



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JULY 30, 2008
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 7-25-08 TIME 3:05 pm

SERVED BY _____

RECEIVED BY Lydomunoz

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. INVOCATION
4. ROLL CALL
5. APPROVAL OF AGENDA
6. APPROVAL OF CONSENT CALENDAR
7. APPROVAL OF MINUTES: Sp. City Council Meeting – June 30, 2008
Reg. City Council Meeting – July 9, 2008
8. PRESENTATIONS
 - a) Introduction of Recently Hired Lateral Officers and Law Enforcement Academy Graduates. (Chief Eric Johnson) (5 minutes)
 - b) Proclamation – Carmen Oyaca. (5 minutes)
 - c) Annual Santa Fe County Fair – July 30, 2008 thru August 3, 2008. (Christina M. Turner, Santa Fe County 4-H Agriculture Agent) (5 minutes)
 - d) Santa Fe Fiesta Council Schedule of Events and Presentation. (Albert "Gabby" Montoya, President) (5 minutes)
 - e) 400th Anniversary Committee Update. (Maurice Bonal & Troy Fernandez). (10 minutes)
9. CONSENT CALENDAR
 - a) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Dominguez)
A Resolution Directing Staff to Develop a Program to Recognize and Promote Child-Friendly Businesses and Organizations in the Community. (Fabian Trujillo)



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- b) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Bushee)
A Resolution Directing Staff to Research the Possibility of Santa Fe Archiving "Bicycle Friendly Community" Status. (Robert Siqueiros)
- c) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Bushee, Councilor Wurzbarger, Councilor Calvert and Councilor Trujillo)
A Resolution Directing Staff to Research and Recommend an Appropriate Bike Sharing Program to Be Located at the Railyard. (Robert Siqueiros)
- d) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Dominguez)
A Resolution Encouraging the State of New Mexico to Evaluate the Possibility of Paying State Employees Living in the City of Santa Fe No Less than the City of Santa Fe's Living Wage. (Fabian Trujillo)
- e) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Dominguez, Councilor Calvert and Councilor Trujillo)
A Resolution Requesting that the Transit Division Staff Establish a No-Cost Bus Program that Would Serve the Transportation Needs of Santa Fe's Youth, 18 and Under; and Requesting that the Mayor's Youth Advisory Board, with the Assistance of Community Services Staff and Transit Division Staff Modify Existing Routes to Better Accommodate Youth, Taking into Consideration Designated Stops and Appropriate Schedules. (Jon Bulthuis)
- f) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Ortiz, Councilor Trujillo and Councilor Bushee)
A Resolution Supporting the Efforts of the Food Depot by Expanding the Current Lease by 1.5 Acres of City Property on Siler Road for Expansion of Food Bank Activities; and Directing Staff to Include Such Area in the Brownfield Study Being Conducted on the Adjacent 14 Acre Parcel the City is Acquiring. (Ed Vigil)
- g) Bid No. 08/35/B – New Fire Station No. 3 Construction and Construction Agreement; Samcon, Inc. (Chip Lilienthal)
 - 1) Request for Approval of Budget Increase – Project Fund



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- h) Request for Approval to Publish Notice of Public Hearing on August 27, 2008:

Bill No. 2008-47 – An Ordinance Amending Sections 14-6.2(C)(10), 14-8.11(D), 26-1.8 and 26-1.33 SFCC 1987 and 26-1.8 SFCC 1987 Regarding the Applicability of the Santa Fe Homes Program to Vacation Time Share Projects and Making Such Other Changes as are Necessary. (Councilor Calvert and Councilor Bushee) (Ted Swisher)

- a) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Calvert and Councilor Bushee)

A Resolution Amending the Administrative Procedures for The Santa Fe Homes Program (SFHP) Regarding the Applicability of the SFHP to Vacation Time Share Projects and Make Such Other Changes as are Necessary. (Ted Swisher)

- i) Request for Approval of Change Order No. 2 – Police Department Renovations; Samcon, Inc. (Chip Lilienthal)
- j) Request for Approval of Professional Services Agreement – Project Manager for Site Santa Fe Museum in Santa Fe County; Site Santa Fe. (David Chapman)

- 1) Request for Approval of Budget Increase – Grant Fund

- k) Request for Approval of State and Federal Grant Applications and Awards – Taxiway F Reconstruction Design for Santa Fe Municipal Airport; New Mexico Department of Transportation Aviation Division and Federal Aviation Administration. (Jim Montman)
- l) Request for Approval of Funding Recommendations for Human Services Providers for Fiscal Year 2008/2009. (Terrie Rodriguez)
- m) Request for Approval of Procurement Under State Price Agreement – Library Books and Periodicals for Library Division; Various Vendors. (Pat Hodapp)
- n) Request for Approval of Professional Services Agreement – Drug Court Program for Santa Fe Municipal Court; Millennium Treatment Services, Inc. (Judge Ann Yalman)



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- o) Request for Approval of Amendment No. 2 To Professional Services Agreement – Engineering Design and Consulting Services at Wastewater Treatment Plant; HDR Engineering, Inc. (Bryan Romero)
- p) Request for Approval of Community Development Block Grant Contracts for Fiscal Year 2008/2009; Seven (7) Various Vendors. (Melisa Collett)
- q) Request for Approval of Fiscal Year 2008/2009 Contracts – Meal Program for Senior Services Division; North Central New Mexico Economic Development District Non-Metro Area on Aging. (Chad Eaton)
 - 1) Nutrition Service Incentive Program
 - 2) Agency's Direct Purchase of Services Program
 - 3) State Funded Senior Employment Program
- a) Request for Approval of Budget Increase – Grant Fund.
- r) Request for Approval of Procurement Under State Price Agreement – Wastewater Treatment Plant Telecommunications Improvements; HEI, Inc. (Bryan Romero)
- s) Request for Approval of Sole Source Procurement and Software License and Maintenance Support Agreement – Reporting Software for Financial Systems; The General Ledger Company, LLC (Vincent Montoya)
- t) Request for Approval of Sole Source Procurement and Service Agreement – Customer Relationship Management and Event Booking System for Santa Fe Community Convention Center; New Media Gateway, Inc. (Keith Toler)
- u) Request for Approval of Procurement Under Federal Price Agreement – Digital Video Systems for Wastewater and Storm Water Divisions; Cobra Technologies. (Costy Kassisieh)
 - 1) Request for Approval of Budget Increase – Project Fund
- v) Request for Approval of Sole Source Procurement – Santa Fe Brown Base Course for Streets & Drainage Division; Santa Fe Classic Rock. (David Catanach)



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- w) Request for Approval of Donation – Two (2) Street Sweepers to New Mexico Army National Guard. (Robert Rodarte)
- x) CONSIDERATION OF RESOLUTION NO. 2008-_____.
A Resolution Relating to a Request for Approval of Fourth Quarter (Year-End) Budget Adjustments for Fiscal Year 2007/2008. (Cal Probasco)
- y) Adoption of Findings of Fact and Conclusions of Law in the Matter of Stefanie Beninato v. Board of Adjustment; City Appeals Case #A-2008-03. (Jack Hiatt)
- z) Adoption of New Fees for Building Permits, Development Review and Administration: **(Postponed at June 11, 2008 City Council Meeting)**
 - 1) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Wurzburger)
A Resolution Adopting New Fees for Plan Reviews, Building Permits, Secondary Mechanical Permits, Secondary Plumbing Permits, Secondary Electrical Permits, Grading Plan Reviews, Grading Permits, and Sign Permits. (Jack Hiatt)
 - 2) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Wurzburger)
A Resolution Adopting New Fees for Development Review Applications Such as Annexation Rezoning Subdivision, Development Plans, Special Exceptions, Variances, Appeals, Code Amendments, Etc. Submitted to the Land Use Department. (Jack Hiatt)
- 10. CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Wurzburger, Mayor Coss, Councilor Romero and Councilor Calvert) A Resolution Calling for a Special Municipal Election to be Held August 19, 2008 for the Purpose of Submitting a Question to the Qualified Electors of the City of Santa Fe as to Whether an Excise Tax Should be Imposed on the Transfer of Residential Property in the Amount of One Percent (1%) of the Portion of the Purchase Price in Excess of \$750,000. the Tax Would be Imposed on the Buyer and the Revenues Collected from the Tax Would be Used Solely for Affordable Workforce Housing. **(Request to Postpone to August 27, 2008 City Council Meeting)**



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Resolución Convocación de Elección Municipal Extraordinaria que Tendrá Lugar el 19 de Agosto 2008 Con el Fin de Someter La Cuestión a Los Votantes Calificados de la Municipalidad de Santa Fe Respecto a si un Impuesto Indirecto se Deberá Imponer Sobre la Transferencia de Propiedad Inmueble Residencial en la Suma de Uno Por Ciento (1%) de la Parte del Precio de Compra Que Exceda \$750,000. El Impuesto se Impondría Unicamente Para Financiar Vivienda Para Trabajadores

- 1) Request for Approval of Consolidated Precincts
11. MATTERS FROM THE CITY MANAGER
12. MATTERS FROM THE CITY ATTORNEY
13. MATTERS FROM THE CITY CLERK
14. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. INVOCATION
- D. ROLL CALL
- E. PETITIONS FROM THE FLOOR
- F. APPOINTMENTS



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G. PUBLIC HEARINGS:

- 1) Request from Geronimo Liquor Holdings, LLC, for a Transfer of Ownership of Dispenser License #2676 From Canyon Dining, Inc. to Geronimo Liquor Holdings, LLC, dba/ Geronimo Lodge. The License will Remain at 724 Canyon Road. (Yolanda Y. Vigil)
- 2) Request from Como Su Casa, Inc., for the following: (Yolanda Y. Vigil)
 - a) Pursuant to §60-6B-10 NMSA 1978, a Request for a Waiver of the 300 Foot Location Restriction to Allow the Sale of Alcoholic Beverages at ¡A La Mesa!, 428 Agua Fria Street, Which is Within 300 Feet of the Our Lady of Guadalupe Church, 417 Agua Fria Street.
 - b) If the Waiver of the 300 Foot Restriction is Granted, a Request for a Restaurant (Beer & Wine) License to be Located at ¡A La Mesa!, 428 Agua Fria Street.
- 3) Request from Abiquiu Saint-Flour, Inc., for a Transfer of Ownership and Location of Dispenser License #2773 from Santa Fe Picacho Hotel Management Corporation, dba/ Country Inn & Suites, .7620 Pan American Freeway, Albuquerque, New Mexico to Abiquiu Saint-Flour, Inc., dba Osaka Grill & Seafood, 3501 Zafarano Drive, Suite A-14A. (Yolanda Y. Vigil)
- 4) Consideration of Adoption of 2008-2013 Five (5) Year Consolidated Plan. (Melisa Collett) **(Postpone at July 9, 2008 City Council Meeting)**
- 5) CONSIDERATION OF BILL NO. 2008-42: ADOPTION OF ORDINANCE NO. 2008-_____. (Councilor Wurzburger and Councilor Dominguez)
An Ordinance Amending Certain Sections of Article 11-11 SFCC 1987 Regarding the Economic Development Plan Ordinance. (Fabian Trujillo)
 - a) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Wurzburger and Councilor Dominguez)
A Resolution Adopting the City of Santa Fe's Economic Development Strategies for Implementation. (Fabian Trujillo)



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- 6) **Case #M 2007-39. The Villas at the Lensic Development Plan.** Karl Sommer, Agent for Greer Enterprises, Inc. Requests Approval of a Development Plan for a Commercial Building Comprising Approximately 47,691 Square Feet, Plus 2.5 Levels of Underground Parking Garage. The Property is Zoned BCDLEN (Business Capital District Lensic Block Redevelopment Subdistrict) and is Located Within the Downtown Eastside Historic Overlay District and Historic Downtown Archaeological Overlay District. (Tamara Baer.)
- 7) CONSIDERATION OF BILL NO. 2008-46: ADOPTION OF ORDINANCE NO. 2008-_____.
Case #ZA 2008-03. 1711½ West Alameda Rezoning. Jenkins Gavin, Agent for Eric and Carrie Rowland, Requests Rezoning of 1.98± Acres of Land From R-1 (Residential, 1 Dwelling Unit Per Acre) to R-3 (Residential, 3 Dwelling Units Per Acre). The Property is Located North of West Alameda, East of El Rancho Road. (Lou Baker)
- 8) CONSIDERATION OF RESOLUTION NO. 2008-_____.
Case #M 2007-36. 1312 Agua Fria Street General Plan Amendment. Derrick Archuleta, Agent for Evangeline Herrera, Requests Approval of a General Plan Future Land Use Map Amendment to Change The Designation of 0.306± Acres of Land From Low Density (3-7 Dwelling Units Per Acre) to Office. The Area is Located Between Agua Fria Street and Hickox Street. (Greg Smith) (Postponed at May 28, 2008 City Council Agenda) **(Request by Staff and Applicant to Postpone to August 11, 2008 City Council Meeting)**
- 9) CONSIDERATION OF BILL NO. 2008-19: ADOPTION OF ORDINANCE NO. 2008-_____.
Case #ZA 2007-13. 1312 Agua Fria Street Rezoning. Derrick Archuleta, Agent for Evangeline Herrera, Requests Rezoning of 0.306± Acres of Land From R-5 (Residential, Five Dwelling Units Per Acre) to C-1 (Office and Related Commercial). The Property is Located Between Agua Fria Street and Hickox Street. (Greg Smith) (Postponed at May 28, 2008 City Council Agenda) **(Request by Staff and Applicant to Postpone to August 11, 2008 City Council Meeting)**

H. 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.

***Translator for the hearing impaired available through the City Clerk's Office upon 5 days notice.**

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SANTA FE CITY COUNCIL MEETING
July 30, 2008**

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<u>APPROVAL OF MINUTES:</u>		
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CONSIDERATION OF RESOLUTION NO. 2008- ____ . A RESOLUTION CALLING FOR A SPECIAL MUNICIPAL ELECTION TO BE HELD AUGUST 19, 2008, FOR THE PURPOSE OF SUBMITTING A QUESTION TO THE QUALIFIED ELECTORS OF THE CITY OF SANTA FE AS TO WHETHER AN EXCISE TAX SHOULD BE IMPOSED ON THE TRANSFER OF RESIDENTIAL PROPERTY IN THE AMOUNT OF ONE PERCENT (1%) OF THE PORTION OF THE PURCHASE PRICE IN EXCESS OF \$750,000. THE TAX WOULD BE IMPOSED ON THE BUYER AND THE REVENUES COLLECTED FROM THE TAX WOULD BE USED SOLELY FOR AFFORDABLE WORKFORCE HOUSING	Postponed to 08/27/08	9

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RESOLUCIÓN CONVOCACIÓN DE ELECCIÓN MUNICIPAL EXTRAORDINARIA QUE TENDRÁ LUGAR EL 19 DE AGOSTO 2008, CON EL FIN DE SOMETER LA CUESTIÓN A LOS VOTANTES CALIFICADOS DE LA MUNICIPALIDAD DE SANTA FE RESPECTO A SI UN IMPUESTO INDIRECTO SE DEBERÁ IMPONER SOBRE LA TRANSFERENCIA DE PROPIEDAD INMUEBLE RESIDENCIAL EN LA SUMA DE UNO POR CIENTO (1%) DE LA PARTE DEL PRECIO DE COMPRA QUE EXCEDA \$650,000. EL IMPUESTO SE IMPONDRIA UNICAMENTE PARA FINANCIAR VIVIENDA PARA TRABAJADORES.		
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<u>EVENING SESSION</u>		
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<u>PUBLIC HEARINGS</u>		
REQUEST FROM GERONIMO LIQUOR HOLDINGS, LLC, FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #2676 FROM CANYON DINING, INC., TO GERONIMO LIQUOR HOLDINGS, LLC, D/B/A GERONIMO LODGE. THE LICENSE WILL REMAIN AT 724 CANYON ROAD	Approved	15

