2 commercial district.

Staff response:
This request is consistent with the City's land use policies, ordinances, regulations and plans as they relate to the City's desire to maintain a compact urban form, encourage infill development and mixed use neighborhoods.

(2) Additional Criteria for Amendments to Land Use Policies:

In addition to complying with the general criteria set forth in Subsection 14-3.2(E)(1), amendments to the land use policies section of the general plan shall be made only if evidence shows that the effect of the proposed change in land use shown on the future land use map of the general plan will not have a negative impact on the surrounding properties. The proposed change in land use must be related to the character of the surrounding area or a provision must be made to separate the proposed change in use from adjacent properties by a setback, landscaping, or other means, and a finding must be made that:

(a) the growth and economic projections contained within the general plan are erroneous or have changed:

Applicant's Response:
When the existing General Plan was adopted in 1999 it seems that the General Plan failed to recognize the land use complexity of this part of the urban area. It is not a matter of the growth and economic projections being in error as it is the failure to observe the variety of existing land uses and assign a zoning district that best fit those land uses.

Staff Response:
The Southwest Area Master Plan, adopted as part of the General Plan, identifies this area as the Central Neighborhood Plan Area, and is designated as Very Low Residential (1-3 DU/Acre)

(b) no reasonable locations have been provided for certain land uses for which there is a demonstrated need; or

Applicant's Response:
The existing land uses on these properties have been in place for several years. Unless there is a dramatic change in circumstances with the current occupants, the existing businesses intend to remain in these buildings for an extended period of time. There are other locations where these businesses could relocate, but that is not their intent. They have served their clients from this location for several years and wish to continue to serve their clients from these properties.

Staff Response:
Plenty of locations are available throughout the City for the existing uses. However, development patterns along Airport Road have changed over the years to include more commercial and office use. The northwest corner of the Airport/Jemez intersection, for example was recently redeveloped with a Walgreens store. Also, the Airport Road Overlay District was adopted last year to encourage development and redevelopment on Airport Road for those properties that directly abut the Airport Road right of way. Low density residential is therefore not the best use along this busy corridor and at this signalized intersection.

(c) conditions affecting the location or land area requirements of the proposed land use have changed, for example the cost of land space requirements, consumer acceptance, market or building technology.

Applicant's Response:
The conditions affecting the subject lots are more jurisdictional than a result of market conditions. Historically this area has been under extraterritorial jurisdiction where diverse mixes of land uses are permitted as part of the development review process. The existing commercial uses were recognized by a master plan approval when they were under extraterritorial jurisdiction.

Staff Response:
As previously stated, when these properties were brought into City jurisdiction with the adoption of SPaZZo in 2009, the City and County made this decision to depict the subject property as Very Low Density Residential (1-3 DU/Acre).The actions proposed under these applications would correct the land use designations and zoning.

III. REZONING

Section 14-3.5(A) and (C) SFCC 2001 sets forth approval criteria for rezoning as follows:

(1) The planning commission and the governing body shall review all rezoning proposals on the basis of the criteria provided in this section, and the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:

(a) one or more of the following conditions exist:

(i) there was a mistake in the original zoning;

Applicant's response:
The commercial uses have existed on this property prior to the adoption of the Land Development Code. The property went through masterplan zoning while it was under County jurisdiction. The City rezoned all properties within the Presumptive City Limits at which time the zoning designated to these lots may have been overlooked since there is adequate access and public facilities along with being adjacent to a major retail outfit (Walgreens Pharmacy)

Staff response:
The R-4 zoning district assigned by the City in 2009 did not recognize the historic uses of these properties. It could be argued that the residential zoning was assigned in error.

(ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning;

Applicant's response:
With the extension of South Meadows Road, the construction of the Walgreens and contiguous gas station all support the change of zoning for these properties since they are all adjacent properties.

Staff response:
The overall area along Airport Road is primarily designated with nonresidential zoning categories. Low Density residential zoning does not reflect appropriate development along this busy corridor.

(iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans;

Applicant's response:
A C-2, General Commercial zoning designation would bring the underlying zoning into conformance with the existing uses on the property. Under the current R-4 zoning if the buildings were to be destroyed by more than 66 percent they could not be reconstructed in a manner that would preserve the prior uses since the prior uses would no longer be

permitted. Assuming the buildings would be destroyed by more than 66 percent it would be difficult to market the property for residential uses where the dwellings would be located at a busy, signalized intersection and across the street from a large scale commercial building.

Staff response:
A different use category, other than Single Family Residential would be more appropriate to a major arterial such as Airport Road and would bring the property into conformance to better protect the existing uses.

(b) all the rezoning requirements of Chapter 14 have been met;

Applicant's response:
Currently the existing zoning is R-4, Single Family Residential, four dwellings per acre. Rezoning of the property to C-2 would bring the uses on this property into conformance with the historic uses that have taken place on this property. The rezoning action does not require any variance to the City Land Development Code.

Staff response:
Staff concurs.

(c) the rezoning is consistent with the applicable policies of the general plan, including the future land use map;

Applicant's response:
The City General Plan shows this tract as Very Low Density, 1-3 dwelling units per acre, which is inconsistent with the use of the property and the surrounding uses for the area. It appears that the area was inadequately surveyed when the City General Plan was prepared and when zoning was assigned to this area during the application of City zoning to the area under the City/County Settlement Agreement. It is therefore, not that the property is inconsistent with the General Plan, especially the Future Land Use Map, but that the land use designation established by the City General Plan was incorrect.

Staff response:
The applications request a change to the Future Land Use map to create consistency with the proposed zoning and historic use.

(d) the amount of land proposed for rezoning and the proposed use for the land is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the city;

Applicant's response:
The land area associated with this request should not be considered an addition to the City's supply of C-2 land, since it has been uses for commercial purposes for several years prior to the adoption of the City zoning for this area. The rezoning request for the subject

property should be considered an infill development rather than a property that is located in the path of the future growth of the community.

Staff response:
Staff concurs.

(e) the existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development.

Applicant's response:
All public utilities are available on either Airport Road or Jemez Road, including water and sewer lines, gas, an electric lines, cable communications and telephone lines. The City has completed street improvements to Airport Road including that part of Airport Road adjacent to these properties. Jemez Road was improved by the County several years ago.

The closest Fire Station, Fire Station 8, to this site is located on 6796 Jaguar Drive in Tierra Contenta. This fire station serves the southwest section of Santa Fe including the recently annexed area. The location and equipment at the Jaguar station is sufficient to serve the existing development. The Swan Park which is under construction within Tierra Contenta will be available for public use in the Spring or Summer of 2015. This rezoning request will have very little impact on the demand for use of public parks.

Staff response:
Infrastructure and public facilities are available to serve the proposed development of the property. Any new development will require connection to the City public sewer.

(D) Additional Applicant Requirements

(1) If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;

(2) If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.

Applicant's response:
At this time, the proposed rezoning does not create a need for streets, sidewalks or curbs. The purpose of this request is to bring the existing nonconforming property into compliance with the requested zoning.

Staff response:
Infrastructure is available to adequately serve the site as it currently exists. Any new development or redevelopment of the site may require various site improvements to include a continuous sidewalk along Jemez Road, closure of unnecessary curb cuts and landscaping along street frontages, which will be evaluated at the time of any construction permit applications.

IV. CONCLUSION

Staff supports the proposed General Plan Future Land Use map amendment to Community Commercial and the proposed rezone. No additional conditions are proposed.

VI. ATTACHMENTS:

EXHIBIT A: Development Review Team Memoranda
1. Technical Review Division – City Engineer email, Risana Zaxus
2. Wastewater Management Division memorandum, Stan Holland
3. Traffic Engineering Division memorandum, Sandra Kassens
4. Solid Waste Division email, Randall Marco
5. Water Department memorandum, Antonio Trujillo

EXHIBIT B: Maps
1. Aerial Photo
2. Future Land Use
3. Current Zoning

EXHIBIT C: ENN Materials
1. ENN Meeting Notes
2. ENN Responses to Guidelines

EXHIBIT D: Applicant Materials
1. Letter of Application
2. Letter regarding addressing of properties
3. Site Plan

EXHIBIT E: Other Material
1. Photographs of site

DATE: May 14, 2014

TO: Donna Wynant, Case Manager

FROM: Risana "RB" Zaxus, PE
City Engineer for Land Use Department

RE: Case # 2014-43
3197 and 3193 Jemez Road

I have no review comments on this General Plan amendment.

City of Santa Fe, New Mexico

memo

DATE: June 11, 2014

TO: Donna Wynant, Case Manager

FROM: Stan Holland, Engineer, Wastewater Division

SUBJECT: Case #2014-43 & 44 – 3197 and 3193 Jemez Road

The Wastewater Division conducted a field inspection of the properties and also spoke with Mr. Tim Layden (property owner) regarding sewer service for the properties. It has been determined that the subject properties are accessible to but not connected to the City's public sewer system. Mr. Layden is aware that any future development or improvements to the property may require connection to the City's public sewer system.

The Wastewater Division has no objection to the General Plan Future Land Use Amendment or to the Rezoning.

'YNANT, DONNA J.

From: KASSENS, SANDRA M.
Sent: Monday, May 19, 2014 3:25 PM
To: WYNANT, DONNA J.
Cc: ROMERO, JOHN J
Subject: RE: Jemez @Airport Road- General Plan Amendment & Rezoning

Donna,
The Traffic Engineering Division has no comments on the General Plan Future Land Use Map amendment and Rezoning for the property located at 3197 & 3193 Jemez Road, case # 2014-43.

Sandy Kassens
505-955-6697

From: WYNANT, DONNA J.
Sent: Monday, May 19, 2014 3:05 PM
To: ROMERO, JOHN J
Cc: KASSENS, SANDRA M.
Subject: Jemez @Airport Road- General Plan Amendment & Rezoning

Hi John,

Could you get me your response (asap) to this request to amend the future land use designation of the property (shown below) to Community Commercial and Rezone from R-4 to C-2 General Commercial? The applicant's report is attached. Access to the easternmost property (the Catholic Charities) is via an easement from Jemez at the rear of the property.

Very simple request... to rezone the two side by side properties to bring the zoning into compliance with their commercial use. No changes are planned to either of the existing buildings (Driving School and the Catholic Charities office).

Thanks!

Donna J. Wynant, AICP
Land Use Senior Planner
City of Santa Fe Land Use Department
200 Lincoln Ave., Box 909
Santa Fe, NM 87504-0909
(505) 955-6325
(505) 955-6829 (fax)
djwynant@santafenm.gov

EXHIBIT A-3 28

/YNANT, DONNA J.

From: MARCO, RANDALL V.
Sent: Monday, May 05, 2014 8:35 AM
To: WYNANT, DONNA J.
Subject: Case 2014-43

Donna,
Must bring refuse and or recycling to a street that is currently being serviced by the City of Santa Fe solid waste division.

