



*Agenda* REGULAR MEETING OF  
THE GOVERNING BODY  
SEPTEMBER 30, 2009  
SANTA FE COMMUNITY CONVENTION CENTER

**AFTERNOON SESSION – 5:00 P.M.**

CITY CLERK'S OFFICE

DATE 9-25-09 TIME 4:20 pm

SERVED BY \_\_\_\_\_

RECEIVED BY *Hydromuraz*

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Regular City Council Meeting – September 9, 2009  
Joint Special City/County Meeting – September 17, 2009
9. PRESENTATIONS
  - a) Introduction of Law Enforcement Academy Graduates/Recently Hired Laterals. (Chief Aric Wheeler) (5 minutes)
  - b) City Manager Recognition Award – Andrew Garcia, Horticulturist 1, Parks Division. (5 minutes)
  - c) Presentation to the City of Santa Fe and the 400<sup>th</sup> Anniversary Committee – Bill Dupuy, KSFR News Director, Santa Fe Public Radio. (5 minutes)
10. CONSENT CALENDAR
  - a) Bid No. 09/44/B – Methane Re-Use Project for Wastewater Management Division and Construction Contract; RMCI, Inc. (Bryan Romero)
    - 1) Request for Approval of Budget Increase – Grant Fund
  - b) Request for Approval of Change Order No. 2 – Wastewater Treatment Plant Improvement Project; RMCI, Inc. (Bryan Romero)



# Agenda

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- c) Request for Approval of Amendment No. 3 to Professional Services Agreement – Design Services for Wastewater Treatment Plant Project and Construction Phase Services for Methane Gas Re-Use Project for Wastewater Management Division; HDR, Inc. (Bryan Romero)
- d) Request for Approval of Joint Funding Agreement – Stream Gaging on the Santa Fe River; U.S. Geological Services Survey, U.S. Department of The Interior. (Claudia Borchert)
- e) Request for Approval of Procurement Under State Price Agreement – Runway 2-20 Striping and Other Pavement Marking at Santa Fe Municipal Airport; Highway Supply, LLC. (Jim Montman)
- f) Request for Approval of Procurement of Chemicals for Wastewater Treatment Plant and Term Extension to Contract; Polydyne. (Sherman Bilbo)
- g) Request for Approval of Revised and Restated Joint Powers Agreement – Santa Fe Metropolitan Planning Organization Coordinated Transportation Planning; County of Santa Fe, State of New Mexico Department of Transportation and Tesuque Pueblo. (Mark Tibbetts)
- h) Request for Approval of Donation – Police K-9 Narcotics Service Dog for Police Department; Office of National Drug Control Policy High Intensity Drug Trafficking Area; New Mexico Region. (Aric Wheeler)
- i) Request for Approval of 2005 General Fund Grant Agreement Amendment No. 2 Which Makes Changes to the Original Agreement – Correction of Duplicate Project Number and Reauthorizes a Project for Maria Benitez at Museo Cultural to Maria Benitez at Bataan Memorial Complex and the City of Santa Fe is no Longer Fiscal Agent; New Mexico Department of Finance and Administration Local Government Division. (David Chapman)
  - 1) Request for Approval of Budget Decrease – Grant Fund
- j) Request for Approval of Sole Source Procurement and Agreement – Software and Support Services for “Enterprise One” Enterprise Resource Planning System Upgrade; Insight Software (Formerly GL Company) and Active Network. (David Millican)



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- k) Request for Approval of Consideration to Re-Establish Positions in FY 2009/2010 Budget. (Kristine Kuebli)
- l) CONSIDERATION OF RESOLUTION NO. 2009-\_\_\_\_\_. (Councilor Calvert)  
A Resolution Supporting Legislative Efforts to Amend the New Mexico Indian Arts and Crafts Sales Act in Order to Increase Penalties for Violations of the Act. (Jeanne Price)
- m) CONSIDERATION OF RESOLUTION NO. 2009-\_\_\_\_\_. (Councilor Wurzbarger)  
A Resolution Repealing Resolution No. 2003-104; and Adopting a Revised City of Santa Fe Per Diem and Mileage Policy that Reflects the 2009 State Legislative Amendments to the Per Diem and Mileage Act, §§10-8-1 Through 10-8-8, NMSA 1978; and Amending the Policy to Require Public Officials and Employees of the City to Obtain Two Competitive Quotations for Travel by Common Carrier. (Teresita Garcia)
- n) CONSIDERATION OF RESOLUTION NO. 2009-\_\_\_\_\_. (Councilor Dominguez)  
A Resolution Amending Table 22 of the City of Santa Fe Impact Fees Capital Improvements Plan and Land Use Assumptions, 2007-2012 Regarding Planned Major Road Improvements to Include The Rufina St. Connection Project for Funding in the Amount of \$60,000. (Eric Martinez)
- o) CONSIDERATION OF RESOLUTION NO. 2009-\_\_\_\_\_. (Councilor Ortiz)  
A Resolution Recognizing St. Michael's High School's 150 Years of Education and Declaring October 9 – 12, 2009 as "St. Michael's Sesquicentennial Weekend". (Jeanne Price)
- p) Adoption of Findings of Fact and Conclusions of Law – Casas del Cerros Neighborhood Association, Case #A 2009-02; Soñar, LLC. (Kelley Brennan)
- q) Adoption of Findings of Fact and Conclusions of Law – Case #A 2009-05; Stefanie Beninato. (Kelley Brennan)
- r) Adoption of Findings of Fact and Conclusions of Law – Case #H-09-014; Dos Caminos, LLC. (Kelley Brennan)



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- s) Request for Approval to Publish Notice of Public Hearing on October 28, 2009:
  - 1) Bill No. 2009-45: An Ordinance Creating a New Section 14-5.2(M) SFCC 1987 Regarding the Applicability of Special Provisions and Standards of Historic District Requirements to State Capital Outlay Projects. (Mayor Coss) (Frank Katz)
- t) Request for Approval of Lease Agreement – Operation of Concession Located at GCCC; Puerto Penasco, LLC d/b/a Sports Café (RFP #10/03/P). (Liz Roybal)
- 11. CONSIDERATION OF RESOLUTION NO. 2009-\_\_\_\_\_.  
A Resolution Supplementing Resolution No. 2009-85 and Ordinance No. 2009-35 Which Authorized the Execution and Delivery of a Loan Agreement by and Between the City of Santa Fe, New Mexico and the New Mexico Finance Authority in the Principal Amount of \$29,615,000; Establishing the Final Net Effective Interest Rate, the Final Payment Schedule and Other Matters With Respect to the Loan Agreement; Authorizing Authorized Officers to Take All Necessary Action to Incorporate Such Terms into the Loan Agreement by Supplementing Exhibit B of The Loan Agreement; and Ratifying Actions Previously Taken in Connection Therewith. (David Millican)
- 12. Request for Approval of the Santa Fe City and County Alcohol Abuse Work Group Recommendations. (Galen Buller)
- 13. MATTERS FROM THE CITY MANAGER
- 14. MATTERS FROM THE CITY ATTORNEY
- 15. MATTERS FROM THE CITY CLERK
- 16. COMMUNICATIONS FROM THE GOVERNING BODY

**EVENING SESSION – 7:00 P.M.**

- A. CALL TO ORDER



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- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
- H. PUBLIC HEARINGS:
  - 1) CONSIDERATION OF RESOLUTION NO. 2009-\_\_\_\_\_.  
**Case # M 2009-05. Northwest Quadrant General Plan Amendment.**  
The City of Santa Fe Housing and Community Development Department Requests Approval of a General Plan Future Land Use Map Amendment to Revise the Designations of 540± Acres to Include Approximately 122 Acres in a Mix of Very Low Density Residential (1-3 Dwelling Units Per Acre), Low Density Residential (3-7 Dwelling Units Per Acre), Medium Density Residential (7-12 Dwelling Units Per Acre), High Density Residential (12-29 Dwelling Units Per Acre), Neighborhood Center, and Transitional Mixed Use; and Approximately 418 Acres of Parks and Open Space. The Property is Located South of NM 599 and West of St. Francis Drive. (Tamara Baer)
  - 2) CONSIDERATION OF BILL NO. 2009-41: ADOPTION OF ORDINANCE NO. 2009-\_\_\_\_\_.  
**Case # ZA 2009-02. Northwest Quadrant Rezoning.** The City of Santa Fe Housing and Community Development Department Requests Rezoning of 540± Acres from R-1 (Residential, 1 Dwelling Unit Per Acre) to PRC (Planned Residential Community). The Northwest Quadrant Master Plan Adopted as a Part of this Rezoning Includes Supplemental Design Standards that Vary from the Chapter 14 Land Development Code. The Property is Located South of NM 599 and West of St. Francis Drive. (Tamara Baer)



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- 3) **Case #A 2009-06. Northwest Quadrant Escarpment Variance Appeal.** The City of Santa Fe Housing and Community Development Department Appeals to the Governing Body of the City of Santa Fe the Planning Commission Decision Denying Case #M 2009-06, Variance Request From Section 14-5.6 to Allow 15,000 Square Feet of the Alignment of Ridgetop Road to Encroach on the Ridgetop Subdistrict to Provide Sufficient Distance from an Existing PNM Switching Station. The Location of the Requested Variance is Along the Proposed Ridgetop Road Alignment Between Camino de los Montoyas and NM 599. (Tamara Baer)
- 4) **Case #A 2009-07. Northwest Quadrant Terrain Management Variance Appeal.** The City of Santa Fe Housing and Community Development Department Appeals to the Governing Body of the City of Santa Fe the Planning Commission Decision Denying Case #M 2009-08, Variance Request from Section 14-8.2 to Allow Disturbance of 28,000 Square Feet of 30 Percent Slopes on Two Sites in Order to Preserve Open Space Areas and to Allow Structures to be Built on the Disturbed 30 Percent Slopes. The Locations of the Requested Variance are Within the Proposed Neighborhood Center Areas North of the Ridge and Northeast of the PNM Switching Station. (Tamara Baer)
- 5) Pursuant to §60-6B-10 NMSA 1978, a Request for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Sale/Consumption of Alcoholic Beverages (Beer and Wine Only) at El Museo Cultural de Santa Fe, 1615 B. Paseo de Peralta, which is Within 300 Feet of Alvord Elementary School, 551 Alarid and Located on City Property. The Request is for the Hispanic Heritage Month Celebration to be held on October 12, 2009 from 5:30 p.m. to 9:30 p.m. (Yolanda Y. Vigil)

I. ADJOURN

**Pursuant to the Governing Body Procedural Rules, in the event any agenda items have not been addressed, the meeting should be reconvened at 7:00 p.m., the following day and shall be adjourned not later than 12:00 a.m. Agenda items, not considered prior to 11:30 p.m., shall be considered when the meeting is reconvened or tabled for a subsequent meeting.**

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 955-6520, five (5) days prior to meeting date.

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SANTA FE CITY COUNCIL MEETING  
September 30, 2009**

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<b><u>APPROVAL OF MINUTES:</u></b>		
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PRESENTATION TO THE CITY OF SANTA FE AND THE 400 <sup>TH</sup> ANNIVERSARY COMMITTEE – BILL DUPUY, KSFR NEWS DIRECTOR, SANTA FE PUBLIC RADIO		6
<b><u>CONSENT CALENDAR DISCUSSION</u></b>		
CONSIDERATION OF RESOLUTION NO. 2009- 93. A RESOLUTION RECOGNIZING ST. MICHAEL'S HIGH SCHOOL'S 150 YEARS OF EDUCATION AND DECLARING OCTOBER 9-12, 2009, AS "ST. MICHAEL'S SESQUICENTENNIAL WEEKEND" *****	Approved	6-7
END OF CONSENT CALENDAR DISCUSSION *****		

<b><u>ITEM</u></b>	<b><u>ACTION</u></b>	<b><u>PAGE #</u></b>
CONSIDERATION OF RESOLUTION NO. 2009- 94. A RESOLUTION SUPPLEMENTING RESOLUTION NO. 2009-85 AND ORDINANCE NO. 2009-35, WHICH AUTHORIZED THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO, AND THE NEW MEXICO FINANCE AUTHORITY, IN THE PRINCIPAL AMOUNT OF \$29,615,000; ESTABLISHING THE FINAL NET EFFECTIVE INTEREST RATE, THE FINAL PAYMENT SCHEDULE AND OTHER MATTERS WITH RESPECT TO THE LOAN AGREEMENT; AUTHORIZING AUTHORIZED OFFICERS TO TAKE ALL NECESSARY ACTION TO INCORPORATE SUCH TERMS INTO THE LOAN AGREEMENT BY SUPPLEMENTING EXHIBIT B OF THE LOAN AGREEMENT; AND RATIFYING ACTIONS PREVIOUSLY TAKEN IN CONNECTION THEREWITH	Approved	7-8
REQUEST FOR APPROVAL OF THE SANTA FE CITY AND COUNTY ALCOHOL ABUSE WORK GROUP RECOMMENDATIONS	Approved	8
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<b><u>EVENING SESSION</u></b>		
CALL TO ORDER AND ROLL CALL	Quorum	13
PETITIONS FROM THE FLOOR		13
<b><u>APPOINTMENTS</u></b>		
Planning Commission	Approved	14
Marty Sanchez Links de Santa Fe Advisory Committee	Approved	14



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

PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE SALE/CONSUMPTION OF ALCOHOLIC BEVERAGES (BEER AND WINE ONLY) AT EL MUSEO CULTURAL DE SANTA FE, 1615-B PASEO DE PERALTA, WHICH IS WITHIN 300 FEET OF ALVORD ELEMENTARY SCHOOL, 551 ALARID AND LOCATED ON CITY PROPERTY. THE REQUEST IS FOR THE HISPANIC HERITAGE MONTH CELEBRATION TO BE HELD ON OCTOBER 12, 2009, FROM 5:30 P.M. TO 9:30 P.M.

Approved [amended]

15

CONSIDERATION OF RESOLUTION NO. 2009- 95. CASE #M 2009-05. NORTHWEST QUADRANT GENERAL PLAN AMENDMENT. THE CITY OF SANTA FE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO REVISE THE DESIGNATIONS OF 540± ACRES TO INCLUDE APPROXIMATELY 122 ACRES IN A MIX OF VERY LOW DENSITY RESIDENTIAL (1-3 DWELLING UNITS PER ACRE), LOW DENSITY RESIDENTIAL (3-7 DWELLING UNITS PER ACRE), MEDIUM DENSITY RESIDENTIAL (7-12 DWELLING UNITS PER ACRE), HIGH DENSITY RESIDENTIAL (12-29 DWELLING UNITS PER ACRE), NEIGHBORHOOD CENTER AND TRANSITIONAL MIXED USE; AND APPROXIMATELY 418 ACRES OF PARKS AND OPEN SPACE. THE PROPERTY IS LOCATED SOUTH OF NM 599 AND WEST OF ST. FRANCIS DRIVE

Approved [amended]

16-50

CONSIDERATION OF BILL NO. 2009-41: ADOPTION OF ORDINANCE NO. 2009- 39. ASE #ZA 2009-02. NORTHWEST QUADRANT REZONING. THE CITY OF SANTA FE HOUSING ND COMMUNITY DEVELOPMENT DEPARTMENT REQUEST REZONING OF 540± ACRES FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO PRC (PLANNED RESIDENTIAL COMMUNITY). THE NORTHWEST QUADRANT MASTER PLAN ADOPTED AS A PART OF THIS REZONING INCLUDES SUPPLEMENTAL DESIGN STANDARDS THAT VARY FROM THE CHAPTER 14 LAND DEVELOPMENT CODE. THE PROPERTY IS LOCATED SOUTH OF NM 599 AND WEST OF ST. FRANCIS DRIVE.

Approved [amended]

50-52

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<p><b>CASE #A 2009-06. NORTHWEST QUADRANT ESCARPMENT VARIANCE APPEAL. THE CITY OF SANTA FE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT APPEALS TO THE GOVERNING BODY OF THE CITY OF SANTA FE THE PLANNING COMMISSION DECISION DENYING CASE #M 2009-06, VARIANCE REQUEST FROM SECTION 14-5.6 TO ALLOW 15,000 SQUARE FEET OF THE ALIGNMENT OF RIDGETOP ROAD TO ENCROACH ON THE RIDGETOP SUBDISTRICT TO PROVIDE SUFFICIENT DISTANCE FROM AN EXISTING PNM SWITCHING STATION. THE LOCATION OF THE REQUESTED VARIANCE IS ALONG THE PROPOSED RIDGETOP ROAD ALIGNMENT BETWEEN CAMINO DE LOS MONTOYAS AND NM 599</b></p>	<p>Postponed for 3 months</p>	<p>52-53</p>
<p><b>CASE #A 2009-07. NORTHWEST QUADRANT TERRAIN MANAGEMENT VARIANCE APPEAL. THE CITY OF SANTA FE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT APPEALS TO THE GOVERNING BODY OF THE CITY OF SANTA FE THE PLANNING COMMISSION DENYING CASE #M 2009-08, VARIANCE REQUEST FROM SECTION 14-8.2 TO ALLOW DISTURBANCE OF 28,000 SQUARE FEET OF 30 PERCENT SLOPES ON TWO SITES IN ORDER TO PRESERVE OPEN SPACE AREAS AND TO ALLOW STRUCTURES TO BE BUILT ON THE DISTURBED 30 PERCENT SLOPES. THE LOCATIONS OF THE REQUESTED VARIANCE ARE WITHIN THE PROPOSED NEIGHBORHOOD CENTER AREAS NORTH OF THE RIDGE AND NORTHEAST OF THE PNM SWITCHING STATION</b></p>	<p>Postponed for 3 months</p>	<p>53</p>
<p><b>ADJOURN</b></p>		<p>53</p>

**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
September 30, 2009**

**AFTERNOON SESSION**

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor David Coss, on September 30, 2009, at approximately 5:00 p.m., in the Santa Fe Community Convention Center. 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 David Coss  
Councilor Rebecca Wurzbarger, Mayor Pro-Tem  
Councilor Patti J. Bushee  
Councilor Christopher Calvert  
Councilor Miguel Chavez,  
Councilor Carmichael A. Dominguez  
Councilor Matthew E. Ortiz  
Councilor Rosemary Romero  
Councilor Ronald S. Trujillo

**Others Attending**

Galen Buller, City Manager  
Frank Katz, City Attorney  
Yolanda Y. Vigil, City Clerk  
Melessia Helberg, Council Stenographer

**6. APPROVAL OF AGENDA**

Yolanda Vigil said staff would like to request that Item H(5) on the Evening Agenda, be heard prior to the items on the Northwest Quadrant.

