



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
AUGUST 31, 2016  
CITY COUNCIL CHAMBERS

## AFTERNOON SESSION – 5:00 P.M.

### CITY CLERK'S OFFICE

DATE 8/24/16 TIME 3:40 P.M.

SERVED BY [Signature]

RECEIVED BY Melanie Bays

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – August 10, 2016
9. PRESENTATIONS
10. CONSENT CALENDAR
  - a) Request for Approval of Amendment No. 2 to Professional Services Agreement in the Amount of \$35,000 – On Call Water Project Asphalt Construction Services for Transmission and Distribution Section; GM Emulsion, LLC. (Mike Moya)
  - b) Request for Approval of Professional Services Agreement in the Amount of \$198,917.92 – Modified Stage 1 Abatement Plan Frank Ortiz Landfill (RFP #16/14/P); Intera, Inc. (Lawrence Garcia and Shirlene Sitton)
    - 1) Request for Approval of Budget Increase in the Amount of \$83,653.
  - c) Request for Approval of Change Order No. 1 to Contract in the Amount of \$131,166.43 – Camino Capitan, Vereda Rodiando, Paseo de Tularosa & Paseo de Canto Water Main Replacement Project; Sasquatch, Inc. (Bill Huey)
  - d) Request for Approval of Memorandum of Understanding – St. Francis South Large Scale Mixed-Use Project for Wastewater and Water Division; Santa Fe County. (Stan Holland)



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- e) Request for Approval of Bid No. 16/39/B in the Amount of \$1,625,239.08 – Arroyo de Los Chamisos Drainage Improvements, Erosion Control and Bank Stabilization Repair and Contract for Base Bid and Bid Alternatives 1 through 5; RMCI, Inc. (Melissa McDonald)
  - 1) Request for Approval of Budget Adjustment in the Amount of \$680,000.
- f) Request for Approval of Professional Services Agreement in the Amount of \$57,377.03 – Engineering Services for Paseo De Peralta Road Diet Feasibility Study (RFP #16/43/P); Souder, Miller & Associates. (Sandra Kassens)
- g) Request for Approval of Procurement Under State Price Agreement in the Amount of \$61,773.40 – Installation of Bike Lane Pavement Markings on Osage, W. Alameda and Siringo Road; San Bar Construction Corporation. (Rick Devine)
- h) Request for Approval of Procurement Under Cooperative Agreement in the Amount of \$77,169.25 – Design Services for Fort Marcy Pedestrian Bridges Replacement Project; Wilson & Company, Inc. (John Romero)
- i) Request for Approval of Procurement Under State Price Agreement in the Amount of \$185,581.88 – Construction Services for Cerrillos/Galisteo/Montezuma Intersection Improvement Project; Century Club Construction. (John Romero)
- j) Request for Approval of Agreement Between Owner and Design Builder in the Amount of \$522,263 – Design-Build Services at Genoveva Chavez Community Center (GCCC) Skatepark; Spohn Ranch, Inc. (Jason Kluck)
- k) Request for Approval of Professional Services Agreement in the Amount of \$475,000 – Release of Two State of New Mexico Department of Finance, Local Government Division 2015 Severance Tax Bond Agreements 15-0861 and 15-1166; Kitchen Angels, Inc. (David Chapman)
- l) Request for Approval of Procurement Under State Price Agreement in an Amount to Exceed \$50,000 – City-Wide Automotive Vehicle, Heavy Equipment Repairs and Tires; Various Vendors. (Robert Rodarte)
- m) Request for Approval of Exempt Procurement and Maintenance Agreement in the Amount of \$62,944.38 – Annual Hardware and Software Maintenance of Library System for Library Division; Innovative Interfaces, Inc. (Patricia Hodapp)



# Agenda

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- n) Request for Approval of Procurement Under State, Cooperative Price Agreements in the Amount of \$1,259,382.24 – Twenty-Seven (27) Replacement Vehicles and Equipment for Police Department for FY 2016/17; Various Vendors. (Andrew Padilla)
  - o) Request for Approval of Agreement – FY 2016-2017 Union Management Negotiations for Police Department; Santa Fe Police Officer's Association. (Andrew Padilla)
  - p) Request for Approval of Amendment No. 3 to Professional Services Agreement in the Amount of \$8,000 for a Total of \$48,300 – FY 2016/17 Hockey Referee Services for Ice Arena Hockey Leagues at Genoveva Chavez Community Center; New Mexico Hockey Referee Confederation. (Liza Suzanne)
11. CONSIDERATION OF RESOLUTION NO. 2016-\_\_\_\_. (Mayor Gonzales and Councilor Rivera)  
A Resolution Directing Staff to Work with the Santa Fe County DWI Program to Develop and Sponsor a Parking Voucher Program to Allow Overnight Parking. (Noel Correia) (Postponed at the July 27, 2016 Meeting of the Governing Body) **(Postponed at the August 10, 2016 Meeting of the Governing Body)**  
Fiscal Impact – Potential Annual Loss of Parking Meter Revenue is Approximately \$11,020.00 for Option A and \$17,558.00 for Option B. Option A Proposes Overnight Parking at Downtown Meters only on Friday and Saturday Nights. However, Option B Proposes Overnight Parking at Downtown Meters Seven (7) Days per Week.
12. CONSIDERATION OF RESOLUTION NO. 2016-\_\_\_\_. (Councilor Dominguez)  
A Resolution Declaring the Intent of the City of Santa Fe, New Mexico to Issue its Qualified Energy Conservation Bonds Entitled City of Santa Fe, New Mexico Qualified Energy Conservation Revenue Bonds (Homewise Energy Conservation Fund Program), Series 2016, in an Aggregate Principal Amount of Up to \$5,000,000 in Connection with the Establishment of a Program to Finance Residential Renewable Energy Systems in the City of Santa Fe (the "Program"), for the Purpose of Inducing Homewise to Implement the Program and to Pay the Costs of the Program from Proceeds of the Bonds; and Concerning Related Matters. (John Alejandro)
13. CONSIDERATION OF RESOLUTION NO. 2016-\_\_\_\_. (Councilor Dominguez)  
A Resolution Initiating the Process of Strategic Planning With the Intention of Aligning the City's Priorities in Allocating Its Limited Resources With the Priorities of Residents; Establishing a Program and Service Inventory; and Consolidating Efforts to Maintain a Balanced Budget in Future Years That is Priority Based. (Oscar Rodriguez and Adam Johnson)  
Fiscal Impact – Yes; \$25,000 for Other Operating Costs (Software)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
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CITY COUNCIL CHAMBERS

14. Request to Publish Notice of Public Hearing on September 28, 2016:

**BILL NO. 2016-36.** An Ordinance Amending the Land Development Code to Update Land-Use Categories, Table of Permitted Uses to Add Agricultural Uses; Amending Subsection 14-6.2(H) of the Land Development Code to Prohibit Animal Production and Slaughterhouses, and Providing for Agricultural Uses; Creating a New Subsection 14-6.3(D)(4) of the Land Development Code to Allow for Agricultural Home Occupation Exceptions; Amending Section 14-8.7 of the Land Development Code to Waive Architectural Design Review of Agricultural Related Structures by the Land Development Director; and Amending Subsection 14-12 of the Land Development Code to Include Definitions for Terms Relating to Urban Agriculture. (Mayor Gonzales and Councilor Ives) (John Alejandro)

a) A Resolution Creating the City of Santa Fe Procedures and Guidelines for Urban Agriculture Activities and Uses. (Mayor Gonzales and Councilor Ives) (John Alejandro)

15. A Resolution Proclaiming Severe or Extreme Drought Conditions May Exist in the City of Santa Fe; Imposing Fire Restrictions; Restricting the Sale or Use of Fireworks Within the City of Santa Fe and Prohibiting Other Fire Hazard Activities. (Councilor Rivera, Councilor Ives and Councilor Trujillo) (Reynaldo Gonzales) **(Withdrawn by Staff)**

16. MATTERS FROM THE CITY MANAGER

17. MATTERS FROM THE CITY ATTORNEY

Executive Session

In Accordance with the New Mexico Open Meetings Act §§10-15-1(H)(2), (7) and (8) NMSA 1978, Discussion Regarding Limited Personnel Matters, Including, without Limitation, the Evaluation Process for the City Manager; Discussion Regarding Threatened or Pending Litigation in Which the City of Santa Fe is a Participant, Including, without Limitation, Discussion Relating to *Century Bank and The Artyard Master Condominium Association, Inc. v. City of Santa Fe*, *Aberg Property Company*, and *Santa Fe Community Railyard Corporation*; and Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights by the City of Santa Fe, Including, without Limitation, Relating to the Buckman Road Recycling and Transfer Station (BuRRT) Lease. (Zachary Shandler)



# Agenda

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18. Action with Respect to *Century Bank and The Artyard Master Condominium Association, Inc. v. City of Santa Fe, Aberg Property Company, and Santa Fe Community Railyard Corporation*.
19. Action with Respect to the Buckman Road Recycling and Transfer Station (BuRRT) Lease.
20. MATTERS FROM THE CITY CLERK
21. COMMUNICATIONS FROM THE GOVERNING BODY

## **EVENING SESSION – 7:00 P.M.**

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
  - Audit Committee
  - Library Board
- H. PUBLIC HEARINGS:
  - 1) Request from Precept Brands, LLC for a Winegrower Off-Site License with On-Premise Consumption, with a Patio and with Package Sales, to be Located at Gruet Winery, 210 Don Gaspar Avenue. (Yolanda Y. Vigil)
  - 2) Request for Approval of the Community Development Block Grant 2015-2016 Consolidated Annual Performance Evaluation Review (CAPER); and Approval to Submit the CAPER to the Department of Housing and Urban Development (HUD). (Margaret Ambrosino)
- I. ADJOURN



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
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CITY COUNCIL CHAMBERS

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

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

**Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521, five (5) working days prior to meeting date.**

SUMMARY INDEX  
SANTA FE CITY COUNCIL MEETING  
Wednesday, August 31, 2016

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
<u>AFTERNOON SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-4
APPROVAL OF MINUTES: REGULAR MEETING – AUGUST 10, 2016	Approved	4
PRESENTATIONS	None	5
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING – ST. FRANCIS SOUTH LARGE SCALE MIXED-USE PROJECT FOR WASTEWATER AND WATER DIVISION; SANTA FE COUNTY	Approved	5-7
REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$57,377.04 – ENGINEERING SERVICES FOR PASEO DE PERALTA ROAD DIET FEASIBILITY STUDY (RFP #16/43/P); SOUDER, MILLER & ASSOCIATES	Failed to pass	7-18
REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT IN THE AMOUNT OF \$185,581.88 – CONSTRUCTION SERVICES FOR CERRILLOS/GALISTEO/MONTEZUMA INTERSECTION IMPROVEMENT PROJECT; CENTURY CLUB CONSTRUCTION	Approved	18-19
*****		
END OF CONSENT CALENDAR DISCUSSION		
*****		

**ITEM****ACTION****PAGE**

**CONSIDERATION OF RESOLUTION NO. 2016-\_\_\_\_. A RESOLUTION DIRECTING STAFF TO WORK WITH THE SANTA FE COUNTY DWI PROGRAM TO DEVELOP AND SPONSOR A PARKING VOUCHER PROGRAM TO ALLOW OVERNIGHT PARKING**

**Removed/postponed indefinitely 19**

**CONSIDERATION OF RESOLUTION NO. 2016-66. A RESOLUTION DECLARING THE INTENT OF THE CITY OF SANTA FE, NEW MEXICO TO ISSUE ITS QUALIFIED ENERGY CONSERVATION BONDS ENTITLED CITY OF SANTA FE, NEW MEXICO QUALIFIED ENERGY CONSERVATION REVENUE BONDS (HOMEWISE ENERGY CONSERVATION FUND PROGRAM), SERIES 2016, IN AN AGGREGATE PRINCIPAL AMOUNT OF UP TO \$5,000,000 IN CONNECTION WITH THE ESTABLISHMENT OF A PROGRAM TO FINANCE RESIDENTIAL RENEWABLE ENERGY SYSTEMS IN THE CITY OF SANTA FE (THE "PROGRAM"), FOR THE PURPOSE OF INDUCING HOMEWISE TO IMPLEMENT THE PROGRAM AND TO PAY THE COSTS OF THE PROGRAM FROM PROCEEDS OF THE BONDS; AND CONCERNING RELATED MATTERS.**

**Approved [amended] 20-21**

**CONSIDERATION OF RESOLUTION NO. 2016-67. A RESOLUTION INITIATING THE PROCESS OF STRATEGIC PLANNING WITH THE INTENTION OF ALIGNING THE CITY'S PRIORITIES IN ALLOCATING ITS LIMITED RESOURCES WITH THE PRIORITIES OF RESIDENTS; ESTABLISHING A PROGRAM AND SERVICE INVENTORY; AND CONSOLIDATING EFFORTS TO MAINTAIN A BALANCED BUDGET IN FUTURE YEARS THAT IS PRIORITY BASED**

**Approved [amended] 21-22**



**ITEM****ACTION****PAGE**

**REQUEST TO PUBLISH NOTICE OF PUBLIC  
HEARING ON SEPTEMBER 28, 2016:**

**BILL NO. 2016-36. AN ORDINANCE AMENDING THE  
LAND DEVELOPMENT CODE TO UPDATE LAND USE  
CATEGORIES, TABLE OF PERMITTED USES TO ADD  
AGRICULTURAL USES; AMENDING SUBSECTION  
14-6.2(H) OF THE LAND DEVELOPMENT CODE TO PROHIBIT  
ANIMAL PRODUCTION AND SLAUGHTERHOUSES, AND  
PROVIDING FOR AGRICULTURAL USES; CREATING A  
NEW SUBSECTION 14-6.3(D)(4) OF THE LAND  
DEVELOPMENT CODE TO ALLOW FOR AGRICULTURAL  
HOME OCCUPATION EXCEPTIONS; AMENDING  
SECTION 14-8.7 OF THE LAND DEVELOPMENT CODE  
TO WAIVE ARCHITECTURAL DESIGN REVIEW OF  
AGRICULTURAL RELATED STRUCTURES BY THE  
LAND DEVELOPMENT DIRECTOR; AND AMENDING  
SUBSECTION 14-12 OF THE LAND DEVELOPMENT  
CODE TO INCLUDE DEFINITIONS FOR TERMS  
RELATING TO URBAN AGRICULTURE**

**Approved**

**22-25**

**A RESOLUTION CREATING THE CITY OF  
SANTA FE PROCEDURES AND GUIDELINES  
FOR URBAN AGRICULTURE ACTIVITIES  
AND USES**

**Approved**

**22-25**

**CONSIDERATION OF RESOLUTION NO. 2016-52. A  
RESOLUTION PROCLAIMING SEVERE OR EXTREME  
DROUGHT CONDITIONS MAY EXIST IN THE CITY OF  
SANTA FE; IMPOSING FIRE RESTRICTIONS;  
RESTRICTING THE SALE OR USE OF FIREWORKS  
WITHIN THE CITY OF SANTA FE AND PROHIBITING  
OTHER FIRE HAZARD ACTIVITIES**

**Withdrawn by Staff**

**26**

**MATTERS FROM THE CITY MANAGER**

**Information**

**26**

**EVENING SESSION**

**CALL TO ORDER AND ROLL CALL**

**Quorum**

**27**

**PETITIONS FROM THE FLOOR**

**27-28**

**APPOINTMENTS**

**Audit Committee**

**Approved**

**29**

**Library Board**

**Approved**

**29**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
<b><u>PUBLIC HEARINGS</u></b>		
REQUEST FROM PRECEPT BRANDS, LLC, FOR A WINEGROWERS OFF-SITE LICENSE WITH ON-PREMISE CONSUMPTION, WITH A PATIO AND WITH PACKAGE SALES, TO BE LOCATED AT GRUYET WINERY, 210 DON GASPAR AVENUE.	Approved w/all conditions	30-32
REQUEST FOR APPROVAL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT 2015-2016 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REVIEW (CAPER); AND APPROVAL TO SUBMIT THE CAPER TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)	Approved	32
<i>The Governing Body then returned to matters from the Afternoon Agenda</i>		
<b><u>MATTERS FROM THE CITY ATTORNEY</u></b>		
MOTION TO GO INTO EXECUTIVE SESSION	Approved	32-33
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	33
ACTION WITH RESPECT TO CENTURY BANK AND THE ARTYARD MASTER CONDOMINIUM ASSOCIATION, INC. V. CITY OF SANTA FE, ABERG PROPERTY COMPANY, AND SANTA FE COMMUNITY RAILYARD CORPORATION	Approved	33-34
ACTION WITH RESPECT TO THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION (BuRRT) LEASE	Approved	34
MATTERS FROM THE CITY CLERK	Information	34
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	34-40
ADJOURN		40

**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
August 31, 2016**

**AFTERNOON SESSION**

**1. CALL TO ORDER AND ROLL CALL**

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Javier M. Gonzales, on Wednesday, August 31, 2016, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

**Members Present**

Mayor Javier M. Gonzales  
Councilor Signe I. Lindell, Mayor Pro-Tem  
Councilor Carmichael A. Dominguez  
Councilor Mike Harris  
Councilor Peter N. Ives  
Councilor Joseph M. Maestas  
Councilor Christopher M. Rivera  
Councilor Ronald S. Trujillo  
Councilor Renee D. Villarreal

**Others Attending**

Brian K. Snyder, City Manager  
Zachary Shandler, Assistant City Attorney  
Yolanda Y. Vigil, City Clerk  
Melessia Helberg, Council Stenographer

**6. APPROVAL OF AGENDA**

Brian Snyder asked to remove Item #11 from the Agenda.

Mayor Gonzales said he asked the City Manager to remove this item to be postponed indefinitely, so he can continue to try to find various resolutions, commenting a number of ideas have come forward,

but there are concerns it's not ready to be heard tonight. He wants to postpone that item indefinitely until "we figure if this is the right path to address that concern."

Councilor Maestas said we have had a lot of individual discussions in separate committees about perhaps a strategy to undertake and address in the parking rate issue, noting the Mayor has done a lot already to initiate a dialogue, especially with the downtown merchants. However, he believes this is an issue that everyone can participate in, perhaps in the form of a workshop. He commends the Mayor for pulling this item commenting he thinks it is premature in light of the fallout over the concern about the parking rates. He looks forward to a greater discussion on strategy and perhaps a model strategy to roll out similar initiatives. He believes if we can show the community we learn from our lessons, that is all the better.

**MOTION:** Councilor Dominguez moved, seconded by Councilor Ives, to approve the agenda as amended.

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

## **7. APPROVAL OF CONSENT CALENDAR**

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

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

**For:** Mayor Gonzales, Councilor Dominguez, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

**Against:** None.

## **10. CONSENT CALENDAR**

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, August 29, 2016, regarding Item 10(k), is incorporated herewith to these minutes as Exhibit "1."

- a) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$35,000 – ON CALL WATER PROJECT ASPHALT CONSTRUCTION SERVICES FOR TRANSMISSION AND DISTRIBUTION SECTION; GM EMULSION, LLC. (MIKE MOYA)**

- b) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$198,917.92 – MODIFIED STAGE 1 ABATEMENT PLAN, FRANK ORTIZ LANDFILL (RFP #16/14/P); INTERA, INC. (LAWRENCE GARCIA AND SHIRLENE SITTON)
  - 1. REQUEST FOR APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$83,653.
- c) REQUEST FOR APPROVAL OF CHANGE ORDER NO. 1 TO CONTRACT IN THE AMOUNT OF \$131,168.43 – CAMINO CAPITAN, VEREDA RODIANDO, PASEO DE TULAROSA & PASEO DE CANTO WATER MAIN REPLACEMENT PROJECT; SASQUATCH, INC. (BILL HUEY)
- d) *[Removed for discussion by Councilor Harris]*
- e) REQUEST FOR APPROVAL OF BID NO. 16/39/B IN THE AMOUNT OF \$1,625,239.08 – ARROYO DE LOS CHAMISOS DRAINAGE IMPROVEMENTS, EROSION CONTROL AND BANK STABILIZATION REPAIR AND CONTRACT FOR BASE BID AND BID ALTERNATIVES 1 THROUGH 5; RMC, INC. (MELISSA McDONALD)
  - 1) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT IN THE AMOUNT OF \$680,000.
- f) *[Removed for discussion by Councilors Rivera, Villarreal and Lindell]*
- g) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT IN THE AMOUNT OF \$61,773.40 – INSTALLATION OF BIKE LANE PAVEMENT MARKINGS ON OSAGE, W. ALAMEDA AND SIRINGO ROAD; SAN BAR CONSTRUCTION CORPORATION. (RICK DEVINE)
- h) REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE AGREEMENT IN THE AMOUNT OF \$77,169.25 – DESIGN SERVICES FOR FORT MARCY PEDESTRIAN BRIDGES REPLACEMENT PROJECT; WILSON & COMPANY, INC. (JOHN ROMERO)
- i) *[Removed for discussion by Councilor Ives]*
- j) REQUEST FOR APPROVAL OF AGREEMENT BETWEEN OWNER AND DESIGN BUILDER IN THE AMOUNT OF \$522,263 – DESIGN-BUILD SERVICES AT GENOVEVA CHAVEZ COMMUNITY CENTER (GCCC) SKATEPARK; SPOHN RANCH, INC. (JASON KLUCK)

- k) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$475,000 – RELEASE OF TWO STATE OF NEW MEXICO DEPARTMENT OF FINANCE, LOCAL GOVERNMENT DIVISION 2015 SEVERANCE TAX BOND AGREEMENTS 15-0861 AND 15-1166; KITCHEN ANGELS, INC. (DAVID CHAPMAN)
- l) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT IN AN AMOUNT TO EXCEED \$50,000 – CITY-WIDE AUTOMOTIVE VEHICLE, HEAVY EQUIPMENT REPAIRS AND TIRES; VARIOUS VENDORS. (ROBERT RODARTE)
- m) REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT AND MAINTENANCE AGREEMENT IN THE AMOUNT OF 62,944.38 – ANNUAL HARDWARE AND SOFTWARE MAINTENANCE OF LIBRARY SYSTEM FOR LIBRARY DIVISION; INNOVATIVE INTERFACES, INC. (PATRICIA HODAPP)
- n) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE COOPERATIVE PRICE AGREEMENTS IN THE AMOUNT OF \$1,259,392/24 – TWENTY-SEVEN REPLACEMENT VEHICLES AND EQUIPMENT FOR POLICE DEPARTMENT FOR FY 2016/2017; VARIOUS VENDORS. (ANDREW PADILLA)
- o) REQUEST FOR APPROVAL OF AGREEMENT – FY 2016-2017 UNION MANAGEMENT NEGOTIATIONS FOR POLICE DEPARTMENT; SANTA FE POLICE OFFICERS ASSOCIATION. (ANDREW PADILLA)
- p) REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$8,000 FOR A TOTAL OF \$48,300 – FY 2016/17 HOCKEY REFEREE SERVICES FOR ICE ARENA HOCKEY LEAGUES AT GENOVEVA CHAVEZ COMMUNITY CENTER; NEW MEXICO HOCKEY REFEREE CONFEDERATION. (LIZA SUZANNE)

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**END OF CONSENT CALENDAR**  
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#### **8. APPROVAL OF MINUTES: REGULAR MEETING – AUGUST 10, 2016**

**MOTION:** Councilor Trujillo moved, seconded by Councilor Rivera, to approve the minutes of the Regular Meeting of August 10, 2016, as presented.

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

## 9. PRESENTATIONS

There were no presentations.

### CONSENT CALENDAR DISCUSSION

#### **10(d) REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING – ST. FRANCIS SOUTH LARGE SCALE MIXED-USE PROJECT FOR WASTEWATER AND WATER DIVISION; SANTA FE COUNTY. (STAN HOLLAND)**

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, August 29, 2016, regarding this item, is incorporated herewith to these minutes as Exhibit "2."

Councilor Ives said he has no more questions, but wanted to affirm some of the items we are considering on a moving forward basis in connection with these kinds of requests for City services for development projects located in the County. He said his concern has been expressed in some Committee meetings with regard to understanding these requests in the total context of their impact on the City's various systems. He said the intent is to begin to engage in a process of looking at the existing relationship between the City and the County in regard to these kinds of projects to ensure that due consideration is given to the City's infrastructure and not to use the City's system significantly by projects in the County and the impact that might have on our need to potentially expand wastewater, water and other facilities. Also to understand the economics of these projects to ensure by providing these systems bought and paid for through bonding by our citizens, so as not to create circumstances of undue competition or the opportunity for developers to work in the City as opposed to the County, based on deals that might be made on rates and such. He said, "I really don't have a question Stan, it was really just to know those Councilors who may not have been in those discussions know, really what we're hoping to do, to look at those on a going forward basis, to really understand the impacts on City infrastructure."

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

**DISCUSSION:** Councilor Harris said he would echo Councilor Ives' remarks and thanked Mr. Holland and Mr. Jones for the information provided in response to questions raised at Finance Committee, commenting he is impressed with the straightforward collection system master plan. He said this property falls into the preferred gravity approach. He said you are anticipating \$2 million for the next 20 years on collection system, and believes they are well ahead on the treatment system. He said the collection system master plan acknowledged and substantiated the answer to his question as to whether all of the MOU's are incorporated in this master plan, which is yes.

Councilor Harris also looked at the MPO and spoke with Keith Wilson. He said both the northeast and southeast connector will be in design this year. The northeast connector is the connection of the frontage road from Rabbit Road to Richards, and the southeast connector, to be built in 2018, is fully funded by Santa Fe County according to Mr. Wilson. He said that will continue Rabbit Road and wrap around the Community College. He said expanding wastewater and water to this particular parcel makes sense and

falls within the recently adopted land use plan. As a matter of protocol, in the future he would like to hear from the County about its land use plan and what the County thinks about the extension of these services. He said he has been told that once the MOU is executed by the City and County "that's it," and no further entitlement is required to get these two services.

Councilor Harris thinks the County should provide some direction to the Council that these connections are consistent with its Land Use Plan, and represent a fairly high priority.

Councilor Maestas asked, where there is a request for wastewater services, if we are absolutely certain we're not providing this service to a development outside the presumptive City limits as a compromise to future capacity that should be prioritized by the City – the projected buildout which is projected at 10 years in the Master Plan.

Mr. Holland said they looked out about 20 years, and it is planned to take another look at the collection system in 5 years, reiterating they did the best they could to make a guess what the City would look like at full buildout when it was all developed. He said there are areas where we are reaching capacity, and smaller areas where improvements would be needed.

Councilor Maestas asked if the capacity has been quantified to meet just the City's need, and if the excess capacity has been quantified for any developments such as this one outside the presumptive City limits. He asked if this is done.

Mr. Holland said the capacity of the City at full buildout is "we can handle it," but much beyond that, we will need to look at some infrastructure improvements. He said, "It's a long time before the City completely builds out, and I'm talking about just the collection system, the piping."

Councilor Maestas said he doesn't want to compromise what he feels is a priority which is to provide wastewater service to the future build-out within the City at the expense of these more immediate developments outside the City Limits. He asked if the development team can assure us that "Oh yes, we're good." He said the main limiting factor is the treatment plant and the real cost.

Councilor Maestas said he will support this request, but thinks we need to relook at the way we look at these, at our UEC charges, and potential future requests for developments outside the presumptive City limits not a part of the Annexation Agreement. He is worried this will become a trend and there will be more and more developments at the fringe of the City limits and we will find ourselves sprawling in the periphery and have open areas zoned for development, but not being developed. And in the end, the City loses the benefit from those tax revenues.

Mr. Holland said in the collection system, the City lies within its own basin, its gravity where everything flows down, but outside I-25 is another basin. The tough issue there is, without the County's master plan, staff has to make assumptions. He said a lot of what is coming to the City from the County in the future will probably be coming with lift stations and pumps. He thinks these need to be centralized, and tie-in points will need to be chosen carefully. He said, "So, it brings a whole new dynamic. Yes, there are capacity issues, but it's not like you're putting it into the system evenly everywhere, it's a whole new dynamic."



Mayor Gonzales said he would echo Councilor Harris's remarks, and this is a great example of the City and County working together to share infrastructure and leverage it to address some needs. He wants to be careful that in the property adjacent to the City we don't start to see master plans that are based on assumptions of future growth. However, in the future, and for our staff, when there is a request for these kinds of extensions so the Council can understand, a calendar of absorption is needed from the developer, what they expect to happen, when they think it will begin to move forward, the design issues around infrastructure and a very brief high level summary of what the mixed use was meant to achieve. He said it would be helpful to understand, from Council perspective, if this is something to extend because we want to begin thinking of the future, or if there is a market analysis or demand that exists so when this is done, we will see activity taking place.

