



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MARCH 13, 2019
SOUTHSIDE LIBRARY
6599 JAGUAR DRIVE

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 – February 27, 2019
9. PRESENTATIONS
 - a) Proclamation – Chivas Santa Fe Soccer Team Appreciation Day – March 23, 2019. (Councilor Abeyta)
10. CONSENT CALENDAR
 - a) Request for Approval of Amendment No. 1 in the Amount of \$1,119,813.12, (Paid in 96 Installments) for the Compressed Natural Gas (CNG) Fueling Facility Design, Build, Operation and Maintenance (RFP '18/01/P); Clean Energy. (Keith Wilson, Transit Division Director, kpwilson@santafenm.gov, 955-2223 and Shirlene Sitton, Environmental Services Division Director, sesitton@santafenm.gov, 955-2209) **(Postponed on February 27, 2019)**
 - b) Request for Approval of Amendment No. 1 to Professional Services Agreement in the Total Amount of \$38,716.33 for the Replacement of Analog Amps and Wireless Mics for the Creston System; SGR Media, dba 5 Words Media. (Randy Randall, Executive Director, Tourism Santa Fe, rrandal@santafenm.gov, 955-6209)

RECEIVED AT THE CITY CLERK'S OFFICE

DATE: March 8, 2019

TIME: 2:23 PM



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- c) Request for Approval of Memorandum of Agreement Between the City of Santa Fe and Santa Fe County in the Total Amount of \$150,000 for Support of the Jointly Funded Santa Fe Film Office. (Randy Randall, Executive Director, Tourism Santa Fe, rRANDALL@santafenm.gov, 955-6209)
- d) Request for Approval of Contract for Services Using NM State Price Agreement #50-000-15-00072 in the Total Amount of \$370,315.20, Inclusive of NMGR, Using Grant Funds Appropriated by the State Legislature in 2017 for Roof Remodel Construction Services at the City of Santa Fe's New South Side Transit Building Located at 2521 Camino Entrada; Davenport Construction Management, LLC. (Curt E. Temple, Public Works Project Administrator, cETEMPLE@santafenm.gov, 955-5935)
 - 1) Request for Approval of Budget Amendment Resolution (BAR) to Place the Grant Funds into CIP Construction.
- e) Request for Approval of Amendment No. 1 to Contract #18-1072 in an Additional Amount of \$8,482.50, Increasing the Original Contract Sum to \$215,443.60, Inclusive of NMGR, for Fort Marcy Women's Locker Room Remodel Project for Repairs to Substandard and Damaged Electrical Lines Discovered During the Demolition Process; CES/FacilityBuild Inc. (Sam Burnett, Public Works Project Administrator, jsburnett@santafenm.gov, 955-5933)
- f) Request for Approval of Amendment No. 1 to NMDOT Funding Agreement CN-S100460 in the Amount of \$52,200 for Reconstruction of Guadalupe from Agua Fria to Paseo de Peralta. (John Romero, Engineering, Division Director, jjromero1@santafenm.gov, 955-6638)
 - 1) Request for Approval of Budget Amendment Resolution (BAR)
- g) Request for Approval of Contract for Goods and Services in the Amount of \$278,890.65 for Parks Trash Receptacles; Exerplay, Inc. (Caryn Grosse, Public Works Project Administrator, clgrosse@santafenm.gov, 955-5938)



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- h) Request for Approval of State Issued Severance Tax Bond Agreement (STBA) #16-A2507, Amendment No. 1 to the STBA and Professional Services Agreement between the City of Santa Fe and Presbyterian Medical Services, Inc., dba La Comunidad de Los Ninos Head Start, in the Amount of \$84,000. (David A. Chapman, Grant Administrator-Writer / Interim ADA Coordinator, dachapman@santafenm.gov, 955-6824)
 - 1) Request for Approval of Budget Amendment Resolution (BAR)
- i) Request for Approval of a Three (3) Year Agreement to Waive Fees with Bienvenidos Where the City Will Issue Free Parking Permits for Validation at the Sandoval Parking Garage and Loading Zone Permits for Use at the Loading Zone on Lincoln Avenue as Bienvenidos' Volunteers Work to Promote City Attractions. This Is a Non-Monetary Agreement. (Noel Correia, Parking Division Director, npcorreia@santafenm.gov, 955-6611)
- j) Request for Approval of Amendment No. 4 to Professional Services Agreement to Increase Total Compensation by \$145,876.64 to Provide 24-Hour Security at the Midtown Property Through June 30, 2019; Allied Universal Security Services. (Sam Burnett, Public Works Project Administrator, jsburnett@santafenm.gov, 955-5933)
- k) Request for Approval to Amend Federal Aviation Administration Grant #3-35-0037-048-2017 in the Total Amount of \$4,279.43 and Required City Sponsor Match in the Amount of \$285.29, for the Rehabilitation of Taxiway Delta Grant; Federal Aviation Administration. (Mark Baca, Airport Manager, mdbaca@santafenm.gov, 955-2901)
 - 1) Request for Approval of Budget Amendment Resolution (BAR)
- l) Request for Approval to Amend Federal Aviation Administration Grant #3-35-0037-047-2017 in the Total Amount of \$100,855.87 and Required City Sponsor Match for \$6,723.72, for the Rehabilitation of Runway 2-20, Mill and Overlay Grant; Federal Aviation Administration. (Mark Baca, Airport Manager, mdbaca@santafenm.gov, 955-2901)
 - 1) Request for Approval of Budget Amendment Resolution (BAR)



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- n) Request for Approval of New Mexico Department of Transportation (NMDOT) Grant SAF-19-02 in the Amount of \$171,000 and Required City Sponsor Match in the Amount of \$19,000 for Taxiway Delta Reconstruction Design Phase II Grant. (Mark Baca, Airport Manager, mbaca@santafenm.gov, 955-2901)
- 1) Request for Approval of Budget Amendment Resolution (BAR)
- o) Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from DSW Santa Fe, LLC, for a Transfer of Ownership of Inter-Local Dispenser Liquor License No. 2507, from Drury Hotels Company, LLC, to DSW Santa Fe, LLC. This License will Remain at Drury Plaza Hotel – Santa Fe, 828 Paseo de Peralta. (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521)
- p) Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Manitou Galleries for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Alcohol at Manitou Galleries, 225 Canyon Road, Suite 11, which is Within 300 Feet of The Cathedral Basilica of St. Francis of Assisi, 131 Cathedral Place and The New Mexico School for the Arts, 275 East Alameda Street. The Request is for the Following Art Exhibitions, With Alcohol Service Times from 5:00 P.M. to 7:30 P.M.:
- April 12, 2019 – “Four the Birds” Group
 - May 10, 2019 – Jennifer O’Cualain & Robin Laws
 - June 14, 2019 – David Riley & Hib Sabin
 - July 12, 2019 – Jeff Cochran & Paul Rhymer
 - July 26, 2019 – Spanish Market
 - August 16, 2019 – Jim Eppler
 - August 17, 2019 – Jim Eppler
 - September 13, 2019 – Sharon Markwardt, Fran Larsen & Upton Ethelbah Jr.
 - October 11, 2019 – Douglas Aagard & Liz Wolf
 - November 8, 2019 – David Jonason & Greg Woodard
- (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521)



