



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JULY 26, 2017
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES:
 - a) Special Joint Meeting of Santa Fe County and City of Santa Fe Governing Bodies – June 15, 2017
 - b) Regular City Council Meeting – July 12, 2017
9. PRESENTATIONS
 - a) June 2017 Employee of the Month – Andrew Garcia, Horticulturist, Parks and Recreation Department.
 - b) July 2017 Employee of the Month – Tristan Tortorici, Public Safety Application Software Specialist, Information Technology & Telecommunications Department.
10. CONSENT CALENDAR
 - a) Request for Approval of Agreement in the Amount of \$77,639.37 – Adobe Software via Three-Year Enterprise License Agreement; SHI International Co. (Boguslaw Malecki)
 - b) Request for Approval of Procurement and Professional Services Agreement in the Amount of \$374,645.41 – Planning and Design for the Reconstruction of Guadalupe Street from Agua Fria Street to Paseo de Peralta; Wilson & Company, Inc. (David Quintana)
 - c) Request for Approval of Procurement via HGAC Buy Price Agreement in the Amount of \$348,732 – Vactor Equipment; VAC-CON, Inc. (David Catanach)

CITY CLERK'S OFFICE

DATE 7/21/17 TIME 4:15 PM

SERVED BY Melvin Byers

RECEIVED BY [Signature]



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- d) Request for Approval of State Price Agreement and Professional Services Agreement in the Amount of \$400,000 – Asphalt Concrete Patch Material; GM Emulsions LLC. (David Catanach)
- e) Request for Approval of City of Santa Fe On-Call Agreement and State Price Agreement in the Amount of \$2,358,946.21 – Pavement Maintenance Projects (Labor and Materials and Asphalt Concrete Patch Material); GM Emulsions LLC. (David Catanach)
- f) Request for Approval of Award of Bid No. '17/32/B in the Amount of \$516,011.50 – FY 2017/2018; City Wide Water Utility Construction & Repair Contract – CIP #953; Sub Surface Contracting, Inc. (Bill Huey)
- g) Request for Approval of the Following Amendments in the Total Amount of \$205,000 – Provide Workforce Development, Entrepreneurial Acceleration and Other Support for Business Development in Santa Fe: (Alexandra Ladd and Matthew Brown)
 - 1) Amendment No. 2 in the Amount of \$25,000; SCORE.
 - 2) Amendment No. 1 in the Amount of \$180,000; Youthworks.
- h) Request for Approval of a Budget Adjustment/Increase in the Water Rights Development CIP Fund in the Amount of \$132,809. (Shannon Jones)
- i) Request for Approval of Award of Bid No. '17/48/P in the Amount of \$157,073.28 – Provide Consultant Services for the Paseo Real Wastewater Treatment Plant Belt Filter Press #3 @ 73 Paseo Real; HDR Engineering, Inc. (Kenneth Espinoza)
- j) Request for Approval of a Professional Services Agreement through a Cooperative Education Services Agreement in the Amount of \$184,438.92 – Canyon Road Water Treatment Plant Security System Improvements Phase III; Intraworks, Inc. (Alex Gamino)
- k) Request for Approval of Professional Services Agreement in the Amount of \$221,997 – Complete Phase I Engineering and Permitting/Preliminary Design Evaluation for Reuse Pipeline from Paseo Real Wastewater Treatment Plant to the Rio Grande Based on a Cooperative Procurement via an Albuquerque Bernalillo County Water Authority On-Call Engineering Contract for Water and Wastewater Services; Carollo Engineers. (William Schneider)



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- l) Request for Approval of Sole Source and Professional Services Agreement in the Amount of \$71,280 – Hire/Pay Employee to Perform Functions of Domestic Violence & Sexual Assault Coordinator and Assistance with the U-Visa Certification Process; Solace Crisis Treatment Center. (Patrick Gallagher)
 - m) Request for Approval of Ratification of Purchase Order No. 16175967 in the Amount of \$75,790 – Sewage Services Near Christus St. Vincent Hospital for the Wastewater Management Division. (Jerry Tapia)
 - n) Request for Approval of Amendment No. 2 to Legal Services Agreement in the Amount of \$50,000 – Work on Three Issues Before the New Mexico Office of the State Engineer (OSE): 1) the Northwest Well Application, 2) Return Flow/Discharge Credit Application, 3) Groundwater Storage and Recovery Permit; Stein & Brockmann, LLC. (Marcos Martinez)
 - o) Request for Approval of Procurement via National Joint Powers Alliance Cooperative Purchasing Agreement in the Amount of \$237,342.70 – Vaulted Toilets; CXT, Inc. (Richard Thompson)
 - p) CONSIDERATION OF RESOLUTION NO. 2017-____. (Finance Committee)
A Resolution Relating to a Request for Approval of the Fourth Quarter (Year-End) Budget Adjustments for Fiscal Year 2016/2017, and Accompanying Quarterly Report and Associated Forms/Schedules Required for Submittal to the New Mexico Department of Finance and Administration/Local Government Division (DFA/LGD) for the Fourth Quarter of Fiscal Year 2016/2017. (Andy Hopkins)
 - q) CONSIDERATION OF RESOLUTION NO. 2017-____. (Mayor Gonzales and Councilor Harris)
Request for Approval of a Resolution Directing the City Manager to Identify Potential Funding Sources to Support the Work of Industry Stakeholders to Develop the “Santa Fe Network.Tv.” (Matthew Brown)

Fiscal Impact: \$45,000 - Funds Will Come From Tourism (\$25,000) and Economic Development (\$20,000)
 - r) Request for Approval of Recommended Debt Management Policy. (Adam Johnson and Bradley Fluetsch)
11. State of the Municipal Court. (Judge Virginia Vigil)



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REGULAR MEETING OF
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12. **Case #2017-02. SafeLock Storage, 6350 Airport Road General Plan Amendment.** (Donna Wynant)
 - a) Motion to Rescind the Decision Taken at the June 28, 2017 Meeting of the Governing Body to Deny the Application to Amend the General Plan. (Councilor Ives)
 - b) Request to Publish Notice of Public Hearing on August 30, 2017. **(Only Considered if Motion to Rescind is Approved)**
 - c) Request for Approval of Findings of Fact and Conclusions of Law. **(Only Considered if Motion to Rescind is Denied)**
13. MATTERS FROM THE CITY MANAGER
14. MATTERS FROM THE CITY ATTORNEY
15. MATTERS FROM THE CITY CLERK
16. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
 - Capital Improvements Advisory Committee
 - Mayor's Committee on Disability



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JULY 26, 2017
CITY COUNCIL CHAMBERS

H. PUBLIC HEARINGS:

- 1) Request from G.L.A. Santa Fe Hospitality, LLC, for a Transfer of Ownership of Interlocal Dispenser Liquor License No. 2765, with On Premise Consumption Only and Patio Service, from Bottoms Up, LLC, dba Plaza Café Southside to G.L.A. Santa Fe Hospitality, LLC. This License Will Remain at Plaza Café Southside, 3466 Zafarano Drive. (Yolanda Y. Vigil)
- 2) Request from El Mosquito, LLC, Santa Fe, for a Transfer of Ownership and Change of Location of Interlocal Dispenser Liquor License No. 28087, with On Premise Consumption Only, from 4250 Group, LLC, dba Flying Tortilla, 4250 Cerrillos Road #D, to El Mosquito, LLC, dba Santa Fe Capitol Grill, 3462 Zafarano Drive. (Yolanda Y. Vigil)
- 3) Request from Ellsworth Gallery for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Wine at Ellsworth Gallery, 215 E. Palace Avenue, Which is Within 300 Feet of the Cathedral Basilica of Saint Francis of Assisi, 131 Cathedral Place. The Request is for the Opening Reception of *Creative Nation II*, which will be Held on August 18, 2017, with Alcohol Service from 5:00 p.m. to 7:30 p.m. (Yolanda Y. Vigil)
- 4) Request for Approval of Floor Plan Changes for Dispenser License No. 2746 Located at the Drury Plaza Hotel – Santa Fe, 228 East Palace Avenue. (Yolanda Y. Vigil)
- 5) CONSIDERATION OF BILL NO. 2017-17: ADOPTION OF ORDINANCE NO. 2017-____. (Councilor Lindell)
An Ordinance Authorizing the Sale of 1,491 Square Feet of Real Property Consisting of a Portion of the Former Bower Street Right-of-Way Adjacent to 322 Paseo de Peralta and Described as "Parcel 1" as Shown and Delineated on a Survey Entitled, "Plat of Boundary Survey for the City of Santa Fe Parcel 1" Prepared by Sierra Land Surveying, Inc., David E. Cooper, N.M.P.S. No. 9052, Dated February 15, 2017, Lying and Being Situate Within the City and County of Santa Fe, New Mexico. (Matthew O'Reilly)



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- 6) CONSIDERATION OF BILL NO. 2017-21: ADOPTION OF ORDINANCE NO. 2017-____.
An Ordinance Amending the Annexation Agreement for the Raven Ridge Apartments, Adopted by Ordinance 2006-31, to Delete an Irrevocable Offer of Dedication of Right-of-Way for Raven Ridge Drive. The Property is Located at 4141 Lucia Lane. ("Mustang Village Apartments Development Plan and Annexation Agreement Amendment" Case No. 2017-18). (Katherine Mortimer)
- 7) Ranked Choice Voting: (Zachary Shandler and Yolanda Y. Vigil)
 - a) Motion to Rescind the Decision Taken on June 28, 2017 Regarding Ranked Choice Voting Implementation. (Councilor Maestas)
 - b) Action Regarding Ranked Choice Voting Implementation. **(Only Considered if Motion to Rescind is Approved)**
- 8) CONSIDERATION OF BILL NO. 2017-18: ADOPTION OF ORDINANCE NO. 2017-____. (Mayor Gonzales, Councilor Lindell, Councilor Harris and Councilor Ives)
An Ordinance Relating to the City of Santa Fe Economic Development Plan Ordinance, Article 11-11 SFCC 1987; Approving and Adopting a Local Economic Development Project Participation Agreement Between the City of Santa Fe and Meow Wolf, Inc. for Acquisition and Expansion of a New Production and Cultural Facility, a Local Economic Development Project. (Fabian Trujillo)
 - a) Request for Approval of Local Economic Development Project Participation Agreement Between the City of Santa Fe and Meow Wolf for Expansion of its Facilities and to Improve or Construct Infrastructure Necessary to the Facility Located at 2600 Camino Estrada, Santa Fe, NM.
 - b) Request for Approval of Intergovernmental Agreement Between the New Mexico Economic Development Department and the City of Santa Fe, New Mexico for the Purpose of Facilitation the Disbursement of Funds for the Meow Wolf Local Economic Development Project.
 - c) Request for Approval of Budget Adjustment in the Amount of \$550,000.



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- 9) CONSIDERATION OF BILL NO. 2017-15: ADOPTION OF ORDINANCE NO. 2017-____. (Councilor Lindell, Councilor Harris, Councilor Trujillo and Councilor Ives)

An Ordinance Relating to the Santa Fe Traffic Operations Program; Amending Section 24-4 SFCC 1987 to Update Subsections 24-4.2, Findings and Intent; 24-4.3 Definitions; 24-4.4, Violations and 24-4.5, Enforcement. (Deputy Chief Salbidrez and Lt. Gallegos)

- a) CONSIDERATION OF RESOLUTION NO. 2017-____. (Councilor Lindell, Councilor Harris, Councilor Trujillo and Councilor Ives)

A Resolution Directing the City Manager to Restart the Santa Fe Traffic Operations Program (STOP) Permitted by Section 24-4 SFCC 1987. (Deputy Chief Salbidrez and Lt. Gallegos)

Fiscal Impact:

Expenditures: FY 17/18 = \$313,000 and FY 18/19 = \$460,000

Revenues: FY 17/18 = \$400,000 and FY 18/19 = \$500,000

- 10) CONSIDERATION OF BILL NO. 2017-16: ADOPTION OF ORDINANCE NO. 2017-____. (Councilor Lindell and Councilor Ives)

An Ordinance Amending Subsection 14-6.3(B)(2)(C) SFCC 1987 to Regulate Parking or Storage of Specified Noncommercial Vehicles Within Residentially Zoned Districts. (Gregory Smith)

- 11) **Case #2017-19. The Village @ 599 General Plan Amendment.** Montoya Land Use Consulting, Agent for Don Juan's Land, LLC – Carlos Garcia, Requests Approval to Amend the General Plan Future Land Use Map to Change the Designation of Property Comprising 19.99 Acres of Land from Low Density Residential (3-7 Dwellings/Acre) to High Density Residential (12-29 Dwellings/Acre). (Donna Wynant) **(This Item was Incorrectly Published; therefore, the Public Hearing has Been Rescheduled for August 9, 2017.)**

- 12) **Case #2017-20. The Village @ 599 Rezoning.** Montoya Land Use Consulting, Agent for Don Juan's Land, LLC – Carlos Garcia, Requests Approval to Amend the Official Zoning Map of the City of Santa Fe; Changing the Zoning Classification of Property Comprising 19.99 Acres of Land from R-2 (Residential, 2 Dwellings/Acre) to R-21 (Residential, 21 Dwellings/Acre) and Providing an Effective Date. (Donna Wynant) **(This Item was Incorrectly Published; therefore, the Public Hearing has Been Rescheduled for August 9, 2017.)**



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JULY 26, 2017
CITY COUNCIL CHAMBERS

I. EXECUTIVE SESSION:

In Accordance With the New Mexico Open Meetings Act §§10-15-1(H)(7) and (8) NMSA 1978, Discussion Regarding Threatened or Pending Litigation in Which the City of Santa Fe is a Participant and Discussion Regarding the Purchase, Acquisition or Disposal of Real Property or Water Rights by the City of Santa Fe. (Kelley Brennan)

J. 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.

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SANTA FE CITY COUNCIL MEETING
July 26, 2017

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APPROVAL OF MINUTES:		
SPECIAL JOINT MEETING OF SANTA FE COUNTY AND CITY OF SANTA FE GOVERNING BODIES – JUNE 15, 2017	Approved	5
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<u>PRESENTATIONS</u>		
JUNE 2017 EMPLOYEE OF THE MONTH – ANDREW GARCIA, HORTICULTURIST, PARKS AND RECREATION DEPARTMENT		5
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<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$374,645.41 – PLANNING AND DESIGN FOR THE RECONSTRUCTION OF GUADALUPE STREET FROM AGUA FRIA STREET TO PASEO DE PERALTA; WILSON & COMPANY, INC.	Approved	6-7

END OF CONSENT CALENDAR DISCUSSION		

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MATTERS FROM THE CITY MANAGER	Information/discussion	18-19
MATTERS FROM THE CITY ATTORNEY	None	19
MATTERS FROM THE CITY CLERK	None	20
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	20-23
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	24
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Capital Improvements Advisory Committee	Approved	28
Mayor's Committee on Disability	Approved	28

ITEMACTIONPAGE #PUBLIC HEARINGS

REQUEST FROM G.L.A. SANTA FE HOSPITALITY, LLC, FOR A TRANSFER OF OWNERSHIP OF INTERLOCAL DISPENSER LIQUOR LICENSE NO. 2765, WITH ON PREMISE CONSUMPTION ONLY AND PATIO SERVICE, FROM BOTTOMS UP, LLC, D/B/A PLAZA CAFÉ SOUTHSIDE TO G.L.A. SANTA FE HOSPITALITY, LLC. THIS LICENSE WILL REMAIN AT PLAZA CAFÉ SOUTHSIDE, 3466 ZAFARANO DRIVE

Approved w/conditions

28-29

REQUEST FROM EL MOSQUITO, LLC, SANTA FE, FOR A TRANSFER OF OWNERSHIP AND CHANGE OF LOCATION OF INTERLOCAL DISPENSE LICENSE NO. 28087, WITH ON-PREMISE CONSUMPTION ONLY, FROM 4250 GROUP, LLC, D/B/A FLYING TORTILLA, 4250 CERRILLOS ROAD #D, TO EL MOSQUITO, LLC, D/B/A SANTA FE CAPITOL GRILL, 3462 ZAFARANO DRIVE

Approved w/conditions

29-30

REQUEST FROM ELLSWORTH GALLERY FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF WINE AT ELLSWORTH GALLERY, 215 E. PALACE AVENUE, WHICH IS WITHIN 300 FEET OF THE CATHEDRAL BASILICA OF ST. FRANCIS OF ASSISI, 131 CATHEDRAL PLACE. THE REQUEST IS FOR THE OPENING RECEPTION OF *CREATIVE NATION II*, WHICH WILL BE HELD ON AUGUST 18, 2017, WITH ALCOHOL SERVICE FROM 5:00 P.M. TO 7:30 P.M.

Approved w/conditions

30

REQUEST FOR APPROVAL OF FLOOR PLAN CHANGES FOR DISPENSER LICENSE NO. 2746, LOCATED AT THE DRURY PLAZA HOTEL – SANTA FE, 228 EAST PALACE AVENUE

Approved w/conditions

31

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

CONSIDERATION OF BILL NO. 2017-17: ADOPTION OF ORDINANCE NO. 2017-12. AN ORDINANCE AUTHORIZING THE SALE OF 1,491 SQUARE FEET OF REAL PROPERTY CONSISTING OF A PORTION OF THE FORMER BOWER STREET RIGHT-OF-WAY, ADJACENT TO 322 PASEO DE PERALTA AND DESCRIBED AS "PARCEL 1," AS SHOWN AND DELINEATED ON A SURVEY ENTITLED "PLAT OF BOUNDARY SURVEY FOR THE CITY OF SANTA FE PARCEL 1," PREPARED BY SIERRA LAND SURVEYING, INC., DAVID E. COOPER, N.M.P.S. NO. 9052, DATED FEBRUARY 15, 2017, LYING AND BEING SITUATE WITHIN THE CITY AND COUNTY OF SANTA FE, NEW MEXICO

Approved

31-32

CONSIDERATION OF BILL NO. 2017-21: ADOPTION OF ORDINANCE NO. 2017-13. AN ORDINANCE AMENDING THE ANNEXATION AGREEMENT FOR THE RAVEN RIDGE APARTMENTS, ADOPTED BY ORDINANCE 2006-31, TO DELETE AN IRREVOCABLE OFFER OF DEDICATION OF RIGHT-OF-WAY FOR RAVEN RIDGE DRIVE. THE PROPERTY IS LOCATED AT 4141 LUCIA LANE. ("MUSTANG VILLAGE APARTMENTS DEVELOPMENT PLAN AND ANNEXATION AGREEMENT AMENDMENT," CASE NO. 2017-18)

Approved

32

RANKED CHOICE VOTING

MOTION TO RESCIND THE DECISION TAKEN ON JUNE 28, 2017, REGARDING RANKED CHOICE VOTING IMPLEMENTATION

Approved

33-60

ACTION REGARDING RANKED CHOICE VOTING IMPLEMENTATION

Failed approval for 2018 election

33-60

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

CONSIDERATION OF BILL NO. 2017-18: ADOPTION OF ORDINANCE NO. 2017-14. AN ORDINANCE RELATING TO THE CITY OF SANTA FE ECONOMIC DEVELOPMENT PLAN ORDINANCE, ARTICLE 11-11 SFCC 1987; APPROVING AND ADOPTING A LOCAL ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND MEOW WOLF, INC., FOR ACQUISITION AND EXPANSION OF A NEW PRODUCTION AND CULTURAL FACILITY, A LOCAL ECONOMIC DEVELOPMENT PROJECT

Approved

61-75

REQUEST FOR APPROVAL OF LOCAL ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND MEOW WOLF FOR EXPANSION OF ITS FACILITIES AND TO IMPROVE OR CONSTRUCT INFRASTRUCTURE NECESSARY TO THE FACILITY LOCATED AT 2600 CAMINO ESTRADA, SANTA FE, NM

Approved

61-76

REQUEST FOR APPROVAL OF INTERGOVERNMENTAL AGREEMENT BETWEEN THE NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT AND THE CITY OF SANTA FE, NEW MEXICO, FOR THE PURPOSE OF FACILITATING THE DISBURSEMENT OF FUNDS FOR THE MEOW WOLF LOCAL ECONOMIC DEVELOPMENT PROJECT

Approved

61-76

REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT IN THE AMOUNT OF \$550,000

Approved

61-76

ITEM

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PAGE #

CONSIDERATION OF BILL NO. 2017-15: ADOPTION OF ORDINANCE NO. 2017 ____ . AN ORDINANCE RELATING TO THE SANTA FE TRAFFIC OPERATIONS PROGRAM; AMENDING SECTION 24-4 SFCC 1987, TO UPDATE SUBSECTIONS 24-4.2, FINDINGS AND INTENT; 24-4.3 DEFINITIONS; 24-4.4 VIOLATIONS AND 24-4.5 ENFORCEMENT

Postponed to 08/30/17

76

CONSIDERATION OF RESOLUTION NO. 2017- ____ . A RESOLUTION DIRECTING THE CITY MANAGER TO RESTART THE SANTA FE TRAFFIC OPERATIONS PROGRAM (STOP) PERMITTED BY SECTION 24-4 SFCC 1987

Postponed to 08/30/17

76

CONSIDERATION OF BILL NO. 2017-16 ADOPTION OF ORDINANCE NO. 2017-15. AN ORDINANCE AMENDING SUBSECTION 14-6.3(B)(2)(c) SFCC 1987 TO REGULATE PARKING OR STORAGE OF SPECIFIED NONCOMMERCIAL VEHICLES WITHIN RESIDENTIALLY ZONED DISTRICTS

Approved w/amendment

76-77

CASE #2017-19. THE VILLAGE @ 599 GENERAL PLAN AMENDMENT. MONTOYA LAND USE CONSULTING, AGENT FOR DON JUAN'S LAND, LLC – CARLOS GARCIA, REQUESTS APPROVAL TO AMEND THE GENERAL PLAN FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF PROPERTY COMPRISING 19.99 ACRES OF LAND FROM LOW DENSITY RESIDENTIAL (3-7 DWELLINGS/ACRE) TO HIGH DENSITY RESIDENTIAL (12-29 DWELLINGS/ACRE)

Postponed to 08/30/17

77

CASE #2017-10. THE VILLAGE @ 599 REZONING. MONTOYA LAND USE CONSULTING, AGENT FOR DON JUAN'S LAND, LLC – CARLOS GARCIA, REQUESTS APPROVAL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE, CHANGING THE ZONING CLASSIFICATION OF PROPERTY COMPRISING 19.99 ACRES OF LAND FROM R-2 (RESIDENTIAL, 2 DWELLINGS/ ACRE) TO R-21 (RESIDENTIAL, 21 DWELLINGS/ACRE) AND PROVIDING AN EFFECTIVE DATE)

Postponed to 08/30/17

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END OF PUBLIC HEARINGS

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
EXECUTIVE SESSION	Postponed to 08/09/17	78
ADJOURN		78

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
July 26, 2017**

AFTERNOON SESSION

1. CALL TO ORDER AND ROLL CALL

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Javier M. Gonzales, on Wednesday, July 26, 2017, 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 A. Brennan, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

6. APPROVAL OF AGENDA

Brian Snyder, City Manager, said the caption in Item 10(I) on the Consent Calendar reads request for approval of bid number, and it should be proposal. He said all the packet information shows it as a proposal. He said he spoke with the City Attorney and she doesn't believe it is material.

Councilor Harris said he would like to postpone Item #H(9) on the evening agenda to the Council meeting of August 30, 2017. He met with the Police earlier today, and there is a new study in this regard, and the study informs this proposal. He would like to give the Police 30 days to sort out this information and hear this item by the Governing Body at its meeting of August 30, 2017.

MOTION: Councilor Harris moved, seconded by Councilor Lindell, to approve the agenda, as amended.

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

7. APPROVAL OF CONSENT CALENDAR

MOTION: Councilor Dominguez moved, seconded by Councilor Maestas, 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 July 24, 2017, regarding Item #10(c), is incorporated herewith to these minutes as Exhibit "1."

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday July 24, 2017, regarding Item #10(d), is incorporated herewith to these minutes as Exhibit "2."

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday July 24, 2017, regarding Item #10(e) is incorporated herewith to these minutes as Exhibit "3."

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday July 24, 2017, regarding Item #10(o), is incorporated herewith to these minutes as Exhibit "4."

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday July 24, 2017, regarding Item #10(q), is incorporated herewith to these minutes as Exhibit "5."

- a) REQUEST FOR APPROVAL OF AGREEMENT IN THE AMOUNT OF \$77,639.37 – ADOBE SOFTWARE VIA THREE-YEAR ENTERPRISE LICENSE AGREEMENT; SHI INTERNATIONAL CO. (BOGUSLAW MALECKI)
- b) *[Removed for discussion by Councilor Ives]*
- c) REQUEST FOR APPROVAL OF PROCUREMENT VIA HGAC BUY PRICE AGREEMENT IN THE AMOUNT OF \$348,732 – VACTOR EQUIPMENT; VAC-CON, INC. (DAVID CATANACH)
- d) REQUEST FOR APPROVAL OF STATE PRICE AGREEMENT AND PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$400,000 – ASPHALT CONCRETE PATCH MATERIAL; GM EMULSIONS, LLC. (DAVID CATANACH)
- e) REQUEST FOR APPROVAL OF CITY OF SANTA FE ON-CALL AGREEMENT AND STATE PRICE AGREEMENT IN THE AMOUNT OF \$2,358,946.21 – PAVEMENT MAINTENANCE PROJECTS (LABOR AND MATERIALS AND ASPHALT CONCRETE PATCH MATERIAL); GM EMULSIONS, LLC. (DAVID CATANACH)
- f) REQUEST FOR APPROVAL OF AWARD OF BID NO. 17/32/B IN THE AMOUNT OF \$516,011.50 – FY 2017/2018; CITY WIDE WATER UTILITY CONSTRUCTION AND REPAIR CONTRACT – CIP #953; SUB-SURFACE CONTRACTING, INC. (BILL HUEY)
- g) REQUEST FOR APPROVAL OF THE FOLLOWING AMENDMENTS IN THE TOTAL AMOUNT OF \$205,000 – PROVIDE WORKFORCE DEVELOPMENT, ENTREPRENEURIAL ACCELERATION AND OTHER SUPPORT FOR BUSINESS DEVELOPMENT IN SANTA FE. (ALEXANDRA LADD AND MATTHEW BROWN)
 - 1) AMENDMENT NO. 2 IN THE AMOUNT OF \$25,000; SCORE.
 - 2) AMENDMENT NO. 1 IN THE AMOUNT OF \$180,000; YOUTHWORKS.
- h) REQUEST FOR APPROVAL OF A BUDGET ADJUSTMENT/INCREASE IN THE WATER RIGHTS DEVELOPMENT CIP FUND IN THE AMOUNT OF \$132,809. (SHANNON JONES)
- i) REQUEST FOR APPROVAL OF AWARD OF PROPOSAL-BID NO. 17/48/P IN THE AMOUNT OF \$157,073.28 – PROVIDE CONSULTANT SERVICES FOR THE PASEO REAL WASTEWATER TREATMENT PLANT BELT FILTER PRESS #3 @ 73 PASEO REAL; HDR ENGINEERING, INC. (KENNETH ESPINOZA)
- j) REQUEST FOR APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT THROUGH A COOPERATIVE EDUCATION SERVICES AGREEMENT IN THE AMOUNT OF \$184,438.92 – CANYON ROAD WATER TREATMENT PLANT SECURITY SYSTEM IMPROVEMENTS PHASE III; INTRAWORKS, INC. (ALEX GAMINO)

- k) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$221,997 – COMPLETE PHASE I ENGINEERING AND PERMITTING/ PRELIMINARY DESIGN EVALUATION FOR REUSE PIPELINE FROM PASEO REAL WASTEWATER TREATMENT PLANT TO THE RIO GRANDE, BASED ON A COOPERATIVE PROCUREMENT VIA AN ALBUQUERQUE BERNALILLO COUNTY WATER AUTHORITY ON-CALL ENGINEERING CONTRACT FOR WATER AND WASTEWATER SERVICES; CAROLLO ENGINEERS. (WILLIAM SCHNEIDER)
- l) REQUEST FOR APPROVAL OF SOLE SOURCE AND PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$71,280 – HIRE/PAY EMPLOYEES TO PERFORM FUNCTIONS OF DOMESTIC VIOLENCE & SEXUAL ASSAULT COORDINATOR AND ASSISTANCE WITH THE U-VISA CERTIFICATION PROCESS; SOLACE CRISIS TREATMENT CENTER. (PATRICK GALLAGHER)
- m) REQUEST FOR APPROVAL OF RATIFICATION OF PURCHASE ORDER NO. 16175967 IN THE AMOUNT OF \$75,790 – SEWAGE SERVICES NEAR CHRISTUS ST. VINCENT HOSPITAL FOR THE WASTEWATER MANAGEMENT DIVISION. (JERRY TAPIA)
- n) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO LEGAL SERVICES AGREEMENT IN THE AMOUNT OF \$50,000 – WORK ON THREE ISSUES BEFORE THE NEW MEXICO OFFICE OF THE STATE ENGINEER (OSE): 1) THE NORTHWEST WELL APPLICATION, 2) RETURN FLOW/DISCHARGE CREDIT APPLICATION, 3) GROUNDWATER STORAGE AND RECOVERY PERMIT; STEIN & BROCKMANN, LLC. (MARCOS MARTINEZ)
- o) REQUEST FOR APPROVAL OF PROCUREMENT VIS NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT IN THE AMOUNT OF \$237,342.70 – VAULTED TOILETS; CXT, INC. (RICHARD THOMPSON)
- p) CONSIDERATION OF RESOLUTION NO. 2017-54 (FINANCE COMMITTEE). A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF THE FOURTH QUARTER (YEAR-END) BUDGET ADJUSTMENTS FOR FISCAL YEAR 2016/2017, AND ACCOMPANYING QUARTERLY REPORT AND ASSOCIATED FORMS/ SCHEDULES REQUIRED FOR SUBMITTAL TO THE NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION/LOCAL GOVERNMENT DIVISION (DFA/LGD) FOR THE FOURTH QUARTER OF FISCAL YEAR 2016/2017. (ANDY HOPKINS)
- q) CONSIDERATION OF RESOLUTION NO. 2017-55 (MAYOR GONZALES, AND COUNCILOR HARRIS AND COUNCILOR IVES). REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING THE CITY MANAGER TO IDENTIFY POTENTIAL FUNDING SOURCES TO SUPPORT THE WORK OF INDUSTRY STAKEHOLDERS TO DEVELOP THE “SANTA FE NETWORK TV.” (MATTHEW BROWN) Fiscal Impact: \$45,000 – funds will come from Tourism (\$25,000) and Economic Development (\$20,000).

- r) **REQUEST FOR APPROVAL OF RECOMMENDED DEBT MANAGEMENT POLICY.
(ADAM JOHNSON AND BRADLEY FLUETSCH)**

END OF CONSENT CALENDAR

8. APPROVAL OF MINUTES:

- a) **SPECIAL JOINT MEETING OF SANTA FE COUNTY AND CITY OF SANTA FE
GOVERNING BODIES – JUNE 15, 2017.**
- b) **REGULAR CITY COUNCIL MEETING – JULY 12, 2017.**

MOTION: Councilor Trujillo moved, seconded by Councilor Harris, to approve the minutes of the Special Joint Meeting of Santa Fe County and the City of Santa Fe Governing Bodies – June 15, 2017, 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 voting against.

MOTION: Councilor moved, seconded by Councilor , to approve the minutes of the Regular City Council Meeting of July 12, 2017

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 voting against.

9. PRESENTATIONS

- a) **JUNE 2017 EMPLOYEE OF THE MONTH – ANDREW GARCIA, HORTICULTURIST,
PARKS AND RECREATION DEPARTMENT.**

Mayor Gonzales read the letter of nomination into the record, and presented Mr. Garcia with a plaque and a check for \$100 from the Employee Benefits Committee. He thanked him for his exemplary service to the City.

Mr. Garcia invited the Governing Body to come on a field trip with him. He has a lot of things he would like to discuss with them to improve our City further, commenting there are a lot of issues that need to be resolved.

b) JULY 2017 EMPLOYEE OF THE MONTH – TRISTAN TORTORICI, PUBLIC SAFETY APPLICATION SOFTWARE SPECIALIST, INFORMATION, TECHNOLOGY AND TELECOMMUNICATIONS DEPARTMENT.

Mayor Gonzales read the letter of nomination into the record, and presented Mr. Tortorici with a plaque and a check for \$100 from the Employee Benefits Committee. He thanked him for his exemplary service to the City.

CONSENT CALENDAR DISCUSSION

10(b) REQUEST FOR APPROVAL OF PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$374,645.41 – PLANNING AND DESIGN FOR THE RECONSTRUCTION OF GUADALUPE STREET FROM AGUA FRIA STREET TO PASEO DE PERALTA; WILSON & COMPANY, INC. (DAVID QUINTANA)

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday July 24, 2017, regarding this item, Item #10(b), is incorporated herewith to these minutes as Exhibit "6."

Councilor Ives said, "When we get to these significant street projects, I think we always need to be looking, as part of the design and work that is being done, at the possibility of putting in fiberoptic lines to extend that network across the City as we have done when we spent approximately \$1 million on extending fiberoptic. And we have already seen great benefits from that in terms of increased speeds to many properties. So really this is just a call on the folks doing the design work to keep that mind. And I would recognize that the funding for this project does not include that within it, so it would be in addition. But then this project won't be constructed for a while yet. So again, I would like to see it looked at in the context of this, and know that as we do other large and significant street projects I will be asking that question, probably over and over again until you get tired of me. Just wanted to state that for the record and let you know where I am coming from, because I think that system across our City is going to become key to our economic development, ensuring that we have high speeds available. It also helps with tourism and wayfinding and a host of other things that are significant to this City and its economic growth and health."

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

DISCUSSION: Councilor Harris said he wants to make John Romero aware that he reviewed the contract during Finance Committee and there is a significant public participation element in the contract by which Wilson and others must abide. The local chapter of the American Institute of Architects recently did a charrette for the Garrett Desert Inn property, and they are prepared to do a similar effort as part of this North Guadalupe project. They are organized for a charrette and there won't be any cost to the City, and it will be introduced as part of the public participation, "so you may get a call from a fellow named Tom Spray who we remember from our Planning Commission days."

Councilor Villarreal said she agrees and concurs with the process, and believes it would add to the outreach we will do. She said they had a robust process in getting opinions from people they typically don't, "so I would add my support for that option."

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. STATE OF THE MUNICIPAL COURT. (JUDGE VIRGINIA VIGIL)

A copy of a Memorandum dated July 12, 2017, with attachments, to the Mayor and City Councilors, from Virginia Vigil, Municipal Court Judge, regarding State of the Santa Fe Municipal Court, is incorporated herewith to these minutes as Exhibit "7."

Judge Vigil talked about a learning curve throughout the judiciary in New Mexico because of the new rules and regulations effective July 1, 2017, affecting bonds. She said bonding can't happen unless a Judge actually goes and releases a prisoner. She said she just came from her training and there are a lot of changes. The basis for changing the bonding is financial, because they don't want people to stay in jail just because they can't comply with the bonds. So they are going toward an assessment and evaluation for release. She said it can increase the cost of inmate incarceration, and she will have more Judge Pro-Tem house and there could be a increase of cost to the jail. She said a surety bond no longer can exist, but they can do unsecured bonds and other options. She said she would be happy to explain this in more detail at another time if the Governing Body would like. She said they have been told these rules will be revisited because of the issues that have arisen. She said this is the one significant change.

Councilor Ives asked what problem the Supreme Court Justice was trying to solve with this change.

Judge Vigil reiterated it is for people who couldn't afford a bond and had to stay in jail.

Councilor Ives said he thought he heard her say this could result in people staying incarcerated for longer periods.

Judge Vigil reiterated that the purpose was for people were being incarcerated for a longer period of time because they couldn't afford release with a bond.

Councilor Ives asked if everybody on a DWI offense is automatically in the program.

Judge Vigil said the offenders are screened for success, and they aren't necessarily DWI, it could be other things such as shoplifting, and they could be helped by the DWI Drug Court. It isn't an automatic referral, it is a screening.

Councilor Ives noted the statistics on page 2 of Exhibit "7." He asked her thoughts in this regard.

Judge Vigil said they have the right formula now in screening for success. She said not all DWI offenders are good candidates for Drug Court, noting many are pled. The Drug Court creates a support system, a safety net, who need that kind of monitoring. They contract for the individual and group services with Millennium.

Councilor Ives said he spoke with a constituent earlier today who was complaining about robberies in their neighborhood. He said the LEED program is an effort to break the continuing cycle of drugs-theft-jail-back on the street-arrest. He asked if we need to look at expand those kinds of offerings in Santa Fe to save costs, time in jail, disruption of peoples's lives, noting he would welcome her thoughts on expansion of programs as we go into the next year's budget process.

Councilor Harris said the entire Public Defender Program seemingly is under-staffed fairly consistently, and asked if that is an issue in her Court.

Judge Vigil said she is fortunate in that she is one of the few Courts state-wide which has an FTE for City Prosecutor and a Public Defender. She said it does tax the Public Defender and City Prosecutor, noting the City Prosecutor has more of a burden because of a pre-trial prosecution program. She noted the Public Defender has said she could use additional help.

Councilor Rivera said he is looking for information on Teen Court, and asked if we still have Teen Court, how often it is utilized and how the program is working.

Judge Vigil said the Santa Fe Municipal Court probably has the largest number of referrals to the Teen Court. For the most part, most of those teens are successful.

Councilor Maestas said her Memo indicates she has made an informal request to have Police Officers cite teens to Night Court. He asked if these are older teens, or multiple repeat offenders.

Judge Vigil said these are for teens that get any kind of citation. She said people are grateful for the opportunity to appear in Night Court because it creates a relief for their work day.

Councilor Maestas noted the backlog of cases in the State Crime Lab, noting it impacts our citizens. He asked to what extent is that backlog affecting the prosecution of crimes in the City.

Judge Vigil reminded him that the Municipal Court deals only with misdemeanors and traffic citations, as well as shoplifting cases. She said shoplifters are required to go to a course. She said what is backlogged in Municipal Court are those failing to appear for which she has to issue bench warrants. She said bench warrants cannot be issued for bonds. So if the bench warrants are served, we will have to step up to the plate and respond to release and probable cause findings along with the community.

Councilor Trujillo asked in sentencing someone to community service, what community service does she give them.

Judge Vigil said they are required to do service with the organizations on the list within the City of Santa Fe. She said it can create a burden to the person and to the community, especially when the organization doesn't have the dollars.

Councilor Trujillo asked if they could do public service with Public Works on the issue of weeds in the City.

Mr. Snyder said he has thought about doing this in the past. He said they expected to be fully staffed by Monday. He said there are issues in doing this, in terms of training and liability, and it needs to be under direct supervision of the City. He can look into doing this with the weeds on the median, reiterating concerns about liability and training. They wouldn't be able to drive a City vehicles.

Councilor Trujillo asked about the group of young kids from Gloria who wanted to come and clean, and asked if they had to go through training, and obtain city liability coverage.

Councilor Snyder said he doesn't know, but guesses they weren't using weed-eaters and such, and it was more a hand-pulling effort. They would be under general supervision, but not necessarily the direct supervision we would want if working on medians and in the rights-of-way.

Councilor Trujillo said then there is the possibility of using these people in these kinds of instances.

Mayor Gonzales expressed thanks and appreciation to Judge Vigil for her service and leadership in the community, as well as her advocacy in trying to improve the lives of our people. He thanked her for her report, and asked her to thank her staff for their service as well.

12. CASE #2017-02. SAFELOCK STORAGE, 6350 AIRPORT ROAD, GENERAL PLAN AMENDMENT. (DONNA WYNANT)

a) MOTION TO RESCIND THE DECISION TAKEN AT THE JUNE 28, 2017 MEETING OF THE GOVERNING BODY TO DENY THE APPLICATION TO AMEND THE GENERAL PLAN. (COUNCILOR IVES)

Councilor Ives said, "Again, I had not been able to be at the meeting when this was originally considered, and thought it important enough for various reasons, which I'll express, that it made sense to reconsider it, and so brought the Motion to Rescind. I would start by saying I'm not sure I've read many

Planning Commission Findings of Fact and Conclusions of law that have to some degree made more sense to me in terms of supporting the proposed changes that were sought by the Applicant in this particular matter. And of course, was being taken as a whole when the approval of an amendment to the City of Santa Fe General Plan Future Land Use Map changing the designation of the property from Office to Community Commercial, the Plan Amendment to rezone the property from C-2 to C2-PUD, General Commercial Planned Unit Development, the rezoning. And I think both of those, taken together, in my mind, also make a strong argument for allowing this particular project to move forward. I do note that, at least at the Planning Commission, there were no members of the public interested in the matter, so there didn't appear to be strong opposition to this within the community. And also in the Findings from the Commission it was noted that the ENN meeting was attended by the Applicant, City staff, and there was one member of the public in attendance who raised a few concerns."

Councilor Ives continued, "So in terms of the number and extent of people within the community who are in opposition to these types of matters, it was remarkably few, which again, gave me a greater confidence in the capacity to look at the Findings and Conclusions of the Planning Commission in a favorable light. Looking at those Findings and Conclusions, it does talk about the project site as being within the future growth and Urban Staging Area One, that existing street and utility infrastructure are adequate to support the proposed level of development, so there didn't seem to be significant impacts on streets, which is another item that we regularly hear from in terms of people opposing various types of development. And indeed, the suggestion from the Planning Commission, and it's reflected in their Findings is that actually, because of the nature of the use, the traffic impact would likely be less than other types of developments that might otherwise appear in that particular spot."

Councilor Ives continued, "The Findings note that, '*The Airport Road corridor has a diverse number of uses, and the property is in close proximity to a large number of commercial and office uses and that the proposed amendment to the Community Commercial designation will allow a variety of potential commercial land use and is not significantly different with the prevailing uses in the area.*' So it didn't seem like a project that was going to stand out in any odd, or obtrusive or invasive way that was in the area and allowed under the current zoning plan. It noted that, '*The project would promote the general welfare by providing a low impact use, that it would increase neighborhood safety by developing a vacant property that otherwise might create opportunities for vandalism, littering and loitering, and that the project would indeed create jobs and support economic development.*' It went on to note that because of housing shortages, and I know you all know I am very interested in bringing forward various proposals to try and resolve, and many Santa Feans take advantage of storage facilities to pack their belongings. And additionally, of course, Santa Fe is home to many part time people, and so the need for such facilities and the general occupancy of them is certainly an existent need across our City."

