

REGULAR MEETING OF THE GOVERNING BODY AUGUST 28, 2012 CITY COUNCIL CHAMBERS

AFTERNOON SESSION - 5:00 P.M.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. SALUTE TO THE NEW MEXICO FLAG

4. INVOCATION

5. ROLL CALL

6. APPROVAL OF AGENDA

APPROVAL OF CONSENT CALENDAR

8. APPROVAL OF MINUTES: Reg. City Council Meeting – August 8, 2012

9. PRESENTATIONS

a) Proclamation – September 2012 - Preparedness Month in Santa Fe. (Andrew Phelps, Emergency Manager) (5 minutes)

10. CONSENT CALENDAR

- a) Bid No. 12/28/B Fire Station #4 Additions and Renovations Agreement Between Owner and Contractor; Lockwood Construction Company. (Chip Lilienthal)
- b) Bid No. 13/01/B Uniforms for City of Santa Fe Employees; Boot Barn, Capital City Uniforms and Neves Uniforms, Inc. (Robert Rodarte)
- c) Request for Approval of Sole Source Procurement Bulk Chem-Hydrated Lime for Fiscal Year 2012/2013 for Wastewater Management Division; DPC Industries, Inc. (Luis Orozco)
- d) Request for Approval of Second Agreement for the Supply of Treated Effluent Irrigation of Landscape at Main Building for New Wildlife Education Center; State of New Mexico Department of Game & Fish. (Kathleen Garcia)

DATE 8 24-12 TIMF 2:45 pm

SERVED BY ___

RECEIVED BY



REGULAR MEETING OF THE GOVERNING BODY AUGUST 28, 2012 CITY COUNCIL CHAMBERS

- e) Request for Approval of Water Supply Agreement Emergency Water Services for the City of Las Vegas and San Miguel County; City of Santa Fe, City of Las Vegas and San Miguel County. (Brian Snyder and Marcos Martinez)
- f) Request for Approval of Amendment No. 4 to Professional Services Agreement Administration of City's Adopt-a-River and Adopt-an-Arroyo Programs; Santa Fe Watershed Association. (Brian Drypolcher)
- g) Request for Approval of Procurement Under State Price Agreement –
 2012 Summer Crack Sealing Program for Streets & Drainage Maintenance Division; IPR, Ltd. (David Catanach)
- h) Request for Approval of Grant Award Support Santa Fe Poet Laureate Program; Witter Bynner Foundation. (Julie Bystrom)
- i) Request for Approval of Grant Award Two (2) Exhibits in the Community Gallery; National Endowment for the Arts. (Julie Bystrom)
 - 1) Request for Approval of Budget Increase Grant Fund
- Request for Approval of Grant Application Gallery Programming, Community Workshops and Exhibits at Santa Fe Community Convention Center, Community Gallery; New Mexico Department of Cultural Affairs, New Mexico Arts Division. (Julie Bystrom)
 - 1) Request for Approval of Budget Decrease Grant Fund
- Request for Approval of Professional Services Agreement Business Incubation Services (RFP #12/23/P); Santa Fe Business Incubator. (Kate Noble)
- l) Request for Approval of Professional Services Agreement Entrepreneurial Fellowship Program Services (RFP #12/24/P); The MVM Group, LLC. (Kate Noble)
- m) Request for Approval of Recommendation for Design-Build Procurement Construct a Photovoltaic Solar Power System at Buckman Direct Diversion Booster Station 2A Using the Design-Build Project Delivery Method. (Dale Lyons)



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- n) Request for Approval of Amendment No. 2 to Professional Services Agreement – Construction Services at Santa Fe Depot Platform and Railyard Development; Santa Fe Railyard Community Corporation. (Robert Siqueiros)
- o) Request for Approval of Settlement Agreement Election to Receive Distribution to the City of Santa Fe from Fund Created from an Out of Court Settlement Against JP Morgan Chase & Co. (Judith Amer)
- p) Cerrillos Road Reconstruction Project Phase II B, Cielo Court to Camino Carlos Rey. (Peter Manzanares)
 - 1) Request for Approval of Change Order No. 4 New Items Not Part of Original Bid and Adjusted Items; AUI, Inc.
 - 2) Request for Approval of Settlement Agreement; AUI, Inc.
 - 3) Request for Approval of Budget Adjustment Project Fund
- q) CONSIDERATION OF RESOLUTION NO. 2012-__. (Councilor Wurzburger, Councilor Rivera, Councilor Dominguez and Councilor Ives) 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. (Fabian Trujillo)
- r) CONSIDERATION OF RESOLUTION NO. 2012-__. (Councilor Dominguez, Councilor Rivera and Councilor Dimas)

 A Resolution Relating to a Local Government Road Fund Cooperative Agreement Between the City of Santa Fe and the New Mexico Department of Transportation for Improvements to Calle Atajo Between Airport Road and Rufina Street; Directing Staff to Cause Such Cooperative Agreement to be Executed on Behalf of the City of Santa Fe. (David Catanach)



REGULAR MEETING OF THE GOVERNING BODY AUGUST 28, 2012 CITY COUNCIL CHAMBERS

- s) CONSIDERATION OF RESOLUTION NO. 2012-____. (Councilor Trujillo, Councilor Dominguez and Councilor Calvert)

 A Resolution Relating to the New Mexico Litter Control and Beautification Act of 1985 Which Authorizes the Use of Public Funds in the Form of Grants for the Purpose of Enhancing Local Litter Control and Beautification Programs; Authorizing Keep Santa Fe Beautiful to Plan, Budget and Apply for a Grant Pursuant to the New Mexico Litter Control and Beautification Act. (Gilda Montano)
 - 1) Request for Approval of Grant Agreement Keep Santa Fe Beautiful Litter Control & Beautification Act; State of New Mexico Department of Tourism.
- t) Request for Approval of Professional Services Agreements Affordable Housing Trust Fund Down Payment Assistance Program. (Kim Dicome)
 - 1) Santa Community Housing Trust
 - 2) Homewise
 - 3) Habitat for Humanity
- u) Request for Approval of Findings of Fact and Conclusions of Law for Case #2012-52, Shellaberger Tennis Center General Plan Amendment, and Case #2012-53, Shellaberger Tennis Center Rezoning to C-2. (Kelley Brennan)
- v) Request for Approval of Full-Time City Employee to Provide Constitutionally Required Public Defender Legal Services at Municipal Court. (Robert Romero)
- w) Railyard Market Station Condominium. (Dr. Melville Morgan, Judith Amer, Chip Lilienthal and Robert Romero)
 - 1) Request for Approval to Pursue City Bond Issue for Purchase and Improvements of Railyard Market Station Condominium.
 - 2) Request for Approval of Budget Adjustment Project Fund.
 - 3) Request for Approval of Agreement between Owner and Architect Architectural Design Services for Market Station at Santa Fe Railyard; Autotroph, Inc.



REGULAR MEETING OF THE GOVERNING BODY AUGUST 28, 2012 CITY COUNCIL CHAMBERS

- x) Request to Publish Notice of Public Hearing on Monday, September 24, 2012:
 - 1) Bill No. 2012-28: An Ordinance Related to Panhandling on Public Property; Amending Section 20-2.2 SFCC 1987 to Amend the Definition of Panhandling to Include Non-Vocal Solicitations; and Amending Section 20-2.3 SFCC 1987 to Amend the Regulations for Panhandling on Public Property. (Councilor Trujillo, Councilor Bushee, Councilor Dimas and Councilor Rivera) (Alfred Walker)
 - Bill No. 2012-29: An Ordinance Relating to Telecommunications 2) Facilities Authorized in the Public Rights-of-Way, Article 27-2 SFCC 1987; Amending Section 27-2.3 SFCC 1987 to Amend the Definitions Applicant, Gross Revenue. Provider of and Telecommunications Services; Amending Section 27-2.5 SFCC 1987 to Include that the Telecommunications Facilities in the Public Rights Ordinance of Wav Applies to Providers with Telecommunications Networks in the Public Right-of-Way that Do Not Provide Services Within the City Limits; Amending Section 27-2.13 SFCC 1987 to Correct a Citation; and Making Such Other Stylistic or Grammatical Changes that are Necessary. (Mayor Coss) (Kelley Brennan)
- y) CONSIDERATION OF RESOLUTION NO. 2012-____. (Councilor Ives and Councilor Wurzburger)
 Request for Approval of a Resolution Amending and Readopting the Governing Body Procedural Rules ("Rules"). (Geno Zamora) (Postponed at July 25, 2012 City Council Meeting) (Postponed to September 12, 2012 City Council Meeting)
- 11. MATTERS FROM THE CITY MANAGER
- 12. MATTERS FROM THE CITY ATTORNEY
- 13. MATTERS FROM THE CITY CLERK

Request for Approval to Change Tuesday, September 25, 2012 City Council Meeting to Monday, September 24, 2012.

14. COMMUNICATIONS FROM THE GOVERNING BODY



REGULAR MEETING OF THE GOVERNING BODY AUGUST 28, 2012 CITY COUNCIL CHAMBERS

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 The Santa Fe Playhouse for a Waiver of the 300 Foot Location Restriction to Allow the Sale, Dispensing and Consumption of Beer at The Santa Fe Playhouse, 142 East De Vargas, Which is Within 300 Feet of San Miguel Mission, 401 Old Santa Fe Trail. The Request is for the Following Events: (Yolanda Y. Vigil)
 - a) Friday, August 31, 2012 (6:00 p.m. to 12:00 a.m.) Fiesta Melodrama
 - b) Saturday, September 1, 2012 (6:00 p.m. to 12:00 a.m.) Fiesta Melodrama
 - c) Friday, September 7, 2012 (6:00 p.m. to 12:00 a.m.) Fiesta Melodrama
 - d) Saturday, September 8, 2012 (6:00 p.m. to 12:00 a.m.) Fiesta Melodrama
 - 2) Request from Theater Grottesco for a Waiver of the 300 Foot Location Restriction to Allow the Dispensing and Consumption of Beer and Wine at Jackalope, 2820 Cerrillos Road, Which is Within 300 Feet of Santa Fe Christian Fellowship Church, 2860 Cerrillos Road, #5. The Request is for a Fundraiser to be Held on Saturday, September 15, 2012 from 5:00 p.m. to 8:00 p.m. (Yolanda Y. Vigil)
 - 3) Request from Southwest CARE Center for a Waiver of the 300 Foot Location Restriction to Allow the Sale, Dispensing and Consumption of Beer and Wine at El Museo Cultural, 555 Calle de la Familia, Which is Within 300 Feet of Tierra Encantada Charter School @ Alvord, 551 Alarid Street. The Request is for an Art Exhibit Opening to be Held On Friday, September 28, 2012 from 5:00 p.m. to 8:00 p.m. (Yolanda Y. Vigil)

REGULAR MEETING OF THE GOVERNING BODY AUGUST 28, 2012 CITY COUNCIL CHAMBERS

- 4) Request from Level 2 Industries, LLC, for a Small Brewers Liquor License to be Located at Duel Brewing, 1228 Parkway Drive, Suite D. (Yolanda Y. Vigil)
- CONSIDERATION OF RESOLUTION NO. 2012

 <u>Case #2012-30</u>. 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 August 8, 2012 City Council Meeting)
- 6) CONSIDERATION OF BILL NO. 2012-24: ADOPTION OF ORDINANCE NO. 2012-___.

 Case #2012-31. Bienvenidos Rezoning to R-5. JenkinsGavin 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 August 8, 2012 City Council Meeting)
- 7) CONSIDERATION OF BILL NO. 2012-25: ADOPTION OF ORDINANCE NO. 2012-____. (Councilor Calvert)
 Request for Approval of an Ordinance Amending Section 25-1.8 SFCC 1987; Reducing the Level of Fluoride in the City Water Supply; Ceasing the Supplementation of Fluoride in the City Water Supply; and Ensuring that the Natural Fluoride Levels in the City Water Supply are Below the Current Maximum and Secondary Contaminant Levels Recommended by the United States Environmental Protection Agency. (Alex Puglisi) (Withdrawn by Sponsor)

I. ADJOURN

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

REGULAR MEETING OF THE GOVERNING BODY AUGUST 28, 2012 CITY COUNCIL CHAMBERS

NOTE: New Mexico law requires the following administrative procedures be followed when conducting "quasi-judicial" hearings. In a "quasi-judicial" hearing all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross-examination. Witnesses have the right to have an attorney present at the hearing.

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

SUMMARY INDEX SANTA FE CITY COUNCIL MEETING August 28, 2012

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APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING - AUGUST 8, 2012	Approved	2-5
PRESENTATIONS		
PROCLAMATION – SEPTEMBER 2012 – PREPAREDNESS MONTH IN SANTA FE		5
CONSENT CALENDAR DISCUSSION		
BID NO. 13/01/B – UNIFORMS FOR CITY OF SANTA FE EMPLOYEES; BOOT BARN, CAPITAL CITY UNIFORMS AND NEVE'S UNIFORMS, INC.	Approved Pages 5-6 and	Pages 16-17
CERRILLOS ROAD RECONSTRUCTION PROJECT PHASE II B, CIELO COURT TO CAMINO CARLOS REY		
REQUEST FOR APPROVAL OF CHANGE ORDER NO. 4 – NEW ITEMS NOT PART OF ORIGINAL BID AND ADJUSTED ITEMS;		
AUI, INC.	Approved w/direction to staff	6- 8
REQUEST FOR APPROVAL OF SETTLEMENT AGREEMENT, AUI, INC.	Approved w/direction to staff	f 6-8
REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT - PROJECT FUND	Approved	6-8

<u>ITEM</u>	ACTION	PAGE#
CONSIDERATION OF RESOLUTION NO. 2012-75. A RESOLUTION RELATING TO A LOCAL GOVERNMENT ROAD FUND COOPERATIVE AGREEMENT BETWEEN THE CITY OF SANTA FE AND THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO CALLE ATAJO BETWEEN AIRPORT ROAD AND RUFINA STREET; DIRECTING STAFF TO CAUSE SUCH COOPERATIVE AGREEMENT TO BE EXECUTED ON BEHALF OF THE CITY OF SANTA FE	Approved	8-9
RAILYARD MARKET STATION CONDOMINIUM: REQUEST FOR APPROVAL TO PURSUE CITY BOND ISSUE FOR PURCHASE AND IMPROVEMENTS OF RAILYARD MARKET		
STATION CONDOMINIUM	Approved	9-10
REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – PROJECT FUND	Approved	9-10
REQUEST FOR APPROVAL OF AGREEMENT BETWEEN OWNER AND ARCHITECT – ARCHITECTURAL DESIGN SERVICES FOR MARKET STATION AT SANTA FE RAILYARD; AUTOTROPH, INC.	Approved	9-10
MATTERS FROM THE CITY CLERK		
REQUEST FOR APPROVAL TO CHANGE TUESDAY, SEPTEMBER 25, 2012 CITY COUNCIL MEETING TO MONDAY, SEPTEMBER 24, 2012 CONSENT AGENDA	Approved	10-11
REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON MONDAY, SEPTEMBER 24, 2012: BILL NO. 2012-28: AN ORDINANCE RELATED TO PANHANDLING ON PUBLIC PROPERTY; AMENDING SECTION 20-2.2 SFCC 1987, TO AMEND THE DEFINITION OF PANHANDLING TO INCLUDE NON-VOCAL SOLICITATIONS; AND AMENDING SECTION 20-2.3 SFCC 1987 TO AMEND THE REGULATIONS FOR PANHANDLING ON PUBLIC PROPERTY	Approved	11-12

Approved

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Mayor's Youth Advisory Board

PUBLIC HEARINGS

REQUEST FROM THE SANTA FE PLAYHOUSE FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE, DISPENSING AND CONSUMPTION OF BEER AT THE SANTA FE PLAYHOUSE, 142 EAST DE VARGAS, WHICH IS WITHIN 300 FEET OF SAN MIGUEL MISSION, 401 OLD SANTA FE TRAIL. THE REQUEST IS FOR THE FOLLOWING EVENTS:

FRIDAY, AUGUST 31, 2012 (6:00 P.M. TO 12:00 A.M.) – FIESTA MELODRAMA

SATURDAY, SEPTEMBER 1, 2012 (6:00 P.M. TO 12:00 A.M. – FIESTA MELODRAMA

FRIDAY, SEPTEMBER 7, 2012 (6:00 P.M. TO 12:00 A.M. – FIESTA MELODRAMA

SATURDAY, SEPTEMBER 8, 2012 (6:00 P.M. TO 12:00 A.M.) – FIESTA MELODRAMA

All approved

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REQUEST FROM THEATER GROTTESCO FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE DISPENSING AND CONSUMPTION OF BEER AND WINE AT JACKALOPE, 2820 CERRILLOS ROAD, WHICH IS WITHIN 300 FEET OF SANTA FE CHRISTIAN FELLOWSHIP CHURCH, 2860 CERRILLOS ROAD #5. THE REQUEST IS FOR A FUNDRAISER TO BE HELD ON SATURDAY, SEPTEMBER 15, 2012, FROM 5:00 P.M. TO 8:00 P.M.

Approved

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REQUEST FROM SOUTHWEST CARE CENTER FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE, DISPENSING AND CONSUMPTION OF BEER AND WINE AT EL MUSEO CULTURAL, 555 CALLE DE LA FAMILIA, WHICH IS WITHIN 300 FEET OF TIERRA ENCANTADA CHARTER SCHOOL @ ALVORD, 551 ALARID STREET. THE REQUEST IS FOR AN ART EXHIBIT OPENING TO BE HELD ON FRIDAY, SEPTEMBER 28, 2012 FROM 5:00 P.M. TO 8:00 P.M.

Approved

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PAGE# ITEM ACTION REQUEST FROM LEVEL 2 INDUSTRIES, LLC, FOR A SMALL BREWERS LIQUOR LICENSE TO BE LOCATED AT DUEL BREWING, 1228 31 Postponed to 09/12/12 PARKWAY DRIVE, SUITE D 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 Remand to Planning Commission 31-57 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 Remand to Planning Commission OF RUFINA STREET AND WEST OF RICHARDS AVENUE 31-57 CONSIDERATION OF BILL NO. 2012- ... AN **ORDINANCE AMENDING SECTION 25-1.8 SFCC** 1987: REDUCING THE LEVEL OF FLUORIDE IN THE CITY WATER SUPPLY; CEASING THE SUPPLEMENTATION OF FLUORIDE IN THE CITY WATER SUPPLY; AND ENSURING THAT THE NATURAL FLUORIDE LEVELS IN THE CITY WATER SUPPLY ARE BELOW THE CURRENT MAXIMUM AND SECONDARY CONTAMINANT LEVELS RECOMMENDED BY THE UNITED STATES ENVIRONMENTAL PROTECTION

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Withdrawn by Sponsor

AGENCY

<u>ITEM</u>	ACTIO	<u>ON</u>	PAGE#	
ADJOURN			58	

MINUTES OF THE REGULAR MEETING OF THE GOVERNING BODY Santa Fe, New Mexico August 28, 2012

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Pro-Tem Rebecca Wurzburger, on Tuesday, August 28, 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

Councilor Rebecca Wurzburger, Mayor Pro-Tem Councilor Christopher Calvert Councilor Bill Dimas Councilor Carmichael A. Dominguez Councilor Peter N. Ives Councilor Christopher M. Rivera Councilor Ronald S. Trujillo

Members Excused

Mayor David Coss Councilor Patti J. Bushee

Others Attending

Robert Romero, City Manager Kelley Brennan, Assistant City Attorney Yolanda Y. Vigil, City Clerk Melessia Helberg, Council Stenographer

6. APPROVAL OF AGENDA

Mr. Romero said the Applicant has requested to postpone item H(4) on the evening agenda to the Council meeting of September 12, 2012.

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

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

7. APPROVAL OF CONSENT CALENDAR

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

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

For: Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Mayor Pro-Tem Wurzburger.

Against: None.

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, August 27, 2012, regarding Item 10(a) is incorporated herewith to these minutes as Exhibit "1."

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, August 27, 2012, regarding Item 10(n) is incorporated herewith to these minutes as Exhibit "2."

A copy of *Election to participate in settlement with JP Morgan Chase & Co.*, regarding Item 10(o), is incorporated herewith to these minutes as Exhibit "3."

- a) BID NO. 12/28/B FIRE STATION #4 ADDITIONS AND RENOVATIONS AGREEMENT BETWEEN OWNER AND CONTRACTOR; LOCKWOOD CONSTRUCTION COMPANY. (CHIP LILIENTHAL)
- b) [Removed for discussion by Councilor Dimas]
- c) REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT BULK CHEM HYDRATED LIME FOR FISCAL YEAR 2012/2013 FOR WASTEWATER MANAGEMENT DIVISION; DPC INDUSTRIES, INC. (LUIS OROZCO)
- d) REQUEST FOR APPROVAL OF SECOND AMENDMENT FOR THE SUPPLY OF TREATED EFFLUENT IRRIGATION OF LANDSCAPE AT MAIN BUILDING FOR NEW WILDLIFE EDUCATION CENTER; STATE OF NEW MEXICO DEPARTMENT OF GAME & FISH. (KATHLEEN GARCIA)
- e) REQUEST FOR APPROVAL OF WATER SUPPLY AGREEMENT EMERGENCY
 WATER SERVICES FOR THE CITY OF LAS VEGAS AND SAN MIGUEL COUNTY; CIT
 Y OF SANTA FE, CITY OF LAS VEGAS AND SAN MIGUEL COUNTY. (BRIAN
 SNYDER AND MARCOS MARTINEZ)

- f) REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT ADMINISTRATION OF CITY'S ADOPT-A-RIVER AND ADOPT-AN-ARROYO PROGRAMS; SANTA FE WATERSHED ASSOCIATION. (BRIAN DRYPOLCHER)
- g) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT 2012 SUMMER CRACK SEALING PROGRAM FOR STREETS & DRAINAGE MAINTENANCE DIVISION; IPR, LTD. (DAVID CATANACH)
- h) REQUEST FOR APPROVAL OF GRANT AWARD SUPPORT SANTA FE POET LAUREATE PROGRAM; WITTER BYNNER FOUNDATION. (JULIE BYSTROM)
- i) REQUEST FOR APPROVAL OF GRANT AWARD TWO (2) EXHIBITS IN THE COMMUNITY GALLERY; NATIONAL ENDOWMENT FOR THE ARTS. (JULIE BYSTROM)
 - 1) REQUEST FOR APPROVAL OF BUDGET DECREASE GRANT FUND.
- j) REQUEST FOR APPROVAL OF GRANT APPLICATION GALLERY PROGRAMMING, COMMUNITY WORKSHOPS AND EXHIBITS AT SANTA FE COMMUNITY CONVENTION CENTER, COMMUNITY GALLERY; NEW MEXICO DEPARTMENT OF CULTURAL AFFAIRS, NEW MEXICO ARTS DIVISION. (JULIE BYSTROM)

 1) REQUEST FOR APPROVAL OF BUDGET DECREASE GRANT FUND.
- k) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT BUSINESS INCUBATION SERVICES (RFP #12/23/P);P SANTA FE BUSINESS INCUBATOR. (KATE NOBLE)
- I) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT –
 ENTREPRENEURIAL FELLOWSHIP PROGRAM SERVICES (RFP #12/24/P); THE MVM
 GROUP, LLC. (KATE NOBLE)
- m) REQUEST FOR APPROVAL OF RECOMMENDATION FOR DESIGN-BUILD PROCUREMENT CONSTRUCT A PHOTOVOLTAIC SOLAR POWER SYSTEM AT BUCKMAN DIRECT DIVERSION BOOSTER STATION 2A USING THE DESIGN-BUILD PROJECT DELIVERY METHOD. (DALE LYONS)
- n) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT CONSTRUCTION SERVICES AT SANTA FE DEPOT PLATFORM AND RAILYARD DEVELOPMENT; SANTA FE RAILYARD COMMUNITY CORPORATION. (ROBERT SIQUEIROS)

- o) REQUEST FOR APPROVAL OF SETTLEMENT AGREEMENT ELECTION TO RECEIVE DISTRIBUTION TO THE CITY OF SANTA FE FROM FUND CREATED FROM AN OUT OF COURT SETTLEMENT AGAINST JP MORGAN CHASE & CO. (JUDITH AMER)
- p) [Removed for discussion by Councilor Calvert]
- q) CONSIDERATION OF RESOLUTION NO. 2012-73 (COUNCILOR WURZBURGER, COUNCILOR RIVERA, COUNCILOR DOMINGUEZ AND COUNCILOR IVES). 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. (FABIAN TRUJILLO)
- r) [Removed for discussion by Councilor Trujillo)
- S) CONSIDERATION OF RESOLUTION NO. 2012-74 (COUNCILOR TRUJILLO, COUNCILOR DOMINGUEZ AND COUNCILOR CALVERT). A RESOLUTION RELATING TO THE NEW MEXICO LITTER CONTROL AND BEAUTIFICATION ACT OF 1985, WHICH AUTHORIZES THE USE OF PUBLIC FUNDS IN THE FORM OF GRANTS FOR THE PURPOSE OF ENHANCING LOCAL LITTER CONTROL AND BEAUTIFICATION PROGRAMS; AUTHORIZING KEEP SANTA FE BEAUTIFUL TO PLAN, BUDGET AND APPLY FOR A GRANT PURSUANT TO THE NEW MEXICO LITTER CONTROL AND BEAUTIFICATION ACT. (GILDA MONTANO)
 - 1) REQUEST FOR APPROVAL OF GRANT AGREEMENT KEEP SANTA FE BEAUTIFUL LITTER CONTROL & BEAUTIFICATION ACT; STATE OF NEW MEXICO DEPARTMENT OF TOURISM
- t) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS –
 AFFORDABLE HOUSING TRUST FUND DOWN PAYMENT ASSISTANCE PROGRAM.
 (KIM DICOME)
 - 1) SANTA FE COMMUNITY HOUSING TRUST
 - 2) HOMEWISE
 - 3) HABITAT FOR HUMANITY
- u) REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CASE #2912-52, SHELLABERGER TENNIS CENTER GENERAL PLAN AMENDMENT AN CASE #2012-53, SHELLABERGER TENNIS CENTER REZONING TO C-2. (KELLEY BRENNAN)
- v) REQUEST FOR APPROVAL OF FULL-TIME CITY EMPLOYEE TO PROVIDE CONSTITUTIONALLY REQUIRED PUBLIC DEFENDER LEGAL SERVICES AT MUNICIPAL COURT. (ROBERT ROMERO)

- w) [Removed for discussion by Councilor Rivera]
- x) [Removed for discussion by Councilor Calvert[
- y) CONSIDERATION OF RESOLUTION NO. 2012- ___ (COUNCILOR IVES AND COUNCILOR WURZBURGER). REQUEST FOR APPROVAL OF A RESOLUTION AMENDING AND READOPTING THE GOVERNING BODY PROCEDURAL RULES ("RULES"). (GENO ZAMORA) (Postponed at July 25, 2012 City Council Meeting) (Postponed to September 12, 2012 City Council Meeting)

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING - AUGUST 8, 2012

MOTION: Councilor Calvert moved, seconded by Councilor Rivera, to approve the minutes of the Regular City Council meeting of August 8, 2012, as presented.

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

9. PRESENTATIONS

a) PROCLAMATION - SEPTEMBER 2012 - PREPAREDNESS MONTH IN SANTA FE. (ANDREW PHELPS, EMERGENCY MANAGER)

Mayor Pro-Tem Wurzburger read a Proclamation into the record declaring September 2012, as Preparedness Month in Santa Fe, and presented the Proclamation to Andrew Phelps who was accompanied by his daughter Guinevere.

Andrew Phelps thanked the City for its support of preparedness initiatives to insure that a culture of preparedness is being reinforced in the City so they can prepare for, mitigate against, respond to and recover from, any emergency in the City regardless of cause.

Mayor Pro-Tem Wurzburger thanked him for his hard work in this regard.

CONSENT CALENDAR DISCUSSION

10 (b) BID NO. 13/01/B – UNIFORMS FOR CITY OF SANTA FE EMPLOYEES; BOOT BARN, CAPITAL CITY UNIFORMS AND NEVE'S UNIFORMS, INC. (ROBERT RODARTE)

Councilor Dimas said he is pulling this item to recuse himself from the voting or discussion to avoid the appearance of impropriety. He said Benny Dimas is the owner of Capital City Uniforms. He said he isn't related to Benny Dimas, but Mr. Dimas did contribute money to his campaign.

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

DISCUSSION: Councilor Rivera said 4 companies bid on this, and only one was "thrown out." He asked if there are requirements in City Procurement that only 3 companies are eligible to win this bid.

Dr. Morgan said he doesn't know, but he will find out.

Councilor Rivera also would like the reason that one of the four companies that bid was thrown out, commenting each have different prices for items, some better than others, yet only three were awarded a contract.

Dr. Morgan said he will get an answer to these questions.

Councilor Rivera said in light of that, he believes this should be postponed to the next meeting to get answers to his guestions.

Mayor Pro-Tem Wurzburger asked if there is a time sensitivity and Dr. Morgan said no.

WITHDRAWAL OF THE MOTION BY THE MAKER AND SECOND: Councilor Trujillo and Councilor Calvert withdrew the motion and second.

Councilor Calvert asked if it would be possible to postpone this item to the evening session if Dr. Morgan was able to get an answer to Councilor Rivera's question.

Councilor River said he is okay with that if we can get a clarification.

MOTION: Councilor Trujillo moved, seconded by Councilor Calvert, to postpone this item to the evening session, pending further information.

VOTE: The motion was approved on a voice vote, with Councilors Calvert, Dominguez, Ives, Rivera, Trujillo and Mayor Pro-Tem Wurzburger voting in favor of the motion, no one voting against, and Councilor Dominguez recused.

- 10 (p) CERRILLOS ROAD RECONSTRUCTION PROJECT PHASE II B, CIELO COURT TO CAMINO CARLOS REY. (PETER MANZANARES)
 - 1) REQUEST FOR APPROVAL OF CHANGE ORDER NO. 4 NEW ITEMS NOT PART OF ORIGINAL BID AND ADJUSTED ITEMS; AUI, INC.
 - 2) REQUEST FOR APPROVAL OF SETTLEMENT AGREEMENT, AUI, INC.
 - 3) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT PROJECT FUND.

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, August 27, 2012, regarding Item 10(p) is incorporated herewith to these minutes as Exhibit "4."

Mayor Pro-Tem Wurzburger said she believes Councilor Calvert's intention in removing this item was to get the highlight we heard last night from Isaac Pino at the end of the Public Works Committee meeting last night, with respect to what our options are, and asked Councilor Calvert to speak to this.

Councilor Calvert said this is correct. He said he wasn't happy with how this turned out, but he understands the reason, and it would be good to have that on the record for the full Council. He asked staff to speak to "how we got to where we are on this particular issue."

Mayor Pro-Tem Wurzburger said there was some discussion last evening with regard to possible direction to staff.

Councilor Calvert said this is correct, and he will ask two things following Mr. Pino's comments...

Isaac Pino, Public Works Director, said the two things he addressed last evening, were the options which hadn't been explained during the presentation. He said the options were to go with the settlement agreement, or to choose not to the settlement agreement and allow that to take its path wherever it leads – litigation or other form of litigation.

Mr. Pino said he had mentioned there are no provisions for dispute resolution in the contract which would get us close to any kind of resolution, and the reason we have the settlement agreement. He said he also explained that the settlement agreement, while it is captioned as a settlement, it is not a legal settlement and there is no threatened litigation. This is the reason it wasn't brought forth in executive session. He said this is essentially what was discussed post-meeting last night. Mr. Pino said Eric can provide the details specific to the numbers.

Yolanda Vigil, City Clerk, said there will need to be separate motions for each item.

MOTION: Councilor Calvert moved, seconded by Councilor Dominguez, to approve Item 10((p)(1), Change Order No. 4, with direction to staff, for all future contracts, to ensure there are provisions in the contract for dispute settlement, whatever method we choose, and given the circumstances of how this played out and the money we spent to get this project done on time, "I would make my motion for approval with prejudice, almost let's say extreme prejudice, against hiring this contractor again."

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

For: Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Mayor Pro-Tem Wurzburger.

Against: None.

MOTION: Councilor Calvert moved, seconded by Councilor Dominguez, to approve Item 10(p)(2), the Settlement Agreement, with direction to staff, for all future contracts, to ensure there are provisions in the contract for dispute settlement, whatever method we choose, and given the circumstances of how this played out and the money we spent to get this project done time, "I would make my motion for approval with prejudice, almost say extreme prejudice, against hiring this contractor again."

VOTE: For: Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Mayor Pro-Tem Wurzburger.

Against: None.

MOTION: Councilor Calvert moved, seconded by Councilor Rivera, to approve Item 10(p)(3), the request for approval of a BAR.

VOTE: For: Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Mayor Pro-Tem Wurzburger.

Against: None.

Explaining his vote: Councilor Dominguez said, "Just a small statement if I may, Mayor Pro-Tem. I'm really hopeful that staff and management will do a little bit better job of making sure that we get qualified, competent people to continue to do the work that the citizens expect us to do, and I agree with Councilor Calvert with his prejudice, if you will. Just to make that comment."

10 (r) CONSIDERATION OF RESOLUTION NO. 2012-75 (COUNCILOR DOMINGUEZ, COUNCILOR RIVERA AND COUNCILOR DIMAS). A RESOLUTION RELATING TO A LOCAL GOVERNMENT ROAD FUND COOPERATIVE AGREEMENT BETWEEN THE CITY OF SANTA FE AND THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO CALLE ATAJO BETWEEN AIRPORT ROAD AND RUFINA STREET; DIRECTING STAFF TO CAUSE SUCH COOPERATIVE AGREEMENT TO BE EXECUTED ON BEHALF OF THE CITY OF SANTA FE. (DAVID CATANACH)

Councilor Trujillo said, "The reason I pulled this Madam Mayor Pro-Tem, is just to clarify that I do work for the New Mexico Department of Transportation. I used to be the local Road Fund Coordinator for the DOT for these things. I no longer am in that position, and there is no conflict at all, so I will move for approval."

MOTION: Councilor Trujillo moved, seconded by Councilor Dimas, to adopt Resolution No. 2012-75.

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

For: Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Mayor Pro-Tem Wurzburger.

Against: None.

- w) RAILYARD MARKET STATION CONDOMINIUM. (DR. MELVILLE MORGAN, JUDITH AMER, CHIP LILIENTHAL AND ROBERT ROMERO)
 - 1) REQUEST FOR APPROVAL TO PURSUE CITY BOND ISSUE FOR PURCHASE AND IMPROVEMENTS OF RAILYARD MARKET STATION CONDOMINIUM.
 - 2) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT PROJECT FUND.
 - 3) REQUEST FOR APPROVAL OF AGREEMENT BETWEEN OWNER AND ARCHITECT ARCHITECTURAL DESIGN SERVICES FOR MARKET STATION AT SANTA FE RAILYARD; AUTOTROPH, INC.

