



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
AUGUST 29, 2018  
SANTA FE COUNTY FAIRGROUNDS  
EXHIBIT HALL  
3229 RODEO ROAD

## 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 – August 8, 2018
9. PRESENTATIONS
  - a) Muchas Gracias to the City of Santa Fe Fire Department Rapid Extrication Module Team – Rescue of Two Wildland Firefighters at the San Antonio Fire on June 19, 2018. (Assistant Chief Babcock)
10. CONSENT CALENDAR
  - a) Request for Approval of Procurement in the Amount of \$398,868 Using Cooperative Educational Service Agreement for a Sewer Vactor Truck as the Replacement of FA #51040 for the Wastewater Management Division; Pete's Equipment Repair, Inc. (Jerry Tapia)
  - b) Request for Approval of Amendment No. 1 to Professional Services Agreement in the Amount of \$13,400.91, Exclusive of NMGR, for the Installation of Network Communication Cable for Data and Video Network Services for the Water Division and Utility Billing Division; HEI, Inc. (Shannon Jones)
  - c) CONSIDERATION OF RESOLUTION NO. 2018-\_\_\_\_. (Councilor Ives)  
A Resolution Adopting the 2020-2024 Infrastructure Capital Improvements Plan (ICIP). (John Romero)

RECEIVED AT THE CITY CLERK'S OFFICE

DATE: August 24, 2018

TIME: 4:30 PM



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- d) Request for Approval of Professional Services Agreement in the Total Amount of \$110,000 for Homeownership Services; Santa Fe Community Housing Trust, Inc. (Alexandra Ladd)
- e) Request for Approval of Professional Services Agreement in the Total Amount of \$190,000 for Homeownership Services; Homewise, Inc. (Alexandra Ladd)
- f) CONSIDERATION OF RESOLUTION NO. 2018-\_\_\_\_. (Mayor Webber)  
A Resolution Adopting the 2020-2024 Senior Infrastructure Capital Improvements Plan (ICIP) for the Division of Senior Services, Community Services Department. (Romella Glorioso-Moss and Gino Rinaldi)
- g) Request for Approval to Award RFP #18/55/P and Professional Services Agreement in an Amount Not to Exceed \$250,000 per Year for Four Years for Architecture/Engineering Services for the Santa Fe Regional Airport; Molzen-Corbin and Associates. (Mark Baca)
- h) Request for Approval of RFP #18/48/P in the Total Amount of \$67,839.00 for Fitness Instructor; Julie Brette Adams. (R. Gregory Fernandez)
- i) Request for Approval of Procurement in the Total Amount of \$1,482,407.74 for Police Vehicle Replacements from Don Chalmers and the Required Equipment for Those Vehicles; MHQ, Motorola, Digital Ally, MPH, CMS, ETS, Code3, Jackson Creek, Moriarty Pipe & Iron LLC. (Police Chief Padilla)
- j) CONSIDERATION OF RESOLUTION NO. 2018-\_\_\_\_. (Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Lindell)  
A Resolution Urging The New Mexico State Legislature to Support and Enact "Medical Aid in Dying (MAID)," Also Known as The End of Life Options Act. (Jesse Guillen) **(Postponed to September 12, 2018)**
- 11. Santa Fe Police Officers Association Recruitment and Retention Presentation. **(Informational Only)** (Detective Tony Trujillo)
- 12. Request for Authorization to Submit a Local Solicitation Grant Application in the Amount of \$24,785 for Maintenance of Body Worn Camera System and Replacement of Portable Breath Test Machines; Department of Justice, Bureau of Justice Assistance, FY18 Edward Byrne Memorial Justice Assistance Grant Program. (Police Chief Padilla)



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13. CONSIDERATION OF RESOLUTION NO. 2018-\_\_\_\_. (Councilor Villarreal, Councilor Ives and Councilor Vigil Coppler)  
A Resolution in Support of "El Grito", an Annual Celebration of Mexican Independence Day on September 15, 2108; and Waiving All Associated Fees. (Jesse Guillen)
14. Request for Approval of Two Contract Amendments for the FY 2018-2019 Economic Development Portfolio as Awarded Through RFP to Provide Workforce Development, Business Development, and Other Support for Economic Development in Santa Fe. (Matthew Brown)
  - a) Amendment No. 2 to Professional Services Agreement in the Amount of \$150,000; Santa Fe Business Incubator.
  - b) Amendment No. 5 to Professional Services Agreement in the Amount of \$20,000; Santa Fe Chamber of Commerce Opportunities Fund.
15. MATTERS FROM THE CITY MANAGER
16. MATTERS FROM THE CITY ATTORNEY
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



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THE GOVERNING BODY  
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G. APPOINTMENTS

H. PUBLIC HEARINGS:

- 1) Request from Blazin Wings, Inc., dba Buffalo Wild Wings, for a Transfer of Ownership (Change of Stockholders) of Canopy Liquor License No. 1363. This License Will Remain at 3501 Zafarano Drive. (Yolanda Y. Vigil)
- 2) Request from New Mexico Children's Foundation and the Santa Fe Children's Museum for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Alcoholic Beverages at the Santa Fe Children's Museum, 1050 Old Pecos Trail, Which is Within 300 Feet of St. John's United Methodist Church, 1200 Old Pecos Trail. The Event is for a Fundraiser on Friday, September 14, 2018, with Alcohol Service from 5:30 p.m. to 9:30 p.m. (Yolanda Y. Vigil)
- 3) Request from Iconik Coffee Roasters for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Alcoholic Beverages at Iconik Coffee Roasters, 314 S. Guadalupe Street, Which is Within 300 Feet of The Shrine of Our Lady of Guadalupe Church, 417 Agua Fria Street. The Event is the 1<sup>st</sup> Annual New Mexico Barista Olympics on Saturday, September 1, 2018, with Alcohol Service from 5:00 p.m. to 8:30 p.m. (Yolanda Y. Vigil)
- 4) **Appeal – Case #2017-123. Estancias del Norte Preliminary Subdivision Plat and Variance Request.** Appeal by the Greater Callecita Neighborhood Association, et al. of the Planning Commission's Approval of Estancias Del Norte's Request for a Preliminary Subdivision Plat at 702 Hyde Park Road. (Marcos Martinez)
- 5) **Case #2018-46. Acequia Lofts Development Plan.** JenkinsGavin, Agent, for Blue Buffalo, LLC, Owner, Requests a Development Plan Approval for a 120-Unit Multi-Family Development on Approximately 6.093 Acres. The Property is Zoned C-1PUD (Office and Related Commercial/Planned Unit Development) and is Located at 2725 Agua Fria Road. (Donna Wynant)



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- 6) CONSIDERATION OF BILL NO. 2018-16: ADOPTION OF ORDINANCE NO. 2018-\_\_\_\_. (Councilor Abeyta, Councilor Rivera and Councilor Lindell)  
An Ordinance Relating to the Land Development Code, Chapter 14 SFCC 1987; Amending Subsection 14-5.5(C)(3) to Add Applicability to Single-Family Dwellings and Detached Multiple-Family Dwellings; Amending Subsection 14-5.5(C)(5) to Provide a Setback From the Airport Road Right-of-Way and Screen Wall Requirements for Single-Family Dwelling Units and Detached Multiple-Family Dwellings; Amending Subsection 14-5.5(C)(7) to Add Landscaping Requirements for Single-Family Dwellings and Detached Multiple-Family Dwellings Adjacent to the Airport Road Right-of-Way; and Making Such Other Changes That Are Necessary to Carry Out the Purpose of This Ordinance. (Greg Smith)
- 7) CONSIDERATION OF BILL NO. 2018-15: ADOPTION OF ORDINANCE NO. 2018-\_\_\_\_. (Mayor Webber and Councilor Lindell)  
An Ordinance Amending Chapter 4 SFCC 1987 to Designate a Hearing Officer to Conduct Public Hearings Related to Liquor License Applications and Waivers of Distance Requirements from Churches or Schools, When Applicable, for Liquor License Applications, Special Dispenser Permits and Public Celebration Permits. (Zachary Shandler and Yolanda Vigil)

## 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**  
**August 29, 2018**

<b>ITEM</b>	<b>ACTION</b>	<b>PAGE</b>
1. Call to Order	Convened at 5:00 p.m.	1
5. Roll Call	Quorum Present	1
6. Approval of Agenda	Approved as amended	1-2
7. Approval of Consent Agenda	Approved as amended	2
8. Approval of Minutes - August 8, 2018	Approved as presented	2
9. Presentations	Fire Dept. Rescue	3
10. Consent Calendar Listing	Listed	3-4
Consent Calendar Discussion		
c. ICIP Plan	Approved as amended	4-7
f. Senior ICIP Plan	Approved as presented	7-8
i. Police vehicle replacements	Approved as presented	8-9
11. Police Officers Association - Recruitment	Informational Only	9-10
12. Grant for Police Equipment	Approved	10-12
13. Withdrawn	Withdrawn	12
14. a. Incubator PSA	Approved	12-16
14. b. Chamber of Commerce PSA	Postponed	16-18
Recessed at 7:08 p.m.		18
Evening Session at 7:35	Quorum Present	18-19
F. Petitions from the Floor	Petitions Made	19-21
G. Appointments	None	21
H. Public Hearings		
1. Blazing Wings Transfer of Ownership	Approved	22
2. Children's Museum Waiver	Approved	22-23
3. Removed item	Removed	23
4. Estancias del Norte Appeal	Postponed	23-70
5. Acequia Lofts Apartments	Approved	71-76
6. Landscaping Ordinance 2018-21	Approved	76-77
7. Hearing Officer Ordinance	Postponed	77
15. Matters from the City Manager	Not Considered	77
16. Matters from the City Attorney	Not Considered	77
17. Matters from the City Clerk	Not Considered	77-78
18. Communications from Governing Body	Communicated	78
I. Adjournment	Adjourned at 2:37 a.m.	79

**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
August 29, 2018**

**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 Alan Webber, on Wednesday, August 29, 2018, at approximately 5:08 p.m., in the Exhibit Hall at the Santa Fe County Fairgrounds, 3229 Rodeo Road, Santa Fe, New Mexico. 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 Alan Webber  
Councilor Signe I. Lindell, Mayor Pro-Tem  
Councilor Roman "Tiger" Abeyta  
Councilor Mike Harris  
Councilor Peter N. Ives  
Councilor Christopher M. Rivera  
Councilor Carol Romero-Wirth  
Councilor JoAnne Vigil Coppler  
Councilor Renee D. Villarreal

**Members Excused**

None

**Others Attending**

Erik Litzenberg, City Manager  
Erin McSherry, City Attorney  
Yolanda Y. Vigil, City Clerk  
Carl Boaz, Council Stenographer

**6. APPROVAL OF AGENDA**

Ms. Vigil announced that H-3 is withdrawn.

Councilor Villarreal requested item 13 be withdrawn in order that another method

be used for government to government support for the event.

**MOTION:** Councilor Ives moved, seconded by Councilor Lindell, to approve the agenda, as amended with items 13 and H-3 removed.

**VOTE:** The motion was approved on a voice vote with Mayor Webber and Councilors Abeyta, Harris, Ives, Lindell, Rivera, Romero-Wirth, Vigil Coppler and Villarreal voting in favor of the motion and none voting against.

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

Councilor Ives pulled items 10(c), 10(f), and 10(j) for discussion.

Ms. Vigil explained that 10(j) is postponed and would not be considered at this meeting.

Councilor Ives eliminated 10(j) from his request.

Councilor Harris pulled item 10(i) for discussion.

**MOTION:** Councilor Rivera moved, seconded by Councilor Lindell, to approve the Consent Agenda as amended with items 10 c, f, and i removed for discussion and 10 j postponed to September 11, 2018.

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

**For:** Mayor Webber, Councilor Abeyta, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

**Against:** None.

## **8. APPROVAL OF MINUTES: Regular City Council Meeting – August 8, 2018**

**MOTION:** Councilor Lindell moved, seconded by Councilor Rivera, to approve the minutes of August 8, 2018 as presented.

**VOTE:** The motion was approved on a voice vote with Mayor Webber and Councilors Abeyta, Harris, Ives, Lindell, Rivera, Romero-Wirth, Vigil Coppler and Villarreal voting in favor and none voting against.



## **9. PRESENTATIONS**

- a. Muchas Gracias to the City of Santa Fe Fire Department Rapid Extrication Module Team – Rescue of Two Wildland Firefighters at the San Antonio Fire on June 19, 2018. (Assistant Chief Babcock)

Assistant Chief Babcock announced the Muchas Gracias recognition to the City of Santa Fe Fire Department Rapid Extrication Module Team in rescue of two Wildland “Hot Shot Crew” who were fighting the San Antonio Fire at Valles Calderas on June 19, 2018. He described what happened that day. It was an amazing display of teamwork in a very challenging terrain for transport to treatment in a hospital for those two firefighters from Oregon.

Chief Babcock called forward Lt. Miller, Paramedic Chaney, Paramedic Sanchez, Rescue Tech Aragon, Firefighter Gonzales, Firefighter Maestas, and Captain Dancy. Mayor Webber read the proclamation for service in the San Antonio team for saving lives of two members of the hot shot crew.

Muchas Gracias were given to them by the Governing Body.

## **10. CONSENT CALENDAR LISTING**

- a) Request for Approval of Procurement in the Amount of \$398,868 Using Cooperative Educational Service Agreement for a Sewer Vactor Truck as the Replacement of FA #51040 for the Wastewater Management Division; Pete's Equipment Repair, Inc. (Jerry Tapia)
- b) Request for Approval of Amendment No. 1 to Professional Services Agreement in the Amount of \$13,400.91, Exclusive of NMGR, for the Installation of Network Communication Cable for Data and Video Network Services for the Water Division and Utility Billing Division; HEI, Inc. (Shannon Jones)
- c) Pulled by Councilor Ives for discussion
- d) Request for Approval of Professional Services Agreement in the Total Amount of \$110,000 for Homeownership Services; Santa Fe Community Housing Trust, Inc. (Alexandra Ladd)
- e) Request for Approval of Professional Services Agreement in the Total Amount of \$190,000 for Homeownership Services; Homewise, Inc. (Alexandra Ladd)

f) Pulled for Discussion by Councilor Ives.

g) Request for Approval to Award RFP #18/55/P and Professional Services Agreement in an Amount Not to Exceed \$250,000 per Year for Four Years for Architecture/Engineering Services for the Santa Fe Regional Airport; Molzen-Corbin and Associates. (Mark Baca)

An Action Sheet Item from the Public Works/CIP and Land Use Committee Meeting of August 27, 2018 regarding Item 10 (g) is incorporated herewith to these minutes at Exhibit 1.

h) Request for Approval of RFP #18/48/P in the Total Amount of \$67,839.00 for Fitness Instructor; Julie Brett Adams. (R. Gregory Fernandez)

i) Pulled for Discussion by Councilor Harris

j) CONSIDERATION OF RESOLUTION NO. 2018-\_\_\_\_. (Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Lindell) A Resolution Urging The New Mexico State Legislature to Support and Enact "Medical Aid in Dying (MAID)," Also Known as The End of Life Options Act. (Jesse Guillen) **(Postponed to September 12, 2018)**

## CONSENT CALENDAR DISCUSSION

c) CONSIDERATION OF RESOLUTION NO. 2018-56. (Councilor Ives) A Resolution Adopting the 2020-2024 Infrastructure Capital Improvements Plan (ICIP). (John Romero)

This item was pulled for discussion by Councilor Ives.

Councilor Ives said the ICIP Plan lists a series of projects across the City we hope to secure funding from legislature for. It has been through several committees and the top five priorities are what will go to the legislature for funding. It is possible that any project on the list could be funded. He realized this process did not include an item on solarization, specifically for installation on the Police Department, the South Side Library, Fire Stations #8 and #2, the Buckman Direct Diversion Booster Stations, the South Side Transit Center, and the Municipal Recreation Complex. Solar arrays totaling 1.5 Megawatts. The entire cost is \$3 million estimated and seeking to add only \$1million support in the next year. Santa Fe County does include solar as #1 in their priorities.

He asked to add this to the list and incorporate it within the top five items instead of the Intersection Improvements at Manhattan and Sandoval Streets. We have asked for funding for that project several times before.

**MOTION:** Councilor Ives moved, seconded by Councilor Lindell, to add the solar PV array project to the ICIP for power on Santa Fe Police Department, South Side Library, Fire Stations #8 and #2, Buckman Direct Diversion Booster Stations, Southside Transit Center and Municipal Recreation Complex in the amount of \$1 million as part of a 1.5 MW project and move further that it be substituted for #5 on the current ICIP list for intersection improvements at Montezuma and Sandoval.

**DISCUSSION ON THE MOTION:**

Councilor Rivera asked John Romero some questions about the intersection being moved out of the top five priorities. He asked if Mr. Romero could recap the discussion at Public Works Committee meeting about a failing intersection

Mr. Romero said when the County constructed the courthouse and that has increased pedestrian traffic there. At this intersection, we don't have a signal head and no ADA accessible curb crossings and need to bring that into compliance. Last year, the City got \$100,000 for design and now need construction funding.

Councilor Rivera asked if it is considered a failed intersection.

Mr. Romero said it is not from vehicular traffic; nor would it improve flow, but it is, primarily for pedestrian traffic. The improvement will provide for proper curbing for pedestrians.

Councilor Villarreal was okay with adding solar to the list but at Public Works Committee, we discussed what the State would consider positively. She asked that Councilor Ives let us know how this project would provide a regional benefit. Perhaps it is just a City need and would not get funded. The City already got funding for the intersection to make ADA improvements.

Councilor Ives pointed out that the BDD booster station is regional as is MRC, which recently attracted soccer teams from adjoining states. Police and fire, while primarily serving within the City, certainly protects our legislature while they are in town.

So most of the locations do have some regional context easily understood by the legislature.

Councilor Vigil Coppler believed Councilor Villarreal was onto something. She had pushed for the airport and got some interest from some legislators. We just found out there is \$500,000 left from state funding. She was not suggesting to put the airport back on the top list. But we have had a list in history and legislators pay attention to it.

She understood that legislators do look at regional as opposed to only local. Moving them around she thought would give the legislature the notion that we don't know what we want. They have an appetite for the airport, so she would hate to leave that for something else. People who go to the airport see it as a diamond in the rough. Notables have commented on the airport and we need to take more pride in that facility. We should pay attention to it. We should not change with a whim the various projects. We need to get our lobbyist clear on that.

Councilor Harris responded that the legislature has funded \$1.5 million for parking lots last year and funding for runways. The FAA is on-site there today and very pleased with the progress and supportive. We didn't drop the airport but moved it out of the top five.

Mr. Romero said \$750,000 is the estimate for improvements at the intersection for the ADA and pedestrian signalization of that intersection. He described the specifics of need there. It requires reconstruction of the whole intersection.

Councilor Villarreal asked Ms. Wheeler to speak to the ICIP.

Ms. Wheeler said she could not say specifically that local vs regional is better but solarization is a very hot topic this year. There is a lot of desire to improve that portfolio in New Mexico> We see water used up for energy and for pollution. This is a Private/public partnership and we have many dollars of private investment now.

Councilor Villarreal was trying to figure out how the policies would work at the State in ICIP to produce support for it. She saw this as very narrow and questioned the likelihood we would get funding for this.

Ms. Wheeler apologized. We need to discuss this with the legislative liaison. There are other priorities that could be included.

Councilor Abeyta noted that the intersection there was actually a recommendation from Staff. So he asked Staff which was recommended – the intersection or the solar projects.

Ms. Wheeler said that is a hard question. Solar provides energy savings and affects those facilities.

Councilor Abeyta mentioned that at Finance, they had a lengthy discussion on each one.

Ms. Wheeler added that this solar project has been in planning for nine years.

Mayor Webber said regarding the local vs regional, that the intersection is extraordinarily local. Solarization is regional and puts us on record for carbon neutrality

and would support people in Santa Fe. It is hard to anticipate the will of another political body. But we will see more shift to renewable energy in the "Round House."

This motion by Councilor Ives would put us in better alignment with priorities at House and Senate, plus job creation and benefits of the renewable portfolio credits benefitting the State. Solar projects distributed around means more reach than a single intersection. It speaks to creating a better future for the State at-large. So with this on our list, it would align better with the new legislature.

Councilor Romero-Wirth added that the legislature has a history of funding solar projects. Last year was one for solarizing fire stations. They are also in favor of the state buildings to have solar. That money was vetoed by Governor Martinez, but the legislature has a history of funding. We do need to diversify our energy sources. It makes solar more prevalent for renewable energy sources and it has more impact than just a city street need.

**MOTION:** Councilor Rivera moved, seconded by Councilor Lindell, to approve the Consent Agenda item 10 (c) as presented.

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

**For:** Mayor Webber, Councilor Abeyta, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

**Against:** None.

- f) CONSIDERATION OF RESOLUTION NO. 2018-57. (Mayor Webber)  
Resolution Adopting the 2020-2024 Senior Infrastructure Capital Improvements Plan (ICIP) for the Division of Senior Services, Community Services Department. (Romella Glorioso-Moss and Gino Rinaldi)

Councilor Ives pulled this consent item for discussion. He was surprised that it was not heard at Public Works Committee.

Mr. Rinaldi said the opportunity to put projects before the Public Works Committee will happen when we get the application ready. So we are working on the resolution.

Councilor Ives asked if there is time to come before the Public Works Committee. He thought this was on a similar trajectory.

Mr. Rinaldi agreed.

Councilor Ives didn't recall seeing any senior ICIP in the past. He saw that it is for 2020-2024 and there were only seven projects listed.

Mr. Rinaldi explained that Senior ICIP is relatively new. It has only been around for three years. We were only allowed five and this year were allowed two more.

Councilor Ives agreed with the seven in the packet. In the future, please run them through Public Works. It is always our desire to have that input.

**MOTION:** Councilor Ives moved, seconded by Councilor Lindell, to approve the Consent Agenda item 10 (f) as presented.

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

**For:** Mayor Webber, Councilor Abeyta, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

**Against:** None.

- i) Request for Approval of Procurement in the Total Amount of \$1,482,407.74 for Police Vehicle Replacements from Don Chalmers and the Required Equipment for Those Vehicles; MHQ, Motorola, Digital Ally, MPH, CMS, ETS, Code3, Jackson Creek, Moriarty Pipe & Iron LLC. (Police Chief Padilla)

This item was pulled for discussion by Councilor Harris.

Councilor Harris said he had asked for more details as a follow-up from the Finance Committee. He did receive a summary budget today. This is a major acquisition and today he received a budget for it. The memo calls for vehicles purchased. Of the total of \$1,482,407, \$770,000 is for vehicles, \$271,000 for emergency equipment and \$413,000 for operating equipment. The emergency equipment was identified to go with the various vehicles. With those two categories, he asked if that goes against the summary line item for capital purchase shown for vehicles, or just the vehicle portion of that.

Ms. Jimenez. Responded that the vehicle category was only for vehicles.

Councilor Harris reasoned that the rest pays for emergency equipment and operating equipment. That totals \$1.72 million and leaves a balance of \$387,000. Since it was a large item, he wanted to see the balance.

**MOTION:** Councilor Harris moved, seconded by Councilor Ives, to approve the Consent Agenda item 10 (i) as presented.

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

**For:** Mayor Webber, Councilor Abeyta, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

**Against:** None.

## **END OF CONSENT CALENDAR**

### **11. Santa Fe Police Officers Association Recruitment and Retention Presentation. (Informational Only) (Detective Tony Trujillo)**

Detective Trujillo, President of the Santa Fe Police Officers Association, said all police officers took an oath of office and he was at the meeting to ask the Governing Body's help. Our union anticipates a loss of 35 officers by the end of September. Some are eligible for retirement and have many good years to serve. But without a salary increase, there is no reason for them to stay. It provides protection to our City. Our Commanders struggle daily to make officers available to the City.

Responses to calls are impaired by having no officers to respond. We have become strictly reactive. Proactive patrols are not happening any longer. Low staffing may affect events like Zozobra. The officers need higher salaries for their families and Albuquerque pays those higher salaries. The result is longer response times and low morale and higher crime rates. The City of Albuquerque experience these problems. Their City Council rose to the challenge and fixed their problem. He hoped for the support of this Governing Body to do the same. As the union looks forward to returning to the negotiating table, we look forward to working with the Governing Body to find a solution to what is happening in our department.

He quoted a statement from the Executive Director of the Solace Crisis Treatment Center which has served Santa Fe for over 45 years and 18 years in relation with Law Enforcement and an excellent relationship with SFPD. She was in full support of having a fully staffed police department with adequate salaries. The police are underpaid and turning that around is the right thing to do. With it, we will. I know Mayor Webber cares. Right now we are losing the best of our officers. Recruitment depends on it. With better pay, they will recruit themselves.

Detective Trujillo also thank his union brothers and sisters of the Santa Fe Fire Department.

Mayor Webber asked the audience to please not applaud.

Several other police officers spoke about the problem, including Sgt. Greg Herrera who had 17.5 years of law enforcement experience and 11 years with SFPD, having come from the Sheriff's Department. He identified how the shortage restricts the ability of the Police Department to adequately fulfill their duties. Today, there were only 14 officers on duty to serve over 100,000 people in the Santa Fe area. And the night shifts are often only 4-5 officers. And when an officer has to take the offender first to a hospital and then to jail it reduces the coverage even further. He wanted to do his job well, but he could not afford to lose another officer.

Mr. Jason Arwith, President of the Fire Fighters Union, who said their union completely supports the police department for recruitment and finding creative resources for the needs. Think about what it says about public safety as a whole. We are severely stretched out. Police safety and fire fighter safety becomes more important. We work side by side every day and often cannot get there in time. It is a concern to us.

Ms. Corrine Jones, police officer here for 18 years. She said for recruitment, we once had 25 candidates show up and now is about 10 people. We are not attracting people because our pay is not attractive any more.

Mr. Erik Litzenberg thanked them for the presentation. Public safety is important. For the time I served in the Fire Department and now as City Manager. Chief Padilla reminds us always about this need. We are also looking at ways in cooperation with the union president to work on recruitment. I understand the concern and look forward to our negotiations.

Chief Padilla thanked those who came to our meeting tonight. They are off duty and here on their own time. Let's be the Governing Body that helps us keep resources and their service to the City. Let's be the #1 in the state to work for- the ones who step forward and reduce trauma. We are the caretakers giving a ride to the hospital, fixing the flat tire, etc. These officers need for you to step up.

Mayor Webber thanked all the officers and fire fighters for coming tonight. Your voice is heard, and we will take it up.

12. Request for Authorization to Submit a Local Solicitation Grant Application in the Amount of \$24,785 for Maintenance of Body Worn Camera System and Replacement of Portable Breath Test Machines; Department of Justice, Bureau of Justice Assistance, FY18 Edward Byrne Memorial Justice Assistance Grant Program. (Police Chief Padilla)



Chief Padilla said this is a grant we apply for to provide for body camera systems that these officers can use on a daily basis. The \$ 24,785 is for maintenance of them and replacement of breath test machines.

Councilor Rivera said Legal has not yet signed on page 3 of the document and asked how successful we will be in getting this grant without that signature.

Chief Padilla said it might not move forward without that signature.

Councilor Rivera knew that the award has not been made yet. It is under review. They will note the documents. There is a possible eligibility that we could get the award. He asked what the back-up plan is.

Chief Padilla said they would have to take the costs out of our operating supply budget. We use this equipment on a day-to-day basis. We have some available now. DWI officers, etc. This goes above and beyond.

Councilor Harris said he asked those questions at Finance Committee. It is based on the request approved earlier for \$1.5 million. The operational budget with those two deductions, went to \$387,000. There are other items in there. So there were two issues for him. He wondered why Ms. McSherry was unable to sign the document. We worked hard on the resolution in the previous administration. He was an advocate for having language in it about the established rule of law. And read the analysis of Ms. McSherry on legal and, not being an attorney, accepted her professional advice on it. But he felt that we are following the established rule of law in this instance.

The other thing is the need; however it is phrased and the department's need for the equipment. The question for him was if the grant is not received, can the City fund it from operating costs. Given the budget for equipment and vehicles and other needs of the department, he felt he needed to support Ms. McSherry's position on this.

Councilor Ives asked Ms. McSherry if the Tenth Circuit had ruled on any of this.

Ms. McSherry said the Tenth Circuit has not. Chief Padilla mentioned other jurisdictions interested in challenging this proactively in a law suit. She wouldn't know what the Department of Justice will do in response. It is a redacted version and the US Supreme Court speaks to very new case law in a gambling case. She did say in her memo that the district court can rely on that NY court decision, based on case law, that the DOJ requirement is illegal. We don't have a current lawsuit at the moment.

Councilor Ives asked if the district court had rules that it was constitutional. So it was a controversy.

Ms. McSherry said San Francisco was trying to bring it to the Ninth Circuit or get a nationwide injunction and a Second Circuit injunction prior to the Murphy decision.

Councilor Ives had no problem with the proposed solution by Ms. McSherry. If that is being considered for nationwide injunction, there is a little time question to either do it now or wait until after the injunction.

Mayor Webber said regarding the federal comments to our submittal and the City Attorney's comments on unconstitutionality of the federal government keeping funds from local communities whose policies they do not approve of. And secondly, in the legislation we passed in our own community and wished to be interactive with our immigrant population and others. If this were denied, would we be in a position to sue them, as well?

