



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 13, 2011
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 4-8-11 TIME 2:05pm

SERVED BY

RECEIVED BY Tina Z. Dominguez

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: Reg. City Council Meeting – March 30, 2011
9. PRESENTATIONS
 - a) Employee of the Month for April 2011 – William A. “Bill” Moore, Engineer Technician Senior; Land Use Department/Technical Review Division. (5 minutes)
 - b) Proclamation – “Fair Housing Month”. (Kim Dicome) (5 minutes)
 - c) Proclamation – “National Poetry Month”. (Joan Logghe, Santa Fe’s Poet Laureate) (5 minutes)
10. CONSENT CALENDAR
 - a) Request for Approval of Change Order No. 1 – Museum Hill Trail (Phase I); H.O. Construction, Inc. (Leroy Pacheco)
 - b) Request for Approval of Budget Adjustments for Solid Waste Division. (Regina Wheeler)
 - c) Request for Approval of Amended and Restated Railyard Lease and Management Agreement – Amends, Restates, Supersedes and Replaces in its Entirety that Certain Railyard Lease and Management Agreement Dated February 27, 2002 as Amended; Santa Fe Railyard Community Corporation. (Robert Siqueiros)



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- d) Request for Approval of Affordable Housing Funds Grant – Affordable Housing Trust Fund Grant Fiscal Year 2010; Santa Fe Community Housing Trust. (Melisa Dailey)
- e) Request for Approval of Emergency Management Grants; Department of Homeland Security. (Sevastian Gurule)
 - 1) Homeland Security Grant Program
 - 2) Hazard Mitigation Grant Program
- f) Request for Approval to Publish Notice of Public Hearing on May 11, 2011:

Consideration of Approval of the Community Development Block Grant (CDBG) 2011/2012 Annual Action Plan. The City's Annual Action Plan is Part of the CDBG Program and is Submitted to the U. S. Department of Housing and Urban Development (HUD). (Kym E. Dicome)
- g) Request for Approval of Consideration to Fill Vacant Positions. (Robert Romero)
- h) Request for Approval of Grant Application and Award – New Mower, Design of Runway 10-28, Runway Lighting and Environmental Assessment for Proposed New Taxiway H Project at Santa Fe Municipal Airport; New Mexico Department of Transportation Aviation Division. (Jim Montman)
 - 1) Request for Approval of Budget Increase – Grant Fund.
- 11. CONSIDERATION OF RESOLUTION NO. 2011-_____. (Councilor Romero)
A Resolution Repealing Resolution No. 2001-35 that Established the Transit Advisory Board for the Purpose of Eliminating the Transit Advisory Board. (Jon Bulthuis)
- 12. Request for Consideration of Hearing Examiner's Findings of Fact and Conclusions of Law: Case No. 2011-15 (Consolidating Case No. 2010-148 and Case No. 2010-149) Appeal of the Cellular Phone Task Force, et al. (Appellants) of the City of Santa Fe Board of Adjustment Decisions of December 21, 2010 Denying the Appellants' Appeals from the Decisions of the Land Use Department Permitting Certain Modifications to an AT & T Telecommunications Base Station Located at 1686 Paseo de Vistas, Identified as Site No. S205 and to an AT & T Telecommunications Base Station Located at 1214 Camino Carlos Rey, Identified as Site No.S215. (Matthew O'Reilly)



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13. MATTERS FROM THE CITY MANAGER

14. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

Discussion Regarding Pending Litigation in Which the City of Santa Fe is a Participant, Qwest Corporation v. City of Santa Fe, Case No. 10-CV-00617 in the U.S. District Court for the District of New Mexico, in Accordance with §10-15-1(H)(7), NMSA 1978.

15. MATTERS FROM THE CITY CLERK

16. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. SALUTE TO THE NEW MEXICO FLAG

D. INVOCATION

E. ROLL CALL

F. PETITIONS FROM THE FLOOR

G. APPOINTMENTS

H. PUBLIC HEARINGS:

- 1) A Request from Hoback, Inc., for a Transfer of Ownership of Dispenser License #0683 from Pink Adobe, LLC, to Hoback, Inc. The License will Remain at the Pink Adobe, 406 Old Santa Fe Trail. (Yolanda Y. Vigil)



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- 2) A Request from Karson Beverage Services, LLC, for a Transfer of Ownership of Dispenser License #2588 from Servico Hotels IV, Inc., to Karson Beverage Services, LLC. The License will Remain at the Holiday Inn Santa Fe, 4048 Cerrillos Road. (Yolanda Y. Vigil)
- 3) Consideration of:
 - a) Pursuant to §60-6B-10 NMSA 1978, a Waiver of the 300 Foot Location Restriction to Allow the Sale of Alcoholic Beverages at the Giant Store #861, 5741 Airport Road Which is Within 300 Feet of R.M. Sweeney Elementary School, 501 Airport Road.
 - b) If the Waiver of the 300 Foot Restriction is Granted, Consideration of a Request from Western Refining Southwest, Inc., for a Transfer of Location of Dispenser License #0003 from Giant Store #6056, 1698 St. Michaels Drive, Santa Fe, to Giant Store #861, 5741 Airport Road. (Yolanda Y. Vigil)
- 4) A Request from Kohnami, LLC for the Following:
 - a) Pursuant to §60-6B-10 NMSA 1978, a Request for a Waiver of the 300 Foot Location Restriction to Allow the Sale of Alcoholic Beverages at Kohnami Japanese Restaurant, 313 South Guadalupe Street Which is Within 300 Feet of Our Lady of Guadalupe Church, 417 Agua Fria.
 - b) If the Waiver of the 300 Foot Restriction is Granted, a Request from Kohnami, LLC for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at the Kohnami Japanese Restaurant, 313 South Guadalupe Street. (Yolanda Y. Vigil)
- 5) A Request from VAR 83, Inc., for the Following:
 - a) Pursuant to §60-6B-10 NMSA 1978, a Request for a Waiver of the 300 Foot Location Restriction to Allow the Sale of Alcoholic Beverages at Azur, 428 Agua Fria, Santa Fe Which is Within 300 Feet of Our Lady of Guadalupe Church, 417 Agua Fria.
 - b) If the Waiver of the 300 Foot Restriction is Granted, a Request from VAR 83, Inc., for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at Azur, 428 Agua Fria. (Yolanda Y. Vigil)



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- 6) Request from the National Dance Institute of New Mexico (NDI-NM) for a Waiver of the 300 Foot Location Restriction to Allow the Dispensing/ Consumption of Alcoholic Beverages at The Dance Barns, 1140 Alto Street, Which is Within 300 Feet of Aspen Community Magnet School, 450 La Madera and Desert Academy, 313 Camino Alire. The Request is for the NDI New Mexico Annual Gala to be held on Saturday, May 7, 2011 from 5:30 p.m. – 11:00 p.m. (Yolanda Y. Vigil)
- 7) CONSIDERATION OF BILL NO. 2010-32: ADOPTION OF ORDINANCE NO. 2011-_____. (Councilor Ortiz and Councilor Trujillo)
An Ordinance Amending Various Sections of Chapter 14 SFCC 1987 Land Development Code Related to Appeals. (Matthew O'Reilly) (Postponed at February 23, 2011 City Council Meeting) **(Postponed at March 30, 2011 City Council Meeting)**
 - a) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Councilor Ortiz and Councilor Trujillo)
A Resolution Adopting Administrative Procedures Related to Appeals of Land Use Decisions. (Matthew O'Reilly) **(Postponed at March 30, 2011 City Council Meeting)**
- 8) CONSIDERATION OF BILL NO. 2011-9: ADOPTION OF ORDINANCE NO. 2011-_____.
Case #2011-14. Cielo Azul Annexation Agreement Amendment. Branch Design and Development, Agent for EZMO, LLC, Requests to Deletion of a Condition of Approval for the Cielo Azul Annexation, Adopted by Ordinance 2006-29, and Amending its Annexation Agreement, to Reduce the Percentage of Affordable Units from 40% to 30%. The Tract Comprises 40.749 Acres and is Located on the South Side of Agua Fria Between Calle Larranaga and Calle Nueva Vista and Including 1.295 Acres of Land Adjoining Agua Fria Street Right-of-Way. The Subdivision is Approved for 222 Units, and is Zoned R-6/PUD (Residential, 6 Dwelling Units per Acre/Planned Unit Development). (Heather Lamboy)
- 9) Request from Balconies, Inc., for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at the Ore House, 50 Lincoln Avenue. (Yolanda Y. Vigil, City Clerk) (Postponed at March 30, 2011 City Council Meeting) **(Postponed to April 27, 2011 City Council Meeting)**

I. ADJOURN



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REGULAR MEETING OF
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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
April 13, 2011

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REQUEST FOR CONSIDERATION OF HEARING EXAMINER'S FINDINGS OF FACT AND CONCLUSIONS OF LAW: CASE NO. 2011-15 (CONSOLIDATING CASE NO. 2010-148 AND CASE NO. 2011-5 (CONSOLIDATING CASE NO. 2010-148 AND CASE NO. 2010-149) APPEAL OF THE CELLULAR PHONE TASK FORCE, ET AL. (APPELLANTS) OF THE CITY OF SANTA FE, BOARD OF ADJUSTMENT DECISIONS OF DECEMBER 21, 2010, DENYING THE APPELLANTS' APPEALS FROM THE DECISIONS OF THE LAND USE DEPARTMENT PERMITTING CERTAIN MODIFICATIONS TO AN AT&T TELECOMMUNICATIONS BASE STATION LOCATED AT 1686 PASEO DE VISTAS, IDENTIFIED AS SITE NO. S205 AND TO AN AT&T TELECOMMUNICATIONS BASE STATION LOCATED AT 1214 CAMINO CARLOS REY, IDENTIFIED AS SITE NO. S215	Denied	6-7
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A REQUEST FROM HOBACK, INC., FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #0683 FROM PINK ADOBE, LLC, TO HOBACK, INC. THE LICENSE WILL REMAIN AT THE PINK ADOBE, 406 OLD SANTA FE TRAIL	Approved	14
A REQUEST FROM KARSON BEVERAGE SERVICES, LLC., FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #2588 FROM SERVICO HOTELS IV, INC., TO KARSON BEVERAGE SERVICES, LLC. THE LICENSE WILL REMAIN AT THE HOLIDAY INN SANTA FE, 4048 CERRILLOS ROAD	Approved	15
CONSIDERATION OF:		
PURSUANT TO §60-6B-10 NMSA 1978, A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES AT THE GIANT STORE #861, 5741 AIRPORT ROAD, WHICH IS WITHIN 300 FEET OF R.M. SWEENEY ELEMENTARY SCHOOL, 501 AIRPORT ROAD	Denied	15-26
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A REQUEST FROM KOHNAMI, LLC, FOR THE FOLLOWING:		
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IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, A REQUEST FROM KOHNAMI, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT THE KOHNAMI JAPANESE RESTAURANT, 313 SOUTH GUADALUPE STREET	Approved	27
A REQUEST FROM VAR 83, INC., FOR THE FOLLOWING:		
PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES AT AZUR, 428 AGUA FRIA, SANTA FE, WHICH IS WITH 300 FEET OF OUR LADY OF GUADALUPE CHURCH, 417 AGUA FRIA	Approved	27-28
IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, A REQUEST FROM AR 83, INC., FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT AZUR, 428 AGUA FRIA	Approved	27-28
REQUEST FROM THE NATIONAL DANCE INSTITUTE OF NEW MEXICO (NDI-NM) FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE DISPENSING/ CONSUMPTION OF ALCOHOLIC BEVERAGES AT THE DANCE BARNS, 1140 ALTO STREET, WHICH IS WITHIN 300 FEET OF ASPEN COMMUNITY MAGNET SCHOOL, 450 LA MADERA AND DESERT ACADEMY, 313 CAMINO ALIRE. THE REQUEST IS FOR THE NDI NEW MEXICO ANNUAL GALA TO BE HELD ON SATURDAY, MAY 7, 2011 FROM 5:30 P.M. TO 11:00 P.M.	Approved	29
CONSIDERATION OF BILL NO. 2010-32: ADOPTION OF ORDINANCE NO. 2011-9. AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 14 SFCC 1987, LAND DEVELOPMENT CODE, RELATED TO APPEALS	Approved [amended]	30-35
CONSIDERATION OF RESOLUTION NO. 2011-24. A RESOLUTION ADOPTING ADMINISTRATIVE PROCEDURES RELATED TO APPEALS OF LAND USE DECISIONS	Approved	30-35