Randall Marco
Community Relations / Ordinance Enforcement
Environmental Services Division
Office : 505-955-2228
Cell : 505-670-2377
Fax : 505-955-2217
rvmarco@santafenm.gov

EXHIBIT A-4 29

City of Santa Fe

memo

DATE: May 22. 2014

TO: Donna Wynant, Land Use Planner, Land Use Department

FROM: Antonio Trujillo, Water Division Engineer

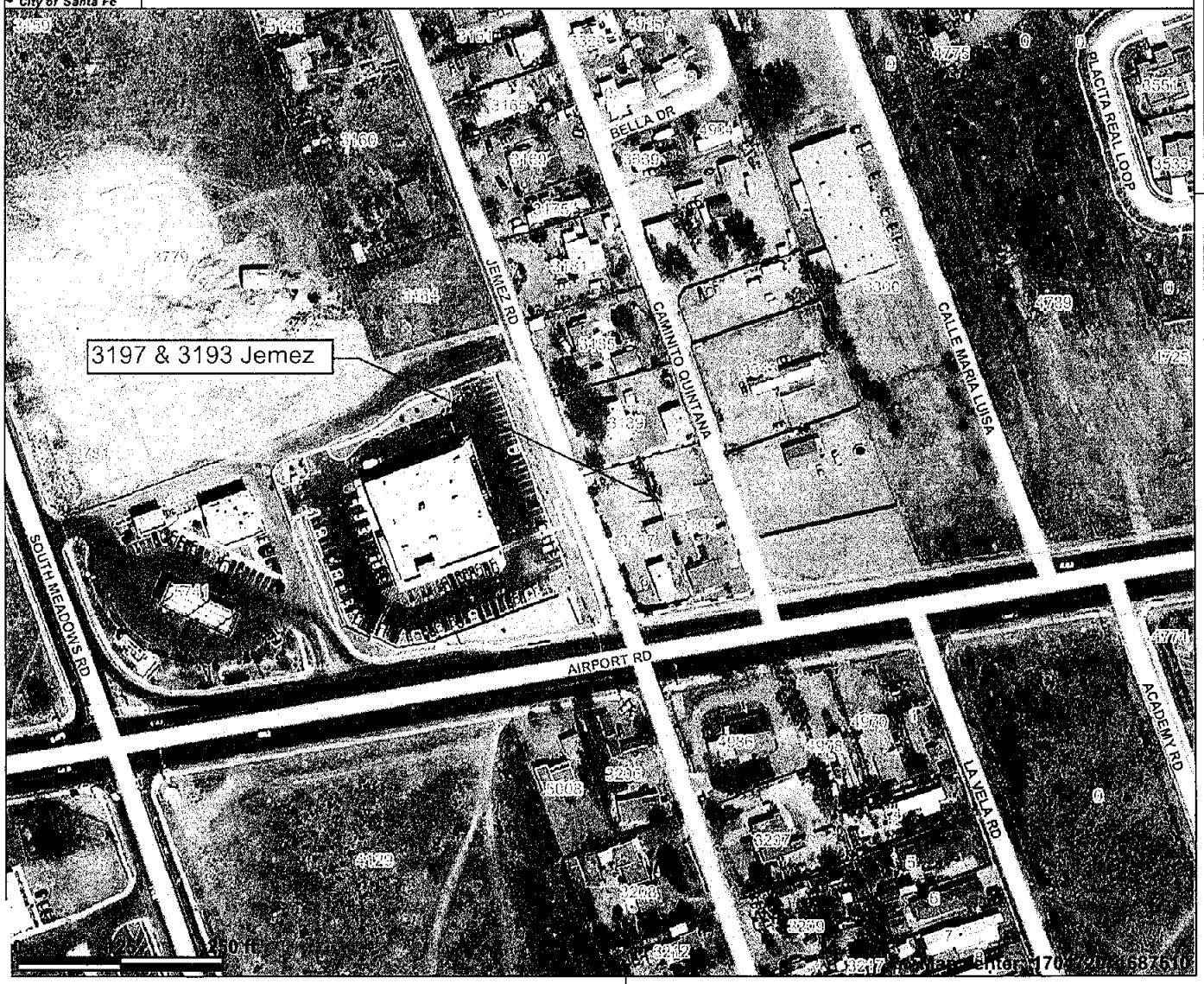
SUBJECT: Case #2014-43 and 2014-44. 3197 and 3193 Jemez Road

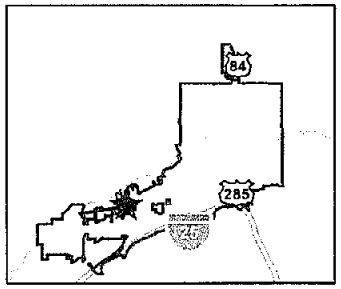
There are no issues with water service for the subject case. The property is served by City Water at the 4989 Airport Road and 4985 Airport Road Addresses. The addressing issues will have to be corrected by the developer with the utility billing section of the city or by the land use addressing contact.

Fire protection requirements are addressed by the Fire Department.

EXHIBIT A-5

Aerial Photo





Legend

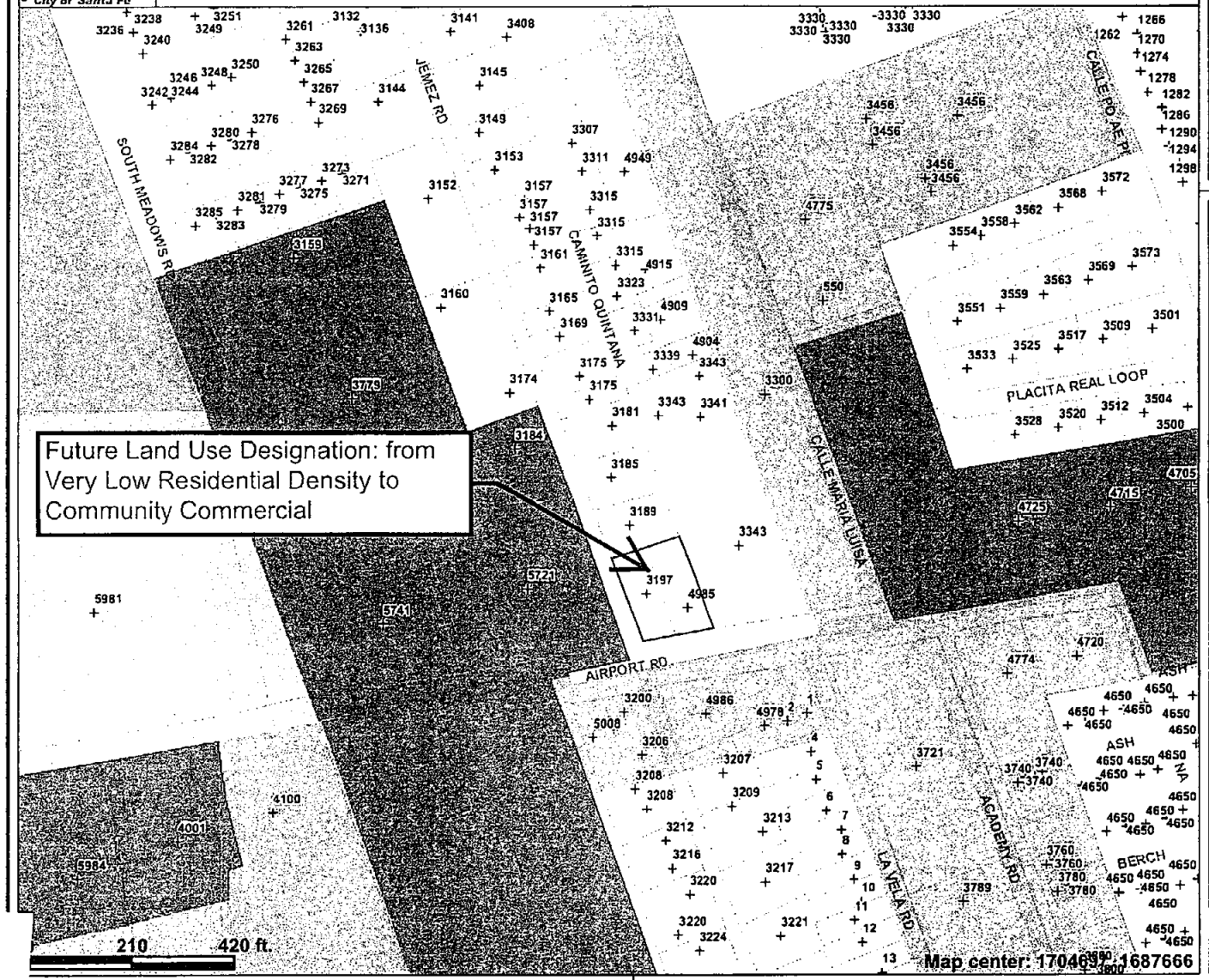
- City Limits
- Parcels
- Airport Clear Zones
- Santa Fe River
- Major Roads and Highways
- Other Roads and Streets
- 2011 Aerial Photography - 1 foot resolution

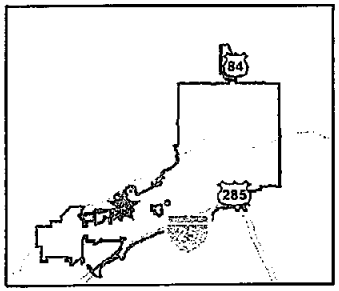
Scale: 1:2,207

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

EXHIBIT D-1
31

Future Land Use Map





Legend

Future Land Use

- Mountain/Corridor (1 dwelling per 10+ acres)
- Very Low Density (1-3 dwellings per acre)
- Low Density (3-7 dwellings per acre)
- Moderate Density (7-9 dwellings per acre)
- Medulm Density (7-12 dwellings per acre)
- High Density (12-29 dwellings per acre)
- Regional Commercial
- Community Commericial
- Neighborhood Center
- Transitional Mixed Use
- Business Park
- Office
- Industrial
- Public/Institutioanl
- Open Space
- Parks

Scale: 1:3,703

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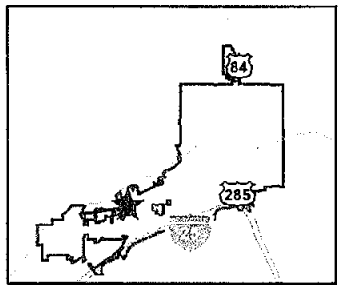
EXHIBIT B-2 32

Zoning Map



Legend

- City Limits
- Address Points
- Parcels
- Building Footprint
- Airport Clear Zones
- Santa Fe River
- Zoning
  - RR Rural Residential
  - R1, (PUD) Single- Family 1du/ac.
  - R2, (DT), (PUD), (AC) Single - Family 2du/ac
  - R3, (PUD) Single - Family 3du/ac
  - R4 Single - Family 4du/ac
  - R5, (DT), (PUD), (AC), R6 Single - Family 5-6du/ac
  - R7, (I), (PUD), R8 Single - Family 7-8du/ac
  - RC5, RC5AC Compound 5du/ac
  - RC8, RC8AC Compound 8du/ac
  - R10, (PUD) Multiple - Family 10du/ac
  - R12, (PUD) Multiple - Family 12du/ac
  - R21, (PUD) Multiple - Family 21du/ac
  - R29, (PUD),(AC) Multiple - Family

Scale: 1:4,707

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

EXHIBIT E-3

City of Santa Fe
Land Use Department
Early Neighborhood Notification
Meeting Notes

Project Name	3193 & 3197 Jemez Road General Plan Amendment & Rezoning
Project Location	3193 & 3197 Jemez Road
Project Description	General Plan Amendment & Rezoning
Applicant / Owner	L-Fam Partnership
Agent	James W. Siebert & Associates, Inc.
Pre-App Meeting Date	2/27/14
ENN Meeting Date	3/14/14
ENN Meeting Location	South Side Public Library
Application Type	General Plan Amendment & Rezoning
Land Use Staff	Donna Wynant
Attendance	3 neighbors in attendance, 1 City staff person, the Applicant and the Applicant's Agent.

Notes/Comments:

Meeting started at 5:30. Donna Wynant gave an overview of the ENN process and the prospective timeframe to expect as it goes to City Council for final review and approval.

Three neighbors to the development in addition to City staff, the applicant and the applicant's agent were in attendance. One of the neighbors living in the Jemez Road residential neighborhood wanted information on the requested rezoning but did not express any opposition to the request. Another neighbor across Airport Road was located in an MU, Mixed Use district and asked how that might be changed. No opposition was expressed to the proposal.

Meeting ended at 6:00 pm.

