City of Santa Fe

Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JULY 31, 2019
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. SALUTE TO THE NEW MEXICO FLAG

4. INVOCATION

5. ROLL CALL

6. APPROVAL OF AGENDA

7. APPROVAL OF CONSENT CALENDAR

8. APPROVAL OF MINUTES: Special Governing Body Meeting – July 1, 2019
   Regular Governing Body Meeting – July 10, 2019

9. PRESENTATIONS

   a) Presentation of World Trade Center Steel. (Erik Litzenberg)

10. CONSENT CALENDAR

   a) Request for Approval of Professional Services Contract in the Total Amount of $113,480 for Investment-Grade Energy Audit to Solarize City Facilities; Yearout Energy Services Company, LLC. (Caryn Grosse, PW Project Administrator, clgrosse@santafenm.gov, 955-5938)

   b) Request for Approval of an Impact Fee Credit Agreement in the Total Amount of $108,339.82 for Sidewalk Improvements at 3240 Rufina Street; KLG26, LLC. (Lee Logston, Senior Land Use Planner, lrlogston@santafenm.gov, 955-6136)

   c) Request for Approval of Change Order No. 3 to the Original Contract 18-0835 with Bradbury Stamm Construction for the Paseo Real Wastewater Treatment Plant - Anaerobic Digesters for the Amount of $165,593.80 Inclusive of NMGRT. (Alan MacGregor, Engineering Supervisor, asmacgregor@santafenm.gov, 955-4623)

SS002 amd.11/02

d) Request for Approval of Award of Bid '19/14/B to PureOps for Meter Calibration and Testing Services for the Water Division for the Amount of $100,000 per Fiscal Year Beginning FY 19/20 for a Total Amount of $400,000 Exclusive of NMGRT. (Michael Moya, Transmission & Distribution Manager, mrmoya@santafenm.gov, 955-4243)

e) Request for Approval to Spend over $60,000 for the Remaining Term of the Contract between the City of Santa Fe and Mobile Clean Car Wash. This is a Four (4) year Contract and will Expire on 6/20/2022 with a Remaining Fund Balance of $533,951. (Lawrence Garcia, ESD Administrator, lmgarcia@santafenm.gov, 955-2241)

f) Request for Approval of Amendment No. 3 to the Professional Services Agreement 17-0520 with John Shoemaker & Associates for Hydrology, Hydrogeology, Permit Compliance and Management Requirements Professional Services for the Total Amount of $271,001 Exclusive of NMGRT. (Bill Schneider, Water Resources Coordinator, whschneider@santafenm.gov, 955-4203)

g) Request for Approval of Amendment No. 1 to PSA #18-1062 Business Name Change: Gopher Grabbers, LLC to Gopher Guys, LLC in the Amount of $75,000 per Year for Fiscal Year 2019-2020 Through Fiscal Year 2021-2022. (Richard Thompson, Parks Division Director, rcthompson@santafenm.gov, 955-2105)

h) CONSIDERATION OF RESOLUTION NO. 2019-___. (Finance Committee)
A Resolution Relating to a Request for Approval of Fourth Quarter (Year-End) Budget Amendments for Fiscal Year 2018/2019. (Andy Hopkins, Senior Budget Analyst, ajhopkins@santafenm.gov, 955-6177)

i) Request for Approval of CIP #503A, Salvador Perez Recreation Building Structural and Building Envelope Rehabilitation Construction Services Scope Under the 2018 GRT Bond to B&D Industries Together with the Agreement Between Owner and Contractor in the Amount of $1,252,984.38 Inclusive of NMGRT. (Jason Kluck, PW Project Administrator, jmkluck@santafenm.gov, 955-9537)

j) Request for Approval of a Professional Services Agreement between the City of Santa Fe and The Santa Fe Railyard Park Conservancy for Management of the Santa Fe Railyard Park Programs in the Amount of $150,000. (Robert Siqueiros, Railyard Project Administrator, rmsiqueiros@santafenm.gov, 955-6977)

k) Request for Approval of a Professional Services Agreement Between the City of Santa Fe and The Santa Fe Railyard Community Corporation (SFRCC) to Fund the Railyard Events Marketing, Plaza Stage, Sound and Lighting Equipment, and Digital Movie Projection Rental in the Amount of $75,000. (Robert Siqueiros, Railyard Project Administrator, rmsiqueiros@santafenm.gov, 955-6977)

l) Request to Publish Notice of Public Hearing on August 28, 2019:

BILL NO. 2019-17. An Ordinance Amending Section 11-14.5 SFCC 1987 to Allocate the Proceeds from the Sale or Lease of the Santa Fe Estates to the General Fund. (Councilor Harris) (Mary McCoy, Finance Director, mtmccoy@santafenm.gov, 955-6171)

m) CONSIDERATION OF RESOLUTION NO. 2019-____. (Councilor Vigil Coppler and Councilor Rivera)
A Resolution Approving the Design and Installation Plan for Thirty Additional Banners Commemorating Veterans Along the Cerrillos Road Corridor Between I-25 and Rodeo Road. (John Romero, Engineering Division Director, jjromero1@santafenm.gov, 955-6638)

n) Request for Approval of General Fund and Community Development Block Grant PSA Amendments. (Jacqueline Beam, Office of Affordable Housing, jybeam@santafenm.gov, 955-6574)

1) Life Link (General Fund) Increase by $65,000.

2) SF Recovery Center (General Fund) Increase by $22,000.

11. El Castillo Retirement Residences Industrial Revenue Bonds

a) CONSIDERATION OF RESOLUTION NO. 2019-____. (Councilor Lindell)
A Resolution Declaring the Intent of the City of Santa Fe to Issue Industrial Revenue Bonds in a Principal Amount Up to $80,000,000 to Finance Acquisition, Construction, and Equipping of a New Adult Residential Retirement Facility to be Located at 401 Old Taos Highway in Santa Fe, New Mexico, for the Purpose of Inducing El Castillo Retirement Residences or Its Successors or Assigns to Undertake the Acquisition, Construction, and Equipping of Such Project, and Authorizing the Giving and Publication of Notices in Connection with Such Bonds. (Fabian Trujillo, Manager Office for Business Growth, ftrujillo@santafenm.gov, 955-6912)

b) Request to Publish Notice of Public Hearing on September 11, 2019:

BILL NO. 2019-18. An Ordinance of the City of Santa Fe, New Mexico Authorizing and Providing for the Issuance and Sale of its Industrial Revenue Bonds for the Benefit of El Castillo Retirement Residences in an Aggregate Principal Amount Not to Exceed $80,000,000 for the Purpose of Financing Acquisition, Construction, and Equipping of a New Adult Residential Retirement Facility to be Located at 401 Old Taos Highway in Santa Fe, New Mexico and Authorizing the Execution and Delivery of a Lease and Purchase Agreement Between the City and El Castillo Retirement Residences, an Indenture of Trust Securing Said Bonds, a Mortgage, a Bond Purchase Agreement, Closing Documents, and Such Bonds in connection Therewith; Providing for the Terms of the Series 2019 Bonds and Making Determinations as to the Sufficiency of the Lease Payments and Other Matters Related to the Project; Authorizing the Sale of Said Bonds and Any Ancillary Agreements in Connection Therewith; and Authorizing Other Matters Pertaining to the Issuance of Said Bonds. (Councilor Lindell) (Fabian Trujillo, Manager Office for Business Growth, ftrujillo@santafenm.gov, 955-6912)

12. Request to Publish Notice of Public Hearing for August 28, 2019:

BILL NO. 2019-21: 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 $1,600,000, for the Purpose of Defraying the Cost of Purchasing, Acquiring, and Installing Equipment and Related Improvements to the City's Public Parking Facilities; 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 Receipts Tax Revenues From the Taxation and Revenue Department to be Redirected to the New Mexico Finance Authority for 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, Including a Determination Whether Interest on the Loan Agreement Will be Excludable From Gross Income for Federal Income Tax Purposes, 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. (Councilor Vigil Coppler) (Brad Fleutsch, Cash and Investment Manager, bjfleutsch@santafenm.gov, 955-6885)

13. Santa Fe Municipal Drug Strategy Task Force Progress Report. (Emily Kaltenbach, Chair)

13.1 Request for Approval of an Agreement Between the Legislative Council Service of the State of New Mexico and the City of Santa Fe for Parking in the State Capitol Parking Facility, Bypassing the Committee Process Pursuant to Governing Body Procedural Rule, IV.A.3.a. (Noel Correia, Parking Division Director, npcorreia@santafenm.gov, (505) 955-6611)

14. MATTERS FROM THE CITY MANAGER

15. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, NMSA 1978, Section 10-15-1(H)(6), Discussion in which the Contents of Competitive Sealed Proposals Solicited Pursuant to the Procurement Code are Discussed During the Contract Negotiation Process for Midtown Property Economic Analysis and Urban Planning and Midtown Property Civic Engagement (RFP # 19/37/P and RFP # 19/45/P). (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

16. Midtown Property Economic Analysis and Urban Planning

Request for the Approval of Professional Services Agreement in the Total Amount of $325,960 for Midtown Property Economic Analysis and Urban Planning; RFP # 19/37/P; Strategic Economics. (Kevin Kellogg, Asset Development Manager, kckellogg@santafenm.gov, (505) 955-6213)

17. Midtown Property Civic Engagement

Request for the Approval of Professional Services Agreement in the Total Amount of $65,000 for Midtown Property Civic Engagement; RFP # 19/45/P; U3 Advisors. (Liz Camacho, Economic Development and Communications Administrator, excamacho@santafenm.gov, (505) 955-6042)

18. MATTERS FROM THE CITY CLERK

a) Nominating Petition Verification Report for Candidates in the November 5, 2019 Regular Local Election. (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521)

b) Qualifying Contribution Verification Report for Candidates in the November 5, 2019 Regular Local Election Who Applied for Certification as a Participating Candidate for Public Campaign Financing as Prescribed by § 9-3.5 SFCC 1987. (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521)

19. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. SALUTE TO THE NEW MEXICO FLAG

D. INVOCATION

E. ROLL CALL

F. PETITIONS FROM THE FLOOR

G. APPOINTMENTS

- Transit Advisory Board

H. PUBLIC HEARINGS:

1) CONSIDERATION OF Bill No. 2019-14: ADOPTION OF ORDINANCE NO. 2019-____. (Councilor Ives)
An Ordinance Amending Section 14-5.5(D) Regarding the Midtown Local Innovation Corridor Overlay District to Specify that the Provisions of the Midtown Local Innovation Corridor Shall Supersede the Provisions of any Other Overlay District(s), Including, But Not Limited To, the South Central Highway Corridor Protection District as Set Forth in Subsection 14-5.5(A); and Amending Table 14-5.5-4 to Remove References to Structures that Fall Within the South Central Highway Corridor Protection District that Also Fall within the Midtown Local Innovation Corridor Overlay District. (Noah Berke, Planner Manager, Land Use Department, nlberke@santafenm.gov, 955-6647)

2) Appeal No. 2019-60 of Planning Commission Case No. 2018-83: Appeal of the Planning Commission's May 16, 2019 Approval of a Preliminary Subdivision Plat for 68 Residential Lots in the Proposed Dos Acequias Subdivision, Located at 1616 Agua Fria Road, by the Following Neighborhood Residents: Mary-Charlotte Domandi, Catherine Emmett, Kathy Fleming, Siobhan Hancock, Dagne Larson Pantuliano, John L. Pitts, and Gail Rachor. (Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)

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.

RECEIVED AT THE CITY CLERK'S OFFICE
DATE: July 26, 2019
TIME: 3:10 PM

SUMMARY INDEX

SANTA FE CITY COUNCIL
July 31, 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		
a. July 1, 2019	Approved as presented	2
b. July 10, 2019	Approved as presented	
9. Presentations: Gift	World Trade Center Steel	2-3
10. Consent Calendar Listing	Listed	3-5
11. El Castillo Industrial Revenue Bonds	Approved	5-10
b). Publish Notice of Public Hearing	Approved	10
12. City Parking IRBs	Approved	10-11
13. Municipal Drug Strategy TF Report	Information only	11-13
13.1 Parking Lease with Legislature	Approved	13-14
14. Matters from the City Manager	Comments	14
15. Matters from the City Attorney	Comments	14-15
Executive Session	Not Held	15
16. Midtown PSA for Planning	Approved	15
17. Deleted		
18. Matters from the City Clerk	Candidate Matters	16
19. Communications with Governing Body	Communications	16-17
Evening Session at 7:28	Quorum Present	17-18
F. Petitions from the Floor	Petitions made	18-20
G. Appointments		
1. Transit Advisory Board	Approved	20
H. Public Hearings		
1. Midtown Overlay Amendment	Postponed	20-32
2. Dos Acequias Appeal	Appeal Granted	32-46
I. Adjournment	Adjourned at 11:40 pm	46-47

MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
CITY OF SANTA FE
July 31, 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, July 31, 2019, at approximately 5:00 p.m., in City Council Chambers, City Hall, at 200 Lincoln Avenue, 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 Carol Romero-Wirth
Councilor JoAnne Vigil Coppler
Councilor Renee D. Villarreal

Members Excused
Councilor Peter N. Ives
Councilor Christopher M. Rivera

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 requested that item 10 (e) and item 17 be deleted from the agenda and announced that Item 10 (g) was amended by the Finance Committee.

MOTION: Councilor Lindell moved, seconded by Councilor Vigil Coppler, to approve the agenda as amended with items 10 (e) and 17 deleted and with the amendment on 10 (g)

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

7. APPROVAL OF CONSENT CALENDAR

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

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

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

Against: None.

8. APPROVAL OF MINUTES:

a) Special Governing Body Meeting on July 1, 2019

b) Regular Governing Body Meeting on July 10, 2019

MOTION: Councilor Lindell moved, seconded by Councilor Vigil Coppler, to approve the minutes of July 1, 2019 and July 10, 2019 as presented.

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

9. PRESENTATIONS

a) Presentation of World Trade Center Steel. (Erik Litzenberg)

Mr. Litzenberg said that one year ago, the couple on the front row brought steel from the World Trade Center suggesting that Santa Fe should receive one from 9/11 in NYC. We were given one and now, it is mounted on the back wall at City Hall.

Mr. Richard Gomez said this was recovered after the 9/11 attack and has an inscription on the outside. It is special for us to have this reminder. Last Veteran's Day he rode in the parade with some of the Governing Body and was here to present the gift to Santa Fe City from NYC Fire Dept and the Tribute Museum. The tribute was put together for those during those first few hours to share the event with visitors from all over the world. Those who felt the loss from being away from ground zero led him and his wife Susan to believe the City of Santa Fe is a very appropriate place to have a piece of steel from WTC. "Here we are, and it is a pleasure to be here and to respond in this way. Thank you."

Councilor Harris thanked Richard and Susan Gomez for their gift.

Mayor Webber also thanked him and said we will all take time to look at it.

10. CONSENT CALENDAR

a) Request for Approval of Professional Services Contract in the Total Amount of $113,480 for Investment-Grade Energy Audit to Solarize City Facilities; Yearout Energy Services Company, LLC. (Caryn Grosse, PW Project Administrator, clgrosse@santafenm.gov, 955-5938)

b) Request for Approval of an Impact Fee Credit Agreement in the Total Amount of $108,339.82 for Sidewalk Improvements at 3240 Rufina Street; KLG26, LLC. (Lee Logston, Senior Land Use Planner, lrlogston@santafenm.gov, 955-6136)

c) Request for Approval of Change Order No. 3 to the Original Contract 18-0835 with Bradbury Stamm Construction for the Paseo Real Wastewater Treatment Plant - Anaerobic Digesters for the Amount of $165,593.80 Inclusive of NMGRT. (Alan MacGregor, Engineering Supervisor, asmacgregor@santafenm.gov, 955-4623)

d) Request for Approval of Award of Bid '19/14/B to PureOps for Meter Calibration and Testing Services for the Water Division for the Amount of $100,000 per Fiscal Year Beginning FY 19/20 for a Total Amount of $400,000 Exclusive of NMGRT. (Michael Moya, Transmission & Distribution Manager, mrmoya@santafenm.gov, 955-4243)

e)

f) Request for Approval of Amendment No. 3 to the Professional Services Agreement 17-0520 with John Shoemaker & Associates for Hydrology, Hydrogeology, Permit Compliance and Management Requirements Professional Services for the Total Amount of $271,001 Exclusive of NMGRT. (Bill Schneider, Water Resources Coordinator, whschneider@santafenm.gov, 955-4203)

g) Request for Approval of Amendment No. 1 to PSA #18-1062 Business Name Change: Gopher Grabbers, LLC to Gopher Guys, LLC in the Amount of $75,000 per Year for Fiscal Year 2019-2020 Through Fiscal Year 2021-2022. (Richard Thompson, Parks Division Director, rcthompson@santafenm.gov, 955-2105)

h) CONSIDERATION OF RESOLUTION NO. 2019-36. (Finance Committee)
A Resolution Relating to a Request for Approval of Fourth Quarter (Year-End) Budget Amendments for Fiscal Year 2018/2019. (Andy Hopkins, Senior Budget Analyst, ajhopkins@santafenm.gov, 955-6177)

i) Request for Approval of CIP #503A, Salvador Perez Recreation Building Structural and Building Envelope Rehabilitation Construction Services Scope Under the 2018 GRT Bond to B&D Industries Together with the Agreement Between Owner and Contractor in the Amount of $1,252,984.38 Inclusive of NMGRT. (Jason Kluck, PW Project Administrator, jmkluck@santafenm.gov, 955-9537)

j) Request for Approval of a Professional Services Agreement between the City of Santa Fe and The Santa Fe Railyard Park Conservancy for Management of the Santa Fe Railyard Park Programs in the Amount of $150,000. (Robert Siqueiros, Railyard Project Administrator, rmsiqueiros@santafenm.gov, 955-6977)

k) Request for Approval of a Professional Services Agreement Between the City of Santa Fe and The Santa Fe Railyard Community Corporation (SFRCC) to Fund the Railyard Events Marketing, Plaza Stage, Sound and Lighting Equipment, and Digital Movie Projection

Rental in the Amount of $75,000. (Robert Siqueiros, Railyard Project Administrator, rmsiqueiros@santafenm.gov, 955-6977)

l) Request to Publish Notice of Public Hearing on August 28, 2019: **BILL NO. 2019-17.** An Ordinance Amending Section 11-14.5 SFCC 1987 to Allocate the Proceeds from the Sale or Lease of the Santa Fe Estates to the General Fund. (Councilor Harris) (Mary McCoy, Finance Director, mtmccoy@santafenm.gov, 955-6171)

m) CONSIDERATION OF RESOLUTION NO. 2019-37. (Councilor Vigil Coppler and Councilor Rivera)
A Resolution Approving the Design and Installation Plan for Thirty Additional Banners Commemorating Veterans Along the Cerrillos Road Corridor Between I-25 and Rodeo Road. (John Romero, Engineering Division Director, jjromero1@santafenm.gov, 955-6638)

An Action Sheet from the Public Works/CIP and Land Use Committee meeting on Monday, July 29, 2019 regarding Item 10(m) is incorporated herewith to these minutes as Exhibit 1.

n) Request for Approval of General Fund and Community Development Block Grant PSA Amendments. (Jacqueline Beam, Office of Affordable Housing, jybeam@santafenm.gov, 955-6574)

1) Life LINC (General Fund) Increase by $65,000.

2) Santa Fe Recovery Center (General Fund) Increase by $22,000.

11. El Castillo Retirement Residences Industrial Revenue Bonds

a) CONSIDERATION OF RESOLUTION NO. 2019-38. (Councilor Lindell)
A Resolution Declaring the Intent of the City of Santa Fe to Issue Industrial Revenue Bonds in a Principal Amount Up to $80,000,000 to Finance Acquisition, Construction, and Equipping of a New Adult Residential Retirement Facility to be Located at 401 Old Taos Highway in Santa Fe, New Mexico, for the Purpose of Inducing El Castillo Retirement Residences or Its Successors or Assigns to Undertake the Acquisition, Construction, and Equipping of Such Project, and Authorizing the Giving and Publication of Notices in Connection with Such Bonds. (Fabian Trujillo, Manager Office for Business Growth, ftrujillo@santafenm.gov, 955-6912)

Mr. Trujillo presented this matter to the Council and said it would be helpful if El Castillo could provide part of the Staff presentation.

Mr. Al Jahner came forward. He pointed out that El Castillo has provided a lot of information to the Governing Body already, so this is just highlighting. El Castillo is a nonprofit senior care center and a Life Plan Community which is different from most others. It is a local organization with no owners. All payments are made by those who are served. El Castillo does not sell real estate, but guarantees life living arrangements. There have rumors about high expenses. The cost ranges from $93,000 to $533,000 with the majority in the middle.

There are over 1,900 such facilities in the country. He briefly described the statistics for El Castillo's facility. They began this project in 2015 for the purpose of keeping increases in cost to a minimum through economies of scale. He said approximately a thousand jobs would be created by this project.

Mr. Trujillo spoke briefly about the economic impact and provided a progress report on clawback negotiations. El Castillo is nonprofit, and this is an $80 million project that will provide 1,020 construction jobs and 80 permanent jobs. the property is already off the tax rolls because the land is owned by a church. El Castillo is making a $3.6 million payment in lieu of taxes. The services will generate $4.7 million to state, city and county and provide up to $990,000 in investments. It will fuel the construction industry.

Since the July 15 Finance Committee meeting the City has been negotiating the clawback language. At the Finance meeting on August 19, he was confident we can provide the proper language. The language is close to final agreement. The basis comes from the City's 2012 IRB policy. We took the Finance Committee's advice and undertook adding construction jobs into the basis.

Peter Franklin, Bond Counsel and Andreas Salazar, City Attorney's Office, were finalizing the language.

Mr. Franklin explained IRB's as conduit bonds in which the City is helping a private entity not by lending its own funds but supporting El Castillo's use of credit and cash flow that will repay the bonds. Under state law. IRBs may be issued by municipal entities for economic development purposes and also 501(c)3 projects. The city acquires legal title to the property while bonds are outstanding and lease the property back to El Castillo while they make lease payments that cover debt service on the bonds. No credit ratings are affected.

Councilor Villarreal asked Mr. Trujillo what the decision is on both resolution and ordinance and if the Council is just voting on the ordinance portion.

Mr. Trujillo clarified that at this meeting, Council will consider the inducement resolution that provides the City's intent to issue IRBs and on September 11, if the Governing Body approves this, you will be considering the ordinance then. Part of the process is that we would inform the County of the inducement resolution and provide a final draft for the next meeting.

Councilor Villarreal asked if "intent" meant it is moving forward or why it was worded that way.

Ms. McSherry said the language is consistent with City policy - expressing our intent which is not binding.

Councilor Harris said they stumbled at Finance on that very issue, so he appreciated Councilor Villarreal's question and the clarification to focus only on the resolution tonight. At Finance we talked about the clawback provision and pilot provisions. We wanted to make sure we understood what we are doing. Negotiating is still part of the process. Mr. Franklin got mixed messages and was late for that meeting

Councilor Harris asked what things were still to be negotiated. He said he did vote for the resolution. We heard Mr. Trujillo say September 11 and a 30-day notice to County and State and thought they will have a complete package at that time. He asked if there was anything else to be aware of until then. This is the first IRB he had seen and wanted to get it right.

Mr. Franklin understood in the meeting with Mr. Buchholz and El Castillo that we will agree upon language prior to the next Finance Committee meeting and the language in the agreement performance and clawback would be final or as close to final as possible. If not, the Finance Committee could decide on recommendations to Council.

Councilor Harris concluded that the Finance Committee is an interim step between now and September 11. He asked about the Economic Development Department and the report. This is predicated on a certain number of jobs. But this report says 629 construction jobs. And Jennifer Jenkins had a spread sheet with 823 jobs and Klinger said 1,000+ jobs. It is a bit of a moving target. And that needs to be verified. Mr. Eustace would need to modify what that might do to this Economic Development Report. He respected the Finance Department, but this is new so he would like the Finance Dept to review it and give an opinion at the next Finance Committee meeting to see if it is on the mark or not.

Mayor Webber was glad to ask that of the Finance Department. Their evaluation would be very useful not only for this measure but other things coming forward.

Councilor Harris agreed. There is another IRB following soon. We just need to make sure we understand it and that the economic impact is as represented.

Councilor Romero-Wirth noted that our policy for IRB does give the Finance Committee a real role and, per 5.5.2, they may determine approval or rejection or make recommendations to City Council and may also forward without recommendation. At the meeting, we felt we needed a complete project proposal and would take the time to really review it for a recommendation to the Governing Body. We are taking that responsibility seriously.

Councilor Villarreal said the Committee had discussion with Staff on how it works. She understood there are 17 to 22 permanent jobs here. So it is an $80 million IRB for 17 - 22 jobs. She thought we would lose in tax revenue.

Mr. Trujillo said the estimate was $990,000 over ten years loss but it would generate more than that by $200,000.

Councilor Romero-Wirth added that it is at a property that currently generates no property tax revenue.

Councilor Villarreal pointed out, on negotiating for Affordable Housing, that Mr. Trujillo stated that Affordable Housing doesn't apply in this case. Our needs are great and very few senior living places accept Medicaid. $98,000 at the low end is very expensive. Nonprofits should have a charitable purpose and should be part of providing a subsidy for low-income residents. She did not see benefit for any low income folks and there should still be a way to consider that. We have a greater need for low-income and especially elderly. There is only one place in Santa Fe that accepts Medicaid. So a financial analysis for benefit of low income persons should be considered. She also did not know how it plays out after ten years.

Councilor Vigil Coppler said her concerns are more related to the human element. Having grown up in Santa Fe, El Castillo has always been known as a private entity and in their history understood that being nonprofit was best. Charitable service should be part of it. She wondered about the equity of this, compared with other businesses. She wondered if the City would be open in the future to considering this arrangement for any other private entity. The facility is exclusive. She has talked with people who say they could never be a resident there because it is so expensive to live there. The human element is where our elderly could go to live. The service is just for those with a certain income. There are not many places for elderly people to live. She would call it the country club of assisted living places and only a few can afford to live there.

We are putting ourselves out there for this facility and it is a noble gesture. But is it something portrayed that we really want to be part of? For these 17 jobs, we have no guarantee they would be living in Santa Fe and presumed they would be paid lower wages. Maybe there should be a stipulation that they live here. The construction jobs are only temporary so she wondered what real benefit the City would get. We are waiting for tax revenue we might have had.

Councilor Lindell asked Mr. Trujillo to clarify if this is for 10 years.

Mr. Trujillo said the repayment is a 30 year period. The economic analysis is over a 10 year period to compare apples to apples. But he offered to share information on a 30-year period in which over $5 million in IRB would be abated and it would be less, since the project over the first 10 years will be about $90,000 per year. After 10 years, it would be $65,000 per year for cost to the City.

Councilor Lindell noted on the handout, to clarify, that we have a current agreement for $165,000 to schools and the Community College. She pointed out that for the last fifty years, the City got nothing for that property while the church owned it.

Mr. Trujillo agreed It is $3.6 million over the ten year period to schools and SFCC that they are currently not receiving.

Councilor Lindell observed that this property currently has a waiting list of 200 people.

Mr. Jahner said they have about 300 people waiting for both locations but 200 are for this property.

Councilor Lindell thought it was sad we have that many on a waiting list for a place to live. Most of them are current residents. So they likely hope to sell their current home and move into El Castillo. That may be aging in place. It is new housing. Most of our attention in housing is focused on work-force housing and what people her age might need.

Councilor Harris asked Mr. Franklin if the original package talked about the benefit of IRB for healthcare and hospitality. He had challenged Mr. Trujillo on the hospitality benefit and Ms. Jenkins mentioned the housing benefit. The State IRB regulations do not indicate housing as a benefit. He would accept health care, but it is hard to accept IRB for a housing benefit.

Mr. Franklin nodded his agreement.

MOTION: Councilor Lindell moved, seconded by Councilor Abeyta, to approve Resolution 2019-38.

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

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

Against: Councilor Vigil Coppler.

Abstained: Councilor Villarreal.

b) Request to Publish Notice of Public Hearing on September 11, 2019:
BILL NO. 2019-18. An Ordinance of the City of Santa Fe, New Mexico Authorizing and Providing for the Issuance and Sale of its Industrial Revenue Bonds for the Benefit of El Castillo Retirement Residences in an Aggregate Principal Amount Not to Exceed $80,000,000 for the Purpose of Financing Acquisition, Construction, and Equipping of a New Adult Residential Retirement Facility to be Located at 401 Old Taos Highway in Santa Fe, New Mexico and Authorizing the Execution and Delivery of a Lease and Purchase Agreement Between the City and El Castillo Retirement Residences, an Indenture of Trust Securing Said Bonds, a Mortgage, a Bond Purchase Agreement, Closing Documents, and Such Bonds in connection Therewith; Providing for the Terms of the Series 2019 Bonds and Making Determinations as to the Sufficiency of the Lease Payments and Other Matters Related to the Project; Authorizing the Sale of Said Bonds and Any Ancillary Agreements in Connection Therewith; and Authorizing Other Matters Pertaining to the Issuance of Said Bonds. (Councilor Lindell) (Fabian Trujillo, Manager Office for Business Growth, ftrujillo@santafenm.gov, 955-6912)

MOTION: Councilor Lindell moved, seconded by Councilor Romero-Wirth, to approve publishing notice of the Public Hearing on September 11, 2019.