Ms. McSherry said yes. We don't have any law on this right now in the Tenth Judicial Circuit. The best law is from other districts and is recent. She understood there might be other cities in New Mexico taking a similar path, but she had not seen the yet.

**MOTION:** Councilor Ives moved, seconded by Councilor Rivera, to approve the request and to authorize the City Attorney to submit redacted certification.

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

**For:** Mayor Webber, Councilor Abeyta, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

**Against:** None.

13. ~~CONSIDERATION OF RESOLUTION NO. 2018 \_\_\_\_ (Councilor Villarreal, Councilor Ives and Councilor Vigil Coppler)  
A Resolution in Support of "El Grito", an Annual Celebration of Mexican Independence Day on September 15, 2108; and Waiving All Associated Fees. (Jesse Guillen)~~

This item was withdrawn under Approval of the Agenda

14. Request for Approval of Two Contract Amendments for the FY 2018-2019 Economic Development Portfolio as Awarded Through RFP to Provide Workforce Development, Business Development, and Other Support for Economic Development in Santa Fe. (Matthew Brown)

Mr. Matt Brown thanked the Council and especially Councilor Abeyta for allowing this to be on discussion tonight. Ordinarily, it would have gone through at least Finance and maybe Public Works before appearing here. We've had numerous delays along the way.

He recapped this from the budget hearings forward to recommend exemptions for six contracts and all were listed as line items in the budget that the Governing Body ultimately approved. Five of them had substantial and meaningful reductions from prior year. The cause was a byproduct of, including advice to use zero-based budgeting; being provided with a revenue target which was projected to be \$800,000 and a budget not in the red. That was done, and they do have 100k potential for reinvestment. Two were reinvestments.

He thought it was prudent for all incubators, along with Mayor Webber's mid-term review. We will do that and see if funds are not being deployed. Similarly, they made a commitment with each vendor partner. Four of them were approved on consent at the end of June.

There have been a couple of misconceptions. In an article a month ago in the newspaper about a transfer from Andrew Romero Consulting. That was done appropriately and validly. Part two was the perception that requirements of Chamber to report to us would be less and that it not the case. The same requirements in all the contracts. The Chamber has to submit receipts and details before we reimburse them. We are diligent about our work in that regard.

He stood for questions.

- a) Amendment No. 2 to Professional Services Agreement in the Amount of \$150,000; Santa Fe Business Incubator.

Councilor Vigil Coppler was curious on item a. In a letter on page 18, in the last paragraph, it says that Economic Development recommended a cut in the contract. And this requests reimbursement. That was not changed in the contract. How does that get reconciled?

Mr. Brown said that was resolved in the EDAC. We agreed it would extend for one more year and draw down in the first 9 months and provides us with mid-term review to continue on with the level of service without coming back for a three-month contract.

Councilor Vigil Coppler said that was agreed to after this.

Mr. Brown agreed.

Councilor Ives said the amount to the incubator is about \$250,000 to \$300,000 per year. Presumably they still have a portion of that for the last quarter if their fund raising is successful.

Mr. Brown agreed. It was \$600,000 for that, as well as fees paid to the incubator.

Councilor Ives asked if there was no way to put back \$50,000 into the budget. Certainly, the numbers reveal a successful run as incubator in Santa Fe.

Mr. Brown agreed. That is the purpose of the mid-year review of all contracts.

Councilor Rivera pointed out to Ms. McSherry the emergency clause to bypass other committees.

Ms. McSherry thought this was not an emergency. It wasn't considered an emergency in the process.

Councilor Rivera said it then must pass Finance, Public Works, or Public Utilities before coming here to the Governing Body.

Mr. Brown said he had counsel from Marcos Martínez.

Councilor Rivera asked if it could go back and be heard by at least one of the committees.

Mr. Brown confirmed it does not have to be done tonight. They would continue to work without being paid. The contracts go back to July 1.

Councilor Rivera noted on page 2, a number of check marks for incubator claims that brought to the City or to those who benefitted from the incubator. He asked if Mr. Brown would concur with these numbers. Mr. Brown did.

Councilor Rivera asked how long the City has been investing in the Incubator.

Mr. Brown said it is twenty years.

Councilor Rivera said reducing contracts by \$50,000 is a tough way to do business. He asked what would happen when their contract expires on March 29.

Mr. Brown was confident the City would help them at the incubator. He couldn't see a situation where they would be closing the doors. There is money set aside in the Tierra Contenta Fund and nothing else is being funded. He clarified that money was not taken away from them to fund someone else.

Councilor Rivera couldn't support this because of the way it came before the Governing Body. It is a good program that we should keep in relationship with.

Ms. McSherry clarified that one basis is emergency and the other is for uncommon circumstances. In this case there was at least one unusual circumstance which is the assignment. We don't do that very often.

Councilor Harris said over the last three years, he served on the Finance Committee and exercised greater financial discipline and gave clear direction to all departments for a zero-based budgeting approach. He supported the decision made during the budget process. When review them mid-year and had no intention to cut them short.

**MOTION:** Councilor Harris moved, seconded by Councilor Ives, to approve Item 14 a, amending the social services agreement with an additional \$150,000 to the Santa Fe Business Incubator.

**Discussion on the Motion:**

Councilor Abeyta said he would support the motion, but we do need to look at the Incubator and the City's commitment. He was taken aback by the cuts but then, understanding, having come into the budget in March, and understanding the direction the Staff was under and the direction that had come from the Governing Body, the previous Governing Body, and the Finance Committee. I voted for those cuts ultimately when we voted for the budget. We should make that commitment, moving forward, what kind of partner we want to be with the Incubator, and if we want to continue supporting them with the full amount in year after year or if we want to reduce it over time so that they become self-sufficient.

Councilor Villarreal asked Mr. Brown if he had said that the funding source could potentially be used for other projects at the Midtown property.

Mr. Brown said the \$80,000 was set aside for unforeseen projects. During the budget presentations, he told the Finance Committee that he knew something was going to happen in the planning for the future of the campus and the money that was set aside could be used for something like that. To be clear, it won't be sufficient for what they need.

Councilor Villarreal said while she supports the contract for the incubator, we should be careful with spending. They are required to submit quarterly reports.

Mr. Brown agreed. Some are monthly, and some are quarterly.

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

**For:** Mayor Webber, Councilor Abeyta, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

**Against:** Councilor Rivera.

- b) Amendment No. 5 to Professional Services Agreement in the Amount of \$20,000; Santa Fe Chamber of Commerce Opportunities Fund.

Councilor Vigil Coppler had several concerns. easy ones first. In the contract, the original in item 1 a refers to younger and on page 26 it says no discrimination based on age. She was concerned with having two opposing statements in this. The City should be inclusive of all people regardless of age. So she took offense at the term "younger." That should be corrected and perhaps reviewed in all other contracts. Secondly, she was not opposed to approval of this \$20,000 contract, as we obligated ourselves to do it. But she was concerned with the assignment of this contract. The original was from an RFP in 2015 and now, by letter of the City Manager, it changes right before expiration to the Chamber and they didn't have to bid for it. She was told it is a legal thing to do. But the contract says it will not be transferred without prior consent of the City.

She asked what "City" means here. We are the City and should have a say-so if these contracts can be signed. It appears the City Manager can transfer these contracts without Council approval. We have 8 months left and \$20,000 is all that is needed to finish it off. She heard someone say that invoices can be back dated but she didn't think so. \$20,000 has not been approved by the City. It leads her to wonder about how many others there are that have been assigned to somebody else with no City Council say-so. She thought they need to resolve the findings found in the past, especially with all the audit findings we've had. The Chamber has not gone through the procurement process. The City now is a middleman with the Chamber of Commerce and the public.

There has been a lot of controversy with the former contractor. The Chamber of Commerce is not obligated to respond to any public information request. She thought this is a political move and she didn't like it.

Councilor Abeyta thought the transfer is what the Governing Body is doing now. The City Manager didn't transfer it yet. Right?

Councilor Vigil Coppler said he did sign it.

Councilor Abeyta needed clarification from Staff. Amendment #4 doesn't have the Chamber of Commerce in it. But Amendment #5 does, but he didn't think that was approved yet. He asked if Council is approving Amendment #5 and it includes the transfer.

Mr. Brown said the transfer occurred around June 22. The Santa Fe Chamber of Commerce is the new contractor. What is before the Governing Body now is an extension to the contract, for which the Santa Fe Chamber will be the contractor as opposed to Andrew Romero Consulting.

Councilor Abeyta asked when the contract would end.

Mr. Brown said it will end at the middle of April.

Councilor Abeyta said if we don't approve the amendment there is still an existing contract that is already in the Chamber's name.

Mr. Brown said no. If the amendment is not approved, there is no further work for them to do.

Councilor Villarreal felt a need to respond to Councilor Vigil Coppler. She was confused about the assignment as a change without the Governing Body's approval. She asked if Council has done this before. She didn't know the legal ramifications.

Ms. McSherry understood the assignment was being done through the contract. However, it seemed the contract, itself, may have been assigned without approval. It was her opinion that any contract the Governing Body has authority to assign the original, needs to be involved in order to amend the contract.

Mayor Webber reasoned that the Governing Body cannot act on this amendment tonight. We are not in a position to act because the transfer of the contract has not been approved by the Governing Body.

Ms. McSherry agreed and added that the Governing Body could amend this contract to do the transfer here and then assign it.

Mayor Webber said that would be two actions tonight. One was to amend the transfer and the additional \$20,000, or it could be brought back at another date.

Ms. McSherry clarified that if the City originally provided for designating the City Manager as having the authority to assign the contract, that would suffice also. But she didn't believe that was the case.

**Motion:** Councilor Abeyta moved, seconded by Councilor Ives, for postponement of the contract.

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

**For:** Mayor Webber, Councilor Abeyta, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

**Against:** None.

### **Amendment of the Agenda**

**MOTION:** Councilor Villarreal moved, seconded by Councilor Ives to move the rest of the afternoon agenda to the evening session.

**VOTE:** The motion was approved on a voice vote with Mayor Webber and Councilors Abeyta, Harris, Ives, Lindell, Rivera, Romero-Wirth, Vigil Coppler and Villarreal voting in favor of the motion and none voting against.

Mayor Webber proposed to resume at 7:30.

The Governing Body recessed at 7:08.

### **END OF AFTERNOON SESSION**

### **EVENING SESSION - 7:35 P.M.**

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

The regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called back to order for the evening session by Mayor Alan Webber, on Wednesday, August 8, 2018, at approximately 7:35 p.m., at the Santa Fe County Fairgrounds, 3229 Rodeo Road, Santa Fe, New Mexico.

Present at the meeting were:

#### **Members Present**

Mayor Alan Webber  
Councilor Signe I. Lindell, Mayor Pro-Tem  
Councilor Roman "Tiger" Abeyta  
Councilor Mike Harris  
Councilor Peter N. Ives  
Councilor Christopher M. Rivera  
Councilor Carol Romero-Wirth  
Councilor JoAnne Vigil Coppler



Councilor Renee D. Villarreal

**Members Excused**

None

**Others Attending**

Erik Litzenberg, City Manager

Erin McSherry, City Attorney

Yolanda Y. Vigil, City Clerk

Carl G. Boaz, Council Stenographer

**F. PETITIONS FROM THE FLOOR**

My name is Amber Espinosa-Trujillo and I live at 3117 Siringo Rondo South. I'm here in support of the rank and file employees to stop treating people as second-class citizens. We need to increase pay for city police and other employees who try to keep up with cost of living and feel appreciated. They need a one to two percent increase each year. Failure to maintain the infrastructure and the fleet of vehicles and properly maintain the roads. These are the people who really serve us. Don't repeat our mistakes. And remember our history and learn from it and not try to erase it.

Mr. Ron Trujillo said he was here to speak about retaining our police officers and for paying our police officers higher pay. He read a statement in light of an article in the New Mexican and the discussion this afternoon, that day has arrived. Many are in the process of leaving the City. While on the Council I introduced a resolution about it. The police were ignored. For some reason, the Police Department was ignored. This is real, and our safety will only get worse if police continue to leave Santa Fe for higher salaries. It is amazing that all of a sudden, the city has plenty of money to give raises for upper management positions but has not addressed the issue of paying Police and other workers. The City needs workers. They are trained to be Santa Fe police officers; not Albuquerque police officers. That being said, we value the work they do and the police officers. Come up with a solution. Go and speak with a police officer while they are working. I know they would appreciate that. Let's start paying police officers and staff the wages and respect they deserve.

Dr. Robert Jenkins, representing a committee dealing with the Pueblo del Sol playground. We had a design but the current one there, made of wood, needs to be demolished. It is on Governor Miles Road - heavily traveled by others. It is rather dangerous and needs maintenance. There are fewer design options with wood, so it needs modern materials. It would cut down on what I call litigation management. Our Association Board represents 450 homes in the area and took action. There are drainage issues there too. It opens up more opportunity for funding and grants. It has been on back burner for some time. Please consider replacing it as soon as possible.

Mr. Ely Bransford, on behalf of La Entrada. He had a petition. He said, "I'm a mechanic, not an activist. About 1,500 people have signed it. I felt compelled to express the feelings of people who signed it. Although many of us understand the changes that were made. I just want to say there is a lot of frustration that they are not being heard between you folks and the church, that their input was not asked for. He gave the petitions to the clerk.

Ms. Gloria Mendoza said, "Mr. Webber, I didn't vote for you. I thought I could just sit back but you screwed up big time with closed private meetings. To deal with Entrada Who do you think you represent up there? Why didn't you invite the community to go to the meetings? Did you vote to abolish the Entrada? Why no minutes. You did an injustice to this community and its people. And it is not going to end here - what you did. You gave them an in to deculturize our culture. You come here wanting to be our mayor and you have to set that up. Why couldn't you have your own way for doing things. The people are upset with you.

Mr. Dominic Sategna, President at Nava Adé said he provided a packet to you at the last Council meeting and identified an arroyo that shifted to go directly into houses and the City responded right away. I publicly thank you for your prompt response and especially Mike Harris. We also look forward to work with the city on other problems.

Ms. Stefanie Beninato agreed with Gloria to have open meetings. It was a very bad idea to have non-public meetings. It continues a non-transparency image that the City has been projecting for quite some time. I'm here tonight to put this into the record. I gave it to you last week. This is about a mural that is really a sign that is going to be put on Paseo de Peralta at Galisteo Street. It is going to be so big you won't even see the building. It will obscure a window. It will be bigger than two studios in the Railyard. It is 42 times as large as is permitted in the historic zone and eleven times bigger that allowed in any C-1 zone. The H Board would not look at it as a sign. They are selling Indian art and they wanted the building to be noticed. You have to say it is a sign. Once you allow art, then you have First Amendment considerations and you can have anything in the Don Gaspar zone. I'm concerned it is a traffic danger and someone will have an accident there. The H Board did not feel they could say no.

Ms. Beninato also felt we should pay police more than \$19/hour. The City was able to give away \$200,000 for the National Governors' Conference, then we should have been able to pay these police officers more. "I know you gave a 10% raise but obviously, that was not enough."

Ms. Clarice Coffee, tour operator here for 29 years. Many people don't realize the two busiest months in Santa Fe are coming up. Not during opera season. The busiest months are September and October. Balloon festival brings over a million. We get 70% of our revenue in those months. I drive a tram and drive on St. Francis in the morning and at end of day. It is overrun with weeds. I've had people from Paris and Sydney Australia and London recently who saw those weeds.

Mr. Manuel Garcia, past president of Los Caballeros de Vargas said he felt fortunate to participate in the year-long dialog with the All Pueblo Council and Archdiocese. The decision to retire La Entrada was resolved with lot of prayer and discussion and respect. The decision was made with high regard to ensure the safety of the public. We don't want to hold an event that would jeopardize the safety of the public. We continue to live on every day. The new event will focus on prayer, unity and peace. Celebration of the Community of Faith. I encourage all of you to participate and build the event and honor La Senora de Paz. Thanks for the opportunity to speak and express the decision of Los Caballeros - Viva La Fiesta.

An unidentified woman said regarding people in the City who desire historic preservation that they are not doing a good job of historic preservation. She was talking about living breathing people, not about structures or inanimate objects. "Your decision culturally is very offensive. You did not consider the balanced history. I know my history. I'm a daughter of New Mexico who came with Oñate and those who were routed during the Pueblo Revolt and came back with de Vargas. None of that was done in the name of genocide. People intent on committing genocide who themselves have fled to a continent they had no idea of, do not come with fruit trees, horno ovens, adobe bricks, horses, cows, pigs, silver craft, all of the things we brought to this great city. People bent on genocide don't build acequias to exterminate people; do not survey pueblo lands to ensure those homelands are maintained. You are painting with a very broad brush to say that it was disrespectful.

"You have an opportunity to teach the very people the tour operator was talking about. To teach our children where they really come from. Because when I stand here and say my ancestors came up through Mexico from Spain, what I am saying is even that means I'm a mestizo from the Iberian Peninsula, because I am Basque, I am Muslim, I am Jewish. I am all of those things and the thing is, the Spaniards came. So stop painting with a brush that discounts this rich and beautiful history. You are going to feel it in the pocketbook because tourism lives and thrives because of this beautiful thing we've built where everyone is welcome."

Ms. Stella Paroquesarrilla, to talk also about Entrada. "You can't change history and you should not want to. I see Spanish surnames. Did you vote to shut down the Entrada? People who have been here for generations and people from outside who are not familiar with our history are anxious to shut down our history and our culture and annihilate us from our true religions. I'm putting you all on notice that I'm the director of a new PAC La Gente de La Entrada. And we will replace each and every one of you. Because if you are not for the people, you are against the people. This doesn't have to be taking place. End the violence with protestors but we will replace you. Each of you can be replaced. I'm ashamed of you if you voted for ending La Entrada.

Councilor Patti Bushee said hi to old friends and new friends on Council, congratulations on your election. I'm here to thank the Streets Department for their hard

work and those who helped with the flood. I really appreciate how they got right after the bike path and the major streets. It was a great positive effort and I wanted to end this part on a positive note

There were no other Petitions from the Floor.

#### **G. APPOINTMENTS**

There were no appointments.

#### **H. PUBLIC HEARING**

- 1) Request from Blazing Wings, Inc., dba Buffalo Wild Wings, for a Transfer of Ownership (Change of Stockholders) of Canopy Liquor License No. 1363. This License Will Remain at 3501 Zafarano Drive. (Yolanda Y. Vigil)

Ms. Vigil read the request for a transfer of ownership for the Canopy Liquor License No. 1363 at 3501 Zafarano Drive and it is not within 300 feet of a church or school. Reports on litter, noise and traffic were in the packet. As a condition of doing business in the City, we are requiring this business to comply with all business codes.

There were no speakers from the public regarding this case and the public hearing portion was closed.

**MOTION:** Councilor Lindell moved, seconded by Councilor Vigil Coppler to approve the request as presented.

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

**For:** Mayor Webber, Councilor Abeyta, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

**Against:** None.

- 2) Request from New Mexico Children's Foundation and the Santa Fe Children's Museum for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Alcoholic Beverages at the Santa Fe Children's Museum, 1050 Old Pecos Trail, which is Within 300 Feet of St. John's United Methodist Church, 1200 Old Pecos Trail.

The Event is for a Fundraiser on Friday, September 14, 2018, with Alcohol Service from 5:30 p.m. to 9:30 p.m. (Yolanda Y. Vigil)

Ms. Vigil read the request for waiver of the 300-foot rule.

Public Hearing:

There were no speakers from the public regarding this case and the public hearing portion was closed.

**MOTION:** Councilor Ives moved, seconded by Councilor Lindell, to approve the request as presented.

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

**For:** Mayor Webber, Councilor Abeyta, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

**Against:** None.

- 3) ~~Request from Iconik Coffee Roasters for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Alcoholic Beverages at Iconik Coffee Roasters, 314 S. Guadalupe Street, Which is Within 300 Feet of The Shrine of Our Lady of Guadalupe Church, 417 Agua Fria Street. The Event is the 1<sup>st</sup> Annual New Mexico Barista Olympics on Saturday, September 1, 2018, with Alcohol Service from 5:00 p.m. to 8:30 p.m. (Yolanda Y. Vigil)~~

This item was withdrawn from the agenda.

- 4) **Appeal – Case #2017-123. Estancias del Norte Preliminary Subdivision Plat and Variance Request.** Appeal by the Greater Callecita Neighborhood Association, et al. of the Planning Commission's Approval of Estancias Del Norte's Request for a Preliminary Subdivision Plat at 702 Hyde Park Road. (Marcos Martínez)

A copy of the site plan for the Estancias del Norte Preliminary Subdivision Plat is incorporated herewith to these minutes as Exhibit 2

Mayor Webber began with any disclosures of any communications received regarding the merits of this matter by members of the Governing Body.

Councilor Lindell disclosed she had received- communications over a number of years from various people about this property and said, "I do feel I can fairly adjudicate this and don't intend to recuse myself."

Mayor Webber said we have all heard from others prior to tonight and I don't feel they in any way will prejudice us. I received quite a few emails and immediately forwarded them to the City Attorney's Office.

Councilor Romero-Wirth said, "I also received a number of emails and referred them to City Attorney and I'm not recusing."

Councilor Ives said, "Likewise and the emails won't affect my consideration."

Mayor Webber said there was a mix-up in some of the information that was provided to the City in this case, in terms of getting materials into all Councilors' hands. If that is a problem on the part of either of the parties appearing, they should say so now, because otherwise, we will proceed with the material we have, having gotten it when we got it. He asked if that was acceptable.

An unidentified person said there were binders.

Ms. Vigil corrected that there was a disc.

The man agreed.

Mayor Webber said it is all posted now but it wasn't done in the way we would have liked it done. He wondered if that produced an issue.

Mr. Mack With, Esq., attorney for the applicant, made his appearance. He stated they have no issues with that.

Mayor Webber asked for a Staff Report from the Legal Division (Donna Wynant and Marcos Martinez) of about ten minutes.

Ms. Wynant provided the report for the **Appeal of Case #2017-123. Estancias del Norte Preliminary Subdivision Plat and Variance Request**. She said the appeal is by the Greater Callecita Neighborhood Association. A copy of her report is incorporated herewith as part of these minutes as Exhibit 3. She pointed out that the 1981 Master Plan for the 188-acre PRC land was never recorded, and no development has occurred on the tracts. Although the Master Plan has expired the 1981-3 ordinance is still in effect. The Applicant for Estancias del Norte has addressed the conditions of approval from that ordinance. Staff's review has found that the proposed development does comply with Ordinance 1981-3. A previous proposal in 1985, called Los Vecinos, proposed 151 dwelling units on the north side of Hyde Park Road.

Ms. Wynant showed several slides of the site and nearby land for Haciendas del Mirasol which was approved after an appeal was heard, in 2016. She said the Councilors have a lot of information on this. The plan shows the lots are buildable. The focus of this appeal is Tract 2. Jim Seibert, agent for HBR Properties conducted an ENN meeting on October 26, 2017 with 50 people in attendance who raised concerns about drainage issues, traffic, and location of homes on ridgetops. The application requested approval for 49 lots on 40.47 acres with a variance for 10% grade on a sub collector, innovative street design, and removal of neighborhood commercial use from the 1981 MP. The Planning Commission voted to approve the preliminary subdivision plat with conditions and approved the variance requests. An independent engineering analysis was done by Ms. Oralynn Guerrerortiz and she recommended 17 additional conditions of approval to minimize drainage problems.

Ms. Wynant explained that if the appeal was not approved, the project would go back to the Planning Commission for Final Subdivision Plat approval.

A copy of the emails sent to the City are incorporated herewith to these minutes as Exhibit 4.

A copy of the site plan is incorporated herewith to these minutes at Exhibit 5.

Mr. Martinez presented information that was also in the packet. He addressed the legal issues of the appeal. Unfortunately, the appeal petition did not explain the basis for the appeal sufficiently to give notice of the nature of their claims. They appealed broadly to the actions of the Planning Commission, by claiming a violation of the Open Meetings Act, violations of Ordinance 1981-3 though it didn't specify which provisions of that ordinance, claims that the plat approval violates the City Charter and contrary to City administration policies. Finally, it addressed the concerns of drainage and traffic.

He said there was a memo before the Governing Body. The City Attorney noted in the memo that there were no provisions in the ordinance that the Applicant failed to meet. The Planning Commission did consider relevant evidence that a reasonable mind could accept its conclusions as adequate.

Mr. Martinez also briefly addressed the issues in the Hyde Park v. City of Santa Fe Council case which was mentioned in this matter. The claim was denial of due process of law and conspiracy against the Hyde Park Corporation and the Planning Commission's approval of the plat to protect the property interests. The Federal District Court granted three motions to dismiss for failure of the City claim, holding that Hyde Park had no protectable property interests in its unapproved plat application. Hyde Park appealed to the Tenth Circuit who affirmed the that Hyde Park had no protectable property interest and having the City Council approve the recommended subdivision plat. He didn't see that having a bearing on this appeal and stood for questions.

Mayor Webber went to the Appellant's Opening Statement and Sworn Witness Testimony. He requested a time limit of 15 minutes.

Mr. Gary Friedman, gave his appearance, representing the Greater Callecita Neighborhood Association.

Ms. Vigil interrupted as he started to question Mr. Richard Folks.

Mr. Friedman said he was not getting into the substantive issues of this initially but wanted to bring up a procedural matter first with the City Council.

Ms. McSherry said she understood he had a point of order.

Mr. Friedman agreed. He said, "We objected via email, to Ms. McSherry and the Land Use Director, Carol Johnson, about the limited time of 15 minutes that we were informed is being allotted to each side in connection with this appeal. I have some correspondence, email correspondence I'll just give out to everyone to put it on the record.

A copy of the email correspondence is incorporated herewith to these minutes as Exhibit 6.

He continued, "For the record, we believe the 15-minute time limit is an unreasonable limitation in which to properly present our client's case to the Governing Body and that it is arbitrary and capricious under the circumstances. Due to the short amount of time in which we have already been told is allotted our appeal, we are not able to call all the witnesses we otherwise planned to testify. In fact, because of the timing constraints and the fact that we don't want a witness here that is going to be charging a large amount of money to our client, one of our witnesses is not here. I think I understand the intent of the city in doing this, but it certainly is unfair to the appellants and the many members of the public who strongly oppose the ill-conceived development. Thank you very much."

Mayor Webber said, "listen, I don't think we can give everyone 45 minutes. We've got many, many issues to deal with. We may lean on the side of hearing you, but within reason. If we could get your case presented in 20 minutes or 25, we will be reasonable. But we just cannot have a 45-minute time for each side."

Mr. Friedman said he understood. He added that Karen Heldmeyer mentioned to him that she also had a point of order she wanted to bring before the City Council before the case went forward.

Ms. Karen Heldmeyer said, "Mayor, Counselors past and present, I don't have 20 minutes. I have about six lines. I was asked to be an appellant in this case, because I had a lot to do with mix-up in notice for the March meeting, which many of us feel was in adequately noticed. And I found out yesterday that I was not considered an appellant



because I had not signed some paper. However, no one ever told me I had to sign the paper. The appeal said it is up to the head of the Land Use Department to decide whether an appeal was adequate or not. My name was on that appeal. It has been on the notices for this appeal and I think I should get my six lines in it at some point as an appellant.

Ms. McSherry said she didn't know if the next party has standing to bring a point of order.

Mr. Steve Farber said, "my name is Stephen Farber. I am a former City Councilor and I am familiar with this land since 1979. There are no limits that I see in your packet dealing with the 1981 ordinance and all of the hearings that happened in conjunction with the 1981 ordinance.

Ms. McSherry interrupted and quickly Mr. Farber said, "May I make my point of order? Nor are there any minutes from any of the meetings from 1995, when I was on the City Council, which are relevant to the issues that you are going to be hearing, considering, and discussing tonight. And I don't know how you are able to do that. As a Councilor...

Mayor Webber interrupted him and said, "You don't have to present it."

Mr. Farber said, "You don't have the information necessary to consider the appeal."

Mayor Webber said, "You are actually out of order. You don't have standing to present a point of order."

Mr. Farber said, "as a citizen, I believe I do at the right."

Mayor Webber said, "I love you dearly, but you don't."

Mr. Farber said, "As a citizen I believe I have the right to say you do not have the information that is necessary to make a decision."

There Webber said, "Thank you for your point of order."

Ms. Vigil asked everyone who is going to speak in this portion of the hearing to stand up to be sworn.

Mr. Tom Banner said, "I should say I'm an attorney. My name is Tom Banner and I am representing Richard Folks and the Greater Callecita Neighborhood Association. So I don't think I need to be sworn but everybody else who is presenting testimony. I think I will stand on that."

Ms. Vigil asked about 25 people standing to raise their right hand and she swore

them in.

Mr. Banner said, "Mr. Mayor and City Council members , thank you for the opportunity to present this appeal here tonight. On behalf of Richard Folks and the members of the Greater Callecita Neighborhood Association, we ask you to reconsider - the Planning Commission's approval of the applicant's proposed subdivision and granting of variance from the requirements of Santa Fe City Code 14.316C to allow a streetscape of 10% grade. The evidence in the testimony presented here tonight will show that the Planning Commission's granting of this variance and the approval of the preliminary subdivision plat was not supported by substantial evidence. And we will urge you to hold that the approval of this subdivision should be tabled until a stormwater management plan, as called for by Santa Fe City Ordinance 2016-25 has been approved and implemented by this body.

