



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
AUGUST 8, 2012
CITY COUNCIL CHAMBERS

AMENDED AGENDA

Added Item H-10

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 8/7/12 TIME 3:00pm

SERVED BY _____

RECEIVED BY [Signature]

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 – July 25, 2012
9. PRESENTATIONS
 - a) Employee of the Month for August 2012 – Lori Soliz, Community Services Department, Main Library. (5 minutes)
 - b) Proclamation – “Joe Schepps Day” – August 8, 2012. (5 minutes)
 - c) Vanessa Vigil – Citizen Recognition for her Assistance to the Santa Fe Police Department. (5 minutes)
10. CONSENT CALENDAR
 - a) Bid No. 12/26/B – Santa Fe River Park – El Parque Del Rio Renovations and Improvements and Agreement Between Owner and Contractor; Lockwood Construction Company. (Brian Drypolcher)
 - 1) Request for Approval of Budget Increase – Project Fund



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- b) Request for Approval of Construction Improvements – Hillside to Cross of The Martyrs Pedestrian Improvements Project Using Bid 12/02/B On Call Roadway & Trails Construction Services Agreement; TLC Plumbing & Utility. (LeAnn Valdez)
- c) Request for Approval of Services Agreement – FY 2013 Paratransit Services for Santa Fe County Residents; City of Santa Fe and St. Vincent Hospital d/b/a Christus St. Vincent Regional Medical Center. (Jon Bulhuis)
- d) Request for Approval of Professional Services Agreement – Third Party Administrative Services for Comprehensive Insurance Coverage, Claims Administration, and Broker Services for City of Santa Fe; Cannon Cochran Management Service, Inc. (Barbara Boltrek)
- e) Request for Approval of Second Request for 2010 General Obligation Bond Award and Agreement – Supplement Local Funding for Library Materials for Santa Fe Public Library; State of New Mexico Department of Cultural Affairs, State Library Division Fund 47800 Capital Appropriation Project. (Patricia Hodapp)
 - 1) Request for Approval of Budget Increase – Grant Fund
- f) Request for Approval of Procurement Under State Price Agreement – Two (2) Work Trucks and One (1) Backhoe for Facilities Maintenance Division; Don Chalmers Ford and Adobe Truck & Equipment. (Robert Rodarte)
- g) Request to Publish Notice of Public Hearing on September 12, 2012:
 - 1) Bill No. 2012-26: An Ordinance Amending Section 24-2.6 SFCC 1987 to Extend the Truck Ban Currently in Place on Camino Carlos Rey to Calle de Oriente Norte. (Councilor Trujillo, Councilor Bushee and Councilor Dimas) (John Romero)
 - 2) Request for Approval of the Community Development Block Grant 2011-2012 Consolidated Annual Performance Evaluation Review (CAPER). (Kym Dicome)



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- h) Request for Approval of Findings of Fact and Conclusions of Law for Case #2012-25, 203 E. Santa Fe Avenue Rezoning to RAC, and Case #2012-83, Appeal of the June 7, 2012 Decision of the Planning Commission in Case #2012-54 Denying New Mexico Oil & Gas Association a Special Use Permit for a Professional Office at 203 E. Santa Fe Avenue. (Kelley Brennan)
 - i) Request for Approval of Findings of Fact and Conclusions of Law for Case #2012-45, 424 Acequia Madre Rezoning to RC- 8 AC. (Kelley Brennan)
 - j) Pursuant to Resolution #2012-32, Report Regarding Best Practices Related to Special Dispenser Permits and Amendments to State Law to Prevent Abuse of the Special Dispenser License Process. (Alfred Walker)
- 11. CONSIDERATION OF RESOLUTION NO. 2012-____: (Councilor Wurzburger)
A Resolution Declaring September 15th as "OPA! Day" in the City of Santa Fe; Recognizing and Celebrating the Vast Contributions that Greece and Greeks Have Made Through the Ages to Our Way and Quality of Life.
 - 12. CIP #859A – St. Francis Crossing from the Acequia Trail to Railyard: Request for Approval of Recommendation for Project Development. (Isaac Pino)
 - 13. Request for Approval of Proposed Employee Wellness Program. (Vicki Gage)
 - 14. Request for Review and Approval of Santa Fe County's Request for a Master Meter in the City's Water Distribution System and the Club at Las Campanas' Use of Treated Effluent as a Backup to the Club's Raw Water Pipeline for Golf Course Irrigation. (Brian Snyder and Marcos D. Martinez)
 - 15. MATTERS FROM THE CITY MANAGER
 - 16. MATTERS FROM THE CITY ATTORNEY

Executive Session:

In Accordance with the New Mexico Open Meetings Act §10-15-1(H)(7), NMSA 1978, and Pursuant to City of Santa Fe Resolution No. 2012-31, Quarterly Discussion of Threatened or Pending Litigation in Which the City of Santa Fe is or May Become a Participant.



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17. MATTERS FROM THE CITY CLERK
18. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
- H. PUBLIC HEARINGS:
 - 1) Request from La Boca Feliz, LLC, for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at Taberna La Boca, 125 Lincoln Avenue. (Yolanda Y. Vigil)
 - 2) Request from Life Vessel of Santa Fe, LLC, for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at Light Vessel, 199 Paseo de Peralta, Suite D. (Yolanda Y. Vigil)
 - 3) CONSIDERATION OF RESOLUTION NO. 2012-____. (Councilor Calvert, Councilor Rivera, Councilor Wurzbarger, Councilor Bushee, Councilor Ives, Councilor Trujillo, Councilor Dominguez and Councilor Dimas)
A Resolution Proclaiming Severe or Extreme Drought Conditions in the City of Santa Fe and Restricting the Sale or Use of Fireworks Within the City of Santa Fe and Prohibiting Other Fire Hazard Activities. (Fire Marshal Gonzales and Alfred Walker) **(Postponed at July 25, 2012 City Council Meeting)**



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- 4) CONSIDERATION OF BILL NO. 2012-22: ADOPTION OF ORDINANCE NO. 2012-____. (Councilor Wurzburger and Councilor Ives)
Bill No. 2012-22: An Ordinance Amending Section 2-1.11 SFCC 1987 to Authorize the Mayor to Appoint a City Councilor as Parliamentarian of the Governing Body. (Geno Zamora)
- 5) CONSIDERATION OF RESOLUTION NO. 2012-____.
Case #2012-52. Shellabarger Tennis Center General Plan Amendment. Santa Fe Planning Group, Agents for Eric Rose and Sam Hitman, Request Approval of a General Plan Future Land Use Map Amendment to Change the Designation of 8.62± Acres of Land from Public/Institutional to Community Commercial. The Property is Located at 2400 Alumni Drive, in the Vicinity of Siringo Road and Alumni Drive. (Heather Lamboy) **(Postponed at July 25, 2012 City Council Meeting)**
- 6) CONSIDERATION OF BILL NO. 2012-19: ADOPTION OF ORDINANCE NO. 2012-____.
Case #2012-53. Shellabarger Tennis Center Rezoning to C-2. Santa Fe Planning Group, Agents for Eric Rose and Sam Hitman, Request Rezoning of 8.62± Acres of Land from R-5 (Residential, 5 Dwelling Units Per Acre) to C-2 (General Commercial). The Property is Located at 2400 Alumni Drive, in the Vicinity of Siringo Road and Alumni Drive. (Heather Lamboy) **(Postponed at July 25, 2012 City Council Meeting)**
- 7) CONSIDERATION OF RESOLUTION NO. 2012-____.
Case #2012-30. Bienvenidos General Plan Amendment. JenkinsGavin Design and Development Inc., Agent for Bienvenidos Properties LLC, Requests Approval of a General Plan Future Land Use Map Amendment to Change the Designation of 2.94± Acres of Land from Community Commercial and Transitional Mixed Use to Residential - Low Density (3-7 Dwelling Units Per Acre). The Property is Located South of Rufina Street and West of Richards Avenue. (Dan Esquibel) **(Postponed at July 25, 2012 City Council Meeting)**
- 8) CONSIDERATION OF BILL NO. 2012-24: ADOPTION OF ORDINANCE NO. 2012-____.
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9) CONSIDERATION OF BILL NO. 2012-21: ADOPTION OF ORDINANCE NO. 2012-_____.

Bill No. 2012-21: An Ordinance Authorizing the Execution and Delivery of a Loan Agreement and Intercept Agreement by and Between the City of Santa Fe, New Mexico (the "Governmental Unit") and the New Mexico Finance Authority, Evidencing a Special, Limited Obligation of the Governmental Unit to Pay a Principal Amount of \$5,000,000, Together with Interest Thereon, for the Purpose of Defraying the Cost of Purchasing, Furnishing, Equipping, Rehabilitating, Making Additions to and Making Improvements to the Railyard Condo Unit for Existing and Future Municipal Facilities; Providing for the Payment of the Principal and Interest Due Under the Loan Agreement Solely from (1) the Revenues of the Governmental Unit's One-Half of One Percent (1/2%) Municipal Gross Receipts Tax Distributed to the Governmental Unit by the State Taxation and Revenue Department, (2) the Revenues of the Governmental Unit's One-Eighth of One Percent (1/8%) Municipal Infrastructure Gross Receipts Tax Distributed to the Governmental Unit by the State Taxation and Revenue Department, and (3) the Revenues of the State-Shared Gross Receipts Tax Distributed to the Governmental Unit Pursuant to Section 7-1-6.4, NMSA 1978, as Amended; Providing for the Distribution of Certain Gross Receipts Tax Revenues to be Redirected by the State Taxation and Revenue Department to the New Mexico Finance Authority or its Assigns for the Payment of Principal and Interest Due on the Loan Agreement Pursuant to an Intercept Agreement; Approving the Form and Terms of, and Other Details Concerning the Loan Agreement and the Intercept Agreement; Ratifying Actions Heretofore Taken; Repealing all Action Inconsistent with this Ordinance; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan Agreement and Intercept Agreement. (Dr. Melville Morgan and Helene Hausman) **(Postponed to September 12, 2012 City Council Meeting)**

- 10) Request from Los Alamos National Bank for a Waiver of the 300 Foot Location Restriction to Allow the Dispensing and Consumption of Beer and Wine at the Santa Fe Children's Museum, 1050 Old Pecos Trail, Building B, Which is Within 300 Feet of St. John's United Methodist Church, 1200 Old Pecos Trail. The Request is for Los Alamos National Bank's Company Picnic to be Held on Saturday, August 25, 2012 from 1:45 p.m. to 5:00 p.m. (Yolanda Y. Vigil)

I. ADJOURN



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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.

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DATE 8-3-12 TIME 4:30pm

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**SUMMARY INDEX
SANTA FE CITY COUNCIL MEETING
August 8, 2012**

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APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-3
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – JULY 25, 2012	Approved	3
<u>PRESENTATIONS</u>		
EMPLOYEE OF THE MONTH FOR AUGUST 2012 – LORI SOLIZ, COMMUNITY SERVICES DEPARTMENT, MAIN LIBRARY		3
PROCLAMATION – “JOE SCHEPPS DAY” – AUGUST 8, 2012		4
VANESSA VIGIL – CITIZEN RECOGNITION FOR HER ASSISTANCE TO THE SANTA FE POLICE DEPARTMENT		4
<u>CONSENT CALENDAR DISCUSSION</u>		
BIDS NO. 12/26/B – SANTA FE RIVER PARK – EL PARQUE DEL RIO RENOVATIONS AND IMPROVEMENTS AND AGREEMENT BETWEEN OWNER AND CONTRACTOR; LOCKWOOD CONSTRUCTION COMPANY	Approved	4-5
REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND	Approved	4-5

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FOR APPROVAL OF SERVICES AGREEMENT – FY 2013 PARATRANSIT SERVICES FOR SANTA FE COUNTY RESIDENTS; CITY OF SANTA FE AND ST. VINCENT HOSPITAL D/BH/A CHRISTUS ST. VINCENT REGIONAL MEDICAL CENTER	Approved	5
***** END OF CONSENT CALENDAR DISCUSSION *****		
CONSIDERATION OF RESOLUTION NO. 2012- 71: A RESOLUTION DECLARING SEPTEMBER 15 TH AS “OPA! DAY” IN THE CITY OF SANTA FE; RECOGNIZING AND CELEBRATING THE VAST CONTRIBUTIONS THAT GREECE AND GREEKS HAVE MADE THROUGH THE AGES TO OUR WAY AND QUALITY OF LIFE	Approved	6
CIP #859A – ST. FRANCIS CROSSING FROM THE ACEQUIA TRAIL TO RAILYARD; REQUEST FOR APPROVAL OF RECOMMENDATION FOR PROJECT DEVELOPMENT	Referred to BTAC	7-8
REQUEST FOR APPROVAL OF PROPOSED EMPLOYEE WELLNESS PROGRAM	Approved [amended]	8-17
REQUEST FOR REVIEW AND APPROVAL OF SANTA FE COUNTY’S REQUEST FOR A MASTER METER IN THE CITY’S WATER DISTRIBUTION SYSTEM AND THE CLUB AT LAS CAMPANAS’ USE OF TREATED EFFLUENT AS A BACKUP TO THE CLUB’S RAW WATER PIPELINE FOR GOLF COURSE IRRIGATION	Approved [amended]	17-26
<u>MATTERS FROM THE CITY ATTORNEY</u>		
EXECUTIVE SESSION	Approved	26-27
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	27

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	28
PETITIONS FROM THE FLOOR		28-29
APPOINTMENTS	None	29
<u>PUBLIC HEARINGS</u>		
REQUEST FROM LA BOCA FELIZ, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT TABERNA LA BOCA, 125 LINCOLN AVENUE	Approved	29-30
REQUEST FROM LIFE VESSEL OF SANTA FE, LLC., FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT LIGHT VESSEL, 199 PASEO DE PERALTA, SUITE D	Approved	30-31
REQUEST FROM LOS ALAMOS BANK FOR A WAIVER OF THE 300 FOOT RESTRICTION TO ALLOW THE DISPENSING AND CONSUMPTION OF BEER AND WINE AT THE SANTA FE CHILDREN'S MUSEUM, 1050 OLD PECOS TRAIL, BUILDING B, WHICH IS WITHIN 300 FEET OF ST. JOHN'S UNITED METHODIST CHURCH, 1200 OLD PECOS TRAIL. THE REQUEST IS FOR LOS ALAMOS NATIONAL BANK'S COMPANY PICNIC TO BE HELD ON SATURDAY, AUGUST 25, 2012, FROM 1:45 P.M. TO 5:00 P.M.	Approved	31
CONSIDERATION OF RESOLUTION NO. 2012- ____ A RESOLUTION PROCLAIMING SEVERE OR EXTREME DROUGHT CONDITIONS IN THE CITY OF SANTA FE AND RESTRICTING THE SALE OR USE OF FIREWORKS WITHIN THE CITY OF SANTA FE AND PROHIBITING OTHER FIRE HAZARD ACTIVITIES	Withdrawn	32

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2012-20: ADOPTION OF ORDINANCE NO. 2012-25. BILL NO. 2012-22: AN ORDINANCE AMENDING SECTION 2-1.11 SFCC 1987, TO AUTHORIZE THE MAYOR TO APPOINT A CITY COUNCILOR AS PARLIAMENTARIAN OF THE GOVERNING BODY	Approved	32-33
CONSIDERATION OF RESOLUTION NO. 2012-72. CASE #2012-52. SHELLABERGER TENNIS CENTER GENERAL PLAN AMENDMENT. SANTA FE PLANNING GROUP, AGENTS FOR ERIC ROSE AND SAM HITMAN, REQUEST APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 8.62± ACRES OF LAND FROM PUBLIC/INSTITUTIONAL TO COMMUNITY COMMERCIAL. THE PROPERTY IS LOCATED AT 2400 ALUMNI DRIVE, IN THE VICINITY OF SIRINGO ROAD AND ALUMNI DRIVE	Approved	33-38
CONSIDERATION OF BILL NO. 2012-19: ADOPTION OF ORDINANCE NO. 2012: 27. CASE #2010-53. SHELLABERGER TENNIS CENTER REZONING TO C-2. SANTA FE PLANNING GROUP, AGENTS FOR ERIC ROSE AND SAM HITMAN, REQUEST REZONING OF 8.62± ACRES OF LAND FROM R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE) TO C-2 (GENERAL COMMERCIAL). THE PROPERTY IS LOCATED AT 2400 ALUMNI DRIVE, IN THE VICINITY OF SIRINGO ROAD AND ALUMNI DRIVE	Approved	38-39
CONSIDERATION OF RESOLUTION NO. 2012- _____. CASE #2012-30. BIENVENIDOS GENERAL PLAN AMENDMENT. JENKINS GAVIN DESIGN AND DEVELOPMENT, INC., AGENT FOR BIENVENIDOS PROPERTIES, LLC, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 2.94± ACRES OF LAND FROM COMMUNITY COMMERCIAL AND TRANSITIONAL MIXED USE TO RESIDENTIAL – LOW DENSITY (3-7 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF RUFINA STREET AND WEST OF RICHARDS AVENUE	Postponed to 08/28/12	39

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2012-124: ADOPTION OF ORDINANCE NO. 2012 _____. CASE #2010-31. BIENVENIDOS REZONING TO R-5. JENKINS GAVIN DESIGN AND DEVELOPMENT, INC., AGENT FOR BIENVENIDOS PROPERTIES, LLC, REQUESTS REZONING OF 7.62± ACRES OF LAND FROM R-3 (RESIDENTIAL, 3 DWELLING UNITS PER ACRE) TO R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF RUFINA STREET AND WEST OF RICHARDS AVENUE	Postponed to 08/28/12	39
CONSIDERATION OF BILL NO. 2012-21: ADOPTION OF ORDINANCE NO. 2012- _____. BILL NO. 2012-21: AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AND INTERCEPT AGREEMENT BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF \$5,000,000, TOGETHER WITH INTEREST THEREON, FOR THE PURPOSE OF DEFRAYING THE COST OF PURCHASING, FURNISHING, EQUIPPING, REHABILITATING, MAKING ADDITIONS TO AND MAKING IMPROVEMENTS TO THE RAILYARD CONDO UNIT FOR EXISTING AND FUTURE MUNICIPAL FACILITIES; ET AL.	Postponed to 09/12/12	40
MATTERS FROM THE CITY MANAGER	None	40
MATTERS FROM THE CITY CLERK	Information	40
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	40-43
ADJOURN		43

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
August 8, 2012**

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 Wednesday, August 8, 2012, 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 Wurzburger, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Peter N. Ives
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Others Attending

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

6. APPROVAL OF AMENDED AGENDA

Robert Romero, City Attorney, said Item H(10) had been added to the Amended Agenda. He said at the request of the Fire Department, staff is asking to withdraw Item H(3). He said Items H(7) and H(8) are postponed to the Council meeting of August 28, 2012, and Item H(9) is postponed to the Council meeting of September 12, 2012.

MOTION: Councilor Wurzburger moved, seconded by Councilor Dominguez, to approve the agenda as amended.

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

7. APPROVAL OF CONSENT CALENDAR

MOTION: Councilor Wurzbarger moved, seconded by Councilor Trujillo, 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 Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

- a) *[Removed for discussion by Councilor Calvert].*
- b) **REQUEST FOR APPROVAL OF CONSTRUCTION IMPROVEMENTS – HILLSIDE TO CROSS OF THE MARTYRS PEDESTRIAN IMPROVEMENTS PROJECT USING BID 12/02/B ON CALL ROADWAY & TRAILS CONSTRUCTION SERVICES AGREEMENT; TLC PLUMBING & UTILITY. (LeANN VALDEZ)**
- c) *[Removed for discussion by Councilor Rivera]*
- d) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – THIRD PARTY ADMINISTRATIVE SERVICES FOR COMPREHENSIVE INSURANCE COVERAGE, CLAIMS ADMINISTRATION AND BROKER SERVICES FOR CITY OF SANTA FE; CANNON COCHRAN MANAGEMENT SERVICE, INC. (BARBARA BOLTREK)**
- e) **REQUEST FOR APPROVAL OF SECOND REQUEST FOR 2010 GENERAL OBLIGATION BOND AWARD AND AGREEMENT – SUPPLEMENT LOCAL FUNDING FOR LIBRARY MATERIALS FOR SANTA FE PUBLIC LIBRARY; STATE OF NEW MEXICO DEPARTMENT OF CULTURAL AFFAIRS, STATE LIBRARY DIVISION FUND 47800 CAPITAL APPROPRIATION PROJECT. (PATRICIA HODAPP)**
 - 1. **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- f) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – TWO (2) WORK TRUCKS AND ONE (1) BACKHOE FOR FACILITIES MAINTENANCE DIVISION; DON CHALMERS FORD AND ADOBE TRUCK & EQUIPMENT. (ROBERT RODARTE)**

- g) **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON SEPTEMBER 12, 2012:**
- 1) **BILL NO. 2012-26: AN ORDINANCE AMENDING SECTION 24-2.6 SFCC 1987, TO EXTEND THE TRUCK BAN CURRENTLY IN PLACE ON CAMINO CARLOS REY TO CALLE DE ORIENTE NORTE (COUNCILOR TRUJILLO, COUNCILOR BUSHEE AND COUNCILOR DIMAS). (JOHN ROMERO)**
 - 2) **REQUEST FOR APPROVAL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT 2011-2012 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REVIEW (CAPER). (KIM DICOME)**
- h) **REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CASE #2012-25, 203 E. SANTA FE AVENUE, REZONING TO RAC, AND CASE #2012-83, APPEAL OF THE JUNE 7, 2012 DECISION OF THE PLANNING COMMISSION IN CASE #2012-54 DENYING NEW MEXICO OIL & GAS ASSOCIATION A SPECIAL USE PERMIT FOR A PROFESSIONAL OFFICE AT 203 E. SANTA FE AVENUE. (KELLEY BRENNAN)**
- i) **REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CASE #2012-45, 424 ACEQUIA MADRE REZONING TO RC-8 AC. (KELLEY BRENNAN)**
- j) **PURSUANT TO RESOLUTION #2012-32, REPORT REGARDING BEST PRACTICES RELATED TO SPECIAL DISPENSER PERMITS AND AMENDMENTS TO STATE LAW TO PREVENT ABUSE OF THE SPECIAL DISPENSER LICENSE PROCESS. (ALFRED WALKER)**

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – JULY 25, 2012

MOTION: Councilor Wurzbarger moved, seconded by Councilor Dimas, to approve the minutes of the Regular City Council meeting of July 25, 2012, as presented.

VOTE: The motion was approved on a voice vote with Councilors Bushee, Calvert, Dimas, Dominguez, Ives, Rivera, Trujillo and Wurzbarger voting for the motion and none against.

9. PRESENTATIONS

- a) **EMPLOYEE OF THE MONTH FOR AUGUST 2012 – LORI SOLIZ, COMMUNITY SERVICES DEPARTMENT, MAIN LIBRARY. (5 MINUTES)**

Mayor Coss read the letter of nomination into the record.

Ms. Soliz thanked the City, saying said she did what anyone would do under the circumstances.

b) PROCLAMATION – “JOE SCHEPPS DAY” – AUGUST 8, 2012.

Mayor Coss read a Proclamation into the record declaring August 8, 2012, as Joe Schepps Day in Santa Fe. Mayor Coss presented Mr. Schepps with a copy of the proclamation and a plaque.

Councilor Wurzbarger said many other business persons, long ago, at multiple times, would have given up on Sanbusco and Mr. Schepps never did. She said his legacy of Sanbusco as an economic element of the Railyard will remain for years to come, and Santa Fe will continue to be grateful to Mr. Schepps for his leadership, vision, passion, and grace in making decisions under pressure.

Joe Schepps thanked the City for this honor, saying he doesn't think any other town would have afforded him the opportunities to do what he has done. He said he loves Santa Fe very much. He said, "Thank you, thank you, thank you, thank you, thank you."

c) VANESSA VIGIL – CITIZEN RECOGNITION FOR HER ASSISTANCE TO THE SANTA FE POLICE DEPARTMENT.

Captain Aric Wheeler read a letter into the record thanking and praising Vanessa Vigil for her assistance in stopping inappropriate behavior. He said she saw something happen that was inappropriate and used her cell phone to gather information which helped to build a case for the Police Department.

Captain Wheeler presented Ms. Vigil with a plaque, thanking her for her brave efforts. On behalf of Target management, he presented Ms. Vigil with a \$100 Visa gift card.

Ms. Vigil thanked the Police Department and the City for this honor and for their support for everything.

Ms. Vigil was given a standing ovation.

CONSENT CALENDAR DISCUSSION

**10 (a) BIDS NO. 12/26/B – SANTA FE RIVER PARK – EL PARQUE DEL RIO RENOVATIONS AND IMPROVEMENTS AND AGREEMENT BETWEEN OWNER AND CONTRACTOR; LOCKWOOD CONSTRUCTION COMPANY. (BRIAN DRYPOLCHER)
A. REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND**

Councilor Bushee said on page 8 of the packet, Deductive Alternate No. 3 provides, "... Delete all striping required for East Alameda Street from Delgado Road to East Palace Avenue." She asked if that is on-road striping.

Mr. Drypolcher said Deductive Alternate No. 3 included the narrowing of a portion of Alameda Street, which would mean the current striping would be rendered obsolete and new striping would be required. He said, with the deduction of Deductive Alternate No. 3, Alameda is not being narrowed at that location, so there is no reason to change the location. He said it was for on-street striping, but the striping is staying as is.

Councilor Bushee said then the bike lanes would be there.

Mr. Drypolcher said there is a lot of parking "along there," and doesn't believe there are any dedicated bicycle lanes, but there are sharrows, and that striping and signage would remain.

Councilor Bushee asked if there is room to put in a bicycle lane.

Mr. Drypolcher said to include a bicycle lane, it would be necessary to get of a lot of the parking along the south side of Alameda, and knows of no plans to do that this time.

MOTION: Councilor Bushee moved, seconded by Councilor Wurzbarger, to approve this request.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

10 (c) REQUEST FOR APPROVAL OF SERVICES AGREEMENT – FY 2013 PARATRANSIT SERVICES FOR SANTA FE COUNTY RESIDENTS; CITY OF SANTA FE AND ST. VINCENT HOSPITAL D/BH/A CHRISTUS ST. VINCENT REGIONAL MEDICAL CENTER. (JON BULTHUIS)

Councilor Rivera said he is an employee of St. Vincent Regional Medical Center, and he removed this item to recuse himself from participation and voting on this item.

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

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Recused: Councilor Rivera.

END OF CONSENT CALENDAR DISCUSSION

11. CONSIDERATION OF RESOLUTION NO. 2012- 71: (COUNCILOR WURZBURGER) A RESOLUTION DECLARING SEPTEMBER 15TH AS “OPA! DAY” IN THE CITY OF SANTA FE; RECOGNIZING AND CELEBRATING THE VAST CONTRIBUTIONS THAT GREECE AND GREEKS HAVE MADE THROUGH THE AGES TO OUR WAY AND QUALITY OF LIFE.

Councilor Wurzbarger asked Alex Pataxis and Elaine Dundon to talk about this wonderful idea.

Councilor Dominguez said he had the opportunity to sit on one of the Mayor’s radio shows during the Greek Festival and learned a lot.

Mr. Pataxis thanked Councilor Wurzbarger for introducing this Resolution. He said on September 15, 2010, he and Elaine were in Greece. He said they started to do a lot of things to try to reinvent and rebrand Greece and help people understand and recognize the contributions Greece has made over many centuries and millennia to arts, drama, theater, language, science, medicine, architecture – so much of what Santa Fe is about, and of course democracy. He said on September 15, 2010, with the support of the Mayor of Rethymno, Crete, Greece, they declared the first Opa Day, noting more than 400 people from around the world attended the event in Rethymno, which was the first City in Greece to recognize Opa Day. He said September 15th is also the day recognized by the U.N. as the International Day of Democracy. He said, unfortunately, the U.N. did little to recognize from where democracy came, and one of the reasons this day was chosen.

Mr. Pataxis said last year Opa Day was celebrated in different organizations, restaurants, businesses, schools and such on 5 continents, and this year it will be celebrated for the first time in China. He said many Greeks came to New Mexico as explorers with the Spanish Conquistadors. He said he would like Santa Fe to be the first City in North America to recognize Opa Day before others do, noting Santa Fe is the oldest Capitol City in New Mexico. He said there are proposals in Toronto, Chicago, New York and other places with large Greek communities.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Dimas, to adopt Resolution No. 2012-71.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

**12. CIP #859A – ST. FRANCIS CROSSING FROM THE ACEQUIA TRAIL TO RAILYARD;
REQUEST FOR APPROVAL OF RECOMMENDATION FOR PROJECT DEVELOPMENT.
(ISAAC PINO)**

Councilor Bushee said she sat in a lot of meetings around this issue, and doesn't have a sense that everyone is ready to make a decision on this, and asked "if you would like to take another pass through BTAC." She said a hybrid also was floating around. She would like to refer this back to BTAC, look at the hybrid.

MOTION: Councilor Bushee moved, seconded by Councilor Rivera to refer Item 12 back to the Bicycle and Trails Advisory Committee.

DISCUSSION: Mayor Coss said he supports the motion. He said, "I just want to say on the record that we have heard from the School for the Deaf several times, and they support an above-grade crossing, and just as a Santa Fean who lived here before St. Francis Drive went through, knitting the community back together with overpasses and underpasses and ways to get across that road is an important thing, so I think it does deserve more study."

Councilor Wurzbarger asked for clarification of the Motion which came from Public Works, because it didn't choose one option or the other, and took a position that further study was needed.

Mr. Pino said he can't give the specific wording, but "what you just stated is exactly where they went with it." He said no decision, nor selection was made, and it was brought forward so that it could be studied further.

Councilor Wurzbarger said the clear intention of the action from her perception as Chair, that this was by no means an end to the process, but the Public Works Committee didn't want to move forward with it at this time, and it was brought forward so it could be studied further.

Mayor Coss said this is the conversation he had with Councilor Wurzbarger, which was to continue the investigation of the options.

Councilor Trujillo asked Councilor Wurzbarger if she wanted clarification about what was voted on at Public Works, and Councilor Wurzbarger said yes.

Councilor Trujillo said what happened at Public Works was he made a motion for a bridge which died for lack of a second. A motion was then made for an underpass, which was a tie vote, with the Chair voting against the motion. He said a motion was then made to send it forward to Council without recommendation.

Councilor Wurzbarger said the recommendation was to have further study of it, but it wasn't tied to a Committee.

Mayor Coss said he thinks sending it back to BTAC again is appropriate. He said Mr. Pino's Memo says the recommendation from Public Works was "... ceasing further development of the project." However, he doesn't think the Public Works Committee wanted to cease examination of the options.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera and Councilor Wurzburger.

Against: Councilor Trujillo.

Explaining her vote: Councilor Wurzburger said, "Yes. And with the understanding that it is to consider both options, not one option." Councilor Calvert said there are 3 options. Councilor Wurzburger said, "Three options. Yes, correct. 3 options including the no-build option." Mayor Coss that that makes it 4 options. Councilor Wurzburger said, "Yes. Options. Including people. That was number 5, and we actually spent a lot of time talking about how maybe this didn't have to be done by engineering solution."

13. REQUEST FOR APPROVAL OF PROPOSED EMPLOYEE WELLNESS PROGRAM. (VICKI GAGE)

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

DISCUSSION: Councilor Dominguez said, "I just want to get it out there and just say, so there's no conversation privately, or even publicly, or they can have it if they want. I'm probably one that could take advantage of the wellness program, so there you go." He said, "For the most part, the record shows that I, and others have been in support of this concept, or this idea. We approved it at the City Council during our budget hearing. And some of the other initiatives that I have going forward at Council are in support of this kind of concept as well. I think we, as a Governing Employee, want to invest in our employees. We want to make sure that our employees are healthy. And this was brought up in the context that wellness is tied to our health insurance premium cost, and that is the way it was brought up in the budget hearings that we had beginning in March, or whenever it was, April."

Councilor Dominguez continued, "But there's some things that I'm frustrated about. The Governing Body has the fiduciary duty to make sure that we have a balanced budget and that budget is implemented and that budget is reflective of the priorities we have as a Governing Body through the citizens or constituencies that we have. But this has changed a number of times, and I'll get to a couple of examples of where my frustration lies. During the budget hearings, the May 21st Memo, it basically said that wellness programs provide employees free access to the GCCC. Then when we get to the May 30th Memo – it was a May 24th Memo that was approved at the May 30th City Council meeting where we approved the budget. And the language was actually changed. It said, "Provide employees and their family members, who are covered dependents on the employee City of Santa Fe Health Insurance Plan, free access to the GCCC. Against, wellness tied to health insurance premium costs. And I don't think that anyone has a problem with

that, except my problem was that I didn't know that that change in that Memo was made, and I didn't read the Memo and I should have. But, nonetheless I felt like it was kinda just placed in there and nobody told me about that change. Nonetheless, we approved it and what it comes down to is that I had a conversation with another City Councilor to find out if I was over-reacting to that change, and I felt like maybe it could come back to the Finance Committee so we can look at fiscal impacts, because again, we want to have good data to make sure that we make the appropriate responsible decisions during the next budget cycle."

Councilor Dominguez continued, "So then, we get to the June 18th Finance Committee meeting, and that's where we start to get into the fiscal impact, and we didn't have that information before. \$24,000, that's what it was reported at the time. But, I'm going to give you two examples of why this is frustrating for me, even more. I'm in support of it, but it's frustrating. I felt like really it was maybe shoved down our throats if you will."

Councilor Dominguez continued, "If you look at the packet, and if you look at page 4, and you look at the background, and I guess maybe... Robert do you want me to ask your staff, or do you want me to ask you these questions."

Mr. Romero said, "Councilor, ask the question and I'll decide if I want to...."

Councilor Dominguez said, "What it says here is that City employees... on May 30, 2012, the Governing Body approval recommendation by Group Insurance Benefits Committee, that would allow all City employees and their family members who are covered on the employee health insurance to utilize the GCCC and the Ft. Marcy and Salvador Perez recreational facility free of charge. That was not in the Memo that was approved in City Council. The Memo actually... the memo, I'm not talking about what was said, the memo itself did not include the other facilities. That's really relatively minor."

Councilor Dominguez continued, "But I want you then to look at, and this is where the frustration really comes in.. I had to print this out to make sure that I was reading it right. Again, we have a fiduciary responsibility to make sure that we have a budget that's taking care of and implemented and all this other stuff. Look at page 16 of the packet, it's really the FIR. 16 is the second page of the FIR. And look at page 5. And I want to make sure that I'm reading this correctly. On page 5, you've got \$29,000 Increase Wellness Coordinator Hours. And it's coming out of Fund 5700. That's reflected in the FIR as well. Correct. Then if you look at Item 3 on page 5, Impact on current Admin GCCC Staff for \$10,000, and that's coming out of Fund 5700. But if you look at the FIR on page 16, that \$10,000 says its coming out of Fund 6107. Am I reading that correctly."

Mr. Romero said he didn't create the FIR and he was gone Thursday and Friday when it was created.

Ms. Gage said, "There is some confusion between me and GCCC staff on that \$10,000. That \$10,000 does come out of Fund 6107."

Councilor Dominguez said, "That's fine, but it's not reflected in page 5 of the Memo that we have."

Ms. Gage said, "And you're referring to the chart that I put.... yes."

Councilor Dominguez said, "And that's just part of that frustration. If you go further down, and you look at the gift cards for a total of \$45,265. In the Page 5 memo it says it's coming out of 6107, and if you look at the fiscal year 13/14, \$45,265, it says it's coming out of Fund 5700."

Ms. Gage apologized, saying the 5700 was reflecting the \$3,000 for Fiscal 12/13 for the card scanner. She said the \$45,265 comes out of Fund 6107.

Councilor Dominguez said, "That's not what this says. And so again, having that fiduciary responsibility to make sure that the budget is legitimate. No, I already made a motion. I just want to express my frustrations and the Governing Body can move this forward if they want to, but I think I just want that those concerns noted for the record. So that's all I have Mayor, thank you."

Councilor Wurzbarger said she respects Councilor Dominguez's frustration and is sorry about the confusion in the numbers. She said the work in which he has been engaged, with respect to promoting this as a priority of the City is extremely important. She said, "I also would like immediately to have a healthy food station outside the Council Chambers." She said she knows they are working on that independently.

MOTION: Councilor Wurzbarger moved to approve this as a one-year program, and then refer it back to the Finance Committee for consideration to get it to their level of satisfaction. **MAYOR COSS NOTED THERE ALREADY IS A MOTION FOR APPROVAL ON THE FLOOR BY COUNCILOR DOMINGUEZ.**

FRIENDLY AMENDMENT: Councilor Wurzbarger said she accepts the Motion and would like the Chair and Staff to work with the Finance Committee to clarify the numbers for levels 2 and 3. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Calvert said as we discussed this at the Finance Committee, the sentiment was that we wanted the follow-up and commitment programs to start immediately. He said those didn't kick in until year 2 and year 3. He said, "In other words, when you do some of the screening, and if it comes back indicating something, then at that point you will commit. It's part of the privilege of free at GCCC you'll commit to one of these programs as is appropriate. I think we expressed that theme, that we wanted that to kick in immediately."

Councilor Dominguez said, if I read this correctly, the first year essentially is part of the screening, and the intent is to start some of that immediately.

Councilor Dimas reiterated what was said. He recalls 3 tiers were discussed at that Finance Committee meeting. He said his suggestion is just to move forward with this, commenting we've spent enough time on this already, and we already voted on this initially, and the vote was unanimous that this program move forward and that all of the people on the premium plan with the insurance program be given free access to the GCCC.

Councilor Dimas said, "I think the 3-tiered program for the wellness program is a good program. I don't have a problem with that. However, I think that it should be a voluntary thing and not some kind of a mandatory thing for them to have access to the GCCC. I don't think that was the intent of the Council when we actually voted for this issue at the time. And it was because they were actually going to pay more for their insurance, and the Benefits Committee would like to exchange, in other words the cost and be given free access to the GCCC, and that was a vote that this Council took. So I would just recommend that we bite the bullet and do this as it stands and give them access to the GCCC as soon as possible and get this thing going and the 3-tier program be a volunteer program that the employees can undertake if they wish to do that."

Councilor Wurzbarger hopes that Finance can look at this sooner, rather than later. She said, "I'm not saying look at it over the next year. It's whatever clarification you made on those subsequent phases of the program and hopefully Finance can get back to that and come back as soon as we can with it, if you choose, a three year program, but for now, a one-year effort."

Councilor Calvert said part of this concept is we want our employees to be healthier, and as a result we hoped our insurance costs would come down and be more sustainable. He said, "I think that's why we said, like if you look at page 6 of our thing, your true incentive, it talks about taking the risk assessment on-line and attend two City-sponsored wellness activities and contests. And when we discussed this at Finance, we said not just attend any two, we want them specific to what is indicated by the screenings, and that we actually would like to see that start in year 1, because the sooner you start on that, the sooner you're going to get to realizing the benefits that the program is intended for."

Councilor Bushee said at Finance this wasn't the most well put together program presentation and it was pretty confusing.

Councilor Bushee said, "Just to be clear, if we're just voting tonight on year-one incentive, it does not include the \$75 gift card. That's year two, correct. So, that helps me a little bit, because you back page on page 17 of our packet of the FIR, it starts out by saying that we're basing our current payroll deduction on 87 employees that use the GCCC, whereas then you're going to have health care rewards for 500 employees. It's been very weird the projections. The expectation is there may be 500 employees, but you're only basing your budget right now on 87 employees. And what we asked for at Finance, was that you make sure the program included all the facilities, even though they're all free. But just that all of them participate. So if you are able to move into year 2 or some other form of that program, we'll at least be able to gauge how well it worked in the first place. And so that I understand...."

FRIENDLY AMENDMENT: Councilor Bushee asked to amend the motion "that it be a mandatory requirement from the start, that whoever chooses to participate and enroll at GCCC or any of the facility for no cost, that they also have to sign up for the United Health Care Wellness Program, and work on things like diabetes prevention and other things." **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Calvert said, "What I was talking about is that we need some of these things that are indicated to be initiated and participation to start right away."

Councilor Bushee said, "We made that part of the recommendation at Finance."

Councilor Bushee asked, with regard to the impact on current adm. GCCC staff, if this means we have to add somebody, or if you are taking it from the General Fund to put in the GCCC Fund – what is that cost.

Ms. Gage said where the confusion on this is that Dr. Sue Perry has a \$10,000 budget already coming out of 6107 that she uses for the programs that she's been doing. Where the confusion comes from, on the FIR that was provided, it was showing that additional staff time and energy would cost about \$9,000 which would be absorbed, and there would be no new personnel. It would be employees already there and budgeted for those hours.

Councilor Bushee said then it's not really a start up cost to this program, and why does the \$10,000 have to be there, and asked if "we can strike that \$10,000 to start."

Ms. Gage said the \$10,000 is already part of the budget, so it's already absorbed in the budget. She said the \$9,000 in the FIR prepared by the GCCC is already absorbed, so those aren't new costs, those are absorbed costs. The new costs would be \$29,000 for wellness coordinator's position to from 20 hours to 32 hours and in years 2-3, the \$75 gift cards, and in year 1 a \$3,000 card reader to replace the current reader that is in use right now.

Ms. Vigil said the old card reader has died, and to track everyone who uses the facility, she needs to produce a membership card. She is in the process of purchasing a new one, which will be a cost associated with the program as well.

Councilor Bushee said it is hoped there will be a savings in insurance programs. She thinks anything that isn't a start-up cost should be stricken. She asked about the tracking so we can know how effective the program is working out, and she will re-emphasize it in the motion if necessary.

Ms. Perry said the idea of health risk assessment and biometric screen is a baseline to get people started on wellness, as well we work with United Health Care and this information is plugged into its system and can track this information for this. She said they can come up with a report when requested for the people who have completed the health risk assessment this year and plugged in their biometric screening numbers, so we'll know they are eligible for the card use at the recreation center. It will also indicate how many people are doing this.