Mr. Buller said staff is requesting that Item 10(m) be remanded to the October 19, 2009, Finance Committee and then back to Council if it comes out of that Committee.

**MOTION:** Councilor Calvert moved, seconded by Councilor Trujillo, to approve the agenda as amended.

**VOTE:** The motion was approved on a voice vote with Councilors Bushee, Calvert, Dominguez, Ortiz, Romero, Trujillo and Wurzbarger voting for the motion, none against, and Councilor Chavez absent for the vote.

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

**MOTION:** Councilor Calvert moved, seconded by Councilor Wurzbarger, to approve the following Consent Calendar, as amended.

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

**For:** Councilor Bushee, Councilor Calvert, Councilor Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo and Councilor Wurzbarger.

**Against:** None.

**Absent:** Councilor Chavez.

- a) **BID NO. 09/44/B – METHANE REUSE PROJECT FOR WASTEWATER MANAGEMENT DIVISION AND CONSTRUCTION CONTRACT; RMCI, INC. (BRYAN ROMERO)**
  - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- b) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 2 – WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT; RMCI, INC. (BRYAN ROMERO)**
- c) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – DESIGN SERVICES FOR WASTEWATER TREATMENT PLANT PROJECT AND CONSTRUCTION PHASE SERVICES FOR METHANE GAS RE-USE PROJECT FOR WASTEWATER MANAGEMENT DIVISION; HDR, INC. (BRYAN ROMERO)**
- d) **REQUEST FOR APPROVAL OF JOINT FUNDING AGREEMENT – STREAM GAGING ON THE SANTA FE RIVER; U.S. GEOLOGICAL SERVICES SURVEY, U.S. DEPARTMENT OF THE INTERIOR. (CLAUDIA BORCHERT)**
- e) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – RUNWAY 2-20 STRIPING AND OTHER PAVEMENT MARKING AT SANTA FE MUNICIPAL AIRPORT; HIGHWAY SUPPLY, LLC. (JIM MONTMAN)**
- f) **REQUEST FOR APPROVAL OF PROCUREMENT OF CHEMICALS FOR WASTEWATER TREATMENT PLANT AND TERM EXTENSION TO CONTRACT; POLYDYNE. (SHERMAN BILBO)**

- g) REQUEST FOR APPROVAL OF REVISED AND RESTATED JOINT POWERS AGREEMENT – SANTA FE METROPOLITAN PLANNING ORGANIZATION COORDINATED TRANSPORTATION PLANNING; COUNTY OF SANTA FE, STATE OF NEW MEXICO DEPARTMENT OF TRANSPORTATION AND TESUQUE PUEBLO. (MARK TIBBETTS)
- h) REQUEST FOR APPROVAL OF DONATION – POLICE K-9 NARCOTICS SERVICE DOG FOR POLICE DEPARTMENT; OFFICE OF NATIONAL DRUG CONTROL POLICY, HIGH INTENSITY DRUG TRAFFICKING AREA; NEW MEXICO REGION. (ARIC WHEELER)
- l) REQUEST FOR APPROVAL OF 2005 GENERAL FUND GRANT AGREEMENT AMENDMENT NO. 2 WHICH MAKES CHANGES TO THE ORIGINAL AGREEMENT – CORRECTION OF DUPLICATE PROJECT NUMBER AND REAUTHORIZES A PROJECT FOR MARIA BENITEZ AT MUSEO CULTURAL TO MARIA BENITEZ AT BATAAN MEMORIAL COMPLEX AND THE CITY OF SANTA FE IS NO LONGER FISCAL AGENT; NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION, LOCAL GOVERNMENT DIVISION. (DAVID CHAPMAN)
  - 1) REQUEST FOR APPROVAL OF BUDGET DECREASE – GRANT FUND.
- j) REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND AGREEMENT – SOFTWARE AND SUPPORT SERVICES FOR “ENTERPRISE ONE” ENTERPRISE RESOURCE PLANNING SYSTEM UPGRADE; INSIGHT SOFTWARE (FORMERLY GL COMPANY) AND ACTIVE NETWORK. (DAVID MILLICAN)
- k) REQUEST FOR APPROVAL OF CONSIDERATION TO RE-ESTABLISH POSITIONS IN FY 2009/2010 BUDGET. (KRISTINE KUEBLI)
- l) CONSIDERATION OF RESOLUTION NO. 2009- 91 (COUNCILOR CALVERT). A RESOLUTION SUPPORTING LEGISLATIVE EFFORTS TO AMEND THE NEW MEXICO INDIAN ARTS AND CRAFTS SALES ACT IN ORDER TO INCREASE PENALTIES FOR VIOLATIONS OF THE ACT. (JEANNE PRICE)
- m) CONSIDERATION OF RESOLUTION NO. 2009- \_\_\_\_ (COUNCILOR WURZBURGER). A RESOLUTION REPEALING RESOLUTION NO. 2003-104, AND ADOPTING A REVISED CITY OF SANTA FE PER DIEM AND MILEAGE POLICY THAT REFLECTS THE 2009 STATE LEGISLATIVE AMENDMENTS TO THE PER DIEM AND MILEAGE ACT, §§10-8-1 THROUGH 10-8-8, NMSA 1978; AND AMENDING THE POLICY TO REQUIRE PUBLIC OFFICIALS AND EMPLOYEES OF THE CITY TO OBTAIN TWO COMPETITIVE QUOTATIONS FOR TRAVEL BY COMMON CARRIER.  
This item was removed from the Agenda and remanded to the Finance Committee.

- n) **CONSIDERATION OF RESOLUTION NO. 2009- 92 (COUNCILOR DOMINGUEZ). A RESOLUTION AMENDING TABLE 22 OF THE CITY OF SANTA FE IMPACT FEES CAPITAL IMPROVEMENTS PLAN AND LAND USE ASSUMPTIONS, 2007-2012 REGARDING PLANNED MAJOR ROAD IMPROVEMENTS TO INCLUDE THE RUFINA ST. CONNECTION PROJECT FOR FUNDING IN THE MOUNT OF \$60,000. (ERIC MARTINEZ)**
- o) *[Removed for discussion by Councilor Ortiz]*
- p) **ADOPTION OF FINDINGS OF FACT AND CONCLUSIONS OF LAW – CASAS DEL CERRO NEIGHBORHOOD ASSOCIATION, CASE #A 2009-02; SONAR, LLC. (KELLEY BRENNAN)**
- q) **ADOPTION OF FINDINGS OF FACT AND CONCLUSIONS OF LAW – CASE #A 2009-05; STEFANIE BENINATO. (KELLEY BRENNAN)**
- r) **ADOPTION OF FINDINGS OF FACT AND CONCLUSIONS OF LAW – CASE #H 09-014; DOS CAMINOS, LLC. (KELLEY BRENNAN)**
- s) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON OCTOBER 28, 2009:**
  - 1) **BILL NO. 2009-45; AN ORDINANCE CREATING A NEW SECTION 14-5.2(M) SFCC 1987, REGARDING THE APPLICABILITY OF SPECIAL PROVISIONS AND STANDARDS OF HISTORIC DISTRICT REQUIREMENTS TO STATE CAPITAL OUTLAY PROJECTS (MAYOR COSS). (FRANK KATZ)**
- t) **REQUEST FOR APPROVAL OF LEASE AGREEMENT – OPERATION OF CONCESSION LOCATED AT GCCC; PUERTO PENASCO, LLC D/B/A SPORTS CAFÉ (RFP #10/03/P). (LIZ ROYBAL)**

**8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – SEPTEMBER 9, 2009  
JOINT SPECIAL CITY/COUNTY MEETING – SEPTEMBER 17, 2009**

**MOTION:** Councilor Ortiz moved, seconded by Councilor Trujillo, to approve the minutes of the Regular City Council meeting of September 9, 2009, as presented.

**VOTE:** The motion was approved on a voice vote with Councilors Bushee, Calvert, Dominguez, Ortiz, Romero, Trujillo and Wurzbarger voting for the motion, none against, and Councilor Chavez absent for the vote.

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Dominguez, to approve the minutes of the Joint Special City/County meeting of September 17, 2009, as presented.

**VOTE:** The motion was approved on a voice vote with Councilors Bushee, Calvert, Dominguez, Ortiz, Romero, Trujillo and Wurzbarger voting for the motion, none against, and Councilor Chavez absent for the vote.

## **9. PRESENTATIONS**

### **a) INTRODUCTION OF LAW ENFORCEMENT ACADEMY GRADUATES/RECENTLY HIRED LATERALS. (CHIEF ARIC WHEELER)**

Chief Wheeler introduced the new Law Enforcement Academy graduates and recently hired laterals to the Governing Body, and gave a short biography for each of them..

Mayor Coss and the members congratulated the new hires. Mayor Coss introduced Sgt. Alessio who is leading the recruitment efforts.

Councilor Bushee asked if the department is now at full staffing.

Chief Wheeler said the department is at full complement, which doesn't include any positions which have been given to them through the COPS grant. He said they are still processing the paper work and he received an email today regarding the COPS grant, so hopefully that money will be coming through. He said they are continuing to test, and tomorrow they will be testing 25 applicants.

Councilor Bushee said then that's 8 officers we can add potentially, and Chief Wheeler said yes.

Responding to Councilor Bushee, Chief Wheeler said the grant is for 3 years.

Mayor Coss said there are 8 cadets in the academy right now.

Chief Wheeler said correct, there currently are 8 cadets going through the academy, which went to the academy right after Fiestas.

Councilor Trujillo noted a recent robbery incident in South Santa Fe this morning, and commended Chief Wheeler and the Department for apprehending the robber so quickly after the incident.

### **b) CITY MANAGER RECOGNITION AWARD – ANDREW GARCIA, HORTICULTURIST 1, PARKS DIVISION..**

Galen Buller presented award to Andrew Garcia along with Fabian Chavez, Parks Division Director. Mr. Buller said Mr. Garcia did the planters around City Hall.

Fabian Chavez thanked Mr. Buller for this recognition of Mr. Garcia's efforts to place spots of color around the City with the perennial plantings.

Councilor Bushee congratulated Mr. Garcia, saying he has been a gardener for years.

**c) PRESENTATION TO THE CITY OF SANTA FE AND THE 400<sup>TH</sup> ANNIVERSARY COMMITTEE – BILL DUPUY, KSFR NEWS DIRECTOR, SANTA FE PUBLIC RADIO.**

Bill Dupuy honored the Governing Body, Libby Dover and the 400<sup>th</sup> Anniversary Committee with a tribute to Santa Fe by giving them a song which was sung by the New Mexico Mens Camarado.

Mr. Dupuy presented the members of the Governing Body a copy of the tape of the choir singing the tribute.

Councilor Wurzbarger said she wants to put a a copy in the time capsule.

**CONSENT CALENDAR DISCUSSION**

**10(o) CONSIDERATION OF RESOLUTION NO. 2009- 93 (COUNCILOR ORTIZ). A RESOLUTION RECOGNIZING ST. MICHAEL'S HIGH SCHOOL'S 150 YEARS OF EDUCATION AND DECLARING OCTOBER 9-12, 2009, AS "ST. MICHAEL'S SESQUICENTENNIAL WEEKEND." (JEANNE PRICE)**

Brother Paul Walsh, honorary Chairman of the 150<sup>th</sup> Celebration, gave a brief history of the School in Santa Fe and the contributions of the City in this regard. He spoke about the 5 ages of St. Michael's, beginning in 1859 when the Christian Brothers arrived in Santa Fe to found the school; in 1870 Brother Botulph refounded and consolidated the school and made things go; the construction of the Lamy Building in 1878 and the Lew Wallace Building in 1887; in 1916 when Christian Brothers from France took over the school; in 1949 when all of the Brothers at St. Michael's were American Brothers, a good many of whom were from Santa Fe; and now the school is being turned over to a lay board. Brother Paul said the San Miguel Chapel is also 70 years old.

Councilor Ortiz thanked Brother Paul. He said Friday at noon there is a fundraiser for the San Miguel Chapel, and the homecoming events celebrating 150 years will happen next week, beginning October 9, 2009, and going through the weekend. He invited the public to attend the events next weekend. Brother Paul said there will be an all-class reunion.

Mayor Coss said Councilor Ortiz will be representing him in the procession, noting he will be attending the events on the weekend.

Councilor Ortiz said it is his honor to represent the Mayor.

Mayor Coss congratulated St. Michael's on its 150<sup>th</sup> and said he will be there for the celebration dinner.



**MOTION:** Councilor Ortiz moved, seconded by Councilor Romero, to adopt Resolution No. 2009-93.

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

**For:** Councilor Bushee, Councilor Calvert, Councilor Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo and Councilor Wurzbarger.

**Against:** None.

**Absent:** Councilor Chavez.

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**END OF CONSENT CALENDAR DISCUSSION**

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11. **CONSIDERATION OF RESOLUTION NO. 2009- 94. A RESOLUTION SUPPLEMENTING RESOLUTION NO. 2009-85 AND ORDINANCE NO. 2009-35, WHICH AUTHORIZED THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO, AND THE NEW MEXICO FINANCE AUTHORITY, IN THE PRINCIPAL AMOUNT OF \$29,615,000; ESTABLISHING THE FINAL NET EFFECTIVE INTEREST RATE, THE FINAL PAYMENT SCHEDULE AND OTHER MATTERS WITH RESPECT TO THE LOAN AGREEMENT; AUTHORIZING AUTHORIZED OFFICERS TO TAKE ALL NECESSARY ACTION TO INCORPORATE SUCH TERMS INTO THE LOAN AGREEMENT BY SUPPLEMENTING EXHIBIT B OF THE LOAN AGREEMENT; AND RATIFYING ACTIONS PREVIOUSLY TAKEN IN CONNECTION THEREWITH. (DAVID MILLICAN)**

A copy of "Report on Final Loan Terms," for financing the acquisition of the College of Santa Fe property through the New Mexico Finance Authority, dated September 30, 2009, prepared by First Southwest Company, is incorporated herewith to these minutes as Exhibit "1."

Helene Hausman presented information from the materials in the Council packet. She said bond counsel Dwayne Brown and financial advisor George Wiliford, are in attendance to answer any questions.

George Wiliford presented information from Exhibit "1." Please see Exhibit "1" for specifics of this presentation. Mr. Wiliford noted that the information in Exhibit "1" summarizes the actual results of the loan which is now in place between the City of Santa Fe, and the New Mexico Finance Authority.

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Calvert, to adopt Resolution No. 2009-94.

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

**For:** Councilor Bushee, Councilor Calvert, Councilor Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo and Councilor Wurzbarger.

**Against:** None.

**Absent:** Councilor Chavez.

**12. REQUEST FOR APPROVAL OF THE SANTA FE CITY AND COUNTY ALCOHOL ABUSE WORK GROUP RECOMMENDATIONS. (GALEN BULLER)**

Galen Buller presented information from the Sixty Day Report Presentation which is in the Council Packet. Please see the report for specifics of this presentation. Mr. Buller thanked Cynthia Delgado who put so much work in shepherding this through the City and the County.

Cynthia Delgado spoke about the next steps, noting the Committees will be coming back with some action plans. She commended everyone for the incredible work which has been done cooperatively by all of the parties. She said the recommendations have been provided to the Governing Body and the committees are already meeting and beginning to develop action plans for implementing the recommendations. She said it is hoped the City and County will approve these recommendations. She noted the County will consider approval of the report in October.

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

**DISCUSSION:** Councilor Bushee asked if the recommendations are pretty much those which were presented at the joint meeting and Mayor Coss said yes.

Councilor Bushee said she had concern about the publicly owned space and how many variances would be sought and where that's going.

Mayor Coss said he will be introducing that tonight, and the variances and exceptions are enumerated such as the Convention Center, Farmers Market and such.

Ms. Delgado said once it is introduced it will go through the committee work and then to this body once it completes that process.

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

**For:** Councilor Bushee, Councilor Calvert, Councilor Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo and Councilor Wurzbarger.

**Against:** None.

**Absent:** Councilor Chavez.

**13. MATTERS FROM THE CITY MANAGER**

There were no matters from the City Manager.

**14. MATTERS FROM THE CITY ATTORNEY**

There were no matters from the City Attorney.

**15. MATTERS FROM THE CITY CLERK**

Ms. Vigil reminded the Governing Body that Candidate packets will be released to candidates, beginning at 8:00 a.m., tomorrow morning in her office.

**16. COMMUNICATIONS FROM THE GOVERNING BODY**

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of September 30, 2009, is incorporated herewith to these minutes as Exhibit "2."

**Councilor Calvert**

Councilor Calvert had no communications.