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FROM COMO SU CASA, INC., FOR THE FOLLOWING:		
PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES AT ¡A LA MESA!, 428 AGUA FRIA STREET, WHICH IS WITH 300 FEET OF THE OUR LADY OF GUADALUPE CHURCH, 417 AGUA FRIA STREET	Approved	16
IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, A REQUEST FOR A RESTAURANT (BEER & WINE) LICENSE TO BE LOCATED AT ¡A LA MESA!, 428 AGUA FRIA STREET	Approved	16-17
REQUEST FROM ABIQUIU SAINT-FLOUR, INC., FOR A TRANSFER OF OWNERSHIP AND LOCATION OF DISPENSES LICENSE #2773 FROM SANTA FE PICACHO HOTEL MANAGEMENT CORPORATION, D/B/A COUNTRY INN & SUITES, 7620 PAN AMERICAN FREEWAY, ALBUQUERQUE, NEW MEXICO TO ABIQUIU SAINT-FLOUR, INC., D/B/A OSAKA GRILL & SEAFOOD, 3501 ZAFARANO DRIVE, SUITE A-14A	Approved	17
CONSIDERATION OF ADOPTION OF 2008-2013 FIVE (5) YEAR CONSOLIDATED PLAN	Approved	18
CONSIDERATION OF BILL NO. 2008-42; ADOPTION OF ORDINANCE NO. 2008- 42. AN ORDINANCE AMENDING CERTAIN SECTIONS OF ARTICLE 11-11 SFCC 1987, REGARDING THE ECONOMIC DEVELOPMENT PLAN ORDINANCE	Approved	18-20
CONSIDERATION OF RESOLUTION NO. 2008- 67 (COUNCILOR WURZBURGER AND COUNCILOR DOMINGUEZ). A RESOLUTION ADOPTING THE CITY OF SANTA FE'S ECONOMIC DEVELOPMENT STRATEGIES FOR IMPLEMENTATION	Approved	18-20

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<p>CONSIDERATION OF BILL NO. 2008-46; ADOPTION OF ORDINANCE N. 2008- 43. CASE #ZA 2008-03. 1711½ WEST ALAMEDA REZONING. JENKINS GAVIN, AGENT FOR ERIC AND CARRIE ROWLAND, REQUESTS REZONING OF 1.98± ACRES OF LAND FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO R-3 (RESIDENTIAL, 3 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED NORTH OF WEST ALAMEDA, EAST OF EL RANCHO ROAD</p>	Approved [amended]	20-30
<p>CASE #M 2007-39. THE VILLAS AT THE LENSIC DEVELOPMENT PLAN. KARL SOMMER, AGENT FOR GREER ENTERPRISES, INC., REQUESTS APPROVAL OF A DEVELOPMENT PLAN FOR A COMMERCIAL BUILDING COMPRISING APPROXIMATELY 47,691 SQUARE FEET, PLUS 2.5 LEVELS OF UNDERGROUND PARKING GARAGE. THE PROPERTY IS ZONED BCDLEN (BUSINESS CAPITAL DISTRICT LENSIC BLOCK REDEVELOPMENT SUBDISTRICT) AND IS LOCATED WITHIN THE DOWNTOWN EASTSIDE HISTORIC OVERLAY DISTRICT AND HISTORIC DOWNTOWN ARCHAEOLOGICAL OVERLAY DISTRICT</p>	Postponed to 08/11/08	31-51
<p>CONSIDERATION OF RESOLUTION NO. 2008- ____. CASE #M 2007-26. 1312 AGUA FRIA STREET, GENERAL PLAN AMENDMENT. DERRICK ARCHULETA, AGENT FOR EVANGELINE HERRERA, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 0.306± ACRES OF LAND FROM LOW DENSITY (3-7 DWELLING UNITS PER ACRE) TO OFFICE. THE ARE IS LOCATED BETWEEN AGUA FRIA STREET AND HICKOX STREET</p>	Postponed to 09/10/08	51

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<p>CONSIDERATION OF BILL NO. 2008-19; ADOPTION OF ORDINANCE NO. 2008- ____.</p> <p>CASE #ZA 2007-13. 1312 AGUA FRIA STREET REZONING OF 0.306± ACRES OF LAND FROM R-5 (RESIDENTIAL, FIVE DWELLING UNITS PER ACRE) TO C-1 (OFFICE AND RELATED COMMERCIAL). THE PROPERTY IS LOCATED BETWEEN AGUA FRIA STREET AND HICKOX STREET</p>	<p>Postponed to 09/10/08</p>	<p>51</p>
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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
July 30, 2008**

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor David Coss, on July 30, 2008, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance and Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

Mayor David Coss
Councilor Rebecca Wurzbarger, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Miguel Chavez,
Councilor Carmichael A. Dominguez
Councilor Matthew E. Ortiz
Councilor Rosemary Romero
Councilor Ronald S. Trujillo

Others Attending

Galen Buller, City Manager
Frank Katz, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

5. APPROVAL OF AGENDA

Mr. Buller said staff has requested that Item 9(z) in the afternoon agenda be withdrawn and sent back to the Finance Committee. He said the representative for tonight's agenda Item G(7) has asked if G(6) and G(7) could be switched, and the representatives of Item G(6) have said that is okay, and staff is okay with that. He said on Items G(8) and (9) the applicant has asked to change the postponement to September 10, 2008.

Councilor Chavez said this case has been postponed off and on for about a year now, and asked if this could be the last postponement.

Greg Smith said staff had anticipated that the lot split that is required to correct the lot of record problem would have been approved by the Summary Committee at its early August meeting. However, due to confusion on the posting deadline, the Applicant did not post or mail the notice for the Summary Committee, so everything is moved back a month so the Summary Committee action can be completed prior to Council action.

Councilor Chavez asked if this might be the last postponement for this case.

Mr. Smith said he sees no reason why this case would be postponed again.

Councilor Wurzburger moved, seconded by Councilor Ortiz, to approve the agenda as amended.

The motion was approved on a voice vote with Councilors Bushee, Calvert, Chavez, Dominguez, Ortiz, Romero, Trujillo and Wurzburger voting for the motion and none against.

6. APPROVAL OF CONSENT CALENDAR

Councilor Chavez said he will work with staff regarding his proposed changes to Item 9(h), since this is only a request to publish.

Councilor Dominguez asked to be added as a cosponsor of the Resolution on Item 9(f).

Councilor Chavez moved, seconded by Councilor Bushee, to approve the following Consent Calendar, as amended. The motion was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo and Councilor Wurzburger.

Against: None.

- a) CONSIDERATION OF RESOLUTION NO. 2008- 60 (COUNCILOR DOMINGUEZ). A RESOLUTION DIRECTING STAFF TO DEVELOP A PROGRAM TO RECOGNIZE AND PROMOTE CHILD-FRIENDLY BUSINESSES AND ORGANIZATIONS IN THE COMMUNITY. (FABIAN TRUJILLO)**
- b) CONSIDERATION OF RESOLUTION NO. 2008- 61 (COUNCILOR BUSHEE). A RESOLUTION DIRECTING STAFF TO RESEARCH THE POSSIBILITY OF SANTA FE ARCHIVING ACHIEVING "BICYCLE FRIENDLY COMMUNITY" STATUS. (ROBERT SIQUEIROS)**
- c) CONSIDERATION OF RESOLUTION NO. 2008- 62 (COUNCILOR BUSHEE, COUNCILOR WURZBURGER, COUNCILOR CALVERT AND COUNCILOR TRUJILLO). A RESOLUTION DIRECTING STAFF TO RESEARCH AND RECOMMEND AN APPROPRIATE BIKE SHARING PROGRAM TO BE LOCATED AT THE RAILYARD. (ROBERT SIQUEIROS)**

- d) **CONSIDERATION OF RESOLUTION NO. 2008- 63 (COUNCILOR DOMINGUEZ). A RESOLUTION ENCOURAGING THE STATE OF NEW MEXICO TO EVALUATE THE POSSIBILITY OF PAYING STATE EMPLOYEES LIVING IN THE CITY OF SANTA FE NO LESS THAN THE CITY OF SANTA FE'S LIVING WAGE. (FABIAN TRUJILLO)**
- e) **CONSIDERATION OF RESOLUTION NO. 2008- 64 (COUNCILOR DOMINGUEZ, COUNCILOR CALVERT AND COUNCILOR TRUJILLO). A RESOLUTION REQUESTING THAT THE TRANSIT DIVISION STAFF ESTABLISH A NO-COST BUS PROGRAM THAT WOULD SERVE THE TRANSPORTATION NEEDS OF SANTA FE'S YOUTH, 18 AND UNDER; AND REQUESTING THAT THE MAYOR'S YOUTH ADVISORY BOARD, WITH THE ASSISTANCE OF COMMUNITY SERVICES STAFF AND TRANSIT DIVISION STAFF, MODIFY EXISTING ROUTES TO BETTER ACCOMMODATE YOUTH, TAKING INTO CONSIDERATION DESIGNATED STOPS AND APPROPRIATE SCHEDULES. (JON BULTHUIS)**
- f) **CONSIDERATION OF RESOLUTION NO. 2008- 65 (COUNCILOR ORTIZ, COUNCILOR TRUJILLO, COUNCILOR DOMINGUEZ, AND COUNCILOR BUSHEE). A RESOLUTION SUPPORTING THE EFFORTS OF THE FOOD DEPOT BY EXPANDING THE CURRENT LEASE BY 1.5 ACRES OF CITY PROPERTY ON SILER ROAD FOR EXPANSION OF FOOD BANK ACTIVITIES; AND DIRECTING STAFF TO INCLUDE SUCH AREA IN THE BROWNFIELD STUDY BEING CONDUCTED ON THE ADJACENT 14 ACRE PARCEL THE CITY IS ACQUIRING. (ED VIGIL)**
- g) **BID NO. 08/35/B – NEW FIRE STATION NO. 3 CONSTRUCTION AND CONSTRUCTION AGREEMENT; SAMCON, INC. (CHIP LILIENTHAL)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND.**
- h) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON AUGUST 27, 2008: BILL NO. 2008-47 – AN ORDINANCE AMENDING SECTIONS 14-6.2(C)(10), 14-8.11(D), 26-1.8 AND 26-1.33 SFCC 1987, AND 26-1.8 SFCC 1987, REGARDING THE APPLICABILITY OF THE SANTA FE HOMES PROGRAM TO VACATION TIME SHARE PROJECTS AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY (COUNCILOR CALVERT AND COUNCILOR BUSHEE). (TED SWISHER)**
 - a) **CONSIDERATION OF RESOLUTION NO. 2008- ____ (COUNCILOR CALVERT AND COUNCILOR BUSHEE. A RESOLUTION AMENDING THE ADMINISTRATIVE PROCEDURES FOR THE SANTA FE HOMES PROGRAM (SFHP) REGARDING THE APPLICABILITY OF THE SFHP TO VACATION TIME SHARE PROJECTS AND MAKE SUCH OTHER CHANGES AS ARE NECESSARY. (TED SWISHER)**

- l) REQUEST FOR APPROVAL OF CHANGE ORDER NO. 2 – POLICE DEPARTMENT RENOVATIONS; SAMCON, INC. (CHIP LILIENTHAL)**
- j) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – PROJECT MANAGER FOR SITE SANTA FE MUSEUM IN SANTA FE COUNTY; SITE SANTA FE. (DAVID CHAPMAN)**
 - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- k) REQUEST FOR APPROVAL OF STATE AND FEDERAL GRANT APPLICATIONS AND AWARDS – TAXIWAY F RECONSTRUCTION DESIGN FOR SANTA FE MUNICIPAL AIRPORT; NEW MEXICO DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION AND FEDERAL AVIATION ADMINISTRATION. (JIM MONTMAN)**
- l) REQUEST FOR APPROVAL OF FUNDING RECOMMENDATIONS FOR HUMAN SERVICES PROVIDERS FOR FISCAL YEAR 2008/2009. (TERRIE RODRIGUEZ)**
- m) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – LIBRARY BOOKS AND PERIODICALS FOR LIBRARY DIVISION; VARIOUS VENDORS. (PAT HODAPP)**
- n) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – DRUG COURT PROGRAM FOR SANTA FE MUNICIPAL COURT; MILLENNIUM TREATMENT SERVICES, INC. (JUDGE ANN YALMAN)**
- o) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – ENGINEERING DESIGN AND CONSULTING SERVICES AT WASTEWATER TREATMENT PLANT; HDR ENGINEERING, INC. (BRYAN ROMERO)**
- p) REQUEST FOR APPROVAL OF COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACTS FOR FISCAL YEAR 2008/2009; SEVEN (7) VARIOUS VENDORS. (MELISA COLLETT)**
- q) REQUEST FOR APPROVAL OF FISCAL YEAR 2008/2009 CONTRACTS – MEAL PROGRAM FOR SENIOR SERVICES DIVISION; NORTH CENTRAL NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT NON-METRO AREA ON AGING. (CHAD EATON)**
 - 1) NUTRITION SERVICE INCENTIVE PROGRAM**
 - 2) AGENCY'S DIRECT PURCHASE OF SERVICES PROGRAM**
 - 3) STATE FUNDED SENIOR EMPLOYMENT PROGRAM.**
 - a) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**

- r) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – WASTEWATER TREATMENT PLANT TELECOMMUNICATIONS IMPROVEMENTS; HEI, INC. (BRYAN ROMERO)**
- s) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND SOFTWARE LICENSE AND MAINTENANCE SUPPORT AGREEMENT – REPORTING SOFTWARE FOR FINANCIAL SYSTEMS; THE GENERAL LEDGER COMPANY, LLC. (VINCENT MONTOYA)**
- t) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND SERVICE AGREEMENT – CUSTOMER RELATIONSHIP MANAGEMENT AND EVENT BOOKING SYSTEM FOR SANTA FE COMMUNITY CONVENTION CENTER; NEW MEDIA GATEWAY, INC. (KEITH TOLER)**
- u) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER FEDERAL PRICE AGREEMENT – DIGITAL VIDEO SYSTEMS FOR WASTEWATER AND STORM WATER DIVISIONS; COBRA TECHNOLOGIES. (COSTY KASSISIEH)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND.**
- v) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT – SANTA FE BROWN BASE COURSE FOR STREETS & DRAINAGE DIVISION; SANTA FE CLASSIC ROCK. (DAVID CATANACH)**
- w) **REQUEST FOR APPROVAL OF DONATION – TWO (2) STREET SWEEPERS TO NEW MEXICO ARMY NATIONAL GUARD. (ROBERT RODARTE)**
- x) **CONSIDERATION OF RESOLUTION NO. 2008- 66. A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF FOURTH QUARTER (YEAR-END) BUDGET ADJUSTMENTS FOR FISCAL YEAR 2007/2008. (CAL PROBASCO)**
- y) **ADOPTION OF FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE MATTER OF STEFANIE BENINATO V. BOARD OF ADJUSTMENT; CITY APPEALS CASE #A-2008-03. (JACK HIATT)**
- z) **ADOPTION OF NEW FEES FOR BUILDING PERMITS, DEVELOPMENT REVIEW AND ADMINISTRATION: (Postponed at June 11, 2008, 2008 City Council Meeting)**
 - 1) **CONSIDERATION OF RESOLUTION NO. 2008- ____ (COUNCILOR WURZBURGER). A RESOLUTION ADOPTING NEW FEES FOR PLAN REVIEWS, BUILDING PERMITS, SECONDARY MECHANICAL PERMITS, SECONDARY PLUMBING PERMITS, SECONDARY ELECTRICAL PERMITS, GRADING PLAN REVIEWS, GRADING PERMITS AND SIGN PERMITS. (JACK HIATT)**
 - 2) **CONSIDERATION OF RESOLUTION NO. 2008- ____ (COUNCILOR**

WURZBURGER). A RESOLUTION ADOPTING NEW FEES FOR DEVELOPMENT REVIEW APPLICATIONS SUCH AS ANNEXATION, REZONING, SUBDIVISION, DEVELOPMENT PLANS, SPECIAL EXCEPTIONS, VARIANCES, APPEALS, CODE AMENDMENTS, ETC., SUBMITTED TO THE LAND USE DEPARTMENT. (JACK HIATT)

This item was withdrawn from the Agenda and sent back to the Finance Committee.

**7. APPROVAL OF MINUTES: Spec. City Council Meeting – June 30, 2008
Reg. City Council Meeting – July 9, 2008.**

Councilor Bushee moved, seconded by Councilor Romero, to approve the minutes of the Special City Council Meeting of June 30, 2008, as presented. The motion was approved on a voice vote, with Councilors Bushee, Calvert, Chavez, Dominguez, Ortiz, Romero, Trujillo and Wurzbarger voting for the motion and none against.