Councilor Bushee said then they will be doing the tracking. She asked for clarification that the additional funding for the Wellness Coordinator hours is not coming out of GCCC. She is behind the program, but she is concerned about how the GCCC budget is going to be impacted. She said the City continues to subsidize that facility with taxpayer dollars, and wants to be sure this is a wise investment, and doesn't think the GCCC should be paying for Sue Perry.

Ms. Gage said the reason it is coming out of that fund is because that is where Dr. Perry's salary currently is paid.

Councilor Bushee said it is an accounting thing, but she doesn't understand it, and "I don't really know that it's a good idea for GCCC to paying for that. Is there another fund that's recommended."

Mr. Romero said he understands Sue Perry is paid from Human Resources, but she has been moved to the GCCC because it was felt at that time it was more appropriate that she was there. He said he believes the money is transferred from the HR in General Fund to the GCCC to pay Sue Perry. He said it is proposed that the additional funding for the wellness program would come from the Insurance Fund because the additional work would be to help the Insurance Fund. She would be paid partly from HR at the GCCC, and the additional costs would be paid by the Insurance Fund.

Councilor Bushee asked that the FIR be redone to make it clear what will be coming from the GCC, so she will be more comfortable with this.

Councilor Ives said he would like to echo the comments of Councilors Calvert and Bushee to immediately implement the requirement for people to attend wellness programs.

FRIENDLY AMENDMENT: Councilor Ives would like to amend the motion to "moving from the year 2 incentive the language that says 'and attend two City sponsored wellness activities or contests' up into the year 1 incentive so that it specifically provides that." **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THEIR WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Bushee asked if this includes the health assessment, and Mayor Coss said they have to do that to start.

Councilor Ives said they do that in any event in year one, so this is just adding those additional programs that were meant to be in the plan in year 2, which we would like to see happen in year 1. The reason we are doing this is to ultimately save our insurance costs

Councilor Bushee said, "We really need to look at what we serve at that café or cafeteria at the GCCC. I know they started trying at one point somebody serving healthier food, but everyone wants burgers and fries. This is all part of our healthy community thing here. We should really be..."

Councilor Rivera asked Ms. Gage, "Just so we are clear on this, and I've heard from several City employees, but this is just for membership specifically to the GCCC, just membership into the facility. Once you get in, there is a fee for ice skating, for swimming, that is not free to employees."

Ms. Vigil said, "The swimming part is. It's for the drop-in fee to get into the Center, but it doesn't cover lessons, camps, clinics, skating rentals, class, just entrance to the facility."

Councilor Rivera asked if it includes swimming.

Ms. Vigil said you can swim and there is no additional cost to swim.

Councilor Rivera said when he was in the Fire Department, he was always under the impression that benefits, regardless of whether they're great or bad had to be negotiated with the unions. He said if he were in the union he would want to get this into the contract right away, so after Year 1, there's no way to put a stop to it. He said it is a benefit with a monetary value and he believes it should be negotiated with each of the 3 unions.

Ms. Gage said each of the 3 unions have membership and representation on the Group Insurance Benefits Committee, and it was their suggestion if we want to reduce our costs, we should encourage wellness. She said it was agreed in the Committee, but it was not negotiated during contract negotiations. She said the thought at the time was to see how it would work and if it would make a difference.

Councilor Rivera asked if the intention is to negotiate it or to do an MOU which might be included in the contract.

Ms. Gage said they can't do an MOU, because the contract can't be changed through an MOU.

Mr. Rivera asked what has been done in the past with mid-stream changes.

Mr. Romero said, "I think the only thing that is in the contracts, and I believe it's in police and fire, has something to do with co-pays, but I don't believe anything else to do with our insurance benefit is in... it's not in AFSCME I don't believe, but I believe it is in Police and Fire. I think our thought was that this is part of the of the insurance benefit, and we haven't put that in the contract before."

Councilor Rivera said what I'm saying is that benefits have always been negotiated, or a topic of negotiation, and this clearly is a benefit with a monetary value, and he wants to make sure where it will be a year from now.

Councilor Ives said it was discussed at Finance that these were intended as incentives as opposed to benefits, commenting that language was discussed back and forth, and his tacit assumption has been that incentives *per se* do not need to be negotiated as part of the contracts, and that they're outside of that benefit designation which otherwise would make it something that would be subject to negotiation.

Councilor Rivera said, "With all due respect, I believe there are many incentives in the contract now that are negotiated, maybe since they were pulled out via past negotiating sessions, but I believe incentives are also a benefit. Am I correct. Incorrect."

Judith Amer, Assistant City Attorney said, "This is part of the health benefit. If you go to the gift card part, that might be an incentive, but this is an enhanced benefit program, that's what they call it. The words incentive benefit get mixed up. But if it's a non-taxable transaction, it's an enhanced benefit that has certain criteria set out by the Council and staff as to how to get the enhanced benefit."

Councilor Rivera said, "So enhanced benefits don't need to be negotiated."

Mr. Romero said, "For whatever reason, Police and Fire, I believe, have the \$10 copay in their contract. AFSCME has, I don't believe, nothing regarding the specifics of co-pays or emergency room copays in their contracts, and I believe the Benefits Committee was put together to work together instead of negotiating with each union. But I guess it could be put into the contracts, but it seems like the Benefits Committee has worked well, because all 3 [unions] are working together, along with management, so everybody in essence negotiates the same thing. I think in the past, there's been times when one union might negotiate one specific benefit a little bit different than the others, so I guess it's mixed, and it could be in each contract, or it could stay out. If we had direction, we could move in either direction."

Councilor Rivera said he just trying to figure out where it will go a year from now, on which he is unclear. However, he does support this and believes it is a good idea, but if he were a union President he would like the opportunity to negotiate that.

Councilor Dimas noted the program was supposed to start July 1st, and asked how quickly can we begin – what is the target date.

Ms. Gage said the plan was to use the GCCC as the pilot for the first two months. The wellness staff was looking to do employee enrollment into the incentive part of the wellness program during October through December to make it effective January. She would defer to Dr. Perry to see if it is possible to move up the date.

Ms Perry said if it is moved up, it that it doesn't give her sufficient time to let everybody know how it will work, to educate them on how to take the health risk assessment and to set up dates when people can come in and bring their proof of the other items which are needed as detailed in the Committee packet. She said they will be fortunate to be able to do a free biometric screening sponsored by the City in October 2012. She said, thanks to Project Hope, this will be the only year they would be able to do it for free.

Ms. Perry said the idea is that they need time to get this program up and running properly.

Councilor Dimas said it sounds as though it is a mandatory thing then, before they can use the GCCC, and Ms. Perry said this is correct.

Councilor Dimas said he had suggested that this be a voluntary program, but if they are going to have to wait until January to start using the GCCC, they've lost 6 months and it comes back to the Council for approval again during the budget cycle. He doesn't think that works, and wants this to be a voluntary things for the employees, but he can't support it if it is a mandatory thing before being able to use the GCCC.

Councilor Calvert said it is a voluntary program, and employees still can go to the GCCC anytime they want, it just won't be free.

Councilor Dimas said, "Then it's not voluntary, it's mandatory."

Councilor Calvert said he doesn't see it that way.

Councilor Dimas said, "It's mandatory if you are going to be able to use the GCCC. You still have to pay, so what's the difference. What's the benefit or what's the incentive there."

Councilor Wurzbarger said, "My understanding is the only twist on this is tying it into the concept of linking it with the insurance, and that's the uniqueness of the program. And that we're not yet... maybe as we go through this and learn more about having really positive results, we can have a goal of saying, anytime a City person wants to go to any our facilities and work-out [inaudible] and for free, but that's not where I think we are budget-wise, but I'm inferring, not being on Finance, as to why you went down that path."

Councilor Dominguez said this is true. He said during the budget hearings this was to get employees involved in a wellness program to get health costs down. He said this comes down to how we measure that. He said if we have 300 participating employees, but health insurance costs aren't going down, we need to know why.

Dr. Perry said she is always delighted to see people moving and doing more. She said, as a half-time employee she has worked hard to let employees know about the health risk assessment, takes gift cards to them, and she does as much marketing and hands-on signing up people as possible. She hasn't been able to get the percentage of engagement in any of the wellness program which would make a difference in costs and peoples' well-being. She said if we don't "have them do something like a health risk assessment, which we can tract, and the biometric screen, we have no way of tracking what it's doing. So if you want to do this because you think it's a great thing, and you just know that we can't tell whether it will make a difference, that would be what you would get."

Dr. Perry continued, "The other part of it is that people need to have skin in the game. And people can all appreciate that. And the bottom line is there's tons of precedence. My background, among other things is as a behaviorist, which is people know what they need to do, but they're not doing it. So part of it is offering incentives and benefits that say you don't have to do these things, absolutely. You'll still get your insurance. You'll still pay for whatever you do for it. However, if you want to use the GCCC for free, instead of paying the discounted rate, or you want a gift card or you eventually want to get a discount on your programs, then you need to sign up for some of these things that the wellness program is bringing to your places of work, because it's not just about the recreation center. It's also about bringing programs to sites, which I've been doing, so it's easy for people to participate and take advantage of these things. So that's the logic behind it Councilor Dimas."

Councilor Dominguez said we probably should have brought Dr. Perry into the process earlier, because a lot of these issues would have been flushed out early on. He is still concerned about the difference between the words "incentive" and "benefit." He said the "last memo at the last Finance meeting called it an incentive, and we had this discussion with Mr. Pino, and there were a couple times he said benefit, but it was clearly indicated in the Memo that it was an incentive. And what I understand is there's a reason why you call it a benefit versus an incentive, because of the IRS. And so I never got that clarified, unless it's in here somewhere that I didn't read. If it's a benefit, is it taxable, and if it is an incentive is it not taxable."

Ms. Gage said, "Councilor Dominguez, you're correct, a benefit is part of the compensative package. An incentive is like a gift card that would be a taxable type of exchange."

Councilor Dominguez said we were told at the last Finance Committee meeting it is an incentive, and now it's going to be taxable.

Ms. Gage said, "No. It's not taxable. It's not an incentive. It's a benefit."

Councilor Dominguez said that's not what it said, and again, part of his frustration.

Ms. Gage said, "I understand. It was communicated by Teresita Garcia that it is a benefit."

Councilor Dominguez said some of this could have been flushed out earlier, and "I can see why now that there was an attempt to kind of just make it go without any discussion. I can see why."

Councilor Dominguez asked if the \$10,000 will be an employee for the 5700 fund, or will the employee be spread throughout the program.

Ms. Gage said the \$10,000 is the current budget that Sue Perry uses for her Wellness activities, and it was inadvertently labeled in her memo as additional staff. The \$10,000 has been budget which will be absorbed and does not come from 5700, that was error, and will come from Fund 6107, the Health Fund.

Ms. Vigil said the request is to increase Sue Perry's hours from 20 to 32 hours, which is a \$20,000 impact, and to increase current, part time, front desk staff employees hours from 20 too 32 hours a week, which is the \$9,000 difference.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzburger.

Against: Councilor Dimas.

Explaining her vote: Councilor Bushee, "Yes, but there's some unclear things, like whether the dependents are also having to avail themselves of all the wellness programs. If they participate. It's still a little loosey goosey, so if somebody can put it down on paper for me, that would help."

14. REQUEST FOR REVIEW AND APPROVAL OF SANTA FE COUNTY'S REQUEST FOR A MASTER METER IN THE CITY'S WATER DISTRIBUTION SYSTEM AND THE CLUB AT LAS CAMPANAS' USE OF TREATED EFFLUENT AS A BACKUP TO THE CLUB'S RAW WATER PIPELINE FOR GOLF COURSE IRRIGATION. (BRIAN SNYDER AND MARCOS D. MARTINEZ)

A copy of the proposed *Memorandum of Understanding between the City of Santa Fe and Santa Fe County for a Master Meter Installation in the City Water Distribution System*, with the amendments proposed by Councilor Wurzburger is incorporated herewith to these minutes as Exhibit "1."

[NOTE on Exhibit "1": The amendment to Item #3 was incomplete and did not contain the language in the first part of the sentence, "In addition to being subject to the availability of supply,..." Mr. Martinez said "I can insert that and make that part of the Agreement that the Council will approve and sign."]

Brian Snyder said two weeks ago, you heard a similar item, a request from Santa Fe County to purchase of water via an additional master meter, in accordance with our Water Resources Agreement. He said there is a proposed MOU in the packet which was drafted by City staff, between the City and county staff, for your consideration. He said at the July 25, 2012 Council meeting, the Council awarded temporary water service for two weeks. He said during that period the item was taken to the Public Utilities Committee for further discussion, noting the PUC moved this forward to Council without recommendation. He said the items in the packet consist of the handouts at the July 25th Council meeting. He said representatives from Santa Fe County and Las Campanas are in attendance to answer questions.

Mayor Coss acknowledged that Commissioner Vigil, Steve Ross and Patricio Guerrerortiz are in attendance from the County.

Councilor Wurzbarger apologized to the people from the County, that she didn't think to move this item up on the agenda.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Dominguez for purposes of discussion, to approve this request with the following two amendments:

- (1) On page 1, New Item 3, replacing old Item 3. Conditions of Delivery: "In addition to being subject to the availability of supply, the County and the Club agree that the City shall deliver water to the County for the Club's golf course irrigation only when the BDD is unable to divert water for more than seven [7] days."
- (2) On page 2, New Item 14, replacing the old Item 13. Term: "The term of this agreement shall be for 30 days from the date of approval. The parties may agree to extend the term by written mutual agreement."

DISCUSSION: Councilor Bushee said she doesn't know what happened at PUC, saying she was hoping for minutes, and asked if the plan is or is not to provide effluent to Las Campanas and if that was considered at the PUC.

Mr. Snyder said a number of things were considered and discussed at the PUC, one of which is the agreement before the Council tonight.

Councilor Bushee said, "The title has been advertised as a backup use of treated effluent, and I don't know what transpired at PUC."

Mr. Snyder reiterated that several options were discussed at PUC, one which is before the Council this evening, and another was the use of treated effluent. These were the two major discussions at PUC, and

pros and cons were listed for each of these options. He said no action came from the Public Utilities Committee as to which one to move forward. He said what is in the packet is based on Santa Fe County's original request for an additional master meter in accordance with the Water Resources Agreement.

Councilor Bushee asked if the PUC discussed effluent, saying, "I thought that's what we mandated when we sent it to Committee."

Councilor Calvert said it was discussed, but he doesn't believe anyone wants to go back on what we have done. He said, first of all, he doesn't believe it can be done that quickly and whether it will really help them. He said the County was insisting that it come out of its water allotment, noting the County wasn't asking for consideration of effluent. The County made it clear that the County felt they had an agreement with us and they wanted to honor it.

Councilor Bushee said, "The gentleman who spoke last, said give us a couple of weeks, we need the water now."

Councilor Calvert said he understands, but that isn't what the County was saying to us.

Councilor Bushee said, "So you didn't discuss it at PUC, what was last stated by the gentleman that represented the homeowners from Las Campanas."

Councilor Calvert said no.

Councilor Trujillo said, "You state about the delivery of water and Councilor Rivera brought it up, that as we're going right now, we're sending them an additional million of gallons a day."

Mr. Snyder said that was discussed at the PUC, however, unfortunately, the BDD has not been able to divert during the last week because of the monsoonal activity, and causing sediment increases in the River. He said they did divert one evening and part of another which got Las Campanas in the neighborhood of 1 million gallons, but that was one time. He said it was the intention in bringing the BDD back on line, if the River quality met our requirements, that we would provide additional water to Las Campanas, but that never materialized.

Mayor Coss said Councilor Trujillo's question is if it was from the master meter.

Councilor Trujillo said he wants to be sure in this situation that they are not getting an additional million gallons to fill their ponds, which should have been filled up already.

Mr. Snyder said, "I believe I understand you to say that this request for a master meter would be to provide them additional water for purpose of irrigation and not to fill their ponds and irrigate. Currently, the way we've been doing it for the last two weeks, we've been providing them approximately 1 million gallons a day for purposes of irrigation. During certain times of the year, as I understand from Las Campanas, that meets their requirements. During other times of the year, it's getting to the point where they're above a

million gallons a day, they're somewhere closer to 1.3 million gallons a day, at this current time. So this water would go toward irrigating the golf course."

Councilor Ives said, "In the context of Councilor Wurzbarger's motion, presumably that higher use of water is a summertime thing, primarily. Would that be an accurate statement."

Mr. Snyder said it could occur during the summer monsoonal time periods, it could also occur during the Spring runoff, in which case, the quality of the water in the River from the runoff is such that we are not able to divert. He said during the Spring, less irrigation is happening at the golf course, and Las Campanas can speak to the quantities it would need, but it wouldn't as high as the quantity is used daily during the summer.

Councilor Ives said presumably the 1 million gallons per day which the County has agreed to deliver to Campanas would be used for irrigation which would be the use throughout the 30 day period proposed by Councilor Wurzbarger.

Mr. Snyder said there isn't a limit in the agreement. The 1 million gallons a day has been used over and over as the approximate usage by Las Campanas, but there is no specific language in the agreement that calls out that they are limited to 1 million gallons a day.

Councilor Ives said, "It's certainly helpful to understand that, which I didn't before. And I suppose I would just ask, for clarification, is the reason this water is being delivered is because of pre-existing agreements between the City and County that require the City to deliver this water, essentially for the benefit of the County. And in this instance, the County is simply directing that that water be delivered to Las Campanas. Correct."

Mr. Snyder said, "That is correct. The County in this instance is already a City customer and this is a request for an additional meter in accordance with the Water Resources Agreement, which is our City/County customer agreement, and Las Campanas would be the ultimate beneficiary from the County. But, the City would be selling the County water as far as this.

Councilor Ives said, pursuant to Paragraph 1 of the Agreement, to be sure we're not over-committing on our obligation to deliver water under that Agreement, the water delivered pursuant to this Memo is deducted from the City's obligation to deliver water to the County under the Water Resources Agreement.

Mr. Snyder said this is correct.

Councilor Calvert said one of the phrases in the agreement is the last sentences of Item #1, as follows: Under the WRA §11, Points of Delivery, "Additional points of delivery may be requested by the County with the consent of the City, which consent shall not be unreasonably withheld." He said the key word is unreasonably, and he asked staff to provide an opinion on that.

Geno Zamora, City Attorney, "I'll give a thumbnail sketch of that analysis, starting from the premise that Brian Snyder just mentioned, that the Water Resources Agreement is essentially a customer agreement where the County is a customer and City water is being sold to that customer under those agreements. However, you look to parallels and analogies, such as the Landlord/Tenant relationship, where this is, instead of it being a City structure, and you are asking the tenant for a reasonable use of the City structure, while in this instance, you're talking about City water and you're examining a reasonable use of City water. That is why there are recitals regarding balancing the use of the water, and the quantities. So, in that reasonableness analysis, the City may consider the ultimate use of the water in this reasonableness analysis and consider whether balancing all the uses of the available City water that is being sold to customers, is it reasonable to deliver the water for this purpose, for the purposes being considered tonight. That's the thumbnail sketch."

Councilor Ives asked, "is there any indication that the delivery of this water pursuant to this agreement would result in any shortage of supply on behalf of the City to any of its other water customers."

Mr. Zamora deferred to Brian Snyder.

Mr. Snyder said, "I don't think I have a straightforward answer, other than under the Water Resources Agreement we have an obligation to provide up to 500 afy or 850 afy, depending on drought conditions, to the County, as identified in the Water Resources Agreement now, through 3 metering points. This is an additional metering point to that. Typically when BDD is not on line is when the Water Resources Agreement would be put into effect. We would also be pumping the wells most likely, or using other sources, other than the BDD for City customers. So it's difficult to say would other City customers be affected by this. I think we would all be affected in this region because the BDD would be off-line."

Councilor Ives said, "My question was simple. Is there anybody the City is not serving as the result of this. Are we meeting our demands across the City."

Mr. Snyder said, "Yes, at this time. Yes."

Councilor Bushee said, "Brian, did I hear you say that in the week that we're off-line from the Buckman Direct Diversion water, 1 million gallons per day was used at the golf course. Did I hear that right."

Mr. Snyder said, "I can't speak to the specifics of what was used. I understand it was in the range of 1 to 1.3 million gallons a day."

Councilor Bushee said, "My definition of reasonable use of water is not to use water for a golf course when in the same meeting, that I believe we did not advertise correctly, and I will be asking for an advisory opinion from the City Attorney on that last meeting. Not only did we do it on some emergency basis to go back and have a discussion, and now we're here at this point... where... in the same meeting we voted on initiating a marketing campaign to ask our constituents within the City limits to do better and try and save less than 100 gallons per day. This to me continues to be outrageous. I mean, from the staff, and I know others... there was an attempt to say we would include effluent, that wasn't even really considered. This is just completely unreasonable, if not unreasonable, to me, outrageous."

Mayor Coss said, "I just want to point out on that last point, I think Las Campanas is very willing to go back to using effluent. I'm not sure it's the best policy choice for the City, because we just approved the Effluent Management Plan to not include that use."

Councilor Calvert said, "We didn't approve it."

Mayor Coss said, "Well it's under consideration. I would just say, for the sake of the Santa Fe River downstream, whether it's the beavers or the farmers, starting to divert effluent to Las Campanas again is going to be problematic. It also will be problematic when we start to build SWAN Park and want to put effluent in that pipeline. But it gives a 10% increase in water use off that well, that aquifer we've been trying to preserve. And I think that's what is hard for us to get our head wrapped around is we're using 10 to 12 million gallons a day, isn't that right."

Mr. Snyder said the City is at about 13 to 13.5 million gallons per day.

Mayor Coss continued, "So 1.3 million is a 10% increase in water use. That's relatively astounding for us to contemplate that, but we do have an agreement with the County, and that's the other side of the equation for me. I don't favor using effluent again there. I think, logistically, from a system point of view, we can meet demand now, if we have this Agreement and we were using 1 million gallons a day there at the golf course, and we had a fire in the watershed and we couldn't use reservoir water, then we couldn't meet demand. I think that's something we need to consider. And Councilor Wurzbarger is saying not forever, for 30 days, because there are a lot of logistics and technical problems for us with this."

Councilor Wurzbarger said, "It is important during the 30 days, that we have the opportunity to sit with the County and revisit what has changed since we did our agreement. What's happened with respect to the flow of the River, the fires, and are we willing to do the kind of, as I said the orange and the red is the way I'm describing it. And if we have some kind of matrix we can sit down and look at it and see what are our choices, and under what conditions. And meanwhile, I do understand from conversations with the County that Las Campanas is proceeding with trying to repair its two storage areas where there is a problem as well as explore other options. She said this is a matter of going back to an agreement that we have, that some conditions have changed that make our ability long term to certainly not be as well able to do [inaudible], but I think it's appropriate for us to give this 30 days, especially as a condition under #14, and #3 has to do with if it goes down for 7 days straight, that we can't do this sort of protection."

Councilor Calvert said, "Not wanting to throw fuel in the fire, but I do want to clarify, because also in the memo that I asked from legal, there was some other information, and I would just like to read it for the record. It says, 'It may be instructive to review the County's own conditions on supplying potable water to Las Campanas. The County has executed a bulk water supply agreement that prohibits potable water use for Las Campanas Golf Course irrigation. The County will not supply water to the Las Campanas Golf Course under this agreement. Water given to the coop, pursuant to this agreement, shall not be used for the golf courses under any circumstances.' That's the bulk water service agreement between the County and Las Campanas Limited Partnership. However, in 2011, the County and the Club at Las Campanas entered into a raw water supply agreement in which the County agreed to supply the Club with up to 600 afy of raw water and the Club would pay for water taken as a wholesale 2 rate class customer. In that

agreement, the County stated that the County, in consultation with the Club, shall use its best efforts to develop a backup water supply and to provide full backup water in the event of [inaudible] abilities from the BDD to BS2DA."

Councilor Calvert continued, "I guess my point on all that is, if I were to vote for a plan that's been proposed here tonight at all, I would want it limited to this year alone. And I would like to see that backup plan that the County would give them time to develop in the coming months. But I don't want to continue then on this same path, even with those conditions forever."

Councilor Wurzbarger said this a 30-day agreement, period.

Councilor Calvert said then it doesn't go beyond this season.

Councilor Wurzbarger said it does not go beyond 30 days, the season might be longer. I'm saying that under Item 14, "the term of this agreement shall be for 30 days from the date of approval. The parties may agree to extend the term by written mutual agreement." That is under certain conditions.

Councilor Calvert said, "I do not accept that latter part of it."

Councilor Wurzbarger said they may agree to extend the term by written mutual agreement, which means they would have to come back to us for such condition, and would argue it could consider consideration of the plan that Councilor Calvert referenced.

Councilor Bushee said she also wants to be clear that we are not precluding the discussion of putting Las Campanas in the mix in the TEMP. I know, Mayor, you keep referencing that we don't want to, but I think they've extended that possibility and I don't know... are we precluding that.

Mayor Coss said he doesn't believe it's precluded, and asked if it was discussed at PUC as an option.

Councilor Calvert said it wasn't requested.

Councilor Dominguez said, "I don't think it was posted on the agenda to talk specifically about that, but there were comments made about the priority for the use of the effluent such as for parks, the SWAN Park and even Councilor Trujillo's idea at one point that we have effluent infrastructure to provide effluent for landscaping and that sort of thing. So it wasn't an agenda item, if you will, but it was something that was discussed. Because I certainly do not want to use effluent water for Las Campanas. I think that we could use that water better for our City residents and our City parks and for all residents, really."

Councilor Bushee said, "Forgive me, but the impression I got, in fact I think that will be reflected in the minutes of the last meeting, was that it was to be sent off to PUC, and that on a short term basis and we didn't declare an emergency, but we voted on it as if it were an emergency, last minute. And the discussion was to get through that week or whatever time when we were on well water and then go to PUC and examine the option of effluent, and I don't quite get it that it had to be requested by the County. I

understood and it continued to be advertised as the "Use of treated effluent as a backup to the Club's Raw Water Pipeline." So, I feel like somehow this discussion is being had or not being had, publicly anyhow, and I think it should be. We worked long and hard back when to get Las Campanas on effluent instead of using our potable water, and I think it's really important to consider that. I understand the facility is built and their willingness to explore that opportunity. I'm not sure why we're not."

Mr. Marcus Martinez said, "One thing that you may not have heard that was discussed at the Public Utilities Committee meeting, is that the effluent agreement with The Club at Las Campanas has lapsed. They neglected to renew their effluent provision that would allow them to have effluent up to 2027. And so one of our actions that was discussed was whether the Committee would look at a new agreement with Las Campanas to provide them effluent, but that was a factor the Public Utilities Committee heard and is aware of, and I don't know that you were aware of it."

Councilor Bushee said, "No. I guess I'll have to have a longer visit on this one with you, because I really feel like perhaps we wouldn't have sent the water downstream.... thank you."

Councilor Calvert said he would like to have a copy of the amendments before we vote.

There was a short break while Marcus Martinez, Assistant City Attorney provided a copy of the amended MOU to the members of the Governing Body and entered it for the record [Exhibit "1"].

Mayor Coss asked Mr. Martinez to review the amendments, noting there is a new #3 and a new #14.

Mr. Martinez said this is correct. He said, "The new #3 now reads, 'The City shall deliver water to the County for the Club's golf course irrigation only when the BDD is unable to divert water for more than 7 days'."

Mr. Martinez said, "The new #14 now reads, 'The term of this agreement shall be for 30 days from the date of approval. The parties may agree to extend the term by written mutual agreement'."

Councilor Wurzbarger said, "I'm sorry, Mayor, point of clarification. Excuse me Councilor. On my copy and what I have read into the record 3 times, Item #3 includes an important part of the first part of the sentence as follows: 'In addition to being subject to the availability of supply, ...' She said what he just read didn't include that and asked if that is still there.

Mr. Martinez said, "I can insert that and make that part of the Agreement that the Council will approve and sign."

Councilor Wurzbarger said that puts it in context.

Mayor Coss asked Councilor Wurzbarger to read Item #3, noting it is not in the copy of the MOU we received.

Councilor Wurzbarger said, "In addition to being subject to the availability of supply..." She said there are other ways of interpreting it, other than the following part of the sentence and the reason she is concerned that it be included.

Councilor Bushee asked what the additional language means legally, commenting it doesn't seem very specific.

Mr. Martinez said, "What it means is that this water is provided subject to the availability of supply and then it introduces another condition behind it. The subsequent condition is that the City shall deliver water when the BDD is unable to divert water for more than 7 days. So it sets up one condition and then another one. First, it's subject to the availability of supply, and in addition to that...."

Councilor Bushee said, "What does that mean. On a daily basis, does that mean on an overall basis, does that imply if there's fire or there's some kind of emergency management issue. What does that mean legally."

Mr. Martinez said, "I think it's more of an operational term, so that if we couldn't move water through pipelines, or the pipelines are constrained by how much volume of water they can move through them at any one time. If there is a limitation on the amount that we can physically supply to all of our customers, that limitation will apply to this Agreement. And in addition to that, it is that the City shall deliver water to the County only when the BDD is unable to divert water for more than 7 days. So I think it's clearly operational, and I don't know enough about the system to say when that happens, but that's my understanding of what that language means."

Councilor Bushee said, "And then, 14. What happens after 30 days. What's the plan, and does it assure the Council that it does come back before us for public discussion. In fact, I think these things should be public hearings, to be honest."

Mr. Martinez said, "The term provision in the amendment indicates that this would terminate 30 days from the date of approval. In order to bring this back, we'd have to have discussions with the County and there would have to be some requests to extend the term by mutual written agreement. And that wouldn't be by staff, it would be by the two bodies which would be agreeing, basically, to extend the term."

Councilor Bushee said then in 30 days this just expires completely.

Mr. Martinez said, "Unless there is a movement to extend the term. That's correct."

Councilor Wurzbarger said, "Council members and Councilor Bushee, in particular, the rationale for me for that is it opens the door for having the discussion that we need to have with respect to what if. I don't want to come back here 30 days from now and have the same problem that we have right now, even if we have the drought. So to me, the only way it could be extended is if we've working out some kind of additional understanding of how we might move forward with having a better plan. That's what I meant by having that in there. Or we could just strike it, and then we can just wait and see what happens for purposes of getting it moved forward."

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

For: Councilor Calvert, Councilor Dominguez, Councilor Ives and Councilor Wurzburger, and Mayor Coss.

Against: Councilor Bushee, Councilor Dimas, Councilor Rivera and Councilor Trujillo.

The resulting vote was a tie vote, and Mayor Coss voted in favor of the motion, as amended, to break the tie vote, and the motion was approved.

Explaining her vote: Councilor Bushee said, "Drought or no drought, I will never be amenable to putting potable water to the tune of a million gallons or more a day on a golf course. No."

Explaining his vote: Councilor Calvert said, "I think it's the same vote that I had the last time, so a reluctant yes, and hopefully that we don't have to come to this situation ever again, and better plans will be forthcoming as a result of this."

Explaining his vote: Councilor Dominguez said, "You know, for me, it's pretty bizarre as I said at Public Utilities. Las Campanas is a County customer and we're over here having to take the beans for that, if you will, so I'm going to be a reluctant yes, but it'll be a yes."

Explaining his vote: Councilor Ives said, "I join in the reluctant yeses, but it is a yes."

Explaining his vote: Councilor Trujillo said, "I've had my discussions with the Commissioner, and you know, I know we're obligated to give this water to Las Campanas, and I don't want to get into litigation, but I'm under the same.... and I'll say it again....A golf course. We're going to water a golf course with a million gallons of water pretty much, and in my heart I cannot vote for this, even though we are obligated. No."

16. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT §10-15-1(H)(7), NMSA 1978, AND PURSUANT TO CITY OF SANTA FE RESOLUTION NO. 2012-31, QUARTERLY DISCUSSION OF THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT.

Mayor Coss asked to move the Executive Session to the end of the agenda.

Mr. Zamora said it is the discretion of the Governing Body, but he has held Kelley Brennan here for the provision of the Executive Session.

MOTION: Councilor Dimas moved, seconded by Councilor Ives, that the Council go into Executive Session for the purpose of quarterly discussion of threatened or pending litigation in which the City of Santa Fe is or may become a participation, in accordance with §10-15-1(H)(7) NMSA 1978, and pursuant to City of Santa Fe Resolution No. 2012-31.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Absent for the vote: Councilor Trujillo.

The Council went into Executive Session at approximately 7:00 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At approximately 7:40 p.m. Councilor Dominguez moved, seconded by Councilor Dimas, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

VOTE: The motion was approved unanimously on a voice vote with Councilors Calvert, Dimas, Dominguez, Rivera and Trujillo voting in favor of the motion, none voting against, and Councilors Wurzbarger, Ives and Bushee absent for the vote.

Mayor Coss moved Items 15, 17 and 18 to the end of the evening agenda

END OF AFTERNOON SESSION AT 7:40 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David Coss, at approximately 7:40 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 Dimas
Councilor Carmichael A. Dominguez
Councilor Rivera
Councilor Ronald S. Trujillo

Members Excused

Councilor Ives

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 gave each person 3 minutes to petition the Governing Body.

Councilor Wurzbarger arrived at the meeting

Fred Flatt, resident of Las Acequias, said he has a simple request. He said, "I'm going to ask two people up there to resign. And that would be you David, and you Carmichael, because you guys protected Martin Lujan all these years when you know he wasn't doing his job and getting paid for it, for not being there. You guys protected him. And now here it is it finally blows up in your face. You guys are responsible for him being here all these years, collecting all that money, some of my taxpayer money going to him and I resent that greatly. And I'm serious. Resign, you two."

Sophie Ortiz, student at Wood Gormley. Miss Ortiz said, "It's not easy being green. Hello, my name is Sophie Ortiz. I'm a 6th grader at Wood Gormley Elementary School, and I believe that we only

have one earth and that we should take care of it. For that reason, I started a Go Green Club at my school that will help us do our part in protecting the environment. I'm here tonight to ask the City Council to consider banning plastic bags here in Santa Fe. Plastic bags are very harmful to our environment. They're loading the landfills, they're suffocating animals and they're littering our plant. Only 1% of plastic bags made are recycled. The rest end up stuck on our fences, floating in our lakes and rivers and strangling marine life."

Ms. Ortiz continued, "I recently read about the City of Los Angeles banning plastic bags. I'd like to see our City Council show that same kind of leadership. In the next 3 months, we will be gathering petitions and support for this new law. Thank you for caring about my generation and future generations in Santa Fe."

G. APPOINTMENTS

There were no appointments.

MOTION: Councilor Dominguez moved, seconded by Councilor Dimas, to Move H(9) to be heard after Item (2).

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

H. PUBLIC HEARINGS

- 1) REQUEST FROM LA BOCA FELIZ, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT TABERNA LA BOCA, 125 LINCOLN AVENUE. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Y. Vigil, City Clerk, noting the location is not within 300 feet of a church or school. She said the application includes an outdoor seating area, so as a condition of approval, staff is requesting the Applicant to install a railing and a three and half foot tall gate to enclose the proposed licensed premise. She said the Applicant has agreed to the condition. She noted there are staff reports in the Council regarding litter, noise and traffic, and staff recommends the business be required to comply with all City 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 Rivera to grant the request from La Boca Feliz, LLC, for a Restaurant Liquor License (beer and wine on-premise consumption only), to be located at Taberna la Boca, 125 Lincoln Avenue, with the condition of approval as stated by the City Clerk.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Rivera and Councilor Trujillo.

Against: None.

Absent for the vote: Councilor Wurzburger

2) REQUEST FROM LIFE VESSEL OF SANTA FE, LLC., FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT LIGHT VESSEL, 199 PASEO DE PERALTA, SUITE D. (YOLANDA Y. VIGIL)

The staff report was given by Yolanda Y. Vigil, City Clerk, noting the business is not within 300 feet of a church or school, noting it is located at DeVargas Mall. She said the building is still under construction and will be required to comply with all City 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 Dominguez, to approve the request for a Restaurant Liquor License (Beer and Wine on-premise consumption only) to be located at Light Vessel, 199 Paseo de Peralta, Suite D.

DISCUSSION: Councilor Calvert asked if this in the area of the mattress place, and Ms. Vigil said yes, it is at the end near the mattress place.

Councilor Bushee said, "This isn't for them really, it's just... can we have Matt make sure that any new changes there have to kick in certain things and I've been trying to get them to do the, not so much water harvesting, but redirecting the water from the parking lot flooding and coursing over to the Arroyo Mascaras, causing erosion. So just see if that kicks in any kind of changes there."

Councilor Wurzbarger arrived at the meeting

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Rivera and Councilor Trujillo.

Against: None.

Abstain: Councilor Wurzbarger said she will abstain since she wasn't here for the discussion.

- 10) REQUEST FROM LOS ALAMOS BANK FOR A WAIVER OF THE 300 FOOT RESTRICTION TO ALLOW THE DISPENSING AND CONSUMPTION OF BEER AND WINE AT THE SANTA FE CHILDREN'S MUSEUM, 1050 OLD PECOS TRAIL, BUILDING B, WHICH IS WITHIN 300 FEET OF ST. JOHN'S UNITED METHODIST CHURCH, 1200 OLD PECOS TRAIL. THE REQUEST IS FOR LOS ALAMOS NATIONAL BANK'S COMPANY PICNIC TO BE HELD ON SATURDAY, AUGUST 25, 2012, FROM 1:45 P.M. TO 5:00 P.M. (YOLANDA Y. VIGIL)**

A Memorandum dated August 8, 2012, with attachments, to Mayor Coss and City Councilors, from Yolanda Y. Vigil, City Clerk, regarding this matter, is incorporated herewith to these minutes as Exhibit "2."

The staff report was given by Yolanda Y. Vigil, City Clerk, noting there is a letter in the packet [Exhibit "2"] from Rev. Greg Kennedy of St. Johns United Methodist Church stating the Church does not have an issue or objection to this request.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Dimas, to grant the waiver of the 300 foot restriction and to allow the dispensing and consumption of beer and wine at the Santa Fe Children's Museum, 1050 Old Pecos Trail, Building B for the Los Alamos National Bank's company picnic to be held on Saturday, August 25, 2012, from 1:45 p.m. to 5:00 p.m.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

- 3) **CONSIDERATION OF RESOLUTION NO. 2012- ____ (COUNCILOR CALVERT, COUNCILOR RIVERA, COUNCILOR WURZBURGER, COUNCILOR BUSHEE, COUNCILOR IVES, COUNCILOR TRUJILLO, COUNCILOR DOMINGUEZ AND COUNCILOR DIMAS). A RESOLUTION PROCLAIMING SEVERE OR EXTREME DROUGHT CONDITIONS IN THE CITY OF SANTA FE AND RESTRICTING THE SALE OR USE OF FIREWORKS WITHIN THE CITY OF SANTA FE AND PROHIBITING OTHER FIRE HAZARD ACTIVITIES. (FIRE MARSHAL GONZALES AND ALFRED WALKER) (Postponed at July 27, 2012 City Council Meeting)**

This item was withdrawn from the Agenda by the Fire Department.

- 4) **CONSIDERATION OF BILL NO. 2012-20: ADOPTION OF ORDINANCE NO. 2012-25 (COUNCILOR WURZBURGER AND COUNCILOR IVES). BILL NO. 2012-22: AN ORDINANCE AMENDING SECTION 2-1.11 SFCC 1987, TO AUTHORIZE THE MAYOR TO APPOINT A CITY COUNCILOR AS PARLIAMENTARIAN OF THE GOVERNING BODY. (Postponed at July 25, 2012 City Council Meeting)**

Geno Zamora, City Attorney, said the bill is quite self-explanatory, switching the Parliamentarian from the Mayor to a member of the Governing Body.

Councilor Bushee said she is happy to have a Parliamentarian again, and at the last attempt, we asked that someone be trained in parliamentary procedure, and asked if this has been done.

Mr. Zamora said, "If I recall correctly, that discussion took place when an amendment was introduced for the City Attorney to serve as Parliamentarian. And the intent at the time of that amendment was that we would send a member of the City Attorney's Office to be trained specifically in parliamentary procedure. When that amendment failed, and was changed to a member of the Governing Body, that was no longer pursued by the City Attorney's office.

Councilor Bushee asked if anybody in the City Attorney's office is trained in parliamentary procedure.

Mr. Zamora said there has been some obscure training for his City Attorneys, but to his knowledge, no one is specifically trained or certified in parliamentary procedures.

Councilor Bushee said we have abided by Robert's Rules of Order "forever," and she doesn't recall a City Attorney who actually knew Robert's Rules of Order. She said the only person who knew parliamentary procedure who served on the Council was Frank Montano. She said the League and others offer it, and she wants to know some of the members of the Governing Body could get more conversant with it. She said there are several interpretations to each article in Robert's, and drill it to fine detail. She believes the City Attorney's Office should be trained.

Mr. Zamora thanked Councilor Bushee for her comments, saying it is possible to place an amendment that the Parliamentarian and a members of the City Attorney's Office shall be trained in parliamentary procedure on at least an "X basis."

Councilor Wurzbarger said, with regard to the training, she would expand that to an opportunity for every member of the Council to at the least understand the rules, noting this was part of the intent in bring forth the upcoming procedural rule changes. She said this would be a great addition to the appointment of a Parliamentarian – an amendment which provides that proper training occur for the City Attorney's Office and that some version of that be provided to the City Council.

