



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
NOVEMBER 8, 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: Regular City Council Meeting – October 25, 2017
9. PRESENTATIONS
10. CONSENT CALENDAR
 - a) Request for Approval of Procurement Under State, Federal and National IPA Agreements in an Amount Above \$50,000 for City Wide Hardware and Software; Various Vendors. (David Kulb)
 - b) Request for Approval of Procurement Under State Price Agreement in the Amount of \$29,300 for Renewal of Software Maintenance Services; Environmental Systems Research Institute. (Bogi Malecki)
 - c) Request for Approval of Amendment No. 4 to Professional Services Agreement in the Amount of \$348,109 for Project Management and Professional Services to Support the Utility Customer Information and Billing System Implementation Project; BerryDunn McNeil & Parker, LLC. (Renee Martinez and Shannon Jones)
 - d) Request for Approval of Professional Services Agreement in the Amount of \$256,000, Exclusive of NMGR, to be Paid Over a Four Year Term, (\$68,000 During 60-Day Legislative Sessions and \$60,000 During 30-Day Legislative Sessions) for Lobbyist Services (RFP #18/07/P); Mark A. Duran and Associates. (Brian Snyder)

CITY CLERK'S OFFICE

DATE 11/3/17 TIME 4:15 PM

SERVED BY [Signature]

RECEIVED BY [Signature]



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CITY COUNCIL CHAMBERS

- e) Request for Approval of Exempt Procurement for Membership Dues and Subscriptions in the Amount of \$75,000, Inclusive of NMGRT; New Mexico Municipal League. (Adam Johnson)
- f) Request for Approval of Professional Services Agreement in the Amount of \$67,000 for Purchase and Installation of Equipment; National Dance Institute of New Mexico. (David Chapman)
 - 1) Request for Approval of Budget Amendment.
- g) Request for Approval of Staff Recommendations for the North Central Regional Transit District and City of Santa Fe Transit System Consolidation Analysis Final Report. (Keith Wilson)
- h) Request for Approval of a Comprehensive Opioid Abuse-Site Based Program Grant, Award Number #2017-Ar-Bx-K032 in the Amount of \$298,594; Department of Justice/Bureau of Justice Assistance. (David Chapman)
 - 1) Request for Approval of Budget Amendment.
- i) Request for Approval of Change Order No. 3 to Professional Services Agreement in the Amount of \$39,980, Inclusive of NMGRT, for a Total Contract Amount of \$173,555, Inclusive of NMGRT, for Hospital Tank Project; MWH Constructors. (Kristin Johansen)
- j) Request for Approval of a Severance Tax Bond Agreement in the Amount of \$230,000 to Plan, Design, Renovate, Construct, Improve and Equip a Facility for a Meals Program Serving Homebound and Special Needs Individuals; State of New Mexico Department of Finance Administration. (David Chapman)
 - 1) Request for Approval of Budget Amendment.
- k) Request for Approval of Severance Tax Bond Agreement in the Amount of \$78,000 to Purchase and Install Equipment for The Dance Barns Facility; State of New Mexico Department of Finance Administration. (David Chapman)
 - 1) Request for Approval of Budget Amendment.



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- l) Request for Approval of City of Santa Fe Schedule for 2018 City Council and Council Committee Meetings. (Yolanda Y. Vigil)
- m) CONSIDERATION OF RESOLUTION NO. 2017-____. (Mayor Gonzales)
A Resolution Authorizing Tourism Santa Fe to Enter into a Franchise Agreement with Gran Fondo New York to Develop a Preliminary Event in Santa Fe. (Randy Randall)
Fiscal Impact: Expenditures = \$322,500; Revenue = \$262,500
- n) CONSIDERATION OF RESOLUTION NO. 2017-____. (Mayor Gonzales and Councilor Ives)
A Resolution in Support of the 100th Anniversary of the New Mexico Museum of Art on November 25, 2017 and Authorizing the Waiving of All Associated Fees for The Celebration. (Debra Garcia y Griego)
- o) CONSIDERATION OF RESOLUTION NO. 2017-____. (Renee 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. (Jesse Guillen)
- p) Request for Approval to Publish Notice of Public Hearing on December 13, 2017: (Councilor Villarreal) (Reed Liming)
 - 1) **RESOLUTION NO. 2017-____.** A Resolution Adopting the West Santa Fe River Corridor Plan as an Official Amendment to the General Plan and Specifically Amending the Future Land Use Map.
 - 2) **BILL NO. 2017-29.** An Ordinance Relating to the Land Development Code Chapter 14 SFCC 1987 Regarding the West Santa Fe River Corridor Plan; Creating a New Section 14-5.11 SFCC 1987 to Establish the West Santa Fe River Corridor Overlay Zoning District.
- q) Request for Approval of Amendment No. 1 to Professional Services Agreement in the Amount of \$50,000, Exclusive of NMGRT, for Consulting Services; A. Anderson Consulting, LLC. (Adam Johnson)
- 11. Request for Approval of Memorandum of Understanding By and Between the City of Santa Fe and AFSCME Regarding the Expenditure of Unspent Monies Appropriated to AFSCME in Fiscal Year 2017/2018 Pursuant to Article 26, Section 5 B of the Collective Bargaining Agreement. (Renee Martinez)



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12. Request for Approval of Agreement Between the City of Santa Fe and the Santa Fe Police Officers Association (SFPOA). (Deputy Chief Andrew Padilla)
13. Request for Approval to Publish Notice of Public Hearing on December 13, 2017:
 - a) **BILL NO. 2017-30.** An Ordinance Relating to the Land Development Code, Chapter 14 SFCC 1987; Amending Subsection 14-5.5(C)(1) to Clarify That Incentivizing Certain Uses is Part of the Purpose of the Overlay District; Amending Subsection 14-5.5(C)(5) to Provide that the Land Use Director May Allow Vehicular Access From Other Than the Side or Rear of a Lot if Such Access is Infeasible and to Provide Setbacks From the Airport Road Right-of-Way for New Development of Certain Types of Uses; Amending Subsection 14-5.5(C)(11) to Modify the Types of Uses Eligible for Incentives; and Making Such Other Changes That are Necessary to Carry Out the Purpose of This Ordinance. (Councilor Dominguez and Councilor Rivera) (Matthew O'Reilly)
 - b) **BILL NO. 2017-31.** An Ordinance Repealing Section 2-22 SFCC 1987 internal Audit Department in its Entirety; and Amending Section 6-5 SFCC 1987 to Charge the Audit Committee with the Management of an Independent Audit Contract to Perform the Functions Currently Performed by the Internal Auditor. (Mayor Gonzales and Councilor Harris) (Kelley Brennan)
14. **PUBLIC HEARING:**

CONSIDERATION OF RESOLUTION NO. 2017-____. (Councilor Ives)

A Resolution Directing City Staff to Prepare Undeveloped City-Owned Real Property Located at the Northeast Corner of Yucca Street and West Zia Road for Donation to a Qualified Grantee as Defined by the New Mexico Affordable Housing Act for the Development of a Multi-Family Residential Low Income Housing Tax Credit Project Pursuant to the Affordable Housing Act. (Matthew O'Reilly) (**Postponed on October 11, 2017**)

Fiscal Impact:

\$13,000 for Costs Associated with Survey Platting, a Traffic Study, and Posting/Advertising of the Future Land Use Map Amendment and Rezoning Applications.
15. **MATTERS FROM THE CITY MANAGER**



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CITY COUNCIL CHAMBERS

16. MATTERS FROM THE CITY ATTORNEY

Executive Session

In Accordance with the New Mexico Open Meetings Act §§10-15-1(H) (7), and (8) NMSA 1978, Discussion Regarding Threatened and Pending Litigation in Which the City of Santa Fe Is or May Become a Participant, Including, without Limitation, Discussion Regarding *State of New Mexico, ex rel., Maria Perez, Craig O'Hare, Ellen Ackerman, Sage Bird, and Anne Noss v. City Council of Santa Fe, New Mexico and Mayor Javier Gonzales, as the governing body of the City of Santa Fe, New Mexico*; and Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights by the City of Santa Fe, Including, without Limitation, Discussion Relating to the Santa Fe University of Art and Design. (Kelley Brennan)

17. MATTERS FROM THE CITY CLERK

18. 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



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REGULAR MEETING OF
THE GOVERNING BODY
NOVEMBER 8, 2017
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H. PUBLIC HEARINGS:

- 1) CONSIDERATION OF BILL NO. 2017-24: ADOPTION OF ORDINANCE NO. 2017-____. (Mayor Gonzales and Councilor Ives)
An Ordinance Authorizing the Issuance and Sale of the City Of Santa Fe, New Mexico Gasoline Tax/Subordinate Lien Gross Receipts Tax Improvement Revenue Bonds, Series 2017 in an Aggregate Principal Amount Not to Exceed \$13,500,000 for the Purpose of Defraying the Cost of Constructing, Reconstructing, Resurfacing, Maintaining, Acquiring Rights of Way, Repairing and Otherwise Improving Municipal Buildings, Alleys, Streets, Public Roads and Bridges or Any Combination of the Foregoing Purposes; Providing that the Bonds Will be Payable and Collectible from Gasoline Tax Revenues and Certain Gross Receipts Tax Revenues Distributed to the City; Delegating Authority to the City Finance Director to Approve the Final Principal Amount, Interest Rates and Other Details of the Bonds Within the Parameters Set Forth in This Authorizing Ordinance; Delegating Authority to the City Finance Director to Execute and Deliver a Bond Purchase Agreement for the Sale of the Bonds; Providing for the Collection of Certain Gasoline Tax Revenues and Gross Receipts Tax Revenues; Approving Certain Other Agreements and Documents in Connection with the Bonds; Ratifying Action Previously Taken in Connection with the Bonds; Repealing All Ordinances in Conflict Herewith; and Related Matters. (Bradley Fluetsch) (Postponed on October 11, 2017) **(Postponed on October 25, 2017)**
- 2) Request from Enchanted Vine, LLC for a Winegrower 1st Offsite Location License, for Both On-Premise and Off-Premise Consumption, to be Located at Noisy Water Santa Fe, 219 W. San Francisco Street, Santa Fe. (Yolanda Y. Vigil)
- 3) Request from MW Santa Fe, LLC, 1352 Rufina Circle, for the following: (Yolanda Y. Vigil) (Public Hearing Closed) **(Postponed on October 25, 2017)**
 - a) Pursuant to §60-6B-10 NMSA 1978, a Request for a Waiver of the 300 Foot Location Restriction to Allow the Sale of Alcohol at Meow Wolf, 1352 Rufina Circle, Which is Within 300 Feet of La Petite Academy, 1361 Rufina Circle.
 - b) If the Waiver of the 300 Foot Restriction is Granted, a Request for Transfer of Ownership and Change of Location of Inter-Local Dispenser Liquor License No. 2644 with On-Premise Consumption Only and Patio Service, from Paris Holdings, LLC, dba El Fogon Restaurant, 3414 N. Lovington Hwy, Hobbs to MW Santa Fe, LLC, dba Meow Wolf, 1352 Rufina Circle.



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- 4) CONSIDERATION OF BILL NO. 2017-26: ADOPTION OF ORDINANCE NO. 2017-____. (Councilor Villarreal, Councilor Dominguez and Councilor Ives)
An Ordinance Amending Subsection 23-6.2 And 23-6.3 SFCC 1987 to Exempt Areas in the Railyard From Certain Regulations Relating to the Sale and Consumption of Alcohol on City Property. (Alfred Walker)
- 5) CONSIDERATION OF BILL NO. 2017-28: ADOPTION OF ORDINANCE NO. 2017-____.
Case #2017-72. Antigua Sol Rezone Amendment. JenkinsGavin, Inc., Agent for Antigua Sol LLC, Requests to Amend Various Conditions of Approval from Ordinance #2006-67 Which Rezoned Tracts 1, 2 & D-1, Wagon Road from I-1 and C-1 to R-21-PUD (Residential - 21 Units Per Acre – Planned Unit Development). The Three Tracts Total Approximately 14.58± Acres and Are Located South of Santa Fe Place Mall Along the South Side of Wagon Road and East of Office Court Drive. (Donna Wynant)

I. ADJOURN

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

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

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

SUMMARY INDEX
SANTA FE CITY COUNCIL MEETING
November 8, 2017

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-4
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – October 25, 2017	Approved	4
PRESENTATIONS	None	4
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$256,000, EXCLUSIVE OF NMGR, TO BE PAID OVER A FOUR YEAR TERM, (\$68,000 DURING 60-DAY LEGISLATIVE SESSIONS AND \$60,000 DURING 30-DAY LEGISLATIVE SESSIONS) FOR LOBBYIST SERVICES, (RFP #18/07/P); MARK A. DURAN AND ASSOCIATES	Approved	4-6
REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON DECEMBER 13, 2017: RESOLUTION NO. 2017- ____ A RESOLUTION ADOPTING THE WEST SANTA FE RIVER CORRIDOR PLAN AS AN OFFICIAL AMENDMENT TO THE GENERAL PLAN AND SPECIFICALLY AMENDING THE FUTURE LAND USE MAP	Approved	6-7
BILL NO. 2017-29. AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE CHAPTER 14 SFCC 1987, REGARDING THE WEST SANTA FE RIVER CORRIDOR PLAN; CREATING A NEW SECTION 14-5.11 SFCC 1987, TO ESTABLISH THE WEST SANTA FE RIVER CORRIDOR OVERLAY ZONING DISTRICT	Approved	6-7

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<p>REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$50,000, EXCLUSIVE OF NMGR, FOR CONSULTING SERVICES; A. ANDERSON CONSULTING, LLC ***** END OF CONSENT CALENDAR DISCUSSION *****</p>	Approved	7-9
<p>REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF SANTA FE AND AFSCME REGARDING THE EXPENDITURE OF UNSPENT MONIES APPROPRIATED TO AFSCME IN FISCAL YEAR 2017/2018 PURSUANT TO ARTICLE 26, SECTION 5B OF THE COLLECTIVE BARGAINING AGREEMENT</p>	Approved	9-10
<p>REQUEST FOR APPROVAL OF AGREEMENT BETWEEN THE CITY OF SANTA FE AND THE SANTA FE POLICE OFFICERS ASSOCIATION (SFPOA)</p>	Approved	11-14
<p><u>REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON DECEMBER 13, 2017:</u></p>		
<p>BILL NO. 2017-30. AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; AMENDING SUBSECTION 14-5.5(C)(1) TO CLARIFY THAT INCENTIVIZING CERTAIN USES IS PART OF THE PURPOSE OF THE OVERLAY DISTRICT; AMENDING SUBSECTION 14-5.5(C)(5), TO PROVIDE THAT THE LAND USE DIRECTOR MAY ALLOW VEHICULAR ACCESS FROM OTHER THAN THE SIDE OR REAR OF A LOT IF SUCH ACCESS IS INFEASIBLE AND TO PROVIDE SETBACKS FROM THE AIRPORT ROAD RIGHT-OF-WAY FOR NEW DEVELOPMENT OF CERTAIN TYPES OF USES; AMENDING SUBSECTION 14-5.5(C)(11) TO MODIFY THE TYPES OF USES ELIGIBLE FOR INCENTIVES; AND MAKING SUCH OTHER CHANGES THAT ARE NECESSARY TO CARRY OUT THE PURPOSE OF THIS ORDINANCE</p>	Approved	14-15
<p>BILL NO. 2017-31. AN ORDINANCE REPEALING SECTION 2-22 SFCC 1987, INTERNAL AUDIT DEPARTMENT IN ITS ENTIRETY; AND AMENDING SECTION 6-5 SFCC 1987, TO CHARGE THE AUDIT COMMITTEE WITH THE MANAGEMENT OF AN INDEPENDENT AUDIT CONTRACT TO PERFORM THE FUNCTIONS CURRENTLY PERFORMED BY THE INTERNAL AUDITOR</p>	Approved	15-17

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>PUBLIC HEARING: CONSIDERATION OF RESOLUTION NO. 2017-81. A RESOLUTION DIRECTING CITY STAFF TO PREPARE UNDEVELOPED CITY-OWNED REAL PROPERTY LOCATED AT THE NORTHEAST CORNER OF YUCCA STREET AND WEST ZIA ROAD FOR DONATION TO A QUALIFIED GRANTEE AS DEFINED BY THE NEW MEXICO AFFORDABLE HOUSING ACT FOR THE DEVELOPMENT OF A MULTI-FAMILY RESIDENTIAL LOW INCOME HOUSING TAX CREDIT PROJECT PURSUANT TO THE AFFORDABLE HOUSING ACT</u>	Denied w/direction to staff	17-46
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	47
PETITIONS FROM THE FLOOR		47-50
APPOINTMENTS	None	50

ITEM**ACTION****PAGE #****PUBLIC HEARINGS**

CONSIDERATION OF BILL NO. 2017-24: ADOPTION OF ORDINANCE NO. 2017-22 . AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO GASOLINE TAX/ SUBORDINATE LIEN GROSS RECEIPTS TAX IMPROVEMENT REVENUE BONDS, SERIES 2017 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$13,500,000 FOR THE PURPOSE OF DEFRAYING THE COST OF CONSTRUCTING, RECONSTRUCTING, RESURFACING, MAINTAINING, ACQUIRING RIGHTS OF WAY, REPAIRING AND OTHERWISE IMPROVING MUNICIPAL BUILDINGS, ALLEYS, STREETS, PUBLIC ROADS AND BRIDGES OR ANY COMBINATION OF THE FOREGOING PURPOSES; PROVIDING THAT THE BONDS WILL BE PAYABLE AND COLLECTIBLE FROM GASOLINE TAX REVENUES AND CERTAIN GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; DELEGATING AUTHORITY TO THE CITY FINANCE DIRECTOR TO APPROVE THE FINAL PRINCIPAL AMOUNT, INTEREST RATES AND OTHER DETAILS OF THE BONDS WITHIN THE PARAMETERS SET FORTH IN THIS AUTHORIZING ORDINANCE; DELEGATING AUTHORITY TO THE CITY FINANCE DIRECTOR TO EXECUTE AND DELIVER A BOND PURCHASE AGREEMENT FOR THE SALE OF THE BONDS TO THE NEW MEXICO FINANCE AUTHORITY; PROVIDING FOR THE COLLECTION OF CERTAIN GROSS RECEIPTS TAX REVENUES; APPROVING CERTAIN OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION WITH THE BONDS; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND RELATED MATTERS

Approved

50-63

REQUEST FROM ENCHANTED VINE, LLC, FOR A WINEGROWER 1ST OFFSITE LOCATION LICENSE, FOR BOTH ON-PREMISE AND OFF-PREMISE CONSUMPTION, TO BE LOCATED AT NOISY WATER SANTA FE, 219 W. SAN FRANCISCO STREET, SANTA FE

Approved w/conditions

63-64

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<p>REQUEST FROM M.W SANTA FE, LLC, 1352 RUFINA CIRCLE, FOR THE FOLLOWING:</p> <p>PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOL AT MEOW WOLF, 1352 RUFINA CIRCLE, WHICH IS WITHIN 300 FEET OF LA PETITE ACADEMY, 1361 RUFINA CIRCLE</p> <p>IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, A REQUEST FOR TRANSFER OF OWNERSHIP AND CHANGE OF LOCATION OF INTER-LOCAL DISPENSER LIQUOR LICENSE NO. 2644 WITH ON-PREMISE CONSUMPTION ONLY AND PATIO SERVICE, FROM PARIS HOLDINGS, LLC, D/B/A EL FOGON RESTAURANT, 3414 N. LOVINGTON HWY, HOBBS TO MW SANTA FE, LLC, D/B/A MEOW WOLF, 1352 RUFINA CIRCLE (YOLANDA Y. VIGIL)</p>	<p>Approved w/conditions</p> <p>Approved w/conditions</p>	<p>64-73</p> <p>64-73</p>
<p>CONSIDERATION OF BILL NO. 2017-28, ADOPTION OF ORDINANCE NO. 2017-23 .<u>CASE #2017-72.</u> ANTIGUA SOL REZONE AMENDMENT. JENKINS GAVIN, INC., AGENT FOR ANTIGUA SOL LLC, REQUESTS TO AMEND VARIOUS CONDITIONS OF APPROVAL FROM ORDINANCE #2006-67 WHICH REZONED TRACTS 1, 2 AND D-1, WAGON ROAD FROM I-1 AND C-1 TO R-21-PUD (RESIDENTIAL – 21 UNITS PER ACRE – PLANNED UNIT DEVELOPMENT). THE THREE TRACTS TOTAL APPROXIMATELY 15.58± ACRES AND ARE LOCATED SOUTH OF SANTA FE PLACE MALL ALONG THE SOUTH SIDE OF WAGON ROAD AND EAST OF OFFICE COURT DRIVE</p>	<p>Approved [amended]</p>	<p>73-88</p>
<p>*****</p> <p>END OF PUBLIC HEARINGS</p> <p>*****</p>		
<p>MATTERS FROM THE CITY MANAGER</p>	<p>Information/discussion</p>	<p>89</p>
<p>MATTERS FROM THE CITY ATTORNEY</p>	<p>Vacated by City Attorney</p>	<p>89-90</p>

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
MATTERS FROM THE CITY CLERK	None	90
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	90-91
ADJOURN		92

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
November 8, 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, November 8, 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 he would like to postpone Item 10(m) to the December 13th meeting.

Councilor Villarreal said she would like Item H(4) on the Evening Agenda to be moved up to be heard first under Public Hearings.

MOTION: Councilor Dominguez moved, seconded by Councilor Harris, 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 Trujillo moved, seconded by Councilor Dominguez, 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.

Mayor Gonzales noted the Governing Body approved the final appropriation for Kitchen Angels tonight, and asked David Chapman to ensure that he can sign that bill as soon as possible.

10. CONSENT CALENDAR

- a) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE, FEDERAL AND NATIONAL IPA AGREEMENTS IN AN AMOUNT ABOVE \$50,000 FOR CITY WIDE HARDWARE AND SOFTWARE; VARIOUS VENDORS. (DAVID KULB)**
- b) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT IN THE AMOUNT OF \$29,300 FOR RENEWAL OF SOFTWARE MAINTENANCE SERVICES; ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE. (BOGI MALECKI)**
- c) **REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$348,109 FOR PROJECT MANAGEMENT AND PROFESSIONAL SERVICES TO SUPPORT THE UTILITY CUSTOMER INFORMATION AND BILLING SYSTEM IMPLEMENTATION PROJECT; BERRY DUNN McNEIL & PARKER, LLC. (RENEE MARTINEZ AND SHANNON JONES)**
- d) *[Removed for discussion by Councilor Maestas]*
- e) **REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT FOR MEMBERSHIP DUES AND SUBSCRIPTIONS IN THE AMOUNT OF \$75,000, INCLUSIVE OF NMGR; NEW MEXICO MUNICIPAL LEAGUE. (ADAM JOHNSON)**

- f) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$67,000 FOR PURCHASE AND INSTALLATION OF EQUIPMENT; NATIONAL DANCE INSTITUTE OF NEW MEXICO. (DAVID CHAPMAN)
 - 1) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT.
- g) REQUEST FOR APPROVAL OF STAFF RECOMMENDATIONS FOR THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT AND CITY OF SANTA FE TRANSIT SYSTEM CONSOLIDATION ANALYSIS FINAL REPORT. (KEITH WILSON)
- h) REQUEST FOR APPROVAL OF A COMPREHENSIVE OPIOID ABUSE SITE BASED PROGRAM GRANT, AWARD NUMBER #2017-Ar-Bx-K032 IN THE AMOUNT OF \$298,594; DEPARTMENT OF JUSTICE/BUREAU OF JUSTICE ASSISTANCE. (DAVID CHAPMAN)
 - 1) REQUEST FOR APPROVAL OF BUDGET AMENDMENT
- i) REQUEST FOR APPROVAL OF CHANGE ORDER NO. 3 TO PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$39,980, INCLUSIVE OF NMGR, FOR A TOTAL CONTRACT AMOUNT OF \$173,555, INCLUSIVE OF NMGR, FOR HOSPITAL TANK PROJECT; MWH CONSTRUCTORS. (KRISTIN JOHANSEN)
- j) REQUEST FOR APPROVAL OF A SEVERANCE TAX BOND AGREEMENT IN THE AMOUNT OF \$230,000 TO PLAN, DESIGN, RENOVATE, CONSTRUCT, IMPROVE AND EQUIP A FACILITY FOR A MEALS PROGRAM SERVING HOMEBOUND AND SPECIAL NEEDS INDIVIDUALS; STATE OF NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION. (DAVID CHAPMAN)
 - 1) REQUEST FOR APPROVAL OF BUDGET AMENDMENT.
- k) REQUEST FOR APPROVAL OF SEVERANCE TAX BOND AGREEMENT IN THE AMOUNT OF \$78,000 TO PURCHASE AND INSTALL EQUIPMENT FOR THE DANCE BARN FACILITY; STATE OF NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION. (DAVID CHAPMAN)
 - 1) REQUEST FOR APPROVAL OF BUDGET AMENDMENT.
- l) REQUEST FOR APPROVAL OF CITY OF SANTA FE SCHEDULE FOR 2018 CITY COUNCIL AND COUNCIL COMMITTEE MEETINGS. (YOLANDA Y. VIGIL)
- m) CONSIDERATION OF RESOLUTION NO. 2017- ____ (MAYOR GONZALES). A RESOLUTION AUTHORIZING TOURISM SANTA FE TO ENTER INTO A FRANCHISE AGREEMENT WITH GRAN FONDO NEW YORK TO DEVELOP A PRELIMINARY EVENT IN SANTA FE. (RANDY RANDALL). Fiscal Impact: Expenditures = \$322,500; Revenue = \$262,500. This item is postponed to the Governing Body meeting of December 13, 2017.

- n) CONSIDERATION OF RESOLUTION NO. 2017-79 (MAYOR GONZALES AND COUNCILOR IVES). A RESOLUTION IN SUPPORT OF THE 100TH ANNIVERSARY OF THE NEW MEXICO MUSEUM OF ART ON NOVEMBER 25, 2017 AND AUTHORIZING THE WAIVING OF ALL ASSOCIATED FEES FOR THE CELEBRATION. (DEBRA GARCIA Y GRIEGO)
- o) CONSIDERATION OF RESOLUTION NO. 2017-80 (RENEE 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. (JESSE GUILLEN)
- p) *[Removed for discussion by Councilor Harris]*
- q) *[Removed for discussion by Councilor Maestas]*

END OF CONSENT CALENDAR

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – October 25, 2017.

MOTION: Councilor Ives moved, seconded by Councilor Villarreal, to approve the minutes of the Regular City Council Meeting of October 25, 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.

9. PRESENTATIONS

There were no presentations.

10. CONSENT CALENDAR DISCUSSION

- 10(d) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$256,000, EXCLUSIVE OF NMGR, TO BE PAID OVER A FOUR YEAR TERM, (\$68,000 DURING 60-DAY LEGISLATIVE SESSIONS AND \$60,000 DURING 30-DAY LEGISLATIVE SESSIONS) FOR LOBBYIST SERVICES, (RFP #18/07/P); MARK A. DURAN AND ASSOCIATES. (BRIAN SNYDER)

Councilor Maestas noted that the funding sources will be split between GRTs and the Water Division.

Mr. Snyder said this is correct. He said this year, as well as in past years, during the budget process we budgeted for Lobbyist Service in the Water Division as well as the General Fund, because there has been a large push for water funding, similar to this year, through the Water Trust Board and the services that we are lobbying there.

Councilor Maestas asked if this is in our budget – to pay for lobbying expenses in the Water Division enterprise fund.

Mr. Johnson said this contract is in the current budget.

Councilor Maestas asked how we came up with the 50-50 split, noting half the lobbying effort is devoted to water projects.

Mr. Snyder reiterated there has been a large emphasis on water projects in the past, and Water Trust Board doesn't mean just once during the Legislature, so we have put more emphasis on that – a little heavier lift in meetings and preparation. He said Mr. Duran is working with staff around this. He said the contract is budgeted in the current fiscal year with ½ from the Water Division as well as the General Fund.

Councilor Maestas asked if this has been a past practice, commenting he doesn't recall the split. He said the Water Division is a self sufficient utility enterprise, and only associate costs and expenses should be charged from the Utility Division fund. He is curious as to the methodology, and said, "So it's more of a past practice, Brian."

Mr. Snyder said he doesn't like the past practice title to it, but this has been the approach the City has used since he was Water Division Director which was years ago, to now. He said when he was Water Division Director, we were receiving annual funding through the Water Trust Board, and Mark spent a lot of time at the Water Trust Board. He said we are seeking funding this year and he expects Mr. Duran to spend a lot of time lobbying around getting that funding and following through. He said it is similar to what was funded last year, noting Mr. Duran did good efforts last year, but unfortunately, the Governing line-item vetoed the funding for the tank at the Buckman Direct Diversion. He reiterated this is the way it has been done in past years, and he stands behind putting in the budget year, and which was part of the City Manager's recommended budget to fund the lobbying services for this year.

Councilor Maestas suggested going forward, it may be helpful to have the City's lobbyist track his level of effort to see that "it does shake out that ½ of his lobbying effort, on an annual basis, is related to water." He said a lot of people are sensitive about how we spend our Water Division funds, and he wants to ensure that it appropriate. He believes the costs need to be shared. He said, "I am fine with this, but going forward we may should let Mark track his level of effort on an annual basis to see how it shakes out, if in fact yes." He said it is possible that Mr. Duran may be exceeding 50% of his time on water related projects legislation including the Water Trust Board.

Mr. Snyder said we can ask Mr. Duran to keep a general record of that. His concern is, "You're looking back in time, so he'll be tracking for this years, and as we know in going through the Public Works process right now to set up the Resolution that gives Mr. Duran marching orders for what he's going to be

lobbying for this current year. So, he can track his time this year, but next year it could be there are totally different needs in this community. So we can look at it in more than just a one-year period, which is what I would recommend, versus solely looking at the past year, and aggregate it over a couple of years to get a true sense on what we do. Because next year, we may not ask for Water Trust Board funding, as an example, so we'll take that under advisement."

Councilor Maestas said Mr. Duran does a great job and he is glad we are renewing his contract.

Councilor Maestas continued, saying this contract is for 4 years, and he thought 3 years was our typical renewal period. He asked if it is 4 years, renewable every year.

Ms. Snyder said that is correct. He said a 3-year contract is our standard with one-year renewal increments up to 4 years.

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

DISCUSSION: Mayor Gonzales asked, on Councilor Maestas' point, the percentage of the Water Division of the overall City budget.

Mr. Snyder said the total budget is \$315 million, and \$55 million of that is the Water Division.

Mr. Johnson said it is \$40 million in operating and another \$15 million in capital per year.

Mayor Gonzales said it is a significant portion of the budget, but in any given Legislative Session that could be legislation impacting water, so he does support sharing some of the costs. He said you could make the argument across other enterprises that are subject to State legislative laws, including the Lodgers' and others. He thinks what Councilor Maestas brought up makes a lot of sense in terms of trying to track level of effort while making sure we are sharing the cost of the lobbyist among the different enterprises as well as the General Fund. Mayor Gonzales thanked Mark Duran for doing an incredible job for the City, and for being a great advocate on behalf of the City, and effective defender of the City in the face of policy that will negatively impact the City.

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(p) REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON
DECEMBER 13, 2017 (COUNCILOR VILLARREAL). (REED LIMING)**

- 1) RESOLUTION NO. 2017- _____. A RESOLUTION ADOPTING THE WEST SANTA
FE RIVER CORRIDOR PLAN AS AN OFFICIAL AMENDMENT TO THE
GENERAL PLAN AND SPECIFICALLY AMENDING THE FUTURE LAND USE
MAP.**

2) BILL NO. 2017-29. AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE CHAPTER 14 SFCC 1987, REGARDING THE WEST SANTA FE RIVER CORRIDOR PLAN; CREATING A NEW SECTION 14-5.11 SFCC 1987, TO ESTABLISH THE WEST SANTA FE RIVER CORRIDOR OVERLAY ZONING DISTRICT.

Councilor Harris said he has no questions about the Resolution or the proposed plan, but he does have questions on the timing. The Resolution driving this was approved October 14, 2015, the plan acknowledges a 6 month process to get to the initial draft. He said he circulated some comments he circulated mid-July 2016, and we are now in November 2017. He asked what took so long, saying there are very little changes from what will be given to us as a final draft as compared to what he had in mid-2016.

Councilor Villarreal said part of the reason is they needed a Councilor to sponsor the Resolution/Ordinance, and she was tied up in other issues. She thinks it was just a matter of needing a sponsor. She nor Councilor Lindell had the time. She said she spent 6 months working with staff to make amendments to the planned draft. She said it was working on things we didn't think were legally defensible and working with the committee to find a compromise.

Councilor Harris reiterated that it seemed to be a very lengthy period of time, and the changes seemed to be fairly minuscule. He said if you couldn't get to it, then so be it, but this is a "slow moving train and a slow moving process." He said this is all he has to say.

MOTION: Councilor Lindell moved, seconded by Councilor Villarreal, to approve Items 10(p)(1) and (2).

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(q) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$50,000, EXCLUSIVE OF NMGR, FOR CONSULTING SERVICES; A. ANDERSON CONSULTING, LLC. (ADAM JOHNSON)

Councilor Maestas said Anderson Consulting was brought on board to help Mr. Johnson to continue to manage the Finance Department, and asked if that was a fair statement.

Mr. Johnson said that if a fair and succinct about the purpose of having them on the team at this time.

Councilor Maestas asked if they are on site in your department or are they moving on work, or are they an augmentation of staff, but yet they are contractors.

Mr. Johnson said they are an augmentation of his staff, and have been on site for approximately 30 days.

Councilor Maestas said this part of how the City is pro-actively addressing some of the financial management issues, and trying to control the lack of internal control. He said he is looking at the Professional Services Agreement in the original contract under Scope of Services on packet page 2, which says, "...G. *Inform management and appropriate City personnel of the status of the accounting and financial initiatives on a regular basis; H. Be available to make presentations to Finance Committee and other committees or public meetings as deemed necessary.*" He asked how the Governing Body will be kept informed, commenting the public is concerned about the McHard Report. He thinks it is an extraordinary measure, is good and prudent. However, this is a situation where the public needs to be kept informed at milestones in terms of how we are responding to the findings of the McHard Report. He asked Mr. Johnson what we can expect.

Councilor Maestas continued, saying he is concerned that if a lot of time goes by, people wonder what is happening, noting the McHard Report recommended additional sampling of financial records, a further targeted investigation of certain areas already identified by McHard. He asked what we can expect going forward. He wants to make sure we are as transparent as possible and people understand what we are doing. He doesn't want people to think we are not being pro-active because we are silent. He asked how Mr. Johnson will be transparent, but not overdoing it, and picking appropriate times to communicate key milestones in the investigation and the Anderson contract, to help Mr. Johnson to continue to manage the Finance Department.

Mr. Johnson said, as reported to the Finance Committee, the Andersen team is on site and has been closely with him and staff on the completion of this year's Comprehensive Annual Financial Report ("CAFR"). That process is well under way and is going well with their assistance as well as the dedicated work with members of his team. He said during the two winter months the Finance Committee has fewer meetings. At the next Finance Committee meeting, he will be presenting a matrix of their findings and recommendations, along with a scope of work going forward and the cost. He said the matrix definitely will guide the milestones and timeline for future deliverables to the Finance Committee and the full City Council. He noted they will give the same presentation to the Audit Committee as all information becomes available.

Councilor Maestas said the McHard Report recommended that we hire a forensic auditor to do that more targeted, detailed forensic audit. He asked if Anderson will be doing that, or if that will be another contractor.

Mr. Johnson said likely it not be Anderson's role to work on future recommended forensic accounting identified in the McHard Report. The McHard Report made some of those recommendations, but he believes that further analysis, through working with Anderson to decide whether or not we need additional levels of support to look more closely at some balances throughout the City, the approach probably would be to go out for an RFP or RFQ, and likely leverage a larger firm that would have the resources and economies of scale to perform the endeavor more efficiently.

Councilor Maestas said then such an endeavor would be outside the scope of our typical independent auditor performing the annual budget, and asked if that auditor could do some targeted auditing. However, that's probably not appropriate for that contract, so this forensic effort would be an additional contract.

Mr. Johnson said if it is further recommended, and it is the direction of the Governing Body, it would be an additional contract.

Councilor Maestas asked if there are plans at this time to develop such an RFP or RFQ for additional forensics at this time.

Mr. Johnson said there will be nothing until we complete the annual development and have a full matrix as recommended by Anderson.

Councilor Maestas asked if there have been any follow-ups, or additional findings by McHard, or is its engagement done.

Mr. Johnson said the engagement is complete, and McHard's Report stands on its own as its work product.

Councilor Maestas said he wants to be sure people understand all the moving parts to this, and what our plan is to be transparent about it.

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

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

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

Against: None.

Absent for the vote: Councilor Rivera

END OF CONSENT CALENDAR DISCUSSION

11. **REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF SANTA FE AND AFSCME REGARDING THE EXPENDITURE OF UNSPENT MONIES APPROPRIATED TO AFSCME IN FISCAL YEAR 2017/2018 PURSUANT TO ARTICLE 26, SECTION 5B OF THE COLLECTIVE BARGAINING AGREEMENT. (RENEE MARTINEZ)**

A copy of Page 1 of the Memorandum of Understanding is incorporated herewith to these minutes as Exhibit "1."

Renee Martinez, Deputy City Manager, after ascertaining that the Governing Body had received the handout that updated the document in the packet [Exhibit "1"], presented information regarding this matter from the material in the packet. Ms. Martinez noted this MOU takes the remaining funds and divides them equally between the 694 non-probationary employees, as a temporary adjustment to the pay for one pay period, beginning December 2, 2017 and ending December 15, 2017. The MOU has been approved by the parties and is now before you for consideration.

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

DISCUSSION: Councilor Dominguez asked if AFSCME is in attendance to comment, and the indication was there is nobody in attendance.

Councilor Dominguez said this is \$179.82 per eligible employee, one-time and Ms. Martinez said that is correct.

Councilor Dominguez asked if this will be a separate check with taxes taken out.

Mr. Snyder said it won't be a separate check, and will be part of the payroll, similar as what they did with the 2% which is continuous, and this will be a one-time additional amount to the payroll, with taxes deducted.

Councilor Dominguez again asked if there is someone in AFSCME to speak to this, and the indication again was no.

Councilor Rivera said then it will rolled into their regular check.

Mr. Snyder said yes.

Councilor Rivera said they will be taxed more than if it was a regular two week check without overtime or holiday pay or such, and asked if this is correct.

Mr. Snyder said he can't speak to taxes, but he knows this was negotiated, and this is what AFSCME suggested and what management agreed to.

Councilor Rivera said then was AFSCME's recommendation as well, and Mr. Snyder said yes.

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

12. REQUEST FOR APPROVAL OF AGREEMENT BETWEEN THE CITY OF SANTA FE AND THE SANTA FE POLICE OFFICERS ASSOCIATION (SFPOA). (DEPUTY CHIEF ANDREW PADILLA)

Deputy Chief Andrew Padilla reviewed the changes in the contract as outlined in his Memorandum of October 30, 2017, with attachments, to the Mayor and City Council. Please see this Memorandum for specifications of this presentation.

Councilor Dominguez asked if finance will be open after this Agreement is approved, and Deputy Chief Padilla said yes.

Councilor Dominguez asked if it will just be finance, or will it be everything else.

Deputy Chief Padilla will be the ability to bring up 3 non-economic items as well. He said they are behind 2-3- contracts, and they are caught up. They are at a standstill because they are waiting for direction as they approached the budget, when they were finally given the authority for the 2% COLA. They have everything finalized now. It is a 3-year contract and they will begin negotiations again in February-March 2018, when each side can bring up 3 non-economic items and they will discuss all of Section 16 again.

Councilor Dominguez asked if it the same arrangement in a 3-year contract – 3 non-economic and 3 financial articles.

Deputy Chief Padilla said in years 2-3, they can discuss Section 16 if both sides agree. He said, wishful thinking, when February-March 2018 and funding is available, they will move forward with something great, and they don't have to bring it up again in years 2-3.

Councilor Dominguez said then the negotiations for next year won't start until February 2018.

Mr. Snyder said that is the standard practice under the contract. It is stated in the contract that they open by a certain date. This past fiscal year, they opened in February and dealt with non-economic items first. He said the budget season opens right after that time period, and then they wait for the budgetary appropriate so they can talk about any available money for COLAs or items around Article 16.

Councilor Villarreal asked where does the social media policy reside.

Deputy Chief Padilla said it is an internal department policy and he can provide that after the fact, but it's not something that is an union contract.

Councilor Villarreal said she would like to see that policy.

Councilor Harris in the past, there have been discussions about various formulas for retention and the ability to attract, and asked if those discussions were part of these negotiations.

Deputy Padilla said no, and they brought forward all retention plans 6-8 months ago, but there was no funding to move forward with that. So that was a totally separate discussion from the negotiations.

Councilor Harris asked if this is something that will be brought forward in February when there are financial discussions.

Deputy Chief Padilla said it is best to keep them separately, and if they are given the funds, they will move forward with retention.

Mr. Snyder said he will continue monitoring, as always. He said, an update, they are down in parks from 20 vacancies to 9 currently, and well on our way to moving through those 9. It is a continuous challenge as we've discussed. He said with all of the retirements in the system, and people needing years of service, he thinks our recruiting efforts are now well spent. He has been meeting with the Chief, Deputy Chiefs and the recruiting office to see how we can avoid the large up-swings and down-swings in the Department and stabilize that with more continuity by getting into the high schools and Community College and getting people to be Public Safety Aides and other alternatives to create a more local stream of officers that don't desire to move away. It is a balanced approach which ties into the incentives, recruiting and retention as we monitor what is happening around the State. He thinks we will be revisiting this with the Council before the next budget cycle – what incentive packages are necessary to maintain and keep the recruiting going.

Councilor Maestas said he has a tangential question. He noted Chief Gallagher, who is moving on, has brought up repeatedly the issue of the 21 vacancies, and asked if we are now down to 9 vacancies or we filled 9 vacancies.

Mr. Snyder said we are down to 9, going into Academy, not necessarily boots on the ground. He said once they are in the Academy they are paid and part of the City Police Department.

Councilor Maestas said Chief Gallagher said we need another 11 to cover the newly annexed areas. He said the BBER Report tried to quantify the up-front costs of bricks and mortar and operations the City would incur by the annexation. He thinks we need to focus on Fire and Police as a priority, but he hasn't seen a refined analysis of those needs in terms of Police stations, additional Police and Animal Control Officers. He said 2 years ago there was an explosion of calls for animal control in those newly annexed areas and we couldn't handle it, commenting we transferred positions and built up Animal Control officers. He said staff direction is that it is time to see a more detailed analysis. He thinks we need to reconcile the number, and make that a priority over retention. This is tangential, but it is time to have that dialogue and detailed analysis with a focus on Public Safety as a priority to meeting those needs in the newly annexed areas.

Mr. Snyder said he doesn't think it is tangential. He said, "First, I would like to state for the record, that I've never stated we don't need any additional Police officers. I'm not at odds with the Police Chief on needing an additional 11, in fact it's 15 if not 11. The Annexation Agreement, we got halfway toward funding positions. We stopped short, I think it was 3 budget cycles ago, from budgeting an additional 5. And then as we phase-in the annexation, there is an additional 10 on top of that is my recollection. That

said, the reality of the situation is, we can carry 15 vacancies on the books, but when we are already carrying 20, why are we carrying 15. So the focus has been, since I've been City Manager for the past four-plus years is filling the positions we have now. So once we get to the point of filling positions, as I mentioned earlier, it is a constant challenge to come up with a regular stream of filling the positions, fill the positions then make the request to the Finance Committee, and through the budget process, to allow for additional positions to be added to cover annexation."

Mr. Snyder continued saying, it's challenge to be filling positions constantly, and he thinks we need to keep our focus on that, but realize that there are additional needs in Animal Control, service coverage areas. Staff is working on and monitoring those. We still stand behind the BBER Report in the calculation of the number of officers needed to service those areas. He said his priority in working with the Chiefs and the Department as a whole, is to fill existing vacancies before we ask for more positions as we expand.

Mr. Snyder continued saying, from a public service standpoint and coverage standpoint, we have MOA's with the Sheriff's Office and we work well with them in responding to calls in the newly-annexed areas. He expects we will continue to have that relationship. That relationship is important, whether or not we are fully staff, and believes we provide good support to one another.

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

DISCUSSION: Councilor Dominguez said what Councilor Maestas is saying is true and believes that is going to be an ongoing discussion the Police Department is going to need to have for many many years. He said we end up filling additional positions, but we never can fill the positions that are vacant in the first place. It's a good comment and a good discussion. However, Mr. Snyder is correct. We can continue to fund additional positions for annexation, but we can't fill positions for which "we haven't even created positions for yet." He said is may be relevant to the contract in some ways.

Deputy Chief Padilla said, "And I'll be blunt with you, we need both." He said the retention officer would help. He noted with Albuquerque's push and its new Mayor around the corner, Albuquerque anticipates hiring 300 to 400 new police officers. They are going to start revving up their rates to steal some of these lateral police officers, as well as increase the hiring bonuses which are right now \$8,000. He said some of the officers who have thought about it over the last year, probably will go. Once the first one goes and tests the waters, they will urge others to come to Albuquerque as well.

Deputy Chief Padilla reiterated we need both – the money for next year's raises, and a retention plan. He said the cadets will be entering the Academy on January 29, 2018, and next week they will be interviewing 2 lateral Police Officers and 4 more cadets.

Councilor Dominguez asked when is the next election for the bargaining unit.

Deputy Chief Padilla said at the end of the year there will be a new POA President stepping in and moving forward.

Responding to Councilor Dominguez, Deputy Chief Padilla said the cadets are all patrol officers.

Councilor Dominguez asked the numbers of police officers that are leaving.

Deputy Chief Padilla said one is set for retirement in January, as well as Chief Gallagher. He said on paper, the vacancy rate could be 3-4 on January 2, 2018, when the new officers are sworn. He hopes we will have a waiting list by next April, and then they will ask for the additional 5 officers.

Councilor Dominguez said this is happening nationwide, and Deputy Chief Padilla said that is correct.

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

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

Against: None.

13. REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON DECEMBER 13, 2017:

- a) **BILL NO. 2017-30. AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; AMENDING SUBSECTION 14-5.5(C)(1) TO CLARIFY THAT INCENTIVIZING CERTAIN USES IS PART OF THE PURPOSE OF THE OVERLAY DISTRICT; AMENDING SUBSECTION 14-5.5(C)(5), TO PROVIDE THAT THE LAND USE DIRECTOR MAY ALLOW VEHICULAR ACCESS FROM OTHER THAN THE SIDE OR REAR OF A LOT IF SUCH ACCESS IS INFEASIBLE AND TO PROVIDE SETBACKS FROM THE AIRPORT ROAD RIGHT-OF-WAY FOR NEW DEVELOPMENT OF CERTAIN TYPES OF USES; AMENDING SUBSECTION 14-5.5(C)(11) TO MODIFY THE TYPES OF USES ELIGIBLE FOR INCENTIVES; AND MAKING SUCH OTHER CHANGES THAT ARE NECESSARY TO CARRY OUT THE PURPOSE OF THIS ORDINANCE. (COUNCILOR DOMINGUEZ AND COUNCILOR RIVERA). (MATTHEW O'REILLY)**

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, November 6, 2017, regarding Item 13(a) is incorporated herewith to these minutes as Exhibit "2."

MOTION: Councilor Harris moved, seconded by Councilor Dominguez, to approve the request to publish Item 13(a) and 13(b), with the amendments that are on the table.

DISCUSSION: Councilor Maestas said Item 13(b) has not been approved by any Council committees.

Ms. Vigil said this is the reason it is on the Agenda for discussion.

Mayor Gonzales said he would prefer to consider each item separately. He said there are amendments presented.

RESTATED MOTION: Councilor Harris moved, seconded by Councilor Dominguez, to approve the request to publish Item 13(a), with the amendments that are on the table

Councilor Lindell said she spoke with Councilor Dominguez and will speak with Councilor Rivera as well, but she will be introducing an amendment asking for a 5-year review on the incentives. She asked if it goes to Finance.

Councilor Dominguez said it goes to Finance at the next meeting, but he wants to make sure the amendments are part of the public hearing.

Councilor Lindell reiterating she will be bringing forward one 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

- b) **BILL NO. 2017-31. AN ORDINANCE REPEALING SECTION 2-22 SFCC 1987, INTERNAL AUDIT DEPARTMENT IN ITS ENTIRETY; AND AMENDING SECTION 6-5 SFCC 1987, TO CHARGE THE AUDIT COMMITTEE WITH THE MANAGEMENT OF AN INDEPENDENT AUDIT CONTRACT TO PERFORM THE FUNCTIONS CURRENTLY PERFORMED BY THE INTERNAL AUDITOR (MAYOR GONZALES AND COUNCILOR HARRIS). (KELLEY BRENNAN)**

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, November 6, 2017, regarding Item 13(b) is incorporated herewith to these minutes as Exhibit "3."

Councilor Villarreal asked how this will affect the schedule or the timeline, because we're doing a request to publish, and it was postponed in Public Works until the audit group completes its work. She asked, "So what I'm wondering is if this is pertinent now because the timeline has changed or possibly changed."

Kelley Brennan, City Attorney, said, "The Finance Committee voted to hear the two matters together, the Internal Audit and the Inspector General actions. And, as a result of that, we're trying to keep them tracking, but because one is an Ordinance and one is a Resolution, the only way we can bring them both together to the Council, if approved by a committee before that, which would be the Finance Committee, would be to advertise this now. So this is just a request to publish. And it still will be heard by the Finance Committee together with the IG Resolution, I believe Monday."

Councilor Maestas said, "My question is, I thought our Rules of Procedure requires that any item to be placed on the Agenda, has to pass at least one Council Committee. So is request to publish, is that excluded from that Rule."

Ms. Brennan said, "We have typically, or often put requests to publish on the agenda because of matters of timing. And the Rule that applies to this is 3(A) Uncommon Circumstances. *'An item may bypass the Committee review process and be placed directly on the Governing Body Meeting Agenda when uncommon circumstances make it necessary for the Governing Body to consider and/or act on the item within a period of time that is insufficient to permit it to go through the Committee review process that's sufficient to meet the notice requirements of the Open Meeting Acts.'* And as I explained, if they are going to be heard together and make the December thirteenth meeting, it has to go now. Now we could postpone it all and have the request to publish after they have both been heard, but that would delay it significantly I believe."

