



Agenda

**PUBLIC WORKS/CIP & LAND USE
COMMITTEE MEETING
CITY HALL COUNCIL CHAMBERS
MONDAY, APRIL 22, 2019
5:00 P.M.
AMENDED**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM APRIL 8, 2019, PUBLIC WORKS COMMITTEE MEETING

INFORMATIONAL AGENDA

6. Parking Program Information and Update (Noel Correia, Parking Division Director, npcorreia@santafenm.gov, 955-6611)

CONSENT AGENDA

7. Request for Approval of Amendment No. 1 to the CIP #646A, Energy Conservation Measures (ECM'S) and Associated Work Project Contract with Ameresco Inc., In The Amount of \$25,122, Inclusive of NMGRIT, For Payment of Audit Certification Fees Associated With Ameresco's Scope of Work to the New Mexico Energy, Minerals and Natural Resources Department (EMNRD) (Jason M. Kluck, PW Project Administrator, jmkluck@santafenm.gov, 955-9537)

COMMITTEE REVIEW

Finance Committee (Scheduled)
Council (Scheduled)

05/20/19
05/29/19

8. Request for Approval of Amendment No. 1 to Aging and Long Term Services Department Intergovernmental Agreement-Transfer of Funds Within Programs Only. No Compensation is Involved (Melanie Montoya, Program Administrator Senior Services, mmontoya@santafenm.gov, 955-4761)

COMMITTEE REVIEW

Finance Committee (Scheduled) 05/20/19
Council (Scheduled) 05/29/19

9. Request for Approval to Amend Contract #2018-19-60026 (Amendment No. 1 and Amendment No. 2) from the North Central New Mexico Economic Development District, Non-Metro Area Agency on Aging to increase the Contract Amount by an Additional \$171,508 (Gino Rinaldi, Senior Services Director, carinaldi@santafenm.gov, 955-4710)

COMMITTEE REVIEW

Finance Committee (Scheduled) 05/20/19
Council (Scheduled) 05/29/19

10. Request for Approval of a Contract Amendment to the Scope of Service to Include Ortiz Middle School for Educational Wrap Around Services; Communities in Schools (Julie Sanchez, Program Manager Youth and Family Services Division, jsanchez@santafenm.gov, 955-6678)

COMMITTEE REVIEW

Finance Committee 05/20/19
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11. Request for Approval of a Contract Amendment to Decrease Compensation by \$43,000 as approved by CYFD-JJAC for Intensive Community Monitoring (ICM) (Julie Sanchez, Youth and Family Services Program Manager, jsanchez@santafenm.gov, 955-6678)

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12. Request for Approval of a Contract Amendment to Increase Compensation by \$43,000 as approved by CYFD-JJAC for Educational Re-Engagement Services; YouthWorks (Julie Sanchez, Youth and Family Services Program Manager, jsanchez@santafenm.gov, 955-6678)

COMMITTEE REVIEW

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13. Request for Approval of Professional Service Agreement Amendment No. 1 with Colorado Independent Consultants Network LLC for Internal Audit Services (Erik Litzenberg, City Manager, elitzenber@santafenm.gov, 955-6848)

COMMITTEE REVIEW

Finance Committee (Scheduled) 05/20/19
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14. Request for Approval of a Lease of the Garson Studios of the Midtown Campus to Garson Studios Santa Fe, LLC. (Sean Moody, Asset Development Manager, ssmoody@santafenm.gov, 955-6213)

COMMITTEE REVIEW

Finance Committee (Scheduled)	05/20/19
Council (Scheduled)	05/29/19

15. Request of Approval of 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 Dwellings Units, to Impose Limits on the Height and Setback for Accessory Dwelling Units, to Permit Accessory Dwelling Units to be Built in Compliance with Underlying Design Requirements, to Permit the Rental of Both the Principal Dwelling Unit and Accessory Dwelling Unit Except as a Short Term Rental Unit, Voiding Existing Restrictive Covenants Set Forth in Ordinance No. 2008-5; and Making Such Other Stylistic or Grammatical Changes as are Necessary (Councilors Ives, Vigil Coppler, and Abeyta) (Carol Johnson, Land Use Department Director, crjohnson@santafenm.gov, 955-6617)

COMMITTEE REVIEW

Public Works Committee (Postponed)	03/25/19
Planning Commission (Approved)	04/04/19
Council (Notice of Public Hearing)(Scheduled)	04/24/19
Finance Committee (Scheduled)	04/29/19
Council (Scheduled)	05/29/19

16. Request of Approval of an Ordinance Authorizing the Execution and Delivery of a Loan Agreement By and Between the City of Santa Fe and the New Mexico Finance Authority Evidencing a Special, Limited Obligation of the City to Pay a Principal Amount Not to Exceed \$23,8000,000 for the Purpose of Defraying the Cost of Refunding, Paying and Refinancing the 2009 Loan Agreement Dated September 14, 2009 with the New Mexico Finance Authority (College of Santa Fe Acquisition); Providing for the Payment of the Loan Agreement from Certain Gross Receipts Tax Revenues Distributed to the City; Providing that the Loan Agreement Will Constitute a Subordinate Lien Upon the Pledged Gross Receipts Tax Revenues; Providing for the Distributions of Gross Receipt Tax Revenues from the Taxation and Revenue Department to be Redirected to the New Mexico Finance Authority or its Assigns Pursuant to an Intercept Agreement for the Payment of Principal and Interest Due on the Loan Agreement; Delegating Authority to the Mayor or in the Mayor's Absence , the City Manager or Finance Director, to Approve the Final Principal Amount, Interest Rates and Other Details of the Loan Agreement Within the Parameters Set Forth in this Authorizing Ordinance, and to Execute and Deliver a pricing Certificate Reflecting the Final Terms of the Loan Agreement; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent with this Ordinance; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan Agreement and Intercept Agreement (Mayor Webber) (Bradley Fluetsch, Cash and Investment Manager, bfluetsch@santafenm.gov, 955-6885)

COMMITTEE REVIEW

Council (Notice of Public Hearing)(Scheduled)	04/24/19
Finance Committee (Scheduled)	04/29/19
Council (Public Hearing) (Scheduled)	05/29/19

17. MATTERS FROM STAFF

18. MATTERS FROM THE COMMITTEE

19. MATTERS FROM THE CHAIR

20. NEXT MEETING: **MONDAY, MAY 6, 2019**

21. ADJOURN

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520
five (5) working days prior to meeting / date

RECEIVED AT THE CITY CLERK'S OFFICE

DATE: April 17, 2019

TIME: 3:57 PM



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RECEIVED AT THE CITY CLERK'S OFFICE	
DATE:	April 17, 2019
TIME:	9:44 AM

**SUMMARY INDEX FOR
PUBLIC WORKS/CIP & LAND USE COMMITTEE
April 22, 2019**

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5. Approval of Minutes - March 25, 2019	Approved	2-3
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MINUTES OF THE
CITY OF SANTA FE
PUBLIC WORKS/CIP & LAND USE COMMITTEE

Monday, April 22, 2019

1. CALL TO ORDER

A regular meeting of the Public Works/CIP & Land Use Committee was called to order on the above date by Councilor Peter N. Ives, Chair at approximately 5:00 p.m. in City Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

2. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

MEMBERS PRESENT:

Councilor Peter N. Ives, Chair
Councilor Roman Abeyta
Councilor Michael Harris
Councilor JoAnne Vigil Coppler
Councilor Renee Villarreal

MEMBERS EXCUSED:

STAFF PRESENT:

Regina Wheeler, Public Works Director

OTHERS PRESENT:

Elizabeth Martin for Carl Boaz, Stenographer

NOTE: All items in the Committee packet for all agenda items were incorporated herewith by reference. The original Committee packet is on file in the Public Works Department.

3. APPROVAL OF AGENDA

Ms. Wheeler stated that items 10,11,12 actually have subsequent hearings at the Finance Committee on April 29th and Council on May 8th . This needs to be done for

changes in this fiscal year. Item 15 has an amendment that has been handed out to the Committee.

Councilor Villarreal asked are those date changes reflected on line.

Ms. Wheeler said no, it looks like the packet will be changed as soon as we finish, and Finance does their budget.

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

VOTE: The motion passed by unanimous (4-0) voice vote with Councilors Abeyta, Harris, Vigil Coppler, and Villarreal voting in favor and none voting against.

4. APPROVAL OF CONSENT AGENDA

Councilor Harris pulled items 7, 11, 14 and 15 for discussion.

Councilor Villarreal pulled item 18 for discussion.

Councilor Vigil Coppler pulled items 13,14 and 15 for discussion.

MOTION: Councilor Villarreal moved, seconded by Councilor Vigil Coppler, to approve the consent agenda as amended, with items pulled for discussion.

VOTE: The motion passed by unanimous (4-0) voice vote with Councilors Abeyta, Harris, Vigil Coppler, and Villarreal voting in favor and none voting against.

5. APPROVAL OF MINUTES FROM APRIL 8, 2019 PUBLIC WORKS COMMITTEE MEETING

MOTION: Councilor Harris moved, seconded by Councilor Villarreal, to approve the March 25, 2019 minutes as presented.

VOTE: The motion passed by unanimous (4-0) voice vote with Councilors Abeyta, Harris, Vigil Coppler, and Villarreal voting in favor and none voting against.

INFORMATIONAL AGENDA

6. Parking Program Information and Update (Noel Correia, Parking Division Director, npcorreia@santafenm.gov, 955-6611)

Mr. Correia said the purpose of the information in this package is to go through what Parking does as a Division, how many sub units we have and what our responsibilities are.

The information handout is herewith attached to these minutes as Exhibit "1".

Mr. Correia reviewed the information.

Ms. Wheeler said thank you Noel. The reason we are giving this briefing is that at the next Committee meeting you will see a request for approval to implement the new revenue system in the garages. This should alleviate the traffic jams when exiting the garage. Our goal with the Parking Department is to have available parking for our customers when and where they need it. We are developing a pricing strategy between on street parking and garages to encourage the use of garages. We are working in cooperation with businesses around holidays and we work with the hotels. It is a dynamic situation between the Parking Division and businesses.