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, August 27, 2012, regarding Item 10(w)(3) is incorporated herewith to these minutes as Exhibit "5."

Councilor Rivera said, referring to the Memo dated August 15, 2012, on page 10 of the packet, it appears that the local preference was made on a point system, or on the total bid price and then converted to some sort of point system.

Mr. Lilienthal said the local preference is based on a point system.

Councilor Rivera asked if this is something new, saying he thought it was based on the total bid amount.

Mr. Lilienthal said, "The bid amount for certain projects varies. This one was 20% of the fee, and it doesn't work that way, so it's always been on a point system for proposals."

MOTION: Councilor Rivera moved, seconded by Councilor Calvert to approve Items 10(w)(1) and (2).

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

For: Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Mayor Pro-Tem Wurzburger.

Against: None.

MOTION: Councilor Calvert moved, seconded by Councilor Rivera, to approve Item 10(w)(3).

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

For: Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Mayor Pro-Tem Wurzburger.

Against: None.

MOTION: Councilor Calvert moved, seconded by Councilor Trujillo, to reconsider the previous action to approve the agenda, to amend the agenda to hear Item 13 next, then hear Item 10(x), and to approve the amended agenda as amended.

DISCUSSION: Councilor Ives said he will recuse himself on Item 10(x)(2) based on his wife's representation of the City in these matters.

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

13. MATTERS FROM THE CITY CLERK

REQUEST FOR APPROVAL TO CHANGE TUESDAY, SEPTEMBER 25, 2012 CITY COUNCIL MEETING TO MONDAY, SEPTEMBER 24, 2012.

Ms. Vigil said staff is requesting to change the scheduled Council Meeting of Tuesday, September 25, 2012, to Monday, September 24, 2012, because Yom Kippur begins at sundown on September 25th.

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

DISCUSSION: Councilor Calvert asked what happens with the Public Works Committee meeting which is scheduled on Monday.

Ms. Vigil said the Public Works Director will be meeting the Chair of the Public Works Committee in this regard.

Councilor Calvert asked if there is an option to hold the Public Works meeting on Tuesday, but making sure it is concluded by 7:00 p.m.

Ms. Vigil said yes, noting that is what was done last year, and the Chair of the meeting that day ensured the meeting ended prior to sundown.

Councilor Calvert said, "You should have no problem with that."

Mayor Pro-Tem said, "I have no problem ending meetings our on time, and I again, thank you for that vociferous vote of support and confidence, and I do hope Ms. Helberg has that in the record for sure."

Mayor Pro-Tem Wurzburger said we've done that before, and the corollary is that we would have a Council meeting on Easter or Christmas. So, if we did it before without criticism, she "supposes that's okay."

Ms. Vigil said they can look at the week before to check the availability of the Council Chambers.

Councilor Calvert said we're talking about next month, so there is time to pursue options for Public Works.

Councilor Dominguez said, "When you have those discussions, please keep in mind what pieces of legislation are going through the Committee process, so we don't hold things up."

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

10. CONSENT AGENDA

- x) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON MONDAY, SEPTEMBER 24, 2012:
 - 1) BILL NO. 2012-28: AN ORDINANCE RELATED TO PANHANDLING ON PUBLIC PROPERTY; AMENDING SECTION 20-2.2 SFCC 1987, TO AMEND THE DEFINITION OF PANHANDLING TO INCLUDE NON-VOCAL SOLICITATIONS; AND AMENDING SECTION 20-2.3 SFCC 1987 TO AMEND THE REGULATIONS FOR PANHANDLING ON PUBLIC PROPERTY. (COUNCILOR TRUJILLO, COUNCILOR BUSHEE, COUNCILOR DIMAS AND COUNCILOR RIVERA). (ALFRED WALKER)
 - 2) BILL NO. 2012-29: AN ORDINANCE RELATING TO TELECOMMUNICATIONS FACILITIES AUTHORIZED IN THE PUBLIC RIGHTS-OF-WAY, ARTICLE 27-2 SFCC 1987; AMENDING SECTION 27-2.3 SFCC 1987 TO AMEND THE DEFINITIONS OF APPLICANT, GROSS REVENUE, PROVIDER AND TELECOMMUNICATIONS SERVICES; AMENDING SECTION 27-2.5 SFCC 1987, TO INCLUDE THAT THE TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS OF WAY ORDINANCE APPLIES TO PROVIDERS WITH TELECOMMUNICATIONS NETWORKS IN THE PUBLIC RIGHT-OF-WAY THAT DO NOT PROVIDE SERVICES WITHIN THE CITY LIMITS; AMENDING SECTION 27-2.13 SFCC 1987 TO CORRECT A CITATION; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY (MAYOR COSS). (KELLEY BRENNAN)

Councilor lives recused himself from participation on 10(x)(2), based on his wife's representation of the City in these matters.

MOTION: Councilor Calvert moved, seconded by Councilor Trujillo to approve Item 10(x)(1) as presented.

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

For: Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Mayor Pro-Tem Wurzburger.

Against: None.

MOTION: Councilor Calvert moved, seconded by Councilor Dominguez, to approve Item 10(x)(2).

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

For: Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Rivera, Councilor Trujillo and Mayor Pro-Tem Wurzburger.

Against: None.

Recused: Councilor Ives.

END OF CONSENT CALENDAR DISCUSSION

11. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

12. MATTERS FROM THE CITY ATTORNEY

There were no matters from the City Attorney.

14. 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 28, 2012, is incorporated herewith to these minutes as Exhibit "6."

Councilor Dimas

Councilor Dimas had no communications.

Councilor Trujillo

Councilor Trujillo said, "First and foremost I want to wish my wife Amber a happy birthday."

Councilor Trujillo said this weekend on the Railyard the Girls and Boys Club is having a fair, and he will be at the dunk tank between 12:00 noon and 1:00 p.m., and invited anyone who wants to dunk him to come to the Railyard. He said this is for a good cause. He said the Club has asked if other Councilors the City Manager, the City Clerk and others are interested in participating at the dunk tank.

Councilor Rivera

Councilor Rivera had no communications.

Councilor Calvert

Councilor Calvert said he received a nice letter from the Griffin Park Condominium Homeowners Association, and read a part of the letter into the record, as follows:

Dear Mayor and City Council:

On behalf of Griffin Park Condominium Homeowners Association, we would like to thank you, the Council, Matthew O'Reilly, Alfred Walker and Mike Priddy for their diligent work on getting the owners of to clean up their home and yard to correct the numerous building fire hazard and parking curb violations and to get rid of their fleet of junkers that neither run nor move..... The City's actions were welcome and appreciated. We hope the City will continue to carefully monitor the situation and take action when warranted.

Councilor Calvert said he wanted to read this letter, and thank Mr. O'Reilly, Mr. Walker and Mr. Priddy and all staff that were involved in cleaning this up. He said we hear complaints, but we don't always hear thank-yous when they follow up. Mayor Pro-Tem Wurzburger said we thank the Association for this writing letter.

Councilor Calvert said he received a letter which he feels is particularly apropos, and read an excerpt as follows:

Modern day politics has stripped words of truth and drained them of value. The crass selfishness of growing interests has made us all dangerously mistrusting of each other in almost said or written. Our [inaudible] has become contagious. Somewhere campaigns decided it was more efficient to move us emotionally, rather than to persuade us intellectually. They have learned that fear sells and are spending billions to do just that. As campaigns discourage each other, they degrade us all, and truth can no longer catch up with lies, and differences will not be set aside for the common good that cripples our nation.

Councilor Calver said along with his mention of the passing of Neil Armstrong, he believes this indicates what we can accomplish when we work together. He said sometimes we have to set aside some of our differences and make compromises for the better good. He said, in today's atmosphere, he doesn't believe that accomplishment or project could have happened. He said hopefully, we can stop, reflect and learn from the past how things can be accomplished if we will work together.

Councilor Calvert introduced the following:

- 1. A Resolution authorizing and supporting a cooperative agreement between the City and the DOT for roadway and intersection improvements along Paseo de Peralta from Old Taos Highway through the intersection of Paseo de Peralta and Washington Avenue and roadway improvements along Bishop's Lodge Road from Paseo de Peralta to Artist Road. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7."
- 2. An Ordinance relating to fluoridation of the City water supply; amending Section 25-1.8 SFCC 1987, to supplement the City water supply with fluoride to a level in conformance with the optimal level recommended by the United States Public Health Service, Centers for Disease Control (CDC), for a period of three years, and after three years, cease the supplementation of fluoride in the City water supply. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "8."
- 3. A Resolution endorsing the efforts of the dental community to collaborate with local schools, health providers and State and local government entities to formulate a plan to provide increased services, education and outreach to the residents of Santa Fe County in an effort to improve oral health for both children and adults, and declaring that the City of Santa Fe, beginning in 2013 and every year thereafter, will recognize the month of February as "Oral Health Month," with one day in February being designated as "Oral Health Day." A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."

Councilor Calvert said a constituent thanked him for the great work staff has done on the appearance of the Plaza, and they also said they appreciated how the events were cooperating and leaving space open in the grassy areas which added to the events and made it more pleasant for everybody.

Councilor Dominguez

Councilor Dominguez introduced the following:

 A Resolution amending Resolution No. 2012-25 to modify the title of the "Change for Change" Program to "Change for Youth." back September 12th, noting that will come back to the Council at the next meeting. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10." 2. An Ordinance relating to the Land Development Code, Chapter 14 SFCC 1987, regarding legal nonconforming uses; amending Section 14-102(C) to increase the period of time before a legal nonconforming use may not be resumed and providing that uses of governmental property may be resumed at any time under certain conditions; and making such other stylistic or grammatical changes that are necessary. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "11."

Councilor Dominguez said he went to the Plaza for the pre-Fiesta show. He reminded the public to be safe and enjoy themselves. He thanked Mr. Romero in advance for the work to help the organization putting on the Fiesta.

Councilor Dominguez said the Fore Kids Golf Tournament is Friday, and people can contact the City Manager's office for more information.

Councilor Dominguez said he also is contemplating the dunk tank, commenting if he does, they'll make lots of money.

Councilor Ives

Councilor Ives extended happy birthday wishes to Dee Rusanowski, the owner of Saveur, whose birthday is today. He came to Santa Fe in 1983 and Dee's Donuts was across the way, commenting it has been good to see them transition into another very successful restaurant venue.

Councilor Ives introduced Resolution relating to transparency and public information; reestablishing a full-time dedicated position in the City Manager's Office to be known as "Public Information Officer" (PIO). A copy of the Resolution is incorporated herewith to these minutes as Exhibit "12."

Mayor Pro-Tem Wurzburger asked to be added as a cosponsor of the legislation.

Mayor Pro-Tem Wurzburger

Councilor Wurzburger added her commendation of staff for all the work which made a successful Indian Market, noting the cleanup which was perfect.

Councilor Wurzburger said yesterday was the 125th birthday of Century Bank.

Mr. Romero said Dr. Morgan is ready to speak to Item 10(b) on the uniforms, and asked if she would like to do this now.

It was the consensus among the committee to hear that item next.

MOTION: Councilor Calvert moved, seconded by Councilor Ives, to amend the amended agenda to hear 10(b) next on the agenda, rather than waiting until the Evening Session, and to approve the amended agenda as amended.

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

CONSENT CALENDAR DISCUSSION

10 (b) BID NO. 13/01/B – UNIFORMS FOR CITY OF SANTA FE EMPLOYEES; BOOT BARN, CAPITAL CITY UNIFORMS AND NEVE'S UNIFORMS, INC. (ROBERT RODARTE)

Dr. Morgan said in the middle of the Memo it says that particular company bid only on a few items, and therefore the award wouldn't be made to them. He contacted Mr. Rodarte and he said to be competitive, they had to bid on all the items. He said Mr. Rodarte met with the vendor that did not receive an award, and the vendor understands what they didn't do, and will bid at a later time for something else.

Councilor Rivera said then the this is the only thing that kept him out – they only bid on the items they could sell in the entire package.

Dr. Morgan said Mr. Rodarte said they bid only 8 of the entire package.

Councilor Rivera said it seems silly to him to leave them out, considering the number of items that are being sold, the varying prices for each item for the three winners. He said because of that, he will be voting against this.

Councilor Dominguez asked how long bids were put out.

Dr. Morgan said it was the regular standard amount of time for the response to a bid.

Councilor Calvert said then Mr. Rodarte was saying, because of the way the bid was put out and advertised, that the 4th bidder was deemed non-responsive or it was deemed an incomplete bid, so it wasn't qualified to be considered.

Dr. Morgan said it was an incomplete bid.

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 Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Trujillo and Mayor Pro-Tem Wurzburger.

Against: Councilor Rivera.

END OF AFTERNOON SESSION AT 5:45

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor Pro-Tem Wurzburger at approximately 7:00 p.m. Following the Pledge of Allegiance, salute to the New Mexico Flag, and Invocation, Roll Call indicated the presence of a quorum as follows:

Members Present

Councilor Rebecca Wurzburger, Mayor Pro-Tem

Councilor Christopher Calvert

Councilor Dimas

Councilor Carmichael A. Dominguez

Councilor Ives

Councilor Rivera

Councilor Ronald S. Trujillo

Members Excused

Mayor David Coss

Councilor Patti J. Bushee

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

A copy of a statement for the record by Helen Oates, entered for the record by Helen Oates, is incorporated herewith to these minutes as Exhibit "13."

A copy of a statement for the record by Audrey N. Storbeck, with attachments, dated August 28, 2012, entered for the record by Audrey Storbeck, is incorporated herewith to these minutes as Exhibit "14."

A copy of the statement for the record by G. Giles, dated August 28, 2012, entered for the record by G. Giles, is incorporated herewith to these minutes as Exhibit "15."

A copy of *New Mexico Business Weekly* VOL. 19 NO. 18, entered for the record by Wayne Bingham, is incorporated herewith to these minutes as Exhibit "16."

Mayor Pro-Tem Wurzburger said Item H(7) regarding the level of fluoride in the City water supply on the evening agenda has been withdrawn by the sponsor and will not be heard this evening.

Mayor Pro-Tem Wurzburger said people can petition the Governing Body for any item they wish to discuss which was not on the agenda or an item which would be heard at a future time that is not on the agenda.

Mayor Pro-Tem Wurzburger said to those in line to speak to the fluoride issue, the Ordinance change has been withdrawn, but a new ordinance was introduced this afternoon. She said, "For those of you who are here on fluoride, we would respectfully request that you wait for the public hearings on the fluoride issue."

Unidentified said they would like to go forward this evening.

Mayor Pro-Tem Wurzburger asked if everyone lined up is here to speak to the fluoride issue and an unidentified person said yes.

Mayor Pro-Tem Wurzburger said, "And so you are denying my respectful request."

Unidentified person said, "Yes."

Mayor Pro-Tem Wurzburger gave everyone 1 minute to petition the Governing Body on the fluoride issue, reiterating this issue will have multiple public hearings in the near future on the new Ordinance.

Marshal Golden Eagle Jack said he represents many Native American communities in "our populace here." He said they are concerned about the issue of fluoride, and they have been well educated in "our councils," and they see the proposal to put more fluoride in the water is redundant because "we already have enough fluoride on our store's shelves." He said they come here to find "where our education is with the board on this issue." He said, "We do a lot of ceremonies for our lands here. We talk with the water. We come from a different angle than what we call mainstream society. We have lived upon these lands for thousands of years. Many of our people are allergic to this thing you call fluoride. Many of our elders cannot drink the water and so they're forced to use to use the public water system, so they have to go elsewhere to purchase their water.

Jimmy McClure said this is his legal name, but his medicine name is *Ket Soi Kee*, the bear that walks in water. He said, "The teachings of my uncle, the Mescalero Apache and Dakota Medicine Man taught him most everything I know about being a true human being. He taught me to know right from wrong and based on everything I learned from him, poisoning our the water is an ugly tattoo on every fiber of my being. This government, this corporation does not own our sky. This government, this corporation does not own our water. The creator, the great

spirit, *Wakan Tonka*, he made all these things for all of us, not for some government, not for some corporation. You do not own our water. You only own the pipes and the pumps it flows through. To those of us who follow native religious paths, the earth mother is our church. These water spirits are our saints, our way of commuting with our god. We do not enter your churches and put toxic..."

Mayor Pro-Tem Wurzburger said anyone with a written statement can leave it here.

Mr. McClure told the Mayor Pro-Tem Wurzburger not to interrupt him.

Mayor Pro-Tem Wurzburger told him his time is up for now.

Mr. McClure continued, "We have respect for you and your god in that. We ask that you offer us the same respect for our spiritual path. Our waters are sacred, the very name of this City is Santa Fe, holy faith. Nothing about this toxin in our water is holy or sacred."

Helen Oates said, "City Councilors and the Mayor, you have taken the sworn oath to support the New Mexico and U.S. Constitution. Is that correct. If yes... is that correct. Have you taken an oath."

Mayor Pro-Tem Wurzburger said, "Yes it's correct, but we listen to you. This is the time that we have to listen to you."

Ms. Oates continued, "All of you are required by to abide by those oaths in the performance of your official duties, especially in meetings. Is this correct. If yes, in New Mexico, there is a Constitutional provision against polluting the water, the soil and the air, as state in Article 20, Section 21, of the New Mexico Constitution. Fluoride is a poison and a danger to the health of the people. It is prohibited by Article 20, Section 21. Pursuant to your oaths, you have a solemn duty to protect the people and their health and must immediately remove the fluoride from the public water system. I remind you that the New Mexico Constitution is the law of the State and supercedes any other lesser laws, rules or regulations, including all fluoride laws, rules and regulations by the State Health Department, and passed by City Councilors." Ms. Oates presented a copy of her statement for the record [Exhibit "13"].

Oshana Spring said, "I support and endorse Helen Oakes' position pursuant to Article 20, Section 21, in the New Mexico Constitution. Recently an NIH funded Harvard study has determined that fluoride reduces the IQ of children by 8%. Fluoride is a neurotoxin, affects every organ system of the body negatively, causes tremendous ills and is still being added to our water supply. My son was raised on well water, was home schooled to age 9, did not use fluoridated toothpaste, as that contains rat poison, is now 30 and has perfect teeth, and did his graduate work in physics at Harvard on scholarship.".

Mac Ryan said he understands "you" have received copies of fluoride [inaudible]. He said, "I kind of hope that you guys take a look at that. I do have a couple of small children [inaudible] fluoride in the water level, can't drink it, or take baths, etc."

Ann Galloway said she supports and endorses Helen Oates petition pursuant to Article II, Section 21, on the New Mexico Constitution. She said, "We will pursue this and you will be removed from office if you continue to poison this community."

Audrey Storbek said with her whole heart and soul she would like one of the Councilors to step forward and sponsor the bill with the amendment that Calvert put forward and pulled back. She said, "Taos did not have a town meeting to remove their fluoride. Milan did not either, and Pecos was even told by the State Drinking Water Board, or at least someone personally told me that, to remove it. Hydrofluosilic acid is in the diversion, Buckman Diversion, sodium silicofluoride and it has another name is in Canyon Road, and pursuant to your oaths to this republic of the State of New Mexico and to the Constitution, it's specifically Article 20, Section 21, I support Helen Oakes petition that you take notice, that even the EPA wrote a letter which you have copies of, in 2005, and these were 11 unions, the majority of the unions, and they wanted to tell the EPA administrator that he needed to follow his own rulemaking policies for the United States of America, because it could be a carcinogen. I really want you to think about your responsibilities to everyone." Ms. Storbek entered a copy of her statement for the record [Exhibit "14"].

Gail Giles said she is a citizen of Santa Fe, and part of her message is dittoing the Harvard reviewed study that it is dangerous for our childrens brains, and it basically ends up in significantly in IQ scores. She said, "An even bigger thing and we ought to be more familiar with this, is LANL. There's a slew of documents that have been declassified showing the connection between fluoride and the plutonium and the Manhattan Project. And Dr. Dean Burk, 1937, cofounder of U.S. National Cancer Institute, headed the Cyto Chemistry Department for 37 years, equates fluoridation of water as public murder. Their studies clearly demonstrate death from cancer, as well as brain deficiency within a year or two after fluoridating begins. He left... died saying please get the word out about anti-fluoridation. Another revealing article, and I've emailed this to all of you. I left you messages today. The facts are clear. This is a by-product of plutonium production. It's closely aligned with aluminum, and if you want to wonder why our students here are doing so badly on their test scores, maybe it's the fluoride. If their IQs are lowering, they can get fluoride from toothpaste if they choose it. But a brain is a terrible thing to waste." Ms. Giles entered a copy of her statement for the record [Exhibit "15"].

Daniel Cobb, Doctor of Oriental Medicine, said kidneys are the glands which primarily are responsible for getting rid of fluoride, and usually get rid of about 50%. However, if kidneys aren't functioning well, the level drops to 10-20%, allowing for a lot of accumulation of fluoride, many times to very toxic levels, and sometimes resulting in kidney failure. The thyroid glands need iodine to produce thyroid hormones. The fluoride can take up locations in the thyroid where iodine is supposed to be. This limits the function of the thyroid and can play a significant part in hypothyroidism, producing symptoms of

overweight and low energy. I focus on two organs of the body, because I understand them very well, but the adverse effects of fluoride go way beyond this. I include evidence that fluoride is a developmental neurotoxin, causes bone and teeth problems and even cancer. We should not be medicating our City population by putting fluoride in the water. This constitutes medical treatment without informed consent, and in many cases, contrary to strong wishes."

Dr. Howard Bleicher commended the City for its 7-1 vote to stop the fluoridation of Santa Fe public drinking water several weeks ago, and to remind them nothing has changed since their vote – meaning the toxicity of fluorides for all humans, animals, plants, all sentient life, has not changed at all since you last voted to stop it. He said he assumes, by their wise vote, the Council has done their homework concerning the pathological effects of fluoride, but also what the rest of the planet is doing concerning this "fluoride fraud." He said he emailed 30 different studies to them on fluoride. He said these are the studies which "have influenced close to 98% of the European countries to say no to the fluoridation of their public drinking water." He said, "I respectfully demand that you stop forcibly medicating my wife and myself with fluoridation through the Santa Fe public drinking water. You do not have my permission to do now, and you never have had my permission in the past."

Mayor Pro-Tem Wurzburger gave those speaking to the Community Work Force Agreement 3 minutes to speak to the issue. She said this is because the numbers attending to speak in this regard are much less than those speaking to the issue of fluoridation, commenting this is the way this is done to spread out the time between the numbers of people who are speaking to different issues.

Wayne Bingham, Albuquerque lawyer, representing Associated Builders & Contractors, and a number of construction companies in New Mexico, as well as a number of construction trade associations. He urged the Council to reconsider Ordinance 2012-12 implementing the Community Work Force Agreement, which will be effective October 1, 2012. He said in the recitals of the Work Force Agreement or Project Labor Agreement. He said one of the recitals is the Collective Bargaining waters which lead to a lasting career, one reason for implementation. Another is to promote the hiring of local subcontractors in the construction of large scale public works construction projects funded by gross receipts tax. Mr. Bingham provide a copy of the New Mexico Business Weekly [Exhibit "16"], which lists the 25 largest construction general contractors in the State as well as roofing contractors, the 14 largest. He said he would submit that implementation of the Work Force Agreement will not bring wages, will not employ Santa Fe people, because all these general contractors are from Albuquerque or Las Cruces. Of the 25, only 2 are union contractors, noting there are no union roofing contractors in New Mexico. He said, presuming a general contract is low bidder and not an union contractor, they are unlikely to enter into a project labor agreement, consequently you won't get the building built. He said, "Beyond that, collective bargaining wages or wages in union contracts are higher than the prevailing wage rate, and so you are very likely to spend more on a Public Works Construction project with a project labor agreement, than you are without a project labor agreement.

Mr. Bingham continued, "If a general contractor, because construction needs roofs, if a general contractor, union or non-union, gets the job and a non-union roofing contractor will not sign a project only agreement, because they're not likely to, because they don't have to, because there's no union roofing contractors in the State, you won't get your project built."

Ron Alley, Executive Director, Northern New Mexico Independent Electrical Contractors, said he pulled a few elements from the CWA. He said the CWA states it will provide a ready and adequate supply of highly trained and skilled trade and craft workers. He said this implies that only unions have highly trained workers. He said IEC, ABC and many other merit shop associations have highly trained, skilled workers, and they represent the vast majority of the construction work force. He said they operate accredited apprenticeship programs, registered and approved by the State Apprenticeship Council. Their training and safety programs equal or exceed those of unions. The CWA also states it will provide apprenticeship programs for individuals who are seeking training in a particular craft. He said these programs already are in place, and unions aren't the only entities with apprenticeship programs. Merit shop contractors have a long and successful track record of constructing buildings for the City of Santa Fe. He said PLA or CWA as called here, increases building costs, resulting in less buildings being built and less workers employed. He said the CWA claims it will ensure labor stability and labor peace over the life of the project. He said merit shop contractors don't strike, and the jobs are brought in on time, and under budget. He said unions are known for labor strikes, job interruptions, cost over-runs and delays. He said IEC has the largest apprenticeship program in New Mexico with almost 200 indentured apprentices. He said he is sad that this Council would discriminate against so many hard working men and women. He said merit shop apprentices and journeymen choose not to run a labor union and should not be punished for that choice. He said, "I ask you to repeal the CWA Ordinance. Thank you for your time."

David Wilson, representing the American Fire Sprinkler Association, for New Mexico, said he has concerns regarding the City of Santa Fe Community Work Force Agreement and the unions Collective Bargaining Agreement, which dictates the CWA projects' fringe benefits. He said an open shop, non-union employee who contributes to a union pension plan for a particular CWA project, will never recover his contributions. He said most unions have a 5-7 year minimum vestment requirement, including minimum credit pension credits for work hours produced. He asked who is contributing to the 401K tax deterred retirement plan for the merit shop contractor. He asked the Mayor and Council to review the proposed CWA agreement and consider the implications.

Donald Aragon, licensed Journeyman Electrician in New Mexico, said he is here to talk about the Community Work Force Agreement. He said, as a Journeyman Electrician, he takes exception to the provisions stated in Article 13 of the CWA, the requirement to pay dues and application fees to the union which doesn't represent him. It is unfair and patently unfair. He said he is a veteran, and feels he has earned the opportunity to say where his money should go, and this is money going to a private entity which does nothing for him. He said if he doesn't stay in the union, he never will realize anything from that investment. He said currently, he works on public works projects which pay the New Mexico prevailing

wage, and provides him a good living. He said he currently invests his money in his own retirement and how he sees fit. He said, "I respectfully ask you members to please repeal the Community Workforce Agreement. Thank you."

Don Kaufman, Kaufman Fire Protection, said he wants to talk about the cost of construction under CWA. He said we now have Little Davis-Bacon for rates on jobs in Santa Fe. He said if are required to sign a collective bargaining agreements, the cost of construction will rise on projects due to the labor agreements. He said the current wage for a Sprinkler Fitter is \$37 per hour, which will increase if they are required to sign collective bargain agreements. He said the time to comply with the additional reports and other requirements to the union also will be added to the project cost. He said they have their own training programs, noting they have the largest training program in their industry, and you will lose this program and there will be no one trained to come into this program. He asked if the Council will provide change orders for the additional costs for any new negotiated contracts. He said, "We all know those answers for those things." He said there is only one contractor in New Mexico which does fire protection, and he has talked with the rest of the contractors which "our trade association represents, and they will not sign collective bargaining agreements, so you are left with one contractor, sole source. Do you know what brings to you. That will raise the cost of construction." He said, based on his experience, the cost will increase 25-35% in this trade, commenting he has run the numbers. He said this may impact the services for the people of Santa Fe in return for union contracts.

Douglas Allgrem, [inaudible] Technician with the State. He said Article 1, Item 1 of the Community Work Force Agreement which provides, "Community Work Force Agreements that may provide contracting, sub-contracting, training and [inaudible] of policies and pathways to stable work for all workers." Article 1, Item 5, states, "Community Force Agreements that may provide a ready and adequate supply of highly trained and skilled craft workers." He said research indicates that unionized membership rates in the State of New Mexico construction industry are between 5-12% of the overall construction industry. Open shop and merit based contractors in New Mexico, make the balance between 95-88% of the overall construction industry market. He said, "Creating an agreement to support tax dollar funded projects that would benefit the private industry, the unions contributes 5-12% of the total work force within the construction industry, while under the belief that the CWA will create stable work for all workers within the construction industry from providing services to support the City of Santa Fe. I ask the Council, with this information, to please defer or repeal this Ordinance 2012-12.

Richard Trigg noting he came from England and is now an American citizen, so he through the fluoride issue in England when it was change, commenting 98% of the fluoride has been removed from the drinking water in Europe. He is sure others will talk about "the problems it has cause, brain damage, thyroid function, accumulation in the pineal gland, bone damage, osteo sarcoma." He said in the one minute he would like to read what it says on a box of Crest Fluoride toothpaste, "Warning. Keep out of reach of children under 6 years of age. If more than is used for brushing is accidentally swallowed, get medical help or contact a poison control center right away. And under directions it says "Do not swallow."

And to minimize swallowing, use a pea-sized amount." He said in a pea sized amount is about 1/4 milligram which means the same as in a large glass of water. He said, "So even the toothpaste companies are saying if you drink more than a large glass of water, you should go to see a poison specialist. I'm not suggesting that dentists have any malicious or problems, but other people will give you more facts and figures about this, but it's definitely something that really needs to be removed from the water supply. Thank you."

Vesta Webster said she thought fluoride was helpful and made sure her children had it, commenting their teeth aren't that great. However, she found out how dangerous it could be by reading things on the internet. She said there are many websites "that you can educate yourself on." She doesn't understand the reason people would want to put fluoride in the water if they were educated about it. She said over 144 cities have stopped fluoridation, and just heard that Portland is trying to add it to the water at a cost of \$5 million – to put industrial waste into the water. She said there are massive demonstrations in Portland. She said people should do their own research.

Phyllis Winscow, said she has served for 17 years as a school nurse, and in a two year period, in two elementary schools, 3 children had cancer, 2 of which dies. She is telling the teachers and kid to drink lots of water as the best way to keep our kids health and well and their immune systems strong. She said, to her horror, "I am finding out that we have been poising our kids since 1950 in Santa Fe. She said this is a huge implication, the cumulative effects on the brains and bodies and minds and souls is gigantic. She said, "I really appreciate that you are looking at it and that 6 out 7 of you already knew, and instantly, to make the decision to stop and study it further. But you stopped it. And I've also witnessed the struggle and suffering of newborn children. Pregnant moms are drinking water and the fetuses brains are being affected before birth.

Steve Lowenson said he is here to express his feelings about fluoride in water. He said we are going our best to be your witnesses as to what is going on. He worked in industry for 35 years, and they always had to study the material safety data sheets to be sure we knew how to handle some of the poisonous chemicals used in industry. He said, "This is a material data safety sheet for sodium fluonde. It says the substance may be toxic to kidneys, lungs, the nervous system, heart, gastrointestinal tract, cardiovascular system, bones, teeth, repeated or prolonged exposed to the substance can produce target organs damage. Repeated exposure to a highly toxic material may produce general detenoration of health by an accumulation in one or more human organs. I find it amazing we are talking about how much fluoride, which is basically a deadly poison, how much fluoride to put in our water system. My vote is for none. Thank you for listening."

Statue of Liberty, a woman dressed as the Statue of Liberty, would identify herself only as the Statute of Liberty, Lady Liberty, and asked them to remember her "who never sleeps. Remember me."

Norm Arscog said he has an idea. Instead of adding fluoride to the water for the next 3 years, "I know of a chemical that would probably have the same effect as fluoride. It would be cheaper because it's recycled material and the City probably could get it for free. It is recycled oil from car engines and would have the same effect as fluoride — it is another really nasty chemical. He said, "That was a joke. Yeah, so another joker is adding fluoride to the water.

Janet Kimberling, artist, said she has lived here 37 years, and did the Santa Fe Posters in 1971 and 1992. She said she supports and endorses Helen Oates position pursuant to Article 20, Section 21 of the New Mexico Constitution. She said, "I would like to know why you want to poison us with a waste product of an aluminum plant. Don't you know aluminum causes Alzheimer's. Now I've still got most of my marbles and I want to keep them. Thank you."

Juliana Coles said she is here also on behalf of her, Daniel Coles, who is a local pediatrician who works at the Santa Fe Indian Hospital, as well as serving as the School Doctor at the Santa Fe Indian School. She said, "He feels very strongly about this, as I do. He has an emergency tonight and couldn't be here. What do fluoride, cell phone towers and plastic drinking bottles all have in common. As a mother of two young boys, I have to go to great lengths to attempt to shield my sons from their abuses and injustices. I'm not sure what to tell my 12-year old son when he comes home and asks me why his classmate is in a hospital, and has been for over six months, with a very serious form of cancer. They don't think he'll be out and there's no known cause. I can tell you, I've read this book. I have taken the time to study the issue. And I know you've all been copies and also a DVD by the author. And I just ask, for the sake of our children, that you please look into it. Thank you."

Leslie LaKind said he has been practicing dentistry in Santa Fe since 1976, and has a statement on fluoride, expressing gratitude for the civic-mindedness of people here tonight who want the best for everybody's health of their fellow citizens. He said he has kept fluoride out of his office for about 25 years, but he doesn't have a dogmatic position about the issue of fluoride in the drinking water. He said there is enough evidence and studies for reasonable and well meaning people to disagree. He said, "Most of us pick a position for one reason or another, and then find the evidence to support that position. This is much a discussion about epidemiology as it is about the research. Epidemiology is a very specialized field and I'd like to see testing on it when this finally comes up in 3 years, or whenever it does come up, for the opinion of an epidemiologist qualified to critique and interpret the studies that are presented. But I am here because I want to offer another window through which to see this discussion. As I said, everyone here is interested in the quality of the water that nourishes us, that gives us life. We're all in the same feeling about that. This discussion about fluoride I think is a real distraction. We're all hearing about should or shouldn't be in our water. There's not going to be any water within most of our lifetimes. The New Mexican cover story shows that our neighbors in Las Vegas don't have water right now. The farmers in the Middle Rio Grande Valley don't have water. They're getting the water cut-back. Climate science as settled science is kind of like evolution. We can't drink or wash with coal. Imagine the consequences of a worldwide sustained drought. It's not pretty and I predict it'll be pretty harsh for life as we know it. This should not be a left/right issue. We all want healthier water. Lets get this fight behind us so we can get on with making sure there is at least some water to fight over."