Councilor Maestas said, "Well, I guess, you know before you have the *[inaudible]* there is a timing issue, and I'm not sure, as this bill stands right now, it could be subject to material changes. And so if that's the case, would we still have to go through the same process again if there are changes that would be material to the point where it would significantly amend the caption."

Ms. Brennan said, "I suppose that would be possible. But the caption is what gives the notice, and it provides merely for amendment of the Internal Audit Ordinance, as well as the Audit Committee."

Councilor Maestas said, "So on the.... you cited the extenuating circumstances to get an item on the agenda, so is there any kind of process any kind of justification process, or is it a judgment call by the City Manager. What is the decision-making process on that."

Ms. Brennan said, "The Manager establishes the agenda. However, as I said, we have had a practice in these cases of sometimes advertising a matter before it is heard by any Committee at all because of issues of timing."

Councilor Maestas said, "Well I guess, there is a timing on the ballot question for an OIG as well, so I guess I could see this as a placeholder to keep it going, and then we'll see how both pieces of legislation fare. So, I'm not going to be a hypocrite and say that, well I don't care about timing. I do care about timing, and December thirteenth for my piece of legislation, that is the drop-dead deadline to act on that. So that's all I had Mayor."

Councilor Dominguez said he passed a note to Mr. Snyder to have a conversation with him, Adam and the City Attorney about some of those timing issues, because it basically is a placeholder as this gets to the next Finance Committee meeting. He said, "We can make the same recommendation as made by Public Works, and in all essence it dies right there, or at least until we get the report back. And so that is going to be timely. So, for all intents and purposes it is still a live bill. Let's see what happens when it gets out of Finance and then hopefully, we attract the same kinds of crowds we had tonight for that meeting. Thank you Mayor."

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

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

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

Against: None

- 14. PUBLIC HEARING: CONSIDERATION OF RESOLUTION NO. 2017-81 (COUNCILOR IVES). A RESOLUTION DIRECTING CITY STAFF TO PREPARE UNDEVELOPED CITY-OWNED REAL PROPERTY LOCATED AT THE NORTHEAST CORNER OF YUCCA STREET AND WEST ZIA ROAD FOR DONATION TO A QUALIFIED GRANTEE AS DEFINED BY THE NEW MEXICO AFFORDABLE HOUSING ACT FOR THE DEVELOPMENT OF A MULTI-FAMILY RESIDENTIAL LOW INCOME HOUSING TAX CREDIT PROJECT PURSUANT TO THE AFFORDABLE HOUSING ACT. (Matthew O'Reilly) (Postponed on October 11, 2017). Fiscal Impact: \$13,000 for costs associated with survey platting, a traffic study and posting/advertising of the Future Land Use Map Amendment and Rezoning Applications.**

A Memorandum dated November 8, 2017, from Peter N. Ives, City Councilor, regarding Zia and Yucca Proposal, is incorporated herewith to these minutes as Exhibit "4."

A petition in opposition to the proposed Resolution, containing approximately 174 signatures, submitted for the record by Theresa Martinez, is incorporated herewith to these minutes as Exhibit "5."

Mayor Gonzales said he will yield to Councilor Ives for comment, and in the interest of allowing the public to address the Council in this matter, he then would ask Matthew O'Reilly to summarize the staff position on this matter. We can then move to a public hearing followed by the Council asking any technical questions of the staff in this matter.

Councilor Ives said there is a Substitute Resolution in the packet clarifying that this Resolution is being brought forward for possible donation. There was confusion as to whether this measure actually effected a donation, which it does not. This Resolution says, "Let's look at this property, analyze it, see if it is appropriate and then it eventually would come back presumably for those types of additional actions." He noted his Memorandum on the dais [Exhibit "4"], which explains some of his thinking and the reason he is bringing forward this Resolution.

Councilor Ives continued, saying it has become clear that we face something of a crisis in Santa Fe in terms of affordable housing. Currently, there is estimated to be a 0.5% rental unit availability in the City, and over the years, the City has maintained a negative 2,400 ± affordable housing and low income housing units across the City. The number varies, depending on who you talk with. He believes the City suffers significantly because of this. In 2007, it was estimated there were 9,000 workers that used to live in the City, but who have moved outside Santa Fe County and now commute to their jobs. The estimated impacted on the City in terms of annual spending is \$301.6 million annually, which in 2007 was equated to \$5.7 million in annual tax revenues.

Councilor Ives continued reviewing his Memorandum. Please see Exhibit "4," for specifics of this

presentation.

Mayor Gonzales asked Matthew O'Reilly, Assets Management Officer, to summarize the staff's position in this matter, and reiterate any modifications of amendments to the Resolution.

Mr. O'Reilly said Councilor Ives covered most of his presentation. He reiterated there was confusion that the Resolution was to be the instrument by which the property would be donated. The Substitute Resolution adds language to make it clear that what is happening here is that the land is being prepared for a possible future donation to an affordable housing grantee/developer. There is language talking about potential contributions and potential donation.

Mr. O'Reilly continued, saying the original Resolution required a rezoning of the property and it still will be necessary. However, there is always an ENN as part of that process, noting that was unclear in the original Resolution. So the revised Resolution states that there will be an Early Neighborhood Notification meeting to make that clear.

Mayor Gonzales noted the Resolution is not a mandate, it is to move forward with assessing the property to determine whether it would be feasible for multi-family development, with a public process before the property actually could move into the stage of being donated.

Mr. O'Reilly said that is correct, and part of that would be to obtain a new boundary survey of the property, conduct a traffic study for potential development and then do a General Plan amendment and rezoning of the property, as well as conduct an RFP process to select a contractor, which might be an affordable housing developer in the future. The Rezoning and General Plan Amendment are public processes and first would have an ENN. It then would go through the Planning Commission for public hearing, and then to the Governing Body for a public hearing.

Public Hearing

Mayor Gonzales asked those speaking to keep in mind that the matter before the Council tonight is not an actual consideration of moving the property into a multi-family unit, but to provide direction to the staff to prepare the property for consideration, and asked that they keep comments, as much as possible, focused on that particular decision that needs to be made by the Council as to whether or not to consider this property for multi-family use.

Mayor Gonzales gave each person 2 minutes to speak to the issue.

Mayor Gonzales asked those speaking, if they have heard something already this evening, to just reiterate it. If something has not been addressed to the Council and they are going past 2 minutes he will grant flexibility if it is relevant to the point of what needs to be considered tonight. He asked people to be respectful of everyone's time and when you hear the bell, their 2 minutes is over, to please conclude remarks as soon as possible. He asked everyone to state their name and address for the record.

Nancy Myers, 2303 Calle Pacifica, La Paz Subdivision, said she has been a resident directly across from the property in question for more than 30 years. She said her "gut" reaction to the proposal is that the Council has not thought this project through, and its effect on the surrounding areas. She said they have a right to expect the City to protect its citizens from the negative impact of this and any other project. She has heard nothing from any source that talks about limiting the effect on their lives. She said, given the heavy traffic on both streets, she believes the area can't support additional cars on a daily basis and still maintain the quality of life for existing residents. She understands Zia Road is the busiest in the City, and the traffic on Yucca continues to grow annually. The area supports traffic for Santa Fe High School and commuters from the south side to St. Michaels and avoiding Cerrillos Road. She said Yucca is the only route to school buses 2 times a day in and out of the bus lot. She questions the decision to donate the property, but knows this may be something still being discussed. She said this property isn't really suited for development. It has 2 arroyos going through it that converge on the property, and it's just not suitable. One proposal is the relocation of the existing handball court to Ragle Park in the name of bathrooms. Ragle Park is a dedicated youth recreational area, and to build the handball court in the middle of a youth area is poor planning. She said parents of children using Ragle Park would have a problem with the adults and the activities occurring daily during the summer.

Patrick Shaughnessy, Zia Vista Condominiums, said the traffic is horrible, and on his way this evening, he had to wait 45 minutes to pull out of his driveway, and took 2 lights to get through the intersection of Zia and St. Francis. He said the traffic already is ridiculous, and if you put more cars on the road, it will make it even worse. He said you need to put a stoplight at Zia Vista so he can get out of his parking lot.

Theresa Martinez, 2602 Calle Primavera, is a native Santa Fean and has lived at this address for the past 13 years. She is in attendance to state her opposition to Councilor Ives' Resolution to develop local family income housing at the corner of Yucca and West Zia and Ragle Park. Additionally, the neighborhood, once it became aware of this issue, has organized its opposition around it. She said, "And I would like to submit for public record petitions signed by hundreds of residents in the surrounding area who would like to go on record to personally oppose the resolution [Exhibit "5"]". She said they recognize that affordable, low income housing is a very important and critical issue in the community, and as such its planning and execution must be done in an open and community based master planning effort. She said they question the criteria used by the Asset Development Office to determine which City land is appropriate to meet low income housing needs, independent of an open and public process with relevant technical support. The Asset Development Office states it has independently investigated more than 3,500 acres of City owned land, including 2,400 acres in the City's undeveloped Northwest Quadrant, 200 acres of Hyde Park Road and about 220 acres on Canyon Road and 12 acres at the College of Santa Fe site, none of which the Asset Development Office deemed appropriate for low income housing development. She said, "We respectfully disagree." She said, for example, the Northwest Quadrant parcel is served by a controlled access State Highway and includes 3 large Santa Fe Public Schools parcels for future development.

Ms. Martinez continued, saying it is clear that City Traffic Engineering Staff was not consulted in the Asset Development Office's analysis. The traffic at Zia/Yucca is very congested, and is a much less appropriate site than the uninhabited Northwest Quadrant or the City open space on Hyde Park Road,

Canyon Road and Sun Mountain which do not have the current traffic issue of congestion, speeding and accidents experienced at Zia/Yucca. She invited the Government Body to come when Santa Fe lets out School, commenting "It's a nightmare." They question how the 5.4 acre site at Zia/Yucca was deemed by City staff as an under utilized City parcel. This site has always been considered a park "by our neighborhood and by the City's own website, that it's always been a part of Ragle Park." She said, "We just want to let you know that the park serves a large number of children and is in a high percentage Hispanic neighborhood, and we will take our political voice to the federal level because you will need federal funds to build the low income housing, so we're not going away."

Jessica Lucero, formerly of 2305 La Senda, currently 5318 Joshua Lane, said in looking at the overall FIR of the \$13,000 used, she would like a total traffic study to be considered. She said in the late 1980's as the result of many fatalities, her mother was able to push legislation and championed by Representative Angie Vigil Perez, resulting in the implementation of a school bus in the neighborhood of Calle Pacifica and La Senda. She said more than 30 years later, the traffic has increased and the School Bus remains. She said view of the proposed Resolution, and the Affordable Housing Act, another area of the City is very well suited as stated previously. She said, in review of Councilor Ives' platform to run for City Council seat, is a promise to find alternative solutions to common problems affecting neighborhoods. When roads are under construction, it is important to note the 1980 legislation championed by Angie Vigil Perez. She said City Planning in looking at the aging sewer, drainage system and infrastructure in looking to implement 2,400 new dwellings would be of concern to the existing neighborhood. She said she was born and raised in Santa Fe, it took her more than 10 years to return to Santa Fe. She said the City has done a poor job in affordable housing, but this isn't an appropriate place. She said in the past she has served as La Reina de la Fiesta de Santa Fe. She said Santa Fe has done a poor job on affordable housing and she and her peers are struggling as young professionals trying to return to the City and develop and do good for the community.

Lucinda Rios, 2321 La Senda Street, said she has lived at this address for more than 39 years. She said to this point it has been a safe and quiet environment and they really want to keep it that way.

Margaret Theresa Lucero, 2305 La Senda, said she is here to protest this Resolution introduced by Councilor Ives to build low income homes on City property at the intersection of Yucca and Zia. It is very clear that no one did historic research on this property. In 1980, this property was looked at, and it was not feasible then, and it's not feasible now. In 1986, State Representative Angie Vigil Perez recognized the dangers and safety concerns of the intersection. She said at that time, School Bus operations had been removed from her neighborhood, forcing children within a one-mile radius to walk to school. She petitioned School Bus Transportation, got signatures from the neighborhood, and the School Buses were reinstated to the neighborhood of La Senda, Calle Pacifica and Calle Primavera. She reiterated that no one has done research or has pulled up any documentation regarding safety concerns on this intersection. She said for the past 31 years this intersection and always will be a dangerous intersection due to traffic congestion. dangerous intersection. Signatures for the neighborhood, and Calle Primavera. She said an 8 year old boy was struck and killed on Yucca by a prominent resident, again another safety concern. She thanked the City Councilors who had the respect to call her back. She called Peter Ives twice, left a message and he didn't call her back. She said, "And you want to run for Mayor. Remember funning for Mayor includes the safety concerns of the entire City of Santa Fe, and calling back

your constituents, you know, the ones that get you elected. I suggested you do the research. I know a question for Peter Ives is the future contractor. What is it for your bid and as a Mayor, as a future contractor, what has he promised you that you're rushing this Resolution."

Henry R. Lucero, 2305 La Senda, La Paz Subdivision, said he is a native Santa Fean, and here in protest of the Resolution introduced by Councilor Ives to build low income housing on City property by the intersection of Yucca and Zia. He has lived at this address since 1981, and the Yucca/Zia intersection has been and always will be a dangerous because of the heavy traffic, afternoon and rush hour traffic, with most of the traveling above the posted speed limit. He asked the impact on the following: traffic coming into the High School; a soon to be middle school; Milagro will be consolidated between the old DeVargas Junior High and Capshaw; the Zia Road Railrunner stop; excess traffic coming from Airport Road; and the police and other emergency vehicles traveling through here day and night. He said since he has lived on La Senda the following has happened: a man living on Pacifica was killed when a car ran into his home; a teenager was killed on Zia not far from this intersection; an 8 year old boy crossing Yucca was killed; and there were 2 traffic incidents. He said at times, traffic is rerouted from Cerrillos onto Zia. He thanked the City Councilors who called his wife back. His wife called Councilor Ives twice and let messages for him to call her back, but Councilor Ives didn't have the decency and respect to call her back. He said, "You want to run for Mayor, Councilor Ives. Remember running for mayor, includes the safety concerns of the entire City and calling back your constituents. Thank you."

Bernadette Lucero, 2304 La Senda, and said the proposed low income housing will increase the traffic on Zia and Yucca. In the 1980's the traffic was heavy and they couldn't get the traffic light until then. She said this is a dangerous area, and parents drop their children at Santa Fe High on Yucca, and don't drive them up the hill. This area is marked as a no parking zone, and also the area where the 8-year old boy was killed. In early 2000 she was a student, they made them try to use the South campus-Vo-Tech area as an exit, which would take them off Yucca onto Zia, because of the fatalities and accidents that occurred at that intersection, and the traffic flow was increased. She said when they have the fireworks at Santa Fe High School on July 4th, people are speeding down La Senda, Calle Pacifica, Calle Primavera. They have issues when the road is closed for construction, and people don't obey the speed limit. She said when she exits to go to work, it takes her two traffic lights to turn right and left.

Andres Felix, 2446 Avenue Chaparral, said she supports low income housing, but not in that corner. She just heard about the Resolution last night, when a neighbor went door to door. She doesn't know how many units are planned or the target audience. She said there already is low income housing in these neighborhoods. The house she lives in was built by Santa Fe Public Schools, and there are two low income units were brought in last year, and there is a lot next to that where they are going to put another house in that cul-de-sac, and down the street toward El Capitan there are 3 lots marked for low income housing. She knows it is a very concerning issue, but not in this neighborhood.

Nate Downey, 1104 Don Gaspar Avenue, said he commends Councilor Ives' courage, and he believes we need affordable housing, but the proposed property is rather steep, with a flat part on top. He would want a study to look at the runoff problems that could occur on the steep side, with the Arroyo Chamiso right below there. He thinks it makes sense on some levels to have a low income development where kids can walk to school, or people can get on a bicycle trail and would be nice. But, much of it is

quite steep and think the neighbors deserve something. It's "literally trashed down there, too, and I actually came across a horse's leg.... there's a lot of trash down there. If anything were to be built, I would like to see some kind of serious improvement.... and a small walking trail." He said it is much flatter down the street at the University of Art and Design, and there are existing structures that can be renovated much less expensively, and he would suggest the City look at that area first.

Henry Girard Lucero, 2305 La Senda, said he is here to protest the Resolution introduced by Councilor Ives to build low income housing on the corner of Yucca and Zia Road. It is obvious that no City Councilors did a lot of research. If you would have read articles from the *Santa Fe New Mexican*, you would have found out this isn't the first time this has been protested. He asked why this Resolution being moved so rapidly, and why has it has been "swept under the rug." This is the first time that we are actually hearing about anything. This is disrespectful to us as citizens and especially to elected officials, noting "we right here, worked to vote you in, so we deserve the respect to get proper timing to actually know what is going on." He said this Housing Resolution wasn't properly advertised to us. He asked, "What I also would like to know is if Peter Ives getting out of this, especially from the contractor. If so, because I learned in this City nothing is ever free in this City. So instead of building low income homes, as a City Council we want you to focus on making Santa Fe an affordable place to live." He said we all know people in the City that have not been able to pay their housing and utility bills. This Resolution will not benefit our teachers, police, firefighters or City workers who have had to relocate to Albuquerque, Rio Rancho because of the high cost of living. If read the Resolution, it also states that under 80% of the area income can qualify, so you have to make \$15,000 to qualify which is minimum wage. He said all the people that live on La Senda, Calle Primavera, people living there for more 30 years, do you want to hurt their property values. He said they have worked hard all their lives, especially in Santa Fe, to make something of themselves. He said, "Just think before you act, please. Thank you."

Jeff Thompson, 2307 Calle Pacifica, applauds the Council and Councilor Ives for addressing low income housing in Santa Fe and you're on the right track in looking at this issue. However, as many people have stated similar concerns he has around this particular parcel..... he did some research and an article he looked at was by an economist at Stanford University named Rebecca Diamonds. He said she said it is very important for City leaders to take into account how the potential positive impacts for the tenants of a units like this, can be outweighed by the negative impacts on the local community. He thinks this is a good issue at which the Governing Body needs to look closely. There are people who have lived in this neighborhood for thirty plus years. He has lived there 16 years and knows the traffic is a huge concerns. He said the article looks at the impacts on property values. He said there is a lot of research that demonstrates there are real effects on property taxes. However, if you look closely, you will see that when low income housing is placed in middle class neighborhoods there has been depreciation. He said this study was conducted in 27 states and 2,000 low income properties. He thinks before you move forward too quickly on this matter, you need to look very closely at all of the aspects.

Paul Gurule, 58 Vittorio Peak, said he has lived in Santa Fe for 18 years. However, he has served as the President of the Board of Habitat for Humanity, a member of Community Development Commission which has an exclusive focus on housing, both affordable and rental housing. He applauds Councilor Ives for introducing this Resolution. Housing is such a critical need. He said people want to live and work in Santa Fe, but they can't afford to do so. He applauds the location, on two high traffic roads,

and the Railrunner is 5 blocks away, the School is 5 blocks away and Albertson's 5 blocks away. He said NIMBYism is alive and well, and it functions particularly well in Santa Fe. Nobody wants to hear that, and everybody wants to come and say they support affordable housing, but they don't want it in their neighborhood. He thanked the Mayor, Councilor Ives, and particularly Councilor Villarreal who chairs their Committee which talks constantly about housing. He applauds everyone for taking on a very difficult and politically challenging issue, and thanked them for having the nerve to do so.

Simon Brackley, President, Santa Fe Chamber of Commerce, 1644 St. Michaels Drive, said he has good news for the Mayor and Councilors – we have jobs in our community – Presbyterian, Christus St. Vincents, Santa Fe Public Schools, Los Alamos Labs, Meow Wolf, the Santa Fe Police Department, hotels and retail stores are hiring. Our challenge is housing. We have a housing crisis in Santa Fe. When there is a shortage, rents increase, and we are short 2,000 to 5,000 units which is causing the rents to increase. He said thousands of people are commuting from Albuquerque, and spending their money in Albuquerque for GRTs, Property Tax and rent. He said this infill project will go a small step toward improving the situation. It is well located, with infrastructure in place – roads, sewers and trails already in place and paid for by taxpayers. It is within walking distance to shops, schools, trails, the bus and the train station. He encourages the Governing Body, in the light of the previous conversation about police officers and hiring, to consider setting aside 1-2 units for police officers to live in this project. He said the Chamber encourages you to approve this project, and other similar housing projects in all areas of the City. He asked the Governing Body to support workforce and affordable housing and "vote yes, in our backyard. Thank you."

Bill Springer, 2403 San Patricio Plaza, which backs up to Ragle Field. He takes Ragle Field, and crosses the street and walks past the handball court, and enjoys it. He loves the open space. He is originally from Las Cruces, New Mexico. He is vested in seeing low cost low incoming housing, as well as increasing housing throughout the City. However, he doesn't think the housing should be located here. He believes we have better opportunities to place it, and it may cost more, but believes it can be done. We need more than 2,000 units, and believes it can be placed somewhere and build around it, and not place it inside a residential area that could be hurt by lower property values, asking what low income housing in that area look like in 25 years. He said the first Resolution made it appear that you were going, hand over the land, and open the doors, deal with water and turn this into a giveaway to turn into a revenue producing situation. He believe there are enough loans out there that could be given to the states, and thinks you should investigate that, and turn this into a win situation, a low flow revenue stream and have residents to be very pleased. He thanked Councilor Ives for bringing this up, and sorry he is in a hot seat. However, somebody has to do it and this needs to be taken care of.

John Padilla, 2301 Camino Artiste, saying he is a local architect, member of the Santa Fe Chapter of the American Institute of Architects, former member of the National Board of the American Institute of Architects, the Historic Design Review Board, Planning Commission and the Summary Committee. He serves on the Mayor's Community Development Commission, and thanked him for the appointment. He said he is here tonight to speak in support of the Resolution, and respectfully ask the Governing Body give serious and fair consideration of this Resolution. This is not approval of a project, it is an approval of a Resolution. He said housing and affordable housing are a paramount issue in the City, and asked the Governing Body to support this City this initiative to prepare the property for future donation

for a low income, tax credit project. He said Affordable Housing doesn't always mean crime and unsavory individuals. It means new, affordable housing for our most needy, for young professionals, teachers, police officers, firefighters. He asked, "Please give this Resolution a fair and responsible deliberation tonight. I also ask that the public be open to a fair discussion about this Resolution, it's not a project, about this Resolution and a possible future development. This coming from a neighbor of that area for over 17 years. Mayor, Councilor Ives, Governing Body, thank you for your time, and thank you for the work you do for the City."

Roberto Luis Ochoa said he lives in this neighborhood. He said "not just affordable housing, but let's plan it out right." He has never heard complaint about the park, but he has heard complaints about Patrick Smith Park, and suggested moving the affordable housing to Patrick Smith Park, since it's not being maintained. If they can't maintain the park, then build affordable housing over there. He said everything *[inaudible]* to the Southside. He said we on the Southside are always getting dumped with any kind of project that can't go on the East side. He doesn't know why that happens, because we all vote. As far as affordable housing, he is a veteran and took a VA loan, qualified for it, to buy his house 40 years ago. He thinks there are a lot of veterans that qualify for veterans loans that could buy houses all over Santa Fe, and there is a lot of financing available for veterans. He said before you start thinking that we're going to get all these low income housing, let's see what's really going on. Everything is going to the Southside, let's not do it there. His mother is 104 years old and lives down the street from him.

Louella Ochoa Hardin, said she is here representing her 104 year old mother, and her sister who is caregiving her mother this evening. She said she is against affordable housing in the area because of the traffic. There are fender benders on Zia Road constantly. People are avoiding Zia Road or the intersection at Zia and Yucca and driving through neighborhoods putting kids in danger. She these are middle income neighborhood, and to force this housing into their area is just putting them in danger. She said somebody said, very altruistically, the children can walk to school, but they can't. She took her grandchildren to Ragle Park on Sunday, and suggested walking home. She said it was scary because of the high speed traffic which doesn't slow down even though it is a 45 mph zone. She said the same goes for Yucca. People are late going to the high school. She doesn't think this is the appropriate place for affordable housing. She said, "Just for the record, I'm not sure, I don't think, I don't believe Councilor that you are getting a kickback for the Resolution. But I do thank you, and I am against the Resolution, against the housing. Thank you."

Allen Steele, 2501 W. Zia, Zia Vista Condominiums, said he is the President of the Homeowners Association at Zia Vista, which has almost 200 residents. He said this has come about so quickly they haven't been able to come to a consensus among the owners, because it's a big job to do that. He said he has heard from many of the owners that this is a problem that many people have mentioned tonight, and that is the traffic situation. He said Zia Road is known as "one of the best and most popular raceways in the City." They do not have public bus service in the area. He said they would recommend that you have good consultations with the various HOAs in that immediate area. He said they will be happy to talk with you further. He said he can assure you that our members will be watching very closely as this project ver closely as the project moves forward. He said most of their members have sympathy with the problem of the lack of low cost housing availability in the City. He said they will continue to watch and see how this progresses.

Linda Whorter, 2600 W. Zia Road, said she will focus on the existing density, and there are 1,450 students at Santa Fe HS, and many have cars, especially Seniors, and now they are going off campus for lunch starting in January. There are 70 faculty, with 80 buses sitting in the lot on Yucca, all of which enter and exit off Yucca. There are 199 residents at Zia Vista, 146 at Tierra de Zia Condominiums. She said as everyone has mentioned, the traffic is very congested, except on Sunday morning. She said the Ragle Park design is good. If a handball court was supposed to be there, she thinks it would have been in the original design of the park. She would like to see the area of the handball court cleaned up, trees planted and allow the handball plays to park their vehicles along with City maintenance vehicles that park there at various times of the year, depending on the weather, and construction on roadways. She said she believes this lot isn't suited for this particular project. She said, "In closing, I want to thank you for delaying this hearing to this day, since in October, it seems like it was a real push-through project, and I didn't like that it. And that's what motivated me to get on the stick and do some research. I am Interested in affordable housing. I've been to the homeowners association that occurred a few weeks ago to hear about this project, and I hope you will consider to allow project like this to encroach on an already established and working neighborhood just doesn't make sense to me. Thank you."

Karen Heldmeyer, 325 W. Berger, said she isn't going to talk about the details because very few of the details have been divulged. She will talk about openness and transparency which have been singularly lacking in this Resolution. She said it was presented at the first Committee meetings as if it were a "done deal," with a timeline that was "on roller skates," with very few details, even when the Councilors on the Committees asked for the details. She thinks staff knew more details than they were divulging, for instance they want to a traffic study. However, you can't do a traffic study unless know it is that is going to generate traffic. She said a few words have been changed in the Resolution, but people are afraid that doesn't reflect the reality, that it says we might donate it, but if everything is in place already, they are really concerned. She said what happens when you keep people in the dark, you generate fear and distrust which is what has happened with this proposal. She asked, do people want whatever this is, but that depends on what it is. She asked, what kind of buildings are we talking about, what kind of affordable housing, commenting most people don't understand that there are many different kinds. She asked who will benefit from it. She said these are all questions that, if the public had the right to know and find out about these things, then there could be a good public discussion. The Resolution does that there will be an ENN before a rezoning request which is in the law. However, it also hasn't changed anything about what STOP has to do. When are they supposed to get the rezoning. They are supposed to "do all of the things that were supposed to be done, when it was a done deal." She said, "So, you need to pull this back and include the public in the discussion of what's going on. Thank you."

Ed Romero, 55 year resident of Santa Fe, Director Housing Authority for the last 14 years. He said the last time he was here, he was advocating for 330 apartments, about a mile from his house, and there is an affect on him from the those units. However, at the end of the day, we have to make decisions that are in the best interest of the City, and the reason he was here then, as well as the reason he is here now. He said issues which seem to be "floating out there," is this really is kind of workforce housing. He said very people who would live in this type of site can live there without income of some sort. This is the type of project that is going to have teachers, nurses, police, waitresses, and hotel staff and such. He suggested we need to find ways to put them in places where they can get the City resources a little bit easier. He said they love this particular site because it's not at the end of Airport Road, because it

has access to places where people can walk. He said they always are advocating for something other than the Airport Road Corridor. He said we could go there, but that's not necessarily in the best interest of the City long term. He recognize there are issues in neighborhood. He said this is just a Resolution proposing to look at land, which then has to go through an ENN, talked about, then to Zoning and there are certain requirements we have to meet to build in Santa Fe. He commented that Santa Fe is hardest town in New Mexico in which to build. He said there will be a lot of oversight on this. He commended Council & staff for coming up with this project and for targeting the Low Income Housing Tax Credit Program, because it builds the most sustainable, greenest, most livable projects out there. This won't be a project that comes in with market and eventually degrades. There are funding mechanisms and equity partners that come in and make sure these projects are held to a high standard."

Zachary Thomas, Santa Fe Community Housing Trust, said he is going to talk about the logistics of developing with tax credits. He thanked Councilor Ives and the Council for bringing forward this Resolution. The reason, is that the rules for tax credits are such that this type of participation by the City is absolutely critical. You won't get any tax credit project developed without this type of action, exploring opportunities to set aside land for a local or matching contribution. It is becoming more and more important in the law that the cities needing affordable housing participate actively in it. It is not just driven by the developer. It is 100% driven by the community in fact. They are in the process of developing the only new construction, tax credit developing in the City. It was a partnership with the City which is crucial, and a partnership with the City and Pulte Homes. Pulte Homes chose to have the Lytech project immediately adjacent to them because of the traditional quality Lytech has. He applauds the Council for going in this direction. He said, "It is 100% crucial absolutely and it's going to become even more crucial in the future that communities, like Santa Fe, bring parcels of land where affordable housing can be developed and really contribute that to the project as a matching source of funds."

Alexander De Zurich, 422 Greg Avenue, said this is a very important issue to everybody in this room. He is an architect who has worked on several low income tax credits projects throughout the State. He said without a doubt, what Ed Romero said, that Zach just reiterated, that this is a good quality program with a good quality project to be put on this site or other sites around town. He said we have heard some agreements today. First we have heard that traffic is an issue, and would encourage to the City study what can be done, whether or not this project moves forward on Zia Road. He has also heard "affordable housing not here," and asked what would happen if it was on another parcel in another neighborhood. He said it is "I'm all for affordable housing, but not here." He said when you keep on going down that road, you do end up with someplace like the Northwest Quadrant, a place without utilities and infrastructure needed to do a development like this. It is called suburban sprawl, and we are all against that, he thinks, in principle. The most sustainable thing you can do from a planning perspective, is utilize an infill site where the infrastructure, roadways and services are in place. He said he heard today, and wants to reiterate is "think before you act." He thinks that very true and exactly what this Resolution is doing. It is studying the feasibility and viability of the City donating this land through a legal mechanism to an affordable housing director. He said, "I encourage the City and the residents of the area to engage in an open dialogue, as Mr. Padilla mentioned earlier, and think about this, and think about it carefully, and go ahead with this Resolution. This is for a study. Thank you very much."

Daniel Werwath, 1611 Camino Porvenir, said he is the Chief Operating Officer of New Mexico Interfaith Housing, a non-profit affordable housing developer, and someone who has worked directly with the City on a project like this where the City has donated land. He reiterated how incredible important this is, having gone through this process. He said they are in the position where they could potentially leverage tax credits for new construction, 3 years in a row, assuming this goes through a process and it can respond to community needs and be rezoned. He said if we want to get this in the pool for 2019, which means getting it built out by 2021 or 2022, we really need to move now on the feasibility side. Time is of the essence. The Low Income Housing Tax Credit Program really is the only affordable housing funding source that can support affordable rental housing in Santa Fe. It is a once-a-year shot, and will bring in \$9 to \$10 million of subsidy funding to the community, or it will go somewhere else. If we don't have a piece of land, or money equivalent to the value of that piece of land to contribute to a project, we just won't be in the running in a statewide race for this. He reiterated the City is 2,400 units behind in this income range for rental. He said it could not be more urgent that we work pro-actively toward this. He said this is how he feels every time I hear people say we're in support of affordable housing, just do it somewhere else. He said that somewhere else doesn't exist. It is literally every site in every neighborhood, that neighborhood wishes it was somewhere else. The opportunity to fund a site that is the right scale, has the right infrastructure to do a project of this scale is so rare. And the ability for it to be donated by the City is so rare. He said, "I just encourage you to think about this differently, to think about the opportunity of a rezoning and development planning process to respond to community needs. These types of investments can help mitigate traffic and help create new community resources that benefits the neighbors. And I hope we can look forward to that."

John Whitney, 2605 Calle Primavera, said he has lived at this address for 37 years, and has seen the traffic get worse every year on Yucca. He tries to get on Yucca in the afternoons when school is out and it's terrible. His wife has been hit on Yucca by a high school driver, and they are now letting the Seniors go out a noon, adding to the congestion in the area. He said, "So, I am against the Resolution to allow low income housing in this area, mainly because of the traffic. It's terrible there. Come over and see it. Thank you."

David McQuarie, 2997 Calle Cerrada, said he is here in opposition to the Resolution, not because it because of affordable housing. He said it is a "piss-poor location," when you consider that people of have to deal with this hazardous intersection. And to develop it with more housing will make it more hazardous, therefore he is against it. He said right now the handbook says it is sub-standard, and we will have to improve it or you will be in violation of ADA. He said he wants to point out that he has lived in this area for 65 years, so he has a pretty good idea of what the development looks like. He said, "So please consider the people. Thank you."

Stefanie Beninato, P.O. Box 1601, Santa Fe, said she is for affordable housing, but she thinks this is being doing backward. She said we didn't got community input, not go first to the public. She said if this is part of a larger study to find chunks of land the City can use, and you seriously hear possibilities, then you get public input before you put money toward a feasibility study to give it a ride, because it sounds like it's a done deal. She said Yucca and Zia is a bad intersection, noting you can't turn right on a red light from Yucca onto Zia because the traffic is that bad. She said saying we'll get money and fix it, how are you going to fix it, which is the biggest question. She said giving away money to do a feasibility

study.... there will be a qualified developer who will take this. She said the idea of clumping all affordable housing into one location as opposing it through a neighborhood, which is more difficult, is really what will break the cycle of poverty. Putting affordable housing in affluent neighborhoods will break the cycle of poverty.

Juanita Rosales, 2627 Calle Primavera, thanked Councilor Trujillo, Councilor Harris, Councilor Dominguez and Councilor Ives for returning her calls, noting the other Councilors did not. She said she wasn't going to speak, but thinks it's important to note here that the only people speaking for it, are the ones who are going to get something out of it – the planners, construction people, and Mr. Romero is in charge of housing. She said, "So I think it's really important that you note that, because it is our neighbors and we are citizens of Santa Fe, and all of you are representing Santa Fe and not just your district.

Elizabeth Nelson, 2606 Camino [inaudible], said she is a local teacher, and she and all of the teachers at her school wouldn't qualify for low income housing. She said this is a parkland and as a mom with small children, we don't want to give up our local park land. She said they know there are many beautiful places all over Santa Fe, that can hold this low income housing. She serves all of these children she loves, and believes in their families having low income housing available, but they don't want to give up our local park land.

Marie Gutierrez de Alarid, 2317 Calle [inaudible], said on the list, there are others that say "Good, Feasible," and asked the reason they aren't incorporated into the study, instead of just the one area. There are at least 6 other areas in there that also are deemed appropriate for this development. She said, "So instead of just having the Resolution to study that one area, include the other areas to be studied as well. Thank you."

Dale Beasley, 2624 Calle Primavera, said because of traffic, crime and property valuations, he is not in favor of this.

Rob Nelson, 2606 Primavera Court, asked Councilor Ives if he has been to the site. He said there was a report out there that says it is on 5 acres, and there would be up to 20 units per acres. He asked everyone to imagine 100 housing units in such a small area, and not have it have an effect on traffic as has already been said. He said you are going to decide if it's feasible, traffic-wise. He said, "You can't expand these roads any further. Zia, you will go into possibly that area over there, but then there's housing down [there] and you can't take away from that property. You can't take away from the park property on the right hand side of Zia Road either. On Yucca, you can't expand left or right if you're going into the arroyo, you're going in the neighborhoods. Where are you going to be able to fit that much housing and that much traffic. He said, "Please take that into consideration when you decide whether or not to go forward with this Resolution and this project."

The Public Hearing was Closed

Councilor Ives said, "First of all, big thanks to everybody coming out tonight and providing your input on this Resolution. It is contrary to some that suggest there is a lack of transparency, this actually is a hearing that these projects often get. When development and rezoning is being considered, there are

ENN's, there are several public hearings. And Mr. O'Reilly in making his initial remarks identified a number of those opportunities for public hearing. So it has simply been following a defined City process, but we tried to expand it because of the extent of interest in appearing here tonight, and so we did that. So again, thank you for coming out."

Councilor Ives continued, "I get nothing out of this measure. I have no idea who would develop it, the developer would be. The insinuation that somehow I'm receiving any type of kickback or payoff is personally, incredibly insulting. And you just don't know me if you think that is the Case."

Councilor Ives continued, saying you heard about the urgent need, and some have called it a crisis and thinks that probably is an apt description that we face in Santa Fe on affordable and low income housing. This property is well suited, well situated for this kind of consideration, and the Resolution is asking this be done. He said a traffic study will be done. This effort is to try and have that assessment done as a result of this Resolution. He said many people jump to the conclusion that traffic is so bad there is no way you should look at that issue, but that's now how things are done generally. He said we try to perform traffic studies with any proposed development, so this is following a well defined process followed by almost every development before this City.

Councilor Dominguez continued, saying some people mentioned crime and property values. He said he looked at those issues when he heard people were concerned about that. The studies done looking at affordable and low income housing projects have more often found that property values increase in those areas. With regard to crime, the studies conducted don't support that evidence. He believes we're talking about potential housing for police, nurses, teachers and others. We need to find a way to get our young people, seniors and our workforce housed in Santa Fe. This project in this location is well suited to that purpose, and the reason he brought the measure forward. This is an issue we all agree on.

Councilor Dominguez said, "First of all, I just want to tell you Councilor Ives, that I feel your pain. I know what it's like to be on that side when the Northwest Quadrant was an issue, it was much the same argument – too much traffic. We spent thousands and thousands of dollars on that, so I certainly understand and sympathize with the attention you've been getting. I will say though, that I take exception to anyone who would suggest or have this idea that you are somehow getting paid off. I think that are one of the most ethical and honest Councilors that I have seen in the 12 years that I have been a Councilor. So I just wanted to express that, because certainly we have been on opposite sides of the table from me on issues, but never have you ever been disrespectful or... you're just not that kind of man. So I take exception with anyone who would suggest that, or think that."

Councilor Dominguez continued, saying he and Councilor Villarreal had a private conversation about affordable housing. He said it is clear to him that this community still does not have an understanding of what affordable housing is. He said people get affordable housing mixed with low income housing, multi-family housing and there's just a lot of different interpretations of what affordable housing is. He said people need homes in this community. It is amazing to him that we have homeless people in the USA. He said as progressive as our City is, we have homeless people. He said, "Everyone deserves a home." Low income... he takes offense to some comment about this being low income housing and whatever the case may be.

Councilor Dominguez continued, saying having said all of that, he does have some concerns about the bill, the way the bill is written, perhaps even some of the intent of the bill, because really what it comes down to is what affordable housing. He said he has questions of staff so he can get to his point.

Councilor Dominguez continued, saying there seemed to be a sense of urgency before, and he thinks the public has seen that. He asked if there was a sense of urgency at one time that doesn't exist now. He said some of the public was concerned about timing – some saying it was too fast and others not fast enough. He asked Councilor Ives to speak to this.

Councilor Ives said there is one point of the year when low income housing tax credit projects can be brought forward, and it is in mid to late January. If we were to have this project available for funding in the next cycle, moving it forward quickly was a necessary process. He said moving it forward quickly did not mean that we would not engage in the ENN or the requisite public hearings – those are required under the law. He said there was enough pushback to that timing, and knows one low income housing tax credit project that is likely to be submitted in January, and it is one submitted last year but not selected. He said it seemed prudent, given some testimony from the Land Use Planning staff, that they would be severely strained to have this ready for that type of timeframe. He decided to listen to those voices urging accommodating additional time and more public input. That is what brought us to this position this evening.

Councilor Dominguez said presumably you are slowing the process a little by asking for this to be basically, an evaluation. He asked if we are looking to hit the January 1st timeline.

Councilor Ives said based on what staff report, it did not sound possible. This would be my preference, because he thinks the need across the community is great enough that if we can find ways to bring more affordable housing into the City we should do so. He said in looking at the statistics about what we lose by not having housing available for our workforce, and housing for our young people, it does seem like a crisis.

Councilor Dominguez said that will be a mantra for all mayoral hopefuls as the election comes along, and said he knows Councilor Ives well enough that he says what he means and it comes from the best perspective. He said he is trying to say that he thinks the community, in general recognizes the need for affordable housing, but we still don't have a good definition and the community doesn't understand the difference between low income housing and affordable housing. These two words get intermixed a lot and thinks that lead to confusion.

Councilor Dominguez continued saying, let's get back to my point on timing. It seems to him that if you're not going to hit the January 1, 2018 deadline, what should take place is a review of all of the areas. It sounds as if Councilor Ives has reviewed areas that are potential candidates, but it seems to him that we need to review all of the areas and give the community and Governing Body the opportunity to prioritize some of that. He is always leery, as he said on other issues, to doing things too speedily, and sometimes there are unintended consequences. He thinks this is the result of some of that. He said he doesn't know what properties are available, although the Asset Manager does and Councilor Ives probably has a good list. However, he hasn't had the chance to look at it, evaluate or think about in terms of where we want to

have affordable housing or even workforce housing, whatever term anyone wants to use. His preference is, if this project were to go forward, he would put nothing but police officers in there so we could have incentives for our Police Department and fix a problem that was articulated earlier.

Councilor Dominguez continued, saying he is being a little cynical. His point is that we need to have a better sense of some of the priorities and what that means. He said he will leave his remarks at this, and listen to what the rest of the Governing Body has to say.

Councilor Ives said this project came out of the Asset Development Office's review of the properties around town that were appropriate for this type of development. While that was not part of the original Resolution, a supplemental memorandum was developed which identifies a host of parcels that were looked at and reviewed, and the issues with those various properties are noted as the Director of Asset Development has spoken at various hearings previously before various committees. He said this is the parcel that was best suited for this type of development, and it was a significant amount of review and intention it was brought forward as a parcel suitable for this type of development. It has not been because it has been without consideration. He believes staff has considered significantly the issues all around town, and this was the best one that existed. And pursuant to his request for that review, it was identified to him so he brought forward the Resolution asking that it be studied for this potential application to affordable housing.

Councilor Dominguez said this is in the packet, and asked who decided that this was the best property to prioritize, because the Governing Body hasn't had that discussion.

Councilor Ives said he asked the Asset Development Office to assess parcels all across the City, and Mr. O'Reilly did an analysis and looked at these, noting Mr. O'Reilly has extensive experience in development, and was an early developer in Tierra Contenta. Additionally, he was the Land Use Director for a number of years and had significant experience, as well as exposure to City property all around the City.

Councilor Dominguez said then the answer is that the Asset Development Manager made that decision, and Councilor Ives said yes.

Councilor Dominguez said he has the utmost respect for Mr. O'Reilly, but he does not represent the public, and that is where some of the missing link is. He said he agrees Councilor Ives has every right to bring something forward, which he has. However, from his perspective, he would have liked to have had a good conversation about all of the properties and determined, for example, what is best for public employees and make that a priority. He thinks there could have been more conversation in this regard.

Mayor Gonzales asked Councilors to keep their comments to direct questions in terms of what can help to inform a decision tonight.

Councilor Harris said he was the only Councilor who voted no on this Resolution. He said, "I feel that some individuals should apologize to Councilor Ives, he is an honorable individual, an ethical Councilor, an effective Councilor, and really does not deserve some of the comments that I heard earlier.

So people need to understand. He brought it forward in good faith, but in fact, this was very flawed from the very beginning."

Councilor Harris said when this Resolution was introduced initially at the Finance Committee, the first time it appeared on October 2, 2017, it was scheduled to go to this body on October 25, 2017, which is 3 weeks which is remarkable given the way we conduct our business. He said he has never seen this happen. He particularly asked about the West Santa Fe River Corridor Overlay, which isn't entirely analogous, but that took more than 2 years. He said process is something we hold dearly. However, there has been no process. He said in reading the minutes for the Finance Committee and the subsequent Public Works Committee, it is clear that the emphasis was to get this put together in time for application in January 2018. This is the biggest problem he had with this – the fact that it was being rushed so dramatically.

Councilor Harris continued, saying there is the West Santa Fe River, the Old Pecos Trail Scenic Corridor, and any number of projects are considered, even the ones referenced by Daniel Werwath and the Housing Trust, there was a lot of discussion before we got to the point of award. He said he accurately described the process for the donation and he has no problem with that. He said this may be an appropriate property, but he wasn't prepared to say that, and he still is not prepared. He said in looking at the Finance Committee meeting minutes from October 2, 2018, immediately after he asked about the process and the lack thereof, he asked about other properties. He said this document was not included either in Finance or Public Works Committees. He said, to his credit, Mr. O'Reilly delivered this analysis, but it is his analysis. He agrees with Councilor Dominguez that there needs to be a much more thorough vetting of what might happen elsewhere.

Councilor Harris continued, saying that is where it is coming from, as well as the notion of trying to get it done by an application, getting the appraisal, the survey, staff to put together packets for rezoning and everything, the ENN, in order for an RFP to go out for groups like the Housing Trust or Interfaith to respond, or Mr. Romero's organization, whomever it may have been, but it was absolutely impossible. He said, even if possible, to make it possible it would have drained a lot of staff time.

Councilor Harris continued, saying he probably isn't the only Councilor who hears about delays in process, the difficulty of getting projects through the Land Use Department. It is a fact of life and he isn't going to say if it is good or bad. He said to hit January 18, 2018, was truly impossible, unless everything else was shoved aside.

Councilor Harris continued, saying we heard a lot about traffic and the impacts and changes over the years. He said it took time to get information from Land Use about what is in the works right now. He has a document dated October 18, 2017, there are 1,453 units being processed at some level, and of those units, 711 are in District 4, 654 units are in District 3, District 2 had 6 units and District 1 has 82 units. The traffic has gotten significantly worse in the 30 some years where he lived in Villa Caballero which borders Camino Carlos Rey. So it isn't just the City projects he is citing in District 4 particularly, but when you look at the success of Rancho Viejo and what is being built by Pulte and the pace it's on, Pulte is bringing forward Ross Peak for 197 townhouses, we really need to look to see if any consideration is being given by Long Range Planning about what these developments do to the pattern of living in Santa Fe.

Councilor Harris continued, saying he thinks we should vote no, and step back and take a serious look at what is available, what can be done, and start by working off "this" list. He also is curious about parks and open space. He said some of this is open space. He said shortly after the first of the year, we probably will get our Parks Master Plan. He said there is no such word as "over-parked," but if there was, it would be applied to Santa Fe. We have more parks than a City our size can justify, but that's who we are and so he doesn't say that. If we are going to look at parks, we need to look around town. He thinks this master plan will also note that some of the older neighborhoods, mostly found in Districts 1 and 2, have a higher concentration of neighborhood parks. So there are a lot of reasons to step back. He said this really is all he has to say, but he appreciates the comment. He definitely appreciate Councilor Ives, noting it was his request, to allow a public hearing tonight, and people need to know it was his decision, particularly those who were so critical of him.

Councilor Trujillo said it has been said we can move forward on issues, and this is the reason we are having this discussion. He said he does believe there was a lack of transparency, and he has heard from some of the neighbors who asked the reason why they weren't told about this. He said this is how we should have started. We could have met at the High School, or at Genoveva Chavez so the neighborhood would have had the opportunity to understand what was coming before use.

Councilor Trujillo continued, saying prior to this meeting it was in his District, and he has represented this District for 11 years. *[inaudible due to noise overlay in sound system]*. He said a few years ago, he had time to put together the skate park we built at Genoveva Chavez on a parcel of land after discussion with a lot of the skaters. And it was feasible to move it to Genoveva Chavez where the bus stops. So he made that compromise.

Councilor Trujillo continued, saying he hasn't stopped thinking about this piece of property because it has always been designated as Park property, because we have had the handball court. The reason he hasn't moved forward on this issue is because of the Parks Bond and the lack of trust by many people in the City. He would love to see that parcel of land to stay as Park land and developed as Park land. He said many people want buckle ball courts and other kinds of recreation. He said as just mentioned, Santa Fe has a lot of parks which is a good thing. We need parks.

Councilor Trujillo continued, saying one person said since he was 16 years old he has been at Ragle Park playing softball, coaching. He has seen the intersection and has been there when accidents occurred at the intersection, and some people lost their lives at that intersection. There are flaws in that intersection and there always have been.

Councilor Trujillo continued, saying his concern is really the *[inaudible]* space and what a lot of people in the neighborhood aren't happy about. He said the way the Resolution read in Public Works is that it was for donation. He said, "I brought it to your attention, I said, this is a done deal." They said it wasn't and I said, "Well read the Resolution. That's why I made you change it. And that's why it's safe, because it wasn't written right, so you did make those changes." He said he isn't at all in favor of this Resolution, and it's not being against housing or that, but he will be labeled against affordable housing, but that's part of being on the Council. If we vote against something, we are labeled – you're not for public housing, or you are against this or that. It always has been that way.

Councilor Trujillo continued, saying as Councilor Harris and Councilor Dominguez said, we definitely need to step back. We just had a discussion on the College of Art and Design and asked what we are going to do that. He asked are we going to put affordable housing there, which is another discussion that lends itself to housing as well.

Councilor Trujillo continued, saying something he wants to mention is that when Daniel Werwath spoke about donating property, we were donating property that wasn't affecting the neighborhood, which always is an issue no matter what. He said we weren't affecting Siler Road, because there is no housing there. He said we can say it is great that we're having these houses that are affordable and he still supports that. However, you do have to take into account that there are neighbors, and neighborhoods where people are living, and have lived there for 50-60 years. He said you have to listen to your constituents. He said he represents the affected constituents and the reason he is listening to them. He said affordable housing and low income housing are issues that aren't going away, and he believes we need to continue the conversation.