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

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

Against: None.

12. Request to Publish Notice of Public Hearing for August 28, 2019:
BILL NO. 2019-21: An Ordinance Authorizing the Execution and Delivery of a Loan Agreement By and Between the City of Santa Fe nd the New Mexico Finance Authority, Evidencing a Special, Limited Obligation of the City to Pay a Principal Amount not to Exceed $1,600,000, for the Purpose of Defraying the Cost of Purchasing, Acquiring, and Installing Equipment and Related Improvements to the City's Public Parking Facilities; 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 Receipts Tax Revenues From the Taxation and Revenue Department to be Redirected to the New Mexico Finance Authority for 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, Including a Determination Whether Interest on the Loan Agreement Will be Excludable From Gross Income for Federal Income Tax Purposes, 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. (Councilor Vigil Coppler) (Brad Fleutsch, Cash and Investment Manager, bjfleutsch@santafenm.gov, 955-6885)

An Action Sheet from the Public Works/CIP and Land Use Committee meeting on Monday, July 29, 2019 regarding his matter is incorporated herewith to these minutes as Exhibit 3.

Mr. Fleutsch presented this matter to the Governing Body. He said no action was necessary because it is only an introduction of the bond for parking. A resolution was passed at Finance to apply to NMFA for $1,075,000 to install parking equipment to automate three garages and in the packet was a letter from NMFA approving the loan application. The ordinance will be presented for adoption at the August 28, 2019 Governing Body meeting.

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Lindell, to approve publication of notice of the public hearing on August 28.

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

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

Against: None.

13. Santa Fe Municipal Drug Strategy Task Force Progress Report. (Emily Kaltenbach, Chair)

A copy of the printed power point presentation of the Santa Fe Municipal Drug Strategy Task Force Progress Report of July 31, 2019 is incorporated herewith to these minutes as Exhibit 2.

Ms. Kaltenbach said it was an honor to be here. She noted that the State Director was also here on behalf of the Task Force for Santa Fe and many of the task force members were also present. The Task Force was formed in October 2017 and the staff have been very supportive. She thanked them and the 234 people who shared in the community input.

She described the model which was replicated in Vancouver and then Ithaca New York. Santa Fe is next to become a model. She referred to the printed Power Point handout that had an updated version. The foundation of the task force strategy is to reduce the strategy of enforcement and increase the change to rehabilitation. She shared several statistics, including that Santa Fe County rates are higher than state and national rates. Drug overdoses account for 25% of all 911 calls and other codes also involve drugs. The Office of the Medical Investigator showed 84 overdose deaths in Santa Fe. County last year.

She showed the Task Force membership and noted the level of commitment by this Task Force is deeply engaged with great leadership. They listened to the community, spent time gathering data, and created guiding principles and shared values for their strategy. Their resounding support was for treatment and not for incarceration. They came up with eighty-four draft recommendations and will reduce the number in the final report. Among the next steps through year end were to finalize the recommendations, present their work to the community, continue learning sessions with experts; develop an implementation plan; and submit the plan for Council approval.

Mayor Webber thanked her for the report.

Councilor Harris thanked her and acknowledged the range of people and was impressed by the experts. He looked forward for what they come up with in next few months.

Councilor Romero-Wirth was pleased with the report and encouraged them to look at the timeline for their recommendations. Some might happen right away, and others would have longer term goals and there could be an appropriate sequencing of them to be a logical way to work with them.

Councilor Vigil Coppler was thankful for the report which was comprehensive and well organized and ended with recommendations and an action plan. The recommendations hit at the very core of the issues. Hopefully, they could see it come to fruition.

Councilor Villarreal thanked the Task Force especially for how they approached it with shared values and how it connects back to behavioral health and working together.

Ms. Kaltenbach said some of the root causes around trauma and PTSD leads to substance abuse; restorative justice also. We want to redefine treatment as it relates to social support services. We need more access to behavioral health services.

Councilor Villarreal asked about EMS use of Naloxone in the City. Officer Mercado said they have used Naloxone 184 times and there were 98 deaths in Santa Fe County. EMS had contact with 70% or- 67 individuals.

Councilor Villarreal was interested in seeing what best practice is to engage people here. She asked Ms. Kaltenbach to keep in touch with the Council.

Councilor Abeyta said slide #5 was troubling, considering the money the City gives every year. He asked what impact that had on these numbers.

Director Ochoa said this group has done an incredible job. Specifically on that question, they are not starting from scratch. Much of the Children &Youth funding goes for factors in our children that keeps them from going down that path, like the Communities in School program. We have sprouts of things we are doing with the funding and need to do more in direct services to them. We do need to come together and advocate for bigger funding sources to help us. She said she could suggest best ways to share the money to be effective.

Councilor Lindell was grateful for the work being done. This work is never done but we cannot lose our energy for it as part of our daily life to make progress.

Mayor Webber said how much he appreciated this progress report. One category the Task Force picked out for the City is to be an advocate for state funding. We are already partners in this philosophy. Many of these recommendations depend on state funding and should be separated out and brought sooner as we approach the next legislative session and not worry whether the whole report is not done yet.

13.1 Request for Approval of an Agreement Between the Legislative Council Service of the State of New Mexico and the City of Santa Fe for Parking in the State Capitol Parking Facility, Bypassing the Committee Process Pursuant to Governing Body Procedural Rule, IV.A.3.a. (Noel Correia, Parking Division Director, npcorreia@santafenm.gov, (505) 955-6611)

Mr. Correia requested a full-month agreement with the State Legislative Council Service for paid public parking on Saturdays and Sundays. He has tried to accomplish this for several years and with new leadership, he hoped to get the agreement approved.

Councilor Vigil Coppler supported this agreement but had questions on cost/benefits when the Legislative Council Service gets 2/3 and the City gets 1/3.

Mr. Correia said this is an estimated amount for four months after net expenses are deducted, whatever balance is left is the 2/3:1/3 agreement. He briefly explained the further action and the patrols by enforcement vehicles. He explained the parking is not located close to the Plaza or Railyard. A bus will drive by every 15 minutes.

Councilor Villarreal was hoping it would be free but understood. She asked if it was a 4-month agreement as a trial period.

Mr. Correia agreed. It is a pilot program to see how it works with all the activities that occur on weekends. He added that the agreement took longer than anticipated. As proposed, So it will go through November and the agreement can be extended or reduced, as well. He briefly explained the issues involved.

MOTION: Councilor Abeyta moved, seconded by Councilor Villarreal, to approve the agreement as proposed.

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

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

Against: None.

14. MATTERS FROM THE CITY MANAGER

Mr. Litzenberg said, in light of the recent incident, that he was fully engaged here until he was not here.

He announced that the second drive for the Munis project occurred yesterday which was Energov. There were 79 permits and 28 inspections as of yesterday. The server was down 30 minutes during that time. It was a successful go, but we should expect tweaks to happen during the transition.

15. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, NMSA 1978, Section 10-15-1(H)(6), Discussion in which the Contents of Competitive Sealed Proposals Solicited Pursuant to the Procurement Code are Discussed During the Contract Negotiation Process for Midtown Property Economic Analysis and Urban Planning and Midtown Property Civic Engagement (RFP # 19/37/P and RFP # 19/45/P). (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

Ms. McSherry pointed out that one item was already removed, and the Governing Body could decide not to go into executive session.

Councilor Villarreal said she felt okay about moving forward without any executive session. The other Councilors agreed.

16. Midtown Property Economic Analysis and Urban Planning
Request for the Approval of Professional Services Agreement in the Total Amount of $325,960 for Midtown Property Economic Analysis and Urban Planning; RFP # 19/37/P; Strategic Economics. (Kevin Kellogg, Asset Development Manager, kckellogg@santafenm.gov, (505) 955-6213)

An Action Sheet from the Public Works/CIP and Land Use Committee meeting on Monday, July 29, 2019 regarding this PSA for Midtown Property Economic Analysis and Urban Planning is incorporated herewith to these minutes as Exhibit 4.

Councilor Abeyta said this was extensively discussed at Public Works and Finance.

MOTION: Councilor Abeyta moved, seconded by Councilor Harris, to approve the PSA.

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

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

Against: None.

17. Midtown Property Civic Engagement
Request for the Approval of Professional Services Agreement in the Total Amount of $87,000 for Midtown Property Civic Engagement; RFP # 19/45/P; Public Partnerships LLC. (Economic Development and Communications Administrator, [illegible], (505) 955-6042)

This item was removed under Approval of the Agenda.

18. MATTERS FROM THE CITY CLERK

a) Nominating Petition Verification Report for Candidates in the November 5, 2019 Regular Local Election. (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521)

b) Qualifying Contribution Verification Report for Candidates in the November 5, 2019 Regular Local Election Who Applied for Certification as a Participating Candidate for Public Campaign Financing as Prescribed by § 9-3.5 SFCC 1987. (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521)

Ms. Vigil identified the candidates by district and reported that everyone was certified and qualified for public campaign financing. A total of at least 150 separate contributions were required.

Councilor Romero-Wirth asked if a candidate who was unopposed would not receive public campaign money.

Ms. Vigil agreed.

19. COMMUNICATIONS FROM THE GOVERNING BODY

Councilor Vigil Coppler said the City has too many weeds and is not doing enough about the weeds. She wished the City had a better mechanism for dealing with the problem. One complaint was very interesting - two delivery men wrote to her from their phone. They were searching for a business to deliver a pizza to, but weeds blocked the whole business front and the driver was frustrated that he couldn't find it. He sent a photo and the problem was very clear. The weeds are getting out of hand in her district and surely we could get creative with this. We are not prepared for them.

Councilor Abeyta introduced the resolution on the procurement manual and ordinance amendment on procurement and protestors and vendor department. The thanked Nathan Saiz and others who did a phenomenal job in our district.

For Spanish Market, he congratulated the Spanish Colonial Society. He was asked to be a judge and it was very cool and thanked Councilor Romero-Wirth for presenting the awards - some recipients were more talkative than others. He had a good time doing it.

Councilor Abeyta wanted an update on the Short Term Rental ordinance amendments and enforcements. He supported ADU and saw there is a lot of concern about changes in the ordinance.

He referenced an article in the New Mexican about poor students performing worse and many of those live in District 3. So in our discussion, we take into account the impact on the schools.

Councilor Villarreal thanked Staff for Spanish Market. Without them, it would not have happened.

She said homeowners have a responsibility to take care of our weeds. We need to clarify who is responsible for what.

She requested an update on the candidates for the Women's Commission and asked when it will occur.

Councilor Harris said he talked for 3 years about weeds and it is an exhibit of failure. We have hired some people who are making a real difference but the leadership in the Parks and Rec Department are failing us in that regard. We have to look at all departments. It is visual evidence of the failures and he hated to end this time here on that failure. He was lost for words.

Mayor Webber introduced for Councilor Ives a resolution on sale and alcohol us in the Mountain Fest. He cosponsored with Councilor Abeyta on the Procurement Manual. That is a visible evidence of success.

He also introduced an ordinance concerning sale and consumption of alcohol on city Property to be adopted in 30 days rather than 60; a resolution adopting the 2021-2015 Senior ICIP, and a resolution supporting efforts of global citizen to address effects of climate change.

He also noted the great weekend and the great job of the judges. He noted the City Manager's daughter got a blue ribbon.

Mayor Webber apologized for running ten minutes late and the work to do. He declared a 15 minute recess in preparation for the evening agenda. The meeting stood in recess at 7:10 pm.

END OF AFTERNOON SESSION

EVENING SESSION – 7:28 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, July 31, 2019, at approximately 7:28 p.m. in City Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

Present at the evening session were:

Members Present
Mayor Alan Webber
Councilor Roman "Tiger" Abeyta
Councilor Mike Harris
Councilor Signe Lindell
Councilor Carol Romero-Wirth
Councilor JoAnne Vigil Coppler
Councilor Renee D. Villarreal

Members Excused
Councilor Peter N. Ives
Councilor Christopher M. Rivera

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

F. PETITIONS FROM THE FLOOR

Stephanie Beninato said she was glad that inspections were mentioned because they are not working. The Catholic church is advertising on public property. She had never been treated so rudely by the Mayor's Constituent Services Staff. She pointed out that noise and signage violations are exactly what Constituent Services should deal with. They told her that catholic churches could advertise on public property and asked Ms. Tapia to show her where it said that was an exception. There is no such exception. Why is staff lying to the public? Have these people not heard about separation of church and state? Mr. Trujillo told her she should respect the catholic church because we are the City of Holy Faith. Staff should receive instruction on the First Amendment.

Richard Polese said he was a homeowner and the situation on Cerro Gordo that was troubling was the pavement in the 1300 block, which was traditional paving. He said that was not the right way to go. The County Association did a quick survey without using the right questions. 1200 to 1300 Cerro Gordo is not to be paved. It is recycled paving

material, but the City has failed to fill the potholes and there were two incidents in front of his house. Now they are tearing up the whole works and need to be cautious because traditional paving causes much faster speeding.

Sam Hitt said he was not here to talk about the forest but about the National Environment Act. This is an order that will live far beyond his hopefully short tenure. He had previously sent a letter to the Governing Body about the details. The Council needs to stand up for the citizens. In 2001, an environmental statement was written about the Santa Fe Watershed. It has worked well and involves the public. But the Forest Service wanted to spray herbicides and Council opposed it. That is part of the NEPA project. if this act passes, we will go back to the 1940's and a person could cut down trees and build a road through there without anyone being notified or ask permission.

Satya Kirsch talked about the health effect of continuous smoke from prescribed burns, in particular and suggested that although many people are afraid of wildfires, there have been very few since 2011 but there have been many, many prescribed burns. They will create long-term health effects for everyone in the area. The children living here and parents and grandchildren for years to come. The documentation exists at www.prescribedburns.com, which gives information contrary to the Forest Service promotion. She believed the Forest Service is serving a terrorist agenda by trying to frighten everyone about wildfires and stripping away our right to health and quality of life here.

Dee Blanco was here to speak about the forest, "not because I am bored with my life, but because of a growing, bubbling issue and probably most don't know about the resiliency project which is not. We suggest since you had a Forest Service presentation recently, you could have a hike to the resiliency area and see there is very little life in general. We do the hikes every Sunday and a forest ecologist will be here on October 30 with a public lecture at the Center for Peace and Justice that outline the risks of this kind of resiliency project.

Robb Foster also spoke about the resiliency project. He read his statement and said there is no time for businesses to operate as usual for the environment with climate change which the resiliency project does. "Within 18 months we have to make a change that could change our current direction. I see a thorough document that represents inadequate and old measures for our forest. Forest trees are extremely viable life forms and should not be cut down and burned. We are desperately in need of a new direction to combat it."

Emmy Koponen said she was very angry with NEPA. "Again, our rights are being stripped away through USDA Forest Service. The public will not have any say and had until July 12 to comment and the website was down. So, the public is basically unaware of it. NEPA started in 1970 and did a lot of good. The Trump Administration is something new. Please stand up for our rights as citizens of USA. I want to be notified with time to respond.

This one is with mining and piles and piles of poisons that will have no oversight because we will not be notified."

Miraj Bukhari-Frayer said she is a current resident and just came from trip to Deming New Mexico. The trip honored the courageous brave people in Deming and us as multiple cities in New Mexico can have a work force to work more collaboratively in receiving migrants. They come through and have families and have to go through court where there are no translators. We need Portuguese translators and a number of needs at the shelter. They try to estimate a means of providing food on the long run. Deming is disadvantaged. The City did do a collection of funds and she would like to know how they are being used.

There were no other petitions from the floor.

G. APPOINTMENTS

a) Transit Advisory Board

Mayor Webber appointed Aurore Bleck, Chris Calvert, Stan Cooper, Mary McGinnis, Colin Messer, Paul Thompson and Marcos Maez to the Transit Advisory Board.

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Lindell, to approve the appointments to the Transit Advisory Board.

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

H. PUBLIC HEARINGS:

1. CONSIDERATION OF Bill No. 2019-14: ADOPTION OF ORDINANCE NO. 2019-36. (Councilor Ives)

An Ordinance Amending Section 14-5.5(D) Regarding the Midtown Local Innovation Corridor Overlay District to Specify that the Provisions of the Midtown Local Innovation Corridor Shall Supersede the Provisions of any Other Overlay District(s), Including, But Not Limited To, the South Central Highway Corridor Protection District as Set Forth in Subsection 14-5.5(A); and Amending Table 14-5.5-4 to Remove References to Structures that Fall Within the South Central Highway Corridor Protection District that Also Fall within the Midtown Local Innovation Corridor Overlay District. (Noah Berke, Planner Manager, Land Use Department, nlberke@santafenm.gov, 955-6647)

Mayor Webber gave the procedures for the public hearing.

Mr. Berke presented the Staff Report for this case. He noted an error on page 2 of the memo on applicability. #2 should be amended by striking through the words after 38 feet to the end of the paragraph. Mr. Berke said this matter was heard by the Planning Commission on May 16, 2019, by the Public Works Committee on June 24th and then at the Finance Committee on July 1 and was recommended for approval. The recommendation would specify that provisions of the Midtown LINC would supersede all other overlays. The South Central Highway Corridor limits height and setbacks and this would establish a maximum height of 52' and of 62' for all in the SFAUD campus. It would emphasize multi-family development and street-oriented development. Those portions within 150 feet of a residential development outside the Midtown LINC limits the height to 38 feet. Amendments are intended to reestablish incentives for new investments and development. At the Planning Commission meeting, there were questions on the visual impact and concerns that the public was not aware of the amendment. Subsequently, postings were made at the project site and along St. Michael's Drive for a public meeting on June 18, 2019 at the GCCC. Approximately nine public members attended and raise concerns on the increased density on the three properties.

A copy of a portion of the minutes from the Finance Committee meeting held on July 1, 2019 and the two photos mentioned that show the outline of building heights against the Sangre de Cristo (not San Juan) Mountains are incorporated herewith to these minutes as Exhibit 4B

Mayor Webber opened the public hearing and limited speakers to a maximum of three minutes each.

Hilario Romero, 1516 La Cieneguita, said he was a member of West Santa Fe River Corridor Master Plan work group, working for six months on a plan for that area. It took a lot of time and we worked hard each week and the overlays are what we need to follow and suddenly there is an amendment here that was speculative without a plan. It is also secretive because there is an anonymous developer involved and two businesses. The established corridor rule established a clear sense for visible openness and continuity. Doubling the height does not follow this rule. No need for high rise building is needed but for Affordable Housing and more discussion is needed. We say we are the City Different but the speed we are moving to high rise high density apartments means we will no longer be a tourist destination.

Rick Martinez provided a handout to the Councilors. He said, "I have a lot of passion for this and I know about view sheds. We worked on it for years. This is our only voice tonight. There are no other opportunities. Four-story buildings do not go to the Planning Commission; just to the Land Use Director. There is- no traffic study to be done. We are worried that it sits on top of a hill and can be seen in the pictures he sent out. The first was

taken by the railroad tracks and he added dots to show the height just on St. Francis. It means this is creating 8-story buildings, not just 4-story buildings.

Some were excavated to keep them under the height limit along St. Michael's Drive. In the minutes from the last Finance Committee meeting, the heights at 52' were to accommodate four stories. At the Planning Commission, they talked about whether 52 feet was enough for four stories, when they had offices on first floor. So he asked if the City would have to amend it again. Exhibit E on page 40 showed the Morningstar project and was not showing how high they are.

In addition, Staff has not contacted those affected property owners.

Mayor Webber asked him to stop when three minutes had ended.

Barbara Fix said when she first heard of the project, she asked where it was located and was told it was on Pacheco. She thought if it was nearby the McDonald's, it would be even with St. Francis and would be okay. Then she found out it was the three buildings on the hill that would need changes in the rules. She went to the ENN and it was presented as a done deal and there was nothing anyone could do about it.

This is wrong but she thought when she came out on Harkle Road and saw the back side of the buildings as a broad flat surface, that it would match the hillside and then have a huge massive structure. When you see it driving down St. Michael's, at the right is Christus that is terraced and then the medical buildings. And then under St. Francis you see you are in town. Before going under, it is just the beginning of town. This massive thing on top of the hill just sticks out. If you change the rules after three years, why have them at all? How is it that this is happening? If you have citizen involvement, don't do this.

John Eddy read a statement by the Board member of OSFA as follows:

"The Old Santa Fe Association wishes to go on record with its opposition to the proposed change in the height ordinance on St. Francis Drive - as is found in the LINC Overlay document. Currently, within the South Central Highway Overlay District, allowed height is 24 feet, and as we all know, the proposal is for an increase to 52 feet.

An egregious expansion of the height ordinance such as this will impact the area exponentially in terms of traffic stress on our citizens, as well as the overall aesthetic of a major entrance corridor to our city. This area currently offers a pleasing view shed to our foothills and indeed, the mountains behind Santa Fe. We believe that all of our residents, no matter what part of town they live in, should not be deprived of this aesthetic, and furthermore, we need to continue to acknowledge that travelers take their first impressions of a city based on their initial encounter with the built environment.

Driving into Santa Fe, from any direction, should feel like driving into Santa Fe, not Phoenix or Denver.

Do not misunderstand; we acknowledge the urgent need for more housing in our city. But there must be a more measured and disciplined way to go about achieving this, rather than simply doubling density at the stroke of a pen. Many citizens, along with members of OSFA, worked long and hard with careful consideration in the crafting of the South Central Highway Overlay District Ordinance, as it stands, with good reason.

We urge you to maintain the height ordinance at 24 feet, protecting the South Central Highway Overlay District as it is and look for other ways in which to solve our housing dilemma. Thank you for listening to our concern."

Karen Heldmeyer, 325 East Berger, said she has been to most of the public meetings on this rather tortured history on this application and would leave it to the Council to ask the questions. The Planning Commission did a good job raising the issues but kicked it over to Council.

The first meeting was advertised as having made a mistake with these two corridors that need to be fixed. In the Linc ordinance itself, it says if two overlay districts overlap and one is less restrictive, the one that is more restrictive would be followed and in the discussion whether it was just an ordinance change, who would benefit and why do it. There was much confusion on the result regarding what would be built and there was no idea what would be built.

As it moved through the process, and the history of the South Central corridor, it became clear that policy was approved decades ago to provide a good entrance to downtown Santa Fe. And Midtown Linc was calling for more height. A lot of questions can be asked on why we are doing this. What is the point, especially since what was passed two and a half years ago? The more restrictive law should be followed.

Stephanie Beninato said these proposed changes are just to accommodate developers so it the City Sold Out. Neighborhoods are not considered any more. This is a view corridor. It would be different if it was down by the college. But it is up on Pacheco and in the least pedestrian friendly of areas in the City with no sidewalk and the St. Francis overpass. Spot rezoning changes are not to be allowed under the law. Don't do it by drop of law; do it for the whole of the St. Michael's you promote as a pedestrian-friendly. How will this ever be a pedestrian-friendly street? It is all about developers and approving it only by Staff instead of by the Board of Adjustment. Your City Staff made up a process that ADU could have tandem parking when the ordinance is very clear that tandem parking is only for single-family residents. There is no ambiguity about what a single-family residence means. Tandem parking doesn't mean people will park one behind the other and your staff violates separation of powers and cares a whole lot more about development than ever.

Christine Fredienberg said she lives across from post office on Pacheco. She said, "None of us saw this coming. There has been no traffic review or noise pollution study. The neighborhood was not surveyed. I'm circulating a petition. Nobody knew about this. When you drive up Pacheco, you can't read that little yellow sign on the other side of the street. you could at least send a post card to people. There are no Affordable Housing units there. Don't we have a city regulation mandating a certain percentage of Affordable Housing? How do people get in and out of this property? Pacheco is a mess now. Will the trees on the street be taken down? And it will block the eastern sun and ice won't be taken care of in the winter. It is unsafe every time the City puts no sand on that hill. What prompted Councilor Ives to write the amendment? This is his area and he is not working for us. What tax breaks will there be for the developer with no design restrictions for the developer? People come here for Santa Fe design. This is a working class neighborhood, Will this affect property taxes? It has pathetic traffic right now. It appears this project was quietly pushed through and ill conceived. I'm very disappointed in the City Council. And this is not respecting Santa Fe.

Matt O'Reilly said regarding these properties, that the main reason the Midtown Linc was created was for Affordable Housing and work force housing. We don't need another empty office building that is functionally obsolete, but we desperately need housing.

Karl Sommer gave a brief history of the steps that were taken by Council before very directed to projects and were very successful. Jim Kirkpatrick came here in 1971 when the Loretto School was falling apart. He came to the Council and asked them to change the rules related to that property to incentivize its redevelopment of that entire subdistrict. And the Council approved his proposal and his Loretto hotel was allowed to be built. That project has been a boon to this town for decades. It is one of the functions of this Council to look at and this district was created to incentivize the redevelopment of all of these properties. This particular conflict in the ordinance does not allow that to happen here. The building on the property now don't conform to 24 feet. They are obsolete under the current ordinance and nothing could be done with them. They would have to be torn down. So one purpose is to revitalize that would produce housing. Nothing will happen on this property if you don't approve a change to the maximum height.

He asked Council to pass the legislation and reminded them of the incentive on this district.

There were no other speakers from the public and the public hearing on this matter was closed.

Mayor Webber asked for questions.

Councilor Abeyta asked Mr. Berke regarding the review process. If this is approved, what is the review process? Does it go to the Planning Commission or is it approved only by the Land Use Director?

Mr. Berke said if it is a qualifying project, City Staff will process it administratively and it will not go to the Planning Commission.

Councilor Abeyta asked what discretion the Land Use Director has.

Mr. Berke said the discussion would be to review the project for compliance and also to evaluate a parking study and a Traffic Analysis, if needed.

Councilor Abeyta concluded that so as long as it complies with 52', there would not be much discussion. Could the Land Use Director have discretion to require it be lowered to 42' or 48' or change setbacks.

Mr. Berke clarified that there are different requirements for setbacks, but the Land Use Director could decide if it qualifies and could be built to the maximum height allowed.

Councilor Villarreal asked Staff to elaborate why the South Central corridor was created - as an entrance to downtown or something else.

Mr. Berke confirmed the intent of the South Central Corridor was as an entryway to our city and focused primarily on St. Francis Drive at its terminus where it meets St. Michael's Drive, Old Pecos Trail and the I-25 corridor. All those properties have landscaping, site design and other restrictions and a maximum height of 24'. One of the only buildings in that district exceeding that height was the hospital which was created prior to the corridor overlay.

Councilor Villarreal asked what the heights of these buildings are here.

Mr. Berke said the existing buildings are legally nonconforming. They were built around 1970's and the South Central Corridor was adopted in the early 2000's. The Boone Building is 42 feet high; the Ark Building is roughly 30 - 35' and the Morningstar conforms with the South Central Highway Corridor at 24'.

Councilor Villarreal asked how the City missed these properties when considering the LINC boundaries.

Mr. Berke said they were included for potential redevelopment. Everyone was led to believe they would be entitled to 52' and it was not until it went to the Planning Commission for consideration that a commissioner proposed the most restrictive height be applied. The language in Midtown says the less restrictive shall apply. The less restrictive would be 52' unless it is near a residential district, in which case it would be 38'.

Councilor Villarreal asked if Matt O'Reilly was part of this choice.

Mayor Webber asked Mr. O'Reilly to provide a little history on LINC and what was applied to this site.

Mr. O'Reilly said these three buildings were always in the LINC. They were always in the Midtown LINC, but they were the three that were restricted. They are still available for redevelopment.

Councilor Villarreal understood but thought they were also part of another overlay.

Mr. O'Reilly said LINC went through lots of hearings and at the start, a certain height was proposed and a significant exception near existing developments were lowered to 38'. As Mr. Berke pointed out, the Planning Commission wanted to add for those in the South Central Corridor should be lowered to 25'. So additional changes were proposed to protect neighborhoods and is one of the big reasons why LINC was developed. One main purpose of the LINC was creation of residential projects from older building stock.

Councilor Villarreal thought Staff was ready to come to 52' which creates significant change. Did you ever consider a middle height since they are in both overlays?

Ms. Carol Johnson, Director, said this amendment was introduced by Councilor Ives and it was considered as proposed and no other alternatives were considered.

Councilor Villarreal asked if it was for another development. We haven't seen anything, nor the Planning Commission so she wondered if there is something coming forward.

Director Johnson said it was just a typical study by a potential buyer. They considered the parameters that might result, and the details were never shared with us and details were not shared with staff and there is no pending application.

Councilor Villarreal asked how high the one near McDonalds is.

