



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
DECEMBER 14, 2016
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 12/9/16 TIME 1:55 PM

SERVED BY Melissa Byers

RECEIVED BY Carmelina Sparto

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 – November 9, 2016
9. PRESENTATIONS
 - a) November 2016 Employees of the Month: Georgia Urioste, Antoinette Padilla, Vidal Garcia, James Martinez and Jason Sena; Ordinance Enforcement Staff, Land Use Department.
 - b) Proclamation – Lucky Varela, State Representative, New Mexico House of Representatives.
10. CONSENT CALENDAR
 - a) Request for Approval of Budget Increase in the Amount of \$164,000 – Generated by the Paper Bag Ordinance Environmental Service Fee Pursuant to Ordinance No. 2015-12; Environmental Services Division. (Shirlene Sitton)
 - b) Request for Approval of Change Order No. 3 in the Amount of \$295,512.18 – Increase Scope and Compensation to Include Commercial Meters; Badger Meter, Inc. (Nick Schiavo)
 - c) Request for Approval of Bid No. 17/04/B and Construction Agreement in an Amount of \$1,231,910.52 – DeFouri Street Bridge Rehabilitation Additive Alternative; AUI, Inc. (David Quintana)



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- d) Request for Ratification and Approval of Amendment No. 6 to Professional Services Agreement in the Amount of \$172,037.05 – Cerrillos Road Reconstruction Phase IIC; Parsons Brinkerhoff, Inc. (David Quintana)
- e) Request for Approval of Procurement Under Cooperative/GSA Agreement in an Amount to Exceed \$50,000 – Equipment for Municipal Recreational Complex (MRC); Austin Turf & Tractor. (Jennifer Romero)
- f) Request for Approval of Procurement Under Cooperative Price Agreement in an Amount to Exceed \$50,000 – Equipment for Municipal Recreational Complex (MRC); Santa Fe Motor Sports. (Jennifer Romero)
- g) Santa Fe Municipal Airport – Task Orders. (Cameron Humphres)
 - 1) Request for Approval of Task Order No. SA.003 in the Amount of \$182,909 – Taxiway D Pavement Reconstruction; KSA Engineers, Inc.
 - 2) Request for Approval of Task Order No. SA.004 in the Amount of \$280,485 – Runway 2-20 Pavement Resurfacing; KSA Engineers, Inc.
 - 3) Request for Approval of Task Order No. SA.005 in the Amount of \$192,577 – Drainage Master Plan; KSA Engineers, Inc.
- h) Request for Approval of Exempt Procurement and Amendment No. 1 to Maintenance and Support Agreement in the Amount of \$89,512.49 – Annual Maintenance and Support for Centralized Cashiering System for Finance (Cashiers), Transportation (Parking Administration), Police (Administration Support) and Tourism (Community Convention Center Administration); Active Network. (David Kulb)
- i) Request for Approval of Professional Services Agreement in the Amount of \$97,200 – Social Worker Services and Support of Santa Fe Fire Department Mobile Integrated Health Office (RFP #17/15/P); Kristin Carmichael. (Andres Mercado)
- j) Update on Mobile Integrated Health Office and Request for Approval of Budget Amendment in the Amount of \$91,782 – Align Funds within the Mobile Integrated Health (MIHO) Expenditures and Revenues from FY 15/16 and FY 16/17 into Correct Business Units and Line Items for Fire Department Use. (Jan Snyder)



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- k) Request for Approval of Budget Amendment in the Amount of \$254,500 for Revenues and Expenditures to Short Term Rental Support Personnel and Program Operation Expenses Described in Ordinance 2016-33 and Resolution 2016-39. (Lisa Martinez)
- l) Request for Approval of Procurement Under State Price Agreement – City-Wide Debt Collection Services; Virtuoso Sourcing Group, LLC. (Robert Rodarte)
- m) Parks and Recreation Master Plan Timeline. (Rob Carter) **(Informational Only)**
- n) Report on Community Development Block Grant and Affordable Housing Trust Fund Project Funding Priorities for FY 2017-2018. (Alexandra Ladd) **(Informational Only)**
- o) Update on Las Soleras Regional Park Charrette. (Noah Berke) **(Informational Only)**
- p) Request for Approval of Cooperative Price Agreement and Construction Services Agreement in the Amount of \$67,452.26 – Ft. Marcy Recreation Complex Building, Family Locker Room Remodeling; Cooperative Educational Services (CES)/Facility Build, Inc. (Jason Kluck)
- q) Request for Approval of Procurement Under State Price Agreement and Service Agreement in the Amount of \$77,700.72 – Maintenance and Repairs for City's Land Mobile Radio System; Motorola Solutions, Inc. (Larry Worstell)
- r) Request for Approval of Procurement Under Cooperative Price Agreement and Service Agreement in an Amount to Exceed \$50,000 – Automotive Vehicle Maintenance, Parts, Repairs and Labor for Transit Division; Fincham Enterprise, Inc. (Lois Amador)
- s) Request for Approval of Amendment No. 1 to Professional Services Agreement – City-Wide ADA Ramps Being Surveyed as Part of the Mandated Public Rights-of-Way Transition Plan and Term Extension; KFH Group, Inc. (David Chapman)
 - 1) Request for Approval of Budget Amendment in the Amount of \$57,942.



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- t) Request for Approval of Memorandum of Agreement – Establish Roles and Responsibilities Related to US Department of Transportation and New Mexico Department of Transportation Air Service Grants for Santa Fe Municipal Airport; Santa Fe Chamber of Commerce Opportunities Fund, Inc. (Cameron Humphres)
- u) Request for Approval of Amendment No. 1 to Professional Services Agreement in the Amount of \$136,411 – Agua Fria Street/Cottonwood Drive Intersection Safety Improvements Project (RFP #16/16/P) Phases 2 and 3 Services; Souder, Miller & Associates. (James Martinez)
- v) CONSIDERATION OF RESOLUTION NO. 2016-___: (Councilor Harris, Councilor Ives and Councilor Lindell)
A Resolution to Accept the Donation of a Prefabricated Building for City Ownership. (Matthew O'Reilly)

Fiscal Impact – Yes - Expenditure = \$13,000; Revenue = \$40,000 for Value of Building and Relocation Costs.
- w) Request for Approval of Exempt Procurement in the Amount of \$75,000 – Annual Membership Fees, Training and Consulting Services for Government Officials; New Mexico Municipal League. (Robert Rodarte)
- x) Request for Approval of Report on Program and Service Inventories Development and Performance Measurements Pursuant to Resolution No. 2016-67 (Strategic Planning). (Adam Johnson)
- y) Request for Approval of City's Investment Policy with Recommended Amendments Required on an Annual Basis. (Bradley Fluetsch)
- z) CONSIDERATION OF RESOLUTION NO. 2016-___: (Mayor Gonzales, Councilor Lindell, Councilor Villarreal, Councilor Harris, Councilor Maestas, Councilor Rivera and Councilor Trujillo)
A Resolution Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority For Automated Curbside Recycling Carts and Trucks. (Shirlene Sitton)

Fiscal Impact – Expenditure = \$1,290,827; Revenue = \$1,290,827 from Enterprise Loan.
- 1) Request for Approval of Public Project Revolving Fund Equipment Application in the Amount of \$1,290,827 – City of Santa Fe Automated Curbside Recycling Program; New Mexico Finance Authority. (Shirlene Sitton)



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- aa) Request for Approval of Professional Services Agreement in the Amount of \$1,697,732 – Automated Recycling Cart Rollout for Environmental Services Division (RFP #16/48/P); Cascade Engineering. (Shirlene Sitton)
 - 1) Request for Approval of Budget Amendment Increase in the Amount of \$1,291,556.
- bb) CONSIDERATION OF RESOLUTION NO. 2016-___: (Mayor Gonzales, Councilor Lindell and Councilor Rivera)
A Resolution Amending the Financial Policies of the Governing Body to Require that the Creation of New, or the Expansion of Existing, Programs and Services Identify a Funding Source, or an Equivalent Offset to Provide Funding for Such New or Expanded Program or Service. (Adam Johnson)
- cc) CONSIDERATION OF RESOLUTION NO. 2016-___: (Councilor Maestas)
A Resolution Calling on the New Mexico State Legislature to Take Immediate Action During the 2017 Legislative Session to Enact a Municipal Telecommunications Tax Act that Would Authorize Municipalities to Collect from Telecommunications Providers a Municipal Telecommunications Tax on the Telecommunications Provider's Gross Receipts from Telecommunications Service. (Marcos Martinez)
- dd) Request for Approval of Memorandum of Understanding – Wastewater Service for Turquoise Trail Business Park, End of Trail Condominium and the Industrial Park at Rancho Viejo Developments; Santa Fe County. (Stan Holland)
- ee) CONSIDERATION OF RESOLUTION NO. 2016-___: (Councilor Trujillo)
A Resolution Directing the City Manager to Work with Staff to Explore the Feasibility, including Fiscal Impact, of Creating a Recreational Vehicle Dump Station for Local Residents and Travelers to Our City. (Shannon Jones)

Fiscal Impact – Yes - \$1,200 for Personnel, Fringe and Other Operating Costs.
- ff) CONSIDERATION OF RESOLUTION NO. 2016-___: (Councilor Ives)
A Resolution Amending the Membership Requirements of the Santa Fe Water Conservation Committee so that a Resident of Santa Fe County is Appointed to the Membership; and to Clarify Term Limits of the Membership. (Christine Chavez)



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- gg) **CONSIDERATION OF RESOLUTION NO. 2016-___:** (Mayor Gonzales, Councilor Lindell, Councilor Villarreal, Councilor Ives, Councilor Maestas, Councilor Dominguez, Councilor Rivera, Councilor Trujillo and Councilor Harris)
A Resolution Establishing City of Santa Fe Legislative Priorities for Consideration by the New Mexico State Legislature During the 53rd Legislature - State of New Mexico – First Session, 2017. (Brian Snyder)
- hh) Pursuant to Resolution No. 2016-74, Report on the Policies and Communications Plan Relating to Access of City Communication Services. (Matt Ross) **(Informational Only)**
- ii) **Bill No. 2016-40.** 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. (Mayor Gonzales) (Marcos Martinez) (Postponed on October 26, 2016) **(Withdrawn by Sponsor)**
11. Request for Ratification and Approval of Professional Services Agreement (RFP 15/26/P) Basic Life/AD&D and Supplemental Life Insurance; Life Insurance North America (Cigna Group Insurance). (Vicki Gage)
12. **CONSIDERATION OF RESOLUTION NO. 2016-___:** (Councilor Ives)
A Resolution Calling for a Series of Meetings Between the City of Santa Fe and Santa Fe County Regarding a Potential Future Joint Water Authority. (Andrew Erdmann)

Fiscal Impact – Yes
13. Request to Publish Notice of Public Hearing on January 11, 2017:
Bill No. 2016-44: An Ordinance Amending Ordinance No. 2016-22 Authorizing an Amendment to the *2008 General Obligation (GO) Bond* to Reallocate \$267,040 Currently Designated for Various City Park Improvements to Reconcile Projects and Repair the Fort Marcy Pedestrian Bridge. (Councilor Dominguez) (Becky Casper)
14. The City's Water and the Living River Report. (Nick Schiavo and Marcos Martinez)



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15. CONSIDERATION OF RESOLUTION NO. 2016-___: (Mayor Gonzales, Councilor and Councilor Villarreal)
A Resolution Supporting the Peaceful Protest in North Dakota Against the Dakota Access Pipeline to Protect Treaty Rights, Sovereignty and Natural Resources and Applauding the Administration's Decision to Reroute the Project and Conduct a Full Environmental Impact Statement. (Jesse Guillen)

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) and (7) NMSA 1978, Discussion Regarding Limited Personnel Matters, Including, without Limitation, on the Status of Negotiations with AFSCME and the Santa Fe Police and Fire Unions; and Threatened and Pending Litigation in Which the City of Santa Fe Is or May Become a Participant, Including, without Limitation, Discussion Regarding Agreements Reached in Mediation Under the Dispute Resolution Provisions of the Facilities Operations and Procedures Agreement Between the City of Santa Fe, Santa Fe County and Others (FOPA), Under the Dispute Resolution Provision of the Water Resources Agreement (WRA), and Under the Dispute Resolution Provision of the Agreement Regarding Water, Wastewater and Solid Waste Required by the Settlement Agreement and Mutual Release of Claims Between the City of Santa Fe and Santa Fe County (WWSWA). (Kelley Brennan)

18. Possible Action with Respect to Certain Proposed Amendments to the FOPA Pursuant to Discussions in Mediation. (Kelley Brennan)
19. Possible Action with Respect to Certain Proposed Amendments to the WRA Pursuant to Discussions in Mediation. (Kelley Brennan)
20. Possible Action with Respect to Certain Proposed Amendments to the WWSWA Pursuant to Discussions in Mediation. (Kelley Brennan)
21. MATTERS FROM THE CITY CLERK
22. COMMUNICATIONS FROM THE GOVERNING BODY



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REGULAR MEETING OF
THE GOVERNING BODY
DECEMBER 14, 2016
CITY COUNCIL CHAMBERS

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
 - Human Services Committee
 - Veterans' Advisory Board
 - Mayor's Youth Advisory Board
 - Santa Fe Regional Juvenile Justice Board
 - Transit Advisory Board
- H. PUBLIC HEARINGS:
 - 1) Request from Morales-Kratzer, Inc., for a Restaurant Liquor License (Beer and Wine) with On-Premise Consumption Only, to be Located at El Callejon, 208 Galisteo Street. (Yolanda Y. Vigil)
 - 2) CONSIDERATION OF RESOLUTION NO. 2016-__:
Case #2016-99. Arts and Creativity Center General Plan Amendment. New Mexico Inter-Faith Housing, Agent for the City of Santa Fe, Requests Approval of a General Plan Future Land Use Map Amendment to Change the Designation of Property Comprising 5.00+/- Acres of Land Located Along the West Side of Siler Road, Approximately One-Third (1/3) Mile Southwest of the Siler Road and Agua Fria Street Intersection from Public/Institutional to Community Commercial. (Noah Berke)



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- 3) CONSIDERATION OF BILL NO. 2016-43: ADOPTION OF ORDINANCE No. 2016-____.
Case #2016-89. Arts and Creativity Center Rezoning. New Mexico Inter-Faith Housing, Agent for the City of Santa Fe, Requests Approval to Amend the Official Zoning Map of the City of Santa Fe; Changing the Zoning Classification of a Property Comprising 5.00+/- Acres of Land Located Along the West Side of Siler Road, Approximately One-Third (1/3) Mile Southwest of the Siler Road and Agua Fria Street Intersection from I-2 (General Industrial) to C-2 (General Commercial) and Providing an Effective Date. (Noah Berke)
- 4) Appeal of Richard Folks, Fred Rowe, Greater Callecita Neighborhood Association and Neighborhood Network (Case No. 2016-116) & Justin and Sandra Greene (Case No. 2016-117) from the September 8, 2016, Decision of the Planning Commission to Approve the Haciendas del Mirasol's Request for a Preliminary Subdivision Plat at 700 Hyde Park Road. (Zachary Shandler)

I. ADJOURN

Pursuant to the Governing Body Procedural Rules, in the event any agenda items have not been considered prior to 11:30 p.m. such items shall be postponed to a subsequent meeting, provided that the date, time and place of such meeting is specified at the time of postponement.

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, December 14, 2016**

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<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT IN THE AMOUNT OF \$75,000 – ANNUAL MEMBERSHIP FEES, TRAINING AND CONSULTING SERVICES FOR GOVERNMENT OFFICIALS; NEW MEXICO MUNICIPAL LEAGUE	Approved w/direction to staff	10-11

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CONSIDERATION OF RESOLUTION NO. 2016-92. A RESOLUTION ESTABLISHING CITY OF SANTA FE LEGISLATIVE PRIORITIES FOR CONSIDERATION BY THE NEW MEXICO STATE LEGISLATURE DURING THE 53 RD LEGISLATURE, STATE OF NEW MEXICO, FIRST SESSION 2017	Approved as amended	11-12
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REQUEST FOR RATIFICATION AND APPROVAL OF PROFESSIONAL SERVICES AGREEMENT (RFP 15/26/P BASIC LIFE/AD&D AND SUPPLEMENTAL LIFE INSURANCE; LIFE INSURANCE NORTH AMERICA (CIGNA GROUP INSURANCE	Approved	12-13
CONSIDERATION OF RESOLUTION NO. 2016- _____. A RESOLUTION CALLING FOR A SERIES OF MEETINGS BETWEEN THE CITY OF SANTA FE AND SANTA FE COUNTY REGARDING A POTENTIAL FUTURE JOINT WATER AUTHORITY	Postponed to January 2017	1
REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON JANUARY 11, 2017: BILL NO. 2016-44. AN ORDINANCE AMENDING ORDINANCE NO. 2016-22, AUTHORIZING AN AMENDMENT TO THE <i>2008 GENERAL OBLIGATION (GO) BOND</i> TO REALLOCATE \$267,040 CURRENTLY DESIGNATED FOR VARIOUS CITY PARK IMPROVEMENTS TO RECONCILE PROJECTS AND REPAIR THE FORT MARCY PEDESTRIAN BRIDGE	Approved	14
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<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CONSIDERATION OF RESOLUTION NO. 2016-93. A RESOLUTION SUPPORTING THE PEACEFUL PROTEST IN NORTH DAKOTA AGAINST THE DAKOTA ACCESS PIPELINE TO PROTECT TREATY RIGHTS, SOVEREIGNTY AND NATURAL RESOURCES AND APPLAUDING THE ADMINISTRATION'S DECISION TO REROUTE THE PROJECT AND CONDUCT A FULL ENVIRONMENTAL IMPACT STATEMENT	Approved	15-16
MATTERS FROM THE CITY MANAGER	None	16
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POSSIBLE ACTION WITH RESPECT TO CERTAIN PROPOSED AMENDMENTS TO THE FOPA PURSUANT TO DISCUSSIONS IN MEDIATION	Approved	18
POSSIBLE ACTION WITH RESPECT TO CERTAIN PROPOSED AMENDMENTS TO THE WRA PURSUANT TO DISCUSSIONS IN MEDIATION	Approved	18
POSSIBLE ACTION WITH RESPECT TO CERTAIN PROPOSED AMENDMENTS TO THE WWSWA PURSUANT TO DISCUSSIONS IN MEDIATION	Approved	18-19
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<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
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CONSIDERATION OF RESOLUTION NO. 2016-94. CASE #2016-99, ARTS AND CREATIVITY CENTER GENERAL PLAN AMENDMENT. NEW MEXICO INTER-FAITH HOUSING, AGENT FOR THE CITY OF SANTA FE, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHARGE THE DESIGNATION OF PROPERTY COMPRISING 5.00± ACRES OF LAND, LOCATED ALONG THE WEST SIDE OF SILER ROAD, APPROXIMATELY ONE-THIRD (1/3) MILE SOUTHWEST OF THE SILER ROAD AND AGUA FRIA STREET INTERSECTION FROM PUBLIC/ INSTITUTIONAL TO COMMUNITY COMMERCIAL	Approved w/conditions	28-34
CONSIDERATION OF BILL NO. 2016-43; ADOPTION OF ORDINANCE NO. 2016-44. CASE #2016-89, ARTS AND CREATIVITY CENTER GENERAL REZONING. NEW MEXICO INTER-FAITH HOUSING, AGENT FOR THE CITY OF SANTA FE, REQUESTS APPROVAL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE; CHANGING A ZONING CLASSIFICATION OF A PROPERTY COMPRISING 5.00± ACRES OF LAND, LOCATED ALONG THE WEST SIDE OF SILER ROAD, APPROXIMATELY ONE-THIRD (1/3) MILE SOUTHWEST OF THE SILER ROAD AND AGUA FRIA STREET INTERSECTION FROM I-2 (GENERAL INDUSTRIAL) TO C-2 (GENERAL COMMERCIAL) AND PROVIDING AN EFFECTIVE DATE	Approved w/conditions	34-35

ITEM

ACTION

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APPEAL OF RICHARD FOLKS, FRED ROWE,
GREATER CALLECITA NEIGHBORHOOD
ASSOCIATION AND NEIGHBORHOOD
NETWORK (CASE NO. 2016-116) & JUSTIN
AND SANDRA GREENE (CASE NO. 2016-117)
FROM THE SEPTEMBER 8, 2016, DECISION
OF THE PLANNING COMMISSION TO
APPROVE THE HACIENDAS DEL MIRASOL'S
REQUEST FOR A PRELIMINARY SUBDIVISION
PLAT AT 700 HYDE PARK ROAD

Appeal denied

35-70

END OF PUBLIC HEARINGS

ADJOURN

70-71

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
December 14, 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 Thursday, December 14, 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
Kelley Brennan, City Attorney
Melissa Byers, Assistant City Clerk
Melessia Helberg, Council Stenographer

6. APPROVAL OF AGENDA

MOTION: Councilor Harris moved, seconded by Councilor Maestas, to approve the Agenda with an amendment to postpone Item #12, until we get the White Paper from the Public Utilities Committee in February 2017.

DISCUSSION: Councilor Ives said, "As the sponsor of Item #12, we are well poised to move ahead with it, but there is enough reluctance that it appears that postponing it is inevitable, so I will withdraw the matter... well, agree to postpone it, presumably until we have the City staff's position in a more concrete form."

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

Councilor Dominguez asked to postpone Item 10(hh) in light of the heavy agenda we have, and to add his name as a cosponsor for Item 10(bb).

Councilor Villarreal asked to be added as a cosponsor of Item 10(bb).

Councilor Ives asked to be added as a cosponsor for Item 10(z) and 10(ee)

MOTION: Councilor Dominguez moved, seconded by Councilor Lindell, 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

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, December 12, 2016, regarding Item 10(d) is incorporated herewith to these minutes as Exhibit "1."

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, December 12, 2016, regarding Item 10(k) is incorporated herewith to these minutes as Exhibit "2."

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, December 12, 2016, regarding Item 10(p) is incorporated herewith to these minutes as Exhibit "3."

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, December 12, 2016, regarding Item 10(r) is incorporated herewith to these minutes as Exhibit "4."

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, December 12, 2016, regarding Item 10(t) is incorporated herewith to these minutes as Exhibit "5."

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, December 12, 2016, regarding Item 10(u) is incorporated herewith to these minutes as Exhibit "6."

- a) **REQUEST FOR APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$164,000 – GENERATED BY THE PAPER BAG ORDINANCE ENVIRONMENTAL SERVICE FEE PURSUANT TO ORDINANCE NO. 2015-12; ENVIRONMENTAL SERVICES DIVISION. (SHIRLENE SITTON)**
- b) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 3 IN THE AMOUNT OF \$295,512.18 – INCREASE SCOPE AND COMPENSATION TO INCLUDE COMMERCIAL METERS; BADGER METER, INC. (NICK SCHIAVO)**
- c) **REQUEST FOR APPROVAL OF BID NO. 17/04/B AND CONSTRUCTION AGREEMENT IN AN AMOUNT OF \$1,231,910.52 – DeFOURI STREET BRIDGE REHABILITATION ADDITIVE ALTERNATIVE; AUI, INC. (DAVID QUINTANA)**
- d) **REQUEST FOR RATIFICATION AND APPROVAL OF AMENDMENT NO. 6 TO PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$172,037.05 – CERRILLOS ROAD RECONSTRUCTION PHASE IIC; PARSONS BRINKERHOFF, INC. (DAVID QUINTANA)**
- e) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE/GSA AGREEMENT IN AN AMOUNT TO EXCEED \$50,000 – EQUIPMENT FOR MUNICIPAL RECREATIONAL COMPLEX (MRC); AUSTIN TURF & TRACTOR. (JENNIFER ROMERO)**
- f) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE/GSA AGREEMENT IN AN AMOUNT TO EXCEED \$50,000 – EQUIPMENT FOR MUNICIPAL RECREATIONAL COMPLEX (MRC); SANTA FE MOTOR SPORTS. (JENNIFER ROMERO)**
- g) **SANTA FE MUNICIPAL AIRPORT – TASK ORDERS. (CAMERON HUMPHRES)**
 - 1) **REQUEST FOR APPROVAL OF TASK ORDER NO. SA.003 IN THE AMOUNT OF \$182,909 – TAXIWAY D PAVEMENT RECONSTRUCTION; KSA ENGINEERS, INC.**
 - 2) **REQUEST FOR APPROVAL OF TASK ORDER NO. SA.004 IN THE AMOUNT OF \$280,485 – RUNWAY 2-20 PAVEMENT RESURFACING; KSA ENGINEERS, INC.**
 - 3) **REQUEST FOR APPROVAL OF TASK ORDER NO. SA.005 IN THE AMOUNT OF \$192,577 – DRAINAGE MASTER PLAN; KSA ENGINEERS, INC.**

- h) **REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT AND AMENDMENT NO. 1 TO MAINTENANCE AND SUPPORT FOR CENTRALIZED CASHIERING SYSTEM FOR FINANCE (CASHIERS), TRANSPORTATION (PARKING ADMINISTRATION), POLICE (ADMINISTRATION SUPPORT) AND TOURISM (COMMUNITY CONVENTION CENTER ADMINISTRATION); ACTIVE NETWORK. (DAVID KULB)**
- i) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$97,200 – SOCIAL WORKER SERVICES AND SUPPORT OF SANTA FE FIRE DEPARTMENT MOBILE INTEGRATED HEALTH OFFICE (RFP #17/15/P); KRISTIN CARMICHAEL. (ANDRES MERCADO)**
- j) **UPDATE ON MOBILE INTEGRATED HEALTH OFFICE AND REQUEST FOR APPROVAL OF BUDGET AMENDMENT IN THE AMOUNT OF \$91,782 – ALIGN FUNDS WITHIN THE MOBILE INTEGRATED HEALTH (MIHO) EXPENDITURES AND REVENUES FROM FY 15/16 AND FY 16/17 INTO CORRECT BUSINESS UNITS AND LINE ITEMS FOR FIRE DEPARTMENT USE. (JAN SNYDER)**
- k) **REQUEST FOR APPROVAL OF BUDGET AMENDMENT IN THE AMOUNT OF \$254,500 FOR REVENUES AND EXPENDITURES TO SHORT TERM RENTAL SUPPORT PERSONNEL AND PROGRAM OPERATION EXPENSES DESCRIBED IN ORDINANCE 2016-33 AND RESOLUTION 2016-39. (LISA MARTINEZ)**
- l) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICING AGREEMENT - CITY-WIDE DEBT COLLECTION SERVICES; VIRTUOSO SOURCING GROUP, LLC. (ROBERT RODARTE)**
- m) **PARKS AND RECREATION MASTER PLAN TIMELINE. (ROB CARTER) (INFORMATIONAL ONLY)**
- n) **REPORT ON COMMUNITY DEVELOPMENT BLOCK GRANT AND AFFORDABLE HOUSING TRUST FUND PROJECT FUNDING PRIORITIES FOR FY 2017-2018. (ALEXANDRA LADD) (INFORMATIONAL ONLY)**
- o) **UPDATE ON LAS SOLERAS REGIONAL PARK CHARRETTE. (NOAH BERKE) (INFORMATIONAL ONLY)**
- p) **REQUEST FOR APPROVAL OF COOPERATIVE PRICE AGREEMENT AND CONSTRUCTION SERVICES AGREEMENT IN THE AMOUNT OF \$67,452.26 – FT. MARCY RECREATION COMPLEX BUILDING, FAMILY LOCKER ROOM REMODELING; COOPERATIVE EDUCATIONAL SERVICES (CES)/FACILITY BUILD, INC. (JASON KLUCK)**

- q) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT AND SERVICE AGREEMENT IN THE AMOUNT OF \$77,700.72 – MAINTENANCE AND REPAIRS FOR CITY'S LAND MOBILE RADIO SYSTEM; MOTOROLA SOLUTIONS, INC. (LARRY WORSTELL)
- r) REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT AND SERVICE AGREEMENT IN AN AMOUNT TO EXCEED \$50,000 – AUTOMOTIVE VEHICLE MAINTENANCE, PARTS, REPAIRS AND LABOR FOR TRANSIT DIVISION; FINCHAM ENTERPRISE, INC. (LOIS AMADOR)
- s) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – CITY-WIDE ADA RAMPS BEING SURVEYED AS PART OF THE MANDATED PUBLIC RIGHTS-OF-WAY TRANSITION PLAN AND TERM EXTENSION; KFH GROUP, INC. (DAVID CHAPMAN)
 - 1) REQUEST FOR APPROVAL OF BUDGET AMENDMENT IN THE AMOUNT OF \$57,942.
- t) REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT – ESTABLISH ROLES AND RESPONSIBILITIES RELATED TO US DEPARTMENT OF TRANSPORTATION AND NEW MEXICO DEPARTMENT OF TRANSPORTATION AIR SERVICE GRANTS FOR SANTA FE MUNICIPAL AIRPORT; SANTA FE CHAMBER OF COMMERCE OPPORTUNITIES FUND, INC. (CAMERON HUMPHRES)
- u) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$136,411 – AGUA FRIA STREET/COTTONWOOD DRIVE INTERSECTION SAFETY IMPROVEMENTS PROJECT (RFP #16/16/P) PHASES 2 AND 3 SERVICES; SOUDER, MILLER & ASSOCIATES. (JAMES MARTINEZ)
- v) CONSIDERATION OF RESOLUTION NO. 2016-86 (COUNCILOR HARRIS, COUNCILOR IVES AND COUNCILOR LINDELL). A RESOLUTION TO ACCEPT THE DONATION OF A PREFABRICATED BUILDING FOR CITY OWNERSHIP. (MATTHEW O'REILLY). FISCAL IMPACT – YES. EXPENDITURE = \$13,000; REVENUE = \$40,000 FOR VALUE OF BUILDING AND RELOCATION COSTS.
- w) *[Removed for discussion by Councilor Lindell]*
- x) REQUEST FOR APPROVAL OF REPORT ON PROGRAM AND SERVICE INVENTORIES DEVELOPMENT AND PERFORMANCE MEASUREMENTS PURSUANT TO RESOLUTION NO. 2016-67 (STRATEGIC PLANNING). (ADAM JOHNSON)
- y) REQUEST FOR APPROVAL OF CITY'S INVESTMENT POLICY WITH RECOMMENDED AMENDMENTS REQUIRED ON AN ANNUAL BASIS. (BRADLEY FLUETSCH)

- z) **CONSIDERATION OF RESOLUTION NO. 2016- 87 (MAYOR GONZALES, COUNCILOR LINDELL, COUNCILOR VILLARREAL, COUNCILOR HARRIS, COUNCILOR MAESTAS, COUNCILOR RIVERA, AND COUNCILOR TRUJILLO AND COUNCILOR IVES). A RESOLUTION AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY FOR AUTOMATED CURBSIDE RECYCLING CARTS AND TRUCKS. (SHIRLENE SITTON). FISCAL IMPACT – EXPENDITURE = \$1,290,827; REVENUE = \$1,290,827 FROM ENTERPRISE LOAN.**
- 1) **REQUEST FOR APPROVAL OF PUBLIC PROJECT REVOLVING FUND EQUIPMENT APPLICATION IN THE AMOUNT OF \$1,290,827 – CITY OF SANTA FE AUTOMATED CURBSIDE RECYCLING PROGRAM; NEW MEXICO FINANCE AUTHORITY. (SHIRLENE SITTON)**
- aa) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$1,697,732 – AUTOMATED RECYCLING CART ROLLOUT FOR ENVIRONMENTAL SERVICES DIVISION (RFP #16/48/P); CASCADE ENGINEERING (SHIRLENE SITTON)**
- 1) **REQUEST FOR APPROVAL OF BUDGET AMENDMENT INCREASE IN THE AMOUNT OF \$1,291,556.**
- bb) **CONSIDERATION OF RESOLUTION NO. 2016-88 (MAYOR GONZALES, COUNCILOR LINDELL, AND COUNCILOR RIVERA, COUNCILOR DOMINGUEZ, AND COUNCILOR VILLARREAL). A RESOLUTION AMENDING THE FISCAL POLICIES OF THE GOVERNING BODY TO REQUIRE THAT THE CREATION OF NEW, OR THE EXPANSION OF EXISTING, PROGRAMS AND SERVICES IDENTIFY A FUNDING SOURCE, OR AN EQUIVALENT OFFSET TO PROVIDE FUNDING FOR SUCH NEW OR EXPANDED PROGRAM OR SERVICE. (ADAM JOHNSON)**
- cc) **CONSIDERATION OF RESOLUTION NO. 2016-89 (COUNCILOR MAESTAS). A RESOLUTION CALLING ON THE NEW MEXICO STATE LEGISLATURE TO TAKE IMMEDIATE ACTION DURING THE 2017 LEGISLATIVE SESSION TO ENACT A MUNICIPAL TELECOMMUNICATIONS TAX ACT THAT WOULD AUTHORIZE MUNICIPALITIES TO COLLECT FROM TELECOMMUNICATIONS PROVIDERS A MUNICIPAL TELECOMMUNICATIONS TAX ON THE TELECOMMUNICATIONS PROVIDER'S GROSS RECEIPTS FROM TELECOMMUNICATIONS SERVICE. (MARCOS MARTINEZ)**
- dd) **REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING – A WASTEWATER SERVICE FOR TURQUOISE TRAIL BUSINESS PARK, END OF TRAIL CONDOMINIUM AND THE INDUSTRIAL PARK AT RANCHO VIEJO DEVELOPMENTS; SANTA FE COUNTY. (STAN HOLLAND)**

- ee) **CONSIDERATION OF RESOLUTION NO. 2016-90 (COUNCILOR TRUJILLO AND COUNCILOR IVES). A RESOLUTION DIRECTING THE CITY MANAGER TO WORK WITH STAFF TO EXPLORE THE FEASIBILITY, INCLUDING FISCAL IMPACT, OF CREATING A RECREATIONAL VEHICLE DUMP STATION FOR LOCAL RESIDENTS AND TRAVELERS TO OUR CITY. (SHANNON JONES). FISCAL IMPACT - YES. \$1,200 FOR PERSONNEL, FRINGE AND OTHER OPERATING COSTS.**
- ff) **CONSIDERATION OF RESOLUTION NO. 2016-91 (COUNCILOR IVES). A RESOLUTION AMENDING THE MEMBERSHIP REQUIREMENTS OF THE SANTA FE WATER CONSERVATION COMMITTEE SO THAT A RESIDENT OF SANTA FE COUNTY IS APPOINTED TO THE MEMBERSHIP; AND TO CLARIFY TERM LIMITS OF THE MEMBERSHIP. (CHRISTINE CHAVEZ)**
- gg) ***[Removed for discussion by Councilor Harris]***
- hh) **PURSUANT TO RESOLUTION NO. 2016-74, REPORT ON THE POLICIES AND COMMUNICATIONS PLAN RELATING TO ACCESS OF CITY COMMUNICATION SERVICES. (MATT ROSS). (INFORMATIONAL ONLY)**
- ii) **BILL NO. 2016-40. 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 (MAYOR GONZALES). (MARCOS MARTINEZ) (Postponed on October 26, 2016). (Withdrawn by Sponsor)**

END OF CONSENT CALENDAR

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – NOVEMBER 9, 2016

MOTION: Councilor Rivera moved, seconded by Councilor Lindell, to approve the minutes of the Regular Meeting of November 9, 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

Mayor Gonzales, without objection from the City Councilors, reversed the order of presentations.

b) PROCLAMATION – LUCKY VARELA, STATE REPRESENTATIVE, NEW MEXICO HOUSE OF REPRESENTATIVES

Mayor Gonzales welcomed Senator Nancy Rodriguez, Mayor David Coss and County Treasurer Patrick Varela, and thanked them for being in attendance.

Mayor Gonzales asked Councilor Trujillo to read the Proclamation on behalf of the City. He thanked Representative Varela for his years of service to our State, most importantly to the City and the public employees who always knew there would be a champion who would be their voice, no matter what the issues were confronting our State. He thanked him for his friendship to his family, his parents, and to him, and his brothers, always being there to offer advice and support, for which they always be grateful.

Councilor Trujillo said the citizens of Santa Fe have a lot for which to thank Representative Varela, because he was always there for the people, for the plebe, and for him and his family. He read a Proclamation into the record on behalf of the service of Luciano "Lucky" Varela.

Representative Varela thanked the Mayor and Council for the Proclamation, saying the State just passed a deficient budget. He hopes that the local delegation, the governing bodies of the City and County and the Legislature put New Mexico on the right track. He said we need funding for education, for medication and for the elderly. He recalled his work with the Governing Bodies of Santa Fe over the years, particularly the Lodgers' Tax which he and Senator Phil Griego passed which allowed the Convention Center to be built. He said he will miss everyone, "but I'll still be around."

Councilor Maestas said we are grateful Representative Varela has dedicated his life in service, and that it will be tough to fill his shoes. He said Representative Varela had a keen understanding of how government works. He thanked him for all he did for the City of Santa Fe as part of the Legislation.

Councilor Trujillo said during his first term as Councilor, Representative Varela was able to get an appropriation of \$50,000 for parks, which got the ball rolling. He thanked him for his service.

Councilor Harris said Representative Varela has dedicated his entire life to public service, which he appreciates. He wished him well on his ranch in Pecos after retirement.

Councilor Lindell said it is astounding for Representative Varela to have served so many years in the Legislature and to be so beloved by the fellow community. It speaks to "who you are and how you saw the issues and the integrity you brought to this job." She said she can only imagine how hard the job was that he did. She is grateful to him. He served as a wonderful example to some of us that have done our jobs a very short period of time. She said, "Thank you, and I wish you all the very best in retirement."

Councilor Dominguez said most everyone has said what he wants to say. He said we were lucky Representative Varela was part of our delegation, especially his role in finance. He said as the Chair of the Finance Committee, it is a critical role and the more you know, the better off your constituents. He said, as a constituent, he appreciates his service. He said he also is a State employee, and "around the water cooler, we always talked about Lucky and how he was there for the employees and for the people of this community, so thank you so much." He said, after 30 years, we can't forget to thank his family for lending him to us for this City and the State, and for allowing us to utilize his expertise and experience making peoples' lives better. He thanked him on behalf of "my constituents as well for your service to this State and to this City."

Councilor Villarreal said Representative Varela is loved by many people because he always represented the people well, with dignity and integrity. She said he "knows the ropes and we have all learned from you," and been an amazing mentor "for someone like me that is a newbie up here." She has seen him at political parties at her grandfather's and knew he represented us well. She said it makes him a little sad to see him leave, but knows he deserves a break. She said she is sure he will make sure people are doing what they are supposed to be doing.

Councilor Ives said he would echo the remarks of his colleagues, and would add that it gives him great comfort, pleasure and pride to know that all of us in the City and State will feel his presence in so many of the works that exist throughout our community that have made our community stronger and better and will continue to make it so years into the future. He thanked "you from the bottom of my heart and on behalf of those folks who would echo those remarks. God bless and thank you."

Councilor Rivera said he hasn't worked with Representative Varela very long, but has heard many great things about him, and thanked him for his many years of service, and told him to "enjoy retirement, get some fishing done, enjoy that land you have out there in Pecos." He thanked him for his many years of service and for everything he's done for the City and State.

Mayor Gonzales said, "On behalf of a grateful City, thank you for your service. Councilor Ives touched on it a little bit, but your service will be seen and felt for many, many years" in many places. He said Representative Varela never asked for credit for his work, but he was there year after year that our people were served and said, "I want to thank you for that." He said it is tough to see him leave during one of our most difficult times financially, commenting Representative Varela knows our budget better than anyone else. He said, "If people would step away from the politics and listen to what you have said, I don't think we would be in this mess we are today." He wished him the best, and is glad to hear he still will be present after retirement. He said we need your wisdom to continue to be a part of how we govern, and areas we need to continue to stay focused on. "So God bless you, and as Councilor Dominguez said to Jeff and the family, you guys didn't fall far from the tree. You deliver service every day and we are a better State because of your service. Thank you very much, and God bless you."

- a) **NOVEMBER 2016 EMPLOYEES OF THE MONTH: GEORGIA URIOSTE, ANTOINETTE PADILLA, VIDAL GARCIA, JAMES MARTINEZ AND JASON SENA; ORDINANCE ENFORCEMENT STAFF, LAND USE DEPARTMENT.**

Mayor Gonzales presented the November 2016 Employees of the month. Mayor Gonzales read the letter of nomination from Mary Ann Seiderer into the record. He presented them with Muchas Gracias Certificates and a check from the Employee Benefits Committee.

Councilor Dominguez thanked them for their work on Short Term Rentals. He said he has been pushing Code Enforcement for many things along Airport Road in District 3. He thanked them for the work they have done out there. He said they are always fair and consistent. He said the annexation was a "bear" to deal with, and said, "It's going to be challenging but we're going to get it done." He said, on behalf of his part of the community, "Thank you for your work, because you have vastly improved their quality of life. Just the appearance of things is much better because of the work you've done. I just needed to say that, Mayor. Thank you very much. I feel bad, because every time we get the budget, we say I wish we could get 7 more people."

CONSENT CALENDAR DISCUSSION

- 10(w) REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT IN THE AMOUNT OF \$75,000 – ANNUAL MEMBERSHIP FEES, TRAINING AND CONSULTING SERVICES FOR GOVERNMENT OFFICIALS; NEW MEXICO MUNICIPAL LEAGUE. (ROBERT RODARTE)**

MOTION: Councilor Lindell moved, seconded by Councilor Ives, to approve this request, with an understanding that after the 60 day session, she would ask that the City Manager and our Lobbyist take a look at the alignment or prioritized legislation, communication the overall support that we received from the League.

DISCUSSION: Councilor Maestas when he came to this Governing Body asking for an endorsement to run for the NMML League it was unanimous. He said by virtue of the unanimous vote, he felt that this Governing Body believed unanimously in the New Mexico Municipal League. He said he doesn't know what has changed since that vote which he felt was a broad expression of support for the Municipal League, number one. And number two, "I'm the City's representative on the Board." He said if there are any questions or concerns about the services provided to the City, he is more than happy to gather that information. He said no one approached him directly asking him to relay or provide information which was the source of concern for the NMML services.

Councilor Maestas continued, saying Bill Fulginiti has been the League Executive Director for a long time, and we have had a long-standing professional relationship. He thinks, as a courtesy, if there are concerns with the League, there should have been a face to face meeting with Bill Fulginiti. He said if it is the desire of the Governing Body to no longer be a member of the League, then bring that policy forward. However, he would ask, especially the Finance Committee, to really consider the services provided by the NMML.

and how the City has benefitted, time and time again, over the years from its Legislative advocacy and dealing directly with the Executive, the Governor's Office. He said he truly believes that we are getting our money's worth. However, we need to establish a line of communication to ensure that he as well as Bill Fulginiti to relay the concerns regarding the NMML.

Councilor Maestas continued, saying he doesn't want to see us getting mired down in small financial issues, and end up in the ditch like we were a year ago. We need to use our resources wisely, and set our priorities broadly in terms of finance, and to be concerned about limited staff time as well.

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: Councilor Dominguez said, "Yes. Thank you for that commentary Councilor Maestas. I really appreciate the fact that we're going to continue working with the Municipal League. That communication does go both ways. \$75,000, I would remind you would essentially restore some of the hours at our libraries, and so we will be taking a look at some of these things. It can be a pretty significant bump. Again, I'm in support of this. And I vote yes."

10 (gg) CONSIDERATION OF RESOLUTION NO. 2016-92 (MAYOR GONZALES, COUNCILOR LINDELL, COUNCILOR VILLARREAL, COUNCILOR IVES, COUNCILOR MAESTAS, COUNCILOR DOMINGUEZ, COUNCILOR RIVERA, COUNCILOR TRUJILLO AND COUNCILOR HARRIS). A RESOLUTION ESTABLISHING CITY OF SANTA FE LEGISLATIVE PRIORITIES FOR CONSIDERATION BY THE NEW MEXICO STATE LEGISLATURE DURING THE 53RD LEGISLATURE, STATE OF NEW MEXICO, FIRST SESSION 2017. (BRIAN SNYDER).

A copy of a Legislative Summary for this bill, with attached Substitute Resolution and FIR, is incorporated herewith to these minutes as Exhibit "7."

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, December 12, 2016, is incorporated herewith to these minutes as Exhibit "8."

Councilor Harris proposed an amendment on page 7 of the Resolution, on line 2, "Be It Further Resolved, that the Governing Body requests that the following items be monitored by the City's Lobbyist during the 2017 Legislative Session. wants to add language. He would propose an Additional Section 6, as follows: *Measures pertaining to enhanced funding and program development for Early Childhood Learning.*

MOTION: Councilor Harris moved, seconded by Councilor Villarreal, to approve this request, with an amendment to the end of the language beginning on line 2, a new Section 6, as follows: 6. *Measures pertaining to enhanced funding and program development for Early Childhood Learning.*

DISCUSSION: Mayor Gonzales thanked the members of the Utilities and Finance Committees for advancing this forward, commenting it is an exciting set of priorities which he believes are aligned perfectly with the City's needs.

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.

END OF CONSENT CALENDAR DISCUSSION

11. REQUEST FOR RATIFICATION AND APPROVAL OF PROFESSIONAL SERVICES AGREEMENT (RFP 15/26/P BASIC LIFE/AD&D AND SUPPLEMENTAL LIFE INSURANCE; LIFE INSURANCE NORTH AMERICA (CIGNA GROUP INSURANCE. (VICKI GAGE)

Vicki Gage, H.R. Operations Manager, presented information from her Memorandum of November 15, 2016, with attachments, to the Governing Body, in this matter. Please see this Memorandum for specifics of this presentation.