Now as you listen to the testimony and public comment here tonight, please keep this portion of the Santa Fe City Code in mind - Section 14-3. 7 concerning subdivisions of land. And it states in paragraph C-2 as follows: The Planning Commission shall give due regard to the opinions of public agencies and shall not approve a plat if it determines that in the best interests of public health, safety, and welfare, the land is not suitable for platting and development purposes of the kind proposed. Land subject to flooding and land deemed to be topographically unsuited for building or for other reasons, uninhabitable, shall not be platted for residential occupancy nor for other uses that make increased danger to health, safety or welfare or aggregate erosion or flood hazard. It is our position that the Estancia del Norte Subdivision, as presently planned, should not be approved because the land on which is situated or would be situated is topographically unsuitable for the density of development being proposed. Furthermore, we believe the stormwater measures being proposed by the developer are inadequate. If Estancia del Norte is allowed to proceed, as it is currently proposed, it will increase the dangers of erosion and flood hazards to the people of this City. With that, we are prepared to call our first witness. Where do we put a witness? [He was advised to put the witness next to him to share one microphone.] Do I stand next to the witness? Okay. So we will call as our first witness, Richard Folks. And I asked that some binders be made available to you. I don't know if that has been done. The binders are being made available to you in an effort to make this easier for everyone They are the same documents that have been date stamped and tabbed, in the order of the exhibit disclosure that we turned in a week or 10 days ago.

[The binders were distributed to all Council members and Staff at the bench.

Mr. Richard Folks was previously sworn.

Mr. Banner asked if he understood he was under oath.

Mr. Folks said yes.

Mr. Banner asked him to give his name and address.

Mr. Folks said: "Richard Folks, 119 Valley Drive."

Mr. Banner: "how long have you lived in the Callecita neighborhood?"

Mr. Folks: "Since 1957."

Mr. Banner: "In those 60 years, how have you used the land that is the subject of this appeal?"

Mr. Folks: "Primarily for recreation. My parents had a skiing sled. I did the same with my children. I entertain my grandson on the property. I walk my pets and I hike and I watch Zozobra."

Mr. Banner: "Where is the property in relation to your home?"

Mr. Folks: "My home is on the northern edge of the Arroyo de la Tierra and the property moves to the south."

Mr. Banner: "And does the Arroyo traversing the northern end of the subject parcel?"

Mr. Folks: "Yes."

Mr. Banner: "No under tab 1, in that binder, there is a document that I will ask Mr. Folks to look at. Please locate page 2."

"What is this document?"

Mr. Folks: "page 2, contact information of registered agent information, Richard Folks."

Mr. Banner: "Is this from the Secretary of State's Office?"

Mr. Folks: "Yes."

Mr. Banner: "Does it pertain to the Greater Callecita Neighborhood Association?"

Mr. Folks: "Yes."

Mr. Banner: "Who does it is because the registered agent?"

Mr. Folks: "Richard Folks."

Mr. Banner: "In this action, do you represent the Grater Callecita Neighborhood Association, yourself, or both?"

Mr. Folks: "Both."

Mr. Banner: "Now, can you tell me a little bit about the involvement of the Greater Callecita Neighborhood Association which I will refer to here henceforth as GCNA, in issues of development relating to the said parcel?"

Mr. Folks: "In 1995, there was a developer in Albuquerque that the entire 60 acres and some of the neighbors were alarmed. The proposal was, I forget the number of units. And reform the neighborhood Association and began to sort of pay attention and participating at City Hall."

Mr. Banner: "What happened to the Los Vecinos Subdivision? Was it approved or not?"

Mr. Folks: "No, it was not approved."

Mr. Banner: "Are you familiar with the current proposed subdivision, Estancias del Norte?"

Mr. Folks: "Yes."

Mr. Banner: "What documents have you reviewed to familiarize yourself with this project?"

Mr. Folks: "Plats, some of the written material that has come out of the whole process, beginning with the ENN meetings."

Mr. Banner: "Did you attend any of those meetings?"

Mr. Folks: "I did."

Mr. Banner: "What specific concerns and what is GCNA's specific concerns about this proposed development?"

Mr. Folks: "That we are going to suffer some serious storm runoff damage and we have witnessed that just recently with the storms that have occurred in. And that is our main concern. "There are other concerns of traffic and the variance, of course, in the community as being totally shut off from the property."

Mr. Banner: "Would you turn to the documents under Tab 2? Do those documents look familiar to you?"

Mr. Folks: "Yes. These are petitions that I gathered."

Mr. Banner: "Did you gather the signatures that are shown on this petition?"

Mr. Folks: "About four or five pages."

Mr. Banner: "What about the electronic petitions that are also under this tab?"

Mr. Folks: "I wasn't party to that."

Mr. Banner: "Those were gathered how?"

Mr. Folks: "By another member of the Association."

Mr. Banner: "Now on the signatures that you obtained, who signed the petitions?"

Mr. Folks: "Two former mayors, six or seven former City Council members, local architects."

Mr. Banner: "The documents speak for themselves. That is easy to see. What is the petition basically asking?"

Mr. Folks: "That the Council deny the proposal for Estancia del Norte."

Mr. Banner: "Have all of these petitions been entered as evidence with the City Attorney?"

Ms. McSherry: "Yes. They will be answered."

Mr. Banner: "Thank you for the clarification."

Mr. Banner: "Mr. Folks, please turn your attention to the documents under Tab #6. Does this letter look familiar to you?"

Mr. Folks: "Yes it does."

Mr. Banner: "Can you tell me when did you first see the letter?"

Mr. Folks: "April 27, 1995. That sounds about right. That was ..."

Mr. Banner: "What subdivision does it relate to?"

Mr. Folks: "Los Vecinos subdivision which was the original subdivision plat on this piece of property."

Mr. Banner: "Who was the letter from?"

Mr. Folks: "Sharon Arias."

Mr. Banner: "What agency."

Mr. Folks: "The Natural Resource Conservation Service."

Mr. Banner: "What is basically the gist of the letter. It speaks for itself but in your own words, what does it say?"

Mr. Folks: "I approached them back in 95 and asked for their opinion on the possibility of this development."

Mr. Banner: "Did they give it to you?"

Mr. Folks: "They did."

Mr. Banner: "And what was it?"

Mr. Folks: "Well, if I could read the last paragraph. 'It is my opinion and recommendation that the land has more benefit to adjoining area if it remains undeveloped; if it is determined that development will take place, I feel it should be considered for low-density use only.'"

Mr. Banner: "Now, in your layman's opinion, do you think that the contents of this letter are relevant today?"

Mr. Folks: "Certainly. The soil has not changed."

Mr. Banner: "Now, you are familiar with the Planning Commission's Finding of Fact and Conclusions of Law issued on April 5 of this year. Is that correct?"

Mr. Folks: "yes."

Mr. Banner: "On page 7 of 9 of that document, it states that the proposed variance with 4% grade street – I'm sorry, I am inserting that language there. The proposed variance is the minimum variance that will make possible a reasonable use of the land. My question to you, Mr. Folks, is this: you've lived in that area for sixty years. Right?"

Mr. Folks: "Yes."

Mr. Banner: "Are you familiar with Williams Street?"

Mr. Folks: "Yes."

Mr. Banner: "Has Williams Street ever been discussed as a possible entry point into or out of the parcel being proposed for development?"

Mr. Folks: "Over the years, it has. Yes."

Mr. Banner: "In your layperson's opinion, is there any reason why the developer could not have built an access roadway at Williams Street and wouldn't have needed the variance that was granted by the Planning Commission?"

Mr. Folks: "I am not an engineer but off the top of my head, I can't see any reason."

Mr. Banner: "Okay. Finally, would you turn your attention to the document under Tab 17. What are these documents?"

Mr. Folks: "These are two aerial photographs, I suppose they are called, that came off of Google Earth, of the property."

Mr. Banner: "okay. Did you take those photographs out of Google Earth?"

Mr. Folks: "I did. Yes."

Mr. Banner: "Now one of them says 2005 aerial photo of trails. And the next one says 2018 aerial photo of trails."

Mr. Folks: "That's right."

Mr. Banner: "How much time has passed between these two photos?"

Mr. Folks: "Sounds like 13."

Mr. Banner: "Did you write anything on here. Are those red lines ones that you drew?"

Mr. Folks: "Yes they are."

Mr. Banner: "What do they indicate on there?"

Mr. Folks: "They indicate of the network of trails that I see on this piece of property – they indicate that I use them frequently."

Mr. Banner: "How frequently?"

Mr. Folks: "Daily. For the most part, with my pet."

Mr. Banner: "How long have you been using those trails?"

Mr. Folks: "My entire life, on a daily basis."

Mr. Banner: "Has Staff ever asked you about your long-term use of these trails?"

Mr. Folks: "No."

Mr. Banner: "Are you familiar with the section of the Code that allows the City to dedicate at its discretion, trails where it can be demonstrated public use has occurred for a period of ten years or more?"

Mr. Folks: "Yes, I'm aware of that."

Mr. Banner: "What would you ask this Governing Body to do about these trails that you've been using for well over a decade when they consider whether or not to approve this proposed subdivision?"

Mr. Folks: "I would ask that they protect these trails and keep them open to the public and people like myself."

Mr. Banner: "How would you feel – what are your feelings about this particular proposed development? Would you be opposed to a development here if it had a lower density of use than the one being considered here?"

Mr. Folks: "No. I'm completely negotiable, flexible."

Mr. Banner: "Okay. No further questions for this witness."

Mr. Banner asked for forgiveness for being hazy on procedure here.

Mr. Banner called Mr. Chris Phillips as his next witness, who was previously sworn.

He stated his name and said he is a Licensed Civil Engineer.

Mr. Banner asked for how many years.

Mr. Phillips said 31.

Mr. Banner asked about his experience with waste water.

Mr. Phillips said he had experience regarding flood plain and flood insurance with FEMA.



Mr. Banner: "Could you state your other previous experience?"

Mr. Phillips said he had- given federal dispositions mostly in flood control matters in Colorado and Dallas Texas.

Mr. Banner: "What about here in Santa Fe County?"

Mr. Phillips: "I work with Santa Fe County as a drainage engineer on the Santa Fe River.:

Ms. McSherry said specifying expert status is not really relevant.

Mr. Banner: "What did you do to familiarize yourself with this project?"

Mr. Phillips said he had reviewed all the documents.

Mr. Banner asked if he had visited the site.

Mr. Phillips said he did last week.

Mr. Banner asked if it was with cooperation of the Applicant.

Mr. Phillips said yes.

Mr. Banner: asked if he read the FF/CL.

Mr. Phillips said he had.

Mr. Banner asked about his familiarity with City Code.

Mr. Phillips said the City Code follows the minimum of FEMA. There is not really any development in the FEMA area.

Mr. Banner asked about federal sites.

Mr. Phillips said he had responsibility as a flood plain administrator and made sure that all permits have been obtained. That is managed through Us Army Corps of Engineers.

Mr. Banner asked if he was aware of a permit from them.

Mr. Phillips said he found no such permit.

Mr. Banner asked if any part of the development would be subject to that jurisdiction area.

Mr. Phillips said, "Yes, I believe so. They would claim jurisdiction over it."

Mr. Banner asked about any other permits required in City code for this development.

Mr. Phillips said the EPA certificate is required but not until construction.

Mr. Banner asked if it required a discharge permit.

Mr. Phillips said that is what he alluded to. The Code does require developers to comply with drain and stormwater standards with more attention to erosion. /they do require compliance.

Mr. Banner asked if the application satisfied those requirements.

Mr. Phillips said part of the city code does require that including reduction of stormwater to protect water quality in the Clean Water Act.

Mr. Banner asked if the City has an ordinance for that.

Mr. Phillips said they are working on it with a presentation to the Governing Body.

Mr. Banner asked if that is the City Stormwater project he was referring to.

Mr. Phillips said it is something that must be done.

Mr. Banner read from the Planning Commission Findings of Fact and asked if Mr. Phillips agreed with them.

Mr. Phillips said he did not analyze the runoff calculations and had no reason to question them. But it also says runoff will be ameliorated.

Mr. Banner referred to his letter on tab 5 and asked for his response.

Mr. Phillips said there are very few measures that would reduce runoff. They have a plan to track sediment but nothing to prevent erosion from runoff.

Mr. Banner asked if there are proposed lots that are deficient in stormwater management or runoff control.

Mr. Phillips said in his understanding of the design, every single lot must figure out how to prevent runoff. The lots on the north side are lower at the Arroyo de Piedra and will likely be okay. But the lots on south on top of ridge have no provisions for control of runoff.

Mr. Banner asked what would happen to the land with that development.

Mr. Phillips said additional gullies will develop.

Mr. Banner asked if it was from streets.

Mr. Phillips said there was no erosion control where those roads end or maybe few locations.

Mr. Banner asked if he remembered specific driveway numbers.

Mr. Phillips said 2, 4, and 5 which are on the upper portion of the property.

Mr. Banner asked who is responsible for stormwater control here .

Mr. Phillips said each homeowner has responsibility for their own property.

Mr. Banner asked about what would happen if the HOA doesn't do their job.

Mr. Phillips believed the City could take action, but the Association would have primary responsibility. He speculated the City could fine the association for it. An engineer will have to agree with the amelioration for all 49 lots. It is common for City to require the building of it, but each will have to be reviewed.

Mr. Banner went to tab six and asked Mr. Phillips if he understands this.

Mr. Phillips said yes.

Mr. Banner asked if it is valid today.

Mr. Phillips said yes.

At 8:56, he rested his witness testimony.

Ms. Heldmeyer asked if she would get time too.

Mayor Webber said yes and apologized.

Ms. Heldmeyer said the confusion that occurred on notice of the meeting was recited in the affidavit. The weekend before the notice, there was no notice either by website or newspaper. On Monday, she checked with City Hall who told her the meeting was cancelled. Many meetings were canceled because it was right before the municipal election. "That Thursday, I was informed the meeting was on and not, in fact, canceled. Unfortunately, lots of people didn't get that information. At that meeting, some people

didn't know it was taking place. We were told by the part-time attorney that it was noticed but nobody saw it because it was done after the weekend and nothing was amended.

"It is important to include the public in these discussions. I've been involved in this case since mid-1990's. I know how fast and how quickly we can we try to build things. But are the things being built going to have no effect in the Callecita Neighborhood? They have been affected in the 1990's with stormwater and sewer. They want to protect what they have had for decades. The Land Use Department should balance those parties. Thank you."

Mayor Webber invited the Applicant, Mr. Ernie Romero to present and told him he would have equal time.

Mr. Ernie Romero was sworn and said, "Good even Mayor and Council. I want to ask your indulgence because our presentation is going to be a lot less formal. And I hope that is okay. The city Attorney can chime in whenever she needs to.

First of all, I will introduce my team. Santa Fe Engineering, Mr. Mike Gomez, Eric Comidias, Jim Seibert, our Planer, Mack With, who has been my attorney for 30 years, and my two partners, my sons, Aaron and Ryan who have joined me in the last two years.

My name is Ernie Romero and I was born in Santa Fe and I thought it was important for you not to get a lot of experts talking about HPR properties. HPR Properties, LLC is me and my family. I was born in 1955. At age 22, I went into business in the City, the first ten years as a certified CPA and the next 31 years in real estate.

Mr. Romero spent time talking about his life history to the Council. He said that in the 1980's, he was a member of the City Planning Commission and Jim Seibert was with the City in charge of Planning.

In 1994, he was instrumental in bringing together what is known as Tierra Contenta. He represented First Interstate Bank and helped create the corporation, so the City could buy the property. "I believe Tierra Contenta has created 2,400 homes with 40% in the affordable range and catering to people who work here and blue-collar workers. I helped create the Thornburg campus and part company to manage Santa Fe Estates.

Today, we are working for Descartes Labs as they move into their quarters. We hope to bring 300 dwelling units to Santa Fe. That is HPR Properties, LLC.

Now who is the Appellant? The Greater Callecita Neighborhood Association is a small block neighborhood with Bishop's Lodge as one boundary, Valley Drive and a

portion of Stagecoach Circle to the north over to Artist Road on the south and our property to the east.

We bought the property in 2011 and reached out to Callecita to work with them on development of the property. We asked to become members because our property falls within those boundaries and city code says you can't be denied and we were denied two times and still not allowed to be members. I met with Richard Folks and understand why it is his lifelong quest to not allow us to develop it. He uses it for picnics and walking with his dog. Meetings with Fred Rowe and Mr. Folks told me they want no development on the property but kept as public space.

The property we bought was 69 acres in 2011. Prior to closing, Los Vecinos was denied and went into bankruptcy and was used by homeless people for years. Before closing, we cleaned it up by hand with 2,400 garbage bags. We sold 8 lots for Haciendas Mirasol. We got unanimous approval and then got an appeal five months later.

This was thoroughly reviewed by Staff for all procedures and codes -12 different departments. There were six recommendations of approval. We were heard and tabled for 60 days for independent engineering that was done by Oralynn Guerrortiz.

We met all policies for development of this project. It is an infill project and surrounded by neighborhoods. He provided a large (11x17) color map and pointed out that this is the first project on the north and east Santa Fe to provide Affordable Housing under the AH program and only the second east of St. Francis. The other is Borrego by E.J. Martínez.

This is a project that helps traffic. We are improving the traffic on Hyde Park Road and made a promise to Veneklasen for that cuts through Callecita that it would not be primary access - secondary access only.

We have complied 100% with city code and obtained every permit necessary for development of the project.

For the Final Development Plan, we not only meet but exceed 200% of the city code in providing for our drainage plans. This is the most comprehensive and complete plan in the history of Santa Fe. It has been reviewed by four professional engineers. The City has a terrific staff and RB Zaxus reviewed it. She is back under contract after retiring. Oralynn Guerrortiz and Joe Barela also looked at portions.

Drainage is an engineering process. We had the opportunity to effect a demonstration project in October 2017. We were hit with a large storm and lots of water came off our property and into El Matador Condos. So we decided to reach out and work with them. El Matador did not pay sufficient attention to drainage when it was developed.

There are three arroyos coming off our property to El Matador, so we worked with the . The little handout called El Matador shows the areas we are talking about and the preexisting conditions from the hillside going into El Matador and then some of the work we did. We spent tens of thousands of dollars that was not required of us to remediate with before and after pictures shown.

With the recent storms, El Matador was completely protected with the improvements we did. It did not affect anyone from our property. The Arroyo de Piedra held the water.

Mr. Banner objected to that testimony which he said is hearsay.

Ms. McSherry said it is inadmissible, and you may disregard it.

Mr. Romero said he apologize if he made a mistake.

He said the economic benefit of this project will provide tens of millions of dollars with home builders, laborers and suppliers. We've done everything we know how to do and did it right and complied with every part of the code.

This is over \$100,000 of work. Read your staff reports to the Planning Commission and consider the unanimous approval of this project. They tabled for an independent engineer to look at drainage. Look at the Findings of Fact and Conclusions of Law. The conclusion of the City Attorney was that there are no legal grounds for appeal.

Mr. Jim Seibert, 915 Mercer, Planning Consultant, was sworn and said he has been planning here for 40 years and was once Planning Director for the City. We don't have time for Mike Gomez to go through the details for drainage and whether we have a right to ask questions of the witnesses. He listed the departments that have approved this plan and noted they are consistent with city codes.

He added that Hyde Park is a State Road and they reviewed the traffic study along Hyde Park Road. We have demonstrated that traffic operates satisfactory service through 2036. It also considers the surrounding density on the south side of Hyde Park Road at Vista Primera. The north side has various development densities.

Mr. Romero said there are three factors to consider for appeal. We satisfied every part of the city code and nothing presented here that would indicate a valid appeal under the city code. The burden of proof is on the appellant and we feel they have not met that. We stand for questions.

Mr. Banner asked if he could address the question to the Mayor. He wanted to cross examine Mr. Romero about the ten affordable housing units in this development.

He said he looked at the record and could find no specific reference of any units for affordable housing. The terrain management report as reference to the requirement on page 74 of 99 of final plat only references xxxx .

Mr. Romero said as part of the project, we entered into an agreement with your Affordable Housing Office. Ms. Ladd knows what they are. She could answer that.

Mr. Banner had one more to ask. Could Mr. Romero show us in the final subdivision plat that each of the 17 amendments have been incorporated into the subdivision plat.

Mr. Romero said the City of Santa Fe hired the independent engineer and paid for her services. We could go to each of the recommendations Mr. Guerrortiz came up with, with our engineers, if you like. Your City Staff has looked at every one of them .

Mr. Seibert said the procedure is that conditions for preliminary plat are carried on to the final development plat. "I said under oath that all of them were met. There are more than 17. We could go through each one, but I guarantee they will be satisfied with the final plat."

Mr. Banner said, "I guess that is my last question."

The applicant had none.

### **Public Hearing:**

Mayor Webber asked those who wished to speak to raise their hands. About 50 people raised their hands to speak in the public hearing.

Mayor Webber said he would allow one minute per person. All were sworn.

Mr. Daniel Howell, 1400 Cerro Gordo Road, said he was an attorney involved in Los Vecinos project, representing Greater Callecita Neighborhood Association. Nothing has changed since then. Same number of units. There may be some claims, but the City voted 20 years ago on a substantially similar project and turned it down. That created a precede for the City Council. The City Council has no basis to approve this project now. The City needs to find an alternative use for this land. He was also concerned with the Open Meetings Act. There is a serious problem with the Planning Commission meeting being valid. He asked the City Council to reject this project.<sup>9</sup>

Ms. Susan Wyler, 663 Bishops Lodge Road, Apartment 80, in El Matador, said the drainage water comes directly toward my condo. This HPR group has done the impossible from last October. My condo was ready to flood. I had to hire people to come in, dig the dirt out so the water could flow, because the Board of Directors would not do

anything. The actions they have taken have been extensive. They came out at 8:30 one night while it was still lightning and were up to their knees in water, shoveling and they stopped the flow of water coming over the wall toward my condo. Every time it rains they asked me to take photos and went out with contractors to look. I could sleep peacefully. The work they did saved my condo from being flooded at least three times.

Ms. Mary Lopez Wilson, 602 Sunset Street, said she also owned property at El Matador. We bought it nine years ago. In 9 years, we've never had water. You can see behind the wall, the developers put in a sewage easement for Tract One. It was never reseeded and was constructed with straw wattles. And that is what caused that historic flooding and emergency work order at El Matador. They didn't take care of it on the land.

Ms. Georgia Cleverly said she has been a resident here for 38 years. She and her former husband built the house at 1059 Camino Real and part of that arroyo ran through my property -I'm very familiar with the arroyo. I'm a semi-retired nurse and volunteer with the Red Cross. During the last disastrous flood, I was on duty at the Genoveva Chavez Community Center. I've been deployed out of state for mass shootings and wildfires - people lost eyeglasses, prescriptions and have no food or water. We were on the ground, providing those things. Nobody else was doing that. We were giving cash cards for immediate initial repair of houses and shuttles

Ms. Carmen Lopez Wilson, 602 Sunset Street spoke about questionable and illegal permits and several failed requests for a stop work order. After flooding at El Matador on August 15<sup>th</sup> the Hyde Park LLC initiated an emergency permit request to mitigate the historic flooding caused by installation of an 800-foot sewer easement - installed along the ridgetop on Estancias del Norte property. On May 23, 2018, the City Engineer approved an emergency drainage work permit and severe clear cutting and extensive land grading started. The illegal permit issues and the issues were: Santa Fe Engineering was listed as the property owner and not Ernie Romero from HPR Properties LLC. The permit disturbed several areas of 30% and greater slopes without securing a variance to do so. Third, on December 18, 2017, in emails to El Matador and HPR LLC, Jim Seibert stated that if there is a disturbance of 30% slopes resulting from the drainage improvements, a variance may be required from the City prior to issuance of a building permit, which could delay the issuance of a permit by several months. It seems to me that the way they got around requirements was to redefine 30% as man-made. What criteria was used to determine these man-made slopes is unclear. Lastly, there remains an unanswered question about who owns the adjacent land to Gavin Wright's property and whether or to the City has the legal authority to grant that work permit. If the City owns the land, the City cannot self-govern, and that permit is illegal.

Ms. Shawna Powell, 105 Valley Drive, here to continue the stop work order request. She spoke to the City procedures for appeal and quoted from Section 4 about stopping work when an appeal is filed. She said the Mr. Romero had a copy of the stop



work order and was asked six times to stop work because the land was under appeal.

David Esocon, 127 Valley Drive, said there are a number of issues but with the time restrictions he said he couldn't cover his prepared statement. There are a number of issues, particularly -code drainage. If they are reviewed, they should be reviewed before approval of a project; not after the fact.

Ms. Ann Folks said both of us surrounding the neighborhood have been charged with not wanting any development. Our concern is not that. There will be development, but the hills are too steep for any construction. There is no reason to approve the request for a variance and they should go back to the drawing board. This is an opportunity for us to be visionary and have something for all of us to be proud of.

Mr. Kim Bowman, 706 East Palace Avenue, said ordinance 1981-3 is critical here. What engineers said in 1981 and 1982, still holds true today. Any land under consideration for development is exceptionally steep and rugged and because of this the ordinance conditions are strict and specifically, a state engineer testified then and said the removal of a variance of any of the conditions ordinance 1981-3 should constitute denial of the project. That thousand-year flood because of climate crises, could become a 5-year flood. We need to prioritize for safety. So exceeding the code by 200% might not cut it. We should prioritize the safety of current residents and be as conservative as possible on safety.

Mr. Scott Wright, 716 Camino Porvenir, said regarding the 1981-3 Ordinance quoted City Engineer John Vendren in 1995, how important 1981-3 was and urged strict adherence to the guidelines for Vista Primera. The drainage requirements should be strictly enforced - climate change means we will see that flood often.

Mr. Rick Martínez said there is no water here in this building. Next time, Council should make sure there should be water for everyone. I represent the Neighborhood Network. We support protecting Callecita from flooding and erosion happening over the years. We need to make sure it is done right. Putting up more houses is not right to do there. Erosion and flooding there are real. It should fall on the City and not the homeowners.

Ms. Eleanor Folks, 117 Valley Drive, said she and her 4-year-old child have lived in Santa Fe her whole life and watched the flooding at the Arroyo de Piedra ten feet from her home. She considered this development at Estancias del Norte unethical but unconscionable. She wanted to share a video of the flooding but couldn't be done until later.

Mr. Peter Weiss, 111 Delgado Street, asked Councilors to pay attention in the 1981-3 ordinance to number 9 – off-site improvements which he read. He said the LOS (level of service for the intersections along Hyde Park Road were unacceptable. He stated that the Traffic Impact Analysis done for the Developer was deficient in several

ways.

Mr. Paul Gibson said there are scarce resources for water and infrastructure. The report on that area showed that out of ten homeowners, only one had Santa Fe roots. They are second homes and we should not further benefits of absentee owners or Air BnB. The Santa Fe Reporter said 45 percent of them were for owners outside of New Mexico.

Mr. Steven Snyder, 608 Llano Largo, said applications must comply with 1981-3 which requires a report that the Applicant has not provided. The ordinance requires designs that will protect adjacent home owners and that has not been submitted. Also no proof of insurance and no building siting was provided as required.

Mr. Miguel Acosta said he would not repeat previous comments. His point was that the City takes on the liability. Flooding will occur. Limited resources to pay off the claims are not going to District 3, and everyone pays for support of second and third homes.

Ms. Susan Angibridge, 369 ?, said the engineering firm that designed the terrain management for Estancias del Norte development also did the design for the adjacent development Hacienda Mirasol, which was right next to her house. That design was put in last year, after they told us at the ENN that their design would changes would significantly reduce the flow of water along the arroyo. But there was significantly more water and flooding in our street and all adjacent streets. The flooding damage and fast running water endangers our neighborhood.

Ms. Mary Devol, 102 Williams Street, said the developers did control some of the runoff. I walk through there and it free flows. I've been there only five years and in last few years there have been many floods and it washes out any barricades and we are not able to keep up with the flooding there.

Mr. Joe Bradley, 102 Williams Street, said he has been there 15 years. He said the setback line follows the arroyo and the Land Use Code requires the setback to be 25 ' from the arroyo, plus depth of the arroyo.

The video of flooding was shown at 10:17 p.m.

Ms. Cecilia Laforth, 121 Michelle Drive, said she was concerned that no master plan had been done on this development and felt it was necessary. Mr. Romero gave us a glowing report bit what is the \$40 million economic benefit for Affordable Housing. She asked that the application be sent back to the Planning Commission to require a master plan. Thank you.

Mr. John Phillips said regarding climate change that the FEMA designations are being reassessed. A 100-year flood plain for this area does not take into account all the

new construction above it. He related a three-year old 500-year flood was now downgraded by FEMA to 25 – 50-year flood and insurance rates raised. Obviously, the value of those homes has dropped, and owners will have great difficulty selling them.

Ms. Valerie Levine, 213 Sena Street said she supported her neighbors. She heard the heroic effort to protect El Matador but what happens once the developer leaves. To have a non-existent HOA come up with drainage plan seems crazy.

Mr. Lou Santa Cruz said he lives on Vallecita Place and has for 13 years. They talked about straw drainage facilities and when asked if backhoes could access them, the engineer said the steep incline would not support that and it would have to be completed by hand. Wire check dams are used in New Mexico with varying degrees of success and quickly fill with sediment and remain upright for a long time.