Councilor Trujillo continued, saying as just mentioned, the City has all these parcels of lands. He said we have discussed affordable housing in the Northwest Quadrant a lot of time, and we kept saying we have affordable housing in the Northwest Quadrant and we want people to have the opportunity live on the East side of Santa Fe, instead of always having to live on the Southside. He said we all said that, and it was a big deal for all of the Councilors at the time – let's have affordable housing in the Northwest Quadrant. But it hasn't been developed. It is a huge piece of property, and said hopefully we will develop it some day.

Councilor Trujillo continued, saying we need to see if there are State, County and School properties. He said in the past we have traded property for property and we can do that in the NW Quadrant. He said we need to talk about how to bring the State, County and Schools into the conversation, to see if there are properties where can look to put this kind of housing as well. He said this is an issue we are going to have to talk about all of the time.

Councilor Trujillo said, "Councilor Ives, you are an ethical gentleman, and I've always had respect for you and this Council. And you are a good man, you are." He said he thinks things have just moved too quickly, with all due respect to Councilor Ives.

Councilor Rivera said, "I too, want to vouch for this man as a moral and ethical individual, and I don't think that he would do anything to build himself up for bringing us forward. In fact, I commend you as a candidate for Mayor, for not staying quiet and bringing such a hot topic to us. I think that speaks a lot for you, so thank you for doing that. Thank you all for being here tonight. This was a way for Councilor Ives to get the community to be heard, and I'm glad so many of you did come out."

Councilor Rivera continued, saying as Councilor Dominguez said, he thinks we are missing the mark when it comes to affordable housing. He agrees with Ms. Nelson that he doesn't think this will do much for our teachers, firefighters and police. He is still curious as to how this parcel of land rose to the surface as the best site for this housing community.

Mr. O'Reilly said, "For all the reasons that were stated in the Memo. And also that, based on the analysis we did of available parcels that were actually developable. So Councilor Trujillo is absolutely right, there is land in the Northwest Quadrant. It has not been developed, it cannot be easily developable. If you will recall the estimates at the time were upwards of \$20 million to develop into a developable parcel. So we were tasked, asked by Councilor Ives to find properties that were now developable, had the capacity, had utilities, had road access. And if you note in the list of properties that we prepared, we had a general understanding of these properties, and have had for some while in the Asset Development Office, but were asked to put it more formally into writing. And so, in that analysis, we looked at access and utilities, and road networks and things like that."

Mr. O'Reilly continued, "After talking to Councilor Ives, this was the property that we identified that didn't have any restrictions, plat restrictions or other kinds of restrictions, had the kinds of things we needed, had large enough roads nearby, always understanding that there would have to be traffic studies to find out how to mitigate traffic from a project like this, and this is the project that was large enough to make the biggest dent in affordable housing property, because it was the biggest project in terms of acreage. And so that was put forth to Councilor Ives, and he wanted to proceed with that parcel. Staff compiles facts and puts them in analysis, and presents them. And the Councilor chose to proceed with this parcel."

Councilor Rivera asked if there are additional tax credits for this parcel – do we get tax credits for having the infrastructure, the road network, the bus system, trails, being close to schools – are there any additional tax credits for having that.

Alexandra Ladd, Director, Office of Affordable Housing, said there are no additional taxes credits, but we do get points on the application which increases the likelihood of getting the tax credit.

Councilor Rivera said then it's not like living on a brown field, saying, "I guess that's additional points as well and not additional tax credits." He said he won't belabor this, and he agrees with what his colleagues have said. He said probably should have additional meetings with the public initially, to let them know exactly what is going on before bringing this forward. He said, "I hope that in the future we can all learn from this, and maybe can have a more transparent process moving forward. So, thank you Mayor."

Councilor Maestas thanked Councilor Ives for bringing this Resolution forward, commenting that there is no dispute that we do need a lot more affordable housing. He thanked everyone for coming this evening and sharing your concerns, noting this became the newest part of District 2 when the City redistricted.

Councilor Maestas continued, saying he wants to correct a statement by Councilor Harris who said he was the only one to vote against this Resolution. He said when this came before Public Works, he wasn't in attendance for that Committee, so his absence was excused. He said this the first time he is hearing this issue, so he wanted to correct the record there.

Councilor Maestas continued, saying he thinks that Councilor Dominguez "hit the nail on head." He

thinks the whole notion of pre-selecting this parcel among many properties, regardless of the criteria, creates the perception of a lack of transparency. He said, "But I would never insinuate, or even explicitly state that Councilor Ives intentionally tried to be not transparent. I have also known him to be very professional as a City Councilor."

Councilor Maestas continued, saying in terms of the process, the property probably is vacant for a reason and he thinks "shame on us for not maintaining it properly." He drives Yucca, turning onto Zia all of the time, noting he used to live at the end of Yucca on La Cía Barava in the late 1990's. He has seen the road and the traffic develop. He said the City has had to have officers near the entrance to Santa Fe High School, because that's where people really start speeding up. He understands the fear of exacerbating an unsafe situation. He said the way we're going about this, is we are preparing a parcel for possible donation, but we're not donating it, nor rezoning it with this action. He said if the Resolution passes, the next step is to donate it. He asked Mr. O'Reilly where the rezoning actually would happen.

Mr. O'Reilly said, "Yes, you would be. The Resolution calls for the property to be surveyed, a traffic study to be done and an application for rezoning and general plan amendment to be submitted to the Land Use Department and processed. This means there would be an ENN, a Planning Commission public hearing and a City Council public hearing. That is what the Resolution calls for. In addition, while that is happening, which presumably could be during or after, but as a result of the Resolution we would seek to identify a non-profit, low income housing tax credit developer through a process. So all of that is what staff would be directed to do if the Resolution was adopted."

Mr. O'Reilly continued, "Once that was all done, then there would have to be another Resolution to actually donate it to the selected developer, and that would have to happen at a later date."

Councilor Maestas said Mr. Reilly cited Las Soleras in his Memorandum, and this situation is very different from Las Soleras, in that that was a master planned community. And when the first phase came before the Council we had the context, a master plan, zoning predetermined, and we knew where the parcel would be for low income. He thinks that is comparing apples to oranges, and thinks this situation is not the result of a master planned community. He said at one time there may have been an intent to use the land to expand Ragle Park. He said in looking at the proximity to the intersection, we have a lot of parcels that we're having difficulty in developing because of the restricted access to these intersections. This one of the problems with which neighbors in the area are wrestling – we don't have context, we don't have a development plan before us, so it lets your imagination run wild. You can think of the best, but you probably going to think of the worst. He said this could be what's happening here in not having that context."

Councilor Maestas continued, asking if we could engage in a different process where we let the private sector look at these City-owned parcels available donation, regardless how you or any City staff feels, whether or not they are developable. Then we put a request for information, we publish all the parcels available and let the development community tell us what they think would be feasible, instead of doing all of this on the front end which he thinks is creating so much consternation. He said most of us have a development, and if there needs to be a plan amendment, we have the context, we have the development – but here we don't have that. And the pre-selection of one parcel out of many, regardless of

your evaluation and he is sure it is a good evaluation. He would rather see the development community look at these parcels first. It would be transparent and there would be a public process, they could see all of the lots. We could still provide Mr. O'Reilly's evaluation, but we actually would get feedback and information from the development community. He believes this would be a better City-wide approach.

Councilor Maestas reiterated he thinks however transparent, logical and objective the pre-selection was, his colleagues are saying we probably need to look at all of the parcels and broaden the evaluation and consideration for development. He said perhaps we could come up with multiple developments, and asked if that would be feasible. He recalls we donated the land up front on Siler, but thinks they didn't qualify initially for the low income housing tax credit.

Mr. O'Reilly said the City has not yet donated the land on Siler Road, although we have approved donating it. And if they get tax credits, the City would transfer the title to the developer.

Councilor Maestas said then we would be competing against ourselves. If this was approved, and we did a Low Income Tax Credit Application on January 1, 2018, and asked if we would be competing with Siler Road.

Mr. O'Reilly said what he heard tonight was from some of the low income housing tax credit non-profit developers in Santa Fe. This would put properties into the pipeline so that almost every year for the next few years, the City would have at least one low income housing tax credit project for consideration by the MFA. He said it is always possible that more than one non-profit in town would submit a proposal for low income housing tax credits, and that may happen this year. It's likely that the Siler Road project will be resubmitted, and it's possible that there is a proposal from another non-profit developer that could go in the beginning of next year.

Councilor Maestas said the preparation costs could be done by the developer, if we tried to turn it around and identify an interested developer up front and have them pay all these expenses, do the survey and the mapping. He asked if this is a possibility.

Mr. O'Reilly said, absolutely. We can put all of this on our low income housing non-profit developers, but it adds costs to their projects and affects the affordability.

Councilor Maestas said he bought ½ acre near the hospitality, but it had utilities in the roadway but no connections, so he had to pay a premium, he bought it as is. He believes there are other ways to do this, and thinks we should look at this again and use a broader process, and have all these pieces of land vetted by the staff as well as the developers through some kind of RFI, commenting, "That would be my preference."

Ms. Ladd said, "For the record, I do want to point out that without site control, without rezoning, there is absolutely no way to meet the 2018 application deadline, and it's even pushing it for the 2019 application deadline, particularly if we want to roll in comprehensive, extensive design process that involves the neighbors. And this would go for any site. So I think you can't really expect developers to invest their own time and money into designing mythical, possible, future projects, without some sort of

commitment from the City that the land costs would not be part of their budget. And without being able to make their budgets work well, they won't get the tax credits and the subsidy won't come to our community."

Mayor Gonzales noted we are at the 8:00 p.m. hour, and yet we haven't broken for the Evening Session at 7:00 p.m.

Councilor Villarreal thanked everyone for attending and expressing their opinions. She said this is the area where she grew up, noting her mother still lives in the area. She said to her, this is an area that she wants to make sure we do right, and that we look at all possibilities but not eliminate any opportunities. She said she says "opportunities," because we keep talking about affordable housing in whatever form it looks like. She said it is really challenging in Santa Fe to be able to do that. The only way we've been able to make this happen in Santa Fe is through low tax income credits. She says it's actually just a mechanism for funding affordable housing. It's one of the few ways we've been able to do it in the City, commenting there is a lot of development we don't know about it – limited income or subsidized housing because they're blended in. And we have non-profit developers that did a very good job in integrating it, but we don't know what that looks like, and some people don't even know examples of really good development for affordable housing for limited income people.

Councilor Villarreal continued, saying she thinks we have a misconception that limited income is not our gente, they're not from here, they're just coming in, they never lived here before, they just want to come and live in our community. She said, "Well, actually it's us. It's the people who grew up here. They may not have a home like you all have, but they're looking. And I think it's really short sighted that we just have people that are coming in from elsewhere that won't need to be able to live here. And low income housing, I think it's a misconception. There is an assumption it reduces the property values, that it brings in crime, and these really are presumptions based on fear and frankly prejudice. It's actually flat out discrimination. And so when you say it doesn't support workforce housing, I actually think there is a continuum of what affordable housing looks like. It's not just someone that's making \$15,000, which they deserve housing, too. But it also has to do with people that are also a part of our community that are working in all different levels."

Councilor Villarreal continued, "And the problem that is happening in Santa Fe is we don't have.... once we decide we're not even going to look at areas, we'll have affordable housing somewhere in our community, it already then increases our prices in being able to live here in Santa Fe. And the reason I know, is because I'm a professional planner. I grew up trying to figure this out, I studied it, and it's not easy to solve, it's really challenging. And this low income tax credit possibility is even more complex, because the formula...the federal government makes it really difficult.... having a property that the City donates is crucial, and we really don't have that many properties that we own that we control that we can do something with. The reason why I want to say these things, is because I think....with all due respect to my compañero that is on the corner over there, Roberto Ochoa, who I've learned a lot from and actually he taught me a lot about what equity means and what that means to our community. Well, having possibilities for affordable housing, whether they are veterans like yourself...and thank you for your service.... it means all of us have to dig in and compromise and be able to compromise and support our people that want to live here."

Councilor Villarreal continued, "The problem that I saw with this particular Resolution, is that we did have a timeline. We were looking at a very specific timeline because of the tax credit approval. Now we've missed that deadline. So we actually have this year to kind of look at opportunities. And I'm not opposed to trying to see what's possible on the property, but it doesn't mean I'm going to vote for the development if we ever get a person or developer who can make it work. But I would like a survey done. I would see what the traffic study would do, but I'm not quite sure how a traffic study would be fine if we don't really know what the development size and scale could be. That's one question I had."

Councilor Villarreal continued, "And the other thing is, I think we went about it the wrong way. We don't have a good mechanism to ask the public what they think about something and the possibilities. It's frustrating that we don't have a way to reach out to the public in a very transparent way where people feel welcome and included. She would suggest that we have a public open house session, and that doesn't mean an ENN because that's more formal. Like an open house where the public could see what's possible, and what did we do in other places that works for affordable housing. There actually are some really good examples to show the properties that we do have and why there are limitations. And maybe there's limitation on this property, obviously there's some you all have expressed that I want to dig in more and learn more about and understand what those barriers are. But that doesn't mean we should just say, forget it, let's just do [inaudible]."

Councilor Villarreal continued, "I'm not quite sure how to find a solution that would be a way that people feel like we're not rushing things, but I want this property to be looked out. I want to see what the survey says. Because the arroyos are so close, what restrictions do we have. There's probably quite a few. But it doesn't mean we should just say no, nothing, can't do anything. Because I want more people to live where I grew up than when we grew up. I just get so frustrated with this, because we don't understand that affordable housing means a lot of different things, in all different income levels. And we're just going to keep saying no to every single area in Santa Fe. And I think that's not a good thing. Because just because we have our own homes, doesn't mean that other people shouldn't have a home. So I'm not sure how to make this better, the process, because I want to look at the property and see what's possible."

Councilor Villarreal continued, "So if anyone has a solution, because I think the way it's written it's confusing to people. It confused me when I first read it. It sounded like we were already ready to do something with it. And then we changed the wording and that's fine, because we all suggested that. We're not even guaranteeing that we are going to donate the property. There is a lot to do before we get to that point. So I'm willing to the survey. I'm willing to look at those options, but that doesn't mean I'm going to vote for anything that might possibly be there. So."

Councilor Lindell said, "Pretty much everything has been said. I'll just throw in one personal comment on this. I live within 4-5 blocks of a low income development that is driven mostly by vouchers. It's not workforce housing, it's low income housing and it's driven by vouchers. And interestingly enough, I asked my partner before I came to Council tonight, we haven't talked about the development near us. The truth is, she's unaware that we have a voucher driven development near us. And I would like to say that I agree with a lot of what Councilor Villarreal said."

Councilor Lindell continued, "And I would echo what every other Councilor said, that Councilor Ives

is an honorable man with integrity. And the insinuation that he's bringing this forward for a future kickback is deeply offensive. That's all I have Mayor."

Mayor Gonzales said, "First, just to join my colleagues, Councilor Ives, and really apologize for being present, unfortunately, in a public hearing where your integrity was attacked. The ethical standards that you have practiced since you have become a Councilor, I believe are some of the highest in country, of the people that I've met. And I know that you are a person of honesty and integrity, and you approached this issue, truly, with the benefit of our community at hand. And I will also say that, I think we tonight, and I don't know if.... I can see the horizon already of March. But tonight, I was really privilege to listen to a community that was engaged in a proposal, and to elected officials across this City that demonstrated wisdom in each one of your comments tonight, and certainly something we could all learn /from."

Mayor Gonzales continued, "And having said that, I want to compliment and offer, hopefully a solution to the 3 individuals declared for Mayor tonight, because each one of you brought forward a potential solution in how we go forward. Councilor Ives, I feel like too many elected officials for being the first out for policy, and it's easy to label those efforts with lack of transparency, lack of public effort, or whatever we heard tonight. But the truth is, this is probably the first of its kind that we've actually seen a City Councilor, especially who is declared running for Mayor, actually brings something forward that would cause this kind of community conversation and criticism. But the fact that we're started this process, we're learning from it. I think being able to consider every public asset that we have available to address a community need is something that is our responsibility and our obligation as fiduciaries of the public."

Mayor Gonzales continued, "And Councilor Trujillo bringing forward words that I think are appropriate, in terms of there is a lot of public land in Santa Fe, owned by the schools, by the State, by the City, and by others, and there should be an effort that is collaborative, and that brings multiple landowners into this process. And I think, Councilor Trujillo being able to explore that participation with other individuals is critical."

Mayor Gonzales continued, "And then, of course Councilor Maestas, I think part of your question about can we consider multiple properties, at least I think is what I heard you talk about. And we see tonight by Matthew O'Reilly that there are multiple properties. I feel that if we could come forward with a process by which people feel they actually are sharing in providing opportunity for people to live here in our community, regardless of their income, that we will feel better as a community, as opposed to feeling like this is only happening in my neighborhood and this is going to hurt my neighborhood. Why is opportunity to deliver housing for people of all incomes not happening in other Districts at the same time. And so I think you asking that question, I think really presents an opportunity for us to bring forward a comprehensive effort of taking public assets, including the School Districts as Councilor Trujillo indicated, or the County, including Councilor Ives, the ability for governments to lead using their assets to address the public need, that we are on the cusp of what a solution will look like."

Mayor Gonzales continued, "I think tonight we've heard a lot about the proposal in front of us isn't the solution as per presented. And what I would advocate for, and Councilor Villarreal, I loved your words and your courageous statement, because we do need to continue to hear about the realities of what

happens, how we feel about people of low income. And how sometimes we discriminate because we believe they will adversely harm our own quality of life when we're talking about our brothers and sisters, tias and tios."

Mayor Gonzales continued, "But I think you need a Community Development Commission that is ripe for opportunity to bring forward proposals that this Council can consider that take into assortment, a variety of public assets that are owned that don't have to be used just for low income tax credits, but should be used for the benefit of all income people in our community. Especially, those individuals that find themselves... basically they earn too much to qualify for a rental house, and they don't earn enough to qualify for a down-payment and to be able to afford the regular payments of their home. And so we have to figure out how we can use the public assets throughout the City where it makes sense to be able to make an assortment of housing available for the community, because there are more folks that are in need of low income housing that need housing in our community as well. And they are often the individuals we see leave and go to Albuquerque where it's cheaper to buy a home and work here."

Mayor Gonzales continued, "I hope tonight, Councilor Ives, that through this process that we could have at least some insight on how we finally begin to use our public assets for the benefit of our community in a shared way, and begin to move away from a feeling by neighborhoods, by City Councilors and others that we're bearing the brunt of development or low income housing, or whatever it may be. And to be able to looking at it going forward as a shared opportunity and not just giving that opportunity or responsibility to one desired area."

Councilor Ives said as he said previously, this has been a very intentional process, and only one of a number of measures he has brought forward with affordable housing. It is his intent to look at other opportunities as they become available, and to do more of that. He introduced a proposal regarding additional dwelling units which still is being reviewed and revised to make it more palatable to those who raised issues with regard to it. It was never to empower in part the private sector to help us address our affordable housing needs. It was an effort focused on low income housing tax credits. He said the Mayor and himself cosponsored a measure to make Paseo del Sol a major arterial and any remaining undeveloped property in Tierra Contenta on the impact fee list. This is an area he fully intends to try and figure out how to fund that to build up to 2,000 more homes in Santa Fe.

Councilor Ives said this effort was a bite of the apple of the need for affordable housing. He said there is a difference in the estimated need of affordable housing, and the professionals estimate the number to be between 5,000 and 7,000 units. This will be a max of 100, so he fully intends to see what can be done with regard to affordable housing as well. He is happy to look everywhere in the City because the economic impacts to our City are so significant. He said the study done by Homewise suggested a loss in excess of \$300 million in revenue across the City, and \$6 million in tax revenues, which tells us how significant the problem has become.

Councilor Ives said he wants to act quickly on these things, and we have delayed far too long in trying to bring forward these projects. He would love this to move forward tonight, but doesn't see that in the cards, given the issues raised. However, he thinks it important this proposal be moved forward for the 2019 low income housing tax credit funding. He said he would propose that we postpone this matter to the

second meeting in January, so we can prepare a study of City properties that might be suitable for low income housing tax credits or affordable housing in a more detailed way, and ask for a public study session on this with the Council in early January. That might give us enough time, given the good work that has been done in the Asset Development Office, to have a sense of those possibilities are. That would allow this measure to figure out if it would be appropriate and steps necessary to move forward early in the year so it might be one that could move forward in 2019.

Councilor Ives continued, saying this seems a reasonable time frame, and accommodates everybody's desire to look at these issues more systemically. He hopes this moves us further down the road to finding more affordable housing projects across the City to house our young people, workforce, first responders, nurses, teachers, and he is all for that.

MOTION: Councilor Ives moved, seconded by Councilor Lindell, to postpone consideration of this matter to the second meeting in January, with direction to City staff to engage in a more complete and robust study and a public study session in early January to review affordable housing options across all of the City.

DISCUSSION: Councilor Dominguez thanked Councilor Ives saying he has always been a man who is looking for solutions which isn't easy to do. It is easy to sit up here and vote one way or the other on an item. He asked Ms. Brennan are we changing the title or the intent here. He said he has some language that he thinks works, and strikes "located at the northeast corner of Yucca Street and West Zia." He said it is a requirement to engage in a process to evaluate and look at all the properties. However, he thinks that changes the caption of the Resolution substantially.

Ms. Brennan said, "I'm not sure it does, because you are postponing this matter, directing staff to take out a study which might result in a substitute of some kind or to a series of amendments. But I think, if I'm correct, all of what is being forward is what was on the agenda night essentially, with the understanding that it may change in the future."

Councilor Dominguez said that doesn't make him feel better, because we're basically just kicking the can down the road. If we strike "located at the northeast corner of Yucca Street and West Zia Road," would that be considered friendly.

Councilor Ives said he was trying to accomplish the study everybody was interested in, without necessarily taking this out of consideration for these purposes. So, by changing the language, we make it more a study without any effort to try and move this particular property forward.

Councilor Dominguez said he can't support the motion as is, but he can support something that is a little more comprehensive.

Councilor Maestas asked if we strike the specific property, then we have to redefine what "prepare," means and the fiscal impact could be much greater than that. He thinks we should asked for a more detailed vetting of all those properties, but it has to be above and beyond what Asset Development has done. He thinks that would be a good initial step – to look at all properties, but maybe in a much more

comprehensive process than Asset Management. Again, the preparation is very specific and he thinks it is the surveying and other specific efforts to prepare it for donation. He would be directing them instead to maybe identify feasible properties.

Mayor Gonzales said there is nothing more pressing or urgent than delivering housing in our community. However, he doesn't think waiting until mid-January for some type of study solves the issue we're trying to deal with tonight. One issue he heard tonight which will take more time and thinks we can get there, is more of a community driven process with Council. He said there is an opportunity, along with Councilor Villarreal's committee, which is citizen appointed with her Chairing it, is to set direction about coming back with the criteria and assortment of properties as present that can address, in a more comprehensive way, the need to deliver housing in a time frame that meets low income tax credit deadlines as well as meets a market that is ready to invest in the delivery of housing at all prices.

Mayor Gonzales continued, saying his concern is waiting until mid-January as we going into the holidays. And it is very hard to engage and pay attention to what is going on. He hates kicking the can down the road, but in mid-January we will be knee deep in a political season. And not to take anything away from the candidates, but it becomes more of an issue than it otherwise would. He thinks we have a vehicle to address what you're asking us to address, not necessarily in the timeline, but also just not kicking the can down the road with the direction that can be given to the Community Development Commission to come back with criteria and process for having multiple properties throughout the City for housing development. And to have a series of public hearings so the public and neighborhoods and weigh-in. He doesn't know that the timeline, but we have to go through this process to make sure we are intentional in using public assets to deliver housing for the community, we are intentional in making sure the community feels it is participating and what the sites and criteria looks like. And then that that we are intentionally doing what you brought us here to do tonight. To either "put our money where our mouth is, or to not." He thinks when this is concluded at Council we and the community will have the benefit of that process to weigh in and allow for a conclusion that will allow us to go forward.

Councilor Ives asked the comfortable timeframe to get any identified properties ready for 2019 application if identified, how many months is timeframe to get ready for 2019.

Ms. Ladd said they would need to have the site by March, given the different entitlements that may need to happen, and the design process. We want to make sure it's meaningful and results in a project that meets everybody's needs as well as it can.

Councilor Maestas asked, "Point of clarification. Is that identified and prepared in the context of this action, or just identified.

Ms. Ladd said it would be identified and it also not a site with particularly huge issues.

Councilor Ives said if we lose another year looking at a low income housing tax credit project, then we have not served the need and contributed to delay in addressing the issue. He thinks it is easily doable in the almost 5-month timeframe.

Mayor Gonzales said this is true as long as we know we are going to broaden our reach, and it's not just about the decision on this. He said what could come back is that what is more readily available for development might be the Santa Fe of University of Art and Design, or schools such as Alvord or a number of other options. He said as we all know this process leads to that consideration with the criteria that is in place, it seems it would serve all of us well. If we're just focused on this parcel, there will be a lot of community conflict and consternation without considering other properties. We may ultimately come back to this, but there clearly is a way to allow the public to weigh-in.

Councilor Ives reiterated he is happy to consider these types of projects anywhere across the City. He said one of the most unhelpful arguments is, "well why are you doing this in my area and not your district." He has striven to avoid those issue in bring this measure forward, by proposing it at an incredibly suitable property in his own District. He wants to send the message to everyone that we need to look all over the City, and this happened to be the one that seemed the best, well located. However, he fully intends to look elsewhere across the City for affordable housing projects."

Mayor Gonzales said if we kept this parcel in place and the Council adopted it, between now and March there would have to be a public process in which neighborhoods could engage. There could be an active discussion on the critical barriers prior to Council consideration of this Resolution. He understands Ms. Ladd to say is that the site would have to be selected and a decision made to go ahead and put it into some process developers would take forward to the New Mexico Mortgage Authority to get the low income tax credits.

Mayor Gonzales isn't comfortable with the timeline, and it is a lot to get through to that point, and "we may not cross the finish line on the 2019 application. He doesn't see this issue being resolve by March 2018.

FRIENDLY AMENDMENT: Councilor Ives would like to amend the motion to say the last Governing Body meeting in March, on March 28, 2018. **THE AMENDMENT WAS FRIENDLY TO THE SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

CONTINUATION OF DISCUSSION ON THE MOTION AS AMENDED: Councilor Villarreal said the point about the study session doesn't sit well with her, because it sounds like a "being talked at session," and she doesn't think it is helpful. She is still wanting to look at the option for an open house so people know what properties we own, what affordable housing projects we've done in the City, what vision people see in affordable housing. She would rather be more inter-active than just being "talked at." She said it doesn't help anybody when you do a study session.

Councilor Ives said it is a process that will be interactive. The intent was to try to get anybody who wanted to participate in the discussion, involved in the discussion.

Councilor Villarreal said she agrees, but when you call it a Study Session, it sounds like some kind of lecture and "I don't like that."

Councilor Ives said it isn't a conception in this particular instance. He said if it is to be before Councilor Villarreal's Committee, there is an opportunity for her to define what that process would be which is perfectly

fine by him.

CLARIFICATION OF MOTION BY MAYOR: Mayor Gonzales said, "This is a motion to postpone a decision on this matter until the last meeting in March, March 28, 2018."

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

For: Mayor Gonzales, Councilor Ives and Councilor Lindell

Against: Councilor Dominguez, Councilor Harris, Councilor Maestas, Councilor Rivera, Councilor Trujillo, Councilor Villarreal.

Explaining her vote: Councilor Villarreal said, "I don't know how to vote for this, because I'm not really understanding [*inaudible*]. It just seems like if we wait, we're not doing any service for people. So, because of what you've proposed, I'm going to say no."

Explaining his vote: Mayor Gonzales said, "I'm going to vote yes, even though it is in the minority, because I have the faith that we could come to enough information to make a decision on it that night. So we'll just leave it at that."

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

FRIENDLY AMENDMENT: Councilor Villarreal would like to have an open house process and return to Council before a donation deadline. **Mayor Gonzales said this would be out of order, because the motion and second was to deny.**

DISCUSSION: Councilor Maestas said, "Mayor, as you described the process, to have an intentional public process to vet these properties, have the open house. But I think this particular matter is... forget about it. I think what you articulated in terms of the broader process is what we need. So I'm willing to amend my motion and give staff direction to develop a process and have them present it to the Council to basically have a complete vetting of all the properties for consideration of, not just low income housing tax credits, affordable housing and have it be intentionally public and interactive, with more detailed criteria to present to the City Council."

FRIENDLY AMENDMENT: Mayor Gonzales said, maybe that is more of direction, as opposed to part of the motion, and Councilor Maestas said he is willing to make it part of his motion with that direction. **THE AMENDMENT WAS FRIENDLY TO THE SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

FRIENDLY AMENDMENT: Mayor Gonzales asked Councilor Maestas to consider giving direction to the Community Development Committee which is the Council Committee that has that oversight so we give the staff some public participation in this so they aren't left having to propose something of which we are critical. Councilor Maestas said, "Okay. I accept that." Councilor Trujillo said, "I just want to clarify we are voting to deny this, but we're giving direction to staff." Ms. Brennan said, "I understood Councilor

Maestas to say he was amending his motion, but you are correct. It was originally on a motion to deny, and it does appear that the motion is being changed to be not denied." **Mayor Gonzales said**, "Let me just make sure. The motion was to deny, and he amendment to provide deny with direction to the Community Development Committee to come back, maybe the second meeting in March that comes back with a process that evaluates, that sets the criteria for evaluation of public assets, that describes the appropriate housing and densities for each of these area so the Council will consider it, and at that point, can make a decision on whether to move forward or not. **Ms. Brennan** said that would work. **THE AMENDMENT WAS FRIENDLY TO THE SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

CONTINUATION OF DISCUSSION ON THE MOTION AS AMENDED: Councilor Dominguez said he won't be here in March. He said, "This is the beginning of a more comprehensive discussion that this entire community needs to have on affordable housing. And we've talked about it for years and years and years and wanting to use City assets for affordable housing for our public employees, or workforce housing, whatever the case may be. But really what it says, and thinks is appropriate, is that this entire community, this Governing Body or the next Governing Body, needs to have that more comprehensive discussion about affordable housing and that's a good thing. And so I think this is a motion that I can support."

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 Ives said, "I wish we could do more. Yes."

Break 8:45 p.m. to 9:05 p.m.

MOTION: Councilor Ives moved, seconded by Councilor Rivera to reconsider the previous approval of the agenda, to move Items #15 through #18 to the end of the Evening Agenda, and 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.

END OF AFTERNOON AGENDA AT APPROXIMATELY 9:05 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 9:05 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 an information sheet regarding HIPAA, submitted for the record by Stefanie Beninato is incorporated herewith to these minutes as Exhibit "6."

VERBATIM TRANSCRIPT OF THE REQUESTED PORTION OF PETITIONS FROM THE FLOOR, ITEM #F CITY COUNCIL MEETING NOVEMBER 8, 2017

Mayor Gonzales gave each person 2 minutes to speak

STEFANIE BENINATO: Stefanie Beninato, P.O. Box 1601, Santa Fe, New Mexico. And I just started talking now so if you could reset it, I would really appreciate it.

YOLANDA VIGIL: I haven't started it yet.

BENINATO: I'm here again to tell you that Recreation is not working very well, that Salvador

Perez is still way too cold. It's been almost 3 months now since they've been working on this. It's been a month since they got the part that they supposedly needed. They started working on it. I mean, we are patient, but we hear this every year. Last year, the maintenance person told me he finally turned the heat on in the HVAC unit, December twenty-first. We can't wait until December twenty-first, because if guards can sit there and fully clothed as if they are almost outside, then it is too cold for swimmers to be in the pool. And something needs to be done. The heat needs to be turned on. In addition, I have asked for a Public Records Request and once again, Ms. Brennan, in her office is stonewalling me. I asked for how many times have the firefighters or paramedics responded to a call of overheating, heat prostration or heat exposure at one of the 3 recreational facilities, because this is the bogus excuse that Ms. Gallegos gave me for not even having the fan on in the swim area, even though there are many other parts of that building that are using aerobic equipment, that don't. And I got that they can't give me this information because it would violate HIPAA. And I have something from the government web page on HIPAA, and the City is denying me the public records request improperly. Because I'm not asking for any information that is personal information. I am simply... I don't even care if they actually treated somebody for overheating, heat prostration or heat stroke. I simply want to know how many times were the firefighters and paramedics called out at [inaudible]. I don't want to know if they actually treated somebody. I don't want to know the their ethnicity race, I don't want to know their gender, their age, their gender preference or what other kinds of diseases or illnesses that they might have. And I do have this here, which I will be giving to Ms. Brennan, because I will be emailing again tomorrow, renewing my request....

MAYOR GONZALES: Thank you.

STEFANIE BENINATO: But again, you don't have those.... they are not...

MAYOR GONZALES: Thank you.

STEFANIE BENINATO: These are not the kinds of information that is to be denied...

MAYOR GONZALES: Thank you.

STEFANIE BENINATO: ... to the public.

MAYOR GONZALES: Thank you. Please wind down.

STEFANIE BENINATO: And they are not the kinds of ...

MAYOR GONZALES: Please wind down your testimony right now. Stephanie.

STEFANIE BENINATO: And on and on and on.

MAYOR GONZALES: There are other members who want to address the Council.

STEFANIE BENINATO: *[Inaudible]*

I certify that this is a true and accurate transcript of the requested portion of Petitions from the Floor, Item #F, City Council Meeting, November 8, 2017.



Melessia Helberg, Council Stenographer

Toni Romero *[inaudible]* said she has lived there for 60 years and watches you faithfully every time you are in session, so I know more about you than you guys probably know about each other. If you want your life, put it on Face Book. There is are new honchos coming in. The Native Americans have federal funding, the casinos which predominantly the Hispanics support. The people on the South side have Somos un Pueblo Unido. What do we have. We have the City Councilors and our Mayor. She said, Villarreal, people in her neighborhood don't know who she is, she never returns your calls. When my Abuelita's water was down, 91 years old, turned her water off, left her without water for 3-4 days. I called everybody in the City, and finally she was taken care of. She said this is a message from the viejos on the west side that go to *[inaudible]*. She said they want an open door policy. They don't want to go to the Mayor's office and the secretary say, "We're sorry, it's your fault. You can't see him right now. He's not here." Okay, he got driven away with all the other former Mayors means *[inaudible]*. She said she hopes you have an open door policy if you make it for Mayor. She said we all need to know that. She said she loves animals, but we care more about dogs and cats in Santa Fe than we do about people. We need to care about the people that live here. We were talking about low income housing. She asked if they have any idea of how long the list is for affordable housing here – 3 years wait, 5 years wait. She said, "I know you weren't born with a golden spoon in your mouth, so hopefully you get it Ron."

Shannon Murphy, 106 Mesa Vista, said this is first time she has been at Council in a while. She said as many of you may know, there is a person in the back of the room wearing a firearm. She said she had heard this was happening, but she wasn't prepared for

Mayor Gonzales said, "Excuse me, Sir, please do not speak while the public is addressing the Council or we will ask that you are removed."

Ms. Murphy said she has been here 2 hours and during the conversation about affordable housing, she witnessed this gentleman speaking out when he was seated, as you are not supposed to do, and making gestures and noises when the Council was deliberating. She said she would like to share that she found that to be intimidating, and finds it to be of concern that other people might find it to be intimidating, particularly the sorts of people that we want to have show up at Council, and speak about their opinions on this. She said, "I full respect this gentleman's right to own a firearm and do whatever he is allowed to with firearms, and I respect everyone's right to come to City Council and make themselves

heard, as I'm sure he feels like he is doing. But I would hope that the Council itself and the Mayor would think about anything they can do to make sure to make sure that people feel safe coming here and speaking out their opinions. It makes me feel really afraid for the future of our City if people would stay away from City Council because they don't have the stomach for that type of a situation. Thank you."

Roger Rael, 1299 Vegas Verdes, said maybe we should start this conversation ma'am with you learning about the Constitution of the United States...

Mayor Gonzales asked Mr. Rael to address his comments to the Governing Body.

Mr. Rael said well she wants to... "So maybe you should go ahead and talk to her about what the Constitution of the United States says and how your hands are tied on this process, or do you not know that either. Because I can educate you both if you would like to know. You just set some time and I'll let you know what the gun laws are in an open carry state. I'm not a convicted felon. I've never had any problems with anybody regarding firearms. If we had somebody like me on Sunday at that church, we would have 26 people still alive. So you should be happy there is somebody like myself who considers him as a patriot to watch over the sheep. So don't take a cheap shot at me without know who I am or where I've been or what my intentions are. How dare you. How dare you show your stupidity over here in front of the Council.

Mayor Gonzales asked Mr. Rael several times to address his comments to the Governing Body or he will ask the police to remove him, but Mr. Rael continued to address the audience at times.

Mr. Rael continued talking while the Mayor was talking. He was talking something about how it is his right to bear arms under the Second Amendment and he also has freedom of speech. He said, "These two things are being violated amongst every other Constitutional Amendment we have, including the Fourteenth Amendment, equal protection under the U.S. Constitution. Now if you all want to continue just bashing and badgering, you know what, I will go ahead. The last time, I had 60 people over at the Roundhouse with their weapons. I'll go ahead and bring that display back here, because we are out here. I stand and represent those people. So don't you dare come over here and try to infringe on my rights. Don't tread on me."

G. APPOINTMENTS

There were no appointments.

H. PUBLIC HEARINGS

- 4) CONSIDERATION OF BILL NO. 2017-26: ADOPTION OF ORDINANCE NO. 2017-22 (COUNCILOR VILLARREAL, COUNCILOR DOMINGUEZ AND COUNCILOR IVES). AN ORDINANCE AMENDING SUBSECTION 23-6.2 AND 23-6.3 SFCC 1987, TO EXEMPT AREAS IN THE RAILYARD FROM CERTAIN REGULATIONS RELATING TO THE SALE AND CONSUMPTION OF ALCOHOL ON CITY PROPERTY. (ALFRED WALKER)**

Public Hearing

*Mayor Gonzales gave everyone 2 minutes to speak to the issue
All those speaking were sworn en masse*

Stefanie Beninato, P.O. Box 1601, Santa Fe, New Mexico, was sworn. Ms. Beninato said she is opposed to opening up liquor service in the Railyard. It seems the City has had certain place where liquor is not available, such as parks, and you have kept whittling-down that restriction. There is beer at baseball games, we allow alcohol at certain events in the Parks for non-profits. She said, "We now have the Railyard being considered, I'm not sure exactly how extensive that is. But we are going to have that school right there, the one you allowed in Sanbusco, but there has been no building so far, just blocked it all off, and they're going to have an open campus. You have all of the other liquor service in the Railyard. So my question is why don't you have any restrictions at all. And why are you suing a liquor store on the South side of town, but you allow more and more liquor distribution in downtown, in the Railyard. And it seems like even though we have a DWI problem in this State, that you don't want to recognize it. Do we really need alcohol served at movies, at spas when you get your nails done. Because that was a bill that was introduced last year in the Legislature, to allow you to buy wine and beer while your nails are being done. Don't we understand the alcohol problem that we have in the State, and when are we really going to do something about it. Because it's just like affordable housing. People talk about it all the time, but nothing really happens differently here in New Mexico."

Katy Dennis, Public Programs Coordinator, Site Santa Fe [previously sworn], said, "We at Site Santa Fe are in favor of passing this Resolution for the following reasons: prior to the Ordinance passing in March, we had served spirits in addition to beer and wine, at events at Site for many years without issue. We still have to go through all of the proper permitting processes for every single event. We already are able to serve beer and wine, the only thing changing is spirits. We are not selling alcohol to make a profit. However, with the renovation and new venue banquet capacity, we are not able to serve spirits as a deterrent to potential clients who would otherwise host an event at Site. Finally, we feel that the international attention and local success of events at Site contribute to the overall vibrancy of the Railyard District, and the image of Santa Fe as a cultural destination. Thank you."

Kierson Pickens, Executive Director, Santa Fe Farmers Market Institute [previously sworn], said for the last 10 years, the Farmer's Market has been an anchor tenant at the Santa Fe Railyard, and we have hosted many events. We open our market hall for lots community events, non-profit organizations, fundraisers. And until this Ordinance recently changed, they were allowed to serve hard alcohol at those events. She said, "As was stated previously, we go through all of the same permitted processes that the City Clerk [inaudible], and the change in this Ordinance actually had a negative impact on a few of our renters who lost some substantial sponsors for their events. So we are in favor of this Ordinance being passed, so it will return to what it had been previously. To address the first speaker, I don't think that is opening hard alcohol into the parks or the Railyard area in general, it just makes an exception for privately owned buildings that are on City property."

Shannon Murphy, Director, AHA Festival For Progressive Arts [previously sworn], said, "I believe it was an Ordinance that was passed initially that disallowed the sale of liquor in the Railyard that

affected an event we had been planning for many months which takes places on December 9, 2017. It is a Holiday Market. We feature more than 50 local meekers and artists, and we've had an agreement with Santa Fe Spirits a local craft distillery to be our sponsor for the event and to serve holiday cocktails at the event, for months, since July I believe. And we like working with them every year because they are a local craft producer. When the initial Ordinance was passed, I think it inadvertently affected a few events, ours was one of them. I would like to express my support for amending the Ordinance, because we do this event at the Farmer's Market every year and it's wonderful to be able to work with a local producer for events like this that are cultural in nature.

The Public Hearing was closed

MOTION: Councilor Ives moved, seconded by Councilor Lindell, to adopt Ordinance No. 2017-22 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.

- 1) **CONSIDERATION OF BILL NO. 2017-24: ADOPTION OF ORDINANCE NO. 2017-23 (MAYOR GONZALES). AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO GASOLINE TAX/SUBORDINATE LIEN GROSS RECEIPTS TAX IMPROVEMENT REVENUE BONDS, SERIES 2017 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$13,500,000 FOR THE PURPOSE OF DEFRAYING THE COST OF CONSTRUCTING, RECONSTRUCTING, RESURFACING, MAINTAINING, ACQUIRING RIGHTS OF WAY, REPAIRING AND OTHERWISE IMPROVING MUNICIPAL BUILDINGS, ALLEYS, STREETS, PUBLIC ROADS AND BRIDGES OR ANY COMBINATION OF THE FOREGOING PURPOSES; PROVIDING THAT THE BONDS WILL BE PAYABLE AND COLLECTIBLE FROM GASOLINE TAX REVENUES AND CERTAIN GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; DELEGATING AUTHORITY TO THE CITY FINANCE DIRECTOR TO APPROVE THE FINAL PRINCIPAL AMOUNT, INTEREST RATES AND OTHER DETAILS OF THE BONDS WITHIN THE PARAMETERS SET FORTH IN THIS AUTHORIZING ORDINANCE; DELEGATING AUTHORITY TO THE CITY FINANCE DIRECTOR TO EXECUTE AND DELIVER A BOND PURCHASE AGREEMENT FOR THE SALE OF THE BONDS TO THE NEW MEXICO FINANCE AUTHORITY; PROVIDING FOR THE COLLECTION OF CERTAIN GROSS RECEIPTS TAX REVENUES; APPROVING CERTAIN OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION WITH THE BONDS; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND RELATED MATTERS. (BRADLEY FLUETSCH) (Postponed on October 25, 2017)**

Adam Johnson summarized this request from the Legislative Summary which is in the Council packet. Please see the Council packet for specifics of this presentation.

Public Hearing

Those speaking to the request:

Mary Schruben, 2119 Rancho Siringo Road, said the Gasoline Tax team has been working on this proposal, and they calculate that we would be able to refinance this through the public bank sometime and lower the debt that we would be incurring for the bond. We figure that we will pay it off early. She said the personal problem is with the wording in the Resolution about providing that the bonds will be payable and collectable from Gasoline Tax revenues, and certain GRT revenues. She asked what happens if we don't get those Gasoline Tax and GRT revenues – what happens to the financing of the bond – does the term get extended, does the interest rate up, do we have to pay more fees because that will affect our plan for refinancing.

Stefanie Beninato said she has the same questions about this Gasoline Tax is coming from, and if it is an increase in tax, and how are we guaranteeing that. She has the same question about the GRTs. She said, given the debacle with the Parks Bond, she isn't happy that the roads that are being rested could change, the projects could change. She thinks this is big red flag if you think certain roads and bridges that need construction and improvement then list them and do that and don't be moving things around because that makes people concerned about the transparency and the fiscal accountability of the City. She said "By the way Mayor, I have people asking me why you keep shutting me down, and why you won't do anything for me when I'm being harassed at the City pool, and why that, as a disabled person, that you won't help me get accommodation at City facilities."

The Public Hearing was closed

The Governing Body commented and asked questions as follows:

Mayor Gonzales asked Mr. Johnson to speak to any issues raised by the public regarding debt management, and what happens if the taxes are not collected.

Mr. Johnson said, "The analysis of the revenues came in at a target of \$1.3 million per year, based on a 10 year history of collecting gas tax that is relatively flat, moving between \$1.4 and \$1.5 million. So we targeted a number lower than what the City is used to seeing. Currently, last year we brought in \$1.55 million. The City has what is known as an omnibus GRT tax pledge, which is we have a senior lien and a subordinate. What that means is that we package a few of the increments the City has in place to repay all of its GRT bonds. This is what you call a double barrel pledge, where you pledge both of those to increase the credit, or the marketability of the bonds. Given the strong history of the Gross Receipts Tax, the significant coverage that we have in our GRT lien, the AA plus rating, plus the long history of the gas tax, staff and our Municipal Advisor George Williford who is here tonight, certainly feel confident that we have a very strong credit and repayment of these bonds is certainly not at risk."

- Mayor Gonzales said all of this means a lower interest rate for the taxpayers.

Mr. Johnson said, "Certainly AA plus rating is an advantageous rating that many municipalities wish they had, and that does lower our rate."

- Councilor Trujillo asked Mr. Johnson and Mr. Snyder, based on the recent audit findings if they have vetted anything potentially to have negative impacts to the City's bond rating, due to the lack of internal controls.

Mr. Johnson said there is no indication that the events of the past have any impact on the City's bond rating at this time. Generally, the rating agencies and the buyers of these bonds are very forward-looking, looking at our historical reporting, but they are more focused on the economic drivers of Santa Fe. They are very focused on the management of the Police Department, the City in general, the Council policies and procedures that we put in. So at this time, we've received verification, and doesn't anticipate any indication that our bond rating is affected by the recent events.

- Councilor Trujillo asked if there have been discussions with the current financial adviser for Southwest and what the strategy will be for issuing the bonds, and if there is another [inaudible] due to the audit.

Mr. Johnson said those conversations have taken place, and they feel strongly feel that the report has no impacts whatsoever on the credit rating of these bonds.

- Councilor Trujillo asked if this is what First Southwest has said, and Mr. Johnson said yes, and Mr. Williford is here if you want to speak to that item.

- Councilor Trujillo said no, but wanted to verify they have had that conversation with Southwest

- Councilor Trujillo asked if the City's bond rating was downgraded, how would the City address that issue. He said, "You say it's not going to be, but just give me that Devil's Advocate if it does happen."

Mr. Johnson said, "It really would depend on the facts and circumstances that the rating might arrive at that would be of concern. Certainly, of the most important actions, the actions we're taking to put in place any of the controls that might be of concerns. These [inaudible] are verifiable outside our collection of them. And so, because that's the case, I believe that anybody looking to purchase these securities won't have any issue with only relying on the City's data points."

- Councilor Trujillo asked the current cost to the City on the issuing these bonds.

Mr. Johnson said the current cost is right around the customary 1% of the issuance. It will be just over \$100,000 for cost of issuance. The estimate payment over the term will likely be about \$300,000.

Councilor Dominguez said many of those questions were asked during the Finance Committee meeting, commenting Councilor Trujillo or anybody else are welcome to come to the Committee and get some of those same questions answered.

- Councilor Trujillo said he appreciates that.
- Mayor Gonzales said he would concur that these are good questions, and should be asked in light of the internal control report that came forward. He said this goes to the credit of the entire Governing Body and Councilor Dominguez's level at the Finance Committee. He said the credit agencies will look at the pro-active stance we've taken over the past 3 years to address the issue of our deficit, to invest more in accounting infrastructure that delivers better and more accurate results. They actually will pay more attention to the reliability of the revenue backing up the debt, so the importance of the Gasoline Tax and how we go about determining how much would be available, that's what they want to make sure they grab their hands onto. He said he thinks Councilor Trujillo's question is appropriate regardless. He said when you have internal control weaknesses the way things were brought forward, just as there are questions with the community, there will be questions with people looking at the financial management of the City.
- Mayor Gonzales continued, saying the Debt Policy recently approved by the Governing Body goes a long way into sending a strong message to the financial and rating agencies that the Council and the Finance Department understands how to generate debt and use it for purposes expressly for the public. He said these are the questions we all should ask any time there is a debt proposal before us. He said what is unique about this, is that there is a specific revenue source associated with it, in terms of what a rating agency will look at. And in the future, what happens if it is downgraded is our responsibility every time we make a financial decision, we pass a budget, we invest in our reserves, all these become critical factors. So that possibility always exists, but it exists because of the collective decisions we made as a body, and not so much what this revenue source may or may not mean.
- Councilor Harris said he wants to confirm his understanding that the issuance of this debt does not involve an increase in the gasoline tax to the people at the pump.

Mr. Johnson said, "That's absolutely the case. There is no tax increase. The sole financial recommendation here is taking the future value of gas tax and bringing it into the present, so we can tackle more of the structure in the current day."

- Councilor Harris said it a set 3 cents per gallon, no matter what the price of gasoline, and Mr. Johnson said correct.
- Councilor Harris said he has questions of David Catanach, Director, Streets & Drainage Maintenance Division, who is getting close to completing some successful street projects funded in part by the gas tax, which is a large stretch of Zia Road from St. Francis past Yucca. He said even though it is relatively small, the scale of monies available to us allowed the same company to be contracted to go onto Siringo Road where they are now, and Mr. Catanach said that is correct.

- Councilor Harris asked if Mr. Catanach would agree that you can gain more value in an approach like this one, where projects can be bundled. He isn't suggesting you would do all the work in one year that could be described and funded under the proposed bond. He said it seems having these resources would allow you to bundle 2-3 projects annually, and perhaps more.

Mr. Catanach said he thinks that is a fair statement. He believes we need to start somewhere, and our need is great. We can't address every issue, but if we can address those affecting the most people up front, it will allow to work on the smaller ones later. He thinks this approach is a fair approach and thinks it will make a difference early on.

- Councilor Harris asked Mr. Catanach if he has identified how long it will take to put this money into service on the roads discussed, noting he won't hold him to this.

Mr. Catanach said he thinks 3 years is a fair time, because it will put a lot of pressure on the local distributors, the local asphalt plants, local contractors. He thinks this is doable for sure.