**Councilor Dominguez**

Councilor Dominguez said he hopes we can use the horticulturist position to help with the median design standards. He said there have been some requests to get that finalized and maybe he can help.

Councilor Dominguez said he has a list of items which have been sent to him from the residents in Las Acequias and he will provide that to Mr. Buller.

Councilor Dominguez said he will be introducing a Resolution in the future which provides penalties for illegal construction activity in the Historic Districts, and the intent is for this to be a funding source to educate young people in historic preservation and get them engaged in that activity. He will be introducing that at the next meeting.

**Councilor Wurzbarger**

Councilor Wurzbarger had no communications.

### **Councilor Trujillo**

Councilor Trujillo at the last meeting we discussed the donation of land to the Office of Veterans Affairs, and he brought up the issue of upright headstones. He said he will be spearheading an effort to gather signatures to send to the U.S. Congressional Delegation hoping that they will work to get the Veterans Affairs Office in Washington to overturn the decision about no upright headstones. He has talked with a lot of veterans. He will be talking with staff and will be introducing a Resolution appealing to the U.S. Congressional Delegation to repeal Senator Domenici's bill which resulted in the flat headstones.

### **Councilor Ortiz**

Councilor Ortiz introduced a Resolution, cosponsored by Mayor Coss and Councilor Wurzbarger, authorizing and directing the City Manager to enter into negotiations with the Railyard Corp., to develop a plan which would provide for the completion of the unfinished public and private spaces at the Santa Fe Railyard in accordance with the Railyard Master Plan. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "3."

Councilor Ortiz said there is an issue in relation to the relocation of State office complexes and State buildings, and the City has not had the opportunity to weigh-in on those discussions because the bill he cosponsored with Councilor Romero regarding the water service agreement is still somewhere in the administration. He asked for a status report on that Resolution and the timeline for getting that bill in place.

Mr. Katz said the bill is ready to be introduced.

Councilor Ortiz said it was introduced a month ago and there were some revisions Mr. Katz's office was going to do and then move it through the City process. He said there have been representations that the State doesn't have to abide by City Code in building its complexes. He wants to get this bill on track and before committees so the State is put on notice that the City does have an interest in the location on these State offices and would like to have some input in that decision.

Councilor Ortiz said next week he will be celebrating his 25<sup>th</sup> class reunion as well as the 150<sup>th</sup> anniversary of St. Michael's and said: Go Horsemen.

### **Councilor Bushee**

Councilor Bushee introduced the following:

1. A Resolution directing staff to prepare Rules of Practice and Procedures for adjudicative proceedings in cases arising under Chapters 14 and 26. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "4."

2. A Resolution to solicit names of individuals to rename the Boys and Girls Club Park, noting individuals are seeking to name it after former Mayor Louis Montano, because of his work with young people at the Boys and Girls Club. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "5."

*Councilor Chavez arrived at the meeting*

Councilor Bushee said there is a situation on San Francisco where an individual is considered as hoarding cats and has created a non-profit. She said the answer from Animal Control is to provide a trap to begin trapping these dozens of cats and it's pervasive in the neighborhood. She would like someone to get back to her about a different approach than asking individuals to trap dozens of cats.

**Councilor Romero**

Councilor Romero introduced a Resolution directing staff to conduct a feasibility study for the development of a Sustainability Demonstration Center in the area of the Genoveva Chavez Community Center and the Rodeo Grounds. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6."

Councilor Romero thanked Chief Wheeler and staff for attending the meeting at Kaune School which she and Councilor Chavez cosponsored, noting it was well attended and it gave good momentum to develop neighborhood watch programs and revitalization of the COPS program. Councilor Romero said, unfortunately, the meeting conflicted with the DWI Task Force joint meeting, and thanked Cynthia Delgado for her good work in this regard.

Councilor Romero thanked YouthWorks and the City for developing murals on the back of Santa Rosa Drive. These are walls facing the tracks and have been marred by graffiti. They have taken the first steps to start priming the walls, so we can look forward to some lovely murals.

Councilor Romero thanked Robert Romero and staff for the update on how the money is being spent in District 2 on parks, noting she sent that information out to the people in the District and it was well received. She encouraged other Councilors to get the same update to their constituencies.

Councilor Romero thanked the Mayor for the opportunity to be on the talk show, KSFR 1260 Talk Radio. She said this morning it was a visit with Alex Valdez from St. Vincent's. She is looking forward to more opportunities on other talk shows, and will look to the community for ideas to support this effort.

**Councilor Chavez**

Councilor Chavez apologized for being late.

Councilor Chavez spoke about what has been done to amend the City's procurement code to support local businesses as much as possible. He spoke about the situation where there was an Artist

and Craftsmen Seminar which was attended by a lot of people. This is an example of the City providing funding to someone who then can subcontract. The people who were hired to do the Seminar were experts but were not from the local community. He would like for us to look for ways to see that those funds stay here in town.

Councilor Chavez updated the Governing Body on the activities during Hispanic Heritage Month, noting there is a short schedule, and some of the events will be at the Community Gallery in addition to performances on the Plaza. He said it wasn't budgeted this year, so there is a gap in funding. He asked Councilor Wurzburger to assist in helping him to seek funding for this purpose.

Councilor Chavez introduced the following:

1. A Resolution for funding National Hispanic Heritage Month. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7."
2. A Resolution urging the Legislature to enact a local Hispano Arts & Crafts Sales Act similar to the one for Native Americans. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."
3. A Resolution establishing an application fee for persons who apply for a license under the Plaza Pushcart Ordinance. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."
4. An Ordinance accepting the first phase of Annexation. A copy of the Ordinance amendment is incorporated herewith to these minutes as Exhibit "10."

Mayor Coss said he would be glad to cosponsor these introductions.

### **Mayor Coss**

Mayor Coss introduced the following:

1. An Ordinance regarding the sale or consumption of alcoholic beverages on City property. A copy of the proposed Ordinance amendment is incorporated herewith to these minutes as Exhibit "11."
2. An Ordinance revising the Municipal Election District Map to reflect annexations. A copy of the proposed Ordinance amendment is incorporated herewith to these minutes as Exhibit "12."

Mayor Coss asked Mr. Buller to begin work on a Resolution for the City's legislative priorities, because some of the Alcohol Task Force recommendations will require us to lobby at the Legislature for the local option tax. He noted the Governor is going to put domestic partnership on his call, and he would like the City to go on record again as supporting that. He believes we should be ready with our capital outlay requests for Legislature in October so we can meet with our delegation in November.

**END OF AFTERNOON SESSION AT 6:10 P.M.**

## **EVENING SESSION**

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

The Evening Session was called to order by Mayor David Coss, at approximately 7:15 p.m. Following the Pledge of Allegiance, salute to the New Mexico Flag, and Invocation, Roll Call indicated the presence of a quorum as follows:

#### **Members Present**

Mayor David Coss  
Councilor Rebecca Wurzbarger, Mayor Pro-Tem  
Councilor Patti J. Bushee  
Councilor Christopher Calvert  
Councilor Miguel Chavez,  
Councilor Carmichael A. Dominguez  
Councilor Matthew E. Ortiz  
Councilor Rosemary Romero  
Councilor Ronald S. Trujillo

#### **Others Attending**

Galen Buller, City Manager  
Frank Katz, City Attorney  
Yolanda Y. Vigil, City Clerk  
Melessia Helberg, Council Stenographer

### **F. PETITIONS FROM THE FLOOR**

A copy of a "Motion for Reconsideration of Denial of Variance for 604 ½ Galisteo, Case #A 09-05," submitted for the record by Stefanie Beninato, is incorporated herewith to these minutes as Exhibit "13."

Mayor Coss said each person will have two minutes to present their petitions.

**Stefanie Beninato** said, "I am here to petition the Council for reconsideration in the denial of the variance. And I'm here because I think the Council should be thinking about saving taxpayers money. There has been evidence presented to you that there is bias on the Board of Adjustment and members, which include Monica Montoya, who not only reviewed my neighbor's development but also is a consultant in projects to the Land Use boards. It violates a lot of case law that says any appearance of bias is a violation of due process. Whereas another problem.. other problems that I'm giving you for you to reconsider because you completely denied the evidence of bias. And again, you have Ms. Ladd who has a \$21,000 plus grant from the City who is also on that Board which again I believe is a conflict of interest. We have City Council bias, which you have this motion for reconsideration in front of you as to how you're biased disposed. And again, I think an administrative body in the appearance of bias is a denial due process, since there's very little due process allowed. You also have problems because I did not have

opportunity to examine the witnesses. Ms. Brennan had told me by email that this staff would not testify, and that was changed [inaudible]. And, more importantly 4 out of the 5 staff members who did testify did not do so under oath, so you are in violation of due process. In terms of Bobby Padilla, he was negligent in inspecting my plans, so there is no reason to not [inaudible]. [The balance is inaudible because Ms. Beninato was too close to the microphone]. Ms. Beninato asked for reconsideration of the denial of the variance by this Governing Body for 604 ½ Galisteo. [Please see Exhibit "13"]

## **G. APPOINTMENTS**

### **Planning Commission**

Mayor Coss made the following appointment to the Planning Commission:

Dr. Mike Mier – to fill unexpired term ending 06/2011.

**MOTION:** Councilor Chavez moved, seconded by Councilor Trujillo, to approve this appointment.

**VOTE: VOTE:** The motion was approved on a voice vote with Councilors Bushee, Calvert, Chavez, Dominguez, Ortiz, Romero, Trujillo and Wurzbarger voting for the motion and none against.

### **Marty Sanchez Links de Santa Fe Advisory Committee**

Mayor Coss made the following appointment to the Marty Sanchez Links de Santa Fe Advisory Committee:

Signe I. Lindell, Ed.D – to fill unexpired term ending 12/2009.

**MOTION:** Councilor Bushee moved, seconded by Councilor Chavez, to approve this appointment.

**DISCUSSION:** Councilor Chavez asked if this appointment completes the membership, and Mayor Coss said it does.

**VOTE:** The motion was approved on a voice vote with Councilors Bushee, Calvert, Chavez, Dominguez, Ortiz, Romero, Trujillo and Wurzbarger voting for the motion and none against.

## **H. PUBLIC HEARINGS**

- 5) **PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE SALE/CONSUMPTION OF ALCOHOLIC BEVERAGES (BEER AND WINE ONLY) AT EL MUSEO CULTURAL DE SANTA FE, 1615-B PASEO DE PERALTA, WHICH IS WITHIN**



**300 FEET OF ALVORD ELEMENTARY SCHOOL, 551 ALARID AND LOCATED ON CITY PROPERTY. THE REQUEST IS FOR THE HISPANIC HERITAGE MONTH CELEBRATION TO BE HELD ON OCTOBER 12, 2009, FROM 5:30 P.M. TO 9:30 P.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil.

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

**MOTION:** Councilor Calvert moved, seconded by Councilor Romero, to approve the request for a waiver of the 300 foot location and to allow the sale/consumption of alcoholic beverages (beer and wine only) for the Hispanic Heritage Month Celebration at El Museo Cultural de Santa Fe, on October 12, 2009.

**DISCUSSION:** Councilor Chavez said in the Memorandum it says the event is 5:30 to 9:30, but on page 2 of this packet item, it indicates the event is 5:00 p.m. to 10:00 p.m.

Ms. Vigil said they did verify with the applicant that the hours are 5:30 p.m. to 9:30 p.m., explaining that the request was received late on Friday afternoon, and there was not enough time for them to change their written request and get it in the Council packet.

**FRIENDLY AMENDMENT:** Councilor Chavez asked that the motion be amended to clarify that the hours of the function will be 5:30 p.m. to 9:30 p.m. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

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

**For:** Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Ortiz, Councilor Romero and Councilor Trujillo.

**Against:** None

**Absent for the vote:** Councilor Wurzbarger.

- 1) **CONSIDERATION OF RESOLUTION NO. 2009- 95. CASE #M 2009-05. NORTHWEST QUADRANT GENERAL PLAN AMENDMENT. THE CITY OF SANTA FE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO REVISE THE DESIGNATIONS OF 540± ACRES TO INCLUDE APPROXIMATELY 122 ACRES IN A MIX OF VERY LOW DENSITY RESIDENTIAL (1-3 DWELLING UNITS PER ACRE), LOW DENSITY RESIDENTIAL (3-7 DWELLING UNITS PER ACRE), MEDIUM DENSITY RESIDENTIAL (7-12 DWELLING UNITS PER ACRE), HIGH DENSITY RESIDENTIAL (12-29 DWELLING UNITS PER ACRE), NEIGHBORHOOD CENTER AND TRANSITIONAL MIXED USE; AND APPROXIMATELY 418 ACRES OF PARKS AND OPEN SPACE. THE PROPERTY IS LOCATED SOUTH OF NM 599 AND WEST OF ST. FRANCIS DRIVE. (TAMARA BAER)**

*Items #H(1), (2), (3) and (4) were combined for purposes of presentation, discussion and public hearing, but were voted upon separately.*

A Memorandum prepared September 21, 2009 for the September 30, 2009, City Council meeting, with attachments, to the Mayor and City Council, from Tamara Baer, Manager, Current Planning Division, regarding Case #M 2009-05, Case #ZA 2009-02, Case #A 2009-06 and Case #A 2009-07, is incorporated herewith to these minutes as Exhibit "14."

Exhibit 11 Applicant's Submittal Packet for PC Meeting of 6/18/09, which includes the following items is incorporated herewith to these minutes by reference, and copies can be obtained in the Land Use Department:

- a. Master Plan and Design Standards – Light Blue Spiral Bound Book;
- b. Master Plan – Hard Copy of CD in Pale Green Notebook;
- c. Public Process Volume 1 – Pale Orange Spiral Bound Book;
- d. Public Process Volume 1-A: Public Process/Homework Group – Purple Spiral Bound Book;
- e. Traffic Impact Analysis, February 5, 2009 – Grey Spiral Bound Book;
- f. Financial Pro Forma – Green Stapled Document; and
- g. Master Plan and Design Standards as submitted to Planning Commission for meeting of June 18, 2009 – Pale Green Notebook.

A copy of a power point presentation, "Northwest Quadrant Master Plan," dated September 2009, submitted for the record by Kathy McCormick is incorporated herewith to these minutes as Exhibit "15."

A copy of a letter to the City Councilors from Janie and George Bingham, regarding the NWQ Master Plan, read into the record, and entered for the record, by Bob Dolar, is incorporated herewith to these minutes as Exhibit "16."

A copy of a letter to Mayor David Coss and City Councilors, dated September 27, 2009, from Oscar Daniel Ardilla, read into the record, and entered for the record, by Bob Dolar, is incorporated herewith to these minutes as Exhibit "17."

A copy of a letter dated September 30, 2009, to Mayor Coss from Governor Mark Mitchell, regarding this agenda item, entered for the record by Mayor Coss, is incorporated herewith to these minutes as Exhibit "18."

The staff report was given by Tamara Baer. Please see Exhibit "14," for specifics of this presentation. Ms. Baer said one important procedural item which has not been addressed previously is the expiration of approvals, noting there are time limits on the Zoning approval, and the Master Plan is part of the Zoning approval. If the City Council approves the Rezoning with the Master Plan this evening, she would suggest approving a time extension which would apply to the zoning. Ms. Baer reviewed the Table of Contents [Exhibit "14"] which details the items in the Council packet.

Ms. Baer said the following staff are in attendance to answer questions: Justin Snyder, Santa Fe Public Schools; John Romero, City Traffic Engineer; Keith Wilson, Transportation Planner, MPO; Andrew Ortega, City Fire Marshal; Stan Holland, City Wastewater; Antonio Trujillo, City Water Division; Wendy Blackwell and Tamara Baer, City Land Use Department.

Kathy McCormick said she will be making the presentation this evening. She introduced the Design Team, Claudia Horne and Suby Bowden who made her realize how important it is to work with people who are local. She noted that they used all local consultants on the project.

Councilor Bushee asked who are the official appellants.

Mr. Katz said the appellant on the two variances is the Housing and Community Development Department.

Councilor Bushee asked what staff will be answering questions regarding appeals that aren't appellants – what staff would be available from Housing and Community Development Department who aren't appellants.

Mr. Katz said he doesn't know that they plan to have respondents, and it would be to whomever you want to ask questions.

Councilor Bushee asked how she can ask questions of the appellants.

Mr. Katz said he believes she would ask questions of Ms. McCormick.

Councilor Bushee said she doesn't want to ask questions of appellants, she wants to ask questions of staff who are not appellants, and Mr. Katz said he doesn't understand.

Councilor Bushee said she doesn't believe it would be legal or appropriate for her to ask questions regarding the appeals of the current City staff because they are the appellants.

Mr. Katz reiterated she would want to ask questions of whomever she would like in that department. He suspects for these purposes that she would say Kathy, as the Department Director is the representative, is the appellant, and then she could ask questions of anyone else in that Department or anyone else in the City.

Councilor Bushee doesn't believe staff can wear "both hats" in the appeals case, and asked Mr. Katz if he saying that they can.

Mr. Katz said yes.

Councilor Bushee said she wanted that answer for the record.

#### **Presentation by the Appellant/Applicant**

Kathy McCormick presented information regarding this matter via power point. Please see Exhibit "15" for specifics of this presentation.

Marquita Russell, Chief of Programs, New Mexico Finance Authority, said she was asked by staff to speak about whether this kind of project has financing options available to the City for it. She said there are programs such as the Public Improvement District and Tax Increment Financing all of which have been funded through the New Mexico Finance Authority's Public Project Revolving Fund. This is an option which will be available to the City if the City proceeds with the project.

Councilor Wurzbarger asked Ms. Russell if she has validated the idea that in projects such as this, where the public good is implied and intended, it is not unusual to seek this kind of funding.