EXHIBIT C-1

ENN GUIDELINES

Applicant Information

Project Name: **3193 & 3197 Jemez Road Rezoning & General Plan Amendment**

Name: **L-Fam Partnership C/O James W. Siebert & Assoc.** (*Last*) **Siebert, James** (*First*) **W** (*M.I.*)

Address: **915 Mercer Street** (*Street Address*) *Suite/Unit #*

Santa Fe (*City*) **NM** (*State*) **87505** (*ZIP Code*)

Phone: **505 983-5588** E-mail Address: **jim@jwsiebert.com**

Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 2001, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about the criteria, consult the Land Development Code.

(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS ***For example: number of stories, average setbacks, mass and scale, landscaping, lighting, access to public places, open spaces and trails.***

These properties have served as commercial uses for several years. The owner is not proposing to change the uses or significantly modify the current configuration or buildings on the subject site. The existing commercial uses on the property are now non-conforming uses. The applicant wishes to bring the uses into compliance with the underlying zoning.

(b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT ***For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.***

This is a developed site and has been for the last 25-30 years. The properties are well maintained and are not located within a designated 100 year flood plain. There are trees on the site and those trees and existing shrubs will remain. There are no rivers, arroyos, rock outcroppings, escarpments or open space that are impacted by this rezoning.

(c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN ***For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.***

These properties are located within the suburban archaeological district. The total area of both properties is less than 2.0 acres and an archaeological report is not required. These properties are not located within the Historic Downtown and no prehistoric, historic, archaeological or cultural sites are affected by this rezoning.

(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN ***For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.***

The surrounding area is a mix of residential and commercial. The properties across Airport Road are zoned MU, Mixed Use and currently consist of residential and office commercial uses. The land to the west has been zoned C-2, General Commercial and is location of the Walgreens building. A gas station and convenience store is immediately adjacent to the Walgreens building. The property to the north of the application is residential. The property to the east consists of a large vacant tract of land.

(e) EFFECTS ON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES ***For example: increased access to public transportation, alternate transportation modes, traffic mitigation, cumulative traffic impacts, pedestrian access to destinations and new or improved pedestrian trails.***

There is a traffic signal at Jemez Road and Airport Road and Airport Road has been improved in the last few years to better manage access to Airport Road. The access to both of these lots is from Jemez Road and no access is proposed onto Airport Road. There is an existing sidewalk located on the north side of Airport Road. The disabled are provided access on the sidewalk on Airport Road. ADA access is provided from the parking lot to each of the buildings shown on the application.

(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE ***For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.***

The existing uses are occupied by businesses that provide jobs and a service to the community. One building houses a driving school. This business has become more important since the public schools no longer provide drivers' education courses. The other building provides services associated with the Catholic charities. Although the buildings currently house commercial uses if the buildings were to be destroyed they could not be rebuilt for the same uses that have existed on this property for several years.

(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS ***For example: creation, retention, or improvement of affordable housing; how the project contributes to serving different ages, incomes, and family sizes; the creation or retention of affordable business space.***

The property is currently used for commercial purposes and the requested zoning is for commercial purposes. Affordable housing, therefore is not a consideration for these properties. It is a location for reasonably priced business space. The rents are such that the current occupants have had the ability to remain at their present location for several years.

(h) EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES ***For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services.***

The area north of Airport Road is currently served by all City utilities including, water, sewer, natural gas, electric, telephone and cable TV. A fire hydrant is located at the west corner of Jemez Road and Airport Road. There is a City bus route that currently serves Airport Road. The City has committed to providing a new fire station for this area of the City as part of the City/County annexation agreement. The timing of the new fire station is something that will be determined between the two jurisdictions.

(i) IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS ***For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.***

These properties are currently served by City water. No new water or sewer lines are required to provide water and sewer service to these two lots. Both of these uses require limited water resources. The existing commercial buildings use less water that a corresponding size signal family dwellings.

(j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS ***For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.***

Although the community services that are provided in these buildings are City-wide there is a portion of the immediate community that is served by the existing commercial uses on the property. Since these properties are limited in size and are built structures it is difficult to integrate the linkages and social balance mentioned in this criterion.

(k) EFFECT ON SANTA FE'S URBAN FORM ***For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? Discuss the project's effect on intra-city travel and between employment and residential centers.***

The existing General Plan recommends residential uses at 4 dwellings per acre. Both the General Plan and zoning fail to reflect the land uses that have existed on these properties for several years. The project promotes a compact urban form since the pattern of development for this area of the City has existed for several years. It is not a matter of infill development but an historic development pattern that existed long before the City annexed this area.

(l) ADDITIONAL COMMENTS (optional)

Both of these lots had previously received commercial zoning when they were under Extraterritorial jurisdiction. The property at 3193 Jemez Road received commercial designation in 1996. The property at 3197 received commercial zoning in 2004

LandAmerica Capitol City Title File No. 6311000367

WARRANTY DEED

John D. DiPietro, Co-Trustee of the 4989 Airport Road Land Trust, for consideration paid, grant(s) to L-Fam Partnership, a New Mexico general partnership, whose address is 1519 Center Drive, Santa Fe, NM 87507, the following described real estate in Santa Fe County, New Mexico:

Lot 17, Tract No. 1, as shown and delineated on plat entitled "Boundary Survey Plat for L-Fam Partnership" by David E. Cooper, PS No. 9052 dated July 12, 2005, and recorded as Document No. 1389193 in Plat Book 594 Page 193, in the records of Santa Fe County, New Mexico.

SFC Clerk 07/18/2005

SUBJECT TO all patent and mineral reservations, restrictive covenants, restrictions and reservations of easements and rights-of-way of record, and all applicable zoning regulations, restrictions and requirements and all other matters of record and to taxes for the year 2005 and subsequent years;

with warranty covenants.

Witness my/our hands this date:

4989 Airport Road Land Trust
dated January 10, 2003

John D. DiPietro Co Trustee

John D. DiPietro, Co-Trustee

ACKNOWLEDGMENT

STATE OF FLORIDA

COUNTY OF DUVAL

This instrument was acknowledged before me on July 15, 2005 by John D. DiPietro, Co-Trustee of the 4989 Airport Road Land Trust, on behalf of said trust..

Jeanette M Dean

Notary Public
My Commission Expires: 1-23-06

JEANETTE M. DEAN
MY COMMISSION # DD 082018
EXPIRES: January 23, 2006
Bonded Thru Notary Public Underwriters

COUNTY CLERK VALERIE ESPINOZA SANTA FE COUNTY NEW MEXICO

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

WARRANTY DEED
PAGES: 1

I Hereby Certify That This Instrument Was Filed for Record On The 18TH Day Of July, A.D., 2005 at 14:57 And Was Duly Recorded as Instrument # 1389234 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza
Deputy _____ County Clerk, Santa Fe, NM

367 (1)

STSF# File No.: 01143-2950 DP

WARRANTY DEED

Catholic Charities, a New Mexico non-profit corporation a New Mexico non-profit corporation, successor by merger to Catholic Social Services de Santa Fe, Inc.,

for consideration paid, grant(s) to

L-FAM Partnership, a New Mexico general partnership

whose address is: 1519 Center Dr., Santa Fe, NM 87505

the following described real estate in Santa Fe County, New Mexico:

All of 18, as shown on plat of survey entitled, "Lands Surveyed for the E.M. Anstey Family Partnership portion of Lots 17 and 18 Tract No. 1, Acres Estates Santa Fe County, New Mexico," filed for record as Document Number 839,072, appearing in Plat Book 260, Page 017, records of Santa Fe County, New Mexico.

Subject to: Reservations, restrictions, easements of record and taxes for 2013 and subsequent years.

with warranty covenants.

Executed this 17th day of July, 2013.

COUNTY OF SANTA FE } WARRANTY DEED
STATE OF NEW MEXICO } ss PAGES: 1

I Hereby Certify That This Instrument Was Filed for Record On The 18TH Day Of July, A.D., 2013 at 08:42:41 AM And Was Duly Recorded as Instrument # 1712316 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy - FFISCHER County Clerk, Santa Fe, NM

CATHOLIC CHARITIES, A NEW MEXICO NON-PROFIT CORPORATION

James Gannon
CEO

ACKNOWLEDGEMENT FOR NATURAL PERSONS

State of New Mexico
County of Santa Fe

The foregoing instrument was acknowledged before me on 17th day of July, 2013 by James Gannon, Chief Executive Officer of Catholic Charities, a New Mexico non-profit corporation, on behalf of said corporation.

Notary Public Diana Pollard

My Commission Expires: _____

OFFICIAL SEAL
Diana Pollard
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 4/29/2014

JAMES W. SIEBERT
AND ASSOCIATES, INC.

915 MERCER STREET * SANTA FE, NEW MEXICO 87505
(505) 983-5588 * FAX (505) 989-7313
siebert.associates@comcast.net

April 25, 2014

Tamara Baer
Current Planning Division
Land Use Manager
P.O. Box 909
Santa Fe, NM 87504

Re: Application for 3193 & 3197 Jemez Road (4989 & 4985 Airport Road)

Dear Ms. Baer:

On behalf of L-Fam Properties, I am submitting an application for general plan amendment and rezoning to establish a C-2, General Commercial use consistent with above described properties.

- General Plan amendment from Very Low Density Residential (4-7 DU/Acre) to Community Commercial.
- Rezoning from R-4 (4 dwellings per acre) to C-2, General Commercial

The following material is submitted with this application

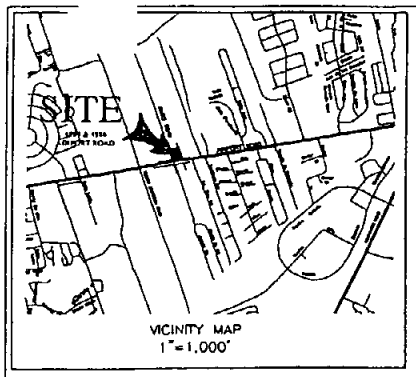
- Six Rezoning/General Plan Amendment Development Plan Reports
- Check in the amount of $2,060.00 for the development review fee
- Completed application forms

Please schedule this request for the June 10, 2014 Planning Commission meeting. Thank you for your attention to this matter.