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- q) Request for Approval to Publish Notice of Public Hearing on April 10, 2019: (Councilor Abeyta)
Bill No. 2019-3: An Ordinance Amending Section 11-4 to Clarify the City Manager's Authority to Approve Budget Revenue and Expenditure Increases in Excess of \$60,000 Under Certain Circumstances and to Allow the Finance Department to Implement Re-Appropriations of Unspent Budget Amounts for Ongoing Grants and Capital Projects Upon Request by the Associated Department. (Andy Hopkins, Budget Analyst, ajhopkins@santafenm.gov, 955-6177)
 - r) A Resolution Approving the Exchange and Transfer of One Tract of City-Owned Real Property Located at 4491 Cerrillos Road to the State of New Mexico in Exchange for the Transfer of Multiple Tracts of State-Owned Real Property to the City of Santa Fe. (Councilor Ives, Councilor Romero-Wirth and Councilor Rivera) (Sean Moody, Asset Development Manager, sxmoody@santafenm.gov, 955-6213) (Postponed on December 12, 2018)
(Withdrawn by Staff)
11. Request to Publish Notice of Public Hearing on April 24, 2019:
Affordable Housing Draft 2019-20 Annual Action Plan (Jacqueline Beam, Affordable Housing Planner, jybeam@santafenm.gov, 955-6574)
- 1) Professional Services Agreement – Fiscal Year 2019-20 Community Development Block Grant (CDBG) Estimated Allocation in the Amount of \$560,000.
 - 2) Fiscal Year 2019-20 CDBG Grant Administration in the Amount of \$140,000.
 - 3) Professional Services Agreements – Fiscal Year 2019-20 Affordable Housing Trust Fund (AHTF) Allocation in the Amount of \$475,000.
12. Request to Approve Joining an Amicus Brief Filed in the Fifth Circuit Court of Appeals Case, Texas v. United States, on Behalf of Local Governments in Support of the Affordable Care Act's Legality. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)



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13. Decision to Accept or Reject the City Attorney Office's Recommendation Concerning Case #2018-57; Concurring with the Land Use Director's Determination that an Appeal Filed by the Greater Callecita Neighborhood Association of a Final Subdivision Plat for Estancias del Norte, 702 Hyde Park Road Does Not Conform with the Requirements of the Santa Fe City Code and Should be Denied Without a Hearing. (Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)
14. Request for Approval of Railroad Crossing Construction and Maintenance Agreement with New Mexico Department of Transportation, Pursuant to NMAC 18.14.4.9(A)(9), Regarding the Multi-use Transportation Pathway Extension from the South Side of Alta Vista and the Western Side of the Railroad Tracks to the Eastern Side of the Railroad Tracks. (John Romero, Engineering Division Director, jromero1@santafenm.gov, 955-6638) (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)
15. MATTERS FROM THE CITY MANAGER
16. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, NMSA 1978 Section 10-15-1(H), Part (7), Discussion Regarding Threatened and Pending Litigation in Which the City of Santa Fe Is or May Become a Participant, Including, Without Limitation City v. Catanach, D-101-CV-2016-01719; NMSURF v. City of Santa Fe, 1:17-cv-00355-KG-SCY; Rio Grande Foundation v. City of Santa Fe, 1:17-cv-00768-JCH-CG; City of Albuquerque, et al. v. New Mexico Taxation & Revenue, D-202-CV-2018-08036; and Opioid Litigation. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

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



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- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
- H. PUBLIC HEARING:

- 1) Appeal by Allen Holmes of the Public Works Department's Decision to Deny Permit Application #18-10-20 to Access Public Right-of-Way at 924 Agua Fria Street. (Michael Prinz, Assistant City Attorney, mnprinz@santafenm.gov, 955-6554) (Postponed on February 13, 2019) **(Postponed on February 27, 2019)**

- 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. and the Governing Body does not vote to extend the meeting, 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
March 13, 2019**

ITEM	ACTION	PAGE
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 Calendar	Approved as amended	2
8. Approval of Minutes – Feb. 27, 2019	Approved as presented	2
9. Presentations:	Chivas Soccer Team	2-3
10. Consent Calendar Listing	Listed	3-6
11. Notice of AH Annual Action Plan	Approved	6
12. Joining Amicus Brief	Approved	7-8
13. Appeal of Case #2018-57	Approved the denial	8-9
14. Railroad Crossing Agreement	Approved	9-10
15. Matters from the City Manager	None	10
16. Matters from the City Attorney	Recommendation	10
Executive Session	5:28 to 6:54	10-11
17. Matters from the City Clerk	None	11
18. Communications with Governing Body	Communications	11-13
Evening Session at 7:15	Quorum Present	14
F. Petitions from the Floor	Petitions Made	14-16
G. Appointments	None	16
H. Public Hearing		
1. Alan Holmes Appeal of ROW denial	Denied	16-25
I. Adjournment	Adjourned at 8:48 pm	25

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
March 13, 2019**

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, February 27, 2019, at approximately 5:00 p.m., at the Southside Library, 6599 Jaguar Drive, 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 Christopher M. Rivera
Councilor Carol Romero-Wirth
Councilor JoAnne Vigil Coppler
Councilor Renee D. Villarreal

Members Excused

Councilor Peter N. Ives

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 Items 10 (a) and 10 (q) are postponed.

Mayor Webber noted that Item 10 (r) has been withdrawn.

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Rivera, to approve the agenda as amended with Items 10 (a), (q) postponed to March 27 and (r) removed.

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

7. APPROVAL OF CONSENT CALENDAR

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Lindell, to approve the Consent Agenda as amended above.

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

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

Against: None.

8. APPROVAL OF MINUTES:

Regular City Council Meeting – February 27, 2019

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Rivera, to approve the minutes of February 27, 2019 as presented.

VOTE: The motion was approved on a unanimous 8-0 voice vote with Mayor Webber, Councilors Abeyta, Harris, Lindell, Rivera, Romero-Wirth, Vigil Coppler and Villarreal voting in favor of the motion and none voting against.

9. PRESENTATIONS

a) Proclamation – Chivas Santa Fe Soccer Team Appreciation Day – March 16, 2019. (Councilor Abeyta)

Councilor Abeyta read the whereas statements for the proclamation and Mayor Webber made the declaration of March 16, 2019 as Chivas Santa Fe Soccer Team Appreciation Day. The team members came forward for congratulations from the City

Council and pictures were taken. Councilor Rivera recognized his nephew, Elijah Perez, and Chief Babcock's son who play on the Chivas Santa Fe Soccer Team. They were applauded by the audience.

10. CONSENT CALENDAR LISTING

- a) Request for Approval of Amendment No. 1 in the Amount of \$1,119,813.12, (Paid in 96 Installments) for the Compressed Natural Gas (CNG) Fueling Facility Design, Build, Operation and Maintenance (RFP '18/01/P); Clean Energy. (Keith Wilson, Transit Division Director, kpwilson@santafenm.gov, 955-2223 and Shirlene Sifton, Environmental Services Division Director, sesifton@santafenm.gov, 955-2209) **(Postponed on February 27, 2019)**

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- o) Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from DSW Santa Fe, LLC, for a Transfer of Ownership of Inter-Local Dispenser Liquor License No. 2507, from Drury Hotels Company, LLC, to DSW Santa Fe, LLC. This License will Remain at Drury Plaza Hotel – Santa Fe, 828 Paseo de Peralta. (Yolanda Y. Vigil, City Clerk, [yyvigil@santafenm.gov](mailto:yvigil@santafenm.gov), 955-6521)
- p) Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Manitou Galleries for a Waiver of the 300 Foot

Location Restriction and Approval to Allow the Dispensing/Consumption of Alcohol at Manitou Galleries, 225 Canyon Road, Suite 11, which is Within 300 Feet of The Cathedral Basilica of St. Francis of Assisi, 131 Cathedral Place and The New Mexico School for the Arts, 275 East Alameda Street. The Request is for the Following Art Exhibitions, With Alcohol Service Times from 5:00 P.M. to 7:30 P.M.:

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- October 11, 2019 – Douglas Augured & Liz Wolf
- November 8, 2019 – David Jonas on & Greg Woodward

(Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521)

- q) Request for Approval to Publish Notice of Public Hearing on April 10, 2019: (Councilor Abeyta)

Bill No. 2019-3: An Ordinance Amending Section 11-4 to Clarify the City Manager’s Authority to Approve Budget Revenue and Expenditure Increases in Excess of \$60,000 Under Certain Circumstances and to Allow the Finance Department to Implement Re-Appropriations of Unspent Budget Amounts for Ongoing Grants and Capital Projects Upon Request by the Associated Department. (Andy Hopkins, Budget Analyst, ajhopkins@santafenm.gov, 955-6177)

This item was postponed to March 27, 2019 under Approval of Agenda.