Councilor Ives continued, "It's, again, located in the Airport Road Overlay District and the Development Plan complies, the Planning Commission found, with the minimum site development standards of the Overlay as set forth in the Overlay Ordinance. '*The current C-1 designation contemplates offices or medical facilities, which generate more traffic, I believe, than a storage facility. The change in use will benefit the neighborhood by significantly reducing the potential traffic impact...*' The Commission noted that they had considered the criteria established the Code and finds: *All the rezoning requirements of the Code Chapter 14 have been met...*'"

Councilor Ives continued, "So I look at a project which appears to have many beneficial impacts, and I would note too that, and this is noted also in the Planning Commission Findings and Conclusions at Paragraph 36, that *'The C-2 General Commercial district allows a variety of use, but the Applicant in requesting the PUD zoning in order to ensure that the property will be developed in a way that will be compatible with the area rather than allowing a variety of C-2 district uses in the future [that otherwise] would be allowed under the C-2 designation]. The PUD zoning limits permissible development to the requested use, thereby preventing other uses from being developed on the site.'* And so often we deal with changes and requests that ask for changes without any sense of what necessarily, ultimately is going to be put in place. And in this case, the Applicant seemed to come forward with the proposed change to put in place, potentially, good business, jobs, low impact, low traffic, but do it in a way that did not allow a wider variety of uses that otherwise might be objectionable. And I think that may be one of the reasons there was so little opposition to it in the first instance."

Councilor Ives continued, "So, it seemed a worthy project, and I wanted to be able to suggest that to the Council, to the Governing Body, and with the hopes that we might be able to reconsider that at the meeting on August 30, 2016."

MOTION: Councilor Ives moved, seconded by Councilor Maestas, to rescind the decision taken at the June 28, 2017, meeting of the Governing Body to deny the Application to amend the General Plan.

DISCUSSION: Councilor Dominguez said this is a little uncomfortable, because he thinks he heard Councilor Ives said he wanted to rescind so he can support the application when it comes back, because this is supposed to be *quasi judiciary*, and we're going to start setting a pretty interesting precedent if we do this.

Councilor Ives said the objective of the Motion to Rescind is to consider it again. He said he has spoken in favor of the Motion, because what the Planning Commission has said makes sense. He said clearly, he wasn't here for the debate on this matter when it was first brought up, and often peoples' positions on these issues develop further over time. He said he isn't meaning to pre-judge what action he would take if it is reconsidered. However, he finds enough in the record of the Planning Commission to support a motion to rescind and to reconsider the matter.

Councilor Dominguez said he will not stand in support of the motion, because quite frankly, he believes you can interpret those Findings and Conclusions in many different ways. He said these Overlay Zones were created for a reason, just like the Historic. We take special care of the Historic District and all the other overlays. He asked, "How do we do this Kelley, do we have to do an ENN all over again. How do we do this, since it is supposed to be *quasi-judicial*."

Kelley Brennan, City Attorney, said, "The action of rescission voids the previous decision. So it would be as if it never happened."

Councilor Dominguez then it would be *de novo*.

Ms. Brennan said, "Yes. And I don't think it would have to go through the whole process again, but I think it would come before this body if the motion to rescind succeeds, it would come before this body as it did before."

Councilor Dominguez said, "I take, respectfully, Councilor, I take exception to this idea that it is not a project that that people don't want because there were no comment from the public. That is a part of our community where they probably quite frankly are at work. And that's the reality, and that's not something that is uncommon in these chambers. People in that part of our community don't fill these chambers very often. And so to use that as a measure, I think is a little bit concerning, I guess. That's all I have Mayor, thank you. I don't know where it's going to go, but I'm not going to stand in support."

Councilor Ives said, on that point, he agrees, because we never know who will be in front of the Governing Body on any matter. There seems to be certain issues that capture the interest of the public more generally, which results in significant turn-outs, and in part, the reason he referenced the ENN meeting where there was only one person who expressed reservations, although those weren't detailed in the Findings. He noted the ENN was held in the area at the Southside Library. He said there didn't seem to be much public opposition to it.

Councilor Lindell said, "I am troubled by this. I was on the losing side of this vote, so I should be quite thrilled to have a second bite at the apple with this, but I'm not. I don't feel, procedurally, that this is a direction that I want to see us start to go in. We have two items on this agenda tonight to take a look at actions that were presented to this Council, they were presented in a reasonable manner, this Council heard them and we took a vote. The second part of that I would say, and I have said this to Councilor Ives, respectfully that this is a Council that I think whatever our differences are on any given day or whatever our agreements are on any given day, that if any Councilor were to ask on any agenda item and say I'm not going to be here, this is something I really want to participate in, would you be willing to postpone this. I don't think there is a Councilor here that would say no. Even if I was counting votes, and I didn't want you here."

Councilor Lindell continued, "These are procedural waters that are muddy for me, personally, and I think they get deep very very quickly. And to see two of them on one agenda, I'm not sure it's a look into the future, but it might be, and procedurally that's not a direction that I think is proper for this Council. So with all due respect, I don't think that I will be supporting this. Thank you Mayor."

Councilor Ives said we obviously are governed by Robert's Rules which specifically provide for these kinds of considerations. He regrets he didn't ask that this be postponed until he could be here, and will consider that. He understands and agrees with the point. He said he doesn't think he's seen more than 1-2 motions to rescind since he's been on Council, so he really doesn't see this as setting a precedent or "opening the floodgates," in term of this kind of motion. It is unusual and he believes it will remain unusual.

Councilor Maestas said, "I agree with Councilor Ives. In these two issues, I think we're comparing apples and oranges here. I believe they are extraordinary. In terms of this case, I also was on the losing side. But the glaring fact about this case is that this piece of property had been vacant for 21 years. And I know that we've been in a recession, things have been slow, but our economy is ramping up. And the last thing I

want to do is inhibit or discourage the risk takers out there, developers that want to develop a piece of property that has been vacant for 21 years in this case."

Councilor Maestas continued, "And the other issue is that it's not in the best location. It's right there in a quadrant adjacent to a major intersection. I know that all the access restrictions have prevented the development of this property for other uses. And I believe the Applicant picked this use because it's not a traffic generator, it minimizes the impact on the area. And I think they went through incredible efforts to make it appealing. It is a frontage piece of property."

Councilor Maestas continued, "And then the last thing that troubled me the most about that discussion is that, and I might add for the record, and of course it's plain to see in the record, that the Planning Commission approved this. There was only one dissenting vote as I recall. And I just don't think that we should be, as decision makers, in the business of saying, well you know what yes, this is an allowable use, but why couldn't it be this. And so I'm not going to support this use, because I'd rather have this. When in fact, the proposed use abides by all of our Codes and our rules, and that troubled me greatly. So in that respect, I think that this action is extraordinary and I'm not going to jump on the 'motion to rescind bandwagon.' I agree with Councilor Lindell. We need to respect and honor our decisions. But, if there is an opportunity to rehear an issue that is extraordinary, I think we should. And I think this one is. Thank you."

Mayor Gonzales said, "Along with Councilor Maestas, my hope is that the Council will allow for this to be reconsidered. It doesn't, in my view, although I was on the losing side and listed to Councilor Rivera's argument which was very compelling, and I think to yours Councilor Dominguez. It is a unique property. I think at the best, for this City, to be able to work and try to purpose properties that match community benefit and also the private property owners is that constant balance that we're looking toward. And part of my thought and hopefully supporting this and seeing it come back, for the benefit of Councilor Dominguez and Councilor Ives, is there was a lot of conversation about how the infrastructure, the roadway becomes quite limiting in terms of what can actually be purposed on the property. And I think Councilor Maestas offered some compelling points in terms of safety issues. One of the things I asked about was if there was a way to go back to staff and see if, if it wasn't this use, things could be addressed with the infrastructure, roadways, or other things that could be worked out. I think by rescinding it and bringing it back, it stays in the process and allows for continued conversation between the staff and developers, if one can be found, where potentially there might be a difference solution or purposing of the property. And ultimately, to be able to come back to a full Council and make a determination, I don't think, is inappropriate to consider."

Mayor Gonzales continued, "I don't think to rescind the decision means that it is an automatic approval. And I can't commit how I would vote a second time, considering the case that Councilor Rivera had made. And Councilor Dominguez, I know you've worked in the community and the point of the Overlay District is to incentivize uses. If those uses aren't being delivered, we have to ask the question, how do we work alongside them to try and get some of those uses. I think this property development allows that conversation to happen by the Council, whether we grant the zoning request or not, it is an opportunity to engage in a full discussion."

Councilor Dominguez said he respects what everyone has to say. He, along with staff, worked very very hard on the overlay, and the whole intent was to encourage uses that are in that Overlay. He said quite frankly, we have two storage unit businesses at Cerrillos and 599, two storage unit businesses at Cerrillos and Airport and Airport Road and 599. He said the uses are there for that. He said part of our job in land use is to be able to consider uses, and we do it all the time. He said it's about choice, not something that is discretionary.

Councilor Dominguez continued, saying he would rather amend and give an exception to a use that works, rather than to change the whole Overlay and start giving exceptions on the Overlay, which he thinks is going down a dangerous path. He said when they wrote this, it was much more Draconian than applicants think it is. He said they worked with it and brought it to a place where they wrote in the Code the opportunity to give discretion to the Land Use Director to consider pieces of land that were odd-shaped or had some of these issues in 14-5.5(C) he thinks. He said the fact is we need doctor's offices, those other healthy community uses in the area. He would rather give an exception to the use than to the Overlay itself.

Councilor Dominguez continued, saying to him, it seems that we are trying to figure out a way to get this project on the positive side. He said originally, the staff wasn't in support of this project, and he is curious to find out why the Land Use Director isn't taking some of those things into consideration – the fact the property is odd shaped. He knows it put staff in a bad position, because will have Traffic saying one thing and the Land Use Director saying something else. However, that is the reason they included that language in the Overlay, and we wouldn't be looking at amending or changing the overlay, and looking at the use instead.

Mr. Snyder said he recalls that Land Use staff did recommend it to the Planning Commission for approval, as submitted.

Councilor Dominguez said usually people are "looking to get the zoning that this piece of property is already zoned." He said there are cases where residential applications are made in a residential zoned district and we can't get that approved. He said the people in that part of our community are interested in the use, and he would rather make an exception to the use than to the overlay. The next thing that is going to happen is that we'll get another applicant down the road 2-3 lots away that wants to build a storage unit, and you're going to see it is an odd shaped piece of property, and they have a storage unit application – you let them do it, you've got to let us. He said Overlays should be dealt with very specially and delicately and very purposely.

Councilor Rivera said he totally agrees with Councilor Dominguez, and was part of the argument made on the evening we voted on this. He said at Public Works, we just heard about potentially extending the Old Pecos Overlay District all the way to Cordova Road. He said he would hate for all that work to be done with the neighbors, and have something to come up which is against the wishes of the neighborhood and what they agreed to, then start making changes to the overlay district. He said, as Councilor Dominguez said, once you start doing that it becomes a dangerous road to take.

Councilor Rivera continued, saying he knows this is allowed under Robert's Rules of Order, but agrees with Councilor Lindell that this is setting up a slippery slope. He won't be in attendance at the next Council meeting, but he will look at the agenda, and he will ask for postponement of anything he wants to vote on. He said he isn't saying that the Councilor did that on purpose. However, if it's something he is really is interested in, he wants it to wait until he is here to vote on it.

Councilor Rivera continued, saying with regard to the process, a large number of people in his District feel this is a "done with deal," already voted on and it's no more. And to try to get them to understand that we're coming up on this again is going to be difficult. He said he thinks that if this motion is approved, that it probably should go through the entire process, including the ENN to give people the opportunity to speak on this and be heard. He said a lot of people thanked him after the last vote because they didn't know it was before the Council, and if they had known, they would have attended the meeting.

Councilor Rivera continued, saying this is a different district, where there are a lot of working people, and people who don't get home until 6:30 or 7:00 p.m., and then have to feed the family and go to bed so they can get up early. He said if this is approved, he would request it go through the entire process, including the ENN.

Councilor Trujillo said he agrees with Councilor Dominguez. He said he struggled with this, noting Ms. Jenkins said this was the only thing that possibly could be built on the property. He said he would love a building for a doctor. His concern is making exception to the use. He said he voted with the representatives of District #4. He said he also got calls from people in District #4 telling him that they want something else there. He asked Councilor Dominguez how we change the Ordinance for the use.

Councilor Dominguez said the community worked very very hard on the overlay, to say the things in which they are interested – healthy food, doctors, grocery stores. He said the first iteration was more Draconian. He said they did recognize there would be odd pieces of land, and traffic issues. There are a lot of driveways on Airport Road. They decided to give staff discretion as he said previously. He said the Land Use Director and Traffic are going to have to work something out in this case. The language is in the Ordinance, so it will be up to the Applicant to bring a project that fits. He reiterated the reason for the Overlays and Corridors is to protect people, and if we disregard that intent, we will be getting away from that. He said, "So, I guess, to answer your question, it is going to be up to the Applicant to bring something that's going to get us there."

Councilor Trujillo reiterated these are his concerns, and that he received calls from constituents in District #4 as well. This should be the concern of everybody on this Council. He said, "Some districts are sacred and others aren't, and that's the unfortunate thing."

Councilor Dominguez said this is discretionary. He reiterated the Overlay was put in place for a particular reason, and by allowing this to continue to go through, we aren't introducing a use that is reflective of that community's values that they stated through that Overlay that we went through for a course of time to establish. He thinks it is unfair to that constituency.

Councilor Villarreal said, "I know... I think it's interesting that we do have two motions to rescind tonight, but our City is a different beast, it's a legislative policy matter. And this particular motion to rescind is *quasi judicial*. It's a Land Use Matter. And you also have to remember, in the General Plan, any amendment to rezoning is discretionary, and it's not by Council it's not a right. So we have to think about that too. I think it sets bad precedent when the Council makes a decision, especially on a rezoning request for an Overlay District, when we have a developer that doesn't agree with our decision and goes to a Councilor to make a motion to rescind. I think that is bad precedent. And I had said in the last meeting that I would be committed to work with the Councilors in District #3 to look at the Overlay District as a whole, instead of just looking at one parcel. There are other parcels that we're looking more through incentivizing, rather than just looking at one parcel to change. So I think it would be important to look at it as a whole, because that does, again, set another precedent with how we look at Districts. I think on St. Michaels, there may be things we'll have to adjust later on as we move forward and we see how it works or doesn't. That's what we're supposed to be doing, not just deciding things and making amendments or adjustments based on rezonings and variances. I don't think that's a good way to approach this. Thank you."

Councilor Maestas said for clarification, no action was taken on the rezoning, and the request to rezone was withdrawn. So the action before us is just the Plan Amendment.

Mayor Gonzales said he understands the work on the overlays, and that it is the desired will of the community of the purposes they would like to see happen with incentives. Unfortunately, along Airport Road, we've not been able to incentivize enough of the opportunities requested by the community – whether grocery stores or other things. The question is what to do, noting there are still large parcels of undeveloped property that we need to recognize. If the Overlay Zone isn't incentivizing private property owners to do something with their property, then we get what we have now, which is nothing happening other than retail components. He said what is unique about this and the struggle he had with this request is that it didn't meet any of the uses in the overlay and we don't get GRTs off storage facilities. However, as we went further into the case, our challenge was the way we've designed the infrastructure and what it does to private parcels in terms of actual uses. We can't ignore the private sector reality of what can be purposed on the property as the result of our choices and how we built infrastructure and intersection along the way. Ultimately, it came around to supporting the use, because, he felt, because of the way the intersection was designed and the input. If we said we wanted doctor's offices, they would say there would be too much traffic. And if we say we want more retail in there, they'll say no, because the intersection collapses, because it isn't enough to make it happen.

Mayor Gonzales continued, saying it's part of the point of why he voted in favor of the application. There are some unique circumstances because of the infrastructure that are limiting the uses he doesn't think we'll ever get with a denial to what they want. He thinks this is more of an opportunity to engage in a forward debate with the Council when the Applicant is able to participate and answer questions as they did last time. He thinks we have to continue to try to work alongside the developer so some of the intent of the community is met. He doesn't know if that can happen. He said you have talked about if there could be more explorations with the Land Use Department on different uses where the infrastructure won't be detrimental or where the public safety wouldn't result. He doesn't know the answer. He said that is the dilemma and challenge on this parcel. He understands there are 80 acres of undeveloped property along Airport Road where the infrastructure could handle multi-family or multi-use development that included

grocery stores, doctors offices and other things. He could understand the argument of a denial when there clearly are other uses. But in the minutes, we were asking a lot of questions about what is happening with the infrastructure there that doesn't allow for other types of purposes to be on the property.

Mayor Gonzales continued, saying he knows it is a tough situation, but this is a unique circumstance because of what we're willing to accept in terms of cars being backed up. He would appreciate having more input from you during the discussion where we actually are delving into this, and understanding going back and forth over the application when it is in front of us.

Councilor Dominguez said he respects the Mayor's remarks and he thought about all of those things. He said traffic is always a land use issue, whether on Airport Road or other places, and there always will be issues about traffic in any land use case before us. He isn't surprised it is an issue, and this the reason they built into the bill the opportunity for staff to exercise discretion in considering these things. He said if you are really concerned about traffic, don't allow anything to be built on there and there will be no impacts, but that isn't realistic.

Councilor Dominguez continued, saying you have to recognize and consider that this is a 400 year old plus community, and the Overlay District is 2-3 years old. We have to give it time to root and happen. He said perhaps we need to increase the incentives, and look at ingress and egress issues. However, to throw out the use because those kinds of things does some injustice to the constituency who are the ones who "live it and breath it every single day."

Councilor Dominguez continued, saying he appreciates the input, but he feels very passionately about the Overlay District since he, staff and the community worked so hard on it.

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

For: Mayor Gonzales, Councilor Ives and Councilor Maestas.

Against: Councilor Dominguez, Councilor Lindell, Councilor Rivera, Councilor Trujillo, Councilor Villarreal and Councilor Harris.

b) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON AUGUST 30, 2017. (Only considered if Motion to Rescind is approved)

No action.

c) REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW. (Only considered if Motion to Rescind is approved)

A copy of the Findings of Fact and Conclusions of Law, with attachment, in Case #2017-02 SafeLock Storage General Plan Amendment, and Case #2017-03 SafeLock Storage Rezoning to C-2, is incorporated herewith to these minutes as Exhibit "8."

MOTION: Councilor Dominguez moved, seconded by Councilor Villarreal, to approve the Findings of Fact and Conclusions of Law, with attachment, in Case #2017-02 SafeLock Storage General Plan Amendment, and Case #2017-03 SafeLock Storage Rezoning to C-2, as presented.

VOTE: The motion 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.

13. MATTERS FROM THE CITY MANAGER

Mr. Snyder said Councilor Trujillo brought up a question on the weeds and he wants to provide an update on the weeds. He said we've had a lot of calls and emails and we drive around the town. As he mentioned at the last Council meeting, we are having trouble filling vacancies, and they have done a hard push to fill the vacancies. He is proud to announce on Monday, July 31, 2017, all the positions will be filled and have workers on the ground attacking the weeds. The challenge is that we are now behind, and the rains are bringing more weeds.

Mr. Snyder continued, saying they will proceed in two ways. Currently, we are using mechanical tools only. He met with staff and directed them to make sure that we are following the IPM Ordinance. We have not been following the IPM Ordinance. There has been a lot of conversation among Councilors about that over the past year. He said we have not been spraying or applying this. So he directed staff to follow the IPM Ordinance. The Ordinance is in place because Council has approved it, and until Council changes the IPM Ordinance we should be following it. He said the "weeds are what they are right now," and if we were to apply a spray to the weeds they would be dead standing tall. The direction to staff now is to work on an IPM plan to mechanically remove the weeds, and then apply the necessary IPM to maintain and better manage the medians. He met with Victor Lucero this morning and he is on board. He now feels he has the support from Council and everybody around him. He said you will be seeing more of that and notifications, all of which will be done in accordance with the IPM.

Mr. Snyder continued, saying in addition, we are working with the prison system who has a 5-person crew and will be on Cerrillos Road on Monday, July 31, 2018, and work on Cerrillos Road hard. He said if that were to change, he has asked staff to move our crews into that area. He also is working on a partnership with local landscapers to assist us on a one-time effort, to hit some of the major arterials where we have had challenges. They will be doing mechanic removal of weeds, and then he will apply the IPM Ordinance, so once they are down, our staff can maintain it. He will be working with the PIO to get information to the public via the social media, the City's website and various media outlets to inform the community as to where staff will be, so you can check on that. He will provide a link when it is up and running.

Mr. Snyder continued, saying he would ask the members of the Governing Body to refrain from contacting Parks staff and requesting them to go to a special area within their District. He said it is terribly disruptive to what staff is trying to do. He worked out a plan with Parks Staff with his expectations regarding timing. He said if staff is pulled from certain areas and moved to another area because of calls and complaints, that disrupts the flow and they can never get caught up. He asked that they contact him directly on specific areas and he will work with Richard Thompson.

Councilor Trujillo showed the Governing Body the items related to drug use that he found along the Santa Fe River during the Fishing Derby. He said the River is overgrown, and there are dead branches as well as the drug use items. He is hoping more staff can make it cleaner, safer where we don't have to worry about our children stepping on a needle and such. He provided the items he found to the City Manager.

Councilor Harris thanked Mr. Snyder for his report and said he will honor his request. He would ask, as soon as possible, to see the plan and the schedule.

Mayor Gonzales said that is a key point, and it isn't for Councilors to not point to areas that need to be addressed, but those should be directed to the City Manager for follow up. He said the schedule is meant for the public and the Governing Body. He said the Constituent Service line is set up to build work orders that will ensure the crews can address any concerns.

Mr. Snyder agreed, and reiterated the process for communicating issues to his office.

Councilor Ives said another way we can attack the problem is in designing or redesigning medians, curbs, sidewalks and streets, to put down impermeable material to prevent weeds from growing in the first place. He said there was a discussion at Public Works in this regard, and he would like to work with the City Manager to see what we need to do to incorporate that kind of up front planning into weed control, which hopefully would have a significant impact over time.

Councilor Ives asked the City Manager for a report on sidewalks. He said our Code requires property owners to care for sidewalks, which would include preventing growth as well as the quality of the sidewalk itself. He would like to see us use that tool in more pro-active way.

Councilor Rivera said he will honor Mr. Snyder's request, but hopes that in doing so that he will stick to the schedule, noting he will be giving that to his constituents.

Councilor Rivera said he hopes they will be look at current safety issues created where weeds or Chinese elms are creating visibility issues at intersections. He said in District 3, there are many areas where people are forced from the sidewalk into the street.

14. MATTERS FROM THE CITY ATTORNEY

There were no matters from the City Attorney.

15. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

16. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "*Bills and Resolutions scheduled for introduction by members of the Governing Body – Amended*," for the Council meeting of July 26, 2017, is incorporated herewith to these minutes as Exhibit "9."

Councilor Maestas

Councilor Maestas said he thinks everyone has heard about the "South Capitol Creeper," noting there is a meeting about that tonight. This is the second public meeting and he wasn't informed about this or the first one, and that concerns him. He has been receiving a lot of emails from concerned constituents in the South Capitol area. He said tonight's meeting conflicts with this one. He understands from Chief Gallagher that this date was preferred by the neighborhood. However, in the future he would like for the Chief to consult with him and Councilor Ives about meetings. He said this is a grave matter, and people are really frightened. He said many homes don't have air conditioning, and people are forced to open their windows. He would like to be informed more regularly by the Chief in terms of what is being done to catch this perp.

Councilor Maestas said there is an issue at the retention basin to catch stormwater at Salvador Perez which is beginning to pond, and we need to solve that problem. Perhaps we can expedite an engineering solution to facilitate the drainage.

Mr. Snyder said staff already is working on a solution. He said believes the current design was installed correctly, and they are working to make the current engineer and contractor accountable for that. He said it has been more than the anticipated run-off, and staff is working with Parks to do all we can to help that situation. He has been communicating regularly with Nick Schiavo about that.

Councilor Maestas said we routinely close GCCC for up to 9 weeks. He said members are asking the reason we close that facility for such a long period of time, and say a private health club would never do that, and our rates are much higher at the GCCC. They are circulating a petition. He promised he would convey their concern, and perhaps we can revisit that and break it into two four-week periods of closure, and schedule it during the lower use parts of the year.

Mr. Snyder said he will relay that to staff, noting staff is aware of the public concern. He thinks this community is fortunate to have as many recreation centers as we do. He said during the closure, they keep Ft. Marcy and Sal Perez open which offer many of the amenities offered by the GCCC. He said the closure is necessary for maintenance of the GCCC which has gym floors, larger pools, an ice rink and this is a low period of time. He will ask staff to relook at this in the upcoming year. He is working with Mr. Schiavo to make sure that the time is optimal and to try to keep it closed for a shorter period of time if

possible. He said replacement of HVAC systems take 8-9 weeks, and the reason for the extended period of time. He will work with Mr. Schiavo to be sure we have plan which we communicate with the Governing Body and the public early and often.

Councilor Maestas said he has received calls on the recent construction of the bulb outs on Alta Vista. He said the bicycling community and BTAC have concerns about the action taken for constructing the bulb outs and compromising the allowable space for bicycle lanes. It didn't go before BTAC for discussion. He remembers bringing complaints from his elderly constituents who had difficulty crossing Alta Vista at the signal at Cerrillos. He sees a need to facilitate more safe pedestrian crossings, but these bulb-outs go so far into the travel lane, it almost takes away a continuous bicycle lane. He said Mr. Romero has responded and it hasn't been received well. He asked Mr. Snyder the reason for these and what can we do to mitigate the new bulb-outs to reestablish the bicycle lane that existed prior to the construction. He feels it requires the attention of the City Manager and said, "maybe we can talk off line in terms of developing a response from you and talking about any measures we can take to mitigate the impacts to the bicycle lane.

Mr. Snyder said he can speak off line with him about it. He said both he and Mr. Schiavo received the emails, and he asked Mr. Schiavo to look at the emails. Out of the 18 emails, 15 were the exact, identical email, which tells him it is an organized group pushing out a message. It is important to understand the facts, the existing conditions and he would love to have that conversation.

Councilor Maestas said, regarding some of the trail bridges where repairs have been occurring, we have been putting big pieces of plywood on the bridges, and in replacing planks on the bridges they are spaced out too much. We are creating hazards for runners. He hasn't seen those temporary repairs fixed permanently. He would like to meet with the City Manager and Rob Carter to talk about what message is getting to staff in terms of properly repairing the bicycle and pedestrian trail bridges.

Councilor Maestas thanked staff for helping with the Bicycle Friendly Community application. He said they have been drawing from the MPO, Traffic, Public Works.

Councilor Maestas said the Canada Rincon Trail along the reserve is very controversial, noting many of us received complaints, but we were able to resolve that and thanked Leroy Pacheco for working with BTAC to come up with a solution with the reserve.

Councilor Maestas has noticed there are no weeds on a lot of the medians where there were weeds, and commended the staff for their work.

Councilor Maestas introduced an Ordinance relating to the Economic Development Plan, Section 11-11 SFCC 1987; amending and adding definitions; specifying fees eligible for waiver; amending staff reporting guidelines; amending the Application Review Criteria to simplify guidelines; and making such other changes as are necessary.

Councilor Trujillo

Councilor Trujillo invited the public and his colleagues to the GCCC on Friday at 11:00 a.m., for the opening of the Skate Park. He said this was funded from the 2008 Park Bond. He said it is really nice, and probably the most innovative skate park in Santa Fe.

Councilor Harris

Councilor Harris introduced a Resolution directing the City Manager to explore the possibility of forming a public/private partnership between the City of Santa Fe and the Santa Fe business community for the purpose of developing and implementing a long range master streetscape improvement plan to improve the appearance of all major entry corridors and main arterials within the City of Santa Fe. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10."

Councilor Harris said two weeks ago he mentioned he was helping to organize a meeting with various neighbors, mostly from Nava Adé, regarding the 4th of July celebration that was disruptive primarily in Nava Adé as well as the Vista Sonata Subdivision as well. The meeting was well attended, noting Captain Lewandowski from the Police Department attended the meeting. He said he asked Sev Gurule from Constituent Services to attend along with Ray Sandoval of Kiwanis. He said the concerns were lack of adequate notice, neighborhood issues with people parking on the streets, cutting through the property – it just wasn't controlled in a manner similar to what would be done for Zozobra. He said this came up in late May when the Boys Club said they wouldn't do it, and Kiwanis stepped up. The problem was compounded by moving it to the Santa Fe Place Mall.

Councilor Harris continued, saying they will continue to work on the celebration. He said by the first of the year, we will have a clear statement and an agreement to continue on. We will be identifying where, who is going to handle it and other issues related the 4th of July celebration.

Councilor Lindell

Councilor Lindell said she would like to cosponsor Councilor Harris's Resolution.

Mayor Gonzales

Mayor Gonzales introduced a Resolution in support of "El Grito," an annual celebration of Mexican Independence Day on September 16, 2017; and waiving all associated fees. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11."

Mayor Gonzales said he received a letter from the Fiesta Council which was forwarded to Mr. Snyder. He said it is a request to allow parking permits for Fiesta Council members who are volunteering to be part of supporting Fiesta efforts September 1-4, and 7-10, 2017. They also requested street closures

which they are working through the Parks Department. The Council thanked the Governing Body for supporting the many City employees that are part of this year's Quadrilla and Court.

Mayor Gonzales reminded everyone of the Spanish Market this weekend on the Plaza, and encouraged everyone to participate in that as well.

Mayor Gonzales said the City received a check from the U.S. Conference of Mayors in the amount of \$50,000 for Make Santa Fe for a grant to be able to introduce youth to manufacturing.

Councilor Dominguez

Councilor Dominguez had no communications.

Councilor Villarreal

Councilor Villarreal introduced the following:

1. A Resolution requesting that the New Mexico Environment Department rescind the revised Los Alamos Labs Cleanup Order; etc. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "12."
2. A Resolution in opposition to the nuclear weapons agenda of the current administration; calling on the Congressional Delegation to condemn the rhetoric and agenda; and supporting the restricting First Use of Nuclear Weapons Act of 2017. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "13."

Councilor Ives

Councilor Ives asked to cosponsor the Mayor's Resolution and Councilor Harris's Resolution.

Councilor Rivera

Councilor Rivera said he would like to cosponsor Councilor Harris's Resolution.

END OF EVENING AGENDA AT APPROXIMATELY 7:15 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor Javier M. Gonzales, at approximately 7:30 p.m. There was the presence of a quorum as follows:

Members Present

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

Others Attending

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

F. PETITIONS FROM THE FLOOR

A copy of a statement for the record by Arthur Firstenberg, submitted for the record by Arthur Firstenberg, is incorporated herewith to these minutes as Exhibit "14."

Mayor Gonzales allowed each person 2 minutes to petition the Governing Body

David McQuarie, 2997 Calle Cerrada, said *[inaudible]* where the public right-of-way study is being done which is good, except that the City Engineer will make it a joke. Currently, a 2014 curb cut was done in Santa Fe and portions are inaccessible. The reason he has been given is that there is no public right-of-way. His question is if there is no public right-of-way then how come the sidewalk in front of La Fonda is not public right-of-way, it is private property. He said he cannot get a straight answer, he cannot *[inaudible]* made the statement when I asked him why aren't you doing curb cuts around the Courthouse, he said it is about the Governing Body, they won't give him money.

Nicole Castellano said she agrees with Mr. McQuarie's statement that the funding in our city should be used for the handicapped versus bicycle paths. She is here to speak about two issues. Number one, we agree our City cemeteries need to be maintained properly. She was upset to hear that Our Lady

of Guadalupe Church on Agua Fria, was cited by the City for weeds in the cemetery behind Dunkin' Donuts, the Early Street Cemetery. She said it is said the City couldn't give them a one-time courtesy warning, instead of fining them. She thinks this is the epitome of hypocrisy. She said the City can't abide by its own Ordinances, and fines everyone else on weed control. Her second issue relates to the famous novel, *A Tale of Two Cities*, divided by St. Francis. The monster weeds on the south side are the "size of prehistoric dimensions, and yet the north and east have pristine medians and beautiful roads without any bumps. The weeds and the volcanic potholes on the south side roads obstruct drivers from seeing the pedestrians which is a safety hazards, and prevents drivers from safely emerging onto busy streets like Cerrillos, Airport Road, Rodeo Road. She said she doesn't live on the south side. She said, "I urge you to take up initiatives that put the City safe with what you do and how you do it. Thank you."

Jon Hendry, 1418 Cerrillos, said he loves Ranked Choice voting and hopes that the Governing Body considers it. He is an even bigger fan of *[inaudible]* and hope we can have a conversation at some point and he can probably represent the Union here with great benefits and a retirement plan and thinks you are moving forward with that in talking about manufacturing. He said he wanted to talk about this total wine and spirits thing over in the old Staples Building on Zafarano, and whoever ever said we need cheaper booze in this town. This is a predatory company, a big box company that has come into Albuquerque and Rio Rancho and lowered prices, and local liquor stores are out of businesses, with the predatory pricing and low wages. He said this thing is going to let this sail through, and he wanted to come and say when this comes before you, let's have a discussion about what we really need in Santa Fe. And I just don't need that we need big box liquor *[inaudible]*.

Steve Carrillo, 1043 E. Don Diego, said he is here about the STOP program. He isn't for speeding, but speeding is not the root cause of the accidents and problems we have in Santa Fe. If you drill down deep into the National Transportation Safety Board Report, you will find that speeding exacerbates the level of accident or injury, but it is not the cause of many accidents, certainly not in Santa Fe. He said it is people running red lights and don't know what the red octagon means. People just go through intersections with no care at all. The main cause of accidents is inattention to driving – cell phone use, texting, kids in the back seat, advanced entertainment and information systems in our cars. Distractions. That's what causes most accidents. He would encourage you to do is what they have in Los Angeles – they have motorcycle cops in the crevices everywhere. If you go over that double line in the crosswalk, you get a ticket. It's also a way to keep all of the money here. He asked why contract with somebody else and have all the money leave Santa Fe. Keep the money here, hire motorcycle traffic enforcement officers and have one officer issue 10 a day for \$200 per day, 350 days a year, \$700,000, with 10 officers that's \$7 million a year and the money stays here. He encouraged the Governing Body to further study the causes of accidents and it's not speeding, and address the cause. His experience in Santa Fe over 26 years is it's people running red lights and running stop signs. He said let's put this issue to bed once and for all. He said, "We don't need these speeding cameras any more. Seriously. Let's get some traffic officers. It works in big cities because you know they're hiding behind every corner to give you a speeding ticket or running a red light or blowing through a stop sign. Okay. Please consider that Study further. I'm glad you put it off. Thanks very much."

Arthur Firstenberg, 247 Barela, read a prepared statement into the record in opposition to the proposed amendments to the City's Telecommunications Ordinance. He provided a copy of his new book to the Governing Body, *The Invisible Rainbow: A History of Electricity and Life*. He said if they read the book they will learn what they need to know in order to make wise decisions about something that profoundly affects everyone and everything. Please see Exhibit "14," for the complete text of Mr. Firstenberg's statement for the record.

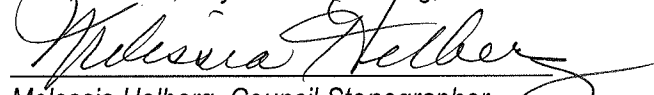
Former Councilor Karen Heldmeyer, 325 E. Berger, said there has been a big online discussion about traffic along Don Gaspar and Galisteo, to which no consensus had been reached, noting everyone has a solution and don't agree with one another. At some point, there will be neighborhood meeting soon to do that. She said the good news is we told people if they trees obscuring stop signs they should contact constituent services. They contacted Threse Prada who got the sign people out there immediately and people were very happy with it. She said kudos to Ms. Prada and the sign crew, and sometime things work.

**VERBATIM TRANSCRIPT
OF THE REQUESTED PORTION OF PETITIONS FROM THE FLOOR, ITEM #F
CITY COUNCIL MEETING
JANUARY 24, 2017**

Mayor Gonzales gave each person 2 minutes to speak

STEFANIE BENINATO: Stefanie Beninato. I have a few things. First, the other morning I noticed that we had workers out there on medians cutting weeds before six o'clock in the morning. They were wearing dark sweatshirts, and no reflective vest and no protective head gear. And the trucks were on one side flashing lights *[inaudible]* the median and so we were trying to avoid the flashing light, but we're actually driving toward the worker. So I point that out to you as a safety issue. The other thing is that the City spent a lot of money redoing Salvador Perez, including the parking lot. And there is a problem with drainage on the north side, but now we have basically a standing holding pond of water on the north side that is rather large. It is definitely a breeding ground for mosquitos. And the City missed a perfect opportunity to drain that water under the now *[inaudible]* emergency access drive and into the playing field. So it could have been actually recycled. And I think that's really unfortunate. I mean they are out there one morning and they actually had to pump the water because it's overflowing. The other thing is, Councilor Trujillo, the other night you were talking about whether businesses have to maintain between sidewalk and street in the right-of-way. And what I can tell you is that residents are either notified of a potential citation or cited if they do not maintain the weeds in the right-of-way between the sidewalk and the street. So it would be really unfair, given that a business would have more resources perhaps than the residents, to require residents to do that and not businesses. Thank you.

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


Melessia Helberg, Council Stenographer

G. APPOINTMENTS

Capital Improvements Advisory Committee

Mayor Gonzales made the following appointment to the Capital Improvements Advisory Committee:

John B. Hiatt (Councilor Ives) – to fill unexpired term ending 12/2017.

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

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

Mayor's Committee on Disability

Mayor Gonzales made the following appointment to the Mayor's Committee on Disability:

Richard C. Mohr-Kelly – to fill unexpired term ending 01/2019.

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

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

H. PUBLIC HEARINGS

- 1) **REQUEST FROM G.L.A. SANTA FE HOSPITALITY, LLC, FOR A TRANSFER OF OWNERSHIP OF INTERLOCAL DISPENSER LIQUOR LICENSE NO. 2765, WITH ON PREMISE CONSUMPTION ONLY AND PATIO SERVICE, FROM BOTTOMS UP, LLC, D/B/A PLAZA CAFÉ SOUTHSIDE TO G.L.A. SANTA FE HOSPITALITY, LLC. THIS LICENSE WILL REMAIN AT PLAZA CAFÉ SOUTHSIDE, 3466 ZAFARANO DRIVE. (YOLANDA Y. VIGIL)**

A Memorandum dated July 19, 2017, with attachments, prepared by Yolanda Y. Vigil, City Clerk, to Mayor Gonzales & City Councilors, is in the Council packet. Ms. Vigil noted the location is not within 300 feet of a church or school, and that this business is required to comply with all of the City's ordinances as a condition of doing business in the City.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Dominguez moved, seconded by Councilor Ives, to approve the request from G.L.A. Hospitality, LLC, for a transfer of ownership of Interlocal Dispenser Liquor License No. 2765, with on-premise consumption only and patio service, from Bottoms Up, LLC, d/b/a Plaza Café Southside, to G.L.A. Santa Fe Hospitality, LLC, with the license to remain at Plaza Southside, 3466 Zafarano Drive, 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.

- 2) **REQUEST FROM EL MOSQUITO, LLC, SANTA FE, FOR A TRANSFER OF OWNERSHIP AND CHANGE OF LOCATION OF INTERLOCAL DISPENSE LICENSE NO. 28087, WITH ON-PREMISE CONSUMPTION ONLY, FROM 4250 GROUP, LLC, D/B/A FLYING TORTILLA, 4250 CERRILLOS ROAD #D, TO EL MOSQUITO, LLC, D/B/A SANTA FE CAPITOL GRILL, 3462 ZAFARANO DRIVE. (YOLANDA Y. VIGIL)**

A Memorandum dated July 21, 2017, with attachments, prepared by Yolanda Y. Vigil, City Clerk, to Mayor Gonzales & City Councilors, is in the Council packet. Ms. Vigil noted the current liquor license at Santa Fe Capitol Grill is leased by El Mosquito and the lease will expire shortly. The landlord of Santa Fe Capitol Grill owns the existing liquor license and if the aforementioned request is approved, the license will be placed in voluntary suspense until the license is sold. She noted this business is required to comply with all of the City's Ordinances as a condition of doing business in the City.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Lindell moved, seconded by Councilor Villarreal, to grant the request by El Mosquito, LLC, Santa Fe for a transfer of ownership and change of location of Interlocal Dispenser Liquor License No. 28087, with on premise consumption only, from 4250 Group, LLC, d/b/a Flying Tortilla, 4250 Cerrillos Road #D, to El Mosquito, LLC, d/b/a Santa Fe Capitol Grill, 3462 Zafarano Drive, 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.

- 3) **REQUEST FROM ELLSWORTH GALLERY FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF WINE AT ELLSWORTH GALLERY, 215 E. PALACE AVENUE, WHICH IS WITHIN 300 FEET OF THE CATHEDRAL BASILICA OF ST. FRANCIS OF ASSISI, 131 CATHEDRAL PLACE. THE REQUEST IS FOR THE OPENING RECEPTION OF *CREATIVE NATION II*, WHICH WILL BE HELD ON AUGUST 18, 2017, WITH ALCOHOL SERVICE FROM 5:00 P.M. TO 7:30 P.M. (YOLANDA Y. VIGIL)**

A Memorandum dated July 19, 2017, with attachments, prepared by Yolanda Y. Vigil, City Clerk, to Mayor Gonzales & City Councilors, is in the Council packet. Ms. Vigil noted that attached to the Memo is a letter of no opposition from the Reverend Adam Lee Ortega y Ortiz of the Cathedral Basilica of St. Francis of Assisi.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Maestas moved, seconded by Councilor Trujillo, to grant the request from Ellsworth Gallery for a waiver of the 300 foot location restriction, and approve the dispensing/consumption of wine at Ellsworth Gallery, 215 E. Palace Avenue, for the opening reception of *Creative Nation II*, on August 18, 2017, with alcohol service from 5:00 p.m. to 7:30 p.m., 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) REQUEST FOR APPROVAL OF FLOOR PLAN CHANGES FOR DISPENSER LICENSE NO. 2746, LOCATED AT THE DRURY PLAZA HOTEL – SANTA FE, 228 EAST PALACE AVENUE. (YOLANDA Y. VIGIL)

A Memorandum dated July 20, 2017, with attachments, prepared by Yolanda Y. Vigil, City Clerk, to Mayor Gonzales & City Councilors, is in the Council packet. Ms. Vigil noted that if the change of floor plan/expansion is approved, the Drury Plaza Hotel management company will place Liquor License No. 2057 in voluntary suspension and sell it.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Dominguez moved, seconded by Councilor Maestas, to grant the request for approval of floor plan changes for Dispenser License No. 2746, located at the Drury Plaza Hotel – Santa Fe, 228 East Palace Avenue, 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.