Councilor Vigil Coppler said this is something she has been interested in for a long time. Specifically to the report itself, it refers to an organizational chart and that is not in the handout. She assumes we will get that. Is the pot hole repair and painting done by this Division?

Mr. Correia said the parking lot maintenance group does the repairs in parking lots, but not on the streets. We do stripe the parking spots on the streets.

Councilor Vigil Coppler asked how that compares to the others that do that in your Department.

Ms. Wheeler said it allows us to be more responsive to parking lot needs. The Streets Division is responsible for the entire City. These parking lots are very important to businesses. Noel and his team are extremely responsive. She thinks it is a good division of labor. Parking and streets are all in Public Works and they do work together when necessary.

Councilor Vigil Coppler asked when it is winter, and you are not striping and not fixing pot holes do these people go into the other section and join the other crew.

Ms. Wheeler said no, they are very busy with snow removal and ice removal, so they

are very busy in winter. They do equipment repair as well.

Councilor Vigil Coppler said on this item under accomplishments to date you mentioned negotiated fee for Park Mobile. Do the people parking pay that in addition to our fees. It is charged to their credit card

Mr. Correia said yes that is correct. One of the requirements is that a debit card or credit card is entered for the app and when you want to use that app it is done through the app.

Councilor Vigil Coppler asked so a person parking pays 20 cents in addition per transaction. Do they know that.

Mr. Correia said yes, it informs them on the app when they download the app. This service also notifies them before their meter expires. They get a text or email advising them. They chose text or email for this notification. It also notifies them how much time is left and asks them if they want to add time. People do not mind paying that fee for convenience sake.

Councilor Vigil Coppler asked when they add more time, if they get charged the 20 cents again.

Mr. Correia said yes, it is per transaction.

Ms. Wheeler said it is a national standard. 20 cents. That is the fee in Albuquerque as well.

Councilor Vigil Coppler said she has never seen a City of Santa Fe Parking Policy. Do we have one.

Ms. Wheeler said it is outlined in the Uniform Traffic Ordinance and the fee structure is in the 2017 budget book.

Councilor Vigil Coppler asked do we have something in the policy that refers to Legislative parking passes.

Ms. Wheeler said no that is not included.

Councilor Vigil Coppler asked where we have that written down and approved by the Governing Body.

Ms. Wheeler said she did not know.

Councilor Vigil Coppler said she has asked our Legislative Lobbyist, Legal and the

City if they report that and has not seen anyone who reports this. She knows it is very cool and appreciated by Legislators, but it carries quite a price tag. It is not limited to Legislative Sessions; it is year-round and is not tied to any particular person. She is very concerned about that. Her biggest concern is reporting and that it is not in our parking policy which we don't seem to have. She is also concerned about the revenue. It started out with five parking spaces and morphed into 99 parking passes. That is something we need to look at. It is not politically correct for her to bring this up, but it is real. She is very concerned about the reporting part of it.

Councilor Vigil Coppler said regarding the mobile app, it used to be one of the cool things about Santa Fe was sometimes when you found a parking space you were so happy if the green light was still on meter. When you use this app you have to enter your license plate. If you get a green freebie you don't get to use that.

Mr. Correia said when the app is used the time on the meter is not showing. No one knows how much time is given. The officers know because it shows on their hand-held device. This is only with the app.

Councilor Vigil Coppler said she learned this because people are complaining to her. The Railyard garage, she has had many complaints about the City losing revenue. On many occasions she has gone to the Railyard and the garage is not manned and people are parking there for free. Why does that occur. She was told it was due to converting to the new system. Why not man the garage anyway. Is that fixed. We have lost a lot of revenue on those days.

Mr. Correia said we bid out the shifts per the Union contract. As of this time all the shifts will be manned. When we look at revenues in the Railyard garage versus staff there, without the new revenue controls system, it did not cover the costs partially due to the movie theater validations.

Councilor Vigil Coppler said she was told that the Railyard is charged for the parking fees and they pay for them.

Mr. Correia said maybe twenty years down the road. As people are retiring, we are trying to balance the staff and implement the system. Now we are in the position to say the system is moving forward, financing is in place and we will be coming before you with the contract.

Councilor Vigil Coppler asked does that mean we won't man the garage, and everyone parks for free until we get our act together.

Mr. Correia said no, we will now have all shifts covered at the garages Sunday through Saturday.

Councilor Vigil Coppler said to her this is not acceptable not to have parking lots

manned for so long and consistently unmanned. We charge our residents a lot to park. It seems to be a lack of planning in addition to the other things she brought up like Legislative passes not approved by the Governing Body. Another thing is how rates are arrived at for monthly hotel parkers. The last contract that came before us for the St. Francis Hotel was \$4 a day. That was pulled and she does not know if it is coming back. It was for seventeen passes. How does this happen. How do rates get established? Is it the same for all hotels or just the ones we like? It is getting to be a financial fiscal issue she thinks. Now we are changing rates between Guadalupe St. and downtown. Why is that.

Ms. Wheeler said on Guadalupe there is no charge after 5:00 pm.

Councilor Vigil Coppler asked why we don't do that downtown as well. She is not sure who makes these decisions and why is one area more important than others. We are losing money and charging exorbitant rates at our parking meters. Those are her questions. Thank you for letting her ask them. This will not be the last time she brings this up.

Chair Abeyta said the budget hearings are the perfect opportunity to have some follow up to questions asked.

Councilor Villarreal said thanks to Councilwoman Vigil Coppler for bringing up some of the things she was going to bring up. She is okay with elected officials if the passes are tracked to them. We are trying to get the parking garage at the capital to be open on weekends for our locals to use. They do not allow us to use that. We could negotiate using that parking garage for City usage in exchange for those Legislative passes. It is something we have been trying to figure out for a while. We had tried a parking plan for the Farmers Market vendors who arrive early on Saturday mornings. Does that still apply that they can park for half rate?

Mr. Correia said only if they enter the garage prior to 7:00 am will they get the half rate. We have no way to determine who is a farmer and who is not.

Councilor Villarreal asked has the issue of the garage being closed at 5:00 am or 6:00 am been resolved.

Mr. Correia said yes, they are supposed to open before 7:00 am.

Councilor Villarreal said she know there are issues with the Railyard parking garage not having attendants. With the revenue assurance program they can pay without waiting.

Mr. Correia said it will be up and going in the next three to four months. The system will be installed in all garages. We will be coming before committees for approval of that.

Councilor Villarreal asked is this the same system that is at the Water Street parking garage.

Mr. Correia said that is a totally different system and is stand alone. It is solar powered.

Councilor Villarreal said there is no attendant at Water Street, and we are having some quirks and problems with that system. Did we get those problems fixed?

Mr. Correia said we have done reprogramming and changes in the direction the machines face. The new lightening is helping. We are about to install next week a fourth machine for patrons there.

Councilor Villarreal asked if we adjusted those, so they don't have to put their license plate in.

Mr. Correia said not yet. We did do a survey of the businesses in the area. They are in favor of changing license plate to space number and that is what they use to pay now. That helps our officers to see who has paid and who has not.

Councilor Villarreal said she is glad to hear that. The hotel valet parking. How does that work. She asked how we charge them and collect for that.

Mr. Correia said charges are depending on how many spaces they want. Usually three spaces are what they want for valet parking. We take the projected revenue for each metered space and project that for a year and that is the standard charge. They bag the meters. The County has rented six spaces from us on Griffin due to construction and the big trucks turning. They all pay the same rate. Ten hours of parking times \$2 an hour times 50 weeks to allow for holidays projects an annual rate and that is what they pay.

Councilor Villarreal asked what is average that comes out to be.

Mr. Correia said \$2,200 to \$2,400 per space, per year.

Councilor Villarreal said it seems there is a lack of communications. We have issues with meters being hooded and film activities happening at the Plaza and businesses not notified about it. It has to do with their parking, but also how they negotiate how to get to their site. Is there a plan or a way to better communicate with our businesses in the surrounding area? Is there a better way to communicate activities like that? It seems they are the last to know about filming.

Mr. Correia said two months ago we started circulating advisory flyers to all the businesses on that block about the event or filming. We go door to door and advise

people how many meters will be bagged and the length of time to be bagged. The businesses appreciate that. It is working well.

Councilor Villarreal said can you communicate with the Merchants Association and maybe the Chamber. If you are working on this, she knows we can improve that.

Mr. Correia said he will contact the Association and the Chamber and present the plan we have now and ask for suggestions for improvement.

Councilor Villarreal asked for the budget hearings will you give us an update on revenues and expenses, so we have a better idea of where we are in the black and red. Also how have things changed since the rates changed so we know where it is going and to understand about the tickets for the movies. She asked, if the Railyard Corporation collects them, whether we know the number and who is responsible for that.

Chair Abeyta said we should just do that at budget. This is an information update rather than trying to work on the budget.

Ms. Wheeler said we reconcile those on a weekly basis with Violet Crown. They are very closely tracked.

Councilor Villarreal asked in cooperation with the Railyard Corporation.

Ms. Wheeler said yes.

Councilor Harris asked the enforcement group, are there any beats in District 4.

Mr. Correia said yes on an on-call basis if a citizen has a driveway blocked, we respond as an example.

Councilor Harris said so there is no parking enforcement established in all of District 4. He would like you to put an enforcement beat in on Rufina Circle by Meow Wolfe and Second Street Brewery when they have events. Parking is pretty bad. There is so much traffic in there. There are unsafe conditions.

Councilor Harris asked at the Airport if the City will be enforcing parking in the new lot and if it would be the same system.

Mr. Correia said yes, he has recommended piggy backing on the existing system and contract.

Councilor Harris said he is not advocating strict enforcement of our parking lot out there, but right now it is such a free for all due to the condition. We are hopeful that we

will be under construction on the new parking lot soon. We will have to work out parking before then.

Chair Abeyta said thank you for your presentation. Hopefully you be well informed for what budget has in store for you.

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Finance Committee (Scheduled)	05/20/19
Council (Scheduled)	05/29/19

Approved on consent.