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2011-9: ADOPTION OF ORDINANCE NO. 2011-10. Case #2011-14 . CIELO AZUL ANNEXATION AGREEMENT AMENDMENT. BRANCH DESIGN AND DEVELOPMENT, AGENT FOR EZMO, LLC, REQUESTS TO DELETION OF A CONDITION OF APPROVAL FOR THE CIELO AZUL ANNEXATION, ADOPTED BY ORDINANCE 2006-29, AND AMENDING ITS ANNEXATION AGREEMENT, TO REDUCE THE PERCENTAGE OF AFFORDABLE UNITS FROM 40% TO 30%. THE TRACT COMPRISES 40.749 ACRES AND IS LOCATED ON THE SOUTH SIDE OF AGUA FRIA BETWEEN CALLE LARRANAGA AND CALLE NUEVA VISTA AND INCLUDING 1.295 ACRES OF LAND ADJOINING AGUA FRIA STREET RIGHT-OF-WAY. THE SUBDIVISION IS APPROVED FOR 222 UNITS, AND IS ZONED R-6/PUD (RESIDENTIAL, 6 DWELLING UNITS PER ACRE/PLANNED UNIT DEVELOPMENT)	Approved	35-39
REQUEST FROM BALCONIES, INC., FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISES CONSUMPTION ONLY) TO BE LOCATED AT THE ORE HOUSE, 50 LINCOLN AVENUE	Postponed to 04/27/11	39
ADJOURN		40

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
April 13, 2011**

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 April 13, 2011, at approximately 5:00 p.m., in the City Hall Council Chambers. 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 Carmichael A. Dominguez
Councilor Matthew E. Ortiz
Councilor Rosemary Romero
Councilor Ronald S. Trujillo

Members Excused

Councilor Miguel Chavez

Others Attending

Robert Romero, City Manager
Geno Zamora, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

6. APPROVAL OF AGENDA

Robert Romero said Item #11 has been withdrawn from the agenda.

MOTION: Councilor Trujillo moved, seconded by Councilor Romero, 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 and none against.

7. APPROVAL OF CONSENT CALENDAR

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, 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.

- a) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 1 – MUSEUM HILL TRAIL (PHASE I); H.O. CONSTRUCTION, INC. (LEROY PACHECO)**
- b) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENTS FOR SOLID WASTE DIVISION. (REGINA WHEELER)**
- c) **REQUEST FOR APPROVAL OF AMENDED AND RESTATED RAILYARD LEASE AND MANAGEMENT AGREEMENT – AMENDS, RESTATES, SUPERCEDES AND REPLACES IN ITS ENTIRETY THAT CERTAIN RAILYARD LEASE AND MANAGEMENT AGREEMENT DATED FEBRUARY 27, 2002 AS AMENDED; SANTA FE RAILYARD COMMUNITY CORPORATION. (ROBERT SIQUEIROS)**
- d) **REQUEST FOR APPROVAL OF AFFORDABLE HOUSING FUNDS GRANT – AFFORDABLE HOUSING TRUST FUND GRANT FISCAL YEAR 2010; SANTA FE COMMUNITY HOUSING TRUST. (MELISA DAILEY)**
- e) **REQUEST FOR APPROVAL OF EMERGENCY MANAGEMENT GRANTS; DEPARTMENT OF HOMELAND SECURITY. (SEVASTIAN GURULE)**
 - 1. **HOMELAND SECURITY GRANT PROGRAM.**
 - 2. **HAZARD MITIGATION GRANT PROGRAM.**
- f) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON MAY 11, 2011:**

CONSIDERATION OF APPROVAL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2011/2012 ANNUAL ACTION PLAN. THE CITY'S ANNUAL ACTION PLAN IS PART OF THE CDBG PROGRAM AND IS SUBMITTED TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD). (KYM E. DICOME)

- g) *[Removed for discussion by Councilor Ortiz]*
- h) **REQUEST FOR APPROVAL OF GRANT APPLICATION AND AWARD – NEW MOWER, DESIGN OF RUNWAY 10-28, RUNWAY LIGHTING AND ENVIRONMENT ASSESSMENT FOR PROPOSED NEW TAXIWAY H PROJECT AT SANTA FE MUNICIPAL AIRPORT; NEW MEXICO DEPARTMENT OF TRANSPORTATION AVIATION DIVISION. (JIM MONTMAN)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – MARCH 30, 2011.

MOTION: Councilor Bushee moved, seconded by Councilor Wurzbarger, to approve the minutes of the Regular City Council meeting of March 30, 2011, 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 and none against.

9. PRESENTATIONS

- a) **EMPLOYEE OF THE MONTH FOR APRIL 2011 – WILLIAM A. “BILL” MOORE, ENGINEER TECHNICIAN SENIOR; LAND USE DEPARTMENT/TECHNICAL REVIEW DIVISION.**

Mayor Coss read letter of nomination into the record, and presented Mr. Moore with an Employee of the Month plaque, and a check for \$100.

- b) **PROCLAMATION – “FAIR HOUSING MONTH.” (KIM DICOME)**

Mayor Coss read a proclamation into the record proclaiming April as Fair Housing Month, and presented it to Kim Dicome and Melisa McDonald.

- c) **PROCLAMATION – “NATIONAL POETRY MONTH.” (JOAN LOGGHE, SANTA FE’S POET LAUREATE)**

Mayor Coss read a proclamation into the record declaring April as “National Poetry Month,” and presented it to Joan Logghe, Poet Laureate of Santa Fe.

Joan Logghe spoke about her recent activities working with school children in Santa Fe, and said she will have the honor of introducing the National Poet Laureate at a national meeting next month.

Joan Logghe read a poem she wrote called *April in Santa*:

This is the city for poets. You'd think, Paris,
but I say here, just inside the library door
where magazines wait to be recycled into new
hands, where in the stacks the poets snuggle up

against one another, paperback by hard
cover, living by dead, they hum between
themselves, they speak in a frequency
heard only by readers.

And on the Plaza the poems wait
to be written down. They are suspended
in the air, a hacky sack flying from foot
to foot, a man looking down from a balcony,

a cash register tallying up the tax on a strand
of jewelry, liquid silver and jet. And the paintings
on the walls of the museums, or sculpture in gardens
just words away from saved and savored.

How this city is held afloat by art astounds
my lovely Wisconsin relatives held intact by
milk and road repair. They are driving off
with turquoise stud earrings for the grand daughters.

The birds bank and cycle above their rented car
and I am left here, my pen filled with ink
to immortalize which means don't let this moment die.
City of poems, City of poets,

archiving the spring air, tracing the holy
pollen count which after all makes sacred seed of tree.
The birdsong of Thursday, the vibrations left in the
wake of artists who gather like iron filings

around this magnet of place. The ticket holders, the tourists,
the local girl who never went to a museum
before and now, skipping through bird and tulip,
it's her poem.

A little no capital letters e. e. cummings of a boy,
a large fat-lady-singing of a woman and this Opera is not over,
It keeps singing Spring, spring, spring and in Sena Plaza
the waiters can't help but burst Broadway

over the crowns of poppy waiting for their clock
of scarlet to tick open. On the Plaza my friend Sunny
selling glass earrings and barrettes. Have you noticed,
I mean how can you help but notice?

How many generations of souls from Santo Domingo
or Santa Clara, sat under the portal through years and winters
for the arrival of April, in this holy city where April
is never cruel, though windy and more than deep.

Saint Francis making us all into instruments of His Peace.
Poets accumulate to jot down the aha of place,
the jolt of jonquil, whit bark of aspen, nuance
of sunset on the Cathedral.

Any place can be Paris, my old teacher said.
And in the library, I check out books, the delicate
arm of the librarian tattooed with apple blossoms.

CONSENT CALENDAR DISCUSSION

10 (g) REQUEST FOR APPROVAL OF CONSIDERATION TO FILL VACANT POSITIONS. (ROBERT ROMERO)

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

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

For: Councilor Calvert, Councilor Dominguez, Councilor Romero, Councilor Trujillo and Councilor Wurzbarger.

Against: Councilor Bushee and Councilor Ortiz.

END OF CONSENT CALENDAR DISCUSSION

11. **CONSIDERATION OF RESOLUTION NO. 2011- ____ (COUNCILOR ROMERO). A RESOLUTION REPEALING RESOLUTION NO. 2001-35 THAT ESTABLISHED THE TRANSIT ADVISORY BOARD FOR THE PURPOSE OF ELIMINATING THE TRANSIT ADVISORY BOARD. (JON BULTHUIS)**

This item was withdrawn from the Agenda.

12. **REQUEST FOR CONSIDERATION OF HEARING EXAMINER'S FINDINGS OF FACT AND CONCLUSIONS OF LAW: CASE NO. 2011-15 (CONSOLIDATING CASE NO. 2010-148 AND CASE NO. 2010-149), APPEAL OF THE CELLULAR PHONE TASK FORCE, ET AL. (APPELLANTS) OF THE CITY OF SANTA FE, BOARD OF ADJUSTMENT DECISIONS OF DECEMBER 21, 2010, DENYING THE APPELLANTS' APPEALS FROM THE DECISIONS OF THE LAND USE DEPARTMENT PERMITTING CERTAIN MODIFICATIONS TO AN AT&T TELECOMMUNICATIONS BASE STATION LOCATED AT 1686 PASEO DE VISTAS, IDENTIFIED AS SITE NO. S205 AND TO AN AT&T TELECOMMUNICATIONS BASE STATION LOCATED AT 1214 CAMINO CARLOS REY, IDENTIFIED AS SITE NO. S215. (MATTHEW O'REILLY)**

A copy of the Memorandum Opinion and Order in Arthur Firstenberg v. City of Santa Fe, New Mexico and AT&T Mobility Services, LLC, in the United States District Court, District of New Mexico, Case No. 11-CV-08 JAP/WDS, is incorporated herewith to these minutes as Exhibit "1."