Ms. Russell said no, it is not unusual. She said projects similar to this one have been done in Albuquerque and Rio Rancho which have used this kind of funding to shore up the infrastructure to allow for this kind of development to move forward.

Councilor Chavez said we talked about the public good and the jobs such a project might develop. He asked staff the total cost of this project.

**Suby Bowden, Design team, was sworn.** Ms. Bowden said she will be managing questions

tonight, and directing questions to team members and staff members. She said it will cost \$250 million for the Master Developer for a 30-40-30 mix of homes.

Councilor Chavez asked if this will include all of the infrastructure, on site improvements, and such, and Ms. Bowden said it does.

Councilor Chavez asked if the total cost includes the water being provided and the land purchase between the City and the Santa Fe Public School system, and Ms. Bowden said it does.

Councilor Chavez asked the dollar amount of the 118.4 afy of water which the City will be providing for both affordable and step-up housing. He noted the source of the water is from the City-owned Buckman Well Field offset water rights.

Mayor Coss asked Councilor Chavez to ask only financial questions, because he wants to move forward with the Public Hearing.

Councilor Chavez said he can wait, because this is part financial, because we are talking about a very valuable public asset which is the water which is proposed to be allocated for this development. He said he will yield the floor for an answer later, and the question is noted for the record.

Ms. DePietro referred to Resolution 2008-89, which covered water for the affordable and committed water for the step-up units, with the condition that up to \$10,000 would be paid for each one of those step-up units, and the market water would be bought by the developer..

Councilor Chavez said that answers his questions for now.

### **Public Hearing**

Mayor Coss said each person will have 2 minutes each.

Everyone speaking was sworn *en masse* by Yolanda Vigil, prior to speaking.

### **Speaking to the issue**

Mayor Coss allowed Ms. Nicole De Jurenev, VP, Casa Solana Neighborhood Association, 10 minutes for her presentation.

**Nicole De Jurenev, Vice President, Casa Solana Neighborhood Association, 201 Alamo Drive**, said she is also the Chair of the Northwest Quadrant [hereafter "NWQ"] Committee, and read a statement into the record in opposition to the approval of the Master Plan, Rezoning and Variances for the

NWQ, citing increased traffic, invasion of the 30% slopes, highly visible ridgetops, inadequate streets and water and sewer infrastructure, and the concern about sewage backups caused by the additional stress on the system. Ms. De Jurenev spoke about the toxic waste generated from the additional surface water into the groundwater, as well as methane gas from the nearby landfill. She spoke about the density of the development and of the current market which makes sales of homes very slow. She spoke about the plan to dump traffic into the neighborhood from two directions. She said Kathy McCormick and Suby Bowden have promised certification of the sewer line from the City Wastewater Division for over a year and asked where it is. She is concerned about who would pay for the sewer backup, noting that the City's risk insurance would be inadequate.

Ms. De Jurenev said the Planning Commission, in its Findings of Fact, said the existing roadway infrastructure is unable to support the development and the sewer system will require a minimum of \$350,000 in improvements. She said the real gap in funding is \$65 million, and asked if the tax payers really want to pay \$65 million for 227 affordable houses.

Ms. De Jurenev said she has tried for three years to get the City to address Casa Solana's concerns. She said the City literally is putting their lives in jeopardy with the influx of traffic through Casa Solana. She said they have decided that the NWQ does not promote public health and safety and may increase the risk of fire in the surrounding neighborhoods. She said there is an inadequate traffic plan, the dangerous sewer proposals and a \$66 million plus shortfall, and she can't imagine how anyone can contemplate developing the NWQ. She asked the Governing Body to show compassion to the Casa Solana neighborhood, deny the NWQ Master Plan and protect their neighborhood. She asked everyone in attendance who is opposed to the NWQ to please stand.

**Karen Walker, 205 Delgado**, said she wants to comment on the variances. She said the City needs to comply with the 7-day Rule, noting the ruling by Judge Hall in July 2008. She said a copy of that ruling was provided to the City Clerk, the clients and the City Attorney. She said the ruling provides that the City has to follow its own ordinance which includes terrain management and the escarpment.

**Ellen Collins** said she is representing 40 households in the Tano Road area, and asked for four minutes to speak to the issue, which was granted by the Mayor. Ms. Collins noted the first houses were built in her area over 70 years ago. She said the Association is concerned that the City would approve a traffic plan which proposes only one public access point at Ridgetop Road, noting the traffic plan was rejected by the Public Works Committee and the Planning Commission. She said Ridgetop Road can't accommodate a projected population density of an additional 7,000 to 8,000 residents. She said further development in the NWQ area should be contingent upon the preparation of a traffic plan which adheres to the requirements of New Mexico (Santa Fe) Resolution 2006-1, a traffic plan which was approved by the Public Works Committee and the Planning Commission. Construction of any development in the NWQ should be contingent upon strengthening and expanding road infrastructure mitigation according to the

DOT 599 Study, the MPO Transportation Plan and the approved NWQ Vision Traffic Plan..

**Elena Moreno, 3691 Zuni, #585**, said she is a single mother of a 10 year old boy, and asked the Governing Body to carefully consider the proposal before them. She is here to ask that you plan for affordable housing in Santa Fe, which continues to be an issue which will persevere in one way or another. She said she has come to realize the importance of affordable housing after living in Santa Fe for ten years. She said the City has a vested interest in the safety of its employees. She said it is well known that many Santa Fe employees can't live in the City proper because of the lack of affordable housing, and during the winter months often have to choose between coming in late or not at all. She said current generations are leaving Santa Fe at an unacceptable rate, and although they can make good money here, they cannot afford to buy a home and raise a family here. Our community is growing older without our children who are emigrating to Rio Rancho, Albuquerque and places out of state. She works for a social agency which serves people with developmental disabilities, many on fixed incomes, and eligible for a variety of financing for housing but have difficulty in locating affordable and accessible housing. She said we can't continue to build for the wealthy, and because of the economic crisis, aren't visiting Santa Fe as often as they used to do. People who live here bring dollars into the economy, and we need those people. She urged the Council to continue to make affordable housing a priority for this administration.

**Asenath Keppler, 1572 Cerro Gordo Road**, said the Santa Fe City Council needs to stop the proposed NWQ project. The Planning Commission denied the proposal and Council should do the same tonight. She said an article written by Rick Martinez in last Sunday's Santa Fe New Mexican discussed many of the reasons why the NWQ needs to be shelved now, and she agrees with him. She said fiscally, we can't afford this project. A close examination of the NWQ Master Plan and supporting documents shows that it is financially unsustainable, at a time when Santa Fe is living "hand to mouth," on increasingly unpredictable revenue. She said the Public Safety departments are over-stretched and understaffed, and asked how the City can afford to extend the City's service area without a reliable, permanent source of funding. She said another reason to shelve the project, is that we must stop the urban sprawl that is destroying the character of Santa Fe. She said the natural environment is an integral part of our culture and our history, and it shouldn't be gambled away under the attractive guise of meeting workforce housing needs, which she has long supported. She said there are smarter ways for us to reach our housing goals, while finishing what we started in Tierra Contenta in the mid-1990s. She said we need to strengthen and continue to revitalize an important community so it achieves its full potential for everyone who lives there. She said we must say no tonight to irresponsible spending and continued urban sprawl.

**Bob Dolar, 1643 Calle Sotero**, said he has been asked to read two letters which were written in support of this project from Janie and George Bingham [Exhibit "16"] and Oscar Daniel Ardilla [Exhibit "17"]. Mr. Dolar read the two letters into the record, and submitted the letters to be entered for the record.

**Hank Hughes, 4 Victoria Peak, Executive Director, New Mexico Coalition to End Homelessness**, said he had the privilege of working with Suby Bowden and others on the plan and he has

been impressed with the fairness of the group in considering all of the different factors. He thinks it is a very good plan and would urge the Council to approve the Master Plan. He said the green features are significant, not the least in being close to where a lot of people work. He said it would be nice for his children to have the option of being able to live in Santa Fe. He said he can afford to live here because he bought his home in 1989, but most people living here don't have the option to buy an affordable home. We need to keep moving forward on affordable housing. He would be interested in developing some of the rental housing that would be part of the development. He said the economic conditions aren't right, right now to build this, but he believes it will be in the future. Santa Fe continues to grow. He doesn't think all of the affordable housing should go on the southwest side of town and it should be spread around.

**Joyce Roberts, 738 Camino Princessa, representing the Santa Fe Estates Neighborhood Association**, is concerned about the traffic on Ridgetop Road, and believes this will put a lot of traffic on this two-lane road which was never designed to serve as a major arterial for an additional 700 homes on top of everything that's being built on the other side of #599. She said the Association believes the "pinch point" at the bridge entering on #599 will be a major area of traffic congestion, and possibly traffic accidents. She said there needs to be consideration to rebuild the bridge at some point and put in turn lanes. She spoke about the recent closure on #599 where there was only one lane in the morning. She said this was open space and believed it would be open space when it was given to the City. Lots of people use it as open space and they think it should remain that way.

**Michael Rodriguez, 123 Solana Drive**, said he has four points to make. (1) Is this a smart development. It has financial access, sloped sewer and numerous road blocks "that has not been solved in 10 years by Santa Fe's finest planners. These unsolved problems will kill this project for anyone using their own money. (2) affordable housing can be accomplished in much simpler ways. (3) legal issues arise when the City Council grants itself variances, but it may not grant for others. (4) Regarding the vision, the planners aren't listening to the people. There is public dissent because the current proposal is not a good use of public land. He said public land must be used for all citizens for all times, and not just a few lucky ones. The City must be visionary – perhaps an extension of UNM or an alternative energy fee park and research center – something which will bring jobs and money to all of us. He said perhaps a combination – open space and simply open space.

**Robin Finley, 213 Serena Drive**, said she has lived in Casa Solana for 21 years and grew up in Santa Fe. She urged the City Council not to pass this master plan, because it is very poorly thought out. She has attended a lot of the development meetings about the NWQ and it seems the things brought up 3 years ago are the same things we are discussing today – traffic and sewer problems and poor planning by the City and the Council.

**Bill Friedman, 1209 Placita Loma**, said he has lived in Casa Solana for 37 years and is very familiar with the NWQ because he has walked it with his dogs for years. He said with regard to the variances, the presentation was so slick he wonders why he is here. He said the presentation showed one of the widest portions of the road. If you go up to the PNM substation, the road isn't there. The escarpment is "clear underneath" you and the way they would have to fill that up is absolutely unbelievable



and would take it from a 30% slopes to a 40-50% slope. It is not feasible. He said the sand structure is terrible. It is rock and sand and when gets wet it moves. He doesn't know how it can be stabilized. He said the City has good rules about what you can and cannot do, and you should follow those. He said Councilor Chavez brought up one of the most important points which is the water. The City is planning on getting the water from the Buckman Diversion project. He believes it is tied into the Aamodt water case. He said the last proposed settlement in that case was voted down by 3,200 residents of the valley, and he doesn't see a solution in our lifetime. He said if you're giving water from there you won't get it until this is settled. He asked the Council to remove politics from this situation and vote on the facts and what is right.

**Bruce Geiss, 1663 Centro de la Villa**, in Estrellas which is close to this project. He said he appreciates everyone with whom he's worked over the years. He is a Managing Agent for Santa Fe Estates which was created in the Las Estrellas development – 550 acres, 853 homes. He said under the right circumstances the NWQ is a logical companion to a larger solution which can diversity income levels and economic development to our rarified north side. He commended Ms. McCormick and the design team for an extraordinary amount of work in pulling people together. He said there is much work to do, although the process has encouraged a large variety of voices and the platform is credible. He said it needs some political input and support. He is interested in the economic performance of the project, noting he is the one responsible for the \$40 million shortfall. He said in delivering affordable housing to the actual buyers it is not uncommon to have a shortfall and for there to be a developer subsidy ranging from \$100,000 to \$165,000 per house. He said the City has unique resources it can use to solve this problem, and believes the project should advance to the next step if funding is the only issue. He believes that the single access is a non-starter totally for this project, noting no private developer would be allowed to create a project of this magnitude with a single point of access. He agrees that Casa Solana needs to be project. He said adding more connectivity adds to the shortfall. He said if the shortfall is the only problem, this ought to be supported tonight, and solve that problem as you go down the road. He asked that conditions be placed that access solutions be created by the time the preliminary development plan is submitted, and that the funding and the subsidies be developed by the time the final development plan is approved.

**Victor Martinez, contractor**, said he is here as a contractor. He said he sees the pictures, but it is more like a facade to him. He said he won't benefit from this job, nor has he benefitted from Tierra Contenta. He said we do not need to turn 599 into another Cerrillos Road, and the traffic has to flow there. He talked about the difficulty in driving to work. He said this money should go to the Southside sector. He said he has worked with Councilor Ortiz. He said we need to do improvements on the south side, and improve the roads. He said we are spending money on the Community College and we're spending money on parks. He wants see something where the GRTs come back to the construction people to offset costs. He said they can use something to help them. He wants to know where the money is going as a local, general contractor.

**Ed Rosenthal, 1479 Zepol Road, Director of the Enterprise Foundation's Native American Program**, noting Enterprise is 27 years old and they have invested \$10 billion in affordable housing around the country, and put more than 240,000 families in affordable homes, noting they have spent \$100 million in New Mexico. He said they have worked closely with the City in its efforts to build affordable housing.

He said this isn't a perfect project and many of the issues need to be addressed, but it is near perfect when it comes to its design for maintaining affordability ranging from low income through workforce housing. He spoke about his survey to look at affordable projects in the City, and none has come closed to the percentage of affordability of Tierra Contenta. He is concerned that if the Master Plan is shot down that we will lose huge opportunity to address affordable housing in the future. He said other places nearby look good, such as Galisteo Basin, Mesa del Sol in Albuquerque, but all of those have significantly less affordability. This is a valuable asset, and probably the only one the City has for affordable housing. He said in the future we will see fewer and fewer dollars from the feds and the State. He said if we lose this asset tonight, it will be difficult to bring back. He supports the project, and urges approving the Master Plan, then put it aside for a few years and use Tierra Contenta as a profile.

**Peter Brill, 1021 Camino Redondo**, said his business is Sarcon Construction, and they are experienced in projects all across town. He said he is in favor of this project, noting this is a new project in the master plan phase and he believes it can adequately address all of the issues through the development review process. He said there is a vision for the community. He said this has the potential to affect a lot of lives in a positive way, and that should be considered when you finally do start "figuring it out."

**Diane Karp, 921 Don Cubero**, said she is here to speak in favor of the NWQ program. She said the master plan is extraordinarily visionary, open and democratic and aimed at creating the kind of neighborhood that makes Santa Fe what it is. She moved here a few years ago and lived in a house on the upper east side, and she couldn't find a neighbor in a time of disaster who would open their door. She now lives in a mixed community on South Capitol which has retail and commercial with a wide variety of income and peoples. It is a neighborhood which is a joy in which to live. She walks her dog in the NWQ. If you take a giant step back and think about the fact that Solana Center had a very different history, and they developed that community in a way that will sparkle. She said what is happening on the Southside doesn't seem to have the same sensibility. However, she believes the NWQ will be a beautiful balance and she is totally in favor of this project.

**Frank Herdman, 1505 Rio Robles**, said Ms. McCormick stated that there were two ENNs, but in fact there was only one ENN quite some time ago, and it was much like this evening's meeting, except there no support for the project, but there were hours of testimony expressing concerns. He said there has been no meaningful effort to go back to the neighborhood to explain how, or if, the concerns raised at that meeting were met. He said this is out of keeping with the spirit of the land development code and out of keeping of the spirit and the letter of the neighborhood bill of rights adopted by this body. He said he distributed a copy of Resolution 2006-93, which was sponsored by Councilors Bushee, Calvert and Trujillo, and was amended and restated in 2004, to which Ms. McCormick referred in her presentation. He said in the Resolution the Governing Body laid out certain principles it committed to follow in the master planning process for the NWQ. He said this resolution made the following commitment, "City staff shall develop, for review and approval by the Governing Body, a master planning process for the NWQ that includes at a minimum the development of detailed construction estimates that conclusively demonstrate the financial feasibility of the project." He said this Resolution is your mandate for the financial feasibility of this project

which is an inherent part of the master planning process when this comes before you tonight. He said this Resolution was your commitment to your constituents that as part of the review of the master plan you required, "detailed construction estimates that conclusively demonstrate the financial feasibility of the project." This is not an ordinary land use case in which you typically don't consider financial feasibility. But you changed the rules in the case because this is a City project and you wanted to assure your constituents that you would not squander valuable City resources, including the NWQ itself. This your resolution, these are your words, this is your promise, and we trust you to keep it.

**Janet Stoker, 1118 N. Luna Circle**, said she has lived in Casa Solana for almost 20 years. She said from 1985 to the early 1990s, she served as a Chair of the Urban Policy Board, later the Urban Policy Committee which was half of the Planning Commission. In 1983, a Northwest Sector Plan was prepared by the Urban Policy Board and presented to the City Council. At the time, a request for effective terrain management regulations and preservation of the escarpment, called for development to be more concentrated in the Arroyos de los Frijoles, and expressed the need for an expanse of utility infrastructure improvements. The plan called for economically integrated houses, areas of community use and 17 miles of trunk sanitary sewer lines to serve development which was proposed for the NWQ. She said the current proposal, in many ways, mirrors the recommendations of that plan. However, those things which have been on the books for over 25 years have not been resolved and the impediments remain. The expanse of infrastructure, the lack of access and the difficulty of the train. She said the City abandoned the use of the soccer fields in Ortiz Park in Arroyo Torreon. It was found that the preexisting, old landfill which lies under the park had decomposing trash which, with runoff, created the possibility of leachates seeping down to the groundwater which underlies the NWQ. In turn, that groundwater supplies the aquifer for the City water wells other than the river. It is therefore of interest for everyone in the area. A serious study needs to accompany anything in the NWQ and asked that the City look at preserving a resource which will be priceless for our children, their children and theirs.