- r) ~~A Resolution Approving the Exchange and Transfer of One Tract of City-Owned Real Property Located at 4491 Cerrillos Road to the State of New Mexico in Exchange for the Transfer of Multiple Tracts of State Owned Real Property to the City of Santa Fe. (Councilor Ives, Councilor Romero Wirth and Councilor Rivera) (Sean Moody, Asset Development Manager, sxmoody@santafenm.gov, 955-6213) (Postponed on December 12, 2018) (Withdrawn by Staff)~~

This item was withdrawn from the Agenda under Approval of Agenda.

**11. Request to Publish Notice of Public Hearing on April 24, 2019:
Affordable Housing Draft 2019-20 Annual Action Plan** (Jacqueline Beam, Affordable Housing Planner, jybeam@santafenm.gov, 955-6574)

- 1) Professional Services Agreement – Fiscal Year 2019-20 Community Development Block Grant (CDBG) Estimated Allocation in the Amount of \$560,000.
- 2) Fiscal Year 2019-20 CDBG Grant Administration in the Amount of \$140,000.
- 3) Professional Services Agreements – Fiscal Year 2019-20 Affordable Housing Trust Fund (AHTF) Allocation in the Amount of \$475,000.

Ms. Beam explained this public hearing is a requirement from HUD. So this is a request to publish notice for public hearing for review of the annual action plan of 2018 and the projects chosen. It is focused on home repairs and affordable rental development and public facilities to support neighborhoods as well as public services.

MOTION: Councilor Villarreal moved, seconded by Councilor Lindell, to approve the Notice of Public Hearing as presented.

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

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

Against: None.

12. Request to Approve Joining an Amicus Brief Filed in the Fifth Circuit Court of Appeals Case, Texas v. United States, on Behalf of Local Governments in Support of the Affordable Care Act's Legality. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

Ms. McSherry said there should have been four action items but there are only three. It is to join in the case in support of the Affordable Care Act's legality and we will join with others in that effort. We don't have a draft yet but will have it soon.

MOTION: Councilor Harris moved, seconded by Councilor Lindell, to approve joining the Amicus Brief as presented.

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

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

Against: None.

- 13. Decision to Accept or Reject the City Attorney Office's Recommendation Concerning Case #2018-57;** Concurring with the Land Use Director's Determination that an Appeal Filed by the Greater Callecita Neighborhood Association of a Final Subdivision Plat for Estancias del Norte, 702 Hyde Park Road Does Not Conform with the Requirements of the Santa Fe City Code and Should be Denied Without a Hearing. (Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)

Ms. Paez was present to present the recommendation from the City Attorney and the Land Use Department on the appeal of a decision by the Planning Commission.

She said this concerns an appeal of the decision by the Planning Commission, but it is not subject to a public hearing tonight. It is a discussion and vote item. The decision is to decide whether to schedule this for a public hearing or to accept the City attorney recommendation to deny the appeal without a public hearing. The reason it might be denied is because the appeal does not meet the requirements set forth in the Code. Section 14-3.17 identifies the requirements for a valid appeal of a Land Use Decision. One of those requirements is that a final action cannot be appealed solely on the basis of alleged mistakes in prior stages of the same project, whether or not the final actions were appealed. This is an approved subdivision from the Planning Commission of a multiple-stage project. Both the preliminary and final subdivision plan and plat were approved as final actions that could rise to an appeal in a prior stage.

In this case, there was an approval of a preliminary subdivision plat. There was an appeal by the Greater Callecita Neighborhood Association that came before this Body on August 29, 2018 and September 26, 2018 in a very long public appeal on the matter. The Governing Body did affirm the approval of the preliminary subdivision plat and added an extra condition to address flooding concerns with provisions on the new property. And after the Governing Body affirmed the approval of the preliminary plat, the Planning Commission did approve the final subdivision plat and now there is a second appeal by the Greater Callecita Neighborhood Association.

There are certain procedures for determining whether an appeal meets the requirements for an appeal. Basically, the Land Use Director first reviews the appeal and determines if it meets the requirements for an appeal. If the Land Use Director thinks the appeal does not meet the requirements, she refers the matter to the City Attorney's Office. The City Attorney's Office then determines if they agree with that, and, in this case, did

agree that the appeal filed does not meet the requirements. And she wrote a recommendation to the Governing Body.

The Attorney's office agrees it does not meet the requirements, agreeing with Director Johnson, who affirmed the issues are essentially the same issues as were previously raised at the preliminary stage.

What happens next is that if you affirm the Planning Commission decision, that is it. And, if you don't affirm the decision, the City Attorney's Office would schedule a hearing.

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Abeyta to accept the recommendations and determination of the City Attorney's Office, concurring with the Land Use Director's determination, concerning Case #2018-57 to deny the appeal.

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

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

Against: Councilor Lindell and Councilor Villarreal.

- 14. Request for Approval of Railroad Crossing Construction and Maintenance Agreement with New Mexico Department of Transportation,** Pursuant to NMAC 18.14.4.9(A)(9), Regarding the Multi-use Transportation Pathway Extension from the South Side of Alta Vista and the Western Side of the Railroad Tracks to the Eastern Side of the Railroad Tracks. (John Romero, Engineering Division Director, jromero1@santafenm.gov, 955-6638) (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

Mr. John Romero explained this deal with the Rail Trail and involves negotiations with NMDOT and they have negotiated an agreement.

Councilor Harris explained that he was not questioning the agreement but wanted to take a quick moment on the status of the project. He thought the project was close to approval on this upper section of Cordova Road.

Mr. Romero said they plan to use the bid from GM Emulsion and if they don't agree, it will go out for bid again.

Councilor Harris asked what it will look like.

Mr. Romero said it will look more like an urban street with the trail alongside and room for parking.

MOTION: Councilor Harris moved, seconded by Councilor Villarreal, to approve the Railroad Crossing Construction and Maintenance Agreement with New Mexico Department of Transportation.

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

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

Against: None.

15. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

16. MATTERS FROM THE CITY ATTORNEY

Ms. McSherry recommended the Governing Body go into executive session for discussion of the matters on the agenda.

EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, NMSA 1978 Section 10-15-1(H), Part (7), Discussion Regarding Threatened and Pending Litigation in Which the City of Santa Fe Is or May Become a Participant, Including, Without Limitation City v. Catanach, D-101-CV-2016-01719; NMSURF v. City of Santa Fe, 1:17-cv-00355-KG-SCY; Rio Grande Foundation v. City of Santa Fe, 1:17-cv-00768-JCH-CG; City of Albuquerque, et al. v. New Mexico Taxation & Revenue, D-202-CV-2018-08036; and Opioid Litigation. (Erin K. McSherry, City Attorney, ekmcsberry@santafenm.gov, 955-6512)

MOTION: Councilor Rivera moved, seconded by Councilor Villarreal, to go into executive session pursuant to Section 10-15-1(H)(7) for the purposes listed on the agenda.

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

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

Against: None.

The Governing Body went into closed executive session at 5:28 pm.

At 6:54 p.m., the Governing Body was called back to order.

MOTION: Councilor Rivera moved, seconded by Councilor Villarreal to return to open session, stating for the record that during the executive session, no actions were taken, and the discussion was limited to the matters stated in the agenda.

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

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

Against: None.

17. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

18. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of the Bills and Resolutions Scheduled for Introduction is incorporated herewith to these minutes as Exhibit 1.

Councilor Abeyta thanked Mayor and Councilors for coming back to the Southside Library for the meeting. He knew there was a lot of set up involved but we do need to make ourselves accessible to the public.

Councilor Rivera also thanked Mayor for his commitment to meet in other parts of the City. He welcomed everyone here from District 3. Some of his neighbors and constituents were in attendance and he appreciated their presence here.

Councilor Romero-Wirth is introducing two related things: One is an ordinance adding a definition of electric scooters to the Uniform Traffic Ordinance and prohibiting the use of rented electric scooters in the public right-of-way. Related to that ordinance is

a resolution recognizing the need for the City of Santa Fe to thoughtfully plan for and collaborative the promulgation of regulations and guidance regarding the safe and equitable operation of on-demand shared electric scooters in the public rights-of-way. Thank you.

Councilor Harris had nothing to introduce but to raise a topic that came up at Monday's Public Works Committee. The first item was for leasing public parking spaces at the Water Street Lot across from Hotel St. Francis. Ms. Wheeler removed it from the consent agenda because it did not meet the dollar standard. Councilor Vigil Coppler had some questions. She and I were surprised with it. The next morning, he realized two problems. The 3-year contract was \$80,000 but it was for 17 spaces. Even if it was under the \$60,000 mark, it is something we would typically either approve or deny. For that reason, it needs to be moved back to the Public Works Committee for further consideration.

Councilor Lindell introduced support for the U.S. Postal Service commemorative stamp for the 50th Anniversary of the International Balloon Fiesta in Albuquerque.

Councilor Vigil Coppler will introduce a resolution approving the design and installation of banners commemorating veterans along Cerrillos Road corridor between I-25 and Rodeo Road. She added that Councilor Rivera and Councilor Abeyta are co-sponsors. She also recalled Councilor Romero-Wirth's guidance to create resolutions, ordinances and such. She never saw an answer and still reflect on that practice. She has done it as she saw fit and it might be right or wrong when she writes them. So she does need some help.

Ms. McSherry said there are few restrictions on how to do it. What you are doing is fine. But the personnel in her office will help coordinate that with Councilor Vigil Coppler. It is all in draft right now.

Councilor Vigil Coppler said she was frustrated at the slowness of the process. She had worked in state government where things go too slowly. There are lots of committees for things to go through and we need to see how we can speed up the procedure. She also suggested addressing complaints regarding pot holes. We saw them on her way here. She understood they cannot be fixed during inclement weather because they don't stick. But we need to educate the public with a PSA on potholes - that we know they are there are working to fix them. A PSA would help.

Mayor Webber agreed. There were several Facebook postings and one well-meaning one on what it takes to fill a pothole. People tell us where they are which is what we need as soon as we have dry weather.

Councilor Vigil Coppler didn't know that we need a hot line.

Councilor Romero-Wirth said she spoke with Mr. Litzenberg today about prioritizing those pot holes. Some are more detrimental than others. Like on narrow streets where they cannot be avoided.

Mayor Webber said the road crews are trying to group them together for multiple fixes in an area. We will put it on the public information basis. The source of the potholes is the result of not repaving and maintaining the streets. We are about \$250 million short on street maintenance. Fixing potholes is a band aid.

Councilor Abeyta was also concerned with the amount on parking for St. Francis Hotel. He had asked Ms. Wheeler to bring it to the Finance Committee also.

He will introduce a resolution on recognizing the importance of computer science education for 21st century students and directing the City Manager to identify opportunities for increasing that in City after-school and summer programs. We must work with the schools on this as well as facility use, which was brought to his attention.

He will also sign on to Councilor Ives' Ordinance on Land Use Department Code in Chapter 14 amendments on accessory dwelling units.

Councilor Villarreal congratulated our basketball team. Santa Fe High School is doing well. Also, Santa Fe Indian School girls and boys had big wins and St. Michael's tonight. She wished all the players and families to be successful.

She will co-sponsor the Mayor's resolution supporting Deborah Haaland's call for a national investigation murders of indigenous women and girls. She would cosponsor Councilor Abeyta's resolution on computer science education and Councilor Lindell's resolution for postal service and to support the other Mayor Webber's resolution.

Mayor Webber explained that Councilor Ives is traveling and noted his introductions and accessory dwelling units and the impact fees and support for banners. He also mentioned introducing Rep. Haaland's call for an investigation. He applauded the refinancing of the University for Art and Design debt.

He mentioned to Councilors Romero-Wirth, Vigil Coppler, and Abeyta on the first anniversary of our term of office and Councilor Lindell as a returning veteran for her fifth year of service. I think it has been productive year and thanks to members of Council for collaborative working together and cooperative relationships built. And thanks for all of your help. You have been very helpful to me with leading the meeting.

EVENING SESSION – 7:15 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, March 13, 2019, at approximately 7:00 p.m., in the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe.

Present at the evening session were:

Members Present

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

Members Excused

Councilor Peter N. Ives

Others Attending

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

F. PETITIONS FROM THE FLOOR

Maria Bautista, District 4, said she produces concerts at the campus. She asked the Council to not assign their responsibility to developers to dictate what is best for the Santa Fe Community. That property is a jewel in the heart of Santa Fe. Let's not depend on them but make it a venture like the Railyard was supposed to be. It is a perfect opportunity for community building and development with citizens as active participants. We have the skills and the Council of Santa Fe. I envision a senior community funded by HUD and a place for students to live. Pre-K facilities; community gardens, a beautiful amphitheater like in the Railyard, Greer Garson with more than more than 4 productions per year.

When the college was dedicated in 1870 and a proclamation in 1923, they were awarded highest merit in the country for educational programs. We should not deter from that vision. Consider me the first bidder to work on that property free of charge.

She shared her notes and they are incorporated herewith to these minutes as Exhibit 2.

Stefanie Beninato was surprised to see regarding the College of Santa Fe proposals (RFP) given out to developers. She thought the Council had not yet decided how that property was going to be developed. She thought giving it to developers is a big mistake.

The downtown being torn up for fiber optics is dangerous for pedestrians and bicyclists. She hoped there will be a project very soon to repair it.

Concerning the New Mexico School of Arts, they have a bill in the legislature that would make them a special residential public school where they would have the benefit of being a charter school when it suited them and being a public school especially for capital improvement projects. The bill gave them power bonding eminent domain power in one section but not in another section. It is very inconsistent. For Descartes Labs, she asked why there was a story in the paper about a woman who can't pay her taxes who works at Descartes Labs. That makes her under medium income. And we are supporting Descartes Labs because they were going to provide very high paying jobs.

There is a lot of speeding on St. Francis early in the morning and the police do nothing about it.

"I printed out the poor design the family room at Fort Marcy and neglected to say there is no door between that area and the pool. They wasted money on it.

Miguel Acosta said he was anxious to hear more details about activities on the South Side. A workshop would be beneficial. Regarding our relationship with the school district, there are two city parks on school district property that no one takes responsibility for. One is at Sweeney and one at Cesar Chávez that no one wants to take care of. One has gophers and is a hazard.

He thought it is good to have Spanish interpreters at our meetings and should have things on the web site in Spanish and an engagement campaign for Spanish speaking people.

Some streets don't have potholes but mud slides because they are not paved.

Lastly regarding computer education, this library is the only public space on south side that can access the Internet.

Rosario Gonzales on Camino Consuelo had three issues to bring forward.

1 - when can we expect people on the south side see the facility at South Meadows and Airport Road to house chemical waste? It is important to know the status of that proposal and how might it impact water sources nearby to that facility.

2 - Santa Fe is considered a sanctuary city and yet continues to use Wells Fargo as one of its banks. Has the City done anything to divest from Wells Fargo? They invest in private prisons that are hurtful.