Councilor Harris said this is where he was headed. He thinks a task of our Long Range Planning staff should be to make sure it is understood where the County is going, its priorities and what is in the mix. He said perhaps Mr. Snyder could pass that to the appropriate staff

Mayor Gonzales said we also need to be able to understand the economic activity we can expect in return for this support to extend the infrastructure.

Councilor Maestas said we also need to know what the City is doing to incentivize infill development, other than through impact fees to avoid more of these peripheral developments just outside the City limits.

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

**For:** Mayor Gonzales, Councilor Dominguez, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

**Against:** None.

**Explaining his vote:** Mayor Gonzales said, "Yes, and I just want to make sure Brian, maybe you and Nick, do you understand the direction we're wanting for future extensions. And if there needs to be more conversation with the Council, we would like to see you reach out to us. But again, it's what is that economic impact, what is the schedule of activity, and how do we measure in terms of that return on investment, that would be really helpful to understand what all this means. And please convey to the developers if they have an interest in offering a follow-up letter to myself or the Council that addresses these points of view, that would be nice to have but not required."

**10(f) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$57,377.04 – ENGINEERING SERVICES FOR PASEO DE PERALTA ROAD DIET FEASIBILITY STUDY (RFP #16/43/P); SOUDER, MILLER & ASSOCIATES. (SANDRA KASSENS)**

Brian Snyder, City Manager, asked Mr. Romero to present an overview on the reason this item is before the Governing Body, not to convince you one way or another, but give you a history on the reason staff moved this item forward and the genesis of it.

John Romero, Director, Engineering Division, said, "I will give a funding history and a timing history of this project. First the funding history. Back when the City Council approved the sale of the 2012 and the 2014 bonds, at those times, the City Council included in the list of projects for use of the bond sale, \$250,000 for each bond sale for the purpose of on-road bicycle improvements. So together, it was \$500,000 allocated for bicycle improvements. When we got that initially, the Council decided to use \$50,000 toward bike share. We did about \$70,000 toward Sharrow maintenance, and I don't have the exact number, but in the range of \$50,000 for the Green Bicycle Pilot Project."

Mr. Romero continued, "So what we did, we worked with the Bicycle, Trail and Advisory Committee, to determine what on-road bicycle improvements to spend that money on. So in meeting with them, they have an On-Road Bicycle Subcommittee, the Committee we met with, and we basically followed the Bicycle Trails Master Plan. This is the kind of document that we followed, by and large, for the remaining projects we were going to do. So the Bicycle & Trail Master Plan was created by the Santa Fe MPO and approved by it's Policy Board, comprised by City Councilors, County Commissioners, and the Tesuque Pueblo Governor, was approved on April 12, 2012."

Mr. Romero continued, "In this plan there were Phase A Improvements, Phase B Improvements, Phase C Improvements and Phase D Improvements. So we've been working on Phase A Improvements. All the improvements were separated into different categories – Trail Projects, Maintenance Projects, Crossing Projects and On-Road Projects. A lot of the Trail projects have been funded through the 2012 General Obligation Bonds, and we've been working on those continually. Still, for the On-Road Bicycle fund, we decided to start chipping away at the on-road bicycle priorities. And this is one of those priorities, and the next in line, under the priorities, it is asking for a blanket road diet. So instead of just going out there are doing a road diet, we thought we needed to study the feasibility of it."

Mr. Romero continued, "So what I have before you now is not the approval of a road diet, it is approving procurement to study the feasibility of a road diet, to determine if it is feasible, if it will negatively impact traffic, and by how much. And we can decide from there if we want to proceed with the road diet. Our anticipation, if we do want to proceed with the road diet, is it's going to be basically milling existing striping and putting in new striping to designate bicycle lanes. There are two basic typical sections through this stretch of Paseo de Peralta. One stretch is 4 lanes with no median. If a lane diet were to be performed in that area, it would be from 4 lanes with no median, it would be 2 lanes with a median and bike lanes. The other area is basically 4 lanes with a median, so that one would remain with a median and be reduced to 2 lanes with a bike lane."

Mr. Romero continued, "I've been asked at previous Committee meetings, for examples of how we perform lane diets. During my tenure at the City, we did one on Cordova from Don Diego to Old Pecos Trail and one on Siler from Cerrillos Road to Agua Fria. So that's basically where the funding came from and where the planning process came from."

Mr. Romero continued, "The last thing I'd like to add is this was included in the recent CIP Plan that was approved by Council. It was labeled Paseo de Peralta Bicycle Lanes, and \$80,000 was funded in this recent capital budget, so that is the funding we're looking to use."

*The Governing Body commented and asked questions as follows:*

- ◆ Mayor Gonzales said this is for a bike proposal, not to modify the lanes of traffic or the traffic flow through Paseo de Peralta.

Mr. Romero said the purpose of the project is to determine if we can sacrifice through lanes for bike lanes – vehicular lanes for bicycle lanes.

- ◆ Mayor Gonzales asked if it would lead to substantial modification or disruption of traffic on Paseo de Peralta.

Mr. Romero said, "That's exactly what the study would determine. So what is involved in this study, this isn't the actual roll-out again, but a consultant is going to go out and count all these signalized intersection, then they're going to generate a traffic simulation model for us. And then, they'll be able to determine the way traffic operates now, and then how it would operate, assuming we reduce the lanes."

- ◆ Mayor Gonzales said, "So, would you say then, the reason BTAC has made this a priority is because it is a biker safety issue in that area."

Mr. Romero said, "The reason it was made a priority, is because it was the next project listed on the approved Bicycle Trail Master Plan."

- ◆ Mayor Gonzales asked if there is a safety issue that continues to drive this priority, "or why is it."

Mr. Romero said, "I can't speak exactly on how... I didn't create the Bicycle Trail Master Plan, but my understanding of it from the 20,000 foot level, is at the time the City was looking to... the Council was looking to make the City a bicycle friendly City. Yes. And this is one of those efforts to provide a bicycle lane where one doesn't exist, to promote multi-modalism, to reduce people driving, and then I think another ultimate goal, was to receive gold certification. I'm not sure what we are *[inaudible]*, and a goal at the time was to become Gold, and this Master Plan kind of chipped away at all these trails, and the bike lanes being built is in that effort. That was the thought at the time."

- ◆ Mayor Gonzales said, "But the point here is that this is an initiative that is about studying whether bicycle lanes can be integrated with the existing traffic patterns on Paseo de Peralta where Acequia Madre begins. Correct. That would kind of be the study area."

Mr. Romero said, "It includes that area. It would actually be from Alameda going through that area to where it intersections with Guadalupe, on the south intersection with Guadalupe."

- ◆ Mayor Gonzales said it could make it more biker friendly, but there has to be a substantial capital investment to modify the traffic flow up there.

Mr. Romero said, "Not necessarily a major capital investment, or what you could consider to be major, but for the infrastructure itself, it would just be milling and replacing striping. The anticipation now would not be acquiring right-of-way, righting the way, or anything like that which would be substantial and probably infeasible, just because of the right of way limitations we have throughout..."

- ◆ Councilor Rivera said the Mayor voiced some of his concerns, noting the Memo says, "*The first goal of this traffic study is to determine the feasibility of implementing a road diet, so the road diet would reduce the number of travel lanes in each direction to one lane and reallocate lanes spaced to create a new bicycle lane.*" He said, "And it is my opinion, it's not something that I would approve, even if they said it was a good idea to reduce 4 lanes to 2 on Paseo. It's a road that I've had to drive for a little while, and I just can't see the traffic being cut down to 1 lane. Again, I think everything else in there I'm okay with, but the actual first goal, I have some heartache with. I don't want to spend too much time on it, I just wanted to make that known."

- ◆ Mayor Gonzales said, "I think that's a big concern. Can you address Councilor Rivera's point before we ask other questions... that goal that actually would reduce the number of lanes and the disruption to the traffic patterns."

Mr. Romero said, "Without this traffic study, I wouldn't be able to explain objectively how traffic currently is operating and what would result through the lane diet."

- ◆ Mayor Gonzales asked if the issue of reducing the number of lanes and disruption – could the Council remove that from being an option.

Mr. Romero said, "If we did that, then basically we would have not project, because then the only other alternative to add bicycle lanes would be to widen the road, and to acquire right-of-way, and all that type of stuff, so it's..."

- ◆ Mayor Gonzales said, "So the policy decision tonight is, if we go forward, we have to be prepared to reduce the number of lanes available."

Mr. Romero said, "Not necessarily. It would be just to allow us to study that, and then after that, we can maybe approach you guys with what we find. One thing that will happen, for instance, if the study shows that traffic is already congested and it will get further congested, it's not a complete waste of money, because we will not only have current counts along that corridor, we'll have it modeled. And you will be able to implement a new timing plan throughout that area based on the existing configuration. So we will be able to fine tune what we have out there at a minimum."

Mr. Romero continued, "To do that, say you wanted to do a timing plan, it would roughly cost this much anyway, because we have to do the counts, generate the model and then come up with recommendations. That's what we're going to ask them to do. They are going to show it operates now with the current timing plan, show an optimizing plan with the existing configuration and then

show the lane diet operation. So if the lane diet falls out, we still have that optimized plan that we can plug into our signals and hopefully get things running better out there."

- ◆ Councilor Maestas said he is the Chair of BTAC, and this plan was developed prior to his tenure as Chair. He said, "Providing bicycle lanes is not an over-riding priority, obviously. It's making sure that bikes and cars can share the road. And we all know Paseo de Peralta is a key connector." He is in support of the feasibility study, but thinks the scope has elements of a corridor study. It is asking whether a traffic signal at Acequia Madre and Paseo de Peralta is warranted. It also looks at the approaches to West Alameda. He said, "As an engineer, I see those as a much higher priority than putting in bike lanes and reducing lane capacity."
- ◆ Councilor Maestas continued, "So, I support this, but what I would like to see is, since we're adding elements of a corridor study, by looking at a potential signal at Acequia Madre, I think we need to look at traffic calming at Paseo de Peralta and Canyon Road. He said people crossing Canyon Road don't necessary go through the signalized intersection, but walk straight across the street, upstream from the intersection of Alameda and Canyon Road and Paseo de Peralta. There is a lot of pedestrian activity there away from the intersection, and people are coming around that curve I think the scope of the study needs to look at some way to calm traffic, especially northbound, as they're coming around the turn approaching Canyon Road and the signalized intersection at Alameda."
- ◆ Councilor Maestas continued, "And the last thing. If you look at a possible signal at Acequia Madre, it's probably going to be warranted, but we don't have much storage there on Acequia Madre. It's going to back up into Garcia, which is a four-way stop. It's right in the middle of a horizontal curve. So I guess, Mayor, there are much bigger challenges in this corridor than simply building bike lanes, but I think this study would give us a lot of insight in terms of some of the broader problems, like the Acequia Madre intersection and the need for traffic calming on Canyon Road."
- ◆ Councilor Trujillo asked Mr. Romero how hard it would be to change the scope of services. He said as Councilor Maestas just said, it should just be a corridor study, with all the elements you have, except for the road diet. He said he feels the road diet isn't going to fly, especially in view of how much traffic flows on Paseo de Peralta. He said getting traffic safely around is a priority for him over a bicycle lane. He asked how hard it would be to change the scope of service to a corridor study, because that's what we're looking at really.

Mr. Romero said this, in essence is a corridor study. And so a typical study would look at the existing situation there and come up with 3 alternatives, and a good example of that is the diverging diamond the State is building at Cerrillos and I-25, noting there were 3 alternatives, and they chose the diverging diamond. He said this study in this area basically is studying the corridor. It is primarily, if not, all traffic engineering services. It's counting, modeling and looking the impacts. For example, if it warrants a signal at Acequia Madre, but there are negative impacts, it doesn't obligate the City to do construct it. He said doing things, such as coming up with traffic calming design and such, he believes it would be beyond the scope of the project and they would

have to put out another RFP. He said if that is the direction by the Council, it basically would not be looking at this for bicycle improvements, and would be looking at how we can make this road safety. It would be a combination of a road safety audit and a signal timing plan.

Mr. Romero continued, "I do think what we have, if you want to take out the bicycle improvements just right off the bat and we are just doing one of the things, we could just reduce it to just a signal timing plan. And again, it would be counts and model it now and synchronize it. And it would help us determine once and for all do we want, at some future point in time, to put a signal at Acequia Madre. And reduce it to that if you would like. I would have to ask Finance, procedurally, if you would need to amend the CIP Plan because it says on there specifically, Paseo de Peralta bike lane. So it would have to be amended to something else, maybe. I would have to consult with Finance to see how that would work."

- ◆ Councilor Villarreal thanked Mr. Romero for the information, because she had question about the funding sources, and if it is correct that it came from a bond and needs to be used for this purpose. She said, "It was one of the items mentioned in the MPO. But I guess what I'm trying to figure out, is how did BTAC then come up with, in relation to Phase A, how did they then come up with improvements. What improvements were prioritized, and was there a criteria they used to prioritize the projects, what should come first."

Mr. Romero said, "I will have to do more research into that, but this plan was very extensive and involved a lot of public input."

- ◆ Councilor Villarreal asked, "Is this is the MPO Plan or the BTAC Plan."

Mr. Romero said, "This is the MPO Plan, and all we did was pick projects from this to use that money towards. BTAC. When the BTAC Subcommittee met, we had a ton of... each of them had their own ideas and projects all over. And on the current idea, what I explained to them is we already have an adopted plan and 'I suggest we follow that,' because it basically it approved this plan. And again, I don't exactly what merits it followed, but it was adopted." He is said it is at the website.

- ◆ Councilor Villarreal said, "I looked at part of it, I just skimmed through it, but I didn't find the criteria they used to prioritize projects. And I guess my question, which is usually my question, is about how we decide on projects based on equity and *[inaudible]* and we prioritize those areas in the City that really don't have any. I'm kind of grappling with that, only because I don't know the criteria, what they used as criteria to decide what projects came first. And maybe that means I need to be briefed on it to get to understand that. I think this is an area that should have an analysis, because it's a dangerous road, there's a lot of traffic and, as most of you know because I am a bicyclist, and am concerned for those of us who use different modes of transportation, and in areas that have high traffic. I'm just trying to figure this out about how we make priorities in our City based on the haves and have-nots, the areas that don't have bike lanes at all. So I'm not sure how I'm going to vote on this, because I haven't seen the prioritization list and I don't know if the Chair of BTAC has some ideas of a conversation, because I really need to understand this."

- ◆ Councilor Maestas said, "I would quantify, if I could, on page 46 of the Master Plan, up at the top, the MPO, in 2007, adopted a concept called Complete Streets, and it's really meant to be a context sensitive way of designing highway, but one of the underlying objectives was, and I'm going to read it, '*Each MPO member legally adopts bike lanes or paved shoulders as standard on road provisions for bicyclists on major roadways (arterials and major collectors)...*' And I think Paseo, John is a major collector, or is it a minor arterial."

Mr. Romero said it is a minor arterial.

- ◆ Councilor Maestas said this is kind of an underlying goal of the whole Complete Streets that was adopted by the MPO, and I guess all the MPO members agreed to try and abide by this. He said this obviously is a retrofit which never is easy. He said one of his issues is there is no mention of Complete Streets in this and how it plays into the whole objective of the project, but thinks this speaks to the reason we're emphasizing this and trying to accommodate bicycle lanes in all the arterials and collectors.
- ◆ Councilor Villarreal said, "So, it's just based on the Complete Streets model, and this is looking at the City as a whole. And I'm sure MPO does this, because I think they do a pretty good job in looking at how we can balance our improvements so it reaches all parts of our City. But, I don't necessarily see criteria that says, well south side and other parts of the City really don't have that many options to utilize bike lanes. So when I look at this, I think well, I'm not opposed to a study, but should we be studying other areas. And that's why I'm trying to figure what is this and how did they prioritize. And you may not be able to answer it, but BTAC, I was wondering if they had that kind of goal about equity."
- ◆ Councilor Maestas said one of the goals is bicycle trail connectivity, so that is what is driving it. It's not saying we're going to build new trails here. He said there is an existing network and there are gaps, and the current BTAC priority is to facilitate the connections and make it a completely interconnected, on-street, bike network. It's really connectivity that is driving this project.
- ◆ Councilor Lindell asked when Siler Road was done, if a study like this one was done on Siler Road, and Mr. Romero said yes.
- ◆ Councilor Lindell said in her opinion, Siler Road has gone from being a good road to cross from Cerrillos to Agua Fria, to a road that is deep frustration. She uses Siler Road on a fairly regular basis, and many times the traffic is backed up all the way from Agua Fria to Cerrillos. She asked Mr. Romero if he has noticed that.

Mr. Romero said right now that definitely is because of the Cerrillos Road project. He said when they did the lane diet project it was one that is consistent with the Bicycle Trail Master Plan. He said they had performed a City-wide Safety Analysis, and basically looked at hot spots throughout the City where there was a higher number than normal crashes, and there was that on Siler Road. He said, "On that whole stretch, the types of crashes that were there were T-bone style crashes, people trying to get out. So when we analyzed it, pulled all the crash reports, what we thought the

problem was two things. One, when people were trying to make a left or right off Siler they were getting rear ended. The other one, when people were trying to make a left onto Siler, regardless of which direction, they were getting T-boned, because there was no refuge and they were having to negotiate 4 lanes of traffic. So when we remodeled, we did notice a reduction in capacity for Rufina going southbound – Siler southbound at Rufina. You can't win everything. So we felt that the safety aspect we feel we provided by providing a new refuge for people to make those turns, helps. At Siler and Cerrillos, we actually improved that. Before, it was a left and a through right. We made a dual left and a through right. We added a lane going out the other way, so we added a lot of capacity at that intersection."

- ◆ Councilor Lindell said, "So I guess my point with this is, it's \$58,000. I don't want to do a study for \$58,000 that if it comes up and says, oh we could do a road diet here, I'm sure you probably could, but that's nothing policy-wise that I would be willing to do. I drive that many, many times a day, and I think that that would be kind a bicycle lane to nowhere. I just don't think that we have the need for that. And as Councilor Villarreal was saying, I think we have some other places that we could spend that \$58,000 more effectively, particularly in light of some of the deferred maintenance we have and other things we need to concentrate on."
- ◆ Councilor Dominguez said Councilor Villarreal asked the questions he had regarding the process at MPO, so he is good.
- ◆ Councilor Ives said he has one question. We're talking about the bicycle lanes and the Bicycle Master Plan. He said there are roads that avoid the significant curve at Galisteo over to Old Santa Fe Trail. He asked, "Have you looked at alternatives as opposed to putting bicycle lanes on that very curving stretch of road which I can't imagine is the ideal circumstance for bicycle lanes with cars as opposed, to bringing them across by the State parking structure there by [inaudible] and across, and then back down, further down, as alternatives."

Mr. Romero said, "I believe the intent of this is to start to make a bike route. So if we were to want people to use Alternative A and not use Paseo, then we would have to pass an ordinance prohibiting bicycle use on Paseo. So it's really not to do that, it's just they can use Manhattan if they want to go across, they can use Alameda if they want. But I think the whole intent of the Bicycle Trail Master Plan was to make all the roads accessible to bicycles. Right now, it is accessible. We have Sharrows on the road, and so right now there is a Sharrow lane, and the purpose of this is to make to where they wouldn't have to share a lane, they would have their own independent lane. That was really the purpose of this."

- ◆ Councilor Ives said, "I am wondering about the efficacy of recommending putting improvements not right there, but to calmer streets, to avoid bringing bikes to what is generally recognized to be a fairly significant traffic flow to that area. And it sounds like it would be a legal use of these funds, pursuant to the bond fund. I'm just wondering if it's adding that to the mix of alternatives if you will."



Mr. Romero said, "We could look at. It definitely would change the scope of the project. All these smaller roads, they're very tight roads or old roads, and so the only thing I could see us doing on any of these roads is putting those Sharrow markings if they're not already there. If there is no way we are going to be able to stripe bike lanes on Manhattan, there is no way to narrow it to add bike lanes, so it basically would be putting sharrows there if they weren't already there to bring awareness that bicyclist could be there and you have to share the road with them."

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

**EXPLANATION OF REASON FOR MOTION BY THE MAKER:** Councilor Maestas said his motion "is mainly because this is required bond money and I feel that the scope can yield some additional information about problems associated with Paseo de Peralta."

**DISCUSSION:** Mayor Gonzales said, "This seems like it's sending some mixed signals in an area that to go on a road diet, would cause, without significant investment in acquiring property or doing something in that area, it seems to me to be an effort to more about traffic than biker bicycle. And you're telling me, that this scope of work cannot... we can't achieve the issue of biker safety unless we actually study what is happening on the road and then look at all these investments that may need to happen to assure that bikers who use road are doing it in a safe way."

Mayor Gonzales continued, "And my conflict, John, and it's not with you, but it's the issue of the expenditures of monies now that don't necessarily prioritize biker safety as a key component, but more what you called it the inter modality I guess within the City, which I think is a key point in social equity and making sure that people get from one side of the City to the other without having to get in a car in a safe environment. So, Canyon Road and the downtown area are areas where a lot of people throughout the City work, and they should be able to get to work. Or if they want to go to the Santa Fe Canyon Preserve, they should be able to do so in a safe environment, that's kind of their goal."

Mayor Gonzales continued, "But I really worry about how much money this will take and how much disruption will occur to businesses on Canyon Road and to residents on Acequia Madre and some of these other place if they are to achieve the objective of creating a full bike lane. And I don't know if this Council has set that type of updated policy, if you will, in terms of saying these are where bike lanes are going to start moving throughout the City, and they are going to be road diets, which means there will be disruption to traffic flows, which means impact to businesses. And this is where I'm struggling here."

Mayor Gonzales continued, "I would rather see this money go into wayfinding bike paths, or more green lanes that connect people in a safe environment from one side of town to the other, rather than going down this path. I just don't see how shrinking Paseo de Peralta in this are is going to benefit people, unless they are bikers or bicyclists. And that made some sense, but then there is the balancing of that trade-off in costs. I think the way it's positioned, puts me in a position to not support it, because I don't see bikers safety leading the efforts or a pathway to it. And I just see more expenditure of public funds that could go into other bicycle safety areas, if we are going to spend it in the name of the biking community, that could be achieved in a short term, as opposed to some multi-year effort and just kind of chipping away."

Councilor Maestas said, "The precedent already has been set. We've done it on Siler and Cordova. This is a feasibility study. I think we're talking as if a road diet and a lane reduction is a foregone conclusion, it's not. This is bond money. And also, we empowered BTAC to make recommendations on these types of decisions. This project is based on a comprehensive plan. It is consistent with the Complete Streets, so it's not like this is a vast departure from what we've been doing that comes from an established plan. There probably always will be better decisions for spending money, but if you think about all the effort that is going to be required to reprogram this money, is it really worth. So I would just urge my colleagues to support this and give the study a chance, and see, instead of assuming that a road diet or a lane reduction is a foregone conclusion."

**VOTE:** The motion failed to pass on the following Roll Call vote:

**For:** Councilor Harris, Councilor Ives, Councilor Maestas and Councilor Trujillo.

**Against:** Councilor Lindell, Councilor Rivera, Councilor Villarreal, Councilor Dominguez and Mayor Gonzales.

**Explaining his vote:** Councilor Ives said, "Yes, and I'll make a brief statement at the end."

**Statement following the vote:** Councilor Ives said, "I share many of the thoughts that those who have opposed the measure have stated. I voted in favor, really out of a respect for significant and lengthy process that has been undertaken, which I think is the type of process that we, as a City, need to become more engaged in, which is having had this come up through the MPO, through BTAC, through a number of organizations that have developed master plans and it being consistent with that. For that reason alone, I think it had enough merit to vote in favor of it. So I just wanted to state that for the record, because I thought it was a laudable process, if not a perfect project."

*The Governing Body commentary following the vote:*

Mayor Gonzales said, "I agree, with the exception of just the issue of, at least in my view which is personal, just the type of disruption that might occur in that area and maybe Councilor Maestas, I think, to relay back to BTAC, or however we deal with it, I think focusing on being, but to focus on prioritizing short term projects that create biker safety which is sorely needed throughout the City now, seems to me some great direction and input to provide to the Council, so that we are putting money in some type of physical infrastructure that today will provide some of that. I understand long term planning and where it is, but all of us hear continuously about how unfriendly Santa Fe is to bikers, and that can happen for a number of reasons, including not having their own bike lanes in areas that this may have provided for. But, I also know there are very dangerous intersections and there are some light things that can be done to support. So, it's not so much a vote against what BTAC is trying to do for our community, it's more saying, I'd rather put this type of money into more urgent matters that address biker safety than multi-year processes that may take a while. That was my point. Thank you."

Mr. Snyder said, "Mayor, if I may, I just want to make a statement or two. I feel the need to bring forward some discussion, because I'm concerned about the amount of staff time that has put into this, following a master plan, following BTAC put out for bid, put out for proposal, is a lot of staff time. And I'm not trying to change what happened here tonight, by any means. But I'm concerned, because all have been heavily involved in the move toward a Capital Improvement Plan, that has a lot of projects on it. I'm very concerned, and I've spoken with staff directly about this, about City's staff's capacity to perform at certain levels and get all those projects done. When I was in Utilities, we struggled. Nick is struggling now, and we've set multi goals."

Mr. Snyder continued, "And that being said, when we allocate resources which are staff, and their time and energy, to these projects, I want to make sure that they are in the best interest of the community. And so often, we follow master plans, we follow different processes. And I'm concerned, because we have a lot of projects in the works right now, that we're doing the same thing. And if we're wasting staff's time, and those resources could be reallocated to something that better serves this community, I think we need to know that up front. I haven't come up with, in my mind, how we have that conversation, but I think it will be a useful conversation for this Governing Body as well as myself, and some of the department directors involved in setting the CIP list, so that you guys have an expectation as a Governing Body on what projects we actually are working, and what we aren't working on."

Mr. Snyder continued, "And what is moving forward and it's coming forward to a couple of committees now, Finance Committee, Public Utilities, Public Works. Kind of, as Councilor Ives would call it, a red light, yellow light, green light report on the status of where we are on some of these projects so we can start having those conversations. So I think taking a step back would be useful to make sure that we are moving forward with some of the guiding documents that we believe are there. I just wanted to put that out there. I haven't figured out I'm going to do that, but I think it would be useful to this whole process."

Mayor Gonzales said, "I certainly appreciate that for sure, and I think the City Councilors maybe can offer a perspective individually, as opposed to moving it through tonight. I think, as Councilor Ives indicated, it was a perfect process. This Council is still responsible, or charged as a whole, to be able to evaluate when the committees do their work, and is it a collective decision. I don't think it should be interpreted by staff that everything you are working on and creating pathways up is just going to be thrown out. I think that this process allows for the deliberation we did tonight. And I would probably say, more often than not, there will be a not to that process. But I don't think anything about tonight's vote should send a message that the process of elevating things up needs to be altered. It's just a matter of this Council only gets to act on it when it makes it up from the Committee as a whole, and that's the representation that occurs."

Mayor Gonzales continued, "And the only thing I go back to, is the issue of the top 5 priorities that we had on our CIP list as being for sure. One of the areas is, I would sit with your staff and say, what's in the pipeline that is going to map to those 5 top priorities, not what is in the list of the hundred."

Councilor Ives said, "Just a brief point. Part of what we have been trying to do at Public Works is sort of assemble the universe of needs across the City, and I think, certainly from where I sit, over the years, it's been hard to necessarily evaluate priorities because we become aware of different portions of

them, different points in time. So we don't have the opportunity really to look across the spectrum to try and make those determinations. So certainly look forward to working with staff on all those types of needs, understanding them in an aggregate, and then trying to make those policy decisions. Hopefully, in a more intentional.... not that it hasn't been intentional, but in support of the intentional way and even expand the CIP from 5 years out to, potentially, 10 years, based on the extent of those needs and available cash on an annual going forward basis."

Councilor Maestas said, "There is just one issue on bond funds and allocated projects that have been designated in bond funds. We've had a very colored history about deviating from projects allocated with bond funds, so much so that we created a process where we have to have a public hearing to make the decision to change a certain project in an original bond issue. So I don't want us to revert back to that mode where we are departing from those initial promises on a lot of these bond issues. Anyway, I just wanted to state that."

Mayor Gonzales said, "I think those are all very valid points. And the nice thing is now we have a CIP Plan that will actually be money that's going to be spent, and that's a big deal. And we'll work through these processes collectively and together for the betterment of the community."

