



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
OCTOBER 8, 2014
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 10/3/14 TIME 3:33 pm

SERVED BY _____

RECEIVED BY [Signature]

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 – September 23, 2014
9. PRESENTATIONS
 - a) Muchas Gracias – Atalaya Hand Crew. (Councilor Bushee) (5 Minutes)
 - b) Proclamation – Fiesta Fela Day – October 11, 2014. (5 Minutes)
 - c) Proclamation – Santa Fe Public Schools Student Pledge Against Gun Violence – “Day of Concern” - October 22, 2014. (Councilor Ives) (5 Minutes)
 - d) One-Stop for Homeless Services and Winter Shelter; Interfaith Community Shelter. (Terrie Rodriguez) (5 Minutes)
10. CONSENT CALENDAR
 - a) Request for Approval of Amendment No. 3 to Legal Services Agreement – Representation of the City Concerning the Northwest Well Application and Return Flow/Discharge Credit Application; Stein & Brockman, P.A. (Marcos Martinez and Nick Schiavo)
 - b) Request for Approval of Agreement – Direct Purchase of Services for Senior Services Division; North Central New Mexico Economic Development District Non-Metro Area Agency on Aging. (Ron Vialpando)



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- c) Request for Approval of Agreement – Nutrition Service Incentive Program for Senior Services Division; North Central New Mexico Economic Development District Non-Metro Area Agency on Aging. (Ron Vialpando)
- d) Request for Approval of Amendment No. 3 to Professional Services Agreement – Lease and Operation of Restaurant Located at Marty Sanchez Links de Santa Fe; Northern Ventures, LLC d/b/a The Links Bar & Grill. (Jennifer Romero)
- e) Request for Approval of Procurement under State Price Agreement – Water Meters and Supplies and Water Service Connection Equipment for Water Division. (Robert Rodarte)
 - 1) Baker Utility Supply Corporation
 - 2) HD Supply Waterworks, LTD
 - 3) Santa Fe Winnelson Company
- f) Request for Approval of Procurement Under Cooperative Price Agreement – Fire and Law Enforcement Maintenance, Repair and Operational Supplies City Wide; Grainger, Inc. (Robert Rodarte)
- g) State of New Mexico Severance Tax Bond (STB) Agreements for a Capital Improvement Project Funded by 2013 and 2014 New Mexico State Legislature; State of New Mexico Department of Finance and Administration. (David Chapman)
 - 1) Request for Approval of Two (2) 2013 STB Capital Appropriation Project Agreements for a Total of \$100,000 for El Museo Cultural and La Comunidad de los Ninos Head Start in Santa Fe County.
 - 2) Request for Approval of Five (5) 2014 STB Capital Appropriation Project Agreements for a Total of \$1,480,000 for Santa Fe Airport; Genoveva Chavez Community Center; MRC Complex; Santa Fe Parks Shade Structures and Salvador Perez Park Improvements.
 - 3) Request for Approval of Budget Increase – Severance Tax Bond Fund.



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- h) Request for Approval of Amendment No. 3 to Professional Services Agreement – Manage City's Adopt-the-River and Adopt-an-Arroyo Programs; Santa Fe Watershed Association. (Brian Drypolcher)
- i) CONSIDERATION OF RESOLUTION NO. 2014-____. (Councilor Dominguez)
A Resolution Recognizing the Unique Volunteer Services of I RIDE NM, a Nonprofit Dedicated to Maintaining the City of Santa Fe's Buckman MX Track; and Authorizing the City Manager to Enter into a Professional Services Agreement with I RIDE NM to Provide Volunteer Maintenance Services at the Buckman MX Track. (Isaac Pino)
- j) Request to Publish Notice of Public Hearing on November 12, 2014:

Bill No. 2014-29: An Ordinance Relating to Sewer Service Charges – Amending Rule 8 of Exhibit A of Chapter 22 SFCC 1987 to Increase the Monthly Service Fee and Monthly Usage Fee for the Wholesale Rate; Relating to Extra-Strength Surcharges – Amending Rule 12 of Exhibit A of Chapter 22 SFCC 1987 to Increase the Mass Base Charge; and Making Such Other Changes as Are Necessary. (Councilor Ives) (Bryan Romero)
- k) CONSIDERATION OF RESOLUTION NO. 2014-____. (Councilor Ives and Councilor Lindell)
A Resolution Directing Staff When Acquiring Fuel Powered Equipment, Including Vehicles, to Balance the Cost of the City's needs with that of Producing the Lowest Carbon Footprint the City Would Create When Using Such Equipment. (Nick Schiavo & John Alejandro)
- l) CONSIDERATION OF RESOLUTION NO. 2014-____. (Councilor Ives)
A Resolution Declaring the Governing Body's Intent for the City of Santa Fe to Become Carbon Neutral by the Year 2040. (Nick Schiavo & John Alejandro)
- m) CONSIDERATION OF RESOLUTION NO. 2014-____. (Mayor Gonzales, Councilor Bushee and Councilor Lindell)
A Resolution Declaring the City of Santa Fe's Continuous Support for Immigrant Issues in Santa Fe, the State of New Mexico and Throughout the United States. (Terrie Rodriguez)



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- n) CONSIDERATION OF RESOLUTION NO. 2014-____. (Councilor Bushee and Councilor Lindell)
A Resolution Supporting a Statewide and National Ban on Nontherapeutic Use of Antibiotics in Livestock Production and Supporting the Protection of Antibiotics for Medical Treatment Act and the Prevention of Antibiotic Resistance Act. (Melissa Byers)
- o) CONSIDERATION OF RESOLUTION NO. 2014-____. (Councilor Bushee and Councilor Lindell)
A Resolution Calling on the President of The United States and Our Congressional Delegation to Support Local Efforts to Keep the Old Santa Fe Trail National Park Service Building Open to the Public as a Cultural Resource and Ultimately Designated as Either a National Historic Site or a National Monument. (Melissa Byers)
- p) Pursuant to Resolution No. 2014-70, Report on *Zozobra Burn-Out Tournament*. (Isaac Pino) (Informational Only)
- q) Request for Approval of Memorandum of Understanding (MOU) – Day Reporting Program for Juveniles through State of New Mexico Children, Youth and Families Department Funding; Santa Fe County. (Richard DeMella) (Postponed at September 23, 2014 City Council Meeting)
(Postponed to October 29, 2014 City Council Meeting)
- 11. Request for Approval to Amend the Santa Fe Railyard Conservation Easement Between the City of Santa Fe and The Trust for Public Lands. The Amendment Would Revise the Easement Boundary to Match Existing Conditions and Document an Exchange of City Railyard Property Allowing for Outdoor Restaurant Seating. (Robert Siqueiros) **(Postponed at September 10, 2014 City Council Meeting)**
- 12. 2015 NM Legislature Planning Cycle. (Mark Duran)
- 13. CONSIDERATION OF RESOLUTION NO. 2014-____. (Councilor Bushee and Councilor Lindell)
A Resolution Establishing Administrative Procedures Relating to Civil Penalties for Marijuana and Marijuana Paraphernalia Possession and Restating that Possession of One Ounce or Less of Marijuana is the Lowest Law Enforcement Priority of the City of Santa Fe Police Department. (Kelley Brennan)



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14. Request to Publish Notice of Public Hearing on November 12, 2014:
Bill No. 2014-30: An Ordinance Amending Subsection 20-6.1 SFCC 1987 to Clarify that it Is Unlawful to Possess One Ounce or Less of Marijuana and Certain Marijuana Paraphernalia. (Councilor Bushee and Councilor Lindell) (Kelley Brennan)
15. Pursuant to Resolution #2014-65, Findings and Recommendations Regarding Creating an Independent Office of Inspector General. (Kelley Brennan)
16. MATTERS FROM THE CITY MANAGER
17. MATTERS FROM THE CITY ATTORNEY

Executive Session

In Accordance with the New Mexico Open Meetings Act §10-15-1(H)(7) NMSA 1978, Discussion Regarding Pending and Threatened Litigation in Which the City of Santa Fe Is or May Become a Participant. (Kelley Brennan)
18. Action Regarding Southside Transit Center Location. (Zachary Shandler)
19. MATTERS FROM THE CITY CLERK
20. 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
 - Library Board



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H. PUBLIC HEARINGS:

- 1) Request from 4320 Cerrillos Road, LLC for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at Hyatt Place, 4320 Cerrillos Road. (Yolanda Y. Vigil)
- 2) Request from D & G Restaurants, Inc. for a Transfer of Location of Inter-Local Dispenser License #2723 (With On-Premise Consumption Only) from D & G Restaurants, Inc., 4200 Central Avenue SE, Albuquerque to The Blue Rooster, 101 West Marcy Street, Suite 5. (Yolanda Y. Vigil)
- 3) CONSIDERATION OF BILL NO. 2014-26: ADOPTION OF ORDINANCE NO. 2014-_____. (Councilor 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. (Greg Smith)
- 4) CONSIDERATION OF RESOLUTION NO. 2014-_____.
Case #2014-63. 2750 Boylan Circle and 1400 Boylan Lane General Plan Amendment. Sommer Karnes & Associates, LLP, Agent for BFFM, Requests General Plan Future Land Use Map Amendment to Change the Designation of 3.86± Acres from Rural/Mountain Corridor (1 Dwelling Unit per Acre) to Industrial. (The Recommendation of the Planning Commission was to Deny the Requests to Amend the General Plan Future Land Use Map to Industrial. and to Amend the General Plan Future Land Use Map from Rural/Mountain/Corridor to Community Commercial.) (Dan Esquibel)
- 5) CONSIDERATION OF BILL NO. 2014-27 AND BILL NO. 2014-28: ADOPTION OF ORDINANCE NO. 2014-_____.
Case #2014-64. 2750 Boylan Circle and 1400 Boylan Lane Rezoning. Sommer Karnes & Associates, LLP, Agent for BFFM, Requests Rezoning to Change the Designation of 3.86± Acres from R-1 (Residential, 1 Dwelling Unit per Acre) to I-1 (Light Industrial). (The Recommendation of the Planning Commission was to Deny the Requests to Rezone from R-1 (Residential, 1 Dwelling Unit per Acre) to I-1 (Light Industrial) and to Rezone from R-1 (Residential, 1 Dwelling Unit per Acre) to C-2 (General Commercial).) (Dan Esquibel)

I. ADJOURN



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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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October 8, 2014**

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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
October 8, 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, October 8, 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

MOTION: Councilor Trujillo moved, seconded by Councilor Maestas, to approve the agenda as presented.

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.

Councilor Bushee said she would like to recognize the people in attendance from Food & Water Watch and let them know their item of interest will be approved on consent.

10. CONSENT CALENDAR

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, October 7, 2014, regarding Item 10(o), is incorporated herewith these minutes as Exhibit "1."

- a) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO LEGAL SERVICES AGREEMENT – REPRESENTATION OF THE CITY CONCERNING THE NORTHWEST WELL APPLICATION AND RETURN FLOW/DISCHARGE CREDIT APPLICATION; STEIN & BROCKMAN, P.A. (MARCOS MARTINEZ AND NICK SCHIAVO)**
- b) **REQUEST FOR APPROVAL OF AGREEMENT – DIRECT PURCHASE OF SERVICES FOR SENIOR SERVICES DIVISION; NORTH CENTRAL NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT NON-METRO AREA AGENCY ON AGING. (RON VIALPANDO)**
- c) **REQUEST FOR APPROVAL OF AGREEMENT – NUTRITION SERVICE INCENTIVE PROGRAM FOR SENIOR SERVICES DIVISION; NORTH CENTRAL NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT NON-METRO AREA AGENCY ON AGING. (RON VIALPANDO)**
- d) ***[Removed for discussion by Councilor Dominguez]***

- e) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – WATER METERS AND SUPPLIES AND WATER SERVICE CONNECTION EQUIPMENT FOR WATER DIVISION. (ROBERT RODARTE)**
 - 1) **BAKER UTILITY SUPPLY CORPORATION**
 - 2) **HD SUPPLY WATER WORKS, LTD**
 - 3) **SANTA FE WINNELSON COMPANY**
- f) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT – FIRE AND LAW ENFORCEMENT MAINTENANCE, REPAIR AND OPERATIONAL SUPPLIES CITY WIDE; GRAINGER, INC. (ROBERT RODARTE)**
- g) **STATE OF NEW MEXICO SEVERANCE TAX BOND (STB) AGREEMENTS FOR A CAPITAL IMPROVEMENT PROJECT FUNDED BY 2013 AND 2014 NEW MEXICO STATE LEGISLATURE; STATE OF NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION. (DAVID CHAPMAN)**
 - 1) **REQUEST FOR APPROVAL OF TWO (2) 2013 STB CAPITAL APPROPRIATION PROJECT AGREEMENTS FOR A TOTAL OF \$100,000 FOR EL MUSEO CULTURAL AND LA COMUNIDAD DE LOS NINOS HEAD START IN SANTA FE COUNTY.**
 - 2) **REQUEST FOR APPROVAL OF FIVE (5) 2014 STB CAPITAL APPROPRIATION PROJECT AGREEMENTS FOR A TOTAL OF \$1,480,000 FOR SANTA FE AIRPORT; GENOVEVA CHAVEZ COMMUNITY CENTER; MRC COMPLEX; SANTA FE PARKS SHADE STRUCTURES AND SALVADOR PEREZ PARK IMPROVEMENTS.**
 - 3) **REQUEST FOR APPROVAL OF BUDGET INCREASE – SEVERANCE TAX BOND FUND.**
- h) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – MANAGE CITY’S ADOPT-THE-RIVER AND ADOPT-AN-ARROYO PROGRAMS; SANTA FE WATERSHED ASSOCIATION. (BRIAN DRYPOLCHER)**
- i) **CONSIDERATION OF RESOLUTION NO. 2014-80 (COUNCILOR DOMINGUEZ). A RESOLUTION RECOGNIZING THE UNIQUE VOLUNTEER SERVICES OF I RIDE NM, A NONPROFIT DEDICATED TO MAINTAINING THE CITY OF SANTA FE’S BUCKMAN MX TRACK; AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH I RIDE NM, TO PROVIDE VOLUNTEER MAINTENANCE SERVICES AT THE BUCKMAN MX TRACK. (ISAAC PINO)**

- j) **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON NOVEMBER 12, 2014: BILL NO. 2014-29: AN ORDINANCE RELATING TO SEWER SERVICE CHARGES – AMENDING RULE 8 OF EXHIBIT A OF CHAPTER 22 SFCC 1987, TO INCREASE THE MONTHLY SERVICE FEE AND MONTHLY USAGE FEE FOR THE WHOLESALE RATE; RELATING TO EXTRA-STRENGTH SURCHARGES – AMENDING RULE 12 OF EXHIBIT A OF CHAPTER 22 SFCC 1987, TO INCREASE THE MASS BASE CHARGE; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY (COUNCILOR IVS). (BRYAN ROMERO)**
- k) **CONSIDERATION OF RESOLUTION NO. 2014-81 (COUNCILOR IVES ~~AND~~, COUNCILOR LINDELL AND COUNCILOR BUSHEE. A RESOLUTION DIRECTING STAFF WHEN ACQUIRING FUEL POWERED EQUIPMENT, INCLUDING VEHICLES, TO BALANCE THE COST OF THE CITY'S NEEDS WITH THAT OF PRODUCING THE LOWEST CARBON FOOTPRINT THE CITY WOULD CREATE WHEN USING SUCH EQUIPMENT. (NICK SCHIAVO & JOHN ALEJANDRO)**
- l) ***[Removed for discussion by Councilor Bushee]***
- m) **CONSIDERATION OF RESOLUTION NO. 2014-82 (MAYOR GONZALES, COUNCILOR BUSHEE, ~~AND COUNCILOR LINDELL~~ AND COUNCILOR IVES. A RESOLUTION DECLARING THE CITY OF SANTA FE'S CONTINUOUS SUPPORT FOR IMMIGRANT ISSUES IN SANTA FE, THE STATE OF NEW MEXICO AND THROUGHOUT THE UNITED STATES. (TERRIE RODRIGUEZ)**
- n) **CONSIDERATION OF RESOLUTION NO. 2014-83 (COUNCILOR BUSHEE ~~AND~~, COUNCILOR LINDELL AND COUNCILOR IVES. A RESOLUTION SUPPORTING A STATEWIDE AND NATIONAL BAN ON NONTHERAPEUTIC USE OF ANTIBIOTICS IN LIVESTOCK PRODUCTION AND SUPPORTING THE PROTECTION OF ANTIBIOTICS FOR MEDICAL TREATMENT ACT AND THE PREVENTION OF ANTIBIOTIC RESISTANCE ACT. (MELISSA BYERS)**
- o) **CONSIDERATION OF RESOLUTION NO. 2014-84 (COUNCILOR BUSHEE ~~AND~~, COUNCILOR LINDELL AND COUNCILOR IVES. A RESOLUTION CALLING ON THE PRESIDENT OF THE UNITED STATES AND OUR CONGRESSIONAL DELEGATION TO SUPPORT LOCAL EFFORTS TO KEEP THE OLD SANTA FE TRAIL NATIONAL PARK SERVICE BUILDING OPEN TO THE PUBLIC AS A CULTURAL RESOURCE AND ULTIMATELY DESIGNATED AS EITHER A NATIONAL HISTORIC SITE OR A NATIONAL MONUMENT. (MELISSA BYERS)**
- p) ***[Removed for discussion by Councilor Rivera]***

- q) **REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING (MOU) – DAY REPORTING PROGRAM FOR JUVENILES THROUGH STATE OF NEW MEXICO CHILDREN, YOUTH AND FAMILIES DEPARTMENT FUNDING; SANTA FE COUNTY. (RICHARD DeMELLA). (Postponed at September 23, 2014 City Council Meeting) (Postponed to October 29, 2014 City Council Meeting)**

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – SEPTEMBER 23, 2014.

MOTION: Councilor Dimas moved, seconded by Councilor Maestas, to approve the minutes of the Regular City Council meeting of September 23, 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)(1) PROCLAMATION – LORRAINE GOLDMAN DAY

Councilor Dominguez read a Proclamation into the record declaring October 8, 2014, as Lorraine Goldman Day in Santa Fe.

a) MUCHAS GRACIAS – ATALAYA HAND CREW. (COUNCILOR BUSHEE)

Porfirio Chavarria, Santa Fe Fire Department, said the Atalaya Hand Crew is working to keep Santa Fe safe from wildfires, doing a lot of mitigation work, as well as being a presence in the community. He thank them for their professionalism in the work they have been doing in the community.

Councilor Bushee presented Muchas Gracias certificates to members of the Atalaya Hand Crew, and thanked them for the work they do on behalf of the people of Santa Fe..

Mayor Gonzales added his thanks to the Atalaya Hand Crew.

b) PROCLAMATION – FIESTA FELA DAY – OCTOBER 11, 2014.

Mayor Gonzales read the proclamation into the record declaring Livingston, Zambia in Africa the Sister City of Santa Fe., and declared October 11, 2014, at SF Railyard Park.

The representatives from Zambia presented Mayor Gonzales a hand carved cane which stands for wisdom.

c) PROCLAMATION – SANTA FE PUBLIC SCHOOLS STUDENT PLEDGE AGAINST GUN VIOLENCE – “DAY OF CONCERN” – OCTOBER 22, 2014. (COUNCILOR IVES)

Councilor Ives read the proclamation into the record. Declaring October 22, 2014, as Day of Concern in Santa Fe and presented the proclamation to the representative in attendance.

The representative of the schools thanked the Governing Body and asked their continued support in this effort.

d) ONE-STOP FOR HOMELESS SERVICES AND WINTER SHELTER; INTERFAITH COMMUNITY SHELTER. (TERRIE RODRIGUEZ)

A brochure on The Interfaith Community Shelter, entered for the record by Terrie Rodriguez, is incorporated herewith to these minutes as Exhibit “2.”

A copy of the Interfaith Community Strategic Plan 2014, is incorporated herewith to these minutes by reference, and is in the Council Packet.

Terrie Rodriguez thanked the Governing Body for the opportunity to present this report. She introduced the Chair of the Interfaith Council, Guy Gronquist, who will lead the discussion.

Chair Gronquist thanked the Governing Body, Terrie Rodriguez and Isaac Pino for the important roles they have played in making this One Stop come to fruition and for the success it enjoys today. He invited the Board members in attendance to stand. He said prior to opening the shelter, 25 people a year were freezing to death, and they have reduced the death toll to near zero. However, they can't become complacent because of their success.

Chair Gronquist presented information from Exhibit “2.” Please see Exhibit “2” for specifics of this presentation.

Chair Gronquist said they recently polled the guests about the name for the shelter, and the overwhelming favorite is Pete's Place, noting the ICS Board likely will adopt that name.

The Governing Body commented and asked questions as follows:

- Councilor Bushee said she is glad to meet the director, and is very grateful for the work that has been done by the Chair and the organization over the years. It is an important facility. She asked if we are able to offer legal advice.

Chair Gronquist said St. Elizabeth's has a legal clinic twice a month.

- Councilor Bushee asked if there is any way, financially, that can you expand the operation, your hours, your timeframe, commenting the City will have to look hard at this as well.

Chair Gronquist said they will be opening this year on October 19th, which is one week earlier than it historically has opened, and will be open through the middle of May, which is 2 weeks later. He said the real consideration is financial. He said the Council will be pleased to hear they have been working with the New Mexico Environmental Health Department to ensure we can continue to accept donated food. The Environmental Health Department has worked with them to help strengthen the food hygiene process. Even with all of this support, the cash budget is \$380,000 per year. The City Council provides \$130,000, the Santa Fe Community Foundation \$20,000. They have a large grant making donor, two individual donors that will provide an additional \$100,000, but they still have to find an additional \$130,000 every year, more than \$10,000 per month to keep the lights on. He said, "If you were saying to me Councilor Bushee that the City would like to step up and provide more of that funding, we will accept it very gratefully."

- Councilor Bushee said she "sorta started this thing with \$15,000 a long, long time ago, and you guys have had to carry that burden." She is grateful to the faith community for stepping up and filling the gap. She said, "We're going to look hard at the next budget cycle. It is a goal of mine, at least, I would love to put you out of business, but I don't know how we could do that either. I appreciate everything you do."
- Mayor Gonzales thanked them for playing an important and critical role in the community that is absolutely needed. He said, "I come from two points, one is creating some kind of financial stability. I think all of us would like to see an expansion of support, but the challenges are real. So I would hate for the Board to feel the City can fill the gap that exists. As we look to the future of the Interfaith Community shelter, to be known as Pete's Place, having a plan that moves to financial solvency for me, is critical in this effort. And I'm wondering where your assessment is on this today."

Chair Gronquist said Ms. Rodriguez shared our Strategic Action Plan with the Governing Body, which we finished in the Spring and that is the basis on which they will approach the financial question. He said, "To be honest, we will continue, as I said to look to the City to be a keystone funder, because the people that we talk to about committing additional funds.... and I'm not talking about the \$5, \$10, \$20 checks which we are grateful to receive. We have a great retail donor base, but the people who can make a significant impact with one check, want to know the City continues to take the lead on that. So I'm not going to varnish over that point."

Chair Gronquist continued, "Joe has worked very hard recently to engage federal funding, you will be surprised to know that we have zero federal dollars in our budget this year. We're working to rectify that. We are to be in discussions with the County. The County used to provide a relatively modest amount, and they do not provide that now. We are going to knock on their door again, because we think they have some skin in this game. And there are other avenues of funding we are exploring, but might be premature to discuss. But, we certainly are looking at the large grant

making bodies, foundations, and as we produce audited results, we become eligible for more of these grants, and we certainly are actively pursuing it.”

- Mayor Gonzales said, “The second point relates to the neighborhood. I had an opportunity to spend some time this summer with a couple of my colleagues, visiting with neighbors who, as you and I spoke about, are concerned about the customers that go to the facility and the impact on their own properties, certainly in the surrounding area. One of the things I asked the Manager to work on, and I just haven’t had the chance to follow up with him, is there an Operations Agreement that we have with you that details responsibilities that you have regarding some of the issues that happen on property and the cleanup that may need to take place. The stories are a little tough to hear, but they are a continuous pattern of stories from neighbors and business owners of customers being on their property and spending quite a bit of time there.

Chair Gronquist said they have worked with the neighbors and have more work to do. They had to explain to one of the neighbors who has provided food from her restaurant for the shelter, that if she offered our guests a burrito when they came to her door inebriated, that they would continue to come. She has now seen that, although it seems hard hearted in the first instance, it is probably in her interest and in the interest of our guests that she not do that. They are working with one of the neighbors to the north of us, and their parking lot is not always consistently well lit. And the Police have made clear to us, the key to reducing much of this anti-social behavior is adequate street lighting and adequate parking lot lighting, because people do not want to be seen when they’re getting to things they shouldn’t be doing. They work with their guests fairly aggressively, and they are aware that our writ does not run once they step off our property.”

Chair Gronquist continued, “So in our contract with the City, it requires the night shelter services and to manage the day services, but I do not believe it necessarily speaks to neighborhood cleanup, but we have worked to undertake that voluntarily ourselves and we certainly have to do more of that, because we do not want to be a bad neighbor.

- Mayor Gonzales said, “I think it’s important that we strive to that level as best that we all can, because I think you’re doing a great service to those who need a place to stay and access to critical services. But there is a cost that is being borne by neighbors, and what we have to do is to find a way mitigate those costs without the outright removal, which some have requested, which all of have said that it is important that it stay available. We also recognize there has to be a responsibility on our part. And if we are going to support the Interfaith continuing to manage the facility there needs to be some demonstrated outcomes that are met when it comes to the surrounding communities that show their concerns are being taken seriously.”

Mayor Gonzales continued, “And as part of your strategic planning process, there was neighborhood engagement and some metrics which were set to potentially reduce the number of complaints and concern that are coming in, minus the outright removal of the facility, which is the universal voice there, that the facility cease to exist. But I think there are things that can be addressed that would go a long way for the community. I know the Manager has the list, and

hopefully you guys can meet fairly soon and be able to modify any contract you have in place, so that we can represent to the community that we have a presence, and we have heard their concerns, and you have built-in a mechanism to address their concerns.”

Mr. Gronquist said they have informal contacts and would be very happy to regularize those contacts and work toward those metrics.

- Councilor Bushee said she really likes Pete’s Place as a name. She said perhaps they could have a piece through the Arts Commission nearby so people know the history.

Chair Gronquist said some of the guests have said they would like the dinosaurs to be returned and wearing backpacks.

- Councilor Trujillo said he has worked with this organization for about 4 years, and they do incredible work. He invited his colleagues on the Council who have never been there to go there one evening and volunteer for 4 hours and get to know these people who go there. He said you will find that a month before they had a job, were doing good and something took a turn for the worst and they were homeless. He said it could be us one day at that homeless shelter. He said there are concerns and he believes the Board will work hard to resolve issues with the neighbors. He said he and his wife Amber and their children are there to volunteer the first Saturday of every month, and invited the Governing Body to join them and to volunteer.

Chair Gronquist thanked Councilor Trujillo and family for their services. He said many of their guests have been written off by society and they don’t do that.

- Mayor Gonzales applauded the courageous Councils of the past who made the investment to provide a place for people who need shelter, especially on very cold nights.

CONSENT CALENDAR DISCUSSION

11(d) REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – LEASE AND OPERATION OF RESTAURANT LOCATED AT MARTY SANCHEZ LINKS DE SANTA FE; NORTHERN VENTURES, LLC D/B/A THE LINKS BAR & GRILL. (JENNIFER ROMERO)

Councilor Dominguez said this is a recommendation to do a three-year contract. He said there was discussion at Finance about these long contracts. He said in the past we have done one-year contracts. He proposed to approve this contract for one year, or put it out to bid for a three-year agreement.

MOTION: Councilor Dominguez moved, seconded by Councilor Dimas, to issue an RFP for someone to run this restaurant for three years.

DISCUSSION: Councilor Dominguez asked if this is something we can do.

Mr. Pino said yes. He said, "I would remind the Council that when the previous operator went belly-up, it was very difficult to find someone who was interested in providing this service until this company stepped up. He said we could go through the RFP process under the assumption that others have become interested in the past few months, but it was a difficult task to get this firm, which was the only one who qualified to provide this service."

Councilor Dominguez said if we are going to do a 3 year contract, we should try to get qualified people to bid on it, and run the restaurant. Or we can move forward with a one-year agreement with them.

RESTATED MOTION: Councilor Dominguez moved, seconded by Councilor Rivera, to approve this contract for one year instead of 3 years.

CONTINUATION OF DISCUSSION ON RESTATED MOTION: Mayor Gonzales said he doesn't know the operators. He asked Councilor Dominguez if the reason he wants to see a bid proposal is because there is an issue regarding performance.

Councilor Dominguez said he wouldn't mind going out to bid for a 3 year contract, which is the more appropriate thing to do.

Mayor Gonzales said then it is from a policy standpoint he wants to see that.

Councilor Dominguez said in the Memo, staff is saying they would like to extend the term of the agreement for 3 years. He thinks it's probably best, given the history with previous vendors including this vendor, that we do the contract for a year.

Councilor Maestas said he thought this was an amendment to an existing lease and the agreement is extended to December 30, 2015. He said on page 7, it says, "Term and Effective Date. This agreement shall terminate on December 30, 2015." Isn't this an extension to December of next year.

Mr. Pino said it is, noting that on Page 7 of the Agreement it says, "Lessee is granted, upon a satisfactory performance as determined by the Lessor on December 30, 2015, an option to renew this Agreement for an additional three (3) years."

FRIENDLY AMENDMENT: Councilor Maestas suggested amending Section 4, to provide that, pending satisfactory performance, the City can renew the agreement for an additional year, and then pursue an RFP. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

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

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

Against: None.

11(l) CONSIDERATION OF RESOLUTION NO. 2014-85 (COUNCILOR IVES). A RESOLUTION DECLARING THE GOVERNING BODY'S INTENT FOR THE CITY OF SANTA FE TO BECOME CARBON NEUTRAL BY THE YEAR 2040. (NICK SCHIAVO & JOHN ALEJANDRO)

Councilor Bushee said we didn't see this Resolution at Public Works, and she isn't on Finance, so she doesn't understand a couple of things. She said, "We're going to get \$3.2 million in capital outlay, or it's going to require \$3.2 million in capital outlay."

Mr. Schiavo said it would require \$3.2 million in capital outlay.

Councilor Bushee said, "And the professional services contract would be with existing staff. It says, 'Professional Services \$320,000 and all other operating \$100,000', and so the total fiscal impact is almost \$4 million."

Mr. Schiavo said, "That's correct. What I've done is to look at what would be necessary for the City, over the next 10 years, to reduce our carbon output so the City ends up being 50% carbon neutral by 2025. And so I've generated a list of projects and an average cost or an average amount we would have to spend per for the next 10 years to achieve that."

Councilor Bushee said the detailed list of projects isn't in her packet.

Mr. Schiavo said he can go over those projects with her, if she's interested.

Councilor Bushee said the Resolution isn't that specific. She said, "I brought forward the 2030 stuff, I get this sort of intent, but I would really like to understand what the specifics are, and recognize that almost \$4 million in project would require, at the very least, the voters giving us some more money."

Mayor Gonzales said, "Here's what I understand the options as being, one as you've done before in the past, and Councilor Ives is doing here, a continuous statement of our goals. The way I would envision this is that every budget year, we will get an opportunity as part of our budget, to incorporate a series of capital projects that drive more energy efficiency and drive to this goal. If the Council chooses, because there aren't proper funds, or we just can't do it that year, we still have the option to not fund the energy efficiency investment. The way I understood this, in my discussions with Councilor Ives, and he can speak to it, is that is meant to be basically a goal, a target for us, that every year we'll have an

opportunity to strive toward. If we can find it in budget, if opportunities are presented through replacement of existing equipment, or other funding mechanisms become available, then we can choose to incorporate it at that fund. And correct me if I'm wrong, but I don't think, by adopting this tonight it mandates that the Council year over year will spend \$4 million on energy efficiency. It just means that's a goal and every year, you would provide us \$4 million of energy efficiency measures we could do to meet this goal, and we can either incorporate all, portions or none of it."

Mr. Schiavo said, "Mayor, you're absolutely correct. That's the intent. Staff would develop projects that would be brought forward during the budget cycle, each February, well thought out projects with exacting price tags. And then it would be up to City Council to adopt or pass on those."

Mayor Gonzales said, then it would just become part of the budget.

Councilor Bushee said, "We've passed plenty of Resolutions and I don't want them to be hollow words by any means. I want to what we can, but we've never had a price tag like this attached to it, so I wanted to be clear. And I don't have the specific projects, I would like those. But I'm just going to read, and I always skip the Whereas because they're always nice, but you know, and I read the part that says, *'Now, Therefore, be it Resolved,'* and this is what we would vote on, the action part, *'that the Governing Body hereby declares that it intends to have 50% percent of its energy come from renewable sources by 2025 and become carbon neutral by the year 2040, and direct City staff to provide options, remedies, alternatives, solutions and recommendations for how City government can achieve the goal of become carbon neutral by 2040.'* I note that we're bumping up from 2030 by 10 years, but we never attached prices tags to it."

Councilor Bushee continued, "I guess, more for me, I'm looking for the specifics, so if you could get me those, with a timeline as to how you envision us achieving them, and does that include going to the voters as we have for capital funds and all of that. I'm happy to support it. I didn't sign on, mostly because I didn't have the specifics."

Mayor Gonzales said he think those specifics will come up year by year and may change. We probably could present a series of investments now, but 10 years from now that may be modified based on technology or some other mechanism. He believes that this provides a goal and direction to make sure that every year, the staff gives us the options of \$4 million of energy efficiency investments that we can make. And some can be rolled into a capital program, which he assumes would already be in place, and can be achieved through the regular budgeting process. Some may require us to prioritize or to look at other things.

Councilor Bushee said she sees it as potential economic development in many ways, so she is hopeful. However, she just hear the Interfaith Shelter needs \$10,000 a month. "So I'm just putting it out there that we didn't to just do this on consent with a \$4 million price tag."

Councilor Maestas said it would have been helpful to see the proposed projects through the 2040 horizon year. He said, "I see this as aspirational. I think it's great. My issue is we have a sustainability

plan, we have a Sustainability Commission. We've been talking about tracking some of the various milestones in the sustainability plan, or metrics, to see how we're doing to achieve those. My question is how consistent is this aspirational goal with our sustainability plan and the Sustainability Commission that donates a lot of their time to talk about achieving the goals in our sustainability plan." He asked Mr. Schiavo to quickly address this.

Mr. Schiavo said, "The Sustainable Santa Fe [Commission] has done some work with the City of Santa Fe on the projects, and again this is for the City... these goals are for City government. So a lot of what Sustainable Santa Fe has been focusing on is the larger community. I know they are compiling their numbers now of where the town is and where City government is. We can get you those numbers, but it's definitely consistent. Honestly, most of the work that has been done for getting us to 25% of our electricity coming from renewable energy has been done by me. And they're simply taking those numbers. I've been responsible for all the retrofits within the City, and again those numbers come that way. I have those numbers and I know where we currently area. And I've taken a look at what it would take us to get to 50% by 2025. It's a more lofty goal, 100% by 2040. I thought I would just take it in bites. And again, I thought it was important that you heard as realistic a price tag as I could get you. This way, we don't go into it believing that oh, we can get to 50% by 2025 and spend no money."

Councilor Maestas said we're not approving specific projects, so he has no problem in supporting this. However, those projects are consequential from the action come before us, that's when we need to scrutinize them to ensure they are proportional and prioritized City-wide.

Councilor Dominguez said he agrees with what has been said. However, this is a good example of why we need to redesign our Fiscal Impact Reports so some of this stuff can be articulated in a different manner and the intent is much clearer to the Governing Body.

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

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

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

Against: None.

Explaining her vote: Councilor Bushee said, "Yes, but I look forward to the specific projects and a timeline.

11(p) PURSUANT TO RESOLUTION NO. 2014-70, REPORT ON ZOZOBRA BURN-OUT TOURNAMENT. (ISAAC PINO) (INFORMATIONAL ONLY)

Councilor Rivera said he received several complaints regarding this, and thinks people didn't know who to call. He thinks they called Commissioner Anaya first and he directed them to call the City because it was something we were doing. He said, "So I wanted to get those complaints in the report. And I did receive them Saturday. I didn't receive any on Sunday, so I assume they were addressed. I did call the City Manager Saturday morning, and I believe he talked to appropriate staff, and they were handled correctly. But the complaints that I received, I received 3 of them on Saturday morning. One was about noise, specifically music after midnight, which stayed on for several hours. The other one was about drinking, and I assume it was people spending the night, and then the last one was with lighting in general. So, keeping the park lights on overnight as they did. I just wanted those added to the report, Mr. Mayor, as we reconsider this, probably for upcoming years. I do appreciate staff, Brian, you getting hold of people on Saturday and making sure everything was addressed, as I didn't receive any complaints on Sunday."

Councilor Lindell asked if this is reviewed annually, and Mr. Pino said this is the first one, so if they try to do it next year, we can put that condition on it so it is reviewed annually.

Councilor Dominguez said then the total cost to the City was \$567, and Mr. Pino said that is correct, our expense was in the salary and overtime for the employees that helped out.

Councilor Dominguez said that doesn't include the electric bill and some of the other expenses that the City may have incurred.

Mr. Pino said it is absorbed in the permit fees which are relatively low.

Councilor Dominguez asked if there is any way to separate that out. He is asking because we want to be able to show that the money was well spent, which he believes is the case. However, the more information we can get out of that, the better.

Councilor Dominguez asked how we can assess the positive economic impact of this event. Do we know how many people stayed in hotels. Is it unrealistic to ask the League to provide that information. He said there were 42 teams, and asked how many were local, and how many from out of the City. He would like to find out if there is a way to calculate the potential positive economic impact.

Mr. Pino said they can put together a method to do that. He said it is a little challenging, because the Resolution was passed on the 27th and the tournament started on the 29th, so we are a little pressed to have everything in preparation.

Councilor Dominguez said if we do this again, we need to do everything we can to get as much of that information as possible so we can properly measure the economic impact and the economic benefit.

Mayor Gonzales said that goes to Councilor Dominguez's point on the Fiscal Impact Report and how it can be used broadly in a number of cases.

Councilor Rivera said it doesn't look as if anybody was paid overtime, and it looks like straight time, and asked for verification of that information.

Councilor Trujillo said, "Ike I think I've already told you to thank staff for all they did at the tournament. You know, Councilor Dominguez, I wonder if we can get those stats as to where people stayed in the City, I know they did. I know that majority of the teams were local, which I consider a good thing, because we're creating a tournament for our locals to play in. I do know that next year, I think they will get more teams. The reason being is I do know there was another tournament going on in Santa Rosa. And I've actually talk to some of those teams. And they said had they known earlier this tournament was going to be held, this is the place they would want to be, because of the correlation of it being held on that Friday with Zozobra. I think we, the League and the City, learned from this tournament. It's the first time we've ever done a 24 hour tournament. Other cities have done it. Las Cruces just finished their Whole Enchilada. I think we will learn from what happened this year, and this can only get better I truly believe."

Councilor Trujillo continued, "I do know that Councilor Dominguez was out there at three in the morning, because I saw it on his Face Book. And I went out there Friday evening at midnight, and I was there again on Saturday watching the games, and people were out there having a great time. A lot of good things were said about our fields, the MRC. It's a great facility. For those who have never been out there and been able to use it. I consider it tops in the State. So I look forward to... we'll have the discussion next year. I do know the League wants to keep it going, make it an annual event. I'm just grateful Kiwanis were able to lend the name Zozobra to this, because I think it gives it a better recognition. People know Zozobra. This was a long overdue tournament. So, again, Ike thanks to you and staff for all you did, because overall this was a successful tournament."