- Councilor Harris said it seems to him to be an appropriate pace. He congratulated Mr. Catanach for work that is being done. He asked long it took to accumulate the funds through the gasoline tax for the work being done at Zia and Siringo.

Mr. Catanach said he understands the balance was accumulated over the years which gave them this one time opportunity to have a bigger fund to work on a bigger stretch of road.

Mr. Johnson said he would estimate the balance grew over the course of 4-5 years, having the revenue budgeted and not taking a close look at what actually had been coming into those funds and that's how that occurred. He said an important point is the work being done now, because the Council took the step to pass a reimbursement resolution so we can actually pay for the work with the proceeds that would be coming in, and that fund balance will remain intact for additional projects.

- Councilor Maestas said the need is there for street improvements, noting the last estimate was about \$237 million in needs which includes just the existing streets.

Mr. Catanach said that figure is the cost to bring the level of all existing roads in town to a very good level, but it's not practical to that. They try to do it on a priority system. They have identified \$40 million of work that needs to be addressed fairly quickly, but this definitely is a good start.

- Councilor Maestas said he has concern about incurring additional debt, noting Mr. Johnson's predecessor gave a presentation to the Governing Body, and identified a number of ratios that bondholders look at such as debt per capita. He looked at a number of these metrics that bond holders look at in terms of assessing the overall economic health of a local government based on debt. After that presentation his main message was that we can't take on any more debt. So his concern is the condition of the City in terms of debt, and we've discussed that and he won't go over that again. He thanked Mr. Johnson for assuring him that the City is in a much better

financial condition to incur additional debt.

- Councilor Maestas said his issue has been that we do not have an accurate capital improvement plan showing when projects would be built. He understands we have a project plan with projects to be funded which are shown much later. He said that concerns him. He said if this was a voter referendum they would want to know how this money will be spent, the projects and such – how are we going to use the bond proceeds. We don't have that. He agreed to sponsor an amendment to the Capital Improvement Plan. He is trying to work with Mayor Gonzales on this proposal, and he is willing to sponsor that. So, we don't have an accurate plan, but we know the projects are in there, and we're going to go on your word that we will come forward with a Capital Improvement Plan, move those projects up and then it will be accurate.
- Councilor Maestas continued, saying his concern is we're using all available funds to maintain our streets which is about \$1.2 million. He said that \$1.2 million will pay off the bond debt. He said no one has been able to answer his question which is if we're going to use all the gas tax revenues for debt, what will we use to maintain the other streets which won't be improved as a part of this bond issue.

Mr. Johnson said there are couple of things happening. The first is taking a holistic approach to construction on the streets. That doesn't take away the need to do operations and maintenance, but it does shift the way the City approaches road infrastructure, in particular. In order to maintain the same level of operations and maintenance on the streets.... the gasoline tax is \$1.55 million, the revenue to repay debt service is \$1.3, leaving \$250,000. He said when you factor in that \$500,000 of gas tax is being used for operations and maintenance directly related to stormwater, and they are still performing those services and incurring those expenditures, although the stormwater fee was taken away from them two years ago.

Mr. Johnson continued, "My proposal and recommendation is that, given that the debt service does not begin during this current budget cycle and would begin the following budget cycle, he would recommend that of the \$2.3 million of Stormwater Fees fully taken away from all streets.... that you would bring back approximately \$600,000 to directly address the maintenance related to Stormwater that is under the responsibility of the Streets Division. And the other option I think will be able to be used in tandem and even as an enhancement to increase the money that can be used for operations and maintenance, would be the ½ % GRT that goes toward the public works projects in Fund 3102, and I think that would be an additional analysis can that could be during next budget cycle in order to balance the construction approach and the operations and maintenance."

- Councilor Maestas said the last time we discussed this, it seems the budget to maintain our streets is dictated by the available gas tax revenues. I think we've used some gross receipts tax revenues in the past, but on the average it's been about \$1.5 million. He asked Mr. Catanach how much we need to adequately maintain our streets, and believes he said \$2.7 million. He doesn't want us to continue to be constrained by available funds, and wants us to budget the true needs of the streets. The operation costs may go down as the result of the improvements from the bond issue.

He doesn't want other streets that won't be built as a part of this bond issue to suffer and further deteriorate because we dedicated 80% of the available revenues to pay the debt for the bonds. Mr. Johnson said the thing he is pointing out is we created a structural deficit in the obligation of Streets to provide services to aspects of Stormwater they're providing, but not receiving the revenue. That, by and large, makes up the current deficit of the current rate they are delivering services. To increase, to go to the \$2.7 million, we would be looking for additional revenues or some other offset anyway. The question would be can we source those revenues, and secondly does the City now have the bandwidth and the local construction community to take on both the approach of construction plus operation and maintenance at \$7-\$10 million annually in construction plus \$2.7 in operation and maintenance. The community isn't used to that, and that analysis needs to come forth as we move forward with this process.

- Councilor Maestas said he doesn't want us to build a select group of streets and then compromise our ability for the next 10 years to maintain those streets that weren't improved. So in the long run, we could be making the situation worse, and he doesn't want to do that. It is okay if we can find additional funds, but he has concerns if we rely on the General Fund. We have a lot of future obligations we need to make. We have the promised salaries as part of the collective bargaining agreements, the \$2 million to pay for the defeasance of the 2008 Park Bonds, and \$1 million, another debit on the General Fund if we can't find another purpose that would bring in additional revenue for the Santa Fe University of Art and Design. He wants to make things better all the way around. He hopes we would have a broader discussion about this to fix more than just building a few streets and compromising our future ability to maintain the others.

Mr. Johnson said the proposal being put forth offers the ability to maintain at the current rate for operations and maintenance, which doesn't take into account an accelerated rate of deterioration of the streets. However, if we were to proceed with additional finances in the future on the potential of using general obligation, we could be on the offense rather than the defense with regard to the broader street system. This is something he and his team are looking at into the next year.

Mr. Johnson continued, saying with regard to the different strains on the General Fund, Councilor Maestas is correct that there is some uncertainty with regard to the University of Art and Design. We have set aside ½ year of debt service payment, and the lease right now is current, and time is of the essence there. However regarding the increase for salaries, that will be budget neutral because we did bring in additional revenue to meet that, so that isn't an additional liability in the General Fund by any means.

- Councilor Maestas said there was language in here about a gas tax intercept that I guess we are going to pursue funding through the New Mexico Finance Authority. He thinks Mr. Johnson told him that the financing idea or concept has changed, but the way this Ordinance is written, the City has other latitude to seek other financing, and asked Mr. Johnson to explain that.

Mr. Johnson said the Ordinance allows maximum flexibility to market the securities and sell the bonds. He said he often ensures that we check with and work with the Finance Authority on our

sales when it seems to make the most economic and strategic sense. He said timing of the McHard Report was such that it was not a good idea to go to the Board Meeting at the time we were ready to be packaged with their deal. So we made a strategic decision to do a different approach, which was go out to a Request for Bid with local and national banks to see if they were interested in the sale of the debt. This is the current approach we're taking. He said the Finance Authority is a great partner of the City and he fully anticipates using them in the future, but he didn't think this would be the best route for the City because of the timing, so we chose not to go to that particular Board Meeting cycle.

- Councilor Maestas asked the timing to update the CIP, and asked Mr. Snyder when that is coming to the Council.

Mr. Snyder said it will come as part of the Operating Budget, it will come before Council in early 2018. He said Public Works will be working on it before then, and each of the Divisions and Departments in the City are starting to work on budgets and needs for the upcoming fiscal year, even though we aren't to mid-year.

Mr. Johnson said to clarify, the Resolution being sponsored by Councilor Maestas, if approved, will update the CIP, so when it arrives in the Council in February/March 2018, those changes already will be reflected. He said the changes will take the out years of roads that can't be paved and move them into the current year.

Mr. Johnson said he estimates it grew over 4-5 years.

- Councilor Lindell said had a concern with the part of the caption which reads, "...REPAIRING AND OTHERWISE IMPROVING MUNICIPAL BUILDINGS..." She is concerned about having that in the caption because this is specifically for roads. She thinks these are the kinds of the things that are not defined, and over time can get us into some trouble. She asked if it is required that this language stay in the caption.

Mr. Johnson said it is not required that language stay in the caption, commenting that language is directly from the State Bonding Authority Statute, which for some reason was included by the Legislature.

Councilor Lindell said she will propose an amendment to strike that language when the motion is made.

- Councilor Dominguez asked Mr. Johnson when he anticipates having the final principal amount.

Mr. Johnson said the current request for bids closes on Friday, and from there they would determine the best bidder, and then move to close within 60 days. He said as soon as we have those figures, it could be presented, likely at the next Finance Committee.

- Councilor Dominguez asked if a separate ordinance would be needed once the final amount comes in.

Mr. Johnson said no. One of the things in the Ordinance, that hasn't been seen in the past is to set the parameters Ordinance and give the Finance Director the ability to actually complete the transaction. He said this was championed a colleague from the Finance Authority and many throughout the industry. In the past, the City was selling the bonds and coming back to Council, but the transaction was basically complete. This will allow completion within the parameters that are given to the Finance Department.

- Councilor Dominguez that's a little different from most bonds and the way the process flows and Mr. Johnson said this is correct.
- Councilor Dominguez asked if there is anything else specific about these particular bonds that we would have to "keep an eye out, that we should anticipate."

Mr. Johnson said no, not at all. He said it's absolutely the same with the difference "that I can close the transaction."

- Councilor Dominguez said Councilor Maestas is correct in terms of the CIP budget, and this is the second year it has been separated out. He thinks this Committee is still having growing pains, and hopefully we will get to the point where things will be much more visible, apparent in the future.
- Councilor Dominguez continued, saying Councilor Ives was talking about doing a 20 year plan.
- Councilor Ives said yes, in light of the CIP portion of the Revised Airport Master Plan, which had in Section 6, a 20 year outlook.
- Councilor Dominguez said then this is part of that plan.
- Councilor Maestas said we don't necessarily have to rely on the Capital Improvement Plan itself, and we could have broken-out the projects, saying this is the project list, the estimated costs and when they will be built. He said this would really be transparent so we know exactly how these bonds are going to be spent.
- Councilor Dominguez said he is right, but that is part of the growing pains in separating the capital budget from the operating budget. He said that is the more transparent way to do things, we just haven't perfected it yet.

Mr. Snyder said staff has brought forward a list of streets to be included in this bond. He said it's not just any streets. He said they looked at it, and it is based on our rating system, the needs, the largest impact to the community, the arterials. He said Councilor Ives is proposing something to tweak that a little bit as well. He said they came up with \$11.7 million in road needs for this bond, and dedicated it for that. So Mr. Johnson's statement earlier that those roads had never been

approved by this Governing Body, so there is a basis behind the number, and specific roads behind this whole conversation that we are recommending as staff.

- Councilor Dominguez said he agrees with that. He doesn't want to speak for Councilor Maestas, but what he's really talking about is the fact that throughout this country, infrastructure costs are getting so costly and municipalities and state governments aren't able to keep up with it. He said we don't want to put "all our eggs in one basket," if we don't have to. He thinks there is sufficient flexibility for that not to happen, and we're still growing into that process and thinks it works out okay. This is one creative way to get there.
- Councilor Ives said he thinks this is an intelligent move, given interest rates in the market place, and allows us to capitalize on the greatest value in terms of what we can accomplish and improvements to the roads by aggregating fund now and then paying it over time.

MOTION: Councilor Dominguez moved, seconded by Councilor Ives, to adopt Ordinance No. 2017-23.

DISCUSSION: Councilor Harris said he appreciates Mr. Johnson's explanations. He said in simple terms, what he remembers from the last budget hearings is historically the Streets and Drainage Division had a budget of approximately \$3 million which covered street repairs, drainage improvements and sidewalks, which is far too little to really keep up with the things. He said the budget was increased this year because of the monies that were found as the result of the gas tax. He said it is his assumption, without getting into the weeds, that certainly we would be able to continue the historic commitment of approximately \$3 million for maintenance and operations and use the gas tax funding stream and bonds to deal with the identified streets.

Mr. Johnson said this is accurate, with the caveat that we will need to allocate the Stormwater Fee back to its appropriate use, in particular to what Streets does for Stormwater.

Mayor Gonzales asked if all the streets that would be upgraded, would be required to meet ADA standards.

Mr. Johnson said that is correct.

Mayor Gonzales said the option now would be to keep things as is, put on band-aids and hope we get a windfall to put in \$40 million, or we can begin strategically to use our debt management policy to put in streets, and also being able to upgrade to ADA standards along those thoroughfares.

Mr. Johnson said that is the strategy.

Councilor Maestas said he will support the Resolution, but he has to reiterate the importance of knowing exactly what we are going to do with this money. He said we don't have a current plan showing those streets with estimated costs and the year in which they would be improved.

Councilor Maestas continued, saying he wants an outlook analysis from the Finance Department on the

General Fund, because he can't keep thinking about the future obligations on the General Fund, and envisioning whether we can pay all the debts, salary increases, defeasance payments on the bonds and what he mentioned previously. He said, "I think we all need to hear that, and make sure that all these future obligations that we're identifying can be met and yet we still would have some budget room to do other things. Could you do that Adam."

Mr. Johnson said, "In so many ways we work on that every day."

Councilor Trujillo said the comment he heard is that everything we do from here on out with this money has to be ADA compliant.

Mr. Johnson said he understands that is the mandate put down by the federal government on all municipalities.

Councilor Trujillo asked if that includes the curb and gutter and sidewalks. This is his concern, commenting there are a lot of sidewalks, curbs and gutters, and asked if it will be addressed as well, or will we do just strictly streets.

Mr. Johnson said it is his understanding that anytime we go in to do any of these infrastructure improvements, we have to take that full approach, under the mandate from the federal government to all municipalities. He said broadly speaking the City's demands for road infrastructure with the ADA requirements, will require long debt planning to the tune of \$200 to \$300 million over recurring four year cycles for the foreseeable future. Councilor Trujillo asked him to keep David McQuarie in the loop on this.

Mr. Snyder said it is correct as stated by Mr. Johnson, but he wants to clarify that it is roads, curbs, gutters, wheelchair ramps, but not sidewalks on private property which are the responsibility of the property owner, noting Code Enforcement works with property owners to maintain those.

Councilor Trujillo said he understands it is within reason.

Mr. Catanach said in the estimate before the Council, there is an allocation of approximately \$1.6 million for ADA improvements on these roads we're talking about. So we do have a budget for that. He said as Mr. Snyder said, for the ADA ramps, for some of the curbs and gutters and misplaced situations we have on all the roads, we try to fix those the best we can.

Councilor Lindell thanked Mr. Catanach who does a terrific job. She said he always gets back to her promptly when she asks a question and is always so helpful.

FRIENDLY AMENDMENT: Councilor Lindell asked the maker and second to strike the language in the caption "*Repairing and Otherwise Improving Municipal Buildings.*" Mr. Johnson asked if it would be acceptable to just strike "*Buildings.*" **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Maestas said he thought the stricken language was in State Statute for allowable uses for gas tax revenues.

Mr. Johnson said it is an allowable, but the concern is that gives us flexibility that might send us in the wrong direction. And at this time, given the climate, we want to make sure it is for roads and striking that language assures that.

Councilor Maestas asked if we would be violating the State Statute governing the use of gas tax revenues, and Mr. Johnson nodded no.

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

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

Against: None.

Explaining his vote: Mayor Gonzales said, "Yes. And with that, just to echo Dave, our profound thanks for the work that you and our Street crews do every day with what has been limited funds. It is great. I think to this Council's credit, we are in a position now to actually invest millions of dollars into streets in our community. He thinks the majority has to do with the credibility that you and the crews have built in our City. So a profound thank you on behalf of all of our citizens for putting us in this position where we actually can do something significant for our community. So thank you."

- 2) **REQUEST FROM ENCHANTED VINE, LLC, FOR A WINEGROWER 1ST OFFSITE LOCATION LICENSE, FOR BOTH ON-PREMISE AND OFF-PREMISE CONSUMPTION, TO BE LOCATED AT NOISY WATER SANTA FE, 219 W. SAN FRANCISCO STREET, SANTA FE. (YOLANDA VIGIL)**

A Memorandum dated November 2, 2017, with attachments, prepared by Yolanda Y. Vigil, City Clerk, to Mayor Gonzales & City Councilors, is in the Council packet. Ms. Vigil said staff recommends as a condition of approval, this business be required to comply with all of the City's ordinance as a condition of doing business in the City.

Public Hearing

Christopher Goblet, 518 Old Santa Fe Trail, Winegrowers Association, was sworn. He said he is now the Director of New Mexico Wine, commenting he works with 55 wineries located around the State. He is here on behalf of Noisy Water Winery, commenting Jasper is one of the Board members and operates a winery in Ruidoso, New Mexico, where he has 3 locations which he has visited. He said Jasper represents the face of the wine community of New Mexico, and is actively growing his business, building production and capacity, and looking to take on local and regional distribution on a greater level. He is familiar with the mountain resort town and the tourists coming to Ruidoso, and he has a great spirit and a great operation that he runs. He is enthusiastic that he is bringing this to Santa Fe, believe his new

location will bring some dynamic elements to our community, and hope they will encourage the expansion of New Mexico wine and local products here through the approval of this request.

Kate Kennedy, 949 [inaudible] Street, was sworn. Ms. Kennedy said she is here in support of this new business, noting she has a business down the street from the proposed location. She wanted to welcome them to the neighborhood if this is approved. She said they do a lot for our local wine growers. She said, on behalf of the other businesses on San Francisco Street, we welcome them.

Councilor Villarreal asked the location of the business.

Jasper Riddle, 219 W. San Francisco, owner, was sworn, said the business is right next door to Yoberry, noting it has been vacant 6-7 months. They are working on the improvements and they are ready to move in, and if approved, they hope to be open by Thanksgiving. He said they have 3 locations in Ruidoso, and Santa Fe is the next natural fit. They are excited about this, and the opportunity it brings.

The Public Hearing was closed

MOTION: Councilor Lindell moved, seconded by Councilor Villarreal, to approve the request from Enchanted Vine, LLC, for a winegrower 1st Offsite Location License, for both on-premise and off-premise consumption, to be located at Noisy Water Santa Fe, 219 W. San Francisco Street, 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 M.W SANTA FE, LLC, 1352 RUFINA CIRCLE, FOR THE FOLLOWING (YOLANDA Y. VIGIL). (PUBLIC HEARING CLOSED) (Postponed on October 25, 2017:**
- a) **PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOL AT MEOW WOLF, 1352 RUFINA CIRCLE, WHICH IS WITHIN 300 FEET OF LA PETITE ACADEMY, 1361 RUFINA CIRCLE.**
 - b) **IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, A REQUEST FOR TRANSFER OF OWNERSHIP AND CHANGE OF LOCATION OF INTER-LOCAL DISPENSER LIQUOR LICENSE NO. 2644 WITH ON-PREMISE CONSUMPTION ONLY AND PATIO SERVICE, FROM PARIS HOLDINGS, LLC, D/B/A EL FOGON RESTAURANT, 3414 N. LOVINGTON HWY, HOBBS TO MW SANTA FE, LLC, D/B/A MEOW WOLF, 1352 RUFINA CIRCLE.**
- (YOLANDA Y. VIGIL)**

A copy of a Memorandum dated November 7, 2017, with attachments, to the Governing Body, from Kelley A. Brennan, regarding AGD Correspondence regarding Meow Wolf, is incorporated herewith to these minutes as Exhibit "7."

Mayor Gonzales said there was a public hearing and postponement from the last meeting, and asked Ms. Brennan if we can do another public hearing or continue the meeting of October 25, 2017.

Ms. Brennan said, "I believe the public hearing was closed."

Mayor Gonzales said we will keep it closed.

Statement: Councilor Trujillo said, "As many of you know, at the last meeting, I recused myself on this issue. And I wasn't required to recuse myself, but it was another issue dealing with a conflict. I can make a fair decision on any issue as an elected official. And because of that, I am going to stay, and I will be voting on this issue. I just wanted that to be stated very clearly. And I spoke with Kelley on the issue, and about the discussion. And that's all I wanted."

A Memorandum dated October 19, 2017, with attachments, prepared by Yolanda Y. Vigil, City Clerk, to Mayor Gonzales & City Councilors, is in the Council packet. Ms. Vigil said staff recommends as a condition of approval, this business be required to comply with all of the City's ordinance as a condition of doing business in the City. Ms. Vigil noted there is a letter of support for this request in the packet from Brandon E. Baca, Director, La Petite Academy.

Councilor Dominguez said it still is going to be very difficult for him to support this for one particular fundamental. He asked, "Whether or not, because there was a full dispenser license there years ago, is there some sort of grandfathered provision to that."

Ms. Brennan said, "I believe not, because I think that the lease extension expires after a year. So if it was not used for a year it would have been abandoned."

Councilor Dominguez said that is the original owner.

Ms. Brennan said, "Correct. And by the way, if it had not been used for that purpose for a year, the use would be deemed abandoned."

Councilor Dominguez said to be clear, the process is that if the Governing Body decides not to allow the transfer, then there will be an appeal process with the State and the State could very well do whatever it wants to do.

Ms. Brennan said, "That is true, as you know from experience. However, this is a two part. First you are considering a waiver, and then you consider the transfer."

Councilor Dominguez said, "If I can make a statement real quick Mayor, I'm going to support the waiver, but I'm not going to support the transfer. And part of that goes back to the idea that we really don't have local authority. It has nothing to do with operation of Meow Wolf and all the wonderful people that are here tonight, and even their ability and challenges they have in their operation. It is purely on the fundamental basis and the fact that we really don't have the local authority the State says we have. The State can start to take some responsibility as far as I'm concerned, about some of the things we're trying to deal with. And so, I would probably support the waiver, but I don't think I would support the transfer of ownerships. Thank you."

Mayor Gonzales said he has struggled with the postponement, but glad we are having this conversation. He said, "I think for a while, we have encouraged local entrepreneurship, we have worked to try and create a safe environment for people to enjoy our nighttime economy. And most recently, we have actually invested more than \$250,000 into the expansion of Meow Wolf for more opportunity. So every step of the way, it seems like this Council has helped to enable a local, home grown company to thrive and succeed. I guess what I'm a little confused over, is that for the better part of the 2 years that they have been operational and providing beer and wine in the evenings, as far as I know, there hasn't been any traffic of citations regarding inappropriate sales of alcohol. And as far as I know there has not been a reported accident that originated from the sale of alcohol. We actually have in place a business that is thriving in the night time economy that has demonstrated the responsibility that this Council asked it to demonstrate when first awarding beer and wine in terms of serving responsibly."

Mayor Gonzales continued, "So, I don't really know, and I'm looking forward to the conversation with the Council, what the hang-up is. When you think what's happening in that whole quadrant. We have Second Street Brewing, we have Dual Brewing, we have Tortilla Flats and a number of other business within the area that have all been able to provide and offer liquor to the public. It seems to deny this transfer, this opportunity really is to discount the effort that Meow Wolf has under taken to create a responsible environment for people to be served alcohol, and to enjoy our nighttime economy."

Mayor Gonzales continued, "So, I'm hoping that we can continue to support this organization and support responsible stewardship of alcohol sales in our community. Because I do think that they have been able to demonstrate their commitment."

Mayor Gonzales continued, "I believe, to you Councilor Dominguez, in our first hearing for granting a temporary license it was very evident that there was expectation made by you and members of the Council that they be responsible in terms of the service, that this was an expansion of certainly the idea of what a day at Meow Wolf would like into the evenings. And you gave them a shot there to actually prove that responsibility. And I think over time we have seen that they have been able to meet it. I'm hopeful actually that we're able to get through Item (a) and grant the waiver and be able to actually move this behind us so we can move on beyond it."

Councilor Harris said it was a very long discussion two weeks ago, and he made the motion to postpone to tonight. He said, "It wasn't confusion, but there was a lot of uncertainty about how best to view this application. I think a lot of what we heard was a concern about the fact that the City had put money in this. And whether or not it was appropriated, it was the initial \$60,000 and the new LEDA grant is

for the facility for building infrastructure, and we know what that's about. But really, that seemed to be a lot of the discussion. Is it appropriate to approve the dispensing of hard alcohol on a regular basis at facility the City supports."

Councilor Harris continued, "Actually I think an action earlier this evening, when in fact we agreed to allow dispensing of hard alcohol on City property at Site Santa Fe, and the Farmer's Market Institute, as well as El Museo, kind of dilutes the argument that we really shouldn't be funding those types of activities, and we heard the reasons why they felt it was necessary. It kind of lessened their ability to raise money, when you're talking about a non-profit, to have a successful organization."

Councilor Harris continued, "There was also a bit of confusion, or just not acceptance, of the case being made by the Applicant that in fact, this type of license was necessary. And we all have in front of us, I'll just read a very brief statement from the Deputy Director of the Alcohol and Gaming Division, Ms. Deborah Lopez, to Mr. Walker in our City Attorney's Office, *'Your review is correct. The only license type that that Meow Wolf is eligible for is the Dispense type license they are applying for.'* The path forward really is to fit the business model that was described that evening, is really what they're doing."

Councilor Harris continued, "The last point for me and why I will support this, really has to do with the actions they have already taken to try and understand and implement best practices. Shelley Man-Lev happens to be, and you all know Ms. Mann-Lev from the Santa Fe Prevention Alliance. She and her family have lived 5 doors up from my family for years. And on Halloween she came with a young girl, not a member of her family, she was taking around. And we talked very briefly, but it's Halloween and we didn't get into a lot of details. Basically, she seemed to be saying she supported it. But I wanted to follow up, so I sent an email to Ms. Mann-Lev, and I got a response from what turns out to be the new Executive Director of the Santa Fe Prevention Alliance, Ms. Sophie Andar. So I just asked for confirmation. And basically, she said she could not make that commitment, but I'm going to read from her statement: *'Since I am brand new in my role, I need time to consult with our Steering Committee about whether or not the Prevention Alliance would like to express our support for the application. However, I can share that I attended the training for Meow Wolf staff and observed their eagerness to learn and follow best practices.'*

Councilor Harris continued, "So, I think they're headed in the right direction. I think they have demonstrated....although we also understand that the dispensing license previously for beer and wine really ran with Dual. As I understand it, those were not employees of Meow Wolf. So this puts it in their control. Yes, there has been some City monies to support the activity over time. I think they've demonstrated their value in many ways. And that, in fact, I think they will continue to act responsibly and implement those best practices. And this is the only path forward for them. So I think it's an appropriate application and action, so I will be supporting it. Thank you."

Councilor Trujillo said the Mayor mentioned Tortilla Flats and other businesses serving alcohol and also serve food. He said Meow Wolf mentioned no plans to open a restaurant as he recalls. He heard Meow Wolf say this was always part of the plan. He went there 3 times during construction and nobody ever told him that alcohol service was part of plan. They said they had this wonderful, family oriented

place for kids to come and have fun. He is confused this is all part of the plan and wonders why that wasn't disclosed to him, although it may have been disclosed to other Councilors and the Mayor, but he wasn't privy to that information.

Councilor Trujillo continued, saying he heard there were no problems with alcohol at Meow Wolf. He wanted to be sure, so he asked for confirmation from the Police, and there have 27 calls to police from Meow Wolf. He asked if this is true.

Sean Di Ianno, 614 Giron Street was sworn. Mr. Di Ianno said he doesn't have that list in front of him, so he doesn't know what those incidents are specifically.

Councilor Trujillo said there were automobile accident, a warrant, a missing person, ambulance assistance, suspicious activity, possession of a controlled substance, criminal *[inaudible]*, vandalism, larceny, assault battery and then 7 unknown.

Di Ianno thanked Councilor Trujillo for the information. He said they have served 400,000 people since inception, and this year are on track to 500,000. He said they operate a very safe place, and take precautions, which means calling the police if they see something they think might be "off," commenting they don't hesitate to do that. They have good relationships with Police and Fire and they are comfortable with the facility. They are invited regularly to tour the facilities. He said it sounds as if none of the incidents were related to alcohol.

Councilor Trujillo said you say you will follow best practices, and asked if they are going to follow the law, and Mr. Di Ianno said, "Absolutely."

Councilor Trujillo said he passed a law which is in place dealing with vaping, noting he saw one of the security guards vaping. He said the law pertains to smoking as well for any public building.

Ms. Brennan said, "I believe so, Councilor."

Councilor Trujillo said, "So it pertains to everybody."

Ms. Brennan said, "I'm unsure it applies to everything."

Councilor Trujillo asked if it applies to businesses.

Ms. Brennan said, "I believe so, but I...."

Councilor Trujillo asked if there are any incidents where they have seen vaping, because I have."

Mr. Di Ianno, "I'm not sure that I have seen my employees vaping, but..."

Councilor Trujillo said, "I actually brought it to *[inaudible]* attention. I just want you to know that. So I'm just saying these are laws in place and they're not followed."

Mr. Di Ianno's remarks here are inaudible

Councilor Trujillo said, "I don't think it's funny. You guys are saying you want to create a family oriented place. I don't smoke. I don't like smoking. I don't vape either. And I don't know what is going to happen, but I don't think it's funny, because this is a serious issue."

Mr. Di Ianno said, "I appreciate that. Thank you."

Councilor Trujillo said, "That's my concern. Is it okay to follow one law and then not follow another law. These are questions to ask. If it's a law passed by Trujillo, you shouldn't follow it."

Mr. Di Ianno said, "Certainly, we intend to follow all laws."

Mayor Gonzales asked, "Councilor Trujillo, just on one of those questions. I think it's premature to gather research regarding Meow Wolf. There were 450,000 people that went through there, and 27 incidents reported. Were you able, as part of your research, able to see what other entity in Santa Fe that has 450,000 people go through and the number incidents the Police were needed to respond to."

Councilor Trujillo said no, but the only place with 450,000 would be at the shopping center or the mall.

Mayor Gonzales said, "It is a simple yes or no. The second point is, you bring up the issue of vaping and requiring this. We had a number of commercial businesses coming before us requesting expansion, asking for one thing or another, and I've never heard you question the issue of whether they are following a public law regarding vaping. So, what is the issue right now with Meow Wolf."

Councilor Trujillo said the issue is if they are following the law.

Responding to the Mayor, Councilor Trujillo said we should ask this question of everyone.

Mayor Gonzales said if we are going to reference a business that has more than 400,000 visitors, we should be able to benchmark against other entities with the same number and determine whether they have more incidences or not, rather than just calling them.

Councilor Trujillo said he will ask that question of the next businesses coming before this Governing Body.

Councilor Maestas said he is looking at the map submitted with the application, and they outline in yellow what he thinks will be the proposed licensed premises. He asked if the licensed premises has been limited to the bar, lounge and lobby, or has it included the entire perimeter of the property.

Mr. Di Ianno said he the licensed premises in the past have been very similar to what is shown there, but he doesn't have the documents before him for comparison. The difference may be that they have outlined a patio area to include in the licensed premises. He said that hasn't been completed, and

they will be following Land Use and Fire Code requirements to do that. He said they felt doing that would allow them to potentially find a way to limit the entry to the space by providing an outside space for guests so they couldn't go back to theirs, but instead could step outside and still be within the controlled care. He said ultimately it is a safety improvement to the facility.

Councilor Maestas asked if there a need to include the entire property as a licensed premises, because we typically just see where the patrons will consume, and doesn't include any other parts in the immediate area where alcohol will be served.

Mr. Di Ianno said one of the reasons they are seeking the license is so they can support their music program. They have a nationally-recognized music program rated in the top 10 by YELP in the country, and it's been very successful. And the beer and wine sales happening now are a big part of that success, because people who want to come to the music show want to have a drink, and we can offer that. He said the music venue is all the way in the back of the space. He said somebody could move from the bar into the music area.

Councilor Maestas asked if it is adjacent to the patio.

Mr. Di Ianno said yes. They have operational controls and don't always allow people to do that, so when they have a 21 plus show, everybody in the building is ID'd, and everybody in the building is 21 plus. It's only under those circumstances that they would allow somebody that is in the building to drink. And they are monitored through that whole movement by staff who are alcohol trained. Everybody on staff that is on staff that deals with the public, are alcohol certified, having gone through the escalation training and several other trainings to get them prepared to deal with this, even though they don't have a license currently they want to have the best practices in place.

Councilor Maestas said he isn't going to reiterate the discussion we had at the last meeting, but he has concerns about the expanded uses of the facility, particularly for political events. He shares Councilor Dominguez's concern about choosing to buy a liquor license outside the local option district – the City of Santa Fe – and bringing it in, where there could be available liquor licenses in the City. He ran into a liquor license broker he knows, and asked him if there are any liquor licenses available and he had one. He said we can't dictate that to you. He said ideally, it would have been good to see this be a purchase within the same local option district. He said we need to be careful, because we can't be dictating our own ideals if you are operating within the letter of law. If you have done the due diligence, there is no reason for us to get in the way and decide. Even if we did that, we likely would be overturn by Alcohol and Gaming.

Councilor Maestas continued, saying he has other concerns with Alcohol and Gaming, and doesn't think it runs a very good operation, noting we're getting applications with pin and ink changes, and measurements for waivers that aren't correct. He said that has nothing to do with this applicant, but it's just his frustration and he is venting. He will support this, despite his concerns. He wants to see this succeed, and you already are succeeding and growing. As the Mayor said, we need to facilitate your growth and we can't ben an obstructions, we need to be a facilitator. He hopes this helps Meow Wolf to succeed.

Councilor Villarreal said the last discussion was focused on the fact that many of us felt that primary use for Meow Wolf was a family friendly atmosphere, the art space and the amusement park use. She it said was giving her heartburn to focus on something that was really focused on family, to then start going into the kind of club/bar space as a secondary use. However, her issue was trying to get clarification on the license, and we got that from Alcohol and Gaming, that the only license for which you are eligible is a Dispense. She feels a lot better that Councilor Harris spoke with the Prevention alliance, because she values their opinions. She said some think they are too strict on how they view alcohol sales in establishments, but they do a good job. She said they have [inaudible], and they back it up. The fact that you said you were working with Meow Wolf is very important, and hopes to continue that relationship with them.

Councilor Villarreal continued, saying Councilor Harris mentioned what we passed earlier this evening in the Railyard, but thinks that's comparing apples to oranges. These establishments that had been serving actually have events, but they own their building, but happen to be on public land, so that's a little different than what we're doing here.

Councilor Villarreal continued, saying she wishes Meow Wolf success, but you will be under higher scrutiny than any establishment on the alcohol [inaudible]. She hopes that you take that to heart, and that you need to be responsible, and we all need to be responsible. We all should take personal responsibility and accountability for what we do in our actions, individually and as a collective.

Councilor Rivera said he questions this on so many levels, but hopes that we as a municipality can start look at finding a way to allow the State to do this if it is going to overturn all of our decisions any way. We might as well let them take the responsibility and to think about how much time we spend on some of these waivers, saying it's ridiculous. And then to have the State just basically do whatever it wants. He said, "So I hope we can find some kind of solution for that." Councilor Rivera said he also [inaudible] just because he thinks that even if we didn't approve it, the State would overturn it.

Councilor Dominguez said, "Well you all almost got me there. As I said before, my comments or my decisions aren't based on anything personal. I think Meow Wolf is a fine organization. We have taken lots of risks, and they have proven themselves and have met the expectations that we've had. I think the patrons are good patrons. You always have a bad apple wherever you go, even on the baseball field, or wherever it may be – basketball court, football field whatever."

Councilor Dominguez continued, "I'm going to go back to the whole fundamental heartburn I have, and that's with the transfer itself. Part of the problem that we know and see all the transfers in, from Hobbs in this case, but we don't see any of the transfers out. So, for all we know there have been a bunch of licenses in Santa Fe that have been transferred out. So there is a huge disconnect between what the State says they allow us to do, and really what our local authority is. If we have complete control, and really had local authority, things might be a little bit different, but we don't. I am going to stick basically the same decision that I've made for other transfers that have come in from other parts of the City [State?]. And you're right Councilor Maestas, it's too bad we can't dictate some of that local control on alcohol licenses and transfers, but we can't."

Councilor Dominguez continued, "And so, you all are in the business of making sure that you can meet your financial obligations, so me asking you how much you are paying for that is getting a little bit too much into your business. I'm not going to do that, but I just want to make sure that we recognize that the stack is against the City. The deck is stacked against the City of Santa Fe when it comes to local control over an issue that we end up paying for in the long run, whether health care cost because of substance abuse or alcohol abuse, whether it's loss of work because of substance abuse or alcohol abuse. But there is nothing that indicates to me that this organization has those particular problems, and that you are being pro-active in establishing and promoting best practices. So it's really just a long way of me saying that I like the organization, and I wish them well, but for those fundamental reasons on the license transfer itself, it's going to be hard for me to support that."

MOTION: Councilor Lindell moved, seconded by Councilor Ives, to grant the waiver of the 300 foot location restriction to allow the sale of alcohol at Meow Wolf, 1352 Rufina Circle, with all conditions of approval as recommended by staff.

DISCUSSION: Councilor Maestas said, "I just have to say this for the record, but I think we've seen a lot of requests for waivers and we get very objective letters from the impacted school or church. But it was troubling for me to see that there were financial perks offered by the Applicant to La Petite, in this case. Landscaping, free admission to families with kids at La Petite. And again, I guess it's not illegal, but it was just very disconcerting, because in all the waivers I've seen, I've never seen a letter like that where the Applicant is cosigning with the affected entity. So, anyway, I just wanted to say that that troubled me a bit."

Mayor Gonzales said, "I would just say the other side of that could be, is it's being neighborly and a good corporate neighbor to provide those opportunities. So there's lots of way to look at how this came forward."

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 Trujillo said, "You know I support Meow Wolf, even though a lot of you probably don't think that I do. I've been there. It's a good place. When people come to Santa Fe I tell them to go there. When they say where are we going to take our kids, I send them there. I know there's people up here who don't believe that. There are issues with alcohol. We've had issues with alcohol, I've had issues with alcohol. I voted no one time when I had issues with Violet Crown. It wasn't about not being able to drink beer or anything. I just thought maybe when you had big brother with you, and he would say here, have a beer, take it with you, have a sip. There's a lot of that goes on in Meow Wolf, I've been there. It concerns me, it does concern me. But you've said you are going to use the best practices and that's what I want to see. I want people to be able to go to a place and feel safe, and parents want the same thing. That's the big thing. And that's what you guys told me when you met with me, family oriented. You may have said other things to other Councilors and the Mayor, but to me, you said it was family oriented and that's what

I want to see. So I wish you guys all the best of luck. I want you guys to succeed. I'm going to say yes.

STENOGRAPHER'S NOTE: During the vote Roger Rael began to make loud remarks from the audience. The Mayor asked him please to cease several times. Mr. Rael kept up his loud remarks and Mayor Gonzales asked the police to escort him from the Councilor Chambers, which they did.

MOTION: Councilor Lindell moved, seconded by Councilor Ives, to approve the request for a transfer of ownership and change of location of Inter-Local Dispenser Liquor License No. 2644 with on-premise consumption only and patio service, from Paris Holdings, LLC, d/b/a El Fogon Restaurant, 3414 N. Lovington Highway, Hobbs, to MW Santa Fe, LLC, d/b/a Meow Wolf, 1352 Rufina Circles, with all conditions of approval as recommended by staff.

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

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

Against: Councilor Dominguez.

Explaining his vote: Mayor Gonzales said, "Yes. And I'm going to vote yes because you guys have been an incredibly responsible corporate citizen of our community. You have demonstrated the ability to not only *[inaudible]* at being friendly-friendly, but also building and participating in the nighttime economy that allows young people to enjoy a live music venue. And that's just exciting things for Santa Fe. So yes. Thank you."

- 5) **CONSIDERATION OF BILL NO. 2017-28, ADOPTION OF ORDINANCE NO. 2017-24. CASE #2017-72. ANTIGUA SOL REZONE AMENDMENT. JENKINS GAVIN, INC., AGENT FOR ANTIGUA SOL LLC, REQUESTS TO AMEND VARIOUS CONDITIONS OF APPROVAL FROM ORDINANCE #2006-67 WHICH REZONED TRACTS 1, 2 AND D-1, WAGON ROAD FROM I-1 AND C-1 TO R-21-PUD (RESIDENTIAL – 21 UNITS PER ACRE – PLANNED UNIT DEVELOPMENT). THE THREE TRACTS TOTAL APPROXIMATELY 15.58± ACRES AND ARE LOCATED SOUTH OF SANTA FE PLACE MALL ALONG THE SOUTH SIDE OF WAGON ROAD AND EAST OF OFFICE COURT DRIVE. (DONNA WYNANT)**

A Memorandum dated October 27, 2017, for the November 8, 2017 Meeting of the Governing Body, with attachments, to the Members of the Governing Body, from Donna Wynant, Senior Planner, Current Planning Division, regarding this case, is incorporated herewith to these minutes as Exhibit "8."

A series of color photographs, entitled *Antigua Sol Rezone Amendments*, used by Jennifer Jenkins in her presentation, submitted for the record by Jennifer Jenkins, are incorporated herewith collectively to these minutes as Exhibit "9."

Public Hearing

Presentation by Staff

The Staff Report was presented by Donna Wynant, Senior Planner, Current Planning Division. Please see Exhibit "8," for specific of this presentation.

Ms. Wynant noted that James Martinez, Traffic Engineering and Alexandra Ladd, Office of Affordable Housing are in attendance to answer questions regarding the conditions of approval that pertain to Traffic Engineering or Affordable Housing.

Presentation by the Applicant

Jennifer Jenkins, Agent for the Applicant was sworn. Ms. Jenkins, using the photos in Exhibit "9," said, "I'm Jennifer Jenkins here on behalf of Lesley Investment Properties, with respect to the Antigua Sol Project. This project is located on 14.5 acres directly south of the Santa Fe Place Mall. The property was rezoned to R-21 PUD in 2006 to accommodate a 240 unit multi-family apartment community, and that was 11 years ago, and there are significant things that have changed. I'm really happy to report that I'm having a pre-application conference with Land Use staff tomorrow morning about this project to bring forward an updated Development Plan request to Planning Commission for this project. So I'm excited. We know that housing is important and we need to amend these conditions to make that project possible, and so that's why we're here this evening"

Ms. Jenkins continued, "So again, 'this' is a zoning map of the area that you probably don't care about. 'This' is the Site Plan that was approved back in 2006, which shows multiple buildings working their way across the site, that is bordered by the Mall to the north and the Arroyo de los Chamisos to the south. The updated Development Plan they're working on with the development company we're working with, is very much in keeping with 'this.' It is very consistent. And that is part of our request that when we do come forward with our Development Plan application we would like the opportunity for the authority to approve that application directed to the Planning Commission."

Ms. Jenkins continued, "So this image 'here,' I think really touches on several of the conditions that we would like to amend. One of which, up 'here' at the top relates to this lovely pedestrian bridge that crosses the arroyo 'here,' that is part of the Arroyo de los Chamisos trail system. Back in 2006, 'this' bridge was in the planning stages, and we had a condition of approval for us to contribute financially to the cost of that construction at the time the property was developed. The property was not developed. The bridge was built, the project was done. So in lieu of contributing to a project that is already done, we... I'm going to go ahead and jump forward, we're going to be extend the trail that has recently been completed on the south side of the Mall that connects to the Santa Fe Trails Transit Center 'here.' We, in lieu of contributing to that project which has been incomplete for years, we are going to be building a trail extension along the Wagon Road right-of-way that will connect to Office Court Drive 'here,' and the sidewalk system that is there. So we worked closely with Public Works staff on this and they feel like that is a better alternative for the contribution to the trail connectivity."

Ms. Jenkins continued, "So also, what we have 'here,' is back in 2006 we had a condition of approval to contribute a fair share financial contribution to a vehicular bridge, that would be a connection where Wagon Road would extend across the arroyo into the Nava Adé Subdivision. That vehicular connection is no longer part of the City's Transportation Plan. So the bridge is no longer desired, so we are asking to remove the condition of approval that has us contribute to an improvement that is no longer part of the plan."

Ms. Jenkins continued, "As part of this connection across the arroyo, we had an obligation to improve Wagon Road. The paved improvements terminate at Office Court Drive 'here,' on the left side of the screen, currently. And so we had an obligation obviously to finish completing Wagon Road all the way across the arroyo up to curb and gutter City standards. So this would be a road literally to nowhere, and so the condition of approval has been amended that we will improve Wagon Road up to the point that you actually access the property. So up to the point where we have our main access drive into the project, we will improve Wagon Road. And then the remainder of it would accommodate really to be a trail right-of-way."

Ms. Jenkins continued, "And the other two conditions of approval relate to affordable housing. Back in 2006, we were in a very different situation, in terms of our residential market. Some of you might recall that we had a lot of apartment communities getting converted to condominiums for home ownership and sales. And that was having a pretty significant impact on our supply of rental housing. So we had some conditions of approval that related to, not only the provision of affordable housing, but also agreements not to convert to condominiums, and really trying to stem that tide of those conversions. That is not really our issue right now. Our issue right now is bringing more supply of rental housing. We're not seeing that rash of conversions we were seeing 11 years ago. So all we ask is we want the opportunity to comply with the current version of the Santa Fe Homes Program Ordinance as it currently written today as other multi-family projects in town."

Ms. Jenkins continued, "So again, we have some outdated conditions that are no longer relevant in our current environment, so we would ask for those amendments as requested, so we can move forward and bring these housing units on line in our community. So with that, I would be happy to stand for any questions you might have. Thank you for your attention."

Speaking to the Request

There was no one speaking to this request.

The Public Hearing was closed

The Governing Body commented and asked questions as follows:

- ◆ Councilor Harris said there might be a mistake, and maybe you can answer this. He said in looking at the minutes, packet page 20, and there was motion from Commissioner Hochberg, '...to approve the same motion with the addition that the planners work with the City on the issue and

that they previously committed to an amount equal to 35% of a million-dollar bridge. Seconded by Commissioner Hiatt.' The motion was approved unanimously.

- ◆ Councilor Harris continued citing from packet page 20, said Chair Kadlubek restated it a little bit better, at least his words are captured a little bit better. He said, "I'm going to read this, because it is important. *'Chair Kadlubek confirmed the motion for a recommendation to the Governing Body to approve the request to amend various conditions of approval from Ordinance 2006-67, subject to the staff conditions of approval listed below and the technical corrections listed in Exhibit A, and with the additional recommended condition of approval stated by Commissioner Hochberg.'* He said, "So, I've just read from the minutes."

- ◆ Councilor Harris continued, "Then when we go to the Findings of Fact and Conclusions of Law, with the subsequent recommendation, you can find that on packet page 8, they deal with the amendments in the recommendation and there are five. And it basically says under 2), *'Remove Condition #5.'* Well condition 5 is what was being addressed during the Planning Commission regarding the vehicular bridge, not the pedestrian bridge, that was Condition #17. Condition 5 dealt with the vehicular bridge. So it seems there was a mistake, that, in fact, the conditions of approval were amended beyond what staff is recommending by the Motion from Commissioner Hochberg, approved unanimously. It didn't get captured in the recommendation to the Governing Body. Are you following me, Ms. Brennan, do you see what I'm talking about here. Do you follow me, Ms. Jenkins."

Ms. Brennan said, "I'm not following you actually. I mean I understand that the Condition cited, #2 Remove Condition #5, doesn't reflect what Commissioner Hochberg said, apparently. But, to be honest, I'm not quite sure what he says."

- ◆ Councilor Harris asked, "What he said."

Ms. Brennan said, "Yes. I mean I'm not sure what his intention was. Because there seemed to me to be a lot of discussion and I obviously wasn't there, but there seemed to me to be a lot of discussion about the 35% or the \$350,000 and whether they wanted it to be tied to a number or a percentage or not."

- ◆ Councilor Harris said it had to do with the intersection of Wagon Road and how it all comes together. But it seemed to be pretty clear from the minutes of the Commission and the vote, that, in fact, the Commission was recommending an additional condition was different than just simply removing Condition #5.

Ms. Jenkins said, "We had two bridges that we were talking about. We had the pedestrian trail bridge, and we had the vehicular bridge across the arroyo. The original condition of approval, the vehicular bridge, was from a traffic impact analysis standpoint, whatever your fair share contribution is, like how much traffic you are putting on that vehicular bridge, whatever percentage that is of the total anticipated traffic, you have to pay that amount at the time you do your development. There was never any specific dollar amount associated with that."

Ms. Jenkins continued, "But with the Pedestrian Bridge, there was a lot of discussion at City Council that night regarding us participating in funding that Pedestrian Bridge. And that's where they have the 35% to a maximum of \$65,000, so that was the amount quantified. So at the Planning Commission hearing, Commissioner Green expressed concern that we were on the hook for potentially up to \$65,000, because we weren't spending that money on the pedestrian bridge, we should be required to spend it elsewhere. So I believe the minutes do not accurately reflect the dialogue, because possibly the confusion about which bridge we were talking about."

- ◆ Councilor Harris said, "I would disagree. I've looked at the language, it go back and forth with Mr. Greene, but, I'm looking, and, *Mr. Greene thought the four-way intersection north from Santa Fe Place Mall. It's strange he asked if improvements and redesign would be necessary for 240 units. Mr. Martinez replied the traffic analysis will really site the conditions. Mr. Greene went on to say that applicant would have accepted 35% of improvements to the bridge 10 years ago. He asked what a fair share commitment would be in that case.*' Again, they continued on talking about peak hour traffic and things such as that."
- ◆ Councilor Harris continued, "But, at any rate, this is hard to sort out after the fact. But it seems the Motion from Commissioner Hochberg is relatively clear, but it's really clarified in the statement that I read and that's why I read the full statement from Chair Kadlubek confirmed the motion and the staff recommendations, and with the additional recommended condition of approval stated by Commission Hochberg. That seems to be fairly clear to me. No matter how they got there, that was the Motion, that's the recommendation to the Governing Body. And the problem I have is, it's not captured in the Findings of Fact and Conclusions of Law in the subsequent recommendations that are listed. Because it simply says, '*Remove Condition #5.*' Condition #5 dealt with the vehicular bridge. Is that correct."

Ms. Jenkins said she needs to check.

Ms. Brennan said, "And it's consistent with the Staff Report."

Ms. Jenkins said, "Condition #5 is the vehicular bridge, and the recommendation was that condition is removed, and there was a condition of approval that stated that we would work closely with the Public Works Department regarding any necessary improvements or modifications to the intersection of Wagon Road, Emblem Road and the Mall entry. And we have been in communications with the Traffic Division on that issue for several months already. And we are already working on options to address the geometry there which is a little unusual, and their traffic study is going to address that and we already have been in communications with James Martinez and John Romero on that point. So there are going to be money spent to address that, but without a design and knowing exactly what the solution is. At the Planning Commission, I was not in a position to agree to dollar amounts or percentages. It was just incredibly premature."