Director Johnson said it was a minimum of 48'.

Councilor Harris told Mr. O'Reilly he had heard several versions with least restrictive and most restrictive heights. In the general standard it says the height goes with underlying zoning district. He asked what the LINC regulation says or where we would look to find least or most restrictive rules.

Mr. O'Reilly said what he just said was the intentional rule. It was not intended that other overlay districts would supersede LINC, but that LINC would supersede others.

There could be more clarifying language in the ordinance to make it perfectly clear.

It wouldn't hurt to add that to this ordinance. He thought it was in Section 1.

Councilor Harris said it is silent on that question.

O'Reilly said the General Code says most restrictive would apply.

Even though he thought it was clear, these buildings were already over 25' in height. So the Planning Commission wanted to make that clear.

Councilor Lindell said it was 52' and the handout talked about 52' previously. She thought 52' was too tight for four stories but apparently it was not. She remembered being on the Planning Commission when that apartment building was approved, and the topography was sitting well down into a kind of swale, but these buildings are on a hillside. She asked if they were 40 feet high.

Mr. Tom Gifford was the architect in town working with the potential owner. He said he has studied the three properties at length.

Councilor Lindell presumed 40' could accommodate a 3-story building.

Mr. Gifford agreed.

Councilor Lindell suggest that given the topography she would think the potential owner would think of demolishing them.

Mr. Gifford said nothing has been ruled out at this point.

Councilor Lindell said the way she would envision the 52' would be on the downslope side. The corridor was established for a specific reason and putting 4-story buildings on the corridor means we may as well rescind the South Central Highway Corridor. If they were demolished, as nonconforming, she would ask Mr. Berke or Director Johnson about allowing them to be rebuilt at the current height.

Mr. Berke explained that, if demolished, they would have to limit their building height to 24'. There would be no way to rebuild them at 40'.

Councilor Lindell was not inclined to approve 52'. She thought 40' would be enough.

Councilor Romero-Wirth asked if there might be another way to do this amendment to resolve the conflict of overlays.

Mr. Berke said it was presented as a text amendment from Councilor Ives. But you could do it as a variance to the height standards but would have to ask for the maximum height.

Councilor Romero-Wirth asked if Mr. Berke would have to know more about the project, then.

Mr. Berke said no. It doesn't have to have a project. Relief could be sought through zoning to achieve the maximum results. The process would be a math amendment that would require public notice, an ENN meeting, go before the Planning Commission for a recommendation to the Governing Body. A variance would just go to Planning Commission and require mailing notification as well. Removing these buildings from the South Central Corridor would allow them to be 52' high. They are currently within two overlays and they could seek relief from the most restrictive which is the South Central Corridor.

Councilor Romero-Wirth saw if there had been a math amendment it would have a more public involvement. Mr. Berke agreed.

Councilor Abeyta asked if Council would see drawings of what those buildings would look at.

Mr. Berke said no. With a math amendment or rezoning or a text amendment, you would not necessarily see that.

Councilor Romero-Wirth concluded there is no real way to see what would be built on that site.

Mr. Berke agreed. It would not happen until a project application is submitted for review.

Councilor Romero-Wirth observed that when it becomes a potential project, it could be approved administratively. And there is no public input after the decision here.

Mr. Berke said if it is a qualifying project, it would be administrative approval. That could happen if it was less than 30,000 square feet. It would not trigger a development review - just a building permit.

Councilor Romero-Wirth asked if it would receive a traffic study. She asked if the Land Use Director has authority to require a traffic study.

Mr. Berke said even though a qualified project, it would be reviewed by Traffic and their decision to recommend such a study.

Councilor Romero-Wirth reasoned that the traffic issues could be addressed administratively.

Mr. Berke agreed.

Councilor Harris noted in note 2 that except for four-story buildings, on street frontage, the second floor must be set back ten feet. He asked if that would apply to all three streets.

Mr. Berke said it would apply to Pacheco and St. Michael's Drive. Those are the two immediate access frontage points that would likely come to mind and would need to be looked at in the proposal.

Councilor Harris understood but pointed out this is a highway. It doesn't say access frontage so St. Francis should be part of that setback.

Mr. Berke agreed it would apply to all street frontages.

Mayor Webber said to Director Johnson that we have heard, if we approve this, anything proposed would be exempt from further review and handled through LINC, but nothing is changing for anything on that site.

Director Johnson agreed. There is no requirement for a development plan so streamlining remains but review by staff.

Mayor Webber observed that if the Governing Body refuses this amendment, the Midtown LINC already exists and what we have heard about no public review process, would still apply. He asked how we would know a project has no Affordable Housing.

Director Johnson clarified that no project has been submitted and the Affordable Housing ordinance would apply to any application submitted.

Mayor Webber added that there is nothing to review dealing with removal of trees or landscaping. This amendment is only about the height provision.

Director Johnson said it does deal with all conflicting standards, not just height. She said the purpose of LINC was to take an auto-oriented location to a more walkable community and creating incentive for more walking in the LINC. That was adopted in 2016. Since then, the only development has been a Starbucks location.

Mayor Webber said there was also a question on how it relates to the view corridor.

Director Johnson agreed.

Councilor Romero-Wirth reminded them that three of us sit on the MPO and the overpass is in design stages of being reimagined and she did not know what pedestrian features are included in the design.

Mayor Webber agreed her point is spot on. Change is happening and we don't know what it is.

Councilor Vigil Coppler commented that pedestrian access under the bridge is needed. She said there are funds to create an underpass where the railroad track is along St. Michael's.

Councilor Romero-Wirth wondered, if Council allowed for the building height, whether we would be creating a precedent that would become the norm across the city.

Director Johnson said the height at 52' was part of the policy decision when LINC ordinance was adopted. So it would be safe to say it is not a precedent but part of that planning process.

Councilor Lindell asked Ms. McSherry or Ms. Paez if there could be an amendment to limit height to 40' rather than 52'.

Ms. Paez said the current language in note #2 is clear about it being in the South Central Corridor and only three parcels. There could be a process for a more descriptive standard and multiple heights are more difficult to enforce. it is not impossible but has not been analyzed in context.

Councilor Romero-Wirth questioned if this needs more process then and if the Planning Commission should weigh in or if it is something the Governing Body could do right now.

Ms. Paez said she would want to make sure we are not creating more conflicts in it. It could be changed to a different height but the more heights we add, the more we tinker and make it complicated.

Director Johnson noted that Staff did not bring that amendment forward and it is unfortunate Councilor Ives is not here to address it.

Councilor Lindell asked why, in that Note 2 the Governing body could not just change the height limit there to 40'.

Director Johnson said it is not just height, but other issues considered to be problematic also.

Councilor Lindell said that was the problem we wrestle with. She was unclear what else we are wrestling with.

Mayor Webber asked if the other provisions are overridden.

Director Johnson agreed and there were other issues such as a more significant setback and also density restrictions. Those also superseded the LINC overlay.

Councilor Lindell wanted to find a way to support some of this. The way it stands now, she could not support it. She was trying to find some compromise so perhaps it could be postponed, and a little more work done on it.

Councilor Vigil Coppler said she had actively studied Midtown LINC and recently was at a breakfast last Friday on what is transpiring. Each presentation builds on the former. St. Michael's was perfect the way it was. She remembered when St. Michael's was two lanes as was as St. Francis which stopped at St. Michaels. St. Michael's is a sea of cement and a blight. We have done pretty much nothing since LINC was approved. It will happen sometime. The owners of properties are tied up in lease agreements long term so they are not free to develop their property the way LINC will allow. There is a vision for what is to be here, and we need to keep sight of that. Some of them could be 52' and these buildings to be excluded there. We could have many at that height instead of a sea of cement. The owners are the guinea pigs and we are spending a lot of time on 52 or 40 or 24' and might be able to create something more beautiful. She would rather see a developer make those buildings usable and more in line with something more appealing. We need to have some vision and not the way things are now.

She added that we also have to think about the developer. They are not going to come in to just building something. It might not be as appealing if there is no financial benefit from it. We need to take it all back to the housing issue. Property owners there could have a vision of residential development. We need to be mindful of not biting the hand that feeds us.

Councilor Abeyta asked if the amendment could allow 52' if it is for housing and not for commercial.

Mr. Berke said, if it is housing, they would be allowed 52'. It would be a shorter height for non-residential use. But as the provisions are written now, they could not get above 25'.

Councilor Villarreal pointed out a note on page 12 of the actual table that we are amending that includes, "Except where any portion would be located within 150 feet of a residential neighborhood." she asked what that meant.

Mr. Berke said where the building is within 150 feet of a residential area, they are only entitled to 38' height. These three are not within 150'.

Councilor Villarreal thought MorningStar was residential.

Mr. Berke agreed.

Councilor Romero-Wirth pointed out that Morningstar is the only one at the correct height and the others are all taller and nonconforming.

Councilor Harris understood the existing buildings are 40' tall and was not too concerned about that. He saw in section B the incentive residential development and kept thinking about the incentive of the IRB which also incentivizes. And Section C allows for innovative redevelopment which is what this. He recalled the Council dealt with the expansion of Christus St. Vincent's, which was in the South Central Corridor, so that was allowed.

Mayor Webber found this very uncomfortable, first because Councilor Ives is not here to represent his thinking or rationale in approaching this. And the Land Use team did not take this on by themselves but only as a request from City Council. We have to read his mind on how he thought it would work out. He took seriously the corridors entering the City. It is significant. Other cities have allowed violating the view into the city. We want a project that begins to achieve what Councilor Vigil Coppler talked about - to make a change with a good outcome. The fact that is conflicts with the protection district has not been resolved or even addressed except to write up how to meet Councilor Ives's expressed intent.

He thought it best to postpone this until Councilor Ives is here and let him address his intent, but he did not want to run over the others in the process.

MOTION: Councilor Abeyta moved, seconded by Councilor Lindell, to postpone Adoption of Ordinance No. 2019-36 for 30 days (to August 28, 2019).

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

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

Against: None.

2. **Appeal No. 2019-60 of Planning Commission Case No. 2018-83:** Appeal of the Planning Commission's May 16, 2019 Approval of a Preliminary Subdivision Plat for 68 Residential Lots in the Proposed Dos Acequias Subdivision, Located at 1616 Agua Fria Road, by the Following Neighborhood Residents: Mary-Charlotte Domandi, Catherine Emmett, Kathy Fleming, Siobhan Hancock, Dagne Larson Pantuliano, John L. Pitts, and Gail Rachor. (Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)

A copy of the Appellant's Appeal Packet is incorporated herewith to these minutes as Exhibit 5.

A copy of the Grant of Fire Department Emergency Access Easement is incorporated here with to these minutes as Exhibit 6.

Ms. Paez presented the Appeal to the Governing Body

A copy of the aerial map of this development area is incorporated herewith to these minutes as Exhibit 7.

A copy of the development plan's site plan is incorporated herewith to these minutes as Exhibit 8.

Mayor Webber asked for ex parte disclosures and there were none.

Ms. Paez reminded Councilors this is quasi-judicial, so Councilors are like judges as in a court of law. This is an appeal of a Planning Commission unanimous decision for Dos Acequias at 1616 Agua Fria. It is an infill development project that utilizes existing infrastructure for 68 new homes and 18 with Affordable Housing. The Planning Commission thought it should be approved because it meets all criteria and design standards and does not increase nonconformities. The appeal deals with access in an out of the proposed development. She shared a larger map to show the roads and pointed out Agua Fria on the map. The main access is a new road going south through the subdivision and next to Mandela Magnet School and an emergency-only access gate as one of two access points for the fire department. The third is a connector to Montaño Street and out to Velarde.

The appellants are seven neighborhood residents who request a locked gate at the third access point to avoid traffic on Velarde which is a narrow street. The locked gate was not proposed by city staff and was not at issue until the appeal in April. They came up with six consensus agreements on things like one-story, added drainage, etc. City staff did not oppose five of them but did not approve the locked gate that would violate a provision of the code that two points of access are required.

The Planning Commission agreed with Staff, so they approved with conditions of staff and agreed with five of the six consensus agreements. The City Attorney recommendation is without the locked gate. The code does require a through street and two connecting points.

Ms. Paez read the code provisions for the first time in April. But, in evaluating for the appeal, and reviewing the origins, they come straight from the General Plan to ensure multiple points of access. The General Plan is the City's Master Plan for growth and development. So she agreed that the code does require an open access and it is in line with ensuring health and safety. There are about 80 people involved and nobody argues

about Velarde being a narrow street and any more traffic going on Velarde would stress traffic. It was never contemplated that all the people in the new development would use Velarde Street. And we don't have a way to poll everyone - the existing residents and the 68+ new residents.

All points of appeal are based on increases on Velarde. The Traffic Director agreed that would not be the case. People on Nicole Place would prefer the new street.

The last main point is that there are a couple of arguments that claim the Planning Commission violated two provisions, one from 2013 and one from 2005. Resolutions are important statements of policy but do not have the force of law. It would require more public input to become a law.

Appeals are allowed for violations of the City Code but not for violation of a resolution.

In conclusion, she emphasized that the decision should be based on the facts in the appeal. Other concerns are not appropriate for discussion tonight. She asked the Governing Body to uphold the Planning Commission decision.

Ms. Paez turned the microphone over first to the appellant.

Appellant's Statements

Mr. Frank Herdman and two associates, Siobahn Hancock and Mary Charlotte Domandi were sworn.

Mr. Herdman said he could provide evidence that the development does not conform with code but that is in the packet. Instead, he went down the path of the consensus. He said page 2 of the packet has a similar aerial. Velarde serves 77 residents. It is a narrow street without sidewalks and does not conform to city standards. It is only 18' wide in places and pedestrians have to walk in the street. At the intersection with Agua Fria, it is only 18' wide and cannot accommodate two vehicles at same time. They do not want it to have added traffic from the 68-unit development. And together, they came up with a solution. Page 10 has the conditions - six total - and the Planning Commission did not approve the first one regarding the locked gate for emergency access. He confirmed independently that a locked gate was accepted by the fire chief.

Staff believe there are two code provisions, shown on page 12, which he read, and Staff believe do not allow the locked gate.

Page 13 showed the proposed plat which would have a through street shown in red and traversed the whole plat. He went through his understanding of "through street" as referring in the code to "linear feet" even though it does not say linear.

Regarding two access points, he explained the code does not say it must be an unrestricted connection. There is a third access point as staff explained.

On page 14, he gave the basis for the Council's authority to decide. From the minutes he also said gives wiggle room. Ms. Paez is correct on that point.

Mr. Herdman also talked about the General Plan being compatible with surrounding area and clarified that Montano Street should not be a continuous street as staff proposed because of previous Council action. It was in response to a previous plan.

On pages 18-20 of his packet was a petition signed by 90 individuals to making Montano Street a continuous street.

He said in this case, unrestricted access makes no sense for these reasons and briefly listed them from the packet.

Pages 21, 22 copied two pages from the Traffic Impact Analysis done by the applicant showing LOS at entrance to Agua Fria and at Velarde and Agua Fria. Page 23 shows a map - for residents to cut through. Pages 24-28 had copies of petitioners who support all 6 consensus points and today has 66 neighbors.

The packet also has the bill of rights on page 35.

He said the Developer and Appellants have adopted all six consensus points and asked Council to reverse the Planning Commission decision. Adopting all six would benefit everyone and harms absolutely no one. So it is a no-brainer.

Ms. Siobahn Hancock presented the reality of Velarde Street which is already at maximum capacity. She referred to all the pictures including ones with many kids playing on Velarde and others. There are no visible sidewalks and many homes have no off-street parking. The street narrows at Agua Fria, slowing traffic. She and her neighbors on Velarde Street do not want full access at Velarde Street for the new development. It is not connectivity. We know what is safe. It does not mitigate 200 cars per day and will only make that intersection more dangerous for inhabitants.

She asked the Governing Body to grant the appeal for an emergency access gate; or otherwise, to deny the application. "We all have a right to live in our community."

Ms. Mary Charlotte Domandi, 623 Velarde Street, affirmed what Mr. Herdman and Ms. Hancock just said. She indicated she has lived on Velarde Street for 21 years and during all that time, everyone has discussed the issue - it is the path of least resistance as answered by the map on page 23.

On a positive note, this case illustrates the process of infill. We support infill. It has challenges and requires creative solutions. We worked with the developers and it could serve as an example and came up with a practical solution for all. Emergency only has had wide support. Kim Shanahan said this was a unique example of agreement with developers. Rick Martinez and Karen Heldmeyer both supported it. She knew a resolution does not have force of law.

The result would be a new infill development and a happy neighborhood. "I can't see why anyone would stand in the way of this. There is no precedent to be set. And this collaboration would work."

Applicant's Presentation

Mr. Joseph Karnes, Mr. Jim Seibert, and two others were sworn together.

Mr. Karnes said he was speaking on behalf of the owners of the southern portion of the proposed development property. He explained this is an effort of his client to maintain the status quo. It is essentially a private street, almost half-mile long, and substandard. No one has a reason to drive it unless they live there. Change is hard. We understand the project was approved by Planning Commission would make a change.

The Appellants made two points: either close the gate or deny the development. The issue is whether this application complies with city requirements and is controlling. The Planning Commission unanimously approved it with all consensus points except the first. But, if the project does comply with city code, you have no discretion. We went with rezoning which was discretionary. What complies with City code needs to be approved.

As far as the gate goes, it is normally the developer who wants the gate. In this case, and very interestingly, this is the exact opposite. to his credit, Mr. Laric and Mr. Karnes' clients attended a total of 12 meetings above and beyond the ENN to hear and address all concerns. Having been here for 13 years, he has seen the way the neighbors can have a voice and maintain quality of life. The Ortiz family has owned their property for over a century and the Sandoval family for 40 years. There were no houses out there and developing at R-5 zoning, consistent with the area.

The question before you, is how often a developer and neighbors come to you arm in arm in agreement. We have worked hard to come up with the six conditions of approval.

There is no connectivity effectively by linking by linking these two neighborhoods together.

We, the applicants, are here to stand up for the gate. There are already two gates - one at Mandela School today that will remain, and also a gate at Sandoval with a padlock. And we are proposing that it be an emergency access. There is also a gate on the east. Three

gates already exist and what we and the neighbors are trying to do with the status quo on access. You have the power to approve the solution. You have the power to solve the problem. This is a discrete neighborhood solution. The project will pay to put it in and maintain it.

This project violates no city code provision. It is time for 14 Affordable Housing and 54 market rate homes to be built there. It is one of the largest sites close to downtown.

Mr. Nicolas Laric was sworn. He said this implements R-5 zoning to help address our housing shortage. Tonight's appeal means a total of 12 meetings with the neighbors and have tried to address the concerns of the neighbors and, at substantial cost to the project, we agreed with all six conditions. This will resolve many neighbors' concerns about traffic. For many years two gates have been there as well as chain link fence on the Ortiz property. We just ask that you agree with the gate with emergency access. We are building smaller, high quality homes and are excited to incorporate the new ADU ordinance and other features for working families now and in the future. We thank Mayor Webber and Council members. We want to be affordable to couples like police officers and teachers, who could qualify for them. So it is real opportunity for working people to not commute 30 minutes and who could bike or take a bus to downtown.

"We are honored to work with Habitat on our new community and will meet all code requirements and ask you to affirm the Planning Commission unanimous decision, including five of the six conditions of approval."

Public Hearing

Mayor Webber said sworn public comment would be limited to 2 minutes each.

Ms. Vigil swore in the many people who wanted to speak.

Stephanie Beninato was sworn and said, "This development is one of the best to come before you in a long time. It not only has 14 Affordable Housing, but the developer has been very sensitive to the neighbors, with real market rate, and reduced the size of them. It is important to approve the development. I doubt most people in there will ever use Velarde. Some of the legal arguments have been strained and our staff is right that resolutions don't have the force of law. Maybe Mr. Herdman could give pro bono help in rewriting them. If you really want affordable and efficient housing for medium income people, please approve it and other developers will do other developments here."

Lyle Van Loon, 619 Velarde Street, was sworn and said, "This seems like a straightforward issue. There are lots of convoluted things, but it is a simple situation. The neighbors are okay with the development but using Velarde will be dangerous for kids playing in the street. Those are real reasons, if you think of it in common sense. They won't

necessarily see people on Velarde as part of their neighbors. We agree and the Planning Commission is reading the fine print with no utility. I urge you to just take all six consensus conditions. It is the real thing that shows you are listening to all us."

John Eddy was sworn and disclosed his interests at 933 Nicole Place. "It seems very simple to me in the Planning Commission denial of the first condition. The neighbors want the gate but also the development. Everyone wants the gate, so I urge you to approve it. We all want the gate. Let's approve the development with the six consent items."

Roberto Lafluer - 621A Velarde Street, was sworn and said the code does allow for accommodations to align nicely and is necessary. But Velarde does not meet the same criteria laid out, and the code is vague, but this is refreshingly clear. It takes into consideration that Velarde has no sidewalks. We walk on the street. People come to the school and the park, so don't dismiss that part of the code. It is there to protect us. So the neighbors and developer have achieved a solution and staff is trying to force you to disregard the neighborhood. So for the resolution passed before. We are listening to you and the disregard of the neighborhood is a shame to the community. Please approve what we ask for - and follow the code."

Elizabeth at the dead end of Nicole Place, was sworn. She said, "Often, at the end of Velarde where it comes to Montaño, there are cars and trucks parked on both sides of the street. So coming up or going down, you must wait for both to get by. I have to be careful that my lights don't hit a car. There is no way for a fire truck to get through there so it would be ridiculous to open it up and the school kids would walk up and down the street and you can't get out of Velarde when school begins or lets out with bumper to bumper traffic."

Rick Martínez was sworn and said, "I live across from the development. This is one great opportunity for neighborhood and developer to work together. It is a good win-win. Dos Acequias has a right turn and Velarde is identical - they are both just as bad - I hope you look at that and grant the appeal."

Kathy Carpenter - 913 Nicole Place, was sworn and said, "Please listen to us and accept our consensus and keep the gate there."

Karen Heldmeyer - Berger Street, was sworn and said, "I don't know why we are here. There is so much lack of consensus on land use. Why would we throw it out when we get it? It boggles my mind - Mary Charlotte said the GP is not an ordinance. It is an aspirational document and some provisions are in conflict. When everyone agrees it is what the Council should approve."

Anna Blye - 836 Old Nicole Place, was sworn and said, "I am across from the proposed development. I approve of the work of my neighbors. I grew up in the Barrio de Cañada and went to Capital High. I do differ from some neighbors. I did not sign the consensus petition. I always felt it was heavy density, but the Planning Commission did

approve it. I understand that is not why we are here. I would like to see a lower scale project that only requires one access. Thank you."

Rae Domenico, 817 Acequia Place, was sworn and said, "We have been vigorously opposed to the development and our document is in the packet. I prepared remarks for tonight. I wanted to support the appeal. We really opposed the density of this development - the infrastructure cannot handle it. Both Agua Fria and Velarde are totally inadequate to support this development. It provides only one access for 68 homes. How is it that 68 homes only have one access in and out and right by Mandela which is doubling in size and will have a big bottleneck. They come into our street and then double back because no left turns are allowed. The people at the nursery there... "

Casey Damlar - 610 Velarde, was sworn and said, "I support the gate, the consensus and as fairly new resident on Velarde - it is truly a neighborhood and a beautiful place to live. The only way to make it work is that we make room for each other."

Allana Bear - was sworn and said, "My friend lives on Velarde Street. I thought it was crazy. I live in the Bay area where too many bad decisions are made when people did not listen to the community. Your city is beautiful, and that area is precious. I support looking in from the outside. I live on a street where they opened up access and people are rushing through. So, as a human being - thank you very much.

There were no other public comments.

Discussion and Questions among Councilors

Councilor Villarreal thanked all who came tonight. She was curious about why this included issues brought up by Nicole Place neighborhood residents and she wanted to know why that was germane.

Ms. Paez explained that everyone who wants to submit a comment is allowed. The submission indicated we might have allowed other issues, but we didn't. Those issues are not before the Council on appeal.

Councilor Villarreal said she was not in favor of gated communities. Whoever developed Velarde should be ashamed for having no sidewalks. There is no way to have more traffic on Velarde, so she was okay with the gate in this situation. There are important aspects to the development, and it is a good development. They said there was not clarity on who is paying for the access there.

Mr. Karnes responded that the Santa Fe School Board did approve the emergency access and part of the agreement is that the developer will pay for all of it. That easement was recorded recently. and is in the packet.

Councilor Villarreal said her other issue of great concern for this area was with flooding last year and issues around stormwater management. One of those was brought up and wanted to make sure that the developer works closely with our staff on meeting the stormwater management plan. So I want to make sure the acequia and arroyos are working with all the flooding and erosion issues. There is a need for that management there, as well as the other areas close by.

Mayor Webber reminded her that we are not reviewing the plan.

Councilor Villarreal said she just needed to be sure the developer is aware of that. She did not want the gate to set a precedent.

Councilor Vigil Coppler wanted to make sure if this Council adds the gate, that it is not violating any of those codes.

Ms. Paez said her opinion was having stated that the gate locked would violate two subsections: d 3 and d4 - one is for a through street. A rational interpretation would be linear feet for the through street requirement that comes out of the General Plan and Chapter 14 says to implement the provisions of the General Plan. So the through street is a plain understanding that it comes in one end and goes out the other.

The General Plan has all these things about connectivity and removing gates that block connectivity and to show that the streets are all connected. So she agreed with the conclusion of staff and Planning Commission that a locked gate would violate those provisions.

Councilor Vigil Coppler asked if there is an avenue to do that.

Ms. Paez said the Applicant could have requested a variance and then it would be incumbent on the Planning Commission that the provisions for variance criteria were met. They require a number of factors and gave examples - not contrary to public interest. Having two access points is consistent but the variance was never requested.

Councilor Vigil Coppler asked to hear from Mr. Karnes about the variance.

Mr. Karnes said it would be a challenge to meet some of those criteria. The Planning Commission approved the development and these folks were eloquent on the unique situation. We come to you agreeing on a solution.

Councilor Vigil Coppler was not against the gate but wanted to know how to deal with the regulations on the books. She asked if the Council shall just change that right now.

Ms. McSherry explained that the Governing Body cannot amend ordinances tonight. That is for the future. It is a question of precedent. She would be concerned about calling a

locked gate being a through street. Councilors might want to talk about why this is a different type of through street. It is up to the Governing Body to interpret its own code.

Mayor Webber said he would invite her to suggest some language down the road to help with other issues.

Councilor Vigil Coppler said she had been on Velarde and did not remember how she got in and out. She was there and had some confusion with the other Velarde Street. Is there enough room to turn around?

A person from the public said no.

Councilor Vigil Coppler guessed the residents on Velarde are used to that.

Councilor Abeyta pointed out there has been no talk about opening the gate on the east and on the other side it goes all the way to Agua Fria.

Director Johnson clarified there is not a dedicated ROW to the east but could provide another means of emergency ingress/egress. A previous resolution prohibited that easement from being created. The original intent was a parallel road with Agua Fria so you would not have so many people coming out there. More streets broadly distributed relieves the congestion with fewer cars at every intersection, so we don't have the bottlenecks.

Councilor Abeyta recalled in his time on the Planning Commission, that they approved other subdivisions which had just one big loop. We have a lot of them in Santa Fe.

Councilor Romero-Wirth reminded the others that we are here on this amendment. We are not here on approving or disapproving the development. The only decision is whether we allow all six consensus points.

Ms. Paez added that the Appellants asked for one of two alternatives - either approve the locked gate or overturn the approval of the subdivision plat altogether. That is what it is about.

Councilor Romero-Wirth was still concerned with the safety issue with a locked gate. It is working now maybe. But would they have trouble getting out of there. Seems like it would be a good idea to have another way to get out of there. She was also troubled by ignoring code provisions, though it is admirable that neighborhood and developer are working so well together.

Mayor Webber asked John Romero about the issue of traffic and LOS. We have seen photos of the street and documented the Levels Of Service and heard the testimony

that Velarde is impassable because it is so narrow and impossible to traverse, but the LOS is better than the new road. Why is that a C?

Director Romero explained that they have a certain number of tools and it is hard to model a street like this, so it looks at total entering and exiting at each end. Levels D and C are not too different, and both are acceptable. It would take longer to negotiate Velarde than the new street to be built and to encourage people to use that street. He didn't agree with the Attorney and agreed with the neighborhood. We originally asked for traffic calming and we asked them to remove that. They asked for speed humps at the typical distances. and there is traffic calming on Velarde.

Mayor Webber, to make sure he understood, said one reason Velarde is rated better is that the rating treats them as the same, but they are entirely different.

Director Romero said that was correct and volume is more at the intersection, but it is difficult to model.

Mayor Webber noted on page 23 that we see miles traveled and up Velarde is 0.46 miles and up the new street it is 2.3 miles.

Director Romero said this connection would add traffic to Velarde and the.46 distance through Velarde would be what is in question. He thought it would be very unlikely the people in the new development would use Velarde. It is a bit longer, but the distance would be tolerated from the ease of using the new street.