3 - I understood you provided a 5% budget cut for senior services and which services will be impacted by that since more seniors live in the City now.

Harvey Van Sickle asked where the Street Department is. The streets are terrible. There was an article in the paper regarding street lights burned out. He asked why the police on duty at night could not report those. You asked for everyone in the City to do that. You might check to see if they got the message.

On Cerrillos Road, there is an Auto Zone and India House Café where we have been trying to get the parking lot striped. The City says they own it. There is an 18" curb and we've offered to paint it, but no one will give permission. It helps people from having accidents at that driveway.

Lawrence Trujillo was happy to see all the Councilors here. Our citizens really enjoy the band stands and glad to see one happening here. It is wonderful for kids and families and those of us who like to dance. I'm one. I'm happy for all the people who contribute for that program. I go there and see no violence. It has well prepared and good musicians.

Marian Quintano said we have an incredible opportunity with Santa Fe School for Art and Design. Think about the old bowling alley that is now Meow Wolf. I appreciate the Mayor's comments about smarter is not necessarily cheaper. This is an opportunity for the STEM Program and many other things we can bring to the world. I'd be happy to work with you on any of these issues.

G. APPOINTMENTS

There were no appointments.

H. PUBLIC HEARING

- 1) Appeal by Allen Holmes of the Public Works Department's Decision to Deny Permit Application #18-10-20 to Access Public Right-of-Way at 924 Agua Fria Street. (Michael Prinz, Assistant City Attorney,

nmprinz@santafenm.gov, 955-6554) (Postponed on February 13, 2019)
(Postponed on February 27, 2019)

Mayor Webber walked through the procedures as recommended by the City Attorney's Office. The first is disclosures by the Governing Body of ex parte communications, etc.

There were no disclosures.

Secondly, Mike Prinz will provide the staff report for up to 10 minutes. Then the Appellant's opening statement with sworn testimony and Councilors may question staff.

Third is sworn testimony for those who want to speak. Fourth are questions to those speakers.

Fifth are the Staff responses, and then the Appellant's closing statement. Then the Governing Body will deliberate and pass a motion.

Ms. McSherry described how the law applies to this quasi-judicial situation. Anything not relevant should not be considered. And applies to the law of today.

Councilor Romero-Wirth understood Councilors are sort of like judges to hear the facts of the case and make a decision, applying those facts to the law as related to the circumstances.

Ms. McSherry agreed with that interpretation.

Mr. Prinz presented the Staff Report. This is an appeal of a decision made by Public Works Department Staff to deny the Appellant's application to enlarge an existing driveway at Agua Fria. In the packet is Exhibit B-1, which is a map that might be helpful.

Mr. Holmes applied to be able to park a vehicle next to Agua Fria. There is no parking on Agua Fria. This is near Oñate Street where he owns a home. The applicable law is shown on page 2 of memorandum. The Appellant must file the appeal and a plan and Exhibit B-1 shows that plan. The existing curb cut was marked, and a proposed curb cut specified. The request is for access for that area to park there.

The Public Works Department did accept the application, did a site inspection as required and decided administratively to deny his application for a permit. The basis of denial is at C-1. Because it would hinder access to 926 and 928 Agua Fria. The appeal is also governed by Section 23, -2.4.

On the appeal process, Mr. Holmes appealed the denial in a timely manner. The provision does not state the exact standard for review. Councilor Romero-Wirth was asking about it and Ms. McSherry is correct that it is a quasi-judicial appeal.

Mr. Prinz read the denial statement aloud. His quote was the basis for the denial under Section C. He hoped he had covered the bases here. It is fairly straightforward, and he turned to Mr. Holmes.

John Romero spoke to why Staff felt that would impede 926. Right now that person has a fenced-in yard and the proposed relocation would make it difficult for him to get within that fence.

Mr. Allen Holmes and Ms. Suby Bowden were sworn.

The owner at 924 Agua Fria was present here to appeal the denial of his request for a parking dispensation in the vacant ROW located just west of the property along Agua Fria. He commissioned Suby Bowden to determine how it might be done.

Ms. Bowden said she is an architect and planner. Mr. Holmes contacted him in June 2018 on this property he has owned for last 23 years. It has 2 issues - parking, and access across a triangle the City owns to get to three properties. The second issue is a neighbor dispute. Much of the last meeting was about neighbors and what they have done to try to resolve the neighbor's dispute.

She clarified that she is only representing Mr. Holmes but she also knows Mr. Gianardi. "I have known both of them for twenty years and they are both good men. They are good for our community. We have made progress on negotiating and have made some progress. Over the last 10 years, he rented his property to the Housing Authority. Mr. Gianardi's parents lived there for 60 years. Both of them park in that triangle where they still like to park after 23 years.

In the process five years ago, Mr. Holmes' housing authority tenant Ms. Barbara Martinez, who is disabled and has parked there for the last 5 years. In the summer of 2018 was when the conflict between the two neighbors occurred.

Mr. Gianardi's parents passed away, and two years ago and Mr. Gianardi moved into that house.

At that time Ms. Martínez started having problems with her son. In the summer of 2018, the son and some of his friends started parking in front of Mr. Gianardi's property. At that time, there was no fence, but the son had visitors who blocked Mr. Gianardi's space and did drugs. And both of them expressed the problem to the City and Mr. Gianardi put in the fence. When it was approved by the City, the opening was right where Mr. Holmes parked his car.

Mr. Holmes has offered to pay for moving the opening so he could park, and Mr. Gianardi would have a good clean opening through his fence.

In October 2018, the woman's son came back and started robbing the neighbors. The police caught him and took a position that he was not allowed to live with his mother. But Judge Ellington put a bracelet on his ankle and required him to live with his mother. All of this surfaced after we were asked to help.

Because of the conflict, Mr. Holmes approached the City in an effort to try to get an agreement that would allow him to continue to cross the right-of-way and Mr. Gianardi applied to build a fence. At the time he applied for a fence, Mr. Holmes did not know about the fence and when installed, its opening was right where Mr. Holmes had parked for 23 years. So one of his requests tonight is that Mr. Holmes has offered to pay to move the opening down passed the parking space so he could continue to park where he has parked for 23 years and Mr. Gianardi would still have a good clean opening at the same size but just moved a little. If Council approves, that would provide both of them with a place to park.

Yesterday, Mr. Holmes and the tenant mother went to the Housing Authority to ask that she be moved from the property because it caused too much conflict. In the process, she shared a packet for the time line and two letters from Barbara Martínez and Mr. Holmes that they reached an agreement including a list of available homes she could move to by the end of April. We hope that would take care of the conflict between the two owners.

A copy of Ms. Bowden's packet is incorporated herewith into these minutes as Exhibit 3.

Our request tonight and possible solution would be that Council give Mr. Holmes and Mr. Gianardi time for the transition for the tenant to move to a new home. Secondly, that Council request the opening in the fence to be moved to the east, so it does not go right through the parking area.

Ms. McSherry interrupted to say this is beyond the authority of the Council in the appeal. The Council could delay the appeal, but this part is beyond the authority of the Council.

Ms. Bowden said okay and thanked her. She said lastly, that because three properties cross the right-of-way, that the City does work with those three properties to allow them to continue to cross that right-of-way the City owns legally. That is all of our request and information. Thank you very much.

Mayor Webber offered Mr. Holmes the opportunity, if he wants, to ask questions of Staff.

Ms. Bowden asked if Council is not allowed to make a motion.

Ms. McSherry explained that the relief would be outside of the appeal with moving the fence.

Ms. Bowden said the three requests were - 1: time to move. 2: move the opening and 3: resolve the crossing of city property open space.

Mayor Webber asked of Ms. McSherry whether materials distributed should have happened in the week before the meeting.