Mr. Peter White said he has lived here for 28 years and is a member of Hillside Neighborhood Association. Ordinance 1981-3 and the position of the Planning Commission thus far, is that any permit should specify the duties of the developer, home owner and HOA as a condition of approval.

Ms. Beverly Saenz, 509 Camino Lejo, addressed something in the General Plan and said this is not a neighborhood development. It doesn't reflect compact urban fill. The ridge top is not preserved. Coordination has been compromised and open space is not accessible on 30% or greater slopes.

Ms. Eleanor Castro understood the lots are going for \$600,000 and asked how that would support the low-income housing and the housing shortage here when the average salary is \$35,000 per year.

Ms. Jennifer Johnson, 605 Sunset, said the most important thing is proposed covenants presented. The burden on future homeowners to architects and builders is significant. They deny liabilities for the developer and the HOA for soil conditions or failure of soils to support any structure on the lot. There have been many lawsuits regarding cracked foundations up above. There are a number of losses already. It is unfair to future homeowners. This is an opportunity to clean up what has gone on before. The north side has only 26% occupancy at present.

Ms. Sue Herrmann, a 30-year resident at 1305 Calle Ramon, said she was here "to support my friends and neighbors who will be responsible when the inevitable flood happens. An LLC is limited liability. Mr. Romero thought he needed protection with a limited liability status. The only thing left is the three-year period and then the HOA is responsible. Mr. Romero said the homeowner is responsible to the extent they exist."

Ms. Lila Daugherty said she has lived here for 35 years. She was "in support of my friends and of my fine neighbors. We ask the Council to look on the appeal favorably because the codes don't address the stormwater needs that we see with climate

change.”

Caroline Shell, in District 2, questioned whether the application complies with City Code on serial subdivisions. In 2016 the City Attorney spoke about serial subdivisions. She said the application for Hacienda Mirasol and today’s application would “bear the burden of considering the burden of cumulative effects of the units of the two tracts. These two are, by all appearances, serial subdivisions. So Estancias must address the effect of 57 homes - all the effects. When an application fails to comply with code, I ask you to deny it.”

Ms. Barbara Conway, 934 Dunlap, said she was representing a woman who lives at El Matador, an 80-year old person. She read the statement from her. For her, nothing stood out more than the archeological site on the property.

John Forsdale, 109 Valley Drive, spoke about erosion control structures there. He said, “Even professionally designed structures have a high failure rate in Santa Fe’s monsoon flows. We’ve seen no repairs of the structures.”

Dr Luis Levin asked how you make the decision that affects the homeowner Mr. Romero has made significant contributions to the people of Santa Fe. When safeguards fail - tells us it is almost certain to happen. The developer has no liability or responsibility after the house is built.

Ms. Judy Clear, 501 Rio Grande Avenue, a retired City employee, was grateful to be able to buy her home, thanks to assistance from the Community Housing Trust. She knew that a very large percentage of employees can’t afford to live where they work. Her development was considered affordable when she moved in over 23 years ago. Fortunately, although located on steep hillsides, the Board set up a thoughtful budget to take care of the erosion. Recently, they spent over \$100,000 on erosion control, and luckily, have continued to be successful. But how are these homeowners going to pay for their erosion control. She asked the Governing Body to not approve this development.

Mr. Steven Farber said he lived on Hillside Avenue from 1975 to 2004 and was involved in negotiations for Ordinance 1981-3. As a former City Councilor and lawyer this cannot be taken in isolation. Estancia Primera developers said they would take care of it, but I saw how difficult it was. You should read those minutes. It is not made up, but the reality. So please take that into consideration for that enormously difficult task - 39 years of development. I apologize, but I think it is the point of order and I doubt the City Attorney has read the history since the attorney is new.

Ms. Jonnie Kraker was here to talk about art, specifically about a mural painting of 14<sup>th</sup> century that adorns the town hall of Siena Italy. The mural is an allegory of good and bad government. Your decision will affect a lot of people for good or for bad. The city has to address development for its people.

Ms. Anita Chroman, living on the downhill side of Maclovía Street and speaking for the trees that have been removed for this project. I've learned how the trees hold and make the soil stay together. Any temporary permit for the road was bulldozed above Williams Street that has taken out trees. After they were removed, and neighborhood requested the stop work order, a heavy rain followed, and the trees cannot recover as they did in the past. Any temporary roads by developers and Forest Service - they cannot make it in recovery.

Mr. Kim Shanahan, Director of the Santa Fe Area Homebuilders Association, asked the Council to please reject the appeal and to use your powers to up the ante for the developers. We know we can require more. And we know that climate change is real and will get worse. If these homes were proposed out in Santa Fe County, they would be required to put in tanks in the ground to capture roof water. We could demand they capture water from impervious places with tanks. That should be done. We need to respect the technology for those downstream neighbors to ameliorate the runoff.

Ms. Diane Forsdale, 109 Valley Drive, showed a picture of various flood levels in the arroyo. She pointed out Camino Chamiso in the picture. The people running the HOA are people just like you and me and are responsible if something washes out. They don't have many funds and results are not ideal.

Mr. Brian Stucky, born here and family lives on Valley Drive. In the 1950's he played in the arroyo. Please support the appeal and don't approve the development. People come to Santa Fe because it is beautiful. This destroys the earth. Don't be part of it.

Mr. Scott Bunton, 451 Avenida Primera South, said, as part of Board of Directors, he was asked to present for the Estancia Primera HOA to present its concerns. It has 190 homes directly across Hyde Park Road. He asked that his prepared statement could be put in the record if that was suitable. His preeminent concern is the risk posed by the additional traffic at the intersection of Hyde Park Road, Avenida Primera South, and Calle Mirasol. It is the only traffic entrance to the new development and primary for Estancia Primera. We ask for the two turn lanes the applicant agreed to construct to mitigate the increased risk and asked the City to replace the trees to be removed for that entrance, and to prohibit short-term rentals and all lots used only for residential purposes. we ask that they be made City conditions, if it approves the application.

Ms. Heidi Spar, 131 Valley Drive for 25 years, said she is proud of her community on both sides, just to see that people can come and air their opinion. She agreed that all of us can do better.

Councilor Patti Bushee said this development gives new meaning to NIMBY. They literally don't want this development in their back yard. While on Council om 1005

when they denied it because it was topographically unsuited to build. The only thing changed is a prominent local man took over the development. We have no enforcement mechanisms now at the City. She has been doing landscaping up in Estancia Primera because it is also fragile up there.

This land is unsuitable for development because of climate change. It has actually worsened. The City charges \$3 per month for stormwater drainage. What is done with that money? There are no city employees out there inspecting the systems that are set up. Uphold the appeal for now, but with a new City Manager and new City Attorney, it is important at this time to deal with erosion. Mr. Romero is an honorable man and got this land at a decent price because it is undevelopable. That is what the 1995 Council said. She asked everyone to sit down and talk with the neighborhood. Maybe 18 lots would be suitable in that area. But it still needs a really good plan, so the minimal lot sites had a really good plan. They are offering \$2,000 to take care of any of the problems. So the City is going to be paying out big bucks for a performance bond. In 1995 it wasn't any better. Don't pass this.

There were no other speakers from the public regarding this case and the public hearing portion was closed.

Councilor Lindell thanked everyone for their comments. She thanked Ann Folks for her testimony which was deeply appreciated. And it was spoken in a spirit of "we can do better with this." She asked Applicant about density proposed as unsuitable.

Mr. Friedman said he was not qualified to answer that. But, based on the density of the neighboring development, with eight lots approved on 20 acres – that even that density has caused problems. He didn't know how much density was appropriate.

Ms. McSherry said Mr. Friedman needed to be sworn in to give testimony.

Mr. Friedman objected and said when an attorney is only providing factual information, he should not have to be sworn in.

Ms. McSherry said it was already testimony before the Governing Body.

Ms. McSherry said they should refer to a specific document if they are not going to be sworn in.

Mr. Friedman said, "With due respect to Ms. McSherry, I will refer to the record. The record includes photographs in your binders. They are at Tab 5. There are some photos of flooding that has occurred recently on this area of land. Beyond that, I can't answer the question.

Councilor Lindell commented from the documents that were submitted. "The \$10,000 suggested by the developer is woefully inadequate. \$50,000 would be more

appropriate. It needs to be inspected by an engineer. So I think that is inadequate amount."

Mr. Romero replied, to clarify, "If I can, we proposed we start the fund at \$10,000 and every owner would be assessed an amount to build the fund. It starts at \$10,000 with regular assessments."

Councilor Lindell appreciated prohibiting short-term rentals in this development. She asked Jim Seibert about the HOA. She would like to think there would be an HOA, if it goes forward. But she would need complete assurance there would be an HOA.

Mr. Seibert said there certainly will be one. The covenants provide specific provisions for that and they get recorded.

Councilor Lindell didn't know how it would work, but she had a concern on insurance held by HOA at a point of failure - not that they would actually fail. "It also struck me that there were no bridge controls in the arroyo. It is the responsibility of the City. We are sensitive to the damage caused by water now. I'd like to hear from my colleagues and yield the floor."

Councilor Ives said, "Looking at the engineering report, Figure 8 at about page 50 in the report, there were questions about #4 development is subject to the requirements of NPDES general MS4 District, Permit # NMR050000. Can you tell me your perspective on having a separate entity for the permit?"

Mr. Gomez said, "Those are the City permits. We are required to submit it for the NOY Subic permit from EPA. That happens at construction. The Corps of Engineers is the same. We have to be approved before doing that."

Councilor Ives understood that is part of the regular process that would come in due course if it moves forward.

Mr. Gomez agreed.

Councilor Ives asked the same question from the Appellant, who said Mr. Phillips would rebut that.

Mr. Phillips said he had dealt with quite a few 404 permits. "You do not get it after approval but get it now and before the Council approves the subdivision."

Mr. Gomez said, "I've done a lot of them and you get them when you are ready for a permit."

Councilor Ives asked if any staff member here could address it."

Ms. Zaxus made her comment on the two expressions of when they are required either before we approve or after we approve.

Ms. Zaxus was earlier sworn. She said they do not get it before approval but at the time it is ready to go to construction.

Councilor Ives turned to Mr. Romero who had said 200% was covered in the plans. He asked what that refers to?

Mr. Romero deferred to Mr. Gomez.

Mr. Gomez reviewed the numbers. A chart was handed out giving a comparison, and it was done by Scott Bunton. He briefly commented on it.

Councilor Ives said right now you have undeveloped slopes so what happens to the runoff?

Mr. Gomez said it is going to the Arroyo las Piedras. We will go fix the erosion happening there. Grade control is holding the grade. We can prove the assertion. There is no need for grade control on the arroyo. Any work done there is not prohibited but not advisable.

Councilor Ives asked if the development will result in less erosion.

Mr. Gomez agreed and accumulation of sediment. The silt will go down to the Santa Fe River. Everything we have done has helped. The upstream drainage area, Sierra del Norte, etc., were less dense but very similar.

Councilor Ives appreciated that. He was curious on the 1981-3 ordinance. That prohibits development on this property. But he was not aware of the ordinance.

Mr. Gomez said there is no prohibition of development on this property.

Councilor Ives pointed to the improvements on Hyde Park Road that requires City's permission under various provisions. He asked if that was what was intended.

Mr. Gomez said they would be doing grading in the ROW to protect safety of motorists because of the speeding along there. It is a dangerous situation there now.

Councilor Villarreal thanked everyone for being here and sharing experiences and research on both sides.

She thought about Valley Drive and El Matador. "Maybe those should not have been developed. It makes me said that we are dealing with something that should not have been done in the beginning. But here are, trying to figure out another development



and whether we will prevent erosion or make it worse. There are points on it from each side. It was helpful to have Ms. Guerrortiz here and for the 17 things she suggested be added as conditions of approval."

Ms. Wynant said that is in the Staff Report and was part of the City Attorney's presentation. This is a preliminary subdivision plat. Ms. Guerrortiz made those recommendations for the preliminary and the proposal was to include them in the conditions of approval.

She believed that information was supplied to Councilors and they may want to refer those to the applicant.

Mr. Gomez showed the 17 conditions and said their report showed they complied with all of them. He explained that they don't all pertain to the same thing.

Councilor Villarreal wanted more information.

Mr. Gomez showed a huge report that had every elevation, every pipe; everything. He went through the Estancias Del Norte Drainage report that had been provided to the Councilors. He said it is overdesigned and they do have access for maintenance at the bottom to clean out all check dams.

Councilor Villarreal said, "We need to think about at least a 100-year storm to prevent that flooding from happening."

Mr. Gomez thought this plan could handle a 500-year storm.

Councilor Villarreal asked what the code requires us to do

Mr. Gomez said, "We did think about those storms. The graphics are here to help you understand Arroyo de Piedras. We are a tiny little dot on the map on page 2."

Councilor Villarreal liked what Kim Shanahan had to say about it costing money. She was thinking about that. She asked if they thought about possible use of water storage tanks.

Mr. Gomez said they did think about it. They are not required but they thought about them. "If not maintained, we are putting ponding on each lot. Adding 20% to everything that happens with swales, etc. There will be no runoff. Water shed improvements and reseeding in parking areas where we see trash will do that. So there are water shed improvements. They will have to be done probably two times."

Councilor Villarreal asked for comment from the attorney.

Mr. Friedman said in the ordinance governing appeals that they may submit

documents on which to rely. We submitted a lot of them, but we are getting into what we've never seen before and we object to that.

**Motion to extend the meeting time:**

**MOTION:** Councilor Lindell moved, seconded by Councilor Ives, to suspend the rules to go beyond midnight.

**VOTE:** The motion was approved on a voice vote with Mayor Webber and Councilors Abeyta, Harris, Ives, Lindell, Rivera, Romero-Wirth, Vigil Coppler and Villarreal voting in favor and none voting against.

**Motion to amend the Agenda:**

Councilor Villarreal thought we need to postpone these two items (6 and 7). So we could get to Acequia Lofts. She asked if we could postpone it.

Ms. Vigil said it would be to postpone items 6 and 7 to the next meeting.

Mayor Webber asked the pleasure of the Governing Body.

Councilor Harris said we need to continue with this case and be prepared to hang it up for the next one.

Councilor Villarreal understood. .

Mayor Webber said Item 6 is a land use ordinance. It is sponsored by Councilor Lindell and it is not of an emergency nature.

**MOTION:** Councilor Villarreal moved, seconded by Councilor Lindell, to postpone Items 6 and 7 to September 12, 2018.

**VOTE:** The motion was approved on a voice vote with Mayor Webber and Councilors Abeyta, Harris, Ives, Lindell, Rivera, Romero-Wirth, Vigil Coppler and Villarreal voting in favor and none voting against.

Councilor Villarreal asked Ms. Wynant about whether this is serial subdivision.

Ms. Wynant said serial subdivision is when it happens more often than every five years. That came up and I listened to the testimony.

Councilor Villarreal thought the development appeal was approved for Los Pinos. She was unclear about the serial subdivision what was mentioned earlier.

Ms. Wynant deferred to Mr. Berke.

Mr. Berke said this is not a serial subdivision process. This is a preliminary subdivision approval.

Councilor Villarreal asked again what constitutes serial subdivision.

Mr. Berke explained that if they subdivided within a five-year period after creation, it would be considered serial subdivision.

Councilor Villarreal reasoned that they get a lot split and then less than five years later, they did another lot split.

Mr. Berke agreed, and it follows after preliminary to final.

Councilor Harris thought the property should be developed but he did believe the current development is too dense. The major issue is drainage. He said he has seen their work over time and have respect for Oralynn Guerrerortiz's work and credibility of her report. He thought it will be a better development and didn't think it will be worse.

He wanted to correct what the appellant attorney said. It came to Public Works about three weeks ago with a power point presentation and they were told it was about 45 days out and that EPA was developing new standards. And that they are going to be stricter.

"For District 4, I appreciate the work we did at Nava Adé. The downstream is very serious. We have a preliminary subdivision plat and I wonder if in preliminary, a condition for other improvements would be required. I've known Mr. Romero for quite a while and consider him good people."

"This is a serious case and has gone on for a long time. It is conditioned on the adoption of a stormwater plan and the plats would be in accordance with the new stormwater management plan. To me, that is the appropriate approach, considering what has gone on before. I'd like my colleagues to consider that. Not only do people who buy lots develop them, but they also know how best to protect them.

"In the 1981-3 Ordinance is included a performance bond provision. It is on Page 5 under guarantees. #3 said the performance bond is provided prior to plat approval and ensures the completion of the stormwater infrastructure would take place."

He didn't know if it would be a performance bond or some other type of bond. The plan anticipates a certain revenue stream for providing for the maintenance and repairs from damage to the system.

At 11:45, Mayor Webber said the Governing Body needs to put the question. He asked if there were any other questions.

Councilor Romero-Wirth thanked all who came out and for sharing their thoughts and opinions. She had a couple of questions. She noted there were three engineering consultants who provided management reports regarding check dams. She referred to the printed pictures and asked Mr. Gomez about the check dams. She thought in reading the report that these are old check dams and asked if they would include redoing these check dams.

Mr. Gomez agreed. "We have inventory of all of the check dams out there. We evaluated each one and would hire a professional engineer to walk the whole site. It could be a thousand-dollar cost. They can all be found, and all could be maintained.

Councilor Romero-Wirth referred to the pictures they saw with water breaching the dams.

Mr. Gomez agreed that happened and the silt was cleared .

Councilor Romero-Wirth asked if they are needed there. She was trying to understand. "You identified some that need repair and I want to know whether those line up with the rest."

Mr. Gomez said those dams were built in the 1930's. Some have failed, and some are in good condition. We need to fix all of them to stop erosion out there.

Councilor Romero-Wirth asked if they are all here in the report and if they do match up and what the developer is going to fix.

Mr. With referred to the photos in table 3. He thought they were not the same but could be wrong. He asked Mr. Folks about them .

Mr. Gomez explained that those are from a different project.

Mr. Friedman said under tab 3, there are six of them and thought three of them were the same.

Mr. Folks said those are outside the developer's responsibility.

Councilor Romero-Wirth said his point was that they are likely to fail.

Ms. McSherry asked him again to be sworn. She said the photos would be included as evidence. A copy of the photos is incorporated herewith to these minutes as Exhibit 7.

Mr. Friedman said okay, and Ms. Vigil swore him.

Councilor Romero-Wirth didn't understand the pictures and asked what the point was with these pictures.

Mr. Friedman said they didn't have time to make any point for them.

Councilor Romero-Wirth said she was giving them time to make that point right now.

Mr. Friedman said, "We believe these photos illustrate the failures that would result if this plan is approved - not only on the subject parcel but also on adjacent portions of property.

Councilor Romero-Wirth saw they are small check dams.

The man who took the pictures came to the microphone and was sworn. He said they were built on the Cody North project and they did not retain the water and failed, and the water went around the dam. That was shown in the picture.

Councilor Romero-Wirth asked if small or wire check dams would be longer lasting.

Mr. Phillips said, "They can be more effective, and they may fail. But more important is that, whether wire or rock, the purpose is to prevent downcutting over time. The check dams are a good thing. I won't promote one style over the other. The important point is that you have to dig them out because they get filled with sediment."

Mr. Gomez said these check dams are not the same as those that would require less maintenance in the future. We can control the sediment.

Councilor Romero-Wirth thought it looked like there was more water on the south side, and asked Mr. Gomez if he agreed with that.

Mr. Gomez said the deepest water currents have more density on that portion. That is also the flattest part of the property. People have been doing these check dams for a long time. It is not new.

Councilor Romero-Wirth asked what the stormwater management plan would do.

Mr. Gomez said the storm water plan they presented would could control every drop of water that hits this property.

Councilor Romero-Wirth asked how they incorporated it.

Mr. Seibert explained that on the first time, they constructed a trail at the west end up to the Mirasol intersection with this project. That same project trail will be up at

the east end of the property and through the entire property .

Councilor Romero-Wirth was trying to formulate the wording of the violation and asked if someone could just go over that. She was trying to remember what she read.

Ms. McSherry said she would defer to Mr. Martinez since he wrote the Staff Report for that part the Councilor is referring to in here.

Ms. Heldmeyer said, "I know what she is talking about. It is in my [??]. Okay. So Friday..."

Ms. McSherry said, "Point of Order – I think the question was asked of the Staff Report."

Ms. Heldmeyer was speaking at the same time.

Councilor Romero-Wirth said, "I want to know from Marcos what the City Attorney's response is to your issue, Councilor. I know what the issue is. I just want to refresh about it from our City Attorney, why the weekly list of meetings ... I don't know. If Marcos could just give us a 'print out' on it."

Ms. Heldmeyer said, "There were four places ..."

Ms. McSherry said, "Point of Order..."

Mayor Webber said, "Hang on. Marcos is going to respond to the question, 'How does the City Attorney respond to the Open Meetings issue.'"

Ms. Heldmeyer said, "Thank you."

Mr. Martinez said, "Thank you, Mayor and to the Governing Body. Basically, it is a preliminary matter. This is not a valid basis for appeal. So,

Councilor Romero-Wirth asked if he could tell her why.

Mr. Martinez asked her to repeat that.

Councilor Romero-Wirth said, "I'm just curious about your reason why it isn't a valid basis for appeal."

Mr. Martinez said, "The ordinance describes what the allegations of appeal are for violations of Chapter 14 – 'wherever there is substantial evidence to support the decision of the Planning Commission. An Open Meetings Act violation is not one of those. So, that being said, we still believe there was no Open Meetings Act violation. And this occurs both in the memo, but also in the Findings of Fact and the Conclusions

of Law of the Planning Commission, which also are included in our packet, as well. I'll state from those Findings of Fact and Conclusions of Law as required in the City's Open Meetings Act resolution: *Notice of the meeting, including the agenda in this matter was filed and recorded with the Clerk, published in the Santa Fe New Mexican newspaper at least fifteen days prior to the meeting. Additional copies of the agenda in consideration of this application were posted outside the meeting room at City Hall and on the City's web site more than 72 hours in advance on January 4<sup>th</sup> for the March 1, 2018 meeting of the Commission meeting.* So, to continue, basically, the Planning Commission concluded that the weekly notice of the City Clerk was not required by the Open Meetings Act but with respect to the law of the Open Meetings Act, 10-15-1 it complied with the specifics of that regulation."

Councilor Romero-Wirth asked then, "because we published that weekly list, there is no reason why that becomes part of what is required to be in compliance."

Mr. Martinez replied, "No. In order for there to be a higher standard than what the Open Meetings Act requires, that would have to be included somehow in the *Reasonable Notice Standard* that the City adopts in its Open Meeting Act Resolution that it has to adopt every year. And that is not part of it."

Councilor Romero-Wirth said, "Okay. Thank you."

Ms. Heldmeyer said, "I disagree with one thing that was in the Findings of Fact and Conclusions of Law, which is that it was never posted out ... not that it necessarily has to be, but it was never posted outside the Council room. That is the place people look for this information – or on the website, in the booklet that comes out on Friday afternoon, and in the ad that comes out Monday in the paper. And this meeting was not on any of those. I was told by the Land Use Attorney at some point, before 72 hours, that somebody realized the mistake and posted it on the website. But by that point, we had already been told that the meeting had been cancelled. Okay. I'm done for now."

Councilor Ives referred to the Ordinance 1981-3, on page 5, under Section C, Guarantees, and looking at sections 2 and 3. Section C -2 says that master homeowners' covenants must provide for assessments, maintain all improvements, including private streets, drainage, erosion control works and open space. Covenants shall provide for a maintenance contract and scheduled maintenance of all improvements with assessments specified by type of improvement. "Does the applicant agree that that provision is applicable to the development?"

Mr. With said that requirement is applicable and is fully complied with by the definition of covenants. Our declaration of covenants requires the HOA to inspect, maintain, repair, and replace all centralized stormwater facilities that are constructed and received by the developer. The Association, in accordance with Ms. Oralynn Guerrerortiz's recommendation, also is responsible for inspecting the individual stormwater facilities that are constructed on each lot. The Association is required to hire

a professional engineer, as Mr. Romero indicated. That engineer has to file a report that the inspections occur every fall and after every major storm and has to be filed on the centralized stormwater facilities to the City Land Use Staff. The inspection of the individual systems gets reported to the Board of Directors of the HOA. And, as to the question that had come up previously, the annual budget for the HOA is required to include a specific line item for the costs and expenses of that inspection, maintenance and repair on an annual basis. The \$10,000 reserve fund is intended to cover overages. So if there is something that is beyond what was estimated, that reserve fund would be used for those expenses. And that reserve fund is required to be rebuilt.

Councilor Ives surmised that the person who would be contracted to do that assessment would be a registered engineer.

Mr. With agreed it would be a Professional Engineer. The report to the City of Santa Fe has to be stamped and certified to the details in a log of what has been done and what is still required to be done and to assert that the centralized stormwater system is in good condition and has been maintained.

Councilor Ives noted in paragraph three, it says that performance bonds or equivalents that are performance instruments acceptable to the City Attorney shall be provided to the City, prior to final plat approval of each individual PRC tract or development plan approval to ensure all private and public improvements are constructed, repaired and maintained as required by the final subdivision plat. So he understood that a performance bond or equivalent would be required to ensure improvements are done and maintained.

Mr. With believed that provision refers to a financial guarantee required at the time the plat is recorded. The City required a financial guarantee that all terrain management, roads, had to be "bond-constructed with a letter of credit to ensure that they are, in fact, constructed."

Councilor Ives said that was why he wanted to read it, because it says constructed, repaired, and maintained.

Mr. With said a one-year warranty is required, after the city has inspected and accepted the improvements, of the developer and after that, the HOA would take over. That is as a condition of approval."

Councilor Ives said it could be read that the JPA would take over after the developer to have in sort a performance or some similar performance instrument for repair and maintenance of the drainage improvements. So it certainly does have that.

Councilor Villarreal asked for clarification on how the affordable housing works in the HOA. She thought Ms. Ladd could help her figure it out. When we are talking about the requirement for Affordable Housing, which would be ten units that are probably



dispersed around the development – that is usually how it works – right?

Ms. Ladd said the intention is to have the unit dispersed in this particular project because of some of the topography issues, and economies of scale if the developer decides to sell the lots to a non-profit builder or donate them to Habitat or whatever is done, it is almost easier to have them clustered in a couple of different places.

Councilor Villarreal asked if the non-profit organization sells the lot to people who qualify, what happens for those who decide to buy – and I'm not sure what the rate would be - I'm curious on how it works - to be able to apply the HOA fees which are going to be very high.

Ms. Ladd said the homes are sold with three different pricing tiers to buy the home and the fee schedule is adjusted downward for those in the Affordable Housing category. The total costs would not exceed 30% of their income for affordability.

Councilor Villarreal asked if additional information on that was available.

Mr. With added that in their declaration and in the bylaws, the Affordable homes and lots, when vacant, are exempt from assessments but applied to the non-affordable homes there. Once an affordable home is constructed, there is a portion of the assessment that they may pay, based on the formula. They have every benefit of all other owners.

Mayor Webber had questions; first to Mr. Folks.

He said, "In your presentation, you said you wouldn't mind a lower density. What number do you have in mind?"

Mr. Folks said, "I don't know. I don't have the magic number I mind."

Mayor Webber said he had been at this for quite a while and asked what he thought was the appropriate density.

Mr. Folks said, "Look at the topography on the property. It seems to me that the upper part by Hyde Park Road is flattest and completely buildable. The problem arises when you try to put a road down at 12% so you can get down along the arroyo. Any way you do that is going to cause problems. The return on this is phenomenal. We all know that. They could make a world of big profit building up on top. And no one would care. It would be a win-win situation. But leave the steep slopes out of the picture where they want the variance. It is totally doable. It is doable financially. It would be a win-win situation.

Mayor Webber said, "so, roughly how many units, using your mental reasoning."

Mr. Folks said, "36, I believe is on that ... excuse me, they wanted 49. 30? 25 up on top? It is totally doable, totally workable."

Mayor Webber asked the Applicant, "We heard the testimony tonight that the lots would be sold for \$500,000 per lot. Could you please respond to that?"

Mr. Romero said he wasn't sure where that came from. "We have no pricing whatsoever on our lots. If that's a reference to some of the high-end lots that were done on Haciendas de Mirasol, that's the only thing I can think of. I cannot see where any of our lots could possibly be priced anywhere close to \$500,000. It is not possible."

Mayor Webber noted that during the Appellants presentation, they raised some questions I would like to see if you could help us answer. "They asserted that erosion would increase after the project. Perhaps you could respond to that with some brief remarks."

Mr. Gomez said, "The erosion out there is happening today right now. If we are allowed to go out to the property and develop it. We are going to put so many improvements in; so many checks, that it will take care of the problem that should have been fixed a long time ago."

Mayor Webber said, "The second thing they said in the same commentary, was that every lot will require its own runoff and erosion plan. Is that your understanding?"

Mr. Gomez said, "That is true. That is because these are all custom lots. We are not going to go out there and grade these lots flat to make it easy for skip builders. This is going to be similar to some of the upper developments above us that are nestled into the terrain. And each lot is customized and there is no way to anticipate what they will do in the future and someone will do one thing and another person will do another."

The idea that this will cause more work for City Staff is ridiculous. "that is because every single building permit has to go through the City's process. There is nothing like down on the south side in Las Soleras. Every one of those lots, they do the drainage for them every day at City Hall. That is their job and they know how to do that. And City Staff will continue to do their job."