Councilor Trujillo asked how long the contract has been with Cigna.

Ms. Gage said the City has been with Cigna since July 1, 2011, and this agreement will go through June 30, 2019.

Councilor Trujillo said he has gotten telephone calls from many employees about problems with Cigna – payments aren't being made. He said he has been denied claims many times as well. He doesn't know what is being done to fix it. He said it's frustrating sometimes, and he is sure the employees are frustrated as well. He said, for example, the reimbursement was supposed to be 80-20, but it was in reverse, but finally the City resolved that. He hopes the service by the company will be improved. He said when he was first elected, one of the biggest things workers for the City would talk about. He said the insurance used to be top notch, but that's not he's hearing now from our employees.

Ms. Gage said this particular request is for the life insurance. She said they have worked through the majority of the issues on the medical and dental coverage to which he is referring. She said a lot of employees' dissatisfaction comes as the result of the change of the plan coverages at the time of that RFP. As a result, some of the employees aren't happy, but it was a move that had to be made in order to retain our self-funded plan.

Ms. Gage continued, saying when moving to a new TPA, she would note that our plan is different from most of the basic plans which is the reason people like it. She said there is a period of time while they get used to changes in coverage. She said they have worked through a lot of things that it didn't think was covered, but are covered. The Flexible Spending Accounts were requesting receipts and not getting them. She reiterated they have worked through a lot of issues with Cigna. She said the number of calls and complaints have decreased because Cigna has made a concerted effort to work on all of those issues.

Councilor Trujillo said he is glad to see that has happened.

Councilor Dominguez asked Ms. Gage to reiterate how the approval of the RFP was inadvertently omitted, and Ms. Gage reiterated that information.

Councilor Ives asked if employees were able to collect on the insurance policies during that time without additional issues and problems.

Ms. Gage said that is correct.

Councilor Ives said he wants to make sure the processes existing on the front end to get things are in place, as well as on the back end if there is something not signed that we correct it the moment it should be recognized. As opposed to realizing it 1½ years later.

Ms. Gage said that is correct.

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

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

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

Against: None.

Absent for the vote: Mayor Gonzales.

12. **CONSIDERATION OF RESOLUTION NO. 2016- ____ (COUNCILOR IVES). A RESOLUTION CALLING FOR A SERIES OF MEETINGS BETWEEN THE CITY OF SANTA FE AND SANTA FE COUNTY REGARDING A POTENTIAL FUTURE JOINT WATER AUTHORITY. (ANDREW ERDMANN). FISCAL IMPACT – YES.**

This item was removed from the Agenda, and postponed to February 2017.

13. **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON JANUARY 11, 2017: BILL NO. 2016-44. AN ORDINANCE AMENDING ORDINANCE NO. 2016-22, AUTHORIZING AN AMENDMENT TO THE 2008 GENERAL OBLIGATION (GO) BOND TO REALLOCATE \$267,040 CURRENTLY DESIGNATED FOR VARIOUS CITY PARK IMPROVEMENTS TO RECONCILE PROJECTS AND REPAIR THE FORT MARCY PEDESTRIAN BRIDGE (COUNCILOR DOMINGUEZ AND COUNCILOR TRUJILLO) (BECKY CASPER)**

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, December 12, 2016, regarding this item is incorporated herewith to these minutes as Exhibit "9."

Adam Johnson, Acting Director, Finance Committee, presented information from his Memorandum of October 26, 2016, with attachments, to the City Council, in this matter. Please see this Memorandum for specifics of this presentation.

Councilor Harris said he found this to be an extremely confusing, and was very hard to track. He said this is a request to publish and "I would encourage you to scrub it a little bit, and see if you can clarify a few things." He asked if this will go through the Committee process, and Mr. Johnson said yes.

Councilor Harris asked if the bridge design can move forward while this is being clarified and going through the process.

Mr. Johnson said yes, the bridge design is moving forward through the process. The amount to be reallocated here would be for the construction side.

Councilor Harris said he is glad so we won't be faced with a makeshift solution for Zozobra. He will study the memo more, and ask Mr. Johnson some direct questions, reiterating he would like Mr. Johnson to look at the Memo and see if it can't be clarified a little bit, and Mr. Johnson said he will do so.

Councilor Trujillo asked to be added as a cosponsor.

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

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

Against: None.

Absent for the vote: Mayor Gonzales.

14. THE CITY'S WATER AND THE LIVING RIVER REPORT. (NICK SCHIAVO AND MARCOS MARTINEZ)

Nick Schiavo presented information from the *City's Water and the Living River Report*, which is in the Council packet. Please see the report for specifics of this presentation.

Mayor Gonzales said he looks forward to the River Commission's discussions and deliberations. He said we are in different circumstances today than when the Living River Ordinance was passed. He said the drought cycles are getting longer and the need to invest in building out an urban watershed to slow down the moving of water through the City. He said he appreciates that Mr. Schiavo and the City Council are preparing to put into place through the Stormwater Drainage Fees and other actions. He said he is looking forward to allowing the public to weigh-into this conversation and the River Commission and the Councilor to offer its perspective. He said this presentation this evening is an introduction of the staffs' report and how it views things, and it is something that the public has asked a lot of us about, and on what basis we are standing, from the administration's standpoint.

Mayor Gonzales said Councilor Ives will take the lead on this in convening the public meetings through committees of the whole, and would encourage Councilor Ives and the Committees to work with all Councilors to set those meetings at a time when everyone can participate so people aren't rushed or have to give way to other issues on the Agenda. He assumes this report is digital and is available on line and is available to the public. He would encourage people to weigh-in and offer a perspective on a number of issues to the Governing Body and water management staff.

Mr. Schiavo said it is on the City's main web page, under Hot Topics and the full document can be downloaded or viewed there.

15. CONSIDERATION OF RESOLUTION NO. 2016-93 (MAYOR GONZALES, COUNCILOR LINDELL, AND COUNCILOR VILLARREAL, COUNCILOR IVES, COUNCILOR MAESTAS, COUNCILOR RIVERA AND COUNCILOR DOMINGUEZ.) A RESOLUTION SUPPORTING THE PEACEFUL PROTEST IN NORTH DAKOTA AGAINST THE DAKOTA ACCESS PIPELINE TO PROTECT TREATY RIGHTS, SOVEREIGNTY AND NATURAL RESOURCES AND APPLAUDING THE ADMINISTRATION'S DECISION TO REROUTE THE PROJECT AND CONDUCT A FULL ENVIRONMENTAL IMPACT STATEMENT. (JESSE GUILLEN)

Mayor Gonzales thanked Councilors Villarreal and Lindell for leading this effort.

Councilor Villarreal thanked a lot of people in the audience, community members who have been active in supporting Standing Rock since the beginning, including local organizations and individuals who have advocated, organized, prayed, donated and have taken supplies to the water protectors and pushed for the City for action such as this and contributed to the growing movement to defend the water, the earth and Native rights and self determination. She thanked them for helping and guiding us in getting this Resolution done.

Councilor Ives said he would join as a cosponsor on the measure. He said it was reported in the newspaper today that a pipeline break and spill in fairly close proximity to this pipeline, which dumped tens of thousands of fuel into the earth. He said it only make the poignancy of the action in Standing Rock all the moreso, so a pleasure to join as a cosponsor.

Councilor Harris said he understands the situation at Standing Rock, noting there are legitimate issues. However, he can't support the Resolution, and feels it goes too far, and some of the issues really are not very clear. He said, "I won't say too much more than that. I just want to refer to the statement from the Tribal Chairman, David Archambault. This comes from the newspaper of a couple of days ago, *'.....acknowledge the efforts of people who came from around the world to support the tribe, but the purpose has been served.'* And so I think we're moving to the next level of the discussion and what might happen here. And I just feel like this is a bit too judgmental, quite frankly, about what occurred. And, so for those reason, I really can't support."

Mayor Gonzales thanked Councilors Villarreal and Lindell for working on this, noting over the past year, we have begun to develop much stronger relationships with the tribal communities in our area. He said all of us have wanted them to be more than just words, but in action. He said our stand with Standing Rock is a reflection of what we are ready and prepared to do to support Tribal Sovereignty and to stand with tribal governments in our area who often confront environmental challenges. He visited earlier this week with the Governor of the Pueblo of Taos who said from the earliest time the focus has been about water, the earth, the animals and caretaking that goes into all of that together. It was very moving to him to be able to understand the reason Tribal governments take these issues so seriously in America. He thinks this is an important statement in the reflection of our values, and a strong message to our Tribal neighbors that we will stand in solidarity when it comes to Tribal Sovereignty and be able to support the Tribal Nations as they honor their own call to honor the earth and protect the water and care for the animals.

MOTION: Councilor Villarreal moved, seconded by Councilor Lindell, to adopt Resolution No. 2016-93.

DISCUSSION: Councilor Maestas and Councilor Rivera asked to be added as cosponsors.

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

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

Against: Councilor Harris

Explaining his vote: Councilor Dominguez said, "Add me as a cosponsor. Yes."

16. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

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

EXECUTIVE SESSION

IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT §§10-15-1(H)(2) AND (7) NMSA 1978, DISCUSSION REGARDING LIMITED PERSONNEL MATTERS, INCLUDING, WITHOUT LIMITATION, ON THE STATUS OF NEGOTIATIONS WITH AFSCME AND THE SANTA FE POLICE AND FIRE UNIONS; THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT, INCLUDING, WITHOUT LIMITATION, DISCUSSION REGARDING AGREEMENTS REACHED IN MEDIATION UNDER THE DISPUTE RESOLUTION PROVISIONS OF THE FACILITIES OPERATIONS AND PROCEDURES AGREEMENT BETWEEN THE CITY OF SANTA FE, SANTA FE COUNTY AND OTHERS (FOPA), UNDER THE DISPUTE RESOLUTION PROVISION OF THE WATER RESOURCES AGREEMENT (WRA), AND UNDER THE DISPUTE RESOLUTION PROVISION OF THE AGREEMENT REGARDING WATER, WASTEWATER AND SOLID WASTE REQUIRED BY THE SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF CLAIMS BETWEEN THE CITY OF SANTA FE AND SANTA FE COUNTY (WWSWA). (KELLEY BRENNAN)

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 approximately 6:15 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At approximately 7:15 p.m. Councilor Rivera moved, seconded by Councilor Ives, 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 Pro-Tem Lindell, Councilor Dominguez, Councilor Harris, Councilor Ives, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

Against: None.

Absent for the vote: Mayor Gonzales.

18. POSSIBLE ACTION WITH RESPECT TO CERTAIN PROPOSED AMENDMENTS TO THE FOPA PURSUANT TO DISCUSSIONS IN MEDIATION. (KELLEY BRENNAN)

MOTION: Councilor Rivera moved, seconded by Councilor Ives, to approve the first amendment to the Facility Operations and Procedures Agreement for the Buckman Direct Diversion Project, in the form discussed in Executive Session.

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

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

Against: None.

Absent for the vote: Mayor Gonzales.

19. POSSIBLE ACTION WITH RESPECT TO CERTAIN PROPOSED AMENDMENTS TO THE WRA PURSUANT TO DISCUSSIONS IN MEDIATION. (KELLEY BRENNAN)

MOTION: Councilor Rivera moved, seconded by Councilor Ives, to approve the Amended and Restated Water Resource Agreement between the City of Santa Fe and Santa Fe County, in the form discussed in Executive Session.

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

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

Against: None.

Absent for the vote: Mayor Gonzales.

20. POSSIBLE ACTION WITH RESPECT TO CERTAIN PROPOSED AMENDMENTS TO THE WWSWA PURSUANT TO DISCUSSIONS IN MEDIATION. (KELLEY BRENNAN)

MOTION: Councilor Rivera moved, seconded by Councilor Ives, to approve the City of Santa Fe and Santa Fe County Agreement regarding Water and Wastewater Service for Agua Fria, Hyde Park, High Summit and Cloudstone in the form discussed in Executive Session.

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

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

Against: None.

Absent for the vote: Mayor Gonzales.

Explaining his vote: Councilor Dominguez said, "Congratulations to both the City and the County. Yes."

21. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

22. 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 December 14, 2016, is incorporated herewith to these minutes as Exhibit "10."

Councilor Rivera

Councilor Rivera introduced a Resolution directing the City Manager to work with necessary staff to develop and delineate job duties, powers and responsibilities for the Mayor and City Manager, in advance of the Independent Salary Commission meetings, to discuss the Mayor's salary.

Councilor Ives

Councilor Ives introduced a Resolution recognizing the value of Federal Public Lands to the City of Santa Fe. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11."

Councilor Ives said Councilors Dominguez, Villarreal and Lindell are cosponsors of the Resolution, and he hopes that other Councilors will join as well.

Councilor Ives said he would join as a cosponsor on the 4 matters introduced by the Mayor, the matter introduced by Councilor Lindell and the 3 matters introduced by Councilor Villarreal.

Councilor Villarreal

Councilor Villarreal introduced the following:

1. A Resolution in support of the "New Mexico grown fresh fruits and fresh vegetables for the School Meals Program" State legislation. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "12."
2. A Resolution in support of the "Double-Up Food Bucks" State legislation. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "13."
3. A Resolution directing the City Manager to continue the Pilot Parking Program for the Farmers' Market at the Market Station Parking Garage on Saturday mornings. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "14."

Councilor Villarreal introduced, on behalf of the Mayor, a Resolution amending the City of Santa Fe Parking Policies. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "15."

Councilor Villarreal noted she is cosponsoring the Mayor's Resolution on the City's Parking Policies along with Mayor Pro-Tem Lindell.

Councilor Dominguez

Councilor Dominguez wished a Merry Christmas and Happy Holidays to everyone.

He congratulated Joey *[inaudible]* for his production of *Blue Thunder* premiering tonight. He said he was part of the '86 team, saying it was intense and magical all at the same time.

Councilor Dominguez introduced the following:

1. An Ordinance updating and reforming the permitted locations and regulations for the sale and consumption of alcohol on City property; and revising the provisions for sale and consumption of alcohol on City property. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "16"
2. A Resolution authorizing a Notice of Defeasance and Redemption of the City of Santa Fe, New Mexico General Obligation Bonds, Series 2008; and authorizing the execution and delivery of an Escrow Agreement by and between the City of Santa Fe and BOKF, NA, in connection with the defeasance of the Series 2008 General Obligation Bonds.

Councilor Dominguez would like to cosponsor Councilor Villarreal's Resolution on fresh vegetables, and the Resolution on the Double-up Food Bucks.

Councilor Lindell

Councilor Lindell introduced the following on behalf of Mayor Gonzales:

1. A Resolution directing the City Manager to work with Santa Fe County to develop a Memorandum of Understanding for the use of \$1.5 million of qualified Energy Conservation Bonds currently allocated to Santa Fe County. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "17."
2. A Resolution adopting the Culture Connects Santa Fe Report; directing City Manager to commence work on the recommendations identified by the community working group; and directing the City Manager to review the Report and identify opportunities for actionable steps related to the Report's recommendations. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "18."
3. A Resolution repealing Resolution No. 2016-1 relating to the Open Meetings Act; adopting the State of New Mexico Open Meetings Act by reference; and adopting notice requirements. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "19."

Councilor Lindell introduced a Resolution adopting guidelines and regulations for the acceptance of memorial donations for placement in City-owned parks, open spaces and trails. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "20."

Councilor Lindell thanked Ms. Byers for helping her this evening, and the staff in the City Clerk's office that put together tonight's meeting packet, noting it is more than 3,000 pages, commenting it is a tremendous amount of work.

Councilor Maestas

Councilor Maestas introduced the following:

1. A Resolution calling on the New Mexico State Legislature to amend Chapter 29-1-14(H) NMSA 1978, to require the destruction by all New Mexico law enforcement agencies of all firearms in their possession that are no longer necessary for use in obtaining a conviction, or are not needed for any other public purpose. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "21."
2. A Resolution reaffirming the City of Santa Fe's commitment to its values; and to the values set forth in the Constitution of the United States and New Mexico. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "22."

3. A Resolution Reaffirming, with pride, the status of the City of Santa Fe as a "Sanctuary" for immigrants and calling for the strengthening of policies that will reinforce this status.

Councilor Maestas said he would like to cosponsor Councilor Rivera's Resolution, and Councilor Ives' Resolution on the federal lands.

Councilor Maestas said after more 32 years of Federal Civil Service he is retiring, effective at the end of the month.

He wished everyone a Merry Christmas, Happy New Year and to keep safe and enjoy time with family and friends, and be ready for the New Year.

Councilor Trujillo

Councilor Trujillo said he has no introductions.

Councilor Trujillo asked to cosponsor Councilor Ives Resolution, Councilor Lindell's Resolution, Councilor Rivera's Resolution and Councilor Villarreal's Resolutions on fresh fruit and vegetable and the Double-Up Food Bucks.

Councilor Trujillo wished everyone a Merry Christmas, and said he looks forward to another year of working with the Councilors.

Councilor Harris

Councilor Harris said he would like to cosponsor Councilor Ives Resolution recognizing the value of public land, Councilor Villarreal's Resolutions on supporting New Mexico grown fresh fruits and vegetables, and the Double Up Bucks Program.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor Pro-Tem Lindell, at approximately 7:25 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
Melissa Byers, Assistant City Clerk
Melessia Helberg, Council Stenographer

F. PETITIONS FROM THE FLOOR

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

David McQuarie, 2997 Calle Serrada, said in August 2016, the City Manager received a letter from the Chair of the Mayor's Committee reminding him that the Transition Plan for 2010 has yet to be [inaudible.] The various plant projects is not being done. He said one curb ramp setup at the intersection of Montezuma and Sandoval which is the County Courthouse is not going to be done. He was informed by a City Traffic Engineer that the Governing Body is too cheap to put up the money for the program. He said the City's Ordinance 16-4.1 on hate crimes, said it is a hate crime to persistently keep a barrier up.

Patricia Valiant said this is an exceptional time for her, and she is speaking off the cuff. She has been a citizen of Santa Fe since a child. Her backyard neighbor decided to sidewalls that is equivalent of the Brazilian Pavilion, aluminum sidewalls. She would not have spent \$750,000 on her home if she had known this was acceptable. She had no choice. She said he did this without a permit. She is \$8,000 and asked what she is going to do about it. The building permit is incorrect and asked what they are going to do about it. She said she is \$8,000 short. It isn't correct. She said if one family has to move, it's not all right. She said the if the City's Building Codes are not up to par, you need to do something to change it.

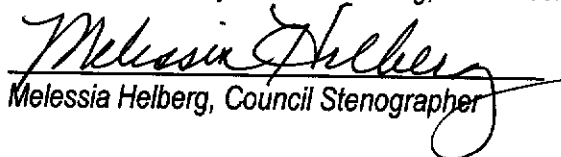
We need to confront the problem. She was told today by the valuable citizens, the valuable people that work for our City, we need to mention it now, they were effective in saying "we can't do anything about it." She asked why we lose property value because somebody is not doing their job here. If the building permit was omitted, it needs to be reassessed. She thanked Councilor Dominguez saying this really needs to be addressed. She wants to live here and be a good neighbor and wants them to support her being a good neighbor and continuing to be a very valuable resource to her City and State. She said, "Please relook what you are saying yes to, because it's not correct. Please reconsider. I would like to be a part of that. Thank you very much for your attention."

Jessica Martinez said she wants to talk briefly about Code enforcements. She spoke with Councilor Villarreal a year ago about an unfortunate event that happened where she lives. She had what she thought was black mold, although she doesn't have the funds to prove it to her landlord. She said she was harassed, her landlord kept her deposit. She called Code Enforcement who told her there was nothing they could do except to report and call her landlord. She had to leave her house without a place to live for two months. She has moved to La Cienega, has a great place and loves her landlord. She said so many people are taken advantage of. She went to the District Attorney and left messages for the Mayor. She said, "I never felt so helpless. I felt like there wasn't anywhere she could. Coming from Los Angeles, you mention mold, people freak out and take care of things. I was pretty surprised. I love Santa Fe. I intend to stay here forever. I think it's a beautiful City. I love what we're doing. I also just want to say that I support the ECC. I'm also here in support of the rezoning, and I'm excited for everything that is happening in this town." She plays the guitar and sings. She hopes you will take that into consideration, because "I'm not the first person to have this problem. Thank you again for your respond to my email almost a year ago." She said it takes time to get her because she works, and asked if there is a way people can submit items via email that can be taken into consideration, so people can be represented who can't attend meetings.

**VERBATIM TRANSCRIPT
OF THE REQUESTED PORTION OF PETITIONS FROM THE FLOOR, ITEM #F
CITY COUNCIL MEETING
December 14, 2016**

STEFANIE BENINATO: I just want to reiterate the lack of enforcement... the Code Enforcement for getting a permit, problems in the City. You could be *[inaudible]*. I have 4 very close neighbors who have done work without permits. It's amazing to me that City employees won't see that work. Again, I was concerned about there's *[inaudible]* excessive fees in there when most people use actually license contractor if they don't get the permit, and they came to a problem for the next door neighbor. Again, I think the City can use this is a great opportunity. And also, maybe it's not so great for the next owner, who when the work was done, maybe not really done up to Code because it wasn't even expected.

I certify that this is a true and accurate transcript of the requested portion of Petitions from the Floor, Item #F, City Council Meeting, December 14, 2016.


Melissia Helberg, Council Stenographer

G. APPOINTMENTS

Audit Committee

Mayor Gonzales made the following appointments to the Audit Committee:

Alvino E. Castillo - Reappointment – term ending 12/2019;
Cheryl Pick Sommer – Reappointment – term ending 11/2019; and
Barbara A. Borrego, CPA – term ending 11/2019.

MOTION: Councilor Dominguez moved, seconded by Councilor Harris, to approve these appointments.

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

Human Services Committee

Mayor Gonzales made the following appointment to the Human Services Committee:

Patricia Boies, J.D., to fill unexpired term ending 03/2018.

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

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

Veterans Advisory Board

Mayor Gonzales made the following appointment to the Veterans Advisory Board:

Phillip Hernandez – to fill unexpired term ending 05/2017.

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

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

Mayor's Youth Advisory Board

Mayor Gonzales made the following appointment to the Mayor's Youth Advisory Board:

Antonique Rivera (Santa Fe Community College – to fill unexpired term ending 12/2017.

MOTION: Councilor Villarreal moved, seconded by Councilor Dominguez, to approve this appointment.

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

Santa Fe Regional Juvenile Justice Board

Mayor Gonzales made the following appointments to the Santa Fe Regional Juvenile Justice Board:

Deacon Anthony Trujillo – Reappointment - term ending 10/2018;
Judge Mary Marlowe Sommer – Reappointment – term ending 10/2017;
Mark Dickson – Reappointment – term ending 10/2018;
Jennifer Romero – Reappointment – term ending 10/2018;
Sam Jackson – Reappointment – term ending 10/2018;
Ted Lovato – Reappointment – term ending 10/2017; and
Emily C. Tyson-Jorgenson – term ending 10/2018.

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

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

Transit Advisory Board

Mayor Gonzales made the following appointment to the Transit Advisory Board:

Alexandra D. Mazares (At-Large Position) – to fill unexpired term ending 03/2017.

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

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

H. PUBLIC HEARINGS

- 1) **REQUEST FROM MORALES-KRATZER, INC. FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE) WITH ON PREMISE CONSUMPTION ONLY, TO BE LOCATED AT EL CALLEJON, 208 GALISTEO STREET. (YOLANDA Y. VIGIL)**

A Memorandum dated December 8, 2016, with attachments, 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, and staff noted El Callejon is required to comply with all City Ordinance as a condition of doing business in the City.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Trujillo moved, seconded by Councilor Ives, to approve the request from Morales-Kratzer, Inc., for a Restaurant Liquor License (Beer and Wine) with on-premise consumption only, to be located at El Callejon, 208 Galisteo Street, with all conditions of approval as recommended by staff.

DISCUSSION: Councilor Villarreal wished them good luck, and in continuing the legacy of El Paseo.

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

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

Against: None.

Absent for the vote: Mayor Gonzales and Councilor Dominguez.

- 2) **CONSIDERATION OF RESOLUTION NO. 2016-94. CASE #2016-99, ARTS AND CREATIVITY CENTER GENERAL PLAN AMENDMENT. NEW MEXICO INTER-FAITH HOUSING, AGENT FOR THE CITY OF SANTA FE, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHARGE THE DESIGNATION OF PROPERTY COMPRISING 5.00± ACRES OF LAND, LOCATED ALONG THE WEST SIDE OF SILER ROAD, APPROXIMATELY ONE-THIRD (1/3) MILE SOUTHWEST OF THE SILER ROAD AND AGUA FRIA STREET INTERSECTION FROM PUBLIC/INSTITUTIONAL TO COMMUNITY COMMERCIAL. (NOAH BERKE)**

Items H(2) and H(3), were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.

A Memorandum dated November 21, 2016, the December 14, 2016 meeting of the Governing Body, with attachments, to the Members of the Governing Body, from Noah Berke, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as "23."

A copy of an information sheet, submitted for the record by the Arts and Creativity Center, is incorporated herewith to these minutes as Exhibit "24."

Mayor Pro-Tem Lindell said this also ties into Bill No. 2016-43, Case #2016-89. She asked if we can discuss these items together, and Ms. Byers said yes. She said we will discuss these together and then have two motions.

Noah Berke presented the Staff Report in this case. Please see "23," for specifics of this presentation.

Public Hearing

Presentation by the Applicant

Daniel Werwath, 1611 Camino Porvenir, was sworn. Mr. Werwath said he has a power point presentation and asked the pleasure of the Council.

Mayor Pro-Tem Lindell said, "I'm seeing a no."

Mr. Werwath noting his handout [Exhibit "24"]. He said not much has changed since the last time they saw this. He said they are here tonight for the rezoning of this site, which was a long process. He said after several years of investigation and City hearings, the Governing Body chose to donate this site to this Affordable Housing Project. It is a novel approach to addressing housing, economic development and community transition issues. They have been working diligently since the donation in March 2016. They have been holding community events, have engaged more than 35 artists, creators, tradespeople around the design of the project. He said they are still in the conceptual design phase and on track to apply for \$8 to \$9 million subsidy in February 2017. He said the rezoning is required for that application, and they have to evidence that multi-family housing is allowed on this project. They will apply in February 2017 for the tax credits and then move into a development plan, so they will be back before this body with drawings and designs and such very soon.

Mayor Pro-Tem Lindell asked the Governing Body to hold their questions until the public hearing is concluded.

Speaking to the Request

Mayor Pro-Tem Lindell gave each person 2 minutes to speak to the issue

Stephanie Beninato was sworn, said she thinks having [inaudible] is really encouraging. She is sure there is a lot of federal funds for that, so she thinks the rezoning of this probably is important. Her biggest concern for any development... she is unsure of the status and the interrelation with the City, because at one point it was said the non-profit is an agent for the City. And the non-profit is saying the City donated the land. She thinks it would be important for the public to understand that dynamic of the status with the City. She also is concerned about the traffic, noting traffic already is horrible on Siler Road with the redone lanes. She said you can wait through several lights to get onto Cerrillos Road, and this development with 60-70 units, reiterating traffic is the biggest concern in terms of development of this property.

Bill Roth, 1713-A Montañó Street, was sworn. Mr. Roth said he has been peripherally involved with this project, and would speak briefly to the traffic issue. He said if you look at the percentage of trips that would be generated by this project versus the overall number of trips down Agua Fria and Siler, I think you would find it is in the single digits of traffic increase. He said this project is a model of multi-unit projects, and the complaint is they are too expensive to build, and this is not the case, and hopefully encourage other developers coming in to build beyond Code and not to the lowest common denominator.

The public hearing was closed

Mayor Gonzales arrived at the Evening Session

Councilor Villarreal said there was information in the packet about integrated living space, and asked what is meant other than housing-related space – what other services are community oriented spaces.

Mr. Werwath said they are partly through the planning process on shared resources, or the components that will be available to the wider community as well as what will be available to the residents. He said, for residents, we're thinking about things like meeting rooms, potentially a gallery space to show work by people living in the project; probably a laundry room, a leasing office, probably a classroom where they can deliver certain programming. He said regarding the Shared Resources Center, one of the big developments around the project is a tentative agreement which makes Santa Fe the anchor for the shared resources building, currently located inside the Meow Wolf Building. It would be the core tenant of that building. Other things which have been discussed are a small outdoor performance space, a mercado space, where can have anything from a car show to a small vendor market, looking for shared workshops for things that people shouldn't be done in a space that is dusty, dirty, smelly, and things involving large equipment that can be in the individual units.

Mr. Werwath continued, saying they also are thinking about some small retail space for people just starting out as an entrepreneur to have an affordable, retail storefront. He said, with the help of Mr. O'Reilly and the Land Use, they got a lot line adjustment approved this week and a recorded plat which includes an easement along the Acequia for the Acequia Madre and additional easement for a future trail, if the Acequia Trail was to continue down that far. There are other potential amenities on site.

Councilor Villarreal asked for a clarification of the agreement with the land, so the public can understand that relationship.

Mr. Berke said, "The agreement would be that with the lot configuration as recorded now in the rezoning request, the Applicant New Mexico Inter-Faith Housing, will act as the City's agent until such time as this rezoning is approved. And, if the low income tax credits are awarded to the Applicant, the City would deed the land to the Applicant, and the zoning would stay."

Councilor Villarreal said there is a lot of competition for Low Income Tax Credits. She asked, depending on the determination of that award, if the applicant were not to get those credits, what happens with the land.

Mr. Berke said the land would stay with the City.

Councilor Villarreal said then if we rezone it tonight, it will remain C-2.

Mr. Berke said that is correct.

Councilor Dominguez said it appears Mr. Berke is talking about 5,000 sq. ft. of non-residential use in the Memorandum.

Mr. Berke said that is correct.

Councilor Dominguez said the applicant has indicated there will be small outdoor mercados and small retail spaces. He said he would imagine that part of the Applicant's application to get credits is dependent on those uses.

Mr. Werwath said yes. He said the way it breaks out is, the tax credit funding is just for the housing component and the resident amenities. He said nothing about the shared resource center is impacting the viability of the affordable housing component. He said, for clarification, they still are in the funding phase around the shared resources building. They envision a footprint of 5,000 to 6,000 sq. ft. footprint. He said whether they go to two-story as well as other things are yet to be determined. He said, obviously, they would like to maximize the site, and that is a function of fundraising. They have been in conversations with the U.S. Department of Labor which has indicated that it is very interested in a potential grant to pay up to 50% of the cost of that building, commenting, "That has been pretty high level conversations with them. We anticipate that building is separate. They have to be broken out. The affordable housing funds need to be focused on the Affordable Housing resources."

Councilor Dominguez said then the credits aren't necessarily going toward the 5,000 sq. ft., which includes what you are calling the shared resources center.

Mr. Werwath said the 5,000 sq. ft. is the shared resources center. There also would be some residential amenities which will be either in its own stand alone building, or they will be distributed throughout the buildings in the facilities and that would be mostly for residents.

Councilor Dominguez asked if some of the amenities, such as the mercado and retail, are part of the shared resources center calculation center.

Mr. Werwath said, "Yes. It is part of the community serving assets on the project, and some blend together. He said there is a trail easement that will be open to the general public, "so there's some cross-over in there."

Councilor Dominguez asked if the final plan calls for a use not allowed in the requested zoning – what happens to the plan then.

Mr. Werwath said, "Given the amount of process we've gone through on this, we are happy to work within the boundaries of what's allowed in C-2. We chose C-2 because it allows for mixed use. It's also the most intense commercial zoning category. So this allows for the existing uses to happen there in the event that we aren't successful in the tax credit funding in the 2 attempts that were specifically described in the donation Resolution."

Councilor Dominguez said, "And I guess then, Noah and staff, obviously we'll worry about the impacts of uses as the plan moves forward, commenting he can't remember the most intensive use in a C-2. He said at some point, we are going to have to consider the impact of those uses on the property, and asked when that will come."

Mr. Berke said a Traffic Impact Analysis has been done for the uses as a C-2, and all the permitted uses of little to no impact – perhaps a deceleration lane might be required. However, at Development Plan, staff would check for all zoning regulations and parking requirements and site plan.

Councilor Dominguez asked the Applicant: "Do you feel comfortable with that, not really knowing full impact of some of these issues and amendments that might need to be made, contingent on the impact that you might have."

Mr. Werwath said they worked very closely with the Traffic folks at the City, and used conservative calculations in terms of use. He said when we think about intense traffic impacts, we're thinking about things like high-volume retail and such, fast food restaurants, big commercial stores. He said, "We're not contemplating anything like that."

Mr. Werwath continued saying, the hope is that the shared resources really are focused on serving a combination of the residents living there, and the immediate surrounding neighborhood, many of whom actually would walk there, rather than drive. And then the larger community. He said the preliminary analysis showed a generation of about 35 trips at peak hours a day, and that is using regular assumption of a multi-family complex, and not a live-work complex, where presumably a number of the residents don't travel to a job as much as the average person. He said they are concerned about the traffic, commenting it is the biggest concern he's heard in the meetings with neighborhood stakeholders, and they are being very conscious of that as they move forward with development.

Councilor Dominguez said he probably will have a lot more questions as we get to the Development stage.

Councilor Harris asked what the *pro forma* shows for the value of all contributions – appraised value of the land and various waivers – what is the aggregate of all of that.

Mr. Werwath said in the donation Resolution processed this Spring, the fiscal impact was \$1.5 million for the land, another \$400,000 in fee waivers and City staff expenditures related to moving the equipment. He said the way the State values these things within the Low Income Housing Program, it is just the value of the fee waivers which he believes, off the top of his head, are around \$400,000. He said they just got an appraisal recently on the land which was \$1.3 million, so it is close to a \$1.5 million

contribution which meets the 10% threshold in terms of getting the full points for that in the Tax Credit scoring methodology.

Councilor Harris said that's the way he recalls it. He said as Mr. Werwath knows, this is a very competitive process. He said Mr. Werwath went through the process successfully last year in Carlsbad. He asked if it is still the case that projects can be submitted only in two consecutive years, and then they have to step back.

Mr. Werwath said you can apply as many times as you want, but "my professional opinion is, if you can't get it in two years, you probably should quit trying." He said this is an expensive process, noting he has been told they will invest up to \$400,000 to get to the application stage in February. He said it's kind of dynamic right, and one of the challengers, because the State has done some redesign to the program and we're in a new environment after years of simple changes. His initial analysis says we are competitive, commenting he thinks the State will fund 3 new construction projects in the State.

Councilor Harris said the Housing Trust has an 87 unit project, and asked Mr. Werwath if it gives him pause that his application will bump a Santa Fe project that would deliver more units at a lower per unit cost, in terms of the City's contribution.

Mr. Werwath said he hasn't thought of it in that way. He said he is proud the City has two projects to which they have donated land. He said with any affordable house creation, strategy and diversity are important. He would be happier to be in that round. He said in terms of scoring, they scored the minimum, and there is a chance that we could bump them. However, we scored better than the City in the sense that if we didn't apply, someone else would get those credits because of their score.

Mr. Werwath continued, saying, "The other thing that is different, and we're getting in the weeds here on tax credits, but they've made a two-track system that separates new construction and rehab. And part of the issue for the Housing Trust last year, was that we had projects have more points available to them. And so now, separating this out, we have 3 dedicated projects from the construction that actually should make new construction projects more competitive. The big risk we face is that the Mortgage Finance Authority has made pricing the most important scoring category now – the overall cost of your project. So we are competing against parts of the State that build much more cheaply than we can. And so those are the constraints we're working under."

Mr. Werwath continued, saying, he doesn't see this as a competition. He has worked for the Housing Trust for years, they are colleagues, so he doesn't see it as bumping people. He said the only difference in the scoring likely will be the fact that we are a redeveloping a Brownfield Site and will get extra points for that.

Councilor Harris said he thinks it unlikely that 3 new projects will be awarded credits, and that 2 of those 3 are from Santa Fe, so perhaps "bumped" isn't the right word. He said you are head to head with the Housing Trust and its application. He asked if the MFA considers the contribution per unit from the municipality – does that go into the calculation.

Mr. Werwath said no, they only look at the percentage of total development costs that was contributed by the municipality. He said in most years there are 2-3 projects competing against one another from Santa Fe, and this is a normal thing, and "it's the world in which we work, so we're very used to this type of competition."

MOTION: Councilor Rivera moved, seconded by Councilor Ives to adopt Resolution No. 2016-94, approving Case #2016-99, Arts and Creativity Center General Plan Amendment, with all conditions of approval as recommended by staff.

DISCUSSION: Mayor Gonzales apologized for being late, saying he was presenting awards for the Mayor's Cup Chess Champions.

Mayor Gonzales continued, saying we should be very excited about the possibility of an Arts and Creativity Center and what it means for Santa Fe in terms of affordability and opportunity for arts native to Santa Fe, or call Santa Fe home. He said in the true spirit of partnership, this means it is a partnership, and the truth is we don't know what hurdles we'll have to clear in the future because it is a competitive environment, and there is a need to access capital, the cost of delivering a project so it is affordable. He said his message to his colleagues is to think of this differently than regular development. This is a partnership with City land and the need is to make sure it complies with Code, but it could require us to come back to the table to figure out how we're going to help this project become a reality in a competitive environment. He said, minus it, means we're not going to have housing units that are available, we'll lose our artists and then this incredible spirit that lives in Santa Fe, this part of the Arts community, will be lost. He appreciates the work, and thanked Mr. Werwath for his work, and Creative Santa Fe for helping to lead the efforts, and Cindy Conn. He said we'll take it one step at a time, and this is a crucial step.

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

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

Against: None.

Abstain: Councilor Harris.

- 3) **CONSIDERATION OF BILL NO. 2016-43; ADOPTION OF ORDINANCE NO. 2016-44. CASE #2016-89, ARTS AND CREATIVITY CENTER GENERAL REZONING. NEW MEXICO INTER-FAITH HOUSING, AGENT FOR THE CITY OF SANTA FE, REQUESTS APPROVAL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE; CHANGING A ZONING CLASSIFICATION OF A PROPERTY COMPRISING 5.00± ACRES OF LAND, LOCATED ALONG THE WEST SIDE OF SILER ROAD, APPROXIMATELY ONE-THIRD (1/3) MILE SOUTHWEST OF THE SILER ROAD AND AGUA FRIA STREET INTERSECTION FROM I-2 (GENERAL INDUSTRIAL) TO C-2 (GENERAL COMMERCIAL) AND PROVIDING AN EFFECTIVE DATE. (NOAH BERKE)**

Councilor Rivera noted in the end of the caption it says, "...and providing an effective date." He asked who decides that date, and if he is asking for that date, or does that come from elsewhere.

Mr. Berke said the effective date would be today.

MOTION: Councilor Rivera moved, seconded by Councilor Ives, to adopt Ordinance No. 2016-44, approving Case #2016-89, Arts and Creativity Center General Rezoning from I-2 to C-2, with all conditions of approval as recommended by staff.

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

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

Against: None.

4) APPEAL OF RICHARD FOLKS, FRED ROWE, GREATER CALLECITA NEIGHBORHOOD ASSOCIATION AND NEIGHBORHOOD NETWORK (CASE NO. 2016-116) & JUSTIN AND SANDRA GREENE (CASE NO. 2016-117) FROM THE SEPTEMBER 8, 2016, DECISION OF THE PLANNING COMMISSION TO APPROVE THE HACIENDAS DEL MIRASOL'S REQUEST FOR A PRELIMINARY SUBDIVISION PLAT AT 700 HYDE PARK ROAD. (ZACHARY SHANDLER)

A Memorandum prepared December 5, 2016, for the December 14, 2016 meeting of the Governing Body, with attachments, to the Members of the Governing Body, from Zachary Shandler, Assistant Attorney, in this matter, is incorporated herewith to these minutes as Exhibit "25."

A copy of the presentation for the record by Zachary Shandler, Assistant City Attorney, entered for the record by Zachary Shandler is incorporated herewith to these minutes as Exhibit "26."

A copy of a statement for the record by Justin Greene, Appellant, entered for the record by Justin Green, is incorporated herewith to these minutes as Exhibit "27."

A copy of a letter dated October 31, 2012, to William Lamboy, Case Manager, from Justin Greene, regarding Case #2012-108, 700 Hyde Park Road Lot Split, entered for the record by Justin Green, is incorporated herewith to these minutes as Exhibit "28."

A copy of *Excessive Speed – Radar Readings*, entered for the record by Justin Green, is incorporated herewith to these minutes as Exhibit "29."

A copy of *Appeal Support Signatures HPR*, entered for the record by Justin Green, is incorporated herewith to these minutes as Exhibit "30."

A copy of a letter dated December 14, 2016, to the Mayor and City Council, from Dolores and Don Ortiz, regarding Haciendas del Mirasol Development, entered for the record by Justin Green, is incorporated herewith to these minutes as Exhibit "31."

A copy of the City Attorney's Exhibit "2," in this matter, entered for the record by Zachary Shandler, Assistant City Attorney, is incorporated herewith to these minutes as Exhibit "32."

A copy of the City Attorney's Exhibit "3," in this matter, entered for the record by Zachary Shandler, Assistant City Attorney, is incorporated herewith to these minutes as Exhibit "33."

Copies of drawings and documents used in the presentation by James Siebert, submitted for the record by James Siebert, are incorporated collectively herewith to these minutes as Exhibit "34."

A petition containing the signatures of Thomas Glazner and Laura Glazner regarding the appeal by neighbors of the Haciendas del Mirasol Development (2016-116 and 2016-117), requesting the Governing Body to stop the project until adequate and complete planning and infrastructure design is provided as required by Chapter 14, the PRC zoning and City Ordinance 1981-3, submitted for the record by staff, is incorporated herewith to these minutes as Exhibit "35."

A copy of *Roadway requirements are incomplete*, entered for the record by Sue Herrmann, is incorporated herewith to these minutes as Exhibit "36."

A notebook containing materials relevant to this case, entitled *Response to Appeals of Case #2016-51 Haciendas del Mirasol Preliminary Plat*, prepared and submitted for the record by James W. Siebert & Associates, Inc., for City Council meeting of December 14, 2016, entered for the record by James W. Siebert, is incorporated herewith to these minutes as Exhibit "37."

Copies of drawings and documents used in the overhead presentation by Suby Bowden, submitted for the record by Suby Bowden, are incorporated collectively herewith to these minutes as Exhibit "38."

Zachary Shandler presented the Staff Report in this case. Please see Exhibits "25," and "26," for specifics of this presentation.

Public Hearing

Mayor Gonzales gave a total of 30 minutes for presentations by the 4 Appellants, and said leniency will be given if additional time is needed, but not much. There will be time for rebuttal. He asked Ms. Byers to let each presenter know when they have used 5 minutes.

Presentation by the Appellants

Richard Folks, President, Greater Callecita Neighborhood Association, [previously sworn], said he will be brief. He said they made the appeal because they do seriously believe that the Applicant is not compliant with 1981-3. He said he stood here 20 years ago concerned about this same piece of property – different owners, same piece of property. He said, briefly, in the history of this piece of property if you go back to Estancia Primera, the first phase was built in the 1980's, and there were serious run-off issues that damaged a lot of property on his side. As a result of that some of the neighbors with the Planning Commission came up with Ordinance 1981-3, which was intended to prohibit any further damage caused by quick development, under-planned development. The Ordinance specifically included all phases of what at the time was called Estancia Primera. He said they went bankrupt and didn't develop the north side of the property which is the north side of Artist's Road, Hyde Park Road, just as you go up the hill.

Mr. Folks continued, saying the property sat idle for a long time, and then was purchased by developer from Albuquerque named Kenny Higgus. He said Mr. Higgus came in with a very very dense plan and that's when the neighbors got concerned. It was brought before the Planning Commission 2-3 times, and before the Council twice, at which point it was rejected. And it sat idle for a while. A few years back, a group of investors, along with [inaudible] Romero purchased some property. And in 2013-2014, it was divided and Cody North was the builder and the current Applicant for this piece of property being discussed this evening.

Mr. Folks continued, "It is our position that this entire thing needs to be master planned, and I can give you one of the reasons why. A. It's pretty clear in the Code and you'll have a lot of legal opinion about that, but there are essentially 3 pieces of property here that make up... it is an historically significant and gorgeous piece of property, rich in history and wildlife and it sits a 5 minute walk from here. It is completely on display for anybody who leaves Ft. Marcy and goes up the hill. Whatever happens there is a model of what we want Santa Fe to look like. If you go up the hill and look 8-16-24 \$2 million homes behind a gated community, we get a particular image of Santa Fe."

Mr. Folks continued, "If you plan this as the Code requires, as one piece, you can incorporate public access on that western face which would allow people to possibly view Zozobra like they've been doing for 80-90 years. On the other eastern corner, there is a 10 acre development it is going to add is just outside of the Estancia Primera boundary and it's going to add a significant amount of traffic to Valley Drive, which a neighbor has appealed to the Council. That can't be dealt with unless Cody North's property, the Texas developers with Ernie Romero and Almadura, these 3 contiguous pieces of property.... if they're not dealt with together you cannot seriously address drainage, sewage and traffic. The development in the middle is essentially confined so there is no flexibility on traffic."