**10(i) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT IN THE AMOUNT OF \$185,581.88 – CONSTRUCTION SERVICES FOR CERRILLOS/ GALISTEO/MONTEZUMA INTERSECTION IMPROVEMENT PROJECT; CENTURY CLUB CONSTRUCTION. (JOHN ROMERO)**

Councilor Ives said he interacts with a number of businesses around this intersection on a fairly regular basis, and when he has asked them if they are aware of what the City is planning to do at this intersection, their response is, "I haven't any idea." He asked what outreach we've done, and as we move forward with this project, if it is possible to reach out to those businesses and confirm they know what is intended, and if there are significant issues that we address them ahead of time, as opposed to after the fact.

John Romero said they followed the City's ENN process. They advertized, had a public meeting, and he has been in conversations with El Sabor and the people who own The Journal North building, as well as Mr. Basham who has adopted that median. He said he will be happy to meet with the affected businesses, and will issue a press release prior to starting work. He said, "However, at this point, we are ready to build. The design and planning process has been completed, so there is little room for any adjustments to what we have planned."

Councilor Ives said his concern is to make sure people know, and didn't doubt we had followed our processes, but wants to know staff is doing whatever they can to avoid the "surprise factor." He said, "If you wouldn't mind alerting the folks adjoining the intersection on the vote taken here tonight, and send them a copy of the graphic that shows the renovation that is to be done, that would be ideal. And get to certain the Journal, the folks at the Hinkle Law Firm in the office buildings on the southwest corner would be good as well."

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

**DISCUSSION:** Mr. Snyder said, "Councilors, we will definitely work out an outreach campaign. I will have John work with Matt Ross, who I know is watching right now, to come up with strategy to get some information out. But this project was developed largely based on complaints that we have received ever since the District Courthouse was constructed. So this is addressing a whole host of issues on how people navigate the streets. I think this is a good example of us responding to come community interests in that area, public safety, accessibility to an inaccessible area."

Councilor Ives said, on the Project Timeline Chart, he is unsure if the ones in gray scale or originally in gray scale or if they have colors associated with them. He said, "I look at them and I end up scratching my head, not necessarily understanding what is happening, when. So if there were a better way to do our packet so these types of exhibits are more meaningful, God bless you."

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

**For:** Mayor Gonzales, Councilor Dominguez, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

**Against:** None.

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**END OF CONSENT CALENDAR DISCUSSION**

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11. **CONSIDERATION OF RESOLUTION NO. 2016-\_\_\_ (MAYOR GONZALES AND COUNCILOR RIVERA). A RESOLUTION DIRECTING STAFF TO WORK WITH THE SANTA FE COUNTY DWI PROGRAM TO DEVELOP AND SPONSOR A PARKING VOUCHER PROGRAM TO ALLOW OVERNIGHT PARKING. (NOEL CORREIA) (Postponed at the July 27, 2016 meeting of the Governing Body). (Postponed at the July 27, 2016 Meeting of the Governing Body.)**  
**Fiscal Impact: Potential annual loss of parking meter revenue is approximately \$11,020 for Option A and \$17,558 for Option B. Option A proposes overnight parking at downtown meters only on Friday and Saturday nights. However, Option B proposes overnight parking at downtown meters seven (7) days per week.**

This item was pulled from the agenda to be postponed indefinitely.

12. **CONSIDERATION OF RESOLUTION NO. 2016-66 (COUNCILOR DOMINGUEZ, COUNCILOR IVES, COUNCILOR TRUJILLO, MAYOR GONZALES AND COUNCILOR MAESTAS ). A RESOLUTION DECLARING THE INTENT OF THE CITY OF SANTA FE, NEW MEXICO TO ISSUE ITS QUALIFIED ENERGY CONSERVATION BONDS ENTITLED CITY OF SANTA FE, NEW MEXICO QUALIFIED ENERGY CONSERVATION REVENUE BONDS (HOMEWISE ENERGY CONSERVATION FUND PROGRAM), SERIES 2016, IN AN AGGREGATE PRINCIPAL AMOUNT OF UP TO \$5,000,000 IN CONNECTION WITH THE ESTABLISHMENT OF A PROGRAM TO FINANCE RESIDENTIAL RENEWABLE ENERGY SYSTEMS IN THE CITY OF SANTA FE (THE "PROGRAM"), FOR THE PURPOSE OF INDUCING HOMEWISE TO IMPLEMENT THE PROGRAM AND TO PAY THE COSTS OF THE PROGRAM FROM PROCEEDS OF THE BONDS; AND CONCERNING RELATED MATTERS. (JOHN ALEJANDRO)**

**MOTION:** Councilor Dominguez moved, seconded by Councilor Ives, to adopt Resolution No. 2016-66

**DISCUSSION:** Councilor Harris said we discussed this a lot and he is in favor of it. He said we talked about how the program was going to be focused and Mr. Loftin spoke at Finance. He said he reviewed it again, and asked Mr. Alejandro for a definition and parameters for a Green Community Program, which he presumes is a defined program within the legislation empowering those bonds.

John Alejandro said The Internal Revenue Code, Subsection 54(D), actually defines what a Green Community Program is related to qualified Energy Conservation Bonds, and provides, *"In general, the term Green Community Program, is a Program that meets the following two requirements. 1. Program Purpose. The purpose of a Green Community Program is to promote one or more of the purposes of energy conservation, energy efficiency, or environmental conservation initiatives related to energy consumption beyond the construed as a program. The purposes include, among others, promotion of energy savings through retrofits, initiatives for heating, cooling, water, water savings, stormwater reduction or other efficiency measures and distributed generation initiatives."*

Councilor Harris thanked Mr. Alejandro, saying that answers his question.

Councilor Ives said he has tried to join as a cosponsor for the past 3 weeks, and asked that he be reflected as a cosponsor when this comes forward for signature.

Councilor Trujillo, Mayor Gonzales and Councilor Maestas asked to be shown as cosponsors as well.

Mayor Gonzales thanked Mike Loftin who reached out to the City when we were struggling about how to move this program forward, because the allocation goes to the County and then to governments or non-profits. The County had expressed a desire to hold onto the allotment, and then Mr. Loftin said there is another vehicle and worked with Mr. Alejandro. He appreciates him stepping up as an important member of the community and providing housing and now renewable energy which will be a great partnership with Homewise. He said, "Please convey my thanks to the Board."

Councilor Villarreal said, "Just for you to know, because I've been on this trip for a while, but I will be watching to see what kinds of programs that will support lower and median income, and I want to be sure that that's what it will meet, and that it is not just solar, but also retrofits."

Mayor Gonzales said he thinks we're with the right partner who has proven how to do that.

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

**For:** Mayor Gonzales, Councilor Dominguez, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

**Against:** None.

- 13. CONSIDERATION OF RESOLUTION NO. 2016-67 (COUNCILOR DOMINGUEZ). A RESOLUTION INITIATING THE PROCESS OF STRATEGIC PLANNING WITH THE INTENTION OF ALIGNING THE CITY'S PRIORITIES IN ALLOCATING ITS LIMITED RESOURCES WITH THE PRIORITIES OF RESIDENTS; ESTABLISHING A PROGRAM AND SERVICE INVENTORY; AND CONSOLIDATING EFFORTS TO MAINTAIN A BALANCED BUDGET IN FUTURE YEARS THAT IS PRIORITY BASED. (OSCAR RODRIGUEZ AND ADAM JOHNSON). FISCAL IMPACT – YES; \$25,000 FOR OTHER OPERATING COSTS (SOFTWARE).**

**MOTION:** Councilor Dominguez moved, seconded by Councilor Harris, to adopt Resolution No. 2016-67, as presented.

**DISCUSSION:** Councilor Dominguez thanked the Governing Body and staff for their work on this. He said we took it through the process and were able to get some feedback from various people and have incorporated as much of that as possible into this bill. He said the timing is critical, and this is going to be a living process. He said we won't resolve all of our issues in this one process, and believes we will have to continue to work at refining the process and ultimately, the results. He said he has confidence in the Finance Department to get the requested work done, and in the Governing Body to provide the right direction to make sure we get to a better place financially in the long and short term.

**FRIENDLY AMENDMENT:** Councilor Dominguez proposed two amendments to the motion: (1) Page 3, line 7, after the word "process," to include the words, "and retain a facilitator to understand the raise in priorities." And (2), add the following: *"BE IT FURTHER RESOLVED that the City of Santa Fe shall reach out to the Santa Fe Public Schools, to potentially utilize their resources to help gather information."* **THE AMENDMENT WAS FRIENDLY TO SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

**DISCUSSION:** Councilor Dominguez said we want to involve people who normally aren't involved in these processes by using the Public Schools to notify parents about whatever meetings are scheduled and processes to be initiated.

Councilor Rivera asked, for clarification, if Councilor Dominguez would restate his proposed amendments, and Councilor Dominguez did so.

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

**For:** Mayor Gonzales, Councilor Dominguez, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

**Against:** None.

Mayor Gonzales said he presumes we will work through the Finance Committee to establish a Committee of the whole, so there can be full participation by the Governing Body.

Councilor Dominguez said that is correct.

**14. REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON SEPTEMBER 28, 2016:**

**BILL NO. 2016-36. AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE TO UPDATE LAND USE CATEGORIES, TABLE OF PERMITTED USES TO ADD AGRICULTURAL USES; AMENDING SUBSECTION 14-6.2(H) OF THE LAND DEVELOPMENT CODE TO PROHIBIT ANIMAL PRODUCTION AND SLAUGHTERHOUSES, AND PROVIDING FOR AGRICULTURAL USES; CREATING A NEW SUBSECTION 14-6.3(D)(4) OF THE LAND DEVELOPMENT CODE TO ALLOW FOR AGRICULTURAL HOME OCCUPATION EXCEPTIONS; AMENDING SECTION 14-8.7 OF THE LAND DEVELOPMENT CODE TO WAIVE ARCHITECTURAL DESIGN REVIEW OF AGRICULTURAL RELATED STRUCTURES BY THE LAND DEVELOPMENT DIRECTOR; AND AMENDING SUBSECTION 14-12 OF THE LAND DEVELOPMENT CODE TO INCLUDE DEFINITIONS FOR TERMS RELATING TO URBAN AGRICULTURE. (MAYOR GONZALES AND COUNCILOR IVES). (JOHN ALEJANDRO)**

- a. A RESOLUTION CREATING THE CITY OF SANTA FE PROCEDURES AND GUIDELINES FOR URBAN AGRICULTURE ACTIVITIES AND USES. (MAYOR GONZALES AND COUNCILOR IVES). (JOHN ALEJANDRO)**

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, August 29, 2016, regarding this item, is incorporated herewith to these minutes as Exhibit "3."

Mayor Gonzales said this is a request to publish notice of the Ordinance and the Resolution creating procedures and guidelines. He said he would be helpful for Councilors to keep their remarks to the publication of the notice, but saying, of course the Council can move it any way it would like.

Councilor Lindell said this is a pretty far-reaching Ordinance, and asked if has it gone to the Neighborhood Associations, and asked how widely across the City has there been input from neighborhoods and others that may be impacted by this action.



John Alejandro said the Ordinance was crafted with citizen input, specifically food related stakeholders in the community such as the Santa Fe Food Policy Council, and [inaudible] also reviewed the initial draft and provided feedback. He has not met with every single Homeowner Association in Santa Fe. He said this is an effort to craft an Ordinance which took in as much initial input as possible to help to craft, revise, add, edit and develop the Ordinance as it is today.

Councilor Lindell said she feels this needs more neighborhood input, and there are organizations specific to neighborhoods and they need the opportunity to provide input, commenting she is glad there has been stakeholder input. She said this Ordinance potentially can impact every person in the City and some of the specifics in the Ordinance are pretty far-reaching and really could affect peoples' lives. She thinks that rather have this turn into a sizeable problem later on, she would like for people to have the opportunity to provide input on the front end rather than after it is passed. She would like that input prior to this proceeding through Committees and publication of this.

Mayor Gonzales said he would like this to be allowed to be published so people know the Council is considering it, so they can participate fully in committee meetings and at the Council. He thinks it would be appropriate for the Council to add an additional public hearing. He said there are elements that need to be addressed and brought forward to neighborhoods. However, the Council can give direction to Mr. Alejandro and staff in making sure people are able to address this. He said the current challenge is, because we have no provisions regarding growing and selling food, we are saying no to a lot of either entrepreneurs or families that would like to move into the local produce environment. He said we have to come to some set of rules and an Ordinance that allows Land Use to respond to requests by residents to do this kind of business or food production, or growing their own food. His request is to keep the ball moving forward, but knowing work needs to be done by a number of people.

John Alejandro said he received confirmation from Ms. Martinez that the Planning Commission will be holding a public meeting in September on this topic.

Councilor Harris said he is in support of moving this forward for discussion. He said it is specific to animals, and asked if we have other ordinances addressing bees and chickens.

Mayor Gonzales said the Parks Division and Victor Lucero have been plotting a way for Santa Fe to become a Bee City, a city where bee farmers can begin to produce honey.

Mr. Alejandro said in looking at City Code, many of these things are addressed through Animal Control, or other sections of the Code. He said they need to work on a second update, specifically addressing livestock, chicken, goats, egg production, noting that would be a fairly comprehensive undertaking with City staff throughout many City departments and divisions. He said the Ordinance before you establishes a baseline for urban agricultural needs, regulations and procedures, which helps to address some immediate needs on which the City Code is silent.

Councilor Harris said, "I will accept the representation that we will deal with animals later on in more formal way and not try to incorporate it here."

Councilor Villarreal said she would like to see this move forward so we can start working out the bugs i it. She thinks the intention is good, and believes we need to have this option in the City as it relates to food security. She said she would ask her fellow Councilors to work on this, and asked what Committees will consider this.

Mr. Alejandro said it will go to the CBQL, the Water Conservation Committee, as well as to the Public Works and Finance Committees.

Mayor Gonzales said perhaps the Council needs to develop a communications plan, as opposed to just noticing the Agendas, commenting that is something staff should work on with Matt Ross. He asked that the Governing Body be advised on what the communications plan contains, and to move it beyond just the notification of the meeting agendas which already is done.

Councilor Villarreal said, "Actually, on that point, it's all about being ahead of the message so we can get input from people, to the correct place where it can be reviewed and input provided. She thinks there are good aspects to the bill, and we can work on the issues that were brought up for Public Works, and those brought up by Councilor Lindell as well."

Councilor Ives said this measure moves us in exactly the direction we need to go as a community, in terms of addressing our long term resiliency and sustainability. He thinks it helps to address food security issues, and we know we have hungry people in our City, so the more opportunity to create food close to home, to limit transportation costs and the like, can only help to make us more food secure. He said in the spirit of the discussion tonight, this is a measure that is likely to grow on people, so he will fully support it.

Councilor Rivera said he brought up all his concerns at Public Works, which still stand. He reminded staff that the Committee had requested a map of the areas affected by this Ordinance, noting he hasn't received that.

Mr. Alejandro said he will send that out first thing in the morning.

Councilor Maestas said he agrees with Councilor Lindell, but doesn't know we need to scale it down, but said we do need to look at provisions that can be tweaked. One is that people will be able to use potable water, and said perhaps we need to disincentive the use of potable water. He said this will impact our use of water and the potential for return flow credits in the future when we build the effluent pipeline to the main stem of the Rio Grande. He said perhaps additional requirements can be added to use high efficiency irrigation systems when using potable water. If it is reclaimed water or stormwater from a rain barrel, they can flood irrigate.

Councilor Maestas said an additional concern is the potential nuisance consequence. This allows for significant composting which can be quite smelly, and he doesn't want that to be an unanticipated consequences. He said perhaps we should look at scaling down the allowable composting in neighborhoods.

Mayor Gonzales said it would be good to get any amendments submitted early, so we can begin to delve into those, and share those as we move forward.

Councilor Trujillo said he wants to be sure the people in certain neighborhoods are informed of these meetings.

Mr. Alejandro said he has been in discussions with the folks in that neighborhood who were impacted by that situation, and just updated them on the committee schedule.

Councilor Rivera said he would like to clarify that this is limited to certain parts of the City.

Mr. Alejandro said the working group drafting the Ordinance, looked at different sections of the City which helped to look at zone areas throughout the community and the impact of the Ordinance on specifically zoned areas throughout the community. He will provide that map for him, as well as analysis of what they expect to happen within certain zoned areas which might help to provide context for the Ordinance.

Mayor Gonzales said the Table in Section 3 on page 8, helps to provide some insight for each of the existing residential zoning and business zoning maps across the City and how the Agricultural Ordinance Rules would apply.

Mr. Alejandro said that is correct.

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

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

**For:** Mayor Gonzales, Councilor Dominguez, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

**Against:** None.

**Explaining her vote:** Councilor Lindell said, "I vote yes. I need to get together with you John. I have a sizable number of amendments to go through."

**Explaining his vote:** Councilor Maestas said, "Yes. And I would like to work with John on some amendments as well."

Mayor Gonzales thanked the Councilors who are going to help shape this into a good Ordinance.

15. **CONSIDERATION OF RESOLUTION NO. 2016-52 (COUNCILOR RIVERA, COUNCILOR IVES AND COUNCILOR TRUJILLO). A RESOLUTION PROCLAIMING SEVERE OR EXTREME DROUGHT CONDITIONS MAY EXIST IN THE CITY OF SANTA FE; IMPOSING FIRE RESTRICTIONS; RESTRICTING THE SALE OR USE OF FIREWORKS WITHIN THE CITY OF SANTA FE AND PROHIBITING OTHER FIRE HAZARD ACTIVITIES. (REYNALDO GONZALES)**  
(Withdrawn by Staff)

This Resolution was withdrawn by staff.

16. **MATTERS FROM THE CITY MANAGER**

Brian Snyder said he would call attention to the new works of art in the chambers. He said there are 15, original one-of-a-kind monoprints, produced over a 17 year history. He said a total of 800 prints reside at the Santa Fe University of Arts & Design, and these are representatives of pieces of art from that collection. He said he worked with Debra Garcia to get them hung. He said he believes them to be representative of the partnership we have with the Santa Fe University of Arts and Design and local artists. He said it is a shame these pieces of art are in storage, and this was an opportunity to "spruce up" the chambers, and since we own these pieces of art, he thinks we should display them.

*Break 6:50 to 7:00 p.m.*

Mayor Gonzales said he would like to move Items #17 through #21 moved to the end of the evening agenda.

**MOTION:** Councilor Ives moved, seconded by Councilor Maestas, to reconsider the previous approval of the Agenda as amended, to move Items #17 through #21, to the end of the evening agenda, and to approve the amended agenda as further amended.

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

**END OF AFTERNOON SESSION AT APPROXIMATELY 7:00 P.M.**

## **EVENING SESSION**

### **A. CALL TO ORDER AND ROLL CALL**

The Evening Session was called to order by Mayor Javier M. Gonzales, at approximately 7:00 p.m. There was the presence of a quorum as follows:

#### **Members Present**

Mayor Javier M. Gonzales  
Councilor Signe I. Lindell, Mayor Pro-Tem  
Councilor Carmichael A. Dominguez  
Councilor Mike Harris  
Councilor Peter N. Ives  
Councilor Joseph M. Maestas  
Councilor Christopher M. Rivera  
Councilor Ronald S. Trujillo  
Councilor Renee Villarreal

#### **Others Attending**

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

### **F. PETITIONS FROM THE FLOOR**

A copy of the statement for the record by Nicoletta Munroe, submitted for the record by Nicoletta Munroe, is incorporated herewith to these minutes as Exhibit "4."

*Mayor Gonzales gave each person two minutes to petition the Governing Body.*

**David McQuarie, 2997 Calle Cerrada**, thanked everyone on the decision on Paseo de Peralta. He said nowhere does that talk about the impacts on pedestrians. He said he especially wants to thank Councilor Lindell for bringing up Siler Road which is impossible for pedestrian traffic. He said pedestrians are 1 of 4 types of traffic which the City has to deal. He said the main thing he wants to bring up is the Mayor's Committee on Disability. *[inaudible]* He said these bonds have to be issued *[?]* 70 days after the *[inaudible]* so these bonds have to be issued by September 3<sup>rd</sup>. He is asking the entire Council and the City Manager, commenting the City has been fined 4 times by the DOJ because the ADA agreement was not being met, and the items are outlined in a letter to the Mayor, except two items. One is for possible criminal *[inaudible]* for discrimination and secondly in the items you must report to the DOJ. He asked them to take *[inaudible]* in the City of Santa Fe, because there are the same items over and over.

**Nicoletta Monroe, 701 Dunlap Street**, read a prepared statement into the record as follows:

*I am Nicoletta Munroe, 701 Dunlap. Council, Mayor, City Attorney.*

*I am a student. I live in Santa Fe. My statement at this meeting concerns the process by which Procedural Rules were recently revised and the need for a Rules Committee. On August 10, 2016, the Council voted affirmatively on revised Procedural Rules that were deliberated upon without the formation of a Rules Committee. I recommend that the Council consider forming a Rules Committee for the purpose of formalizing the process by which rules are amended. A Rules Committee, if formed, could examine Procedural Rules, the City Charter, the City Code and other documents such as the City Ethics Code. Please consider bringing a Resolution to form a Rules Committee. As written, one of the Procedural Rules conflicts with Federal Law, specifically Rule 2A, which violates United States Code Title 42, Section 1983, Civil action for deprivation of rights. The People deserve standards in terms of process for the formation of rules, and it is the responsibility of the City to adhere to parliamentary conventions for the writing of rules.*

*Additionally, I have studied the City Charter and compared it to charters of other municipalities, specifically, The City of Santa Monica Corporate Charter, and The City of Beverly Hills Municipal Code and find that those cities share a similarity with our city in standards. However, our Charter is missing a lot of information that other city charters have.*

*In the City of Santa Fe Charter, there is a necessity for provisions for statutory obligations concerning taxation and budget responsibilities; the property tax rate; bond debt limitation; bond schedules; community housing mandates; employee benefits; employee pension allocations; we also must write into the Charter requirements to publish notice of newly adopted ordinances in the local newspaper; and we must write into the charter that we follow the conventions for SEC reporting, specifically (GAAP) Generally Accepted Accounting Principles. Unless we place these provisions into our Articles of Incorporation, the Charter is not of the standard that this Council is held to uphold.*

*I would like to comment on tonight's meeting, from five o'clock. And I think you voted on some important issues. One I'm impressed with was the unanimous vote for the land use amendment for urban ag and I also want to comment on the road diet vote. I think the road diet, while it may seem expensive, having more bicycles on the road is really something that I think is [inaudible] and it can bring people here and it can calm traffic. Traffic in the crosswalk is very very out of control sometimes. And I think having a bike lane would calm traffic and [inaudible] out of Santa Fe. So thank you very much for the opportunity to offer my suggestion to form a Rules Committee which I think should have [inaudible] and it should be run by your Parliamentarian who is Councilor Ives.*

## **G. APPOINTMENTS**

### **Audit Committee**

Mayor Gonzales made the following appointment to the Audit Committee:

Alvino E. Castillo – to fill unexpired term ending 11/2016.

**MOTION:** Councilor Trujillo moved, seconded by Councilor Harris, to approve this appointment.

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

### **Library Board**

Mayor Gonzales made the following appointments to the Library Board:

Rebecca A. Allahyari (County Resident) – Reappointment – term ending 07/2019; and  
Susan T. Gilbert (County Resident) – to fill unexpired term ending 07/2019.

**MOTION:** Councilor Ives moved, seconded by Councilor Lindell, to approve these appointments.

**DISCUSSION:** Councilor Harris said he has no issue with these two individuals who are nominated and he will vote to approve. He said it is interesting to him that both are County residents. He said a discussion on LaFarge Library occurred in March-April, and he learned that 20% of the users are from the County. He said it seems to him that over time, we should consider formalizing a regional library board or something like that, which he thinks is happening, but he thinks it could be done better if we pursue this. He said with two County members on the Library Board, perhaps a discussion could occur at that level.

Mayor Gonzales said he thinks the Library Board is ready to undertake that point, because they have asked for support in developing a broader future plan for libraries. He said it's a matter of funding that we should discuss this year, especially as we prepare next year's process, and determine how to fund that process. He said there could be an independent library district with taxing authority to support it might be a worthy option.

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

## H. PUBLIC HEARINGS

- 1) **REQUEST FROM PRECEPT BRANDS, LLC, FOR A WINEGROWERS OFF-SITE LICENSE WITH ON-PREMISE CONSUMPTION, WITH A PATIO AND WITH PACKAGE SALES, TO BE LOCATED AT GRUET WINERY, 210 DON GASPAR AVENUE. (YOLANDA Y. VIGIL)**

A Memorandum dated August 26, 2016, prepared by Yolanda Y. Vigil, City Clerk, to Mayor Gonzales & City Councilors, is in the Council packet, noting the location is not within 300 feet of a church or school, with a staff recommendation that this business be required to comply with all of the City's Ordinances as a condition of doing business in the City.

### Public Hearing

There was no one speaking to this request.

### The Public Hearing was closed

Councilor Villarreal said the memos usually are very brief for these requests. She said the applicant doesn't have an explanation of the reason they are doing this, and asked staff for an explanation.

Yolanda Vigil said this Applicant came in from Washington, and she has been unable to meet with them, and if Councilor Villarreal would like, they can come down and answer questions.

Councilor Villarreal said that would be great, and asked, "If you could just explain a little bit about the project.

**Lisa Clarkson, Sr. Vice President and Director of Regional Sales, Seattle Washington, was sworn.** Ms. Clarkson said they "recently acquired the Gruet Winery a couple of years ago." She said they were approached by Jim Long, the owner of the St. Francis Hotel, who had spoken with Lamont who is the Gruet Family winemaker and the previous owner of the property a few years back. She said there has been some ongoing conversation, and a lot of interest in having a tasting room, limited in terms of like sparkling, and especially local wines. She said the challenge to make that happen was funding, and there was a space in the financial scene which made sense, and there was a lot of excitement in the community for it. So they partnered with the Hotel which seemed a great partner in the community, in terms of a "cool" space, a local brand, based in New Mexico. She said this is the impetus behind it.

Councilor Villarreal said she is assuming it is the back patio they currently use for the restaurant – is that what they're planning to do.



Ms. Clarkson said no, it is a separate patio. She said, "If you're walking up to the hotel there and you walk in, you have the bar on the right, and symmetrically on the left side there is a little hallway and a small room there used previously as a conference room. And then there is an enclosed patio to that left side that has a 4 foot wall, with an overgrown garden, so we finished that as a patio. It will be like a private patio, so this wouldn't be a shared patio with the neighbor space."

Councilor Villarreal said those details are acceptable, because "we really just get the language that came from the Alcohol & Gaming Division, so thank you for the explanation."

**MOTION:** Councilor Villarreal moved, seconded by Councilor Ives, to approve the request from Precept Brands, LLC, for a Winegrower Off-Site License with On-Premise consumption, with a patio and with package sales, to be located at Gruyet Winery, 210 Don Gaspar Avenue, with all conditions of approval as recommended by staff.

**FRIENDLY AMENDMENT:** Ms. Vigil said, "I just want to add, just because I have not been able to meet with the Applicant on site, that as a condition of approval, that we say that the applicant is required to meet with staff regarding the patio. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**"

Responding to a question from the Mayor, Ms. Clarkson said her company leased the property so they will running it.

Mayor Gonzales asked if she agrees with the condition requested by the City Clerk.

Ms. Clarkson said she didn't hear the condition.

Ms. Vigil said reiterated the condition of approval.

Mayor Gonzales said, "So you're asking us to make sure that you sign off on what that patio requirement is going to be."

Ms. Vigil said that is correct.

Mayor Gonzales asked Councilor Ives if he is okay with the direction and Councilor Ives said yes.

Mayor Gonzales asked Ms. Clarkson if she is okay with that.

Ms. Clarkson said she would like a verified timeline, and if Ms. Vigil is going to go out and look at the space.

Ms. Vigil said she can meet Ms. Clarkson after this item is complete to work out those details.

Mayor Gonzales said it's much easier to meet with staff prior to coming to the City Council to address any issues.