Sincerely,

James W. Siebert

Xc: Bill Layden
Tim Layden



SITE DATA:

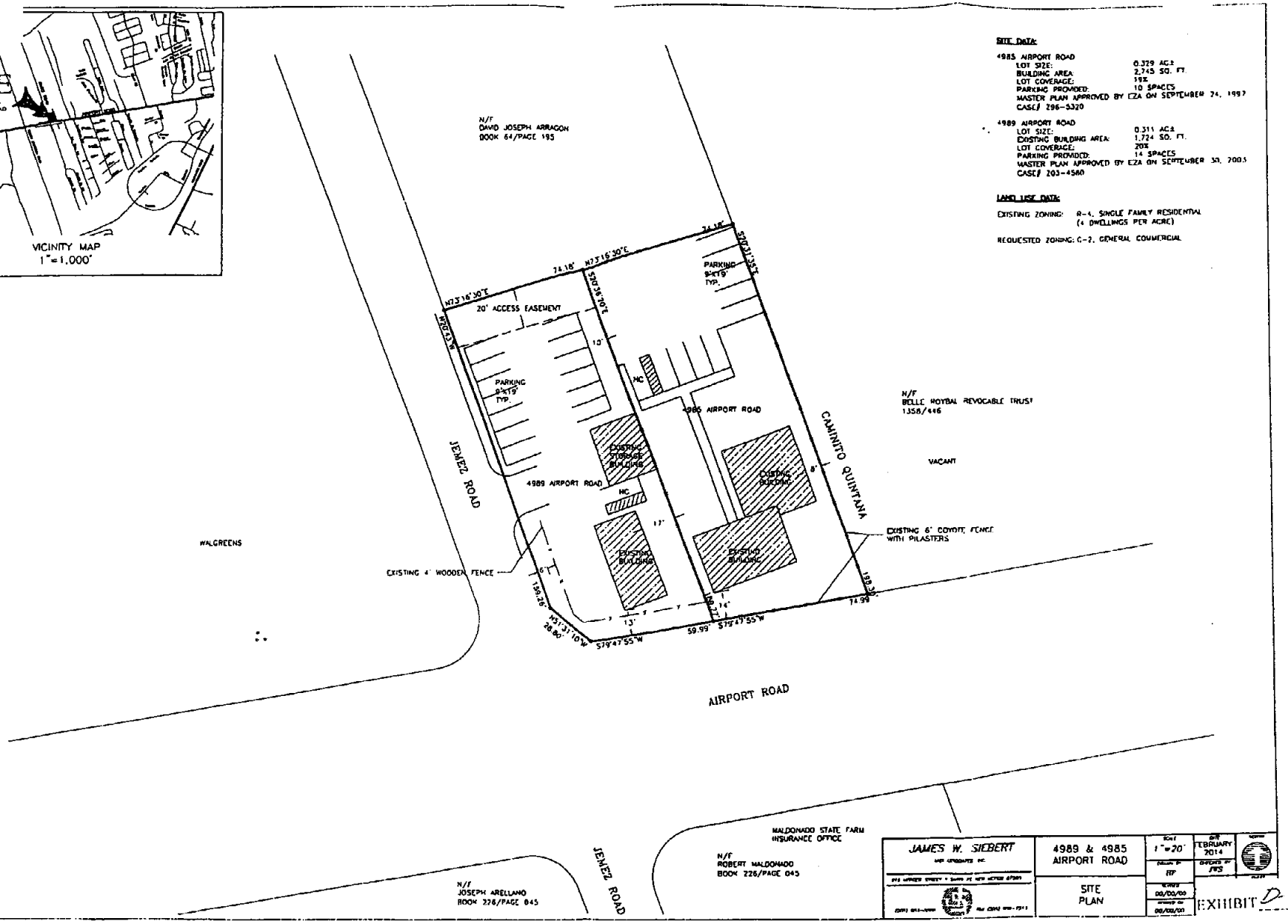
4985 AIRPORT ROAD
- LOT SIZE: 0.329 AC±
- BUILDING AREA: 2,745 SQ. FT.
- LOT COVERAGE: 19%
- PARKING PROVIDED: 10 SPACES
- MASTER PLAN APPROVED BY EZA ON SEPTEMBER 24, 1997
- CASE# 296-5320

4989 AIRPORT ROAD
- LOT SIZE: 0.311 AC±
- EXISTING BUILDING AREA: 1,724 SQ. FT.
- LOT COVERAGE: 20%
- PARKING PROVIDED: 14 SPACES
- MASTER PLAN APPROVED BY EZA ON SEPTEMBER 30, 2003
- CASE# 203-4560

LAND USE DATA:

EXISTING ZONING: R-4, SINGLE FAMILY RESIDENTIAL (4 DWELLINGS PER ACRE)

REQUESTED ZONING: C-2, GENERAL COMMERCIAL



JAMES W. SIEBERT AND ASSOCIATES, INC.	4989 & 4985 AIRPORT ROAD	SCALE 1"=20'	DATE FEBRUARY 2014
		DRAWN BY HP	DRAFTED BY JWS
	SITE PLAN	REVISED 00/00/00	
		APPROVED BY 00/00/00	

EXHIBIT D3

EXHIBIT D3

View along Airport Road frontage towards intersection with Jemez Road.

View of Jemez Road frontage, looking south towards intersection with Airport Road.

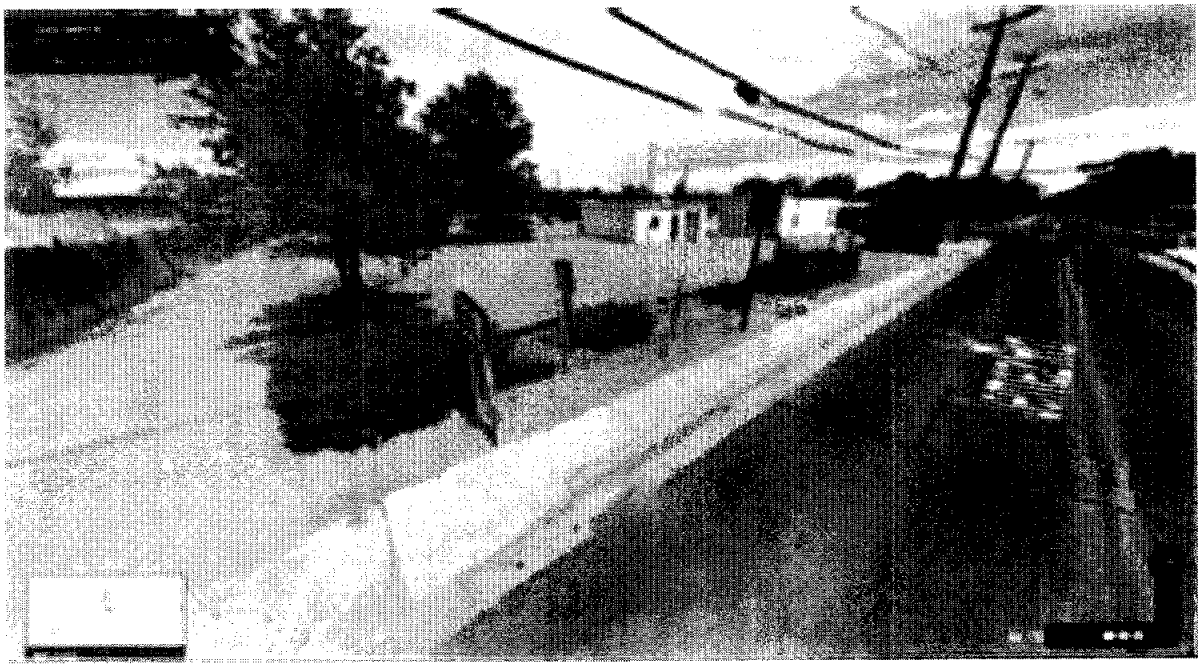


EXHIBIT E-1

View of property from intersection.

Mr. Romero said the Long Range Planning Division met with him to scope out a traffic study on it. He thought without doing traffic counts what it would do to improve travel time. On any road that has a capacity that gets reduced too much, they either would go through much slower and frustrated or they would use another route or alternative transportation. It gets to a critical point with a significant delay in traffic. If the majority were going from Tierra Contenta to the hospital, they still would drive and might cut through Siringo.

Chair Spray asked if the study would be a six figure project operation.

Mr. Romero said it was expensive. He had suggested they used the counts and factor them with growth projections to see what it would like with reduced lanes. Another thing they were suggesting was closing all medians between signals. That would affect the amount of time allowed for left turns. They would do the study and then work on what to look for to find.

Chair Spray said when St Francis was put in, cars and movement was the driving force with that. Arterials were wonderful but for those who were walking across St. Francis. They were still dealing with the lots that got cut off when it was built. It seemed to be a bypass and now we have 599 as a new bypass. But he was glad to see the City moving forward with that.

Commissioner Schackel-Bordegaray said this was an important discussion for the Commission. A lot of people cut through on Camino Carlos Rey and Campanas and that's the way she went. It was obvious that people cut through there because Richards was never connected. Some day it needed to go through. That was one of our city's traffic problems.

She asked why there were stop signs on Campanas.

Mr. Romero said that was actually not a roundabout there but a traffic circle. Those were there before he was born. He explained that roundabouts were primarily intersection control and traffic circles were just an impedance to slow traffic down.

E. OLD BUSINESS

There was no old business.

F. NEW BUSINESS

1. **<u>Case #2014-43</u>, 3197 & 3193 Jemez Road (4989 & 4985 Airport Rd.)** The L-Fam Partnership requests approval of a general Plan future Land Use map amendment to change the designation of 0.64± acres from Very Low Density Residential (4-7 DU/Acre) to Community Commercial. The property consists of two lots, located at the northeast corner of Airport Road and Jemez Road. (Donna Wynant, Case Manager).

EXHIBIT 5

Ms. Baer reported for Ms. Wynant using the overhead projector on these cases. She said the two cases should be considered as one by the Commission but they needed a separate vote on each one to make recommendations to Council on the final decision.

They were for rezoning from R-5 to C-2. There were two lots jointly totaling 0.64 acres at the northwest corner of Jemez Road and Airport Road. Both have long been developed as commercial use on residential properties and the cases were to bring zoning into compliance with use. They got permission from the EZA before under jurisdiction of the City.

She pointed them out on aerial drawings including the new Walgreens and showed on the east was Catholic Social Services and on the west part a driving school now and other commercial establishments over the years. The owners recently purchased the left lot.

When the zoning was done in 2009 they did so on this west area. It was annexed January 1, 2014 but came into city jurisdiction in 2009.

At that time, when the City was creating the new zoning for this property and assigning future land use designations, they took a broad view except for those where before there had been a master plan approval. Unless someone came forward, the City didn't always know that. In this case, (in Exhibit B-2) it showed the future land use designations and she pointed out the red line around these lots which was part of a large swath at very low density residential.

Even though designated very low, Exhibit B-3 showed the zoning was actually R-4 which didn't fit the very low density. Some were R-3 size but some were actually developed at R-4 which was more of an average density. That was how it might have been done.

The purpose of these applications was to correct the future land use map and zoning for the actual historic uses. There was not any planned changes for these properties.

Access to both was from Jemez Road and there was no direct access from Airport Road. The Fire Department requires the access to designate the physical address. They were on city water but not city wastewater and at time of their development of the property, it would require a sewage connection.

Ms. Baer said Land Use supported these applications.

Chair Spray thanked her for the presentation. He invited the applicant to speak.

Present and sworn was Mr. James Siebert who said he didn't know what he could add but to reinforce that some of these things went back 20-30 years. It was once a book store and then boat repair so it had been commercial. There was prior zoning given and maybe an oversight that the zoning was not carried forward when adopted by the City.

Commissioner Bemis asked about the difference between community commercial and general commercial.

Mr. Siebert said the zoning they were requesting was C-2. Community Commercial was for the future use map.

Chair Spray announced this was a public hearing.

Present and sworn was Mr. Daniel Roybal who said he and his wife owned the property to the right with the two mobile homes on them and the property extended a little further than shown. He asked if there was a planned development for this corner lot.

Chair Spray said during the meeting the Commission would try to find the answer for him.

Mr. Roybal said they would like to have their property rezoned also.

There were no other speakers from the public and the public portion was closed.

Commissioner Harris noted on the cover memo it said not accessible, new construction for septic permit but he assumed that whatever the trigger for development, there would be discussion on connecting to public sewer instead of a septic permit.

Ms. Baer clarified that on page 10 of the staff report, the applicant stated that water and sewer lines were available. Mr. Hand's memo says that would be the trigger for connection. Wastewater indicated the properties were not connected.

Commissioner Harris read the septic permit statement.

Ms. Baer said that statement was not correct and needed to be corrected.

Commissioner Harris commented that this was a valuable piece of property and reflected historic use commercially. It should be commercially zoned but also should be connected to the City sewer.

Chair Spray asked Ms. Baer about the adjacent lot to the east that was still zoned R-4 and whether with approval of this case, Mr. Roybal's property could be considered for rezoning to C-2.

Ms. Baer agreed.

Chair Spray supposed that any owner could come ask for change.

Ms. Baer said if Mr. Roybal had come in first they might have had trouble getting it because the Code says it must be at least 2 acres or be adjacent to C-2. If and when this goes through, then his property would be adjacent and he could make the request and follow the same process.

Chair Spray understood and assuming it was approved by Council, it could improve Mr. Roybal's chances.