Mr. Folks continued, "It could be, if it follows the Code and is developed as one master plan, it could be a model for Santa Fe. I'm not against the development, I would just like to see something professional done there, and not this piecemeal, call it fast-track development that's happening right now. Okay, thank you."

Fred Rowe, President, Santa Fe Neighborhood Law Center, and counsel for the Appellant, Greater Callecita Neighborhood Association [previously sworn], said he has been a lawyer for more than 60 years, and "I have been tracking this kind of land use decision since 1986, as highlighted by the notorious Los Vecinos Project, which was twice disapproved by the Council and which, in our view, the Almadura Subdivision on the steep slopes of Hyde Park Road replicates. Thank you."

Mr. Rowe continued, "The Appeal poses grave concerns of fundamental importance for Santa Fe's government under the rule of law, exemplified by the Municipal Charter Amendment of 2014, which modeled neighborhood preservation, the Escarpment Ordinance protecting Santa Fe's visual assets from spoliation and basic fairness under due process of law. Besides the one, the flooding of downslope neighbors and two, the jamming of traffic on State-owned Hyde Park Road. Through Former Planning Commissioner Suby Bowden we learn this project has 71 Code violations, which the Planning Commissioners readily treated as conditions for later compliance or which the Planning Commission excused as technical corrections of Ordinance No. 91-3. Four. The lack of a master plan for a large serial housing development contemplated by the Planning Commission lot split and four, the wide discovery of 30% slopes. Due process of law, in our view, was violated by Planning Commission staff bias, and one-sided developer collaboration to push this project, *ex parte* staff consulting with the Planning Commission here during the project hearing or indulgence of the developers as attached, is a major threat and intimidation of our respected [inaudible] and Suby Bowden, which is attached as a separate page to my handout." **[STENOGRAPHER'S NOTE: A copy of the handout to which Mr. Rowe refers was not provided to the Stenographer to enter for the record.]**

Mr. Rowe continued, "In our view, Council consideration also deletes [inaudible], due to the separate appeal by Planning Commissioner Justin Greene, who recused from the Commission's notice of approval. Counting the times it was before the Planning Commissioners, the Commission's profile is on display tonight. Above all, in my professional opinion, no court would uphold Council's approval of this tainted project that would penalize the City as in the Supreme Court's Albuquerque Commons case. Thank you for your consideration."

Suby Bowden, Speaking on behalf of the Greater Callecita Neighborhood Association, [previously sworn], said there are two appeals before you tonight, and this is your first. She said the second was with Justin Greene. She understands she has about 20 minutes to speak.

Mayor Gonzales asked Ms. Bowden to address the issue of the Code violations that are most pertinent to the point of the Appeal, saying that would help address the time issue and he is trying to be conscious of the public's opportunity to weigh in.

Ms. Bowden said she will be speaking of that as well. Ms. Bowden said there is a great deal of "he said, she said."

Mayor Gonzales said Councilor Lindell is asking for clarification. He said the 30 minute allocation is for both appeals, not 30 minutes per Appeal because that would take the full hour. He asked how we can best make sure Ms. Bowden can address the Council with her points and still allow for Mr. Greene's presentation. He said this is the reason he said we could find leniency in time. He wants this to stick to the 30 minutes for both Appellants, so we can extend the time as needed.

Ms. Bowden said that means "we've already used our time."

Mayor Gonzales said, "We are on hold, and we're not using your time."

Ms. Bowden said, "I can't do my presentation in 2 minutes."

Mayor Gonzales asked how much time she needs.

Ms. Bowden said it will take 15 minutes.

Mayor Gonzales said this will be the time spent for the Appellants.

Ms. Bowden asked if he will grant time for the second appeal.

Mayor Gonzales said the 30 minutes were for all Appellants. He wants to make sure the public can weigh-in and the Council can deliberate, noting that the Council has the packet of information.

Ms. Bowden said she is presenting information that is not in the packet.

Mayor Gonzales asked her to please try to stay within the 15 minutes.

Ms. Bowden presented information using the overhead projector. Please see Exhibit "38," for more specific information on this presentation. She said she is focusing on visuals to help you understand the major issue that Greater Callecita is addressing. She said, "You just heard Creative Santa Fe and Siler Road, and you know the complexity of that site. It is a flat site. The reason this project has come before Planning Commission and City Councils for decades is because it is an extremely hilly site. It is surrounded by 4 different neighborhoods. You will see 'here' on the imagery, this is Hyde Park coming 'here.' 'This' is Estancia Primera going into the property, 800 East and Valley Drive. And 'this' is the site that we're looking at today. And I would like to say that it was previously master planned by Estancia Primera. And you will see here before you that it was a master plan north of Hyde Park Road."

Ms. Bowden continued, "The Applicants have said that a master plan is not required, and yet you will see a master plan north of Hyde Park Road, so what you're looking at tonight is actually a master plan amendment. It is not a rezoning. No one is asking for a rezoning. Everyone has agreed to the Planned Neighborhood Community [PRC]. And your Applicants agree these are in 'this' area that was the prior Master Plan Amendment."

Ms. Bowden continued, "I would now like to talk specifically tonight about the issue that you've heard tonight that this is really only an 8 lot application you're looking at tonight. And the Greater Callecita Neighborhood disagrees with that. You've heard there is no relationship between Tract 1 and Tract 2. And I'm about to show you an overwhelming number of examples and their application submittal that shows there are two tracts continually working together for the Application. Here in the [inaudible] you will see they say it's a master plan submittal. There are also some haciendas and you'll see at El Mirasol. One of these is Tract 1. One of these is Tract 2. So on their title page, they are referring to 2 tracts. They are not solely for an 8 lot subdivision."

Ms. Bowden continued, "We then go to the next image. And the next image is showing Tract 1 and Tract 2. As an architect and planner, I've never submitted somebody else's tract, when all I'm trying to do is work with one tract. If I'm only working with Tract 8, why are they showing us Tract 2. You will see it's repeatedly shown through the package, and I'm about to explain to you why. On 'this' diagram which also in your package, we have highlighted in color, the yellow, which is the boundary of Tract 1, and this is the 8-lot subdivision. We have highlighted in red all of the adjacency that Tract 2 is dependent upon and Tract 1 are dependent upon. The first is a single line which crosses over Tract 2 on its way down to the Valley Drive neighborhood below and the Williams neighborhood below. There is nothing in your documents that says there is a legal agreement between Tract 1 and Tract 2. So even our City staff is confused by this. You also see that they are asking for new lot lines on 'this' corner, and 'this' red is an extension of the road that would go to Tract 2."

Ms. Bowden continued, "I will continue. On this diagram, it's probably hard to see, except in the very dark areas. Again, we drew an outline. The sewer line going down across 20% and 30% slopes that will be dug 4 feet deep and will have a great [inaudible]. In fact, in the neighborhood 'here' again is the extension to Tract 2. 'Here' is Almadura that you've heard us talk about. What is clearly stated, the traffic reports and maps and City staff's excellent work, is that in order for Tract 2 to be able to have 2 exits, because the Traffic Plan goes to 39 lots, 39 homes there, they cannot get down to Hyde Park Road without using the road on Tract 1, because they would have to cross 30% slopes. There can't be over 39 developments 'here' without crossing 30% slopes all the way across. And they've talk about the connection to Williams, and it's their second exit which is required for 39 homes, or connecting to Almadura that also crosses 30% slopes. All of 'these red,' are dependent partnerships and relationships that Tract 2 and Tract 1 require."

Ms. Bowden continued, "This is another plan. I'm not going to [inaudible] be on the red marks that Tract 1 can't exist without that sewer line, and they're offering a road connection to Tract 2."

Ms. Bowden continued, "There's another partnership between the two tracts. Running along 'this' boundary there are a series of check dams, and those check dams require both Tract 1 and Tract 2 in partnership to manage the requirements by City staff. Here's another drawing. On 'this' drawing, at the end of the road it says they will extend the water line past the end of the roadway to a future connection, i.e., to Tract 2. 'Here' they're doing a trench past the end of the road, but they are capped for a future connection for Tract 2. So they do not need to extend the lot lines unless they are supporting Tract 2."

Ms. Bowden continued, "Here are the overlays that were not shown in your package that was provided that show the Foothills District, and the drawings of the Ridgetop. What you'll see is that the way that they're proposing on Tract 1, splits Lot 4. The reason they're doing that is because they need to get to a water line that is at the end of Campana Place, which means the relationship with their neighbor 'there,' just as there is a relationship to their sewer lines [inaudible] neighborhood."

Ms. Bowden continued, "We now come to Almadura. Almadura, Tract 1 and Tract 2 have all been moved separately by the Planning Commission. In the Almadura Subdivision that was approved on September 8th, there are a series of easements that are shown in red that connect over to Tract 2. There are utility easements, electrical easements and the potential 'here,' even though there is a site shown as a development of a possible road connect there. Because again, Tract 2 requires two exits. Another drawing that shows as they come down a potential road along the ridge that can continue down 'here,' 30% slopes 'here' to Almadura."

Ms. Bowden continued, "A traffic report which again shows their Tract 1 and Tract 2, and throughout the report they are referring to Tract 1 and Tract 2. Most significantly, in the traffic report which serves both Tract 1 and Tract 2, and if they are only applying for 8 lots on Tract 1, why do we need a traffic report for both. It states that the [inaudible] which is located on Tract 2, planners estimate all units will be constructed by 2019, but also suggest El Mirasol is submitting plans in 2016 of construction to begin 2017. Now we've heard verbally in presentations that Tract 2 will not necessarily be submitting that quickly, but their traffic report in writing states otherwise. We also see in the traffic report, here on Table 2 on page 3 that Tract 1 is 16 units, because it's 8 homes and 8 guest houses. And City staff supported this definition as well, and Tract 2 as 39 units. So the two together is a 55 unit development. They do have the right to build guest houses on their 8 houses [lots?]. Here again, we see relationships between Tract 1 and Tract 2. 'This' diagram is all of Tract 1 and Tract 2, and the traffic report looks at connections all the way around the entire development, as well as down to Paseo de Peralta and Bishop's Lodge Road, further relationships and partnerships."

Ms. Bowden continued, "This is the image that was brought to the fourth Planning Commission, and this image, at the time, said 60 homes coming soon. It's a North, Cody North image on his website shortly after the time this 60 homes coming soon, changed to only coming soon. And City staff, City Attorney Shandler stated that it had been taken off the website."

Ms. Bowden continued, "So I get next to the following. What I've shown you is 20 different documents in the package that was submitted to the Planning Commission that shows very strong relationships. They may not be in a legal agreement. The two owners are different on Tract 1 and Tract 2, but Tract 2 is dependent on Tract 1 to get roads and two exists. And Tract 1 is dependent on Tract 2 to get a sewer down to the lower part of the hill."

Ms. Bowden continued, "So we're now going to look at, I've excerpts from three City Codes. One is 14-4.3(1), the definition of a Planned Residential Community District. You will remember at the time that I said everyone has accepted the PRC. The purpose of the PRC District is to provide for the comprehensive and coordinated planning of large scale residential developments that allows for a phasing of development that will take place over a long period of time. Whether Tract 2 is built according to the

traffic study, and starts next year or it happens 5-7 years from now, that's the definition of a long period of time."

Ms. Bowden continued, "We go next to serial subdivisions. Santa Fe City Code, 14-3.7(A)(5) refers to common promotional plans. It says, '*A plan or scheme of operation undertaken by a single applicant or a group of applicants, acting in concert to offer for sale or lease lots for the land that is either contiguous or part of the same area of land, or is known, designated or advertised as a common unit or by a common room shall constitute a single subdivision plat.*' She said throughout the documents they refer to El Mirasol, and Haciendas del Marisol. It's all through the documents – common room, common designation."

Ms. Bowden continued, "And lastly, my third is also in your minutes. For these reasons, your City staff appropriately recommended on a cover sheet of their August 4, 2016 Planning Commission Staff Report that the PRC District Regulations require a phasing program for roads, emergency access and other infrastructures above Tract 1 and Tract 2. They were not recommending only Tract 1. Coordination of the infrastructure for a third parcel, located east of Tract 2 on Vallecita Drive, which is Almadura Subdivision, but outside the PRC is the variable."

Ms. Bowden continued, "So I would like to lastly say that no one that I have heard from either of these neighborhoods or Appellants have demonized anyone. We have excellent City staff, they've done a great job for you. We have excellent developers before you. We have an excellent and well trained neighborhood having reviewed this property for years and the complexity of the property that requires this kind of review by your City staff. So the appeal isn't about people, it is about an extremely hilly, very difficult, very complex site. And the City has appropriately been meeting with these developers for over a year. City staff has been meeting with the neighborhood. They have not told them what happens when the sewer touches the neighborhood, when they have a water line that touches the neighborhood, when they dig 4 feet down the side of the hill, when they cut through Almadura and it adds extra traffic to Valley Drive. What I hear these neighbors asking for is to have the same attention that the developers have had to solve the problems, and show them that they too are being considered. And in that process, I ask you to send this back to the Planning Commission and require that they look at these two deeply inter-related sites together, and help the neighborhood can understand, so they too can say what the City staff has said which is they think it's okay. The neighborhoods don't know that yet."

Mayor Gonzales asked Mr. Greene how much he needs to make his presentation.

Justin Greene, Appellant [previously sworn] , said he needs 7-8 minutes for his presentation.

Mayor Gonzales allowed him 10 minutes for his presentation.

Mr. Greene said his wife is handing out documents to the Governing Body.

Mr. Greene read a statement into the record. Please see Exhibit "27," for specifics of this presentation.

Mr. Greene said, "The main point here is that this needs to be master planned. Going back to the original 1981-3 Ordinance, that required a master plan. Whether or not it was properly filed and completed, or it wasn't fully completed, it got to this point. Any changes now would require a new master plan, a revision major or minor, or a completely new one. In the packet is my analysis of the ENN. The ENN was completely bogus. It had no understanding of the impacts to the community, any dimension whether environmental, job based, traffic studies, all different kinds of impacts were just absolutely brushed aside, and Mr. North did not look like he understood what was being put there."

Mr. Greene continued, "The City Charter requires environmental protection. This includes the escarpment, and that is one of the Ordinances here that was violated. Staff did not make a proactive attempt to cluster the homes. In the PRC and 1981-3, it recommends clustering to preserve the escarpment. Additionally Hyde Park Road is designated as a Federally Designated Scenic Byway. And one of the requirements of a Scenic Byway are programs and a corridor management plan that includes ways to preserve the cultural and scenic nature of the route. If we build along this ridge, we could lose the federal designation."

Mr. Greene continued, "Additionally, 1981-3 and the PRC require master planning. The staff asked for this. This is very key. They confused the fact with the requirements for the two tracts versus the non-requirement of the Armadura tract adjacent. The fact is, the two tracts, Mr. Romero's tract and Mr. North's tract should be master planned. As I've shown in the packet, it just so happens that we own part of Tract A. In your packets, you have some surveys of previous master plans and they show the triangle that my wife and I own as a part of Tract A within the metes and bounds of this property. If you walk the property, or you have a surveyor or somebody who knows how to read a survey, walk those metes and bounds. We are inside the bubble, we're not outside the bubble. So we should have been engaged, we should have been involved. We should have been approached by the City to understand what all the effects are, and finding favoritism for the development seems pretty apparent."

Mr. Greene continued, "Additionally, in 14-9.2, the Street Improvements Design Standards for Hyde Park Road are pretty extensive for this. This is a secondary arterial that would require a median, a traffic lane, a bike lane, curb and gutter, a landscaping strip as well as sidewalk, and none of this is existing and none of it is a part of the master plan. And I think I'm not reading fast enough."

Mr. Greene continued, "As Ms. Bowden mention, 71 Code violations speak for themselves. I'm not going to reiterate those, but I'm going to make a couple of comments. The Planning Commission, many of you are former Planning Commissioners – Councilor Harris, Councilor Lindell, Councilor Dominguez and Councilor Villarreal, I think all have been on the Planning Commission. You know you are only at the Planning Commission as prepared as staff makes you. Our Planning Commission may not be young, but some are new, and some of us are young. But they were relatively unprepared for something as complicated as this. Is that my ten seconds. Can I wrap with something for a minute."

Mayor Gonzales granted additional time, and asked Mr. Greene to stay on the point on the case, commenting we understand your point on the staff just to give you time to close this out on the merits of the case.

Mr. Greene said I just want to address each Councilor to a topic that I think will be keen to you. In this case, Councilor Harris, you were the Chair of the Summary Committee when this lot split happened. At the time, I wrote a letter asking for a master plan. And in the minutes of that meeting it says, *'This is not the time, but that time will come soon and probably next.'* He said we haven't gotten a master plan in this proposal. Councilor Maestas you spoke at the Neighborhood Law meeting last week. You spoke about the Municipal Charter. Our Charter is being shredded in this. There is no neighborhood protection, there's no escarpment and environmental protection and there definitely is no civil rights in this for access and public access. I ask you to vote for our Appeal."

Mr. Greene continued, "Councilor Ives, we've worked together on a few sustainable subcommittees and your insight and knowledge were always great. The organization you work for is a model for brokering a fair deal for both developer and the community. This project is one-sided and will literally change the landscape forever. The law was broken and Codes violated, please vote for our appeal."

Mayor Gonzales asked Mr. Green to wrap up his presentation because he has exceeded the additional time granted.

Mr. Greene said, "My point is guys, this can go back to the Planning Commission. It's going to involve the neighborhood and the stakeholders in a proper master planning procedure, and we can come up with a great plan. I'm a developer. I would love to see this done right. This should not just be a windfall for a couple of developers and nothing given back to the community, whether trails, open space, escarpment protection, traffic improvements. Additionally, I did my own traffic study with a radar gun this week and traffic is 15 miles over the speed limit at intersections. There was an accident this weekend at one of the intersections just adjacent to the site. This is a safety issue. This is no joke. It's safety, it's preservation. It's neighborhood. Please vote for our appeal. Thank you very much."

Mayor Gonzales asked Mr. Siebert how much time to you guys need. We try to keep it at 30 minutes, it looks like it went to 45. It might be hard to not grant you anything less, and asked the time he needs for his presentation.

Ms. Byers said Rick Martinez also is representing the Neighborhood Network an Appellant in the case, and felt he should speak as well.

Mayor Gonzales said he will give Mr. Martinez more time under public comment, but not much more. He said he was clear in how much time he wanted to give the Appellants and they took 45 minutes when it should have been 30 minutes. He will call on him first during public input. He reiterated he wants members of the public to be able to speak to the Council tonight.

Responding to the Mayor, Mr. Siebert said he can make his presentation in 20 minutes at the most.

Presentation by Applicant/Appellee

James W. Siebert, James W. Siebert & Assoc., Inc., Agent for the Applicant/Appellee [previously sworn], said he is speaking on behalf of the Applicant.

Mr. Siebert said the Appellants are actually appealing the Preliminary Plat. He said the level of engineering is less restrictive for a Final Plat and less comprehensive. What you will see in the presentation is we will have ceded the requirements even of the Final Plat.

Mr. Siebert presented information in this matter using a series of drawings and maps, noting the notebook of information provided. Please see Exhibit "34," and "37," for more specific information on this presentation.

Mr. Siebert said, "In considering this appeal, under City Code, there are really 3 issues you have to consider, and there is a criteria that you have to satisfy, to approve the appeal. One of them being that there is a variance which doesn't apply, because there was never a variance requested. The second is that there really is a violation of the Code. And you talk about 71 violations, when have you ever heard such a thing. Both the City Attorney and the City Engineer have reviewed those accusations by the Appellants and find that there actually are no violations of the City Code. And the other is that somehow the Planning Commission in its consideration simply failed to take into account the facts and the merits of the case. In this case, after 3½ hours of testimony, the Planning Commission approved the case, and that acceptance was unanimous on the part of the Planning Commission."

Mr. Siebert continued, "What I would like to do, there are a few boards here I would like to present to the City Council. It is to simply to show you how to better understand how some of the statements made by the Appellants are either incorrect or misleading."

Mr. Siebert continued, "What this board represents is to give you a graphic representation of what is public and what is private. The area in blue, can be dedicated as a public roadway. There was some mention about, well the road has been extended to 'this' particular property 'here,' Tract 2, so therefore there is some kind of collusion between the interests of Tract 1 and Tract 2. That is a requirement by not only City law, but State law. You can't intentionally landlock somebody, so 'this' road has to be extended to satisfy the City and State law. 'This' one is a private roadway and is in conformance with City Code. The reason we did this is it can narrow down which is the roadway and it has actually less impact on the topography and the amount of grading that takes place. In purple, there is a statement there no consideration for pedestrian access. And purple is a trail that will be constructed. It will be a private trail, but it will be open for public use.

Mr. Siebert continued, "In some of the documents there is a reference to Tract O, and the fact that Tract O had some extraordinary measures regarding drainage and liability insurance and various other things, and that somehow Tract O would apply to this particular property. Tract O sits down 'here' on the other side of Hyde Park Road on the subject land. And the reason for all these kinds of extraordinary measure dating back to 1981, is there was an impact to Hillside from flooding. So there were extraordinary measures applied to Tract O."

Mr. Siebert continued, "And 'this' is a Grading Plan that the green just simply shows you the limits of the grading that will take place on the property. So you can see, because they selected flat areas, there really is very little grading. It stays pretty much within the right-of-way. And once again, that's the reason they selected a private road here, and also there are drain limits for the trail."

Mr. Siebert continued, "There is some discussion in the Appellant's documents that not enough attention was given to moving the home sites as far away from the view line as possible. The view line, the area in green, is the ridgetop. And this is City Code, we simply transposed the City mapping. The area in blue is the Foothills. The area in gray is 30% slope. So what you see, is one of the constraints that this property imposes, is you can't push it too far down the hill or you are in the 30% slopes. In this case, the Applicant didn't want to do that simply because they actually would be in violation of City Code. So, 'this' is the sewer line that everybody talks about here. And what it is, it's a low pressure sewer line, and it is private. That was reviewed by the City, the City Wastewater Division and they said that was an acceptable and better solution given the topography. And what happens, as you can see 'here' that with a private line, the low pressure, it is flexible. So we can snake it in and out of the trees, preserve the trees and have a minimum impact to the land itself. It ties into a sewer here which actually is on Tract 2. There is an easement that has been granted by the owner of Tract 2 in order to tie-in, which is pretty much customary practice when you're working with a property like this, the offsite owner is willing to grant certain easements."

Mr. Siebert continued, "So you hear a lot that the Traffic Study was inadequate. 'This' is the Traffic Study. It was submitted for staff review. It was submitted for NMDOT to review and NMDRP has accepted the Traffic Study and the Traffic Division of it has accepted the Traffic Study. And they are saying, well there's no consideration of off-site impacts. So, in addition to the intersection where this particular road will intersect on Hyde Park Road, they did 4 other intersections. They did current traffic counts, and they did levels of service analysis for each of those particular intersections."

Mr. Siebert continued, "This is a Drainage Study that was done, and once again, we're speaking at Preliminary Plat at this point. And actually what takes place is there are 7 different measures they are taking from a terrain management standpoint, stormwater management standpoint, to control runoff. And what takes place with all these difference measures is that the actual discharge of stormwater from the site is less after development than before development. So a lot of expertise has gone into this. Well, the one thing, they talked about not listening to the neighbors. Well, the concern on the other side, we will have those solutions with French drains, and the fact is that French drains, which simply go in the ground, you can't see if they're really operational. So the Engineer, Mike Brunnels with Santa Fe Engineering, designed all of the stormwater management in such a way that they were all easily inspected. You could simply drive by and see if they're functioning adequately."

Mr. Siebert continued, "In the plan set, 20 sheets of the 62 sheet plan set – and my experience is that a typical 8 lot subdivision would have around 20 sheets – 28 sheets of those plan sets relate to some form of stormwater management. There are references continually in the Appellants' material that somehow Ordinance 1981-3 is being violated. And I think what we have to do, and this was in the Appendix area of the report that we provided, is the actual 1981-3 Ordinance, and you have to read that in context, and the context being it was written in 1981. If they hadn't complied with a lot of the provisions,

and being that you have to have a Preliminary Plat for the properties, they never would have moved forward. They never would have been able to satisfy the conditions of approval. So those conditions stated with Ordinance 1981-3 have been satisfied.'

Mr. Siebert said, "There is a lot of talk about there should be consideration of one plan that covers both Tract 1, Tract 2, and now we're hearing Almadura. Let me say, first of all, in the City Attorney's Report, he made it clear that a Master Plan was not required as part of the Application, including both Tracts 1 and 2. The owner of Tract 2, Ernie Romero, has no desire to proceed in any immediacy or in the future to develop the property. A plan on the property is good for only 5 years, and there is a good likelihood that Tract 2 would never be developed within that 5 year time period."

Mr. Siebert continued, "And the other thing is that I think the neighbors are just hoping, is that if you go through this extraordinary planning process it would take 1, 2 or 3 years in order to do that. And that would place this project in financial jeopardy, which it could. And I think, finally, I've been doing this for 40 years. I've seen neighborhood organizations, and in my opinion, you could never get this designated as permanent open space. I haven't seen anywhere that you could ever achieve consensus with the neighborhood."

Mr. Siebert continued, "The City Attorney and the City Engineer, once again, have reviewed this in detail for compliance with Chapter 14, and they find no violations of the Code. That is one of the most important criteria you have to consider when hearing an appeal. And I realize you've been inundated with a lot of paper. As Councilor Lindell pointed out, it's 3,000 pages, where I think the intent was simply to obscure the real facts. There really is no factual basis to consider something that would satisfy any one of the 3 criteria for an appeal. Once again, just to remind you, that the Planning Commission approved this case unanimously when they acted on it in August. Thank you."

Mayor Gonzales asked if there are requests by any of the Appellants to grant a quick rebuttal. He asked everyone to keep remarks under 5 minutes.

Rebuttal by Appellants

Justin Greene said we need this to be master planned, saying they aren't against development. Again, they would like this to be clustered in a proper way that protects some of the view shed and some of the ridge line along Hyde Park Road. He said he mentioned previously that Hyde Park Road is a Scenic By-way. He said they are very willing to talk about figuring out how to make this right. So to accuse them of not being willing to do it is a false accusation. He said regarding road improvements, including safety, the irony of the accident that happened on Saturday was that the person in the accident was a friend of Mr. North's who said, are you kidding me. The good thing is no one was injured. This is safety, really, so from the Mayor and Council's perspective, please support this for safety, community, civil rights, access, environmental protection and for the Code violations presented by Ms. Bowden.

Suby Bowden said her rebuttal is that out of the 3,000 pages, 'this much,' is the Greater Callecitos Appeal. It takes it clause by clause through Ordinance 1981-3 in the Escarpment Ordinance. She said the key is 1981-3 says all conditions must be met at preliminary plat approval, not at final. So there was a choice by staff to push it to final. The Escarpment Ordinance says any subdivision after 1992 must meet all of the conditions. And lastly, she has an image of what the developers are proposing which she shared with "the people behind me as well." This is 800 East, and they are proposing to bring all of the houses up along the edge of the ridgetop, and the rebuttal is that our Escarpment Ordinance says that the purpose of the Ordinance is to preserve the natural environment and the distinctive and historic ridgetop and foothills area environment, as a visual asset for the benefit of the community. She said when you look at my last image, there is great opportunity, even with the 30% slopes shown on Jim's boards, to move those homes off the top of the view line and the Code does require they be moved off the view line.

Public Testimony

Mayor Gonzales said he will grant 2 minutes to each rebutting public testimony addressing the Appeal. He said Mr. Martinez a little more than that. He asked the public to stay with something that is new, or reaffirm what has been to state that and move on. It is now 9:25 p.m., and we want to allow the Council to have the time needed to ask questions so they can deliberate.

Richard Martinez, President, Neighborhood Network [previously sworn], said he is an Appellant to this project. This has always been a problem, and Estancia Primera has had extensive downhill flooding which was repaired by the City. We don't want to see this happen again. He said the decision to deny Los Vecinos development was upheld by the Court. The development calls for construction on steep slopes above existing neighborhoods. Staff has deviated the stormwater and terrain management Ordinances by determining them as technical violations or saying the deviations can be corrected with conditions of approval that are supposed to be met at a future date, which he thinks isn't right.

Mr. Martinez continued, saying the property is located at two major arroyos which have had major flooding in years past and are vulnerable to flooding in the future. This has generated great concern in the downhill neighborhoods, including Hillside, Valley Drive. In many places, the existing embankments haven't been maintained, in part because the responsibility to do that is unclear. He said the parties in this development primarily are LLC's so they can go away and it will be up to neighborhoods or the City to fix what happens. He said the neighbors are trying to make sure that they, once again, will not be subject to damage because of inappropriate development as has been done for 20 years when Los Vecinos was rejected. They are now trying to pass it again.

Mr. Martinez continued, saying the City has passed many storm drain and terrain management ordinances in the past 20 years. The neighbors have been asking the City to take those laws seriously and not sidestep them. They passed them for a reason and often the response to problems are in this area of town. This is just the first development that will be proposed for this area. The best way to deal with these problems would be to have a master plan that has looked "at the property as a whole deal," with potential problems. We want to be sure the terrain doesn't "fall into something and go straight to the neighborhoods," and should be looked at right away. We've been told this is impossible because the

property has been broken from the main part and there is no covenant ownership, though in the past, partials have been referred to as phase 1 of the larger development, which it shouldn't be.

Mr. Martinez continued, saying the Planning Commission approved an apartment complex on Rodeo Road showing the majority of deficiencies and Land Code uses. One is often exploited by developers, and the Land Use Department feels it will consider the case and not the general area around it. In other words, they aren't looking at the neighborhoods, just the general area. This makes it ripe for development. This needs to be corrected, in this area especially.

Mr. Martinez continued, saying, "So the Neighborhood Network opposes the current plan for Phase 1 of Haciendas del Marisol until the potential problems can be resolved according to City Code and surrounding neighborhoods be protected." He said they would like to point out that personal attacks by proponents of opponents of any development are inappropriate, and should not be a factor in tonight's decisions.

Mayor Gonzales said people will have 2 minutes to speak, but only if it is new information, and if they repeat it, he will ask them to end their commentary.

Chris Otto, 1209 Callejon [previously sworn], said her husband, Andy Otto, is the Watershed Association Executive Director. She said in City planning, if there are less than 9 houses, you don't have to have your own water. She said it sounds as if the first group has 16 homes, and asked where they will get their water.

Herbert S. Thomas, 222 Artist Road [previously sworn], said he was unaware this area had been rezoned, which makes no sense, even if it was done in 1981. He has walked around the area a lot, and the first thing he saw were signs that say No Trespassing. He always assumed this fragile land was zoned-off in perpetuity to not be developed at all. He said he hasn't penetrated into it more than 100 feet. It is extremely rough and has a canyon running through it. He doesn't see how they will build houses unless they put them on stilts. He said, "So I would just say, scrap the whole thing. Don't develop it at all. Thank you very much."

Sue Herrmann, 1305 Callejon [previously sworn], said she lives directly above the property and on the other side of Hyde Park. She has a handout listing the requirements that usually would apply to Hyde Park Road, but have never been applied [Exhibit "36"]. She said we have a thick traffic study that counts the number of cars going up and down Hyde Park Road, but it doesn't take into account the safety considerations currently existing. She said 8, maybe 16 houses isn't a lot. She said when you add the entire development to be sought for this property, which is 47 houses which will have an impact, because it is a 2 lane road. She said under the MPO and Transportation plan we have a secondary arterial that should be 2-4 lanes with buffers, sidewalks, bike trails and pedestrian trails. However, none of that exists on Hyde Park Road. Basically what we have is an old gravel road that once ran to ski basin, which was paved at some point. There are a few cutouts to access the various subdivisions as they sprouted up on Hyde Park. There are no crosswalks, nothing in terms of safety precautions.

Ms. Herrmann continued, saying the population has increased dramatically along this corridor, and we have multiple users, including the normal resident traffic that goes up and down the road every day, a lot of construction traffic, pedestrians, hikers, bicyclists, and motorcycle drivers. She said she drives this winding, curvy road every day, and she is amazed how little respect drivers have for the people who actually use this road without 4 wheels. She is amazed there haven't been more accidents. In driving the stretch in the immediate area from the light at Ft. Marcy to the Gonzales Road intersection, if people are accessing the road by bike or pedestrians who often walk on the road because there are no trails, people cross the double lines regardless. They don't care. This is a real safety problem for them and needs to be addressed as a whole.

Sandra Greene, 611 Campanas Way [previously sworn], said we have the opportunity to make things right, based on facts and the rule of law, to correct mistakes made at the Planning Commission that will impact the community dramatically. She said we, the residents, want to be able to walk, bike and drive through our neighborhoods safely using Hyde Park Road in this case. She said if the project is approved, as it, we will drive up Hyde Park Road and wonder why we approved it, why we didn't ask more questions or for a different alternative and *[inaudible]*. We have alternatives that we don't know about. We want to be able to appreciate our landscape and ridgetops and not to see houses sticking out of them. We want to make sure that the neighbors on the bottom of the hill are safe and not worried about landslides or water coming into their houses, such as their friends on Williams Street. We don't want more car accidents like on Sunday and other locations over the past 10 years. She said we are trying to present some solutions and alternatives to discuss with the developers to make sure these concerns are addressed. She said the Planning Commission stated that our concerns were addressed by the developers and supported by Ordinance, the fact is that the concerns were not addressed properly. And we have 71 Code violations. She said the lack of knowledge and in depth analysis of the 1981-3 Ordinance and lack of consideration for a master plan, led the developers to move forward with a project that maybe breaks the law. She said she and Justin have repeated several times that they are not against this development, they just want the developer to adhere to the law and the intent of the law, to make this development the way projects should develop.

Raymond Herrera, 379 Hillside Drive, Association [previously sworn], said we've been hearing about Ordinance 1981-3 all night. He said the Association helped to create Ordinance 81-3 in 1981 because of Estancia Primera. There were no rules, regulations when it was planned originally. It was because of his neighborhood and others, including Peter White, Steve Farber, that this Ordinance was enacted. He said, "This is such an important thing – follow the Ordinance."

Daniel Larrimore [previously sworn], said he works at 1399 Hyde Park Road at the Santa Fe Institute and wants to add his voice to the others as a commuter and cyclist. He has braved the streets of Denver, Boston and New Mexico, but "the perils of being a cyclist on Hyde Park Road where there is no margin, the white line is on the edge of the road, sometimes on the gravel, makes it completely impassable to safe cycling. He said drivers on Hyde Road routinely exceed the speed limit. If we're going to add traffic to Hyde Park Road, he would hope it is done with proper turnouts and more standard access, and ideally, with bicycle lanes.

Peter Wright, 501 Hillside, was sworn, said he is a member of the Historic Hillside Neighborhood Association. In 1981, he and Steve Farber, negotiated with the agent for Estancia Primera the provisions that were adopted by the City Council in Ordinance 1981-3. He said it takes cooperation and work between the developer and the Neighborhood Association. He said during the proceedings before the Planning Commission, chaired by Eluid Martinez took the lead in setting significant modification in the development plan by substantially reducing the density of housing in Estancia Primera which was very helpful. Also in connecting the situation to the reality of the Arroyo drainage, and the risk as reflected in the original Flood Control maps that some houses might be destroyed in a 100 year storm.

Mr. Wright continued, saying he was involved in a lawsuit in Rio Rancho, in which he represented an elder Navajo woman who owns property below a very steep slope in Rio Rancho, noting her property was flooded in 2008. He said the case involved 7 years of litigation between upslope property and Betty McCorkey, the Navajo women downstream. The dispute was who is liable for the collapse of a retaining wall constructed by AmRep. The problem could have been avoided if Rio Rancho enforced the Ordinance, and properly evaluated the design of the 15 foot high retaining wall when it adopted the zoning for those tracts of land. Judge McDonald persuaded the attorneys to settle. He said Betty McCorkey paid \$30,000 which is ½ the cost of a retaining wall, and the upstream land owner paid the other \$30,000. He said straight conditions of approval for any zoning permit could be clearly defined, easily enforceable, and all they need to do in terms of stormwater drainage is to quantify the acre feet and conceptive use of water to be retained on site.

Jim Hays, 400 Kachina Court in Estancia Primera [previously sworn], said he has lived there for more than 20 years. He said there was a master plan for Estancia Primera in 1981, incorporated into the Ordinance, which showed 155 units on the 69 acres that is being discussed tonight. He said what is being proposed is dramatically reduced in density. He said there are traffic issues. He isn't concerned about having 8 homes using the roadway. He understands there is no proposal to build more homes, and he would suggest that be evaluated at such time as it comes before you. He said as a developer he had contemplated developing that land, but after tonight, doubts that he will. He said there is no doubt there needs to be bike lines on Hyde Park. He drives that road all the time, and thinks it is crazy for somebody to ride a bicycle on that road. However, that isn't Mr. North's responsibility, it's a State Road.

Mr. Hays continued, saying regarding drainage, he presented a brief presentation on drainage to the Planning Commission about drainage they have done in Estancia Primera and other places. He said Mr. Folks dismissed it, saying it looks like Disneyland or something. He said it isn't Disneyland, but it's what we can do with the water available on the land by husbanding the resources of the soil and water on the land which he believes Mr. North's development will do. He said the ecology can be greatly improved. He looks at the ridge all the time, and he walks it – he has walked it to watch Zozobra. He said Mr. North is a good builder, and knows the Escarpment Ordinance, and thinks what is built will be attractive and what is built will be softer than what's there now. He said he remembers when the timber was cut on the land, the grass was grazed off. He said, "It's ravaged and with development you can bring it back. I should say two more things. We tend to nick this thing to death in Santa Fe, and we're not really talking about developing the whole thing right now, and I suggest it should be evaluated on its own merits, and I would encourage you to approve it on those merits. Different tune, huh."

Fritz Devendorf, 2017 Williams Street [previously sworn], said he has lived in Santa Fe for his whole life, so he has seen access to the foothills get shrunk down. He still uses and accesses the foothills through the top of Williams Street riding his bike across to Valley Drive and up. His concern is that whatever development is done provides open space. He said when he goes riding he does see hobo camps, and he thinks development will help to get rid of some of that, but he does want to preserve open space and access to open space.

Elizabeth Hauck [previously sworn], said she lives off Hyde Park Road just above Gonzales. She believes when we have the opportunity to do better, it is our responsibility to take that opportunity up. She believes what we are talking about here is livability in Santa Fe, where you can walk your dog, ride your bikes and walk Hyde Park Road, because right now you really can't because it isn't safe. If you add more development make sure it's right, comprehensive. Make sure you consider the development that will go on around it and create a livable Santa Fe. Gonzales Road between Palace and Hyde Park has great places where you can walk your dogs, it has sidewalks, room for people to park, white lines where people can ride their bikes. She said when you have a development that backs up to other development, you need a cohesive plan. It is your obligation to do better, to protect livability and open space.

Tom Rael [previously sworn], said he lives by the Chavez Center. In 1999, he started Sun Mountain Bicycles, a small bicycle company located downtown. At that time, he had to "stand on my own soap box," talking to the various hotels and the Chamber of Commerce, and they all said the same thing, "I wouldn't ride a bike in this town." He said and then when you accelerate that, we're making a tunnel on St. Francis with the Gail Ryba Underpass. He said we can get to La Tierra "under 599, the death highway." He said we continue this amount of momentum if we continue thinking of bicycles as a legitimate form of transportation, beyond just recreation. So there are many levels to think about this. If you have a reputation of I wouldn't ride a bicycle in this town, it affects residual economic activity that all of us have seen by the fact that we now host an international Mountain Bike Association which is incredible. This town once had only Atalaya which was like this and maybe the Rail Trail. We now have the Dale Ball Trail system.

Mr. Rael continued, saying Santa Fe is attracting a demographic that comes from Colorado, Texas, Arizona, and the more we can improve our infrastructure to accommodate these bicyclists, the more we will benefit through economic activity. It illustrates to us that we don't need a car to get by. He said the last time he spoke to the City Council, it was before the South Side Library was built, and we were talking about feasibility money, whether we were going to look at infrastructure for bicycles or the South Side Library. They decided the bicyclists had been waiting so long, that the four-year plan was celebrating its 10th birthday. He said, "So now, let's do it, and they did it. And we had a feasibility study and now we're making inroads, so don't stop now..... continue the momentum, we're doing well and we're awfully aggressive right now. I'm pretty sure everybody behind that podium and in those chairs, you appreciate a bicycle in Santa Fe."

Mayor Gonzales thanked him for his work in this area.

The Public Hearing was closed

Mayor Gonzales asked Mr. Shandler to come up and orient the Council on the task tonight, the question that needs to be deliberated, and we can take it from there.

Zachary Shandler, Assistant City Attorney, said, "First I want to give to the Stenographer, the City Attorney's Exhibit No. 2 [Exhibit "32"]. He said it is an email I sent to the parties about the time limits, so no one should be surprised about the time limits today. He said staff is ready to answer questions about traffic, the escarpment, drainage.

Mayor Gonzales said the question before the Council tonight is either to uphold the Planning Commission decision, noting tonight's Council packet had the foundation for that decision, or to grant the appeal of the neighbors and remand it back to the Planning Commission. He asked if it is solely on that question, or are the facts and merits of the broader case all relevant for the conversation at this point.

Mr. Shandler said proposed motions to go both ways are in the Council Packet in the City Attorney's Memo on page 13. He said the Mayor has diagnosed the issue.

Mayor Gonzales so there is only the issue on the appeal, and asked if the Council has discretion, was it properly noticed to consider all of the merits of the development, and if there was sufficient evidence to grant the appeal and remand it back to the Planning Commission.

Mr. Shandler said, "This is a *de novo* hearing, so you have some latitude."

Councilor Harris said he would like to respond to the point made by Ms. Bowden regarding the PRC which is Tract 1 and Tract 2, and perhaps Almadura. He is unsure how Almadura is connected to all this. He said the point she made about a common development, and asked if it is appropriate given that it is a PRC.

Mr. Shandler said, "In my judgment, in 1981 there was a rezoning for a large area of lands. The legacy of that, and the requirements are embodied in 1981-3. The Applicants' requirements are to meet those applicable ones. Those other tracts that were mentioned are not before you today. They have separate ownership."

Councilor Harris said then "you don't think there is a common, I'm sorry I can't remember the word, but the outlines she [Ms. Bowden] pointed to in terms of the requirements of a PRC were not violated in your opinion."

Mr. Shandler said, "They were not violated in our opinion."

Councilor Harris asked if Almadura was a part of the original Estancia Primera – that parcel.

Mr. Shandler said, "I don't believe so, but I would have to check the record. That's a different property."

Councilor Harris said he is satisfied that the drainage would be improved. He said he's looked at the minutes, and thinks there is testimony from Mr. [inaudible] and City Staff regarding the foothills and escarpment, commenting he has no issues there. He said, regarding the safety issues on Hyde Park Road, they are legitimate, but doesn't believe that they necessarily affect our decision tonight. He asked John Romero to come forward for some questions.

Mr. Shandler said, "Let me just say for the record, while he walks up, Ms. [inaudible] tells me that Almadura is not even in the PRC District, and it has separate zoning."

Councilor Harris asked what improvements will be taken at the intersection – will there be a deceleration lane of any sort, are there any improvements to the intersection that will impact the turning movements and those types of things.

John Romero, Director, Engineering Division, said the Traffic Study looked at the need for improvements and it did not justify doing any improvements. He said usually for a subdivision this small, we don't require a traffic study because it has a very small amount of traffic. In this case, our initial time was to base the traffic coming in and out of this proposed development, based on what is happening out of Estancia Primera, which is a very relevant comparison. He said the Applicant compared it based on that, and on our IT [inaudible] manual. And in response to concerns of second houses and guest houses they doubled the traffic generation just to see what it would do. He said, "In no way do I consider that the traffic will be 16 houses worth. I believe the original assumption, based on Estancia Primera is the most accurate. With that being said, doubling the traffic, it showed that the intersection would operate adequately as is."

Councilor Harris asked, in the MPO 20-year Plan, if there is any anticipation of improvements to the lower portion of Hyde Park Road.

Mr. Romero said he believes there are plans to add bicycle lanes at some point in time.

Councilor Harris asked when that might happen.

Mr. Romero said there are a lot of proposed improvements throughout the City, noting all of them require funding, and the bicycle lanes currently are not programmed.

Councilor Harris said it is a little deeper in the 20 year plan, and Mr. Romero said that is correct.

Councilor Lindell said she has questions for the Applicant and for staff. She agrees with Councilor Harris that it appears to her there are issues on drainage, noting there is data in the packet about runoff. She personally has seen massive amounts of water come off that hillside into the back of El Matador. She asked if that drainage will be addressed by this.

Mr. Siebert said it will, and "in fact, the engineer has demonstrated that there actually will be a reduction in amount of gallons per minute as it leaves the property, compared to the present condition." He said Mike Gomez, the engineer for the project, is here to answer any specific questions.

Councilor Lindell said she has no questions of Mr. Gomez. She said she is just trying to make clear that there are drainage problems, and it appears to her this project would help the existing drainage problems.

Mr. Siebert said they worked on projects similar to this one. Las Lomas off Alameda had a very similar problem and when it would rain the whole road upstream would be washed out, and they would have to bring down trucks in order to clear all the sand. Once the drainage improvements were installed there hasn't been a single incidence of flooding on that property over the last 20 years on the higher road. This is just an example of what really can be done.