Councilor Dominguez said, "I think the tournament was a success. I think what we have to be careful about in the future, is that really so much of the responsibility is on the League. What I want to make sure is that the City is doing everything it can within reason to make sure the League is successful. And if there is no success, that the City is not to be blamed for that. And so that's why I think it's important that we have as much information as we can. The name is great. The whole idea is great, but we have a fiduciary responsibility on the finances, and the League plays an important role in that. So I just want to make sure the City does whatever it can, within reason, to make sure the League and the effort is successful as it can be. And the reason we need the metrics as discussed by Councilor Maestas"

11. **REQUEST FOR APPROVAL TO AMEND THE SANTA FE RAILYARD CONSERVATION EASEMENT BETWEEN THE CITY OF SANTA FE AND THE TRUST FOR PUBLIC LANDS. THE AMENDMENT WOULD REVISE THE EASEMENT BOUNDARY TO MATCH EXISTING CONDITIONS AND DOCUMENT AN EXCHANGE OF CITY RAILYARD PROPERTY ALLOWING FOR OUTDOOR RESTAURANT SEATING. (ROBERT SIQUEIROS) (Postponed at September 10, 2014 City Council Meeting)**

Councilor Ives recused himself from participation and left the Council Chambers.

Mr. Siqueiros presented information from his Memorandum of September 10, 2014, to the Mayor and City Council, regarding this matter, which is in the Council packet. Please see this Memorandum for specifics of this presentation. Mr. Siqueiros demonstrated the location of the Easement via overhead, using a map which is in the Council packet.

Mr. Siqueiros noted that the Trust for Public Lands, the Railyard corporation and staff are in support of the proposed amendment.

Mayor Gonzales said then there is agreement by all parties and Mr. Siqueiros said that is correct.

Mayor Gonzales said then we just need one more approval to make it work. He thanked Mr. Siqueiros for his work. He said, "I am hopeful that we are able to pass this quickly tonight, because I know this will allow for a more enhanced experience on the Railyard."

Councilor Bushee said, "I know you all control what happens there, but if we're going to have outdoor cafes, can we also considering street musicians as well in and around that area. I'm just throwing it out to you Rob, to bring to your committee. We're going to keep reviewing what happens at the Plaza in terms of activity, and I feel like we should have an equal effort at the Railyard."

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

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

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

Against: None.

Recused: Councilor Ives.

Mayor Gonzales said, "And Bob, I just want to do a quick shout-out and thank you for the working you're doing out there. I had a chance, I'm not sure if the Councilors know that we were up for an Urban Land Institute Award, and many of the individuals involved gave huge amounts of credit to Bob and his ability to work with multiple parties and pull off that incredible park. So you've got to be thanked for that and so much more that you are doing here. So, I just wanted to say thank you."

12. 2015 NM LEGISLATURE PLANNING CYCLE. (MARK DURAN)

A copy of *City of Santa Fe Legislative Timeline*, prepared and distributed by Mark Duran, is incorporated herewith to these minutes as Exhibit "3."

Mr. Duran said all of the State's constitutional offices are up for election in November including the Governor and State Representatives, and the interesting dynamic is that possibly, the Republicans could take control of the House of Representatives. He feels we will be successful in either scenario and we just have to let that play out in November to see what happens.

Mr. Duran said, "In terms of money, there is some good news on a couple of different fronts. And that is that in August, the State's economic forecast that they anticipated there would \$285 million more for FY 2016, versus FY 2015. That is basically coming from gross receipts taxes, personal income taxes and corporate income taxes being slightly up from last year, but mostly because of the business that is happening in the oil and gas area. That is booming as you know. It is significantly impacting our State revenue coffers. They've always been a big percentage of our coffers and are now an even bigger percentage. It is important to note that was the August report and those are volatile numbers we will continue to track. For instance, some of the volatility associated with that, any ten cent fluctuation in the price of natural gas impacts the General Fund by \$9 million, and any one dollar fluctuation in the price of oil impacts the General Fund by \$6 million. That is why it is important to take the \$285 million with a grain of salt. We've seen decreases in those prices a lot since the August report, and we really want to track that and be on top of that as those revenue estimates come out in November and especially in December."

Mr. Duran continued, "There will be \$250 million, this is subject to less fluctuation, which will be available for capital outlay spending in the 2015 Legislative Session. So that's the money part of it. There is the political part we always look at. There is the financial part that we always look at, and financially, we look to be in pretty good shape, and because it is a 60 day session, we can introduce statutory language and changes without a call from the Governor. So that is the other component we would track."

Mr. Duran reviewed the information in Exhibit "3," noting the City Manager asked him to do this flow chart. He said on the right where it says Council Meeting, it also should say introduction of initial resolution, and the 11/12/14 Council Meeting also should say approval of final resolution. He noted they have limited our submissions to just our top 5 this year.

The Governing Body commented and asked questions as follows:

- Councilor Maestas said the ICIP was a discussion topic when the Municipal League Board met weekend before last. He said, "It seems the administration is using it, as you said, for vetoing. If there are any projects in the capital outlay bill that aren't in the top 5 they would be vetoed, so this is cause for concern for us. We discussed the possibility of submitting amendments to the ICIP after initial submittal. And the consensus was that we should. That's been a practice that has been allowed in the past. The individual who coordinated this administrative change is no longer the Local Government Division. I think we, as a government, should at least submit an amendment for strong consideration, despite this administrative prohibition. Because, again, I think when approved our priority list, we still assumed that the other projects would be in the list and be considered and not subject to veto. I think that should be part of our strategy."

- Councilor Maestas asked, with regard to capital outlay, are we on track to obligate all existing capital outlay on the books. He wants to make sure we have no funds which revert because of lack of obligation and encumbrance.

Mr. Duran said, "I can unequivocally say that we are on track to spend all the funds that have been given to the City of Santa on projects. Now, where we do a lot of work is serving as the fiscal agent for many non-profits. We also take that responsibility, working with DFA, to try to get those projects funded as the fiscal agent. But what we are able to do, and I think this may be where you're headed, and it's a good idea, to make sure on a yearly basis, and we have begun that process, to look at all outstanding projects, whether as the fiscal agent or coming directly to the City, to see where we are in terms of spend on those projects, evaluate them as to whether or not they are still valid scope of work and even valid projects, and flag those for reauthorization."

- Councilor Maestas said we need to look at the whole option of reauthorization. "If we are, at the end of the day going to be limited to our top 5 priorities, then we need to look at other innovative ways to obtain capital outlay. And I see the reauthorization process as a means to do that. And not just on our own projects, but I think we should look at other different sponsored capital outlay allocations that could be subject to reversion. They could be in year 3. Maybe we could negotiate with another legislator perhaps, not within the City but in the surrounding area. So we can identify capital outlay projects on the verge of reversion outside the City in the greater area and get those reauthorized. I don't know if you have done that in the past, but that has been done."
- Councilor Maestas continued, "When the League met, the intent was to prioritize all legislation passed by the Municipal League, and 3 of our Ordinances we sponsored and pushed made the priority list. The three were asking for comprehensive GRT reform. The other was in the event they can't tackle GRT reform, we are asking the Legislature at least remove the taxing authority on home rule cities. We made that a stand alone Resolution within League Policy. The last one was we are asking the State to adopt something like the Utah Telecommunications Act. The franchises aren't working for us, they're expired and we're having difficulty collecting, and we feel a Telecommunication tax might be a great alternate to the franchise fees."

- Councilor Bushee asked if we were going to have any attempt at tax reform during this 60-day session, in Mr. Duran's estimation.

Mr. Duran said it is hard to say. There are still several dynamics that need to play out. If we take a look at history, he said he would say no, but it's hard to say.

- Councilor Bushee said as we head into the first year of hold harmless and its damage to our coffers, she can't imagine there will not be some effort.

Mr. Duran said he thinks there will be efforts and those efforts can gain momentum. He thinks, with some of the Municipal League Resolutions which we're supportive of through Resolutions the City has adopted, there is opportunity for diversification and hopefully some change. He said we can

push the reform that we need, and we have to let them know how much this is impacting us. He said the Senate will stay the same, noting the Senate passed the bill that took away hold harmless. He said he looks at realistically and know how difficult it is going to be, especially because people got smart along the way and they know how to separate small cities from big cities, so we're not able to approach the situation as a unified group. He said we're going to work hard on it and let them know how it is affecting us. He said there are some tough political realizations there also.

- Councilor Bushee asked, regarding the top 5 priorities if there is an associated dollar amount or just the top 5 priorities.

Mr. Duran said it's just the top priorities and there is no limitation on dollar amount. He said, "If I could speak to the strategy of how we get our other ICIP projects. We've been talking to DFA and working with DFA as to how we get those included. We can't amend the computer system into which we submit the priorities, because they stop it at 5. We're talking about do we just take the whole list and plop it on someone's desk. The good news is that lots of cities and counties, Indian tribes, lots of entities are concerned over this and are talking to the Governor's Office and DFA about the fact, and sometimes even Legislators without cities and counties knowing proposed projects that they assume are on the ICIP list. There are going to be projects passed for capital outlay that are not on the top 5 list, and it's going to cause big problems with systems on their end and political problems on this end."

- Councilor Bushee said we could just take the ICIP list and make it our number one priority.
- Councilor Ives thanked Mr. Duran for making these processes comprehensible. He said these top 5 priorities is something new this year. He asked if we know why the Governor's Office has put that forward, have they offered an explanation for that.

Mr. Duran said for the past 4 years the Governor's Office has complained about the amount of smaller projects that entities and Legislators fund that, in the end, don't have enough money to complete the project. He said two years ago, the Governor's Office instituted a policy that all capital outlay projects be over \$50,000, and that helped to some degree. He thinks this new policy is really a continuation of the administration's dislike for smaller projects, as if all projects and all money needed to be pyramided up into top projects and top priority projects. He thinks what they don't understand are the many projects that are augmented by the City and the State, and every through other diversified resources, where \$50,000, \$75,000, \$125,000 make a difference in regard to projects. If the directive would have just been that any amount of money you received had to go toward the completion of a project within a 2-3 year period, that would have been a better thought out policy.

- Councilor Ives said it sounds like there has been some pressure building up to this. He asked when was the first time we had an inkling on the limitation on the priorities list.

Mr. Duran said about January 1, 2011.

- Councilor Ives said in terms of it actually becoming a policy, because he doesn't recall having this as a policy last year. And indeed we put forth a number of priorities, and priorities by District, so there were a number of different items that came forward.

Mr. Duran said it's happened every year in different forms, and this is the form it has taken this year.

- Councilor Ives said he is trying to figure out when it became clear that that was going to be the form in which it was moving forward.

Mr. Snyder said, "The first staff became aware of it is when we submitted the ICIP listing. We submitted it at the counter and we were told we could no longer submit the full list, and we were to submit only the top 5 priorities. So that was the first we became aware of it several months ago."

- Councilor Ives said when we were developing that list this year, it wasn't brought forth as a priorities list. It was brought forward as an organizational construct that considered various types of deferred maintenance first, etc. He said, "When we took action on it, my understanding was that was the nature of that action. So what I'm hearing folks now say is that we're locked into priorities, that in my perspective, I never necessarily voted on as priorities, because that was not how it was brought forth to the Governing Body."

Mr. Snyder said, "Yes, you are correct. In the past we've looked at it, if it's on the list that's a good thing. And as I said, we became aware of it when we went to submit it, that's the first time we were ever notified that they were taking a different approach this, and only looking at the top 5 priorities. They have our entire list, but like Mark said, the only ones they're keeping in the computer are the top 5 and those are the ones that matter. And those are the top 5 off the list that we submitted."

- Councilor Ives asked if there is a process for amending that list at this point in time.

Mr. Duran said, "I think ourselves, and a number of different organizations, other cities and counties are complaining to DFA. I think DFA is being deluged with these items. I believe they're going to try to figure out some way to amend the process, but I'm not sure. But as I mentioned, we have Legislators are going to support other projects, and if those projects are going to be funded, and they're not going to be funded because they're not in DFA's Computer system, what we would like to do is submit all our ICIP projects. And either way, I can see us doing that. And that is we've already left them one list and that is to leave them a couple of other lists to let them know this is our entire, structured, organized governing process of coming up with ICIP priorities. We've been able to submit them in the past. We are submitting them again this year, one way or another."

- Councilor Ives asked how was the list submitted, and who actually took it to DFA.

Mr. Duran said that is something that Isaac Pino would handle. The second delivery of it would probably be by him, and “who knows the third.”
- Councilor Ives said, “I don’t know whether or not we heard about this top 5 priority structure before tonight. I can’t say as I’ve been made aware of it at any point in time until now.”

Mr. Snyder said, “My understanding, Mark is correct. When staff took it there they presented it at Public Works Committee, I’m not sure what meeting, the updated approach of DFA having only to be the top 5.”

Mr. Duran said, “No warning. No policy. No issuance of a directive. Just couldn’t submit more than 5 projects when we got to the point of submitting the projects.”
- Councilor Ives said I presume we were pressing up against a deadline by that point in time and we were caught in some Orwellian circumstance where we had to submit that list at that point in time.

Mr. Duran said, “I don’t think so Councilor Ives. I think that the list had been put together. The staff was well organized, it was just they couldn’t submit more than 5 projects into the system, the very day the entire list was deliverable to them.”
- Councilor Ives reiterated he doesn’t recall discussing here at the Governing Body, the fact that there was any limitation on the numbers. So I’m not sure the action of the Governing Body in putting forth that list necessarily reflected the priorities of the Governing Body, especially given the way it was presented to us. I appreciate the clarification on those points. I’ll be curious to seek some additional answers. Thank you.”
- Councilor Rivera thanked Mr. Duran for the job he does for the City. He said it’s very clear when we speak to our Legislative Delegation that you have a lot of respect in the Legislature and he appreciates his hard work. He thanked him for newsletter he sends out which is helpful.
- Councilor Rivera said, “My question is, with regard to the top 5 list, we have several non-profits as your mentioned that come through the City to fund its projects. My assumption is we’ll put together a list of 5, our top 5 that we can send as an amendment, but what happens to the non-profits.
- Mr. Duran said that is a good question. He said, “They really never had a system by which to submit priorities like formally organized entities like the City and County. Our process is to provide them with a fiscal agent letter saying we will serve as their fiscal agent. The City Manager and I work on that. The non-profits come and pick up that letter. That is what they have had to deliver

in the past. It's a really good question. There's a lot of things up in the air. It's a good question for the non-profits is if the organized entities are limited to 5, what are non-profits to do in terms of their request for capital outlay with legislators."

- Mr. Duran continued, "I know that I've talked to a couple of Legislators and they're very frustrated with the process. They're aware of the process and want clarification from DFA. I think a couple of Representatives are going to be formally asking our Legislators, Santa Fe Delegation Legislators, for clarification from DFA. And that's building on the administration also. It's a great question, and that is what happens with the non-profits."
- Councilor Rivera asked Mr. Duran if he is going to "take what we ask here and try to get an answer that we can maybe receive an email about."

Mr. Duran said, "I think so. I think for now, what we've been doing is trying to get clarification and understand the policy and the genesis for the policy, understand if there's room for change in the policy, and how we would deliver our entire list. Now I think it's important for us to shift it to the Legislators to start making these requests and asking for these answers. And so what I am going to do is to work with our Legislators. We're already in the process of doing this. Work with the Legislators to formulate the formal letter that would go with DFA, and then I would be reporting to you on any comment coming back on those formal letters."

- Councilor Rivera asked Mr. Pino or Mr. Snyder if they can get him the entire ICIP list we submitted so he can start taking a look at it from a different point of view.
- Councilor Lindell said, "Mr. Duran could you tell us, inasmuch as it sounds like the list that we looked at wasn't allowed to be submitted, just the top 5. What were the top 5 that we submitted, because I don't think that we ever prioritized those."

Mr. Pino said, "I don't remember the top 5 specifically. I know that SWAN Park was #5, I know that, of the 4 that were above that. What we did though, Councilor Ives recalls that we categorized, at the request of the Finance Committee, the deferred maintenance projects first, then projects from the enterprise funds, then new projects and finally the fourth category was the non-profits in that order."

- Councilor Lindell said, "I think it's a little bit frustrating that we submitted a list that I guess we can't really amend at this point in time. And as a Council, we never actually prioritized the top 5 actual items on that list. Am I understanding this correctly, Mr. Duran."

Mr. Pino said, "The rule that we had been working under for the past 3 years, was that there was a wide open list. Some of the Councilors that were here before, might recall we used to turn in a list of 5 City-wide water projects, City-wide drainage projects, City-wide streets, and we did that year after year after year and that gave us great latitude on the projects we could call off the list. Then 3 years ago they told us to no longer submit 5, just submit the open list. And that's what we did

the last 2 fiscal years, and it was accepted as such. And you might recall that some projects as low as the priority of 64 actually were funded. So we, not know there were any changes this year, we submitted, as we had the two previous fiscal year, a wide open list based on the category that we had selected as priority, only to find on delivery day, that was when we were first told about the 5 project list. And delivery day is simply that, just show up and give them your list. What clued them was our list was about two inches thick and they knew that was for more than just 5 projects. And that's when they told us to limit it to 5. We literally had to peel the top 5 off the stack and we insisted on leaving the rest of the stack with them."

- Councilor Lindell said that list is delivered on a deadline date and Mr. Pino said that is correct.
- Councilor Lindell asked if we delivered it on the date of deadline.

Mr. Pino said, "We did."

- Councilor Lindell said, "I hope our top 5 projects are 5 projects that we really want to see funded, because I don't know what they are at this point, and they are nothing that we prioritized. That's all I have Mayor, thank you."
- Councilor Maestas said past practice, of the entire capital outlay, was that the Senate would get 1/2, the House would get 1/3 and the Governor would get 1/3, and whatever capital outlay was funded by the House and the Senate, the Governor would hold harmless on their share, so there wouldn't be any vetoes. He asked, "So is this Governor pretty much looking at all capital outlay allocated throughout, and vetoing whatever the Governor chooses to veto. Can you clarify just that."

Mr. Duran said, "I think there has been a concentrated effort by the administration to not have smaller projects funded. And that's been normally the course of how money gets split up for capital outlay, and that's 1/3 to the House, 1/3 to the administration and 1/3 to the Senate. After that, in the last couple of years, the Governor has been indiscriminate in terms of any sort of policy of what gets vetoed and what doesn't. Sometimes things that get vetoed have the excuse that it is a smaller project, while then other projects get funded and don't get vetoed. It's hard to pinpoint any consistent policy in regard to that."

- Councilor Dominguez said, "I'm a little miffed about this whole process and this whole discussion, but I'll ask my questions off-line with the City Manager."

13. CONSIDERATION OF RESOLUTION NO. 2014-86 (COUNCILOR BUSHEE AND COUNCILOR LINDELL). A RESOLUTION ESTABLISHING ADMINISTRATIVE PROCEDURES RELATING TO CIVIL PENALTIES FOR MARIJUANA AND MARIJUANA PARAPHERNALIA POSSESSION AND RESTATING THAT POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA IS THE LOWEST LAW ENFORCEMENT PRIORITY OF THE CITY OF SANTA FE POLICE DEPARTMENT. (KELLEY BRENNAN)

Kelley Brennan, City Attorney said, "I'll be brief. This is exactly what the caption says, it is adopting administrative procedures. These are designed to provide due process to someone if they elect to contest the civil fine for possession of an ounce or less of marijuana. That said, I stand for questions."

Councilor Trujillo said, "We have a Resolution that was enacted last year by Councilor Calvert, stating that if a resolution or ordinance does not get passed by one of the big two, Finance or Public Works, it doesn't come here. Now I know that there is a procedure that it came back, but what's the use of having this ordinance in place, if this ordinance now is coming back to us when, technically it died at both committees."

Ms. Brennan said, "I think that the rule is a rule of the Governing Body Rule, and it's cited in the packet. And it's designed to make sure that in terms of necessity or time pressures that the entire Council gets to consider it and vote on it."

Councilor Trujillo said, "I don't consider marijuana a necessity."

Ms. Brennan said, "I'm not arguing that it's a necessity, Councilor."

Councilor Trujillo said that is all he has.

MOTION: Councilor Bushee moved, seconded by Councilor Lindell, to adopt Resolution No. 2014-86, as presented by staff.

CLARIFICATION: Ms. Vigil asked if the motion includes amendments proposed by staff, and Councilor Bushee said yes.

DISCUSSION: Councilor Dimas said, "I've got a lot of comments and a lot of questions about this whole thing. Number one, this should never have gone forward, it should have been on the ballot as it was proposed. And I think there was absolutely no public debate on this, and here we are moving forward with this Ordinance and now we have a Resolution in place also as to how it's going to be done. I think this is a State and federal issue. I don't think this is a City Council issue. Again, I think we're superceding State law. It's still illegal by State Statute, and State Statute still supercedes the City in any way, shape or form. I think by doing this, we are encouraging trafficking marijuana. The people who going to buy the marijuana, are going to have to buy it from a drug dealer which is still illegal. Trafficking is still illegal in any way, shape or form that you look at it and trafficking marijuana will still be illegal."

Councilor Dimas continued, "I think we're just inviting more drug dealers into our community and they're not only going to be selling marijuana, they're also going to be selling heroin. They're going to be selling crack cocaine, prescription medication, whatever it is they sell. And we're just inviting more problems into Santa Fe and more drug dealers into Santa Fe. I think we're going to encourage more youth and a lot more young people to try marijuana."

Councilor Dimas continued, "I've spoken to several addicts over the years as a Judge, and I always ask them where they started and how they got started into the hard core drugs of heroin, and a majority of those people told me that they started with marijuana, and it just wasn't getting them high enough, so they graduated up. So whoever said it isn't a gateway drug is wrong, because it is. In anyway shape or form, it is a gateway drug into heavier drugs."

Councilor Dimas continued, "We already have a DWI problem in the State of New Mexico and right here in Santa Fe. I guess, now with this new marijuana law... the State Statute is very clear and it's impaired to the slightest degree. With marijuana, we have no baseline, we have no standards for testing for DUI with marijuana. So, I guess I have to ask the question, we've made it the lowest law enforcement priority of the City of Santa Fe for the Police Department. What exactly does that mean, the lowest priority. Does that mean when a Police Officer stops someone with marijuana behind the wheel that we just ignore it, and we say oh well, it's just a low priority so we'll just let it go."

Councilor Dimas continued, "I don't understand this at all. It's really perplexing to me. We have no guidance here whatsoever. There is nothing in this Resolution or Ordinance to actually tell us anything about this, so it's very confusing. The whole thing is confusing. I think this issue should be voted by all the citizens of the State of New Mexico, by referendum. It should be brought forward by the New Mexico State Legislature and not by this City Council. This should be a State issue, and not a City issue, again."

Councilor Dimas continued, "You know, it passed. Santa Fe Police Officers are still going to have the discretion to file their cases in State Magistrate Court and they can't be directed where to file their cases. It's very simply officer discretion and you can't interfere with officer discretion. You cannot direct the Santa Fe Police Officers to file in City Court or Municipal Court, they still have that discretion."

Councilor Dimas continued, "You know, we have drug alliances and so forth to discourage our youth against the use of alcohol, yet we're encouraging the use of marijuana through this Ordinance. I don't quite understand how this is going to come across for our youth. I think it is encouraging them to actually start using it. I just don't think this thing is well thought out. I got, I'm sure a lot of people got this same mailing I did, actually came to my wife. They probably knew how I felt about it, she feels the same way, by the way. But there is a statement from someone who says, "Instead of arresting and incarcerating someone for tiny amounts of marijuana we should be focused on real issues in our community." Boy I agree with that. I certainly agree with that. But it says, 'In making our world safer for our children.' How exactly are we making our world safer by decriminalizing a drug, marijuana. I don't think that's making this City any safer. I don't quite understand what we're doing here."

Councilor Dimas continued, "As far as incarceration of innocent people. I know that Councilor Dominguez brought up that he was a Corrections Officer. Well, I was a Judge, and I can tell you that I never sent anyone to jail for small amounts of marijuana. And if they're in jail, they're probably in jail for trafficking, more than likely. And it was probably for large amounts of marijuana which is illegal, and that's why they're in jail. There are very few judges in this country are sending people jail for any length of time anymore for marijuana. So that statement, I totally disagree with."

Councilor Dimas continued, "The Council can go in whatever direction it wants to go in. I can tell you right now, I will never vote for this Ordinance, this bill. I am just completely against it, totally and completely. Thank you Mr. Mayor, that's all I have."

Councilor Rivera said, "I agree 100% with what Councilor Dimas said. I think maybe we have a different perspective because we worked the streets and we know what happens out there. We see the results of alcohol and drugs, not just marijuana, but other drugs on the streets and the effect they have on people and families, relationships, so I'm sure we have a different perspective on it."

Councilor Rivera continued, "And my issue with it is that I don't think it does much in clarifying what decriminalization means. There are still people out there that think they can carry small amounts and not get into trouble, and that is simply not the case. If they get charged in Magistrate Court they will be in trouble, and this doesn't do anything to clarify that. And I still think it puts our Police in a tough position to have to decide who gets tried in municipal and who gets tried in Magistrate. And at some point, it's going to lead to, 'Well you're just picking on my son because he's Hispanic. Or you're picking on my son because he's wearing baggy pants.' And that's a tough position to put our officers in, and I continue not to support this in any way."

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

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

Against: Councilor Rivera, Councilor Trujillo and Councilor Dimas.

14. **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON NOVEMBER 12, 2014: BILL NO. 2014-30: AN ORDINANCE AMENDING SUBSECTION 20-6.1 SFCC 1987, TO CLARIFY THAT IT IS UNLAWFUL TO POSSESS ONE OUNCE OR LESS OF MARIJUANA AND CERTAIN MARIJUANA PARAPHERNALIA (COUNCILOR BUSHEE AND COUNCILOR LINDELL). (KELLEY BRENNAN)**

Ms. Brennan said, "Again, this just provides one sentence that clarifies in the language of the Ordinance that the use or possession of an ounce or less of marijuana or marijuana paraphernalia is prohibited. And this is just a request to advertise the Ordinance."

MOTION: Councilor Lindell moved, seconded by Councilor Bushee, to approve this request to publish notice of public hearing on November 12, 2014.

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

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

Against: Councilor Rivera, Councilor Trujillo and Councilor Dimas.

15. PURSUANT TO RESOLUTION #2014-65, FINDINGS AND RECOMMENDATIONS REGARDING CREATING AN INDEPENDENT OFFICE OF INSPECTOR GENERAL. (KELLEY BRENNAN)

Kelley Brennan said, "I could make this report at the end of the session, if you wanted to move right into Executive Session.

Mayor Gonzales said that would be fine.

16. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

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

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

MOTION: Councilor Trujillo moved, seconded by Councilor Rivera, that the Council go into Executive Session for discussion of pending and threatened litigation in which the City of Santa Fe is or may become a participant, 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 Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

Absent for the vote: Councilor Bushee.

The Council went into Executive Session at 7:07 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 7:50 p.m., with Mayor Pro-Tem Ives presiding, Councilor Rivera moved, seconded by Councilor Maestas, 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 Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

Absent for the vote: Mayor Gonzales and Councilor Dominguez.

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

Councilor Maestas said, "I will be recusing myself from this action, as I've had a relative involved in the litigation regarding this issue."

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

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

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

Against: None

Recused: Councilor Maestas.

Absent for the vote: Mayor Gonzales and Councilor Dominguez.

Zachary Shandler, Assistant City Attorney, said, "Mayor Pro-Tem, for the record. The motion on Item #18 is the result of the Southside Transit Center. The Santa Fe Place had previously been the Southside Transit Center, and now the Southside Transit Center will be moved to 2521 Camino Entrada. That is a City owned building, will have an indoor waiting area and it will be shared between the Police Department and the Transit Department. This project is federally and privately funded, and the Santa Fe Place will continue to be served. We anticipate this project will take approximately one year. The City will have a press release with all the details for the public immediately available. Thank you."

19. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

*Mayor Pro-Tem Ives exercised the prerogative of the Chair
to move Items 19 and 20 to the end of the Evening Agenda, along with Item #15.*

END OF AFTERNOON SESSION AT APPROXIMATELY 7:50 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 7:50 p.m. 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

F. PETITIONS FROM THE FLOOR

Mayor Pro-Tem Ives gave everyone 3 minutes to petition the Governing Body.

Fonda Osborn said she is the former President of District #1199 New Mexico. She said, "I have... after this negotiation is complete, I'm retiring. Our District has spent a year preparing for this transition, so the next President for #11199 will be Laurie McIver. She is a registered nurse from the University of New Mexico Hospital. So as we move forward in this transition, our emphasis will still be on safe staffing for all hospitals in New Mexico. Now, the good news is, I believe we are words away from getting an agreement with the Hospital that we can recommend to our members. It's not perfect. You know, we've been out on a picket line I think for 59 days now. A long time. But, I believe last week, after the Mayor brought the parties together, we had continued negotiations for 3 more days, and we still had a proposal that we could not live with, that didn't have any enforcement in it. And so, after... well even Mr. Tessin from the Hospital came to negotiations and Mr. Delgado, Chairman of the Board, came to the negotiations."

Ms. Osborn continued, "After these negotiations, the Mayor made contact again with the Hospital and asked them to move, because we needed that enforcement piece. And so the Hospital called us back to negotiations on Friday and they made a substantial move in their previous proposal. That move, the

Hospital agreed to look at the staffing shift by staff. Before they looked at it in an aggregate manner over a period of time which really didn't address it when we were very short staff. And so they made a big movement and agreed to a penalty if they did not provide the staffing that they should have to cover at least the average daily census for each unit. And so now, all we need is the ability to grieve if they don't pay the penalty correctly that they've agreed to pay."

Ms. Osborn continued, "So we feel like this is a positive movement. We've at least guaranteed the floor at the 40th percentile and that we will have stability when we come to work as nurses and techs, and knowing that we've got enough staff there to cover what we need every day. So we're a few words away, so any more phone calls you want to give them to let them know, that would be good. We now feel that we have other things are important to do. Now the Task Force can go, now our negotiations are concluding and I think as a community it's a very important thing to look at the health care here in Santa Fe and that the community have input into it, rather than just companies. And I'm not saying even Christus, but there really needs to be a way for the community to have input."

Ms. Osborn continued, "And then, in the winter, that's coming up pretty fast now. It's getting cold outside, we have legislation again. Because it shouldn't be us and we certainly thank the City Council for passing that Resolution that you all passed. This gives us a real tool to go out with when we're pursuing legislation. So we hope that you will all support us in our efforts to get safe staffing for all of New Mexico. Did I forget anything you guys, we want to tell them. We just want to thank the Council and the Mayor, especially. He has done a great job hauling this wagon a little bit further. So thank you all."

Mayor Pro-Tem Ives thanked Ms. Osborn for the update as well as your service. "And congratulations."

G. APPOINTMENTS

Mayor Gonzales made the following appointment to the Library Board:

Latifah Alfonso Phillips – to fill unexpired term ending 07/2016.

MOTION: Councilor Bushee moved, seconded by Councilor Rivera, to approve this appointment.

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

H. PUBLIC HEARINGS

1) REQUEST FROM 4320 CERRILLOS ROAD, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT HYATT PLACE, 4320 CERRILLOS ROAD. (YOLANDA Y. VIGIL)

The staff report was presented by Yolanda Vigil, City Clerk, from her Memorandum of October 2, 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet, noting there currently is a Restaurant Liquor License at this location. However, the business has changed ownership and this type of license is not transferrable, therefore this new application is before you for approval. Ms. Vigil said, the location is not within 300 feet of a church or school, there are staff reports in the packet regarding litter, noise and traffic and staff recommends this 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 Lindell moved, seconded by Councilor Maestas, to approve the request from 4320 Cerrillos Road, LLC, for a Restaurant Liquor License (on-premise consumption only) to be located at Hyatt Place, 4320 Cerrillos Road, with all conditions of approval as recommended by staff.

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

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

Against: None.

Absent for the vote: Mayor Gonzales, Councilor Bushee and Councilor Dominguez.

Councilor Dominguez arrived at the meeting

2) REQUEST FROM D & G RESTAURANTS, INC., FOR A TRANSFER OF LOCATION OF INTER-LOCAL DISPENSER LICENSE #2823 (WITH ON PREMISE CONSUMPTION ONLY) FROM D & G RESTAURANTS, INC., 4200 CENTRAL AVENUE SE, ALBUQUERQUE TO THE BLUE ROOSTER, 101 WEST MARCY STREET, SUITE 5. (YOLANDA Y. VIGIL)

Councilor Maestas said, "I disclosed at a prior meeting 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 I stated on the record that I will be recusing myself until the family license is sold from voting on any inter-local license transfer request and from any discussions this body may have about inter-local transfer licenses in general. As a result, I will recuse myself from Item H(2) on tonight's agenda. And I would ask that you please come get me when you are done with this item."

The staff report was presented by Yolanda Vigil, City Clerk, from her Memorandum of , 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet, noting the license is not within 300 feet of a church or school, there are staff reports in the packet regarding litter, noise and traffic, and staff recommends this business be required to comply with all of the City's Ordinances as a condition of doing business in the City.

Public Hearing

Doug Nava, 1401 Santa Cruz, Owner, was sworn. Mr. Nava said he wants to assure the City that they will make sure all patrons of the establishment and the public will be treated safely. He said they are trying to add to everything, and he promises the Blue Rooster will set the standards for gross receipts filing and such, so everything is coming to the City.

The Public Hearing was closed

MOTION: Councilor Dominguez moved, seconded by Councilor Trujillo, to approve the request by D & G Restaurants, LLC, for a Restaurant Liquor License (beer and wine on-premise consumption only), to be located at Hyatt Place, 4320 Cerrillos Road, with all conditions of approval as recommended by staff.

DISCUSSION: Councilor Dominguez said, "So Yolanda, this is a transfer from a different City into the City of Santa Fe."

Ms. Vigil said this is correct.

Councilor Dominguez said, "So that puts us over our quota by how much."

Ms. Vigil said, "I do not have exact figures for that. I don't even have a ballpark figure, I'm sorry."

Councilor Dominguez asked, "Is there a mechanism for us to be able to see that. I think last time, were at 300% over our quota on allowable licenses."

Ms. Vigil said, "I can request that information from State Alcohol & Gaming Division, and find out for you."

Councilor Dominguez said, "I'm just asking because, or it hasn't been clear to me about how it is that we can track that data. Is that not something you can track in the City Clerk's Office."

Ms. Vigil said, "I would be able to track probably the last 10 years or so, maybe longer, if I went back through Council agendas, but I think my best bet would be to go through State Alcohol & Gaming."

Councilor Dominguez said, "I'm not necessarily concerned about what's happened in the past. So, we know that we're over right now. We'll call it at zero right now with this application, but the next one that comes in from a different municipality or jurisdiction, we can count that one as one over at least."

Ms. Vigil said, "Just so I'm clear, starting with the next inter-local transfer, I am to start counting with that one as number 1 and then I'll have data for you from there on out."

Councilor Dominguez said, "Yes. Anytime something comes in from a different jurisdiction, we need to know about it, because that increases the amount we are over in our quota by State Statutes."

Ms. Vigil said, "Yes sir."

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

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

Against: None.

Absent for the vote: Councilor Bushee and Mayor Gonzales

Recused: Councilor Maestas.

Mayor Gonzales returned to the meeting

3) CONSIDERATION OF BILL NO. 2014-26: ADOPTION OF ORDINANCE NO. 2014-31 (COUNCILOR 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. (GREG SMITH)

An Amendment Sheet for this item, submitted by staff, is incorporated herewith to these minutes as Exhibit "4."

A letter dated October 8, 2014, to Members of the City Council, from Rod Tweet Second Street Brewery, expressing support for the proposed amendments to the Land Development Code, Chapter 14, is incorporated herewith to these amendments as Exhibit "5."

Mayor Gonzales said, "Mr. Mayor Pro-Tem, I just want to disclose for the record that I won't be participating on this vote, as my family owns a radio station in town with a tower that is used by telecommunications companies, so I am removing myself from, not only participation in this, but the vote. I just wanted to disclose that for the record."

The staff report was presented by Greg Smith from his Memorandum prepared September 25 for the October 8, 2014 Council meeting, with attachments, to Mayor and City Council, from Greg Smith, Director, Current Planning Division, which is in the Council packet. Please see this document for specifics of this presentation.

Mr. Smith noted that an amendment sheet was placed on the Governing Body's desks prior to the meeting, and there also is an amendment sheet in the packet. He noted that the text of the Staff Report highlights a dozen of the changes that are proposed to be made, and there is a matrix which summarizes each of the 51 Sections of the bill, noting the vast majority are correcting typographic errors. He said some are addressed in more detail in the Staff Report which are aimed at simplifying and making more consistent the various sections of the Code.

Mr. Smith said he will present a "brief summary of some of the highlights, and then is happy to stand for questions the Councilors might have on the individual sections."

Mayor Pro-Tem Ives said, "It is fairly well explained in the Memo in the materials. It might be more prudent and easier to ask if there are questions from the Governing Body directed toward specific items, if that would be all right with you. I don't want to cut you off."

Mr. Smith said, "You have before you an amendment sheet. One of the issues that was an amendment to the coverage regulations in the Residential District. The staff had, I think, over simplified those regulations. And after getting feedback from various concerned citizens, we've done an amendment sheet [Exhibit "4"] which essentially leaves the coverage rules the way they have been for the last 15 years. There is also an amendment sheet that corrects language with regard to payment of Impact Fees that is in the Councilors' packets. We ended up with an amendment inadvertently. The previous set of amendments said that the decision of the Department Director would be appealed to the Department Director. The amendment in the packet clarifies that appeals on those decisions would be made to the City Manager."

Mr. Smith said, "The form of the motion, if the Councilors concur with the recommendations of staff and the Planning Commission, would be to adopt the bill inputting the two amendment sheets presented at the hearing tonight. And with that, I'm happy to stand for questions."

Mayor Pro-Tem Ives said, "You are identified as the Director, Current Planning Division."

Mr. Smith said, "So I guess that is a little awkward in the way to phrase that. I am the Director of that Division, of course the Director of the Department that the Current Planning Division is located in the Land Use Department. Lisa Martinez is currently the Director of the Department."

Mayor Pro-Tem Ives said, "The only small criticism that I would have is when these come before us, they often are stated as 'An Ordinance relating to the Land Development Code, amending various sections to make technical corrections, minor clarifications and making such changes that are necessary.' And it sounds like they have come in from neighbors, from architects, from folks with experience in the Land Use Code. So they always sound like more than mere technical changes. I'm just saying, I'm not sure the description I would put forth without having real clarity on that."

Public Hearing

Mayor Pro-Tem Ives said each person will have two minutes to speak to this request.

Arthur Firstenberg said, "I also think these are not just technical corrections and minor clarifications. These changes include two changes to the City's Telecommunications Ordinance, Chapter 14-6.2(e). One of the changes provides that antennas that are added to existing towers in Historic Districts, in the Escarpment Overlay District and in the South Corridor Overlay District will no longer have public hearings. The other change to this Ordinance is that the minimum 1,000 foot separation between cell towers is repealed. It's actually repealed in a kind of dishonest way in my opinion. It says we're still going to require that a new tower be at least 1,000 feet away from any other tower, unless the company and says that it's not technically feasible to collocate it's antennas on the tower, in which case they can put them as close as they want. And these revisions are not technical revisions. They implicate the amount of input that the public can have into these decisions and they're not minor amendments. They deserve extensive discussion, and in my opinion, they should not be approved today. Thank you."