Public Hearing

Speaking to the request

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Wurzbarger moved, seconded by Councilor Bushee, to adopt Ordinance No. 2012-25, with the addition that proper training be given very quickly to at least one representative from the City Attorney's Office, the appointed Parliamentarian and an overview study session on parliamentary procedure will come to the entire City Council.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

- 5) **CONSIDERATION OF RESOLUTION NO. 2012- 72. CASE #2012-52. SHELLABERGER TENNIS CENTER GENERAL PLAN AMENDMENT. SANTA FE PLANNING GROUP, AGENTS FOR ERIC ROSE AND SAM HITMAN, REQUEST APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 8.62± ACRES OF LAND FROM PUBLIC/INSTITUTIONAL TO COMMUNITY COMMERCIAL. THE PROPERTY IS LOCATED AT 2400 ALUMNI DRIVE, IN THE VICINITY OF SIRINGO ROAD AND ALUMNI DRIVE. (HEATHER LAMBOY). (Postponed at July 25, 2012 City Council Meeting).**

Items H(5) and (6) were combined for purposes of presentation, discussion and public hearing, but were voted upon separately.

A copy of a Memorandum prepared August 2, 2012, for the August 8, 2012 City Council Hearing, with attachments, to Mayor David Coss and Members of the City Council, from , is incorporated herewith to these minutes as Exhibit "3."

A power point presentation *Shellabarger Tennis Center*, entered for the record by Heather Lamboy, is incorporated herewith to these minutes as Exhibit " 4."

The staff report was presented by Heather Lamboy via power point. Please see Exhibit "4" for the specifics of this presentation.

Councilor Bushee asked what is the trail to which the applicant6 will be contributing.

Ms. Lamboy said there is no formal name for the trail. It is an old road bed along a ditch. She said Los Pinos Trail is to the south, and doesn't know if you would like to consider it as part of that system, but it eventually would feed into the Arroyo de los Chamisos Trail which is accessed off Yucca. She said it would connect St. Michaels and Yucca. She said the length of the trail to be contributed would be 1,100 linear feet of trail, not a motorized trail.

Councilor Dominguez on page 11, there is a condition of approval for an easement for a water line, which is "perfected for the portion of the property adjacent to the north parking lot.

Ms. Lamboy said things were done informally at the College of Santa, and the Brothers never had formal easements because they didn't anticipate separate property owners. So, that would be to the north of the Shellabarger facility, along the parking lot to be able to eventually connect to the State property where the barracks are located.

Councilor Dominguez said then we won't be taking parking spaces away from Alumni, and Ms. Lamboy said they will not.

Public Hearing

Presentation by the Applicant

Mayor Coss gave Ms. Long 5 minutes to present the case on behalf of the Applicant.

Nancy Long, representing the Applicant was sworn. Ms. Long introduced the new owners of the tennis center, Eric Hitman and Sam Rose. She said the Applicants are in agreement with all conditions of approval.

Ms. Long said the owners of the Tennis Center really rescued the Tennis Center about a year ago. She said when the City purchased the property from the College of Santa Fe in 2009, this tract was excluded from that sale. There was a hefty mortgage on the property which the College put on the property when it was in financial decline. The bank took the property over, and that bank went under, and U.S. Bank then inherited the property and was really trying to unload the property any way they could, noting the Bank wasn't interested in running a Tennis Center. She said many members of the Community played tennis there that were sponsoring youth programs, some of the high school tennis teams play there and have tournaments there, and they really were trying to save the Tennis Center. However, Mr. Hitman and Mr. Rose were able to do that about a year ago and the closing had to happen very quickly. She said the financing they were able to obtain required their personal guaranties, commenting they had to throw the deal together quickly to be able to save the Tennis Center.

Ms. Long said at this point, they are looking perfecting what it is they bought, noting they have a recreational use in a residential zone, which was a permitted use when it was the College of Santa Fe. At this point, it is privately owned, so it no longer is a conforming use according to City Code. It makes insurance difficult to get if there was damage to the property. She said reconstruction or repair of the property may be prevented.

Ms. Long said the facility already is in place, commenting it is a beautiful facility. She said a small portion of the property is not developed. She said the owners are seeking to get the zoning which complies with the existing recreational facility.

Ms. Long said the Governing Body may have noticed this on the agenda for the past month. She said they were asking to postpone it in order to work out some issues with the Santa Fe University of Art and Design, in terms of the zoning categories, the zoning uses which are allowed in C-2, and the University has some concerns about that. She said she believes they have come to an agreement in terms of some restrictions, noting this would be a private agreement between the University and the owners of the Tennis Center. She said she believes all of the issues have been worked out, and ask for the support of the Governing Body to get the Tennis Center in compliance with what is already there.

Speaking to the request

Everyone speaking was sworn en masse

Mayor Coss gave each person 3 minutes to speak to the request.

Frank Herdman, representing the Santa Fe University of Art and Design [previously sworn. Mr. Herdman said he would like to confirm what Ms. Long said earlier. The parties have reached an agreement that addresses the University's concern, so he is here to support the application and wish the new owners the best of luck in their ventures. He said Mr. Olmstead of the University also will offer a brief comment in support of the application.

Mary Schreiber, 2119 Rancho Siringo Road [previously sworn], said she represents the informal neighborhood association which is south of the University of Art and Design. She said, on behalf of the neighborhood association, they support the General Plan Future Land Use and Map Amendment, and rezoning request from Public Institution R-5 to Community Commercial C-2. However, as a neighborhood, they want to go on record to oppose future rezoning of the property to commercial uses for retail, restaurant, bar, fast food or any similar commercial uses. They do support the extra protection conditions staff has placed on the property and the empty lot to the east of the existing Tennis Center. She said they are interested in retaining the educational and residential neighborhood character of our neighborhood. She said they consider this to include the University, DeVargas Middle School, Nava Elementary, Santa Fe High School and various charter schools in their neighborhood which are in the adjacent and surrounding single-family residential neighborhoods.

Ms. Schreiber said, "To this end, we request City staff develop an educational overlay for the entire area south of St. Michael's Drive to Zia Road, and we also request the City Zoning Office create a specific educational zoning within the institutional zoning that we have for all future and existing schools. Thank you very much."

Tom Olmstead, representing Santa Fe University of Art and Design [previously sworn]. Mr. Olmstead said Larry Hinz, University President, was unable to attend because he is out on town on business. Mr. Olmstead said the Tennis Center has been a good neighbor to the University, and they work together sharing resources, facilities and equipment throughout the year, and hope this will continue. He said the University wants the owners of the Tennis Center to be successful, because this aids the overall school as well.

Rick Martinez [previously sworn], said this whole campus needs to have a master plan zoning so we can find out how much commercial really is planned for the rest of the campus. He said there is the potential for more commercial. He said Ms. Schreiber is correct, we need to look at changing the zoning, noting right now it is up in the air. He said the City owns the property and should be responsible and zone it and come with a master plan for the future use of the property, because right now it is up in the air and we're just piecemealing it as we go, which isn't the way to go.

Sam Hitman [previously sworn], said he and Mr. Rose have owned the property for a year, noting they are new to Santa Fe, and thrilled to be part of the community. He said they had a successful year one in getting youth and different aspects of tennis going. He said they have no plans to develop the extra land at this time, mostly because of the insurance and appraisals and the compliance of trying to get everything in line and run a business in a commercial area. He thanked the Governing Body for their time, reiterating they are excited to be part of the community.

The Public Hearing was closed

Councilor Bushee said, given concerns about the empty parcel, how could we impose restrictions, noting this is a blanket commercial zoning which allows a lot of things.

Ms. Lamboy said the City Attorney's Office regularly has stated we can't put restrictions on the uses allowed in a C-2 Zoning District. She noted she included a list of the allowed uses in a C-2 Zoning District. She said it has come to her attention that there is an agreement between the University and the applicants, which is private, that they will limit their uses in a certain way which is agreeable with the University. She said the City will just be enforcing the uses permitted in a C-2 Zoning District.

Tamara Baer, Current Planning, said staff had that same concern, but the City cannot restrict uses through zoning. She said staff asked for a condition of approval which requires that any level of development on the open land will require that a development land must be brought to the Planning Commission for its review and approval. She said normally, someone could build up to 10,000 sq. ft. and just do that through Building Permit Approval process. However, in this case, the condition of approval which is acceptable to the applicants, would be that any further development of that vacant land will have a development plan which will go to a public hearing before the Planning Commission for approval.

Councilor Bushee asked if this is a recommended condition of approval.

Mayor Coss said the applicant agreed to this condition of approval.

Councilor Bushee commented that C-2 allows just about anything. She asked, with regard to the facility, will further parking be required with the change in zoning.

Ms. Lamboy said if they operate the current facility as is, no additional parking is required. If there is redevelopment of the site which is vacant, of course it will have to meet Chapter 14 parking standards, but they do have adequate parking for commercial zoning.

Councilor Dominguez asked, with regard to parking and any future development, if this is something which would be captured with that condition of approval under Current Planning #1.

Ms. Lamboy said it would be captured under that condition, or, for example, if there was a change in use for the existing Shellabarger building. There would be a zoning review to determine whether there is appropriate parking for the change in use, but at this point the owners are not contemplating any type of change in use.

Councilor Trujillo asked if the change in zoning would allow for big signs to be put on the building. He said his constituents have approached him telling him they have heard the owners have plans for this place to have a gigantic neon sign. He said these are rumors that have been raised by his constituents in that district, and again asked if the rezoning will allow them put a gigantic neon sign up on the site.

Ms. Lamboy said the property will be subject to the City's sign standards, and reminded him that this business is set off Siringo Road by a significant distance, noting off-site advertising is permitted by City Code. So the business will be limited to those signs which are permitted by City Code, and neon flashing signs aren't something that you find in Santa Fe. She said they would have to seek the permits. She would defer to the applicant if they have such proposals.

MOTION: Councilor Calvert moved, seconded by Councilor Trujillo, to adopt Resolution No. 2012-72, approving Case #2012-52 the Shellabarger Tennis Center General Plan Amendment with all Conditions of Approval as recommended by staff, and adopting the Planning Commission's Finding of Fact and Conclusions of Law in this case.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

- 6) **CONSIDERATION OF BILL NO. 2012-19: ADOPTION OF ORDINANCE NO. 2012-26. CASE #2010-53. SHELLABERGER TENNIS CENTER REZONING TO C-2. SANTA FE PLANNING GROUP, AGENTS FOR ERIC ROSE AND SAM HITMAN, REQUEST REZONING OF 8.62± ACRES OF LAND FROM R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE) TO C-2 (GENERAL COMMERCIAL). THE PROPERTY IS LOCATED AT 2400 ALUMNI DRIVE, IN THE VICINITY OF SIRINGO ROAD AND ALUMNI DRIVE. (HEATHER LAMBOY) (Postponed at July 25, 2012 City Council Meeting).**

MOTION: Councilor Calvert moved, seconded by Councilor Trujillo, to adopt Ordinance No. 2012-26, approving Case #2012-53, the Shellabarger Tennis Center Rezoning to C-2, with all conditions of approval as recommended by staff, and adopting the Planning Commission's Findings of Fact and Conclusions of law.

DISCUSSION: Councilor Bushee asked the owners what are their intentions are with regard to developing the vacant land.

Sam Hitman, owner, [previously sworn], said, "We don't have any plans at this point, but we're tennis guys, so naturally we're more drawn toward recreation and the Driscoll Rec Center is right there. As we kind of get our feet in there.... we don't even have an address yet. We're sort of taking baby-steps, making sure the business is running well, so this is a major step and I thank you, but we don't have any plans. Recreation is what we're drawn to, but kinda whatever makes the most sense. We are enjoying our relationship with the University. As the University grows and enrollment grows, we'd like to continue to work with them and what kind of flows in that area and what would make sense."

Councilor Bushee asked him to speak to the restrictions that the University asked of them.

Mr. Hitman said, "There were two general areas that we sort of clumped together, some concerns. One area was we sort of generalized that the language was, and Frank can comment on it, areas of usage that were detrimental to the students or to the happenings of campus, and it was sort of that type of language, so it was general. And then one area was clumped together, it was more competing curriculums. It was just like we wouldn't want a tennis center built across the street. Their concerns were another art & design, or something similar, so we just agreed to those."

Councilor Bushee said, "I can tell you that the rebar sticking up in some of your parking little cement things just took someone's Volvo bumper off when she cruised over it, so you might want to look at that."

Mr. Hitman said he'll look into that.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Explaining her vote: Councilor Bushee said, "Yes, I'm grateful for the development plan consideration because C-2 is pretty onerous. Thank you."

- 7) **CONSIDERATION OF RESOLUTION NO. 2012- ____ . CASE #2012-30. BIENVENIDOS GENERAL PLAN AMENDMENT. JENKINGGAVIN DESIGN AND DEVELOPMENT, INC., AGENT FOR BIENVENIDOS PROPERTIES, LLC, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF ± ACRES OF LAND FROM COMMUNITY COMMERCIAL AND TRANSITIONAL MIXED USE TO RESIDENTIAL – LOW DENSITY (3-7 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF RUFINA STREET AND WEST OF RICHARDS AVENUE. (DAN ESQUIBEL) (Postponed at July 25, 2012 City Council Meeting).**
- 8) **CONSIDERATION OF BILL NO. 2012-124: ADOPTION OF ORDINANCE NO. 2012 ____ . CASE #2010-31. BIENVENIDOS REZONING TO R-5. JENKINGGAVIN DESIGN AND DEVELOPMENT, INC., AGENT FOR BIENVENIDOS PROPERTIES, LLC, REQUESTS REZONING OF 7.62± ACRES OF LAND FROM R-3 (RESIDENTIAL, 3 DWELLING UNITS PER ACRE) TO R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF RUFINA STREET AND WEST OF RICHARDS AVENUE. (DAN ESQUIBEL) (Postponed at July 25, 2012 City Council Meeting).**

A letter dated August 7, 2012, to Yolanda Vigil, City Clerk, regarding Case #2012-30 Bienvenidos General Plan Amendment and Case #2012-31, Bienvenidos Rezoning to R-5, requesting postponement of these cases to the August 28, 2012 City Council meeting, is incorporated herewith to these minutes as Exhibit "5."

- 9) **CONSIDERATION OF BILL NO. 2012-21: ADOPTION OF ORDINANCE NO. 2012- ____.**
BILL NO. 2012-21: AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AND INTERCEPT AGREEMENT BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF \$5,000,000, TOGETHER WITH INTEREST THEREON, FOR THE PURPOSE OF DEFRAYING THE COST OF PURCHASING, FURNISHING, EQUIPPING, REHABILITATING, MAKING ADDITIONS TO AND MAKING IMPROVEMENTS TO THE RAILYARD CONDO UNIT FOR EXISTING AND FUTURE MUNICIPAL FACILITIES; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM (1) THE REVENUES OF THE GOVERNMENTAL UNITS ONE-HALF OF ONE PERCENT (½ %) MUNICIPAL GROSS RECEIPTS TAX DISTRIBUTED TO THE GOVERNMENTAL UNIT BY THE STATE TAXATION AND REVENUE DEPARTMENT, (2) THE REVENUES OF THE GOVERNMENTAL UNIT'S ONE-EIGHTH OF ONE PERCENT (1/8 %) MUNICIPAL INFRASTRUCTURE GROSS RECEIPTS TAX DISTRIBUTED TO THE GOVERNMENTAL UNIT BY THE STATE TAXATION AND REVENUE DEPARTMENT, AND (3) THE REVENUES OF THE STATE-SHARED GROSS RECEIPTS TAX DISTRIBUTED TO THE GOVERNMENTAL UNIT PURSUANT TO SECTION 7-1-6.4, NMSA 1978, AS AMENDED; PROVIDING FOR THE DISTRIBUTION OF CERTAIN GROSS RECEIPTS TAX REVENUES TO BE REDIRECTED BY THE STATE TAXATION AND REVENUE DEPARTMENT TO THE NEW MEXICO FINANCE AUTHORITY OR ITS ASSIGNS FOR THE PAYMENT OF PRINCIPAL AND INTEREST DUE ON THE LOAN AGREEMENT PURSUANT TO AN INTERCEPT AGREEMENT; APPROVING THE FORM AND TERMS OF, AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT AND THE INTERCEPT AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT AND INTERCEPT AGREEMENT. (DR. MELVILLE MORGAN AND HELENE HAUSMAN). (Postponed to September 12, 2012 City Council Meeting)

This item is postponed to the City Council meeting of September 12, 2012.

- 10) **REQUEST FROM LOS ALAMOS BANK FOR A WAIVER OF THE 300 FOOT RESTRICTION TO ALLOW THE DISPENSING AND CONSUMPTION OF BEER AND WINE AT THE SANTA FE CHILDREN'S MUSEUM, 1050 OLD PECOS TRAIL, BUILDING B, WHICH IS WITHIN 300 FEET OF ST. JOHN'S UNITED METHODIST CHURCH, 1200 OLD PECOS TRAIL. THE REQUEST IS FOR LOS ALAMOS NATIONAL BANK'S COMPANY PICNIC TO BE HELD ON SATURDAY, AUGUST 25, 2012, FROM 1:45 P.M. TO 5:00 P.M. (YOLANDA Y. VIGIL)**

This item was moved to be heard after Item H(2).

15. MATTERS FROM THE CITY MANAGER.

There were no matters from the City Manager.

17. MATTERS FROM THE CITY CLERK

Yolanda Vigil, City Clerk, reminded the Council that the next Council Meeting will be on Tuesday, August 28, 2012, noting it was moved because of the New Mexico Municipal League Annual Conference.

18. 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 August 8, 2011, is incorporated herewith to these minutes as Exhibit "6"

Councilor Dimas

Councilor Dimas wished his youngest daughter, Jessica, a very Happy Birthday tomorrow. He said, "Happy Birthday, hita."

Councilor Calvert

Councilor Calvert introduced the following:

1. An Ordinance relating to the health, safety and welfare of the residents of the Montano Street neighborhood; directing staff to explore and make recommendations to the Governing Body regarding the options for constructing or not constructing a continuous street on Montano Street or at a minimum providing limited access for public safety response. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "7."

2. An Ordinance relating to the Land Development Code, relating to distressed merchandise sales signs and licenses, which bring it into conformance with the amendments we recently made to the signs in terms of penalty, size and enforcement. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "8"

Councilor Calvert said the green light at the traffic signal at DeVargas Mall and Paseo de Peralta going west takes a lot longer to change, and asked Mr. Romero to look at this, commenting traffic is backing up considerably.

Councilor Rivera

Councilor Rivera had no communications.

Councilor Trujillo

Councilor Trujillo reminded everyone that school starts next week, and to be aware of the children, noting the speed vans will be at all schools in the morning and afternoon.

Councilor Bushee

Councilor Bushee asked Mr. Romero to ask Nick Schiavo to look into a solar cooperative similar to the one in Taos, perhaps in the Northwest Quadrant.

Councilor Bushee said she has a request for Geno Zamora for an advisory opinion for the advertising on the original Las Campanas, and she will share her thoughts and concerns with him.

Councilor Wurzbarger

Councilor Wurzbarger introduced the following:

1. A Resolution adopting the 2014-2018 Infrastructure Capital Improvements Plan (ICIP). She said the Public Works Department will be reducing this to 4-5 items and would like the input of the Governing Body in this effort. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."
2. A Resolution designating the Economic Development Division as the authority for the City of Santa Fe's economic development activities in accordance with the New Mexico Economic Development Department Certified Communities Initiative. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10."

Councilor Wurzbarger said for anyone in District #2, and on Cruz Blanca near Wilderness Gate, that we are getting additional patrols, and she and Councilor Ives know the kind of car that is going door to door and they are taking this very seriously and are trying to stop it before it goes further.

Councilor Dominguez

Councilor Dominguez said he would echo Trujillo's comments about school starting, and to encourage the public to be safe and aware. He asked Mr. Romero ask the Police Department to pay special attention that.

Councilor Dominguez asked, with regard to the action taken on the Crossing Guarding Program, for staff to see if there is any way to monitor that action and how it's working, so we will be prepared when the School approaches the City next year.

Mayor Coss

Mayor Coss introduced a Resolution declaring the establishment of a Sister City relationship between the City of Santa Fe and the City of Livingstone, Zambia. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11."

Mayor Coss said he won't be here for the August 28th meeting, and will be at the NMML Conference, and asked to be excused. He said the meeting is in Las Cruces, and he would encourage City staff and Councilors to attend these meetings.

Mayor Coss reminded everyone that the Employee Benefit Committee is having an Employee Picnic on Sunday, beginning at 11:00 a.m. at Alto Park.

Mayor Coss said the Council adopted a Resolution asking to appoint a Charter Commission, and he has some names from Councilors.

Mayor Coss said, pursuant to Councilor Dimas's Resolution for a Full Court Press, he had a good meeting today with Espanola Mayor Alice Lucero and Commissioner Danny Mayfield. They are moving toward appointing a work group to do a comprehensive plan, and urged the Council to let him know of people who should be considered for appointment.

I. ADJOURN

There was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 8:35 p.m.

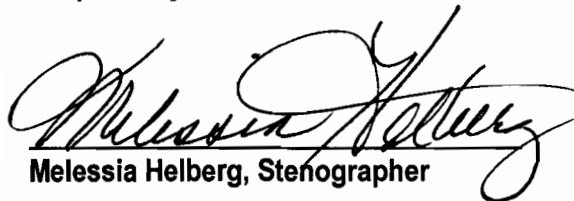
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Stenographer

**MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA FE AND
SANTA FE COUNTY FOR A MASTER METER INSTALLATION
IN THE CITY WATER DISTRIBUTION SYSTEM**

The City of Santa Fe ("City"), a home-rule municipality organized under the laws of the State of New Mexico and the County of Santa Fe, ("County") (collectively the "Parties") enter into this Water Supply Agreement. This agreement will be effective as of the date of the last signature.

RECITALS

1. The City and the County entered into a "Water Resources Agreement between the City of Santa Fe and Santa Fe County" ("WRA") on January 11, 2005, which addresses the Wholesale Water Delivery from the City Independent Water System to the County Independent Water System. Under the WRA §11, Points of Delivery, "Additional points of delivery may be requested by the County with the consent of the City, which consent shall not be unreasonably withheld."
2. The County is requesting an additional point of delivery from a six (6) inch meter to provide golf course irrigation water to their customer, the Club at Las Campanas.
3. Under normal operating conditions, the Club is able to divert water for golf course irrigation via a raw water pipeline from the Buckman Direct Diversion (BDD).
4. Under conditions in which the water quality at the BDD is too turbid or otherwise non-divertable, the Club has no access to raw water.

AGREEMENT

1. Quantity. The quantity of water delivered to the County under this agreement shall be deducted from the City's obligation to deliver water to the County under the Water Resource Agreement.
2. Rate. The rate described by the 2005 Water Resources Agreement shall apply.
3. Conditions of Delivery. The City shall deliver water to the County for the Club's golf course irrigation only when the BDD is unable to divert water for more than seven (7) days.
4. Billing and Payment. The City will bill the County on a monthly basis based on the quantity of water used at the City rates specified above. The County will pay such bills within thirty (30) days of receipt. Any questions on billing will follow the City's standard procedures on billing.
5. Responsibility for water service equipment. The City shall maintain the meter and related equipment for measuring the quantity of water delivered to the County at the new

point of delivery. The City and County shall attempt to resolve any inconsistency in billing, metering, or calibration as set forth in § 16, Dispute Resolution, of the 2005 WRA.

6. Interruption of Service. The City reserves the right to interrupt service for a reasonable period for maintenance and repairs to its property or equipment. The City will use reasonable diligence to furnish a regular and uninterrupted supply of water; however, interruptions or partial interruptions may occur or service may be curtailed or fail as a result of circumstances beyond the control of the City, including but not limited to those caused by public enemies, accidents, strikes, legal processes, damages to transmission or distribution facilities of the City, repairs or changes in the City's transmission or distribution facilities. The City will endeavor to give reasonable notice in advance of any planned shutoff.

7. Shortage Sharing for Wholesale Water Delivery. The parties will follow the shortage sharing provisions in the 2005 WRA.

8. Assignment. This Agreement shall not be assigned without the prior written consent of the City. Such approval will not be withheld unreasonably. If so assigned, this Agreement shall extend to and be binding upon the successors and assigns of the parties hereto.

9. Notice. Notice may be given either in person or by certified U.S. mail, postage paid. Notice shall be considered to have been received within three (3) days after the notice is mailed if there is no actual evidence of receipt.

10. New Mexico Tort Claims Act. Any liability incurred by the City of Santa Fe in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978 § 41-4-1, et. seq., as amended. The City and its "public employees" as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, do not waive any defense and do not waive any limitation of liability pursuant to law. No provision in this Agreement modifies or waives any provision of the New Mexico Tort Claims Act.

11. Third-Party Beneficiaries. By entering into this Agreement, the Parties do not intend to create any right, title or interest in or for the benefit of any person other than the City and the County. No person shall claim any right, title or interest under this Agreement or seek to enforce this Agreement as a third-party beneficiary of this Agreement.

12. Changes to Agreement. Changes to this Agreement are not binding unless made by written amendment, signed by the parties.

13. Construction and Severability. If any part of this Agreement is held to be invalid or unenforceable, the remainder of the Agreement will remain valid and enforceable if the remainder is reasonably capable of completion.

14. Term. The term of this agreement shall be for 30 days from the date of approval. The parties may agree to extend the term by written mutual agreement.

Notice to the City shall be to:

City of Santa Fe
Water Division Director
801 W. San Mateo Road
P.O. Box 909
200 Lincoln Ave
Santa Fe, NM 87504

Notice to the County shall be to:

Santa Fe County
Public Works Director
P.O. Box 276
Santa Fe, NM 87504

16. Signature of Parties. This agreement is effective upon the signature of all the Parties.

For the City:

David Coss, Mayor
City of Santa Fe

Date

Attest:

Yolanda Y. Vigil, City Clerk

Date

Approved as to Form:

Geno Zamora, City Attorney

Date

Dr. Melville Morgan, Finance Director

Date

For the County:

Virginia Vigil, Chair, Board of Santa Fe
County Commissioners

Date

Approved as to Form:

Stephen C. Ross, Santa Fe County Attorney

Date

Attest:

Valerie Espinoza, Santa Fe County Clerk

Date

Teresa Martinez, County Finance Director

Date

City of Santa Fe, New Mexico

memo

DATE: August 8, 2012

TO: Mayor Coss & City Councilors

VIA: Robert Romero
Robert Romero, City Manager

FROM: Yolanda Y. Vigil
Yolanda Y. Vigil, City Clerk

ITEM & ISSUE

Request from Los Alamos National Bank for a waiver of the 300 foot location restriction to allow the dispensing and consumption of beer and wine at the Santa Fe Children's Museum, 1050 Old Pecos Trail, Building B, which is within 300 feet of St. John's United Methodist Church, 1200 Old Pecos Trail.

BACKGROUND AND SUMMARY

Pursuant to §60-6B-10 NMSA 1978, a request for a waiver of the 300 foot location restriction has been submitted to allow the dispensing and consumption of beer and wine at the Santa Fe Children's Museum, 1050 Old Pecos Trail, Building B which is within 300 feet of St. John's United Methodist Church, 1200 Old Pecos Trail. This request is for Los Alamos National Bank's company picnic to be held from 1:45 p.m. to 5:00 p.m. on Saturday, August 25, 2012.

Attached is a letter from Rev. Greg Kennedy, St. John's United Methodist Church, stating that they have no objection to this request.

ACTION REQUESTED

I hereby request that the City Council indicate its decision on the request for a waiver of the 300 foot location restriction to allow the dispensing and consumption of beer and wine at the Santa Fe Children's Museum, 1050 Old Pecos Trail, Building B, which is within 300 feet of St. John's United Methodist Church, 1200 Old Pecos Trail. The request is for Los Alamos National Bank's company picnic to be held from 1:45 p.m. to 5:00 p.m. on Saturday, August 25, 2012.

Attachment Letter / Los Alamos National Bank
Letter / St. John's United Methodist Church
Special Dispenser Permit Application
§60-6B-10 NMSA 1978

Exhibit "2"



LANB

Creating a better way.

Los Alamos

1200 Trinity Dr.
77 Power Blvd.
505.662.5171

Santa Fe

2009 Gallardo St.
301 Camino St.
3674 Cowles Rd.
505.662.5171

Albuquerque

6801 Jefferson NE
Suite 300
505.449.5100

LANB.com

Yolanda Vigil, CMC
City Clerk
PO Box 9098
Santa Fe, NM 87505

Dear Yolanda,

Los Alamos National Bank (LANB) is hosting its annual company picnic at the Santa Fe Children's Museum on August 25, 2012 from 2:00-6:00 pm. We are expecting about 200 people and Cowgirl Catering will be providing the food and beverages including beer and wine. LANB will be providing fencing to close off the outside area and will also provide two security guards during the event.

Sincerely,

Kate Kennedy

Marketing Coordinator



**ST. JOHN'S
UNITED METHODIST CHURCH**

1200 Old Pecos Trail
Santa Fe, NM 87505

T 982-5397

F 505-983-4777

Greg.pastor@sfsjohnsumc.org

www.sfsjohnsumc.org

Rev. Greg Kennedy

7 August 2012

Dear Santa Fe City Council,

St. John's United Methodist Church does not have an issue or an objection to the use of alcohol at the Children's Museum for the Los Alamos National Bank's company picnic on 25 August 2012 from 2-5.

Los Alamos National Bank is an important business member in our community and we are happy to support them in this.

Sincerely,

Rev. Greg Kennedy

**ALCOHOL & GAMING DIVISION
SPECIAL DISPENSER PERMIT APPLICATION (60-6A-12)**

Fee Per day: 550.00 Public Celebration

☒ \$25.00 Private Event (Catered) (all fees are non refundable)

A copy of all approved permits will be sent to the Special Investigations Division of the Department of Public Safety. They will notify you directly if they need additional information

LICENSE HOLDER INFORMATION

Business Name (DBA) 22 Shido Corp dba Cowgirl BBQ Owner Name 22 Shido Corp Liquor License # 2508
Street Address 319 S Guadalupe Mailing Address same Local Option District santa fe
City, State & Zip Santa Fe, NM 87501 Telephone # 505 982 2565 Fax # 505 982 4047

EVENT INFORMATION

Description of Event LANB company picnic Date(s) of Event Sat 8/25/12 Begin Time 1:45pm End Time 5pm
Physical Address of Event 1050 Old Pecos Tr - SF Childrens Museum Number of Persons expected 200
Description of Security Cowgirl licensed security Number of Security personnel to be at this function 2
Security Contact Name Doug Byers Telephone # 577 0291

SPONSOR INFORMATION

Sponsor of Event Julia Bank for LAMB Contact Name Kate Kennedy Telephone # 663-3878

BUILDING/PROPERTY OWNER APPROVAL

Name (print) Julie DeFeo Signature Julie DeFeo Telephone # 989-8359 Date 8/4/12

LICENSE HOLDER & SERVER CERTIFICATION: I, Nicholas Ballas (Licensee) hereby certify that this event is within the same local option district as the dispenser's license, that event is not within 300 Ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body. I further certify that all persons providing the service of alcoholic beverages are server certified and that they are my employees and that ALL the information in this application is true and correct.

NOTE: List of servers including name, server permit # and server expiration date must be attached to permit application.

Licensee agrees that if any statements or representations herein are found to be false, the director may refuse to issue additional permits.

Licensee Name (print) Nicholas Ballas Signature [Signature] Date 8/7/12
All profits derived from the sale of liquor will go only to the licensee. Only the owner or authorized person under this license may sign the permit.

NOTARY INFORMATION

Subscribed and Sworn before me this 7th day of August, 20 12 Notary Public Tina Rodriguez Exp. May 21, 2013

LOCAL GOVERNING BODY APPROVAL

Print Name _____ Title _____ Date _____ Signature _____ Phone _____ Fax _____

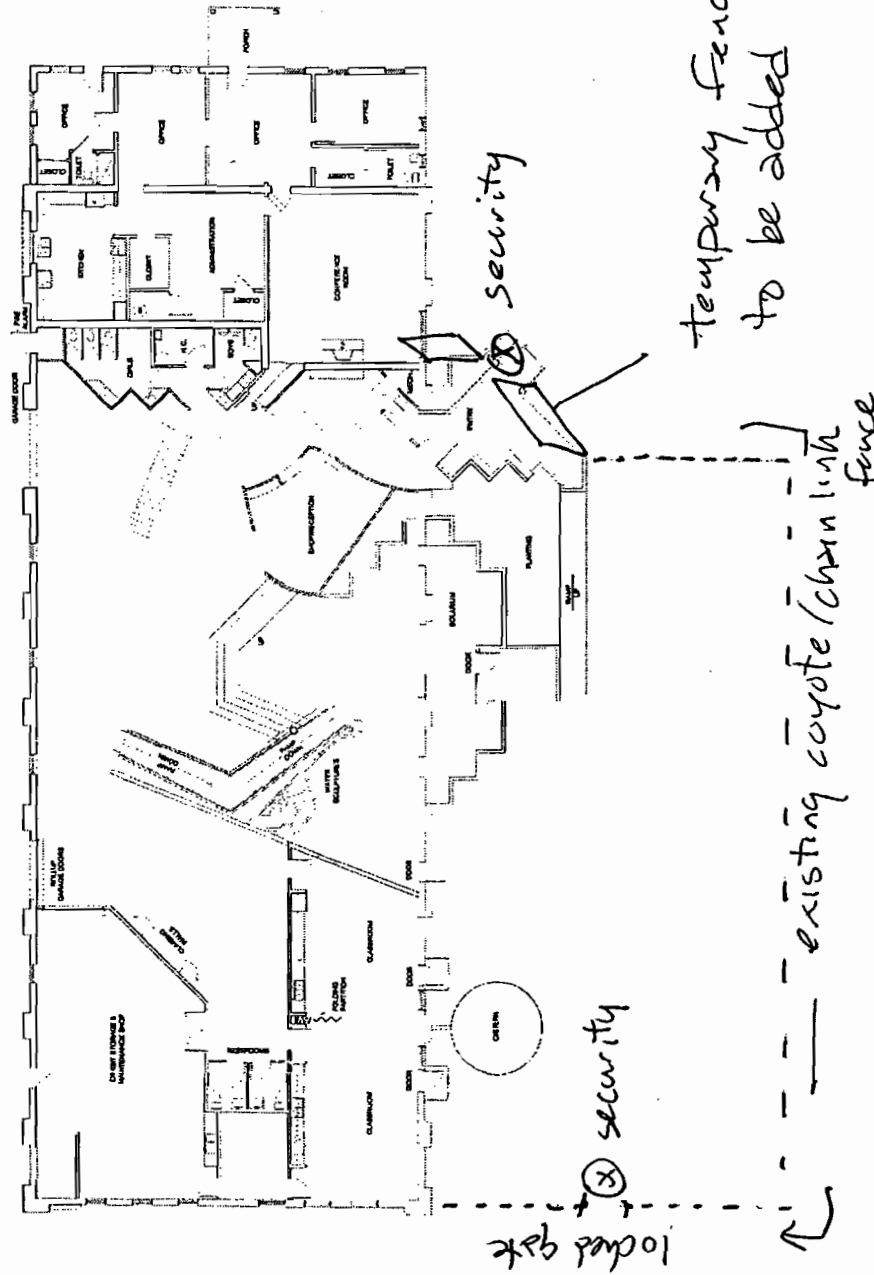
ALCOHOL & GAMING DIVISION USE ONLY

Approved by: _____ Date _____ Permit Number _____

Attachments: 1) Floor plan - (Pictures)

2) Fees (listed on top of page)

3) Server information list



SF childrens Museum
1050 Old Recons TR

RE: Applicant – Susan's Fine Wine & Spirits
Description of Event – Networking Event
Date of Event – August 18, 2011
Location – Santa Fe Children's Museum – 1050 Old Pecos Trail



Note: Above location is within 300ft of a Church and/or School
(St John's United Methodist Church)



This information is for reference only.
The City of Santa Fe assumes no liability
for errors associated with the use of these
data. Users are solely responsible for
confirming data accuracy when necessary.

60-6B-10. Locations near church or school; restrictions on licensing.

No license shall be issued by the director for the sale of alcoholic beverages at a licensed premises where alcoholic beverages were not sold prior to July 1, 1981 that is within three hundred feet of any church or school. A license may be granted for a proposed licensed premises if the owner or lessee has, prior to establishment of a church or school located within three hundred feet of the proposed licensed premises, applied for, been granted and maintained a valid building permit for the construction or renovation of the proposed licensed premises and has filed on a form prescribed by the director a notice of intention to apply for transfer of a license to the proposed licensed premises. A license may be granted for a proposed licensed premises if a person has obtained a waiver from a local option district governing body for the proposed licensed premises. For the purposes of this section, all measurements taken in order to determine the location of licensed premises in relation to churches or schools shall be the straight line distance from the property line of the licensed premises to the property line of the church or school. This provision shall not apply to any church that has been designated as an historical site by the cultural properties review committee and which does not have a regular congregation.

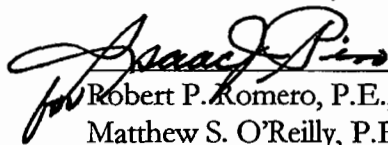
City of Santa Fe, New Mexico

memo

DATE: August 2, 2012 for the August 8, 2012 City Council hearing


TO: Mayor David Coss
Members of the City Council


VIA:



Robert P. Romero, P.E., City Manager

Matthew S. O'Reilly, P.E., Director, Land Use Department 

Tamara Baer, ASLA, Planning Manager, Current Planning Division 

FROM: Heather L. Lamboy, AICP, Senior Planner, Current Planning Division 

Case #2012-52. Shellabarger Tennis Center General Plan Amendment. Santa Fe Planning Group, agents for Eric Rose and Sam Hitman, request approval of a General Plan Future Land Use Map Amendment to change the designation of 8.62± acres of land from Public/Institutional to Community Commercial. The property is located within the Santa Fe University of Art and Design campus. (Heather Lamboy, Case Manager)

Case #2012-53. Shellabarger Tennis Center Rezoning to C-2. Santa Fe Planning Group, agents for Eric Rose and Sam Hitman, request rezoning of 8.62± acres of land from Residential-5 (Residential, 5 dwelling units per acre) to Commercial-2 (General Commercial). The property is located within the Santa Fe University of Art and Design campus. (Heather Lamboy, Case Manager)

I. RECOMMENDATION

The Planning Commission recommends **APPROVAL** with conditions as outlined in this report.

On June 7, 2012, the Planning Commission found that the application met all code criteria for a General Plan Amendment and Rezoning. No redevelopment of the building or property is anticipated at this time. In the event that any redevelopment occurs on the vacant portions of the site, as a condition of approval, the applicant will be required to get

Exhibit "3"

Development Plan approval from the Planning Commission regardless of the size of the proposed development.

II. APPLICATION OVERVIEW

The Shellabarger Tennis Center was constructed in 2002, as a part of the College of Santa Fe campus. Because the College of Santa Fe was an existing use when the City adopted the first zoning code in 1962, it was considered a legal non-conforming use. The land use designation, in the City's General Plan, is public/institutional. The College developed over the years through a series of Special Exception approvals in an R-5 (residential) zoning district.

In 2009, the Shellabarger Tennis Center was deeded to the bank that held the mortgage for the College and in September 2009, the remainder of the College of Santa Fe property was sold to the City of Santa Fe, which then leased the property to Laureate Education for the Santa Fe University of Art and Design. The current owners of Shellabarger purchased the property in July 2011 from the bank that held the defaulted note on the property. In order to satisfy financing, insurance, and to be able to make improvements to the facility in the future, the zoning must allow the use of the property.

Chapter 14, the Land Development Code, only permits this type of facility in the following districts: C-2 (General Commercial), BCD (Business Capitol District), SC-1, 2, & 3 (Shopping Center) and I-1 (Light Industrial) zoning districts. Additionally, a representative from the Santa Fe University of Art and Design (SFUAD) asked the applicants to meet with SFUAD to discussed expected uses on the site in the future. The Planning Commission recommended both the General Plan amendment and the rezoning with a unanimous voice vote.

The following conditions are recommended by the Planning Commission:

1. If any major changes are contemplated to the site (other than routine maintenance or interior renovations), the applicant shall request a Development Plan Amendment subject to Planning Commission review and approval.
2. The existing Development Plan illustrates the construction of a trail in Phase 3. The applicant shall contribute to the construction of related off-site trails at a 1:1 ratio in lieu of building an on-site trail at the time of any future development.
3. When any additional development occurs on the site, a traffic study will be required and may demonstrate the need for additional infrastructure improvements.

III. ATTACHMENTS:

EXHIBIT 1:

1. Findings of Fact and Conclusions of Law
2. Conditions of Approval

EXHIBIT 2: Planning Commission Minutes June 7, 2012

EXHIBIT 3: Planning Commission Staff Report Packet

City of Santa Fe, New Mexico

Exhibit 1

Findings of Fact and Conclusions of Law

Conditions of Approval

City of Santa Fe
Planning Commission
Findings of Fact and Conclusions of Law

Case #2012-52

Shellabarger Tennis Center General Plan Amendment

Case #2012-53

Shellabarger Tennis Center Rezoning to C-2

Owner's Name – Eric Rose and Sam Hitman

Applicant's Name – Santa Fe Planning Group

THIS MATTER came before the Planning Commission (Commission) for hearing on June 7, 2012 upon the application (Application) of Santa Fe Planning Group as agent for Eric Rose and Sam Hitman (Applicant).

The subject site (Property) is located within the campus of the Santa Fe University of Art and Design and is comprised of a total of 8.62 ± acres of land zoned R-5 (Residential – 5 dwelling units/acre).

The Applicant seeks (1) approval of an amendment to the City of Santa Fe General Plan Future Land Use Map (Plan) changing the designation of the Property from “Public/Institutional” to “Community Commercial” and (2) to rezone the Property from R-5 to C-2 (General Commercial).

After conducting a public hearing and having heard from staff and all interested persons, the Commission hereby FINDS, as follows:

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Code §14-3.2(D) sets out certain procedures for amendments to the Plan, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.2(E).
3. Code §§14-3.5(B)(1) through (3) set out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.5(C).
4. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)(1)(a)(i)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(iii) and (xii)]; and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.