Mr. O'Reilly said there is an error in the Memorandum. The hearing by the Hearing Examiner was held on March 16, 2011.

Mr. O'Reilly said the Land Use Department and City Attorney's office recommends that the Governing Body does not accept the Hearing Examiner's Findings of Fact and Conclusions of Law in these cases, and instead, that the Council schedule a public hearing to hear this appeal.

Kelly Brennan said the Hearing Examiner denied the appeal, which was the ultimate result we were seeking. However, in that process the Hearing Examiner made a number of findings which the City Attorney's office believes are outside the jurisdiction of the Hearing Examiner.

Ms. Brennan said she handed out a decision by the United States District Court in Arthur Firstenberg v. City of Santa Fe, New Mexico and AT&T Mobility Services, LLC, in the United States District Court, District of New Mexico, Case No. 11-CV-08 JAP/WDS [Exhibit "1"]. She said in that case the Judge made a number of findings about the federal questions which have been consistently raised in these appeals, including questions about the preemption by the Telecommunications Act of 1996, and under the Americans with Disabilities Act as well as equal protection and due process claims. She said, as a result, if the Governing Body hears this matter, she would recommend that the Governing Body does not accept the Hearing Examiner's Findings of Fact and Conclusions of Law in these cases, and instead, the Council schedule a public hearing to hear this appeal. She said staff would recommend, if the Governing Body

decides to hear the appeal, that the Governing Body do not hear anything that has been determined by the Federal Court, which means only land use claims would remain and those are minor.

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, that the Governing Body do not accept the Hearing Examiner's Findings of Fact and Conclusions of Law in these cases, and instead, the Council schedule a public hearing to hear this appeal, and that the Governing Body will not hear anything that has been determined by the Federal Court, and will hear only land use claims.

DISCUSSION: Councilor Bushee said she is making this motion because she received a letter from the attorney for AT&T to accept the Findings of Fact, and therefore SHE presumes she wants to go in the other direction.

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: Councilor Bushee and Councilor Ortiz.

13. MATTERS FROM THE CITY MANAGER.

There were no matters from the City Manager.

14. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

DISCUSSION REGARDING PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS A PARTICIPANT, QWEST CORPORATION V. CITY OF SANTA FE, 10-CV-00617, IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO, IN ACCORDANCE WITH §10-15-1(H)(7) NMSA 1978.

MOTION: Councilor Calvert moved, seconded by Councilor Romero, that the Council go into Executive Session for the purpose of regarding pending litigation in which the City of Santa Fe is a participant, QWEST Corporation v. City of Santa Fe, in accordance with §10-15-1(H)(7) NMSA 1978.

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.

The Council went into Executive Session at 5:30 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 5:35 p.m. Councilor Calvert moved, seconded by Councilor Trujillo, that the City Council come out of Executive Session and stated that the only item which was discussed in executive session was the item which were on the agenda, and no action was taken.

VOTE: The motion was approved unanimously on a voice vote with Councilors Bushee, Calvert, Dominguez, Ortiz, Romero, Trujillo and Wurzbarger voting for the motion and no one voting against.

15. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

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 , is incorporated herewith to these minutes as Exhibit "2,"

Councilor Calvert

Councilor Calvert sent his condolences to the family of Salome de Agüero, who had a career as a teacher and then after retirement, helping Seniors, noting she received national recognition for her efforts. He said she took a chance on "a newcomer and was my campaign finance manager two times."

Councilor Calvert introduced an Ordinance Amending Section 11-12.1 SFCC 1987 to authorize, on an annual basis, the transfer of Enterprise Funds to the General Fund, in an amount not to exceed Four Million Dollars (\$4,000,000). A copy of the proposed Ordinance is incorporated herewith to these minutes as Exhibit "3."

Councilor Dominguez

Councilor Dominguez asked Mr. Romero to thank the staff at the MRC and the Golf course for their work, noting everything is looking good. He said they held a Golf Swap last week to benefit the Fore Kids, and would like to have an accounting of how much money is going to the Fore Kids program.

Councilor Dominguez said we have high school proms and graduations coming up. He asked the City Manager to ask the Police Department to keep this in mind and do whatever they can to ensure that the kids and people are safe on the streets.

Councilor Wurzbarger

Councilor Wurzbarger introduced the following:

1. An Ordinance Amending Section 14-08,11(F) SFCC 1987, to grant the Governing Body the authority to temporarily modify the requirements of the Santa Fe Homes Program regarding the required number of homes in a development and the required rental units in a development, and recommending 15% for two years, and to examine the fee in lieu of less than 10 units, with a sunset clause. A copy of the proposed Ordinance is incorporated herewith to these minutes as Exhibit "4."

Councilor Wurzbarger said this is being done to provide an incentive to build and to jump-start the building industry in Santa Fe.

2. A Resolution authorizing the temporary modification of the requirements of the Santa Fe Homes Program; authorizing the temporary modification of the required number of for sale SFHP homes in a development, and authorizing the temporary modification of the number of SFHP rental units in a development. A copy of the proposed Resolution is incorporated herewith to these minutes as Exhibit "5."
3. An Ordinance approving a lease between the City of Santa Fe and Whiskey Golf Investments, L.P., for approximately 0.465 acres of City owned land located at the Santa Fe Municipal Airport for construction of Aircraft Hangars for its own private use and other related purposes. A copy of the proposed Ordinance is incorporated herewith to these minutes as Exhibit "6."

Councilor Trujillo

Councilor Trujillo said a letter was written to Fabian Chavez about the gophers at Franklin Miles and Ragle, noting there probably are issues at other parks as well. He said the season is starting and kids are falling because of the small holes.

Councilor Trujillo said he is going to Los Angeles tomorrow for his daughter to participate in the National Cheerleading contest, and he wishes all of them good luck, and hopes they will be national champions.

Councilor Ortiz

Councilor Ortiz had no communications.

Councilor Bushee

Councilor Bushee said she called Robert Romero about most of her concerns. She said she really hopes we can find funds for the multi-modal center.

Councilor Bushee asked the plan for turning around our public safety issues. She asked the Chair of Public Safety to host some hearings, or ask the City Manager to respond to her with a long and short time plan to reduce our crime rates. She would like him to talk about the structure of the Department and his plans.

Councilor Trujillo said he spoke with Chief Rael this week and they have plans which will be discussed at the Public Safety Committee, and invited her to attend any Public Safety Committee meeting.

Councilor Bushee said at some point it should involve the entire Council.

Councilor Trujillo said it will involve the entire Council, reiterating that there is a standing invitation to attend any of the Public Safety Committee meetings..

Councilor Romero

Councilor Romero had no communications.

Mayor Coss

Mayor Coss introduced the following:

1. An Ordinance amending Chapter 7 SFCC 1987, regarding Building and Related Codes; adopting the 1009 International Building Code, the 2009 International Residential Building Code, the 2009 International Existing Building Code, the 2009 Uniform Mechanical Code, the 2011 National Electric Code and other related Codes as amended by the State of New Mexico and the City of Santa Fe. A copy of the proposed Ordinance is incorporated herewith to these minutes as Exhibit "7."

2. An Ordinance amending Section 12-2 SFCC 1987; adopting the 2009 International Fire Code as amended by the Governing Body. A copy of the proposed Ordinance is incorporated herewith to these minutes as Exhibit "8."

END OF AFTERNOON SESSION AT 5:45 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David Coss, at approximately 7:00 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 Carmichael A. Dominguez
Councilor Matthew E. Ortiz
Councilor Rosemary Romero
Councilor Ronald S. Trujillo

Members Excused

Councilor Miguel Chavez

Others Attending

Robert P. Romero, City Manager
Geno Zamora, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

F. PETITIONS FROM THE FLOOR

Mayor Coss said each person has to minutes for their petition to the Governing Body.

Robert Francis Johnson, 208½ Polaco Street, read a poem into the record, and said he “hopes you listen to the words.”

William Mees 2073 Camino Samuel Montoya, said he is working in the Agua Fria Village with the public schools, and they are looking at a possible demolition of Agua Fria School, and a construction of a two-story K-8 campus which will take more room. He said they have been looking at the 100 ft. tract of land owned by the City, next to Henry Lynch Road. He said the Public Works Department has told the Public Schools that they want to hold that property for future traffic control devices, or traffic studies. He said some of that land already has been granted to the Schools for a bus turnaround, and if the Schools could get more of the land it would help to accommodate the needs at the proposed new school site. He said they will continue pursuing requesting that land through the City Council, because Public Works has said their hands are tied in turning that land over to the public schools.

Arthur Firstenberg said, "I'd like to talk about this afternoon's vote to reject the Hearing Examiner's Findings. Ken Cassutt, the Hearing Examiner, decided that the Telecommunications Act preempts the Americans with Disabilities Act. That's what Judge Parker also decided last week in U.S. District Court. The Hearing Examiner made the same decision as the District Court. He denied our appeal based on preemption by the Telecommunications Act. The City Attorney agrees with that decision, so why is the City Attorney's office unhappy with him. Because he recognized, based on the evidence, that people with electromagnetic sensitivity exist and that we have a disability as defined by the ADA. That means we enjoy certain protections under the law. It means that we have rights as human beings. The right to live in our own homes. The right to go out in public. The right not to be driven out of town. The right not to be deprived of our lives. The kinds of rights that black people in America once didn't have. The only possible reason for you to reject the Hearing Examiner's Findings is to deny a whole class of citizens their civil rights. I myself, have previously been driven out of two cities, and have not been able to live in my own home in Santa Fe for 1½ years. When Mr. Cassutt issued his findings, I said to myself: Thank God somebody has recognized that we are human beings. You voted, on advice of the Assistant City Attorney, but to remove from consideration any of our claims under federal laws and the Constitution. The City Attorney does not have the right to tell you to do that. The appeal is yours to decide, not hers, and not before you hear the testimony. Judge Parker's decision provides guidance to us as to how to argue future cases. We intend to follow his direction and we expect this Council to give us a proper hearing. Thank you."

Mary Layne said she was sorry to hear the decision at five today. She attended an AT&T forum last night about a new cell tower that's going in. She said when they asked for input on the cell tower which will be installed at Baillio's parking lot, it was mentioned that in Arizona they use palm trees, instead of the pine trees used here. She is requesting a palm tree, because if people see a palm tree, which is rather incongruous in the middle of the parking lot, they might stare at it and realize it is hiding a bunch of antennas. She wishes the Governing Body would do its best to regulate the telecommunications industry, because "you have the authority to do so. And the way we're going, it looks like we are giving them carte blanche. It's very scary. Thank you so much."

G. APPOINTMENTS

A copy of a Memorandum dated April 7, 2011, to the City Council from Mayor David Coss, regarding Appointments, is incorporated herewith to these minutes as Exhibit "9."

Transit Advisory Board

Mayor Coss made the following appointment to the Transit Advisory Board:

Garrett Robinson – term ending 03/2013.