Councilor Trujillo moved, seconded by Councilor Bushee, to approve the minutes of the Regular City Council Meeting of July 9, 2008, as presented. The motion was approved on a voice vote, with Councilors Bushee, Calvert, Chavez, Dominguez, Ortiz, Romero, Trujillo and Wurzbarger voting for the motion and none against.

8. PRESENTATIONS

Mayor Coss switched presentations 8(a) and 8(b).

b) PROCLAMATION – CARMEN OYACA.

Mayor Coss asked Councilor Bushee to assist him with this presentation.

Sebastian Gurule & Albert Martinez serenaded Ms. Oyaca with her favorite mariachi song, Cielito Lindo.

Mayor Coss read the proclamation into the record, declaring Carmen's 90th birthday, Monday, July 28, 2008, as Carmen Oyaca Day in Santa Fe.

Councilor Bushee said Carmen celebrated her 90th with a ride on a Harley Davidson with Mark Valdez. She said when Carmen married Pete, she was only 15 years old and Pete was 21, so, they had to go to Colorado to get married because Carmen was too young to marry in New Mexico. They traveled to Colorado on a Harley Davidson, because that was the only transportation they had.

Ms. Oyaca thanked everyone for this honor, saying said this is the best birthday she's ever had, and said it is "fun to be 90 years old. "

a) INTRODUCTION OF RECENTLY HIRED LATERAL OFFICERS AND LAW ENFORCEMENT ACADEMY GRADUATES. (CHIEF ERIC JOHNSON)

Officer Fidel Cordova, one of the recruiting officers, introduced the recently hired lateral officers and law enforcement academy graduates, giving a brief biography on each, and welcomed them to the Santa Fe Police Department.

Responding to the Mayor, Chief Johnson said the Department is now only five officers short, and he expects to fill those vacancies very soon..

Mayor Coss expressed appreciation to the recruiting team for the great job they've done.

Chief Johnson thanked the Mayor and Council for their support.

c) ANNUAL SANTA FE COUNTY FAIR – JULY 30, 2008 THRU AUGUST 3, 2008. (CHRISTINA M. TURNER, SANTA FE COUNTY 4-H AGRICULTURE AGENT)

Caitlin Malloy, 2008 Fair Queen, Tara Werner, 2008 Fair Princess invited the Mayor and Council to the 2008 County Fair, which starts tomorrow and runs through Sunday. Ms. Werner distributed flyers on this year's fair. Ms. Malloy said they really appreciate the support of the Governing Body.

Mayor Coss encouraged everyone to attend this year's Fair, saying he and his granddaughter will be at the Fair on Sunday.

d) SANTA FE FIESTA COUNCIL SCHEDULE OF EVENTS AND PRESENTATION. (ALBERT "GABBY" MONTOYA, PRESIDENT)

Gabby Montoya invited the Mayor and Council to attend this year's Fiestas, and reviewed the schedule. He said this is the 296th Fiesta, reminding everyone that the Santa Fe Fiesta is the oldest, continuous celebration in the United States, noting their motto is, "A promise made, a promise kept."

Mr. Montoya presented Councilor Rosemary Romero with a Santa Fe Fiesta Badge, which will be her official ticket to all events free, noting the rest of Councilors have their badges.

Mayor Coss thanked Mr. Montoya and the Fiesta Council for all of their hard work and everything they do to make Fiestas successful and enjoyable.

Mr. Montoya noted three members of the Council have served as De Vargas – Councilors Dominguez, Trujillo and Chavez.

e) 400TH ANNIVERSARY COMMITTEE UPDATE. (MAURICE BONAL AND TROY FERNANDEZ)

A copy of the text of a power point presentation, "City of Santa Fe, The 400th Anniversary Commemoration 2009-2010," is incorporated herewith to these minutes as Exhibit "1."

Maurice Bonal, Chair of the 400th Anniversary Committee, introduced Troy Fernandez, Vice-Chair, Barbara Barlow, Executive Coordinator and Darlene Griego, Staff Liaison. Chair Bonal noted that Troy Fernandez also serves as the Deputy Secretary of the Cultural Affairs Department.

Chair Bonal gave a brief overview of the proposed commemoration, noting the organization is officially a 501(c)(3), and currently is searching for an Executive Director.

Troy Fernandez presented information via power point. Please see Exhibit "1" for specifics of this presentation.

Councilor Bushee said she assumes he has had the full cooperation and collaboration of the CVB staff, and we are ensuring this is something we promote.

Mr. Fernandez said yes.

Councilor Trujillo said when this started, Mr. Bonal talked about going for dollars to Hyundai and Doritos, and such.

Mr. Bonal said he was "stopped in his tracks." He said he spoke with Jerry Albert who told him first to get this copyrighted and get the nonprofit status. He said they just received the certification of the copyright, and he is now ready to prepare a letter to the Fortune 500 Companies throughout the nation and internationally. He said Mr. Albert just sold his business which is the largest licensing and merchandising business in the world.

Councilor Romero thanked Mr. Bonal, Mr. Fernandez, members of the Committee and staff for their work. She said a lot of work has been done in the past two years to bring the community to public meetings to provide input. She said the intention of the Board and the Events Task Force is to vet these ideas. It is important that the public know that none of their ideas were lost. She said the goals and message have been consistent. She noted she and Councilor Wurzbarger traveled to Quebec city and they have some ideas to share with regard to the celebration.

Councilor Wurzbarger thanked everyone for the work done on this. She said one of the ideas they discussed at the breakfast meeting is to develop one to three measurable objectives for the celebration. She said one of the many ideas they learned in Quebec was the need to bring some clear focus objectives to both the local component and the international component. She said the Creative Cities Conference is working closely with the 400th Anniversary Committee.

Mr. Bonal said it is important to keep our pride in our community "alive and well" with the nation and the world, noting our "birthday party" is for us, but we want to share it with the world. He thanked the Mayor and Council for its assistance and cooperation.

Mayor Coss asked Mr. Bonal to thank the Committee for its long hours of work.

10. **CONSIDERATION OF RESOLUTION NO. 2008- ____ (COUNCILOR WURZBURGER, MAYOR COSS, COUNCILOR ROMERO AND COUNCILOR CALVERT). A RESOLUTION CALLING FOR A SPECIAL MUNICIPAL ELECTION TO BE HELD AUGUST 19, 2008, FOR THE PURPOSE OF SUBMITTING A QUESTION TO THE QUALIFIED ELECTORS OF THE CITY OF SANTA FE AS TO WHETHER AN EXCISE TAX SHOULD BE IMPOSED ON THE TRANSFER OF RESIDENTIAL PROPERTY IN THE AMOUNT OF ONE PERCENT (1%) OF THE PORTION OF THE PURCHASE PRICE IN EXCESS OF \$750,000. THE TAX WOULD BE IMPOSED ON THE BUYER AND THE REVENUES COLLECTED FROM THE TAX WOULD BE USED SOLELY FOR AFFORDABLE WORKFORCE HOUSING. (Request to postpone to August 27, 2008, City Council Meeting)**

RESOLUCIÓN CONVOCACIÓN DE ELECCIÓN MUNICIPAL EXTRAORDINARIA QUE TENDRÁ LUGAR EL 19 DE AGOSTO 2008, CON EL FIN DE SOMETER LA CUESTIÓN A LOS VOTANTES CALIFICADOS DE LA MUNICIPALIDAD DE SANTA FE RESPECTO A SI UN IMPUESTO INDIRECTO SE DEBERÁ IMPONER SOBRE LA TRANSFERENCIA DE PROPIEDAD INMUEBLE RESIDENCIAL EN LA SUMA DE UNO POR CIENTO (1%) DE LA PARTE DEL PRECIO DE COMPRA QUE EXCEDA \$650,000. EL IMPUESTO SE IMPONDRÍA ÚNICAMENTE PARA FINANCIAR VIVIENDA PARA TRABAJADORES.

1) REQUEST FOR APPROVAL OF CONSOLIDATED PRECINCTS.

This item was postponed to the Council meeting of August 27, 2008.

11. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager

12. MATTERS FROM THE CITY ATTORNEY

Mr. Katz said the City has been sued by the Realtors Association on the Real Estate Transfer Tax and he is studying that. He will schedule an executive session at the next Council meeting to discuss this.

Responding to Councilor Bushee, Mr. Katz said the Association is suing for a declaratory judgment that the ordinance which was passed doesn't comport with law

Councilor Bushee said the newspapers "reported it as if it were law, and I just wanted that to be clarified."

13. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk

14. COMMUNICATIONS FROM THE GOVERNING BODY.

Councilor Dominguez

Councilor Dominguez said the Triathlon was two weeks ago which was a great success, and he would like to see the "numbers that are behind that event." He hopes once the administrative manager is on duty that we can get the report on revenue generated. He is sorry to have missed the event.

Councilor Dominguez advised Mr. Buller he has had complaints about early morning noise with the weed wackers and the cutting of wild flowers, and asked him to look into this matter.

Councilor Calvert

Councilor Calvert introduced two resolutions:

(1) A Resolution adopting the Sustainable Santa Fe Plan. He asked that it go to Public Works and Finance Committees. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "2." Councilor Bushee would like to see it at BTAC.

(2) A Resolution urging the State Legislature to pass a budget for the Interstate Stream Commission which includes a recurring budget of \$345,000 for ongoing regional water planning. He asked that it go to Public Utilities and Finance. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "3."

Councilor Trujillo

Councilor Trujillo introduced an Ordinance amending Chapter 21, regarding solid waste requirements and establishing special charges. He asked that it go to Public Works, Public Utilities, Finance and BQL Committees.

Councilor Wurzbarger

Councilor Wurzbarger read a letter into the record from the President of St. John's College thanking Sgt. George Ortiz and Officer Peter Neal for assisting the security and events staff during the concerts at St. John's College, noting there are three different letter. A copy of these letters are incorporated herewith to these minutes as Exhibit "4."

Councilor Wurzbarger introduced an Ordinance change which will increase the fines for using hand held cellular phone usage to \$250 and \$500 in school zones. She asked that it go to Public Safety. A copy of the ordinance amendment is incorporated herewith to these minutes as Exhibit "5."

Councilor Wurzbarger introduced a Resolution adopting the Long Range Water Supply

Plan. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6."

Councilor Bushee

Responding to Councilor Bushee, Mr. Katz said he believes we do need to hold the Special Council meeting on August 4, 2008, explaining it is important to remain in a mode to have an election in November on the GRT to fund public transportation around the Rail Runner. He said although we hear there has been a change of attitude at the County and there will be a rejoining of the North Central Regional Transit District, if that goes awry, we need to be able to do a Santa Regional Transit District.

Councilor Bushee said the County won't vote until August 12th and she doesn't believe we need to hold that meeting. She said our original action was to follow the County's lead.

Mr. Katz pointed out that the August 4th meeting is a joint meeting with the County.

Councilor Bushee believes this is confusing to the public.

Responding to Councilor Bushee, Mr. Buller said it was his understanding that the issue of allocating the balance of the windfall GRTs was to be done at the Finance Committee meeting on September 15, 2008, because staff felt it needed six weeks to review all of the requests to make a staff recommendation. There wouldn't be a staff recommendation at next week's meeting, but staff could do an interim report on the status of the \$1.6 million for parks.

Councilor Bushee said she spoke with Capt. Robbins after the "red light thing" on Monday, and the information he sent her wasn't relevant. She wants to know why the ordinance hasn't been enforced, and the effectiveness of the ordinance, noting we have yet to really use it. She said the stalling out has something to do with the impound lot. She said they haven't ordered any boots, and there is no movement. She said if it is impossible to enforce the ordinance, she wants to know that. She getting conflicting information, and wants straight information about the North Station closure.

Councilor Ortiz

Councilor Ortiz introduced a Resolution adopting the Healthy Life Health Styles Task Force Report, and designating 1% of the City's GRT to pay for a healthy lifestyles grant, noting this is staff's version. There is still a possibility of contribution from private industry, and if so he would look to amend the Resolution. He asked that it go to the Children & Youth Commission, the Human Services Committee and the Finance Committee. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7."

Councilor Chavez

Councilor Chavez said the neighborhood meeting yesterday at the Sierra Vista Complex was very successful, attended by 50-60 people. The next meeting will be held on September 24, 2008, with the main focus on the neighborhood plan for the Hickox area. He asked Mr. Buller to schedule the meeting and start organizing for that meeting.

Councilor Romero

Councilor Romero spoke about a huge ruckus on Monday about 9:00 p.m., on Pacheco Street. The concern was stolen equipment and someone driving too fast for the easement between Pacheco and Santa Rosa. The response from the police was that they were too busy, and some of the neighbors felt they weren't handled well. The Rail Runner people are working on the issue, and trying to reprimand the contractor. She said it was terrifying for the five affected neighbors. She asked Mr. Buller and Robert Romero to work with Chris Bluett, and perhaps Pago Guerrerortiz on follow up.

Councilor Romero reported on the neighborhood meeting to work on the pilot program for developing a neighborhood plan, noting they are expanding some of the parameters and working to get 60% participation. It is hoped to have a plan, with the help of Patrick Nicholson, in the next month or so.

Mayor Coss

Mayor Coss introduced three resolutions, noting he is looking for cosponsors, as follows:

- (1) A Resolution for Transit to provide free rides on election day to help people get to the polls. He asked that it go to Public Works, Finance and the Transit Advisory Committee. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."
- (2) A Resolution to dedicate 2% of the recently adopted G.O. Bond for park improvements for public art to be used to commemorate the 400th anniversary around the City. He asked that it go to Public Works and Finance. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."
- (3) A Resolution agreeing to rejoin the NCRTD, just in case it is needed. He asked the Resolution go to the BQL, Public Works and Finance Committees. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10."

END OF AFTERNOON SESSION AT 6:15 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David Coss, at approximately 7:05 p.m. Roll Call indicated the presence of a quorum as follows:

Members Present

Mayor David Coss
Councilor Rebecca Wurzbarger, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Miguel Chavez,
Councilor Carmichael A. Dominguez
Councilor Matthew E. Ortiz
Councilor Rosemary Romero
Councilor Ronald S. Trujillo

Others Attending

Galen Buller, City Manager
Frank Katz, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

E. PETITIONS FROM THE FLOOR

Margaret Josena Campos said she would like the Council to start the meeting with a salute to the New Mexico State Flag just as the Legislature does. She gave a copy of the salute to the Mayor and City Manager. She said she also has a problem with speeding on her portion of Don Gaspar, noting bicycles are going the wrong way. She would like the Mayor to appoint Mr. Buller to look at that and to talk to John Romero. She said the Council needs to consider the women of the community where "somebody will approach them, try to pat them on their behind or their front breast and basically hackle or cackle at them. These men have no manners and basically she wants to see a little bit more respect for the women of this community."

Stefanie Beninato, 604 ½ Galisteo, said, "I would like to alert you to the fact that I am going to come back next week with a formal request for reconsideration. And I'm going to ask that you reopen the hearing, and that's what my petition from the floor is tonight. I'm asking you that you reopen this because I don't believe that there was ever a clear decision on whether that was a *de novo* hearing or not. And, also you have violated my due process by not allowing me full and exhaustive cross examination. Marchiando v. Brown, says that the court is required to allow full and exhaustive cross examination, and so when you stopped me, just when, say, Owen Nelson was starting to perjure himself, or when Ryan Allen admitted to perjury or when Davis Rasch and Mike Purdy either admitted that they falsified the records or didn't follow the law, the ordinances as directed by State law, again, you have denied me due process. So, I'm

going to ask that you reopen the hearing and allow me also to cross examination... cross examine Dan Esquibel who Mr. Sommer knew wasn't going to be here, but nobody alerted me to the fact that he wasn't going to be here, because otherwise, I could have submitted questions to him. I was not allowed to cross examine him at the BOA meeting either. So, I will be back next week again, after I've been able to read the minutes to see exactly what was said, or wasn't said, for formal reconsideration. And again, I'd like to ask you to consider reopening the hearing to make clear that one point at least, and then also to allow me fuller cross examination."

F. APPOINTMENTS

Public Campaign Financing Advisory Committee

Mayor Coss appointed the following individual to the Public Campaign Financing Advisory Committee.