5) CONSIDERATION OF BILL NO. 2017-17: ADOPTION OF ORDINANCE NO. 2017-12 (COUNCILOR LINDELL). AN ORDINANCE AUTHORIZING THE SALE OF 1,491 SQUARE FEET OF REAL PROPERTY CONSISTING OF A PORTION OF THE FORMER BOWER STREET RIGHT-OF-WAY, ADJACENT TO 322 PASEO DE PERALTA AND DESCRIBED AS “PARCEL 1,” AS SHOWN AND DELINEATED ON A SURVEY ENTITLED “PLAT OF BOUNDARY SURVEY FOR THE CITY OF SANTA FE PARCEL 1,” PREPARED BY SIERRA LAND SURVEYING, INC., DAVID E. COOPER, N.M.P.S. NO. 9052, DATED FEBRUARY 15, 2017, LYING AND BEING SITUATE WITHIN THE CITY AND COUNTY OF SANTA FE, NEW MEXICO. (MATTHEW O'REILLY)

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Lindell moved, seconded by Councilor Ives, to adopt Ordinance No. 2017-12, as presented.

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.

- 6) **CONSIDERATION OF BILL NO. 2017-21: ADOPTION OF ORDINANCE NO. 2017-13 (AN ORDINANCE AMENDING THE ANNEXATION AGREEMENT FOR THE RAVEN RIDGE APARTMENTS, ADOPTED BY ORDINANCE 2006-31, TO DELETE AN IRREVOCABLE OFFER OF DEDICATION OF RIGHT-OF-WAY FOR RAVEN RIDGE DRIVE. THE PROPERTY IS LOCATED AT 4141 LUCIA LANE. ("MUSTANG VILLAGE APARTMENTS DEVELOPMENT PLAN AND ANNEXATION AGREEMENT AMENDMENT," CASE NO. 2017-18). (KATHARINE MORTIMER)**

A Memorandum dated June 18, 2017, for the meeting of June 26, 2017, with attachments, to the Governing Body, from, Katherine Mortimer, Supervising Planner, Land Use Department, regarding Case #2017-21, is incorporated herewith to these minutes as Exhibit "15."

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Lindell moved, seconded by Councilor Maestas, to adopt Ordinance No. 2017-13, as presented.

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

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

Against: None.

7) RANKED CHOICE VOTING: (ZACHARY SHANDLER AND YOLANDA Y. VIGIL)

a) MOTION TO RESCIND THE DECISION TAKEN ON JUNE 28, 2017, REGARDING RANKED CHOICE VOTING IMPLEMENTATION. (COUNCILOR MAESTAS)

A packet of information regarding Ranked Choice Voting, entered for the record by Geraldine Salazar, Santa Fe County Clerk, is incorporated herewith to these minutes as Exhibit "16."

Councilor Maestas said, "I'll be very brief, Mayor. On June 28th, this Governing Body took action on an extraordinary issue. And I know that the use of this extraordinary parliamentary procedure is not taken lightly, the Motion to Rescind. But I believe, as I stated earlier, that a decision on a Charter item really warrants at a minimum a public hearing and I think, ideally, the attendance of all the City Councilors. And we had neither on June 28th. And so that is why I am respectfully and humbly asking for the Governing Body's consideration of this motion to rescind because of those circumstances regarding this issue."

Councilor Maestas continued, "Our City Charter, in March 2008, calls for Ranked Choice Voting with some conditions. And the conditions are, '*When equipment and software for tabulating the votes and allowing correction of incorrectly marked in-person ballots are available at a reasonable price.*' I believe that these conditions have been met, and all I'm asking is that all of the Councilors have an open debate after hearing from all sides of this very, very important issue. We're going to hear from concerned members of the community, community leaders, subject matter experts, and I think it is by taking this robust approach before we make such an important decision on the Charter requirement, I think is very very important. And it sends a message to our community that yes, we do take our Charter and the contents of it very seriously and we respect the process that led to the Charter Amendment calling for Ranked Choice Voting."

Councilor Maestas continued, "I want to thank everyone for coming and I guess that's it Mayor. So let's start the Public Hearing."

Public Hearing

Mayor Gonzales gave the following speakers a total of 10 minutes to speak to this item.

Carrie Fresquez, State Elections Director, Secretary of State's Office, said she here mostly in a technical capacity if there are questions she could answer. She said, "Really, our role at the Secretary of State's Office is as a chief election officer of the State, and one of the duties we have is to certify voting systems. So the information I'm going to provide to you today surrounds that process. What we know today is that the voting system vendor that is used Statewide right now, Dominion Voting Systems, has assured us that they will be submitting an application to have the voting system certified that contains the software capable of doing the Ranked Choice Voting that is in the Santa Fe Charter. They will submit that application August 25, 2017. The Statute requires, once we receive a certification, to issue a public report of findings. We would turn that around relatively quickly after we receive the application from Dominion."

[Then] post that on our website for a statutorily required 21-day public comment period. After the public comment period, there is a meeting of the Voting Systems Certification Committee, a group of experts, including our Santa Fe County Clerk, Geraldine Salazar, who is a member on that Committee. They get together and review the reports and the testing that was conducted on the voting system and recommend whether or not the system should be certified to the Secretary of State. So, that whole process, we expect to be turned around, and we would have the voting system certified that you all need in order to implement Ranked Choice Voting. That would be completed, we estimate, September 30th or October 1st. Thank you."

Frank Katz said while he was City Attorney in 2008, the City made the strongest possible political commitment to Ranked Choice Voting, with the Governing Body voting unanimously to submit it to the voters, and the voters voted 65% in favor of it, and this is in our Charter, the most important governing document we have. We understand that there are conditions likely to be met by October 1, 2018. The question is, does that give us enough time. Under the State and City Election Codes, the first step in the election process is the Election Resolution, and there are time limits, and the earliest that can happen is the October 11, 2018 Governing Body meeting, and the latest would be November 24th at the November 22, 2017 meeting. He said the Election Resolution sets out the process for the election, the offices to be elected, questions to be submitted, when the books close for Voter Registration. He assumes the Resolution would include that it would be a Ranked Choice election. He said the packets for financing will go out on September 1, 2017. He said the packets can't tell the candidates the rules of the game, because those aren't decided until the Election Resolution is adopted which is considerably later than that. There is no guarantee that any of the candidates that start the solicitation of seed money for public financing will succeed in getting public financing and will ultimately file their candidacy. He said a simple sentence in the packet telling them there is a significant likelihood that the City Council will include Ranked Choice Voting in the election would be what they need to do this. So, if by October 1, 2017, as we heard, the Secretary of State certifies it, then the Governing Body will be mandated to implement Ranked Choice Voting at that point. He said, "Failure to do so, would make this former City Attorney kind of concerned about your getting sued, and we don't want that to happen." If it doesn't happen on October 1, 2017, keep in mind there is a period during which this Election Resolution can be adopted. He said, interestingly in the year that Ranked Choice Voting was voted on, the Election Resolution was adopted on November 1, 2017, so there is ample time for that 6-8 week period that the City Clerk has suggested we need for Council and committees to hear a matter. He said, "I urge you to implement it. Thank you."

Former Mayor Coss said he is here as a former Mayor, because he was Mayor in 2008 when the Charter Amendment passed that asked for Ranked Choice Voting. He was Mayor in 2012 in the midst of a budget crisis and recession when he said it wasn't a high priority for him, and he was "quite roundly attacked in the press for saying that and I remember it." He remembers the letters from all the people that said they wanted Ranked Choice Voting. He said he is here tonight because the Charter was changed again and made a stronger Mayor, although it's not quite a strong Mayor form, with a good salary with some set out principles. It will make the Mayor an even more important leader for this community. He realizes the timing is tough, but given that the Mayor elected in March will be the first under our Charter to have stronger duties, salary and authority, we need to take this opportunity to make sure that person has a

majority of support from the community, because the work is so important. He understands the difficulties, noting he went through 10 elections with Yolanda Vigil and staff, and nobody in New Mexico does elections better than Yolanda. He isn't wanting to mess with her record of spotless elections where everybody says "that's the right results." However, he thinks this is so important that he would ask the Governing Body to work really hard under this tight deadline to get this done for the next election. He said all across the country, so many people trying to make it harder and more difficult to vote, but this can make it a lot better to vote and can bring more people to the polls than we've been seeing. He said, "I just think it's time, and I hope the Governing Body reconsiders and has a good runoff in place when we elect the new Mayor next March. Thank you."

Bianca Madrid, representing [inaudible], a youth organization, a non-profit, said they thanked the Councilors who raised the issues and who are ready to implement the will of the people of Santa Fe. She said we are really concerned about the election process, because so many people don't participate. She said many of their members can't participate because they don't have citizenship, or feel there is no point in participating. She said they feel that we need to do whatever we can to build democracy and restore peoples' believe that their votes matter. One way we can do this is to keep our promises and work hard and have the courage of our conviction, even though there are risks. In this case, Santa Feans have already spoken, and the Secretary of State has already given the green light and the City claims that the software won't be ready. There is the possibility technical hangups are not a good enough reason to delay. There is a proposal on the table that [inaudible]. She said they also want to help with the community engagement and voter education effort. We are currently training 15 families in leadership program called [inaudible] using a curriculum called [inaudible] Opening Doors. They will run their youth leadership training program which supports the leadership of youth of color through Santa Fe. This exactly the kind of campaign that they would integrate into their training programs and use as a foundation of [inaudible]. She said Ranked Choice Voting is an exciting tool to amplify the voices of their [inaudible] and increase the representation of our communities in elected offices. It is also important that [inaudible]. We are going to be excited tonight that Santa Fe is changing the way we do elections and this huge opportunity to increase voters' interest and engagement in what is maybe one of the most important election years in our lifetime, so we need to do this now. Not only because it's long overdue and the agreement has finally been given, but also because it will help us build the movement of democracy which we so desperately need before it is too late. We request that you will vote to move on.

Maria Perez said she wants to tell the Governing Body she understands their concerns about the timeline for getting this done successfully. She said, "I want to stress that the election cycle starts soon, but we still have more than 7 months to election day. As a citizen of Santa Fe, I also want to see us have a successful election next year, and I want it to be one that engages voters and helps restore our community's faith in government and democracy. I urge the Governing Body to implement this."

Mayor Gonzales gave each person 2 minutes to speak to this issue

Paul Gibson, 4 Puenta del Casador, Co-Founder of Retake Our Democracy, said you have heard from the Secretary of State, the former City Attorney, a former Mayor, all affirming the need to move forward on this and providing as much assurance as possible, noting this information wasn't available

when you voted last time. He understands there have been delays with the software going forward. However, the resolution that will be introduced if the rescission of the past vote occurs, would allow you to go back to Plan B if the software doesn't work. He would strongly recommend that the Governing Body move forward with this. He said there is no shame in going back on your prior vote. He believes there is abundant evidence in the audience of people who want to go forward. He said they are your community and you are our elected officials and hopes they will move forward. A concern from the City Clerk at the last meeting is there wouldn't be enough time for the education of the community. He said Retake Our Democracy is embarking on all kinds of community canvassing and would incorporate education, approved by the City Clerk, in voter education as part of that work, voter registration and get out the vote. He said, "I really hope you go forward with this. We are about solutions, not just complaints."

Michael Gold, 217 Vuelte Roble, said the Council Districts have 3,000 to 5,000 votes cast for City Councilor, about the same as a large High School balloting for Homecoming Queen, and those ballots are easily counted by high school students. He said before computers all ballots were counted by hand. He said if the software or hardware isn't ready, or we don't trust them, he suggests a Plan B of hand-tallying ballots. He said a sufficient number of volunteers could count the ballots in the evening and be ready for the morning papers. He said he would volunteer an evening to count ballots, commenting volunteers are free but the software costs money, so we might save some money.

John Otter, 300 W. Alameda, said concern has been expressed about the amount of time needed for voter education, and he is in favor of voter education. However, he knows voters use Ranked Choice successfully even when they have not been educated. In San Francisco, and Burlington, Vermont, 30% of the voters didn't know they were going to rank choice voters and 99.7% and 99.6% of the voters cast valid ballots. He said in the City of Portland, Maine, which spent little or no money on voter education for its initial use of Ranked Choice Voting, there was a ballot with 15 candidates and you could rank all 15, and 99.83% of the voters cast valid ballots. He said the most important factors boosting effective use of Ranked Choice systems are ones that can be done inexpensively – sensible ballot design, clear ballot instructions and well trained poll workers. Concern has been expressed that the election be done right, "but if there is anyone who can do the election right, it's certainly our City Clerk, Yolanda Vigil, so there is no concern there about that matter." He said the testimony about the kind of election we are using isn't under question, but it is the timing and implementing of our system which clearly is explained in the City Charter. He said that system is well attested around the world, and is used for the House of Parliament in Australia, the Presidents of Israel and India, and in 10 different cities in the United States.

Tomas Rivera, representing Chainbreaker Collective, is an economic environmental justice organization in Santa Fe, with more than 600 dues paying members, most of whom are low income people of color. Many of them feel displaced and disconnected from the voting and electoral process. He said Ranked Choice Voting is one way we can start bridging that gap. He said the Collective is in the middle of a political education campaign about some of the equity problems we are facing here in Santa Fe. He said what they hear from their members and the community at large, over and over, is a disenchantment with the electoral process in the City, the feeling of separation from it and politics. He said they believe Ranked

Choice Voting and implementing that in this election will be a probative toward bridging the gaps of non-equity and will bring a stronger sense of civic engagement to those marginalized by the system. It also will send a strong, important and powerful message on the national level at a time in which people are feeling disillusioned from electoral politics on a national and global scale. He said, "We wanted to encourage you to move forward with this in this election. This election, as Mayor Coss said, is going to be an important, critical step in the next 4 years of our City. We encourage you to take that bold move to be the national leader that we know Santa Fe is and has always been. We thank Councilor Maestas for putting forward the motion to rescind. We encourage you to do so and then continue to move forward." He noted they will engage members and the community in a City-wide voter education campaign, and hope that will include Ranked Choice Voting.

Former Councilor Karen Heldmeyer, 325 E. Berger, said she is agnostic on the issue of Ranked Choice Voting. She is one of the Councilors who voted to put it on the ballot to see if voters would approve it, they did. She is one of the Councilors who amended the original issue to include that it would be financially feasible, because they were telling us it cost \$1 million, and that there be a way for people voting in person to have incorrectly ballots returned so they could mark them correctly. There weren't a lot of governments in the U.S. that were using this, but groups that did said there were large numbers of spoiled ballots. She said there has been a lot of research done since about who gets hurt if they mark their ballot incorrectly, and it is the elderly, the less educated, the non-English speaking people who have trouble with a concept. She said, as a Psychologist, she can say that people really don't understand the difference in rating and ranking. In ranking, everything in it has to have a separate number, and people get confused. She said the way they deal with the confusion is they pick the top one only. She said when you hear where there haven't been errors, that is because people marked their top pick and then left the rest of the ballot blank. In place where they are required to fill in every rank, they have found people pick things randomly, it's called "Donkey Voting." She said it is complicated and it's not simple, and you are going to have to make a lot of other decisions if you approve this. You have to decide how many choices people get, what an error is – making things with the same rank which is what we had in mind with the Charter amendment, or under-vote. She frequently under-votes which is her choice.

Mayor Gonzales said those are decisions we will have to make if this is approved, and asked that we stay focused on the issue of whether or not to rescind.

Councilor Heldmeyer said if you get into this, these are the things you have to do – education. She said you won't necessarily have a majority winner for Mayor. In the vast majority of cases in San Francisco, they haven't been won by a pure majority. Think about what you're doing and what the Secretary of State.... are you even aware of what is going on.

Stefanie Beninato, P.O. Box 1601, thanked the Secretary of State and the County Clerk for coming forward with the information to help you to decide to reconsider Ranked Choice Voting. She agrees with many speakers that this was a strongly supported amendment to the Charter in 2008, and she thinks if the technology here and fiscally feasible that you are required to go forward and see this is implemented in this election if the software is developed correctly. She said it would be nice if we would

have a Mayor elected by more than 30% or 43% that could feel, even if there are 4-5 choices, that was elected Mayor. And the Mayor could feel they had more community choice. Ranked Choice has been around for a while, and she thinks there are models for education. She doesn't think you have to give people 5 or 8 choices, and limiting it to 3 would be better, not just ranking people, but who you really support is the question. So you don't need to rank everybody on the ballot. She thinks there is time to do the education. She thinks the concept is relatively simple, and you should have it in Spanish and in places where people can try it out ahead of time. She thinks it is feasible, and hopes you will rescind the vote and reconsider Ranked Choice Voting.

Heather Ferguson, Legislative Director for Common Cause New Mexico, a national C(4) [organization] with organizations in 36 states. She said they work state-wide, and do a ton of work at the municipal level. She said when their founder, John Gardner, began this organization in the 70s, it was because he saw a clear need for a peoples' lobby. One of the things that she thinks supports that idea is Ranked Choice voting. She said they appreciate all of the work done on this issue, and the Secretary of State's work ensuring the deadline can be met and to look at rescinding the vote. They have seen an increasing apathy and disillusionment of voters and political process. This addresses their main concerns about having the majority of these individuals represented and more access to the candidates and for the candidates to reach out to other members of the community. This is one way to help rebuild that process with the voters. She hopes that the Governing Body will support it.

Craig O'Hare, 2601 Sol y Luce Loop, Council District #4, said his comments are focused on the importance and significance of respecting the will of the people on this issue. He said 9 years ago, the citizens voted almost 2 to 1 in support of this, so we're not here to discuss whether Ranked Choice Voting is good or bad, or the right thing to do. He said it is the will of the people to do this. He said he thinks we've waited long enough to have this go forward and be implemented. He said if we do not implement the will of the people now that all pieces seem to be in place to make it happen, it is no different than if the Council were to go against the will of the people, or passing the sugar tax anyway after the sugar tax election. He said this is disrespectful to the citizens if we don't go forward at this time. He urged support of the reconsideration and going forward. He has faith in City staff, the public and voters that we can make this work. There will be bugs to work out whenever we do this, and the next Mayoral election is extremely important in terms of compensation and power, and this is the time to do this.

Geraldine Salazar, County Clerk, said she is here as the County Clerk, but not to tell you to never ever implement Ranked Choice Voting but she does have concerns. She received an email from the Secretary of State, Maggie Toulouse Oliver, saying she was forwarding information because it pertains to her office and machines. She came tonight to talk about Ranked Choice Voting and the decision you must make tonight. She said the citizens of Santa Fe voted for Ranked Choice Voting, and in 2012 the citizens were asking why we didn't have Ranked Choice Voting. She said since then she has been doing research and trying to figure this out, and work with the City Clerk who has felt pressured for many years to implement this. She said her main concern the last time she was at the City when Dominion was here, was that the County voting machines would have to be reprogrammed to do Ranked Choice Voting. She

left assuming that the City would purchase its own voting machines. You are now doing voting centers which is great, ideal. There are 10 voting centers, so you could purchase voting machines and a few extra to use if anything should happen.

Ms. Salazar continued, saying in reading through the letter from the Secretary of State to the Council, it sounds like the software would not have to be uninstalled to do County elections which is a plus. However, she is unsure that can happen. They are working with Dominion. There are 33 County Clerks in New Mexico and she supported the previous Secretary of State in purchasing machines, and sent letters to Legislators. She said once selected and purchased, we had problems in 2013, and she was concerned about that because of voter confusion. She was on top of everything, communicating with the Secretary of State's Office and when all the Clerks gathered she spoke up. The vendor was there when she said how she felt – the sale is done, but there are issues and she wanted accountability. She said the current Secretary of State had an issue with Dominion state-wide, and while she was the Bernalillo County Clerk requested certain data from Dominion. She said the Secretary of State at that time said they couldn't give this information to her. She said after that the people involved with providing the data went to Canada.

Ms. Salazar continued, saying Dominion originates in Canada, with offices in the United States. However, her concern was we have a vendor who is selling us machines, and a Clerk who wanted data to ensure her votes were accurate and then she was denied the information by Dominion. She said Ms. Toulouse-Oliver doesn't talk about that, but Ms. Salazar said she does in public and when other County Clerks are around. She said we are told that the vendor is stating that they are going to be able to do Ranked Choice Voting. She said, "When I look at the letter, it states your Democracy Suite Version 5.4. They're already at 5.4, when we were talking to them in 2012 and 2013 and they weren't even there yet. What happened to all the previous versions. I'm not aware of that."

Ms. Salazar continued, "One of the things that I really want to stress is that I want you to be mindful of your City Clerk. She will not state this, but I will. It takes time to run an election. We are governed by laws. We have to do things right. In addition to that, the Santa Fe County Clerk's staff works with your City Clerk. We work with the logistics, programming and training the people that run the elections for you at the Voting Centers, so we're right there. So the Santa Fe County Clerk's staff programs the voting machines, provides training at the City School of Instruction on the tabulators, handles all logistics in delivering and picking up voting machines before and after the City election. Please note, the County Clerk does not charge the City for all of her staff work, unless there are actual costs, but I don't charge, and previous Clerks have not either, charged for the time that our staff works with your Clerk and her staff. There is a lot of work that is involved that the County does at our level. So my concern is the timing. I'm not saying no to implementing, but consider the timing and stress involved in getting this together. Also, at the County, we're going to be having an election in September, so we're going to be running real tight. Nothing is impossible when it comes to elections when you talk to election workers, but let me tell you, it's very stressful. So I'm telling you, please consider the timing. Please consider and be mindful of your City Clerk and understand that there's information out there. I have given you articles, every one that I put out in 2013 for your review for your homework. [Exhibit "16"]. Thank you so much. I'll stand for any questions.

The Public Hearing was Closed

MOTION: Councilor Maestas moved, seconded by Councilor Villarreal, to rescind the decision taken on June 28, 2017, regarding Ranked Choice Voting implementation.

DISCUSSION: Councilor Dominguez said he will support the motion, but it would be very difficult for him to support the action. He said, "I think and with all due respect to my colleagues, if it warrants a debate, we'll have the debate."

Councilor Ives said, "I have some questions about the entire process, which certainly affect the motion. I've looked at a lot of different sources."

Mayor Gonzales said, "Real quick, because I know Councilor Dominguez just indicated that he may have issues too as the result. Will you focus on the issues on the motion on rescinding on the process side of it. And then, if we get through the next level, be able to engage more in the issues of the Ranked Choice and where we are."

Councilor Ives said, "Yes."

Mayor Gonzales said, "So we can move that into the full debate and discussion of the Council if this passes or not."

Councilor Ives said, "They [questions] are inexorably wrapped up together. I am happy to vote in favor of the motion to rescind, notwithstanding the fact that we have worries about creating precedent in that regard. I don't see in that context. But like Councilor Dominguez, I have many significant reservations about the process itself as a matter of law, and so I do hope to have opportunity to ask a number of questions."

Mayor Gonzales said, "We will delve right into that."

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

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

Against: Councilor Rivera and Councilor Trujillo

b) ACTION REGARDING RANKED CHOICE VOTING IMPLEMENTATION. (Only considered if a Motion to Rescind is approved)

The Governing Body commented and asked questions as follows:

- ◆ Councilor Ives said he looked first at the City Charter and noted the provision referenced by Councilor Heldmeyer with regard to *the ability to correct incorrectly marked in-person ballots*. He said that seems to be enshrined in our Charter and a necessary requirement of our voting system,

but doesn't know if that is part and parcel of what the Secretary of State ["SOS"] is reviewing as part of the certification process and is unsure that is something the SOS is called on to evaluate as part of its legal review. However, State Statutes do provide that *Voting Systems, be a combination of mechanical, electro-mechanical or electronic equipment including the software and firmware required to program and control the equipment that is used to cast and count votes, and also including any type of system that is designed to print or to mark ballots at a polling location, equipment that is not an integral part of a voting system, but that can be used as an adjunct to it is considered to be a complement of the system.* And that suggests to him that is an item that the SOS is called upon to review as part of the SOS's certification, notwithstanding that that provision is likely, although he is unsure, unique in jurisdictions that have adopted Ranked Choice Voting, commenting he understands there are 11 cities around the country that do.

- ◆ Councilor Ives continued, saying the Charter also references that *The equipment and software for tabulation of votes is available.* He said "available" is then modified by *at a reasonable price.* He said presumably "available," also encompasses the concept of being properly adopted under the law. He said that is another area where he has several significant concerns about the process that is being prescribed. The New Mexico Statutes require *that all voting systems certified for use in the State be tested by an independent authority and shall comply with all the requirements in the Election Code and the most recent voluntary voting system guidelines adopted by the United States Election Assistance Commission.*
- ◆ Councilor Ives continued, saying just speaking to the voluntary voting system guidelines, he understands from an email he received from the SOS's office and from Ms. Fresquez, that the guidelines under which that new software is being evaluated are the VVSG [Voluntary Voting System Guidelines] 1.0, which was long ago approved by the Election Assistance Commission which is the group that sort of guides that process. He also understands that Version 1.1 was adopted for use effective July 6 or 7, 2017, and that the application for approval of the software that is proposed to be used, as Ms. Fresquez indicated, will not even be submitted, presumably, until after the Election Assistance Commission approves that, presumably, on or about August 24, 2017. So presumably that software, according to our own State Statutes, will need to be evaluated under the VVSG 1.1 as opposed to 1.0. He said, "I'm not at all clear of the State's capacity or the Election Assistance Commission, if they are called upon to participate in that evaluation of this new software, for that to be accomplished within any of the timeframes that we are dealing with, in connection with this election."
- ◆ Councilor Ives continued, "Additionally, the Statute, §1-9-14 NMSA, also provides in Section B that, *Any person who has a voting system that is designed for the purpose of recording and tabulating votes within a polling place may apply on or before June 1st of any odd-numbered year [we are in an odd-numbered year] to have the equipment examined and tested for certification.* So again, because a voting system includes the software, per the Statute, and that software has not yet been offered in an application for certification and certainly it was not anticipated to happen until August 24, 2017, presumably, that June 1st date that says on or before in this odd year, is a date that it is, arguably, impossible to reach at this point in time. And I know from my conversation earlier today with Ms. Fresquez that the SOS believes there are solutions to these issues. But at

least, as I read the Statutes, they seem to be fairly qualified, in terms of the dates and the Voluntary Voting System Guidelines that need to be applied. And so, I must admit that I am unclear that there is any capacity necessarily to do this for this coming election on that basis."

- ◆ Councilor Ives continued, "And I would point out it isn't anything that anybody up here has been responsible for. We are well aware of the adoption of Ranked Choice Voting in the Charter. We have all been awaiting certifications. We do not guide that process. We do not control that process. We are subject to that process, however. So I hope folks don't think that anybody up here is opposed to Ranked Choice Voting. That is not the issue that any of us are considering, because the people of Santa Fe have spoken in that regard. But there are rules, requirements, laws that we have to look at as part of this process. And one of the real dangers of not observing strictly those, rules, laws and process is that after an election, regardless of whatever the outcome is, that election could be challenged as improper and invalid on the basis of failure to comply with these provisions of State law that I'm talking about, and that exist in our States."
- ◆ Councilor Ives continued, "So it's not necessarily that anybody here does not want Ranked Choice Voting, but we have no capacity to act, except in accordance with the law. And one of the reasons I want to have the debate, is I would love to understand how we get by what appears to be an irreconcilable application date of on or before June 1st in this odd numbered year, and how we get beyond having this new software, and Santa Fe would be the first place in the country it would be used, so it would be a guinea pig of sorts. I don't want the people of Santa Fe in the position of engaging an election using something that has problems or invalidities from before we ever agreed to adopt those systems. So those are some of the issues I am struggling with, quite frankly in this process."
- ◆ Councilor Ives continued, "I also don't know whether any of the testing being proposed, again a voting system comprises the software and hardware, is being done on the machines we would be proposing to use in the election itself, and with all of the software and other attributes that will be on those machines at the time this vote occurs. Because that seems to be what is called for under State law, in terms of the testing and certifications that need to be done. And my understanding of the process is that may not be the case. I honestly don't know what the EAC is testing at this point of time. And I don't know fully the nature and extent of the review that the SOS intends on engaging in to test our voting system under State law."
- ◆ Councilor Ives continued, "And another area I have a question on. I know we have the 5, you indicated 5 who are experts who will be doing some of the testing on behalf of the SOS, the committee that would be responsible for that. And you described it as containing 5 experts. I wonder if you could share with us the nature and extent of the expertise of each of those people in connection with the evaluation of such systems with voter security issues, a number of those things. So I would invite you, if you don't mind coming back up here, and letting folks know what I realize was an additional question for you."

Ms. Fresquez said, "Hopefully I can provide some information to your thoughtful questions and they're all very good. I would like to try to address every comment/question that I can recall that you brought up if I may. First, or lastly, you asked about the expertise of the Voting System Certification Committee. So State Statute require that a Voting System Certification Committee be appointed. Legislators appoint those people, and they tend to be and currently are, the State Chief Information Officer, Darryl Ackley, Secretary of Department of Information Technology, and I know from first hand experience he is a very technical, hands-on sort of a techie, also being at that executive level. And then the other 4 members are County Clerks. So we have our County Clerk of Santa Fe County, the County Clerk from Valencia County, the County Clerk from Chavez County and Dona Ana County. So the responsibilities under Statute for that group, is to review all of the independent test lab reports that are submitted as part of the vendor application process. They will look through all of those reports and determine if there was anything that would deem to have not been certified by the Independent Test Lab."

Ms. Fresquez continued, "In addition to that, there are additional New Mexico specific statutory requirements, so they are going to be gauging the software's compatibility with the specific statutory requirements. And obviously, our office helps with that. We are required by statute to put a report of findings together. So they're looking at voluminous amounts of documentation in order to come up with a recommendation. And their recommendation is statutory basically. It says if you meet the Voluntary Voting System Standards set out by the federal election, it's a State commission. If you meet those and you meet the additional statutory requirements, the VSCC body shall recommend a certification and the SOS then puts that forward. There is also a process if they find a deficiency, to work with the SOS's office and the vendor and make recommendations as far as additional testing that may need to occur to correct a deficiency to hit that certification goal.

Ms. Fresquez continued, "Do you want me to continue to go through your points."

- ◆ Councilor Ives said, "A follow up question. I know in litigation elsewhere in the country, in connection with the nature and extent of the review done at the State level, questions with regard to technical capacity and technical competency, such as on security issues and whatnot have certainly played in the issues that have been considered by the Court in evaluating whether or not the review process done within the State was sufficient and appropriate. And I don't know whether or not anybody on the 5 member Commission has technical training in computer security issues. And it sounds like it might be possible, but I simply don't know. But know that I am certainly curious to know the level of competency of... and I'm not saying anybody is not totally well intentioned and doesn't have years of experience in actually running elections, but that's not the question here. The question is, is the validity, the certification and review of a particular voting system, will you be looking at this on the machines that Santa Fe intends on using in this election."

Ms. Fresquez said, "Above and beyond what is required in Statute in regard to certification, one, those voluntary system guidelines are certified by the EAC and two, the additional technical requirements that must be met in the Statutes, even beyond those items, we are doing testing on our system on the proposed new software to make sure we can run end to end and that it is

working for the State. Clearly, the type of testing we're doing right now is State Election centric, so that's the kind of testing being done in order to validate that we are ready and that we can recommend, and ultimately certify Dominion for the voting system. Let me be clear, that the software version that we are expecting to receive an application for certification on, on or before August 25th, that is the version that we are expecting to use in State elections next year. Beyond having a Ranked Choice Module available in it, it has a number of enhancements that New Mexico has been working with Dominion on, since those machines were first purchased in 2014, and used in the Primary and General in 2014. And in 2016, we have been tallying a list of improvements, enhancements with that vendor and we're expecting to see those enhancements we need for State elections to be in this version. So it is a single version. It will be ultimately installed on every single voting system in the State of New Mexico and it will be used for every election that is governed by the Election Code under the State Statute."

- ◆ Councilor Ives said, "Then do I understand that Santa Fe is using only voting machines utilized by the State for purposes of doing this testing."

Ms. Fresquez said the testing locally, the testing we're doing above and beyond is our own equipment. The way the testing usually occurs at the Independent Test Labs, that is on the systems and the software provided by the vendor to the Test Lab. So they take that version and go through and check off each test requirement and makes sure it meets it and it is a vendor provided system."

- ◆ Councilor Ives said, "Let me just turn to Yolanda. So these are our machines then, these ones the State is doing the testing of this software on."

Ms. Vigil asked Councilor Ives to restate his question.

- ◆ Councilor Ives said, "So what I'm curious about...is we use certain machines to do our voting."

Ms. Vigil said, "That we get from the County of Santa Fe."

- ◆ Councilor Ives said, "And of course those have to be acquired in the competitive bidding process, under the State Statutes as well to be authorized and approved. And I presume all of that has happened. But I'm trying to figure out if the testing that the State is doing, that Carrie is talking about is actually on the machines that we use here in Santa Fe."

Ms. Fresquez said, "No. It wouldn't be allowed to be put on our machines until it is certified. So, we're operating under a version of firmware now that must be recertified after every Presidential election, so that's the software that's on there now. Upon certification of any new version of software, that's when it would be authorized to be installed on any machine actually owned by the State of New Mexico."

- ◆ Councilor Ives said, "But you are required to certify voting systems. So if there is a difference between the machines that you're using and what Santa Fe uses, presumably Santa Fe's voting system needs to be certified on the machines that it uses. So I'm just trying to figure out if there's any issue there. And I don't know the answer quite frankly."

Ms. Fresquez said, "Sure. So let me back up. The way voting systems are purchased in the State of New Mexico for the conduct of State, county and local elections, is they are purchased by the State. They are all of us... the same system. So, we own them."

- ◆ Councilor Ives said, "I thought it would be a simple answer. I do have other questions, even about the number of candidates that I understand, also from our conversation earlier today, that the software being tested can handle up to 10 candidates. Of course, our provision on Ranked Choice Voting just refers to the rank in order of their preference the candidates. So presumably, that could be 10 or more. So there may be limitations in the machines, that at least on their face, that don't seem to comply with the requirements, at least as I read it, which is an *[inaudible]* one, and that is our Ranked Choice Voting matters. So I simply state that as another issue that you and I have talked about here I see a potential conflict between what is proposed and what we actually have in our Statute for our Charter. So, Mr. Mayor, let me pass at this point in time, because I know others have lots of questions too, and I don't want to be too long winded."

- ◆ Councilor Dominguez said, "Actually, you addressed some of those questions, Councilor Ives. I have some of the same concerns that you do with regarding the testing. There is the independent testing, the State testing. Our City Clerk needs to be able to do the testing. I guess the 2 or 3 questions that I have.... so, we've talked about software, that's Dominion. And we've talked about kind of you can pick and choose whether Ranked Choice Voting is successful in one community or another. But I'm kind of curious to understand a little bit more about whether or not the machines being used in New Mexico, and the software Dominion has been used in any other county or city in the nation, or at least in the State or nation. So we've got hardware and we've got software. Right. All these other place where Ranked Choice Voting has worked, are they using the same hardware and software that we'll be using."

Ms. Fresquez said, "My understanding is absolutely the same hardware has been used. Dominion deploys, we call it the ICE machine and the ICP machine, at every precinct level, tabulators for paper ballots, optical scan, those systems are used nation-wide, world-wide, as a matter of fact. But the software question is a little more complex. There are a lot of different versions of software that are deployed out there, and the reason for that is the difference nuances in each jurisdiction's election laws where they may need to take a base product, which is what they do. They have a Democracy Suite product, a base produce, and then they make enhancements and tweaks for the jurisdictional needs and laws. So the version that we have is New Mexico specific. It complies with.... and we'll be approving that through certification here shortly, presumably, right, so that it complies with everything New Mexico needs to run an election. So it's a base product with a New Mexico flavored twist to it. I don't know if that version is used in any other jurisdiction."

- ◆ Councilor Dominguez said, “So that’s part of my concern, is that we are really, I mean, you’re saying that this version and this hardware have not necessarily been tested, or used, maybe, in other counties and.... and I’m talking county elections or municipal elections, not State elections. Because those are different things. I think that some of the folks in the audience would appreciate this understanding of how some software may not be compatible with some hardware, and you have to tweak that software to make it work on a certain piece of hardware. And we don’t even know what the results of that are with what is being proposed.”
- ◆ Councilor Dominguez continued, “The question, and it’s something that Councilor Heldmeyer brought up, were under-votes. I haven’t been able to get a clear answer about how under-votes are dealt with. How are those going to be.... does the software in the system just throw them out. What are the options. There may be people who will vote for a Council candidate, but maybe not a mayoral candidate, and does that ballot all of a sudden get thrown out. Do we know, do we have any answers to that one yet.”

Ms. Fresquez said, “Sure. Sure. Again, great question Councilor. And the software is programmable. There are features and parameters that you turn on and off, depending on your wishes on how it behaves. For State elections, for example, we want to warn the voter on a screen prompt when we see some sort of an anomaly like an over-vote or an under-vote. Are you aware that on race number 3, you voted more than you should have, for example. And it’s a prompt that comes up in front of the voter, and then they can make the choice of that’s fine, I want to submit it any way and move on with my day, or oh, I didn’t realize I made a mistake, and eject the ballot back out before it’s counted and I can walk away and fix my error, or ask the poll worker to spoil the ballot and issue me a new one. So those are all programmable features that are a decision to be made based on applicable laws, and decisions and rules by the....”

- ◆ Councilor Dominguez said, “But the ultimate question though, is that right now is the testing being done to deal with under-votes.”

Ms. Fresquez said that is a line item in the BBSG that the software has the capability to handle an under-vote. So the Voluntary Voting System Guidelines that the EAC [Elections Assistance Commission] produces, they’re testing that it behaves in a certain manner.”

- ◆ Councilor Dominguez asked, “And what manner is that.”

Ms. Fresquez said, “It’s a programmable feature. So you can accept an under-vote and not notify the voter, or you can stop it and notify the voter.”

- ◆ Councilor Dominguez said, “Let me ask it in a different way. Has the City of Santa Fe decided how it is going to deal with under-votes.”

Ms. Fresquez said, “I don’t know.”

- ◆ Councilor Dominguez said, "The answer is no, and so therefore, because we haven't made that decision, it can't be part of the program – it can't be programmed into the system."

Ms. Fresquez said, "The vendor can tell you what pieces need to be programmed. That is part of election program. It's part of the service you pay for before each election. How you want your machines to behave, what do you want your ballots to look like, so that's part of the normal on the ground election administrator's job to figure that out."

- ◆ Councilor Dominguez said, "Which basically goes back to the first statement that I made, that our City Clerk needs to be competent and do the testing that she needs to do to ensure that it works. And one last question, Mayor. And the City Attorney's not here, it's a legal question."

- ◆ Mayor Gonzales asked, "So can we come back when she comes back in. Do you want to hold off and we'll come back to you."

- ◆ Councilor Dominguez said sure.

- ◆ Councilor Lindell said, "Thanks for coming and speaking with us tonight. I'll try to make this brief. I have a lot of concern about our timing. I expressed it at the last meeting. I've talked about this. I want to talk about what you call the nuances and the enhancements. How long those take, and for example, talking about what would be a mistake on a ballot, kind of where Councilor Dominguez just was. What if I don't rank on the ballot. If I just... on my ballot, I don't rank anybody #1, I rank one person #2. What's going to happen with that ballot."

Ms. Fresquez said, "Those are decisions that need to be made should this Body choose to adopt Ranked Choice Voting. How do you want the tabulator to respond. There's certainly jurisdictions that have done this before that you can look to, to see what mistakes they made that you don't want to repeat. And you can look to jurisdictions that have programmed it right. You know, Fair Vote is an expert. Dominion, our vendor has been conducting Ranked Choice Voting in other jurisdictions for many years. So, by looking at the kinds of decisions that need to be made, they will present those to you should you choose to proceed, and kind of weighing how you want those configurations to be made. That's really what the process would be. And you would check off how you want the machines to behave in any given situation where a voter is not following the exact happy path and filling it out exactly right."

- ◆ Councilor Lindell said, "Right. I get that. And I think there are a lot of opportunities for nuances and enhancements. What is the timeframe on those."

Ms. Fresquez asked, "As far as enhancements coming in the future."

- ◆ Councilor Lindell said, "Well, in light of what we see as a rather pressured timeframe here, assuming that the Governing Body decided what all those enhancements and nuances would be, which that, in and of itself, takes some time – how long does Dominion need once we tell them these are the enhancements we would like for this software."

Ms. Fresquez said, "Great question. When we're talking about enhancements, typically we're talking about things that aren't currently in the software. So we're not really talking about enhancements, *per se*, I don't think. What we're talking about is there is a software product being delivered that already has the Ranked Choice capability and it already has programmable parameters to make the choices on how you want the machine to respond to a voter that doesn't completely fill out their ballot or over-fills it out, or fills it out incorrectly. That is a parameter that will be delivered in the product that you can make a choice on what you want the machine to do with it."

- ◆ Councilor Lindell asked, "When we tell them.... and I realize, I think it's hard for you to speak for Dominion. You have an acquaintance with how all of this works, I'm sure, a good acquaintance. When we tell them these are the things we want, does that happen instantaneously from them."