MOTION: Councilor Ortiz moved, seconded by Councilor Romero, to approve this appointment.

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

H. PUBLIC HEARINGS

- 1) **A REQUEST FROM HOBACK, INC., FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #0683 FROM PINK ADOBE, LLC, TO HOBACK, INC. THE LICENSE WILL REMAIN AT THE PINK ADOBE, 406 OLD SANTA FE TRAIL. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil. Ms. Vigil said the business is within 300 ft. of the San Miguel Chapel. However, because alcoholic beverages were sold there and the liquor license was located at this address prior to 1981, a waiver is not required. She said there reports in the packet regarding liquor, noise and traffic. Staff is recommending that the business be required to comply with all of the liquor and noise ordinances.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Wurzburger, to approve the request from Hoback, Inc., for a transfer of ownership of Dispenser License #-0683 from Pink Adobe, LLC, to Hoback, Inc., the license to remain at the Pink Adobe, 406 Old Santa Fe Trail.

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 Wurzburger.

Against: None.

- 2) **A REQUEST FROM KARSON BEVERAGE SERVICES, LLC., FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #2588 FROM SERVICO HOTELS IV, INC., TO KARSON BEVERAGE SERVICES, LLC. THE LICENSE WILL REMAIN AT THE HOLIDAY INN SANTA FE, 4048 CERRILLOS ROAD. (YOLANDA Y. VIGIL).**

The staff report was given by Yolanda Vigil, noting the business is not within 300 feet of a church or school. She noted there are staff reports in the packet regarding litter, noise and traffic, and staff recommends this business be required to comply with the City's ordinances..

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to approve the request from Karson Beverage Services, LLC, for a transfer of ownership of Dispenser License #2588 from Servico Hotels IV, Inc., to Karson Beverage Services, LLC, with the license to remain at the Holiday Inn Santa Fe, 40-48 Cerrillos Road.

VOTE: The motion was approved on the following roll call vote:

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

Against: Councilor Wurzbarger.

3) **CONSIDERATION OF:**

- a) **PURSUANT TO §60-6B-10 NMSA 1978, A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES AT THE GIANT STORE #861, 5741 AIRPORT ROAD, WHICH IS WITHIN 300 FEET OF R.M. SWEENEY ELEMENTARY SCHOOL, 501 AIRPORT ROAD.**
- b) **IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, CONSIDERATION OF A REQUEST FROM WESTERN REFINING SOUTHWEST, INC., FOR A TRANSFER OF LOCATION OF DISPENSER LICENSE #0003 FROM GIANT STORE #6058, 1698 ST. MICHAEL'S DRIVE, SANTA FE, TO GIANT STORE #861, 5741 AIRPORT ROAD. (YOLANDA Y. VIGIL)**

A copy of a letter dated April 8, 2011, to Mayor Coss and Councilors Bushee, Calvert, Romero, Wurzbarger, Chavez, Dominguez, Ortiz and Trujillo,, from Suzanne C. Odom, Esq., regarding *Application of Western Refining Southwest, Inc., for transfer of location of Liquor License No. 003 from Giant Store No. 6056, located at 1698 St. Michael's Drive, Santa Fe, NM 87505 to Giant Store No. 861, located at 5741 Airport Road, Santa Fe, NM 87507, is incorporated herewith to these minutes as Exhibit "10."*

A Memorandum dated April 8, 2011, with attachments, to Mayor Coss and City Councilors, from Yolanda Y. Vigil, City Clerk, is incorporated herewith to these minutes as Exhibit "11."

Yolanda Vigil presented the Staff Report which is in her Memorandum of April 8, 2011, which is in the Council packet. Please see this Memorandum for specifics of her presentation.

Councilor Ortiz said the Council also received a letter dated April 8, 2011, from Montgomery-Andrews through counsel Susan Odom, requesting that we not have a hearing, that they have not sought a variance and they request that we act on the application, based on the evidence introduced at the public hearing on March 30, 2011. He asked if we have to hear this list of people coming up to regurgitate what we heard on March 30, 2011, or can we make findings based on the record, that the Applicant said that they don't believe they have to apply for a waiver.

Mr. Zamora said, "A public hearing, of course, was held at the last meeting, except that was postponed for a different type of hearing here. I do understand we'll likely hear most of the same information, but as far as the record is concerned, it could be considered a new application, or a new hearing certainly. The application is the same, but the Governing Body has the opportunity to keep the meeting open."

Councilor Ortiz asked, "So, what authority do we have to act on a waiver that the applicant themselves are saying they don't want to have."

Mr. Zamora said, "The authority we have under State statute is that if a premises is within 300 feet, measured property line-to property. Again, the presumption is no licence issues. They currently have an application with us for a simple transfer. Failure of the Council to act on that license would result in automatic issuance. So I think your hearing is two fold this evening. One to consider evidence on the measurements that shows clearly within the waiver, and to act upon, not only a waiver, but you can act upon the original application if you find sufficient evidence in health and safety to deny it on both those bases, either of those bases, or approve upon whatever bases. Those are your options."

Councilor Ortiz said Ms. Odom's letter references a Surveyor's Affidavit of Michael Schook, and asked Ms. Vigil if that Affidavit is in the Council packet.

Ms. Vigil said yes, it is on page 159 of the packet with the original application.

Public Hearing

All those speaking were sworn en masse

Statement of the Applicant

Suzanne Odom, Attorney for Western Refining, the Applicant [previously sworn]. Ms. Odom said, "Unfortunately, because of the manner in which this hearing was noticed, I do not have representatives from the company here to address the concerns that may be brought before this Council. That's a concern I have very much with this hearing, because I did have representatives at the March 30th hearing. The part of the Notice that I don't believe was read, that notice is hereby given that Santa Fe Public.... will hold a public hearing. The purpose of this hearing is to discuss a request from Western Refining Southwest's request for a variance. The request has not been made. We respectfully disagree with the Council's and City Attorney's interpretation of the governing statute and the regulation that is applicable. The regulation applicable is 15 NMAC 10.8.2.8, we believe, has been properly issued by the Alcohol and Gaming Division who is charged with administering the Liquor Control Act and presents the proper measurement, or the proper means for measuring distance from an establishment to a church or school. And, pursuant to that requirement, the distance of this store is 377.53 feet. Now this was made by a licensed surveyor based on accurate measurement. It is not based on GIS, an estimate made on rough outlines drawn on a GIS satellite imaging. And, based upon that, we respectfully decline to request a variance. I'm not aware of any legal requirement that we have to agree with the City's interpretation and request a variance. Therefore, I do not believe that any further substantive consideration of this application is properly before this Governing Body, and I would object to any testimony on same."

Mayor Coss said there is a question from the Council about the measurement and asked Mr. Zamora to respond.

Mr. Zamora said, "Ms. Odom is correct that they have not applied for a waiver. The difficulty is that the premises, as defined in the Statute, does fall within the requirement for a waiver and that is State statute 60-6B-10 which addresses locations near a church or school, and says in pertinent part that, 'No license shall be issued to a premises within 300 feet of a church or school unless a person has obtained a waiver from the Local Option District Governing Body for the proposed licensed premises.' So, whether their application said that, or not, they are applying for a license to come within 300 feet of a church or school. And the other important part out of §60-6B-10, is that the statute specifically states how the measurement is to be made. And that measurement 'shall be the straight line distance from the property line of the licensed premises to the property line of the church or school.'"

Mr. Zamora continued, "The map that was introduced at the last hearing on the thirtieth, which is continuing this evening, and that's also in your packet, demonstrates that property line to property line from the Sweeney School or the public school's property line which is being used for school purposes is 155 feet."

Councilor Bushee asked, for the record, the packet page of this map.

Mr. Zamora said it is on page 5 of the packet.

Councilor Bushee asked by whom the measurement was taken.

Mr. Zamora said the measurement was taken by the GIS Department, originally Leonard Padilla who is not present, but was present on March 30th. He said Jim Gallegos, GIS Project Coordinator, is in attendance and he has independently verified the numbers and is available.

Councilor Bushee said, "Then it's not from edifice to edifice, it is from the corner of one property to the corner of the other property."

Mr. Zamora said, "Per the statute, a straight line distance from the property line of the licensed premises to the property line of the church or school. And as you can see on page 5, the property lines are outlined in black, in the lower left hand corner, that jagged property line and it's the actual property line, not the fence line that the survey relies on. The actual property line of the Santa Fe Public Schools is the starting point. And then the property line of Giant, owned by, utilized by Western Refinery, is that property line in the upper right hand corner."

Councilor Bushee asked if there is a requirement that a certified surveyor make this measurement.

Mr. Zamora said that is not required by the statute.

Ms. Odom said, "I believe if you wish to deny the application based on your interpretation of the statutes, of course that is within the Council's purview and prerogative. A real disagreement over how the law should be interpreted I don't think rests within the final jurisdiction of this body. It would be decided by another body. However, that being said, I believe that there are instances in the past where the City Council has operated not on the basis or premises to the edge of a church or school, but rather on the basis of the distance from the licensed premises to the distance between the school. A case in point would be Sam's Club, and I believe the Lowe's which is right across the street from DeVargas. You take a look at that property line, from that property line, Lowe's is well under 300 feet from DeVargas. And if there will be consideration of further substantive testimony on like density, I would like to reserve the opportunity, without waiving my objection, to present some response to that. Although I cannot present before this Council any testimony on the licensee's practices as I would have liked to."

Councilor Dominguez asked if the applicant provided a survey, a registered plat of a measurement taken from property line to property line.

Mr. Zamora said, "No. What's included on page 159, is a measurement... a survey provided by the Applicant which measures from what appears to be the fence line, and not actually the property of Santa Fe Public Schools, to approximately the front door of the Giant gas station, the actual structure, the building of the convenience store."

Councilor Dominguez said, "I want to get this clear and on the record. On this measurement, as I read it, is taken from the back of the sidewalk where the north boundary line is identified in the plat, to a point on the building itself. The statute, irregardless of whether... well the statute or the administrative policy requires a measurement from the property line, whether it is property line to property line, or property line to, whatever the term was that Ms. Odom used, point of sale."

Mr. Zamora said, "The statute is property line to property line as displayed on page 5 of your packet."

Councilor Dominguez said, "And so this plat doesn't really provide anything that indicates that that measurement is the property line. It just says it's the measurement of the north boundary line. Do you know what level this survey was. Was GPS utilized in collecting this data. Was it just.... do you have any idea. Did the applicant indicate that to you."

Mr. Zamora said, "On 159... Yolanda I think would be the recipient of this. Was there any indication of the manner of survey done."

Ms. Vigil said, "No. This is the survey that was submitted when we sent back the Application to Alcohol and Gaming for correction, and when it came back to us, then it had this survey in there."

Councilor Dominguez said, "And so, Geno, the State statute doesn't require any particular type of methodology in coming up with the survey. It just says it will be provided by a registered, licensed surveyor."

Mr. Zamora said, "The only direction provided by the State statute is property line to property line. It does not even require a licensed professional survey to be provided."