Mayor Webber asked, "Who do you believe, sir, is responsible for stormwater management if this project goes forward."

Mr. Gomez said the HOA is going to be the ultimate people who are responsible in the long term. Everything on this development is private. So they will not come to the city to say we help with this, we need to help with that. The HOA is going to pay the water bill for landscaping. The HOA will pay the electric bill for the lighting that goes in out there. They will pay for snow removal and also, drainage. We have already run budgets and it is going to cost about a thousand dollars per year on what was projected

for the HOA. It could be different. In addition, we have a fee that goes into a sinking fund that was described, so that in the future, if we have a major expenditure – I didn't bring all that paperwork here – but if it goes to a significant number, that is just put into the bank to save for the future whatever needs to be fixed."

Mayor Webber said ridgetop violations were mentioned.

Mr. Seibert said, "The claim is that the city ordinance for ridgetop regulations says ... they are claiming that you cannot build on ... put roads and utilities on ridgetops. It is very clear that utilities, in the code, are permitted on ridgetops. It is not as clear, but roads are permitted on ridgetops. It has been the city policy since the ridgetop Ordinance was adopted, to allow roads on ridgetops. And there is a reason for that. The road is on the ridge top and then you can site houses on either side of it. If you didn't allow roads on ridgetops, then what would happen you would have to have a road on either side of the ridge that would result in a significant amount of grading that didn't really have to occur.

Mr. Friedman said a person would like to answer his question about the valuations and what the applicant is talking about. Mary López Wilson would like to respond.

Ms. Wilson said, "When I was reviewing the application for the subdivision, there is a form in there for the Santa Fe Public Schools. And it references 49 homes at \$550,000 for the homes in the submission. So that was part of the valuation for the schools.

Mr. Friedman said, "but not the lot."

Ms. Wilson agreed it was not just for the lot.

Mayor Webber said somebody earlier testified ...

Ms. Wilson agreed that it was incorrect.

Mayor Webber thanked her for the clarification.

Mayor Webber asked Ms. Ladd about her thoughts on the affordable units. We are clear this is not going to be an in lieu of situation.

Ms. Ladd said that is true. The units will be provided on site.

Mayor Webber asked if she had been involved in the discussion about the affordability and provisions for which lots and how they would be treated.

Ms. Ladd said, "The way the Santa Fe Housing program works is that I will meet

with the developer and put together a proposal that would set the number of units and what the pricing schedule – how ... The actual dedication – we discussed likely locations, but we would not identify those until after final development approval. That is when the actual agreement would be signed and filed with the development plan approval and document.”

Mayor Webber asked, “Are you confident that the ten affordable units will be ten affordable units at this project if it were to go ahead.”

Ms. Ladd said, “Mayor Webber, I am confident. That is what it requires. If the developer does not do that, then we hold those building permits up.”

Mayor Webber asked the attorney – either attorney, “We’ve heard the appeal doesn’t meet the City’s test for appeals – that there are three criteria and the appeal does not match those criteria. Could you please respond to that?”

Mr. Friedman replied, “In my argument, I tried to address this issue. I cited the standards for an appeal from Chapter 14 of the Code. Two of the three prongs. The notion, I must admit, the notion that the City Attorney’s Office is proposing that this appeal is insufficient - that the people of this City should not have their grievances heard by this Governing Body because of a technicality is startling to me. It seems as though it is aimed at chilling the people’s rights to come before you. The people who filed the appeal did so without the assistance of an attorney. They are just ordinary citizens. Thirty some people stood up tonight and talked about their concerns.

‘If there is some deficiency in the appeal that was filed back on March 30<sup>th</sup>, that one of those citizens paid \$100 to file, I think the City had perhaps the opportunity to give guidance to the citizens at that point. Any suggestion?’

Maybe this appeal should be reconsidered or re-evaluated. But to come here tonight and have the notion advanced by the City Attorney’s Office that this should be thrown out because of some technical deficiency doesn’t sit well with me, as a member of this community.”

Mr. Friedman referred to the rules and read that the Land Use Director determines whether it does not conform. And the Director did not do anything in the required time frame.

Mayor Webber gave opportunity for closing statements.

Mr. Friedman said, “You have heard testimony this evening, and you have evidence in the record, that there are problems of compliance with Ordinance 1981-3. Evidence has been presented. Also, regarding noncompliance with the Open Meetings Act. I think the Attorney General for the State of New Mexico has been very concerned about the Open Meetings Act when looking at what happened at the University of New

Mexico. For the City of Santa Fe not to pay attention to that is absolutely wrong. The Los Vecinos development is similar density, which was previously denied as you've heard testimony from past City Councilors about that. The Estancia Primera development runoff cost the City hundreds of thousands of dollars. This developer now is asking you to buy into another potential financial nightmare by passing the buck that future land owners, home owners of that development and for the City of Santa Fe if anything in the future goes wrong. The flooding today is worse than it was twenty years ago when Los Vecinos was turned down by the City Council. Climate change is going to make the flooding even more worse in the future. As you've heard, the Code in its present form, is inadequate to address this. I think everyone should agree on that point. To allow the development to proceed without first updating the City Code, threatens the safety and of property and general welfare of the neighborhoods. You have that as one of the criteria for variances to look at general welfare and safety. We respectfully request that you would pull this appeal and deny the developers' application. Thank you."

Mr. Romero said, "I too, will make it very brief. Mayor and City Council, this isn't 25 years ago. This isn't Los Vecinos project. In those 25 years, there has been substantial rewriting of the entire City Code. In a lot of other ridgetops escarpment drainage, everything else is a whole different set of rules these days. I respect the Code/ I respect the system; I respect the process. I respect City Staff, I respect the Planning Commission. I respect the neighbors. I respect everyone. And I respect the City Council. I think you have had a good and thorough hearing and I appreciate that. I would ask you sincerely to deny this appeal and let us move forward and go through it all over again and submit (although we have already submitted) our final development plan. We will tweak it and take all of your comments into consideration. We will go before the Planning Commission one more time. And it's probable that we will be before the City Council one more time with our Final Development Plan. But I thank you for this evening.

With that, Mayor Webber closed the public hearing and appreciate everyone's enormous patience and respect for each other.

Councilor Harris said, "To repeat what I recommended and not how I got to the point, I would propose that we approve the Preliminary Subdivision Plat, but that there be a couple of conditions. One of the conditions we spoke to, and perhaps Councilor Ives can help me frame that, had to do with some sort of bonding and Paul Prewit Palette put in place, I would assume the developer is going to control the HOA up to a certain point – call it 60% - I don't know. But they are going to be very much through the first couple of years, I assume.

Anyway, that can be worked out. The more important point for me is the other condition for me would be that, as Mr. Romero said, he respects the City Codes and I believe that. And they are close. I know I did say 30-45 days. That 30-45 days is going to be introduced back to the Public Works Committee and go through a certain hearing

process of Committees and then on to the Governing Body. So, it will be somewhat longer than that. But I would like to have the Governing Body consider a condition that would say something to the effect that prior to approval of the Final Subdivision Plat, one of the conditions would be compliance with the updated stormwater management plan, updated stormwater management code. That's where I am.

Councilor Villarreal asked for a response from Melissa McDonald who has been patiently sitting and listening. "I actually would like your input on that. Because I was watching you while Councilor Harris was making that suggestion, which I think we do need updated flood mitigation requirements. And so since you are pretty much in charge; you are one of the main Staff of people in charge of the updated stormwater management plan. How do you see this factoring into the requirements for development?

Ms. McDonald said, "I think that there are a lot of expectations for the stormwater plan. And I think the Council should have enough time to really absorb it. I'm not exactly sure how to answer. Because we have a code redline, but we are not necessarily giving you specific code revisions. So if you are basing your decisions on this, I'm not sure it is really ready for that."

Councilor Villarreal said, "I like the idea, but when you actually consider the practicality, that means we would be waiting for some kind of solution of what we are going to be doing to update the Code. And that may take a lot longer. I'm just putting that out there but that is a whole other ball game. Thank you."

Councilor Romero-Wirth said on that point, "What do you think the timing is for a new stormwater code?"

Ms. McDonald said, "Well, the N is for permit have not been released yet, but we do anticipate it coming out this year. We are not in charge of releasing that, but EPA is. Then we have 18 to 25 months after it is released to update all of our codes. So there are many steps that have to happen, once we get the code. So the City has the option to do more than they need to prior to that. But we are required to update our code in 18-24 months afterward. So it is unclear."

Councilor Villarreal said, "There could be a baseline that we are setting, that we are looking at. It doesn't have to be theory, but as we are looking toward code amendments, there is something that would be in place to give us a better idea of what we are considering when you talk about a 100-year storm vs. looking at and requiring mitigation that would tackle a 500-year storm situation. I guess what I'm saying, it could create a baseline for us that we could have something to take from that as a Governing Body for a project.

Ms. McDonald said we use the 10-year event and 100-year event as a model.

But there are certainly capabilities to look at any section of town and run it with different models. But our overall model is running at 10-year and 100-year.

Mr. Leroy Pacheco said, "The strategic stormwater management plan that the City Staff is undertaking, is really broad and comprehensive. I don't think it would supplant any engineering work that has been done, in light of the current, existing code. As Mr. Gomez mentioned, it is complex in the issues of climate change, design, storms, etc. This particular strategic management plan is broad. It is beyond just the modeling. And modeling will not supplant engineering. As you can see from engineering, there is complexity and arguments in engineering. It is not hard and fast. So I think the plan will please the community and the City Council, because there is a stormwater management program. We are not coming from a secular nothing with stormwater planning being done. It is providing you the framework of what is currently being done and perhaps be a useful guide for moving into the future. And I don't think waiting for the plan would be useful. It's a plan. It will be useful and make you all happy and be good for the community to be at this point. But it won't be the technical answer for what an engineering professional has already done."

Councilor Lindell said, "I am wondering, it bothers me that these two groups of folks have not gotten together and spent much time talking about this. I guess I'll ask each side if you are willing to sit down and work through some of this and come up with a better plan than what we have tonight. I am kin of taking a page out of Councilor Rivera's play book that I would encourage you to do that and to be willing to do that and to, if the Governing Body is willing, to postpone and have both sides sit down together - I'm seeing Mr. Folks nod his head - I think sometimes when the two sides don't sit down and work it out to a mutual agreement, both sides end up being terribly disappointed with what the Council decides might be best for both sides.

I think now, if the Mayor would allow me to make a motion?

Mayor Webber said, "I'm at your disposal."

Councilor Lindell saw that the Appellant gave the indication they are willing to do that. Is the Applicant willing to enter into those kinds of conversations?

Mr. Romero said, "Mr. Mayor, Councilor Lindell, I've always been open for discussion. I have reached out to everyone and anyone who is willing to discuss this. This is a preliminary development plan and we still have to go through final development plan. I am perfectly willing to sit down with anyone at anytime, anywhere, and discuss this plan. But I would pray that you would let us move forward and go through the process of final development plan. I want to be respectful but, if you noticed, Mr. Folks suggests that all of that area down along Valley Drive stay undisturbed. That is nothing new. That's been their position since the very first day that I met with them. It is or has been, because they made it their back yard.

I have to tell you honestly that I do not believe those discussions are going to be fruitful. I don't think they are going to be brought forth in earnest. And I think that it is going to be the Planning Commission and the City Council that either votes up or votes down this project.

Councilor Lindell asked if that is a yes or a no.

Mr. Romero said, "My answer is I will meet with anyone, anytime, anywhere on this project."

Councilor Lindell said okay. She thanked Mr. Romero.

Mr. Friedman asked how many lots they would be willing to go down to. [His statement was made away from the microphone and depended on Mr. Romero to repeat his question.]

Mayor Webber said that was an out of order question.

Councilor Lindell agreed. She said, "My point is ..."

She was interrupted and asked Mr. Romero to continue.

Mr. Romero said, "Mayor, members of the City Council, we have looked at this project very carefully. Consider that this was a PRC (Planned Residential Community) which was allowed, under zoning, over 150 units. We are now down to 49 units, ten of which are to be affordable units. They are subsidized units. I would say right now that we are at a very good level, an acceptable level. And we are not pushing the envelope as far as density goes. So my answer is, we are requesting 49 lots on 41 acres that is what we would like you to consider."

Councilor Romero-Wirth wondered if Council could set the direction, being more how you address the drainage issues and the water issues – and see if the two sides could come to some – we are not going to have a new code in place in time to impose it or make it relevant for the development. So, I would be curious if the two sides could be creative, like has been suggested. Maybe it is cisterns and that kind of thing. But it seems like maybe more could be done to mitigate the water and keep the building density as it is but see what the sides could work out in terms of stormwater mitigation.

Mr. Romero said, "I think that if the appellants were to give us specific recommendations on how we could improve drainage structures and runoff mitigation, we would definitely take that into account and address that in our final development plan. But, they have to give us specific engineered recommendations. They can't just say something. They must give us engineer reports. Thank you."

Mr. Folks agreed to go to a professional mediator.



Councilor Ives said, "Some of our earlier questions were on what 200% was. Clearly, there is a calculation that has been made in terms of the capacity of what is proposed do mitigate the impact of impervious cover on those slopes for downhill residents. I do wonder if one could look, as opposed to 200%, what 300% would entail. But that is along the lines of what Councilor Romero-Wirth is suggesting in terms of an approach that sends a message to those folks down the slope that you are bending over backward, not that you are not already, especially given that if nothing is down, it is all coming down naturally. So if you are slowing down 200% of the impervious cover, presumably you are actually improving runoff. Maybe there is something in addition that could be done in that regard that would provide additional comfort to those folks down the slope.

If we do postpone this and look at as an option, that is certainly one of the recommendations I would like to have folks look at. And if you want to throw in cisterns, I'd like to move that way for the City.

Mr. Romero said, "Councilor Ives, I believe that your recommendations and Councilor Romero-Wirth's are very good and worthwhile. And certainly, if we get professional input from the appellants, we will address that as we go through and get heard on our Final Development Plan. But I would hope that you wouldn't suggest postponing it. Let is move forward. You have my word that we will take that into consideration. We will expect input from the appellants with regard to drainage. And we will address it before the Planning Commission on Final Development Plan.

Councilor Ives said, "I'm just struggling with this – this being our opportunity to impose conditions so, if we approve it, would we have that capacity yet to look at those additional matters that might be worked out between the parties along those lines.'

Mr. Romero said, "I'm the only non-lawyer in the room, but I've been told, and I would think that you could make those recommendations as part of your decision tonight, to be addressed prior to and along with the final development plan process."

Councilor Romero-Wirth said, "I would just add that I hope that ... I hear that the appellant needs to come with some real solutions that I hope the developer will also put thinking caps on to see what more you think you can do. I know you are doing a lot already. But we are in new times. We don't really know what the forecast is going to be. We can conjure up horrible scenarios. But for you to work something out – it is not just the appellant bringing more specific items to you, but I would hope you would think what else you could do."

Mr. Romero said, Councilor Romero-Wirth, I understand what you are saying completely. We will crank out the calculations on our drainage prior to and along with these submittals for final development plan. I understand what you are saying. We won't wait but also be proactive on it.

Councilor Romero-Wirth said, "I just don't want to see it be one-sided."

Mr. Friedman said, "Just remember, when there is any negotiation that exists, the important thing is bargaining power. And if you approve this, there will not be much bargaining power on this side of the neighborhood. The appellant can look at this and say we don't want to do it. There is nothing that stops them from moving forward then. Keep in mind also, that each of the 49 lots has a residence and an accessory building. We are not just talking about 49 structures; we are talking about potentially twice as many. So that is more impervious structures that will cause more runoff.

Mr. Romero said, "Mr. Mayor, City Council, you do have bargaining power. This is preliminary development plan. We have to go through final development plan. It has to be heard by the Planning Commission. It can still be appealed to the City Council and we can go through this all over again. So we need to have ..."

Mayor Webber said we need to close comments.

**MOTION:** Councilor Lindell moved to postpone consideration of the appeal until September 26 City Council meeting and encourage the parties to discuss resolving the appeal on their own during this time, with considerations of performance bonds, drainage calculations, and issues brought forward tonight. Councilor Villarreal seconded the motion for discussion.

#### **Discussion on the Motion:**

Councilor Villarreal said, if we postpone, you are just saying, hopefully, it would be resolved, vs. what we were talking about earlier as a postponement so ... talking about looking at the percentages as a different way to ... that we are not ... that we are actually looking at upping beyond what is required in the Code."

Councilor Lindell said, "I did, in making that motion, a consideration of performance bonds and drainage calculations."

Councilor Villarreal asked if that covered what we were trying to get at.

Councilor Romero-Wirth thought that would work.

Mayor Webber said it went to Councilor Lindell's earlier question about willingness to try to get together and try to resolve it with mutual negotiation, rather than bringing us back a project where there is more agreement between the two parties and if I'm interpreting your motion correctly, encouraging the two sides to enter into that kind of a conversation.

Councilor Lindell agreed.

Councilor Abeyta asked, for clarification, if the postponement is limited to the drainage or would we end up discussion density again and another six hours in September.

Councilor Lindell clarified that it is to see if they can come to agreement on whatever issues are brought to the table between now and the September 26 meeting. And I don't expect us to have a six-hour meeting on September 26.

Councilor Abeyta said, "I am willing to support that, but I have to say I'm leaning to deny the appeal, based on the engineering on the review that has already been done. So you know where I am, based on testimony this evening."

Councilor Vigil Coppler said, "My understanding of what is before us tonight, is that we are an appellant- judicial – quasi-judicial body. We have an appeal before us. And that is to determine whether there were errors made on the part of the Planning Commission. In all the testimony I heard tonight, while valuable, I heard nothing in testimony, to prove to me that the Planning Commission erred so I'm not in favor of postponing this. I have learned through many years, studying this body and found that it takes, ... So far, everything I see is that this developer has bent over backwards to develop within the realm and the rules and the ordinances and the Land Use Codes of this City of Santa Fe. So I have not heard anything convincing that the Planning Commission erred. And in our capacity as a judicial body or quasi-judicial body, I think that is our charge. So kicking the can down the road, is not going to show me again that the Planning Commission erred.

I believe that this developer certainly knows the rules; is going to have to come before again, and maybe again. There are more decision-making rules that we can ask them to comply with. But at this point, we are at the beginning stages, and I am not in favor of delaying this decision any longer."

Councilor Romero-Wirth said, "Except to that point, I guess ... What I am trying to address the concerns of the neighborhood and give a little more opportunity. It is clear they are not really talking to each other. And I think it is important that they do talk to each other and see if there is anything that can be done to quell some of the concerns that have been raised here. I tend to agree with Councilor Vigil Coppler, but the volume of comments we heard tonight and the concerns – I just think we need to give some space to work those things out a little bit .

Councilor Vigil Coppler responded, "If I'm not mistaken, in our rules it requires an Early Neighborhood Notification. And that requires the bodies to come together – the two bodies – the neighborhood and the developer. Based on what I heard tonight, I am empathetic. On the other hand, I still didn't hear anything that maybe that was not brought up in prior notification efforts. It is the same thing. However, we have to follow our rules. Without a basis for that, telling the Planning Commission that they erred, and

this is how you erred, and we are going to approve the appeal, then, I don't think we have a basis. I appreciate getting the two sides to come together; the developer had said that he will consider more input in the future from the appellant and certainly would take a look at what we have to say in future meetings. I think we need to let the process out. The longer we delay, the more costly it is for everyone. And kicking the can down the road is not going to change anything. I don't believe it will. There were plenty of opportunities to discuss this and get some of the ideas put forth into the development plan. ENN is for that reason. I think the Planning Commission has met that test."

Councilor Romero-Wirth agreed. Early Notification process is a good one; an important one. But right now, we are at a point where there is more pressure on both sides and sometimes that pressure is what is needed to find common ground.

Councilor Ives asked if the maker would consider to September 12 meeting of Governing Body, in the spirit of keeping pressure on everybody to come to a resolution creating some window for folks to be able to engage each other in that discussion. But, I must admit on the whole, I'm ready to approve this with conditions, moving forward. He asked if the amendment to hear it on September 12 was friendly.

Councilor Vigil Coppler said, "I won't be attending that meeting and I'd like to vote on it."

Councilor Lindell said, "I'll say no in deference to Councilor Vigil Coppler to be at the meeting. So I will stick with the original motion and that we go ahead and vote on it.

Ms. McSherry asked for clarification, that if they came to some agreement during the negotiating period, it would be an option for the Governing Body to consider.

Councilor Lindell said the motion is to postpone consideration of the appeal until September 26 City Council meeting. She encouraged the parties to discuss resolving the appeal on their own during this time of consideration on performance bonds and drainage calculation and any other issues that were discussed at this meeting.

Councilor Abeyta said, as a follow up, that it would not have another public hearing.

Mayor Webber agreed we would not reopen it for another public hearing, but simply determine if progress toward a negotiated agreement had been made or not.

**VOTE:** The motion was approved on the following 6-3 Roll Call vote:

**For:** Mayor Webber, Councilor Abeyta, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

**Against:** Councilor Harris, Councilor Ives, and Councilor Vigil Coppler.

The Governing Body recessed from 1:13 a.m. to 1:16 a.m.

- 5) **Case #2018-46. Acequia Lofts Development Plan.** JenkinsGavin, Agent, for Blue Buffalo, LLC, Owner, Requests a Development Plan Approval for a 120-Unit Multi-Family Development on Approximately 6.093 Acres. The Property is Zoned C-1PUD (Office and Related Commercial/Planned Unit Development) and is Located at 2725 Agua Fria Road. (Donna Wynant)

There were no disclosures of conflicts for this case.

Ms. Wynant presented the staff report for this project, as presented in the packet. There were concerns by the West River Corridor group and City Staff found the plan meets the requirements of the City code and the West River Corridor standards.

Councilor Villarreal asked if the property was previously divided.

Ms. Wynant said she would defer to the applicant. She thought the lot split was on the adjacent property.

Councilor Villarreal remembered it was previously subdivided and wanted to know if there were two separate owners now.

Ms. Jennifer Jenkins, 130 Grant Avenue, was sworn. She said briefly that she thought the Council was aware of the background. The project has been significantly reduced in size.

She showed the slides that she also handed out. A copy of the presentation is incorporated herewith to these minutes as Exhibit 8. It was developed under extra territorial and zoned PUD C-2. In the dotted line was the original 16 acres of the original proposal and outlined in yellow is the six acres now being proposed.

This area of Agua Fria corridor is quite diverse with a mix of uses in all parts of the City and encouraging diversity. This particular area is more diverse. The General Plan talks about encouraging multi-family diversified options. Most of the property is undeveloped.

She pointed out Harrison Road and Boyden Lane where it encouraged a West River Corridor Overlay District. This area was called the Mixed Area. A very good group was developed to work on the overlay. The maximum height is 28' with increased setbacks from Agua Fria and try to encourage that, so a minimum of 33' is the setback for this development. There is also a setback from the river.

Lastly, the residential development must provide 10% open space and this plan provides 33% open space. So this meets every single standard of the zoning and of the river corridor. It has an easement. The division is trying to create clean intersections. So they are constructing a right decel in lane. It is a full access intersection. There is also a secondary emergency access that will be for residents only. They are also dedicating land to the ROW.

At the Planning Commission meeting there was discussion asking for a pedestrian access and the applicant did a GAP analysis for that. It determined a location for safe pedestrian crossing of Agua Fria to cross into Frenchy's Field, for instance. They will also build a median refuge for pedestrians.

Ms. Jenkins described the old acequia (called Ojito Acequia) on the property, she said they chose to provide a path at the old acequia through a driveway with river rock, with signage, including a description of the agriculture of the area. Mr. Hilario Romero agreed to help them with the words to be used.

She briefly discussed the height provisions. They are pursuing gold LEED designation. They got great feedback on the landscaping palette. Celebrating the acequia, pulling out native species.

The second floor sets back more than the remainder of the site. She pointed out the setback from the property line which varied from 30' to 73'. She described a meandering adobe wall through the development. She summarized this is a request for development plan approval for 120 multi-family dwelling units on six acres. She felt it meets the vision and plan of the West River Corridor Plan.

Ms. Jenkins stood for questions.

#### Public Hearing:

Everyone who wished to speak on this project was asked to stand and all were sworn in.

**Ms. Jazri Phillips**, 1528 La Cieneguita, said her property was right across from the entrance for this project and already had too much traffic. She said she tries to take the bus to work because all the traffic on Agua Fria. She described an incident on Agua Fria from heavy traffic. She urged the Council not to approve any project there until the traffic problem was fixed.

**Mr. Kim Shanahan**, 2520 Camino Entrada, said those who remember Blue Buffalo are so relieved to have this project there, instead on this plot. He said this plan needs no further explanation; it is not contentious, and the Council can just move it along. This is the fantasy development that won six awards for building and managing multi-family homes. These are the ones we dreamed about having.

**Mr. Kurt Hill**, President of the Association of Realtors, read a short statement in support of this project to address multi-family housing. The association appreciates the opportunity to support it.

**Ms. Gayla Bechtol**, 418 Montezuma Avenue, said she was on the planning committee of the West River Corridor Association, said she is in support of this project but was concerned about the intersection at La Cieneguita. The intersection was not built for this much traffic. The West River Corridor Committee was a good way to do this and should be done elsewhere.

**Mr. Glenn Schiffbauer**, Green Chamber of Commerce, said he heard of this and hears of the lack of housing often. We have a business center and this group came back and made their goal to do better development. It would be good to support them .

**Mr. Rick Martínez**, 325 Mesilla Road, said he was part of the West River Corridor group and supports the project. He said the direct shot from two places everywhere . It is a dangerous situation with cars shooting across directly. It is a danger for his opinion and wanted to advocate for signal lights. He worried about the possibility of a very bad accident there.

**Mr. Vince Kadlubek** said he has 350 employees at Meow Wolf and they could probably fill half of this project with just those people. He asked that the project be postponed to consider a higher density there. He appreciated the applicants coming back as the project is desperately needed.

**Ms. Suzanne Nogat**, 1601 La Cieneguita, and is part of senior living there. She is appalled that senior housing hasn't been addressed before. She said she only found out about this two days ago. She asked why this was proposed right in front of La Cieneguita with all these disabled seniors right there. She asked if it was less dangerous over there. She was appalled with traffic there. She mentioned the problems they have had there. Cars are hit; animals are killed. The distance is maybe 20' to the road. If a dog ran out, they would end up in that street immediately.

**Mr. Jim Grey**, 1308 Camino Carlos Rael, said he was one of the original complainers of Blue Buffalo project and got invited to be part of the west river corridor plan. These folks came back to redevelop something there. They met once a week. Only one small problem; they didn't complaint about the cross street. It might be solved by putting in a median for that section and cutting down the passing lane which is not supposed to be a passing lane there. Right turns might become a little more inconvenient, but it would solve the traffic and intersection issue.

**Mr. Hilario Romero**, 1561 La Cieneguita, said he was also part of the West River Corridor Plan. He said it might sound like he was not in favor of this, but he was speaking in favor of this and was speaking for 120 people on this petition. Some are

elderly and couldn't be here. The association thanked the developers for naming this it for acequias there. For a better process in the future, he asked for an ongoing task force to ensure equitable opportunity for the residents. He provided a handout but with no copy for the record. He said it showed what they have to deal with on Agua Fria. He pointed to the next area where the main issue was about the main entrance which the Association has a real problem. His association urged relocation of the main entrance/exit for safety of neighborhood for the next issue. He said it would intensify an already terrible situation. He said the developers and city would be responsible for harm coming to the residents because of this design. There were 150 people on the petition, which he gave to the City Clerk.

The second objection concerned the placement of the first apartment building and was highlighted in yellow and which is inappropriately high. Maybe it could be set back at least 43'.

His third concern was assuring ongoing protection of the acequia with the letter from Phil Bové. A copy of Mr. Bové's letter is incorporated herewith to these minutes as Exhibit 9. He said, "We need a friendly amendment to address these concerns."

**Ms. Lorene Hills**, 4197 Agua Fria Street, said 3,500 people live on Agua Fria Street. "You gave us hope that there would be a more proactive effort there. In Agua Fria Village, there is only one way to get in and out and sometimes it takes a half hour there. She urged the Council to take a look at the vision for circulation of people - more people means more cars - no dedicated left turn - that is it overall.

**Ms. Claudia Borchert**, 212 Monte Vista, said she works with the County but here on behalf of herself and in support of the project. Our committee wants to improve Santa Fe because they care about the community and the housing. These people want to provide housing to the people of Santa Fe and we know they will be sticking around.

**Ms. Karen Heldmeyer** said this area is one we should all be concerned about with traffic. It needs to be revisited. A lot of side street traffic backs up on Siler Road. it is difficult to turn onto the side streets. Talk to the people who live and work there. They have good suggestions. Traffic Engineers don't always see the problems .

**Ms. Monserrat Yela**, 145 la Cieneguita said she was concerned with the location of the main entrance which she said should be located on Boylan Lane. She said 99% of La Cieneguita neighbors are against this proposed main entrance. She said the street is used as a short cut and causes a lot of problems in the neighborhood. She mentioned property damage and dangers to people trying to cross the street there. She said the development would cause more insecurity and unsafe conditions. She also asked the City to conduct an impartial survey study regarding housing in Santa Fe. She had no solution to affordable housing but thought it would help.