- 16. Request of Approval of an Ordinance Authorizing the Execution and Delivery of a Loan Agreement By and Between the City of Santa Fe and the New Mexico Finance Authority Evidencing a Special, Limited Obligation of the City to Pay a Principal Amount Not to Exceed \$23,8000,000 for the Purpose of Defraying the Cost of Refunding, Paying and Refinancing the 2009 Loan Agreement Dated September 14, 2009 with the New Mexico Finance Authority (College of Santa Fe Acquisition); Providing for the Payment of the Loan Agreement from Certain Gross Receipts Tax Revenues Distributed to the City; Providing that the Loan Agreement Will Constitute a Subordinate Lien Upon the Pledged Gross Receipts Tax Revenues; Providing for the Distributions of Gross Receipt Tax Revenues from the Taxation and Revenue Department to be Redirected to the New Mexico Finance Authority or its Assigns Pursuant to an Intercept Agreement for the Payment of Principal and Interest Due on the Loan Agreement; Delegating Authority to the Mayor or in the Mayor's Absence , the City Manager or Finance Director, to Approve the Final Principal Amount, Interest Rates and Other Details of the Loan Agreement Within the Parameters Set Forth in this Authorizing Ordinance, and to Execute and Deliver a pricing Certificate Reflecting the Final Terms of the Loan Agreement; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent with this Ordinance; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan Agreement and Intercept Agreement (Mayor Webber) (Bradley Fluetsch, Cash and Investment Manager, bjfluetsch@santafenm.gov, 955-6885**

COMMITTEE REVIEW

Council (Notice of Public Hearing) (Scheduled)	04/24/19
Finance Committee (Scheduled)	04/29/19
Council (Public Hearing) (Scheduled)	04/29/19

Approved on consent.

CONSENT AGENDA DISCUSSION

7. Request for Approval of Amendment No. 1 to the CIP #646A, Energy Conservation Measures (ECM'S) and Associated Work Project Contract with Ameresco Inc., In The Amount of \$25,122, Inclusive of NMGRT, For Payment of Audit Certification Fees Associated With Ameresco's Scope of Work to the New Mexico Energy, Minerals and Natural Resources Department (EMNRD (Jason M. Kluck, PW Project Administrator, jmkluck@santafenm.gov, 955-9537)

COMMITTEE REVIEW

Finance Committee (Scheduled)	05/20/19
Council (Scheduled)	05/29/19

Councilor Harris said there is no question about this amendment. He just wants to ask about the schedule of draws. The amendment described was anticipated. Where do we stand on Salvador Perez?

Mr. Kluck said the Salvador Perez facility is starting to close for the project. The project is under design.

Councilor Harris said what we started to look at was the whole scope of work for the facility. There was a discussion about evaluating the facility to see what we are getting into.

Ms. Wheeler said the discussion occurred and it was determined to move forward. We looked at our options for the facility. We heard from Council that there was an appropriation from the Bond that was to go to that facility, so we are moving forward to refurbish that.

Councilor Harris said he had not heard that. That is always a problem for him when he has to dig deep to find answers to questions he has asked previously.

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

VOTE: The motion passed by unanimous (4-0) voice vote with Councilors Harris, Villarreal, Vigil Coppler and Abeyta voting yes.

11. Request for Approval of a Contract Amendment to Decrease Compensation by \$43,000 as approved by CYFD-JJAC for Intensive Community Monitoring (ICM) (Julie Sanchez, Youth and Family Services Program Manager,

jjsanchez@santafenm.gov, 955-6678)

COMMITTEE REVIEW

Finance Committee (Scheduled)	05/20/19
Council (Scheduled)	05/29/19

Councilor Harris said he thinks a correction needs to be made on this. Amendment 1 is under number 11, recital A. This amendment is for intensive monitoring. Will you make that correction?

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

VOTE: The motion passed by unanimous (4-0) voice vote with Councilors Harris, Villarreal, Vigil Coppler and Abeyta voting yes.

13. Request for Approval of Professional Service Agreement Amendment No. 1 with Colorado Independent Consultants Network LLC for Internal Audit Services (Erik Litzenberg, City Manager, ejlitzember@santafenm.gov, 955-6848)

COMMITTEE REVIEW

Finance Committee (Scheduled)	05/20/19
Council (Scheduled)	05/29/19

Chair Ives said the City Manager had a family matter that required him to leave the Committee meeting. He requested that we postpone this item to the next meeting of Public Works. He would love to accommodate him on that.

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Villarreal, to postpone this request.

VOTE: The motion passed by unanimous (4-0) voice vote with Councilors Harris, Villarreal, Vigil Coppler and Abeyta voting yes.

14. Request for Approval of a Lease of the Garson Studios of the Midtown Campus to Garson Studios Santa Fe, LLC. (Sean Moody, Asset Development Manager, sxmoody@santafenm.gov, 955-6213)

COMMITTEE REVIEW

Finance Committee (Scheduled)	05/20/19
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Mr. Moody introduced Kevin Kellogg who started today as the new Asset Development Manager.

Councilor Harris said thank you and welcome. It is good to be able to talk about this. This is a substantive lease and it is important to talk about it. He knows the arrangement we have had with Mr. Ruben on board and wants to ask about the whole licensor approach and why it is necessary.

Mr. Moody said Eric Witt will address that.

Mr. Witt introduced himself as the Director of the Santa Fe Film Office. It is a joint office of the City and County. The way the State Film Incentive is triggered is a transaction has to run through a for profit entity that is taxed by the City, County and State of New Mexico. Any transaction going through tax exempt entities does not qualify for the incentive program hence the need to run through a shop like Claudio's

Councilor Harris asked what has been done in the past. Is this a new requirement.

Mr. Witt said it went through Laureate in the past. They were a for-profit entity and that is why productions qualified in the past.

Councilor Harris asked in the last year have there been activities there.

Mr. Witt said it has run through Claudio. This is more of a formal arrangement.

Councilor Harris said he has a lot of detailed questions even to the point of operations expenses and how they are defined.

Mr. Moody said Claudio Rubin is the prospective lessee for this.

Mr. Ruben said he managed Garson Studios on behalf of Laureate and now on behalf of the City.

Councilor Harris said the lease arrangement itself does not include The Screen which is important. He knows you know the facility and the business. It doesn't seem you are putting yourself at risk here as an observation. He doesn't find there is much risk to you as lessee. He is not saying that is a bad thing. He is always looking for something that drives the individual to make things happen.

Mr. Ruben said he does not make any money and has no salary unless there is business at Garson Studios. His drive is so he has an income. The City does not pay him anything to manage the studios.

Councilor Harris said he is curious and wants to see G and G1 to see what kind of rate the film business would be paying to us to use that facility. He asks that you to have the exhibits attached as part of the packet for the next committee. He wants to look at that.

Mr. Ruben said he can share with the City all the contracts paid for Garson Studios and rates by film productions. With film productions there are very large ones, large TV series and smaller ones like Indie Films. Garson Studios has served all types of those functions over the years. It is not a typical business. We cannot always get top dollar.

Mr. Moody said Claudio negotiates each lease with each lessee.

Councilor Harris asked due to size of the productions.

Mr. Moody said in the last six months Mr. Ruben has been operating under a lease that is ending on April 30th. The revenue to the City over the past 6 months is \$372,000.

Councilor Harris said on the lease check with Risk Management on the professional liability. In a sense, Mr. Ruben has been providing a professional service. He wants to make sure there is no level of professional liability coverage anticipated under this lease and if not if Ms. Boltrek has a simple waiver she would attach.

Mr. Moody said Risk Management did review this contract and they did give a specific waiver for the property. He did not ask about professional liability. She did not ask for it.

Mr. Ruben said when Matt O'Reilly was here, he did waive that requirement.

Councilor Harris said we have a lot of situations here where proof of liability is called for and some where it is not. He wants to make sure we are in good standing in that regard.

Councilor Vigil Coppler said she is curious about the rent 50% greater than appraised value. What is the date of the appraisal?

Mr. Moody said sometime in 2018. That is a good catch. We do have a more recent and more specific appraisal.

Councilor Vigil Coppler said the monthly base rate of \$60,000, is that based on the new appraisal.

Mr. Moody said last time he was here for this issue he had an old appraisal. This

accommodates the most recent appraisal. The lease says if a new appraisal is done, we adjust the rent around it.

Councilor Vigil Coppler said it says the lessee must share 100% of any licensed fee revenue.

Mr. Moody said right. For the lease premise he would pay us \$60,000 base rent minus operating expenses. He would keep what he makes in license fees. Outside the grounds the lessee may license that, and the City receives 100% of that outside of the premises. This lease was responding for tax credit requirements and procurement requirements. Ms. McSherry pointed out to him a fee of \$6,000 a month was included to take care of the facility. We could not afford that so that was eliminated by having the base rent and 100% pass through of outside of the premises.

Councilor Vigil Coppler asked the license fees are they included in the anticipated City revenue of \$360,000.

Mr. Moody said in a way. We expect rent to be paid when filming is going on there. When he does not have filming going on, we reduce the lease rate to just his office so the rent drops. The \$360,000 we may receive is unsure, but it is likely we will receive that or more. The last six months we have received more.

Councilor Vigil Coppler said it says that the lease agreement expires in May of 2020, but he can still be there for six months at a time. Is that to give the City an out if we go a different direction.

Mr. Moody said yes. We want to accommodate any plans for productions several months out. He can't plan without some certainty. The City Manager will have the authority to say yes, we will extend this out. On the other side the City does not want complications if we turn over to another plan.

Mr. Moody said he has been interim. Kevin now has leadership of this operation. His bandwidth is quite taken with a number of matters. It is hard to focus on film licensing. With Kevin on the ground hopefully long term his bandwidth can be managed around re-procuring it or not.

Councilor Vigil Coppler said welcome. We are glad to have you with the City. You said you are leaving the City Sean.

Mr. Moody said he is staying in the community, but with no day job with the City. He is not with the City at all anymore.

Councilor Vigil Coppler said thank you for all you have done. She knows you have put in a great deal work. It is very much appreciated.

Councilor Abeyta asked the \$360,000 is the appraised rental value and we expect to receive that.

Mr. Moody said it is more than the appraised value by 50%. This was based on our experience to date.

Councilor Harris said to follow up under operating expenses he is not sure what would be involved in contracts with independent contractors.