Councilor Dominguez said, "And, one other question, if I can Mayor, because I think this needs to be provided for the record, our GIS and maybe Jim can answer this, but there are some survey methodologies, if you will, that GIS is governed by to require a certain level of accuracy. In other words, there is control that is provided in order for GIS to be able to pull data out, and that control is provided by traditional survey methods."

Mr. Gonzales said, "Yes. That's true. Most of our stuff is, like the control points we use for the parcel lines, it's first order, second order, is really very accurate survey data. And it's on the NGS site too, I think."

Councilor Dominguez said, "Then this data is relatively accurate. That's all Mayor."

Those speaking to the request

Ray Collins [previously sworn] read a statement which he and his brother, Gerald Collins, prepared, noting his brother could not be here tonight. He said he is concerned about the irresponsible sale and supply of alcohol. He lost 5 family members in a deadly crash when a drunk driver going the wrong way on I-25 slammed into his daughter's van, killing his daughter, son-in-law and three of his four granddaughters.

Mr. Collins said, "The problem with the liquor industry is that it believes alcohol should be made available in every corner of our society. That every citizen should be able to access alcohol at sporting events, grocery stores, drug stores, bars, package liquors, convenience stores, gas stations, concerts, bars, discount stores and virtually every other venue they can make this dangerous drug available."

Mr. Collins continued, "Alcohol is the most available and affordable drug in our society. It also has the biggest economic impact. The humorous television ads mask the tragedies associated with alcohol. This includes underage drinking, teen age pregnancy, domestic violence, violent crimes, theft, drunk driving, not to mention the health issues associated with alcohol consumption. Despite all these serious negative impacts of alcohol, we're all too eager to allow even more access points for the drug that is drowning our society, while the industry speaks out about drinking responsibly. Why shouldn't the industry be required to be responsible in a number of access points. Why shouldn't the liquor industry be responsible when it sells alcohol. Why should society bear the burden, while the liquor industry reaps the profits. The more outlets that are created, the more problems associated with alcohol will flourish."

Mr. Collins continued, "A recent Department of Health report, estimated that alcohol related costs in New Mexico in 2007 was \$2.8 billion, which equates to \$1,400 per person in New Mexico. The more outlets that are added, logically, the higher this number will rise. The industry's plan of attack is to place alcohol at the forefront of every venue at which they can sell. Pull up to a convenience store that sells alcohol, and you will be overwhelmed by the number of adds for alcohol. Not milk, not eggs, not bread, but alcohol. Dine at a restaurant, the first question you are usually asked by the wait staff, if I can get you a margarita or a beer. Go to a ball game, they will deliver alcohol to your seat. Alcohol is everywhere. No one has the right to sell alcohol. The sale of alcohol requires a license. The licenses themselves have become big business. They are frequently transferred into highly populated cities from small towns in those areas. Why. Because they want to get access to the largest number of people they can. This is a common business practice, but in this situation, it involves a dangerous drug that is highly addictive, relatively cheap and routinely accepted by society. Do we really need another outlet of alcohol in Santa Fe. Do you really want another outlet. How many people have to die before we realize that enough is enough. I hope you do the right thing and not allow any additional sources of alcohol in Santa Fe. Remember those lights coming at you in the darkness may be the next drunk driver headed your way or a loved one's way. The victims are faceless. We never know who it's going to be."

Mr. Collins continued, "My brother and I have been working closely with the Legislature for the last four years, of course, to no avail, because we're up against great competition with the liquor industry. And I'm glad the City Council here in Santa Fe has taken the local initiative to put a stop to this. We started... there's four teenagers that started a trial now that got killed just a half mile from where I lost my family. We had two teenagers killed on South Cerrillos. And, we need to put a stop to this. And the only way we can put a stop to it is to join the fight in this issue."

Shelley Mann-Lev, Chair, Santa Fe Underage Drinking Prevention Alliance [previously sworn], said, "I'm just going to address the 300 foot issue. Both PMS Sweeney as you'll hear and Santa Fe Public Schools object. If you choose to address the issue of contrary to public health and safety, then I'd like to have the opportunity to add to our testimony, because there is unquestionable evidence that this does put our children at risk. However, that distance, in and of itself, is why the State statute was written that way. It does put everyone at risk, so I hope that you will deny that waiver."

Bobbie Gutierrez, Superintendent of Santa Fe Public Schools [previously sworn], said, "I will simply ask for your strong consideration of denying this waiver request."

Linda Trujillo, Member, Public Schools Board of Education, said "I testified at the last hearing, but I am this time here as a representative of the Board . And I too will not regurgitate all the information that already has been presented about denying... whether it's denying the initial application or denying them a waiver, but I do want to point out a couple of other things. Alcohol sales at a convenience store comes in very small containers, small enough containers so that you can buy it for around a dollar. I understand from my husband that those are called miniatures. I don't know, but I find them all around on the street. I found two of them on Burro Alley today when I was walking at lunch. Walk around a local convenience store and you will find them in the parking lot, you'll find them on the sidewalk surrounding the store, and you'll find them just all over the place. The size of the bottles makes it easy for an adult to pass them on to a young person. You can walk out of the store and consume it immediately, or you can hand it in your palm. I am sure you also... if you see somebody in a parking lot handing off a big bottle, quart size, gallon size, you're likely to call the police. If you see someone handing someone something very small, you're likely to not know what it is. It is very transferrable to young people."

Ms. Trujillo continued, "Another concern that I have is related to the convenience store staff. If you go to a grocery store, or you go to a restaurant, there's going to be a number of staff there. A manager, assistant manager, bakery person, greeter, and there's going to be more accountability when they try to sell to an underage person or to someone who is inebriated. If you go into a convenience store, you're more likely to have one or two staff and it's much easier to sell to a young person or to someone who is inebriated. I just ask you to do the right thing, and to deny the original license application and/or the waiver."

Barbard Goodwin, President, Santa Fe Public Schools Board of Education [previously sworn], said, "I'm here tonight to ask you to please consider the comments, the video of students at Capital High School who live in that neighborhood, of other residents, of teachers and the Board of Education and Administration of the Santa Fe Public Schools. There are no dearth of liquor outlets, as you can see from that map, of liquor outlets in the immediate area of the Giant Convenience store. There is no logical reason, other than profit, that that liquor license needs to be there in that location. And I think you've heard evidence in the past, you've heard testimony that there are grave detriments to our children and to our young people, having liquor so accessible to their schools and to their homes. This is a waiver, if it is a waiver.... the applicant is asking an exception to a law and I'm asking you in your best judgement not to make that exception, not to give them the waiver for an additional liquor outlet."

Georgia Baca, Assistant Principal, Sweeney Elementary [previously sworn] said she doesn't know the statutes, but she wants to talk reality about her kids at Sweeney. Ms. Baca said, "The reality is that our kids at Sweeney, and that's all I can speak for, they deal with severe issues, with family life. It's not the way it used to be when I grew up. Our kids, every day, they come in and talk about drugs, alcohol, things that are detrimental to their education, to their self esteem, to their lives, and alcohol is one of them. Our kids go out on the playground and that's what you see, you know, right next door is the Walgreens. That night of the last City Council meeting, the next morning, huge banners, I don't know if anybody was here, but huge banners just alcohol pasted all along the wall facing our school. I was so distraught, I went over there, I talked to them. The next day they took them down. It was very nice. I probably overstepped my boundaries, and I thanked them up and down. But, our kids are out on the playground and they see that and they think it's okay. Our parents, they have drug and alcohol problems, and having more... it's right across the street. They could be over there while they're waiting for their kids getting alcohol, and then picking up their kids."

Ms. Baca continued, "We have many, many issues, and the underlying problem with a lot of them is the family structure and the problems that our kids are faced with on a daily basis, and alcohol being one of them. You can drive down Airport Road, go to the Allsup's right up the street. You can't even see inside the Allsup's because all of the advertisement on the outside. I do not want that right in front of my school, so please, I beg of you, please make the right decision. Not in front of my school. Not making it seem like it's okay for my kids."

Jessica Apodaca, Prevention Specialist, Santa Fe Public Schools [previously sworn], said she is also the mother of a 6 year old. She said, "One thing I know is we are role models for kids. I work with kids from kindergarten to high school, and we need to model good behavior to them. I was at Sweeney this week, in the parking at pickup and it's crazy trying to get out of the parking lot. And the thing I thought of the most is looking at the Giant Station, this is what these kids see. People walking out of the store, and if they are granted a liquor license, with liquor getting into their vehicles. How is that role modeling. How is that okay. And I just really worry about the health and safety of our kids if that's what we're role modeling for them. So, I hope you guys make the right decision."

Phil Lucero, SF Public Schools, SWAT Program [previously sworn] said, "We made the video a few months back about this whole situation. I'm not going to go over that. We've all seen the video. But I do want to talk about a conversation I had with our Capital SWAT Team yesterday, Taylor was there. I was explaining the State statute to them and explaining what was going on tonight. You know, I was reading the statute to them, just so they know what's going on. And, they kinda were impressed, because one student actually came up and told me, well I actually walk past there every day when I go home, which is... from capital is more than a mile. So this whole issue is 100 feet, I mean that doesn't really hit home for the students. What hits home for them is it's just another location, so think about that. A lot of students they walk half an hour, forty-five minutes every day to and from school and they pass by these locations. So, another location in this area not only affects Sweeney and Ortiz right there, but it also affects Capital High School and all the other schools around there."

Miguel Acosta, Santa Fe Partnership and Colegios en Fronteras [previously sworn] said he lives and works in the Airport Road Area. He said he won't repeat what has been said. He said, "However, I do want to clarify one thing, that I do not think that you guys are irrelevant, and the votes you take and the positions and policy you develop is relevant to this area of Santa Fe and the community you all represent. You have to think about... the statute tells you what you shall do, it doesn't tell you what you should do. So, just because something qualifies under two or three requirements that may be included in the statute, doesn't mean that's the only thing you should take into consideration. There's the social health, there's the community health and wellness, there's the carrying capacity of communities and that community is beyond carrying capacity already at this point. That doesn't mean it will be like that forever. We're hoping that there's lots of folks that are rallying around creating a healthy and sustainable community on the south sides. So, every time you open up another opportunity for the dispensation of drugs there's a social tax on the local community. Downtown, that means you send more police squads at the end of drinking time, right at closing time. That's a cost we all share as a community for the concentration of liquor licenses downtown in those kinds of establishments. We don't have the luxury on the south side, the community doesn't have the luxury or the social capital to be able to deal with the introduction of more and more alcohol and drugs. You can decide that you want to create healthy communities and healthy neighborhoods. We've got lots of people who are working hard to do that. I'm hoping that we get your support as well."

Cynthia Delgado, Santa Fe Underage Drinking Prevention Alliance [previously sworn]. Ms. Delgado said she is going to regurgitate a few things. One is that in the area we're talking about, Airport Road, there are more than 4,000 children attending school and the children and their families live in the area. None of these children are bused from other parts of Santa Fe. She said this is a tremendous opportunity for this community to make some healthy decisions.