Councilor Lindell said Hyde Park is a State Road and the City really doesn't necessarily have jurisdiction for all the things that been mentioned tonight. However, her question is why, in a project with just 8 lots, would we have a traffic study that is 3-4 inches thick.

Mr. Siebert said he thinks the engineer in this particular case, is familiar with the controversy that has taken place over the years. The intent, like the drainage study, was to go much beyond what is required in City Code to prove that this project had no impact. He said Mr. Gomez just told him there are two things. One is he had traffic accident data on Hyde Park Road from 2010 to 2014 in the same stretch as the property is locate. There has been one accident, without injury. He said when people talk about all these cases of accidents, the data simply doesn't support that.

Mr. Siebert continued, saying when you look at turning movements out of this property which would be westbound leaving the property. In the a.m. peak hour there are two vehicles, and they really did not substantially exceed the requirements of both the City and the NMDOT.

Councilor Lindell asked if this property going to be gated.

Mr. Siebert said he doesn't believe a decision has been made with regard to the private road. The public road would have to be open obviously.

Councilor Lindell said she would encourage the developer to not gate a community like this.

Councilor Lindell, referring to packet page 293, said it talks about the appropriate rights-of-way for the units, and referring to Chapter 14, 9.2-1, said Mr. Smith talked about this in the minutes of the Planning Commission. And the practice is to apply that principle to dwelling and accessory units. A more stringent interpretation would be a 24 ft. wide private road for Tract 1 and Tract 2. She asked Mr. Siebert to speak to the 24 ft. private road and if this is a 24 ft. private road.

Mr. Siebert asked the consultant to speak to this.

Mike Gomez, Santa Fe Engineering, 1599 South St. Francis Drive, Engineer for the project [previously sworn], said to provide fire access they are going with the 24 ft. wide roadway with two lanes.

Councilor Lindell said there was discussion at Planning Commission about commercial use, of which there is none, and there are 8 units each with a guest house with the units.

Mr. Siebert said the answer is there is no proposed commercial use. He said under City Code, each house can have an ancillary guest house which can't exceed a maximum of 1,200 sq. ft., or ½ of the main house.

Councilor Lindell asked Mr. Siebert to confer with his client on this, and she wants know if the Applicant would be willing to accept the following 2 notes on the plat. And the first note would say, *'No short term rentals as defined under City Code, Section 14-6.2, shall be permitted on any of the property and the development.'* She said the second note would say, *'This restriction shall be in the covenants and deeds conveying the property.'*

Mr. Siebert said he will ask his client to think about that for a bit.

Councilor Lindell said her only other question would be of Mr. Shandler, and it's a reference point of saying to him that "I appreciated that on page 294 of the packet, he referred to Code violations and then made a reference that they were addressed on pages 72-79 of the packet. And I appreciated the clarity of those references in the packet from you Mr. Shandler."

Councilor Dominguez said he has 3 areas he would like to address. He said there is a lot of information and Code violation is highlighted in red. He said for the most part they are escarpment issues. He said he assumes staff has gone through the Application and applied escarpment requirements. He said secondly, there is reference to foothills, and asked how that is addressed.

Mr. Shandler said, "Staff did review that and the quotations and citations to that analysis was in my Memorandum. There are different Districts in the escarpment. There is the ridgetop which has certain limitations and then the foothills. It is staff's position that you can build in the foothills. That's a disagreement that we have with the Appellants. They don't think is allowed. We think that's how the Code provides it."

Councilor Dominguez said then you are saying there are no violations of any of that in the Application.

Mr. Shandler said, "Correct."

Councilor Dominguez asked if a master plan was ever submitted for the whole area.

Mr. Shandler said, "Yes, four years ago there was a Master Plan."

Councilor Dominguez said he would imagine the Master Plan was developed to consider the impacts of that application or master plan to the area.

Mr. Shandler said, "It sounds reasonable."

Councilor Dominguez said he looks at an overlay as a way to protect an area. The escarpment is an example of an overlay to protect the ridgetops. He asked the reason an overlay wasn't considered, or some kind of protection corridor, versus a master plan. He asked if that is because of the way the application came in and the way business was done then.

Mr. Shandler said, "I cannot provide any personal knowledge of what happened in the early eighties. All I do know is that the Master Plan has expired, and that's why they don't have to amend the master plan as part of this application."

Councilor Dominguez said he is trying to understand that. He said there is the spirit of the law, and the letter of the law. He said much of the testimony tonight has talked to the spirit of the law. He said in looking at 83-1, he would point him to packet page 92, page 5 of the Ordinance conditions. He said it doesn't speak specifically to what some of the public testimony has been. He said at the bottom of the page, D(1) and (2), the word cluster is in there. It speaks to an increase in unit count for any tract. He said to him, it is an indication that the spirit of the bill was really to consider the impacts that the number of units was taken into consideration in the entire scope of the area.

Mr. Shandler said, "In 1981, when your predecessors adopted this, as I think as people have testified, it was in response to this much larger planned development that eventually did occur. It seems that 40 years later, to ask an 8 block subdivision to meet everything that was expected of this massive development that occurred 40 years ago, is where you have to read the law in a reasonable way. And I think what the Applicant has said, they have met these requirements in the 1981 Ordinance, they've gone above, beyond the usual standard subdivision goes. But they don't have to cure all the ills that occurred 40 years ago. So that is my interpretation of 1981-3."

Councilor Dominguez said he understands and the reason he is speaking of the difference between the spirit and the letter of the law, and whether or not there is compliance with the letter of the law. It seems to him, with that citation there, there was a concern about the number of units that were going to be, at least in this application, both Tracts. In that it describes both Tract A and B, and provides metes and bounds and so forth.

Councilor Dominguez asked the affordable housing requirements.

Mr. Shandler said, "I believe it was testified at the Planning Commission that it falls under the 10 unit threshold, so I don't think they have to meet the HOP requirement."

Councilor Dominguez said he is curious and asked if the Applicant wants to say something. He asked if there is any particular reason why..... he said we are going with Tract A, that is the application. He would like to see some affordable housing in there, but it's not a requirement. He is curious if there is any desire to do that by the Applicant.

Alexandra Ladd, Office of Affordable Housing, said the affordable housing requirement is that the Applicant pays a fee-in-lieu by right, since the project is 10 or fewer units.

Councilor Dominguez said he may want to come back to this issue later, noting that answers his question for the time being.

Councilor Villarreal asked Mr. Siebert if he was going to speak to affordable housing.

Mr. Siebert said no. He said Councilor Dominguez asked the reason why there isn't some kind of highway corridor protection here. He said, "In fact, and I'll show you on the plan here in a bit, once the PRC was approved, it established a highway corridor setback and open space area on both sides of Hyde Park Road. One of the provisions of 1981-3, was that setback would vary from 115 to 150 feet. So let me show you on the plan. And I failed to mention this in the presentation, so I apologize for that. So, the red line indicates the area that satisfies the condition of Ordinance 1981-3 varying from that. So 'this,' along the Highway Corridor, is an open space area that really was contemplated in 1981 and is represented on the plan today."

Councilor Dominguez said so there is a protection overlay being applied to this.

Mr. Siebert said that is correct.

Councilor Villarreal said most of her questions have been asked. However, she is still stuck on this piece of the Master Plan, and asked if staff could give a little background. There was a Master Plan and then it was phased. They did the south side of Estancia Primera, "the south side was developed, correct."

Mr. Shandler said he believes that is correct.

Councilor Villarreal asked if there are other staff members that can speak to this.

Mr. Shandler said, "I would be willing if any of the neighbors can say something. It's not a disputed fact."

Councilor Villarreal asked Mr. Smith if he has any background in this regard.

Greg Smith, Director, Current Planning Division, said, "To my knowledge, one of the statements in the testimony with staff indicating that the South side of the Estancia Primera was developed in accordance with approved master plans over a couple decades between 1981 and, I'm not sure, the 1990's or early 2000.

Councilor Villarreal said then the next phase was going to be the north side that was not approved.

Mr. Smith said, "I don't believe there are specific requirements as to which one came first, and which one would not come first. But as they have indicated the Master Plan on the North side did expire before the current applications were filed."

Councilor Villarreal said, "It's expired now, and it doesn't require approval, but the original Master Plan for the North side, and I think Mr. Hays said this. The original Master Plan, if we followed the original Master Plan, that on the North side it would allow for 155 units. Is that correct?"

Mr. Smith said they did diligent research in the City Archives, and we were not able to find an approved, signed, recorded version of a Master Plan for the North side. Testimony at the Planning Commissions and exhibits in your packet do indicate that there was a version of the plan that indicated that number of units, but the staff can't verify that number was actually officially approved at any point."

Councilor Villarreal asked if there was a proposal for that, or was it actually in the Master Plan.

Mr. Smith said, "Again, I can't testify specifically as to whether it was formally approved as part of the Master Plan and we just do not have documentation on that."

Councilor Villarreal said she researched that piece and there was a proposal that the original Master Plan actually was going to allow for 155 units on the 68 acres. So, she thinks about what we have now, which is 8 lots and that goes against everything we're trying to do in Santa Fe. The fact that we're trying to look at housing, and if we're voting on this project, she actually wouldn't vote for 8 lots. She said it disappoints her we're at this point where we have this development and it's whittled down to 8 lots, and knows it's a very challenging area. She said it isn't the perfect, ideal location for building, but when you look on the Estancia Primera side, she knows there are upwards of 200. She is trying to figure out how we got to this point. She feels that master plans make clarity of what we want to do in an area. It is unfortunate that we can't bring them together and look at the two parcels together, but now they're owned by different people. She said if another develop comes up with the other property, they will have to go through the same review process and it's probably going to be a lot more restrictive.

Councilor Villarreal continued, saying she is disappointed with this, and thinks nobody wins in this project. Her point with what Councilor Lindell brought up, intrigues her and she thinks this is one way to look at an 8 lot subdivision, to make sure people live there and they aren't going to be having short term rentals. She is curious as to whether the developers are in agreement with the proposal for a restrictive covenant.

Mr. Siebert said, "The answer is yes, they would agree to that condition."

Councilor Villarreal said then they would agree to language that short term rentals would be allowed and that the covenants and deeds on the properties would indicate.

Mr. Siebert said that is correct.

Councilor Villarreal reiterated her disappointment with how areas develop in Santa Fe, and asked the reason this wasn't addressed when all the other subdivisions were being built in the eighties. She knows part of it is because it is a State road and those agreements have to have to happen for improvements, and we're not there yet. She said, "That is disappointing, because we do want it to be a safe road and we want to make sure it is multi-modal and it's not there yet. So hopefully, we can look at State funding to be able to improvement that at some point. I will yield the floor for now, but there may be some other questions that come up, but thank you all for being here."

Councilor Ives said we've talked a lot about 1981-3. He asked the status of 1981-3 at this time.

Mr. Shandler said, "It still exists. It runs with the land."

Councilor Ives said then it still governs the property before us tonight as well as the adjoining tract.

Mr. Shandler said, "Yes."

Councilor Ives said there was a prior master plan for the entirety of Tracts 1 and 2, noting it is the final page in Exhibit C to the Planning Commission proceedings. He asked if this property had come in as a single tract as opposed to 2 tracts, would we be having any discussion to the effect that a master plan for the entirety of the tract was not needed.

Mr. Shandler said, "Master Plans are required rarely. One of the situations is when you are asking to be revariant to this particular type of zoning. So, in 1981, in my understanding, that is why a master plan was required for this hundreds of acres. So that is the history. I didn't really understand the remainder of your question."

Councilor Ives said he is wondering if this tract came before us today and it was not subdivided, and a developer was proposing to develop it, would we be looking at planning for the entirety of the tract, or would it be subject to being simply parceled out into some portion that somebody was interested in developing now and leaving perhaps the majority of the tract for additional planning at a later time.

Mr. Shandler said, "The way I hear your question, and tell me if I'm wrong. If in 2012 there wasn't a lot split and it was all one 68 acre parcel or something like that, if that came forward, I think it's in the record of the Planning Commission, Mr. Romero said there will be a different type of review, because it would be a larger, more dense development.

Councilor Ives said, "So what I hear you saying, is it would have required a master plan."

Mr. Shandler said, "No. What I found in the Code, and I extend an invitation to the Neighborhood Network to change the Code, is a master plan is rarely required. There are only 2 like instances and it's in the packet. If that's the way the Council's outside neighborhoods feel, that this is a good tool, well then it the right time for a Code change. But as the Code is right now, master plans are rarely required and it's not required in this fact matter."

Councilor Ives said, "So if any of this property, as a single unit were being developed, it could simply be maybe a 5 acre portion of development without any consideration of the rest of the space in the tract, acreage in the tract."

Mr. Shandler said, "That's a question that the Planning Commission wrestles with all the time. Do they look at the 4 corners of the application. How far do they go beyond that in looking at it, and I think staff conducts a balancing act. The only way they focus on the 4 corners of the application, they cannot learn speculative information, but I think here in this fact pattern, in the record, staff did try to go above and beyond and look at the different factors, and meet with various developers, and then we got criticized for doing that. So it's a delicate act, but I think mainly that the focus is on the 4 corners of the application."

Councilor Ives said Ms. Bowden, in her remarks, was speaking about a large residential development as being a factor in our assessment of the case that's before us. And based upon the Appellant's position that you need to consider both tracts, in terms of their development, and therefore not just the 8, but also the additional, commenting he forgot the number platted originally, but he was talking of some 40-50 residences on the entire tract.

Mr. Shandler said, "I believe that's close to what she was saying. I don't dispute what she was saying."

Councilor Ives said it was 55.

Councilor Ives asked if there is a definition of large residential development anywhere in our Code that addresses the number of units in a development that would satisfy that definition.

Mr. Shandler said, "I'm not aware of that particular definition."

Councilor Ives said Ms. Bowden was using that term to make a point about our context here and what we are considering, and asked her to restate her point with regard to what she described as a large residential development.

Ms. Bowden said, "I'm going to go back to the PRC definition of one residential community and I'll tell you in just a minute. It states here under Santa Fe City Code 14-4.3(I) that, '*The PRC, which is the zoning for both Tract 1 and Tract 2, is a Planned Residential Community District. Its number one purpose: The purpose of the PRC District is to provide for the comprehensive and coordinated planning of large scale, residential developments that allows for a phasing of development that will take place over a long period of time.*' So the 40 years between the phases on the south side and the phases on the north side is a long period of time. And under the PRC, by this definition of the Code, 14-4.3(I), it says that '*The PRC District is to provide for the comprehensive and coordinated planning of large scale residential developments...*' 55 units for Tracts 1 and 2. The developers have to spend a tremendous amount of money to do any project. No wonder they split it into pieces. And yes, that's precisely where the PRC asks for it to be coordinated and planned together, that it allows for it to be phased."

Ms. Bowden continued, "But again, the other two documents that I referred to are Santa Fe City Code that prohibits, basically, serial subdivisions, what they call common promotional plans when they are acting in concert, when they are contiguous, and they do a common means in a group of applicants. That's where we are today under a PRC, they're calling it coordinated planning and the PRC District regulations where staff asked on the front page of the report, the PRC District Regulations require a phasing program for variance, emergency access and other infrastructure for both Tract 1 and Tract 2."

Ms. Bowden continued, "And, I don't think the neighbors are out of line. I attended an ENN where they were shown one drawing. Ten days later, they discovered they had 350 drawings that City staff never mentioned to them. And some of those, they didn't get until 3 days before the Planning Commission. It's why it took us so long what was in and out. We are simply asking, under a PRC it be coordinated and planned together so the neighbors can have one meeting in which the whole scope of the project and not just one drawing, is shown at the ENN."

Councilor Ives asked that also would apply potentially to the description of the development of Tract 1 and Tract 2, given statements by the owners of Tract 2 that they have no current plans to do any development there.

Ms. Bowden said the Traffic Report says otherwise, as you saw with the document they showed, but that could be another 10-15 years out. It is still in the Phase 1 term development.

Councilor Ives said a statement was made by Mr. Siebert that the little roadway into Tract 2 was required under State law because you had to make sure there was access to the tract. He asked if there are no other access means into Tract 2.

Mr. Siebert said the statement was that under both City and State law you can't intentionally landlock somebody. So you have to not only plat it, you have to be able to and build to the property line. There also is a statement that there is a water line that also goes here. It is also a City law, not State law, that you have to extend the water line, just as you do a sewer line to the limits of your property, so the next person can be able to tie onto it. He said regarding another point of access to this tract, there would be another point of access from Williams Street.

Councilor Ives said Mr. Siebert said they are using the requirement of State and City law to not be landlocked, as an explanation for that roadway. He said it seems to him it wouldn't be landlocked if there was another access, and asked if that is a fair statement.

Mr. Siebert said the statement is there is no current access into this property, so both City Planning and Traffic Planning would require that you extend this particular road into your property.

Councilor Ives said the master plan from 40 years ago, seems to suggest an access point 'here' to Tract 2 from what would be the Northwest section of that sheet. He asked if that is the other access to which he referring.

Mr. Siebert, using the documents in Exhibit "34," said, "In fact, if I'm reading it right, this has only one point of access back to Hyde Park Road."

Councilor Ives said it appears there also is a potential access north of Matador. He assumes that is a public roadway through the north side of the property.

Mr. Siebert said that is correct.

Councilor Ives said so it does seem there is another point of access, the one he said is required pursuant to State and City law because you can't landlock people, and there is an alternate access.

Mr. Siebert said there is a potential alternate access, but there is no actual public roadway that has been extended into Tract 2 at this time.

Councilor Ives said the Lot split seems to follow closely the 40-year old Master Plan in terms of 2 segments of the property that were capability of being developed. He asked Mr. Siebert if he knows how the lot split was negotiated or agreed to.

Mr. Siebert said he wasn't involved, so he can't speak to that.

Councilor Dominguez said part of what is troubling to him is he doesn't think it would be wise for the owner of the 41 acres to split it into smaller parcels, because the terrain is tricky and you really never know what you will get. He asked if it is feasible/practical/probable to think we're going to start seeing all these lot splits on the remaining 41 acres, and make them smaller so this sort of application can be brought forward. Is there anything that prohibits from allowing that to happen.

Mr. Shandler said, "There is no evidence of that, that has been provided in the record. This particular application, they have said to the Planning Commission, and it's going to be in their covenants and deeds. So that is all I can really speak to, is what has been presented in this application."

Councilor Dominguez asked how do we prohibit something like that from happening – can we prohibit that from happening, based on what is before us today. We're really talking about some Code amendments, but he doesn't see an ability to do that with the application before us tonight.

Mr. Shandler said, "I agree. I don't think you can make a condition that affects someone else's property. I think there are procedures in place in terms of the Summary Committee, in terms of staff, in terms of whether that application ever came forward in its review. The prohibitions on serial subdivisions, I think there are a series of steps if those situations ever came up."

Councilor Dominguez said, "So I guess, just for the record, what I hear you saying that you feel there's enough in our Code to prohibit that kind of serial subdivision, from that happening."

Mr. Shandler said, "That's definitely a privilege under your Code."

Councilor Dominguez said, "And you think also that the owner of the 41 acres, based on testimony and record, doesn't want to go there necessarily right now."

Mr. Shandler said, "Based on the information in the record, that has not be discussed, so it would just be speculation."

Councilor Ives said Ms. Bowden, in addressing the question he asked, indicated that as part of the ENN process, a very limited amount of submissions were actually shown to those people attending the ENN. And that subsequently, it turned out there were potentially some 300 more pages and documents and perhaps plans, which were then given to them shortly before the Planning Commission. He asked, "Do I understand that correctly and is that a correct statement."

Mr. Shandler said, "I was not involved in the ENN process *[inaudible]* or even the Applicant can talk about the ENN process."

Mr. Siebert said he thinks the confusion here is, commenting he will read the Code to them in a minute, at the ENN you have to provide all the technical data that would ever exist on that property. He said that's not the case. He said, "Let me read the Code to you. It says, '*Early Neighborhood Notification is intended to provide some exchange of information between the Applicant, residents, and property owners and affected neighborhoods before plans become firm. And to respond, meaningfully, to community input and before changes in plans might cause major financial losses by the Applicant.*' And then it goes on to say in another section, under the ENN that, '*At the meeting, the Applicant shall present schematic or preliminary plans for the project in a drawing or other graphical representation suitably to reasonably indicate streets and structures within 200 feet.*' We complied with all that."

Mr. Siebert continued, "I think there is a misunderstand that when you go to an ENN that those huge documents that you have and 62 pages of plans are something you have to provide. That's not the case. And, in fact what happened is, Cody began with a 12-lot subdivision. After we left the ENN he said, gee, I'm never going to get at the 12 lots. And, I'm sorry, Councilor Villarreal, but the political reality is that you have to substantially reduce density or you don't stand a chance of getting your project approved. So he reduced it down to 8 lots."

Councilor Ives asked, "Ms. Bowden, given what has been said in terms of the ENN process, I presume you were present at that meeting."

Ms. Bowden said she was.

Councilor Ives said, "Clearly the purpose of an ENN is to allow for a reasonable and accurate assessment of the impact on a project within a geographic area, a neighborhood or a segment of our City. You are aware of what documents were provided, it sounds like you are aware of what documents were not provided. I welcome your thoughts on whether or not what was provided was both either sufficient under the Code or not, and as a secondary question, whether from the perspective of the Appellants here, it was sufficient to give them reasonable knowledge with which to fully participate in an ENN."

Ms. Bowden said her short answer is no. She said, "My longer answer is the following. I think both parties have been quite scared by what happened in the 1990s. I know the City staff and these neighbors are all good people. And as I said earlier, I really haven't seen anybody trying to demonize the other people. But I think because of the fear of the City going through a lawsuit before, they were afraid to show too much. It was one of the most unusual ENN's I've ever seen, based on the following: That we learned only at the August 4th Planning Commission meeting, that in March, the City was reviewing the drawings and they actually sent conditions of approval to the staff before the ENN, so they must have seen something significant."

Ms. Bowden continued, "But the neighbors saw one drawing. And 10 days later, there are 350 pages of traffic reports and drawings the City already had reviewed. The City can't review 350 pages in 10 days. And so I think those fears basically put the neighbors at a great disadvantage of knowing what was going to happen, until they finally got all the pieces in August. And I think that is why they've asked for there to be a conversation with the staff, the developer and neighborhoods having a conversation together to understand what is going on. I also learned there were 3 meetings with both Tract 1 and Tract 2 and with Estancia Primera across the street, Valley Drive. They brought to those meetings drawing of Tract 2 with 39 houses on it. No one has still seen that unless they happened to be at one of those meetings. So Tract 1 and Tract 2 developers, I think they meant well, went out and talked to neighbors, and showed plans. And now, it's as if those plans don't exist for Tract 2. Well they existed at one point. So I just feel there is an effort by the neighbors to ask for fairness and participation."

Ms. Bowden continued, "It takes someone like me to sit down to 350 pages, and look at them and see what it says. No one helped them. And so sort of at the last minute, I came in and they asked me to come in and evaluate with them. And so I think they're asking time and the kindness to understand what is going on with these two Tracts and how it impacts them. Again, 19-81-3 (?) and the Escarpment both call for both of these documents to be presented at preliminary plat. Well that's an exorbitant cost for a development, but it's what it says in the Code. It's the law. And so I have not asking the developers asking for that to all have to be presented. But what they are asking is that someone can actually spend the time with them and explain to them – are they really protected. Are there CC and R's that show the City isn't having documents pushed off to the City."

Ms. Bowden continued, "My short evaluation is that right now, there's a potential of responsibilities being pushed to the City for traffic, future 4-way intersection, roads, sidewalks, curbs, gutters, potential flooding repairs in the future. None of that has been clarified under CC and Rs, so maybe a lot of this could be handled through CC & R's. I think it should be handled through some additional meetings. Maybe it's time for the staff to come and treat the neighbors as fairly as they treat the developers, and maybe 1-3 meetings to resolve this, and then come back to you and say okay, we feel the developers are right, or we feel that they're wrong. And at the moment, it just hasn't been given enough time to really work that out and understand that."

Mayor Gonzales said, "Councilor Ives, there are still some other Councilors that want to ask some questions, and I keep looking at the clock. Can we allow the others, and then come back to you to finish them out."

Councilor Ives said, "By all means, but based on the discussions we've had on these issues, I'm pretty clear on what I would like to see happen in this particular case."

Mr. Siebert said he would ask for a little leeway here.

Mayor Gonzales said, "Yes. And I was afraid of this.... I want to give you a little bit of time, and then I'm going to ask the Council to direct the questions through the Chair."

Mr. Siebert said, "Real quick, I would like to refute a statement by Ms. Bowden. She said that staff prepared conditions before we even had the ENN. Greg Smith is here, who attended the ENN, I would like you to ask him that condition. Did staff submit conditions before the ENN. That's indicative of the other statements she made that lack any kind of factual bases to them."

Councilor Rivera said all of his concerns have been asked and addressed.

Councilor Maestas said anyone looking at the preliminary plat, without knowledge of Chapter 14, clearly can see there is a large undeveloped piece of property, separates only by a property boundary. He said we have Codes and rules and he feels staff has done a good job in looking at that. However, it seems to him the damage was done when this large lot was split. He said he will withhold final judgement on that.

Councilor Maestas said any development like this demands context, and he agrees with Councilor Villarreal that an unfortunate number of actions have happened. And the recent history of this piece of undeveloped property has raised a lot of suspicions about the motivation of the separate owner of Tract 2. He said this isn't an easy case to consider. Councilor Maestas said he has a question about serial subdivision, asked Mr. Shandler if this is applicable in this situation, having two separate owners.

Mr. Shandler said, "The Memo says the City Code does limit serial subdivision, and that is defined as '*A [inaudible] subdivision that occurs within 5 years after the approval of the earlier subdivision of any part of the affected land shall be subject to the same standards and the same procedures as the cumulative number of lots.*' So, in my Memo, I distinguish that word affected land, because they are two separate properties. So I'm making the argument that that serial subdivision really doesn't apply. But also, I guess the larger point is it doesn't affect Mr North. He's already in. If there are bad consequences, it's going to come to Mr. Romero's property, and then when he comes forward, he may have to look at the totality, including his units and Mr. North's unit. So it's really the second person who is the one that bears the burden."

Councilor Maestas asked the definition of affected land, noting the Memo states explicitly that there was insufficient evidence available to show that Mr. North and Mr. Romero shared affected land. He asked Mr. Shandler what he expects to find to determine whether they shared affected land – proposing a separate development or what.

Mr. Shandler said, "There's no definition of affected land. The way I construed it is if you have two separate property owners, it is a reasonable argument that they are not both the same land. I could see other people that could argue about some of the stuff that has been discussed today. So I think there's a reasonable interpretation of affected land when you have two different property owners that want to apply."

Councilor Maestas said does it matter if it is within 5 years. If Mr. Romero comes forward with development action or preliminary plat request, commenting he doesn't see the relevance of the 5 years since we're dealing with two separate owners.

Mr. Shandler said, "I would agree with your interpretation, but with the proviso I could see people arguing the other way."

Councilor Maestas said if Mr. Romero wants to develop Tract 2, his development would have to incorporate certain features that would establish context with Tract 1. He asked if we would be achieving context eventually when Tract comes forward and is developed.

Mr. Shandler said, "That's a fair statement."

Councilor Maestas said he is glad he clarified the requirement for having a master plan. He is unsure this would require a master plan, given the low density. He said an additional concern is he sees a different proposed intersection than on Mr. Siebert's posterboards. He agrees this development won't generate the volume that requires extensive traffic mitigation, but there is no doubt there are traffic with the intersection itself – high speed traffic goes through there. It appears the proposed driveway entrance to Tract 1 doesn't match-up with the existing one on Avenida Primera South, not does it have the same geometry. He noted the driveway flare out that is intended to provide for deceleration. He is concerned of the offset nature of the proposed driveway relative to the one on the south side. He asked, regarding the offset nature of the proposed driveway on the south noting there is adequate easement, the reason we would insist on having those line up, center line by center line, and having some kind of an area to decelerate and accelerate.

John Romero said, "I see what you're saying about the slight shift in alignment. I could see if I can work with the developer to better line it up. I don't believe the shift is substantial enough to cause adverse traffic operations at that intersection. It's fairly close to the access across the road to Avenida Prima South. Regarding the deceleration lanes. He can't speak to what was construction for Avenida Primara as to the reason those bulb-outs were built. He said one of two criteria must be met to require deceleration lanes, noting they follow the State Access Management Manual. It is based on how many through cars are on the road and how many turning cars there are, but it didn't meet that criteria. Another criteria I look at, is if the movement is failing because the active turning is impeding traffic flow level of service analysis. In those circumstances, I would require them to put in turning bays. The traffic study didn't demonstrate the need for those turning bays based on the proposed 8 unit subdivision."

Councilor Trujillo asked Mr. Siebert how much the houses will cost.

Mr. Siebert said he's a planner and doesn't get into those things, but we can introduce Cody North, for that information.

Cody North, 107 E. Lupita Road, owner, was sworn. Mr. North said, "We don't have houses we're planning to build. We're trying to get through the Planning Commission to make lots, but we don't know what that will entail, depending on whether we get approval and our overhead to get to just the sale of lots. We don't have lot prices yet."

Councilor Trujillo said he agrees with Councilor Villarreal. He said, "Here we have parcels of land in Santa Fe and we would like to see high density. We want to see people live here in Santa Fe. This is a tract for 8 houses, 16 if you include the guest house. He said the other thing he keeps hearing is we need to have a master plan. He said what if we vote and say let's develop a master plan. What if they come back and say we can build 75 houses on there. Do you think the neighborhood is going to like that. I don't think so, especially on that side of town. High density just doesn't go on that side of town. Say we have a master plan, we work real hard on the master plan, it goes through Council and everything is good. You know what is going to happen, this Council is going to do what it has in the past, cede to that developer, and say okay we'll do that. And we did that with Las Soleras. We had a master plan in 2008. Worked hard on that. The developer comes here, gives a sob story, we lose over 100 houses. We lost funding for our huge park we were going to build there."

Councilor Trujillo continued, "This is in my District, so I definitely would like to see more houses in here. However, when I see a plan for 8 houses, that's nothing. And the impact it's going to have on that side of town and on that road is going to be minimal. He said he hears talk about traffic. He said you will get more traffic when it snows, because you're going to have skiers from all over driving up there, and we go with it. When I see 8 houses there is an opportunity... I'm hoping, I really hope and pray, that these houses are bought by people who live here in Santa Fe. Is that going to happen, I don't know. I don't know who is going to buy them. More than likely it's going to be a second home and a mother-in-law guest house. So, it's unfortunate. We have little rifts all the time about development, development, but when I see 8 houses, the person has follow the law, has done it right. I have to take my advice from Zach, that's his job, to make sure that we as a Council are following the law because I'm not a lawyer. So I rely on what Zach and staff does. I'm going to leave it at that, and wait for the vote. Thank you Mayor."

MOTION: Councilor Harris moved, seconded by Councilor Trujillo, that the Planning Commission acted in accordance with law and reliance on substantive evidence in approving the Preliminary Subdivision Application and therefore to deny the appeal in Case No. 2016-116 and 2016-117, and to direct staff to prepare for the Governing Body's approval, Findings of Fact and Conclusions of law reflecting this decision.

FRIENDLY AMENDMENT: Councilor Lindell would like to amend the motion to place the following 2 notes on the plat. The first note would say, *'No short term rentals as defined under City Code, Section 14-6.2, shall be permitted on any of the property and the development.'* She said the second note would say, *'This restriction shall be in the covenants and deeds conveying the property,'* which have been agreed to by the developer. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

DISCUSSION ON THE MOTION, AS AMENDED: Councilor Ives said, "I have no problem with development occurring on this property. I do not have a sense that the intent behind the ENN process has been satisfied in this instance. And therefore, I can't support the motion, although I would urge my colleagues to consider potentially remanding this back to the Planning Commission, or whomever for an additional ENN to be conducted where the neighborhoods and developer could sit with the basis of all the information that has been provided, rather than just a single map, and give them opportunity to sit and talk. It does not mean it would not mean it would not come back here or that they would reach agreement. But when I hear, within 10 days of an ENN, and 3 days before the Planning Commission an additional 350 pages of plans and studies are delivered, I am not satisfied with the ENN process."

Councilor Ives continued, "The ENN process is designed to bring people together to talk about the issues surrounding a developer to save a developer time and expenses in these processes, to allow members of our communities and neighborhoods to be heard on the issues that I have when it is evident that the neighborhoods and people attending the ENN did not have information, they're fully allowed, than to assess the plans or participate meaningfully in the ENN process. That's where I would go with this matter. I don't seek to deny it, but I don't think the process has been engaged in the spirit in which it should have been, so I would send it back.

Councilor Maestas said he wanted to echo what Councilor Ives said. He said we should be almost joyous over a nice planned, coordinated, comprehensive development. He said it seems what is before us is an incidental, isolated development that meets all the rules. However, the level of mistrust and acrimony is very troubling. He said anyone can make allegations, but he holds the staff across the board at a high level of integrity, and some of the allegations are very troubling, but he thinks that can be corrected with additional liability and flexibility. He said it meets the letter of the law, but again it's not something we should be proud of, in terms of moving forward and championing a really high density development that integrates well with the character of the neighborhoods and the train. He agrees with Councilor Ives, and is troubled, and thinks perhaps this requires additional dialogue and maybe some mediation.

Mr. Shandler said, "Just for the record, this the Preliminary Plat. There will be a final Plat process as well."

Mayor Gonzales said, "We're going to the roll call. I appreciate all of the conversation and certainly these are always tough matters, because you do want to reflect and support the desire of individuals that are impacted by the development. But I do think there's a reality in the private sector that sometimes we don't necessarily take into account and that is that there is enormous risk and cost to trying to get something in play. And the only time a developer can actually see a reality is if they follow our Code as it is written. And here we are, once again, with an Applicant that has followed our Code according to our staff and the review of the Planning Commission. And I don't know if we have the luxury of saying because someone has followed our Code, we are going to start hoping for something different. I think we need to get in front of these opportunities or these developments before that happens."

Mayor Gonzales continued, "So this is a property that has been in lots of flux, and hopefully, if this next step occurs, it will begin to take a property that had a large density development and move it to something of less density. I don't think that State Road can take much more density, so the realities are for the neighborhoods and people who live here, that we have to kind of minimize the density so we don't further the impact. I appreciate the conversation and Councilor Villarreal and we'll vote."

Councilor Villarreal said, "All I want to say is that I appreciate where you're going [inaudible]. I actually think it's a flawed system. It's not particularly this case, or any other case. We don't have an ENN system that works, and I'm committed to trying to fix it somehow, making it better, working with staff and community members because it does not work. It doesn't work for community members. It doesn't work for developers. I don't know what the silver book is, but we need to work on it. I really think that's part of the problem with this development, or what you said. But I appreciate your intention."

Councilor Ives said, "Just on that point, I do suspect that the proposed Resolution that I bring forth will, in the end, be the most expedient, least expensive and quickest path to whatever the future holds for this property."

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

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

Against: Councilor Ives.

Explaining his vote: Councilor Maestas said, "Reluctantly, yes."

END OF PUBLIC HEARINGS

I. ADJOURN

Mayor Gonzales said Christmas falls on Sunday, December 25th, with the 24th on a Saturday. He asked if there is precedent or history to allow the employees to be off the afternoon of December 23rd. He said, if not, he wanted to bring this forward with the Council present. He thinks our productivity on December 23rd in the afternoon will be low, with families getting ready for the weekend. He would request, in front of the City Council, that the City Manager grant the employees to be off the afternoon of December 23th.

Mr. Snyder said there is no precedence for doing that. He asked the Governing Body to keep in mind the City has 24 hours operations and facilities that are open on Saturday. He said facilities will be closing at 4:00 p.m., on Christmas Eve and New Years – recreation facilities, libraries and such.

Mayor Gonzales said he believes the directors can work with those that have to work through the holiday. He said it has been hard to provide the wages and benefits we would like, and little things like this can go a long way for families as they prepare. He said, "This is my request, and hopefully it can happen."

Mr. Snyder asked if this pertains to both Christmas and New Year's which both fall on a Sunday.

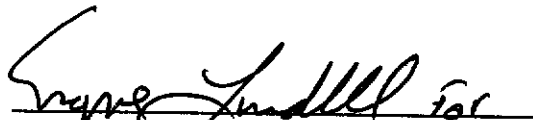
Mayor Gonzales said, "I think just Christmas."

Councilor Rivera asked if the employees are off December 26, 2016.

Mr. Snyder said they are off the Monday after Christmas and the Monday after New Year's.

There was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 11:20 p. m.

Approved by:


Mayor Javier M. Gonzales

ATTESTED TO:


Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Council Stepographer

**MEETING OF THE GOVERNING BODY
EXECUTIVE SESSION
DECEMBER 14, 2016**

The Governing Body of the City of Santa Fe met in an executive session duly called on December 14, 2016, beginning at approximately 6:15 p.m.

The following was discussed:

In Accordance with the New Mexico Open Meetings Act §§10-15-1(H)(2) and (7) NMSA 1978, Discussion Regarding Limited Personnel Matters, Including, without Limitation, on the Status of Negotiations with AFSCME and the Santa Fe Police and Fire Unions; and Threatened and Pending Litigation in Which the City of Santa Fe Is or May Become a Participant, Including, without Limitation, Discussion Regarding Agreements Reached in Mediation Under the Dispute Resolution Provisions of the Facilities Operations and Procedures Agreement Between the City of Santa Fe, Santa Fe County and Others (FOPA), Under the Dispute Resolution Provision of the Water Resources Agreement (WRA), and Under the Dispute Resolution Provision of the Agreement Regarding Water, Wastewater and Solid Waste Required by the Settlement Agreement and Mutual Release of Claims Between the City of Santa Fe and Santa Fe County (WWSWA).


PRESENT

Mayor Gonzales
Councilor Lindell
Councilor Villarreal
Councilor Ives
Councilor Maestas
Councilor Rivera
Councilor Dominguez
Councilor Trujillo
Councilor Harris

STAFF PRESENT

Brian K. Snyder, City Manager
Kelley A. Brennan, City Attorney
Marcos A. Martinez, Assistant City Attorney
Melissa D. Byers, Assistant City Clerk
Nick Schiavo, Public Utilities Director

There being no further business to discuss, the executive session adjourned at approximately 7:05 p.m.


Melissa D. Byers, Assistant City Clerk

ITEM 10(d)

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, DECEMBER 12, 2016**

ITEM 6**CERRILLOS ROAD RECONSTRUCTION PHASE IIC**

- REQUEST FOR APPROVAL OF AMENDMENT NO. 6 TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARSONS BRINKERHOFF, INC. IN THE AMOUNT OF \$172,037.15
(DAVID QUINTANA)

PUBLIC WORKS COMMITTEE ACTION: Approved on Consent**FUNDING SOURCE:****SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:**

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

Exhibit "1"

ITEM #10(k)

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, DECEMBER 12, 2016**

ITEM 16

REQUEST FOR APPROVAL OF A BUDGET ADJUSTMENT IN THE AMOUNT OF \$254,500 FOR REVENUES AND EXPENDITURES TO SHORT TERM RENTAL SUPPORT PERSONNEL AND PROGRAM OPERATION EXPENSES DESCRIBED IN ORDINANCE 2016-33 AND RESOLUTION 2016-39 (LISA MARTINEZ)

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, DECEMBER 12, 2016**

ITEM #10(p)

ITEM 7

FORT MARCY RECREATION COMPLEX BUILDING – FAMILY LOCKER ROOM REMODELING

- REQUEST FOR APPROVAL OF COOPERATIVE PRICE AGREEMENT AND CONSTRUCTION SERVICES AGREEMENT WITH COOPERATIVE EDUCATIONAL SERVICES (CES)/FACILITY BUILD, INC. IN THE AMOUNT OF \$67,452.26 (JASON KLUCK)

PUBLIC WORKS COMMITTEE ACTION: Approved on Consent

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 "3"

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, DECEMBER 12, 2016**

ITEM #10(r)

ITEM 8

REQUEST FOR APPROVAL FOR PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT AND SERVICE AGREEMENT FOR AUTOMOTIVE VEHICLE MAINTENANCE, PARKS, REPAIRS AND LABOR WITH FINCHAM ENTERPRISE, INC. IN THE AMOUNT TO EXCEED \$50,000 (LOIS AMADOR)

PUBLIC WORKS COMMITTEE ACTION: Approved on Consent

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 "4"

ITEM #10(t)

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, DECEMBER 12, 2016**

ITEM 9

REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT TO ESTABLISH ROLES AND RESPONSIBILITIES RELATED TO US DEPARTMENT OF TRANSPORTATION AND NEW MEXICO DEPARTMENT OF TRANSPORTATION AIR SERVICE GRANTS FOR SANTA FE MUNICIPAL AIRPORT WITH THE SANTA FE CHAMBER OF COMMERCE OPPORTUNITIES FUND, INC. (CAMERON HUMPHRES)

PUBLIC WORKS COMMITTEE ACTION: Approved on Consent

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 "5"

ITEM #10(u)

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, DECEMBER 12, 2016**

ITEM 10

AGUA FRIA STREET/COTTONWOOD DRIVE INTERSECTION SAFETY IMPROVEMENTS PROJECT

- REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH SOUDER, MILLER AND ASSOCIATES IN THE AMOUNT OF \$136,411 (JAMES MARTINEZ)

PUBLIC WORKS COMMITTEE ACTION: Approved on Consent

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 "6"

City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

Resolution No. 2016-____
Legislative Priorities (2017)

SPONSOR(S): Mayor Gonzales, Councilors Lindell, Villarreal, Ives, Maestas, Dominguez, Rivera, Trujillo and Harris.

SUMMARY: The proposed resolution establishes the City of Santa Fe legislative priorities for consideration by the New Mexico State Legislature During the 53rd Legislature – State of New Mexico – First Session, 2017.

PREPARED BY: Rebecca Seligman, Legislative Liaison Assistant

FISCAL IMPACT: No

DATE: December 13, 2016

ATTACHMENTS: Substitute Resolution
FIR

Exhibit "7"

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2016-__

INTRODUCED BY:

Mayor Javier M. Gonzales

Councilor Signe I. Lindell

Councilor Renee D. Villarreal

Councilor Peter N. Ives

Councilor Joseph M. Maestas

Councilor Carmichael A. Dominguez

Councilor Christopher M. Rivera

Councilor Ronald S. Trujillo

Councilor Mike Harris

A RESOLUTION

**ESTABLISHING CITY OF SANTA FE LEGISLATIVE PRIORITIES FOR
CONSIDERATION BY THE NEW MEXICO STATE LEGISLATURE DURING THE 53RD
LEGISLATURE - STATE OF NEW MEXICO – FIRST SESSION, 2017.**

WHEREAS, the 60-day session of the 2017 Legislative Session begins on January 17, 2017;
and

WHEREAS, the Governing Body approved the submission of an ICIP plan for 2018 through
2022 to the state; and

WHEREAS, the Governing Body desires to establish City of Santa Fe legislative priorities to
be considered by the State Legislature based on the 2016-2020 ICIP approved on August 13, 2014;
and

WHEREAS, the Governing Body has other legislative priorities to be considered by the
State Legislature.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
CITY OF SANTA FE** that the Governing Body hereby establishes the following legislative funding

1 priorities for consideration by the New Mexico Legislature, during the 2017 Legislative Session.
2 Funding is requested, in the total amount of \$1,000,000 for the following citywide
3 improvements, as identified in the City's 2016-2020 ICIP:

- 4 1. Project: Airport Expansion
5 Amount Requested: \$1,000,000
6 Project Description: To design and construct an expansion of the Santa Fe
7 Municipal Airport Passenger Parking Facilities and Exterior Improvements
8 within the City of Santa Fe, Santa Fe County.

9 BE IT FURTHER RESOLVED that the Governing Body hereby establishes the following
10 legislative funding priorities by district for consideration by the New Mexico Legislature, during the
11 2017 Legislative Session.

12 Section 1. Funding is requested, in the total amount of \$390,000, for the following
13 City Council District 1 ICIP projects, as identified in the City's 2016-2020 ICIP list:

- 14 A. Project: Fort Marcy Complex
15 Amount Requested: \$390,000
16 Project Description: To plan, design, construct, furnish and equip the
17 Fort Marcy Complex for the City of Santa Fe.

18 Section 2. Funding is requested, in the total amount of \$100,000, for the following
19 City Council District 2, ICIP projects, as identified in the City's 2016-2020 ICIP list.

- 20 A. Project: Sandoval/Montezuma Intersection
21 Amount Requested: \$100,000
22 Project Description: To plan, design and construct intersection
23 improvements with in the City of Santa Fe, serving the judicial complex
24 for Santa Fe, Los Alamos and Rio Arriba Counties.

25 Section 3. Funding is requested, in the total amount of \$625,000, for the following

City Council District 3, ICIP projects, as identified in the City's 2016-2020 ICIP list.

A. Project: SWAN Park Cameras

Amount Requested: \$250,000

Project Description: To continue to plan, design and construct the Southwest Activity Node park for the City of Santa Fe.

B. Project: Agua Fria/South Meadows Intersection Improvements

Amount Requested: \$375,000

Project Description: To plan, design, and construct right-of-way improvements to Agua Fria and South Meadows within the City of Santa Fe.