Ms. McSherry explained that the facts were not being contested. No one contested the location of the fence. So that could be moved a different appeal.

Mr. Gianardi, 926 Agua Fria, was sworn.

A copy of Mr. Gianardi's letter to the Mayor and Council, dated March 12, 2019 is herewith incorporated into the minutes as Exhibit 4.

He said they took advantage of the parking and at times blocked his ability to get out.

He mentioned a two-time offence there. The parking problems started last year. Bricks were thrown at him. He called the police to stop the parking.

He pointed out locations on the map. He sold a vehicle to Ms. Martínez and commented that she is a fine person, but her son was not. She had the sex offender son living with her in Section 8 housing and now he lives at 924. I have not finished the fence wanted to protect my 2-year old son. My father once owned both mine and 928.

A copy of the affidavit from Detective Paul Prentice, Santa Fe Count Sheriff Department is incorporated here with to these minutes as Exhibit 5.

He said since July, nobody has parked there, and police are still looking for the son because there is a warrant out for his arrest. It has been an ongoing problem.

Stefanie Beninato was sworn and said she appreciated Mr. Holmes and Ms. Bowden's efforts and it was unfortunate that it is not resolved. The City should have a mediator or refer people to a mediator. The City did approve the fence which was also a problem. We have this neighborhood that has been there for a long time and commonly owned properties and was not a problem until it was separated.

Councilor Harris asked of John Romero or Ms. Bowden about Exhibit B-1, that shows the graphic representation of the street and triangle. There are 3 existing curb cuts and the proposed cut was not clear to him. He asked if it is 21' plus 16' 9".

Ms. Bowden said the 16' 9" is approximately half already cut and another half is not yet cut.

Councilor Harris understood. He heard Mr. Romero say and have not seen anything that shows the fence but at that location, it would be difficult for 926 to access their property.

Mr. Romero said the opening is aligned with the existing curb cut.

Councilor Harris said, clearly there is a lot more going on here than the curb cut.

Ms. Bowden had a photo to pass around showing the fence.

Ms. McSherry asked for a copy for the record.

Ms. Bowden agreed.

Councilor Vigil Coppler asked how the City ended up owning this property and whether did they have a cut into this land where these properties were located. Did they condemn a portion of the property or receive compensation for that property? Originally, the properties there probably went all the way to the street but that left an issue with these properties. And the garage that was there is not a good parking space. It appears it could do some damage to the cars. And how can you see to access when backing out or backing in? Does it make sense to you?

Mr. Romero said he did not have a great answer. The property was obtained when St. Francis was being constructed and it was part of the Agua Fria ROW. For the residents to access it, required a request and curb cuts allowed and allowed them to cross it, no matter how wide.

Councilor Vigil Coppler concluded there were easements. Do they have easements to that particular sidewalk? If that was approved, would they not have access to drive over the sidewalk?

Mr. Romero said the easement does allow that. Wherever the driveway is located, they would have permission to cross the sidewalk at that point.

Councilor Vigil Coppler reasoned that they only have permission to drive into the driveway but no other portion of that street.

Mr. Romero pointed out that St. Francis has a very wide ROW. And the way the resident would show their driveway would grant access across the ROW to their property.

Councilor Harris asked if it does also grant an easement to park on the ROW.

Mr. Romero said Staff looked to do that through a lease agreement.

Councilor Harris thought it has no permission now. Mr. Romero agreed.

Councilor Vigil Coppler asked about use of the garage.

Mr. Romero said he had not looked at that.

Councilor Vigil Coppler concluded that the owner or both owners would have an agreement for parking. How did this happen then?

Mr. Romero said it was an access permit application that we examined.

Councilor Vigil Coppler asked where the property boundaries are.

Mr. Romero explained that B-2 shows them.

Councilor Vigil Coppler asked where do all the 92 residents park.

Mr. Romero said they could park on Oñate Place but not on Agua Fria.

Councilor Vigil Coppler noted there should be some solution for the parties or staff to come up with within the boundaries of the property itself. The curb cut would allow parking anywhere there.

Councilor Rivera felt that unless something changed for these two, there is nothing to solve it.

Mr. Romero said Staff did not approve it because it would affect access to 926.

Councilor Rivera pointed out that we recently sold some ROW property to people. Who would be the person most eligible to purchase that triangle of ROW if the City decided to do it?

Mr. Romero said Staff would have to make sure 926 would still have access.

Councilor Rivera asked if it would be a lease agreement for 926.

Mr. Romero agreed.

Councilor Rivera asked about 924.

Mr. Romero said it belongs to that one tract with two separate addresses.

Ms. Bowden said no one parks between there because it is such a narrow space and they can't open the doors enough so that is why Mr. Holmes and Mr. Gianardi allow Mr. Holmes to park on the triangle.

Mr. Holmes said the car parked there in the photo is Ms. Martínez' car. She only started parking there recently - to squeeze in. The car is scratched on both sides from having to park there. "When I purchased the property - for the loss of the garage, I was awarded compensation and when I got the abstract, I went to John Nitzell and he sat with me and met on the property. I took my request to the surveyor and an agent was assigned to provide the easement. But I had assurance from Mr. Nitzell who assured me the permit would be approved, but it never was.

Councilor Rivera said there are a lot of issues and now Mr. Gianardi will be living there.

Ms. Bowden reminded them that we don't know who will live there in the future. The arrangement with public housing - we are not asking for two parking spaces in the triangle where two were parked for 23 years.

Councilor Rivera was not sure who would approve it.

Councilor Villarreal noted there has always been parking on Oñate Street. And there are situations where families make things work. There should be no parking between 504 and 924 because you cannot see when backing up. It is not a viable option. There should be one spot for 924 to park there and the tenant should park on Oñate Street and if people have guests. 926 has parking within the property. And 928 is not part of this view. She assumed they would have parking for their own tenants.

Mr. Gianardi explained that 924 parks there. 926 has enough for six cars on his property. But when he was backing out, he could not see.

Ms. McSherry explained that the use of that ROW is not an issue tonight. The curb cut is the only issue tonight.

Councilor Villarreal asked if Mr. Holmes is still asking for a curb cut.

Mr. Romero said he needs a curb cut moved in order to park one car in the triangle. Only one could be parked there.

Councilor Villarreal thought the curb cut actually created more problems, it appears.

Mr. Romero explained the layout there. The first he heard was when Mr. Holmes asked for a lease to park a car there. There are a lot of houses that have no parking and

there is only so much that Staff can do. He could not force 926 to move his fence. It ties our hands.

Councilor Lindell said no one takes any pleasure in the problems faced here. This is not just neighbors. She appreciated all the creative ideas, but they are not really germane to our task with a curb cut.

She pointed out that There are plenty of houses with no parking and it is not on Mr. Romero's division or on Council to solve that for owners or tenants or those with misbehaving children. None of that is what we are asked to do tonight. The Staff report is pretty clear and work of Legal is clear. She did not have anything to say about where the curb cut should be located. Hopefully, we can move along with it.

Councilor Romero-Wirth pointed out that we are sitting here as quasi-judicial to decide whether or not the City can grant the curb cut. She asked Ms. McSherry to tell us under what conditions, we can approve a curb cut under the applicable law to apply tonight.

Mr. Prinz asked her to look specifically at Section C.

Councilor Romero-Wirth asked under what conditions the Council could approve a curb cut.

Mr. Prinz read the section that applied.

Councilor Romero-Wirth heard a lot of things about these properties and life of people who live there but we are asked either to support or overturn the decision of Public Works Committee to not grant the curb cut. It doesn't concern where people park, etc. the standard you just read is what applies.

Mr. Prinz agreed.

Councilor Romero-Wirth described it as very narrow and might be best resolved in another setting. That is not what we are to do. We either agree with Public Works Department or not. What we heard tonight is that the ingress/egress would be hindered to 926 and is not allowed under law. So in my mind, Public Works Department made the right decision and we should support it.