**VOTE:** The motion, as amended, was approved on the following roll call vote:

**For:** Mayor Gonzales, Councilor Dominguez, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

**Against:** None.

- 2) **REQUEST FOR APPROVAL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT 2015-2016 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REVIEW (CAPER); AND APPROVAL TO SUBMIT THE CAPER TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD). (MARGARET AMBROSINO)**

**Public Hearing**

There was no one speaking to this request

**The Public Hearing was closed**

**MOTION:** Councilor Villarreal moved, seconded by Councilor Harris, to approve this request.

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

**For:** Mayor Gonzales, Councilor Dominguez, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

**Against:** None.

***The Governing Body then returned to matters from the Afternoon Agenda***

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

**EXECUTIVE SESSION**

**IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT §§10-15-1(H)(2), (7) AND (8) NMSA 1978, DISCUSSION REGARDING LIMITED PERSONNEL MATTERS, INCLUDING, WITHOUT LIMITATION, THE EVALUATION PROCESS FOR THE CITY MANAGER; DISCUSSION THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS A PARTICIPANT, INCLUDING, WITHOUT LIMITATION, DISCUSSION RELATING TO CENTURY BANK AND THE ARTYARD MASTER CONDOMINIUM ASSOCIATION, INC. V. CITY OF SANTA FE, ABERG PROPERTY COMPANY, AND SANTA FE COMMUNITY RAILYARD CORPORATION; AND DISCUSSION OF THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY OR WATER RIGHTS BY THE CITY OF SANTA FE, INCLUDING, WITHOUT LIMITATION, RELATING TO THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION (BuRRT) LEASE. (ZACHARY SHANDLER)**

**MOTION:** Councilor Rivera moved, seconded by Councilor Ives, that the Council go into Executive Session to discuss the matters listed on the Agenda in accordance with the recommendation of the City Attorney.

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

**For:** Mayor Gonzales, Councilor Dominguez, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

**Against:** None.

The Council went into Executive Session at 7:20 p.m.

**MOTION TO COME OUT OF EXECUTIVE SESSION**

**MOTION:** At 8:55 p.m., Councilor Rivera moved, seconded by Councilor Dominguez, that the Governing Body come out of Executive Session and stating for the record that the discussion in executive session was limited to the matters noted on the agenda.

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

**For:** Mayor Gonzales, Councilor Dominguez, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

**Against:** None.

**Absent for the vote:** Councilor Maestas

**18. ACTION WITH RESPECT TO CENTURY BANK AND THE ARTYARD MASTER CONDOMINIUM ASSOCIATION, INC. V. CITY OF SANTA FE, ABERG PROPERTY COMPANY, AND SANTA FE COMMUNITY RAILYARD CORPORATION. (KELLEY BRENNAN)**

**MOTION:** Councilor Rivera moved, seconded by Councilor Ives, to approve the Settlement Agreement between the parties for 21 parking spaces.

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

**For:** Mayor Gonzales, Councilor Dominguez, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

**Against:** None.

**Absent for the vote:** Councilor Maestas.

**19. ACTION WITH RESPECT TO THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION (BuRRT) LEASE. (KELLEY BRENNAN)**

**MOTION:** Councilor Rivera moved, seconded by Councilor Ives, to approve the proposed lease.

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

**For:** Mayor Gonzales, Councilor Dominguez, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

**Against:** None.

**Absent for the vote:** Councilor Maestas.

**20. MATTERS FROM THE CITY CLERK**

Ms. Vigil said there will be a visit by the Fiesta Council, the Royal Court, in the Chambers, on Tuesday at 4:00 p.m., in the Council Chambers. She said Fiestecita will follow at about the same time as Finance.

**21. COMMUNICATIONS FROM THE GOVERNING BODY**

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of August 31, 2016, is incorporated herewith to these minutes as Exhibit "5."

**Mayor Gonzales**

Mayor Gonzales under the new budget, \$1.5 million was eliminated for public assistance for some of the non-profits and organizations. He has received calls from organizations asking us to waive parking fees or not require payment for Fire and Police, and the answer has been no, but the City would work with them on how to cover costs if they have a tight budget.

Mayor Gonzales said the Fiesta Council, an all volunteer organization, has requested free parking in the parking garage at the Convention Center for their members who volunteer over the Fiesta weekend, with their badges serving access to enter. He said the City Manager felt that because the Fiesta Council has 130 members, that this was something to be brought to the Governing Body. He is willing to ask the City Manager to provide the free parking for the Council, because the Council does work from year to year in expending all of its budget on Fiestas, as well as that they largely depend on volunteers who tend to be retired individuals for whom it is costly to be able to participate.

Mayor Gonzales said he would like to be able to ask the Manager to do this, but we want to do it in a transparent way, so if any members of the Council don't want to do this, then we can discuss it openly and transparently and come to a resolution or solution. He said the request can be modified for a shorter period. He said the Council is looking for ways to encourage involvement of its volunteers in ways that could help lower the costs for them to participate. He asked for the thoughts of the Governing Body.

Councilor Ives said he doesn't know how full our parking structures are at any point in time during the years, although there has always been space. He said Fiestas have been with us for such a long time, and is one of the signature celebrations in the City. He said he certainly is not opposed to accommodating this request on a one-time basis, then take a more serious look at it in the total context of our parking issues, as we begin to discuss next year's budget.

Mayor Gonzales said we have held the line over the past year in dealing with various Fiesta events and free parking in the Convention Center Parking Garage has been basically denied by the City. So they've had to pay their way into the garage for some of the Bailles. He said what makes this different is that the Fiesta days are very long, and they use volunteers to meet some of the City's requirement to put people at intersections to stand by the barriers. He said those long days come at a significant worry and pain for the Fiesta Council that sometimes has a hard time finding volunteers to cover the intersections. He said this will go a long way to get volunteers to help. He said the Convention Center Parking Garage tends to have the least participation by the public who tends to first use the downtown garages. He said this isn't a well financed organization and everybody volunteers the needed time. He will defer to the collective wisdom of the Council to make a collective decision.

Councilor Lindell said in light of what we're going through right now with parking, she is really pained to give away parking. This is certainly a tremendously deserving group, but how do we make that determination. She thinks we're wading into a swamp on this. She said we are facing major issues with parking right now. She asked if there would be a halfway point, perhaps not all 3 days, or perhaps ½ price. She said, "But an absolute giveaway right now, for me to any group, is not a path that I'm inclined to go down."

Councilor Harris said he concurs with Councilor Lindell, and thinks it would be appropriate to find a common ground resolution in short order.

Councilor Dominguez said, "I will just say this, in my opinion, we have a proclamation that has been around for 400 years, and I think the City Manager has the ability to make that decision himself, and I'll leave it at that Mayor."

Mayor Gonzales said the City Manager will have to make the decision, but this is a way to provide at least something in terms of direction.

Councilor Rivera agrees with Councilor Ives that we should allow it for one year, then relook it and decide what to do next year.

Councilor Villarreal asked how much the City gives the Fiesta Council each year.

Mayor Gonzales said the City gives them \$50,000 annually paid from Lodgers' Tax, and provide an additional 6 free nights at the Convention Center. And traditionally, have received a waiver on Fire & Police which stopped, and this year, they will be paying 50% of the Fire & Police, or about \$19,000.

Responding to a question from Councilor Villarreal, Mayor Gonzales said all non-profits, including the Fiesta Council are paying 50% of Fire and Police.

Councilor Villarreal asked the role of the Council members during Fiestas.

Mayor Gonzales said they provide a variety of roles, starting on Saturday with Des File de los Ninos, and the day long events into the evening. He said barriers are required on the perimeters of the Plaza to prevent traffic flowing into the Plaza, and the barriers have to be manned by individuals. He said security has to be provided in addition.

Councilor Villarreal asked if they provide volunteers for la Entrada on Friday.

Mayor Gonzales said, no, that is done by Caballeros, but they haven't asked for free parking. He said Fiesta starts at noon with regular activities into the evening.

Councilor Dominguez said at one time, the Fiesta Council had its own barriers and volunteers to man the barriers. And the City required them, and rightfully so, to contract for appropriate barriers and that cost has been passed to the Fiesta Council. He said Friday's events include Arts & Crafts shows, and vendors inside the Plaza, and they are supposed to man the barriers on all corners of the Plaza throughout Fiestas.

Mayor Gonzales said the Council paid substantially during the 2-3 weeks of the School visits, the nursing home visits and such, which is part of the community outreach for its volunteers. He said when you put them against any others, all of which are important, but this celebration has a lot more days and requires more participation from volunteers. He said to the credit of the Fiesta Council, the Caballeros de Vargas and Tesuque Tribal Leadership, they are willing to have this dialogue.

Councilor Trujillo said the timing of the request is unfortunate. However, as Councilor Dominguez said this is something from almost 500 years ago and it is an important part of our history and our culture. It is for 3 days. He said we are keeping a promise made long ago. He said he has no problem with the request for the 3 days.

Mayor Gonzales said he has heard on occasion there is a huge backup of traffic at San Francisco and Guadalupe, at the Sandoval Parking Garage. He asked Mr. Snyder to see if he can provide suggestions to him, after talking to Isaac Pino, about how to alleviate some of the congestion that happens there during events.

Mayor Gonzales introduced the following:

1. An Ordinance amending Subsection 14-8.10 of the Land Development Code to permit placement and construction of electronic reader board signs to facilitate wayfinding and the dissemination of information in real time on local services, programs, activities and events in accordance with a City program; and establishing certain guidelines on electronic reader board signs. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "6."
2. An Ordinance relating to the Land Development Code, Chapter 14 SFCC 1987, creating a new Subsection 14-5.5(D) entitled the "Midtown Local Innovation Corridor Overlay District," (Midtown LINC Overlay District), and establishing permitted uses, definitions, standards, and incentives for qualifying projects within the District; amending the following articles to add provisions for qualifying project within the District: 14-3.8(B) Development Plan Approvals, Table 14-6.1-1 Special Use Permits, 14-6.2(A)(7) dwelling units within C-2 and SC Districts, 14-8.6(B)(4) reduction of required parking spaces, Table 14-8.7-2 Architectural Design Standards and point allocations, 14-8.13(E) Development Water Budget criteria, 14-8.14(D) Impact Fees; relating to the Building and Housing Code, Chapter 7 SFCC 1987, amending Subsection 7-1.10 Application of the International Existing Building Code; relating to the Sewer Code, Chapter 22 SFCC 1987, amending Subsection 22-6.6 Exhibit A Section 7, Wastewater Utility Expansion Charge; relating to the Water Code, Chapter 25 SFC 1987, 25-4.2 Exhibit B rate schedule and Utility Expansion Charge; and making such other changes that are necessary to carry out the purpose of this Ordinance. A copy of the Ordinance, is incorporated herewith to these minutes as Exhibit "7."
3. A Resolution declaring the second Monday in October as Indigenous Peoples Day in the City of Santa Fe. A copy of the Resolution, is incorporated herewith to these minutes as Exhibit "8."
4. A Resolution relating to Santa Fe's historical and cultural heritage; authorizing staff to enter into a Professional Services Agreement for services that would provide opportunities for individuals to be educated about Santa Fe's rich historic and cultural heritage. A copy of the Resolution, is incorporated herewith to these minutes as Exhibit "9."

### **Councilor Rivera**

Councilor Rivera asked to Cosponsor the Mayor's Resolution declaring the second Monday in October as Indigenous Peoples' Day.

Councilor Rivera introduced a Resolution directing the City Manager to work with Santa Fe County and the Santa Fe Soccer community to explore the possibilities of establishing a Regional Soccer Authority.

Councilor Rivera wished his mom a Happy Birthday on September 7<sup>th</sup>, and his oldest daughter a Happy 21<sup>st</sup> Birthday on September 10<sup>th</sup>.

### **Councilor Ives**

Councilor Ives said he would join the Mayor as a cosponsor on his Ordinance on the Midtown LINC Overlay, on his Resolution declaring the second Monday in October as Indigenous Peoples' Day, and on the Resolution relating to Santa Fe's Historical and Cultural Heritage measure. He would join as a cosponsor of Councilor River's Resolution regarding the possibility of establishing a Regional Soccer Authority.

Councilor Ives introduced a Resolution directing the City Manager to have Public Utilities staff to identify and apply for federal and State funding sources for water, wastewater and other water related projects. A copy of the Resolution, is incorporated herewith to these minutes as Exhibit "10."

### **Councilor Villarreal**

Councilor Villarreal asked to join as a cosponsor of Councilor Rivera's Resolution regarding exploring the possibility of a Regional Soccer Authority.

### **Councilor Dominguez**

Councilor Dominguez said he would like to Cosponsor Councilor Rivera's Resolution regarding exploring the possibility of establishing a Regional Soccer Authority.

Councilor Dominguez introduced the following:

1. An Ordinance repealing Ordinance No. 2016-15 adopting a Municipal Gross Receipts Tax. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "11."
2. A Resolution directing the City Manager to develop written policies for communications, media relations and multimedia staff; directing the City Manager to develop a communications plan; and reporting back to the Governing Body within 60 days.

He provided a hard copy of this bill, noting he didn't worked through staff on this bill, and he wrote and formatted it himself, noting he has send a copy to Jesse Guillen asking him to distribute it to the Governing Body.



### **Councilor Lindell**

Councilor Lindell introduced a Resolution naming the Sunny Slope Meadows Community Garden after Amy Hetager. A copy of the Resolution, is incorporated herewith to these minutes as Exhibit "12."

### **Councilor Harris**

Councilor Harris said although Councilor Maestas isn't in attendance, he would congratulate Councilor Maestas for his second place finish in the Senior Santa Fe Triathlon in his age group.

Councilor Harris said he hasn't seen the plans for the Sheridan Transit Center, and asked if there are any plans to incorporate restrooms at the Sheridan Transit Center.

Mr. Snyder said, "At this time, no."

Councilor Harris said that is something he thinks should be considered, because "we need to get out ahead of this one. This is exactly what we talked about 30 minutes ago."

Councilor Harris said he is glad SWMA is close to resolution, and thinks the issue of compensation will be resolved as well. He said the Buckman Direct Diversion Board meets tomorrow, noting some things are starting to come together there.

Councilor Harris talked about the Annexation, the Settlement Agreement and the roads. He said Susan Gibbs sent an email to him as well as to Councilor Trujillo, regarding the condition of her road, Mimbres Lane, off Rodeo Road. The County says its not their problem. He put the inquiry into the Consistent Services software package, and received an immediate response from somebody at Public Works saying that is the County's problems.

Councilor Harris said while serving on the Planning Commission saw a long list of the roads the County was to deliver with a very brief scope of work, and wants to know the status. He said he and Councilor Villarreal have compared notes and they are surprised with the number of outstanding issues they are finding. He said, for example, the lease for SWMA took 1½ years and is finally settled. He wants to see the list of roads, what has been accepted, what is outstanding and get those resolved.

Mr. Snyder said he is well aware of this, and has spoken with County Manager Kathryn Miller about this. He said Mimbres Lane is not on the list of roads to be turned over to the City by the County. He said that is where the disagreement lies, and said knows they are City constituents as well as constituents of the County. He will provide a list of the status of roads being moved from the County to the City to the Governing Body. He said, as part of the Annexation Settlement Agreement, the County is required to bring those roads to a certain standard, and with Mimbres not on that list, the County felt it didn't have to bring that road to any standard. He said this is the reason we have not accepted it, and we feel that we haven't accepted it, but the County feels it has turned it over to the City. He said that road is in disrepair and a lot of work needs to be done, and he is working through this with the County Manager.

Councilor Harris said after all this time, he feels this is similar to the Villa Sonata situation, and would look to the City to take care of it, commenting he is glad Mr. Snyder is aware of the situation and working to resolve it. He wants these situations resolved, commenting the people on Mimbres Lane and other roads are not well served by this disagreement.

Councilor Harris said he mentioned a Regional Library Board, we now have a resolution on a Soccer Authority, and there is the NCRTD issue on transportation, so a lot of things being discussed. He wants us to discuss these things honestly and take care of what has not been dealt with so far. He said, "I would put the roads in that category."

### **Councilor Trujillo**

Councilor Trujillo said he would like to cosponsor Councilor Ives Resolution for federal and state funding, as well as to cosponsor Councilor Rivera's Resolution on the possibility of a regional soccer authority.

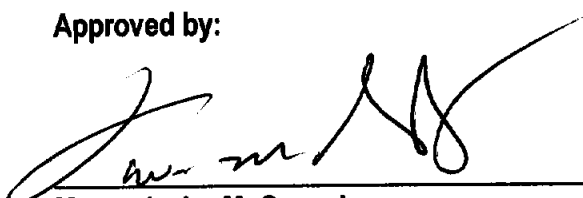
Councilor Trujillo wished his wife, Amber, who celebrated her birthday recently, a very Happy Birthday.

Mr. Snyder said Mr. Guillen will be off for a week, noting he and his wife have a baby coming around Wednesday, if not before. He asked everyone to please bear with staff as we move legislation forward during Mr. Guillen's absence. He said that office is down to one person, who also is covering for the Records Request Custodian.

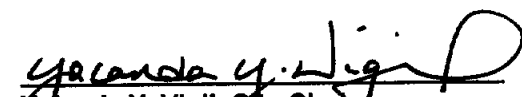
### **I. ADJOURN**

There was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 9:30 p.m.

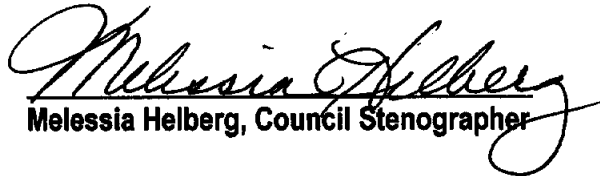
Approved by:

  
\_\_\_\_\_  
Mayor Javier M. Gonzales

ATTESTED TO:

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

Respectfully submitted:

  
Melessia Helberg, Council Stenographer

**ITEM #10-k**

**ACTION SHEET  
ITEM FROM THE  
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING  
OF  
MONDAY, AUGUST 29, 2016**

**ITEM 8**

REQUEST FOR APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$475,000 TO ENABLE THE NEW MEXICO DEPARTMENT OF FINANCE, LOCAL GOVERNMENT DIVISION TO RELEASE TWO 2015 SEVERANCE TAX BOND AGREEMENTS, 15-0861 AND 15-1166, TO THE CITY OF SANTA FE AND FOR KITCHEN ANGELS (GRANTEE) TO ACT AS PROJECT MANAGER (DAVID CHAPMAN)

**PUBLIC WORKS COMMITTEE ACTION:** Approved on Consent

**FUNDING SOURCE:** 32822.572970 and 32822.572960

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

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON IVES			
COUNCILOR MAESTAS	X		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	X		
COUNCILOR VILLARREAL	X		

*Exhibit 11*

**ITEM #10-d**

**ACTION SHEET  
ITEM FROM THE  
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING  
OF  
MONDAY, AUGUST 29, 2016**

**ITEM 9**

REQUEST FOR APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA FE AND SANTA FE COUNTY TO PROVIDE CITY OF SANTA FE WASTEWATER AND WATER SERVICES TO THE ST. FRANCIS SOUTH LARGE SCALE MIXED-USE PROJECT (STAN HOLLAND)

**PUBLIC WORKS COMMITTEE ACTION: Approved**

**FUNDING SOURCE:**

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

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON IVES			
COUNCILOR MAESTAS	X		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	X		
COUNCILOR VILLARREAL	X		

*Exhibit "2"*

**ACTION SHEET  
ITEM FROM THE  
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING  
OF  
MONDAY, AUGUST 29, 2016**

**ITEM 11****LAND DEVELOPMENT CODE – AGRICULTURE**

- a. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE TO UPDATE LAND-USE CATEGORIES, TABLE OF PERMITTED USES TO ADD AGRICULTURAL USES; AMENDING SUBSECTION 14-6.2(H) OF THE LAND DEVELOPMENT CODE TO PROHIBIT ANIMAL PRODUCTION AND SLAUGHTERHOUSES, AND PROVIDING FOR AGRICULTURAL USES; CREATING A NEW SUBSECTION 14-6.3(D)(4) OF THE LAND DEVELOPMENT CODE TO ALLOW FOR AGRICULTURAL HOME OCCUPATION EXCEPTIONS; AMENDING SECTION 14-8.7 OF THE LAND DEVELOPMENT CODE TO WAIVE ARCHITECTURAL DESIGN REVIEW OF AGRICULTURAL RELATED STRUCTURES BY THE LAND DEVELOPMENT DIRECTOR; AND AMENDING SUBSECTION 14-12 OF THE LAND DEVELOPMENT CODE TO INCLUDE DEFINITIONS FOR TERMS RELATING TO URBAN AGRICULTURE (**MAYOR GONZALES AND COUNCILOR IVES**) (**JOHN ALEJANDRO**)
- b. REQUEST FOR APPROVAL OF A RESOLUTION CREATING THE CITY OF SANTA FE PROCEDURES AND GUIDELINES FOR URBAN AGRICULTURE ACTIVITIES AND USES (**MAYOR GONZALES AND COUNCILOR IVES**) (**JOHN ALEJANDRO**)

**PUBLIC WORKS COMMITTEE ACTION: Approve A and B**

**FUNDING SOURCE:**

**SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP: Place on CBQL agenda; try to have public hearings at other committee levels.**

<b>VOTE</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAIN</b>
<b>CHAIRPERSON IVES</b>	<b>X</b>		
<b>COUNCILOR MAESTAS</b>		<b>X</b>	
<b>COUNCILOR RIVERA</b>	<b>X</b>		
<b>COUNCILOR TRUJILLO</b>			<b>X</b>
<b>COUNCILOR VILLARREAL</b>	<b>X</b>		

*Exhibit "3"*

Nicoletta Munroe 701 Dunlap

August 31, 2016

City Council meeting: Petition for 7 P.M.

Topic: The formation of a Rules Committee

Robert's Rules: Notes:

City Council meeting testimony: 3 minutes:

Nicoletta Munroe (701 Dunlap)

Council, Mayor, City Attorney,

I am a student, I live in Santa Fe, ~~I am in the process of applying to law school, and I am~~  
~~also studying toward a Masters degree in Economics.~~

My statement at this meeting concerns the process by which Procedural Rules were  
recently revised, and the need for a Rules Committee.

On Aug. 10<sup>th</sup>, 2016 the Council voted affirmatively on revised Procedural Rules that were  
deliberated upon without the formation of a Rules Committee. The Procedural Rules as  
written may serve the Governing Body, yet may be in conflict with the rights of the  
citizens of Santa Fe who speak at Council. Further there are details in the rules that may  
conflict with the First Amendment, specifically Rule 2A. I recommend that the Council  
consider forming a Rules Committee for the purpose of formalizing the process by which  
rules are amended. A Rules Committee, if formed, could examine Procedural Rules, the  
City Charter, the City Code, and other documents such as the City Ethics Code. Please  
consider bringing a resolution to form a Rules Committee. As written, one of the  
Procedural Rules conflicts with Federal law, specifically Rule 2A, which violates United  
States Code Title 42, Section 1983, Civil action for deprivation of rights.

The People deserve standards in terms of process for the formation of rules, and it is the  
responsibility of the City to adhere to parliamentary conventions for the writing of rules.

Additionally, I have studied the City Charter and compared it to charters of other ~~small~~  
cities, specifically, The City of Santa Monica Corporate Charter, and The City of Beverly  
Hills Municipal Code and find that those cities share a similarity with our city in  
standards. However, our charter is missing a lot of information that other city charters  
have.

\* In the City of Santa Fe Charter there is a necessity for provisions for statutory  
obligations concerning taxation and budget responsibilities; the property tax rate; bond  
debt limitation; bond schedules; community housing mandates; employee benefits;  
employee pension allocations; we also must write into the Charter requirements to  
publish notice of newly adopted ordinances in the local newspaper; and we must write  
into the charter that we follow the conventions for SEC reporting, specifically (GAAP)  
Generally Accepted Accounting Principles. Unless we place these provisions into our  
Articles of Incorporation, the Charter is not of the standard that this Council is held to  
uphold.

P. 4. A deliberative body is responsible to uphold Federal, State and Local laws  
concerning meetings. When writing Procedural Rules for City meetings, must recognize  
and list the laws under which it is operating.

Exhibit "4"



**CITY COUNCIL MEETING OF**  
**August 31, 2016**  
**BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION**  
**BY MEMBERS OF THE GOVERNING BODY**

<b>Mayor Javier Gonzales</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
	<p style="text-align: center;">AN ORDINANCE</p> <p>AMENDING SUBSECTION 14-8.10 OF THE LAND DEVELOPMENT CODE TO PERMIT PLACEMENT AND CONSTRUCTION OF ELECTRONIC READER BOARD SIGNS TO FACILITATE WAYFINDING AND THE DISSEMINATION OF INFORMATION IN REAL TIME ON LOCAL SERVICES, PROGRAMS, ACTIVITIES AND EVENTS IN ACCORDANCE WITH A CITY PROGRAM; AND ESTABLISHING CERTAIN GUIDELINES ON ELECTRONIC READER BOARD SIGNS.</p>	<p>Public Works Committee - 9/12/16  Historic Design and Review Board - 9/13/16  City Council – (request to publish) - 9/14/16  Finance Committee - 9/19/16  Planning Commission - 9/22/16  City Council (public hearing) - 10/13/16</p>
Ives	<p style="text-align: center;">AN ORDINANCE</p> <p>RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987, CREATING A NEW SUBSECTION 14-5.5(D) ENTITLED THE “MIDTOWN LOCAL INNOVATION CORRIDOR OVERLAY DISTRICT” (MIDTOWN LINC OVERLAY DISTRICT) AND ESTABLISHING PERMITTED USES, DEFINITIONS, STANDARDS, AND INCENTIVES FOR QUALIFYING PROJECTS WITHIN THE DISTRICT; AMENDING THE FOLLOWING ARTICLES TO ADD PROVISIONS FOR QUALIFYING PROJECTS WITHIN THE DISTRICT: 14-3.8(B) DEVELOPMENT PLAN APPROVALS, TABLE 14-6.1-1 SPECIAL USE PERMITS, 14-6.2(A)(7) DWELLING UNITS WITHIN C-2 AND SC DISTRICTS, 14-8.6(B)(4) REDUCTION OF REQUIRED PARKING SPACES, TABLE 14-8.7-2 ARCHITECTURAL DESIGN STANDARDS AND POINT ALLOCATIONS, 14-8.13(E) DEVELOPMENT WATER BUDGET CRITERIA, 14-8.14(D) IMPACT FEES; RELATING TO THE BUILDING AND HOUSING CODE, CHAPTER 7 SFCC 1987, AMENDING SUBSECTION 7-1.10 APPLICATION OF THE INTERNATIONAL EXISTING BUILDING CODE; RELATING TO THE SEWER CODE, CHAPTER 22 SFCC 1987, AMENDING SUBSECTION, 22-6.6 EXHIBIT A SECTION 7 WASTEWATER UTILITY EXPANSION CHARGE; RELATING TO THE WATER CODE, CHAPTER 25 SFCC 1987, 25-4.2 EXHIBIT B RATE SCHEDULE 8 UTILITY EXPANSION CHARGE; AND MAKING SUCH OTHER CHANGES THAT ARE NECESSARY TO CARRY OUT THE PURPOSE OF THIS ORDINANCE.</p>	<p>Planning Commission - 9/8/16  City Business Quality of Life Committee - 9/14/16  City Council (request to publish) - 9/14/16  Public Works Committee - 9/26/16  Finance Committee – 10/4/16  Public Utilities Committee – 10/5/16  City Council (public hearing) - 10/13/16</p>

*Exhibit "5"*



Mayor Javier Gonzales - continued		
Co-Sponsors	Title	Tentative Committee Schedule
Rivera Ives	A RESOLUTION DECLARING THE SECOND MONDAY IN OCTOBER AS INDIGENOUS PEOPLES DAY IN THE CITY OF SANTA FE.	Finance Committee - 9/19/16 City Council - 9/28/16
Ives	A RESOLUTION RELATING TO SANTA FE'S HISTORICAL AND CULTURAL HERITAGE; AUTHORIZING STAFF TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT FOR SERVICES THAT WOULD PROVIDE OPPORTUNITIES FOR INDIVIDUALS TO BE EDUCATED ABOUT SANTA FE'S RICH HISTORIC AND CULTURAL HERITAGE.	Finance Committee - 9/19/16 City Council - 9/28/16
Councilor Carmichael Dominguez		
Co-Sponsors	Title	Tentative Committee Schedule
	AN ORDINANCE REPEALING ORDINANCE NO. 2016-15 ADOPTING A MUNICIPAL GROSS RECEIPTS TAX.	City Council (request to publish) - 9/14/16 Finance Committee - 9/19/16 City Council (public hearing) - 10/13/16
Ives	A RESOLUTION DIRECTING CITY MANAGER TO DEVELOP WRITTEN POLICIES FOR COMMUNICATIONS, MEDIA RELATIONS, AND MULTIMEDIA STAFF; DIRECTING THE CITY MANAGER TO DEVELOP A COMMUNICATIONS PLAN; AND REPORTING BACK TO THE GOVERNING BODY WITHIN 60 DAYS.	Finance Committee - 9/19/16 City Council - 9/28/16
Councilor Mike Harris		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Peter Ives		
Co-Sponsors	Title	Tentative Committee Schedule
Dominguez Trujillo	A RESOLUTION DIRECTING THE CITY MANAGER TO HAVE PUBLIC UTILITIES STAFF IDENTIFY AND APPLY FOR FEDERAL AND STATE FUNDING SOURCES FOR WATER, WASTEWATER AND OTHER WATER RELATED PROJECTS.	Finance Committee - 9/6/16 Public Utilities Committee - 9/7/16 City Council - 9/14/16

<b>Councilor Signe Lindell</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
	A RESOLUTION NAMING THE SUNNY SLOPE MEADOWS COMMUNITY GARDEN AFTER AMY HETAGER.	Public Works Committee - 9/12/16 Finance Committee - 9/19/16 City Council - 9/28/16
<b>Councilor Joseph Maestas</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Chris Rivera</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
Ives Villarreal Trujillo	A RESOLUTION DIRECTING THE CITY MANAGER TO WORK WITH SANTA FE COUNTY AND THE SANTA FE SOCCER COMMUNITY TO EXPLORE THE POSSIBILITIES OF ESTABLISHING A REGIONAL SOCCER AUTHORITY.	City Business Quality of Life Committee - 9/14/16 Parks and Recreation Advisory Commission - 9/20/16 Finance Committee - 10/4/16 City Council - 10/13/16
<b>Councilor Ron Trujillo</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Renee Villarreal</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>

Introduced legislation will be posted on the City Attorney's website, under legislative services. If you would like to review the legislation prior to that time or you would like to be a co-sponsor, please contact Jesse Guillen, (505) 955-6518, [jbg Guillen@santafenm.gov](mailto:jbg Guillen@santafenm.gov) or Rebecca Seligman at (505) 955-6501, [rxseligman@santafenm.gov](mailto:rxseligman@santafenm.gov).