Ms. Delgado said, "I also want to add in terms of a point that hasn't been brought up, there is in your packet a report from the New Mexico Regulation and Licensing Department regarding citations against Western Refining Southwest. Since 1984, the New Mexico Regulation and Licensing Department

has on record 35 citations and warnings for this particular company, and this is only for their Giant locations in Santa Fe. Fifteen of those citations are for selling to minors; those are the 4,000 kids we're talking about. I agree with Miguel, you are absolutely not irrelevant to these proceedings. You are our leaders for our community. We trust in you. We understand that you have a big decision in front of you, but the statute is very clear. It was very clear to the SWAT members in Santa Fe Public Schools – 300 feet from property line to property line."

Kathryn Bowman [previously sworn], said she is a recovering alcoholic and she chose to come here this evening instead of watching *American Idol*, so this is a really big deal for her. She has never attended a Council meeting. She has been sober for almost for 28 years. She said, "I have lived here for about 16 years, and there is a saying in AA, 'Insanity is doing the same thing over and over and expecting different results.' I truly don't know why there's even a discussion. I'm truly amazed at how drinking and driving and all that is dealt with in this town. And to even believe, or think to open another establishment by breaking the law, whatever the waiver is, I don't know what these words mean... I do know what waiver means. But if the law says 300 feet and there's even going to be a discussion about breaking that for this and the other two places so that they can serve alcohol in this town that is riddled with alcoholism, and killing, and deaths and domestic violence, I don't even know why there's a discussion. It really makes me sick that there even is a discussion, unless people really want Santa Fe and New Mexico to keep being on the top of the list for this insanity. I've had it in my own life, because I'm an alcoholic. I don't know even why there's a discussion. It's really screwed up."

Closing Remarks by Applicant

Mayor Coss asked Ms. Odom if she would like to make a summation.

Ms. Odom said, "I won't even say what I've already told you, I think that point's been made, except to say that I'm not waiving any objection, absolutely. One thing I'd like to point out is this is not a new license to this City. It is an existing license just transferring from location to a different location, so it's not adding to a density problem. Another thing, if you want to think about density, if you look where this license is coming from in the area of Santa Fe High School and DeVargas Junior High, there are 39 establishments within two miles of those two schools according to [inaudible] records. And so I think this is not adding to any density. In one respect, it is actually lessening the density in one area of the City."

Ms. Odom continued, "And in comparing any citation history over a 20-year period, where companies go under changes of management, and undergo different rigorous and different standards of training which I could have addressed. It's not a fair point to make at this hearing."

The Public Hearing was closed

Councilor Dominguez said it seems there clearly is a difference of opinion between what is provided in the statute and what the applicant is basing some of its decision and application for.

Councilor Dominguez asked if he can make a motion to address both H(3)(a) and (b), and Mr. Zamora said yes.

MOTION: Councilor Dominguez moved, seconded by Councilor Bushee, that the Governing Body deny Western Refining Southwest's Application for Transfer of this Liquor license; and deny the request for the waiver of the 300 foot requirement with the following findings: (1) The license transfer would be detrimental to the public health and safety of the residents in the area based on the evidence presented; (2) Measured property line to property line according to NMSA §60-6B-10, the premises are within 300 feet of Sweeney Elementary School and the PMS Head Start School which are located on Santa Fe Public Schools' property and therefore the applicant requires a waiver from this Governing Body; and (3) the denial of the waiver is based on the evidence presented which includes the objections to the transfer submitted by the Santa Fe Public School Board, the Superintendent of the Santa Fe Public Schools and the Principal of Sweeney Elementary School.

DISCUSSION: Councilor Dominguez thanked everyone for coming this evening and for their presentations.

Councilor Bushee said she abstained in the last decision on this case because she was uncertain about the waiver piece and the measurement. She said after gathering additional information from the City Attorney, she is confident that this is not a symbolic vote, this is something over which the Governing Body has purview, the measurement is correct, and that we should not exacerbate an existing problem in that part of town.

FRIENDLY AMENDMENT: Councilor Bushee said she thought Councilor Dominguez was going to make an additional motion to ask that the City Attorney be given the power to enforce this, or was that to be a separate motion. Councilor Dominguez said that would be a friendly amendment if she would like, saying he wants to clarify that this action will give the City Attorney the authority to defend the motion beyond this hearing date. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

Councilor Bushee said she believes this will wind up in Court and won't be a simple matter of the State overturning our decision which is mostly what happens, which has caused her frustration. However, she believes this one has a good chance to be upheld, commenting "why would they put a waiver in the statute if we don't have the opportunity to avail ourselves of that, so I'm supportive."

FRIENDLY AMENDMENT: Councilor Calvert would like to add an additional finding about the Applicant's record of violations, and especially those violations concerning sales of liquor to minors. **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 Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo, and Councilor Wurzbarger.

Against: None.

4) A REQUEST FROM KOHNAMI, LLC, FOR THE FOLLOWING:

- a) **PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES AT KOHNAMI JAPANESE RESTAURANT, 313 SOUTH GUADALUPE STREET, WHICH IS WITHIN 300 FEET OF OUR LADY OF GUADALUPE CHURCH, 417 AGUA FRIA.**
- b) **IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, A REQUEST FROM KOHNAMI, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT THE KOHNAMI JAPANESE RESTAURANT, 313 SOUTH GUADALUPE STREET. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, noting the Kohnami Restaurant is within 300 feet of Our Lady of Guadalupe Church. Ms. Vigil said there is an existing liquor license at this location, but because the sole proprietorship is changing to an LLC, and Restaurant Liquor Licenses are not transferrable, Kohnami had to apply for a new license. She said there is a letter in the packet from Rev. Tien-Tri Nguyen, Pastor, The Shrine of Our Lady of Guadalupe, stating they have no objections to this request. She said there are staff reports regarding liquor, noise and traffic in the Council packet, and staff recommends, if the license is approved, that Kohnami Japanese Restaurant be required to comply with all of the City's ordinances.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Wurzbarger moved, seconded by Councilor Romero, to grant the request for a waiver of the 300 foot location restriction to allow the sale of alcoholic beverages at Kohnami Japanese Restaurant, 313 South Guadalupe Street, which is within 300 feet of Our Lady of Guadalupe Church, 417 Agua Fria.

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.

Explaining her vote: Councilor Bushee voted yes, explaining there already was a liquor license at this site and it is just changing to an LLC.

MOTION: Councilor Calvert moved, seconded by Councilor Romero, to approve the request from Kohnami, LLC, for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be located at the Kohnami Japanese Restaurant, 313 South Guadalupe Street.

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.

5) A REQUEST FROM VAR 83, INC., FOR THE FOLLOWING:

- a) **PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES AT AZUR, 428 AGUA FRIA, SANTA FE, WHICH IS WITH 300 FEET OF OUR LADY OF GUADALUPE CHURCH, 417 AGUA FRIA.**
- b) **IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, A REQUEST FROM VAR 83, INC., FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT AZUR, 428 AGUA FRIA. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, noting that Azur is within 300 feet of Our Lady of Guadalupe Church. She said there is a letter in the packet from Rev. Tien-Tri Nguyen, Pastor, The Shrine of Our Lady of Guadalupe, stating they have no objections to this request. She said there are staff reports regarding liquor, noise and traffic in the Council packet, and staff recommends, if the license is approved, that Azur be required to comply with all of the City's ordinances

Public Hearing

Katherine Bowman was sworn.. Ms. Bowman said, "I just have to say, just because it's crazy, maybe to me, that I got drunk so many times on wine and drove in blackouts, but I know you guys are going to pass it, and that's whatever. When I hear them say just wine and beer in the restaurant only, that somehow seems to me they're saying just Kool-Aid or milk only and they're minimizing it like it's not really alcohol. And I know a lot of people have that denial belief, and that's totally fine if people choose to believe that. It would be so good if anybody that deals with this subject were mandatory to come to open AA meetings and could really hear the truth of how many people got tons of DWIs because of beer or wine, or women were in blackouts and abused their children because of wine. It's just a really silly statement. I mean, it's just a really silly statement and I just had to get that out of my system."

The Public Hearing was closed

MOTION: Councilor Wurzbarger moved, seconded by Councilor Romero, to to grant the request for a waiver of the 300 foot location restriction to allow the sale of alcoholic beverages at Azur, 428 Agua Fria, which is within 300 feet of Our Lady of Guadalupe Church, 417 Agua Fria.

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.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Romero, to approve the request from VAR 83, Inc., for a Restaurant Liquor License (beer and wine on-premise consumption only) to be located at Azur, 428 Agua Fria.

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.

6. **REQUEST FROM THE NATIONAL DANCE INSTITUTE OF NEW MEXICO (NDI-NM) FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE DISPENSING/ CONSUMPTION OF ALCOHOLIC BEVERAGES AT THE DANCE BARN, 1140 ALTO STREET, WHICH IS WITHIN 300 FEET OF ASPEN COMMUNITY MAGNET SCHOOL, 450 LA MADERA AND DESERT ACADEMY, 313 CAMINO ALIRE. THE REQUEST IS FOR THE NDI NEW MEXICO ANNUAL GALA TO BE HELD ON SATURDAY, MAY 7, 2011 FROM 5:30 P.M. TO 11:00 P.M. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil. Ms. Vigil said the National Dance Institute of New Mexico is within 300 feet of Aspen Community Magnet School and Desert Academy. She said there is a letter of support in the packet from the Santa Fe Public Schools which is based on the following requirements: NDI will only serve host liquor (wine and champagne); NDI will provide general liability with limits of no less than \$2,000,000 in the aggregate (naming the District as an additional insured); NDI will provide workers compensation coverage for the employees of the Lessee; and NDI will provide auto liability. She said there also are letters of support in the packet from Aspen Community Magnet School and Desert Academy saying they have no objections to this request.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to grant the request for a waiver by the National Dance Institute of New Mexico to allow the dispensing/consumption of alcoholic beverages at The Dance Barn, 1140 Alto Street, for the NDI New Mexico Annual Gala to be held on Saturday, May 7, 2011, from 5:30 p.m. to 11:00 p.m.

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.

- 7) **CONSIDERATION OF BILL NO. 2010-32: ADOPTION OF ORDINANCE NO. 2011-9 (COUNCILOR ORTIZ AND COUNCILOR TRUJILLO). AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 14 SFCC 1987, LAND DEVELOPMENT CODE, RELATED TO APPEALS. (MATTHEW O'REILLY) (Postponed at March 30, 2011 City Council Meeting)**
- a) **CONSIDERATION OF RESOLUTION NO. 2011-24 (COUNCILOR ORTIZ AND COUNCILOR TRUJILLO). A RESOLUTION ADOPTING ADMINISTRATIVE PROCEDURES RELATED TO APPEALS OF LAND USE DECISIONS. (MATTHEW O'REILLY) (Postponed at March 30, 2011 City Council Meeting)**

Matthew O'Reilly presented information regarding this matter from the materials in the Council packet, noting there are two types of appeals: Appeals filed from decisions of a land use board and appeals filed from decisions of the Land Use Department or Land Use Director.