- ◆ Councilor Harris said, "Again, if you then go to the Staff Report, which among other things says *Remove Condition #5.* It goes on to talk about vehicular bridge and payment of a proportional share of the cost. All of that has been removed. But I think what the Planning Commission was

trying to get to is that there needs to be some monies dedicated to the improvement at that intersection. I don't know if that's really captured in the recommendations to the Governing Body."

Ms. Brennan said, "I'm not sure, and I understand what you're saying. I'm also not sure that it is captured clearly enough in the minutes so I would propose language for a Finding. I could only say we could revisit what that would be and bring it back to you by listening to the minutes."

- ◆ Councilor Harris said, "Probably half of us have been on the Planning Commission, and a lot of the action is found in those Findings of Fact and Conclusions of Law and recommendations. And I just want to make sure that where the Planning Commission ended up in terms of improvements to that intersection are going to be addressed. During the Development Plan, particularly if we have another motion where the Government Body doesn't see that Development Plan. I'm not sure I agree with that or not."

Ms. Brennan said, "As you know from my time staffing the Commission, I always said the Findings of Fact reflected the final vote of the body on the body. So, if there were a discrepancy, I would expect the Commissioners to point it out or to say yes, but when you boiled it all down that's what it was. So that is why I'm reluctant to sort of say that's what they meant or that's what they did, because they did adopt these Findings."

- ◆ Councilor Harris said mistakes get made.

Ms. Brennan said, "No, I agree. I'm not saying they don't, I just don't know where the mistake is."

- ◆ Councilor Harris how she would propose to address this, and really keep moving things forward.

Ms. Brennan said, "I would ask Donna Wynant what she thought happened."

Ms. Wynant said, "I do recognize there is a discrepancy, and the minutes were unclear, and the discussion back and forth. I think there was some reluctance by the rest of the Planning Commissioners to endorse or approve that 35% of a \$1 million bridge type of thing. So, when I worked with [inaudible], we discussed this. And the Findings of Fact were developed. There was that thing lingering out there about this bridge. So I did have a discussion with Traffic Engineering, James Martinez. I would actually like to see if he could come up and shed some light on this as well, because I think, as Jennifer was saying, it was premature to try to look at this other intersection that Commissioner Greene was concerned about that connects right around to that ring road around the road there. But he wanted to apply the money from this bridge that hadn't been built to that intersection. Could I possibly get some feedback from Mr. Martinez of the Traffic Division."

James Martinez, Traffic Engineering, said, "As I recall from that night, there was a dialogue that went back and forth regarding the vehicular bridge and the 35%. What was mentioned was at this point we currently have no recent traffic study. And if we were to conduct a more recent one with the current traffic volumes, we can better predict the impact that this development is going to have

on this intersection. From that, we would base a new percentage from that study.”

- ◆ Mayor Gonzales said “That would be based on what the actual proposal would be coming forward, as opposed to what we don’t know right now.” Mr. Martinez said, “Exactly.”
- ◆ Councilor Harris said, again, Commissioner Hochberg’s motion was, understanding that the number with the scope of the work was not fully understood, and so they previously committed to an amount equal to 35% of the \$1 million bridge, \$350,000. I think he was trying to get to a commitment of \$350,000 for certain improvements, that’s true, were not defined.”

Mr. Martinez said, “Correct. We also mentioned from the \$35,000, we considered the added trail system, the connection toward Cerrillos Road part of that contribution and also those increments from the intersection of [inaudible].

Ms. Jenkins said,, “This is an important clarification. I think it is something in the minutes that was not accurately reflected. The Condition is Condition #17. So the 35% relates to the Pedestrian Bridge. It’s a very important figure. The Pedestrian Bridge, 35% of the cost of the bridge, it wasn’t a \$1 million bridge, it was the Pedestrian Bridge, to a maximum of \$65,000. That is Condition #17. Okay. As is stated on the first page of the Staff Report where it says ‘*Two Motions are necessary, under the Recommendations Section, it says, ‘Approve the request to amend various conditions of approval from Ordinance 2006-67 subject to the staff conditions of approval, and that the applicant work with the City regarding an amount previously committed to for the bridge across the Arroyo Chamiso.’* She said both bridges are across the Arroyo Chamiso, so that’s a little ambiguous. But it is Condition #17. There was no specific dollar amount, or percentage or anything ever identified for the vehicular bridge. We didn’t have those figures in 2006. It wasn’t available to us at the time.”

Ms. Jenkins continued, “So it is the Pedestrian Bridge. So Commissioner Kadlubek was interested in, can we take the \$65,000 you were committed to and can we direct that toward some other public improvement. And the public improvement he expressed concern about, was that intersection on Wagon Road at the Mall entrance. We shared the Commissioner’s concern, and we have been in communication with James and his office for a couple of months on this in terms of, as we develop our traffic impact analysis, we’ll be communicating about what are some possible solutions to ensure the safety of that intersection. And yes, we still [inaudible] that, I don’t know how much, but there will be spent that will be our obligation as the developer to address that intersection, and that would be through the Development Plan process.”

MOTION: Councilor Dominguez moved, seconded by Councilor Ives, to suspend the rules to continue the meeting past 11:30 p.m.

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

- ◆ Councilor Harris he wants to make sure, and perhaps it would have to come via a motion from the Governing Body to really clarify what the applicant is making a case for, and what we think we read from the record. He said, "Condition #17 is simply amended. There was no financial commitment with Condition #17, but it does call for providing a trail connection."

Ms. Jenkins said that is correct.

- ◆ Councilor Harris said, "But to simply remove Condition #5 in its entirety is not correct either."

Ms. Jenkins said, "And my understanding is that is correct. The vehicular bridge is not happening. It's not on the Transportation Plan and there is no longer a project.

- ◆ Councilor Harris said, "But we have a motion and it may be misstated that evening, but we have a motion that says there needs to be a financial obligation from the applicant that moves the former obligation related to the Vehicular Bridge to this intersection.

Ms. Jenkins said, "I think that's where we are differing, Councilor, is that the former obligation was related to the Pedestrian Bridge, not the Vehicular Bridge. Because the obligation to the Pedestrian Bridge was quantified. There were no dollars or percentages quantified in 2006 for the potential vehicular bridge."

- ◆ Councilor Villarreal said, "On that point, I actually think you're right, because the suggestion by Commissioner Greene was to look at improvements but think about 35% not for the Pedestrian Bridge, but thinking about an available option for improvement to the road. So I think that's what the motion should have stated, that they were looking for solutions or some kind of final obligation to look at road improvements on Wagon Road. But I remember because we didn't know how to quantify that at the moment. But we could make a motion tonight to clarify that. I know if it's an amount, unless we have to by what staff says to go back to the Planning Commission for discussion.

- ◆ Mayor Gonzales asked if Ms. Brennan can make a comment at this point, and then if we can move to Councilor Dominguez so we can get some of the other items addressed.

Ms. Brennan said, "I think we certainly can't read their minds. I understand the point that the Vehicular Bridge was... the amount due on the Vehicular Bridge was going to be based on a proportionate share based on a traffic study that didn't happen. So it does not sound to me as if it were quantified. I think it would be helpful if someone from staff who was there that night added to this. So that does not appear to be quantified. I do see the 35% number with respect to the Pedestrian Bridge in #17, and I do wonder whether those things were conflated. And seems to me as likely an explanation as that the intention was to somehow grab the contribution that would have been made some day for the Vehicular Bridge, but we really don't know. So I think this Body can add to the condition. I think Commissioner Hiatt suggested that this Body might, without offering what that change might be. I think it would have been useful. But I do think it's entirely speculative really. And I would not want to say it was one thing or the other, or as I said propose

language. But I think perhaps we need to go back to the Commission and ask what that was, what the intention was, and what the Finding was and to revise the condition. And I understand you don't want to hold it up."

- ◆ Mayor Gonzales asked, "Can we just fix it right here."

Ms. Brennan said, "We don't know what the fix is."

- ◆ Mayor Gonzales said, "Well, but we're the ultimate Governing Body, right. Is there a process that requires Planning Commission validation, or can we just go ahead and consider this."

Ms. Brennan said, "To find out what the Planning Commission meant or intended, we would have to go back. Certainly you can make a condition. I do point out that there is no quantification attaching to the Vehicular Bridge and the rest of the Pedestrian Bridge, and it is the 35%, so I do feel it's possible that they got conflated and in fact, the Findings reflected the reality. But I don't know."

- ◆ Councilor Dominguez said he wants to know what the applicant thinks about that. Ms. Jenkins asked him to repeat the question, apologizing she was having a brief side bar, and Councilor Dominguez said he can't remember.

- ◆ Mayor Gonzales said, "Prior to the sidebar we were having a conversation about being able to offer a Motion that reflects the desired outcome of the Council tonight, given your request, versus trying to go back to the Planning Commission and ask for clarification of what seems to be, I think Kelley used the word conflated."

Ms. Jenkins said, "I'm very comfortable with us resolving it here tonight. The whole genesis of the discussion was around.... started with Commissioner Greene's concerns about the Mall entry/ Wagon Road intersection, that was the basis. I am 100% comfortable with a condition of approval that we address that intersection to whatever level is feasible, because we don't own all of the real estate over there, so there is going to have to be some cooperation to the satisfaction of the Traffic Division, as part of the Development Plan approval process. I am perfectly comfortable with a condition that states that. We've known all along we were going to have to do that. So, we're happy to have a condition that addresses that intersection. We think we've already devised a potential solution there, but we still need to kind of engineer and get everybody around the table to make sure it's going to work, but we think we've devised a solution, so we're happy with that condition, because that's the bottom line – where the money comes from, and what bridge. The most relevant thing is the Commission was interested in seeing that intersection addressed and we're prepared to address it."

- ◆ Councilor Dominguez said, "When you read the motion, it says that they previously *committed to an amount equal to 35%..... Planners work with the City on the issue.* And we just need to make sure that whatever motion we make tonight is clear about what the expectation is, and where it's supposed to be."

- ◆ Councilor Dominguez continued, "The question I wanted to ask you, Jennifer, was about Condition #17. It says, '*Provide a trail connection along the Wagon Road right-of-way to provide pedestrian bicycle connectivity....*' Is that still being done.

Ms. Jenkins said, "We're still going to do this. So the yellow line is real hard to see. But currently, 'this' is the new trail connection that recently was constructed. It was finished over a year ago, and it terminates right 'here,' and there's a lovely little ramp that leads you up into the Mall property. So we are going to continue that trail all along 'here'."

- ◆ Councilor Dominguez said that is not going to be part of the 35%.

Ms. Jenkins said it is in lieu of the Pedestrian Bridge is done, but trail connectivity is important and so this is in the vicinity of our project, so we're going to that in lieu of contributing to that bridge.

- ◆ Councilor Dominguez said in Santa Fe there are all kinds of different trails. Some people call a goat trail a trail. A goat trail is a trail.

Ms. Jenkins said it will be paved and consistent with what's out there, so we'll match what is out there currently.

- ◆ Councilor Dominguez said then it won't be a wagon trail.

- ◆ Mayor Gonzales asked, when you say consistent with what is out there is there a City standard that set what materials are used on trails.

Ms. Jenkins said it's probably going to be concrete, noting the City has been moving away from asphalt toward concrete, and anticipates they will be asked to do concrete.

- ◆ Mayor Gonzales asked if the Applicant is willing to accept what the City requires regarding materials associated with this.

Ms. Jenkins said yes.

- ◆ Councilor Dominguez said, "That's all I have, but I would just encourage whoever makes the motion to make it as clear as possible."

- ◆ Councilor Rivera said regarding the trail, in going to the mall to the subject property there is a grade change.

Ms. Jenkins said, "It will be on the downhill side, so basically, right 'here,' 'this' trail is also kind of on the downhill side, but then it climbs to get up to the level of the ring road at Mall and then there's a pedestrian crossing right 'here' to get to the bus stop. What we are going to, is our goal is just to do a gradual decline along the bank there. We don't want any switchbacks, we just want to do a nice, gradual ADA compliant. It starts to really flatten out in 'this' area, so it's really just

'here,' where we have a little bit of terrain to deal with, and we might have small retaining wall or something, but it's just going to connect with 'this,' and then it gradually just drop down to get down to the level of road."

- ◆ Councilor Rivera asked if there will be additional access points to the trail other than one.

Ms. Jenkins said, "Yes. We are going to create a direct connection from our project to the trail and to the Mall. We have been in communication with the Mall about having a direct pedestrian connection. This project creates a really vibrant mixed use environment over 'here.' And we've all see a lot of the exciting things happening at the Mall, a lot of investment there, and redevelopment, and putting residents within walking distance of that center is going to be really dynamic and fantastic."

- ◆ Councilor Rivera said the Fire Department typically asks for two means of ingress and egress.

Ms. Jenkins said yes, the Fire Department will require a secondary, emergency access because the City is no longer interested in 'this' bridge being constructed. They will be doing an emergency access into the Mall's ring road, so there will be access straight to Zafarano and Rodeo and access to points further north and on Cerrillos. They will be building the emergency access and incorporating the trail connection in that, so it doesn't look like a road, but it runs like a trail.

- ◆ Councilor Rivera asked where that will be.

Ms. Jenkins said the best spot for it is about right 'here,' because it is flat and at-grade with the Mall so there are no terrain issues. Emergency vehicles will have access to get out to the signal at Zafarano.

- ◆ Councilor Rivera asked if that has been approved that.

Ms. Jenkins said, "I've been in communication with Geronimo and Ray on that, and they're fine with it and we're in communications with the Mall on formalizing that."

- ◆ Councilor Villarreal asked the reason the Vehicular Bridge was taken out of the plan.

Ms. Jenkins said part of that happened as the result of some of the final phases of the Nava Adé Subdivision. And the Nava Adé community lobbied pretty heavily for that bridge to be removed, she is aware of that. However, how it was subsequently officially pulled from the Transportation Plan, and said Mr. Martinez might be able to. She said one thing she can tell them, is that it was John Nitzel's vision, John Romero's predecessor. Mr. Nitzel said he wanted to see Wagon Road become a public road and envisioned a lot of things happened over there that never materialized, and she thinks that was a big part of his personal vision for the circulation plan in this area. She said some of the final phases of Nava Adé which were platted was the impetus behind the removal of the bridge.

- ◆ Councilor Villarreal asked if staff has anything else to add to that, because they usually don't take things out of the Plan, and they stay intact and stay in the Plan.

Mr. Martinez said he does not know the history of the reason for removal. He said, "I just know that, currently, in the MPO Master Plan document, it currently does not show that connection."

- ◆ Councilor Villarreal said there is language in the Findings of Fact about an affordable housing proposal will be required of the Applicant when it resubmits a new Development Plan. She asked how it is different. She asked what is the affordable proposal then.

Ms. Jenkins said, "That's just in accordance with the current Ordinance, the Santa Fe Homes Program as part of any new development or subdivision project being submitted. You include a proposal showing how you intend to comply with the Ordinance. So it's just stand procedure.

- ◆ Councilor Villarreal said she thought it would something more than that. She asked if they are paying in lieu of.

Ms. Jenkins said yes, that is their intention.

- ◆ Councilor Villarreal asked if that was staff's recommendation. She always hopes that we will have affordable units, but we have been allowing cash in-lieu-of.

Alexandra Ladd, Office of Affordable Housing, said "Right now, the Ordinance allows multi-family developers to pay a fee-in-of."

[Councilor Villarreal's question here is inaudible because Ms. Ladd was talking at the same time]

Ms. Ladd said, "I apply the ordinance as it is currently amended, which will be in place until January 2020."

- ◆ Councilor Ives, referring to packet page 20, the Planning Commission minutes, said when he looks at packet page 19, there was an Amended Motion made by Commissioner Greene. And it indicates that it was made, seconded, and passed by unanimous voice vote. And then all of a sudden at packet page 20, it says, "*The motion failed 4-3...*" He said he is puzzled as to what happened at this meeting.

Ms. Wynant said, "It seems there is some back and forth discussion, that is reflected not real clearly in the minutes. I think the idea that the money that would have been spent on the bridge to be used elsewhere. I think everyone was not in consensus. There was some debate on that, so that's why that didn't pass. It failed 4-3. So, I believe it was Commissioner Hochford that then suggested that the City staff work with developer/applicant toward some agreement on that as to how it would play out with the money to be attributed to that intersection. I would have to go back at that exact discussion on that, but I believe that's what happened."

- ◆ Councilor Ives said the more he reads it the less clear it is what actually happened, but "let's not worry about that, I suppose."

Ms. Wynant said it is not real clear.

- ◆ Councilor Ives said the bridge referenced in Condition #5 simply was no longer needed and was not constructed, so that disappeared. In terms of Condition #16 in here, it talks about there was this additional requirement that if the apartments are converted before 30 years, the percentage of affordable units shall be increased from 15% to 30%. He asked if we ignoring that simply because the intention now is to make a payment-in-lieu, and Ms. Jenkins said that is correct.

- ◆ Councilor Ives said Condition #4 talks about '*.... urbanize the unpaved portion of Wagon Road...*' and asked what that means, saying he is unfamiliar with that.

Ms. Jenkins said, "We're going to bring 'this' segment of Wagon Road 'here,' that I said that the paved curb and gutter asphalt urban portion of Wagon Road terminates at Office Court Drive right 'here.' So up to the point that you reach the main, front door access into the project, we will urbanize that, which means curb and gutter, asphalt, and then we'll have the trail improvements there as well.

- ◆ Councilor Ives said then the Pedestrian Bridge was built.

Ms. Jenkins said it was built and right 'here,' on the east side of the Mall that connects to the Arroyo Chamiso Trail and the trail system in Nava Adé.

- ◆ Councilor Ives asked who built and paid for the bridge.

Ms. Jenkins said it was built by the City of Santa Fe.

- ◆ Councilor Ives said and in terms of the improvements that Ms. Jenkins is suggesting as a substitute which is '*Provide a trail connection along Wagon Road right-of-way to provide pedestrian and bicycle...*' He asked the ballpark expense.

Ms. Jenkins said she has no idea. She said she hasn't designed that, and haven't gotten to that point of being able to attach a number to that. She said it will be easily tens of thousands of dollars.

- ◆ Councilor Ives asked the cost of the Pedestrian Bridge, and Ms. Jenkins said she doesn't know.

- ◆ Councilor Ives asked if staff knows the answer to that question.

Ms. Wynant said she doesn't have that information, noting this case dates back 11 years ago. She wasn't the case manager. She said she had all of the old files, but she left them in the office, but doesn't know if those figures were in the file.

- ◆ Councilor Ives asked if a bridge like that costs in excess of \$200,000.

Mr. Martinez said some of our older bridges are pedestrian bridges and depending on the length and size, cost \$100,000 to \$300,000 up to \$500,000.

- ◆ Councilor Ives asked how long this bridge is or the likely cost, and Mr. Martinez said he does not, noting that was before his time.
- ◆ Councilor Ives said he is struggling with replacing a commitment of up to \$65,000, with a commitment for tens of thousands, potentially significantly less than was committed as part of this. He is trying to make sure we're not letting go of more than we're getting. He said personally, he would love answers to those questions before acting on this. He asked Ms. Jenkins how long the bridge is.

Ms. Jenkins said it's actually not very long, and "I'm going to venture a guess that it is probably, I would guess, about 100 feet long."

- ◆ Mayor Gonzales said, "Councilor Ives, can I offer to your point just a little bit of what I understand the issue to be. From 2006 to today there clearly is a different need for the property, or the property of what it was originally intended to do. The market is not producing the result. Which, I understand your point, we don't want to necessarily leave money on the table. But if there is no development that is happening, there is no money necessarily to be taken. So what I assume tonight is about is hitting the reset button and hitting that reset to remove some conditions that either no longer exist because we've removed it from a [inaudible] network, or maybe whatever the development plan is going to come forward with, there may be different infrastructure requirements. And we know for sure some streets and roadways. But I think, in listening to you, the important issue is making sure that any offsite infrastructure requirements that the new proposed development would require, what I'm hearing Jennifer say is they are prepared and willing to meet. But I don't assume that they are going to put pencil to paper until there is some indication with the staff, based on what they're going to come in with a new plan what is going to be required. So I feel that if we go back to 2006 and try and just fit whatever the reset is into that square, that it's not going to necessarily yield the result that we want."
- ◆ Mayor Gonzales continued, "From what I hear you saying, it is that you want to make sure that there is a requirement or commitment just like there was in 2006, to pay a fair share of the infrastructure that the development is going to pressure, or is that wrong?"
- ◆ Councilor Ives said, "Yes, but a little different. It seems if this City built this bridge, we must know how much we spent to build it. And if it exceeded \$195,000, then the developer would presumably owe the \$65,000 and is building this trail segment across whatever length it is, I'm not sure. Does that cost \$65,000. In other words would be better getting the \$65,000 if that's what we would get in building the trail, as opposed to just saying build the trail, maybe that's worth \$20,000, and we forego potentially \$45,000."

- ◆ Mayor Gonzales asked, "Jennifer, is there some clarity on that, in terms of if you are asking us to reduce the condition that there was already a prior commitment, and the City has expended funds on that infrastructure, I think what I hear Councilor Ives saying is how to make sure that the prior commitment doesn't dissolve with the elimination of the condition."

Ms. Jenkins said she understands. She said, for her, what is most critical is that it is no longer an "alive" project anymore. When they met with Traffic on the project they said, before they submitted the application, she said there are conditions of approval and she needs to meet with them and to understand what they need from her. She said, "Like. The Vehicular Bridge. Done. We're never going to build it, it's not in the plan, at least the MPO plan goes through 2020. The Pedestrian Bridge. Built. Done. It's not even a project. If you gave me money I would have to assign it to something."

- ◆ Mayor Gonzales asked if there was a prior condition in 2006 that you participate in the Pedestrian Bridge.

Ms. Jenkins said yes, and it was to 35% of the cost up to a maximum of \$65,000.

- ◆ Mayor Gonzales asked, "If you are asking, and I apologize if you already answered this, but are you asking to be removed from that 2006 condition for the Pedestrian Bridge."

Ms. Jenkins said yes, and in-lieu, the Public Works Department has requested the trail connection he described previously.

- ◆ Mayor Gonzales said, "So in terms of the monetary value for the City, where I think Councilor Ives is going, is the applicant willing to agree to at least whatever the monetary value was. So, assuming the Pedestrian Trail is \$25,000, but the value of the bridge, based on what you agreed to participate in is something greater than that. Is that where you're going, is that there's basically going to be a gap in terms of what you committees and..."

- ◆ Councilor Ives said what he doesn't know is whether or not it works in our favor, because nobody has the information, so it's a little bit of a crap shoot in that sense."

- ◆ Mayor Gonzales said he hears they are willing to put money into a different source of infrastructure.

Ms. Jenkins said what feels to be the most important is the intent is trail connectivity, and that we participate in ensuring trail connectivity and deal with the frontage along their project where there is a gap. The bridge isn't necessary anymore, the bridge is there. What feels most critical to her is we're replacing trail for trail. The trail improvement that is already done will be replaced with a new trail improvement which further expands the network.

- ◆ Mayor Gonzales said so a decision tonight would be to allow for that to happen regardless if there is an equalization of costs. It is the commitment for trail connectivity and we're not going to focus

on the cost of what was spent or what you obligated in 2006, it's just that we keep the obligation in place for you. And do we want to accept what you are proposing which is the trail system which she outlined.

- ◆ Councilor Harris said he wants to look at the trail map on page 54 in Granicus. He said at the intersection of Wagon Road, Emblem Road and the road providing access from Cerrillos to the ring road around the Mall. He said Wagon Road comes in from the east-west, and Emblem Road is then 'this' road, and asked the paved road from Cerrillos Road. *[The response was inaudible]* He asked if this is the intersection being discussed. He said we don't have a traffic impact analysis, and don't know what Public Works thinks would be appropriate. He said from Ms. Jenkins testimony she seemed to hesitate to commit to the improvements to that intersection, commenting he thought he saw language about fair share, that "you didn't want to commit to full improvements to that intersection, and seemed to be talking about others participating.

Ms. Jenkins said those were Commissioner Greene's words in talking about fair share. She said there is no other entity over here to contribute, so we are the entity. There is a viable solution to construct, and we're ones that are going to construct it.

MOTION: Councilor Harris moved, seconded by Councilor Villarreal, to adopt Ordinance No. 2017-24, approving Case #2017-72, Antigua Sol Rezone Amendment, subject to conditions of approval recommended by staff, with the following change, Condition #5 is amended to read, "Design and construct improvements to the intersection of Wagon Road, Emblem Road and the Mall street, subject to the review and approval of the Public Works Department."

DISCUSSION: Councilor Maestas asked if we need to adopt the Findings of Fact.

Ms. Brennan said, "Typically, except that would be a modification, but that way you've accepted the recommendation and they become your findings."

Mayor Gonzales asked Ms. Jenkins if she agrees with the condition, and Ms. Jenkins said yes.

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.

Councilor Harris said we didn't deal with the recommendation and whether or not we wanted to see the Development Plan.

Mayor Gonzales said we did, because what we approved kept it at the Planning Commission, right.

END OF PUBLIC HEARINGS

15. MATTERS FROM THE CITY MANAGER

Mr. Snyder said yesterday he had a joint meeting the County and Verizon regarding our services we receive, or lack of services, as expressed by the Council. They outlined a schedule, and he and the County Manager were rather frank with them that it didn't meet our needs, and we asked them to redraft their schedule and time frames and bring it back. There was a follow-up technical meeting today with technical staff and they are working through some solutions to expedite anything that can be done for poor services from Verizon around the community which is increasing. He said we are primarily concerned about the emergency services which is provided by Verizon. He said Renee Martinez is heading this up, and will be providing weekly updates to him, which will be provided to the Governing Body.

Mr. Snyder said, regarding questions on Beckner Road, staff is working with the developer to open the road. There outstanding issues they are working through with the developer, filling asphalt and potholes which are already on the road. Police are monitoring the situation. There also are lighting issues and Land Use staff is staying on top of that and trying to get it expedited to relive some of the pressure in that area. Mr. Snyder noted the Police Chief is leaving, and he doesn't plan to replace the Police Chief on an interim basis. So from mid-December through March and the Mayoral election, he will have both Deputy Chiefs reporting directly to him as the City Manager.

16. MATTERS FROM THE CITY ATTORNEY EXECUTIVE SESSION IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT NMSA 1978, §§10-15-1 (H)(7) AND (8), DISCUSSION REGARDING; THREATENED AND PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT INCLUDING, WITHOUT LIMITATION, DISCUSSION REGARDING *STATE OF NEW MEXICO, EX REL., MARIA PEREZ, CRAIG O'HARE, ELLEN ACKERMAN, SAGE BIRD AND ANNE NOSS V. CITY COUNCIL OF SANTA FE, NEW MEXICO AND MAYOR JAVIER GONZALES, AS THE GOVERNING BODY OF THE CITY OF SANTA FE, NEW MEXICO; AND DISCUSSION OF THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY OR WATER RIGHTS BY THE CITY OF SANTA FE, INCLUDING, WITHOUT LIMITATION, DISCUSSION RELATING TO THE SANTA FE UNIVERSITY OF ART AND DESIGN. (KELLEY BRENNAN)*

Ms. Brennan said, "I am going to dispense with the Executive Session. I will perhaps reach out to you to discuss some of the things. I will say quickly, with respect to the Ranked Choice Voting case, you'll probably read about this tomorrow, the *Writ of Mandamus* was issued yesterday, the 7th by Judge Schaefer, the new Judge. However, the day before, the City had filed a recusal of Judge Schaefer, effectively mooting the Writ issued the following day. So we need a new judge to be assigned, who presumably will start over. The Writ is confusing, because a *Mandamus* action is different than an ordinary complaint, so that the Court takes as true the allegations made by the petitioners. So when the Writ, it states as if they all true, all those things, stats, and the orders us to comply with Ranked Choice Voting, and then says, however there is the City's Motion to Dismiss before us, and we'll hear a hearing on

that on November 17th, and if we don't grant the Motion, then you have time to respond to the facts in the Petition, and that will be about 10 days, so saving this misleading Writ that makes it appear a decision has been made, but it has not. We have a pending Motion to Dismiss. There would be a hearing, it may be reset by a new Judge, and if the Motion to Dismiss is not granted, then we would have an opportunity to answer the petition, and so that would be sort of a classic back and forth. So."

Mayor Gonzales said, "Which in reality has to just push us way beyond."

Ms. Brennan said, "December 5th I think the ballots need to be final."

17. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

18. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "*Bills and Resolutions scheduled for introduction by members of the Governing Body*" for the Council meeting of November 8, 2017, is incorporated herewith to these minutes as Exhibit "10."

Councilor Maestas

Councilor Maestas reminded everyone the Inspector General of the City of Albuquerque, David Harper has been nice enough to come to Santa Fe to give his time to answer any questions by members of the Governing Body, noting Celeste has set up a schedule and set out an email. Time slots are available with different Districts, and asked the Governing Body to check that schedule. He thinks it would be time well spent if you have questions about the IG does and Albuquerque's model.

Councilor Trujillo

Councilor Trujillo said he was in La Placita last night talking with residents. There are two bus stops, one on each side of the highway, but there is no pedestrian crosswalk. He asked this be sent to Traffic for their consideration, noting it is a public safety concern.

Councilor Harris

Councilor Harris said, regarding the speed vans, we have moved forward. He said Mr. Rodarte and others in the Police Department were working on this, but many of the players are no longer around. He said we need to see where it stands, what it will take to bring it back alive. He said they came to an agreement about how to approach it.

Mr. Snyder said he spoke with the Chief about that earlier in the week, it is in process, and he anticipates proposals or bids, whatever the selection process is, early in calendar year 2018.

Councilor Harris said we said we wanted to review the RFP. Councilor Dominguez in particular

had points he was making that he thought were valid. And we agreed, in order to ensure those amendments were incorporated that we would review the RFP, and he hasn't seen that, and doesn't think anybody else has.

Mr. Snyder said he will look into that, noting he doesn't recall the request to review the RFP, but "we can surely do that."

Councilor Lindell

Councilor Lindell wished everybody a Happy Thanksgiving

Mayor Gonzales

Mayor Gonzales thanked the Council for a very thoughtful deliberation tonight on a number of issues, saying he thinks they served the City very well.

Mayor Gonzales introduced 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 Descartes Labs, Inc., for design, development and construction of tenant improvements; and lease payments or expansion of a new world headquarters facility, a local Economic Development Project. A Copy of the Ordinance is incorporated herewith to these minutes as Exhibit "11."

Councilor Dominguez

Councilor Dominguez congratulated his nephew for winning his first wrestling match as a collegiate match, beating his opponent from the Citadel. He wished everyone a Happy Thanksgiving.

Councilor Villarreal

Councilor Villarreal had no communications.

Councilor Ives

Councilor Ives said he would join as a cosponsor of the Mayor's Ordinance.

Councilor Ives introduced a Resolution requesting that the New Mexico Legislature enact a change to the tax structure that requires all management and operations of Los Alamos National Laboratories to be taxable. A copy of the Resolution is incorporated herewith to this Resolution as "12."

Councilor Maestas and Mayor Gonzales asked to be added as cosponsors.

Councilor Rivera

Councilor Rivera had no communications.

I. ADJOURN

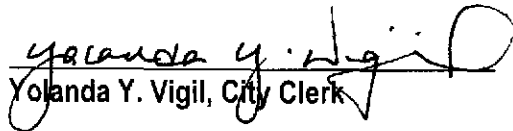
There was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 12:15 p.m.

Approved by:



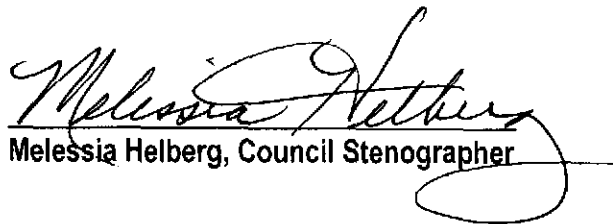
Mayor Javier M. Gonzales

ATTESTED TO:



Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Council Stenographer

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is entered into on this 7th day of November, 2017, in accordance with Article 26, Section 5 B of the Collective Bargaining Agreement between AFSCME Local 3999 ("Union") and the CITY OF SANTA FE ("City"), this MOU is entered into by both parties to implement their agreement on the expenditure of unspent monies appropriated for AFSCME in FY 17-18 as follows:

RECITALS

WHEREAS, the parties acknowledge that the FY 17-18 budget included funding sufficient for a 2% pay increase for bargaining unit members for the beginning of fiscal year 2017; and

WHEREAS, the parties were unable to reach an agreement in time for the contract to go into effect on July 1, 2017, money appropriated from the beginning of this fiscal year to the effective date of this CBA remains unspent; and

WHEREAS, the parties acknowledge that retroactive bonuses or retroactive pay increases for services already rendered are illegal under New Mexico law; and

WHEREAS, the City has provided the Union with the amount of unspent monies appropriated for AFSCME and the parties have bargained in good faith on the expenditure of these monies.

NOW, THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES:

All non-probationary bargaining unit employees as of July 1, 2017 shall receive a temporary pay adjustment for the pay period starting December 2, 2017 and ending December 15, 2017 calculated as follows; the total amount of the \$124,798.00 in unspent monies appropriated for AFSCME in the FY 17-18 budget, shall be divided by the 694 non-probationary bargaining unit employees as of July 1, 2017, for \$179.82 per eligible employee.

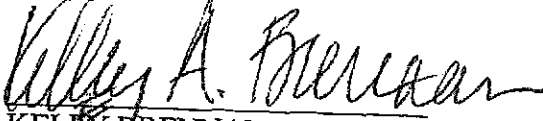
CITY OF SANTA FE:

JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:



KELLY BRENNAN, CITY ATTORNEY

AFSCME LOCAL 3999

By: 

MICHELLE GUTIERREZ, PRESIDENT

ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, NOVEMBER 6, 2017

ITEM # 13-b

ITEM 12

REQUEST FOR APPROVAL OF AN ORDINANCE REPEALING SECTION 2-22 SFCC 1987 INTERNAL AUDIT DEPARTMENT IN ITS ENTIRETY; AND AMENDING SECTION 6-5 SFCC 1987 TO CHARGE THE AUDIT COMMITTEE WITH THE MANAGEMENT OF AN INDEPENDENT AUDIT CONTRACT TO PERFORM THE FUNCTIONS CURRENTLY PERFORMED BY THE INTERNAL AUDITOR (**MAYOR GONZALES**) (**KELLEY BRENNAN**)

- a. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING THE CITY MANAGER TO DEVELOP A PLAN TO OUTSOURCE THE FUNCTIONS CURRENTLY PERFORMED BY THE INTERNAL AUDITOR IN ACCORDANCE WITH SAID RECOMMENDATIONS WITHIN 60 DAYS OF THE ADOPTION OF THIS RESOLUTION (**MAYOR GONZALES**) (**KELLEY BRENNAN**)

PUBLIC WORKS COMMITTEE ACTION: Postponed until Audit group completes work

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP: Add Councilor Ives as a co-sponsor to ordinance

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

Exhibit "3"

MEMORANDUM

ITEM # 14

From: Peter N. Ives, City Councilor
Re: Zia and Yucca Proposal
Date: November 8, 2017

Some people have asked why I have brought forward a measure to evaluate placing affordable Low Income Housing Tax Credit ("LIHTC") housing at the NE corner of the intersection of Zia and Yucca Streets, where the handball courts currently are located.¹ This Memorandum addresses some of my thinking in this regard.

In January 2017, I asked the City Asset Development Office to evaluate where in the City we might look at creating affordable housing.

WHY?

Because for years, all reports that addressed housing in the city of Santa Fe identified affordable housing as one of our great challenges and one that is hindering, if not crippling, our economy. In 2011, we had a shortage of some 3000 affordable homes/apartments. The City's 2016 Affordable Housing Report updated that number, indicating that the city lacked 2,400 affordable homes/apartments. However, some people with expertise in housing issues estimate those numbers to be much higher. What is clear, however, is that due to the lack of affordable housing, many of those working in Santa Fe have had to move out of the city and live elsewhere.

This creates a loss of spending in our local economy, loss of significant tax revenues to the City² and human capital in Santa Fe³, resulting in those who earn their living in Santa Fe spend their earnings in areas other than Santa Fe. Many young people entering the workforce are compelled to live elsewhere. Many seniors cannot afford to live in Santa Fe. Santa Fe's middle class is functionally pushed out of the Santa Fe housing market, resulting in the "widening wealth gap" in our city. The summary – we face a severe shortage of affordable homes and apartments in Santa Fe. It is estimated that there is 0.5% availability of rental units in the City. The problem is

¹ The proposal includes moving the handball courts to the south side of Zia Road where the Ragel Park parking lot and ball fields are located, providing parking and bathroom for those who would use those courts, i.e., making them much more available for use.

² The October 1, 2007 study by Homewise, entitled "Strengthening Santa Fe Through Affordable Home Ownership" ("Homewise Report") (available on the Homewise website) noted that our local economy "loses an estimated \$301.6 Million in annual spending, equating to \$5.7 million in tax revenues for the City annually."

³ The Homewise Report estimates that some "9,000 workers in Santa Fe used to live in the city but moved outside Santa Fe County and commute in to their jobs."

very clear, but the solutions have for too long have not been our focus and have escaped us.

The effects of the lack of available housing are many-fold. There is the economic loss mentioned above. Beyond that, there is a direct effect on jobs in the Santa Fe economy. Lack of housing and high housing prices drive workers out of Santa Fe, resulting in employers paying higher salaries and experiencing greater turnover.⁴ Higher wages and a lack of available employees, are factors considered by employers in moving to or starting businesses in Santa Fe. Housing is a major contributor to these issues. As noted in the Homewise Report, retaining employees was identified as a problem by the Police Department, the Santa Fe Public Schools and medical providers (e.g., nurses). Two-thirds of the employers surveyed for the 2007 City of Santa Fe Housing Needs Assessment identified affordable housing as one of the most critical issues facing our City.

Of course, beyond the economy, there are the effects on our families. There is less time spent with family that is consumed in commuting. Commuting is a real cost that often eats up the savings in housing costs, leading to families moving or cutting out other expenditures, working more hours, or working more than one job. None of these outcomes helps build the Santa Fe community or makes our families better off or happier.

Three Exhibits from the Homewise Report are attached. Exhibit 2 which addresses the costs associated with commuting when a worker cannot find a home or apartment locally available. Exhibit 3 which details Four Consumer Responses to High Housing Costs and their Consequences. Exhibit 4 which addresses the economic benefits of 1,000 families buying homes in Santa Fe.²

WHERE?

In reviewing those areas in the city where affordable housing could be put in place, a number of areas were identified. Mayor Gonzales and I sponsored a measure to stimulate the buildout of Paseo del Sol, the major arterial, in the Tierra Contenta area where up to an additional 2,000 homes could be built. Specifically, we sponsored a resolution to add Paseo del Sol to those projects eligible for Impact Fee funds. More housing clearly needed to be undertaken, and in the spirit of fair housing, had to sought across the city, not just in one location.

The property at Zia and Yucca was a property that was well suited to such development. The property has utilities to the property line, the property was substantially under-utilized, the property has characteristics that lend itself to such development. To its northeast it has dense development (R21), to the south a park, and to the southwest, another dense development (R12). It made sense to bring this property forward for consideration for the development of affordable housing.

⁴ See the Homewise Report.

PERCEIVED NEGATIVES

Some have argued already, before the analysis of the property called for in the resolution has even been undertaken, much less completed, that the project will result in a diminution of property values in the area and to increased crime. Such fears are often expressed, but are not borne out by research on these topics. Traffic congestion is another issue that is raised as a reason to not permit those needing affordable housing from moving into the area.

TRAFFIC EFFECTS

While some argue that the traffic effects will be immense and very negative, the City requires that the effects on traffic of a development of a tract, such as the one at issue, must be assessed and reported. This resolution makes no conclusion in this regard, but rather seeks to have a traffic study performed. We need to understand those potential impacts in evaluating this property.

PROPERTY VALUES?

In an article entitled "There Doesn't Go the Neighborhood" on Trulia's Blog, by Cheryl Young (November 16, 2016), this question was examined. In the nation's 20 least affordable real estate markets, between 1996 and 2006, "no significant effect on home values" was noted, with a few exceptions⁵. In Denver, there actually was a positive effect noted. The report notes that the lack of effect on home values is seen in cities where housing is either expensive or in short supply," which is a good description of Santa Fe's housing market.

The Center for Housing Policy, which puts out Insights from Housing Policy Research, also conducted a study, funded by the John d. and Catherine T. MacArthur Foundation, which summarized the results of at least four reviews of the impact of low income housing on nearby property values. Those four reports⁶ noted: a neutral

⁵ The report noted that in both Boston and Cambridge, Massachusetts, a negative effect was noted; but as the Young articles notes, this "suggests a region-specific market effect for these two geographically adjacent metros."

⁶ 1999 literature survey by Jeff Leary for the California redevelopment Association, which reviewed 31 separate studies (7 reported positive effects, 19 found no effects and only one study found a negative effect); 2002 review by the North Carolina Coalition, reviewed 36 studies (vast majority found no impact on surrounding property values, several found positive effects, and only one showed negative effects); Wayne State University Professor George Galster in 2002 performed a literature review, indicating a consensus that subsidized housing does not have negative effects on property values, and sometimes has positive effects (it also noted that negative effects can occur in "vulnerable neighborhoods that have high poverty rates and low home values"); and a 2005 analysis by San Francisco State University researcher Mai Thi Nguyen, which reviewed 11 studies that showed "a

or positive effect on property values, with few exceptions. The report made recommendations for such projects to ensure a positive results, such as:

Design: the project should be attractively designed and fit into the neighborhood in which it is being constructed;

Management: The project must be well managed and well-maintained;

Strong Neighborhoods: the stronger the neighborhood the project is located within, the less likely there is to be any negative impact;

CRIME?

A sense that crime will increase, is another often cited rationale for opposing affordable housing. Again, studies of this issue have seen results to the contrary. In an article appearing on the website of CityLab, by Emily Badger dated August 5, 2013, entitled "Moving Poor People Into a Neighborhood Doesn't Cause Crime", Ms. Badger notes that "a growing stack of research now supports the ... hypothesis that housing vouchers do not in fact lead to crime. Clearly, some effects are seen depending on the nature and type of the development. In the present proposal, we do not have yet another LIHTC project being placed in the middle of dense low income housing projects. An in-depth study by Assistant Professor Michael C. Lens, UCLA Luskin School of Public Affairs, Department of Urban Planning, noted in addressing a study performed by Freedman and Owens (2011) that their findings "suggested that LIHTC developments reduce crime, potentially by acting as a source of investment in struggling neighborhoods." The report, noting a study performed by Kirk and Laub in 2010, reported "in an exhaustive review of the state of the research on neighborhood crime, concluded that the effect of public housing on neighborhood crime is minimal,..." The Report concluded, inter alia, that "whether looking at larger public housing projects, vouchers, or scattered-site public housing, the effects on neighborhood crime are typically quite small, if they exist at all."

CONCLUSION

Let's evaluate the property to see if it makes sense to use it for affordable housing.

neutral or positive effect on property values", five reports found mixed effects and only one that documented a negative effect.

Exhibit 2:

I Moved to Save Money? The Cost of Commuting From a Lower-Cost Housing Market							
	Each Way		Daily (round trip)		250 Workdays / year		
Commute	Time	Miles	Direct Cost*	Time Cost	Direct Cost	Time Cost	Total Time & Travel Cost
Within Santa Fe	15 min.	4	\$4.18	\$10.00	\$1,045	\$2,500	\$3,545
Albuquerque to Santa Fe	67 min.	63	\$65.77	\$44.80	\$16,443	\$11,200	\$27,643
Savings Due to Shorter Commute	52 min.	59	\$61.59	\$34.67	\$15,398	\$8,700	\$24,098
<i>*Based on AAA: Cost of owning and operating a new vehicle & driving 15,000 miles annually, May 2007; based on 52.2 cents per mile and \$20 per hour for driver time.</i>							

Out-of-pocket and time costs remain high even when workers commute via bus or van. Over the last five years an industry has sprung up to ferry commuters from cities like Rio Rancho to Santa Fe. Riders pay \$90 for a monthly pass; this represents an annual outlay of over \$1,080 in direct commuting costs. There is a cost in time as well. A one-way trip from Rio Rancho to Santa Fe lasts 60-70 minutes, which does not include the trip from the commuters' houses to the Park & Ride stop or the time it takes to get from the drop-off point in Santa Fe to their office. Assuming an average of 10-15 minutes on either end, a round trip commute from Rio Rancho to Santa Fe could be about three hours. Over the course of a year, commuters will spend roughly 720 hours getting back and forth to work. To put that in perspective, that is like getting in a car and driving 24 hours a day, seven days a week, for a solid month. If time is valued at \$20/hour, the cost per commuter is a staggering \$14,400 annually.

Moreover, some proportion of the 720 hours spent commuting is time each individual will not be home in time to help a child with homework, coach a soccer team, or play other volunteer roles in the community.

Exhibit 3: Four Consumer Responses to High Housing Costs and their Consequences

Effect on Family	Effect on Employers	Effect on the Santa Fe Community
1. Purchase a home elsewhere and commute to work		
<ul style="list-style-type: none"> Increased commuting time Reduced family time Increased transportation costs Increased employee stress from long commute 	<ul style="list-style-type: none"> Increased costs due to problems with employee recruitment, retention, and productivity Upward pressure on wages May trigger decision to relocate company Increased absenteeism related to commute 	<ul style="list-style-type: none"> Loss of spending in local economy Essential personnel, including first responders, live far from work Increased rush hour traffic congestion Loss of volunteerism Increased costs of building & servicing roads Increased pollution
2. Stretch budget to buy home in Santa Fe		
<ul style="list-style-type: none"> Increased housing costs Limited income for discretionary spending Reduced ability to save for emergencies, repairs, and retirement Increased risk of delinquency and foreclosure 	<ul style="list-style-type: none"> Increased problems with employee retention and productivity Upward pressure on wages 	<ul style="list-style-type: none"> Reduced spending in local economy
3. Continue to rent in Santa Fe		
<ul style="list-style-type: none"> Lose out on chance to build wealth through home equity May eventually be priced out of rental market as costs increase Delayed purchase decision puts homeownership further out of reach as costs escalate 	<ul style="list-style-type: none"> Higher risk of employee turnover Higher costs due to employee recruitment, retention, and productivity May trigger decision to relocate company 	<ul style="list-style-type: none"> High rents decrease spending ability Renters' are more likely to move Reduced involvement in civic affairs Families without equity cannot trade up to better their situation
4. Relocate to area where a home purchase near work is possible		
<ul style="list-style-type: none"> Dislocation from friends and family in Santa Fe Loss of Santa Fe lifestyle and recreation. 	<ul style="list-style-type: none"> High job turnover Increased costs due to employee recruitment, training, and retention Upward pressure on wages May trigger decision to relocate company 	<ul style="list-style-type: none"> Loss of spending in local economy Loss of community

Estimated Economic Benefits of 1,000 Families Buying Homes in Santa Fe

Homeowners' spending patterns differ from those of renters, shifting spending towards the purchase of goods and services that support the local economy. Investment in homeownership results in tangible economic benefits, both in the first year and over time. This is illustrated by Exhibit 4, below.

Exhibit 4: Estimated Economic Benefits of 1,000 Families Buying Homes in Santa Fe		
	Per 1,000 Homebuyers in One Year	Per 1,000 Homebuyers over 10 years
Spending shifted to home-related goods and services <i>(Assumes a family buying a home, with annual income of \$42,000, will spend an average of \$3,900/year in home maintenance & insurance, furniture, appliances, floor coverings, and textiles)*</i>	\$3.9 million	\$39 million
Direct annual cost savings of moving 59 miles closer to work <i>(Estimated at \$15,045 annually/driver, \$1,080 for Park & Ride passengers; 80% will drive and 20% will commute by bus)</i>	\$12.25 million	\$122.5 million
Time cost savings of moving 59 miles closer to work <i>(Assumes time savings of \$8,667 annually per driver and \$14,400 per Park & Ride passenger; 80% will drive and 20% will commute by bus)</i>	\$9.8 million	\$98 million
Home equity wealth <i>(Assumes annual increase of \$5,250 per homeowner)</i>	\$5.25 million	\$52.5 million
Local spending captured by homeowners living in Santa Fe instead of commuting in from outside Santa Fe County <i>(\$33,515 per homeowner)</i>	\$33.5 million	335.2 million
Total Estimated Benefits	\$64.7 million	\$647.2 million

* Estimates from the National Institute of Home Builders

Harder to measure, but equally critical, is the value of freeing up hundreds and thousands of hours, that would otherwise be spent on commuting, which can instead be used to participate in family functions, community volunteering, or other activities that add meaning to people's lives. Less time spent driving reduces employees' stress levels and increases productivity. Living near their work also allows people to commute by foot, bike, or local public transportation, which reduces energy consumption and lessens the impact on the environment.

#14 ~~157~~ total
Signatures

Stop Proposed Development for Low Income Family Apartment (Residential) Rentals at the Corner of Yucca and West Zia Road

We the undersigned, request that the City Council not approve the Resolution directing City staff to prepare the property located at the corner of Yucca & West Zia Road for donation & development of multi-family residential low income housing (100 apartments).

Teresa Martinez
Tim Saladen

2602 Calle Primavera, Santa Fe, NM 87505
2600 Calle Primavera, Santa Fe, NM 87505

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Name	Address	Signature	Phone No.
Delfino Trujillo	2606 Campo Verde	Delfino Trujillo	505 471-3532
Will Gonzales	2401 Vereda de Encanto	Will Gonzales	505 473-5879
DONNA GONZALES	2401 Vereda de Encanto	Donna Gonzales	505-670-9331
Gio Gonzalez	2401 VEREDA DE ENCANTO W.	Gio Gonzalez	505-231-7414
Uribe Trujillo	2604 Campo Verde	Uribe Trujillo	505-47-5465
Della Trujillo	2604 Campo Verde	Della Trujillo	505 471-5465
Laura Gonzales	2713 Ave. Del Sol	Laura M. Gonzales	505-670-4590
Mark Peters	2403 Vereda de Encanto	Mark Peters	920-555-5
LEONARD MAESMS	2607 Campo Verde	Leonard Maesms	577-5452
BILLY McALISTER	2615 VISTA DE JAMES	Billy McAlister	505-474-0531
EUGENE CHANDLER	2715 AVENIDA DEL SOL	Eugene Chandler	505 471 2048

Exhibit "5"

and West Zia Road

We the undersigned, request that the City Council not approve the Resolution directing City staff to prepare the property located at the corner of Yucca & West Zia Road for donation & development of multi-family residential low income housing (100 apartments).