Monica Steinhoff said, "I was a little confused by the gentleman who spoke earlier, because I thought this must involve the cell phone industry, etc. And I'm going to speak briefly, two minutes. I wish I had a clock that was really big that could tell you minutes as they're passing.... The cell tower at the Hotel Santa Fe went up over a year ago now. I remember being here at the City Council where there was talk about doing a City Ordinance and doing a study beforehand, and then that was just dismissed, the study was never done, and the Ordinance is still existing was adopted. I think there are many things, like the World Health Organization has just come out with that cell phones are carcinogenic. The public does not know any of those things. In my little gallery in the Railyard on Guadalupe, I see people walking by as if nothing exists but their cell phones and they use in their car and everywhere, just making it even easier with more cell towers everywhere, without really checking what's already happened to businesses in the Railyard. We have the Farmer's Market which an immensely radiated place. I have a meter that checks these things, because I'm very sensitive. The trees. So many trees in Santa Fe are dying. I can also say my own business has gone down immensely in that one year plus, compared to the 2-3 years before that."

I think the City needs to check into that. We're a tourist destination and there are so many studies the birds, the bees, the human beings, the children are affected by these microwaves, and yet we feel nothing about supplying more and more of this. I don't think the price for every human being able to use their cell phone, instantly, every second of the day is worth humanity getting sicker and the birds and everybody. And it's a big driver, this whole technology is a big driver to global warming. Germany is one case. For two decades their use of electricity went down. All of a sudden in the last 3 years, it's gone up 30%. People don't think about this is electricity we're using. How do we drive all these microwaves everywhere. This is not a technical issue, it's a life and death issue, and this Council will be very regretful as more and more information comes out about the deadliness of this technology."

Mayor Gonzales arrived at the meeting

David Salmon, 111 Calle Paisano, said, "I'm here to speak in favor of your vote for the Ordinance to make these corrections to 2014-31. My family is a property owner in the Siler Road Industrial District, and we have owned and run Santa Fe Greenhouses for over 30 years now. And, unbeknown to us, this correction to the various zoning uses was made without any input from either ourselves or other property owners in the Siler Road Industrial District. And when we listed our property for sale, we were dismayed to learn that in spite of being in business for the last 30 years on the site, that we were a non-conforming use in that Industrial District. So I think that we are just one of many property owners in that very important business district in Santa Fe, who don't know or are just finding out that we are a non-conforming use. And I think this is very important that you and Councilors, Mayor Pro-Tem, correct this problem and vote for the Ordinance. As far as things regarding microwaves and other things like that, I think that's really beside the point. We've got a much more important thing in terms of land use, property ownership and use of property that's being correct with this proposed amendment and I am, again suggesting that you all vote in favor of it. Thank you."

Sally Randall, 901 Alto, said, "When you were speaking, I thought I was in the wrong place. Everything you read didn't even mention the towers, that you don't have to have a public hearing to have a tower added to within 600 feet of St. Francis and many other streets. And so I came tonight specifically because of one paragraph and I felt like I was in Washington, D.C., where they slip things into very complicated long bills to get them through. So I would like to take out just the part about the cell towers, because the citizens and taxpayers of Santa Fe do not understand why a City Councilor would even consider eliminating our already limited democratic process around telecom installations. I believe, and I hope you will answer these questions, because anyone who wants a chicken coop has to get a permit, so why would you allow a corporation to install whatever, whatever they want without any public, democratic process. So I felt that it was quite confusing. Thank you."

Brooke Pyatt, 310 Lomita, said, "I've also come to understand, maybe belatedly, that one of the elements in what's being considered here does state that we will relive telecom companies of going through the permitting process if they add equipment to already existing structures. And I believe that they also would be relieved of some requirements as to the spacing between the structures. So far, we have at least had a public forum in which to bring forward our opinions and concerns on these telecom matters. I don't know why you would consider removing that opportunity for the public to express its opinions on these matters. There is rising evidence all over the world, studies are beginning to congeal and come together, indicating strong reasons for concerns. All right, my main objection is that another piece of our democratic process seems to be threatened, removing the public forum on a matter that concerns many many people in this community. Thank you very much."

Jim Siebert, 915 Mercer, said he is here to speak in favor of one segment to this amendment and that is the expansion of uses in the I-2 District. Let me explain two aspects of that. One is that when they modified the ordinance about 3 years ago, they cut back permitted uses. And what happened is that several of those uses existing when the I-2 became non-conforming. And what that means is if they burn down, they can't rebuilt. It is very difficult to go to the bank and get financing if the banks know they are a non-conforming use. So, we certainly are in favor of modifying that. And the other thing was just from a purely planning standpoint, is when the I-2 was initially established for this area was when the City's Wastewater Plant was right across the road. Siler Road didn't go through to Richards Avenue. This area is changing and it is important to allow those uses that in the past were permitted to take place. One example, what would be wrong with having a restaurant across the street from City offices where they have 200 or 300 people. They could walk there. I just came from a Planning Conference, state-wide, in Albuquerque. And the aspect now is to broaden the uses, not to limit the uses. And a lot of that has to do with the fact that we are seeing uses that we never saw before, and that is exemplified in what takes place with the internet. So we have other people, raise your hands, in support of the amendment, and we encourage you to adopt that. Thank you very much."

William Bruno, said, "I'm a PhD physicist. I actually have served on the World Health Organization as an advisor, and I also served on an expert international panel on electromagnetic field health effects for the Electric Power Research Institute in California. I have scientific papers that have been cited over 2,000 times. I support the concerns you've heard tonight about the telecommunications portion of these changes, and I'm holding a book, I thought I would read... I'd like to enter the book into the record, but I guess that will take a while. But I would at least like to read the blurb in the front. 'This book shows how radiation emitted by electronic devices can cause biological harm. It describes how to reduce our emission and exposure. These issues matter to anyone who uses technology, therefore everyone should read this book. And that's a quote from Frank Kleig, who is the former President of Microsoft Canada. I also read in the New York Times a week ago that Steve Jobs was interviewed 2 years ago when the iPad came out. And the reporter asked, well what do your kids think of the iPad. And he said, oh, I don't let my kids use the iPad. He doesn't believe it is a good thing for his own kids to use iPads. So, I don't see why you can't just table the telecommunications portion of these minutes, and instruct the staff

to make the necessary modifications so the bill would only cover the other parts. Thank you."

John McFie, said, "I'm here as a private citizen. Many of the people in the room know me as the Safety Specialist for Children for the Health Department, and I'm also a Consumer Product Safety Commissioner, representative for the State for the past 18 years. I'm very familiar with all of the regulatory process. I was involved when the EPA tried to establish standards until 1995, and was defunded and is no longer involved. There is no State Agency involved with cell towers. People call me and I refer them, of course, to the FCC in Washington. There's not a single FCC employee in the State of New Mexico to even refer with regarding. There are so many issues here from the esthetic appeal, starting with the Chamber of Commerce's concern with retaining an Historic District. It is the City different and why people come here, to not see cell towers since they're proliferating. There are more than half a million nationwide. If you do AntennaSearch.com, within my house which is near downtown by Santa Fe High School, there are 31 towers and 211 antenna within 4 miles of his house. The question comes is how many do we need for service when there is not the emphasis to do other things, in other ways of doing this. The continuing focus on WiFi, where so many modern countries in the world are now divesting themselves of WiFi and going elsewhere. The other enormous issue for the City, the County, the State and all the school districts is the insurance companies are no longer insuring.... they read the materials 5 years ago and said it's like mold. They can anticipate the lawsuits are going to be successful inevitably, because there are 6,000 studies about the health issues, which of course we're not allowed to speak about, which in itself is amazing. But let's move from the health issue to the liability. When the lawsuits start and the first plaintiff wins because of the amount of health evidence that shows that WiFi antennas are dangerous, who's going to pay for it. And of course the taxpayers are going to pay for it. Thank you.

The Public Hearing was closed

**VERBATIM TRANSCRIPT
REQUESTED BY ARTHUR FIRSTENBERG
OF A PORTION OF ITEM H(3)
ON THE CITY COUNCIL EVENING MEETING AGENDA
October 8, 2014**

MAYOR PRO-TEM IVES: That concludes our public hearing. What is the pleasure of the Council.
Councillor Lindell.

COUNCILOR LINDELL Thank you Mayor Pro-Tem. I would like to ask Ms. Brennan, the City Attorney, to comment on the telecommunications section of these changes.

KELLY BRENNAN,

CITY ATTORNEY:

Mayor, Mayor Pro-Tem, Councilors, Councilor Lindell, "There is, and Greg may have more to say to this. I'll read you the reason the language relating to hearings in the districts for the replacement of antennas is modified, is to conform to Federal law. What is typically referred to as Section 6409, Federal law, Codified at 47 U.S.C, Section 1455(a) provides: *Notwithstanding Section 704 of the Telecommunications Act of 1996, or any other provisions of law, a state or local government may not deny, and shall approve, any eligible facility's request for modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. Eligible Facility's Request means any request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment.* That is the category of things that will no longer require a hearing. And the reason they would no longer require a hearing is because federal law has preempted that and a hearing would basically be a waste of time. That said, permits are still required. There is still an administrative approval process required. There are opportunities for input. There is notice and so this is really to address that specific federal law. With respect to the 1,000 foot distance between towers, originally that was intended to encourage collocation on towers. And we had some incidents where, for instance, on the Hotel Santa Fe, there are now antennas mounted on the roof. It's a stealth facility. They are concealed behind a parapet. There was one antenna mounted on top of a telephone pole in the vicinity. There was no possibility of collocation. So I think the pressure is still to collocate and use existing facilities and minimize visual impact, while at the same time, complying with federal law to not prohibit, or effectively prohibit the provision of telecommunications services. So that is the basis of these two changes.

COUNCILOR LINDELL:

Thank you Ms. Brennan and I yield the floor, Mayor.

MAYOR PRO-TEM IVES:

Councilor Dominguez.

COUNCILOR DOMINGUEZ:

Thank you Mayor Pro-Tem. So, not that I am disagreeing with anything that you said, but I know in the State we have great police power in our zoning. Is that not the same with this.

KELLEY BRENNAN:

Mayor, Mayor Pro-Tem, Councilor Dominguez, no. This is specifically preempted by federal law. And this is the same issue that arises in terms of basing our decisions on the health effects of EMFs. Again that is

preempted specifically by federal law.

MAYOR PRO-TEM IVES: Other questions of the Council. What is the pleasure of the Governing Body.

COUNCILOR MAESTAS: I'll move for approval to adopt the Ordinance with the submitted amendments in our packets. I'm not sure.... there's two amendment sheets, but I think we all know what I'm talking about.

COUNCILOR LINDELL: Second.

MAYOR PRO-TEM IVES: Any further discussion. Roll call.

YOLANDA VIGIL: Mayor Pro-Tem Ives

MAYOR PRO-TEM IVES: Yes.

YOLANDA VIGIL: Councilor Lindell.

COUNCILOR LINDELL: Yes.

YOLANDA VIGIL: Councilor Maestas.

COUNCILOR MAESTAS: Yes.

YOLANDA VIGIL: Councilor Rivera.

COUNCILOR RIVERA: Yes.

YOLANDA VIGIL: Councilor Trujillo.

COUNCILOR TRUJILLO: Yes.

YOLANDA VIGIL: Councilor Dimas.


COUNCILOR DIMAS: Yes.

YOLANDA VIGIL: Councilor Dominguez.

COUNCILOR DOMINGUEZ: Yes.

YOLANDA VIGIL: Thank you. The Ordinance has been approved as amended.

I certify that this is a true and accurate verbatim transcript of a portion of Item H(3) on the City Council Evening Meeting Agenda on October 8, 2014, as requested by Arthur Firstenberg.


Melessia Helberg, Council Stenographer

MOTION: Councilor Maestas moved, seconded by Councilor Lindell, to adopt Ordinance No. 2014-31, as presented, with the amendment in the packet and the amended which was handed out [Exhibit "4"].

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

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

Against: None.

Recused: Mayor Gonzales

Absent for the vote: Councilor Bushee.

- 4) **CONSIDERATION OF RESOLUTION NO. 2014-87. CASE #2014-63. 2750 BOYLAN CIRCLE AND 1400 BOYLAN LANE GENERAL PLAN AMENDMENT. SOMMER, KARNES & ASSOCIATES, LLP, AGENT FOR BFFM, REQUESTS GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 3.86± ACRES FROM RURAL/MOUNTAIN CORRIDOR (1 DWELLING UNIT PER ACRE) TO INDUSTRIAL. (THE RECOMMENDATION OF THE PLANNING COMMISSION WAS TO DENY THE REQUESTS TO AMEND THE GENERAL PLAN FUTURE LAND USE MAP TO INDUSTRIAL, AND TO AMEND THE GENERAL PLAN FUTURE LAND USE MAP TO INDUSTRIAL, AND TO AMEND THE GENERAL PLAN FUTURE LAND USE MAP FROM RURAL/MOUNTAIN CORRIDOR TO COMMUNITY COMMERCIAL) (DAN ESQUIBEL).**

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

A Memorandum prepared September 29, 2014, for the October 8, 2014 Meeting of the Governing Body, with attachments, to the Members of the Governing Body from Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division, regarding Case #2014-63 and Case #2014-64, is incorporated herewith to these minutes as Exhibit "6."

Daniel Esquibel, Case Manager, presented information in this matter. Please see Exhibit "6" for specifics of this presentation. Neither change in use.

Questions and Comment from the Governing Body Prior to Public Hearing

Mayor Gonzales asked the reason the Planning Commission moved to zone it C-2 General Commercial versus Industrial. He said it seems this is somewhat of a light manufacturing location and industrial would be more of a proper use.

Mr. Esquibel said, "That is correct. However, at the Planning Commission meeting there was some discussion at the podium from adjoining property owners, and the adjacent property owner wants to come in with a large scale residential development in the PUD, which we annexed from the County, was opposing the Industrial use because of the heavy industrial connotation versus the C-2 District which allowed for a lighter sense of use. Again, the differences between the two we decided to place in the Memo so you would be able to see that while both uses for light manufacturing would be allowed, there are some specific uses that are more generally used in the Light Industrial as with the Heavy Industrial, which you just amended."

Mayor Gonzales asked if the designation under the Code under General Commercial will allow for light manufacturing.

Mr. Esquibel said that is correct.

Councilor Maestas said in Mr. Esquibel's Memorandum, paragraph 1, he summarizes the vote by the Planning Commission recommending community commercial, but you mean general, or are community and general the same thing.

Mr. Esquibel said, "Within the Resolution, Community Commercial is the designation that would be established for the zoning for General Commercial. General Commercial is C-2 for the zoning aspect. Community Commercial would be the Resolution portion to amend the underlying map."

Councilor Maestas said, "I went through the minutes of the Planning Commission meeting on page 20 of the minutes, packet page 31, the last full paragraph on the bottom. It seems a representative of the requesting party stated if C-2 was approved for rezoning, it would be acceptable. So I'm wondering why you still included the Industrial option."

Mr. Esquibel said, "The applicant chose to move forward with the present application, rather than make any changes necessary that may have expanded any time to make any changes. So the request by the applicant was steadfast with the Industrial recommendation. However, the applicant does not mind a change to C-2 or a change to I-1. Both would be conducive to the proposed use that went forward under the application."

Councilor Maestas said, "On page 40 of our the packet, the last page of the Findings of Fact and Conclusions of Law, if you look at the recommendation at the very bottom before all of the signatures. Recommendation 1 is a generic recommendation. It recommends that we approve the Plan Amendment. It doesn't specify the option. And Recommendation 2 recommends a C-2. So part of this action, we adopt these Findings of Fact. So how do the Findings of Fact differ from our action. And why didn't the Planning Commission specify which plan amendment that they recommended for our approval."

Ms. Brennan said, "I would read this as saying, we recommend that the plan amendment be approved, and that it be approved in this way with C-2 zoning. I agree, it's not the most crystal clear formulation, but I do believe that is what it is saying."

Councilor Maestas said we have two actions, the Plan Amendment and the Rezone, so there are two separate actions.

Mr. Esquibel said that is correct.

Councilor Maestas said he doesn't know why the Planning Commission didn't specify a specific recommendation to the Governing Body, with regard to the Plan Amendment, since there are two options.

Ms. Brennan said, "Yes. I can't explain that, and all I would say is that you could accept the Findings, adopt them as your own with the modification that it reflect the Plan Amendment, and it wouldn't be C-2, Dan. What would it be."

Mr. Esquibel said the recommendation was for Community Commercial and General Commercial which is C-2. The applicant wanted Industrial I-1, so the applicant's proposal is the request before you now, with the Planning Commission recommendation which is not for the application request, but for the recommendation of Community Commercial and C-2, i.e. General Commercial.

Ms. Brennan said, "So Councilor, you would be modifying that paragraph, "The Commission recommends to the Governing Body, that it approves this land amendment for Community Commercial."

Mayor Gonzales said then the applicant is in support of the recommendation to go to C-2.

Mr. Esquibel said, "I believe the applicant did not mind, but the applicant is here to basically address those concerns."

Councilor Ives said he is trying to understand the specific uses, C-2, Industrial I-1, and making sure he understands what the "p" and "s" stand for in one column, which don't appear in the other columns. He asked Mr. Esquibel to run through that quickly for him.

Mr. Esquibel said, "In Chapter 14, in the matrix for specific uses, a blank cell is prohibited, an "s" is a use that's allowed within that District, but requires a special use permit, so a higher level of review going to the Board of Adjustment or the Planning Commission depending on type. A "p" would be permitted outright, and if it has an asterisk attached to it, then there are additional conditions, notes at the bottom of the table that would identify what those conditions were. Such as, if they're within 200 feet of a neighborhood, then would go automatically to a Planning Commission review, versus just being permitted outright. Or perhaps, in other instances there might be conditions on the limit of time for a specific like a nightclub not being able to operate at certain hours. So those are the differences between a "p," a blank and an "s." And if there is an "a" in there, I don't think I put the "a" in there, but that would be accessory use. If it's a "p" they go straight to building permit. It's reviewed under building permits. If it an "s" it comes to the Current Planning Division for review and shipped off to one of the public bodies. If it is blank, it is a prohibited use."

Councilor Ives asked the current use.

Mr. Esquibel said, "The current use for what they are proposing, Awesome Harvest, that would be a permitted use under either District I-1 or C-2.

Councilor Ives said as he looks through the chart, he doesn't see any spot with a "p" on both sides.

Mr. Esquibel said, "I did place a full use list in one of the exhibits. I believe those are listed in your Exhibit F, which had both the I-1 and C-2 uses. What I did in the Memo is to identify the differences between the two. It would be page 93 in the packet."

Councilor Ives asked about the uses surrounding the subject property.

Mr. Esquibel said, "Across the street, along Agua Fria, you have one piece of property that is identified as R-5, Residential. And then, right adjacent to that you have mixed use. And then from that all the way to the intersection is I-2. On the north side, the side where particularly is, we annexed from the County, so it is peppered with non-conformities of both residential as well non-residential uses. Some of them have just been in existence for a long long time, and there's no record of them at the County, but they're non-conforming. The County came into effect in 1981, so anything adopted prior to that would be legal non-conforming. As you move further toward that intersection, we came up with the Rivera property, which is the Club Alegria which came before this. And then from that point forward, it's all C-2. So there's kind of a mix and a peppering of non-residential uses along that saddle between the Santa Fe River and Agua Fria on the north side. And then you have almost nothing but non-residential I-1 and I-2 all the way to the intersection along the southern end of Agua Fria."

Councilor River said on page 4 of the Memo, the last category says, "Wholesaling and Distribution Operations, 3,000 sq. ft. of less of storage," and it's prohibited under I-1. Does that mean there will be no wholesaling or distribution operations out of this facility."

Mr. Esquibel said, "We did have some discussion with regard to that particular category, as we did see that too. But when we looked at the old category before the Code changed as of March 12th, what it was intended for was a separate distribution warehouse, similar to the Amazon where they would have their warehouse and distribute this. This is clearly another type of use that would fall under the category for manufacturing. Otherwise you wouldn't be able to have a light manufacturing in the C-2 at all, even though it is allowed, because what would they do with the product. The product is allowed to be sold through this, regardless of the 3,000 sq. ft., because you're going to have storage, their product, their material and then they ship it. As to how they ship it is a detail the owner will have to address, but it did fall within the category allowed under C-2, separate from that particular category that was listed in the C-2 use list."

Mayor Gonzales asked, "Could it serve as a retail center, meaning it doesn't have to be retail to a customer, but will it serve as a place where traffic will go in, purchase bulk items, and then come out from a wholesale standpoint. Would that be permitted."

Mr. Esquibel said, "That is correct. Because of the nature of both Districts, they both allow for retail sales. The C-2 is more prominent for that, but it is allowed in an I-1 District."

Mr. Esquibel said, "I want to make sure to everybody here, this isn't a development plan. It is only a rezoning, so a lot of the information we have presented to the Governing Body is specific to a rezoning. The potential of what could be there are any uses that would be approved as part of the change associated with the rezoning."

Mayor Gonzales said then those would have to come back in.

Mr. Esquibel said, "They would be, depending on the size and how they trigger various sections of the Code. It would either be a building permit or a public hearing."

Public Hearing

Presentation by the Appellant

Joseph Karnes, Sommer Karnes & Associates, 200 West Marcy Street was worn. Mr. Karnes said he is here tonight on behalf of the property owner and Applicant, BFFM, LLC. The managing partner is John Fox who is present tonight. Also present tonight from Awesome Harvest are Saad Van Anda and Dennis Carter who will be speaking briefly during the public hearing. He said, "I want to make it clear that the Applicant is the property owner, BFFM, LLC, and not Awesome Harvest."

Mr. Karnes said, "Initially I want to thank Mr. Esquibel for a thorough staff report and the Planning Commission for its thorough consideration of the application. As has been discussed, when we initially sat with staff and identified what we thought to be an appropriate request for this application we didn't want to bite off more than we were ready to chew and we focused on the I-1 designation as part of the application. In response to some property owner comments in the area, there was discussion before the Planning Commission, as Mr. Esquibel explained, about the appropriateness of C-2. And we have reviewed the Staff Report, the Planning Commission recommendation and conditions. And the applicant concurs with the recommendation of the Planning Commission and of Planning staff that is in your Staff Report tonight, so C-2 would be an appropriate use. I think it would both facilitate the use of the existing building on the property as well as the front property, up next to Agua Fria."

Mr. Karnes said, "I want to speak real briefly to the history of this property. Back in 1983 or so, it was a 9,000 sq. ft., more or less, metal-sided building, constructed on the northerly portion of the subject property. For years that building was used as part of the Boylan Well Drilling operation. Larry Boylan owned the property at that time. So the property was in the County. The building was constructed in the County, and as Mr. Esquibel explained, when the Phase 2 annexation came into the City, we actually went, Karl Sommer, my law partner, and I went to the ELUC & ELUA. There were a number of changes requested by property owners. And the recommendation at that time was that this property, as well as most of the property on the north side of Agua Fria, including the Rivera property where Club Alegria was, all of that was brought in under the R-1 Zoning designation. We requested that this property, in light of the long-standing use of the 9,000 sq. ft. metal sided industrial building, be zoned accordingly. That was not done by the ELUA and the same thing happened with the Club Alegria property. And so that necessitated the property owners to come in and apply for the General Plan Amendments and the Rezoning. That's what we are here for tonight."

Mr. Karnes continued, "And so the building on the property is suited for a light industrial use. Fortunately, for the property owner and the City, and for this area, Awesome Harvest needs to expand business as Mr. Van Anda will talk about in a few minutes. And this building, rather than building a new facility, this building in this location is a perfect location for them and it's a good use of this building. As Mr. Esquibel said, the reason we're here is that the building is a non-conforming use at the present time. The uses of the building are very limited, so that's what generated the application and the process that we've gone through to get to this point. So, in summary, we are happy with and request your approval of the C-2 Zoning designation and the corresponding General Commercial land use designation. We appreciate all the attention that has been paid to this application. I think the Rezoning will facilitate uses that benefit both the immediate area and the City as a whole. So I'll stand for any questions you may have."

Speaking to the Request

Mayor Gonzales asked to keep any conversations specific to the request before us.

Saad Van Anda was sworn. He said, "We are Awesome Harvest. We used to operate over at 901 Early Street. We've taken on a few new accounts and are a rapidly growing company here locally. We should be having approximately 32 employees with the next year, and 64 within the next 2-3 years. The Boylan facility is perfect for our applications, and we view ourselves an asset to the community. We would like to have your blessing on this Zoning."

Eric Fouts, 54 Paseo Aragon, was sworn. Mr. Fouts said he is one of the owners of the property next door, toward town, which is 2725 Agua Fria and they also have an option to purchase another 12 acres which also adjoins this property at 2639 Agua Fria. He said, "We are currently in design of an apartment complex. That property currently is zoned C-1 PUD, but we would like to do a residential complex there. Just wanted to let the Governing Body know we hope to have residential use next to this property. And we see the C-2 Zoning as the more appropriate zoning than the I-1 Zoning, next to a residential property. We think it provides a little less uncertainty to future business for the neighbors and the neighborhood. We do support this zoning change, and we support Awesome Harvest, and I just want to say we would like to see the C-2 versus the I-1. Thank you."

The Public Hearing was closed

Responding to Councilor Lindell, Ms. Brennan said, "Councilor, I think you can, if your intention is to move to accept the recommendations of the Planning Commission and approve the designation of C-2 or the Planned Amendment of Community Commercial. And the second motion would be to rezone to C-2. You can do that."

Councilor Dominguez asked if the Applicant would have to reapply if we take this action, and Ms. Brennan said, "No. Your approval is your approval."

MOTION: Councilor Lindell moved, seconded by Councilor Maestas, to adopt Resolution No. 2014-87, accepting the recommendation of the Planning Commission approving the General Plan Future Land Use Map Amendment from Rural/Mountain Corridor to Community Commercial, with all conditions as recommended by staff, and adopting the Findings of Fact and Conclusions of Law of the Planning Commission with the modification to Finding #1, to accept the Plan Amendment to Community Commercial.

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

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

Against: None.

Absent for the vote: Councilor Bushee.

Mayor Gonzales congratulated Awesome Harvest and thanked them for betting on our community to build this incredible business, and we're all going to be rooting for you and wished them the best.

- 4) **CONSIDERATION OF BILL NO. 2014-27 AND BILL NO. 2014-28: ADOPTION OF ORDINANCE NO. 2014-32. CASE #2014-65. 2750 BOYLAN CIRCLE AND 1400 BOYLAN LANE GENERAL REZONING. SOMMER, KARNES & ASSOCIATES, LLP, AGENT FOR BFFM, REQUESTS REZONING TO CHANGE THE DESIGNATION OF 3.86± ACRES FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO I- 1 (LIGHT INDUSTRIAL). (THE RECOMMENDATION OF THE PLANNING COMMISSION WAS TO DENY THE REQUEST TO REZONE FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO I-1 (LIGHT INDUSTRIAL) AND TO REZONE FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO C-2 (GENERAL COMMERCIAL. (DAN ESQUIBEL).**

MOTION: Councilor Maestas moved, seconded by Councilor Trujillo, to adopt Ordinance No. 2014-32, approving the Rezoning from R-1 to C-2, with all conditions of approval as recommended by staff.

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

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

Against: None.

Absent for the vote: Councilor Bushee.

20. 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 October 8, 2014, is incorporated herewith to these minutes as Exhibit "7."

Councilor Dimas

Councilor Dimas introduced a Resolution adopting the City of Santa Fe Multi-Hazard Mitigation Plan. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."

Councilor Maestas

Councilor Maestas introduced a Resolution in the interest of public safety, directing Parking Division staff to remove four parking meter spaces on Canyon Road eastbound, from Paseo de Peralta to Delgado Street. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."

Councilor Maestas asked if there has been a response from the Attorney General regarding a clarification of specifically prohibited taxing authority.

Ms. Brennan said we have not received a response, nothing we checked-in with our Legislative Delegation and we have received no response. Ms. Brennan noted we urged our Delegation to request an Attorney General's Opinion. Ms. Brennan said she assumes at this point we might not get a response until after the election.

Ms. Brennan reminded Councilor Maestas that she has not done the IG report which she will be happy to make, now or later.

Councilor Maestas said we can do Matters from the Governing Body and then cover that.

Councilor Maestas said some of the people out there who are concerned about the recent modifications to the Busker Ordinance, are inquiring about the evaluation. He said that Ordinance required a formal evaluation of the Ordinance. He asked if we have passed that deadline.

Ms. Brennan said she believes the work has begun, but can't say with certainty it has. She said Councilor Lindell is indicating it has been done, and she believes the Committee is working on some matters with respect to that Ordinance.

Councilor Ives

Councilor Ives introduced a Resolution endorsing the efforts of New Mexico Mission of Mercy ("MOM") to provide no cost dental care to the indigent residents of Santa Fe and authorizing the waiver of fees for use of the Santa Fe Community Convention Center for the MOM event on April 29-30, 2016. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10."

Councilor Ives said he would like to join as a co-sponsor on the Mayor's Resolutions, Councilor Dominguez's Ordinance and Councilor Maestas's Resolution.

Mayor Gonzales

Mayor Gonzales introduced the following:

1. A Resolution directing staff to analyze the potential opportunities of establishing public banking functions for the City of Santa Fe and projecting whether a public bank would provide a long term benefit for local businesses and residents. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11."
2. A Resolution relating to the challenge of First Lady Michelle Obama to end veteran homelessness by 2015; accepting the challenge and directing staff to explore the resources and programs provided by the federal government that would help end veteran homelessness in our community by the end of 2015. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "12."

Councilor Dominguez

Councilor Dominguez thanked Mayor Gonzales for attending the Breast Cancer Walk this weekend, and thanked staff for their efforts in making sure that event happens.

Councilor Dominguez said on Saturday, 1:00 to 4:00 p.m., at Zona del Sol they will be having a block party with music, food, face painting, to celebrate the work done so far to improve the quality of life for people living on the south side. It is also to set the stage for the next annual symposium we will be having in December, and he will be providing more information about that.

Councilor Dominguez introduced an Ordinance relating to redistricting; creating a new Section 6-18 SFCC 1987, to establish an Independent Citizens' Redistricting Commission; amending the Santa Fe Election Code, Section 9-1 SFCC 1987, to require that the Independent Citizens' Redistricting Commission shall review and revise the City of Santa Fe District boundaries at least every ten years; and making such other changes as are necessary. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "13."

Councilor Dominguez said he would like to have input on this Ordinance from the Governing Body sooner, rather than later. He said staff has done a good job getting us to the point where the Governing Body has as little influence as possible over the Commission. He is open to any ideas from the Governing Body.

Councilor Lindell

Councilor Lindell introduced an Ordinance relating to the City of Santa Fe Animal Services Ordinance, Chapter 5 SFCC 1987; amending Section 5-8 to establish that trapping furbearing animals for commercial or recreational use is prohibited on lands within the municipal boundaries of the City of Santa Fe. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "14."

Councilor Trujillo

Councilor Trujillo said he would like to be added as a cosponsor on Councilors Ives' and Dominguez's Ordinances.

Councilor Rivera

Councilor Rivera introduced a Resolution declaring the Governing Body's ongoing support for the homeless community, local businesses and established residential neighborhoods; directing staff to analyze and report back to the Governing Body on the overall operation of the One-Stop for Homeless Services and Winter Shelter, located at 2801 Cerrillos Road and whether the shelter should be expanded or relocated to meet the ongoing needs of the homeless community. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "15."

15. PURSUANT TO RESOLUTION #2014-65, FINDINGS AND RECOMMENDATIONS REGARDING CREATING AN INDEPENDENT OFFICE OF INSPECTOR GENERAL. (KELLEY BRENNAN)

A copy of Resolution No. 2014-65, A Resolution directing staff to identify the benefits, feasibility, needs and options for creating an independent Office of Inspector General, introduced by Councilor Joseph Maestas, is incorporated herewith to these minutes as Exhibit "16."

Kelley Brennan, City Attorney said, "You had asked us to look into the benefits, the possibility of an Inspector General, the benefits of an Inspector General, of creating an Office of Inspector General, identifying any issues, and suggesting perhaps a model for how the City would create the office. The initial question was why an Inspector General. We have an Ethics Review Board, we have an Internal Auditor. However, both of those offices are insufficient to fully protect the public interest.

Ms. Brennan continued, "The Ethics Review Board addresses violations of ethics ordinances based on complaints. It does not pro-actively address fraud, waste and abuse. The Internal Auditor addresses financial and performance issues and, again, does not pro-actively address fraud, waste and abuse issues. An Inspector General performs audits but also has the additional authority to investigate fraud, waste and misuse of government funds. And we would recommend it also have subpoena power and the power to enforce the subpoena in court."

Ms. Brennan continued, "We found in our research that establishment of Office of the Inspector General functions is expanding. It started out as a federal office typically and then expanded into federal agencies, to states, I think New York has had one for a long time, and now has expanded to municipalities. And the Inspector General both detects and reduces waste and reduces wrong-doing. So they identify efficiencies in government that result in savings on operations but aren't sort of cash in the bank, and at the same time their role is to look for fraud and abuse that may result in overpayments, over-billing on contracts and to recover actual cash in the bank."

Ms. Brennan continued, "The issue in creating an Office of Inspector General is typically one of assuring independence. Most people want a high degree of confidence that the people who have a stake in the outcome of investigations have minimal effect on the Inspector General. But at the same time, you don't want to create a free-flowing person that might go off and be sort of a rogue investigator. They're typically.... New Orleans uses its Ethics Review Board to select the Inspector General. Albuquerque has a Government Oversight Committee which takes applications for the office, ranks 3 according to specific criteria and then submits those to the Council. And the Council chooses the Inspector General from that list."

Ms. Brennan continued, "Other entities will have a judge appoint, will establish a nominating panel that dissolves once that office is filled. The term ranges in municipalities and counties that have inspector generals from one year through however long before they are removed or leave the office. Removal is typically for cause and some organizations require a 2/3 vote of the committee that appointed them, or a public hearing or those kinds of things. Powers. They need to provide for subpoena power so they can get the records they need to conduct their investigations. That might be, for example, for an outside contractor that is suspected of over-billing. Obviously, City offices would be required to turn over documents, but outside entities would not. And they would need the power to enforce the subpoena in Court."

Ms. Brennan continued, "Limitations on powers. Typically you would not want an Inspector General to investigate current litigation, employment litigation and discrimination matters, because those have effects on liabilities. Once a litigation was completed, I think it would be within the purview of an inspector general to look at whether litigation was being handled properly or whether there was not discrimination. For instance, I would sue one person over here for something, but not someone over here because they were a friend of my husband. That would be a proper investigation, but the actual circumstances of the litigation would not be, and you would want to make that distinction."

Ms. Brennan continued, "And then, of course, a big concern are public records. Are records generated by an Inspector General public, when do they become public at the conclusion of an investigation, or are they always public. And obviously something that hampers an investigation you would try to protect until the investigation was complete and a report was rendered."

Ms. Brennan continued, "Funding. The big question. Most entities that have Inspector Generals do allocate funds from their General Fund for the office. But what they have found is that the office fundamentally pays for itself through the savings it generates in the recovered cash. And I have two examples. Miami, Dade County, between 2008 and 2009 had a budget of \$5.5 million, and they recovered in that same year, \$9.1 million in questionable costs and losses and averted \$9.1 million in losses. So they had both kinds. They recovered real cash and they generated efficiencies in how they operated. And Montgomery County Maryland, over a 5 year period, had a \$2.8 million operating cost and identified \$13 million in questionable costs or potential savings, and recovered or recommended the better use of \$25 million in county funds."

Ms. Brennan continued, "Almost across the Board, our research indicated that they paid for themselves. Nevertheless there is an appropriation required to fund the office, at least initially. As an example that is closer to home in every respect in terms of size and geography, Albuquerque has an Office of Inspector General and they allocate about \$330,000 a year and they spend about \$300,000 a year on outside investigators. And they have 3 employees, one person staffing. I think that's a little larger."

Ms. Brennan continued, "So we looked at our Ordinances and we could see to create an Office of Inspector General, perhaps the most efficient way to start in the City would be to use the Internal Auditor function that's currently existing. There is an Ordinance that created an independent committee or as independent as you could expect, the Audit Committee. Make the Committee into an oversight committee and create a position within to either co-exist or be under the management of the Internal Auditor. And Ms. Kerr thought she could find a Certified Fraud Investigator which is a category of certification for a salary for something between \$60,000 and \$65,000. And so that would be a start and could perhaps over time, if very successful, be moved into an independent office. And I think the next step, if you direct us to, would be to draft an ordinance for consideration."

The Governing Body commented and asked questions as follows:

- Mayor Gonzales said, "The examples you stated and the recoveries all seem, including Albuquerque, substantial governments. What is the size of Albuquerque's budget and the total number of employees."

Ms. Brennan said they have three, what she assumes are investigators.

- Mayor Gonzales said, "The total Albuquerque budget. Do we know what it is."

Ms. Brennan said no.

- Mayor Gonzales said, "I guess where I was going on this, it's a move in the right direction. For sure, the issues, I don't want us to kid ourselves that we will be able to recover the cost. I don't know that we do enough transactions to find enough of the waste *per se*. Now there can be direction that is certainly given. I think the proposal you offered seems to make some sense, if

there is some authority by the Independent Auditor to engage fraud specialty services where they felt there is something that rises to that occurrence. It seems like that could make some sense. And I don't know, do we have the ability to change the name of the Independent Auditor to an Inspector General."

Ms. Brennan said that would be part of the Ordinance. She said, "And the Internal Auditor, I believe, had asked for an expansion in the last budget cycle because she felt she could use another person. And this would allow her to pick up some of that load. And already items from the fraud and abuse hotline are directed to her. She also receives, sort of independent complaints. She's the person they get directed to. So some of those things are already moving in the direction of her office. I think it could be changed. So it would be a modest beginning, and an experiment that could then be built on."

- Councilor Dominguez said the authority needed by the Internal Auditor, needs to be incorporated into that piece of legislation. He said as is, the Internal Auditor is an employee of the City Manager. And so that autonomy to be a functional OIG needs to be built into some of that legislation.
- Councilor Rivera asked the size of the two entities Ms. Brennan stated, Miami Dade and one other.

Ms. Brennan said one in Maryland and Miami Dade. She said, "They are much larger. They have offices with 50 employees, and very sophisticated operations. We didn't find, certainly I didn't find any references to cities the size of Santa Fe, which doesn't mean that they don't have Inspectors General. I think it means they are not getting written about. The larger entities probably were formed longer ago and have a longer record to be written about. It's a relatively new phenomenon for municipalities. I will say that New York, Chicago, Philadelphia, Miami Dade, the Maryland counties, all did have dramatic results. I think part of the issue is not that there is rampant fraud, but that there are things that can be buttoned down and yield savings."

Ms. Brennan continued, "I think that one of the things that seemed evident in some of the articles, was there was an element of surprise that it generated as many efficiencies in the governments that took them on."

- Councilor Rivera asked how much money Albuquerque has recouped in its program.

Ms. Brennan said, "I could not find that out. I talked to a couple of people down there, and I didn't hear that, but I have heard that the program is successful."

- Councilor Rivera asked if the salary stated of \$65,000 includes benefits and such, or is it just salary.

Ms. Brennan said that's correct, it's just salary.

- Councilor Rivera said typically it's a little more or less than double.

Mr. Snyder said typically we use 1.4 or 1.5, so it would be somewhere around \$100,000.

Councilor Maestas said, "First of all we already have some processes and groups that are dancing around really addressing fraud, waste and abuse. We have an Ethics Board, but they don't quite do that. We have an Internal Auditor who doesn't quite do that. I think we're raising expectations in terms of the City's intent to investigate fraud, waste and abuse. For example, the Fraud Hotline. But if you look at the Internal Auditor's function, that's really important, but I think we need some dedicated resources are independent. And as Councilor Dominguez said earlier, a lot of employees contact us, anonymously, to raise complaints and concerns. But I am sure they still feel like the current arrangement is not as transparent and objective as, for example, having an independent IG would create I think maybe less concern about fear of retaliation."