Section 4. Funding is requested, in the total amount of \$170,000, for the following City Council District 4, ICIP projects, as identified in the City's 2016-2020 ICIP list.

A. Project: Southwest Booster Station

Amount Requested: \$170,000

Project Description: To design and construct a new 2500 square foot open booster pump station and 4000 linear feet of 16" diameter water transmission pipeline within the City of Santa Fe.

BE IT FURTHER RESOLVED that the Governing Body hereby establishes the following priority water projects for consideration by the New Mexico Legislature, during the 2016 Legislative Session and subsequently by the New Mexico Water Trust Board:

1. Project: FY 2017 Water Trust Board Application

Amount Requested: \$895,843

Project Description: To design and construct a 4 million gallon finished water storage tank for the purpose of storing treated water diverted from the Rio

Grande and intended for municipal use within the service area of the City of Santa Fe and Santa Fe County.

BE IT FURTHER RESOLVED that the Governing Body requests that the Legislature, during the 2017 Legislative Session, enact legislation pursuant to the following City of Santa Fe resolutions of the Governing Body:

Section 1. City of Santa Fe Resolution No. 2016-70, attached hereto as Exhibit A:
Calling on the New Mexico legislature to reduce gun violence by enacting legislation requiring comprehensive background checks for firearm sales, and strengthening the criminal background check system.

Section 2. City of Santa Fe Resolution No. 2015-75, attached hereto as Exhibit B:
Supporting legislation amending NMSA 1978, § 72-1-9 preservation of municipal, county, and state university water supplies.

Section 3. City of Santa Fe Resolution No. 2015-76, attached hereto as Exhibit C:
Supporting legislation amending NMSA 1978, § 72-6-4 Lessee's application, use before approval.

Section 4. City of Santa Fe Resolution No. 2015-77, attached hereto as Exhibit D:
Supporting legislation amending the OSE's hearing procedures, NMSA 1978, § 72-7-1 and NMSA 1978, § 72-2-16.

Section 5. City of Santa Fe Resolution No. 2015-78, attached hereto as Exhibit E:
Supporting legislation amending NMSA 1978, § 72-12-3(D) and 72-5-5(B), to define the standing of protestants.

Section 6. City of Santa Fe Resolution No. 2015-79, attached hereto as Exhibit F:
Supporting legislation amending NMSA 1978, § 72-12-24 supplemental well, and § 72-12-22, replacement wells.

Section 7. City of Santa Fe Resolution No. 2015-109, attached hereto as Exhibit G:

For action beyond prayers, a call for gun purchase reform and support for gun purchase reform from the state legislature during the 2016 legislative session; and in support of Santa Fe public school's resolution 2015/16-11.

BE IT FURTHER RESOLVED that the Governing Body requests that the Legislature, during the 2016 Legislative Session, enact legislation in accordance with the following resolutions of the New Mexico Municipal League:

Section 1. New Mexico Municipal League Resolution No. 2016-18 – Concerning State and Local Tax Reform and the formation of a working group to study tax reform.

Section 2. New Mexico Municipal League Resolution No. 2016-32 – Concerning an Offender's Possession of Firearms while Subject to an order of Protection or Following Conviction for a Domestic Violence Offense

Section 3. New Mexico Municipal League Resolution No. 2016-34 – Concerning State Grants for Libraries

BE IT FURTHER RESOLVED that the Governing Body requests that the following items be monitored by the City's lobbyist during the 2017 Legislative Session:

Section 1.

Measures that pertain to alcohol tax that increase revenue for prevention and treatment, such as:

A. Creating an alcohol excise tax that will fund the prevention of and the treatment for alcohol abuse and addiction.

B. Changing the percent of the liquor tax dedicated to the L-DWI fund.

Section 2.

Measures comprising women's reproductive rights. Rights such as late term abortion bans, and requirements for parental notifications of minors.

Section 3.

Matters concerning immigrant rights such as sanctuary status efforts. To regulate smaller cities and counties and require them to collaborate with Immigration and Customs Enforcement (ICE); and the Real ID and immigration driver's license implementation changes with the New Mexico Motor Vehicle Division.

Section 4.

Matters concerning the lesbian, gay, bisexual, transgender, and queer (LGBTQ) community. Issues such as "religious freedom" legislation that affords protection to business owners who refuse business services to the LGBTQ community; and legislation that relates to "conversion therapy" directed at the LGBTQ community.

BE IT FURTHER RESOLVED that the Governing Body requests that the Legislature, during the 2017 Legislative Session, enact an Amendment to HB 641 that would:

1. Prohibit the acceleration of declining hold harmless payments to any Municipality that has not enacted an increment of the Hold Harmless Gross receipts tax; and
2. In order to keep tax rates competitive and local government revenues equitable, reduce the amount a County can collect to the unincorporated areas of the County in the event a municipality enacts an increment of the Hold Harmless GRT, to the extent that revenue bonds are not impacted

BE IT FURTHER RESOLVED that through the Santa Fe City Council Committee and City Council process, general operating fund and other statutory changes may be established for consideration by the State Legislature.

BE IT FURTHER RESOLVED that the City of Santa Fe lobbying team is directed to work with the Santa Fe Legislative Delegation on any unencumbered capital outlay funds to be used

1 towards identified City of Santa Fe projects.

2 **BE IT FURTHER RESOLVED** that while this resolution represents a majority of the intent
3 of the Governing Body as to 2017 New Mexico legislative priorities, other timely priorities that that
4 may be approved by the Governing Body, incorporated into the City's 2017 state legislative agenda,
5 and forwarded to the City's lobbying team for action.

6 **BE IT FURTHER RESOLVED** that the City Clerk is directed to forward a copy of this
7 resolution to the City of Santa Fe lobbyist and the City of Santa Fe State Legislative Delegation.

8 PASSED, APPROVED, and ADOPTED this _____ day of _____, 2016.

9
10 _____
11 JAVIER M. GONZALES, MAYOR

12 ATTEST:

13
14 _____
15 YOLANDA Y. VIGIL, CITY CLERK

16 APPROVED AS TO FORM:

17 
18 _____
19 KELLEY A. BRENNAN, CITY ATTORNEY

ITEM #10(gg)

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, DECEMBER 12, 2016**

ITEM 18

REQUEST FOR APPROVAL OF RESOLUTION ESTABLISHING CITY OF SANTA FE LEGISLATIVE PRIORITIES FOR CONSIDERATION BY THE NEW MEXICO STATE LEGISLATURE DURING THE 53RD LEGISLATURE – STATE OF NEW MEXICO – FIRST SESSION, 2017 (MAYOR GONZALES, COUNCILORS LINDELL, VILLARREAL, IVES, MAESTAS, DOMINGUEZ, RIVERA, TRUJILLO AND HARRIS) (BRIAN SNYDER)

PUBLIC WORKS COMMITTEE ACTION: Approved with Amendments

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

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

Exhibit "B"

ITEM #13

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, DECEMBER 12, 2016**

ITEM 17

REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING ORDINANCE NO. 2016-22 FROM THE 2008 GENERAL OBLIGATION (GO) BOND FOR THE PURPOSE OF REVISING THE REALLOCATION OF FUNDS DESIGNATED FOR VARIOUS CITY PARK IMPROVEMENTS TO RECONCILE PROJECTS (COUNCILOR DOMINGUEZ) (BECKY CASPER)

PUBLIC WORKS COMMITTEE ACTION: Approved

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

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

Exhibit "9"



CITY COUNCIL MEETING OF
December 14, 2016
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY

Mayor Javier Gonzales		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION REPEALING RESOLUTION NO. 2016-1 RELATING TO THE OPEN MEETINGS ACT; ADOPTING THE STATE OF NEW MEXICO OPEN MEETINGS ACT BY REFERENCE; AND ADOPTING NOTICE REQUIREMENTS.	City Council – 1/11/17
	A RESOLUTION DIRECTING THE CITY MANAGER TO WORK WITH SANTA FE COUNTY TO DEVELOP A MEMORANDUM OF UNDERSTANDING FOR THE USE OF \$1.5 MILLION OF QUALIFIED ENERGY CONSERVATION BONDS CURRENTLY ALLOCATED TO SANTA FE COUNTY.	Public Utilities Committee - 1/4/17 Finance Committee - 1/17/17 City Council – 1/25/17
	A RESOLUTION ADOPTING THE CULTURE CONNECTS SANTA FE REPORT; DIRECTING CITY MANAGER TO COMMENCE WORK ON THE RECOMMENDATIONS IDENTIFIED BY THE COMMUNITY WORKING GROUP; AND DIRECTING THE CITY MANAGER TO REVIEW THE REPORT AND IDENTIFY OPPORTUNITIES FOR ACTIONABLE STEPS RELATED TO THE REPORT'S RECOMMENDATIONS.	Arts Commission – TBD Finance Committee – 1/17/17 City Council – 1/25/17
Villarreal Lindell	A RESOLUTION AMENDING THE CITY OF SANTA FE PARKING POLICIES.	Public Works Committee – 1/9/17 City Business Quality of Life Committee – 1/11/17 Finance Committee – 1/17/17 City Council – 1/25/17
Councilor Carmichael Dominguez		
Co-Sponsors	Title	Tentative Committee Schedule
	AN ORDINANCE UPDATING AND REFORMING THE PERMITTED LOCATIONS AND REGULATIONS FOR THE SALE AND CONSUMPTION OF ALCOHOL ON CITY PROPERTY; AND REVISING THE PROVISIONS FOR SALE AND CONSUMPTION OF ALCOHOL ON CITY PROPERTY.	City Business Quality of Life Committee - 1/11/17 Public Works Committee - 1/23/17 Public Safety Committee - 1/24/17 City Council (request to publish) - 1/25/17 Finance Committee - 1/30/17 City Council (public hearing) - 2/22/17

Councilor Carmichael Dominguez - continued

Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION AUTHORIZING A NOTICE OF DEFEASANCE AND REDEMPTION OF THE CITY OF SANTA FE, NEW MEXICO GENERAL OBLIGATION BONDS, SERIES 2008; AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT BY AND BETWEEN THE CITY OF SANTA FE AND BOKF, NA IN CONNECTION WITH THE DEFEASANCE OF THE SERIES 2008 GENERAL OBLIGATION BONDS.	Public Works Committee - 1/23/17 Finance Committee - 1/30/17 City Council 2/8/17

Councilor Mike Harris

Co-Sponsors	Title	Tentative Committee Schedule

Councilor Peter Ives

Co-Sponsors	Title	Tentative Committee Schedule
Dominguez Villarreal Lindell Trujillo	A RESOLUTION RECOGNIZING THE VALUE OF FEDERAL PUBLIC LANDS TO THE CITY OF SANTA FE	City Council - 1/11/17

Councilor Signe Lindell

Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION ADOPTING GUIDELINES AND REGULATIONS FOR THE ACCEPTANCE OF MEMORIAL DONATIONS FOR PLACEMENT IN CITY-OWNED PARKS, OPEN SPACES AND TRAILS.	Parks and Recreation Advisory Commission - 12/20/16 Public Works Committee - 1/9/17 Finance Committee - 1/17/17 City Council - 1/25/17

Councilor Joseph Maestas

Co-Sponsors	Title	Tentative Committee Schedule
Villarreal	A RESOLUTION REAFFIRMING THE CITY OF SANTA FE'S COMMITMENT TO ITS VALUES; AND TO THE VALUES SET FORTH IN THE CONSTITUTIONS OF THE UNITED STATES AND NEW MEXICO.	City Council 1/11/17
Villarreal	A RESOLUTION REAFFIRMING, WITH PRIDE, THE STATUS OF THE CITY OF SANTA FE AS A "SANCTUARY" FOR IMMIGRANTS AND CALLING FOR THE STRENGTHENING OF POLICIES THAT WILL REINFORCE THIS STATUS.	City Council 1/11/17

Councilor Joseph Maestas - continued		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION CALLING ON THE NEW MEXICO STATE LEGISLATURE TO AMEND CHAPTER 29-1-14(H) NMSA 1978 TO REQUIRE THE DESTRUCTION BY ALL NEW MEXICO LAW ENFORCEMENT AGENCIES OF ALL FIREARMS IN THEIR POSSESSION THAT ARE NO LONGER NECESSARY FOR USE IN OBTAINING A CONVICTION, OR ARE NOT NEEDED FOR ANY OTHER PUBLIC PURPOSE.	City Council 1/11/17
Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION DIRECTING THE CITY MANAGER TO WORK WITH NECESSARY STAFF TO DEVELOP AND DELINEATE JOB DUTIES, POWERS AND RESPONSIBILITIES FOR THE MAYOR AND CITY MANAGER IN ADVANCE OF THE INDEPENDENT SALARY COMMISSION MEETINGS TO DISCUSS THE MAYOR'S SALARY.	Finance Committee – 1/17/17 City Council – 1/25/17
Councilor Ron Trujillo		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Renee Villarreal		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION IN SUPPORT OF THE 'NEW MEXICO GROWN FRESH FRUITS AND FRESH VEGETABLES FOR SCHOOL MEALS PROGRAM' STATE LEGISLATION.	City Council 1/11/17
	A RESOLUTION IN SUPPORT OF THE "DOUBLE-UP FOOD BUCKS" STATE LEGISLATION.	City Council 1/11/17
	A RESOLUTION DIRECTING THE CITY MANAGER TO CONTINUE THE PILOT PARKING PROGRAM FOR THE FARMERS' MARKET AT THE MARKET STATION PARKING GARAGE ON SATURDAY MORNINGS.	Public Works Committee – 1/9/17 City Business Quality of Life Committee – 1/11/17 Finance Committee – 1/17/17 City Council – 1/25/17

Introduced legislation will be posted on the City Attorney's website, under legislative services (www.santafenm.gov/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, jbguillen@santafenm.gov or Rebecca Seligman at (505) 955-6501, rxseligman@santafenm.gov.

1 **CITY OF SANTA FE NEW MEXICO**

2 **RESOLUTION NO. 2017-__**

3 **INTRODUCED BY:**

4
5 Councilor Peter N. Ives

6 Councilor Carmichael A. Dominguez

Councilor Signe I. Lindell

7 Councilor Renee D. Villarreal

Councilor Ronald S. Trujillo

8 Councilor Mike Harris

Councilor Joseph Maestas

9
10 **A RESOLUTION**

11 **RECOGNIZING THE VALUE OF FEDERAL PUBLIC LANDS TO THE CITY OF SANTA**
12 **FE**

13
14 **WHEREAS**, a majority of Americans value Federal public lands as part of our national
15 heritage, and desire to have them protected for the benefit and enjoyment of future generations; and

16 **WHEREAS**, Federal public lands in New Mexico encompass vast tracts of grasslands,
17 mountain landscapes, riparian habitats, and desert ecosystems that contain a diverse array of fauna
18 and flora, as well as natural resources essential to the prosperity of our State and Nation; and

19 **WHEREAS**, many of the watersheds and irrigation systems essential to healthy wildlife,
20 sustained economic activity, and resilient communities originate on these lands; and

21 **WHEREAS**, Federal public lands are generally managed under a multiple-use mandate that
22 requires collaborative local stakeholder input, encourages volunteer activity, and foster intra-
23 governmental collaboration; and

24 **WHEREAS**, access to and stewardship of Federal lands in New Mexico is important for
25 Native American religious and cultural practices, basic economic activities--such as ranching, mining,

1 and forestry, many forms of outdoor recreation, and traditional subsistence activities; and

2 **WHEREAS**, outdoor recreation on Federal public lands in New Mexico alone generates an
3 estimated six billion one hundred million dollars (\$6,100,000,000) in consumer spending each year,
4 while employing more than sixty-eight thousand people; and

5 **WHEREAS**, proposals are being circulated among New Mexico counties favoring the
6 transfer of Federal public lands to State government; and

7 **WHEREAS**, should Federal public lands be transferred to State ownership, New Mexico
8 taxpayers would be liable for rehabilitating 3,989 abandoned mines at an estimated cost of up to \$842
9 million as well as the cost of fighting wildfires in these areas—an amount in excess of \$240 million in
10 FY2011-12; and

11 **WHEREAS**, Santa Fe residents share in all of the benefits of Federal public lands located
12 within and in the vicinity of Santa Fe County and the State of New Mexico; and

13 **WHEREAS**, in close proximity to Santa Fe are Valles Caldera National Preserve, Bandelier
14 National Monument, Kasha-Katuwe Tent Rocks National Monument and other federal public lands;

15 **WHEREAS**, the citizens of Santa Fe have and should be able to continue to benefit
16 financially from the Federal lands in proximity to the City of Santa Fe through tourism and recreation.

17 **WHEREAS**, the citizens of Santa Fe have and should be able to continue to enjoy the health
18 benefits from access to Federal public lands, monuments, parks and forests in proximity to the City of
19 Santa Fe, within the State of New Mexico and throughout the United States.

20 **NOW, THEREFORE, BE RESOLVED BY THE GOVERNING BODY OF THE CITY**
21 **OF SANTA FE** that the Governing Body supports continued Federal ownership and management of
22 existing Federal public lands in Santa Fe County, as well as in the New Mexico and the United States
23 generally, because of their irreplaceable value to our economy, quality of life, and national heritage;
24 and

25 **BE IT FURTHER RESOLVED** that the Governing Body does not favor transfer of Federal

1 lands to the State because of the financial burden such a transfer would impose on New Mexico
2 residents as well as the increased risk of environmental degradation, profiteering, and loss of public
3 access to traditionally open areas; and

4 **BE IT FURTHER RESOLVED** that the City Clerk is directed to forward a copy of this
5 resolution to the New Mexico Congressional Delegation, the Governor, City of Santa Fe Legislative
6 delegation, New Mexico Municipal League, and the New Mexico Association of Counties.

7 PASSED, APPROVED AND ADOPTED this ____ day of _____, 2017.

8
9
10 _____
JAVIER M. GONZALES, MAYOR

11 ATTEST:

12
13 _____
14 YOLANDA Y. VIGIL, CITY CLERK

15 APPROVED AS TO FORM:

16
17 _____
18 KELLEY A. BRENNAN, CITY ATTORNEY

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

2 **RESOLUTION NO. 2017-_____**

3 **INTRODUCED BY:**

4
5 Councilor Renee Villarreal

6 Councilor Carmichael Dominguez

Councilor Mike Harris

7 Councilor Ron Trujillo

Councilor Peter Ives

8
9
10 **A RESOLUTION**

11 **IN SUPPORT OF THE 'NEW MEXICO GROWN FRESH FRUITS AND FRESH**
12 **VEGETABLES FOR SCHOOL MEALS PROGRAM' STATE LEGISLATION.**

13
14 **WHEREAS**, thirty percent (30.3%) of kindergarteners and almost thirty-nine percent
15 (38.9 %) of third graders in New Mexico are considered overweight or obese; and

16 **WHEREAS**, 339,613 children participate in the school lunch program operated by the
17 various school meals programs throughout New Mexico, of which more than 212,000 are eligible
18 to participate in the free or reduced-price school meal programs; and

19 **WHEREAS**, more than 15,600 students in the city and County of Santa Fe participate in
20 the school meal program; and

21 **WHEREAS**, the National School Lunch Program (NSLP – Federal Program) makes it
22 possible for all school children in the United States to receive a nutritious lunch every school day;
23 and

24 **WHEREAS**, local school meal programs will see increased costs for food purchases of
25 an average of \$.25 to \$.75 per plate with a minimal Federal increase of \$.06 reimbursement per

1 meal; and

2 **WHEREAS**, the National School Lunch Program provides a reimbursement of \$2.86 for
3 free lunches and \$2.46 for reduced-priced lunches; and,

4 **WHEREAS**, the purchase of New Mexico fruits and vegetables will enhance the diet of
5 these school children and help school meal programs comply with new Federal rules that now
6 require additional servings of fruits and vegetables on the children's school meal plates; and,

7 **WHEREAS**, there is an emerging agricultural sector in NM—small and medium-size
8 fruit and vegetable farmers—who can respond to this new food “market” for local produce in the
9 school meal programs; and

10 **WHEREAS**, increased funding from the state legislature enables school meal programs
11 and local school districts to purchase New Mexico grown produce, serve more fresh fruit and
12 vegetables to our children for their health and well-being, and support economic development and
13 opportunities for our local farmers; and

14 **WHEREAS**, increased funding would assist our schools and farmers in Santa Fe City
15 and County.

16 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
17 **CITY OF SANTA FE** that they join the New Mexico Food and Agriculture Policy Council, the
18 New Mexico School Nutrition Association, the Santa Fe City and County Advisory Council on
19 Food Policy, and other organizations in requesting that the New Mexico State Legislature
20 appropriate \$1.44 million to support the “New Mexico Grown Fresh Fruits and Fresh Vegetables
21 for School Meals” program.

22 **BE IT FURTHER RESOLVED** that the City Clerk is directed to forward a copy of this
23 resolution to the City's State legislative delegation, and the City's lobbyist.

24 **PASSED, APPROVED AND ADOPTED** this _____ day of _____, 2017.
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JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

KELLEY A. BRENNAN, CITY ATTORNEY

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INTRODUCED BY:

Councilor Carmichael Dominguez Councilor Mike Harris

Councilor Ron Trujillo Councilor Peter Ives

IN SUPPORT OF THE “DOUBLE-UP FOOD BUCKS” STATE LEGISLATION.

WHEREAS, one in five New Mexicans participate in the Supplemental Nutrition Assistance Program (SNAP); and,

WHEREAS, in the Double Up Food Bucks program, low-income shoppers on SNAP get a \$1 for \$1 match when buying New Mexico-grown foods with their EBT (Electronic Benefits Transfer) card; and,

WHEREAS, the goals of the Double Up Food Bucks (DUFb) program are to increase the purchase of New Mexico-grown produce by low-income shoppers, to increase the income of local farmers, and to stimulate local economies; and,

WHEREAS, New Mexico is the first state to fund the Double Up Food Bucks program; and,

WHEREAS, state funds in the Double Up Food Bucks program are matched dollar for dollar with federal grant funds (for a total of \$2.1 million over 4 years); and,

WHEREAS, the number of Double Up Food Bucks retail outlets across the state has increased from 34 in 2015 to nearly 90 in 2016; and,

1
2 **WHEREAS**, nearly 19,000 customers and approximately 800 farmers are participating in the
3 Double Up Food Bucks program across the state; and

4 **WHEREAS**, in Santa Fe County during 2016 EBT card and Double Up Food Bucks sales for
5 New Mexico-grown food have increased to nearly \$207,000 (up 44%) since 2015; and

6 **WHEREAS**, across the state during 2016 EBT card and Double Up Food Bucks sales for
7 New Mexico-grown food have increased to more than \$722,000 (up 86%) since 2015; and

8 **WHEREAS**, in 2014, at the Santa Farmer's Market alone, there were 2,444 of
9 EBT transactions made that amounted to \$45,100 in total DUFEB sales, and in 2015 it increased to
10 3,858 transactions with \$88,635 of sales, and 2016 has continued to increase with 3,883 of
11 transactions and \$105,263 of sales.

12 **WHEREAS**, DUFEB tokens may only be used for locally grown produce, and 98 vendors at
13 the Santa Fe Farmer's Market participated in DUFEB program in order to provide more fresh fruits and
14 vegetables to Santa Fe families on a limited income.

15 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
16 **CITY OF SANTA FE** that they join with New Mexico Food and Agriculture Policy Council, New
17 Mexico Farmers Marketing Association, Santa Fe Farmers Market Institute and Santa Fe Farmers
18 Market, New Mexico agencies, the Santa Fe City and County Advisory Council on Food Policy, and
19 other organizations in requesting that the New Mexico State Legislature continue its support of
20 \$400,000 in the Legislative budget for the "the Double-Up Food Bucks" program.

21 **BE IT FURTHER RESOLVED** that the City Clerk is directed to forward a copy of this
22 resolution to the City's State legislative delegation, and the City's lobbyist.

1 PASSED, APPROVED AND ADOPTED this _____ day of _____, 2017.

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JAVIER M. GONZALES, MAYOR

5

6 ATTEST:

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9 _____
YOLANDA Y. VIGIL, CITY CLERK

10 APPROVED AS TO FORM:

11

12

13 _____
KELLEY A. BRENNAN, CITY ATTORNEY

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25 *M/Legislation/Resolutions 2016/Double Up Food Bucks*

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2017-__

3 INTRODUCED BY:

4
5 Councilor Renee Villarreal

6 Councilor Carmichael Dominguez Councilor Mike Harris

7 Councilor Ron Trujillo Councilor Peter Ives

8
9
10 A RESOLUTION

11 DIRECTING THE CITY MANAGER TO CONTINUE THE PILOT PARKING
12 PROGRAM FOR THE FARMERS' MARKET AT THE MARKET STATION PARKING
13 GARAGE ON SATURDAY MORNINGS.

14
15 WHEREAS, the pilot parking program was established to benefit the farmers who
16 participate in the Farmers' Market at the Railyard location on Saturday mornings; and

17 WHEREAS, the pilot program established a parking rate of \$6 for vehicles entering prior
18 to 7:00am, and exiting prior to 3:00pm after a continuous stay; and

19 WHEREAS, the pilot program was implemented beginning Saturday August 27, 2016;
20 and

21 WHEREAS, over the first 9 weekends, 55 vehicles took advantage of the pilot program;
22 and

23 WHEREAS, the pilot program was slow to get started, attracting two vehicles on the
24 first day, and zero vehicles on the second day; and

25 WHEREAS, by the 9th week, 55 vehicles had utilized the financial incentives of the

1 pilot parking program, with an average of 6 vehicles per week over the 9 weeks of data currently
2 available.

3 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
4 **CITY OF SANTA FE** that the city manager is directed to continue the pilot parking program for
5 the Farmer's Market at the Market Station parking garage on Saturday mornings.

6 PASSED, APPROVED AND ADOPTED this _____ day of _____, 2017.

7
8 _____
9 JAVIER M. GONZALES, MAYOR

10 ATTEST:

11
12 _____
13 YOLANDA Y. VIGIL, CITY CLERK

14 APPROVED AS TO FORM:

15
16 _____
17 KELLEY A. BRENNAN, CITY ATTORNEY

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

2 **RESOLUTION NO. 2017-__**

3 **INTRODUCED BY:**

4
5 Mayor Javier M. Gonzales

6 Councilor Signe I. Lindell

7 Councilor Renee D. Villarreal

8 Councilor Peter Ives

9
10 **A RESOLUTION**

11 **AMENDING THE CITY OF SANTA FE PARKING POLICIES.**

12
13 **WHEREAS**, the governing body adopted the existing parking policies as part of the
14 2016/17 fiscal budget; and

15 **WHEREAS**, these policies were developed as a way to encourage downtown parking
16 turnover, and encourage the use of parking garages by downtown employees; and

17 **WHEREAS**, the city has received much feedback regarding the parking policies, and has
18 been proactive in working to modify the policies; and

19 **WHEREAS**, city staff and downtown merchants have collaborated to develop parking
20 policies for the city of Santa Fe that meet the needs and goals of both the city and local
21 businesses.

22 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
23 **CITY OF SANTA FE** that the city of Santa Fe parking policies are updated as follows:

- 24 1. On-street metered parking will remain \$2 for the first hour, and \$3 per hour
25 thereafter.

2. The first two hours of parking will be free at the Santa Fe Community Convention Center, Sandoval and Railyard garages, and at the Water Street lot.
3. Monthly employee parking options for city lots will be set as follows:
 - a. \$35 per month for hourly wages under \$15.
 - b. \$50 per month for all other downtown business employees.
 - c. \$70 per month for all residents not working in the downtown district.
4. Free parking on Saturdays from Thanksgiving until Christmas to encourage downtown shopping with the offset provided by the retail community.
5. Sunday parking free of charge will continue.
6. Directional signage to garages, and increased publicity of the availability of the garages, including permitting two hours of free parking.
7. Work toward establishing a more substantial public/private partnership with downtown businesses including marketing and parking information available to customers.
8. Create and promote a marketing campaign regarding the new parking program pricing with an emphasis on the first two hours free in garages.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2017.

JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

1 APPROVED AS TO FORM:

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3 _____
4 KELLEY A. BRENNAN, CITY ATTORNEY
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M/Legislation/Resolutions 2017/Parking Policies

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2017-__

3 INTRODUCED BY:

4
5 Councilor Carmichael A. Dominguez

6
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8
9
10 AN ORDINANCE

11 UPDATING AND REFORMING THE PERMITTED LOCATIONS AND
12 REGULATIONS FOR THE SALE AND CONSUMPTION OF ALCOHOL ON CITY
13 PROPERTY; AND REVISING THE PROVISIONS FOR SALE AND CONSUMPTION
14 OF ALCOHOL ON CITY PROPERTY.

15
16 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

17 Section 1. Subsection 23-6.2 SFCC 1987 (being Ord. #2012-20 (as amended)) is
18 amended to read:

19 23-6.2 Permitted Locations for the Sale and Consumption of Alcohol on
20 City Property.

21 The sale or consumption of alcoholic beverages is permitted at the following locations on
22 city property and are exempt from the requirements of subsection 23-6.3:

23 A. The Santa Fe community convention center and adjacent outdoor spaces under
24 the center's control;

25 B. That area of the Santa Fe municipal airport main terminal building and adjacent

1 areas operated as a restaurant; [and]

2 C. The Marty Sanchez links de Santa Fe (golf course)[.];

3 ~~[D. The area of the Fort Marey ballpark designated for concessions and seating shall~~
4 ~~be used for the sale and consumption of [only] beer and wine only and only at professional~~
5 ~~baseball games.~~

6 (1) ~~A special dispenser permit shall be used to dispense alcohol. The alcohol~~
7 ~~dispenser shall comply with all state and local laws and regulations for dispensing~~
8 ~~alcohol pursuant to the special dispenser permit.~~

9 (a) ~~Persons desiring to consume beer or wine shall be required to~~
10 ~~wear a wristband that restricts consumption to a maximum of three (3) twelve~~
11 ~~(12) ounce beers or three (3) four (4) ounce glasses of wine during the course of a~~
12 ~~professional baseball game, or any combination of beer and wine not to exceed a~~
13 ~~total of three (3) beverages per person.~~

14 (i) ~~The wristband shall be nontransferable and shall be~~
15 ~~issued to verify age and to indicate the number of alcoholic beverages~~
16 ~~purchased.~~

17 (ii) ~~The purchase of alcoholic beverages shall be limited to~~
18 ~~one (1) purchase per person at one (1) time.~~

19 (iii) ~~Twelve (12) ounce beverage containers shall be used for~~
20 ~~beer.~~

21 (iv) ~~Four (4) ounce beverage containers shall be used for~~
22 ~~wine.~~

23 ~~([iv]v) Alcoholic beverage containers shall be distinguishable~~
24 ~~from nonalcoholic beverage containers.~~

25 (b) ~~The sale of beer shall terminate at the end of sixth inning of the~~

professional baseball game.

(e) ~~In addition to alcoholic beverages, food and non alcoholic beverage drinks shall be sold. Water shall be provided at no cost.~~

(d) ~~A manager of the alcohol vendor shall be present at all times in the concession area. A photograph of the manager and his or her name shall be posted at the point of sale of alcoholic beverages. At all times, the manager shall wear a nametag that identifies him or her as the manager.~~

(e) ~~Alcohol servers shall not drink alcohol during baseball games.~~

(f) ~~The vendor shall place signs in the concession area and outside the concession area that indicate the illegality of selling, serving and providing alcohol to minors and intoxicated persons.~~

(2) ~~Any professional baseball league games subject to this section, shall not take precedence over the scheduling of local youth baseball leagues using Fort Marcy Ballpark.~~

E. ~~An area of Fort Marcy ballpark, designated as a beer, wine and margarita garden, and permitted in accordance with all city and state requirements, may be used for the sale and consumption of beer and wine during the fiesta council mariachi extravaganza concert, if a valid permit is acquired from the city of Santa Fe. The event sponsor shall comply with the requirements of subsection 23-6.3 SFCC 1987, except that alcohol content may exceed the allowable limit to permit the sale of margaritas. Margaritas must contain no more than one and one half (1.5) ounces of alcohol per drink, and shall be served in six (6) ounce beverage cups. Any alcoholic beverage served shall not be greater in size or alcohol content than the generally accepted standard drink. Purchases of margaritas are limited to two (2) per person, and shall be regulated by all conditions provided in subsection 23-6.3 SFCC 1987. Consumers shall either consume only margaritas, or wine and beer, but shall not consume a combination of margaritas~~

1 and wine or beer. Alcohol providers shall follow best practices at all times. This section shall be
2 reviewed by the governing body within one (1) year from the date of adoption.

3 F. ~~The top level of the sandoval parking garage in the area designated as a beer and~~
4 ~~wine garden, and permitted in accordance with all city and state requirements, may be used for~~
5 ~~the sale and consumption of beer and wine during the sunset party on June 30, 2016. The beer~~
6 ~~and wine garden shall be regulated by the conditions provided in subsection 23-6.3 SFCC 1987.~~

7 G. ~~An area of Fort Marcy ballpark, designated as a beer garden and permitted in~~
8 ~~accordance with all city and state requirements, may be used for the sale and consumption of beer~~
9 ~~and wine, during the bike and brew festival if a valid permit is acquired from the city of Santa Fe.~~
10 ~~For this event, maximum alcohol content for beer shall not exceed eight percent (7%). This~~
11 ~~section shall be reviewed by the governing body within one (1) year from the date of adoption.]~~

12 [H]D. Buildings owned by another party located on land owned by the city[-];

13 [H]E. On land or buildings owned by the city for which the city has entered into a lease
14 with another party for six (6) months or more except for the Railyard park, Plaza and Alameda (as
15 defined in the Deed of Conservation Easement dated October 1, 2004) where alcohol is
16 prohibited, unless specifically permitted under subsection 23-6.2 SFCC 1987[-];

17 [F]F. In or on railroad cars located on railroad tracks except as prohibited by state or
18 federal law[-];

19 G. The area of the Fort Marcy ballpark designated for concessions and seating shall
20 be used for the sale and consumption of only beer and wine only and only at professional baseball
21 games; and

22 H. The governing body may approve by resolution the sale and consumption of
23 alcohol at all other locations on city property, except within the plaza as defined by subsection
24 23-5.1(R). The resolution shall be noticed 60 days in advance of the event. The resolution shall be
25 limited to permission for a single event. Repeated events shall require repeated resolutions.

1 All other applicable approvals required by state or city laws and regulations shall be
2 obtained prior to the sale or consumption of alcoholic beverages on the property described in this
3 subsection 23-6.2.

4 **Section 2. Subsection 23-6.3 SFCC 1987 (being Ord. #2012-20 (as amended)) is**
5 **amended to read:**

6 **23-6.3 Regulations for the Sale and Consumption of Alcohol [at City Parks]**
7 **on City Property; Administration.**

8 A. The regulations contained in this subsection do apply to the locations in
9 subsection 23-6.2, D, but do not apply to A through C.

10 [A]B. When the governing body has authorized the sale and consumption of alcohol for
11 an event or events [at a city park] on city property, whether pursuant to 26-6.2 SFCC 1987 or
12 through adoption of a resolution pursuant to [an amendment in] subsection 23-6.2(H) SFCC
13 1987, the event sponsor shall comply with the following regulations:

14 (1) Each event must have a [D]designated drinking area.

15 (a) Except for Fort Marcy ballpark pursuant to 23-6.2(D), [F]the
16 designated drinking area, with one main entrance/exit and a mandatory buffer, to
17 prevent the circulation of alcohol outside of the designated drinking area, shall be
18 illustrated on a diagram that shall be submitted to the city manager or his
19 designee, at least thirty (30) days before the event(s). The diagram shall include
20 the dimensions of the drinking area, the location of the main entrance/exit, the
21 height and width of the mandatory buffer, which shall be [five feet (5') high and]
22 five feet (5') wide, with further requirements to be determined in consultation
23 with the city manager, and the locations for the placement of the advertising
24 described in paragraph (4), below.

25 (b) The seating capacity in the designated drinking area shall be

1 comprised of no more than twenty-five percent (25%) of the seating capacity of
2 the event. The seating capacity of the designated drinking area shall be posted in
3 the designated drinking area.

4 (2) Alcohol regulations.

5 (a) Persons shall not leave the designated drinking area with an
6 alcoholic beverage.

7 (b) Alcohol service shall cease at least one (1) hour before the end of
8 the permitted event, or at the end of the sixth inning.

9 ~~((2)3)~~ Alcohol provider. Alcohol providers shall comply with all applicable
10 state and local laws and shall:

11 (a) Obtain a special dispenser permit for beer and wine only that
12 shall be approved by the state of New Mexico and the city of Santa Fe.

13 (b) At the main entrance of the designated drinking area and at the
14 point of sale of alcohol, verify the age of each person so that underage persons
15 are prohibited from entering the designated drinking area or purchasing alcohol.

16 ~~[(e) Prohibit persons from leaving the designated drinking area with~~
17 ~~alcoholic beverages;]~~

18 ~~[(d)c]~~ Ensure that alcohol servers are at least twenty-one (21) years old
19 and are licensed by the state.

20 ~~[(e)d]~~ Ensure that a manager, who has been identified prior to the
21 event(s) by the event sponsor, is present at all times in the designated drinking
22 area. A photograph of the manager and his or her name shall be posted at the
23 point of sale of alcoholic beverages. At all times, the manager shall wear a
24 nametag that identifies him or her as the manager.

25 ~~[(f)e]~~ Prohibit alcohol servers from drinking alcohol during the event.

1 ([g]f) Place signs in the designated drinking area and outside the
2 designated drinking area that indicate the illegality of selling, serving and
3 providing alcohol to minors and intoxicated persons.

4 (3) Alcohol limits. The only allowable alcoholic beverages at permitted
5 event(s) are beer, ~~and~~ wine and cider.

6 (a) During the permitted event, only three (3) alcoholic beverages
7 per person are allowed as follows:~~One (1) alcoholic beverage is "twelve (12)~~
8 ~~fluid ounces of regular beer (5% alcohol)" or "four (4) fluid ounces of wine (12%~~
9 ~~alcohol)."~~

<u>ABV (Alcohol by Volume)</u>	<u>Maximum Serving Size</u>	<u># Standard Drinks in highest ABV</u>
<u>6.00% or less ABV</u>	<u>12 ounces</u>	<u>6.00% = 1 Standard Drink*</u>
<u>6.01% - 7.00% ABV</u>	<u>10 ounces</u>	<u>7.00% = 1 Standard Drink*</u>
<u>7.01% - 8.00% ABV</u>	<u>8 ounces</u>	<u>8.00% = 1 Standard Drink*</u>
<u>8.01% - 10.00% ABV</u>	<u>6 ounces</u>	<u>10.00% = 1 Standard Drink</u>
<u>10.01% - 12.00% ABV</u>	<u>5 ounces</u>	<u>12.00% = 1 Standard Drink</u>
<u>12.01% - 15.00% ABV</u>	<u>4 ounces</u>	<u>15.00% = 1 Standard Drink</u>

14 *Ounces by alcohol volume are rounded down

15 ([ii]b) For ~~beer and wine~~ tasting events, the total number of tastes
16 shall not exceed the ~~two (2)~~ total per-person alcoholic beverage ounce limit
17 described in paragraph (a), above.

18 ([iii]c) Alcoholic beverage cups shall be distinguishable from
19 nonalcoholic beverage cups.

20 ([b]d) Nontransferable wristbands shall be issued to verify age and to
21 indicate the number of alcoholic beverages purchased.

22 ([e]e) The purchase of alcoholic beverages shall be limited to one (1)
23 purchase per person at one (1) time.

24 ~~[(d) — Alcohol service shall cease at least one (1) hour before the end of~~
25 ~~the permitted event or for a baseball game at the end of the sixth inning.]~~

1 ([e]f) In addition to alcoholic beverages, food and non-alcoholic
2 beverage drinks shall be sold. Water shall be provided at no cost.

3 (4) Security. Security officers shall be hired and paid for by the event
4 sponsor(s) and a safety plan shall be provided to the Police Chief.

5 (a) For events not exceeding two hundred (200) people, a[A]
6 minimum of [~~two (2)~~] one (1) security officers shall be stationed at the main
7 entrance/exit of the designated drinking area and shall be present at all times the
8 designated drinking area is in operation.

9 (b) For events not exceeding two hundred (200) people, a[A]
10 minimum of [~~two (2)~~] one (1) security officers shall monitor the parking lots and
11 other areas of the city park to ensure the alcohol is not being consumed outside
12 the designated drinking area.

13 (c) For events of greater than two hundred (200), but not exceeding
14 one thousand people (1000), a minimum of four (4) security officers shall be in
15 attendance, with at least two (2) stationed at the main entrance/exit of the
16 designated drinking area and shall be present at all times the designated drinking
17 area is in operation.

18 (d) For events of more than one thousand (1000) people, a minimum
19 of five (5) security guards, with at least two (2) stationed at the main
20 entrance/exit of the designated drinking area and shall be present at all times the
21 designated drinking area is in operation. In addition, the event organizer shall
22 work with the Santa Fe police department. The police department will be
23 responsible for enforcement of this Subsection 23-6.3 for events of more than
24 1000 people.

25 ([e]e) Security guards shall possess a current license issued by the New

1 Mexico Private Investigations Board as a level two security guard pursuant to the
2 Private Investigations Act, Chapter 61, Article 27B NMSA 1978, as may be
3 amended thereafter from time to time.

4 (5) Advertising.

5 (a) Advertising of alcohol or tobacco at any city park is prohibited.

6 (b) The event sponsor shall place banners in conspicuous locations
7 in the designated drinking area and throughout the park that:

8 (i) Display phone numbers and names of organizations that
9 provide free rides for intoxicated persons; and

10 (ii) Provide information about the effects of alcohol abuse.

11 (c) The city manager or his designee shall approve the number of,
12 size and locations of the above-described banners.

13 B. *Administration.* The city manager or his designee shall ensure that:

14 (1) ~~A]~~ authorized event sponsors are in compliance with the requirements of
15 this section.

16 [(2) ~~Any agreement in effect on the effective date of this section (adopted~~
17 ~~May 30, 2012), shall be amended to comply with the requirements of this section.]~~

18
19 APPROVED AS TO FORM:

20
21 _____
22 KELLEY A. BRENNAN, CITY ATTORNEY

23
24
25 M/Legislation/Bills 2017/Alcohol Best Practices

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

2 **RESOLUTION NO. 2017-__**

3 **INTRODUCED BY:**

4
5 Mayor Javier M. Gonzales

6 Councilor Peter Ives
7
8
9

10 **A RESOLUTION**

11 **DIRECTING THE CITY MANAGER TO WORK WITH SANTA FE COUNTY TO**
12 **DEVELOP A MEMORANDUM OF UNDERSTANDING FOR THE USE OF \$1.5**
13 **MILLION OF QUALIFIED ENERGY CONSERVATION BONDS CURRENTLY**
14 **ALLOCATED TO SANTA FE COUNTY.**
15

16 **WHEREAS**, on August 10, 2016 the Governing Body adopted Resolution No. 2016-62
17 authorizing and approving an application to the New Mexico State Board of Finance for Qualified
18 Energy Conservation Bonds (QECB) to be used for the expansion of an energy efficiency loan
19 program administered by Homewise; and

20 **WHEREAS**, Homewise operates an Energy Efficiency Loan program to help families in
21 Santa Fe County conserve energy and protect the value of their homes; and

22 **WHEREAS**, using capital from QECBs, Homewise will expand the Energy Efficiency
23 Loan program and offer lower interest rates to help reach families at all income ranges including
24 low- and moderate-income who would benefit the most from lower energy costs; and

25 **WHEREAS**, such energy efficiency loans finance projects that conserve resources like

1 energy and water, and generate clean electricity through solar energy; and

2 **WHEREAS**, a limited amount of QECBs remain available for use statewide; and

3 **WHEREAS**, procurement and use of those bonds are not guaranteed because the
4 allocation and use of the bonds are subject to applications made by other municipalities that are
5 then reviewed and approved by the State Board of Finance; and

6 **WHEREAS**, Santa Fe county has \$1.5 million in previously allocated QECB bonds that
7 have yet to be used, and are not currently dedicated to any specified project; and

8 **WHEREAS**, Homewise serves customers both in the city of Santa Fe, and throughout all
9 of Santa Fe county; and

10 **WHEREAS**, developing a memorandum of understanding with Santa Fe county
11 regarding the use of the QECB funds will benefit residents of both the city of Santa Fe and Santa
12 Fe county.

13 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
14 **CITY OF SANTA FE** that the city manager is directed to work with Santa Fe county to develop
15 a memorandum of understanding for use of the \$1.5 million of QECBs currently allocated to
16 Santa Fe county.

17 PASSED, APPROVED AND ADOPTED this _____ day of _____, 2017.

18
19 _____
20 JAVIER M. GONZALES, MAYOR

21 ATTEST:

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

KELLEY A. BRENNAN, CITY ATTORNEY

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2017-__

3 INTRODUCED BY:

4
5 Mayor Javier M. Gonzales

6 Councilor Peter Ives

7
8
9
10 A RESOLUTION

11 ADOPTING THE CULTURE CONNECTS SANTA FE REPORT; DIRECTING CITY
12 MANAGER TO COMMENCE WORK ON THE RECOMMENDATIONS IDENTIFIED
13 BY THE COMMUNITY WORKING GROUP; AND DIRECTING THE CITY
14 MANAGER TO REVIEW THE REPORT AND IDENTIFY OPPORTUNITIES FOR
15 ACTIONABLE STEPS RELATED TO THE REPORT'S RECOMMENDATIONS.