PROPOSED STAFF AMENDMENT: Mr. O'Reilly said there is "a typo or an omission on page 11 of the proposed bill. That omission is that on page 11, line 22, in the list of the type of projects that have 30 days for appeals, it lists Subdivision Plats and Development Plans, and the term Master Plans should have also been included in the list as a large scale type of project that we feel should have 30 days for appeal."

Public Hearing

Mayor Coss gave everyone two minutes to speak to this request.

Steve Coca, President, Southwest Bellamah Neighborhood Association, said some of the streets include Camino Consuelo, Lorraine, Lorraine Circle, Siringo, Siringo Court and James. He works Monday through Friday, cares for his elderly parents, buys groceries, runs errands, pays bills and whatever else he can during the week. He said, "If you adopt this document, as is, it would make someone like me, who works full time and currently looking for a second job, because I haven't had a raise, because I work for the State. I think it's important, at the very least, that you reconsider the appeal ... of the number of days you can appeal, going from 30 to 14, 15, would make it impossible for someone like me, the average person who works, to organize my neighborhood, get a meeting together, file the appropriate forms, get them downtown, find a parking spot and know that the Land Director isn't there that day, or someone took my information and now it's lost. And I realize that this process has been going on for over a year, but, it's unfair in that, because so much has been cut out, it becomes nebulous and it's not as transparent as I would like it to be. I pay gross receipts tax of 8.123%. I'd like to participate in this process, but I can't, because now I need to retain an attorney for over \$2,000, to do something that I might have done, could have done in 30 days, now has to be squashed into 14 days. And finally, just remember, instead of including people into the democratic process, you're actually excluding people."

Arthur Firstenberg said, "There are two sections I would like to comment on. One is the same section about time for appeal on page 11, lines 18-24, 'Appellants shall file an appeal as follows: within 30 days for appeals of final actions by land use boards on subdivision plats and development plans.' I looked in the Code and there is no definition of development plan. There is only a definition of development which covers basically every construction on a property which would include alterations of windows that go to the H-Board. That would get 30 days. 'Within 15 days of final action for all other appeals,' would now include most appeals of cell phone antennas, alternative towers such as the tower that's being built at Baillio's that is being administratively approved. All these things will get 15 days. 15 days is never adequate, because it takes 15 days to get documents from the City under the New Mexico Public Records Act, even Findings of Fact and Conclusions of Law they have given me in 15 days. Thumbs up. You can't file an appeal."

Mr. Firstenberg continued, "The other section, page 9, bottom of page 9, Basis for Appeal, 2(a) used to be, and currently still is, if a citizen thinks that a law is being broken by a decision, that decision can be appealed. This allows contesting non-compliance with this chapter, other City ordinances, other State or Federal Constitutions, laws or regulations. That's being taken out. Now, if you think the City broke a state or federal law, that's not appealable. It's not appealable to a land use board, it's not appealable to the City Council. It's not appealable to Court. If you have a lot of money and an attorney, you can file legal action in Court, provided you've been injured, but if you're an ordinary citizen who just doesn't like to see the City break a state or federal law, you're out of luck. You can't appeal it. I think that should be restored."

Virginia Miller said she understands the City's desire to streamline the appeals process, but she wants the City to including wording to allow 30 days for appeal of applications related to telecommunication tower and antenna upgrades. She said the 15 days proposed doesn't give sufficient time to gather the necessary information and prepare these appeals. She said the appeals process is an important part of the democratic process, and 30 days is much more inclusive. She asked the Governing Body to please keep the 30 days in the ordinance.

Mary Layne said she agrees with the 30 days. She is astounded at the rewriting of this ordinance, although it makes it easier for the City employees. She said she has been thinking about how something such as this change can be rewritten. She asked what would a person gain by rewriting the ordinance. She said she believes the world operates on love or fear. She asked what it is that you fear, or what is it that you love enough that you would do the right thing. She said, "By changing this, giving the power to the telecom industry, I dread to think what this city is going to look like in the years to come, and I ask you to try to imagine that with the antennas everywhere, and people will look back and ask how did this happen. And I have to say that it's happening inside these walls, and it's happening with either people who aren't convincing you to do the right thing, or it's happening because maybe you aren't doing the right thing. So I ask you all, please, please, don't be so scared."

Robert Francis Johnson said he asks a similar question. There seems to be an amendment that is taking away our civil and human rights. Mr. Firstenberg spoke about not having enough time to protest. He asked why we are rushing to do this. He said we are asking for "mass murder and microwave holocaust" in Santa Fe. Mr. Johnson said this technology isn't safe, and one of your family members may develop cancer. He believes we should err on the side of caution and safety. He said this is like suicide by mass insanity. He said you should pray for guidance to do the right thing.

Karl Sommer, Attorney, Land Use Lawyer, said he has worked with City staff over the years, and this is an ordinance that fixes something that is broken, and people experience how broken it is week after week. He said this ordinance streamlines, clarifies and is fair, bringing balance to a system that is out of balance, and that is the problem. It is eating up our resources, staff time for reasons that are not healthy for anybody.

Mr. Sommer said, "On the issue of whether there is time. The time periods run from the day the findings of fact are approved, not the night the hearing is done. So, members of a Neighborhood Association, they get early neighborhood notification, they have a whole public hearing, and then there's another hearing at which findings are adopted. So the idea that you need to get something, it's there the night those are adopted, and you know whether you have to appeal right then and there. And the two weeks is reasonable. Nobody has to rush out and do it. So I'm in favor of the hard work that they've done. They're fixing a problem that is broken and it was broken a few years ago, whether inadvertently or on purpose. I urge you adopt this."

The Public Hearing was closed

MOTION: Councilor Ortiz moved, seconded by Councilor Wurzbarger, to adopt Ordinance No. 2011-9, with the Option 1 alternative and with staff recommendation to insert the words Master Plans as requested

DISCUSSION: Councilor Ortiz said this has taken three times as long as any other ordinance amendment, because it kept going back through, "really an *ad hoc* committee of self-appointed people from what they call the Neighborhood Law Center, to make changes."

Councilor Ortiz said, "I will tell you that these amendments really correct amendments that took place a couple of years ago when we, the Governing Body, inserted amendments at the last minute, based upon their recommendations that created I think a convoluted process. And I think these amendments strip those away, strip those amendments away, and we have seen in the last year and a half, we've see in the afternoon session, we've seen the result of we have done which is tilted the obligations of the public from one side to another."

Councilor Ortiz continued, "I started this originally because I had a constituent who told me that he had to hire an architect and a land use planner to get a building permit for an addition to his house, a conversion of a garage, that it took him about 7½ months because there was a member of the public, not even a

neighbor, not even a disgruntled neighbor, a member of the public who was gaming the system to file appeals on the very last day to get another hearing and then to file another appeal. And it seems ridiculous to me, in this city, a city that I love, that we would have the ability of a small cluster of individuals, a small cluster of people, to be able to impact a person's quality of life on a building permit. And so, for those reasons I supported these amendment changes. For those reasons, I think we have to bring back some sanity to the process."

Councilor Ortiz continued, "I would hope, although I understand there are specific groups in this City who would be opposed to it, I would hope that we could move to a process where anyone could go into the Land Use Department and if the permit was relatively minor, and the permit didn't impact anyone's health, safety or welfare, that they could get that over the counter in a day. And I would hope that we would come to a process where, to the extent there needed to be public discussion and public appeals, that we had reasonable standards for determining what those are, and that we weren't having to be exposed as a City administration and as a Governing Body to any manner of complaints, just because some person decides that they don't want to see a particular project for any particular reason and to waste literally hundreds of hours here at the City on this work. It is a financial drain. It is a drain on staff time and resources. It is a violation of peoples' property rights."

Councilor Ortiz continued, "And so, for all of those reasons, I think that this gives some balance. It still gives ample opportunity for members of the public to appeal from final decisions of land use bodies, be that the Historic Design Board or the Board of Adjustment, the BCD-DRC whatever that is, the Planning Commission, any of those governing bodies. They have the right to appeal from final decisions, after the findings of fact have been entered, which could result in an actual 45 days of actual time to appeal. That's more than enough time to gather evidence. That's more than enough time to formulate arguments. And I think this is a step in that balance. And I would hope we would come to a place, especially in these economic times, where we realize when people are sitting there waiting for permits to pass the appellate time. What we are doing is taking money out of peoples' pockets, because they're just waiting there with their soft development costs, as they have to pay interest on their construction loans with no chance of actually building. And in Santa Fe when we're lucky and blessed with moisture in the winter, that period for building is relatively compressed. And so, we could be in a situation, as my constituent was, where he received approval to begin construction in the Spring when it warmed up, and in reality, he was struggling in August and September to finish the construction before it got too cold, and that just shouldn't happen. So, I do appreciate the very detailed scrutiny that some members of the Governing Body gave to this as it went through three cycles of committee hearings. And I think that as a result of the Committee process, even though I was complaining about it as it was going through, in the end I think we reached a better result because it went through a couple of times."

Councilor Bushee said she appreciates the work that has gone into this, although she still has heartburn over shortening the length of the appeal process time frame. She would always err on the side of a longer period for due process. She asked if there are situations where people will have only 15 days to thoroughly go through an appeal process.

Mr. O'Reilly said yes, there are two appeal time frames: 30 days for large projects.

Councilor Bushee said she understands that, and will be more clear. She said findings of fact are generally on a larger scale. She asked for an example when 15 days will be the norm with passage of this bill.

Mr. O'Reilly said an example would be an approval which had no findings of fact.

Councilor Bushee said that would be a situation such as the one referred to by Councilor Ortiz, which would shorten the time for appeal from a building permit, for example.

Mr. O'Reilly said currently, when a building permit issued, there is 30 days to appeal the building permit, with the passage of this bill, the appeal period will be 15 days.

Councilor Bushee said she is glad for some of the changes, such as the deletion of the hearing examiner. She said so this will be appealing cell towers, building permits, and asked for other examples where the time frame will be 15 days.

Mr. O'Reilly said the vast majority will be appeals of building permits. He said there could be a situation where the Land Use Director might issue a letter which could be construed as a final action, and someone would have 15 days from that point to appeal.

Councilor Bushee asked if this would include a fence going up another 15 feet.

Mr. O'Reilly said, with regard to building permits, the appeal period doesn't start until the building permit is issued. He said often what happens, in the case of a building permit in the escarpment or cases which don't have to go to a land use board, those still have to be posted before the permit is issued. There is a posting on the property so people have notice. The permit is then processed, and during that time, the property remains posted. He said once the permit is issued, a person has 15 days to appeal the issuance of the permit.

Councilor Bushee said she appreciates all of the work, and most of the changes, but probably will continue to vote against this because of the change from 30 to 15 days. She said since she's been here, the majority of the appeals are from people who have legal background or hire attorneys, and this has become the norm, and she finds this difficult. She knows there are frivolous appeals, and she would like to see less H-Board appeals. However, she personally has a hard time with the shrinking the 30 days.

FRIENDLY AMENDMENT: Councilor Romero would like to add a requirement for a one year review, noting it will give us the history we need to make any needed changes. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

Mayor Coss thanked Ms. Brennan and Ms. O'Reilly for the presentation, and Councilor Ortiz for bring this forward, because he thinks this will benefit the process.