Mayor Webber asked how wide the new street would be.

Director Romero said it would be 54' wide.

Mayor Webber summarized that it has very much to do with travel times, travel ease, and relative street width and that Velarde is maxed out already and untenable.

Councilor Romero-Wirth asked if it would be possible to contemplate a locked gate at a later date if what you are thinking doesn't come to pass.

Director Romero replied that anything is possible at any point in time, but the City would have to take on all the cost and would have to install the gate. He did not think that could be put on the developer at a later date.

Councilor Abeyta asked if the resolutions were in violation of the code for Montaño Street.

Ms. Paez said it appears the entire design came from the ordinance in 2011 and implementing the 1999 General Plan principles. The resolution for Montaño Street was

done in 2013. So the resolution is contrary to the code. By adding more locked points over time, just makes it worse.

Councilor Abeyta could asked if the through street could be just a circle with no west connection.

Ms. Paez thought it was a place where people did not want a connection. A resolution is not subject to the same public vetting. It is a statement of opinion on policy and not always analyzed for harmony with existing law. A loop road would not meet the international fire code for this size development which still requires two emergency accesses.

Councilor Abeyta asked why they would not require improvements to Velarde.

Ms. Paez said that could not be done because it would require the City to condemn front yards.

Director Johnson said that is an important question to ask. The code asks to connect. if Velarde abutted this development, it would have to be brought up to current standards. It is a very difficult decision to make. The code does allow if a road cannot be improved. So the code acknowledges that there will be substandard streets.

Councilor Harris asked Director Johnson if Chapter 14 incorporates a formal definition for through street.

Director Johnson said it does not, and, in the absence of a definition, the City reverts to the dictionary for the plain meaning.

Councilor Harris affirmed that if access is there for public safety for use by emergency vehicles, then, even though there is a gate, you have a through street.

Director Johnson explained this is why this matter is before the Governing Body through our process. Staff couldn't reach that decision.

Councilor Harris thought if Council could eliminate the through street requirement, we could approve the emergency gate.

Councilor Vigil Coppler asked Ms. McSherry about the language.

Ms. McSherry said it is up to the Governing Body.

Councilor Romero-Wirth asked when there is a substandard street, if a through street could be approved with a locked gate.

Director Johnson clarified that it is not the locked gate button limiting the amount of traffic that would overwhelm that street. An opticon could benefit the developers for emergency access. We are not precluded forever but metering the connection. That line of reasoning would stand up stronger.

The Governing Body had no other questions.

Closing Statements

Ms. Paez said the neighborhood collaboration is great and how they came together. But that cannot overcome the law. That is a problem. She believed "through streets" mean open access. There are smart planning principles to consider.

Mr. Herdman said, on behalf of appellants, a provision in the code says quoted - the necessary additional access shall make the street to conform. Staff said it did not matter if it was nonconforming. This provision says Velarde would need a 50' ROW.

The Governing Body is authorized to harmonize the conflicts in the code. This is a mess. The code is a mess and Council has the power to harmonize and resolve those conditions.

The code calls a through street as going through the development but there is no language about connecting to streets. My clients worked hard with the developer - both Mr. Karnes and I agreed with the consensus that would work. This is a very important opportunity to honor the consensus and it is not inconsistent with the code and there is no harm in adopting all six conditions of consensus.

Mr. Karnes said, "As far as the section. it is about bordering so it doesn't apply here. But you as Council have the power to interpret the street and can say the through street with emergency access gate that connects to a substandard street is a through street. 30 days later, it becomes law. It is not a precedent. It connects to two substandard streets: Velarde and Agua Fria - and if you held to that, you would shut down all development.

Mayor Webber closed public hearing and noted it is 11:30 p.m. He asked the Councilors what they wished to do about finishing the meeting.

Action on Agenda Time Deadline

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Vigil Coppler to set aside the rule on midnight adjournment.

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

Action of the Governing Body

MOTION: Councilor Lindell moved, seconded by Councilor Villarreal, to grant Option #2, the appeal and modify the decision of the Planning Commission by imposing consensus condition #1 in addition to the conditions of approval previously imposed by Planning Commission.

Discussion on the Motion:

Councilor Lindell said it is late and we have heard a lot of different things from many people. I compliment staff for an excellent packet - well done. I compliment the developers and landowners for meeting 12 times with neighbors and walking in here with all on the same side. I haven't seen that ever. I compliment you folks. Usually after three meetings, it is all over. It is hard for staff and for Council also, but we have a neighborhood and developer who came together and walked in here with something they agree on. I'd very much like us to support it.

Councilor Romero-Wirth said Councilor Lindell is making no distinction about a through street.

Councilor Lindell agreed.

Mayor Webber said it was correct. The motion doesn't state findings for this specific instance - through street or traffic metering.

Ms. McSherry was not sure the motion needs to have those. But how you interpret through street would be helpful. Does it need at least two connections?

Councilor Harris said, "My one question had to do with the definition of through street and Ms. McSherry said the emergency access gate would constitute a through street, so I feel it meets that and a philosophical statement from Ms. Paez on page 5 which she quoted from the General Plan and he requoted. This solution of consensus meets that criteria. I'm right there on harmonizing. This is a rarity and we should honor it and vote in favor of the motion as stated.

Councilor Romero-Wirth said the fact that it is a substandard road is important in my mind.

Ms. McSherry added that you are connecting to the road. And to clarify what Councilor Harris said, she was not sure that Staff did say that regarding definition of through street..

Councilor Harris pointed out that Director Johnson said the Council could make that determination. He thought it would hold up.

Ms. McSherry asked if the Council wants to define all through streets with those criteria, satisfying with emergency locked gate. It did not seem advisable to define all through streets that way.

Councilor Harris agreed but chose to use it here.

Councilor Romero-Wirth added it was also because of the substandard nature of Velarde. Otherwise, it would not be with a locked gate.

Mayor Webber asked Director Johnson for any other comment for the record.

Director Johnson said it has the distinction of Velarde being substandard. Things change over time and it could later be widened, and the gate would no longer be needed. But given current conditions it is prudent to meter traffic there.

Mayor Webber added that they could ask the Traffic Engineer to determine how things are flowing.

Councilor Romero-Wirth said maybe they would find later that the emergency access point was no longer needed because the traffic is using the new road.

Ms. McSherry appreciated their specificity in the discussion.

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

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

Against: None.

I. ADJOURN

Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 11:40 p.m.

Approved by:

Mayor Alan Webber

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted by:

Carl G. Boaz, Council Stenographer

ITEM #10m

EXHIBIT 1
Council July 31, 2019

ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, JULY 29, 2019

ITEM 11

Request for Approval of a Resolution Approving the Design and Installation Plan for Thirty Additional Banners Commemorating Veterans Along the Cerrillos Road Corridor Between I-25 and Rodeo Road (Councilors Vigil Coppler and Rivera) (John Romero, Engineering Division Director, jjromero1@santafenm.gov, 955-6638)

PUBLIC WORKS COMMITTEE ACTION:

Approved on consent

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

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

SANTA FE MUNICIPAL DRUG STRATEGY TASK FORCE – PROGRESS REPORT, JULY 31, 2019

Taking Drug & Alcohol Policy Reform Local

"Cities can provide support for vulnerable populations directly, facilitate services for those in need, encourage dialogue and communication, build capacity, advocate to other orders of government, regulate issues, and act as a role model. These seven approaches were seen as central elements to the Vancouver Drug Strategy."
– Anthony Piscitelli, "Learning from Ontario's municipal drug strategies," Journal of Community Safety & WellBeing, 2017

"People are dying and suffering in our city – because of the harms associated with drug use, yes – but also because of the failed tactics of an expensive drug war that has driven mass incarceration, served as a tool of oppression and racism, and has not improved outcomes. If we continue to do what we've done for the last 40 years, people will continue to die and suffer. I wanted to do something different here in Ithaca, something better. By devising and implementing a smart, coordinated strategy, cities can stem the harms associated with both drugs and failed drug policies."
– Ithaca Mayor Svante Myrick

"Cities experience social phenomena and the expression of tensions connected with them immediately. But it is also there that a true social dialogue can materialize and take influence on the situation that affects all citizens of the community more or less directly on a day-to-day basis. Therefore, local approaches are important, particularly on account of their proximity to the problem and the fact that responses may be implemented, experienced and understood immediately." - Susanne Schardt, The Frankfurt Way, 2001

"This isn't a problem we can solve by simply declaring a new, top-down policy. It has to be something we take on together, and the strategy has to come from the community. From harm reduction, to public safety, to prevention, to treatment, there is a huge range of expertise already developing in Santa Fe, and to find success we will need every one of those voices at the table. So we're doing what we often can do best – bringing people together."
– Former Santa Fe Mayor Javier Gonzales

HISTORY OF MUNICIPAL DRUG STRATEGIES?

- The model was first pioneered as a public health measure in Europe. Unsatisfied with responses at other levels of government, representatives from cities across Europe convened in Frankfurt in 1990 with a goal to chart a new way forward.
- The Frankfurt Resolution, signed by thirty-four cities in ten countries, detailed a new approach to handling problematic drug use, recognizing that current drug policies only amplified its negative consequences.
- The results have been nothing short of spectacular, revealing significantly lower rates of crime and problematic drug use – along with a parallel improvement in public health outcomes, including major reductions in rates of overdose, HIV/AIDS, and hepatitis C.

- Where else? Vancouver, B.C.; Ithaca, NY, and now Santa Fe, NM!!

What is a Municipal Drug Strategy Model?

- A Municipal Drug Strategy focuses on significantly reducing drug-related and enforcement related harms to individuals who use drugs and alcohol – whether they struggle with addiction or not – as well as to their families and communities as a whole.

- A Municipal Drug Strategy challenges communities to focus on mitigating the harm to public health and safety caused by problematic drug use and address the root causes of problematic drug use.

- Solutions and interventions to pressing societal problems, when designed at the local level, reflect the unique character of a community and its people. When there is buy-in from the community, the impact of such interventions are more effective and felt more immediately.

- Proactive engagement of all stakeholders, especially those most impacted by drug and alcohol policies, ensures that the focus is on achieving the most positive outcomes for the greatest number of people in these communities.

Drug and Alcohol Impact in Santa Fe County

	SF County Rate/100,000	NM Rate/100,000	US Rate/100,000
Alcohol-related Deaths	56.4	62.2	34.0
Adult Binge Drinking	12.6	14.1	16.9
Youth Binge Drinking		10.9	13.5
Alcohol-related Injury Death	27.7	29.3	20.1
Drug Overdose Death		24.6	21.7
Youth Current Heroin Use, Grades 9-12		2.8	-
Opioid Overdose Related ED Visits		50.6	-
Frequent Mental Distress - Adult		12.5	11.7

Data Period: 2013-2017

NM Substance Use Epidemiology Profile/NM Dept. of Health. December 2018

Background: Resolution and Purpose

City of Santa Fe Resolution No. 2017-77:

"A Resolution to establish a Municipal Drug Strategy Task Force to develop new approaches to problems related to both drug addiction [includes alcohol] and policy responses to it by collaborating, studying, gathering input from the Santa Fe community and issue-experts, and proposing recommendations for a coordinated drug strategy rooted in public health and safety."

Purpose:

To collaborate across different areas of focus (prevention, treatment, harm reduction and law enforcement), in order to explore and recommend long-term solutions in a Community Strategic Plan for addressing the issues arising from persons struggling with problematic drug and alcohol use.

Task Force Members

Voting Members:

Sophie Andar, Santa Fe Prevention Alliance
Kathy Armijo-Etre, CHRISTUS St. Vincent
Bennet Baur, NM Law Offices of the Public Defender
Laura Brown, UNM
Tim Condon, Researcher, UNM
Michael DeBernardi, The Life Link
Marcela Diaz, Somos Un Puebo Unido
Tony Dixon, Santa Fe Mountain Center
Alex Dominguez, Santa Fe County/CSD
Laura Dwyer, Southwest Care Center
Denise Herrera, Parent
Captain Paul Joye, Santa Fe Police Department
Wendy Johnson, La Familia Medical Center
Emily Kaltenbach, Drug Policy Alliance, Chair
Laurie Knight, Lawyer
Bernie Lieving, Harm Reduction Consultant, Lieving Group
Larry Martinez, Presbyterian Medical Services
Andres Mercado, Santa Fe Fire Department, Co-chair
Sue O'Brien, Santa Fe Public Schools
Johnn Osborn, 1st Judicial District, District Attorney's Office
Bret Smoker, Indian Health Services
Chris Wendel, Santa Fe Recovery Center

Advisory Members:

Sylvia Barela, Santa Fe Recovery Center
Jesse Cirolia, CHRISTUS St. Vincent
Shelly Moeller, LEAD Santa Fe
Jerome Sanchez, Ret. SFPD Captain

City Staff:

Lisa Noriega, City of Santa Fe
Julie Sanchez, City of Santa Fe

Task Force Process/Work Plan

- Monthly meetings since July 2018
- Four sub-committees
  1) Prevention (Marcela Diaz, Chair)
  2) Treatment (Sylvia Barela, Chair)
  3) Harm reduction (Bernie Lieving, Chair)
  4) Emergency response and public safety (Jerome Sanchez, Chair)
- Research and data gathering
- Learning Sessions - Presentations by issue-experts
- Community Conversations with 234 community members
- Sub-committees proposed recommendations
- Assessment of recommendations against criteria (in-process)
- Next step: Refinement of recommendations, feasibility assessment and development of an Implementation Plan

Guiding Principles – SF MDS Task Force

Policy proposals should be rooted in harm reduction and encompass prevention, treatment/recovery, and emergency response/public safety.

Policy proposals should prioritize human rights, public health and community well-being over costly approaches focused on criminalization.

Policy proposals should avoid paternalistic decision making but instead be developed by listening intentionally to the people of Santa Fe and in consultation with those who will be most directly affected by the proposed changes.

Policy proposals should reduce the collateral consequences to and break the chain of individuals cycling in and out of the criminal justice system without treatment or the necessary social support to address problematic drug and alcohol use.

Policy proposals should be based on the best available evidence about need and effectiveness.

Policy proposals should be rooted in realistic goals/plans where funding, community resources, deficits and feasibility is considered.

Policy proposals should consider the extensive body of literature documenting the stigma associated with alcohol and other drug use. For people who use drugs, or are recovering from problematic drug use, stigma can be a barrier to a wide range of opportunities and rights.

Policy proposals would consider critical intersectional identity (race, ethnicity, gender, sexual orientation, socio economic status, disability, marriage status, religion and all other privileged or oppressed factors of identity).

Policy proposals should elevate social services that include harm reduction and treatment models that are person-centered, trauma informed and voluntary.

Policy proposals should recognize that existing service systems too often operate in silos, and strategies that work across and integrate these isolated entities are desperately needed.

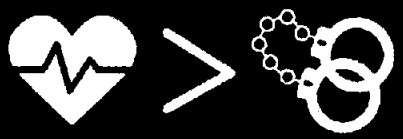
GUIDING PRINCIPLES - MDS

1. Promote policies based in science, compassion, human rights, racial justice, & public health.

2. Respect the dignity and welfare of people who use drugs.

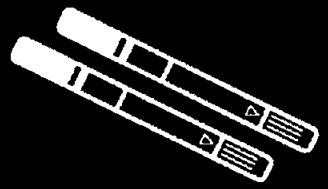
3. Listen to the local community and consult those most directly affected, including drug users.

4. Prioritize the health and well-being of drug users over approaches that criminalize users.



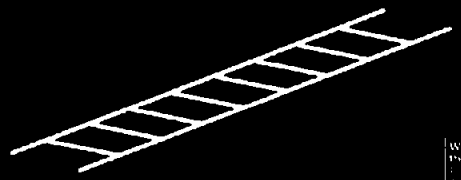
5. Elevate treatment models that are person-centered and non-coercive.

6. Promote harm reduction services to reduce overdose deaths and drug-related illnesses.

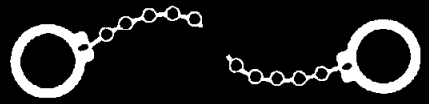


GUIDING PRINCIPLES - MDS

7. Provide social supports and treatment to people where they are, when they need it.



8. Break the chain of people stuck in a criminal justice system that restricts treatment access & lacks social support.



9. Reduce the consequences to families of people stuck in the criminal justice system due to illegal drug use.

3. Listen to the local community and consult those most directly affected, including drug users.

Community Conversation Highlights

The intent of community conversations was to **gather input from a diverse spectrum of the community** to better understand how alcohol and drug use and drug policies affect different communities so that **recommendations better reflect the needs of all members of the community, especially those who are often not heard**.

Community Conversations and Interviews

- **234 Community members participated** including individuals who are current alcohol or drug users, people in recovery, people who've experienced incarceration or homelessness, family members, youth, people of color including immigrants, LGBTQ individuals, and individuals from Native American communities
- 13 Community Conversations with **180 individuals** including stakeholders such as clinicians, treatment providers, emergency medical services staff, and business/community members
- **12 one-on-one meetings**
- **42 survey responses from law enforcement**

WHAT WE HEARD.

Community Conversations – Sample of Findings

Perceived information gap in many communities, especially for youth and in the Spanish-speaking immigrant and Native communities, **about the risks of alcohol and drug use, prevention, treatment options, harm reduction and diversion programs**.

Lack of educational, extracurricular and recreational activities for children and youth.

Alcohol and drug education and counseling support for youth in schools could be improved.

Economic insecurity, racism and poor working and housing conditions.

Stigma around alcohol and drug use.

Trauma, PTSD and mental health issues including depression and anxiety are some of the underlying causes for alcohol and drug use.

Treatment is seen more broadly than inpatient treatment programs. Participants talked about the need for effective work programs, mentoring and job training, education, housing, childcare and an opportunity to participate in society in a positive way.

Medication Assisted Treatment (MAT) capacity needs to be expanded and promoted, and made more generally available in the community and in correctional settings.

There is a **lack of awareness of existing harm reduction practices** in the community.

There is a perception that incarceration worsens problematic drug use, as individuals do not have adequate opportunities for treatment, medication assisted treatment or mental health care while in jail.

There is a perception that the **Fire Department/Emergency Medical Services personnel are there to help everyone in the community and have been helpful to alcohol and drug users in crisis.**

Participants, especially individuals from the immigrant community, feel targeted, criminalized and over-policed because of their race, national origin, language, and economic status.

Stakeholder Conversations – Sample of Findings

There is a widely held perception that alcohol use is widespread due in part to its being more socially acceptable as a legal substance, yet is extremely harmful. Prevention efforts must address alcohol use in addition to drug use through outreach and education of adults, families, youth and children.

Intergenerational substance use is a significant issue and there is a need to break the cycle of family alcohol and drug use.

Problematic employee alcohol and drug use affects local business as employers report that hiring and retention can be problematic. Employers also believe stigma is a barrier to seeking treatment.

There is a lack of adequate medical detox capacity and options for those who detox in the hospital but then relapse after discharge due to lack of follow-up treatment.

Increased behavioral health services are needed, both mental health services (including early screening) and a range of treatment options for substance use.

Alternatives to keep people healthy and alive should be a priority. Ideas discussed included expanded naloxone distribution and education, overdose prevention sites, street outreach and education. Stakeholders also recommended expanding the capacity for available needle exchange programs.

Law enforcement personnel and other stakeholders are concerned about law enforcement capacity to address alcohol and drug issues effectively due to staffing shortages, turnover and the size and complexity of the challenges.

Poll of Santa Fe City Registered Voters, 2018

- Voters almost universally agree (90% agree, 81% strongly agree) that **"current drug policies just don't work. We should shift resources from arrest and imprisonment of low-level drug users toward treatment and rehabilitation."**
- **Voters** want the City to **focus on public health and move the city into a different direction when it comes to drugs and drug use**.
- A large majority would **invest more in treatment/rehabilitation/behavioral health, improve education on drug issues, decriminalize/legalize marijuana or drugs in general, concentrate on heavy drug users, address poverty, bring people together to offer solutions, and create more programs for young people**.

- *Third Eye Strategies Poll, Spring 2018. 404 active registered voters in the city of Santa Fe, New Mexico. Drawn from a list of registered voters, interviews were conducted on the nights of May 22nd through 29th, 2018. The sample has a margin of error of ± 5.5 percent. Both cell phones and landline numbers were called. Each phone number had an equal chance of being called and random selection was made in households with multiple eligible voters.*

Vision and Long-term Outcome

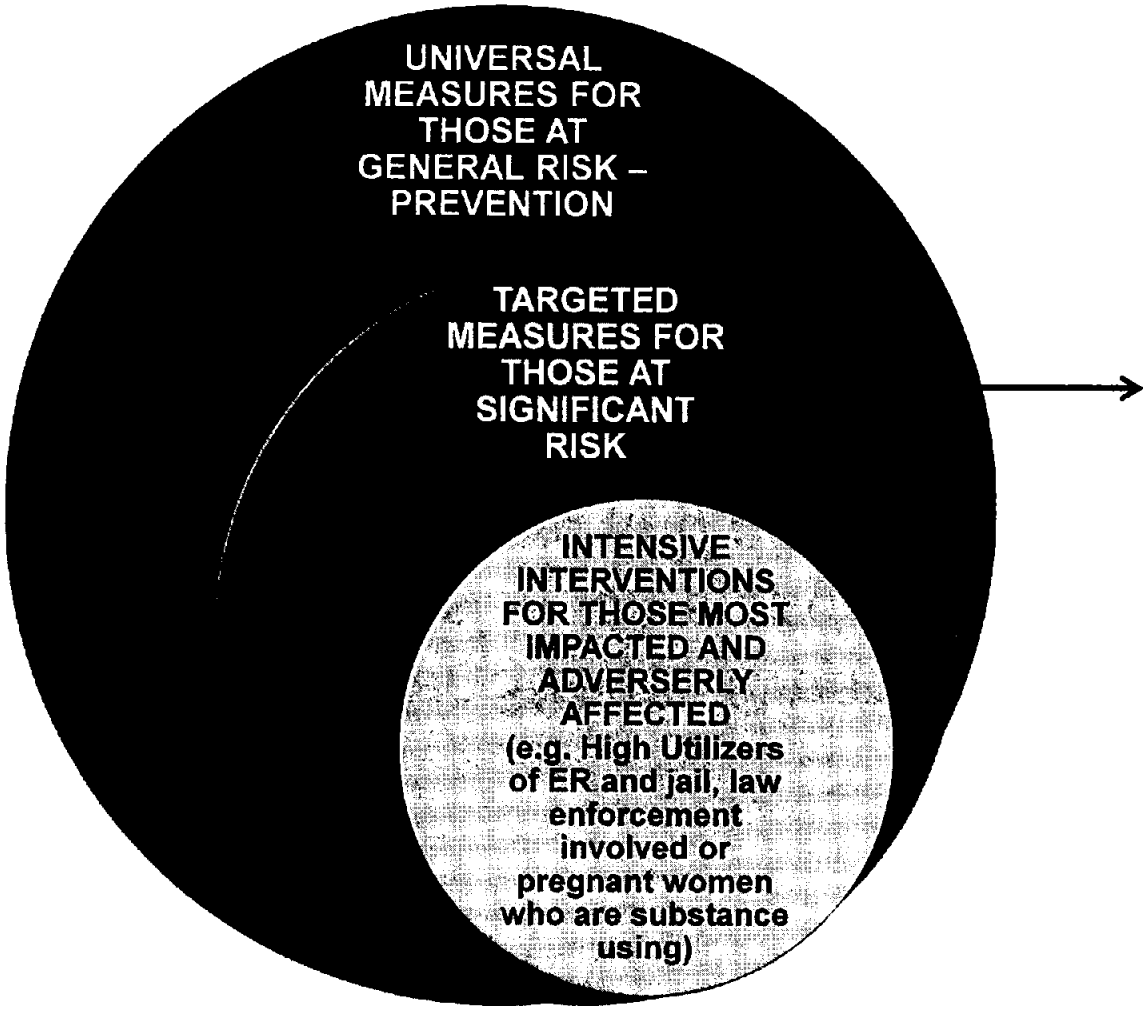
Vision:

Healthy Families, Safer Streets. Create a Santa Fe where we all provide compassion, care and services for any person who is seeking drug and alcohol use recovery, is in recovery or who desires to live a healthier life while using.

Long-term outcome:

Reduce the morbidity, mortality, cost, risks to public safety and inequities associated with alcohol and drug use in the city of Santa Fe and our current responses to them.

Continuum of Universal and Targeted Interventions



LGBTQAI, Low socio-economic status/low-wage workers, communities of color, immigrants, non-English speaking persons, individuals experiencing homelessness, previously incarcerated, foster care and court involved young people, individuals with behavioral health issue, who reside in economically disadvantaged neighborhoods or who experience social inequities and disparities in health

Goal Categories

1. Governance, Leadership & Accountability
2. Prevention and Education
3. Recovery-oriented Treatment, Harm Reduction and Ancillary Services
4. Public Safety & Protection of human and civil rights
5. Community Development & Economic Security

Determining the City's Role in Implementation of Goals & Recommendations

ADVOCACY	COLLABORATION	DIRECT SERVICE	POLICY CHANGE
FUNDING	LEADERSHIP & ACCOUNTABILITY	TRAINING	RESEARCH & PLANNING
EDUCATION			

Emerging Recommendations by Category

Four subcommittees have proposed **84** draft recommendations in **5** categories

Category	Goal	Emerging Recommendations (sample of list & not yet voted on)
1. Governance, Leadership & Accountability	*Orient the work of all city agencies towards reducing morbidity, mortality, risks to public safety and inequities stemming from drug and alcohol use and our responses to it.*	• Create a city-funded position responsible for implementing SF MDS recommendations, and taking the lead on drug and alcohol policy, drug user health, harm reduction, etc. • Sponsor community conversations on what a uniquely Santa Fe "Community Policing" model would look like. • Provide comprehensive training to all public safety employees. Trainings topics to include: restorative justice, harm reduction, trauma-informed care, cultural humility, overdose prevention, stigma, etc.
2. Prevention & Education	*Provide Santa Feans with access to research-driven, culturally, linguistically, and age-appropriate community education and prevention services with a focus on reducing harms associated with use, and how to help oneself or others.*	• Support and fund public education on topics such as: trauma informed care, drug and alcohol use 101, prevention, harm reduction, overdose prevention, stigma, restorative justice, etc. • Implement projects designed to decrease Adverse Childhood Experiences (ACEs).

Emerging Recommendations by Category

Four subcommittees have proposed **84** draft recommendations in **5** categories

Category	Goal	Emerging Recommendations (sample & not yet voted on)
3. Recovery-oriented Treatment, Harm Reduction & Ancillary Services	*Create a continuum of services that offers access to timely, person-centered, and evidence-based care and support and that is able to meet the needs of individuals no matter their current relationship to drug and alcohol use or recovery.*	• Sponsor community-based drug checking services and increase naloxone distribution/access points around the city. • Create access to sharp containers around the City. • Advocate for medication assisted treatment to be provided at the Santa Fe County Detention Center. • Research the feasibility of implementing a supervised injectable opioid treatment pilot in the city. • Increase affordable and subsidized housing, including housing for people currently using, in recovery, seeking recovery, etc. • Increase and/or create new tax base for substance use disorder treatment, prevention, harm reduction services, etc. • Ensure bus routes go to treatment/health care service providers and provide bus passes for people in treatment/social services/harm reduction services.

Emerging Recommendations by Category

Four subcommittees have proposed **84** draft recommendations in **7** categories

Category	Goal	Emerging Recommendations (sample & not yet voted on)
4. Public Safety & Protection of Human and Civil Rights	*Decrease criminalization related to drug and alcohol use while increasing access to harm reduction, treatment and social support services. Encourage a shared responsibility for community health and safety that extends beyond SFPD.* *A key to preventing unhealthy drug and alcohol use is promoting connected and resilient communities where everyone feels respected, safe, and that they belong.*	• Expand and employ multidisciplinary crisis response teams. • Study the feasibility of decriminalizing the possession of drugs for personal use at a city level. • Assess the feasibility of implementing a juvenile arrest diversion program. • Expand the Santa Fe LEAD program to include additional substances besides opiates. • Advocate for school policies that limit school suspensions, expulsions, arrests and other types of punishment and instead employ restorative justice practices. • Establish a Restorative Justice Working Group (as recommended in the Mayor's 2018 Public Safety Transition Team). • Prohibit local agencies, including, law enforcement, corrections institutions and officers from inquiring about immigration status or communicating national origin or legal status to federal immigration opportunities.