**Frances Parker, 787 Camino Francisco**, said she has been involved in a northwest homeowners group since it was formed 2½ years ago. The major concern about this development consistently has been traffic. She said in all that time, a safety plan has yet to be designed. She said the best they've been able to come up with is to dump all of the traffic onto Ridgetop Road. She said it was determined that Ridgetop Road cannot bear this concept, and will have to be rebuilt and widened. She said the Planning Commission denied the request for the NWQ. [inaudible here] She said it is unreasonable to ask one road to bear the brunt of all the extra traffic, and unreasonable to settle for an unserved country plan. She said there is a blatant disregard for designated open space. The NWQ has lots of possible open space which is undesignated. She believes this sets precedent in terms of open space designation for the future.

**Tiffany Gallegos, #9 San Jose**, said she is supportive of the NWQ Project, saying she was born and raised here, and plans to retire here. She said affordable housing gives her the opportunity to continue to her work here, and she would like her children and future grandchildren to have that same opportunity. She said she wants a community that continues to grow and we need to accommodate that.

**Michael Gold, 126 Pine Street, President, La Nueva Casa Solana Neighborhood Association,** said Santa Fe is many neighborhoods, each with its own character and we love our neighborhoods. Many of us have lived in the same one for decades. He said it is the first duty of the City to protect its established neighborhoods. He said because of the location of this development, with difficult access to major roads, construction, residential units and commercial development would create a river of traffic, threatening one of more of the existing ingress. He said people still talk about how St. Francis Drive split this town in half, and said you are about to unleash a new St. Francis Drive on one or more of the neighborhoods adjoining the NWQ. He said residents of Calle Mejia, Calle Nopal, Casa Solana, Santa Fe Estates and Tano Road are all concern. He said if this is approved and the development proceeds, Santa Fe will suffer from thousands of additional cars and trucks each day routed onto North St. Drive and NM #599. He urged the Council to put this ill conceived project back on the shelf.

**Tamarra Ortiz, 3301 Juniper Hill Lane,** said she supports affordable housing and the NWQ development. She said we've heard from a number of diverse individuals this evening in support and in opposition to this project, saying she can see both sides of the fence. However, she also believes the City will continue to grow in every direction, and it is time for us to grow together as a community. This project includes affordable housing on the north side of Santa Fe which has been absolutely unheard of until recently. She said the Council needs to plan ahead on the approval of the new project to make sure affordable housing is for all. She is sure all issues will be addressed effectively – traffic, water conservation, energy, green building – before it is written in stone. This request is merely positive planning to be implemented when the economy improves and the issues have been resolved, so we can build, grow and prosper. We are merely asking you to plan ahead in the face of recession. This project will have a more positive impact on the City than any open space could ever have. The reasoning that we need to keep this land for beauty and preservation is not comparable to the beauty of children playing in our front yard and to grow with our grandparents and take care of them – this is beauty and preservation. She implored the Council to vote yes on community preservation, move this project forward and to take down this fence that has incapacitated this City for far too many years. The planning of Casa Solana had many obstacles which were resolved and now many people have homes. We need to keep an open mind and remember others who need homes as well. Without vision, we lose sight of the simple things.

**Rick Martinez,** said this is a new bedroom community on our very own land, a Spanish land grant. He asked who is going to live in these 785 new homes – people who just got off the bus with \$350,000 in their pockets – probably so. He said Councilor Trujillo talked about a senior center which is a really true goal. He said Councilor Wurzbarger talked about making the College of Santa Fe one of the top art institutes in the country, as well as redevelopment of St. Michael's, and these are good goals. He said we need to make the right moves to get there, and make sure we have public support in all of these things. He said he would probably support the College of Santa Fe and there is good support for the senior center Councilor Trujillo wants to build on the south side. However, he doesn't believe you have public support on this. He said Councilor Dominguez told him he wanted to be one of the first people to live in the NWQ, and he thinks you should ask what is the rush to get there, and asked if the South side is done so that you need a realtor so fast. He thinks the Council needs to look at what is in the neighborhoods around Santa Fe. We don't have the segregation that you are speaking about. He said come to Torreon, La Joya and

Barrio la Canada, and you will see the diversity of the people who want to stay in the neighborhoods. We need to ask you for help to stay in these neighborhoods. He said are we putting a lot of people in jeopardy just to do this project. He said we need to look at this land in the NWQ as a treasure not a commodity asked that the City not trash it.

**Ouida MacGregor, 2319 Calle Camarico**, said she has been involved in wanting affordable housing since she moved here in 1981. At the time the purchase of Tierra Contenta was contemplated in 1992, we first researched the feasibility of using the City's NWQ. It was not feasible then and it still is now, despite the efforts to hide the true cost of the project. She said the City hired Michael Halsey to do a financial review of the Design Workshop's plan and to show how the NWQ might pay for itself. He found at that time a \$23.4 million shortfall in the plan. To compensate, he devised different ways to move money off the bricks. She said Mr. Halsey was paid to do this, and isn't criticizing him. She said the 540 acres were estimated to be worth \$5 million. Mr. Halsey got land into a basic land trust giveaway to the master development, and have the homeowners pay for it over a 99 year lease, thus making monthly payments for low income residents higher. The City paid the Santa Fe Schools \$56,000 an acre. Secondly the City's portion of the GRTs for the infrastructure, the hard and soft construction costs, are estimated at \$7 million from the \$23.4 million Mr. Halsey indicated. This money from City operations will be used to repay a bond over 10 years. This means that monies needed for the police, fire protection, streets and park maintenance for the new subdivisions will be lost. The total cost of this reshuffling is \$10 million of the loss, but we are actually looking at a \$35-40 million loss, which may be doubled when you consider the off site expenses of a new sewer line, an environmental impact study and new access points. It will inhibit the City from dealing with major new infrastructure needs in the annexation of Southwest Santa Fe which is already presenting great challenges for the police and fire department. Already over \$1.3 million has been spent which could better be spent on public and affordable housing. With regard to the bond, to repay the public schools, is supposed to come out of the same GRTs which you assigned earlier to infrastructure. She said if the project doesn't begin by 2013 the funds to repay the bond will come from the Affordable Housing Trust Fund. She asked the Council to reexamine the project.

**Mike Lofton, 1301 Siler Road, Director of Homewise**, thanked the City Council and staff for all their hard work on this issue. He said this is a big issue. He spoke about the work of Homewise to help people to buy a first home so they can stay here. He hopes that 165 families buy homes here. He said it is possible to buy a home in Santa Fe, but it's not easy. It is still difficult because we still have a severe affordable housing problem. He said the Santa Fe Home Program passed several years has been a huge benefit to help people to find housing in Santa Fe. He said this project won't make the affordable housing problem evaporate. He doesn't believe Zocolo can't provide affordable housing. He said, however, this project will provide affordable housing on the north side, and it could be very good for Santa Fe. This is an opportunity to do something bold and wonderful for the City. There are things which need to be resolved, but that can be done. He urged support of this project. .

**Gayla Bechtol, 1813 Tano Road**, said she supports this master plan. It is a new model for a reform in Santa Fe which we need. She said the planning standards we've been following for such a long time have led to inefficiencies and limits of the current paradigm, which is leading to more sprawl on the

south side, increasing traffic for more of us, more energy use, unhealthy lifestyles and ultimately an unhealthy City. We need affordable housing on north side close to the plaza, and we need to share the burden of affordable housing in all parts of the City. If we don't plan it now, don't approve it now, in 15 years the sprawl will be worse and there still won't be affordable housing. She said the affordable housing tax was defeated and nothing else has come forward. So, how do we create housing opportunities for everyone in all parts of the City and not just the southwest. This plan deserves a chance for success.

**Marilyn Bane 622 ½ B Canyon Road**, said she is a member of the Old Santa Fe Association and speaking on behalf of the Association this evening. On behalf of the 17-member Board, they voted unanimously to ask you to reject this master plan, and feel it hasn't been thought-through as thoroughly as it should. She said they ask that they put this project on the shelf and review it at a time where it can be accommodated. She said their organization was formed to protest inappropriate development in Santa Fe and they are still here 83 years later for the same reason. She said she would like to speak on her own behalf for a moment, she said the Council might approve the plan conceptually, rather than approving the master plan. She would like to go on record as saying she doesn't know how you could approve a concept, unless you are very sure of the goals. Secondly, she has two concerns in looking at the professional brochure for the project. First, that the goal, as stated, was to plug in 70% affordable housing at an affordable price and moderately priced housing. She is shocked that we couldn't keep to the 37%. This plan was originally designed as an affordable housing community, and believes it is wrong to put it under the heading and it is not correct. Secondly, it talks about producing a neighborhood plan that reflects the goals and desires of the public a public process, which she does not believe has happened, and she doesn't believe it reflects the goals and desires of the public. She said some have said we've put so much money into this already, we need to go ahead with it, noting her experience indicates this isn't a good thing to do. She asked the Council not to approve this plan this evening.

**Dianna Einspahr, 725 Mesilla Road**, said she is here to represent the Neighborhood and to support several neighborhood associations affected by this project. She said there are technical reasons this master plan should not be approved, among them traffic, sewer, water and financial reasons. It is important to note how the master plan fails to satisfy the requirements of the Resolution the City adopted, especially without any financial feasibility. The plan also violates the City's affordable housing laws by allowing one property owner, the Santa Fe Public Schools, to fulfill its affordable housing obligations off site. The project can't stand on its own merits, so the decision is a political one. At the elemental level, this is how decisions get made in a community, how resources get allocated. You are also allocating quality of life. She would submit that before you create a new neighborhood that gets a full level higher quality of life at the expense of those surrounding it, that you do the very best you can to improve all neighborhoods' quality of life. She urged the Council to vote no on this project. It's too expensive and there are too many unresolved problems.

**Maggie Monroe Castle, 2337 Camino Rancho Siringo**, said she didn't want to be in the Councilor's seats tonight. She said Nelson Mandela said in his autobiography, "I have walked the road to freedom, I've tried not to falsehood, I've made missteps along away, but when you get to the top of the mountain, what you see are many more mountains to climb." She said this governing body has mountains

to climb over and over again. She is in favor of the NWQ development, because if you don't make this decision because it will come later, because that mountain will be there to climb. She came here 5 years ago and bought an affordable house. She will leave Santa Fe in a worse economic situation than when she came here, even though she was making twice as much as she made anywhere else. This kind of reality in the housing market is creeping down between the wealthy and the poor. She urges to keep this in your hearts and minds as you make decisions. She said she trusts the Governing Body implicitly to find ways around some of the problems which have been discussed tonight. She said Joyce Roberts, a habitat for humanity volunteer, spoke earlier against the project and she has valid concerns, and she hopes the Council address some of the concerns of the community.

**Raymond Herrera, 3709 Hillside**, said 30 years ago his neighborhood was faced with a situation like this one. At the time, there were no ordinances regulating terrain management or any of the problems with which we are confronted this evening. He said the ordinance 1980-1 addressed the escarpment and terrain management which at the time was a big issue because this had never been approached and they were dealing with a big problem. He said, in his opinion, the terrain in this project is worse same situation. The terrain worse than what they encountered back then. He said allowing any variances to terrain management and escarpment ordinances will endanger the lives of the people in Casa Solana and downstream. He said it is important that you consider the health, safety and welfare of the community, because this should be the major concern of the elected officials. He said we haven't encountered flooding, although they are anticipating the 100 year flood. If that happens in this terrain, it will be catastrophic for the Casa Solana neighborhood. He has been looking at the beautiful picture while standing in line. He said to him, it is what the place should mean. He said it belongs to a community and asked why it can't be represented by local people.

**Roy Raust, 632 Agua Fria**, said he is another person who clearly sees both sides of this long conversation, and he is here to support the Master Plan. He hopes the Council will consider some of the criticism, in particular the things about the design and the financial feasibility that will take a long time to make "this a project that could ever be built." More important for him, many people made their investment in a Santa Fe neighborhood, and it's going to take a lot of focus to build a new neighborhood and we also need to focus with existing neighborhoods. He said these things can be cured, and in the long run, this conversation is about preserving our right as a community to use that land to satisfy our needs in the future. He believes the Master Plan will preserve the right for this body and this community to make use of that in future decades when we may need it even more than we do now.

**Pita Maria Dougherty, 220 Alamo Drive, Casa Solana**, is a native who grew up at the Garcia Street Club. She remembers the teachings of her Mother who went through the depression and put forth the importance of sharing what we have with one another, while bearing in mind safety, safety and safety. She is not in support of the NWQ. She has lived along a society of consumers. She said her mother taught her to live within the existing resources, to see what we have, how we can improve that, how we can make it better and how we can share that. She works in the educational system where they are seeing their budgets cut. [inaudible] She said creative genius is using existing resources. She asked the Council to consider the planet – animals, trees and plants – nothing is expandable.



**Jane Tocanauga, 264 Camino de la Sierra**, said she attended the Planning Commission meeting and she saw the people on the Commission put in a long, hard time listening and thinking about this, and reviewing the hard work of the City. She said the questions that the Planning Commission brought up were not addressed by the staff tonight. They didn't answer the traffic problem, and consistently did not answer the environmental threats to that area. She said when the ground is disturbed, the dump sites that exist there, the toxicity can go into the ground when it rains. She is a long time user of the dog park, where there are at least 500 people a day who use the park with their dogs. She said they come from all over Santa Fe, and she meets people from the St. Michael's area and Rodeo Road and such and they walk every day in the dog park. She would hate to see that treasure affected by the groundwater contaminating that unstable dumpsite. She is against this development, and she is adamantly for affordable housing. However, she fears the City has put all its "eggs in one basket." She said the answer to affordable housing right now is new construction, but that is only one answer to affordable housing. We need to put our heads together and look at the whole picture of affordable housing. She said there is housing "going begging" in the City which is already built which needs funding to purchase and converted to affordable housing, and we can move people into all the neighborhoods in Santa Fe. She said we need a rehabilitation component so houses can be purchased, rehabbed and then purchased by affordable and workforce housing buyers. That housing is there, and we don't have to bulldoze the NWQ.

**Juanita Sena Shannon, 1114 La Plata Circle**, said this where she raised her children, noting she grew up at 1024 La Vista in Casa Solana and has been there all of her life. She was 6 years old when they moved to the house on Rio Vista. She said the traffic, sewerage and other problems which have been brought up are real. She said at the first meeting she attended 4 years ago the presentations on the NWQ were presented as a *fait accompli*, and she thought about it over and over and worried about it and the impact on her neighborhood. She worries about neighborhoods being against each other, because you have put us in that position. She is very supportive of affordable housing. She said the City of Albuquerque has appropriated money to start fixing up foreclosures to fix those as affordable housing. She said the neighborhood won't be if you do this. She asked them please not to do this. She said the people who would move there deserve better than to be crowded into 29 units per acre.

**Pat Simons, 123 Alamo Drive**, said he has been at this address for 27 years. He said a lot of things were said tonight – heartfelt statements in support of this program, but he noticed that most of those people don't live in their area, or they are contractors, or they can't do basic math. He said if you folks were seriously interest in affordable housing, you'd find out how many people in this town want to sell their houses, but can't. He said, "We're not a bunch of racists in Casa Solana." He said the Planning Commission which is tasked with determining whether a project is good for the City as a whole, voted against this program, this plan. He said people aren't against affordable housing. [inaudible]. He asked the Council to stop this, and get some money and actually help people.

**Marilyn Herron, 1300 Bartlett Court**, which is back of Las Crucitas. She said amen to the previous speaker. She believes the NWQ is a dream and seductive. She believes this is true because there are public servants doing some very difficult work and want to make a difference. She said one thing we need to do is to have dreams, to take risks, but this is the wrong one. This will be a nightmare to more



people than you ever thought. She asked the Council to your legacy by bringing the dream of affordable housing in the entire community. She sees public housing that is fenced off and empty, and asked if the City can do anything to rehab those units to make it affordable housing. She would like to see the opportunity to rehab all of this great City. We don't need to take these risks just because of the traffic problems, the sewage. Please don't do this. Work to truly make a difference.

**Scott Wilson, 824 Rio Vista**, said he is not impressed with the planning process today. He has attended many meetings, kept up with the issues, and to him, we are starting at the wrong end. We're starting with a vision which is good and then we funnel down. He said planning is problem solving. The public is being asked to trust you guys, the City, to figure out the details later. He said every time he attends a meeting he keeps waiting for the funnel to narrow and solve a problem, or look at it in a different way, but it never happens. He said he is cynical about the planning process, and doesn't believe the numbers, they are completely cooked, and if they don't make sense now they won't make sense in 5 years. He said he doesn't believe they are going to have 37% affordable housing up there.

**Yolanda Rawlings, 916 Rio Vista**, said she bought former Mayor Delgado's house, and lives on the street where Mayor Coss grew up. She has lived here for 4 years. She is reminded of when Bill Clinton was running for President and they kept saying, "It's the economy stupid." She said she wants to rephrase that to say, "It's the infrastructure." She said everybody is concerned about infrastructure. She said after 38 meetings the City still can't get all of the neighborhoods to bear part of the burden. She said because Casa Solana is more vocal, you decided not to put it there, but you will put another burden elsewhere. She supports Councilor Bushee in keeping and preserving the land as open space. She said we need to work on solutions where all are bearing the burden of the traffic. She said part of the infrastructure is the schools, and Gonzales can't handle all the students from this development.