John C. Bienvenu – term ending 12/2008.

Councilor Calvert moved, seconded by Councilor Wurzbarger, to approve this appointment.

The motion was approved on a voice vote, with Councilors Bushee, Calvert, Dominguez, Romero, Trujillo and Wurzbarger voting for the motion, none against, and Councilors Chavez and Ortiz absent.

Archaeological Review Committee

Mayor Coss appointed the following individuals to the Archaeological Review Committee:

Teresa M. Monahan – Reappointment – term ending 06/2010; and
Stephen Post – Reappointment – term ending 06/2010.

Councilor Wurzbarger moved, seconded by Councilor Romero, to approve these appointments.

The motion was approved on a voice vote, with Councilors Bushee, Calvert, Dominguez, Romero, Trujillo and Wurzbarger voting for the motion, none against, and Councilors Chavez and Ortiz absent.

Land Use Subcommittee

Mayor Coss appointed the following individuals to the Land Use Subcommittee:

Councilor Ron Trujillo, Public Works;
Councilor Rosemary Romero, Public Works; and
Councilor Rebecca Wurzbarger, Governing Body.

Councilor Calvert moved, seconded by Councilor Bushee, to approve these appointments.

The motion was approved on a voice vote, with Councilors Bushee, Calvert, Dominguez, Romero, Trujillo and Wurzbarger voting for the motion, none against, and Councilors Chavez and Ortiz absent.

G. PUBLIC HEARINGS

- 1) REQUEST FROM GERONIMO LIQUOR HOLDINGS, LLC, FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #2676 FROM CANYON DINING, INC., TO GERONIMO LIQUOR HOLDINGS, LLC, D/B/A GERONIMO LODGE. THE LICENSE WILL REMAIN AT 724 CANYON ROAD. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, noting there are memorandums in the Council packet and there are no impacts.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Wurzbarger moved, seconded by Councilor Calvert, to grant the request for a transfer of ownership of Dispenser License #2676 from Canyon Dining, Inc., to Geronimo Liquor Holdings, LLC, d/b/a Geronimo Lodge.

The motion was approved on the following Roll Call Vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dominguez, Councilor Romero, Councilor Trujillo, and Councilor Wurzbarger.

Against: None.

Absent: Councilor Chavez and Councilor Ortiz.

2) REQUEST FROM COMO SU CASA, INC., FOR THE FOLLOWING:

- a) PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES AT ¡A LA MESA!, 428 AGUA FRIA STREET, WHICH IS WITH 300 FEET OF THE OUR LADY OF GUADALUPE CHURCH, 417 AGUA FRIA STREET.**
 - b) IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, A REQUEST FOR A RESTAURANT (BEER & WINE) LICENSE TO BE LOCATED AT ¡A LA MESA!, 428 AGUA FRIA STREET.**
- (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, noting if the waiver is approved, the Council will then need to vote on the license. She said there is a letter in the Council packet from Rev. Tien-Tri Nguyen, Pastor of Our Lady of Guadalupe Parish, stating that the Church has no objection to this license.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Bushee moved, seconded by Councilor Calvert, to grant the request for the waiver of the 300 foot location restriction to allow the sale of alcoholic beverages at ¡A La MESA!, 428 Agua Fria Street.

Discussion: Councilor Calvert said in the past, there has been a problem with the location of the trash receptacle, and he hopes that will be relocated.

Jan Brennan was sworn. Ms. Brennan said those have been moved, and there is a dumpster in the parking lot behind the restaurant which isn't visible. She said they are going to clean up that area.

The motion was approved on the following Roll Call Vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dominguez, Councilor Romero, Councilor Trujillo, and Councilor Wurzbarger.

Against: None.

Absent: Councilor Chavez and Councilor Ortiz.

Councilor Bushee moved, seconded by Councilor Calvert, to grant the request for a Restaurant License to be located at ¡A La MESA!, 428 Agua Fria Street.

Discussion: Councilor Bushee said these are two ladies who have been in the restaurant world in this town for a long time, and wished them the best.

The motion was approved on the following Roll Call Vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dominguez, Councilor Romero, Councilor Trujillo, and Councilor Wurzbarger.

Against: None

Absent: Councilor Chavez and Councilor Ortiz.

- 3) **REQUEST FROM ABIQUIU SAINT-FLOUR, INC., FOR A TRANSFER OF OWNERSHIP AND LOCATION OF DISPENSES LICENSE #2773 FROM SANTA FE PICACHO HOTEL MANAGEMENT CORPORATION, D/B/A COUNTRY INN & SUITES, 7620 PAN AMERICAN FREEWAY, ALBUQUERQUE, NEW MEXICO TO ABIQUIU SAINT-FLOUR, INC., D/B/A OSAKA GRILL & SEAFOOD, 3501 ZAFARANO DRIVE, SUITE A-14A. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, noting there are memorandums in the packet indicating there are no impacts for litter and noise.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Wurzbarger moved, seconded by Councilor Calvert, to approve the request for a transfer of ownership and location of Dispenser License #2773 from Santa Fe Picacho Hotel Management Corporation d/b/a Country Inn & Suites, 7620 Pan American Freeway, Albuquerque, to Abiquiu Saint-Flour, Inc., d/b/a Osaka Grill & Seafood, 3501 Zafarano Drive, Suite A-14A.

The motion was approved on the following Roll Call Vote:

For: Councilor Calvert, Councilor Dominguez, Councilor Romero, Councilor Trujillo, and Councilor Wurzbarger.

Against: None.

Absent: Councilor Bushee, Councilor Chavez and Councilor Ortiz.

4) CONSIDERATION OF ADOPTION OF 2008-2013 FIVE (5) YEAR CONSOLIDATED PLAN. (MELISA COLLETT). (Postponed at July 9, 2008 City Council Meeting)

Lee DePietro noted that the Plan has already been approved by HUD.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Calvert moved, seconded by Councilor Trujillo, to adopt the 2008-2013 Five Year Consolidated Plan.

The motion was approved on the following Roll Call vote.

For: Councilor Bushee, Councilor Calvert, Councilor Dominguez, Councilor Romero, Councilor Trujillo and Councilor Wurzbarger.

Against: None

Absent: Councilor Ortiz and Councilor Chavez.

5) CONSIDERATION OF BILL NO. 2008-42; ADOPTION OF ORDINANCE NO. 2008- 42 (COUNCILOR WURZBURGER AND COUNCILOR DOMINGUEZ). AN ORDINANCE AMENDING CERTAIN SECTIONS OF ARTICLE 11-11 SFCC 1987, REGARDING THE ECONOMIC DEVELOPMENT PLAN ORDINANCE. (FABIAN TRUJILLO)

a) CONSIDERATION OF RESOLUTION NO. 2008- 67 (COUNCILOR WURZBURGER AND COUNCILOR DOMINGUEZ). A RESOLUTION ADOPTING THE CITY OF SANTA FE'S ECONOMIC DEVELOPMENT STRATEGIES FOR IMPLEMENTATION. (FABIAN TRUJILLO)

Fabian Trujillo presented information regarding this matter to the Governing Body.

Public Hearing

Simon Brackley, President of the SF Chamber of Commerce, said the Chamber supports adoption of the Ordinance and Resolution. He thanked and congratulated City staff for its hard work on the project, saying they have done an excellent job.

Ed Birkle, Director, Regional Development Corporation, said the RDC strongly encourages the Council to adopt the ordinance and resolution. He said it fits so nicely with the region's economic development plan for the four county area currently under development. It dovetails nicely as an emphasis on work force development as well as the green collar initiative.

Dena Aquilina, Member, Business and Quality of Life Committee, said a lot of the community had input into the process. It is not a "cookie cutter plan," and really reflects Santa Fe's values, addresses our weaknesses, and speaks to our strengths. She urged Council approval.

Mike Micras, Director, Small Business Development Center, and Chair, Economic Development Committee, Chamber of Commerce. He said everything he does is tied to or related to economic development. He wholeheartedly supports the ordinance and resolution.

Bobbie Gutierrez, Superintendent, SF Public Schools, said the Santa Fe Public Schools supports the plan. She said the pieces with workforce development, career and technical training, really supports many of the initiatives the schools want to accomplish in the School District, and they have worked closely with Mr. Trujillo in this regard. She thanked the staff and Councilors who have worked on this.

The Public Hearing was closed

Councilor Chavez moved, seconded by Councilor Wurzbarger, to adopt Ordinance No. 2008-42, with the amendments.

Discussion: Councilor Wurzbarger said she is very proud of the work done by the new staff. She said she wants to particularly highlight the work which has been done by the BQL who has helped to oversee the plan.

Councilor Dominguez said the workforce development component is very important, and something on which he has been working for many years, both as a Board of Education member and now as a City Councilor. He noted the team which did the learning plan for Workforce Development did a presentation to the Schools, and he would like to invite them to give us a very condensed version of that presentation so we can see what the public schools are doing in conjunction with the City and the other stakeholders. He would like that to be done at a future meeting.

Mayor Coss said that presentation can be done at an August City Council meeting.

Responding to Councilor Bushee, Mr. Trujillo said the penalties for revealing secrets was included because it is consistent with the statewide Economic Development Finance Act and the State Economic Development Department. It is to protect the confidentiality and proprietary nature of business plans which businesses would bring for economic development projects.

Friendly amendment: Councilor Bushee asked to add something with regard to eco-tourism and related activities under "green. **The amendment was friendly to the maker as long as it is within the scope of what is intended to do. The amendment was friendly to the second.**

Mayor Coss commented that was clearly within the Angelou Plan.

Mr. Trujillo said it would fall under the green areas for eco-tourism.

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

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Councilor Wurzbarger moved, seconded by Councilor Bushee, to adopt Resolution No. 2008-67.

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

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

- 7. CONSIDERATION OF BILL NO. 2008-46; ADOPTION OF ORDINANCE N. 2008- 43. CASE #ZA 2008-03. 1711 ½ WEST ALAMEDA REZONING. JENKINS GAVIN, AGENT FOR ERIC AND CARRIE ROWLAND, REQUESTS REZONING OF 1.98± ACRES OF LAND FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO R-3 (RESIDENTIAL, 3 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED NORTH OF WEST ALAMEDA, EAST OF EL RANCHO ROAD. (LOU BAKER)**

A copy of letters from Nadine Dawson and John Dawson in opposition to the requested rezoning, entered for the record by John Dawson, is incorporated herewith to these minutes as Exhibit "11."

Memorandum dated June 30, 2008, for the City Council Meeting of July 30, 2008, to City Council, with attachments, from Lou Baker, AICP, Senior Planner, Development Review, is incorporated herewith to these minutes as Exhibit "12."

The staff report was presented by Lou Baker which is contained in Exhibit "12."

Recommendation: On April 17, 2008, the Planning Commission recommended the City Council approve Case 3ZA 2008-03, 1711½ West Alameda Street Rezoning. Staff concurs with the Planning Commission's recommendation but with the following conditions of approval:

1. Applicant shall work with the City of Santa Fe GIS staff to correct addressing and submit documentation when completed to the City of Santa Fe Land Use Department; and
2. Applicant shall work with the City of Santa Fe GIS staff to correct parcel boundaries, which will result in correcting discrepancy between deed acreage and GIS acreage property and submit documentation when completed to the City of Santa Fe Land Use Department.

The proposed rezoning is consistent with the 1999 General Plan Future Land Use Map, and provides protection for the existing neighborhood character supported by the majority of neighborhood residents, which is a valid public purpose consistent with NMSA §3-21-1 through 3-21-14.

Should the City Council consider approval, action must be based on the findings of fact pursuant to Chapter 14 of the City Code of the City of Santa Fe, New Mexico, Article 14-3.5(C) Rezoning Approval Criteria.

Public Hearing

Presentation by the Applicant

[All those speaking were sworn en masse]

Jennifer Jenkins, Agent for the Applicant [previously sworn], thanked the Lensic team for allowing this case to be heard first.

Jennifer Jenkins presented information via overhead projector, demonstrating the subject site. She said 2/3 of the property is in the foothills subdistrict of the escarpment overlay. She said future buildings will have to comply with those requirements. In addition, the Applicants' current home is on the property and the Rowlands plan do construct an additional five homes for small residential compound. The property is designated as 3-7 dwelling units per acre in the General Plan, so the rezone will bring the property into compliance with the General Plan designation. The subject property is currently R-1, and there is R-5 to east, R-5 across the street with some R-4, RMLD, R-3, R-7, so there is a mix of zoning in the area. She understands the General Plan calls for 3-7 dwelling units in this area because of its proximity to infrastructure services and such. This is the type of area that is well suited for a moderate and slight increase in density, based on the availability of infrastructure in the area.

Responding to Councilor Bushee, Ms. Jenkins said there is one existing unit, so an additional five units will be developed.

Ms. Jenkins said the Rowlands are planning to build a completely sustainable, green compound of homes at this location, far exceeding anything on the books and anything proposed to be on the books, in terms of the City's own Green Building Code.

Ms. Jenkins presented the site on an enlarged conceptual site plan, showing how the property could be developed in accordance with all Code requirements. The Rowlands want to create an intimate residential compound which would be indicative of some of the old family compounds that develop organically over time in Santa Fe. This allows the opportunity for lots of common open space, the homes to be oriented with the terrain to minimize land disturbance and maximize solar gain and views. The Rowlands decided to go this route as opposed to the traditional subdivision route.

Ms. Jenkins said one of the five homes will be built to be an affordable home. It will be a 3 bedroom, two bath home to be affordable to a family of four in compliance with the Santa Fe Homes Program Ordinance.

Ms. Jenkins said the applicants are in agreement with staff conditions.

Eric Rowland, owner [previously sworn], read a statement into the record as follows:

"My wife Carrie has been a New Mexico general contractor for the last ten years, and I'm a partner in the Santa Fe based renewable energy business, Focus Energy. We intend to use our backgrounds in green building and renewable energy as a base from which to execute a plan to build a truly sustainable group of homes. I understand that sustainable is a term sometimes used loosely to describe a home that is either somewhat more ecofriendly, or somewhat more energy conservative. But, the standards we're using, or the term sustainable under which we're using, is to describe homes that use energy that is less than half of the draft Santa Fe Green Building Code for 2009. So, the proposed Green Building Code will already be 30% more energy efficient than the current Code, and we're proposing to build homes that are less than 1/3 the energy of current homes. To accomplish this, we'll site the homes optimally for sun, we'll more than double the normal insulation and we'll add both solar thermal and solar photovoltaic for electrical offset.

"As we have planned this project over the last year, we've consulted first with our neighbors to understand and address their concerns. We next met with the staff at the Santa Fe Current Building Division to understand what was possible within the context of the City's General Plan, and we made further revisions to our project plan then. After plan approval, we began consulting with the staff at the Santa Fe Office of Affordable Housing and with Homewise, to understand their requirements, and how we might build a home that not only meets today's requirements for affordability, but also meets the City's and our project's requirements for future affordability. Our concern is that we build homes that are not just affordable today, but are affordable 50 years from today, by offsetting the great majority of the homes' utility costs and designing in the ability to create a zero energy home in the future.

"To direct this project, we'll employ green building standards from Build Green New

Mexico, and proposed Santa Fe Green Building Code, along with local experts in areas of water and thermal management. All of the homes, including the affordable home, will employ strategies to minimize energy and water use, and will be equipped with solar panels to ensure as light an energy footprint as possible. With regard to the affordable home, we've agreed with several interested parties, including the City's Office of Affordable Housing and Long Range Planning Division, Homewise and the Community College, to document the construction process in detail to allow others to learn from this project.

"In closing, I would like to comment that throughout this process, everyone we've worked with at the various City offices have been extremely supportive, and in many instances have been ahead of us and able to offer advice on how we can achieve our goals. Thank you very much for your time."

Those speaking to the request

John Dawson [previously sworn], a resident about 100 yards west of the proposed project. Mr. Dawson distributed two letters to the Council [Exhibit "11"]. Mr. Dawson used the overhead to demonstrate the location of his home, 1723 West Alameda. He said he and his wife fully respect the process brought by the Rowlands. However, they oppose the rezoning from R-1 to R-3. He said their opposition isn't personal, and they haven't spoken to their neighbors, nor sought to see if there is opposition. They are speaking only for themselves. He said their opposition is based solely on the following.