Ms. Fresquez said, "It is exactly part of the election programming process. Of course, you're right Councilor, I am drawing off my past experience with Dominion and my past experience with State elections, because that's what I'm more intimately familiar with. But the way the process works in any election, State to local, is there is a period of time in which the election project is being configured. So those parameters, how you want the machine to behave, those are getting set up and then that is put on basically a smart, a media card, a removable memory card. And all those features are on a memory card and you put that into every single machine and it has all of the parameters on it set. You put that in the machine and then you test those machines to validate that the parameters were set up correctly. That's how every election is conducted already."

- ◆ Councilor Lindell said, "I'm just trying to nail down, hone in more on timing. That once those parameters are set, which we haven't set. We have not set those. What is the testing process of those machines at that point in time."

Ms. Fresquez said, "Sure. So once the decision has been made and the election project is programmed, it happens quickly. Because once we are in an election cycle, everything is running really quickly, we finalize who the candidates are, we create an election project. We've got to print ballots and then all of a sudden people are voting, so it's quick. Right. So, when the election project is delivered to the City Clerk in this case, and the County helps with City elections, so the certification is happening that the card was installed in each machine that is going to be used in the election. And then there is a test process that is run on every single machine. And this happens every time there is an election. Before an election, each machine has to be certified as ready for that election – that it is programmed correctly, that it is reading ballots correctly, that a test deck with a pre-determined set of votes is spitting out the right votes on the printout. All of that is tested in coordination, in this case, with the County Clerk.

- ◆ Councilor Lindell asked, "Do we know how long that takes."

Ms. Fresquez said, "They turn it around very quickly in a State election. You might want to ask Geraldine, if she's still here, how long it takes her to do the City in the State election. She would know better than me."

- ◆ Councilor Lindell said, "Ms. Vigil, once we would have the testing on what the parameters would be, how long would that take."

Ms. Vigil said, "We actually certify voting machines... I meet with the County and I actually get it all done.... we hit it from first thing in the morning to the end of the day. But you're looking at, this happens a week before we use the voting machines. That is the timeframe for that."

- ◆ Councilor Villarreal said, "On that point Councilor Lindell, can I ask a question based on that particular issue. So is there a way.... I mean we're looking at certification of the platform, just the basics. And then when you're talking about the nuances and the parameters that we felt, that we voted, can that happen earlier. Can we actually have those pieces put in place before what you said, Yolanda, that it would be a week before the election. And I don't know who wants to answer that, but I'm just curious about the timeline. I hear what Councilor Lindell is saying, and it's a very fine line, the timeline between just the certification of basics and all of these other parameters that we have to set that are very complex. So when you put in that card or the extra, I don't know what to call it, information, then can we do that earlier."

Ms. Fresquez said, "The decision is probably the hard part that needs to be done, sooner rather than later. But once you have decided how want the tabulators to behave, it's very typical that those cards are programmed right before voting starts. And the reason for that is because, not only are those parameter settings established on the media card, but also the content of the ballot. You can set those cards up when you know everything you need to know, including the content of the ballot, the candidates and races are final, that's when those cards are programmed."

- ◆ Councilor Lindell asked Ms. Salazar if she wants to say something.

Geraldine Salazar, Santa Fe County Clerk, said, "We have our current system. The State owns them, we are in possession of them. So we already know what we do with the programming. We have the system and we're on it all the time. Ranked Choice Voting programming is totally different. My staff is going to have to learn about that, [and] the City Clerk's staff and the voters [have to learn about that]. That's why I'm concerned about the timing. I'm not here to tell you whether to do it or not, but I am concerned about the timing. The programming, I don't know what's going to happen. Plus we have to go through the certification process. I don't even know what's going to happen with that process when we convene to look at Ranked Choice Voting. But in addition to that, the State system."

- ◆ Councilor Lindell asked, "On the software that's being programmed with the Ranked Choice Vote module, are we guaranteed that all of the parameters, all the nuances, all the adjustments that we would like to have will be within that module."

Ms. Fresquez said, "I don't know what decisions you've made."

- ◆ Councilor Lindell said, "We haven't made any."

Ms. Fresquez said, "Okay."

- ◆ Councilor Lindell said, "It's the wide open spaces of what this Governing Body might come up with on that. The second part of that question, really is, what if what we ask for is not within that module."

Ms. Fresquez said, "I would presume, and it's hard for me to presume how you might choose to move forward. I think the way I would choose to move forward, should I be in your situation, would be to look at the possible options, parameters that need to be configured and set up. Look at that as part of the decision-making process. Here's the options. Do I want Option A, Option B on each parameter, just trying to make sure everything lines up."

- ◆ Councilor Lindell said, "I appreciate that answer. Knowing what those parameters... I like the way you call them nuances, I would have like to have known what our options are on those, because the truth is that there a lot of different options. In the Charter it is not specific at all what those nuances would be. The only thing specific in the charter is talking about identifying improperly cast ballots. So, I'll yield the floor Mayor, thank you."
- ◆ Councilor Dominguez said, "I didn't realize Zach was here, but I'm sure he's happy to defer to the City Attorney. I guess it's very easy to support Ranked Choice Voting, which I do philosophically. The implementation of it, obviously is not as easy as we would like it to be. Conventional wisdom, and I think it's common sense that says if you rush something, it usually doesn't work out the way you want it to, and I think that Ranked Choice Voting and the things that we want to accomplish overall with Ranked Choice Voting, deserves the time it needs to make it right, otherwise, all of the things that we want to support could be much more difficult to implement."
- ◆ Councilor Dominguez continued, "That was part of my little speech there, but the question to the City Attorney is, we've had the previous City Attorney to come up here and basically in some ways make a legal threat. And I would like to know what kind of exposure we have legally. Because when you read the language, right... I'm just not clear on that. So I would like to get that opinion from you."

Ms. Brennan said, "I think whatever this body decides, assuming it is based on good reasons, is defensible. If, based on what you've heard tonight, you believe it would be irresponsible to go forward for any number of reasons, but with the ultimate reason being that it might not work, and you might have a failed election in some respects, or a suspect election in some respects, I am not concerned about a decision based on those kinds of reasons. And if you decide to go forward because you believe that the information you've heard leads you to believe that you have a high probability of a successful election, I think that is also defensible."

- ◆ Councilor Dominguez said, "So really, there is none."

Ms. Brennan said, "I believe that... I'm not sure that I would call it none. You can always file a lawsuit. Anyone can do it if they have the right amount of money. But I'm not concerned about that. If you were talking about suppressing a vote or something like that, I would be concerned."

- ◆ Councilor Harris said, "I voted to rescind. The simple reason is that voting is a fundamental right, and I do think it is appropriate to have the full Governing Body here. But I still have the same concerns that I had a couple of weeks ago. And to start, I don't know if I heard the answer to Councilor Ives' question regarding the timing, where voting systems were required to submit an application anyway, by June 1, 2017. And I realize there are issues with version 1.1 and things like that. Clearly, this system was not submitted by June 1, 2017. Is that correct?"

Ms. Fresquez said, "That's correct."

- ◆ Councilor Harris asked, "So how is the SOS's Office advocating to move forward with this."

Ms. Fresquez said, "Clearly, we respect that it is your decision, whether or not you want to move forward or not. But as far as that question about the Statutory Section requiring recertification, the bar is that our office has to recertify systems after every Primary. And those applications for recertification have to come in by June 1st. So, we're compliant with that, but we also get to certify, and must, in order to continue to move forward and adopt new systems, new enhancements, new features. We have to certify new systems as well.

- ◆ Councilor Harris asked, "But doesn't the application require, among other things, a copy of the most recent voting testing lab report. It has to be attached to the application."

Ms. Fresquez said that is correct.

- ◆ Councilor Harris said, "But that was not done was it."

Ms. Fresquez said, "So we have received a request..."

- ◆ Councilor Harris interjected, "By June 1st. Was the voting system testing lab report attached to the application."

Ms. Fresquez said, "We have not received an application for certification on the version of software we're talking about tonight that includes Ranked Choice Voting. That software will come in on August 25, 2017, with the test lab report that is required.

- ◆ Councilor Harris said, "I still don't understand, when I see Statutory language that says you must submit your application of intent before June 1, 2017, to our office, SOS's Office, and it has a list of requirements and this is just one of them. I just don't see how you had a complete application. And quite frankly, I'm confused by the advocacy of this by the SOS's Office. So, the federal government has their process to meet their responsibilities and findings, and for the most part, an Election Assistance Commission. So they're working on that, and assuming again... I hear the

word assume, I heard the word expect time and time again. And so really, everybody who is advocating this is asking for certain leap of faith on this body's part that everything is going to work out. And I'm not convinced. I'm not willing to make that leap of faith."

- ◆ Councilor Harris continued, "So anyway, the federal government has their process. The State of New Mexico has their process, in terms of meeting your responsibilities, which, among other things, is *to preserve in all respects the purity of the elections*. And I personally think there is some exposure there for the SOS's Office in order to meet that standard – preserve in all respects the purity of the elections. You have a new system, you have new software, and there are a lot of questions that need to be answered."
- ◆ Councilor Harris continued, "And I heard Councilor Maestas earlier talking about respecting the process that occurred in the City Charter and then the amendments. And the fact of the matter is the City of Santa Fe has a process that is really embodied in our Election Code, in our Campaign Code and in our Public Campaign Finance Code. And so, we're being asked to kind of set that aside, set our process aside that has worked well really for the benefit of others, whomever they may be, for whatever reason."
- ◆ Councilor Harris continued, "Our Campaign Code reads, for instance, among other things, *That public confidence in municipal government is essential and must be preserved by all possible means*. And that's within our Code. And again, that is problematic as we consider this, particularly given the atmosphere we have at the National level. The euphemism, I know there's another title, is the Voter Fraud Commission. There is a lot of discussion throughout the country about elections, [and] if they're handled appropriately. And quite frankly, our last election, our last election, our Special Election, in my opinion, did not set a very high standard. And there were a lot of things that I was troubled by. I believe that our City Code should be strictly followed. I think we need adequate time for decisions about the mechanics, the nuances and enhancements that you talk about. I think that the training for our election officials is critical. They are, according to our Code, *to render assistance in English and Spanish*, and I think that's a big hurdle for anybody. And most of all, educating our citizens about a new way to think about this fundamental right and then how to vote. I actually, in thinking through this, I came up with kind of the same language, and I've been told by advocates that the City of Albuquerque and others are really interested to see what we do in Santa Fe and how it works out. Similar to Councilor Ives, I sometimes feel like a guinea pig on this. Our citizens are being asked to really make a leap of faith and hopefully it will work out."
- ◆ Councilor Harris continued, "So I really will not be changing my mind and I don't really think it's appropriate to move forward on this. It's just that there's too many unknowns, and there is too much at stake. Thank you."
- ◆ Councilor Trujillo said, "On the record, Ms. Fresquez, you stated that I guess, everything has to be in place before we have our names on the ballot and then we send it to the manufacturer and they send us the software, right."

Ms. Fresquez said, "I apologize Councilor. I think I continue to confuse what I'm trying to clarify. We have voting systems that have software on them. We are certifying that current version on Monday. We are expecting to receive an application to certify a new version of software on August 24th. Upon certifying that new version, we will be delivered that version of software, the State will be, and we will work with the counties and the vendor to get that installed on every server, peripheral voting system that it needs to be installed on. We expect that to happen regardless of the decision this body makes regarding Ranked Choice Voting. We still have to move forward for State elections to certify voting systems, certify this software that operates them and get all of that deployed to the counties. So that is in effect no matter what."

Ms. Fresquez continued, "When you are programming an election specific project, you are using that software that has been certified. That project is programmed with the parameter settings of how you want the tabulator to behave, and what the ballot content looks like, and how to read that content when a ballot is submitted through to the machine. That project is programmed before every single election that is conducted at every level, and that's what's on the card, and that's just part of the normal process which the City Clerk and the County Clerk go through regardless. But we will have the software. We expect to have the software."

- ◆ Councilor Trujillo said, "When we print out ballots, it has names, the ranked choice. He asked, when it is going through the machine tabulating, will it recognize a name. This is my concern, Yolanda. When we are starting to collect names, getting the \$5 contribution if you're doing Public Financing, how long does that last. What is the timeframe on that, that we're allowed to do that."

Ms. Vigil asked if he is speaking of the qualifying contributions and the signatures.

- ◆ Councilor Trujillo said yes.

Ms. Vigil said, "The Nominating Petitions start on September 1, 2017 and ends October 31, 2017, that is the last day they can collect, and are filed on November 6, 2017, and I have until November 26, 2017, to certify those. And then the qualifying period ends on November 20, 2017, and then I have to certify the participating candidates by December 7, 2017."

- ◆ Councilor Trujillo said then December 7, 2017, is the cutoff date to certify. He said, "So from December 7, 2017, I don't know, like I said to me, it's cutting it short. Because if you have to send those names, but if we're going to send the ballots, we have to have the ballots printed and all of that. Right."

Ms. Vigil said, "The Candidate filing Day is December 5, 2017, and Candidates have until December 12, 2017 to withdraw. And then I have to, by our Code, get the names of the candidates and the order of the ballot by December 13, 2017."

- ◆ Councilor Trujillo said, "Then by December 13, 2017, you have all of the names on the ballot."

Ms. Vigil said, "Yes sir."

- ◆ Councilor Trujillo said, "So the parameters will already be set, right, and there is no input of names into the program."

Ms. Fresquez said, "All of the election specific project programming occurs whether you do the voting everyone is used to or whether you proceed with new version of voting. The project has to be programmed, regardless. So there's parameters that are set, and content that is built and that ultimately results in ballots that are tested. The ballots are tested on the machines, and then once those machines are tested, they are deemed ready, certified by the Clerk for use in the election. And then, right after that, ballots start being issued and voting begins. So that process and that timeline is the same whether this body moves forward or not with Ranked Choice Voting."

- ◆ Councilor Trujillo said, "Then you get the ballots ready for testing, we're looking at probably 10-20 days, I don't know the timeframe. So we're looking at December twenty-something by then. I just stated that the ballots have to be tested, so we would actually have to have the ballots that are going to be for that election, right, be tested in the machines."

Ms. Vigil said that's correct.

- ◆ Councilor Trujillo asked, "What timeframe are we looking at for the ballots to be printed."

Ms. Vigil said, "So, I start Absentee Voting on January 30, 2018, so I have to have ballots by January 30th, I mean prior to that. And then Early Voting starts February 14, 2018, but Absentee Voting starts January 30, 2018."

- ◆ Councilor Trujillo said, "Okay. You pretty much answered my questions on that Yolanda. I don't think any of us are against Ranked Choice Voting, but we want it done right. And I think all of us on the Council can say, yeah, let's do it, let's roll it out, it's the best thing to do. But you haven't even listened to this lady right here. She is the one who has to do it. And have you really actually listened to what Yolanda has to say. Or are we just doing this because the voters have said yes, but this lady right here is the one that has to run it. So, Yolanda, we talk about how highly you run the elections, it's true. And there is a reason you run the elections so good – because you take the time and you engage in what you do. You want to make it done right. And that's what I want to ensure, that you do it right. But I want to hear from you because you're the one that is going to do this. And you have a good heart, you say I can try to do this. But realistically, Yolanda, I want you to tell us on the Council, realistically if this can be done. What are the parameters that you have to deal with. That's why I would like to hear from you, because when it comes down to it, you are the one in charge. You're *La Mera Mera*."

Ms. Vigil said, "I do have concerns as far as timing. I think I pretty much talked about that at the last meeting. And my preference, as I said, would be to be able to educate our voters. I think at the last meeting, I said 6 months to a year. I think I would like plenty of time to go out there, like I said, to Senior Centers. I want to do videos and do newspaper ads, radio spots, as much as we can do to get our voters educated."

Ms. Vigil continued, "One of my concerns is, yes the software, as they're telling you, should be able to reject ballots if there are under-votes, or over-votes or whatever, they would be spoiled and they could be issued another ballot. But we also need to think about our Absentee Voters, and we have a number of those. And we need to educate these people, because they won't have a second chance. If they turn in their ballot, mail in their ballot, they don't have a second chance. They don't have a machine spitting it out telling them this is spoiled, you over-voted, you under-voted you can be issued a new ballot. We have a high number of Absentee Voters I am concerned about. The bottom line is voter education. I definitely want to do as much voter education as the City can, get the word out there, do demonstrations at malls, at Senior Centers, and anywhere we can think of, possibly going through our list of Absentee Voters and doing some one-on-ones with them, those types of things. So, like I say, ultimate is voter education and timing, as far as my time and my staff time, to be able to accomplish everything."

- ◆ Councilor Trujillo said, "Yolanda, thank you. I think the people in Santa Fe need to hear that, and I think the Council needed to hear that, and I appreciate you telling us about that. That's all I have Mayor."
- ◆ Councilor Rivera said, "I too want to reiterate that I understand Ranked Choice Voting is something the voters voted for. My concern is just to do it right. And I am concerned about the elderly, the less educated, non-English speakers or English as a second language, I'm concerned about them. And thank you Yolanda for reiterating the education piece, because that to me is the most important thing. And again, doing it right is better than doing it quickly. So I think all my questions were answered with Councilor Trujillo. Just one last one for Ms. Fresquez. I assume there was some kind of bid process the State went through to choose Dominion over any of the others, and I don't know how many there are."

Ms. Fresquez said, "That is correct. There was a bid process completed in early 2014, and the State of New Mexico purchased all of the systems from Dominion that are use in elections governed by the Election Code."

- ◆ Councilor Rivera asked, "In the bid process, I don't know if you remember, but clearly there were some limitations to Dominion with regard to the number of ranked choices the machine would accept. Clearly, one of the others, Paul Gibson from Retake our Democracy, said one of the other cities had a ranking of 15 candidates, so clearly there are machines out there that do more. Why are you limiting it to the 10 that Dominion had."

Ms. Fresquez said, "At the time that the RFP was issued, which ultimately led to the RFP committee choosing Dominion, I believe the criteria in the RFP was related to it meeting the State Statute. It was actually a precursor to even responding to the RFP to go through the State certification process. As far as the demonstrations and all of that the RFP committee participated in, and if they evaluated it from a perspective of Ranked Choice specifically, I can't speak to, for sure, but I'm doubtful that they were looking at Ranked Choice specifically at that time."

- ◆ Councilor Rivera said “So there are companies out there that do more than 10 ranked candidates.”

Ms. Fresquez said, “I don’t know. I know there are other vendors that do ranked choice, but as far as all of the distinctions and differences between them, I can’t speak to that.”
- ◆ Councilor Rivera said, “That’s all I have, Mayor. I just want to thank Councilor Lindell and all my colleagues for bringing up the issues regarding the parameters which we haven’t set yet, and that is a concern to me along with making sure the education piece is clear and we have plenty of time to do it. Thank you.”
- ◆ Councilor Maestas said he thinks Ms. Fresquez has done a fine job in answering all of these questions, commenting he thinks many are addressing scenarios that aren’t applicable tonight. He said he presumes the timeline to develop an Ordinance would address all the parameters and the voter education. He believes these things can happen in parallel. He believes that we can take action tonight, subject to certification by a certain date, which he thinks would allay our concerns, that the feds have vetted and certified this software, the SOS has certified the software through the public comment period, through the independent committee that would take action on this survey. He said the process in which the SOS will be engaged will be done anyway on these machines with the software. The only difference is this software can accommodate Ranked Choice voting.
- ◆ Councilor Maestas continued, “We can discuss a zillion possible scenarios, but the bottom line is our citizens asked for this. I don’t think that we would make it overly burdensome when we start talking about parameters. I think it can be made to be established as a very basic set of parameters. We already know that this software can spoil a ballot and allow the voter to re-vote. The software, the hardware is available. It comes down to, can we satisfactorily engage in voter education, and in parallel work on our implementation ordinance for this, if we satisfactorily have software upgrade certification by date specific. So I would appeal to my colleagues that we consider just that. That if the SOS does not certify 30 days from the date that the Election Assistance Commission provides it to the SOS’s Office, then it is off the table and we just defer it until the next election in 2020. That will allay our concerns in terms of the timeliness of the certification, the action by the SOS which is going to be done anyway. If there are any problems that delay that time frame that would prevent certification by a specific date, I’m picking September 24, 2017, as I think the most logical one. Then we can be rest assured that if it is not certified by that date, then we don’t go forward with it.”
- ◆ Councilor Villarreal said, “One of the reasons why I hoped this could come forward through a motion to rescind, is to be able to get not only my colleagues to ask the questions, but also to have you here to answer the questions that we had. And there was no information, so we felt like that needed to happen. And I think more questions keep coming up as we discuss this. And there was one specific question you had mentioned about the committee when they review the Independent Test Lab report. That report is provided by Dominion, correct.

Ms. Fresquez said, "That report comes from the Independent Voting Systems Lab, and those laboratories that look at voting systems for a living, those independent labs are also certified by the federal government. So we will be getting a report from them. Dominion submits that report to the SOS as part of their application, but it is verified as having come from the Independent Test Lab. And there's a pretty transparent process about where voting systems are in the certification process, on the EAC.gov.website.

- ◆ Councilor Villarreal said there was a question/comment from Mr. Gold that if we didn't have this machine and software, we could do a hand count. She asked for an explanation of how that work, because she feels that this is a different system and multiple votes that we'll be having to count for one voter, or if it is even possible. Mr. Gold also spoke about volunteers, and she said "I don't think we just let any volunteer help with the election process. Can you also answer that question."

Ms. Vigil said, "I think I would have to check with Legal if we could just have volunteers. Right now, we have election officials that are actually paid a stipend, so I do not know if we are going to be able to use volunteers. I would need to research that."

Ms. Fresquez said, "Certainly poll workers could and are authorized to hand tally ballots when and if needed in certain situations. It would likely be pretty complex to hand tally... it would require a lot of sorting and stacking. I'm sure we could design a process to follow for hand-tallayers to hand tally the Ranked Choice Ballots, but relying on the certified software to do it would be definitely a happier path to follow."

- ◆ Councilor Villarreal said, "I guess I think about all the people out there about, if you had to decide, if you were responsible for making the parameters and setting everything up so that everybody gets a fair shake at using the system, would you do it, considering what you've heard about this entity, Dominion, an entity that makes money from these systems. They don't have anything to lose, because they're not the ones responsible and accountable for the election process going well. I guess that's what gives me heartburn. It just makes me think, yes, we have a responsibility up here and ultimately it will fall on us. But there are a lot of unknowns about this certification and also Dominion following through, and we've been waiting a long time for them to step up. I think that's what's really hard for me. I have faith in the staff and the SOS will help. Everybody will pitch in where needed, it's just that I feel like the company has nothing to lose, while we have everything to lose. And she keeps wanting to delay to see if we can make the timeline contingent on a certain date, and I'm willing to do that. I just have a hard time with this. I just keep going back and forth with this, because it's a really heavy decision. I feel like all of these conversations and issues we're bringing up now could have been discussed when Dominion gave us a test, when they tested the machines with us. But we didn't know what questions to ask at that point. I just feel like they didn't do their due diligence very well. I think they're working well with you and I think that's a great thing, but, I don't know, I'm having a hard with this. I don't have any other questions. I feel like I could ask so many questions about the process, how we add in the parameters. I think there are great examples out there that we could use and do it in unison some way. This is a tough one. I don't know. I think the Mayor has something else to say about it."

- ◆ Mayor Gonzales said, "Ms. Fresquez is listening tonight, and I'm sure the SOS, having been a County Clerk, understands the sleepless nights, the worry over election day, making sure that the integrity of the voting process is as pure as it can be. So she's in a very good position to appreciate where the Clerks are coming from.
- ◆ Mayor Gonzales continued, "What I've heard tonight, and correct me if I'm wrong, but there seems to be a conflict between the SOS and her messaging of we're going to certify these systems, there's a time a place, yes Ranked Choice can happen. But I hear from our local Clerks that are administering the elections, a very strong, not pushing against moving forward, but a slow down and we have concerns. Would you agree that there is a conflict between the SOS's Office and its desire to advocate that we are able to move forward because of the certification timeline and what you're hearing from the Clerks that actually are responsible for administering the elections."

Ms. Fresquez said, "I respect our City Clerk here and the County Clerk that are present so much, and I think it's their job and their life to approach every election they are ultimately responsible for, with an abundance of caution. And so hearing what they're saying tonight, they are doing exactly what they should be doing. They are being very cautious, very thoughtful and thinking about all aspects of things that could go right or wrong. That's what we do in elections, is we plan for the bad to happen always, so we can quickly react to it and get it back onto the happy path, so I hear them doing their jobs. I respect that. I respect Yolanda's cautious approach and obviously the SOS clearly understands that it is this body's choice to move forward or not. And we want to be here and supportive in as much of a way that you want us here helping and being involved, or as little as you want us involved. Really, I just wanted to be here to answer questions, provide facts on where we are in the certification process. I respect where everyone is coming from on their cautious approach."

- ◆ Mayor Gonzales said, "Ms. Fresquez, you are in an unfortunate position here tonight, because you are caught between a decision and what the cautioning was in terms of moving forward. There is a great deal of respect that I have for our SOS, and understanding that she knows fully well what they would have to go through if this Council moves forward with Ranked Choice Voting. I need to ask you, as a State Election Director and visiting with her, and the messaging she has provided to the advocates for Ranked Choice Voting in terms of if there are timelines for certification that will happen before the rules are set. Then there will be rules that are set and you are able to create the software that adheres to the rules of Ranked Choice Voting. Are you here tonight, in addition to answering our questions, and to basically say that the SOS has confidence that we can proceed forward in a decision to have a Ranked Choice election, and that the concern of the Clerks, as you said you're listening to them, but you still feel that through the certification process that there can be the utmost integrity in our election process in this time period, versus waiting until 2020 when this software will be rolled out, tested, worked through more timely. I need some statement from you in terms of yes, we've heard the Clerks, but we do believe that through certification and what will happen that there can be a Ranked Choice election that adheres to the rules and the public that will be fair and meet the standards of the Election Code."

Ms. Fresquez said, "The SOS certainly wants to work with this body, the City Clerk, the County Clerk, should you choose to proceed to make it happen and make sure there is a successful election. We are the chief election officer of the State, we care about every election being fair, accurate and we don't want there to be issues for Yolanda. We want to participate and help ensure, if you choose to go forward, that it moves forward successfully."

- ◆ Mayor Gonzales asked, "Do you think it would be better to wait until 2020 so that the system can come forward certified, tested and address the issues that they are bringing forward."

Ms. Fresquez said, "I would prefer to leave it to you all to make a choice, and especially without the SOS here to make that bold of a statement."

- ◆ Mayor Gonzales said, "You did a terrific job tonight. Thank you."
- ◆ Councilor Maestas said I am prepared to make a motion, and before I do, I want to state that democracy is messy. We had the Supreme Court decide the outcome of a Presidential election. And when individuals and entire communities choose to try something they want, and it doesn't work out as intended, then we make changes or do without it. This isn't just a leap of faith. The voters spoke, and this what they want, and I believe that what they wanted has come to fruition and it's before use, but I think there issues with the timeline, I understand that, but I think they can be overcome. But democracy is messy and I see this as consistent with that."

MOTION: Councilor Maestas moved, seconded by Councilor Villarreal, to direct staff to move forward with Ranked Choice Voting for the March 2018 Municipal Election, subject to the condition of certification of the Dominion software upgrade by September 25, 2017, and that in the intervening time between now and September 25, 2017, that the City Clerk develop and implement an implementing Ordinance, timeline and a draft voter education plan and timeline, and a staffing plan and timeline, that potentially would be needed if the software is certified.

VOTE: The motion failed to pass on the following roll call vote:

For: Mayor Gonzales, Councilor Maestas and Councilor Villarreal.

Against: Councilor Lindell, Councilor Rivera, Councilor Trujillo, Councilor Dominguez, Councilor Harris and Councilor Ives.

Explaining his vote: Mayor Gonzales said, "I'm going to vote yes. This clearly has been a struggle and I don't think that we can move away from the clear signal and direction that the voters gave us when they moved this. I appreciate the Clerk's caution. I need to rely on the SOS's positive affirmation that this could be done in this period, and it's why I'm voting yes to allow for Ranked Choice Voting in the upcoming election. And I respect and really appreciate the deliberation of this Council tonight. I think it is a tough decision and I thought your questions were very thoughtful and really tried to work toward a solution that responds to the will of the voters, but also makes sure that the integrity of the election process is met and that people will have reliance and confidence in it. So I want to thank the Council for their deliberation on this."

Statement following vote: Councilor Ives said, "I know from my discussions with Ms. Fresquez that the SOS believes they have the capacity to approve software and a voting system, which includes the software, has been submitted after June 1st. And the law certainly looks favorably upon interpretations of statutes by the agencies charged with action on those Statutes. I think what would really change my mind in this front is to have verification from the separate source, and I believe the SOS would have the capacity to seek an advisory opinion from the Attorney General on this issue as to whether or not software that is actually submitted after that June 1st date is still capable of being evaluated by the SOS's Office under State laws currently stated. If that were the case, and was supported and there was an AG Opinion indicating concurrence in that interpretation by the SOS, there is still an opportunity to cure what I would describe as the second timing flaw in the system which is where in 1-9-14 there are two provisions that that the review by the SOS has to be in accord with the most recent voluntary voting system guideline adopted by the United States Election Assistance Commission."

Councilor Ives continued, "And again we talked about the fact that version 1.1 of those guidelines presumably went into effect on July 6 or 7 of this year. So a little under 20 days ago. So that flaw could be cured by the SOS undertaking an evaluation under those Guidelines, 1.1. That is a tremendous burden on the SOS's office, but it would be accomplishable. So, to some degree, I want to indicate that again, I understand Ranked Choice Voting has been voted on by the electorate. We want to put it in place properly and appropriately. There are potential system flaws under the State that could potentially be cured. So I suppose we could always move to rescind the second time if those flaws were resolved at the SOS's Office."

Councilor Villarreal said she will be working with Yolanda Vigil so we don't run into this problem in 2020, and "I'm going to set a timeline so we can start doing education and making sure all the parameters and everything that we have in place will be place to be ready for 2020. And anyone else can work with me on that. But we need to be prepared and we'll make sure we'll have plenty of time to do it. Thank you."

Ms. Vigil said since the previous vote was rescinded, we need another vote – since we rescinded the vote, we need a positive vote.

MOTION: Councilor Rivera moved, seconded by Councilor Harris, to not implement Ranked Choice Voting for the 2018 City Election.

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

For: Councilor Lindell, Councilor Rivera, Councilor Trujillo, Councilor Dominguez, Councilor Harris and Councilor Ives

Against: Mayor Gonzales, Councilor Maestas and Councilor Villarreal.

- 8) **CONSIDERATION OF BILL NO. 2017-18: ADOPTION OF ORDINANCE NO. 2017-14 (MAYOR GONZALES, COUNCILOR LINDELL, COUNCILOR HARRIS, AND COUNCILOR IVES AND COUNCILOR RIVERA). AN ORDINANCE RELATING TO THE CITY OF SANTA FE ECONOMIC DEVELOPMENT PLAN ORDINANCE, ARTICLE 11-11 SFCC 1987; APPROVING AND ADOPTING A LOCAL ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND MEOW WOLF, INC., FOR ACQUISITION AND EXPANSION OF A NEW PRODUCTION AND CULTURAL FACILITY, A LOCAL ECONOMIC DEVELOPMENT PROJECT. (FABIAN TRUJILLO)**

A letter dated July 21, 2017, to Mayor Javier Gonzales and City Council Members, from the Las Acequias Neighborhood Association Board of Directors, submitted for the record by Liddy Padilla, Secretary, is incorporated herewith to these minutes as Exhibit "17."

Items 8 and 8(a),(b), (c) were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.

Public Hearing

Jocko Foster, 509 Camino Alejo, said he thinks this agreement is particularly important because of the profound influence that Meow Wolf has had on his life and other young peoples lives in this City. He grew up here, and this is his home although he has lived many places. He said growing up he didn't envision himself having a future in Santa Fe or New Mexico. He was in a place where saw himself burning out if he stayed there. He said when he graduated college and came back to Santa Fe, its role in his life was reenvisioned in this organization that was transformed, and it has given him a new narrative for what his life could be here and he is very grateful. He wants to see that happen for other Santa Fe young people. He this is the place he wants to be, and to stay and to retire.

Drew Trujillo, 1807 Second Street Studios, said his family comes from Spain, a Conquistador who was a map maker who came to Puebla, Mexico, met and married his wife, and came to Santa Fe. His family lines also touch base through the Santa Ana Pueblo. He said based on the history of New Mexico, it is a miracle he is here today because of all of the conflict in our history. His great great grandfather built his house one block from San Felipe Church, in Old Town Albuquerque, and his name is on a plaque in Old Town. He said for full disclosure he has never met Councilor Trujillo at a family reunion. His parents grew up in Old Town and the North Valley, very poor, and had an outhouse in back. He said he was rags to very successful. He owns Homans, Inc., and A.T. Trujillo, Inc., and they have a lot of business relations with Sandia National Labs, Los Alamos, Lockheed-Martin and on and on. His brother, Anthony Trujillo, is now running the company, and has been the Chair of the Hispano Chamber of Commerce in Albuquerque. Mr. Trujillo said he is one of the first generations to attend college, at New Mexico State University and

UNM. He worked at Sandia Labs and was exposed to radiation. He was married, had a home and child, and moved out of the State because of lack of opportunities. He ended up at the auto desk in a research group doing robotics as well as hacking into advanced 3D printers. He has a house in Nova Scotia in 100 acres of woods and was content in the summer learning to fly fish and enjoying the beautiful scenery. And Meow Wolf exploded, inspired him and that is the reason he is back in Santa Fe.

Mayor Gonzales said Zane Fisher led the efforts to write the grants to the U.S. Conference of Mayors and today a check for \$50,000 arrived at City Hall to support Big Santa Fe and its efforts to introduce our youth to manufacturing, "so just a heartfelt thank you."

Zane Fisher, 2879 All Trades Road, said as a co-founder of Make Santa Fe, he is very happy for the support of this body and the City of Santa Fe Economic Development Division. He said in launching that, Make Santa Fe now is an economic development oriented maker space, is working the 7 northern counties to provide federally recognized apprenticeship training in advanced manufacturing as well as pre-apprenticeship for youth. He said they are very grateful to Meow Wolf because it fully incubated the maker space and was instrumental in its successful launch. He has seen first-hand what Meow Wolf can do for its own business, and for the people it is working with directly as well as in other ventures and projects in the community, and it has been very impactful. He said we know when the City invests in arts and culture, even at a non-profit level, there is a 5:1 economic return, and he would guess it is higher with the economic revival for profit concern. He said he also wants to say that beyond this being sort of an obvious economic win, this kind of investment says a lot outward to other communities and to the nation about how Santa Fe invests in talent and that aids us in our talent retention and attraction efforts, and puts us on a different level of innovation than most cities of this size. He thinks it's a really forward thinking thing and applauds the City for considering it tonight.

Andrea Romero, 1101 Hickox, said she works in economic and business development, independently as a contractor. And with many of her clients, including the City, look to the best interests of both the region and City, and she recommends the Council universally support this project. She said it is an excellent thing for our community, for young people who are inspired and they have seen the incredible success in just over the year. This is an incredible opportunity to be a real leader in both the art space, entrepreneurship and in investing in true talent and an opportunity. Santa Fe has a real chance to be a leader, and this is politically good move. She asked the Governing Body to please support this request and thanked the Governing Body for its service.

Liddy Padilla, 4304 Acequia Land, Secretary, Las Acequias Neighborhood Association, and Ray Acosta, Treasurer, read a letter in support of Meow Wolf into the record. Please see Exhibit "17," for the complete text of the Association's letter.

Mike Urea, 2005 Ft. Union Drive, said he is a proud alumni of Wood Gormley, Capshaw and Santa Fe High. He said he is back home in Santa Fe after 10 years. He said he long ago had forsworn a life where he could pursue his callings and be financial secure. He works for Meow Wolf and this is the first time an employer has provided him with health care. He is making money doing what he loves. He was just waiting for an excuse to come back because he loves Santa Fe deeply and this has made it possible. He thanked the City for "your generosity and not only your prudent decision-making, but your admiral attention spans."

Sophia, 415-G Sunset Street, said she was born and raised in Eldorado, grew up in Santa Fe and attended the New Mexico School for the Arts for high school, graduated in 2015. She said when she was 14, the first field they took was to see Meow Wolf's The Due Return. She said when she walked into the room and saw the pirate ship, she knew she wanted to be an artist for the rest of her life, no matter what it took. For her Senior project, she made an installation of her own and Mr. Kadlubek was there to see it, and said, "Come and work with us." So in the Fall 2015 she went to volunteer on the buildout of House of Eternal Return. She is now in her third year, and is the youngest, full time, salaried employee of her art team. She said the impact Meow Wolf has had since it opened, and even while they were still working on the young community of Santa Fe has been really topical. She thought she was going to run as far away from Santa Fe as she could when she graduated. And she is now excited to stay and keep growing this new community of creatives and encourage other young people to stay and grow their community. Santa Fe doesn't have to be a sleepy town full of bad coarse art. It can be something much more and thinks that's what Meow Wolf is trying to do. She would appreciate the Governing Body support to continue growing our vision.

Allison DeMash, 2700 Heradura Road, said she is a writer at Meow Wolf, an operations employee. She said being a creative person in this world is not easy by any means. When she decided to pursue a writing and art degree, most people responded, like, okay what else are you going to do. She said for her that was detrimental. She has lived in Santa Fe for more than a decade, she is a second semester Senior at Santa University of Art & Design. She has been filled with sickness and worry about young art in Santa Fe, and she has watched hundreds of her fellow artists to leave for other places that have better education opportunity interested in writing and art degree. She said Meow Wolf has given her a way to pay her bills and to stay in this place she calls home, which is beautiful, and actually kind of saved her life. She said as they grow as a company, and set off on new and exciting endeavors, Meow Wolf has a focus here in Santa Fe and that "we are all in love with this City and very loyal to this place, there has been some good times." She thinks it is incredible how much Meow Wolf cares for all of us, our employees and the City, and hopes you can support them in this endeavor as they move forward.

Chris Stalen, 1638 K Street, Albuquerque, said originally, he wanted to do the smart thing and go to business school, but had to wait for medical reasons, and decided if he went back to college he would do something he really wanted to do. He has been a photographer for 15 years. He attended the University of Art and Design to study under [inaudible] and Sean Bone, which was fantastic, loved his time there, but he graduated. He was looking at nothing, he had crippling debt and a Liberal Arts Degree, so

not much going for him at that point. So he went back to a safe place and worked at Starbuck's, and have been employed off and on there for 6 years. He said all of other work experience felt like nothing like an employee and a number sign on how much they have to pay him, and never felt cared for or nurtured. He said when Meow Wolf finally called him back and said they wanted him back, he volunteered briefly, but had to leave for financial reasons. But when they called him to come work at Operations it was a breath of life. In 3 months, he moved from docent work, desk work to a manager. He had never felt more welcomed and well received. They care about us as individuals. He said there is a beautiful transparency with the company. He has never heard of or worked for a place that does what they "have done for us." He said seeing the impact it has had in Santa Fe and in New Mexico, has been wonderful. He wants to keep watching it grow, and hopefully with the City's support, that can happen.

Patrick Boyles, 1003 Bishop's Lodge Road, said he was born in Santa Fe. He said his father moved here and started working at Shidoni, doing bronze work in the 70's. it was interesting, because it was all community, all crazy, but it was really great as a kid, an amazing community feeling. He said over time, the heart of what he saw in Santa Fe was that kind of art community. It was innovative and interesting, bright and young. And as time has gone by, that has become less and less what he felt about Santa Fe, but he always felt it was there at the heart of it. What he sees with Meow Wolf is young people that are interested, young people in other cities that are interested. He said the City Different is this thing that is culture that people are picking up on elsewhere. He said its commitment to the commitment to Santa Fe is really an influence that is national and international. He appreciates your support for Meow Wolf.

Luca Boyles, Patrick's son said, "Meow Wolf."

Sheryl Odom, 1152 Vuelta de las Acequias, said she is in support of this Ordinance. She said she is speaking as a theater artist and a teacher of young artists which she has been doing her whole life. She said these stories move her to tears. She said what Meow Wolf has done for Santa Fe – every generation is responsible for redefining art. She has lived in Santa Fe for almost 40 years, and she hasn't seen a lot of movement in that direction. The art has been static. There are galleries with paintings, theater productions, all with their separate niches. She said Meow Wolf takes all of that stuff, puts it in a blender, and turns out this amazing piece of art – it's a whole new thing. She said this is exciting for her as an artist that it is being reinvented and in Santa Fe. She likes to call this experiential art, the best term she can come up with. She said because of teaching she loves the young people so much. She said there comes a time to pass the baton, and couldn't put it in better hands than theirs, and knows they can do it. They are changing the whole country and the whole world is look at this and saying, wow a new form of art. We works with the playhouse right now. They're stepping up and doing innovative things. Young people are involved in that, where it was always older people doing traditional theater, and now they're doing all this wonderful *[inaudible]* stuff. "So, you guys rock."

Glen Schiffbauer, Executive Director, Santa Fe Green Chamber, said Meow Wolf is a model for what they are trying to get done in Santa Fe from an economic development standpoint. They look at things like leakage, and in this case leakage is the loss in talent and our youth leaving Santa Fe. Now there is a means for them to stay here and become employed and have a career, and not just have employment. He said the Green Chamber preaches that money spent on economic development within the community returns so much more money to the community than if you spent on chasing a Face Book or a Tesla. And the numbers have shown that the cost per job is smaller and the retention of the jobs and the economic development and success of those businesses within the community is far greater. He said the Green Chamber is asking you to support this as they do.

Ivan Macias, 3366 Avenida San Marcos, said he is Meow Wolf's next door neighbor, Tortilla Flats, which he cofounded and managed for the last 30 years in the same location. He said there was a bowling alley next door to them for years and after it closed, it sat empty for a few years and was an eyesore, and until Mr. Kadlubek and [inaudible] came into the neighborhood and his dreams became reality. He has a cornerstone in Santa Fe. He has taken his dreams and built reality. He said his thought is that he and Meow Wolf bring growth. He said it brought growth to us. He said after 2010 they tapered employees, business went down, and then slowly they went up. He said once Mr. Kadlubek came to Meow Wolf, they saw a growth of 10-15 employees at the instant he opened. He said he is for economic development and growth, because he believes he is going to grow and give the community more jobs.