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

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

Against: Councilor Bushee

MOTION: Councilor Ortiz moved, seconded by Councilor Romero, to adopt Resolution No. 2011-24.

VOTE: The motion was approved on the following roll call vote:

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

Against: Councilor Bushee

8. **CONSIDERATION OF BILL NO. 2011-9: ADOPTION OF ORDINANCE NO. 2011-10. Case #2011-14. CIELO AZUL ANNEXATION AGREEMENT AMENDMENT. BRANCH DESIGN AND DEVELOPMENT, AGENT FOR EZMO, LLC, REQUESTS TO DELETION OF A CONDITION OF APPROVAL FOR THE CIELO AZUL ANNEXATION, ADOPTED BY ORDINANCE 2006-29, AND AMENDING ITS ANNEXATION AGREEMENT, TO REDUCE THE PERCENTAGE OF AFFORDABLE UNITS FROM 40% TO 30%. THE TRACT COMPRISES 40.749 ACRES AND IS LOCATED ON THE SOUTH SIDE OF AGUA FRIA BETWEEN CALLE LARRANAGA AND CALLE NUEVA VISTA AND INCLUDING 1.295 ACRES OF LAND ADJOINING AGUA FRIA STREET RIGHT-OF-WAY. THE SUBDIVISION IS APPROVED FOR 222 UNITS, AND IS ZONED R-6/PUD (RESIDENTIAL, 6 DWELLING UNITS PER ACRE/PLANNED UNIT DEVELOPMENT). (HEATHER LAMBOY)**

A copy of a power point presentation, "Cielo Azul Annexation Agreement Amendment," is incorporated herewith to these minutes as Exhibit "12."

A copy of a Memorandum dated March 30, 2011 for the April 13, 2011 City Council Hearing, with attachments, to Mayor David Coss and Members of the City Council, from Heather L. Lamboy, AICP, Senior Planner, Current Planning Division, regarding the Cielo Azul Annexation Amendment, is incorporated herewith to these minutes as Exhibit "13."

The staff report was given by Heather Lamboy, by power point. Please see Exhibit "12," for specifics of Ms. Lamboy's presentation.

Recommendation: The Land Use Department recommends approval as outlined in this report [Exhibit "13"].

Public Hearing

Presentation by the Applicant

Karl Sommer was sworn. Mr. Sommer said Ms. Lamboy's presentation was very accurate and she has included all of the documents which are relevant to the approval. He said since the approval, the property was annexed, noting Fred Lopez and his father and uncles owned the property. He said Mr. Branch and his partners were able to purchase the property from the Lopez family, and the idea was to move forward and get this done. The request was approved by the Planning Commission at 30%, and came before the Council and the Council asked the applicant at the time if he would accept an additional 10% in the top bracket of affordability. He said the idea was, "Great, let's do it. There's a demand and things were moving forward." He said times are very different now, and this project has full approvals which means there is a great deal of investment in City time and effort and money, and the Applicant's effort, time and money in getting those approvals.

Mr. Sommer said the project has stalled because of the inability to obtain financing for the infrastructure, and then to move forward with the development of the housing. He said this City and this project have been impacted by the current economic situation. He said these are 3 very ambitious, creative people in the development business who have done housing and commercial in many, many place. He said they have run into roadblocks, for the most part due to the inability to obtain financing. He said the Affordable Housing Ordinance narrows the market to whom they can sell. He said the top tier narrows the market and slows the absorption which impacts the value of the real estate from an appraisal standpoint, and it is getting more and more difficult in this economy.

Mr. Sommer said the Applicant has no problem with the conditions of approval, they understand them completely, and have no problems in adhering to the conditions of approval.

Speaking to the Request

All those speaking were sworn en masse

Linda Wilder Flatt, President, Las Acequias Association [previously sworn], which is very close to the new project. She said she spoke at the Planning Commission. She feels affordable housing in that area is important. She said people are struggling. She said when this was approved, the Council requested and required 40% affordability and now he wants to change it to 30%. She understands it is an

economic stress for him, but she also understands there are a lot of people out there that would love to have homes. She thinks the Council needs to consider keeping it at 40%. She said in this community, in our area, a lot of people could use those homes. She said she and the Board are saying they want to see this kept at 40% affordable.

Ray Holguin [previously sworn] said he lives near Cielo Azul on Lopez Lane off Agua Fria. He said the community is against an entrance and exit on Agua Fria because of the traffic. Mr. Holguin said he read the minutes of June 26, 2006, and in those minutes, Mike Gomez, Project Engineer, said they did a count at all intersections, such as Lopez and Agua Fria, and Mr. Gomez also says there is a lot of congestion on Agua Fria and people avoid using it. He said Mr. Gomez said he lives in the area and once South Meadows is built, he will go left for two blocks to catch a high capacity highway. He said this is an assumption, not a fact.

William Mees, President, Agua Village Association, said the Association opposes the approval of this amendment. He said this is already the top tier of affordable housing, and reducing the percentage from 40% to 30% is too much of a gift to the developer. He said, "The developer has to provide something of worth to the community or the development is no more than a dream and infrastructure. The access to Agua establishes a precedent that has never been implemented, saying previously, each developer has been required to make Rufina the main access, and Agua Fria a gated emergency access, as on Willie Road. The Agua Fria Village Association opposes a turning bay on Agua Fria, and to our knowledge, this issue is not settled with Santa Fe County. The Branch Design and Development had promised \$100,000 for porches at the Nancy Rodriguez Community Center, and has yet to deliver an escrow check and letter of commitment to Santa Fe County to fulfill that promise. This settlement came from a negotiation on the Lowe's and Regal Theaters property on Zafarano Street. The assumption that South Meadows will take the access and alleviate traffic is not proven and we will know when Meadows opens in about 6 weeks, if that traffic pattern will hold up. We urge you to vote against the amendment tonight."

Loreen Mills, 4197 Agua Fria [previously sworn], said she lives in Agua Fria and her husband used to wear a button saying, "I'm trying to live in Agua Fria." She said the traffic is so busy she has to leave very early to make her morning appointments. She said the 2006 study said that it is so congested that people are just going to avoid Agua Fria. She said it has been 5 years since the study and the traffic has increased exponentially. She said the idea of egress/ingress from this development onto Agua Fria is a bad idea, noting there is plenty of room on Rufina, and any increase in traffic will make their life much worse. She said the traffic study didn't look at Lopez and Agua Fria. She people aren't using Agua Fria right now because it is blocked-off because of construction.

Ms. Mills said Agua Fria is the Camino Real, and 400 years of history. She said an entire military battalion from Spain walked the entire Camino Real, and they invited them to their home and honored them with a Village Fiesta. She said to them and to us the Camino Real means something. She said as

things get more spread out and there is more development, Agua Fria still has a nervous system and the main artery for that nervous system is Agua Fria, the street. She said, "Please, please, don't put any more traffic on Agua Fria. If you build 400 houses it will be 800 cars, 5 trips a day. It's just a nightmare as it is, and like I say, I'm trying to live in Agua Fria."

The Public Hearing was closed

Councilor Ortiz said he is the Councilor that put the 40% condition in place in 2006. He said it is refreshing to hear the same objections, that development is evil kind of comments we once heard with regularity, even 5 years ago. He said we are now in different times, but back then there was discussion of how we could up the homes program. He said this development was done in conjunction with another annexation off Richards Avenue, and there was discussion that not only did we need to fill a niche for affordable housing, which at the time was in high demand and short supply, but we also needed to fill this other tier, this working family tier. And so that condition was added and they agreed to it. And now, in the current economy, the amount of money in this tier that we're being asked to waive or to amend, that is the market now, these are the market houses if they can get financing. He said in the span of 5 years, the world of housing has changed here in Santa Fe, and one of the reasons he is cosponsoring Councilor Wurzburger's ordinance. We are reducing the 30% requirement to 15%, and so this request going from 40% to 30% is in line with that. He said this is the least we can do.

MOTION: Councilor Ortiz moved, seconded by Councilor Wurzburger, to adopt Ordinance No. 2011-10, approving the Cielo Azul Annexation Agreement Amendment, with the conditions of approval as recommended by the Planning Commission.

DISCUSSION: Councilor Wurzburger said 40% of zero is zero and that's what we've been getting in affordable housing for the past two years, except for the one project with Homewise. She feels strongly that this is an absolutely legitimate request and can put us back in the business of affordable housing.

Councilor Romero said there was more push-back at the original ENN than at the recent ENN meeting, where there were only 5 people, and half were the developer. She said reducing to 30% is better than where we were. She said it will provide an interesting discussion at the Committees, because this creates less affordable housing. She said this will be the same number of homes, but we are looking at creating some momentum for housing. It just changes the percentage of affordability. She supports this proposal.

Councilor Dominguez said one way to look at this would be if you don't want any development, then don't support the proposal which means you won't even have affordable housing provided as well. He is in support, generally of the proposal. He asked Mr. Romero if South Meadows will be opening soon.

Mr. Romero said he doesn't know an exact date, but it is finished and waiting approval from the DOT.

Melisa McDonald said she was in a staff meeting with Keith Wilson and he reported that the DOT had approved what they need to approve, and it will be open in 6 weeks to 2 months.

Councilor Dominguez said this action will not change the development plan.

Ms. Lamboy said there is no change to the development plan, other than a notation of which lots are affordable and which are not.

Councilor Bushee said she is concerned about the traffic issues and the ingress/egress, commenting she knows that is not what this hearing is about. She asked the developers if there is any "new news they could inform us about, because it has always been a concern."

Ms. Lamboy said this was a concern at the ENN and a lot of issues were discussed with the original approval. She said John Romero expressed at the Planning Commission that this is going to be a phased project, and the intent is for the primary entrance to be on Rufina eventually, but that will be done in phase 3, and the neighborhood will be developed from Agua Fria going south toward Rufina. She said Agua Fria will be the primary access point for a short term until the entire infrastructure is developed.

Councilor Bushee said she heard no one say that they are against the development, and was surprised to hear Neighborhood Associations say they want to see more affordable housing there.

Mayor Coss asked Councilor Ortiz if his motion was to approve the 30%.

Councilor Ortiz said yes, this is the request, with the Planning Commission conditions of approval.

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.

Explaining her vote: Councilor Bushee said, "Yes, but I hope for some traffic relief on that side."

- 9) **REQUEST FROM BALCONIES, INC., FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISES CONSUMPTION ONLY) TO BE LOCATED AT THE ORE HOUSE, 50 LINCOLN AVENUE. (YOLANDA Y. VIGIL, CITY CLERK) (Postponed to April 27, 2011 City Council Meeting)**

This item is postponed to the Council meeting of April 27, 2011.

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 p.m.

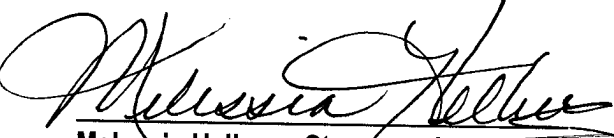
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Stenographer