Commissioner Pava moved to approve Case # 2014-43 to recommend to the Governing Body the approval of a General Plan future Land Use map amendment to change the designation of 0.64± acres from Very Low Density Residential (4-7 DU/Acre) to Community Commercial. Commissioner Villarreal seconded the motion and it passed by unanimous voice vote.

2. **Case #2014-44, 3197 & 3193 Jemez Road (4989 & 4985 Airport Rd.).** The L-Fam Partnership requests rezoning of 0.64± acres from R-4 (residential, 4 dwelling units per acre) to C-2 (General Commercial). The property consists of two lots, located at the northeast corner of Airport Road and Jemez Road. (Donna Wynant, Case Manager).

Commissioner Schackel-Bordegaray moved to recommend to the Governing Body to approve Case #2014-44 at 3197 and 3193 Jemez Road for rezoning of 0.64± acres at from R-4 to C-2. Commissioner Villarreal seconded the motion and it passed by unanimous voice vote.

3. **Case #2014-45. Paseo North Development Plan.** Architectural Alliance Inc. Agent for 511 PDP LLC, requests approval of a Development Plan to construct 4 residential units totaling 11,475 square feet. The 16,449 square foot property is located at 511 Paseo de Peralta. It is zoned R-21 (Residential, 21 dwelling units per acre) and is within the Downtown and Eastside Historic Overlay District. (Zach Thomas, Case Manager).

Commissioner Harris disclosed that his wife had worked next door to the subject property. The Commission accepted his disclosure as not a conflict of interest.

Mr. Zach Thomas presented the request from Architectural Alliance for approval of a Development Plan to construct 4 residential units for a total of 11,475 square feet at 511 Paseo de Peralta in property zoned R021 and within the Downtown and Eastside Historic District. It was new construction exceeding 10,000 in a residential zone so it needed approval by the Planning Commission.

Mr. Tomás displayed a site view photo showing what the current lot looked like at 511 Paseo de Peralta and indicated the architect was here to describe more details. The lot coverage at 40% included above grade structures but not the below grade garage or driveways. The development included common open space in the courtyards. In the exhibits the garage roof was described as a "living roof" because it was at ground level but was the top of the parking garage. The plan also provided 350 square feet of private open space per unit.

The single point of access/egress provided vehicle access to the garage and pedestrian access to the units. The project was reviewed by Mr. Romero and found to be compliant with the condition that the rock

CITY COUNCIL MEETING OF
July 30, 2014
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY

Mayor Javier Gonzales		
Co-Sponsors	**Title**	**Tentative Committee Schedule**
	A RESOLUTION RELATING TO SANTA FE'S HISTORICAL HERITAGE; AUTHORIZING STAFF TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT FOR HISTORIAN SERVICES THAT WOULD PROVIDE OPPORTUNITIES FOR LOCAL RESIDENTS, INCLUDING CHILDREN AND YOUTH, TO BE EDUCATED ABOUT SANTA FE'S HISTORIC HERITAGE AND CREATE A MARKETING STRATEGY FOR LOCAL RESIDENTS AND TOURISTS TO EXPERIENCE SANTA FE'S RICH HISTORIC HERITAGE.	Finance Committee - 8/4/14 City Council 8/13/14
	A RESOLUTION DIRECTING TRANSIT DIVISION STAFF TO DEVELOP AND EXECUTE A PILOT PROJECT TO PROVIDE SANTA FE PICK-UP SERVICE BETWEEN THE SANTA FE UNIVERSITY OF ART AND DESIGN AND THE RAILYARD AND DOWNTOWN PLAZA AREAS ON WEEKEND EVENINGS, DURING THE 2014 FALL SEMESTER.	Finance Committee - 8/4/14 Public Works Committee - 8/11/14 City Council - 8/13/14

Councilor Patti Bushee		
Co-Sponsors	**Title**	**Tentative Committee Schedule**
	A RESOLUTION SUPPORTING SAFE NURSE STAFFING LEVELS IN THE HEALTH CARE SYSTEM AT THE FEDERAL, STATE AND LOCAL GOVERNMENT LEVELS AND IN THE PRIVATE SECTOR.	Finance Committee - 8/18/14 City Council - 8/27/14

Councilor Bill Dimas		
Co-Sponsors	**Title**	**Tentative Committee Schedule**

This document is subject to change.

Exhibit "10"

Councilor Carmichael Dominguez		
Co-Sponsors	**Title**	**Tentative Committee Schedule**
	AN ORDINANCE RELATING TO EARLY NEIGHBOROOD 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.	Parks and Open Space Advisory Commission – 8/19/14 Public Works Committee - 9/8/14 Planning Commission - 9/11/14 Finance Committee - 9/15/14 City Council (request to publish) - 9/23/14 City Council (public hearing) -10/29/14

Councilor Peter Ives		
Co-Sponsors	**Title**	**Tentative Committee Schedule**
Gonzales	A RESOLUTION CALLING ON THE GOVERNOR, THE LEGISLATURE, THE ATTORNEY GENERAL AND THE REGULATION AND LICENSING DEPARTMENT TO TAKE IMMEDIATE ACTION, WITHIN THEIR RESPECTIVE POWERS, TO CAP INTEREST AND FEES ON NON-BANK LENDING INSTITUTIONS IN NEW MEXICO.	Finance Committee - 8/18/14 City Council - 8/27/14
	A RESOLUTION DIRECTING STAFF OF THE PUBLIC UTILITIES DEPARTMENT TO STUDY THE NECESSARY COMPONENTS OF A COMPREHENSIVE CROSS CONNECTION CONTROL PROGRAM AND ORDINANCE DESIGNED TO PROTECT THE CITY'S PUBLIC WATER SUPPLY SYSTEM.	Finance Committee - 9/2/14 Public Utilities Committee 9/3/14 City Council - 9/10/14

Councilor Signe Lindell		
Co-Sponsors	**Title**	**Tentative Committee Schedule**
	AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; AMENDING VARIOUS SECTIONS TO MAKE TECHNICAL CORRECTIONS AND MINOR CLARIFICATIONS; AND MAKING SUCH OTHER CHANGES THAT ARE NECESSARY.	Planning Commission - 8/7/14 Public Works Committee - 8/11/14 Finance Committee - 8/18/14 City Council (request to publish) - 8/27/14 City Council (public hearing) - 9/23/14

This document is subject to change.

Councilor Joseph Maestas		
Co-Sponsors	**Title**	**Tentative Committee Schedule**

Councilor Chris Rivera		
Co-Sponsors	**Title**	**Tentative Committee Schedule**

Councilor Ron Trujillo		
Co-Sponsors	**Title**	**Tentative Committee Schedule**

Introduced legislation will be posted on the City Attorney's website, under legislative services. If you would like to review the legislation prior to that time or you would like to be a co-sponsor, please contact Melissa Byers, (505)955-6518, mdbyers@santafenm.gov or Rebecca Seligman at (505)955-6501, rxseligman@santafenm.gov .

This document is subject to change.

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2014-____

INTRODUCED BY;

Councilor Patti Bushee

A RESOLUTION

SUPPORTING SAFE NURSE STAFFING LEVELS IN THE HEALTH CARE SYSTEM AT THE FEDERAL, STATE AND LOCAL GOVERNMENTLEVELS AND IN THE PRIVATE SECTOR.

WHEREAS, there is a strong relationship between adequate nurse-to-patient ratios and positive patient outcomes within hospitals; and

WHEREAS, rising patient acuity and shortened hospital stays have contributed to diminished quality of health care; and

WHEREAS, finding an optimal nurse-to-patient ratio within hospitals has been a national and state challenge; and

WHEREAS, according to the American Nurses Association, ensuring adequate registered nurse staffing levels within each unit of a hospital has been shown to:

- Reduce medical and medication errors;
- Decrease the frequency and severity of patient complications;
- Decrease mortality;

Exhibit "1"

- Improve patient satisfaction;
- Reduce nurse fatigue;
- Decrease nurse burnout;
- Improve nurse retention and job satisfaction; and

WHEREAS, health care leaders have an opportunity to create innovative strategies to improve patient outcomes through development of optimal staffing patterns for hospitals, thereby creating a safer environment for patients and nurses; and

WHEREAS, staffing solutions require leadership, support, and recognition to assure an appropriate number and skill mix of staff, including registered nurses, who are able to deliver safe quality patient care; and

WHEREAS, optimal staffing within a hospital is essential in order to provide optimal patient care; and

WHEREAS, innovative and collaborative strategies that focus on developing long-term solutions will improve the quality of patient care outcomes; and

WHEREAS, in 2012, the New Mexico Legislature, through House Memorial 51 charged named stakeholder groups to recommended staffing standards to the legislature and tasked the Department of Health to collect information about the hospitals that adopt standards and to report the cost of implementing an oversight program; and

WHEREAS, at a minimum Connecticut, Illinois, Nevada, Ohio, Oregon, Texas and Washington require hospitals to have staffing committees responsible for plans and staffing policy; and

WHEREAS, at least thirteen states currently address nurse staffing levels in hospitals through state law and/or regulation, including California, Connecticut, Illinois, Minnesota, Nevada, New Jersey, New York, Ohio, Oregon, Rhode Island, Texas, Vermont and Washington.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE

CITY OF SANTA FE that the Governing Body hereby:

1, Supports bipartisan efforts in Congress and specifically by our Congressional members, to pass H.R.1821, the Registered Nurse Safe Staffing Act of 2013;

2. Encourages our New Mexico State Legislature to develop a state standard for quality of care through prescribed minimum nurse staffing levels, and in particular through minimum registered nurse staffing levels;

3. Recognizes that health care leaders have an opportunity to collaborate to create innovative strategies to develop solutions to quality of care issues resulting from current staffing patterns, in order to ensure a safer environment for patients and nurses; and

4. Requests that hospitals in the area consider implementing a hospital wide staffing plan developed by a nurse staffing committee (that includes nurses, nurse managers, and other managers) to address the unique characteristics of the patients and hospital units that result in the delivery of safe, quality patient care.

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this resolution to the City's New Mexico Congressional Delegation, the City's State Legislative Delegation, the City's lobbyist and the executive officers of Santa Fe area hospitals.

PASSED, APPROVED and ADOPTED this _____ day of_____, 2014.

_____

ATTEST: JAVIER M. GONZALES, MAYOR

_____

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

_____

KELLEY A. BRENNAN, CITY ATTORNEY

M/Melissa/Resolutions 2014/Nurses Safe Staffing_City of SFe

CITY OF SANTA FE NEW MEXICO

BILL NO. 2014-____

INTRODUCED BY:

Councilor Carmichael Dominguez

Councilor Patti Bushee

AN ORDINANCE

RELATING TO EARLY NEIGHBOROOD 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.

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

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

(3) Applicability to City Capital Improvement Projects

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

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

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

Exhibit "12"

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

M/Melissa/Bills 2014/ENN Parks

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2014____

INTRODUCED BY:

Councilor Signe I. Lindell

AN ORDINANCE

RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; AMENDING VARIOUS SECTIONS TO MAKE TECHNICAL CORRECTIONS AND MINOR CLARIFICATIONS; AND MAKING SUCH OTHER CHANGES THAT ARE NECESSARY.

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

Section 1. Section 14-3.8 SFCC 1987 (being Ord. No. 2011-37 § 3, as amended) is amended to read:

14-3.8 DEVELOPMENT PLANS

(A) Purpose and Intent

(1) It is the intent of the *development* plan to:

(a) provide the plans to be followed in construction operations, including phasing;

(b) enable the *governing body*, *land use boards* and *land use director* to ensure compliance with Chapter 14;

Exhibit "13"

(c) document compliance with *final actions* to approve or conditionally approve *development applications*;

(2) A *development* plan typically encompasses *development* of one or more *parcels* under common ownership or unified control that will be planned and developed as a whole.