"We selected our current residence after viewing 19 other properties in Santa Fe. We picked this house and the property it sits on, based on its acreage and the presence of R-1 zoning for it and for the surrounding properties. Our expectation was that R-1 zoning was the standard for this part of West Alameda Street. My wife Nadine, has prepared a letter summarizing her thoughts on the rezoning. Copies are now available to Mr. Mayor and Councilors. You could certainly agree, or argue, I should say, you could certainly argue the pros and cons of her two main points – water usage and landslide potential. However, I will only assert that zoning stability, while not a certainty, might have been and might be a reasonable expectation for us as a homebuyer when we purchased this location. However, I will only assert that zoning stability, while not a certainty, might have been and might be a reasonable expectation for us as a homebuyer when we purchased this location.

" I might add that I had not heard any of the conditions that you have heard this evening, the additional two conditions and the detailed information on the project itself. I had not heard that before. The only material available to me was the brief summary that was made available to The New Mexican that I received in the mail. So, I'm basing what I'm saying principally on that.

"But in summary, Mr. Mayor we are opposed to that, the rezoning from R-1 to R-3."

The Public Hearing was Closed

Councilor Bushee said she didn't see any additional specific drainage concerns, and asked if staff has anything to add.

Mr. Baker said during the public hearing at Planning Commission, there were comments by Ms. Wendy Blackwell. She referred the Council to her Memorandum, which is the staff report to the Planning Commission for the meeting of April 17, 2008, beginning on 19 of the Council packet, noting Memo F from Risana Zaxus on page 24. She said Ms. Blackwell testified at the meeting with regard to this issue. She said at that meeting there was concern about the hill on the north side of the property which is steep. She said the previous property owner had built a road up that hill, and there were erosion problems.

Ms. Baker said she didn't conduct a site visit, but presumes Charlie Gonzales did. She referred to the Planning Commission minutes from that meeting, noting Commissioner Armijo brought up the issue of the hill and the erosion that is occurring. Ms. Baker quoted from page 17, "Commissioner Armijo said the point is to make sure the current owners are not responsible for the cut, because they allow people to cut the road and then come in and want to build on it later. It does not seem fair. Mr. Armijo also stated he thought it was normal practice to do a site visit, and in this instance, staff did not." She said she didn't conduct a site visit for the Planning Commission meeting. She said there was a lot of discussion in the minutes about the issue of drainage.

Ms. Baker said the applicant has been working with Wendy Blackwell and her staff in the Technical Review Commission.

Councilor Bushee said she sees nothing in here that we require any extraordinary remediation of the land. She said the applicant will widen the road and there will be issues on ingress/egress onto West Alameda, and there will be drainage issues. What is going to be done about the road.

Ms. Jenkins said the improvements which will be done in terms of terrain management will serve to mitigate some of the issues based on an existing conditions. She said there is an off site, illegal cut which was made which isn't on this property. She said there are no appropriate drainage structures and the current driveway does have drainage issues. She said the driveway will be improved with new base course, new drainage structures, and other things in accordance with the City's requirements, and those will be done by a civil engineer in cooperation with Ms. Blackwell and with Ms. Zaxus. She said they will be handling water flowing from the north from off site. She said the Rowlands are up to the challenge and recognize that the process will put them in a position to correct what is there now.

Councilor Bushee is concerned about adding to the traffic.

Ms. Jenkins said the roadway improvements will help that situation in terms of an appropriate stopping area with appropriate visibility. The primary concern is people turning left to go into town. It will be a function of how the roadway improvements are handled to ensure it is a safe situation.

Responding to Councilor Ortiz, Ms. Jenkins said an initial concept was to designate the

existing structure after renovation as affordable, but they have decided that the affordable home will be a brand new home.

Councilor Ortiz noted the aerial photo on page 25 of the packet, where it appears the illegal cut is on the inside of the property line. .

Condition of Approval: Councilor Ortiz asked if the illegal cut is inside the Applicant's property line, would the Applicants be amenable to a condition to require them to remediate the illegal cut to the satisfaction of staff. Ms. Jenkins said they would be agreeable.

Councilor Ortiz said the road ends at the "dog ear" of the property, and asked about that.

Ms. Jenkins said the 30-foot easement goes all the way along the eastern boundary and through the "dog leg." She said the most improved portion of the driveway does go into the Rowland's home, and demonstrated the driveable area. She said nobody lives on the parcel to the north, but the owners occasionally access the property. She said the entire length of the 30 foot easement would be improved and made easily driveable.

Councilor Ortiz asked who owns the property directly north of the Applicant's property.

Mr. Rowland said he only knows her name is Patricia, and she has owned it for about four years, and the property was red tagged when she bought it and remains that way because the illegal cut is on her property. He said all of this happened before they moved to their property.

Councilor Ortiz asked if that owner will come forward and ask for a rezoning and saying this is their access, and instead of a 20 foot driveway to serve 5 houses, we're looking a 20 ft. driveway up a hill to serve 12 houses.

Mr. Rowland understands that is now zoned R-1, but he knows nothing about her plans.

Ms. Jenkins said they are unaware that she has any plans to do anything with her property at this time.

Councilor Ortiz asked if the Applicant is agreeable to a condition that the Applicant and the property owner, will agree, in the event that an application comes in, to agree to even further improvements for this roadway.

Ms. Jenkins said the improvements proposed are those required by Code, which will be a 38 foot drive lane, which allows them to serve up to 30 dwelling units. She said the improvements proposed would more than accommodate any development on that parcel.

Councilor Ortiz asked staff the reason they didn't go and inspect the property.

Ms. Baker said she inherited this case from another case planner, and unfortunately, she didn't conduct a site visit. She said it is standard operational procedure for her to conduct a

site visit, but she didn't do that on this one. She said this application will need to back to the Planning Commission for development plan approval. So, these things you're discussing regarding terrain and stormwater management and the road, all of these things will be addressed in the development plan process that is required by Chapter 14.

Councilor Ortiz said this is a rezoning, and the time to place conditions is when we approve a rezoning.

Ms Baker said she agrees.

Ms. Baker said, with regard to the staff report from John Romero, he did not ask for a "TIA" from the applicant, regarding the issue regarding traffic. She said when the Applicant goes back to the Planning Commission with a development plan, perhaps Mr. Romero will ask for a traffic impact at that time.

Councilor Ortiz asked if the applicant has a plan to subdivide this property, or will it be kept in common.

Ms. Jenkins said it will be held in common, and the applicant is not proposing a subdivision.

Condition of approval: Councilor Ortiz would like a condition of approval that the property will be held in common and it will not be subdivided. Ms. Jenkins said the Applicant agrees with this condition.

Councilor Ortiz said the Condition of approval on the driveway says it requires the drive to be widened from 30 feet.

Ms. Jenkins said there is an existing 30 foot easement. She said the Code for a City standard lane requires a 38 foot right-of-way. The Applicant is proposing on site to widen the easement from 30 to 38 feet, and then build a lane to City standards within that 38 foot easement. Responding to Councilor Ortiz, Ms. Jenkins said it is not expected to request a variance. She said a small portion of the 30 foot easement is off site – between the Applicant's southern boundary and West Alameda – which they don't own. The 30 foot easement does continue down there, and they can build a roadway section which is compliant with Code. She said it is possible that staff may ask the applicant to request a variance for just the first small section of the easement since they don't own the property.

Councilor Ortiz said this is the most important part, given Councilor Bushee's concerns about access onto West Alameda.

Ms. Jenkins said 30 feet is plenty of room for a 24 foot roadway with excellent visibility, and accommodation of two way traffic. The drainage structures will be concentrated on the Applicants' parcel, so they can minimize any erosion for the lower parcel for the Garcia's portion of the easement. She said they met with the Garcias, and the drainage structures will be concentrated within the 38 foot easement on site, so there won't be a necessity for the additional width to accommodate as many drainage structures on the south portion of the

easement. The Applicant feels it will "function totally appropriately."

Responding to Councilor Chavez, Ms. Jenkins said they are not disturbing any natural 30% slopes with the proposal, and everything is below the 30%. She said they are minimally disturbing 20% slopes. She said the roadway will be improved to City standards, but it will not be paved, because they want to minimize the pervious area. She said there will be a homeowners association, and monthly fees will be collected to maintain the roadway, remove snow, maintain drainage structures and such, and those documents will be submitted to the City for review as part of the development plan application.

Responding to Councilor Chavez, Ms. Jenkins said they will be using the existing water and sewer mains on Alameda to which the propose to connect. She noted they have a memorandum from the Wastewater Division stating the Applicant has access to sewer and that the infrastructure is appropriate to serve the additional dwellings. She has also spoken with the Water Division regarding the same thing. The utilities appear to be adequate in the area to serve the project. She said the existing sewer line to the existing house will be replaced with a new main line, so there will be a whole new sewer line up the road from Alameda.

Councilor Calvert said concerns were expressed about the terrain and drainage, and asked if the applicant will be doing water harvesting and stuff to contain water on site to the extent possible.

Ms. Jenkins said yes to a great extent, noting they will be doing some very aggressive water reuse and water harvesting measures on site as part of the sustainable building practices.

Councilor Calvert thanked the Applicant for his conscientious planning to building green.

Councilor Calvert noted concerns about the process, saying there is contradictory evidence about the ENN and no notes could be produced at Planning Commission.

Ms. Jenkins said she concurs. She was not the original Agent, and came to the project after the ENN meeting was held, and she requested information. She said unfortunately, staff couldn't find the file. She assured the Council the ENN was held and Mr. Rowland attended as well as three neighbors. She said Mr. Rowland can answer questions. She said they met with the Garcias to address their concerns, and wrote a letter outlining their intentions to address those concerns.

Councilor Calvert would like to know why the location was selected for an ENN, because it is not in the district and is pretty far from the project.

Mr. Rowland said he didn't understand the location would be "far away," noting it was about 1½ mile from their home – two streets over and a mile down. He said they met three of their neighbors at that meeting and were able to understand their concerns and get more of a history of the property.

Councilor Calvert said he has an issue that no site visit was done by staff for the

Planning Commission meeting, and asked if a site visit was ever done by staff.

Gregg Smith said he understands that Mr. Gonzales from the Technical Review Division made site inspections at this location. He believes Ms. Wynant, who was initially assigned to the project, also made a site inspection on the property. He said the development plan will be coming back for more detailed review as part of a future process, and is significant with respect to that. He said, as Ms. Baker stated, it is the staff standard that the staff person preparing the report should do a site inspection. He said they relied on inspections by other staff in this particular case.

Councilor Calvert noted the Council has been given direction not to go visit the sites "in some cases," so we are relying staff to do those things and to bring back photographs that can illuminate things better.

Mr. Smith said staff has been discussing how to upgrade the visual presentation with the Planning Commission, and will be following up with the Commission and the Council in this regard.

Councilor Calvert said the road never was intended as a road and goes straight up the hill, which isn't the best design for a hilly area. He said most people try to put a few curves in the road to mitigate against headwaters which build up on a straight road. He has a problem with how that will work, noting it will be subject to change, depending on flows and torrential rains, etc., and how that will impact West Alameda and traffic along that area.

Ms. Jenkins reminded the Council what is before them is a conceptual site plan, and it is not a fully engineered drawing, and is for informative and illustrative purposes for the sake of this application. She said they absolutely know that they may realign that easement, based on what is most appropriate for the site, sound engineering principles and satisfying adequate access and drainage. She said there is a problem currently, and this is the opportunity to fix the problem.

Councilor Calvert said he generally is concerned about doing these piecemeal, and never looking at the whole picture. He said West Alameda already has some of those problems without these projects. He said we have no proactive planning, and are planning by piecemeal and reaction, and then we wonder why things aren't working.

Councilor Calvert said there may be trash collection issues as well as emergency vehicle access, depending on the road and how well it is maintained. He is concerned this could lead to more development up the hill. He believes this the wrong approach for an area like this, especially with the big issues of drainage and traffic.

Councilor Bushee said it appears all of the units will be below where the Rowlands live. She asked what is above the home currently.

Ms. Jenkins said there is a shed which will be razed and removed, noting the shed is accessed currently by foot.

Responding to Councilor Bushee, Ms. Jenkins said the little dog leg which leads to Alameda isn't part of the property, as noticed in the staff conditions. Ms. Jenkins again demonstrated the subject site on the enlarged drawing. She said the dog leg is part of the Garcia's property. She said there is a legal easement and they met with the Garcias to discuss the proposed improvements.

Responding to Councilor Bushee, Ms. Jenkins said there are at stop signs at El Rancho and the light at Camino Alire, noting she has a map of the 30% slopes, noting there are only two places of 30% slopes on the subject properties. She demonstrated the 30% and 20% slope areas, noting they would avoid the 20% as much as possible, and the dwellings will be 1,500 to 2,200 sq. ft. single story homes.

Responding to Councilor Chavez, Ms. Jenkins said the grade varies, but the new roadway will comply with the Fire and City Code requirements that the grade be at 10% or less on the whole length. She said the total length is 500feet.

Responding to Councilor Bushee, Ms. Jenkins said if it remains at R-1 the Applicant can't build anything else because the ordinance was changed that we don't round up, but he could build a guest house. She reiterated that the application is to bring the property into compliance with the General Plan at the lowest level that keeps it in compliance with the General Plan and what is appropriate at the site.

Responding to Councilor Romero, Ms. Jenkins said she doesn't know where the Dawsons' property is on the map, noting he said he was a little to the west of the subject property. She said there isn't a lot of pinon and they are trying to preserve any existing stands of evergreen, and the siting of the homes is indicative of that. She said some will have to be relocated.

Councilor Romero said, with regard to the ENN, she isn't concerned that a *meeting* would be held away from an area. She said ideally, it would be done close by, and a mile away "isn't that big a deal and I've seen them five miles away." She appreciates that the Garcias were at the first meeting. She presumes everyone was notified by certified mail, the signs were properly posted and such. She said she is more concerned that people follow the process as best as they can and people either do or don't attend. She said although there are notes available, the conversations with the Garcias have been important. She asked in the development plan if there will be any other notification to neighbors as they move forward.

Ms. Jenkins said yes, as part of the development review process, there will be another ENN *meeting*, and she is willing to agree to a condition of approval to hold it in this district, in closer proximity to the subject property. She said the notices for the Planning Commission meeting would be sent within the 200 ft. perimeter to the same mailing list, with signs for the property. She said the next step in the process will get to a much greater detail to satisfy all requirements.

Councilor Chavez moved, seconded by Councilor Romero, to adopt Ordinance No. 2008-43, approving the request for rezoning at 1711 ½ W. Alameda, with conditions as recommended by staff, and other conditions agreed to by the Applicant.

Discussion: Councilor Chavez suggested it would be nice if one of the new officers who were just hired might qualify for a home in a development like this. He said it isn't the best place for infill, but it is infill which is another policy on which we have been trying to focus.

Councilor Calvert reiterated the issues with piecemeal zoning, which dominoes from east to west. He said when it is to someone's advantage, they cite the zoning, and when it is to their advantage they cite the future land use map and the General Plan. He said the future land use map and General Plan have not been adopted. He asked on which do we rely – the existing zoning or the zoning that is in the future land use map and the General Plan. He said we should take some measure to adopt those and avoid the dichotomy between the way things are zoned and are supposed to be changed.

Yolanda Vigil, City Clerk, clarified that the motion includes conditions recommended by staff and conditions discussed and agreed to in the meeting.

The motion was approved on the following Roll Call vote.

For: Councilor Calvert, Councilor Chavez, Councilor Romero, and Councilor Wurzbarger.

Against: Councilor Ortiz, Councilor Trujillo and Councilor Bushee,

Absent: Councilor Dominguez.

The vote did not result in the number of votes required to adopt an ordinance, so Mayor Coss voted in favor of the motion.

Explaining her vote: Councilor Wurzbarger said she will vote yes, but she wants very clear direction that we rely on Ms. Blackwell and staff in the development plan. She said they will be coming back for a change. She's concerned when you go to 30 feet and put in drainage, there won't be a way to get "the 38 foot up, and then we'll be forced to a variance to a road that will be under developed." She will attend the Planning Commission to follow this since it won't come back to the Council.