Lynn B., said she is a steward of the earth wondering why everything is being "chemicalized." She said she was ignorant once, but she has educated herself on fluonde, water. She asked if her words will be recorded tonight because this is being postponed. Are they going to fall on deaf ears. She said, "Thank you chief for being here and letting us know what the Indians feel too. I want to leave a legacy. I want our world to be safe, clean, and stop being chemicalized. Thank you."

Unidentified man said thanks to everyone here tonight to stop the fluoridation of our water. He said he is an orthopedic shoe specialist, and maker, craftsman and a healer in reflexology, specializing in the cranial sacral style of reflexology which isn't well known in America. He noted he was trained in England. He said fluoride affects our pineal gland, which very little is known about, and which is the main producer of melatonin. He said many people are having sleep and other problems having to do with glands and digestion, muscular-skeletal issues, brain disorders, birth defects and the contribution of fluoride to our water is poison.

Grace Eleanor Woods said she lives in District 1, and she represents a group of citizens for a healthy Santa Fe, and "we support and endorse Helen Oates position, pursuant to Article 20, Section 21 of the New Mexico Constitution. She thanked everyone for their work in making Santa Fe number one in the nation for healthy environment. And with that, she is confused with the high levels of fluoride already in this area and they reason they would continue to allow a neurotoxic waste product to be dumped into our public water supply. She said, "As I understand it, Councilor Calvert is trying to resolve this issue with a compromise that would allow, or stall this process for a period of 1-3 years. With all due respect, Councilor Calvert, besides avoiding a lawsuit, what's this compromise designed to do. What it take for you to simply put it to a vote again, and pass it again. Why not. You passed it once. Why not pass it again. Please live up to the healthy reputation you have built for Santa Fe and stop fluoridating our water. Thank you."

Holly Stoltz thanked the Governing Body for the opportunity speak. She said she was here two weeks ago when they voted before, and she was really really was amazed and so happy when "you guys voted the right way." She said Bill Dimas is her Councilor [inaudible] as you know, and she was so proud of them for talking up about the fact that fluoride more toxic than lead. She noted Councilor Dimas pointed out that cigarettes used to be a good idea, but it isn't. She doesn't want to hear anything about any delay. She said, "And Chris, I hope you stand up to what you learned at the University of Berkeley. That you had your dissertation on fluoride." She said she grew up on a farm with well water, and she had no fluoride in the water, and she had no cavities until high school when they moved into town where there is fluoride and she then got cavities. She said, "Please stand up for this town and for clean water. Thank you."

Clifford Carnicome said he is new to this whole issue, but he is starting to do some studying and he doesn't like what he sees. He said, "The plain facts at this point. Soluble fluoride salts are toxic. Plain simple fact. So the question to start asking you for each of us, is why would you put something toxic in the water supply. It's a straightforward question, I ask you to start asking that question. I would like to leave with what's called a Precautionary Principle, which I'm learning about and it is quite interesting. It makes a lot of sense to me. Precautionary Principle is something that says, if you have a suspected risk, condition

No. 1, suspected risk. Number 2, there is no clear scientific consensus on the issue. And the last part of the Precautionary Principle, is that if those two conditions are satisfied, the burden of proof for taking the action falls upon you."

Melisa Rose, a doctor at La Familia. She said, "I can just say that an ounce of prevention is worth a pound of cure, and 60 years of evidence have proven that fluoride is safe and good for out childrens teeth, and that we are actually planning on doing fluoride varnish for our children who come, because cavities are such a prevalent problem in this community. So I can only say that fluoride is safe. It's been safe for 60 years and only adults are here talking about this and no children."

Lisa Pfeiffer, a family physician, La Familia, said she encourages the Governing Body to consider the alternative. She said the people most affected by this are the most indigent in our society who don't have the resources the rest of us are privileged to have. She said, "And I applaud you for considering to work with the Office of Oral Health, and hope that we can have an ongoing discussion with regard to this issue, but I think fluoride is an important part of prevention in this community."

Mayor Pro-Tem Wurzburger said the ordinance change recommended by Councilor Calvert will be heard first at Public Utilities on September 5, 2012, followed by Finance on September 18, 2012, and back to the Council on September 24, 2012.

Break 7:50 p.m. to 8:00 p.m. to set up for the next hearing

G. APPOINTMENTS

Mayor's Youth Advisory Board

On behalf of Mayor Coss, Mayor Pro-Tem Wurzburger made the following appointment to the Mayor's Youth Advisory

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

VOTE: The motion was approved unanimously on a voice vote with Councilors Calvert, Dimas, Dominguez, Ives, Rivera, Trujillo and Mayor Pro-Tem Wurzburger voting in favor of the motion and none voting against.

H. PUBLIC HEARINGS

- 1) REQUEST FROM THE SANTA FE PLAYHOUSE FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE, DISPENSING AND CONSUMPTION OF BEER AT THE SANTA FE PLAYHOUSE, 142 EAST DE VARGAS, WHICH IS WITHIN 300 FEET OF SAN MIGUEL MISSION, 401 OLD SANTA FE TRAIL. THE REQUEST IS FOR THE FOLLOWING EVENTS:
 - a) FRIDAY, AUGUST 31, 2012 (6:00 P.M. TO 12:00 A.M.) FIESTA MELODRAMA
 - b) SATURDAY, SEPTEMBER 1, 2012 (6:00 P.M. TO 12:00 A.M. FIESTA MELODRAMA
 - c) FRIDAY, SEPTEMBER 7, 2012 (6:00 P.M. TO 12:00 A.M. FIESTA MELODRAMA
 - d) SATURDAY, SEPTEMBER 8, 2012 (6:00 P.M. TO 12:00 A.M.) FIESTA MELODRAMA.

(YOLANDA Y. VIGIL)

The staff report was presented by Yolanda Y. Vigil, City Clerk, noting there is a letter in the Council packet from Evelyn A. Roybal, San Miguel Mission, indicating it consents to the request.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Ives moved, seconded by Councilor Dimas, to grant the waiver of the 300 foot location restriction and approve the dispensing and consumption of beer at The Santa Fe Playhouse, 142 East De Vargas, at the Fiesta Melodrama on Friday, August 31, 2012, 6:00 p.m. to 12:00 a.m., Saturday, September 1, 2012, 6:00 p.m. to 12:00 a.m., Friday, September 7, 2012, 6:00 p.m. to 12:00 a.m., and Saturday, September 8, 2012, 6:00 p.m. to 12:00 a.m.

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

For: Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Mayor Pro-Tem Wurzburger.

Against: None.

2) REQUEST FROM THEATER GROTTESCO FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE DISPENSING AND CONSUMPTION OF BEER AND WINE AT JACKALOPE, 2820 CERRILLOS ROAD, WHICH IS WITHIN 300 FEET OF SANTA FE CHRISTIAN FELLOWSHIP CHURCH, 2860 CERRILLOS ROAD #5. THE REQUEST IS FOR A FUNDRAISER TO BE HELD ON SATURDAY, SEPTEMBER 15, 2012, FROM 5:00 P.M. TO 8:00 P.M. (YOLANDA Y. VIGIL)

The staff report was given by Yolanda Y. Vigil, City Clerk, noting there is a letter in the packet from Pastor Gibbs Peterson, Santa Fe Christian Fellowship Church, stating that they have no issue with this request.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Dimas moved, seconded by Councilor Rivera, to grant the waiver of the 300 foot location restriction and approve the dispensing and consumption of beer and wine at Jackalope, 2820 Cerrillos Road, for a fundraiser to be held on Saturday, September 15, 2012, from 5:00 p.m. to 8:00 p.m.

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

For: Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Mayor Pro-Tem Wurzburger.

Against: None.

3) REQUEST FROM SOUTHWEST CARE CENTER FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE, DISPENSING AND CONSUMPTION OF BEER AND WINE AT EL MUSEO CULTURAL, 555 CALLE DE LA FAMILIA, WHICH IS WITHIN 300 FEET OF TIERRA ENCANTADA CHARTER SCHOOL @ ALVORD, 551 ALARID STREET. THE REQUEST IS FOR AN ART EXHIBIT OPENING TO BE HELD ON FRIDAY, SEPTEMBER 28, 2012 FROM 5:00 P.M. TO 8:00 P.M. (YOLANDA VIGIL)

The staff report was given by Yolanda Y. Vigil, City Clerk, noting there are letters in the packet from Daniel Benavidez, Tierra Encantada Charter School @ Alvord, and Joel D. Boyd, Superintendent of the Santa Fe Public Schools, stating they have no opposition to this request.

Public Hearing

Stella Reed, Director of Community Outreach, Southwest CARE Center was sworn. Ms. Reed said she here in support of this request.

The Public Hearing was closed

MOTION: Councilor Calvert moved, seconded by Councilor Trujillo, to grant the waiver of the 300 foot location restriction and approve the sale, dispensing and consumption of beer and wine at an art exhibit opening on Friday, September 28, 2012, from 5:00 p.m. to 8:00 p.m.

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

For: Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Mayor Pro-Tem Wurzburger.

Against: None.

4) REQUEST FROM LEVEL 2 INDUSTRIES, LLC, FOR A SMALL BREWERS LIQUOR LICENSE TO BE LOCATED AT DUEL BREWING, 1228 PARKWAY DRIVE, SUITE D. (YOLANDA Y. VIGIL)

An email dated August 28, 2012, to Yolanda Vigil, City Clerk, from Ed Sarkis, Duel Brewing, requesting a postponement of this case to allow them to consult with an architect, is incorporated herewith to these minutes as Exhibit "17."

This case has been postponed to the Council meeting of September 12, 2012.

5) 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 August 8, 2012 City Council Meeting)

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

A Memorandum prepared July 10, 2012, for the July 25, 2012 Governing Body Meeting, with attachments, to Mayor David Coss and Members of the City Council, from Daniel Esquibel, Land Use Planner Senior, Current Planning Division, is incorporated herewith to these minutes as Exhibit "18."

A series of photographs, maps and other information which were presented via overhead by Jennifer Jenkins in her presentation on behalf of the Applicant, entered for the record by Jennifer Jenkins, are incorporated herewith to these minutes collectively as Exhibit "19."

A copy of an aerial map in color of the Bienvenidos Neighborhood, entered for the record by Jennifer Jenkins, is incorporated herewith to these minutes as Exhibit "20."

A notarized letter dated August 27, 2012, to Mayor David Coss, et al, from Charlie D. Gonzales, entered for the record by Jennifer Jenkins, is incorporated herewith to these minutes as Exhibit "21."

A letter with attachment, dated August 27, 2012, to Mayor David Coss, et al, from Joni Miller, Owner/Manager, The Trailer Ranch, entered for the record by Joni Miller, is incorporated herewith to these minutes as Exhibit "22."

The Traffic Impact Analysis Bienvenidos Rezone Submittal for 7.62 acres, prepared by Santa Fe Engineering Consultants, LLC, is incorporated herewith to these minutes by reference, and copies are on file in and can be obtained from the City of Santa Fe Land Use Department.

The staff report was presented by Daniel Esquibel. Please see Exhibit "18" for the specifics of this presentation. Mr. Esquibel noted John Romero is in attendance to answer questions.

Questions by the Governing Body prior to the Public Hearing

Councilor Dominguez asked Mr. Esquibel when the ENN's were held.

Mr. Esquibel said the ENN was held at the Nancy Rodriguez Center on February 21, 2012, and there was only one ENN.

Councilor Ives said there was a Finding that all residential use was consistent with prevailing residential use in the area, and the increased density was determined to be inconsistent with the character of the area based upon the difference between R-4 and R-3 zoning.

Mr. Esquibel said the staff report identified what that was, and in the SWAMP, it identifies that the actual density for that area averages to about 8.4 per dwelling unit. It is an average of 7.9 on the density, if you take into consideration the immediate uses within that, which includes mostly mobile homes and most of it is vacant. He said given they are asking for an R-5 zone, and the low density residential will include from 3 to 7, and actual requested change to R-5 would fall within the low density residential within the

parameters of low density, and, in staff's opinion, would not be out of character for that area. However, the Planning Commission made its own findings, based on staff's review, public testimony and the applicant's testimony.

Mayor Pro-Tem Wurzburger said, point of clanfication, Mr. Esquibel just said that the Planning Commission made its decision based on staff recommendation. However, she said her reading of the materials is that the staff had recommended approval of the request, and asked if she is mistaken.

Mr. Esquibel said the Planning Commission made its decision after listening to all the testimony and coming to its own conclusions.

Public Hearing

Presentation by the Applicant

Mayor Pro-Tem Wurzburger gave Jennifer Jenkins, representing the Applicant, 30 minutes to make her presentation.

Jennifer Jenkins, Colleen Gavin, Mike Gomez, Stephen Etre and Kathy Armijo Etre were sworn en masse.

Jennifer Jenkins, JenkinsGavin introduced her partner Colleen Gavin, saying they are here on behalf of Stephen Etre and Kathy Armijo Etre. She introduced Mike Gomez, Santa Fe Engineering, who conducted the Traffic Impact Analysis and will be offering points of clarification and information

Ms. Jenkins presented information via overhead [Exhibit "19"].

Ms. Jenkins said, "This is a City of Santa Fe Zoning Map. Outlined in blue is the subject property, which is just over 7.5 acres, access directly off Rufina Street. This is the Rufina Corridor. What you have here, on the north side of Rufina in this area, is a portion of Agua Fria Village. This shows you the general character, and its quite a mix of uses that have developed over time in this area. The red is the commercial zoning, the C-2 zoning along the Cerrillos Road Corridor, as well as along this portion of Richards Avenue, and you have existing mobile home communities in 'this' area as well as 'here' and 'here'.' Over 'here,' as you move down Rufina to the west, you get to Zafarano and the roundabout there and you have the residential neighborhoods that have been built there more recently at R-6 zoning. And again, moving further west, you have the Las Acequias neighborhood which is a lovely, existing neighborhood that has been there for some time at R-5 and R-7 zoning. More mobile home community development as you move further west."

Ms. Jenkins continued, "So this is kind of a picture of how this vacant piece of property fits into the whole of the Rufina Corridor. We're going to talk about the corridor a lot this evening, and in the context of a couple of different things. One of which is the Southwest Area Master Plan [SWAMP] effort that Dan Esquibel mentioned in his statement. I was fortunate and it really was an honor to be part of the steering committee in the early nineties for the Southwest Area Master Plan. It was a really great collaborative effort with members of the community as well as members of Council and Planning Commission and City Staff. And the Rufina Corridor got a lot of attention. We talked about it a lot – what was the future of the Rufina Corridor going to be. There was a pretty strong contingent of people on that steering committee that envisioned a commercial corridor. Because as you can see 'here,' we have industrial office, we have multi-family at 21 dwellings to the acre, all along this area of Rufina. So there was a contingent of people that felt we just need to continue that pattern as we move west."

Ms. Jenkins continued, "Well that contingent did not win out. There was a recognition that we have a mix of residential patterns, commercial patterns here, and how do we bridge that. What do we do to create the bridge between a little more of a rural point on the north side of Rufina and the village, and then existing, relatively high density development that already exists. How do we bridge that. And how we bridged that was a General Plan land use designation that was for a range of 3-7 dwelling units per acre, which is a General Plan land use designation identified as low density. Low density. 3 to 7 dwellings per acre is low density. When you get above that you get into medium density, and then you get into high density. And so, our request for R-5 zoning is consistent with that General Plan land use designation, again to create that bridge among the variety of patterns that we have here."

Ms. Jenkins continued, "And a lot of times we think, well what is R-5. R-5 is Casa Solana. R-5 is my neighborhood which is Casa Alegre. These are some of our first, more suburban pattern, post World War II neighborhoods that have matured beautifully and continue to be highly sought after neighborhoods. And I love my neighborhood. It's lovely. And so, when we think about R-5, this is the pattern that we are looking at."

Ms. Jenkins continued, "Also recently, a lot of these areas on the south side of Rufina were recently annexed in 2009, as part of the City's Phase 1, City-initiated annexations. So, there is the Southwest Area Master Plan that sets 3 to 7. And JenkinsGavin also had the opportunity to assist the City with that process. And as zoning was established through the SPPAZO Ordinance, there was a basic policy that said, if the General Plan says 3 to 7 for an area, we have to assign zoning, that's what SPPAZO was for, so we're going to the zoning at the lower end of that range. We're not going to decide in advance which parcels should be R-5, or R-6 or R-7 or R-3. We're not going to decide that, because landowners need to come with their plan, show us their intention and they need to request their zoning. So the R-3 zoning that you see in these newly-annexed areas doesn't mean there was an intent that everything be R-3. That was absolutely not the case. I can speak pretty cogently about this subject. The case was, is we're not just going to hand zoning out on a silver platter. If you've got an existing approved commercial development through the County, yes, we're going to give you appropriate commercial zoning for that. But for vacant property, we're not here to hand out zoning. You need to go through our process if you want something different than the lowest end of that range. So that is why we are here this evening."

Ms. Jenkins continued, "So this shows the Future Land Use Map, and as you can see, 'these' yellow areas here is that low density, 3 to 7 dwellings per acre, and on our parcel, we have a little bit of a commercial strip here and the gray is a transitional mixed use. And that also was a pattern of development that came out of the Southwest Area Master Plan that said, if we have commercial, let's buffer the commercial with a transitional mixed use before we get into the low density residential. But when you have these narrower tracts of land, it's very challenging to accomplish that in a way that is viable. And staff recognized that in their staff report when they did recommend approval of the General Plan Amendment request as well as the rezoning request. And I think actually, with respect to the General Plan Amendment, staff actually says it better than I can say it, that the Corridor, talking about the Rufina Corridor, promotes transitional zone types. This is a transitional zone, adjacent to the existing Corridor areas to provide a single, unified component. That's what we're here to do. And the vision for the Rufina Corridor of the Southwest Area Master Plan was a suburban neighborhood. That was the vision, a neighborhood. Let's create a neighborhood and how do we support that."

Ms. Jenkins continued, "If we look at the zoning in the vicinity, as you can see, the subject property currently is zoned R-3, we have quite a bit of C-2 commercial zoning around us. The mobile home community next door to our west, most of that is zoned C-2, but it is developed at a density of just under 6.5 dwellings per acre. And then as you more further west, we have more mobile home park and then we start getting into some R-6 as you approach the Zafarano roundabout."

Ms. Jenkins continued, "So again, what's directly around the vicinity. I think a lot of you are obviously familiar with this area. You can see quite a bit of commercial development, and we don't see that as a negative. We see the proximity to services, the proximity to employment all as a very positive thing for an infill project that has direct access to infrastructure. And so we actually think the mixed use nature of this neighborhood is actually a very positive thing."

Ms. Jenkins continued, "We prepared a plan of how we would envision us creating a new neighborhood in the Rufina Corridor. And so I'm going to walk you through how we arrived where we are. And we're going to pass out this for you so you can have something to hold up and look closely [Exhibit "20"]. So, off of Rufina, we have aligned our access with the existing roadway, Callejon de Rita, which is on the north side of Rufina. And when you have these narrower parcels, they present some design challenge, they present some planning challenges. And we were happy to take that challenge on, because our client said to us, I don't want just a straight line road with lots on the road. Not interested. Like you need to do better. So we said okay, we're going to do it. And so we're very very proud of what we have ended up with. And we've ended up with a lovely meandering public street with street trees and sidewalks that curves and meanders through the property. So as you look and you drive in, you're just not looking at a road that goes all the way. You're going to see houses and front yards."

Ms. Jenkins continued, "We are showing 40 single family lots here that include 8 affordable homes in accordance with the Santa Fe Homes Program. And we are honored to be working with Homewise for the provision and the construction of those homes. And one of the things that John Romero, the City's Traffic Engineer, requested of us is that we provide opportunities for connectivity with our neighboring

properties. So you see here, we have a little road that serves a small little compound of lots where we will be doing a right-of-way reservation to allow for when the property to our east, it's a large vacant tract similar in size to our own, which is for sale. So when that potentially develops, there could be the opportunity for a roadway connection here, so we have neighborhoods connecting to each other. And then as you move further south, we have another opportunity for an east-west connection to serve the vacant property. And obviously, the property to the west is already developed, but sometimes properties redevelop with new uses. So the opportunity for that connectivity would be there as well. And then, as we move down to the south, we have an emergency turnaround here, and also, there's an existing 20 foot access easement to Cerrillos Road that allows for emergency access. And we're also creating pedestrian access here. I love the idea of walking to the IHOP for breakfast. I think that's a wonderful thing, so creating that pedestrian connectivity is really key, and also to the bus stops that are located along Cerrillos Road."

Ms. Jenkins continued, "So this is the pattern that was envisioned by SWAMP. This is a pattern that we think is the pattern the City should be encouraging. Let's raise the bar. Let's not do same old same old. Let's raise the bar and say our neighborhoods can be attractive and livable and landscapes and pedestrian friendly and connected to each other. This is all possible. And so as we zoom out a little bit, looking at the context, and you see this and you can see the pattern along the Rufina Corridor really began with Rancho Santos, which is the project kind of behind Lowe's. The lovely, new constructed neighborhoods there at R-6. There's where this kind of suburban pattern started. And we want to continue that here, and hopefully as we raise the bar for design, and neighborhood and community, we will see more of this type of pattern along Rufina."

Ms. Jenkins continues, "And then, as we zoom out even more, this is the context. A new neighborhood fitting into an existing pattern that covers a lot of ground. We have densities upward of 12, 13, 14 units per acre and down on this end, we're one of the lowest density things out here, but it feels appropriate. Not shoe-horned in. It all fits very well and is consistent with the vision of the Southwest Area Master Plan."

Ms. Jenkins continued, "And some questions did come up at the Planning Commission here regarding Rufina. What about the traffic. Why isn't Rufina four-lane road. Well there were a series of meetings in July among the Agua Fria Village Community Association, Santa Fe County as well as the City of Santa Fe regarding potential opportunities to mitigate traffic on Agua Fria. And through those series of meetings, John Romero had the opportunity to explain why Rufina is a two-lane road. When Rufina was designed, the traffic counts did not warrant a four-lane road. You have to have over 15,000 cars a day for a four-lane road. Rufina has a little over 5,000. You could take all the traffic off Agua Fria and put it on Rufina and it still wouldn't warrant a four-lane road. But the vision for making sure Rufina remains safe and highly functional roadway, is a couple of things. One is, as projects come in they need to do the appropriate improvements to Rufina. There's plenty of right-of-way. It's a blank slate. There's 100 feet of right of way there for turn lanes, medians, landscape median improvements, all of this that keeps the traffic moving and keeps cars that are turning out of the drive lanes. We're building those requisite improvements at our entrance."

Ms. Jenkins continued, "Secondly, there are intersections. Rufina doesn't necessarily need to be a four-lane road, but intersections over time do need to be improved, and the intersection at Rufina and Richards Avenue and Henry Lynch there does needs to be improved. We are contributing our fair share of contributions, based on our traffic, to that effort. It is a condition of approval. And we did not have the benefit of John Romero's presence at the Planning Commission hearing. So some of these questions kind of lingered and remained unanswered. John is here tonight. I made sure that this hearing did not occur without him, because I think it's important. And Mike Gomez also will speak to some of these questions. But Rufina is kind of a blank slate. It is there and it is in a position to well accommodate new development with the appropriate and necessary improvements in the roadway. The key is, is John is trying to be very proactive here, and I really commend him for this, not to create an overly accessed roadway. And the issues we've experienced over time with Agua Fria and with Airport Road. That's why these east-west connections we're providing are paramount to providing that connectivity, so not every single project out there necessarily needs their own access to Rufina."

Ms. Jenkins continued, "So this is a zoom-in of the plan, and we have committed to this plan. This is a site plan, you could almost call it a master plan. This was extremely well thought out, in terms of the roadway, what would work, what would fit, the lots, how they would fit, where does the drainage go... this is incredibly well thought out. And as I mentioned, because of the curve in the road, it created these opportunities for little pocket parks, little outdoor, common open spaces. For example, the one that is on the east side, we show pathways that connect to the existing sidewalk. Picnic tables, park benches, barbecue grills, just passive outdoor recreation. And kind of the pocket park area on the west side, we envision a tot lot for some active play for children, along with more benches, picnic tables, outdoor barbecues, to create those outdoor recreational opportunities."

Ms. Jenkins continued, "So, you may hear this evening, and I believe you received an email from a neighboring property owner concerned that we weren't providing a fully engineered development plan with our application. We were not even required to do this, what we presented... so this is our plan. It's not written on the back of a napkin, and we have committed that when the subdivision process, that's our next step, is a subdivision application, it will reflect this, and the City Code does not even require a site plan for a rezoning application, but obviously that is important, so we are transparent about the plan for development."

Ms. Jenkins continued, "So when is a Master Plan or a Development Plan required by the City Code for residential rezoning. A master plan is required if you're doing a planned residential community, or a planned resort residential community, but those typically are very large tracts – 130 acres – I think actually for the PC you have to be 130 acres or more. So when is a development plan required. If you're rezoning to R-7, R-8 or R-9, or to a mobile home park. We have a very well thought out plan that is absolutely feasible, absolutely viable and our subdivision application at the time will reflect that. If this property had incredible terrain and was really steep and nobody believed it was really possible this could work. That makes sense that a higher level of submittal would potentially make sense. That is not the case here. There is nothing unusual about this particular piece of property to hold it to some arbitrary higher standard beyond what your Code required."

Ms. Jenkins continued, "So, going back to the plan and the context of its surroundings, this piece of property here, immediately to our west is owned by the Gonzales family. I believe you received an email from Charlie Gonzales expressing his support for our application this evening. Due to a family illness, Charlie was unable to be here this evening and he asked me to speak on his behalf, and because he is absent, we do have notarized copies of his letter of support that we would like to distribute now, so this can be considered [Exhibit "21"]."

Ms. Jenkins continued, "In addition to our early neighborhood notification meeting, we met with our most adjacent neighbors, separately individually, and we also made a presentation at the Agua Fria Village Community Association. William Mee was kind enough to invite us to come there to answer any questions. And we have worked closely with the Charlie to answer his questions and address his concerns, and he and his family are expressing support for these applications this evening."

Ms. Jenkins continued, "An lastly, before I allow Mike Gomez to say a few words, we have... would like to make a slight modification to Conditions 5 and 6 on the Conditions Table [packet page 37]. These are part of John Romero's conditions regarding the requisite improvements on Rufina, and John is amenable to this. We discussed this with him. But, just to add to Conditions No. 5 and No. 6: '...as deemed necessary by the Public Works Department.' This allows us to recognize if conditions change and something needs to be done differently as we come through the subdivision process. It just leaves John some flexibility in terms of how the design works and how those final improvements are designed and constructed. So again, I would just ask that Conditions No. 5 and 6, include the language, '... as deemed necessary by the Public Works Department. And so with that I really appreciate your attention and I'm happy to stand for questions."

Councilor Dominguez said in looking at SWAMP, you were talking about Las Acequias, and in the SWAMP there are different neighborhood planning areas. He said this proposal is not in the same neighborhood planning area as Las Acequias.

Ms. Jenkins said this is in the Cerrillos Corridor Planning Area, and she believes Las Acequias is in the Central Neighborhood planning area.

Mr. Esquibel said he has been asked to inform the Council that some of the information on which he made a presentation with regard to some of the densities, were calculated today, and the Planning Commission didn't have that information at the time it was rendering its decision.

Mike Gomez, Santa Fe Engineering Consultants, 1599 South St. Francis Drive [previously sworn]. Mr. Gomez said he is here to talk to the traffic impacts in this area. He said they did a comprehensive zoning level type traffic impact analysis for this project. The report was submitted to the City on the deadline along with the other submittals for this project.

Mr. Gomez said in the study, they looked at 3 main issues: (1) How much traffic do they generate; (2). Do we have the capacity in the area of the road network to handle this traffic; and (3) They looked at other issues, such as site distance, crash data, intersection spacing and other issues.

Mr. Gomez said, "The developer is proposing to develop 40 detached residential lots. According to ITE, this produces 40 cars in the a.m. peak hour, that would be 28 cars exiting and the remaining entening. In the p.m. peak hour, we generate 46 cars, 29 are coming in and 17 are going out. So we are not a big traffic generator. The traffic that we generate is a small percentage of the existing traffic on Rufina Street, less than 5% of the existing traffic."

Mr. Gomez continued, "The next thing that we looked at was capacity. We looked at our driveway and our street. We assumed that this development would begin construction in 2014, and it would be completely sold out and occupied by the year 2016. That's what we call our Developed Condition Analysis. What we found out is that our driveway, or road has the capacity to handle existing and projected traffic for the year 2016. But we did find that there are some problems at the intersection with Rufina Street and Richards Avenue, and Jennifer talked about those problems. It's mainly in the a.m. peak hours, and it's on the eastbound approach to the intersection. The solutions could be adding an additional lane for right turning vehicles, or it could be as simple as changing the timing data for the traffic signal. If we are approved, at the next layer of review, we will study these issues in detail so that we know what the final improvements will be required."

Mr. Gomez continued, "Then they looked at intersection spacing. The New Mexico Department of Transportation has some guidelines for intersection spacing. We measured the distance from our intersection to all the other intersections in the area, and we meet the criteria for full service access at our proposed location. We looked at the site distance. The roadway out there is fairly straight, the terrain is relatively flat, and we have excellent site distance. Then we took a look at the crash data that is available in the area. There are no records of any problems with crashes in the area surrounding this project."

Mr. Gomez continued, "So we looked at some of the things that Jennifer touched on, which is interconnectivity, and basic to our site plan are plenty of opportunities to the adjoining property owners to tie into our roadway to control the access spacing on Rufina Street. Multi-modal issues came up. We are located so that we can have access to bus stops on Cerrillos Road, so that problem is taken care of. So overall, what this Traffic Impact Analysis tells us is that for rezoning analyses of this type, that we have the capacity in the network and there are no major issues that cannot be overcome to go ahead and rezone this property."

Mr. Stephen Etre, 64 Calle Sinsonte [previously sworn], said he appreciates the opportunity to present a project that he and his wife and family are excited about. He said the property is narrow much like many properties located along Rufina, and poses interesting design needs to be addressed. He said they really have a project which could be standard for future development along that roadway. He said without the capacity of adjoining properties, this is what they have been able to pull together and it is something of which they can be proud. He appreciates the opportunity to be before the Council.

Councilor Rivera asked Ms. Jenkins if the plan allows for on-street parking.

Ms. Jenkins said, "Yes, absolutely. The roadway section we are using is a sub-collector standard in City Code, which is a 50 foot right-of-way. And absolutely, the on-street parking we thought was critical. So there is on-street parking on one side of the street, and there will be appropriate signage for that."

Councilor River asked how much parking is allotted per lot.

Ms. Jenkins said each lot will have at least 2, which is the minimum required by Code. "But with driveways and garages, you usually end up with more than that."

Councilor Rivera said the Code calls for two means of access, and she mentioned an emergency access.

Ms. Jenkins said, "Yes, there is an existing.. right here where my hand is, down at the bottom of the page, there is an existing 20 ft. easement, at the very southern end of the property where our road terminates, we will have a gated emergency access at that point, in addition to open pedestrian access.

Councilor Rivera asked to where that road leads.

Ms. Jenkins said it leads right to Cerrillos Road.

Councilor Rivera asked the name of the road.

Ms. Jenkins said, "It's a driveway, its existing. I have an image of it that I can show you exactly where it is. So, as you can see here, this is the southern end of our property right here, and what's outlined in red is a straight shot, flat, paved driveway that goes all the way back."

Councilor Dominguez asked who owns the driveway.

Ms. Jenkins said, "It is part of these commercial properties here, but we have an easement that is a legal access easement, so it remains open."

Speaking to the request

All those speaking were sworn en masse

Mayor pro-Tem Wurzburger gave each person 3-5 minutes to speak to this request.

Sandra Johnson, former owner of the Trailer Ranch Mobile Home Park [previously sworn], noting she bought the Trailer Ranch from the folks who started in 1949, which was before there was little around the Trailer Ranch, with the exception of a farming community. She said it has grown, been there a long time, with a wonderful contingency of seniors 55 and older who have made this their home for years. She introduced the new owner, her daughter Joanie Miller.

Joanie Miller, 3471 Cerrillos Road [previously sworn], said, "Before I can start my time, I was thrown a curve ball tonight, and if I may, if you will indulge me just a moment. I had send you all an email letter that I worked very hard on. I don't know how many of you were able to receive it and read it. I didn't plan on reading it tonight, but I was informed by Dan Esquibel that it was not allowed to be included in tonight's package because it was not notarized, which is a very brand new rule that I was not told about."

Mayor Pro-Tem Wurzburger asked Ms. Brennan if Ms. Miller is permitted to read this letter into the record.

Ms. Brennan said, "As she is here in person she can read the letter into the record."

Prior to reading her letter for the record, Ms. Miller expressed concern that there was only one ENN meeting to which she was invited, and one private meeting which they instigated with the Applicant, and they have had no further conversations, even though they know about her concerns. She said it is interesting to find out how the sketch plan tonight has morphed into much more information than she ever was provided. She said there were node parks which suddenly appeared tonight. She said there was no geographic impact study, and that appeared all of a sudden, she "actually wants to express my discontent with the fact that they didn't even try to approach us and give us any of this information.

Ms. Miller read her letter in opposition to the project into the record [Exhibit "22"], and provided a copy of the letter, with attached map, for the record. Please see Exhibit "22" for the text of Ms. Miller's letter.

Ms. Miller further commented that the sketch plan is being presented like it's a development plan, and the bottom line is it includes no guarantees. She said, "The parks that suddenly appeared tonight that have not been presented to us, I feel they're egregious in trying to do this at the last minute. We feel that the roads that they're calling connectivity roads actually almost act as an entry gate and entry, I guess an invitation, to spill out over into our neighboring properties and that will impact the safety and security of our seniors as well as preserving the quality of life for the neighborhood. To be honest, with the exception of the serpentine road configuration, the sketch plan is very similar to the prior application made by Purple Horizon Mobile Home Park, not only in its density, but it contains similar lots in size and shape to the mobile home lots. And as we all know, the application was unanimously decided by this very Council last year. We ask that you uphold the denial of this application as recommended by the Planning Commission, and we thank you for your careful consideration. Thank you for the extra time."

Rick Montoya, 2024 Plaza Montoya [previously sworn], said it seems as if this project is a lot further developed than what was explained to us and led us to believe. He said, "I'm here tonight to represent my family, my neighborhood and our community at large. My family lives and owns the property just east of the proposed Bienvenidos General Plan and Rezoning Project. As you know, our history goes back many many centuries, as we were one of the first families to settle this beautiful part of Santa Fe. We have positively complied with the governing standards for decades, and enjoy our beneficial standing with our community. We have always worked together to improve our neighborhood, and feel that this proposal for higher density is definitely not compatible for this neighborhood."