(B) Applicability

(Ord. No. 2013-16 § 11)

(1) Early neighborhood notification and notice and conduct of public hearings are required pursuant to the general provisions of Sections 14-3.1(F), (H) and (I).

(2) A *development* plan is required in conjunction with rezoning *applications* in certain districts as provided in Chapter 14, Articles 4 Zoning and 5 Overlay Zoning Districts.

(3) [~~Notwithstanding any code provisions to the contrary, approval~~] Approval of a *development* plan by the planning commission is required prior to new *development* that meets any of the following criteria:

(a) *gross floor area* of thirty thousand square feet or more and is located within any zoning district of the *city*;

(b) *gross floor area* of ten thousand square feet or more in a *residential* district or in the C-1, C-2, C-4, BCD, HZ, I-1, I-2, BIP, PRRC, RS, SC or MU district and is within two hundred (200) feet, [~~excluding~~] including public *rights of way*, of RR, R-1 through R-6, R-7, R-7-I, R-8, R-9, RC-5, RC-8, R10, R-12, R-21, R-29, RAC, AC, PRC and MH districts;

(c) *flea market* with fifteen or more vendors; or

(d) outdoor *commercial recreational uses* in any zone where the total area devoted to recreation and related pedestrian circulation and amenities, excluding parking and vehicular circulation areas, exceeds fifteen thousand (15,000) square feet in any zone; provided that this provision does not apply to temporary carnivals, circuses and similar short-term entertainment uses required to obtain a *permit* from the *city*.

(4) The *development* plans described in Subsections (B)(2) and (3) shall be reviewed by the planning commission.

(5) This section applies where the cumulative square footage of multiple *permits* meets or exceeds the criteria in Subsections (B)(2) or (3) or a combination of those subsections when the *permits* are for coordinated *development* of a *project* comprising multiple *buildings* or outdoor uses, including phased *projects* and *projects* involving *development* of adjoining commonly owned *parcels*.

(6) This section does not apply to the construction of *single-family dwellings*, each of which has a *gross floor area* of ten thousand (10,000) square feet or less, including *accessory buildings*, on *lots* created prior to the effective date of Ordinance No. 1999-13 or on *lots* within a subdivision that was subject to early neighborhood notification procedures. This section does apply to construction of any *single-family dwelling* that has a *gross floor area* greater than ten thousand (10,000) square feet, including *accessory buildings*.

(7) No additional *development* plan review is required if the new or changed use or *development* described in Subsections (B)(2) and (3) was part of a *development* plan approved as part of a rezoning or other action before the

governing body or [~~a *land use board*~~] the planning commission, and for which [~~the~~] an early neighborhood notification [~~process~~] meeting occurred as set forth in Section 14-3.1(F) [~~was required~~].

(8) Approval of a *development* plan by the *land use director* is required for multiple-*family development* comprising three or more *dwelling units* with a *gross floor area* less than ten thousand (10,000) square feet.

(C) Procedures

(1) Submittal Requirements

Applicants for *developments* that require *development* plans under this section shall submit plans and other documentation as required by the *land use director* that show compliance with the applicable provisions of the Santa Fe City Code as provided in Section 14-3.1(C) Form of Application, including plans that show:

(a) existing conditions on the site and within two hundred (200) feet of the site;

(b) proposed modifications to the site, including the locations of existing and new *structures*, *grading*, *landscaping*, lighting, pedestrian and vehicular circulation, parking and loading facilities;

(c) the types, extent and *intensity* of land uses that are proposed;

(d) proposed modifications to the *infrastructure* serving the site, including public and private *streets*, driveways and traffic control measures and utilities;

(e) documentation of compliance with *development* standards such as required *yards*, *lot* coverage, height of *structures* and *open space*;

(f) the phases of *development*, if applicable;

(g) *for residential development*, a proposal for provision of affordable housing as required by Section 14-8.11 (Santa Fe Homes Program); (Ord. No. 2013-16 § 12)

(h) a *development* water budget as required by Section 14-8.13;

(i) for a *development* plan or final *development* plan, sufficient detail to clearly show how each applicable *development* standard is to be met and identify any variance or *waiver* required,

(j) for a preliminary *development* plan, sufficient detail to demonstrate the feasibility of meeting all applicable *development* standards, including an analysis of the type and extent of variances or *waivers* required, specific requests for which may be included.

(2) Coordination with Other Review Procedures

(a) *Development* plans required for rezonings by Articles 14-4 Zoning Districts and 14-5 Overlay Zoning Districts shall be reviewed by the planning commission at a public hearing with notice provided as required by Section 14-3.3(H) and then transmitted to the *governing body* with any recommendations, as set forth in Section 14-3.5 Rezonings.

(b) A special use *permit* or variance request associated with a *development* plan shall be reviewed concurrently and approved or denied by the [~~*land use board* that reviews the *development* plan~~] planning commission.

(c) If review and approval of a *development* plan by [~~a *land use board*~~] the planning commission and the *governing body* is required in conjunction with a rezoning action, the *applicant* may submit a

preliminary *development* plan for consideration at the time of rezoning. If the rezoning is approved, a separate *application* for a final *development* plan must be approved by the [~~*land use board*~~] planning commission prior to *development* of the affected *property*.

(d) If review and approval of a *development* plan by the [~~a *land use board*~~] planning commission *only* is required, the *applicant* may first submit an *application* for a preliminary *development* plan. If the preliminary *development* plan is approved, a separate *application* for final *development* plan approval by [~~a *land use board*~~] the planning commission must be approved prior to the *development* of the *property*.

(e) If review and approval of a master plan by [~~a *land use board*~~] the planning commission and the *governing body* is required in conjunction with a rezoning action, and if approval of a *development* plan by [~~a *land use board*~~] the planning commission would be required for one or more phases, the *applicant* may either:

(i) submit a *development* plan for the entire affected area for review and approval in lieu of a master plan; or

(ii) submit a *development* plan for one or more portions of the affected area for review and approval concurrently with the master plan.

(f) Action on a *development* plan by [~~a *land use board*~~] the planning commission must be taken at a public hearing with notice provided as required by Section 14-3.3(H).

(3) Consistency with Master Plans and Preliminary Development Plans

(a) *Development* plans must be consistent with applicable provisions of approved master plans as provided in Section 14-3.9(B)(3).

(b) Final *development* plans within an area that is subject to an approved preliminary *development* plan must comply with the provisions of the previously approved preliminary plan unless it is amended or repealed. *Final actions* by the *governing body*, *land use boards* and the *land use director* concerning rezonings, subdivisions, special use *permits*, *development* plans and construction *permits* shall include a specific finding or determination that the action complies with all applicable provisions of the preliminary plan.

(4) Scope of Amendments to Development Plans

(a) The *land use director* has the authority provided in Section 14-2.11(C)(2) (Minor Modifications to Development Approvals).

(b) The [~~*land use boards* have~~] planning commission has the authority provided in Section 14-3.19(D) Amendment of Development Approvals.

(5) Administrative Approval Procedure

(Ord. No. 2013-16 § 13)

Approval of a *development* plan by the *land use director* as provided in Subsection 14-3.8(B)(8), does not require an ENN meeting, public hearing or public notice and is not required to be filed for record with the *county* clerk.

(6) Recording of Plans; Infrastructure Construction

(Ord. No. 2013-16 § 14)

(a) The signed original mylars of the *development* plan and associated engineering and improvement drawings shall be filed with the *land*

use director and shall be the basis for issuance of construction *permits*. The *development* plan shall be filed for record with the *county* clerk by the *land use director*.

(b) If dedication of *public rights of way* or easements is required, a separate dedication *plat* shall be recorded concurrently with the *development* plan.

(c) *Infrastructure* improvements shall comply with Article 14-9 Infrastructure Design, Improvement and Dedication Standards.

(D) Approval Criteria and Conditions

(1) Necessary Findings

To approve a *development* plan, [~~a *land use board*~~] <u>the planning commission</u> must make the following findings:

(a) that it is empowered to approve the plan under the section of Chapter 14 described in the *application*;

(b) that approving the *development* plan will not adversely affect the public interest; and

(c) that the use and any associated *buildings* are compatible with and adaptable to *buildings*, *structures* and uses of the abutting *property* and other *properties* in the vicinity of the *premises* under consideration.

(2) Conditions

The [~~*land use board*~~] <u>planning commission</u> may specify conditions of approval that are necessary to accomplish the proper *development* of the area and to implement the policies of the *general plan*, including:

(a) special *yards* or *open spaces*;

(b) fences, *walls* or landscape screenings;

(c) provision and arrangement of parking and vehicular and pedestrian circulation;

(d) on-site or off-site *street*, sidewalk or utility improvements and maintenance agreements;

(e) noise generation or attenuation;

(f) dedication of *rights of way* or easements or access rights;

(g) arrangement of *buildings* and use areas on the site;

(h) special hazard reduction measures, such as *slope* planting;

(i) minimum site area;

(j) other conditions necessary to address unusual site conditions;

(k) limitations on the type, extent and *intensity* of uses and *development* allowed;

(l) maximum numbers of *employees* or occupants permitted;

(m) hours of operation;

(n) phases of *development*, if applicable;

(o) establishment of an expiration date, after which the use must cease at that site;

(p) establishment of a date for annual or other period review at a public hearing;

(q) plans for sustainable use of energy, recycling and solid waste disposal;

(r) any other appropriate conditions and safeguards, in conformity with Chapter 14 or provisions of other chapters of the Santa Fe City Code that regulate the *development* and use of land; and

(s) conditions may not be imposed that restrict the use to a specific *person* or group.

(3) Expiration

Development plans expire as provided in Section 14-3.19 Expiration, Extension and Amendment of Development Approvals.

Section 2. Subsection 14-3.9(C)(3)(b) SFCC 1987 (being Ord. No. 2011-37 § 3) is amended to read:

(3) PRC and PRRC Master Plans

(a) The master plan must include a designation of the maximum *density* allowed for each *tract* designated for use. Unless special standards are adopted, *development* standards for each *tract* shall be those specified in Section 14-7 Building Envelope and Open Space Standards and Measurements for the corresponding *density*.

(b) The master plan must include a designation of the type of use and extent of *development* allowed for each *tract* designated for *nonresidential* or *mixed uses*. In addition to *nonresidential* uses allowed in *residential* districts, such as schools and *religious assembly*, the *development* may include:

(i) neighborhood shopping centers intended primarily to serve *development* within the PRC district and immediate vicinity as provided in Section 14-4.4(K) SC-1 Planned Shopping Center Districts and Section 14-7 Building Envelope and Open Space Standards;

(ii) not more than thirty-five percent of a planned *residential* community may be designated for *development* with *mixed*

uses consistent with the standards for the MU district; and

(iii) within the PRRC district, neighborhood centers as provided in Item (i) above, resort accommodations and resort-related commercial services.

(iv) Unless special standards are adopted, the provisions of Section 14-6 Permitted Uses and Use Regulations apply within the PRC and PRRC districts.

Section 3. Section 14-3.9(C)(4) SFCC 1987 (being Ord. No. 2011-37 § 3) is amended to read:

(4) Notice and Action by Planning Commission

Action by [~~a *land use board*~~] the planning commission to recommend approval of a master plan, or to approve an amendment as provided in Section 14-3.19(D)(2) Amendment of Development Approvals – Master Plans in the MU and BIP Districts, must be taken at a public hearing with notice provided as required by [~~Section 14-3.1(H)~~] Subsection 14-3.1(H)(1).

Section 4. A new Subsection 14-3.9(C)(5) SFCC 1987 is ordained to read:

(5) [NEW MATERIAL] Notice and Action by Governing Body

Action by the *governing body* to approve or amend a master plan must be taken at a public hearing with notice provided as required by Section 14-3.1(H)(2).