**CITY OF SANTA FE, NEW MEXICO**

**BILL NO. 2016-\_\_**

**INTRODUCED BY:**

**Mayor Javier M. Gonzales**

**AN ORDINANCE**

**AMENDING SUBSECTION 14-8.10 OF THE LAND DEVELOPMENT CODE TO  
PERMIT PLACEMENT AND CONSTRUCTION OF ELECTRONIC READER BOARD  
SIGNS TO FACILITATE WAYFINDING AND THE DISSEMINATION OF  
INFORMATION IN REAL TIME ON LOCAL SERVICES, PROGRAMS, ACTIVITIES  
AND EVENTS IN ACCORDANCE WITH A CITY PROGRAM; AND ESTABLISHING  
CERTAIN GUIDELINES ON ELECTRONIC READER BOARD SIGNS.**

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

**Section 1. Subsection 14-8.10 of the Land Development Code (being Ord.  
#2008-56 (as amended)) is amended to read:**

**14-8.10 SIGNS**

**(A) Purpose; Applicability**

**(1) Purpose**

Section 14-8.10 is intended to establish a comprehensive and balanced system of  
sign control that accommodates the need for a well-maintained, safe and

1 attractive environment within the *city*, and the need for effective communications  
2 including *business* identification. It is the intent of this section to promote the  
3 health, safety, general welfare, and aesthetics of the *city* by regulating signs that  
4 are intended to provide reasonable communication to the public to achieve the  
5 following specific purposes:

- 6 (a) To eliminate potential hazards to motorists and pedestrians using the  
7 public streets, sidewalks, and rights-of-way;
- 8 (b) To safeguard and enhance private investment and *property* values;
- 9 (c) To control public nuisances;
- 10 (d) To protect government investments in public *buildings*, streets,  
11 sidewalks, traffic control and utility devices, parks, and *open spaces*;
- 12 (e) To preserve and improve the appearance of the *city* through adherence to  
13 reasonable aesthetic principles, in order to create an environment that is  
14 attractive to residents and to nonresidents who come to live, visit, work,  
15 or trade;
- 16 (f) To facilitate wayfinding and provide real time information on local  
17 businesses, services, programs, activities, and events and public access  
18 to the internet through wireless technology in accordance with a city  
19 wide program.
- 20 ([f]g) To eliminate excessive and confusing sign displays; and
- 21 ([g]h) To encourage signs which by their design are integrated with and  
22 harmonious to the surrounding environment and the *buildings* and sites  
23 they occupy.

24 (2) Applicability

- 25 (a) No signs intended to be read from off ~~the~~ a *premises* shall be erected or

constructed without a *building permit*, except as otherwise provided in this section. Except as set forth in paragraph (b) below, all signs in all zoning districts shall conform to the requirements set forth in this section.

- (b) Section 14-8.10 shall not apply to *city* banners erected by the *city* or its designee for the purpose of commemorating the four hundred year anniversary of the founding of La Villa Real de la Santa Fe de San Francisco de Asis. The *governing body* shall adopt a resolution regarding the banners providing for such specifics as dates, location, number, design approval process, installation and maintenance.

**(B) General Provisions**

**(1) Sign Illumination**

Sign illumination shall be either indirect with the source of light concealed from direct view or shall be through translucent light diffusing materials. There shall be no exposed electrical conduits. ~~[However, outside historic districts and except for landmarks structures, e]~~ Electronic ~~[messaging]~~ reader board signs as set forth in Subsection 14-8.10(C)(5)(b), other electronic messaging signs as set forth in Subsection 14-8.10(C)(5)(c) and electricity activated gas tubing, including neon, [is] are allowed.

**(2) Building Permits Required**

*Building* permits shall be secured for all signs, including signs in the historic districts, except where stated otherwise. Electronic reader board signs in the historic districts shall be reviewed and approved by the Historic Districts Review Board in accordance with Subsection 14-8.10(B)(7) prior to issuance of a building permit.

1           (3)     Setback Requirements Apply

2                     The *setback* requirement for each district shall apply to the *placement* of all signs  
3                     in that district, except for electronic reader board signs, which shall comply with  
4                     the setback requirements set forth in Subsection 14-8.10(C)(5)(b).

5           (4)     Maximum Number of Colors and Lettering Styles

6                     For any one sign, including frame and poles, there shall be no more than three  
7                     colors and no more than two lettering styles, except for electronic reader board  
8                     signs, which shall comply with the requirements set forth in Subsection 14-  
9                     8.10(C)(5)(b). At least one of the colors shall match one of the predominant  
10                    colors in the *building*.

11          (5)     Sign Surface Area

- 12                   (a)     The net geometric area shall be the area enclosed by the sign, including  
13                             all elements such as borders or frames, perforated or solid background;  
14                   (b)     The area of double-faced *signs* shall be computed for one face only;  
15                   (c)     The supports, uprights or structure on which any *sign* is supported shall  
16                             not be included in determining the *sign* area unless such supports,  
17                             uprights or structure area is designed in such a manner as to form an  
18                             integral part of the background of the display, except for electronic  
19                             reader board signs, which shall comply with the sign surface area  
20                             requirements set forth in Subsection 14-8.10(C)(5); and  
21                   (d)     The area of artificial illumination on a wall of any structure is to be  
22                             counted as part of the total allowable *sign* area.

23          (6)     Sign Removal

- 24                   (a)     Any *sign* now or hereafter existing which no longer advertises a bona  
25                             fide *business* conducted or a product sold shall be taken down and

1 removed by the *owner*, agent or *person* having the beneficial use of the  
2 *building*, *lot* or structure upon which *sign* may be found;

3 (b) Whenever a *sign* is removed from a *building* or structure, the *building* or  
4 structure shall be cleaned, painted or otherwise altered, and all *sign*  
5 supports, brackets, mounts, utilities or other connecting devices shall be  
6 removed so that there is no visible trace of the removed *sign* or the  
7 supports, brackets, mounts, utilities or other connecting devices; and

8 (c) Upon failure to comply with the *sign* regulations as set forth in this  
9 section, the *city* zoning administrator's *office* is authorized to cause  
10 immediate removal of such *sign*, as follows:

11 (i) For temporary or portable *signs* on the public right-of-way,  
12 verbal notification of the *owner* shall be given requesting  
13 removal within forty-eight hours. If after this time, the *sign* is  
14 not removed, then the *city* shall remove the *sign* at the *owner's*  
15 expense;

16 (ii) For noncomplying temporary or portable *signs* on private  
17 *property*, written notification of the *owner* shall be given  
18 requesting compliance or removal within forty-eight hours. If  
19 after this time the *sign* is not removed, then the *city* shall remove  
20 the *sign* at the *owner's* expense in an amount to be determined by  
21 the zoning administrator;

22 (iii) For noncomplying temporary or portable *signs* creating a threat  
23 to health, safety, and welfare, in a visibility triangle, on a  
24 sidewalk or for other reasons, the *city* shall immediately remove  
25 the *sign* at the *owner's* expense. Once the *sign* is removed, the

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city shall notify the owner;

- (iv) For noncomplying temporary or portable signs for which no permit is required as set forth in Subsection 14-8.10(F), the city shall immediately remove the sign at the owner's expense. Once the sign is removed, the city shall notify the owner; and
- (v) For noncomplying permanent signs, the regular procedure for noncompliance with the provisions of this chapter shall be followed.

(7) ~~[Reserved]~~ Permit Required

Electronic reader board signs that are part of a city wide program shall require a building permit for their placement and construction, but may be approved under a single permit for signs approved as a group. The placement and basic design of electronic reader board signs located in the historic districts or on or immediately adjacent to a landmark building shall be reviewed and approved by the historic districts review board before issuance of a building permit.

(8) Fines for Violations

- (a) Except as set forth in paragraph (b) below, the following are mandatory minimum fines to be imposed by the municipal court for violation of Section 14-8.10 SFCC 1987 upon issuance of a citation by the land use department. The effective date of this paragraph (8) is July 25, 2011.

First violation	\$100
Second violation	\$200
Third and subsequent violations	\$300

- (b) The following are mandatory minimum fines to be imposed by the municipal court upon the holder of a business license for violation of



Subsection 14-8.10(H)(28)(f) or (29) upon issuance of a citation by the land use department. The fines shall be imposed for each day or part of a day that the violation exists. The effective date of this paragraph is October 30, 2012.

First violation	\$250
Second violation	\$500
Third and subsequent violations	\$500 and up to ninety days in jail

**(C) Prohibited Signs**

- (1) ~~[No]~~ Except for electronic reader board signs approved as part of a city-wide wayfinding and information program providing real time access to information about city businesses, activities, events and programs and wireless internet service and as set forth in Subsection 14-8.10(F), no off-site advertising is allowed ~~[except as set forth in Subsection 14-8.10(F)(1)]~~. ~~[The]~~ Unless otherwise allowed under this Section 14-8.10, advertising on any *sign* shall pertain only to a *business*, industry, or pursuit conducted on or within the *premises* on which such *sign* is erected or maintained. For the purposes of determining the number, size, location, or types of *signs* allowed under these *sign* regulations, "*premises*" shall include *contiguous lots* that comprise a unified complex of *buildings* or uses, such as shopping centers; or common access through easements or *rights-of-way*, regardless of whether the *lots* are under common ownership. Where *contiguous lots* exist that do not comprise a unified complex, but where one or more of the *lots* does not have vehicular access to any *street* except via an access easement across a *parcel* which does have direct access to a *street*, the indirect-access *lot(s)* may place a separate freestanding *sign*

1 on the direct-access *lot* in accordance with the restrictions of this chapter subject  
2 to the limitations below:

3 (a) No more than two freestanding *signs* shall be permitted on any *lot*,  
4 regardless of the number of individual *lots* served by common access;

5 (b) The right to individual *signs* shall be limited to a situation where one or  
6 more of the individual *lots* is two hundred (200) feet or more from the  
7 primary access road where the *sign* for such *lot* is to be located to such  
8 *lot*; and

9 (c) The *lot* or *lots* in excess of two hundred (200) feet from a primary access  
10 road are comprised of not less than ten thousand (10,000) square feet.

11 (d) No *lot* or access easement shall be created for the sole or primary  
12 purpose of establishing an entitlement for a separate freestanding *sign*.

13 (2) No *signs* shall be erected, relocated or maintained so as to prevent free ingress to  
14 or egress from any door, window or fire escape; no *sign* of any kind shall be  
15 attached to a standpipe or fire escape.

16 (3) No *sign* or other advertising regulated by this section or Section 14-8.7 of this  
17 chapter shall be erected at the intersection of any *street* in a manner which  
18 obstructs free and clear vision; at any location where by reason of position, shape  
19 or color it may interfere with, obstruct the view of, or be confused with any  
20 authorized traffic *sign*, signal or device; or which make use of the words "STOP,"  
21 "LOOK," "DANGER," or any other word, phrase, symbol or character in such  
22 manner as to interfere with, mislead or confuse traffic.

23 (4) It is unlawful for any *person* to display on any *sign* or other advertising structure  
24 any obscene, indecent or immoral matter.

25 (5) No *sign* shall be erected or maintained which contains, includes, or is illuminated

1 by any flashing light, electronic change in messages, electronic change in  
2 background colors, electronic change in light *intensity*, or electronic video  
3 display, except:

4 (a) Those giving public service traffic information such as lane closures,  
5 road closures, and detours; ~~and~~

6 (b) Electronic reader board signs that are part of a city-wide program to  
7 provide real-time wayfinding and information relating to City services,  
8 programs, activities and events, to provide wireless internet services free  
9 of charge and to enhance public safety, subject to the following:

10 (i) The number, size and location of each sign shall be approved as  
11 part of a city wide program, provided that no one sign shall  
12 exceed seven feet in height, three feet in width or two feet in  
13 depth, including structural supports, with an active sign surface  
14 not to exceed 8 square feet, and that signs in the public right of  
15 way or visible from the public right of way are separated by no  
16 less than seventy five feet. No sign shall be located so as to  
17 interfere with pedestrian traffic or in the visibility triangle at any  
18 intersection. Electronic reader board signs shall be ADA  
19 accessible.

20 (ii) The structure supporting the active screen and enclosing the  
21 mechanical elements necessary for its operation shall not include  
22 more than two colors and no more than two images, which may  
23 include lettering, one identifying the City of Santa Fe and the  
24 other identifying the system. There is no limit on the number of  
25 colors used in the active screen messages.

- 1                    (iii) The electronic display background color tones, lettering, logos,  
2                    pictures, illustrations, symbols, and any other electronic graphic  
3                    or video display shall not blink, flash, rotate, scroll, change in  
4                    illumination intensity, or otherwise change in outward  
5                    appearance, except when the electronic message or display is  
6                    changed to another message or display in response to a query  
7                    and after the response to a query is complete.
- 8                    (iv) The message or display shall be changed only in response to a  
9                    query and after the response to a query is complete. Emergency  
10                   alerts may be displayed at any time and may be accompanied by  
11                   audio signal or broadcast message. A change of message shall  
12                   occur simultaneously for the entire sign face. The time to  
13                   complete a change from one message to the next shall be no less  
14                   3 seconds.
- 15                   (v) Electronic reader board signs shall not exceed a maximum  
16                   illumination of two thousand nits (candelas per square meter)  
17                   during daylight hours and a maximum illumination of five  
18                   hundred nits (candelas per square meter) between one-half hour  
19                   before sunset and one-half hour after sunrise as measured from  
20                   the sign's face at maximum brightness.
- 21                   (vi) Electronic reader board signs shall have an automatic dimmer  
22                   control to produce a distinct illumination change from a higher  
23                   illumination level to a lower level for the time period between  
24                   one-half hour before sunset and one-half hour after sunrise.
- 25                   (vii) Audio speakers may be used only for emergency alerts or to

1 accommodate a disability.

2 (viii) Electronic messaging signs shall use energy efficient lighting  
3 such as, but not limited to, LED and compact fluorescents.

4 (ix) The sign shall contain a default design that will freeze the device  
5 in one position if a malfunction occurs.

6 ([b]c) ~~Electronic~~ All other electronic messaging signs subject to the  
7 following:

8 (i) The number, size and location of the sign shall be consistent with  
9 all other requirements of Section 14-8.10.

10 (ii) The electronic display background color tones, lettering, logos,  
11 pictures, illustrations, symbols, and any other electronic graphic  
12 or video display shall not blink, flash, rotate, scroll, change in  
13 illumination *intensity*, or otherwise change in outward  
14 appearance, except when the electronic message or display is  
15 changed to another message or display.

16 (iii) The message or display shall be changed no more frequently  
17 than once per twenty-four hour period except for clocks and  
18 thermometers. This frequency may be exceeded by the public  
19 schools for *emergency* and special circumstances.

20 (iv) Electronic messaging signs shall not exceed a maximum  
21 illumination of two thousand nits (candelas per square meter)  
22 during daylight hours and a maximum illumination of five  
23 hundred nits (candelas per square meter) between one-half hour  
24 before sunset and one-half hour after sunrise as measured from  
25 the sign's face at maximum brightness.

1 (v) Electronic messaging *signs* shall have an automatic dimmer  
2 control to produce a distinct illumination change from a higher  
3 illumination level to a lower level for the time period between  
4 one-half hour before sunset and one-half hour after sunrise.

5 (vi) Audio speakers are not allowed with any electronic messaging  
6 *sign*.

7 (vii) Electronic messaging *signs* shall use energy efficient lighting  
8 such as, but not limited to, LED and compact fluorescents.

9 (6) No *sign* shall have movable parts; except that those *signs* or *marquees* having  
10 design and construction features for changing of legend or inscription may be  
11 approved. The message shall be changed no more frequently than once per  
12 twenty-four hour period.

13 (7) No *sign*, except approved electronic reader board signs approved as part of a city-  
14 wide program, shall be erected or maintained on or over public *property*.  
15 However, wall *signs* may *project* over a front *property* line where the *building*  
16 wall is less than one (1) foot from the *property* line, providing that such a *sign*  
17 shall not impede or endanger pedestrian or vehicular traffic and *sign* projects no  
18 more than one (1) foot from the *building* wall.

19 **(D) Signs Permitted in All Districts Without a Building Permit**

20 The following *signs* are permitted in any use districts without a *permit*, if the number or  
21 area of the *signs* does not exceed that which is allowed:

22 (1) *Signs* denoting the name and address of the occupants of the *premises*, the  
23 number of which shall not exceed three per *premises* and the area of each shall  
24 not exceed one (1) square foot.

25 (2) Professional name plates that shall not exceed three in number per *premises* and

the area of each shall not exceed one (1) square foot.

(3) *Signs* advertising the sale, lease, or rental of the *premises* upon which the *sign* is located, with a combined total surface area not exceeding four (4) square feet, and in addition, for each one hundred fifty (150) feet of *lot* line adjacent to a public street an additional four (4) square foot *sign* is permitted. If such *signs* are found to be in violation of this chapter, the *city* shall immediately remove the *sign* at the *owner's* expense. Larger *signs* are allowed as set forth in Subsection 14-8.10(F), with a *building permit*.

(4) *Signs* for *home occupation*, the number of which shall not exceed one and the area of which shall not exceed one (1) square foot.

(5) *Signs* for private day-care facilities and kindergartens, the number of which shall not exceed one and the area of which shall not exceed one square foot.

(6) *Signs* denoting the *architect*, engineer, or contractor placed on the *premises* where construction, repair, or renovation is in progress, with a combined total surface area not exceeding four square feet. A larger *sign* is allowed as set forth in Subsection 14-8.10(F), with a *building permit*.

(7) *Signs* for a temporary *garage* or yard sale that shall be located on the *premises* where the sale is conducted, the number of which shall not exceed one and the area of which shall not exceed two square feet.

**(E) Permanent Signs: Specific Requirements According to Class of Sign**

(1) Directional or Information Signs or Historic Markers

(a) Except for electronic reader board signs, [N]no directional or information sign or historic marker shall exceed four (4) square feet

(b) Electronic reader board signs shall not exceed size dimensions set forth in Subsection 14-8.10 (C)(5)(b)(i).

1 (2) Building- and Wall-Mounted Signs

2 For *building-* and wall-mounted *signs* where the *sign* bracing is above the level  
3 of the roof, the *sign* bracing shall be below parapet walls or screened.

4 (3) Canopy, Marquee, and Projecting Signs

5 (a) The area of a *canopy* or *marquee sign* shall be counted as a part of the  
6 total allowable *sign* area;

7 (b) All *canopy, marquee* and projecting *signs* shall be at least seven (7) feet  
8 above *grade*. However, when such *signs* are erected over a driveway, the  
9 minimum height above *grade* shall be fifteen (15) feet.

10 (4) Freestanding Signs

11 (a) *Sign* support structure for freestanding *signs* shall not exceed fifty  
12 percent of the allowable *sign* surface area for one *sign*, except that  
13 electronic reader board signs shall be exempt from this requirement to  
14 allow for the necessary support and electrical wiring necessary for the  
15 sign;

16 (b) The *premises* around the freestanding *sign* shall be maintained by the  
17 owner of the *sign* in a clean, sanitary and inoffensive condition, and shall  
18 be free and clear of obnoxious substances, rubbish and weeds; and

19 (c) An area equal to the *sign* area shall be landscaped at the base of the *sign*.  
20 *Landscaping* shall be with five-gallon shrubs with a minimum mature  
21 height of thirty (30) inches with one shrub planted for every ten (10)  
22 square feet. Electronic reader board signs shall be exempt from this  
23 requirement due to access requirements, but shall incorporate  
24 landscaping as approved by the historic districts review board or other  
25 decision-making body, as applicable.



1 (5) Roof Signs

2 (a) All *sign* bracing for roof *signs* shall be behind or below the parapet walls  
3 or screened; and

4 (b) In no event shall a *sign* extend above the height limit established for the  
5 zoning district in which a *sign* is located.

6 (6) Wall Signs

7 (a) Shall not *project* more than one (1) foot from the wall on which they are  
8 displayed. Wall *signs* shall not *project* over public *property* except where  
9 the *building* wall is less than one (1) foot from the *property* line. In this  
10 case, the *sign* may *project* up to one (1) foot from the *building* wall,  
11 provided that it does not impede or endanger pedestrian or vehicular  
12 traffic;

13 (b) Shall, in no case, exceed twenty percent of the area of the wall on which  
14 they are displayed or eighty (80) square feet in *sign* area, whichever is  
15 less, even if the district permits a larger total *sign* area.

16 (7) Clocks and Thermometers

17 Clocks and thermometers, when constructed within or as a part of a *sign* or when  
18 displayed as a separate *sign*, shall, in addition to other regulations herein for  
19 *signs*, conform to the following special regulations and exceptions:

20 (a) The hands of the clock and the motive mechanism shall not be classed as  
21 moving parts;

22 (b) Illuminated numerals will not be classed as blinking or flashing lights;  
23 however, the electronic messaging *sign* requirements set forth in  
24 Subsection 14-8.10(C)(5) shall be met;

25 (c) Clocks and thermometers shall not exceed forty (40) inches in either

vertical or horizontal dimension; and

- (d) All clock *signs* shall keep accurate time and all thermometer *signs* shall accurately record the temperature. If these conditions are not complied with, the instruments shall be promptly repaired.

(8) Identification of Development

One *sign* for the permanent identification of a *development* shall be permitted, provided, it is mounted on a permanent masonry structure and the *sign* does not exceed thirty-two (32) square feet. If a *development* has an additional entrance on another street, a second *sign* not to exceed thirty-two (32) square feet is permitted.

(F) **Temporary [~~and~~] Portable, and Electronic Reader Board Signs**

- (1) Temporary and portable *signs* are allowed off-*premises* only for the following:

- (a) Advertising an event, function, or activity of a civic, political or religious nature; or
- (b) Advertising the sale of holiday trees by an itinerant vendor upon permission of the *property owner* on whose *property* the *sign* is located.

- (2) *Building* and *building* permits shall be required to authorize the erection and maintenance of such *signs* for a period not exceeding thirty days or the duration of the event plus one week, whichever is shorter.

- (3) No portable or temporary *sign* shall exceed four (4) feet in any one of its dimensions except as otherwise set forth in this section.

- (4) Advertising for one-time special events or unusual advertising media meeting the definition of a *sign* shall be reviewed for size, design and other characteristics on a case by case basis by the zoning administrator.

- (5) Temporary *signs* advertising the sale, lease, or rent of commercial or multi-

- 1 family *residential property* shall not exceed thirty-two (32) square feet.
- 2 (6) Except as otherwise approved herein, no portable *sign* shall extend over or into
- 3 any street, alley, sidewalk or other public thoroughfare, and shall not be placed to
- 4 *project* over any wall opening. Cloth *signs* may extend over public *property* only
- 5 by permission of the *governing body* and shall be subject to related laws and
- 6 ordinances. Such *signs* when extended over a public street shall maintain a
- 7 minimum clearance of twenty (20) feet from the surface of the roadway.
- 8 (7) For temporary [~~political~~] *signs* advertising activities or events the following
- 9 requirements shall apply:
- 10 (a) No *building permit* is required;
- 11 (b) The *owner* of *property* on which the *sign* is erected must give written
- 12 permission prior to erecting the *sign*;
- 13 (c) The *sign* shall be removed within five days after the election, activity or
- 14 event it advertises ends;
- 15 (d) No *sign* shall exceed thirty-two (32) square feet; and
- 16 (e) The requirements for [~~political~~] temporary signs advertising activities or
- 17 events apply to all districts including the historic districts.
- 18 (8) Pennants, tinsel, or fringe are not allowed.
- 19 (9) One *sign* for the temporary identification of a *project* during the active stages of
- 20 construction or *development*, beginning with the demolition or *grading permit*
- 21 shall be permitted. This *sign* shall not exceed thirty-two (32) square feet.
- 22 (10) One *sign* for the temporary identification of the *architect*, engineer, or contractor
- 23 for a *project* is allowed not to exceed sixteen (16) square feet.
- 24 (11) Electronic reader board signs may include off-site advertising.