5. A pre-application conference was held on December 15, 2011.
6. Code Section 14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
7. An ENN meeting was held on the Application on March 19, 2012 at the Shellabarger Tennis Center at 1600 St. Michael's Drive.
8. Notice of the ENN meeting was properly given.
9. The ENN meeting was attended by the Applicant, City staff and other interested parties and the discussion followed the guidelines set out in Code Section 14-5.3.1(F)(6).
10. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the proposed Plan amendment and the rezoning, subject to the conditions set out in the Staff Report (Conditions) as modified.

The General Plan Amendment

11. Code §14-3.2(B)(2)(b) requires the City's official zoning map to conform to the Plan, and requires an amendment to the Plan before a change in land use classification is proposed for a parcel shown on the Plan's land use map.
12. The Commission is authorized under Code §14-2.3(C)(7)(a) to review and make recommendations to the Governing Body regarding proposed amendments to the Plan.
13. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts:
 - (a) *Consistency with growth projections for the City, economic development goals as set forth in a comprehensive economic development plan for the City, and with existing land use conditions, such as access and availability of infrastructure [§14-3.2(E)(1)(a)].*
The proposed amendment is consistent with the existing development on the Property and on surrounding properties and is generally consistent with the economic development objectives set forth in the City of Santa Fe Economic Development Strategy for Implementation", dated May 21, 2008, implementing the Angelou Economics report entitled "Cultivating Santa Fe's Future Economy". Existing infrastructure is sufficient to serve the Property as developed.
 - (b) *Consistency with other parts of the Plan [§14-3.2(E)(1)(b)].*
The proposed amendment is generally consistent with the growth management and development policies of the Plan, as well as with other themes set out in the Plan, including complying with the Economic Diversity, Character, Urban Form, Community-Oriented Development and Mixed Use themes.
 - (c) *The amendment does not: (i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character of the area; (ii) affect an area of less than two acres, except when adjusting boundaries between districts; or (iii) benefit one of a few landowners at the expense of the surrounding landowners or the general public [§14-3.2(E)(1)(c)].*
The proposed use is consistent with the prevailing institutional and commercial uses and character of the area; affects an area of 8.62± acres; and will not benefit one of a few

landowners at the expense of the surrounding landowners of the general public, in that the tennis center use provides a benefit to the members of the general public through programming by providing recreational opportunities to youth and providing a recreational resource to abutting institutional users.

- (d) *An amendment is not required to conform with Code §14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage of justification [§14-3.2(E)(1)(d)].*

This is not applicable.

- (e) *Compliance with extraterritorial zoning ordinances and extraterritorial plans [§14-3.2(E)(1)(e)].*

This is not applicable.

- (f) *Contribution to a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development [§14-3.2(D)(1)(e)].*

The proposed amendment will contribute to a coordinated, adjusted and harmonious development of the City in that the tennis center serves the community by providing recreational opportunities to the public and in that any future development on the Property will be subject to development plan review through a public process.

The Rezoning

14. Under Code §14-3.5(A)(1)(d) any individual may propose a rezoning (amendment to the zoning map).
15. Code §§14-2.3(C)(7)(c) and 14-3.5(B)(1)(a) provide for the Commission's review of proposed rezonings and recommendations to the Governing Body regarding them.
16. Code §§14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings.
17. The Commission has considered the criteria established by Code §§14-3.5(C) and finds, subject to the Conditions, the following facts:
 - (a) *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [SFCC §14-3.5(C)(1)(a)].*
There was not a mistake in the original zoning; the expansion of the Santa Fe University of Art and Design and the increase of other governmental uses surrounding the Property have changed the character of the surrounding area to such an extent as to justify changing the zoning of the Property; and the proposed use category is more advantageous to the community in accordance with the facts found by the Commission in paragraphs 13(a) and (b) above.
 - (b) *All the rezoning requirements of SFCC Chapter 14 have been met [SFCC §14-3.5(C)(1)(b)].*

In accordance with the facts found by the Commission in paragraphs 13 and 17(a) above, all the rezoning requirements of SFCC Chapter 14 have been met.

- (c) *The proposed rezoning is consistent with the applicable policies of the Plan [Section 14-3.5(A)(c)].*

In accordance with the facts found by the Commission in paragraphs 13(a) and (b) above, the proposed rezoning is consistent with the applicable policies of the Plan.

- (d) *The amount of land proposed for rezoning and the proposed use for the land is consistent with City policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the City [SFCC §14-3.5(C)(1)(d)].*

The Property consists of 8.62± acres and its use as a tennis center is consistent with the cited City policies.

- (e) *The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development [Section 14-3.5(C)(e)].*

Existing infrastructure is sufficient to serve the Property as developed and in the event that the Property is further developed in the future, is subject to the Conditions, including development plan review and an analysis of traffic impacts based on actual future uses.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Commission CONCLUDES as follows:

General

1. The proposed Plan amendment and rezoning were properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The ENN meeting complied with the requirements established under the Code.

The General Plan Amendment

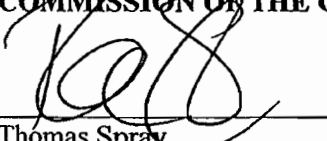
3. The Commission has the power and authority at law and under the Code to review the proposed amendment to the Plan and to make recommendations to the Governing Body regarding such amendment.
4. The proposed Plan amendment meets the criteria established by Code Section 14-3.2(E)(1) and the Commission recommends that it be approved by the Governing Body.

The Rezoning

5. The Applicant has the right under the Code to propose the rezoning of the Property.
6. The Commission has the power and authority at law and under the Code to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body based upon that review.
8. The proposed rezoning meets the criteria established by Code Sections 14-3.5(A)(1) and the Commission recommends that it be approved by the Governing Body.

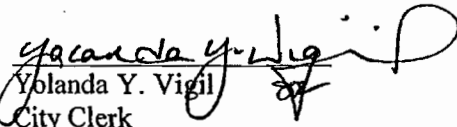
[REMAINDER APPEARS ON FOLLOWING PAGE]

IT IS SO ORDERED ON THE 5 OF JULY 2012 BY THE PLANNING
COMMISSION OF THE CITY OF SANTA FE


Thomas Spray
Chair

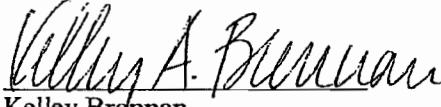
7/5/12
Date:

FILED:


Yolanda Y. Vigil
City Clerk

7/6/12
Date:

APPROVED AS TO FORM:


Kelley Brennan
Assistant City Attorney

7/2/12
Date:

Shellaburger Tennis Center-Conditions of Approval

City Council

Case #2012-52 and #2012-53 General Plan Amendment to Community Commercial and Rezone to C-2

Conditions	Department	Staff
Fire Department: <ol style="list-style-type: none"> 1. Shall Comply with International Fire Code (IFC) 2009 Edition. 2. Shall meet fire department access for C-2 zoning. 3. Shall have 20 feet road width for fire department access. 	Fire Department	Rey Gonzales
Traffic Engineering: <ol style="list-style-type: none"> 1. The Developer has not provided a Traffic Study, because no new development will occur at this time. At the time of Development a Traffic Study will be required. The amount of development may be limited by potential impacts on the local roadway network. 2. The Developer shall replace street name signs at the intersection of Siringo and Yucca to include both Yucca St. and the private road to the north of Siringo Rd. Design and placement of signs to be reviewed and approved by the City of Santa Fe Public Works Department. 	Traffic Engineering	John Romero
Roadway and Trails Engineering: <ol style="list-style-type: none"> 1. The existing development plan illustrates the construction of a trail in Phase 3. The applicant shall contribute to the construction of related off-site trails at a 1:1 ratio in lieu of building an on-site trail at the time of any future development. 	Roadway & Trails Engineering	Eric Martinez
Current Planning: <ol style="list-style-type: none"> 1. Any development on the site, beyond maintenance, repair, and improvements within the existing structure shall require a Development Plan Amendment subject to Planning Commission review and approval. 2. An easement for a water line acceptable to the Water Division shall be perfected for the portion of the property adjacent to the north parking lot prior to mylar recordation. 	Current Planning	Heather Lamboy

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2012-__

A RESOLUTION

AMENDING THE GENERAL PLAN FUTURE LAND USE CLASSIFICATION FROM PUBLIC/INSTITUTIONAL TO COMMUNITY COMMERCIAL FOR AN 8.62± PARCEL OF LAND LOCATED IN THE VICINITY OF SIRINGO ROAD AND ALUMNI DRIVE (2400 ALUMNI DRIVE) IDENTIFIED AS TRACT E COLLEGE OF SANTA FE REPLAT, PLAT BOOK 635, PAGES 46 AND 47 AND LYING WITHIN TOWNSHIP 17N, RANGE 9E, SECTION 34, NEW MEXICO PRIME MERIDIAN. ("SHELLABERGER TENNIS CENTER" GENERAL PLAN AMENDMENT, CASE NO. 2012-52).

WHEREAS, the agent for the owner of that certain parcel of land comprising 8.62± acres identified as Tract E College of Santa Fe Replat, in the vicinity of Siringo Road and Alumni Drive intersection and lying within Township 17N, Range 9E, Section 34, New Mexico Prime Meridian, Santa Fe County, State of New Mexico (the "Property") has submitted an application to amend the General Plan Future Land Use Map classification of the Property from Public/Institutional to Community Commercial; and

WHEREAS, pursuant to Section 3-19-9 NMSA 1978, the General Plan may be

1 amended, extended or supplemented; and

2 WHEREAS, the Governing Body has held a public hearing on the proposed
3 amendment, reviewed the staff report and the recommendation of the Planning
4 Commission and the evidence obtained at the public hearing, and has determined that the
5 proposed amendment to the General Plan meets the approval criteria set forth in Section
6 14-3.2(D) SFCC 1987; and

7 WHEREAS, the reclassification of the Property would be substantially consistent with
8 the General Plan themes and policies for Land Use (General Plan, Chapter 3) and Growth
9 Management (General Plan, Chapter 4); and

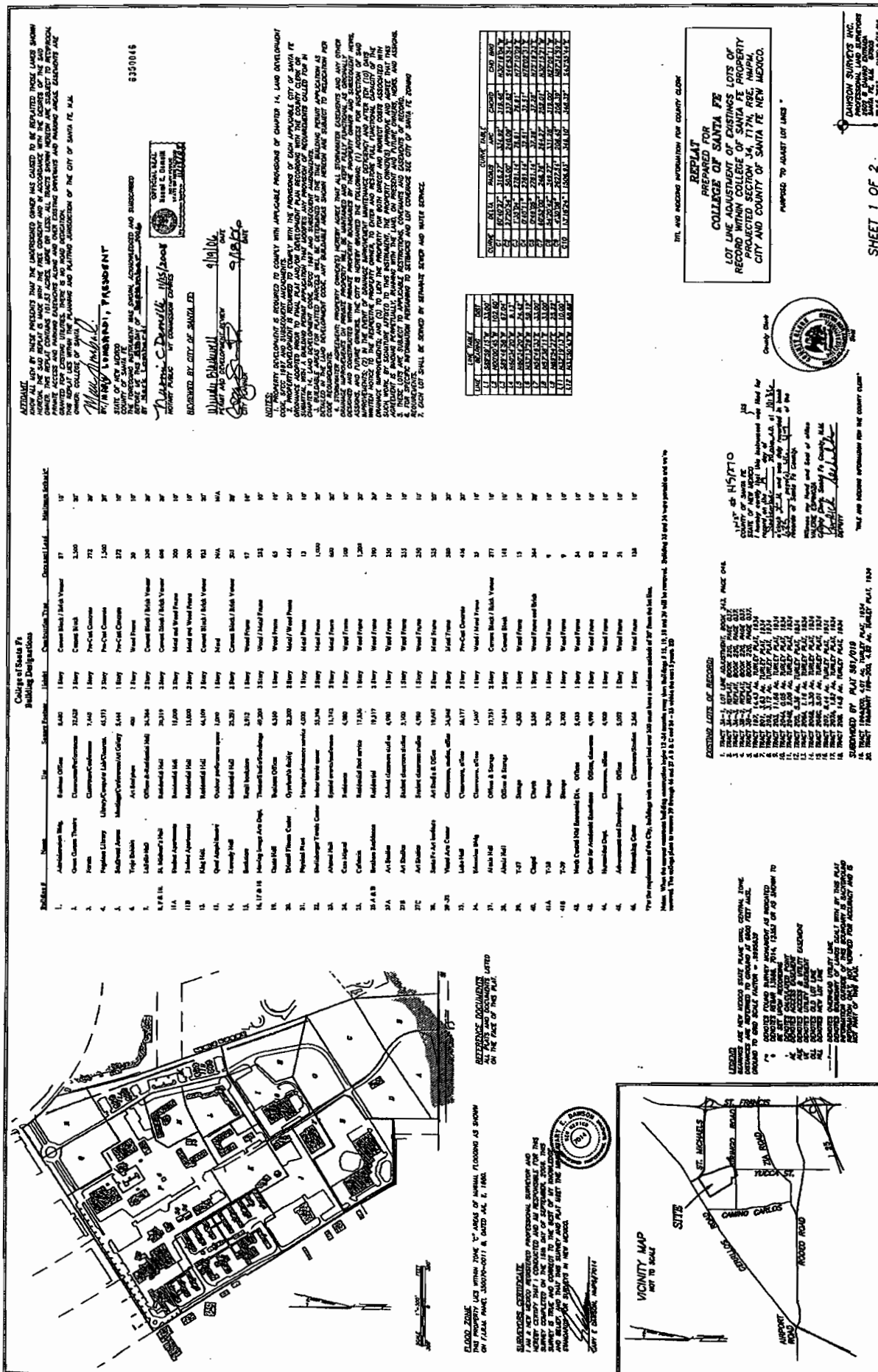
10 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
11 CITY OF SANTA FE:

12 Section 1. That the General Plan Future Land Use Map classification for the
13 Property be and hereby is amended as shown in the General Plan Amendment Map attached
14 hereto as EXHIBIT A and incorporated herein.

15 Section 2. Said General Plan amendment and any future development plan for the
16 Property is approved with and subject to the conditions set forth in the table attached hereto as
17 EXHIBIT B and incorporated herein summarizing City of Santa Fe staff technical memoranda
18 and conditions approved by the Planning Commission on June 7, 2012.

19 APPROVED AS TO FORM:

20  107
21 GENO ZAMORA, CITY ATTORNEY
22
23
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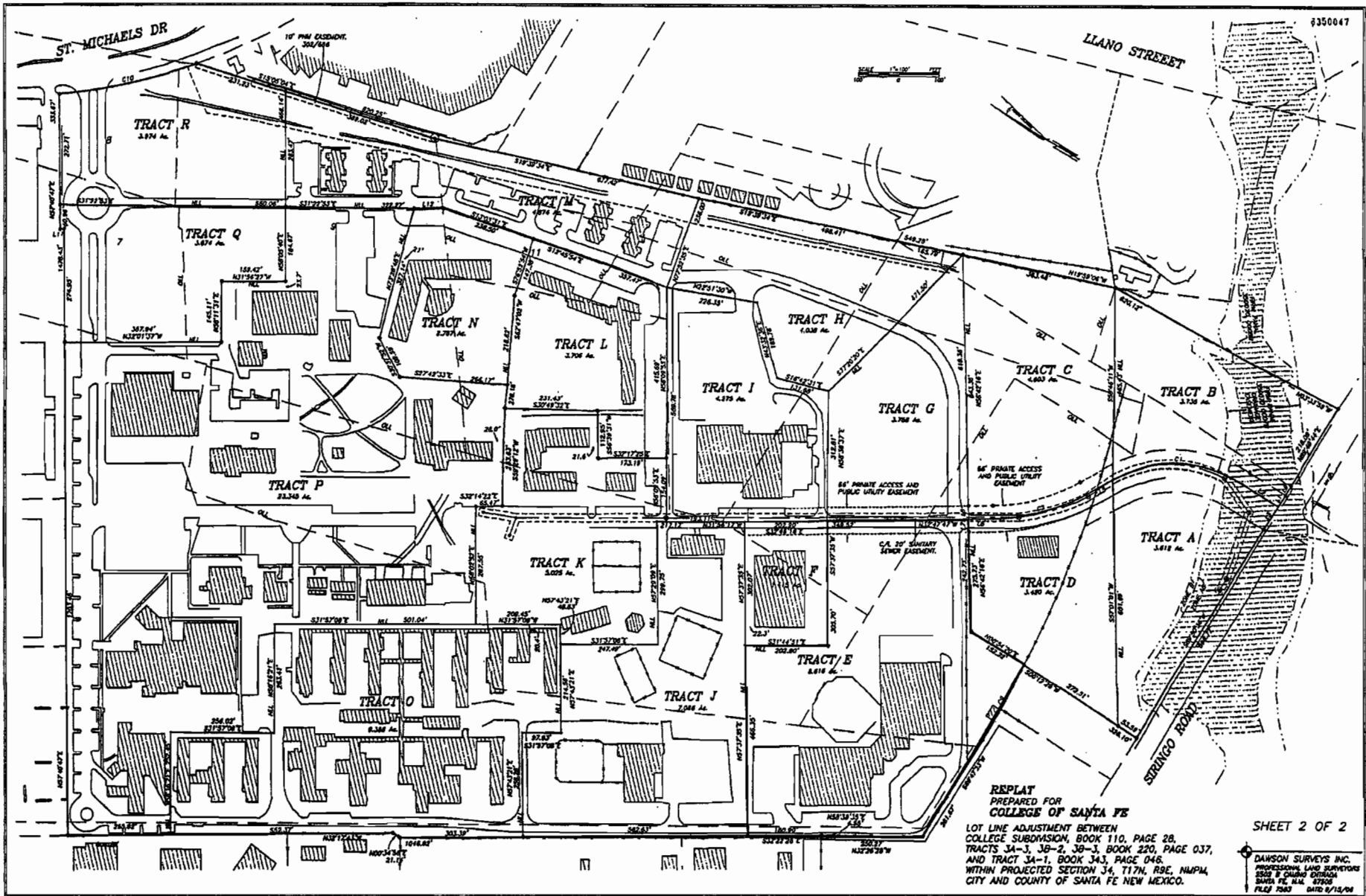


Exhibit A, Page 2 of 2

Shellabarger Tennis Center-Conditions of Approval

City Council

Case #2012-52 and #2012-53 General Plan Amendment to Community Commercial and Rezone to C-2

Conditions	Department	Staff
Fire Department: <ol style="list-style-type: none">1. Shall Comply with International Fire Code (IFC) 2009 Edition.2. Shall meet fire department access for C-2 zoning.3. Shall have 20 feet road width for fire department access.	Fire Department	Rey Gonzales
Traffic Engineering: <ol style="list-style-type: none">1. The Developer has not provided a Traffic Study, because no new development will occur at this time. At the time of Development a Traffic Study will be required. The amount of development may be limited by potential impacts on the local roadway network.2. The Developer shall replace street name signs at the intersection of Siringo and Yucca to include both Yucca St. and the private road to the north of Siringo Rd. Design and placement of signs to be reviewed and approved by the City of Santa Fe Public Works Department.	Traffic Engineering	John Romero
Roadway and Trails Engineering: <ol style="list-style-type: none">1. The existing development plan illustrates the construction of a trail in Phase 3. The applicant shall contribute to the construction of related off-site trails at a 1:1 ratio in lieu of building an on-site trail at the time of any future development.	Roadway & Trails Engineering	Eric Martinez
Current Planning: <ol style="list-style-type: none">1. Any development on the site, beyond maintenance, repair, and improvements within the existing structure shall require a Development Plan Amendment subject to Planning Commission review and approval.2. An easement for a water line acceptable to the Water Division shall be perfected for the portion of the property adjacent to the north parking lot prior to mylar recordation.	Current Planning	Heather Lamboy

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2012-19

AN ORDINANCE

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;
CHANGING THE ZONING CLASSIFICATIONS FOR THE "SHELLABERGER
TENNIS CENTER PARCEL"; CHANGING 8.62± ACRES FROM R-5
(RESIDENTIAL, 5 DWELLING UNITS PER ACRE) TO C-2 (GENERAL
COMMERCIAL) AND PROVIDING AN EFFECTIVE DATE WITH RESPECT TO
A CERTAIN PARCEL OF LAND LOCATED IN THE VICINTY OF SIRINGO ROAD
AND ALUMNI DRIVE, AND IDENTIFIED AS TRACT E OF THE COLLEGE OF
SANTA FE REPLAT, PLAT BOOK 635, PAGES 46 AND 47, AND LYING WITHIN
TOWNSHIP 17N, RANGE 9E, SECTION 34, NEW MEXICO PRIME MERIDIAN; CITY
OF SANTA FE, SANTA FE COUNTY, STATE OF NEW MEXICO. ("SHELLABERGER
REZONING," CASE NO. 2012-53).**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. That a certain parcel of land comprising 8.62± acres (the "Property")
located within Township 17N, Range 9E, Section 34, New Mexico Prime Meridian, Santa Fe
County, State of New Mexico, which are located within the municipal boundaries of the City of

1 Mexico, which are located within the municipal boundaries of the City of Santa Fe, is restricted to
2 and classified as C-2 (General Commercial) as described in the zoning map attached hereto as
3 EXHIBIT A and incorporated herein.

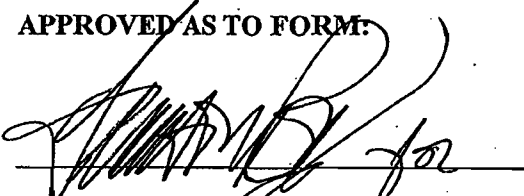
4 **Section 2.** The official zoning map of the City of Santa Fe adopted by Ordinance
5 No. 2001-27 is hereby amended to conform to the changes in zoning classifications for the
6 Property set forth in Section 1 of this Ordinance.

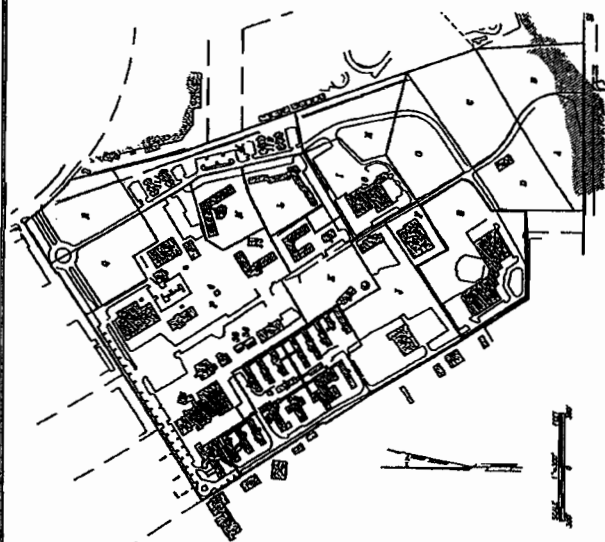
7 **Section 3.** This rezoning action and any future development plan for the Property is
8 approved with and subject to the conditions set forth in the table attached hereto as EXHIBIT B
9 and incorporated herein summarizing the City of Santa Fe staff technical memoranda and
10 conditions recommended by the Planning Commission on June 7, 2012.

11 **Section 4.** This rezoning action is subject to the time restrictions set forth in Section
12 14-3.5(D)(1) SFCC 1987 (Two-year Review/Recission). Resolution 2011-26 has extended
13 zoning approvals for a limited duration of time.

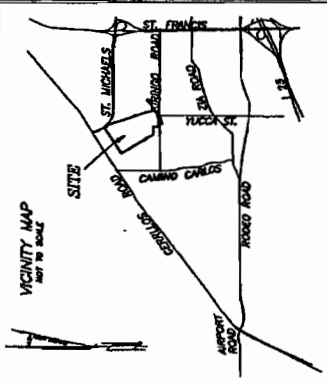
14 **Section 5.** This Ordinance shall be published one time by title and general summary
15 and shall become effective five days after publication.

16 **APPROVED AS TO FORM:**

17 
18 _____
19 GENO ZAMORA, CITY ATTORNEY



FLOOD ZONE
THIS PROPERTY LIES WITHIN ZONE "C" AREAS OF GENERAL FLOODING AS SHOWN
ON FIRM PANEL 130070-0011 & DATED JUL. 2, 1962.



Building #	Name	Sex	Source	Category Type	Height	Current Level	Minimum Seating
1.	Administration Bldg.	Male	1 Story	Current Bldg.	87'	10'	
2.	Great Green Theatre	Classem/Pre-Classes	3 Story	Current Bldg.	3,500		
3.	Great Green Theatre	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	375	30'	
4.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	1,500	30'	
5.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	272	10'	
6.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
7.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
8.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
9.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
10.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
11.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
12.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
13.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
14.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
15.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
16.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
17.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
18.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
19.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
20.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
21.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
22.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
23.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
24.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
25.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
26.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
27.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
28.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
29.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
30.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
31.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
32.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
33.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
34.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
35.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
36.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
37.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
38.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
39.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
40.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
41.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
42.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
43.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
44.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
45.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
46.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
47.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
48.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
49.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	
50.	Pre-Cat Classroom	Classem/Pre-Classes	3 Story	Pre-Cat Classroom	34	10'	

Note: The above information is for informational purposes only. The actual seating capacity of each building is determined by the building's design and construction. The above information is for informational purposes only. The actual seating capacity of each building is determined by the building's design and construction.

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EXISTING LOTS OF RECORDS

1	FRANCY 30-1	LOT 1	OF ONE BAY	1.65 AM	TURKEY	P
2	FRANCY 30-1	LOT 1	OF ONE BAY	1.65 AM	TURKEY	P
3	FRANCY 30-1	LOT 1	OF ONE BAY	1.65 AM	TURKEY	P
4	FRANCY 30-1	LOT 1	OF ONE BAY	1.65 AM	TURKEY	P
5	FRANCY 30-1	LOT 1	OF ONE BAY	1.65 AM	TURKEY	P
6	FRANCY 30-1	LOT 1	OF ONE BAY	1.65 AM	TURKEY	P
7	FRANCY 30-1	LOT 1	OF ONE BAY	1.65 AM	TURKEY	P
8	FRANCY 30-1	LOT 1	OF ONE BAY	1.65 AM	TURKEY	P
9	FRANCY 30-1	LOT 1	OF ONE BAY	1.65 AM	TURKEY	P
10	FRANCY 30-1	LOT 1	OF ONE BAY	1.65 AM	TURKEY	P
11	FRANCY 30-1	LOT 1	OF ONE BAY	1.65 AM	TURKEY	P
12	FRANCY 30-1	LOT 1	OF ONE BAY	1.65 AM	TURKEY	P
13	FRANCY 30-1	LOT 1	OF ONE BAY	1.65 AM	TURKEY	P
14	FRANCY 30-1	LOT 1	OF ONE BAY	1.65 AM	TURKEY	P
15	FRANCY 30-1	LOT 1	OF ONE BAY	1.65 AM	TURKEY	P
16	FRANCY 30-1	LOT 1	OF ONE BAY	1.65 AM	TURKEY	P
17	FRANCY 30-1	LOT 1	OF ONE BAY	1.65 AM	TURKEY	P
18	FRANCY 30-1	LOT 1	OF ONE BAY	1.65 AM	TURKEY	P
19	FRANCY 30-1	LOT 1	OF ONE BAY	1.65 AM	TURKEY	P
20	FRANCY 30-1	LOT 1	OF ONE BAY	1.65 AM	TURKEY	P

SUBMITTED BY PLAT 381/70

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may at 1452710
STATE OF NEW YORK
COUNTY OF ALBANY
I, Henry Henry, Notary Public for the County of Albany, do hereby certify that the instrument was filed for record in the County of Albany, New York, on the 21st day of June, 1906, at 10:15 A.M., and was duly returned to me on the 22nd day of June, 1906, at 10:15 A.M., and was duly returned to me on the 23rd day of June, 1906, at 10:15 A.M.

Witness my hand and seal of office
Albany, N.Y., County of Albany, N.Y.
Notary Public, Albany, N.Y. County, N.Y.
H. H. Henry

LOT
RECORD
PRIN
CITY

County Clerk

CLERK OF DISTRICT COURT

PREPARED FOR
COLLEGE OF SANTA
THE ADJUSTMENT OF DIVISION
WITHIN COLLEGE OF SANTA
SECTION 34, T17
AND COUNTY OF SANTA F

WE
SS LOTS OF
FE PROPERTY
199E, NUPA,
NEW MEXICO.

[illegible][illegible]

LINE	DATE	AMOUNT	DATE	LINE	DATE	AMOUNT	DATE
1	1900/02/05	102.00		1	1900/02/05	102.00	
2	1899/10/30	87.00		2	1899/10/30	87.00	
3	1899/10/30	87.00		3	1899/10/30	87.00	
4	1900/04/20	74.12		4	1900/04/20	74.12	
5	1901/01/28	39.18		5	1901/01/28	39.18	
6	1902/01/11	39.18		6	1902/01/11	39.18	
7	1902/01/11	39.18		7	1902/01/11	39.18	
8	1899/04/20	74.12		8	1899/04/20	74.12	
9	1900/04/20	74.12		9	1900/04/20	74.12	
10	1900/04/20	74.12		10	1900/04/20	74.12	
11	1900/04/20	74.12		11	1900/04/20	74.12	
12	1900/04/20	74.12		12	1900/04/20	74.12	
13	1900/04/20	74.12		13	1900/04/20	74.12	
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37	1900/04/20	74.12		37	1900/04/20	74.12	
38	1900/04/20	74.12		38	1900/04/20	74.12	
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51	1900/04/20	74.12		51	1900/04/20	74.12	
52	1900/04/20	74.12		52	1900/04/20		

A schematic diagram of a vertical tube. The tube is divided into three horizontal sections. The top section is labeled 'Air' and contains a small circle representing a bubble. The middle section is labeled 'Water' and contains a small circle representing a bubble. The bottom section is labeled 'Air' and contains a small circle representing a bubble. The tube is labeled 'Tube' on the left side. The top section is labeled 'Air' and the bottom section is labeled 'Air'.

[illegible]

Shellaburger Tennis Center-Conditions of Approval

City Council

Case #2012-52 and #2012-53 General Plan Amendment to Community Commercial and Rezone to C-2

Conditions	Department	Staff
Fire Department: 1. Shall Comply with International Fire Code (IFC) 2009 Edition. 2. Shall meet fire department access for C-2 zoning. 3. Shall have 20 feet road width for fire department access.	Fire Department	Rey Gonzales
Traffic Engineering: 1. The Developer has not provided a Traffic Study, because no new development will occur at this time. At the time of Development a Traffic Study will be required. The amount of development may be limited by potential impacts on the local roadway network. 2. The Developer shall replace street name signs at the intersection of Siringo and Yucca to include both Yucca St. and the private road to the north of Siringo Rd. Design and placement of signs to be reviewed and approved by the City of Santa Fe Public Works Department.	Traffic Engineering	John Romero
Roadway and Trails Engineering: 1. The existing development plan illustrates the construction of a trail in Phase 3. The applicant shall contribute to the construction of related off-site trails at a 1:1 ratio in lieu of building an on-site trail at the time of any future development.	Roadway & Trails Engineering	Eric Martinez
Current Planning: 1. Any development on the site, beyond maintenance, repair, and improvements within the existing structure shall require a Development Plan Amendment subject to Planning Commission review and approval. 2. An easement for a water line acceptable to the Water Division shall be perfected for the portion of the property adjacent to the north parking lot prior to mylar recordation.	Current Planning	Heather Lamboy

City of Santa Fe, New Mexico

Exhibit 2

**Planning Commission Minutes
June 7, 2012**

and I want to keep that. I would have to say that staff is correct in what you analyzed and I appreciate the hard work.

Commissioner Ortiz: Thank you to all residents for coming out. I went to Wood Gormley and I was raised in that area. I understand why you want to keep it the way you want to keep it. I appreciate what you have brought forward and I support staff's recommendations.

Commissioner Bordegaray moves to recommend denial of Case #2012-25 – 203 E. Santa Fe Avenue Rezoning to RAC, seconded by Bemis. Motion passed by unanimous vote.

Commissioner Pava – yes
Commissioner Harris – yes
Commissioner Villarreal – yes
Commissioner Bemis – yes
Commissioner Lindell – yes
Commissioner Ortiz – yes
Commissioner Bordegaray – yes

10. **Case #2012-54. 203 E. Santa Fe Avenue Special Use Request for Professional Office.** Sommer, Karnes, & Associates, agent for New Mexico Oil and Gas Association, requests a Special Use Permit for a professional office located at 203 E. Santa Fe Avenue (northeast corner of East Santa Fe Avenue and Webber Street). (Heather Lamboy, Case Manager)

Commissioner Bordegaray moves to deny Case #2012-54 - 203 E. Santa Fe Avenue Special Use Request for Professional Office, seconded by Bemis. Motion passed by unanimous vote.

Commissioner Pava – yes
Commissioner Harris – yes
Commissioner Villarreal – yes
Commissioner Bemis – yes
Commissioner Lindell – yes
Commissioner Ortiz – yes
Commissioner Bordegaray – yes

- * 11. **Case #2012-52. Shellabarger Tennis Center General Plan Amendment.** Santa Fe Planning Group, agents for Eric Rose and Sam Hitman, request approval of a General Plan Future Land Use Map Amendment to change the designation of 8.62± acres of land from Public/Institutional to Community Commercial. The property is located within the Santa Fe University of Art and Design campus. (Heather Lamboy, Case Manager)

Ms. Lamboy: The College of Santa Fe campus consists of many tracts. When the college was dissolved this one tract was split off. It is zoned R5. The surrounding zoning is R1 to the south and R3. Future land use consists of institutional and across the street is residential low density. There is a proposed trail that would connect Yucca with St. Michael's Drive (aerial view). Parking is provided adjacent to the building. There has been a lot of discussion about the trail. The trail has been abandoned and priorities have shifted. The request is to put off the trail until any development occurs on this particular site. Another amendment was in the condition relating to any type of development plan the request was to add any interior improvements to #3. What we are concerned about is how the site would change over time. Recommend approval with the conditions in the revised report.

Nancy Long, 2200 Brothers Road, Santa Fe, New Mexico

I am representing the new owners of the tennis center. We meet change in circumstance and benefiting the community. These owners rescued the tennis center from an uncertain future. We are asking for zoning to comply with use already there. There was great danger that the tennis center would be lost through default. It has state of the art facilities and flooring. It is used by non-profit groups, and continued use is a real concern to the city, community members and members from the tennis center. There were a number of groups that tried to get financing to purchase it from the bank. Last July Mr. Pittman and his partner, Mr. Rose, were able to secure financing and keep it as a tennis center. There was no time to conform the zoning. The property is R5. This is not allowed. It was a special exception within R5 when it was a college facility. If they want to expand or make improvements they could not do that. It is a non-conforming use. In order to get their financing they had to sign personal guarantees because the zoning did not conform. They are seeking to get rezoned – as it has created problems with insurance. We are trying to fix the zoning to conform what is there. C2 is the only zoning category that would allow private recreational use and is the most appropriate. We do comply with code. We agree with staff conditions.

Current planning #1 that any development on the site be on maintenance, repair and improvements within the existing structure shall require a development asking that the phrase 'and improvements within the existing structure' without development plan approval. The additional condition we agreed to is that should there be any further development on the site that as a safeguard we have agreed to the condition that any further development would come back for development plan approval. That way the University or any residential users would have a chance to examine that plan. The C2 does allow a broad array of uses. We did agree to that condition.

Sam Pittman, Santa Fe, NM

We are new to the Santa Fe community. My business partner and I run tennis centers. We find centers in bankruptcy or under utilized. We are very excited to be part of the community. We are very tightly tied in with the college. When the time comes we understand that the use has to be approved and meet all the conditions, meet traffic study, etc. It was advised to us that we should attempt to make something right in the zoning

that was not right. Our goal is to get into compliance. We want to keep the facility first class. We have no plans at this time but believe it is extremely important to work with the university.

Mary Shruben – Siringo Road, Santa Fe, NM

I am here to speak in favor of the rezoning because we realize they have had major changes there. They provide an incredible service for some youth programs and we want to make sure they can be viable and get the financing and insurance they need. The only concern the neighborhood has are that they not be converted in any way into any retail, restaurant, bar, liquor store of any kind. The proposal for developing a motor pool is questionable. Any increase of traffic in the area is going to make things worse. That is our only reservation. We understand that the C2 zoning is a compromise. At our ENN we had a good discussion and are happy with this proposal.

Frank Herdman, 123 E. Marcy Street, Santa Fe, NM

Represents the University – it wasn't until this afternoon that the university understood C2 zoning. We hope to have those discussions as this proceeds to the city council if the property ever changes hands.

Rick Martinez:

I went to the ENN meeting – there is no master plan with this entire section. The University has an option to buy that property in 8 years. I suggest we get a master plan for that entire area.

Public hearing closed.

Chair Spray: On November 3rd this commission approved changing 2.5 acres from R5 to C2. I voted against that. How many times do we retrace these steps – we need the appropriate zoning.

Ms. Baer: We agree that there should be a master plan and we have discussed creating a zoning district that would suite this property. We hope to move forward on that front. We also support a master plan. The city now owns the property so who would do the master plan and who would pay for it. When the state or some entity of the state purchased the property we lost some level of control and the degree to which the city zoning applies.

Chair Spray: I have trouble going to a C2 because it is everything. It appears that the school may not have understood what is meant by C2. It seems a very broad concept to put all that. Is it possible to put the C2 on the facility itself.

Ms. Baer: You cannot apply zoning to a portion of a parcel.

Ms. Brennan: We did propose to the applicant that we could do a lot split.

Commissioner Harris: Perhaps less than perfect and C2 is simply the best fit. To my way of thinking, the city purchasing the College of Santa Fe was to maintain a certain amount of integrity. This particular piece of property is to clean up the zoning and I would favor this rezoning.

Commissioner Pava moves to approve Case 2012-52, Shellabarger Tennis Center General Plan Amendment, seconded by Commissioner Harris, motion passed by unanimous voice vote.

- ✱ 12. Case #2010-53. Shellabarger Tennis Center Rezoning to C-2. Santa Fe Planning Group, agents for Eric Rose and Sam Hitman, request rezoning of 8.62± acres of land from Residential-5 (Residential, 5 dwelling units per acre) to Commercial-2 (General Commercial). The property is located within the Santa Fe University of Art and Design campus. (Heather Lamboy, Case Manager)

Commissioner Pava moves to recommend Case #2010-53, Shellabarger Tennis Center Rezoning to C-2 with exceptions to the governing body, subject to conditions outlined in Exhibit A and modified in the handout, seconded by Commissioner Bemis. Motion passed by unanimous voice vote.

H. BUSINESS FROM THE FLOOR

None

I. STAFF COMMUNICATIONS

Mr. O'Reilly: The condominium ordinance was approved by the City Council and went into effect on May 30th.

J. MATTERS FROM THE COMMISSION

Commissioner Bordegaray: What is the mechanism for communicating a recommendation for a master plan.

Commissioner Bordegaray makes a motion to recommend or encourage that the city develop a master plan for the site for the Santa Fe University Design, seconded by Commissioner Pava. Motion passed by unanimous voice vote.

[This item was not listed as an action item].

Commissioner Villarreal – somewhat timely because of the redevelopment of St. Michael's Drive and the Long Use Planning.

City of Santa Fe, New Mexico

Exhibit 3

**Staff Report Packet
June 7, 2012**

City of Santa Fe, New Mexico

memo

DATE: May 23, 2012 for the June 7, 2012 Planning Commission meeting

TO: Planning Commission Members

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department *MSO*
Tamara Baer, ASLA, Planning Manager, Current Planning Division *TB*

FROM: Heather L. Lamboy, AICP, Senior Planner, Current Planning Division *HL*

Case #2012-52. Shellabarger Tennis Center General Plan Amendment. Santa Fe Planning Group, agents for Eric Rose and Sam Hitman, request approval of a General Plan Future Land Use Map Amendment to change the designation of 8.62± acres of land from Public/Institutional to Community Commercial. The property is located within the Santa Fe University of Art and Design campus. (Heather Lamboy, Case Manager)

HL **Case #2012-53. Shellabarger Tennis Center Rezoning to C-2.** Santa Fe Planning Group, agents for Eric Rose and Sam Hitman, request rezoning of 8.62± acres of land from Residential-5 (Residential, 5 dwelling units per acre) to Commercial-2 (General Commercial). The property is located within the Santa Fe University of Art and Design campus. (Heather Lamboy, Case Manager)

I. RECOMMENDATION

The Land Use Department recommends **APPROVAL WITH CONDITIONS** as outlined in this report.

The application meets all code criteria for a General Plan Amendment and Rezoning, as discussed below. No redevelopment of the building or property is anticipated at this time. In the event that any redevelopment occurs on the vacant portions of the site, the Land Use Department recommends, as a condition of approval, that the applicant be required to get Development Plan approval from the Planning Commission regardless of the size of the proposed development.

II. SHELLBERGER APPLICATION OVERVIEW

A. Application Request Summary

The applicant is requesting to rezone the property from Residential-5 (R-5) to General Commercial (C-2). The City Code does not permit private recreational facilities in residential

districts.

B. Application History

The Shellabarger Tennis Center was constructed in 2002, and at that time was part of the College of Santa Fe campus. Because the College of Santa Fe was an existing use when the City adopted the first zoning code in 1962, it was considered a legal non-conforming use. The land use designation, as adopted in the City's General Plan, lists the site as public/institutional. However, no zoning district was created that specifically addressed the public/institutional uses. The College developed over the years through a series of Special Exception approvals.

Because the College of Santa Fe had defaulted on its monetary obligations, the Shellabarger Tennis Center was deeded to the bank that held the mortgage for the College. In September 2009, the rest of the College of Santa Fe property was sold to the City of Santa Fe, which is leased to Laureate Education for the Santa Fe University of Art and Design. The current owners of Shellabarger purchased the property in July 2011 from the bank that held the defaulted note on the property. In order to satisfy financing, insurance, and to be able to make improvements to the facility in the future, the zoning must allow the use of the property.