Mr. Montoya continued, "We feel that this higher density is definitely not at all compatible with the way the whole neighborhood and our family situation has been planned for years. The Applicants' request for changes to the general plan and rezoning case, are a very serious issue for us, and the community because it threatens our future quality of life, our future property rights, our security and it will negatively impact our land values in the vicinity. Since there is no formal development plan which was never really discussed, there was never a formal development plan approved for this property, the neighborhood fears that this action may lead to a poorly planned development that will change our neighborhood and will detrimentally impact our entire community."

Mr. Montoya continued, "We are proud of our existing neighborhood, our history, our roots, including our heritage and culture which will remain into the future. Our existing neighborhood is already overburdened with the big box, the Home Depot, over on the east side. Right north of them, is a two-story, high density two-story apartment complex, directly east of our property. Across the street from that, across from Rufina is a very busy industrial park, more commonly known as Fox Road. And, right next to them is a high density housing development complex there, Casa Rufina, which is not that old, maybe 10 years old. Adjacent to them, just north of them, is a large mobile home park, Santa Fe West, and just north of them is a high density apartment complex, the La Paz development PUD."

Mr. Montoya continued, "And it's overburdened the elementary school, Agua Fria, which is so packed right now, they can't even accept any more new children in there. We're surrounded... we've got 11 mobile home parks surrounding our vicinity, 8 of which are in our immediate area in our community, and we're constantly dealing with real problems in our neighborhood because of all this development. We're suffering frequently, as we exist today, numerous trespassing, vagrants trying to camp out in the back yard and so forth... trespassing, vandalism, graffiti, burglaries, destruction of property, domestic violence. So we cannot comfortably welcome another high density development into our neighborhood, unless it was maybe a family owned or owner occupied situation, you know, that could definitely change the situation. So, because of all of this, we have asked, the last time we met, we have asked the applicant to consider retaining the compatible R-3 zoning for their project, so as to comply with our current transitional zoning, but they admitted to us that it would not be financially beneficial to them or their plans for this unapproved project."

Mr. Montoya continued, "The previous owner had similar plans for this property and the applicant cases, they were denied six different times by the Planning Commission. One was October 7, 2010, April 7, 2011 and July 27, 2011. The existing owner recently applied for general plan... for future land use amendment and changes, and they were also denied May 7, 2012. Tonight, as a community in good standing, we respectfully request that you deny Case #2012-30 and #2012-31, as proposed. Thank you for your consideration."

William Mee, 2073 Camino Samuel Montoya, President, Agua Fria Village Association [previously sworn]. Mr. Mee said the street where he lives is named for his wife's grandfather. He said, "We have had meetings in the past about, like the Purple Horizon Mobile Home Park, and we opposed that particular plan, and I don't think we've really taken a formal action on this particular one, because we really didn't have enough information. We did meet with the applicant in February, but tonight is the most information that we've gotten about this particular project."

Mr. Mee continued, "I know that we heard a lot about fluoride this evening, and you're getting tired and you're probably just saying, well, here's a bunch of neighbors and it's just another case of Not In My Backyard. But, when you don't have information to make decisions on, and the applicant is very coy in how they approach the neighborhood, I think that's a sign that you've got to be careful with any promises that the applicant makes. You know, our property is extended from, you know in Agua Fria Village. Our property is extended from Arroyos de los Frijoles which is by La Tierra, all the way down to Arroyo de las Chamisas, which is by the Santa Fe Place Mall."

Mr. Mee continued, "And through the years, you know everyone was a farmer and they had access to the acequias and they just did their thing finally, but over the years, through various land deals, we lost a lot of these properties. At one time, there was a road called Camino de las Carros, and it was actually behind the McDonald's and the Long John Silver's, and that's why their property line is real funny and cut up. And the State Highway Department came by and said, well let's exchange. We'll make this brand new Cerrillos Road and we'll give you back Camino de las Carros. And people said, well that sounds goods, so they did that, but then they lost all of that land south of Cerrillos Road to taxes. And that's why you'll see that not many of the properties, they're still the thin properties, but they don't have access to Cerrillos Road."

Mr. Mee continued, "So the people in Agua Fria, throughout the years have been taken advantage of, and it's by these deals that there's not enough information on them. I think that the question that should be asked tonight is, what benefit does the approval of this project bring to the Community. And if we look back at the joint City/County annexation hearings and the cost-benefit analysis done on the annexation, it's actually costing the City a lot more over the long-run to take on all these little subdivisions into the City. The maintenance on roads, maintenance on parks, and you can go out to Vista Aurora, and they gave some parks to the City and.... actually they gave it to the County when their approval was done. And if you look at the County Commissioner Benny Chavez Memorial Park, you'll see some teeter-totters out there, merry-go-rounds, and the Siberian elms are just growing through the, and so they're completely useless to

anyone that might use it. And will this be the fate of these parks down here. Keeping it at R-3 will be bigger lots, and that's a better quality of life for those people. I know that it's had to pay all of the staff that you have from JenkinsGavin and traffic impact analysis and all of these other associated costs. But all these developers could turn a profit, and maybe this isn't the right idea at the right time. Maybe this should just be denied because it's all based on conceptual plans and what are the real promises that are going to be made chaining the community to the City."

Tamara Ortiz, homeowner through Homewise [previously sworn]. Ms. Ortiz said she is here to speak on behalf of, and in full support of this project and Homewise. She said, "Councilors, I kindly ask you to support the rezoning of this property, of this project, so that, to simply state, so that we can build a neighborhood with beautiful homes, beautiful landscaping for our community, for our friends, our neighbors, for our family and our children. Homewise continues to move forward with a legacy, leaving behind footprints of success. A success in which they have managed to interweave different socioeconomic statuses, with no visible apparency. Councilors, we used to be known as the City with those that lived on the north side and those that lived on the south side, and of course, there were those born here, that had the inability to afford a home at all. Now, with the success of Homewise, we are able to and are becoming more a community of one. A beautiful community at that. Councilors, I respectfully ask for your support to vote yes to move this project forward, so that we can continue to be The City Different, but not the people different, and so we can continue to make our Santa Fe beautiful."

Rebuttal by the Applicant

Using the documents in her overhead presentation [Exhibit "10"], Ms. Jenkins said, "I think it's really critical to address a couple of things that were said that something changed, that we were somehow not forthcoming. I'm offended by that. We submitted our application to the City of Santa Fe exactly as it's shown to you 5½ months ago. It is all public record. It is all utterly transparent. The Traffic Impact Analysis was submitted to the City 5½ months ago. When we held our Early Neighborhood Notification meeting in February, yes, it was sketch. It's not a drafted in AutoCAD final drawing. That's not the purpose of an early neighborhood notification meeting. The purpose of the ENN process is, this is what we're thinking. It's not cast in stone at that point. It's a sketch. This is what you're thinking. Ask your questions. Give us your feedback. That's why we're here. Then we go back and we prepare our application, and the application that was submitted is that. 5½ months ago. Nothing has changed. Nothing has changed. Everything we presented, we made every effort to be as transparent as possible. We were transparent about the east-west connections that the City was seeking. We were transparent about our roadway and the number of lots, the sizes of lots. We sent everything 5½ months ago. It's all there. Nothing has changed. Nothing has morphed. The little pocket park areas, always there. Tonight, we provided a sketch to show how those pocket parks might be developed to provide outdoor recreation. We thought that would be useful information. This is your feasibility. Is it feasible."

Ms. Jenkins continued, "Yes. It is feasible. We have an engineer on the team, addressing the traffic, addressing the access. We know where the drainage patterns go. We know what the topography is

like. If you want to know feasibility, this is your feasibility. I am happy, and would welcome the opportunity to answer any of your questions about that. And with respect to guarantees, we have gone on record in the Staff Report as well as today. We are committed to this plan, that when a subdivision application comes in, it will look like this. No bait and switch. This is the plan. We are proud of it and we stand by it. And with that, I will stand down one more time."

Clarification by Mayor Pro-Tem Wurzburger that the Public Hearing is not closed

Mayor Pro-Tem Wurzburger said in the past, this was considered a rebuttal to the public hearing. We now have people back in line again.

Ms. Brennan said the Applicant made a presentation, and staff reported, the public hearing was held.

Mayor Pro-Tem Wurzburger said she did not end the public hearing.

Ms. Brennan said she did not end the public hearing, and if someone has not spoken, they should be able to speak, and yes, typically the Applicant has an opportunity to address the public testimony.

The Public Hearing Continued

Mayor Pro-Tem Wurzburger said right now, even though Mr. Mee has spoken previously, she will let him speak for one minute. She said the gentleman behind Mr. Mee hasn't spoken and he can speak as well.

William Mee [previously sworn] previously commented on this issue, said, "I would urge you, if you're going to approve it, I think on the right-of-way reservation that that's really not going to be sufficient, that there should be more of a legal description, actually deeded to the City on those parcels. Because if you look across the City, you'll see like in Las Acequias, there's a whole 100 ft. roadway that grows weeds now. And there's plans that when they're submitted, decades later nothing has been done. The other thing is, I think, bringing up the traffic issues, I had started doing my own little traffic counts and doing times and days of the week where the traffic was backed-up from Richards Avenue all the way back to [inaudible] like say at about a quarter till eight, and then by eight o'clock, it was all the way back to Zafarano. So it's just the people going eastbound, so there is a lot of traffic, but I know the traffic studies say well, it's fine, but you know, ask the people who are stuck in that traffic if it's fine."

Eric Montoya, 2085 Plaza Montoya, was sworn. Mr. Montoya said, "This is the only copy I have of what was given to us 5 ½ months ago, not what was on the screen that I just saw, so I'm not sure. If you guys want to pass it around."

At the suggestion of Ms. Brennan, Mayor Pro-Tem Wurzburger directed Mr. Montoya to put the document on the overhead projector, so everyone can see it. Mr. Montoya did so, but a copy of the document was not entered for the record.

Mr. Montoya said, "Anyways, from what I just saw on the screen that was said that you guys had 5 months ago, this is the plan that we got 5 months ago, and not the one I just saw on the screen. Anyway, I had written a lot of stuff down here 'this is looking to create a balance of the vision.' Yet we were told that long narrow parcels are hard to create an attractive neighborhood. I understand the curvy road was added to make the subdivision more attractive, but it seems basically like the same plan of the previous owner of the Purple Horizon Mobile Home Park, that had been denied by the City numerous times. If you notice on the Bienvenidos Conceptual Site Plan, between lots 12 and 13 and lots 24 and 29, of the map that you guys have, it's where the access roads are or the connectivity roads are, those roads are going into vacant land, and we don't know where those roads are going into. Basically, it's just giving people free access to the neighboring private properties. And in the Site Plan, there's no green space or parks or play areas for the kids to play in. I had written this tonight. We never knew about the little parks or the little barbecue pits or the little table that were there, never been communicated with this."

Mr. Montoya continued, "For the last 5 months, we've been asking our neighbors who bought the land, and Ms. Gavin and Ms. Jenkins, to be honest with us, communicate with us, and to let us know what's going on, but yet, we keep getting all these surprises, like the Traffic Impact Study and everything else. We were told that somebody associated with Bienvenidos has been in touch with the neighboring properties and has let people know that there's been a Traffic Impact Analysis, which I, or any of my neighbors that I know have seen on paper. I understand the request has been made, but we have seen nothing in writing."

Mr. Montoya continued, "During an ENN meeting, we were told that according to the Traffic Impact Analysis, the traffic count was 5,800 cars within a 24 hour period, and I just previously heard Ms. Jenkins tonight say that was when Rufina was just started being built. So I'm not sure what the exact count is today, but it seems like a lot more than that."

Mr. Montoya continued, "Also, another thing that we've not seen in writing. We were told in this ENN meeting that the City's vision for a comparison of Rufina was the area of Old Pecos Trail – a two-lane road with a turning lane in the middle, and roughly landscaped medians. Old Pecos Trail is an extremely long stretch of road, but we were never told which part of Old Pecos Trail compared to Rufina, especially near a busy intersection like Richards and Rufina. They did cover a lot of that, and I appreciate what they did."

Mr. Montoya continued, "As said on page 6 of the 2004 City of Santa Fe Traffic Calming Program, 'If traffic impacts on a regular basis, the quality of life will deteriorate.' Also, on page 7 of the same Traffic Calming Program, it talks about the three EEEs in dealing with the neighborhood traffic impacts. The first E is Education, which provides people information about how they, as motorists, can help ease traffic impacts, including traffic impact studies. The second E is Engineering and planning which encompasses

both traditional traffic management measures as well as new approaches, such as traffic calming. And the third and last E is Enforcement, which enlists assistance of the P.D. and emergency services to focus on enforcement in the project areas like this one, which I recently understood, from previous meetings, in City meetings, that we actually are short on emergency services between the City and County as it is."

Mr. Montoya said, "So my request tonight is to deny Case #2012-30 and #2012-31, of the Bienvenidos General Plan Amendment and Rezoning of R-5. Thank you for your time."

The Public Hearing was closed

Questions and Comments from the Governing Body

- Councilor Dominguez thanked Ms. Jenkins for her presentation, saying she always does a good job in making presentations to the Governing Body, commenting she always provides "pretty" information.
- Councilor Dominguez asked what percentage of the property is in low residential.
 - Ms. Jenkins said the upper yellow portion currently has a general plan designation for low density residential, is the majority of the property. The portion with the non-residential designation is the 2.9 acres.
- Councilor Dominguez asked the difference in the SWAMP between the Central Neighborhood Plan and the Cerrillos Road Neighborhood Plan.
 - Ms. Jenkins said the Cerrillos Corridor was one of the most challenging areas to address because of the sheer variety of existing uses and the amount of undeveloped property. She said the Cerrillos Corridor was the only one which was adopted formally, before all the general plan amendments happened it was the first one in the door, because there was a recognition as you get on the north side of Rufina and Agua Fria Village you have this more rural pattern. And you move down to Cerrillos that is our most intense development that we have in the City. If you move further into the Central area, there is more of an existing consistent pattern in terms of the quality and density of the residential development. "Like I said, here, it was such a mix."
- Councilor Dominguez said there were a lot of concepts of transition that was supposed to be built
 into the Southwest Area Master Plan and the Cerrillos Road Corridor. He said, "So this density
 that you're proposing is probably more consistent with the Central Neighborhood Plan."
 - Ms. Jenkins said, "I don't think I would agree with that characterization just because there is specific reference in the Cerrillos Corridor that talks about R-5 density."

Councilor Dominguez said he is speaking of the Central Neighborhood Plan.

Ms. Jenkins said she understands, and would agree that it mirrors to some degree the Central Neighborhood as you move further west. However, the key here is that the vision for the Rufina Corridor in the Cerrillos Road area was for residential lower density development – it wasn't about commercial, multi-family, higher density mobile home communities for new development. The idea was what was the type of development we should be encouraging here.

Councilor Dominguez said he is speaking about density not the patterns of development.

Ms. Jenkins said, in terms of developed property, they are proposing some of the "least dense in the Cerrillos Corridor."

Councilor Dominguez said the "most least dense are the vacant properties."

Ms. Jenkins said they are proposing a very moderate suburban pattern.

Councilor Dominguez said, "Speaking of the Cerrillos Road Neighborhood Plan, going back to the concept of transition, there was the idea for a use intensity transfer." He said, because there were long strips of land, if property owners would get together and do a comprehensive piece, a transfer would be considered. He said it says, in Transition Area No. 2, which is further north, there would be a significant reduction in intensity, which to him is a reduction in density as well. He said the problem here, is that there are 3 different land use designations on one parcel of property, with more development in an east-west direction to get away from the strips. He asked how this project accommodates that theory or concept.

Ms. Jenkins said the subject property takes two of the narrow strips and combines them, so they do gain a little of the width and breadth so they can do something more pleasing and appropriate. She said unfortunately, "We are where we are. The Montoyas approached us about acquiring their property directly to the east, but unfortunately it isn't financially feasible." She said it would be great, in a perfect world, if all the parcels could have been consolidated and done together, but it doesn't always work that way. She said with the dimensions of the subject property, it makes this pattern difficult to implement in the real world. "However, we have an opportunity to take 7 acres where we can create a real neighborhood."

- Councilor Dominguez said in this case, there would be no transition and you would go from commercial to residential.
- Councilor Dominguez said, "If you look at the parcel to the east, and we allow this rezoning to
 occur, the property owner to the east could rezone to same density, and say that it's consistent
 with the surrounding neighborhood and current, recent rezonings, which also would not provide for
 a transition. Would you say that's a fair statement, theoretically."

Ms. Jenkins said yes.

- Councilor Dominguez said then we're eliminating the concept that SWAMP was trying to incorporate. He said this is one of his concerns, commenting he understands that it is challenging, and there are different things which make it challenging other than property ownership, such as the way the land is situated. He said, in terms of meandering streets and the design of the neighborhood can occur with a lower density as well. He appreciates what Ms. Jenkins has provided, and in many ways it looks like other applications we've seen in other parts of the community where density becomes an issue. He said he isn't so concerned about the engineering of the traffic studies, and believes City Staff and engineers take a lot of things into consideration and there are unintended consequences. However, in this case, staff has thought about it really well, reiterating his concern is about the density.
- Councilor Ives said it is pretty clear that the applicant has complied with the requirements in terms of early neighborhood notification and filing matters of record with the City which are then public documents. He said, "You have heard the statements by number of neighbors that they were unaware, and while I don't mean to suggest people don't have the obligation to inform themselves to the greatest extent possible, I know you said that you've made every effort to be transparent. And I would say there is a qualifier on that, which is as the law requires. Because I think there is a capacity, when you're doing development work to go above and beyond simply what's required in the statutes, if you are submitting those kinds of plans to provide them to neighbors so they are more fully informed and become more involved in the process, rather than having the sorts of arguments we've heard here tonight."
- Councilor Ives continued, "So I guess I would only encourage going above and beyond what may be technically required in the statutes because of your building community and building neighborhood relationships. That's where trust comes from. And we can agree, as they say to disagree, but at least we'll be starting from the same point. So that's my opening speech on that point."
- Councilor Ives continued, "The two issues I'm curious about, and these relate to findings of the Planning Commission, and I must admit that I am frankly disappointed that it does not appear that the Planning Commission may have had all the information relevant to make its decision before it, when this matter was being considered below, and that's specifically on this issue of consistent with the prevailing residential use of the area. And I know that City staff, Dan, indicated that based on work that he was doing in the last day or two, had come up with some numbers in terms of density. Clearly, the Planning Commission had a different sense of that, and I note that there was a statement is that it is significantly different from the surrounding area which includes vacant land and land used for agricultural purposes zoned R-1, one dwelling unit per acre as well as land zoned R-3. The proposed density is thus inconsistent with the character of the area."

- Councilor Ives continued, "I would love you to tell me the best case that can be made in support of
 that statement, as well as why you don't feel that that's accurate, because I certainly sense that's
 your position here tonight."
- Ms. Jenkins said, "There are elements of that statement I actually agree with, and Joe, could I get the screen back please. I would submit that in terms of the existing character and patterns of this neighborhood, there is an inconsistency. Purple Horizon has a mobile home park that's pretty consistent. This is new. This is better. This is the vision. This is a neighborhood. A neighborhood that creates opportunity to connect to its neighbors, so we all aren't dumping our cars onto Rufina Street. I would offer you that, no, we are not a mobile home park, as you can see, directly here, directly here, here, we are not a shopping center, that we have here and here. We are not Home Depot. We are not an industrial office park. We are not multi-family apartment complex. And, we are not proposing a farm, you are absolutely correct."

Ms. Jenkins continued, "But where I do disagree wholeheartedly, having a lot of background on the intent of the Southwest Area Master Plant, that these were assigned here for low density residential. We are proposing a low density, residential neighborhood that we hope becomes the pattern. If the neighboring property is developed in a similar fashion with connectivity and shared parks and public streets and on-street parking, and front yards and back yards, I don't see that as a bad thing. I don't. I don't see anything presented tonight that says, having a miniature version of Casa Solana neighborhood next door to a mobile home community that's almost 7 units per acre is a bad thing and creates inherently a problem. Where did we get to in this community where creating a sweet little community like this with a huge endeavor to make it attractive and livable we should be shying away from that. I really don't accept that. But yes, I agree, it's inconsistent. It is better."

Councilor Ives said he appreciates her sense is that it's better. He said, "I'm wondering, the
vacant land that is in close proximity to this property, do you know what that land is zoned, in terms
of residential use."

Ms. Jenkins said it is also R-3, as ours is, with a little notch of C-2 down at the lower right hand corner right here.

Councilor Ives asked, "How about to the west beyond that.

Ms. Jenkins said to the west is the mobile home community, it's actually zone C-2, this portion of it, which again is developed about 6.5 units per acre. This is the outdoor storage area for the RVs, which is zone R-3. And then we have mobile home park zoning here. This is Atocha that is developed at almost 10 dwellings per acre. And then we have mobile home park zoning with R-3, noting the R-3 areas are the recently annexed areas.

Councilor Ives asked about Rufina Street.

Ms. Jenkins said that is Agua Fria Village, so there's a variety – smaller lots, larger lots, mobile home communities. It's a mixture.

 Councilor Ives said he sees the density on the map as being fairly open, with the exception of the mobile home extension across Rufina Street. He asked what designations any of those properties to the north have.

Ms. Jenkins said the zoning in the County is handled a little differently because Agua Fria Village is in the County, and with the provision of water and sewer service, the County does allow higher density residential development, but you also have some 1-2 acre lots, and then higher density things as well.

Councilor Ives said then Ms. Jenkins doesn't know specifically what those are.

Ms. Jenkins said no, because the County doesn't assign like the City does, and it is on a projectby-project basis when you come in with a master plan to do what you want to do. She said she can speak to what is permitted in Agua Fria Village.

- Councilor Ives said it certainly looks as if the property in question is some 7 plus acres, which is an R-1 to R-2 on the north side of Rufina, and Ms. Jenkins agreed..
- Councilor Ives said, "If we assume that all of the currently zoned R-3 properties along Rufina were modified to R-5 and/or R-7, any sense of what the cumulative traffic impact over time would be."

Ms. Jenkins said, "With respect to the types of improvements we can expect in the Rufina Corridor as new projects come forward, as I stated previously: Median. It's all about the medians. That's really the key. That we have median improvements that provide safe refuge for left turns. We also have right turn lanes that are outside of the drive lane, allowing/creating safe turning movements. And the City collects money from projects to go toward intersection improvements, as those are needed." She asked John Romero to speak to this in terms of his vision for how Rufina will accommodate development in the future. She would like Mike Gomez speak to the long term, because he did an analysis pretty far into the future in terms of impacts on future projects.

Councilor Ives said, for purposes of this question, to assume that if we were to approve an R-5 zoning for the property, that a multitude of those with existing open space would come in with no less than and R-5. He asked Mr. Romero his quick assessment of the cumulative impact of traffic from converting, well probably, multiplying by 20 times the amount of traffic being produced by this one 7 acre parcel throughout the rest of the fairly vacant land to the west and north.

Mr. John Romero said, "In the traffic study, what Mike Gomez did, is he added a 3% growth rate to accommodate for future growth in the area, but it wasn't as specific as applying an R-5 zoning to all these vacant properties and assuming how many lots you can fit on those. In my opinion, generally speaking, right now Rufina carries about 5,000 cars a day. It's been like that consistently for the past at least 3 traffic count maps the Santa Fe MPO has provided. In companson, Old Pecos Trail carries 15,000 to 20,000. I think, in these area, with these properties, I would think, with the exception of the Henry Lynch/Rufina intersection, that a two lane facility should be able to handle it, especially with median refuge, median turn lanes and access control medians. If each property were to develop similar to this one, we would continue to be requiring them to contribute fair share contributions. So it could be assumed that by the time it was all said and done we would have enough money to make immediate improvements to the Richards/Rufina intersection."

- Councilor Ives asked at what point there would be too many cars on Rufina Street.
 - Mr. Romero said a two-lane facility can handle up to 15,000 cars a day, commenting the intersection controls are where the capacity limitations are. He said if there is a two lane facility with no signals you could put quite a bit of traffic on it. It's the one signal that needs to be improved eventually.
- Councilor Calvert asked what is the current rating of the controlled intersection.
 - Mr. Romero said it is operating at acceptable levels of service, a D, with the exception of the eastbound movement in the morning which is an F.
- Responding to Councilor Calvert, Mr. Romero said one thing that attributes to the F level of service currently, is Agua Fria School. He understands this School will be relocated and that will alleviate a lot of traffic at that one intersection. He said the capacity fails at that intersection because of all the left turners going into the school and because the current left turn bay lacks the length to accommodate those turners and it blocks all the 3 movements. He said the eastbound approach volumes at Henry Lynch and at Siler Road are virtually the same. However, we don't notice the backup problems at Siler because of the turning well.
- Councilor Calvert said he has been there at evening rush hour, and people in the main lane start backing up and then they block off the left turn and you can't get into it – it doesn't allow for a left turn "until you get over there."
- Councilor Ives asked, in terms of what information wasn't before the Planning Commission, were all the traffic studies we have here tonight available to the Planning Commission when it was looking at this same matter.
 - Mr. Romero said yes.

 Councilor Ives said he understands the information which wasn't available to the Planning Commission were issues relating to potential zoning and density in the surrounding areas, and asked if this is a fair statement.

Mr. Esquibel said, "That is correct. They were asking for the number of trailers within the adjoining properties and densities from those trailer parks, and I provided them today, because we didn't have them then."

Mayor Pro-Tem Wurzburger asked him to repeat his answer for the benefit of the entire Council.

Mr. Esquibel said, "The Planning Commission was asking for the number of mobile homes within the trailer parks that were adjoining the property and what those densities were in comparison to what the current proposal is now, and those numbers were not provided to the Planning Commission because this wasn't a mobile home park application, so we didn't have that number available. So, assuming this question would come up at this meeting, we generated those numbers so they would be available to you for your evaluation."

Councilor Ives said, "In terms of the question I had asked you initially, regarding densities, as I understand what you're indicating now, Dan, it's that the densities you indicated earlier, and I forget the number you used, I don't know if you have that handy."

Mr. Esquibel said, "I do. Within the Southwest Area Master Plan, it also had some numbers that we used when I was developing the report and it calculated, within this particular zone, the Cerrillos Zone, that the average density was 8.4 dwelling units to the acre. For the mobile homes in the area, if I just calculated the adjacent mobile home parks, Vegas Verdes, Atocha Mobile Home Park, Trailer Ranch, Vagabond Mobile Home Park, and again, I estimated on Trailer Ranch, because their property is much larger, but the mobile home section is within a certain area. I came out with a density of 7.9 for all of those mobile homes, given the number of trailers on those lots."

Councilor Ives asked Mr, Esquibel, in terms of evaluating those density numbers, if he considered
any of the properties along the north side of Rufina.

Mr. Esquibel said, with regard to the traditional community of Agua Fria, he doesn't have a lot of that, although understanding how it came to be, noting he resigned as an Associate Planner from the County. The County Code originally was water based, and based on that, they attached a certain amount of acreage to a one acre value that was allowed by the State Engineer for that three acres that was given for every well drilled. And that water rule was estimated at a 100 year lifetime supply without consideration of recharge, whereas the traditional communities, such as Agua Fria were calculated at a 40 lifetime supply because they had estimated that water and sewer services would be brought in to offset the wells and the septic systems in those areas. As such, the traditional community, such as Agua Fria were allowed a 3/4 acre minimum and that restriction was place only because many of those areas were still on septic systems and some of

those would leech into the ground which may impact some of the wells that were in the area. So, that's one of the reasons for the larger lots in the County developed from 2 ½ acres or 10 acres to 3/4 of an acre. So, I don't really have the numbers to calculate the actual densities in that area without trying to count every house on the map.

- Councilor Ives said his question was if he evaluated those as part of the analysis of density in the surrounding properties, and he takes that it is no for the reason he just explained, and Mr. Esquibel said this is correct.
- Councilor Rivera asked if it is safe to say the Planning Commission did not have all of the facts when it made its decision to deny.
 - Mr. Esquibel said it's possible. I did not have these answers because I didn't anticipate them.
- Councilor Rivera asked Ms. Brennan if anything ever has been sent back to the Planning
 Commission so it would have the opportunity to review. He asked, when the Planning
 Commission did its findings of fact, if they didn't have all the facts in their decision making, does
 this create problems.

Ms. Brennan said the Council has the authority to remand this case to the Planning Commission for reconsideration, based on additional evidence. It appears there has been additional evidence has been heard this evening. She said, "I would say you also have the decision making authority on General Plan Amendments and Rezoning. So either choice is acceptable."

MOTION: Councilor Rivera moved, seconded by Councilor Dominguez, to remand Case #2012-30 and Case #2012-31, back to the Planning Commission, with the additional facts that have been brought out tonight, and that it come back here at a later date.

DISCUSSION: Councilor Dominguez said he will support the motion so we can provide people due process "for lack of a better term procedurally speaking." He said he will say that he is ready to deny this case tonight, but will let it live for a little bit longer as it goes back to the Planning Commission. He said, "And let me tell you why. Because when it comes to projects in this area, I'm very sensitive and cognizant of the fact that it is an area that has over 20,000 people living in it. It's an area that has over 4,000 kids going to public schools in the area. With that, very few parks and very few places to recreate and a ton of traffic, especially in the morning and at night. It's an area that I live in, and so those are some of the things that I look at, although when we look at this case and what's before us, there are other things that we have to consider."

Councilor Dominguez continued, "Obviously, density is a big issue. Density is a big issue, not only for the reasons that I stated just a few seconds ago, but just given the discussion that we've had tonight and some of the information that we have on the case with regard to the discussion at the Planning Commission, density obviously is a big thing. The one thing that I'm concerned about with regards to its consistency

with the SWAMP, is that with what's being proposed we can't achieve that transition that I think is really important to the quality of life of the people out in that area. Everyone really. And this is pure opinion, but I also think that without being able to achieve that transition concept, he would prefer lower density, because the concept of transition is in place for a reason. And then of course, I already talked about density already, so I don't need to reiterate that. But, let's see what happens at the Planning Commission level. Maybe a different plan can come forward"

Councilor Dominguez continued, "I will say Jennifer that you can still create a sweet little community with an R-3 zoning or a lower density. I've seen it. You've got lots of places in downtown Santa Fe that are like that, and so Good luck."

Councilor Ives said he supports the amendment, in large part, because there were issues perhaps not fully considered. He said when he looks at the provision – allow uses or a change that is significantly different from or inconsistent with the prevailing use and character of the area—he asks himself what area we are considering in terms of the impact. What are we looking at to answer that question. He said, "It's not apparent to me, and I don't think it's inconsistent to consider what might be happening across the street in the traditional Village of Agua Fria. Those are neighbors to the property. It would certainly seem to be within the same area of recognizing that it's within a different jurisdictional boundary between the City and the Village. But, given the significance of the decisions here tonight and the fact that I think there is more information, that it would be appropriate and important for the Planning Commission to consider, in terms of evaluating those issues, that's why I think the motion makes sense."

Councilor Calvert said, "Speaking in favor of the motion, in particular, I'm looking at one of the Findings on the General Plan Amendment, which says, 'Vehicular access and traffic concerns do not appear to have been sufficiently addressed to support a finding that existing roadways can support.' I guess my question back to the Planning Commission is based on what heard from the applicants and the City Engineer, neither of which support that conclusion. So, I would need to know, based on what is that finding being made."

Ms. Brennan said, "I believe I can address that. That is some of the new information that this Council heard that was not before the Planning Commission."

Councilor Calvert said, "According to staff, that isn't the case, but regardless I think that is one of the areas that I definitely have a concern about, is getting the basis for that finding, especially the wording does not appear. That's sort of like, well I think, or you know I don't believe that that's good enough. I don't think that's a good enough basis for a finding of fact, so that's one of my concerns. And then I have similar concern on the other main finding which is on the density issue. And I agree with Councilor Ives. I think it depends on what area you consider to be comparing to. Although I want to say, some of the adjacent property owners would be one of the things that I would look to right away, and some of those appear to be maybe even more dense than this. And I'm not sure, I understand that the Agua Fria Village across the street is just that. Right across the street, but it's a whole, I don't know how to put it, it's a whole different animal. And I don't know comparing what City zoning is to what's going on in the Agua Fria Village is a fair

comparison. I understand they might be impacted by it, but in terms of what we have control over and what we can decide on, I just have some concerns over the sphere of influence, if you will, that we consider when we talk about the adjacent zoning."

Mayor Pro-Tem Wurzburger said she totally agrees with Councilor Calvert on both of those issues. She said, "A key challenge for the Planning Commission for them to do the work that I would like them to do, before they come back, if this comes back to us, is to really get a better definition of what are the relevant densities. And I'll argue in a moment that one can look at that from the past, one can look at that from the present and one can look at that from the future."

Councilor Trujillo said one of his biggest concerns is that this is a new subdivision, and he has nothing with which to compare it. He said usually when a new subdivision comes into the City he has an adjacent neighborhood where he can see the density, how many houses which helps. He said mobile home park does not help him at all, because there are so many there. He also is concerned with the public safety access and wants to be sure that emergency vehicles can get to the site.

Councilor Trujillo asked the number of affordable units in here.

Ms. Jenkins said it would be 8, and the units will be built all through the project – mixed in.

Councilor Trujillo said he doesn't want the houses compacted into one area, and Ms. Jenkins said that will not be the case and wasn't the plan. Councilor Trujillo said he has additional questions, commenting this will come back to the Council again, and he'll ask his questions at that time.

Councilor Dominguez quoted from the minutes of the Planning Commission, "Commissioner Villarreal, I do not feel like we had the question answered with the traffic information. I look at the conditions, and want to see if the Traffic Engineer is present? Not present." He said from reading this, they didn't feel there was enough information on traffic, and consistent with the Finding discussed in the Findings of Fact.

Mayor Pro-Tem Wurzburger said, "What I meant by my previous statement about looking at density from the perspective of the past, I'm trying to figure out which densities you are looking at. Is it Agua Fria. It's obviously not Home Depot. What is it. And if you look at that from what's there, what's been there before which is now no longer. But the real question that I think I would like the Planning Commission as well as the community to think collaboratively about, one of the important priorities of this City is the issue of affordability."

Mayor Pro-Tem Wurzburger continued, "And there is a direct correlation between denser, what ever denser is, and more affordable housing. And even though we would like to have housing continue throughout the city, affordable housing, that has been a priority, the fact is, on that point, your work is so important Councilor in terms of creating the amenities on the south side of town that need to be there that should have been there before other development did occur. But that is another dimension that I would hope that the Planning Commission would take a look at."

Mayor Pro-Tem Wurzburger continued, "The other thing, what I heard, and I think you've all been very respectful tonight. We really appreciate that. What I would like to reflect back to you is what I hear is, in terms of process, right or wrong, that you all feel that you weren't heard. And I would hope, maybe hearing and sitting down with this plan or some version of it as it goes back to the Planning Commission, if there could be another opportunity for you to meet, I would encourage you to do that to see if there is some additional movement that can be made toward creating something that is better than what is, rather than nothing. So, that's a bias that I have in terms of part of having a community is having people in the community. So the question is what is your vision for that to happen over the next 10-15 years for your children and grandchildren."