25 (G) **General Requirements for Signs According to District**

- (1) In *residential*, RAC and AC districts not more than two *signs* are allowed per *building*, with combined surface area not exceeding twenty (20) square feet. In addition, an entrance *sign* is allowed as set forth in Subsection 14-8.10(E).
- (2) For C-1, C-4 and HZ districts not more than two *signs* are allowed per *building*, the combined surface area of which shall not exceed thirty-two (32) square feet. In addition, an entrance *sign* is allowed as set forth in Subsection 14-8.10(E).
- (3) In RAC, AC, C-1, C-4 and HZ districts not more than two bulletin or notice boards are allowed with combined surface area not exceeding twenty (20) square feet and not exceeding ten (10) square feet for one such board;
- (4) No *sign* shall exceed ten (10) feet in height in *residential* districts. No *sign* shall exceed fifteen (15) feet in height in RAC, AC, C-1, C-4 and HZ districts.
- (5) All *signs* in "H" districts shall be governed by "H" zone *sign* regulations. However, *building* permits are required for *signs* in the "H" districts unless otherwise provided.
- (6) The BCD district shall be governed by "H" zone *sign* regulations for that part of the BCD district included in the "H" districts.
- (7) For those portions of SC, C-2, I-1, I-2 and *business* and industrial park districts that are not located within the Cerrillos Road highway corridor protection district, and that portion of the BCD district not located within the "H" districts, the following standards shall apply:
  - (a) For one *business* establishment on the *premises*, not more than three *signs* are allowed, no one of which shall exceed eighty (80) square feet and all three of which shall not exceed one hundred fifty (150) square feet;
  - (b) For two *business* establishments on the *premises*, no more than four *signs*

- 1 total are allowed, no one of which shall exceed eighty (80) square feet in  
2 area and all of which, for any one *business* establishment, shall not  
3 exceed eighty (80) square feet;
- 4 (c) For three or more *business* establishments on the *premises*, one *sign* for  
5 the purpose of general identification of the entire *premises*, not to exceed  
6 one hundred fifty (150) square feet is allowed. In addition, one *sign* is  
7 allowed with one (1) square foot of surface area for each one (1) lineal  
8 foot of *building frontage* not to exceed eighty (80) square feet per  
9 *business* establishment;
- 10 (d) No such *sign* shall exceed twenty-five (25) feet in height;
- 11 (e) For SC and *business* and industrial park districts, in addition to one  
12 identification *sign* not to exceed one hundred fifty (150) square feet, one  
13 *sign* for each full line department store, junior department store and  
14 supermarket with one (1) square foot of surface area for each one (1)  
15 lineal foot of *building frontage* is permitted, providing it does not exceed  
16 eighty (80) square feet;
- 17 (f) Only one freestanding *sign* is allowed per *premises* in the SC, C-2, I-1, I-  
18 2 and *business* and industrial park districts; and
- 19 (g) For *buildings* with two front facades an additional *sign* is allowed. The  
20 maximum *sign* size for one facade is one hundred percent of the allowed  
21 *sign* size and for the second facade the maximum *sign* size is fifty  
22 percent of the allowed *sign* size.
- 23 (8) For C-2, SC, and I properties located within the Cerrillos Road highway corridor  
24 protection district, the following standards shall apply:
- 25 (a) For one *business* establishment on a *legal lot of record*, not more than

1 three *signs* are allowed, no one of which shall exceed fifty (50) square  
2 feet in area in corridor zone one, sixty (60) square feet in corridor zone  
3 two, seventy (70) square feet in corridor zone three, and eighty (80)  
4 square feet in corridor zone four. The total allowable *sign* area for all  
5 three *signs* shall not exceed one hundred fifty (150) square feet;

6 (b) For two *business* establishments on a *legal lot of record*, no more than  
7 four *signs* are allowed, no one of which shall exceed fifty (50) square  
8 feet in area in corridor zone one, sixty (60) square feet in corridor zone  
9 two, seventy (70) square feet in corridor zone three, and eighty (80)  
10 square feet in corridor zone four. The total allowable *sign* area for any  
11 one *business* establishment shall not exceed eighty (80) square feet;

12 (c) For three or more *business* establishments on a *legal lot of record*, one  
13 *sign* is allowed for the purpose of general identification of the entire  
14 *premises* not to exceed ninety (90) square feet in area in corridor zone  
15 one, one hundred ten (110) square feet in corridor zone two, one hundred  
16 thirty (130) square feet in corridor zone three, and one hundred fifty  
17 (150) square feet in corridor zone four. In addition, one wall mounted  
18 *sign* per *business* establishment is allowed having one (1) square foot of  
19 surface area for each one (1) lineal foot of *building* or lease space  
20 frontage, but in no case exceeding eighty (80) square feet per *business*  
21 establishment;

22 (d) All free-standing *signs* along Cerrillos Road shall meet the *building*  
23 *setback* requirements set forth in Section 14-5.5(B)(4)(a). However, in  
24 the case of properties flanked on one or both sides by existing *buildings*  
25 that encroach into the required *setback* distance, the freestanding *sign*

1                    *setback* may be reduced to correspond to either the average of the  
2                    adjacent *building setbacks*, or to the average of an adjacent *building*  
3                    *setback* and the required *building setback*. Only one freestanding *sign*,  
4                    meeting the area requirements in subsections (a) through (c) above, is  
5                    allowed per *legal lot of record*;

6                    (e)    No freestanding *sign* shall exceed fourteen (14) feet in height in corridor  
7                    zone one, sixteen (16) feet in corridor zone two, eighteen (18) feet in  
8                    corridor zone three, and twenty (20) feet in corridor zone four. No wall  
9                    mounted *sign* shall exceed twenty-five (25) feet in height, or the height  
10                  of the wall on which it is mounted, whichever is less;

11                  (f)    Roof top, *marquee* type, and projecting *signs* mounted perpendicular to a  
12                  wall plane, are prohibited; and

13                  (g)    *Signs* existing prior to the adoption of the Cerrillos Road highway  
14                  corridor protection district ordinance shall have five years from the  
15                  effective date of the Cerrillos Road highway corridor protection district  
16                  ordinance to comply with the provisions of this section.

17                  (9)    Freestanding, monument style signage in MU districts shall not exceed six (6)  
18                  feet in height and shall be limited to one *sign* per street frontage of *development*.

19                  (10)    The requirements set forth in this Subsection 14-8.10(G)(1) through (9) do not  
20                  apply to electronic reader board signs.

21    **(H)    Special Sign Regulations in the Historic Districts**

22                  (1)    Purpose

23                  (a)    The purpose of the *sign* regulations in this section is to establish and  
24                  carry into effect regulatory procedures governing *signs* in historic  
25                  districts of the *city*. These regulations pertain to permits, colors, texture

1 and finish, materials and design, location and size. They are set forth to  
2 preserve the special qualities inherent in the *city* that attract tourists and  
3 residents alike and that are the basis of the *city's* economic stability and  
4 growth. *Signs* excessive in size, illumination and of commonplace  
5 design will defeat the purpose of the *preservation* of characteristic areas  
6 in this, the oldest capitol in the United States.

- 7 (b) In addition to the prohibition contained in this section, approval of the  
8 display of a *sign* in the historic district shall be granted by the division  
9 only when the *signs* and the plans conform to the unique and distinctive  
10 character of the *city*, do not injuriously affect the same and do not impair  
11 the value to the community of those *buildings* having architectural worth.

12 (2) Applicability

13 Except for electronic reader board signs, [S]signs in the following areas and  
14 districts shall comply with the additional *sign* regulations of this Subsection 14-  
15 8.10(H), in addition to the general *sign* regulations of Section 14-8.10 above:

- 16 (a) All *signs* in the historic districts;  
17 (b) All *signs* in RC districts;  
18 (c) All *signs* in the RAC district; and  
19 (d) All *signs* in the AC district.

20 (3) Number of Signs

21 [The] Except for electronic reader board signs approved as part of a city wide program,  
22 the total number of *signs* allowed is as follows:

- 23 (a) For up to two *business* establishments on one *premises*, no more than  
24 three *signs* per *business*, the total area of which for any one *business*  
25 shall meet the size limitations for specific types of *signs* as set forth in



1 this section, or eighty-five (85) square feet, whichever is less, exclusive  
2 of freestanding *signs*; and

- 3 (b) For three or more *business* establishments on one *premises*, no more than  
4 two *signs* per *business*, the total area of which for any one *business* shall  
5 meet the size limitations for specific types of *signs* as set forth in this  
6 section or eighty-five (85) square feet, whichever is less, exclusive of  
7 freestanding *signs*.

8 (4) Prohibited Locations

- 9 (a) No permanent *signs* shall be placed on a balcony, gallery, shed, roof,  
10 door or window or placed so as to disfigure or conceal any architectural  
11 features or details of any *building*, or painted on walls. No *sign* shall be  
12 displayed from any fence or wall or open *lot* unless it is deemed  
13 necessary to the conduct of a *business* by the division, in which event a  
14 waiver of regulations can be allowed.
- 15 (b) Occupants may place notices of articles or services for sale, necessary to  
16 the conduct of their *business*, behind the glass of windows or doors;  
17 provided, that the *signs* are not more than one-third of the glass area on  
18 which they are exhibited or ten (10) square feet, whichever is greater.

19 (5) Obstructing Ingress and Egress

20 No *sign* shall be erected, relocated, or maintained so as to prevent free ingress to  
21 or egress from any door, window, or fire escape. No *sign* of any kind shall be  
22 attached to a standpipe or fire escape.

23 (6) Signs Not to Constitute Traffic Hazard

24 No *sign* or other *advertising structure* as regulated by this section shall be  
25 erected at the intersection of any street so as to obstruct free and clear vision; at

1 any location where by reason of the position, shape or color it may interfere with,  
2 obstruct the view of or be confused with any authorized traffic *sign*, signal or  
3 device; or which makes use of the words "stop", "*drive-in*", "danger" or any other  
4 word, phrase, symbol or character in such manner as to interfere with, mislead or  
5 confuse traffic.

6 (7) Goose Neck Reflectors

7 Goose neck reflectors and lights shall be permitted on projecting *signs*; provided,  
8 that the reflectors are provided with proper glass lenses concentrating the  
9 illumination on the area of the *sign* to prevent *glare* on the street or adjacent  
10 *property*.

11 (8) Spotlights and Floodlights Prohibited

12 It is unlawful for any *person* to maintain any *sign* that extends over public  
13 *property* that is wholly or partially illuminated by floodlights or spotlights.

14 (9) Advertising Permitted

15 No *sign* of any character shall be displayed in the historic district unless it  
16 advertises a bona fide *business* conducted in or on the *premises* and the  
17 advertising of products shall not exceed twenty-five percent of the area of the  
18 *sign*.

19 (10) Illumination Restrictions

20 (a) No *signs* shall be permitted that are animated by any means, including  
21 flashing, scintillating, blinking, or traveling lights or any other means not  
22 providing constant illumination.

23 (b) Illumination for each side of a projecting *sign*, if lighted by goose neck  
24 lights, shall be evenly distributed.

25 (c) Wall *signs* to be illuminated shall be so constructed as to have all

illumination from behind each letter. No visible bulbs, neon tubing or other lighting shall be allowed.

(d) Electric *signs* may be placed inside windows and glass doors; provided, that their proportions are not in excess of the window area so allowed under Subsection (4) above.

(e) No electric outdoor lights placed in trees, shrubs, or other types of vegetation shall be allowed when *publicly visible* except during the traditional holidays.

(11) Color and Design

The effort of design of *signs* in the historic district is to keep a moderate, attractive and compatible styling so as not to cause erratic or disturbing distractions from the architectural beauties of the *city*; therefore, color and design are left to the discretion of the *applicant*.

(12) Signs; Awnings, Flags, Banners

*Awnings* shall be of *cloth* or of other material acceptable to the division. There shall be no advertising on *awnings*. Flags, banners, *awnings*, and such trappings shall not be permitted as advertising within the H-district. However, the name of a *business* may appear along the lower edge or fringe of the *awning*. In such cases, the *awning* shall count as one *sign* as allowed under Subsection 14-8.10(H)(3). The color of the *awning* shall be compatible with Santa Fe architectural style and shall not be obtrusive.

(13) Sign Plans for New Construction of Buildings

*Applicants* submitting plans for *new construction* of *buildings* containing three or more *businesses* on the *premises* shall in addition to other information, submit coordinated plan for *signs*. The plan shall be drawn to *scale* showing the

1 proposed locations, sizes, and types of *signs* for the *businesses*. All *signs* shall  
2 comply with the standards set forth in this section.

3 (14) Street Clocks

4 Street clocks shall be in harmony with the old Santa Fe style or recent Santa Fe  
5 style or both.

6 (15) Conflicts with Zoning Regulations

7 In any case where there is a conflict between the specific provisions of this  
8 Subsection 14-8.10(H) and the general *sign* requirements and restrictions of the  
9 remainder of this Section 14-8.10, this section shall prevail and shall be  
10 controlling for all purposes.

11 (16) Inspection of Signs

12 The division shall inspect, as it deems necessary, each *sign* regulated by this  
13 section to ascertain whether the same is secure or insecure or in need of repair.

14 (17) Procedure When Unsafe or Unlawful Signs Found

15 If the division finds that any *sign* or *other advertising structure* regulated herein  
16 is unsafe or insecure; is a menace to the public, or has been constructed or  
17 erected or is being maintained in violation of the provisions of this section, it  
18 shall give written notice to the permittee. If the permittee fails to remove or alter  
19 the structure to comply with the standards of these sections within ten days after  
20 such notice, the *sign* or *other advertising structure* may be removed or altered to  
21 comply by the division at the expense of the permittee or *owner* of the *property*  
22 on which it is located. The division shall refuse to issue a *permit* to any permittee  
23 or *owner* who refuses to pay costs so assessed. The division may cause any *sign*  
24 or *other advertising structure* that is an immediate peril to persons or *property* to  
25 be removed summarily and without notice.

1 (18) Exempted Signs

2 The provisions and regulations of this Subsection 14-8.10(H) shall not apply to  
3 the following *signs*; provided, that the *signs* meet the provisions of Subsection  
4 14-8.10(H)(3):

- 5 (a) Real estate *signs* not exceeding six (6) square feet in area that advertise  
6 the sale, rental or lease of the *premises* on which such *signs* are located;
- 7 (b) One professional name plate not exceeding one (1) square foot in area;
- 8 (c) One bulletin board not over eight (8) feet in area for public, charitable or  
9 religious institutions when the same is located on the *premises* of such  
10 institutions;
- 11 (d) *Signs* denoting the *architect*, engineer or contractor when placed on work  
12 under construction and not exceeding twelve (12) square feet in area;
- 13 (e) An occupational *sign* denoting only the name and profession of an  
14 occupant in a commercial *building*, public institution *building* or  
15 dwelling house and not exceeding two (2) square feet in area;
- 16 (f) Memorial *signs* or tablets, names of *buildings* and date of erection when  
17 *cut* into any masonry surface or when constructed of bronze or other  
18 *incombustible materials*; and
- 19 (g) Traffic or other municipal *signs*, legal notices, railroad crossing *signs*,  
20 danger *signs* and such temporary, *emergency* or nonadvertising *signs* as  
21 may be approved by the *governing body*; ~~and~~
- 22 (h) *Signs* denoting whether a *business* is open or closed and traffic *signs* for  
23 private *businesses*, none of which exceed two (2) square feet in area; and
- 24 (i) Electronic reader board signs approved as part of a city wide program  
25 that comply with the standards and requirements of Subsection 14-

1                    8.10(C)(5)(b). In addition, such signs are exempt from the requirements  
2                    of Subsection 14-8.10(H)(3).

3                    (19)    Permits Required

- 4                    (a)     It is unlawful for any *person* to *erect*, repair, alter, relocate or maintain  
5                    within the historic district of the *city* any *sign* or *other advertising*  
6                    *structure* as defined in this section without first obtaining an erection  
7                    *permit* from the inspections and enforcement *office* and making payment  
8                    of the fee required. All illuminated *signs* shall, in addition, be subject to  
9                    the provisions of the electrical code and the *permit* fees required  
10                  thereunder.
- 11                  (b)     The text of advertising matter on *signs* that already conform to this  
12                  section may be changed without any *permit*, provided all changes also  
13                  conform.

14                  (20)    Permit Application; Contents

15                  *Application* for permits shall be made on blanks provided by the division and  
16                  shall contain or have attached thereto the following information:

- 17                  (a)     Name, address and telephone number of *applicant*;
- 18                  (b)     Location of the *building*, structure or *lot* to which or on which the *sign* is  
19                  to be attached or erected;
- 20                  (c)     Position of the *sign* or *other advertising structure* on a *building* or in  
21                  relation to nearby *buildings* or structures;
- 22                  (d)     One scaled drawing with full description of material, texture and finish to  
23                  be used;
- 24                  (e)     Name of *person* erecting structure;
- 25                  (f)     Written consent of the *owner* of the *building*, the structure, or land to

1 which or on which the structure is to be erected;

2 (g) Any electrical *permit* required and issued for such *sign*; and

3 (h) Such other information as the division shall require to show full  
4 compliance with the provisions of this section and all other laws and  
5 ordinances of the *city*.

6 (21) *Permit Application; Approval; Period of Validity*

7 It is the duty of the division upon the filing of an *application* for a *permit*, to  
8 examine plans, specifications and other data and the *premises* upon which it is  
9 proposed to *erect* the *sign* or *other advertising structure*; and if it appears that the  
10 proposed structure is in compliance with all the requirements of the provisions of  
11 this section and all other laws and ordinances of the *city*, the division shall then  
12 recommend approval. If the work authorized under an erection *permit* has not  
13 been completed within six months after date of issuance, the *permit* shall become  
14 null and void.

15 (22) *Certain Signs to Be Approved by Electrical Inspector*

16 The *application* for a *permit* for erection of a *sign* or *other advertising structure*  
17 in which electrical wiring and connections are to be used shall be submitted to  
18 the electrical inspector. The electrical inspector shall examine the plans and  
19 specifications respecting all wiring and connections to determine if they comply  
20 with the electrical code of the *city*, and he shall approve such *permit* if the plans  
21 and specifications comply with the code or disapprove the *application* if  
22 noncompliance with the code is found.

23 (23) *Sandwich Signs; Prohibition*

24 Sandwich *signs* as defined in this section are prohibited.

25 (24) *Freestanding Signs*

1 (a) When Permitted

2 Freestanding electronic reader board signs approved as part of a city  
3 wide program are permitted in every zoning district. [Freestanding]  
4 Other freestanding signs shall be permitted at the discretion of the  
5 division where a *business* establishment is set back from a street  
6 alignment of *building* façades more than two (2) feet. A *business*  
7 establishment thus set back, in addition to the *signs* permitted on the  
8 *building* itself, may maintain a freestanding *sign* of not more than sixteen  
9 (16) square feet in area, and the *sign* shall relate to the conduct of the  
10 *business* within. If a *building* is on at least one acre of *property* and has  
11 an unencumbered front *setback* of at least fifty (50) feet, a two-faced  
12 freestanding *sign* with a maximum of fifty (50) square feet area on each  
13 face, with *sign* dimensions no greater than ten (10) feet in length and five  
14 (5) feet in height, and with the top of the *sign* not more than fourteen (14)  
15 feet from the ground will be permitted; provided, that it relates to the  
16 *business* conducted on the *premises*. Lighting on freestanding *signs* shall  
17 conform with this section.

18 (b) Location

- 19 (i) It is unlawful to *erect* any freestanding *sign* whose total height is  
20 greater than fourteen (14) feet above the level of the street on  
21 which the *sign* faces or above the adjoining ground level if the  
22 ground level is above the street level.
- 23 (ii) Except for electronic reader board signs, [F]freestanding signs  
24 shall have an *open space* not less than ten (10) feet between the  
25 base line of the *sign* and the ground level, unless the freestanding



*sign* is placed on the ground and does not exceed sixteen (16) square feet in area nor six (6) feet in any dimension.

(iii) ~~[The]~~ Except for electronic reader board signs, the setback of freestanding *signs* from the *city* right-of-way is regulated by the underlying zoning.

**(c) Characters, Letters**

All letters, figures, characters or representations in cut-out or irregular form maintained in conjunction with, attached to or superimposed on any *sign* shall be safely and securely built or attached to the *sign* structure.

(d) **Construction, Condition of Premises**

(i) All freestanding *signs* shall be securely built, constructed and erected on posts sunk at least three (3) feet below the natural surface of the ground.

(ii) All wood posts shall be treated to protect them from moisture by creosoting or other approved methods when they enter into the ground.

(iii) *Premises* shall be kept free of weeds and be maintained by the *owner* in a clean, sanitary and inoffensive condition, free and clear of all obnoxious substances, rubbish and weeds.

(25) **Hanging Signs**

**(a) General Limitations**

All hanging *signs* shall be at least six (6) feet eight (8) inches above the sidewalk or ground level, and shall be located within the central one-third of the façade length so as not to obstruct neighboring *signs*.

### (b) Area Limitations

Hanging *signs* shall be limited in area as follows:

- (i) A maximum of twelve (12) square feet, except in the AC and RAC districts where the maximum limit is six (6) square feet;
- (ii) The maximum size of letters shall be eight (8) inches in height;
- (iii) There shall be no restriction on the number of letters, words or lines of any *sign* as long as the overall area of the *sign* is within the maximum allowed square feet; and
- (iv) Maximum thickness of six (6) inches.

(c) Supports and Attachments

All hanging *signs* shall be safely and securely attached to the *building* by not less than two metal chains, metal brackets or wrought iron brackets firmly secured in the roof support beams by metal anchors, bolts, or expansion screws. No excess chain shall be allowed. In no case shall any hanging *sign* be attached with wire, string, rope, wood, or secured by nails.

(26) Wall Signs

(a) Area Limitations

- (i) A wall *sign* is subject to the following limitations:

- A. The maximum allowable size is fifteen percent of the *façade* on which the *sign* is to be placed. In no case shall the *sign* area exceed twenty (20) square feet except in the AC and RAC districts where the maximum allowable size is six (6) square feet;
- B. Maximum size of letters shall be twenty (20) inches in height, except in the AC and RAC districts where the

1 maximum size shall be eight (8) inches in height;

2 C. There shall be no restriction on the number of letters,  
3 words or lines of any *sign* as long as its overall area is  
4 within the maximum allowable square feet; and

5 D. No *sign* shall be permitted fifteen (15) feet or more  
6 above street *grade* measured in front of the *façade* where  
7 the *sign* is to appear.

8 (ii) Where two or more *businesses* are conducted on the *premises* of  
9 a single ownership, having a front footage of twenty-five (25)  
10 feet or less, the allowable *sign* area shall be increased by fifty  
11 percent. Where *buildings* have frontage on more than one public  
12 way and entrances thereon, the maximum footage shall govern  
13 *signs* at each entrance, and it shall be construed to mean on any  
14 given public way.

15 (b) Projection Wall; Height from Ground

16 No wall *sign* shall *project* more than three inches beyond the *building*  
17 line. However, if the *sign* is attached to the wall at a height of not less  
18 than six (6) feet eight inches measured from the sidewalk or ground to  
19 the bottom of the *sign*, it may *project* a maximum of ten (10) inches,  
20 except in AC and RAC districts where the maximum projection is three  
21 (3) inches.

22 (c) Supports and Attachments

23 All wall *signs* shall be safely and securely attached to the *building* wall  
24 by means of metal anchors, bolts or expansion screws of not less than  
25 three-eighths (3/8) inch in diameter embedded in the wall at least five (5)

1 inches; provided, that such *signs* may rest in or be bolted to strong heavy  
2 metal brackets or saddles set not over six (6) feet apart, each of which  
3 shall be securely fixed to the wall as herein provided. In no case shall  
4 any wall *sign* be secured with wire, strips of wood or nails.

5 (27) Projecting Signs

6 (a) General Limitations

7 No projecting *sign* shall angle in "Y", "L" or "V" fashion over the  
8 sidewalk or ground. No projecting *sign* may rise above the level of the  
9 roof line, fire wall or first story, whichever is construed by the historic  
10 districts review board as a roof line. All projecting *signs* shall be at least  
11 ten (10) feet above the sidewalk or ground level, and shall be located  
12 within the central one-third of the *façade* length so as not to obstruct  
13 neighboring signs. A total of two signs may be allowed to each store,  
14 shop or bona fide place of *business* if one is projecting and the other  
15 considered a wall sign; in which case, the wall sign shall be reduced in  
16 allowable size by one-half the area consumed by a projecting sign. No  
17 projecting sign shall have letters exceeding eight (8) inches in height.

18 (b) Area Limitations

19 Projecting signs shall be limited in areas as follows:

- 20 (i) A maximum of four (4) feet projection from the wall of the  
21 *building*, except for *marquees* that may *project* eight (8) feet;  
22 (ii) A maximum of sixteen (16) square feet, except in an AC or RAC  
23 district where the maximum sign space is six (6) square feet, and  
24 except for *marquees* where the maximum sign space is one  
25 hundred fifteen (115) square feet per face of the *marquee*;

- 1 (iii) A maximum thickness of not over twelve (12) inches except for  
2 *marquees* to which this section does not apply;  
3 (iv) Projecting signs erected over public driveways or alleys shall be  
4 placed not less than fifteen (15) feet above the level of same; and  
5 (v) *Marquees* are allowed only for theaters showing motion pictures,  
6 or dramatic, musical, or live performances and having permanent  
7 seating except in an AC or RAC district where *marquees* are  
8 prohibited.

9 (c) Construction

10 Projecting signs exceeding ten (10) square feet in area or fifty pounds in  
11 weight shall not be attached to nor supported by frame *buildings* or the  
12 wooden framework of a *building*. Such signs shall be attached to  
13 masonry walls as stated in this section. The framework of any projecting  
14 sign shall be of adequate strength so as to have no need for guy wires or  
15 wire reinforcement.

16 (d) Illumination

17 Every projecting sign larger than ten (10) square feet in area shall be  
18 illuminated between sunset and daybreak on each side, by at least 5 watts  
19 per square foot of sign surface. The illumination shall be restricted as  
20 provided by this section.

21 (28) Temporary Signs

22 (a) Duration of Permit; Advertising

- 23 (i) Except as set forth in paragraph (e) below, permits for temporary  
24 signs shall authorize the erection of such signs and their  
25 maintenance for a period not exceeding thirty days, in the

1 discretion of the historical style committee.

- 2 (ii) The advertising contained on any temporary sign shall pertain  
3 only to the *business*, industry, or pursuit conducted on or within  
4 the *premises* on which such sign is erected or maintained. This  
5 provision shall not apply to signs of a civic, political, or religious  
6 nature.

7 (b) Construction Requirements

8 Except as set forth in paragraph (e) below, no temporary sign shall  
9 exceed four (4) feet in one of its dimensions or fifty (50) square feet in  
10 area. Every temporary sign weighing in excess of fifty pounds shall be  
11 approved by the inspections and enforcement office as conforming to the  
12 safety requirements of the Building Code.

13 (c) Prohibited Locations

14 No temporary sign shall extend over or into any street, alley, sidewalk or  
15 other public thoroughfare nor shall it be erected so as to prevent free  
16 ingress to or egress from any door, window or fire escape.

17 (d) Anchors and Supports

18 Every temporary sign shall be attached to the wall with wire or steel  
19 cables; no strings, ropes, or wood slats for anchorage or support purposes  
20 shall be permitted.

21 (e) Price Reduction Signs

- 22 (i) [Signs] Except for electronic reader board signs approved as part  
23 of a city wide program, signs expressing a price reduction stated  
24 in terms of either a percentage reduction or a dollar amount  
25 reduction are prohibited unless the following conditions are met:

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- A. A sign permit shall be obtained from the city. Each permit shall allow a business to place a sign for a permit period of up to one week. A business may obtain one additional permit within a calendar year. A minimum of twelve weeks must pass between the commencements of any two permit periods.
- B. A sign shall not exceed twelve (12) inches by twenty-four (24) inches.
- C. A sign must bear an official city of Santa Fe sticker, tag, or other device at all times during the permit period indicating the approved dates of the permit period.
- D. A sign shall be removed by the permit holder immediately after the *permit* period.

(ii) The *city* may remove a sign if the above conditions are not met.

(f) Distress Merchandise Sale Signs

- (i) A *sign* advertising a distress merchandise sale is prohibited unless the following conditions are met:
  - A. A *sign permit* shall be obtained from the *city*. Each *permit* shall allow a *business* to place a *sign* for a *permit* period corresponding to the licensed duration of the distress merchandise sale.
  - B. A *sign* shall not exceed twelve (12) inches by twenty-four (24) inches.
  - C. A *sign* must bear an official *city* of Santa Fe sticker, tag, or other device at all times during the *permit* period

1 indicating the approved dates of the *permit* period.

2 D. A *sign* shall be removed by the *permit* holder  
3 immediately after the *permit* period.

4 (ii) The *city* may remove a *sign* if the above conditions are not met.

5 (29) Price Reduction Signs

6 (a) A sign located inside or outside a structure within an historic district that  
7 is readable by the general public from the public sidewalk or street, shall  
8 not list an express price reduction stated in terms of either a percentage  
9 reduction or a dollar amount reduction except as permitted in §14-  
10 8.10(H)(28)(e).

11 (b) A sign located inside a structure within an historic district that is not  
12 readable by the general public from the public sidewalk or street, may  
13 list an express price reduction stated in terms of either a percentage  
14 reduction or a dollar amount reduction.

15 Section 2. Subsection 14-12 of the Land Development Code (being Ord. #2011-  
16 37 (as amended)) is amended to read:

17 14-12 DEFINITIONS

18 ELECTRONIC READER BOARD SIGN

19 An electronic reader board sign is a sign approved by the city as part of a city wide  
20 program to provide real time wayfinding and information about city programs, services,  
21 activities and events and similar information, together with wireless internet services to  
22 the public.



1 APPROVED AS TO FORM:

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KELLEY A. BRENNAN, CITY ATTORNEY

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25 *M/Legislation/Bills 2016/Electronic Reader Boards*

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2016-\_\_

3 INTRODUCED BY:

4  
5 Mayor Javier M. Gonzales

6 Councilor Peter N. Ives  
7  
8  
9

10 AN ORDINANCE

11 RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987,  
12 CREATING A NEW SUBSECTION 14-5.5(D) ENTITLED THE "MIDTOWN LOCAL  
13 INNOVATION CORRIDOR OVERLAY DISTRICT" (MIDTOWN LINC OVERLAY  
14 DISTRICT) AND ESTABLISHING PERMITTED USES, DEFINITIONS, STANDARDS, AND  
15 INCENTIVES FOR QUALIFYING PROJECTS WITHIN THE DISTRICT; AMENDING  
16 THE FOLLOWING ARTICLES TO ADD PROVISIONS FOR QUALIFYING PROJECTS  
17 WITHIN THE DISTRICT: 14-3.8(B) DEVELOPMENT PLAN APPROVALS, TABLE 14-6.1-1  
18 SPECIAL USE PERMITS, 14-6.2(A)(7) DWELLING UNITS WITHIN C-2 AND SC  
19 DISTRICTS, 14-8.6(B)(4) REDUCTION OF REQUIRED PARKING SPACES, TABLE 14-8.7-  
20 2 ARCHITECTURAL DESIGN STANDARDS AND POINT ALLOCATIONS, 14-8.13(E)  
21 DEVELOPMENT WATER BUDGET CRITERIA, 14-8.14(D) IMPACT FEES; RELATING  
22 TO THE BUILDING AND HOUSING CODE, CHAPTER 7 SFCC 1987, AMENDING  
23 SUBSECTION 7-1.10 APPLICATION OF THE INTERNATIONAL EXISTING BUILDING  
24 CODE; RELATING TO THE SEWER CODE, CHAPTER 22 SFCC 1987, AMENDING  
25 SUBSECTION, 22-6.6 EXHIBIT A SECTION 7 WASTEWATER UTILITY EXPANSION

1 CHARGE; RELATING TO THE WATER CODE, CHAPTER 25 SFCC 1987, 25-4.2 EXHIBIT  
2 B RATE SCHEDULE 8 UTILITY EXPANSION CHARGE; AND MAKING SUCH OTHER  
3 CHANGES THAT ARE NECESSARY TO CARRY OUT THE PURPOSE OF THIS  
4 ORDINANCE.