Section 5. Subsection 14-3.9(D)(1) SFCC 1987 (being Ord. No. 2011-37 § 3) is amended to read:

(D) Approval Criteria; Conditions

(1) Necessary Findings

[~~To approve a master plan, the *governing body* must make~~] Approval or

amendment of a master plan requires the following findings:

(a) the master plan is consistent with the *general plan*;

(b) the master plan is consistent with the purpose and intent of the zoning districts that apply to, or will apply to, the master plan area, and with the applicable use regulations and *development* standards of those districts;

(c) *development* of the master plan area will contribute to the coordinated and efficient *development* of the community; and

(d) the existing and proposed *infrastructure*, such as the *streets* system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the planned *development*.

Section 6. Subsection 14-3.12(A) SFCC 1987 (being Ord. No. 2011-37 § 3) is amended to read:

(A) General Provisions

(1) The *land use director* must issue a *certificate of occupancy* that certifies compliance with all provisions of Chapter 14 before any change in the use or occupancy of land or change of use or occupancy of a *building* or *premises*, or part thereof, is created, erected, changed, converted or wholly or partially altered or enlarged in its use or *structure*, other than the change of *residential* occupants, or before any new *building* is occupied for any purpose.

(2) The *land use director* may require the renewal of *certificates of occupancy* on an annual or other appropriate basis.

(3) The approval of *certificates of occupancy* shall be coordinated with the approval of *permits* or certificates required by other agencies, including:

(a) when required by the provisions of Chapter [~~8~~]7 SFCC 1987 Building and Housing, the *building official* shall approve the *certificate of occupancy* prior to issuance; and

(b) when required by the provisions of Chapter 12[~~7~~] SFCC 1987 Fire Prevention and Protection, the fire marshal or other code official shall approve the *certificate of occupancy* prior to issuance.

[~~(3)~~](4) The *land use director* shall maintain for at least fifty years a record of all *certificates of occupancy* issued.

Section 7. Subsection 14-3.19(A)(3) SFCC 1987 (being Ord. No. 2011-37 § 3) is amended to read:

(3) Final Actions

(a) Determination of *final actions* shall be as provided in Sections [~~14-17.1(A)(1)~~]14-3.17(A)(1) and 14-3.17(C)(4) [~~(Appeals)~~].

(b) For the purpose of computing expirations and time extensions, the date of *final action* for a *development* approval that is appealed one or more times pursuant to the provisions of Chapter 14 is the date of *final action* by the *land use board* or *governing body* on the last appeal. The date of *final action* for a *development* approval that is appealed pursuant to the provisions of Section 3-21-9 NMSA 1978 Zoning – Appeal is the date a written decision is filed pursuant to Section 39-3-1.1 NMSA 1978 [~~Subsection B(2) of that section~~].

Section 8. Subsection 14-4.1(E)(4) SFCC 1987 (being Ord. No. 2011-37 § 4) is amended to read:

(4) in the event of annexation of new areas to Santa Fe, the areas shall be zoned R-1 until otherwise classified. If changes in the *city* limits remove territory

from Santa Fe, district boundaries shall be construed as moving to conform with the *city* limits;

Section 9. Subsection 14-5.3(D) SFCC 1987 (being Ord. No. 2011-37 § 6) is amended to read:

(D) Archaeological Clearance Permit Required

An archaeological clearance *permit* is required for certain types of *development* activity within the archaeological review districts, as described in Section [~~14-3.14 (Archaeological Clearance Permit)~~] 14-3.13.

Section 10. Subsection 14-6.1(B) SFCC 1987 (being Ord. No. 2011-37 § 8) is amended to read:

(B) Permitted and Prohibited Uses; Explanation of Table Abbreviations

(1) Permitted Uses

A "P" in a cell indicates that a use category is permitted by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of Chapter 14, including the *development* and design standards set forth in Article 14-8. [~~Permitted uses may be required to obtain approval of a *development plan* by a *land use board* or the *governing body* as provided in Section 14-3.8 or Article 14-4.~~]

(2) Special Use Permits

An "S" in a cell indicates that a use category is permitted only if reviewed and approved as a special use *permit*, in accordance with the review procedures of Section 14-3.6.

(3) Accessory Uses

An "A" in a cell indicates that a use category is permitted as an *accessory* use as described in Section 14-6.3.

(4) Prohibited Uses

A blank cell indicates that the use type is prohibited in the zoning district. A use or *structure* not specifically or specially permitted in Chapter 14 is prohibited.

(5) Additional Regulations

(a) Regardless of whether a use is permitted by right or as a special use *permit*, there may be additional regulations that are applicable to a specific use. The existence of these use-specific regulations is noted through a reference in the column of the use summary table entitled "Use-Specific Regulations." References refer to Section 14-6.2. These regulations apply to all districts unless otherwise specified. Additional regulations are also contained in and referenced in the notes at the end of the table.

(b) Uses may be subject to review or approval procedures in Chapter 14, including Section 14-3.8(B)(2), which requires *development* plan approval for new construction over ten thousand (10,000) or thirty thousand (30,000) square feet *gross floor area,* or Article 14-4 which requires *development* plan approval for certain rezoning actions.

(c) See Section 14-3.9(C)(2) and (C)(3) for uses allowed in the PRC, PRRC and other master-planned districts.

(6) Uses Not Listed in Table

Any specific use type not listed or included in the Table of Permitted Uses is prohibited unless the *land use director* determines that it is to be included in an existing use category.

Section 11. **Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §8, as amended) is amended to amend the Table of Permitted Uses for the categories of "PUBLIC, INSTITUTIONAL AND CIVIC" and "COMMERCIAL" Uses Affecting Primarily the Uses Permitted in the RAC and I-2 districts:**

CATEGORY Specific Use	**RR**	**R-1 – R-6**	**R-7 – R-9**	**R-7 -I**	**RC-5, RC-8**	**R-10 - R-29**	**MHP**	**RAC**	**AC ****	**C-1**	**C-2**	**C-4**	**HZ**	**BCD**	**I -1**	**I -2**	**BIP**	**SC-1**	**SC-2**	**SC-3**	**MU *****	**Use-Specific Regs 14-6.2**
PUBLIC, INSTITUTIONAL AND CIVIC																						
Emergency Services																						
Police and fire stations	S	S	S	S	S	S	S	S		P	P	P	P	P	P	P	P	P	P	P	P	
Police substations (6 or fewer staff)	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	
Preschool, Daycare for Infants or Children																						
Small (6 or fewer)	P	P	P	P	P	P	P	P		P	P	P	P	P	P	[~~P~~]	P	P	P	P	P	
Large (More than 6)	S	S	S	S	S	S	S	S		P	P	[~~S~~] P	[~~S~~] P	[~~S~~] P	S	[~~S~~]	P	[~~S~~] P	[~~S~~] P	[~~S~~] P	S	
Electrical Facilities (See 14-6.2(F) for Planning Commission Review Requirements)																						
Distribution facilities	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	(F), (G)
Substation	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	(F)
Switching station	P	P								P	P	P		P	P	P	P	P	P	P	P	(F)
Transmission lines	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	(F)
Educational																						

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2014 -_____

INTRODUCED BY:

Mayor Javier Gonzales

Councilor Ives

A RESOLUTION

RELATING TO SANTA FE'S HISTORICAL HERITAGE; AUTHORIZING STAFF TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT FOR HISTORIAN SERVICES THAT WOULD PROVIDE OPPORTUNITIES FOR LOCAL RESIDENTS, INCLUDING CHILDREN AND YOUTH, TO BE EDUCATED ABOUT SANTA FE'S HISTORIC HERITAGE AND CREATE A MARKETING STRATEGY FOR LOCAL RESIDENTS AND TOURISTS TO EXPERIENCE SANTA FE'S RICH HISTORIC HERITAGE.

WHEREAS, Section 2.03 of the *Santa Fe Municipal Charter* provides that "historical heritage" is one of Santa Fe's most valued and important assets; and

WHEREAS, in 2010, Santa Fe proudly observed its 400th anniversary of the founding of La Villa Real de la Santa Fe; and

WHEREAS, over the last 400 years, Santa Fe has been a commercial center, a place where goods and services were made and traded; and

WHEREAS, today Santa Fe is the sum of its powerful history, with many families tracing their roots back several generations, a small-town atmosphere and an international reputation for

Exhibit "14"

artistic and architectural sophistication; and

WHEREAS, the Governing Body, through the adoption of Resolution No. 2010-35 established a one-year honorary, unpaid position of City historian who was tasked with developing a program that included writing about Santa Fe's history, making occasional public presentations and advising on City programs and projects; and

WHEREAS, the city of Santa Fe has over 400 plus years of history that needs to be passed on to the next generation of Santa Fe's children and youth; and

WHEREAS, local residents and tourists would benefit from historic education through lectures, live or through social media and the City's web site; and

WHEREAS, there is a need to enter into a professional services agreement for historian services that would provide community outreach for local residents, including children and youth, and establish a marketing strategy for residents and tourists to experience Santa Fe's rich historic heritage.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the Governing Body hereby authorizes:

1. Staff to enter into a professional services agreement for historian services; and
2. Funding in the amount of $30,000 for a one year contract.

BE IT FURTHER RESOLVED that the scope of work may include the following:

Community Outreach:

- Provide quarterly lectures on the history of Santa Fe for tourists and new residents, either live or through social media;
- Provide periodic lectures at schools, senior centers and for the general public, as requested;
- Coordinate educational material for schools through social media;
- Be available as a historic resource facilitator;
- Establish a Santa Fe history month; and

- Profile Santa Feans.

Tourism:

Provide in-depth editorial with links to both the City of Santa Fe and the Tourism Santa Fe websites, along with promotion through social media with topics to include:

- Spirituality
- Archeology
- Anthropology
- Intellectual Enrichment
- Heritage & Culture
- Historical Events
- People Connected to History

Marketing:

Coordinate and introduce the efforts of organizations that provide lectures, tours and other services that enrich the community of Santa Fe.

PASSED, APPROVED and ADOPTED this _____ day of_____, 2014.

_____

ATTEST: JAVIER M. GONZALES, MAYOR

_____

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

_____

KELLEY A. BRENNAN, CITY ATTORNEY

M/Melissa/Resolutions 2014/Historian

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2014-___

INTRODUCED BY:

Mayor Javier M. Gonzales

Councilor Peter Ives

A RESOLUTION

DIRECTING TRANSIT DIVISION STAFF TO DEVELOP AND EXECUTE A PILOT PROJECT TO PROVIDE SANTA FE PICK-UP SERVICE BETWEEN THE SANTA FE UNIVERSITY OF ART AND DESIGN AND THE RAILYARD AND DOWNTOWN PLAZA AREAS ON WEEKEND EVENINGS, DURING THE 2014 FALL SEMESTER.