Alec Brown, 6673 Camino Lejo, said he is a recent graduate of the Santa Fe University of Art & Design, the Film School. In summer 2015, he started as a volunteer intern on the second unit film team on the House of Eternal Return. He said that film team had an incredible amount of students creating the content that you now see in the exhibit, so it already was giving students such as himself a chance. He said with the current events at the University, what scares him is the thought of having to move away from this wonderful place where he is free to be creative and he has the right to be creative, and the sunsets are beautiful. He can't imagine himself moving, and now with Meow Wolf he doesn't feel as if he has to move away and wants to stay here. He majored in film editing, and has been told many times he wants to move to Los Angeles, New York, London where all the editing jobs are. He said, "I cannot tell you how many times I have said no, no and no. I want to stay here in Santa Fe, and I want to be able to be an artist within my own art, and Meow Wolf is the place to do that. And I also have to say that one other privilege that Meow Wolf has given me that you can't get anywhere else is I stay in contact with my professors, and because of Meow Wolf, I work with them now. And I would never want to give that up."

John Feins, 769 Viento, said a few months ago, he had job he loved at the City as the Public Relations Manager in the Tourism Department, a phenomenal team, doing phenomenal work and he loved his job. However, the opportunity be the Director of Marketing at Meow Wolf came his way, and he had to leave something he loved to take a chance with some people doing magic in Santa Fe. He has learned in the last two months is that is as incredible as the experience is at the House of Eternal Return, and the community efforts and all the things you see Meow Wolf doing in our community, when you go behind the scenes you can't believe integrity, energy and energy. He said it is a rising star with best yet to come. He

works late every night working and people are email and texting him back. He gets up early in the morning and the first thing he checks to see if any media has happened out, and he checks Face Book as well. He said one piece of media he got a few weeks ago from *[inaudible]* a drive market and a good town. He said you may have heard of multigenerational travel, grandparents, parents and kids are traveling together. So some folks who had never been to Santa Fe decided to have a multigenerational trip here to discover Santa Fe. There is high quality, an abundance in everything that would make anybody want to take a trip. The family wrote an article in the Valderry and said the highlight of the entire trip for each generation was Meow Wolf. He said a guy was contacting him on Face Book and the first thing they talked about was Meow Wolf, and they've never been, and they saw our postings, and they are coming to New Mexico to see the House of Eternal Return, and they were over the moon to come to Meow Wolf. He talked about other experiences in the same vein.

Lisa Raison, 941 Calle Mejia, #602, said she attended the North Carolina School for the Arts, and had to leave because of her addiction problem, noting shortly after she gave birth two children, and she had to raise them. Over the years she thought about how she missed this work, and she had given up on her career, because she thought she blew it and that was it. She moved to Santa Fe in 2007, and she watched Meow Wolf do some things, and was afraid to approach them until 2015, and at the same time she got into recovery. She is 20 months into recovery, and she can't express her gratitude for Meow Wolf for handling it. She said when she saw the shell of a building when she started to volunteer, she knew it was going to be huge. She had a full time job, but she volunteered 20-40 hours a week, and at times she was working 60-80 hours a week. On Christmas Eve she lost her job, but she continue to volunteer to Meow Wolf for 60 hours, and then two weeks before they opened, they had money, and they hired her. That is how she returned to her life, and she is grateful to Meow Wolf for that.

Oscar Irvin, 941 Calle Mejia, said he lives with Ms. Raison, and he also is in recovery as well, and has been trying to get sober for 7 years, and he was always into the perfect storm, and was missing was community and a family. And what he has found from working with these great people is exactly what he needed to get clean, and has been clean for one year, and they celebrated with him last week. He said what he has learned from working at Meow Wolf is that is a diverse group of people, and Meow Wolf is not in it for the money. We do it because we believe in what we do, it's what we love.

Yvonne Chicoine, Chair, Republican Party of Santa Fe County, a County resident, on behalf of the Republican Party. She said she is here to speak against taxpayer subsidy for Meow Wolf, but they are not opposed to Meow Wolf, and she has voluntarily supported Meow Wolf by buying quite a few admission tickets for her children, grandchildren and out of town visitors. She said although she is not among them, she anticipates many locals also support Meow Wolf because they voluntarily bought into the stock offering that bought millions of private investment dollars to Meow Wolf within the last few days. She is impressed by the many opportunities for young people offered by Meow Wolf. Meow Wolf appears to be a Model employer, but it is not the only model employer in Santa Fe. There are countless small business, contractors, and such that don't appear before you to ask for subsidy, and they are also model employers. The issue here isn't about what Meow Wolf has done and is doing. It is about whether this government,

the City Council, should force local taxpayers to subsidize Meow Wolf's growth and expansion plans through the expenditure of tax dollars. Government should not be in the business of picking economic winners and losers. That is the job of the market place, and it has chosen Meow Wolf as a winner. The marketplace has rewarded the owners and investors of Meow Wolf with more than \$1 million in profits in its first year. It had sufficient resources to start a tax exempt organization, providing funding for schools and other community efforts. She said they applaud that decision by Meow Wolf to give back to the community. She said they are mindful that contributions by tax exempt organizations reduce tax collections because they are tax deductible. Now Meow Wolf's owners, investors, and employees want taxpayers to contribute to its continued growth and profit stream. The undercurrent of Meow Wolf's request as expressed in the media, is that Meow Wolf is holding its continued commitment to our community hostage to the taxpayer subsidy. Our community has and continues to support Meow Wolf and the wonderful work it is doing to the tune of millions and millions of dollars of income through admission fees and other payments. With all the critical needs facing the City, when the City using borrowed money to pay its employees, not for infrastructure improvements. We need to learn to say no. a public subsidy for Meow Wolf and its investors is a luxury the taxpayers can't afford. She said, "We ask the Council to reject the Ordinance."

Clint Barker, 1462 Villa Linda Road, said he was born and raised in Santa Fe, and growing up there was always a disconnect, a lack of avenues for young people to engage with the City and a struggle to find things to do and engage with our surroundings. It is a beautiful place he is honored to call home. At graduation, in his experience, everybody's goal was to get out of high school and go somewhere else. He left Santa Fe for about 5 years and didn't look back too much. He had volunteered with Meow Wolf before he moved, and once there was a job opportunity with them, he found himself drawn back to Santa Fe because he saw this really beautiful revitalization of the place that he has always called home, and he is thankful and grateful for. He works in Operations at the exhibits in town, and every day he sees the magic that is introduced into peoples' lives. He sees kids and grandparents wide-eyed and their minds opened to something they never thought could be possibly and physically manifested in them entering this entirely different world. The impacts are profound for him, and the impacts to the community and New Mexico is really unique and an extraordinary opportunity.

Matthew Ellis, resident of Rancho Viejo, said everything that happens in the City impacts his livelihood. He has two art degrees, and is a scion of Santa Fe's legendary arts and hippy culture. It took him for 10 years from his late teens to decide if he wanted to Live in Santa Fe, and he did. He said for two years he had a great run in the arts economy, it was fantastic. In 2007, the Governing Body under the leadership of Mayor Coss, was asked to support Warehouse 21's redevelopment as a critical part of the Railyard. He worked in the Railyard in the arts business, and he thought it would be great, because young people would have an opportunity to do music, art, culture video. He said this room is filled with those graduates from that taxpayer funded program, and their success is phenomenal. His son now is involved with Meow Wolf. He said the even younger are benefitting from this. Meow Wolf has an outstanding organization called Chimera for children to embrace technology, coding, crafts. Meow Wolf is doing this, and said he is asking you to consider what these children will do. Do they have to wait 10 years for their parents to make money on their property to move out here. Or can they graduate from a school in New

Mexico and go to work. He said Meow Wolf is sitting on top of a golden opportunity to redefine an abandoned caterpillar factory and do something with it, and they can do it with your help. He said his friends from Europe are asking, what happened to Santa Fe, I thought you guys were dead. We're on everybody's radar. He encouraged the Governing Body to support their expansion and growth and the economic development of the caterpillar plant.

Kathi Collins said she is here to speak in favor of the Ordinance on Meow Wolf. She came to Santa Fe about the time The Due Return started. She currently is a performer at Meow Wolf and an art educator at the State Art Museum, the O'Keeffe Museum, and at the Center for Contemporary Arts. So she gets around the art world a little bit here. She said first of all being a performer, she would "encourage you all to throw away those suits and ties and come on over to Meow Wolf and get your groove on." She attended Theater School, graduated and became a lawyer, a judge a business owner, and now she has artistic freedom again. You can go back and pursue those things, and this is the place that let her do it. It's about radical inclusivity, a phrase she heard Mr. Kadlubek use once. She whenever she is at a meeting she says to them, are we being radically inclusive with one another, are we listening to one another, and this is the place where all of us are heard. She said Meow Wolf has made art accessible, and showed incredible adaptability in terms of what is presented to art, and all ties back to the founding of the artistic community 125 years ago in Santa Fe – freedom of expression was what drove artists here. And this is a reinvigorating of that fundamental of freedom of expression. She said, regarding the business, the stellar operation of this business from the very first day she took money at The Due Return when we didn't have a credit card machine, to what is happening now is adaptable, creative and accountable. You can trust that if you put money into this organization, "I guarantee you on my life it will be repaid tenfold, at least, for this community and for this town."

Ivan Antonio Gamboa, 219 A Delgado, said before he graduated high school, he lived in Houston, London, Los Angeles, Detroit and Miami. New Mexico was never a place he imagined himself. He said now he "couldn't be happier here." He said Meow Wolf presented him with an amazing opportunity he never expected. It is important for a company like Meow Wolf to step up and set a precedent. Nationally, we compare employees well and treat people really well, and create good experiences. He has worked at many museums, art institutions, and it is always like we're going this artistic thing, so we have to save money and we can't give you a raise, and don't know about your health care and such. He said Meow Wolf is such an amazing place, and the more you invest it, the more you are investing in your City and the people who live here. He loves Santa Fe.

Joy Whitman, 450 Calle Valdir, a patron of Meow Wolf and taxpayer, said she moved here permanently about 2 years ago from Dallas, but has owned a home here since 2005. Her daughter attended the College of Santa Fe, but she didn't stay but worked with a number of these young people who are now artists within the collective. She has been listening to the remarks tonight around the artist value and amazing experiences that Meow Wolf offers. She can't see a better return on investment of her tax dollars, and Meow Wolf has created a new media in a trend that many other cities will follow. If we don't invest in them, other cities will.

The Public Hearing was closed

Councilor Lindell thanked everyone for coming this evening and staying so late. She said this is an economic opportunity that has been presented to us. We have had numerous discussions with about this in committees she serves on. We also have had Ryan Eustace, from the State, talking about these LEDA grants. She said in explaining this, and talking about it, and Fabian Trujillo will get into specifics, she thinks we essentially are looking at an investment of existing economic development funds for 250 jobs to be created by the year 2020, and asked if that is correct.

Fabian Trujillo, Manager, Office for Business Growth, Office of Economic Development, said it actually is 2021, and it is 250 to 300 jobs in the next 4 years, with an average wage of \$46,000 per year. He introduced the Economic Development from the State, Therese Varela, Economic Development Division Director and Mark Roper, Community Development, who are here to support us tonight. He introduced Meow Wolf Staff with Vince Kadlubek and *[inaudible]*.

MOTION: Councilor Lindell moved, seconded by Councilor Ives, to adopt Ordinance No. 2017-14, as presented.

DISCUSSION: Councilor Trujillo said he understands the request is for \$250,000.

Fabian Trujillo said the total is \$1.1 million, \$100,000 is bonus money, and will be disbursed over 4 years, the first year will be \$550,000 from the State, \$75,000 from the City's Economic Development Fund for a total of \$625,000. In order to receive those funds, they will have to acquire the building the first year and employ 50 people. The Employment Schedule is in Attachment A of the packet, which outlines it on an annual basis. He said Attachment B is the construction schedule. Meow Wolf will have to meet both schedules to get their disbursement.

Councilor Trujillo said then it is \$250,000 from the City.

Mr. Trujillo said yes, it is \$250,000 from the City.

Councilor Trujillo asked Vince Kadlubek how he tells people in Santa Fe that you want the City to give you \$250,000, and asked how much they raised last week.

Vincent Kadlubek, CEO and President of Meow Wolf, said they raised \$1.007 million in 48 hours.

Councilor Trujillo asked Mr. Kadlubek if he can understand why some people in the City may be asking him as a Councilor, that if Mr. Kadlubek can raise \$1.007 million in 2 days, why does he need \$250,000. He said Mr. Kadlubek needs to throw that pitch to him and those listening this evening.

Mr. Kadlubek said there is a lot of potential investment money they can raise. They can raise private equity money based on the value of the company which is what they did last week. He said we can raise debt and help things get financed just as a lot of people do. And if they make a lot of money, they have a lot of big salaries. So getting things financed helps. He said economic development funds that cities and

states have that are specific for positive investments, investments that are vetted, that are good for the community that are allocated for the sake of economic development, are meant to keep companies in their state and municipality and accelerate their growth. He said he would say that it's a worthy investment in Santa Fe and in the State, and he stands behind it because it will return more money the more you put in. He said the question he often asks is should we be putting economic development funds into risky businesses, businesses that are not successful, that don't operate the way that Meow Wolf operates. He said, "That's where I'm coming from with it."

Councilor Trujillo said that is good.

Responding to Councilor Trujillo, Mr. Trujillo said, "I would say that what you are seeing with the \$1 million is confidence in the operations that this is going to be a successful investment. He said the \$250,000 being invested by the City, is governed by State Statute and our Ordinances in land, building and infrastructure. And what we are doing is we are investing money as we are allowed to do, in an economic development project that is going to create significant economic development for the City of Santa Fe, to the tune of \$5.6 million in net benefits and revenues over a 10 year period. It will create 250 to 300 high paying jobs with career employment for people who are going to have benefits. You've just heard... we had 22 people talking tonight, but more importantly it is going to invest in the children and grandchildren of Santa Fe to go forward. That is what you are investing in today."

Councilor Trujillo said he has been on the Council for 12 years, and we have given money to businesses including Thornburg, and we know what happened there. He knows a lot of people who lost their jobs. So he is worried. He is very pleased with what they have done with Meow Wolf, commenting what Mr. Kadlubek has accomplished in one year is phenomenal. He takes his family to Meow Wolf and he promotes Meow Wolf to his friends. He said he and Mr. Kadlubek have had words, but so be it. He said Mr. Kadlubek is the face of Meow Wolf, and everybody knows him in Santa Fe, and he might be even more well known than the Mayor. He applauds him and his staff. He said the greatest thing he heard tonight was from young people. He said this is something he's always wanted. He wants to live and stay in Santa Fe and he wants that for his children. These are people who were born and raised here, and he also is pleased for people from other states to come and work here. He said we need to have more opportunities like this for the youth. He said he has been wary about this.

Councilor Trujillo asked Mr. Kadlubek how many jobs he will create in 10 years if this is approved.

Mr. Kadlubek said, "In the next 5 years, we'll be producing 250 jobs, and I imagine that we're going to probably double that in 10 years, at least."

Councilor Trujillo said the wages will be \$36,000.

Mr. Kadlubek said that is on average, but they expect that to increase as well as they go after more investment.

Councilor Trujillo said, "I look forward to that, but I have reservations. It isn't too often that I sit up here and I change my mind. So I'm going to keep an eye on you, you know that, I will. Because I'm one of the people that live here 24/7 and I have a stake in this community. I tell everybody all the time, I'm going to die here, and be buried here, because I love this town with all my heart. And I want to see it prosper, and I want to see our kids stay here. I want to see businesses like this. I want to see it prosper. If somewhere down the line you could say you are the next Google, wow. Just think of that. So I wish you all the best with this. And you are a shining star of the community, something that has been needed in this community for a long time. And as I said, it isn't too often that somebody changes my mind. So, Vince, I'm just going to leave it at that. I wish you the best of luck. And we'll just leave it at that, and go with the vote, okay."

Mr. Kadlubek said, "Thank you Councilor, I appreciate that, and as an elected official, I think hopefully all the voters will keep an eye on you, so thank you."

Councilor Rivera said he remembers sponsoring a Resolution supporting Mr. Kadlubek when he first started for only \$50,000. He said Mr. Kadlubek has surpassed everything he thought it could be. He loved hearing from the local people here, the kids that are saying here, and more importantly, the kids that are coming back, our sons and daughters that are coming home, that's important.

Councilor Rivera continued, saying he was going to ask a question about hiring future Santa Feans and making sure we continue to do that. He said, "But I'm convinced, I think after tonight, I think that you are going to do that." He asked Theresa Varela to come to the podium, saying she is his baby sister.

Ms. Varela said, "I stand in support. The State is in for \$850,000 and the City is in for \$250,000, and rest assured the State does a very good job at vetting projects and making sure there are safeguards that are placed, that thresholds have to be met before disbursements can go out." She said, "The State is partnering with Mr. Kadlubek, with the City, and overall this is a great project. And thanks Chris."

Councilor Villarreal said she has no questions, and asked most of her questions at the Finance Committee, and felt confident about the answers. She said she talked at Finance about this defining moment of Meow Wolf and it is going to set a precedent and legacy of the impact of economic development or community development this will have in Santa Fe. She said the packet information was very thorough. She said she doesn't understand the complexities of the funding formula for LEDA, and she would challenge Ms. Chicoine to look at the reason LEDA is set up that way. It is for that specific purpose, and there are very clear guidelines as to what it is used for, and she thinks it would be helpful for her to understand that because it is taxpayers money, but that is exactly what it is there for. She said this is something that has been hard for the public to understand."

Councilor Villarreal continued, saying she believes, just in going through the application, there are a lot of safeguards and contingencies, that will make sure that the funding will be used appropriately and it is structured in a way that there are constant benchmarks that need to be met before any additional funding is given, because it is given incrementally. She said, "I say this, because I don't think people understand it. It's not like we're giving a big chunk of money and saying, all right go at it, have fun. It is very specific and each year it has some benchmarks, and the money is given a piece at a time."

Councilor Villarreal continued said, "I do want to say, and I think you all know this, that being a local person, but issues we have dealt with just not having job opportunities and so many people leaving Santa Fe, but also there has been a history in our community of displacement of people, of things that have come into our community that were supposed to be so good for us, it was the best thing that could ever happen to Santa Fe, and it wasn't good for local people. And I'm not saying Meow Wolf is that, but I wanted to give caution to some of the things that are not built into the LEDA funding, that's very specific. But to think about how, when you thinking about hiring, and how you really will impact the local community, that you will be growing and that you really need to focus on how your HR policies are structured. And it's going to be a challenge, because you're going to be growing in a way that you've never experienced before. And although HR policies are not part of the LEDA funding, I think that we need to think about how hiring processes occur, if you've even thought about affirmative action hiring policies in your organization and what that could look like. Because our population in Santa Fe is 60% people of color, and so that in itself, should be reflective of the places we work, and the growth and economic development we see in our community."

Councilor Villarreal continued, "So I want to put that out there. I think it's extremely important. It's not something to gloss over. And I also want to challenge you what you had said about wanting to be radically inclusive. And that also means thinking about equity and how race and class play into that. And we can all challenge ourselves to think beyond what we know and what we've experienced. It's also what people in our community have experienced. And I think Meow Wolf is a good example of you that are working with them now, that you've been given a chance to be able to show what you can do and contribute to the organization. So, I'll just leave it with that about what somebody said about stepping up and setting a positive precedent. I think that's really the goal here. And I think you can do it, and I have confidence, and I think there is going to be, as we all experienced, naysayers that always think that we don't necessarily make the best decisions all the time, but we do our best, and I hope that you all do your best and think about it from a broader perspective."

Councilor Ives said to every purpose there is a time, and he thinks this is Meow Wolf's time, commenting he is saying that based upon what Mr. Kadlubek has been able to accomplish to date which has been echoed by so many people here in the room. He said, "As I think what you are about and what we are looking at doing here, if I remember my history correctly, I suspect Albuquerque wishes that it had invested in a guy named Bill Gates way back when. So, the greatest of success to Meow Wolf."

Councilor Dominguez said in the very beginning, he wasn't doubtful about Meow Wolf, but he was skeptical, and thinks it was something about which this community didn't know what to expect. He said, "Congratulations because it certainly has blossomed and grown and done well."

Councilor Dominguez asked Mr. Kadlubek how many vendors that he deals with/hires.

Mr. Kadlubek said he thinks it is about 75 different vendors, "from independent contractors, like individual people in our community all the way to businesses that are writing checks to you."

Councilor Dominguez asked if businesses have grown out of his operation.

Mr. Kadlubek said, "Yes. We launched a food truck and that launched a couple months ago. We launched a design company, a born and raised kid here, Nico Salazar has some designs, and we launched a merchandise and animation company for him. And he's the owner."

Councilor Dominguez said he doesn't think this is part of the LEDA application, and asked Mr. Trujillo if there is a requirement for them to do this.

Mr. Trujillo said, "No, there's no requirement. But what I would say to you, is this economic based company is going to generate a lot of service-based businesses over the years. And this is like Disneyland or Cirque du Soleil, and where they have operations all around the country, their headquarters is here and they are going to grow. So, if they meet all of the milestones and goals and everything, we expect them to grow exponentially and also for there to be service businesses to come and look at Santa Fe to be near them."

Councilor Dominguez said he wanted to make the point that it's not just about Meow Wolf, and who they employ and how many employees they will be creating, but it is about the vendors that they hire, about the potential businesses that can come out of it. He said, "Quite frankly, I think that the amount of money of that sort of investment... we'll see that money back relatively quickly. I won't say anymore about the City and how it spends it money, but I think when it comes to economic development that Councilor Villarreal is correct, there are some things that have been well debated in how that money is supposed to be used, and what the return is supposed to be like. So I stand in support of the Ordinance for now."

Councilor Maestas said, "Vince, congratulations. I think you and I have maybe had some personal differences, maybe more in the political realm, but there is no denial that what you and your team have created is a renaissance. I think you are shattering what we all thought what a creative economy should be. I can't help but think back when I joined you, when the Silva Lanes was being demolished, and you and George R. Martin. And you guys just said, this is going to go here, and all I saw was rubble, but you saw what there is today. And so I think that kind of vision and determination in the face of somebody watering down dusty rubble, deserves this kind of serious consideration for investment. We toured the plant that you have acquired, and your folks already are busy working on the mobile exhibits – it's already happening. This is kind of almost a formality. Yes, it's a healthy investment, but you're on your way with your team, and so I want to say, as an elected representative, I'm glad you stayed. I'm glad you decided to locate this headquarters here. We know there are a lot of cities that were courting you, but you said, hey, Santa Fe made this franchise, this company what it is and I'm going to stick with it. So you decided to stick with us, so we're going to stick with you."

Councilor Maestas continued, "And I think, just consistent with what Councilor Villarreal said now. We appointed you as a Planning Commissioner, you're Chair, but now with the status as a CEO, you're at a whole other level now Vince. And so, I think people are going to look to you as a significant community leader. And I know you're going to take on that responsibility and make us all proud into building this into this incredible national, probably, global franchise. I don't think I can sit here and place any kind of parameters or projections on where you may or may not go. I think the sky is the limit for Meow Wolf, and I

stand in support. But I'm just glad that we're all here to really recognize what you've done and help you. It's not going to make or break your success, but it's going to help, and I think it's money well spent. Thank you Mayor."

Mr. Kadlubek said, "I just want you guys to know that I do respect everybody who is on the Governing Body. Every single one of you have contributed to my personal growth, and then the growth of Meow Wolf over the years. It's been an amazing ride. It was 2006 when Councilor Trujillo was the first politician to ever give me a voice, hear me out, and hear a bunch of constituents when you won, and that was empowering. And Councilor Maestas pushing me to be a Planning Commissioner with integrity. Councilor Harris mentoring me through the Planning Commission, being such a good friend. And Carmichael is somebody I've looked up to. And Renee on the Board of Warehouse 21 supported me then. And then just down the line, Chris and Peter sponsoring the early Ordinance and this one now. It's been amazing, and the Mayor, of course. It's like you guys are part of Meow Wolf too. And you've been brought into the cult of it, and thanks for making this happen, and we really appreciate you guys' support."

Mayor Gonzales said, "I'm very grateful to all of you tonight for enduring a very long meeting. And really, I think, for all of us up here listening to the speakers, there were emotional moments to listen to the stories to understand how this business has transformed the lives of many people. And listening to Councilor Rivera, early on, who was the first sponsor of seed money and what ultimately he hoped for it to be is just a testament to this Council's foresight and believe that when you invest in Santa Fe, that it responds. And with this investment, 250 people, 250 families in our community will receive the true opportunity for a great career. Not only that, but the fact that this is going up on the South side, an area we know has been plagued with poverty and communities that have been disconnected from economic opportunity, the fact that this is going straight into the soul of the Southside, really shows the priorities not only of the City, but of the private sector are being followed. And for Councilor Dominguez and Councilor Rivera have been such strong advocates for career opportunities for the community that you represent, this has to be an incredible night."

Mayor Gonzales continued, "But I also want to say how thankful I am to the State and City staff that made this work. Too often we find ourselves being really comfortable criticizing government and its ineffectiveness, and the fact that it doesn't work for people. And I think what we've seen through this project, highly demonstrated both by the State Economic Development staff and the State of New Mexico for betting on Santa Fe, \$850,000 is not chump change. But the fact that investment along with the passion advocacy out of our Economic Development Department for these jobs is something that we've got to be thrilled about tonight as well. That the government lived up to its responsibility to be the institution that improves the lives of individuals every day."

Mayor Gonzales continued, "And so I just want to give a heartfelt thank you to the State and to the City staff for believing in this opportunity and bringing it forward. And also in that, assuring that there are accountability measures in this. As stated tonight, these investments are going into the Caterpillar Building that's been dormant for a period of time. It is critical that we are able to reinvest back into it, so that we can repurpose it. Congratulations on the financial raise, Vince. What that means is that is capital to actually support growth, so it goes hand in hand. And for anyone who wants to question whether you guys are capitalized well enough to hire people, and whether you have the support of the private sector, we just

need to look at that fundraising that you did on line to know that you guys have a strong presence out in the market. So I know that the accountability measures are built in, and if the jobs aren't delivered, there are claw back provisions, which means the money has to come back to the State and to the City. So the taxpayer is fully protected on this, especially with the returns that are going to be coming over."

Mayor Gonzales continued, "I just want to say on one final comment. Tonight, which was a very bright spot in what could be often very long meetings where we kind of drag through certain issues. Tonight we were able to witness Santa Feans actually standing up for one another, and that's a very powerful moment for all of us to be able to experience, to be a part of, and with that, we're going to call for the vote."

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 Rivera said, "Yes and add me as a sponsor please."

- a) **REQUEST FOR APPROVAL OF LOCAL ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND MEOW WOLF FOR EXPANSION OF ITS FACILITIES AND TO IMPROVE OR CONSTRUCT INFRASTRUCTURE NECESSARY TO THE FACILITY LOCATED AT 2600 CAMINO ESTRADA, SANTA FE, NM.**
- b) **REQUEST FOR APPROVAL OF INTERGOVERNMENTAL AGREEMENT BETWEEN THE NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT AND THE CITY OF SANTA FE, NEW MEXICO, FOR THE PURPOSE OF FACILITATING THE DISBURSEMENT OF FUNDS FOR THE MEOW WOLF LOCAL ECONOMIC DEVELOPMENT PROJECT.**
- c) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT IN THE AMOUNT OF \$550,000.**

Councilor Dominguez asked to clarify regarding 8(c), that the budget adjustment of \$550,000 is just a flow through from the State, and that's the adjustment to make sure we have the budget.

Mr. Trujillo said that is correct.

MOTION: Councilor Lindell moved, seconded by Councilor Ives, to approve Items 8(a), 8(b) and 8(c) as presented.

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.

- 9) **CONSIDERATION OF BILL NO. 2017-15: ADOPTION OF ORDINANCE NO. 2017 ____ (COUNCILOR LINDELL, COUNCILOR HARRIS, COUNCILOR TRUJILLO AND COUNCILOR IVES). AN ORDINANCE RELATING TO THE SANTA FE TRAFFIC OPERATIONS PROGRAM; AMENDING SECTION 24-4 SFCC 1987, TO UPDATE SUBSECTIONS 24-4.2, FINDINGS AND INTENT; 24-4.3 DEFINITIONS; 24-4.4 VIOLATIONS AND 24-4.5 ENFORCEMENT. (DEPUTY CHIEF SALBIDREZ AND LT. GALLEGOS)**
- a) **CONSIDERATION OF RESOLUTION NO. 2017- ____ (COUNCILOR LINDELL, COUNCILOR HARRIS, COUNCILOR TRUJILLO AND COUNCILOR IVES). A RESOLUTION DIRECTING THE CITY MANAGER TO RESTART THE SANTA FE TRAFFIC OPERATIONS PROGRAM (STOP) PERMITTED BY SECTION 24-4 SFCC 1987. (DEPUTY CHIEF SALBIDREZ AND LT. GALLEGOS)**
- Fiscal Impact: Expenditures: FY 17/18 = \$313,000 and FY 18/19 = \$460,000; Revenues: FY 17/18 = \$400,000 and FY 18/19 = \$500,000.**

A copy of a Memorandum from CenturyLink, to Melissa D. Byers, regarding contact information for Mayor and Councilors, is incorporated herewith to these minutes as Exhibit "18."

A copy of the minutes of the National Transportation Safety Board for the public meeting of July 25, 2017, commenting on *Safety Study Reducing Speeding-Related Crashes Involving Passenger Vehicles NTSB/SS/17/01*, is incorporated herewith to these minutes as Exhibit "19."

This agenda item is postponed to the Governing Body meeting of August 30, 2017.

- 10) **CONSIDERATION OF BILL NO. 2017-16 ADOPTION OF ORDINANCE NO. 2017-15 COUNCILOR LINDELL AND COUNCILOR IVES). AN ORDINANCE AMENDING SUBSECTION 14-6.3(B)(2)(c) SFCC 1987 TO REGULATE PARKING OR STORAGE OF SPECIFIED NONCOMMERCIAL VEHICLES WITHIN RESIDENTIALLY ZONED DISTRICTS. (GREGORY SMITH)**

Public Hearing

There was no one speaking to this request

The Public Hearing was closed

Councilor Lindell said this Ordinance has had some changes, and at this point, she thinks it is self-explanatory. She said there is an amendment page in the packet.

MOTION: Councilor Lindell moved, seconded by Councilor Ives, to adopt Ordinance No. 2017-15, with the substitute amendment.

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.

- 11) **CASE #2017-19. THE VILLAGE @ 599 GENERAL PLAN AMENDMENT. MONTOYA LAND USE CONSULTING, AGENT FOR DON JUAN'S LAND, LLC – CARLOS GARCIA, REQUESTS APPROVAL TO AMEND THE GENERAL PLAN FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF PROPERTY COMPRISING 19.99 ACRES OF LAND FROM LOW DENSITY RESIDENTIAL (3-7 DWELLINGS/ACRE) TO HIGH DENSITY RESIDENTIAL (12-29 DWELLINGS/ACRE). (DONNA WYNANT) (This item was incorrectly published; therefore, the Public Hearing has been rescheduled for August 9, 2017.**
- 12) **CASE #2017-10. THE VILLAGE @ 599 REZONING. MONTOYA LAND USE CONSULTING, AGENT FOR DON JUAN'S LAND, LLC – CARLOS GARCIA, REQUESTS APPROVAL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE, CHANGING THE ZONING CLASSIFICATION OF PROPERTY COMPRISING 19.99 ACRES OF LAND FROM R-2 (RESIDENTIAL, 2 DWELLINGS/ ACRE) TO R-21 (RESIDENTIAL, 21 DWELLINGS/ACRE) AND PROVIDING AN EFFECTIVE DATE). (DONNA WYNANT) (This item was incorrectly published; therefore, the Public Hearing has been rescheduled for August 9, 2017.**

Councilor Rivera noted that these are scheduled to come back to the Governing Body on August 9, 2017. He said he will be on vacation during that week, and asked staff to ask the Applicant if they would be willing to wait until the next meeting on items H(11) and H(12) until the Governing Body meeting of August 30, 2017.

Mayor Gonzales said he will move these items to the Governing Body agenda of August 30, 2017.

END OF PUBLIC HEARINGS

I. EXECUTIVE SESSION:

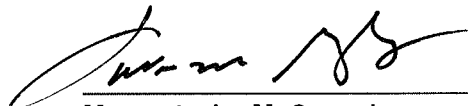
IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT NMSA 1978, §§10-15-1(H) (7) AND (8), DISCUSSION REGARDING; THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS A PARTICIPANT, AND DISCUSSION OF THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY OR WATER RIGHTS BY THE CITY OF SANTA FE (KELLEY BRENNAN)

Responding to Mayor Gonzales, Ms. Brennan said this Executive Session can be postponed to the Governing Body meeting of August 9, 2017.

J. ADJOURN

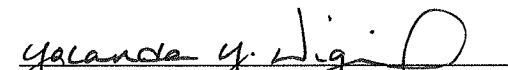
There was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 11:30 p.m.

Approved by:



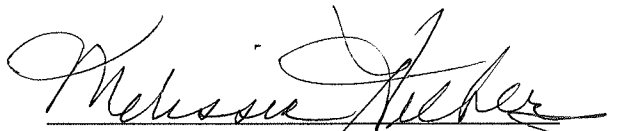
Mayor Javier M. Gonzales

ATTESTED TO:



Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Council Stenographer

ITEM #10(c)

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, JULY 24, 2017**

ITEM 9

REQUEST FOR APPROVAL OF THE PURCHASE OF ONE (1) VACTOR VIA HGAC BUY PRICE AGREEMENT WITH VAC-CON, INC. IN THE AMOUNT OF \$348,732 **(DAVID CATANACH)**

PUBLIC WORKS COMMITTEE ACTION: APPROVED ON CONSENT

FUNDING SOURCE: 22401.571000

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON IVES			
COUNCILOR MAESTAS	X		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	Not present at this time		
COUNCILOR VILLARREAL	X		

Exhibit "10"

ITEM #10(d)

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, JULY 24, 2017**

ITEM 10

REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT FOR EQUIPMENT AND LABOR FOR STREET MAINTENANCE PROJECTS VIA STATE PRICE AGREEMENT #71-805-17-15807 WITH GM EMULSIONS, LLC IN THE AMOUNT OF \$400,000 (**DAVID CATANACH**)

PUBLIC WORKS COMMITTEE ACTION: APPROVED ON CONSENT

FUNDING SOURCE: 32392.572500

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON IVES			
COUNCILOR MAESTAS	X		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	Not present at this time		
COUNCILOR VILLARREAL	X		

Exhibit "2"

ITEM #10(e)

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, JULY 24, 2017**

ITEM 11

REQUEST FOR APPROVAL OF RFB 16/18/B FOR ON-CALL AGREEMENT WITH GM EMULSIONS, LLC VIA STATE PRICE AGREEMENT #71-805-17-15807 IN THE AMOUNT OF \$2,358,946.21 (**DAVID CATANACH**)

PUBLIC WORKS COMMITTEE ACTION: APPROVED ON CONSENT

FUNDING SOURCE: 32392.572500

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON IVES			
COUNCILOR MAESTAS	X		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	Not present at this time		
COUNCILOR VILLARREAL	X		

Exhibit "3"

ITEM #10(o)

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, JULY 24, 2017**

ITEM 12

REQUEST FOR APPROVAL TO PURCHASE FIVE (5) VAULTED TOILETS FROM CTX, INC. VIA THE NATIONAL JOINT POWERS ALLIANCE FOR COOPERATIVE PURCHASING AGREEMENT (NJPA) #97348 IN THE AMOUNT OF \$237,342.70 (**RICHARD THOMPSON**)

PUBLIC WORKS COMMITTEE ACTION: APPROVED ON CONSENT

FUNDING SOURCE: TBD

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP: Direction to Staff

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON IVES			
COUNCILOR MAESTAS	X		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	Not present at this time		
COUNCILOR VILLARREAL	X		

Exhibit "4"

ITEM #10(q)

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, JULY 24, 2017**

ITEM 19

REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING THE CITY MANAGER TO IDENTIFY POTENTIAL FUNDING SOURCES TO SUPPORT THE WORK OF INDUSTRY STAKEHOLDERS TO DEVELOP THE "SANTA FE NETWORK.TV." (MAYOR GONZALES AND COUNCILOR HARRIS, COUNCILOR IVES) (MATTHEW BROWN)

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	Not present at this time		
COUNCILOR VILLARREAL	X		

Exhibit "5"

ITEM #10(b)

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, JULY 24, 2017**

ITEM 8

RECONSTRUCTION OF GUADALUPE ST. FROM AGUA FRIA TO PASEO DE PERALTA –
PLANNING AND DESIGN

- REQUEST FOR APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH WILSON & COMPANY, INC. IN THE AMOUNT OF \$374,645.41 PLUS APPLICABLE GRT (**DAVID QUINTANA**)

PUBLIC WORKS COMMITTEE ACTION: APPROVED

FUNDING SOURCE: 32826.572940 & 32823.572960

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

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

Exhibit "b"



City of Santa Fe, New Mexico

2511 Camino Entrada, P.O. Box 909, Santa Fe, N.M. 87504-0909

MUNICIPAL COURT *Virginia Vigil, Municipal Judge*

Phone: (505) 955-5070

Fax: (505) 955-5159

DATE: July 12, 2017
TO: Mayor and City Councilors
FROM: Virginia Vigil, Municipal Court Judge
RE: State of the Santa Fe Municipal Court

Court Cases:

Attached is a summary of Traffic, Criminal and DUI cases we have heard from January through June for 2016 and 2017. All cases that have been referred to our Court have been processed.

Judges Conference (July 12 – 14):

Highlighting the Judicial Education Center Conference was training on the new rule changes to Bonds. New rules have gone into as of July 1, 2017.

Clerk's Conference: (July 18 – 21)

Santa Fe Clerks did the demonstration training for Full Court Systems Software. This is Municipal statewide data base entry system. 6 Clerks Certified as Spanish Interpreters.

Full Court:

We were finally able to upgrade from Full Court Enterprise version 5.5 to version 6.2. The upgrade has allowed for better streamlining. This increases productivity and lessens navigation time for Clerk's to gather information from the system.

Veterans:

We are informally keeping a tally of Veterans we serve for the purpose of service referral.

Night Court:

The verdict is still out on the benefits of Night Court. To date, since last August, we've served close to 100 defendants. I have made an informal request to have police officers cite Teens to night court.

Safe Surrender and SFPD:

Defendants who had outstanding Bench Warrants were encouraged to come to court. If they appeared the \$100 BW fee was waived. This was the most successful Safe Surrender week. We processed over 187 Bench Warrants. Worked with SFPD on getting the word out. Once they issued a press release, an article appeared in the New Mexican. SFPD followed up after Safe Surrender by serving outstanding Bench Warrants. My Court Administrator is working with the Panhandle Group. I have also informed SFPD that officers may bring defendants into my court room in lieu of arresting them.

Kronos Training:

All staff is Kronos trained.

DUI Drug Court:

See Attachment B.

Homeless Court :

We have serviced over 147 cases.

Exhibit "7"

2017				
	Traffic	Criminal	DUI	
January	577	130	13	
February	488	163	33	
March	650	145	23	
April	513	119	20	
May	726	185	22	
June	687	164	14	
Total	3641	906	125	

Homeless	149		
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2016				
	Traffic	Criminal	DUI	
January	706	113	6	
February	1018	147	11	
March	1286	192	26	
April	1016	179	17	
May	808	280	22	
June	832	238	18	
Total	5666	1149	100	

Homeless	104		
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City of Santa Fe, New Mexico

2511 Camino Entrada, P.O. Box 909, Santa Fe, N.M. 87504-0909

MUNICIPAL COURT *Virginia Vigil, Municipal Judge*

Phone: (505) 955-5070

Fax: (505) 955-5159

DUI/Drug Court Program Success Rate 2016

The City of Santa Fe Municipal DUI Court has maintained a notable success rate since its inception as a hybrid DUI/Drug Court program in 2007. In 2011, our court adopted the National Association of Drug Court Professionals Program (NADCP) best practice of developing specialized court programs to address the specific needs of DUI offenders and drug addicted repeat offenders within our alternative sentencing program.

In March of 2016, our committed team of program professionals restructured the program back into a DUI/Drug Court hybrid to better facilitate program needs and effectiveness. Through 2016, we have served a total of twenty-six (26) participants. Our program has celebrated ten (10) graduations through the year and we are currently serving seven (7) active participants. It should be noted that the remainder of our participants have successfully completed residential treatment programs in our community or have been transitioned into our City's LEADS program through SFPD which our DUI/Drug court has been collaborating with through the year.

As Treatment Court professionals, we are not only proud of the effectiveness of this program, we are also quite eager to utilize this resource as a continuing effort in reducing recidivism among DUI and drug offenders in our city. Clearly, our program's consistent success is a testament to the value and efficacy of DUI and Drug Court Programs in New Mexico and throughout our nation.

Attachment B

City of Santa Fe
Governing Body
Findings of Fact and Conclusions of Law

Case #2017-02

SafeLock Storage General Plan Amendment

Case #2017-03

SafeLock Storage Rezoning to C-2

Applicant's Name – SafeLock Storage LLC

Agent's Name – JenkinsGavin, Inc.

THIS MATTER came before the Governing Body of the City of Santa Fe for hearing on June 28, 2017, upon the application (Application) of JenkinsGavin, Inc. as agent for SafeLock Storage LLC (Applicant).

The subject property is comprised of 2.186 acres of land located at 6350 Airport Road (the Property) and is zoned C-1 (Office and Related Commercial) within the Airport Road Overlay District (the Overlay).

The Applicant seeks (1) approval of an amendment to the City of Santa Fe General Plan Future Land Use Map (Plan) changing the designation of the Property from Office to Community Commercial (the Plan Amendment) and (2) to rezone the Property from C-1 to C-2 PUD (General Commercial – Planned Unit Development) (the Rezoning).