**Nancy Fay, 728 Mesilla Road**, thanked all of the elected representatives, the City staff and everyone who has been struggling with this public process for the last 4 years and 38 meetings, and trying to make our voices and feeling heard about what should happen with this, our legacy land. What will we do with our collective enhancements in the 400<sup>th</sup> anniversary year. She said it is a solemn question. She said what we are hearing is, "Click your heels and all your dreams will come true." She thanked them for including the existing dog park area as part of the calculated park space. She thanked them for demonstrating this shining example of what can only be called "Hotel Mini Bar Economics." What is the maximum that can be charged for something we don't need to begin with. This is one great big \$15 candy bar. Put it back. It's just adorable that the plan includes cold water and green frosting to trick us. She said this fancy footwork of 37%, no, now it's 30% affordable housing, when the housing is glutted, putting money into houses which already exist will work a lot better where we're not deceived. She said, "So respectfully, I say thanks, but no thanks. Vote against this master plan."

**Angelo Jaramillo, 148 Bobb Street, Torreon neighborhood**, said he was born and raised in Santa Fe and is a lifelong resident in District 1. He is speaking as a native of Santa Fe and as a member of the homework networking group that was part of this master plan. He said he did everything in his capacity to subvert the process by being a voice of reason. However, when you're involved in untenable

process, you're bound to fail. He said the networking group began with 50 enthusiastic people, but by the time they finished and made the final decision to come before the City staff, the Planning Commission and now "you guys," there were only about 12 people left. He said at least 2/3 of the original 50 members were developers, architects, engineers and people with a vested interest to make sure that *this project moves forward*. He said he wants to tell the Council what failed and why the project should not go forward. (1) After listening to everyone tonight he is thorough convinced that there is no such thing as affordable housing in Santa Fe. He works every day on the south side with the Capital High School community and the members who live mostly in mobile home trailer parks. People who need affordable housing the most in Santa Fe can't afford a home in Santa Fe with this plan or any of the other plans which go before this decision making body. He said until we determine how to assess and address that need critically, essentially and individually, he doesn't believe we can make a claim for affordable housing.

Mr. Jaramillo said this plan has been sold under the guise of affordable housing in order to push it through and to convince the people out there, whether they vote or not, that this is a good deal. The fact is, we have too many housing inequalities and socio-economic disparities in Santa Fe because City government has been "in bed" with development for too long in this town. (2). It is an ecological disaster. He said we have all kinds of rabbits, snakes, lizards, birds, vegetation and an extraordinary and beautiful natural geological phenomenon which is our cultural heritage and should be preserved. He said this is said to be a green project, but there's nothing as green as preserving the natural environment. (3) one of the people who spoke wanted to have some political context to this whole situation. He said the political context is that this is City-owned land, which means it does not belong to City Hall, it belongs to the people of Santa Fe. And so, unless the people of Santa Fe, even the non-voters, have a say in how this land should be divided, then it shouldn't be decided by 9 members sitting on that panel tonight to say what should happen this land and whether it should be developed or not. He asked the Governing Body to listen to all the voices here tonight, use your reason, your conscience and do not sell our cultural heritage out to developers have no other interest than to make a quick buck off this deal

**Spencer Hainsworth, 1458 [inaudible] Avenue**, said she is an advocate for preserving open space in Santa Fe and a strong proponent for the creation of affordable housing in the City's core, so I understand why many find it difficult to support a project like the NWQ. It is not an infill project and it developing the last real open space in the original City limits. She said affordable housing is a City-wide problem which every neighborhood should share-in. She said up to now, the South side has borne the brunt of this responsibility. The City has not been effective in providing affordable infill housing, mainly because strong neighborhood voices stand up against those proposal. The NWQ isn't infill, but it may be the last chance for providing affordable housing in the original City limits. The project is designed to provide an even half of its housing for low and middle income housing, but that future community isn't here to defend itself tonight. The City has invested a huge amount of resources into this Master Plan. If this plan does not pass, we would be throwing away thousands of City taxable dollars, and if it passes, it will sit on the shelf until the economy is more stable, but the investment would be preserved. She asked the Governing Body to approve the NWQ Master Plan so the City can plan for a more equal distribution of affordable housing in the City.

**Daniel Woloff, 1726 Agua Fria Street**, said he wasn't going to speak tonight, but felt it was important. He has spent his entire professional life working for affordable housing in Santa Fe. A lot of good points have been brought up tonight, but one of the important ones is that we do a good job with affordable housing and we have because we've planned and anticipated. We've done a decent job creating affordable housing and there is affordable housing in all parts of the City, but most of it is on the south side. One of the critical issues are the voices we don't hear, the voices of the thousand plus people who stand to benefit from this affordable housing. He said these people don't attend these meetings, and you people need to be prepared when Tierra Contenta is built out, infill projects continue to be shut down. We need a plan for the future and we need to be ready. These are the reasons you need to approve this plan.

**Debbie Jaramillo, 148 Bobb Street**, said tonight we've heard a lot and over the years we've heard about why it should or shouldn't happen, in terms of the NWQ. She said one thing that she hasn't heard is the historical perspective. She said staff speaks about the NWQ and its history since the early 1980s, but nobody has spoken to the royal history behind this project. For those who may have forgotten, or don't know, in the 1600s the King of Spain gave this land and more to the City of Santa Fe, the people in the form of the grant. Approximately 70 years later, former Governor John Dempsey gave up part of the grant, known as the Northeast Quadrant – Santa Fe Estates, etc., and he gave it to development and developers. She said now, 70 years later, you are impeding this history without regard to what the majority of people have to say about this proposed development and it is a shame. You are the representatives of the people, commenting that she has been there. She said we have no problem in going out and asking people to vote for us – we put out our hand. She said why not put you hand out now and put this to a vote of the people and let them decide what they want to do with this land, not 9 people. She said you are thinking, "Oh, but we're representatives of the people, we're elected to represent the people." She said if you were true representatives of the people you would never have brought such a proposal forward. And since it is here, you should vote against it because there are more people against it than for it. She said, "The Mayor and the Council in the 1940s got away with it, but I doubt that you will get away with it today. History has shown a lot, but one thing I know from being, for a good decade, involved in the politics of life, what I see here is a cooked deal, but we the people don't like the menu."

**Mayor Coss** said he received a letter from the Pueblo of Tesuque that he received at the close of business today. Mayor Coss read the letter and entered it for the record, [Exhibit 18"] as follows:

*"Dear Mayor Coss:*

*On behalf of the Pueblo of Tesuque, I am writing to express the Tribal Council's concerns about the Santa Fe City Council's plans to approve the proposed development within the City's Northwest Quadrant. The Pueblo last met with the City of Santa Fe regarding this issue almost a year ago, in October of 2008. At that time, we felt that the manner in which the development was being designed in order to avoid impact or damage to cultural and historical resources was reasonable and appropriate.*

*As the Pueblo's Historic Preservation Officer, I have been the contact person for this development for some time. Since the Pueblo's last meeting with the City in October 2008, however, I have missed some meetings due to my appointment as Governor on December 31, 2008, which required me to devote myself to the pressing time commitments of that office. We only recently discovered that a public hearing is scheduled for this evening at which the City Council may pass a resolution to approve these development plans.*

*We therefore respectfully request today that the City of Santa Fe provide the Pueblo with all of the information from the meetings that occurred between October 2008 and today, and that we have an opportunity to review that information and make meaningful comment. We also ask that the City of Santa Fe continue to keep the Pueblo in the loop on the historical and cultural issues as the development plans progress, whether or not the City Council approves the development plans by resolution.*

*As always, we appreciate and value our very good working relationship with you and with the City of Santa Fe. If you have any questions or concerns, please do not hesitate to call me at (505) 983-2667.*

*Sincerely  
Governor Mark Mitchell*

#### **The Public Hearing was closed**

Councilor Ortiz thanked all the members of the public that participated, and those that participated by putting forward issues which were flagged and chased down by staff, and those who stepped forward and send us numerous letters and emails regarding this project.

**MOTION:** Councilor Ortiz moved, seconded by Councilor Trujillo to adopt Resolution No. 2009-95, approving the Northwest Quadrant General Plan Amendment, with the following conditions:

1. Any use of City funding to pay for any capital improvements or infrastructure for development of the project shall require a 2/3 affirmative vote of the City Council; and
2. Before this project can proceed through the development approval process, there must be a Request for Proposal or Request for Qualification issued, and there must be at least two bidders for the project; and,

makes the following Findings of Fact:

1. A Finding of Fact that the first reference that Councilor Ortiz found to any mention of the Santa Fe Land Grant is in 1710, and the reference point he had was Bounds 1969 six-volume masters thesis essay, "Private Land Claims in the Southwest," and in particular the

Town of Santa Fe Land Grant can be found on page 324, and the 1710 date is also referenced in The United States vs. the City Santa Fe lawsuit, a lawsuit which happened in the mid-1800s that can be found 165 US 675; and

2. With regard to Resolution No. 2006-93, a Finding of Fact that the City has complied with all of the conditions that have been mentioned in the Resolution, Section 2, and in particular with regard to the construction costs that have been highlighted by Frank Herdman, who is a lawyer and an adjoining property owner to the Northwest Quadrant; and
3. A Finding of Fact that Exhibit 9 in the Council packet, the Halsey Report dated 09/25/09, has sufficient financial information that this body needs to make a decision that the construction costs and the financial feasibility for this project have been provided to us and we can make a determination on this project, based upon the information presented;
4. A Finding of Fact that because this process has been extensive, and has been open and transparent and public, and that there was a public hearing on June 1, 2009 at the Finance Committee, which was a public hearing noticed for public comment, in which public comment was taken and received, in which the discussion of the pro forma was specifically discussed, and a week later on June 8, 2009, the Public Works Committee had a public hearing in which testimony was taken and received which also discussed the financial feasibility of the Halsey Report [Exhibit 9 of the Council packet] and the construction information which was contained therein;
5. With regard to the public process that we set out in the Resolution, a Finding of Fact that 38 public meetings and 2 ENN meetings, as well as the numerous public forums as well as the formation and conclusion of the homework group, satisfy this condition and that this matter, this project, went through a kind of process that no other development has had to go through in the history of Santa Fe; and
6. A Finding of Fact that the design standards which have been provided by the Design Workshop and Suby Bowden that are contained within the green folder with which we were presented, which goes with the Master Plan, meet or exceed all existing City standard for residential and for commercial use.

**DISCUSSION:** Councilor Chavez said he can't support the motion. He said it is interesting that Councilor Ortiz presented his Findings of Facts in July to make it seem that it is transparent. He said in discussing public assets there were two junctures in this discussion about 1 ½ years ago, when he told his colleagues

in an executive session to "pull the plug, walk away, it's not making sense." He said it didn't make sense then and it makes even less sense now.

Councilor Chavez said in the two discussion they discussed assets and how to allow water for this process, both for affordable housing and the step-up, noting that was done in executive session, and he questioned that then and he questions it now.

Councilor Chavez said the second point was again due to a public asset, in two regards. The discussion was whether we should buy land from the School Board. He said you have to remember and question why we were in that position. We want to help the School Board, and we want to provide good education for our population. He said if the funding formula is flawed at the school system, doing this development is not going to go into the next century where it needs to go. It is going to take more than this development to do this. He said he isn't going to "diss" what is supposed to be a jointly master plan, planned residential community with the School Board and the City planning together – that has not happened. He said the School Board will not have to provide the affordable component that we will, nor will it comply with our density requirements. He said for these reasons, and others, he can't support the motion. We heard earlier in testimony about sustainability, mixed income, neighborhood commercial centers. We heard a lot about Tierra Contenta and the Southwest Sector. He said we started Tierra Contenta 20 years, and Councilor Bushee can attest to this, many of those residents are still waiting for the neighborhood center and hoping for more parks. We need to address those needs.

Councilor Chavez said we just finished approving the first phase of annexation which will be challenging, but will also provide housing opportunities for those in the affordable bracket and in between. He said the opportunities to plan are there. He believes we need to focus on what we started and put this master plan back on the shelf. It makes no sense to develop or approve a master plan now that might be obsolete in 2-3 years, or at a minimum would require some amendments. He said this can come back to the Council – the land is going anywhere. He supports the idea of leaving it as permanent open space.

Councilor Chavez said the history of the land grant may depend on where we research. He said the Treaty of Guadalupe Hidalgo after the Mexican-American War didn't honor the land grants, and so it was land grabbing, and we still are dealing with that today. He wants us to remember that history and keep it as part of the discussion. He said if the community feels this last piece should stay as open space, perhaps we should support that.

Councilor Bushee said before she came here, she was told things were *already* worked out, so at the least she expected Finding of Fact which has something to do with the land use case which is before the Council, which is a General Plan Amendment. She heard things about the findings of this project. She said we aren't voting on the Master Plan tonight. She heard two conditions imposed with regard to any use of City money and RFPs and two bidders. She asked Councilor Ortiz if these are conditions which can be imposed on a General Plan Amendment.

Mr. Katz said generally that would be for a rezoning.

Councilor Bushee said she can't vote for this and is interested to see what the next pre-determined deal is when we get to the rezoning.

Calvert thanked staff for their hard work and the community for its hard work in trying to stay up with this project with its many variations and changes while providing the input to try to make it a better project. He said the recent history on this area could be constructive on where we find ourselves now. He said his research indicate there have been at least 3 attempts to develop this property between 1967 and 2002, and all concluded that infrastructure was too expensive and those projects and plans were dropped. He said there is a saying that those who forget their history are doomed to repeat the same mistakes.

Councilor Calvert said we now find ourselves with a conservative estimate of a shortfall of \$23 million, for the cost for development – land, actual construction and infrastructure. He said the land is free and that should help the cost equation. He doesn't believe construction costs are any more in this part of town than any place else. That leaves the infrastructure which is as a problem for this particular area and the associated costs. This leads us to why there is a shortfall. He asked, historically, how many times we have to bloody our head on this particular piece of property before we get the message.

Councilor Calvert said the next category is good intentions. He said this project started out with very good intentions, but "the road to hell is paved with good intentions," and the road part is very symbolic. He said will admit that he was one of the advocates of this project in the beginning. It was going to be a model community, a shining example, done by the City to lead the way by example of how we could reproduce this all around the City. We were going to have affordability, green sustainability and it was going to be an asset to the community. He said what went wrong. He said initially there was supposed to be an extension from Guadalupe which would service this community directly. As soon as that was ruled to be not affordable, not possible, wasn't going to happen, the project went downhill from there and it needed a lift station.

Councilor Calvert said since that time, there have been a series of modifications, one after the other, to meet costs and acceptance, and he doesn't believe either has been accomplished. He said this project, in terms of affordability, has the same number we require of any project which is 30%. He said people will point to the step up market and that is a significant component. However, in this economy people are saying there are already affordable homes in the community which people can fix up. He said in the step up market there would probably be even more homes in that category that would qualify as well. He is unsure we're making any great strides on affordability here.

Councilor Calvert said, in terms of green and sustainability, he believes this projects complements our Green Building Code, but it doesn't do any more than that, noting he sponsored that. He said if it was to be a model of shining example, it would exceed those requirements we already have on the books, but doesn't think this is the case.

Councilor Calvert said, with regard to being an asset to the community, you could ask the communities around this one and get the answer to that question. He thinks the answer probably is no to most of those people. He said as a City project, it should be an example, and should go above and beyond and should not require variances. He thinks this is bad precedent, especially in the way these variances are being sought. He said the Planning Commission struggled with this and had a lot of problems with the bad

precedent this would set for future projects.

Councilor Calvert said there is a problem with the gap financing, especially when some of the measures that are asked here will reduce the affordability for people to live there. He believes there is some double accounting when it came to some of the figures, because he noticed in the staff's appeal, they were touting the economic benefits and the plus \$9 million generated from construction GRTs. However, that was one of the measures which was going to be used to come up with some of the gap financing. It is double counting and misleading. .

Councilor Calvert said it should go above and beyond what we expect from the City as a developer, and it shouldn't feel like an imposition on the surrounding neighbors and should add to the community, and it should be an asset and complement the existing neighborhood and not detract from it. He said we can make better use of our resources. He said some people will characterize his vote against this as anti-affordable housing, but his record on that issue has been very clear and he has been an advocate of affordable housing and he supported the workforce housing initiative, some will say to his detriment. He still believes in affordable housing, so he does not believe this can be a valid claim.

Councilor Calvert said in doing the math, there is at least a \$30 million deficit in the revised pro forma, which results in a subsidy of about \$40,000 per unit. He said the market force housing doesn't require that subsidy, so the subsidy is even greater on the affordable and work force housing. He said with that kind of subsidy we could buy foreclosures which would solve some of our affordable housing issues as well as improve existing neighbors and it wouldn't require any water to do that.

He said there was a lot of talk that this project will look better when the economy picks up, but he is unsure how that will happen. The land is free, the construction costs will only increase and the infrastructure costs will increase as well, so he doesn't see how improved economic conditions will make this project more feasible in the future. He said we need to approve new units where we already have made a substantial investment in the community, first of all Tierra Contenta or the College of Santa Fe and the St. Michael's area for which it could be a great anchor. It would also help to provide a much better atmosphere and environment for the young professionals in the community. He said in these times of limited resources he finds it a little hard to start new projects when we need to complete some of the projects we've already started. He said these areas would be more effective because the infrastructure is already in place.