5  
6 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

7  
8 Section 1. A new Subsection 14-5.5(D) SFCC 1987 is ordained to read:

9 (D) [NEW MATERIAL] Midtown Local Innovation Corridor (Midtown LINC)

10 Overlay District

11 (1) Purpose and Intent

12 The purpose and intent of the Midtown Local Innovation Corridor (LINC) Overlay  
13 District is to:

14 (a) Strengthen and animate the built environment and the business and  
15 population links within the demographic and geographic center of  
16 the city between the existing employment centers of the Santa Fe  
17 University of Art and Design and surrounding uses to the west and  
18 the Christus St. Vincent Regional Medical Center and related  
19 medical uses to the east;

20 (b) Incentivize multi-family residential development, complimentary  
21 non-residential uses, and an enlivened, street-oriented pedestrian  
22 environment by freeing development capacity of existing under-  
23 developed land and buildings for these targeted uses, while allowing  
24 existing uses to continue as redevelopment occurs;

25 (c) Allow for innovative development and redevelopment of the district

1 while providing buffering between the district and existing  
2 residential development outside of the district by the application of  
3 amended land development regulations and fees and by establishing  
4 conditions precedent for future infrastructure enhancements and the  
5 application of other redevelopment and financing tools;

- 6 (d) Promote a more healthy, safe, and enjoyable environment within the  
7 city's midtown area through the enhancement of pedestrian and  
8 bicycle accessibility and safety, landscaping and other street-related  
9 amenities and the eventual reduction of traffic speeds and provision  
10 of on-street parking, bicycle lanes, and improved crosswalks; and  
11 (e) Provide flexibility in sign design and location so as to maintain  
12 effective communication, business identification and wayfinding for  
13 existing buildings whose visibility may be reduced by new  
14 development.

15 (2) **Boundaries**

16 The Midtown LINC Overlay District includes land in the vicinity of  
17 the St. Michael's Drive *right-of-way* from the eastern edge of the  
18 Cerrillos Road *right-of-way* to the western edge of the St. Francis  
19 Drive *right-of-way*, and additional land in the vicinity of the campus of  
20 the Santa Fe University of Art and Design as shown on the Midtown  
21 LINC Overlay District Map.

22 (3) **Applicability**

- 23 (a) The provisions of this Subsection 14-5.5(D) apply to all land within the  
24 boundaries of the Midtown LINC Overlay District.  
25 (b) New *development* shall comply with the provisions of this Subsection.

(c) *Alterations* to existing *structures* shall comply with the provisions of this Subsection to the extent practical or feasible as determined by the *land use director*.

(4) **Permitted Uses; Qualifying Projects**

(a) Permitted and Prohibited Uses

Permitted uses and structures within the Midtown LINC Overlay District are the same as those permitted in underlying zoning districts except as provided in Table 14-5.5-2 and as permitted for *qualifying projects* as defined in this Subsection.

**Table 14-5.5-2: Midtown LINC Overlay District - Additional Permitted & Prohibited Uses**

Table 14-5.5-2: Midtown LINC Overlay District - Additional Permitted & Prohibited Uses (See Note 1)			
ADDITIONAL USES		PROHIBITED USES	
<u>CATEGORY</u>	<u>Specific Use</u>	<u>CATEGORY</u>	<u>Specific Use</u>
RESIDENTIAL	Dwellings, Multiple-family	RESIDENTIAL	Mobile homes; Mobile home parks
		COMMERCIAL	Sexually Oriented Businesses
			Vehicles and Equipment <sup>(2)</sup>
			Outdoor Storage
			Storage <sup>(3)</sup>
			Industrial <sup>(4)</sup>
			Warehouse & Freight Movement
<b>NOTES:</b>			
1. Uses listed are additions to, or deletions from, the list of otherwise permitted uses within underlying zoning districts. See Table 14-6.1-1 for a complete listing of use categories and permitted uses per underlying zoning district. See Table 14-5.5-4 for additional uses permitted if associated with a <i>qualifying project</i> .			
2. Parking lots and garages are permitted as <i>accessory</i> uses when associated with a <i>qualifying project</i> .			
3. Individual storage areas enclosed within a building and that are part of a <i>qualifying residential project</i> are permitted.			
4. Research, experimental and testing laboratories are permitted.			

(b) Qualifying Projects

As used in this Subsection 14-5.5(D):

(i) *Qualifying project* means a new *development* within the

1 Midtown LINC Overlay District that complies with the  
2 requirements of this Subsection 14-5.5(D) and that is either a  
3 *qualifying residential project* or a *qualifying non-residential*  
4 *project* as defined in this Subsection.

5 (ii) *Qualifying residential project* means a new *development*  
6 that: (a) is composed solely of new *multiple-family*  
7 *dwelling*s, or (b) results in a *development* that is a mix of  
8 primarily new *multiple-family dwelling*s and any lesser  
9 amount and combination of the eligible non-residential uses  
10 listed in Table 14-5.5-3 as measured by *gross floor area*.

11 (iii) *Qualifying non-residential project* means a new *development*  
12 that is composed of a new *building* or *buildings*, or of  
13 *alterations* to an existing *building* or *buildings*, for the  
14 eligible uses identified in Table 14-5.5-3.

15 (iv) *Development* projects not meeting the definitions of this  
16 Subsection 14-5.5(D)(4)(b) are permitted as provided in  
17 Subsection 14-5.5(D) but are not *qualifying projects*.

18 (v) The *land use director* may adopt submittal requirements and  
19 review policies in accordance with Subsection 14-2.11(B) as  
20 necessary to verify that *qualifying projects* meet the  
21 requirements of this Subsection 14-5.5(D).

22 **Table 14-5.5-3: Midtown LINC Overlay District - Non-Residential Uses Eligible for**  
23 ***Qualifying Projects***

24 **[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]**

**Table 14-5.5-3: Midtown LINC Overlay District - Non-Residential Uses Eligible for *Qualifying Projects***

USE CATEGORIES (See Note 1)	For Inclusion in <i>Qualifying Residential Projects</i>	As <i>Qualifying Non-Residential Projects</i>
Pre-Schools, Daycare for Infants & Children (All)	X	X
Educational (All; including Libraries)	X	X
Community Centers & Institutions (All)	X	X
Parks and Open Space (All) <sup>(2)</sup>	X	X
Arts Activities (All)	X	X
Assembly	X	
Food and Beverage (All) <sup>(3)</sup>	X	X
Medical (All)	X	X
Public Transportation	X	
Recreation and Entertainment (All)	X	X
Retail Sales and Services (All)	X	X <sup>(8)</sup>
Service Establishments (All)	X	X
Storage <sup>(4)</sup>	X	
Vehicles and Equipment <sup>(5)</sup>	X	
Industrial <sup>(6)</sup>	X	X
Manufacturing and Production <sup>(7)</sup>	X	X

**NOTES:**

1. Eligible uses listed in this table are permitted uses when part of a *qualifying project*. See Table 14-6.1-1 for a complete listing of use categories and permitted uses in underlying zoning districts.
2. Except cemeteries, mausoleums & columbariums.
3. Except restaurants with drive-through/drive-up service.
4. Only individual storage areas completely enclosed within a building and that are intended to serve the associated *qualifying residential project*.
5. Only parking lots and garages that are intended to serve the associated *qualifying project*.
6. Research, experimental and testing laboratories only.
7. Light assembly and manufacturing (including "maker" spaces) only.
8. Neighborhood grocery stores and laundromats only.

**(5) General Standards**

- (a) Unless otherwise specified in this Subsection 14-5.5(D), permitted uses and *development* standards within the Midtown LINC shall conform to the requirements of the underlying zoning district of a property.
- (b) The *land use director* may permit alternate means of compliance

with the provisions of this Subsection as provided in Subsection 14-2.11(C).

(c) In the event of conflicts between the requirements of this Subsection 14-5.5(D) and the requirements of underlying zoning districts, platted *building setbacks* or existing easements, the requirements of this Subsection shall apply.

**(6) Building Envelope Standards and Measurements**

**Table 14-5.5-4: Midtown LINC Overlay District - Table of Dimensional Standards**

<b>Table 14-5.5-4: Table of Dimensional Standards for the Midtown LINC Overlay District</b>						
<b>DEVELOPMENT TYPE</b>	<b>Max. Gross Density (Dwelling units/Acre)</b>	<b>Min. Lot Size</b>	<b>Max. Height of Structures (Feet)<sup>(1)</sup></b>	<b>Yard Requirements (Feet)</b>	<b>Max. Lot Coverage (%)</b>	<b>Min. Required Open Space</b>
<b><i>Qualifying Residential Projects</i></b> (As defined in Subsection 14-5.5(D))	N/A	Same as C-2 District	50 <sup>(2)</sup>	<u>Minimum</u> Street: 0 <sup>(3)</sup> Side: 5 Rear: 10 <sup>(4)</sup> <u>Maximum</u> Street: 5 <sup>(5)</sup>	None	Same as C-2 District (See §14-7.5(D))
<b>All Other Development</b>	Same as C-2 District	Same as C-2 District	Per Underlying District Standards	Per Underlying District Standards except as noted below <u>Maximum</u> Street: 5 <sup>(3,5)</sup>	Per Underlying District Standards	Per Underlying District Standards

**NOTES:**

1. Elevator "over-runs" and renewable energy generating equipment (such as solar photovoltaic panels and wind turbines) mounted on *buildings* shall not be included in the calculated height of a *building*.

2. Maximum height of structures 50 feet, except where a structure associated with a *qualifying residential project* will be located within one hundred fifty (150) feet of an existing *residential development* located outside of the Midtown LINC Overlay District, in which case the maximum height of a structure associated with a *qualifying residential project* shall be 38 feet.

3. Except that 4th stories along *street-frontage façades* shall be set back a minimum of 15 feet from the story below.

4. *Rear yard* 10 feet, except at the rear of a *lot* abutting an existing *residential development*, in which case there shall be a *required rear yard* of not less than 25 feet.

5. Maximum *Street yard* 5 feet, except that: (a) up to 30% of a *street-frontage façade* may be set back greater than 5 feet for entryways and integral courtyards, or to accommodate other aspects of a *building's* design, and (b) *street-frontage façades* may be set back greater than 5 feet in locations where existing utility easements prevent compliance with this requirement.



1                   (7)    **Site Design, Circulation and Parking**

- 2                   (a)    New *buildings* or additions to existing *buildings* shall be oriented so
- 3                               that their primary *façades* face St. Michael's Drive, Cerrillos Road,
- 4                               or other *street frontages* as applicable.
- 5                   (b)    Perimeter screening of parking areas shall be in accordance with
- 6                               Subsection 14-8.4(I)(2) except that *screening* walls, hedges or berms
- 7                               shall not exceed four feet at maturity and shall be provided with
- 8                               multiple openings adjacent to *street frontages* to maximize of
- 9                               pedestrian permeability between *street* sidewalks and parking areas.
- 10                  (c)    Sidewalks along the *street frontages* of St. Michael's Drive and
- 11                               Cerrillos Road shall be provided in accordance with Section 14-
- 12                               9.2(E), Sidewalks, and shall be a minimum of fifteen (15) feet wide.
- 13                               Where existing sidewalks are widened to meet this requirement, the
- 14                               widening shall occur on the *building* side of the existing sidewalk.
- 15                  (d)    Vehicular access shall be from the side or rear of the *lot* to the extent
- 16                               possible.
- 17                  (e)    Vehicular access between and among adjacent *lots* shall be provided
- 18                               where possible.
- 19                  (f)    New *buildings* shall have accessible pedestrian connections to St.
- 20                               Michael's Drive or Cerrillos Road as applicable. *Building* entrances
- 21                               shall have the same general elevation as the *street frontage* sidewalks
- 22                               adjacent to the entrance. Site grading shall not result in the need for
- 23                               steps or ramps from the *street frontage* sidewalk to the *building*.
- 24                               Visual and physical barriers to *building* entrances shall be
- 25                               minimized.

- 1 (g) Sidewalks and other pedestrian pathways connecting *buildings* to the  
2 *street* and to parking areas shall be a minimum of six (6) feet wide  
3 and shall be clearly defined.
- 4 (g) Loading docks shall be located at the side or rear of *buildings* and  
5 shall be fully screened so that the loading dock is not visible from St.  
6 Michael's Drive or Cerrillos Road as applicable. The *screening* shall  
7 be integrated with the *building* architecture, materials and  
8 construction.
- 9 (h) Electrical transformers and trash enclosures shall be located at the  
10 side or rear of *buildings* and shall be screened from view of public  
11 roadways and sidewalks by walled enclosures or landscape  
12 *screening*. Wall-mounted utility boxes shall be painted the same  
13 color as the nearest *building* on site.
- 14 (i) Water system backflow preventers shall be located inside *buildings*.  
15 Where it is not feasible to locate a water system backflow preventer  
16 inside a *building*, the backflow preventer shall be located at the side  
17 or rear of *buildings* and shall be screened from view of adjacent  
18 public roadways and sidewalks by walled enclosures or landscape  
19 *screening*.

20 **(8) Architecture**

21 In addition to the requirements of Section 14-8.7, Architectural Design  
22 Review, the following provisions shall apply.

- 23 (a) *Lot* configuration and available *street frontage* permitting, the  
24 longest *façade* of all new *buildings* on *lots* abutting St. Michael's  
25 Drive or Cerrillos Road shall be aligned parallel with the *street*

frontage of St. Michael's Drive or Cerrillos Road as applicable.

(b) The primary entrance to any new *building* on a *lot* abutting St. Michael's Drive or Cerrillos Road shall be visible from St. Michael's Drive or Cerrillos Road as applicable.

(c) *Building walls* along *street frontages* shall not extend more than twenty feet, measured horizontally, without openings. Doors, windows or display windows shall be considered openings.

(d) Doors intended for vehicular access to *buildings* on *lots* abutting St. Michael's Drive or Cerrillos Road shall not face St. Michael's Drive or Cerrillos Road as applicable.

(e) Except as noted in this Subsection, rooftop equipment shall be fully screened so that the equipment is not visible from the adjacent public *rights-of-way*. *Screening* shall be integrated with the associated *building's* architecture, materials and construction. *Screening* of renewable energy generating equipment (such as solar photovoltaic panels and wind turbines) mounted on *buildings* is not required; however such equipment shall be incorporated into the architectural design of a *building* to the extent possible.

**(9) Landscaping Standards**

In addition to the requirements found in Section 14-8.4, Landscape and Site Design, the following provisions shall apply.

(a) On-site storm water *detention* or *retention* facilities shall be located underground unless constructed as part of parks or open space, or unless constructed as part of an *active water harvesting* system, in which case the *active water harvesting* system shall be incorporated

1 into the architectural design of a *building* to the extent possible.

2 (b) *Qualifying residential projects* shall provide a minimum five (5) foot  
3 wide landscaped area around the base of exterior *building walls*.

4 (c) *Street trees* shall be planted at a maximum spacing of thirty (30) feet  
5 on-center along the *street frontages* of *development* sites on St.  
6 Michael's Drive or Cerrillos Road as applicable. Existing *street trees*  
7 within the above areas may be counted toward this requirement.  
8 *Street trees* shall have a minimum four (4) inch *caliper* at time of  
9 planting and shall have a minimum mature height of twenty-five (25)  
10 feet. The required spacing of *street trees* may be adjusted to allow  
11 for the clustering of trees as part of a *development's* landscape design  
12 as determined by the *land use director*. The location and minimum  
13 mature height of *street trees* may be adjusted where conflicts exist  
14 with overhead or underground utility lines, site visibility triangles,  
15 crosswalks, bus stops, or on-street parking spaces.

16 (d) A minimum of thirty (30) percent of required plant material shall be  
17 evergreen.

18 (e) Areas of the *parkway* that are located along the *street frontages* of  
19 *development* sites, and that are not developed with sidewalks as  
20 required by Subsection 14-5.5(D)(7)(c), shall be *landscaped* as part  
21 of the required *landscaping* of a *development*.

22 (f) *Qualifying non-residential projects* and other non-residential  
23 *development* adjacent to existing *residential development* located  
24 outside of the Midtown LINC Overlay District shall provide a  
25 continuous *landscaped* buffer strip of not less than fifteen (15) feet

1 where abutting the existing *residential development*. Plant material  
2 in the *landscaped* buffer strip shall conform to the requirements for  
3 open space provided in Subsection 14-8.4(H).

4 **(10) Signage**

5 In addition to the requirements found in Section 14-8.10, Signs, the  
6 following provisions shall apply.

- 7 (a) Pole-mounted *signs* are prohibited.
- 8 (b) Monument *signs* shall not exceed four feet in height.
- 9 (c) *Signs* shall be setback a minimum of fifteen (15) feet from any  
10 public *right of way* unless *wall-* or *building-mounted*.
- 11 (d) *Wall-* or *building-mounted signs* shall not extend above the roofline  
12 or parapet.
- 13 (e) Roof-mounted *signs* are prohibited.
- 14 (f) The provisions of Subsection 14-8.10(B)(4), Maximum Number of  
15 Colors and Lettering Styles, do not apply within the Midtown LINC  
16 Overlay District.
- 17 (g) The provisions of Subsection 14-8.10(B)(5)(d) do not apply to *signs*  
18 mounted on the *building walls* of *qualifying projects* within the  
19 Midtown LINC Overlay District.
- 20 (h) *Wall signs* associated with a *qualifying project* within the Midtown  
21 LINC Overlay District and whose *sign* faces are mounted  
22 perpendicular to a *building wall* may extend up to five (5) feet from  
23 the *wall*, including *signs* that project over a front property line,  
24 providing that such a *sign* shall not impede or endanger pedestrian or  
25 vehicular traffic.

1                   **(11) Site Furnishings**

- 2                   (a)     A minimum of one bench per ten thousand (10,000) gross square feet  
3                             of *building* is required on the site and shall be located adjacent to the  
4                             *street frontage* of the *development*, or to the primary *building*  
5                             entrance, or within a public or private amenity provided by the  
6                             *development*.
- 7                   (b)     At least one bench per *development* shall be shaded by a tree or a  
8                             shade structure.
- 9                   (c)     Where multiple benches are required, a trash receptacle shall be  
10                            provided adjacent to one of the benches.
- 11                  (d)     All site furnishings on a *development* site, including bicycle racks  
12                            required by Subsection 14-8.6(E), benches, trash receptacles and  
13                            light fixtures shall be of a coordinated design style and color.

14                   **(12) Outdoor Lighting**

15                   In addition to compliance with Section 14-8.9, Outdoor Lighting, the  
16                   following provisions apply.

- 17                  (a)     Pole-mounted lights shall not exceed twenty (20) feet in height.
- 18                  (b)     Lamps of *building*-mounted light fixtures shall not be placed more  
19                            than twelve (12) feet above the exterior grade at the perimeter of a  
20                            *building* unless the outdoor lighting is part of the illumination of a  
21                            *wall-mounted sign* in accordance with Subsection 14-5.5(D)(10)(g).

22                   **(13) Additional Requirements for *Qualifying Projects***

23                   In addition to the requirements of this Subsection 14-5.5(D), *qualifying*  
24                   *projects* shall comply with the following requirements:

- 25                  (a)     *Qualifying projects* shall utilize a detailed alternative development

1 water budget ("Option B" water budget) in accordance with  
2 Subsection 14-8.13(B)(2)(b) and applicable adopted administrative  
3 procedures.

4 (b) *Qualifying projects* shall utilize the following water-saving fixtures,  
5 appliances, and systems where applicable, throughout all new  
6 construction:

7 (i) waterless urinals;

8 (ii) dual-flush, high-efficiency toilets (HETs) (rated 1.28 gallons  
9 or less per flush);

10 (iii) EPA WaterSense® certified showerheads (or equivalent  
11 fixtures rated at 2.0 gallons per minute or less);

12 (iv) ENERGY STAR® compliant clothes washers;

13 (v) *active water harvesting* systems.

14 (c) The *land use director* shall not issue a construction *permit* for a  
15 *qualifying project* until a restrictive covenant is recorded by the  
16 owner of the *development* at the office of the county clerk that  
17 requires that the *development* will contain no uses that do not meet  
18 the requirements for a *qualifying project* for a period of at least five  
19 years from the completion of the project's construction. The  
20 covenant shall be in a form approved by the *land use director* and the  
21 city attorney and shall be notarized prior to recordation. The  
22 covenant shall be considered part of a *development* plan approved  
23 pursuant to Subsection 14-3.8(B)(9). The *land use director* shall  
24 maintain copies of recorded covenants pursuant to the provisions of  
25 this Subsection.

1                   (14)   **Fee Incentives for *Qualifying Projects***

2                   The following fee incentives apply to *qualifying projects* within the Midtown  
3                   LINC Overlay District:

4                   (a)     Construction Permit Fees; Plan Review Fees

5                   *Qualifying projects* are exempt from the payment of construction  
6                   permit fees and plan review fees as set by Resolution of the  
7                   governing body, as may be amended from time to time.

8                   (b)     Development Review Fees

9                   *Qualifying projects* are exempt from the payment of development  
10                  review fees as set by Resolution of the governing body, as may be  
11                  amended from time to time.

12                  (c)     Development Water Budget Fees

13                  *Qualifying projects* shall obtain water to meet approved  
14                  *development* water budgets through the water rights transfer program  
15                  or through the water conservation credit program or through a  
16                  combination of both, and at the reduced rate specified in Subsection  
17                  14-8.13(E).

18                  (d)     Impact Fees

19                  *Qualifying projects* are exempt from the payment of impact fees in  
20                  accordance with Subsection 14-8.14(D).

21                  (e)     Wastewater Utility Expansion Charge (UEC)

22                  The wastewater utility expansion charge (UEC) is waived for  
23                  *qualifying projects* in accordance with Article 22-6.6, Exhibit A,  
24                  Section 7.

25                  (f)     Water Utility Expansion Charge (UEC)



1                                *Qualifying projects* are exempt from the payment of the water utility  
2                                expansion charge (UEC) in accordance with Article 25-4.2, Exhibit  
3                                B, Rate Schedule 8.

4                **Section 2.        Subsection 14-3.8(B) SFCC 1987 (being Ord. #2013-16, §11) is amended**  
5 **to read:**

6                **(B)        Applicability**

- 7                                (1)        Early neighborhood notification and notice and conduct of public hearings  
8                                are required pursuant to the general provisions of Sections 14-3.1(F), (H) and  
9                                (I).
- 10                              (2)        A *development* plan is required in conjunction with rezoning *applications* in  
11                              certain districts as provided in Chapter 14, Articles 4 (Zoning) and 5  
12                              (Overlay Zoning Districts).
- 13                              (3)        Approval of a *development* plan by the planning commission is required prior  
14                              to new *development* that meets any of the following criteria:
- 15    (a)        *gross floor area* of thirty thousand square feet or more and is located  
16    within any zoning district of the *city*;
- 17    (b)        *gross floor area* of ten thousand square feet or more in a *residential*  
18    district or in the C-1, C-2, C-4, BCD, HZ, I-1, I-2, BIP, PRRC, RS,  
19    SC or MU district and is within two hundred (200) feet, including  
20    public *rights of way*, of RR, R-1 through R-6, R-7, R-7-I, R-8, R-9,  
21    RC-5, RC-8, R10, R-12, R-21, R-29, RAC, AC, PRC and MH  
22    districts;
- 23    (c)        *flea market* with fifteen or more vendors; or
- 24    (d)        outdoor *commercial recreational uses* in any zone where the total  
25    area devoted to recreation and related pedestrian circulation and

1 amenities, excluding parking and vehicular circulation areas, exceeds  
2 fifteen thousand (15,000) square feet in any zone; provided that this  
3 provision does not apply to temporary carnivals, circuses and similar  
4 short-term entertainment uses required to obtain a *permit* from the  
5 city.

- 6 (4) The *development* plans described in Subsections (B)(2) and (3) shall be  
7 reviewed by the planning commission.
- 8 (5) This section applies where the cumulative square footage of multiple *permits*  
9 meets or exceeds the criteria in Subsections (B)(2) or (3) or a combination of  
10 those subsections when the *permits* are for coordinated *development* of a  
11 *project* comprising multiple *buildings* or outdoor uses, including phased  
12 *projects* and *projects* involving *development* of adjoining commonly owned  
13 *parcels*.
- 14 (6) This section does not apply to the construction of *single-family dwellings*,  
15 each of which has a *gross floor area* of ten thousand (10,000) square feet or  
16 less, including *accessory buildings*, on *lots* created prior to the effective date  
17 of Ordinance No. 1999-13 or on *lots* within a subdivision that was subject to  
18 early neighborhood notification procedures. This section does apply to  
19 construction of any *single-family dwelling* that has a *gross floor area* greater  
20 than ten thousand (10,000) square feet, including *accessory buildings*.
- 21 (7) No additional *development* plan review is required if the new or changed use  
22 or *development* described in Subsections (B)(2) and (3) was part of a  
23 *development* plan approved as part of a rezoning or other action before the  
24 governing body or the planning commission, and for which an early  
25 neighborhood notification meeting occurred as set forth in Section 14-3.1(F).

1 (8) Approval of a *development* plan by the *land use director* is required for  
2 multiple-family *development* comprising three or more *dwelling units* with a  
3 *gross floor area* less than ten thousand (10,000) square feet.

4 (9) This section does not apply to the construction of *qualifying projects* within  
5 the Midtown LINC Overlay District with the exception that approval of a  
6 *development plan* by the *land use director* is required prior to, or concurrent  
7 with, the issuance of a construction *permit* for a *qualifying project*.

8 Section 3. Table 14-6.1-1 SFCC 1987 (being Ord. #2013-16, §29) is amended to  
9 amend the following footnote in the Table of Permitted Uses:

10 \* Special use permit required if located within 200 feet of *residentially-zoned property* unless  
11 a *qualifying project* located within the Midtown LINC Overlay District; otherwise permitted.

12 Section 4. Article 14-6.2(A)(7) SFCC 1987 (being Ord. #2016-20) is amended to  
13 read:

14 (7) Dwelling Units in Specified Commercial Districts

15 In the C-2 and SC Districts, *dwelling units* do not include *mobile homes* or  
16 *recreational vehicles* and shall be either:

17 (a) *accessory dwelling units* for occupancy only by *owners, employees*  
18 or tenants of *nonresidential* uses that are operated on the same  
19 *premises*;

20 (b) part of a planned *development*; or

21 (c) part of a use for which a *development plan* or special use *permit* is  
22 required[-]; or

23 (d) part of a *qualifying residential project* within the Midtown LINC  
24 Overlay District.

25 Section 5. Article 14-8.6(B)(4) SFCC 1987 (being Ord. #2011-37, as amended) is

1 amended to read:

2 (4) Combined Uses; Shared Parking

- 3 (a) Combined uses on the same *premises* shall provide the combined  
4 total number of spaces required for each use separately, unless a  
5 shared parking plan is approved.
- 6 (b) Uses on *premises* comprising more than one *legal lot of record* may  
7 provide shared parking in accordance with an approved shared  
8 parking plan.
- 9 (c) Parking required for uses located on adjoining *lots* in RAC, C, BCD,  
10 BIP, MU, SC or I districts, [or] for institutional uses located on  
11 adjoining *lots* in *residential* districts, or for a qualifying project  
12 within the Midtown LINC Overlay District, may be provided on a  
13 joint basis. Within the joint parking areas, the spaces required for  
14 each of the participating uses shall be marked on the parking plan  
15 and maintained as allocated to the individual use, unless a shared  
16 parking plan is approved. (Ord. No. 2013-16 § 50)
- 17 (d) Cumulative parking space requirements for *mixed-use* occupancies  
18 or adjoining *mixed uses* may be reduced if the *applicant*  
19 demonstrates that the peak requirements of the several occupancies  
20 occur at different times, such as mid-day for office uses and evening  
21 for *residential* uses, as supported by a parking demand study.
- 22 (e) Reduction in the total number of spaces required by the addition of  
23 all uses in the BCD or as specified in Subsection 14-8.6(A) may be  
24 approved by a *land use board* pursuant to a special use *permit* or  
25 *development* plan if the reduction is supported by a parking demand

study.