C. Early Neighborhood Notification

An Early Neighborhood Notification (ENN) meeting was held on March 19, 2012. The concern from the neighborhood was not the Tennis Center use, but the potential uses for the rest of the property. Neighbors stated that there has been a lot of pressure for convenience retail to be located close to the University and Santa Fe High School, and are concerned about what those potential uses (which are permitted by commercial zoning) could generate in terms of traffic and other impacts. As a result of the neighborhood input, staff is recommending the condition that if any additional development is to occur, a Development Plan Amendment with a public hearing is required.

III. CHAPTER 14 GENERAL PLAN AMENDMENT CRITERIA

Section 14-3.2 of the Land Development Code establishes approval criteria for general plan amendments. These are addressed below.

Section 14-3.2 (E) (1) Criteria for All Amendments to the General Plan

(1) Criteria for All Amendments to the General Plan

The planning commission and the governing body shall review all general plan amendment proposals on the basis of the following criteria, and shall make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any amendment to the general plan:

- (a)** consistency with growth projections for Santa Fe, economic development goals as set forth in a comprehensive economic development plan for Santa Fe and existing land use conditions such as access and availability of infrastructure;

Applicant Response: The proposed amendment is consistent with the existing development on the site as well as the surrounding properties. In addition, the proposed amendment is generally consistent with the economic development objectives set forth in the "City of Santa Fe Economic Development Strategy for Implementation", dated May 21, 2008, implementing the Angelou Economics report entitled "Cultivating Santa Fe's Future Economy".

Staff Response: Staff concurs with the applicant. Additionally, Santa Fe promotes the development of small business enterprises and a mixed economy. The Tennis Center contributes to Santa Fe's economic diversity, in addition to being a community benefit. Its location next to the Santa Fe University of Art and Design and the proposed Higher Education Center will provide for a healthy community resource for the students of these campuses and will complement the campus.

- (b) consistency with other parts of the general plan;

Applicant Response: The proposed amendment is generally consistent with the growth management and other policies of the General Plan.

Staff Response: Staff concurs that the proposal is consistent with other parts of the General Plan, including complying with the Economic Diversity, Character, Urban Form, Community-Oriented Development, and Mixed-Use themes.

- (c) the amendment does not:

(i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area; or

(ii) affect an area of less than two acres, except when adjusting boundaries between districts; or

(iii) benefit one or a few landowners at the expense of the surrounding landowners or the general public;

Applicant Response: The surrounding landowners are governmental or commercial and the prevailing use and character in the area is of an industrial, commercial and governmental nature. The site is not less than two acres and is in fact roughly 8 acres.

Staff Response: Staff concurs with the applicant, the proposal will not significantly change the institutional character of the area. The area of the amendment is greater than 2 acres, and the proposed development will not have negative impacts on neighboring properties.

- (d) an amendment is not required to conform with Subsection 14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification;

Applicant Response: Not applicable, but in fact there is a public advantage to maintain the development as a tennis center which had great benefit to the Santa Fe community.

Staff Response: Staff concurs with the applicant. There will be advantages to the public through the Tennis Center's programming by providing additional recreational opportunities for the general public and youth of Santa Fe. The Centers for Disease Control defines a healthy community as "A community that is continuously creating and improving those physical and social environments and expanding those community resources that enable people to mutually support each other in performing all the functions of life and in developing to their maximum potential." The Shellabarger Tennis Center has the potential to be a recreational resource for the University and Higher Education Center as well as the community at large.

- (e) compliance with extraterritorial zoning ordinances and extraterritorial plans;

Applicant Response: The proposed amendment complies generally with the Santa Fe Extraterritorial Land Use Authority Ordinance No. 2009-01, entitled "An Ordinance Establishing Subdivision, Platting, Planning and Zoning Rules within the Presumptive City Limits and within Unincorporated Areas of the County that are Subject to the Extraterritorial, Subdivision, Platting, Planning and Zoning Jurisdiction of the City of Santa Fe; Establishing Definitions; Providing for Transitional Provisions; Repealing Ordinance Nos. 1997-4, 1997-3, 1999-1, 1999-5, 2000-1, 2000-3" (SPPaZo).

Staff Response: Not applicable.

- (f) contribution to a coordinated, adjusted and harmonious development of Santa Fe that in accordance with existing and future needs best promotes health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development; and

Applicant Response: The proposed amendment will contribute to a coordinated, adjusted, and harmonious development of Santa Fe for the reasons set forth above.

Staff Response: Reuse of an existing Tennis facility to serve the community promotes to the contribution to a coordinated, adjusted and harmonious development. Any additional development on the site will be thoroughly vetted through additional public review processes.

- (g) consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.

Applicant Response: The application is in conformance with all other City policies.

Staff Response: Reuse of an existing Tennis facility to serve the community promotes a coordinated, adjusted and harmonious development. Any additional development on the site will be thoroughly vetted through additional public review processes.

IV. CHAPTER 14 REZONING CRITERIA

Section 14-3.5 (C) of the Land Development Code sets forth approval criteria for rezoning as follows:

(C) **Approval Criteria**

(1) The planning commission and the governing body shall review all rezoning proposals on the basis of the criteria provided in this section, and the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:

(a) one or more of the following conditions exist:

(i) there was a mistake in the original zoning;

Applicant Response: *At the time that the City provided a zoning category and a land use designation for the already existing College of Santa Fe, there was apparently no effort made at creating an appropriate zoning category for an existing college and its accessory uses. The college campus (now the Santa Fe University of Art and Design) is categorized as public/institutional in the general plan and has an R-5, residential zoning for the entire campus which includes the Shellabarger Tennis Center. At the time the city's original zoning code was created, a zoning category could also have been created to cover the educational and accessory uses for a college campus including the now existing Shellabarger Tennis Center. Alternatively without the creation of a new zoning category, the property should have been designated general commercial.*

Staff Response: *No mistake was made in the original zoning for the College of Santa Fe campus. A private institution of higher learning was permitted as a "Special Exception" in residential districts.*

(ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or

Applicant Response: *There has been a change in the surrounding area where the Shellabarger Tennis Center is located altering the character of the area. The Tennis Center is surrounded by commercial or industrial uses. To the west and south of the Tennis Center are governmentally owned properties containing some prefabricated metal buildings, heavy equipment and property owned by the City of Santa Fe for governmental (procurement and purchasing) services. To the east and north of the Tennis Center is the Santa Fe University of Art and Design campus, owned by the City of Santa Fe and leased by the University. To the east is a parcel of property that has been sold to the Santa Fe Community College for the development of an educational campus to be used by multiple educational entities. There is no residential development surrounding the Tennis Center Property.*

Staff Response: *As the applicant points out in the response, much has changed in this portion of town and in and around the campus. The College of Santa Fe has grown, and other governmental entities surround the property. There will be very few external impacts to the immediate neighbors due to the fact that the Tennis Center will be complementary with those uses. If any additional development is anticipated on the Tennis Center site, a condition of approval requires Development Plan review and a public hearing process.*

- (iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans;

Applicant Response: *The C-2, general commercial category is more advantageous to the community as the appropriate zoning for the Tennis Center. This zoning classification will allow the Tennis Center to be maintained as a tennis center and recreational facility and to be improved as such. The C-2, general commercial zoning category is the only zoning classification in the city that allows the current use as a recreational facility. In order to procure financing for the Tennis Center, to rebuild or repair the center should it be damaged or destroyed, and to improve the Tennis Center, the C-2 zoning is required.*

The advantages of maintaining the Tennis Center with its current uses is a tremendous asset to the Santa Fe community. In addition to being a premier tennis facility for its members and providing year-round recreational opportunities, the Tennis Center is a site for high school tennis team training and tournaments, summer camps for younger children, the site of national tournaments such as the recently held (SLAM) tournament bringing visitors and nationally ranked players to the center. The Tennis Center also serves as the site for non-profit activities such as the First Serve program that provides tutoring and physical activities, to include tennis, to inspire and encourage students to further their education and promote mental discipline through tennis instruction.

Staff Response: *The General Plan amendment addresses the need to be consistent with the policy direction of the General Plan. To enable the Tennis Center to continue to operate, a commercial zoning category is not only most appropriate given what is permitted by current code, it is the only zoning district that allows a commercial recreational facility as a permitted use, other than Business Industrial Park, which permits much more intense uses than the commercial zoning district. There will be benefits to the Santa Fe community and tot he existing Santa Fe University of Art and Design campus through the tennis programming. Additionally, there have been conditions placed on the approval that will ensure public input in the event the Tennis Center substantially expands.*

- (b) all the rezoning requirements of Chapter 14 have been met;

Applicant Response: *All of the other rezoning requirements of Chapter 14 have been met by the applicant.*

Staff Response: *No deficiencies to Chapter 14 compliance were identified by the Development Review Team.*

- (c) the rezoning is consistent with the applicable policies of the general plan, including the future land use map;

Applicant Response: *The rezoning is consistent with the policies of the general plan including the future land use map as this property is designated as public/institutional that allows for facilities of a unique public character. The public/institutional definition in the general plan also provides that where uses already exist on lands designated public/institutional on the future land use map, they are encouraged to remain on the site. Nevertheless, the applicant is proposing an amendment to the general plan for designation of this property as Community Commercial.*

Staff Response: *This request is consistent with the following General Plan Themes:*

Quality of Life: *Enhance the quality of life of the community and ensure the availability of community services for residents.*

Economic Diversity: *Permitting the subject property to be used as a gallery or office, in addition to residentially, increases job opportunities and promotes the arts and small business.*

Character: *Maintain and respect Santa Fe's unique personality, sense of place, and character.*

Community-Oriented Development: *Orient new development to the community; foster public life, vitality, and community spirit.*

Mixed-Use: *Providing a mix of uses in existing neighborhoods affirms Santa Fe's traditional development pattern.*

- (d) the amount of land proposed for rezoning and the proposed use for the land is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the city; and

Applicant Response: *The parcel size that is the subject of the rezoning application is approximately 8 acres and is therefore consistent with city policy regarding the size of the parcel for rezoning. The use proposed for the site is consistent with city policies and the applicant is proposing a general plan amendment to change the designation on the future land use to commercial for this property. The lot size is sufficient to accommodate the existing Tennis Center and additional related and complimentary development to the Tennis Center.*

Staff Response: *The site is located within Santa Fe's urban area and is consistent with City's policies regarding the provision of urban land. Although the subject parcel is being changed from residential to commercial, the existing use is already non-residential and therefore the change in zoning would not remove the opportunity to develop residential uses.*

- (e) the existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development.

Applicant Response: *The Tennis Center was constructed and completed in 2002 and was an infill project at that time. Any necessary infrastructure was in existence or was fully developed when the Tennis Center was constructed and has met the needs of the Tennis Center since that time.*

Staff Response: *As was revealed by the Development Review process, the site is currently served by all forms of infrastructure, including water, sewer and public roadways for the current use. In the event that the vacant portions of the site are developed, a condition of approval requires additional Planning Commission review and an analysis of traffic impacts based on actual future uses.*

- (2) Unless the proposed change is consistent with applicable general plan policies, the planning commission and the governing body shall not recommend or approve any rezoning, the practical effect of which is to:

- (a) allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area;

Staff Response: *The use will not change the character of the neighborhood, and if any redevelopment is proposed a Development Plan review with public input will be required.*

- (b) affect an area of less than two acres, unless adjusting boundaries between districts; or

Staff Response: *The proposed rezoning will affect an area of 8.62 acres, which is greater than 2 acres.*

- (c) benefit one or a few landowners at the expense of the surrounding landowners or general public.

Staff Response: *This application, although it will benefit one landowner, does not do so at the expense to the surrounding landowners or the general public. In fact, the proposal will be a community benefit.*

(D) Additional Applicant Requirements

- (1) If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;

Staff Response: *The proposed development is accommodated by existing utility infrastructure. Any further development on the property will be required to assess traffic impacts and make any required improvements to on-site or off-site infrastructure as determined at that time.*

- (2) If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.

Staff Response: *There is no need for additional streets, sidewalks or curbs associated with this rezoning request. If there is additional development on the site, further analysis through a Development Plan Amendment will be required to determine whether public improvements are required.*

VI. CONCLUSION

Based on the analysis above, Staff recommends **APPROVAL** for the proposed General Plan Amendment and Rezoning, with the following conditions:

1. If any major changes are contemplated to the site (other than routine maintenance or interior renovations), the applicant shall request a Development Plan Amendment subject to Planning Commission review and approval.
2. The existing development plan illustrates the construction of a trail in Phase 3. The applicant shall contribute to the construction of related off-site trails at a 1:1 ratio in lieu of building an on-site trail at the time of any future Development Plan Amendment.
3. When any additional development occurs on the site, a traffic study will be required that consider the proposed and potential uses in the C-2 zone. Depending on what the traffic study reveals, additional infrastructure improvements may be required at that time.

4. ATTACHMENTS:

EXHIBIT A: Conditions of Approval

EXHIBIT B: List of Uses, Bill, Development Review Team (DRT) Memoranda

1. List of General Commercial Uses
2. Rezoning Bill
3. Current Planning Division Request for Additional Information
4. Traffic Engineering Memorandum, Sandra Kassens
5. Addressing Memorandum, Marisa Struck
6. Fire Department Memorandum, Reynaldo Gonzales
7. Water Division, Antonio Trujillo
8. City Engineer for Land Use, RB Zaxus
9. Wastewater Division Memorandum, Stan Holland
10. Updated Traffic Engineering Memorandum, John Romero

EXHIBIT C: Maps

1. Aerial
2. Current Zoning
3. Future Land Use Map

EXHIBIT D: ENN Materials

1. ENN Meeting Notice
2. ENN Responses to Guidelines
3. ENN Meeting Summary 3-19-12

EXHIBIT E: Applicant Submittals

1. Transmittal Letter
2. Rezoning Plat

City of Santa Fe, New Mexico

Exhibit A

Conditions of Approval

Shellabarger Tennis Center-Conditions of Approval

Planning Commission

Case #2012-52 and #2012-53 General Plan Amendment to Community Commercial and Rezone to C-2

Conditions	Department	Staff
Fire Department: 1. Shall Comply with International Fire Code (IFC) 2009 Edition. 2. Shall meet fire department access for C-2 zoning. 3. Shall have 20 feet road width for fire department access.	Fire Department	Rey Gonzales
Traffic Engineering: 1. When any additional development occurs on the site, a traffic study will be required that consider the potential uses in the C-2 zone. Depending on what the traffic study reveals, additional infrastructure improvements may be required at that time.	Traffic Engineering	John Romero
Roadway and Trails Engineering: 1. The existing development plan illustrates the construction of a trail in Phase 3. The applicant shall contribute to the construction of related off-site trails at a 1:1 ratio in lieu of building on-site trail at the time of any future Development Plan Amendment.	Roadway & Trails Engineering	Eric Martinez
Current Planning: 1. Any development on the site, beyond maintenance and repair, shall require a Development Plan Amendment subject to Planning Commission review and approval.	Current Planning	Heather Lamboy

City of Santa Fe, New Mexico

Exhibit B

List of C-2 Uses

Rezoning Bill

Development Review Team Memoranda

C-2 General Commercial District

The C-2 general commercial district includes areas along *streets* carrying large volumes of traffic where commercial uses are appropriate. Regulations are designed to guide future additions or changes so as to discourage extension of existing and formation of future strip *commercial development*, to preserve the carrying capacity of the *streets* and to provide for *off-street parking* and loading.

Permitted Uses

1. Adult day care
2. Antique stores
3. Art supply stores
4. Arts & crafts schools
5. Arts & crafts studios, galleries & shops; gift shops for the sale of arts & crafts
6. Assembly & manufacturing (light)
7. Automobile service & repair including filling & repair stations
8. Automobile tire recapping & retreading
9. Banks & credit unions with drive-through ☼
10. Banks & credit unions without drive through
11. Bar, cocktail lounge, nightclub with outdoor entertainment ☼
12. Bar, cocktail lounge, nightclub, no outdoor entertainment
13. Barber shops & beauty salons
14. Bed & breakfast
15. Bookshops
16. Cabinet shops (custom)
17. Clubs & lodges (private) ☼
18. Colleges & universities (non-residential)
19. Commercial parking lots & garages
20. Commercial recreational uses & structures (theaters, bowling alleys, pool-rooms, driving ranges, etc)
21. Correctional group residential care facility ☼
22. Dance studios
23. Daycare; preschool; for infants & children
24. Department & discount stores
25. Electrical distribution facilities
26. Electrical substation
27. Electrical switching station
28. Electrical transmission lines
29. Exercise, spas, gym facilities
30. Flea markets
31. Florist shops
32. Funeral homes or mortuaries
33. Furniture stores
34. Grocery stores (neighborhood)
35. Hotels, motels, residential suite hotels
36. Human service establishments ☼

37. Kennels ☼
38. Laboratories; research experimental & testing
39. Laundromats (neighborhood)
40. Lodging facilities; conference & extended stay
41. Medical & dental offices & clinics
42. Museums
43. Neighborhood & community centers (including youth & senior centers)
44. Non-profit theaters for production of live shows
45. Nursing; extended care convalescent, recovery care facilities
46. Office equipment sales & service; retail sales of office supplies
47. Office; business & professional (no medical, dental or financial services)
48. Personal care facilities for the elderly
49. Personal service establishments (including cleaning, laundry, appliance repair & similar services)
50. Pharmacies or apothecary shops
51. Photographers studios
52. Public parks, playgrounds, playfields
53. Religious assembly (all)
54. Religious, educational & charitable institutions (no school or assembly uses) ☼
55. Rental; short term
56. Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area ☼
57. Restaurant with drive-through, drive-up ☼
58. Restaurant; fast service, take out, no drive through or drive-up
59. Restaurant; full service, with or without incidental alcohol service
60. Retail establishments not listed elsewhere
61. Schools; Elementary & secondary (public & private) ☼
62. Sign shops
63. Tailoring & dressmaking shops
64. Time share vacation projects
65. Utilities (all, including natural gas regulation station, telephone exchange, water or sewage pumping station, water storage facility)
66. Veterinary establishments, pet grooming ☼
67. Vocational or trade schools (non-industrial)
68. Wholesale & distributing operations (under 3,000 square feet of storage)

☼ Requires a **Special Use Permit** if located within 200 feet, excluding rights-of-way, of residentially zoned property.

Special Use Permit

The following uses may be conditionally permitted in C-2 districts pursuant to a Special Use Permit:

1. Boarding, dormitory, monastery
2. Cemeteries, mausoleums & columbaria
3. Colleges & universities (residential)

4. Continuing care community
5. Group residential care facility
6. Group residential care facility (limited)
7. Hospitals
8. Mini storage units
9. Sheltered care facilities
10. Storage; individual storage areas within a completely enclosed building
11. Transit transfer facilities

Accessory Uses

The following accessory uses are permitted in C-2 districts:

1. Accessory dwelling units
2. Accessory structures, permanent, temporary or portable, not constructed of solid building materials; covers; accessory structures exceeding 30 inches from the ground
3. Barbecue pits, swimming pools (private)
4. Children play areas & equipment
5. Daycare for infants & children (private)
6. Garages (private)
7. Greenhouses (non-commercial)
8. Home occupations
9. Incidental & subordinate uses & structures
10. Residential use ancillary to an approved use
11. Utility sheds (within the rear yard only)

Dimensional Standards

Minimum district size	None. 14-7.5(D)(8)(c) C-2 District Qualifying <i>private open space</i> is required for each ground-floor <i>dwelling unit</i> at a minimum of twenty-five percent of the total <i>gross floor area</i> of that unit. <i>Dwelling units</i> located above commercial units are not required to provide <i>private open space</i> .
Maximum height:	45
Minimum setbacks:	
Non-residential uses:	Street 5; side 0, rear 10 Where rear yard abuts a residential neighborhood no less than 25 feet rear yard setback shall be provided or 20% of the depth of the lot, whichever is less. A 15 foot buffer is required for non-residential uses adjacent to residential uses.
Max lot cover:	60

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2012-__

AN ORDINANCE

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;
CHANGING THE ZONING CLASSIFICATIONS FOR THE "SHELLABERGER
TENNIS CENTER" PARCEL; CHANGING 8.616± ACRES FROM RESIDENTIAL-5
(RESIDENTIAL, 5 DWELLING UNITS PER ACRE) TO COMMERCIAL-2
(GENERAL COMMERCIAL), AND PROVIDING AN EFFECTIVE DATE WITH
RESPECT TO A CERTAIN PARCEL OF LAND COMPRISING 8.616± TOTAL
ACRES, LOCATED IN THE VICINTY OF ALUMNI DRIVE AND SIRINGO ROAD,
AND LYING WITHIN TOWNSHIP 17N, RANGE 9E, SECTION 34, NEW MEXICO
PRIME MERIDIAN, TRACT E COLLEGE SUBDIVISION, CITY OF SANTA FE,
SANTA FE COUNTY, STATE OF NEW MEXICO. ("SHELLABERGER REZONING,"
CASE NO. 2012-53).**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. That a certain parcel of land comprising 8.616± acres (the "Property")
located within Township 17N, Range 9E, Section 34, New Mexico Prime Meridian, Santa Fe
County, State of New Mexico, of which approximately 8.616± acres are located within the

1 municipal boundaries of the City of Santa Fe, and are restricted to and classified as Commercial-2
2 (C-2) as described in the zoning map attached hereto [EXHIBIT A] and incorporated herein by
3 reference.

4 **Section 2.** The official zoning map of the City of Santa Fe adopted by
5 Ordinance No. 2001-27 is hereby amended to conform to the changes in zoning
6 classifications for the Property set forth in Section 1 of this Ordinance.

7 **Section 3.** This rezoning action and any future development plan for the Property is
8 approved with and subject to the conditions set forth in the table attached hereto [EXHIBIT B]
9 and incorporated herein summarizing the City of Santa Fe staff technical memoranda and
10 conditions recommended by the Planning Commission on June 7, 2012.

11 **Section 4.** This rezoning action is subject to the time restrictions set forth in Section
12 14-3.5(D)(1) SFCC 1987 (Two-year Review/Recission). Resolution 2010-34 has extended
13 zoning approvals for a limited duration of time.

14 **Section 5.** This Ordinance shall be published one time by title and general summary
15 and shall become effective five days after publication.

16
17 **APPROVED AS TO FORM:**

18
19 _____
20 GENO ZAMORA, CITY ATTORNEY
21
22
23
24
25
26



City of Santa Fe Land Use Department Request for Additional Submittals

Project Name	Shellabarger Tennis Center
Project Location	1600 St Michael's Drive (at rear of Santa Fe University of Art and Design campus, in the vicinity of Yucca and Siringo Roads)
Project Description	Rezone to C-2
Applicant / Owner	Eric Rose and Sam Hitman
Agent	Scott Hoeft, Santa Fe Planning Group
Pre-App Meeting Date	December 15, 2011
ENN Meeting Date	Monday, March 19, 2012
ENN Meeting Location	Shellabarger Tennis Center, 1600 St Michael's Drive
Application Type	Rezoning

Notes/Comments:

The biggest issues raised with the preliminary review of the Shellabarger rezoning were related to the potential uses of the site. Although you are trying to make your use conform to the code, the large acreage raises the questions about the most intensive use possible in the future. It is the City's obligation to plan for the highest and best use in order to best plan the infrastructure and accommodate for that growth. Both water and wastewater infrastructure exists to serve the site in its current form as well as if it were redeveloped. However, the roadways and planning for fire protection fall short (please review comments).

We have worked to address the concerns of the Fire Department through the removal of the gate at Alumni Drive, and addressing the site off Alumni Drive. I will follow up with the Fire Department staff, as we proceed through this process, to determine whether concerns have been addressed. Included in this packet is recent correspondence regarding this matter.

Perhaps the most challenging issue yet to be dealt with is related to traffic engineering. In the attached email correspondence, Ms. Kassens identifies the need for a traffic study if the site were to be rezoned to commercial. Tamara Baer and I discussed this issue at length with Eric Rose at our meeting last week.

One unresolved issue as of the writing of this correspondence is the issue of the "future trail" as identified on the Shellabarger development plan. That trail has not yet been built, which was identified for construction on the Development plan on or before the end of 2011 (Phase 3 improvements). I have had preliminary discussions with the Roadways and Trails engineer regarding this issue, and we have determined that we must research this matter further.

Finally, once all of these issues are addressed, it still does not deal with the fact that the neighborhood is very concerned about the introduction of commercial zoning at the site. We have discussed other options to deal with the issue without introducing commercial zoning, including the creation of a Special Use category for private recreational facilities that would be a permitted use in the residential zoning districts, the creation of an institutional zoning district, or modification of the nonconforming use regulations. You must weigh the options and determine the best path forward, realizing that there are risks associated if you proceed forward with the C-2 zoning district.

LAMBOY, HEATHER L.

From: MOODY, SEAN
Sent: Tuesday, July 10, 2012 10:46 AM
To: LAMBOY, HEATHER L.
Cc: MARTINEZ, LISA D.
Subject: Shellabarger - General Plan Amendment

Hello Heather,

The proposed General Plan amendment is a crucial opportunity for City to assure that public utilities are available and accessible to this parcel. In particular because the parcel had once been integral within the college campus, easements had never been perfected for water, sewer and electrical services. Unless these easements are perfected, the City cannot be assured of the parcel's continued access to its existing services, regardless of whether new development occurs on the site. Also, because of the interdependency of abutting parcels upon these same utilities, future redevelopment of those parcels may in turn inadvertently be impeded. Therefore I recommend that the perfection of utility easements be a pre-condition for the General Plan amendment rather than of the site's future development.

Water

My understanding is that the 10" water line shown on the attached drawing has not as yet been "accepted" by the Water Department as part of the City-owned system, nor has an easement acceptable to the Water Department been recorded. The easement is necessary not only for this landowner, but also abutting landowners including the City (college campus), the State (Tracts O, A, B and D) and the Community College (Tract C). Future development of these parcels would require extension of the 10" line to complete a loop around the perimeter of the campus. The extension would include work strictly within the Shellabarger parcel. Thus an easement is necessary independent of any future development by the Shellabarger landowner.

Sewer

I am unaware of either a private or public utility easement for the sewer service line which crosses the abutting State-owned parcel to the southwest.

Electrical

Shellabarger's electrical service enters across the City-owned campus to the northeast without an associated easement. The City or any future landowner of the campus could effectively terminate the connection whether or not development occurs on the Shelleberger parcel.

Data/Com/Gas

I have not researched these utilities but recommend they be investigated further. (I think they are OK.)

Thanks.

Sean Moody
Economic Development Division
505.955.6350

08/02/2012

City of Santa Fe, New Mexico

memo

DATE: July 25, 2012

TO: Heather Lamboy, Planning and Land Use Department

VIA: John Romero, Traffic Engineering Division Director *J*

FROM: Sandra Kassens, Traffic Engineering Division *SK*

SUBJECT: Shellabarger Tennis Center General Plan Amendment. Shellabarger Tennis Center, Rezoning to C-2. (Case #2012-47/48.)
(To replace memo dated 5-18-12)

ISSUE

Santa Fe Planning Group, agent for Eric Rose and Sam Hitman, requests approval of a General Plan Future Land Use Map Amendment to change the designation of 8.62± acres of land from Public/Institutional to Community Commercial. The developer is additionally requesting rezoning of 8.62± acres of land from R-5 (Residential, 5 dwelling units per acre) to Commercial-2 (C-2, General Commercial). The property is located north of the Siringo Road and Yucca Drive Intersection, within the Santa Fe University of Art and Design Campus.

RECOMMENDED ACTION:

Review comments are based on submittals received on April 18, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:

1. The Developer has not provided a Traffic Study, because no new development will occur at this time. At the time of Development a Traffic Study will be required. The amount of development may be limited by potential impacts on the local roadway network.
2. The Developer shall replace street name signs at the intersection of Siringo and Yucca to include both Yucca St. and the private road to the north of Siringo Rd. Design and placement of signs to be reviewed and approved by the City of Santa Fe Public Works Department.

If you have any questions or need any more information, feel free to contact me at 955-6697. Thank you.

LAMBOY, HEATHER L.

From: KASSENS, SANDRA M.
Sent: Thursday, April 26, 2012 10:48 AM
To: ZAXUS, RISANA B.; BAER, TAMARA; LAMBOY, HEATHER L.
Cc: ROMERO, JOHN J
Subject: Shellaberger Tennis Center-Add Submittals
To: Heather, Tamara, and R.B.:

Per discussions John had with Heather and Tamara on Tuesday, John asked me to send you all an email to address the need for additional submittals for the Shellaberger Tennis Center.

John said that as he sees it, there are three ways to proceed in this case:

1. For the currently requested re-zone to C-2; the Developer shall provide a Traffic study for the potential uses allowed in a C-2 Zone; or
2. The code could be changed to allow this property to remain a residential zone, with a special exception for the use as a Tennis Center; or
3. The code could be changed for a legally non-conforming use, so that in the case of a catastrophic event, (e.g. fire or flood) the facility (structures) could be replaced in kind with the same legally non-conforming use as prior to the catastrophic event, (in order to allow owners to obtain insurance more readily for their properties).

For scenario 1, Rezoning from Residential to C-2 would require the developer to provide a Traffic Study. The remaining two potential scenarios, if they prove feasible, would not require a traffic study.

Should the developer proceed with the zone change, then a scoping meeting should be set up with John Romero prior to conducting the traffic study.

Do not hesitate to contact me should you have questions, and John will be back in the office on Monday, April 30, 2012.

Yours truly,

Sandy

Sandra Kassens, Engineer Assistant
Public Works Dept., Traffic Engineering
City of Santa Fe
PO Box 909
Santa Fe, NM 87504

(505) 955-6697
fax (505) 955-6439
smkassens@ci.santa-fe.nm.us

04/27/2012

LAMBOY, HEATHER L.

From: STRUCK, MARISA L.
Sent: Monday, April 30, 2012 11:03 AM
To: LAMBOY, HEATHER L.
Subject: FW: Address at the Shellabarger Tennis Center
See please email below .

Marisa L Sargent Struck (Master in Construction)
Planner Tech. Senior
Public Records Request Coordinator/LUD
Addressing Office/B.Permit D./LUD/City of SF
PO Box 909, 200 Lincoln Ave.SF, NM 87504-0909
O: 505-955-6661 F: 505-955-6829
mlstruck@santafenm.gov

-----Original Message-----

From: GONZALES, REYNALDO D.
Sent: Friday, April 27, 2012 3:06 PM
To: VIGIL, EDWARD J.; STRUCK, MARISA L.
Cc: CORTEZ, YOLANDA J.; OREILLY, MATTHEW S.; BAER, TAMARA
Subject: FW: Address at the Shellabarger Tennis Center

Marisa here is what we discussed I did let Eric know that you would follow suit with the GIS issue on getting the address on the maps once its gone through the proper channels. Please let me know if there is anything else I can do on my end.

-----Original Message-----

From: Eric Rose [mailto:eric@gatestenniscenter.info]
Sent: Thursday, April 26, 2012 4:49 PM
To: GONZALES, REYNALDO D.
Subject: Address at the Shellabarger Tennis Center

Hello Reynaldo,

Nice meeting with you earlier today. I wanted to send you an email so that you will have my contact information. Also, below is a recap of the meeting based on my recollection.

1. **The street needs to be clearly identified with a street sign:** I believe Scott was going to contact John Romero in the traffic division regarding the process for getting this done.
2. **The address needs to be obtainable by GIS:** Rey said he will contact the GIS division and take care of this.
3. **Road needs to be maintained:** I spoke with Marisa in Land Use after our meeting, it is my understanding that it is up to the University to maintain this road. I sent an email to Peter Romero, Director of Facilities/Security at the Santa Fe University of Art & Design, to see if he would write a letter stating that he maintains this road. Once I have this letter I should provide it to the Fire Department.

04/30/2012

City of Santa Fe, New Mexico

memo

DATE: April 20, 2012

TO: Case Manager: Heather Lamboy

FROM: Reynaldo Gonzales, Fire Marshal 

SUBJECT: Case # 2012-47, 2010-48 Shellabarger Tennis Center

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to approval by Planning Commission. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

1. Shall Comply with International Fire Code (IFC) 2009 Edition.
2. Shall meet fire department access for C-2 zoning.
3. Shall meet water supply requirements for C-2 zoning.
4. Shall have 20 feet road width for fire department access.

City of Santa Fe
memo

DATE: April 25, 2012
TO: Heather Lamboy, Land Use Planner, Land Use Department
FROM: Antonio Trujillo, *A* Water Division Engineer
SUBJECT: Case #'s 2012-47, 2012-48 – Shellabarger Tennis Center

No additional submittals are required for these cases. Water infrastructure in place can currently serve the existing tennis center. If the property is redeveloped, the existing infrastructure will need to be evaluated for redevelopment. There are no final comments that need to be addressed for these cases.

-----Original Message-----

From: TRUJILLO, ANTONIO J

Sent: Thursday, April 26, 2012 1:18 PM

To: LAMBOY, HEATHER L.

Subject: FW: Shellaberger Fire flow

FYI.

Antonio

505-.955.4266

-----Original Message-----

From: TRUJILLO, ANTONIO J

Sent: Thursday, April 26, 2012 11:55 AM

To: GONZALES, REYNALDO D.

Cc: 'scott hoeft'

Subject: Shellaberger Fire flow

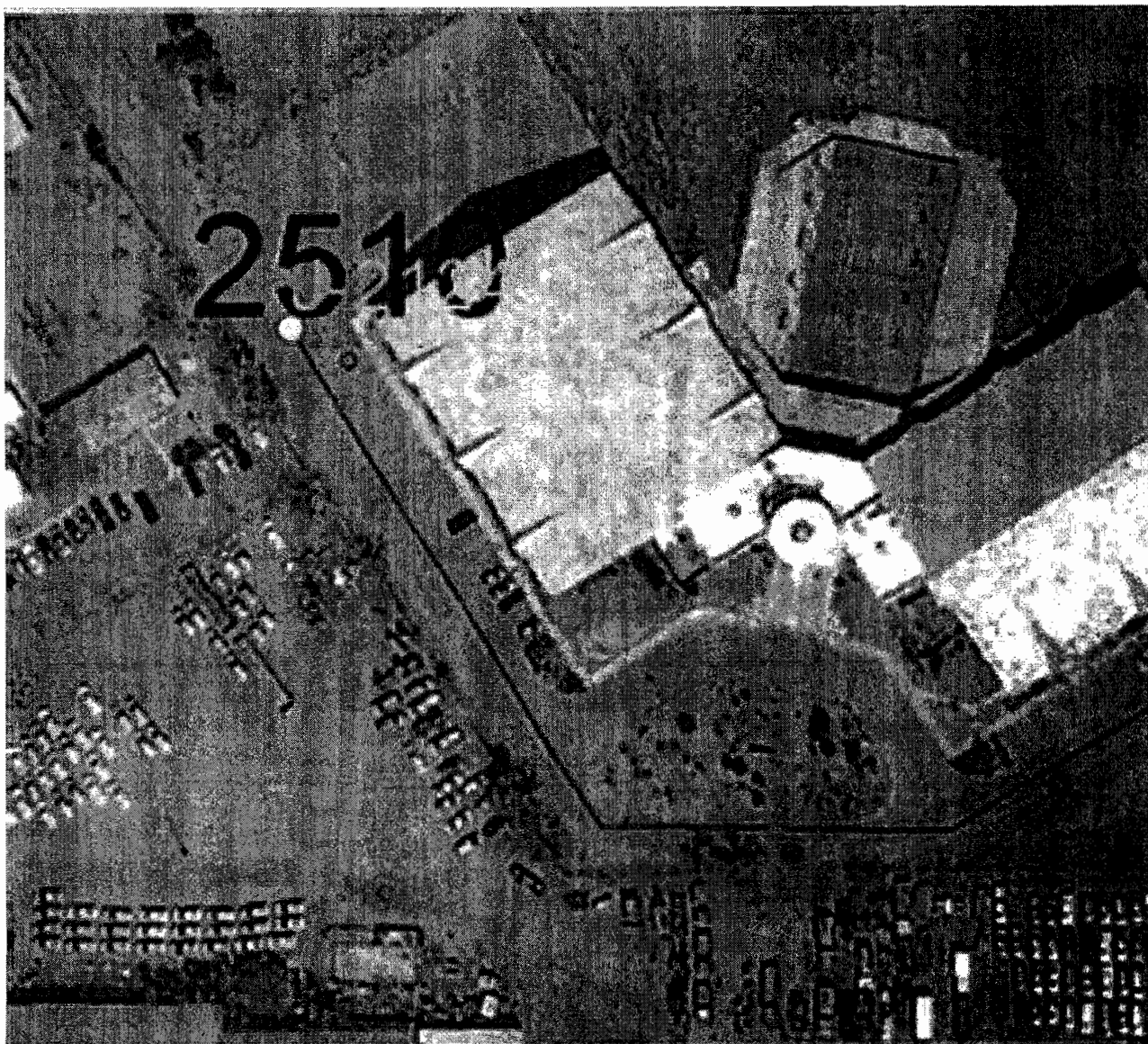
Rey,

Scott Hoeft was inquiring about the fire flow for the Shellaberger Tennis Center.

The fire flows available are as follows:

	Fire Hydrant	Flow	Residual Pressure	Total
Available				for
2 hydrants				
	2509	1500	94 psi	2500
gpm				
	2510	1500	94 psi	

Please let me know if you need any additional analysis.



J. Antonio Trujillo, PE
Water Division Engineering
City of Santa Fe
jatrujillo@santafenm.gov
voice 505.955-4266
fax 505.955-4275

City of Santa Fe, New Mexico

memo

DATE: April 26, 2012

TO: Heather Lamboy, Case Manager

FROM: Risana "RB" Zaxus, PE
City Engineer for Land Use

RE: Cases # 2012-47 and # 2012-48
Shellabarger Tennis Center General Plan Amendment &
Rezoning

I have no review comments on this General Plan Amendment and Rezoning.



MEMO

Wastewater Management Division DEVELOPMENT REVIEW COMMENTS

E-MAIL DELIVERY

Date: April 26, 2012

To: Heather Lamboy, Case Manager

From: Stan Holland, P.E.
Wastewater Management Division

Subject: Case 2012-47&48 Shellabarger tennis Center General Plan Amendment and Rezoning

There are no design review comments from the Wastewater Division for the Applicant to address for this project at this time.

City of Santa Fe, New Mexico

memo

DATE: May 18, 2012

TO: Heather Lamboy, Planning and Land Use Department

VIA: John Romero, Traffic Engineering Division Director *JR*

FROM: Sandra Kassens, Traffic Engineering Division *SK*

SUBJECT: Shellabarger Tennis Center General Plan Amendment. Shellabarger Tennis Center, Rezoning to C-2. (Case #2012-47/48.)

ISSUE

Santa Fe Planning Group, agent for Eric Rose and Sam Hitman, requests approval of a General Plan Future Land Use Map Amendment to change the designation of 8.62± acres of land from Public/Institutional to Community Commercial. The developer is additionally requesting rezoning of 8.62± acres of land from R-5 (Residential, 5 dwelling units per acre) to Commercial-2 (C-2, General Commercial). The property is located north of the Siringo Road and Yucca Drive Intersection, within the Santa Fe University of Art and Design Campus.

RECOMMENDED ACTION:

Review comments are based on submittals received on April 18, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:

1. The Developer has not provided a Traffic Study, because no new development will occur at this time. At the time of Development a Traffic Study will be required. The amount of development may be limited by potential impacts on the local roadway network.

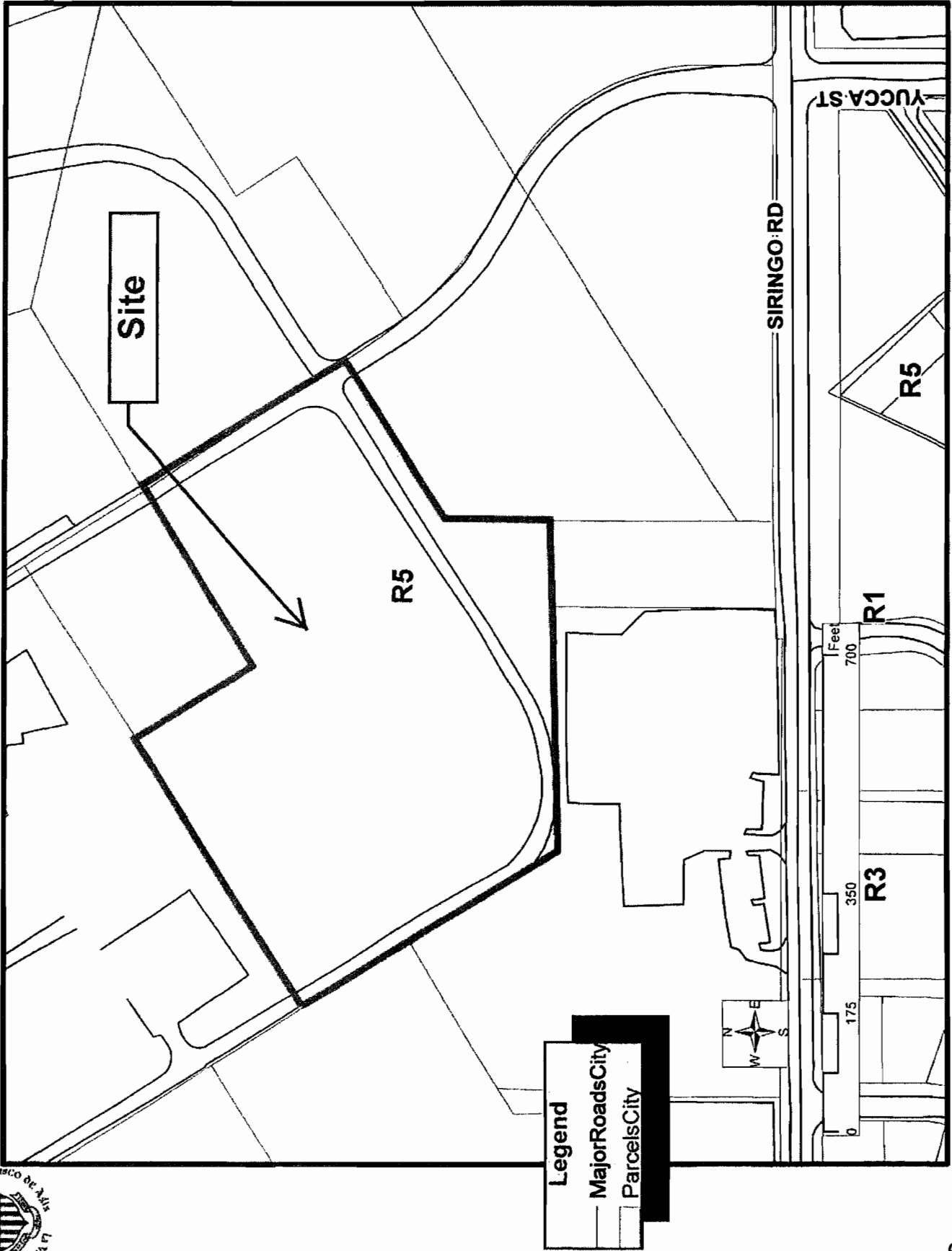
If you have any questions or need any more information, feel free to contact me at 955-6697. Thank you.