Mr. Holmes understood it that he needed to provide a close parking for the disabled tenant.

Ms. Bowden said at the time Mr. Holmes applied for the curb cut to give better access, there was no fence. The fence was built with an opening to block the neighbor. The idea that he would have to pay for new curb cut which would allow him to access and for Mr. Gianardi to drive straight in and out.

Mr. Holmes said the diagram shows that with a new fence, the suggestion no longer applied after the fence was installed.

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

MOTION: Councilor Abeyta moved, seconded by Councilor Romero-Wirth, to deny the appeal of Permit Application #18-10-20 to Access Public Right-of-Way at 924 Agua Fria Street, and uphold the decision of the Public Works Department to deny the application.

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

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

Against: Councilor Vigil Coppler and Councilor Villarreal.

I. ADJOURN


Having completed the agenda and with no further business to come before the Council, the meeting was adjourned at 8:48.

Approved by:



Mayor Alan Webber

ATTESTED TO:


Yolanda Y. Vigil, City Clerk

Respectfully submitted by:



Carl G. Boaz, Council Stenographer



**CITY COUNCIL MEETING OF
March 13, 2019**

EXHIBIT 1
Council March 13, 2019

**BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY**

Mayor Alan Webber		
Co-Sponsors	Title	Tentative Committee Schedule
Vigil Coppler Villarreal	A RESOLUTION RATIFYING SUBMITTAL OF AN APPLICATION TO THE NEW MEXICO FINANCE AUTHORITY FOR REFINANCING OF SUBORDINATE LIEN GROSS RECEIPTS TAX REVENUE BONDS, SERIES 2009 – SANTA FE UNIVERSITY OF ART AND DESIGN.	Finance committee – 3/18/19 Public Works Committee – 3/25/19 City Council – 3/27/19
Vigil Coppler Villarreal	A RESOLUTION SUPPORTING CONGRESSWOMAN DEB HAALAND'S CALL FOR A NATIONAL INVESTIGATION OF MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS.	Public Works Committee – 2/25/19 Finance Committee – 4/1/19 City Council – 4/10/19
Councilor Roman Tiger Abeyta		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION RECOGNIZING THE IMPORTANCE OF A COMPUTER SCIENCE EDUCATION FOR 21ST CENTURY STUDENTS; AND DIRECTING THE CITY MANAGER IDENTIFY OPPORTUNITIES TO INCREASE COMPUTER SCIENCE EDUCATION IN CITY OF SANTA FE AFTERSCHOOL AND SUMMER PROGRAMS.	Finance Committee – 4/1/19 Public Works Committee – 4/8/19 City Council – 4/10/19
Councilor Mike Harris		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Peter Ives		
Co-Sponsors	Title	Tentative Committee Schedule
Vigil Coppler	AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; AMENDING SUBSECTION 14- 6.3(D)(1) TO PERMIT ON-STREET PARKING TO MEET PARKING REQUIREMENTS FOR ACCESSORY DWELLING UNITS, TO IMPOSE LIMITS ON THE HEIGHT AND SETBACK FOR ACCESSORY DWELLING UNITS, TO PERMIT ACCESSORY DWELILNG UNITS TO BE BUILT IN COMPLIANCE WITH UNDERLYING DESIGN REQUIREMENTS, TO PERMIT THE RENTAL OF BOTH THE PRIMARY DWELLING UNIT AND ACCESSORY DWELLING UNIT EXCEPT FOR SHORT TERM RENTAL UNITS; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES AS ARE	Public Works Committee – 3/25/19 Finance Committee – 4/1/19 Planning Commission – 4/4/19 City Council (request to publish) – 4/10/19 City Council (public hearing) – 5/8/19

	NECESSARY.	
Romero-Wirth	A RESOLUTION AMENDING TABLE 80 OF THE SANTA FE IMPACT FEE CAPITAL IMPROVEMENTS PLAN 2020 REGARDING PLANNED MAJOR ROAD IMPROVEMENTS AND ADDING "MEDIAN WIDENING AT 543 RODEO ROAD" AS AN ELIGIBLE PROJECT TO RECEIVE ROADS IMPACT FEES.	Capital Improvements Advisory Committee – 3/14/19 Public Works Committee – 3/25/19 Finance Committee – 4/1/19 City Council – 4/10/19
	A RESOLUTION APPROVING THE DESIGN AND INSTALLATION PLAN FOR BANNERS ALONG GUADALUPE STREET BETWEEN PASEO DE PERALTA (SOUTH) AND WEST ALAMEDA.	Finance Committee – 4/1/19 Public Works Committee – 4/8/19 City Council – 4/24/19
Councilor Signe Lindell		
Co-Sponsors	Title	Tentative Committee Schedule
Vigil Coppler	A RESOLUTION REQUESTING THE UNITED STATES POSTAL SERVICE POSTMASTER GENERAL SUPPORT THE ISSUANCE OF A POSTAGE STAMP COMMEMORATING THE FIFTIETH ALBUQUERQUE INTERNATIONAL BALLOON FIESTA.	

Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Carol Romero-Wirth		
Co-Sponsors	Title	Tentative Committee Schedule
	AN ORDINANCE ADDING A DEFINITION OF "ELECTRIC SCOOTER" TO THE UNIFORM TRAFFIC ORDINANCE; AND PROHIBITING THE USE OF RENTED ELECTRIC SCOOTERS IN THE PUBLIC RIGHT-OF-WAY.	Finance Committee – 4/1/19 City Council (request to publish) – 4/10/19 Public Safety Committee – 4/16/19 Bicycle and Trails Advisory Committee – 4/17/19 Public Works Committee – 4/22/19 City Council (public hearing) – 5/29/19
	A RESOLUTION RECOGNIZING THE NEED FOR THE CITY OF SANTA FE TO THOUGHTFULLY PLAN FOR AND COLLABORATIVELY DEVELOP THE PROMULGATION OF REGULATIONS AND GUIDINANCE REGARDING THE SAFE AND EQUITABLE OPERATION OF ON-DEMAND	Finance Committee – 4/1/19 Public Safety Committee – 4/16/19 Bicycle and Trails Advisory Committee –

	SHARED ELECTRIC SCOOTERS IN THE PUBLIC RIGHTS OF WAY.	4/17/19 Public Works Committee – 4/22/19 City Council – 5/29/19
Councilor Renee Villarreal		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor JoAnne Vigil Coppler		
Co-Sponsors	Title	Tentative Committee Schedule
Rivera Abeyta	A RESOLUTION APPROVING THE DESIGN AND INSTALLATION PLAN FOR BANNERS COMMEMORATING VETERANS ALONG THE CERRILLOS ROAD CORRIDOR BETWEEN I-25 AND RODEO ROAD.	Finance Committee – 4/1/19 Public Works Committee – 4/8/19 City Council – 4/24/19

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.

My name is Maria Bautista
I am a Santa Fe resident
District 4.

St Michael's College
College of Santa Fe
University of Art & Design

I drive there daily, have
produced concert's in the
Greer Garson theatre and
ART show's

A developers dream -

but do not assign your
responsibilities to developers -
you cannot let their vision
dictate what is best for the
SF community.

That property is a jewel in
the heart of our city.

Let's not depend on Corporate
"Anchor" businesses. Let's
make this venture what the

Railyard was supposed to be.

This is a perfect opportunity for community building and development.

This is an opportunity where citizens can be active participants in that development because they have the skills, architects, medical, lawyers carpenters, teachers, we have painters we have the city council.

- Senior Housing - freeing up comm. housing (HUD funding)
- Affordable Student Housing
- Pre-K facilities (funding there)
- Community Gardens (farmers mkt)
- Amphitheater
Greer Garson / The Screen
↳ endowment
- I have seen the devastation left behind by unbridled development

all in the name of "We know what's best for you?"