The Planning Commission (Commission) reviewed and acted upon the Applicant's proposed Plan Amendment and Rezoning at a public hearing held on March 2, 2017. Findings of Fact and Conclusions of Law (Commission Findings and Conclusions) embodying the Commission's vote recommending that the Governing Body approve the Plan Amendment and Rezoning were adopted by the Commission on April 6, 2017 and were filed with the City Clerk as Item #17-0293. The Commission Findings are attached hereto as **Exhibit A**.

In accordance with the foregoing, and after conducting a public hearing and having heard from staff, the Applicant, and certain interested others, the Governing Body hereby FINDS, as follows:

FINDINGS OF FACT

1. The Governing Body has authority, under Santa Fe City Code (Code) Sections 14-2.1 Table 14-2.1-1 and 14-2.2(A) to review and finally decide upon applications for amendments to the General Plan in accordance with the procedures set forth in Code Section 14-3.2(D)(3) and applying the criteria set forth in Code Section 14-3.2(E)(1).
2. The Governing Body has authority, under Code Sections 14-2.1 Table 14-2.1-1 and 14-2.2(A) to review and finally decide upon applications for rezoning in accordance with the

procedures set forth in Code Section 14-3.5(B)(2) and applying the criteria set forth in Code Section 14-3.5(C).

3. Code Section 14-3.1(H)(2) requires that notice of a public hearing before the Governing Body be provided in accordance with Code Section 14-3.1(H)(1)(a) and that, in addition, the applicant publish notice in a local daily newspaper of general circulation at least fifteen calendar days prior to the public hearing (collectively, the Notice Requirements).
4. The Notice Requirements have been met.
5. The Applicant withdrew its request for approval of the Rezoning by the Governing Body before a vote was taken and therefore no vote was taken on Case #2017-03.
6. The Governing Body reviewed the report dated May 18, 2017 for the May 31, 2017 City Council Hearing prepared by City staff (the Staff Report) summarizing the Application and the Commission vote recommending that the Governing Body approve the Application, subject to the Conditions, the Commission Findings and Conclusions embodying said vote, and the evidence introduced at the hearing in accordance with the requirements of Code Section 14-3.5(B)(2)(a).
7. The Governing Body heard direct testimony from City staff, the Applicant's representatives, *the Applicant, and certain interested others*.
8. Commission Findings of Fact 1 through 19, 21 and 24 accurately reflect the facts in this matter as presented at the Hearing.
9. Commission Conclusions of Law 1 through 3 are within the authority of the Commission and are reasonably based upon the Commission Findings of Fact.
10. The Governing Body has considered the criteria established by Code Section 14-3.2(E)(1)(c)(i) and finds that, although the Overlay encompasses a mix of commercial and residential uses, the proposed Plan amendment differs significantly from the prevailing use and character of development in the near vicinity of the Property and is not consistent with the intent of Plan policies and the Overlay that encourage development patterns which are pedestrian-oriented and integrated with surrounding residential developments.
11. The Governing Body has considered the criteria established by Code Section 14-3.2(E)(1)(c)(iii) and finds that the proposed Plan amendment benefits the owner of the Property at the expense of the general public, in that it is not consistent with the intent of Plan policies and the Overlay that encourage development patterns which are pedestrian-oriented and integrated with surrounding residential developments on a road that is a gateway to the City.
12. The Governing Body has considered the criteria established by Code Section 14-3.2(E)(1)(d) and finds that the proposed Plan amendment does not promote the general welfare in that it is not consistent with the intent of Plan policies and the Overlay that encourage development patterns which are pedestrian-oriented and integrated with surrounding residential developments on a road that is a gateway to the City and does not create a meaningful number of permanent jobs or meaningfully contribute to the City's GRT revenues.
13. The Governing Body has considered the criteria established by Code Section 14-3.2(E)(1)(f) and finds that for the reasons set forth in Findings of Fact 10, 11 and 12 above, the proposed Plan amendment does not contribute to the coordinated, adjusted and harmonious

development of the City in accordance with existing and future needs to promote the general welfare.

14. The Governing Body has considered the criteria established by Code Section 14-3.2(E)(1)(g) and finds that for the reasons set forth in Findings of Fact 10, 11, 12 and 13 above, the proposed Plan amendment does not conform with other City policies.
15. The Governing Body has considered the criteria established by Code Section 14-3.2(E)(2)(a) and finds that there is insufficient evidence on the record that the growth and economic projections contained within the Plan are erroneous or have changed, noting that recent development in the area in the immediate vicinity of the Property has generally conformed to the Plan and the Overlay.
16. The Governing Body has considered the criteria established by Code Section 14-3.2(E)(2)(b) and finds that there is insufficient evidence on the record to support the conclusion that no reasonable locations have been provided for the proposed Plan amendment use, noting that testimony and information provided at the hearing indicated that there are approximately 80 acres of vacant land within the Overlay, some of which may be appropriately zoned for the use, and that the development for the same use is currently underway within the Overlay and elsewhere within the City.
17. The Governing Body has considered the criteria established by Code Section 14-3.2(E)(2)(c) and finds that there is insufficient evidence on the record to support the conclusion that conditions affecting the location or land area requirements of the land use have changed, noting that although there was evidence on the record indicating that Overlay requirements and recent improvements to Airport Road created limitations on vehicle access to the Property, it did not appear that other alternatives had been explored sufficiently to justify the proposed Plan amendment, or that the Property was not otherwise suitable for other permitted uses.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted at the hearing, the Governing Body hereby CONCLUDES:

1. The Commission Findings and Conclusions, a copy of which is attached hereto as Exhibit A, are adopted in part by the Governing Body as follows: Commission Findings of Fact 1 through 19, 21 and 24 and Commission Conclusions of Law 1 through 3. The foregoing enumerated Findings of Fact and Conclusions of Law are hereby adopted by the Governing Body and are incorporated in these Findings of Fact and Conclusions of Law as if set out in full herein. Those Findings of Fact and Conclusions of Law not specifically adopted herein are specifically not adopted.
2. The proposed Plan amendment does not meet the criteria established by Code Section 14-3.2(E)(1)(c)(i) and (iii); Code Section 14-3.2(E)(1)(d), (f) and (g); and Code Section 14-3.2(E)(2) (a) through (c).
3. The proposed request for the Rezoning was withdrawn by the Applicant before a vote was taken.

**WHEREFORE, IT IS ORDERED ON THE _____ OF July 2017 BY THE
GOVERNING BODY OF THE CITY OF SANTA FE:**

That the Plan Amendment be, and it hereby is, **DENIED**.

Mayor

Date:

FILED WITH THE CITY CLERK:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

Kelley A. Brennan
Kelley Brennan
City Attorney

7/21/17
Date:

ITEM # 17-0293

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

Case #2017-02

SafeLock Storage 6350 Airport Road General Plan Amendment

Case #2017-03

SafeLock Storage 6350 Airport Rezoning

Case #2017-04

SafeLock Storage 6350 Airport Special Use Permit and Development Plan

Owner's Name – SafeLock Storage LLC

Agent's Name – JenkinsGavin Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on March 2, 2017 upon the application (Application) of JenkinsGavin Inc., as agent for SafeLock Storage LLC (Applicant).

The Applicant requests an amendment to the General Plan Future Land Use map to change the designation from Office to Community Commercial for a 2.186 acre parcel. The Applicant requests approval of rezoning from C-1 (Office and Related Commercial) to C-2-PUD (General Commercial, Planned Unit Development Overlay District). The Applicant requests approval of a Development Plan and Special Use Permit to allow for the construction of a 350-unit climate controlled indoor storage facility. A special use permit is required since it is an indoor storage facility in the C-2 (General Commercial) district. A development plan is required since it is a development over 10,000 square feet within 200 feet of residentially-zoned property. The property is located in the Airport Road Overlay District. The property is located at 6350 Airport 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 no 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).

EXHIBIT A

Case #2017-02

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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. Pursuant to Code §14-2.4(C)(2) the Board has the authority to hear and decide applications for special use permits as provided in Code §§14-3.6 (Special Use Permits) and 14-6 (Permitted Uses).
5. A special use permit is required since it is an indoor storage facility in the C-2 (General Commercial) district.
6. Pursuant to Santa Fe City Code (Code) §14-2.3(C), the Commission has the authority to review and approve or disapprove development plans.
7. A development plan is required since it is a development over 10,000 square feet within 200 feet of residentially-zoned property.
8. 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.
9. 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)].
10. An ENN meeting was held on the Application on November 7, 2016 at Southside Public Library
11. Notice of the ENN meeting was properly given.
12. The ENN meeting was attended by the Applicant and City staff; there as one member of the public in attendance and concerns were raised.
13. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the Application.
14. 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.
15. 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.
16. 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

17. 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

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Commission.

18. 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)].
 - a. The 1999 Future Land Use Map identifies the project site as being within a future growth area and “urban staging area 1.”
 - b. Existing land use conditions along Airport Road include commercial developments such as small shopping centers, office developments and business parks, and various residential development such as mobile home parks, apartment developments and single family residential neighborhoods.
 - c. Existing street and utility infrastructure are adequate to support the proposed level of development.
19. 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)].
 - a. The General Plan calls for infill development of existing vacant parcels with a mix of uses within neighborhoods.
 - b. Chapter 3 cites promotion of a “compact urban form” through “sensitive/compatible infill development” and calls for a mix of uses throughout all areas of the City.
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: (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)].
 - a. The Airport Road corridor has diverse number of uses.
 - b. The property is in close proximity to a large number of commercial and office uses.
 - c. The proposed amendment to the Community Commercial designation will allow a variety of potential commercial land use and is not significantly different with the prevailing uses in the area.
21. 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.
22. 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 because the surrounding

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landowners will benefit for the nature of the use, which is extremely low impact with regard to noise and traffic.

23. 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)].*
 - a. The project promotes the general welfare by providing a low impact use.
 - b. The project will increase neighborhood safety by developing a vacant property that would otherwise create opportunities for vandalism, littering and loitering.
 - c. The project will create jobs and support economic development.
24. 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.
25. 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)].*
 - a. Due to the current rental housing shortage and rising costs of living, many Santa Feans now occupy smaller residences that cannot house all their belongings, a situation which has created a need for more self-storage facilities.
 - b. Santa Fe is also home to many part-time residents who need to store belongings while they are out of town.
 - c. Many of the existing storage facilities are drive-up and are not climate-controlled. This project offers climate-controlled interior storage.
26. 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 project is located in the Airport Road Overlay District and the development plan complies with the minimum site development standards of the overlay set forth in Section 14-5.5(C).
27. 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.* Due to the current rental housing shortage and rising costs of living, many Santa Feans now occupy

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smaller residences that cannot house all their belongings, a situation which has created a need for more self-storage facilities.

28. 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 project is a n indoor climate-controlled storage facility, which is a viable use for the site since it generates very low traffic and is designed to look like an office building, which would be consistent with the current zoning of the property.
29. 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.* Due to the current rental housing shortage and rising costs of living, many Santa Feans now occupy smaller residences that cannot house all their belongings, a situation which has created a need for more self-storage facilities.

Rezoning

30. Under Code §14-3.5(C), the Commission may review the proposed rezonings and make recommendations to the Governing Body by the Planning Commission.
31. 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. The current C-1 designation contemplates offices or medical facilities, which generate more traffic than the proposed use.
 - b. The change in use will benefit the neighborhood by significantly reducing the potential traffic impact as illustrated in the Applicant's Trip Comparison Chart.
32. 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.
33. 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.
34. 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*

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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)].

- a. New businesses are necessary along Airport Road to serve the growing population.
 - b. Due to the current rental housing shortage and rising costs of living, many Santa Feans now occupy smaller residences that cannot house all their belongings, a situation which has created a need for more self-storage facilities.
35. 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. The City's Traffic Engineering Division has determined that streets will be able to accommodate the proposed development.
 - b. Utilities are available to serve the site.
 - c. The water impact will be low, as the water budget for self-storage is 0.13 acre fee/year.
 - d. The building will be served by the City of Santa Fe Fire Station located at 6796 Jaguar Drive.
 - e. There could be sidewalks constructed on the west side of the project to connect at the corner and to a future sidewalk at the next property to the south.
36. 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 C-2 (General Commercial) district allows a variety of uses.
 - b. The Applicant is requesting PUD zoning in order to ensure that the property will be developed in a way that will be compatible with the area, rather than allowing a variety of C-2 district uses in the future.
 - c. PUD zoning limits permissible development to the requested use, thereby preventing other uses from being developed on the site.

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- d. The PUD is appropriate under Code §14-5.7(E)(1) because as a unified development on the parcel, the project is better able to restrict access to Geo Lane and away from Airport Road and Paseo del Sol.
- e. The PUD is appropriate under Code §14-5.7(E)(1) because it minimizes the impact on surrounding properties with the landscape buffer area along the south property line and the east property line along Geo Lane, which screens the parking lot.
- f. The PUD is appropriate under Code §14-5.7(E)(2) because the density of population and intensity of land use allowed by the underlying zoning district shall be the overall density and intensity in the PUD.
- g. The PUD is appropriate under Code §14-5.7(E)(3) because the development meets the requirements of Chapter 14 and the design standards of the Airport Road Overlay District.

Special Use Permit

- 37. Pursuant to Code §14-2.4(C)(2) the Board has the authority to hear and decide applications for special use permits as provided in Code §§14-3.6 (Special Use Permits) and 14-6 (Permitted Uses).
- 38. Pursuant to Code §14-3.6(B) the Board has the authority to hear and decide applications for special use permits in accordance with applicable provisions of Chapter 14; to decide questions that are involved in determining whether special use permits should be granted; and to grant special use permits with such conditions and safeguards as appropriate under Chapter 14; or to deny special use permits when not in harmony with the intent and purpose of Code Chapter 14.
- 39. Table 14-6.1-1 requires approval of a special use permit for an indoor storage facility in the C-2 district.
- 40. Code Section 14-3.6(C) sets out the procedures to be followed prior to the grant by the Board of a special use permit, including:
 - a. Approval of a site plan and other site development drawings necessary to demonstrate that the Project can be accomplished in conformance with applicable Code standards [Section 14-3.6(C)(1)];
 - b. Submittal of an application indicating the Code section under which the special use permit is sought and stating the grounds on which it is requested [Section 14-3.6(C)(2)]; and
 - c. That a special use permit is limited to the specific use and intensity granted, requiring a new or amended special use permit if the use is changed or intensified [Section 14-3.6(C)(3)].
- 41. Code Section 14-3.6(D)(1) sets out certain findings that the Board must make to grant a special use permit, including:
 - a. *That the Board has the authority to grant a special use permit for the Project [Section 14-3.6(D)(1)(a)];* Subsection 14-2.3(C)(3) and Table 14-

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- 6.1-1 provide the authority for the Planning Commission to grant a special use permit for “individual storage areas within a completely enclosed building” within a C-2 zone.
- b. *That granting a special use permit for the Project does not adversely affect the public interest [Section 14-3.6(D)(1)(b)]*; The granting of the special use permit for a storage facility will not adversely affect the public interest.
 - c. *That the Project is compatible with and adaptable to adjacent properties and other properties in the vicinity of the Project [Section 14-3.6(D)(1)(c)]*.
 - i. The storage facility is designed to resemble an office building to blend with the surrounding buildings.
 - ii. The 25-foot setback from the south property line includes a 15 foot landscape buffer with Austrian pine trees and various shrubs.
 - iii. An existing wood fence adds to the screening of the project.
42. Code Section 14-3.6(D)(2) authorizes the Board to specify conditions of approval for a special use permit to accomplish the proper development of the area and to implement the policies of the general plan.
43. The Applicant submitted a site plan and an application indicating the Code section under which the special use permit was being sought and stating the grounds for the request.
44. Board staff provided the Board with a report (Staff Report) evaluating the factors relevant to the proposed special use permit and recommending approval by the Board of such special use permit, subject to the conditions set out in the Staff Report (the Conditions).

Development Plan

45. Pursuant to Santa Fe City Code (Code) §14-2.3(C), the Commission has the authority to review and approve or disapprove development plans.
46. Pursuant to Code §14-3.8(B)(3)(a), approval of a development plan by the Commission is required for a new development with a gross floor area of ten thousand square feet within 200 feet of residentially-zoned property.
47. Code §14-3.8(C)(1) requires applicants for development plan approval to submit certain plans and other documentation that show compliance with applicable provisions of Code (the Submittal Requirements).
48. Code § 14-5.7(C) states that an application for PUD rezoning shall be accompanied by a preliminary development plan, but an applicant may submit a proposed final development.
49. The Applicant has complied with the Submittal Requirements.
50. Code §14-3.8(D)(1) sets out certain findings that must be made by the Commission to approve a development plan, including:

Case #2017-02

SafeLock Storage 6350 Airport Road General Plan Amendment

Case #2017-03

SafeLock Storage 6350 Airport Rezoning

Case #2017-04

SafeLock Storage 6350 Airport Special Use Permit and Development Plan

Page 9 of 11

- a. *That it is empowered to approve the development plan for the Project [§14-3.8(D)(1)(a)].* The Commission has the authority under the section of Code Chapter 14 cited in the Application to approve the development plan.
 - b. *That approving the development plan for the Project does not adversely affect the public interest [§14-3.8(D)(1)(b)].*
 - 1) The Project will not adversely affect the public interest under the project's plan for landscape, screen and buffering of the storage development from the adjacent residential property.
 - 2) The proposed use is identified as a permitted use in Table 14-6.1-1.
 - c. *That the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the Project [§14-3.8(D)(1)].*
 - 1) The PUD requested by the Applicant would effectively limit development of the property to the specific plan for the storage facility.
 - 2) The development plan includes a 15-foot landscape buffer and screening fence along the south property line, landscaping to screen to parking lot, as well as along Airport Road and the Paseo del Sol side of the property.
 - 3) The project would comply with development standards for underlying zoning and for the Airport Road Overlay District design standards per Section 14-5.5(C).
51. 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) together with a recommendation that the development plan be approved, subject to certain conditions (the Conditions) set out in such report.
52. The Applicant's proposal did not include a fence along the corridor along Airport Road.
53. The information contained in the Staff Report is sufficient to establish that the Applicable Requirements have been met.

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.

Case #2017-02

SafeLock Storage 6350 Airport Road General Plan Amendment

Case #2017-03

SafeLock Storage 6350 Airport Rezoning

Case #2017-04

SafeLock Storage 6350 Airport Special Use Permit and Development Plan

Page 10 of 11

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.

Special Use Permit

8. The Board has the power and authority under Code §§14-2.4(C)(2) and 14-3.6(B) to grant the special use permit applied for in this request.
9. The granting of the special use permit will not adversely affect the public interest.
10. The Project is compatible with and adaptable to adjacent properties and to other properties in the vicinity of the Project.
11. The special use permit granted herewith is granted for the specific use of the Property and intensity applied for and no change of use or more intense use shall be allowed unless approved by the Board under a new or amended special use permit or as otherwise permitted by applicable Code.

Development Plan

12. The Commission has the authority under the Code to approve the Development Plan for the Property.
13. The Applicable Requirements have been met.

WHEREFORE, IT IS ORDERED ON THE 6th DAY OF APRIL, 2017 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.

Case #2017-02

SafeLock Storage 6350 Airport Road General Plan Amendment

Case #2017-03

SafeLock Storage 6350 Airport Rezoning

Case #2017-04

SafeLock Storage 6350 Airport Special Use Permit and Development Plan

Page 11 of 11

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 Conditions, including the sidewalk construction on the west side of the project.

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends approval of the Development Plan for the Property is approved, subject to Conditions, including that there be no fence along the corridor along Airport Road.

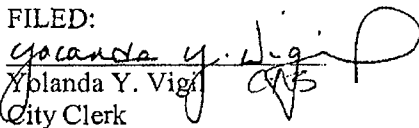
That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the special use permit is approved as applied for, subject to the Conditions presented in Staff's report. The special use permit granted herewith shall expire if (a) it is not exercised within three (3) years of the date these Findings of Fact and Conclusions of Law are adopted by vote of the Board, subject to any right of the Applicant under applicable Code to request an extension of such time or (b) it ceases for any reason for a period of three hundred and sixty five (365) days.



Vince Kadlubek, Chair

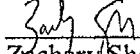
4-7-17
Date:

FILED:


Yolanda Y. Vigil
City Clerk

4.10.17
Date:

APPROVED AS TO FORM:


Zachary Shandler
Assistant City Attorney

4/7/17
Date:



CITY COUNCIL MEETING OF
July 26, 2017
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY

Mayor Javier Gonzales		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION IN SUPPORT OF "EL GRITO", AN ANNUAL CELEBRATION OF MEXICAN INDEPENDENCE DAY ON SEPTEMBER 16, 2017; AND WAIVING ALL ASSOCIATED FEES.	Public Works Committee - 8/7/17 Parks & Recreation Advisory Committee - 8/15/17 Finance Committee - 8/21/17 City Council - 8/30/17
Councilor Carmichael Dominguez		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Mike Harris		
Co-Sponsors	Title	Tentative Committee Schedule
Lindell	A RESOLUTION DIRECTING THE CITY MANAGER TO EXPLORE THE POSSIBILITY OF FORMING A PUBLIC/PRIVATE PARTNERSHIP BETWEEN THE CITY OF SANTA FE AND THE SANTA FE BUSINESS COMMUNITY FOR THE PURPOSE OF DEVELOPING AND IMPLEMENTING A LONG RANGE MASTER STREETSCAPE IMPROVEMENT PLAN TO IMPROVE THE APPEARANCE OF ALL MAJOR ENTRY CORRIDORS AND MAIN ARTERIALS WITHIN THE CITY OF SANTA FE.	Public Works Committee - 8/7/17 Parks and Recreation Advisory Committee - 8/15/17 Finance Committee - 8/21/17 City Council - 8/30/17
Councilor Peter Ives		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Signe Lindell		
Co-Sponsors	Title	Tentative Committee Schedule

Councillor Joseph Maestas		
Co-Sponsors	Title	Tentative Committee Schedule
Harris	AN ORDINANCE RELATING TO THE ECONOMIC DEVELOPMENT PLAN, SECTION 11-11 SFCC 1987; AMENDING AND ADDING DEFINITIONS; SPECIFYING FEES ELIGIBLE FOR WAIVER; AMENDING STAFF REPORTING GUIDELINES; AMENDING THE APPLICATION REVIEW CRITERIA TO SIMPLIFY GUIDELINES; AND MAKING OTHER SUCH CHANGES AS ARE NECESSARY.	Economic Development Review Subcommittee - TBD Economic Development Advisory Committee - TBD Finance Committee - TBD City Council (request to publish) - TBD City Council – (public hearing) - TBD
Councillor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule
Councillor Ron Trujillo		
Co-Sponsors	Title	Tentative Committee Schedule
Councillor Renee Villarreal		
Co-Sponsors	Title	Tentative Committee Schedule
Maestas	A RESOLUTION REQUESTING THAT THE NEW MEXICO ENVIRONMENT DEPARTMENT RESCIND THE REVISED LOS ALAMOS NATIONAL LABS CLEANUP ORDER; REQUESTING THAT THE UNITED STATES DEPARTMENT OF ENERGY AND OTHERS FORMALIZE THE CURRENT MONITORING OF BUCKMAN WELL FIELD; REQUESTING THAT THE UNITED STATES DEPARTMENT OF ENERGY ACCELERATE AND EXPAND SURFACE AND GROUNDWATER MONITORING AND RECONSTITUTE THE EARLY NOTIFICATION SYSTEM FOR BUCKMAN DIRECT DIVERSION; REQUESTING A HALT TO EXPANDED PLUTONIUM PIT PRODUCTION AT LOS ALAMOS NATIONAL LABORATORY; REQUESTING THAT THE UNITED STATES DEPARTMENT OF ENERGY RECONSIDER THE PLUTONIUM PIT PRODUCTION MISSION AT LOS ALAMOS NATIONAL LABORATORY; AND DIRECTING THE CITY CLERK TO TRANSMIT COPIES OF THIS RESOLUTION TO ASSOCIATED PARTIES.	Finance Committee – 8/21/17 City Council – 8/30/17

Councilor Renee Villarreal - continued		
Co-Sponsors	Title	Tentative Committee Schedule
	<p>A RESOLUTION</p> <p>IN OPPOSITION TO THE NUCLEAR WEAPONS AGENDA OF THE CURRENT ADMINISTRATION; CALLING ON THE CONGRESSIONAL DELEGATION TO CONDEMN THE RHETORIC AND AGENDA; AND SUPPORTING THE RESTRICTING FIRST USE OF NUCLEAR WEAPONS ACT OF 2017.</p>	<p>Finance Committee – 8/21/17</p> <p>City Council – 8/30/17</p>

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

6 Councilor Signe I. Lindell

7 Councilor Peter N. Ives

8 Councilor Christopher M. Rivera

9
10 **A RESOLUTION**

11 **DIRECTING THE CITY MANAGER TO EXPLORE THE POSSIBILITY OF FORMING**
12 **A PUBLIC/PRIVATE PARTNERSHIP BETWEEN THE CITY OF SANTA FE AND THE**
13 **SANTA FE BUSINESS COMMUNITY FOR THE PURPOSE OF DEVELOPING AND**
14 **IMPLEMENTING A LONG RANGE MASTER STREETScape IMPROVEMENT PLAN**
15 **TO IMPROVE THE APPEARANCE OF ALL MAJOR ENTRY CORRIDORS AND**
16 **MAIN ARTERIALS WITHIN THE CITY OF SANTA FE.**

17
18 **WHEREAS**, the City suffers an annual infestation of weeds and other unwanted
19 vegetation throughout public thoroughfares that consistently overwhelms available staff from the
20 Parks Department; and

21 **WHEREAS**, the unsightly vegetation is not only a poor introduction for visitors to the
22 City Different, in many cases it hinders line-of-sight, forcing vehicle drivers into unsafe
23 situations; and

24 **WHEREAS**, community objection to herbicide use as authorized by the City of Santa Fe
25 Integrated Pest Management Policy has hindered the ability of City staff to combat the

1 overgrowth of vegetation; and

2 **WHEREAS**, the Santa Fe business community has expressed an interest in partnering
3 with the City of Santa Fe to form a public/private partnership that would address the planning,
4 funding, and implementation of a project to improve the appearance of major entry corridors and
5 arterials throughout the City of Santa Fe; and

6 **WHEREAS**, such a program would not replace the City of Santa Fe's current programs
7 directed at median improvements, weed control, park maintenance, or any other function of the
8 Parks Department; and

9 **WHEREAS**, a public/private partnership on streetscape improvements would be
10 overseen by a Streetscape Improvement Committee that is envisioned to include representatives
11 from the local organizations such as Chamber of Commerce, Hispanic Chamber of Commerce,
12 Santa Fe Realtors Association, Santa Fe Area Homebuilders Association, a landscape architect, a
13 member of the Rotary Club, representation from the Parks Department and the Public Works
14 Department, two representatives from the Governing Body.

15 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
16 **CITY OF SANTA FE** that the City Manager is directed to work with appropriate staff to
17 develop a Streetscape Improvement Advisory Committee that would make recommendations to
18 the Governing Body regarding a viable working relationship between the City of Santa Fe and
19 private interests for a long-term solution to the City's streetscape.

20 **BE IT FURTHER RESOLVED**

21
22 **PASSED, APPROVED AND ADOPTED** this _____ day of _____, 2017.
23
24
25

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. 2017-__**

3 **INTRODUCED BY:**

4
5 Mayor Javier M. Gonzales

6 Councilor Peter N. Ives

7
8
9
10 **A RESOLUTION**

11 **IN SUPPORT OF "EL GRITO", AN ANNUAL CELEBRATION OF MEXICAN**
12 **INDEPENDENCE DAY ON SEPTEMBER 16, 2017; AND WAIVING ALL ASSOCIATED**
13 **FEES.**

14
15 **WHEREAS**, the modern state of Mexico celebrates Día de la Independencia
16 (Independence Day) on September 16; and

17 **WHEREAS**, the day known as "El Grito", translated as "the cry" commemorates the
18 start of the revolution which led to independence from the Spanish domination of the country in
19 1821; and

20 **WHEREAS**, El Grito de Dolores was the battle cry of the Mexican War of
21 Independence, uttered by a Roman Catholic priest from the small town of Dolores, Mexico; and

22 **WHEREAS**, 2017 marks the 207th anniversary of Mexican Independence Day; and

23 **WHEREAS**, the state of New Mexico and the country of México share many historic
24 and cultural ties that continue to influence each other; and

25 **WHEREAS**, the Consulado de México en Albuquerque has requested that the City of

1 Santa Fe permit and support a celebration of this important holiday in the heart of the city, on the
2 Santa Fe Plaza from 4:00pm until 8:00pm on Saturday, September 16, 2017.

3 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
4 **CITY OF SANTA FE** that the Governing Body hereby supports a celebration of "El Grito" in
5 the Santa Fe Plaza on September 16, 2017.

6 **BE IT FURTHER RESOLVED** that the Governing Body authorizes waiving of all
7 associated fees in support of the El Grito celebration.

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

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

20
21
22
23
24
25 *M/Legislation/Resolutions 2017/El Grito Support 2017*

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2017-__

INTRODUCED BY:

Councilor Renee D. Villarreal

Councilor Joseph M. Maestas

A RESOLUTION

REQUESTING THAT THE NEW MEXICO ENVIRONMENT DEPARTMENT RESCIND THE REVISED LOS ALAMOS NATIONAL LABS CLEANUP ORDER; REQUESTING THAT THE UNITED STATES DEPARTMENT OF ENERGY AND OTHERS FORMALIZE THE CURRENT MONITORING OF BUCKMAN WELL FIELD; REQUESTING THAT THE UNITED STATES DEPARTMENT OF ENERGY ACCELERATE AND EXPAND SURFACE AND GROUNDWATER MONITORING AND RECONSTITUTE THE EARLY NOTIFICATION SYSTEM FOR BUCKMAN DIRECT DIVERSION; REQUESTING A HALT TO EXPANDED PLUTONIUM PIT PRODUCTION AT LOS ALAMOS NATIONAL LABORATORY; REQUESTING THAT THE UNITED STATES DEPARTMENT OF ENERGY RECONSIDER THE PLUTONIUM PIT PRODUCTION MISSION AT LOS ALAMOS NATIONAL LABORATORY; AND DIRECTING THE CITY CLERK TO TRANSMIT COPIES OF THIS RESOLUTION TO ASSOCIATED PARTIES.

WHEREAS, the Department of Energy (DOE) is actively planning to expand the production of plutonium pits for nuclear weapons at the Los Alamos National Laboratory (LANL) from 20 to up

1 to 80 pits per year, nearly doubling related radioactive and toxic wastes; and

2 **WHEREAS**, plutonium pits are used as the “triggers” for weapons of mass destruction and
3 plutonium creates health and environmental hazards; and

4 **WHEREAS**, independent experts have found that plutonium pits have reliable lifetimes of a
5 century or more, thus making expanded production unnecessary; and

6 **WHEREAS**, the Department of Energy has determined that “Required improvements to the
7 [Nuclear] Criticality Safety Program are moving at an unacceptably slow rate... [and] The number
8 and latency of infractions in the plutonium facility is of concern”, for which LANL received the only
9 “red grade” in nuclear criticality safety in the DOE nuclear weapons complex; and

10 **WHEREAS**, nuclear weapons research and production at LANL have released radioactive
11 and hazardous contaminants into the Rio Grande and the Española Basin Aquifer, designated by the
12 Environmental Protection Agency as a Sole Source Aquifer; and

13 **WHEREAS**, LANL’s legacy radioactive and toxic wastes are located as close as eighteen
14 miles from the Santa Fe Plaza and five miles from the City’s Buckman Well Field; and threaten the
15 Buckman Direct Diversion Project on the Rio Grande with potential contamination during storm
16 events, which relies on an incomplete Early Notification System that had its final and most critical
17 monitoring station destroyed in a past storm event; and

18 **WHEREAS**, LANL’s radioactive and toxic wastes are buried in unlined pits and shafts,
19 unlike the composite liners and leachate collection systems that the New Mexico Environment
20 Department (NMED) requires of all local governments; and

21 **WHEREAS**, in June 2016, DOE and NMED signed a new revised Consent Order governing
22 cleanup that incorporates giant loopholes whereby LANL can avoid comprehensive cleanup by
23 simply claiming that it is too difficult or costly; and

24 **WHEREAS**, the new Consent Order bases LANL cleanup on projections of future funding
25 availability instead of what is actually needed to accomplish comprehensive cleanup; and

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2017-__

INTRODUCED BY:

Councilor Renee D. Villarreal

A RESOLUTION

**IN OPPOSITION TO THE NUCLEAR WEAPONS AGENDA OF THE CURRENT
ADMINISTRATION; CALLING ON THE CONGRESSIONAL DELEGATION TO
CONDEMN THE RHETORIC AND AGENDA; AND SUPPORTING THE
RESTRICTING FIRST USE OF NUCLEAR WEAPONS ACT OF 2017.**

WHEREAS, there are over 15,000 nuclear weapons, most possessed by the United States & Russia and more destructive than those that killed tens of thousands and devastated Hiroshima and Nagasaki, and

WHEREAS, use and detonation of even a small number of nuclear weapons would have unimaginable global human, environmental and economic consequences – affecting everyone on the planet, and

WHEREAS, all cities and communities, including Santa Fe, remain at great, imminent risk as potential targets in a nuclear war; and

WHEREAS, a single nuclear strike in Santa Fe would cause upwards of 40,000 fatalities and 40,000 injuries; and

1 **WHEREAS**, the city of Santa Fe's proximity to Los Alamos National Laboratory, a
2 primary designer and producer of the nation's nuclear stockpile and plutonium pits, puts all of the
3 city's residents, and those of northern New Mexico, at risk; and

4 **WHEREAS**, numerous safety violations at Los Alamos National Laboratory, as well as
5 open pits holding nuclear waste dating back to the Manhattan Project threaten the health and
6 wellbeing of nearby residents including all that rely on water supply from the Rio Grande; and

7 **WHEREAS**, nuclear weapons testing has caused irreparable harm to communities and
8 the natural environment, and

9 **WHEREAS**, all of humanity and every citizen has the right to live a life and pursue a
10 future free from the fear and worry of nuclear devastation, and

11 **WHEREAS**, the nuclear weapons complex at Los Alamos National Laboratory has
12 suffered several accidents in recent years, documented in a multi-part series from the Center for
13 Public Integrity; and

14 **WHEREAS**, these events include:

15 1. In March, 2011 manager placed nuclear material in a glovebox that exceeded the
16 criticality limit of the box;

17 2. In August, 2011 technicians seeking a photo-op placed eight rods of plutonium in
18 close proximity to each other – several more rods would have triggered a deadly nuclear chain
19 reaction;

20 3. A 2013 LANL study found that glovebox leaks in PF-4 occurred roughly three
21 times a month, often the result of avoidable errors;

22 4. In December, 2013 LANL sent a drum containing radioactive material to the
23 WIPP storage facility near Carlsbad that ruptured inside the facility – a result of improper mixing
24 of ingredients – costing the government \$1.5 billion to clean up.

25 5. In May, 2016 a trolley used to carry nuclear materials in a facility at LANL fell

1 from the ceiling and crashed into a glovebox;

2 6. An annual report released in February, 2017 found that LANL was the only
3 nuclear production site that did not meet criticality safety expectations; and

4 7. In July, 2017 a LANL employee sent “special nuclear material” across the
5 country by air in direct violation of nuclear safety standards.

6 **WHEREAS**, researchers have uncovered evidence of nearly 1000 other accidents and
7 mishaps involving nuclear weapons elsewhere, including one over Goldsboro, North Carolina in
8 1961 and Palomares, Spain in 1966 that nearly resulted in the detonation of nuclear weapons;
9 and

10 **WHEREAS**, several accidents have resulted in the loss of nuclear weapons which have
11 never been recovered, most recently in 2007 and 2010 when the United States Air Force lost track
12 of live nuclear weapons; and

13 **WHEREAS**, in 1980 a worker dropped a socket down a silo, piercing the outer hull of a
14 Titan missile near Damascus, Arkansas causing the missile to explode and send the warhead
15 flying out of the silo; and

16 **WHEREAS**, over 300 former heads of state, experts, and military leaders have endorsed
17 a vision of a world without nuclear weapons; and

18 **WHEREAS**, every President since Ronald Reagan has worked to reduce the size of
19 global nuclear stockpiles bilaterally with Russia in an effort to eventually eliminate them; and

20 **WHEREAS**, the Governing Body adopted Resolution #1986-16 that urged the President
21 to join the Soviet Union in a mutual and verifiable suspension of nuclear testing; and

22 **WHEREAS**, the Governing Body adopted Resolution #1995-62 supporting a
23 programmatic review of the future nuclear weapons complex; and

24 **WHEREAS**, the Governing Body adopted Resolution #2005-39 supporting United States
25 compliance with the Treaty on the Nonproliferation of Nuclear Weapons (NPT); and

1 **WHEREAS**, the current administration has stated their intention to greatly expand the
2 country's nuclear capabilities for the first time since 1968, and called for a new nuclear arms
3 race; and

4 **WHEREAS**, the administration has refused to take nuclear war off the table for future
5 conflicts, has questioned why the United States can't use the nuclear weapons it currently holds,
6 and is open to supporting new countries developing their own nuclear weapons program to
7 protect themselves; and

8 **WHEREAS**, the President currently has the authority to launch a nuclear strike on any
9 target without consent from another branch of government; and

10 **WHEREAS**, Rep. Ted Lieu (CA-33) has introduced H.R. 669 – Restricting First Use of
11 Nuclear Weapons Act of 2017, along with 37 cosponsors, that would prohibit the President from
12 conducting a first-use nuclear strike unless such strike is conducted pursuant to a congressional
13 declaration of war expressly authorizing such a strike; and

14 **WHEREAS**, the United States spends over \$2,000,000 per hour (over \$48,000,000 per
15 day and \$336,000,000 per week) on nuclear weapons and their development; and

16 **WHEREAS**, an entire new generation of nuclear weapons is under development at a
17 projected cost of over \$1,000,000,000,000 (\$1 trillion) over a thirty-year period.

18 **THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY**
19 **OF SANTA FE** condemns the Trump Administration's misguided agenda in regards to nuclear
20 weapons, including greatly expanding the nuclear weapons arsenal of the United States.

21 **BE IT FURTHER RESOLVED** that Governing Body of the city of Santa Fe adds its
22 name to a growing list of cities and college campuses that refuse to be complicit in the
23 administration's domestic proliferation of nuclear weapons.

24 **BE IT FURTHER RESOLVED** that Governing Body calls on Senator Tom Udall,
25 Senator Martin Heinrich and Congressman Ben Ray Lujan to publicly reject the current nuclear

1 agenda and demand they take action to address the growing threat.

2 **BE IT FURTHER RESOLVED** that the Governing Body supports the Restricting First
3 Use of Nuclear Weapons Act of 2017 (H.R. 669) which would prevent the President from
4 launching a nuclear first strike without Congressional Authorization.

5 **BE IT FURTHER RESOLVED** that the Governing Body stands for the protection of
6 our families and community because a world without nuclear weapons is a freer, safer, more just
7 world.

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

9
10
11 _____
12 JAVIER M. GONZALES, MAYOR

13 ATTEST:

14
15 _____
16 YOLANDA Y. VIGIL, CITY CLERK

17 APPROVED AS TO FORM:

18
19 _____
20 KELLEY A. BRENNAN, CITY ATTORNEY

21
22
23
24
25 *M/Legislation/Resolutions 2017/Nuclear Weapons Agenda*

Mayor, Councilors,

You have before you proposed amendments to the City's telecommunications ordinance. Councilor Villarreal, you asked some ^{pertinent} ~~intelligent~~ questions about this on Monday, but you did not get straight answers. What's going to happen is the City is going to adopt design guidelines in a public hearing, and the City is going to be required to award franchises to anyone that asks for one. And then the companies that have franchises will be free to put up antennas and towers wherever they please, in unlimited numbers, without any public hearing, without any public notice, and without even an application showing where the antennas and towers are going to be, so long as they abide by the design guidelines.

I want to give you the big picture: The reason the telecom industry is lobbying so hard for ordinances like this is to ^{prepare for 5G} ~~facilitate the rollout of 5G~~ technology and the Internet of Things. 5G will require such an enormous amount of bandwidth and will use millimeter waves that travel such a short distance, that it will require a small cell tower on the sidewalk outside of every third to tenth house, nationwide. This enormous expansion of wireless technology on the ground and from drones, balloons and satellites in space is the single most urgent environmental threat to life on earth, by far, that we face today, and it should be resisted with every fiber of your being.

I've been involved in this issue for 37 years. I've been in the City's face about it for 13. Why? I am an environmentalist. My first responsibility is to the earth and the preservation of life. My second responsibility is to myself and my survival, but my first responsibility is to the earth.

I will read from my new book, *The Invisible Rainbow: A History of Electricity and Life*, on Saturday, August 5, at 2:00 p.m., at op.cit. books in DeVargas Mall. It is my life's work. I invite you all to attend my book reading. That's August 5 at 2:00 p.m. at op.cit. books. I am donating this copy of my book to the City. You can pass it around. If you read it, you will learn

Exhibit "14"

things that you need to know in order to make wise decisions about something that profoundly affects everyone and everything.

Thank you.

City of Santa Fe, New Mexico

memo

DATE: June 18, 2017 for the June 26, 2017 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: Katherine Mortimer, Supervising Planner, Land Use Department *KM*

AN ORDINANCE AMENDING THE ANNEXATION AGREEMENT FOR THE RAVEN RIDGE APARTMENTS, ADOPTED BY ORDINANCE 2006-31, TO DELETE AN IRREVOCABLE OFFER OF DEDICATION OF RIGHT-OF-WAY FOR RAVEN RIDGE DRIVE. THE PROPERTY IS LOCATED AT 4141 LUCIA LANE. ("MUSTANG VILLAGE APARTMENTS DEVELOPMENT PLAN AND ANNEXATION AGREEMENT AMENDMENT" CASE NO. 2017-18). (Katherine Mortimer, Case Manager)

I. RECOMMENDATION

City Staff and the Planning Commission recommend the Governing Body **APPROVE** the attached bill and draft annexation agreement amendment, thereby deleting the irrevocable offer to dedicate right-of-way for extension of Raven Ridge Drive.