WHEREAS, the Governing Body of the City of Santa Fe adopted Resolution 2014-16 to support efforts to "invigorate Santa Fe's nighttime economy"; and

WHEREAS, there are many entertainment opportunities that exist in the Santa Fe Railyard and Downtown Plaza areas such as restaurants, music venues, theaters and various performance spaces; and

WHEREAS, enabling young people to enjoy and participate in entertainment opportunities in the Railyard and Plaza areas through the provision of expanded public transportation is key to invigorating the nighttime economy; and

WHEREAS, the Santa Fe University of Art and Design (SFUAD) has supported the City's efforts to rejuvenate the nighttime economy in the city and provide additional venues to improve

Exhibit "15"

community offerings for Santa Fe youth, including the RE:MIKE initiative along St. Michael's Drive; and

WHEREAS, SFUAD has specifically identified the need for supplemental public transportation service to enable SFUAD students and the neighboring public to access the Railyard and Downtown Plaza areas on weekend nights; and

WHEREAS, the Santa Fe Pick-Up operation has existing fleet and staff available to operate a pilot project during the upcoming 2014 Fall Semester at SFUAD requiring only minimal additional operating expense that can be absorbed in the existing budget; and

WHEREAS, this pilot project, if successful, could serve as a model for similar public transportation service expansions linking other residential institutions of higher learning, namely St. John's College and the Institute of American Indian Arts to downtown nightlife in future phases; and

WHEREAS, should continuation of service demonstrated by the pilot project be desired beyond the term of the pilot project and should expansion of similar service to other residential campuses also be requested, Transit Division staff will collaborate with interested entities to develop plans to make such service operationally and financially sustainable in future semesters.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that Transit Division staff is directed to:

1. Develop and execute a pilot project that provides "fare-free" Santa Fe Pick-Up service between SFUAD and the Railyard and Downtown Plaza during the 2014 Fall SFUAD Semester, Thursday, Friday, and Saturday nights, from 6:00PM – 11:00PM, beginning on August 28, 2014 and concluding on December 20, 2014.
2. Communicate with St. John's College and the Institute of American Indian Arts regarding provision of similar weekend evening service to their campus locations in future semesters, and involving all interested institutions in the development of plans or proposals to make such service operationally and financially sustainable long-

term.

3. Deliver a report to the Governing Body, at the November 12, 2014 City Council meeting to identify the performance of the pilot project to date, and provide a staff recommendation regarding potential service expansion to other campus locations, as well as continued service to SFUAD, after conclusion of the pilot project.

4. If so directed by the Governing Body at the November 12, 2014 City Council meeting, prepare a formal proposal, for consideration at the December 10, 2014 City Council meeting, that delivers continued and/or expanded public transportation service to residential college campuses, on an operationally and financially sustainable basis, in partnership with the institutions expressing an interest in such service, beginning with the respective Fall 2015 Semesters.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2014.

_____

JAVIER M. GONZALES, MAYOR

ATTEST:

_____

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

_____

KELLEY BRENNAN, CITY ATTORNEY

M/Melissa/Resolutions 2014/SFUAD Weekend Service Pilot

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2014-___

INTRODUCED BY:

Councilor Peter Ives

Mayor Javier M. Gonzales

Councilor Joseph Maestas

Councilor Patti Bushee

A RESOLUTION

CALLING ON THE GOVERNOR, THE LEGISLATURE, THE ATTORNEY GENERAL AND THE REGULATION AND LICENSING DEPARTMENT TO TAKE IMMEDIATE ACTION, WITHIN THEIR RESPECTIVE POWERS, TO CAP INTEREST AND FEES ON NON-BANK LENDING INSTITUTIONS IN NEW MEXICO.

WHEREAS, Santa Fe has approximately 24 licensed small loan companies routinely charging 300% to 600% interest on loans lasting five months to an unlimited duration; and

WHEREAS, according to New Mexico's Department of Regulation and Licensing statistics, during 2012, small loan companies in Santa Fe issued about 14,000 loans with interest rates over 175%; and

WHEREAS, studies by Consumer Finance Protection Agency, Center for Responsible Lending and Pew Charitable Trust have all shown high interest lending traps borrowers and their families in crippling cycles of debt; and

WHEREAS, studies conducted by the Consumer Financial Protection Bureau, the Pew Charitable Trust and others show high cost loans take money out of a consumer's pockets, damaging

Exhibit "16"

local businesses and reducing jobs in local economies; and

WHEREAS, the Governing Body of the City of Santa Fe desires that consumers utilize credit that does not result in permanent financial damage to borrowers, their families and the community, and desires to accomplish this in a manner that simplifies regulation and allows lending businesses that benefit our community maximum flexibility to conduct business as they choose; and

WHEREAS, the victims of high interest loans are primarily the poor, single moms, veterans, and the elderly, and these borrowers are seldom adequately vetted for ability to repay; and

WHEREAS, the US Department of Defense has determined that high cost lending puts dangerous stresses on the families of active military personnel and harms military readiness, and is in the process of expanding its 36% rate cap on short term loans to cover all categories of loans; and

WHEREAS, 18 states have implemented interest rate caps ranging from 17% to 36% and have not reported any decreases in available credit; and

WHEREAS, Pew Charitable Trust surveys indicate that borrowers who lose access to expensive credit as a result of interest rate caps are more than able to compensate through reduced debt costs and cutting back on expenses; and

WHEREAS, measures other than across the board interest rate caps have proven ineffective at limiting lending abuses because lenders modify their products to evade the law; and

WHEREAS, two recent polls show 86% of New Mexicans support interest rate caps of 36% or less; and

WHEREAS, New Mexico Department of Regulation and Licensing statistics show consumers were charged $99 million in interest and fees on 175% APR and higher small loans in 2012, and the amount of additional fees charged for loans between 40% and 175% APR is unknown; and

WHEREAS, the number of high interest small loan licensees in New Mexico has grown from 582 at the end of 2011 to 656 at the end of 2013; and

WHEREAS, the Federal Consumer Financial Protection Bureau has no authority to regulate interest rates.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the Governing Body calls on the New Mexico Legislature and the Governor to stop the high cost lending epidemic by enacting inflation indexed interest and fee caps of 36% or less across all loan products offered by small loan companies and non-chartered lenders.

BE IT FURTHER RESOLVED that the Governing Body hereby urges the New Mexico Attorney General and the Secretary of the New Mexico Regulation and Licensing Department to exercise their full rule making powers under the Unfair Trade Practices Act and the Small Loan Act to end high cost lending abuses.

BE IT FURTHER RESOLVED that the City Clerk is directed to send a copy of this resolution to the Governor, the Speaker of the New Mexico House of Representatives, the President Pro Tempore of the New Mexico Senate, the City's State Legislative Delegation, the New Mexico Attorney General, the Secretary of the New Mexico Regulation and Licensing Department and the City's lobbyist.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2014.

_____

JAVIER M. GONZALES, MAYOR

ATTEST:

_____

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

_____

KELLEY A. BRENNAN, CITY ATTORNEY

M/Melissa/Resolutions 2014/Payday Loans Interest Cap

Sources:

1. **New Mexico Regulation and Licensing Department Website Published Data**
   http://www.rld.state.nm.us/financialinstitutions/

2. **Consumer Financial Protection Bureau (CFPB) Finds Four Out Of Five Payday Loans Are Rolled Over Or Renewed**
   http://files.consumerfinance.gov/f/201403_cfpb_report_payday-lending.pdf

3. **Department of Defense Report on Predatory Lending Practices**
   http://www.defense.gov/pubs/pdfs/report_to_congress_final.pdf

4. **Louisiana Budget Project**
   http://www.labudget.org/lbp/wp-content/uploads/2011/07/Payday-Lenders.pdf

   (Excerpt below)
   In 2006, North Carolina banned payday lending entirely. According to a consumer survey (Conducted by the PEW Charitable Trust), most former borrowers reported that the ban had a positive effect on their personal finances, indicating they had the means to handle financial crises without access to payday loans.

5. **State of Lending Report 2013**
   http://www.responsiblelending.org/state-of-lending/State-of-Lending-report-1.pdf

6. **Interest Rate Caps, State Legislation, and Public Opinion: Does the law Reflect the Public's Desires? Timothy E. Goldsmith* and Nathalie Martin****
   http://scholarship.kentlaw.iit.edu/cgi/viewcontent.cgi?article=3992&context=cklawreview

7. **Public Policy Polling, Jan 21-22, 2014, survey of 601 New Mexico Voters.**

8. **Believe it or not outlawing payday loans will not lead to looting and pillaging**
   http://consumerist.com/2014/04/06/believe-it-or-not-outlawing-payday-loans-will-not-lead-to-looting-pillaging/

   (Excerpts below)
   The Consumer Financial Protection Bureau found that in 2011 the U.S. economy took a net loss of $774 million due to the payday loan industry. *"The economic activity generated by payday lending firms receiving interest payments is less than the lost economic activity from reduced household spending. Specifically, each dollar in interest paid subtracts $1.94 from the economy through reduced household spending while only adding $1.70 to the economy through spending by payday lending establishments."* (Payday loans are less than 15% of the high interest loans in NM)

   (Regarding creation of affordable loan products) New York offers two products. The Credit Builder Loan for low-income borrowers with little or no credit, and a Score Builder Loan for those with low credit scores. Both options have a 14.25% interest rate and no fees

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* Timothy Goldsmith is a research psychologist in the Department of Psychology, University of New Mexico.

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for a six-month loan. In North Carolina, the State Employee Credit Union offers a Salary Advance of up to $500 at 12% APR with no fees. The loan must be paid back in full by automatic payments on the next payday. Borrowers in Connecticut can find help in the form of personal loans from the First New England Federal Credit Union. The loans feature APRs between 10.25% and 17.99% depending on a borrower's credit score.

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2014-__

INTRODUCED BY:

Councilor Peter Ives

A RESOLUTION

DIRECTING STAFF OF THE PUBLIC UTILITIES DEPARTMENT TO STUDY THE NECESSARY COMPONENTS OF A COMPREHENSIVE CROSS CONNECTION CONTROL PROGRAM AND ORDINANCE DESIGNED TO PROTECT THE CITY'S PUBLIC WATER SUPPLY SYSTEM.

WHEREAS, cross connections and backflow in water supply systems represent a significant public health risk; and

WHEREAS, the City of Santa Fe Public Utilities Department has determined that certain cross connections in the City of Santa Fe public water supply system, (PWSS) pose a potential hazard to water quality within the system; and

WHEREAS, the installation of backflow prevention devices to counteract back pressure or prevent back-siphonage into the PWSS is necessary for the protection of public health, welfare and safety; and

WHEREAS, Section 20.7.10.400 of the New Mexico Administrative Code requires the prohibition of cross-connections to a public water system or within a public water system unless the

Exhibit "17"

public water system is protected by a device or other method to prevent the backflow of water; and

WHEREAS, compliance with the 2008 Uniform Plumbing Code amendments require that additional back prevention assemblies shall be installed with an onsite water system, at the point of connection to any piece of equipment, plumbing fixture, device, or any type of installation that may result in the introduction of a pollutant or contamination into the public water supply; and

WHEREAS, the only way to ensure the current standards required by the Universal Plumbing Code and the American Water Works Association for the installation of backflow prevention devices are being met is through the implementation of a program which verifies the installation and ongoing maintenance of these devices and inspects their operability on a regular basis; and

WHEREAS, for the City to be eligible for state funding of water projects, documentation must be submitted to the Water Trust Board of an implemented cross-connection control program; and

WHEREAS, it is the intent of the City Council to protect the City of Santa Fe PWSS against actual or potential cross contamination or pollution which may occur because of unknown, undiscovered or unauthorized cross connection on a customer (user's) system; and

WHEREAS, it is the Council's desire to protect the City of Santa Fe drinking water supply within a premise where plumbing defects or cross connections may endanger this supply, as made available to the customer (user); and

WHEREAS, it is the Council's further desire to eliminate any existing cross connection between the City of Santa Fe's drinking water system and other sources of water that are not approved as safe and potable for human consumption; and

WHEREAS, the City of Santa Fe desires to protect its water system with a comprehensive cross-connection control program to ensure contaminants do not enter the water system through backflow from customers internal plumbing.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that staff of the Public Utilities Department is heretofore directed to study the necessary components of a comprehensive cross-connection control program and prepare an ordinance with all of the requirements of such program as a recommendation to the Governing Body for adoption as the City of Santa Fe Cross Connection Control Ordinance.

PASSED, APPROVED, and ADOPTED this ___ day of _____, 2014.

_____

ATTEST: JAVIER GONZALES, MAYOR

_____

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

_____

KELLEY A. BRENNAN, CITY ATTORNEY

M/Melissa/Resolutions 2014/Cross Connection Control (water)