**Ms. Concha Silvia**, 2823 Agua Fria, was born there in 1957. She described the history of what had been located there and said, "This is a hell of an improvement and really looked forward to it."

There were no other speakers from the public and the public hearing was closed at 2:12 a.m.

Councilor Villarreal thanks all who spoke out and the developers for having a friendly conversation with community members. That has been the key to a huge success in Santa Fe. In the first iteration of this project, she didn't vote for it. She was on the Planning Commission at the time. In that time frame and having the privilege of working with community members, on the corridor plan, she acknowledged how much the community won through the process, got them done over about two years' time. A lot of time was spent, and it was worth it. The corridor group was not meant to say no to all development it is really to think about broad scope of development. In that process, she learned a lot, and in this project and how difficult it is to find multi-family dwellings. The money (\$126,000) will go into the AH Trust Fund and supports rental assistance, down payment assistance. Some people think that when market rate housing, but it is still supporting AH.

She was concerned about traffic. She was a neighbor. People don't follow the signs or the crosswalks. Did you think about other areas to cross Agua Fria?

Ms. Jenkins said one of the challenges which she thought they could revisit was for the crosswalk and they would work with Public Works Staff. A median is being built. And they have to make sure they don't create a conflict for folks going westbound turning left into La Cieneguita. So it was pushed a little further east. She said they would be happy to revisit that crosswalk location.

Councilor Villarreal asked that they look at the possibilities for a crosswalk there. She asked if there is a way the development would take it back to the river for access to the trail.

Ms. Jenkins said there is a possibility. She explained that part of it belongs to the County for the River Greenway. The problem is that there is no public access there. A vehicle gate restricts access to residents at the development. Shared property to the east has a 20' sewer easement and they have to be accessible so they become opportunities for pedestrian access.

Councilor Villarreal asked her to just think about how it will change. Have you thought about having how to do that?

Ms. Jenkins said they have been in conversation with the County about public open space for residents to get onto the County riverway so that could be accommodated.

Councilor Villarreal was curious how they would prevent people from straight shots to the other side of Agua Fria. Long term, we need to think about solving those problems . Traffic continues to get worse.

Mr. John Romero said the traffic is relatively low for through traffic there. He gave data on the difference compared to Siler Road with 1,200 vehicles per hour. He talked about the right turns there. The only way to divert them is no connections with Siler Road for people using Osage, Camino Carlos Rey - etc. A lot of vehicles don't use Agua Fria in favor of the bypass. He was not sure what else could be done.

Councilor Villarreal said regarding AH, that the City cannot necessarily designate a portion for a particular project. So, here you work with a nonprofit on site.

Ms. Jenkins said she was very familiar for what was being suggested, and her clients are very willing to have a way to use those funds at Acequia Lofts.

Ms. Ladd said if they could work and design an agreement in place it would be great. We could figure it out.

**MOTION:** Councilor Abeyta moved, seconded by Councilor Lindell, to approve Case #2018-46. Acequia Lofts Development Plan.

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

**For:** Mayor Webber, Councilor Abeyta, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

**Against:** None.

- 6) CONSIDERATION OF BILL NO. 2018-16: ADOPTION OF ORDINANCE NO. 2018-21. (Councilor Abeyta, Councilor Rivera and Councilor Lindell) An Ordinance Relating to the Land Development Code, Chapter 14 SFCC 1987; Amending Subsection 14-5.5(C)(3) to Add Applicability to Single Family Dwellings and Detached Multiple-Family Dwellings; Amending Subsection 14-5.5(C)(5) to Provide a Setback From the Airport Road Right-of-Way and Screen Wall Requirements for Single-Family Dwelling Units and Detached Multiple-Family Dwellings; Amending Subsection 145.5(C)(7) to Add Landscaping Requirements for Single-Family Dwellings and Detached Multiple-Family Dwellings Adjacent to the Airport Road Right-of-Way; and Making Such Other Changes That Are Necessary to Carry Out the Purpose of This Ordinance. (Greg Smith)

The Governing Body decided to consider this item which had earlier been postponed, since it could be done quickly.

Councilor Abeyta said this was not included in the overlay. We did have residential in the overlay and no setbacks were required. The only setback applies to commercial. It was approved at the Planning Commission without discussion and also at Finance or Public Works.

#### Public Hearing

There were no speakers from the public regarding this case and the public hearing portion was closed.

**MOTION:** Councilor Rivera moved, seconded by Councilor Romero-Wirth to approve Ordinance 2018-21.

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

**For:** Mayor Webber, Councilor Abeyta, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

**Against:** None.

- 7) CONSIDERATION OF BILL NO. 2018-15: ADOPTION OF ORDINANCE NO. 2018-\_\_\_\_. (Mayor Webber and Councilor Lindell) An Ordinance Amending Chapter 4 SFCC 1987 to Designate a Hearing Officer to Conduct Public Hearings Related to Liquor License Applications and Waivers of Distance Requirements from Churches or Schools, When Applicable, for Liquor License Applications, Special Dispenser Permits and Public Celebration Permits. (Zachary Shandler and Yolanda Vigil)

This item was previously postponed to September 12, 2018.

#### 15. MATTERS FROM THE CITY MANAGER

This item was not considered, due to the lateness of the hour.

#### 16. MATTERS FROM THE CITY ATTORNEY

This item was not considered, due to the lateness of the hour.

17. MATTERS FROM THE CITY CLERK

This item was not considered, due to the lateness of the hour.

18. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of the Bills and Resolutions Scheduled for Introduction by Members of the Governing Body is incorporated herewith to these minutes as Exhibit 10.

**Councilor Harris** read his resolution. "A Resolution amending Table 80 of the City of Santa Fe Impact Fee Capital Improvements Plan 2020 regarding planned major road improvements and adding *Arroyo de los Chamisos Crossing* as an eligible project to the Planned Major Road Improvements 2014-201 list of the IFCIP 2020."

**Councilor Lindell** introduced a resolution amending Resolution 2015-18 regarding the duties and responsibilities of the Veterans Advisory Board; authorizing the use of existing funds to educate residents and promote the option for a voluntary contribution to the New Mexico Veterans' State Cemetery Fund from a tax refund on Form NMPIT-1.

**Councilor Villarreal** introduced an ordinance relating to the Land Development Code, Chapter 14 SFCC 1987; amending Sections 14-10.2 and 14-10.3 to provide exceptions for legal nonconforming single-family dwellings; and making such other changes that are necessary to carry out the purpose of this ordinance.

**Councilor Rivera** introduced a resolution supporting a State Constitutional Amendment providing for a public bank in New Mexico; and appointing a City representative to serve as a liaison for this report.

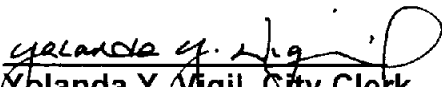
**I. ADJOURN**

Mayor Webber declared the meeting adjourned at 2:37 a.m.

**Approved by:**

  
\_\_\_\_\_  
Mayor Alan Webber

**ATTESTED TO:**

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

**Respectfully submitted:**

  
\_\_\_\_\_  
Carl G. Boaz, Council Stenographer

**ACTION SHEET  
ITEM FROM THE  
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING  
OF  
MONDAY, AUGUST 27, 2018**

**ITEM 12**

REQUEST FOR APPROVAL TO AWARD RFP #18/55/P TO MOLZEN-CORBIN AND ASSOCIATES FOR ON-CALL ARCHITECTURE/ENGINEERING SERVICES IN THE AMOUNT OF \$250,000 PER YEAR FOR THE NEXT FOUR (4) YEARS FOR THE SANTA FE REGIONAL AIRPORT (MARK BACA)

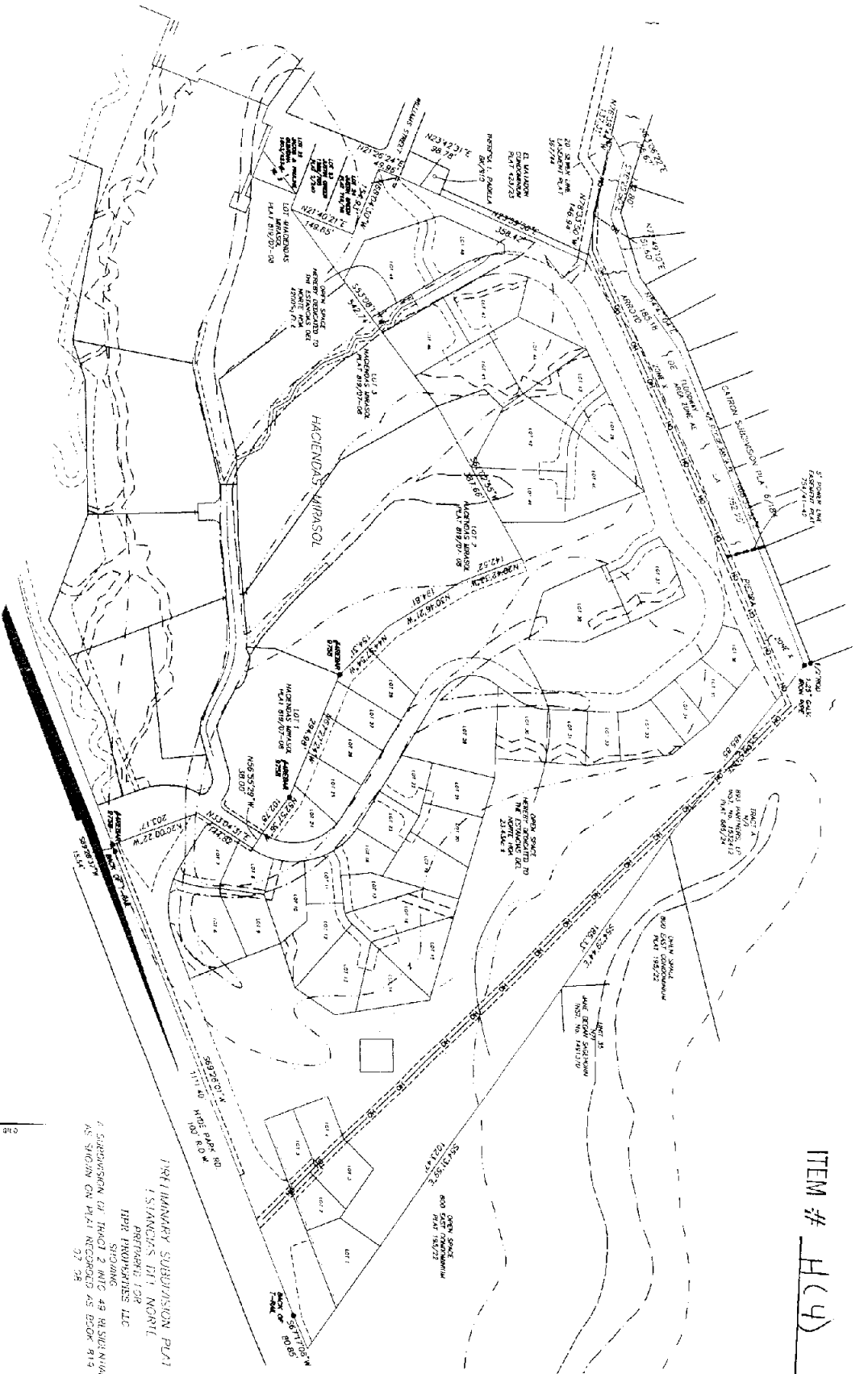
**PUBLIC WORKS COMMITTEE ACTION: APPROVED ON CONSENT**

**FUNDING SOURCE: VARIOUS GRANTS**

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

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON IVES	X		
COUNCILOR ABEYTA	X		
COUNCILOR VIGIL COPPLER	X		
COUNCILOR HARRIS	X		
COUNCILOR VILLARREAL	X		

ITEM # H(4)



PRELIMINARY SUBDIVISION PLAT  
 1. STANLEY, ET AL. NOBLE  
 PREPARED BY  
 HPR PROPERTIES, LLC  
 SPOONING  
 1. SUBDIVISION OF TRACT 2 INTO 48 RESIDENTIAL LOTS  
 AS SHOWN ON PLAT RECORDED AS BOOK 914, PAGE  
 27, 28

PRELIMINARY SUBDIVISION PLAT

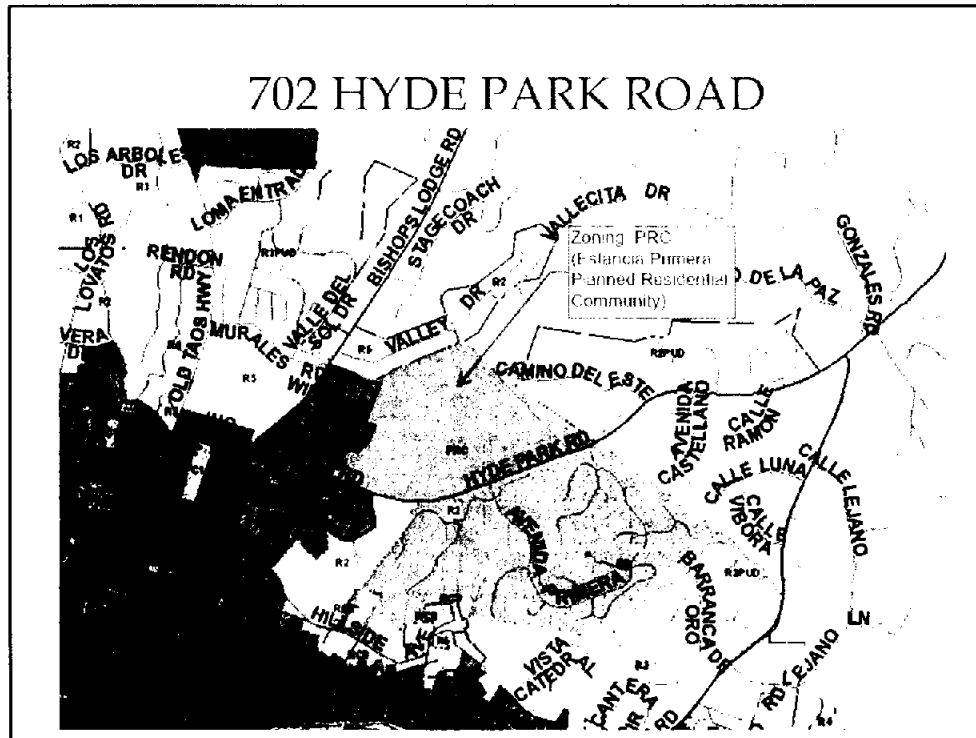
STANLEY, ET AL. NOBLE  
 PREPARED BY  
 HPR PROPERTIES, LLC  
 SPOONING  
 1. SUBDIVISION OF TRACT 2 INTO 48 RESIDENTIAL LOTS  
 AS SHOWN ON PLAT RECORDED AS BOOK 914, PAGE  
 27, 28

**APPEAL - CASE #2017-123**

**ESTANCIAS DEL NORTE PRELIMINARY  
SUBDIVISION PLAT AND VARIANCE REQUEST**

**Appeal by the Greater Callecita Neighborhood  
Association, et al. of the Planning Commission's  
Approval of Estancias Del Norte's Request for a  
Preliminary Subdivision Plat at 703 Hyde Park Road**

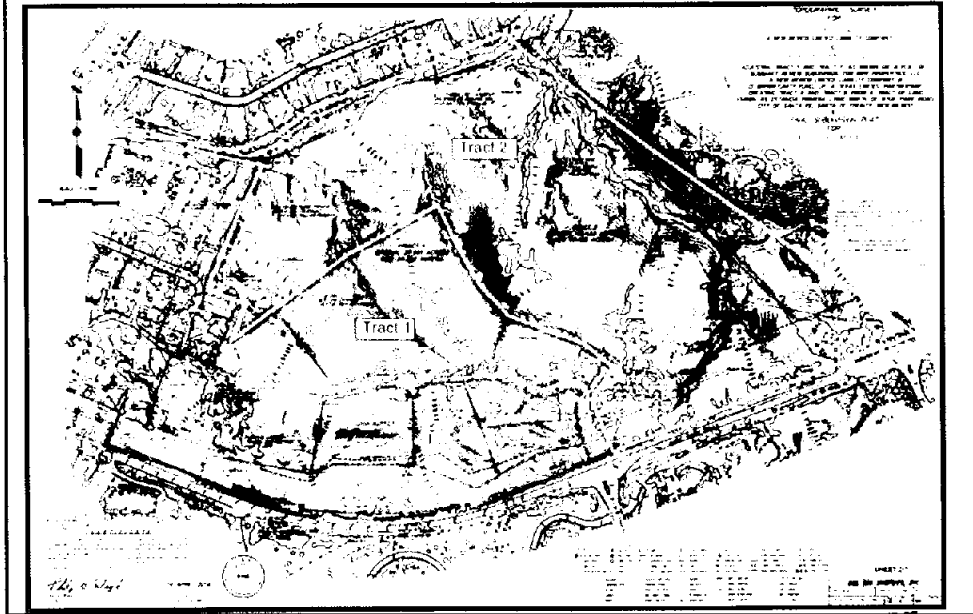




The subject of this appeal is a 40.47 acre tract of land, located at 702 Hyde Park Road, which is part of the Estancia Primera Master Plan, zoned Planned Residential Community as part of the Master Plan approved by the City Council in 1981. The overall PRC includes approximately 120 acres south of Hyde Park Road and 68 acres located north of Hyde Park Road.

A total of 151 dwelling units were proposed as Los Vecinos for the property located on the north side of Hyde Park Road. The approved 1981 master plan was never recorded and because no development has occurred on the tracts located north of Hyde Park Road, that portion of the master plan has expired and Chapter 14 does not require approval of a new master plan. However, the other provisions of the 1981 ordinance remain in effect. The applicant for Estancias del Norte has addressed the conditions of approval from the 1981 ordinance and staff's review has found that the proposed development would comply with Ordinance 1981-3.

**LOT SPLIT APPROVED IN 2012 &  
HACIENDAS DEL MIRASOL (TRACT I)  
APPROVED IN 2016**

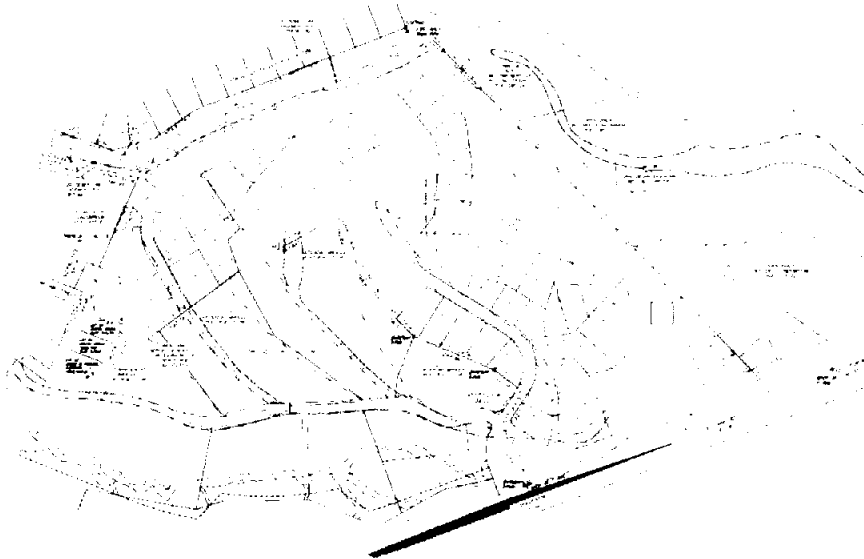


This Appeal is focused on Tract 2.

Tract 1 shown here was the 8 lot Haciendas del Mirasol subdivision that was approved by the Commission in 2016. That case was appealed to the Governing Body where numerous issues, including drainage and increased traffic on Hyde Park Road were raised by the appellants. The Governing Body affirmed the Commission's decision and approved the Haciendas del Mirasol subdivision after a hearing on December 14, 2016.

The Applicant for Tract 2, James Siebert & Associates as agent for HPR Properties, LLC Estancias del Norte, conducted an Early Neighborhood Notification meeting on October 26, 2017 with approximately 50 members of the public in attendance who raised concerns regarding drainage issues, traffic and the siting of homes near the ridgetop.

## PRELIMINARY SUBDIVISION PLAT



The Applicant for Estancias del Norte requested the following approvals for the proposed development:

- Preliminary subdivision plat approval for 49 lots on approximately 40.47 acres.
- A variance to Santa Fe City Code to exceed the 10 percent maximum grade for a subcollector road to allow a 12 percent grade for 500 feet of roadway.
- Approval of an innovative street design, and
- Removal of neighborhood commercial use from the 1981 Estancia Primera Master Plan at Hyde Park North Road and Calle Mirasol.

The Planning Commission voted to approve the preliminary subdivision plat subject to Staff conditions, technical corrections, and the additional Conditions contained in the independent consulting engineer's report, with the exception of Condition No. 5 of that report. In addition, Condition No. 4 in the independent consulting engineer's report is replaced by the letter agreement between the Applicant and El Matador Condo Association.

The Commission also approved the variance request, approved the request for innovative street design and also approved to remove the neighborhood commercial use at the southeast corner of the site.

[illegible]

This illustrates the 2,000 square foot buildable sites located outside the ridgetop subdistrict that meet all the setback, open space, escarpment overlay and terrain management regulations. This plan shows that sites are buildable. The developer of each of the lots located in the escarpment overlay will be required to comply with the applicable regulations of Escarpment Overlay requirements in Chapter 14.

## PRELIMINARY SUBDIVISION PLAT PROCESS

**October 26, 2017** - An Early Neighborhood Notification meeting, held at the Santa Fe Main Public Library was attended by the Applicant, City staff and approximately 50 members of the public who raised questions regarding drainage issues, traffic and the siting of homes near the ridgetop.

**January 4, 2018** - Planning Commission Public Hearing

- Meeting postponed to allow independent review of drainage calculations

**March 1, 2018** - Planning Commission meeting resumed the public hearing

- Ms. Oralyn Guerrerortiz, P.E. of the Design Ingenuity
  - Reviewed the drainage calculations,
  - Conducted a site visit, and
  - Prepared a report to the Commission on February 15, 2018.
- Report concluded that the applicant's drainage calculations met the requirements of Chapter 14.
- Ms. Guerrerortiz recommended seventeen additional conditions of approval for the proposed subdivision to minimize the risk of drainage-related problems at the site.
- These conditions included requiring the Applicant to build in a safety factor of at least 20% in their calculations of runoff.

**BYERS, MELISSA D.**

---

**From:** WYNANT, DONNA J.  
**Sent:** Monday, August 27, 2018 8:57 AM  
**To:** BYERS, MELISSA D.  
**Cc:** Jennifer Jenkins; LADD, ALEXANDRA G.; MARTINEZ, JAMES A.; BERKE, NOAH L.; SMITH, GREGORY T.  
**Subject:** Communications re Acequia Lofts  
**Attachments:** In Support of Project: Acequia Lofts; Acequia Lofts at 2725 Agua Fria; Please Support the Acequia Lofts Project; Project: Acequia Lofts; FW: Acequia Lofts Project at 2725 Agua Fria Street

Melissa

Here are the emails received regarding the Acequia Lofts:  
I am forwarding them on to you to provide to the Council.

Thank you.

**The attached emails include:**

- Tarrie Burnett (1275 Maez Rd)
- **Linda Varela** [linda.varela@sothebyshomes.com](mailto:linda.varela@sothebyshomes.com)
- Silas Peterson, Owner/Recruiter  
The Hire Firm & Santa Fe Labor Co. | [silas@thehirefirm.com](mailto:silas@thehirefirm.com)
- **Bruce Adams**, Publisher  
***Santa Fean, Now and Su Casa Magazine***  
[badams@santafean.com](mailto:badams@santafean.com)
- William Henry Mee, President  
Agua Fria Village Association
- Email from City Attorney, Erin McSherry  
(Email to William Mee regarding ex parte communication)

Note: I am also cc'ing this email to **Alexandra Ladd** due to the number of comments regarding affordable housing and to **James Martinez** since William Mee raises issues concerning traffic and traffic safety.

*Donna J. Wynant, AICP*

**BYERS, MELISSA D.**

---

**From:** Tarrie Burnett <tburnett@homewise.org>  
**Sent:** Friday, August 24, 2018 3:47 PM  
**To:** VILLARREAL, RENEE D.; LINDELL, SIGNE I.  
**Cc:** WYNANT, DONNA J.  
**Subject:** In Support of Project: Acequia Lofts  
**Attachments:** DEST2649s.jpg; Site Plan Rendering 2.pdf

Hi Counselor Villarreal and Lindell,

I am a new resident to the Riverwest Neighborhood and am in full support of this project – we need more multi-family housing – so wonderful to have local builders with an eye for style and quality to take this on. And please find incentives to have builders build the affordable units rather than pay fee-in-lieu – we NEED the units rather than the limited fees.

Sincerely,

Tarrie Burnett (1275 Maez Rd)

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

**From:** eric <[eric@tierraconceptssantafe.com](mailto:eric@tierraconceptssantafe.com)>  
**Date:** Tue, Aug 21, 2018 at 11:41 AM  
**Subject:** FW: City Council meeting  
**To:** eric <[eric@tierraconceptssantafe.com](mailto:eric@tierraconceptssantafe.com)>

Hey everyone...

RE Project: Acequia Lofts, a 120 unit, 2 story apartment proposal at 2725 Agua Fria Road on 6 acres next to the river between Maez and Harrison Road.

What: City Council meeting for Development Plan approval

When: Wednesday, August 29<sup>th</sup> at 7:00 pm

Meeting Location: Santa Fe County Fairgrounds Exhibit Hall, 3229 Rodeo Road (see bottom of email).

We are presenting to the City Council for approval of our Development Plan of our apartment project, Acequia Lofts. It would be great if a few people could show up and support our project.

More importantly, If you could please email your city councilors and let them know you support approval of this project, that would be a great help. Please copy city staff, Donna Wynant [djwynant@santafenm.gov](mailto:djwynant@santafenm.gov) on any email.

Thank you,

Eric Faust, Kurt Faust, Keith Gorges

Tierra Concepts, Inc.