II. EXECUTIVE SUMMARY

The Planning Commission recently approved the development plan for a 48-unit rental unit project on this project site, to be called "Mustang Village Apartments." When the property originally was annexed into the City in 2006, it was known as the "Raven Ridge" property.

The project that was approved in 2006 required an irrevocable offer to dedicate land for a future east-west connector between Lucia Lane and South Meadows, consistent with policies in the Southwest Area Master Plan that encourage indirect east-west local street connections. In 2006, the Santa Fe Public Schools had indicated their willingness to participate in creation of the connector road, but the school district now has other plans for their portion of the right-of-way and has instead granted an easement to the City for a bike/pedestrian path. They no longer wish to dedicate land for the roadway. The road

Exhibit "15"

extension has also been removed from the MPO Future Roads Map, and will be removed from the General Plan Future Land Use Map when the map is updated.

Rather than having the Mustang Village/Raven Ridge project dedicate and improve a road that will likely never connect through, this application includes a request to amend the annexation agreement to eliminate that irrevocable offer of dedication. The Traffic Engineering Division and Land Use Department support eliminating the dedication.

The primary access to the site is from Jaguar Drive to the south, with a future secondary access from Airport Road to the north. The project will improve and dedicate Lucia Lane adjacent to the property.

The subject property's proximity to public transportation options, as well as to employment and services, will serve to reduce overall traffic impacts. The property is on Route 7 of the Santa Fe Trails bus system, with a bus stop located at Jaguar Drive and Lucia Lane approximately ¼ mile from the project site.

III. PLANNING COMMISSION ACTION

The Planning Commission conducted a public hearing on the Mustang Village project on June 8, 2017, and approved the development plan with the condition that the annexation agreement be amended by the Governing Body.

IV. EARLY NEIGHBORHOOD NOTIFICATION

An Early Neighborhood Notification (ENN) meeting regarding the proposed development plan and subdivision plat was held on October 5, 2016, and approximately 8 people were in attendance. Questions were raised about vehicular access, target demographics, sidewalks, traffic zoning and affordable housing. For additional information regarding the meeting, refer to the ENN Meeting Notes in Exhibit C.

V. EXHIBITS:

EXHIBIT A: Bill 2017-21

EXHIBIT B: Ordinance 2006-31, including Annexation Agreement Raven Ridge Apartments

EXHIBIT C: City Staff Traffic Engineering Memorandum, Sandy Kassens

EXHIBIT D: Planning Commission Minutes, June 8, 2017, Case #2017-18

EXHIBIT E: Early Neighborhood Notification Meeting Notes

EXHIBIT F: Applicant Submittal, Mustang Village Apartments Development Plan

City of Santa Fe, New Mexico

Governing Body

Exhibit A

Bill 2017-21

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2017-21

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11 AN ORDINANCE

12 AMENDING THE ANNEXATION AGREEMENT FOR THE RAVEN RIDGE
13 APARTMENTS, ADOPTED BY ORDINANCE 2006-31, TO DELETE AN
14 IRREVOCABLE OFFER OF DEDICATION OF RIGHT-OF-WAY FOR RAVEN RIDGE
15 DRIVE. THE PROPERTY IS LOCATED AT 4141 LUCIA LANE. ("MUSTANG
16 VILLAGE APARTMENTS DEVELOPMENT PLAN AND ANNEXATION
17 AGREEMENT AMENDMENT" CASE NO. 2017-18).

18
19 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

20 Section 1. On October 27, 2009, the governing body approved Ord. No. 2006-31
21 annexing 4.26 ± acres located at 4141 Lucia Lane known as "Raven Ridge Apartments". Said
22 Ordinance included the document entitled "Annexation Agreement Raven Ridge Apartments".

23 Section 2. The governing body adopts the attached Exhibit A, "Annexation
24 Agreement Amendment Raven Ridge Apartments/Mustang Village".
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Kelly Brennan Ass't City Attorney

KELLEY BRENNAN, CITY ATTORNEY

EXHIBIT A
ANNEXATION AGREEMENT AMENDMENT #1
RAVEN RIDGE APARTMENTS/MUSTANG VILLAGE

The Annexation Agreement ("Agreement") is made and entered into this _____ day of _____, 2017, by and between the City of Santa Fe, New Mexico, a New Mexico Municipal Corporation ("City") and Lucia Real Estate, LLC, a New Mexico limited liability company ("Landowner").

RECITALS

A. Landowner is the owner of property situated in the City of Santa Fe, New Mexico consisting of approximately 4.26± acres on two tracts of land (Tract 2A-1B2 and 2A-1B1) located at 4141 Lucia Lane, Santa Fe, NM.

B. Landowner and the City by mutual agreement desire to amend the Annexation Agreement entered into on the 27th day of October, 2009 to eliminate an irrevocable offer to dedicate proposed "Raven Ridge Drive" as shown on the "Final Plan Raven Ridge Subdivision" and delete all references to it.

AGREEMENTS

NOW, THEREFORE, the following amendments are agreed to by both parties as follows:

1. **THE FOLLOWING TEXT IS DELETED FROM THE ANNEXATION AGREEMENT**

A. On page 1, the paragraph under heading 1. THE ANNEXATION PLAN (Exhibit 1) is amended as follows:

Landowner agrees to prepare an Annexation Plat in compliance with Section 14-3.4 SFCC 1987. ~~The Annexation plat shall show future right-of-way offered for dedication by Paragraph 4.E of this agreement.~~

B. On page 2, the paragraph under heading 4E. STREETS AND OTHER RIGHTS OF WAY is amended as follows:

All streets and road will be designed and constructed in accordance to City standards and with the Santa Fe City Code, and dedicated to the City as shown on the

Master Plan. The Landowner shall be responsible for the construction and shall bear the expense of the construction of Calle Lucia for the entire length of the subject property when the property is developed. The Landowner hereby offers to dedicate right-of-way needed for future extension of Lucia Lane and ~~for proposed "Raven Ridge Drive"~~ as shown on the Final Plan Raven Ridge Subdivision" approved by the Planning Commission on July 17, 2007. Actual right-of-way acquisition by the City shall occur at any time determined to be appropriate by the City.

C. On Exhibit D, the paragraph number 1 is hereby deleted in its entirety.

2. All other text in the original Annexation Agreement remains in effect and binding.

IN WITNESS WHEREOF, this Agreement is entered into the day and year written above.

CITY OF SANTA FE

By _____
Javier Gonzales, Mayor

ATTEST:

Yolanda Y. Vigil, City Clerk

APPROVED AS TO FORM:

Kelley Brennan Ass't City Attorney for
Kelley Brennan, City Attorney

City of Santa Fe, New Mexico

Governing Body

Exhibit B

**Ordinance 2006-31,
Including Annexation Agreement Raven
Ridge Apartments**

CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2006-31

AN ORDINANCE

ANNEXING TWO TRACTS OF LAND LYING CONTIGUOUS WITH THE SANTA FE CORPORATE LIMITS COMPRISING 4.26 ACRES MORE OR LESS LOCATED WITHIN SECTION 7, T 16 N, R 9 E, AND SECTION 12, T 16 N, R 8 E, NMPM LOCATED ON THE EAST SIDE OF LUCIA LANE NORTH OF THE JAGUAR VILLAGE SUBDIVISION (CASE NO. M 2006-03, RAVEN RIDGE ANNEXATION)

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

Section 1. Pursuant to Section 3-7-17 NMSA 1978 , the following described land (the "Property") is annexed to the city of Santa Fe, thereby extending the corporate limits of the city:

Certain parcels of land lying within Section 7, T 16 N, R 9 E, Section 12, T 16 N, R 8 E, NMPM, and being more particularly described in the attached legal description (Exhibit A) and shown on the Annexation Plat (Exhibit B) and incorporated herein by reference.

Section 2. A petition (the "Petition") executed by all the owners of the Property has been presented to the governing body of the city of Santa Fe requesting annexation of the Property, an area of land contiguous to the city's corporate limits, which annexation is accomplished pursuant to the provisions of the annexation agreement between the city of Santa Fe and the owners of the Property sought to be annexed attached hereto and referenced herein as "Exhibit C."

Section 3. The Petition was accompanied by an annexation plat showing the external boundaries of the Property proposed to be annexed and the relationship of the Property proposed to be annexed to the existing boundary of the city, as well as the Annexation Agreement.

EXHIBIT B

Section 4. The annexation effected by this Ordinance shall be subject to the conditions of approval attached hereto and referenced herein as "Exhibit D."

Section 5. It is in the best interest of the city of Santa Fe and the owners and inhabitants of such contiguous Property that the Property be annexed.

Section 6. This ordinance shall be published one time by title and general summary and shall become effective five days after publication.

PASSED, APPROVED AND ADOPTED this 26th day of June, 2006.



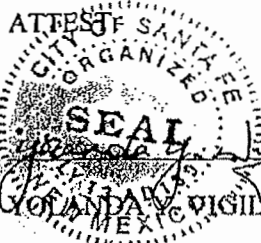
DAVID COSS, MAYOR

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

ORDINANCE
PAGES: 11

I Hereby Certify That This Instrument Was Filed for record On The 9TH Day Of November, 2009 at 02:14:19 PM and Was Duly Recorded as Instrument # 1582700 If The Records Of Santa Fe County

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



ATTEST
YOLANDA VIGIL, CITY CLERK
10-21-09

APPROVED AS TO FORM:


FRANK KATZ, CITY ATTORNEY



GTSC:M0605 ORD

**Exhibit A to Ordinance No. 2006-31
Legal Description – Case No. M 2006-05**

Tracts Numbered 2A-1B1 and 2A-1B2 of the Land Division and Road Dedication Plat of JUNIPER HILL APARTMENTS, LLC, in Section 7, T16N, R9E, N.M.P.M., and Section 12, T16N, R8E, N.M.P.M., Santa Fe County, New Mexico as the same is shown and designated on said plat thereof filed in the office of the County Clerk of Santa Fe County, New Mexico on September 18, 2003 in Book 542, Pages 004-007.

SFC CLERK RECORDED 11/09/2009

**Ordinance 2006-31 Exhibit C
ANNEXATION AGREEMENT
RAVEN RIDGE APARTMENTS**

The Annexation Agreement ("Agreement") is made and entered into this
21st day of October, 2009 by and between the City of Santa Fe, New
Mexico, a New Mexico Municipal Corporation ("City") and Raven Ridge, LLC
("Landowner").

RECITALS

Landowner is the owner of certain property situated in Santa Fe County, New Mexico consisting
of approximately 4.26 acres being situate in Section 12, Township 16N,

Range 8E, New Mexico Primary Meridian as more fully described in the Annexation Plat
attached hereto as Exhibit 1 and incorporated herein by this reference, and hereinafter
referred to as the "Property".

Landowner desires and the City agrees to annex the Property to the City subject to the terms and
conditions hereinafter set forth.

Landowner desires to develop and the City agrees to the development of the Property subject to
and upon the terms and conditions hereinafter set forth.

AGREEMENTS

NOW, THEREFORE, in consideration of the premises, the following agreements and
undertakings of the parties, the parties agree as follows:

1. THE ANNEXATION PLAT (Exhibit 1)

Landowner agrees to prepare an Annexation Plat in compliance with Section 14-3.4 SFCC
1987. The Annexation plat shall show future right-of-way offered for dedication by Paragraph
4.E of this agreement.

2. THE MASTER PLAN

Landowner agrees to submit a Master Plan prepared by in compliance with Section 14-3.4 (C)
SFCC 1987.

3. DEVELOPMENT OF PROPERTY.

The master plan contemplates residential development pursuant to rezoning Ordinance No. 2006-32 approved concurrently with this annexation Ordinance No. 2006-31.

4. CITY SERVICES.

A. FIRE AND POLICE PROTECTION. Fire and Police protection of the Development on the Property will be provided by current existing City Police and Fire Department facilities and personnel.

B. REFUSE. Refuse disposal services shall be provided in accordance with applicable City ordinances.

C. WATER SERVICE. As a part of the development of the Property, the Landowner agrees to connect the proposed development to the City water delivery system using dedicated easements and shall extend the water main through the Property as required by the City. The Landowner shall reserve easements through the Property as shown on the Master Plan to insure the water lines can be built accordingly through the Property. Connection of the property to the City water system is subject to the provisions of Sections 14-8.13 SFCC 1987 Annual Water Budget, 14-8.16 SFCC 1987 Water Rights Transfer Requirements and 14-8.17 SFCC 1987 Water Right Banking.

D. STORM WATER, WASTEWATER COLLECTION AND SEWER SERVICE. As a part of the development of the Property, the Landowner shall construct storm water and domestic wastewater improvements to serve Property in accordance with the Santa Fe City Code using existing easements shown on the Annexation Plat.

E. STREETS AND OTHER RIGHTS OF WAY. All streets and roads will be designed and constructed in accordance to City standards and with the Santa Fe City Code, and dedicated to the City as shown on the Master Plan. The Landowner shall be responsible for the construction and shall bear the expense of the construction of Calle Lucia for the entire length of the subject property when the property is developed. The Landowner hereby offers to dedicate right-of-way needed for the future extension of Lucia Lane and for proposed "Raven Ridge Drive" as shown on the "Final Plat Raven Ridge Subdivision" approved by the Planning Commission on July 19, 2007. Actual right-of-way acquisition by the City shall occur at any time determined to be appropriate by the City.

F. LETTER OF CREDIT OR BOND. No surety bond or letter of credit is required prior to filing of the annexation plat.

5. ARCHAEOLOGICAL REVIEW ORDINANCE.

Prior to annexation of the Property the Landowner shall be in compliance with Section 14-5.3 SFCC 1987.

6. UTILITIES.

The Property shall be served only with underground utilities.

7. TRAFFIC IMPACT REPORT.

Prior to the development of the Property a final traffic impact report, illustrating the traffic generated and the impact of the circulation on system within the Property and surrounding area shall be provided to the City.

8. PARKS

The landowner agrees to providing approximately 0.6 acres of open space, as shown on the Annexation Plat.

9. WELLS AND WATER RIGHTS.

The Landowner agrees that no well shall be drilled on the Property and no water rights shall be transferred to permit a diversion of water from the Property after the date of this Agreement. Restrictive covenants shall be adopted and filed for record in the office of the Santa Fe County Clerk in accordance with this requirement restricting the drilling of wells and transfer of water rights.

10. AFFORDABLE HOUSING.

The landowner agrees to supply affordable housing as required by Section 14-8.11 SFCC 1987.

11. IMPACT FEES.

The Landowner agrees to pay impact fees as required by Santa Fe City Code 1987.

12. ASSIGNMENT.

The Landowner in their sole discretion may hereafter assign this Agreement or specific obligation under this Agreement to another Landowner, another developer, or to an association of property owners. Any assignees shall be bound to the terms and conditions of this Agreement to the same extent that the Landowner is bound.

13. CAPTIONS.

The captions and paragraph headings of this Agreement are not necessarily descriptive, or intended or represented to be descriptive, of all the provisions thereunder, and in no manner

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SEC CLERK RECORDED 11 09 / 20 09

shall such captions and paragraph headings be deemed or interpreted to limit the provisions of this Agreement.

14. EXECUTION OF DOCUMENTS.

The parties agree to execute all documents contemplated expressly or impliedly by this Agreement.

15. SEVERABILITY.

If any provision of this Agreement, or the application of such provisions to any person or circumstances, shall be held invalid, the remainder of this Agreement, or the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

16. NO WAIVER.

No waiver of a breach of any of the terms contained in this Agreement shall be construed to be a waiver of any succeeding breach of the same or any other term.

17. NUMBERS AND GENDERS.

Whenever used herein, unless the context shall otherwise provide, the singular number shall include the plural, the plural the singular, and the use of any gender shall include all genders.

18. GOVERNING LAW.

This Agreement and the rights of the parties hereunder shall be governed by and interpreted in accordance with the laws of the State of New Mexico.

19. BINDING EFFECT.

This Agreement shall be binding upon, and inure to the benefit of, the parties and their respective heirs, successors and permitted assigns.

20. AGREEMENT.

This Agreement states the entire agreement of the parties. The provisions of this agreement shall be severable and may be modified only in writing. This Agreement shall not relieve the Landowners from complying with present or future City ordinances, duly adopted resolutions or regulations applicable to the development.

21. AMENDMENTS.

Any amendments to this Agreement or the Master Plan shall be reviewed by the Planning Commission and sent to the City Council for approval.

SFC CLERK RECORDED 11/09/2009

IN WITNESS WHEREOF, this Agreement is entered into the day and year written above.

LANDOWNERS: RAVEN RIDGE LLC

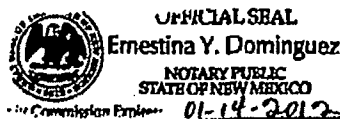
By: *[Signature]* Member Raven Ridge LLC

STATE OF NEW MEXICO)
COUNTY OF SANTA FE)
ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this 21st day of October, 2009

by Joseph Ortiz

[Signature]
NOTARY PUBLIC



My Commission Expires:

January 14, 2012

STATE OF NEW MEXICO

COUNTY OF SANTA FE)

CITY OF SANTA FE

[Signature]
MAYOR DAVID COSS

ATTEST:

[Signature]
CITY CLERK JOSE ANTONIO VIGIL

APPROVED AS FOLLOWS:

[Signature]
CITY ATTORNEY FRANK KATZ

**Exhibit D to Ordinance No. 2006-31
Condition of Approval – Case No. M 2006-05**

1. The annexation agreement and plat shall include an irrevocable offer to dedicate to the City all right-of-way required for an east-west subcollector street between Calle Lucia and the east boundary of the property. Actual dedication shall occur concurrently with filing the development plan for the property, or at any earlier time determined necessary by resolution of the Governing Body.
2. Traffic calming measures shall be included in any development plan for the property.
3. The affordable housing agreement for development of the property shall include 30% of the dwelling units per minimum code requirements plus 10% of the units provided for "entry level at 125% of median."

**Exhibit D to Ordinance No. 2006-31
Condition of Approval – Case No. M 2006-05**

1. The annexation agreement and plat shall include an irrevocable offer to dedicate to the City all right-of-way required for an east-west subcollector street between Calle Lucia and the east boundary of the property. Actual dedication shall occur concurrently with filing the development plan for the property, or at any earlier time determined necessary by resolution of the Governing Body.
2. Traffic calming measures shall be included in any development plan for the property.
3. The affordable housing agreement for development of the property shall include 30% of the dwelling units per minimum code requirements plus 10% of the units provided for "entry level at 125% of median."

CITY OF SANTA FE
ADOPTION OF ORDINANCE NOS. 2006-31 and 2006-32

Notice is hereby given that the Governing Body of the City of Santa Fe held a public hearing at their regular meeting on Wednesday, June 28, 2006 and approved the following ordinances:

Ord. No. 2006-31: An Ordinance Annexing Two Tracts of Land Lying Contiguous with the Santa Fe Corporate Limits Comprising 4.26 Acres More or Less Located Within Section 7, T 16 N, R 9 E, and Section 12, T 16 N, R 8 E, NMPM Located on the East Side of Lucia Lane North of the Jaguar Village Subdivision (Case No. M 2006-05, Raven Ridge Annexation)

Ord. No. 2006-32: An Ordinance Amending the Official Zoning Map of the City of Santa Fe; Changing the Classification of a Certain Area From its Present Designation and Class of R-1 to RM-LD; and Providing an Effective Date With Respect to Two Parcels of Land Comprising 4.26 More or Less Located Within Section 7, T 16 N, R 9 E, and Section 12, T 16 N, R 8 E, NMPM (Case #ZA 2006-03, Raven Ridge Rezoning)

Copies of these ordinances are available in their entirety, upon request and payment of a reasonable charge, in the City Clerk's Office, 200 Lincoln Avenue, City Hall, from 8:00 a.m. to 5:00 p.m., Monday through Friday.

Yolanda Y. Vigil
Yolanda Y. Vigil, City Clerk

Received by The New Mexican on
Date October 30, 2009
To Be Published On Wednesday
November 3, 2009
By [Signature]
The New Mexican (Signature)

10061

CITY OF SANTA FE
ADOPTION OF
ORDINANCE NOS. 2006-31 and 2006-32

Notice is hereby given that the Governing Body of the City of Santa Fe held a public hearing at their regular meeting on Wednesday, June 28, 2006 and approved the following ordinances:

Ord. No. 2006-31: An Ordinance Annexing Two Tracts of Land Lying Contiguous with the Santa Fe Corporate Limits Comprising 4.26 Acres More or Less Located Within Section 7, T 16 N, R 9 E, and Section 12, T 16 N, R 8 E, NMPM Located on the East Side of Lucia Lane North of the Jaguar Village Subdivision (Case No. M 2006-05, Raven Ridge Annexation)

Ord. No. 2006-32: An Ordinance Amending the Official Zoning Map of the City of Santa Fe; Changing the Classification of a Certain Area From its Present Designation and Class of R-1 to RM-LD; and Providing an Effective Date With Respect to Two Parcels of Land Comprising 4.26 More or Less Located Within Section 7, T 16 N, R 9 E, and Section 12, T 16 N, R 8 E, NMPM (Case #ZA 2006-03, Raven Ridge Rezoning)

Copies of these ordinances are available in their entirety, upon request and payment of a reasonable charge, in the City Clerk's Office, 200 Lincoln Avenue, City Hall, from 8:00 a.m. to 5:00 p.m., Monday through Friday.

Yolanda Y. Vigil, City Clerk
Lincoln Avenue
Santa Fe, New Mexico 87501

THE SANTA FE
NEW MEXICAN
Founded 1849

10090317

CITY OF SANTA FE
PO REQUIRED
P O BOX 909
SANTA FE NM 87504

ALTERNATE ACCOUNT: 73595
AD NUMBER: ~~00302195~~ ACCOUNT: 00007479
LEGAL NO: 88268 P.O. #:
43 LINES 1 TIME(S) at 68.04
AFFIDAVIT: 7.00
TAX: 6.05
TOTAL: **81.09**

AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO
COUNTY OF SANTA FE

Notice is hereby given that the Governing Body of the City of Santa Fe held a public hearing at their regular meeting on Wednesday, June 24, 2009 and approved the following ordinances:

Ord. No. 2009-31: An Ordinance Amending Title 12 of the Santa Fe Code, Chapter 1, with the Santa Fe Corporate Limits, adding 4.24 Acres More or Less Located Within Section 7, T.18 N., R. 8 E., and Section 12, T. 18 N., R. 8 E., NMPLM, Located on the East Side of Lucia Lane North of the Javelina Village Subdivision (Case No. 2008-24, Raven Ridge Annexation)

Ord. No. 2009-32: An Ordinance Amending the Official Zoning Map of the City of Santa Fe; Changing the Classification of a Certain Area From its Present Classification and Class of R-1 to RM-LD, and Providing an Effective Date With Respect to Two Parcels of Land, Comprising More or Less Located Within Section 7, T. 18 N., R. 8 E., and Section 12, T. 18 N., R. 8 E., NMPLM, (Case #ZA-2006-03, Raven Ridge Rezoning)

Copies of these ordinances are available in their entirety, upon request and payment of a reasonable charge, in the City Clerk's Office, 200 Lincoln Avenue, Santa Fe, Hall, from 8:00 a.m. to 5:00 p.m. Monday through Friday.

Yolanda V. Virel, City Clerk
Legal #88268
Pub. November 4, 2009

I, V. Wright, being first duly sworn declare and say that I am Legal Advertising Representative of THE SANTA FE NEW MEXICAN, a daily newspaper published in the English language, and having a general circulation in the Counties of Santa Fe and Los Alamos, State of New Mexico and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 on Session Laws of 1937; that the publication # 88268 a copy of which is hereto attached was published in said newspaper 1 day(s) between 11/04/2009 and 11/04/2009 and that the notice was published in the newspaper proper and not in any supplement; the first date of publication being on the 4th day of November, 2009 and that the undersigned has personal knowledge of the matter and things set forth in this affidavit.

V. Wright
SI *W. Wright*

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 4th day of November, 2009

Notary *Sharon J. Goff*
Commission Expires: 3/16/2013

SantaFeNewMexican.com

202 East Marcy Street, Santa Fe, NM 87501-2021 • 505-983-3303 • fax: 505-984-1785 • P.O. Box 2048, Santa Fe, NM 87504 2048

City of Santa Fe, New Mexico

Governing Body

Exhibit C

**City Staff Traffic Engineering
Memorandum, Sandy Kassens**

City of Santa Fe, New Mexico

memo

Date: May 30, 2017

To: Katherine Mortimer, Land Use Department, Case Manager

Via: John Romero, Engineering Division Director *JP*

From: Sandra Kassens, Engineer Assistant *SK*

Case: **Mustang Village Apartment Development Plan, case # 2017-18**

ISSUE:

San Cristobal Development LLC, Lucia Real Estate, LLC, requests approval of a development plan for 48 residential units on a 4.26-acre lot. The property is located at 4141 Lucia Lane and is zoned R-12 (Medium Density Residential District).

TRAFFIC:

The Annexation agreement (Ordinance 2006-031) for the subject property requires dedication and construction of an east-west road from Lucia Lane to the eastern boundary of the subject property at the time of development. The Southwest Area Master Plan identifies this location as a future connection between Lucia Lane and South Meadows Road that would extend through the adjacent Santa Fe Public Schools property. In 2006, the Santa Fe Public Schools were amenable to this proposed road; however at this time, they no longer want this road connection through their property.

The Engineering Division does not think there would be a benefit to constructing this proposed east-west road through the applicant's property. We would support the amendment of the Annexation plan to remove the requirement for construction and dedication of the East West road.

RECOMMENDED ACTION:

Review comments are based on development plans received on March 23, 2017. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:

CONDITIONS OF APPROVAL:

MUST BE COMPLETED BY:

1	The Developer shall dedicate Lucia Lane through the extent of the applicant's properties, tract 2A-1B2 and Tract 2A-1B1 to the City of Santa Fe as a Public Right-of-Way (ROW). The location of this ROW is indicated as an irrevocable offer to dedicate on plat book 710, page 10.	Prior to recordation of the Right-of-Way Dedication Plat.
2	The Developer shall provide traffic calming measures on the newly constructed portion of Lucia Lane. This was a condition of approval	Prior to recordation of the Development plan.

EXHIBIT C

	imposed by City Council during the annexation approval. Methods and locations of traffic calming measures shall be reviewed and approved by the Public Works Department.	
3	The Developer has shown the addition of a second 72" CPM at approximately Sta. 60+70 on Lucia Lane to augment the existing culvert which crosses Lucia Lane at north end of the development. The Developer shall dedicate Right-of-Way to the City, accommodating the entire drainage structure as it goes through the subject property, including any needed riprap.	Prior to recordation of the Development plan.

TECHNICAL CORRECTIONS:

ITEM	SHEET	DESCRIPTION OF CORRECTION	MUST BE COMPLETED BY:
1	C-2	The Developer shall design the vertical curve at Sta. 15+26 on Lucia Lane to a design speed of 25 mph per the AASHTO design guidelines. The k value they have shown on their plan set is too low.	Prior to recordation of the Development plan.
2	C-2	The Developer shall include details for the drainage structure and drop inlets located at approximately Sta. 60+70 on Lucia Lane.	Prior to recordation of the Development plan.
3	C-2	The Developer shall provide a typical section for Lucia Lane that is consistent with that of sub-collector as specified in Chapter 14 of City Code. (5' buffer)	Prior to recordation of the Development plan.
4	C-1 thru C-4	Pavement section shall be 4" PMBP, Type II-B (2-2" Lifts) over 6" Untreated Base Course, over Subgrade Prep.	Prior to recordation of the Development plan.
5	C-2	The Developer shall construct concrete valley gutters and fillets at the driveway intersections with Lucia Lane. The Developer shall also provide details for the valley gutter and fillets.	Prior to recordation of the Development plan.
6	-	The Developer shall provide streetlights at the two main driveways at Lucia Lane (not the Fire Department access.) A plan that indicates locations of standards, wiring, a meter and detail drawings for LED luminaires shall be reviewed by the PWD. The Developer shall provide NMDOT detail drawings for light poles and appurtenances.	Prior to recordation of the Development plan.
7	-	The Developer shall show sight visibility easements on the development plan and on the roadway dedication plat per City code Chapter 14, section 7.1(F)(2)(b).	Prior to recordation of the Development plan.
8	SF-1	The Developer shall replace sheet SF-1 with appropriate NMDOT standard drawings. (NMDOT series 609 updated in 2009, for example).	Prior to recordation of the Development plan.

9	PAD-1 thru PAD-3	The Developer shall replace the NMDOT 608 standard drawing series with the updated series revised in 2015 that now consists of 12 ³ sheets.	Prior to recordation of the Development plan.
10	-	The Developer shall consult with the PWD to determine what traffic calming measures are acceptable. The Developer shall include details for the traffic calming features.	Prior to recordation of the Development plan.

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

City of Santa Fe, New Mexico

Governing Body

Exhibit D

**Planning Commission Minutes,
June 8, 2017, Case #2017-18**

MOTION: Commissioner Propst moved to approve the Findings of Fact and Conclusions of Law for Case #2017-19 and Case #2017-20 as presented. Commissioner Gutierrez seconded the motion and it passed by majority voice vote with all voting in favor except Commissioner Hogan and Commissioner Kapin who were recused and Commissioner Hochberg dissenting.

- **Case #2017-22. 185 Brownell Howland Lot Split and Variance.**

MOTION: Commissioner Propst moved to approve the Findings of Fact and Conclusions of Law for Case #2017-23 as presented. Commissioner Hochberg seconded the motion and it passed unanimously on a voice vote except Commissioner Hochberg, Commissioner Hogan and Commissioner Kapin who recused themselves.

E. OLD BUSINESS

There was no Old Business.

F. NEW BUSINESS

1. **Case #2017-18. Mustang Village Apartments Development Plan and Annexation Agreement Amendment.** San Cristobal Development, agent for Lucia Real Estate, LLC, requests approval of a development plan for 48-unit apartment complex on two lots totaling 4.26 acres. The property is located on the west side of Lucia Lane between Jaguar Drive and Airport Road, north of Jaguar Loop. The property is zoned R-12 Residential – 12 units per acre. The request also includes an amendment to the Annexation Agreement for the property to eliminate an irrevocable offer to dedicate to the City all right-of-way required for an east-west sub collector street between Lucia Lane and the east property line. (Katherine Mortimer, Case Manager)

Staff Report

The Staff Report was presented by Ms. Mortimer. A copy of the Staff Report is available on the City's web site. She pointed out a typo on page 3, under ENN, that has the wrong date. February 20, 2017 is the correct date.

At the time annexation was considered, the school was amenable for accepting the land but no longer want to do it. So, Staff worked with Traffic, Engineering to make sure it would not create a problem and agreed the east-west connector was not needed at that location. That decision must be made at Council so it is advisory only.

The project is all market-rate housing and the developer will make a payment in lieu of providing affordable housing.

Staff recommended approval as this application meets the requirements and is consistent with Land Use.

Applicant's Presentation

Mr. Joseph Ortiz, 99 San Marcos Loop, was sworn and stood for questions.

Public Hearing

Ms. Elizabeth Houck was sworn and asked when the Commission takes public comment in general.

Chair Kadlubek said they have petitions from the floor at Council meetings, but not here. There it is for any reason. Here it is case-specific.

Ms. Joan Plummer, 4310 Jaguar Loop was sworn. She said she is at the corner adjacent from the property and concerned about traffic, especially with no access road from South Meadows. Those people would come right by her house. It is possible the road could be opened to Airport Road so there is more than one access point. She also wondered if speed humps could be installed.

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

Commission Questions/Discussion

Commissioner Hochberg asked why the developer is opting for payment in lieu of affordable housing for the rental development.

Mr. Ortiz related some of the history of the provision and said Santa Fe has not been successful in getting those tax credits. After time and energy has been spent, at this point, they wanted to just take it forward with a known end result which was better for the project.

Commissioner Hochberg referred to the public comment about traffic. He saw a connection with Airport Road in the packet and asked if it was not accurate.

Mr. Ortiz said it wasn't accurate. That is private land.

Chair Kadlubek asked Alexandra Ladd to speak to the Affordable Housing issue.

Ms. Ladd said the Santa Fe Homes Program has an amendment and an applicant has a right to pay in lieu of building affordable housing. For years, Santa Fe hasn't had enough market rate rentals. And rents are going up 10-12% each year. So, the alternative was an incentive for them.

Commissioner Hochberg explained that he was trying to establish a record that we are getting very few Affordable Housing units being built. This one makes sense, but we are not doing justice to Affordable

Housing by just collecting money. But he wanted to be clear that he was not blaming the applicant.

Chair Kadlubek asked what the fee goes toward and how does it affects Affordable Housing.

Ms. Ladd explained that the fee goes to the Community Housing Trust Fund that is regulated by code. The expenditures are restricted by state law and NMFA reports on how it is spent. It is a flexible way to help low income renters find a unit of their choice. It is local money and not HUD money which has great restrictions. There will be units coming on line soon. And as Mr. Ortiz mentioned, competition for tax credits is difficult.

Chair Kadlubek asked what the fee in lieu of is for this project.

Mr. Ortiz said the project has maximum of 51 units. But over 50 triggers a water rights requirement which is a huge expense. The original plan was for 48 units with a beautiful courtyard. Trying to squeeze in extra units didn't make sense. He would love to have built more units but it was a negative incentive. He asked the Planning Commission to be aware of this quirk in planning.

Commissioner Kapin noted this project was mostly two-bedroom units and a few 3-bedroom. She asked why he did not include studio or one bedroom apartments.

Mr. Ortiz said it has to do with the nearby schools. These plans were once considered very large but they are designed as upscale apartments so it was a challenge to keep it in a viable financial model but they did it.

Commissioner Kapin referred to condition #15 and pointed out that some but not all the information required was presented, including the vicinity map. She asked if he was aware of all the information he still needed to provide.

Mr. Ortiz said he was, and most had already been addressed and he assured them he would have them all finished soon.

Commissioner Propst asked if he agreed with all Staff conditions.

Mr. Ortiz said he did.

Commissioner Propst said the public mentioned traffic calming and she heard his input about Airport Road and asked when that future connection might happen.

Mr. Smith clarified that there are no major roads provided with this development. Fill in will likely happen eventually. It is a private road and outside the easements for this project.

Ms. Kassens, Traffic Engineer, said they can come in and discuss traffic calming and Staff could consider traffic calming of some type.

Commissioner Propst said it would be just on the new portion.

Ms. Kassens agreed.

Commissioner Hogan asked if there are Staff submittal requirements addressing building elevation.

Mr. Smith said no. The applicant is aware of the height limits on that property. The site plan is two-dimensional.

Action of the Commission

MOTION: Commissioner Hogan moved for approval of Case #2017-18, Mustang Village Apartments Development Plan and recommend to the Governing Body approval of the Annexation Agreement Amendment, subject to the recommended conditions of approval submitted by Staff. Commissioner Hochberg seconded the motion and it passed by unanimous roll call vote with Commissioner Hogan, Commissioner Kapin, Commissioner Propst, Commissioner Gutierrez, and Commissioner Hochberg voting in favor and none voting against.

2. **Case #2017-35, 3430 Cerrillos Road Development Plan.** Jim Medley, Architects Agent for Santa Fe Hampton Inn, request Development Plan approval to construct a 56,000-square foot, four-story, 91 room hotel on 1.88+/- acres. The property is zoned C-2 (General Commercial). (Dan Esquibel, Case Manager) **(TO BE POSTPONED)**

This case was postponed under Approval of Agenda.

3. **Case #2017-41, 1308 Apache Avenue Waiver.** CNSP C/O Albert Catanach agent for Infinite Interests Ent. LLC, requests a waiver pursuant to 14-6.2(E)(8) "Waivers" and to Article 14-6.2(E)(5)(k) "Tower Setbacks and Separation Distances Between Towers", to allow a setback less than the maximum height of a tower from any adjoining lot line. The property is zoned C-2 (General Commercial). (Dan Esquibel, Case Manager)

[A handout of neighborhood correspondence regarding this case is attached to these minutes as Exhibit 1.]

Staff Report

The Staff Report was presented by Mr. Esquibel. A copy of the Staff Report is available on the City's web site. He said this is an application for a waiver at 1308 Apache Avenue of the tower setback requirements. Staff recommended approval of the waiver, subject to conditions. The requirements for Findings of Fact and Conclusions of Law to consider on this application are in the memo on page 5. He believed the applicant could meet those, subject to the conditions imposed. He reminded the Commission that they did a similar waiver on Rufina. This one is for broadband but the waiver is still the same.

City of Santa Fe, New Mexico

Governing Body

Exhibit E

Early Neighborhood Notification Meeting Notes



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

Project Name	Mustang Village Apartments
Project Location	4141 Lucia Lane
Project Description	Development Plan for 48-unit apartment complex
Applicant / Owner	Lucia Real Estate
Agent	Joe Ortiz
Pre-App Meeting Date	
ENN Meeting Date	February 20, 2017
ENN Meeting Location	Southside Library
Application Type	Development Plan
Land Use Staff	Greg Smith
Other Staff	None
Attendance	Applicant representative, approximately eight neighbors

Notes/Comments:

The applicant's representative began a presentation at 5:30 PM as scheduled. Most neighbors in attendance were apparently from the subdivision immediately south of the project site. Concerns raised by neighbors included:

- Existing and possible future crime levels – they have been working with community policing representatives from SFPD concerning homeless people, drug activity, nighttime activities on and near the project site.
- Effect on traffic levels, including speeding and cut-through traffic to Airport Road using unimproved roads.
- Whether a noise wall could be provided to replace the existing fence along Lucia Lane.
- Whether pedestrian access to the school would be maintained.
- Blockage of views.

The applicant's representative addressed various issues related to the site planning and other aspects of the project.

EXHIBIT E

City staff (Greg Smith) addressed:

- Possibility of traffic calming devices on Lucia Lane, unlikelihood that a traffic signal would be warranted at Jaguar/Lucia intersection.
- Possibilities for extending the local road network as vacant property to the north and west of the project site develops.
- How to participate via written comments or testimony at the Planning Commission hearing.

The ENN concluded at approximately 6:30 PM.

City of Santa Fe, New Mexico

Governing Body

Exhibit F

**Applicant Submittal,
Mustang Village Apartments
Development Plan**

SFGATE<http://www.sfgate.com/opinion/openforum/article/Time-to-yank-ranked-choice-voting-4158826.php>

Opinion

Time to yank ranked-choice voting?

ON DEMOCRACY

Larry N. Gerston Published 7:14 pm, Monday, December 31, 2012

**IMAGE 1 OF 3**

We'll never know ... if, in a head-to-head matchup in Oakland in 2010, mayoral candidate Jean Quan would have prevailed over ...

Democracies are known for providing political environments that encourage experimentation and refinement. Regularly scheduled elections, fixed terms of office and required vote thresholds are among the elements that define our political system. Many of these features have withstood the test of time, others have been modified, and others still have been dropped because they didn't work. Ranked-choice voting is one of the newest election wrinkles that has not lived up to its potential.

Advocates of the ranked-choice system praise the process for its ability to determine a winner in a single election, regardless of the number of candidates, because of the way

that the second and third votes cast for candidates are redistributed to others until someone emerges with a "majority," albeit an artificial majority.

They also laud the new process for the way that it helps establish acceptable candidates who are not necessarily the voters' first choice but are still highly respected nonetheless. Finally, ranked-choice reformers like the fact that one-stop-election shopping reduces the campaign period as well as campaign costs.

READ ANOTHER OPINION

Trump is AWOL in the fight for democracy in Europe

The GOP's cowardice invites Trump to fire Sessions

McCain makes a fine speech, but what now?

Morford: John McCain is no one's hero anymore

Fair enough, but ranked-choice voting has revealed problems that strike at the heart of representative democracy.

First among these is the possibility that under the process, he or she who gets the most votes may not win because of the ability of another to gain more second- and third-place nods. That's what happened in 2010 to Oakland mayoral candidate **Don Perata**, who, despite his ability to garner the most

votes, came in second to **Jean Quan**. Quan had secured additional second- and third-ballot support.

What if Perata and Quan had faced one another in a traditional runoff a few months later, after the voters had the time to compare the two in a less cluttered race? We'll never know.

Ranked-choice voting has also made it difficult for a loser in a multiple-candidate contest to challenge the outcome of a close election. Because the challenger must pay the cost of re-tabulating votes, the large number of first, second and third place votes in a crowded race makes the cost almost impossible to bear.

That's what happened to **F.X. Crowley** in November when he lost to **Norman Yee** in a race for **San Francisco supervisor**. Sure, Yee received 29 percent of the first place votes, compared to 24 percent for Crowley. But Crowley's claim was that he may have captured enough second and third place votes to overcome Yee's slim 132-vote victory out of more than 35,000 ballots. But with the cost so prohibitive, we'll never know.

Finally, there's the huge element of confusion that accompanies ranked-choice voting. Even though San Francisco first employed ranked-choice voting in 2004, a poll in 2011 found 55 percent of the voters confused about how it worked. It's pretty hard to choose your candidate(s) if you don't comprehend the selection concept. We'll never know how many potential voters threw their hands (and sample ballots) into the air and opted out of the process because they didn't understand the process.

Voting is a cornerstone of democracy. Shorter registration periods and absentee voting are recent changes that have helped to make the voting process more attractive than in the past. Lowering the age to 18 from 21 is another fairly recent change that has opened the system. Ranked-choice voting may have some benefits, but clearly the process extracts some heavy costs. This is one needed reform.

Larry N. Gerston teaches political science at **San Jose State University**. His most recent book is "Not So Golden After All: The Rise and Fall of California."

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H E A R S T

Ranked-choice voting: Costly, complicated, undemocratic

📄 www.pressherald.com/2016/09/30/maine-voices-ranked-choice-voting-costly-complicated-undemocratic/

By Gordon L. Weil Special to the Press Herald

HARPSWELL — Supporters of ranked-choice voting (Question 5 on the statewide ballot Nov. 8) have revealed two important facts about the proposal.

First, they believe that using it will change voter behavior and make us get along better politically with one another.

about the author

Gordon L. Weil of Harpswell is a former state agency head and municipal selectman and served on the staff of the U.S. Senate.

Second, they implicitly acknowledge that it is complicated and unprecedented by running a series of mock elections to select people's favorite beer.

But they have missed two important facts.