16
17 WHEREAS, Resolution No. 2015-63 directed the Arts Commission to develop a long-
18 term cultural plan for the City, a community working group, representing cultural workers,
19 historians, institutions and philanthropist was established to guide the process, and Dr. Estevan
20 Rael-Galvez, was selected as the consultant responsible for cultural mapping and assessment
21 process; and

22 WHEREAS, a thoughtfully designed and comprehensive information gathering process
23 was developed and implemented, with the goal of being inclusive and encouraging participation
24 from across the community; and

25 WHEREAS, this process engaged nearly 2,000 individuals in public gatherings,

1 generated 330,000 social media engagements, resulted in 696 surveys participants, and solicited
2 96 in-depth interviews, along with an extensive review of literature from over a decade and
3 benchmarking against seven cities; and

4 **WHEREAS**, this inclusive public engagement process and thorough research yielded
5 tremendous insights into our community's values, hopes and perceptions in terms of culture and
6 revealed a city of contradictions, one rich with culture and promise, but faced with significant
7 social and economic challenges; and

8 **WHEREAS**, the process confirmed that culture holds the potential to connect Santa Fe;
9 that youth must be engaged in culture as the benefits of this engagement are profound; that
10 culture as part of lifelong learning must be continually strengthened; and that constantly
11 enhancing the creative economy is critical; and

12 **WHEREAS**, drawing on our city's wealth of dedicated cultural institutions, talented
13 creative workers and collective community assets, the Culture Connects Cartography is a
14 navigation tool that is a relevant, flexible and dynamic model for the City and its residents to
15 enrich equity, build economic capacity and deepen our resiliency.

16 **NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE**
17 **CITY OF SANTA FE** that Culture Connects Santa Fe: A Cultural Cartography is adopted and
18 that the City Manager directs staff, through the Arts Commission, to commence work on the eight
19 recommendations identified by the community working group as priority for the first two to three
20 years of implementation. The Arts Commission shall establish an advisory group consisting of
21 members of the Arts Commission, Children & Youth Commission, working group and other
22 relevant constituencies to guide implementation and report to the Governing Body eighteen (18)
23 and twenty-four (24) months after adoption.

24 **BE IT FURTHER RESOLVED** that the City Manager directs staff of Youth & Family
25 Services, Economic Development and Land Use to review the Cartography and identify

1 opportunities for actionable steps related to the report's recommendations.

2
3 PASSED, APPROVED AND ADOPTED this _____ day of _____, 2017.

4
5 _____
6 JAVIER M. GONZALES, MAYOR

7 ATTEST:

8
9 _____
10 YOLANDA Y. VIGIL, CITY CLERK

11 APPROVED AS TO FORM:

12
13 _____
14 KELLEY A. BRENNAN, CITY ATTORNEY

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

2 **RESOLUTION NO. 2017-__**

3 **INTRODUCED BY:**

4
5 Mayor Javier M. Gonzales

6 Councilor Peter Ives

7
8
9
10 **A RESOLUTION**

11 **REPEALING RESOLUTION NO. 2016-1 RELATING TO THE OPEN MEETINGS ACT;**
12 **ADOPTING THE STATE OF NEW MEXICO OPEN MEETINGS ACT BY REFERENCE;**
13 **AND ADOPTING NOTICE REQUIREMENTS.**

14
15 **WHEREAS**, the City of Santa Fe desires to repeal Resolution No. 2016-1 relating to the Open
16 Meetings Act; and

17 **WHEREAS**, the City of Santa Fe desires to adopt the New Mexico Open Meetings Act,
18 Sections 10-15-1 through 10-15-4 NMSA 1978, for purposes of compliance with state law; and

19 **WHEREAS**, the City of Santa Fe desires to adopt notice requirements for the City of Santa Fe's
20 governing body and its agencies, commissions, committees or other policy-making bodies; and

21 **WHEREAS**, the City of Santa Fe is hereby giving its annual notice to the public of its
22 determination, pursuant to Section 10-15-1(D) NMSA 1978 that seventy two hours notice prior to
23 meetings and the meetings of its agencies, commissions, or other policy-making bodies is deemed by the
24 City to be reasonable notice.

25 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**

1 CITY OF SANTA FE that:

2 **Section 1.** Resolution No. 2016-1 is hereby repealed.

3 **Section 2.** The New Mexico Open Meetings Act, Sections 10-15-1 through 10-15-4
4 NMSA 1978 is hereby adopted by reference and incorporated fully as if set out herein.

5 **Section 3.** The notice requirements set forth below are hereby adopted.

6 A. A minimum of 72 hours notice of all regular meetings of the governing body
7 and its subordinate bodies shall be given in advance of such regular meetings. The date, time
8 and place shall appear on an agenda and shall be made available to the public and news media
9 through reasonable means including posting on the city's website. The agenda shall be filed,
10 recorded and posted with the office of the city clerk.

11 B. Regular meetings of the governing body shall be held on the second and last
12 Wednesday of each month in two sessions: the afternoon session, which will begin promptly at
13 5:00 p.m. for purposes of presentations, committee hearings, and approval of consent calendar
14 items and the evening session, which will begin promptly at 7:00 p.m. for the purposes of
15 hearing petitions from the floor, public hearings or matters of public importance. Regular
16 meetings are normally scheduled to be held at the city council chambers of the municipal
17 building of the city, located at Lincoln and Marcy streets, Santa Fe. In the event a study session
18 is called, notice shall follow the same requirements of a special meeting as specified in
19 Subparagraph C.

20 C. A minimum of 72 hours notice of all special meetings of the governing body
21 and its subordinate bodies shall be given in advance of such special meeting.

22 D. Special meetings are normally held at the same place specified in Subparagraph
23 B of this resolution. The date, time and place of the special meeting shall appear on the agenda
24 and be made available to the public and news media through reasonable means including posting
25 on the city's website. The agenda shall be filed, recorded and posted with the office of the city

1 clerk.

2 E. The governing body of the city hereby requires that every quasi-judicial
3 committee, board or commission, including but not limited to the planning commission, historic
4 design review board and board of adjustment, shall follow the same notice requirements as the
5 governing body, and as provided in this resolution and the New Mexico Open Meetings Act.

6 F. The governing body of the city hereby requires that all other boards,
7 commissions, committees or other policy-making bodies shall follow the same notice
8 requirements as provided by the New Mexico Open Meetings Act.

9 G. The mayor or city council of the city may call, with, if possible, up to 24 hours
10 notice, a meeting of the governing body, or any board, commission, committee or other policy-
11 making body of the municipality to consider any matter that needs emergency treatment because
12 of a clear and present danger to the health, welfare or safety of the people of the city. When
13 possible, 24 hour telephonic notice will be given to all media who normally cover city meetings
14 before the emergency meeting commences.

15 PASSED, APPROVED and ADOPTED this _____ day of _____, 2017.

16
17
18 ATTEST:

JAVIER M. GONZALES, MAYOR

19
20 _____
21 YOLANDA Y. VIGIL, CITY CLERK

22 APPROVED AS TO FORM:

23
24 _____
25 KELLEY A. BRENNAN, CITY ATTORNEY

M/Legislation/Resolutions 2017/ Open Meetings Act - 2017

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2017-__

3 INTRODUCED BY:

4
5 Councilor Signe I. Lindell

6 Councilor Ron Trujillo

7
8
9
10 A RESOLUTION

11 ADOPTING GUIDELINES AND REGULATIONS FOR THE ACCEPTANCE OF
12 MEMORIAL DONATIONS FOR PLACEMENT IN CITY-OWNED PARKS, OPEN SPACES
13 AND TRAILS.

14
15 WHEREAS, gifts, memorials, and dedications have augmented Santa Fe parks, open spaces
16 and trails for many years and historically the Parks, Trails and Watershed Division has accepted such
17 donations; and

18 WHEREAS, the City currently has in place policies that outline the criteria and conditions
19 for the naming of parks and City facilities, accepting donations of real property and locating art
20 objects in public spaces; and

21 WHEREAS, such policies do not apply specifically to memorial donations in the City's
22 parks, trails, and open spaces; and

23 WHEREAS, the City currently does not have established guidelines that regulate receiving
24 and placing donated memorials in City-owned parks, open spaces and on trails; and

25 WHEREAS, there is a need for guidelines for site-appropriate amenities that don't detract

1 from the visual aesthetics of the surrounding natural environment or place an undue burden on the
2 City; and

3 **WHEREAS**, the Governing Body desires to establish guidelines for the consistent decision-
4 making process related to the acceptance, placement and long-term maintenance of public requests
5 for memorial donations in city-owned parks, open spaces and trails.

6 **NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE**
7 **CITY OF SANTA FE THAT** the Governing Body hereby adopts the *Parks, Trails and Watershed*
8 *Division Memorial Donations Guidelines and Regulations*, attached hereto as Exhibit "A". Such
9 guidelines and regulations shall be used by City staff when accepting memorial donations for
10 placement in City-owned parks, open spaces and trails.

11 PASSED, APPROVED, and ADOPTED this ____ day of _____, 2017.

12
13 _____
14 JAVIER M. GONZALES, MAYOR

15 ATTEST:

16
17 _____
18 YOLANDA Y. VIGIL, CITY CLERK

19 APPROVED AS TO FORM:

20
21 _____
22 KELLEY A. BRENNAN, CITY ATTORNEY

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24
25 *M/Legislation/Resolutions 2017/Park Memorial Donations*

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

2 **RESOLUTION NO. 2017-__**

3 **INTRODUCED BY:**

4
5 Councilor Joseph M. Maestas

6
7
8
9
10 **A RESOLUTION**

11 **CALLING ON THE NEW MEXICO STATE LEGISLATURE TO AMEND CHAPTER**
12 **29-1-14(H) NMSA 1978 TO REQUIRE THE DESTRUCTION BY ALL NEW MEXICO**
13 **LAW ENFORCEMENT AGENCIES OF ALL FIREARMS IN THEIR POSSESSION**
14 **THAT ARE NO LONGER NECESSARY FOR USE IN OBTAINING A CONVICTION,**
15 **OR ARE NOT NEEDED FOR ANY OTHER PUBLIC PURPOSE.**

16
17 **WHEREAS,** the City of Santa Fe disposed of 600 seized firearms in 2014 by bulldozing
18 and burying them at the Santa Fe landfill; and

19 **WHEREAS,** the City of Santa Fe collected 174 firearms in 2015; and

20 **WHEREAS,** as a result of Resolution 2016-83, with support of the Santa Fe Police
21 Department, the Guns to Gardens project sponsored by New Mexicans to Prevent Gun Violence
22 hosted a recent gun buyback to repurpose guns into garden tools; and

23 **WHEREAS,** current Santa Fe Police Department policy allows for the "destruction or
24 disposal of...firearms in accordance with applicable laws"; and

25 **WHEREAS,** in 2014, the City of Albuquerque confiscated 1,644 firearms during

1 criminal investigations; and

2 **WHEREAS**, Chapter 29-1-14(H) NMSA 1978 states that “[o]nce it is determined by the
3 law enforcement agency that any property enumerated in this subsection is no longer necessary
4 for use in obtaining a conviction or is not needed for any other public purpose, the law
5 enforcement agency may apply to the district court...for an order authorizing destruction or other
6 disposition of the property...”; and

7 **WHEREAS**, it is the current policy of the Santa Fe Police Department to destroy all
8 unclaimed and seized weapons in the possession of the Police Department; and

9 **WHEREAS**, the Santa Fe Police Department sponsored a gun buyback program in 2013
10 that brought in over 400 firearms, all of which were subsequently destroyed, taking many
11 weapons off of our streets; and

12 **WHEREAS**, it is the desire of the Governing Body to ensure that the Santa Fe Police
13 Department destroys all firearms in its possession, when legally permissible, to ensure they do not
14 return to our streets.

15 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
16 **CITY OF SANTA FE** that the New Mexico Legislature is requested to amend Chapter 29-1-
17 14(H) NMSA 1978 to require that all firearms in the possession of New Mexico law enforcement
18 agencies, which are no longer necessary for use in obtaining a conviction, or are not needed for
19 any other public purpose, shall be destroyed.

20 **BE IT FURTHER RESOLVED** that this request shall in no way conflict or contradict
21 the provisions of the Second Amendment to the United States Constitution regarding the right to
22 bear arms, or any other national, state or local law regulating that right.

23 **BE IT FURTHER RESOLVED** that the City Clerk is directed to forward a copy of this
24 resolution to the City of Santa Fe lobbyist and the City of Santa Fe State Legislative Delegation.
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PASSED, APPROVED AND ADOPTED this ____ day of _____, 2017.

JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

KELLEY A. BRENNAN, CITY ATTORNEY

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

2 **RESOLUTION NO. 2016-__**

3 **INTRODUCED BY:**

4
5 Councilor Joseph M. Maestas

6 Councilor Renee Villarreal

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9
10 **A RESOLUTION**

11 **REAFFIRMING THE CITY OF SANTA FE'S COMMITMENT TO ITS VALUES; AND TO**
12 **THE VALUES SET FORTH IN THE CONSTITUTIONS OF THE UNITED STATES AND**
13 **NEW MEXICO.**

14
15 **WHEREAS**, the voters of the City of Santa Fe, as a means to maximize their self-
16 determination and self-government, adopted a home rule charter on December 9, 1997 and
17 subsequent charter amendments in 2008 and 2014; and

18 **WHEREAS**, the Preamble of the Charter assertively declares: "We, the people of Santa Fe, a
19 capital city for four centuries, a community with rich and lasting multi-cultural traditions and a
20 history of tolerance towards all peoples, cultures, traditions, and lifestyles, recognize our right to
21 define our way of life and our form of government."; and

22 **WHEREAS**, the Charter affirms the City of Santa Fe's right and determination to secure the
23 continuity of cultural values, personal freedoms, and well being; and

24 **WHEREAS**, the City of Santa Fe has affirmed its values, not only through its charter, but
25 through various policy actions; and

1 **WHEREAS**, the City of Santa Fe has been a national leader in progressive values, striving to
2 ensure a fair and just community; and

3 **WHEREAS**, on November 8, 2016, Donald Trump was elected to become the 45th President
4 of the United States; and

5 **WHEREAS**, President-Elect Trump has made threats to Sanctuary Cities such as the City of
6 Santa Fe; and espouses beliefs that are contrary to and undermine our community values.

7 **NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
8 **CITY OF SANTA FE** that we, as a community, in response to those threats, are compelled to
9 reaffirm our values of dignity, diversity, civil and human rights; and inclusivity; and express an firm
10 intent to repudiate any actions and policies that threaten our community and values and violate the
11 principles set forth in the Constitutions of the United States and New Mexico and otherwise in their
12 laws; and

13 **BE IT FURTHER RESOLVED** that the City of Santa Fe will continue to be a sanctuary
14 city that protects and values immigrants as part of the unique fabric of our community.

15 **BE IT FURTHER RESOLVED** that we, as the City of Santa Fe, a present day capital city
16 of a State that borders the Republic of Mexico and once an area that was part of Mexico from 1821
17 until it was ceded to the United States in 1848 through the Treaty of Guadalupe Hidalgo; reject the
18 idea of adding to the physical barriers at the boundary between the US and Mexico; and also reject
19 the premise that our neighbors south of the border are threats to our safety livelihood; and consider
20 that premise to be contrary to our core American ideal of welcoming immigrants and also contrary to
21 our history of old and new Mexicans working side by side for the benefit of both.

22 **BE IT FURTHER RESOLVED** that we condemn all hate speech and crimes; and re-affirm
23 our zero tolerance of any such hate-inspired offenses in our community.

24 **BE IT FURTHER RESOLVED** that we believe in women's rights and condemn the
25 demeaning and objectification of women; and re-affirm our desire to create a community that has role

1 models for young girls that instill the belief that they can have and achieve their big dreams.

2 **BE IT FURTHER RESOLVED** that, as the City of Holy Faith, we believe in religious
3 freedom as a founding principle of our nation; and condemn any discrimination and disparate
4 treatment of individuals and groups on the basis of religion.

5 **BE IT FURTHER RESOLVED** that we believe our citizens have benefited greatly from the
6 expansion of healthcare coverage through the Affordable Care Act, especially Medicaid expansion;
7 and vow to resist any efforts to diminish or eliminate coverage that confers those benefits.

8 **BE IT FURTHER RESOLVED** that we believe in ensuring all citizens feel safe in their
9 homes and neighborhoods; and support efforts to divert non-violent offenders from the criminal
10 justice system and rehabilitate and reform them to be productive members of our community.

11 **BE IT FURTHER RESOLVED** that we believe in the dignity of work and the right to a
12 living wage to avoid living in poverty while working a full-time job.

13 **BE IT FURTHER RESOLVED** that we believe climate change exists and is caused by
14 increased levels of atmospheric carbon dioxide produced by the use of fossil fuels; and we strive to
15 achieve comprehensive, environmental sustainability with an overall goal of reaching carbon
16 neutrality by the year 2040.

17 **BE IT FURTHER RESOLVED** that this resolution shall be provided to the U.S. Speaker of
18 the House of Representatives, the U.S. Senate Majority Leader, the New Mexico Federal Legislative
19 Delegation, the Governor of New Mexico, and the New Mexico State Legislative Delegation
20 Representing Santa Fe.

21 PASSED, APPROVED AND ADOPTED this _____ day of _____, 2016.

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24 JAVIER M. GONZALES, MAYOR
25

1 ATTEST:

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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/Progressive Community Values 12_6_16*

City of Santa Fe, New Mexico

memo

DATE: November 21, 2016 for the December 14, 2016 City Council meeting

TO: Mayor Javier M. Gonzales
Members of the City Council

VIA: Brian K. Snyder, P.E., City Manager *BKS*
Lisa Martinez, Director, Land Use Department
Greg Smith, AICP, Director, Current Planning Division *GS*

FROM: Noah Berke, Senior Planner, Current Planning Division *NLB*

Case #2016-89. Arts and Creativity Center Rezoning. New Mexico Inter-Faith Housing, agent for the City of Santa Fe, requests approval of rezoning of approximately 5.0 acres from I-2 (General Industrial) to C-2 (General Commercial). The property is a portion of the parcel northwest of 1222 Siler Road. (Noah Berke, Case Manager)

Case #2016-99. Arts and Creativity Center General Plan Amendment. New Mexico Inter-Faith Housing, agent for the City of Santa Fe, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for approximately 5.0 acres from Public/Institutional to Community Commercial. The property is a portion of the parcel northwest of 1222 Siler Road. (Noah Berke, Case Manager)

I. RECOMMENDATION

The Governing Body may should approve the General Plan Amendment and Rezoning requests as recommended by the Planning Commission at their meeting on October 6, 2016.

II. APPLICATION OVERVIEW

The applicant requests general plan amendment and rezoning for a 5.0+/- acre portion of a 54 acre tract of land owned by the City of Santa Fe directly northwest of 1222 Siler Road. The proposed project site is currently zoned I-2 (General Industrial) and shown on the Future Land Use Map as Public/Institutional. The request would change the City's Future Land Use Map to show this property as Community Commercial and the Zoning Map to C-2 (General Commercial).

III. EXECUTIVE SUMMARY

The proposed rezoning and general plan amendment requests are required by Resolution No. 2016-30 titled "A Resolution contributing property and resources to New Mexico Interfaith Housing Community Development Corporation for Development of the Santa Fe Art's and Creativity Center Low Income Housing Tax Credit Project Pursuant to the Affordable Housing Act". That resolution directed staff to work with the project developer to bring forth rezoning and general plan amendment requests for the proposed site that are appropriate to support uses for an affordable multi-family complex with shared community spaces. It was the result of two prior resolutions (2014-13 and 2015-24) which directed city staff to undertake a feasibility analysis and perform an in-depth due diligence of the proposed site.

Should the rezoning and general plan amendment requests be approved, the developer plans to submit a development plan application which would allow for creation of 60-70 affordable residential units and approximately 5000 square feet of non-residential uses. In essence this would become a mixed use site. Project financing would rely on Low Income Housing Tax Credits to help fund the development. Rezoning is a critical part of the process because residential uses are not permitted in the I-2 zone.

The proposed project would be the first "brownfield" redevelopment project to provide affordable rental housing and shared work facilities through a donation of land by the City of Santa Fe. The development plan would include affordable rental housing, shared community spaces, and offices.

IV. SUMMARY OF PLANNING COMMISSION ACTION

The Planning Commission heard Case # 2016-89 and # 2016-99 at their October 6, 2016 meeting. Planning Commission recommended that the City Council approve the requested General Plan Amendment and Rezoning requests.

Primary concerns raised at the Planning Commission meeting centered on traffic and how the proposed rezoning might affect surrounding industrial uses. The applicant indicated they have completed a traffic study and the proposed development would not have a large effect on traffic in the area.

V. ATTACHMENTS:

EXHIBIT A:

1. General Plan Amendment Resolution
2. Rezoning Ordinance

EXHIBIT B:

1. Findings of Fact and Conclusions of Law for October 6, 2016 Planning Commission Meeting
2. Minutes from October 6, 2016 Planning Commission Meeting

EXHIBIT C:

1. October 6, 2016 Planning Commission Staff Report Packet

City of Santa Fe, New Mexico

Exhibit A

- 1. General Plan Amendment Resolution**
- 2. Rezoning Ordinance**

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2016-__

A RESOLUTION

AMENDING THE GENERAL PLAN FUTURE LAND USE MAP DESIGNATION FROM PUBLIC/INSTITUTIONAL TO COMMUNITY COMMERCIAL FOR PROPERTY COMPRISING APPROXIMATELY 5.00 ACRES \pm . THE PROPERTY IS LOCATED ALONG THE WEST SIDE OF SILER APPROXIMATELY ONE-THIRD (1/3) MILE SOUTHWEST OF THE SILER ROAD AND AGUA FRIA STREET INTERSECTION WITHIN T17N, R9E, PROJECTED SECTION 33 N.M.P.M., SANTA FE COUNTY NEW MEXICO. (ARTS AND CREATIVITY CENTER GENERAL PLAN AMENDMENT, CASE NO. 2016-99)

WHEREAS, the agent for the owners of that certain parcel of land comprising approximately 5.00 \pm acres located approximately one-third (1/3) of a mile southwest of the Siler Road and Agua Fria Street intersection within T17N, R9E, Projected Section 33 N.M.P.M., Santa Fe County New Mexico (the "Property") has submitted an application to amend the General Plan Future Land Use Map classification of the Property from Public/Institutional to Community Commercial; and

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

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

5 **WHEREAS**, reclassification of the subject property and the proposed future development
6 would be consistent with the General Plan Themes and Policies for Affordable Housing (General
7 Plan, Chapter 1), Economic Diversity (General Plan, Chapter 1), Sustainable Growth (General Plan,
8 Chapter 1), Urban Form (General Plan, Chapter 1), Mixed Use (General Plan, Chapter 1), and Land
9 Use (General Plan, Chapter 3); and

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

13 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
14 **CITY OF SANTA FE** that the General Plan Future Land Use Map designation for property
15 described is amended to change the designation from Public/Institutional to Community Commercial
16 as shown in Exhibit A attached hereto.

17 PASSED, APPROVED, and ADOPTED this ____ day of _____, 2016.

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20 ATTEST:

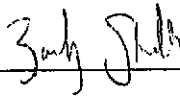
JAVIER M. GONZALES, MAYOR

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22 _____
23 YOLANDA Y. VIGIL, CITY CLERK
24
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1 APPROVED AS TO FORM:

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 *Kelly A. Brennan* *Asst. City Attorney*

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KELLEY A. BRENNAN, CITY ATTORNEY

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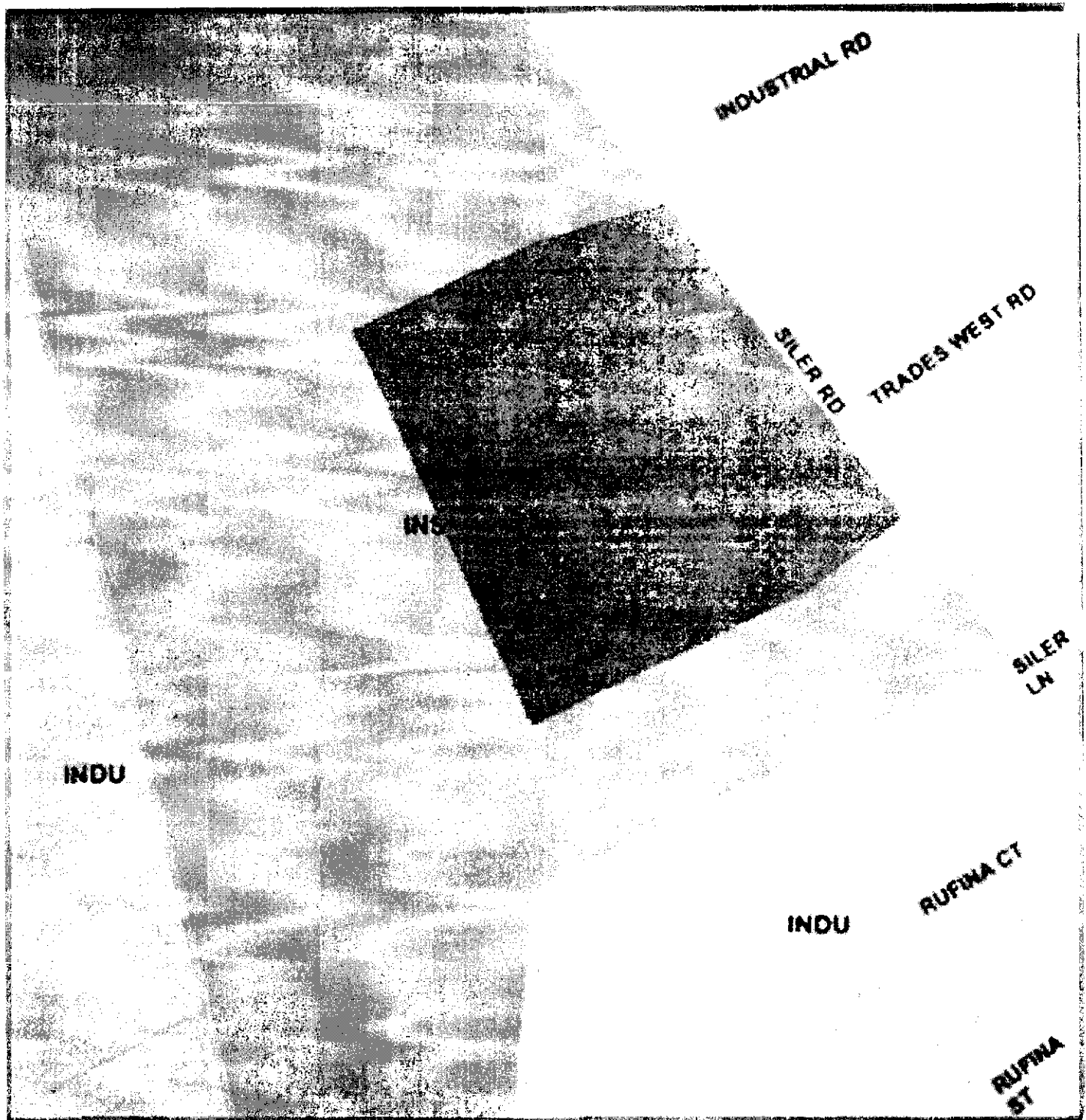
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Arts and Creativity Center - General Plan Amendment



Legend

-  Community Commercial
-  Industrial
-  Public/Institutional

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2016-43

AN ORDINANCE

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;
CHANGING THE ZONING CLASSIFICATION FROM I-2 (GENERAL
INDUSTRIAL) TO C-2 (GENERAL COMMERCIAL) FOR PROPERTY
COMPRISING APPROXIMATELY 5.00± ACRES LOCATED ALONG THE WEST SIDE
OF SILER ROAD, APPROXIMATELY ONE-THIRD (1/3) MILE SOUTHWEST OF THE
SILER ROAD AND AGUA FRIA STREET INTERSECTION WITHIN T17N, R9E,
PROJECTED SECTION 33 N.M.P.M., SANTA FE COUNTY NEW MEXICO); AND
PROVIDING AN EFFECTIVE DATE. (ARTS AND CREATIVITY CENTER
REZONING, CASE NO. 2016-89).**

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

Section 1. That following real property (the Property) located within the municipal boundaries of the City of Santa Fe, which has been restricted to and classified as I-2 (General Industrial), is hereby restricted to and reclassified as C-2 (General Commercial):

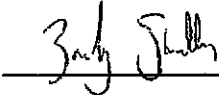
A parcel of land comprising approximately 5.00± acres located within Tract 2 as shown

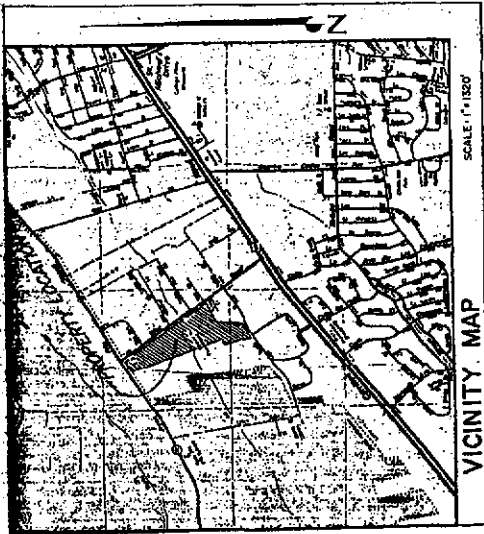
1 and designated on the Plat entitled "Plats of Survey for City of Santa Fe, N.M. of the City
2 Yards", recorded in the office of the County Clerk of Santa Fe County New Mexico on
3 October 16, 1984 in Plat Book 146, Page 5, as described in Exhibit A attached hereto and
4 incorporated herein by reference.

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

8 **Section 3.** This Ordinance shall be published one time by title and general summary
9 and shall become effective five days after publication.

10
11 **APPROVED AS TO FORM:**

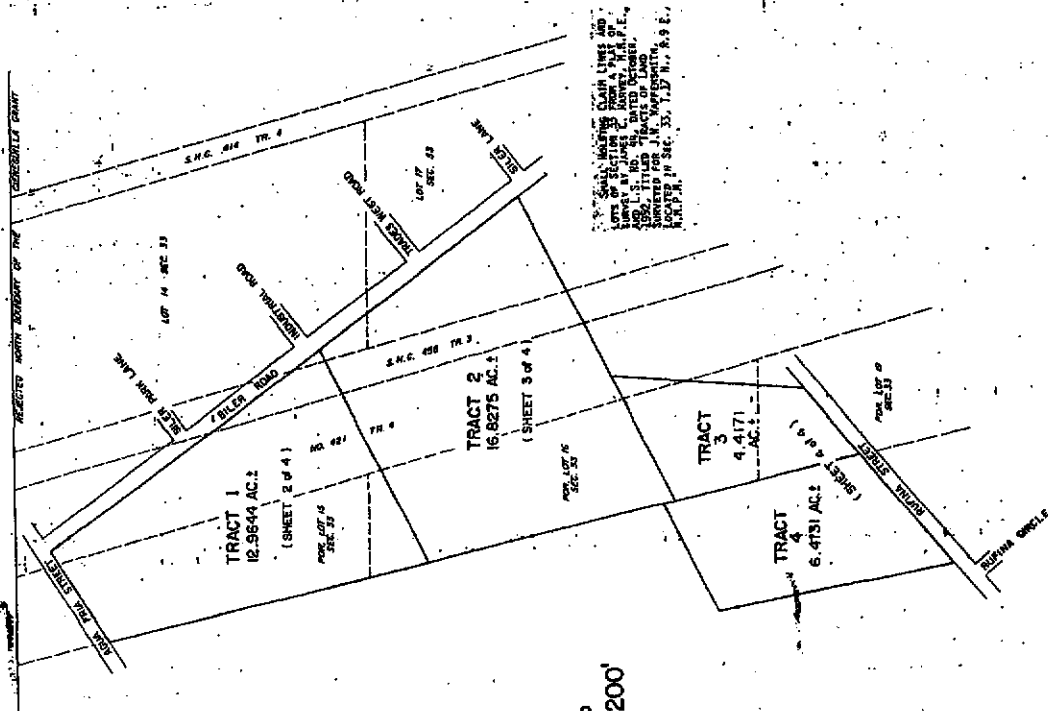
12
13  Asst City Attorney
14 **KELLEY A. BRENNAN, CITY ATTORNEY**



VICINITY MAP

SCALE: 1" = 1320'

PLATS OF SURVEY FOR
CITY OF SANTA FE, N.M.
OF THE
"CITY YARDS"



INDEX MAP
SCALE: 1" = 200'

ALL LOTS AND TRACTS SHOWN ON THIS MAP ARE THE RESULT OF A SURVEY MADE BY THE CITY OF SANTA FE, N.M. IN 1964. THE SURVEY WAS MADE FOR THE CITY OF SANTA FE, N.M. BY THE CITY ENGINEER, J. H. WATKINS, JR., P.E. THE SURVEY WAS MADE IN ACCORDANCE WITH THE CITY ENGINEERING DEPARTMENT'S POLICY OF 1964.

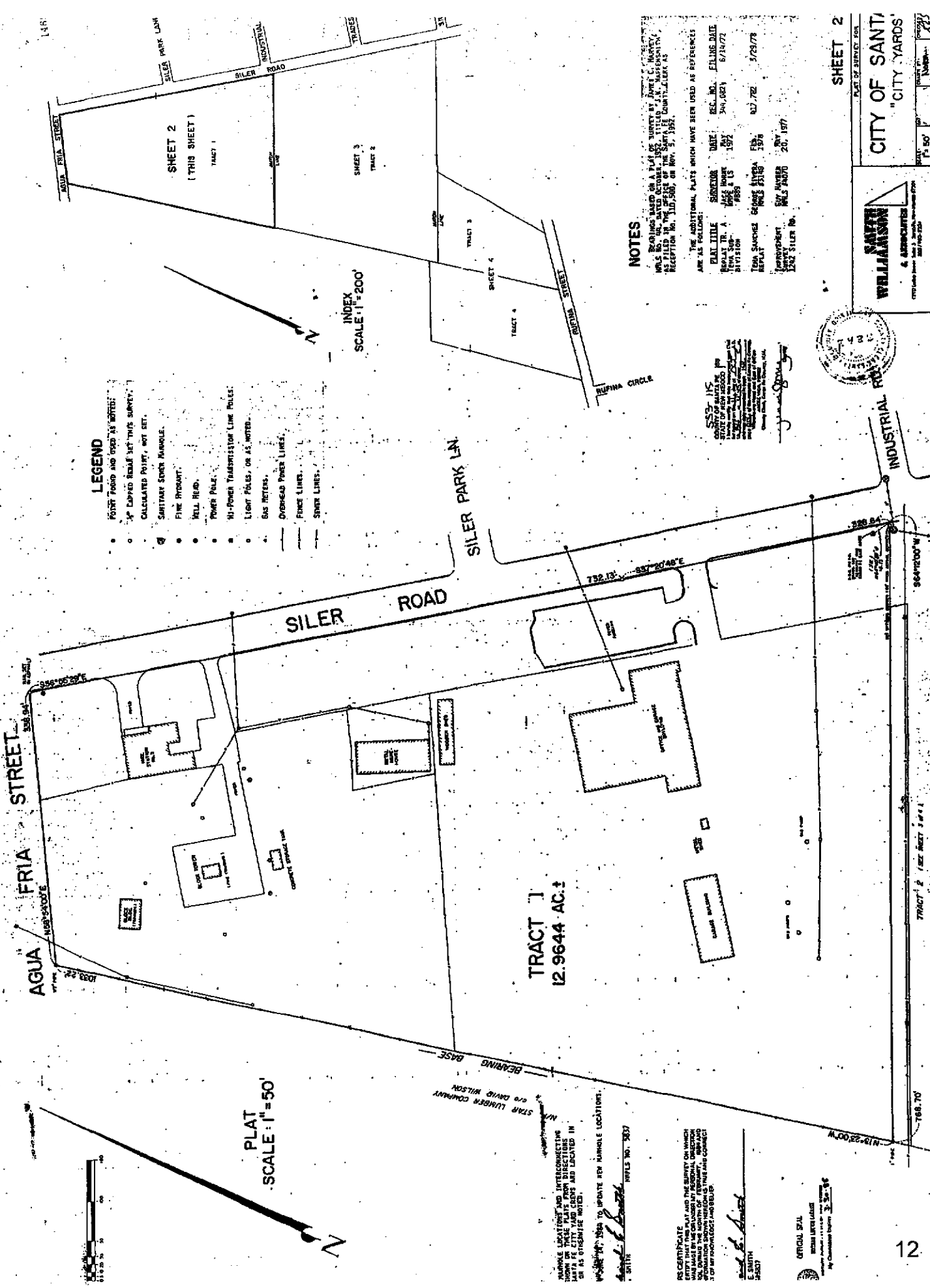
SHEET

PLAT OF SURVEY FOR
CITY OF SANTA FE, N.M.
"CITY YARDS"

SAINT
WILLIAMSON
& ASSOCIATES
CITY ENGINEER, Santa Fe, N.M.
FEB. 1964

ST. 114
CITY OF SANTA FE, N.M.
CITY ENGINEER, J. H. WATKINS, JR., P.E.
FEB. 1964





- LEGEND**
- POINT FOUND AND USED AS MONUMENT
 - 1/4" CAPPED REBAR SET THIS SURVEY
 - CALCULATED POINT, NOT SET
 - SANITARY SEWER MANHOLE
 - FIVE PYRAMONT
 - WELL HEAD
 - POWER POLE
 - 11-POWER TRANSMISSION LINE POLES
 - LIGHT POLES, OR AS NOTED
 - GAS METERS
 - OVERHEAD POWER LINES
 - FENCE LINES
 - SEWER LINES

NOTES

BEFORE RECORDED IN A PLAT OF SURVEY BY JAMES C. WILSON, JR., WILLS NO. 146, DATED OCTOBER, 1952, TITLED "J.A. WILSON, JR., AS FILER IN THE OFFICE OF THE COUNTY CLERK AS RECEPTION NO. 137,560, ON NOV. 5, 1952."

THE ADDITIONAL PLATS WHICH HAVE BEEN USED AS REFERENCES ARE AS FOLLOWS:

PLAT TITLE	SURVEYOR	DATE	REC. NO.	FILE NO.
TRACT 1	JAMES C. WILSON, JR.	1952	146	137,560
TRACT 2	JAMES C. WILSON, JR.	1952	146	137,560
TRACT 3	JAMES C. WILSON, JR.	1952	146	137,560
TRACT 4	JAMES C. WILSON, JR.	1952	146	137,560

SHEET 2

CITY OF SANTA FE
"CITY YARDS"

JAMES C. WILSON, JR.
SURVEYOR

PLAT OF SURVEY FOR

INDUSTRIAL ROAD

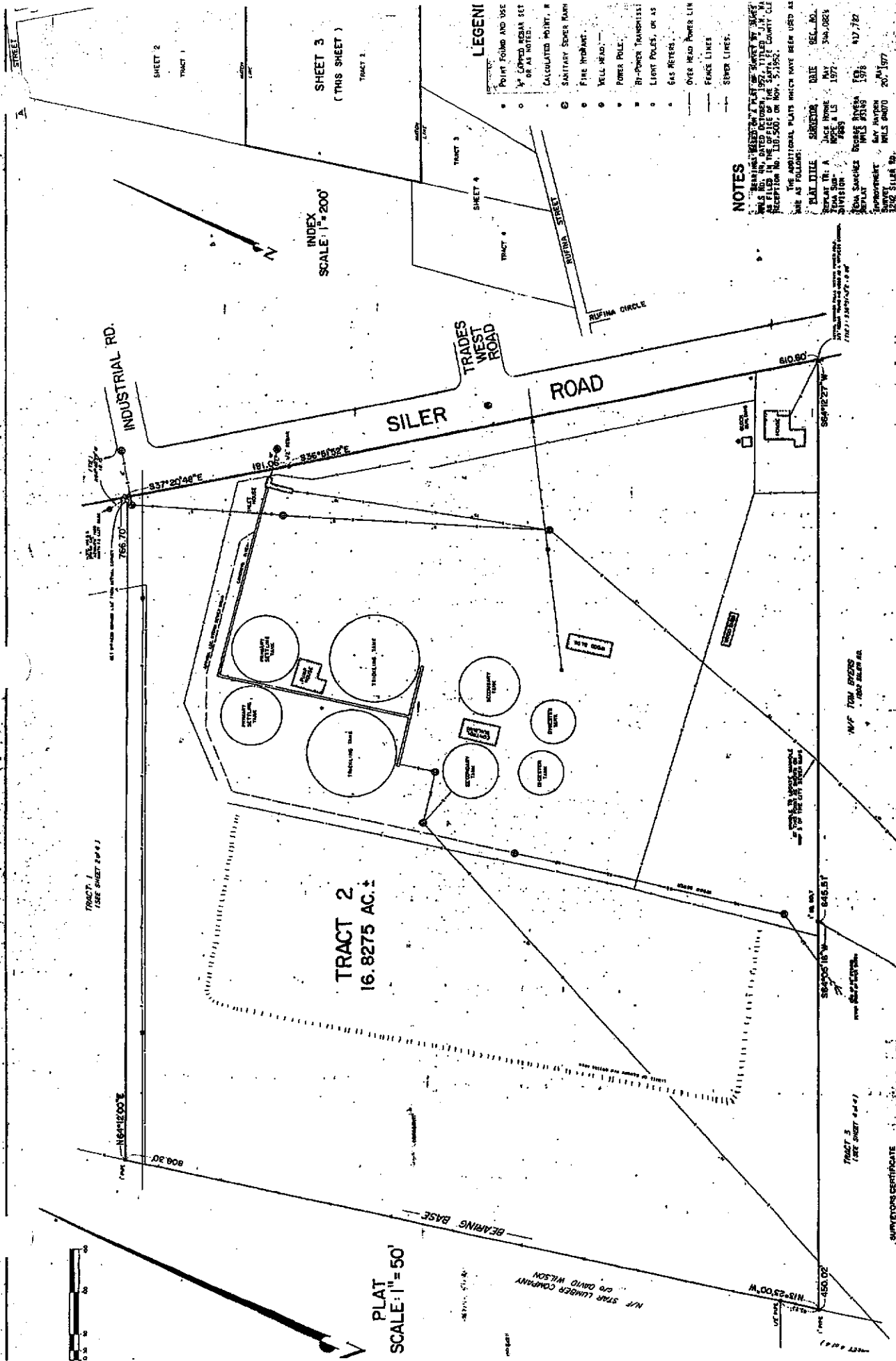
TRACT 1

12.9644 AC.

PLAT SCALE

1" = 50'

12



PLAT
SCALE: 1" = 50'

TRACT 2
16.8275 AC.±

INDEX
SCALE: 1" = 200'

SHEET 3
(THIS SHEET)

2. LITERATURE

TRAC

PAC 3

LEGEND

- POINT FOLDED AND USE
1/4 COVERED REBAR SET
OR AS NOTED.
- CALCULATED POINT, R
- SANITARY SEWER MANH
- FINE INSTANT.
- WELL HEAD -
- POWER POLE.
- BT-POWER TRANSMISSION
- LIGHT POLES, OR AS
- GAS METERS.

NOTES

... BEARINGS TAKEN ON A PLAT OF SURVEY BY JAMES
WELLS NO. 4N, DATED OCTOBER, 1927, TITLED "J.M. WA
AS FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK
RECEPTION NO. 118,500, ON NOV. 5, 1952.

PLAT TITLE	SUBJECT	DATE	REC. NO.
Tom, Sam- Division	JACK HORNE MAYBE A LS #483	1977	304-0883
TOM SAMCHES REPLAT	EGENCE RYSEA MPLS #3169	1978	417-782
INFORMANT SURVEY	RAY HARPER MPLS #4070	1977	

SHEET

**SOUTH
WILLIAMSON
& ASSOCIATES**

CITY OF SANT
"CITY YARDS

DATE: FEB. 1984	CLASS BY: NOLAN	OFFICE: 22
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City of Santa Fe, New Mexico

Exhibit B

- 1. Findings of Fact and Conclusions of Law for October 6, 2016 Planning Commission Meeting**
- 2. Planning Commission Minutes for October 6, 2016 Meeting**

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

Case #2016-99

Arts and Creativity General Plan Amendment

Case #2016-89

Arts and Creativity Rezoning

Owner's Name – City of Santa Fe

Agent's Name – New Mexico Inter-Faith Housing

THIS MATTER came before the Planning Commission (Commission) for hearing on October 6, 2016 upon the application (Application) of New Mexico Inter-Faith Housing as agent for City of Santa Fe (Applicant).

The Applicant requests an amendment to the General Plan Future Land Use map to change the designation of 5.0± acres of land from Public/Institutional to Community Commercial and requests rezoning from I-2 (General Industrial) to C-2 (General Commercial). The property is located at 1222 Siler Road.