Councilor Maestas continued, "So I think employees would come forward. I think we would get more anonymous disclosures of fraud, waste and abuse by creating this independent function that does focus on investigating fraud, waste and abuse. And not only that, I think it would send a message that we're serious about this issue, that the City Government is beyond reproach when it comes to fraud, waste and abuse. And I think the recommendations put forth are very very modest. It's a very modest start and I would ask my colleagues to be open to this, to consider this and we can always take a look and investigate the cases coming in, the case load and then make decisions from there whether to expand or stay the same, or reconsider it. There are also, I believe, Kelley, there are provisions for the establishment of an IG in the Ethics Ordinance, correct."

Ms. Brennan said that is correct. There is a provision authorizing an independent Office of Inspector General.

Councilor Maestas said we are fulfilling our role per the Charter and our ethics framework by taking this step.

- Councilor Ives asked if we have statistics on the number and nature of matters reported on the Fraud and Waste Hotline, and what investigations have been done and the results or conclusions about those efforts.

Ms. Brennan said no. She said Ms. Kerr indicated in the summer that she had received a number of complaints and tried to look into them or to work them into her schedule. It seemed clear to me that she had enough complaints that it constituted a question in her mind about handling them.

- Councilor Rivera said, "Since I brought up the Resolution regarding the Fraud, Waste and Abuse Hotline, I'm been tracking it. And I think it was last month that they finally went out to bid for a company that could receive the complaints from employee which would be anonymous and figure

out a way the complaints would get to Lisa and then filter to whichever department. However, this was just done last month. As far as the way the Hotline is supposed to function, I'm not sure we're even quite there yet. I know the contract was a small amount, less than \$5,000, which was within the City Manager's approval to budget within the amount that he's given authority to do. I don't know if that's come to you yet."

Mr. Snyder said he hasn't seen that yet.

- Councilor Rivera said then we're probably not functioning the way the Ordinance and the Hotline are meant to function.

Ms. Brennan said, "Which is to provide, I think, a fraud monitor or a call monitor that will assure anonymity to the callers."

- Councilor Ives said, "And I suppose what I'm trying to figure out is, what is the extent of our problem. If somebody is saying.... the possible complaints could range from the mundane to the deeply troubling, and I would love to understand the nature of the problem before trying to figure out what I think is the best and appropriate solution. So I would love to have some statistics on what kinds of calls we've been getting. I think it would be helpful to have Lisa indicate her capacity to follow up on those. Again, I'm in just a little bit of a vacuum in terms of my knowledge."

Ms. Brennan said, "I understand. I think that what Lisa indicated to me is that she didn't have much capacity to follow up and was a little concerned about that. We could attempt, along Councilor Dominguez's lines, to look at what an ordinance would look like and bring something forward with data that would explain why certain choices had been made."

- Councilor Ives said he would be interested in the data, first and foremost, but yes, if we could get that, it would be very helpful to him.
- Councilor Dimas said, "We'll have our own Internal Affairs Division within the City, basically. Will this person have authority if they do find criminal activity, to take that directly to the District Attorney's Office for investigation and possible indictments, or however that happens, rather than going through any divisions or departments."

Ms. Brennan said, "Yes, that is typical of Inspectors General that if they identify criminal activity that they take it to a prosecuting authority."

- Councilor Dimas said, "So they would be, in essence, certified. They would probably have to be certified police officers within the State of New Mexico, I would assume."

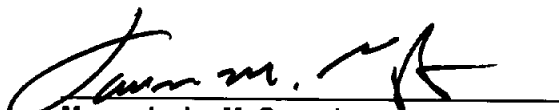
Ms. Brennan said, "A background in law enforcement is one of the typical qualifications for IG's, and I'm not exactly sure how that would work, rather than prosecuted, perhaps a referral to the DA for further investigation which I don't believe would require an officer. But very typically, a background in law enforcement with experience in investigations is one of the qualifications that many jurisdictions look for."

- Councilor Dimas said he thinks it's a good idea and something that has been needed. He said, "We've had instances within the City, within the Parking Division and other areas that have been under investigation and, in my opinion, those were never thoroughly investigated and there was really no outcome on it. So with that being said, I think a lot of times, they can continue a lot of the investigations that were started and never really completed if they were in that position, so there may be some cold cases out there also from some of these complaints that could be reinvestigated and brought forward again. So, great idea. Hope we can find the funding for it."
- Mayor Gonzales said, "It does seem, as has been indicated, that the City taken a lot of steps in toward the direction of being able to create an independent auditor or inspector to do all the things we've talked about. So, the issue of the Ethics Committee, it's strong. There's an Internal Audit requirement now as part of our Charter. I think the State has a sunshine law in terms of IPRA and making things available. It seems like the issue would be, and as Councilor Maestas said, this is a modest step, but the issue is really to pull it all together in a way that allows for the true objectives to be achieved ultimately. If it's discovering fraud and addressing it, having the means to do it. If it's driving savings, I think those are all areas we can do. But short of that or a complement to that, it doesn't abdicate us as Councilors to find things we can do on our own through policy, like going through a review of how much of our records could go on line. Or funding ways to get more of our own records on line so we don't have to spend so much time going through IPRA request. Being able to challenge ourselves to find more efficiencies through business processes, those are all the opportunities we have to do that work."
- Mayor Gonzales continued, "And I know you guys at Finance Committee and at Public Works and other Committees are doing that constantly, and constantly providing that oversight. So, I look forward to it coming back. I am, obviously, wanting us to be very conscious of the costs associated with this, especially if it could be minimal or modest when it comes to tightening it up and maybe giving, through Ordinance, a little bit more power that might be needed and create a little bit more independence. But I think we have to be smart and measured in how we proceed forward on this. So cool. Good work Councilor Maestas in bringing this forward."

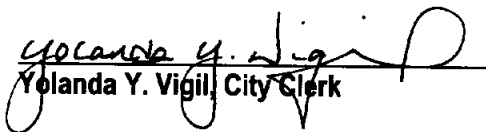
I. ADJOURN

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 9:45 p.m.

Approved by:


Mayor Javier M. Gonzales

ATTESTED TO:


Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Council Stenographer

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

ITEM 12

REQUEST FOR APPROVAL OF RESOLUTION CALLING ON THE PRESIDENT OF THE UNITED STATES AND OUR CONGRESSIONAL DELEGATION TO SUPPORT LOCAL EFFORTS TO KEEP THE OLD SANTA FE TRAIL NATIONAL PARK SERVICE BUILDING OPEN TO THE PUBLIC AS A CULTURAL RESOURCE AND ULTIMATELY DESIGNATED AS EITHER A NATIONAL HISTORIC SITE OR A NATIONAL MONUMENT (COUNCILORS BUSHEE AND LINDELL) (MELISSA BYERS)

PUBLIC WORKS COMMITTEE ACTION: Approved on consent

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

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

Exhibit "1"

*The ICS Faith and Community groups
who make our work possible*

Cadaver Metro Santa Fe
 Cathedral Basilica of St. Francis
 Christ Church Santa Fe
 Christ Lutheran Church
 Christus St. Vincent Hospital
 A Course in Miracles
 El Coro De Jesus Cristo
 First Baptist Church
 First Presbyterian Church
 Holy Faith Episcopal Church
 Holy Trinity Orthodox
 Immanuel Lutheran Church
 La Posada Inn
 Masonic Lodge
 Knights of Columbus
 Rivera Funeral Home
 San Isidro Catholic Church
 Santa Fe Center for Spiritual Living
 Santa Fe Christian Academy
 Santa Fe Club of Civitan Int.
 Santa Fe Friends Meeting
 Santa Fe Prep School
 Santa Maria De La Paz
 School for Advanced Research
 The Adventist Churches of Santa Fe
 St. Anne's Catholic Church
 St. Bede's Episcopal Church
 St. John's United Methodist
 Temple Beth Shalom
 The Light at Mission Viejo
 Unitarian Universalist Congregation SF
 United Church of Santa Fe
 Unity Church Santa Fe
 Uprava Zen Center
 Westminster Presbyterian Church
 Zion United Methodist Church

How Can I Help?

- ✦ Make a financial contribution
- ✦ Serve as a Core Team volunteer during the winter season (October-May), or a Day Volunteer year-round
- ✦ Donate Seasonal Clothing and toiletries for men and women
- ✦ Tell others about us

The Interfaith Community Shelter
 2801 Cerrillos Road
 PO Box 22653
 Santa Fe, NM 87502-2653
 Phone: (505)795-7494
interfaithsheltersf@gmail.com
www.interfaithsheltersf.org



*"Investing in our community,
one person at a time."*

Exhibit "2"

A Safe Refuge...

The Interfaith Community Shelter provides northern New Mexico's largest "minimal barrier" shelter – a safe refuge for an underserved population- and a point of entry to the other services necessary to make the transition from homelessness to stable housing.

Exhibit "2"

City of Santa Fe Legislative Timeline

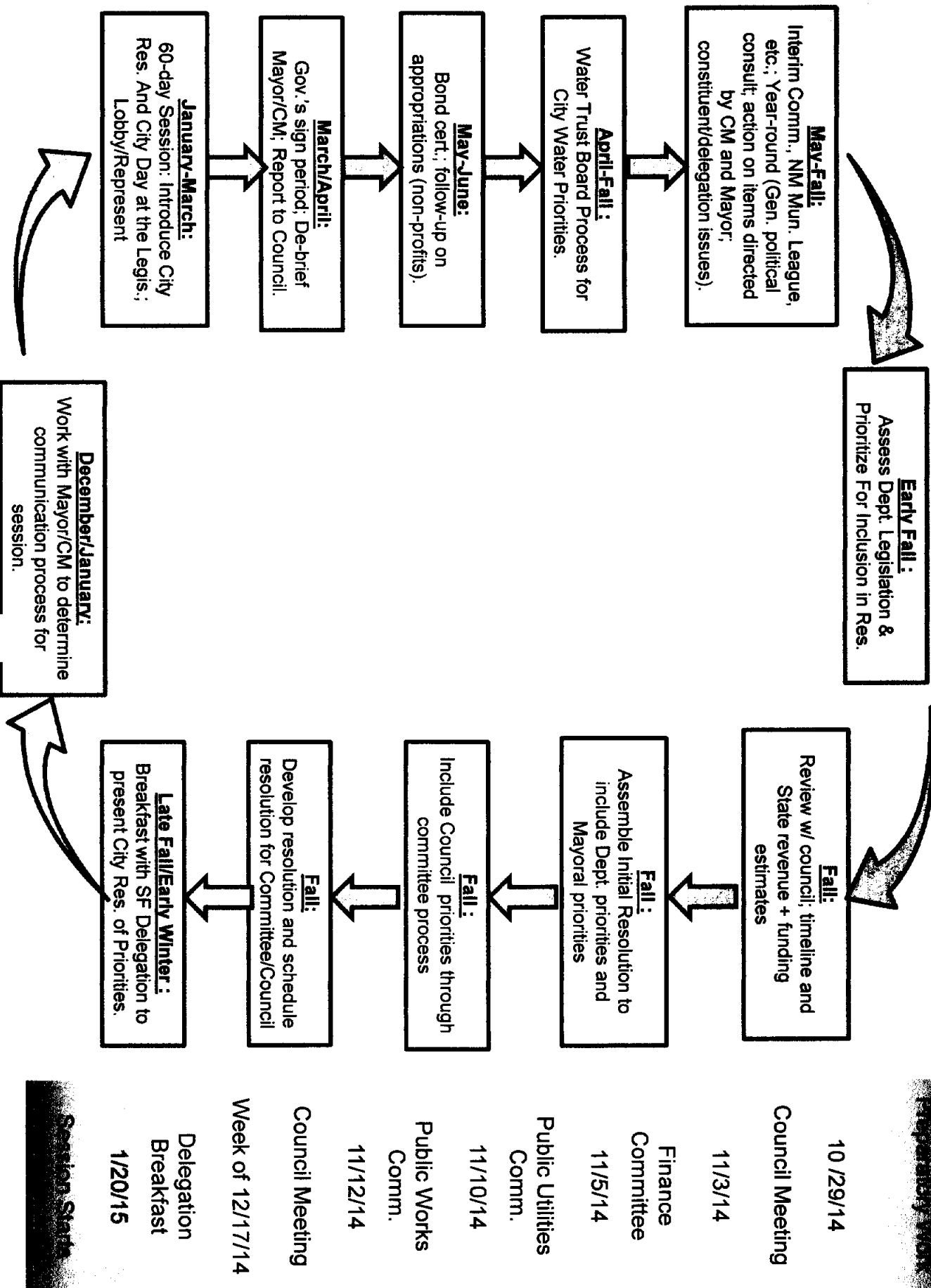


Exhibit "3"

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2014-26
(Chapter 14 – Technical Amendments)

Mayor and Members of the City Council:

We propose the following amendments to Bill No. 2014-26:

1. On pages 43 and 44, amend the text of Table 14-7.2-1, Maximum Lot Coverage column (6th column) to **delete** “multi-family development” in the following districts:
 - R-1 through R-6
 - R-7 through R-9
2. On page 45, **amend** the text of Table 14-7.2-1, Maximum Lot Coverage column (6th column) for the R-10 through R-29 districts to read as follows:
“*Multiple-family* of 6 or more units: 40; [s] *Single-family* [~~two-family~~] or *multiple-family* of fewer [~~less~~] than 6 units: 40; [~~70~~] 55 if *private open space* is provided. (See §14-7.5(C)(1): Increase in maximum *lot* coverage if *private open space* is provided.)”
3. On page 58, line 12, **delete** “for multi-family developments”

Respectfully submitted,

Staff

ADOPTED: _____

NOT ADOPTED: _____

DATE: _____

Yolanda Y. Vigil, City Clerk

Exhibit "4"



Second Street Brewery
1814 Second Street
Santa Fe, New Mexico 87505
(505) 982-3030 Fax: (505) 982-8585

October 8, 2014

To: Members of the City Council

From: Rod Tweet

President-Brewmaster, Second Street Brewery, Inc.

I am writing to you with regards to the proposed amendments to the Land Development Code, chapter 14(item H.3 on the evening agenda for today's council meeting/Gregg Smith). I believe that the proposed amendments, that would allow more latitude in the use of I-2 zoned properties, would be extremely helpful in bringing many existing buildings into a productive and current use that would have a positive impact on our local economy.

At this time our company is actively pursuing an expansion into a larger, primarily manufacturing/brewing facility. This is a very good match for many properties currently on the market that are zoned I-2. Many of these available buildings have the required space, ceiling height, and appropriate load-in and load-out features that are necessary for a packaging brewery. A necessary part of our business plan is to have some amount of on-premise retail sales, both for necessary income and to promote our brand. The proposed amendments to the allowed uses of I-2 zoned buildings would be of great assistance in making this possible.

Thank you very much for your consideration.

Rod Tweet
505.660.8437

Exhibit "5"

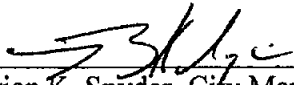
City of Santa Fe, New Mexico

memo

DATE: September 29, 2014 for the October 8, 2014 Governing Body Meeting


TO: Governing Body

VIA:


Brian K. Snyder, City Manager

Lisa D. Martinez, Land Use Department Director

Tamara Baer, Planner Manager, Current Planning Division 

FROM: Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division 

BFFM GENERAL PLAN AMENDMENT AND REZONING TO LIGHT INDUSTRIAL

Case #2014-63. 2750 Boylan Circle and 1400 Boylan Lane General Plan Amendment. Sommer Karnes & Associates, LLP, agent for BFFM, requests General Plan Future Land Use Map amendment to change the designation of 3.86± acres from Rural/Mountain Corridor (1 dwelling unit per acre) to Industrial. The recommendation of the Planning Commission was to deny the requests to amend the General Plan Future Land Use Map to Industrial. The Planning Commission instead, voted to recommend to the Governing Body an amendment to the General Plan Future Land Use Map from Rural/Mountain/Corridor to Community Commercial (Dan Esquibel, Case Manager)

Case #2014-64. 2750 Boylan Circle and 1400 Boylan Lane Rezoning. Sommer Karnes & Associates, LLP, agent for BFFM, requests rezoning to change the designation of 3.86± acres from R-1 (Residential, 1 dwelling unit per acre) to I-1 (Light Industrial). The Recommendation of the Planning Commission was to deny the requests to rezone from R-1 (Residential, 1 dwelling unit per acre) to I-1 (Light Industrial). The Planning Commission instead, voted to recommend to the Governing Body rezoning from R-1 (Residential, 1 dwelling unit per acre) to C-2 (General Commercial). (Dan Esquibel, Case Manager)

RECOMMENDATION:

The Planning Commission at their meeting of August 7, 2014 recommended **APPROVAL** to amend the General Plan and Future Land Use Map from Rural/Mountain Corridor (1 dwelling unit per acre) to Community Commercial and to rezone from R-1 (Residential, 1 dwelling unit per acre) to C-2 (General Commercial) subject to conditions. The Commission's recommendation was an alternative to the applicant's original requests.

Findings and conditions of approval as recommended by the Planning Commission have been incorporated into both bills and are also listed in the Planning Commission Packet materials in Exhibit E. Exhibit E also includes the staff analysis of relevant policies and regulations.

Exhibit "6"

Two motions will be required; one for Case# 2014-63 BFFM General Plan Amendment and one for Case# 2014-64 BFFM Rezoning. Draft resolutions are attached for both the Commission recommendation and for the applicant's original request.

I. APPLICATION OVERVIEW

At the August 7, 2014 meeting of the Planning Commission a Land Use analysis was made, along with a presentation by the Applicant and comments from the audience, regarding a proposed amendment request to change the General Plan Future Land Use Map from Rural/Mountain/Corridor to Industrial and Rezoning from R-1 (Residential 1 dwelling unit per acre) to I-1 (Light Industrial).

The recommendation of the Planning Commission, after review of all information presented, was to deny the requests to amend the General Plan Future Land Use Map to Industrial and the Rezoning to I-1 (Light Industrial). The Planning Commission instead, voted to recommend to the Governing Body an amendment to the General Plan Future Land Use Map to Community Commercial and Rezoning to C-2 (General Commercial). A copy of the August 7, 2014 Planning Commission meeting minutes and Findings of Fact and Conclusions of Law are included in the packet (reference Exhibit C).

The applicant continues to request General Plan Amendment to Industrial and Rezoning to Light Industrial.

The table below summarizes the differences in permitted uses between the C-2 and I-1 Districts. The empty shaded cells represent a prohibited use within the district. A "P" in the cell represents a Permitted Use; an "S" represents a permitted use subject to a Special Use Permit; and a blank cell represents a prohibited use. (A complete list of all permitted uses for I-1 and C-2 is also attached as Exhibit F. I-1 and C-2 uses are not directly impacted by the Technical Amendments Bill that is scheduled for public hearing on October 8.)

CATEGORY	SPECIFIC USE	C-2	I-1
Residential			
	Boarding, dormitory, monastery	S	
	Continuing care community	S	
	Group Residential Care Facility	S	
	Group Residential Care Facility, Limited	S	
	Group Residential Care Facility, Correctional	P/S	
	Dwelling; multiple family	P	
	Dwelling, single-family	P	
	Short Term Rental Unit	P	
Human Services			
	Adult day care	P	

CATEGORY	SPECIFIC USE	C-2	I-1
Parks and Open Space			
	Cemeteries, mausoleums & columbaria	S	
Educational			
	Colleges & universities (residential)	S	
	Vocational or trade schools, industrial		P
Hospitals and Extended Care Facilities			
	Extended care, convalescent, nursing, recovery care facilities	S	
	Hospitals and Extended Care Facilities	P	
	Sheltered care facilities	S	
Retail Sales and Services			
	Grocery stores (neighborhood)	P	
	Laundromats (neighborhood)	P	
	Retail and service uses that are intended to serve the primary uses and that do not exceed 5,000 square feet		P
Community Centers and Institutions			
	Neighborhood and community centers, including youth and senior centers	P	
Outdoor Storage			
	Outdoor storage lots & yards, except wrecking yards, junkyards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage or second-hand building materials, junk automobiles or second-hand automobile parts		P
Sexually Oriented Businesses			
	All		P

CATEGORY	SPECIFIC USE	C-2	I-1
Warehouse and Freight Movement			
	Wholesaling and distribution operations - 3,000 square feet or less of storage		P

III. CONCLUSION

The Commission's recommendation is based in part on a recent case affecting a nearby parcel located farther south along the north side of Agua Fria Road (Rivera Rezoning). Both the BFFM and Rivera parcels are located in Annexation Area 1. The current General Plan designation and R-1 zoning in that area were based on the city's 1999 General Plan Future Land Use Map; some adjustments were made in conjunction with the interim Extraterritorial Subdivision, Planning, Platting and Zoning Ordinance (SPPAZO) that was in effect from 2009 until annexation occurred.

The existing commercial and industrial uses in the vicinity were not reflected in the SPPAZO regulations, in the Extraterritorial Zoning Ordinance and plan that preceded SPPAZO, or in the city's 1999 plan. Land use patterns, utility extensions and road improvements are continuing to evolve on a case-by-case basis, and the Commission cited a potential need for commercial services to serve the neighborhood as one factor in their recommendation.

Either the I-1 or C-2 alternatives would meet the minimum criteria for Chapter 14 for General Plan Amendment and Rezoning, and do not directly conflict with the General Plan policies or with existing uses in the area. A rezoning will accommodate growth for the area and economic development for Santa Fe, while keeping with existing land use patterns in the area.

Comments have been provided from other City reviewing Divisions that create conditions necessary to promote appropriate infrastructure to accommodate infill development.

IV. EXHIBITS:

- Exhibit A – Resolution
- Exhibit B – Bill
- Exhibit C – August 7, 2014 Planning commission Minutes
- Exhibit D – Findings of Fact and Conclusions of Law
- Exhibit E – August 7, 2014 Planning Commission Packet
- Exhibit F – Use Lists

Governing Body

October 8, 2014

Case # 2014-63 and 64

**BFFM GENERAL PLAN AMENDMENT AND
REZONING TO LIGHT INDUSTRIAL**

EXHIBIT A

RESOLUTIONS

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2014-__

A RESOLUTION

AMENDING THE GENERAL PLAN FUTURE LAND USE MAP DESIGNATION FROM
RESIDENTIAL - RURAL/MOUNTAIN/CORRIDOR (1 DWELLING UNIT PER ACRE) TO
INDUSTRIAL FOR PROPERTY COMPRISING AN AREA OF APPROXIMATELY 3.86 ±
ACRES. THE PROPERTY IS LOCATED ALONG THE NORTH SIDE OF AGUA FRIA
STREET (2750 BOYLAN CIRCLE AND 1400 BOYLAN LANE) APPROXIMATELY
ONE-HALF (½) MILE NORTHEAST OF THE SILER ROAD AND AGUA FRIA STREET
INTERSECTION WITHIN T17N, R9E, SECTIONS 28 AND 33 N.M.P.M., SANTA FE COUNTY
NEW MEXICO. (2750 BOYLAN CIRCLE AND 1400 BOYLAN LANE (BFFM)
GENERAL PLAN AMENDMENT, CASE NO. 2014-63)

WHEREAS, the agent for the owners of that certain parcel of land comprising 3.86+ acres
located approximately one-half (½) mile northeast of the Siler road and Agua Fria Street intersection
within T17N, R9E, Section 28 and 33 N.M.P.M., Santa Fe County New Mexico (the "Property") has
submitted an application to amend the General Plan Future Land Use Map classification of the
Property from Residential – Rural/Mountain/Corridor (1 dwelling unit per acre) to Industrial; and

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

3 **WHEREAS**, the Governing Body has held a public hearing on the proposed amendment,
4 reviewed the staff report and the recommendation of the Planning Commission and the evidence
5 obtained at the public hearing, and has determined that the proposed amendment to the General Plan
6 meets the approval criteria set forth in Section 14-3.2(D) SFCC 1987; and

7 **WHEREAS**, reclassification of the subject property would be consistent with the General
8 Plan Themes and Policies for Land Use (General Plan, Chapter 3) and Growth Management (General
9 Plan, Chapter 4); and

10 **WHEREAS**, the city desires to provide for more coordinated, adjusted and harmonious
11 development in the area East of Siler Road on the north side of Agua Fria Street, that would not have
12 adverse impacts upon the surrounding neighborhood.

13 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
14 **CITY OF SANTA FE** that the General Plan Future Land Use Map designation for property
15 described is amended to change the designation from Residential - Rural/Mountain/Corridor (1
16 dwelling unit per acre) to Industrial as shown in Exhibit A attached hereto.

17 PASSED, APPROVED, and ADOPTED this ____ day of _____, 2014.

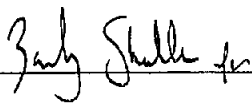
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20 ATTEST:

JAVIER M. GONZALES, MAYOR

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22 _____
23 YOLANDA Y. VIGIL, CITY CLERK
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APPROVED AS TO FORM:

 _____

KELLEY A. BRENNAN, CITY ATTORNEY

EXHIBIT A

LEGAL DESCRIPTIONS

TWO (2) CERTAIN TRACTS OR PARCELS OF LAND LYING AND BEING SITUATE WITHIN PORTIONS OF S.H.C. 437, LOT 1; S.H.C. 415, LOT 2; S.H.C. 422, LOT 1 AND S.H.C. 437, LOT 2. IN SECTIONS 28 & 33, T. 17 N., R., 9 E., N.M.P.M.. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 1B-1

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT, FROM WHICH POINT A U.S.G.L.O. MONUMENT MARKING THE NORTHWEST CORNER OF S.H.C. 437, LOT 2 BEARS SOUTH 77°37'44" WEST, 61.26 FEET; THENCE FROM SAID POINT AND PLACE OF BEGINNING NORTH 70°34'29" EAST, 230.54 FEET TO THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE SOUTH 14°35'03" EAST, 193.95 FEET TO A POINT; THENCE SOUTH 17°14'02" EAST, 451.12 FEET THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND, WHICH IS ALSO A POINT ON THE NORTH RIGHT-OF-WAY FOR AGUA FRIA ROAD, SAID POINT IS ALSO AT THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST (DELTA=00°36'37", R=1393.00', CHORD BEARING=SOUTH 52°58'20" WEST, CHORD DISTANCE=14.84 FEET); THENCE ALONG SAID CURVE AN ARC LENGTH OF 14.84 FEET TO THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE LEAVING SAID NORTH RIGHT-OF-WAY NORTH 17°33'50" WEST, 343.56 FEET TO A POINT; THENCE SOUTH 56°53'35" WEST, 252.24 FEET TO A POINT ON THE WEST BOUNDARY LINE OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE NORTH 14°43'27" WEST, 151.37 FEET TO A POINT; THENCE NORTH 58°25'14" EAST, 36.65 FEET TO A POINT; THENCE NORTH 20°56'09" WEST, 123.36 FEET TO A POINT; THENCE NORTH 15°10'33" WEST, 83.15 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 1.924 ACRES MORE OR LESS

LOT 2

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT, FROM WHICH POINT A U.S.G.L.O. MONUMENT MARKING THE NORTHWEST CORNER OF S.H.C. 437, LOT 2 BEARS NORTH 20°54'36" WEST, 372.46 FEET; THENCE FROM SAID POINT AND PLACE OF BEGINNING NORTH 56°53'35" EAST, 252.24 FEET TO THE NORTHEAST CORNER OF SAID TRACT; THENCE SOUTH 17°33'50" EAST, 343.56 FEET TO THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND, WHICH IS ALSO A POINT ON THE NORTH RIGHT-OF-WAY FOR AGUA FRIA ROAD, SAID POINT IS ALSO AT THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST (DELTA =06°09'15", R=1393.00', CHORD BEARING=SOUTH 56°21'16" WEST, CHORD DISTANCE=149.55'); THENCE ALONG SAID NORTH RIGHT-OF-WAY FOR AGUA FRIA ROAD AN ARC LENGTH OF 149.62 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY; THENCE SOUTH 32°29'25" EAST, 2.98 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY; THENCE SOUTH 58°57'29" WEST, 120.62 FEET TO THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE LEAVING SAID NORTH RIGHT-OF-WAY NORTH 14°43'27" WEST, 348.86 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 2.000 ACRES MORE OR LESS.

ALL AS SHOWN ON PLAT OF SURVEY ENTITLED "LOT LINE ADJUSTMENT SURVEY PREPARED FOR BFFM, LLC...", ALONG WITH ANY AND ALL EASEMENTS AS SHOWN. PREPARED BY PAUL A. RODRIGUEZ, L.S. NO. 13839. FILED FOR RECORD IN THE SANTA FE, NEW MEXICO COUNTY CLERK'S OFFICE IN PLAT BOOK 727, PAGE 14 AS INSTRU. NO. 1625525 DATED ON FEBURARY 1, 2011.

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2014-____

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10 A RESOLUTION

11 AMENDING THE GENERAL PLAN FUTURE LAND USE MAP DESIGNATION FROM
12 RESIDENTIAL - RURAL/MOUNTAIN/CORRIDOR (1 DWELLING UNIT PER ACRE) TO
13 COMMUNITY COMMERCIAL FOR PROPERTY COMPRISING AN AREA OF
14 APPROXIMATELY 3.86 ± ACRES. THE PROPERTY IS LOCATED ALONG THE NORTH
15 SIDE OF AGUA FRIA STREET (2750 BOYLAN CIRCLE AND 1400 BOYLAN LANE)
16 APPROXIMATELY ONE- HALF (½) MILE NORTHEAST OF THE SILER ROAD AND
17 AGUA FRIA STREET INTERSECTION WITHIN T17N, R9E, SECTIONS 28 AND 33
18 N.M.P.M., SANTA FE COUNTY NEW MEXICO. (2750 BOYLAN CIRCLE AND 1400
19 BOYLAN LANE (BFFM) GENERAL PLAN AMENDMENT, CASE NO. 2014-63)
20

21 WHEREAS, the agent for the owners of that certain parcel of land comprising 3.86+ acres
22 located approximately one-half (½) mile northeast of the Siler Road and Agua Fria Street intersection
23 within T17N, R9E, Section 28 and 33 N.M.P.M., Santa Fe County New Mexico (the "Property") has
24 submitted an application to amend the General Plan Future Land Use Map classification of the
25 Property from Residential – Rural/Mountain/Corridor (1 dwelling unit per acre) to Industrial; and

WHEREAS, the Planning Commission at their August 7, 2014 meeting voted to deny the request to change Residential – Rural/Mountain/Corridor (1 dwelling unit per acre) to Industrial and voted to recommend to the Governing Body a change from Residential-Rural/Mountain/Corridor (1 dwelling unit per acre) to Community Commercial; and

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 Plan, as recommended by the Planning Commission, meets the approval criteria set forth in Section 14-3.2(D) SFCC 1987; and

WHEREAS, reclassification of the subject property would be consistent with the General Plan Themes and Policies for Land Use (General Plan, Chapter 3) and Growth Management (General Plan, Chapter 4); and

WHEREAS, the city desires to provide for more coordinated, adjusted and harmonious development in the area East of Siler Road on the north side of Agua Fria Street, that would not have adverse impacts upon the surrounding neighborhood.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the General Plan Future Land Use Map designation for property described is amended to change the designation from Residential - Rural/Mountain/Corridor (1 dwelling unit per acre) to Community Commercial as shown in Exhibit A attached hereto.

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

JAVIER M. GONZALES, MAYOR

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ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

Kelley A. Brennan for
KELLEY A. BRENNAN, CITY ATTORNEY

EXHIBIT A

LEGAL DESCRIPTIONS

TWO (2) CERTAIN TRACTS OR PARCELS OF LAND LYING AND BEING SITUATE WITHIN PORTIONS OF S.H.C. 437, LOT 1; S.H.C. 415, LOT 2; S.H.C. 422, LOT 1 AND S.H.C. 437, LOT 2. IN SECTIONS 28 & 33, T. 17 N., R., 9 E., N.M.P.M.. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 1B-1

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT, FROM WHICH POINT A U.S.G.L.O. MONUMENT MARKING THE NORTHWEST CORNER OF S.H.C. 437, LOT 2 BEARS SOUTH 77°37'44" WEST, 61.26 FEET; THENCE FROM SAID POINT AND PLACE OF BEGINNING NORTH 70°34'29" EAST, 230.54 FEET TO THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE SOUTH 14°35'03" EAST, 193.95 FEET TO A POINT; THENCE SOUTH 17°14'02" EAST, 451.12 FEET THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND, WHICH IS ALSO A POINT ON THE NORTH RIGHT-OF-WAY FOR AGUA FRIA ROAD, SAID POINT IS ALSO AT THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST (DELTA=00°36'37", R=1393.00', CHORD BEARING=SOUTH 52°58'20" WEST, CHORD DISTANCE=14.84 FEET); THENCE ALONG SAID CURVE AN ARC LENGTH OF 14.84 FEET TO THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE LEAVING SAID NORTH RIGHT-OF-WAY NORTH 17°33'50" WEST, 343.56 FEET TO A POINT; THENCE SOUTH 56°53'35" WEST, 252.24 FEET TO A POINT ON THE WEST BOUNDARY LINE OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE NORTH 14°43'27" WEST, 151.37 FEET TO A POINT; THENCE NORTH 58°25'14" EAST, 36.65 FEET TO A POINT; THENCE NORTH 20°56'09" WEST, 123.36 FEET TO A POINT; THENCE NORTH 15°10'33" WEST, 83.15 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 1.924 ACRES MORE OR LESS

LOT 2

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT, FROM WHICH POINT A U.S.G.L.O. MONUMENT MARKING THE NORTHWEST CORNER OF S.H.C. 437, LOT 2 BEARS NORTH 20°54'36" WEST, 372.46 FEET; THENCE FROM SAID POINT AND PLACE OF BEGINNING NORTH 56°53'35" EAST, 252.24 FEET TO THE NORTHEAST CORNER OF SAID TRACT; THENCE SOUTH 17°33'50" EAST, 343.56 FEET TO THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND, WHICH IS ALSO A POINT ON THE NORTH RIGHT-OF-WAY FOR AGUA FRIA ROAD, SAID POINT IS ALSO AT THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST (DELTA =06°09'15", R=1393.00', CHORD BEARING=SOUTH 56°21'16" WEST, CHORD DISTANCE=149.55'); THENCE ALONG SAID NORTH RIGHT-OF-WAY FOR AGUA FRIA ROAD AN ARC LENGTH OF 149.62 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY; THENCE SOUTH 32°29'25" EAST, 2.98 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY; THENCE SOUTH 58°57'29" WEST, 120.62 FEET TO THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE LEAVING SAID NORTH RIGHT-OF-WAY NORTH 14°43'27" WEST, 348.86 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 2.000 ACRES MORE OR LESS.

ALL AS SHOWN ON PLAT OF SURVEY ENTITLED "LOT LINE ADJUSTMENT SURVEY PREPARED FOR BFFM, LLC...", ALONG WITH ANY AND ALL EASEMENTS AS SHOWN. PREPARED BY PAUL A. RODRIGUEZ, L.S. NO. 13839. FILED FOR RECORD IN THE SANTA FE, NEW MEXICO COUNTY CLERK'S OFFICE IN PLAT BOOK 727, PAGE 14 AS INSTR. NO. 1625525 DATED ON FEBURARY 1, 2011.

Governing Body

October 8, 2014

Case # 2014-63 and 64

**BFFM GENERAL PLAN AMENDMENT AND
REZONING TO LIGHT INDUSTRIAL**

EXHIBIT B

<p>BILLS</p>

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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2014-27

AN ORDINANCE

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE; CHANGING THE CLASSIFICATION FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO I-1 (LIGHT INDUSTRIAL); AND PROVIDING AN EFFECTIVE DATE WITH RESPECT TO A CERTAIN PARCEL OF LAND COMPRISING 3.86± ACRES LOCATED ALONG THE NORTH SIDE OF AGUA FRIA STREET (2750 BOYLAN CIRCLE AND 1400 BOYLAN LANE) (2750 BOYLAN CIRCLE AND 1400 BOYLAN LANE (BFFM) REZONING, CASE NO. 2014-64).

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 I-1 (Light Industrial):

The parcel of land comprising 3.86± acres generally located at 2750 Boylan Circle and 1400 Boylan Lane more fully described in EXHIBIT A attached hereto and incorporated by reference, located in T17N, R9E, Sections 28 and 33 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. 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 with and subject to the conditions set forth in EXHIBIT B, and incorporated herein, summarizing the City of Santa Fe staff technical memoranda and conditions recommended by the Planning Commission on August 7, 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, CITY ATTORNEY

EXHIBIT A

LEGAL DESCRIPTIONS

TWO (2) CERTAIN TRACTS OR PARCELS OF LAND LYING AND BEING SITUATE WITHIN PORTIONS OF S.H.C. 437, LOT 1; S.H.C. 415, LOT 2; S.H.C. 422, LOT 1 AND S.H.C. 437, LOT 2. IN SECTIONS 28 & 33, T. 17 N., R., 9 E., N.M.P.M.. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 1B-1

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT, FROM WHICH POINT A U.S.G.L.O. MONUMENT MARKING THE NORTHWEST CORNER OF S.H.C. 437, LOT 2 BEARS SOUTH 77°37'44" WEST, 61.26 FEET; THENCE FROM SAID POINT AND PLACE OF BEGINNING NORTH 70°34'29" EAST, 230.54 FEET TO THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE SOUTH 14°35'03" EAST, 193.95 FEET TO A POINT; THENCE SOUTH 17°14'02" EAST, 451.12 FEET THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND, WHICH IS ALSO A POINT ON THE NORTH RIGHT-OF-WAY FOR AGUA FRIA ROAD, SAID POINT IS ALSO AT THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST (DELTA=00°36'37", R=1393.00', CHORD BEARING=SOUTH 52°58'20" WEST, CHORD DISTANCE=14.84 FEET); THENCE ALONG SAID CURVE AN ARC LENGTH OF 14.84 FEET TO THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE LEAVING SAID NORTH RIGHT-OF-WAY NORTH 17°33'50" WEST, 343.56 FEET TO A POINT; THENCE SOUTH 56°53'35" WEST, 252.24 FEET TO A POINT ON THE WEST BOUNDARY LINE OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE NORTH 14°43'27" WEST, 151.37 FEET TO A POINT; THENCE NORTH 58°25'14" EAST, 36.65 FEET TO A POINT; THENCE NORTH 20°56'09" WEST, 123.36 FEET TO A POINT; THENCE NORTH 15°10'33" WEST, 83.15 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 1.924 ACRES MORE OR LESS

LOT 2

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT, FROM WHICH POINT A U.S.G.L.O. MONUMENT MARKING THE NORTHWEST CORNER OF S.H.C. 437, LOT 2 BEARS NORTH 20°54'36" WEST, 372.46 FEET; THENCE FROM SAID POINT AND PLACE OF BEGINNING NORTH 56°53'35" EAST, 252.24 FEET TO THE NORTHEAST CORNER OF SAID TRACT; THENCE SOUTH 17°33'50" EAST, 343.56 FEET TO THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND, WHICH IS ALSO A POINT ON THE NORTH RIGHT-OF-WAY FOR AGUA FRIA ROAD, SAID POINT IS ALSO AT THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST (DELTA =06°09'15", R=1393.00', CHORD BEARING=SOUTH 56°21'16" WEST, CHORD DISTANCE=149.55'); THENCE ALONG SAID NORTH RIGHT-OF-WAY FOR AGUA FRIA ROAD AN ARC LENGTH OF 149.62 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY; THENCE SOUTH 32°29'25" EAST, 2.98 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY; THENCE SOUTH 58°57'29" WEST, 120.62 FEET TO THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE LEAVING SAID NORTH RIGHT-OF-WAY NORTH 14°43'27" WEST, 348.86 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 2.000 ACRES MORE OR LESS.