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Tim Saladen

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Name	Address	Signature	Phone No.
Debbie Parker	2704 Vereda Rosales	Debbie Parker	670-0922
Anthony J. Genova	2450 Avenida Chaparral	A. Genova	819-9464
William J. Harris	2442 Avenida Chaparral		795-3645
Karen Abram	2704 Avenida Chaparral	K. Abram	
W. L. Martinez	2704 Vereda Rosales	W. L. Martinez	660-3421
CARL TWIBEL	2701 VEREDA ROSALES	Carl Twibel	670-8198

**Stop Proposed Development for Low Income Family
Apartment (Residential) Rentals at the Corner of Yucca
and West Zia Road**

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[illegible]

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Name	Address	Signature	Phone No.
Lauren Levis	2308 Calle Pacifica	Lauren Levis	505-795-0122
Fabinda Guller	2314 Calle Pacifica	Fabinda Guller	505-476-6546
Neva Alamy	2315 Calle Pacifica	Neva Alamy	" 476-3176
Carolyn Ryle	2319 Calle Pacifica	Carolyn Ryle	505-473-7555
Amy	2327 Calle Pacifica	Amy	505-690-4200
Tim SALADEN	2600 CALLE PRIMAVERA	Tim Saladen	505-471-6307
Gabrielle Mader	2401 San Patricio Plz	Gabrielle Mader	505-690-8208
Sandra Kay Johnson	2407 San Patricio Plaza	Sandra Kay Johnson	505-690-7490
Heather Ross	2415 SAN PATRICIO PLAZA	Heather Ross	505-316-0024
Carry NOBLE	2409 San Patricio Plaza	Carry Noble	505-699-6623
Rhonda Noble	2409 San Patricio Plaza	Rhonda Noble	505-699-8963

Stop Proposed Development for Low Income Family Apartment (Residential) Rentals at the Corner of Yucca *Higher Traffic* and West Zia Road

We the undersigned, request that the City Council not approve the Resolution directing City staff to prepare the property located at the corner of Yucca & West Zia Road for donation & development of multi-family residential low income housing (100 apartments).

Teresa Martinez
Tim Saladen

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Name	Address	Signature	Phone No.
<i>JOSE TORRES</i>	1512 Luisa	<i>Jose Torres</i>	505-913-9057
<i>Iesha Larranga</i>	2610 Calle Primavera	<i>Iesha Larranga</i>	
<i>Dennis Martinez</i>	2610 Calle Primavera	<i>Dennis Martinez</i>	
<i>Maha Khoury</i>	2326 La Senda	<i>Maha Khoury</i>	
<i>DONALD GRAY</i>	2310 LA SENDA	<i>Donald W Gray</i>	
<i>Joshua Santistevan</i>	2623 Calle Primavera	<i>Joshua Santistevan</i>	505-603-8447
<i>Clarissa Fox</i>	2621 Calle Primavera	<i>Clarissa Fox</i>	505-464-4479
<i>Leslie Enriquez</i>	2643 Calle Primavera	<i>Leslie Enriquez</i>	
<i>PAULA Federici</i>	2640 Calle Primavera	<i>P. Federici</i>	505-473-0153
<i>PATRICK ARANDA-TRUJILLO</i>	3037 GOVERNOR LINDSEY RD	<i>Patrick Aranda-Trujillo</i>	
<i>BOBBY SKUPNY</i>	623 KATHAYN ST	<i>Robert Skupny</i>	

Stop Proposed Development for Low Income Family Apartment (Residential) Rentals at the Corner of Yucca and West Zia Road

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Teresa Martinez
Tim Saladen

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2600 Calle Primavera, Santa Fe, NM 87505

Created by
Created by

Name	Address	Signature	Phone No.
John Martinez	2650 Calle Primavera	[Signature]	505 471 0507
Liz Fischer	2311 Calle Pacifica S.F. NM 87505	[Signature]	505 470-3848
John Ochoa	2323 Calle Pacifica	[Signature]	505 471-7520
Patricia Ochoa	2654 Calle Primavera	[Signature]	505-699-2138
Sadie Ochoa	2323 Calle Pacifica	[Signature]	505-471-5000
Manuel Anaya	2322 Calle Pacifica	[Signature]	505 470 0241
Anna Anaya	2322 Calle Pacifica	[Signature]	505 470-6154
Robert Anaya	2322 Calle Pacifica	[Signature]	505 946 8493
Alisha Dominic	2322 Calle Pacifica	[Signature]	505 221 8809
CARLOS SANCHEZ	2659 Calle Primavera	[Signature]	505 471 7835
Rita Martinez	2650 Calle Primavera	[Signature]	505 471 0507

Stop Proposed Development for Low Income Family Apartment (Residential) Rentals at the Corner of Yucca and West Zia Road

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2600 Calle Primavera, Santa Fe, NM 87505

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Name	Address	Signature	Phone No.
Cuera Fernandez	2629 Calle Primavera	Cuera Fernandez	—
MS	" " "		—
Carlos B. Martinez	2625 Calle Primavera	Carlos B. Martinez	—
Lita E. Martinez	Calle 2625 Primavera	Lita E. Martinez	—
Abraham Santistevan	2623 Calle Primavera	Abraham Santistevan	
Connie Hoover	2600 Primavera Ct	Connie Hoover	
Richard Hoover	2600 PRIMAVERA Corte	Richard Hoover	
Richard A Hoover	2600 Primavera Corte	Richard A Hoover	
BRYAN FOX	2621 CALLE PRIMAVERA	Bryan Fox	
Nigel Romero	2639 CALLE PRIMAVERA	Nigel Romero	
Rose Padilla	2615 Calle Primavera	Rose Padilla	

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Name	Address	Signature	Phone No.
Juanita Rosales	2627 Calle Primavera	<i>Juanita Rosales</i>	
Kathy Trujillo	2303 La Senda	<i>Kathy Trujillo</i>	
Victor R. Trujillo	2303 LA SENDA	<i>Victor R. Trujillo</i>	
Steph Garcia	2627 calle primavera	<i>Steph Garcia</i>	
Teresa Holt	2624 Calle Primavera	<i>Teresa Holt</i>	505 471-7104
Michael Bates	2624 Calle Primavera	<i>Michael Bates</i>	505 316-3697
Faye Bates	2613 CALLE PRIMAVERA	<i>Faye Bates</i>	471-2266
Patrick Bates	2613 CALLE PRIMAVERA	<i>Patrick Bates</i>	505 471-2266
Jeffrey Thompson	2307 Calle Pacifica	<i>Jeffrey Thompson</i>	505 581-3058
Nancy B Myers	2303 Calle Pacifica Sfe	<i>Nancy B Myers</i>	471-1215
Victor A Myers	2303 CALLE PACIFICA SF	<i>Victor A Myers</i>	471-1215

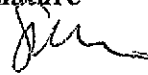
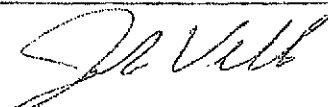
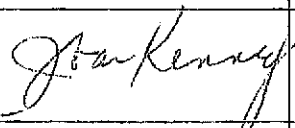
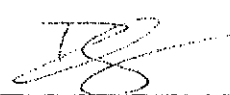
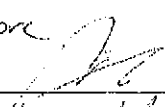
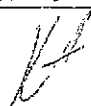
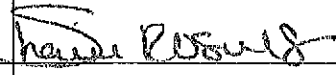
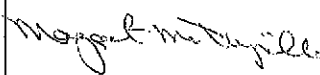


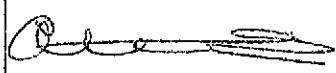
Stop Proposed Development for Low Income Family Apartment (Residential) Rentals at the Corner of Yucca High traffic and West Zia Road

We the undersigned, request that the City Council not approve the Resolution directing City staff to prepare the property located at the corner of Yucca & West Zia Road for donation & development of multi-family residential low income housing (100 apartments).

Teresa Martinez
Tim Saladen

2602 Calle Primavera, Santa Fe, NM 87505
2600 Calle Primavera, Santa Fe, NM 87505

Created by
Created by

Name	Address	Signature	Phone No.
Steve Hart	505 Don Diego		-
Joshua Villa	2620 Calle Primavera		505 490 1238
Joan Kennedy	2626 Calle Primavera		505 577-6019
Isabelle Grandisier	50 Deva Lane		505-501-9937
Colleen Hooper	1865 Camino Lumbra 87505		505 989-9279
Kelly Allen	23 Arroyo Verde		971 4465
Shauna Rosales	2627 Calle Primavera		6029-6859
Margaret Muthjelle	2808 Siringo Rd		471-5617
Joseph Muthjelle	2808 Siringo Rd.		471-5617
Marcella Martinez	2207 Sullate st.		471-0957
Antoinette Garcia	2808 Siringo		473-9693

**Stop Proposed Development for Low Income Family
Apartment (Residential) Rentals at the Corner of Yucca
and West Zia Road**

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2600 Calle Primavera, Santa Fe, NM 87505

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Name	Address	Signature	Phone No.
Bianca Garduno	2213 Yucca St. Santa Fe, NM 87505	Bianca Garduno	505-470-7396
Adam Romero	2213 Yucca St. Santa Fe NM 87505	Adam Romero	
Patrick Blinn	1896 LORCA DR #82 SANTA FE	Patrick Blinn	505-477-1230
Andrea Pacheco	3A Chalan RD, SE, NM, 87507	Andrea Pacheco	505-819-9679
Jeremy Martinez	2491 Sawmill Rd Apt 1305 Santa Fe, NM 87505	Jeremy Martinez	(505) 310-8911
James J. Andermann	2209 Yucca St. Santa Fe NM 87505	James J. Andermann	(505) 471-0744 (unlisted)
Juanita E. Andermann	2209 Yucca St. Santa Fe, NM 87505	Juanita E. Andermann	(505) 471-0744 (Unlisted)
Delinda A. Andermann	2209 Yucca St. Santa Fe NM 87505	Delinda A. Andermann	(505) 471-0744 Unlisted

**Stop Proposed Development for Low Income Family
Apartment (Residential) Rentals at the Corner of Yucca
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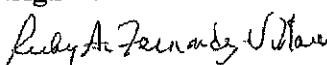

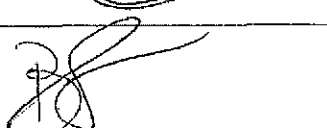



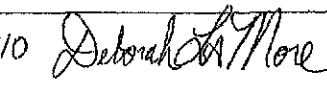
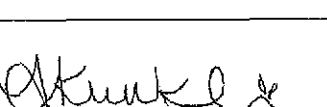
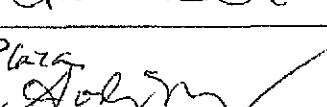

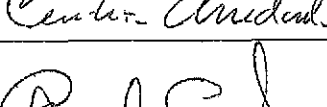
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2600 Calle Primavera, Santa Fe, NM 87505

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Name	Address	Signature	Phone No.
Ruby A. Fernandez Villareal	2414 San Patricio Plaza Santa Fe, NM 87505		(505) 471-0461
John D. Ilt	2408 Santa Fe, NM San Patricio Plz		(505) 699-7325
BETH STEPHEN BEAUSOPE	2412 SAN PATRICIO PLZ		(505) 501-3088
JOE LENSANA Joe L. Lensen	2418 San Patricio Pl.		505 986-1081
Joe Lensen	2552 San Patricio		438-0937
Andy Cornett	2543 Camino San Pat		914 8473- 1961
Deborah LaMore	2537 CAMINO SAN PATRICIO		(505) 216-8327
Adrienne Kunkle	2539 Camino San Patricio		505 310 8449
Andrey Martinez	2402 San Patricio Plaza		505-473-2037
Cecilia Arredondo Cecilia Arredondo	2410 San Patricio		670-2076
Ricardo Arredondo Ricardo Arredondo	2410 SAN PATRICIO PLAZA		699-7357

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Name	Address	Signature	Phone No.
RALPH QUINTANA	CALLE 2619 PRIMAVERA	Ralph F. Quintana	471-4190
MARTHA QUINTANA	2619 CALLE PRIMAVERA	Martha Quintana	505-471-4190
Tomas Gonzales	2628 Calle Primavera	Tomas Gonzales	(505) 577-8255
JOHNNY LUSAN	2636 CALLE PRIMAVERA	Johnny Lusan	699-7497
Christine Lusan	2636 CALLE PRIMAVERA	Christine Lusan	699-7497
Xenia Velasquez	2601 calle Primavera	Xenia Velasquez	(505) 569-2579
JOSE MONTAÑA	2601 Calle Primavera	Jose Montaña	(505) 970-4398
MARY GARCIA	2651 CALLE Primavera	Mary Garcia	505-690-7048
JOSE R. GARCIA	2651 Calle Primavera	Jose R. Garcia	505-471-2535
William Springer	1023 WILSON 2103 SAN PATRICKO PLAZA	William Springer	505-429-4439

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Name	Address	Signature	Phone No.
Katelyn Parent	2637 Calle Primavera Santa Fe NM 87505	Katelyn Parent	225-202-7522
Erik Enriquez	2647 Calle Primavera Santa Fe NM 87505	Erik Enriquez	505-316-2130
Anthony Valencia	2645 Calle Primavera		505-699-2011
Corine Ellis	2645 Calle Primavera	Corine Ellis	505-216-4583
Priscilla Gonzalez	2647 Calle Primavera	Priscilla Gonzalez	471-2466
Jenny Barrera	2653 Calle Primavera	Jenny Barrera	577-9713
Bob W Brown	2653 Calle Primavera	Bob W Brown	577-5985
Adam Gonzales	2644 Calle Primavera	Adam Gonzales	603-7120
Felix Hernandez	2634 Calle Primavera	Felix Hernandez	505-410-7202
Travis Champion	2630 Calle Primavera	Travis Champion	214-226-3711
Mark Richmond	2618 Calle Primavera	Mark Richmond	505-216-8007

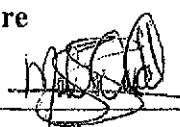
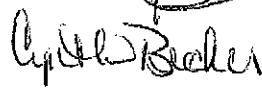
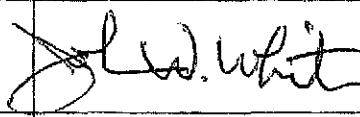

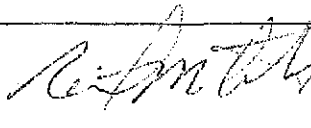
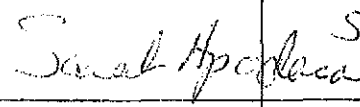
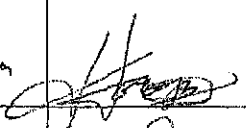
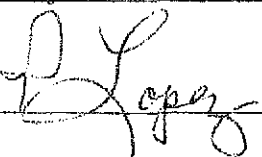
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2600 Calle Primavera, Santa Fe, NM 87505

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Name	Address	Signature	Phone No.
Melvin Alvarenga	2601 Calle Primavera		505 913-9334
Cynthia Becker	2603 Calle Primavera		505-501- 5036
John W. Whitney	2605 Calle Primavera		505-471- 7964
Fiona Whitney	2605 Calle Primavera		505-471-7964
Michael White	2607	no one resides albuquerque	
Michael White	2611 Calle Primavera	Michael White	(601) 433-6204
Alicia Kielpinski	2604 Primavera Ct	AK	(505) 730-3205
Ron Smith	2603 Camino Verde Court		505-795-2387
Sarah Hockaday	2607 Primavera Ct		505-577-5181
Y. Antonio Lopez	2635 Calle Primavera		(505) 471-5549
Patricia Lopez	2635 Calle Primavera		(505) 471-5549

Stop Proposed Development for Low Income Family Apartment (Residential) Rentals at the Corner of Yucca and West Zia Road

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Created by

Name	Address	Signature	Phone No.
FRANK OLIVAS	2321 La Senda A	Frank Olivas	471-2437
Rickey Faehl	2318 La Senda	Rickey Faehl	473-7839
Allan Harrison	2322 La Senda	Allan Harrison	471-1514
Linda Olivas	2321 La Senda St	Linda Olivas	471-2437
Judith Van Luchene	2319 La Senda St.	Judith Van Luchene	505 603 4445
Thomas Carlson	2319 La Senda St	Thomas Carlson	505-603-5526
Natalie Martino	2317 La Senda St.	Natalie Martino	505.570.9446
Tomás Brown	2317 La Senda St.	Tomás Brown	505.920.8487
Dwain Blidewell	2311 La Senda	Dwain Blidewell	525-791-7795
CATRICE Rodriguez	2309 LA SENDA	Catrice Rodriguez	505-4389394
Elio Rodriguez	2309 LA SENDA	Elio Rodriguez	505 4389394

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Created by

Name	Address	Signature	Phone No.
BITA DAVIS	2308 LA SENDA	Bita Davis	438-9108
Griffin Volkwa	2320 La Senda	Griffin Volkwa	231-6705
Bernadette Lucero	2805 La Senda	Bernadette Lucero	501-8126
Margaret Chan Lucero	2305 La Senda	Margaret Chan Lucero	505-471-8064
HENRY R. LUCERO	2305 LA SENDA	Henry R. Lucero	505-471-8064
ANDREA FELIX	2446 Ave Chaparral	Andrea Felix	505-507-4539
Henry R. Lucero	2305 La Senda	Henry R. Lucero	505-471-8064

SOURCE: <https://www.healthit.gov/sites/default/files/pdf/privacy/privacy-and-security-guide.pdf>

What Types of Information Does HIPAA Protect?

The Privacy Rule protects most individually identifiable health information held or transmitted by a CE or its BA, in any form or media, whether electronic, paper, or oral. The Privacy Rule calls this information "protected health information" or "PHI."

Individually identifiable health information is information, including demographic information, that relates to: The individual's past, present, or future physical or mental health or condition,

- The provision of health care to the individual, or
- The past, present, or future payment for the provision of health care to the individual

In addition, individually identifiable health information identifies the individual or there is a reasonable basis to believe it can be used to identify the individual.

For example, a medical record, laboratory report, or hospital bill would be PHI if information contained therein includes a patient's name and/or other identifying information.

The HIPAA Rules do not apply to individually identifiable health information in your practice's employment records or in records covered by the Family Educational Rights and Privacy Act (FERPA), as amended.

Who Must Comply with the HIPAA Rules?

CEs and BAs must comply with the HIPAA Rules. CEs include:

- Health care providers who conduct certain standard administrative and financial transactions in electronic form, including doctors, clinics, hospitals, nursing homes, and pharmacies.

Any health care provider who bills electronically (such as a current Medicare provider) is a CE.

- Health plans
- Health care clearinghouses

A BA is a person or entity, other than a workforce member 16 (e.g., a member of your office staff), who performs certain functions or activities on your behalf, or provides certain services to or for you, when the services involve the access to, or the use or disclosure of PHI.

BA functions or activities include

claims processing, data analysis, quality assurance, certain patient safety activities, utilization review, and billing.

BA services to a CE can be legal, actuarial, accounting, consulting, data aggregation, information, technology (IT) management, administrative, accreditation, or financial services.

Many contractors that perform services for a CE are not BAs because the services do not involve the use or disclosure of PHI.

Exhibit "6"

BRENNAN, KELLEY A.

From: BRENNAN, KELLEY A.
Sent: Tuesday, November 07, 2017 12:14 PM
To: GONZALES, JAVIER M.; LINDELL, SIGNE I.; DOMINGUEZ, CARMICHAEL A.; HARRIS, MICHAEL A.; IVES, PETER N.; MAESTAS, JOSEPH M.; RIVERA, CHRISTOPHER M.; TRUJILLO, RONALD S.; VILLARREAL, RENEE D.
Cc: SNYDER, BRIAN K.
Subject: FW: AGD Correspondence re Meow Wolf
Attachments: Fwd: Meow Wolf; Fwd: Meow Wolf

Mayor and Councilors –

Please find attached two AGD emails stating that the only license type Meow Wolf can use is a dispenser license. Alfred has reviewed the statutory requirements and independently confirmed AGD's opinion.

Let me know if you have any questions.

Kelley

From: BYERS, MELISSA D.
Sent: Tuesday, November 07, 2017 11:48 AM
To: BRENNAN, KELLEY A. <kabrennan@ci.santa-fe.nm.us>; VIGIL, YOLANDA Y. <yyvigil@ci.santa-fe.nm.us>
Cc: SNYDER, BRIAN K. <bksnyder@ci.santa-fe.nm.us>
Subject: RE: AGD Correspondence re Meow Wolf

Per your request, see attached.
Melissa

From: BRENNAN, KELLEY A.
Sent: Tuesday, November 7, 2017 10:11 AM
To: VIGIL, YOLANDA Y. <yyvigil@ci.santa-fe.nm.us>
Cc: BYERS, MELISSA D. <mdbyers@ci.santa-fe.nm.us>; SNYDER, BRIAN K. <bksnyder@ci.santa-fe.nm.us>
Subject: AGD Correspondence re Meow Wolf
Importance: High

Can you provide me with the correspondence you received from AGD regarding Meow Wolf's license type? Brian asked me to follow up with the Councilors on the subject. Thanks!

Exhibit "4"

BRENNAN, KELLEY A.

From: Max BK <max@meowwolf.com>
Sent: Friday, November 03, 2017 4:31 PM
To: BYERS, MELISSA D.; VIGIL, YOLANDA Y.
Subject: Fwd: Meow Wolf

----- Forwarded message -----

From: Rubin, Daniel, RLD <Daniel.Rubin@state.nm.us>
Date: Fri, Oct 27, 2017 at 12:08 PM
Subject: Meow Wolf
To: "VIGIL, YOLANDA Y." <yyvigil@ci.santa-fe.nm.us>
Cc: Max BK <max@meowwolf.com>

Dear Yolanda,

Apparently, the feasibility of a beer and wine license for Meow Wolf was raised at a City meeting, so Max at Meow Wolf asked that I email you regarding the availability of a beer and wine license at their establishment. Based on our inspection of the premises, Meow Wolf is not a restaurant and does not qualify for a beer and wine license. Its infrastructure would have to undergo significant changes to so qualify.

Sincerely,

Daniel R. Rubin, Division Attorney

Alcohol and Gaming Division

New Mexico Regulation and Licensing Department

(505) 476-4547

(505) 476-4595 (fax)

BRENNAN, KELLEY A.

From: Max BK <max@meowwolf.com>
Sent: Friday, November 03, 2017 4:32 PM
To: BYERS, MELISSA D.; VIGIL, YOLANDA Y.
Subject: Fwd: Meow Wolf

----- Forwarded message -----

From: Lopez, Debra, RLD <Debra.Lopez@state.nm.us>
Date: Thu, Nov 2, 2017 at 8:18 AM
Subject: Meow Wolf
To: "awalker@ci.santa-fe.nm.us" <awalker@ci.santa-fe.nm.us>, "Rubin, Daniel, RLD" <Daniel.Rubin@state.nm.us>, "Root, MaryKay, RLD" <MaryKay.Root@state.nm.us>
Cc: "Max BK (max@meowwolf.com)" <max@meowwolf.com>

Mr. Walker,

Your review is correct. The only license type that Meow Wolf is eligible for is the Dispenser type license they are applying for.

Debra A. Lopez, Deputy Director

Alcohol and Gaming Division

2550 Cerrillos Road

PO Box 25101

Santa Fe, NM 87505

(505) 476-4551

(505) 476-4595 Fax

Report suspected child abuse or neglect by calling **#SAFE** (#7233) from a cell phone or **1-855-333-SAFE**.

(Confidentiality Notice: This e-mail, including all attachments is for the sole use of the intended recipient[s] and may contain confidential and/or privileged information. Any unauthorized use, copying, disclosure or distribution is prohibited, unless specifically provided under New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender at once and destroy all copies of this message).

--
MAX BECK-KELLER, MEOW WOLF
EVENTS DIRECTOR
C: (505) 603-8943
O: (505) 395-6369 ext. 108

City of Santa Fe, New Mexico

memo

DATE: October 27, 2017 for the November 8, 2017 City Council meeting

TO: Mayor Javier M. Gonzales
Members of the City Council

VIA: Brian K. Snyder, P.E., City Manager
Lisa Martinez, Director, Land Use Department
Noah Berke, Planner Manager Current Planning Division *NLB*

FROM: Donna Wynant, AICP, Senior Planner, Current Planning Division *DW*

Case #2017-72. Antigua Sol Rezone Amendment. JenkinsGavin, Inc., agent for Antigua Sol LLC, requests to amend various conditions of approval from Ordinance #2006-67 which rezoned Tracts 1, 2 & D-1, Wagon Road from I-1 and C-1 to R-21-PUD (Residential - 21 units per acre – Planned Unit Development). The three tracts total approximately 14.58± acres and are located south of Santa Fe Place Mall along the south side of Wagon Road and east of Office Court Drive. (Donna Wynant, Case Manager)

I. RECOMMENDATION

The Planning Commission and staff recommend **APPROVAL** of the request to amend various conditions of approval from Ordinance 2006-67 subject to the staff conditions of approval.

Two motions are necessary:

APPROVE the request to amend various conditions of approval from Ordinance 2006-67 subject to the staff conditions of approval and that the applicant work with the City regarding an amount previously committed to for the bridge across the Arroyo Chamiso.

APPROVE the request by the applicant for the development plan to be reviewed only by the Planning Commission and not the Governing Body.

II. APPLICATION OVERVIEW

The request to amend various conditions of approval from Ordinance #2006-67 which rezoned Tracts 1, 2 & D-1, Wagon Road from I-1 and C-1 to R-21-PUD (Residential - 21

units per acre – Planned Unit Development) were considered by the Planning Commission on September 7, 2017.

Since the preliminary development plan approved by the Governing Body in 2006 has expired without the approval of a final development plan or the commencement of construction, the governing Body shall also determine whether any future development plan application will be reviewed by both the Planning Commission and the Governing Body, or by just the Commission. The agenda packet includes a copy of the preliminary development plan that was required with the original PUD rezoning request.

On December 13, 2006, the City Council approved the rezone to R-21-PUD of three parcels totaling 14.17 acres located at the eastern terminus of Wagon Road behind the Santa Fe Place Mall. At the time, a Preliminary Development Plan was approved for a 240-unit multi-family apartment community. However, the project has not yet been developed. (See Development Plan, Exhibit E in the attached Planning Commission packet.) The applicant is now requesting amendments to the following conditions of approval of the PUD approval as follows:

- **Amend Condition #4** to add the word “urbanize” so that the condition shall now read: “At the time of the development the developer shall pave and urbanize the unpaved portion of Wagon Road up to the development access easement, ensuring that the segment of road meets the City’s standards using the Lane Criteria.”
- **Remove Condition #5.** A vehicular bridge across the Arroyo Chamiso connecting Wagon Road to Rising Sun is no longer part of the City’s Transportation Master Plan, and payment of a proportional share of the cost to construct such a bridge is thus no longer needed.
- **Remove Condition #16.** The applicant will be required to submit an affordable housing proposal at the time of development plan.
- **Amend Condition #17** to remove the current requirement that the applicant pay 35% of the cost of a pedestrian bridge across the Arroyo Chamiso so that this condition will now read: “Provide a trail connection along the Wagon Road right-of-way to provide pedestrian and bicycle connectivity from the Arroyo Chamiso Trail south of the Santa Fe Place Mall towards the entrance of Office Court Drive.” The pedestrian bridge crossing at the Santa Fe Place Mall Park to Nava Ade has already been constructed and is no longer an active project; therefore financial contribution towards the costs of the project is no longer required.
- **Remove Condition #18.** The applicant will be required to submit an affordable housing proposal at the time of development plan.

An Early Neighborhood Notification meeting was held on June 27, 2017 to discuss the rezone amendment. Neighbors asked questions about the previous approvals and current request. Some adjacent Nava Ade neighbors expressed concern about the approved multi-family development and how factors such as heat, light, and noise would impact their neighborhood. Three members of the applicant’s team and three members of the public were in attendance.

III. ATTACHMENTS:

EXHIBIT 1:

- a) Findings of Fact and Conclusions of Law
- b) Rezoning Bill

EXHIBIT 2: Planning Commission Minutes, September 17, 2017

EXHIBIT 3: Planning Commission Staff Report Packet

City of Santa Fe, New Mexico

Exhibit 1

- a) Findings of Fact and Conclusions of Law
- b) Rezoning Bill

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

Case #2017-72

Antiqua Sol Amendments to Conditions

Applicant's Name – Antiqua Sol, LLC

Agent's Name – JenkinsGavin, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on September 7, 2017 upon the application (Application) for Antiqua Sol, LLC (Applicant) and JenkinsGavin, Inc., (Agent).

Applicant requests amendments to certain of the Conditions imposed by Ordinance #2006-67, which rezoned Tracts 1, 2 and D-1, Wagon Road, from I-1 to R-21 PUD (Residential – 21 units per acre – Planned Unit Development). Although a preliminary development plan was approved in 2006, it expired without the approval of a final development plan or the commencement of construction. The parcels are located south of Santa Fe Place Mall along the south side of Wagon Road and east of Office Court Drive and remain undeveloped.

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. No members of the public offered testimony on the matter.
2. This case involves Tracts 1, 2 and D-1, Wagon Road, in Santa Fe, totaling 14.17 acres.
3. These tracts were rezoned from I-1 to R-21 PUD (Residential – 21 units per acre – Planned Unit Development) by action of the Governing Body in Ordinance 2006-67 on December 13, 2006.
4. As part of its approval of the rezoning, the Governing Body set 18 Conditions of Approval.
5. At approximately the same time a preliminary development plan for the parcels was approved for a 240-unit multi-family housing development.
6. A final development plan was not approved and the parcels have not been developed in the intervening years.
7. The Applicant in the present case does not seek a rezoning of the tracts in question, which since late 2006 have remained R-21 PUD.
8. Current Condition No. 4 requires the developer at the time of development to pave the unpaved portion of Wagon Road up to the development access easement.

9. The proposed amendment would require the developer to not only pave but urbanize the affected portion of Wagon Road, providing curb and gutter and otherwise meeting the City's standards using the Lane Criteria. Land Use Department staff (Staff) concur with the proposed amendment.
10. Current Condition No. 5 requires the developer to "[c]ontribute a proportional share of the cost of the bridge connecting Wagon Road to Rising Sun Road as well as for other infrastructure improvement necessary to accommodate increased traffic from the project prior to recording the development plan."
11. A vehicular bridge across the Arroyo Chamiso connecting Wagon Road to Rising Sun is no longer part of the City's Transportation Master Plan, and payment of a proportional share of the cost of construct such a bridge is thus no longer needed.
12. The Applicant proposes deleting current Condition No. 5. Staff concur with the proposed deletion.
13. Current Condition No. 17 requires the Applicant to pay 35% of the cost of a pedestrian bridge across the Arroyo Chamiso not to exceed \$65,000, with no other pro-rata contribution for trails and open space required, although such contribution is in addition to the minimum requirements of the code for land dedication and park improvement funding.
14. The pedestrian bridge crossing at the Santa Fe Place Mall Park to Nava Ade has already been constructed and is no longer an active project, therefore financial contribution towards the costs of the project is no longer required.
15. The Applicant proposes amending current Condition No. 17 to require instead that the Applicant construct a trail extension from the Arroyo Chamiso Trail south of Santa Fe Place Mall towards the entrance of Office Court Drive. Staff concur with the proposed amendment.
16. Current Conditions Nos. 16 and 18 require that 15%, or 35 of the 240 units proposed under the now-expired preliminary development plan be affordable units under the Santa Fe Homes Program.
17. The Governing Body amended the Santa Fe Homes program in Ordinance 2016-9, adding provisions that among other things allow a developer to seek approval to make a cash payment in lieu of constructing or creating the required affordable units.
18. The Applicant proposes deleting current Conditions Nos. 16 and 18 so that any development of the parcels be subject to current provisions of the Santa Fe Home Program as set forth in Ordinance 2016-9. Staff and the Affordable Housing Office concur in this request.
19. An Affordable Housing Proposal will be required of the Applicant or developer when it submits a new development plan.
20. Code §§ 14-3.5(B)(1) through (3) set out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code § 14-3.5(C). However, the Applicant does not seek a rezoning or any amendment to the City zoning maps, only amendments to the Conditions of approval established by the Governing Body when it approved the rezoning of the tracts in question in 2006.
21. Code § 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§ 14-3.1(E)(1)(a)(i)]; (b) an Early

- Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(iii) and (xii)]; and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
22. 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)].
 23. A pre-application meeting was held on May 25, 2017.
 24. An ENN meeting was held on the Application on June 27, 2017 at the Genoveva Chavez Community Center.
 25. Notice of the ENN meeting was properly given.
 26. The ENN meeting was attended by the Applicant and City staff; there were three members of the public in attendance and no concerns were raised.
 27. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the proposed amendments to the Conditions established in 2006 for the rezoning to R-21 PUD.

CONCLUSIONS OF LAW

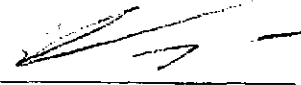
Under the circumstances and given the evidence and testimony submitted during the hearing, the Commission CONCLUDES as follows:

1. The proposed amendments to the conditions of the rezoning approved in 2006 were properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The ENN meeting complied with the requirements established under the Code.
3. The Applicant has the right under the Code to propose the amendment of Conditions established by the Governing Body when it rezoned the tracts at issue where, as here, those parcels have not been developed and circumstances and conditions have significantly changed in the intervening years.
4. The Commission has the power and authority at law and under the Code to review the proposed amendments to the Conditions established for the rezoning of the Tracts in Ordinance No. 2006-67 and to make recommendations regarding the proposed amendments to the Governing Body based upon that review.
5. The Commission finds that the Applicant has shown a good and sufficient basis to warrant the recommendation that the Governing Body amend the Conditions as described herein.

WHEREFORE, IT IS ORDERED ON THE _____ DAY OF OCTOBER 2017 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

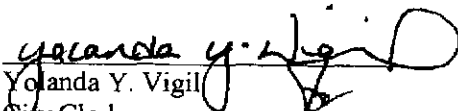
That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission RECOMMENDS to the Governing Body that it approve the following amendments of the Conditions of the rezoning of the Property accomplished by Ordinance No. 2006-67:

- 1) Amend Condition #4 to add the word "urbanize" so that the condition shall now read: "At the time of the development the developer shall pave and urbanize the unpaved portion of Wagon Road up to the development access easement, ensuring that the segment of road meets the City's standards using the Lane Criteria."
- 2) Remove Condition #5.
- 3) Amend Condition #17 to remove the current requirement that the applicant pay 35% of the cost a pedestrian bridge across the Arroyo Chamiso so that this condition will now read: "Provide a trail connection along the Wagon Road right-of-way to provide pedestrian and bicycle connectivity from the Arroyo Chamiso Trail south of the Santa Fe Place Mall towards the entrance of Office Court Drive."
- 4) Remove Condition #16.
- 5) Remove Condition #18.


Vince Kadlubek
Chair


10-5-17
Date:

FILED:


Yolanda Y. Vigil
City Clerk

10/6/17
Date:

APPROVED AS TO FORM:


Richard B. Word
Assistant City Attorney

10/6/17
Date:

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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2017-28

AN ORDINANCE

AMENDING VARIOUS CONDITIONS OF APPROVAL FROM ORDINANCE #2006-67 WHICH REZONED TRACTS 1, 2 & D-1, WAGON ROAD FROM I-1 AND C-1 TO R-21-PUD (RESIDENTIAL – 21 UNITS PER ACRE – PLANNED UNIT DEVELOPMENT); AND PROVIDING AN EFFECTIVE DATE WITH RESPECT TO A CERTAIN PARCEL OF LAND COMPRISING 14.58± ACRES LOCATED SOUTH OF SANTA FE PLACE MALL ALONG THE SOUTH SIDE OF WAGON ROAD AND EAST OF OFFICE COURT DRIVE. (ANTIGUA SOL REZONE AMENDMENT, CASE NO. 2017-72).

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

Section 1. Various conditions of approval for rezoning of the following real property (the "Property") located within the municipal boundaries of the city of Santa Fe, restricted to and classified R-21-PUD (Residential – 21 units per acre – Planned Unit Development):

A parcel of land comprising 14.58± acres located south of Santa Fe Place Mall along the south side of Wagon Road and east of Office Court Drive, and more

1 fully described in EXHIBIT A attached hereto and incorporated by reference.

2 **Section 2.** The conditions of approval #4, 5, 16, 17 and 18 for the PUD approval
3 included in the Ordinance #2006-67 of the City of Santa Fe is hereby amended as follows:

- 4 • **Amend Condition #4** to add the word "urbanize" so that the condition shall now
5 read: "At the time of the development the developer shall pave and urbanize the unpaved
6 portion of Wagon Road up to the development access easement, ensuring that the
7 segment of road meets the City's standards using the Lane Criteria."
- 8 • **Remove Condition #5.**
- 9 • **Remove Condition #16.**
- 10 • **Amend Condition #17** to remove the current requirement that the applicant pay
11 35% of the cost of a pedestrian bridge across the Arroyo Chamiso so that this condition
12 will now read: "Provide a trail connection along the Wagon Road right-of-way to provide
13 pedestrian and bicycle connectivity from the Arroyo Chamiso Trail south of the Santa Fe
14 Place Mall towards the entrance of Office Court Drive."
- 15 • **Remove Condition #18.**

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

18 **APPROVED AS TO FORM:**

19 
20 _____

21 **KELLEY A. BRENNAN, CITY ATTORNEY**

EXHIBIT A:
For Bill No. 2017-28
Antigua Sol
Legal Description

Tract D-1 as shown on plat entitled "Annexation Plat for the Rodeo Land Partnership et al" recorded in plat book 339, pages 046-047.

Tract 1, as shown on plat entitled "Lot Line Adjustment & Easement Survey for Wagon Road Limited Partnership & Jones Family Partnership", recorded in plat book 391, page 021.

Tract 2 as shown on the plat entitled "Right of Way Dedication at Tract 2 for Wagon Road Limited Partnership and Jones Family Limited Partnership and Tract B for Santa Fe Sports Properties, L.L.C.," recorded in plat book 413, page 46.

City of Santa Fe, New Mexico

Exhibit 2

Planning Commission Minutes, September 17, 2017

MOTION: Commissioner Kapin moved to approve the Findings of Fact and Conclusions of Law for Case #2017-53, 53 Vegas Verde Self-Storage Special Use Permit and Development Plan, as presented. Commissioner Hiatt seconded the motion and it passed by unanimous voice vote.

Case #2017-63. Casa Mason 1882 Conejo Drive Preliminary Subdivision Plat.

MOTION: Commissioner Kapin moved to approve the Findings of Fact and Conclusions of Law for Case #2017-63, 1882 Conejo Drive Preliminary Subdivision Plat, as presented. Commissioner Hiatt seconded the motion and it passed by unanimous voice vote.

Case #2017-24. 3501 Cerrillos Rd Special Use Permit and Development Plan.

MOTION: Commissioner Kapin moved to approve the Findings of Fact and Conclusions of Law for Case #2017-24, 3501 Cerrillos Road Special Use Permit and Development Plan, as presented. Commissioner Hiatt seconded the motion and it passed by unanimous voice vote.

E. OLD BUSINESS

There was no old business.

F. NEW BUSINESS

1. Informational item regarding the City of Santa Fe Water Division Hospital Tank Permanent Driveway Access. (Shannon Jones/Nick Schiavo).

Public Utilities Director Shannon Jones reported that the Water Division had completed the construction of a four million gallon tank. The Division is aware that to protect the tank its operation and maintenance is critical. St. Vincent Hospital allowed temporary access to the site, which was the only reason the project could be completed. Retaining that access is in the best interest of the Water Division and Public Works has approved a hard surface to access the tank. The Division is looking forward to moving forward with that.

Chair Kadlubek thanked him for the information.

- 2. Case #2017-72. Antigua Sol Rezone Amendment.** JenkinsGavin, Inc., agent for Antigua Sol LLC, requests to amend various conditions of approval from Ordinance #2006-67 which rezoned Tracts 1, 2 & D-1, Wagon Road from I-1 and C-1 to R-21-PUD (Residential - 21 units per acre – Planned Unit Development). The three tracts total approximately 14.58± acres and are located south of Santa Fe Place Mall along the south side of Wagon Road and east of Office Court Drive. (Donna Wynant, Case Manager)

Mr. Berke called attention to the supplemental handout for this case. [A copy of the handout is attached to these minutes as Exhibit 1.]

Ms. Wynant presented information to the Commission on the case, formerly called Antigua del Sol and now Antigua Sol. This is a planned multiunit family development with several conditions and things have changed.

The zoning map was shown (in the packet). On the eastern terminus, R-21 PUD, the case would amend five conditions from Ordinance 2006-67; Tracts 1 and 2 and D1 on Wagon Road. Zoning is for a 240-unit multifamily apartment development approved by City Council on December 13, 2006 with conditions. A preliminary development plan was approved for the 240-unit apartment community.

The land has not been developed due to the economy and the applicant is requesting amendments to the zoning to remove the conditions 4, 5, 16, 17 and 18 of the PUD approval in the rezone ordinance.

Staff Report

Conditions 4 and 5 involve Wagon Road; 16 and 18 involve affordable housing and condition 17 is the pedestrian bridge across the Arroyo Chamiso.

The plan approved by the Governing Body in December 2006 has expired and the case has been referred to the Governing Body. They will determine at that time whether the future development plan application will be reviewed by both the Commission and the Governing Body, or just the Commission. The Commission packet includes a copy of the required plan with the PUD zoning request.

The case captions are listed on page 3 of the Staff memo: M 2006-30 is the General Plan Amendment; M2006-31 the Master Plan amendment and ZA 2006-15 is the PUD rezoning that the applicant has asked to be amended. The last page of the report has the distinction for amending versus approving. Some of the conditions would be completely removed and some would be amended.

The corrections that should be made are included in the late communications and come down to whether the full extent of Wagon Road should be urbanized and paved. The Traffic Engineer's memo calls for the condition of approval to pave up to the entrance, not the full extent of Wagon Road. There is also a request to remove the conditions that involve affordable housing and to bring the conditions up to the current standards for the affordable housing requirements.

Ms. Wynant noted that Alexandra Ladd was present to address questions regarding affordable housing.

Applicant's Presentation

Ms. Jennifer Jenkins, 130 Grant Ave, Suite 101 was sworn on behalf of Leslie Investment Properties and the Leslie Family in requests for amendments to the Antigua Sol rezone of 2006.

Ms. Jenkins showed an aerial of the 14.5 acres bordered by the Mall to the north, commercial to the west, office development to the south and to the southeast Nava Adé with about 4 dwellings per acre of a single-family subdivision.

The paved portion of Wagon Road terminates at Office Court Drive, but 50 feet of right-of-way continues and dies at the midpoint of the subject property. The property was rezoned in 2006 for a 240-unit apartment community but did not occur because of the recession.

The applicant will be moving forward with a new development plan application, but there are outdated conditions of approval. The area is a mixed-use part of town and the 2006 plan approved was for a traditional garden style community with access off Wagon Road.

Ms. Jenkins reviewed the Conditions:

1. Affordable Housing conditions in 2006 were that many apartments were being converted to condominiums. The City was suffering from a rental housing shortage and City Council granted conditions of approval relative to ensuring this development would not be for conversion to condominiums and if converted, what the affordability requirement would be.

The City of Santa Fe Homes Program was recently amended to allow multifamily communities to pay a fee in lieu of. The request is to remove the old affordable housing standards and comply with the current written ordinance.

2. The applicant was asked in 2006 to contribute to the pedestrian bridge that would connect to the city soccer park and the Arroyo Chamiso Trail and trail system in Nava Adé, at that time in the planning stages.

A final development plan was never recorded and the point of contribution was never reached. In lieu of that, the applicant has agreed to build a critical trail connection extending the trail along the Wagon Road alignment to connect to Office Court Drive.

3. Also in 2006, Wagon Road was planned to have a vehicular bridge that crossed Arroyo Chamiso and connected to Rising Sun Road in Nava Adé. That connection is no longer desired and has been pulled from the City Transportation Plan. The applicant is requesting that condition be removed and the City Traffic Division agrees. The Wagon Road Bridge connection to Nava Adé is no longer needed.

The Traffic Engineer has requested now for the applicant to improve Wagon Road curb and gutter between Office Court Drive and the entrance to their project and the trail connection previously described. There is currently a right-of-way off Wagon Road east of their entrance to accommodate the trail connection and from a beautification standpoint, the applicant is seeking a licensing agreement with the City to landscape and maintain the City space.

Public Hearing

There were no speakers from the public regarding this case. The public hearing portion was closed.

Questions to the Applicant and Discussion

Commissioner Hochberg asked if it had been determined dollar for dollar what the cost of improvements would be, opposed to the previous commitment for contribution.

Ms. Jenkins replied she had not determined that but thought some areas would have savings. She noted that construction cost is higher than in 2006. A Traffic Impact Analysis (TIA) will be done to demonstrate that the road network that serves the project is adequate. The applicant will be responsible if additional improvements are required, but this is still in the early stages of resurrecting the project.

Commissioner Hochberg confirmed there would be about 240 rentals. The contribution to the City in lieu of was about a quarter of a million dollars.

He was sympathetic to housing in the area, but was troubled because of the number of 'in lieu of payments' rather than housing. He confirmed the original obligation required the applicant to build 35 units and now they would be getting a quarter of a million dollars. The City would get improvements, but the improvements also enhance the applicant's property.

Commissioner Greene asked when the connection into Nava Adé had been removed from the plans and whether the Commissioners have documentation on the original obligation and the changes to the original commitment.

Ms. Jenkins explained the connection removal happened through an approval for the Nava Adé project. The removal stemmed from concerns of the residents with the new improvement with Governor Miles, which made it seem less important and unnecessary. The Nava Adé community lobbied to remove the connection.

Commissioner Greene said no one wants a bridge once they live in the neighborhood, but neighborhood cut-throughs are a service to the neighborhood. He noted he did not have a record of when the connection was ended and the applicant had guaranteed to fund at least 35% in their plans. The bridge seemed to be necessary, for both for the apartment community as well as Nava Adé.

On the counter side, Wagon Road has intersection problems. He asked if the applicant would be willing to flip the 35% and fix the stretch of intersection into the apartment project and Villa Linda.

Ms. Jenkins replied they have been communicating with Public Works and will address the Wagon Road access. They will make modifications deemed necessary as part of resurrecting and bringing a new development plan in for the Commission.

Commissioner Greene asked if they would be willing to swap and have a condition that they would do 50% of the Wagon Road redesign and reengineering needed by the Mall, the self-storage, Office Court etc. for those around the project.

Ms. Jenkins said she was not willing to commit to mathematical conditions now, because the improvements are based upon fair share contributions and needs of the project. She confirmed she is willing and open to a condition that said the issue needs to be addressed. The applicant will need to work with the Traffic Division staff to ensure a safe and functional apartment access, but she was not comfortable today to commit to a dollar amount without knowing all the elements.

Commissioner Greene pointed out that Ms. Jenkins is proposing a site plan and asking the Commission to remove conditions. He is saying if a bridge is not needed, which he does not fully agree with, would they commit to flip it to the other side.

Ms. Jenkins said she would commit to doing what is required of them to address Wagon Road.

Commissioner Greene said at fair share, there are 200 thousand people at the Villa Linda Mall and the project is only 240 houses. The applicant had been on the hook for 35% of a million-dollar bridge, so committing to 35% of a redesign of that stretch seemed fair; or to a \$350k commitment to improvements on Wagon Road.

Ms. Jenkins stated she was not present to discuss a site plan that had expired and she did not have the new TIA and the data. She could say they have already been in communications with Public Works about the issue and everyone is aware that access into Santa Fe Place Mall is an issue. She could meet with staff to look at solutions pending the completion of the TIA. She noted that a clear majority was on Santa Fe Place property.

Commissioner Greene pointed out that Ms. Jenkins represented both the Mall and the applicant.

Chair Kadlubek recommended Commissioner Greene make a motion he recommends to the Governing Body that included his condition of approval and the Commission could vote on the motion.

Commissioner Greene acknowledged Mr. Berke from the Traffic Division who was present.

Mr. Berke said the issue could also be addressed at the time of the development plan that would come back to the Commission. City Council could address the needs at their meeting as well as read the Commission minutes. He noted that James Martinez, a traffic engineer was present and could answer questions.

Commissioner Hiatt asked Ms. Jenkins what "urbanized" in this context meant.

Ms. Jenkins explained her interpretation was bringing up to present City standards the asphalt, curb and gutter as referenced by the traffic engineer and any relevant requisite pedestrian improvements.

Commissioner Kapin confirmed the trail connection was paved.

Commissioner Gutierrez asked the number of entrances on the 14+ acres.

Ms. Jenkins replied there would probably be one, but the site plan is still in flux and if there were two points of connection there might be a horseshoe.

Commissioner Gutierrez confirmed that the applicant would not rezone or remove the PUD designation.

He addressed the Fire Chief regarding conductivity for emergency vehicles.

Chief Griego said this area is in District 7 and would be served by Station 7 and Station 8.

Commissioner Gutierrez asked about the utilization of the Chavez Center cutoff from Station 7 to get onto Cerrillos Road.

Chief Griego agreed Station 7 does use that. There is quite a bit of traffic to expedite response to the north part of the arroyo.

He indicated if responding it is faster from two points of access. He expressed concern that there could be only one access to the property as a residential with over 30 dwellings should have two accesses.

Commissioner Gutierrez asked if emergency vehicles could get through Nava Adé and Las Soleras with improvements, even if gated.

Chief Griego said the design could provide access with a 75,000-pound capacity all-weather road.

Commissioner Gutierrez said he understood that the design is forthcoming, but wanted Ms. Jenkins to work with the fire department if the bridge is not going to be built.

Commissioner Kapin asked Ms. Jenkins to bring the Commission details on dust control and a serious grading plan, so Nava Adé does not get that from both sides.

Commissioner Hochberg asked to hear from Traffic on the various issues.