Ranked-choice voting is more expensive than either the current election system or any accepted alternative to plurality elections in which the candidate with the most votes wins.

And the proposed system is undemocratic and far more vulnerable to tampering than the current system.

Let's take a closer look.

In order to win a ranked-choice election, a candidate might need the second- and third-place votes from supporters of other candidates. Supporters think that candidates will go easy on one another to pick up those votes. That would bring a change in the political atmosphere, they say.

But today's deep partisan divisions are not likely so easily to give way to political peace. It may prove difficult for ideological candidates to gain backup support. Portland's nonpartisan mayoral race is a poor predictor of party politics.

In fact, if candidates line up deeply divided on the issues, it is far from sure that in critical elections, voters will cast even second-choice votes.

The state needs a system that will produce compromises, but that won't happen because of what is essentially a vote-counting gimmick. Forging compromises is a question of leadership.

The complexity of ranked-choice voting is obvious. Instead of simply voting for the candidate you prefer, each voter must have an election strategy. They have to guess at what will happen to their backup votes.

For example, in a four-way race, a voter who had supported only the first two candidates eliminated would then be stripped of any role in the ultimate election. To have their votes count in the last round, they would have had to vote for their first- and third-favorite choices, skipping the second. Confusing? Absolutely.

Proponents forecast a change in human behavior because of their system. But using such forecasts as the main argument in favor of a proposal is risky.

Then there's the higher cost of ranked-choice voting. According to the Maine Secretary of State's Office, the cost to the state of such an election would be about \$910,000 in the first year, compared with \$248,000 under the current system.

If Maine allowed a runoff election between the two highest vote getters, the cost would be only twice the current amount.

Another solution would be to have all candidates run in a single primary with the top two running in the general election. Used in California, that system would cost a bit less than today.

Though the focus is on the governor's race, at any one election there could be as many as 190 ranked-choice races to count: the governor, a U.S. senator, two U.S. House members and 186 members of the Maine Legislature. Any single voter could face a ballot with five ranked-choice votes.

One of the reasons for the higher cost of ranked-choice elections is the need to transport all ballots to a single counting location. They would then be run through a computer. Contrast that with more than 450 voting locations today, where the votes can be checked by direct viewing and the results easily totaled.

A single computer would be far more vulnerable to tampering. And any foul play would be invisible and might not be discovered for months or years after the election.

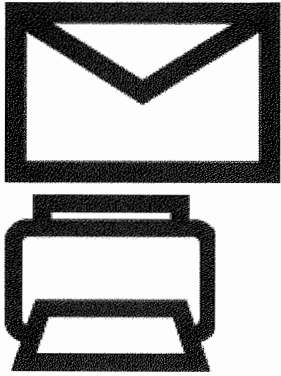
Finally, there's the matter of democracy itself. In the current system, a runoff or a top-two primary, voters can understand the consequences of their choices. In ranked-choice voting, voters cannot foresee the effect of their second- and third-choice votes.

Ranked-choice voting is not used in any federal or state election. Plurality voting, as in Maine, is used in 39 states. The rest use some form of runoff.

The reason is simple. In any currently used system, voters know the consequences of their votes. By contrast, ranked-choice voting is a costly shot in the dark.

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SANTA FE COUNTY CLERK'S OFFICE

FOR IMMEDIATE RELEASE

Santa Fe – August 1, 2013

Ranked-Choice Voting

Ranked-choice voting has been the topic of much discussion as New Mexico's 2014 municipal and statewide elections are fast approaching. This relatively new and somewhat controversial method of electing public officials has elicited strong feelings and opinions on both sides of the issue. But what exactly is ranked-choice voting, and what is its status in New Mexico?

What is Ranked-Choice Voting? Simply put, ranked-choice voting is a method of voting that allows voters to rank multiple candidates in order of preference. For example, suppose a city such as Santa Fe is electing a mayor. Instead of voting for one candidate, a voter simply ranks his or her top three (usually) choices. The ballot will count for the voter's second choice only if his or her first choice is eliminated; it will count for the voter's third choice only if the first two choices are eliminated.

Advantages and Disadvantages

Advocates of the ranked-choice system praise the process for its ability to determine a winner in a single election, regardless of the number of candidates, because of the way that the second and third votes cast for candidates are redistributed to others until someone emerges with a "majority," albeit an artificial majority.

They also laud the new process for the way that it helps establish acceptable candidates who are not necessarily the voters' first choice but are still highly respected nonetheless.

Detractors of the system point out that, in ranked-choice voting, the candidate who gets the most votes may not win because of the ability of another to gain more second and third-place votes. This, they maintain, is contrary to the generally accepted notion of elections that has been used for centuries.

Detractors also point out that ranked-choice voting has made it difficult for a loser in a multiple candidate contest to challenge the outcome of a close election. Because the challenger must pay the cost of re-tabulating votes, the large number of first, second and third place votes in a crowded race may make the cost prohibitive.

Finally, many have reported, and several polls have demonstrated, a significant element of confusion that accompanies ranked-choice voting. With large numbers of issues and candidates, voting is already a complex proposition. Many feel that the added complexity of ranked-choice voting will result in more, rather than less, confusion and mistakes made as a result.

Ranked-Choice Voting in New Mexico

Currently, the State of New Mexico does not use ranked-choice voting, although at least one jurisdiction (the City of Santa Fe) has mandated that it be used “as soon as equipment and software for tabulation of votes and the ability to correct incorrectly marked, in person ballots, is available at a reasonable price.”

Santa Fe County Clerk, Geraldine Salazar would like municipal voters to know that under New Mexico law, **counties do not purchase voting machines** and because current machines provided by the Secretary of State to the counties do not have the capability to count ranked choice ballots, ranked-choice voting has never been implemented. The Secretary of State’s Office is, however, in the process of evaluating proposals to purchase new voting tabulation machines. These new machines may or may not have the ability to tabulate ranked-choice votes, depending on several factors, including what machines are offered by the various vendors, how much they will cost, and, importantly, whether such tabulating machines can be certified to be consistent with New Mexico law requiring paper ballots.

For more complete discussion of the disadvantages of ranked-choice voting, see article entitled “Time to Yank Ranked-Choice Voting,” published in the San Francisco Chronicle on December 31, 2012. The article may be found at:

<http://www.sfgate.com/opinion/openforum/article/Time-to-yank-ranked-choice-voting-4158826.php>

END

Delivery alert until NaN

Supporters still hope for ranked-choice voting for Santa Fe's 2018 elections

By T. S. Last / Journal Staff Writer

Friday, July 7th, 2017 at 12:02am

SANTA FE, N.M. — Though the Santa Fe City Council decided last week to put off ranked-choice voting at least until 2020, there's a movement afoot to put the new voting method that was approved by the city's electorate more than nine years ago in place for next March's municipal elections.

FairVote, a nonpartisan group which, according to its website, works "to make American government more representative of the American people," is urging the council to reconsider last week's divided decision against implementing ranked-choice voting in 2018.

The group has allies in the Green Party, which helped push the initiative when 65 percent of city voters in 2008 approved an amendment to the city charter to implement ranked-choice voting, sometimes referred to as "instant runoff," and Common Cause New Mexico, another independent group that advocates for electoral reform.

"We're supporting it, but we're not putting on a full-court press," said Jim Harrington, state chairman for Common Cause.



Maria Perez

But FairVote New Mexico's state director, Maria Perez, said her group has contacted every city councilor and the mayor about reconsideration. "We're working hard to make sure this gets back on the table," she said.

Sky Tallman, chairman of the Green Party of Santa Fe County, said the party has long advocated for ranked-choice voting. "If we could affect one thing locally, that would be it," he said.



John Otter, shown here participating in a protest last year against the Dakota Access Pipeline, is among those urging the Santa Fe City Council to reconsider its vote last week to

delay implementation of ranked-choice voting. (Eddie Moore/Albuquerque Journal)

John Otter, who helped lead the Green Party's effort to put the charter amendment on the ballot in 2008, has sent an email to all members of the council and the mayor urging them to reconsider last week's vote. He addressed point by point the concerns brought up during the council meeting when a motion to delay implementation until after 2018 was narrowly approved.

"Ranked-choice voting is so simple," Otter said in a phone interview. "You put your first choice, your second choice and your third choice. If it's a good ballot design, there are good instructions on the ballot about how to vote, and you have well trained poll workers, there's no problem."

Not everyone agrees.

"What people present as a very simple idea is in fact very complicated in its execution," says former City Councilor Karen Heldmeyer. "There are many different ways to do ranked-choice voting and I just don't see how you can do it until you have a completely worked out proposal. And there's been absolutely no discussion about it."

With two councilors who potentially could have swung the vote the other way absent from the June 30 meeting, the mayor and the rest of the council spent about an hour in discussion before voting 4-3 to delay implementation, putting off use of ranked-choice voting until at least 2020.

Voting to delay were Councilors Mike Harris, Signe Lindell, Chris Rivera and Ron Trujillo. Their concerns largely centered around timing.

A contractor's software needed to implement ranked-choice voting has not yet been approved by the independent Voting System Test Lab at the U.S. Election Assistance Commission. It would then require certification by the Secretary of State's Office. The earliest the software could get through the process is the end of September.

City Clerk Yolanda Vigil, whose office runs elections, told the council she'd prefer having everything in place by Sept. 1, the beginning of the candidate qualifying period for the 2018 municipal election, because candidates expect that the "rules of the game" will be established by then.

Councilor Harris cited a history of missed deadlines by the company developing the software, Dominion Voting Systems, in his motion to delay implementation. Also, some councilors said there should be more time to educate voters about the new method of voting.

Opposing the delay motion were Joseph Maestas, Renee Villarreal and Mayor Javier Gonzales. The mayor said that in the event the software certification failed to come in time, the city could reset the existing, standard election format.

Absent were Councilors Peter Ives and Carmichael Dominguez. Ives said this week that because he missed out on the discussion, he couldn't say how he would have voted. Dominguez did not return phone messages from the Journal.

New to New Mexico

Had the council decided to move forward, next March's election at which a mayor and four city councilors will be selected would be the first in New Mexico decided using the ranked-choice voting.

Gonzales has not said whether he'll run for re-election, while Trujillo has announced his intention to run for mayor in 2018. Trujillo will be vacating his District 4 council seat that will be up for grabs in March, along with those of Dominguez, Lindell and Maestas.

Maestas is one who would like to see ranked-choice voting put back on the table. "At the time we took the vote, we were without two council members," he said Thursday. "For something as important as a certain kind of voting that's called for in the city charter, I would support bringing it back and having another vote with all governing body members present."

Mayor Gonzales said he understands there's a tight timeline and the burden it would place on the city clerk, "but as long as we can meet the timeline to get it certified prior to our own election resolution, I felt that this is something we should be doing," he said this week.

He said the official resolution setting the 2018 election won't come until early October, which would be after the date Secretary of State Maggie Toulouse Oliver has said she expects the software to be certified.

"She has run elections for the past eight years and I don't think she would communicate they'd have (the software) certified if she didn't think it could be achieved," Gonzales said.

He said the state Democratic Party came out in support of ranked-choice voting while he served as state chair, and he recognized then its advantages. "It really is an incredibly important democratic tool, especially the instant runoff aspect to assure whoever gets elected gets in with more than 50 percent of the vote," he said.

A decade of delays

Heldmeyer is partly responsible for the nearly decade-long delay in implementing ranked-choice voting in Santa Fe. While serving on the City Council when the charter amendment was proposed, she and then-Councilor Matthew Ortiz successfully had language added that said the ranked-choice voting would go into effect during the March 2010 election "or as soon thereafter when equipment and software for tabulating votes and allowing corrections of incorrectly marked, in-person ballots are available at a reasonable cost."

Back then, the cost estimate was in the range of \$250,000. Now, the cost is down to about \$39,000, according to Vigil.

Even so, Heldmeyer, who still pays close attention to city government, has concerns about how incorrectly marked ballots would be handled and other aspects of the plan that she says haven't been sorted out.

"There are several different paradigms for RCV that are used in different places in this country and elsewhere," she wrote in her own letter to the mayor and council before last week's vote. "Each of these can result in different final results depending on the submitted ballots. It seems to me that before any testing of the RCV software is attempted for Santa Fe, the city would have to decide which of those paradigms it wants to pursue. This is not a simple matter, one that may take some time to study and decide."

City Clerk Vigil said she was neither opposed nor in favor of implementation now. She just needed an answer from the City Council on how to proceed. "We want to make sure that when we do it, we've got to do it right," Vigil said.

Generally, and as the name suggests, ranked-choice voting requires voters to rank candidates in order of preference. If no candidate has more than 50 percent of the vote after the first count, the second choices of those who voted for the candidate receiving the least amount of votes are tallied and applied to those candidates' vote totals. This process is repeated until one candidate receives more than 50 percent of the vote.

Australian example

Ranked-choice voting has been used in Australia for more than a century. About a dozen American cities, including Berkeley, Calif., San Francisco, Minneapolis, and Telluride, Colo., use instant runoff.

A recent study of election methods by the League of Women Voters of Oregon cites research that suggests ranked-choice voting has several benefits. Voters have a wider range of options; the method is strongly resistant to strategic manipulation; it decreases the likelihood of the "spoiler effect," where an underdog, losing candidate still influences the outcome by taking votes from leading candidates; and makes campaigns more substantive, because candidates are less likely to risk alienating the supporters of their opponents with negative campaigning.

Perez, of FairVote, says ranked-choice voting also can lead to more equitable representation in government by encouraging minorities to run for office. She said many times people of color are reluctant to run because they are afraid of taking votes away from another minority candidate or one that appeals to minority voters.

"Candidates tend not to run because of that," she said. "With ranked-choice, they don't have to worry about being spoilers – getting a few votes and then those votes spoiling the election."

Who's a spoiler and who's not is debatable. Some called the Greens' Ralph Nader a spoiler for possibly tipping the scales of the crucial Florida vote in the 2000 presidential election to Republican George W. Bush by pulling votes from Democrat Al Gore. In New Mexico, Greens were accused of being spoilers in congressional and gubernatorial races won by Republicans in the 1990s.

Otter, of the Green Party, said voters prefer ranked-choice. They can "give a true preference" and "don't have to vote for the lesser of two evils," he said.

The method's drawbacks, according to the LWV of Oregon, include increased time to calculate votes and the need for an election administrator to step in to determine which candidates are eliminated each round. Also, recount procedures are more complicated. There have been instances where a candidate receiving the third most "first place" votes winds up the winner.

Heldmeyer says another concern is what to do with ballots that are "spoiled," or incorrectly marked. There may be a way to correct a problem at the polling place if the software is capable of catching mistakes, but what of mail-in votes?

She also says it hasn't been clearly defined how many candidates voters would rank. The top three choices? Top five? All of them?

And there is more than one type of ranked-choice voting method – including rating, range, majority judgment, and approval voting – that needs to be decided, she said.

City Clerk Vigil said how many candidates are ranked could be identified in the election ordinance. She said the software Dominion is developing would allow for up to nine choices.

Otter also cites statistics indicating voter education about ranked-choice voting doesn't matter much.

He said that in Portland, Maine, the city spent little money on voter education prior to implementing the ranked-choice method in 2011 and 99.83 percent of voters cast valid ballots in an election that included 15 candidates.

Perez agrees with Heldmeyer that up until now there hasn't been enough discussion about implementing something that was decided by votes nearly a decade ago. She said she found it "disturbing" that there was no opportunity for public comment at last week's City Council meeting.

"I hope we can get this done," Perez said. "It's the law; it's the will of the people. It's important that this City Council realizes that they work for the people."

Contact the writer.

ARGUMENTS

Ranked-Choice Voting Is Not the Solution

RCV, on the ballot next week in Maine, is far from an adequate fix to our deep-seated electoral woes.

BY SIMON WAXMAN FROM NOVEMBER 3, 2016, 3:03 PM – 10 MIN READ

TAGGED CAMPAIGN ELECTIONS GERRYMANDERING VOTING RIGHTS



Photo by nshepard via CC 2.0

As this merciless presidential election rounds its final bend, it has become commonplace to hear complaints of election rigging from the Republican nominee, Donald Trump. He has **urged his supporters** to be vigilant. Supposedly there are shenanigans going on at the polls, particularly in areas where lots of Democrats and nonwhite voters live.

Trump is one among millions of Americans **unaccountably nervous** about voter fraud. But it's hard not to sympathize with citizens' deeper anxiety that their votes don't really count. A recent **poll** conducted by the Public Religion Institute finds that only 55 percent of Democrats and 44 percent of Republicans believe their votes will be tallied accurately. This worry extends beyond mere errors of tabulation, though. **Voters say** their representatives are "out of touch" with them and too greatly influenced by special-interest money. Across the country, Americans **pine for nonpartisan redistricting**; voters believe gerrymandering has also diluted their voice.

It should come as no surprise, then, that some constituencies are turning to changes in voter procedure on the theory that, if elections were run better, elected officials would better mirror the preferences of voters. The most significant such reform now under consideration is an initiative on this year's ballot in Maine. If the **latest poll** is right, and the referendum on question 5 passes, the state's current electoral system will be scrapped and replaced with a method called ranked-choice voting (RCV).

Also known as instant-runoff voting, RCV allows voters to rank candidates by preference. If one candidate wins a majority of first-place votes, she is declared the winner. If no candidate takes a majority, then a series of virtual runoffs commences (virtual because voting takes place just once, and "runoffs" occur in the tallying process). In each runoff round, the last-place finisher is eliminated from contention. All ballots on which she was ranked first are now repurposed. The second-place candidate from these ballots is given another first-place vote in the next runoff. This process continues, with the worst performer in each round eliminated and remaining ranked candidates promoted, until one candidate has won at least half of the first-place votes. Sometimes. More on that later.

The Yes on 5 campaign argues that RCV will provide voters "more voice and more choice," as well as freedom from voting for the lesser of two evils. A voter can avoid the Ralph Nader effect and select a third-party candidate with little chance of winning, secure in the knowledge that a major-party candidate she can tolerate will benefit from her second-place vote. No more spoilers.

Backers of the initiative also argue that the new system will discourage negative campaigning because candidates risk losing valuable second- and third-place votes by alienating one another's strongest supporters. Proponents of RCV argue that the process will even reduce legislative gridlock. RCV "forces candidates to try to appeal to a broader cross-section of the public," political scientist Larry Diamond **writes**. This "makes it much more likely that the winner will be open to moderation, compromise and building governing coalitions."

So transformative is RCV, according to the question 5 campaign, that it will restore the crumbling bedrock of democracy: majority rule. "Our leaders should be elected by more

than half of us,” proponents say, noting that the winner in nine of the state’s last eleven gubernatorial races took less than half the vote. And when Portland, Maine’s largest city, used RCV for its mayoral election in 2011, **turnout exceeded predictions by 15 percentage points**, suggesting that the system may even boost participation. Anyone can get behind that.

But there are reasons for skepticism when it comes to RCV—and not just RCV itself, but the larger notion that what is broken in American politics, and therefore what will fix it, is procedure.

RCV hasn’t been used extensively in the United States. Nor has it been tested at the state level since the early twentieth century. But it has been used in municipal elections in California, Minnesota, Washington state, and elsewhere. And for nearly a hundred years, Australians have elected their lower house of parliament using the method.

A closer look at American and Australian RCV races suggests that the system probably won’t damage Maine’s voting process, but it probably won’t help much either. Few of the touted benefits are likely to materialize.

RCV regularly falls short of Yes on 5’s headline goal: a majority winner. In a 2014 **paper** in the journal *Electoral Studies*, political scientists Craig Burnett and Vladimir Kogan analyzed some 600,000 votes cast using RCV in four local elections in California and Washington. In none of the four did the winner receive a majority of votes cast.

How is this possible? On paper, RCV ensures that no one can win unless she receives more than half of the vote. But what works on paper doesn’t necessarily on ballots.

The problem is exhaustion. Not the kind you’re experiencing now, as you cry yourself to sleep at the prospect of another day absorbing the pay-per-view punishment of “Clinton v. Trump: The Rumble in the Rustbelt.” No, this is ballot exhaustion, which happens when voters rank too few candidates to stay meaningful until the final runoff. Say there are five candidates running, but the voter ranks only three, and all three are eliminated

prior to the last round. As a result, none of their votes will have gone to the winning candidate or the runner-up. In effect, their ballot doesn't figure in the outcome.

This may sound like a marginal problem, but its effects can be substantial. Of the four elections Burnett and Kogan studied, none produced an exhaustion rate lower than 9.6 percent. In one case, the 2011 San Francisco mayoral race, just over 27 percent of valid first-round ballots were exhausted before the last tally. "Voters who cast these discarded ballots had no say in the final round of vote redistribution, which decided the election outcome," Burnett and Kogan write. This is akin to saying that, thanks to RCV, 27 percent of voters who cast primary ballots sat out the general.

When RCV does produce majorities, they may be unconvincing. In 2010 the Australian Labor Party won the House of Representatives with just 38 percent of first-place votes on the initial ballot, while the second-place Liberal-National coalition captured 43 percent. That hardly sounds like a firm mandate.

So much for guaranteed majority rule. What about a more pleasant campaign atmosphere, no-guilt third-party voting, and legislative moderation? Experience suggests there isn't a lot to look forward to on these fronts, either.

For one thing, much of campaigning in America isn't done by the candidates themselves but instead by ideologically driven political action committees. A candidate may lay off a near competitor in order to court second-place ballots, but Heritage Action, Planned Parenthood, and other issue organizations in the scrum don't have anything to gain from compromise.

Quite to the contrary, the system may give life to more strident candidates, hoping to siphon first-place ballots from extreme voters who will give second preference to whichever major party is closest to them. This could result in more comity between the major-party candidates, as fringier competitors blot the airwaves with attacks. Or it might produce strategic coalitions sniping at each other, leaving us effectively back where we started.

But we needn't rely on hypotheticals. Negative advertising is all over Australian elections. David Crowe, a columnist for *The Australian*, apparently didn't get the word about his country's gentle electioneering. He **likened** the scare tactics of this year's federal campaign to those of 2010, another recent "display of pure political desperation."

Don't expect ad buys to fall under an RCV system, either. When Oakland first tried RCV for its mayoral race in 2010, candidates spent \$1 million; the 2014 race cost them nearly \$1.8 million. This may reflect the sense that RCV makes viable a wider range of candidates, so more people run. One way or another, it doesn't sound like a recipe for a smaller TV war or reduced bickering.

There is also little reason to believe that RCV will promote legislative moderation—or new campaign tactics—at the federal level, because it usually produces outcomes similar to what one would expect from a standard plurality system. In the 2013 Australian federal election, 90 percent of constituencies elected the **candidate with the most first-preference votes**, which suggests that choice ranking had little effect on the outcome.

And it is hard to ignore the resemblance between the Australian and U.S. governments, as far as partisan divisions go. Despite RCV, just two governments have led in Australia for almost the entire history of the current Federal Parliament: Labor and Liberal-National. (Technically the Liberal and National parties are separate, but they have been allied since the 1920s, and, at least at the national level, a vote for one is effectively a vote for the other.) Every time there is a federal election in Australia, one of the two major parties wins, RCV be damned.

Australians do vote for third-parties at a greater rate than Americans. But this makes sense in a parliamentary system, where small parties can wield outsized influence by joining governing coalitions. That is extremely rare in the American system, so there is little potential for third-party influence, even if RCV could bring more independents into legislatures. It is not a bad thing if RCV enables no-guilt third-party voting, but doing so won't wrest power from Democrats and Republicans and turn it over to independents.

None of this is to say that RCV is sure to be hazardous. Maybe it is even an experiment worth trying. But it is notable that, in the midst of a presidential campaign that has unmasked deep and dangerous fissures in American politics, concerned citizens are looking to procedural minutiae as their savior. It is difficult to avoid the conclusion that voters are grasping for a solution as simple as the problem is daunting.

The appeal to procedural tweaks reflects a belief that, through technique, genuine differences of opinion in the electorate can be overcome. This might have some merit if those differences were based in policy views, presumably amenable to revision. But policy has **never been a major driver of voting decisions**. Rather, what moves voters is whether they think the incumbent party was good for their bank accounts and whether a candidate promotes their group interests, **which are powerfully delineated by race**.

If we can't engineer our way around fundamental differences, the voting system could at least ensure that they are represented in legislatures. But failures of representation don't stem primarily from flawed voting procedure. Even the effects of gerrymandering are **overblown**. Instead, political scientist Martin Gilens has figured out why legislators aren't listening to you: It's because you're not rich. His **analysis** of decades of public opinion polling and subsequent Congressional action finds, "In most circumstances, affluent Americans exert substantial influence over the policies adopted by the federal government, and less well off Americans exert virtually none." The economy of influence surrounding campaign finance is considerably to blame for this.

We are thus left with a plutocracy insulated by **election laws that confuse corruption with free speech** and by voters who don't care about policy details, leaving legislators to continue doing the bidding of donors while riling the troops with identity politics.

If this seems rather hopeless, try technical meddling. That may dull the despair.

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[VOTING RIGHTS](#)

SIMON WAXMAN is a freelance writer and book editor and former Managing Editor of *Boston Review*. His work has appeared in *The Washington Post*, *New Republic*, *The Boston Globe*, *Los Angeles Review of Books*, *The American Prospect*, and elsewhere. Find him on twitter @simonwaxman, and on his website waxmanwrites.wordpress.com.

[CLICK TO](#)
VIEW COMMENTS

Las Acequias Neighborhood Association
P.O. Box 28062
Santa Fe, NM 87532

July 21, 2017

The Honorable Mayor Javier Gonzales
The Honorable City Council Members
200 Lincoln Avenue
Santa Fe, NM 87504

Dear Mayor Gonzales and City Councilors:

The Las Acequias Neighborhood Association (LANA) consists of approximately 650 homes located in the heart of Santa Fe's south side. There is a population of approximately 4,890 people. Our residents are working middle class families with children attend Santa Fe's public and private schools.

On June 22, 2017, the LANA Board of Directors was given a presentation by the City's Office of Economic Development on the Meow Wolf economic development project. Accordingly, Meow Wolf, Inc. has applied for Local Economic Development Act (LEDA) funding from the State of New Mexico and the City of Santa Fe in the amount of \$1.1 million. The LANA Board strongly supports the City of Santa Fe and the State of New Mexico investment of \$1.1 million to establish their world headquarters in Santa Fe.

Meow Wolf's World Headquarters will be located at the Caterpillar building on the south side of Santa Fe and will house a creative studio, manufacturing operation, research and development, arts, design, digital fabrication and other technology necessary to create their immersive experiential art exhibit. They will employ 250-300 people and these jobs are estimated to pay an average wage of \$46,000 per year with benefits.

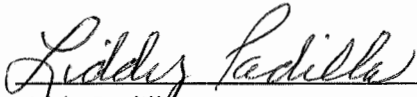
We believe in Meow Wolf's current and future success. We believe that they will employ our children, grand children and other members of our community here on the south side and all of Santa Fe. We believe that these career opportunities are essential for Santa Fe's future. Meow Wolf is attracting young people and many of these young people are returning to Santa Fe because of these career opportunities created for them to live and work in our community.

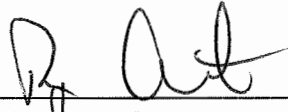
Therefore, we strongly request that the Santa Fe City Council approve the LEDA investment in Meow Wolf's headquarters to anchor Meow Wolf in Santa Fe and assist them in growing their business so that these high paying career jobs remain in Santa Fe.

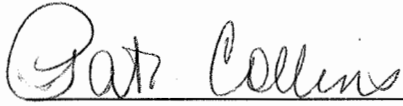
Sincerely,

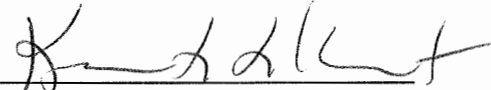
Las Acequias Neighborhood Association Board of Directors:

Exhibit "17"


Liddy Padilla – Secretary


Ray Acosta – Treasurer


Pat Collins – Director


Kenneth Kast – Director


Bobby Trasp – Director


Linda Wilder Flatt - Director

CC:

Mayor Pro Tem Signe Lindell

Councilor Michael Harris

Councilor Ron Trujillo

Councilor Carmichael Dominguez

Councilor Christopher Rivera

Councilor Peter Ives

Councilor Joseph Maestas

Councilor Renee Villarreal

BYERS, MELISSA D.

From: CenturyLink Customer <richardbarela@q.com>
Sent: Wednesday, July 26, 2017 10:10 AM
To: BYERS, MELISSA D.
Subject: Re: Contact Information for Mayor and Councilors

ITEM # H-9

Melissa,

I've been unsuccessful in sending this message to the Mayor and Councilors. When you get this, would you please put a copy or e-mail in their box?

Gracias,
Richard Barela

July 26, 2017

RE: Unmanned Speed Vans

I urge you to vote against the proposal to revive the Speed Vans contract to out of state suppliers.

1. Santa Fe's hard working low wage and mid wage workers will be the people that will be mostly financially affected by this punitive program. A \$100 ticket means the water or utility bill cannot be paid. Seizure of their vehicle means they lose transportation to their jobs.
2. The out of state companies cut of the \$100 is 50 % +. In this case, based on projections, they will receive at least \$400,000. I know of no business that makes such a large guaranteed profit, and is provided with customers, facilities (the roads of Santa Fe.) What is left for Santa Fe is used to set up another city bureau to administer the program. This isn't about safety, it is about revenue for the cash strapped city. Use the police to enforce speed laws, not vans.
3. The former program was disparate in enforcement. Vans were seldomly placed on the cities north and east side. But placed primarily on Rodeo, Zia, Siringo, Airport Road, West Alameda, Agua Fria, etc.
4. Citizens in Albuquerque and Las Cruces have voted against placing speed vans in their cities. Let Santa Fe citizens vote against this program.

Exhibit 98

NATIONAL TRANSPORTATION SAFETY BOARD**Public Meeting of July 25, 2017****(Information subject to editing)****Safety Study****Reducing Speeding-Related Crashes Involving Passenger Vehicles****NTSB/SS-17/01**

This is a synopsis from the NTSB's Safety Study and does not include the Board's rationale for the conclusions and safety recommendations. NTSB staff is currently making final revisions to the report from which the attached conclusions and safety recommendations have been extracted. The final report and pertinent safety recommendation letters will be distributed to recommendation recipients as soon as possible. The attached information is subject to further review and editing.

EXECUTIVE SUMMARY

Speeding – exceeding a speed limit or driving too fast for conditions – is one of the most common factors in motor vehicle crashes in the United States. In this safety study, the National Transportation Safety Board (NTSB) examines causes of and trends in speeding-related passenger vehicle crashes and countermeasures to prevent these crashes.

Why the NTSB Did This Study

From 2005 through 2014, crashes in which a law enforcement officer indicated a vehicle's speed was a factor resulted in 112,580 fatalities, representing 31% of all traffic fatalities. Speeding or speed has been cited as a safety issue, or a causal or contributing factor in 49 major NTSB highway accident investigations since 1967. Although recent speeding-related NTSB investigations have primarily involved large trucks and buses, most speeding-related crashes involve speeding passenger vehicles. In 2014, passenger vehicles constituted 77% of speeding vehicles involved in fatal crashes, and 78% of all speeding-related fatalities involved a speeding passenger vehicle. This study leverages prior NTSB investigations, together with other research, to address the national safety issue of speeding among passenger vehicle drivers.

In this study, the NTSB used a combination of quantitative and qualitative methods to summarize the risks of speeding, describe the scope of the problem, and promote the use of proven and emerging speeding countermeasures. This included a literature survey; analyses of speeding-related crash data; and interviews with national, state, and local traffic safety stakeholders. The stakeholders were representatives from transportation and highway safety agencies, law enforcement agencies, automobile manufacturers, research institutions, advocacy groups, equipment vendors, personal auto insurance providers, and professional associations.

This study assessed speeding among passenger vehicle drivers in a broad sense, as a factor that contributes to crashes and injury severity. Several, of many, potential solutions to the issue of speeding-related crashes are discussed. The solutions do not address every cause of

Exhibit "19"

speeding or type of speeding-related crash, but they are intended to be widely applicable to a significant portion of these crashes.

What the NTSB Found

Speed – and therefore speeding – increases crash risk in two ways: (1) it increases the likelihood of being involved in a crash, and (2) it increases the severity of injuries sustained by all road users in a crash.

The relationship between speed and crash involvement is complex, and it is affected by factors such as road type, driver age, alcohol impairment, and roadway characteristics like curvature, grade, width, and adjacent land use. In contrast, the relationship between speed and injury severity is consistent and direct. Higher vehicle speeds lead to larger changes in velocity in a crash, and these velocity changes are closely linked to injury severity. This relationship is especially critical for pedestrians involved in a motor vehicle crash, due to their lack of protection.

Typically, speed limits are set by statute, but adjustments to statutory speed limits are generally based on the observed operating speeds for each road segment—specifically, the 85th percentile speed of free-flowing traffic. Raising speed limits to match the 85th percentile speed can result in unintended consequences. It may lead to higher operating speeds, and thus a higher 85th percentile speed. In general, there is not strong evidence that the 85th percentile speed within a given traffic flow equates to the speed with the lowest crash involvement rate for all road types. Alternative approaches and expert systems for setting speed limits are available, which incorporate factors such as crash history and the presence of vulnerable road users such as pedestrians.

Speed limits must be enforced to be effective, and data-driven, high-visibility enforcement is an efficient way to use law enforcement resources. The success of data-driven speed enforcement programs depends on the ability to measure and communicate their effectiveness. However, law enforcement reporting of speeding-related crashes is inconsistent, which leads to underreporting of speeding-related crashes. This underreporting leads stakeholders and the public to underestimate the overall scope of speeding as a traffic safety issue nationally and hinders the effective implementation of data-driven speed enforcement programs locally.

Automated speed enforcement (ASE) is also widely acknowledged as an effective countermeasure to reduce speeding-related crashes, fatalities, and injuries. However, only 14 states and the District of Columbia use it. Many states have laws that prohibit or place operational restrictions on ASE, and federal guidelines for ASE are outdated and not well known among ASE program administrators. Point-to-point enforcement, which is based on the average speed of a vehicle between two points, can be used on roadway segments many miles long. This type of ASE has had recent success in other countries, but it is not currently used in the United States.

Vehicle technologies can also be effective at reducing speeding. Intelligent speed adaptation (ISA) uses an onboard global positioning system or road sign-detecting camera to determine the speed limit; it then warns drivers when they exceed the speed limit, or prevents drivers from exceeding the speed limit by electronically limiting the speed of the vehicle. Although passenger vehicle manufacturers are increasingly equipping their vehicles with technologies relevant to speeding, these technologies often are not standard features and require the purchase of certain option packages. New car safety rating systems are one effective way to incentivize the manufacture and purchase of passenger vehicles with advanced safety systems such as ISA.

Finally, the current level of emphasis on speeding as a national traffic safety issue is lower than warranted. Current federal-aid programs do not ensure that states fund speed management activities at a level commensurate with the national impact of speeding on fatalities and injuries. Also, unlike other traffic safety issues with a similar impact (such as alcohol-impaired driving) there are no nationwide programs to increase public awareness of the risks of speeding. Although the US Department of Transportation (DOT) has established a multi-agency team to coordinate speeding-related work throughout the DOT, this team's work plan does not include means to ensure that the planned actions are completed in a timely manner.

FINDINGS

1. Speed increases the likelihood of serious and fatal crash involvement, although the exact relationship is complex due to many factors.
2. Speed increases the injury severity of a crash.
3. Drivers report understanding that speeding is a threat to safety but acknowledge it is a common driving behavior in the United States.
4. The *Manual on Uniform Traffic Control Devices* guidance for setting speed limits in speed zones is based on the 85th percentile speed, but there is not strong evidence that, within a given traffic flow, the 85th percentile speed equates to the speed with the lowest crash involvement rate on all road types.
5. Unintended consequences of the reliance on using the 85th percentile speed for changing speed limits in speed zones include higher operating speeds and new, higher 85th percentile speeds in the speed zones, and an increase in operating speeds outside the speed zones.
6. Expert systems such as USLIMITS2 can improve the setting of speed limits by allowing traffic engineers to systematically incorporate crash statistics and other factors in addition to the 85th percentile speed, and to validate their engineering studies.
7. The safe system approach to setting speed limits in urban areas is an improvement over conventional approaches because it considers the vulnerability of all road users.

8. Speeding-related performance measures are needed to determine the effectiveness of data-driven, high-visibility enforcement programs and to communicate the value of these programs to law enforcement officers and the public.
9. The involvement of speeding passenger vehicles in fatal crashes is underestimated.
10. The lack of consistent law enforcement reporting of speeding-related crashes hinders the effective implementation of data-driven speed enforcement programs.
11. Automated speed enforcement is an effective countermeasure to reduce speeding-related crashes, fatalities, and injuries.
12. The lack of state-level automated speed enforcement (ASE) enabling legislation, and restrictions on the use of ASE in states where legislation exists, have led to underuse of this effective speeding countermeasure.
13. Federal guidelines for automated speed enforcement (ASE) programs do not reflect the latest technologies and operating practices and are not very effective because their existence is not well known among the ASE program administrators.
14. Point-to-point speed enforcement has been shown to be an effective speeding countermeasure internationally, but it is not currently used in the United States.
15. Intelligent speed adaptation is an effective vehicle technology to reduce speeding.
16. New car safety ratings are effective in incentivizing consumers to purchase passenger vehicles with advanced safety systems.
17. Traffic safety campaigns that include highly publicized, increased enforcement can be an effective speeding countermeasure, but their inconsistent and infrequent use by states hinders their effectiveness.
18. The current level of emphasis on speeding as a national traffic safety issue is lower than warranted and insufficient to achieve the goal of zero traffic fatalities in the United States.
19. Current federal-aid programs do not require or incentivize states to fund speed management activities at a level commensurate with the national impact of speeding on fatalities and injuries.
20. The US Department of Transportation (DOT) Speed Management Program Plan identifies important actions to reduce speeding-related fatalities, but the DOT has not tracked or ensured the timely implementation of these actions.

RECOMMENDATIONS

New Recommendations

As a result of this safety study, the National Transportation Safety Board makes the following safety recommendations:

To the US Department of Transportation:

1. Complete the actions called for in your 2014 Speed Management Program Plan, and periodically publish status reports on the progress you have made.

To the National Highway Traffic Safety Administration:

2. Identify speeding-related performance measures to be used by local law enforcement agencies, including—but not limited to—the numbers and locations of speeding-related crashes of different injury severity levels, speeding citations, and warnings, and establish a consistent method for evaluating data-driven, high-visibility enforcement programs to reduce speeding. Disseminate the performance measures and evaluation method to local law enforcement agencies.
3. Identify best practices for communicating with law enforcement officers and the public about the effectiveness of data-driven, high-visibility enforcement programs to reduce speeding, and disseminate the best practices to local law enforcement agencies.
4. Work with the Governors Highway Safety Association, the International Association of Chiefs of Police, and the National Sheriffs' Association to develop and implement a program to increase the adoption of speeding-related *Model Minimum Uniform Crash Criteria Guideline* data elements and improve consistency in law enforcement reporting of speeding-related crashes.
5. Work with the Federal Highway Administration to update the *Speed Enforcement Camera Systems Operational Guidelines* to reflect the latest automated speed enforcement (ASE) technologies and operating practices, and promote the updated guidelines among ASE program administrators.
6. Work with the Federal Highway Administration to assess the effectiveness of point-to-point speed enforcement in the United States and, based on the results of that assessment, update the *Speed Enforcement Camera Systems Operational Guidelines*, as appropriate.

7. Incentivize passenger vehicle manufacturers and consumers to adopt intelligent speed adaptation (ISA) systems by, for example, including ISA in the New Car Assessment Program.
8. Collaborate with other traffic safety stakeholders to develop and implement an ongoing program to increase public awareness of speeding as a national traffic safety issue. The program should include, but not be limited to, initiating an annual enforcement mobilization directed at speeding drivers.
9. Establish a program to incentivize state and local speed management activities.

To the Federal Highway Administration:

10. Revise Section 2B.13 of the *Manual on Uniform Traffic Control Devices* so that the factors currently listed as optional for all engineering studies are required, require that an expert system such as USLIMITS2 be used as a validation tool, and remove the guidance that speed limits in speed zones should be within 5 mph of the 85th percentile speed.
11. Revise Section 2B.13 of the *Manual on Uniform Traffic Control Devices* to, at a minimum, incorporate the safe system approach for urban roads to strengthen protection for vulnerable road users.
12. Work with the National Highway Traffic Safety Administration to update the *Speed Enforcement Camera Systems Operational Guidelines* to reflect the latest automated speed enforcement (ASE) technologies and operating practices, and promote the updated guidelines among ASE program administrators.
13. Work with the National Highway Traffic Safety Administration to assess the effectiveness of point-to-point speed enforcement in the United States and, based on the results of that assessment, update the *Speed Enforcement Camera Systems Operational Guidelines*, as appropriate.

To the seven states prohibiting automated speed enforcement:

14. Amend current laws to authorize state and local agencies to use automated speed enforcement.

To the 28 states without automated speed enforcement laws:

15. Authorize state and local agencies to use automated speed enforcement.

To the 15 states with automated speed enforcement restrictions:

16. Amend current laws to remove operational and location restrictions on the use of automated speed enforcement, except where such restrictions are necessary to align with best practices.

To the Governors Highway Safety Association:

17. Work with the National Highway Traffic Safety Administration, the International Association of Chiefs of Police, and the National Sheriffs' Association to develop and implement a program to increase the adoption of speeding-related *Model Minimum Uniform Crash Criteria Guideline* data elements and improve consistency in law enforcement reporting of speeding-related crashes.

To the International Association of Chiefs of Police:

18. Work with the National Highway Traffic Safety Administration, the Governors Highway Safety Association, and the National Sheriffs' Association to develop and implement a program to increase the adoption of speeding-related *Model Minimum Uniform Crash Criteria Guideline* data elements and improve consistency in law enforcement reporting of speeding-related crashes.

To the National Sheriffs' Association:

19. Work with the National Highway Traffic Safety Administration, the Governors Highway Safety Association, and the International Association of Chiefs of Police to develop and implement a program to increase the adoption of speeding-related *Model Minimum Uniform Crash Criteria Guideline* data elements and improve consistency in law enforcement reporting of speeding-related crashes.