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

For: Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Mayor Pro-Tem Wurzburger.

Against: None.

6) 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 August 8, 2012 City Council Meeting)

See Item H(5) above. This case was remanded back to the Planning Commission.

7) CONSIDERATION OF BILL NO. 2012- ___. AN ORDINANCE AMENDING SECTION 251.8 SFCC 1987; REDUCING THE LEVEL OF FLUORIDE IN THE CITY WATER
SUPPLY; CEASING THE SUPPLEMENTATION OF FLUORIDE IN THE CITY WATER
SUPPLY; AND ENSURING THAT THE NATURAL FLUORIDE LEVELS IN THE CITY
WATER SUPPLY ARE BELOW THE CURRENT MAXIMUM AND SECONDARY
CONTAMINANT LEVELS RECOMMENDED BY THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY (ALEX PUGLISI) (Withdrawn by
Sponsor)

This bill was withdrawn by the sponsor.

I. ADJOURN

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 10:10 p.m.

	Approved by:	
	Mayor David Coss	-
ATTESTED TO:		
Yolanda Y. Vigil, City Clerk		

Respectfully submitted:

ITEM # 10-a

ACTION SHEET ITEM FROM THE PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING OF MONDAY, AUGUST 27, 2012

ITEM 14			
CIP #315 – FIRE STATION #4 ADDITIONS AND REQUEST FOR APPROVAL TO AWARD LOCKWOOD CONSTRUCTION COMPARAND NMGRT (CHIP LILIENTHAL)	D BID NO. 12/28/B ANI		
PUBLIC WORKS COMMITTEE ACTION:	Approved on Conse	nt	
SPECIAL CONDITIONS OR AMENDMEN	TS:		
·			
STAFF FOLLOW UP:			
VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON WURZBURGER			
COUNCILOR CALVERT	X		
COUNCILOR IVES	X		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	v		

Exhibit "1"

ITEM # 10-n

ACTION SHEET ITEM FROM THE PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING OF MONDAY, AUGUST 27, 2012

ITEM 12			
REQUEST FOR APPROVAL OF AMENDMENT NO. 2 BETWEEN THE CITY OF SANTA FE AND THE SANT FOR CONSTRUCTION SERVICES AT THE SANTA FI IN THE AMOUNT OF \$237,493.70 (ROBERT SIQUE)	TA FE RAILYARI E DEPOT PLATF	D COMMUNITY COR	PORATION (SFRCC)
PUBLIC WORKS COMMITTEE ACTION: App	roved		
SPECIAL CONDITIONS OR AMENDMENTS:			
STAFF FOLLOW UP:			
VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON WURZBURGER			
COUNCILOR CALVERT	X		
COUNCILOR IVES			X
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	X		

Exhibit "2"

JPMC Muni Bond Derivative Settlement c/o GCG Claims Administrator P.O. Box 9864 Dublin, OH 43017-5764 (877) 311-1632 TEM # 10-0

CMB

Claim No: CMB01000310

CMB0200030976

CITY OF SANTA FE JOELLE MEVI 200 LINCOLN AVE SANTA FE, NM 87501 - 1904

ELECTION TO PARTICIPATE IN SETTLEMENT WITH JP MORGAN CHASE & CO.

CITY OF SANTA FE, hereby elects to participate in the Settlement Agreement Among the Attomeys General of the States and Commonwealths of Alabama, California, Colorado, Connecticut, District of Columbia, Florida, Idaho, Illinois, Kansas, Maryland, Massachusetts, Michigan, Missouri, Montana, Nevada, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Texas, Tennessee and Wisconsin and JP Morgan Chase & Co., dated July 7, 2011.

By signing below, I am confirming that: (1) I have authority to act on behalf of the Participating Counterparty; (2) the Participating Counterparty was the counterparty to each of the Covered Derivatives listed in the Release; and (3) the Participating Counterparty has not assigned, sold, or otherwise transferred its rights to any of the Covered Derivatives (or did not assign, sell, or transfer its rights prior to termination of any of the transactions).

City of Santa Fe, New Mexico	85-6000168			
Print or Type Name of Counterparty	Tax Identification Number			
	•			
P. O. Box 909, State No. 123 175 2-1903				
Counterparty Address				
	•			
Santa Fe, NM 87504-0909				
City, State and Zip	and the second s			
SEE ATTACHED SIGNATURE PAGE				
Signature	Date			
SEE ATTACHED SIGNATURE PAGE				
Print Name of Person Signing	Title and Capacity of Person Signing			
(505) 955-6848	1,			
Phone Number	Email Address			

Exhibit "3"

CITY OF SANTA FE

	DAVID COSS MAYOR
ATTEST:	DATE:
YOLANDA Y. VIGIL CITY CLERK	-

APPROVED AS TO FORM:

GENOZAMORA 8/28/12 CITY ATTORNEY

APPROVED:

MELVILLE L. MORGAN FINANCE DIRECTOR

11001.470500 Reimbursements/Refunds BUSINESS UNIT/LINE ITEM JPMC Muni Bond Derivative Settlement c/o GCG Claims Administrator P.O. Box 9864 Dublin, OH 43017-5764 (877) 311-1632



CMB0200030976



CITY OF SANTA FE JOELLE MEVI 200 LINCOLN AVE SANTA FE, NM 87501 - 1904

REL	EA.	SE	BY	PAR ₁	TCIPA	TING	COUN	TERP.	ARTIES

This release executed this	day of		20,	by the Releasor	(as defined below	w) in favor	of the
Releasee (as defined below).	_			-			

DEFINITIONS

- A. "Releasor" shall mean CITY OF SANTA FE and any of its divisions, affiliates, subsidiaries, groups, associates, general or limited partners or partnerships, predecessors, successors or assigns, including, without limitation, any of their respective present officers, trustees, employees, agents, attorneys, representatives and shareholders, affiliates, associates, general or limited partners or partnerships, heirs, executors, administrators, predecessors, successors, assigns or insurers acting on behalf of Releasor.
- B. "Release" refers to JPMorgan Chase & Co., and all of its successors, predecessors, assigns and their subsidiaries, divisions, groups, affiliates and partnerships, including without limitation, any of their respective past or current officers, directors, and employees (collectively, "JPMC").
- C. "Relevant Conduct" shall mean, except as provided below, JPMC engaging in any of the following conduct from January 1, 1998 through December 31, 2006, whether by itself or in concert with Providers and Brokers: (i) rigging bids or fixing the prices or other terms and conditions of any Municipal Bond Derivatives; (ii) agreeing not to bid for any Municipal Bond Derivatives; or (iii) engaging in any other anticompetitive, deceptive, unfair or fraudulent conduct relating to any Municipal Bond Derivatives including, but not limited to, misrepresenting or omitting material facts whose primary purpose is to prevent the discovery of the anti-competitive conduct. Notwithstanding the foregoing, Relevant Conduct does not include conduct related to attempts to manipulate underlying interest rates used in the pricing of Municipal Bond Derivatives.
- D. "Municipal Bond Derivatives" shall mean: (i) contracts involving the reinvestment of the proceeds of tax-exempt bond issues and Qualified Zone Academy Bonds, or bonds issued by or on behalf of any governmental or quasi-governmental or non-profit entity in the United States of America, including but not limited to, states, cities, towns, counties, villages, panshes, school districts, clubs, or various economic development, redevelopment, financing, lottery, parking, housing, educational, medical, religious, public safety, building, water, sewer, hospital, transportation, public works, waste management, environmental, port, park, airport, telecommunications and power authorities, corporation or boards; and (ii) transactions involving the management or transfer of the interest rate risk associated with the bonds or bond issues described above including, but not limited to, guaranteed investment contracts, forward supply, purchase, or delivery agreements, repurchase agreements, swaps, options and swaptions. Notwithstanding the foregoing, Municipal Bond Derivatives does not include (i) contracts to underwrite the issuance of municipal bonds; (ii) credit default products, such as credit default swaps and credit default options; (iii) auction-rate securities; (iv) inter- dealer swaps; (v) swaps, or other agreements between providers to hedge, manage or otherwise share or transfer their risk on a Municipal Bond Derivative except to the extent used to facilitate any improper undisclosed payments to brokers or the rigging of bids for the reinvestment or management of bond proceeds.
- E. "Covered Derivatives" shall mean Municipal Bond Derivatives that meet the criteria set forth in Attachment A to the Settlement Agreement.
- F. "Settlement Agreement" shall mean the Settlement Agreement between JPMorgan Chase & Co. and the Attorneys General of the States and Commonwealths of Alabama, California, Colorado, Connecticut, District of Columbia, Florida, Idaho, Illinois, Kansas, Maryland, Massachusetts, Michigan, Missouri, Montana, Nevada, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Texas, Tennessee, Wisconsin, dated July 7, 2011.
- G. "Effective Date" shall mean the Effective Date of the Settlement Agreement.



RELEASE

- 1. In consideration of the receipt by Releasor of \$54,450.37 relating to the % OF LIBOR OVERLENT (approximate trade date 10/27/2005), payment of which is made by JPMC in accordance with the terms of the Settlement Agreement, Releasor hereby releases Releasee from all civil claims, counterclaims, cross-claims, set-offs, causes of action of any type (whether common law, equitable, statutory, regulatory or administrative, class, individual or otherwise in nature, and whether reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured) demands, disputes, damages, restitution, whenever incurred, and liabilities (including joint and several) of any nature whatsoever, including without limitation, costs, fines, debts, expenses, penalties and attorneys fees, known or unknown, that it has against the Releasee arising from the Relevant Conduct in relation to the marketing, sale or placement of Municipal Bond Derivatives, including any claims that have been or could be asserted *In re Municipal Derivatives Antitrust Litigation*, MDL No. 1950, Master Docket No. 08-2156, any actions pending in the United States District Court for the Southern District of New York captioned *In re Municipal Derivatives Antitrust Litigation*, or any related actions filed in or transferred to the United States District Court for the Southern District of New York that are coordinated with or consolidated into the preceding Civil Action docket.
- In the event that the total payment referred to in Paragraph 1 is not made for any reason, then this Release shall be null and void, provided that any payments received by Releasor shall be credited to Releasee in connection with any claims that (i) Releasor may assert against Releasee; (ii) that are asserted against Releasee on behalf of Releasor by a class of which Releasor is a member; or (iii) that are asserted by any third party against Releasee as to which Releasee may assert a setoff under any applicable law.
- 3. The Releasor intends by this Release to settle with and release only Releasee and does not intend this Release, or any part hereof or any other aspect of the settlement or the releases, to extend to, to release or otherwise to affect in any way any rights that the Releasor has or may have against any other party or entity whatsoever, other than Releasee.
- 4. Releasor hereby waives the provisions of California Civil Code section 1542, which provides: "A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor." This provision shall not be deemed to turn a specific release into a general release.
- The Releasor represents and warrants that the released claims have not been sold, assigned or hypothecated, in whole or in part.

City of Santa Fe, New Mexico	85-6000168
Print or Type Name of Counterparty	Tax Identification Number
P. O. Box 909	
Counterparty Address	
Santa Fe, NM 87504-0909	
City, State and Zip	
SEE ATTACHED SIGNATURE PAGE	
Signature	Date
SEE ATTACHED SIGNATURE PAGE	
Print Name of Person Signing	Title and Capacity of Person Signing
(505)955-6848	
Phone Number	Email Address

CITY OF SANTA FE

	DAVID COSS MAYOR	
ATTEST:	DATE:	
YOLANDA Y. VIGIL CITY CLERK		

APPROVED AS TO FORM:

GENOZAMORA 8/28/12

APPROVED:

MELVILLE L. MORGAN FINANCE DIRECTOR

11001.470500 Reimbursements/Refunds BUSINESS UNIT/LINE ITEM

ACTION SHEET ITEM FROM THE PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING OF MONDAY, AUGUST 27, 2012

ITEM	11

CIP #810A – CERRILLOS ROAD RECONSTRUCTION PROJECT PHASE IIB, CIELO COURT TO CAMINO CARLOS REY

- REQUEST FOR APPROVAL OF CHANGE ORDER NO. 4 WITH AUI, INC. NEW ITEMS NOT PART OF ORIGINAL BID AND ADJUSTED ITEMS IN THE AMOUNT OF \$120,343.10 PLUS \$9,853.09 (NMGRT) FOR A TOTAL AMOUNT OF \$130,196,19
- REQUEST FOR APPROVAL OF A SETTLEMENT AGREEMENT WITH AUI, INC. FOR A TOTAL

AMOUNT OF \$66,000 REQUEST FOR APPROVAL OF A BUDGET A	DJUSTMENT RE	EQUEST (PETER MA	NZANARES)
PUBLIC WORKS COMMITTEE ACTION: App	oroved		
SPECIAL CONDITIONS OR AMENDMENTS:			
STAFF FOLLOW UP:			
VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON WURZBURGER			
COUNCILOR CALVERT		X	
COUNCILOR IVES	X		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	X		

Exhibit "4"

ACTION SHEET ITEM FROM THE PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING OF MONDAY, AUGUST 27, 2012

	-		
ITEM 13			·
REQUEST FOR APPROVAL OF AN AGREEMENT ARCHITECTURAL DESIGN SERVICES IN THE A TAX AND REIMBURSABLE EXPENSES (CHIP I	MOUNT OF \$119,49		
PUBLIC WORKS COMMITTEE ACTION: A	Approved on Conse	nt	
SPECIAL CONDITIONS OR AMENDMENTS	S:		
STAFF FOLLOW UP:			
VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON WURZBURGER			
COUNCILOR CALVERT	X		
COUNCILOR IVES	X		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	X		

Eshibit "5"



CITY COUNCIL MEETING OF

AUGUST 28, 2012 BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION BY MEMBERS OF THE GOVERNING BODY

	Mayor David Coss	
Co-Sponsors	Title	Tentative Committee Schedule
·	Councilor Patti Bushee	
Co-Sponsors	Title	Tentative Committee Schedule
Dominguez Wurzburger	A Resolution Amending Resolution No. 2012-25 To Modify The Title Of The "Change For Change" Program To "Change For Youth."	Council – 9/12/12
	Councilor Chris Calvert	L
Co-Sponsors	Title	Tentative Committee Schedule
Bushee	A Resolution Authorizing And Supporting A Cooperative Agreement Between The City Of Santa Fe ("City") And The New Mexico Department Of Transportation ("NMDOT") For Roadway And Intersection Improvements Along Paseo De Peralta From Old Taos Highway Through The Intersection Of Paseo De Peralta And Washington Avenue; And Roadway Improvements Along Bishop's Lodge Road From Paseo De Peralta To Artist Road.	Public Works – 9/10/12 Finance – 9/18/12 Council – 9/25/12
	An Ordinance Relating to Fluoridation of the City Water Supply; Amending Section 25-1.8 SFCC 1987 to Supplement the City Water Supply With Fluoride to a Level in Conformance with the Optimal Leval Recommended by the United States Public Health Service, Centers for Disease Control (CDC), for a Period of Three Years; and After Three Years, Cease the Supplementation of Fluoride in the City Water Supply.	Public Utilities – 9/5/12 Finance – 9/18/12 Council (request to publish – 9/24/12 Council (public hearing) – 10/30/12
	A Resolution Endorsing The Efforts Of The Dental Community To Collaborate With Local Schools, Health Providers And State And Local Governmental Entities To Formulate A Plan To Provide Increased Services, Education And Outreach To The Residents Of The Santa Fe County In An Effort To Improve Oral Health For Both Children And Adults; And Declaring That The City Of Santa Fe, Beginning In 2013 And Every Year Thereafter, Will Recognize The Month Of February As "Oral Health Month," With One Day In February Being Designated As "Oral Health Day".	Public Utilities – 9/5/12 Finance – 9/18/12 Council (request to publish – 9/24/12 Council (public hearing) – 10/30/12

Councilor Bill Dimas				
Title	Tentative Committee Schedule			
Councilor Carmichael Dominguez				
Title	Tentative			
	Committee Schedule			
An Ordinance	Public Works – 9/10/12			
Relating To The Land Development Code, Chapter 14	Council (request to publish			
SFCC 1987 Regarding Legal Nonconforming Uses;	- 9/24/12			
Amending Section 14-10.2(C) To Increase The Period Of	Planning Commission –			
Time Before A Legal Nonconforming Use May Not Be	10/4/12			
Resumed And Providing That Uses Of Governmental	Council (public hearing) -			
Property May Be Resumed At Any Time Under Certain	10/30/12			
Conditions; And Making Such Other Stylistic Or				
Grammatical Changes That Are Necessary.				
Councilor Peter Ives				
A Resolution	Finance – 9/18/12			
Relating to Transparency and Public Information;	Council - 9/24/12			
Reestablishing a Full-Time Dedicated Position in the				
City Manager's Office to be Known as "Public				
Information Officer" ("PIO").				
Councilor Chris Rivera				
Title	Tentative			
	Committee Schedule			
Councilor Ron Trujillo	<u> </u>			
Title	Tentative			
	Committee Schedule			
Constitution of the state of th				
Title	Tentative Committee Schedule			
	Councilor Carmichael Dominguez Title An Ordinance Relating To The Land Development Code, Chapter 14 SFCC 1987 Regarding Legal Nonconforming Uses; Amending Section 14-10.2(C) To Increase The Period Of Time Before A Legal Nonconforming Use May Not Be Resumed And Providing That Uses Of Governmental Property May Be Resumed At Any Time Under Certain Conditions; And Making Such Other Stylistic Or Grammatical Changes That Are Necessary. Councilor Peter Ives A Resolution Relating to Transparency and Public Information; Reestablishing a Full-Time Dedicated Position in the City Manager's Office to be Known as "Public Information Officer" ("PIO"). Councilor Chris Rivera Title Councilor Ron Trujillo			

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.

1	CITY OF SANTA FE, NEW MEXICO
2	RESOLUTION NO. 2012
3	INTRODUCED BY:
4	Councilor Chris Calvert
5	Councilor Patti Bushee
6	
7	
8	
9	
10	A RESOLUTION
11	AUTHORIZING AND SUPPORTING A COOPERATIVE AGREEMENT BETWEEN THE
12	CITY OF SANTA FE ("CITY") AND THE NEW MEXICO DEPARTMENT OF
13	TRANSPORTATION ("NMDOT") FOR ROADWAY AND INTERSECTION
14	IMPROVEMENTS ALONG PASEO DE PERALTA FROM OLD TAOS HIGHWAY
15	THROUGH THE INTERSECTION OF PASEO DE PERALTA AND WASHINGTON
16	AVENUE; AND ROADWAY IMPROVEMENTS ALONG BISHOP'S LODGE ROAD FROM
17	PASEO DE PERALTA TO ARTIST ROAD.
18	
19	WHEREAS, Paseo de Peralta, from Old Taos Highway through the intersection of Paseo de
20	Peralta and Washington Avenue ("Paseo de Peralta") is in need of roadway and intersection
21	improvements and Bishop's Lodge Road from Paseo de Peralta to Artist Road ("Bishop's Lodge
22	Road") is in need of roadway improvements; and
23	WHEREAS, the City and the NMDOT have authority and/or jurisdiction over Paseo de
24	Peralta and Bishop's Lodge Road; and
25	WHEREAS, in a joint and coordinated effort, the City and the NMDOT desire to enter into a

1	cooperative agreement for roadway and intersection improvements on Paseo de Peralta and Bishops		
2	Lodge Road; and		
3	WHEREAS, such improvements shall include pedestrian and ADA enhancement, traffic		
4	signal upgrades, roadway rehabilitation, lighting, permanent signing and striping; and		
5	WHEREAS, the total cost for the roadway and intersection improvements on Paseo de		
6	Peralta and Bishop's Lodge Road is \$2,730,000 which shall be funded in proportional share by the		
7	City and the NMDOT; and		
8	WHEREAS, the NMDOT share of the roadway and intersection improvements shall be		
9	\$2,355,000.00 and the City share of the improvements shall be \$375,000; and		
10	WHEREAS, the City shall pay all costs for improvements, including but not limited to		
11	roadway rehabilitation, lighting and permanent signing and striping costs on Paseo de Peralta, East of		
12	Washington Intersection to Otero St. and Washington Avenue, South of the Paseo de Peralta to		
13	Federal Place and added costs for installing LED lights along Paseo de Peralta and Bishop's Lodge		
14	Road and any amount that exceeds the \$375,000.00 shall be paid for by the City.		
15	NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE		
16	CITY OF SANTA FE that the Governing Body hereby authorizes and supports the execution of a		
17	cooperative agreement between the City and NMDOT for roadway and intersection improvements		
18	along Paseo de Peralta from Old Taos Highway through the intersection of Paseo de Peralta and		
19	Washington avenue; and roadway improvements along Bishop's Lodge Road from Paseo de Peralta		
20	to Artist Road.		
21	PASSED, APPROVED and ADOPTED this day of, 2012.		
22			
23			
24			
25	DAVID COSS, MAYOR		

l	ATTEST:
	YOLANDA Y. VIGIL, CITY CLERK
	APPROVED AS TO FORM:
	GENO ZAMORA, CITY ATTORNEY
	·
	CAO/Melissa/Resolutions 2012/Paseo Bishop Coop

1	CITY OF SANTA FE, NEW MEXICO
2	BILL NO. 2012
3	INTRODUCED BY:
4	Councilor Chris Calvert
5	
6	
7	
8	
9	
10	AN ORDINANCE
11	RELATING TO FLUORIDATION OF THE CITY WATER SUPPLY; AMENDING
12	SECTION 25-1.8 SFCC 1987 TO SUPPLEMENT THE CITY WATER SUPPLY WITH
13	FLUORIDE TO A LEVEL IN CONFORMANCE WITH THE OPTIMAL LEVEL
14	RECOMMENDED BY THE UNITED STATES PUBLIC HEALTH SERVICE, CENTER FOR
15	DISEASE CONTROL (CDC), FOR A PERIOD OF THREE YEARS; AND AFTER THREE
16	YEARS, CEASE THE SUPPLEMENTATION OF FLUORIDE IN THE CITY WATER
17	SUPPLY.
18	
19	BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:
20	Section 1. Section 25-1.8 SFCC 1987 (being Ord. #1955-4, §§1, 2, as amended) is
21	amended to read:
22	25-1.8 Fluoridation of Water Supply.
23	A. For a period of three years, beginning on [effective date of this Ordinance], 2012 and
24	ending on, 2015, the city water supply shall be supplemented with additional fluoride to
25	raise the concentration of fluoride reaching each customer to a level that conforms with the most

Exhibit "8"

current optimal level recommended by the by the United States public health service, centers for
disease control. The city shall monitor fluoride levels in representative sample locations at least once
per month to ensure that the fluoride levels in the city water supply are below the current maximum
and secondary contaminant levels for fluoride as prescribed by the United States environmental
protection agency pursuant to the provisions of the Federal Safe Drinking Water Act and the national
primary drinking water regulations. [The water supply of the city shall be fluoridated by the addition
of sufficient fluoride ion to raise the concentration of fluoride ion reaching each customer to an
optimal level on one (1) part per million parts of water. The fluoride ion level shall be maintained
between a minimum of eight-tenths (.8) part per million parts and a maximum of one and two-tenths
(1.2) parts per million parts of water.]
B. Beginning on , 2015, the city water supply shall not be supplemented
with additional fluoride. The city shall monitor fluoride [ion] levels in representative sample locations
at least once per month to ensure that the fluoride levels in the city water supply are below the
current maximum and secondary contaminant levels for fluoride as prescribed by the United States
environmental protection agency.
APPROVED AS TO FORM:
GENO ZAMORA, CITY ATTORNEY
CAO/Melissa/Rills 2012/Fluoride 3

1	CITY OF SANTA FE, NEW MEXICO
2	RESOLUTION NO. 2012
3	INTRODUCED BY:
4	Councilor Chris Calvert
5	
6	
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10	A RESOLUTION
11	ENDORSING THE EFFORTS OF THE NEW MEXICO OFFICE OF ORAL HEALTH
12	(OOH) TO COLLABORATE WITH THE DENTAL COMMUNITY, LOCAL SCHOOLS,
13	MEDICAL PROVIDERS AND STATE AND LOCAL GOVERNMENTAL ENTITIES TO
14	FORMULATE A PLAN TO PROVIDE INCREASED SERVICES, EDUCATION AND
15	OUTREACH TO THE RESIDENTS OF THE CITY OF SANTA FE IN AN EFFORT TO
16	IMPROVE ORAL HEALTH FOR BOTH CHILDREN AND ADULTS; AND DECLARING
17	THAT THE CITY OF SANTA FE, BEGINNING IN 2013 AND EVERY YEAR
18	THEREAFTER, WILL RECOGNIZE THE MONTH OF FEBRUARY AS "ORAL HEALTH
19	MONTH," WITH ONE DAY IN FEBRUARY BEING DESIGNATED AS "ORAL HEALTH
20	DAY".
21	
22	WHEREAS, the vision of the New Mexico Department of Health, Office of Oral Health
23	("OOH") is to "increase the awareness of families, individuals, and organizations as to the importance
24	of good oral health;" and
25	WHEREAS, in an effort to reduce the incidence of dental disease and to increase access for

Exhibit "9"

those who are experiencing dental disease along with promoting oral health as part of good general health, the OOH provides the following programs and services:

- School Based Dental Sealant Program Such program has been in existence since
 1978 and consists of providing oral health education, dental screening, application of
 dental sealant and notification to the parent or guardian of the oral health status of the
 child through the 125 schools that participate in the Federal Free or Reduced School
 Lunch Program.
- Dental Case Manager Program Since 2005, the OOH and the Family Health Bureau, Children's Medical Services (CMS) jointly provide a dental case management program to eligible low income and non-insured participating children. The goal of such program is to employ a dental case manager to improve access to oral health care and to reduce dental cavities in children 12 years of age and under. The dental case manager works with the various programs and community partners to schedule dental screenings, collaborates with oral health professionals to provide preventive dental services and provides follow-up services for those cases which need further dental care.
- Fluoride Varnish Program Low income and non-insured children participating in
 Head Start, WIC, Families First and Cleft Palate programs receive oral health education,
 dental screenings, fluoride varnish applications and the services of the dental case
 manager. Parents receive oral health education training (nutrition, dental hygiene, and
 injury prevention).
- Dental Preventative and Treatment Services OOH contracts with a number of dental
 providers throughout the State to provide dental preventative and treatment services to
 low income and non-insured New Mexicans. The services provided include providing
 dental sealants, fluoride varnish, and treating dental diseases.

WHEREAS, additionally, the OOH coordinates the New Mexico Oral Health Surveillance Advisory Committee which is responsible for conducting surveys, collecting dental data and analyzing oral health data and identifies the oral health status of New Mexicans which is used by the State, local government, and the Legislature in the development and funding of oral health services; and

WHEREAS, in addition to the programs and services currently provided by the OOH, there is a need for collaboration between the OOH, the dental community, local schools, medical providers and state and local governmental entities to formulate a plan that will include, but not be limited to the following:

- Provide education regarding the causes of oral disease and prevention strategies;
- Dietary guidelines that will provide healthy alternatives for proper oral health;
- Allow for schools, including principals, teachers and school nurses to be an essential partner in promoting and providing oral health opportunities;
- Provide increased opportunities for parental involvement in their children's oral health;
- Provide oral health access to care for children and adults;
- The establishment of Oral Health Month in the city of Santa Fe; and
- The establishment of a poster contest, through the local schools, that will promote Oral
 Health Month

WHEREAS, the Governing Body supports the proposed efforts of the OOH and desires to enter into a Memorandum of Understanding with the OOH to outline the increased services, education and outreach the OOH and its collaborative partners will provide to the community as well as possible public/private funding mechanisms that may be determined.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the Governing Body hereby endorses the efforts of the OOH to collaborate with the dental community, local schools, medical providers and state and local

1	governmental entities to formulate a plan to provide increased services, education and outreach to the			the	
2	residents of the city of Santa Fe.				
3	Section 1.	Within 60 days of the adoption	of this resolution, st	aff is directed to enter	
4	into a Memorandum o	f Understanding with OOH to ou	tline the increased se	rvices, education and	
5	outreach the OOH and	l its collaborative partners will pr	ovide to the commun	ity as well as possible	;
6	public/private funding	mechanisms that may be determ	ined.		
7	Section 2.	Beginning in 2013 and every y	ear thereafter, the Ci	ty of Santa Fe will	
8	recognize the month of	f February as "Oral Health Mont	h," with one day in F	ebruary being designa	ted
9	as "Oral Health Day."				
10	PASSED, AP	PROVED and ADOPTED this _	day of	, 2012.	
11					
12					
13			DAVID COSS, M.	AYOR	
14	ATTEST:				
15					
16					
17	YOLANDA Y. VIGII	L, CITY CLERK			
18					
19	APPROVED AS TO	FORM:			
20					
21					
22	GENO ZAMORA, CI	TY ATTORNEY			
23					
24					
25	CAO/Melissa/Resolutions	2012/Dental Plan OOH			

1	CITY OF SANTA FE, NEW MEXICO		
2	RESOLUTION NO. 2012		
3	INTRODUCED BY:		
4	Councilor Patti Bushee		
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7			
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9			
10	A RESOLUTION		
11	AMENDING RESOLUTION NO. 2012-25 TO MODIFY THE TITLE OF THE "CHANGE		
12	FOR CHANGE" PROGRAM TO "CHANGE FOR YOUTH."		
13			
14	WHEREAS, on February 29, 2012, the Governing Body adopted Resolution No. 2012-25		
15	which directed staff to explore the options for implementing a Change for Change program that		
16	would place retired parking meters on city property to collect donations for non-profit entities; and		
17	WHEREAS, in accordance with the direction from the Governing Body, staff presented its		
18	findings and recommendations to the Governing Body on May 9, 2012 and the Governing Body		
19	approved such recommendations to implement a six-month Change for Change pilot project in		
20	accordance with Resolution No. 2012-25; and		
21	WHEREAS, the Mayor's Youth Advisory Board ("MYAB") has been tasked with a major		
22	role in implementing the Change for Change program and will consider the amount of funds collected		
23	in the parking meters and make recommendations to the Governing Body on the award of mini-		
24	grants; and		
25	WHEREAS, since the adoption of Resolution No. 2012-25, staff has been contacted by		

Exhibit "10"

1	[©] Change for Change, Inc., a national non-	profit organization, stating its concerns	s regarding the City's
2	use of the name Change for Change becau	ise [©] Change for Change is a legally pr	otected name; and
3	WHEREAS, since the MYAB is	a stakeholder in the City's Change for	Change program, the
4	Governing Body desires to change the pro	gram name to Change for Youth.	
5	NOW, THEREFORE, BE IT RI	ESOLVED BY THE GOVERNING	BODY OF THE
6	CITY OF SANTA FE that Resolution No	o. 2012-25 is hereby amended to modif	fy the title of the
7	"Change for Change" program to the "Change for Change"	ange for Youth" program.	
8	PASSED, APPROVED, and ADO	OPTED this day of	, 2012.
9			
10			
11		DAVID COSS, MAYOR	
12	ATTEST:		
13			
14			
15	YOLANDA Y. VIGIL, CITY CLERK		
16	APPROVED AS TO FORM:		
17			
18			
19	GENO ZAMORA, CITY ATTORNEY		
20			
21			
22			
23			
24			
25	CAO/M/Melissa/Resolutions 2012/2012-25 Change	e for Youth	
	İ		

1	CITY OF SANTA FE, NEW MEXICO
2	BILL NO. 2012
3	INTRODUCED BY:
4	Councilor Carmichael Dominguez
5	Mayor David Coss
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10	AN ORDINANCE
11	RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987
12	REGARDING LEGAL NONCONFORMING USES; AMENDING SECTION 14-10.2(C) TO
13	INCREASE THE PERIOD OF TIME BEFORE A LEGAL NONCONFORMING USE MAY
14	NOT BE RESUMED AND PROVIDING THAT USES OF GOVERNMENTAL PROPERTY
15	MAY BE RESUMED AT ANY TIME UNDER CERTAIN CONDITIONS; AND MAKING
16	SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY.
17	
18	BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:
19	Section 1. Section 14-10.2(C) SFCC 1987 (being Ord. No. 2011-37, §13) is amended
20	to read:
21	(C) Termination of Nonconforming Use
22	(1) [H] Except as provided for in Subsection 14-10.2(C)(2), a legal
23	nonconforming use of land or use of a structurethat ceases for any reason for
24	a period of more than [one hundred eighty] three hundred sixty-five days or
25	is replaced by a permitted use, [that nonconforming use] may not be resumed

Exhibit "H"

1	and any subsequent use of the land or <i>structure</i> shall conform to Chapter 14.
2	(2) A legal nonconforming use of land or use of a structure owned by a federal,
3	state, or local governmental entity and used by that entity for governmental
4	purposes, that ceases may resume. Such resumed uses may not be
5	significantly enlarged or intensified in zoning districts where a special use
6	permit is required unless a special use permit is approved.
7	APPROVED AS TO FORM:
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9	
10	GENO ZAMORA, CITY ATTORNEY
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25	CAO/Melissa/Bills 2012/ Legal Nonconforming Uses

1	CITY OF SANTA FE, NEW MEXICO
2	RESOLUTION NO. 2012
3	INTRODUCED BY:
4	Councilor Peter Ives
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10	A RESOLUTION
11	RELATING TO TRANSPARENCY AND PUBLIC INFORMATION; REESTABLISHING A
12	FULL-TIME DEDICATED POSITION IN THE CITY MANAGER'S OFFICE TO BE
13	KNOWN AS "PUBLIC INFORMATION OFFICER" ("PIO").
14	
15	WHEREAS, transparency promotes accountability to the public about what the City is doing
16	and provides public access to information and records generated by the City which are essential to
17	public accountability; and
18	WHEREAS, there is evidence that a well-informed and engaged community leads to greater
19	satisfaction with government policies and elected officials and staff who are more in touch with the
20	public's needs and desires; and
21	WHEREAS, the national standard for generating public information through various types of
22	media tools is a public information officer who is an expert in communications and press relations;
23	and
24	WHEREAS, the purpose of a PIO position is to improve compliance with laws and
25	ordinances, improve the entire environment of the City, help the members of the public to know and

Exhibit "12"

1	understand the services the City makes available to the public and to help citizens improve the City;
2	and
3	WHEREAS, the ultimate goal of having a PIO is to have an informed public which in turn
4	makes the City a better place to live, to work and to enjoy life; and
5	WHEREAS, the City of Santa Fe has not had a PIO since 2009 when the position of PIO was
6	vacated and ultimately eliminated because of mandated budget cuts; and
7	WHEREAS, in the Governing Body's on-going commitment for the City of Santa Fe to be
8	open, transparent and accessible to the public the Governing Body desires to have the position of
9	Public Information Officer re-established and funded.
10	NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
11	CITY OF SANTA FE that a full-time dedicated position of Public Information Officer is hereby
12	reestablished in the City Manager's Office.
13	BE IT FURTHER RESOLVED THAT the PIO shall provide the press and the community
14	with increased access to information, updates on activities in the City of Santa Fe and facilitate better
15	feedback and responsiveness for the City of Santa Fe. More specifically, the duties of the PIO shall
16	also include, but not be limited to:
17	Facilitation of a better informed public and more transparent organization by conveying
18	information to the public, using all appropriate means;
19	Coordination for the dissemination of information from all City departments into the
20	community;
21	Assistance to City departments in building an informed and engaged constituency;
22	Coordination with City departments to develop additional effective methods for the City
23	to obtain community input;
24	Alignment of feedback and other input from the community with departments' activities;
25	and

O this day of		, 201
•••		
DAVID COSS, MA	AYOR	
	•	
	DAVID COSS, IMA	DAVID COSS, MATOK

My name is Helen Oates...All city councilors and the mayor, you have taken sworn oaths to support the NM and US Constitutions. Is that correct?