ALL AS SHOWN ON PLAT OF SURVEY ENTITLED "LOT LINE ADJUSTMENT SURVEY PREPARED FOR BFFM, LLC...", ALONG WITH ANY AND ALL EASEMENTS AS SHOWN. PREPARED BY PAUL A. RODRIGUEZ, L.S. NO. 13839. FILED FOR RECORD IN THE SANTA FE, NEW MEXICO COUNTY CLERK'S OFFICE IN PLAT BOOK 727, PAGE 14 AS INSTR. NO. 1625525 DATED ON FEBRUARY 1, 2011.

EXHIBIT B
2750 Boylan Circle and 1400 Boylan Lane (BFFM) Rezoning

1. The Developer shall Make an irrevocable offer to dedicate a 42' wide Public Right-of-Way (ROW) to the City of Santa Fe extending from Agua Fria Road to the northern boundary of Lot 2A. This ROW offer shall include a 15' wide by 343.5' long portion of Lot 1B-1 (1400 Boylan Lane) that is adjacent to the eastern boundary of Lot 2A (2750 Boylan Circle) and an additional 27' wide by 343.5' portion along the eastern boundary of Lot 2A.
2. At the time of development of Lot 2:
 - a. The Developer shall construct a roadway from Agua Fria to the northern boundary of Lot 2A that meets the City of Santa standards for a sub-collector road;
 - b. The Developer shall dedicate a 42' ROW that shall connect Boylan Lane and Boylan Circle, (more or less in an east-west alignment); the location shall be determined after review and approval by the Public Works Department of the development plan prior to dedication; and
 - c. The Developer shall build a road in this east-west ROW that meets the City of Santa Fe standards for a lane.
3. The Distance of driveway shown requires a designated Fire Department turnaround as per IFC.
4. Fire suppression system may be required to meet fire flow and to meet any I-1 requirements.
5. Access to building with designated fire lane to meet the 150 feet distance to any portion of the building.

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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2014-28

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AN ORDINANCE

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE; CHANGING
THE CLASSIFICATION FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT TO THE ACRE)
TO C-2 (GENERAL COMMERCIAL); AND PROVIDING AN EFFECTIVE DATE WITH
RESPECT TO A CERTAIN PARCEL OF LAND COMPRISING 3.86± ACRES LOCATED
ALONG THE NORTH SIDE OF AGUA FRIA STREET (2750 BOYLAN CIRCLE AND 1400
BOYLAN LANE) (2750 BOYLAN CIRCLE AND 1400 BOYLAN LANE (BFFM) REZONING,
CASE NO. 2014-64).**

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

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

22 The parcel of land comprising 3.86± acres generally located at 2750 Boylan Circle and 1400
23 Boylan Lane more fully described in EXHIBIT A attached hereto and incorporated by
24 reference, located in T17N, R9E, Sections 28 and 33 N.M.P.M., Santa Fe County, New
25 Mexico,

1 **Section 2.** The official zoning map of the City of Santa Fe adopted by Ordinance No.
2 2001-27 is amended to conform to the changes in zoning classifications for the Property set forth in
3 Section 1 of this Ordinance.

4 **Section 3.** This rezoning action and any future development plan for the Property is
5 approved with and subject to the conditions set forth in EXHIBIT B, and incorporated herein,
6 summarizing the City of Santa Fe staff technical memoranda and conditions recommended by the
7 Planning Commission on August 7, 2014.

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

10 APPROVED AS TO FORM:

11 *Judy Shellen for*
12 _____

13 KELLEY A. BRENNAN, CITY ATTORNEY

EXHIBIT A

LEGAL DESCRIPTIONS

TWO (2) CERTAIN TRACTS OR PARCELS OF LAND LYING AND BEING SITUATE WITHIN PORTIONS OF S.H.C. 437, LOT 1; S.H.C. 415, LOT 2; S.H.C. 422, LOT 1 AND S.H.C. 437, LOT 2. IN SECTIONS 28 & 33, T. 17 N., R., 9 E., N.M.P.M.. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 1B-1

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT, FROM WHICH POINT A U.S.G.L.O. MONUMENT MARKING THE NORTHWEST CORNER OF S.H.C. 437, LOT 2 BEARS SOUTH 77°37'44" WEST, 61.26 FEET; THENCE FROM SAID POINT AND PLACE OF BEGINNING NORTH 70°34'29" EAST, 230.54 FEET TO THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE SOUTH 14°35'03" EAST, 193.95 FEET TO A POINT; THENCE SOUTH 17°14'02" EAST, 451.12 FEET THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND, WHICH IS ALSO A POINT ON THE NORTH RIGHT-OF-WAY FOR AGUA FRIA ROAD, SAID POINT IS ALSO AT THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST (DELTA=00°36'37", R=1393.00', CHORD BEARING=SOUTH 52°58'20" WEST, CHORD DISTANCE=14.84 FEET); THENCE ALONG SAID CURVE AN ARC LENGTH OF 14.84 FEET TO THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE LEAVING SAID NORTH RIGHT-OF-WAY NORTH 17°33'50" WEST, 343.56 FEET TO A POINT; THENCE SOUTH 56°53'35" WEST, 252.24 FEET TO A POINT ON THE WEST BOUNDARY LINE OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE NORTH 14°43'27" WEST, 151.37 FEET TO A POINT; THENCE NORTH 58°25'14" EAST, 36.65 FEET TO A POINT; THENCE NORTH 20°56'09" WEST, 123.36 FEET TO A POINT; THENCE NORTH 15°10'33" WEST, 83.15 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 1.924 ACRES MORE OR LESS

LOT 2

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT, FROM WHICH POINT A U.S.G.L.O. MONUMENT MARKING THE NORTHWEST CORNER OF S.H.C. 437, LOT 2 BEARS NORTH 20°54'36" WEST, 372.46 FEET; THENCE FROM SAID POINT AND PLACE OF BEGINNING NORTH 56°53'35" EAST, 252.24 FEET TO THE NORTHEAST CORNER OF SAID TRACT; THENCE SOUTH 17°33'50" EAST, 343.56 FEET TO THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND, WHICH IS ALSO A POINT ON THE NORTH RIGHT-OF-WAY FOR AGUA FRIA ROAD, SAID POINT IS ALSO AT THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST (DELTA =06°09'15", R=1393.00', CHORD BEARING=SOUTH 56°21'16" WEST, CHORD DISTANCE=149.55'); THENCE ALONG SAID NORTH RIGHT-OF-WAY FOR AGUA FRIA ROAD AN ARC LENGTH OF 149.62 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY; THENCE SOUTH 32°29'25" EAST, 2.98 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY; THENCE SOUTH 58°57'29" WEST, 120.62 FEET TO THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE LEAVING SAID NORTH RIGHT-OF-WAY NORTH 14°43'27" WEST, 348.86 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 2.000 ACRES MORE OR LESS.

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EXHIBIT B
2750 Boylan Circle and 1400 Boylan Lane (BFFM) Rezoning

1. The Developer shall Make an irrevocable offer to dedicate a 42' wide Public Right-of-Way (ROW) to the City of Santa Fe extending from Agua Fria Road to the northern boundary of Lot 2A. This ROW offer shall include a 15' wide by 343.5' long portion of Lot 1B-1 (1400 Boylan Lane) that is adjacent to the eastern boundary of Lot 2A (2750 Boylan Circle) and an additional 27' wide by 343.5' portion along the eastern boundary of Lot 2A.
2. At the time of development of Lot 2:
 - a. The Developer shall construct a roadway from Agua Fria to the northern boundary of Lot 2A that meets the City of Santa standards for a sub-collector road;
 - b. The Developer shall dedicate a 42' ROW that shall connect Boylan Lane and Boylan Circle, (more or less in an east-west alignment); the location shall be determined after review and approval by the Public Works Department of the development plan prior to dedication; and
 - c. The Developer shall build a road in this east-west ROW that meets the City of Santa Fe standards for a lane.
3. The Distance of driveway shown requires a designated Fire Department turnaround as per IFC.
4. Fire suppression system may be required to meet fire flow and to meet any C-2 requirements.
5. Access to building with designated fire lane to meet the 150 feet distance to any portion of the building.

Governing Body

October 8, 2014

Case # 2014-63 and 64

**BFFM GENERAL PLAN AMENDMENT AND
REZONING TO LIGHT INDUSTRIAL**

EXHIBIT C

AUGUST 7, 2014

PLANNING

COMMISSION MINUTES

Mr. Thomas agreed for the posting on site and the mailings.

Commissioner Villarreal asked if staff had ever considered having them in Spanish.

Ms. Baer said the City didn't have the resources to do that and they would have to get permission from Council to do that. She added that they were losing their most fluent Spanish speaker. Tomorrow was M. Lamboy's last day at the City.

Commissioner Villarreal thought that was something we should consider. She was comfortable with the delay of this case.

Commissioner Padilla asked if there was a recommendation from the applicant to postpone both cases.

Ms. Baer agreed and they would track both cases together.

Commissioner Pava asked if there were requirements for coordinating agencies to submit their comments by a certain time. He asked if he heard correctly that the MPO comments came in today.

Ms. Baer said they didn't come in today but were too late for the packet.

Commissioner Pava thought they probably could have worked out those issues and was glad to hear Mr. Siebert was willing to wait. It was unfortunate not to have that coordination.

Commissioner Schackel-Bordegary agreed. They could iron it out. This was the first time that happened. Transportation and zoning weren't linked by requirement of the code but it was part of the MPO purpose and in the past, the Commission has had MPO staff present. It was a great improvement for transportation and land use staff to work together on it. Connectivity was important and she encouraged that to continue.

Action of the Commission

Commissioner Schackel-Bordegary moved to postpone Case #2014-71 and Case #2014-72 to September 11, 2014. Commissioner Padilla seconded the motion.

Commissioner Pava asked if staff could save this volume of paper for that meeting.

Ms. Baer agreed.

The motion to postpone both cases passed by unanimous voice vote.

X

5. Case #2014-63. 2750 Agua Fria Road and 1400 Boylan Lane General Plan Amendment.

Sommer Karnes & Associates, LLP, agent for BFFM, requests General Plan Future Land Use Map Amendment to change the designation of 4.65± acres from Rural/Mountain/Corridor (1 dwelling unit per acre) to Industrial. (Dan Esquibel, Case Manager)

This case was considered together with the next case.

6. **Case #2014-64. 2750 Agua Fria Road and 1400 Boylan Lane Rezoning.** Sommer Karnes & Associates, LLP, agent for BFFM, requests rezoning to change the designation of 4.65± acres from R-1 (Residential, 1 dwelling unit per acre) to I-1 (Light Industrial). (Dan Esquibel, Case Manager)

Mr. Esquibel presented the staff report for both cases together.

A Memorandum with attachments, dated July 23, 2014 for the August 7, 2014 Meeting, to the Planning Commission from Mr. Dan Esquibel, Land Use Planner Senior, Current Planning Division, is incorporated herewith to these minutes as Exhibit #11.

He reminded the Commission that the adjacent property was annexed as part of the phase 2 annexation area. The adjacent property was before the Commission recently as the Rivera property. The area was somewhat peppered with a mix of **non-residential uses** that came in as part of that annexation. Across the street was zoning that occurred from the Rufina and Siler Road area. So the area was surrounded by a mix.

The total area was 3.86 acres with existing development on one of the lots - the back lot. It comprised a 9000 square ft. metal structure and a dwelling unit. The metal structure was used by Boylan Drilling for industrial uses for their business. Access was off of Boylan Lane which came off of Agua Fria Rd. and the property was reviewed by the development review team. Conditions and recommendations were put forward in Exhibit B in the packet. Conditions were put on Exhibit A. Exhibit C showed a map of the area. The applicant, Joseph Karnes, represented the owner, and he brought the tenants, Awesome Harvest. Awesome Harvest fell within the economic development section of the City as a business that would bring capital into the city of Santa Fe.

Staff recommended approval for 2014-63 for the General Plan Amendment and 2014-64 for Rezoning. He clarified that the action would require two motions.

Questions from the Commission

Ms. Baer called attention to a letter from neighbor Mr. Jeff Harbour who had concerns about the rezoning. A copy of Mr. Harbour's letter and his list of restricted uses is incorporated into these minutes as Exhibit 12.

Mr. Esquibel said the property with regard to rezoning and General Plan was a nice buffer with the Santa Fé River to the back and presenting it as a buffer and transition to the rural residential beyond that.

The C-2 offered that nice transition to the residential further to the east. While I-1 didn't offer the same uses that a C-2 district would, it did offer a nice list of uses that would provide for additional economic development for the property.

He added that most of the utilities of the city in the Agua Fria area and there were some to the rear. As this property would develop it would need further infrastructure. The opportunity for the applicant or the developer would be to bring in that infrastructure across from Agua Fria Rd. to accommodate their development. In the annexation from the County, there were substandard roads, wells and septic systems. The City would like to get them off of those rural systems and bring them on to city utilities. As they intensify development and bring that infrastructure in, it would provide an opportunity for the adjacent properties to also tie into those utilities.

The Traffic Division analyzed this area and they placed some recommendations and conditions for easing traffic circulation and access points onto Agua Fria for the back lots adjacent to the river.

Presentation of the Applicant

Present and sworn was Mr. Joseph Kames, Sommer, Kames, and Associates, 200 West Marcy Street, who said on behalf of BFFM, LLC, owner of the property, they concurred with the recommended conditions and asked the Commission approve both the General Development Plan and the Rezoning applications tonight.

He said, as Mr. Esquibel pointed out, that the 9,000 sq. ft. building was constructed on the property in the early 1980's when it was in County jurisdiction and the property had been used for light industrial purposes in a number of different businesses since that time, primarily the Boylan well drilling business. So there was a long 30 year plus history of light industrial use on this property.

When the whole area was annexed to the city a few years ago, similar to the Rivera property, this was a similar situation for long standing exiting use. Mr. Sommer and he appeared at before the ELUA at the time of annexation to ask for consideration of light industrial use zoning on the property. Given the scale of the annexation, which was at R-1 and inconsistent with the longstanding use on the property, the application was triggered by Awesome Harvest that manufactures bags and had a cutting and sewing operation for those bags and a need from national contracts to expand their operation which at present was on Early Street near Whole Foods Market. The company would like to stay here in Santa Fe. The 9000 ft.² building foot building was perfect for their operations. Their operations were a clean business and they were in the audience this evening.

Mr. Esquibel shared some of their actual products for the Board to view.

Regarding the letter mentioned by Ms. Baer from adjacent property owner, that in looking at it, first there was a representation that the adjacent property next door to the west was zoned C-1 and R-1. He copied a portion of the zoning map to show the Commission that showed that property was actually zoned C-1 PUD and was about 15 acres in size. The subject property was adjacent and just to the east.

He also had an aerial photo and pointed out the existing building.

He said the letter gave support for this proposed use for which a lease had been negotiated and was ready to be signed. Awesome Harvest for were ready to move in and start their operations as soon as possible. There was concern expressed about other potential uses within the I-1 district in the event Awesome Harvest left the property. They suggested C-1 instead of I-1. There was also a request that uses on the property be restricted. But Mr. Karnes understood that use variances were not permitted and light industrial of Awesome Harvest and the manufacturing it did would not be a permitted use under C-1. But light industrial was historic on this property.

Regarding the comment about industrial creep toward the center of town, he didn't quite follow that because of the long-standing industrial use on this property over last 30+ years. In addition, to the south and east were other industrial uses and also on the north side of Agua Fria. It was not a pure residential area, particularly since a 15 acre C-1 PUD property was to the west. He thought the fear was overblown about industrial creep to the east.

Mr. Karnes requested approval of the General Plan Amendment and the Rezoning for this property which would facilitate economic development in Santa Fe.

Public Hearing

Present and sworn was Mr. Jeff Harbour, 2361 Santa Barbara Drive, who identified himself as the person who sent the letter. He said that if you use Boylan Drilling as the precedent for Awesome Harvest, there was a dramatic difference between those two businesses. Awesome Harvest was a green business and low impact, low water use and neighborhood friendly. Boylan Drilling, on the other hand, had not been in his experience. The river at the edge of that property was littered with debris from Boylan Drilling broken down equipment - it was just a blight. And he didn't think they had continuously used that building for 30 years for industrial use. The last use he was aware of was a church.

The river park was a beautiful neighborhood. He would like the Commission to carefully look at the I-1 use like an extended I-1 use and what that might bring into this presidential friendly area. It would be nice to have amenities like restaurants and offices and Awesome Harvest. But he didn't know if there was another way to restrict that use and the event that Awesome Harvest didn't stay on that property. If they were using Boylan Drilling as the precedent, it was very different and Boylan Drilling had been relatively inactive in the last few years. It was just a collection of unused heavy equipment that needed to be cleaned up.

Present and sworn was Mr. Eric Faust, 54 Paseo Aragon, said he had Jeff Harbour draft that letter. He identified himself as under contract with the land that Mr. Harbour and his foundation owned. It was zoned C-1 PUD right now and it was his hope to do multi-family there so it would have a residential nature if they succeeded. Even though it had been a mixed use area, it was right at the edge of where it was mostly residential except for the Alsup. He just thought if the industrial zoning was given, it should reflect that right next door was residential use. He looked more at what uses would be more incompatible with residential

right next door and was trying to get some covenants or deed restrictions to limit some of those more extreme I-1 uses.

Present and sworn was Mr. Sattva Ananda, 901 Early Street, who was the owner of Awesome Harvest. He said they intended to produce these fabric bags and they would like eventually to purchase the Boylan facility and lease until then. Their intention was to be there for a long time. They expected to have 34-35 employees by next year and later 65 people. He said they bring money in from out of state primarily from distribution to Costco, Amazon, etc.

Present and sworn was Mr. Larry Boylan, owner of Boylan Drilling, who said he was still in business there. He said he had no problem with this use. He sold the building 4-5 years ago and just moved over a few feet. He was still drilling wells and had not shut down his business.

There were no other speakers from the public regarding this case and the Public Hearing portion was closed.

Questions from the Commission

Commissioner Pava asked to be enlightened about the current zoning - this residential - mountain whatever. He said he was not sure where the mountains were that were mentioned in the staff report.

Mr. Esquibel explained that if he looked on the small map in the packet, the entire area the City annexed in except the Agua Fria Village further down the way. It was brought in as "rural mountain corridor district" as the underlying General Plan Mapping Area. But the actual zoning of the property was R-1, residential. On the memo, he identified a range of uses surrounding the property including the C-1 PUD, which did allow for residential use. The density use in a C-1 PUD was equivalent to R-21. Whereas, with I-1, residential was ancillary to the primary use rather than an allowed use.

Commissioner Pava asked in Mr. Esquibel's opinion, if there were other ways to accommodate the proposed use without a zone change to Industrial or if this was the only option.

Mr. Esquibel said as he indicated in his memo that he didn't think I-1 was most optimum zone. While it was predominant use in that area, it matched the area fairly well. As that area had become more centralized within the City, there was a stronger need to provide better services for the area it became more of a business hub and that was a large part of the election process during the mayoral. Siler Road was a focus for that area. C-2 might be more accommodating and he thought it would allow the light manufacturing use. But the proposal by the applicant was for light industrial. That matched the large predominant portion of that whole area. So it would accommodate that whole area. There was increasing small commercial development going toward the intersection of Agua Fria and Siler Road.

He added that the I-1 district allowed for accommodating small commercial uses and in the packet at Exhibit C, he showed the list of uses that could have been done in an I-1 District. A C-2 district would be harder to explain because it was surrounded more by the industrial nature rather than general commercial

nature. General commercial was popping up closer to the intersection.

Commissioner Pava said it was hard to make out the designations on the map. He asked if it would be fair to say that to the north of Agua Fria it was still mostly residential but to the south of Agua Fria there was much more mix between industrial and residential up to Cerrillos Road.

Mr. Esquibel said in the map of current zoning, a large portion of residential started across the street from the C-1 PUD than this property. Across the street was a small pocket of residential, a large mixed use development, general commercial, then mixed use, and then again all industrial from that point forward. He went to the County to talk with the county planners to find out what had been occurring there. It was somewhat peppered with various non-residential uses mixed use with residential use. Commercial was more predominant toward the intersection; then a break for the non-conforming uses that were annexed into the City along with the residential uses. So an industrial zone would not be incompatible for the area for a change in use. That was why staff recommended approval.

Commissioner Bemis assumed that permissible use for light industrial would include light assembly and manufacturing. She asked if that meant it would just be during daylight hours.

Mr. Esquibel replied that, in terms of business operations, they could establish their own times of operation. He hoped they would be sensitive to the residential neighbors. One neighbor said they were coming in with large scale residential use. The proposed application being negotiated was not impactful. As far as any other use, it could fall into the use categories but hours were up to the business.

Commissioner Schackel-Bordegary commented that this was from the classic planning case. She was trying to balance, in the bigger picture, the City's need for compatible environments and neighborhoods with Santa Fe's need for good economic development. That came through in the staff report and she was also considering the idea that housing was hopefully being proposed as Mr. Faust stated. She didn't believe that was incompatible. As a planner with a master's in urban planning, she didn't think zoning categories provided for the full range of issues the Commission should be considering in deciding this case. Zoning could be very limiting. So she urged her fellow Commissioners to consider that, including what was on the ground there and how it was evolving.

She said "zoning doesn't drive the bus." It didn't guide the development in the way an organic community had grown. Having the presence of a business that was generating products and employing people was very important.

Commissioner Villarreal echoed those sentiments. Looking at the possibilities and pros and cons, she was in favor of local businesses providing jobs and using a facility that had not been used for a while. She knew about the river and the dumping in that area. So she was curious, in looking the map, that it appeared where this property ended had a couple more properties behind it that were contiguous to the river. Perhaps it was those properties who were dumping instead of the Boylan Drilling property. She asked if staff could provide information on that.

Mr. Esquibel said he had been there several times and went over to the county to address the issues there and find out what the County had permitted there. He found out with ownership that Mr. Boylan's property was directly behind this property that he sold. He had a very nice house and a nice old car there. That house didn't have any industrial use at all.

He did look at the river and the adjacent road and they had increased the use on Boylan Lane to accomplish the potential use on the C-1 property if it was large scale residential and help maneuver traffic onto Agua Fria. There was a synergy that would work for these two properties and a lot of the trash would cease with this change of direction that it had when it was in the County. There was not too much stuff out there at the river and hopefully that would get cleaned up as the development occurred.

Commissioner Villarreal asked if the river trail rehabilitation had already gone through there.

Mr. Esquibel didn't know. Rivera property was on the north side of the River Trail and not the south side that adjoined this property. He thought that was where the trail ran. Along that side there were sand and gravel permits along there. There was still a heavy industrial use along that whole portion of that area.

Vice Chair Harris thought the exhibits were a little shy. It was hard to track and he wasn't sure what this meant. It almost seemed like a development plan where the parking lot would have to be built to accommodate the employees at Awesome Harvest.

Mr. Esquibel said the applicant provided a reference to existing conditions on the property and wasn't deemed to be a development plan. When Awesome Harvest moves in, we would look at the specific needs through the building permit process. It would be based on the conditions of approval and as they occur in the future, require upgrades at that point.

Vice Chair Harris noted this exhibit said it would have a proposed gravel parking lot. He wondered where the sewer connection would be. The existing septic system would need to be certified and its proximity to the river was an important issue. He presumed there was also a well on the property. There were issues of traffic and connectivity, too. So he wondered if this was a development plan.

Mr. Esquibel said he had asked some of those questions of the applicant. There might be a lot line adjustment needed, but this was not a request for development plan approval. That would come later. The property has a well and septic system and staff would make sure it meets requirements when the proposal comes in, including fire protection needs, etc.

Vice Chair Harris felt there were a lot of unanswered questions. Staff identified the nonconformity and he asked if the Commission was to deal with that now or at the time of Certificate of Occupancy.

Mr. Esquibel clarified that this was just a General Plan Amendment and Rezoning. The trigger for those requirements was at the time of development and C/O.

Commissioner Padilla appreciated that Awesome Harvest was identified as a tenant but tonight the

Commission needed to determine the best for the neighborhood. They just needed to look at it in light of what was being presented now. If Awesome Harvest comes to the Commission, the conditions would be examined then.

Vice Chair Harris saw with the list, the fire marshal said fire flow might need to be improved there.

Mr. Esquibel said the fire marshal identified in the site inspection what would be needed from the well for fire protection and what might be needed for that particular product. They would have to be looked at as it moves forward. Hopefully city utilities could be brought to better serve that area.

Vice Chair Harris asked if he heard that C-2 would allow an operation like Awesome Harvest. Mr. Esquibel believed it would.

Vice Chair Harris understood this was very much a transition area and the bridge at Siler was a great move. He was just responding to your comment that C-2 was prevalent on down the road. It seemed that C-2 might be a possible alternative.

Commissioner Padilla said C-2 almost paralleled I-1. He asked what the closest C-2 zoning was.

Mr. Esquibel said it was the Rivera property and Club Alegria.

Commissioner Padilla asked if a C-2 proposal wouldn't have to have C-2 in proximity to this location.

Mr. Esquibel said with this size lot, they could have requested zoning to C-2 but it would be a little harder to explain and light industrial predominated in that area. C-2 was completely different from that whole neighborhood. C-2 was a better zone to benefit these uses but I-1 accommodated a large part of what C-2 would. It seemed to be a better fit and there was increasing need for businesses.

Vice Chair Harris asked for Mr. Karnes' response.

Mr. Karnes said initially they explored different designations and had specific questions considering the specific lease with Awesome Harvest. If C-2 was the approved rezoning, it would be acceptable. But their sense was that it would be more of a reach and harder to explain. The I-1 was a more conservative choice more consistent with the historic activity there on the subject property as well as uses across the street.

Vice Chair Harris asked Mr. Karnes if he represented BFFM and not Awesome Harvest.

Mr. Karnes agreed and said Mr. Boylan was not the owner.

Vice Chair Harris asked Mr. Faust and Mr. Harbour about their opinion of the C-2 consideration.

Mr. Harbour said he didn't have an opinion on it. He appreciated the Commissioner's comments about being able to develop a neighborhood. It was a broad zoning and within I-1 you could have anything from

drilling to a cottage industry. He liked Awesome Harvest and what they did and thought that was compatible. If they couldn't put restrictions on I-1 then C-2 was okay.

Vice Chair Harris agreed that the intention of the Commission was to develop good neighborhoods.

Mr. Faust said he didn't specifically look at C-2 but at I-1 and C-1 zoning. There were hardly any uses in C-1 that would be incompatible with residential. I-1 and C-2 could have uses that were incompatible with residential. Light industrial could have noise or hours of use or chemical odors. Covenants could be put on the land and he knew that the City couldn't put restrictions. He did talk with Karl Sommer but no one got back to them.

Commissioner Padilla asked if Mr. Faust was under contract to develop.

Mr. Faust said they were under contract on two pieces of C-2 PUD and set to close on one of them next week. They intended to develop multi-family there.

Commissioner Pava thought they had gotten deep into the specifics and economic development on whether this zoning was okay.

He asked Mr. Ananda if this was a suitable warehouse for expansion for his business and what other prospects there were.

Mr. Ananda said they had looked extensively in the City and the County and anything else in the city didn't have the space they needed. They were an agricultural company and needed to show plants growing in front. We were a green company and didn't want employees have to travel out into the county.

Commissioner Schackel-Bordegary suggested C-2 zoning rather than this proposed I-1 zoning.

Mr. Esquibel said in talking with the applicant that perhaps a recommendation to Council would be okay but the applicant wasn't going to change the application in its current form right now for fear it might send him back through the entire process. But nothing would prevent the Commission from a recommendation from I-1 to a C-2 designation.

Vice Chair Harris asked if time was of the essence and asked Mr. Ananda to comment.

Mr. Ananda said they had obligated themselves to customers and couldn't fulfill that in their current facility so it needed to happen as soon as possible.

Action of the Commission

Commissioner Schackel-Bordegary started a motion in Case #2014-63 and Case #2014-64 and was reminded that two separate motions were required.

Ms. Baer apologized and explained that they were two separate cases and the motion to change it to C-2 didn't fall within that land use designation. If the Commission wanted to recommend C-2, it would have to make a comparable motion to change the land use to General Commercial.

Commissioner Pava moved in Case #2014-63, General Plan Amendment, to recommend denial to the Governing Body. Commissioner Schackel-Bordegary seconded the motion.

Commissioner Padilla asked how denial would get the matter where the Commission wanted it to be in moving this case forward.

Commissioner Pava said they had discussed a lot of options and the record should show the Commission had ruled out this proposed zoning so that the Governing Body would understand the deliberations.

Vice Chair Harris understood that but felt if the Commission denied the case as stated, the Commission would not get to the alternative to recommend.

Mr. Shandler said there could be an alternative motion but suggested Mr. Esquibel could walk the Commission what he thought the motion might be to move it forward.

Mr. Esquibel said the Commission could recommend, per Case #2014-63, 2750 Boylan Circle and 1400 Boylan Lane, General Plan Amendment, that the designation be changed from Rural Mountain Corridor to General Commercial. And in Case #2014-64 the Commission would include, instead of I-1, to include C-2 and then the Findings of Facts from the attorney would capture the reasons and findings necessary to move the recommendation to the Governing Body so they would understand the discussion and thoughts of the Commission.

Vice Chair Harris felt that was helpful but thought the address was 2750 Agua Fria Road.

Mr. Esquibel said staff did look at 2750 Agua Fria Road and it was a different location. He believed the applicant was in the process of correcting that address. He said for now, they needed to continue with how it was in the City's mapping system. When that got changed, then those corrections could be made to the map later.

Commissioner Pava withdrew his motion. Commissioner Schackel-Bordegary withdrew her second.

Commissioner Padilla moved in Case #2014-63, 2750 Boylan Circle and 1400 Boylan Lane General Plan Amendment to recommend to the Governing Body to change the designation of the 3.86 acres from Rural Mountain Corridor to General Commercial with all staff conditions as presented. Commissioner Villarreal seconded the motion.

Mr. Shandler asked him to state his reason for supporting this motion.

Commissioner Padilla said when looking at the Land Use Code, the C-2 zone seemed more compatible with the transition area and the future land use that could be developed along Agua Fria to be more compatible with the current zoning.

Mr. Shandler thanked him and said that was satisfactory.

The motion passed by majority roll call vote with Commissioners Padilla, Pava, Villarreal, Bemis, and Schackel-Bordegary voting in favor and Commissioner Ortiz voting against.

Commissioner Padilla moved to recommend approval of Case #2014-64, 2750 Boylan Circle and 1400 Boylan Lane Rezoning from R-1 Residential to C-2, General Commercial. Commissioner Villarreal seconded the motion and it passed by majority roll call vote with Commissioners Padilla, Pava, Villarreal, Bemis, and Schackel-Bordegary voting in favor and Commissioner Ortiz voting against.

The Commission recessed from 8:23 p.m. to 8:31 p.m.

When the Commission reconvened, all Commissioners were present.

- 7. Las Soleras.** Overview and discussion of Las Soleras, a master planned development of 500+ acres of mixed residential and commercial properties. The land forms a rough triangle, east of the Santa Fe Premium Outlets, between Cerrillos Road to the west, I-25 to the south, Governor Miles to the north and Richards Avenue to the east. Discussion includes a revised approach to Phasing and infrastructure development.

A Memorandum with attachments, dated July 24, 2014 for the August 7, 2014 Meeting, to the Planning Commission from Ms. Tamara Baer, ASLA Manager, Current Planning Division, is incorporated herewith to these minutes as Exhibit #12.

Vice Chair Harris complimented Ms. Baer on the document which was well prepared.

Ms. Baer presented information regarding the Las Soleras to the Commission. Please refer to Exhibit 12 for further details of her report. She shared a map of Las Soleras contained in the Exhibit 12 and said it comprised 545 acres with I-25 to the south, in the middle was Beckner going all the way through from Cerrillos Road to Richards Avenue. Cerrillos Road was on west side and Rail Runner looping through it and turning into Las Soleras Drive. In the next case, the Commission would be looking at Tracts 12 and 13 toward the north. The Planning Commission had already approved a couple of residential subdivisions in Tract 4, some commercial and some fast food restaurants. Another subdivision the Commission approved for Tract 1 at the last meeting a time extension.

There was a VA clinic cut out of Tract 28 adjacent to Beckner Road. She identified other points in the

Governing Body

October 8, 2014

Case # 2014-63 and 64

**BFFM GENERAL PLAN AMENDMENT AND
REZONING TO LIGHT INDUSTRIAL**

EXHIBIT D

**FINDINGS AND
CONCLUSIONS OF LAW**

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

Case #2014-63

2750 Agua Fria Road & 1400 Boylan Lane General Plan Amendment

Case #2014-64

2750 Agua Fria Road & 1400 Boylan Lane Rezoning to C-2

Owner's Name – BFFM

Agent's Name – Sommer Karnes & Associates, LLP

THIS MATTER came before the Planning Commission (Commission) for hearing on August 7, 2014 upon the application (Application) of Sommer Karnes & Associates, as agent for BFFM (Applicant).

The property is located along the north side of Agua Fria Street approximately a ½ mile northeast of the Siler Road and Agua Fria intersection and is comprised of two lots totaling 3.86± acres with the Future Land Use designation of Rural/Mountain/Corridor (1 dwelling unit per acre) and is zoned R-1 (Residential-1 Dwelling Unit 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 Rural/Mountain/Corridor to Industrial; and (2) to rezone the Property from R-1 (Residential, 1 dwelling units per acre) to I-1 (Light Industrial).

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

- 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 May 8, 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 June 10, 2014 at the Oliver LaFarge Library on 1730 Llano Street.
 8. Notice of the ENN meeting was properly given.
 9. The ENN meeting was attended by the Applicant and City staff; there was ten 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)].*
A change to the future land use designation should be to General Commercial (C-2). General Commercial and Industrial share many similarities. General Commercial is more compatible for the transition area near Agua Fria and Siler Road. The Plan acknowledges the mix of uses in the Agua Fria and Siler Road area and encourages the continued development of compatible businesses to provide employment opportunities in close proximity to residential uses.
 - (b) *Consistency with other parts of the Plan [§14-3.2(E)(1)(b)].*
The property was annexed as part of the Phase 2 City Initiated Annexation. The physical layout and design along this portion of Agua Fria Street from the property to the Siler Road intersection is predominately nonresidential in contrast to the rural characteristics of the rural corridor designation. A change in general policy for this area would not conflict with the comprehensive growth policies of the City.
 - (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)].*

The current approved land use for the property is Residential. The property contains a 9000 square foot building constructed for industrial or commercial use. Properties to the west include a mix of residential, nonconforming use, commercial and industrial uses. This area represents the outskirts of the R-1 District bordered by Agua Fria and I-1, MU and Residential zoning across the street. The change would not be inconsistent with the area and the 3.86± acres are sufficiently large so as to be consistent with City policies. It makes efficient use of a large existing industrially and commercially constructed building.

- (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)].*

A General Plan amendment is a requirement prior to rezoning of the Property. The application and review provide information that the change will promote the general welfare by expanding employment opportunities for local residents.

- (e) *Compliance with extraterritorial zoning ordinances and extraterritorial plans [§14-3.2(E)(1)(e)].*

This is not applicable.

- (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)].*

The proposed amendment will contribute to a coordinated, adjusted and harmonious development of the City and will expand the variety of uses allowed for the property, promoting greater opportunity for economic development and is consistent with the policies of the Plan as set forth in paragraph 13(a)-(d) above.

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

The proposed amendment is consistent with the policies of the Plan as set forth in paragraph 13(a)-(d) above.

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)].*

There was no error in the original zoning that was established for this large area amended into the City. As the City has developed around Siler Road, more and more of the lots have become smaller lots over time and with the City initiated annexation, Siler Road has become more of an area for business activity and less an area for industrial uses. While both use types exist, diversification in uses may be more advantageous to the community.

- (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 3.86± 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)].*

The proposal is submitted to all appropriate City departments for review and comments to the reviewing bodies. This provides full compliance with all City policies, ordinances and regulations and comments received include recommended conditions for development on the property.

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.*

The proposed request to rezone from R-1 to C-2 is consistent with that portion of the R-1 District closest to the I-1 and 2, MU, C-2 Districts along Agua Fria Street where the predominant use is nonresidential. The rezoning provides suitable infill development to the area, adaptive reuse of nonresidential buildings and supports diversified economic development for the area.

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

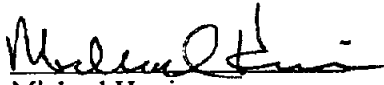
3. The Commission has the power and authority at law and under the Code to review the proposed amendment to the Plan and to make recommendations to the Governing Body regarding such amendment.

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.

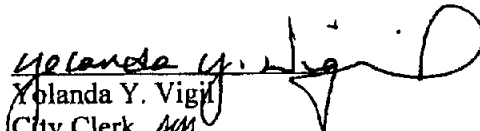
**WHEREFORE, IT IS ORDERED ON THE _____ DAY OF _____, 2014 BY
THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

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.


Michael Harris
Chair


9/11/14
Date:

FILED:


Yolanda Y. Vigil
City Clerk AM

9/15/14
Date:

APPROVED AS TO FORM:


Zachary Shandler
Assistant City Attorney

9/11/14
Date:

Governing Body

October 8, 2014

Case # 2014-63 and 64

**BFFM GENERAL PLAN AMENDMENT AND
REZONING TO LIGHT INDUSTRIAL**

EXHIBIT E

**AUGUST 7, 2014
PLANNING COMMISSION
MEETING PACKET**

City of Santa Fe, New Mexico

memo

DATE: July 23, 2014 for the August 7, 2014 Planning Commission Meeting

TO: Planning Commission

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

FROM: Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division *DE*

BFFM GENERAL PLAN AMENDMENT AND REZONING TO LIGHT INDUSTRIAL

Case #2014-63. 2750 Boylan Circle and 1400 Boylan Lane General Plan Amendment. Sommer Karnes & Associates, LLP, agent for BFFM, requests General Plan Future Land Use Map amendment to change the designation of 3.86± acres from Rural/Mountain Corridor (1 dwelling unit per acre) to Industrial. (Dan Esquibel, Case Manager)

Case #2014-64. 2750 Boylan Circle and 1400 Boylan Lane Rezoning. Sommer Karnes & Associates, LLP, agent for BFFM, requests rezoning to change the designation of 3.86± acres from R-I (Residential, 1 dwelling unit per acre) to I-I (Light Industrial). (Dan Esquibel, Case Manager)

RECOMMENDATION:

The Land Use Department recommends **APPROVAL** of the General Plan Amendment and Rezoning with recommended conditions of approval (Exhibit A).

Two motions will be required; one for Case# 2014-63 BFFM General Plan Amendment and one for Case# 2014-64 BFFM Rezoning.

I. APPLICATION OVERVIEW

The Applicant is requesting a General Plan Future Land Use Map Amendment from Rural/Mountain/Corridor to industrial and Rezoning from R-1 (Residential 1 dwelling unit per acre) to I-1 (Light Industrial). There are two properties that make up this request totaling 3.86± acres. Both properties came into the City's jurisdiction on August 27, 2009 under Ordinance 2009-01 (SPPAZO) and were annexed as part of the Phase 2 Annexation on January 1, 2014.