City of Santa Fe, New Mexico

Exhibit C

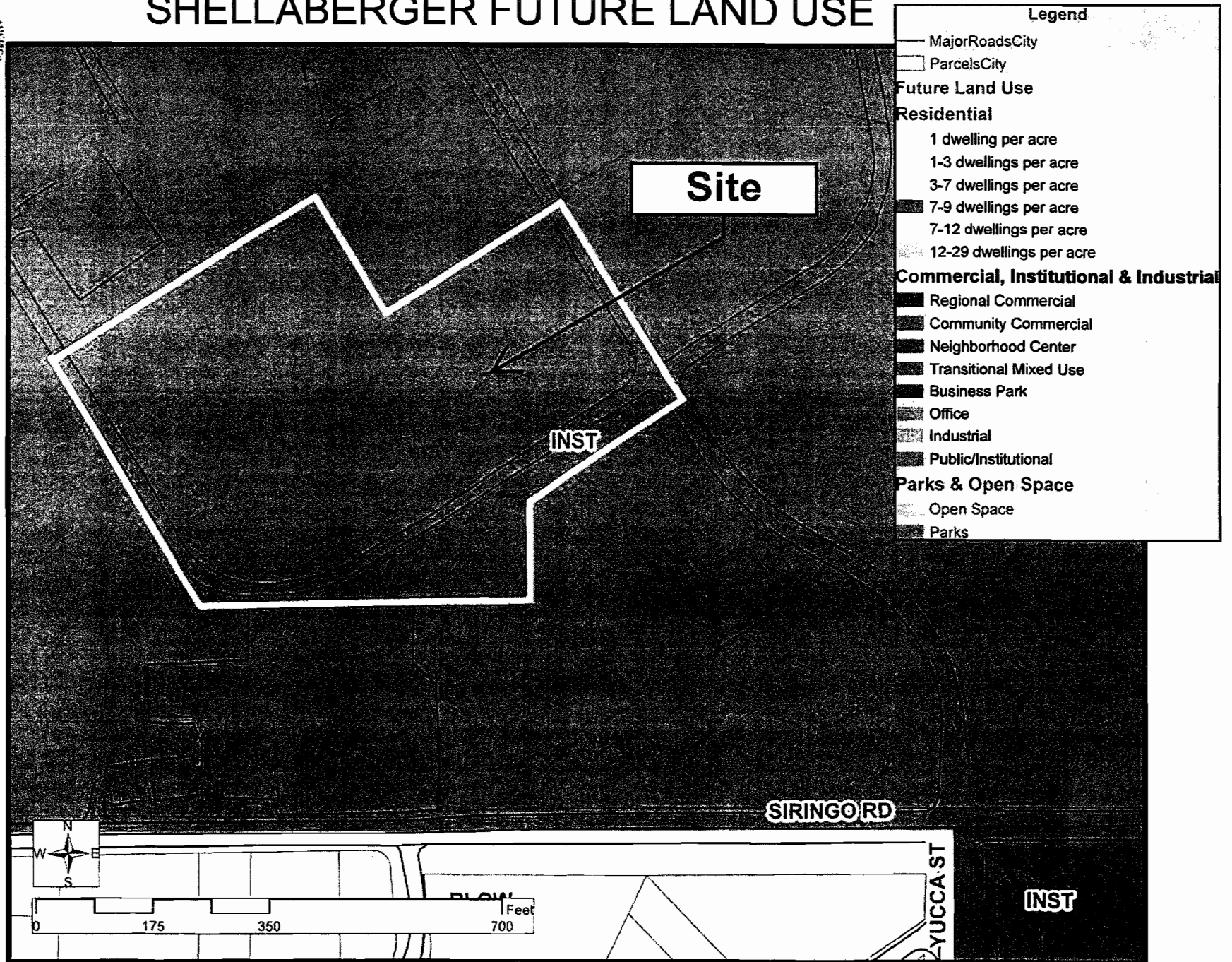
Maps:
Zoning
Future Land Use
Aerial

SHELLABERG R ZONING



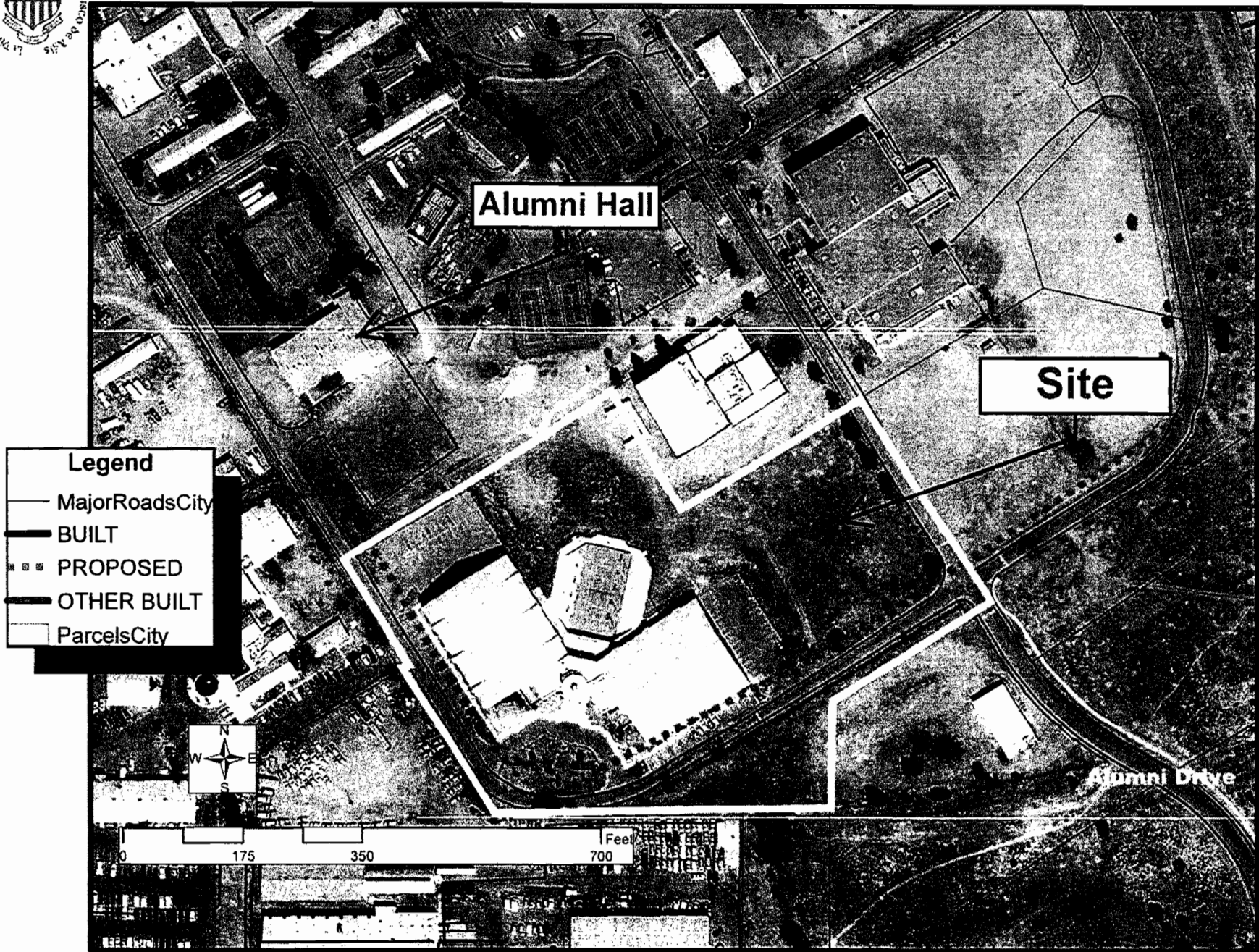


SHELLABERGER FUTURE LAND USE





SHELLABERGER AERIAL



City of Santa Fe, New Mexico

Exhibit D

**ENN Materials:
Meeting Notice
Responses to Guidelines
ENN Meeting Summary 3-19-12**



City of Santa Fe
Early Neighborhood Notification Meeting
Sign-In Sheet

Project Name: Shellabarger Meeting Date: 3/19/12
Meeting Place: Shellabarger Tennis Center Meeting Time: 6pm

Applicant or Representative Check Box below

	Name	Address	Email
<input type="checkbox"/>	1 Jackie Johnson	358 Galileo St.	jjohnson@obgjournal.com
<input type="checkbox"/>	2 Mary E. Schruben	2119 Rancho Suiño Rd	473-7898
<input checked="" type="checkbox"/>	3 Peter Romero	1600 St. Michael's Dr.	Peter.Romero@SantafeUniversity.edu
<input checked="" type="checkbox"/>	4 Tom Olmshead	" "	Thomas.Olmshead@santafeuniversity.edu
<input type="checkbox"/>	5 Rick Martinez	725 Mesilla Rd	morgmartinez@yahoo
<input type="checkbox"/>	6 Scott Hoeft		
<input type="checkbox"/>	7 Nancy Long	2200 Brothers Rd	nlong@nm.net
<input type="checkbox"/>	8		
<input type="checkbox"/>	9		
<input type="checkbox"/>	10		
<input type="checkbox"/>	11		
<input type="checkbox"/>	12		

For City use: I hereby certify that the ENN meeting for the above named project took place at the time and place indicated.

Heather Lambay
Printed Name of City Staff in Attendance

Heather Lambay
Signature of City Staff in Attendance

3/19/12
Date

This sign-in sheet is public record and shall not be used for commercial purposes.

SANTA FE PLANNING GROUP, INC.

P.O. Box 2482, Santa Fe, New Mexico 87504

505.983.1134; 505.983.4884 fax

EARLY NEIGHBORHOOD NOTIFICATION MEETING

March 01, 2012

Re: NEIGHBORHOOD MEETING

Dear Neighbor:

In accordance with the requirements of the City of Santa Fe's Early Neighborhood Notification regulations, this is to inform you that a meeting is scheduled for:

Time: 6:00 pm

When: Monday, March 19, 2012

Where: Shellabarger Tennis Center

Southwest corner; Campus of the Santa Fe University of Art & Design

Early Neighborhood Notification is intended to provide for an exchange of information between prospective applicants for developments projects and the project's neighbors before plans become too firm to respond meaningfully to community input.

The intent of the meeting is to discuss our plans to rezone the 8-acre site from R-5 special exemption to C-2 (commercial). The application will also include a General Plan Amendment from public/institution to Community Commercial.

Attached, please find a vicinity map and a proposed site plan. If you have any questions or comments, please contact Scott Hoeft at 505-983.1134 or email at scotthoeft@hotmail.com.

Attachment:

-Vicinity Map

-Site Plan



Print Form

Early Neighborhood Notification Meeting

Request for Staff Attendance

Submittals must be completed before the City will schedule the meeting date and staff for an ENN meeting. Meetings should be coordinated with the Land Use Department to ensure staff attendance, and meetings will not be scheduled on public hearing days including Board of Adjustment, BCD-DRC, Planning Commission and City Council hearing days.

DEVELOPMENT/PROJECT NAME: SHELLA BERGER TENNIS CENTER
(The same name shall be used throughout the ENN & application submittal process)

PROJECT LOCATION/ADDRESS: 1600 ST. MICHAELS
(Attach vicinity map and site plan)

APPLICATION TYPE:

☒ General Plan Amendment: From: public/institutional To: community ☐ Annexation: _____
☒ Rezoning From R-5 To: C-2 ☐ Preliminary Subdivision: Number of lots _____
☐ Preliminary Development Plan ☐ Final Subdivision: Number of lots _____
☐ Final Development Plan ☐ Variance _____
☐ Development Plan ☐ Special Exception _____
☐ Amended Development Plan ☐ Other _____

Detailed
Project
Description:

RE ZONE P-8-AL SITE w/ EXISTING
SHELLA BERGER TENNIS CENTER

DEVELOPMENT/PROJECT INFORMATION:

Neighborhood Association(s) w/in ^{300'} 200' of project (exclude R-O-W): NONE
Acreage: 8 Zone District: R-5 Future Land Use: public/institutional
Date of Pre-application meeting: FEB 2012

AGENT/OWNER INFORMATION:

AGENT: SCOTT HOEFT Address: P.O. BOX 2482
City: SANTA FE State: NM Zip Code: 87504 Phone: 4120309
OWNER: ERIC ROSE / SAM Address: 1600 ST. MICHAELS
HITMAN

PROPOSED ENN MEETING DATES: (Provide three (3) options)

	Preferred Option	Alternative 1	Alternative 2
DATE:	<u>MARCH 19</u>		
TIME:	<u>6:00</u>		
LOCATION:	<u>SHELLA BERGER TENNIS CENTER</u>		

Received by LUD on: Current Date 11/29/11

LUD Initials: _____

City of Santa Fe, New Mexico
PUBLIC MEETING NOTICE

General Plan Amendment & rezoning of an 8 acre parcel
from R-5 to C-2

Project Description

1600 St Michaels Drive, Tract E - Shellabarger Tennis Center

Project Location

ENN

Mar 19, 2012

5:30 PM

Type of Meeting

Date

Time

Shellabarger Tennis Center, 1600 St Michaels Dr

Meeting Location

Santa Fe Planning Group

Applicant/Agent

For Information Call: Current Planning 505.955.6585

Refer to Case:

Required to be posted and visible from a public street from

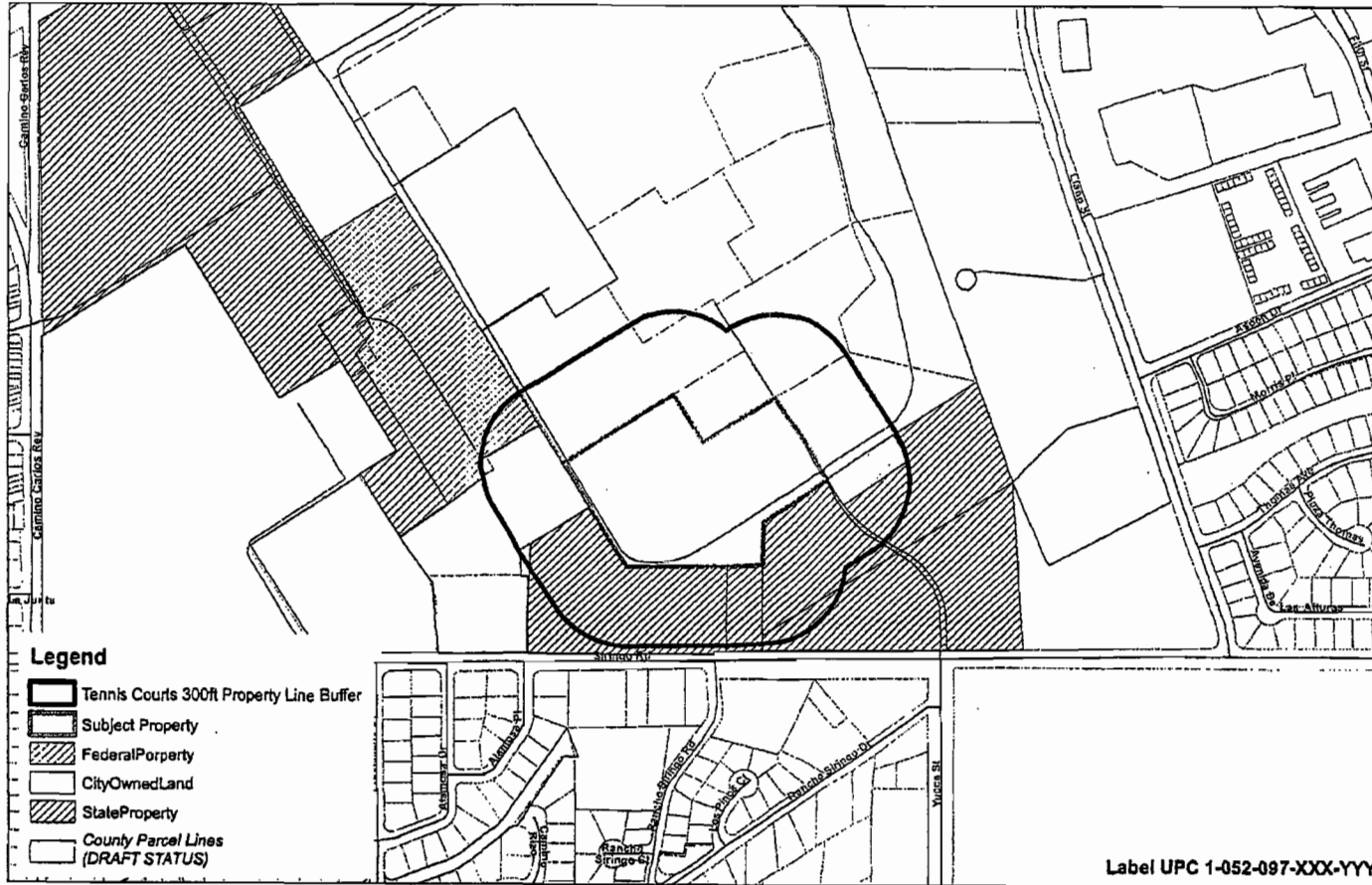
Mar 4, 2012

to

Mar 19, 2012

Date

Date



March 01, 2012

City of Santa Fe
P.O. Box 909
Santa Fe, NM 87501

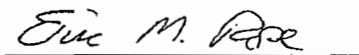
Re: Authorization to Act on behalf of Eric Rose and Sam Hitman; Shellabarger Tennis Center

Dear Sir/Madam:

Eric Rose and Sam Hitman, owners of the Shellabarger Tennis Center, of that certain real property located on the campus of the Santa Fe University of Art and Design, hereby appoint Scott Hoeft of Santa Fe Planning Group, Inc., as our duly authorized representative and agent for the purposes of representing us and acting on our behalf with respect to any and all land use issues and matters pertaining to the Property. Specifically, we authorize Mr. Hoeft, in our names and on our behalf, to communicate with City of Santa Fe staff and personnel regarding the Property, submit applications, attend and participate on behalf of and represent us in all public hearings or meetings, and handle such other matters with all applicable governmental authorities, including the City of Santa Fe, pertaining in any manner to the property, or any portion thereof.

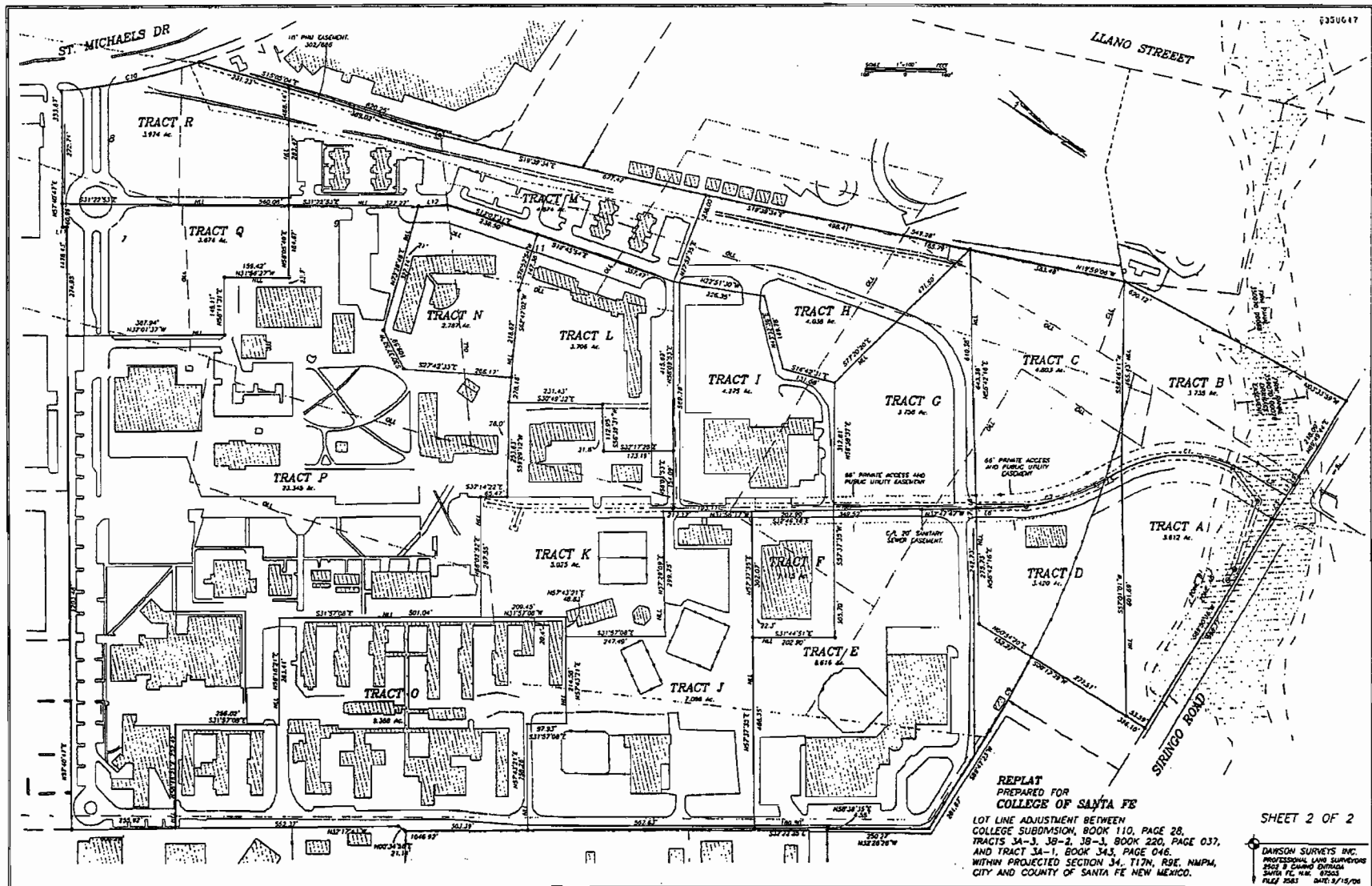
Thank you for your attention to and assistance in this matter.

Sincerely yours,


Eric Rose

Or:

Sam Hitman



General Services Department
Property Control Division
Joseph Montoya Bldg.
PO Box 6850
Santa Fe, NM 87502-0110

Santa Fe
National Forest
11 Forest Lane
Santa Fe, NM 87508

City of Santa Fe
200 Lincoln Ave
P.O. Box 909
Santa Fe, New Mexico 87504

Larry Hinz
College of Santa Fe
1600 St. Michaels Drive
Santa Fe, nm 87505

SANTA FE PLANNING GROUP, INC.

P.O. Box 2482, Santa Fe, New Mexico 87504

505.983.1134; 505.983.4884 fax

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Attached, please find a vicinity map and a proposed site plan. If you have any questions or comments, please contact Scott Hoeft at 505-983.1134 or email at scotthoeft@hotmail.com.

Attachment:
-Vicinity Map
-Site Plan

SHELLABERGER TENNIS CENTER SITE

RESPONSES TO EARLY NEIGHBORHOOD NOTIFICATION GUIDELINES

1. Effect on character and appearance of the surrounding neighborhoods.

The rezoning of the site will have no negative effect on the character and appearance of the surrounding neighborhoods. The site is largely built out with the Shellabarger Tennis Center which was constructed in 2002. The site is within the greater campus area of the Santa Fe University of Art and Design and is surrounded by commercial, institutional and governmental uses. There are no existing surrounding neighborhoods to the site. The neighboring properties, especially to the south of the site, are predominantly industrial in nature, consisting mostly of warehouse structures significantly lacking in aesthetic merit. There will be no negative effect on any surrounding residential neighborhoods, nor is there any effect on public places, open space or trails.

2. Effect on protection of the natural environment.

The proposed site contains the Shellabarger Tennis Center and is otherwise devoid of any significant features. In conjunction with the construction of the Tennis Center, on-site drainage was constructed. There are no historical structures, arroyos, flood plains or any such physical features in need of protection. The site is not within an escarpment district.

3. Impacts on any prehistoric, historic, archeological or cultural sites or structures, including the acequias and the historic downtown.

This guideline is not applicable to the site. The project is not within the BCD or a historic district. There are no archeological or cultural sites located on the property. The applicant will comply, as necessary, with any architectural review or requirements for any future development. There is no impact on any acequias.

4. Relationship to existing density and land use with the surrounding area and with the land uses and densities proposed by the City General Plan

The site is designated as "public/institutional" by the City General Plan and the surrounding areas are "community/commercial," "public/institutional" or "parks." The surrounding areas are institutional and industrial of a public nature. The General Plan encourages existing uses to remain on the site. The rezoning to C-2 is in compliance with the existing uses. Amending the General Plan to comport with the existing uses will conform the General Plan to that existing use.

5. Effects upon parking, traffic patterns, congestion, pedestrian safety, impact of the project on the flow of pedestrian or vehicular traffic and provision of access for the disabled, children, low income and elderly to services.

The existing development on the site addressed these items at the time of development and has adequate parking and access for the disabled. The existing development on the site complies with all requirements for parking and traffic. Any additional development will be required to address additional required parking and will be required to make provision for access for the disabled as well as address any traffic issues at the time of application. The existing Tennis Center has maintained a close relationship with the local community, and holds tennis camps and instruction for the youth of the community as well as allows its courts to be used by non-profit groups such as First Serve Santa Fe. First Serve provides academic tutoring as well as instruction in tennis as part of a program to serve the youth of the community in need of such services.

6. Impact upon the economic base of Santa Fe.

A rezoning of the property for the existing Tennis Center has a positive impact on the economic base of Santa Fe as an existing and viable business. The rezoning also serves to assure its long term viability in terms of financing and insurability as the current use of the property will be made compliant with the appropriate zoning category. The project fits with the goals of the community economic development plan by: creating a facility that fits with the character, resources and value systems of Santa Fe; allowing for responsible, directed growth; and increasing career opportunities on the site. The project is non-polluting; does not create high noise levels and is a positive attribute to the city.

7. Effect upon availability of affordable housing and availability of housing choices for all Santa Fe residents.

Not applicable.

8. Effect upon public services such as fire, police protection, school services and other public services or infrastructure elements such as water, power, sewer, communications, bus systems, commuter or other services or facilities.

All municipal services are available to and being used by the Tennis Center including water, electricity, gas and telephone. All required infrastructure exists on the site and there will be no increase in required public services.

9. Impacts on water supply, availability and conservation methods.

Water conservation measures such as low-flow plumbing fixtures are used in the Center. Run-off water is harvested for landscaping. Any increase in water usage will be

accounted for in accordance with the requirements of the water budget office and the development code.

10. Effect on opportunities for community integration and social balance through mixed land use, pedestrian oriented design, and linkages among neighborhoods and recreational activity and employment centers.

The effect of the Tennis Center has been positive in providing ample opportunities for recreation for the community as well as providing youth programs. Due to the location of the site there is no linkage with neighborhoods

11. Effect on Santa Fe's urban form.

The site is not large enough to have any real effect on Santa Fe's urban form. The Tennis Center is compatible with and complimentary to the surrounding buildings and development.



City of Santa Fe
Early Neighborhood Notification Meeting
Sign-In Sheet

Project Name: Shellabarger Meeting Date: 3/19/12
Meeting Place: Shellabarger Tennis Center Meeting Time: 6pm

Applicant or Representative Check Box below

↓		Name	Address	Email
<input type="checkbox"/>	1	Jacqui Johnson	358 Galileo St.	jjadina00@gmail.com
<input type="checkbox"/>	2	Mary E Schruben	2119 Rancho Suiño Rd	473-7898
<input checked="" type="checkbox"/>	3	Peter Romero	1600 St. Michael's Dr.	Peter.Romero@SantaFeUniversity.edu
<input checked="" type="checkbox"/>	4	Tom Olmstead	" " "	thomas.olmstead@santafeuniversity.edu
<input type="checkbox"/>	5	Rick Martinez	725 Mesilla Rd	morgmartinez@yahoo
<input type="checkbox"/>	6	Scott Hooft		
<input type="checkbox"/>	7	Nancy Long	2200 Brothers Rd	nlong@nm.net
<input type="checkbox"/>	8			
<input type="checkbox"/>	9			
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<input type="checkbox"/>	11			
<input type="checkbox"/>	12			

For City use: I hereby certify that the ENN meeting for the above named project took place at the time and place indicated.

Heather Lambay
Printed Name of City Staff in Attendance

Heather Lambay
Signature of City Staff in Attendance

3/19/12
Date

This sign-in sheet is public record and shall not be used for commercial purposes.



City of Santa Fe Land Use Department Early Neighborhood Notification Meeting Notes

<i>Project Name</i>	Shellabarger Tennis Center
<i>Project Location</i>	1600 St Michael's Drive (at rear of Santa Fe University of Art and Design campus, in the vicinity of Yucca and Siringo Roads)
<i>Project Description</i>	Rezone to C-2
<i>Applicant / Owner</i>	Eric Rose and Sam Hitman
<i>Agent</i>	Scott Hoeft, Santa Fe Planning Group
<i>Pre-App Meeting Date</i>	December 15, 2011
<i>ENN Meeting Date</i>	Monday, March 19, 2012
<i>ENN Meeting Location</i>	Shellabarger Tennis Center, 1600 St Michael's Drive
<i>Application Type</i>	Rezoning
<i>Land Use Staff</i>	Heather L. Lamboy, AICP
<i>Other Staff</i>	
<i>Attendance</i>	4 neighboring property owners

Notes/Comments:

Mr. Scott Hoeft began the meeting with an overview of the Shellabarger Tennis Center. He stated that the Center received a Special Exception (due to the fact that it was part of the College of Santa Fe campus) in 2001, and opened in November 2002. Mr. Hoeft reviewed the location of the Shellabarger Tennis Center and the buildings around it. There is a state office building that fronts Siringo Road to the west, and the Driscoll Gym and Screen buildings to the north. The tract that is planned to be developed as the Santa Fe Higher Education Center is located across Yucca Drive.

Mr. Hoeft then reviewed the dissolution of the College of Santa Fe and the sale of the property to the City of Santa Fe. The City then leased most of the campus to Laureate Education, which now runs the Santa Fe University of Art and Design (SFUAD). The tract for the Tennis Center, however, was held separately in order to finance the purchase of the College of Santa Fe campus.

Ms. Nancy Long then added to Mr. Hoefft's presentation by stating that the entire SFUAD campus is residentially zoned (R-5). As the campus developed, special exceptions were granted for the educational buildings. At that time, Shellabarger was considered part of the educational use as it was associated directly with the College of Santa Fe. Now that Shellabarger is independent of an educational facility and privately-run, it falls under a different category of use.

Ms. Long stated that there was a period of uncertainty during the time that the City was purchasing the College of Santa Fe property. She stated that the center, however, was given a new chance when Eric Rose and Sam Hitman purchased the property. She stated that the Tennis Center is an asset for the community through the youth and membership programs. Tennis tournaments bring additional revenue to the town.

Ms. Long explained she and Mr. Hoefft had reviewed the various different zoning categories that permit a private recreational facility, and felt that the General Commercial (C-2) zoning category was most appropriate.

A neighbor asked what would happen if the center did not get rezoned. Ms. Long explained that during the purchase process, there was not enough time to address the zoning up front. The Tennis Center is considered a non-conforming use that was legally created through the Special Exception that was granted when it was part of the College of Santa Fe campus. Ms. Long stated that as a non-conforming structure, it will be difficult to get financing for improvements and will not be possible to replace it in the event of a fire or other disaster.

The neighbor asked whether the owners were aware of this risk when the building was purchased. Ms. Long replied yes.

Another neighbor asked about the nature of the road that accesses the Tennis Center. Mr. Hoefft replied that it was a private roadway. The neighbor asked whether Shellabarger would consider prohibiting heavy equipment on the driveway. The neighbor stated a fear that the State's road maintenance yard would expand.

The neighbor stated that she represented the Rancho Siringo Neighborhood Association and that the neighborhood is in opposition to the introduction of the possibility of any restaurants in the area, especially fast-food restaurants. Additionally, the neighborhood was no additional commercialization along the Siringo Road corridor.

Mr. Eric Rose responded that he would like to put the neighborhood at ease. He commented that there are no plans for the land, and if there are any changes in the future, he stated that he would look at what fits with the college to determine what is most appropriate. He commented that Santa Fe is not a huge town, and by having the center it helps to bring more recreation opportunities to the town.

A neighbor asked whether there was ample parking. Mr. Hoeft pointed out the parking on the aerial, and stated yes. He commented that, on occasion during tournaments and special events, the Tennis Center has utilized some of the SFUAD campus parking lots as well.

After another comment/concern about limiting fast food uses, Ms. Lamboy reviewed all the different zoning categories that permit private recreational facilities. She noted that the other categories were much more intense in nature than the general commercial category. She stated the only other way to address the problem is to amend the code to permit such facilities either as a special use in the residential districts or create an institutional zoning district. Ms. Lamboy commented that would take a long time to complete through stakeholder meetings, public review period, and public hearing processes. Mr. Hoeft communicated that the applicant would rather fix the nonconforming issue sooner than later as a method of protecting the property's value and for financing purposes.

The meeting concluded at approximately 6:30pm.

City of Santa Fe, New Mexico

Exhibit E

**Applicant Submittals:
Justification Letter
Site Plan**

SANTA FE PLANNING GROUP, INC.

**P.O. Box 2482
Santa Fe, NM 87504
505.983.1134; 505.983.4884 fax**

April 16, 2012

Heather Lamboy
City of Santa Fe Land Use Department
200 Lincoln Avenue, P.O. Box 909
Santa Fe, New Mexico 87504-0909

RE: Shellabarger Tennis Center
General Plan Amendment & Rezoning Application

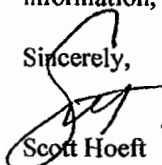
Dear Mrs. Lamboy:

Enclosed please find 6-plans and 6 copies of the general plan amendment criteria and rezoning criteria for the Shellabarger Tennis Center. The approved Final Development Plan has been included as part of the application and was approved in year 2002. The total land area is approximately 8.62-acres in size.

We are requesting at this time a general plan amendment and rezoning for the subject site. The site exists as R-5 zoning with a special exemption for the tennis center. We desire to change the zoning to C-2 commercial. The general plan amendment request will change the future land use from public/institutional to community commercial. Please see the case history (attached) for a detailed explanation and justification for the requested change.

Please schedule this project for the **June 07, 2012** or **June 21, 2012**, meeting of the Planning Commission followed by the City Council. If you have questions or require additional information, please do not hesitate to call at 412.0309.

Sincerely,



Scott Hoeft

Attachments:

- Application and Fee (\$3,320)
- General Plan Amendment Criteria
- Rezoning Criteria
- Legal Lot of Record (on file w/ the ENN materials)

SHELLABERGER TENNIS CENTER REZONING AND GENERAL PLAN AMENDMENT APPLICATION

BACKGROUND INFORMATION

The Shellaburger Tennis Center was constructed in 2002 and at that time was part of the College of Santa Fe campus. The College of Santa Fe was established in 1851 and the campus is located at St. Michael's Drive and Cerrillos Road in Santa Fe. At the time the City of Santa Fe adopted a zoning code, all existing uses were grandfathered as was the case with the College of Santa Fe. The land use designation in the City's general plan for the College of Santa Fe campus is public/institutional. The zoning provided by the City to the campus at the time of the enactment of city zoning code, was R-5. Although that was probably not the most appropriate zoning category for the campus, educational uses were and still are allowed as special uses within residential zoning districts.

The College of Santa Fe campus (the real property) was sold to the City of Santa Fe in September, 2009. Laureate Educational Services leased the real property and buildings from the City of Santa Fe at that same time and continues to lease the property upon which it operates the Santa Fe University of Art and Design on the former College of Santa Fe campus.

The Tennis Center, existing on a separate lot, was mortgaged by the College of Santa Fe prior to 2009 in order to generate funds for its operations. The College of Santa Fe defaulted on that monetary obligation, and the Tennis Center was deeded to the bank that held the mortgage prior to the sale of the remainder of the campus to the City of Santa Fe. That bank went into FDIC receivership and its assets were purchased later by US Bank. While the banks were holding the property and looking for potential purchasers of the property, there was a great community effort among numerous individuals and groups to save the Tennis Center so that it could remain a tennis and recreational facility for the community of Santa Fe. There was grave concern that the Tennis Center would be closed, the building and real property sold for uses other than a Tennis Center such as a warehouse or for an industrial or commercial use and that it would not be available for recreational purposes to the youth and community of Santa Fe. The current owners, having experience with managing and running other tennis centers, were able to purchase the Tennis Center property in July, 2011. In order to secure the property and expedite the sale, the owners were forced to arrange a speedy closing and now seek to conform the zoning to the existing use of the center in order that they might obtain more beneficial financing, to satisfy their insurance requirements and be able to make adjustments to the Tennis Center and its offerings to ensure its economic viability.

**REZONING APPROVAL CRITERIA SUBMITTED PURSUANT TO THE
LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987, §§ 14-3.5(C) AND
(D) AND AS REQUIRED BY THE CITY OF SANTA FE'S REZONING
APPLICATION.**

Section 14-3.5(C)(1)(a) provides that rezoning proposals shall be reviewed based upon the criteria provided and findings shall be made that one or more of the following conditions have been met in order to approve any rezoning:

- (i) there was a mistake in the original zoning;
- (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or
- (iii) a different use category is more advantageous to the community, as articulated in the *general* plan or other adopted city plans.

In addition, the applicant must also show that:

- (b) all the rezoning requirements of Chapter 14 have been met;
- (c) the rezoning is consistent with the applicable policies of the general plan, including the future land use map;
- (d) the amount of land proposed for rezoning and the proposed use for the land is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the city; and
- (e) the existing and proposed infrastructure, such as the street system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development.

This application meets all of the approval criteria contained in Section 14-3.5(C). Although a rezoning application is required to meet only one of the conditions in 14-3.5(C)(1)(a), this application meets all three conditions justifying a change in the zoning from R-5 to C-2 (general commercial).

1. There Was a Mistake in the Original Zoning

At the time that the City provided a zoning category and a land use designation for the already existing College of Santa Fe, there was apparently no effort made at creating an appropriate zoning category for an existing college and its accessory uses. The college campus (now the Santa Fe University of Art and Design) is categorized as public/institutional in the general plan and has an R-5, residential zoning for the entire campus which includes the Shellabarger Tennis Center. At the time the city's original zoning code was created, a zoning category could also have been created to cover the educational and accessory uses for a college campus including the now existing Shellabarger Tennis Center. Alternatively without the creation of a new zoning category, the property should have been designated general commercial.

2. There has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning.

There has been a change in the surrounding area where the Shellabarger Tennis Center is located altering the character of the area. The Tennis Center is surrounded by commercial or industrial uses. To the west and south of the Tennis Center are governmentally owned properties containing some prefabricated metal buildings, heavy equipment and property owned by the City of Santa Fe for governmental (procurement and purchasing) services. To the east and north of the Tennis Center is the Santa Fe University of Art and Design campus, owned by the City of Santa Fe and leased by the University. To the east is a parcel of property that has been sold to the Santa Fe Community College for the development of an educational campus to be used by multiple educational entities. There is no residential development surrounding the Tennis Center Property.

3. A different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans.

The C-2, general commercial category is more advantageous to the community as the appropriate zoning for the Tennis Center. This zoning classification will allow the Tennis Center to be maintained as a tennis center and recreational facility and to be improved as such. The C-2, general commercial zoning category is the only zoning classification in the city that allows the current use as a recreational facility. In order to procure financing for the Tennis Center, to rebuild or repair the center should it be damaged or destroyed, and to improve the Tennis Center, the C-2 zoning is required.

The advantages of maintaining the Tennis Center with its current uses is a tremendous asset to the Santa Fe community. In addition to being a premier tennis facility for its members and providing year-round recreational opportunities, the Tennis Center is a site for high school tennis team training and tournaments, summer camps for younger children, the site of national tournaments such as the recently held (SLAM) tournament bringing visitors and nationally ranked players to the center. The Tennis Center also serves as the site for non-profit activities such as the First Serve program that provides tutoring and physical activities, to include tennis, to inspire and encourage students to further their education and promote mental discipline through tennis instruction.

4. All of the rezoning requirements of Chapter 14 have been met.

All of the other rezoning requirements of Chapter 14 have been met by the applicant.

- 5. The rezoning is consistent with the applicable policies of the general plan, including the future land use map.**

The rezoning is consistent with the policies of the general plan including the future land use map as this property is designated as public/institutional that allows for facilities of a unique public character. The public/institutional definition in the general plan also provides that where uses already exist on lands designated public/institutional on the future land use map, they are encouraged to remain on the site. Nevertheless, the applicant is proposing an amendment to the general plan for designation of this property as Community Commercial.