If I get objections. . Therefore, I expose those who say no...Councilor (name them) as frauds and demand that the audience remove them from office pursuit to Article 20, Sec. 21 of the NM Constitution that prohibits polluting the water, the soil, and the air.

If yes,... All of you are required to abide by those oaths in the performance of your official duties especially in this meeting. Is that correct?

If yes... In NM, there is a constitutional provision against polluting the water, the soil, and the air as stated in Article 20, Sec. 21 of the NM Constitution.

Fluoride is a poison and a danger to the health of the people and is prohibited by Article 20, Sec. 21.

Pursuant to your oaths, you have a solemn duty to protect the people and their health and must immediately remove the fluoride from the public water systems.

I remind you, that the NM Constitution is the law of the state and supercedes any other lesser laws, rules, or regulations...including all fluoride laws, rules or regulations by state health officials or passed by city councilors.

Therefore, you must stop fluoridating Santa Fe's public water systems tonight or be in contempt of Article 20, Sec. 21 printed the NM Constitution, and removed from office immediately.

People: Their 1st sentence..."I support and endorse Helen Oates position pursuant to Art. 20, Sec. 21 on the NM Constitution Wurzberger, Bushee, Calvert, Dias, Carmichael, Ives, Rivera, Trujillo, & Mayor Coss.

Ephilit "13"

Audrey N. Storbeck 369 Montezuma #258 Santa Fe, NM 87501

August 28, 2012

Dear City Council Members:

As you know the Public Hearing that was advertised for today is not occurring.

The ADA's website says the following:

"What can I do to decrease the chances that my child's teeth will develop fluorosis?

- You can breast feed. Breast milk is very low in fluoride. Nursing mothers or pregnant women who drink fluoridated water do not pass on significant amounts of fluoride to their child.
- You can use ready-to-feed formula.
- You can use powdered or liquid concentrate formula mixed with water that either is fluoride-free or has low concentrations of fluoride."

This was in 1994.

Recently the CDC has lowered the maximum amount of fluroide that is considered safe. This was in 2011.

See the attached letter from the majority of the EPA Unions (eleven), signed by their representatives, to the Administrator of the EPA requesting an Advanced Notice of Proposed Rulemaking setting the maximum contaminant level goal for fluoride at ZERO, in accordance with Agency [EPA] policy for all likely or known carcinogens. The letter is dated August 5, 2005 and it goes on to say the reason is: bone cancer.

One of the signers of the letter, Dr. J. William Hirzy, Vice President of a Union is now Chairman of a Chemistry Department and he has this to say:

"They are scared witless of having to find that fluoride is a carcinogen and setting a maximum contaminant level goal of zero because that would mean the EPA is going to be responsible for the end of the water fluoridation program," Hirzy said. "EPA knows that there will be enormous political flack for doing that."

This was in 2005.

As elected officials, I know only the sponsor can choose to pull the bill and I ask with all of my heart and soul that another elected official step forward to continue the public hearing process.

As you know from the 2011 Water Quality Report on the City's website, fluoride is a known contaminant, and generally consists of fertilizer waste and/or aluminum waste.

Sincerely, Constitution of the Constitution of

Attachments: August 5, 2005 letter to EPA Administrator; 2011 City of Santa Fe Water Quality Report

MM Constitution Conticle XX Section 21

XX

N.M. Const. Art XX

Sec. 21. [Pollution control.]

The protection of the state's beautiful and healthful environment is hereby declared to be of fundamental importance to the public interest, health, safety and the general welfare. The legislature shall provide for control of pollution and control of despoilment of the air, water and other natural resources of this state, consistent with the use and development of these resources for the maximum benefit of the people. (As added November 2, 1971.)

Coalition of U.S. Environmental Protection Agency Unions

#8

August 5, 2005

RE: Bone Cancer-Fluoride Link

Hon. Stephen L. Johnson, Administrator U.S. Environmental Protection Agency

Dear Administrator Johnson:

We, the undersigned representatives of a majority (eleven) of EPA's employee unions, are requesting that you direct the Office of Water to issue an Advanced Notice of Proposed Rulemaking setting the maximum contaminant level goal for fluoride at zero, in accordance with Agency policy for all likely or known human carcinogens. Our request is based on the overall weight of the evidence supporting the classification of fluoride as a human carcinogen, including new information from Harvard on the link between fluoride in drinking water and osteosarcoma in boys that was conveyed to you in a meeting with union officials on May 4, 2005.

We appreciate that the Agency anticipates a report next year from the National Research Council on the propriety of its current drinking water standards for fluoride. But it seems highly inappropriate for EPA to do nothing now that it is in possession of this science, while millions of young boys continue to be exposed unwittingly to the elevated risk of a fatal bone cancer as the Agency waits for the NRC to issue its report, then for the report to undergo peer review, and then for the Agency to undertake its own deliberations.

By issuing an Advanced Notice of Proposed Rulemaking the Agency would inform the public and local health authorities about the results of the doctoral dissertation from the Harvard School of Dental Medicine by Elise Bassin without committing the Agency to a formal rulemaking until all those other steps are taken.

It is noteworthy that when industry becomes aware of important new scientific findings like this, it has (depending on the specific statute) a very brief time to notify EPA. The Agency is then expected to take timely and appropriate action based on the specifics of that notification. In the present case EPA is aware of important new, high quality evidence of potentially serious danger to young boys drinking fluoridated water, and we believe EPA has an ethical duty to send an effective warning immediately about this hazard.

It may in fact be appropriate for you to direct EPA's Office of Criminal Enforcement to investigate why Dr. Bassin's study, which was of sufficient quality for her to earn her doctoral degree, remained hidden from EPA for four years. Alternatively, you could request that the Department of Justice undertake the investigation.

As you know, the apparent cover up of the link between water fluoridation and a seven-fold increased risk of osteosarcoma in young boys, shown by the research of Dr. Bassin, is now national news. Major newspapers, including the *Washington Post* and the *Wall Street Journal* have covered the story. The Environmental Working Group has petitioned the National Toxicology Program to classify fluoride as a human carcinogen based in part on Dr. Bassin's work. (We recommend EWG's petition as a succinct and authoritative overview of the total weight of peer-reviewed evidence supporting the classification of fluoride as a human carcinogen.) EWG has also caused an investigation of the cover up to be started by Harvard and NIEHS, which funded the research.

The eyes of the nation are on the federal science establishment because of a host of scientific integrity issues. Former EPA Assistant Administrator Lynn Goldman and Roni Neff have just published a paper in the American Journal of Public Health on the cost of delayed adoption of health-protective standards that illuminates the real public health costs of the government's failure to act on sound scientific evidence.

We believe our Agency can make an important statement about its commitment to scientific integrity and its application to public health protection by taking the precautionary action we are recommending.

We at EPA can be ahead of the curve on this important issue or behind it. We do not think the latter choice is in the best interest of the public, the Civil Service or EPA, and we fervently and respectfully hope that you will agree with us. As a wise man once said, "The science is what the science is."

We will be happy to discuss this with you and your advisers at your convenience.

Sincerely,

Dwight A. Welch, President

NTEU Chapter 280

280

EPA Headquarters

/s/Steve Shapiro, President

AFGE local 3331

EPA Headquarters

/s/Larry Penley. President

NTEU Chapter 279

EPA Cincinnati Laboratory

/s/Wendell Smith, President

ESC/IFPTE Local 20

Region 9 Office, San Francisco

/s/Henry Burrell, President

AFGE Local 3428

Region 1 Office, Boston

J. William Hirzy, Vice-President

NTEU

EPA Headquarters

/s/Paul Sacker, President

AFGE Local 3911

Region 2 Office, New York

/s/Nancy Barron, President

NAGE Local R5-55

Region 4 Office, Atlanta

/s/Patrick Chan, President

NTEU Chapter 295

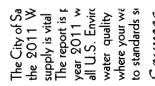
Region 9 Office, San Francisco

/s/Alan Hollis, President

AFGE Local 3611

Region 3 Office, Philadelphia

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	Erosion of natural deposits; Runoff from orchards. Runoff from glass and electronics production wastes.	Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder.	Discharge from drilling wastes. Discharge from metal refineries. Erosion of natural deposits.	Erosion of natural deposits. Water additive which promotes strong teeth. Discharge from fertilizer and aluminum factories.	Discharge from steel/metals factories; Discharge from plastic and fertilizer factories	Runoff from fertilizer use. Leaching from septic tanks, sewage. Erosion from natural deposits.	Erosion of natural deposits. Runoff from de-icing agent used on roads.		Erosion of natural deposits.	Decay of natural and man-made deposits.	Erosion of natural deposits.	Erosion of natural deposits.		Discharge from petroleum factories.		By-product of drinking water chlorination.	By-product of drinking water chlorination.	By-product of drinking water chlorination.		Soil Runoff	Soil Runoff	Naturally present in the environment
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City of Santa Fe 2011 Water Quality Table

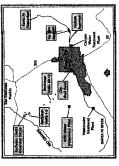
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2011 Water Quality Report City of Santa Fe Water Division Curtomer Service (803) 953-4333 R.O. Box 909, Santa Fe, MM 87504 Administration (303) 953-4909

ources of Supply

Map of Water Sources



Source Water Assessment and

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Dear Santa Fe Mayor Coss and City Council Members:

I disagree with Santa Fe City Councilor Chris Calvert in his assessment of the need to disaffirm the prior vote by not allowing for a new vote and citizen comment on the already submitted ordinance or bill, and further to not stop fluoridation in Santa Fe drinking water immediately, and especially to those dentists, and concerned citizens who do not want to face the facts of the matter, that fluoride is toxic and harmful to our brains.

The "NEW SCIENCE" and "GOOD SENSE" happens to be stated clearly in the recently published Harvard University meta-analysis funded by the National Institutes for Health (NIH) which has concluded that "children who live in areas with highly fluoridated water have a "significantly lower" IQ score than those that live in low fluoride areas." Their results "supported the possibility of adverse effects of fluoride exposures on children's neurodevelopment."

Dr. Mercola further points out in this article, which is interestingly enough not posted in any regular or main stream news information, "that it amazes me that the medical (and dental) communities are so stubbornly resistant to connect the dots when it comes to the skyrocketing increase of cognitive decline in adults, and behavioral issues in children (ADD, ADHD, depression and learning disabilities of all kinds). In fact, there have been over 23 human studies and 100 animal studies linking fluoride to brain damage."

The article goes on to list other studies, one in 2005 states that fluoride suppresses the immune system, and another significant study by Dr. Dean Burke, a 1937 co-founder of the U.S. National Cancer Institute (NCI) and heading its cytochemistry department for 37 year, who equates fluoridation of water as "public murder" in this study clearly demonstrating deaths from cancer in as little as a year or two after fluoridation began. He further states that other government-ordered studies were buried once they showed fluoride I in k e d to dramatic increases in cancer. http://articles.mercola.com/sites/articles/archive/2012/08/14/fluoride-effects-in-children.aspx

There is another very revealing article discussing recently declassified documents that link fluoride to plutonium production and

Ellihit 11En

the Manhattan Project. After WWII, American biochemist, Charles Elliot Perkins, gained information from the technology of the German I G Farben factories, and "the use by the Nazis to use sodium fluoride on prisoners of war to keep them docile and easier to manipulate and control." As early as the 40s and 50s Perkins realized that fluoride had "undesirable effects on the hippocampos of the brain," and before he died he urged not to let the anti-fluoride message fail. These documents further describe animal and fish deaths from exposure to fluoride, potential lawsuits, and the engineered public safety messages in support of fluoride in our water and toothpaste, in order to find a way to profit from this toxic chemical byproduct. http://www.zengardner.com/the-sordid-early-history-of-fluoride/

Perhaps we need to rethink, and more especially stop, as soon as possible, the fluoridation of our Santa Fe water supplies in light of this very disturbing information, substantiated by the overwhelming evidence in these studies of fluoride's detrimental effect on the brain.

Perhaps we should ask if our children's low test scores and poor high school graduation rate are the result of fluoride harming our children's brains and effecting their ability to learn. I feel this is not something that we can afford to dismiss lightly, as a brain is a horrible thing to waste for the unsubstantiated belief that fluoride prevents tooth decay, presently not proven in independent studies.

We have enough already that is natural occurring without adding to that amount. There is opportunity for those that want fluoride protection, if you want to believe it is protecting you, in many brands of over the counter toothpaste. We do not all need to be subjected to this toxic chemical poisoning due to not wanting to update our information, deprogramming ourselves so we can create safer alternatives.

Sincerely, and with due concern due to the facts,

G. Giles Ou O

1824 Kiva Road Santa Fe, NM 87505

August 28, 2012

EXECUTIVE PROFILE Santa Fe Railyard developer Czoski has spent 8 years on a project he thought would take 18 mos. 5

REAL ESTATE Conn's stakes out a spot in Market Center East, Heil of Texas brings recycled equipment sales to Albuquerque and Gertrude Zachary is studying the feasibility of placing a restaurant Downtown, next to her 'castle' 4



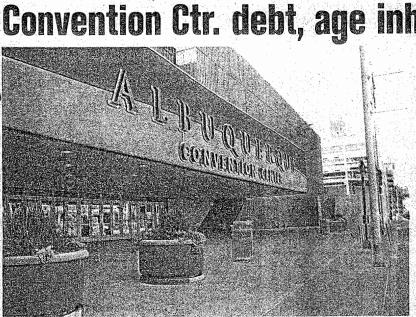
ldeum prepares to release its next generation screen a



HIGH TECH INM unveils its state-ofthe-art health care facility in Rio Rancho 7

THIS WEEK'S LISTS General Contractors 9 **Roofing Contractors** 10

INSIDE EXECUTIVE PROFILE. . . . 5 PEOPLE ON THE MOVE. 14



BY DENNIS DOMEZALSKI I WARW REPORTER

The Albuquerque Convention Center is awash in debt and has no money to make major improvements to the facility, a part of which is four decades old.

Without the ability to make improvements to the convention center's west por-tion, which was built in 1972, or the east side, which was built in 1991, Albuquerque could see its role as a convention destination greatly diminished, said city and tourism leaders.

The U.S. convention center industry is overbuilt and older facilities like Albuquer-que's are finding it more difficult to compete even for regional conventions, industry and city officials said.

The convention center is burdened with \$90.6 million in debt, and most of the

The west section of the Albuquerque Convention Center was built in 1972 and needs a new roof, but its budget is strapped by debt.

Berry seeks proposals for Downtown/grocery

Some mayors dream of putting a major sports stadium or convention center in their downtowns. Albuquerque Mayor Richard Berry has a more pragmatic approach. He sees a grocery store as a catalyst to jumpstart Downtown's renaissance.

Berry is seeking proposals from developers to build a grocery store on a 1-acre city-owned parcel north of Silver Avenue between Second and Third streets. The city most likely will offer a subsidy, but a developer must come up with a concrete proposal for a bonafide grocery that could cost more than \$1 million to build and stock. Berry wants to see ideas from SEE GROCERY 21

Focus on

About 150,000 vehicles per day travel through the Paseo del Norte/I-25 interchange, which could look like this (above), after a \$93 million upgrade.



BREAKING NEWS DAILY: Sign up for free daily e-mail updates www.bizjournals.com/albuquerque/dailyupdate

Exhibit "16" =

ITEM # <u>H-4</u>

VIGIL, YOLANDA Y.

From:

ed sarkis [eddy669@yahoo.com]

Sent: Tuesday, August 28, 2012 11:53 AM

To:

VIGIL, YOLANDA Y.

Subject: postpone Duel Brewing at city council august 28

Postpone so we may consult with an architect.

Thank you,

Ed Sarkis, Duel Brewing

Ephilist "17"

Cityof Santa Fe, New Mexico

memo

DATE:

July 10, 2012 for the July 25, 2012 Governing Body Meeting

TO:

Governing Body

VIA:

Robert P. Romero City Manager

Matthew S. O'Reilly, P.E., Director, Land Use Department Manager, Current Planning Division

FROM:

Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division

BIENVENIDOS GENERAL PLAN AMENDMENT AND REZONING TO R-5.

<u>Case #2012-30.</u> 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, Case Manager)

Case #2012-31. Bienvenidos Rezoning to R-5. JenkinsGavin 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, Case Manager)

RECOMMENDATION:

The above referenced cases appeared before the Planning Commission on June 7, 2012. The decision of the Commission was to recommend to the Governing Body **DENIAL** of cases #2012-30 Bienvenidos General Plan Amendment and #2012-31 Bienvenidos Rezoning to R-5 (Reference Exhibit 1 for Findings of Fact and Conclusions of law).

I. APPLICATION SUMMARY

The subject site is comprised of 7.62± acres. The entire property is currently made up of four (4) lots.

Bienvenidos General Plan Amendment and Rezoning - Governing Body: July 25, 2012

Page 1 of 2

The property is located approximately one quarter mile south of the Rufina St./Henry Lynch Rd. intersection on the south side of Rufina Street. Two (2) cases make up this proposal: General Plan Amendments and Rezoning (no development plan or subdivision proposal). The General Plan amendment comprises 2.94± acres of land from Community Commercial and Transitional Mixed Use to Residential Low Density (3-7 dwelling units per acre). The Rezoning will comprise the four lots currently totaling 7.62± acres of land from R-3 (Residential, 3 dwelling units per acre) to R-5 (Residential, 5 dwelling units per acre).

The ultimate goal of the proposal is to develop a residential subdivision. This application includes a proposed site plan with 44 lots, at a density of 5.44 dwelling units per acre. The site plan also indicates both roads and park design.

II. ENN

An ENN was conducted on February 21, 2012 at Nancy Rodriguez Community Center. The main concerns raised by the attendees were:

- 1. Raised medians preventing access on and off Rufina Street,
- 2. Lack of detail for the development of the subdivision, and
- 3. Whether mobile/manufactured homes would be allowed to be placed on the subdivision lots.

III. EXHIBITS:

Exhibit 1- Proposed General Plan Change Resolution

Exhibit 2- Proposed Rezoning Bill

Exhibit 3- Findings of Fact and Conclusions of Law

Exhibit 4- Planning Commission June 7, 2012 Minutes

Exhibit 5- June 7, 2012 Planning Commission Packet

Exhibit A Conditions and DRT comments

A1: March 22, 2012 Affordable Housing

A2-3: April 5, 2012 & April 12, 2012 Traffic Engineering

A4: April 25, 2012 Wastewater Management

A5: March 15, 2012 Environmental Services Division

A6: April 25, 2012 Water Division

A7: April 9, 2012 Technical Review Division

A8: April 20, 2012 Fire Marshal

Exhibit B - Applicant submittal
 B1: General Plan and Rezoning information

Exhibit C- Future Land Use and Zoning map

C1: Land Use Map C2: Zoning Map

Exhibit D-ENN and correspondence

Packet Attachment -Plans and Maps

July 25, 2012 Governing Body Case # 2012-30

Bienvenidos General Plan Amendment

EXHIBIT 1

Resolution

CITY OF SANTA FE, NEW MEXICO RESOLUTION NO. 2012-___

A RESOLUTION

AMENDING THE GENERAL PLAN FUTURE LAND USE DESIGNATION FROM "COMMUNITY COMMERCIAL" AND "TRANSITIONAL MIXED USE" TO "RESIDENTIAL - LOW DENSITY (3-7 DWELLING UNITS PER ACRE) FOR PROPERTY COMPRISING AN AREA OF APPROXIMATELY 2.94 ACRES MORE OR LESS. THE PROPERTY IS LOCATED SOUTH OF RUFINA STREET AND WEST OF RICHARDS AVENUE. ("BIENVENIDOS GENERAL PLAN AMENDMENT," CASE NO. 2012-30)

WHEREAS, the agent for the owners of the subject properties has submitted an application to amend the General Plan Future Land Use Map designation of the property from "Community Commercial" and "Transitional Mixed Use" to "Residential - Low Density" (3-7 dwelling units per acre) referenced on Exhibit A.

WHEREAS, pursuant to Section 3-19-9 NMSA 1978, the General Plan may be amended, extended or supplemented; and

WHEREAS, the general plan amendment criteria set forth in Section 14-2.1 SFCC 1987,

have been met; and

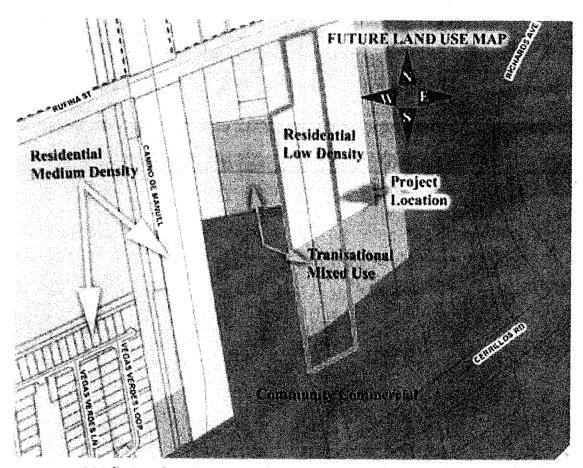
WHEREAS, reclassification of the subject property would be consistent with the General Plan Themes and Policies for Land Use (General Plan, Chapter 3) and Growth Management (General Plan, Chapter 4); and

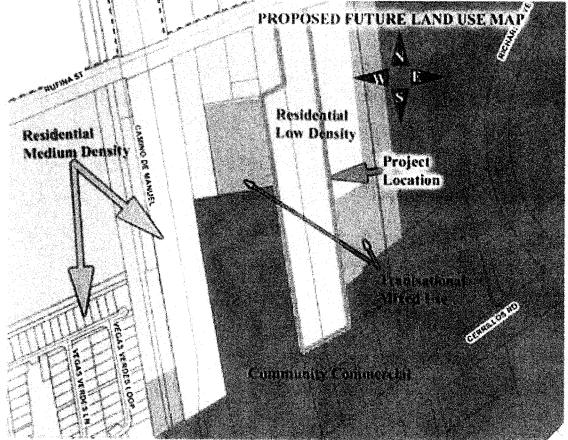
WHEREAS, the city desires to provide for more coordinated, adjusted and harmonious development in the area South of Rufina Street and West of Richards Avenue, that would not have adverse impacts upon the surrounding neighborhood.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the General Plan Future Land Use Map designation for property described is amended to change the designation from "Community Commercial" and "Transitional Mixed Use" to "Residential - Low Density" (3-7 dwelling units per acre) as shown in Exhibit A attached hereto.

APPROXED AS TO FORM:

ĞENO ZAMORA, **E**İTY ATTORNEY





RES. 2012___

EXHIBIT A

July 25, 2012 Governing Body Case # 2012-31 **Bienvenidos Rezoning**

EXHIBIT 2

Bill

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2012-24

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24 25 AN ORDINANCE

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE ESTABLISHED BY "THE SANTA FE EXTRATERRITORIAL LAND USE AUTHORITY ORDINANCE 2009-01"; CHANGING THE CLASSIFICATION OF 7.62+ ACRES FROM R-3 (RESIDENTIAL, 3 DWELLING UNITS PER ACRE) TO R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE); LOCATED SOUTH OF RUFINA STREET AND WEST OF RICHARDS AVENUE AND WITHIN TOWNSHIP 16 NORTH, RANGE 9 EAST, SECTION 5 NEW MEXICO PRIME MERIDIAN, SANTA FE COUNTY, NEW MEXICO, ADOPTING CERTAIN CONDITIONS; AND PROVIDING AN EFFECTIVE DATE. ("BIENVENIDOS REZONING," CASE NO. 2012-31).

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

The following real property ("Property"), located within the municipal Section 1. boundaries of the city of Santa Fe, is now restricted to and reclassified as R-5 (Residential, 5 dwelling units per acre). The property is located south of Rufina Street and west of Richards Avenue as described in the zoning map attached hereto as EXHIBIT A.

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on 1 of this ordinance.					
	on 1 of this ordinance.	on 1 of this ordinance.			on 1 of this ordinance.

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

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

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

APPROVED AS TO FORM:

GENO I. ZAMORA, CITY ATTORNEY

HIGH DESERT SURVEYING, INC.

Dean Shrader, P.S. 12451



1925 Aspen Drive, Ste. 401 • Santa Fe, N.M. 87505 • Phone: (505) 438-8094 • Fax: (505) 424-1709 • hidesert@newmexico.com

Lot A-1 Legal Description

A CERTAIN TRACT OF LAND LYING AND BEING SITUATE WITHIN A PORTION OF SMALL HOLDING CLAIM 581 AND WITHIN A PORTION OF SMALL HOLDING CLAIM 454 TR. 3; WITHIN SECTION 5, TOWNSHIP 16 NORTH, RANGE 9 EAST, NMPM. ALSO LYING WITHIN THE CITY AND COUNTY OF SANTA FE, NEW MEXICO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT A-1 FROM WHENCE A BRASS CAP FOR SANTA FE COUNTY CONTROL MONUMENT "RUFINA 9" BEARS N47°11'00"W, 243.66' DISTANT;

THENCE FROM SAID POINT OF BEGINNING S07°55'01" E, 724.13' TO A POINT;

THENCE S 07°55'35" E, 716.13' TO A POINT;

THENCE S 58°46'22" W, 136.34' TO A POINT;

THENCE S 58°49'48" W, 118.80' TO A POINT;

THENCE N 09°01'27" W, 417.98' TO A POINT;

THENCE N 09°05'37" W, 325.74' TO A POINT;

THENCE N 09°06'27" W, 66.47' TO A POINT;

THENCE N 09°06'27" W, 364.54' TO A POINT;

THENCE N 64°33'18" E, 115.98' TO A POINT; THENCE N 09°03'58" W, 304.15' TO A POINT;

THENCE N 71°53'13" E, 155.93' TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 7.622 ACRES, MORE OR LESS. BEING MORE FULLY SHOWN ON A "LOT CONSOLIDATION PLAT OF LOT A, LOT 3, LOT 4 & LOT 5; NOW KNOWN AS LOT A-1".

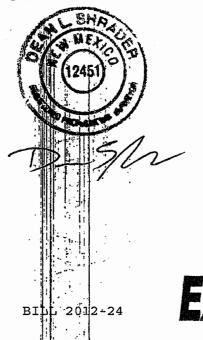


EXHIBIT A

		7	33 713
	Condition	Department	Stail
1	A Santa Fe Homes Program Proposal shall be signed by the developer and the City Manager prior to any issuance of a building permit.	Office of	Melissa Daïley
7	The SFHP Agreement shall be referred to on the final subdivision plat and recorded at the County Clerk's Office at the same time as the final subdivision plat.	Affordable Housing	March 22, 2012
33	Prior to recordation of the subdivision plat, the Developer shall make a fair-share contribution towards future intersection improvements at Rufina Street and Richards Avenue, the nature and value of which shall be determined by the Public Works Department;		
4	The Developer shall build left turn deceleration lanes on Rufina Street at Callejon De Rita and the Bienvenidos Development that include sufficient clearance for east and west bound U-turns;	Traffic	Sandra
5	The Developer shall construct a right turn deceleration lane for eastbound traffic on Rufina Street;	Engineering Division	Kassens April 5, 2012
9	The Developer shall provide future road connectivity and access to the adjoining properties to the east and west of the subject properties by means of an irrevocable offer to dedicate R-0-W; and		
7	The Developer shall install street lighting at the interior intersections and at the southern end of the subdivision.		
∞	Developer must provide ingress and egress turnarounds at each end of property for trash and recycling. #*s 11-14, 24 & 25 and 28 & 29 must bring trash and recycling to the main street on day of service. Signs , must be posted showing day of service for trash pickup, No Parking in the streets on that day.	Solid Waste / Environmental Services Division	Marco Randall March 15, 2012
0	The applicant shall submit a Development Plan in addition to the Subdivision Plat for review and approval by the Planning Commission if the General Plan Amendment and Rezoning requests are approved.	Current Planning	Dan Esquibel 05/25/12 (PC Staff Memo)

Bill No. 2012-24

July 25, 2012 Governing Body Case # 2012-30 & 2012-31

Bienvenidos General Plan Amendment and Rezoning

EXHIBIT 3

Findings of Facts and Conclusion of Law

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

Case #2012-30
Bienvenidos General Plan Amendment
Case #2012-31
Bienvenidos Rezoning to R-5

Owner's Name — Bienvenidos Properties LLC Applicant's Name — JenkinsGavin Design and Development, Inc.

THIS MATTER came before the Planning Commission (<u>Commission</u>) for hearing on June 7, 2012 upon the application (<u>Application</u>) of JenkinsGavin Design and Development, Inc. as agent for Bienvenidos Properties LLC (<u>Applicant</u>).

The subject site is located south of Rufina Street and west of Richards Avenue (<u>Property</u>) and is comprised of a total of $7.62 \pm$ acres on four lots with a zoning classification of R-3 (Residential – 3 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 a total of 2.94± acres of land from "Community Commercial" and "Transitional Mixed Use" to "Residential – Low Density" (3-7 dwelling units/acre) and (2) to rezone 7.62± acres of land from R-3 (Residential – 3 dwelling units/acre) to R-5 (Residential – 5 dwelling units/acre). The Application anticipates development of a residential subdivision with 40 lots at a density, including the permitted density bonus for affordable housing, of 5.25 dwelling units per acre (Project).

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. Santa Fe City Code (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).

Page 2 of 5

- 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 January 26, 2012.
- 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 February 21, 2012 at the Nancy Rodriguez Community Center.
- 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 (<u>Staff Report</u>) 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 (<u>Conditions</u>).

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 Property is within the Southwest Santa Fe Community Area Master Plan (SWAMP) "Cerrillos Road Corridor", which identifies traditional land patterns of long narrow strips with residential patterns varying in type, pattern and density and promotes transitional zone types to integrate transitional buffering areas between the corridor and existing or future residential areas. The proposed amendment is not fully consistent with the SWAMP. Water, sanitary sewer, stormwater, electrical, and natural gas utilities located along Rufina Street are accessible for connection. Vehicular access and traffic concerns do not appear to have been sufficiently addressed to support a finding that existing roadways can support increased trips generated by the development of the Project.
 - (b) Consistency with other parts of the Plan [§14-3.2(E)(1)(b)].

 The proposed amendment is consistent with provisions of the Plan that permits the identification of infill projects at densities greater than existing zoning allows.
 - (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

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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 $[\S14-3.2(E)(1)(c)]$.

The residential use is consistent with the prevailing residential use of the area. However, the proposed amendment would permit development of the Property with up to 44 dwelling units at a density of 5.77 dwelling units per acre, while current R-3 zoning would permit development of approximately 25 dwelling units on the Property, and is thus significantly different from the surrounding area, which includes vacant land and land used for agricultural purposes zoned R-1 (1 dwelling unit per acre), as well as land zoned R-3. The proposed density is thus inconsistent with the character of the area. The proposed amendment addresses an area of 7.62± acres. Based upon the foregoing, the amendment would benefit the Property owner at the expense of the surrounding landowners and the general public.

- (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 not contribute to a coordinated, adjusted and harmonious development of the City in that it is not fully consistent with the SWAMP; vehicular access and traffic concerns do not appear to have been sufficiently addressed to support a finding that existing roadways can support increased trips generated by the development of the Project; and the proposed density is inconsistent with the character of the surrounding area.

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

Page 4 of 5

category is more advantageous to the community, as articulated in the Plan or other adopted City plans [SFCC $\S14-3.5(C)(1)(a)$].

There was not a mistake in the original zoning; no significant changes have occurred in the area surrounding the Property that alter the character of the neighborhood sufficiently to justify the proposed rezoning, in that the proposed rezoning is significantly different from the surrounding area, which includes vacant land and land used for agricultural purposes zoned R-1 (1 dwelling unit per acre), as well as land zoned R-3, making the proposed density inconsistent with the character of the area; and the rezoning is not advantageous to the community, in that the proposed density is inconsistent with the character of the surrounding area and vehicular access and traffic concerns do not appear to have been sufficiently addressed to support a finding that existing roadways can support increased trips generated by the development of the Project.

- (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 not been met.
- (c) The proposed rezoning is consistent with the applicable policies of the Plan [Section 14-3.5(A)(c)].
 - The proposed rezoning is consistent with the Plan's land use Low Density Residential designation for the area, but the provision of affordable housing does not of itself constitute a valid basis for increasing density.
- (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 7.62± acres and its development for residential use is consistent with the cited City polices.
- (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)]; Water, sanitary sewer, stormwater, electrical, and natural gas utilities located along Rufina Street are accessible for connection. Vehicular access and traffic concerns do not appear to have been sufficiently addressed to support a finding that existing roadways can support increased trips generated by the development of the Project.

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 meetings complied with the requirements established under the Code.

Case #2012-30 – Bienvenidos General Plan Amendment Case #2012-31 – Bienvenidos Rezoning to R-5

Page 5 of 5

The General Plan Amendment

- 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 does not meet the criteria established by Code Section 14-3.2(E)(1) and the Commission recommends that it not 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 does not meet the criteria established by Code Sections 14-3.5(A)(1) and the Commission recommends that it not be approved by the Governing Body.

and the Commission recommends that	at it not be approved by the Governing Body
IT IS SO ORDERED ON THE SOMMISSION OF THE CITY OF SA	OF JULY 2012 BY THE PLANNING
Thomas Spray Chair	7/5/12 Date: /
FILED:	
Yolanda 9 . J. g. Yolanda Y. Vigil V Ser. City Clerk APPROVED AS TO FORM:	Date:
Kelley Brennan Assistant City Attorney	1/2/12 Daye:

July 25, 2012
Governing Body
Case # 2012-30 & 2012-31
Bienvenidos General Plan Amendment and
Rezoning

EXHIBIT 4

Planning Commission June 7, 2012 Minutes

F. OLD BUSINESS

None.