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

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and two members of the public interested in the matter.
2. Santa Fe City Code (Code) §14-3.2(D) sets out certain procedures for amendments to the General Plan (Plan), including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.2(E).
3. Code §14-3.5(B) sets out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.5(C).
4. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F)] and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
5. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating

- the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
6. An ENN meeting was held on the Application on July 12, 2016 at Frenchy's Barn.
 7. Notice of the ENN meeting was properly given.
 8. The ENN meeting was attended by the Applicant and City staff; there were twenty-six members of the public in attendance and concerns were raised.
 9. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the Application.
 10. Code §14-3.2(B)(2)(b) requires the City's official zoning map to conform to the General Plan, and requires an amendment to the Plan before a change in land use classification is proposed for a parcel shown on the Plan's land use map.
 11. The property is currently owned by the City of Santa Fe, which uses it for storage of heavy machinery materials, storage of dumpsters and landscaping materials.
 12. The City has donated the land for purposes of New Mexico Inter-Faith Housing making application for government funding for development, but the transfer of land is contingent on New Mexico Inter-Faith Housing receiving sufficient requested funding.
 13. The Commission is authorized under Code §14-2.3(C)(7)(a) to review and make recommendations to the Governing Body regarding proposed amendments to the General Plan.
 14. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings Staff Report, subject to certain conditions (the Conditions) set out in such report.

General Plan Amendment

15. Under Code § 14-3.2, an amendment to the General Plan requires submittal of an application for review and recommendation to the Governing Body by the Planning Commission.
16. The Commission has considered the criteria established by Code §14-3.2(E)(1)(a) and finds the following facts: (a) *Consistency with growth projections for the City, economic development goals as set forth in a comprehensive economic development plan for the City, and with existing land use conditions, such as access and availability of infrastructure.* [§14-3.2(E)(1)(a)]. The 1999 Future Land Use Map identifies the project site as being within the "Siler Road Redevelopment District" which is intended to allow industrial use, residential use and mixed use. The proposal of development of the property is consistent with the city's Affordable Housing Needs Assessment and the economic development goals of the City's Economic Development Division.
17. The Commission has considered the criteria established by Code §14-3.2(E)(1)(b) and finds the following facts: (b) *Consistency with other parts of the Plan.* [§14-3.2(E)(1)(b)]. The General Themes of Sections 1.7.1 "Affordable Housing" and

Section 1.7.4 "Economic Diversity" are both satisfied by the proposed amendment and the proposed Arts and Creativity Center project. The project is consistent with the goals as lists in Sections 1.7.7 "Water", 1.7.9 "Urban Form", and 1.7.12 "Mixed Use."

18. The Commission has considered the criteria established by Code §14-3.2(E)(1)(c) and finds the following facts: (c) *The amendment does not: (i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character of the area. [§14-3.2(E)(1)(c)].* The use of the property for Community Commercial is not significantly different with the prevailing uses in the area and is consistent the concepts behind the Siler Redevelopment District.
19. The Commission has considered the criteria established by Code §14-3.2(E)(1)(c) and finds the following facts: (c) *The amendment does not: (ii) affect an area of less than two acres, except when adjusting boundaries between districts. [§14-3.2(E)(1)(c)].* The site is greater than two acres.
20. The Commission has considered the criteria established by Code §14-3.2(E)(1)(c) and finds the following facts: (c) *The amendment does not: (iii) benefit one of a few landowners at the expense of the surrounding landowners or the general public [§14-3.2(E)(1)(c)].* The proposed General Plan Amendment will not benefit a few landowners at the expense of surrounding landowners as the City owns this property (and the properties to the north, east, south and west), but the City is attempting to transfer the property to the private sector for private sector development.
21. The Commission has considered the criteria established by Code §14-3.2(E)(1)(d) and finds the following facts: (d) *An amendment is not required to conform with Code §14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification [§14-3.2(E)(1)(d)].* The Governing Body passed Resolution No. 2016-30 recognizing that the Applicant's general plan amendment and rezoning are enabling a project that will promote the general welfare of the community.
22. The Commission has considered the criteria established by Code §14-3.2(E)(1)(e) and finds the following facts: (e) *Compliance with extraterritorial zoning ordinances and extraterritorial plans [§14-3.2(E)(1)(e)].* This criterion is no longer relevant since the adoption of SPaZZo and the relinquishment of the land use regulatory authority outside the city limits and the transfer of authority from extraterritorial jurisdiction to the City.
23. The Commission has considered the criteria established by Code §14-3.2(E)(1)(f) and finds the following facts: (f) *Contribution to a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development [§14-3.2(D)(1)(f)].* The Applicant proposes an affordable mixed use development, which satisfies the needs and goals of affordable housing and promoting economic development. The Applicant asserts that the development will be environmentally sensitive, sustainable and that the project will deliver on-

site social services aimed at promoting both economic development and community well-being.

24. The Commission has considered the criteria established by Code §14-3.2(E)(1)(g) and finds the following facts: (g) *Consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.* The proposal is consistent with land use policies, ordinances, regulations and plans.
25. The Commission has considered the criteria established by Code §14-3.2(E)(2)(a) and finds the following facts: (a) *the growth and economic projections contained within the general plan are erroneous or have changed.* The Governing Body through its approval of Resolution No. 2016-30 asserted that growth and economic projections have changed since the General Plan was created and based on the current Housing Needs Assessment there is a need for more affordable rental housing and the proposed project will satisfy the need by delivering affordable live/work facilities.
26. The Commission has considered the criteria established by Code §14-3.2(E)(2)(b) and finds the following facts: *no reasonable locations have been provided for certain land uses for which there is a demonstrated need.* The proposed location was chosen by the City Council due to its location and redevelopment potential. This site will be a donation by the city, which the Applicant states is critical prerequisite for affordable housing multi-family development under the Low Income Tax Credit Program.
27. The Commission has considered the criteria established by Code §14-3.2(E)(2)(c) and finds the following facts: *conditions affecting the location or land area requirements of the proposed land use have changed, for example the cost of land space requirements, consumer acceptance, market or building technology.* The conditions of the housing market have changed in such a way that the proposed general plan amendment is needed by the community to satisfy the demands of the affordable housing market.

Rezoning

28. Under Code §14-3.5(C), the Commission may review the proposed rezonings and make recommendations to the Governing Body by the Planning Commission.
29. The Commission has considered the criteria established by Code §14-3.5(C)(1)(a) and finds the following facts: *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [Code §14-3.5(C)(1)(a)].*
 - a. This area has shifted to being more geographically central and closer to the population centers.

- b. Development in the area has shifted from industrial to more general commercial uses.
 - c. The present uses in the area, such as coffee shops, drug stores, breweries, art collaboratives and residential uses have changed the neighborhood to a point that justifies the request for rezoning.
 - d. Recent transportation infrastructure improvements have allowed for easier connectivity to the area.
 - e. The request to change the zoning from I-2 to C-2, allows for both residential and non-residential uses on the proposed site.
 - f. The proposed zoning category is also more advantageous to the community as it relates to affordable housing, economic development and redevelopment of brownfield areas.
30. The Commission has considered the criteria established by Code §14-3.5(C)(1)(b) and finds the following facts: *All the rezoning requirements of Code Chapter 14 have been met [Code §14-3.5(C)(1)(b)].* All the rezoning requirements of Code Chapter 14 have been met.
31. The Commission has considered the criteria established by Code §14-3.5(C)(1)(c) and finds the following facts: *The proposed rezoning is consistent with the applicable policies of the Plan [Section 14-3.5(C)(1)(c)].* The proposed rezoning is consistent with the Plan.
32. The Commission has considered the criteria established by Code §14-3.5(C)(1)(d) and finds the following facts: *The amount of land proposed for rezoning and the proposed use for the land is consistent with City policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the City [Code §14-3.5(C)(1)(d)].* The proposed location was chosen by the City Council due to its location and redevelopment potential. This site will be a donation by the city, which the Applicant states is critical prerequisite for affordable housing multi-family development under the Low Income Tax Credit Program.
33. The Commission has considered the criteria established by Code §14-3.5(C)(1)(e) and finds the following facts: *(e)The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development [Section 14-3.5(C)(1)(e)];*
- a. A Traffic Impact Analysis, submitted by the Applicant, indicates that it would be feasible to provide direct access from Siler Road for residential and commercial development on the project site.
 - b. Any further traffic improvements, such as deceleration lanes, will be addressed at the time of development plan application.
 - c. The city trails system provides service to this area, through the Acequia Trail, and there are existing bus stops along Agua Fria Street, Siler Road and Rufina Street.
 - d. There is an existing city sewer truck line that runs to the site and provides available connections.
 - e. Water service is available to the site via Siler Road.

- f. All other public facilities, as they currently exist, are able to accommodate impacts of the proposed development.
34. The Commission has considered the criteria established by Code §§14-3.5(D)(1),(2) and finds the following facts: *If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies; If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.*
- a. The proposed rezoning can be accommodated by existing infrastructure and public facilities.
 - b. The Applicant will be required to provide improvements at the time of development plan.

CONCLUSIONS OF LAW

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

General

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

The General Plan Amendment

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

The Rezoning

5. The Applicant has the right under the Code to propose the rezoning of the Property.
6. The Commission has the power and authority at law and under the Code to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body.
7. The Applicable Requirements have been met.

**WHEREFORE, IT IS ORDERED ON THE 3rd DAY OF NOVEMBER, 2016 BY
THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law,
the Commission recommends approval of the General Plan Amendment to Community
Commercial to the Governing Body.

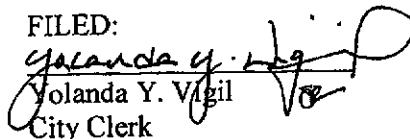
That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law,
the Commission recommends approval of the rezoning request to C-2 to the Governing
Body, subject to Staff Conditions.



Vince Kadlubek, Chair

11-3-16
Date:

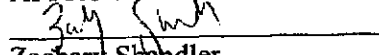
FILED:



Yolanda Y. Vigil
City Clerk

11/7/16
Date:

APPROVED AS TO FORM:



Zachary Shandler
Assistant City Attorney

11-3-16
Date:

SUMMARY INDEX
PLANNING COMMISSION
October 6, 2016

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D. Approval of Minutes & Findings and Conclusions		
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Findings of Fact & Conclusions of Law		
• <u>Case #2016-70</u> . Alma Dura Preliminary Subdivision	Approved as presented	3
• <u>Case #2016-88</u> . The Pavilion Final Subdivision Plat.	Approved as presented	3
• <u>Case #2016-42</u> . The Pavilion Office Complex Development Plan Amendment to the Phasing Plan.	Approved as presented	3
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2. <u>Case #2016-89</u> . Arts and Creativity Center Rezoning.	Approved	6-11
3. <u>Case #2016-90</u> . 730 Canada Ancha Escarpment Variance	Approved as recommended	3-4
4. <u>Case #2016-94</u> . 2041 Pacheco Street Development Plan.	Approved with conditions	11-16
5. <u>Case #2016-95</u> . 155 Brownell-Howland Escarpment Variance	Approved	16-18
6. <u>Case #2016-97</u> . 165 Brownell-Howland Escarpment Variance	Approved with conditions	18-19
7. <u>Case #2016-96</u> . 2051 Cerros Altos Escarpment Variance	Approved as recommended	4-6
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H. Matters from the Commission	Discussion	19
I. Adjournment	Adjourned at 8:22 p.m.	19

PLANNING COMMISSION
Thursday, October 6, 2016 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

CALL TO ORDER

A regular meeting of the City of Santa Fé Planning Commission was called to order by Chair Vince Kadlubek on the above date at approximately 6:00 p.m. in the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fé, New Mexico.

A. ROLL CALL

Roll Call indicated the presence of a quorum for the meeting.

Members Present

Commissioner Vince Kadlubek, Chair
Commissioner Brian Patrick Gutierrez, Vice-Chair
Commissioner Roman Abeyta
Commissioner John B. Hiatt, Secretary
Commissioner Justin Greene
Commissioner Stephen Hochberg
Commissioner Mark Hogan
Commissioner Piper Kapin
Commissioner Sarah Cottrell Propst

Members Absent

Others Present:

Mr. Greg Smith, Current Planning Division Director and Staff Liaison
Mr. Zach Shandler, Assistant City Attorney
Mr. Carl Boaz, Stenographer

NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Planning and Land Use Department.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

C. APPROVAL OF AGENDA

Chair Kadlubek requested an amendment to move item #3 to the top as the first item and to move item #7 to be the second item.

Commissioner Hogan moved to approve the agenda as amended. Commissioner Greene seconded the motion and it passed by unanimous voice vote.

D. APPROVAL OF CONSENT AGENDA

There was no consent agenda to approve.

E. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

1. MINUTES: August 18, 2016

Commissioner Hiatt requested correction of minor typos.

Commissioner Propst moved to approve the minutes of August 18, 2016 as amended. Commissioner Greene seconded the motion and it passed by unanimous voice vote.

September 8, 2016

Commissioner Greene requested a change on page 10 in the middle of the page in his questioning of Marshal Gonzales in the Alma Dura case where it said Marshal Gonzales replied with an inaudible statement. His recollection was that Marshal Gonzales confirmed that all three developers were brought together at a meeting and one refused to submit a plan but that Staff had attempted to convene those three developers in question.

There was no objection to that change.

Commissioner Propst requested a change on page 26 at the bottom of the page where it said she was familiar with it because she lived up that way. What she actually said was that she has friends who live up that way.

Commissioner Greene moved to approve the minutes of September 8, 2016 as amended. Commissioner Kapin seconded the motion and it passed by unanimous voice vote.

2. FINDINGS/CONCLUSIONS:

- Case #2016-70. Alma Dura Preliminary Subdivision.

A copy of the Findings of Fact and Conclusions of Law for Case #2016-70 is attached to these minutes as Exhibit 1.

Commissioner Propst moved to approve the Findings of Fact and Conclusions of Law for Case #2016-70 - Alma Dura Preliminary Subdivision as submitted. Commissioner Gutierrez seconded the motion and it passed by unanimous voice vote except Commissioner Hiatt and Commissioner Greene recused themselves.

- Case #2016-88. The Pavilion Final Subdivision Plat.

- Case #2016-42. The Pavilion Office Complex Development Plan Amendment to the Phasing Plan.

[A copy of the Findings of Fact and Conclusions of Law for Case #2016-88 and Case #2016-42 is attached to these minutes as Exhibit 2.]

Mr. Shandler had no changes and stated that both Findings could be included in the same motion.

Commissioner Propst recused herself.

Commissioner Hochberg moved to approve the Findings of Fact and Conclusions of Law for Case #2016-88 - The Pavilion Final Subdivision Plat; and Case #2016-42 - The Pavilion Office Complex Development Plan Amendment to the Phasing Plan as submitted. Commissioner Hogan seconded the motion and it passed by unanimous voice vote with Commissioner Propst recused.

F. OLD BUSINESS

There was no old business.

G. NEW BUSINESS

3. Case #2016-90. **730 Canada Ancha Escarpment Variance**. Ruben Loya, agent for Pottery House LLC, requests approval of a variance to allow a portion of a trellis to be constructed within the Ridgetop Subdistrict of the Escarpment Overlay District. The 6.25-acre property is zoned R-1 (Residential – 1 unit per acre). (Katherine Mortimer, Case Manager)

Staff Report

No Staff report was made. [However, a copy of what was to be reported is attached to these minutes as Exhibit 3.]

Applicant's Presentation

The applicant was not invited to make a presentation.

Public Comment

Chair Kadlubek opened the case for public comment.

There was no public comment and Chair Kadlubek closed the public hearing.

Commission Discussion

There was no Commission discussion.

Action of the Commission

MOTION: Commissioner Hochberg moved in Case #2016-90, 730 Cañada Ancha Escarpment Variance, to approve the variance with staff recommendations. Commissioner Propst seconded the motion and it passed by unanimous voice vote.

7. **Case #2016-96. 2051 Cerros Altos Escarpment Variance.** Sommer, Kames and Associates, LLP, agent for Julie Silverstein Trust and the Kim M. Colweck Trust, requests approval of a variance to allow construction of a single-family residence within the Ridgetop Subdistrict of the Escarpment Overlay District. The 4.337-acre property is zoned R-1 (Residential – 1 unit per acre). (Katherine Mortimer, Case Manager)

Staff Report

There was no Staff report made for this case. [However, a copy of what was to be reported is attached to these minutes as Exhibit 4.]

Applicant's Presentation

The applicant was not invited to make a presentation.

Public Comment

Chair Kadlubek opened this case for public comment. He saw no one come forward and closed the public hearing portion of this case.

Commission Discussion

Chair Kadlubek asked for any Commission questions and saw none.

Action of the Commission

Commissioner Abeyta moved for approval of Case #2016-96 - 2051 Cerros Altos Escarpment Variance, with staff conditions.

Ms. Mortimer alerted the Commission that there was public comment.

Public Comment

Chair Kadlubek reopened the public hearing for this case.

Present and sworn was Mr. Donald Wilson, who said he and his wife, Mary Ann Lundy, live in Cerros Colorados at 2107 Senda De Daniel. He said their property is immediately below this property and they needed to understand what is happening. He understood there may be some modification of the roadway. The roadway, as he presently understood it, goes just above their property which was okay. But he didn't know if the roadway is moving down further. Their concern was that the area has a sharp runoff and how that would affect their property.

Commissioner Hochberg was not sure the neighbor had a chance to see the application although it is a public record. Since he is asking for information and has come here, he would like to allow Mr. Wilson to review a copy rather than have an explanation of something he hasn't had a chance to see. It seems to have some clear photographs.

Mr. Boaz explained to him that there are clear photographs and offered him a chance to review them.

Mr. Mortimer explained the project to Mr. Wilson. She clarified that the driveway was cut some time ago and would not be altered by this proposal. Mr. Wilson was satisfied.

There were no other speakers from the public regarding this case and Chair Kadlubek closed the public hearing portion for this case.

Action of the Commission

MOTION: Commissioner Hochberg moved to approve Case #2016-96 - 2051 Cerros Altos Escarpment Variance, as Staff has recommended. Commissioner Abeyta seconded the motion and it passed by unanimous voice vote.

1. **Case #2016-99. Arts and Creativity Center General Plan Amendment.** New Mexico Inter-Faith Housing, agent for the City of Santa Fe, requests approval to amend the General Plan Future Land Use designation for approximately 5.0 acres of City-owned property from Public/Institutional to Community Commercial. The property is a portion of the parcel northwest of 1222 Siler Road. (Noah Berke, Case Manager)
2. **Case #2016-89. Arts and Creativity Center Rezoning.** New Mexico Inter-Faith Housing, agent for the City of Santa Fe, requests approval of rezoning of approximately 5.0 acres of City-owned property from I-2 (General Industrial) to C-2 (General Commercial). The property is a portion of the parcel northwest of 1222 Siler Road. (Noah Berke, Case Manager)

Staff Report

Mr. Berke presented the staff report for both of these cases together. [A copy of these staff report for both cases is attached to these minutes as Exhibit 5. Please refer to Exhibit 5 for details concerning this staff report.]

The report indicated this is consistent with the 1999 General Plan for Economic Development and in accord with the Siler Road Redevelopment District. Staff recommended approval for rezoning of the General Plan. If recommended to the Governing Body, it will influence others to do Affordable Housing modeled after this project.

Applicant's Presentation

Mr. Dan Werwath, Arts+Creativity Center, was sworn.

Mr. Werwath provided a handout from Arts+Creativity Center. [A copy of the handout is attached to these minutes as Exhibit 6.]

He shared a Power Point presentation as an overview of the project. He said that at this point, just looking at the rezoning and anticipating a completed Development Plan by springtime, this allows them to apply for it because of the evidence provided. This is one of the first times we have seen economic development and affordable housing combined in a single project with on-site resources to assist entrepreneurs and craftspeople. An important consideration for preserving affordable housing space in this area is that it once was at the edge of town but now is at the population center of town.

This started in 2012 with a feasibility study and has gone through a lot of steps including three Council resolutions and possible donation of land. Donation of land is important for the larger subsidy and makes it more competitive. The feasibility was partially funded by the City and resulted in this Siler Road site.

He explained that if they are not successful in funding, it stays in city ownership. The context is for this project, not to C-2.

The proposal is a mixed use project with 50 units of live-work with below 60% of median income and some going down to 30% median - so a very low income level is targeted. Ten units of market-rate housing helps to score better. There will be 2-3 bedroom configurations so for singles and also families with creative dynamics or even multi-generational and flexible floor plans; simple space. High energy efficiency results from the 5-6-member design team including one from Philadelphia to get the best energy efficiency.

Amenities would include a computer lab, kitchen, and shared resources as well as a 6,000 sq. ft. workshop area with tools and equipment. The shared open space that is publicly accessible. Meeting spaces, laundry, maybe small performance space and mercado space are included. It might even have micro retail spaces.

This was one of 37 communities to get an "Our Town" grant for \$150,000 and matched with \$130,000 of local funds.

In the outreach process, 12 events will be created with lots of folks dealing with design and charettes and other aspects of design. Four nonprofits are in the collaboration, started by Creative Santa Fé and working with after-hours institute and Santa Fé Arts Institute to help advise them.

The site is five acres with a fair amount of Siler Road frontage that is underutilized now. It is valuable street frontage and on two bus routes. It is also a qualified census tract for HUD funding and Brownfield remediation. The contamination is actually salt. They have completed a Phase 3 EA already. That was the main issue which is a threat to vegetation and they will remediate that. It is a transitional neighborhood. Even though the 1999 General Plan contemplated it, the current Industrial use is not appropriate now. There is also fair amount of multi-family use around it and lots of nonconforming live-work uses there with makeshift structures. So the production of safe and affordable housing will replace a lot of unsafe housing.

He said that as they move forward, public outreach will have 10 events in the next year. They are working on a schematic design now to apply for tax credits in February. They want to wait for approval of tax credits to come back with a development plan.

Public Hearing

Chair Kadlubek opened the public hearing for the General Plan Amendment and Rezoning simultaneously.

Mr. Dave Carroll, 1219 Siler Road, owner of a collision repair shop, was sworn. He said he is all for affordable housing and creative spaces and all the rest. He has been at this location on Siler Road for 14½ years and watched the development around there. In 1978, he wrecked his mom's pickup and they fixed it at this shop and now he owns it. There are seven other body shops within a two-block radius. He watched the bridge from Alameda being built and traffic patterns which was once were two lanes each way and now one lane each way with a very wide median. There is at least a three-car accident on that road at least

once each month there and most of them come to his shop.

Java Joe's was once a consignment store and before that a mechanic shop. Just behind is a tow truck business with storage facility. The plans for the site show that any multi-family use is at least a mile from this particular site. His was not the only industrial business in that area. There are also a countertop shop and other industrial uses in the area.

If rezoned, and bring in 70 residences, there could be 210 more people on that street. If you have been on Siler Road lately at 8 am or 5 pm as it has become a new thoroughfare. He is 1½ blocks from the traffic light at Rufina and 3½ blocks from the traffic light at Agua Fria. He said he can hardly pull out because traffic is backed up in both directions and it takes at least two lights to get through the area. This will create a traffic pattern issue that needs to be addressed.

Mr. Carroll said he is all for what they plan but was not sure this is the wisest location for it. This area has been zoned Industrial for a long time. Within a quarter mile of it are these industrial uses that will be continuing. He wondered how it will affect his ability to do business or to sell it to someone else to do collision business. He does a lot of business and there is high revenue on Siler Road that generates a lot of taxes for the City. But his customers already have to have a hard time getting in to his shop. Through a petition they finally got the septic tank business closed. What will it do to property values? Would someone else be able to continue their business?

Ms. Cheryl Odom, 1152 Vuelta de las Acequias was sworn. She said this is a brilliant project and the way Mr. Werwath is approaching it is wonderful. As an artist she had to struggle to establish her career. She would love to think creative people could stay in Santa Fe and afford it.

She agreed that Siler Road is a mess right now but storage area is a euphemism. It looks like a dump there now and this would improve the quality of the neighborhood. So to have it be housing seems like a brilliant solution. There are studios there now. Meow Wolf is walkable. At the meeting at Frenchy's she felt it would be a godsend for her artist son and others. It is cutting edge new art, not adobe walls and sunsets. They are living in community and that feeds other artists in sharing space and materials. She wished when growing up there had been something like this for her. She didn't see it as too dense. It was 67 living units and not 400 apartments and there will be more community impact. She thanked Mr. Werwath and Mr. Berke for their work on it.

There were no other speakers from the public regarding this case and the public hearing was closed.

Commission Discussion

Commissioner Propst asked regarding rezoning, if the Commission approves the rezoning and the project falls through and the City continues to own the land, would any existing activities now would be precluded C-2 that are now allowed.

Mr. Berke said if this property reverts back, the continued use on property would remain.

Commissioner Propst asked if that meant the rezoning wouldn't happen.

Mr. Berke said if the Commission and the Council denied this request, the rezoning would not happen.

Commissioner Propst said she had asked if the rezoning was approved but the project was not able to develop, if current uses would be precluded then.

Ms. Ladd said Staff studied this quite in depth with the Asset Manager because that parcel is such an asset that if the housing project doesn't happen, this use was by far the most flexible category zoning so the City could do almost anything with this site.

Commissioner Hogan asked regarding the General Plan amendment, if it is targeted for redevelopment, there is a basis for infrastructure and he wanted to know about this location's readiness.

Mr. Berke said it is part of the infrastructure that exists today - water and trails, etc. The development would have minimum impact on traffic. There is an 18" sewer trunk through the site so all the infrastructure is there to support the General Plan amendment.

Chair Kadlubek thought this project and the traffic and other concerns voiced from the public as a business owner are all proof that the Commission needs to look thoroughly at a Siler/Rufina plan for business owners and retained zoning and mixed use in the area. He loved what the St Mike's plan is doing and Millennials want totally mixed use in the area. A lot of people want to support that type of mixed use and we really want to protect that and traffic does need to be dealt with. It is a good area for infill. He asked that it be noted in the minutes for Councilors that settling forth a Mid-town District might be in order here, too.

Commissioner Hochberg asked if it is true this is only the very first step and ten more public events are planned regarding this project.

Chair Kadlubek agreed.

Commissioner Hochberg viewed this as the talking stage and resolution by the Governing Body. So he asked, "What is taking so long? Let's go and do this."

Chair Kadlubek said he is a business owner in that area, too. We have families walking across the street while others still see it as a drag race zone.

Commissioner Hochberg understood. There are already things happening there all over the place. He was familiar with urban changes in New York City. The uses were once industrial and their property was enhanced by the transition and they became wealthy.

Commissioner Propst said this is really an exciting project and just the kind of thing we have been looking for and it was nice to see it all put together. She asked if salt in the area was the only issue for EA needing mitigation.

Mr. Berke agreed. It is salt in the soil.

Commissioner Greene said it was a great presentation. He noted this is part of 50 some acres of City land that could connect from Siler Road to Henry Lynch and Agua Fria to Rufina. They have gotten grant money also. He hoped they would initiate some master planning early on and make a recommendation to Council that one road be connected from this property - Siler Road to Henry Lynch and that the City work with the applicant to see where the road could potentially go from Rufina to Agua Fria and to expedite that through contributing a little money or a traffic impact study. Or find out if the NEA grant could create a charette to raise some money for it.

The second issue is air quality and noise studies. He said in the past some projects put minorities and underserved next to the dump or other industrial spaces. That is not fair to them. So he wondered if the proximity would create a complaint about the auto body shop not painting or preclude the owner from having his shop across the street for its effect on air quality.

Mr. Berke said John Romero is here to address traffic impact study. Staff does address the connections and the City-maintained roads. Easements were made in the past and he agreed to call people and talk about connections. It might be helpful to have Mr. Romero address those traffic concerns and accidents in the area as well as the trail connections. The motion could address connectivity but if they can't address that adequately, it might lead to a development plan.

Chair Kadlubek said traffic is a concern with or without that development - re General Plan amendment - the rezoning and General Plan doesn't come across that way. It is a concern that will come up again.

Mr. Werwath said they did a Traffic Impact Analysis because traffic is intense right now from the Cerrillos Road work. It is a concern and they will address it.

As far as the asset of the undeveloped or underutilized 54 acres. It is a huge thing. The City are considering locating City Hall there with high energy efficiency on the north of that property. He would love to see plans but they can't move very quickly so this will be designed with most flexibility to be prepared for that possibility. There is a high tension pole right across the street which makes it more difficult but we would like to see more permeability and connectivity in that neighborhood.

The EA concerns from the public are very important considerations. The potential for creating incongruous uses is addressed by preserve those existing uses there. They should not be forced out. So it is about opting in to a noisier, dustier environment. He would not endorse putting people in unsafe places and HUD has focused on that through the EA requirement. We might need waivers for noise but the nature here where you can create noise makes it more congruous with the neighborhood so they are developing a whole process around that and suggesting that people spend a night there before moving in.

There are many people living within 500' of the project right now. And they deal with it.

Chair Kadlubek agreed. People who want to make it cleaner or quieter should know that there are design standards allowing for a body shop and mixed uses.

Commissioner Greene asked if it had an air quality test and if there are chemicals being used there.

Mr. Werwath was not aware of such a test. His experience has been that there is no immediate activity within the boundaries of the site and the body shop surely does use chemicals but was not sure how they would do an air quality test.

Action of the Commission

Commissioner Propst moved to approve Case #2016-99 - Arts and Creativity Center General Plan Amendment and Case #2016-89 - Arts and Creativity Center Rezoning.

Mr. Shandler requested two separate motions.

MOTION: Commissioner Propst moved to approve Case #2016-89 Arts and Creativity Center Rezoning. Commissioner Kapin seconded the motion. The motion passed by unanimous roll call vote with Commissioner Hogan, Commissioner Greene, Commissioner Kapin, Commissioner Propst, Commissioner Abeyta and Commissioner Hiatt voting in favor, none against and Commissioner Gutierrez and Commissioner Hochberg not present for the vote.

MOTION: Commissioner Propst moved to approve Case #2016-99 - Arts and Creativity Center General Plan Amendment. Commissioner Greene seconded the motion and it passed by unanimous roll call vote with Commissioner Hogan, Commissioner Greene, Commissioner Kapin, Commissioner Gutierrez, Commissioner Propst, Commissioner Abeyta and Commissioner Hiatt voting in favor and none voting against. Commissioner Hochberg was not present for the vote.

4. **Case #2016-94. 2041 Pacheco Street Development Plan.** JenkinsGavin Land Use/Project Management, agent for Confluent Development LLC, requests approval of a development plan for a 76,500 square foot building, for an 85-unit group residential care facility on 4.0± acres. The property is zoned C-1 (General Office) and is within the South Central Highway Corridor overlay district. (Dan Esquibel Case Manager)

Chair Kadlubek excused himself from the meeting at 7:00 and Commissioner Gutierrez chaired the remainder of the meeting.

Staff Report

Mr. Esquibel presented the staff report for this case. [A copy of the Staff Report is attached to these minutes as Exhibit 7. Please refer to Exhibit 7 for details concerning the Staff Report.] He made on correction on his memo on page 4 where "special use" should be "development plan" for the first table row answer.

Mr. Esquibel also distributed printed copies of the Power Point used in his presentation that included

several aerial photos of the property in question. [A copy of the power point is attached to these minutes as Exhibit 8].

He said the staff conditions listed in Section 1 and technical conditions listed in Exhibit A. He noted that two DRT members are present but the memo is clear so no presentations needed to be made. The existing use as office has a higher intensity than group care facility so there are no traffic issues. The property has 85 parking spaces and the proposal calls for 65 parking spaces and requires only 48 for the use proposed.

He concluded that the applicant has met re-application requirements and had two ENN meetings. The major issue raised was traffic on Pacheco Street. The proposal does comply with development standards of the Code and he recommended approval.

Applicant's Presentation

Present and sworn was Mr. H. McNeesh, Confluent Development, 2240 Blake Street, Suite 200, Denver, Colorado, who introduced himself and the members of his team, including Matt Turner, the Managing Partner.

Mr. McNeesh displayed a Power Point presentation for the Commission to review the Morning Star proposal. He apologized that their architect got stuck in Florida for obvious reasons. He read a statement of their purpose to begin.

Mr. Matt Turner, 7555 East Hamden, Denver, Colorado, was sworn and described the background of the company and what they planned to do with this property as a senior living community. They now have facilities in ten western states.

He said the company has three primary principles in their operations: to honor God in our business practices and relationships; value all seniors; and to invest generously in our team. He clarified that they are not a Christian organization but practice these principles of ethics and integrity in all of their work.

Their goal is to provide a way for seniors to stay in Santa Fe when they need more care. They should be in the heart of the city, not on the outskirts. This program allows residents and family to stay where they have created lives and invested in the society and contributed to the economy.

They also want to complement the neighborhood beyond just being compliant but exceeding the regulations with a high quality project that integrates into the neighborhood. Architecture is different for each one.

They hope to bring 75 new part time and full time jobs with a \$2 million annual payroll and low impact on the area.

They had two ENN meetings and spent a lot of time communicating details around what senior living is, listed to feedback and answered questions. The concerns were mostly about traffic and talked through that for what Confluent can do to remedy existing traffic problems. The project is redevelopment of the office

building that sat vacant for over five years and was degrading. There are 153 parking spaces on the site and will reduce that amount. The facility is 85 units for group residential care facility, including assisted living and memory care. The assisted living license is from the Department of Health and the memory unit is a physically secured area.

The style will be single and two story layout construction respectful of existing topography. There is significant grade change on the property and the single story steps down into two-story. It will have 27% lot coverage and 46,400 square foot footprint with 44% landscaped open space.

Mr. McNeesh walked through the design, showing the location in an aerial view and described the two access points, which the north one being primary and the south designed for emergency access with a bit of parking. The service activity is on the St. Francis side. The building has a 70' setback from Pacheco and generous on south and north as well as along St. Francis with a 25' buffer.

The landscaping includes interior courtyards. It allows secure but outdoor space and to bring light and air to significant portions of the building. Which does put the footprint out a bit.

He said their previous effort in the city was challenged by the City Council to find a site appropriately zoned for this use and they did that and satisfied that criteria and it also works well for the company.

Mr. McNeesh discussed traffic considerations. After the feedback, the company undertook a 48-hour evaluation and gap analysis with pedestrian crossings, done by a professional firm with professional standards. He presented the results in a table print out. As a result of the analysis, Morning Star will construct a pedestrian crossing on Pacheco with a median refuge, probably south of their property, with the ultimate design to be approved by Mr. Romero.

Vice-Chair Gutierrez thanked him and opened the case for a public hearing.

Public Hearing

There were no speakers from the public regarding this case and the public hearing was closed.

Commission Discussion

Commissioner Hogan complimented the applicants for their tenacity and also for an intelligent choice of sites. This is well situated for contributing to the neighborhood and community and the amenities there will support their activity. It is hard to image a lower traffic impact.

He noted the roadway on the southeast appeared to be steep and asked if the slope was less than 10%.

Mr. McNeesh agreed.

Commissioner Hogan wasn't clear if the Baca House faced St. Francis and wondered if it would be screened from St. Francis.

Mr. McNeesh felt the colored rendering doesn't accurately reflect the level of landscaping there. There are significant trees. The dumpster enclosure will be screened with doors on the north side. A service drive will allow delivery vehicles to park there and depart but no long term parking there.

Commissioner Hogan asked about the peak hours of the operation for compatibility with other traffic.

Mr. Turner said the peaks are 7-9 a.m. and 4-6 p.m. but the staffing pattern helps mitigate traffic congestion. Staff would have a maximum of ten vehicles on the property. Pacheco is an emergency corridor so speed bumps cannot be used there.

Commissioner Kapin said a couple of the staff conditions of approval were not reflected on Exhibit A and asked if that was intended.

Mr. Esquibel apologized that he probably didn't separate them appropriately.

Commissioner Kapin asked if the one space for two beds took into consideration the level of staffing.

Mr. Esquibel said it is "one size fits all." The county does have a separation with requirement for employees as well as families.

Commissioner Kapin asked how many staff would come in at a shift change.

Mr. Turner said the maximum at any time would be early afternoon with about 25 total staff. Memory residents don't ever have cars and about 6% of the rest have cars so almost all of the space is for staff and visitors. Being on a transportation corridor is great so they can use public transit to get to work.

Commissioner Greene congratulated them on finding a better site. He asked if the bus stop and crosswalk could be combined and if they could have a pull off bus stop that would not block traffic - or school bus coming by and have an island within 350 feet and not down by the post office.

Mr. Turner said there are a lot of technical reasons why a pull-off stop might not be possible. He would be surprised if they could do that but agreed to talk with Mr. Romero about that and where the crosswalk would work best. The study we did suggests it can't be adjacent to our site but somewhere else on Pacheco.

Mr. Turner clarified that Confluent will be doing that crossing to contribute to the neighborhood - not because the company needs one.

Commissioner Greene recommended having a bench in front of the bus stop.

Mr. Turner said a bench exists there now.

Commissioner Greene asked if in the landscaping plans, they could have space outside like for a garden or any covered portals where they could congregate outside to enjoy the climate there.

Mr. Turner said on the assisted living side they can come and go. We will have benches and walking areas through the site. The topography doesn't allow for full circulation of the residents and is why they created the internal space. But there are things outside of the internal courtyard. The north courtyard is the memory courtyard and all residents have access to that space. There is also in the top right hand corner an external courtyard with a seven-foot wrought iron fence that is virtually invisible and that will have a walking path and benches.

Commissioner Greene asked about any portal space.

Mr. Turner said they typically have elements like that such as a trellis, outdoor fire places, art spaces, etc.

Commissioner Greene asked about having all mechanical equipment be screened and counted against the height.

Commissioner Hochberg asked how many of the 85 units would be in memory care.

Mr. Turner said it would have around 30 units of memory care.

Commissioner Hochberg commended them for a good report and for tenacity.

Commissioner Hiatt also complimented Morning Star and Confluent for their tenacity to come back and wanted to welcome them with open arms.

Action of the Commission

MOTION: Commissioner Hiatt moved to approve Case #2016-94, 2041 Pacheco Street Development Plan, subject to the staff conditions and subject to the criteria specifically that the Commission is empowered to approve the plan under code section 14-3.8 (D)(1)(a) and secondly, that approving the development plan will not adversely affect the public interest and thirdly, that the use of any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises under consideration. Commissioner Hochberg and Commissioner Hogan seconded the motion and it passed by unanimous voice vote.

5. **Case #2016-95. 155 Brownell-Howland Escarpment Variance.** Sommer, Kames and Associates, LLP, agent for John R. Camp Trust and Michelle Cook 2011 Revocable Trust, requests approval of a variance to replace a two-story residential building with a single-story residential building on the same footprint, and addition of two portals totaling 98 square feet to an existing accessory dwelling unit located within the Ridgetop Subdistrict of the Escarpment Overlay District

and to replace an existing fence with a 6 foot high wall, 280 linear feet of which is located within the Ridgetop Subdistrict of the Escarpment Overlay District. The 1.567-acre property is zoned R-1 (Residential – 1 unit per acre). (Katherine Mortimer, Case Manager)

Ms. Mortimer gave the Staff Report for Case #2016-95 [A copy of the Staff Report for this case is attached to these minutes as Exhibit 9. Please refer to Exhibit 9 for details of this report.] She explained that this lot was created earlier this year by a lot line adjustment. The existing lot is legally conforming and located completely within Ridgetop but it was allowed when constructed. This will remove the two-story structure and replace it with a 1-story home.

Applicant's Presentation

Mr. Joseph Karnes, 200 West Marcy, was sworn and said he represented John Camp and Michelle Cook who were present and their architect John Dick. He said Ms. Mortimer gave a good presentation of the nature of this project.

This replaces the existing two-story home with a one-story home and will be essentially on the same footprint for a reduction of more than 3,000 square feet of developed area. So it is a net reduction in visual impact. The top of the present second story can be seen from Bishop's Lodge Road and the new home will not be seen. They are only here because it is in Ridgetop. He stood for questions.

Public Hearing

Vice-Chair Gutierrez opened the case for public comment.

Ms. Marilyn Caldwell was sworn. She said she and her husband live across the street from the subject property and were present to support their application. This will result in improvement to the neighborhood. The present structure was built decades before the regulation of the escarpment This will benefit the neighborhood and be more in compliance. So they were very much in favor of it.

There were no other speakers from the public regarding this case and the public hearing was closed.

Commission Discussion

Commissioner Kapin asked if there was a septic system on the property.

Ms. Mortimer believed that is correct. It is not a condition. It is not unique to this application but they need to get the approval to continue the septic system.

Mr. Smith noted in Exhibit B that the septic system is a technical correction.

Commissioner Kapin asked if they also have a well.

Ms. Michelle Cook was sworn and stated that the property at 155 is connected to city water and there is no well. The septic system is shared with another property at present but will be separated from 145 and they will build a new septic system to serve the new small guest house.

Commissioner Kapin noted that often there is a condition that they have to plug into public utilities and asked why that was not done here.

Ms. Mortimer said that is not done when the location is not within 200' of a sewer line this property is not within 200'.

Action of the Commission

MOTION: Commissioner Hiatt moved in Case #2016-95 at 155 Brownell-Howland, to approve the Escarpment Variance to approve the request. Commissioner Hochberg seconded the motion.

Commissioner Greene, noting the walls along the road are within the ridgetop, asked if the applicant would consider a condition that any new wall be set back 8' with landscaping in front of it to not have a wall right along the road. The current wall looks like it has a pedestrian gate and a pull off for deliveries or guests.

Commissioner Propst pointed out that this is a dirt road with lots of vegetation and they are replacing a coyote fence in almost the very same location.

Commissioner Greene said in some places it is moved back and some places it is along the road.

Commissioner Propst did not want to impose that condition on an escarpment variance.

Commissioner Hochberg said this is a plus, plus as the neighbor testified. It will be one instead of two stories and have testified to an improved septic system. He felt the Commission should just encourage it and move forward.

Commissioner Hiatt rejected the amendment as friendly.

The motion passed by unanimous roll call vote with Commissioners Hochberg, Hiatt, Abeyta, Propst, Kapin, Greene and Hogan voting in favor and none voting against.

6. **Case #2016-97. 165 Brownell-Howland Escarpment Variance.** Sommer, Kames and Associates, LLP, agent for John R. Camp Trust Dated 7/25/06 and Michelle Cook 2011 Revocable Trust Dated 2/16/11, requests approval of a variance to modify an existing dwelling within the Ridgetop Subdistrict of the Escarpment Overlay District resulting in a net increase of 27 square feet and to replace an existing fence with a 6-foot-high wall, 320 linear feet of which is located within the Ridgetop Subdistrict of the Escarpment Overlay District. The 2.01-acre property is zoned R-1.

(Residential – 1 unit per acre). (Residential – 1 unit per acre). (Katherine Mortimer, Case Manager)

Staff Report

Ms. Mortimer presented the Staff Report for Case #2016-97. [A copy of the Staff Report for Case #2016-97 is attached to these minutes as Exhibit 10. Please refer to Exhibit 10 for details concerning this Staff Report.] She explained the configuration for this application. A wall/fence would be realigned slightly at the street frontage and the second story, at 14' requires the variance. The structure cannot be seen by neighbors or any public way. Major public views are limited at Bishop's Lodge Road, being completely screened with vegetation.

Applicant's Presentation

Mr. Karnes (previously sworn) said he neglected to mention that the owners purchased both properties as an investment and in this case, it does not warrant demolition but just updating to make it more livable. The application won't change distant views and it cannot be seen from Brownell Howland Road. So it has no effect on protected views.

Public Hearing

Vice-Chair Gutierrez opened this case for public comment.

Ms. Michelle Cook (previously sworn) said they are only adding 50 square feet for closet space on both sides.

There were no other speakers from the public concerning this case and Vice-Chair Gutierrez closed the public hearing portion of this case.

Action of the Commission

MOTION: Commissioner Hogan moved in Case #2016-97 at 165 Brownell-Howland, to approve the Escarpment Variance application including confirmation that the conditions for the variance have been met and subject to the technical corrections. Commissioner Hiatt seconded the motion and it passed by unanimous voice vote.

H. STAFF COMMUNICATIONS

Mr. Smith announced that City Council did approve the Pulte amendments to the Las Soleras Master Plan at its most recent meeting.

Commissioner Hochberg asked how much money they required from the developer.

Mr. Smith apologized that he didn't have the amount. The conditions were substantially adopted by Council also, although Staff had a few more technical corrections.

The Commission's recommendations on the corridor ordinance are moving through the hearing process and will be at City Council soon for adoption.

He also announced no second meeting in October. The next meeting will be in November.

I. MATTERS FROM THE COMMISSION

Commissioner Greene said the Long Range Plan Committee has been meeting and working on a new generation of the General Plan. They are looking at the work done by the LRP staff. About a month ago, Commissioner Kapin was at the meeting and they made good progress. This week they made more progress but it will be a long haul. He invited others to attend the meetings.

Mr. Smith informed the Commission that Ms. Lisa Martinez is on sick leave and unable to attend.

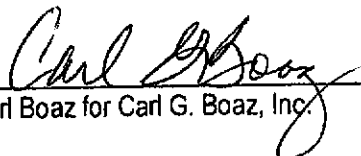
J. ADJOURNMENT

Having completed the agenda and with no further business to come before the Commission, the meeting was adjourned at 8:22 p.m.

Approved by:

Vince Kadlubek, Chair

Submitted by:



Carl Boaz for Carl G. Boaz, Inc.