Emerging Recommendations by Category

Four subcommittees have proposed **84** draft recommendations in **5** categories

Category	Goal	Emerging Recommendations (sample & not yet voted on)
5. Community Development & Strengthening the Economic Security of Low-income Families	*Enact and strengthen policies that address economic and social conditions of Santa Feans at significant risk or those already impacted by drug and alcohol use.* *Support efforts to expand youth, family, and community development opportunities.*	• Strengthen local enforcement programs of City employment laws (i.e. wage and discrimination protections), • Through local legislation, raise minimum wage for workers, including tipped workers, mandate guaranteed sick leave, family paid leave, and fair scheduling in hospitality, retail, restaurant and other low-wage industries. • Support mentorship projects with local business owners with graduates from treatment programs and Santa Fe LEAD participants. • Implement projects designed to prevent Adverse Childhood Experiences (ACEs).

Criteria for Selection of Recommendations

- **EFFECTIVENESS?** If implemented, will this recommendation be effective in reducing problematic substance use and substance use disorder and their impact on individuals, families and communities – or will it prevent injury and death? Is it of high priority, based on the number of deaths it might prevent?
- **ADDRESSES EQUITY ISSUES?** Does this recommendation address equity issues adequately/serve those most vulnerable/at-risk?
- **COST?** Do we have the community and financial resources to implement this recommendation? What would be the cost of implementing this recommendation, and how might it be funded?
- **SUSTAINABILITY?** How long would this intervention last? Is there an entity that will oversee the intervention in the long term? Is there adequate workforce to address this recommendation?
- **COMMUNITY/STAKEHOLDER ACCEPTANCE?** Is this intervention popular or unpopular with the general public? Is there likely to be resistance among key stakeholders or other agencies affected by—or responsible for implementing—the recommendation? What education or collaboration is needed to increase acceptance?
- **POLITICAL REALITY/SUPPORT?** Are there political issues this recommendation would face? Is the current political climate conducive to successful implementation given an effective communication strategy?
- **UNINTENDED CONSEQUENCES?** Can we foresee any unintended consequences? Will there be an impact on other recommendations if this recommendation is implemented?

Next Steps (August – December, 2019)

- Finalize a much shorter list of recommendations and present by category, short-term vs long-term, and city role.
- Present our work back to the community.
- Continue learning series for members, council members, city staff, stakeholders, and community members.
- Conduct feasibility assessment associated with our recommendations
- Develop Implementation plan: Turning our strategic imperatives/recommendations into action!
  - Major tasks/actions/activities for each recommendation
    - Timeline/Implementation Schedule
    - Implementation Support/Training needs
    - Budget Implications/Funding Opportunities
    - Performance Monitoring

- <u>Submit plan for city council review & approval (Goal: December 2019)</u>

Immediate Asks.

- Host a community conversation in your district.
- Participate in our web-based learning series.
- Participate in our Task Force and sub-committee meetings.

DONALD TRUMP MUELLER HEARING IMPEACHMENT BUDGET DEAL

ENDING

THE HILL

'War on drugs' doesn't tackle the drug problem

BY SVANTE MYRICK AND ALAN WEBBER, OPINION CONTRIBUTORS

THE VIEWS EXPRESSED BY CONTRIBUTORS ARE THEIR OWN AND NOT THE VIEW OF THE HILL

"As mayors, we know that a shift away from punitive responses to drugs is possible. Our two cities, like communities large and small across the country, bear the burden of a half-century of disastrous drug policies that have wrought two epidemics: Mass incarceration and skyrocketing overdose deaths. As people elected to serve, we have a moral obligation to do something different, something better."

Mayor Alan Webber, Santa Fe, NM and Mayor Svante Myrick, Ithaca, NY
The Hill. January 22, 2019

THANK YOU!

ITEM #12

EXHIBIT 3
Council July 31, 2019

ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, JULY 29, 2019

ITEM 15

Request for the 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 $1,600,000, for the Purpose of Defraying the Cost of Purchasing, Acquiring, and Installing Equipment and Related Improvement to the City's Public Parking Facilities; Proving 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 Receipts 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, Including a Determination Whether Interest on the Loan Agreement Will be Excludable from Gross Income for Federal Income Purposes, 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 (Councilor Vigil Coppler) (Brad Fleutsch, Financial Planning and Reporting Officer, bjfleutsch@santafenm.gov, 955-6885)

PUBLIC WORKS COMMITTEE ACTION:

Approved on consent

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

Add Councilor Villarreal as cosponsor

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

ITEM # 16

EXHIBIT 4
Council July 31, 2019

ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, JULY 29, 2019

ITEM 16

In Accordance with the New Mexico Open Meetings Act, NMSA 1978, Section 10-15-1 (H)(6), Discussion in which the contents of competitive sealed proposals (RFP # 19/37/P and RFP # 19/45/P) solicited pursuant to Procurement Code and discussed during the contract negotiation process

Midtown Property Economic Analysis and Urban Planning

- Request for the Approval of Professional Services Agreement in the Total Amount of $325,960 for Midtown Property Economic Analysis and Urban Planning; RFP # 19/37P; Strategic Economics (Liz Camacho, Economic Development and Communications Administrator, excamacho@santafenm.gov, 955-6042)

PUBLIC WORKS COMMITTEE ACTION:

Approved

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

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

Noah Berke

Councilor Romero-Wirth said tell us about this.

Mr. Berke reviewed his presentation which is herewith attached to these minutes as *Exhibit "1"*.

Mr. Berke passed out a set of photo renderings of the potential change if approved. The photos are herewith attached to these minutes as *Exhibit "2"*.

Mr. Berke said Land Use agrees with the request and recommends approval after analyzing the information.

Councilor Romero-Wirth asked is this the only way to do this. To allow them to build and add stories on these properties to change the overlay.

Mr. Berke said it is the only way. When The LINK was going through the pubic process and pubic meetings were held these areas were included in The LINK. At the time this was shown to the public this property was entitled to up to 52 feet. At the Planning Commission a Commissioner at the time suggested we should have used the more restrictive of the two provisions and he proposed that as an amendment. The Commission recommended approval of the overlay LINK with this amendment that allowed 24 feet in height. It was shown at public meetings at 52 feet. This is he only way to undo the restriction.

Councilor Romero-Wirth asked who is effected by the height.

Mr. Berke said the three properties.

Councilor Romero-Wirth asked who is not excited about the height.

Mr. Berke said that is hard to speculate on.

Councilor Romero-Wirth said based on public comment.

Mr. Berke said one issue from the public comments was that it took away from the visual esthetics toward the San Juan Mountains from St. Francis. The other was the potential for more density. More density is what The LINK intends to do. It allows for the development or redevelopment of the buildings.

Councilor Romero-Wirth asked will people be looking at a building rather than the apartment complex in the area.

Mr. Berke said not at this point.

Councilor Lindell asked how did we let people know about the public meeting on this at the GCC.

Mr. Berke said we posted three notice posters on the properties and stopped moving this through the process to have that meeting even though this did not require a public meeting.

Councilor Lindell asked is there a report on that.

Mr. Berke said he summarized that in his talking points. He can send that out to all of the Committee members.

Councilor Lindell asked how about the building behind the McDonalds. How many stories is that.

Mr. Berke said four.

Councilor Lindell asked across the road from it there is a four story building and this is a request for 52 feet.

Mr. Berke said the request is to allow up to 52 feet.

Councilor Lindell asked is that four stories.

Mr. Berke said it depends on the type of construction.

Councilor Lindell said it seems like three.

Councilor Harris said that would be tight.

Councilor Lindell asked do we have a proposal on this property.

Mr. Berke said we do not, but we have had a conversation with the owner and architect for the property and in order for them to have a project on this property to make sense they need 52 feet.

Councilor Harris said there is a significant penthouse on this building for mechanical use. If they add a story the penthouse is 10 feet tall. What does The LINK say about penthouses.

Mr. Berke said they are allowed up to 8 feet for mechanical equipment and elevator shafts.

Councilor Rivera asked in this picture is that the Pollan building. They could do two stories and 8 feet for a penthouse.

Councilor Lindell asked how did we let people know about the public meeting on this at the GCC.

Mr. Berke said we posted three notice posters on the properties and stopped moving this through the process to have that meeting even though this did not require a public meeting.

Councilor Lindell asked is there a report on that.

Mr. Berke said he summarized that in his talking points. He can send that out to all of the Committee members.

Councilor Lindell asked how about the building behind the McDonalds. How many stories is that.

Mr. Berke said four.

Councilor Lindell asked across the road from it there is a four story building and this is a request for 52 feet.

Mr. Berke said the request is to allow up to 52 feet.

Councilor Lindell asked is that four stories.

Mr. Berke said it depends on the type of construction.

Councilor Lindell said it seems like three.

Councilor Harris said that would be tight.

Councilor Lindell asked do we have a proposal on this property.

Mr. Berke said we do not, but we have had a conversation with the owner and architect for the property and in order for them to have a project on this property to make sense they need 52 feet.

Councilor Harris said there is a significant penthouse on this building for mechanical use. If they add a story the penthouse is 10 feet tall. What does The LINK say about penthouses.

Mr. Berke said they are allowed up to 8 feet for mechanical equipment and elevator shafts.

Councilor Rivera asked in this picture is that the Pollan building. They could do two stories and 8 feet for a penthouse.

Midtown LINC

From: Rick Martinez (morgmartinez@yahoo.com)

To: morgmartinez54@gmail.com; dmeinspahr@yahoo.com

Date: Sunday, July 7, 2019, 11:58 AM MDT

FEE INCENTIVES FOR QUALIFYING PROJECTS

Construction Permit Fees: N/A Plan Review Fees: N/A Development Review Fees: N/A Impact Fees: N/A

Water UEC:
Wastewater UEC:
Development Water Budget Fees:

N/A
N/A
72% of Regular Fee ($12,000/Ac-Ft vs. 16,600/Ac-Ft) (Tender of water rights not req'd.)

SUMMARY OF VARIOUS CHANGES TO EXISTING CODE SECTIONS (Note: See Ordinance #2016-39 for a complete list of code amendments)

Max. Building Height:

Setbacks:

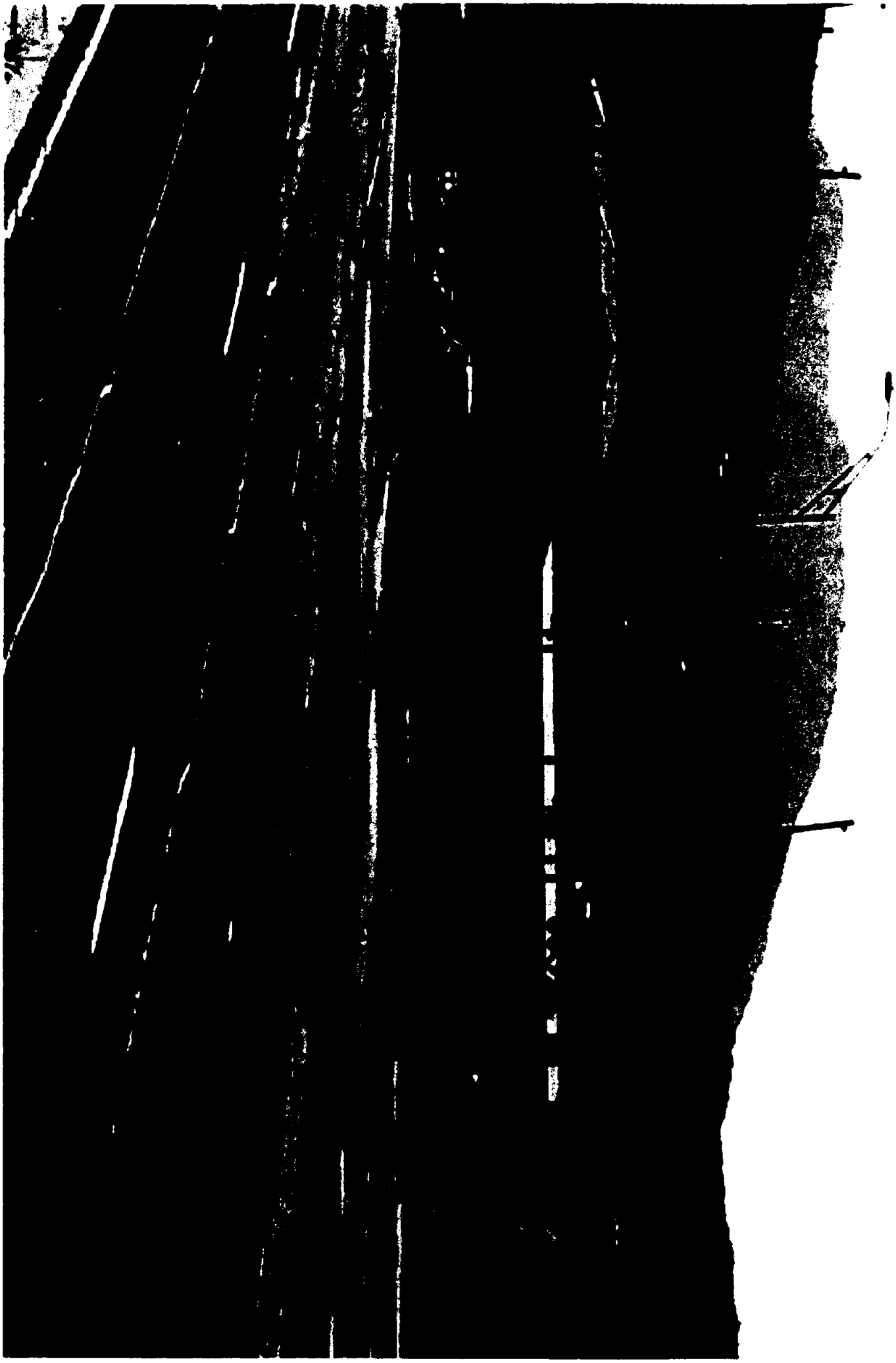
Max. Lot Coverage: Max. Gross Density: Min. Parking Required:

Signage:

Development Plan: HOMES Program:

- 52' (Accommodates 4 Stories) | 62' @ SFUAD
- Elevator "Over-Runs" + Solar/Wind equipment not counted if <10' high
- 4TH Story must be setback 10' from story below at street façade
- Max. Ht. = 38' within 150' of existing residential development outside the LINC. • 0' to 5' @ Street Façade | 5' Side Yard
- Exceptions for Integral Courtyards + Architectural Design
- None (Similar to all SC (Shopping Center) and most BCD districts)
- None
- None (Determined by Developer based on a Demand Study)
- Shared Parking Allowed throughout
- On-Street Parking may be used toward required parking (if available)
- Restriction of max. number of colors and letters do not apply
- Signs may be mounted on building walls
- Area of illumination not counted toward max. sign size
- Administrative (For Qualifying Projects)
- All "fee-in-lieu" contributions must be applied within the LINC (or in existing

residential neighborhoods adjacent to the LINC)



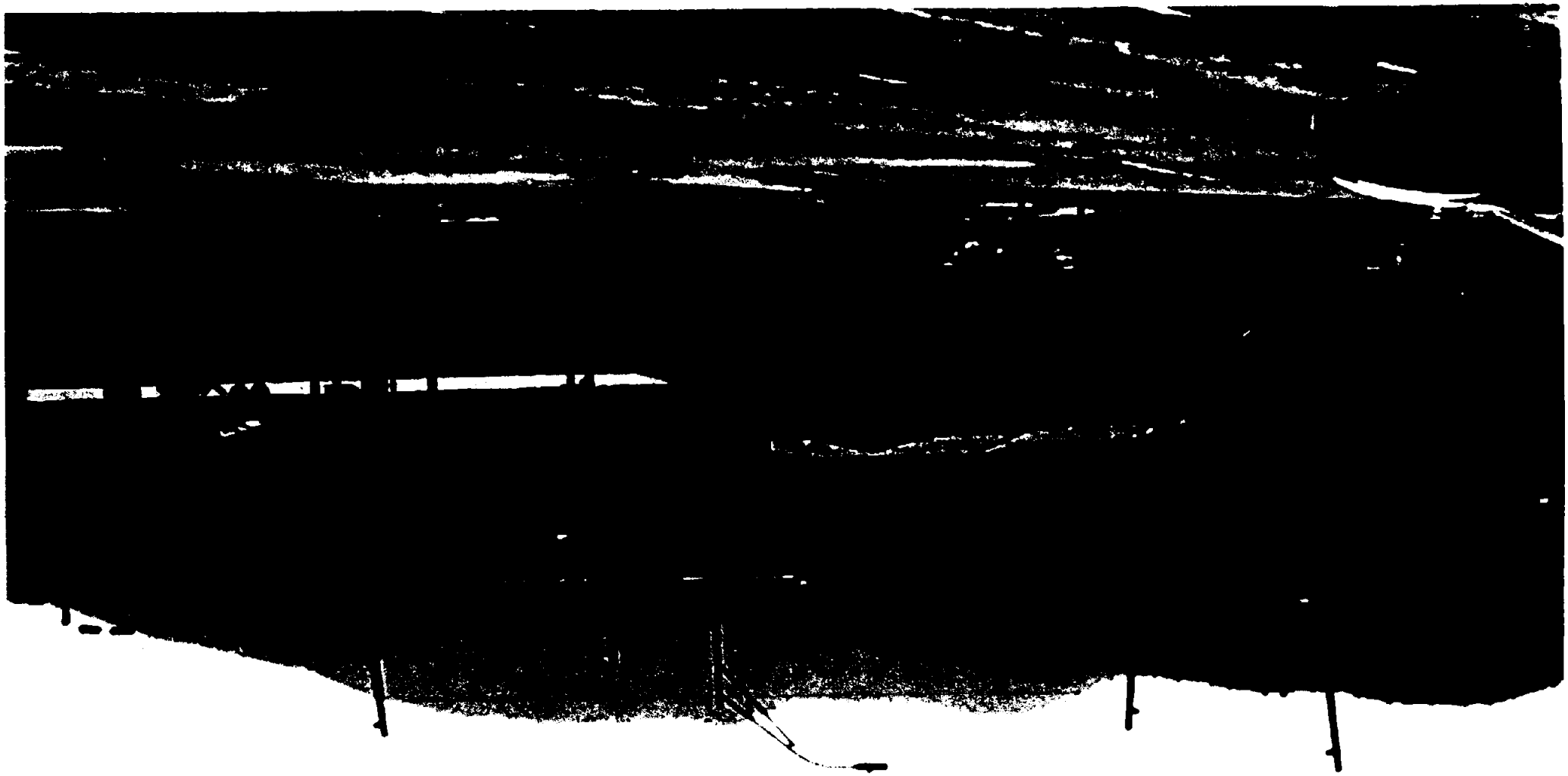


EXHIBIT 5
Council July 31, 2019

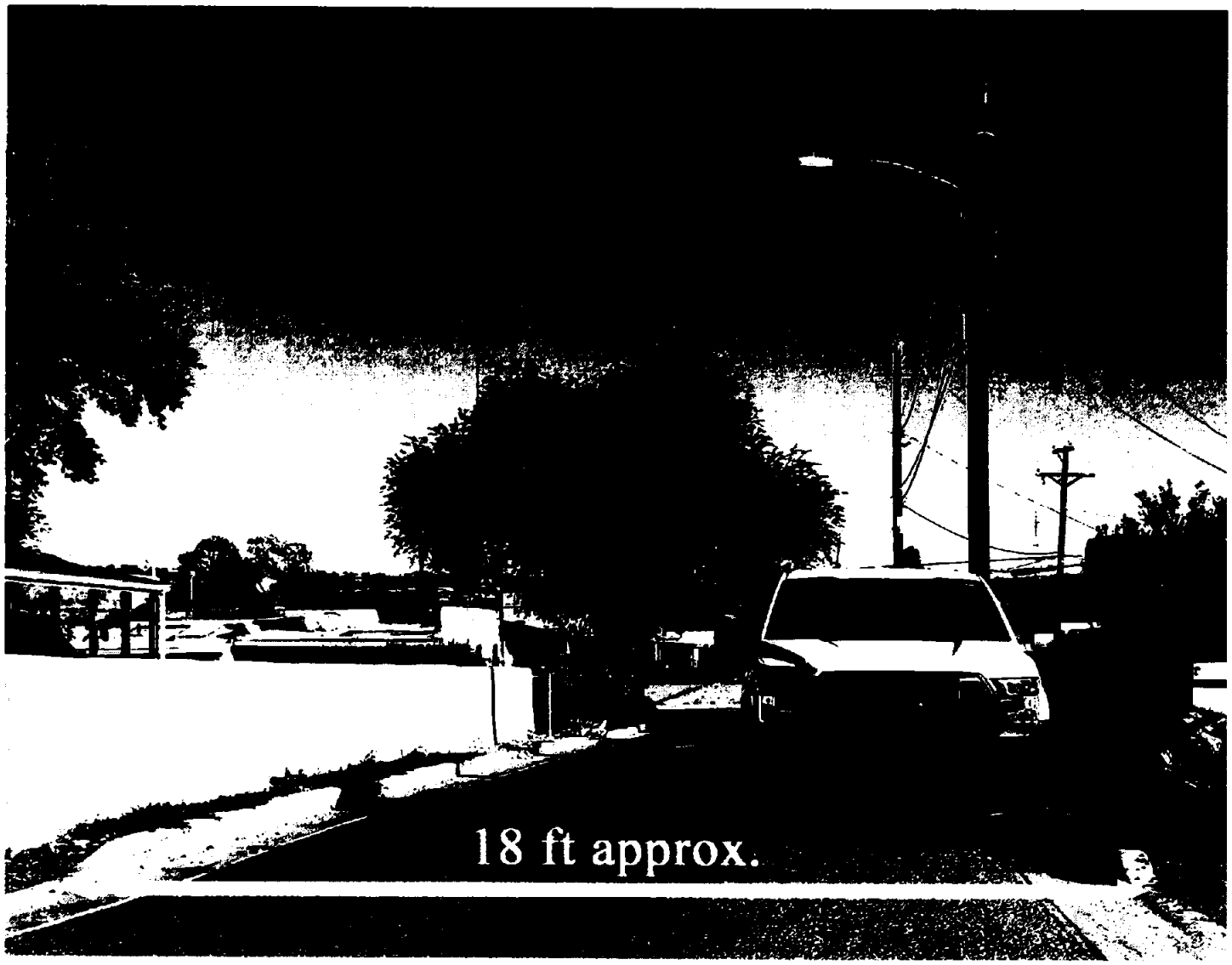
APPELLANTS' APPEAL PACKET

APPEAL NO. 2019-60

AGUA FRIA STREET
PROPOSED
SUBDIVISION
Nicole Place
VELARDE
STREET
Montano Street
PROPOSED EMERGENCY
ACCESS GATE

VELARDE STREET

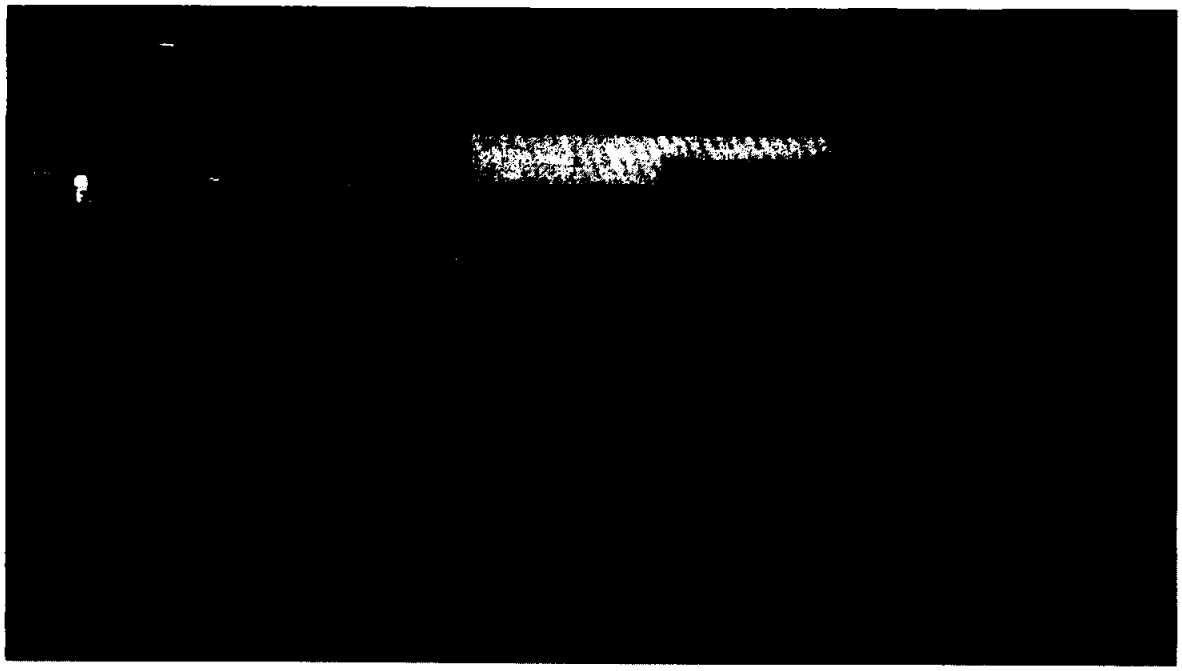
DOES NOT COMPLY WITH CURRENT STREET STANDARDS
NARROW WIDTH
PARKING ON BOTH SIDES OF STREET
LIMITED ON-SITE PARKING
ALMOST NO SIDEWALKS
WALLS, TELEPHONE POLES, OTHER OBSTRUCTIONS CLOSE TO ROAD
DANGEROUS INTERSECTION AT AGUA FRIA STREET