G. NEW BUSINESS

1. An ordinance amending Section 14-8.13(B)(3) SFCC 1987 to clarify how water usage of existing structures or uses may be applied to development water budgets for proposed structures and uses. (Councilor Calvert)(Matthew O'Reilly)

Mr. O'Reilly. This ordinance has been put forth by Councilor Calvert. The current ordinance states if we have a user such as a restaurant on a specific premise in a commercial space and that restaurant has to bring water rights or buy water from our water bank they must offset their water usage by the ordinance. If that restaurant goes out of business and building stays vacant another restaurant would have to offset the same amount of water. This is a problem because we have a lot of vacant commercial space and this means that someone would have to come in and offset the same amount of water that has already been offset. This is not the intent of the ordinance — to have the same use offset over and over again. The new ordinance says a new user gets credit for the water that was already offset. We measure that by a period of two years of highest use over a 10-year proceeding period.

Chair Spray: We also have additional correspondence in front of us relating to this issue. The proposed amendment states "This Ordinance shall be reviewed one year from the date of adoption."

Mr. O'Reilly: This language was added by the Finance Committee.

Chair Spray: Is there anyone from the public who would like to speak? None.

No Comprission comments/questions.

Motion to recommend approval to the governing body by Commissioner Bordegaray, seconded by Commissioner Harris. Motion passed by unanimous voice vote.

2. <u>Case #2012-30</u>. 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, Case Manager) (POSTPONED FROM MAY 3, 2012)

Ms. Baer: This is the exact site that Purple Horizon was on. It represents a total of 7.62 acres and is zoned R3. The request is to rezone to R5. With the rezoning there is also a general plan amendment which is a request to change the future land use designation of

apportion of the site from 2.94 from community commercial to residential low density. The plan currently has layers of different land uses that were recommended and adopted. Those layers created levels of intensity from the most intense near Cerrillos Road to the least intense by Rufina. The nature of the land ownership has created long narrow parcels. This is one of them. It is difficult to apply that type of mixed use on a relatively narrow piece of land. The land use department has recommended approval to all low density residential. The property is currently made up of four lots and the staff believes that the applicant has met all of the conditions of approval for both the general plan and the rezoning. Therefore, we do recommend approval on both of these which will then go to the City Council for approval. We do recommend one additional condition of approval. We are asking for a development plan in conjunction with any future development of the property. We feel that the parcel is unusual in its characteristics and there are access issues. We feel it is in everyone's interest to see a development plan. There are additional recommendations in your packet.

Mr. Esquibel: The SWAMP has banding zones that run across the property. It is impractical for development to occur. Residential is also a use that is fairly dominant in that area. Given those fundamental problems with that area we recommend approval to the change for proposed use. The application is only for a general plan amendment. We proposed the development plan so we can have more detail on what is being proposed as part of that subdivision.

Chair Spray: Is the applicant present?

Jennifer Jenkins, 130 Grant Avenue, Suite 101, Santa Fe, New Mexico

Ms. Jenkins: We are in agreement with staff conditions. We would like to walk you through the conceptual site plan. You have a copy in your packet. The challenge with these narrow parcels is how you design something that creates neighborhood and a sense of community (describes area based on aerial photo). A majority of the property has the appropriate designation and we are trying to bring the rest of the property in line with that. The space is relatively wide and we were able to align our entrance with the intersection across the street. We then curve the road to a secondary access to Cerrillos Road. We are proposing a 40 lot subdivision which is made up of separate little compounds so not all homes are facing the same direction. We hope this sets the bar a little higher in the neighborhood for future neighborhoods. The traffic impact analysis recommends a couple of things. We will be doing median improvements on Rufina to accommodate left turns and a right turn upgrade. We are comfortable with those recommendations. We met with the Montoya family who owns the adjacent property. They are concerned about the ability to cross Rufina to their property on their other side. We will endeavor to design and engineer this in a way that does not block their driveway. We will work closely with John Romero in accomplishing that. accommodate our turn lane without having to block their driveway. We also met with the owners of the Trailer Ranch Senior Mobile Home Community and questions were raised about the fencing and walls. We will have those questions resolved with our design plan.

Steven Etry, 64 Calle Sin Solte, Santa Fe, New Mexico

Mr. Etry: I am a 30 year resident of Santa Fe and my wife is a life long resident. I am a small business man. We appreciate a positive response to the request for rezoning.

Chair Spray: Anyone who wishes to come forward and comment?

Charlie Gonzales:

My dad owns the property directly west of the subdivision. I am here to express some concerns regarding my access. My access will be where the deceleration will be conducted. I have concerns because I need to get my horse trailer in and out. I am concerned about the impact. I also have concerns about the height of the wall proposed. I would like an 8' wall, which will require a variance. This property was inherited by my dad. It was annexed in Phase I and I am just observing and trying to gather information.

Joni Miller, 3471 Cerrillos Road, Santa Fe, New Mexico

Ms. Miller: I am the owner of the Trailer Ranch Senior Mobile Home Park. We did have a meeting prior to the ENN with the owner's representative to discuss our concerns. I am a bit upset that we were not presented with a scale plan but only a sketch plan and we were not contacted after or presented with results. We were not informed of a traffic study. I do not believe myself or any of the others were privy to this information. We feel the applicant has an obligation to prove that the proposed zoning change would be a benefit to the City and the surrounding neighbors. They are not presenting a preliminary plan. The sketch plan we had holds no merit to us. It was represented to us that an R5 zoning would allow 43 spaces. This was denied at all levels because of various density issues. Mr. Etry is applying for that same variance again. There are still no answers to the previous questions that plagued the previous applicant — traffic overload on Rufina; overcrowded schools; insufficient emergency and police coverage; compatibility with surrounding neighbors.

It was stated to us that they were not prepared to address our concerns. We have little or no information from the applicant. The Planning Commission must recommend denial or it will open a floodgate of other applicants coming forward requesting the same variance. We ask the applicant to present us a fully engineered development plan so we can all make sound decisions not just change zoning.

Mr. Rick Montoya - 2085 Plaza Montoya, Santa Fe, New Mexico

Mr. Montoya: I would like to say I ditto everything that Joni has said. We met with the applicant and we are very concerned about the situation because our family has owned the property directly east of this proposal. To this day nothing was final in a plan. It was a hand drawn schematic. I am representing the entire family – we feel the request is premature to rezone to a higher density. The schematics are the same plan that Purple Horizon had a year ago and that was denied twice. We are a country setting and we are looking at upward of 40 homes right next door. The reason Purple Horizon was denied was the Fire Department had problems with the density, the design, on street parking,

ingress and egress. In other words everyone will be in there packed like sardines and they will see natural open land next door. The entrance is a substandard roadway. It is too narrow for on-site parking and allowing emergency vehicles to enter. There is not much open space. If you get 40 families with kids and you are looking at nothing as a public courtyard, playground, recreational area, etc. We are not comfortable with the scenario as it is presented. We as a family request that if they want to change rezoning in this situation they can get rid of mixed use but leave it R3 for now until they have a better development plan and more communication with the neighbors. Our entire family is upset that they are going to a high density off the bat.

Mr. William Mee, Agua Fria Village Association 2073 Camino Samuel Montoya, Santa Fe, New Mexico

Mr. Mee: Just came from a meeting yesterday where John Romero, Eric Martinez, Adam Leiland and county staff met regarding road improvements to Agua Fria. We were talking about doing signage that would divert traffic. We decided to do a study of the three roads to see what would happen with various changes on those roads. The county staff had a meeting on June 5 and they were talking about plans to revisit the annexation in its entirety and what fiscal responsibility the City and County had. There is going to be a meeting on July 19 between the City Council and County Commission regarding annexation. It would be incumbent on this body to table this request until that information comes out. On November 15 I attended a meeting and followed up with a letter to the City Manager and County Manager. Because the settlement annexation agreement grayed out the traditional village there was no planning done in the annexation agreement. You cannot do planning by City and County without inviting Agua Fria into the picture. We own everything to the north. At the Purple Horizon meeting John Romero asked that a GAP plan be done. I participated in annexation meetings with Greg Smith and various City staff to see if the City could provide services in the Rufina corridor. I don't think the city water and sewer capacity is there. The road which was supposed to be a four lane road got built as a two lane. There is a lot to look at before we develop this area. This road carries quite a bit of traffic. We need to look at options - is there a frontage road that is needed? Approving anything tonight would violate City policy that has been talked about. The policy makers in charge need to come to the table and decide what they want to do on this. I am sure we can wait until the July meeting. I am worried on a conceptual plan. We have not seen the traffic impact study. I think they could have shown the lanes, medians and how they would block the egress and ingress. It is a double standard - if you look at Harrison Road and others they actually painted the deceleration lanes there. Why do you need a standing curb? Mr. Mee provided a letter to the Commission.

Public portion closed

Commissioner Harris: I agree at a certain level. The exhibits were not very clear, even the parcel that is to be rezoned. What is described as a possible scenario is being interpreted as the first step of the development plan. I understand not going through all the work – in trying to get the rezoning approved first. It is very confusing and is hard to

see which way it will work. I see one of the conditions has to do with two means of access to the property. I assume that one of those means would be Rufina and the other off of Cerrillos Road through a crash gate.

Ms. Jenkins: Shows image and describes area for easement and emergency entrance.

Commissioner Harris: Is staff clear on the easement issue from Cerrillos Road?

Mr. Esquibel: Those were the conditions at previous meetings and they have maintained that same width. The development issues are sketches only. They are not presenting a development plan. It was understood that this would come back to them at a later time.

Ms. Jenkins: The plan is for information purposes. It demonstrates feasibility that the property can accommodate requested zoning. We feel we have provided more than what the current city code requires. The City has said that the Rufina Corridor is 3-7 dwellings per acre. That is the City's vision. We are asking for 5, which is consistent with what the City has planned.

Commissioner Pava: I want to follow up on the connectivity with this parcel and that of the east. Is it possible to have a requirement for connectivity placed on that?

Mr. Esquibel: In the past there were easements that were running east/west direction on the site. Where those will eventually end up is based on discussions with the applicant and John Romero at the time they submit a development plan for approval. Previous development had the connection somewhere in between. At this time I am not quite sure.

Ms. Jenkins: The areas we talked about include the roadway to serve these compounds. John Romero has a condition of approval to offer future right-of-way that would create connectivity in an east/west fashion. We are providing that. When our application is submitted we will include that.

Commissioner Pava: What is the actual density in nearby areas?

Mr. Esquibel: I did not get a collection of that information.

Chair Spray: Looking at page 6 of Mr. Esquibel's packet regarding one of the conditions for approving rezoning. I believe one of the criteria we have to consider is whether it is advantageous to the community. I want to comment on your response, which talks about the modest increase in density. Am I to assume that if we did not change the zoning you would still be able to go forward with the development with larger lots?

Ms. Jenkins: Maybe not. The cost of development – your infrastructure costs will be identical in terms of water service, sewer, curbs and sidewalks. It is a shocking amount of money and so from a feasibility standpoint it may not be feasible to develop the property. R5 is a very moderate level of density. It is a suburban neighborhood density.

Chair Spray: Can you give us a number.

Ms. Jenkins: 40. R5 would be 25.

Chair Spray: We had similar discussions before. We discussed the changing nature of the community. Who does the changing? We change the community by allowing this to happen. I am concerned about doing this unless we have a compelling reason to do that. We need to take into consideration the neighbors. They had rights also to be assured that it was a stable zoning requirement and that in the future they will know what they are getting into. It would take something extraordinary to make that change. I appreciate it would make it more viable. I would like to know that the zone changing is more advantageous to the community.

Ms. Jenkins: It is in the general plan so many times. Appropriate infill, this is less dense than properties near it already developed. We want to create a neighborhood. We want to set the tone for a well thought out, well-developed neighborhood for the area. We have Home Depot, vacant land, and extremely dense residential development around us. There is a lot of vacant property. The City already established R3 zoning. We feel R5 is very moderate and very consistent with the general plan. We are in the heart of this community and providing housing opportunities with a slightly higher density we have more affordable housing.

Chair Spray: What is the north side of the street zoned?

Ms. Jenkins: It does not have specific zoning. There is mixed zoning.

Mr. Esquibel: I have not kept up with what has been approved in the traditional community of Agua Fria. The county does not have the type of zoning that we have. In the 80s the County developed their regulation on water availability. It was used to control population growth. We would have to evaluate what is out there to provide that density information.

Chair Spray: We have two items that we have to vote on separately. Any motion will have to be made separately.

Commissioner Bordegaray: Motion to approve Case 2012-30, Bienvenidos General Plan Amendment, with staff conditions, seconded by Commissioner Pava.

Commissioner Villarreal: I do not feel like we had the questions answered with the traffic information. I look at the conditions and want to see if the traffic engineer is present? (Not present) With that situation and the fact that they are talking about an immediate impact — to try to add more development without really looking at a traffic study I am not convinced that we know what to expect. We have to make development work based on our current infrastructure. We need to reexamine this corridor and have better routes. I will not be voting in favor of this this evening. Every time we say affordable it ends up being mobile home parks. Our community deserves more than that.

Commissioner Bordegaray: I moved to approve this for purposes of discussion — I as a planner agree with staff and the general plan that governs this. This is consistent with the general plan. I am concerned about the traffic issues. I have confidence in the ability of our city staff and county and city leadership to look at that traffic — Rufina, Agua Fria and West Alameda. I do want to go on record and support our general plan and say this is consistent with our general plan. It is a proposal for a neighborhood and housing in this area. What I have been dismayed about in Santa Fe is that all of the housing is being built so far out. If there is an opportunity to develop more housing in this area I am in favor of it. I trust the process here and I support our general plan per staff recommendation.

Chair Spray requests roll call vote:

Commissioner Pava – yes
Commissioner Harris – yes
Commissioner Villarreal no
Commissioner Bemis – no
Commissioner Lindell – no
Commissioner Ortiz – no
Commissioner Bordegaray – yes

Motion fails

Commissioner Villarreal moves to deny Case 2012-30, Bienvenidos General Plan Amendment, second by Commissioner Lindell.

Chair Spray: We are voting to recommend denial. A "yes" vote recommends denying Case 2012-30.

Commissioner Pava – no
Commissioner Harris – no
Commissioner Villarreal – yes
Commissioner Bemis – yes
Commissioner Lindell – yes
Commissioner Ortiz – yes
Commissioner Bordegaray no

Motion to deny recommendation passed by a vote of 4:3

3. Case #2012-31. Bienvenidos Rezoning to R-5. JenkinsGavin 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, Case Manager) (POSTPONED FROM MAY 3, 2012)

Motion by Commissioner Bordegaray to approve Case #2012-31, Beinvenidos Rezoning to R-5 with staff recommendations, second by Commissioner Harris.

Commissioner Lindell: Some of us have seen this piece of land numerous times before. We have heard from neighbors and owners. I am a strong believer that when people have property they have a right to develop it. I appreciate Commissioner Bordegaray comments about this being closer in and that is a positive thing. I have spent many hours of my life on Rufina that I am not going to get back. This property will be developed at some point in time and we have to come up with a plan that all parties can embrace and will benefit the general citizenry. It is still a little too dense for me. It looks like the project that we rejected. I do not have a number for you. I know there is an affordability of what makes a project worth doing. I hope this is eventually developed, developed nicely and that there is profitability for them. They deserve that.

Roll Call Vote:

Commissioner Pava - yes
Commissioner Harris - yes
Commissioner Villarreal - no
Commissioner Bemis - no
Commissioner Lindell - no
Commissioner Ortiz - no
Commissioner Bordegaray - yes

Motion by Commissioner Bordegaray to approve Case #2012-31, Beinvenidos Rezoning to R-5 with staff recommendations, second by Commissioner Harris, failed by a roll call vote of 4:3

Commissioner Villarreal moved to deny case 2012-31, Beinvenidos Rezoning to R-5, seconded by Commissioner Bemis. Motion to deny Case 2012-31 passed by a vote of 4:3

Commissioner Pava – no
Commissioner Harris – no
Commissioner Villarreal - yes
Commissioner Bemis – yes
Commissioner Lindell - yes
Commissioner Ortiz - yes
Commissioner Bordegaray - no

4. Case #2012-42. Sports Authority Sign Variance. JenkinsGavin Design and Development Inc., agent for LSREF Summer REO Trust 2009, requests a variance to 14-8.10(E)(6)(b) (Specific Requirements for Wall Signs), and 14-8.10(G)(8)(b), (General Requirements for Signs According to District). The property is zoned SC-3 (Planned Shopping Center) and is located within the Santa Fe Place Mall at 4250 Cerrillos Road. (Donna Wynant, Case Manager)

July 25, 2012
Governing Body
Case # 2012-30 & 2012-31

Bienvenidos General Plan Amendment and Rezoning

EXHIBIT 5

Planning Commission June 7, 2012 Packet

Cityof Santa Fe, New Messico Men Cityof Santa Fe, New Messico

DATE:

May 25, 2012 for the June 7, 2012 Planning Commission Meeting

TO:

Planning Commission

VIA:

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

Tamara Baer, Planner Manager, Current Planning Division

FROM:

Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division

BIENVENIDOS GENERAL PLAN AMENDMENT AND REZONING TO R-5.

<u>Case #2012-30.</u> 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, Case Manager) (POSTPONED FROM MAY 3, 2012)

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RECOMMENDATION:

The applicant has demonstrated compliance with Chapter 14 for a General Plan amendment and rezoning. The Land Use Department recommends **APPROVAL** of Case # 2012-30 and Case # 2012-31 subject to conditions listed in Conditions Exhibit A

I. <u>APPLICATION SUMMARY</u>

The subject site is comprised of 7.62± acres. The entire property is currently made up of four (4) lots.

The property is located approximately one quarter mile south of the Rufina St./Henry Lynch Rd. intersection on the south side of Rufina Street. Two (2) cases make up this proposal: General Plan Amendments and Rezoning (no development plan or subdivision proposal).

7Bienvenidos General Plan Amendment and Rezoning –Planning Commission: June 7, 2012

Page 1 of 8

The ultimate goal of the proposal is to develop a residential subdivision. As part of the proposal the applicant has provided a site plan that identifies one possible subdivision scenario. The site plan provided shows the development of 44 lots at a density of 5.44 dwelling units per acre. The conceptual plan also identifies both roads and park design.

II. GENERAL PLAN AMENDMENT POLICIES & APPROVAL CRITERIA

Case #2010-81. Bienvenidos General Plan Amendments.

The Land Use Department supports this General Plan Amendment as proposed. Although transitional use is not proposed as part of this project, residential use is not a prohibited component of the policies recommended by the Southwest Area Master Plan (S.W.A.M.P.) and is consistent with the surrounding land use pattern. The density of five (5) dwelling units to the acre is a compatible density consistent with zoning districts typical of the S.W.A.M.P. and established on the Future Land Use Map.

The Future Land Use Map identifies three land use designations which are Community Commercial, Transitional Mixed Use and Low Density Residential. The future Land Use designations for Transitional Mixed Use and Community Commercial are located at the southern portion of the property containing a combined 2.94 ± acres. The balance of the property containing 4.68 acres up to Rufina Street is designated Low Density Residential (Reference Exhibit C1) The applicant is requesting to change the Future Land Use designations of the Transitional Mixed Use and Community Commercial to Low Density Residential.

<u>Chapter 14 Criteria</u> - Section 14-3.2 of the Land Development Code establishes various procedural requirements and approval criteria for general plan amendments. The applicant responses along with staff's analysis are addressed below.

E. Section 14-3.2 (E) (1) Approval Criteria (applicable criteria)

The Planning Commission shall review and make a finding on the following criteria:

- 1. Criteria for All Amendments 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 southwest sector of Santa Fe has been the epicenter of population growth in Santa Fe for many years. The addition of newly annexed, vacant tracts only increases the likelihood of this trend continuing. In addition, Per Section 4.4 of the General Plan, the subject property is located within the Urban Area Boundary and is also in Staging Area One, which "encompasses the highest priority for urban growth" (Section 4.5.1). The City of Santa Fe Economic Development Strategy for Implementation includes the following objective: "Pursue overall affordability where local wages can support living in Santa Fe (reduce leakage)." The provision of moderately priced and affordable housing is key to ensuring a competitive cost of living in Santa Fe, encouraging the retention of young graduates and the ability to attract new employers to our community. The area

surrounding the subject property comprises a mix of uses, including high density mobile home communities, semi-rural residential, commercial, and industrial/office. The proposed suburban neighborhood and accompanying Future Land Use Designation of Low Density is an appropriate bridge between the two extremes of existing residential development and is consistent with the City's intent to encourage this type of development pattern along Rufina Street. Furthermore, the Project has direct access to Rufina Street, a minor arterial roadway that contains the water and sewer infrastructure necessary to serve the Project."

Staff response:

Assuming road connections and water and sewer service can be efficiently brought to the property, the proposal will have some impact on the city's available resources in order to accommodate the development. However, it does not conflict with the comprehensive growth policies of the city.

(b) Consistency with other parts of the General Plan;

Applicant response:

"Affordable Housing." Section 1.7.1 of the General Plan calls for the development of more affordable housing in Santa Fe. Furthermore, the General Plan calls for the City to actively participate in the creation of affordable housing: "Opportunities are provided for housing for all income segments of the population in all areas of the city, while restricting the supply of large lot housing, which belongs in rural areas outside the city and not inside it. Housing affordability will also be aided by not artificially limiting the supply of land or the rate of growth. Active efforts to increase the supply of affordable housing are outlined. Affordable housing is provided close to jobs to promote transit use." In addition, Section 9.1.6 states, "The city should take a proactive role to ensure an adequate supply of land is available so there are no artificial constraints on easily developable land.

<u>Urban Form.</u> The proposed Project exemplifies a compact urban form as encouraged by the General Plan, while respecting the semi-rural nature of nearby properties with the Low Density Residential designation. In addition, the infill subject site is near existing commercial development, which includes light industrial, office, and retail uses, providing close proximity to services and job opportunities."

Staff response:

The property was annexed as part of the Phase 1 City Initiated Annexation. The property falls within the Southwest Area Master Plan (SWAMP) "Cerrillos Road Corridor". The Cerrillos Road Corridor identifies traditional land patterns of long narrow strips with residential patterns varying in type, pattern and density. The corridor promotes transitional zone types adjacent to the existing corridor areas to work as single unified components (Reference Exhibit C1).

The proposal does not coincide with the transitional policy of the SWAMP as a whole but is consistent with the allowable use and established development pattern of the immediate area (residential).

The General Plan policies that support this proposal are:

"3-1 Actively participate in the creation of affordable housing

3-G-2 There shall be a mix of uses and housing types in all areas of the city

4-4-G-8 Identify specific infill sites that should develop at densities greater than existing zoning allows"

(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

Applicant response:

"As described above, this request to change the Community Commercial and Transitional Mixed Use designations to Low Density will allow the property to be developed cohesively as a suburban neighborhood. This is the desired land use pattern for the Rufina corridor, which balances the existing very high and very low density residential development."

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

Applicant response:

"The subject property comprises 7.62 acres."

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

Applicant response:

"This amendment will simply bring the southern portion of the subject property into conformance with the Low Density Residential designation assigned to the majority of the site. This designation will have less impact on the surrounding properties than the type of development permitted under the existing commercial designations."

Staff response to "i, ii & iii":

The prevailing use for the property is R-3 (residential, three (3) dwelling units to the acre) consisting of four (4) lots that will be consolidated to total 7.62 acres. The adjoining uses include R-3 (Residential three (3) dwelling units to the acre), C-2 (General Commercial), C-2 use is senior (mobile home) housing, and R-1 (residential, three (1) dwelling unit to the acre) which are either vacant or used for some agricultural propose.

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

Staff response:

Items (d) & (e) above are 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:

"Please refer to the response to (a) and (b) above. In addition, the proposed consolidation of four tracts allows for the cohesive development of a larger parcel, as opposed to undesirable piecemeal development."

Staff response:

The site is large and made up primarily of undeveloped tracts of land totaling approximately 7.62 \pm acres. The applicant's focus for the property, once consolidated, is to redevelop the site to city subdivision standards. This will provide prospective buyers fee simple property and infrastructure meeting minimum standards for health safety and welfare. Additionally, off site impacts, if any, related to the development, will be put in place to accommodate the proposal by the applicant.

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

Applicant response:

"Please refer to the response to (a) and (b) 'above."

Staff response:

The proposal is submitted to all appropriate city departments for review and comments to the reviewing bodies. This provides full compliance with all city polices, ordinances and regulations (reference Exhibits A1 through A7 Development Review Team "DRT" responses).

III. REZONING POLICIES & APPROVAL CRITERIA

Case #2012-31. Bienvenidos Rezoning to R-5.

The Land Use Department supports this rezoning request proposal because it is consistent with the General Plan/Southwest Area Master Plan ("SWAMP").

The default categories for the Future Land Use Map were created by the SWAMP which identifies various layers of land use intensities. As part of the process of the Phase-1 city initiated annexation hearings, many areas were assigned categories and zoning designations conducive to existing land use patterns for the areas. The category designated for the proposed properties was R-3 (Residential Three (3) dwelling units to the acre).

A. Chapter 14 – Santa Fe City Code

Article 14-3.5(C) of Chapter 14 SFCC, establishes approval criteria that the "reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:"

(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:

"N/A" .

Staff response:

No error in the original zoning was established.

(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:

"The most significant change to the surrounding area is the recent annexation of many County properties on the south side of Rufina Street between Lopez Lane and Richards Avenue. Based on the Future Land Use designations approved for this area by the City as part of the annexation process, the primary intent is to encourage low density residential development along the Rufina Corridor."

Staff response:

The property was annexed as part of the Phase 1 City Initiated Annexation Plan. The zoning designation granted by the city is residential three dwelling units to the acre (R-3). No significant changes to the area have occurred beyond phase 1 annexation and zoning to R-3.

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

Applicant response:

Please refer to the responses to the General Plan Amendment approval criteria outlined above. Furthermore, the modest increase in density from R-3 to R-5 will enable the proposed lots to be more moderately priced and provide more affordable housing opportunities. In addition, the availability of existing infrastructure and proximity to services and jobs calls for a more efficient development of this infill site in order to maximize these benefits.

Staff response:

At the time of annexation and zoning designation, the city also categorized future Land Use for the area. The Future Land Use Map identified the majority of the property as Low Density Residential, a density ratio of 3-7 units per acre. The proposed request to rezone from R-3 to R-5 is consistent with a portion of the future Land Use designation for the area. The rezoning provides intended and appropriate infill development (subject to accommodating infrastructure) to the area. The proposed use is consistent with the existing category with advantageous of increasing additional affordable housing by virtue of a higher density.

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

<u>Applicant response:</u>

"Yes"

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

Applicant response:

"Please refer to the responses to the General Plan Amendment approval criteria outlined above."

Staff response to "b" and "c":

As previously discussed on page 5 item g; "Consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans. The proposal is submitted to all appropriate city departments for review and comments to the reviewing bodies. This provides full compliance with all city polices, ordinances and regulations (reference Exhibits AI through A7 Development Review Team "DRT" responses)."

(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:

"Please refer to the response to General Plan Amendment approval criteria (a) above."

Staff response:

The analysis identifies that the existing use for the property is R-3 (residential, three (3) dwelling units to the acre) consisting of four (4) lots that will be consolidated to total 7.62 acres. The adjoining uses include R-3 and C-2 (General Commercial). The prevailing use is senior (mobile home) housing, the balance is R-1, either vacant or used for some agricultural propose.

(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:

"As described herein, there is adequate public infrastructure available adjacent to the site to serve the proposed subdivision. In addition to the common open space provided as part of the Project, the development will generate impact fees to benefit parks and emergency services."

Staff response:

Comments and conditions have peen submitted for review by the Planning Commission addressing infrastructure issues.

IV. ENN

An ENN was conducted on February 21, 2012 at Nancy Rodriguez Community Center. The main concerns raised by the attendees were:

- 1. Raised medians preventing access on and off Rufina Street,
- 2. More detail needs to be provided for the development of the subdivision, and
- 3. Whether mobile homes would be allowed to be placed on the subdivision lots.

V. CONCLUSION

The proposal satisfies the criteria in Chapter 14 for General Plan amendment and Rezoning. However, Staff recommends that the applicant submit a Development Plan in addition to the Subdivision Plat for review and approval by the Planning Commission if the General Plan Amendment and Rezoning requests are approved.

VI. EXHIBITS:

Exhibit A Conditions and DRT comments

- A1: March 22, 2012 Affordable Housing
- A2-3: April 5, 2012 & April 12, 2012 Traffic Engineering
- A4: April 25, 2012 Wastewater Management
- A5: March 15, 2012 Environmental Services Division
- A6: April 25, 2012 Water Division
- A7: April 9, 2012 Technical Review Division
- A8: April 20, 2012 Fire Marshal

Exhibit B - Applicant submittal

B1: General Plan and Rezoning information

Exhibit C- Future Land Use and Zoning map

C1: Land Use Map

C2: Zoning Map

Exhibit D-ENN and correspondence Packet Attachment -Plans and Maps

EXHIBIT A Conditions of Approval Case 2012-31 Bienvenides

	Bienvenidos		
	Condition	Department	Staff
-	A Santa Fe Homes Program Proposal shall be signed by the developer and the City Manager prior to any issuance of a building permit.	Office of	Melissa Dailey
7	The SFHP Agreement shall be referred to on the final subdivision plat and recorded at the County Clerk's Office at the same time as the final subdivision plat.	Affordable Housing	March 22, 2012
m	The proposed 40 lot residential subdivision will generate between 25 and 100 peak hour trips per the submitted Traffic Impact Analysis. Although the increase in density will have a minimal immediate impact, it is understandable that it may have a cumulative impact as other areas of the city grow or become denser;		
4	Prior to recordation of the subdivision plat, the Developer shall make a fair-share contribution towards future intersection improvements at Rufina Street and Richards Avenue, the nature and value of which shall be determined by the Public Works Department;	The FF	Special
'n	The Developer shall build left turn deceleration lanes on Rufina Street at Callejon De Rita and the Bienvenidos Development that include sufficient clearance for east and west bound U-turns;	Engineering Division	Kassens April 5, 2012
9	The Developer shall construct a right turn deceleration lane for eastbound traffic on Rufina Street;		
7	The Developer shall provide future road connectivity and access to the adjoining properties to the east and west of the subject properties by means of an irrevocable offer to dedicate R-0-W; and		W.
∞	The Developer shall install street lighting at the interior intersections and at the southern end of the subdivision.		
6	Developer must provide ingress and egress turnarounds at each end of property for trash and recycling. #'s 11-14, 24 & 25 and 28 & 29 must bring trash and recycling to the main street on day of service. Signs must be posted showing day of service for trash pickup, No Parking in the streets on that day.	Solid Waste / Environmental Services Division	Marco Randall March 15, 2012
10	The applicant shall submit a Development Plan in addition to the Subdivision Plat for review and approval by the Planning Commission if the General Plan Amendment and Rezoning requests are approved.	Current Planning	Dan Esquibel 05/25/12 (PC Staff Memo)

EXHIBITA Conditions of Approval Case 2012-31 Bienvenidos

	Condition	Department	Staff
_	Shall Comply with International Fire Code (IFC) 2009 Edition.		
7	Shall meet fire department access with two means of access that meet IFC		Revnaldo
3	Shall meet water supply requirements prior to construction.	Fire Marshal	Gonzales
4	4 Shall meet IFC 2009 turn-around for fire apparatus.		May 29, 2012
¥	Shall meet IFC 2009 turn-around for fire apparatus. Shall have 20 feet road width for fire	e la	
)	department access.		

City of Santa Fe, New Mexico

memo

Date:

March 22, 2012

To:

Dan Esquibel, Senior Planner, Current Planning Division

From:

Melisa Dailey, Senior Housing Planner, Office of Affordable Housing WD

Re:

DRT - Bienvenidos

Review by Office of Affordable Housing of Bienvenidos for Case #2012-30/31 Bienvenidos General Plan Amendment and Rezoning to R-5.

Under the Santa Fe Homes Program guidelines, the developer is required to supply 20% of the residential for-purchase units as affordable. The developer proposed there will be 40 residential for-purchase units of which eight (8) will be affordable. A Santa Fe Homes Program Proposal has <u>not been signed by the developer</u>. Upon approval of the developer's development plan and before the issuance of building permits, a Santa Fe Homes Program Agreement will be signed by the City Manager. The SFHP Agreement shall be referred to on the final subdivision plat and recorded at the County Clerk's office at the same time as the final subdivision plat.

1 of 1

SS001.PM5 - 7/8

City of Santa Fe, New Mexico

memo

DATE:

April 5, 2012

TO:

Dan Esquibel, Planning and Land Use Department

VIA:

John Romero, Traffic Engineering Division Director

FROM:

Sandra Kassens, Traffic Engineering Division JMK

SUBJECT:

Bienvenidos General Plan Amendment (Case #2012-30) and

Bienvenidos Rezoning to R-5 (Case #2012-31)

ISSUE

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 7.62± acres of land from Community Commercial and Transitional Mixed Use to Residential Low Density (3-7 dwelling units per acre). In addition, Jenkins Gavin also 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.

RECOMMENDED ACTION:

Review comments are based on submittals received on March 14, 2012 and March 26, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:

- The proposed 40 lot residential subdivision will generate between 25 and 100
 peak hour trips per the submitted Traffic Impact Analysis. Although the increase
 in density will have a minimal immediate impact, it is understandable that it may
 have a cumulative impact as other areas of the city grow or become denser;
- 2) Prior to subdivision approval, the Developer shall make a fair-share contribution towards future intersection improvements at Rufina Street and Richards Avenue, the nature and value of which shall be determined by the Public Works Department;
- 3) The Developer shall build left turn deceleration lanes on Rufina Street at Callejon De Rita and the Bienvenidos Development that include sufficient clearance for east and west bound U-turns;

1 of 2

- 4) The Developer shall construct a right turn deceleration lane for eastbound traffic on Rufina Street;
- 5) The Developer shall provide future road connectivity and access to the adjoining properties to the east and west of the subject properties by means of an irrevocable offer to dedicate R-O-W; and
- 6) The Developer shall install street lighting at the interior intersections and at the southern end of the subdivision.

The above listed items shall be reviewed and approved by the Public Works Department.

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

ESQUIBEL, DANIEL A.

From: ROMERO, JOHN J

Sent: Thursday, April 12, 2012 2:40 PM

To: ESQUIBEL, DANIEL A.