The Lots are located along the north side of Agua Fria Street approximately a ½ mile northeast of the Siler Road and Agua Fria Street intersection. Lot 1B located at 1400 Boylan Lane contains 1.13± acres with existing development and is the furthest from Agua Fria Street, accessed directly off Boylan Lane. Lot 2 is vacant, containing 2.73± acres and adjoins Agua Fria Street also accessed from Boylan Lane. Boylan Lane extends from Agua Fria Street and is a 15' wide easement with a paved surface that runs along the east property line of Lot 2 and ends at Lot 1B. Existing development on Lot 1B consists of a two story 9000± square foot metal building with apartment and a detached single family dwelling with attached garage. There is also a loading pad at the back of the metal building with a garage or storage area. Since the metal building has not been in use for a period of more than three hundred sixty-five days it has lost legal nonconforming status (14-10.2(C) "*Termination of Nonconforming Use*").

The metal building is non-conforming as it is situated approximately 5 feet from the west property line and exceeds 14 feet in height. As of March 1, 2012 "*within ten (10) feet of a side or rear property line, no point on a structure shall be higher than fourteen (14) feet above the finished grade at the closest point on the perimeter of the structure. Within fifteen (15) feet of a side or rear property line, no point on a structure shall be higher than twenty-four (24) feet above the finished grade at the closest point on the perimeter of the structure.*" The nonconforming height of the building will not be exacerbated by a rezoning of the property. The existing setback does pose an issue with the rezoning or nonresidential use. Side yard setback requirements for residential use are 5 feet. Once rezoned or a nonresidential use occupies the building, a 15 foot landscape buffer is triggered if the property adjoins residential use and any new construction on the property exceeds \$100,000. The existing setback of the metal building prohibits compliance with the 15' buffer standard on Lot 1B. Alternative forms of compliance to landscaping such as a combination of 8 foot high fence and trees may be required to achieve the intent of the 15 foot landscape buffer.

City zoning surrounding the property is R-1 (Residential-1 dwelling unit per acre) to the north and west, C-1PUD to the east, and I-1 (Light Industrial), MU (Mixed Use) and residential made up of R-2 and R4 (Residential-2 dwelling unit per acre and Residential-4 dwelling unit per acre) to the south across Agua Fria Street.

The nearest I-1 District is approximately 140 feet west of the property located on the south side of Agua Fria Street. I-1, I-2 and MU zoning predominates Agua Fria Street from the property running west along the south side of Agua Fria Street. Uses along the north side are a mix of residential, nonconforming nonresidential uses, with a strong commercial presence and C-2 zoning near the intersection of Siler Road and Agua Fria Street. The closest C-2 zoning was adopted on April 30, 2014 for the Rivera (Club Alegria) property and is 732± feet west along Agua Fria Street on the north side of Agua Fria Street.

Early Neighborhood Notification

The ENN was conducted on June 10, 2014 at 1730 Llano Street – Oliver LaFarge Library. Ten persons attended the meeting including representatives from Awesome Harvest, who conducted the meeting, and Sommer Karnes & Associates, LLP, agent for BFFM. The following concerns were raised:

1. The hours of operations.

2. The type of trucks used for the business and if there was a weight limitation on Agua Fria St.
3. Longer term impact to the neighborhood with industrial zoning.

II. GENERAL PLAN AMENDMENT POLICIES & APPROVAL CRITERIA

Case #2014-63. 2750 Boylan Circle and 1400 Boylan Lane General Plan Amendment

The Future Land Use Map identifies this area as Rural Mountain Corridor, 1 dwelling unit to the acre. Section 14-3.2 of the Land Development Code establishes approval criteria for General Plan Amendments. These are addressed below.

Chapter 14 Criteria for General Plan Amendment.

E. Section 14-3.2 (E) (1) Approval Criteria (applicable criteria)

The Planning Commission shall review and make a finding on the following criteria:

(1) Criteria for All Amendments to the General Plan

- (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 response: *Use of the Subject Properties for light industrial will facilitate creation of centrally located jobs available to local residents, consistent with the historic use of the northerly Subject Property for light industrial use. The Subject Properties are accessed from Boylan Lane and Agua Fria Street. The Subject Properties are served by an existing sewer main running along the westerly boundary and an on-site well. The water line along Agua Fria Street is available to serve future development of the southerly Subject Property.*

Staff response: *The proposal is consistent with the City of Santa Fe growth projections. However, growth concerns in and around the traditional village of Agua Fria and recently annexed areas, include underdeveloped infrastructure such as underdeveloped roads, poor circulation and utilization of individual wells and septic systems. This increases demand on city roads to travel and access commercial and employment centers in and around Santa Fe. The property is a part of the Phase 2 City Initiated Annexation area and lies approximately ¼ mile east of the Village of Agua Fria. Large scale development in and around the village is generally not consistent with village character. As the Agua Fria village and recently annexed area continue to grow, community-based commercial centers, at an appropriate scale, should be encouraged together with developer driven infrastructure to accommodate need. This application does not propose development of a commercial center. However, it allows for adaptive reuse of an existing light industrial building and provides a continued employment base for the City of Santa Fe. I-1 zoning allows limited but flexible uses to encourage sustainable economic development. This approach accommodates some diversity of services along the Siler Road industrial corridor, general area and local economy. Additionally, the approach helps accommodate growth and provide jobs for Santa Fe, while keeping with existing land use patterns in the area.*

- (b) Consistency with other parts of the General Plan;

Applicant response: General Plan policy 3-G-2 states that there shall be a mix of uses and housing types in all parts of the City. The area along this stretch of Agua Fria has historically accommodated a mix of residential, commercial and light industrial uses. Use of the Subject Properties for light industrial purposes will be consistent with this policy and will increase opportunities for centrally located employment for local residents.

Staff response: The property was annexed as part of the Phase 2 City Initiated Annexation. The physical layout and design along this portion of Agua Fria Street from the property to the Siler Road intersection, is predominantly nonresidential in contrast to the rural characteristics of the rural corridor designation. A change in general policy for this area would not conflict with the comprehensive growth policies of the city.

(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

Applicant response: The area north of Agua Fria was annexed to the City in 2009 and has historically accommodated a mix of residential, commercial and industrial areas. Santa Fe River provides a natural division between these mixed uses and primarily residential uses to the north. East of the subject properties is the 10+ acre Ecoversity property, zoned CI/PUD. The area north of the Subject Properties and south of the Santa Fe River and immediately to the west accommodates a mobile home park, a single family residence and a storage yard for well drilling and sand mining equipment. The area north of Agua Fria and to the west includes residential uses, an area recently rezoned to general commercial and, farther west, a mix of commercial, light industrial and residential uses.

Across from the Subject Properties to the South area are properties zoned for mixed use and light industrial uses, with residential uses existing toward the east and the heavy industrial.

The northern Subject Property has been in use for light industrial uses since the early 1980s. Given the mix of land use types in this area, use of the Subject Properties for light industrial purposes will not be significantly different from or inconsistent with the prevailing uses and character of the area.

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

Applicant response: The Subject Properties are 3.9 acres in size and the application is therefore consistent with this provision.

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

Applicant response: The northerly Subject Property has been used for light industrial purposes since the early 1980s. Continued use of the northerly Subject Property for these uses will be consistent with the historic uses and will increase employment opportunities for local residents, benefitting the general public.

Future expansion of those uses onto the southerly Subject Property would be consistent with the nature of the longstanding use as seen from Agua Fria, the primary local street and would further increase local employment opportunities, again benefitting the general public.

Staff response to i, ii & iii: *The current approved land use for the property is Residential. However the property contains a 9000 square foot building constructed for industrial use. Properties to the west include a mix of residential, nonconforming use, commercial and industrial uses. This area represents the outskirts of the R-1 District bordered by Agua Fria Street and I-1, MU and Residential zoning across the street. The change would not be inconsistent with the area and the 3.86± acres is sufficiently large so as to be consistent with city policies. Further, it makes efficient use of a large existing industrially constructed building.*

The applicant has also pointed out available utilities adjacent to the properties as indicated below and the City Traffic Division has requested right-of way to allow for better circulation:

“The Subject Properties are accessed from Boylan Lane and Agua Fria Street. The Subject Properties are served by an existing sewer main running along the westerly boundary and an on-site well. The water line along Agua Fria Street is available to serve future development of the southerly Subject Property.”

The use of the property allows for future developer driven infrastructure to accommodate intensified use. As development occurs, City Utilities and roads improvements become resources to accommodate sustainable development. This provides and promotes accessibility of such resources to adjoining properties, thereby providing much needed infrastructure to the area.

(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 response: *As addressed above, use of the Subject Properties for light industrial uses will be consistent with the longstanding use of the northerly parcel and will promote the general welfare by expanding employment opportunities for local residents.*

Staff response: *A General Plan amendment is a requirement prior to rezoning of the property. The application and review provide information concerning such change and whether the change promotes the general welfare or has other adequate public advantage or justification.*

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

Applicant response: *The northerly Subject Property was developed for light industrial purposes prior to creation of the EZO and was therefore a grand fathered use recognized by the EZO.*

Staff response: *Staff concurs with the Applicant's response. However, the EZO has since been repealed*

(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 response: *Use of the Subject Properties for light industrial uses will create centrally located employment opportunities for local residents and, as addressed above, will be in character with the historic land uses on the Subject Properties and in this mixed use area of the City.*

Staff response: *The applicant's focus for the property is the continued reuse of the existing 9,000 square foot structure. Nothing prevents adaptive reuse of the existing structures to develop within the existing zoning and meeting requirements in accordance with health, safety and welfare. However, a change in zoning from R-1 to I-1 will expand the variety of uses allowed for the property, promoting greater opportunity for economic development. Types of nonresidential uses allowed in an R-1 District are categorized as public, institutional, and civic. The 9,000 square foot industrial building could be adapted to residential uses within the current zoning (R-1). However, this may result in an empty building (as is the case now), massive remodeling or tear down to redevelop in a residential or nonresidential approved district manner. Continued reuse of the existing structure provides for efficient use of the structure and has less of an environmental impact, all of which are promoted in the City's General Plan.*

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

Applicant response: *By facilitating continuation of the historic use of the northerly Subject Property and use of the area in between that use and Agua Fria Street for the same type of use, the GP A will expand the City's employment base and promote infill development, both of which are encouraged by land use policies and related City plans.*

Staff response: *The proposal has been submitted to all appropriate city departments for review and comments. This provides full compliance with all city policies, ordinances and regulations (reference Exhibits B1 through B5 Development Review Team "DRT" responses).*

(2) Additional Criteria for Amendments to Land Use Policies

- (a) the growth and economic projections contained within the general plan are erroneous or have changed;
- (b) no reasonable locations have been provided for certain land uses for which there is a demonstrated need; or
- (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 response (a), (b) and (c): *The proposed amendment to the General Plan Future Land Use Map is warranted because the growth and economic projections and land use designation for the subject properties contained within the general plan are erroneous. When annexing the subject properties and surrounding areas to the City, longstanding land uses in the area were*

not taken into account, including use of the northerly subject parcel for industrial land uses since the early 1980s. The same error was made with respect to the Rivera property just to the west, for which an amendment to the General Plan Future Land Use Map was approved earlier this year to reflect the longstanding commercial use of that property. The longstanding existence of non-residential uses on the subject properties and in the immediate vicinity warrant approval of the requested amendment to the General Plan Future Land Use Map.

Staff response (a),(c) and (d):

Staff is not aware of any specific economic projections contained within the General Plan for this area. Information provided from the Santa Fe Economic Development Department (source "Economic & Industry Snapshot Santa Fe NSA/ County New Mexico June 2014, prepared by the New Mexico Department of Workforce Solutions, Economic Research and Analysis Bureau") identified the following:

- "The Santa Fe MSA* experienced an increase in all-industry GDP** between 2001 and 2012 (about 0. 2 percent annual average growth, the third highest in the state)."
- "The Santa Fe MSA did experience average annual declines of about 3. 2 percent in real GDP between 2008 and 2012. Farmington was the only other MSA to experience real GDP declines."

(*Metropolitan Statistical Area (Santa Fe/Santa Fe County)/**Real Gross Domestic Product is a measurement of the market value of goods and services produced in an area, adjusted for price changes.)

With a decline in heavy industrial uses along Siler Road, the Siler Road area is becoming a hub of business activity with increasing interest in providing commercial services to the area. Given the recent annexation and general development along this corridor segment, consideration for rezoning would not be contrary to general policies. While I-1 Zoning does not support the flexibility in uses as a C-2 District, the I-1 District offers a variety of commercial and light industrial uses supporting a broader range of services while keeping with the general land use patterns of the area. Although general commercial and light industrial districts exist in Santa Fe, diversity of services in this area diminishes the need to travel to other areas of the city thereby improving business activity for the area and overall GDP for Santa Fe.

III. REZONING POLICIES & APPROVAL CRITERIA

Case #2014-64. 2750 Agua Fria Road and 1400 Boylan Lane Rezoning to I-1.

The R-1 default Zoning category was created as part of the annexation process. As part of the process of the city initiated annexation hearings, many areas were assigned categories and zoning designations conducive to existing land use patterns for the areas. The category designated for the proposed properties was R-1 (Residential one (1) dwelling unit to the acre).

A. Chapter 14 -- Santa Fe City Code

Article 14-3.5(C) of Chapter 14 SFCC, establishes approval criteria that the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:

(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 response: *There was a mistake in the original zoning. The Subject Properties and surrounding area north of Agua Fria Street were within County jurisdiction until they were annexed to the City in 2009. The existing 9,000 SF building on the northerly Subject Property was constructed in 1983 and had been in use for light industrial purposes (primarily a well drilling business) since that time. During the annexation process, the property owner requested that the Subject Properties be zoned I-I to reflect the historic use of the northerly Subject Property and the logical future expansion of that use within the southerly Subject Property out to Agua Fria Street. The City did not adopt the I-I zone and instead zoned the Subject Properties R-I, along with the balance of areas north of Agua Fria that did not have County approvals.*

The failure to recognize longstanding uses that did not involve creation by the County of a zoning district was a mistake. Property owners along Agua Fria, such as the owner of the Rivera property just to the west of the Subject Properties, are now having to engage in rezoning applications to rectify these errors. The historic use of the northerly Subject Property, existing +/- 9,000 SF building on that property, commonality of ownership of the southerly Subject Property and the lack of viability of using that property for residential uses warrants correcting the mistake and facilitating centrally-located employment opportunities that will enhance the general welfare.

(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

Applicant response: *The area has historically accommodated a mix of land uses including industrial, commercial and residential. The current City zoning reflect this mix. The area is one of transition between heavier industrial uses to the west and predominantly residential uses to the east. The area north of Agua Fria Street, including the Subject Properties, was annexed to the City in 2009. Instead of adopting zoning designations that reflect existing land uses in this area, the City placed substantially all of the area in the R-I "holding zone." The City Council recently approved an application for C-2 zoning for properties just west of the Subject Property to reflect the longstanding uses of those properties. The same rationale exists for the requested rezoning of the Subject Properties. Rather than changes to the surrounding area, the condition justifying the rezoning is really the change resulting from the City's adoption of a zoning map upon annexation that does not reflect the longstanding land uses in this area.*

Regardless, substantial justification exists to change the zoning of the Subject Properties to reflect the longstanding land uses that have been carried out and that sound planning would address (as to the southerly Subject Property).

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

Applicant response: *The Economic Development Strategy for Implementation states as its first objective the diversification of the Santa Fe economy with an emphasis on high wage jobs and career paths. The requested rezoning will allow for continued use of an existing +/- 9,000 SF building on the northerly Subject Property for its designed purpose, which will facilitate creation of centrally located jobs available to local residents and will allow for future expansion of those uses onto the southerly Subject Property, creating additional jobs.*

In the 2010 Mayor's Report on Job Creation, former Mayor David Coss stated "our homegrown Santa Fe businesses have always been our greatest asset, and now, as the economy evolves, we are working to create the right environment for entrepreneurs to be successful."

While it is not part of the application, the rezoning will facilitate relocation of a home grown business that has achieved national commitments for its products and is in immediate need of substantial light industrial space to assemble its products and to expand in the future. The Subject Properties are an ideal location for this business and the rezoning will have a substantial and positive effect on Santa Fe's economy.

Staff response (i), (ii) and (iii): *There was no error in the original zoning that was established for this large area annexed into the city. It is not clear if during the review, consideration was given to this specific area and existing conditions for designation. However, as the city has developed around Siler Road, the introduction of smaller lots over time, and the city initiated annexation, Siler Road has become more of an area for business activity and less an area for industrial uses. While both use types exist, diversification in uses may be more advantageous to the community.*

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

Applicant response: The rezoning requirements of Chapter 14 are addressed herein and the application is consistent with those requirements.

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

Applicant response: *Prior to consideration of the rezoning request, the future land use map will have been amended, resulting in consistency of the rezoning request with the General Plan.*

- (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 response: *General Plan Land Use Policy 3-G-3 states "there shall be infill development at densities that support the construction of affordable housing and a designated mix of land uses that provide an adequate balance of service retail and employment opportunities "*

The rezoning request will increase the amount of centrally located land available for light industrial employment generating uses, will reflect longstanding uses of the Subject Properties and will avoid urban sprawl.

Staff response(b), (c) and (d): *The applicant has addressed the application requirements. As indicated above, the change would not be inconsistent with the area and the 3.86± acres is sufficiently large so as to be consistent with city rezoning policies.*

- (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 response: *The Subject Properties are currently served by Boylan Land and Agua Fria Street. No access concerns exist. An existing sewer main runs along the west side of the subject properties. The existing building on the northerly Subject Property is served by an on-site well. The existing water main along Agua Fria Street can be extended at property-owner expense to serve future development of the southerly subject property. Santa Fe Fire Department Station 7, located next to the Chavez Center is approximately 2 miles from the Subject Properties.*

Staff response: *The proposal is submitted to all appropriate city departments for review and comments to the reviewing bodies. This provides full compliance with all city policies, ordinances and regulations (reference Exhibits B Development Review Team "DRT" responses)." Comments received include recommended conditions for development on the property.*

- (2) Unless the proposed change is consistent with applicable *general plan* policies, the planning commission and the governing body shall not recommend or approve any rezoning, the practical effect of which is to:

- (a) allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area;
- (b) affect an area of less than two acres, unless adjusting boundaries between districts; or
- (c) benefit one or a few landowners at the expense of the surrounding landowners or general public.

Applicant response: *As addressed herein, the application is consistent with applicable general plan policies. Even if it were not, the proposed uses would not significantly change the character of the prevailing mixed uses in the vicinity, the Subject Properties are 3.9 acres in size and the expansion of centrally located employment opportunities for local residents will benefit the general public and will not have a substantial negative impact on the landowners of surrounding mixed uses.*

Staff response: *The proposed request to rezone from R-1 to I-1 is consistent with that portion of the R-1 District closest to the I-1 and 2, MU, C-2 Districts along Agua Fria Street where the predominant use is nonresidential. The rezoning provides suitable infill development to the area, adaptive reuse of nonresidential buildings and supports diversified economic development for*

the area. DRT comments identify appropriate upgrades necessary to accommodate increased intensity to the area brought about by the rezoning and development and use forecasts (reference I-1 use list on Exhibit C-3).

IV. CONCLUSION

The proposal satisfies the criteria in Chapter 14 for General Plan Amendment and Rezoning. The proposed requests do not conflict with the General Plan policies of the City nor conflict with existing uses in the area. A rezoning will accommodate growth for the area and economic development for Santa Fe, while keeping with existing land use patterns in the area. Comments have been provided from other City reviewing Divisions that create conditions necessary to promote appropriate infrastructure to accommodate infill development.

V. EXHIBITS:

Exhibit A - Conditions

Exhibit B -DRT comments

- B1: Wastewater Management
- B2: Water Division
- B3: Technical Review Division
- B4: Traffic Engineering
- B5: Fire Marshal

Exhibit C- Future Land Use, Zoning map and I-1 Use list

- C1: Land Use Map
- C2: Zoning Map
- C3: I-1 Permitted Use List

Exhibit D - ENN

Exhibit E - Applicant submittals

- E1: General Plan and Rezoning information

Packet Attachment -Plans and Maps

August 7, 2014
Planning Commission
Case # 2014-63 and 64

**BFFM GENERAL PLAN AMENDMENT AND
REZONING TO LIGHT INDUSTRIAL**

EXHIBIT A

CONDITIONS

PLANNING COMMISSION

EXHI A
Conditions of Approval
Case 2014-64
BFFM Rezoning To Light Industrial

	Condition	Department	Staff
1	1. The Developer shall Make an irrevocable offer to dedicate a 42' wide Public Right-of-Way (ROW) to the City of Santa Fe extending from Agua Fria Road to the northern boundary of Lot 2A. This ROW offer shall include a 15' wide by 343.5' long portion of Lot 1B-1 (1400 Boylan Lane) that is adjacent to the eastern boundary of Lot 2A (2750 Agua Fria) and an additional 27' wide by 343.5' portion along the eastern boundary of Lot 2A.	Traffic Engineering Division	Sandra Kassens July 25, 2014
	2. At the time of development of Lot 2A:		
	<ul style="list-style-type: none"> a. The Developer shall construct a roadway from Agua Fria to the northern boundary of Lot 2A that meets the City of Santa standards for a sub-collector road; b. The Developer shall dedicate a 42' ROW that shall connect Boylan Lane and Boylan Circle, (more or less in an east-west alignment); the location shall be determined after review and approval by the Public Works Department of the development plan prior to dedication; and c. The Developer shall build a road in this east-west ROW that meets the City of Santa Fe standards for a lane. 		
2	1. The Distance of driveway shown requires a designated Fire Department turnaround as per IFC.	Fire Marshal	Reynaldo Gonzalez July 28, 2014
	2. Fire suppression system may be required to meet fire flow and to meet any I-1 requirements.		
	3. Access to building with designated fire lane to meet the 150 feet distance to any portion of the building.		

August 7, 2014
Planning Commission
Case # 2014-63 and 64

**BFFM GENERAL PLAN AMENDMENT AND
REZONING TO LIGHT INDUSTRIAL**

EXHIBIT B

DRT COMMENTS AND CONDITIONS

PLANNING COMMISSION

City of Santa Fe, New Mexico

memo

DATE: July 7, 2014
TO: Dan Esquibel, Case Manager
FROM: Stan Holland, Engineer, Wastewater Division
SUBJECT: Case #2014-63 & 64 – 2750 Agua Fria Road and 1400 Boylan Lane
General Plan Amendment

The subject property is not accessible (within 200 feet) to the City public sewer system. Prior to any new development or improvement on the lot, the owner shall obtain a septic system permit from the State of New Mexico Environment Department.

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

City of Santa Fe
memo

DATE: July 8, 2014

TO: Dan Esquibel, Land Use Planner, Land Use Department

FROM: Dee Beingessner, Water Division Engineer *DB*

SUBJECT: Case # 2014-63 & 64 2750 Agua Fria Road and 1400 Boylan Lane General Plan Amendment

There is no account for water service for 2750 Agua Fria Road. If City water service is needed for the property, a main extension may be required.

Fire protection requirements are addressed by the Fire Department.

ESQUIBEL, DANIEL A.

From: ZAXUS, RISANA B.
Sent: Thursday, July 17, 2014 1:48 PM
To: ESQUIBEL, DANIEL A.
Subject: 2750 Agua Fria Road

Mr. Esquibel:

I have no review comments for Case # 2014-63/64, 2750 Agua Fria Road General Plan Amendment and Rezoning.

RB Zaxus, PE
City Engineer for Land Use
City of Santa Fe

City of Santa Fe, New Mexico

memo

DATE: July 25, 2014 (Amended from 7-16-14 Comments)

TO: Dan Esquibel, Land Use Division

VIA: John J. Romero, Traffic Engineering Division Director

FROM: Sandra Kassens, Engineer Assistant *SK*

SUBJECT: 2750 Agua Fria Road and 1400 Boylan Lane GPA and Rezoning. (Case# 2014-63 and 64)

ISSUE:

Sommer Karnes & Associates, LLC, agents for BFFM, request approval of a General Plan Future Land Use Map Amendment to change the designation of 4.65± acres from Rural/Mountain/Corridor (1 dwelling unit per acre) to Business Park. In addition, they request rezoning to change the designation of 4.65± acres from R-1 (Residential, 1 dwelling unit per acre) to I-1 (Light Industrial). The Properties are and located at 2750 Agua Fria Road (currently vacant) and 1400 Boylan Lane.

RECOMMENDED ACTION:

Review comments are based on submittals received on July 2, 2014. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:


1. The Developer shall Make an irrevocable offer to dedicate a 42' wide Public Right-of-Way (ROW) to the City of Santa Fe extending from Agua Fria Road to the northern boundary of Lot 2A. This ROW offer shall include a 15' wide by 343.5' long portion of Lot 1B-1 (1400 Boylan Lane) that is adjacent to the eastern boundary of Lot 2A (2750 Agua Fria) and an additional 27' wide by 343.5' portion along the eastern boundary of Lot 2A.
2. At the time of development of Lot 2A:
 - a. The Developer shall construct a roadway from Agua Fria to the northern boundary of Lot 2A that meets the City of Santa standards for a sub-collector road;
 - b. The Developer shall dedicate a 42' ROW that shall connect Boylan Lane and Boylan Circle, (more or less in an east-west alignment); the location shall be determined after review and approval by the Public Works Department of the development plan prior to dedication; and
 - c. The Developer shall build a road in this east-west ROW that meets the City of Santa Fe standards for a lane.

If you have any questions or need any more information, feel free to contact me at 955-6697.

Thank you.

City of Santa Fe, New Mexico

memo

DATE: July 28, 2014
TO: Case Manager: Dan Esquibel
FROM: Reynaldo D Gonzales, Fire Marshal 
SUBJECT: 2014-63 & 64 2750 Agua Fria Road and 1400 Boylan Lane

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to approval by Planning Commission. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

For rezoning from an R-1 to I-1 due to the large possibilities that are permit able under an I-1 from Light Hazard, special Use Permits and Accessory Uses there is a wide variety of requirements that may need to be met.

Current concerns

1. Does not meet water supply requirements as per the IFC for fire suppression.
2. Does not meet Emergency access with required fire department turn-around.

Any Change of use or modifications more information will be required for review and if need be variances granted:

1. The Distance of driveway shown requires a designated Fire Department turn-around as per IFC.
2. Fire suppression system may be required to meet fire flow and to meet any I-1 requirements.
3. Access to building with designated fire lane to meet the 150 feet distance to any portion of the building.

August 7, 2014
Planning Commission
Case # 2014-63 and 64
**BFFM GENERAL PLAN AMENDMENT AND
REZONING TO LIGHT INDUSTRIAL**

EXHIBIT C

FUTURE LAND USE, ZONING MAP AND I-1 USE LIST

PLANNING COMMISSION

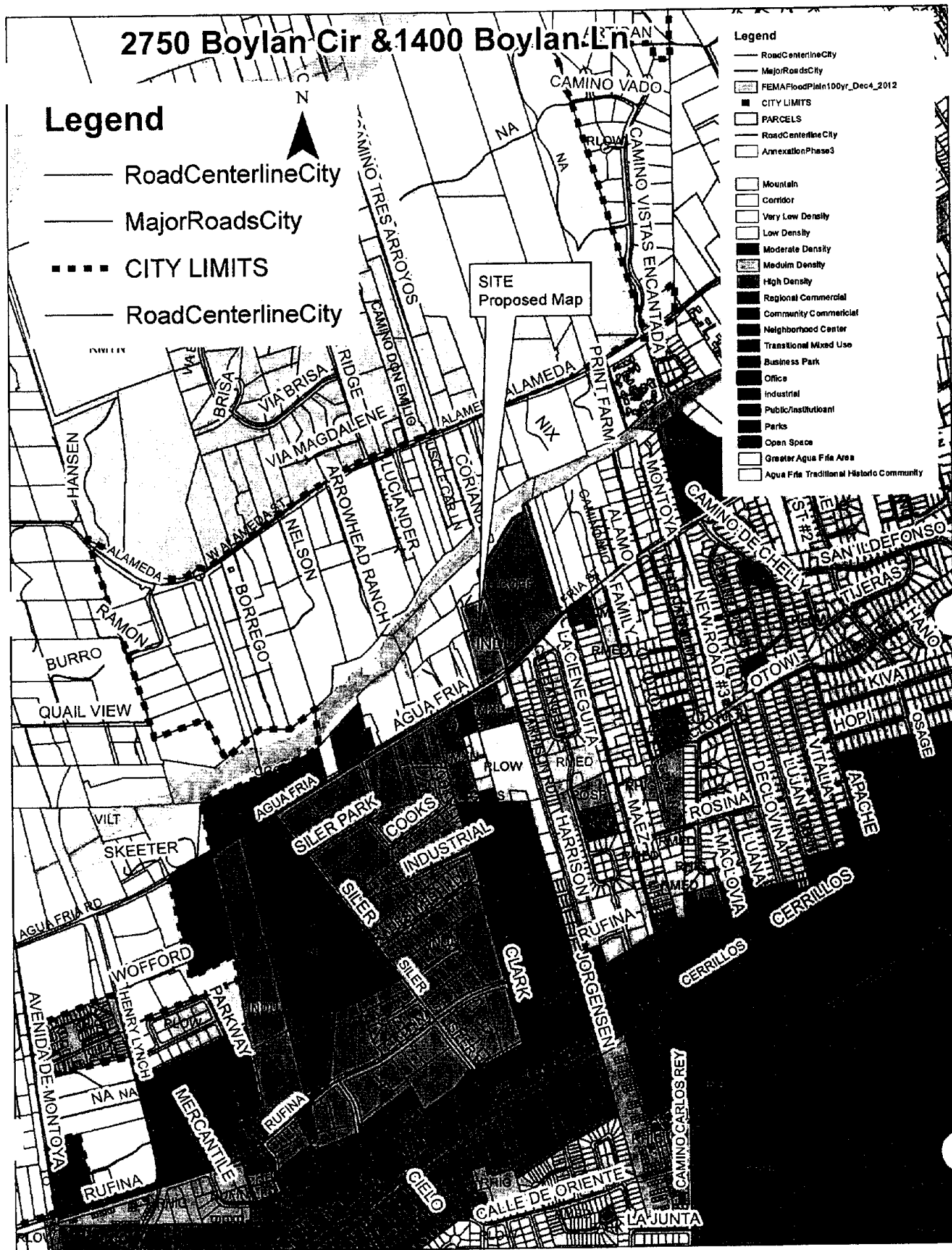
2750 Boylan Cir & 1400 Boylan Ln

Legend

- RoadCenterlineCity
- MajorRoadsCity
- CITY LIMITS
- RoadCenterlineCity

Legend

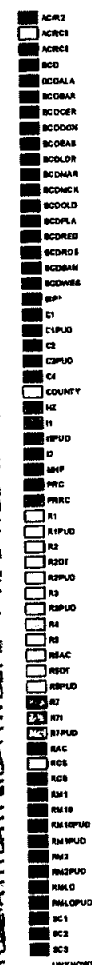
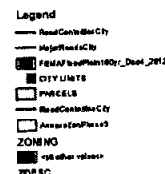
- RoadCenterlineCity
- MajorRoadsCity
- FEMA Flood Plain 100yr_Dec4_2012
- CITY LIMITS
- PARCELS
- RoadCenterlineCity
- AnnexationPhase3
- Mountain
- Corridor
- Very Low Density
- Low Density
- Moderate Density
- Medium Density
- High Density
- Regional Commercial
- Community Commercial
- Neighborhood Center
- Transitional Mixed Use
- Business Park
- Office
- Industrial
- Public/Institutional
- Parks
- Open Space
- Greater Agua Fria Area
- Agua Fria Traditional Historic Community



Legend

——— RoadCenterlineCity
 ——— MajorRoadsCity
 CITY LIMITS
 ——— RoadCenterlineCity

SITE
Proposed Zoning Map



I-1 Light Industrial District

The I-1 district is intended primarily for light manufacturing, processing, storage, warehousing, distribution and similar commercial uses. Regulations are intended to prevent friction between uses within the district and also to protect nearby *residential* districts.

Permitted Uses

1. Antique stores
2. Art supply stores
3. Arts & crafts schools
4. Arts & crafts studios, galleries & shops; gift shops for the sale of arts & crafts
5. Automobile service & repair establishments including filling stations & repair
6. Banks, credit unions (without drive-through)
7. Banks, credits unions (with drive-through) ☼
8. Bar, cocktail lounge, nightclub (no outdoor entertainment)
9. Bar, cocktail lounge, nightclub with outdoor entertainment ☼
10. Barber shops & beauty salons
11. Bed & breakfast
12. Bookshops
13. Cabinet shops (custom)
14. Clubs & lodges (private) ☼
15. Colleges & universities (non-residential)
16. Commercial parking lots & garages
17. Commercial recreational uses & structures; theaters; bowling alleys, pool-rooms, driving ranges, etc
18. Dance studios
19. Daycare; preschool; for infants & children (6 or fewer)
20. Department & discount stores
21. Electrical distribution facilities
22. Electrical substation
23. Electrical switching station
24. Electrical transmission lines
25. Exercise, spas or gym facilities
26. Fire stations
27. Flea markets
28. Florist shops
29. Funeral homes or mortuaries
30. Furniture stores
31. Hotels, motels, residential suite hotels
32. Human service establishments ☼
33. Kennels
34. Laboratories; research, experimental & testing
35. Light assembly & manufacturing

Updated June 18, 2013

36. Lodging facilities, conference & extended stay
37. Medical & dental offices & clinics
38. Mini-storage units
39. Museums
40. Non-profit theaters for production of live shows
41. Office equipment sales & service; retail sale of office equipment
42. Offices; business & professional, excluding medical, dental & financial services
43. Outdoor storage lots & yards, except wrecking yards, junkyards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage or second-hand building materials, junk automobiles or second-hand automobile parts
44. Personal care facilities for the elderly
45. Personal service establishments including cleaning & laundry, appliance repair & similar services
46. Pharmacies or apothecary shops
47. Photographers studios
48. Police stations
49. Police substations
50. Public parks, playgrounds & playfields
51. Religious Assembly (all)
52. Religious educational & charitable institutions (no schools or assembly uses) ☼
53. Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area ☼
54. Restaurant with drive-through or drive-up ☼
55. Restaurant; fast service, take out, no drive-through or drive-up
56. Restaurant; full service with or without incidental alcohol service
57. Retail & service uses intended to serve the primary uses & do not exceed 5,000 square feet
58. Retail establishments not listed elsewhere
59. Sexually oriented businesses (all)
60. Storage areas – individual within a completely enclosed building
61. Tailoring & dressmaking shops
62. Time share vacation projects
63. Tire recapping & retreading
64. Transit transfer facilities
65. Utilities (all, including natural gas regulation station, telephone exchange, water or sewage pumping station, water storage facility)
66. Veterinary establishments, pet grooming
67. Vocational & trade schools (light industrial)
68. Vocational & trade schools (non-industrial)
69. Wholesaling & distribution operations; 3,000 square feet or less of storage
70. Wholesaling & distribution operations; over 3,000 square feet of storage

☼ Requires a **Special Use Permit** if located within 200 feet of residentially zoned property.

Updated June 18, 2013

Special Use Permits

The following uses may be conditionally permitted in I-1 districts subject to a Special Use Permit:

1. Daycare & preschool for infants & children (more than 6)
2. Schools; Elementary & secondary (public & private)

Accessory Uses

The following accessory uses are permitted in I-1 districts:

1. Accessory dwelling units
2. Accessory structures, permanent, temporary or portable, not constructed of solid building materials; covers; accessory structures exceeding 30 inches from the ground
3. Barbecue pits, swimming pools (private)
4. Children play areas & equipment
5. Daycare for infants & children (private)
6. Garages (private)
7. Greenhouses (non-commercial)
8. Home occupations
9. Incidental & subordinate uses & structures
10. Residential use ancillary to an approved use

Dimensional Standards

Minimum district size	None; except as may be needed to satisfy other I-1 district limitations
Maximum height:	65; provided that any part of the building exceeding 36 feet in height shall be set back from each yard line at least one foot for each two feet of additional building height above 36 feet
Minimum setbacks:	Street 5; side 0, rear 10 Where rear yard abuts a residential neighborhood no less than 25 feet rear yard setback shall be provided or 20% of the depth of the lot, whichever is less. A 15 foot buffer is required for non-residential uses adjacent to residential uses.
Max lot cover:	50

August 7, 2014
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Case # 2014-63 and 64

**BFFM GENERAL PLAN AMENDMENT AND
REZONING TO LIGHT INDUSTRIAL**

EXHIBIT D

ENN

PLANNING COMMISSION



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

<i>Project Name</i>	Awesome Harvest Rezoning
<i>Project Location</i>	2750 Agua Fria & 1400 Boylan Circle
<i>Project Description</i>	General Plan Amendment & Rezoning of approximately 2.7 acres from R-1 to I-1
<i>Applicant / Owner</i>	BFFM, LLC
<i>Agent</i>	Sommer Karnes & Associates – Joseph Karnes
<i>Pre-App Meeting Date</i>	May 08, 2014
<i>ENN Meeting Date</i>	June 10, 2014
<i>ENN Meeting Location</i>	1730 Llano Street – Oliver LaFarge Library
<i>Application Type</i>	Early Neighborhood Notification Meeting
<i>Land Use Staff</i>	Dan Esquibel
<i>Other Staff</i>	
<i>Attendance</i>	10

Notes/Comments:

The ENN was conducted on June 10, 2014 at 1730 Llano Street – Oliver LaFarge Library. Ten persons attended the meeting including representatives from Awesome Harvest, who conducted the meeting, and Sommer Karnes & Associates, LLP, agent for BFFM. The following concerns were raised:

1. The hours of operations.
2. the type of trucks used for the business and if there was a weight limitation on Agua Fria St.
3. Longer term impact to the neighborhood with industrial zoning.



ENN GUIDELINES

Applicant Information

Project Name: Awesome Harvest General Plan Amendment and Rezoning

Name: BFFM, LLC

Last

First

M.I.

Address: 2011 Botolph Road, Ste 200

Street Address

Suite/Unit #

Santa Fe

NM

87505

City

State

ZIP Code

Phone: (505) 986-2800

E-mail Address:

johnf@santafeoffices.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.*

The Project will not result in additional structures and will not directly affect the character of the neighborhood. The project will facilitate future expansion of the historic light industrial use of the northerly parcel. Future buildings on the southerly parcel will be in character with the existing structure and the mixed use character of this area, which was substantially developed when the area was under County jurisdiction.

(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.*

The Project will not result in additional structures and will not directly affect the physical environment. Future applications will comply with all City regulations, which contain protections for the physical environment.

(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.*

The Project will not result in additional structures and will not directly affect archaeological or cultural resources. Future applications will comply with all City regulations, which contain protections for archaeological and cultural resources.

(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 area was recently annexed to the City and contains a mix of land uses between Agua Fria and the River as well as south of Agua Fria (which historically has been within the City limits) and includes a mix of areas planned and used for light industrial, mixed use and residential uses, and to the west, heavy industrial uses within the Siler Road industrial area. The area north of Agua Fria was annexed with a blanket General Plan designation of R-1, which does not reflect the mix of existing uses, such as the parcel immediately to the west, which supports a mobile home park and storage of sand mining equipment. The northerly property has historically been used for light industrial purposes and expansion of that use to Agua Fria will maintain the character of the existing use and further general plan policies for location of light industrial uses in appropriate areas.

(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.*

The Project will not directly generate traffic. Use of the property for light industrial purposes will likely generate vehicle trips on the same order as would use of the property for the currently planned residential uses and similar effects on traffic flow.