Mr. Ruben said electric or plumbing companies, snow removal and that type of thing. He has a team of licensed and bonded contractors to make sure the facility is running and that the needs are addressed quickly.

Councilor Harris asked how the cleaning service compares with others.

Mr. Moody said his team of contractors is responsible for performing those things, but it is deductible from the rent he pays to us.

Councilor Harris said not entirely. His responsibility is those expenses and in fact all operational expenses.

Mr. Ruben said when he has someone come in to clean in between productions that is what that is. It is to make the property presentable for the next client.

Councilor Harris said he wants to make sure that there is no real contradiction with the responsibilities of the lessee. Payment rather than pass through.

Mr. Moody said he will bring that to the City Attorney. The intent is performing the functions and get paid back from the rent.

Councilor Harris said it does not say that, it says the opposite. It is not clear. 8 B needs some clarification.

Mr. Ruben said he will work on that.

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

VOTE: The motion passed by unanimous (4-0) voice vote with Councilors Harris, Villarreal, Vigil Coppler and Abeyta voting yes.

Chair Ives said thank you for the work and information.

15. Request of Approval of 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 Dwellings Units, to Impose Limits on the Height and Setback for Accessory Dwelling Units, to Permit Accessory Dwelling Units to be Built in Compliance with Underlying Design Requirements, to Permit the Rental of Both the Principal Dwelling Unit and Accessory Dwelling Unit Except as a Short Term Rental Unit, Voiding Existing Restrictive Covenants Set Forth in Ordinance No. 2008-5; and Making Such Other Stylistic or Grammatical Changes as are Necessary (Councilors Ives, Vigil Coppler, and Abeyta) (Carol Johnson, Land Use Department Director, crjohnson@santafem.gov, 955-6617

COMMITTEE REVIEW

Public Works Committee (Postponed)	03/25/19
Planning Commission (Approved)	04/04/19
Council (Notice of Public Hearing) (Scheduled)	04/24/19
Finance Committee (Scheduled)	04/29/19
Council (Scheduled)	05/29/19

Chair Ives asked are there folks in the audience who want to address the Committee. There are eight people who want to speak. We will do two minutes each.

Ms. Johnson said this proposal is to amend the Ordinance. It doesn't change the regulations for short term rentals. For short term rentals the owner has to live on site. Key provisions change the set back and height restrictions and clarify a second-floor dwelling unit. An accessory dwelling unit was meant to be a mother-in-law unit located on the second floor. We want to make sure the entire range of accessory dwelling units are allowed. This clarifies that. To make it clear, if an accessory dwelling unit is proposed on the second floor, they have to comply with all the regulations for a second-floor dwelling. The proposed Ordinance change allows for an on-street parking space to count towards the parking for the new accessory dwelling unit. If the unit is less than 1,000 square feet only one space required. If it is more than that up to 1,500 square feet, the maximum, two spaces are allowed. If the lot has frontage on the street, the street has to be sufficiently wide enough to allow for on street parking in front. If it is too narrow that credit is not available in that situation. Basically the measurement has to be 3,500 feet from curb to curb to allow on street parking. If that passes as proposed an applicant would have to verify the street width in order to get credit for on street parking. If there are separate renters' separate leases could be issued for the primary house and guest house. It does not say owners have to be residents of the primary house.

Chair Ives asked that the Committee hold their questions until after the public comments.

Public comments were as follows:

Simon Brackley, President of the Santa Fe Chamber of Commerce and member of the Mayor's Housing Task Force. 1644 St. Michael's Drive. He supports this proposed ADU Ordinance as a series of recommendations to address the housing shortage crisis in Santa Fe. He is a member of the Housing Action Coalition as well. We are interested in issues around housing and changes in the Ordinance around ADUs. The Planning Commission approved this Ordinance change unanimously. He urges your support of this and other changes to support housing in Santa Fe.

Daniel Werwath, 1611 Camino Porvenir. He was part of the Mayor's Task Force which brought forward the recommendation. Tonight he wants to encourage you to approve this. There are issues tied into this that are important. We want to see new casitas as an opportunity for existing home owners to be able to make their mortgage payments and provide additional housing for a low-priced dwelling unit. We could create a volunteer rent control program for new casitas. He hopes you will allow this to go forward at this point in time. These recommendations are the best for the community. For twenty years Land Use Code has been dictated by hypothetical outcomes. We need to stop doing that and work on what is best for families and low-income folks. These are distributed housing units built by your neighbors.

Terry Ives, 127 Quintana Street. Ms. Ives said she is not related to Councilor Ives. It is great to have affordable housing. The problem in all of the Historic District is with parking. Abuse of long term and short-term rentals with not enough parking. Her neighborhood is a perfect example of landlords who do not follow the system. There is no effective enforcement. There are AirBnB and others up and down her street. She can't get in and out of her driveway most of the time. There is very little cooperation from the City. She has a neighbor with a duplex and the City knows about it. It is not within the regulations. Parking is a problem with this Ordinance.

Ms. Ives presented a packet of pictures of parking issues which is herewith attached to these minutes as Exhibit "2".

Karen Peterson, 866 Don Cubero Avenue. As soon as landlords begin bending the rules it goes to hell in a hand basket. We have illegal parking on the street. This proposed Ordinance will simply ratify all the things causing problems anywhere where streets are narrow. This originally arose as a non-compliance issue by a single landowner and now someone is bulldozing the entire housing plan for Santa Fe particularly in the Historic District. We need to slow down and take a closer look at the ramifications of this.

Pat Lillis, 2119 Conejo Drive. This proposed Ordinance takes neighbors out of Neighborhoods.

Ms. Lillis read a statement into the record which is herewith attached to these minutes as Exhibit "3".

Stephanie Beninato, PO Box 160. She is partially in support of this Ordinance. There has to be a serious bond required of those homes with two units and no owner living there so when something happens like trash the City does not have to go out of state to collect. To say this will help people pay their mortgage is a false positive. You have to have the finances to pay the mortgage unless the City wants to get into the business of subsidizing the units for owners. It really is going to make the quality of life go way down in neighborhoods. If you allow a second story and it is a one-story neighborhood you have to have a design review of some sort. There is intrusion into other people's yards where you are used to having privacy because all the homes are one story. The biggest thing is enforcement. We all know the City is horrible at enforcement. She would like to enter into the record an article about affordable housing and rentals coming on the market.

The article is herewith attached to these minutes as Exhibit "4".

Karen Heldmeyer, 325 E. Burger. She appreciates the Chair having people speak. This was not advertised as a public hearing. There are a lot of people who would have come and said things if they had known. We hope the Chair of Finance allows public comment and advertises it as a public hearing. It is very important. The Home Occupancy Ordinance and the Escarpment Ordinance were both controversial and arrived at by consensus. It is messy and takes time, but there were large groups of people who came and talked with good ideas of how to make it better and ended up with something mostly accepted and enforced. She thinks you need to think a bit about that as you are trying to get this passed. A lot of problems have to do with enforcement and lack thereof, but those are not the only problems. To hear public comment only at the last minute at the Council meeting is losing a lot of important comments from the community. You need to slow down and try to get input. If you allow the community to work on this, you would have something that makes much more sense and would not tick off more people.

Chair Ives said two public meetings have been scheduled. There is going to be one on the east side and one on the west side of town to invite everyone into the conversation. The Planning Commission session room was packed, and 50 to 60 people spoke. Hopefully those minutes will be available soon for folks to read. We will continue to gather information to make sure folks who have an opinion are heard.

Ms. Heldmeyer said Simon Brackley said he would be happy to have a unit if he could have a nice professional living there. It is not about affordable housing.

Jamie Durfee, 862 Don Cubero Avenue. She occupies the legal casita on Don Cubero that has been questioned. Three of us occupy the property. She parks in the

driveway. The person addressing this tonight said this allows parking on the street. She hopes you consider passing this Ordinance. She loves the casita and the neighborhood. Thank you for your sense of urgency.

Chair Ives said thank you all very much.

Councilor Villarreal said thank you to the folks who did attend and comment. She appreciates the community members and the Land Use Director and staff and the Council members who support the Ordinance change and the work they have put into this. It is a complex issue because it does go hand in hand with short term rentals. Some things are already happening in the neighborhoods that are functioning or not functioning. We are trying to address those with the changes. Most of the changes do make sense. She has some concern about tweaking the language to address the things people are concerned about or maybe we don't have enough incentivizing. She does have an amendment. We keep talking about that one of the units needs to be utilized for long term renting. Is that correct.

Ms. Johnson said in order to have an accessory dwelling unit in a single-family neighborhood one of the units has to be occupied by the owner. This says both can be rented as short-term rental units subject to regulations. The owner must occupy one of them. Noting in this amendment changes that.

Councilor Villarreal said the property owner who rents the principal unit or accessory unit for periods of not less than 30 days. Her amendment is to extend the time limit. Looking at ADUs for long term renters, there should be a period of not less than 90 days in her opinion. One thing we need to be cognizant of is to make sure that 90 days is in compliance with New Mexico tenant laws for folks that have to rent month to month. She is trying to expand the time of people in these units. Specifically the long-term renters. We are trying to incentivize that, but we are not really there yet. We talked about it today. She would like her suggestions to be considered in the tone of cooperation. The other piece is about on street parking. She is curious how does Land Use determine this. Streets are not all created equal. A lot of people do park on the street. We have more people parking in the street. How does Land Use determine the appropriateness of on street parking? Are we looking at this on a case by case basis? Is there a way you would look at this differently?

Ms. Johnson said she is in consultation with John Romero in Public Works and we are looking at existing regulations. We have specific street sections where we show on street parking on both sides of the street is allowed. We can see where there could be a problem from a staff monitoring standpoint. The Ordinance says the street has to be a subcollector in order to allow on street parking on both sides of the street. Also the width of the street has to be confirmed at 20 feet wide without being interrupted by curb cuts. Also streets need to be 3,500 feet from the base of curb to base of curb. Without saying a district there could be a situation where a property is adjacent to an applicable

street.

Councilor Villarreal asked are you going to adjust this based on that.

Ms. Johnson said yes. We also need to think about enforcement. The only way to do that is to require every lease for accessory dwelling units to come through the City to verify the length of the lease. Short term rentals are 30 days or less. We are going to bring that back to do more effective enforcement on short term rentals. She raises that as an enforcement issue.