Mr. Martinez passed out a MPO Future Roadway Network map. She reviewed the map:

- The map shows areas the City wants to improve or create connections on roadways. Public Works had mentioned it would be hard to condition an approval without a plan in place and this plan has been approved by the MPO comprised of the County, City and State.
- To condition them to build a vehicle or bridge is not in the City's domain.
- Google Map shows the Arroyo Chamiso Trail as it comes down the east side of the arroyo by Santa Fe Place Mall and the 2006 bridge connection that was completed. The City is requesting the applicant make a connection from Santa Fe Place Mall to the end of Wagon Road connecting to Cerrillos Road. The Bicycle Master Plan shows that the developer is to make that connection along Wagon Road and that connection is a condition of the Traffic Division.

Commissioner Greene thought the four-way intersection of Wagon Road from Santa Fe Place Mall is strange. He asked if improvements and redesign would be necessary with 240 units exiting onto that.

Mr. Martinez replied that with the Traffic Analysis they will have a better idea of the development and there could be conditions that improvements be made.

Commissioner Greene pointed out the applicant was willing to accept 35% of improvements to the bridge 10 or so years ago. He asked what a fair share commitment would be in this case.

Mr. Martinez explained it is based on the percentage of the impact and they do not have the TIA study, but that would be looked at once they do.

Commissioner Greene noted this would be at peak hour and in and out and the intersection needs redesign. He asked if Mr. Martinez would recommend the developer commit and should probably be included in the rezoning.

Mr. Martinez said there is some concern but those conditions would be made at the point the applicant brings the development plan back. At this point they are just trying to amend past conditions.

Commissioner Greene replied they would not get anywhere close to 35% with the traffic study and they are getting off easy.

Action of the Commission

MOTION: Commissioner Greene moved to approve Case #2017-72 rezone amendment for three parcels located at the western terminus of Wagon Road called the Antigua Sol rezone amendment with the conditions of approval as stated: the removal of conditions 4, 5, 16, 18 and amend condition 17, and create a new condition that compels the developer to contribute 35% of improvements to the intersection of Wagon Road and Villa Linda Mall, Santa Fe Place, the identified trouble spot.

Ms. Martinez asked Commissioner Greene if he correctly tracked the conditions to be approved and amended per page two.

Chair Kadlubek noted that condition #4 is not being removed just amended.

Commissioner Hochberg suggested a friendly amendment.

AMENDED MOTION: Commissioner Greene amended his motion with staff concurrence with the applicant removal of conditions 5, 16, and 18; however, staff recommends that conditions 4 and 17 be amended as stated in the Conditions of Approval, part 2 of this report. Commissioner Kapin seconded the motion, which passed by unanimous voice vote.

Commissioner Propst said given what the Commission just heard on percentages and that the studies have not been done, she was uncomfortable voting for an exact percentage. She would probably vote against the motion. Commissioner Hiatt agreed.

Commissioner Kapin asked if there was a dollar amount, etc., they would be comfortable with.

Commissioner Propst thought a commitment to look at the intersection was reasonable and she was not comfortable with a percentage or dollar amount in the motion today.

The motion failed 4-3 with a roll call vote showing Commissioners Hogan, Hiatt, Propst and Gutierrez voted against and Commissioners Greene, Kapin and Hochberg voted in favor.

MOTION: Commissioner Hochberg moved to approve the same motion with the addition that the planners work with the City on the issue and that they previously committed to an amount equal to 35% of a million-dollar bridge. Commissioner Hiatt seconded the motion.

Commissioner Hiatt pointed out the recommendation is to the City Council and the Council may want to change the motion after reading the Commission's minutes.

Chair Kadlubek confirmed the motion for a recommendation to the Governing Body to approve the request to amend various conditions of approval from Ordinance 2006-67 subject to the staff conditions of approval listed below and the technical corrections listed in Exhibit A and with the additional recommended condition of approval stated by Commissioner Hochberg.

The motion passed unanimously (7-0) by roll call vote with all Commissioners in favor of the motion. There were no votes against and no abstentions.

- 3. Case #2017-44. Estancias de Las Soleras Unit 2-B Final Subdivision Plat. James W. Siebert & Associates, agent for the Pulte Group of New Mexico, requests approval of a Final Subdivision Plat for 77 residential lots on 26.584 acres on Tract 14-A1 in the Los Soleras Master Plan. The property is zoned R-6 (Residential – Six dwelling units per acre). (Dan Esquibel, Case Manager) **(TO BE POSTPONED TO SEPTEMBER 21, 2017)****

This case was postponed under Approval of the Agenda.

- 4. Case #2017-73. 4480 Cerrillos Road Storage Special Use Permit and Development Plan. James Siebert and Associates, Inc., agent for Cerrillos Self-Storage LLC, request a Special Use Permit for self-storage units within a C-2 General Commercial district and a Development Plan. The project is located within the Santa Fe Auto Park. The property is 3.94± acres and zoned C-2-PUD (General Commercial, Planned Unit Development). (Donna Wynant, Case Manager) **(TO BE POSTPONED TO SEPTEMBER 21, 2017)****

This case was postponed under Approval of the Agenda.

City of Santa Fe, New Mexico

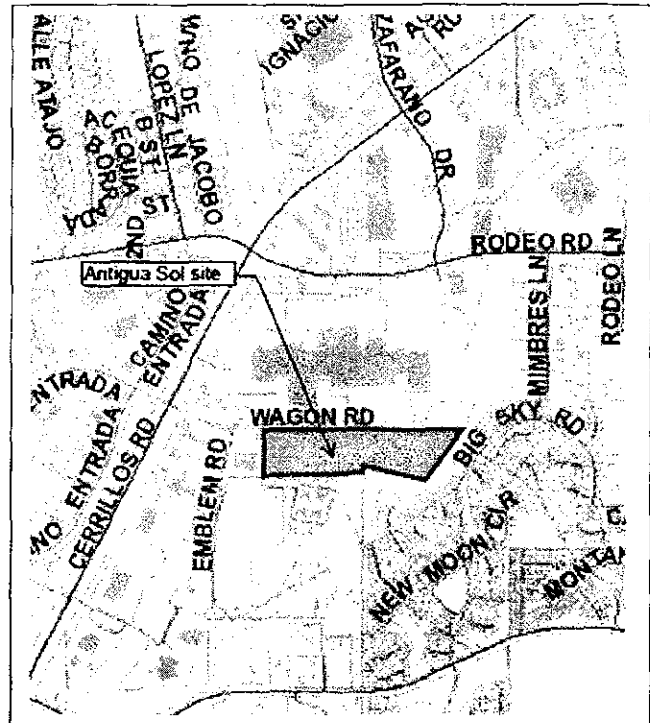
Exhibit 3

Planning Commission Staff Report Packet



Land Use Department Planning Commission Staff Report

Case No: 2017-72
Hearing Date: September 7, 2017
Applicant: JenkinsGavin, Inc, for Antigua Sol LLC
Request: Rezone Amendment
Location: 3 parcels (14.17 acres) located at the eastern terminus of Wagon Road
Case Mgr.: Donna Wynant
Zoning: R-21PUD (Residential, 21 units/acre, Planned Unit Development Overlay)
Pre-app.: May 25, 2017
ENN Mtg.: June 27, 2017
Proposal Request to amend R-21PUD conditions from Ordinance #2006-67



Case #2017-72. Antigua Sol Rezone Amendment. JenkinsGavin, Inc., agent for Antigua Sol LLC, requests to amend various conditions of approval from Ordinance #2006-67 which rezoned Tracts 1, 2 & D-1, Wagon Road from I-1 and C-1 to R-21-PUD (Residential - 21 units per acre – Planned Unit Development). The three tracts total approximately 14.58± acres and are located south of Santa Fe Place Mall along the south side of Wagon Road and east of Office Court Drive. (Donna Wynant, Case Manager)

I. RECOMMENDATION

The Planning Commission should recommend that the Governing Body **APPROVE** this request to amend various conditions of approval from Ordinance #2006-67, subject to the staff conditions of approval below and the technical corrections listed in Exhibit A.

II. CONDITIONS OF APPROVAL

The following are the staff-recommended conditions of approval for this project:

#	Conditions of approval	Dept/Division
1	Condition #4: "Pave the unpaved portion of Wagon Road extending to the site at the time of development."	

	<p><u>Amend Condition #4 with the following condition:</u> At the time of Development, the developer shall pave and <u>urbanize</u> the unpaved portion of Wagon Road up to the development access easement, ensuring that the segment of road meets City's Standards using the Lane Criteria.</p>	Traffic Engineering/Public Works
2	<p><u>Condition #5:</u> <i>"Contribute a proportional share of the cost of the bridge connecting Wagon Road to Rising Sun Road as well as for other infrastructure improvements necessary to accommodate increased traffic from the project prior to recording the development plan."</i></p> <p><u>Remove Condition #5:</u> Remove condition #5 imposed by City Council on 12/13/06. The financial contribution for condition #5 is no longer needed.</p>	Traffic Engineering/Public Works
3	<p><u>Condition #16:</u> <i>"Santa Fe Homes Program Proposal for Rental Units shall be amended to provide that affordable units shall remain affordable for thirty years. If the apartments are converted before 30 years, the percentage of affordable units shall be increased from 15% to 30%."</i></p> <p><u>Remove Condition #16:</u> Remove condition #16 imposed by City Council on 12/13/06. The applicant will be required to submit an Affordable Housing Proposal at the time of development plan.</p>	Affordable Housing Office
4	<p><u>Condition #17:</u> <i>"The applicant shall pay 35% of the cost of a pedestrian bridge across the Arroyo Chamiso, but in no event to exceed \$65,000, and no other pro-rata contribution for trails and open space is required. The contribution for the bridge is in addition to the minimum requirements of the code for land dedication and park improvement funding."</i></p> <p><u>Amend Condition #17 with the following condition:</u> Provide a trail connection along the Wagon Road right-of-way to provide pedestrian and bicycle connectivity from the Arroyo Chamiso Trail south of the Santa Fe Place Mall towards the entrance of Office Court Drive.</p>	Traffic Engineering/Public Works
5	<p><u>Condition #18:</u> <i>"Planning Commission Exhibit A, Applicant's letter July 10, 2006, Page 67 in the Council Agenda Packet, is corrected to correspond to the Santa Fe Homes Proposal: "In accordance with the Santa Fe Homes Program, 31 36 of the units (15%) will be priced affordably."</i></p> <p><u>Remove Condition #18:</u> Remove condition #18 imposed by City Council on 12/13/06. The applicant will be required to submit an Affordable Housing Proposal at the time of development plan.</p>	Affordable Housing Office

III. EXECUTIVE SUMMARY

The rezoning amendment case will proceed to the Governing Body for a final decision. Because the development plan approved by the Governing Body in 2006 has expired per 14-3.19(4), the Governing Body will also determine whether any future development plan application will be reviewed by both the Planning Commission and the Governing Body, or by just the Commission. The Planning Commission must determine that any final development plan is consistent with the approved original preliminary plan per 14-3.8(C)(3)(b) which is included in the agenda packet.

Case # M 2006-30. **Antigua Del Sol Apartment Homes General Plan Amendment.** Jennifer Jenkins, agent for Leslie Investment Properties requests General Plan Amendment for +/- 14.17 acres (Tracts 1, 2, and D-1) from Business Park to Residential, High Density (12-29 dwellings per acre). The tracts are located at the southeast corner of Wagon Road and Office Court Drive.

Case #M 2006-31. **Antigua Del Sol Apartment Homes Master Plan Amendment.** Jennifer Jenkins, agent for Leslie Investment Properties requests an amendment to the Nava Ade Master Plan for +/- 6.76 acres (Tract D-1) from C-1 (Office and Related Commercial) to RM-1 (Residential Multiple-Family). The tract is located southeast of Wagon Road and Office Court Drive. Tracts 1 and 2 are not part of the master plan.

Case # ZA 2006-15. **Antigua Del Sol Apartment Homes PUD Rezoning.** Jennifer Jenkins, agent for Leslie Investment Properties requests rezoning for +/- 7.4 acres (Tracts 1 and 2) from I-1 (Light Industrial) and for +/- 6.76 acres (Tract D-1) from C-1, (Office Commercial) to RM-1 PUD (Residential Multiple-Family, Planned Unit Development). The tracts are located at the southeast corner of Wagon Road and Office Court Drive.

On December 13, 2006, the City Council approved the rezone to R-21-PUD of three parcels totaling 14.17 acres located at the eastern terminus of Wagon Road behind the Santa Fe Place Mall. At the time, a Preliminary Development Plan was approved for a 240-unit multi-family apartment community (see Exhibit F). However, the project has not yet been developed. The applicant is now requesting amendments to the rezone approval to remove the conditions 4, 5, 16, 17 and 18 of the PUD approval that were included in the rezoning ordinance. Conditions 4 and 5 involve Wagon Road; 16 and 18, affordable housing and condition 17 deals with the pedestrian bridge across the Arroyo Chamiso.

The conditions are stated below, with the applicant's request to remove all five conditions, followed by their rationale. Conditions 4, 5 and 17 are followed by the city traffic engineer's response. Conditions 16 and 18 are followed by the Affordable Housing Office's response.

Wagon Road

Remove Condition #4: *"Pave the unpaved portion of Wagon Road extending to the site at the time of development."*

Remove Condition #5: *"Contribute a proportional share of the cost of the bridge connecting Wagon Road to Rising Sun Road as well as for other infrastructure improvements necessary to accommodate increased traffic from the project prior to recording the development plan."*

Applicant's response:

Rationale: Per James Martinez, City Traffic Engineer, the extension of Wagon Road across the Arroyo de Los Chamisos to connect to Rising Sun Road is no longer part of the City's Transportation Master Plan. Therefore, there is no need to improve the eastern segment of Wagon Road as a public roadway "to nowhere". Similarly, the financial contribution required in Condition #5 is no longer applicable. Alternatively, the City is planning trail improvements in the Wagon Road right-of-way that will provide pedestrian and bicycle connectivity between the soccer field on the east side of the Mall and the Arroyo de Los Chamisos.

City traffic engineer's response:

Amend Condition #4: At the time of Development, the developer shall pave and urbanize the unpaved portion of Wagon Road ensuring that the extended portion of road meets City's Standards using the Lane Criteria.

Remove Condition #5:

Remove Condition #5 imposed by City Council on 12/13/2006. The financial contribution for Condition #5 is no longer needed.

Pedestrian bridge across the Arroyo Chamiso

Remove Condition #17: *"The applicant shall pay 35% of the cost of a pedestrian bridge across the Arroyo Chamiso, but in no event to exceed \$65,000, and no other pro-rata contribution for trails and open space is required. The contribution for the bridge is in addition to the minimum requirements of the code for land dedication and park improvement funding."*

Applicant's response:

Rationale: At the time of the rezone approval, the pedestrian bridge was in the planning stages. It has since been constructed and is no longer an active project seeking funding.

City traffic engineer's response:

Amend Condition #17: Provide a trail connection along the Wagon Road right-of-way to provide pedestrian and bicycle connectivity from the Arroyo Chamiso Trail south of the Santa Fe Place Mall towards the entrance of Office Court Drive.

Affordable Housing

Remove Condition #16: *"Santa Fe Homes Program Proposal for Rental Units shall be amended to provide that affordable units shall remain affordable for thirty years. If the apartments are converted before 30 years, the percentage of affordable units shall be increased from 15% to 30%."*

Remove Condition #18: *Planning Commission Exhibit A, Applicant's letter July 10, 2006, Page 67 in the Council Agenda Packet, is corrected to correspond to the Santa Fe Homes Proposal: "In accordance with the Santa Fe Homes Program, 34 36 of the units (15%) will be priced affordably."*

Applicant's response:

Rationale: In 2006, the City was experiencing widespread conversion of apartments to condominiums, which had a negative impact on the supply of quality rental housing. As a consequence of the 2008 recession, no large conversions have since taken place. Furthermore, no new market rate apartment communities have been constructed in over twenty years, exacerbating the rental housing shortage. In order to encourage apartment construction to address this issue, the City amended the Santa Fe Homes Program last year (Ordinance #2016-9) to permit the payment of a fee-in-lieu of, complying with the 15% affordability requirement.

Affordable Housing Office response:

Remove Condition 16 and 18: The Affordable Housing Office concurs with the applicant that based on current market factors and the fact that conversions are no longer an issue, that Conditions 16 and 18 be removed and that the project be subject to current affordable housing regulations. An Affordable Housing Proposal will be required when the applicant submits for development plan.

IV. REZONING

The applicant's request to amend the original rezoning ordinance is subject to the same approval criteria as required for a rezoning case. The rezoning approval criteria are evaluated per Section 14-3.5.

Rezoning Approval Criteria [Subsection 14-3.5(C)]

Criterion 1: one or more of the following conditions exist: <i>(i) there was a mistake in the original zoning;</i> <i>(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;</i> <i>(iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans;</i>	Criterion Met: (Yes/No/conditional/N/A) YES
The rezoning approval in 2006 was based on a determination that R-21-PUD zoning was more advantageous to the community, as articulated in the general plan.	
Criterion 2: all the rezoning requirements of Chapter 14 have been met;	Criterion Met: (Yes/No/Conditional/N/A) YES
The applicant has met the Chapter 14 procedural requirements for rezoning applications, including ENN and notification requirements.	
Criterion 3: the rezoning is consistent with the applicable policies of the general plan, including the future land use map;	Criterion Met: (Yes/No/Conditional/N/A) YES

The current zoning is in compliance with the Future Land Use Map designation for office which allows multi-family residential development.	
Criterion 4: the amount of land proposed for rezoning and the proposed use for the land is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the city;	Criterion Met: (Yes/No/Conditional/N/A) YES
The City does not maintain growth projections for specific types of development. However, the City does recognize the shortage of available rental units and the very low vacancy rate.	
Criterion 5: 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.	Criterion Met: (Yes/No/Conditional/N/A) YES
Plans for future street infrastructure have changed since 2006, by deletion of a bridge that had been planned to link the east end of Wagon Road to the Nava Ade subdivision. The basic existing infrastructure is substantially the same as in 2006, and will be able to accommodate the likely R-21 development.	
Criterion 6: Unless the proposed change is consistent with applicable general plan policies, the planning commission and the governing body shall not recommend or approve any rezoning, the practical effect of which is to: (a) allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area; (b) affect an area of less than two acres, unless adjusting boundaries between districts; (c) or benefit one or a few landowners at the expense of the surrounding landowners or general public.	Criterion Met: (Yes/No/Conditional/N/A) YES
(a) The amendments to the PUD conditions will not allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area that was approved in 2006. (b) The amendments to the PUD conditions will not affect an area of less than two acres, (c) The amendments to the PUD conditions will not benefit one or a few landowners at the expense of the surrounding landowners or general public.	
Criterion 7: 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;	Criterion Met: (Yes/No/Conditional/N/A) YES
The applicant acknowledges that impact fees will be imposed on the proposed development to supplement funding associated with constructing and improving existing infrastructure such as streets, parks, police and fire services. These conditions will apply at the time the property is developed.	

<p>Criterion 8: <i>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.</i></p>	<p>Criterion Met: (Yes/No/Conditional/N/A) YES</p>
<p>Impact fees will be required pursuant to Section 14-8.14, and the payment of impact fees and construction of road improvements will occur at the time of development.</p>	

V. EARLY NEIGHBORHOOD NOTIFICATION

An Early Neighborhood Notification meeting was held on June 27, 2017 to discuss the rezone amendment. Neighbors asked questions about the previous approvals and current request. Some adjacent Nava Ade neighbors expressed concern about the approved multi-family development and how it would impact factors such as heat, light, and noise. Three members of the applicant's team and three members of the public were in attendance (See Exhibit C).

VI. EXPIRATION

The rezoning to R-21-PUD does not expire, although the preliminary development plan approval associated with the original rezoning has expired, as explained in Section III of this report. If the current amendment request is approved by the Governing Body, the applicant will then return to the Planning Commission, and possibly also to the Governing Body, for a new development plan approval.

VII. CONCLUSION

The following changes in various circumstances have affected the R-21PUD zoning conditions of approval for Antigua Sol:

- The extension of Wagon Road across the Arroyo de Los Chamisos to connect to Rising Sun Road is no longer part of the City's Transportation Master Plan;
- The financial contribution required for the bridge connecting Wagon Road to Rising Sun Road as well as for other infrastructure improvements necessary to accommodate increased traffic from the project is no longer applicable; and
- The change in the Santa Fe Homes Program (Ordinance #2016-9) to permit the payment of a fee-in-lieu of complying with the 15% affordability requirement.

Staff concurs with the applicant in the removal of Condition 5, 16 and 18. However, staff recommends Conditions 4 and 17 be amended as stated in the Conditions of Approval (Part II of this report).

The applicant has complied with all application process requirements. The applicant conducted a pre-application meeting on May 25, ENN on June 27, 2017 and notice requirements pursuant to Section 14-3.1(H).

VIII. EXHIBITS

EXHIBIT A: Technical Corrections

EXHIBIT B: City Staff Memoranda

1. City Engineer, RB Zaxus
2. Traffic Engineering, Sandy Kassens
3. Water Division, Dee Beingessner
4. Wastewater Division, Stan Holland
5. Fire Department, Reynaldo Gonzales

EXHIBIT C: Early Neighborhood Notification

1. ENN Meeting Notice
2. ENN Responses to Guidelines
3. Meeting Notes-
4. ENN Meeting Sign-in Sheet -

EXHIBIT D: Maps and Photos




1. Future Land Use Map
2. Zoning Map
3. Aerial Photo
4. Street Views of Site

EXHIBIT E: Applicant Submittals*

1. Preliminary Development Plan (2006)
2. Rezone Ordinance #2006-67

* Maps and other exhibits are reproduced and archived separately from this staff report. File copies are available for review at the Land Use Department office at 200 Lincoln Avenue, West Wing.

APPROVED AS TO FORM:

Title	Name	Initials
Land Use Department Director	Lisa Martinez	
Current Planning Division Planner Manager	Noah Berke	
Land Use Senior Planner	Donna Wynant, AICP	

City of Santa Fe, New Mexico

Planning Commission

Exhibit A

Technical Corrections

Antigua Sol Technical Corrections

The following are the DRT comments for this project:

#	Technical Corrections	Dept. or Division	To be completed by:
1	Water service for this property may require an Agreement to Construct and Dedicate (ACD) to extend a water main. The developer must submit plans for their water service to the Water Division to see if an ACD will be required. Each building must be separately metered. If an ACD is not required, an Agreement for Metered Service (AMS) will be required for the meters.	Water	Prior to obtaining water service
2	All Fire Department access shall be no greater than a 10% grade throughout.	Fire Marshal	
3	Fire Department access shall not be less than a 20 foot width to any new construction and meet IFC turn-around requirements.	Fire Marshal	
4	Shall meet the 150 foot driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided.	Fire Marshal	
5	Fire Department shall have a 150 foot distance to any portion of the building on any new construction.	Fire Marshal	
6	Shall have water supply that meets fire flow requirements as per IFC	Fire Marshal	

City of Santa Fe, New Mexico

Planning Commission

Exhibit B

DRT Memoranda

1. City Engineer, RB Zaxus
2. Traffic Engineering, James Martinez
3. Water Division, Dee Beingessner
4. Wastewater Division, Stan Holland
5. Fire Department, James Martinez
6. Affordable Housing, Alexandra Ladd

WYNANT, DONNA J.

From: ZAXUS, RISANA B.
Sent: Thursday, August 10, 2017 10:00 AM
To: WYNANT, DONNA J.
Subject: 2017-72, Antigua Sol Rezone Amendment

Follow Up Flag: Follow up
Flag Status: Flagged

Donna,

I have no review comments on the above-referenced case.

RB

City of Santa Fe, New Mexico

memo

DATE: August 10, 2017
TO: Donna Wynant, Planning and Land Use Department
VIA: John Romero P.E., Engineering Division Director *JR*
FROM: James A. Martinez P.E., Traffic Engineer *JAM*
CASE: Antigua Sol Rezone Amendment – Case # 2017-72

ISSUE:

JenkinsGavin, Inc., agent for Antigua Sol LLC, Requests a rezone of Tracts 1, 2, & D-1, Wagon Road from R-21PUD (Planned Unit Development) to R-21 (Residential - 21 units per acre). The three tracts total approximately 14.58± acres and are located south of Santa Fe Place Mall along the south side of Wagon Road and east of Office Court Drive.

RECOMMENDED ACTION:

The agent for Antigua Sol LLC is requesting a rezone of Tracts 1, 2, & D-1, Wagon Road from R-21 PUD (Planned Unit Development) to R-21 (Residential - 21 units per acre). With this application for the rezone, the agent is requesting amendments to the conditions imposed on the R-21 PUD zoning, which were approved by City Council on 12/13/2006. The City's Engineering Division recommends amending the following conditions:

Current Condition #4: Pave the unpaved portion of Wagon Road extending to the site at the time of development.

Amend Condition #4 to read: At the time of Development, the developer shall pave and urbanize the unpaved portion of Wagon Road up to the development access easement, ensuring that the segment of road meets City's Standards using the Lane Criteria.

Rationale: Provide specifics to follow the Lane Criteria to urbanize the segment of newly constructed roadway up to the driveway access point to meet current City Standards.

Remove Condition #5: Contribute a proportional share of the cost of the bridge connecting Wagon Road to Rising Sun Road as well as for other infrastructure improvements necessary to accommodate increased traffic from the project prior to recording the development plan.

Rationale: The vehicular bridge crossing from Wagon Road to Rising Sun Road is no longer part of the City's Transportation Master Plan. Therefore, the financial contribution for Condition #5 is no longer needed.

Current Condition #17: The applicant shall pay 35% of the cost of a pedestrian bridge across the Arroyo Chamiso, but in no event to exceed \$65,000, and no other pro-rata contribution for trails and

open space is required. The contribution for the bridge is in addition to the minimum requirements of the code for land dedication and park improvement funding.

Amend Condition #17 to read: The developer shall construct a trail extension from the Arroyo Chamiso Trail south of the Santa Fe Place Mall towards the entrance of Office Court Drive.

***Rationale:** The pedestrian bridge crossing at the Santa Fe Place Mall Park to Nava Ade has been constructed and is no longer an active project. Therefore, the financial contribution toward the project is no longer applicable.*

The City's Traffic Engineering is in support of the amending these conditions as follows:

Review comments are based on development plan letter received on July 24, 2017. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:

AMENDED CONDITIONS OF APPROVAL:

MUST BE COMPLETED BY:

Amend #4	At the time of Development, the developer shall Pave and <i>urbanize</i> the unpaved portion of Wagon Road ensuring that the extended portion of road meets City's Standards using the Lane Criteria.	Prior to Certificate of Occupancy
Amend #5	Remove Condition #5 imposed by City Council on 12/13/2006. The financial contribution for Condition #5 is no longer needed.	
Amend #17	Provide a trail connection along the Wagon Road right-of-way to provide pedestrian and bicycle connectivity from the Arroyo Chamiso Trail south of the Santa Fe Place Mall towards the entrance of Office Court Drive.	Prior to Certificate of Occupancy

TECHNICAL CORRECTIONS:

ITEM	DESCRIPTION OF CORRECTION	MUST BE COMPLETED BY:
	N/A	

If you have any questions or need any more information, feel free to contact me at 955-6953. Thank you.

Development Review Team

Comment Form

Date: 8/8/17

Staff person: Dee Beingessner

Dept/Div: Public Utilities/Water

Case: Case #2017-72. Antigua Sol Rezone Amendment.

Case Mgr: Donna Wynant



Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval :

Must be completed by:

1 Water service for this property may require an Agreement to Construct and Dedicate (ACD) to extend a water main. The developer must submit plans for their water service to the Water Division to see if an ACD will be required. Each building must be separately metered. If an ACD is not required, an Agreement for Metered Service (AMS) will be required for the meters.	Prior to obtaining water service
2	
3	
4	

Technical Corrections*:

Must be completed by:

1	
2	
3	
4	

*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. [list any additional items]

Explanation of Conditions or Corrections (if needed):

Development Review Team

Comment Form

Date: August 7, 2017

Staff person: Stan Holland, Engineer

Dept/Div: Public Utilities/Wastewater Division

Case: Case #2017-72. Antigua Sol Rezone Amendment

Case Mgr: Donna Wynant



The subject property is accessible to the City public sewer system. Accessible is defined as within 200 feet of a public sewer line.

Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval :

Must be completed by:

1 None at this time

Technical Corrections*:

Must be completed by:

1. None at this time

*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. [list any additional items]

Explanation of Conditions or Corrections (if needed):

WYNANT, DONNA J.

From: LADD, ALEXANDRA G.
Sent: Friday, August 25, 2017 3:36 PM
To: WYNANT, DONNA J.
Subject: RE: Antigua Sol Apartments- Affordable Housing Question

Donna,

I approve the deletion of conditions #16, #18. But when the development plan for the apartments is presented, she needs an Affordable Housing Proposal.

Thanks!

-Alexandra

City of Santa Fe, New Mexico

Planning Commission

Exhibit C

Early Neighborhood Notification

1. ENN Meeting Notice
2. ENN Responses to Guidelines
3. Meeting Notes
4. ENN Meeting Sign-in Sheet



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

<i>Project Name</i>	Antigua Sol Rezone Amendment
<i>Project Location</i>	Wagon Road
<i>Project Description</i>	Rezone from R-21 PUD (Planned Unit Development)
<i>Applicant / Owner</i>	Antigua Sol LLC
<i>Agent</i>	JenkinsGavin, Inc.
<i>Pre-App Meeting Date</i>	May 25, 2017
<i>ENN Meeting Date</i>	June 27, 2017
<i>ENN Meeting Location</i>	Genoveva Chavez Community Center
<i>Application Type</i>	Rezoning
<i>Land Use Staff</i>	Greg Smith
<i>Other Staff</i>	
<i>Attendance</i>	3 people representing applicant and 3 neighbors

Notes/Comments:

The meeting began at 5:30.

Neighbors asked questions about the previous approvals and current request. Some adjacent Nava Ade neighbors expressed concern about the approved multi-family development and how it would impact factors such as heat, light, and noise.



JENKINS GAVIN
LAND USE | PROJECT MANAGEMENT

EARLY NEIGHBORHOOD NOTIFICATION MEETING

June 12, 2017

**RE: Antigua Sol
Tracts 1, 2, & D-1 at Wagon Road**

Dear Neighbor:

This letter is being sent as notice of a neighborhood meeting to discuss an application to the City of Santa Fe for a zoning amendment and possible rezone at the above referenced address. The three subject properties were rezoned to R-21(PUD) (Residential, 21 dwelling units per acre, Planned Unit Development) in 2006. The properties have not been developed. We are requesting amendments to the previous rezone to modify some of the conditions of approval. Furthermore, we are considering a rezone to R-21 to remove the PUD designation, allowing for more flexibility in developing the property.

In accordance with the requirements of the City of Santa Fe's Early Neighborhood Notification regulations, this is to inform you that a meeting is scheduled for:

When: Tuesday, June 27th, 2017, 5:30 p.m.
Where: Genoveva Chavez Community Center
3221 Rodeo Rd, Santa Fe, NM 87507

Early Neighborhood Notification is intended to provide for an exchange of information between prospective applicants for development projects and the project's neighbors before plans become too firm to respond meaningfully to community input.

If you have any questions or comments, please contact Jennifer Jenkins at 505-820-7444 or jennifer@jenkinsgavin.com. Persons with disabilities in need of special accommodations, or the hearing impaired needing an interpreter, please contact the City Clerk's Office (955-6520) 5 days prior to the meeting date.

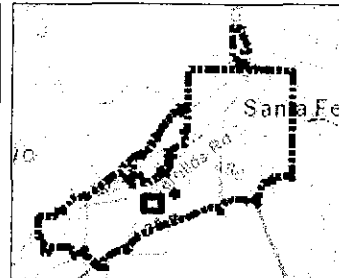
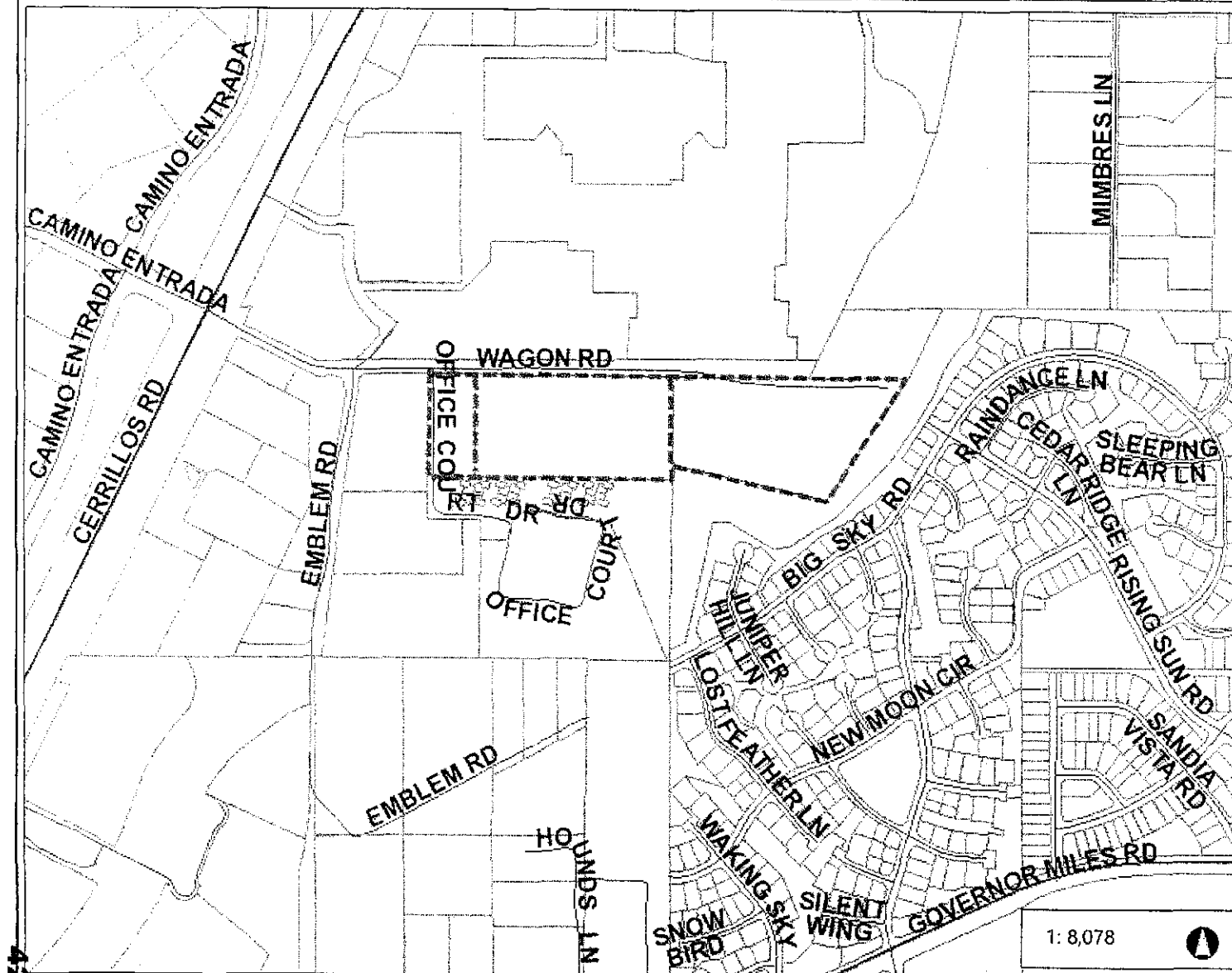
Sincerely,

Jennifer Jenkins

Attachments: Vicinity Map & Site Aerial



Vicinity Map Antigua Sol Parcels



Legend

- City Limits
- Address Points
- Santa Fe County Parcels
- Santa Fe River
- Roads
- Major Roads

Notes

© Latitude Geographics Group Ltd.

1: 8,078



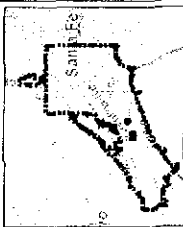
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Antigua Sol
Site Aerial



Legend

- City Limits
- Address Points
- Santa Fe County Parcels
- Santa Fe River
- Roads
- Major Roads

1:2,400



Notes

This map was automatically generated using
Geospatial Essentials.



Submit by Email

Print Form

Early Neighborhood Notification (ENN) Guidelines

Section 14-3.1(F)(5) SFCC 1987, as Amended

Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 1987, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about each criterion, consult the Land Development Code.

(a) **EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS** *For example: number of stories, average setbacks, mass and scale, architectural style, landscaping, lighting, access to public places, open spaces and trails. (Ord. No. 2008-29 § 3)*

The subject properties are bordered by residential, office, and shopping center uses. The previous rezone to R-21(PUD) was for a multi-family housing community. No development is proposed with the current rezone amendment/rezone request, which is intended to create more flexibility of development options for the project. At such time as the properties are developed, appropriate measures will be taken to conform to the character and appearance of the surrounding neighborhoods. Furthermore, we are requesting to amend the Conditions of Approval in the Rezone Ordinance to remove the condition mandating a vehicular connection across the Arroyo Chamiso to the Nava Ade development to the west. The connection is not part of the City's roadway plan and is no longer desired by the City.

(b) **EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT** *For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.*

As stated above, no development is proposed with the current rezone amendment/rezone request. Future development will comply with City regulations with regard to open space, preservation of significant trees, landscaping, and bank stabilization for the Arroyo de los Chamisos.

(c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN *For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.*

Archaeological surveys have been performed on the majority of the project area. At the time of development, an archaeological survey will be performed on the portion of the property that has not been surveyed.

(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN *For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.*

Future development will comply with the City's General Plan and will serve as an appropriate transition between residential and commercial uses.

(e) EFFECTS UPON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES *For example: increased access to public transportation, alternate transportation modes; traffic mitigation, cumulative traffic impacts, pedestrian access to destinations and new or improved pedestrian trails.*

The project will be accessed via Wagon Road, which connects to Cerrillos Road to the west. Wagon Road will be improved and extended through the site to its northeastern corner. We are requesting to amend the Conditions of Approval in the Rezone Ordinance to remove the condition mandating a vehicular connection across the Arroyo Chamiso to the Nava Ade development to the west. The connection is not part of the City's roadway plan and is no longer desired by the City.

(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE *For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.*

When the properties are to be developed, there will be a positive impact upon the economic base of Santa Fe through jobs created in the construction and real estate industries.

(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS
For example: creation, retention or improvement of affordable housing; how the project contributes to serving different ages, incomes and family sizes; the creation or retention of affordable business space. (Ord. No. 2005-30(A) § 4)

We are requesting to amend the affordable housing conditions in the Rezone Ordinance in order to comply with current City regulations.

(h) EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES *For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services.*

Future development will connect to existing public utilities and will utilize City fire and police protection, as well as school services. A fire department is located a little over a mile from the project off of Richards Avenue. A Santa Fe Trails Bus Stop is located at the Santa Fe Place Mall, within easy walking distance of the project.

(i) IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS *For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.*

At such time as the properties are developed, they will comply with all applicable water conservation requirements.

(j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS *For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.*

At such time as the properties are developed, appropriate measures for creation of pedestrian trails and vehicular connectivity will be implemented. As mentioned above, we are requesting to amend the Conditions of Approval in the Rezone Ordinance to remove the condition mandating a vehicular connection across the Arroyo Chamiso to the Nava Ade development to the west. The connection is not part of the City's roadway plan and is no longer desired by the City.

(k) EFFECT UPON SANTA FE'S URBAN FORM *For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? The project's effect on intra-city travel; and between employment and residential centers.*

Developing the subject properties will contribute to a compact urban form and conform to the City's policy of appropriate infill.

ADDITIONAL COMMENTS (Optional)



City of Santa Fe Early Neighborhood Notification Meeting Sign-In Sheet

Project Name: **Antigua Sol**

Meeting Date: **June 27, 2017**

Meeting Place: **GCCC**

Meeting Time: **5:30 p.m.**

Applicant or Representative Check Box below

	Name	Address	Email
<input checked="" type="checkbox"/>	1 Jeff Leslie	2900 Louisiana Blvd NE #150 ALB NM. 87110	jeffleslie@leslieinvestments.com
<input type="checkbox"/>	2 Bob + Lynette Liebenfritt	4001 Office Court Dr #304	Bzadvisors@liebenfritt.com
<input type="checkbox"/>	3 Terri Engbreksen	4119 Big Sky Road	Santafeterri@yahoo.com
<input type="checkbox"/>	4 Sherry Cooperwood	4209 Big Sky	Sacoopwood@msn.com
<input checked="" type="checkbox"/>	5 Jennifer Jenkins	130 Grant Ave. #130	jenniferejenkinsgavin.com
<input type="checkbox"/>	6 Hillary Wells	"	hillary@jenkinsgavin.com
<input type="checkbox"/>	7		
<input type="checkbox"/>	8		
<input type="checkbox"/>	9		
<input type="checkbox"/>	10		
<input type="checkbox"/>	11		
<input type="checkbox"/>	12		

For City use: I hereby certify that the ENN meeting for the above named project took place at the time and place indicated.

Greg Smith

Printed Name of City Staff in Attendance

[Signature]

Signature of City Staff in Attendance

6/27/2017

Date

This sign-in sheet is public record and shall not be used for commercial purposes.

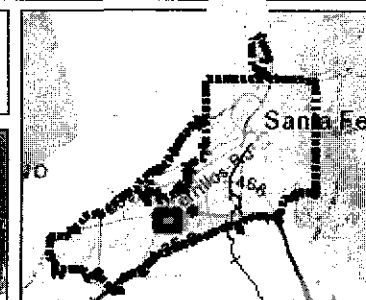
City of Santa Fe, New Mexico

Planning Commission

Exhibit D

Maps & Photos

1. Future Land Use Map
2. Zoning Map
3. Aerial Photo
4. Street View of Site



Legend

- City Limits
- Address Points
- Building Footprint
- Roads
- Major Roads
- Santa Fe County Parcels
- Santa Fe River
- + Rail Road

Future Land Use

- 1 dwelling per acre
- 1-3 dwellings per acre
- 3-7 dwellings per acre
- 7-9 dwellings per acre
- 7-12 dwellings per acre
- 12-29 dwellings per acre
- Regional Commercial
- Community Commercial
- Neighborhood Center
- Transitional Mixed Use
- Business Park
- Office
- Industrial
- Public/Institutional
- Open Space
- Parks

1: 9,028



1,504.7 0 752.33 1,504.7 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

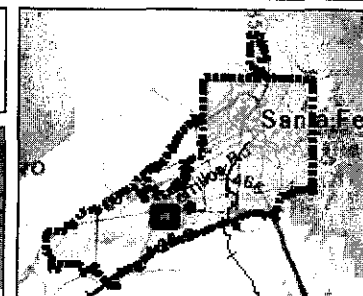
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes


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
















Ahuqua Sol Property- Zoning Map



Legend

- City Limits
- Address Points
-  Building Footprint
- Roads
- Major Roads
-  Santa Fe County Parcels
-  Santa Fe River
- + Rail Road

Zoning

- | | |
|---|---|
|  | RR Rural Residential |
|  | R1, (PUD) Single- Family 1du/ac. |
|  | R2, (DT), (PUD), (AC) Single - Family 2du/ac |
|  | R3, (PUD) Single - Family 3du/ac |
|  | R4 Single - Family 4du/ac |
|  | R5, (DT), (PUD), (AC), R6, (PUD) Single - Family 5du/ac |
|  | R7, (I), (PUD), R8 Single - Family 7du/ac |
|  | RC5, RC5AC Compound 5du/ac |
|  | RC8, RC8AC Compound 8du/ac |
|  | R10, (PUD) Multiple - Family 10du/ac |
|  | R12, (PUD) Multiple - Family 12du/ac |
|  | R21, (PUD) Multiple - Family 21du/ac |
|  | R29, (PUD), (AC) Multiple - Family 29du/ac |
|  | RAC Residential Arts & Crafts |
|  | MHP Mobile Home Park |
|  | C1, (PUD) Office and Related Commercial |
|  | C2, (PUD) General Commercial |

Notes

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

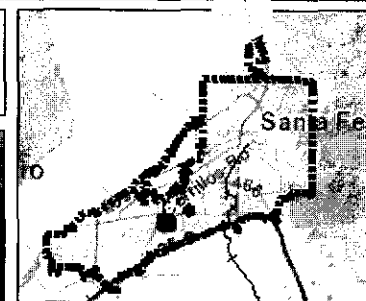
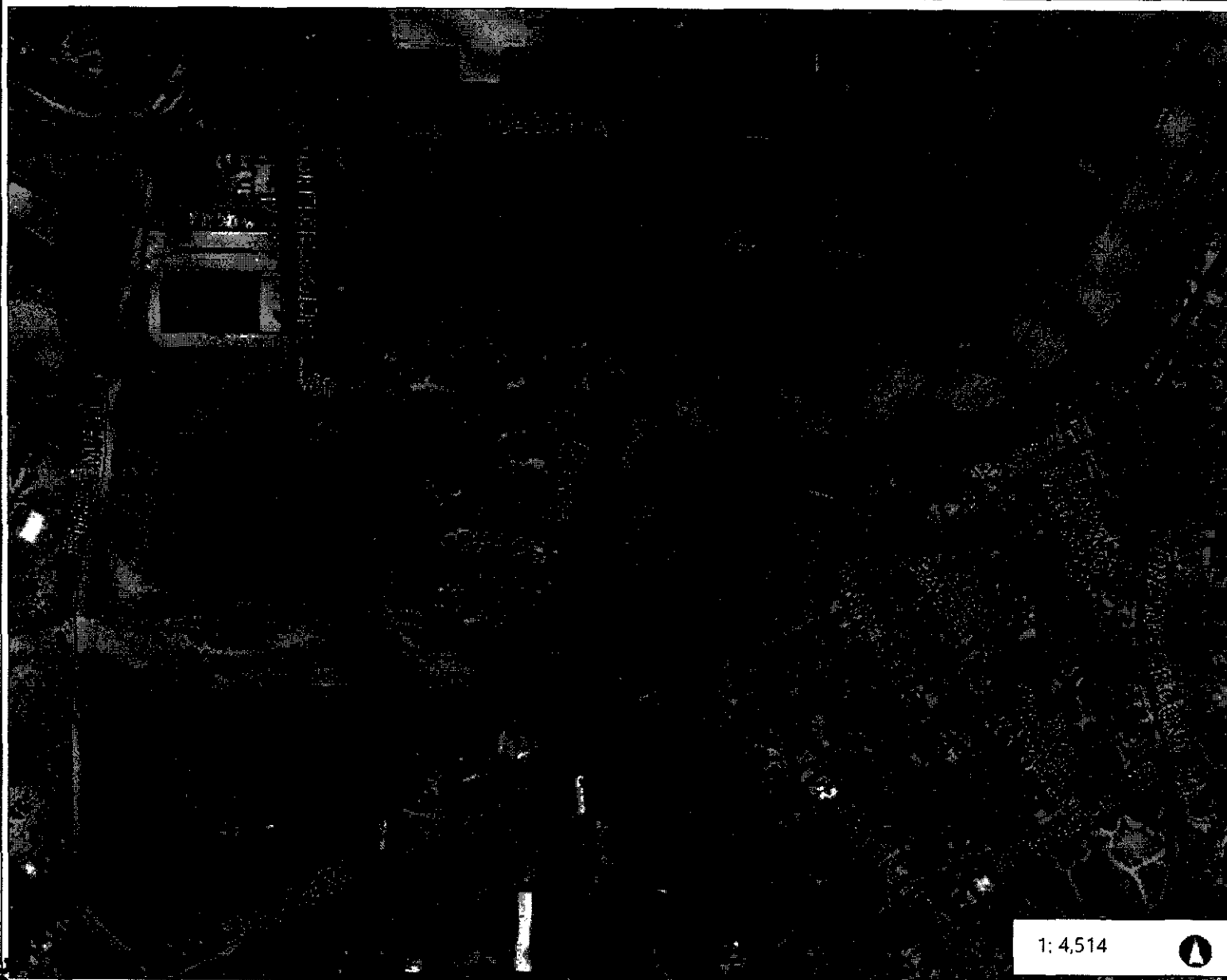
1,504.7	0	752.33	1,504.7	Feet
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WGS_1984_Web_Mercator_Auxiliary_Sphere



Santa Fe
Mapping the City Different

Antigua So. Property - Aerial Map



Legend

- City Limits
- Address Points
- Roads
- Major Roads
- Santa Fe County Parcels
- Santa Fe River
- + Rail Road

1: 4,514



752.3 0 376.17 752.3 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

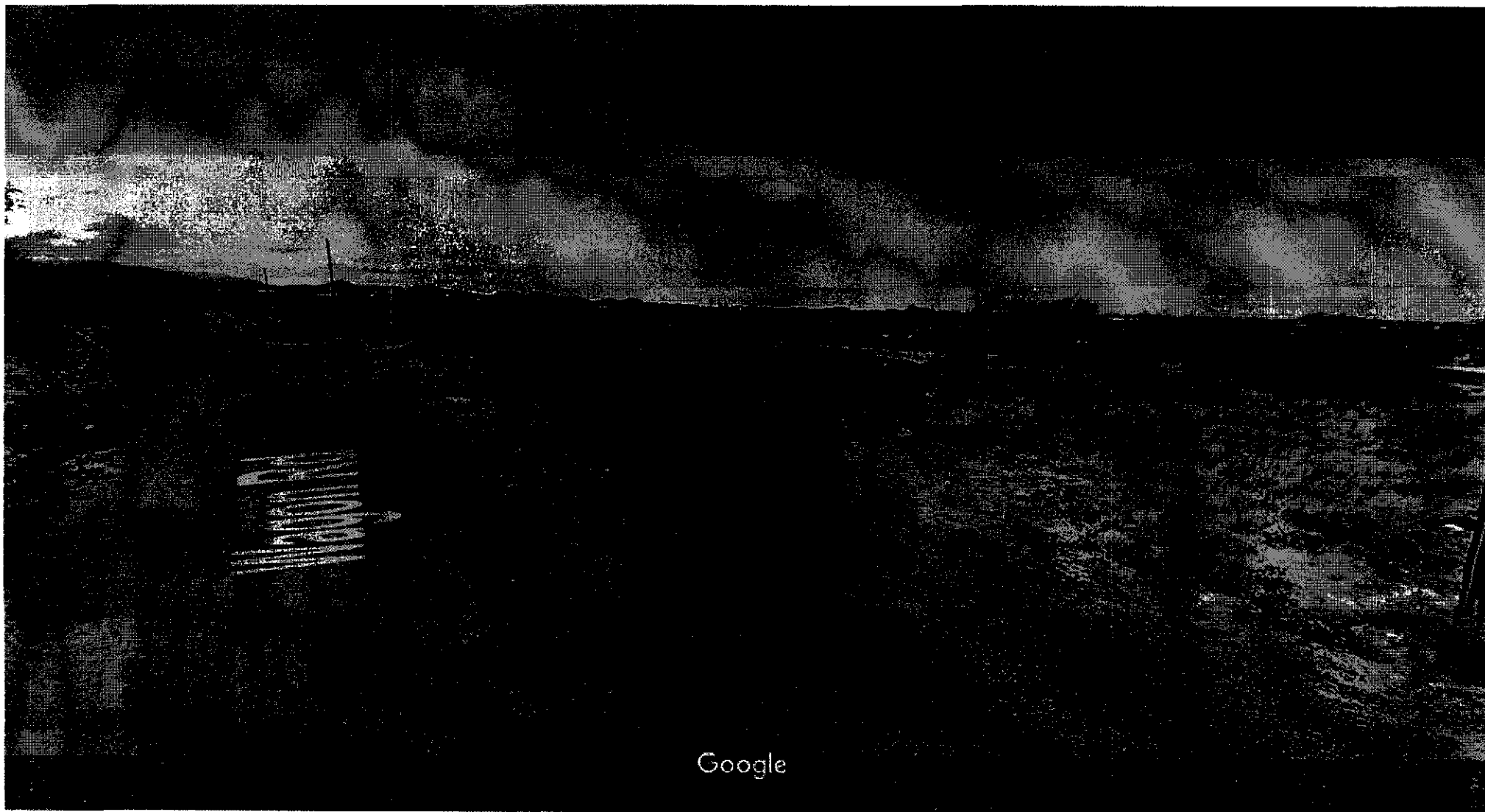
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

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Google Maps 4371 Wagon Rd



Google

Image capture: Apr 2014 © 2017 Google United States

55

City of Santa Fe, New Mexico

Planning Commission

Exhibit E

Applicant Submittals

1. Letter of Application and Attachments
2. Rezone Ordinance #2006-67
3. Preliminary Development Plan (2006)



JENKINSGAVIN
LAND USE | PROJECT MANAGEMENT

July 24, 2017

Donna Wynant, Senior Planner
Current Planning Division
City of Santa Fe
200 Lincoln Ave.
Santa Fe, NM 87501

RE: Antigua Sol Rezone Amendment

Dear Donna:

This letter is respectfully submitted on behalf of Leslie Investment Properties in application for amendments to the conditions of approval attached to the 2006 rezone of the 14.17-acre subject property to R-21 PUD (Ordinance #2006-67), for consideration by the Planning Commission at their meeting of September 7, 2017.