- 6. The amount of land proposed for rezoning and the proposed use of the land is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the city.**

The parcel size that is the subject of the rezoning application is approximately 8 acres and is therefore consistent with city policy regarding the size of the parcel for rezoning. The use proposed for the site is consistent with city policies and the applicant is proposing a general plan amendment to change the designation on the future land use to commercial for this property. The lot size is sufficient to accommodate the existing Tennis Center and additional related and complimentary development to the Tennis Center.

- 7. The existing and proposed infrastructure, such as the street system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development.**

The Tennis Center was constructed and completed in 2002 and was an infill project at that time. Any necessary infrastructure was in existence or was fully developed when the Tennis Center was constructed and has met the needs of the Tennis Center since that time.

CRITERIA FOR ALL AMENDMENTS TO THE GENERAL PLAN.

This application is also seeking an amendment to the general plan. The most appropriate land use designation for the Tennis Center site is Community Commercial. The amendment to Community Commercial will not have a negative impact on the surrounding properties. As described above, the surrounding properties are industrial, governmental, institutional and educational in character. The proposed change is related to the character of the surrounding area. The general plan has designated this site as public/institutional and now that the Tennis Center has changed ownership from the previously existing College of Santa Fe to separate private owners, it is more appropriate to change the general plan designation.

Section 14-3.7E contains the approval criteria for General Plan Amendments as follows:

- (a) **Consistency with growth projections for Santa Fe, economic development goals as set forth in a comprehensive economic development plan for Santa Fe and existing land use conditions such as access and availability of infrastructure.**

The proposed amendment is consistent with the existing development on the site as well as the surrounding properties. In addition, the proposed amendment is generally consistent with the economic development objectives set forth in the "City of Santa Fe Economic Development Strategy for Implementation", dated May 21, 2008, implementing the Angelou Economics report entitled "Cultivating Santa Fe's Future Economy".

- (b) **Consistency with other parts of the General Plan.**

The proposed amendment is generally consistent with the growth management and other policies of the General Plan.

- (c) **The amendment does not:**

- i. allow uses or change that is significantly different from or inconsistent with the prevailing use and character in the area; or
- ii. affect an area of less than two acres, except when adjusting boundaries between districts; or
- iii. benefit one or a few landowners at the expense of the surrounding landowners or the general public;

The surrounding landowners are governmental or commercial and the prevailing use and character in the area is of an industrial, commercial and governmental nature. The site is not less than two acres and is in fact roughly 8 acres.

- (d) **an amendment is not required to conform with Section 14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification;**

Not applicable, but in fact there is a public advantage to maintain the development as a tennis center which had great benefit to the Santa Fe community.

- (e) **compliance with extraterritorial zoning ordinances and extraterritorial plans;**

The proposed amendment complies generally with the Santa Fe Extraterritorial Land Use Authority Ordinance No. 2009-01, entitled "An Ordinance Establishing Subdivision, Platting, Planning and Zoning Rules within the Presumptive City Limits and within

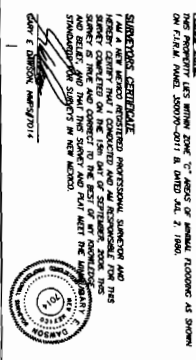
Unincorporated Areas of the County that are Subject to the Extraterritorial, Subdivision, Platting, Planning and Zoning Jurisdiction of the City of Santa Fe; Establishing Definitions; Providing for Transitional Provisions; Repealing Ordinance Nos. 1997-4, 1997-3, 1999-1, 1999-5, 2000-1, 2000-3" (SPPaZo).

- (f) **contribution to a coordinated, adjusted and harmonious development of Santa Fe that in accordance with existing and future needs best promotes health, safety, morals, order convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development;**

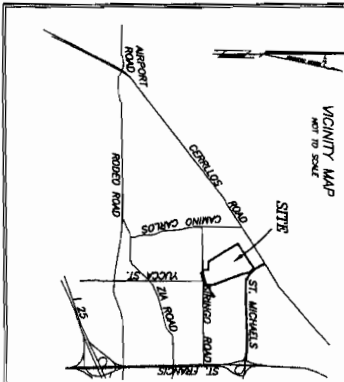
The proposed amendment will contribute to a coordinated, adjusted, and harmonious development of Santa Fe for the reasons set forth above.

- (g) **Consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.**

The application is in conformance with all other city policies.



THIS PROPERTY LIES WITHIN ZONE "C" AREAS OF ANNUAL FLOODING AS SHOWN ON F.I.R.M. MAPS 150070-0011 B, DATED JUL. 7, 1980.



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STUDENTS, COLLEGE-LEVEL / AM A NEW METHOD REGISTERED PROFESSIONAL, SURETOR AND HERBY CERTIFY THAT I CONDUCTED AND RESEARCHED ABOUT THIS MARKET COMPLETED ON THE 15TH OF SEPTEMBER 2008. THIS STUDY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND I AM CURRENTLY AND PLAN WITH THE LARGEST DAY STANDARD FOR STUDENTS IN NEW MEXICO.

REFERENCE DOCUMENTS
ALL PLATS AND DOCUMENTS LISTED
ON THE FACE OF THIS PLAT.

College of Design & Architecture									
Building #	Name	Room	Phone	Mobile	Cellular	Internet	Computer	Printer	Scanner
1.	Administration Bldg.	Classroom/Office	6400	1-509		Comcast Broad./Fiber/Voice	87	10	
2.	Classroom/Office	Classroom/Office	12420	1-800		Comcast Broad./Fiber/Voice	37	30	
3.	Physical	Classroom/Office	7400	1-800		Comcast Broad./Fiber/Voice	37	30	
4.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	1,500	30	
5.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	272	10	
6.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	310	30	
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72.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	
73.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	
74.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	
75.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	
76.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	
77.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	
78.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	
79.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	
80.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	
81.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	
82.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	
83.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	
84.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	
85.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	
86.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	
87.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	
88.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	
89.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	
90.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	
91.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	
92.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	
93.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	
94.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	
95.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	
96.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	
97.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	
98.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	
99.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	
100.	Physical/Classroom	Classroom/Office	41213	1-800		Comcast Broad./Fiber/Voice	300	30	

Notes: When the campus campus building construction began in 1964, mostly every four buildings (1, 11, 19, 26 and 39) were to be removed. Building 35 and 36 were possible and we considered. The college plans to remove 39 through 46 and 27 A, B, C and 24 - 26 within the next 5 years. CD

EXISTING JOBS OF FUTURE

INVEST	1984/85	1985/86	1986/87	1987/88	1988/89	1989/90	1990/91	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	2041/42	2042/43	2043/44	2044/45	2045/46	2046/47	2047/48	2048/49	2049/50	2050/51	2051/52	2052/53	2053/54	2054/55	2055/56	2056/57	2057/58	2058/59	2059/60	2060/61	2061/62	2062/63	2063/64	2064/65	2065/66	2066/67	2067/68	2068/69	2069/70	2070/71	2071/72	2072/73	2073/74	2074/75	2075/76	2076/77	2077/78	2078/79	2079/80	2080/81	2081/82	2082/83	2083/84	2084/85	2085/86	2086/87	2087/88	2088/89	2089/90	2090/91	2091/92	2092/93	2093/94	2094/95	2095/96	2096/97	2097/98	2098/99	2099/00	2100/01	2101/02	2102/03	2103/04	2104/05	2105/06	2106/07	2107/08	2108/09	2109/10	2110/11	2111/12	2112/13	2113/14	2114/15	2115/16	2116/17	2117/18	2118/19	2119/20	2120/21	2121/22	2122/23	2123/24	2124/25	2125/26	2126/27	2127/28	2128/29	2129/30	2130/31	2131/32	2132/33	2133/34	2134/35	2135/36	2136/37	2137/38	2138/39	2139/40	2140/41	2141/42	2142/43	2143/44	2144/45	2145/46	2146/47	2147/48	2148/49	2149/50	2150/51	2151/52	2152/53	2153/54	2154/55	2155/56	2156/57	2157/58	2158/59	2159/60	2160/61	2161/62	2162/63	2163/64	2164/65	2165/66	2166/67	2167/68	2168/69	2169/70	2170/71	2171/72	2172/73	2173/74	2174/75	2175/76	2176/77	2177/78	2178/79	2179/80	2180/81	2181/82	2182/83	2183/84	2184/85	2185/86	2186/87	2187/88	2188/89	2189/90	2190/91	2191/92	2192/93	2193/94	2194/95	2195/96	2196/97	2197/98	2198/99	2199/00	2200/01	2201/02	2202/03	2203/04	2204/05	2205/06	2206/07	2207/08	2208/09	2209/10	2210/11	2211/12	2212/13	2213/14	2214/15	2215/16	2216/17	2217/18	2218/19	2219/20	2220/21	2221/22	2222/23	2223/24	2224/25	2225/26	2226/27	2227/28	2228/29	2229/30	2230/31	2231/32	2232/33	2233/34	2234/35	2235/36	2236/37	2237/38	2238/39	2239/40	2240/41	2241/42	2242/43	2243/44	2244/45	2245/46	2246/47	2247/48	2248/49	2249/50	2250/51	2251/52	2252/53	2253/54	2254/55	2255/56	2256/57	2257/58	2258/59	2259/60	2260/61	2261/62	2262/63	2263/64	2264/65	2265/66	2266/67	2267/68	2268/69	2269/70	2270/71	2271/72	2272/73	2273/74	2274/75	2275/76	2276/77	2277/78	2278/79	2279/80	2280/81	2281/82	2282/83	2283/84	2284/85	2285/86	2286/87	2287/88	2288/89	2289/90	2290/91	2291/92	2292/93	2293/94	2294/95	2295/96	2296/97	2297/98	2298/99	2299/00	2300/01	2301/02	2302/03	2303/04	2304/05	2305/06	2306/07	2307/08	2308/09	2309/10	2310/11	2311/12	2312/13	2313/14	2314/15	2315/16	2316/17	2317/18	2318/19	2319/20	2320/21	2321/22	2322/23	2323/24	2324/25	2325/26	2326/27	2327/28	2328/29	2329/30	2330/31	2331/32	2332/33	2333/34	2334/35	2335/36	2336/37	2337/38	2338/39	2339/40	2340/41	2341/42	2342/43	2343/44	2344/45	2345/46	2346/47	2347/48	2348/49	2349/50	2350/51	2351/52	2352/53	2353/54	2354/55	2355/56	2356/57	2357/58	2358/59	2359/60	2360/61	2361/62	2362/63	2363/64	2364/65	2365/66	2366/67	2367/68	2368/69	2369/70	2370/71	2371/72	2372/73	2373/74	2374/75	2375/76	2376/77	2377/78	2378/79	2379/80	2380/81	2381/82	2382/83	2383/84	2384/85	2385/86	2386/87	2387/88	2388/89	2389/90	2390/91	2391/92	2392/93	2393/94	2394/95	2395/96	2396/97	2397/98	2398/99	2399/00	2400/01	2401/02	2402/03	2403/04	2404/05	2405/06	2406/07	2407/08	2408/09	2409/10	2410/11	2411/12	2412/13	2413/14	2414/15	2415/16	2416/17	2417/18	2418/19	2419/20	2420/21	2421/22	2422/23	2423/24	2424/25	2425/26	2426/27	2427/28	2428/29	2429/30	2430/31	2431/32	2432/33	2433/34	2434/35	2435/36	2436/37	2437/38	2438/39	2439/40	2440/41	2441/42	2442/43	2443/44	2444/45	2445/46	2446/47	2447/48	2448/49	2449/50	2450/51	2451/52	2452/53	2453/54	2454/55	2455/56	2456/57	2457/58	2458/59	2459/60	2460/61	2461/62	2462/63	2463/64	2464/65	2465/66	2466/67	2467/68	2468/69	2469/70	2470/71	2471/72	2472/73	2473/74	2474/75	2475/76	2476/77	2477/78	2478/79	2479/80	2480/81	2481/82	2482/83	2483/84	2484/85	2485/86	2486/87	2487/88	2488/89	2489/90	2490/91	2491/92	2492/93	2493/94	2494/95	2495/96	2496/97	2497/98	2498/99	2499/00	2500/01	2501/02	2502/03	2503/04	2504/05	2505/06	2506/07	2507/08	2508/09	2509/10	2510/11	2511/12	2512/13	2513/14	2514/15	2515/16	2516/17	2517/18	2518/19	2519/20	2520/21	2521/22	2522/23	2523/24	2524/25	2525/26	2526/27	2527/28	2528/29	2529/30	2530/31	2531/32	2532/33	2533/34	2534/35	2535/36	2536/37	2537/38	2538/39	2539/40	2540/41	2541/42	2542/43	2543/44	2544/45	2545/46	2546/47	2547/48	2548/49	2549/50	2550/51	2551/52	2552/53	2553/54	2554/55	2555/56	2556/57	2557/58	2558/59	2559/60	2560/61	2561/62	2562/63	2563/64	2564/65	2565/66	2566/67	2567/68	2568/69	2569/70	2570/71	2571/72	2572/73	2573/74	2574/75	2575/76	2576/77	2577/78	2578/79	2579/80	2580/81	2581/82	2582/83	2583/84	2584/85	2585/86	2586/87	2587/88	2588/89	2589/90	2590/91	2591/92	2592/93	2593/94	2594/95	2595/96	2596/97	2597/98	2598/99	2599/00	2600/01	2601/02	2602/03	2603/04	2604/05	2605/06	2606/07	2607/08	2608/09	2609/10	2610/11	2611/12	2612/13	2613/14	2614/15	2615/16	2616/17	2617/18	2618/19	2619/20	2620/21	2621/22	2622/23	2623/24	2624/25	2625/26	2626/27	2627/28	2628/29	2629/30	2630/31	2631/32	2632/33	2633/34	2634/35	2635/36	2636/37	2637/38	2638/39	2639/40	2640/41	2641/42	2642/43	2643/44	2644/45	2645/46	2646/47	2647/48	2648/49	2649/50	2650/51	2651/52	2652/53	2653/54	2654/55	2655/56	2656/57	2657/58	2658/59	2659/60	2660/61	2661/62	2662/63	2663/64	2664/65	2665/66	2666/67	2667/68	2668/69	2669/70	2670/71	2671/72	2672/73	2673/74	2674/75	2675/76	2676/77	2677/78	2678/79	2679/80	2680/81	2681/82	2682/83	2683/84	2684/85	2685/86	2686/87	2687/88	2688/89	2689/90	2690/91	2691/92	2692/93	2693/94	2694/95	2695/96	2696/97	2697/98	2698/99	2699/00	2700/01	2701/02	2702/03	2703/04	2704/05	2705/06	2706/07	2707/08	2708/09	2709/10	2710/11	2711/12	2712/13	2713/14	2714/15	2715/16	2716/17	2717/18	2718/19	2719/20	2720/21	2721/22	2722/23	2723/24	2724/25	2725/26	2726/27	2727/28	2728/29	2729/30	2730/31	2731/32	2732/33	2733/34	2734/35	2735/36	2736/37	2737/38	2738/39	2739/40	2740/41	2741/42	2742/43	2743/44	2744/45	2745/46	2746/47	2747/48	2748/49	2749/50	2750/51	2751/52	2752/53	2753/54	2754/55	2755/56	2756/57	2757/58	2758/59	2759/60	2760/61	2761/62	2762/63	2763/64	2764/65	2765/66	2766/67	2767/68	2768/69	2769/70	2770/71	2771/72	2772/73	2773/74	2774/75	2775/76	2776/77	2777/78	2778/79	2779/80	2780/81	2781/82	2782/83	2783/84	2784/85	2785/86	2786/87	2787/88	2788/89	2789/90	2790/91	2791/92	2792/93	2793/94	2794/95	2795/96	2796/97	2797/98	2798/99	2799/00	2800/01	2801/02	2802/03	2803/04	2804/05	2805/06	2806/07	2807/08	2808/09	2809/10	2810/11	2811/12	2812/13	2813/14	2814/15	2815/16	2816/17	2817/18	2818/19	2819/20	2820/21	2821/22	2822/23	2823/24	2824/25	2825/26	2826/27	2827/28	2828/29	2829/30	2830/31	2831/32	2832/33	2833/34	2834/35	2835/36	2836/37	2837/38	2838/39	2839/40	2840/41	2841/42	2842/43	2843/44	2844/45	2845/46	2846/47	2847/48	2848/49	2849/50	2850/51	2851/52	2852/53	2853/54	2854/55	2855/56	2856/57	2857/58	2858/59	2859/60	2860/61	2861/62	2862/63	2863/64	2864/65	2865/66	2866/67	2867/68	2868/69	2869/70	2870/71	2871/72	2872/73	2873/74	2874/75	2875/76	2876/77	2877/78	2878/79	2879/80	2880/81	2881/82	2882/83	2883/84	2884/85	2885/86	2886/87	2887/88	2888/89	2889/90	2890/91	2891/92	2892/93	2893/94	2894/95	2895/96	2896/97	2897/98	2898/99	2899/00	2900/01	2901/02	2902/03	2903/04	2904/05	2905/06	2906/07	2907/08	2908/09	2909/10	2910/11	2911/12	2912/13	2913/14	2914/15	2915/16	2916/17	2917/18	2918/19	2919/20	2920/21	2921/22	2922/23	2923/24	2924/25	2925/26	2926/27	2927/28	2928/29	2929/30	2930/31	2931/32	2932/33	2933/34	2934/35	2935/36	2936/37	2937/38	2938/39	2939/40	2940/41	2941/42	2942/43	2943/44	2944/45	2945/46	2946/47	2947/48	2948/49	2949/50	2950/51	2951/52	2952/53	2953/54	2954/55	2955/56	2956/57	2957/58	2958/59	2959/60	2960/61	2961/62	2962/63	2963/64	2964/65	2965/66	2966/67	2967/68	2968/69	2969/70	2970/71	2971/72	2972/73	2973/74	2974/75	2975/76	2976/77	2977/78	2978/79	2979/80	2980/81	2981/82	2982/83	2983/84	2984/85	2985/86	2986/87	2987/88	2988/89	2989/90	2990/91	2991/92	2992/93	2993/94	2994/95	2995/96	2996/97	2997/98	2998/99	2999/00	3000/01	3001/02	3002/03	3003/04	3004/05	3005/06	3006/07	3007/08	3008/09	3009/10	3010/11	3011/12	3012/13	3013/14	3014/15
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[illegible]

LOT LINE ADJUSTMENT OF EXISTING LOTS OF
RECORD WITH COLLEGE OF SANTA FE PROPERTY
PROJECTED SECTION 34, 177N, 98E, NMPLA,
CITY AND COUNTY OF SANTA FE, NEW MEXICO.

PREPARED BY: ALANIS TO ALANIS FOR LAMES *

DANSON SURVEYING INC.
10000 N. 10TH AVE. SUITE 100
DENVER, CO 80231
TEL: 303.755.1100 FAX: 303.755.1101
WWW.DANSONSURVEYING.COM
DATE: 6/15/16

SHEET 1 OF 2

[illegible]

LINE	DESCRIPTION	DEBIT	CREDIT
1.1	8889.56 1/3 W	31.00	
1.2	8900.00 4/5 W	102.00	
1.3	5589.56 2/3 W	87.84	
1.4	8889.56 2/3 W	9.13	
1.5	8889.56 2/3 W	7.45	
1.6	8889.56 2/3 W	58.12	
1.7	8889.56 2/3 W	31.00	
1.8	8889.56 2/3 W	33.00	
1.9	8889.56 2/3 W	25.42	
1.10	8889.56 2/3 W	10.00	
1.11	8889.56 2/3 W	60.00	
1.12	8889.56 2/3 W	60.00	

	CLIM	DATA	MODE	TEMP	CHRG	CHD	END
C1	66:40:27	115:27	115:57	219:45	219:45	646:53:47	
C2	72:28:34	100:00	76:01	212:47	212:47	646:53:47	
C3	62:55:34	108:14	74:57	217:57	217:57	647:10:03	
C4	67:46:02	108:14	71:28	212:47	212:47	647:10:03	
C5	66:54:00	146:76	264:47	232:01	232:01	647:15:21	W
C6	54:20:40	116:27	111:28	219:00	219:00	647:20:31	W
C7	54:20:40	116:27	111:28	219:00	219:00	647:20:31	W
C10	116:27	108:03	231:10	260:26	260:26	556:26:11	

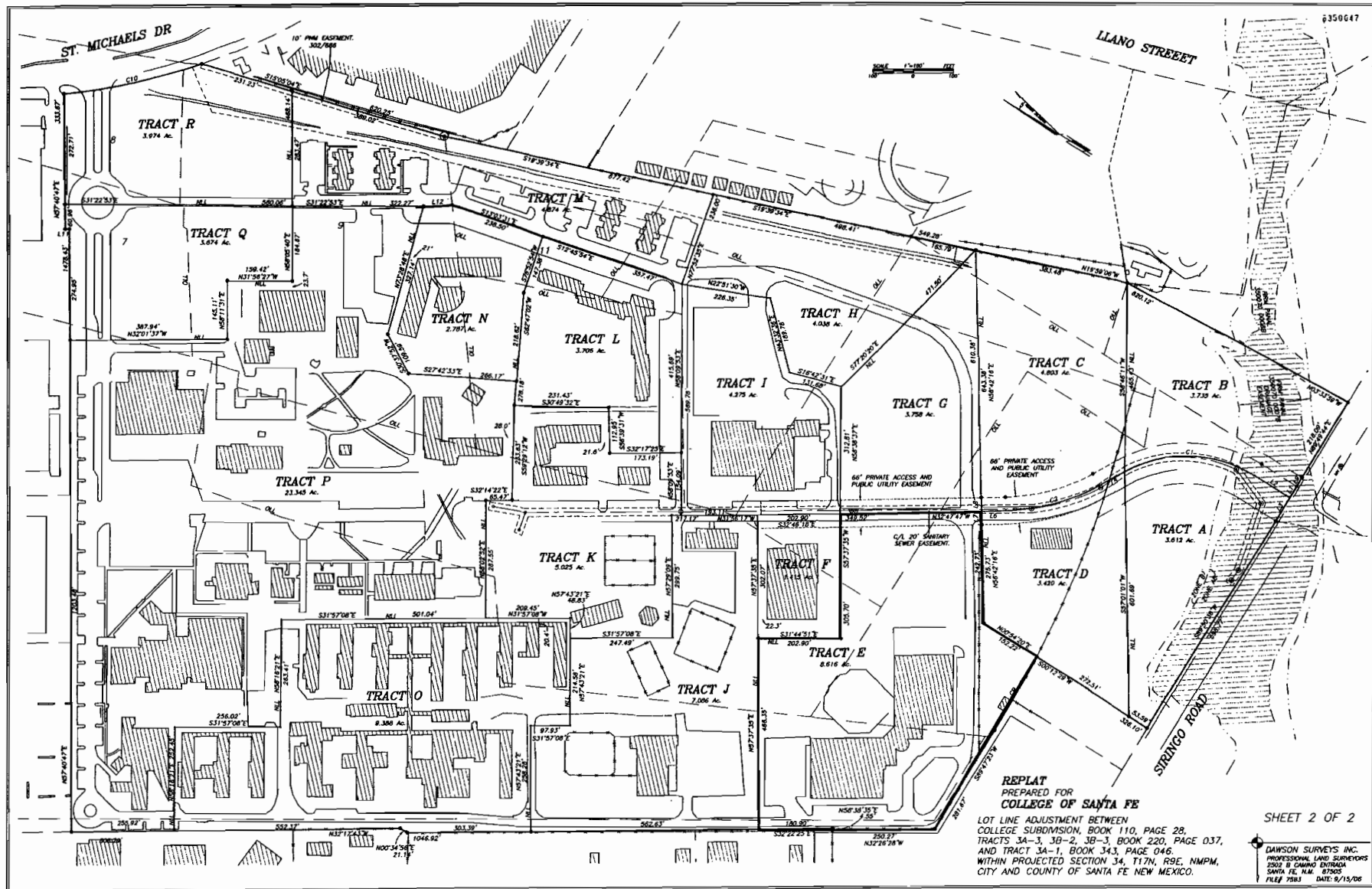
TTL AND INDEXING INFORMATION FOR COUNTY CLERK

PARCEL TO ADJUT LOT LINES *

LOT LINE ADJUSTMENT OF EXISTING LOTS OF LOT 10, CORNER OF COLLEGE OF SANTA FE PROPERTY, PROJECTED SECTION 34, T17N, R9E, N4W, CITY AND COUNTY OF SANTA FE, NEW MEXICO.

DANFORD SURVERS, INC.
10000 N. CANYON DRIVE
SUITE 100
ALBUQUERQUE, NM 87114
TEL: 845-7611 FAX: 845-7611
DATE: 8/15/98

SHEET 1 OF 2



LANDSCAPED AREA ☐

LIGHT POLE/GROUND LIGHTING ☐

~~TEMPORARY ASPHALT SIDEWALK
FOR PHASE 1 CONSTRUCTION~~

DRISCOLL HALL

Note:
THE COLLEGE OF SANTA FE AGREES
TO TRAFFIC CONTROL DURING SPECIAL
EVENTS AT THIS FACILITY. ALL TRAFFIC
FROM THE EVENT WILL BE DIRECTED
ALONG RD. THE DRIVE/ACCESS WITH
MICHAELS DR. WILL BE LIMITED TO
ENTRY ONLY DURING THESE OCCASIONS

APPROVALS:

DEVELOPMENT PLAN APPROVED BY THE PLANNING COMMISSION

ON AUGUST 2, 2001	
CASE NO. M2001-30	
1. <u>John P. Kelly</u>	2/26/02
PLANNING COMMISSION CHAIRMAN	DATE
<u>John P. Kelly</u>	2-22-02
PLANNING COMMISSION SECRETARY	DATE
<u>John P. Kelly</u>	2-26-02
CITY PLANNER	DATE
<u>John P. Kelly, PE</u>	2/26/02
SUPERVISION ENGINEER	DATE

~~MAINTENANCE OF PRIVATE DRAINAGE EASEMENTS AND DRAINAGE FACILITIES IS THE RESPONSIBILITY OF THE COLLEGE OF SANTA FE. THE CITY OF SANTA FE IS HEREBY GRANTED THE RIGHT TO ACCESS AND INSPECT THESE EASEMENTS AND DRAINAGE FACILITIES AT THE DISCRETION OF THE CITY OF SANTA FE. THE CITY OF SANTA FE SHALL NOT INDEMNIFY AND HOLD HARMLESS FROM ALL DAMAGE TO PERSONS OR PROPERTY RESULTING FROM THE CITY'S REASONABLE EXERCISE OF THEIR ACCESS AND INSPECTION RIGHT.~~

NOTE:
PHASE 1 CONSTRUCT INDOOR
TENNIS COURTS AND GRADE PARKING
LOTS FOR TEMPORARY USE. BUILD
ALL REQUIRED UTILITIES FOR BUILDING

PHASE 2 CONSTRUCT EXTERIOR
TENNIS COURTS AND PERMANENT
PARKING LOTS. PLANNED TO BE
COMPLETED ON OR BEFORE THE
END OF 2006.

PHASE 3 CONSTRUCT RELOCATED
ROADWAY AND GRADE PEDESTRIAN
TRAIL. PLANNED TO BE COMPLETED
ON OR BEFORE THE END OF 2011.

PROJECT INFORMATION

ZONING: R5
SITE ACREAGE: ± 0.199 ACRES
TOTAL BUILDING AREA: 56,880.51 SQ. FT

**TYPICAL STANDARD
PARKING SPACE
ONE SIZE FITS ALL**

25'

8.5' 8' 8.5'

20'

UNIVERSAL
HANDICAP
PARKING SPACE

DATA SHEET		PROVIDED
PARKING SPACES		
STANDARD SPACES	(8'-4" X 18')	100
HANDICAPPED SPACES	(11' X 20')	5
TOTAL PARKING SPACES PROVIDED		103

CITY REVIEW		
DEPARTMENT	SIGN-OFF	DATE
WASTEWATER MANAGEMENT DIV	-	-
WATER SERVICES	<i>EBD</i>	2/2/02
SUBDIVISION ENGINEER	<i>FLB</i>	2/16/02
STREETS	-	-
TRAFFIC	-	-
LANDSCAPE / TRANS	<i>GLN / J. Mung</i>	2/18/02
CITY	USE	ONLY



**TERRA
ENGINEERING
CONSULTANTS
INC.**
1599 S Saint Francis Dr.
Santa Fe, New Mexico 87505
505/982-2845

THE COLLEGE OF SANTA FE
ROSEMARIE SHELLABERGER
TENNIS CENTER

DEVELOPMENT PLAN

C-38

DATE JUNE 2001	SCALE 1" = 30'	SHEET NO. 2
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REVISED: NOVEMBER 2001

02-70



Shellabarger Tennis Center

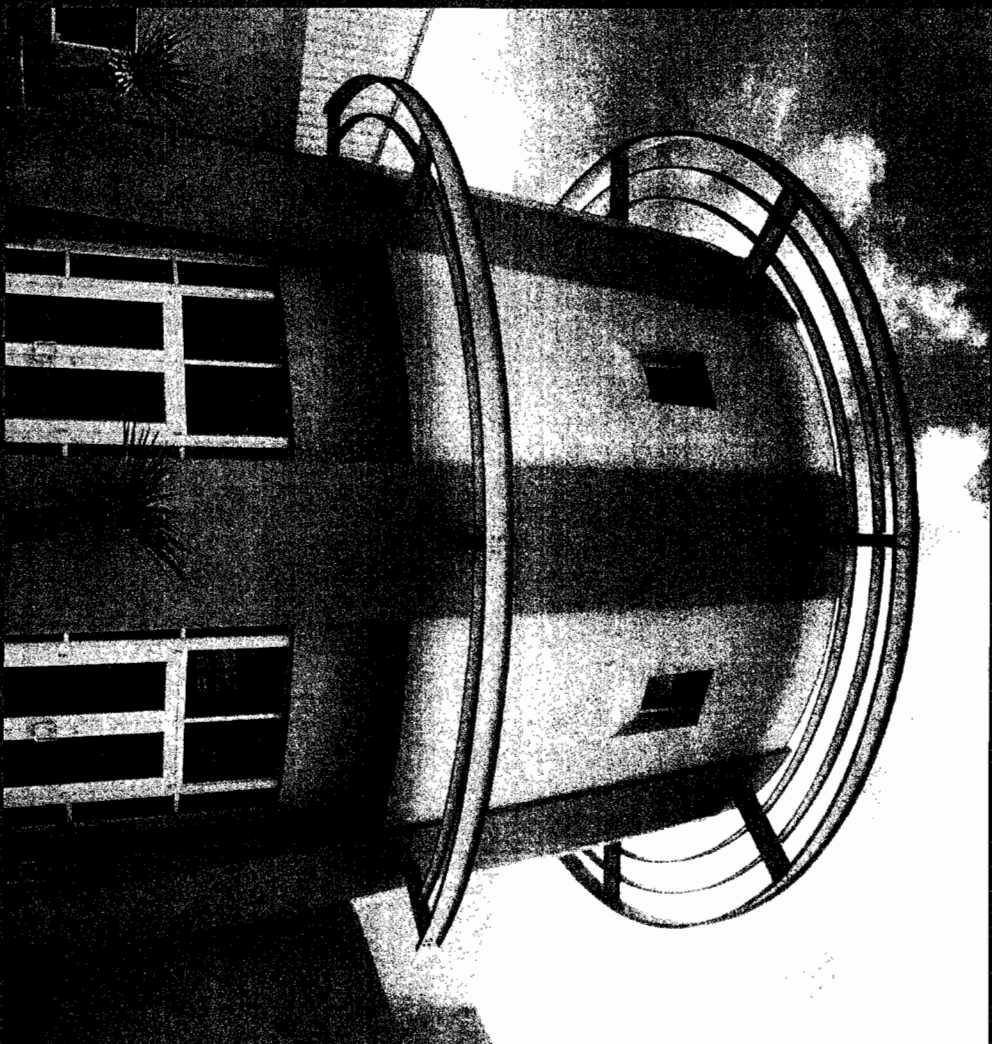
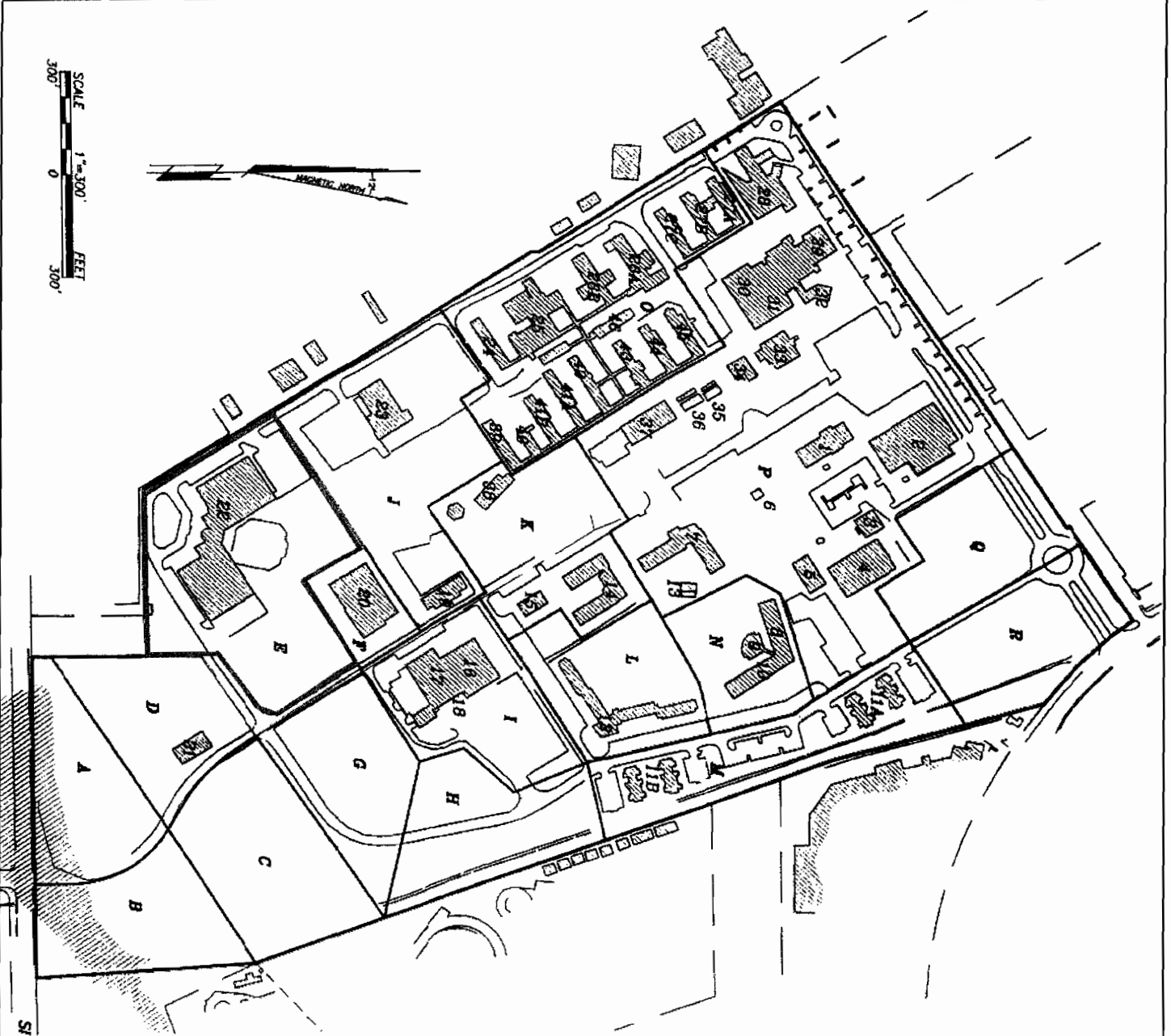


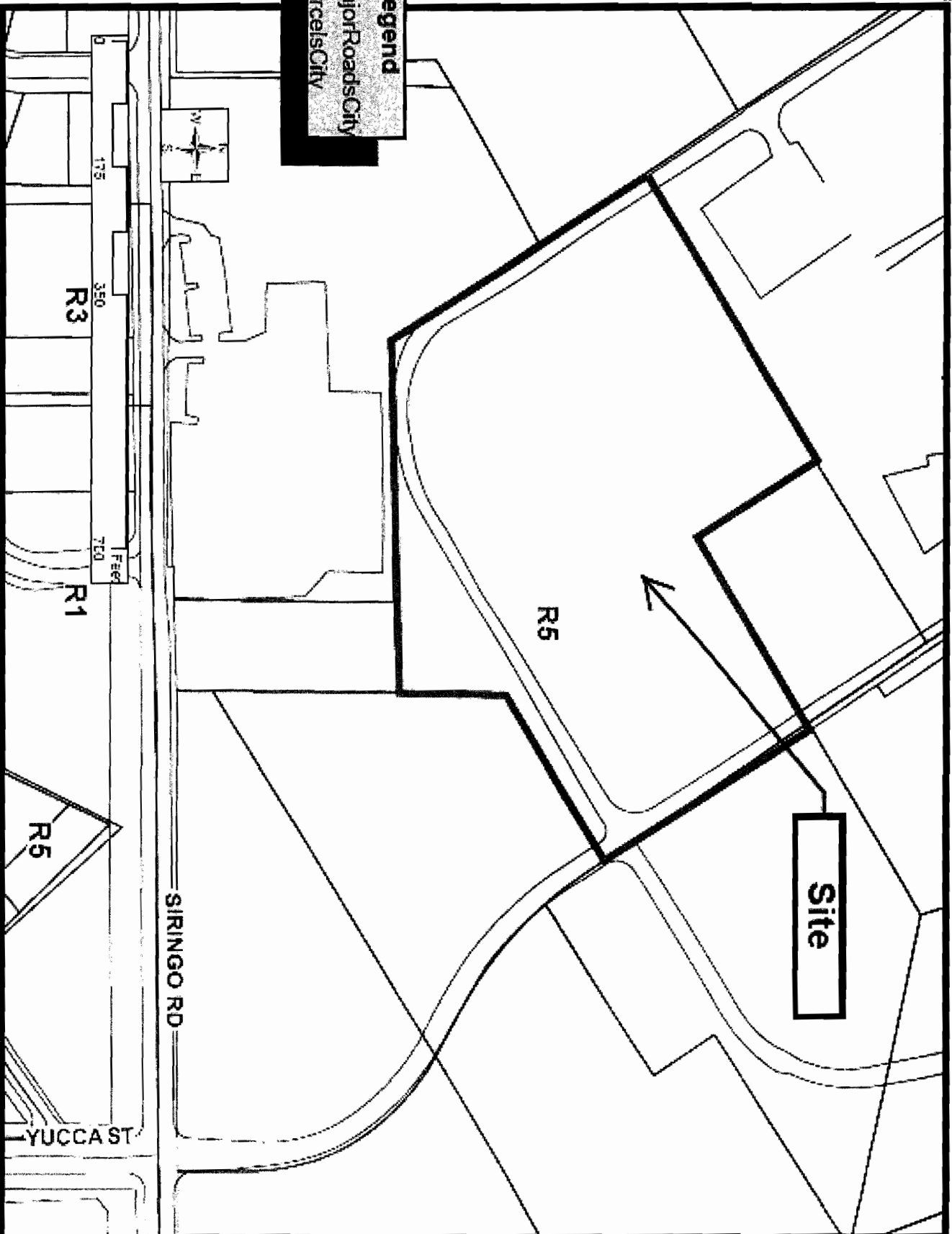
Exhibit "4"