Explaining his vote: Councilor Calvert said he is going to vote yes because he doesn't want to penalize the Applicants for what he believes are our failures in process. We need a better process for proactive planning and not piecemeal. He said he doesn't believe we've set a good example. He believes the applicant is doing the best with what he's trying to do. He doesn't believe Council and staff are doing the best job in terms of proactive planning that we possibly could.

6. **CASE #M 2007-39. THE VILLAS AT THE LENSIC DEVELOPMENT PLAN. KARL SOMMER, AGENT FOR GREER ENTERPRISES, INC., REQUESTS APPROVAL OF A DEVELOPMENT PLAN FOR A COMMERCIAL BUILDING COMPRISING APPROXIMATELY 47,691 SQUARE FEET, PLUS 2.5 LEVELS OF UNDERGROUND PARKING GARAGE. THE PROPERTY IS ZONED BCDLEN (BUSINESS CAPITAL DISTRICT LENSIC BLOCK REDEVELOPMENT SUBDISTRICT) AND IS LOCATED WITHIN THE DOWNTOWN EASTSIDE HISTORIC OVERLAY DISTRICT AND HISTORIC DOWNTOWN ARCHAEOLOGICAL OVERLAY DISTRICT. (TAMARA BAER)**

Memorandum dated July 17, 2008 for the July 30, 2008 City Council Meeting, to City Council, with attachments, from Tamara Baer, Planning Manager, Current Planning Division, is incorporated herewith to these minutes as Exhibit "13."

A copy of a letter dated July 29, 2008, to Tamara Baer, from John Rippel, in support of the Villas at the Lensic, is incorporated herewith to these minutes as Exhibit "14."

The staff report was presented by Tamara Baer which is contained in Exhibit "3."

Recommendation: The BCD DRC, at their meeting on December 13, 2007, recommended approval of the Major Project Plan for a commercial building comprising approximately 47,691 square feet, plus 2.5 levels of underground parking garage with the nine conditions listed below. The Planning Commission, at their meeting on January 17, 2008, recommended approval as well, with three clarifying conditions, also listed below. The Historic Design Review Board reviewed the application at two meetings on May 13, 2008 and June 10, 2008, and on June 10, 2008, approved the applicant's requests for the following three exceptions to Historic Code requirements: 1) permission to exceed the maximum allowable heights; 2) construction of a pitched roof; and 3) in one of two proposed options, to use a design vocabulary which is not in Santa Fe Style. The HDRB approved the requested exceptions subject to conditions set forth below. Staff recommends approval based on the conditions stipulated by the three committees and outlined in this report.

Ms. Baer said staff would like to add an additional condition of approval as follows:

"The Applicant shall provide a monetary contribution toward affordable housing for vacation time share dwelling units built as part of the project, in an amount equal to the total number of Santa Fe Homes Program Units which would be required if the dwelling units were subject to the Santa Fe Homes Program, including any fraction of the Santa Fe Homes Program Unit times the affordable home price for a three-bedroom unit for income range 2."

Ms. Baer understands that the City Attorney, Community Development Department and the Applicant have reviewed and agreed to this language.

Councilor Calvert asked if there is agreement as to what the figure is.

Ms. Baer said it is approximately \$109,000 per unit, and we don't know exactly the number of units to which that would apply.

Councilor Calvert said currently that is 3.6 units.

Ms. Baer noted that David Rasch, Historic Preservation, Lee DePietro, Ted Swisher and Gregg Smith are in attendance to answer questions.

Public Hearing

All those speaking were sworn en masse

Presentation by the Applicant

Alexis Girard, Greer Enterprises [previously sworn], said this has been a long process. She said they have worked extremely hard to bring forth a project of which you can be proud, which will do justice to this very important block in downtown Santa Fe. She thanked her family who have supported her through this process, her employees and her talented team headed by Karl Sommer, Jeff Sears, Joseph Karnes and Michael Windom, as well as those who became friends of the project and helped them to redesign it and bring forward a better project. She thanked City staff for their assistance.

Karl Sommer, P.O. Box 2476, Santa Fe, New Mexico [previously sworn]. This case is important for two reasons. One, it represents a family who has been continuing after 100 or more years to invest in Santa Fe's future. This is important, especially when we are looking for economic development and a rejuvenation of parts of downtown. Secondly, it represents a success in planning from a Council standpoint. Two years ago, this Council set parameters, a rezoning case, and told them to go back and "plan a plan," and then bring it back for final approval of the design. He said they have been through the BCD, the Planning Commission, the Historic Design Review Board and innumerable meetings with members of the community. At every step of the way, the project has gotten better and is more successful today than it was when we started, which is an important statement about the manner in which the City Council gave us direction two years ago. He said the real credit in this case goes to Dan Esquibel, in some ways, who did the hard job of developing a presentation at every level that made this case understandable to everybody along the way. He wants to thank him specifically, noting his work is representative of the work done by staff on this case.

Jeff Sears, Architect, Studio Southwest Architecture [previously sworn], presented the design, the architectural style of the building and its impact downtown, using the overhead with the assistance of Joseph Karnes, and the scale model at the front of the room. The current design includes a mixed used project. Mr. Sears demonstrated the subject site on an enlarged drawing, which includes retail and restaurant uses on the ground floor, with 12 condominium units on the upper floors, and 81 parking spaces in the underground parking garage, with access to Sandoval Street for possible public use of the garage. The

ingress/egress (blue area) is right turn in and right turn out only for movement of vehicles in and out of the garage.

Mr. Sears said the *ad hoc* committee which were members of the public were invited to review the design. He said a major component of those meetings was the creation of the portal along the entire streetscape. He said from the property line they gave up approximately 1,900 sq. ft. of potential retail space to create a public amenity in conjunction with the public sidewalk. He said everything in brown around the building is public space, and you can walk in and out of the portals. It is a pedestrian friendly amenity and also helps to reduce the scale of the building at the street level. This creates connection around the block, back up to Sandoval and on to Palace and Grant Avenues. He said they maintained the connections through this block between the existing Lensic Theater and the commercial building. He said that is an existing walkway and they are maintaining that, as well as connections over to Burro alley.

Mr. Sears said the context of the building on the Lensic block led to the configuration of the building which best can be seen on the scale model. He said they followed the unique curve of Sandoval Street in the downtown. They broke up the building massing along Sandoval and created a notch in the building, effectively creating two buildings along that facade.

Mr. Sears said the style of the building reflects the Spanish Baroque of the adjacent commercial building without replicating it exactly. He said the style required and received an exception from the H-Board. The design style includes brick surrounds along the second floor, pre-cast or stone [not fully determined] along door casings and the arched openings on the 3rd and 4th floor, metal railings reflecting the style and design elements of the commercial building, and the arched portal along the ground floor as a public amenity, borrowing from arches on the existing commercial building. Mr. Sears said the step back massing along the 3rd and 4th floors, creates outdoor terraces for the condo units.

Mr. Sears spoke about the height of the building and its impact on the downtown. He said they have created a building which does not hover over the street, or tower over adjacent buildings or the pedestrians. He said pedestrians and vehicles passing by the building will experience the two story massing along the street, with the step back massing of the 3rd and 4th floors. The building is 46 feet tall, which is 3 feet lower than the 49 feet granted in the rezoning. It also was recognized at the time that the height would have to be under the purview of the Historic Design Review Board. The building is 43 feet tall at the parapet of the 4th floor. The pitched roof beyond that, which goes to 46 feet is not visible until you are approximately 160 feet back on Sandoval or San Francisco. He said the roof is similar to the Delgado Building along Palace Avenue.

Mr. Sears said they spent considerable design time on the step back massing of the building. He said the step back massing starts at the 2nd floor parapet, with step back of 10 feet to the 3rd floor, and from the 3rd floor along Sandoval Street they stepped back an additional 7 feet to the 4th floor. He said in the final pass by the H-Board, they increased the setback along San Francisco Street at the 4th floor to 17 feet from the 3rd floor and in conjunction with the 10 feet, for a total of 27 feet back from the plane of the property line along San Francisco. He said the setbacks create streetscapes very similar to other street sections downtown. He said in the packet is an analysis of existing cross sections on the significant streets downtown. He said

Burro Alley shows a very steep streetscape to the east side of the Lensic Theater.

Mr. Sears said they feel they have created a very successful design as approved by the BCD DRC, Planning Commission and the Historic Design Review Board which recognizes the human scale in downtown Santa Fe. It will continue the pedestrian experience downtown, and they feel it is very much in harmony with this specific block downtown, with a mix of uses which will take the place of a surface parking lot. He thanked the team and the members of the public who participated in discussions on the design. He thanked the Council for its consideration.

Mr. Sommer said they didn't mean to give the project short shrift, but they wanted to be brief and will answer any questions. He said they zipped through a very complex process and very complex project. He reiterated that he didn't want the Council to think that the brevity of their presentation is intended to give it short shrift, and they wanted to get it before the Council.

Those speaking to the request

Mayor Coss limited remarks to three minutes per speaker.

Richard Ellenberg [previously sworn], 1714 Canyon Road, speaking on behalf of the Old Santa Fe Association, added his compliments to the imagination and energy with which the design team has approached this task and responded to comments both from the public and the public bodies who have heard this. He said the Association has had a continued concern about the height, but it wasn't strong enough, given the context of the Eldorado and the Lensic, to appeal the H-Board height exemption. Their other strong concern was that the project contribute to the affordable housing and the agreement announced at the beginning of this hearing addresses that.

Bruce Geiss, 211 Botolph Road [previously sworn], said he is proud to be a colleague of Alexis Girard and her leadership has set the bar very high for all in the business. He said there was extensive participation from the community. He said Ms. Girard is engaging, inclusive and has been very respectful, and he loves the tone of the presentation this evening. He asked for unanimous approval of the project. He believes we should be pleased that she is willing to risk her resources in the downtown area. He said the project has been meticulously scrutinized, it is architecturally important, essential to the economic development of the downtown core, and he loves that it provides parking which matches the needs. He believes we should encourage exactly what has happened for this project for our downtown core.

Laurie Silver [previously sworn] said Councilor Calvert spoke earlier about the Alameda project being piecemealed and asked the Council to handle other cases differently in the future. She said this case is a superb example of the collaboration between the city and a private developer who has worked diligently with the Council and with those who had issues with this project. She said this project is superbly crafted by the developer and it is a collaborative effort which deserves to be built and completed. It fits exquisitely into the downtown area, it is complementary to the Lensic, it is a perfect bookend to that part of

downtown area, is pedestrian friendly, the height is human in scale and she believes the Council and the Greer family can be very proud of building this project, which will be one of the landmark projects downtown. She asked that the Council vote unanimously to approve this lovely, historic project.

Margaret Josena Campos [previously sworn] said hers is a historical family. She wishes there had been the same scrutiny for the things across the street from this project. She has attended most of the meetings, and she has problems with groups coming in and scrutinizing this family. She said this is one of our culture who gave so much to Santa Fe, and gathered people from the community to work on certain projects. She said this corner now will look Spanish Baroque, and will be very classy, and brings more of a dream fulfilled to the future. She looks to the City Council to grant its approval. She pointed to the Old Greer Mansion and the housing surrounding it – the old red brick, sensational houses, in territorial style. She asked for approval of the project for Ms. Girard and the Greer family who have “given us a testimony of who they are and value for the future of our children.”

Peter Komis [previously sworn], is here as the President of the Don Gaspar Neighborhood Association, as a downtown business property owner, and citizen of Santa Fe. Mr. Komis said here is to ask for the unanimous approval of the Council, and would be honored if the Council would say yes to this project. He spoke with members of the Board, one of whom is on the Planning Commission and felt it a conflict to speak to this project. Mr. Komis said he is a member of the Board of Adjustment, but this project never came before that Board, so it isn't a conflict for him to speak. He spoke with many neighbors, especially on East and West Santa Fe Avenue all of whom were in favor of the projects. He spoke with many of the downtown merchants, including Bill Doitz and Matt Durkovich, and he has had nothing but overwhelming, positive responses for the project. He said as the property owner of 74-76 East San Francisco and 125 East Water, he believes this project stimulates economic development in the downtown area, and beautifies this corner. He said currently the corner is an empty parking lot, which is a victim of graffiti and broken glass, and he believes this project will correct what is happening on that corner. He said Councilor Romero previously spoke about following the process, and he believes Ms. Girard did follow the process and then some. He is honored to be here today speaking on behalf of this project, noting he has attended every single meeting they had. He was delighted to hear that Greer Enterprises was going to do something on that corner, and he had no fear because he knows the caliber of this family.

Mr. Komis said today he walked around the building on Burro Alley, around Sandoval and San Francisco, and he could almost hear the ghosts of the past, having grown up at 210 West San Francisco Street, the location of his parents' restaurant for 38 years. He said the Greer family was his family's landlord, noting the Greer family is a historic family who has historically benefitted the Santa Fe community. He is glad to see that this tradition continues with Alexis Girard at the helm of Greer Enterprises.

Rosemary Mulner [previously sworn] said she is a newcomer to Santa Fe, but she

has lived in New Mexico since 1978. She said in the early 1980's, she was on a Citizen's Council Group with Albuquerque Mayor David Rusk, and consulted with various groups about revitalizing downtown Albuquerque. She is proud to have watched the Greer family's projects grow, especially this one, which encourages development practices to support the principles of mixed use – commercial, residential, pedestrian, automobile with public transportation and access to a City that needs more pedestrian and residential growth.

Karen Koury, family member [previously sworn], said she is happy the City has pushed the family through a process to fine tune this building and this idea into the creative project it has become. She feels any projects her family has done in Santa Fe have been done with integrity and thoughtfulness and a definite benefit for the community. She believes this will be a great project. Every facet of it has been rethought and redesign and it is ready to be approved and enjoyed by everybody.

Karl Sommer said the applicant agrees with the conditions of approval and the additional condition of approval which Tamara Baer read into the record on the issue of affordable housing, and if it changes as it goes forward through the process and applies, the Applicant would comply with that.

The Public Hearing was Closed

Councilor Calvert asked a series of questions as follows:

Is the project in compliance with all ADA requirements for the project. Mr. Sears said yes and they have gone beyond the process. He met for the second time today with Joe Varela, and they looked at the southwest corner with regard to the ADA ramps and access across the street. There are ideas in process to resolve the issues there, and they will be looking at full compliance with ADA issues around the block.

Are you going to be relocating the traffic signal pole. Mr. Sears said that is an option, or they can work to bring the slope of the sidewalk significantly back from that corner to get the proper turn radius and access to the signal controls on the existing light.

Please work with the Mayor's Committee on Disabilities where there are real experts.

In terms of compliance, will this also apply during the construction phase, and will there be accessibility during that phase as well. He said Joseph is putting up a board which shows the anticipated street conditions. In blue, there is a zone for construction vehicles and deliveries. To the west and north is a concrete barrier. The yellow indicates the two way vehicular traffic and the green are the pedestrian crossings.

Then basically, there won't be any pedestrian access where there currently is during the construction phase. Mr. Sears said this is correct.

On page 124, in the schematic there is a Palace/Sandoval side close to the parking

entrance. The signage is indicative of things which need to be considered with ADA compliance because it's right in the middle of the sidewalk. Mr. Sears said those will all be reviewed, noting there are no other light poles on their side of the street.

Around that whole intersection on all four corners, there are similar problems for ADA compliance, and although it isn't their problem directly, the project will generate more traffic in that whole area, and he hopes they would be amenable to contributing \$20,000 to solving the problem there.

Condition of Approval. *Indirectly, the project will contribute to those problems. He asked if the Applicant is willing to contribute \$20,000 toward the mitigation around the entire intersection. Mr. Sommer said the Applicant is willing to contribute the \$20,000 to do this.*

What are the parking requirements, and asked someone to summarize that. Mr. Sommer said the City Code is not clear about what has to happen on this project. Staff took the position that the existing parking requirements of the existing buildings need to be taken care of in this structure. The Code doesn't say that, but the Applicant has taken care of parking, the Lensic structure requirements, the commercial building requirements and the new uses. He said there are 81 spaces in the parking structure. He said Mr. Esquibel came up with a solution which meets the Code and allows the Applicant to mitigate the parking, which is to allow valet on a portion of the parking structure which meets Code.

How much parking was required for the new building specifically? Mr. Sommer said there is one space for every unit, which is 12 spaces, and there are about 36 spaces total.