(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 Project would have a direct positive impact on Santa Fe's economic base. The property owner has signed a long-term lease of the property to a Green business, contingent upon project approval, which will make use of the existing building on the north parcel, with potential for expansion to the south parcel (which would be subject to a separate application). The business is currently operating in Santa Fe and has existing contracts that generate a substantial demand for the product and which will increase employment by the business substantially in coming years. The Project will enable this economic development to occur in an area that already supports existing light industrial uses.

(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 Project will not directly affect housing availability. The Project will generate jobs, which will incrementally increase demand for housing in Santa Fe and will generate GRT, which will incrementally increase the funds available to the City for affordable housing projects.

(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 Project will not directly generate a demand for public services. Use of the properties for light industrial purposes will likely generate a similar demand for services as would the currently planned residential uses, except that the demand for school services would be non-existent with light industrial use.

(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.*

The Project will not directly generate a demand for water. Use of the properties for light industrial purposes will likely generate a similar demand for services as would the currently planned residential uses. The water demand for the light industrial use committed to occupy the existing building on the northerly parcel is minimal.

(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.*

The Project will recognize the historic light industrial use present on the northerly parcel and the mixed uses present in the vicinity. Use of the Property for light industrial uses will promote infill development and will generate employment Santa Fe's urban area.

(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 Project will encourage compact urban form by facilitating continuation of the historic use of the Property for light-industrial uses and providing opportunity for expansion within an area that contains a mix of land uses. Increasing the opportunity for jobs in the greater downtown area, with its abundance of existing residential areas.

(l) ADDITIONAL COMMENTS (optional)

August 7, 2014
Planning Commission
Case # 2014-63 and 64

**BFFM GENERAL PLAN AMENDMENT AND
REZONING TO LIGHT INDUSTRIAL**

EXHIBIT E

APPLICANT SUBMITTALS

PLANNING COMMISSION

SOMMER KARNES & ASSOCIATES LLP

Mailing Address
Post Office Box 2476
Santa Fe, New Mexico 87504-2476

Street Address
200 West Marcy Street, Suite 133
Santa Fe, New Mexico 87501

Telephone: (505) 989.3800
Facsimile: (505) 982.1745

Karl H. Sommer, Attorney at Law
khs@sommer-assoc.com
Joseph M. Karnes, Attorney at Law
jmk@sommer-assoc.com

Mychal L. Delgado, Certified Paralegal
mld@sommer-assoc.com

James R. Hawley, Attorney at Law
Of Counsel
Licensed in New Mexico and California
jrh@sommer-assoc.com

June 20, 2014

Via Hand Delivery and Email

Tamara Baer, Planner Manager
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Re: Awesome Harvest General Plan Amendment and Rezoning Application

Dear Tamara:

On behalf of the applicant, BFFM, LLC, enclosed is are application for a General Plan amendment and for a rezoning of the properties at 2750 Agua Fria Road (2.73 ac.) (the "northerly Subject Property") and 1400 Boylan Lane (1.19 ac) (the "Southerly Subject Property").

The two properties are located on the north side of Agua Fria Road and south of the Santa Fe River. The properties are located adjacent and west of the "Ecoversity" C-1 PUD and adjacent to and east of the Boylan mobilehome park and the Boylan sand mining/well drilling storage area. The Subject Properties are accessed via Boylan Lane, which is part of the northerly Subject Property.

There is a +/- 9,000 SF metal building located on the northerly Subject Property, which was constructed in the early 1980's, when the subject Properties and surrounding areas were within County jurisdiction. The building has been used for light industrial purposes, including a well drilling business. The southerly Subject Property is vacant.

The Subject Properties and surrounding area were annexed to the City in 2009. The City included the Subject Properties and most of the nearby lands on the north side of Agua Fria in the Residential 1-unit per acre General Plan category and the R-1 zoning district. These designations did not take into account the historic use of the northerly Subject Property.

The primary purpose of the GPA and rezoning request is to facilitate use of the properties for operation of the Awesome Harvest business, which plans to lease the existing building and to use a portion of the Agua Fria Road property for parking. This use is not part of the application, and is expected to need only issuance of a certificate of occupancy following the GPA and rezoning approvals to commence operation.

SOMMER KARNES & ASSOCIATES LLP

Tamara Baer
June 20, 2014
Page 2 of 2

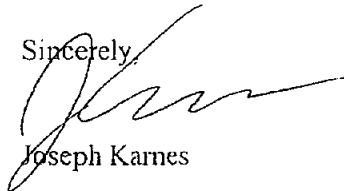
Awesome Harvest assembles grow bags for shipping and retail sale at major retailers around the Country. The company currently operates in Santa Fe at a location on Early Street. Awesome Harvest has secured contracts calling for substantial amounts of product, which necessitate a substantially larger assembly facility. The building on the northerly Subject Property suits their needs perfectly and will not require any exterior modifications (or a development plan). Awesome Harvest plans to use a portion of the southerly Subject Property for parking and plans to eventually expand their business via construction of a building on that property. Awesome Harvest expects to increase its employment from the current 6 employees to between 50-60 within the next 3 years.

The GPA and rezoning are warranted based on the longstanding historic use of the northerly Subject Property for industrial uses. The large building is not suited for residential use and would not serve well for commercial purposes. The currently vacant southerly Subject Property, located between the building and Agua Fria Road is also suited for light industrial purposes, given the non-residential uses and designations of the property to the north (the Boylan Lane property), east (Ecoversity) and south (mixed use and residential). Given the surrounding uses, it is not well suited for residential use and in addition, there is greater need for job-producing light industrial land than additional vacant residentially-designated land.

Approval of the applications would facilitate continuation of the longstanding use of the building on the northerly Subject Property for its originally-intended and realized light industrial purpose, would enable a thriving local business to achieve its desire of staying in Santa Fe and would expand the relatively small amount of centrally-located light industrially-designated land in an area that is well-suited for such use.

Please let me know if you need any additional information.

Sincerely,



Joseph Karnes



(date stamp)

GENERAL PLAN AMENDMENT APPLICATION

Parcel Information

Project Name: AWESOME HARVEST GPA
Address: 2750 AQUA FRIA RD, 1400 BOLLARD LN Property Size: 2.73 AC, 1.19 AC
Current Use of Land: R-1 Proposed Use of Land: I
Does an annexation application accompany this application? YES ☐ NO ☒ Does a rezoning application accompany this application? YES ☒ NO ☐
Early Neighborhood Notice (ENN) meeting date: 6/10/14
Preapplication Conference Date: 5/18/14

Property Owner Information

Name: BFFM, LLC
Address: P.O. BOX 1769 Suite/Unit # 1417 87504
Street Address SANTA FE State ZIP Code
City
Phone: (505) 820-1900 E-mail Address: JOHN.F@SANTAFECOFFICES.COM

Applicant/Agent Information (if different from owner)

Company Name: Sommer KARNES & ASSOCIATES, LLP
Name: JOSEPH KARNES
Address: 200 W. MARCY ST, Suite/Unit # 133
Street Address SANTA FE, State ZIP Code
City
Phone: (505) 484-3800 E-mail Address: JMK@SOMMER-ASSOC.COM

Correspondence Directed to: ☐ Owner ☒ Applicant ☐ Both

Agent Authorization (if applicable)

I am/We are the owner(s) and record title holder(s) of the property located at: 2750 AQUA FRIA & 1400 BOLLARD LN

I/We authorize Sommer KARNES & ASSOCIATES to act as my/our agent to execute this application.

Signed: BFFM, LLC Date: June 18, 2014

Signed: By: John R. Fox, member/manager - med Date:

Submittal Checklist (Requirements found in Section 14-3.2 SFCC 1987)

☒ Six (6) 24"x36" plan sets and one (1) CD are required. Please include the following:

<input checked="" type="checkbox"/> Letter of Application (intent, location, acreage)	<input checked="" type="checkbox"/> Statement addressing approval criteria	<input checked="" type="checkbox"/> Legal Lot of Record, Legal Description	<input type="checkbox"/> Development Plan (as defined by Section 14-3.8 SFCC 1987, if applicable)	<input type="checkbox"/> Proof of Compliance with Conditions of Annexation Approval (if applicable)
<input type="checkbox"/> Letter of Water and Sewer Availability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

General Plan Amendment Approval Criteria (Section 14-3.2(E) SFCC 1987)

(1) Criteria for All Amendments to the General Plan

The planning commission and the governing body shall review all general plan amendment proposals on the basis of the following criteria, and shall make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any amendment to the general plan:

- (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;
- (b) consistency with other parts of the general plan;
- (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 few landowners 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;
- (e) compliance with the extraterritorial zoning ordinances and extraterritorial plans;
- (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
- (g) consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.

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

Signature

I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 1987. Failure to meet these standards may result in the rejection of my application. I also certify that I have met with the City's Current Planning staff in a preapplication meeting to verify that the attached proposal is in compliance with the City's zoning and annexation requirements.

Signature: _____

Date: _____

6/20/14

A case manager will be assigned to your project and will notify you within 10 business days if any additional information is needed. After your application has been reviewed by City staff, you will be contacted by us regarding public notice requirements. A packet of information and instructions will be provided regarding the required mailing and sign posting. Thank you, and feel free to contact the Land Use Department staff at (505) 955-6585 with any questions.



(date stamp)

**REZONING
APPLICATION
14-3.5**

Parcel Information

Project Name: Awesome Harvest Property Size: 2.73 AC ~~1.19 AC~~
Address: 2750 AGUA FRIA RD, 1400 Boylan Lane Rezoning
Current Zoning: R-1 Proposed Zoning: I-1
Does a Development Plan application accompany this application? ☐ YES ☒ NO
Preapplication Conference Date: 5/8/14 UPC Code Number: _____
Early Neighborhood Notice (ENN) meeting date: 6/10/14

Property Owner Information

Name: BFFM LLC
Address: PO Box 1769
Street Address: SANTA FE Suite/Unit #: NM 87504
City: _____ State: _____ ZIP Code: _____
Phone: 505 820-1800 E-mail Address: JOHN.F@SANTA.FE.OFFICES.COM

Applicant/Agent Information (if different from owner)

Company Name: Sommer KARNES & ASSOCIATES, LLP
Name: Joseph KARNES
Address: 200 W. MARCH ST 137
Street Address: SANTA FE Suite/Unit #: NM 87501
City: _____ State: _____ ZIP Code: _____
Phone: 989-3800 E-mail Address: JMK@SOMMER-ASSOC.COM

Correspondence Directed to: ☐ Owner ☒ Applicant ☐ Both

Agent Authorization (if applicable)

I am/We are the owner(s) and record title holder(s) of the property located at: 2750 AGUA FRIA RD, 1400 Boylan Lane
I/We authorize SOMMER KARNES & ASSOCIATES to act as my/our agent to execute this application.
Signed: BFFM, LLC Date: June 18, 2014
Signed: By: John R. Fox, member/manager Date: _____

A case manager will be assigned to your project and will notify you within 10 business days if any additional information is needed. After your application has been reviewed by City staff, we will contact you regarding public notice requirements. A packet of information and instructions will be provided regarding the required mailing and sign posting. Please contact the Land Use Department staff at (505) 955-6585 with any questions.

Submittal Checklist (Requirements found in Section 14-3.5 SFCC 1987)

Six (6) 24"x36" or 11"x17" scalable plan sets and 1 CD with a PDF copy are required. Submittal requirements may vary based on the individual application and the requested zoning district. The City reserves the right to request additional information at any time during the review process. See Section 14-4 and 14-5 SFCC 1987 for rezoning regulations related to specific zones. Please include the following and check box to indicate submittal:

<input checked="" type="checkbox"/> Letter of Application (intent, location, acreage)	<input checked="" type="checkbox"/> Narrative addressing approval criteria (see below)	<input checked="" type="checkbox"/> Legal Lot of Record, Legal Description	<input type="checkbox"/> Development Plan (see Section 14-3.8 SFCC 1987) <input checked="" type="checkbox"/> No Development Plan (SKETCH)	<input type="checkbox"/> Landscape, Parking and Lighting Plan, Signage Specifications
<input type="checkbox"/> Terrain Management Plans (as required by Section 14-8.2 SFCC 1987)	<input type="checkbox"/> Traffic Impact Analysis (if required)	<input type="checkbox"/> Archaeological Clearance (if applicable)	<input type="checkbox"/> Sewer and Water Plan (including profiles and details), letter of availability (if applicable)	<input type="checkbox"/> Phasing Plan (if applicable)

Rezoning Approval Criteria, Sections 14-3.5(C) and (D) SFCC 1987

(C) Approval Criteria

(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;
 - (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 general plan or other adopted city plans;
- (b) all the rezoning requirements of Chapter 14 have been met;
- (c) the rezoning is consistent with the applicable policies of the general plan, including the future land use map;
- (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; and
- (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.

(2) Unless the proposed change is consistent with applicable general plan policies, the planning commission and the governing body shall not recommend or approve any rezoning, the practical effect of which is to:

- (a) allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area;
- (b) affect an area of less than two acres, unless adjusting boundaries between districts; or
- (c) benefit one or a few landowners at the expense of the surrounding landowners or general public.

(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.

Signature

I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 1987. Failure to meet these standards may result in the rejection of my application. I also certify that I have met with the City's Current Planning staff in a preapplication meeting to verify that the attached proposal is in compliance with the City's zoning requirements.

Signature: _____

Updated 12/12/12

Date: _____

6/20/14

Awesome Harvest General Plan Amendment Criteria Statement

The Applicant provides the following responses to the City Code criteria for approval of General Plan Amendments.

(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;

Response: Use of the Subject Properties for light industrial will facilitate creation of centrally located jobs available to local residents, consistent with the historic use of the northerly Subject Property for light industrial use. The Subject Properties are accessed from Boylan Lane and Agua Fria Street. The Subject Properties are served by an existing sewer main running along the westerly boundary and an on-site well. The water line along Agua Fria Street is available to serve future development of the southerly Subject Property.

(b) consistency with other parts of the general plan;

Response: General Plan policy 3-G-2 states that there shall be a mix of uses and housing types in all parts of the City. The area along this stretch of Agua Fria has historically accommodated a mix of residential, commercial and light industrial uses. Use of the Subject Properties for light industrial purposes will be consistent with this policy and will increase opportunities for centrally located employment for local residents.

(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

Response: The area north of Agua Fria was annexed to the City in 2009 and has historically accommodated a mix of residential, commercial and industrial areas. Santa Fe River provides a natural division between these mixed uses and primarily residential uses to the north. East of the subject properties is the 10+ acre Ecoversity property, zoned C1/PUD. The area north of the Subject Properties and south of the Santa Fe River and immediately to the west accommodates a mobile home park, a single family residence and a storage yard for well drilling and sand mining equipment. The area north of Agua Fria and to the west includes residential uses, an area recently rezoned to general commercial and, farther west, a mix of commercial, light industrial and residential uses.

Across from the Subject Properties to the South area are properties zoned for mixed use and light industrial uses, with residential uses existing toward the east and the heavy industrial.

The northern Subject Property has been in use for light industrial uses since the early 1980's. Given the mix of land use types in this area, use of the Subject Properties for light industrial purposes will not be significantly different from or inconsistent with the prevailing uses and character of the area.

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

Response: The Subject Properties are 3.9 acres in size and the application is therefore consistent with this provision.

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

Response: The northerly Subject Property has been used for light industrial purposes since the early 1980's. Continued use of the northerly Subject Property for these uses will be consistent with the historic uses and will increase employment opportunities for local residents, benefitting the general public. Future expansion of those uses onto the southerly Subject Property would be consistent with the nature of the longstanding use as seen from Agua Fria, the primary local street and would further increase local employment opportunities, again benefitting 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;

Response: As addressed above, use of the Subject Properties for light industrial uses will be consistent with the longstanding use of the northerly parcel and will promote the general welfare by expanding employment opportunities for local residents.

(e) compliance with the extraterritorial zoning ordinances and extraterritorial plans;

Response: The northerly Subject Property was developed for light industrial purposes prior to creation of the EZO and was therefore a grandfathered use recognized by the EZO.

(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

Response: Use of the Subject Properties for light industrial uses will created centrally located employment opportunities for local residents and, as addressed above, will be in character with the historic land uses on the Subject Properties and in this mixed use area of the City.

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

Response: By facilitating continuation of the historic use of the northerly Subject Property and use of the area in between that use and Agua Fria Street for the same type of use, the GPA will expand the City's employment base and promote infill development, both of which are encouraged by land use policies and related City plans.

Awesome Harvest Rezoning Criteria Statement

The Applicant provides the following responses to the City Code criteria for approval of rezoning requests.

Approval Criteria

(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;

Response: There was a mistake in the original zoning. The Subject Properties and surrounding area north of Agua Fria Street were within County jurisdiction until they were annexed to the City in 1999. The existing 9,000 SF building on the northerly Subject Property was constructed in 1983 and had been in use for light industrial purposes (primarily a well drilling business) since that time. During the annexation process, the property owner requested that the Subject Properties be zoned I-1 to reflect the historic use of the northerly Subject Property and the logical future expansion of that use within the southerly Subject Property out to Agua Fria Street. The City did not adopt the I-1 zone and instead zoned the Subject Properties I-1, along with the balance of areas north of Agua Fria that did not have County approvals.

The failure to recognize longstanding uses that did not involve creation by the County of a zoning district was a mistake. Property owners along Agua Fria, such as the owner of the Rivera property just to the west of the Subject Properties, are now having to engage in rezoning applications to rectify these errors. The historic use of the northerly Subject Property, existing +/- 9,000 SF building on that property, commonality of ownership of the southerly Subject Property and the lack of viability of using that property for residential uses warrants correcting the mistake and facilitating centrally-located employment opportunities that will enhance the general welfare.

(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

Response: The area has historically accommodated a mix of land uses including industrial, commercial and residential. The current City zoning reflects this mix. The area is one of transition between heavier industrial uses to the west and predominantly residential uses to the east.

The area north of Agua Fria Street, including the Subject Properties, was annexed to the City in 2009. Instead of adopting zoning designations that reflect existing land uses in this area, the City

placed substantially all of the area in the R-1 “holding zone.” The City Council recently approved an application for C-2 zoning for properties just west of the Subject Property to reflect the longstanding uses of those properties. The same rationale exists for the requested rezoning of the Subject Properties. Rather than changes to the surrounding area, the condition justifying the rezoning is really the change resulting from the City’s adoption of a zoning map upon annexation that does not reflect the longstanding land uses in this area. Regardless, substantial justification exists to change the zoning of the Subject Properties to reflect the longstanding land uses that have been carried out and that sound planning would address (as to the southerly Subject Property).

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

Response: The Economic Development Strategy for Implementation states as its first objective the diversification of the Santa Fe economy with an emphasis on high wage jobs and career paths. The requested rezoning will allow for continued use of an existing +/- 9,000 SF building on the northerly Subject Property for its designed purpose, which will facilitate creation of centrally located jobs available to local residents and will allow for future expansion of those uses onto the southerly Subject Property, creating additional jobs.

In the 2010 Mayor’s Report on Job Creation, former Mayor David Coss stated “our homegrown Santa Fe businesses have always been our greatest asset, and now, as the economy evolves, we are working to create the right environment for entrepreneurs to be successful.” While it is not part of the application, the rezoning will facilitate relocation of a homegrown business that has achieved national commitments for its products and is in immediate need of substantial light industrial space to assemble its products and to expand in the future. The Subject Properties are an ideal location for this business and the rezoning will have a substantial and positive effect on Santa Fe’s economy.

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

Response: The rezoning requirements of Chapter 14 are addressed herein and the application is consistent with those requirements.

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

Response: Prior to consideration of the rezoning request, the future land use map will have been amended, resulting in consistency of the rezoning request with the General Plan.

(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; and

Response: General Plan Land Use Policy 3-G-3 states “there shall be infill development at densities that support the construction of affordable housing and a designated mix of land uses

that provide an adequate balance of service retail and employment opportunities... .” The rezoning request will increase the amount of centrally located land available for light industrial employment generating uses, will reflect longstanding uses of the Subject Properties and will avoid urban sprawl.

(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.

Response: The Subject Properties are currently served by Boylan Land and Agua Fria Street. No access concerns exist. An existing sewer main runs along the west side of the Subject Properties. The existing building on the northerly Subject Property is served by an on-site well. The existing water main along Agua Fria Street can be extended at property-owner expense to serve future development of the southerly Subject Property. Santa Fe Fire Department Station 7, located next to the Chavez Center is approximately 2 miles from the Subject Properties.

(2) Unless the proposed change is consistent with applicable general plan policies, the planning commission and the governing body shall not recommend or approve any rezoning, the practical effect of which is to:

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

(b) affect an area of less than two acres, unless adjusting boundaries between districts; or

(c) benefit one or a few landowners at the expense of the surrounding landowners or general public.

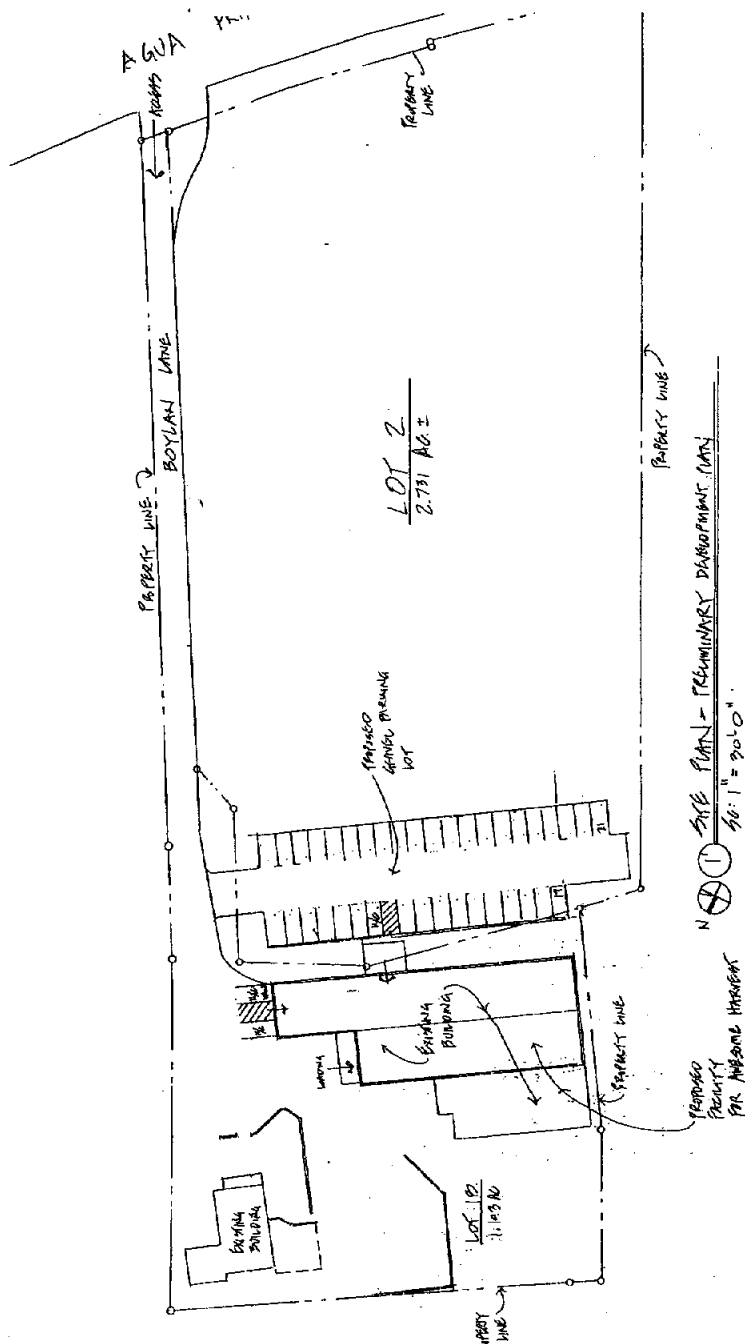
Response: As addressed herein, the application is consistent with applicable general plan policies. Even if it were not, the proposed uses would not significantly change the character of the prevailing mixed uses in the vicinity, the Subject Properties are 3.9 acres in size and the expansion of centrally located employment opportunities for local residents will benefit the general public and will not have a substantial negative impact on the landowners of surrounding mixed uses.

August 7, 2014
Planning Commission
Case # 2014-63 and 64
**BFFM GENERAL PLAN AMENDMENT AND
REZONING TO LIGHT INDUSTRIAL**

APPLICANT ATTACHMENTS

Attachments

PLANNING COMMISSION



PROPOSED
PROPERTY
FOR ANNUAL MARKET
AN ADJ. TO THE ROAD
WITHIN EXISTING BUILDING.

ALLES

City of Santa Fe, New Mexico

memo

DATE: August 7, 2014
TO: Planning Commission
FROM: Current Planning Division
RE: Additional Information

The attached information is not in your August 7, 2014 Planning Commission packet.
The information is in the following order:

Minutes – July 10, 2014

- Pages 12 and 13.

Case #2014-63. 2750 Agua Fria Road and 1400 Boylan Lane General Plan Amendment.

Case #2014-64. 2750 Agua Fria Road and 1400 Boylan Lane Rezoning.

- Letter of concern from Jeff Harbour, representative of adjoining property owner.

Case #2013-80. Ross' Peak Preliminary Subdivision Plat.

- Memorandum dated August 7, 214 from Zach Thomas, Senior Planner regarding modifications to conditions of approval.

August 6, 2014

City of Santa Fe
Planning Commission

RE: Case #2014-63 General Plan Amendment
and Case #2014-64 Rezoning
2750 Agua Fria Road and 1400 Boylan Lane

I represent Prajna Foundation which owns three properties totaling approximately 15 acres directly to the east of the referenced site. Our property is at 2725 Agua Fria and is zoned C-1 and R-1. We are currently under contract to sell our properties to a local business that desires to build multifamily housing.

In general, I do not think it is wise for Santa Fe to have industrial zoning creep towards the city center. This area is in transition from an area that is very residential to an area with more mixed use and light industrial. This property is right at that transition zone and therefore should reflect the transition in its uses. C-1, for instance, would be a more appropriate transition from the residential to the more industrial that is further from town.

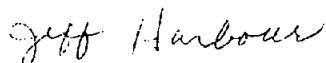
While I fully support Awesome Harvest in their quest for a more permanent facility, I am very concerned as to what use the remaining property could be put to and what might replace this current tenant should such tenant decide to move or shut down. I-1 zoning allows such things as nightclubs, flea markets, department stores, outdoor storage, poolrooms, and many light manufacturing processes which have excessive noise and odors that are not compatible with the neighboring residential zoning.

I believe that a zoning change to C-1 would be more appropriate. Even if an exception was made for Awesome Harvest's use.

Another possibility to which we could agree is granting the I-1 zoning but with restrictions on the uses allowed in I-1 zoning that are incompatible with the neighboring residential zoning. We have attached a list of the restrictions we believe should not be allowed. In essence this is granting a partial I-1 zoning change recognizing that this is a transition zone.

These restrictions would need to be in the form of a deed restriction or a set of recorded covenants either of which run with the land so that they are a permanent part of the I-1 zoning change.

Thank you for your consideration.



Jeff Harbour

RESTRICTED USES

1. Outdoor storage, either intermittent or continuous, of heavy-duty industrial vehicles or equipment such as tractor-trailers, dump trucks, back hoes, earth moving equipment or buses; of merchandise; of building materials except in connection with active construction activities of the premises; of mobile homes; or of recreational vehicles.
2. Recreational vehicles used as dwelling units.
3. Mobile homes.
4. Self-storage units.
5. Commercial parking lots and garages.
6. Salvage or junk yards.
7. Sexually oriented businesses.
8. Any business that sells, serves, or distributes alcohol except restaurants that only serve beer and/or wine.
9. Hours of operation for any business to be open to the public to be restricted to 7am-9pm.
10. Deliveries to be restricted to 7am-7pm.
11. Commercial recreational uses and structures such as bowling alleys, poolrooms, golf driving ranges, arcades and the like although health clubs and spas are allowed.
12. Convenience stores such as Allsup's, Giant, or 7-11 stores or supermarkets.
13. Chain drugstores over 1,500 square feet such as Walgreens.
14. Drive-through restaurants.
15. Hotels and motels.
16. Veterinary clinics and dog kennels.
17. Dry cleaners or commercial laundries.
18. Bulk petroleum products storage and distribution.
19. Utility substations.
20. Breweries or coffee roasting.
21. Tire recapping or retreading.
22. Establishments which service and repair automobiles, such as filling stations and repair garages.
23. Use of paints, stains, sealers, etc. (which tend to distribute odor and fumes even when contained in a commercial spray booth) except in connection with active construction activities of the premises.
24. Manufacturing, assembly, or processing which is noxious, dangerous or offensive to neighboring districts by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire, or emission of particulate matter.
25. Cabinet shops and wood shops.
26. Funeral homes and mortuaries.
27. Flea markets.

Governing Body

October 8, 2014

Case # 2014-63 and 64

**BFFM GENERAL PLAN AMENDMENT AND
REZONING TO LIGHT INDUSTRIAL**

EXHIBIT F

I-1 AND C-2 USE LISTS

I-1 Light Industrial District

The I-1 district is intended primarily for light manufacturing, processing, storage, warehousing, distribution and similar commercial uses. Regulations are intended to prevent friction between uses within the district and also to protect nearby *residential* districts.

Permitted Uses

1. Antique stores
2. Art supply stores
3. Arts & crafts schools
4. Arts & crafts studios, galleries & shops; gift shops for the sale of arts & crafts
5. Automobile service & repair establishments including filling stations & repair
6. Banks, credit unions (without drive-through)
7. Banks, credits unions (with drive-through) ☼
8. Bar, cocktail lounge, nightclub (no outdoor entertainment)
9. Bar, cocktail lounge, nightclub with outdoor entertainment ☼
10. Barber shops & beauty salons
11. Bed & breakfast
12. Bookshops
13. Cabinet shops (custom)
14. Clubs & lodges (private) ☼
15. Colleges & universities (non-residential)
16. Commercial parking lots & garages
17. Commercial recreational uses & structures; theaters; bowling alleys, pool-rooms, driving ranges, etc
18. Dance studios
19. Daycare; preschool; for infants & children (6 or fewer)
20. Daycare & preschool for infants & children (more than 6) ☼☼
21. Department & discount stores
22. Electrical distribution facilities
23. Electrical substation
24. Electrical switching station
25. Electrical transmission lines
26. Exercise, spas or gym facilities
27. Fire stations
28. Flea markets
29. Florist shops
30. Funeral homes or mortuaries
31. Furniture stores
32. Hotels, motels, residential suite hotels
33. Human service establishments ☼
34. Kennels
35. Laboratories; research, experimental & testing
36. Light assembly & manufacturing
37. Lodging facilities, conference & extended stay
38. Medical & dental offices & clinics
39. Mini-storage units
40. Museums
41. Non-profit theaters for production of live shows
42. Office equipment sales & service; retail sale of office equipment

43. Offices; business & professional, excluding medical, dental & financial services
44. Outdoor storage lots & yards, except wrecking yards, junkyards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage or second-hand building materials, junk automobiles or second-hand automobile parts
45. Personal care facilities for the elderly
46. Personal service establishments including cleaning & laundry, appliance repair & similar services
47. Pharmacies or apothecary shops
48. Photographers studios
49. Police stations
50. Police substations
51. Public parks, playgrounds & playfields
52. Religious Assembly (all)
53. Religious educational & charitable institutions (no schools or assembly uses) ☼
54. Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area ☼
55. Restaurant with drive-through or drive-up ☼
56. Restaurant; fast service, take out, no drive-through or drive-up
57. Restaurant; full service with or without incidental alcohol service
58. Retail & service uses intended to serve the primary uses & do not exceed 5,000 square feet
59. Retail establishments not listed elsewhere
60. Schools; Elementary & secondary (public & private) ☼☼
61. Sexually oriented businesses (all)
62. Storage areas – individual within a completely enclosed building
63. Tailoring & dressmaking shops
64. Time share vacation projects
65. Tire recapping & retreading
66. Transit transfer facilities
67. Utilities (all, including natural gas regulation station, telephone exchange, water or sewage pumping station, water storage facility)
68. Veterinary establishments, pet grooming
69. Vocational & trade schools (light industrial)
70. Vocational & trade schools (non-industrial)
71. Wholesaling & distribution operations; 3,000 square feet or less of storage
72. Wholesaling & distribution operations; over 3,000 square feet of storage

☼ Requires a **Special Use Permit** if located within 200 feet of residentially zoned property.

☼☼☼ **Special Use Permits** Required

Accessory Uses

The following accessory uses are permitted in I-1 districts:

1. Accessory dwelling units
2. Accessory structures, permanent, temporary or portable, not constructed of solid building materials; covers; accessory structures exceeding 30 inches from the ground
3. Barbecue pits, swimming pools (private)
4. Children play areas & equipment
5. Daycare for infants & children (private)

Updated June 18, 2013

6. Garages (private)
7. Greenhouses (non-commercial)
8. Home occupations
9. Incidental & subordinate uses & structures
10. Residential use ancillary to an approved use

C-2 General Commercial District

The C-2 general commercial district includes areas along *streets* carrying large volumes of traffic where commercial uses are appropriate. Regulations are designed to guide future additions or changes so as to discourage extension of existing and formation of future strip *commercial development*, to preserve the carrying capacity of the *streets* and to provide for *off-street parking* and loading.

Permitted Uses

1. Adult day care
2. Antique stores
3. Art supply stores
4. Arts & crafts schools
5. Arts & crafts studios, galleries & shops; gift shops for the sale of arts & crafts
6. Assembly & manufacturing (light)
7. Automobile service & repair including filling & repair stations
8. Automobile tire recapping & retreading
9. Banks & credit unions with drive-through ☼
10. Banks & credit unions without drive through
11. Bar, cocktail lounge, nightclub with outdoor entertainment ☼
12. Bar, cocktail lounge, nightclub, no outdoor entertainment
13. Barber shops & beauty salons
14. Bed & breakfast and inns
15. Boarding, dormitory, monastery ☼ ☼
16. Bookshops
17. Cabinet shops (custom)
18. Cemeteries, mausoleums & columbaria ☼ ☼
19. Clubs & lodges (private) ☼
20. Colleges & universities (non-residential)
21. Colleges & universities (residential) ☼ ☼
22. Commercial parking lots & garages
23. Commercial recreational uses & structures (theaters, bowling alleys, pool-rooms, driving ranges, etc)
24. Continuing care community ☼ ☼
25. Correctional group residential care facility ☼
26. Dance studios
27. Daycare; preschool; for infants & children (small – 6 or fewer)
28. Daycare; preschool; for infants & children (large – 6 or more)
29. Department & discount stores
30. Dwelling; multiple family (see section 14-6.2(A)(7) for additional regulations)
31. Dwelling; single family (see section 14-6.2(A)(7) for additional regulations)
32. Electrical distribution facilities
33. Electrical substation
34. Electrical switching station
35. Electrical transmission lines
36. Exercise, spas, gym facilities
37. Flea markets
38. Florist shops
39. Funeral homes or mortuaries
40. Furniture stores

41. Fire stations
42. Grocery stores (neighborhood)
43. Group residential care facility ☼☼
44. Group residential care facility (limited) ☼☼
45. Hospitals ☼☼
46. Hotels, motels, residential suite hotels
47. Human service establishments ☼
48. Kennels ☼
49. Laboratories; research experimental & testing
50. Laundromats (neighborhood)
51. Light assembly & manufacturing
52. Lodging facilities; conference & extended stay
53. Manufactured homes (see section 14-6.2(A)(7) for additional regulations)
54. Medical & dental offices & clinics
55. Mini storage units ☼☼
56. Museums
57. Neighborhood & community centers (including youth & senior centers)
58. Non-profit theaters for production of live shows
59. Nursing; extended care convalescent, recovery care facilities
60. Office equipment sales & service; retail sales of office supplies
61. Office; business & professional (no medical, dental or financial services)
62. Personal care facilities for the elderly
63. Personal service establishments (including cleaning, laundry, appliance repair & similar services)
64. Pharmacies or apothecary shops
65. Photographers studios
66. Police stations
67. Police substations (6 or fewer staff)
68. Public parks, playgrounds, playfields
69. Religious assembly (all)
70. Religious, educational & charitable institutions (no school or assembly uses) ☼
71. Rental; short term
72. Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area ☼
73. Restaurant with drive-through, drive-up ☼
74. Restaurant; fast service, take out, no drive through or drive-up
75. Restaurant; full service, with or without incidental alcohol service
76. Retail establishments not listed elsewhere
77. Schools; Elementary & secondary (public & private) ☼
78. Sheltered care facilities ☼☼
79. Sign shops
80. Storage; individual storage areas within a completely enclosed building ☼☼
81. Tailoring & dressmaking shops
82. Transit transfer facilities ☼☼
83. Time share vacation projects
84. Utilities (all, including natural gas regulation station, telephone exchange, water or sewage pumping station, water storage facility)
85. Veterinary establishments, pet grooming ☼
86. Vocational or trade schools (non-industrial)
87. Wholesale & distributing operations (under 3,000 square feet of storage)

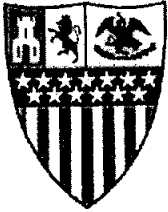
☼ Requires a **Special Use Permit** if located within 200 feet of residentially zoned property.