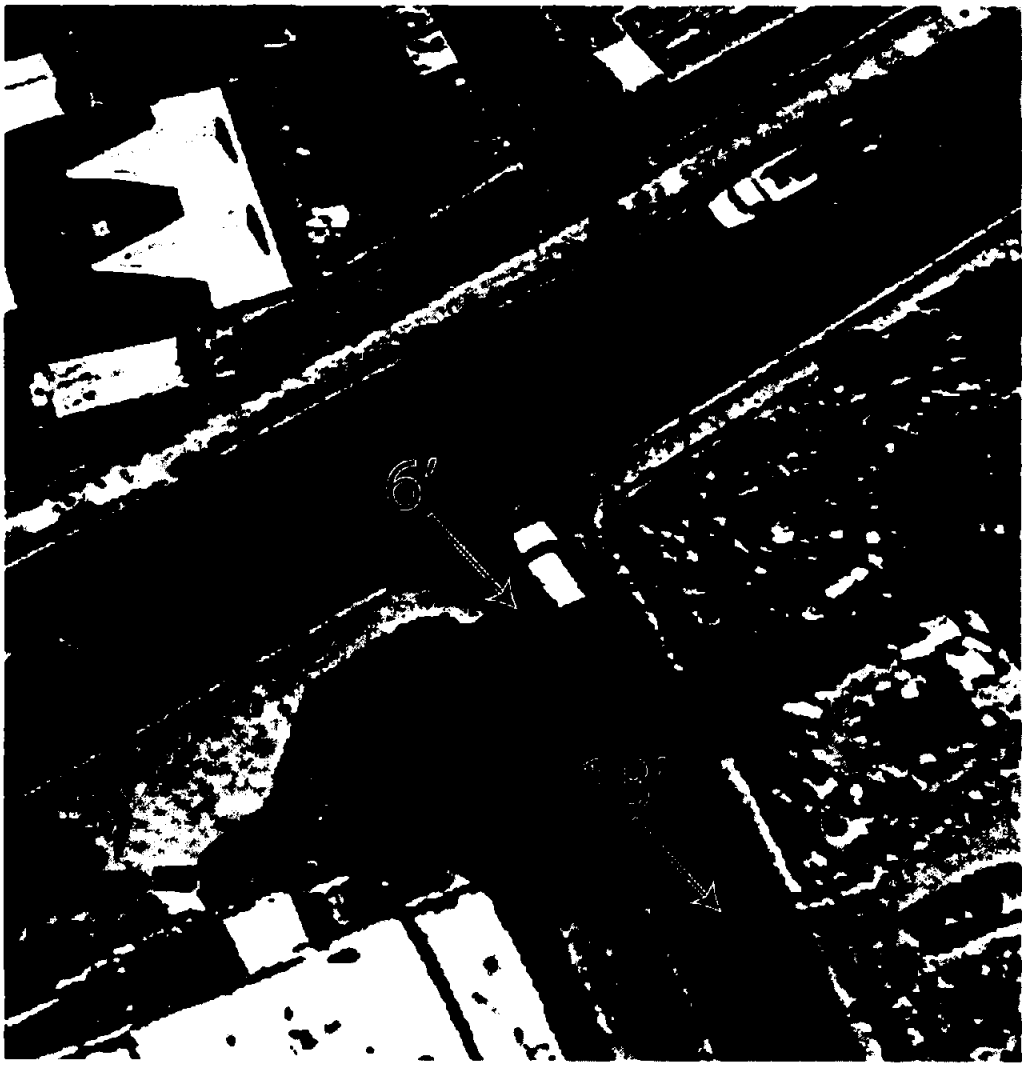
VELARDE STREET PHOTOS

VELARDE STREET PHOTOS

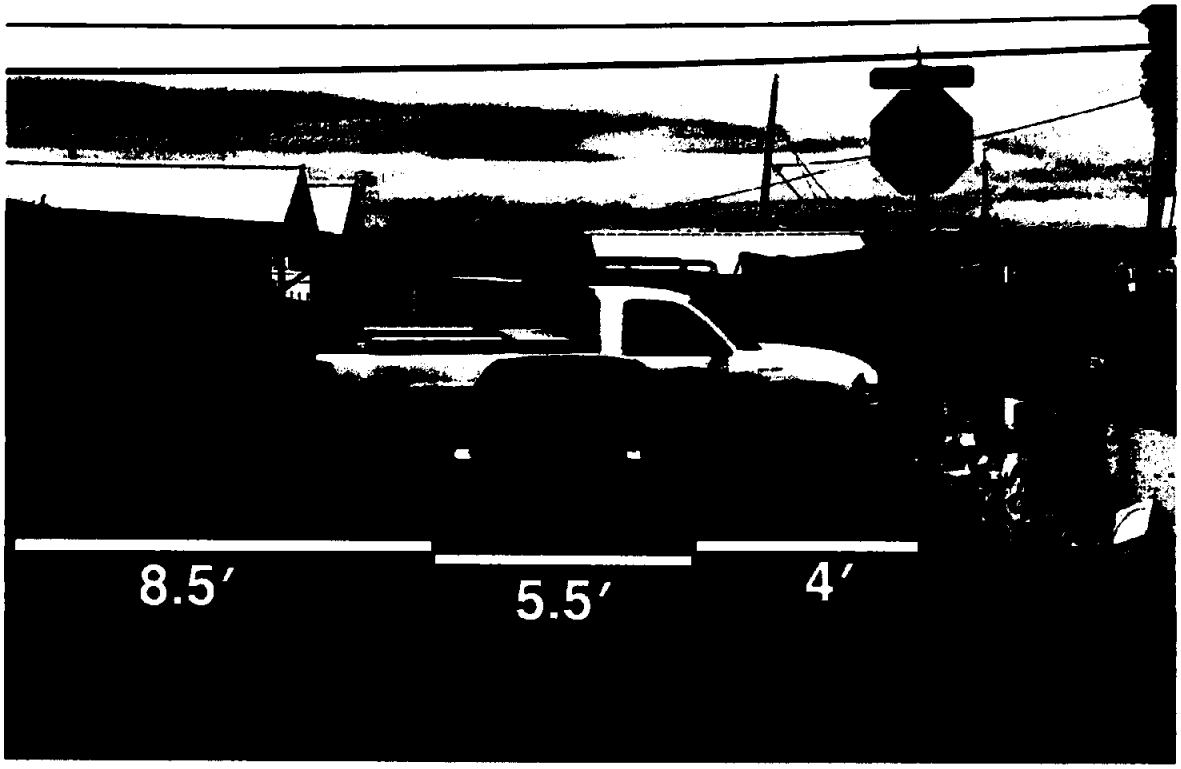
VELARDE STREET PHOTOS

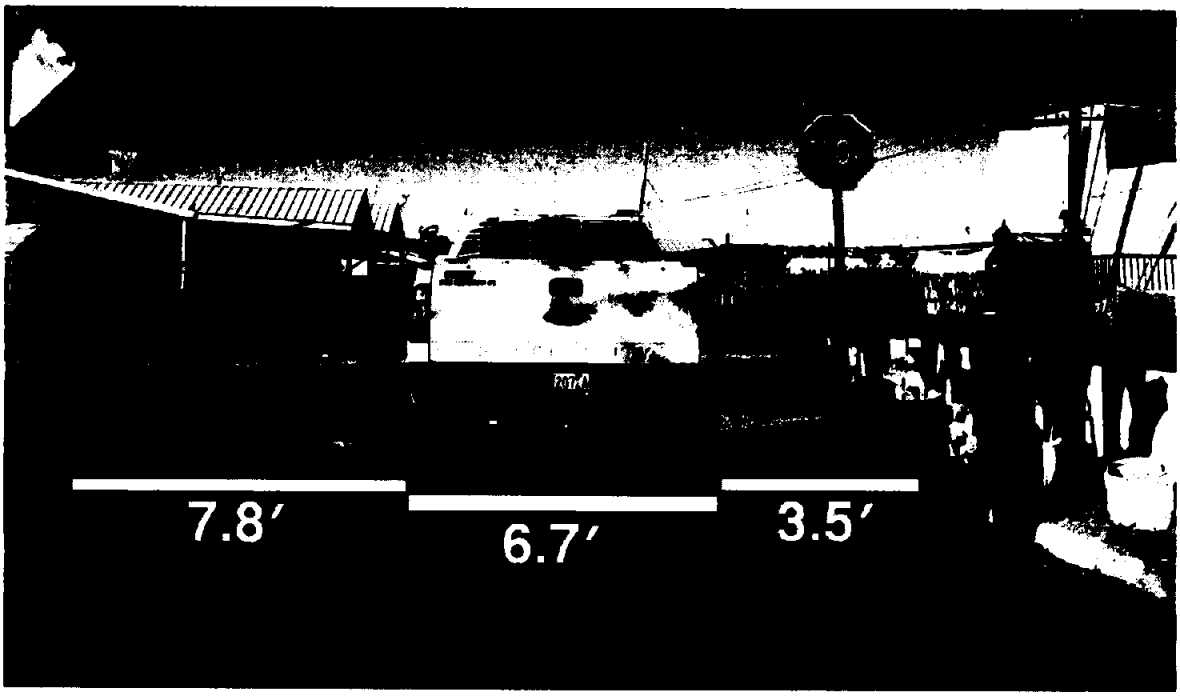


VELARDE STREET PHOTOS



VELARDE STREET PHOTOS





RED LINES =
NO SIDEWALK
ALONG
VELARDE ST.

PROPOSED "CONSENSUS" CONDITIONS OF APPROVAL

1. A gate with a padlock or Knox Lock shall be permanently installed at the southwest corner of the proposed Dos Acequias subdivision where the subdivision would connect to Montano Street in order to restrict vehicular ingress and egress to and from the subdivision at such location to emergency vehicles only. Such gate shall be installed and maintained by the developer of the Dos Acequias subdivision at its expense.

2. The width of the alley along the western-most border of the Dos Acequias subdivision, which alley runs parallel to and is approximately the same length as Nicole Place, shall be reduced to seventeen (17) feet to create a buffer that is five feet wide between the lots on Nicole Place and the curb and gutter to be installed along the western edge of said alley. Said buffer area shall be shown as open space on the final recorded version of the subdivision plat. This condition is subject to Fire Marshal approval.

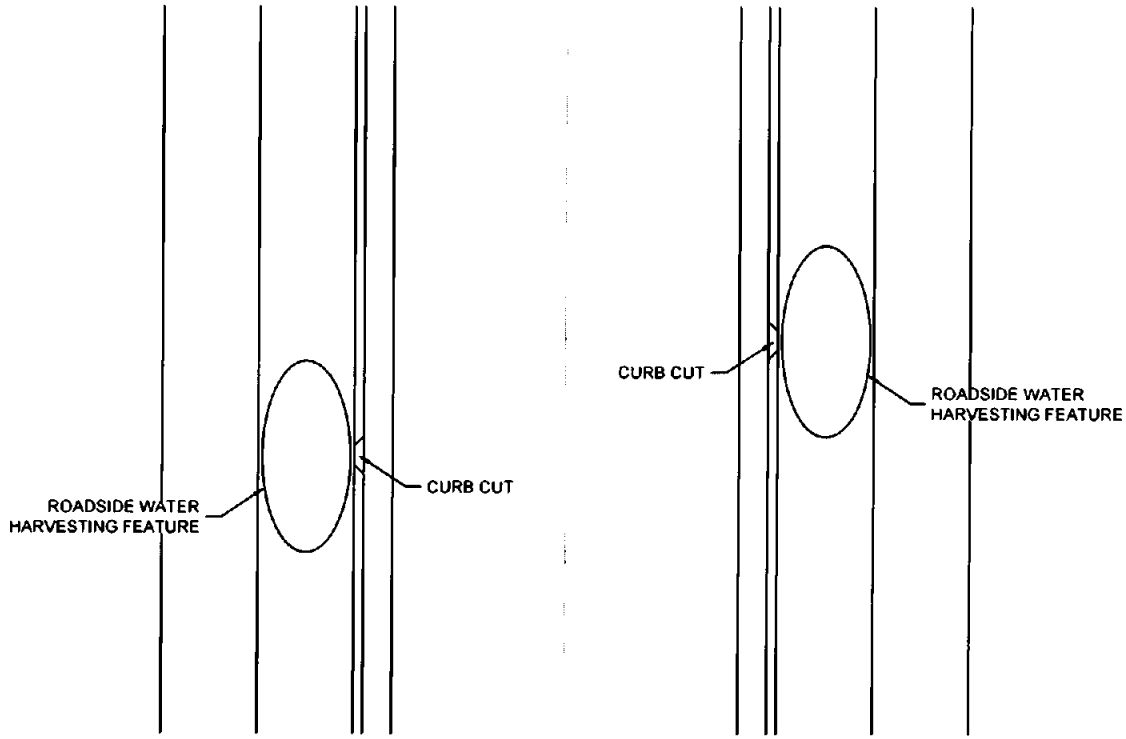
3. The residences (including their garages) located along the western-most street of the subdivision, which street runs parallel to and is approximately the same length as Nicole Place, shall be limited to one story.

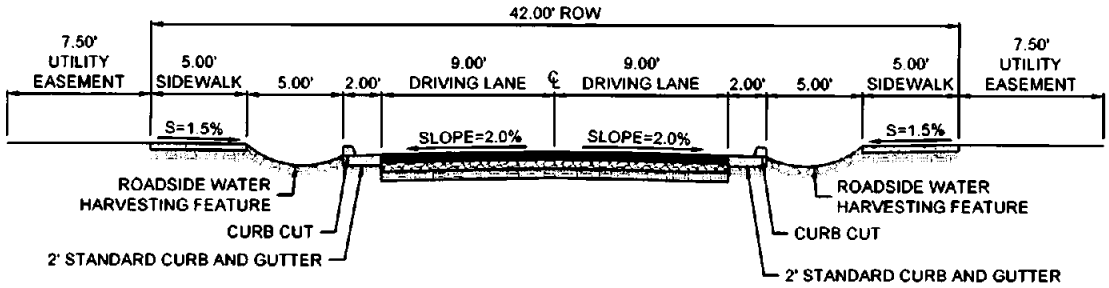
4. The residences (including their garages) located along the western-most street of the subdivision, which street runs parallel to and is approximately the same length as Nicole Place, shall be set back at least thirty-seven (37) feet from the eastern boundary of the lots on Nicole Place. Said 37-foot set back area shall be shown on the final recorded version of the subdivision plat.

5. Rain barrels shall be installed on each lot, and a rainwater catchment system in the medians as shown on the attached drawing shall be installed in the subdivision.

6. Any amendment to the foregoing five (5) conditions of approval shall constitute an amendment to the conditions of preliminary and final subdivision plat approval for the Dos Acequias subdivision and shall require a public hearing before the Planning Commission with notification to be provided in the same manner that was required for the original subdivision application submitted for the Dos Acequias subdivision.

The foregoing six (6) conditions of approval are adopted for the preliminary subdivision plat approval for the Dos Acequias subdivision and shall be adopted as conditions of approval for final subdivision plat approval. The foregoing six (6) conditions of approval shall be stated on the final recorded version of the subdivision plat for the Dos Acequias subdivision.





DRAFT
SUBJECT TO APPROVAL BY
THE SANTA FE PUBLIC
WORKS DEPARTMENT

TYPICAL ROADSIDE WATER HARVESTING FEATURE

THE CODE DOES NOT PROHIBIT AN EMERGENCY ACCESS GATE

1) **Section 14-9.2(D)(3): "At least one through street that traverse the entire developed area shall be provided for each one thousand (1,000) feet of developed area."**

   This provision does not prohibit an emergency access gate at the proposed connection to Montano and Velarde Streets because:

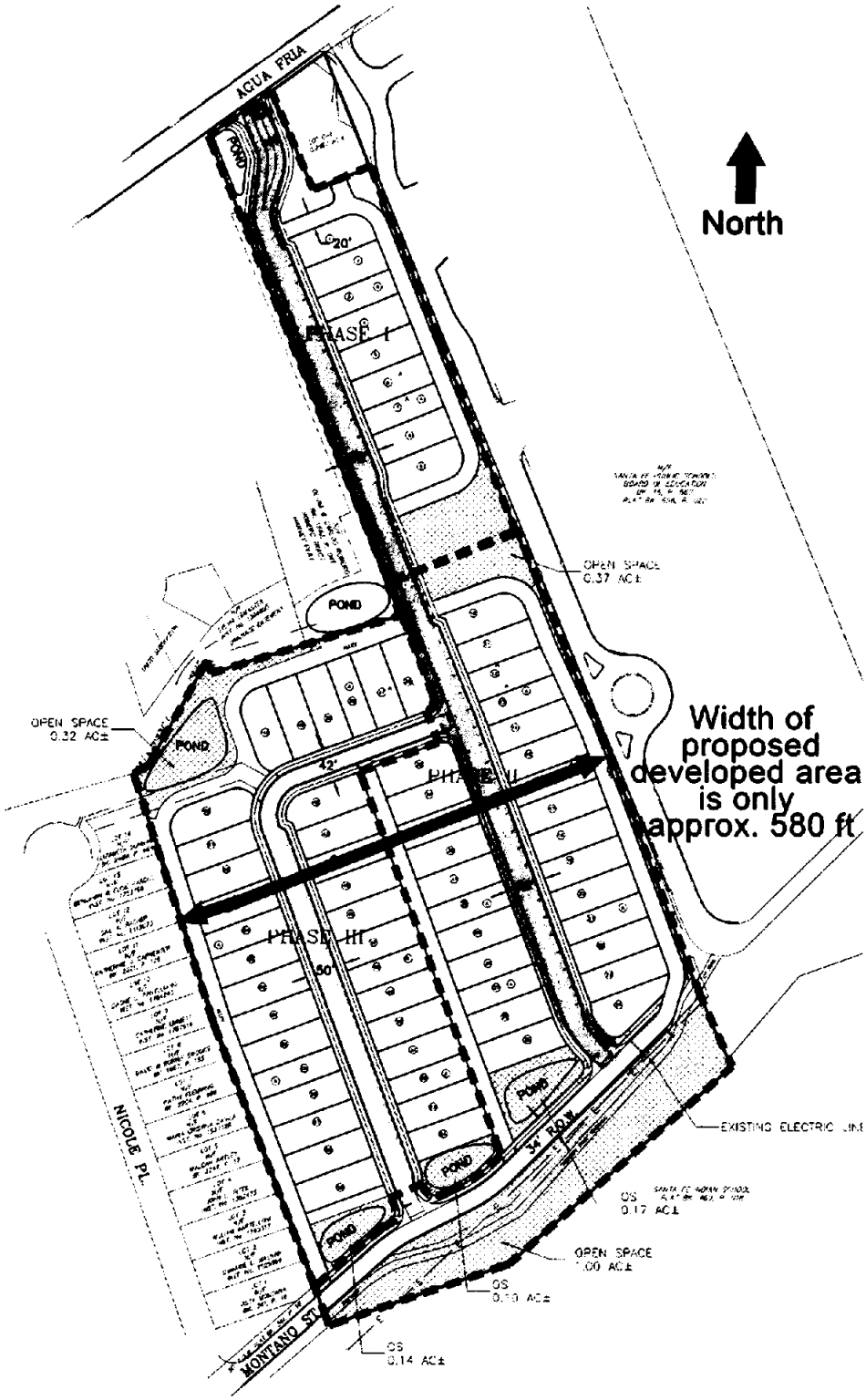
   - The terms "through street" are ambiguous.
   - The proposed subdivision has a "through street" that runs the entire distance of the subdivision from north to south and therefore "traverses the entire developed area." See next page.
   - The provision does not require a connection to existing streets.
   - The provision does not prohibit a connection that is restricted to emergency access as requested by the neighbors.
   - The provision makes no sense because it requires one through street for every 1,000 feet "of developed area," which in this case is 435,600 feet of developed areas (approximately 10 acres x 43,560 sq. ft per acre), which means that 435 "through streets" are required.
   - Staff arbitrarily applies this provision by using the distance of the development from north to south. The width of the development, from east to west, is only about 580 feet. See next page.

2) **Section 14-9.2(D)(4): "At least two connections to the existing road network points shall be provided for every ten acres of development."**

   This provision does not prohibit an emergency access gate at the proposed connection to Montano and Velarde Streets because:

   - The terms "connection to the existing road network points" are ambiguous.
   - The provision does not require an unrestricted connection.
   - The provision does not prohibit a "connection" that is restricted to emergency access as requested by the neighbors.

THE PROPOSED DEVELOPMENT HAS A "THROUGH STREET"



NEW MEXICO LAW ALLOWS THE
GOVERNING BODY TO INTERPRET ITS OWN ORDINANCES

- "[W]here an agency authored an ordinance, that agency is particularly well situated to determine the intent behind its own language." *Lantz v. Santa Fe Extraterritorial Zoning Auth.*, 2004-NMCA-090, ¶ 11, 136 N.M. 74, 78, 94 P.3d 817, 821.
- "[I]f [the zoning code] is ambiguous, ordinarily we would defer to the interpretation of the code by the City Council, which is the body that enacted the code." *High Ridge Hinkle Joint Venture v. City of Albuquerque*, 1994-NMCA-139, ¶ 32, 119 N.M. 29, 38, 888 P.2d 475, 484.
- City Staff agrees:

Vice-Chair Hogan noted that the Commission has been told by several attorneys that we have authority, but we have a City Attorney here. Can you tell us if we need a variance?

Ms. Paez said, "I think that Mr. Berke gave a good explanation why an open connection is needed to a through street. I think they gave a good interpretation of the code that it should connect through. As usual, there is wiggle in code interpretation but if you agree with staff's interpretation that a gated connection is insufficient to satisfy the code, then, you should not approve a gated connection without a variance. But it is within your power to interpret the code differently than staff."

-- April 4, 2019 Planning Commission Meeting

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-4

INTRODUCED BY:

Councilor Bushee

A RESOLUTION

DECLARING THAT CITY STAFF SHALL TAKE NO FURTHER ACTION TO CONNECT MONTANO STREET AND MAKE IT A CONTINUOUS STREET.

WHEREAS, on September 12, 2012, the Governing Body adopted Resolution No. 2012-76 which directed staff to explore and make recommendations to the Governing Body regarding the options for constructing a continuous street on Montano Street or at a minimum providing limited access for public safety response; and

WHEREAS, in response to the resolution, on November 15, 2012, staff held a public input meeting at Frenchy's Barn; and

WHEREAS, 70 residents of the Montano Street neighborhood attended the meeting and the 41 people who spoke at the meeting opposed any street connection on Montano Street; and

WHEREAS, as of December 3, 2012, 29 written comments were received from residents of the Montano Street neighborhood and are summarized as follows:

- 22 against a street connection
- 3 for a street connection (note: all three were from the same family/property)

- 11 favored some sort of emergency access (through Ashbaugh Park or other locations)
- Other comments received include: request for an alignment plan; traffic study and cost comparison of emergency access versus a street connection.

WHEREAS, on December 12, 2012, Public Works Department staff made a presentation to the Governing Body and recommended the following options for the Governing Body to consider:

- Further evaluation of limited emergency access as recommended by the Fire Department through Ashbaugh Park or other locations; or
- No further action.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the Governing Body hereby declares that no further action shall be taken by City staff to connect Montano Street and make it a continuous street.

BE IT FURTHER RESOLVED that staff is directed to begin the process to vacate unusable dedicated right-of-way located outside the Velarde Street to Barela Lane emergency access connection of Montano Street.

BE IT FURTHER RESOLVED that the Governing Body shall consider and adopt an ordinance making this declaration law.

PASSED, APPROVED and ADOPTED this 9th day of January, 2013.

DAVID COSS, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

GENO ZAMORA, CITY ATTORNEY

M/Melissa/Resolutions 2013/2013-4 Montano Street (No Further Action)

Petition to Oppose roadway connections on Montano Street between Palomino Street and Camino Solano

Camino Solano cannot handle thru traffic as proposed; street is too narrow, such development would only encourage traffic not related within these areas. Other streets affected by this proposal would be Barela Lane and Rafael Street.

We, the undersigned, are concerned citizens who urge our leaders to act now to oppose such developments.

Percy Vigil	Percy Vigil	1718A Agua Fria St	OPPOSE	11/3/12
Larry J. Vigil	Larry J. Vigil	1718A Agua Fria St	Oppose	11/3/12
Josette Vigil	Josette Vigil	1718 C Agua Fria	Oppose	11-3-12
Barry Vigil	Barry Vigil	1718 C Agua Fria	Oppose	11-3-12
Brandi Mangor	Brandi Mangor	1718 B Agua Fria	Oppose	11/3/12
Larry W. Vigil Jr	Larry Vigil Jr	1718 B Agua Fria	Oppose	11/3/12
Paul E. Rivera	PAUL E. RIVERA	1718D AGUA FRIA	OPPOSE	11-3-12
Dyann Bryceka	Dyann Bryceka	1721 Montano Street	OPPOSE	11/3/12
Edith Bryceka	Edith L. Bryceka	1721 Montano St.	Oppose	11/3/12
Cris Salazar	Cris Salazar	1723 Montano St.	Oppose	11/3/12
Roy Ruiz	Roy Ruiz	1725 Montano St.	OPPOSE	11/3/12
Cordie Quintana	Cordie Quintana	1725 Montano St.	Opposed	11/3/12

63

Petition to Oppose roadway connections on Montano Street between Palomino Street and Camino Solano

Camino Solano cannot handle thru traffic as proposed; street is too narrow, such development would only encourage traffic not related within these areas. Other streets affected by this proposal would be Barela Lane and Rafael Street.

We, the undersigned, are concerned citizens who urge our leaders to act now to oppose such developments.

Paul Rustal	Paul Rustal	518 BARELA Lane	APPOSE	11-3-12
Michelle Hicks	Michelle Hicks	511 Barela Lane	Oppose Road!	11/3/12
Terry Hicks	Terry Hicks	511 Barela Lane	Oppose	11/3/12
Gilbert Montoya	Gilbert Montoya	503 Barela Lane	oppose	11/3/12
Mike Montoya	Mike Montoya	516 BARELA LN	OPPOSE	11/3/12
Dolfina Montoya	DELFINA MONTOYA	516 BARELA LN.	OPPOSE	11-3-12
Lucia Rodas	Lucia	1718 AGUA FRIA	OPOSE	11/3/12
HELEN RIVERA	Helen Rivera	1718 AGUA FRIA	OPPOSE	11/3/12
GAIL RACHOR	Gail A Rachor	909 Nicole	OPPOSE	11/4/12
Kathy Carpenter	Kathy Carpenter	913 Nicole Pl	OPPOSE	11/4/12
Nick Rivera	[illegible]	1718D Agua Fria St	OPPOSE	11/4/12
Alicia Rivera	Alicia Rivera	1718D Agua Fria St.	Oppose	11/4/12

Petition to Oppose roadway connections on Montano Street between Palomino Street and Camino Solano

Camino Solano cannot handle thru traffic as proposed; street is too narrow, such development would only encourage traffic not related within these areas. Other streets affected by this proposal would be Barela Lane and Rafael Street.

We, the undersigned, are concerned citizens who urge our leaders to act now to oppose such developments.

D. Solomon	D. Solomon	1716 Montano St.	NO!	Nov 4, 2012
Ramon T. Serrano	Ramon T. Serrano	1614 Agua Fria	NO!	Nov 4, 2012
Gilbert Rodriguez	Gilbert Rodriguez	505 Rafael St	NO!	Nov 4, 2012
[illegible]	Alan Chavez	526 Camino Solano	NO!	11/4/2012
Alfonso Barela	Alfonso Barela	512 Barela Lane	NO	11/7/2012
Margie Rodriguez	Margie Rodriguez	505 Rafael St	NO	11/7/2012
[illegible] Mangor	[illegible] Mangor	1720 Agua Fria	NO!	11/8/2012
Gemma DeRagon	Gemma DeRagon	524 Barela Ln.	NO!!!	11/8/2012
Ed Mangor	Ed Mangor	528 Barela Ln	NO!!	11/8/12
Christopher Sovereign	[illegible]	1704 Agua Fria	Do Not Pass Through	11/15/12
Jana Sovereign	Jana Sovereign	1704 Agua Fria	[illegible]	11/15/12
Anna Hernandez	Anna Hernandez	2008 Kyard	Emergency access	11/15/12

Petition to Oppose roadway connections on Montano Street between Palomino Street and Camino Solano

Petition summary and background	Camino Solano cannot handle thru traffic as proposed; street is too narrow, such development would only encourage traffic not related within these areas. Other streets affected by this proposal would be Barela Lane and Rafael Street.
Action petition asks for	We, the undersigned, are concerned citizens who urge our leaders to act now to oppose such developments.

Printed Name	Signature	Address	Comments	Date
Martine Trembly	M Trembly	1716 Montano Street	oppose	11.4.2012
M. Domond	M Domond	623 Velarde St	oppose	"
David Kilhm	[illegible]	613 [illegible]	oppose	11.4.12
[illegible] Rael	[illegible]	603 Velarde St	oppose	11/4/12
Marylou Sandoval	[illegible]	601 Velarde St	oppose	11-4-12
Kathy Fleming	Kathy Fleming	989 Nicole Place	oppose	11-4-12
Noel Arthur	[illegible]	937 Nicole Place	oppose	11-8-12
David Brooks	[illegible]	925 Nicole Pl.	oppose	11/8/12
Elizabeth Durham	[illegible]	901 Nicole Pl	oppose	11/11/12
Marcia Davis	Marcia Davis	905 Nicole Pl	oppose	11/11/12
Mike Dias	[illegible]	905 Nicole Place	oppose	11/11/12
[illegible]	[illegible]	928 Nicole Pl.	oppose	11-11-12

Petition to Oppose roadway connections on Montano Street between Palomino Street and Camino Solano

Petition summary and background	Camino Solano cannot handle thru traffic as proposed; street is too narrow, such development would only encourage traffic not related within these areas. Other streets affected by this proposal would be Barela Lane and Rafael Street.
Action petition asks for	We, the undersigned, are concerned citizens who urge our leaders to act now to oppose such developments.

Printed Name	Signature	Address	Comments	Date
Precella UC de Gonzales	Precella UC de Gonzales	303 Palomino St.	Palomino is not wide enough for more Traffic	11-10-12
Angel Maria Gonzales	Angel Maria Gonzales	304 Palomino St	oppose	11-10-2012
MARTIN GONZALES	[illegible]	304 Palomino St.	oppose	11-10-12
GEORGE ORTIZ	George R. Ortiz	306 PALOMINO ST.	THIS CONSTRUCTION ISN'T NEEDED	11-12-12
Anita Ortiz	Anita Ortiz	306 Palomino St.	oppose	11-12-12
Frank Trujillo	Frank B Trujillo	1602 Agua Fria	oppose	11-12-1[illegible]
Virginia Trujillo	Virginia Trujillo	1602 Agua Fria	oppose	11-12-[illegible]2
Bernie Salas	Bernie Salas	301 Palomino	oppose	11-12-12
Charlene Salas	Charlene Salas	301 Palomino	oppose	11-12
Elena Lucero	Elena Lucero	313 Palomino St	oppose	11-12-12
S. Blake Walton	Susan Blake Walton	1501 Montano St #41	oppose	11-12-12
S. Esquivel	Patricia B. Esquivel	1501 Montano #39	oppose	11-12-12
JOSE E. Roybal	[illegible]	1501 Montano #46	oppose	

Petition to Oppose roadway connections on Montano Street between Palomino Street and Camino Solano

Petition summary and background	Camino Solano cannot handle thru traffic as proposed; street is too narrow, such development would only encourage traffic not related within these areas. Other streets affected by this proposal would be Barela Lane and Rafael Street.
Action petition asks for	We, the undersigned, are concerned citizens who urge our leaders to act now to oppose such developments.