Is that indicated on page 126 of the packet? Mr. Sears said that is the breakdown of the spaces and requirements for the block. The new construction includes 20 spaces for commercial, 3 for the office and 12 for the residents or fractional condos.

If we were designing from scratch, the requirement would have been something like 310 spaces. Mr. Sears said that would be inclusive of the theater.

Then we aren't totally taking care of what would have been required, we are mitigating them. Mr. Sommer said a development plan was approved for the Lensic Theater when it was rented. And, while it wasn't shown as a condition of approval, staff identified 12 spaces and those have been included in the plan, but it won't park an event for the Lensic.

On page 194, it talks about a net gain of 23 space. How was that calculated? Is that over what is now in the surface parking lot? Mr. Sommer said yes.

On page 209, Mr. Sommer says the reason the Applicant needs to go up so high is to accommodate the parking underneath. If the Council didn't require the Applicant to have all those parking spaces, would there be a possibility a floor could be eliminated? Mr. Sommer said eliminating a floor eliminates two parking spaces.

There are 81 spaces below including valet, with 74 actual spaces. If some of the mitigating, existing structure parking spaces were removed as a requirement, the Applicant could do easily with two levels of parking. Mr. Sommer said the logic stands to reason that if you don't have to park so many spaces, you don't carry the cost over so much square footage, but he doesn't know the cut-off and whether it would be a whole story, or ½ the third story, noting those numbers haven't been calculated.

Is the cost of the additional parking covered by the fourth story, and is it a wash in terms of cost versus revenue? Mr. Sommer reiterated he doesn't have the answer on those costs.

Ms. Girard said the inefficiency of the site and the ability to circulate makes it a terribly inefficient cost per square foot for the parking. She would guess, through all the engineering reports and such, the dewatering and lack of efficiency in the site, that one floor wouldn't make that much difference. "In fact, it is less square footage of parking to spread the costs over."

The deeper you go, the more expensive it gets. Ms. Girard said in discussing these issues with parking consultants, the idea that you spread the number of parking spaces over less square footage makes the cost per space go much higher.

On page 194, Mr. Sommer said that none of these spaces were to be public spaces, and asked if he would consider a variation on that statement, that the uses that you're adding spaces for, especially the Lensic, aren't going to compete timewise most of the time with the requirements for this building. Mr. Sommer said the availability of those spaces for performances at the Lensic is what we anticipate. At night, those spaces would be available and open for parking.

The current facilities most of the time can't handle the parking for performances at the Lensic. He asked if we could have an MOU to accommodate the overflow at the City rates. Mr. Sommer said the concept of making the spaces available was anticipated. He can't specifically address the rates, noting a lot of that is contracted out.

Condition of approval: Councilor Calvert would like a condition of approval for the Applicant to work with the Parking Division to accommodate overflow from our facilities for the Lensic performances at the City rates or a reasonable price for the public. Mr. Sommer said he believes that can be done.

On page 193, the Planning Commission asked about LEED certification, the Applicant responded that they hadn't identified a standard, but there are three LEED certified architects working on this. He asked if the Applicant could commit to some level of certification? Mr. Sears said they haven't identified a LEED standard to meet here, as all of the components of the building have not been fully identified. He said most buildings, without being certified, are approaching at least a LEED silver certification.

Are you willing to commit to a minimum LEED silver. Mr. Sears said he can't commit to that at this point, because they haven't identified the building systems. He said the next

phase is the design and development and when the systems will be identified in the building.

If you are willing to design this to be energy efficient, water efficient and such, this shouldn't be a problem, and you absolutely can't commit to any level. Mr. Sears said he would hope to get to the highest level in LEED they possibly can, after identifying all of the systems in the building.

Are you meeting your water budget through retrofits? Mr. Sears said yes.

What about the problem of the shading, especially in the winter and the accumulation of ice? Have you given thought as to how to mitigate that? Mr. Sears said they will look at the ramp down into the garage as a safety issue and put heat loops for snow melt, and possibly carry those out into the sidewalk on that side. "The streets are the streets," which is a function of Public Works to plow in a timely manner.

Your building and its height will be adding to the problems which don't exist now because there is no building, so your answer is that's our problem to deal with. Mr. Sears said he would look for more specific suggestions from him. He said he can't commit to anything on a public street.

Mr. Sommer said Councilor Calvert is asking what we have planned around the building when it snows, and part of it is an operational thing for the building. He said any size building on this block will cast a shadow there, so it's a problem they'll have to deal with on their property. He said functionally, it's being able to design a sidewalk that can be and will be maintained. He has no specifics other than it is an operational thing and people have to get out there. They want to ensure that vehicular traffic coming in and out does not have a problem.

The circulation around the project will be challenging, and if we add icy streets and sidewalks to that mix, then we may have problems. Mr. Sommer said they know that snow and ice on the north side of the building will be an issue in the winter just because of the proximity of the sidewalk to the building. That is an operational thing with which they have to deal. They have analyzed that the street will now slow traffic, because the angle of the curve will change. He said it is difficult to deal with this at a design level, and apologized that he doesn't have a better answer, other than to commit to make sure the driveway ramps do not create a problem and that the sidewalks are maintained and kept clear.

There was quite a bit of discussion at the H-Board about the Palace side, especially around the gate that will cover the trash compactor. He is unclear on the design, and asked for a picture of where these things fit on that side. Mr. Sears said the best view of that is on the Board that is still up there.

He would like something looking more directly into that side, not at an angle. Mr. Sears noted the elevations are in the Council packet. He said a condition of the H-Board approval is that they come back with a specific design on that gate, and demonstrated

the gate on the enlargement and the entrance to the garage.

What is it that is represented in blue? Mr. Sears said it is in back of the Lensic theater.

Can you provide a better picture of the opening where all of this activity will be happening? Mr. Sears indicated there was not, and reiterated the proposed functionality of the area.

Is part of this design going back to the H-Board for approval? Mr. Sears said yes.

Is the west entrance to the parking straight, or is there a slant, noting he is concerned about visibility coming out into oncoming traffic. Mr. Sears said the sight lines were reviewed early on and they are adequate. Mr. Sommer said the question is, does the wall on the western corner of the parking garage have a canter to it or is it straight. Mr. Sears said the wall is perpendicular to the street and has no angle at all, demonstrating the sight line on the enlarged drawings.

Do trucks load back over the triangular piece at the entrance. Mr. Sears noted there is a diagram. He said the worst case is the largest semi which would come approximately 7-9 times a year to the Lensic Theater. The movement of that vehicle backing into the loading zone is shown on page 154 of the packet, and there is no conflict with the raised curb.

Does it require that the truck end up in a "jackknife" position for this to work? Mr. Sears said yes, pointing out the trailer and cab could be separated.

Is this going to happen at odd hours? Mr. Sears said it will happen at varying hours, and it will require road closure to do, and that has been discussed with Bill Hon and John Romero. Mr. Sommer said they spoke with the manager at the Lensic about how they manage it now, and essentially this is what they do right now, and he indicated this happens 7-9 times a year.

End of Councilor Calvert's questions.

Greg Smith said the staff's position will simplify the questions about parking. He referred to Council packet page 79 which is a copy of a page in the Staff Report to the Planning Commission. The staff's analysis indicated that the existing Lensic uses, including the theater and its various expansions, the retail and commercial at various remodeling stages, essentially are grandfathered in. Staff's understanding in reviewing the plans is that the existing uses are grandfathered-in at 46 spaces, which is a significant discount over the 310 spaces which would be required under current standards if we were starting from scratch with a vacant lot. He said the 35 spaces added for the square footage for the new building results in the 81 spaces required by Code, which are accommodated with 74 standard spaces, expanded to 81 total spaces using valet parking as allowed by the Code.

Councilor Wurzbarger said she does have concerns, but for her, this project is like "the little engine that could."

Councilor Wurzbarger moved, seconded by Councilor Romero, to approve this request on the basis of the product and the process we've gone through collectively as a community.

Discussion: Councilor Wurzbarger said she still has questions about the fractional issue. She said there are 12 residential units and asked how many fractions there are.

Mr. Sommer indicated that 96 people will be involved in living there, which is 1/8 of the year.

Councilor Wurzbarger said then they get about six weeks per year. She spoke with David Rasch and we can't lay new policy ideas, even if they're undeveloped, on an existing project. She has always stood for going with the existing laws and processes. She is concerned that the City needs to get "people people" living downtown who actually live here more than six weeks a year, although that is better than having people here only for a week or 3 nights.

Councilor Wurzbarger said the Applicant has done a wonderful job of responding to historic requirements. She said most of the 180 pages in the packet speak about physical aspects, rather than use. She can't move for approval without stating her concern that she hopes we can, not on this project, but as a Council and as a community look at issues of what can be done in the H-Board or other ordinances to look at uses which require residential.

Councilor Wurzbarger appreciates that the Applicant has responded to the proposal under development, noting the City has nothing for fractional uses per se. As this goes forward, she wants to work to make sure we are where we want to be. Otherwise, she is confident with where the project is at this time, and really likes the elevations. She said the Applicant has been very sensitive, noting she has followed this through people who have been involved daily and weekly. She said the way this has evolved is a comment on how a process can work out.

Councilor Chavez said the item is listed in the published agenda as asking for approval for a development plan for a commercial building, noting it is more than a commercial building, it is a hybrid. It is a commercial/residential/fractional type residential building.

Mr. Sommer said, technically, the ordinance defines a fractional use as a commercial use, so this is the reason it is titled that way.

Councilor Chavez said there are people living there in dwelling units. Mr. Sommer said this is correct.

Councilor Chavez asked what LEED certification it will meet – commercial or residential or both, and this is a challenge.

Councilor Chavez said fractional residential is a different way of saying time share, and Mr. Sommer said this is correct.

Responding to Councilor Chavez, Mr. Sommer said all twelve units will be fractional.

Responding to Councilor Chavez, Mr. Sommer said a condition was read into the record by Tamara Baer, which tracks the current version of the amendment proceeding toward the Council which provides that if you have a fractional or time share project you will comply with the affordable housing on the basis that if it had been residential, you will have that number of units times the factor which he believes is \$109,000. He said 30% of the 12 units would be 3.6, multiplied by the amount determined to be the value of one affordable unit, which would be the contribution. He said the Applicant has agreed to this condition.

Councilor Chavez said this is the rub for him, noting earlier in the evening we congratulated new police hires. He thinks it would be nice to have a police officer, his wife and family living in a unit in a development like this full time. He said esthetically the project is fine, and they've gone through the process and gone above and beyond. However, affordable housing is the only thing which is missing for him. He asked if the Applicant could reconsider this and provide an affordable unit instead of a fee in lieu.

Mr. Sommer said they've looked at this extremely carefully, noting the Greer family's position on affordable housing and what they do generally in this area in the community. However, it simply doesn't work in this project financially.

Councilor Chavez said it should, and we should be able to make the numbers work, with due respect to the family.

Responding to Councilor Chavez, Mr. Sommer said if you are referring to the dwelling units as residential, then the top 3 floors – 2nd, 3rd and 4th floor are dwelling units. He said the bottom floor, street level is retail and restaurant use, and the first floor is 28% of the square footage and the remaining is residential.

Councilor Wurzbarger said page 127 of the packet has the breakdown on the summary of the square footage – 36,000 sq. feet residential and 13,000 commercial.

Councilor Chavez said then out of 36,000 square feet you can't carve out 1,200 square feet for a couple or a family to live in a downtown area.

Mr. Sommer said, "And with all due respect, it doesn't work in the project now."

Councilor Chavez said this is unfortunate.

Mr. Sommer said he doesn't want to give short shrift to Councilor Chavez's question, because they have looked seriously as to how this might or might not apply. He said in the downtown area, there are height restrictions which do not allow for either density bonuses or the like to be able to make up for that. He said the simple and direct answer is that they can't do it, but there are many reasons, and he didn't intend to be disrespectful to Councilor Chavez.

Councilor Chavez agreed it is a hard sell, and probably a little late in the game to be pushing this envelope, because it seems the decision has been made. He still thinks it's unfortunate.

Councilor Dominguez asked about the access of the big rigs in the parking area, and asked about detaching the trailer from the tractor, because it appears the tractor would block pedestrian access.

Mr. Sears said if the cab was removed, there would be pedestrian access across there. The cab would be parked in that area of cross-hatch or somewhere off site.

Councilor Dominguez clarified that the cab will be parked far enough east that it won't block the pedestrian access from the theater or the San Francisco Street side.

Mr. Sears said correct.

Mr. Sommer clarified that the trailers aren't parked there during the performance. They come in, unload and leave, so that isn't static while the whole thing is happening. Operationally, it doesn't sit like that for twelve hours.

Councilor Dominguez asked Ms. Baer if there is anything in the Code which defines the "canyon effect." He asked the Applicant to articulate and demonstrate that there is not a canyon effect.

Ms. Baer said that wasn't addressed in any way specifically, and she would need to look at the design standards in the Lensic redevelopment block subdistrict. She said it is a matter of the width of the street and the height of the building, and at some point, those two come together. The City does not have a definition of "canyon effect."

Mr. Sommer said the Applicant looked at this very specifically, because all along they have been addressing it. For them, that term means what is the impact of the building on the pedestrian and vehicular experience at the street level. He said the Eldorado across the street has a sheer wall going up several stories, and the pedestrian experience is one of standing against a canyon wall. He said the experience of walking down San Francisco is that you feel a human scale of the buildings next to you, so your eye is drawn to two stories, not 3-4 stories as at the Eldorado. This is their understanding of canyon effect. They have tried to determine the pedestrian experience along this building. It is a function of the width of the street and the height of the building. Predominantly, the effect of the pedestrian along this is a two story. They tried to address canyon effect as it relates to the pedestrian experience and the meaning they have given to it.

Councilor Dominguez said it is unfortunate that we haven't been able to provide more affordable housing in the downtown area, and we can start to work on that. He said, if the economics were different in the community, and the conditions were different in the City with regard to the numbers of affordable units, it would be a different story in trying to mandate or really require at least one unit. The fact is that we have none.

Condition of approval: Councilor Dominguez asked if there is a way to earmark the fee in lieu from this project to be used in the downtown area or in some radius which is part of the downtown area from the site. Mr. Sommer said the applicant has no objection to the City using it in that fashion and restricting it. However, Ms. McCormick isn't in town, and the City has a long

laundry list, one of which is the Northwest Quadrant. He said Ms. McCormick might have a different suggestion. The Applicant has no objection to the restriction. He said this is a broad policy decision to be made by the City Council.

Councilor Bushee said this project has taken a long time, noting Craig Watts was the Traffic Engineer when this project first began. She her concern still remains how to get automobiles in and out of this tight area, and it has nothing to do with the design. She said this is a "1000% improvement" over the last proposal. She said it has many of the same features as the preview for the Archdiocese project, with similar setbacks, arches and balconies.

Councilor Bushee asked John Romero how it was decided that this was the best plan for traffic, with only one egress/ingress. She said there will be the claim of a canyon or tunnel effect if you build anything there because of the Eldorado Hotel. The reality is that this is what is facing us.

John Romero said he looked on the three sides of this development – the Sandoval Parking Garage side, Eldorado side and the chosen side. The Eldorado side would be difficult to get the grades to work, because it was too narrow. He said all sides will have a considerable amount of pedestrians to deal with. On the Sandoval side, they were afraid that vehicles northbound on Sandoval, making a right on San Francisco, and having to make an immediate left, would have to contest with huge traffic at the signal. At this location, they do not. The problem with this location was the sight distance, cars coming around the corner. They then measured the speed at that corner during free flow traffic, and on the outside of the curve southbound it was around 25 mph, while coming the other way it was 20 mph. They are worried about the 20 mph for two reasons. One, a person coming out of the garage has enough time to see cars coming around the corner, and cars coming around the corner have enough time to see a car coming out of the garage and stop.

Mr. Romero said based on that speed, they used the national guidelines. He said he made them verify that the sight lines were attainable, and that was based on the measured speeds. He said when the road is narrowed, it hopefully will make matters even better than what has been proposed.

Councilor Bushee asked, "Did you consider having one cent of traffic coming in and then exiting out onto San Francisco or whatever. I mean, were there any splitting the load of any kind of...."

Mr. Romero said no, although he and Mr. Sears did discuss it a little, but the problem with that was making the garage work. He said it is a very narrow piece of property, so how to make them connect with make one level going in and the other end coming out would be difficult.