☼☼ **Special Use Permit** Required

Accessory Uses

The following accessory uses are permitted in C-2 districts:

1. Accessory dwelling units
2. Accessory structures, permanent, temporary or portable, not constructed of solid building materials; covers; accessory structures exceeding 30 inches from the ground
3. Barbecue pits, swimming pools (private)
4. Children play areas & equipment
5. Daycare for infants & children (private)
6. Garages (private)
7. Greenhouses (non-commercial)
8. Home occupations
9. Incidental & subordinate uses & structures
10. Residential use ancillary to an approved use



**CITY COUNCIL MEETING OF
October 8, 2014
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY**

Mayor Javier Gonzales		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION DIRECTING STAFF TO ANALYZE THE POTENTIAL OPPORTUNITIES OF ESTABLISHING PUBLIC BANKING FUNCTIONS FOR THE CITY OF SANTA FE AND PROJECTING WHETHER A PUBLIC BANK WOULD PROVIDE A LONG TERM BENEFIT FOR LOCAL BUSINESSES AND RESIDENTS.	Finance Committee - 10/20/14 City Council - 10/29/14
	A RESOLUTION RELATING TO THE CHALLENGE OF FIRST LADY MICHELLE OBAMA TO END VETERAN HOMELESSNESS BY 2015; ACCEPTING THE CHALLENGE AND DIRECTING STAFF TO EXPLORE THE RESOURCES AND PROGRAMS PROVIDED BY THE FEDERAL GOVERNMENT THAT WOULD HELP END VETERAN HOMELESSNESS IN OUR COMMUNITY BY 2015.	Finance Committee - 10/20/14 City Council - 10/29/14
Councilor Patti Bushee		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Bill Dimas		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION ADOPTING THE CITY OF SANTA FE MULTI-HAZARD MITIGATION PLAN.	Finance Committee - 10/20/14 Public Safety Committee - 10/21/14 City Council 10/29/14

Exhibit "7"

Councilor Carmichael Dominguez		
Co-Sponsors	Title	Tentative Committee Schedule
	<p>AN ORDINANCE RELATING TO REDISTRICTING; CREATING A NEW SECTION 6-18 SFCC 1987 TO ESTABLISH AN INDEPENDENT CITIZENS' REDISTRICTING COMMISSION; AMENDING THE SANTA FE ELECTION CODE, SECTION 9-1 SFCC 1987 TO REQUIRE THAT THE INDEPENDENT CITIZENS' REDISTRICTING COMMISSION SHALL REVIEW AND REVISE THE CITY OF SANTA FE DISTRICT BOUNDARIES AT LEAST EVERY TEN YEARS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY.</p>	<p>Public Works Committee - 10/27/14 Finance Committee - 11/3/14 City Council (request to publish) - 11/12/14 City Council (public hearing) - 12/10/14</p>
Councilor Peter Ives		
Co-Sponsors	Title	Tentative Committee Schedule
	<p>A RESOLUTION ENDORISING THE EFFORTS OF NEW MEXICO MISSION OF MERCY ("MOM") TO PROVIDE NO COST DENTAL CARE TO THE INDIGENT RESIDENTS OF SANTA FE AND AUTHORIZING THE WAIVER OF FEES FOR USE OF THE SANTA FE COMMUNITY CONVENTION CENTER FOR THE MOM EVENT ON APRIL 29-30, 2016.</p>	<p>Finance Committee - 10/20/14 City Council - 10/29/14</p>
Councilor Signe Lindell		
Co-Sponsors	Title	Tentative Committee Schedule
	<p>ORDINANCE RELATING TO THE CITY OF SANTA FE ANIMAL SERVICES ORDINANCE, CHAPTER 5 SFCC 1987; AMENDING SECTION 5-8 TO ESTABLISH THAT TRAPPING FURBEARING ANIMALS FOR COMMERCIAL OR RECREATIONAL USE IS PROHIBITED ON LANDS WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF SANTA FE.</p>	<p>Public Safety Committee - 10/21/14 Finance Committee - 11/3/14 City Council (request to publish) - 11/12/14 City Council (public hearing) - 12/10/14</p>

Councilor Joseph Maestas		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION IN THE INTEREST OF PUBLIC SAFETY, DIRECTING PARKING DIVISION STAFF TO REMOVE FOUR PARKING METER SPACES ON CANYON ROAD EASTBOUND, FROM PASEO DE PERALTA TO DELGADO STREET.	Public Safety Committee - 10/21/14 Public Works Committee - 10/27/14 Finance Committee - 11/3/14 City Council - 11/12/14
Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION DECLARING THE GOVERNING BODY'S ON- GOING SUPPORT FOR THE HOMELESS COMMUNITY, LOCAL BUSINESSES AND ESTABLISHED RESIDENTIAL NEIGHBORHOODS; DIRECTING STAFF TO ANALYZE AND REPORT BACK TO THE GOVERNING BODY ON THE OVERALL OPERATION OF THE ONE-STOP FOR HOMELESS SERVICES AND WINTER SHELTER LOCATED AT 2801 CERRILLOS ROAD AND WHETHER THE SHELTER SHOULD BE EXPANDED OR RELOCATED TO MEET THE ON-GOING NEEDS OF THE HOMELESS COMMUNITY.	Public Works Committee - 10/27/14 Finance Committee - 11/3/14 City Council - 11/12/14
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.

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2014-__

INTRODUCED BY:

Councilor Bill Dimas

A RESOLUTION

ADOPTING THE CITY OF SANTA FE MULTI-HAZARD MITIGATION PLAN.

WHEREAS, the City of Santa Fe is vulnerable to natural hazards such as flash floods, wildfire and drought as well as human-caused hazards that can result in loss of life and property, damage to the environment, economic hardship and threats to the public's health and safety; and

WHEREAS, a Hazard Mitigation Plan for the City of Santa Fe, New Mexico (the "Plan") was developed by City staff with input from members of the public; and

WHEREAS, the Plan recommends mitigation activities that will reduce loss of life and property, damage to the environment, and threats to public health and safety by the natural and human-caused hazards that face the City; and

WHEREAS, the Federal Emergency Management Agency (FEMA) requires adoption of the plan and updating every five years in order to ensure the City's continued eligibility for certain categories of federal hazard mitigation funding.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the City of Santa Fe Hazard Mitigation Plan, dated October, 2014,

1 attached hereto as Exhibit A, is hereby adopted as an official plan of the City of Santa Fe.

2 **BE IT FURTHER RESOLVED THAT** the City of Santa Fe Director of Emergency
3 Management:

4 1. Shall be responsible for coordinating hazard mitigation planning and related actions
5 and programs of the City of Santa Fe; and

6 2. Is directed to bring appropriate revisions to the Governing Body to reflect City issues
7 and thereafter on an annual basis, prepare a report to the Governing Body including an assessment
8 of progress made toward meeting the goals and objectives and implementing specific actions
9 identified in the Plan. The report shall include targets for the following year including
10 recommendations for any appropriate revisions to the Plan.

11 PASSED, APPROVED, AND ADOPTED on this ____ day of _____, 2014.

12 _____
13 JAVIER M. GONZALES, MAYOR

14 ATTEST:

15 _____
16 YOLANDA Y VIGIL, CITY CLERK

17 APPROVED AS TO FORM:

18 _____
19 _____
20 KELLEY A. BRENNAN, CITY ATTORNEY

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23 *M/Melissa/Resolutions 2014/Hazard Mitigation*

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2014-____**

3 **INTRODUCED BY:**

4
5 Councilor Joseph Maestas

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9 **A RESOLUTION**

10 **IN THE INTEREST OF PUBLIC SAFETY, DIRECTING PARKING DIVISION STAFF TO**
11 **REMOVE FOUR PARKING METER SPACES ON CANYON ROAD EASTBOUND, FROM**
12 **PASEO DE PERALTA TO DELGADO STREET.**

13
14 **WHEREAS**, the segment of Canyon Road from Paseo de Peralta to Delgado Street is a two-
15 way street and is not wide enough to accommodate two-way traffic with parking on one side; and

16 **WHEREAS**, if fire suppression response is required, on that segment of Canyon Road, it is
17 difficult to maneuver fire trucks through the street because of the high amount of vehicular traffic,
18 pedestrian activity and designated parking meter spaces; and

19 **WHEREAS**, a survey of businesses along Canyon Road from Paseo de Peralta to Delgado
20 Street that was conducted by the Canyon Road Merchants Association showed that 77% of businesses
21 support the petition to remove four parking spaces between Paseo de Peralta and Delgado street and
22 23% do not support removal of the parking spaces, for the survey results, see Exhibit A, attached
23 hereto; and

24 **WHEREAS**, removing the current four parking meter spaces on Canyon Road from Paseo de
25 Peralta to Delgado Street will alleviate traffic congestion, promote pedestrian safety and allow

1 quicker fire suppression response.

2 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
3 **CITY OF SANTA FE** that in the interest of public safety, including the alleviation of vehicular
4 traffic congestion, pedestrian safety and fire suppression response time, Parking Division staff is
5 directed to remove four parking spaces on Canyon Road eastbound from Paseo de Peralta to Delgado
6 Street.

7 PASSED, APPROVED and ADOPTED this ____ day of _____, 2014.

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JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

KELLEY A. BRENNAN, CITY ATTORNEY

M/Melissa/Resolutions 2014/Canyon Road_remove parking spaces

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2014-_____

INTRODUCED BY:

Councilor Peter Ives

A RESOLUTION

**ENDORISING THE EFFORTS OF NEW MEXICO MISSION OF MERCY ("MOM") TO
PROVIDE NO COST DENTAL CARE TO THE INDIGENT RESIDENTS OF SANTA FE
AND AUTHORIZING THE WAIVER OF FEES FOR USE OF THE SANTA FE
COMMUNITY CONVENTION CENTER FOR THE MOM EVENT ON APRIL 29-30, 2016.**

WHEREAS, through the adoption of Resolution 2012-89, the Governing Body endorsed the efforts of the dental community to collaborate with local schools, health providers and state and local governmental entities to formulate a plan to provide increased services, education and outreach to the residents of Santa Fe county; and

WHEREAS, there is a great need for dental care in our local community, in particular the underserved working-poor of Santa Fe; and

WHEREAS, the City of Santa Fe is tasked with representing and addressing the needs of its residents; and

WHEREAS, the New Mexico Mission of Mercy is a program of the New Mexico Dental Foundation and the Charitable Arm of the New Mexico Dental Association; and

1 **WHEREAS**, the New Mexico Mission of Mercy is a large scale, free two day dental clinic at
2 which services are provided free of charge for adults and children who cannot afford dental care; and

3 **WHEREAS**, the dental services include cleanings, fillings, root canals, extractions, and
4 simple prosthetics by approximately 500 volunteer dentists and other dental professionals in addition
5 to 1000 lay volunteers; and

6 **WHEREAS**, New Mexico Mission of Mercy has had three events, Albuquerque-2010, Las
7 Cruces-2012, and San Juan County-2013 at which nearly 4,700 new smiles have been created and
8 over \$2.8 million in free dental treatment have been provided by 4,500 volunteers; and

9 **WHEREAS**, the 2014 Central New Mexico event will be held October 24th-25th at the
10 Santa Ana Star Center in Rio Rancho; and

11 **WHEREAS**, the New Mexico Dental Foundation desires to hold the next Mission of Mercy
12 event in Santa Fe, New Mexico from April 29-30, 2016.

13 **NOW, THEREFORE, BE IT THEREFORE RESOLVED BY THE GOVERNING**
14 **BODY OF THE CITY OF SANTA FE** that the Governing Body endorses and supports this
15 charitable event on April 29-30, 2016 at the Santa Fe Community Convention Center and hereby
16 authorizes a waiver of fees for use of the Santa Fe Community Convention Center.

17 PASSED, APPROVED and ADOPTED this _____ day of _____ 2014.

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19 _____
20 JAVIER M. GONZALES, MAYOR

21 ATTEST:

22 _____
23 YOLANDA Y. VIGIL, CITY CLERK
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1 APPROVED AS TO FORM:

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4 KELLEY A. BRENNAN, CITY ATTORNEY

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M/Melissa/Resolutions 2014/MOM Dental

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2014-____**

3 **INTRODUCED BY:**

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6 Mayor Javier M. Gonzales
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10 **A RESOLUTION**

11 **DIRECTING STAFF TO ANALYZE THE POTENTIAL OPPORTUNITIES OF**
12 **ESTABLISHING PUBLIC BANKING FUNCTIONS FOR THE CITY OF SANTA FE AND**
13 **PROJECTING WHETHER A PUBLIC BANK WOULD PROVIDE A LONG TERM**
14 **BENEFIT FOR LOCAL BUSINESSES AND RESIDENTS.**
15

16 **WHEREAS,** the Governing Body recognizes the need for local funding solutions that
17 reinvest public funds in the local community; and

18 **WHEREAS,** public banking is banking operated in the public interest, through institutions
19 owned by the people through their representative governments; and

20 **WHEREAS,** public banks are able to return profits to the community and can provide low-
21 cost financing for public infrastructure, or low cost loans for businesses; and

22 **WHEREAS,** the mission of public banking is to provide financing for the public good and to
23 assure the long-term prosperity of the community; and

24 **WHEREAS,** an example of how public banking could be utilized for future projects occurred
25 in 2011 when the Governing Body authorized the City to enter into an agreement with a local

1 company, Positive Energy, and MCCA, a lending institution, to construct, own and operate a
2 photovoltaic (PV) system at the Santa Fe Community Convention Center; and

3 **WHEREAS**, the benefit to the City of the agreement is that the net cost of electricity for the
4 Santa Fe Community Convention Center is at a fixed price for years one (1) through fifteen (15) of
5 the agreement, and that loan allowed the City of Santa Fe to realize significant savings through
6 renewable energy, earn interest on an investment, and support the creation of local jobs, thus
7 demonstrating the potential benefits of public financing; and

8 **WHEREAS**, a public banking system could also benefit the residents of Santa Fe by offering
9 or guaranteeing low interest loans in support of City policies; and

10 **WHEREAS**, the City of Santa Fe has numerous potential projects for community investment
11 including more than 200 million dollars in deferred maintenance for city roads and facilities, as well
12 as infrastructure to support Tierra Contenta and areas annexed into the city, plus green energy, public
13 transit and economic development projects; and

14 **WHEREAS**, a recent symposium conducted in Santa Fe brought national experts to discuss
15 various forms of public banking, to share experiences regarding public banking in Pennsylvania,
16 Vermont and North Dakota; and

17 **WHEREAS**, the Governing Body recognizes that public banking can empower small
18 businesses, students, homeowners, city and state governments, and community banks to prosper and
19 thrive; and

20 **WHEREAS**, the Governing Body recognizes the vital importance to the community of
21 access to financing on reasonable terms and further recognizes that the City of Santa Fe is tasked with
22 holding and protecting the fundamental interest of the public as well as the financial wellbeing of the
23 City.

24 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
25 **CITY OF SANTA FE** that staff is directed to analyze public banking functions as a method for

leveraging longer term City goals through facilitating access to capital to support business development, robust infrastructure, affordable housing, public transit, water and energy conservation and other City goals. Such analysis should take into account the financial and population demographics of the City of Santa Fe and include measurable factors of city banking like debt servicing costs, profits returned to the City, municipal and other tax revenue, and other key areas of economic concern.

BE IT FURTHER RESOLVED that within ninety (90) days of adoption of this resolution, staff is directed to develop a phased plan with options for uses of public banking functions for the City of Santa Fe. Staff shall report their findings to the Governing Body. Such findings shall provide a basis for establishing functional public banking priorities and include, at a minimum:

1. Options and recommendations for initial public banking functions and assets to be leveraged.
2. Analysis of the process, feasibility and relevant factors for establishing a public bank, including associated costs, cash flow management requirements, long-term risks and potential community impacts.
3. Recommendations for partnerships with community banks and ways to leverage their expertise and existing functions.
4. Any additional options and practices for achieving the goals of public banking and optimizing public fiscal management.

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

JAVIER M. GONZALES, MAYOR

1 ATTEST:

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4 YOLANDA Y. VIGIL, CITY CLERK

5 APPROVED AS TO FORM:

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8 KELLEY A. BRENNAN, CITY ATTORNEY

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25 *M/Melissa/Resolutions 2014/Public Bank*

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2014-____

INTRODUCED BY:

Mayor Javier M. Gonzales

Councilor Peter Ives

A RESOLUTION

**RELATING TO THE CHALLENGE OF FIRST LADY MICHELLE OBAMA TO END
VETERAN HOMELESSNESS BY 2015; ACCEPTING THE CHALLENGE AND
DIRECTING STAFF TO EXPLORE THE RESOURCES AND PROGRAMS PROVIDED BY
THE FEDERAL GOVERNMENT THAT WOULD HELP END VETERAN HOMELESSNESS
IN OUR COMMUNITY BY THE END OF 2015.**

WHEREAS, the City of Santa Fe has supported ongoing initiatives related to housing for
veterans; and

WHEREAS, recently, through the adoption of Resolution No. 2014-8 the Governing Body
requested that the City's Congressional Delegation support efforts to build, preserve, rehabilitate and
operate rental housing that is affordable for low income Veterans and their families; and

WHEREAS, through the adoption of Ordinance No. 2014-9, the Governing Body amended
the Santa Fe Homes Program (SFHP) Ordinance to include Veterans in the list of professions to
qualify for expanded eligibility standards for SFHP homes; and

WHEREAS, the Governing Body recognizes that men and women who served in the United

1 States armed services have made extraordinary sacrifices to serve this nation and should not
2 experience homelessness; and

3 **WHEREAS**, ending homelessness for Veterans and their families is critical to local elected
4 officials and cities as it will reduce the inefficient usage of costly health care services and emergency
5 shelters, as well as enhance the ability of Veterans to positively contribute to their communities and
6 increase economic productivity; and

7 **WHEREAS**, preventing and ending homelessness among Veterans by 2015 is a national
8 priority that the U.S. Department of Veterans Affairs and its federal partners, including the U.S.
9 Department of Housing and Urban Development and the U.S. Interagency Council on Homelessness
10 (USICH), have taken decisive action to achieve; and

11 **WHEREAS**, the number of Veterans experiencing homelessness on a single night decreased
12 by 18 percent between 2010 and 2012 due to unprecedented collaboration and investment in effective
13 strategies; and

14 **WHEREAS**, despite this progress, there were an estimated 62,619 homeless Veterans on a
15 single night in January 2012 in the United States; and

16 **WHEREAS**, the *Federal Strategic Plan to Prevent and End Homelessness* set a bold and
17 audacious goal to end Veteran homelessness in the United States before the end of 2015; and

18 **WHEREAS**, over the last three years, the Obama Administration and partners in states and
19 communities across the country have achieved a 24 percent decrease in homelessness among
20 Veterans, during a time when our country was facing the worst recession since the Great Depression;
21 and

22 **WHEREAS**, several communities, such as Phoenix, Salt Lake City, Houston, New Orleans
23 and others are already on track to meet or beat this goal; and

24 **WHEREAS**, on June 4, 2014, First Lady Michelle Obama announced that a growing
25 coalition of mayors, governors, and county officials are committed to ending Veteran homelessness in

1 their communities by the end of 2015, and called on additional mayors and local leaders to join this
2 effort; and

3 **WHEREAS**, through the First Lady's challenge to end Veteran homelessness, local elected
4 officials and other state and local leaders across the country will marshal Federal, local, and nonprofit
5 efforts to end Veteran homelessness in their communities; and

6 **WHEREAS**, ending Veteran homelessness means reaching the point where there are no
7 Veterans sleeping on our streets and every Veteran has access to permanent housing; and

8 **WHEREAS**, should Veterans become homeless or be at-risk of becoming homeless,
9 communities will have the capacity to quickly connect them to the help they need to achieve housing
10 stability, when these things are accomplished, our Nation will achieve its goal; and

11 **WHEREAS**, to aid the local elected officials in the pursuit of the goal of ending
12 homelessness among Veterans, the Federal government has provided resources and enforced
13 programs to strengthen our Country's homeless assistance programs.

14 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
15 **CITY OF SANTA FE** that the Governing Body hereby accepts the challenge of First Lady Michelle
16 Obama to end Veteran homelessness by the end of 2015 in Santa Fe, New Mexico.

17 **BE IT FURTHER RESOLVED** that staff is directed to explore the resources and programs
18 provided by the Federal government that would help end Veteran homelessness in our community by
19 2015.

20 **BE IT FURTHER RESOLVED** that the City Clerk is directed to forward a copy of this
21 resolution to the Department of Housing and Urban Development, the United States Interagency
22 Council on Homelessness and the United States Department of Veterans Affairs.

23 PASSED, APPROVED and ADOPTED this _____ day of _____ 2014.
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JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

KELLEY A. BRENNAN, CITY ATTORNEY

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2014-__

INTRODUCED BY:

Councilor Carmichael Dominguez

AN ORDINANCE

RELATING TO REDISTRICTING; CREATING A NEW SECTION 6-18 SFCC 1987 TO ESTABLISH AN INDEPENDENT CITIZENS' REDISTRICTING COMMISSION; AMENDING THE SANTA FE ELECTION CODE, SECTION 9-1 SFCC 1987 TO REQUIRE THAT THE INDEPENDENT CITIZENS' REDISTRICTING COMMISSION SHALL REVIEW AND REVISE THE CITY OF SANTA FE DISTRICT BOUNDARIES AT LEAST EVERY TEN YEARS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY.

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

Section 1. A new Article 6-18 SFCC 1987 is ordained to read:

6-18 [NEW MATERIAL] INDEPENDENT CITIZENS' REDISTRICTING COMMISSION.

6-18.1 [NEW MATERIAL] Creation; Purpose.

A. The creation of an independent citizens' redistricting commission ("commission") was approved by the electorate of the city of Santa Fe on March 4, 2014 when the electorate approved an amendment to Section 6.03 of the Santa Fe Municipal Charter ("Charter").

B. As required by the Charter, the purpose of this section is to establish a procedure for

the appointment and deliberations of the commission.

6-18.2 [NEW MATERIAL] Independent Districting Consultant.

A. Prior to the establishment of the first commission and every commission thereafter, an independent districting consultant shall be acquired through the city procurement process. The consultant shall be experienced and competent in the skills necessary for the districting work to assist the commission in developing the districting plans detailed in this Section.

B. The consultant shall provide professional and technical assistance to the commission and use data, including census data, to create four (4) dual member districts for the consideration by the commission.

C. The consultant, along with the city attorney, shall ensure that the districting plans comply with state, federal and local laws including the Federal Voting Rights Act of 1965 and the City of Santa Fe Municipal Charter. The creation of districts shall be done in such a way as to avoid splitting precincts.

6-18.3 [NEW MATERIAL] Powers and Duties of Commission.

A. The first commission established under this Section shall establish a districting plan for adjusting the boundaries of the four (4) city council districts in a timely manner, but no later than June 1, 2015, for use in the 2016 regular municipal election.

B. Future commissions shall establish a districting plan, if necessary, for adjusting the boundaries of the four (4) city council districts:

(1) Within one (1) year of receipt by the city of the final federal decennial census information for use commencing with the next scheduled general municipal election occurring at least three (3) months after adoption of the final districting plan; or

(2) When the governing body adopts a resolution expressing the need for convening a commission to establish a districting plan.

C. Pursuant to 6-18.2 SFCC 1987, the commission shall rely on the professional and

1 technical assistance of the independent districting consultant when considering and establishing the
2 final districting plan.

3 D. In establishing the district boundaries, the commission will, to the maximum
4 practicable extent, ensure that the commission's decisions will be based exclusively on the following
5 principles in the following order of priority:

6 (1) Each district shall contain as nearly as possible substantially the same
7 population based upon the most recent federal census;

8 (2) Districting plans must avoid dilution of minority voting strength;

9 (3) Communities of interest, including those based upon ethnic and economic
10 factors, shall be preserved within a single district whenever reasonable;

11 (4) Each district shall be formed of compact, contiguous territories. The total
12 length of all district boundary lines shall be as short as possible;

13 (5) Districting plans shall compensate for U.S. census undercount of minorities.

14 E. The commission may assign appropriate weight to:

15 (1) Minimizing the splitting of precincts;

16 (2) Minimizing the need for additional polling locations; and

17 (3) Minimizing voter confusion in switching elected officials into different
18 districts.

19 F. The commission shall conduct a series of public hearings.

20 (1) The commission shall conduct a minimum of one (1) public hearing for
21 organizational purposes in order to select a chairperson and a vice-chairperson and to
22 coordinate with the independent consultant.

23 (2) The commission shall conduct a minimum of one (1) public hearing to
24 provide instruction to the consultant for the development of a preliminary districting plan or
25 plans.

1 (3) The commission shall conduct a minimum of four (4) public hearings to
2 receive oral and written comments on the preliminary districting plan or plans.

3 (4) The commission shall conduct a minimum of one (1) public hearing to vote
4 to adopt a final districting plan.

5 G. In addition to considering districting plans prepared by the commission in
6 coordination with the independent consultant, the commission may consider districting plans
7 submitted by the general public that are consistent with the requirements of the laws of the city of
8 Santa Fe and the state of New Mexico.

9 H. The commission shall conduct the public hearings in an open and transparent manner,
10 in accordance with the New Mexico Open Meetings Act, Sections 10-15-1 through 10-15-4 NMSA
11 1978.

12 I. Any member of the commission shall not communicate with any interested parties
13 outside of the public meeting and hearing concerning the merits or substance of any item coming
14 before the commission, except in writing filed with the city clerk.

15 **6-18.3 [NEW MATERIAL] Membership**

16 A. *Definitions.* As used in this subsection:

17 (1) *Cartographer* means a person who makes maps and has a minimum of three
18 years of work experience as a cartographer.

19 (2) *Geographer* means a person who specializes in geography and has a
20 minimum of three years of work experience as a geographer.

21 (3) *Statistician* means a person who is versed in or engaged in compiling
22 statistics and has a minimum of three years of work experience as a cartographer.

23 B. *Membership.* The commission shall consist of seven (7) members who shall be
24 selected and appointed in the manner provided for in 6-18.4 SFCC 1987.

25 (1) One (1) member shall be a resident of city council district 1;

- 1 (2) One (1) member shall be a resident of city council district 2;
- 2 (3) One (1) member shall be a resident of city council district 3;
- 3 (4) One (1) member shall be a resident of city council district 4;
- 4 (5) One (1) member shall be a resident of the city of Santa Fe, who is a
- 5 statistician;
- 6 (6) One (1) member shall be a resident of the city of Santa Fe, who is either a
- 7 geographer or cartographer; and
- 8 (7) For the first commission, one (1) member shall be a resident of the city of
- 9 Santa Fe and reside in the newly annexed area of the city that became effective on January 1,
- 10 2014. For future commissions, the one (1) member shall be a resident of any city council
- 11 district.

12 Should the city not receive applications from interested persons for the membership positions

13 described in subparagraphs (5) and (6), above, then those positions may be filled by interested

14 persons of any city council district who have applied for and were not selected for the other

15 membership positions.

16 **6-18.4 [NEW MATERIAL] Eligibility; Selection; Chairperson; Term.**

17 A. *Eligibility to serve on the commission.*

18 (1) Only persons who are both residents and registered voters of the city are

19 eligible to apply for and serve on the commission.

20 (2) Notwithstanding that a person may be a resident and registered voter of the

21 city, the following persons are ineligible to apply for and serve on the commission:

22 (a) Any elected official; or

23 (b) A relative by blood or marriage within the second degree, or any

24 domestic partner, within the meaning of Subsection 19-3.8 SFCC 1987, of any

25 elected city official; or

1 (c) A person who, at any time within the five (5) years immediately
2 preceding the date of their application for selection to the commission, has served as
3 an elected city official; or

4 (d) A person who, within the last five (5) years immediately preceding
5 the date of application for selection to the commission, has been a candidate to
6 become an elected city official; or

7 (e) A current employee of the city or a current employee of any
8 organization representing any employee bargaining unit for employees of the city; or

9 (f) A person who, at any time within the five (5) years immediately
10 preceding the date of their application for selection to the commission, has worked as
11 a lobbyist. For purposes of this provision, the term "lobbyist" means a person who,
12 for compensation, has direct communication with an elected official, including any
13 elected city official, for purposes of influencing a municipal decision; or

14 (g) A person who is currently an officer in any non-profit organization
15 that participates in the electoral process through endorsements of candidates.

16 (h) A person who is currently an officer in any political committee, as
17 that term is defined in 9-2.3(M) SFCC 1987; or

18 (i) A person who is currently an officer in any qualified political party,
19 as that term is defined in 1-1-10 NMSA 1978, including, an officer of any county
20 political party; or

21 (h) A person who, at any time within the five (5) years immediately
22 preceding the date of their application for selection to the commission, has served as
23 a paid campaign worker or paid campaign consultant for an elected city official; or

24 (i) A person who, at any time within the five (5) years immediately
25 preceding the date of their application for selection to the commission, has

1 contributed more than five dollars (\$5.00) to the campaign of a city elected official.

2 C. *Selection of commission members.*

3 (1) The city clerk shall set a reasonable period for an application submittal
4 period.

5 (2) Any person desiring to serve on the commission shall apply by submitting an
6 application to the city clerk during the application submittal period. The application shall be
7 on a form prepared by the city clerk and approved by the city attorney.

8 (3) The city clerk shall conduct a ministerial review of each submitted
9 application for completeness. All applications shall be submitted to the city clerk by the close
10 of the application submittal period in order to be considered.

11 (4) Upon close of the application submittal period, the city clerk shall count all
12 applications submitted and determine the number of complete applications that will be
13 available for the drawing. If the city clerk determines that less than three (3) complete
14 applications, per membership position, have been submitted, the city clerk shall extend the
15 application period, if doing so will not interfere with applicable deadlines for the redistricting
16 process. The city clerk extended application period shall be no more than one-half the length
17 of the initial application period.

18 (4) The city clerk shall set a date, time and place for the members to be selected
19 by means of a drawing by lot, so that (1) member for each position, described in 6-18.3 SFCC
20 1987, is selected, along with one alternate, in the event the member resigns in writing prior
21 to the end of the term of the commission.

22 D. *Chairperson.* The chairperson and vice-chairperson shall be elected by members of
23 the commission.

24 E. *Term.*

25 (1) The members of the first commission shall be selected as soon as practicable.

1 For the first commission, the goal is to have the commission members determined by no later
2 than February 1, 2015 so that the initial districting plan shall be final by June 1, 2015.

3 (2) Members of each commission shall serve from the time they are appointed
4 until after the vote on the final redistrict plan, or unless ordered otherwise by a court.

5 **6-18.5 [NEW MATERIAL] Meetings.** Each commission shall establish its regular meeting
6 day, time and location and shall publish notice of each meeting with the city clerk, in accordance with
7 the New Mexico Open Meetings Act, , Sections 10-15-1 through 10-15-4 NMSA 1978.

8 **6-18.6 [NEW MATERIAL] Budget.** The city finance director shall ensure that adequate
9 funds are appropriated for the commission to carry out its duties.

10 **6-18.7 [NEW MATERIAL] Staff.** The city attorney shall be the staff liaison to the
11 commission.

12 **Section 2. Subsection 9-1.4 SFCC 1987 (being Ord. #1985-60, §4, as amended) is**
13 **amended to read:**

14 **9-1.4 Districting.**

15 A. In establishing the district boundaries, ~~[the governing body]~~ the independent citizens'
16 redistricting commission, established by Section 6-18 SFCC 1987, shall consider the following
17 principles in the following order of priority:

18 (1) Each district shall contain as nearly as possible substantially the same
19 population based upon the most recent federal census;

20 (2) Districting plans must avoid dilution of minority voting strength;

21 (3) Communities of interest, including those based upon ethnic and economic
22 factors, shall be preserved within a single district whenever reasonable;

23 (4) Each district shall be formed of compact, contiguous territories. The total
24 length of all district boundary lines shall be as short as possible;

25 (5) Districting plans shall compensate for U.S. Census undercount of minorities.

B. District boundaries shall be reviewed and revised, if necessary, following each decennial federal census.

C. Revisions to the district boundaries [~~in existence on the date of adoption of this ordinance~~] shall be effective beginning with the March~~[, 2012]~~ 2016 regular municipal election.

Section 3. Subsection 9-1.4.1 SFCC 1987 (being Ord. #2002-7, §§4,5, as amended) is amended to read:

9-1.4.1 Incorporation by Reference.

The approved redistricting plan and plan documents (subsections 9-1.3 and 9-1.4) presented to [~~and utilized by the governing body at the August 1, 2011 meeting~~] the independent citizens' redistricting commission, in the course of revising the boundaries of the four (4) city council districts are incorporated by reference. A true and correct copy of said plan and plan documents shall be retained by the municipal clerk and made available for inspection by the public.

Section 4. Review. This Ordinance shall be reviewed by the governing body no later than one year from the date of adoption.

Section 5. Effective Date. This Ordinance shall become effective immediately upon adoption.

APPROVED AS TO FORM:

KELLEY A. BRENNAN, CITY ATTORNEY

M/Melissa/Bills 2014/Redistricting Commission

CITY OF SANTA FE, NM

BILL NO. 2014-____

INTRODUCED BY:

Councilor Signe Lindell

ORDINANCE

RELATING TO THE CITY OF SANTA FE ANIMAL SERVICES ORDINANCE, CHAPTER 5 SFCC 1987; AMENDING SECTION 5-8 TO ESTABLISH THAT TRAPPING FURBEARING ANIMALS FOR COMMERCIAL OR RECREATIONAL USE IS PROHIBITED ON LANDS WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF SANTA FE.

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

Section 1. A new Subsection 5-8.13 is ordained to read:

5-8.13 [NEW MATERIAL] Trapping.

It is unlawful for any person to trap, for commercial or recreational use, furbearing animals using strangulation snares, steel-jaw traps or other body-gripping animal traps from all lands within the municipal boundaries of the city of Santa Fe. This subsection does not apply to trapping performed by government officials carrying out their official duties.

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1 APPROVED AS TO FORM:

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KELLEY A. BRENNAN, CITY ATTORNEY

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25 *M/Melissa/Bills 2014/Trapping*

1 **WHEREAS**, through the adoption of Resolution No. 2013-21, the Governing Body directed
2 staff to collaborate with the SFROC management team to establish a contract management position
3 that would create and maintain a management and accountability structure to run the one-stop for
4 homeless services in accordance with the proposed management plan; and

5 **WHEREAS**, ICS has coordinated with many community partners to provide homeless
6 services at SFROC, see attached Exhibit "A"; and

7 **WHEREAS**, over 2,000 volunteers from forty-three faith communities and community
8 groups join in providing overnight shelter, food, and other necessities from November through April
9 for the winter homeless shelter and showers and clothing year round; and

10 **WHEREAS**, in 2012-13 ICS provided 12,597 bed nights, a hot dinner and cold breakfast to
11 968 homeless men and women; and

12 **WHEREAS**, the Governing Body recognizes that the current location of SFROC is adjacent
13 to residential neighborhoods and local businesses; and

14 **WHEREAS**, there have been occasions where the homeless services that are provided at the
15 SFROC have interfered with the operation of local business and quality of life in the residential areas;
16 and

17 **WHEREAS**, in order for the Governing Body to assess whether the current homeless shelter
18 is meeting the needs of the homeless community as well as supporting local businesses and
19 neighboring residents, there is a need for staff to analyze and report back to the Governing Body on
20 the overall operation of the homeless shelter and whether the shelter should be expanded or relocated
21 to meet the needs of the homeless community, local businesses and neighboring residential areas; and

22 **WHEREAS**, the Governing Body acknowledges that in the event staff finds that a different
23 location for the shelter would be beneficial to the homeless community, then the current facility
24 would have to be put on the market to generate revenue that would accommodate a move to a new
25 facility location.

1 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
2 **CITY OF SANTA FE** that the Governing Body declares its on-going support for the homeless
3 community, local businesses and established residential neighborhoods.

4 **BE IT FURTHER RESOLVED** that staff is directed to:

5 1. Evaluate the current management structure of SFROC and provide findings and
6 recommendations on how the current structure could be improved.

7 2. Collaborate with ICS and the service providers to:

8 (a) Evaluate the current shelter location and facility to analyze whether or not
9 the shelter meets the short term needs of the homeless community and provide
10 recommendations for bettering the site for the 2014/2015 winter season; and

11 (b) Evaluate whether the shelter meets the long term needs of the homeless
12 community and provide recommendations for bettering the site over the long term.

13 (3) Begin the process of seeking out alternative sites away from established residential
14 neighborhoods and businesses that may better serve the homeless community in the long term and
15 provide better opportunities in the short term

16 (4) Report back to the Governing Body within sixty (60) days to present findings and
17 recommendations related to the above directives.

18 PASSED, APPROVED AND ADOPTED this ____ day of _____, 2014.

19
20 _____
21 JAVIER M. GONZALES, MAYOR

22 ATTEST:

23
24 _____
25 YOLANDA Y. VIGIL, CITY CLERK

1 APPROVED AS TO FORM:

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4 KELLEY A. BRENNAN, CITY ATTORNEY

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M/Melissa/Resolutions 2014/Homeless Shelter

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2014-65

INTRODUCED BY:

Councilor Joseph Maestas

A RESOLUTION

**DIRECTING STAFF TO IDENTIFY THE BENEFITS, FEASIBILITY, NEEDS AND
OPTIONS FOR CREATING AN INDEPENDENT OFFICE OF INSPECTOR GENERAL.**

WHEREAS, in 2012, the Governing Body enacted Section 2-22 SFCC 1987 which created
the Internal Audit Department; and

WHEREAS, the purpose of the Internal Audit Department is to promote good governance,
transparency and accountability which are critical in the public sector for the effective and credible
functioning of a healthy democracy, and in fulfilling the government's responsibility to citizens and
taxpayers; and

WHEREAS, transparent and reliable reporting and effective auditing in government serve to
promote accountability, enhance the effectiveness of government services to its residents, and
increase the public's confidence in their government; and

WHEREAS, members of the Governing Body share a duty to ensure that the actions of
public officials, employees and contractors of the city are carried out in the most responsible manner
possible and that city policies, budgets, goals and objectives are fully implemented; and

1 **WHEREAS**, in 2013, the Governing Body enacted Section 19-2 SFCC 1987, the Fraud,
2 Waste and Abuse Hotline, which was created for the purpose of establishing a mechanism for City
3 employees to report alleged fraud, waste or abuse by city employees or city public officers; and

4 **WHEREAS**, in addition to the current duties of the City internal auditor (IA), the IA is
5 responsible for overseeing the contracted services of implementing and maintaining the fraud, waste
6 and abuse hotline and investigating reported incidents; and

7 **WHEREAS**, to accomplish a positive, responsive and thorough outcome of the fraud, waste
8 and abuse allegations, the City could benefit from the services of an inspector general ("IG") who
9 could actively investigate reports submitted by City employees as well as the general public on fraud,
10 waste and abuse of city resources; and

11 **WHEREAS**, pursuant to Section 1-7.9(B) of the City of Santa Fe Code of Ethics, "the
12 governing body may, by separate ordinance, establish an office of inspector general;" and

13 **WHEREAS**, the presence of an IG in City government would promote transparency,
14 accountability, efficiency and effectiveness of city government; and

15 **WHEREAS**, municipalities throughout the United States have found that the cost of funding
16 an IG position is returned through elimination of fraud, waste and abuse and the introduction of new
17 efficiencies, including in Philadelphia where, in 2013, the IG saved or recovered \$10.9 million for the
18 City; and

19 **WHEREAS**, the City of Albuquerque and the New Mexico Department of Transportation,
20 amongst other governmental entities, have successfully established Office of Inspector General (OIG)
21 functions; and

22 **WHEREAS**, Albuquerque established an OIG in 2010 to promote a culture of integrity,
23 accountability, and transparency throughout the City of Albuquerque in order to safeguard and
24 preserve the public trust by preventing, detecting, deterring and investigating fraud, waste and abuse
25 and promoting the efficiency and effectiveness in the programs and operations of the City of

1 Albuquerque; and

2 **WHEREAS**, the 2012 report of the Albuquerque OIG states "the OIG conducted and
3 completed 16 investigations which represents a 267% increase over FY2011 (6 investigations). The
4 OIG reported a total of 90 findings and made 60 recommendations to Departments;" and

5 **WHEREAS**, in 2010, the New Mexico State Transportation Commission established an OIG
6 for the New Mexico Department of Transportation (NMDOT) whose duties include, but are not
7 limited to conducting inquiries and investigations into allegations of fraud, waste, abuse, theft and
8 wrong doings perpetrated against the Department; and

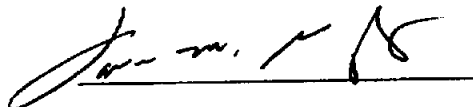
9 **WHEREAS**, because of the Governing Body's recent establishment of the Fraud, Waste and
10 Abuse Hotline Ordinance, there is a need to separate the fraud, waste and abuse duties from the City
11 of Santa Fe's Internal Auditor and create a separate, independent inspector general position.

12 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
13 **CITY OF SANTA FE** that the Governing Body directs staff to:

- 14 1. Review the OIG models currently in place for the City of Albuquerque and the
15 NMDOT as well as others that are comparable;
- 16 2. Identify the benefits, feasibility, needs and options for creating an OIG for the City of
17 Santa Fe;
- 18 3. Evaluate whether the position should be established as a full-time employee or
19 whether services should be contracted out;
- 20 4. Evaluate other existing ordinances that may be modified to strengthen the disclosure,
21 investigation, and resolution of fraud, waste, and abuse including, without limitation,
22 whistleblower protections, employee discipline procedures and hotline
23 improvements; and
- 24 5. Within 45 days of adoption of this resolution present findings and recommendations
25 to the Governing Body.

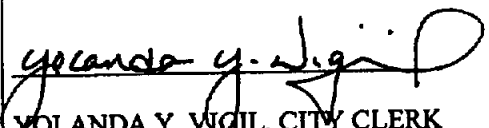
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PASSED, APPROVED and ADOPTED this 13th day of August, 2014.



JAVIER M. GONZALES, MAYOR

ATTEST:



YOLANDA Y. WIGIL, CITY CLERK

APPROVED AS TO FORM:



KELLEY A. BRENNAN, CITY ATTORNEY