■ 8.62 Acres
■ Zoned R-5
■ Was part of
College of
Santa Fe
when
developed



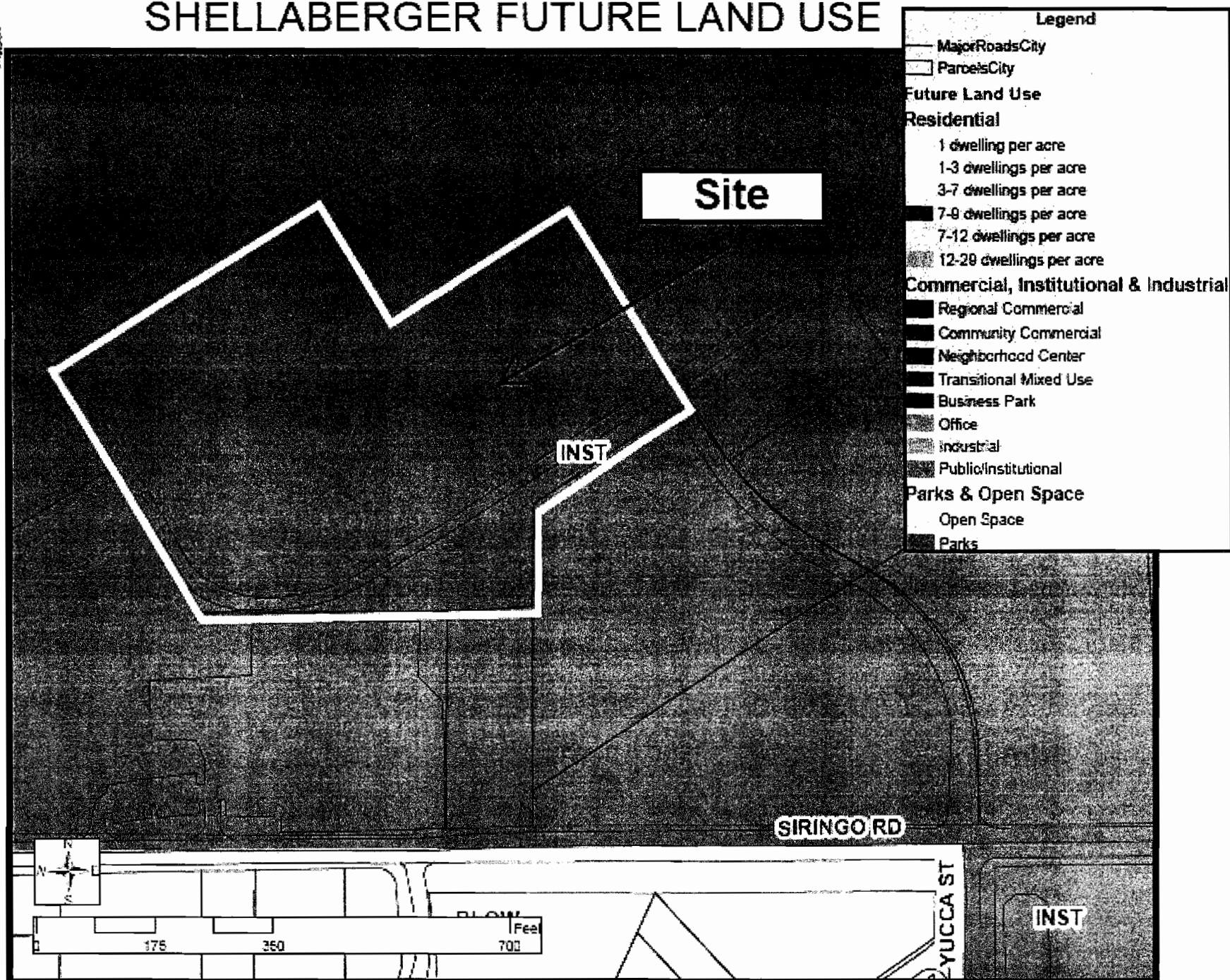


SHELLABERGER ZONING



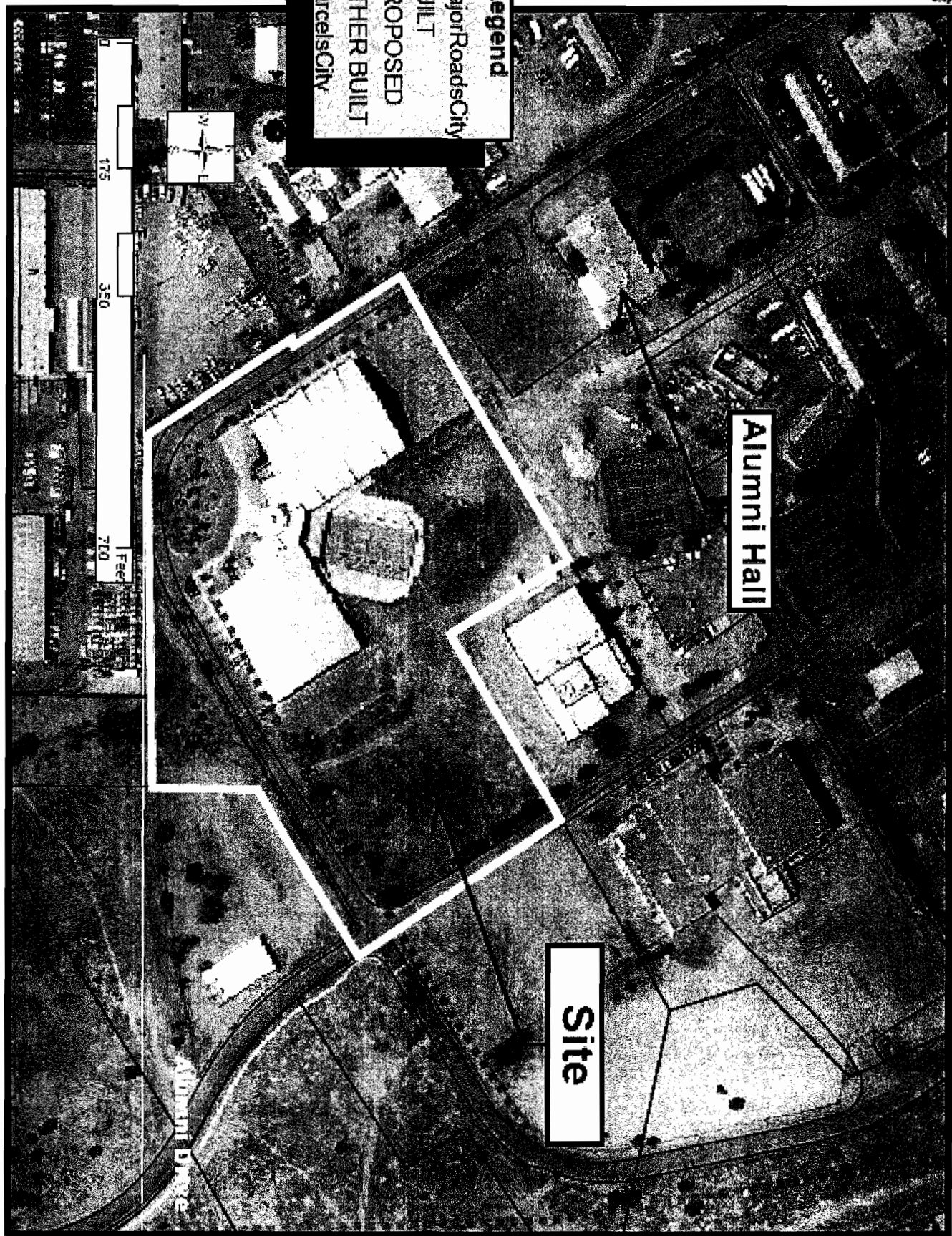


SHELLABERGER FUTURE LAND USE





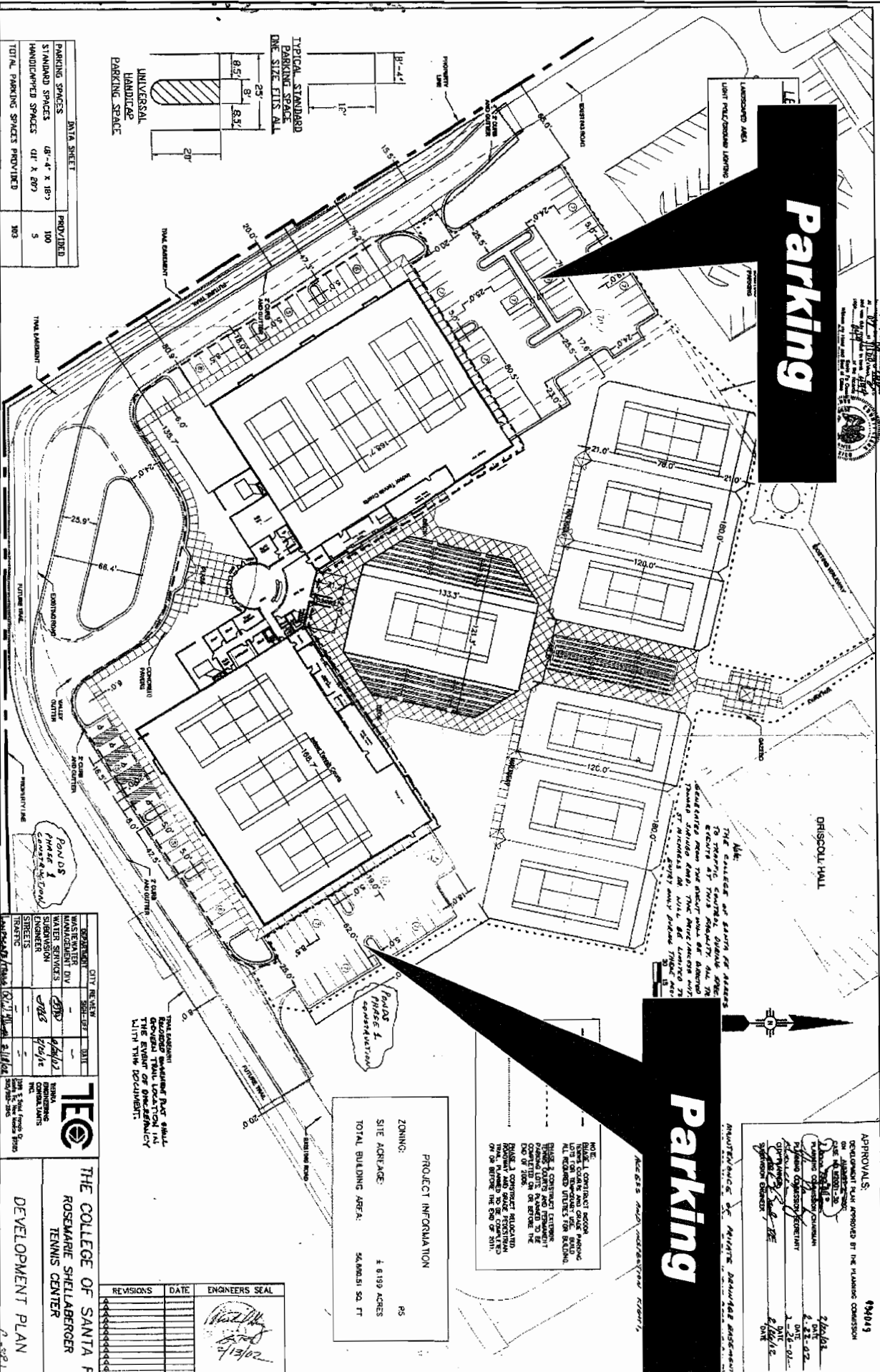
SHELLABERGER AERIAL



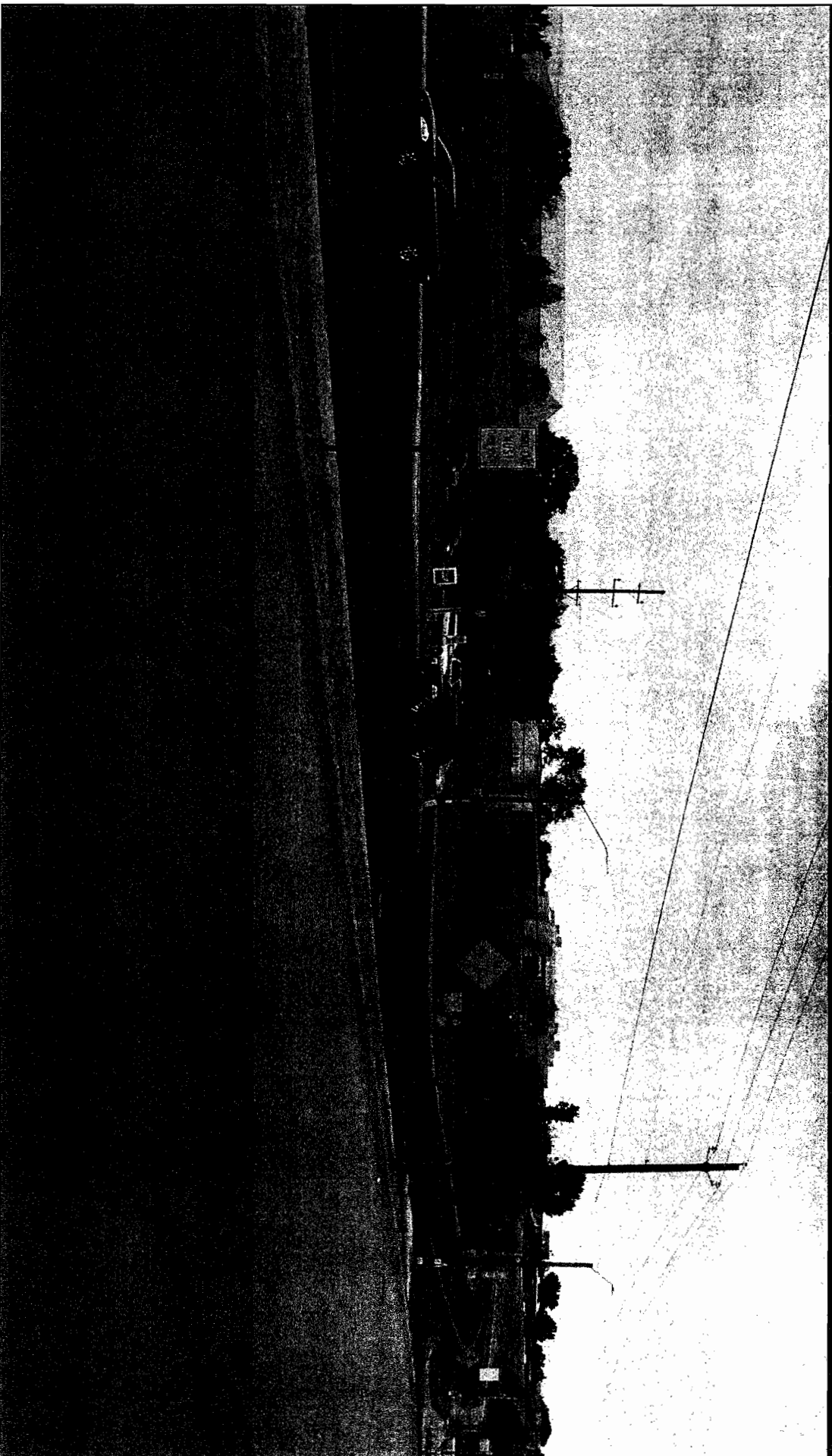
Shellabarger

Parking

Parking



Shellabberger



Alumni Drive

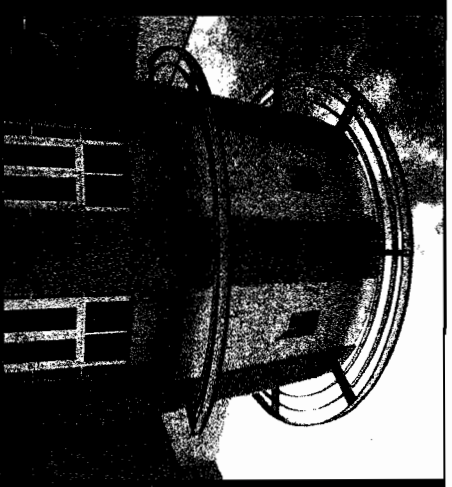
ALUMNI DRIVE
CENTRE

ALUMNI DRIVE
CENTRE



West Elevation

Shellabberger



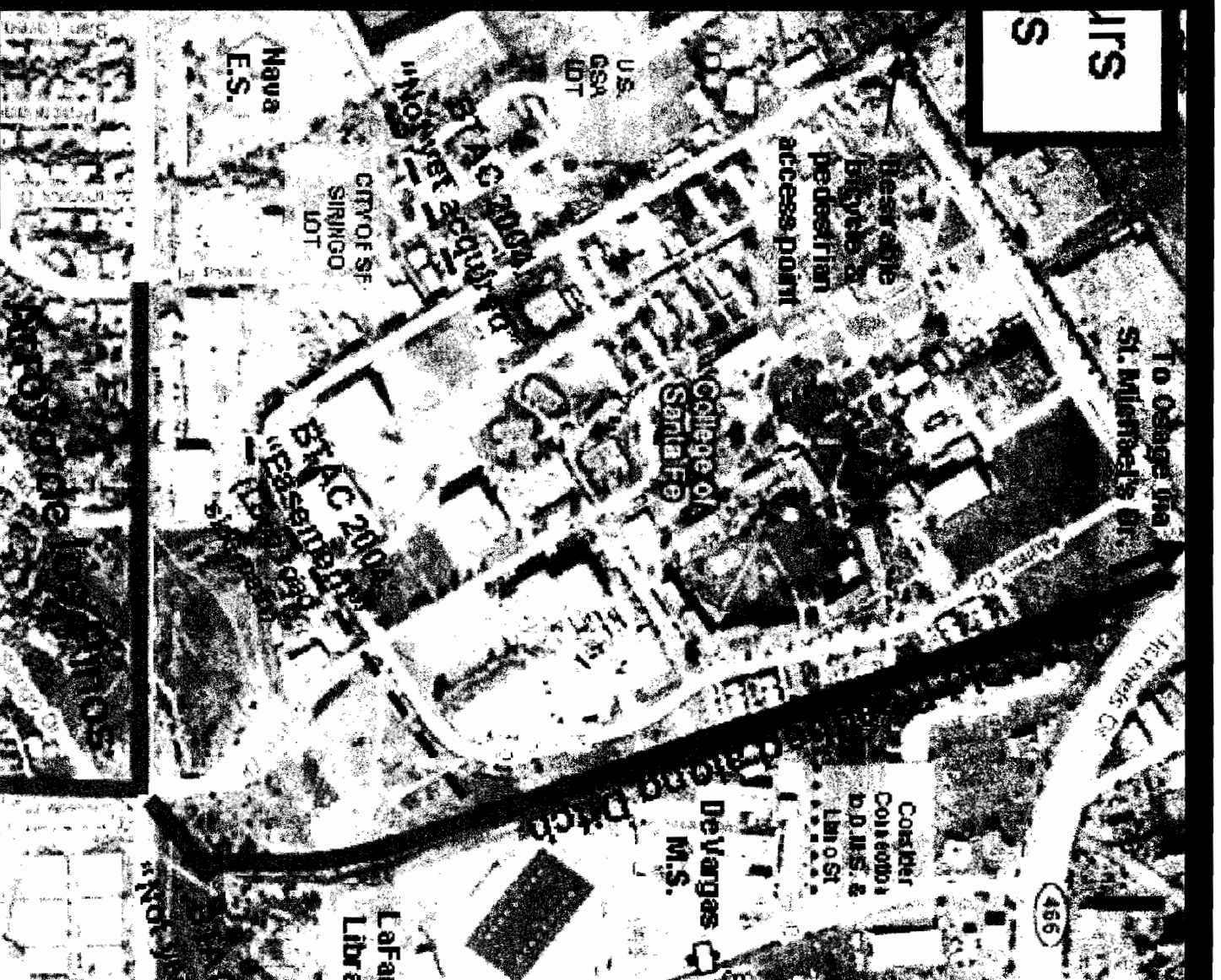
Chapter 14, Section 8.15 SFCCC 1987

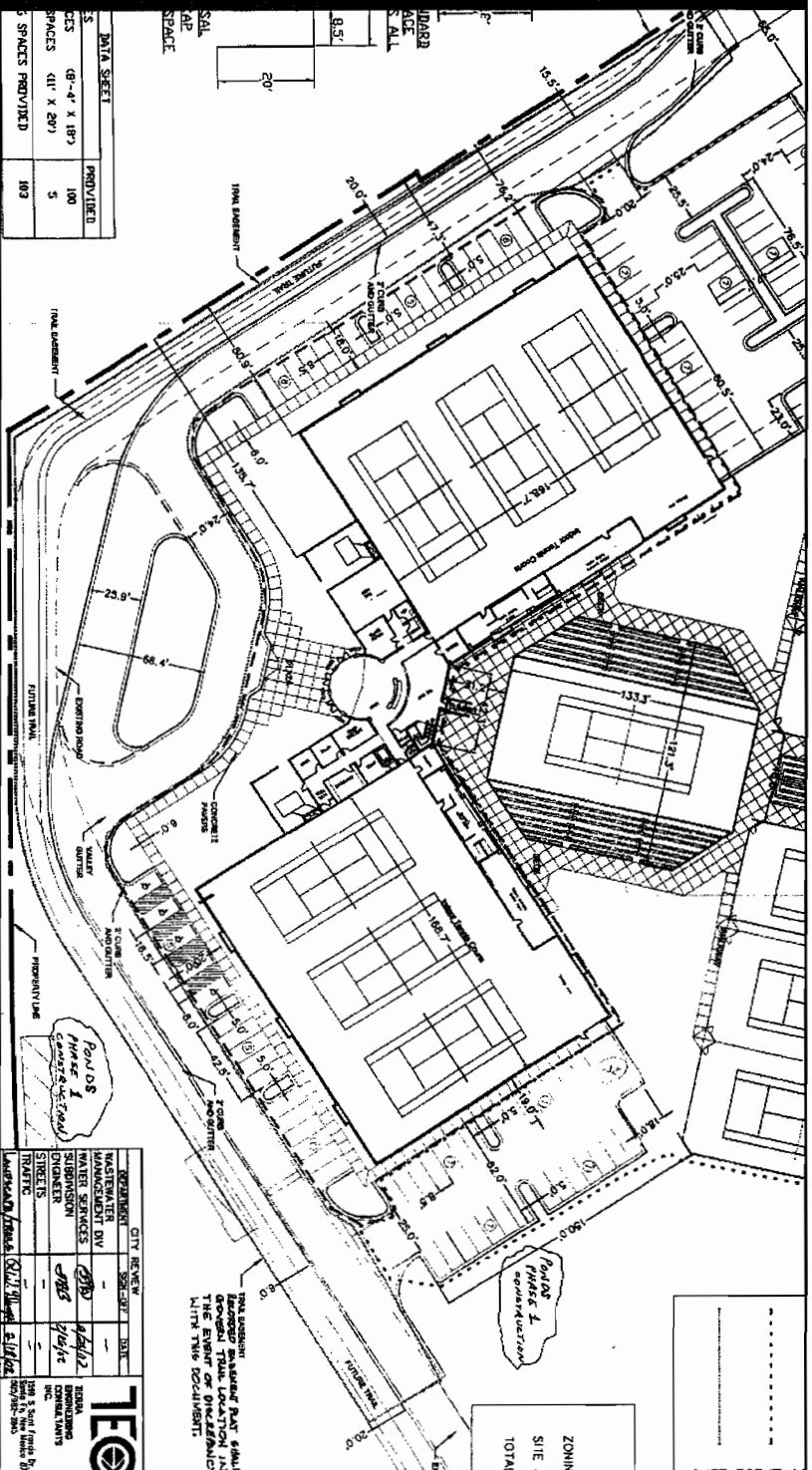
1. Non motorized trails required with Development Plans
2. Developer responsible for dedication and construction
3. Commitments made for trail in 2001

New Priorities

■ New trail in
red

■ Connects
Siringo and
Yucca with St
Michael's
Drive





The Planning Commission recommends
APPROVAL WITH CONDITIONS for
 the rezoning

-Trail

-Development Plan & Traffic Study



ITEM # H-7+8

August 7, 2012

Yolanda Vigil
City Clerk
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

RE: Case #2012-30, Bienvenidos General Plan Amendment
Case #2012-31, Bienvenidos Rezoning to R-5

Dear Yolanda,

The above cases are on the Agenda for the City Council meeting on Wednesday, August 8, 2012. However, John Romero, the City traffic engineer, will be out of town on that date. We therefore respectfully request to postpone the cases until the Tuesday, August 28, 2012 City Council meeting.

Thank you for your time and consideration.

Sincerely,

Jennifer Jenkins

cc: Rosalie Cardenas
Tamara Baer
Dan Esquibel
John Romero
Mike Gomez

Exhibit "5"



**CITY COUNCIL MEETING OF
AUGUST 8, 2012
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY**

Mayor David Coss		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION DECLARING THE ESTABLISHMENT OF A SISTER CITY RELATIONSHIP BETWEEN THE CITY OF SANTA FE, NEW MEXICO AND THE CITY OF LIVINGSTONE, ZAMBIA.	Finance – 9/4/12 Council – 9/12/12
Councilor Patti Bushee		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Chris Calvert		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION RELATING TO THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE MONTANO STREET NEIGHBORHOOD; DIRECTING STAFF TO EXPLORE AND MAKE RECOMMENDATIONS TO THE GOVERNING BODY REGARDING THE OPTIONS FOR CONSTRUCTING A CONTINUOUS STREET ON MONTANO STREET OR AT A MINIMUM PROVIDING LIMITED ACCESS FOR PUBLIC SAFETY RESPONSE.	Public Works – 8/27/12 Finance – 9/4/12 Council – 9/12/12
	AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987 AND ARTICLE 18-5.1 SFCC 1987 REGARDING DISTRESS MERCHANDISE SALES SIGNS AND LICENSES; AMENDING SECTION 14-8.10(B)(8) SFCC 1987 REGARDING VIOLATIONS OF SIGN REGULATIONS TO INCLUDE DISTRESS MERCHANDISE SALE SIGNS IN THE H DISTRICTS; CREATING A NEW SECTION 14-8.10(H)(28)(f) SFCC 1987 REGARDING THE REGULATION OF DISTRESS MERCHANDISE SALE SIGNS IN THE H DISTRICTS; AMENDING SECTION 18-5.1 SFCC 1987 REGARDING THE GROUNDS FOR DENIAL OF A DISTRESS MERCHANDISE SALE LICENSE AND THE REVOCATION OF A DISTRESS MERCHANDISE SALE LICENSE; AND MAKING SUCH OTHER SUCH STYLISTIC AND GRAMMATICAL CHANGES AS ARE NECESSARY.	Planning Commission – 9/6/12 Public Works – 9/10/12 City Business & Quality of Life – 9/11/12 Finance – 9/18/12 Council (request to publish) – 9/25/12 Council (public hearing) – 10/30/12

Councilor Bill Dimas		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Carmichael Dominguez		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Peter Ives		
Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Ron Trujillo		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Wurzbarger		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION ADOPTING THE 2014-2018 INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP).	Public Works – 8/27/12 Finance – 9/4/12 Council – 9/12/12
Rivera	A RESOLUTION DESIGNATING THE ECONOMIC DEVELOPMENT DIVISION AS THE AUTHORITY FOR THE CITY OF SANTA FE'S ECONOMIC DEVELOPMENT ACTIVITIES IN ACCORDANCE WITH THE NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT CERTIFIED COMMUNITIES INITIATIVE.	City Business and Quality of Life Committee – 8/14/12 Finance – 8/20/12 Council – 8/28/12

Introduced legislation will be posted on the City Attorney's website, under legislative services (<http://www.santafenm.gov/index.asp?nid=320>). If you would like to review the legislation prior to that time or you would like to be a co-sponsor, please contact Melissa Byers, (505)955-6518, mdbyers@santafenm.gov.

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2012-__

INTRODUCED BY:

Councilor Chris Calvert

A RESOLUTION

RELATING TO THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE MONTANO STREET NEIGHBORHOOD; DIRECTING STAFF TO EXPLORE AND MAKE RECOMMENDATIONS TO THE GOVERNING BODY REGARDING THE OPTIONS FOR CONSTRUCTING A CONTINUOUS STREET ON MONTANO STREET OR AT A MINIMUM PROVIDING LIMITED ACCESS FOR PUBLIC SAFETY RESPONSE.

WHEREAS, Montano Street is a segmented street located south of Agua Fria Street, *see* GIS photo map, attached hereto as Exhibit A; and

WHEREAS, Montano Street has three segments with two large parcels of land that separate the segments; and

WHEREAS, the road condition of each segment varies from fair to very poor; and

WHEREAS, each segment of Montano Street is accessed from different streets: the most eastern segment is accessed by Avenida Cristobal Colon and Palamino Street; the middle segment can only be accessed by Velarde Street and the most western segment can only be accessed by Barela Lane and Rafael Street; and

1 **WHEREAS**, public safety response to Montano Street and its connecting streets is difficult
2 to maneuver because Montano Street is not a continuous street; and

3 **WHEREAS**, there is continuing construction activity that has taken place on Montano Street
4 wherein the property owners have dedicated portions of their property to the street; and

5 **WHEREAS**, in the interest of the health, safety and welfare of the residents of the Montano
6 Street neighborhoods the Governing Body desires that staff explore the options for making Montano
7 Street a continuous street or in the alternative provide limited access for public safety response.

8 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
9 **CITY OF SANTA FE** that staff is directed to explore and make recommendations to the Governing
10 Body regarding the options for constructing a continuous street on Montano Street or at a minimum
11 providing limited access for public safety response.

12 Section 1. Staff shall hold a public hearing to obtain input from the residents of the
13 Montano Street neighborhood and the residents of the connecting streets regarding the construction of
14 a continuous street on Montano Street or in the alternative limited access for public safety response.

15 Section 2. Staff shall inventory the rights-of-way on Montano Street and evaluate
16 whether there is adequate right-of-way to make Montano Street a continuous street or a limited access
17 street for public safety response.

18 Section 3. Staff shall investigate the costs for any options that are recommended to the
19 Governing Body.

20 **BE IT FURTHER RESOLVED** that staff shall present their recommendations, including
21 the projected costs, to the Governing Body within 90 days of the adoption of this resolution.

22 PASSED, APPROVED and ADOPTED this ____ day of _____, 2012.

23
24 _____
25 DAVID COSS, MAYOR

1 ATTEST:

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4 YOLANDA Y. VIGIL, CITY CLERK

5 APPROVED AS TO FORM:

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8 GENO ZAMORA, CITY ATTORNEY

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25 *M/Melissa/Resolutions 2012/Montano Street*

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2012-__

INTRODUCED BY:

Councilor Chris Calvert

AN ORDINANCE

**RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987 AND
ARTICLE 18-5.1 SFCC 1987 REGARDING DISTRESS MERCHANDISE SALES SIGNS
AND LICENSES; AMENDING SECTION 14-8.10(B)(8) SFCC 1987 REGARDING
VIOLATIONS OF SIGN REGULATIONS TO INCLUDE DISTRESS MERCHANDISE SALE
SIGNS IN THE H DISTRICTS; CREATING A NEW SECTION 14-8.10(H)(28)(f) SFCC 1987
REGARDING THE REGULATION OF DISTRESS MERCHANDISE SALE SIGNS IN THE
H DISTRICTS; AMENDING SECTION 18-5.1 SFCC 1987 REGARDING THE GROUNDS
FOR DENIAL OF A DISTRESS MERCHANDISE SALE LICENSE AND THE
REVOCATION OF A DISTRESS MERCHANDISE SALE LICENSE; AND MAKING SUCH
OTHER SUCH STYLISTIC AND GRAMMATICAL CHANGES AS ARE NECESSARY.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

**Section 1. Section 14-8.10(B)(8) SFCC 1987 (being Ord. No. 2007-17, §2, as
amended) is amended to read:**

(8) Fines for Violations

- (a) Except as set forth in paragraph (b) below, the following are mandatory minimum fines to be imposed by the municipal court for violation of Section 14-8.10 SFCC 1987 upon issuance of a citation by the [L]and [U]se [D]epartment. The effective date of this paragraph (8) is July 25, 2011.

First violation \$100

Second violation \$200

Third and subsequent violations \$300

- (b) The following are mandatory minimum fines to be imposed by the municipal court upon the holder of a *business* license for violation of Subsections 14-8.10(H) (28)(f) or (29) upon issuance of a citation by the land use department. The fines shall be imposed for each day or part of a day that the violation exists. The effective date of this paragraph is ~~[July 25, 2011]~~ _____, 2012 [*effective date of this ordinance*].

First violation \$250

Second violation \$500

Third and subsequent violations \$500 and up to ninety days in jail

Section 2. A new Subsection 14-8.10(H)(28)(f) SFCC 1987 is ordained to read:

- (f) **[NEW MATERIAL]** Distress Merchandise Sale Signs

- (i) A *sign* advertising a distress merchandise sale is prohibited unless the following conditions are met:

A. A *sign permit* shall be obtained from the

city. Each *permit* shall allow a *business* to place a *sign* for a *permit* period corresponding to the licensed duration of the distress merchandise sale.

B. A *sign* shall not exceed 12 inches by 24 inches.

C. A *sign* must bear an official *city* of Santa Fe sticker, tag, or other device at all times during the *permit* period indicating the approved dates of the *permit* period.

D. A *sign* shall be removed by the *permit* holder immediately after the *permit* period.

(ii) The *city* may remove a *sign* if the above conditions are not met.

Section 3. Section 18-5.1 SFCC 1987 (being Code 1953, §21-1, as amended) is amended to read:

A. *License*. It shall be unlawful for any person to advertise or conduct a distress merchandise sale without having first obtained a license to do so in accordance with this section.

B. *Application*. Any person desiring to conduct a distress merchandise sale within the city shall make a written application verified under oath to the finance department at least fifteen (15) days prior to the date on which the sale is to commence unless the merchandise to be sold consists of perishable goods, or goods damaged by smoke, fire or water in which case the fifteen (15) day time period is not applicable. The application shall contain the following information:

(1) The name and address of the owner of the goods, wares or merchandise to be sold;

1 (2) A description of the place where such sale is to be held;

2 (3) The nature of the occupancy of the place where such sale is to be held,
3 whether by lease or otherwise, and the effective date of the termination of the occupancy of
4 the premises;

5 (4) The commencement and termination dates of the distress merchandise sale;

6 (5) A full and complete statement of the facts regarding the reasons why the
7 distress merchandise sale is being conducted, the manner in which the sale is to be conducted,
8 the means to be employed in advertising the sale, together with the content of any proposed
9 advertisement or advertising themes, or copies thereof;

10 (6) If a defunct business is involved, the name and address of the defunct
11 business, and the owner or former owner thereof,

12 (7) A complete and detailed inventory of the goods, wares and merchandise
13 including goods received on consignment to be offered at the distress merchandise sale, the
14 terms and conditions of the acquisition of the property, the amount and description of the
15 goods, wares or merchandise to be sold and the location of the goods, wares and merchandise
16 at the time of the filing of the application;

17 (8) A statement that the applicant has not in contemplation of the distress
18 merchandise sale ordered, purchased or received on consignment any goods, wares or
19 merchandise for the purpose of selling them at the sale within ninety (90) days prior to the
20 filing of the application;

21 (9) A statement that no goods will be added to the inventory after the application
22 is made or during the sale; and

23 (10) A statement that the applicant or its principal officers or agents have not been
24 convicted of a violation of the Distress Sales Act [57-10-1 to 57-10-12 NMSA 1987] or this
25 section or had a license issued under the Act or this section revoked within five (5) years of

1 the filing of this application.

2 C. *Examination and Investigation; Grounds for Denial of License.* The city may upon
3 the filing of an application investigate the applicant and examine the applicant's affairs in relation to
4 the proposed sale and may examine the inventory and records of the applicant. A license shall not be
5 issued if it is found that:

6 (1) The applicant has held a sale subject to regulation under the Distress Sales
7 Act [57-10-1 to 57-10-12 NMSA 1978] or this section at the location described in the
8 application, within three (3) years from the date of the application;

9 (2) The ~~[application states that the]~~ applicant or any of its principal officers or
10 agents have been convicted of a violation of the Distress Sales Act or this section or has had a
11 license issued under the act or this section revoked within five (5) years of the filing of the
12 application;

13 (3) The inventory submitted with the application includes goods, wares or
14 merchandise purchased or held on consignment by the applicant or added to the applicant's
15 stock in contemplation of such sale and for the purpose of selling the stock at the distress
16 merchandise sale. Any unusual addition to the stock of goods, wares or merchandise which is
17 made within ninety (90) days prior to the filing of the application shall be prima facie
18 evidence that the addition was made in contemplation of the sale and for the purpose of
19 selling the goods at the sale;

20 (4) The applicant, in ticketing the goods, wares or merchandise for sale has
21 misrepresented the original retail price or value thereof;

22 (5) The advertisement or advertising themes are false, fraudulent, deceptive or
23 misleading in any respect;

24 (6) The sales methods to be used by the applicant in conducting the sale will
25 work a fraud upon the purchasers;

(7) The information set forth in the application is insufficient;

(8) Representations made in the application are false; ~~or~~

(9) The applicant has acquired bankrupt stock or other distress sale merchandise from another area within six (6) months of the application~~[-];~~ or

(10) The applicant or any of its principal officers or agents have been issued a notice of violation of Subsections 18-5.1(C) or (D).

D. *Issuance of License; Conditions.* If the application complies with the provisions of the Distress Sales Act [57-10-1 to 57-10-12 NMSA 1978] or this section and the license fee as set forth below has been paid, a license shall be issued to advertise and conduct the sale described in the application subject to the following conditions:

(1) The sale shall be held at the place named in the application;

(2) The sale shall be held by the licensee for a period of not more than ninety (90) days following the date set forth in the license;

(3) Only goods, wares and merchandise included in the inventory attached to the application shall be displayed on the premises and sold at the sale;

(4) The license shall be prominently displayed at the location of the sale at all times; ~~and~~

(5) The licensee shall keep suitable books at the sale location that shall be open for inspection by the city during normal business hours~~[-];~~ and

(6) Any sign related to the distress merchandise sale shall, at all times, be in compliance with Subsection 14-8.10(B)(8) SFCC 1987.

Section 4. Effective Date. This ordinance shall be effective immediately upon adoption.

1 APPROVED AS TO FORM:

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GENO ZAMORA, CITY ATTORNEY

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25 *cao/Melissa/bills 2012/distress merchandise sales (clean)*

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2012-____

INTRODUCED BY:

Councilor Rebecca Wurzbarger

A RESOLUTION

**ADOPTING THE 2014-2018 INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN
(ICIP).**

WHEREAS, the City of Santa Fe, New Mexico, a New Mexico municipal corporation,
recognizes that the financing of public capital projects has become a major concern in New
Mexico and nationally; and

WHEREAS, in times of scarce resources, it is necessary to find new financing
mechanisms and maximize the use of existing resources; and

WHEREAS, systematic capital improvements planning is an effective tool for
communities to define their development needs, establish priorities and pursue concrete actions
and strategies to achieve necessary project development; and

WHEREAS, this process contributes to local and regional efforts in project identification
and selection in short and long-range capital planning efforts.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
CITY OF SANTA FE, NEW MEXICO that:**

1 1. The City of Santa Fe has adopted the attached 2014-2018 Infrastructure Capital
2 Improvements Plan; and

3 2. The Plan is intended to be a working document and is the first of many steps
4 toward improving rational, long-range capital planning and budgeting for New Mexico's
5 infrastructure.

6 PASSED, APPROVED and ADOPTED this ____ day of _____, 2012.

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9 DAVID COSS, MAYOR

10 ATTEST:

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12 _____
13 YOLANDA Y. VIGIL, CITY CLERK

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15 APPROVED AS TO FORM:

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17 _____
18 GENO ZAMORA, CITY ATTORNEY

1 *CAO/Melissa/Resolutions-2012/ICIP*

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2012 - __**

3 **INTRODUCED BY:**

4 Councilor Rebecca Wurzbarger

5 Councilor Chris Rivera

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10 **A RESOLUTION**

11 **DESIGNATING THE ECONOMIC DEVELOPMENT DIVISION AS THE AUTHORITY**
12 **FOR THE CITY OF SANTA FE'S ECONOMIC DEVELOPMENT ACTIVITIES IN**
13 **ACCORDANCE WITH THE NEW MEXICO ECONOMIC DEVELOPMENT**
14 **DEPARTMENT CERTIFIED COMMUNITIES INITIATIVE.**

15
16 **WHEREAS**, the New Mexico State Economic Development Department has established a
17 state-wide program of assistance and incentives known as the Certified Communities Initiative (CCI)
18 that includes access to financial resources and marketing opportunities for participating communities
19 to improve their local economies; and

20 **WHEREAS**, in 2008, the City of Santa Fe was designated as a certified community and is
21 required to apply for re-certification every three years; and

22 **WHEREAS**, creating a designated entity as the community's representative authority to
23 interact with the State Economic Development Department program managers is among the
24 requirements of the CCI; and

25 **WHEREAS**, the powers and duties of the City Business and Quality of Life Advisory

1 Committee (CBQL) were amended by Ordinance No. 2008-16, to include “reviewing the
2 recommendations of the economic development review subcommittee and making recommendations
3 to the governing body regarding applications for assistance for economic development projects”; and

4 **WHEREAS**, the CBQL members represent a broad spectrum of community interests
5 including local businesses, the chamber of commerce, financial institutions, civic organizations and
6 local government.

7 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
8 **CITY OF SANTA FE** that the City of Santa Fe’s Economic Development Division is designated,
9 with the advice of the CBQL, as the authority in all economic development activities in accordance
10 with the New Mexico Economic Development Department Certified Communities Initiative.

11 **BE IT FURTHER RESOLVED** that the Economic Development Division is authorized to
12 enter the program on behalf of the City of Santa Fe.

13 PASSED, APPROVED AND ADOPTED, this ____ day of _____, 2012.

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15 _____
16 DAVID COSS, MAYOR

17 ATTEST:

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19 _____
20 YOLANDA Y. VIGIL, CITY CLERK

21 APPROVED AS TO FORM:

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23 _____
24 GENO ZAMORA, CITY ATTORNEY

25 *Cao/Melissa/Resolutions 2012/Economic Development (Certified Community Initiative)*

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2012-____

INTRODUCED BY:

Mayor David Coss

A RESOLUTION

**DECLARING THE ESTABLISHMENT OF A SISTER CITY RELATIONSHIP BETWEEN
THE CITY OF SANTA FE AND THE CITY OF LIVINGSTONE, ZAMBIA.**

WHEREAS, the City of Santa Fe, New Mexico, USA and the City of Livingstone, Zambia,
Africa, desire to formalize a Sister City relationship between the people of the two communities; and

WHEREAS, like Santa Fe, Livingstone is a tourist destination that is located near Victoria
Falls, one of the seven natural wonders of the world; and

WHEREAS, on June 28, 2012, the mayors of the City of Santa Fe and the City of
Livingstone entered into a Twinning Agreement which expressed their desire for their communities to
remain interconnected; and

WHEREAS, the City of Santa Fe and the City of Livingstone on the basis of cooperation,
equality and mutual benefit will develop their Sister City relationship to promote and broaden
economic cooperation and cultural exchanges between the two cities.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
CITY OF SANTA FE** that the Governing Body does hereby establishes a Sister City relationship

1 with the City of Livingstone, Zambia and declares its interest in exploring the establishment of
2 business and trade relations between the City of Santa Fe and the City of Livingstone in:

- 3 1. The areas of the arts such as exhibits, music, dance and other cultural activities; and
- 4 2. Education, through the establishment of contacts with educational institutions; and
- 5 3. Science and technology, sports, health, youth and any areas that will contribute to the
- 6 prosperity and the further development of a Sister City relationship between the people of Santa Fe
- 7 and Livingstone.

8 PASSED, APPROVED, and ADOPTED this _____ day of _____, 2012.

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10 _____
11 DAVID COSS, MAYOR

12 ATTEST:

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14 _____
15 YOLANDA Y. VIGIL, CITY CLERK

16 APPROVED AS TO FORM:

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18 _____
19 GENO ZAMORA, CITY ATTORNEY

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25 *CAO/M/Melissa/Resolutions 2012/Sister City - Livingstone*