On December 13, 2006, the City Council approved the rezone to R-21 PUD of three parcels totaling 14.17 acres located at the eastern terminus of Wagon Road behind the Santa Fe Place Mall. At the time, a Preliminary Development Plan was approved for a 240-unit multi-family apartment community (see attached). However, the project has not yet been developed. Due to a significant change in various circumstances, we are requesting amendments to the rezone approval to delete the following conditions of approval that were enacted and memorialized in the Rezone Ordinance:

Wagon Road

Condition #4: *Pave the unpaved portion of Wagon Road extending to the site at the time of development.*

AND

Condition #5: *Contribute a proportional share of the cost of the bridge connecting Wagon Road to Rising Sun Road as well as for other infrastructure improvements necessary to accommodate increased traffic from the project prior to recording the development plan.*

Rationale: Per James Martinez, City Traffic Engineer, the extension of Wagon Road across the Arroyo de Los Chamisos to connect to Rising Sun Road is no longer part of the City's Transportation Master Plan. Therefore, there is no need to improve the eastern segment of Wagon Road as a public roadway "to nowhere". Similarly, the financial contribution required in Condition #5 is no longer applicable. Alternatively, the City is planning trail improvements in the Wagon Road right-of-way that will provide pedestrian

and bicycle connectivity between the soccer field on the east side of the Mall and the Arroyo de Los Chamisos.

Affordable Housing

Condition #16: *Santa Fe Homes Program Proposal for Rental Units shall be amended to provide that affordable units shall remain affordable for thirty years. If the apartments are converted before 30 years, the percentage of affordable units shall be increased from 15% to 30%.*

AND

Condition #18: *Planning Commission Exhibit A, Applicant's letter July 10, 2006, Page 67 in the Council Agenda Packet, is corrected to correspond to the Santa Fe Homes Proposal: "In accordance with the Santa Fe Homes Program, 34 36 of the units (15%) will be priced affordably."*

Rationale: In 2006, the City was experiencing widespread conversion of apartments to condominiums, which had a negative impact on the supply of quality rental housing. As a consequence of the 2008 recession, no large conversions have since taken place. Furthermore, no new market rate apartment communities have been constructed in over twenty years, exacerbating the rental housing shortage. In order to encourage apartment construction to address this issue, the City amended the Santa Fe Homes Program last year (Ordinance #2016-9) to permit the payment of a fee-in-lieu of complying with the 15% affordability requirement. In light of current market factors and the fact that conversions are no longer an issue, we request the deletion of Conditions 16 and 18 and that the project be subject to current affordable housing regulations.

Pedestrian Bridge

Condition #17. *The applicant shall pay 35% of the cost of a pedestrian bridge across the Arroyo Chamiso, but in no event to exceed \$65,000, and no other pro-rata contribution for trails and open space is required. The contribution for the bridge is in addition to the minimum requirements of the code for land dedication and park improvement funding.*

Rationale: At the time of the rezone approval, the pedestrian bridge was in the planning stages. It has since been constructed and is no longer an active project seeking funding.

An Early Neighborhood Notification meeting was held on June 27, 2017 to discuss the rezone amendment. Neighbors asked questions about the previous approvals and current request. Some adjacent Nava Ade neighbors expressed concern about the approved multi-family development and how it would impact factors such as heat, light, and noise.

In support of these requests, the following documentation is submitted herewith for your review:

- Rezoning Application

- Letter of Owner Authorization
- Warranty Deeds
- Lot of Record Plats
- Rezone Ordinance #2006-67
- Vicinity Aerial
- Preliminary Development Plan (2006)
- Fees in the amount of \$2,520.00: \$2,460.00 rezone fee; \$60.00 for two public notice posters

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jennifer Jenkins", written in dark ink.

Jennifer Jenkins



(date stamp)

**REZONING
APPLICATION
14-3.5**

Parcel Information

Project Name: Antigua Sol Regener Amendment Property Size: ± 14.17 acres
Address: Wagon Road South of Santa Fe Place Mall
Current Zoning: R-21 (PUD) Proposed Zoning: R-21 (PUD)
Does a Development Plan application accompany this application? YES ☐ NO ☒
Preapplication Conference Date: May 25, 2017 UPC Code Number: Tr. 1 / Tr. 2 / Tr. D-1
Early Neighborhood Notice (ENN) meeting date: June 27, 2017

Property Owner Information

Name: Antigua Sol LLC % Leslie Investment Properties
Address: 2900 Louisiana Blvd NE #250
Albuquerque, NM 87110
City: Albuquerque State: NM ZIP Code: 87110
Phone: _____ E-mail Address: _____

Applicant/Agent Information (if different from owner)

Company Name: JenkinsGavin, Inc.
Name: Jennifer Jenkins
Address: 130 Grant Avenue, Ste 101
Santa Fe, NM 87501
City: Santa Fe State: NM ZIP Code: 87501
Phone: 505-820-7444 E-mail Address: jennifer@jenkinsgavin.com
Correspondence Directed to: ☐ Owner ☒ Applicant ☐ Both

Agent Authorization (if applicable)

I am/We are the owner(s) and record title holder(s) of the property located at: _____
I/We authorize See attached letter of authorization to act as my/our agent to execute this application.
Signed: _____ Date: _____
Signed: _____ Date: _____

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

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

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

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

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

(C) Approval Criteria

(1) The planning commission and the governing body shall review all rezoning proposals on the basis of the criteria provided in this section, and the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:

- (a) one or more of the following conditions exist:
 - (i) there was a mistake in the original zoning;
 - (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or
 - (iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans;
- (b) all the rezoning requirements of Chapter 14 have been met;
- (c) the rezoning is consistent with the applicable policies of the general plan, including the future land use map;
- (d) the amount of land proposed for rezoning and the proposed use for the land is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the city; and
- (e) the existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development.

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

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

(D) Additional Applicant Requirements

- (1) If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;
- (2) If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.

Signature

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

Signature: 

Date: 7/24/17

Updated 12-12-12

QT 06-1360

WARRANTY DEED

RODEO COMMERCIAL LAND LIMITED CO., a New Mexico limited liability company, for consideration paid, grants to ANTIGUA SOL, LLC, a New Mexico limited liability company, whose address is 2900 Louisiana Boulevard, N.E., Suite H, Albuquerque, New Mexico 87110, the following described real estate in Santa Fe County, New Mexico:

Approximately 6.74 acres of land in Santa Fe County, New Mexico, which is more particularly described in Exhibit 1, which is attached hereto and made a part hereof;

with warranty covenants.

WITNESS its hand and seal this 15th day of January, 2007.



RECEIVED 1/15/2007 10:49 AM

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
Hereby Certify That This Instrument Was Filed for
Record On The 24TH Day Of January, A.D., 2007 at 10:49
and Was Duly Recorded as Instrument # 1468150
The Records Of Santa Fe County
Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

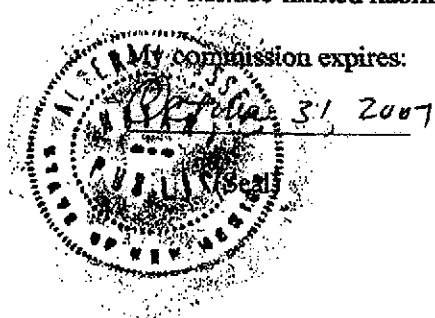
RODEO COMMERCIAL LAND LIMITED CO.
a New Mexico limited liability company
By RODEO MANAGEMENT LIMITED CO.
a New Mexico limited liability company

By R. Gary McCauley
R. Gary McCauley
Manager

ACKNOWLEDGEMENT

STATE OF New Mexico)
COUNTY OF Bernalillo) ss.

This instrument was acknowledged before me on January 15, 2007, by R. GARY McCauley, as Manager of RODEO MANAGEMENT LIMITED CO., a New Mexico limited liability Company, Manager of RODEO COMMERCIAL LAND LIMITED CO., a New Mexico limited liability company.



Arben T. Arroyo
Notary Public

DESCRIPTION OF PROPERTY

Tract D-1, as shown on plat entitled "Boundary Survey of Tract D-1...lying and being situate within the SE ¼ of the NW ¼, of Section 8, T16N, R9E, N.M.P.M. ..." filed in the office of the County Clerk of Santa Fe County, New Mexico, on January 23, 2007, in Plat Book 645, at page 024, as No. 1468114;

SUBJECT TO:

1. Sewer maintenance and garbage disposal assessments not yet due and payable, and thereafter;
2. Santa Fe County, New Mexico, property taxes for 2007, which are not yet due and payable but which have been estimated and prorated to the date hereof and assumed by Grantee;
3. Easement in favor of the United States of America, and rights incident thereto, recorded in Book 140, at page 369, and Book 297, at page 80, and Quitclaim Deed to Public Service Company of New Mexico, recorded in Book 524, at page 866, of the records of Santa Fe County, New Mexico;
4. Easement in favor of Public Service Company of New Mexico, and rights incident thereto, recorded in Book 259, at page 716, of the records of Santa Fe County, New Mexico;
5. Easement Agreement in favor of John Byrd, a single man, and rights incident thereto, recorded in Book 532, at page 768, of the records of Santa Fe County, New Mexico;
6. Water restrictive covenants recorded in Book 1287, at page 660, of the records of Santa Fe County, New Mexico;
7. Terms and conditions contained in Annexation Agreement, recorded in Book 1288, at page 61, of the records of Santa Fe County, New Mexico;
8. Easement in favor of the City of Santa Fe, and rights incident thereto, recorded in Book 1909, at page 688, and in Book 2173, at page 284, of the records of Santa Fe County, New Mexico;
9. Easement in favor of the Sangre de Cristo Water, and rights incident thereto, recorded in Book 1909, at page 690, of the records of Santa Fe County, New Mexico; and
10. Notes, conditions, Arroyo de los Chamisos crossing the premises, all as shown on plat of survey, entitled "Boundary Survey of Tract D-1...", filed for record January 23, 2007, in Plat Book 645, at page 024, as No. 1468114, of the records of Santa Fe County, New Mexico.

Exhibit 1

Quiet Title Co, LLC
File # 09-0147

REC'D
CLERK
RECORDED
01/16/2007

WARRANTY DEED

WAGON ROAD LIMITED PARTNERSHIP, a New Mexico limited partnership, for consideration paid, grants to ANTIGUA SOL, LLC, a New Mexico limited liability company, whose address is 2900 Louisiana Boulevard, N.E., Suite H, Albuquerque, New Mexico 87110, as to an undivided 80.3% interest in the following described real estate in Santa Fe County, New Mexico:

Approximately 7.411 acres of land in Santa Fe County, New Mexico, which is more particularly described in Exhibit 1, which is attached hereto and made a part hereof,

with warranty covenants.

WITNESS ITS HAND AND SEAL this 16th day of January, 2007.

WAGON ROAD LIMITED PARTNERSHIP
a New Mexico limited partnership

By


William K. Jones
General Partner

ACKNOWLEDGEMENT

STATE OF NEW MEXICO)

(ss.

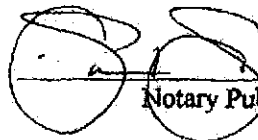
COUNTY OF SANTA FE)



This instrument was acknowledged before me on January 16th, 2007, by William K. JONES, as General Partner of WAGON ROAD LIMITED PARTNERSHIP, a New Mexico limited partnership.

My commission expires:

1/8/09
(Seal)


Notary Public

DESCRIPTION OF PROPERTY

Tracts 1 and 2, within the NW/4 of Section 8, T16N, R9E, N.M.P.M., as shown on plat entitled "A.L.T.A./A.C.S.M. Land Title Survey Boundary Survey Plat Tracts 1 & 2...", filed in the office of the County Clerk, Santa Fe County, New Mexico, on January 11, 2007, in Plat Book 644, Page 34, as No. 1466625.

SUBJECT TO:

1. Sewer maintenance and garbage disposal assessments and those not yet due and payable, and thereafter;
2. Santa Fe County, New Mexico, property taxes for 2007, which are not yet due and payable but which have been estimated and prorated to the date hereof and assumed by Grantee;
3. Easement in favor of Public Service Company of New Mexico and the Mountain States Telephone & Telegraph Company, and rights incident thereto, recorded in Book 484, at pages 539 and 543, of the records of Santa Fe County, New Mexico;
4. Easement in favor of the City of Santa Fe, and rights incident thereto, recorded in Book 2173, at pages 277 and 281, of the records of Santa Fe County, New Mexico;
5. Fifteen (15) foot trail easement, that portion of the one hundred (100) foot drainage easement and Arroyo de Los Chamisos crossing the southeast corner of the premises, notes, conditions and easements and rights incident thereto, as shown on Easement Survey Plat filed on January 11, 2007, in Plat Book 644, at page 33, as No. 1466624, of the records of Santa Fe County, New Mexico; and
6. Dirt 2 tract trail crossing the premises, fire hydrant, culvert, concrete pad, deviation of fence from property line along the northerly boundary, encroachment of sidewalk onto the premises along the northwesterly corner of the premises, notes, conditions, and all other matters affecting the premises, and rights incident thereto, as shown on Plat of Survey filed on January 11, 2007, in Plat Book 644, at page 34, as No. 1466625, of the records of Santa Fe County, New Mexico.



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

WARRANTY DEED
PAGES: 2

I Hereby Certify That This Instrument Was Filed for
Record On The 18TH Day Of January, A.D., 2007 at 15:09
And Was Duly Recorded as Instrument # 1467509
Of The Records Of Santa Fe County

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

REC'D CLERK RECORDED 01/18/2007



69

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2006- 67

3
4
5 AN ORDINANCE

6 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;
7 CHANGING THE CLASSIFICATION OF A CERTAIN AREA FROM I-1 AND C-1 TO
8 RM-1 PUD FOR CERTAIN PARCELS OF LAND COMPRISING 14.17 ACRES MORE
9 OR LESS LOCATED SOUTHEAST OF WAGON ROAD AND OFFICE COURT DRIVE,
10 APPROVING A DEVELOPMENT PLAN, AND PROVIDING AN EFFECTIVE DATE.
11 (CASE # ZA 2006-15, ANTIGUA DEL SOL APARTMENT HOMES REZONING).

12
13 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

14 Section 1. The following real property (the "Property") located within the municipal
15 boundaries of the city of Santa Fe, which has been annexed pursuant to Case No. M 2005-50 is
16 restricted to and reclassified as RM-1-PUD (High-Density Residential 21 dwelling units per acre,
17 Planned Unit Development overlay district):

18 Tract D-1 as shown on plat entitled "Annexation Plat for the Rodeo Land Partnership et
19 al" recorded in plat book 339, pages 046-047 (attached Exhibit C-1), reclassified from C-
20 1 (Office).

21 Tract 1, as shown on plat entitled "Lot Line Adjustment & Easement Survey for Wagon
22 Road Limited Partnership & Jones Family Partnership", recorded in plat book 391, page
23 021 (attached Exhibit C-2), reclassified from I-1 (Light Industrial).

24 Tract 2 as shown on the plat entitled "Right of Way Dedication at Tract 2 for Wagon
25 Road limited Partnership and Jones Family Limited Partnership and Tract B for Santa Fe

1 Sports Properties, L.L.C.," recorded in plat book 413, page 46 (attached Exhibit C-3),
2 reclassified from I-1 (Light Industrial).

3 Section 2. The official zoning map of the City of Santa Fe adopted by Ordinance No.
4 2001-27 is amended to conform to the changes of zoning classifications for the property set forth
5 in Section 1 of this Ordinance.

6 Section 3. The rezoning effected by this ordinance is subject to the conditions of
7 approval listed in Exhibit A, attached.

8 Section 4. A preliminary development plan for the Property is hereby approved (Exhibit
9 B, attached).

10 Section 5. This Ordinance shall be published one time by the title and general summary
11 and shall become effective five days after such publication.

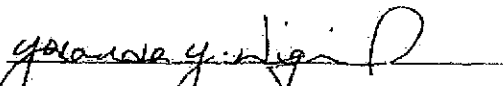
12 Section 6. The rezoning action with respect to the Property effected by this Ordinance is
13 subject to the time restrictions set forth in Section 14-3.5(D)(1) SFCC 1987 (Two-year
14 Review/Rescission).

15 PASSED, APPROVED AND ADOPTED this 13th day of December, 2006.

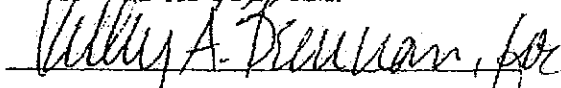
16
17 

18 DAVID COSS, MAYOR

19 ATTEST:

20 
21 YOLANDA Y. VIGIL, CITY CLERK
12-30-08

22
23 APPROVED AS TO FORM:

24 
25 FRANK KATZ, CITY ATTORNEY

GTSC:DOCS/ZA0615 Antigua Ord

Exhibit A to Ordinance No. 2006-67
Conditions of Approval – Case No. ZA 2006-15

1. Provide a traffic study of the larger neighborhood to analyze cumulative impact of development to year 2026 per staff traffic review
2. Relocate stormwater ponding outside of zone "A" of the 100-year floodplain
3. Identify floodplain boundaries for zone "A" and "B" with staff in order to determine an exact location for a 20 ft wide dedicated non-motorized trail easement along Arroyo Chamiso.
4. Pave the unpaved portion of Wagon Road extending to the site at the time of development.
5. Contribute a proportional share of the cost of the bridge connecting Wagon Road to Rising Sun Road as well as for other infrastructure improvements necessary to accommodate increased traffic from the project prior to recording the development plan.

Comply with requirements as provided by the following City Departments at the time of development (Exhibits A-6 – A-13, attached):

6. Wastewater Division (memo attached)
7. Affordable Housing (memo attached)
8. Engineering Division traffic review (memo attached)
9. Subdivision Engineer (memo attached)
10. Fire Department (memo attached)
11. ~~Trails and Open space (memo attached)~~ [Note: condition deleted by Council action December 13, 2006]
12. Water Division (memo attached)
13. Landscaping standards (memo attached)

Additional conditions recommended by Planning Commission August 31, 2006:

14. City staff and the developer shall thoroughly investigate traffic issues with the Zafarano/Rodeo Road area. To the extent that the City determines that an assessment or improvement district is necessary for the Zafarano Road Corridor, the applicant shall agree that they are part of said assessment improvement district and that they shall contribute their proportionate share to any assessment improvement district to alleviate any traffic concerns along Zafarano and/or Rodeo Road. [Note: Underlined text added by Council action December 13, 2006]

15. City staff and the developer shall investigate interconnection of the trail system into other communities.

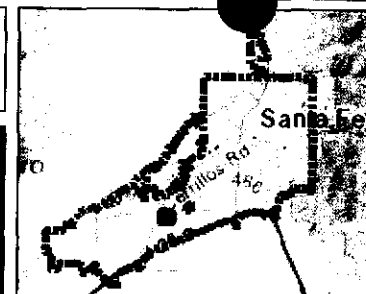
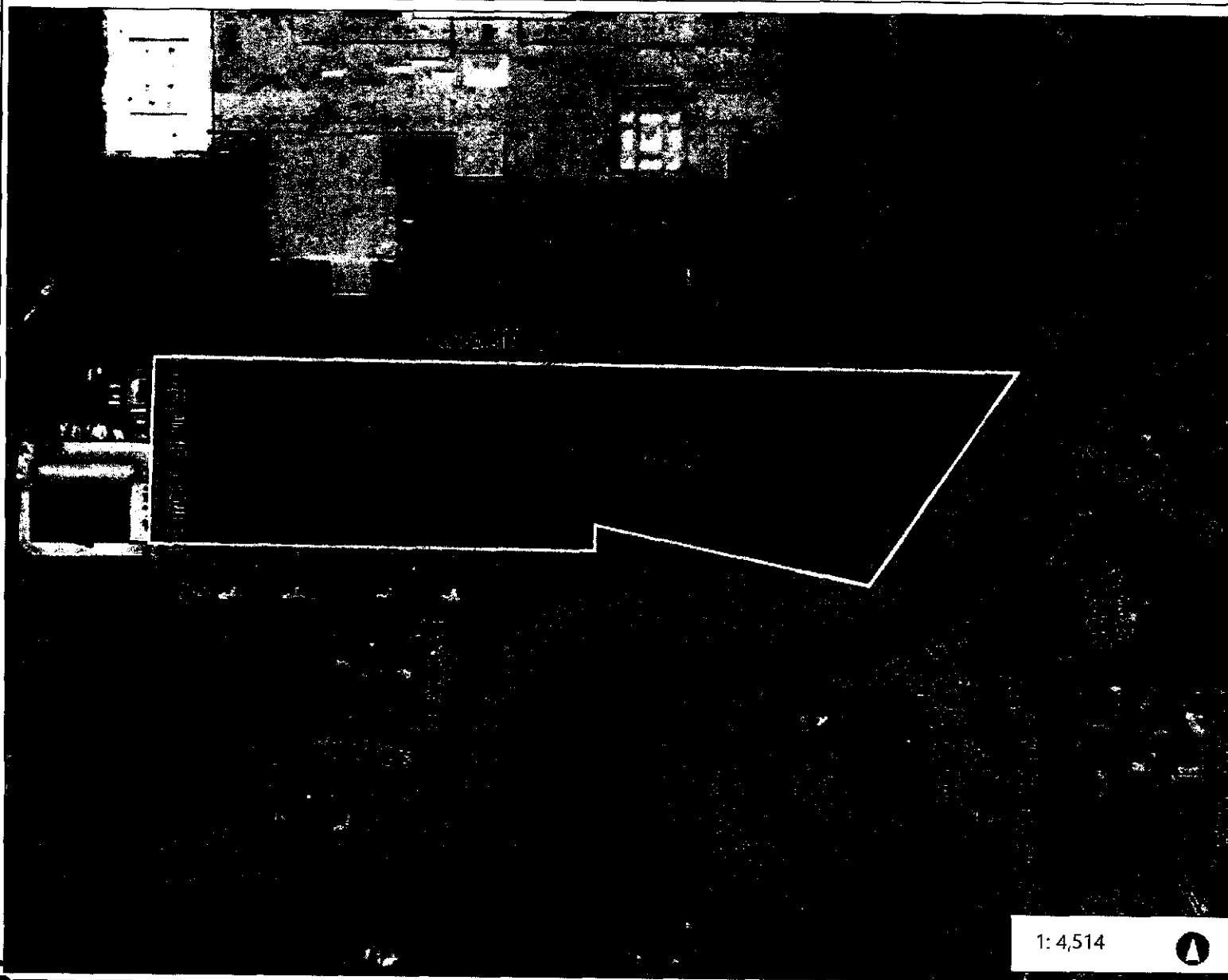
Additional conditions adopted by City Council December 13, 2006:

16. Santa Fe Homes Program Proposal for Rental Units shall be amended to provide that affordable units shall remain affordable for thirty years. If the apartments are converted before 30 years, the percentage of affordable units shall be increased from 15% to 30%.
17. The applicant shall pay 35% of the cost of a pedestrian bridge across the Arroyo Chamiso, but in no event to exceed \$65,000, and no other pro-rata contribution for trails and open space is required. The contribution for the bridge is in addition to the minimum requirements of the code for land dedication and park improvement funding.
18. Planning Commission Exhibit A, Applicant's letter July 10, 2006, Page 67 in the Council Agenda Packet, is corrected to correspond to the Santa Fe Homes Proposal: "In accordance with the Santa Fe Homes Program, ~~34~~ 36 of the units (15%) will be priced affordably."



City of Santa Fe
Mapping the City Different

77000114-311-A012-760



Legend

- City Limits
- Address Points
- Santa Fe County Parcels
- Santa Fe River
- Roads
- Major Roads

1:4,514



752.3 0 376.17 752.3 Feet

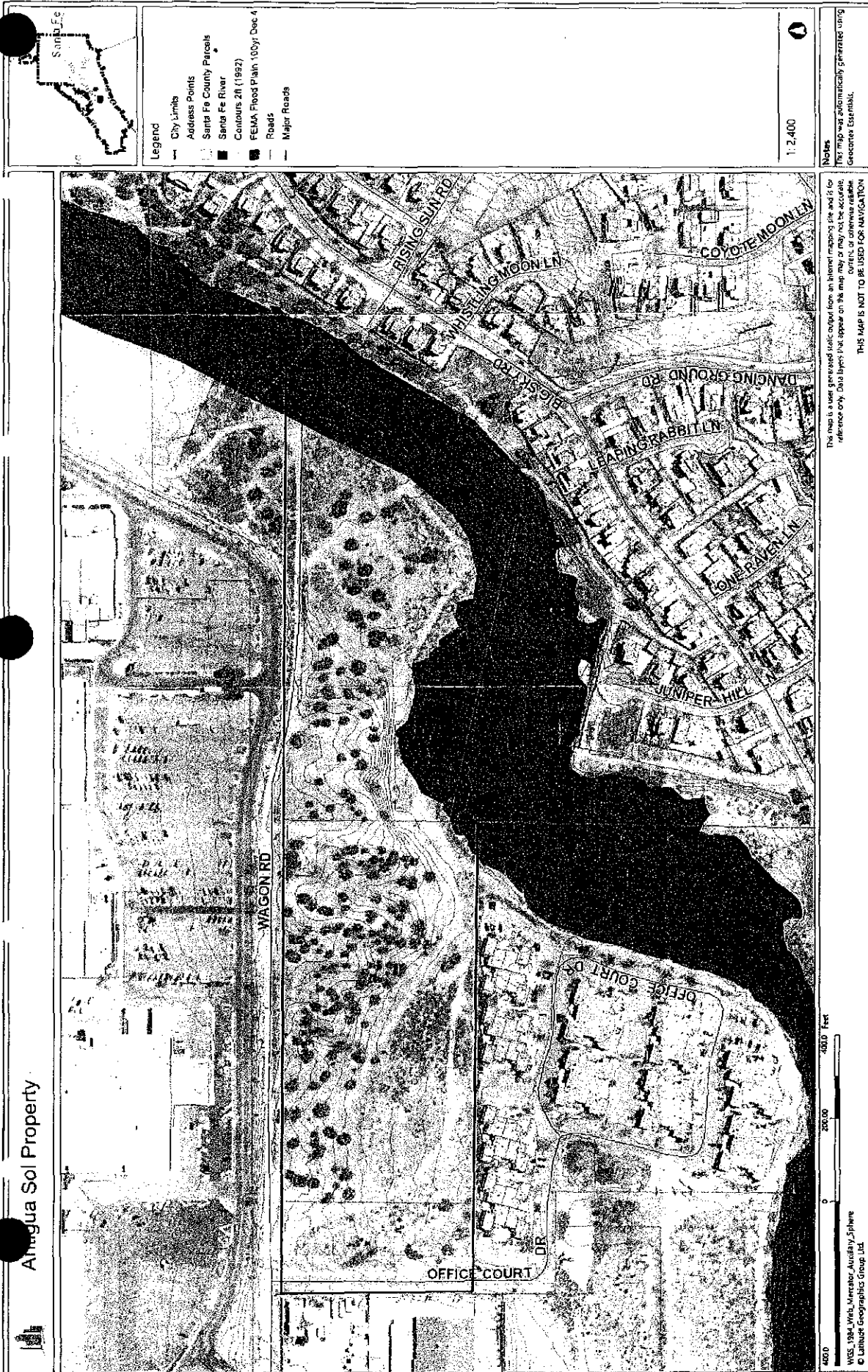
WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

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GENERAL NOTES

1	PROPERTY AND ESTATE	10	10
2	ADULTS AND SENIORS	11	11
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1. **Identify the author's purpose in writing the passage.**
2. **Identify the author's main idea.**
3. **Identify the author's thesis statement.**
4. **Identify the author's supporting details.**
5. **Identify the author's conclusion.**
6. **Identify the author's tone.**
7. **Identify the author's style.**
8. **Identify the author's audience.**
9. **Identify the author's point of view.**
10. **Identify the author's purpose in writing the passage.**

Santa Fe, New Mexico


Hill, Robert C. and
Davidson, J. W., eds.

76

CHARTER OF _____ **FILE NO.** _____
ADOPTED BY _____ **DATE** _____
PUBLISHED, _____
SOURCES FURNISH _____

Preliminary Development Plan

interior
paving
engineering



**Dekker
Perich
Sabatini**

5301 Jefferson St.
Suite 100
Alhambra, CA 91801
562 861-7800
fax 562-4212
dp@dpnyc.com

REGISTERED

Antigua Sol
Rezone Amendments

City Council Hearing
November 8, 2017

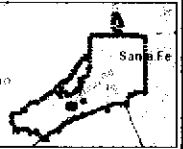
Antigua Sol Properties



Antigua Sol Zoning Map

Streets shown include: CAMINO ENTRADA, CEBILLOS RD, WAGON RD, OFFICE COURT DR, EMBLEM RD, JUMPER HILL LN, LOST FEATHER LN, LAUGHING CROW LN, YUCCA LN, NEW MOON LN, DANCING GROUND RD, COYOTE MOON LN, CLOUD DANCE, RISING SUN RD, WHISTLING MOON LN, BIG SKY MOON LN, RAINBOW LN, CEDAR RIDGE LN, MOUNTAIN VIEW LN, RAINBOW LN, CEDAR RIDGE LN, MOUNTAIN VIEW LN.

Zoning districts shown include: SC2, R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16, R17, R18, R19, R20, R21, R22, R23, R24, R25, R26, R27, R28, R29, R30, R31, R32, R33, R34, R35, R36, R37, R38, R39, R40, R41, R42, R43, R44, R45, R46, R47, R48, R49, R50, R51, R52, R53, R54, R55, R56, R57, R58, R59, R60, R61, R62, R63, R64, R65, R66, R67, R68, R69, R70, R71, R72, R73, R74, R75, R76, R77, R78, R79, R80, R81, R82, R83, R84, R85, R86, R87, R88, R89, R90, R91, R92, R93, R94, R95, R96, R97, R98, R99, R100.



- City Limits
- Address Points
- Roads
- Major Roads
- Santa Fe County Parcels
- Santa Fe River
- Zoning
 - ☐ A1, A1C: Residential
 - ☐ R1, (R1C) Single - Family Subdiv.
 - ☐ R2, (R2C), (R2C) (A2) Single - Fam.
 - ☐ R3, (R3C) Single - Family Subdiv.
 - ☐ RA Single - Family Address
 - ☐ R4, (R4C), (R4C) RA, (R4C) S
 - ☐ R7, (R7C), (R7C) RA Single - Family T
 - ☐ R20, R20C: Compound Medium
 - ☐ R28, R28C: Compound Medium
 - ☐ R10, (R10C) Multiple - Family 10-19
 - ☐ R12, (R12C) Multiple - Family 12-19
 - ☐ R14, (R14C) Multiple - Family 14-19
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 - ☐ R140, (R140C

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600.0 0 300.00 600.0 Feet

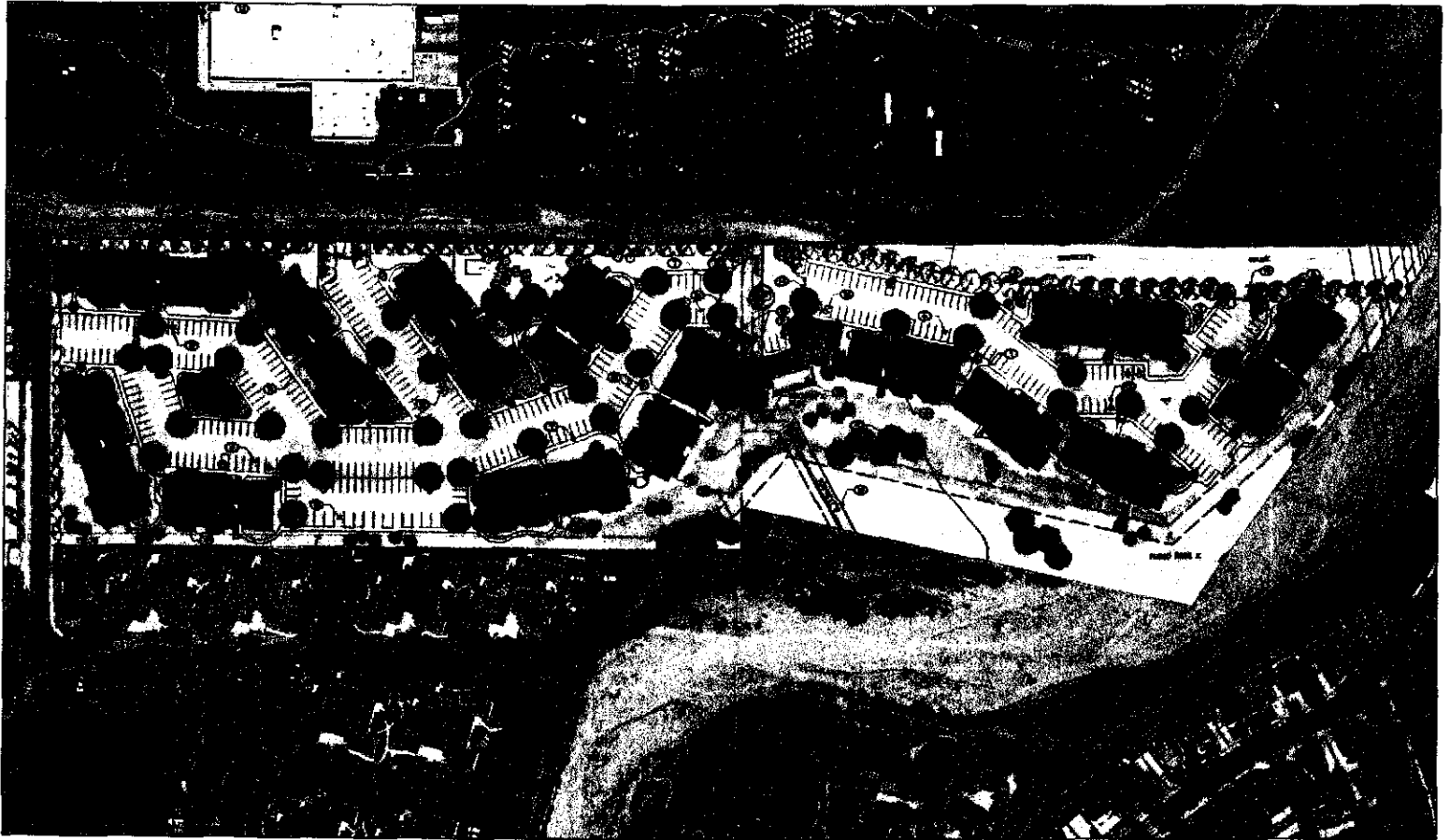
WGS_1984_Web_Mercator_Auxiliary_Sphere
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

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Parcels

1:1,330
1 inch represents 111 feet



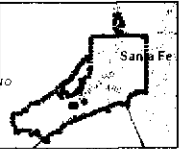
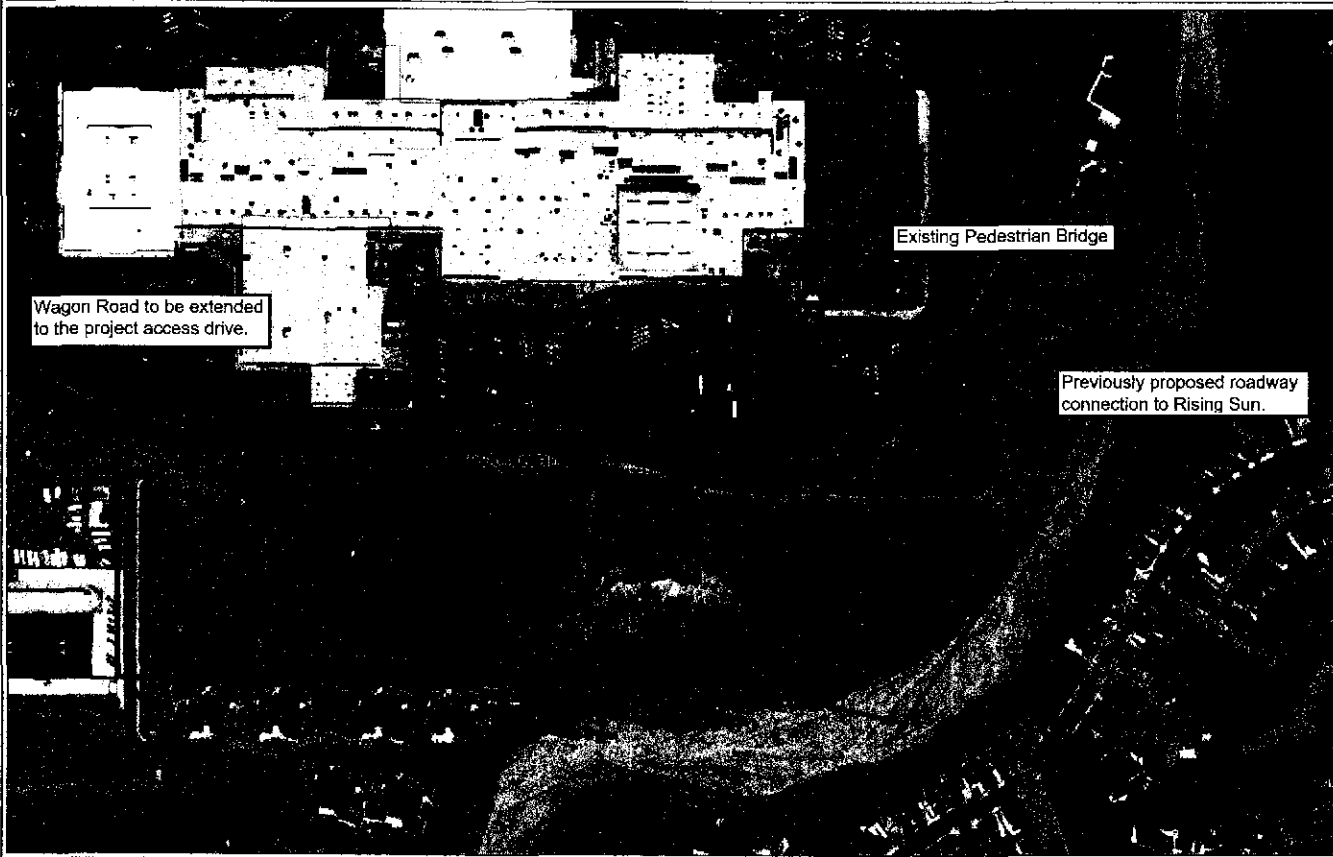
Aerial Photography from 2014
Contour Interval: 2 Feet (source: 2011)
Note: American Vertical Datum 1988

This information is for reference only.
State of Georgia assumes no liability for
errors associated with the use of these data.
Users are solely responsible for
confirming data accuracy.



September 7, 2017

Antigua Sol Property & Vicinity



- Legend**
- City Limits
 - Address Points
 - Roads
 - Major Roads
 - Santa Fe County Parcels
 - Santa Fe River

1:2,600

433.3 0 215.67 433.3 Feet

WGS 1984 Web Mercator Auxiliary Spheres
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes
This map was automatically generated using Geospatial Essentials.

New trail connection
to Office Court Drive.

Google Earth

300 ft



CITY COUNCIL MEETING OF
November 8, 2017
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY

Mayor Javier Gonzales		
Co-Sponsors	Title	Tentative Committee Schedule
Lindell	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 DESCARTES LABS, INC. FOR DESIGN, DEVELOPMENT AND CONSTRUCTION OF TENANT IMPROVEMENTS; AND LEASE PAYMENTS FOR EXPANSION OF A NEW WORLD HEADQUARTERS FACILITY, A LOCAL ECONOMIC DEVELOPMENT PROJECT.	Economic Development Review Subcommittee – 11/27/17 Finance Committee – 12/4/17 Economic Development Advisory Committee – 12/13/17 City Council (request to publish) – 12/13/17 City Council (public hearing) – 1/20/18
Councilor Carmichael Dominguez		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Mike Harris		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Peter Ives		
Co-Sponsors	Title	Tentative Committee Schedule
Maestas	A RESOLUTION REQUESTING THAT THE NEW MEXICO LEGISLATURE ENACT A CHANGE TO THE TAX STRUCTURE THAT REQUIRES ALL MANAGEMENT AND OPERATIONS OF LOS ALAMOS NATIONAL LABORATORIES TO BE TAXABLE.	Finance Committee – 12/4/17 City Council – 12/13/17
Councilor Signe Lindell		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Joseph Maestas		
Co-Sponsors	Title	Tentative Committee Schedule

Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Ron Trujillo		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Renee Villarreal		
Co-Sponsors	Title	Tentative Committee Schedule

Introduced legislation will be posted on the City Attorney's website, under legislative services. If you would like to review the legislation prior to that time or you would like to be a co-sponsor, please contact 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 **BILL NO. 2017-__**

3 **INTRODUCED BY:**

4
5 Mayor Javier M. Gonzales

6 Councilor Signe I. Lindell

7 Councilor Peter N. Ives

8
9 **AN ORDINANCE**

10 **RELATING TO THE CITY OF SANTA FE ECONOMIC DEVELOPMENT PLAN**
11 **ORDINANCE, ARTICLE 11-11 SFCC 1987; APPROVING AND ADOPTING A LOCAL**
12 **ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN**
13 **THE CITY OF SANTA FE AND DESCARTES LABS, INC. FOR DESIGN, DEVELOPMENT**
14 **AND CONSTRUCTION OF TENANT IMPROVEMENTS; AND LEASE PAYMENTS FOR**
15 **EXPANSION OF A NEW WORLD HEADQUARTERS FACILITY, A LOCAL ECONOMIC**
16 **DEVELOPMENT PROJECT.**

17
18 **BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

19 **Section 1. Short Title.** This Ordinance shall be known as the "Descartes Local
20 Economic Development Project Ordinance."

21 **Section 2. Recitals.**

22 A. The Local Economic Development Act ("LEDA"), Sections 5-10-1 et. seq. NMSA
23 1978 explicitly permits municipalities to assist qualifying entities with economic development projects
24 through the use of public resources; and

25 B. The City of Santa Fe has complied with the requirements of the Local Economic

1 Development Act by adopting an Economic Development Fund Ordinance (11-14 SFCC (1987)),
2 incorporating within that ordinance its community economic development plan and its economic
3 development strategy for implementation dated May 21, 2008; and

4 C. Descartes, Labs, Inc. ("Qualifying Entity") is a software development facility that
5 serves the public by stimulating and catalyzing the growth of a high-technology industry cluster in
6 Santa Fe under the Economic Development Ordinance. The Qualifying Entity creates economic base
7 jobs as a software development facility by creating software for cloud-based super-computing platforms
8 that predicts changes in natural resources to better understand the planet.

9 D. The State of New Mexico has appropriated \$700,000 from the New Mexico LEDA
10 Fund and the City of Santa Fe has provided \$100,000 from the Local Economic Development Fund to
11 the project to build out the infrastructure and tenant improvements in the facility, and to contribute to
12 lease payments with any remainder from the infrastructure and tenant improvement expenses. The
13 facility is located at 100 North Guadalupe Street in Santa Fe, New Mexico and will include construction
14 costs, and materials associated with the interior renovation of its facilities and to improve or construct
15 HVAC, telecommunications, broad band connectivity and other infrastructure necessary to improve
16 service to the facility. This project identified as the "Project" is a world headquarters which will expand
17 the tax base and generate more taxes, fees and other revenues for the State of New Mexico and City of
18 Santa Fe.

19 E. The new facility will be used to develop software which is defined as a "manufacturer"
20 pursuant to LEDA.

21 **Section 3. Findings.** The governing body hereby finds:

22 A. The City of Santa Fe has determined that it is in the interest of the welfare of the
23 citizens of Santa Fe to enter into an Economic Development Project Participation Agreement for the
24 purposes of effectuating the city's Economic Development Plan and the Project.

25 B. In compliance with the City's Economic Development Fund Ordinance, 11-14 SFCC

1 (1987), this Project Participation Agreement between Qualifying Entity and the City clearly states the
2 following:

- 3 (1) Descartes Labs, Inc. is a qualifying entity;
- 4 (2) The contributions of the City and Qualifying Entity;
- 5 (3) The specific measurable objectives upon which the performance review will
6 be based;
- 7 (4) A schedule for Project development and goal attainment;
- 8 (5) The security being offered for the City's investment;
- 9 (6) The procedures by which the Project may be terminated and the City's
10 investment recovered;
- 11 (7) The time period for which the City shall retain an interest in the Project; and
- 12 (8) The economic development goals of the project; and
- 13 (9) A "sunset" clause after which the City shall relinquish interest in and oversight
14 of the project.

15 **Section 4. Approval and Adoption of the Project Participation Agreement.** The
16 governing body hereby approves the 2018 PPA (attached as Exhibit A) whereby the City will be the
17 Fiscal Agent for the State Legislative appropriation of \$700,000 and for the \$100,000 in City Funds.
18 The City will disburse the State Legislative appropriation of \$700,000 and the City funds of \$100,000
19 to the Qualifying Entity and the funds will be used for construction of tenant improvements and
20 infrastructure in and to the facility and for lease payments with any remainder from the infrastructure
21 and tenant improvement expenses and thus will expand the tax base and generate more taxes, fees and
22 other revenues for the State of New Mexico and City of Santa Fe.

23 **Section 5. Severability Clause.** If any section, paragraph, clause, or provision of this
24 ordinance, or any section, paragraph, clause, or provision of any regulation promulgated hereunder
25 shall for any reason be held to be invalid, unlawful, or unenforceable, the invalidity, illegality, or

unenforceability of such section, paragraph, clause, or provision shall not affect the validity of the remaining portions of this ordinance or the regulation so challenged.

Section 6. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED, APPROVED and ADOPTED this _____ day of _____, 2018.

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 Councilor Peter N. Ives

6 Mayor Javier M. Gonzales

7 Councilor Joseph M. Maestas

8
9
10 **A RESOLUTION**

11 **REQUESTING THAT THE NEW MEXICO LEGISLATURE ENACT A CHANGE TO**
12 **THE TAX STRUCTURE THAT REQUIRES ALL MANAGEMENT AND OPERATIONS**
13 **OF LOS ALAMOS NATIONAL LABORATORIES TO BE TAXABLE.**

14
15 **WHEREAS**, National Laboratories within the State of New Mexico are important
16 drivers of local and state economies; and

17 **WHEREAS**, the communities surrounding these Laboratories are important to each
18 Laboratory's success, in that these communities not only provide essential services for the
19 Laboratories' operations but also provide such services for its employees and local citizens; and

20 **WHEREAS**, the tax revenues that both Laboratories currently provide are necessary for
21 the surrounding communities to continue to provide an environment that supports the missions of
22 the National Labs; and

23 **WHEREAS**, the State of New Mexico is similarly reliant upon these tax revenues to
24 perform its duties and to balance its budget; and

25 **WHEREAS**, unlike other industries in New Mexico, there is a potential for a significant

1 destabilization to the revenues that both the State and local entities collect from the operation of
2 the Laboratories each time the federal government considers its management contract; and

3 **WHEREAS**, the demand for services provided by each of these federal entities, and the
4 cost of the provision of these services, does not change when the managing entity of a National
5 Laboratory transitions; and

6 **WHEREAS**, the communities value their partnerships with the Laboratories, its
7 employees, opportunities and challenges, desire to support the Laboratories in the performance of
8 its mission.

9 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
10 **CITY OF SANTA FE** that the City of Santa Fe hereby requests that the 2018 session of the New
11 Mexico State Legislature enact a change to the tax structure that requires all management and
12 operations of Los Alamos National Laboratories to be taxable, as the scale of such enterprises
13 place a significant demand on state and local resources that are inconsistent with any not-for-
14 profit designation.

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

16
17
18 _____
19 JAVIER M. GONZALES, MAYOR

20 ATTEST:

21
22 _____
23 YOLANDA Y. VIGIL, CITY CLERK
24
25

1 APPROVED AS TO FORM:

2

3

4 _____
KELLEY A. BRENNAN, CITY ATTORNEY

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25 *M/Legislation/Resolutions 2017/LANL Tax Revenue*