Councilor Bushee said then Mr. John Romero is giving his seal of approval on this.

Mr. Romero said both he and Craig Watts as well as John Nitzel.

Councilor Bushee said she likes the brick, and the connection and integrity with the back

side of the Lensic, and hopes the H-Board doesn't make them take that away.

Councilor Bushee said she has never felt good about fractionals or time shares, even though they are allowed in the BCD. She said we have only begun to see these in the past five years. She said, "Pretty much, we've grappled with this whole how do you make unaffordable land turn into yielding some affordable units, and you know, it seems a nice policy to consider having people live in your downtown. I don't think we're going to become a resort town like some parts of, you know, different islands in Hawaii, you know the places where it's all timeshares. I hope not. But, what we're trying to do in our policies, and we still have yet to really craft the one for these fractionals fully, is to actually generate some of that living in the downtown. And what doesn't seem quite right, and I think you're seeing everybody.. and it is getting late... approach it from different ways."

Councilor Bushee continued, "But to say that, if we..so say for instance we had a moratorium on fractionals in the downtown because we wanted to craft a policy and you wanted to move forward with this and you had to meet the requirement because you wanted some residential and you had to give three units. Now those three units would certainly cost much more than the \$109,000 a unit we're... or we're about to, I guess, receive as a condition on this. I just don't know how to strike the right balance. But, I think it was painful for some of us to say well we would accept fee in lieu, and then, you know, we also didn't want to see people just generate commercial activity. We want them to see some residential. But, I don't think we've found that balance. And I don't think... and I'm not saying that's not generous, I'm just saying that's not necessarily meeting the goals we have for the downtown and I think that's across the board up here. So, I think you find people just kind of reaching and that's not the best way to make policy decisions, either, but I can see that it is a disappointment across the board for us to not have the actual local folks living in our downtown. But, the other disappointment of course, is that we would like to then generate enough to make sure we can create some other options close to the downtown. So, I don't have an answer. I know Councilor Wurzbarger wanted to look at it again, but I don't know if you have the brain capacity at this hour. But.. Well no, I mean you always complain about being tired after nine. I'm going to say generally I think the project's improved immensely. I still have concerns. Hang onto the bricks on the back side if you can. And, I am supportive. I do hope that we can come to a better conclusion on this fractional issue."

Councilor Trujillo said, although he's not a traffic engineer, he has inspected enough road projects to know that there will be a potential problem in the winter. He asked Mr. Romero when he did the measurements.

Mr. Romero said he is unsure what time of year it was, but the time you are supposed to measure speed is during free flow traffic and not during inclement weather. He said if you have a radar gun when it is full of snow, cars will be going slower than what they would typically. If you do it during gridlock they will be going slower than what they could. So, you try to measure it during free flow and people can go as fast as they want to.

Councilor Trujillo thinks the smart time to measure would be during inclement weather, especially snow, noting we are back into the canyon effect. He sees an accident ready to happen right in front of the exit from Santa Fe County. He said the answer he didn't like was,

"We're going to build it, but it's Public Work's problem." He said this building is creating a situation where there will be ice. He said he doesn't see any other major streets in the downtown area where we would have the same effect, and asked if there are others which carry this much traffic.

Mr. Romero said there are two issues. The first issue he was addressing to Councilor Bushee was sight distance based on speed, and this was based on the guidelines from the American Association of State Highway and Transportation Officials, which provides that the sight distance a person needs to see for such a speed is x amount and we verify that. He said as far as making it so that it doesn't ice up and the building doesn't block the sun....

Councilor Trujillo has no problem with the sight distance and doesn't think that will cause a problem. His concern is with the icing. He asked if this will be a priority for the City when it snows.

Mr. Romero said he doesn't know where it is on the City's priority snow removal list.

Councilor Trujillo said he is looking at it as a public safety issue, and asked who people will sue if we start having accidents there in the winter. Is it bad engineering. Are they going to sue the city or the people who built this building.

Mr. Romero said other than trying to be diligent in clearing the snow, he doesn't know what else we can do other than not allowing the building to be placed.

Councilor Trujillo said he isn't against the building, and believes it is a great project, but this is his concern.

Mr. Romero reiterated that the Streets Department needs to be diligent in clearing snow, and if this isn't a priority one, then it can be placed as a priority one.

Councilor Trujillo would like him to work with Robert Romero to assess this street once this is built, commenting that we won't know what is going to happen until we see it in the winter.

Councilor Ortiz said then the Applicant agrees to conform to whatever we pass sometime in the future regarding contributions for affordable housing on fractional units.

Mr. Sommer said they have agreed to something very specific, but he believes they would be required to conform to whatever the City passed and applied to the project. What they are saying is that there's nothing in place.

Responding to Councilor Ortiz, Mr. Sommer read the condition of approval as agreed to by the Applicant, as follows:

"The Applicant shall provide a monetary contribution toward affordable housing for vacation time share dwelling units built as part of the project, in an amount equal to the total number of Santa Fe Homes Program Units which would be required if the dwelling units were subject to the Santa Fe Homes Program, including any fraction of the Santa

Fe Homes Program Unit times the affordable home price for a three-bedroom unit for income range 2."

Mr. Sommer believes this tracks with the amendment going forward, and he was saying they agree with this, but if the City passes something which applies differently to the Applicant, they would have to comply with it.

Friendly amendment: Councilor Ortiz would like to add a phrase to the condition, "as may otherwise be applicable by law or ordinance." **The amendment was friendly to the maker and second.**

Councilor Ortiz asked the architect if believes this project is an example of new urbanism concepts.

Mr. Sears said, "There are indeed those issues in place here in regards to the mixed use and how pedestrians, vehicles.. Of course the mixed use of retail, commercial and living... Yes indeed.

Councilor Ortiz asked how this project, if it is a new urbanism project, deals with the principle of diversity of people, in particular income levels, and does it deal with the mixed housing. How do fractional units, essentially vacation home for tourists, relate to the concept of mixed housing in the new urbanism concept.

Mr. Sears said, "I think the issue is we're putting people in the downtown to live. Again, we've had this discussion about how they're going to be living there, you know, in terms of you know, the use of, or the potential fractional. But, that's the important issue. To me, that's putting residential dwelling units in the downtown."

Councilor Ortiz said it really isn't, because the fractional units will be occupied in six week segments, so these people are really just guests of the City.

Mr. Sears said he doesn't have an answer to this, and doesn't know how people will relate to their time here.

Councilor Ortiz said the ordinance was clear that we wouldn't accept fee in lieu and we were going to try and move the poor people in houses on any project, but we changed that policy, noting he didn't want it, but it was changed by the majority of the Governing Body on the First National Bank Building. We're seeing it again here on this project. He said there is a mechanism for providing affordable housing downtown – the Homes Program without fee in lieu. He said if we're going to subscribe to a concept of new urbanism and try to get people from all income levels in the downtown area, fractional housing isn't the answer. He said when the Archdiocese came forward with its original proposal, it was hammered at some length for its project. And yet this project is completely fractional and you are essentially paying a rock bottom price to buy out of the obligation to the community, instead of providing the units themselves.

Mr. Sommer said he believes the project specifically addresses certain aspects of residential uses in the downtown area in one narrow fashion, which has been identified. He said it is extremely difficult to bring residential uses into the downtown area for a variety of reasons which you've heard debated back and forth for a long time. The reality is it's difficult to do economically to make that happen.

Councilor Ortiz asked if the grandfathering-in of parking spaces was the result of the renovation of the Lensic Center and if this is the deal which was cut for them.

Mr. Sommer said 12 units were identified on a plan for the Lensic, but there's no record anywhere that anything specifically was required. He said they were told they had to include those which showed up on a particular plan, but he doesn't know how staff looked at that use being renovated and then parking it.

Councilor Ortiz presumes this block is owned in one parcel, and Mr. Sommer said this is correct. He said then we would look on a parcel for any kind of development, or redevelopment, to see the requirements for the entire parcel. He believes there would be a requirement to provide parking for the new development as well as the new development with the renovation of the Lensic.

Mr. Smith said in the 30 years that staff has been dealing BCD parking requirements, there have been a variety of interpretations. The consistent interpretation for the past ten year has been that the Code provides, in the case of added development on a site, that the existing uses are grandfathered-in at the amount of existing parking and the added development must meet the current Code requirements only for the amount of development which is being added – old development is grandfathered, new development meets current standards.

Councilor Ortiz said then for the Lensic, staff took the position that existing parking on the site before the Lensic was renovated was grandfathered as the acceptable amount of parking, and the only additional spaces would be for the new offices in retail.

Mr. Smith said that is almost correct. The theater was grandfathered for the pre-renovation, and there was a minor addition for the 2001 addition to the theater. There was a minor requirement for the remodeling of the retail and office building, and that's how he came up with the numbers he gave previously for the 81 required by Code.

Councilor Ortiz said the realities of this City block are, and will be with the new development, that the parking will be wholly inadequate, and won't come near to meeting the parking demand this new development will need. He said we do not have sufficient parking for this block, however the numbers came about. He said there is the curve, and the parking configuration has been noted by the applicant and staff is going to be tough and we're creating a problem similar to the Whole Foods situation. The problem will require some amount of remediation because the block, in terms of parking, will fail.

Councilor Ortiz said this is a beautiful building. The Applicant, her agents and the community have worked hard to reach this consensus, but there is still an issue of parking which will be a big problem for downtown. This is a beautiful complex, but it's going to be for out-of-

towners, visitors who are going to want to make Santa Fe their home, and it's not going to be for locals, and locals will have a hard time parking here because of the parking congestion created by this project.

Councilor Chavez asked the price of these units.

Mr. Sommer said he doesn't have that information, but he will speak with a person who has worked on the costs, and that will give an idea of the price range needed to make the project work. He said there has been no pro forma. The way they have approached it is the cost to built, and then factor in what return the market will bear. He said his client is highly uncomfortable in trying to pin down numbers. They have worked very hard. He said the costs currently are...

Councilor Chavez said he doesn't want to know that. He said then the units will rent or sell for what the market will bear.

Councilor Wurzbarger said there are 36,000 sq. ft. of residential and asked if that is 12 units at 3,000 each.

Mr. Sears said the units break down as follows: 2nd floor – approximately 1,200 sq. ft., 2,000 sq. ft., 2,100 sq. ft., 1,700 sq. ft., 2,300 sq. ft.; 3rd floor – 2,163 sq. ft., 2,700 sq. ft., 1,600 sq. ft., 2,300 sq. ft.; 4th floor – 1,900 sq. ft., 2,2100 sq. ft., 2,600 sq. ft. He said this is 12 units.

Councilor Wurzbarger said she believes they could take 1,000 sq. ft. and put a police officer there.

Clarification of the motion: Councilor Chavez asked if the motion included the contribution of \$20,000 which was requested for traffic improvements. Councilor Wurzbarger said yes.

Councilor Chavez said then that is \$20,000 which should be covered by impact fees, and the Applicant agreed to pay this, commenting they really don't have to do that by law. He said we can do that, but we can't ask for the affordable unit. He sees a contradiction here.

Councilor Bushee moved, seconded by Councilor Ortiz, to postpone the decision on this item for two weeks, to give the applicants and staff the time to get the requested information, noting that the public hearing is closed.

Discussion: Councilor Chavez said he can accept the traffic and the parking. He said Mr. Sommer said it isn't feasible to have an affordable unit on this project in the downtown area, and asked where it will be feasible. If we can't make it work here, how can we send the message that it will work anywhere. He said the one unit is the rub for him.

Councilor Wurzbarger said she would like to refine the motion, which she understands is solely for the purpose of clarifying what we are going to with this fractional. She said, "What I was uncomfortable with, in terms of where we're headed tonight, is that I don't think there is

anyone up here that agrees with your statement that that's the deal that you're agreeing to. And I would like to take the time to absolutely work out what it is that we're going to want from fractionals, other than say you will agree to this [inaudible], but the notion of 12 units being corollary to a house when actually it's 96 units, we could define it that way. I don't think that we should, but that's where I think we need some time... if I may finish, excuse me Karl, this is not a general open it up for the traffic, for the color of the building, it's solely to deal with this issue that you heard each of address differently with respect to how do we as a Council want to deal with fractionals. We've got something that we go through, that's going through the process right now, that I don't think there's a person up here that's satisfied with that, in terms of this project. That's what you're facing here."

Mr. Sommer said what he is saying is this was brought to them by staff, saying do you have a problem with it. And then, I said tonight, we have no problem with it. And, if you change your ordinance we'll comply with the ordinance. So, if your ordinance is something different than the deal we make tonight, we'll comply with the ordinance. That's what I was saying. He said, "All I'm saying is that we agree with the staff condition that was requested of us, and if your process yields a different result in your fractionals, we'll comply with that. So, that's what I was saying."

Councilor Ortiz said he would also like staff to work again with these people on the traffic and to come up with some more definitive answers on the parking issue.

Councilor Bushee said there were lots of request for unanimous approval of this project, and the discussion tonight is that it's a much better project, but there are still some things to be worked out. She is just asking that we take two weeks to try to work them out.

Mayor Coss said he is a little surprised, because he thought we were at the culmination of a two year project where the Applicant had done everything, every Committee, and every Board member, and really every citizen was asked, but we are arguing about affordable housing down which we haven't proposed any new ordinances on. He said we know fractionals are coming, but he is unsure how that was dragged into this design decision. He doesn't think this will make the parking worse, and has the potential to help the parking. What the Applicant agreed to that they didn't have to agree to, unless we pass an ordinance requiring it, would give us over \$300,000 which could make a down payment for every police officer we saw tonight to get them into a house in Santa Fe, and maybe not downtown. He is surprised that, at the end of a two year process, we're hung up on an affordable housing issue around the development. He said they could go all commercial with no housing which would solve the problem. It is unfortunate we could come two years down the track with so much work, and be stuck on issue we all knew was coming, but we haven't done anything about that.

Clarification: Ms. Vigil said the motion is to postpone to Monday, August 11, 2008, which is the next Council meeting.

The motion was approved on the following Roll Call vote.

For: Councilor Dominguez, Councilor Ortiz, Councilor Trujillo, Councilor Bushee and Councilor Chavez.

Against: Councilor Romero, Councilor Wurzbarger and Councilor Calvert.

Explaining her vote: Councilor Wurzbarger said she is comfortable with the commitment made to take whatever ordinance we give them.

Explaining his vote: Councilor Calvert votes no for the same reason given by Councilor Wurzbarger.

- 8. CONSIDERATION OF RESOLUTION NO. 2008- _____. CASE #M 2007-26. 1312 AGUA FRIA STREET, GENERAL PLAN AMENDMENT. DERRICK ARCHULETA, AGENT FOR EVANGELINE HERRERA, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 0.306± ACRES OF LAND FROM LOW DENSITY (3-7 DWELLING UNITS PER ACRE) TO OFFICE. THE ARE IS LOCATED BETWEEN AGUA FRIA STREET AND HICKOX STREET. (GREG SMITH). (Postponed at May 28, 2008 City Council Agenda). (Request by Staff and Applicant to Postpone to ~~August 11, 2008~~ September 10, 2008 City Council Meeting)**

- 9. CONSIDERATION OF BILL NO. 2008-19; ADOPTION OF ORDINANCE NO. 2008- _____. CASE #ZA 2007-13. 1312 AGUA FRIA STREET REZONING OF 0.306± ACRES OF LAND FROM R-5 (RESIDENTIAL, FIVE DWELLING UNITS PER ACRE) TO C-1 (OFFICE AND RELATED COMMERCIAL). THE PROPERTY IS LOCATED BETWEEN AGUA FRIA STREET AND HICKOX STREET. (GREG SMITH). (Postponed at May 28, 2008 City Council Agenda) (Request by Staff and Applicant to Postpone to ~~August 11, 2008~~ September 10, 2008. City Council Meeting.)**

H. ADJOURN

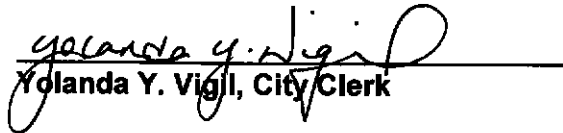
There being no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 10:45 p.m.

Approved by:



Mayor David Coss

ATTESTED TO:


Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Stenographer