He said there is a whole category of health and safety, and he's lumped some of these together. He said a lot of people talked about the 599 Corridor Study. He said we didn't even consider a pedestrian bicycle crossing at St. Francis until that Corridor study was finished, which was a \$2 million project. However, we're set to go forward on a project with a \$30 million shortfall before the corridor study in that area has been completed. He said 599 is first and foremost the WIPP Route, which was built for the transportation of nuclear waste, and not to satisfy all of these other needs. He said it is a bad idea to create bottleneck at the Ridgetop exit which is going to affect safety in that area. He said staff has mentioned creating another access to 599, but that other access isn't in the current 599 plan. Staff mentioned two others which are in the current plan, which haven't been done, and the financing for those is far in the future. He said staff



mentions it as something they probably would want to do far out, but it was never included in the pro forma and it is additional cost.

Councilor Calvert said also related to health and safety, there will be a lift station and understands some of the homes will require grinder pumps. He said this Council just reviewed and rejected a project which had grinder pumps and a lot of problems. He doesn't think this is the model with which we want to go forward.

Councilor Calvert said this Council just went through some excruciating budget hearings, and we were trying to determine how to operate the City, provide basic services to people, and we were "racking our brain," and doing furloughs and such. And now, we're all set to commit to a project with a shortfall of at least \$30 million, and he doesn't see the logic in that.

Councilor Calvert said another issue of health and safety deals with the study of groundwater migration which hasn't been done. He said there is a dog park, which is a former landfill, which is just downstream. He said this area hasn't been sufficiently studied in this project, which he believes is another reason this plan is not workable.

Councilor Calvert said some people have talked about how we've invested money in this and if we don't go forward with this plan we will lose our investment, and he would say two things about that. One, economic theory he learned a long ago is the theory of sub-cost, which is just because you've invested money in something and it's not a good idea, you don't throw more money at a bad project. He said the City and the staff have learned a lot of principles from the planning process which could be applied in other places which would be a better investment.

Councilor Calvert said because of all of these reasons, he will not be able to support this project.

Councilor Trujillo asked about the emergency gate and he's heard people say the gate is going to be left open, and asked who would have access to that gate – just the Police and Fire Departments.

Ms. DePietro said the way it is proposed, the Opticon Gates would be opened for emergency access only by the Fire Department. If there was an emergency on the property, the Gate would be open so people would have a second way to exit.

Councilor Trujillo said then this would be controlled by City staff, more likely the Fire Department, and Ms. DePietro said yes.

Councilor Trujillo said this is his biggest concerns with this project. He knows a lot of people who live in Casa Solana and the traffic issues about which they are concerned, and they have concern about this new traffic coming through Las Crucitas. He said he believes this is the best way to mitigate the traffic away from this neighborhood. He said Casa Solana is one of the most precious neighborhoods in the City. However, he considers it along with Bellamah and Tierra Contenta. He sees the NWQ as another place where the people of Santa Fe can make a home, raise a family and another beautiful part of the

community. He said the truth for him is that if we don't go forward with this, we lose this chance for affordable housing for our kids in the future. He said people say there is affordable housing throughout Santa Fe, but District 3 and 4 is taking the brunt. He has lived in the Bellamah area all of his life, and he doesn't want to move from it. He said there is a lot of new development on Rodeo Road which this Council approved, and he welcomes the new people into District 4. Councilor Trujillo said at one time, Casa Solana was open space as well, and he was glad that whoever was on the Council had the foresight to develop it so people could live there.

Councilor Trujillo said Councilor Calvert said he has concerns about bottlenecks on 599, but there is a frontage road which was built in the event that there is a major accident, so traffic can be diverted to that frontage road.

Councilor Trujillo said \$600,000 was proposed for affordable housing for the Police and Fire Departments, but because of the budget shortfalls, the Council voted to take that money away and use it to balance the budget. He wants to keep the police and fire personnel here in the City, saying because they protect the City, they deserve to live in the City. He said this is a great project on north side of Santa Fe which everyone loves. He said people deserve to live in all parts of Santa Fe. This is an excellent project which he fully supports.

Councilor Dominguez thanked everyone who exercised their right to come to this meeting and speak, and there was a very diverse crowd. He said it is obvious that there were more people who are opposed to this project than people in favor of it. He said members of the public spoke to the reason. He thanked the Governing Body for finally getting us to this point. He said, regardless of their position, we are at a crossroads, and this is an opportunity our community has.

Councilor Dominguez said there has been a lot of discussion about lots of the detail tonight; details which usually are discussed or debated at development plan approvals phase – things like traffic, sewer, variances and such. He said in the spirit of transparency, a lot of that information has been provided by the City, the Design Team and others. It has been provided in the staff presentations as well as previous deliberations and debates on the various resolutions relating to this project. He said we are being asked to consider a master plan tonight, which he sees as a statement about how we view that community, and how it is that we want this City to grow. He said this is about raising an obligation for the future. He thanked the audacity to support things like Tierra Contenta, and had the vision and foresight to provide housing, not just affordable housing, to everyone in the community. He said we have to consider our future noting the number of manufactured home parks on the south side and the density that exists, as well as all of the apartment complexes. He said it is obvious in looking at that there is a need for affordable housing and for housing period.

Councilor Dominguez said he tries to look at the plan based on the merits of the project, and this is a people plan, and one which is sustainability and is for social justice and community as well. It has all of the components that create community – it's walkable and all of the other things people talked about tonight and has been presented in the master plan.

Councilor Dominguez said there's been a lot of talk about the south side and Tierra Contenta. He said, of the 27 people who spoke against the project, there isn't one person who can walk in his shoes as a south side resident. He has been a southside resident for 34 of his 37 years of existence. He is proud to live on the southside and this is all he knows. He said to clarify, what he said he want his children to be one of the first to have a a choice as to where they want to live in this community, and this should be about choices.

Councilor Dominguez said he lived in a manufactured home, and affordable housing has been a reality, because he was able to move from the manufactured home into a real home. It was because of the effort and the fortitude of past governing bodies. He said Ms. Ortiz said something which was profound to him which is that we, as a community should grow together. This means everyone should grow together in a Santa Fe for everyone, not just for a select few. He said he can't support the status quo. He said if denying this supports the status quo, he can't support that, because it means we continue to have overcrowded schools on the south side and congested streets that he and his constituents drive every day.

Councilor Dominguez said cases from the south side come before this Governing Body and there definitely was not the concern for the south side then when we heard those cases as there is tonight. He said this is one of the inequities we have in the community. He sees this project as an opportunity to provide that equity.

Councilor Dominguez said before he is a representative of anybody, before he is an elected official, he is a southside resident, and he takes offense to anyone who tries to pity him, or anyone who tries to use him as a resident of the south to not support something in this community which, in his view provides an opportunity to desegregate this community and to provide that equity. He will be supporting this project and hopes his colleagues can understand his passion he has to have his voice heard.

Councilor Romero said, regarding the capacity of the two schools in the area, she understands Gonzales School is not at full capacity, noting Alameda Jr. High recently closed. She asked staff to speak to the public schools situation if this proposal if proposed for the families who will have school age children.

Ms. Bowden said Ms. McCormick will speak to this situation, and they do have a written statement they can submit from the Santa Fe Public Schools stating its capacity.

Ms. McCormick said it has been reported that Gonzales School does have capacity, noting this report was received from the School District on June 26, 2007, and based on building 750 total units. She said the report encompasses Gonzales, Alameda and Capital High, which are the schools the students would attend.

Councilor Romero said Councilor Calvert talked about the 599 Corridor Study, and asked the status of that study.

Ms. Bowden said it is fundamental to the proposal. She said the 599 Corridor Study will have a public

hearing next week where the latest findings will be presented. She said in the study they state that Montoyas in its existing condition, without the NWQ, fails, and they therefore recommend it be analyzed, and present six possible solutions as to how to handle Montoyas. They do not give a final recommendation on the six solutions, and she can present those if the Council would like. She said this is fundamental to the 599 corridor study, because they already plan to address Montoyas through a combination, noting some of the options are frontage roads, interchanges, overpasses. She said that study and its final federal funding relates very directly to the solutions for NWQ. She said the NWQ currently is included in the studies. She said the future grown plan which the MPO has included in the 599 corridor study, holds 257,000 sq. ft. of office for the NWQ, 25,000 sq. ft. of retail, 100 multi-family, 1,000 single residences and this comes from City Resolution 2004-91. She said for the NWQ to be included in its current master plan proposal which contains the commercial and mixed use, the City Council would need to approve the NWQ in its general plan amendment, then the MPO will include it in its submittals to the 599 corridor study and therefore the City would be eligible for federal funding for interchanges, frontage roads and overpasses in the final decision-making process.

Keith Wilson, Metropolitan Planning Organization for Santa Fe, said the 599 corridor study right now is in Phase A, which it will be presenting next week, where they flush out all the possible alternatives and this should be analyzed in further detail which is the stage which is about to be entered, where they look at the various alternatives for each location. He said it is correct the 599 was originally built as a WIPP Route, with 12 different access points aligned along the corridor. He said the study will looking at various locations around the corridor as interchanges, and there will be a prioritization of those interchanges for public funding.

Councilor Romero asked Ms. Baer to walk through her previous presentation regarding the expiration of approvals to the rezoning and the master plan.

Ms. Baer said she would like to correct what she said earlier, and there a five-year expiration on master plans. She said the zoning expires after 2 years if there has been no significant development planning or a subdivision plat. She is suggesting, if this is approved by the Council this evening, and you want to keep the zoning current for more than two years, based on the assumption that nothing is going to happen in the next two years, you might want to consider adding a condition which would keep zoning alive for more than two years, without the applicants have to submit for a development plan or subdivision plat.

Councilor Romero said the groundwater migration wasn't considered previously, although archaeology was. She asked why the environmental studies were not done.

Ms. Bowden said the NWQ development is required to maintain historic water flows from the state, and therefore there will be no water that could funnel into the landfill under the dog park. She said there is a strong ridgeline which has hill spacing to the south toward Casa Solana and to the east toward the Cemetery. On the north side of that ridgeline, everything falls to the north. The NWQ development which would be developed by the master developer for the City is all on the north side, except the five one-house units on the east side where the [inaudible]. The school site that sits to the south of the ridge will be

required to maintain historic flow, therefore they would not allow any additional water beyond what is drifting today to flow toward the dog park, and the dump is to the west of the site quite a distance away.

Councilor Calvert said Ms. Bowden just answered the surface water flow question. However, the question was about groundwater which is below the surface, how it flows, and if anybody has checked that out.

Ms. Bowden said the City has not studied groundwater, and asked Robert Gallegos from the Environmental Division to speak to this issue.

Robert Gallegos, Environmental Division, said there have been no specific studies on of groundwater on the development site of which he is aware. He said this landfill, Sierra Vista, was closed in 1996 has 8 monitor wells which City staff has been monitoring continuously since it closed. He said a monitor well was installed in 2003 at Ortiz Park, the Dog Park, to look at potential pollution impacts on groundwater for that particular part, and we are being required by the State Environment Department to put at least one, and possibly 2-3 additional monitor wells between the back part and our City Well fields. He said the water flow in that area is to the southeast toward the City Wells. He said we haven't adequately characterized the impact of Ortiz Park, for example, on regional aquifers, so we still need to do that.

Councilor Wurzbarger, in view of the comments this evening about the sustainability in terms of funding the project, asked Michael Halsey to comment on whether or not, given the right economic conditions, if this is a feasible project, with a \$30 million gap.

Michael Halsey said the \$30 million gap identified is based on the Design Workshop numbers which include 40 condominiums which are extremely high priced, which each was losing \$250,000, basically \$10 million, so we have to call this the \$20 million gap. He said this is not unusual when you consider that there is a large percentage of affordable and work force house. He said, "In my experience, in talking to builders and developers, when building an affordable house at the most affordable level, they go to the closing table and they write a check for \$80,000 on that home. If you go to the middle tier, that number is cut in half, and when you come to the top tier, which are the people who are very close to being able to afford market rate homes, they can break even on the transaction. So, to the extent that we are requiring any development to include 30% affordable homes, we are making that development necessarily upside down. In this case, since we took the market rate component and put a large percentage into the work force realm, we are not allowing very high and market rate homes to subsidize the affordable homes. And, we are allowing a larger percentage of affordable and work force housing and we should necessarily expect that there would be a financial gap between what we could sell that stuff for and what it costs to actually build it. The mechanisms that are being proposed to bridge the gap are a public improvement district which is sales taxation by the people are willing to live in a master planned community and what has been [inaudible] is such that at the most affordable level it is a very new and neutral cost to the residents of those homes, escalating as we go up into the market rate homes. It's a vehicle that's been used across New Mexico and across the nation to help diversify the types of homes that are being constructed."

Mr. Halsey continued, "The land lease, which is taking land that the City owns and saying that modeling, have the City donate the land so it can be sold on a fee basis to the [inaudible] in the project, the land will be leased over the useful life of the project. It gives an opportunity for the community to retain control of the land at such time, 99 years from now, when the project has lived out its useful life, and then you want to come back and reconfigure it or renovate it for an additional public use. It is also not increasing the monthly to the residents as was demonstrated by [inaudible] today that said we still have not expended, at any level, more than 1/3 of the gross revenue of individuals that are on the property."

Councilor Wurzbarger asked Ms. McCormick to comment on the needs assessment which comments on how many units would be needed for us to catch up.

Ms. McCormick said we have purchased 7 homes in the foreclosure program, and last year Homewise and the Housing Trust together sold 69 existing units throughout the community as part of the affordable housing portfolio, so the City does take advantage of this opportunity. She said the current gap in the demand is 6,580 homes in 2008, and 750 of those homes will be provided with this project.

Councilor Wurzbarger asked what percentage of our work force do not live in Santa Fe.

Ms. McCormick said she doesn't have the exact number with her, but it is more than half, and probably 60-70%.

Councilor Wurzbarger said the most powerful testimony is what we're trying to do collectively as a community. She said a lady said that the beauty she wants to preserve is the beauty is of having our children here. She said what Santa Fe has lost in the past 20 years is the sense of community and neighbors. She is in support of this project. [Much of Councilor Wurzbarger's statement here is inaudible]

Require all built to silver, and 70% affordable to entry level,

**FRIENDLY AMENDMENT:** Councilor Wurzbarger would like to like to amend the motion to include the following language: That the following shall be completed and submitted as part of the Development Review Plan: 1) a requirement that at a minimum all homes will be built to LEEDS Silver plus; 2) that at all times at least 70% of the homes are to be built at prices that are affordable to entry level and step-up buyers; the developer shall be required to propose a mix of homes to buyers which is supported by an analysis of existing marketing conditions; and at least 30% of the homes must be affordably priced for entry level buyers; 3) an assessment of options for treating wastewater with a minimum number of lines to homes and existing sewer lines in the area; and 4) an assessment of traffic options to address the concerns that have been raised by the community tonight. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

Councilor Bushee asked Mr. Katz if these proposed amendments are appropriate at the General Plan Amendment level or at the Master Plan approval level.

Mr. Katz said these would be appropriate at the rezoning, and would be conditions on the master plan and not at the general plan amendment. He said the master plan is part of the rezoning.

Councilor Bushee said he is correct, and she wanted to clarify that we're on a General Plan Amendment and we haven't talked about any of the reasons or criteria for a General Plan Amendment.

**CLARIFICATION TO HOLD THESE AMENDMENTS FOR THE NEXT ITEM:** Councilor Wurzbarger asked Mr. Katz if she should hold these for the next item, and Mr. Katz said that is appropriate. Mayor Coss said then these amendments will be held for the next item.

Councilor Chavez he asked a question at the beginning of the proceedings with regard to the water which is being dedicated to this project and he is hearing 118.4 afy and he asked for the dollar amount, and for an explanation from staff. He said the water is from the City owned Buckman Well Field off-site water rights. He asked the dollar amount and an explanation of the off site water rights.

Ms. De Pietro said more than \$4 million has been budgeted for water rights. She said the water is coming from the affordable housing pool into the Santa Fe Home Programs, and the step-up is up to \$10,000 on a home investment under the Resolution, and the market will be brought by the developer, and is \$7,600 on average as an expense to the project to purchase water rights..

Councilor Chavez there is a letter dated August 2009, which says "the City will provide the water from City-owned Buckman Well flow offset water rights," and asked if this is the source of the water or not, and if it is, then explain what the off site water rights are as they relate to the Buckman Well Field.

Ms. DePietro said her reading of the Resolution is that the 313.9 afy from Buckman Well Field, was historically used, but not allocated for a purpose.

Chavez didn't vote for this, because we made these decisions in an executive session on a public asset without asking the public. He said we should have had a 2/3 majority vote two years ago for this project..

Councilor Romero said this is a reminder that visioning is really tough, and you are looking down the road many many years, and she has had sleepless nights trying to figure this out. She said what we are asking is for a general plan amendment, and it doesn't mean that building starts tomorrow, and probably won't start for 3-5 years. She said we have actually created mechanism to make this not successful for a variety of reasons, and we haven't focused on success. She said we want out kids to come back to Santa Fe and this is something to look at in the future as possibility. She said she doesn't know that she wants to put a condition, per Ms. Baer's remarks, for more than two years. She believes there are stop gap measures to review the zoning.

Councilor Bushee said this General Plan Amendment gets this ball rolling and there will now be new designations of low/high/transitional mixed use. She pointed out that there are very specific criteria for all amendments to the General Plan. She said the criteria for amending the general plan are on Page 40 –

Section 14-3.2(D) of the Code Criteria for All Amendments to the General Plan. She said it's not about the history of the land grant, or about the financing of the project or the master plan process. It is about, "Consistency with growth projections for the City using a data base maintained and updated on an annual basis by the City, with economic development goals as set forth in a comprehensive economic development plan for the City, and with existing land use conditions, such as access and availability of infrastructure."