Councilor Villarreal asked how you would incentivize someone to rent their accessory dwelling unit for a longer term so we can capture people who need housing in our City.

Ms. Johnson said we would need additional staffing to look at potential waivers or reductions in fees. They would have to give us all leases so we can make sure they meet the criteria for the waiver and some enforcement to make sure people continue to comply with the conditions of the waiver.

Councilor Villarreal said she thinks we are not capturing what we need to say in the Ordinance. This is a piece of the housing need. She does not think this will address affordable housing for people. They are not being rented at an affordable rate now. To incentivize people to rent more long term is something we have not figured out yet. Most people are trying to pay off their mortgage, not many are looking at providing long term rental options. She doesn't think this will provide us with what we are looking for which is long term renter options. She would like us to reassess the new changes, if this is passed, in a year or two period to determine what is happening with the program. Can we do that.

Ms. Johnson said she thinks so. A lot depends on what other kinds of incentives can be provided in the nonprofit or private sector. She saw that in another City they rent to Veterans and in a specific time the land is forgiven for the accessory dwelling unit. We are looking at things like that outside our City regulations that could be an opportunity.

Councilor Villarreal asked why you did not look at that route and other scenarios such as what they do in Berkley. Did anyone think about possibly of adding to the mix.

Chair Ives said because short term rentals are handled under a different Ordinance and Council acted to put in a hard number limitation of 1,000 that was the mechanism chosen to ensure nonproliferation of short-term rentals and other types of things. It is not for not having considered it but understanding that Council had previously acted to put in place a kind of limitation in the numbers. In this piece through heightened enforcement we get folks to pay attention to that. A week ago 750 short term rental

permits were pulled in residential areas and 150 in commercial areas, so it seems we are within the limitation. There are still some folks not complying with the rules. We are working towards that.

Ms. Johnson said Kelly O'Donnell, a local economist is working on quantifying a picture of the impact on housing of short-term rentals. She is getting a better picture of how many short-term rentals have not registered with the City. Various sites out there say there are as many as 1,400 in the market place so 50% are not registered. Hopefully we can collect enough information for us to prosecute.

Councilor Villarreal said the fiscal impact report does not show any impact. Shouldn't it show you need to increase staff. You would need someone to have a regulatory role or enforcement role related to ADUs.

Chair Ives said several years ago we did approve several new inspectors for folks potentially not registered. The intent was that their salaries would be covered by fees collected. So we do have the staffing there. We also are changing to allow rolling renewal periods, so staff is not inundated with applicants all at one time.

Councilor Villarreal said she is wondering if you see any staff needs relating to the changes in the Ordinance for ADUs.

Ms. Johnson said not for ADUs really it is the vendors and their ability to scour the web and identify the short-term rentals and rates. Also we are collecting the amount of lodgers' tax and GRT due to the City. In the course of doing this we have seen many hosts who do not understand that they have to get a business license or pay GRT to the State. The development of promotional materials and informational graphics and proactive information dissemination would go beyond the bandwidth of our current staff.

Councilor Villarreal said she is having a hard time separating the two. Short term rentals are connected to ADUs. She wants to make sure we are covering all the bases.

Councilor Abeyta asked the existing Ordinance, when did it go into effect.

Ms. Johnson said we have had some version of guest houses in place back in the 1960s.

Councilor Abeyta asked was the part about the owner living on the property included at that time.

Ms. Johnson said initially guest houses were only allowed to be used for servants or family members. She believes the change was made in the early 2000s.

Councilor Abeyta asked what happens if a property owner sells the property or they move. Can they rent both.

Ms. Johnson said if the current property owner vacates the property, but still owns it they have to terminate leases with renters under the current rules. We don't have copies of leases so there is no way for us to track that information. We don't have a database to do that proactively. We follow up with complaints.

Chair Ives said an owner can rent both units to the same lessee, but not have separate leases. That is under existing code.

Councilor Abeyta said we have no way of knowing if they comply unless someone complains.

Ms. Johnson said the owner now has to occupy the guest house or primary residence.

Councilor Abeyta asked what if it is sold.

Ms. Johnson said the current owner would have to live in one unit or the other.

Councilor Abeyta asked how that is disclosed to the potential new owner. Is there something filed that would come up in a title search.

Ms. Johnson said for newer accessory dwelling units there is a requirement that a covenant be recorded.

Councilor Abeyta asked are there parking requirements under the existing Ordinance.

Ms. Johnson said each property has two spaces. For accessory dwelling units it depends on the size.

Councilor Abeyta asked if parking is only allowed on one side of the street would accessory dwelling units only be allowed on one side of the street.

Ms. Johnson said it would be difficult to allow a credit for that. In consultation with John Romero he recommended a route to go would be to require the pavement of the street be a width of 3,500 feet.

Councilor Abeyta said the reason he asked is Tierra Contenta, on certain streets, parking is allowed on one side of the street and sometimes on both sides of the street when they are the same length.

Ms. Johnson said we found no master map that shows where parking is allowed.

Councilor Abeyta asked what if a street is 3,500 feet, but parking is only allowed on one side of the street.

Ms. Johnson said we would have to take those issues on a case by case basis.

Councilor Abeyta said in this we are not consistent in allowing parking.

Councilor Vigil Coppler said she thinks one of the speakers said we are only discussing this because of a certain one-person issue on a certain street. She wanted to dispel that. These changes have been discussed for a very long time including by the Santa Fe Association of Realtors. It just happens that the one issue made it come more to the forefront in people's minds, but it is not the sole purpose this is being taken on. It has been suggested that we do a period of testing in one or two years to see how this works out. If we did that would everyone who did not live up to the standard be grandfathered in.

Ms. Johnson said she understands that you want a review period to review the regulations to see if the provisions are working or not working. Then staff would assess the effectiveness of the regulations and the recommended changes.

Councilor Vigil Coppler asked is that with or without accessory dwelling units.

Ms. Johnson said with.

Councilor Vigil Coppler asked if they do not meet the new regulations would they be grandfathered.

Ms. Johnson said yes.

Councilor Vigil Coppler said it was suggested to go from 30 days to 90 days. Would that create a significant gap. That is how we seem to define short term rentals.

Ms. Johnson said it would create a difficulty in terms of monitoring and being proactive in terms of enforcement. We don't have a rent regulation entity who could take that activity on. The short-term rentals actively is advertising on all these platforms. Accessory dwelling units are not using the same platforms. Enforcement would be difficult.

Councilor Vigil Coppler said when this becomes effective, we could have some people out there renting for 4 months. It is something to think about. She thinks there should be some review when implemented. Reviewing leases is where the rubber meets the road in enforcement. There are real estate rules on the books that address leasing out properties such as becoming a property manager if you are leasing out more than one. That is another avenue to enforce. When you get your education on this you

learn a lot of what the responsibilities and regulations are. There are very big fines. That is one way to enforce.

Councilor Vigil Coppler said there was an Ordinance circulating around that offered some protection. It used to say you could not do this if the HOAs did not allow it. She is not sure if that is taken out. Is it somewhere else? The covenants, she would think, we can't uproot in HOAs or neighborhoods. She would like to see those protections still be there. She sees this as creating an opportunity for our midtown neighborhoods and southside neighborhoods to do this. This could be good, although it would increase GRT and property tax.

Ms. Johnson said currently in the short-term rental Ordinance there is language that people have to be aware of covenants and they have to comply with those restrictions. The City legally cannot enforce covenants. We have been looking at making changes to this for short term rentals that makes it clearer. If you knowingly act in violation of the covenants applied to your property, there could be consequences. We are not responsible for enforcing covenants or restrictions. Anyone doing this has to be mindful of those.

Councilor Vigil Coppler said in the previous draft it was not in there. These documents are legally viable documents. If another check box could be added, she thinks it would be important. We would be avoiding many disputes down the road if we emphasized HOA review of permit seekers. The documents are not hard to get.

Chair Ives said there is a section that adds language saying nothing here supersedes covenants or private restrictions. In terms of an information sheet for anyone wanting accessory dwelling units or short-term rentals it could let them know to check that.

Councilor Vigil Coppler asked what about HOAs. Sometimes they have greater rules in place. Do an information sheet for both of them.

Chair Ives said a general reference is in order.

Councilor Vigil Coppler said there is a document we have in real estate that says in writing that a realtor has to provide that information to a buyer and sign off on it. It should be a rule for short term rentals. If we do this, we could create something similar for enforcement. Educating the public.

Councilor Villarreal said she always understood you are required to know the information. The City does not have the same relationship with HOAs relating to covenants. They change regularly. That adds enforcement we don't have any way for HOAs and their covenants. We can adjust the forms where we say they admit that they know they are part of an HOA. That might make more sense.

Councilor Vigil Coppler said we need to make sure before these are approved that there is education and guidance to someone that these laws are in place. The State has a law that buyers have to be given the rules of the Association they are purchasing into at least seven days prior to closing. We could make a requirement that they have to do that.

Chair Ives said in terms of the short-term rental Ordinance there is a provision that states realtors shall provide buyers a current copy of this Ordinance. We could add a provision that we add a requirement information sheet to say check with HOAs and covenants to ensure you have capacity to do this. That would be a good idea.

Councilor Harris said he believes this problem we have in district one and two with parking in general is going to be exacerbated by this Ordinance. Also he thinks that this brings wealth creation like in the Bellamah neighborhood with nice wide streets he can see any number of homes would take advantage of this. It opens up the possibility for wealth creation in some neighborhoods. The notion of reviewing the leases by the City, we know that is not going to get into covenants, but the notion of enforcement is going to be a nightmare. To that extent he agrees with Councilor Villarreal that this will not provide affordable housing. He, quite frankly, really disputes the community impact statement. That is ridiculous. We have approved large scale new developments. We have approved so many of them and they have not moved forward. He would like the statement that this provides immediate additional housing options throughout the City quantified.

Ms. Johnson said she believes in the last 12-month period there have been 54 new permits.