Printed Name	Signature	Address	Comments	Date
Don Gorman	[illegible]	324 Palomino ST.	Added traffic and narrow streets will be hazardous for children	5 NOV 12
Peggy Lee Martinez	[illegible]	1602 A Palomino St	The future traffic has already [illegible]	Nov 5, 2012
Peg Gorman	[illegible]	119 Spencer St SF	Current traffic does not stop at stop sign [illegible]	5 NOV 2012
Liz Massey	Liz Massey	1602 A PALOMINO ST	SPEEDING TRAFFIC WOULD BE DANGEROUS FOR CHILDREN AND FOR CARS ENTERING	11-5-12
Pauline B Rodriguez	Pauline Rodriguez	1602A Palomino St.	Too much Traffic as it is.	11-5-12
EDWARD GALLEGOS	[illegible]	316 PALOMINO	Traffic issue	11/11/12
EVANNE GALLEGOS	E Gallegos	316 Palomino St	Too much traffic for residential area	11/11/12
Terry Gutierrez	[illegible]	316 Palomino St	Too much traffic	11/11/12
Gregorio Sisneros	[illegible]	311 Palomino	NO MORE GUSTERIA MORE TRAFFIC MORE PROBLEMAS	11/11/12
Michelle Ulibarri	Michelle Ulibarri	309 Palomino St	Too much traffic now as it is	11/11/12
Elaine Valdez	Elaine Valdez	322 Palomino St	Too much Traffic	11/11/12
Rebecca Wilbert	[illegible]	1622 [illegible]	[illegible]	[illegible]

Petition to Oppose roadway connections on Montano Street between Palomino Street and Camino Solano

Petition summary and background	Camino Solano cannot handle thru traffic as proposed; street is too narrow, such development would only encourage traffic not related within these areas. Other streets affected by this proposal would be Barela Lane and Rafael Street.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to oppose such developments.

Printed Name	Signature	Address	Comments	Date
Patricia Arellano	[illegible]	1602 Palomino ct	oppose	11/11/12
Raul Cisneros	[illegible]	1601 Palomino ct	oppose	
Erasmo Estrada	Erasmo Estrada	1612 Palomino ct	oppose	11/11/12
Ramón Estrada	Ramón Estrada	1616 Palomino ct	oppose	11/11/12
Lizeth Ramos	Lizeth Ramos	1616 Palomino ct	oppose	11/11/12
Pablo Green	[illegible]	401 Palomino St	oppose	11/11/12
Edwin Lujan	[illegible]	322 Palomino St	oppose	11/11/12
Lucy Trujillo	[illegible]	319 Palomino St	oppose	11/11/12
Gregory Shaffer	[illegible]	310 Palomino St A	oppose	11/11/12
David F. Gonzales	David F. Gonzales	314 Palomino St	oppose	11/11/12
Florence Lopez	Florence Lopez	315 Palomino ST	oppose	11/11/12
Julie Lopez	[illegible]	315 Palomino St	oppose	11/11/12

Petition to Oppose roadway connections on Montano Street between Palomino Street and Camino Solano

Petition summary and background	Camino Solano cannot handle thru traffic as proposed; street is too narrow, such development would only encourage traffic not related within these areas. Other streets affected by this proposal would be Barela Lane and Rafael Street.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to oppose such developments.

Printed Name	Signature	Address	Comments	Date
Andrew Tijerina	[illegible]	1502 Montano St.	oppose	11/14/12
Carmen Margarita	Carmen Margarita	1501 Montano St #	oppose	11/14/12
Jesse	Jesse [illegible]	13 Valerio ct	oppose	11/14/12
Ed Fields	Ed Fields	1501 Montano #48	oppose	11/14/12
[illegible]	[illegible]	[illegible] St	oppose	11-14-12
Steve Takano	Steve Takano	1632 Camino Palomino	oppose	11-14-12
Kay Allison	[illegible]	Fayette Street Acad	[illegible]	11-14-12
Marguerita Elliott	[illegible]	1501 Montano St. #3	would also encourage Montano Palomino Open.	11-15-12
Angel [illegible]	[illegible]	1501 Montano St #29	oppose	11-14-12
Patrick Marquez	[illegible]	1501 Montano 43	oppose	11-14-12
Jesse Garcia	[illegible]	1501 Montano #18	HAVE ENVIRONMENTAL & ARCHAEOLOGICAL STUDIES?	11-14-12
Guy Romero	[illegible]	334 Oak St	oppose	11/14/12
Norbert P. Mendez	Norbert P. Mendez	1501 Montano St. #3	DO NOT WANT IT!!	11/14/12

#3 – Agua Fria St. / Driveway "A" - Pages A-15 thru A-26

The results of the 2022 analyses of the full access unsignalized intersection of Agua Fria St. / Driveway "A" are summarized in the following tables:

Intersection: **3 - Agua Fria St. / Driveway "A"**

2022 AM Peak Hour BUILD

	(EXIST. GEOM.) NO BUILD Lanes	LOS-Delay	(EXIST. GEOM.) BUILD Lanes	LOS-Delay
EBL	>	A - 8.5	>	A - 8.5
EBT	1	N/A - 0.0	1	N/A - 0.0
EBR		N/A - 0.0	>	N/A - 0.0
WBL		N/A - 0.0	>	A - 9.5
WBT	1	N/A - 0.0	1	N/A - 0.0
WBR	>	N/A - 0.0	>	N/A - 0.0
NBL		N/A - 0.0	>	D - 32.1
NBT		N/A - 0.0	1	D - 32.1
NBR		N/A - 0.0	>	D - 32.1
SBL	1	C - 19.7	>	D - 25.1
SBT		N/A - 0.0	1	D - 25.1
SBR	>	C - 19.7	>	D - 25.1
Intersection:		*u - 0.1*		*u - 1.4*

2022 PM Peak Hour BUILD

	(EXIST. GEOM.) NO BUILD Lanes	LOS-Delay	(EXIST. GEOM.) BUILD Lanes	LOS-Delay
EBL	>	A - 9.3	>	A - 9.5
EBT	1	N/A - 0.0	1	N/A - 0.0
EBR		N/A - 0.0	>	N/A - 0.0
WBL		N/A - 0.0	>	A - 9.3
WBT	1	N/A - 0.0	1	N/A - 0.0
WBR	>	N/A - 0.0	>	N/A - 0.0
NBL		N/A - 0.0	>	D - 31.9
NBT		N/A - 0.0	1	D - 31.9
NBR		N/A - 0.0	>	D - 31.9
SBL	1	C - 18.8	>	D - 33.2
SBT		N/A - 0.0	1	D - 33.2
SBR	>	C - 18.8	>	D - 33.2
Intersection:		*u - 0.1*		*u - 0.7*

NOTE: ">" designates a shared lane with adjacent thru lane.

The 2022 analysis of the intersection of Agua Fria St. / Driveway "A" demonstrates that the delays will be marginally acceptable for all conditions analyzed in this report. Therefore, no recommendations are made for the intersection of Agua Fria St. / Driveway "A"

Impact Assessment

The proposed development will have minimal adverse impact on the adjacent transportation system. All the levels-of-service were determined to be acceptable for all the conditions analyzed in this report.

Access Design Specifications

A Determination of Warrants for Deceleration Lanes was performed for Agua Fria St. / Driveway "A". An eastbound right turn deceleration lane is warranted at a length of 150 feet plus a 4:1 taper. In addition, a westbound left turn deceleration lane is warranted at a length of 175 feet plus a 4:1 taper. However, these lanes cannot be be constructed due to the lack of existing right-of-way. See Appendix Pages A-27 thru A-30 for Determination of Warrants for Deceleration Lanes worksheets.

The queuing analysis demonstrates that the northbound left turn lane should be lengthened from 65 feet to 150 feet plus transition for both the NO BUILD and BUILD Conditions. It appears from aerial photography that the asphalt is wide enough to lengthen the northbound left turn lane; however, it would adversely affect the traffic calming measures constructed along Avenida Cristobal Colon just south of the intersection. Since this condition is not due to the proposed development, no recommendations are made for the auxiliary lanes at the intersection of Agua Fria St. / Ave. Cristobal Colon.

#2 – Agua Fria St. / Velarde St. - Pages A-15 thru A-26

The results of the 2022 analyses of the unsignalized intersection of Agua Fria St. / Velarde St. are summarized in the following table:

Intersection: **2 - Agua Fria St. / Velarde St.**

2022 AM Peak Hour BUILD

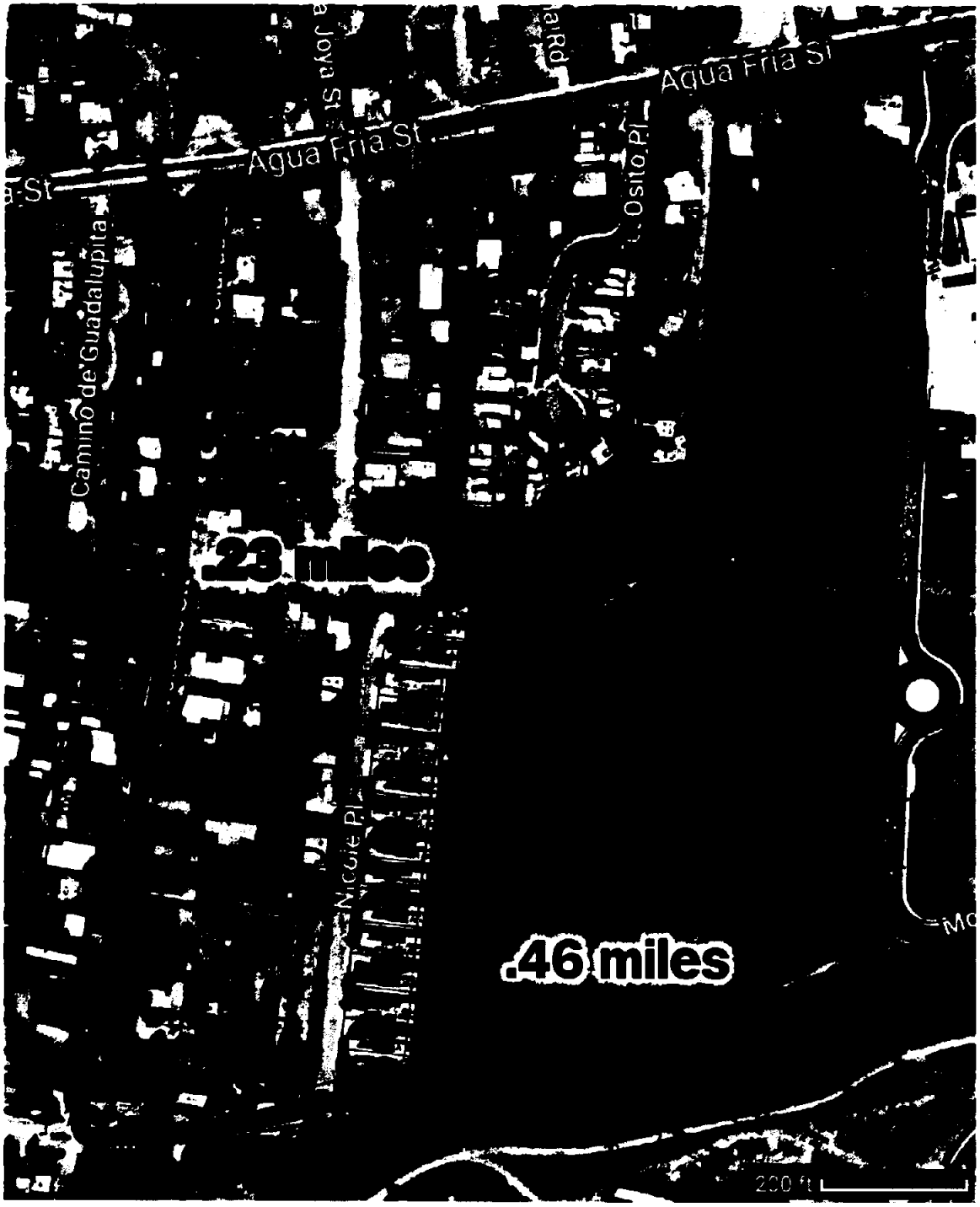
	(EXIST. GEOM.) NO BUILD Lanes	LOS-Delay	BUILD Lanes	LOS-Delay
EBT	1	N/A - 0.0	1	N/A - 0.0
EBR	>	N/A - 0.0	>	N/A - 0.0
WBL	>	A - 9.5	>	A - 9.6
WBT	1	N/A - 0.0	1	N/A - 0.0
NBL	1	C - 19.1	1	C - 19.5
NBR	>	C - 19.1	>	C - 19.5
Intersection:		*u - 0.8*		*u - 0.9*

2022 PM Peak Hour BUILD

	(EXIST. GEOM.) NO BUILD Lanes	LOS-Delay	BUILD Lanes	LOS-Delay
EBT	1	N/A - 0.0	1	N/A - 0.0
EBR	>	N/A - 0.0	>	N/A - 0.0
WBL	>	A - 9.4	>	A - 9.5
WBT	1	N/A - 0.0	1	N/A - 0.0
NBL	1	C - 19.0	1	C - 19.3
NBR	>	C - 19.0	>	C - 19.3
Intersection:		*u - 0.4*		*u - 0.4*

NOTE: ">" designates a shared lane with adjacent thru lane.

The 2022 analysis of the intersection of Agua Fria St. / Velarde St. demonstrates that the level-of-service will be acceptable for both the AM Peak Hour and PM Peak Hour NO BUILD and BUILD conditions analyzed in this report. Therefore, no recommendations are made for the intersection of Agua Fria St. / Velarde St.


Agua Fria St
Agua Fria St
Agua Fria St
Camino de Guadalupita
Nicole Pl
Osito Pl
.23 miles
.46 miles
200 ft

NEIGHBORHOOD PETITION

This will serve to confirm that we, the undersigned, support the *"Consensus" Conditions of Approval* that were presented to the City of Santa Fe Planning Commission for the proposed 68-lot Dos Acequias subdivision, case no. 2018-83: on April 4, 2019 — specifically, an emergency-access-only gate on the western end of the Dos Acequias subdivision at Montaño St. This gate will ensure that Velarde will not be an access for the development, and provides a solution for everyone involved.

Print name	Address	Signature
Angel Bautista	616 velarde st	Angel Bautista
Rebecca Raybal	617 Velarde St.	RRaybal
Kristopher [illegible]	617 Velarde St	[illegible]
Dennis L JR	614 velardest	[illegible]
Raymond R. Montoya	613 velarde st	[illegible]
Tiara Wind	610 Velarde St.	[illegible]
Kathleen C. Dannemiller	610 Velarde St.	[illegible]
Ronald Gerest	607 VELARDE ST	[illegible]
Carl Dunning	607 Velarde St	[illegible]
Mary Lou Sanchez	601 Velarde St	[illegible]

NEIGHBORHOOD PETITION

This will serve to confirm that we, the undersigned, support the *"Consensus" Conditions of Approval* that were presented to the City of Santa Fe Planning Commission for the proposed 68-lot Dos Acequias subdivision, case no. 2018-83: on April 4, 2019 — specifically, an emergency-access-only gate on the western end of the Dos Acequias subdivision at Montaño St. This gate will ensure that Velarde will not be an access for the development, and provides a solution for everyone involved.

Print name	Address	Signature
Tony Martinez	602 Velarde St	Tony Martinez
Libby Martinez	602 Velarde St	Libby Martinez
Edward Cortez	604 Velarde St.	Edward Cortez
Teresa Cortez	604 Velarde St.	Teresa Cortez
GERARD G. RAEL	603 VELARDE ST.	GERARD G. RAEL
Brunhilda Velarde	521 Velarde	Brunhilda Velarde
TONY ORTIZ	519 Velarde St	Tony Ortiz
Lisa Ortiz	519 Velarde St.	Lisa Ortiz
Estrella Mirabal	519 Velarde	Estrella M.
Joan Lawrence	514 Velarde St	Joan Lawrence

NEIGHBORHOOD PETITION

This will serve to confirm that we, the undersigned, support the *"Consensus" Conditions of Approval* that were presented to the City of Santa Fe Planning Commission for the proposed 68-lot Dos Acequias subdivision, case no. 2018-83: on April 4, 2019 — specifically, an emergency-access-only gate on the western end of the Dos Acequias subdivision at Montaño St. This gate will ensure that Velarde will not be an access for the development, and provides a solution for everyone involved.

Print name	Address	Signature
Erlinda Larrañaga	614 Velarde St.	Erlinda Larrañaga
Louis Larrañaga	614 Velarde St	Louis Larrañaga
Joe Ward	573 Velarde St	Joe Ward
Stan Michlin	511 Velarde ST	Stan Michlin
Pornsiri Michlin	511 Velarde ST.	[illegible]
Brando Michlin	511 Velarde st.	Brando Michlin
DeAnna Lopez	609½ Velarde St.	[illegible]
Rachael D. Diaz	608 Velarde St.	[illegible]
Abel Martinez	608 Velarde St.	[illegible]
Dennis Larrañaga	614 VELARDE ST	[illegible]

NEIGHBORHOOD PETITION

This will serve to confirm that we, the undersigned, support the *"Consensus" Conditions of Approval* that were presented to the City of Santa Fe Planning Commission for the proposed 68-lot Dos Acequias subdivision, case no. 2018-83: on April 4, 2019 — specifically, an emergency-access-only gate on the western end of the Dos Acequias subdivision at Montaño St. This gate will ensure that Velarde will not be an access for the development, and provides a solution for everyone involved.

Print name	Address	Signature
John Pitts	941 Nicole Pl	
Diane Ashmead	953 Nicole Pl.	Diane Ashmead
Edward Ashmead	953 Nicole Pl.	
James Dakis	945 Nicole Pl	
Anne Kidd	945 Nicole Place	Anne Kedd
Kathy Fleming	929 Nicole Pl	Kathy Fleming
Kathy Carpenter	913 Nicole Pl	
Elise Pardue	905 Nicole pl.	Elise P
Taylor Pardue	905 Nicole Pl	Taylor Pardue
Dagne Larson Pantuliano	917 Nicole Place	Dagne Larson Pantuliano

NEIGHBORHOOD PETITION

This will serve to confirm that we, the undersigned, support the *"Consensus" Conditions of Approval* that were presented to the City of Santa Fe Planning Commission for the proposed 68-lot Dos Acequias subdivision, case no. 2018-83: on April 4, 2019 — specifically, an emergency-access-only gate on the western end of the Dos Acequias subdivision at Montaño St. This gate will ensure that Velarde will not be an access for the development, and provides a solution for everyone involved.

Print name	Address	Signature
Roberto Capacchi	621 Velarde St	
Mary-Charlotte Romandi	623 Velarde St	
DAVID JANSON	1497 MONTAÑO	D.H. Janson
Raúl A. Bautista	616 Velarde	Raúl A. Bautista
Lucas Henderson	619 Velarde	
Geoff Solomon	619 Velarde	
Siobhan Hancock	941 Nicole Pl	

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2005-89

INTRODUCED BY:

Miguel Chavez

David Coss

Carol Robertson Dejos

A RESOLUTION

ESTABLISHING A NEIGHBORHOOD BILL OF RIGHTS.

WHEREAS, Santa Fe is experiencing an unprecedented rate of change and growth in its real estate market; and

WHEREAS, that change has fueled rampant real estate speculation that, in some cases, is materially changing the nature of Santa Fe's neighborhoods; and

WHEREAS, the planning and land use department (PLUD) feels so overwhelmed; and

WHEREAS, many residents of Santa Fe feel that they do not receive enough notice of the drastic changes that are occurring in their neighborhoods; and

WHEREAS, many residents of Santa Fe feel that the input they try to provide the city about changes in their neighborhood goes unheeded; and

WHEREAS, the governing body of the city of Santa Fe has passed many resolutions and ordinances to try to help Santa Fe's neighborhoods protect themselves against the encroachment of inappropriate development; and

WHEREAS, many of these measures have been inadequately executed or ignored

altogether; and

WHEREAS, for many neighborhoods, the changes that are being carried out or being proposed for their area may cause permanent and irreparable harm if not dealt with immediately.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that we adopt the Neighborhood Bill of Rights as follows:

1. Every neighborhood has the right to determine its own character and quality of life.

2. Every neighborhood has the right to be a safe, healthy place for people to live and raise their families.

3. Every neighborhood has the right to have an equitable share of city services and city capital improvements.

4. Every neighborhood has the right to receive adequate notice and timely information about city decisions that will affect it.

5. Every neighborhood has the right to have input into city decisions that will affect it.

6. Neighborhood residents have the right to have the city help protect the fiscal and emotional investment they have made in their homes.

7. Neighborhood residents have the right to work and operate their small businesses in their homes under the provisions of the Home Occupation Ordinance.

8. Neighborhood residents have the right to enhance, preserve and protect their property for the advancement of themselves and their families under the laws as they are provided in Chapter 14.

9. Neighborhood residents have the right to a fair and impartial administration of appropriate city regulations and ordinances.

AND, BE IT FURTHER RESOLVED, that staff is directed to implement the

Neighborhood Bill of Rights by carrying out the following policies that have already been endorsed by the governing body:

1. To ensure that land use staff's dual obligations (to process development requests and to protect the health, safety, and welfare of the citizens of Santa Fe) are given equal consideration in the development review process.

2. To assist neighborhoods in developing neighborhood plans to determine their neighborhood character and needs, and to put into place laws and regulations that preserve that character and fulfill those needs.

3. To enforce all sections of the city code which protect residents against hazards and nuisances.

4. To enforce all provisions of Section 14-6 SFCC 1987 (Land Development Code) to prevent inappropriate commercial encroachment in residential neighborhoods.

5. To strictly enforce all notice requirements in Chapter 14 SFCC 1987 and to postpone any public meeting that is not duly noticed.

6. To schedule land use hearings only for projects that present complete applications in a timely manner and to postpone those cases where significant new information has been added to an application without sufficient time for the public to evaluate that information.

7. To notify all Santa Fe residents of potential public works projects in their neighborhoods and solicit public comment on those projects.

8. To reinstate the positions of neighborhood planner and neighborhood advocate.

9. To begin work on returning the zoned densities of the core downtown neighborhoods to their built density.

10. To re-institute the pilot project on neighborhood infill.

AND, BE IT FURTHER RESOLVED, that staff is directed to work with the

community to develop the following changes in law or policy:

1. A consistent written policy on how the city shall collect and evaluate public comment on public works projects.

2. A code amendment that contains a written list of the requirements for complete submittals for each type of land use case and that prohibits hearings on incomplete submittals.

3. A re-evaluation of notice requirements in Chapter 14 SFCC 1987 and proposed code amendments for those circumstances where the current law appears to be inadequate.

4. An analysis of how to improve the city's ability to contact citizens about important community issues.

5. An analysis of how to distinguish appropriate from inappropriate infill and proposed code amendments that prohibit inappropriate types of infill development.

6. Development of new mechanisms (such as neighborhood conservation districts) which will allow neighborhoods to have a greater measure of self-definition and self-determination.

7. An analysis of how to better incorporate citizen input into all the city's decisions, with special emphasis on land use decisions and public works projects.

8. Establish an office of neighborhood services.

AND, BE IT FURTHER RESOLVED, that:

1. Within 60 days after the resolution is approved, the resolution shall be sent to the City Planning Policy Commission, the Business and Quality of Life Committee and the Planning Commission for recommendations on implementation and after the committees have reviewed it that staff shall return to the governing body within 90 days with a timetable for implementation.

2. The city manager shall submit to the governing body, within 60 days after adoption of this resolution, the outline of a manual, for the guidance of citizens and staff, detailing and explaining the various steps and requirements, including neighborhood notification,

for seeking city approval or review of the most commonly contested land use matters.

AND, BE IT FURTHER RESOLVED, that it is not the intention of the city to violate the rights of property owners.

PASSED, APPROVED, and ADOPTED this 26th day of October, 2005.

LARRY A. DELGADO, MAYOR

ATTEST:

TINA Y. DOMINGUEZ, ACTING CITY CLERK

APPROVED AS TO FORM:

BRUCE THOMPSON, CITY ATTORNEY

Jp/cmassign/misc/neighborhood bill of rights res final

ITEM # 19-0506

GRANT OF FIRE DEPARTMENT EMERGENCY ACCESS EASEMENT

THIS GRANT OF FIRE DEPARTMENT EMERGENCY ACCESS EASEMENT is made this 7 day of May, 2019 by the Board of Education for and on behalf of the Santa Fe Public School District, a New Mexico political subdivision ("Grantor"), whose address is 610 Alta Vista Street, Santa Fe, New Mexico, 87501 in favor of the City of Santa Fe, a New Mexico municipal corporation ("Grantee"), whose address is 200 Lincoln Ave,, Santa Fe, New Mexico, 87504-0909.

RECITALS

A. Grantor is the owner of the real property and improvements located in the City of Santa Fe, County of Santa Fe, New Mexico, commonly known as the Mandela International Magnet School, 1604 Agua Fria St., Santa Fe, New Mexico, 87505 and more particularly described on "Exhibit A" attached hereto and incorporated by reference, ("Property").

B. Grantor desires to grant and Grantee desires to accept an Emergency Access Easement across the Property subject to the terms and conditions set forth below.

SEC CLERK RECORDED 07/24/2019

1. **Grant.** In consideration of the payment of Twenty-Two Thousand Dollars ($22,000.00), in hand paid by Dos Acequias, LLC, a New Mexico limited liability company. Grantor grants to Grantee a Fire Department Emergency Access Easement for the limited use of the Grantee's Fire Department, together with a temporary construction and maintenance easement on the property as shown and designated on "Exhibit B" attached hereto and incorporated by reference, and by metes and bounds also described below ("Easement"):

BEGINNING AT THE SOUTHWEST CORNER OF SAID EASEMENT, A POINT ON THE WEST BOUNDARY OF SAID PROPERTY WHICH LIES N23°50'16"W 139.80 FEET FROM THE SOUTHWEST CORNER OF SAID PARCEL AND IS SAID POINT OF BEGINNING;
THENCE N20°25'55"W A DISTANCE OF 23.53 FEET;
THENCE A CURVE TO THE RIGHT 10.06 FEET WITH A RADIUS OF 48.00 FEET AND CHORD OF N52°12'39"E, 10.04 FEET;
THENCE N58°12'57"E A DISTANCE OF 4.91 FEET;
THENCE N46°12'37"E A DISTANCE OF 40.52 FEET;
THENCE A CURVE TO THE LEFT 49.10 FEET WITH A RADIUS OF 41.86 FEET AND CHORD OF S87°07'19"E, 46.33 FEET;
THENCE N45°30'42"E A DISTANCE OF 262.53 FEET;
THENCE S22°26'00"E A DISTANCE OF 23.92 FEET;
THENCE S45°30'42"W A DISTANCE OF 288.05 FEET;
THENCE A CURVE TO THE RIGHT 19.13 FEET WITH A RADIUS OF 86.74 FEET AND CHORD OF S68°55'02"W, 19.09 FEET;

THENCE A CURVE TO THE RIGHT 16.75' FEET WITH A RADIUS OF 35.00 FEET AND CHORD OF S88°57'04"W, 16.60 FEET;
THENCE N77°19'54"W A DISTANCE OF 6.11 FEET;
THENCE A CURVE TO THE RIGHT 13.36 FEET WITH A RADIUS OF 37.83 FEET AND CHORD OF N67°12'51"W, 13.29 FEET;
THENCE S58°12'57"W A DISTANCE OF 8.78 FEET;
THENCE A CURVE TO THE LEFT 15.38 FEET WITH A RADIUS OF 28.00 FEET AND CHORD OF S42°28'41"W, 15.19 FEET;
MORE OR LESS TO THE SAID POINT OF THE BEGINNING, HAVING AN AREA OF 9,004.87 SQUARE FEET MORE OR LESS,

2. **Limited Use; No third Party Beneficiaries.** This Easement is granted for the sole purposes of increasing Fire Department access to Grantor's Property and to the subdivision adjacent to the west boundary of Grantor's Property being and intended to be the "Dos Acequias Subdivision", as more particularly described in "Exhibits C-1, C-2, and C-3", respectively attached hereto and incorporated herein by reference, during emergency events. Grantee may not use the Easement for any other purpose without specific additional written permission of Grantor Nothing in this grant shall be construed as a grant of a vehicular license or easement for access over the Easement for the use of any lot or tract owner in the Dos Acequias Subdivision or of the public at large. By its signature below, Dos Acequias, LLC acknowledges and accepts the monetary obligations imposed by this Easement and the restrictions and limitations on use of the Easement.

3. **Grantee Improvements.** Grantor will permit Grantee to install, all at Dos Acequia LLC's sole expense, an Opticon system or other means of opening the existing gate at the east side of Grantor's Property by Fire Department vehicles, construct a paved access from the existing road to the Grantor's west property boundary, and install an emergency access gate with an Opticon system for security at the west boundary of Grantor's Property, all as described on Exhibit B. Dos Acequias, LLC shall be solely responsible for the maintenance and repair of the existing gate, Grantee's installed security equipment, Grantee's paved access and the new emergency access gate on the west side of Grantor's property.

4. **Quality of Grantor's Title.** Grantor makes no covenants or warranties as to Grantor's title to the land over which the Easement lies.

5. **Grantor's Reserved Rights**. Nothing in this Easement Agreement shall be interpreted as a limitation of the rights of Grantor with respect to Grantor's use of the Property or Grantor's discretion with respect to any exercise of those rights.

6. **Insurance.** Grantee agrees to maintain in full force and effect public liability, property and casualty insurance covering the Easement, and motor vehicle liability insurance and worker's compensation insurance coverage covering Dos Acequias, LLC's employees in

SFC CLERK RECORDED 07/24/2013

amounts equal to or greater than the limits provided in the New Mexico Tort Claims Act. To the extent permitted by law, Grantee agrees to name Grantor as an additional insured on its policies of insurance. Dos Acequias, LLC shall obtain and maintain identical coverages in amounts no less than that required of Grantee for any work on the Easement contracted for by Dos Acequias, LLC with any third party.