Award Winning Designer I Builder

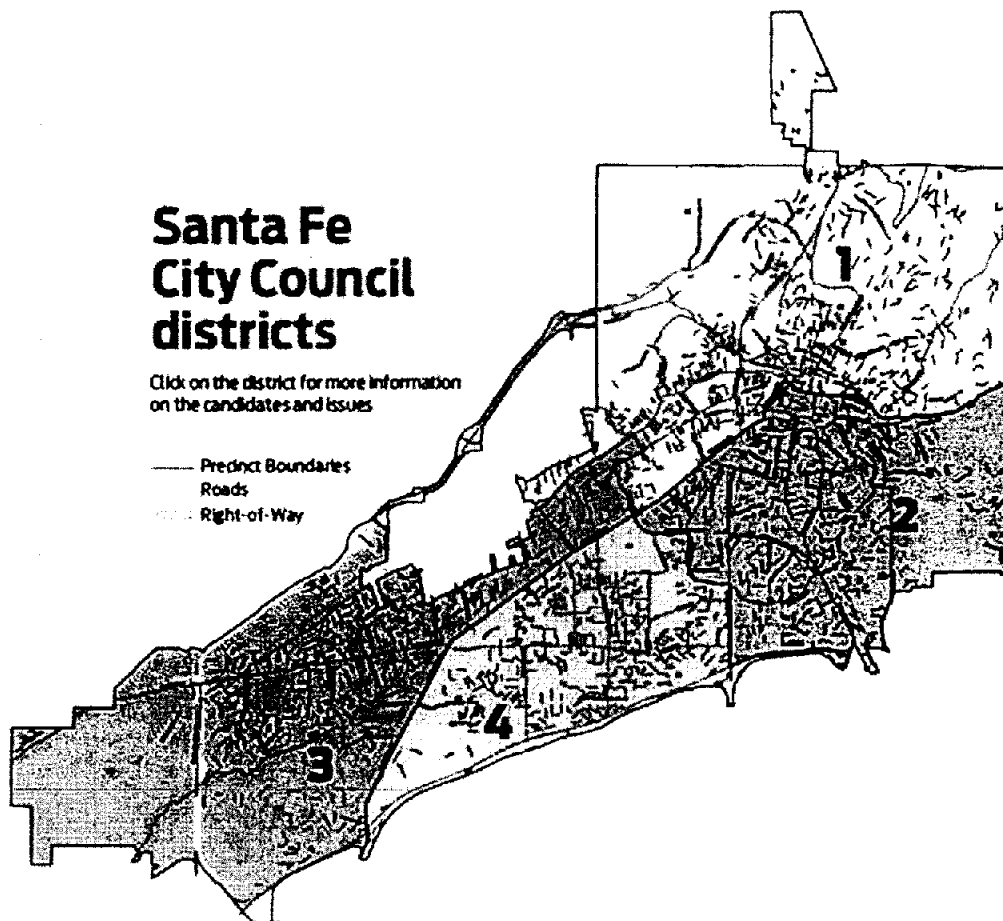
Mobile: (505)780-1159

1512 Pacheco Street, D206

Santa Fe, New Mexico 87505

[www.TierraConceptsSantaFe.com](http://www.TierraConceptsSantaFe.com)

## SANTA FE CITY COUNCILORS





*District 1 Councilors:*

Renee Villarreal (505) 955-2345 [rdvillarreal@santafenm.gov](mailto:rdvillarreal@santafenm.gov)

Signe L. Lindell (505) 955-6812 [silindell@santafenm.gov](mailto:silindell@santafenm.gov)

With copy to: [djwynant@santafenm.gov](mailto:djwynant@santafenm.gov)

*District 2 Councilors:*

Peter Ives (505) 955-6816 [pnives@santafenm.gov](mailto:pnives@santafenm.gov)

Carol Romero-Wirth (505) 955-6815 [cromero-wirth@santafenm.gov](mailto:cromero-wirth@santafenm.gov)

With copy to: [djwynant@santafenm.gov](mailto:djwynant@santafenm.gov)

*District 3 Councilors:*

Chris Rivera (505) 955-6818 [cmrivera@santafenm.gov](mailto:cmrivera@santafenm.gov)

Roman "Tiger" Abeyta (505) 955-6814 [rrabeyta@santafenm.gov](mailto:rrabeyta@santafenm.gov)

With copy to: [djwynant@santafenm.gov](mailto:djwynant@santafenm.gov)

*District 4 Councilors:*

Michael Harris (505) 955-6817 [maharris@santafenm.gov](mailto:maharris@santafenm.gov)

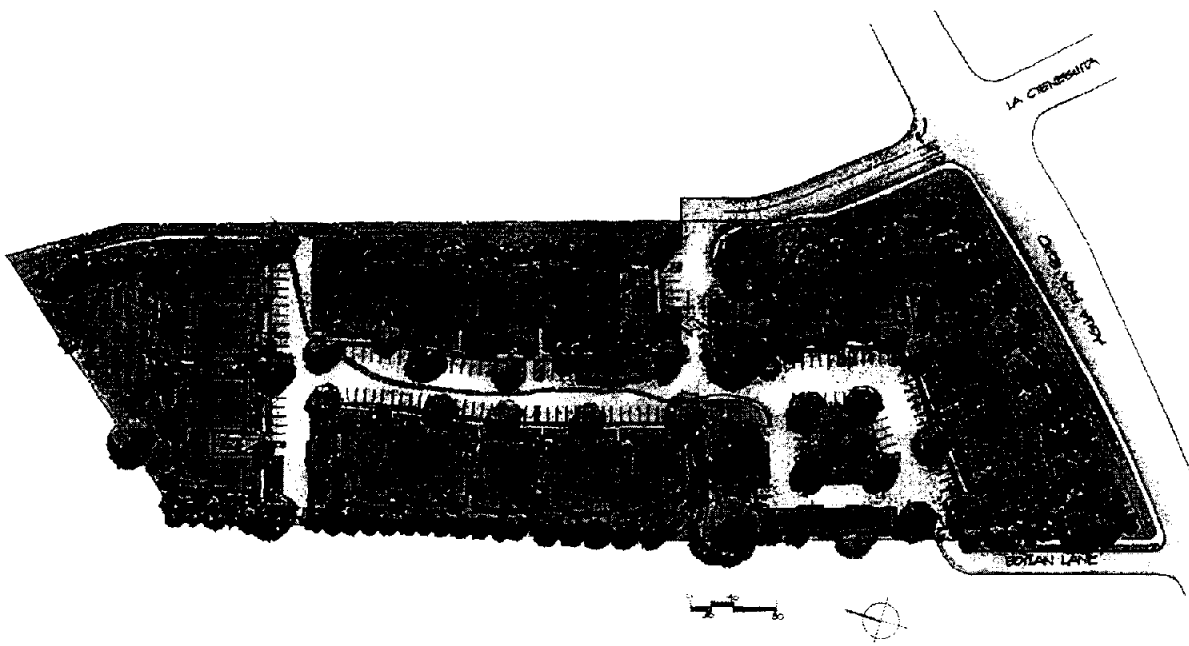
JoAnne Vigil Coppler (505) 955-6811 [jvcoppler@santafenm.gov](mailto:jvcoppler@santafenm.gov)

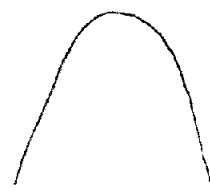
With copy to: [djwynant@santafenm.gov](mailto:djwynant@santafenm.gov)

MEETING LOCATION:



Main entrance to the rodeo/fairgrounds  
at Rodeo Rd and Paseo de los Pueblos.





**BYERS, MELISSA D.**

---

**From:** Varela, Linda <linda.varela@Sothebyshomes.com>  
**Sent:** Tuesday, August 21, 2018 12:55 PM  
**To:** IVES, PETER N.; ROMERO-WIRTH, CAROL  
**Cc:** WYNANT, DONNA J.  
**Subject:** Acequia Lofts at 2725 Agua Fria

Dear Councilors Ives and Romero-Wirth,

Just letting you know that I am in full support of the above mentioned project which will be coming up for approval at your next meeting on August 29<sup>th</sup>.

Thank you for your consideration on this important project.

Sincerely,

***Linda Varela***

Office Administrator Manager  
NM License #33420  
Sotheby's International Realty  
231 Washington Avenue  
Santa Fe, NM 87501  
505-988-8088  
fax: 505-984-5191  
[www.santafesir.com](http://www.santafesir.com)  
[linda.varela@sothebyshomes.com](mailto:linda.varela@sothebyshomes.com)

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This email may be confidential. If you are not the intended recipient, please notify us immediately and delete this copy from your system.

**BYERS, MELISSA D.**

---

**From:** Silas Peterson <silas@thehirefirm.com>  
**Sent:** Thursday, August 23, 2018 4:03 PM  
**To:** IVES, PETER N.; ROMERO-WIRTH, CAROL; Mayors Office  
**Cc:** WYNANT, DONNA J.; Eric T; Daniel Werwath  
**Subject:** Please Support the Acequia Lofts Project

Dear Mayor Webber, Councilor Romero-Wirth, and Councilor Ives:

I live on Camino San Patricio in District 2, I work just outside City limits on Bisbee Court, I serve on the Board of the Chamber of Commerce and the Santa Fe Housing Action Coalition, and I am a former member of the City's Community Development Commission. I am writing to urge your support of Tierra Concepts's Acequia Lofts Project.

Tierra Concepts is a respected local builder that has worked very hard and made exceptional modifications to their original El Rio design to help satisfy neighbors' concerns. Their Acequia Lofts project is attractive, classy, and will add 120 badly needed housing units to our inventory. Their fees in lieu of built units will add important dollars to the Affordable Housing Trust Fund that can be allocated towards furthering implementation of the City's affordable housing plan. Every new dwelling built in Santa Fe helps ease the inflationary pressure on housing at all price levels.

Some people may object to the project, saying it will increase traffic or change the character of the neighborhood. As a community, we have to accept that they're not wrong. All development leads to change. But our failure to act also leads to change. Santa Fe has been changing for 20 and more years, and often not for the better. The population has grown, the housing market has changed, housing prices at all levels have increased faster than wages--and the failure of our community to support responsible developments, like this one, has contributed to critically low vacancy rate, high prices, and the disenfranchisement of families.

As you weigh the merits of this particular project--and more importantly, as the debate about our housing crisis continues--please remember to count the silent voices of all the people that are affected by our housing shortage--the majority of Santa Feans that commute from outside the City to work here, and the businesses that struggle to recruit even highly paid employees.

Thank you for your consideration. You do important work for the City. Please help improve the access to housing for all who would call Santa Fe home.

Sincerely,

Silas Peterson, Owner/Recruiter, SHRM-SCP, SPHR, ACIR, CSP  
The Hire Firm & Santa Fe Labor Co.  
[thehirefirm.com](http://thehirefirm.com) | [silas@thehirefirm.com](mailto:silas@thehirefirm.com)  
o 505.983.7775 | m 505.913.1144 | f 505.983.1092  
Santa Fe: 41 Bisbee Ct Unit B4  
Albuquerque: 4300 Carlisle Blvd NE Suite 3

**BYERS, MELISSA D.**

---

**From:** Bruce Adams <badams@santafean.com>  
**Sent:** Tuesday, August 21, 2018 11:35 AM  
**To:** HARRIS, MICHAEL A.; COPPLER, JOANNE V.  
**Cc:** WYNANT, DONNA J.; eric@tierraconceptssantafe.com  
**Subject:** Project: Acequia Lofts

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Councilors Harris and Coppler,  
I would like to encourage you to support this project that has low impact, is part of the city's infill and makes a stab at our biggest local challenge, and that's housing.

Tierra Concepts has shown respect for this community and sensitivity to the affect their projects have. Each of their projects has been a beautiful addition to our city.

Please support this needed project.

**Bruce Adams**, Publisher  
*Santa Fean, Now and Su Casa Magazine*  
[badams@santafean.com](mailto:badams@santafean.com)  
505 690 5904

"Work hard in silence, let your success be your noise." Frank Ocean

**BYERS, MELISSA D.**

---

**From:** MCSHERRY, ERIN K.  
**Sent:** Friday, August 24, 2018 5:32 PM  
**To:** williamhenrymee@aol.com  
**Cc:** Mayors Office; VILLARREAL, RENEE D.; LINDELL, SIGNE I.; IVES, PETER N.; ROMERO-WIRTH, CAROL; RIVERA, CHRISTOPHER M.; ABEYTA, ROMAN R.; HARRIS, MICHAEL A.; COPPLER, JOANNE V.; WYNANT, DONNA J.; cdGonzales@comcast.net; hilarioromero99@yahoo.com; williamhenrymee@gmail.com  
**Subject:** FW: Acequia Lofts Project at 2725 Agua Fria Street

Good afternoon Mr. Mee,

I was forwarded your communication, below. The Governing Body is reviewing the matter you mention on Wednesday in its quasi-judicial capacity. When the Governing Body reviews a matter in its quasi-judicial capacity, the members are prohibited from discussing the merits of the matter before the public hearing scheduled for that purpose. In addition, the Council must disclose communications received regarding the merits at the beginning of the hearing and recuse themselves if they feel they cannot be fair and impartial. For these reasons the members cannot be responsive to communications in the way they would when they are serving in their legislative roles.

Erin

Erin K. McSherry  
City Attorney | City of Santa Fe  
City Hall | 200 Lincoln Avenue  
Santa Fe, New Mexico 87504



Begin forwarded message:

**From:** William Mee <williamhenrymee@aol.com>  
**Subject:** Acequia Lofts Project at 2725 Agua Fria Street  
**Date:** August 24, 2018 at 4:57:20 PM MDT  
**To:** <mayor@santafenm.gov>, <rdvillarreal@santafenm.gov>, <silindell@santafenm.gov>, <pnives@santafenm.gov>, <cromero-wirth@santafenm.gov>, <cmrivera@santafenm.gov>, <rrabeyta@santafenm.gov>, <maharris@santafenm.gov>, <jvcoppler@santafenm.gov>  
**Cc:** <djwynant@santafenm.gov>, <cdGonzales@comcast.net>, <hilarioromero99@yahoo.com>, <williamhenrymee@gmail.com>

Mayor Alan Webber and City Council  
City of Santa Fe



Dear Honorable Mayor and Councilors:

As President of the Agua Fria Village Association and Community Organization, on behalf of our residents, we want to inform you of our concern regarding the Acequia Lofts, that are proposed before you on August 29, 2018 for approval.

Since the so-called crisis on housing (**the crisis is for affordable housing!**) has baffled us with all the proposals for in-fill and high density apartments which are always "Market Rate" and not affordable, this case has always been about annexation and urban sprawl into Agua Fria Village. We are now surrounded by high density development after two new approvals of 600 apartments bordering our northwest side.

As a member of the committee that developed the Master Plan for this area, I also have concerns regarding this development. We have come a long way to get to this point.

Now that they have downsized their project to 120 units from the original 450, there are still a few concerns we have:

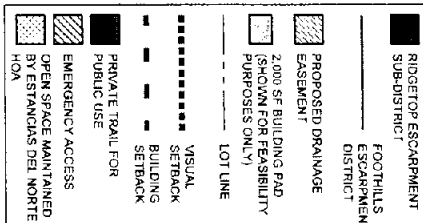
1. The main entrance of the apartments is planned directly across Agua Fria from La Cieneguita. This area is a dangerous traffic location. Cars speed up in this wider part of Agua Fria road at this curve and have poor visibility, line of sight, moving at speeds from 40 to 50 mph more often than not. **This is a safety issue!**
2. We've heard for years from La Cieneguita, Harrison, and Maes street residents regarding traffic they have dealt with for decades as their residential streets are thoroughfares for drivers crossing to and from Cerrillos and Agua Fria. They have complained to the city to no avail. **The city needs to solve this problem with community input before this project is approved.**
3. Our Master Plan committee also worked with the developers who wanted an amendment to our Master Plan's overlay height from 24 ft. to 28 ft. and we agreed only in order to have our plan approved by the Mayor and City Council.
4. Now we want the developers to work with us to amend their plan and have them lower the base of the largest building they plan to build 30 ft. off of Agua Fria. We created a setback for structures of 30 to 56 ft. from the road. They want to comply with the minimum. We feel that 43 ft. would be halfway between.
5. Last but not least, we need to make sure the project will preserve the acequias on the property. Other projects in the area approved by the Mayor and Council paid no attention and covered historic acequias.
6. When the project went before the SF Planning Commission, John Hyatt spoke about the traffic problem on Agua Fria saying we need to address it.

**We are asking the Mayor and City Council not to approve the Acequia Lofts plan until these problems are solved by the city with community input.**

Sincerely,

William Henry Mee, President  
Agua Fria Village Association

# LEGEND



ITEM # H(4)

PROPOSED DRAINAGE EASEMENT

25' ARROYO SETBACK

500' YEAR FLOODPLAIN  
100' YEAR FLOODPLAIN

## GENERAL REQUIREMENTS

1. CITY OF SANTA FE LAND DEVELOPMENT CODE
2. 14.01.01 ZONING DISTRICT
3. 14.01.02 DEVELOPMENT AND DESIGN STANDARDS
4. ORDINANCE 198-3
5. PUEBLO RENEWAL
6. TERRITORIAL
7. RECENT SANTA FE STYLE

## BUILDABLE AREA REQUIREMENTS

1. Building pads and buildable areas shall be determined. All setbacks shall adhere to applicable sections of the Santa Fe City Code.
2. PER SANTA FE CITY CODE SECTION 14.01.02, "At least one-half of the area designated as buildable for building and at least one-half of any building footprint shall have a minimum slope of twenty percent or greater, but shall not be less than ten percent."
3. PER ORDINANCE 198-3, SITE PLANNING CRITERIA: All of the topography of the City of Santa Fe shall be maintained and enhanced. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources.
4. Topography: No portion of any building or structure shall be located on a slope of more than 20 percent. The building shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources.
5. Grading: Grading on the site shall be determined by the City of Santa Fe. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources.
6. Maximum Height of Building: The maximum height of any building shall not exceed 35 feet above the natural grade, unless otherwise approved by the City of Santa Fe. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources.
7. Building Footprint: The building footprint shall not exceed 15 percent of the total lot area. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources.
8. Building Height: The building height shall not exceed 35 feet above the natural grade, unless otherwise approved by the City of Santa Fe. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources.
9. Building Setback: The building setback shall not exceed 20 feet from the natural grade, unless otherwise approved by the City of Santa Fe. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources.
10. Building Orientation: The building orientation shall not exceed 30 degrees from the natural grade, unless otherwise approved by the City of Santa Fe. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources.
11. Building Materials: The building materials shall be determined by the City of Santa Fe. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources.
12. Building Color: The building color shall be determined by the City of Santa Fe. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources.
13. Building Style: The building style shall be determined by the City of Santa Fe. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources.
14. Building Details: The building details shall be determined by the City of Santa Fe. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources.
15. Building Access: The building access shall be determined by the City of Santa Fe. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources.
16. Building Security: The building security shall be determined by the City of Santa Fe. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources.
17. Building Maintenance: The building maintenance shall be determined by the City of Santa Fe. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources.
18. Building Safety: The building safety shall be determined by the City of Santa Fe. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources.
19. Building Health: The building health shall be determined by the City of Santa Fe. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources.
20. Building Environment: The building environment shall be determined by the City of Santa Fe. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources.
21. Building Community: The building community shall be determined by the City of Santa Fe. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources.
22. Building Culture: The building culture shall be determined by the City of Santa Fe. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources.
23. Building History: The building history shall be determined by the City of Santa Fe. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources.
24. Building Future: The building future shall be determined by the City of Santa Fe. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources.
25. Building Legacy: The building legacy shall be determined by the City of Santa Fe. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources. The proposed development shall be designed to maintain the natural topography and shall not be altered in a way that would result in a loss of natural resources.

## BUILDING SETBACK

AS PER NOTE 2 OF THE ESTANCIA PRIMERA PRELIMINARY PLAN

PRELIMINARY PLAN

PLANNED RESIDENTIAL COMMUNITY

PRELIMINARY PLAN

PLANNED RESIDENTIAL COMMUNITY

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PRELIMINARY PLAN

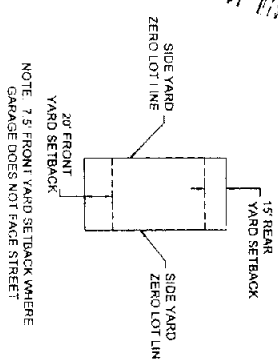
PLANNED RESIDENTIAL COMMUNITY

PRELIMINARY PLAN

PLANNED RESIDENTIAL COMMUNITY

PRELIMINARY PLAN

## TYPICAL LOT SETBACK



NOTE: 7.5' FRONT YARD SETBACK WHERE GARAGE DOES NOT FACE STREET

## SITE DATA

AREA	40.122 AC±
FLOOD PLAIN AREA	0.891 AC±
AREA	39.231 AC±
ZONING	PLANNED COMMUNITY RESIDENTIAL/PROJ. 1.3 DU/AC
DWELLING UNITS	49
GROSS DENSITY	0.80 DU/AC
OPEN SPACE	17.82 AC± (44.42% OF TOTAL LOT)
SMALLEST LOT	0.18 AC±
LARGEST LOT	0.58 AC±

CASE #

CITY USE ONLY

DATE

NOVEMBER 2017

SCALE 1" = 100'

3.1

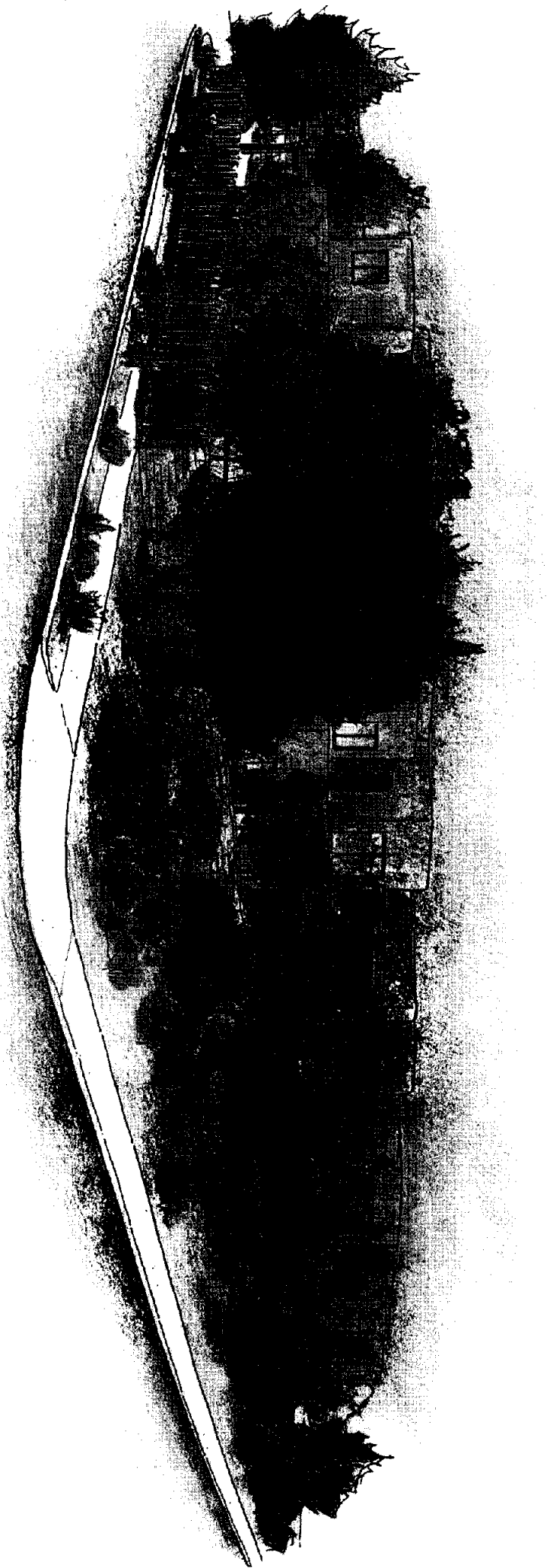
**Santa Fe Engineering Consultants, LLC**  
1599 S. Francis Avenue, Suite 9  
Santa Fe, N.M. 87505  
(505) 982-2445 Fax (505) 982-2441  
http://www.sfeconsultants.com

**PRELIMINARY SUBDIVISION PLAN AND DEVELOPMENT PLAN FOR ESTANCIA DEL NORTE**

**DEVELOPMENT PLAN**

DATE: NOVEMBER 2017 SCALE: 1" = 100' SHEET: 3.1

# ACCEQUIA LOFTS DEVELOPMENT PLAN APPLICATION



CITY COUNCIL HEARING  
AUGUST 29, 2018

# Acequia Lofts      Neighborhood Aerial



1,166.7      0      583.33      1,166.7 Feet  
 WGS 1984 Web Mercator Auxiliary Sphere  
 © Latitude Geographic Group Ltd



- Legend**
- City Limits
  - Address Points
  - Roads
  - Major Roads
  - Santa Fe County Parcels
  - Santa Fe River
  - Rail Road
  - City Parks
  - RECREATION PARK
  - COMMUNITY PARK
  - NEIGHBORHOOD PARK
  - POCKET PARK
  - SPECIAL USE PARK
  - ATV/BMX BIKE SKILLS PARK
  - DOG PARK

1:7,000

**Notes**  
 This map was automatically generated using  
 Geoserver Essentials.

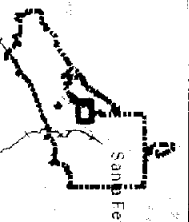
This map is a user generated static output from an internet mapping site and is for  
 reference only. Data layers that appear on this map may or may not be accurate.  
 Copyright © 2017 Latitude Geographic Group Ltd  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

# Acequia Lofts      Zoning Map



1:3333  
 0 666.67 1333.3 Feet  
 WGS 1984 Web Mercator Auxiliary Sphere  
 © Unlabeled Geographic Corp Ltd

This map is a user-generated map. It is not a legal document. It is not a substitute for a professional map. It is not a substitute for a professional map. It is not a substitute for a professional map.



## Legend

- City Limits
- Address Points
- Roads
- Major Roads
- Santa Fe County Parcels
- Santa Fe River
- Rail Road
- City Parks
- RECREATION PARK
- COMMUNITY PARK
- NEIGHBORHOOD PARK
- POCKET PARK
- SPECIAL USE PARK
- ATV/BMX/BIKE/SKIS PARK
- DOG PARK

## Zoning

- R1: Rural Residential
- R1.1: (R1.1) Single-Family Single
- R2: (R2) Single-Family Single
- R3: (R3) Single-Family Single
- R4: Single-Family Single
- R5: (R5) Single-Family Single
- R6: (R6) Single-Family Single
- R7: (R7) Single-Family Single
- R8: (R8) Single-Family Single
- R9: (R9) Single-Family Single
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- R31: (R31) Single-Family Single
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- R98: (R98) Single-Family Single
- R99: (R99) Single-Family Single
- R100: (R100) Single-Family Single

## Notes

This map was automatically generated using  
 Geoortex Essentials



## ***Planning Area***

The West Santa Fe River Corridor Planning Area is shown on the aerial map below and includes the following boundaries:

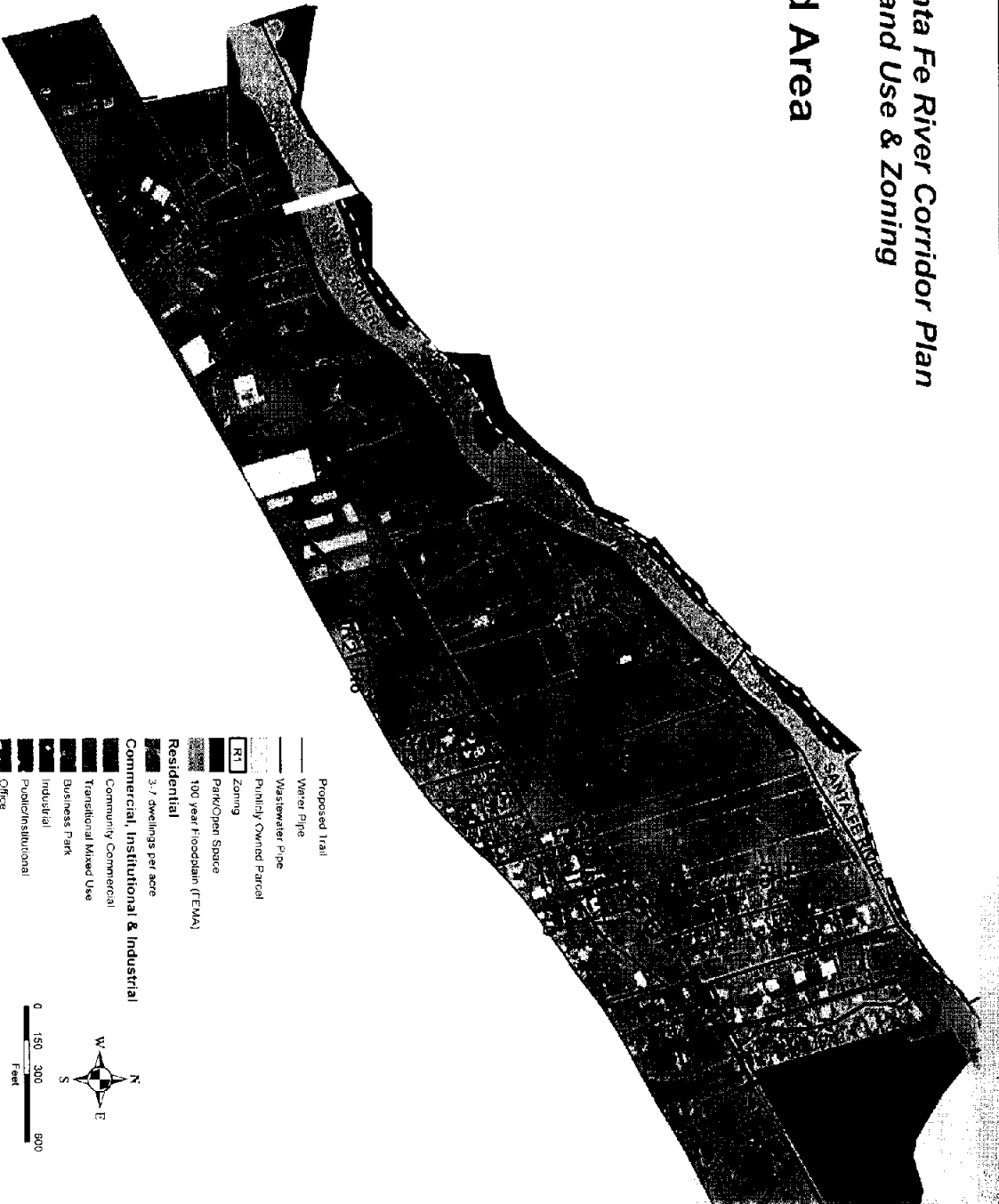
- West Alameda Street to the north,
- La Joya Road to the east (both sides of the river),
- Agua Fria Street to the south,
- City Corporate Limits to the west (shared boundary with the Agua Fria Traditional Village)