Councilor Harris said he has a hard time understanding this would create an immediate supply. He is conflicted on this and he thinks the FIR is not complete. He also agrees with Councilor Villarreal that whatever mechanism we construct in trying to implement this will require personnel. That personnel needs a vehicle as well. Maybe additional professional services. There are other costs associated with this. There needs to be a sincere effort to identify what it would take to implement this. This is a tough one. What Ms. Heldmeyer said has some merit as well. Maybe the public sessions coming up will be satisfactory. He is not sure it will be what Ms. Heldmeyer suggested.

MOTION A motion was made by Councilor Abeyta for approval without the amendment

He is concerned about the gap that Councilor Villarreal stated. If you don't have 30 day would 60 days be a conflict. He would like to see more research before the amendment is added to see if there would be agreement with the intent of the

amendment to go to 90 days.

SECOND Councilor Villarreal seconded the motion.

Chair Ives said we can pass this on until you get the information you need.

Councilor Villarreal said we will adjust the language and add a review provision in two years, so we are changing it anyway

VOTE The motion passed on a voice vote with Councilors Abeyta, Vigil Coppler and Chair Ives voting yes. Councilors Harris and Villarreal abstained from voting.

Chair Ives said the measure has passed.

Councilor Harris said his abstention is based on the lack of information in the FIR and The Community Impact Statement.

Councilor Villarreal said she seconds that and to figure out the best way to address the appropriate time frame.

17. MATTERS FROM STAFF

None.

18. MATTERS FROM THE COMMITTEE

Councilor Harris said he has been getting calls lately that have to deal with the latest proposed flight to and from Phoenix by American. Can you explain what he is hearing?

Ms. Wheeler said American is proposing to bring in a 90-passenger plane and we do not have that capacity. We met last week with the Airport Manager and the Air Alliance to discuss how we can change the capacity in the terminal to allow this. They are looking at coordination of how to move people through the terminal given the serious space constraints. She has directed staff to expand the secure area which requires the dissolution of the café in the interim. It is going to happen. The first flight is Thursday.

Councilor Harris said there are ways to get more space. He is glad to hear you say you are working through it. The loss of the café is problematic. It is a knee jerk response. You could look to a temporary enclosure like the outside patio area. Or dial back the size of the aircraft. Thank you

19. MATTERS FROM THE CHAIR

Chair Ives said he would like to put on the next agenda an update on the project list of the ongoing CIP projects. That might make some good sense.

Ms. Wheeler said she forwarded your request for that list to the ERP team. Currently we don't have a mechanism for regularly doing that. It will take some significant staff time to create that if you want all CIP projects. We have to start figuring out how to get the list much less the status. We will start working on that.

Chair Ives said his hope was that ERP would be in place by now and we would be generating that as a matter of course. He thinks that is not a bad thing to take a look at. Also he would like to discuss the CIP plan and that aspect of the City budget and moving that forward. He would like to see both those items at the next meeting.

20. NEXT MEETING: MONDAY, May 6, 2019

21. ADJOURNMENT

There being no further business before the Committee the meeting adjourned at 7:55 pm.

Councilor Peter Ives, Chair




Carl Boaz for Carl G. Boaz, Inc.

City of Santa Fe, New Mexico

memo

Date: April 22, 2019

To: Public Works Committee

From: Noel P. Correia, Parking Division Director 

Subject: Parking Program Information and Update

Item and Issue:

The Parking Division is staffed with 53 employees and is divided into 6 Operational Units consisting of Accounting, Administration, Enforcement, Maintenance, Meter Collections and Off-Street Parking. Attached, as Exhibit 1, is an Organization Chart showing the breakdown of each Unit within the Parking Division. Parking Division manages and provides oversight to the day-to-day operations of all City's parking infrastructure. The Division is also responsible for the maintenance of parking meters, pot-hole repairs in parking lots, painting and stripping of parking spaces and directional arrows, maintenance of all parking equipment including revenue control systems, installation of way-finding signs, trash collection in garages and parking lots, power sweeping of garages, snow removal in garage driveways and parking lots, etc.

Background and Summary:

Summary of Operational Responsibilities by Unit

Accounting Team:

The accounting team is responsible for balancing of all daily parking revenue collections, Accounts Payable and Accounts Receivable, processing invoices for payments, purchase requisition processing and verification, reconciliation of cash accounts, audits, Divisional Budget preparation, expenditure tracking, etc.

Exhibit "1"
PW

Administration Team:

Manages and provides oversight to all City's parking operations including but not limited to policy setting, FY budget preparation and monitoring, revenue forecasting, implementation of policies and procedures, maintaining staff safety; preparation and issuance of RFPs and RFQs, City Council reports and presentations, customer service, introduction of new technologies, creative solutions' proposals and implementation; adjudication of parking citation appeals, etc.

Enforcement Team:

This team is a revenue generating Unit and revenues are generated through enforcement of City's Uniform Traffic Ordinance (UTO), as it relates to parking violations, Monday through Saturday from 8:00 AM through 6:00 PM except in the Railyard Area where enforcement of the UTO is from 8:00 AM through 5:00 PM. The PEO team is assigned pre-established areas, commonly known as Beats, and these Beats are patrolled and enforced as dictated by UTO violations.

The enforcement team accounts for more than \$649,000 in annual revenues.

Maintenance Team:

The maintenance team is responsible for the maintenance of parking division's infrastructure which entails cleaning of garages and lots, repairing asphalt damage in parking lots, maintenance of garage and lot lighting including changing light bulbs, snow removal, graffiti removal, painting; maintenance and repair of revenue control equipment such as meters, revenue accounting terminals or fee computers, installation of signs including way finding signs, etc.

Meter Collections Team:

The meter collections team collects coin from all meters including cash deposited in pay-stations, sorts and counts the coins and prepares the coins and cash for deposit to City's Bank on a daily basis Monday through Friday. This team works throughout the year to ensure that coins do not get backed up in parking meters.

The meter collections team accounts for more than \$2.3 million in annual revenues.

Off-Street Parking Team:

The off-street parking team oversees the day-to-day operations of City's parking garages and lots. The team provides parking facility attendants to collect revenue, provide information and directions to patrons, perform Ambassador duties to enhance customer experience, balance and deposit daily cash from parking fees, inspect parking facilities for hazards and customer safety, coordinate parking for special events, etc.

Off-Street team accounts for more than \$1.9 million annually.

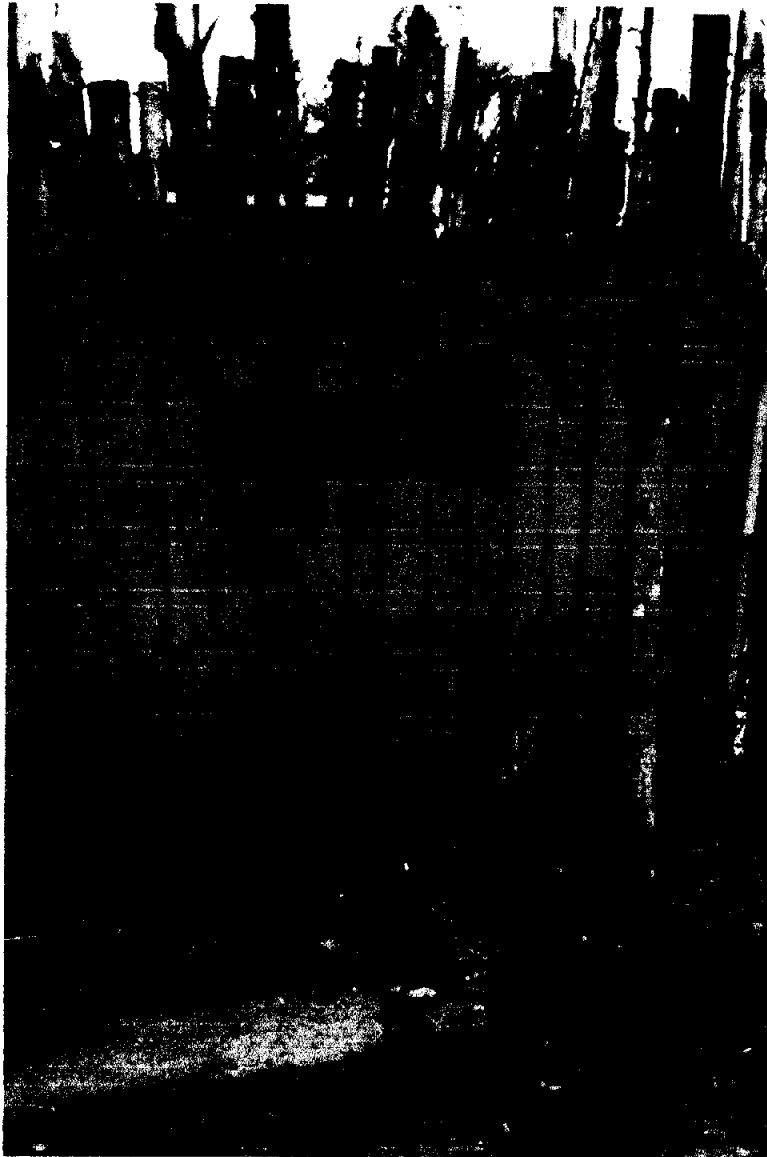
Accomplishments to date

- 1) Single space parking meter conversion – Converted all single space parking meters to credit /debit card accepting meters in FY 2017. This conversion was funded through cost cutting efforts.
- 2) Upgrade to LED lighting in the Railyard garage – High energy Metal Halide lighting in this garage was converted to energy efficient LED lighting. This project was funded through PNM grants and cost cutting efforts.
- 3) Mobile payment App – Successfully implemented the ParkMobile pay-by-phone App which provides patrons to pay for parking at meters by using an App on their smart phones. Negotiated the convenience fee proposed by ParkMobile down to \$0.20 per transaction from the originally proposed fee of \$0.35 per transaction.
- 4) Hotel Valet parking – Introduced hotel valet parking in front of the La Fonda and the Anasazi hotels. Additional hotels have expressed interest in valet parking.

Requested Action:

No action requested – informational packet only.