(f) Reduction in the total number of spaces required by this Section 14-8.6 for *qualifying projects* within the Midtown LINC Overlay District shall be approved by the *land use director* pursuant to Subsection 14-3.8(B)(9) if the reduction is supported by a parking demand study prepared by the *qualifying project* applicant. In addition to the shared parking provisions of this Subsection, the total number of spaces required as determined by a shared parking plan or parking demand study may be reduced by the number of on-street parking spaces present in the Midtown LINC Overlay District adjacent to a *qualifying project*.

Section 6. Table 14-8.7-2 SFCC 1987 (being Ord. #2011-37 § 10) is amended to read:

**Table 14-8.7-2: Architectural Design Standards and Point Allocations**

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**TABLE 14-8.7-2: Architectural Design Standards and Point Allocations (See Note 1)**

Architectural Design Standards		Points <sup>1</sup>
<b>WALLS</b>		
Predominant Exterior Surface Material	Stucco, adobe	30
	Brick, natural stone, and integrally colored unit masonry	25; 30*
	Concrete and non-integrally colored unit masonry	20; 30*
	Metal siding, glass curtainwall systems, glass block, wood siding, and simulated materials	10; 30*
	Mirrored glass curtainwall systems	-10
Color of Predominant Exterior Surface Material	Earthtones, creams, and pastels of earthtone hues including but not necessarily limited to rose, peach, and terra cotta colors	30
	Pastel colors of non-earthtone hues, whites, grays, and grayish greens	15; 30*
	<u>High-intensity colors</u>	<u>-10; 10*</u>
	<del>[High-intensity colors, m]</del> Metallic colors, glass and black	-10
Exterior Surface Treatment	(A) Wall surfaces appear monolithic with at least 75 percent of the total wall area one material and one color. Differing shades of the same general hue shall not be considered different colors. Non-solar fenestration, window and door awnings, applied trim, and accent materials, colors, and decorative bands, with the exception of stucco, masonry or concrete control joints, are used in such a way that they do not give a panelized or prefabricated appearance, produce striped or checkerboard patterns, or exceed 25 percent of the surface area of any façade. Fenestration and/or accent colors on wall surfaces under portals or canopies having a horizontal depth of at least six feet shall be exempt from area calculations	10
	(B) Wall surfaces do not meet the criteria set forth in paragraph (A) above	-10

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ROOFS		
Form	(A) Flat roof surfaces entirely concealed from public view by parapets	20
	(B) Flat roof surfaces not entirely concealed from public view by parapets, uniformly sloping roofs, or any combination of flat and uniformly sloping roofs, having a height, from springline to peak, that does not exceed the average height of the supporting walls and having a slope with greater than or equal to four feet of vertical rise for every 12 feet of horizontal run and less than or equal to 12 feet of vertical rise for every 12 feet of horizontal run	15
	(C) Uniformly sloping roofs or any combination of flat and uniformly sloping roofs, having a height, from springline to peak, that does not exceed the average height of the supporting walls and having a slope with less than four feet of vertical rise for every 12 feet of horizontal run or having a slope with greater than 12 feet of vertical rise for every 12 feet of horizontal run	10
	(D) Any type of sloping roof having a height, from springline to peak, that exceeds the average height of the supporting walls; non-uniformly sloping roofs; or any combination of flat and non-uniformly sloping roofs	-10
Predominant Material	(A) All surfaces are concealed from public view	20
	(B) Standing, flat, or batten seam metal roofing, or membrane, asphalt or gravel surfaces exposed to public view	15
	(C) Flat tiles of clay, concrete or slate	10
	(D) Barrel tiles of clay, concrete, or slate; and asphalt shingles	5
	(E) Wood shingles or shakes and other materials including but not necessarily limited to plastic, fiberglass or metal roof tiles	-10
Predominant Color	(A) All surfaces are concealed from public view	15
	(B) Dark reds, browns, and earthtones, and natural metals including aluminum, zinc, tin, and lead	10
	(C) Low-intensity colors other than those stated above	5
	(D) White	0
	(E) Bright, non-fading, high-intensity colors and any use of multiple colors	-15

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<b>BUILDING FORM</b>		
Massing	(A) One-story buildings with over 10,000 square feet of gross floor area and multi-story buildings with over 20,000 square feet of gross floor area which are designed with wall plane projections or setbacks on each publicly visible façade having a depth of at least three percent of the length of the façade and extending at least 20 percent of the length of the façade	30
	(B) One-story buildings with less than or equal to 10,000 square feet of gross floor area and multi-story buildings with less than or equal to 20,000 square feet of gross floor area which are designed with either offsetting wall planes or upper story setbacks of at least four horizontal feet, or a recessed entry space or projecting canopy or portal having a depth of at least six horizontal feet, on at least one publicly visible façade	30
	(C) Buildings not utilizing the massing techniques described in paragraphs (A) or (B) above	0
<b>DOORS AND WINDOWS</b>		
Treatment	(A) More than 50 percent of doors, windows and glazed surfaces, which are not located under portales or canopies having a horizontal depth of at least six feet, have either frames recessed a minimum of two inches, are cased with trim, have divided lites, or have exposed or otherwise articulated lintels	20
	(B) More than 50 percent of doors, windows and glazed surfaces do not meet the requirements set forth in paragraph (A) above	0; 20*
Area	(A) All wall surfaces which are not located under portales or canopies having a horizontal depth of at least six feet, and which do not include solar fenestration, have less than or equal to 50 percent openings consisting of doors, windows, glazing and other penetrations	20
	(B) Wall surfaces do not meet the requirements as set forth in paragraph (A) above	0; 20*
Location	(A) All doors, windows and glazed surfaces, on structures having a gross floor area greater than 150 square feet, are located at least two feet from outside building corners	20
	(B) All doors, windows and glazed surfaces, on structures having a gross floor area less than or equal to 150 square feet, have at least a two inch mullion at inside and outside building corners	20
Glazing	(A) All glazing is clear or tinted neutral gray	10
	(B) Any use of colored glazing	0; 10*
	(C) Any use of mirrored glazing	-10

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EQUIPMENT		
Screening	(A) All roof and wall mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, are screened from public view by parapets, walls, fences, dense evergreen foliage, or by other means	10
	(B) All building mounted equipment set forth in paragraph (A) above is either screened; and/or painted to match visually adjacent surfaces	5
	(C) All building mounted equipment set forth in paragraph (A) above is not screened and/or painted to match visually adjacent surfaces	-10

**NOTES:**

1. Point values denoted by an asterisk (\*) apply within the Midtown LINC Overlay District.

**Section 7. Article 14-8.13(E) SFCC 1987 (being Ord. #2011-37, §11) is amended to read:**

**(E) Dedication of Water to Development**

(1) A *building permit application* shall not be approved until the *applicant* has dedicated water to meet the approved *development* water budget for the *development* project plus a 9.8% contingency that covers water utility delivery requirements, as documented by the Water Division dedication form and complied with the conditions thereof. This contingency water is comprised of water used for community health and safety purposes, such as firefighting and fire hydrant testing, water used in production for flushing of water distribution and sewer lines, and also results from meter errors, line leaks, and losses from water main breaks.

(2) Based on the approved water budget for a *development* project, the *applicant* shall obtain water through either the water rights transfer program (Section 25-12 SFCC 1987) or the water conservation credits program (Section 25-11 SFCC 1987) to meet the *development* water budget according to the following criteria:

(a) *Applications for residential* uses which have a *development* water

1 budget equal to or greater than ten acre-feet per year shall obtain  
2 water through the water rights transfer program;

3 (b) *Applications for residential uses which have a development water*  
4 *budget less than ten acre-feet per year, designated as small*  
5 *development projects, shall obtain water through the water rights*  
6 *transfer program or the water conservation credit program or through*  
7 *a combination of both;*

8 (c) *Applications for non-residential uses which have a development*  
9 *water budget equal to or greater than five acre-feet per year shall*  
10 *obtain water through the water rights transfer program;*

11 (d) *Applications for non-residential uses which have a development*  
12 *water budget less than five acre-feet per year, designated as small*  
13 *development projects, shall obtain water through the water rights*  
14 *transfer program or the water conservation credit program or through*  
15 *a combination of both;*

16 (e) *Applications with both residential and non-residential uses each in*  
17 *substantial amounts which have a development water budget equal to*  
18 *or greater than seven and one half acre-feet per year shall obtain*  
19 *water through the water rights transfer program; [and]*

20 (f) *Applications with both residential and non-residential uses each in*  
21 *substantial amounts which have a development water budget less*  
22 *than seven and one half acre-feet per year shall either obtain water*  
23 *through the water rights transfer program or the water conservation*  
24 *credit program or through a combination of both[-]; and*

25 (g) *Applications for qualifying projects within the Midtown LINC*

1                   Overlay District as defined in Subsection 14-5.5(D)(4)(b) shall  
2                   obtain water through the water rights transfer program or the water  
3                   conservation credit program or through a combination of both. Water  
4                   for qualifying projects obtained through the water conservation  
5                   credit program shall be paid for at the rate of \$12,000 per acre-foot.

6                   Section 8.       Article 14-8.14(D) SFCC 1987 (being Ord. #2011-37, §11 as amended) is  
7 amended to read:

8                   (D)       Exemptions, Waivers and Reimbursements

9                   (1)       Certain types of *permits* for new construction shall be exempt from the terms  
10                   of this Section 14-8.14. An exemption shall be claimed at the time of  
11                   construction *permit application*. The *land use director* shall determine the  
12                   validity of a claim for exemption pursuant to the criteria set forth in this  
13                   Subsection 14-8.14(D). The following are exempt from the provisions of this  
14                   Section 14-8.14: (Ord. No. 2014-28 § 7)

- 15                   (a)       *alterations* of, or additions to, existing *residential* uses where no  
16                   additional *dwelling units* are created;
- 17                   (b)       replacement of a destroyed, partially destroyed or moved *residential*  
18                   *building* or *structure* with a new *building* or *structure* of the same  
19                   use and the same size and with the same number of *dwelling units*;
- 20                   (c)       replacement of destroyed, partially destroyed or moved *non-*  
21                   *residential building* or *structure* with a new *building* or *structure* of  
22                   the same *gross floor area* and use;
- 23                   (d)       construction *permits* for new *residential* units that are part of a  
24                   master plan, *development* plan or subdivision *plat* where land is  
25                   dedicated to the *city* to provide park land, as provided in Section 14-

1 8.15 (Dedication and Development of Land for Parks, Open Space,  
2 Trails and Recreation Facilities), are exempt from park impact fees;  
3 [and]

4 (e) parking *garages* or parking *lots*[~~-~~]; and

5 (f) construction permits for qualifying projects within the Midtown  
6 LINC Overlay District as defined in Subsection 14-5.5(D)(4)(b).

7 **Section 9. Subsection 7-1.10 (being Ord. # No. 2008-1, §12) is amended to read:**

8 **7-1.10 [Reserved.] Application of the International Existing Building Code**

9 The applicable provisions of the International Existing Building Code, as adopted in  
10 Subsection 7-1.1(A)(9), shall be applied to a construction permit upon the request of the applicant.

11 **Section 10. Article 22-6.6, Exhibit A, Section 7 (being Ord. #1997-3, as amended) is**  
12 **amended to read:**

13 **7. Wastewater Utility Expansion Charge (UEC).**

14 7.1. Except as set forth in Section 7.3, the wastewater utility expansion charge (UEC)  
15 applies to customers within the corporate limits of the city of Santa Fe, New Mexico and to customers  
16 in those areas outside the corporate limits to which wastewater service has been authorized by action  
17 of the governing body of the city of Santa Fe as follows:

18 7.1.1. New customers connecting to the city's wastewater system; and

19 7.1.2. Existing customers if there is an increase in the number of dwelling units or an  
20 increase in the size of the nonresidential water meter; however, the charge shall reflect only the  
21 increase in the number of dwelling units or the increase in the size of the meter.

22 7.2. The UEC shall be waived for the following:

23 A. Santa Fe Homes Program for-sale or for-rent units as defined in Section 26-1  
24 SFCC 1987;

25 B. Housing opportunity program home or housing opportunity program rental

unit subject to a valid housing opportunity program agreement; [ø]

C. A low priced dwelling unit as defined in Section 26-2 SFCC 1987[;];

D. A qualifying project within the Midtown LINC Overlay District as defined in Subsection 14-5.5(D)(4)(b) SFCC 1987.

7.2.1. Application for waivers of the UEC shall be made at the time of application for a building permit. Applications shall be reviewed by the office of affordable housing.

7.3. The UEC shall be as follows:

7.3.1. Single-Family Detached Dwelling Unit or Accessory Dwelling Unit

As defined in Chapter 14 SFCC 1987

(Heated Living Area)	Charge per unit
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0 - 1,500 Sq. Ft.	\$499
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1,501 - 2,000 Sq. Ft.	\$735
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2,001 - 2,500 Sq. Ft.	\$911
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2,501 - 3,000 Sq. Ft.	\$1,052
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3,001 - 3,500 Sq. Ft.	\$1,169
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3,501 - 4,000 Sq. Ft.	\$1,269
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4,001 - 4,500 Sq. Ft.	\$1,357
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4,501 or more Sq. Ft.	\$1,435
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7.3.2. Multi-Family Dwelling Unit \$561 per unit

Includes apartment, condominium, single family attached and residential studio units

7.3.3. Mobile Home Park Pad \$902 per unit

7.3.4. Nonresidential (meter size) Charge per meter

5/8" x 3/4"	\$876
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1"	\$2,190
----	---------

1-1/2"	\$4,380
--------	---------

1	2"	\$7,008
2	3"	\$14,016
3	4"	\$21,900
4	6"	\$43,800
5	8"	\$70,080
6	10"	\$127,020

7        7.3.5. Any separate water meter installed for irrigation purposes only shall not be included  
8 in the calculation of the charge.

9        7.3.6. In the event that the development does not have a water meter, or the wastewater  
10 division director or developer believes the size of the water meter does not accurately reflect  
11 wastewater generation, the developer may submit or the director may require the submission of a  
12 study, prepared by a professional engineer, to determine the charge listed in the above table for the  
13 water meter that most closely matches the cost of capital facilities to treat the biochemical oxygen  
14 demand that will be generated by the proposed development.

15        7.4. The UEC shall be due prior to issuance of a building permit if the property is located  
16 in the city limits and prior to obtaining a permit to connect to the sewer if the property is located  
17 outside the city limits.

18        7.5. Payments of wastewater utility expansion charges shall be deposited in an account  
19 separate from other funds of the city.

20        **Section 11. Article 25-4.2, Exhibit B, Rate Schedule 8 (being Ord. #1995-19, §1 as**  
21 **amended) is amended to read:**

22                                **CITY OF SANTA FE - PUBLIC UTILITIES DEPARTMENT**

23    **WATER SERVICES DIVISION**

24    **RATE SCHEDULE 8**

25 **UTILITY EXPANSION CHARGE**

1 APPLICABILITY: This Utility Expansion Charge is applicable to all new customers for connection  
2 with the City's system. Installation of a second meter and establishment of a new account for existing  
3 demand on a legal residential lot of record shall not be considered a new customer subject to  
4 application of the Utility Expansion Charge. Service will be furnished in accordance with the City's  
5 Rules and Regulations covering water service, available at the City's offices and on file with the  
6 office of the City Clerk of the city of Santa Fe, which Rules and Regulations or subsequent revisions  
7 thereof are a part of this Schedule as if fully written herein.

8 SERVICE AREA: Within the corporate limits of the city of Santa Fe, New Mexico and those areas  
9 outside the corporate limits to which service has been authorized by action of the governing body of  
10 the city of Santa Fe.

11 UTILITY EXPANSION CHARGE (UEC): The rate for the UEC shall be the sum of A and B.

12 A. CHARGE:

13 1. The Charge for a 5/8" meter service is \$2,013.00.

14 2. The Charge for a 5/8" meter service for the following is \$800.00.

15 a. Santa Fe Homes Program for-sale or for-rent units as defined in Section 26-1  
16 SFCC 1987;

17 b. Housing opportunity program home or housing opportunity program rental  
18 unit subject to a valid housing opportunity program agreement; or

19 c. A low priced dwelling unit as defined in Section 26-2 SFCC 1987.

20 3. The Charge for each meter service size shall be determined by multiplying the  
21 Charge for a 5/8" meter service by the applicable equivalent meter EQM Factor.

22 4. The other meter service sizes are as follows:

Meter Service	EQM Factor	UEC
3/4"	1.5	\$ 3,019.00
1"	2.5	5,032.00

1	1 1/2"	5.0	10,065.00
2	2"	8.0	16,104.00
3	3"	15.6	31,402.00
4	4"	25.0	50,325.00
5	6"	50.0	100,650.00
6	8"	80.0	161,040.00

7 B. SPECIAL TAX AND ASSESSMENT CLAUSE: Billings under this Schedule may be  
8 increased by an amount equal to the sum of taxes payable under the Gross Receipts and  
9 Compensating Tax Act and of all other taxes, fees, or charges payable by the City and levied or  
10 assessed by any governmental authority on the public utility service rendered, or on the right or  
11 privilege of rendering the service, or on any object or event incidental to the rendition of the service.

12 C. VARIANCE: In the event a developer makes an advance payment for project costs, which  
13 payment covers all costs pertaining to the project in question which are included in the UEC  
14 calculation, he/she shall upon application to the governing body of the city of Santa Fe be entitled to a  
15 variance excusing him/her from payment of the UEC. A qualifying project within the Midtown LINC  
16 Overlay District, as defined in Subsection 14-5.5(D)(4)(b) SFCC 1987, is exempt from payment of  
17 the UEC.

18 TERMS OF PAYMENT: The UEC is due when notice is provided to the Customer prior to  
19 installation of the service line.

20 SERVICE APPLICATION: The UEC shall apply to new services, not including the installation of a  
21 second meter and establishment of a new account for existing demand on a legal residential lot of  
22 record, located anywhere within the water service area approved by the City.



1 APPROVED AS TO FORM:

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KELLEY A. BRENNAN, CITY ATTORNEY

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25 *M/Legislation/Bills 2016/Midtown LINC Overlay District*

**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2016-\_\_**

**INTRODUCED BY:**

Mayor Javier M. Gonzales

Councilor Christopher Rivera

Councilor Peter Ives

**A RESOLUTION**

**DECLARING THE SECOND MONDAY IN OCTOBER AS INDIGENOUS PEOPLES DAY  
IN THE CITY OF SANTA FE.**

**WHEREAS**, the City of Santa Fe recognizes that the Indigenous Peoples of the lands that later became known as the Americas have occupied these lands since long-established; and

**WHEREAS**, the City recognizes that Santa Fe is built on the homelands and villages of the Indigenous Peoples of this region, without whom the building of the City would not have been possible; and

**WHEREAS**, Indigenous Peoples Day was first proposed in 1977 by a delegation of Native Nations to the United Nations sponsored International Conference on Discrimination Against Indigenous Populations in the Americas; and

**WHEREAS**, Santa Fe has a long history throughout the years of supporting the American Indian Community and its citizens advancement in our current society and to celebrate the thriving culture and value that our Indigenous nations add to our City; and

**WHEREAS**, the City values the many contributions made to our community through

*Exhibit "B"*

1 Indigenous Peoples knowledge, labor, technology, science, philosophy, arts and the deep cultural  
2 contributions that have considerably shaped the character of the City of Santa Fe; and

3 **WHEREAS**, Indigenous Peoples Day shall reflect on the ongoing struggles of Indigenous  
4 People of this land and to celebrate the thriving culture and value that Indigenous People add to our  
5 City.

6 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
7 **CITY OF SANTA FE** that the Governing Body declares the second Monday in October as  
8 Indigenous Peoples Day in the city of Santa Fe.

9 **BE IT FURTHER RESOLVED** that Santa Fe encourages other institutions businesses,  
10 organizations and public entities to recognize Indigenous Peoples Day and affirms the City's  
11 commitment to promote the well-being and growth of our City's American Indian and Indigenous  
12 community.

13 PASSED, APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2016.

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15 \_\_\_\_\_  
16 JAVIER M. GONZALES, MAYOR

17 ATTEST:

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19 \_\_\_\_\_  
20 YOLANDA Y. VIGIL, CITY CLERK

21 APPROVED AS TO FORM:

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23 \_\_\_\_\_  
24 KELLEY A. BRENNAN, CITY ATTORNEY

25 *M/Legislation/Resolutions 2016/Indigenous Peoples Day*

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Exhibit "9"

1 developing a program that included writing about Santa Fe's history, making occasional public  
2 presentations and advising on City programs and projects; and

3 **WHEREAS**, the Governing Body, through adoption of Resolution No. 2015-52,  
4 established a one-year, paid honorary position of City Historian appointed by the Mayor with  
5 advice and consent of the City Council, who provided live lectures for tourist and residents at  
6 downtown venues, provided access to historical resources upon request, celebrated various local  
7 and national historic months, and created more than twenty-five "Threads of Santa Fe" videos  
8 with the City's multimedia office.

9 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
10 **CITY OF SANTA FE** that the Governing Body:

11 1. Authorizes staff to enter into a one-year professional services agreement for  
12 historian services; and

13 2. Designates funding up to \$10,000 as payment for such services.

14 **BE IT FURTHER RESOLVED** that the Mayor will appoint a member of the  
15 community to the position of historian, with the advice and consent of City Council.

16 **BE IT FURTHER RESOLVED** that the appointed City Historian shall present to City  
17 Council within 30 days of appointment a proposed scope of services in furtherance of the  
18 following goals:

19 1. Conserve and share Santa Fe's diverse cultural heritage with the entire  
20 community.

21 2. Engage broad community participation to understand and embrace the value of  
22 stewardship of both tangible and intangible cultural history.

23 3. Advertise, publicize and promote historical tourist-related attractions, facilities  
24 and events, including nonprofit arts activities.

25 **PASSED, APPROVED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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JAVIER M. GONZALES, MAYOR

ATTEST:

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YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

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KELLEY A. BRENNAN, CITY ATTORNEY

**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION 2016-\_\_**

**INTRODUCED BY:**

Councilor Peter N. Ives

Councilor Carmichael A. Dominguez

Councilor Ronald Trujillo

**A RESOLUTION**

**DIRECTING THE CITY MANAGER TO HAVE PUBLIC UTILITIES STAFF IDENTIFY  
AND APPLY FOR FEDERAL AND STATE FUNDING SOURCES FOR WATER,  
WASTEWATER AND OTHER WATER RELATED PROJECTS.**

**WHEREAS,** municipal water systems and wastewater systems must make significant  
investments to install, upgrade or replace infrastructure; and

**WHEREAS,** adequate water and wastewater facilities, in addition to protecting public and  
environmental health, enable communities to grow and attract businesses; and

**WHEREAS,** through the adoption of Resolution No. 2016-\_\_, the Governing Body  
established certain water project priorities for consideration by the fifty-third legislature, first session,  
2017; and

**WHEREAS,** there is an ongoing need for the city of Santa Fe to obtain funding for water and  
wastewater projects.

**NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE  
CITY OF SANTA FE** that the city manager is directed to have the Public Utilities Department staff:

1. Identify, by way of example and not limitations, water, wastewater, water conservation, water treatment, water recycling, water reuse, water storage, water conveyance, water delivery, flood prevention, watershed restoration, watershed management, and other similar projects ("Projects") priorities and research and identify potential Federal and State funding sources for such projects.
2. Apply for funding and bring specific agreements for such Projects back through committee review and approval by the governing body.
3. Identify a state legislative priority list of Projects for presentation to the city's legislative delegation.
4. Submit an application to the New Mexico Water Trust Board, in compliance with New Mexico Water Trust Board policy, for financial assistance from the New Mexico Water Project Fund for all project types eligible for consideration, including but not limited to:
  - a) Water storage, conveyance and delivery projects;
  - b) Watershed restoration and management projects;
  - c) Endangered species act (ESA) collaborative projects;
  - d) Flood prevention projects;
  - e) Water conservation, treatment, recycling, and reuse projects.

PASSED, APPROVED, and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

\_\_\_\_\_  
JAVIER M. GONZALES, MAYOR

\_\_\_\_\_  
YOLANDA Y. VIGIL, CITY CLERK



1 APPROVED AS TO FORM:

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4 KELLEY A. BRENNAN, CITY ATTORNEY

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25 *M/Legislation/Resolutions 2016/Water Funding Sources*

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2016-\_\_

INTRODUCED BY:

Councilor Carmichael A. Dominguez

AN ORDINANCE

REPEALING ORDINANCE NO. 2016-15 ADOPTING A MUNICIPAL GROSS RECEIPTS TAX.

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

Section 1. Purpose.

The purpose of this ordinance is to repeal Ordinance #2016-15, the format of which was rejected by the New Mexico taxation and revenue department. Ordinance #2016-33 shall remain in effect, establishing a municipal gross receipts tax in the amount of 1/4 percent (.25%).

Section 2. [REPEAL] Ordinance #2016-15 adopting a Municipal Gross Receipts Tax is hereby repealed effective immediately.

APPROVED AS TO FORM:

KELLEY A. BRENNAN, CITY ATTORNEY

M/Legislation/Bills 2016/Repeal GRT Ordinance

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2016-\_\_**

3 **INTRODUCED BY:**

4  
5 Councilor Signe I. Lindell

6  
7  
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9  
10 **A RESOLUTION**

11 **NAMING THE SUNNY SLOPE MEADOWS COMMUNITY GARDEN AFTER AMY**  
12 **HETAGER.**

13  
14 **WHEREAS**, resolution 2010-19 permits city-owned parks to be named after community  
15 members who meet certain criteria; and

16 **WHEREAS**, those criteria include:

- 17 1. the individual must be deceased;
- 18 2. the individual must have made significant contributions to the community;
- 19 3. the individual must have been of high integrity and good moral character;
- 20 4. the individual must have been a resident of Santa Fe county or have a strong
- 21 connection to Northern New Mexico;
- 22 5. the individual may have made charitable contributions of time or money either in
- 23 the past or in the present; and

24 **WHEREAS**, the governing body desires to name the Sunny Slope Meadows Community  
25 Garden after Amy Hetager; and

*Exhibit "12"*

1       **WHEREAS**, Amy recently passed away on March 27, 2014 after a five-year battle with  
2 cancer; and

3       **WHEREAS**, when Amy was diagnosed with cancer in 2009, and her doctors urged her  
4 to get a hobby to “help take her mind off of it”; and

5       **WHEREAS**, Amy took that advice to heart and co-founded Home Grown New Mexico,  
6 whose mission it is to educate and promote the awareness of nutritious, home grown food by  
7 enabling New Mexicans to take personal responsibility for growing, raising, making and storing  
8 healthy food; and

9       **WHEREAS**, through Home Grown New Mexico, Amy helped bring gardeners together,  
10 scheduled classes to educate the public, was involved with all the community gardens  
11 throughout the city of Santa Fe, and helped create the Santa Fe Kitchen Garden and Coop Tour;  
12 and

13       **WHEREAS**, Amy was a Master Gardener, and served on their board of directors; and

14       **WHEREAS**, more than 25 people have signed a petition supporting the naming of Sunny  
15 Slope Meadows Community Garden after Amy Hetager; and

16       **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
17 **CITY OF SANTA FE** that the Sunny Slope Meadows Community Garden is hereby renamed  
18 the Amy Hetager Community Garden in recognition of the service Amy provided to the residents  
19 of the city of Santa Fe through her co-founding and community work with Home Grown New  
20 Mexico.

21       **PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2016.

22  
23 \_\_\_\_\_  
24 JAVIER M. GONZALES, MAYOR  
25

1 ATTEST:

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4 \_\_\_\_\_  
YOLANDA Y. VIGIL, CITY CLERK

5 APPROVED AS TO FORM:

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KELLEY A. BRENNAN, CITY ATTORNEY

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25 *M/Legislation/Resolutions 2016/Amy Hetager Community Garden*