Councilor Bushee said she has yet to hear a finding of facts, and she knows we made projections, and it references the Housing Needs Assessment Study. She said on page 41 of the packet it emphasizes economic growth and the Angelou Plan, and it talks about long term, sustainable and focused economic growth. She said what they have certainly made the case this evening for the compatibility with existing land use conditions, such as access of available of infrastructure." She said she wants to make it clear that we are all making long speeches this evening that have nothing to do with the fact that this is a general plan amendment and this gets this to be a development. If you vote for this your are voting to go ahead and green light this as a development, not as open space or land grant property and for everything that follows.

Councilor Ortiz said Resolution 2004-91 adopted and changed the general plan amendment from open space to low residential needs. The components Councilor Bushee has been talking about, the economic development issues, the existing land use and whether or not it conforms with infrastructure, that happened in 2004 when we changed from open space to residential use. And what is on the table now is a reconsideration of just having residential use, R-1, to the variety of mixes which have been proposed by the development.

**FRIENDLY AMENDMENT:** Councilor Ortiz proposed to add a Finding of Fact that the mix of uses that have been put forward in the proposal that are contained within the packet, meet the City's Economic Development Criteria and conform with existing City Code and regulations and further that the existing land uses, and in particular the mix of low, moderate and commercial uses are consistent with the general principles of the General Plan and, furthermore are consistent with this particular area as contained in the proposed Master Plan that is in front of us and has been provided to us; and a Finding of Fact for the General Plan, that as it relates to infrastructure and in particular as to traffic circulation and to wastewater that he finds that there is sufficient information for us in the rezoning to make certain conditions that will comply with the requirements that this project have sufficient infrastructure moving forward. He explained that these Findings of Fact are proposed to be added for the record to clarify the record of which Councilor Bushee is so protective. **THE AMENDMENT WAS FRIENDLY TO THE SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS..**

**CLARIFICATION OF AMENDMENTS/FINDINGS OF FACT ON THE MOTION:** Councilor Calvert said he is unclear which amendments refer to this motion and which refer to subsequent motions. Councilor Ortiz said the only amendments which were withdrawn, on advice of counsel were the conditions proposed by Councilor Wurzbarger. He said all of his Findings of Fact would be in place on this motion. Councilor Bushee clarified that Councilor Ortiz offered a friendly amendment regarding two bidders and a 2/3 vote on



funding, although that should be attached to a rezone.

Councilor Ortiz said one of the things he heard loud and clear from some members of the Governing Body and from the public, is that we want to have some kind of fiscal responsibility for the project. He said while it isn't required by the general plan, it is his intent to have it as a condition of this general plan as well as the rezoning.

Councilor Ortiz asked Melessia Helberg, Council Stenographer, to please read his amendments from the record for clarification. Ms. Helberg said, in addition to the previous Friendly Amendment to add two additional Findings of Fact, the motion is as follows:

**MOTION:** Councilor Ortiz moved, seconded by Councilor Trujillo to adopt Resolution No. 2009-95, approving the Northwest Quadrant General Plan Amendment, with the following conditions:

1. Any use of City funding to pay for any capital improvements or infrastructure for development of the project shall require a 2/3 affirmative vote of the City Council; and
2. Before this project can proceed through the development approval process, there must be a Request for Proposal or Request for Qualification issued, and there must be at least two bidders for the project; and,

makes the following Findings of Fact:

1. A Finding of Fact that the first reference that Councilor Ortiz found to any mention of the Santa Fe Land Grant is in 1710, and the reference point he had was Bounds 1969 six-volume masters thesis essay, "Private Land Claims in the Southwest," and in particular the Town of Santa Fe Land Grant can be found on page 324, and the 1710 date is also referenced in The United States vs. the City Santa Fe lawsuit, a lawsuit which happened in the mid-1800s that can be found 165 US 675; and
2. With regard to Resolution No. 2006-93, a Finding of Fact that the City has complied with all of the conditions that have been mentioned in the Resolution, Section 2, and in particular with regard to the construction costs that have been highlighted by Frank Herdman, who is a lawyer and an adjoining property owner to the Northwest Quadrant; and
3. A Finding of Fact that Exhibit 9 in the Council packet, the Halsey Report dated 09/25/09, has sufficient financial information that this body needs to make a decision that the construction costs and the financial feasibility for this project have been provided to us and we can make a determination on this project, based

upon the information presented;

4. A Finding of Fact that because this process has been extensive, and has been open and transparent and public, and that there was a public hearing on June 1, 2009 at the Finance Committee, which was a public hearing noticed for public comment, in which public comment was taken and received, in which the discussion of the pro forma was specifically discussed, and a week later on June 8, 2009, the Public Works Committee had a public hearing in which testimony was taken and received which also discussed the financial feasibility of the Halsey Report [Exhibit 9 of the Council packet] and the construction information which was contained therein;
5. With regard to the public process that we set out in the Resolution, a Finding of Fact that 38 public meetings and 2 ENN meetings, as well as the numerous public forums as well as the formation and conclusion of the homework group, satisfy this condition and that this matter, this project, went through a kind of process that no other development has had to go through in the history of Santa Fe; and
6. A Finding of Fact that the design standards which have been provided by the Design Workshop and Suby Bowden that are contained within the green folder with which we were presented, which goes with the Master Plan, meet or exceed all existing City standard for residential and for commercial use.

*[STENOGRAPHER'S NOTE: Councilor Bushee said there was only 1 ENN, but there was no direction to the Stenographer to correct Finding #5 in this regard.]*

**FRIENDLY AMENDMENT:** Councilor Chavez asked Councilor Ortiz to apply the 2/3 majority concept now instead of waiting 2-3 years down the road. **THE AMENDMENT WAS NOT FRIENDLY TO THE MAKER.**

**MOTION TO AMEND THE MAIN MOTION:** Councilor Chavez moved, seconded by Councilor Bushee, to amend the record to apply the 2/3 majority requirement on this vote.

**DISCUSSION ON THE MOTION TO AMEND:** Councilor Ortiz asked if it is the intent of the maker of the motion to have a 2/3 vote on the amendment.

Councilor Chavez said not on the amendment, but on the main motion as amended to approve this item.

Mayor Coss said the question is if you want to require a 2/3 vote to adopt this amendment.

Councilor Chavez said if he can just impose a 2/3 majority now "out of the blue," why haven't we done it before and why are we going to do it now.

Mayor Coss said it was imposed on the Convention Center.

Councilor Bushee said the Council passed an ordinance to do that.

Councilor Chavez said we have allocated public assets to this project in millions of dollars, and now moving forward, we are concerned about the 2/3 majority.

Councilor Romero thought that applied to financial issues or rezoning and this isn't either, saying she supports the 2/3 vote for financing.

**WITHDRAWAL OF THE 2/3 VOTE REQUIREMENT FROM THE MAIN MOTION:** Councilor Ortiz said he withdraws the 2/3 requirement to his motion.

Mayor Coss said he is unsure that Councilor Chavez's motion to change the voting rules is in order.

Mr. Katz said he believes it is not in order. He said Councilor Ortiz was suggesting, as a condition of approval of the master plan, going forward, financing issues would require a 2/3 vote of the Council, noting it probably is required anyway, which is different from changing the operating rules in the middle of the vote.

**MOTION TO AMEND RULED OUT OF ORDER BY THE MAYOR.**

Councilor Bushee asked if a Councilor can make a motion to require a 2/3 vote, or do we need to introduce an ordinance.

Mr. Katz said that could be made as a condition of the rezoning.

Councilor Bushee asked where this is referenced in City Code.

Mr. Katz said he doesn't know that it is referenced in the Code. He said you can make conditions for rezoning and that would be a condition of rezoning, noting Councilors frequently impose conditions in a rezoning.

Mayor Coss said he hopes the motion passes. He said we have discussed affordable housing in this community for 30 years. We've said we want affordable housing and we want it distributed in all parts of the City, and that we want to work against economic stratification. He said the project on the land, as proposed, meets these three goals. He hopes we get to add this option to our "tool box." He said it doesn't mean we've given up on Tierra Contenta, nor that the City will stop trying to purchase existing housing stock, nor that we will not pursue the St. Michael's project, the Homewise Projects, the Housing Trust Projects, or the Civic Housing Authority project on Alameda which is moving forward. He said each one of these options require a significant financial investment, and not one of those options has been opposed in the community.

Mayor Coss said he used to go out in this open space when he was very young. He said that open space is still there, noting there are 400 acres of open space, so we are just adding an option to the table. He said whether or not we have a 2/3 requirement tonight, we can't do anything else in terms of funding without a 2/3 vote, so that is a moot point.

Mayor Coss said in the issue of rezoning, he would insist on a condition that will provide that no traffic nor sewer lines will go into Casa Solana. He believes we should deny the variances. He believes we should require a groundwater study. He said this is just a General Plan amendment to give the community another option. He said we can't make progress on affordable housing without all options. He said the hardest problem is traffic. However, if we don't do this tonight, the 599 corridor study will be done and it won't include this project or the infrastructure, and we'll deal with all the urban sprawl in the County which is causing traffic problems. He said as time marches on the infrastructure will get even worse and the project will be even more difficult if we want to do this again.

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

**For:** Councilor Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo, and Councilor Wurzbarger.

**Against:** Councilor Bushee, Councilor Calvert and Councilor Chavez.

**Explaining her vote:** Councilor Bushee said she agrees with the Planning Commission and doesn't believe we have adequately addressed the existing conditions, such as access and availability of infrastructure, and voted no.

**Explaining her vote:** Councilor Romero voted yes, commenting that this is just for the General Plan Amendment.

- 2) **CONSIDERATION OF BILL NO. 2009-41: ADOPTION OF ORDINANCE NO. 2009- 39. ASE #ZA 2009-02. NORTHWEST QUADRANT REZONING. THE CITY OF SANTA FE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT REQUEST REZONING OF 540± ACRES FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO PRC (PLANNED RESIDENTIAL COMMUNITY). THE NORTHWEST QUADRANT MASTER PLAN ADOPTED AS A PART OF THIS REZONING INCLUDES SUPPLEMENTAL DESIGN STANDARDS THAT VARY FROM THE CHAPTER 14 LAND DEVELOPMENT CODE. THE PROPERTY IS LOCATED SOUTH OF NM 599 AND WEST OF ST. FRANCIS DRIVE. (TAMARA BAER)**

**MOTION:** Councilor Ortiz moved, seconded by Councilor Romero, to adopt Ordinance No. 2009-39 approving the rezoning, with all of the staff recommendations and conditions on the rezoning, and at this

time, in light of a recommendation by the City Attorney that this is the proper place to accept these, he would accept those conditions which were put on record in the preceding item by Councilor Wurzburger, to be included and hereby incorporated by reference, as conditions on the Rezoning.

**CLARIFICATION OF COUNCILOR WURZBURGER'S PROPOSED CONDITIONS OF APPROVAL:**

Councilor Wurzburger said her proposed amendments are: That the following shall be completed and submitted as part of the Development Review Plan: 1) a requirement that at a minimum all homes will be built to LEEDS Silver plus; 2) that at all times at least 70% of the homes are to be built at prices that are affordable to entry level and step-up buyers; the developer shall be required to propose a mix of homes to buyers which is supported by an analysis of existing marketing conditions; and at least 30% of the homes must be affordably priced for entry level buyers; 3) an assessment of options for treating wastewater with a minimum number of lines to homes and existing sewer lines in the area; and 4) an assessment of traffic options to address the concerns that have been raised by the community tonight.

**FRIENDLY AMENDMENT:** Mayor Coss would like to amend the motion to provide that running wastewater through Casa Solana sewers is not one of the options. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS**

**FRIENDLY AMENDMENT:** Councilor Calvert would like to amend the motion to require that before anything moves forward there is an environmental assessment of the groundwater migration in this area. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS**

**DISCUSSION:** Councilor Chavez asked if this includes grinder pumps as part of the infrastructure. Ms. Bowden said there are no grinder pumps, and it will be gravity to the lift station and then the lift station up to the ridge and then gravity back down to where the final sewer lines will run. Councilor Chavez said then there will be no sewer lines through Casa Solana, just like there will be no traffic, but those will be every place else. Mayor Coss said this is correct.

Councilor Wurzburger said she is concerned that in 5 years the technology will be available to use site specific conditions, and she doesn't want to restrict it to feeding into the lines.

Ms. Bowden said everybody would be thrilled if the technology were to be advanced, but it isn't there right now.

**CLARIFICATION:** Councilor Calvert clarified that in this plan there has been, and there is, no intention of using grinder pumps. Ms. Bowden said they did consider it, but at this moment, there are no grinder pumps. Councilor Calvert said then everything feeds by gravity to the lift station. Ms. Bowden said yes. Councilor Calvert said this isn't what he heard from staff, and wanted to get this on record that this is what Ms. Bowden is saying.

**CLARIFICATION:** Councilor Bushee asked if it is clear that the Mayor is going to ask that it not impact the existing sewer infrastructure in Casa Solana. Mayor Coss said he believes this is clear. Councilor Bushee asked if this is accepted as part of the motion. Councilor Ortiz said the restated condition as suggested by the Mayor is acceptable to the maker. Mayor Coss said his restated condition is that in the consideration of options, that running the sewage through the Casa Solana sewer line is not to be one of the options. Councilor Ortiz said this sounds like the restated condition which he accepted.

Councilor Bushee believes the Planning Commission still got it right because you need to justify a rezoning, and she likes the Planning Commission language that it is not justified "given the lack of sufficient and safe street conditions and connections and, given the applicant's statement of intention that it would not recommend pursuing development of the project now, but wait until economic conditions will support the project's construction." She thanked Karen Walker for reminding her of the Miller v. City of Albuquerque case. She thinks this is not wise at this juncture, given that staff and Mr. Halsey have come forward and said this is not a feasible project in the current economic environment, as well as the issues of sewer and traffic. She won't be supporting the motion.

**CLARIFICATION:** Councilor Calvert said he would like clarification that we will need a 2/3 vote on some financial issues moving forward, and asked if that can be upgraded from an opinion to a fact.

Mayor Coss said approval of a bond or a tax increment requires a super majority vote of the City Council. However, we could do an ordinance requiring 6 votes such as we did for the Civic Center.

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

**For:** Councilor Dominguez, Councilor Ortiz, Councilor Trujillo, and Councilor Wurzbarger.

**Against:** Councilor Bushee, Councilor Calvert, Councilor Chavez, and Councilor Romero

**The resulting vote was a tie-vote, and the Mayor voted yes to break the tie and approve the motion.**

- 3) **CASE #A 2009-06. NORTHWEST QUADRANT ESCARPMENT VARIANCE APPEAL. THE CITY OF SANTA FE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT APPEALS TO THE GOVERNING BODY OF THE CITY OF SANTA FE THE PLANNING COMMISSION DECISION DENYING CASE #M 2009-06, VARIANCE REQUEST FROM SECTION 14-5.6 TO ALLOW 15,000 SQUARE FEET OF THE ALIGNMENT OF RIDGETOP ROAD TO ENCROACH ON THE RIDGETOP SUBDISTRICT TO PROVIDE SUFFICIENT DISTANCE FROM AN EXISTING PNM SWITCHING STATION. THE LOCATION OF THE REQUESTED VARIANCE IS ALONG THE PROPOSED RIDGETOP ROAD ALIGNMENT BETWEEN CAMINO DE LOS MONTOS AND NM 599. (TAMARA BAER)**

Councilor Bushee noted there is no staff report with regard to this item with specific information.. She said the 7-day rule was violated. She chose not to attend the Casa Solana meeting called by the Mayor because of the 7-day rule. She feels the appeals process has not been a good one and she is concerned about how it's been conducted so far.

**MOTION:** Councilor Ortiz moved, seconded by Councilor Romero, to postpone Items G(3) and G(4) for a period of not less than 3 months, and to ask the staff to come up with a formal opinion as to how they are going to address on what basis the City, as an appellant, can present evidence as an appellant, given the fact that there was no staff report and that there was this issue.

**VOTE: For:** Councilor Chavez, Councilor Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo, and Councilor Wurzbarger.

**Against:** Councilor Bushee and Councilor Calvert.

- 4) **CASE #A 2009-07. NORTHWEST QUADRANT TERRAIN MANAGEMENT VARIANCE APPEAL. THE CITY OF SANTA FE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT APPEALS TO THE GOVERNING BODY OF THE CITY OF SANTA FE THE PLANNING COMMISSION DENYING CASE #M 2009-08, VARIANCE REQUEST FROM SECTION 14-8.2 TO ALLOW DISTURBANCE OF 28,000 SQUARE FEET OF 30 PERCENT SLOPES ON TWO SITES IN ORDER TO PRESERVE OPEN SPACE AREAS AND TO ALLOW STRUCTURES TO BE BUILT ON THE DISTURBED 30 PERCENT SLOPES. THE LOCATIONS OF THE REQUESTED VARIANCE ARE WITHIN THE PROPOSED NEIGHBORHOOD CENTER AREAS NORTH OF THE RIDGE AND NORTHEAST OF THE PNM SWITCHING STATION. (TAMARA BAER)**

See action under Item G(3) above.

## **I. ADJOURN**

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 11:30 p.m.

Approved by:

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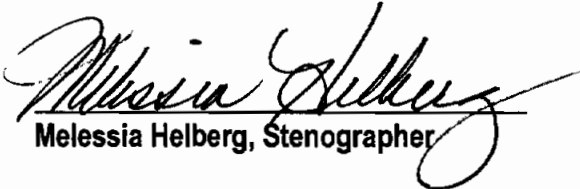
Mayor David Coss

ATTESTED TO:

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Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Stenographer