**West Santa Fe  
River Corridor Plan**

# *West Santa Fe River Corridor Plan Future Land Use & Zoning*

## **Mixed Area**

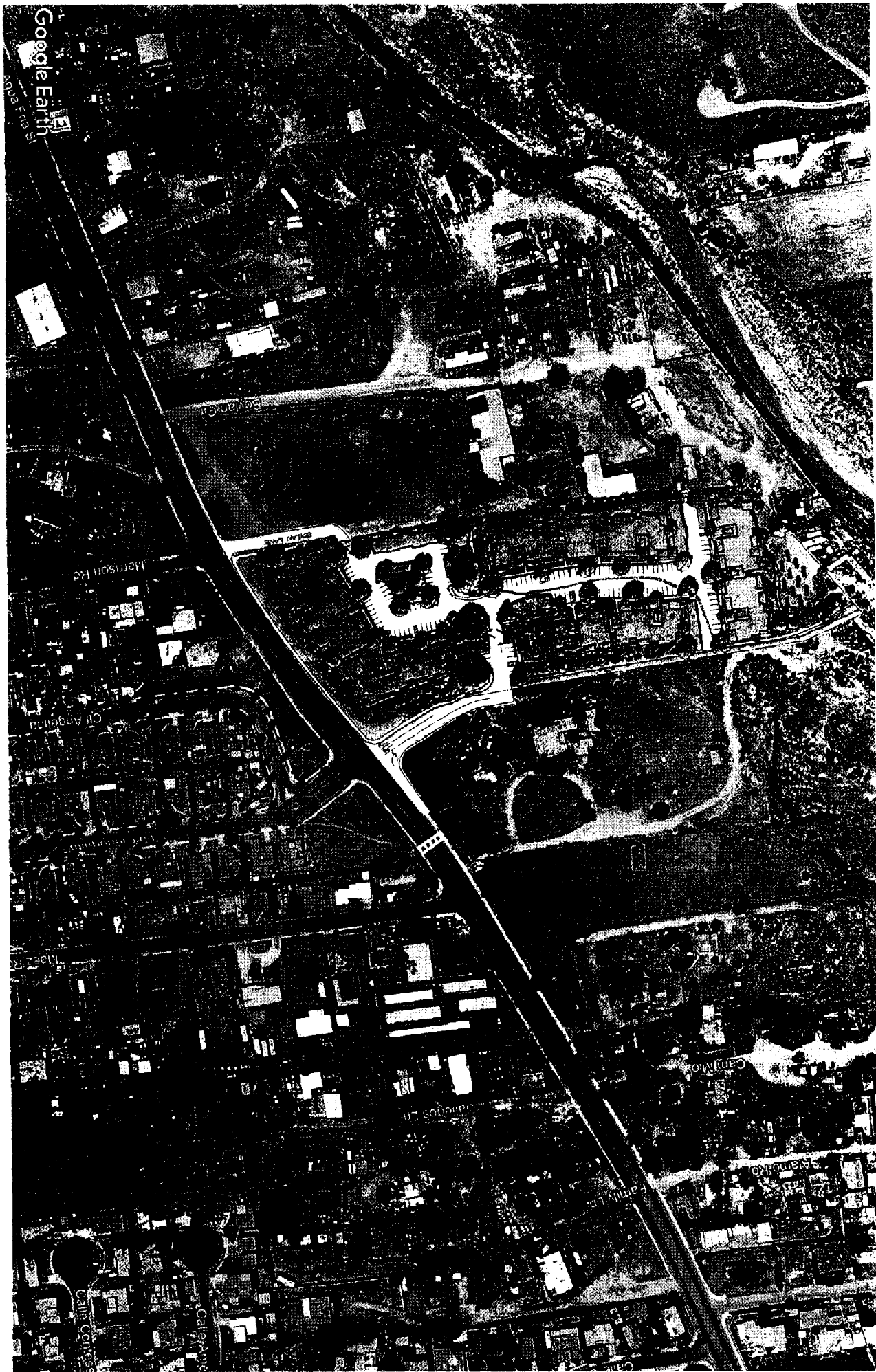


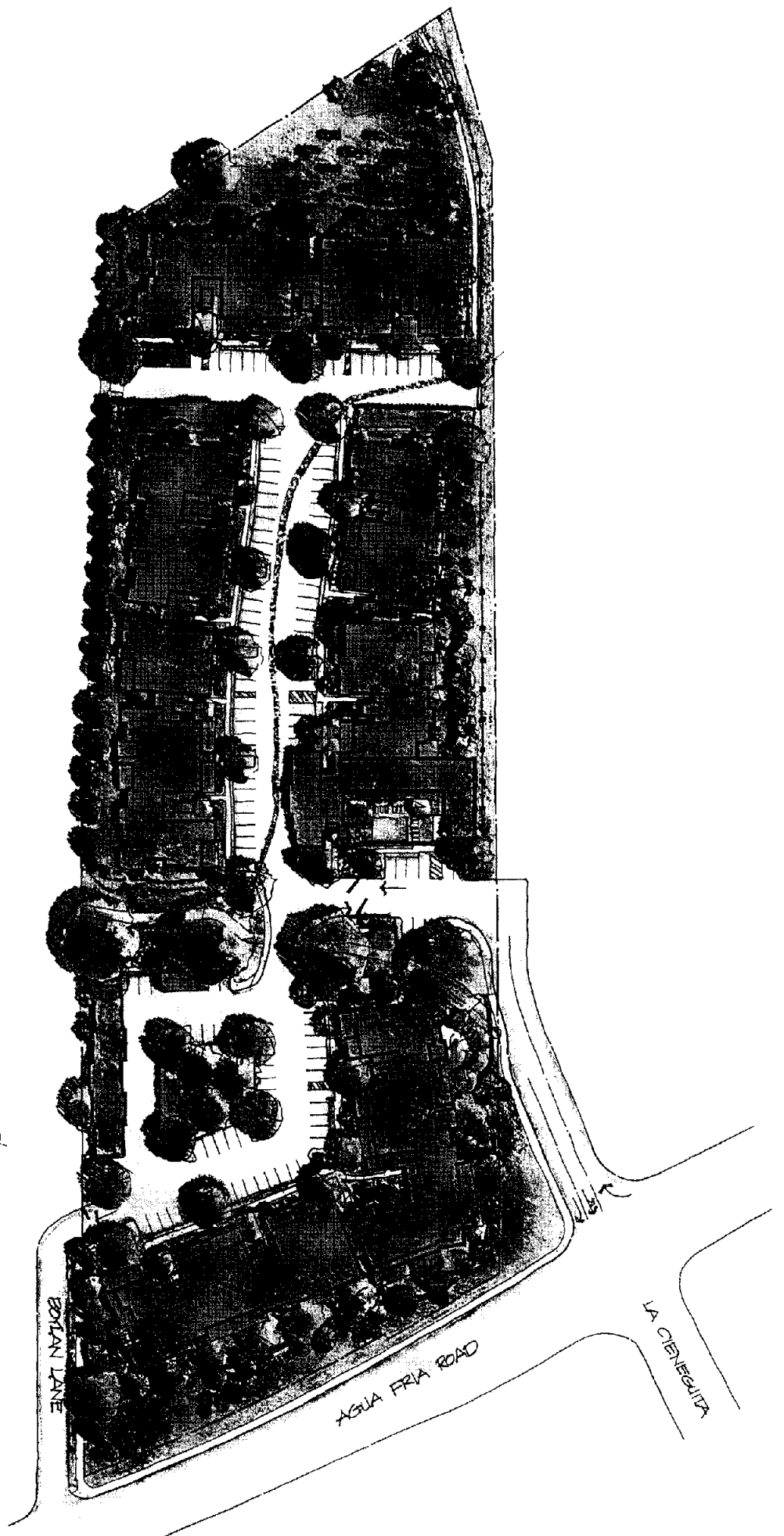


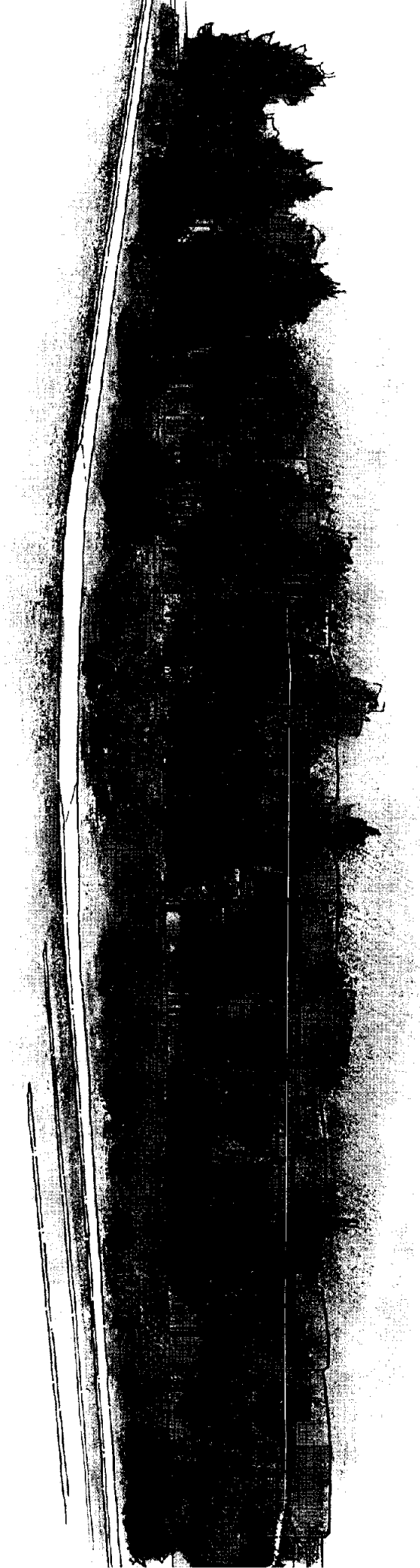
## West Santa Fe River Corridor Overlay District – Design Standards

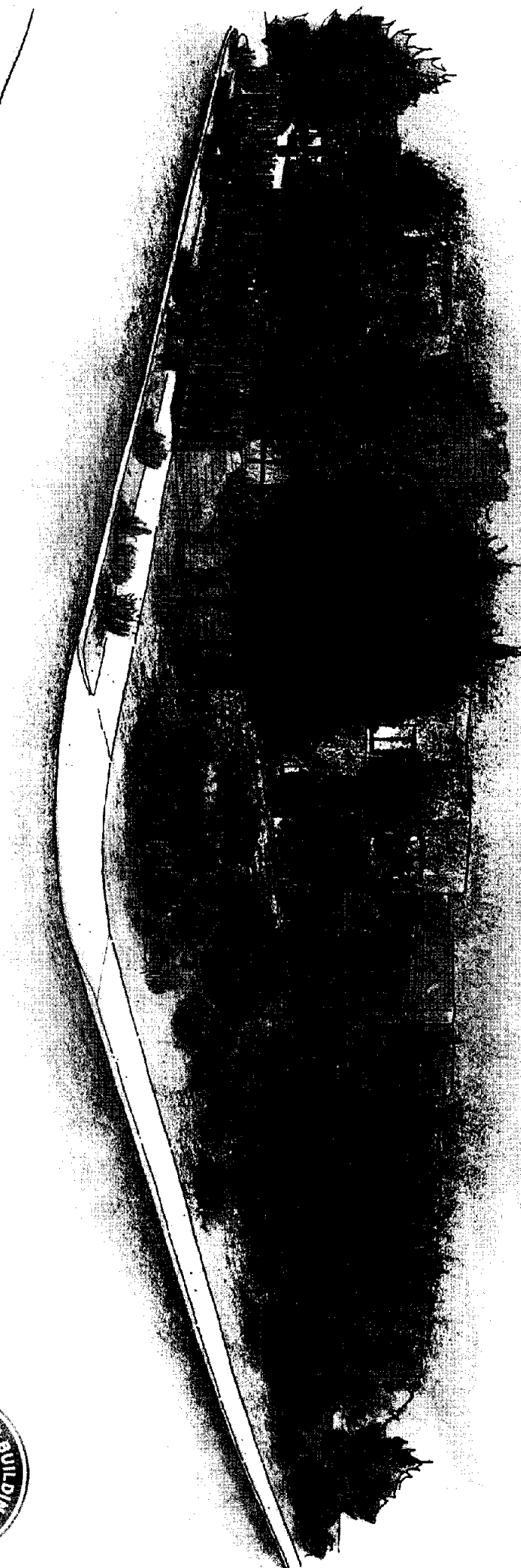
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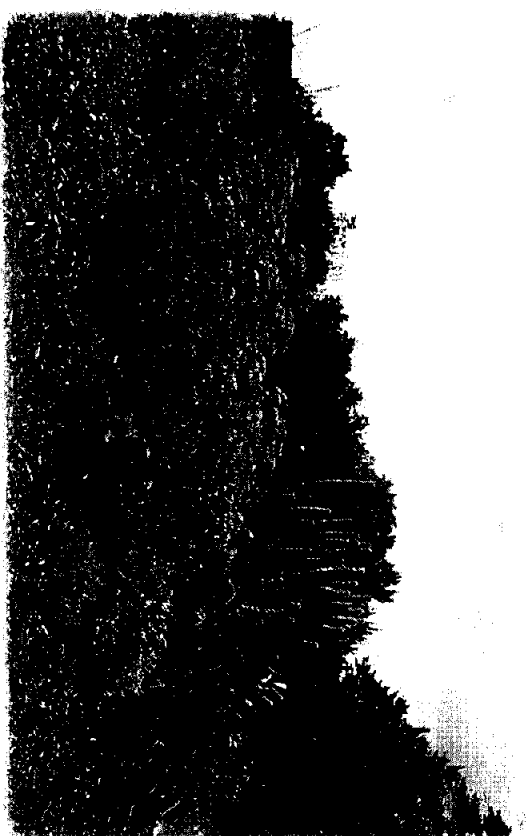
- ☑ **Building Height:** Maximum building height shall not exceed 28 feet.
- ☑ **Street Setback:** Minimum setback from Agua Fria Street shall be 30 feet. *The proposed Agua Fria setback ranges from 30 to 56 feet.*
- ☑ **Santa Fe River Setback:** A minimum of 15 feet from the most restrictive of the following: River Greenway Easement Boundary; 100-year Floodplain Boundary; or City Code setback measurement. *The building setback from the River ranges from 140 to 240 feet.*
- ☑ **Open Space:** Residential developments shall have a minimum of 10% of the total land area reserved as common area open space. *The proposed open space is 2.0 acres or 32.8% of the land area.*









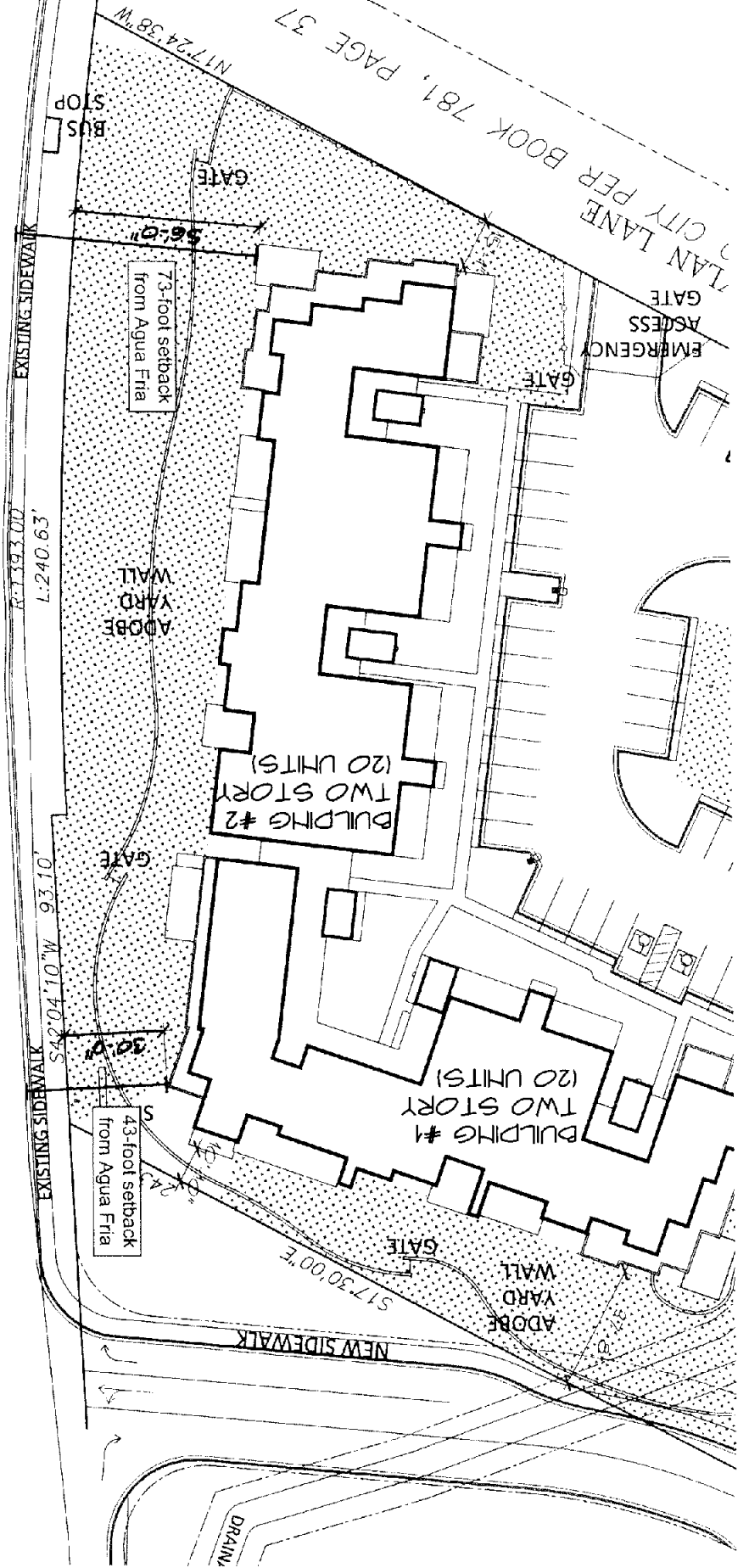




## Proposed Building Heights Relative to La Cieneguita Neighborhood







**ACEQUIA MADRE de SANTA FE**

(Community Acequia Association)

922 Acequia Madre, Santa Fe, New Mexico 87505  
(505) 983-3546 E-mail: pjbove@aol.com

August 23, 2018

City of Santa Fe  
City Hall  
Santa Fe, New Mexico 87501

Re: The Lots Development Plans, Agua Fria @ the Ecoversity Site

Dear Mayor and City Council Members,

On June 18, 2018, Hilario Romero and I did a walkthrough on the property at 2725 Agua Fria where the proposed Acequia Lofts are asking for approval of their building plan. We located the two acequias on the property both on the 1917 and 1978 New Mexico State Engineer's Hydrographic Surveys and then on the ground at the site. They are both historic acequias and should be preserved.

The area in question was "La Cieneguita del Pueblo Quemado" located within the village of Pueblo Quemado and eventually called Agua Fria Village. This land was part of the long history of several land grants given to Francisco Madrid, his son, Roque Madrid, who was born in this village in 1644, along with other famous individuals like Juan Gonzales Lobon, Juan Lucero y Godoy, Luis Maese in the 1600's and Gregorio Garduño, Bernardo Miera y Pacheco Felipe Tafoya, Pablo Gallegos in the 1700's. This farm and ranchland was also worked by Sotero Romero in the 1800's and 1900's and by the Carillo family up until the 1990's.

Part of the Acequia Runs through the southern portion of the site and is shown on the development plan and the plat. It is in the drainage easement.

The Acequia Madre still runs through the Sotero Romero property through the La Cieneguita del Camino Real neighborhood. Please give serious consideration to the preservation of the acequias and the legacy of this important history.

I can be reached at 983-3546 if you would like to discuss this matter further.

Thank you for your continued cooperation.

Sincerely yours,

  
Phillip Bové  
Commissioner

Attachments (6)

Cy:  
City of Santa Fe  
file

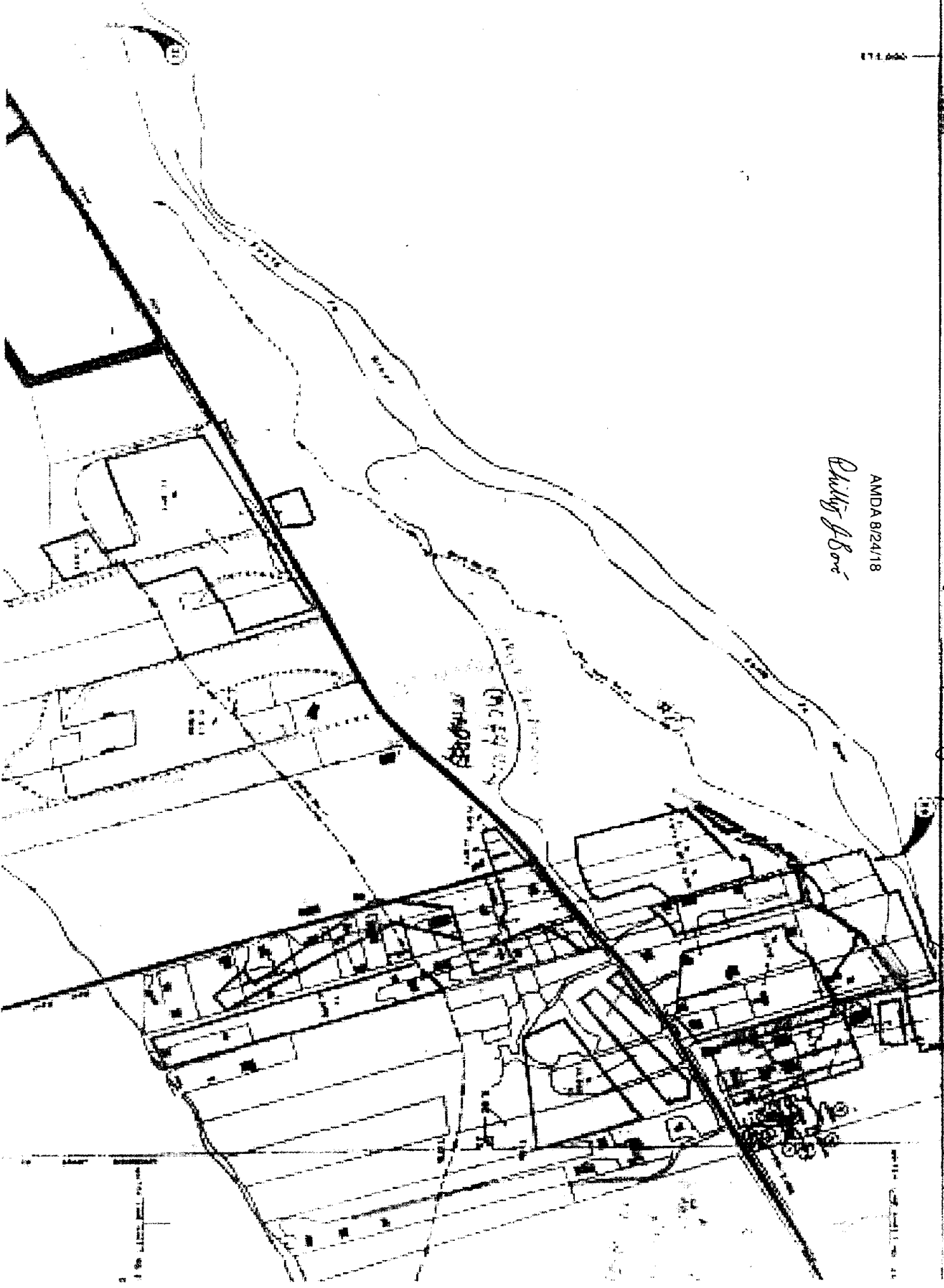
34 27

State Engineer Hydrographic Survey

1978

AMDA 8/24/18

Philip A. Boni



TO: DIRECTOR, FBI  
FROM: SAC, NEW YORK  
SUBJECT: [Illegible]

DATE: 8/24/18

RE: [Illegible]  
[Illegible]  
[Illegible]

TO: DIRECTOR, FBI  
FROM: SAC, NEW YORK  
SUBJECT: [Illegible]

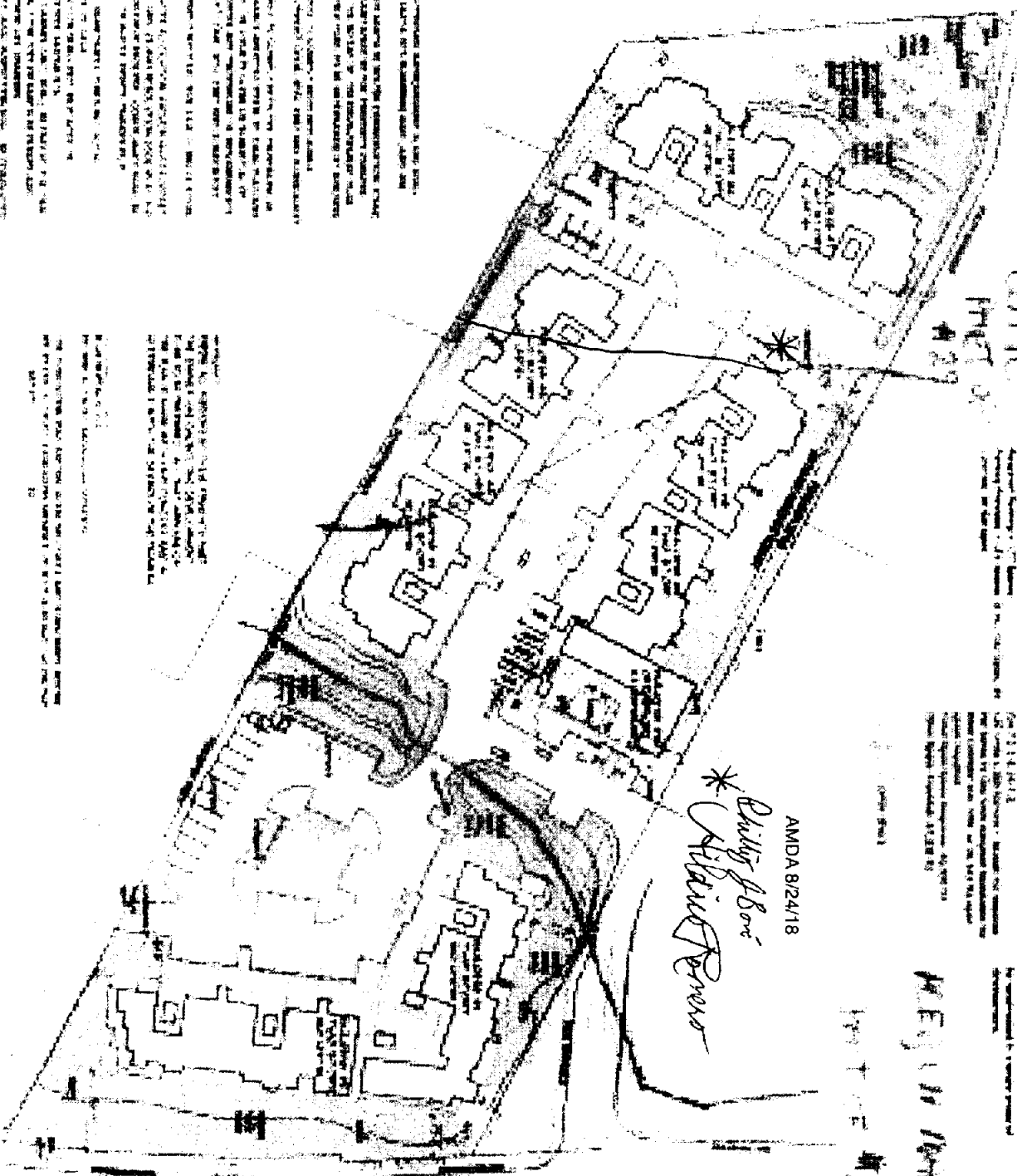
DATE: 8/24/18

RE: [Illegible]  
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FROM: SAC, NEW YORK  
SUBJECT: [Illegible]

DATE: 8/24/18

RE: [Illegible]  
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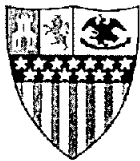


EXHIBIT 8

CITY COUNCIL MEETING OF  
August 29, 2018  
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION  
BY MEMBERS OF THE GOVERNING BODY

Mayor Alan Webber		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Roman Tiger Abeyta		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Mike Harris		
Co-Sponsors	Title	Tentative Committee Schedule
Vigil Coppler	A RESOLUTION AMENDING TABLE 80 OF THE CITY OF SANTA FE IMPACT FEE CAPITAL IMPROVEMENTS PLAN 2020 REGARDING PLANNED MAJOR ROAD IMPROVEMENTS AND ADDING "ARROYO DE LOS CHAMISOS CROSSING" AS AN ELIGIBLE PROJECT TO THE PLANNED MAJOR ROAD IMPROVEMENTS 2014-202 LIST OF THE IFCIP 2020.	Public Works Committee – 9/10/18 Finance Committee – 9/17/18 City Council – 9/26/18
Councilor Peter Ives		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Signe Lindell		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION AMENDING RESOLUTION NO. 2015-18, REGARDING THE DUTIES AND RESPONSIBILITIES OF THE VETERANS' ADVISORY BOARD; AUTHORIZING THE USE OF EXISTING FUNDS TO EDUCATE RESIDENTS AND PROMOTE THE OPTION FOR A VOLUNTARY CONTRIBUTION TO THE NEW MEXICO VETERANS' STATE CEMETERY FUND FROM A TAX REFUND ON FORM NMPIT-1.	Veterans' Advisory Board – 9/19/18 Finance Committee – 10/1/18 City Council – 10/10/18
Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule

<b>Councilor Carol Romero-Wirth</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Renee Villarreal</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
	AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; AMENDING SECTIONS 14-10.2 AND 14-10.3 TO PROVIDE EXCEPTIONS FOR LEGAL NONCONFORMING SINGLE FAMILY DWELLINGS; AND MAKING SUCH OTHER CHANGES THAT ARE NECESSARY TO CARRY OUT THE PURPOSE OF THIS ORDINANCE.	Planning Commission – 9/6/18 Public Works Committee – 9/10/18 City Council (request to publish) – 9/12/18 Finance Committee – 9/17/18 City Council (public hearing) – 10/10/18
Rivera	A RESOLUTION SUPPORTING A STATE CONSTITUTIONAL AMENDMENT PROVIDING FOR A PUBLIC BANK IN NEW MEXICO; AND APPOINTING A CITY REPRESENTATIVE TO SERVE AS A LIAISON FOR THIS EFFORT.	Finance Committee – 9/17/18 City Council – 9/26/18
<b>Councilor JoAnne Vigil Coppler</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>

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