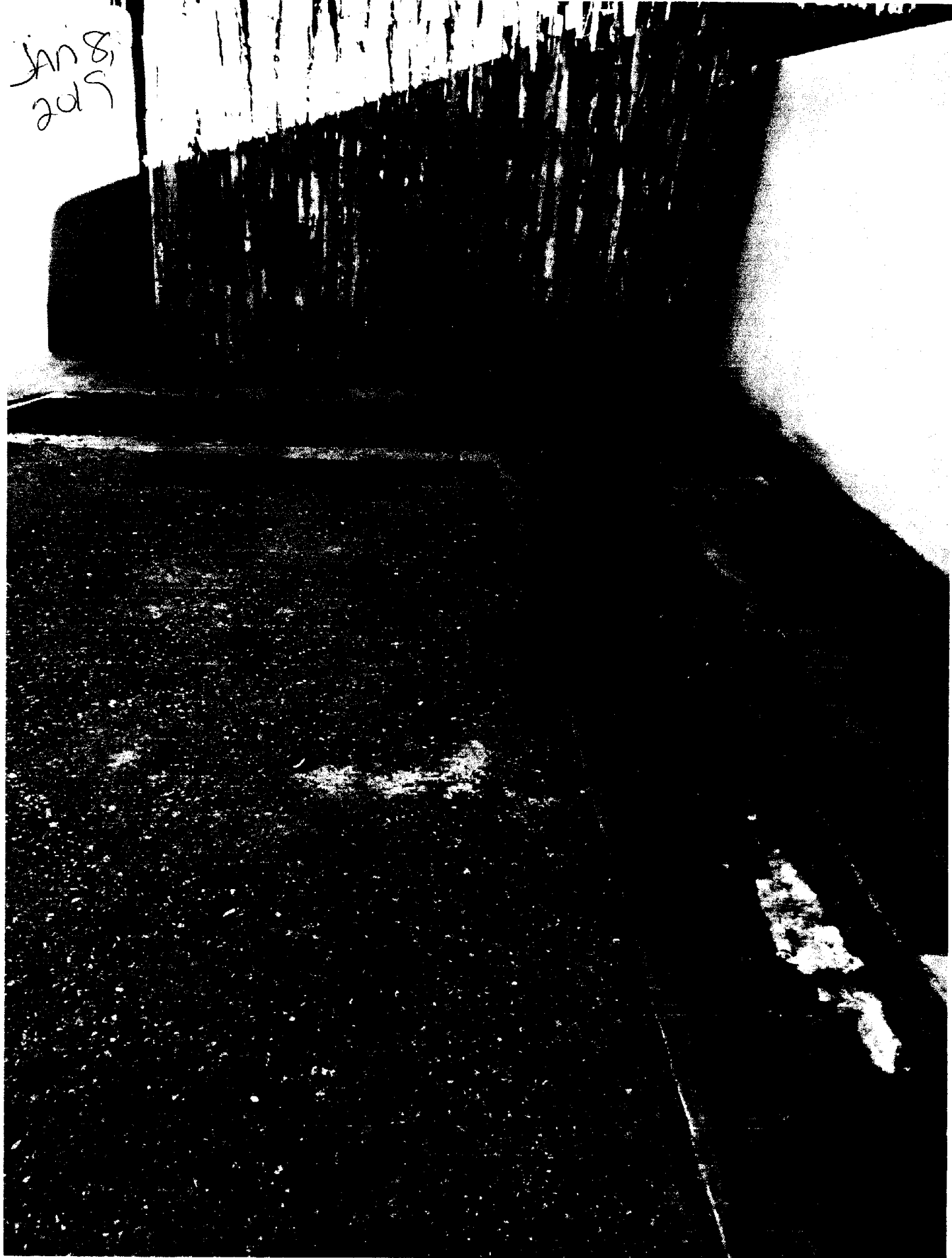
April 6, 2019



Terry Ives

pw Exhibit "a"

JAN 8,
2019



April 6, 2019



Regarding Proposed Changes to the Accessory Dwelling Units Ordinance

A proposed change to the Accessory Dwelling Units (ADU) ordinance, sponsored by City Councilors Ives, Vigil Coppler and Abeyta, is scheduled to go before the full City Council for approval on May 29th.

This proposed ordinance would change, citywide, home ownership opportunities, short-term rental rules, parking requirements and guesthouse height restrictions while indirectly altering zoning. This ordinance lumps together assorted issues, each with far-reaching consequences, in to one confusing ADU ordinance with the hope of solving our housing shortage one guesthouse at a time.

Currently homeowners have the right to build one guesthouse, although most do not because of cost and/or lack of interest. Apparently the goal of this sweeping proposal change is to provide a few more guesthouse rentals while unfortunately stripping homeowners of the rules and protections that accompanied the purchase of their home. For example, one home per lot would turn into two. And off-street parking for long-term rentals, as well as short-term guesthouse rentals, would no longer be required. Both changes would make some crowded areas intolerable.

Right now if you own a home with a guesthouse, you must live on the property to rent out either. This thoughtful residency requirement has protected Santa Fe for decades by curbing speculation and unsupervised rentals. However, this proposed ordinance would change that. By allowing the rental of both a main house and guesthouse without a homeowner present, it clears the path for speculators to buy a house, add a guesthouse and turn Santa Fe's single-family neighborhoods into rental duplexes not owned by neighbors, but instead by absent investors. This proposed ordinance wants to take the neighbor out of the neighborhood by encouraging second homes, multiple home ownership and speculation.

This ordinance would have unintended consequences in all city council districts. It would make it more difficult for locals to enter the housing market. Instead of a local buying the house next door and becoming your new neighbor, an investor, with no intention of being your neighbor, would outbid. The speculator would add a guesthouse and rent the two units — from afar. How does this help Santa Feans with housing? A local has been displaced. Young residents, new residents, all residents might consider that housing may become more out of reach because this ordinance promotes the sale of homes solely for investment.

The change also distracts from other ways to tackle housing. Santa Fe needs apartments, and to examine the impact of short-term rentals on the availability of long-term rentals. Also, how can we fund "affordable" and homeless housing?

Further, this proposed ordinance targets some groups, yet not others. For those that live in a subdivision or are members of a homeowners association with protective covenants, this ordinance change will most likely not affect them. Parking, building and rental restrictions may already be defined. Those without covenants often live in older neighborhoods that have relied on city zoning and ordinances for homeowner protections.

Look at this proposed ordinance from a different angle. How is this good for Santa Fe? Do we want a town where neighborhoods are turned into investment property by promoting absentee ownership for commercial gain, driving up rents and making home ownership more difficult?

The rush to pass this proposed ADU ordinance, a one-size-fits-all for Santa Fe's diverse neighborhoods, without a study of the long-term consequences, is unsound. Let's not follow the poor examples of larger cities where, even with good public transportation, parking has become impossible and the cost of living is out of sight. Just like medicine, this ordinance would have dangerous side effects.

Exhibit "3"
PW Pat Lillis

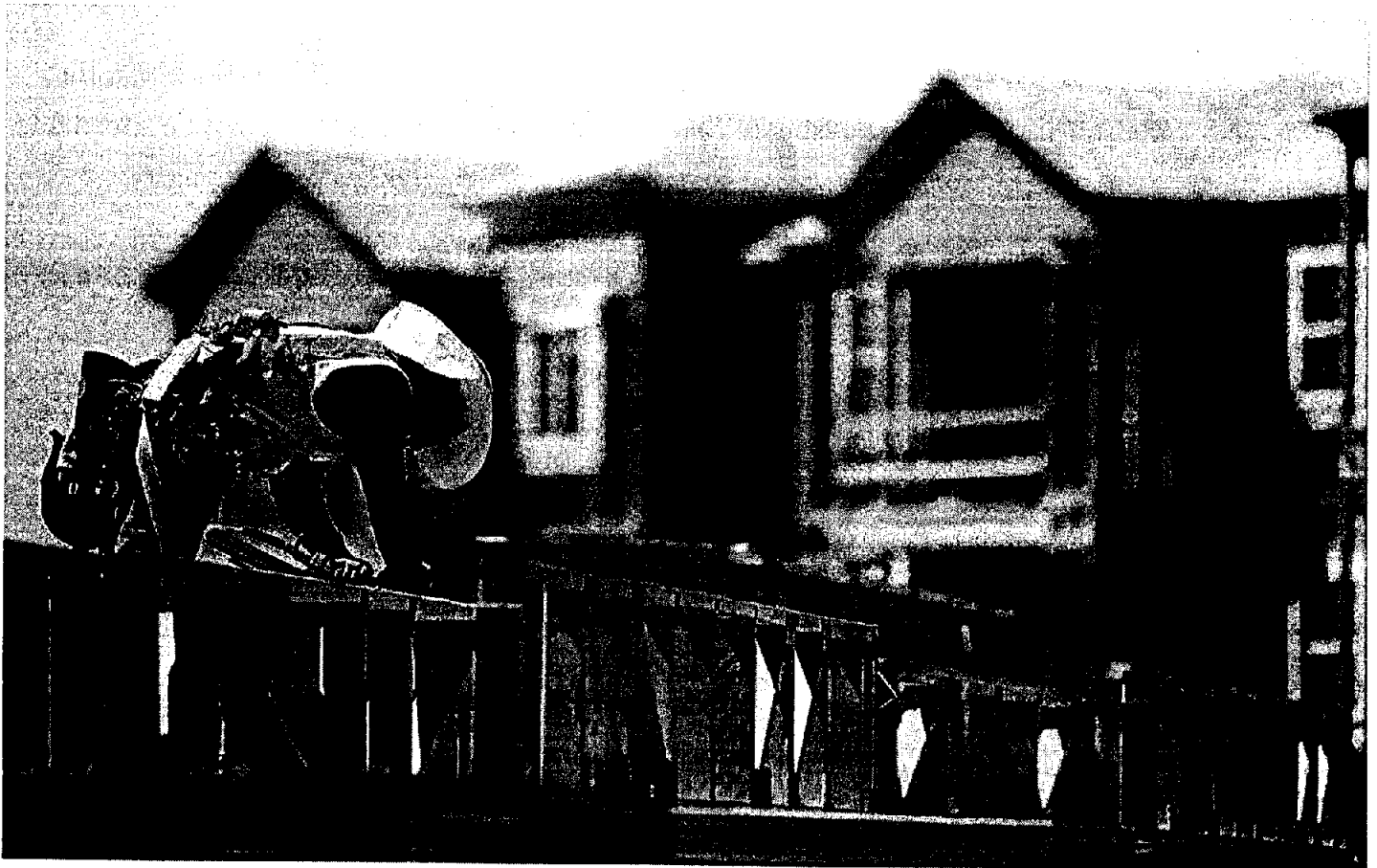
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Building up Santa Fe's multifamily housing inventory

By Teya Vitu | tvitu@sfnewmexican.com Apr 20, 2019



Ivan Tarol of Albuquerque, with Larry Reetz Construction, works at Tuesday at Broadstone Rodeo, a new apartment complex on Rodeo Road. When completed, the project will have 188 units. Luis Sánchez Saturno/The New Mexican

EXHIBIT "4"

Correction appended

With as many as 2,155 apartment units either proposed or under construction in Santa Fe, observers have different views on what role these large projects will play in Santa Fe's housing crisis.