7. **Sovereign Immunity.** Nothing in this Agreement shall be construed as a general waiver of sovereign immunity by Grantor or Grantee, and any tort claim with respect to the parties arising in connection with this Agreement, shall be subject to the privileges and immunities of the New Mexico Tort Claims Act (as amended)

8. **Non-disturbance of Prior Grant of Easement.** Grantor and Dos Acequias, LLC acknowledge that there is an existing Temporary Pedestrian/Bike Trail Easement previously granted by Grantor to Grantee which is recorded as Instrument #1664684 in the records of the Santa Fe County Clerk on March 29, 2012. The parties agree that any improvements by Grantee or Dos Acequias, LLC shall be performed in coordination with the City of Santa Fe administrative department charged with responsibility for the previously granted easement.

9. **Permanent Easement.** Subject to the foregoing conditions, the Easement granted herein, shall be a perpetual easement.

10. **Entire Agreement; Governing Law; Binding Effect.** This Agreement, together with any exhibits, addenda or documents referred to in or supplied pursuant to the terms of this Agreement, contains the entire agreement between the parties and may not be modified in any manner except by an instrument in writing signed by all parties. This Agreement shall be governed by New Mexico law. Any disputes arising from this Agreement, not resolved through mediation, shall be brought solely in the First Judicial District Court, Santa Fe County, New Mexico. This Agreement shall be binding upon and inure to the benefit of Grantor, Grantee and Dos Acequias, LLC and their respective heirs, personal representatives, successors and assigns.

11. **Assignment.** The parties may not assign this Agreement or any rights or obligations hereunder, by operation of law or otherwise, without prior written consent of the other party.

12. **Captions; Headings.** Any captions or paragraph headings of this Agreement are not necessarily descriptive, or intended or represented to be descriptive, of all the provisions thereunder, and in no manner shall such captions and paragraph headings be deemed or interpreted to limit the provisions of this Agreement.

13. **Recitals.** Recitals stated above and the documents referred to therein are hereby incorporated by reference as though fully set forth herein.

SFC CLERK RECORDED 07/24/2019

14. **No Waiver.** No failure by any party to insist upon the strict performance of any provision of this Lease or to exercise any right or remedy consequent upon a breach thereof, and no acceptance of full or partial performance by either party during the continuance of any such breach will constitute a waiver of any such breach of such provision.

15. **Severability.** If any provisions of this Agreement, or the application of such provisions to any person or circumstances, shall be held invalid by a court of competent jurisdiction, the remainder of this Agreement, or the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

16. **Third Party Beneficiaries.** Except as provided in paragraph 2 above relating to emergency access to the Dos Acequias Subdivision, nothing contained in this Agreement shall be deemed, constructed or interpreted, either by the parties hereto or by any third party, to create a third party beneficiary.

17. **Joint Preparation.** The parties acknowledge that this Agreement was prepared jointly and as a joint effort and shall not be construed against either party.

18. **Execution; Counterparts.** This Agreement may be executed in one or more counterparts, each of which is deemed to be an original hereof, and all of which shall together constitute one and the same instruments.

19. **Authority to Enter into Agreement.** The person signing below on behalf of each party hereby attests that s/he has the power and authority to execute this Agreement on behalf of the respective party.

20. **Effective Date.** The effective date of this Easement is the date of Grantor's execution.

SIGNATURE PAGES FOLLOW

SEC CLERK RECORDED 07/24/2019

GRANT OF EASEMENT
PAGES: 13

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

I Hereby Certify That This Instrument Was Filed for Record On The 24TH Day Of July, 2019 at 01:00:51 PM And Was Duly Recorded as Instrument # 1891982 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy _____ County Clerk, Santa Fe, NM

GRANTOR:

BOARD OF EDUCATION
OF THE SANTA FE PUBLIC SCHOOLS DISTRICT

By: _____
Board President and authorized representative

Date: May 7, 2019

ATTEST:

_____
Board Secretary

APPROVED AS TO FORM:

CUDDY & MCCARTHY, LLP

By: _____
Charlotte H. Hetherington, Esq.
Attorneys for Grantor

ACKNOWLEDGEMENT

STATE OF NEW MEXICO)
) **ss.**
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me on this 7 date of May, 2019 by Kate I. Noble, President of the Board of Education of the Santa Fe Public School District on behalf of the Santa Fe Public Schools.

_____
Notary Public

My Commission Expires:

March 12, 2023

OFFICIAL SEAL
ALMA L. BEJAR
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires March 12, 2023

SFC CLERK RECORDED 07/24/2019

ACCEPTED:

GRANTEE

CITY OF SANTA FE

By:

Erik Litzenberg, City Manager

Date: 6/20/19

ATTEST:

Yolanda Y. Vigil, City Clerk

APPROVED AS TO FORM:

FOR

Erin K. McSherry, City Attorney

Mary McCoy, Finance Director

ACKNOWLEDGEMENT

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me on this 18th date of June, 2019 by Erik Litzenberg, as City Manager of the City of Santa Fe, a municipal corporation and by Yolanda Y. Vigil as City Clerk.

Notary Public

My Commission Expires: 1/10/2020

SFC CLERK RECORDED 07/24/2019

ACCEPTED BY:

DOS ACEQUIAS, LLC

By: _____
Nicholas G. Lerek

ACKNOWLEDGEMENT

STATE OF NEW MEXICO)
) **ss.**
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me on this 10 date of June, 2019 by Nicholas G. Lerck, as authorized representative of Dos Acequias, LLC.

Bobbi Huseman
Notary Public

My Commission Expires:

April 11, 2023

BOBBI HUSEMAN
NOTARY
PUBLIC
STATE OF NEW MEXICO

SFC CLERK RECORDED 07/24/2019

SFC CLERK RECORDED 07/24/2019

BOUNDARY SURVE

OF THE
LARRAGOITE ELEMENTARY SCI
1604 AGUA FRIA STREET
WITHIN PROJECTED SECTION 27, TOW
17 NORTH, RANGE 9 EAST, N.M.P.M.,
THE SANTA FE GRANT, CITY OF SAN
COUNTY OF SANTA FE, STATE OF NE

CONTAINING 10.176 ACRES±

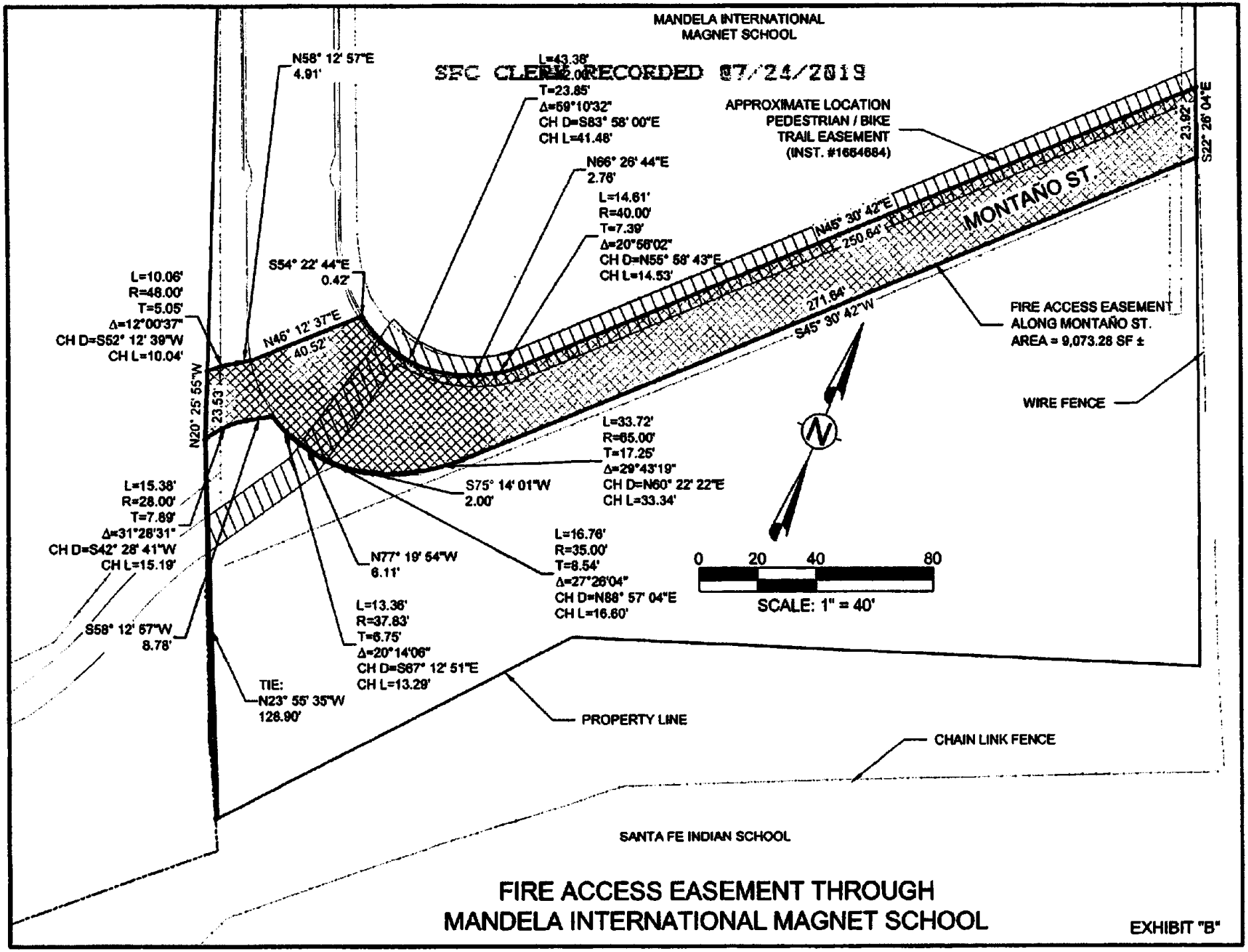
VICINITY MAP
N.T.S.

SITE

NOTES

LEGEND

EXHIBIT A



FIRE ACCESS EASEMENT THROUGH MANDELA INTERNATIONAL MAGNET SCHOOL

EXHIBIT "B"

Copy
Feb 15, 2018
Lx 1, 2

(1)

SFC CLERK RECORDED 09/17/2012

QUITCLAIM DEED

SALLY B. ORTIZ, an unmarried woman, quitclaims to Judy Ortiz Vigil, an unmarried woman (address: 706 Gomez Road, Santa Fe, NM 87505), Nadine O. Kennedy, a married woman as her sole and separate property (address: PO Box 22990, Santa Fe, NM 87502-2990), Barbara I. Ortiz, an unmarried woman (address: 706 Gomez Road, Santa Fe, NM 87505), and Charlene C. Ortiz, an unmarried woman (address: 1228 Osage Ave., Santa Fe, NM 87505), as tenants in common, all right, title and interest in the following described real estate located in Santa Fe County, New Mexico:

See the property description attached hereto and incorporated herein by reference as Exhibit A.

WITNESS her hand and seal this 6th day of September 2012.

Sally B. Ortiz

SALLY B. ORTIZ

STATE OF NEW MEXICO)
)ss.
COUNTY OF SANTA FE)

This instrument was acknowledged before me by Sally B. Ortiz on this 6th day of September 2012.

OFFICIAL SEAL
SHANNON BRODERICK ULLMAN
Notary Public - State of New Mexico
My Commission Expires: 12/14/15

NOTARY PUBLIC

My commission expires:
12/14/15

COUNTY CLERK
SANTA FE COUNTY NEW MEXICO

QUITCLAIM DEED
PAGES: 2

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

I Hereby Certify That This Instrument Was Filed for Record On The 17TH Day Of September, 2012 at 03:57:17 PM And Was Duly Recorded as Instrument # 1681740 Of The Records Of Santa Fe County

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

SFC CLERK RECORDED 07/24/2019

EXHIBIT C-1

Copy - Feb 13, 2018 (2)
Ortiz

[illegible] as follows, to-wit:

Beginning at a point marked by an iron pipe set on the North side of San Antonio Arroyo, from whence the angle point to the U. S. Indian Service marked by an iron pipe bears S. 27° 4[illegible] W., 31.7 feet; thence from said point of beginning along the North side of San Antonio Arroyo N. 49° 10' E., 397.65 feet to a point marked by an iron pipe, the Southeast corner of this tract; thence N. 25° 57' W., 27.6 feet to a point marked by an iron pipe; thence N. 22° 12' W., 98.0 feet to a point marked by an iron pipe; thence N. 19° 40' W., 316.8 feet to a point marked by an iron pipe; thence N. 24° 31' W., 118.2 feet to a point marked by an iron pipe; thence N. 21° 16' W., 90.4 feet to a point marked by an iron pipe, the Northeast corner of this tract; thence S. 73° 37' W., 421.55 feet to a point marked by an iron pipe, the Northwest corner of this tract; thence S. 18° 40' E., 290.15 feet to a point marked by an iron pipe; thence S. 19° 59' E., 349.15 feet to a point marked by an iron pipe; thence S. 22° 22' E., 169.5 feet to a point marked by an iron pipe, the Southwest corner of this tract; thence N. 68° 52' E., 115.0 feet to the point and place of beginning. Containing 7.4 acres.

All as shown on plat of survey entitled "PLAT SHOWING SURVEY OF PROPERTY FOR MAX P. ORTIZ, ISAAC ORTIZ, BENJAMIN ORTIZ JOHN MONTOYA PRECINCT 32 SANTA FE, NEW MEXICO SCALE 1" = 100 FT." By Samuel P. Davalos, Registered Engineer and Surveyor on Nov. 26, 1949.

-EXHIBIT A-

SFC CLERK RECORDED 09/17/2012

SFC CLERK RECORDED 07/24/2019

SF-1 SHORT FORM WARRANTY DEED-Rev. U.S. New Mexico Statutory Form

WARRANTY DEED

297015

ANTONIO URIOSTE AND ERNESTINA V. URIOSTE, his wife

, for consideration paid, grant

to RAMON SANDOVAL AND MARY ALICE SANDOVAL, his wife

the following described real estate in SANTA FE County, New Mexico:

A certain parcel of land bounded on the North by El Arroyo de Enedio: bounded on the South by El Arroyo De San Antonio: bounded the East by property of Felix Urioste: Bounded on the West by property of Julio Jiron and measuring more or less as follows: Commencing at the South West corner of said parcel of land marked by an iron stake with a brass cap placed by the United States General land Office and having the following markings 1936 over AFll over U.S.I.S.: Thence in an Easterly direction along the North bank of El Arroyo de San Antonio measuring one-hundred and fifty feet more or less to an iron stake: Thence in a Northerly direction Measuring Eight hundred and eleven feet more or less to an iron stake: Thence in a Westerly direction measuring one-hundred and fifty feet to an iron stake: Thence in a Northerly direction measuring eleven feet more or less to an iron stake: Thence in a North-Westerly direction measuring ninety-eight feet to an iron stake: Thence in a Southerly direction measuring thirty feet more or less to an iron stake: Thence in an Easterly direction measuring seventy-six feet more or less to an iron stake: Thence in a Southerly direction measuring seven-hundred and thirty-three feet more or less to an iron stake to the point of origin.

COUNTY OF SANTA FE ss
STATE OF NEW MEXICO
Filed for record
73 Jan 3 4:06 P
Clerk

349.869

Owner

with warranty covenants.

WITNESS, the hand and seal this 22nd day of August, 19 72.

Antonio Urioste (Seal) Ernestina V. Urioste (Seal)

(Seal) (Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO
COUNTY OF Santa Fe ss.

The foregoing instrument was acknowledged before me this 22nd day of August, 19 72.

by Antonio Urioste and Ernestina V. Urioste, his wife.
(Name or Names of Person or Persons Acknowledging)

My commission expires: 1-12-73 (Seal)

Florencio P. Martinez
Notary Public

with notarial seal

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO
COUNTY OF ss.

The foregoing instrument was acknowledged before me this day of , 19

by (Name of Officer)

(Title of Officer) of (Name of Corporation Acknowledging)

(Name of Incorporation) corporation, on behalf of said corporation.

My commission expires:

(Seal)

Notary Public

SEC CLERK RECORDED 07/24/2019

EXHIBIT C-2

File No.: 01143-9879 JLO

STSF#

Courtesy Instrument
No liability is assumed
by stewart santa fe

WARRANTY DEED

Nicholas Lerek and Kimberly Darlington, Husband and Wife

for consideration paid, grant(s) to

Nicholas G. Lerek and Kimberly Ann Darlington, Trustees of the Nicholas G. Lerek and Kimberly Ann Darlington Revocable Living Trust u/a/d April 21, 2017

whose address is: 1616 Agua Fria, Santa Fe, NM 87505

the following described real estate in Santa Fe County, New Mexico:

Lot F-1, as shown on plat entitled "Lot Line Adjustment Survey for Rudy Rodriguez & Julie Rodriguez Adjusting Tract F & Tract G, Situate at 1614 Agua Fria Street, City of Santa Fe, Santa Fe County, New Mexico", filed on January 8, 2018 as Instrument No. 1845703, appearing in Plat Book 828, Page 037, records of Santa Fe County, New Mexico.

Subject to: Reservations, restrictions, easements of record and taxes for 2018 and subsequent years.

with warranty covenants.

Executed this 26th day of January, 2018.

Nicholas Lerek

Kimberly Darlington by Nicholas Lerek, as her agent

ACKNOWLEDGEMENT FOR NATURAL PERSONS

State of New Mexico
County of Santa Fe

The foregoing instrument was acknowledged before me on 26th day of January, 2018 by Nicholas Lerek, individually and as agent for Kimberly Darlington.

Notary Public

My Commission Expires:

OFFICIAL SEAL
Lynnea M. Ortiz
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires 08-19-18

COUNTY OF SANTA FE }
STATE OF NEW MEXICO } ss

WARRANTY DEED
PAGES: 1

I Hereby Certify That This Instrument Was e-Recorded for Record On The 26TH Day Of January, A.D., 2018 at 01:44:48 PM And Was Duly Recorded as Instrument # 1848617 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy - COMONTOYA County Clerk, Santa Fe, NM

e-Recorded 1848617 01/26/18 SFC

SFC CLERK RECORDED 07/24/2019

EXHIBIT C-3

ALEJANDRO ST
MESILLA RD
CALLEJON DE LA FRIGIDA
AGUA FRIA ST
AVENIDA CRISTOBAL COLON
ALEJANDRO ST
LA JOYA RD
ALEJANDRO ST
AGUA FRIA ST
AGUA FRIA ST
AGUA FRIA ST
OSIRO PL
VERDIN HILL
PALOMINO ST
PALOMINO ST
PALOMINO CIR
POTENCIA CIR
MONTANO ST
MONTANO ST
MONTANO ST
ACEQUIA DE LAS JOYAS
AGUA FRIA ST
CAMINO DE GUACALUPITA
VELARDE ST
LA JOYA RD
VELARDE ST
MONTANO ST
MONTANO ST
ARTISTICO LN
BARELA LN
CAMINO SOLANO
PAPPEL ST
MONTANO ST

EXHIBIT 8
Council July 31, 2019
W SAN MATEO RD
SAN MATEO LN
CALLE VOLVER
CALLE DE LA VUELTA
HARKLE RD
GALISTEO ST
SAINT MICHAELS DR
S SAINT FRANCIS DR
SAINT FRANCIS DR RAMP
SAINT MICHAELS DR RAMP
SAINT MICHAELS DR RAMP
RAMP
RAMP
RAMP
RAMP
BRUNN SCHOOL LN
BRUNN SCHOOL RD
PACHECO ST
CALLE LORCA
LORCA DR
CALLE COMERCIO
CALLE NAVIDAD
CALLE DEVIDA
VISTA DEL SUR
CALLE QUEDO
CALLE SOMBRA
THOMAS AVE
CAMINO LADO
CAMINO CLARO
WARNER AVE
WARNER CT
1 inch = 330 feet
Legend
MidtownLINC
South Central Highway Corridor Protection District
Parcels Lines

Lot Area Table		
Lot #	Area (SF)	Area (AC)
1	7704.00	0.1769
2	4999.99	0.1148
3	3999.34	0.0919
4	4999.99	0.1148
5	4997.99	0.1147
6	4997.77	0.1147
7	3999.99	0.0919
8	4999.99	0.1147
9	5414.01	0.1243
10	7712.00	0.1771

Lot Area Table		
Lot #	Area (SF)	Area (AC)
11	4997.99	0.1147
12	4999.99	0.1148
13	4999.99	0.1148
14	4999.99	0.1148
15	4999.99	0.1148
16	4999.99	0.1148
17	4997.99	0.1147
18	4997.99	0.1147
19	4997.99	0.1147
20	4997.99	0.1147

Lot Area Table		
Lot #	Area (SF)	Area (AC)
21	4999.99	0.1148
22	4997.99	0.1147
23	4971.99	0.1141
24	4914.72	0.1128
25	5000.00	0.1148
26	5000.00	0.1148
27	5000.00	0.1148
28	5000.00	0.1148
29	5000.00	0.1148
30	4999.71	0.1147

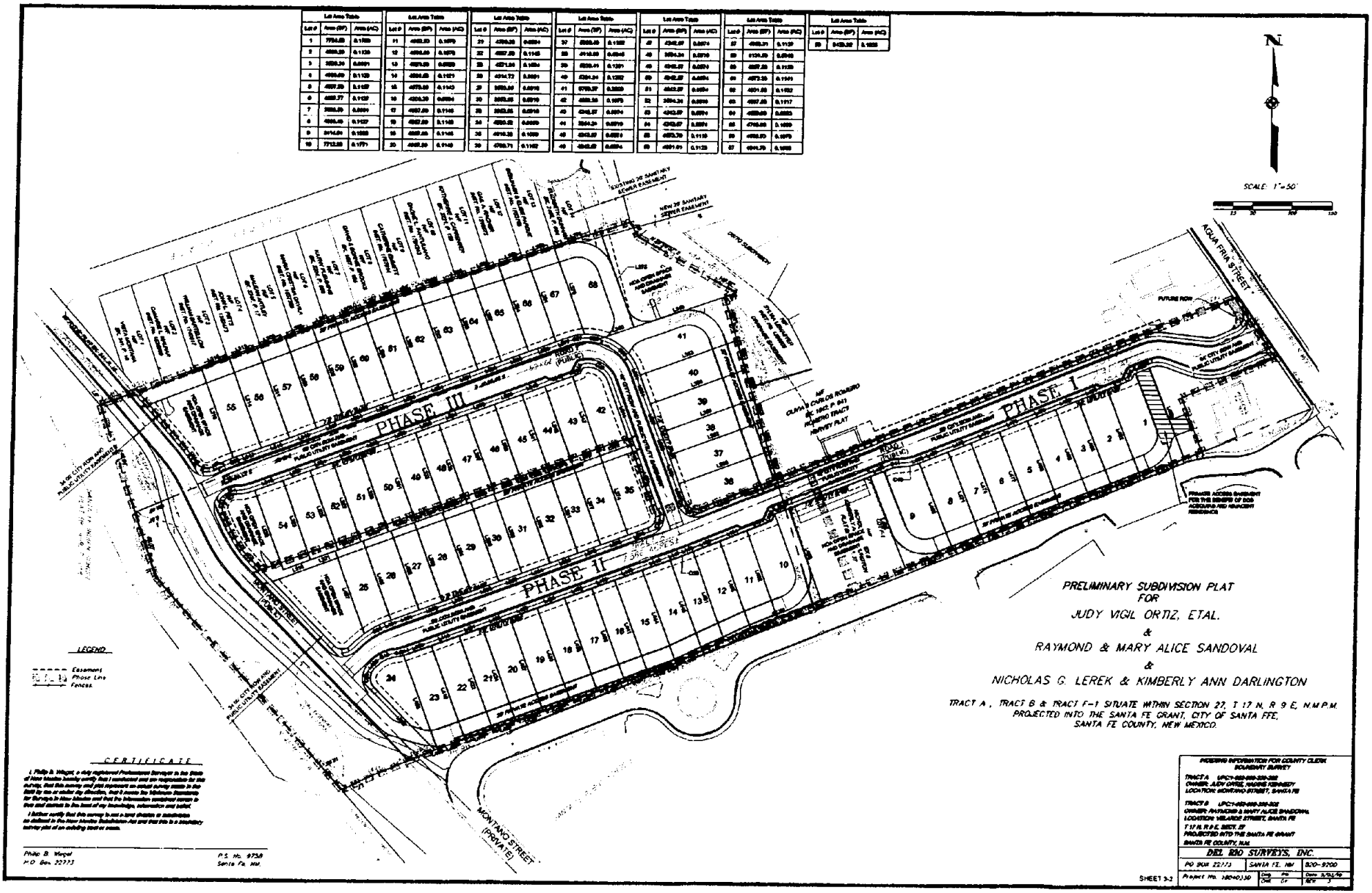
Lot Area Table		
Lot #	Area (SF)	Area (AC)
31	5000.00	0.1148
32	4918.00	0.1129
33	4997.99	0.1147
34	5000.01	0.1147
35	4994.24	0.1147
36	5000.37	0.1148
37	5000.00	0.1148
38	5000.00	0.1148
39	5000.00	0.1148
40	5000.00	0.1148
41	5000.00	0.1148
42	5000.00	0.1148
43	4999.99	0.1148
44	5000.00	0.1148
45	5000.00	0.1148
46	5000.00	0.1148

Lot Area Table		
Lot #	Area (SF)	Area (AC)
47	4999.99	0.1148
48	5000.00	0.1148
49	5000.00	0.1148
50	5000.00	0.1148
51	5000.00	0.1148
52	5000.00	0.1148
53	5000.00	0.1148
54	5000.00	0.1148
55	5000.00	0.1148
56	5000.00	0.1148
57	5000.00	0.1148
58	5000.00	0.1148
59	5000.00	0.1148
60	5000.00	0.1148

Lot Area Table		
Lot #	Area (SF)	Area (AC)
61	4999.99	0.1148
62	5000.00	0.1148
63	5000.00	0.1148
64	5000.00	0.1148
65	5000.00	0.1148
66	5000.00	0.1148
67	5000.00	0.1148
68	5000.00	0.1148
69	5000.00	0.1148
70	5000.00	0.1148
71	5000.00	0.1148
72	5000.00	0.1148
73	5000.00	0.1148
74	5000.00	0.1148
75	5000.00	0.1148
76	5000.00	0.1148

Lot Area Table		
Lot #	Area (SF)	Area (AC)
77	4999.99	0.1148
78	5000.00	0.1148
79	5000.00	0.1148
80	5000.00	0.1148
81	5000.00	0.1148
82	5000.00	0.1148
83	5000.00	0.1148
84	5000.00	0.1148
85	5000.00	0.1148
86	5000.00	0.1148
87	5000.00	0.1148

Lot Area Table		
Lot #	Area (SF)	Area (AC)
88	5000.00	0.1148



PRELIMINARY SUBDIVISION PLAT
FOR
JUDY VIGIL ORTIZ, ETAL.
&
RAYMOND & MARY ALICE SANDOVAL
&
NICHOLAS G. LEREK & KIMBERLY ANN DARLINGTON

TRACT A, TRACT B & TRACT F-1 SITUATE WITHIN SECTION 27, T 17 N, R 9 E, N.M.P.M.
PROJECTED INTO THE SANTA FE GRANT, CITY OF SANTA FE,
SANTA FE COUNTY, NEW MEXICO.

CERTIFICATE

I, Philip B. Weigel, a duly registered Professional Surveyor in the State of New Mexico, hereby certify that I conducted and am responsible for this survey, that this survey and plat represent an actual survey made by me or under my direction, that it meets the Minimum Standards for Surveys in New Mexico and that the information contained herein is true and correct to the best of my knowledge, information and belief.

I further certify that this survey is not a land division or subdivision as defined in the New Mexico Subdivision Act and that this is a boundary survey plat of an existing tract or tracts.

Philip B. Weigel
P.O. Box 22773

P.S. No. 9750
Santa Fe, NM.

PRESENT INFORMATION FOR COUNTY CLERK
BOUNDARY SURVEY

TRACT A UPC: [illegible]
OWNER: JUDY ORTIZ, MADRE KENNEDY
LOCATION: MONTANO STREET, SANTA FE

TRACT B UPC: [illegible]
OWNER: RAYMOND & MARY ALICE SANDOVAL
LOCATION: VILLARDE STREET, SANTA FE

T 17 N, R 9 E, SECT. 27
PROJECTED INTO THE SANTA FE GRANT
SANTA FE COUNTY, N.M.

DEL RIO SURVEYS, INC.

PO BOX 22773	SANTA FE, NM	505-9700
Project No. 18040130	Dwg. PW / Chkd. LV	Date 3/30/19 / Scale 1

SHEET 3-2