City of Santa Fe, New Mexico

Exhibit C

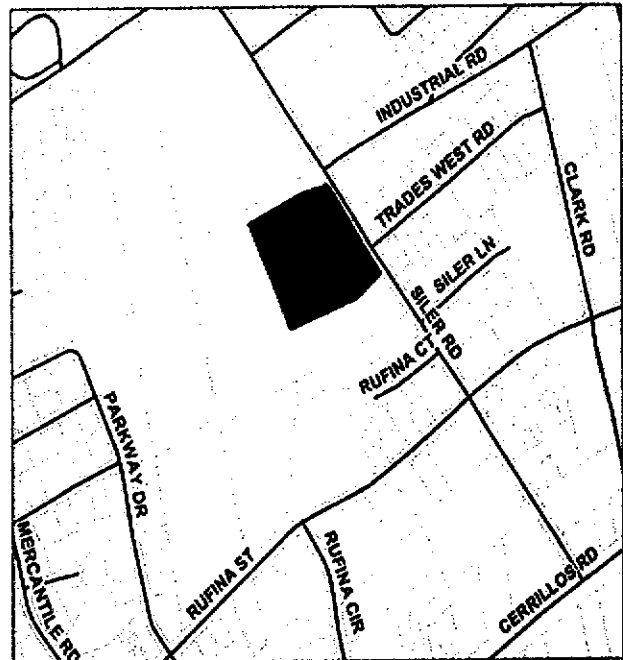
- 1. Planning Commission Staff Report Packet from
October 6, 2016**



Land Use Department Planning Commission Staff Report

Site Location Map

Case No: 2016-89 & 2016-99
Hearing Date: October 6, 2016
Applicant: New Mexico Inter-Faith Housing,
Agent for City of Santa Fe
Request: General Plan Amendment &
Rezone
Location: 5 acre portion of the parcel
northwest of 1222 Siler Road
Case Mgr.: Noah Berke
Zoning: I-2 (General Industrial)
Overlay: None
Pre-app. Mtg.: May 5, 2016
ENN Mtg.: July 12, 2016
Proposal:
GPA from Public/Institutional to Community
Commercial and Rezone from I-2 to C-2



Case #2016-89. Arts and Creativity Center Rezoning. New Mexico Inter-Faith Housing, agent for the City of Santa Fe, requests approval of rezoning of approximately 5.0 acres from I-2 (General Industrial) to C-2 (General Commercial). The property is a portion of the parcel northwest of 1222 Siler Road. (Noah Berke, Case Manager)

Case #2016-99. Arts and Creativity Center General Plan Amendment. New Mexico Inter-Faith Housing, agent for the City of Santa Fe, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for approximately 5.0 acres from Public/Institutional to Community Commercial. The property is a portion of the parcel northwest of 1222 Siler Road. (Noah Berke, Case Manager)

I. RECOMMENDATION

The Commission should recommend that the Governing body **APPROVE** of the following requests.

Two motions will be required in this case, in the following order:

- *Recommend that the Governing Body approve the general plan amendment request from Public/Institutional to Community Commercial. Conditions of approval are not applicable to general plan amendments.*
- *Recommend that the Governing Body approve the rezoning request from I-2 (General Industrial) to C-2 (General Commercial). No conditions of approval are recommended for the rezoning case, although various requirements that will apply at the time of development are identified in attached*

memos from the staff Development Review Team (Exhibit A).

The Planning Commission's recommendation will proceed to the City Council for final decision on both the general plan amendment and rezoning. If the general plan amendment and rezoning are approved, a development plan will come before the Commission as a separate future application.

II. EXECUTIVE SUMMARY

The applicant requests general plan amendment and rezoning for 5.0 acre portion of a 54 acre tract of land owned by the City of Santa Fe. The proposed project site is currently zoned I-2 (General Industrial) and shown on the Future Land Use Map as Public/Institutional. The property currently consists of a series of general industrial uses by the city. In the past this property was used by the city as a sewage treatment facility.

The proposed rezoning and general plan amendment requests are required by Resolution No. 2016-30 titled "A Resolution contributing property and resources to New Mexico Interfaith Housing Community Development Corporation for Development of the Santa Fe Art's and Creativity Center Low Income Housing Tax Credit Project Pursuant to the Affordable Housing Act". That resolution directed staff to work with the project developer to bring forth rezoning and general plan amendment requests for the proposed site appropriate to support uses for an affordable multi-family complex with shared community spaces. It was the result of two prior resolutions (2014-13 and 2015-24) which directed city staff to undertake a feasibility analysis and perform an in-depth due diligence of the proposed site.

If the rezoning and general plan amendment requests are approved, the developer plans to submit a development plan application which would allow for creation of 60-70 affordable residential units and approximately 2500 square feet of non-residential uses. In essence this would become a mixed use site. Project financing would rely on Low Income Housing Tax Credits to help fund the development. Rezoning is a critical part of the process because residential uses are not permitted in the I-2 zone.

The proposed project would be the first brownfield redevelopment project to provide affordable rental housing and shared work facilities through a donation of land by the City of Santa Fe. The development plan would include affordable rental housing, shared community spaces, and offices.

III. BACKGROUND

The proposed site is located within a 54 acre area of city-owned land directly north of 1222 Siler Road. The property for the proposed project site is shown as a portion of land within Tract 2 of the "Plats of Survey for City of Santa Fe, N.M. of the City Yards" dated February, 1984.

This site was used for the municipal sewage treatment plant until the plant moved to its present location. The site was then decommissioned and has most recently been used as a storage area for various city supplies and materials. The applicant has performed an in-depth analysis of the site and it has been determined that it is safe to build on with minimal remediation. As such, the applicant is applying for the Low Income Housing Tax Credits and listing this site as a brownfield redevelopment project.

The 1999 General Plan Future Land Use Map (Exhibit B-1) shows the project site as part of the "Siler Redevelopment District," which is "intended to allow this industrial area, located in close proximity to expanding residential areas, to develop uses compatible with housing, and may be implemented through a new mixed-use zoning district regulations which would specify appropriate land use and design standards." C-2 zoning classification allows for residential and non-residential uses, and would appear to be consistent with the General Plan.

The properties surrounding the proposed site have industrial land uses, including the City's corporate yard operations. There are City of Santa Fe offices directly north of the site, extending to Agua Fria. The Food Depot and Kitchen Angels are located directly south of the site on city-owned land. Along Siler Road, primarily on the northeast side, there are various auto related shops, shipping facilities, performing art spaces, and warehouses. Over recent years, there have been some changes to the pattern of uses for the surrounding areas. The Meow Wolf arts collaborative redeveloped the old bowling alley on Rufina Circle to make it a concert venue, exhibition space, shared workspace for artists, offices, and a shared learning facility. On Rufina Court, an old greenhouse nursery is being redeveloped to create a cooperative grocery store. Second Street Brewing and Duel Brewing have opened facilities along Rufina Street; Java Joe's Coffee has opened on Siler Road; and an old motel was demolished and CVS Drug Store was built at the corner of Siler and Cerrillos Roads.

Redevelopment projects and repurposing of properties in the vicinity of the proposed project site have sparked interest among developers in the areas along Rufina and Siler Roads, although the majority of properties continue to be used for light industrial purposes. The proposed rezoning and general plan amendment would continue the trend of changing uses.

Presently, there are few multi-family housing projects in the area. The Housing Needs Assessment, performed by the Office of Affordable Housing, concluded that there is a large deficiency of affordable rental housing in the city. Given the location of the proposed site, existing city infrastructure and the recent improvements and extensions of transportation systems, such as the construction of the Siler Road Bridge and the widening of Cerrillos Road and extension of the Acequia Trail, this area is now more easily accessible from all areas of the city.

IV. GENERAL PLAN AMENDMENT

The subject property's current future land use designation is Public/Institutional as shown on the Future Land Use Map (See **Exhibit B1**). The applicant requests the Community Commercial designation to allow for C-2 (General Commercial) zoning.

The purpose and intent of general plan amendments, per Section 14-3.8, is to guide for the city's land use decisions. The regulations, restrictions and policies of the city affecting development – including the zoning map – must be in accordance with the general plan as provided in Section 3-21-5 NMSA 1978.

The general plan can be amended, subject to meeting the approval criteria in Subsection 14-3.2(E):

Criterion 1(a): consistency with growth projections for Santa Fe, economic development goals as set forth in a comprehensive economic development plan for Santa Fe and existing land use conditions such as access and availability of infrastructure;	Criterion Met: (Yes/No/conditional/N/A) YES
<p>The City no longer maintains specific projections for residential or other types of growth rates. The previous development patterns along Siler Road were dominated by light industrial uses. The 1999 Future Land Use Map identifies the project site as being within the "Siler Road Redevelopment District" which is intended to allow "this industrial area, located in close proximity to expanding residential areas, to develop land uses compatible with housing, and may be implemented through new mixed-use zoning district regulations which would specify appropriate land uses and design standards." (General Plan Section 3.5) Development of affordable rental housing, shared community spaces and offices (mixed-uses) is consistent with the General Plan.</p> <p>The future proposal for development of the property, as a mixed use, is consistent with the city's Affordable Housing Needs Assessment and the economic development goals of the city's Economic Development Division. (Exhibit A4 and A5)</p> <p>The applicant provided a traffic impact study which indicates access from Siler Road for commercial and residential development would be feasible. Existing trails systems and bus routes are available to service the proposed site. Connection to the City sewer and water systems is available.</p>	
Criterion 1(b): Consistency with other parts of the general plan;	Criterion Met: (Yes/No/conditional/N/A) YES
<p>The proposed general plan amendment is consistent with multiple sections of the 1999 General Plan Themes. The proposed amendment will allow for rezoning from I-2 to C-2. The applicant intends to obtain approval of a development plan for between 60-70 affordable housing units and offices/shared work areas, which is considered mixed use. The design of the future project will utilize conservation efforts and sustainable practices, while also redeveloping a brownfield area.</p> <p>The General Themes of sections 1.7.1 "Affordable Housing" and Section 1.7.4 "Economic Diversity" are both satisfied by the proposed amendment and the future proposed Arts and Creativity Center project.</p> <p>The future proposed project is consistent with the goals and as listed in Sections 1.7.5 "Sustainable Growth", 1.7.7 "Water", 1.7.9 "Urban Form", and 1.7.12 "Mixed Use".</p>	
Criterion 1(c): the amendment does not: <ol style="list-style-type: none"> 1. allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area; or 2. affect an area of less than two acres, except when adjusting boundaries between districts; or 3. benefit one or a few landowners at the expense of the surrounding landowners or the general public 	Criterion Met: (Yes/No/conditional/N/A) YES

<p>The proposed amendment would comply with this criterion, although it is not required to comply because of compliance with Criterion 1(d) below.</p> <p>1.) The character of the area is primarily industrial with some mixed uses throughout the vicinity. The amendment, as proposed, is within the Siler Redevelopment District, which is identified in the 1999 General Plan. The use of the property for Community Commercial is not significantly different with the prevailing uses in the area. Directly west of the property are residential uses and to the south there are permitted general commercial uses.</p> <p>2.) The proposed site is 5 acres, which is larger than 2 acres.</p> <p>3.) The properties to the north, east, south, and west are owned by the City of Santa Fe. Since the Governing Body passed three resolutions regarding this property, it has been demonstrated that this proposed amendment is in the interest of the city, and does not negatively affect the adjacent land-owners or the general public.</p>	
<p>Criterion 1(d): an amendment is not required to conform with Subsection 14-3.2(E)(1)(c) [Criterion 1(c) above] if it promotes the general welfare or has other adequate public advantage or justification;</p>	<p>Criterion Met: (Yes/No/conditional/N/A) YES</p>
<p>The Governing Body passed Resolution No. 2016-30 recognizing that the general plan amendment and rezoning are enabling a project that will promote the general welfare of the community. The amendment does conform with Subsection 14-3.2(E)(1)(c), as it is not inconsistent with the prevailing use or character of the area, is not less than 2 acres, and does not benefit one or a few landowners at the expense of surrounding landowners or the general public.</p>	
<p>Criterion 1(e): compliance with extraterritorial zoning ordinances and extraterritorial plans;</p>	<p>Criterion Met: (Yes/No/conditional/N/A) N/A</p>
<p>Not Applicable.</p>	
<p>Criterion 1(f): contribution to a coordinated, adjusted and harmonious development of Santa Fe that in accordance with existing and future needs best promotes health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development; and</p>	<p>Criterion Met: (Yes/No/conditional/N/A) YES</p>
<p>By granting the proposed amendment, this will allow for rezoning from I-2 to C-2. The existing I-2 zoning does not allow both residential and commercial uses. The applicant proposes an affordable mixed use development, which satisfies the needs and goals of affordable housing and promoting economic development. The applicant further asserts that the development of the property will be environmentally sensitive, sustainable, and that the proposed project will deliver on-site social services aimed at promoting both economic development and community well-being.</p>	
<p>Criterion 1(g): consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.</p>	<p>Criterion Met: (Yes/No/conditional/N/A) YES</p>
<p>The applicant's responses to the required criterion (Exhibit F1) cite compliance with city economic development, affordable housing, and redevelopment policies and plans. Staff agrees that this amendment allows for conformity and compliance with city policies regarding affordable housing, economic development, sustainability and redevelopment, as well as, land use plans, policies, and ordinances.</p>	

<p>Criterion 2: In addition to complying with the general criteria set forth in Subsection 14-3.2(E)(1), amendments to the land use policies section of the general plan shall be made only if evidence shows that the effect of the proposed change in land use shown on the future land use map of the general plan will not have a negative impact on the surrounding properties. The proposed change in land use must be related to the character of the surrounding area or a provision must be made to separate the proposed change in use from adjacent properties by a setback, landscaping, or other means, and a finding must be made that:</p> <ul style="list-style-type: none"> (a) the growth and economic projections contained within the general plan are erroneous or have changed; (b) no reasonable locations have been provided for certain land uses for which there is a demonstrated need; or (c) conditions affecting the location or land area requirements of the proposed land use have changed, for example the cost of land space requirements, consumer acceptance, market or building technology. 	<p>Criterion Met: (Yes/No/conditional/N/A) YES</p>
<p>The proposed amendment would comply with this criterion, although it is not required to comply because it does not amend a land use policy.</p> <ul style="list-style-type: none"> a.) The applicant asserts that the Governing Body approved a Resolution No. 2016-30 requiring donation of 5 acres of city owned land to be used to address the current need for affordable rental housing and mixed use development. Therefore the Governing Body, through its passage of Resolution 2016-30, asserted that growth and economic projections have changed since the General Plan was created. Based on the current Housing Needs Assessment; there is a need for more affordable rental housing and the proposed project will satisfy that need by delivering affordable live/work facilities. b.) The applicant acknowledges that there are other areas within the city that provide for mixed use and high density residential development. However, this proposed location was chosen by the City Council due to its location and redevelopment potential. This site will be a donation by the city, which the applicant states is "critical prerequisite for affordable housing multi-family development under the Low Income Tax Credit Program". c.) According to the Housing Needs Assessment, provided by the Office of Affordable Housing, there is a large gap in the need for affordable housing and its availability. The proposed general plan amendment and rezoning requests are needed to provide a zoning that would allow for affordable housing development. The conditions of the housing market have changed in such a way that the proposed general plan amendment and rezoning is needed by the community to satisfy the demands of the affordable housing market. 	

V. REZONING

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

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

Approval Criteria – Rezoning (Section 14-3.5):

<p>Criterion 1(a): one or more of the following conditions exist:</p> <p>(i) there was a mistake in the original zoning;</p> <p>(ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning;</p> <p>(iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans;</p>	<p>Criterion Met: (Yes/No/conditional/N/A) YES</p>
<p>i.) Not Applicable</p> <p>ii.) In recent years there have been changes in the surrounding areas. In the past, when the area was originally zoned, it was on the edge of city of Santa Fe, and the proposed project site was a sewage treatment facility. The industrial zoning was given to this area due to its location on the limits of the city, away from residential expansion areas. Over time, this area has shifted to being more geographically central and closer to the population centers. Development in the area has shifted from industrial to more general commercial uses. The present uses in the area, such as coffee shops, drug stores, breweries, art collaboratives and residential uses have changed the neighborhood to a point that justifies the request for rezoning. Recent transportation infrastructure improvements have allowed for easier connectivity to the area.</p> <p>iii.) The request to change the zoning from I-2 to C-2, allows for both residential and non-residential uses on the proposed site. The applicant is proposing a future development of affordable rental housing, shared community facilities and office spaces. This is consistent with several General Plan Themes such as affordable housing, economic development, urban form, and mixed use. The proposed zoning category is also more advantageous to the community as it relates to affordable housing, economic development, and redevelopment of brownfield areas.</p>	
<p>Criterion 1(b): all the rezoning requirements of Chapter 14 have been met;</p>	<p>Criterion Met: (Yes/No/conditional/N/A) YES</p>
<p>The applicant has met the Chapter 14 procedural requirements for rezoning, including an Early Neighborhood Notification Meeting, posted and mailing notification requirements, required application submittals and a Traffic Impact Analysis. No development plan for the property is required for C-2 rezoning.</p>	
<p>Criterion 1(c): the rezoning is consistent with the applicable policies of the general plan, including the future land use map;</p>	<p>Criterion Met: (Yes/No/conditional/N/A) YES</p>
<p>The applicant requests a change to the Future Land Use Map to create consistency with the proposed zoning. Refer to Section IV of this staff report for additional discussion of general plan policies applicable to this application.</p>	
<p>Criterion 1(d): the amount of land proposed for rezoning and the proposed use for the land is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the city;</p>	<p>Criterion Met: (Yes/No/conditional/N/A) YES</p>
<p>Refer to Section IV of this staff report for discussion of growth rate projections.</p>	
<p>Criterion 1(e): the existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development.</p>	<p>Criterion Met: (Yes/No/conditional/N/A) YES</p>

<p>A Traffic Impact Analysis, prepared and submitted by the applicant, indicates it would be feasible to provide direct access from Siler Road for residential and commercial development on the project site. Any further traffic improvements, such as deceleration lanes, will be addressed at the time of development plan application.</p> <p>The city trails system provides service to this area, through the Acequia Trail, and there are existing bus stops along Agua Fria Street, Siler Road, and Rufina Street.</p> <p>There is an existing city sewer trunk line that runs to the site and provides available connections. Water service is available to the site via Siler Road. All other public facilities, as they exist currently, are able to accommodate impacts of the proposed development.</p>	
<p>Criterion 2: Unless the proposed change is consistent with applicable general plan policies, the planning commission and the governing body shall not recommend or approve any rezoning, the practical effect of which is to:</p> <p>(a) allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area;</p> <p>(b) affect an area of less than two acres, unless adjusting boundaries between districts;</p> <p>(c) or benefit one or a few landowners at the expense of the surrounding landowners or general public.</p>	<p>Criterion Met: (Yes/No/conditional/N/A) YES</p>
<p>The proposed change is consistent with applicable General Plan Themes and Policies, as stated in Section 6 of this staff report.</p>	
<p>Criterion 3 [14-3.5(D)(1)]: If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;</p>	<p>Criterion Met: (Yes/No/conditional/N/A) N/A</p>
<p>The proposed rezoning can be accommodated by existing infrastructure and public facilities as discussed in Criterion 1(e) above.</p>	
<p>Criterion 4 [14-3.5(d)(2): If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.</p>	<p>Criterion Met: (Yes/No/conditional/N/A) YES</p>
<p>The developer will be required to provide improvements at the time of development plan.</p>	

VI. EARLY NEIGHBORHOOD NOTIFICATION

An Early Neighborhood Notification meeting was held on July 12, 2016 at Frenchy's Barn. The applicant and approximately about 40 members of the public attended. Members of the public noted concerns with traffic, noise, compatibility of surrounding properties, existing and previous uses of the site, who would be allowed to live in the proposed project, and how the city donation would work. The concerns centered primarily on development of the site and not the actual general plan amendment and rezoning requests. (See Exhibit E2).

VII. ATTACHMENTS:

EXHIBIT A: Development Review Team Memoranda

1. Traffic Engineering Division Memorandum, Sandra Kassens
2. Wastewater Division Memorandum, Stan Holland, P.E.
3. Water Engineering Division Memorandum, Dee Beingessner
4. Economic Development Division Memorandum, Alexandra Ladd
5. Office of Affordable Housing Memorandum, Alexandra Ladd
6. Long Range Planning Division Memorandum, Richard Macpherson
7. Technical Review Memorandum, RB Zaxus, P.E.

EXHIBIT B: Maps and Photos

1. Future Land Use Map
2. Current Zoning Map
3. Aerial Photo
4. Street View Photo
5. Proposed Project Site

EXHIBIT C: City Resolutions

1. Resolution No. 2014-3
2. Resolution No. 2015-24
3. Resolution No. 2016-30

EXHIBIT D: General Plan Themes and Zoning Materials

1. Applicable General Plan Themes
2. I-2 and C-2 Use Lists

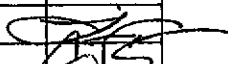
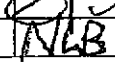
EXHIBIT E: ENN Materials

1. ENN Sign-in Sheet
2. ENN Notes July 12, 2016

EXHIBIT F: Applicant Materials

1. Application Submittals
2. Legal Lot of Record
3. Boundary Survey

APPROVED BY:

Title	Name	Initials
Land Use Department Director	Lisa Martinez	
Land Use Current Planning Division Director	Greg Smith	
Land Use Department Case Manager	Noah Berke	NLB

City of Santa Fe, New Mexico

Exhibit A

Development Review Team

- 1. Traffic Engineering Division Memorandum**
- 2. Wastewater Division Memorandum**
- 3. Water Engineering Division Memorandum**
- 4. Economic Development Division Memorandum**
- 5. Office of Affordable Housing Memorandum**
- 6. Long Range Planning Division Memorandum**
- 7. Technical Review Division Memorandum**

City of Santa Fe, New Mexico

memo

DATE: September 21, 2016

TO: Noah Berke, Planning and Land Use Department

VIA: John Romero, Engineering Division Director

FROM: Sandra Kassens, Traffic Engineering Division

CASE: Arts & Creativity Center Rezoning – case 2016-89
Arts & Creativity Center GPA – case 2016-99

ISSUE:

New Mexico Inter-Faith Housing, agent for the City of Santa Fe, requests approval of rezoning of approximately 5.0 acres from I-2 (General Industrial) to C-2 (General Commercial); and approval of a General Plan Amendment to amend the Future Land Use designation from Public/Institutional to Community Commercial. The property is a portion of the parcel northwest of 1222 Siler Road.

TRAFFIC REVIEW:

The Public Works Department has reviewed the traffic study dated September 1, 2016 that shows acceptable intersection level of service and sufficient capacity on Siler Road at the project buildout. We agree with the conclusion that the amount of traffic generated by the Arts & Creativity Center will have a minimal impact on the surrounding roadway.

RECOMMENDED ACTION:

Review comments are based on submittals received on August 25, 2016, and a revised Traffic Study received on Sept. 9, 2016. The Public Works Department has no comments on this application.

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

Development Review Team

Comment Form

Date: September 19, 2016

Staff person: Stan Holland, Engineer

Dept/Div: Public Utilities/Wastewater Division

Case: Case #2016-99. Arts and Creativity Center General Plan Amendment

Case #2016-89. Arts and Creativity Center Rezoning

Case Mgr: Noah Berke



The subject property is accessible to the City public sewer system. Accessible is defined as within 200 feet of a public sewer line.

Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval :

Must be completed by:

1. The Wastewater Division has no objection to granting the General Plan Amendment nor the Rezoning request	
2. Connection of the property/structures to the City public sewer system is required	
3. The Applicants are aware that there is are existing City public trunk sewer lines going through the property and that Wastewater Division approval is required for the proposed project/Developemnt	

*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. [list any additional items]

Explanation of Conditions or Corrections (if needed):

Development Review Team

Comment Form

Date: 9/6/16

Staff person: Dee Beingessner

Dept/Div: Public Utilities/Water Division

Case: 2016-89 & 99 Arts and Creativity Center Rezoning and General Plan Amendment

Case Mgr: Noah Berke



Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval :

Must be completed by:

1 Water is available in Siler Road for the development. Depending on the needs of the development, a water main extension may be required. If a water main extension is required, a separate water plan must be submitted to the Water Division.	
2	
3	
4	

Technical Corrections*:

Must be completed by:

1	
2	
3	
4	

*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. [list any additional items]


Explanation of Conditions or Corrections (if needed):

City of Santa Fe, New Mexico

memo

DATE: September 16, 2016

TO: Noah Berke, Senior Planner
Greg Smith, Planner Supervisor
Lisa Martinez, Land Use Director

FROM: Alexandra Ladd 
Director, Office of Affordable Housing
Interim Director, Office of Economic Development

RE: Arts + Creativity Center General Plan Amendment (Case #2016-99)
Arts + Creativity Center Rezoning (Case #2016-89)

RECOMMENDATION

Staff recommends approval of the application by the Arts + Creativity development team for General Plan amendment and rezoning. This recommendation is based on the project's potential to fulfill the City's priorities for affordable housing and economic development.

AFFORDABLE HOUSING

The proposed project will provide up to 70 units of multi-family housing, designed to accommodate various work-from-home creative activities. The majority*, if not all, of these units will be rented at affordable rents to income-certified renters as per the Low Income Housing Tax Credit (LIHTC) program which is the project's primary source of subsidy. Along with this subsidy, is a closely regulated Land Use Restriction Agreement (LURA) which requires that the site is used for affordable housing for a minimum of 40 years, which is likely to extend into perpetuity. Importantly, the project proposes various tiers of affordability, from very low-income (below 30% of Area Median Income - AMI) up to 60% AMI which is the limit allowed by the program. The needs of these renters will also be supported by various on-site programs (from GED classes, counseling, healthcare and more) in addition to other support services to promote entrepreneurial and arts-related businesses.

Demonstrated Need for Affordable Rental Housing. The need in Santa Fe for affordable rental housing is well documented. According to a recent housing needs analysis update, provided by BBC Associates, 47% of Santa Fe's renters earn less than 50% of the area median income (AMI) with only 28% of units in Santa Fe rented at rates they can afford. These renters are also likely to be "cost-burdened" (paying more than 30% of their incomes for their housing costs). Put differently, there is an estimated shortage of 2,400 units with contract rents priced below \$625 per month which is affordable for a renter household earning \$25,000 or less.

*LIHTC projects also emphasize the integration of a small number of market-rate units.

Perhaps more alarmingly is that market rents increased by 9% between January of 2015 to January of 2016, affecting the overall ability of Santa Fe's workforce to afford rental housing. Combined with vacancy rates that have hovered at 3% or less for two years, the demand for rental housing in Santa Fe is affecting all income earners but especially those with lower incomes and fewer options.

Consistency with Adopted Policy. The City of Santa Fe has a long history of supporting affordable housing through regulation (inclusionary zoning), policy (1999 General Plan, Consolidated Plan), real estate development (Tierra Contenta) and programming (financial support for homebuyer training/counseling, home repair, downpayment assistance, and rental assistance). As Santa Fe's primary policy document, one of the primary "themes" of the General Plan is to "Actively participate in the creation of affordable housing." Other specific policies can be found in Section 9-1-G including the following which specifically relate to the proposed Arts + Creativity Center:

- 9-1-G-1 – Endeavor to ensure that decent, safe, sanitary, and affordable housing will be available and accessible for all citizens, particularly for the poor, disabled and homeless;
- 9-1-G-1 – Expand interdependent activities and cooperate in public and private efforts to achieve affordable housing.

Clearly, the proposed change to the Future Land Use Map to accommodate this project is well-aligned with these goals.

Lack of Affordable Development Building Sites. Another issue that is addressed through this application is the City's lack of suitably zoned land parcels to support the development of multi-family housing. Currently, excluding planned communities, only 7% of land in Santa Fe (vacant and developed) is zoned to support multi-family housing. Santa Fe's high cost of land, combined with higher development costs, mean that developing affordable housing is directly affected by the ability to achieve higher densities. Rezoning from industrial uses to one that allows for multi-family housing directly addresses this impediment to affordable housing development.

ECONOMIC DEVELOPMENT

The mission for the City of Santa Fe's Office of Economic Development is to "build a diverse economy with a multitude of employment opportunities for everyone." Given the prominence of Santa Fe's arts-based identity, the Arts + Creativity Center responds directly to the need to support creative entrepreneurs as one of the ways to grow and to keep our local economy strong. The project is modeled on an initiative pioneered by ArtSpace, a national nonprofit based in Minneapolis, MN that provides affordable live/work housing for artists located in redeveloping urban areas. Recognizing that co-housed artists had a transformative effect on neighborhoods, ArtSpace created a model to also counter the subsequent rise in housing prices brought by the revitalization of these areas.

The Arts + Creativity Center is likely to play a similar role in the Siler Road corridor, a formerly industrial area that is populated with small-scale industries that are both locally-owned and becoming increasingly more arts-oriented. Combining affordable housing with maker spaces and public resources such as gallery and retail space, performance venues and other shared office space will have a catalytic effect on the economic development of the area. Providing permanently affordable rental housing helps to counter any corresponding rise in area rental rates.

Consistency with Adopted Policy. The City's General Plan's theme for economic diversity is to "Develop and implement a comprehensive strategy to increase job opportunities, diversify the economy, and promote arts and small businesses." Given that the Arts + Creativity Center strives to promote the arts and to support the needs of artists by providing affordable housing hand in hand with affordable residential opportunities, the project is directly aligned with the General Plan.

The Angelou Plan, the City's economic development strategy from 2004 recognized the need to diversify the economy and build industries that were not related to government jobs and tourism. Seven focus areas were identified. Several of the target industries that were prioritized in the Plan are likely to have related businesses housed at the Arts + Creativity Center, including: "Arts and Culture," "Design," "Software Development," and "Publishing and New Media".

The Angelou Plan further clarified that the needs of these industries "should be considered in all community development activities." It also identified the need to focus on developing, retaining and attracting a younger "creative workforce" to Santa Fe. The Arts + Creativity Center directly supports this priority. More recent economic development theories also call for communities to create and support "entrepreneurial ecosystems." Affordable live/work space directly contributes to the capacity of entrepreneurs, particularly start-ups and younger members of the workforce to apply their talents locally and productively.

Updating Siler Road's Zoning Classification. The proposal to rezone this parcel to C-2 is directly relevant to the City's economic development priorities as it allows for a diversity of uses beyond those in the current industrial zoning classification. Furthermore, because the City's donation is contingent on securing the tax credits, if the project is not successful, the C-2 zoning enhances the value of the City's asset and creates more flexibility in future uses of the parcel.

Development Review Team

Comment Form

Date: September 19, 2016
From: Risana "RB" Zaxus, City Engineer
Dept/Div: Land Use, Technical Review Division
Case: Case # 2016-89/99, Arts and Creativity Rezoning/GPA
Case Mgr: Noah Berke



Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval :

Must be completed by:

1 none	
2	
3	
4	

Technical Corrections*:

Must be completed by:

1 none	
2	
3	
4	

*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. [list any additional items]

Explanation of Conditions or Corrections (if needed):

City of Santa Fe, New Mexico

memo

DATE: September 1, 2016
TO: Noah Berke, Senior Planner, Land Use Department
VIA: Reed Liming, Director, Long Range Planning Division *R.L.*
FROM: Richard Macpherson, Senior Planner, Long Range Planning Division *R.M.*
RE: Arts and Creativity Center / General Plan Amendment

Background

The applicant is requesting a General Plan - Future Land Use map amendment from a Public/Institutional land use to a Community Commercial land use designation. The City of Santa Fe donated the five acre parcel that the proposed Arts and Creativity Center will be located on, near Siler Road. The City's 1999 General Plan designates Siler Road as a corridor redevelopment area. The land uses in proximity to this parcel presently include residential, business and commercial uses.

Long Range Planning Staff Comments

The Long Range Planning staff generally concurs with the applicant's responses to the approval criteria for a General Plan amendment. This proposed Arts and Creativity center will provide increased affordable housing in the city and encourage a mixed-use, live/work setting, which the General Plan cites as goals for this area. The following statement is from the Land Use section of the 1999 General Plan: "Siler Redevelopment District - This district is intended to allow this industrial area, located in close proximity to expanding residential areas, to develop uses compatible with housing and may be implemented through a new mixed-use zoning district regulations which would specify appropriate land use and design standards". This project will potentially provide more business opportunities and increased economic development in the city. In summary, this requested General Plan amendment would seem to enhance the surrounding area and further important goals as stated in the City's General Plan.

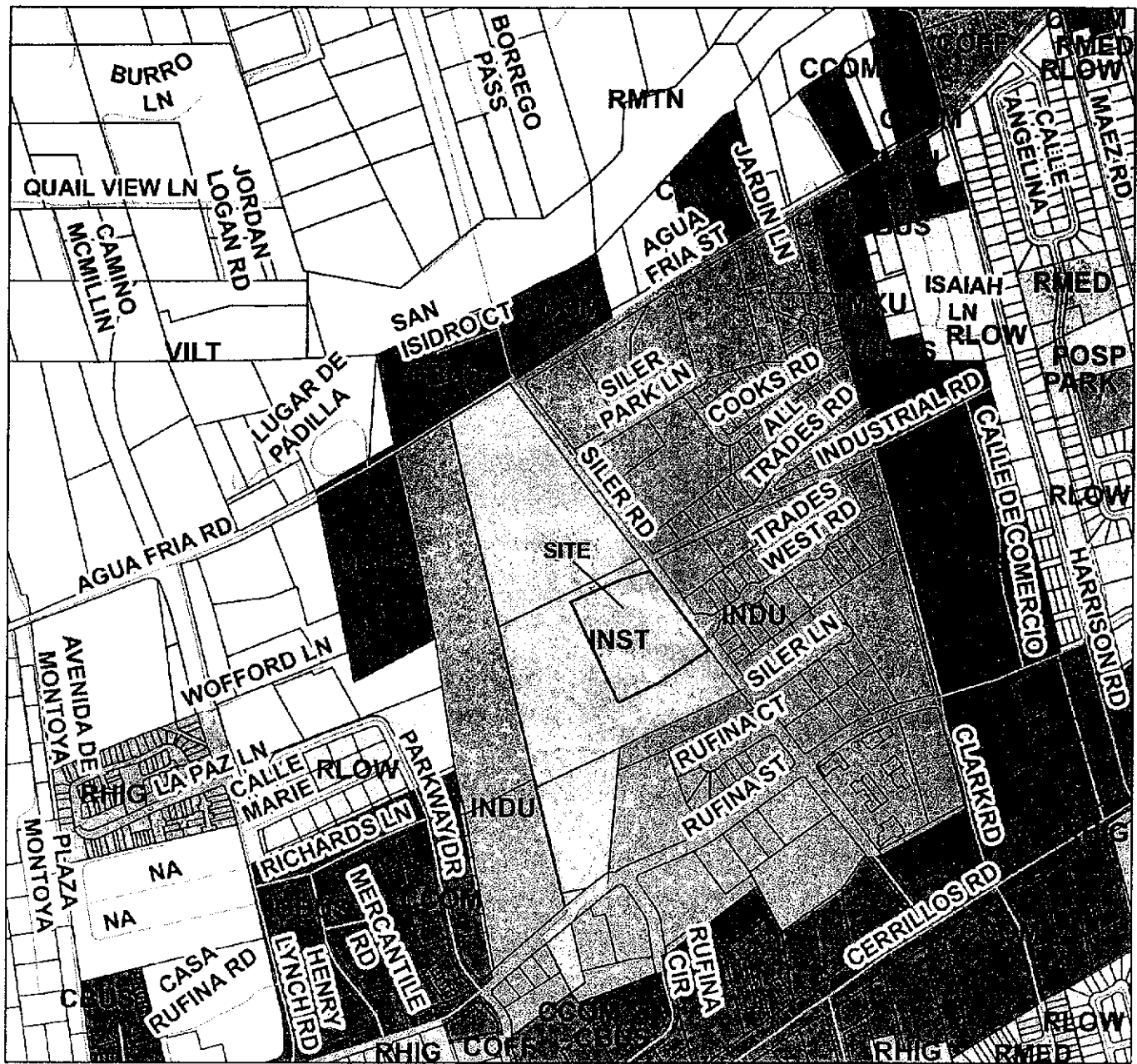
City of Santa Fe, New Mexico

Exhibit B

Maps and Photos

- 1. Future Land Use Map**
- 2. Current Zoning Map**
- 3. Aerial Photo**
- 4. Street View Photo**
- 5. Proposed Project Site**

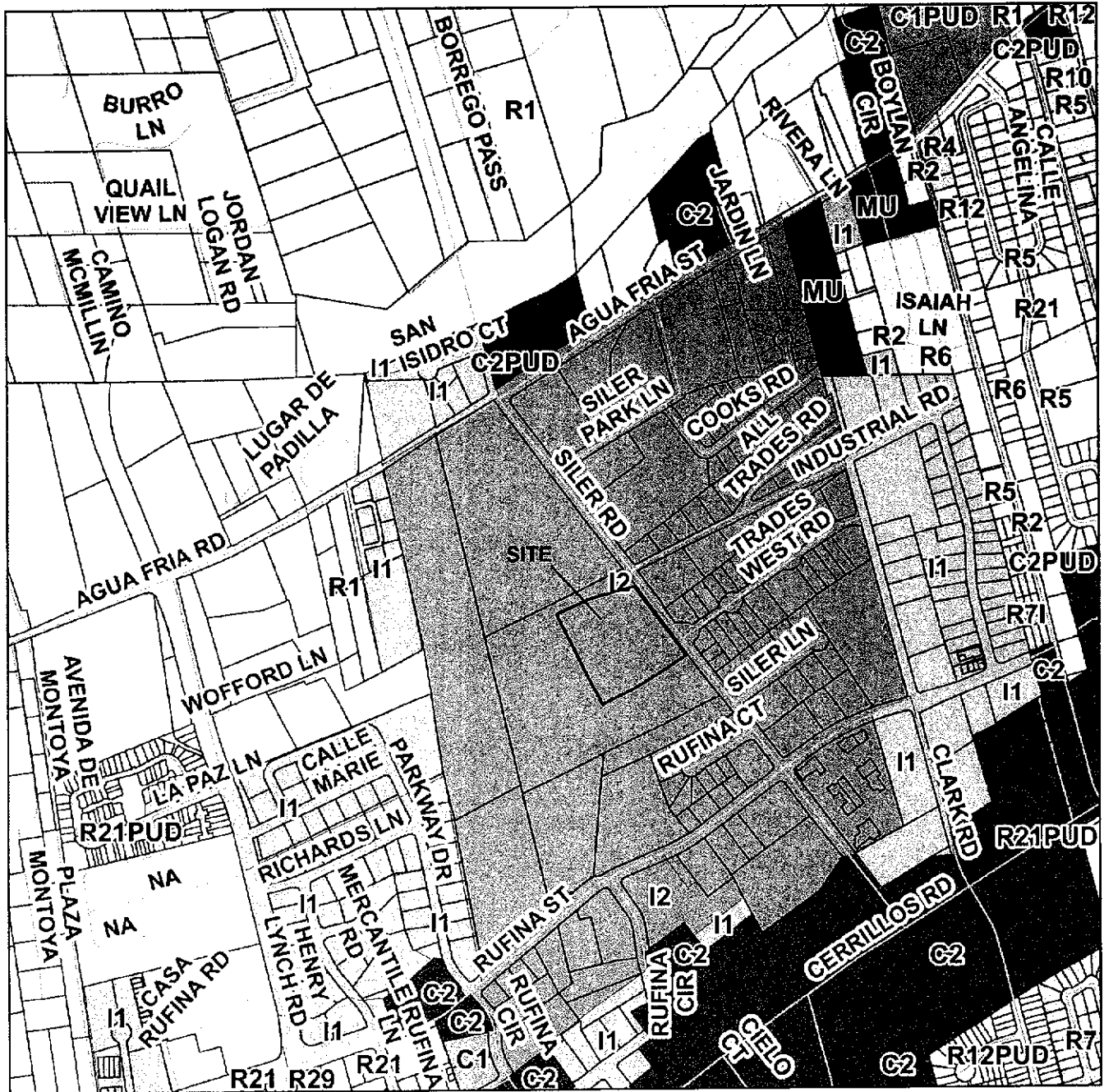
Arts + Creativity Center Future Land Use Designation



Legend

Mountain	Office
Low Density	Industrial
Medium Density	Public/Institutional
High Density	Parks
Community Commercial	Open Space
Transitional Mixed Use	Agua Fria Traditional Historic Community
Business Park	

Arts + Creativity Center Zoning Map



Legend

R1, Single- Family 1du/ac.	C2, (PUD) General Commercial
R2, Single - Family 2du/ac	I1, Light Industrial
R4 Single - Family 4du/ac	I2 General Industrial
R5, Single - Family 5du/ac	MU Mixed Use
R7, Single - Family 7 du/ac	C1, Office and Related Commercial



AFFORDABLE HOUSING+WORKSPACE+ECONOMIC DEVELOPMENT SUPPORT

The Arts+Creativity Center (A+CC) represents a completely novel approach to community development that will combine affordable live/work rental space with shared workshop and community facilities, all amplified through on-site economic development support programming. The A+CC will serve lower-income creative entrepreneurs and their families. These are people from diverse backgrounds working in the visual arts, music, theater, dance, media arts, applied arts, healing arts, designers, entrepreneurs, writers, craftsmen, builders, makers, and people in related industries that support those professions. By integrating community resources such as shared workshop spaces, meeting rooms, exhibition spaces, performance spaces, and public open space, the A+CC will support the surrounding neighborhood and the broader creative economy, and create a new kind of place that serves as a vibrant intersection of Santa Fe creative culture.

PROJECT PARTNERS

Non-Profit Developers/Owners: Creative Santa Fe and New Mexico Inter-Faith Housing
Design Team: AOS/Trey Jordan/da Silva Architects/Onion Flats
Outreach Team: After Hours Alliance (Shannon Murphy)/Michael Santillanes

TARGET BENEFICIARIES

This project aims to assist low and very low-income residents. Our goal is to target an average income level among affordable units of below 50% of the Area Median Income (AMI), and we will include units affordable to residents who earn below 30% AMI. For example an individual who makes no more than 30% AMI (\$13,590 a year) will have to pay no more than \$363 a month in rent. A two-person family qualifying for a unit set aside for those earning 50% of the area median income can earn no more than \$25,850 a year, and will pay no more than \$727 in rent for a two-bedroom live/work unit. Income limits and maximum rents are adjusted annually by HUD based on community-wide income levels.

COMMUNITY OUTREACH

Thanks to the receipt of a prestigious National Endowment for the Arts "Our Town" planning grant, this project will invest over \$300,000 in connecting with the community around design, programming and amenities for A+CC. We are using this funding to engage creatives from diverse background for input on design and to produce events that prototype elements of the project and gather further information about design and future programming.

For more information visit: www.artsandcreativity.org

Exhibit "24"

ENVIRONMENTAL IMPACT

The A+CC is dedicated to creating the lowest environmental impact possible throughout the development process. We will at a minimum meet the 2015 Enterprise Green Communities green building standard. Our design team includes two firms that specialize in Passive Housing construction, and one team, Onion Flats, is a national leader in Passive House tax credit funded multi-family housing. We are exploring the potential for energy generation, micro-grid distributions, and cutting edge water recycling strategies in addition to the high standards set by Green Communities.

PROJECT COMPOSITION

The following building program represents three years of planning and outreach work and is the general program that we are using for planning purposes. Final programming will not be determined until after extensive public input.

Up to 70 Units on 5 acres: Between 51 and 61 units of very affordable and up to 9 units of moderately-priced market rate live/work rental units.

- ranging from 1-3 bedroom
- estimated sizes of 700-1400 square feet; larger than typical because of need for workspace
- 2-3 story height

Residential Shared Amenities: Approximately 1500 square feet

- for use of residents and their guests
- laundry facility, meeting space, computer lab, etc.
- office for resident services coordinator and provision of resident-specific services

Dedicated Open Space: .5-1.5 Acres

- .5 is minimum required under green building guidelines
- 1.5 acres of open space is the most desirable amount and earns the largest number of points under the green building criteria
- have recorded easements for the Acequia Madre and future Acequia Trail

Community Shared Resources: 6000-12,000 square feet

- community facility anchored by MAKE Santa Fe
- shared workshops for types of work that is too messy/loud/dirty to include in residential, other non-profit/community organizations and retail/micro retail spaces
- open to the public as a neighborhood and community asset
- other assets as determined by the NEA Our Town grant project outreach process

PROJECT COST

Total project cost for the residential component of the project will be approximately \$12-14 million, with an additional \$1-2m for the shared resource spaces depending on the scale.

Total predevelopment costs necessary for a Low Income Housing Tax Credit (LIHTC) application will be approximately \$400,000, which will be provided by Creative Santa Fe and New Mexico Inter-Faith Housing from organizational funds and grants.

PROJECT TIMELINE 2016-2017

NEA Grant Community Outreach, Planning and Design	Dec 2015- Oct 2017
Rezoning	Fall 2016
Conceptual Design- required for LIHTC application	Oct 2016-Jan 2016
Submit Tax Credit Application	Feb 15th - 2017
Notice of Tax Credit Award	June 2017
Syndication of Tax Credits, Secure Private Financing	Aug 2017- Apr 2018
Construction Starts on Live/Work	March-May 2018
Live/Work Completion/Lease-up	Spring 2019

Project Contact: Daniel Werwath, dwerwath@nmifhousing.org 505D 467D 8340