Or is it crises, plural?

Santa Fe faces ultra-tight housing availability and high rental rates — a double-whammy that plagues the city on a variety of social and economic levels, experts say. The arrival of new apartments, lots of them, will shake up that paradigm, though exactly how no one can say for certain.

“Bringing in these market-rate apartments will free up more affordable units,” said Alexandra Ladd, the city of Santa Fe's housing special projects manager. “Existing apartments will have to bring rents down a little bit. Higher-income renters [in existing apartments] will move to nicer apartments and this frees up units not available now to lower-income renters.”

Only three large-scale, market-rate apartment projects have emerged in Santa Fe since 2004, the year the city imposed an affordable housing ordinance requiring 15 percent of units to be affordable, later softened to allow developers to pay an in-lieu of fee instead supplying affordable units.

But big apartment projects are lining up for construction starts later in 2019 and 2020 in Santa Fe — one promising 355 units, a pair at 240 units and another pair at 180.

The largest apartment project now under construction is Broadstone Rodeo, 1475 Rodeo Road, with 188 units planned for a March completion.

That's good news for some, and others hope it will have a ripple effect for those already struggling to afford their current dwellings.

“My hope is some of the [existing] apartments with fewer amenities will be able to lower rents,” said Carolyn Luna-Anderson, former executive director at the Life Link, a behavioral health program that provides supportive housing. “When we have had occupancy rates less than 97 percent, we had landlords willing to reduce rents by \$10 or \$25.”

Luna-Anderson noted an “absolute real shortage of rental housing.”

"The biggest thing is any type of rental housing is important anywhere for market-rate, senior housing; that can help the community," Luna-Anderson said. "We need all types right now. We need a whole array of different types of housing."

Still, the mathematics of several hundred or even a thousand new apartments potentially lowering rent costs at some existing apartments doesn't necessarily compute for Ed Romero, executive director of the Santa Fe Civic Housing Authority.

"We will continue to struggle to find enough affordable units needed in this town," Romero said. "It's hard to lower rents. I think we still need to address building more affordable apartments."

The flow of new complexes in the pipeline include:

- The Madera Apartments, with 355 proposed units off N.M. 599 near South Meadows Road. This will be the largest apartment complex yet in Santa Fe. Nearby South Meadows Apartments (earlier called Gerhart Apartments) and the Turquesa Apartments behind Santa Fe Place mall are adding 240 units.
- Markana de Santa Fe Apartments is lined up for a third-quarter construction start later this year, with 180 units on Richards Avenue between Cerrillos Road and Rufina Street.
- The Acequia Lofts project on Agua Fría Road, originally proposed at 450 units, has shrunk to 120 units during the public approval process over five years.

These new apartment projects will boost the existing multifamily portfolio, with the largest four now at Talavera Apartment Homes (296 units), Vista Alegre Apartment Homes (286 units), Las Palomas (279 units) and Rancho Vizcaya (212 units), according to New Mexico Apartment Advisors, a housing research firm in Albuquerque.

Santa Fe issued building permits for an average of 60 apartment units a year between 2010 and 2015 after permitting about 150 units a year during the 2000s, according to a February 2018 housing market profile by the U.S. Department of Housing and Urban Development.

The math adds up to a widely acknowledged shortage of about 6,000 apartment units in Santa Fe, said Todd Clarke, broker at New Mexico Apartment Advisors.

Madera Apartments is poised to be not only the largest complex in Santa Fe but also only the third multifamily community with more than 300 units outside Albuquerque, which has two dozen 300-plus unit complexes.

Madera will have 20 two-story buildings in Santa Fe Pueblo style near the Santa Fe River Trail, a paved pathway for bikes and pedestrians. Project developer Carlos Garcia hopes to start construction in spring 2020 and have the first units available by fall 2020.

"It's all about the timing," said Garcia, who is managing partner at NAI Maestas & Ward's Santa Fe commercial real estate office.

Garcia did not have rental rates set, but indicated the units — a mix of sizes — will not be too costly.

"It's going to be market rate," he said. "We want to have it affordable for people to live here."

Garcia specifically chose a location at the edge of town, north of the Santa Fe River, for Santa Fe's largest complex.

"There is great access for 599," Garcia said. "It's a natural path to access downtown and other parts of town so we don't congest other streets in Santa Fe."

Garcia said he believes Santa Fe is ripe for multiple large-scale apartment projects.

"There is a need to build apartments," Garcia said. "Our local market is still behind on supply for the demand we have."

Just a block or so to the west, South Meadows Apartments is lining up for a fall construction start with move-ins starting in the summer of 2020 at the 240-unit complex with one-, two- and three-bedroom units in 10 three-story buildings. There will also be a community building with fitness room and resort-style pool, said Peter Kerwick, vice president of Storm River Development, the project developer.

Nationally, analysts are expecting a slowdown in apartment construction this year, but Santa Fe is ramping up.

"The coming multifamily projects, including South Meadows Apartments, will be very helpful to the community by providing much needed new housing," Kerwick said.

Also at 240 units, Turquesa Apartments will be in the heart of Santa Fe's national retail district, directly behind Santa Fe Place mall. The project is expected to break ground this summer with a 2020 completion, said Jennifer Jenkins, a principal in the Santa Fe project management firm JenkinsGavin in Santa Fe.

JenkinsGavin is working on four Santa Fe apartment projects, including the 52-unit Rancho Vizcaya III apartments near Sawmill Road and St. Francis Drive.

"Everything I'm working on is moving forward," Jenkins said. "Everything should be under construction this year."

The 180-unit Markana de Santa Fe Apartments will plot down between The Home Depot and Walmart on the east side of Richards Avenue just off Cerrillos Road. Groundbreaking is expected later this year, said Joseph Karnes, a real estate attorney at Sommer Karnes & Associates.

The Acequia Lofts project on Agua Fría Road originally would have been by far the largest multifamily housing project in Santa Fe at 450 units, but the city approval process over five years whittled that down to 399 units and ultimately 120 units.

"Believe it or not, the Planning Commission said we did not demonstrate that there was a need for this much housing," said Eric Faust, who with his brother Kurt Faust, both at Tierra Concepts, are developing Acequia Lofts. "The City Council denied it because the neighbors came out against it."

"It's market rate but affordable for working people," Kurt Faust said. "We're in the final stages of putting together our final budget. We lost our perfect window four years ago. We're struggling to figure out how to make it all work."

A construction start date hasn't been determined, Eric Faust said.

The largest existing apartment complexes in Santa Fe

296 units – Talavera, 4129 South Meadows Road

286 units – Vista Alegre, 1489 Zepol Road

279 units – Las Palomas, 200 Hopewell St.

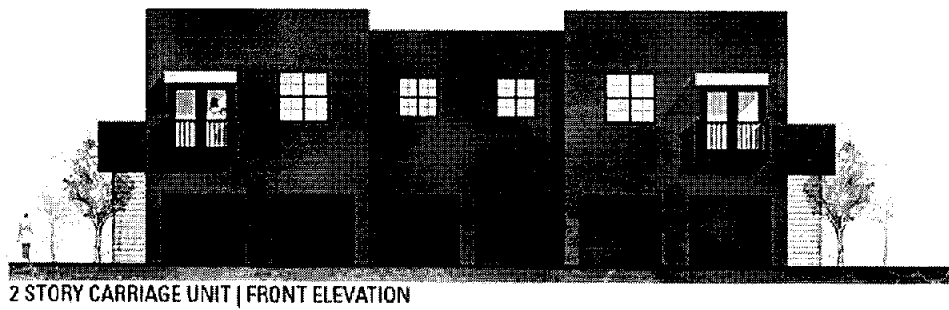
212 units – Rancho Vizcaya, 2500 Sawmill Road

208 units – Mission at Vista Primera, 4000 La Carrera

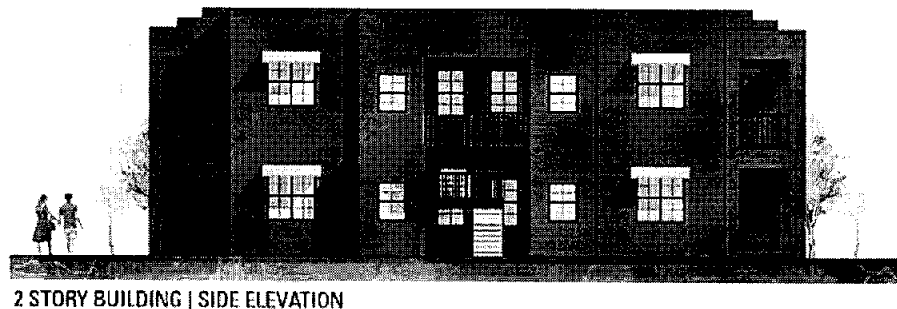
204 units – Enclave, 2491 Sawmill Road

Source: New Mexico Apartment Advisors

This story has been amended to reflect the following correction. A previous version of this story incorrectly included The Reserve at Santa Fe among the largest apartment complexes in Santa Fe. The Reserve at Santa Fe is a condominium complex, not an apartment complex.



2 STORY CARRIAGE UNIT | FRONT ELEVATION



2 STORY BUILDING | SIDE ELEVATION



2 STORY BUILDING | FRONT ELEVATION