When the College was dedicated
by SF City Council in 1870's and
then received a proclamation
in 1923 - "awarded the highest
merit for education programs."

Many Santa Fe leaders attended
St Michael's College.

We should not deter from that
vision - but enhance it

Please consider this the first
bid from a community developer

	Mr. Allen Holmes- 924 Agua Fria Family owned and Renter occupied property	Mr. Vinni Giannardi- 926 Agua Fria Family owned and Family occupied property
1	1996: Mr. Allen Holmes has owned the property for 23 years (924 Agua Fria and 504/ 504-1/2 Onate Place). Mr. Holmes has rented the property to the Housing Authority for 10 years.	1959: Mr. Giannardi's parents owned the property for 60 years (926 and 928 Agua Fria). The parents and Mr. Holmes shared the parking area on City property together.
2	2013: Mr. Holmes' tenant, Barbara Martinez, a disabled woman has lived at 924 Agua Fria for 5+ years.	2016: Mr. Vinni Giannardi has owned and lived at 926 Agua Fria for 2+ years.
3	The City owns the triangular piece of land that grants access to 924, 926 and 928 Agua Fria. Aerial photos show 1 to 2 vehicles being parked in this City owned parcel for 35 years (1984).	
4	2018: Mr. Holmes' tenant's son (Chris Taylor) came to visit in 2018. During this time, the son had multiple other visitor's cars blocking Mr. Giannardi's access. The son then moved out of his mother's house.	2018: Mr. Giannardi objected to Mr. Holmes' tenant's parking and blocking access to his driveway, and using drugs.
5	6/2018 : Mr. Holmes talked with the City's Ladd Lucero and John Romero, and received verbal approval to apply for a City curb cut, for easier access to his parking space.	7/16/18: Mr Giannardi submitted to the City, an application for new fence construction (that physically would make it impossible for Holmes to park one car, after 35 years of parking).
6	8/10/18: Mr. Holmes submitted to the City, an application for the new curbcut and parking ROW.	8/13/2018: The City approved Giannardi's fence permit application. (The City did not notice the fence opening would block Holmes one car parking area).
7	10/8/2018: Mr. Holme's tenants son (Chris Taylor) returned to his Mother's house, and also robbed adjacent neighbors. City Police caught Chris Taylor on tape selling the robbed items, and told the son he could not live on the property anymore.	10/8/2018: Mr. Gianardi has a 12 year old son with a heart defect since birth, requiring 24/7 care. Therefore Mr. Giannardi is understandably concerned for his son's safety, with Chris Taylor next door.
8	10/15/18: City Staff Ladd Lucero denied Holmes application, citing access hardship for Mr. Giannardi. However the only reason Gianardi had access problems was because he built his new fence in a location, making it impossible for Holmes to park one car.	
9	1/7/19: Mr. Holmes appealed to the City Council to keep the parking area he had been using for 23 years. 2/1/19 City Staff postponed Council Meeting and 2/13/19: Mayor postponed Council Meeting, due to City staff not including Holmes appeal, and 2/27/2019 Mr. Holmes asks for first postponement for time to prepare for Council Meeting tonight 3/13/2019.	Early 2019, Mr. Giannardi built a new fence, that made it impossible for Mr. Holmes to still park one car (after 35 years of parking shown in aerial photos)
10	3/2019 Judge Ellington requires tenant's son Chris Taylor to live with his Mom, with an ankle bracelet. And tenant's son moves in with his Mom.	Mr. Giannardi filed complaints with the Housing Authority, as well as with the Police. Mr. Giannardi stated that Mr. Holmes' tenant's son is a recovering drug addict with an ankle bracelet. Mr. Giannardi has expressed deep concerns about the safety of his own son.
11	3/12/2019- Mr Holmes and his tenant met with the Housing Authority to ask to relocate the tenant and her son, and to ask the HA to give Mr. Holmes a new tenant. The HA agreed, and gave a list of available homes for the tenant. the HA also said they are required to give notice on the first of the month, and therefore his Tenant has to move out by the end of April. Mr. Holmes understands Mr. Giannardi's concerns and is willing to work with Mr. Giannardi.	Mr. Giannardi may consider working together in the future.
A	Possible solutions for the City Council to vote on: Mr. Holmes has asked the HA to relocate his tenant and her son. Therefore Mr. Holmes asks the Council to give him time to make this transition with tenants.	
B	City works with Mr. Giannardi and Mr. Holmes to relocate Mr. Giannardi's fence to create a safe parking spot for Mr. Holmes' new tenant	
C	Mr. Holmes and Mr. Giannardi work with the City to create parking and ingress/ egress ROW for 924, 926 and 928 Agua Fria	
D	Mr. Holmes has shown willingness to pay for the expenses of fence relocation and the new curb cut.	
E	Giannardi and Holmes hopefully live in harmony.	
F		

Suby Bowden

From: Suby Bowden
Sent: Tuesday, March 12, 2019 4:08 PM
To: Suby Bowden; Sunil Sakhalkar
Subject: Alan Holmes

Sent are photos of rental letters submitted by Mrs. Martinez and myself to the housing authority requesting an end to Mrs. Martinez lease and help her find replaceable housing.



3/12/2019

To whom it may concern:

Chris Taylor, Mrs. Barbara Martinez can ^{now} stay @ 924 Agua Fria under electronic monitoring by Judge Edgington from end of March 2019 through April 10, 2019.

I am willing to allow the temporary stay with the coordination of the housing authority working together to find Mrs. Martinez replacement housing effectively ending her lease after 4/10/2019 unless she can't find a new location.

Allen Holmes

RECEIVED

MAR 12 2019

SANTA FE CIVIC
HOUSING AUTHORITY

To whom it may concern

To inform you that my son
Christopher was ordered by the District
Court Judge (Judge Gillison) to wear
an electric monitoring bracelet and to
stay at my house till mid April

My landlord is aware this Christ
opher is at my residence.

Baron M. [Signature]
3/12/19

RECEIVED
MAY 10 1919

Vinni Gianardi

926 Agua Fria
Santa Fe, New Mexico
(505) 690-6664
vinnigianardi@aol.com

12th March 2019

Dear Mayor & Council Members,,

I would like to address a few things,

1. I would like to inform you, that one day in July 2018, we came home and couldn't get into our driveway, so we called the police and the police told them that they couldn't be blocking someone's entrance, and ever since then the tenant started to park on Onate Street, until late October early November, then the tenant had started to park in her parking space between 924 Agua Fria & 504 ½ Onate street until the present time.
2. The reason for me fencing in the property is for the safety of my 12 year old son & my wife. I want my son to be able to play in the yard safely . My family and I are in fear of one of Mr. Holmes's tenant which is a registered sex offender, I just wanna secure my property and have easement to my property, with out cars parked everywhere, and I can't get in.
3. I had my property surveyed and I pulled a permit for a fence in front of my property and passed all inspections.

Thank you.

Gianardi Family



Sheriff Adan Mendoza - amendoza@santafecountynm.gov
Undersheriff Ken Johnson- kjohnson@santafecountynm.gov
35 Camino Justicia - Santa Fe, NM 87508
Office: 505-986-2455 Fax: 505-986-2410

To Whom it May Concern,

Orlando Lucero is a registered sex offender residing in Santa Fe County. On the date of September 25, 2018, his residential address was updated to #504 ½ Onate, Santa Fe, NM 87501. Prior to the address update, his home address was reported as # 924 Agua Fria, Santa Fe, NM 87501. The Agua Fria address was originated on the date of March 27, 2018. Any further information requested, please feel free to contact me.

Thank you,

Detective Paul Prentice

505-986-2487

pprentice@santafecountynm.gov