Cc: KASSENS, SANDRA M.; jennifer@jenkinsgavin.com

Subject: Bienvenidos Memo Correction

Hi Dan,

I wanted to correct a condition submitted for the Bienvenidos GPA by the Traffic Engineering Division. Please revise the condition under note 2 so that it states:

"Prior to <u>recordation of the</u> subdivision <u>plat</u> approval, the Developer shall make a fair-share contribution towards future intersection improvements at Rufina Street and Richards Avenue, the nature and value of which shall be determined by the Public Works Department."

Thanks.

-John Romero Traffic Engineering Division



MEMO

Wastewater Management Division DEVELOPMENT REVIEW COMMENTS

E-MAIL DELIVERY

Date: April 25, 2012

To: Dan Esquibel, Case Manager

From: Stan Holland, P.E.

Wastewater Management Division

Subject: Case 2012-30 & 31 - Bienvenidos Rezoning

The subject property is accessible to the City sanitary sewer system.

For the purposes of rezoning there are no comments for the Applicant to address for the Wastewater Division.

ESQUIBEL, DANIEL A.

From: MARCO, RANDALL V.

Sent: Thursday, March 15, 2012 3:13 PM

To: ESQUIBEL, DANIEL A.

Subject: 2012-30 & 31

Dan,

Developer must provide ingress and egress turnarounds at each end of property for trash and recycling. #s 11-14, 24 & 25 and 28 & 29 must bring trash and recycling to the main street on day of service. Signs must be posted showing day of service for trash pickup, No Parking in the streets on that day.

Randall Marco

Community Relations
Ordinance Enforcement

City of Santa Fe

Solid Waste / Environmental Services Division

Office: 505-955-2228 Cel: 505-670-2377 Fax: 505-955-2217

Gity of Santa Fe Mental Control Mental Contr

DATE:

April 25, 2012

TO:

Dan Esquibel, Land Use Planner Senior, Land Use Department

FROM:

Antonio Trujillo, Water Division Engineer

SUBJECT:

Case # 2012-30, 2012-31 Bien Venidos

For the purpose of rezoning, there are no comments regarding water.

DATE:

April 9, 2012

TO:

Dan Esquibel, Case Manager

FROM:

Risana "RB" Zaxus, PE

City Engineer for Land Use Department

RE:

Cases # 2012-30 and 2012-31

Bienvenidos General Plan Amendment and Rezoning

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

Additional comments will be tendered if this project moves to the next stage of Development.

City of Santa Fe, New Mexico Memory of Santa Fe, New Mexico

DATE:

May 29, 2012

TO:

Case Manager: Dan Esquibel

FROM:

Reynaldo Gonzales, Fire Marshal

4,DG

SUBJECT:

Case # 2012-30, 2010-31 Bienvenidos.

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.
- Shall meet fire department access with two means of access that meet IFC
- 3. Shall meet water supply requirements prior to construction.
- 4. Shall meet IFC 2009 turn-around for fire apparatus.
- 5. Shall have 20 feet road width for fire department access.



March 12, 2012

Tamara Baer, Planner Manager City of Santa Fe Current Planning Division 200 Lincoln Ave. Santa Fe, NM 87501

RE: Letter of Application
Bienvenidos General Plan Amendments & Rezone

Dear Tamara,

This letter is respectfully submitted on behalf of Bienvenidos Properties, LLC in application for a General Plan Amendment and Rezoning of 7.62 acres located south of Rufina Street and west of Richards Avenue, for consideration by the Planning Commission on May 3, 2012. These requests are for a General Plan Future Land Use Designation of Low Density Residential (3-7 dwellings per acre) and R-5 zoning.

Property Description

The subject property comprises four tracts, which were annexed in 2009 as part of Phase 1 of the City-Initiated Annexations, and all are currently zoned R-3. The General Plan Future Land Use designations include Community Commercial and Transitional Mixed Use at the southern portion of the property, with the majority of the property designated as Low Density Residential (3-7 dwellings per acre). The subject parcels are bordered by The Trailer Ranch Mobile Home and RV Park to the west, undeveloped property to the east, Cerrillos Road businesses to the south, and Agua Fria Village to the north across Rufina Street. There are currently two dwellings and three storage buildings on the property. All but one dwelling will be demolished prior to development.

Legal Lot of Record Verification

Submitted herewith is documentation verifying the legal lot of record status for each subject parcel, as described below:

- Lot 3: Pre-1981 Plat of Survey for Jose Arsenio Gonzales
- Lot 4: By exclusion, per "Boundary Survey Plat of Lots 1 & 2 and Lots 3, 4 & 5"
- Lot 5: Pre-1981 Warranty Deed
- Lot A: Pre-1981 "Plat of Survey for Joe B. Romero"

130 Grant Avenue, Suite 101 Santa Fe, New Mexico 87501 Phone: 505.820.7444 Facsimile: 505.820.7445

EXHIBIT <u>B1</u>

Letter of Application
Bienvenidos General Plan Amendments & Rezone
Page 2 of 6

Conceptual Development Scenario

A Conceptual Site Plan is submitted herewith describing how the owner intends to develop the property in accordance with the requested R-5 zoning. A forty-lot single family subdivision is proposed with access directly from Rufina Street via a new public sub-collector with parking on one side of the street. In an effort to create visual interest and a true sense of neighborhood, the roadway was designed to meander through the narrow property, creating small compounds and opportunities for common open space areas. Secondary, gated emergency access will be provided at the south end of the Project via a twenty-foot access easement to Cerrillos Road, Lastly, pursuant to the provisions of the Santa Fe Homes Program, eight affordable homes (20%) will be provided as part of the Project.

General Plan Amendments

The subject site currently has three Future Land Use designations – Community Commercial, Transitional Mixed Use, and a majority is Low Density Residential (3-7 dwellings per acre). Please refer to the attached Future Land Use Map. We hereby request a General Plan Amendment to change both the Community Commercial and Transitional Mixed Use designations to Low Density Residential to be consistent with a majority of the property. Outlined below are the responses to the approval criteria:

(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 southwest sector of Santa Fe has been the epicenter of population growth in Santa Fe for many years. The addition of newly annexed, vacant tracts only increases the likelihood of this trend continuing. In addition, Per Section 4.4 of the General Plan, the subject property is located within the Urban Area Boundary and is also in Staging Area One, which "encompasses the highest priority for urban growth" (Section 4.5.1).

The City of Santa Fe Economic Development Strategy for Implementation includes the following objective: "Pursue overall affordability where local wages can support living in Santa Fe (reduce leakage)." The provision of moderately priced and affordable housing is key to ensuring a competitive cost of living in Santa Fe, encouraging the retention of young graduates and the ability to attract new employers to our community.

The area surrounding the subject property comprises a mix of uses, including high density mobile home communities, semi-rural residential, commercial, and industrial/office. The proposed suburban neighborhood and accompanying Future Land Use Designation of Low Density is an appropriate bridge between the two extremes of existing residential development and is consistent with the City's intent to encourage this type of development pattern along Rufina Street. Furthermore, the Project has direct

Letter of Application
Bienvenidos General Plan Amendment & Rezone
Page 3 of 6

access to Rufina Street, a minor arterial roadway that contains the water and sewer infrastructure necessary to serve the Project.

(b) Consistency with other parts of the general plan.

Affordable Housing. Section 1.7.1 of the General Plan calls for the development of more affordable housing in Santa Fe. Furthermore, the General Plan calls for the City to actively participate in the creation of affordable housing: "Opportunities are provided for housing for all income segments of the population in all areas of the city, while restricting the supply of large lot housing, which belongs in rural areas outside the city and not inside it. Housing affordability will also be aided by not artificially limiting the supply of land or the rate of growth. Active efforts to increase the supply of affordable housing are outlined. Affordable housing is provided close to jobs to promote transit use." In addition, Section 9.1.6 states, "The city should take a proactive role to ensure an adequate supply of land is available so there are no artificial constraints on easily developable land.

<u>Urban Form.</u> The proposed Project exemplifies a compact urban form as encouraged by the General Plan, while respecting the semi-rural nature of nearby properties with the Low Density Residential designation. In addition, the infill subject site is near existing commercial development, which includes light industrial, office, and retail uses, providing close proximity to services and job opportunities.

- (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. As described above, this request to change the Community Commercial and Transitional Mixed Use designations to Low Density will allow the property to be developed cohesively as a suburban neighborhood. This is the desired land use pattern for the Rufina corridor, which balances the existing very high and very low density residential development.
 - (ii) <u>affect an area of less than two acres, except when adjusting boundaries between</u> <u>districts.</u> The subject property comprises 7.62 acres.
 - (iii) benefit one or a few landowners at the expense of the surrounding landowners or the general public. This amendment will simply bring the southern portion of the subject property into conformance with the Low Density Residential designation assigned to the majority of the site. This designation will have less impact on the surrounding properties than the type of development permitted under the existing commercial designations.
- (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. N/A.

130 GRANT AVENUE, SUITE 101 SANTA FE, NEW MEXICO 87501 PHONE: 505.820.7444 FACSIMILE: 505.820.7445

- (e) Compliance with extraterritorial zoning ordinances and extraterritorial plans. N/A.
- (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.
 - Please refer to the response to (a) and (b) above. In addition, the proposed consolidation of four tracts allows for the cohesive development of a larger parcel, as opposed to undesirable piecemeal development.
- (g) Consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.

Please refer to the response to (a) and (b) above.

Rezone

This request is to rezone the subject parcels to R-5 from the current R-3 zoning (please see attached Zoning Map). The responses to the approval criteria are outlined below:

- (a) One or more of the following conditions exist:
 - (i) there was a mistake in the original zoning. N/A
 - (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. The most significant change to the surrounding area is the recent annexation of many County properties on the south side of Rufina Street between Lopez Lane and Richards Avenue. Based on the Future Land Use designations approved for this area by the City as part of the annexation process, the primary intent is to encourage low density residential development along the Rufina Corridor.
 - (iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans. Please refer to the responses to the General Plan Amendment approval criteria outlined above. Furthermore, the modest increase in density from R-3 to R-5 will enable the proposed lots to be more moderately priced and provide more affordable housing opportunities. In addition, the availability of existing infrastructure and proximity to services and jobs calls for a more efficient development of this infill site in order to maximize these benefits.
- (b) all the rezoning requirements of Chapter 14 have been met. Yes.

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

Please refer to the responses to the General Plan Amendment approval criteria outlined above.

(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.

Please refer to the response to General Plan Amendment approval criteria (a) above.

(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.

As described herein, there is adequate public infrastructure available adjacent to the site to serve the proposed subdivision. In addition to the common open space provided as part of the Project, the development will generate impact fees to benefit parks and emergency services.

Traffic Impact Analysis

A Traffic Impact Analysis prepared by Santa Fe Engineering Consultants, LLC is submitted herewith for your review. Based on the report's findings, it is recommended that a right turn lane be constructed within the Rufina Street right-of-way to serve the Project. In addition, median improvements to accommodate a left turn lane will be constructed, as well. The design for these public improvements will be finalized and submitted as part of the subdivision approval process.

In support of these requests, the following documentation is submitted herewith for your review and consideration:

- Rezone Application
- General Plan AmendmentApplication
- Letter of Owner Authorization
- Warranty Deed
- Lots of Record
- Zoning Map

- Future Land Use Map
- Traffic Impact Analysis
- Application fees in the amount of \$3,230.00, as follows: General Plan Amendment \$1,600.00 Rezone \$1,600.00 Poster \$30.00

Letter of Application Bienvenidos General Plan Amendments & Rezone Page 6 of 6

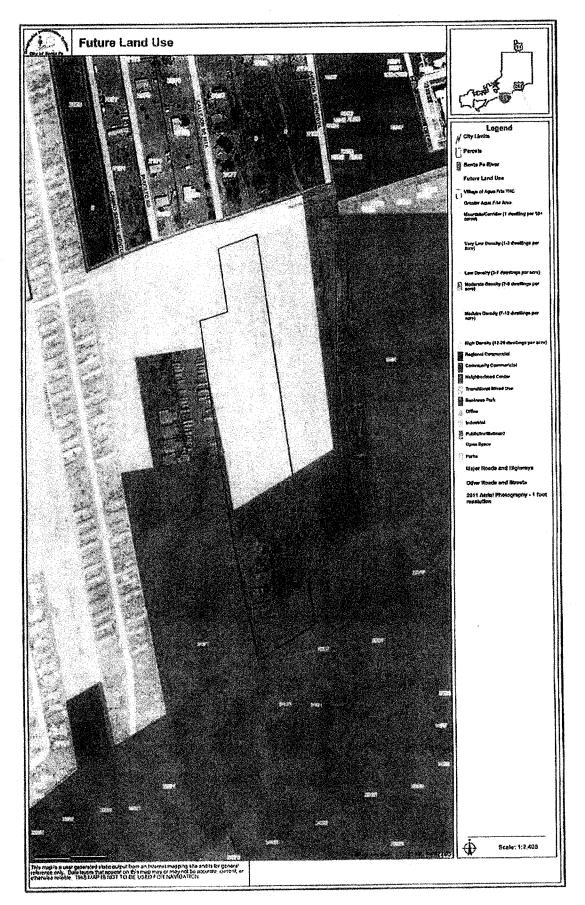
Please let us know if you have any questions or need additional information. Thank you,

Sincerely,

JENKINSGAVIN DESIGN & DEVELOPMENT, INC.

Jennifer Jenkins

Colleen Gavin, AIA



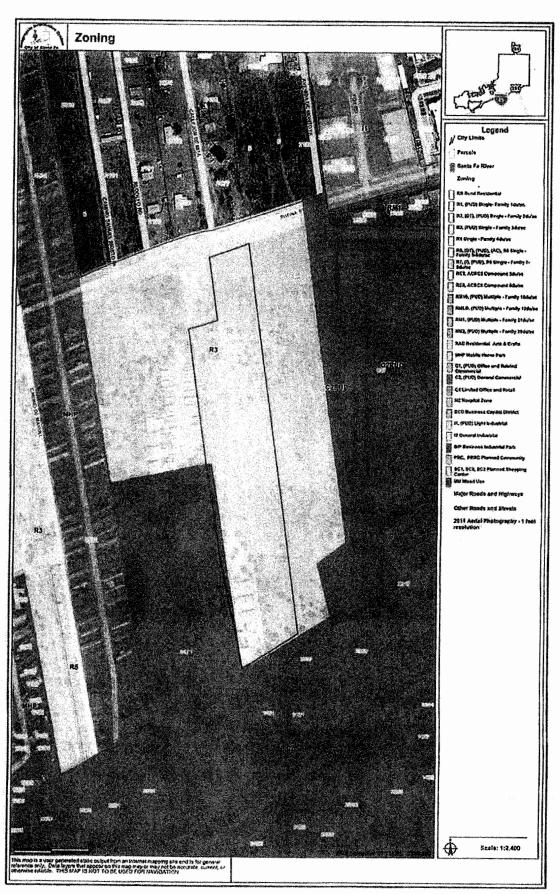


EXHIBIT C2



EARLY NEIGHBORHOOD NOTIFICATION MEETING NOTES

Project Name: Bienvenidos General Plan and Rezoning
Project Address:
The property located west of Cottonwood Mobile Home Park & North of
Meadows Drive
Project Description:
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) and a request rezone 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.
Agent: JenkinsGavin Design and Development Inc.
Applicant/Owner: Bienvenidos Properties LLC
Pre-application Meeting Date:
January 26, 2012
ENN Meeting Date: February 21, 2012
ENN Meeting Location:
Nancy Rodriguez Center
ENN Meeting for (application type):
General Plan Amendment and Rezoning Request
Staff:
Dan Esquibel
Notes/Comments

Notes/Comments:

Concerns from the community:

- 1. Raised medians preventing access on and off Rufina Street,
- 2. More detail needs to be provided for the development of the subdivision, and
- 3. Whether mobile homes would be allowed to be placed on the subdivision lots.

XHIBIT D



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

g Date: 2.21.12	Meeting Time: ら:30 AW	Λ	Email	William Henry Meedadin		101	if unford, entings ovin. Con	Phillewall realists in Co	Marie 100		STaplew considernents & giand	Karminoetre @ msn. com		The development and the second	•	
exidos Rysnie General Plan Anendrant Meeting Date: 2-21.12	Century Car. Meetin	D	Address	2073 Camira Some Montaga 87507	, , ,	3673 Qua Fria 87507	130 Mynt AU. #101	120 Court Ar # 101	7411 Consella, Col +855	3471 Co siller Pel # Con	GY Call Sin Sonte	164 Puller Sin Soute	34716 300,000 Pet Pol. Jeh. Col	3471 Chillooks # 00	3471 Carrelles Lo 65	
Project Name: Bringwenickos Przewie	। ड्रे	Applicant or Representative CheckBox below	Name	0 1 William Mee	0 2 hors Maso	D 3 Ameda M montane	DIANNIE JOHN	ID 5 Hilamwelles	6 Mond Log Shahmedt	1 Though Li busses	8 Stephen 1.	1 9 Karn, 540	10 Miles Dona Jak	1 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	0 12 Jan 1 (Mar 12)	(A)

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

Signature of City Staff in Attendance

Date

57



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

			-						•	ds114	Ç				
g Date: 2.31.12	Meeting Time: 5:30 pm	۸	Email	N/M	thailer wanch Paolica)		(Pedric_3LOMAINERCON	Leuso ORMILA, US	87507 Vote marie Campos Duind Spring.	colleen@jenkins actions	<u> </u>			
is General Plan Anardina Moveting Date: 2.71.12	annumber Center Meeting	i	Address	P.O. BOX 15278 SENM	3471 GRANITOS RA	P.O. 180x 18078 5E.	1004 Band Are.	24T) Calle ion de Rita	2471 Cerri 1165 80 439	1539 16 Prenecuita 18750					
Project Name: Pierly Engles Project &	Meeting Place: Nowley Rodings 12. Cu	Applicant or Representative Check Box below	Name	1 RICK D. MONTOWA	J 2 Jon't Doud Miller] 3 Enin Mantera	J 4 Marker Arino	J 5 (10 Dri. May 107)	1 8 FOUNT POCKER	1 Mark Compas	8 Poleen Gair	6	10	11	1 12
Proje	Meet	Applica	→								ত্র				

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

Date



DEVELOPMENT/PROJECT NAME:

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:	Bienvenidos R	ezone & General	Plan Amendment N& application submittal process)
(2	ne same name shall be	used throughout the EN	N & application submittal process)
PROJECT LOCATION/ADDRESS: N	Jam of Cenillos	South of Pufine ch vicinity map and site p	West & Richards
APPLICATION TYPE: Comm	unity commercial		
General Plan Amendment: From: Mixe	itional Lowe d use To: <u>yesid</u>	density C Anne	xation:
Rezoning From 23 To:		Preliminary Subdivision	: Number of lots
Preliminary Development Plan	Г	Final Subdivision: Nur	nber of lots
Final Development Plan	Г	Variance	· · · · · · · · · · · · · · · · · · ·
Development Plan	Г. :	Special Exception	
Amended Development Plan		Other	
Detailed +7.62-acre property Cor Project Poscription: R5, and amending the	mprising Lot A a General Plan so	nd lots 3,4 \$ 5.1 Nu entire property	Responing from R3 to I has the same designation
DEVELOPMENT/PROJECT INFORM		_	
Neighborhood Association(s) w/in 200' of pro	oject (exclude R-O-W):	Agna Fria Village	- 1580 autin
Acreage: ± 7.62 Zone District		Future Land Us	e: <u>Pesidential</u>
Date of Pre-application meeting:			
AGENT/OWNER INFORMATION:			
AGENT: Tenlins Garin	Address: 30 (Grant Avenue,	Suite (0)
		Zip Code: 87501	_
OWNER: Bienvenidos, LLC	Address:		
PROPOSED ENN MEETING DATES:	(Provide three (3) option	ns)	
Preferred Option	A	Iternative 1	Alternative 2
DATE: Ebruary 21, 201	ጉ		
TIME: 5:30 mm			
LOCATION: Nancy Rodvigues	Communioz Card	ev .	
Received by LUD on: Current Date	1/31/12		LUD Initials:

FAX NO. :

FROM:

January 30, 2012

RE:

±7.62 acre parcel comprising Lot A and Lots 3, 4 & 5

North of Cerrillos Road, south of Rufina Street, west of Richards Avenue

To Whom It May Concern:

This letter shall serve as authorization for JenkinsGavin Design & Development, Inc. to act on my behalf with respect to the referenced properties regarding land use applications to be submitted to the City of Santa Fe.

Please call should you have any questions or need additional information.

Thank you.

Sincerely,

Stephen Etre

Bienvenidos, LLC

City of Santa Fe Cashiers Office Santa Fe, NM 87504 (505)955-4333

02/03/2012 11:37:05 AM Your cashler was B002501112032 T34

Development Review BIENVENIDOS ENN

11001.431475

\$30.00

Total

\$30,00

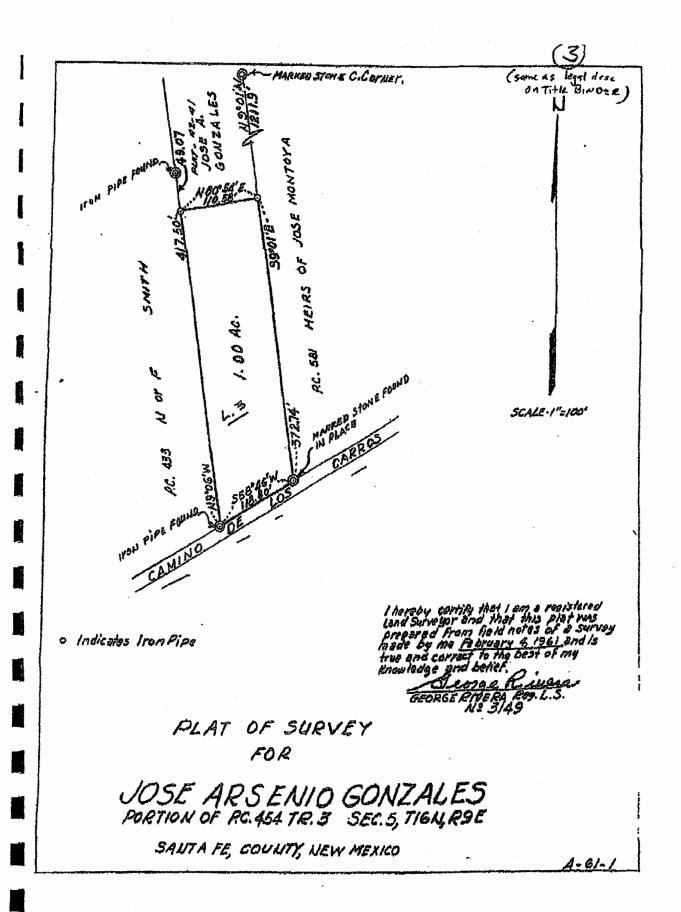
\$30.00

Customer Signature

Change

\$0.00

Thank you!





EARLY NEIGHBORHOOD NOTIFICATION MEETING

February 6, 2012

Dear Neighbor:

This letter is being sent as notice of a neighborhood meeting to discuss an application for a rezone and General Plan Amendment. The ± 7.62 -acre subject property is located south of Rufina Street, north of Cerrillos Road and west of Richards Avenue. The applicant is requesting a change in the property's zoning from R-3 (3 dwelling units per acre) to R-5 (5 dwelling units per acre) and a General Plan Amendment to a Low Density designation, with the intent to create a 40-lot single family subdivision.

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:

5:30 PM

When:

Tuesday, February 21, 2012

Where:

Nancy Rodriguez Community Center (see reverse for directions)

1 Prairie Dog Loop Santa Fe, NM 87507

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

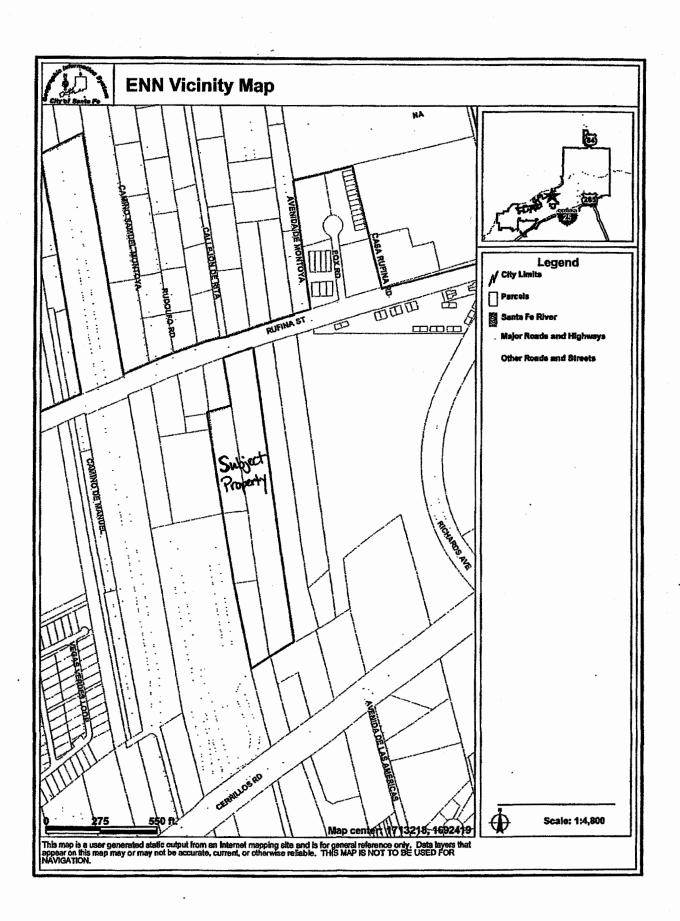
Attached please find a vicinity map and site plan. If you have any questions or comments, please contact Jennifer Jenkins at 505-820-7444 or jennifer@jenkinsgavin.com.

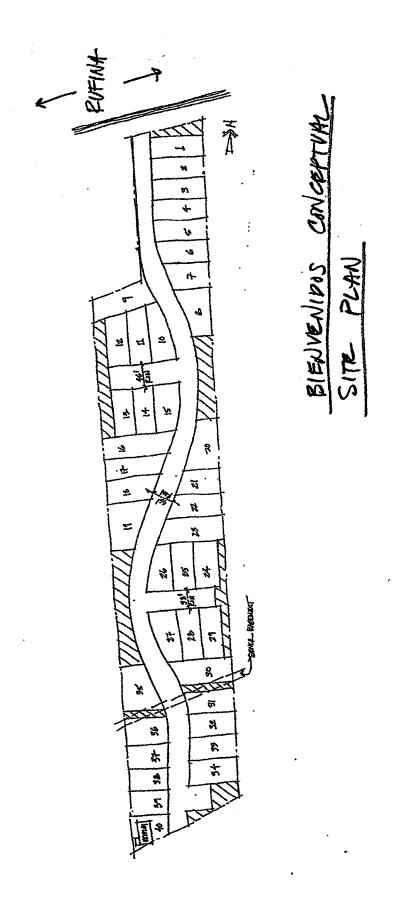
Sincerely,

Jennifer Jenkins

Encl: Vicinity map

Site plan







Early Neighborhood Notification (ENN) Guidelines

Section 14-3.1(F)(5) SFCC 1987, as Amended

Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 1987, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about each criterion, consult the Land Development Code.

setvacks, mass and scale, architectural style, landscaping, lighting, access to public places, open spaces an	nd traiis.(Ord. No. 2008-29 § 3)
The surrounding neighborhood is a mixed-use environment, including semi-rural residential, high defindustrial/office, and vacant land. The 7.62-acre subject property is currently zoned R-3 (three dwelling rezone to R5 and General Plan Amendment will allow for a 40-lot subdivision comprised of single-fam affordable component. This is an appropriate development pattern that would provide balance to the neighborhood.	g units per acre). The proposed hily lots including the requisite
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	•

(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS For example: number of stories, average

All terrain management regulations will be met. The conceptual site plan for the Bienvenidos Rezone and General Plan Amendment includes open space and stormwater management as required by code. The property is not in an escarpment, flood plain, or environmentally sensitive area. Trash and fire will be under the jurisdiction of the City of Santa Fe. There will be no hazardous materials onsite.	
• • • • • • • • • • • • • • • • • • •	

(b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT For example: trees, open space, rivers, arroyos, floodplains, rock

outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.

roposed.			·	
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e subject property is in the Suburl	ban Archaeological District,	which does not require a	n archaeological stu	dy if less than 10 acres a
turbed. Therefore, no archaeolog				,
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OPOSED BY THE CITY GENERAL PL	AN For example: how are ex			
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OPOSED BY THE CITY GENERAL PL tricts, and the General Plan and oth	AN For example: how are exper policies being met. s are variously zoned C2(PU	disting City Code requirement	ents for annexation an	e per acre), R5 (5 dwelling
OPOSED BY THE CITY GENERAL PL tricts, and the General Plan and oth rrounding and adjacent propertie its per acre), and MHP (Mobile Ho	AN For example: how are exper policies being met. s are variously zoned C2(PU	disting City Code requirement	ents for annexation an	nd rezoning, the Historic
OPOSED BY THE CITY GENERAL PL tricts, and the General Plan and other trounding and adjacent propertie its per acre), and MHP (Mobile Ho	AN For example: how are exper policies being met. s are variously zoned C2(PU me Park). Therefore, a rezon	disting City Code requirement (D) (General Commercial), the to R5 is in alignment wi	nts for annexation ar , R3 (3 dwelling units ith the land use and o	per acre), R5 (5 dwelling density of the surroundin
prosed by THE CITY GENERAL Planticts, and the General Plan and other counting and adjacent properties its per acre), and MHP (Mobile Howas. der the City of Santa Fe's General e, and Community Commercial. A	AN For example: how are exper policies being met. s are variously zoned C2(PUme Park). Therefore, a rezonending the General Plans	(isting City Code requirement) (D) (General Commercial), be to R5 is in alignment with the comprises three	R3 (3 dwelling units ith the land use and designations: Low D	per acre), R5 (5 dwelling density of the surroundinensity, Transitional Mixe
prosed by THE CITY GENERAL Planticts, and the General Plan and other counting and adjacent properties its per acre), and MHP (Mobile Howas. der the City of Santa Fe's General e, and Community Commercial. A	AN For example: how are exper policies being met. s are variously zoned C2(PUme Park). Therefore, a rezonending the General Plans	(isting City Code requirement) (D) (General Commercial), be to R5 is in alignment with the comprises three	R3 (3 dwelling units ith the land use and designations: Low D	per acre), R5 (5 dwelling density of the surroundinensity, Transitional Mixe
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RELATIONSHIP TO EXISTING DEN OPOSED BY THE CITY GENERAL PL stricts, and the General Plan and oth its per acre), and MHP (Mobile Ho eas. Ider the City of Santa Fe's General e, and Community Commercial. A Insistent with the surrounding area	AN For example: how are exper policies being met. s are variously zoned C2(PUme Park). Therefore, a rezonending the General Plans	(isting City Code requirement) (D) (General Commercial), be to R5 is in alignment with the comprises three	, R3 (3 dwelling units ith the land use and designations: Low D	per acre), R5 (5 dwelling density of the surroundinensity, Transitional Mixe



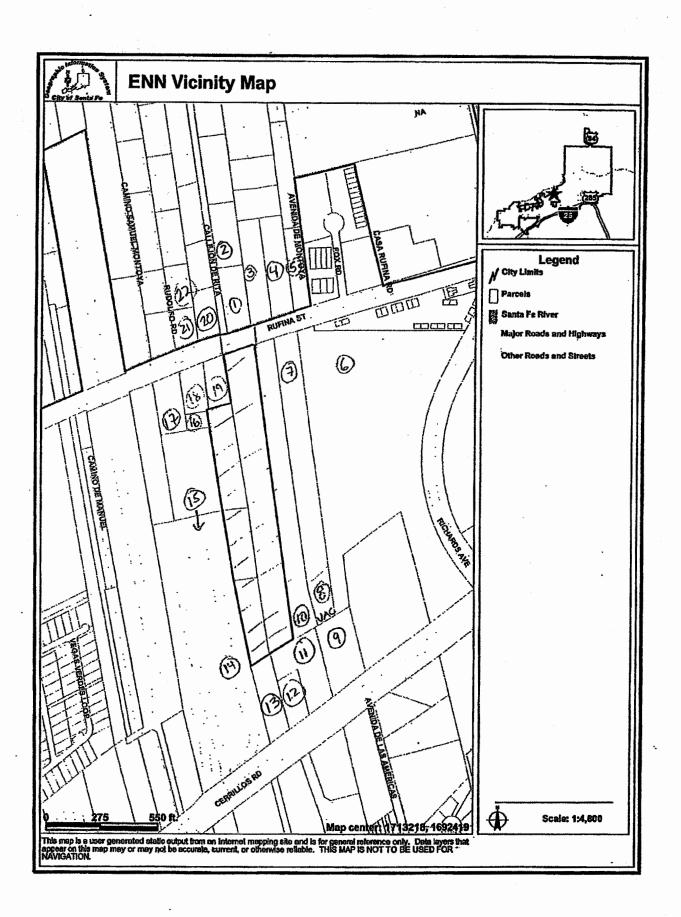
(e) EFFECTS UPON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR TEH DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES For example: Increased access to public transportation, alternate transportation modes; traffic mitigation, cumulative traffic
Impacts, pedestrian access to destinations and new or improved pedestrian trails.
The Project will be consistent with area traffic patterns. A Traffic Impact Analysis will be provided with this application, and any requisite mitigating measures will be performed. Onsite pedestrian facilities will be provided.
(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.
The Project will positively impact the economic base of Santa Fe by providing needed housing in the Rufina/Richards area, which will in turn positively impact local businesses. Initially, the Project will provide jobs in the construction and real estate services.



(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS For example: creation, retention or improvement of affordable housing; how the project contributes to serving different ages, Incomes and family sizes; the creation or retention of affordable business space. (Ord. No. 2005-30(A) § 4)
The Project will contribute to housing choices for Santa Fe residents by serving families of varying incomes. The Project will provide affordable units in compliance with the Santa Fe Homes Program, thereby increasing the availability of affordable housing in the neighborhood.
(h) 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 For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services.
There is currently adequate fire and police protection. The Project will be served by existing utility infrastructure, which is available
adjacent to the site.

	O CONSERVATION METHODS For example: conservation and mitigation measures; construction or use of the project on water quality and supplies.
The Project will comply with the City's Water Budget olan includes water conserving landscaping and pass	Ordinance, thereby offsetting any increased demand on the water system. The ive water harvesting for irrigation.
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	· ·
DRIENTED DESIGN, AND LINKAGES AMONG NEIGHBO	INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN RHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS For example integration and balance through mixed land uses, neighborhood centers and/or
edestrian-oriented design.	
	•
ural to the north, thereby adding to a harmonious so	idges commercial uses to the east, high density residential to the west, and semi- cial balance in the neighborhood. Right-of-way will be dedicated to provide for th to adjacent projects.
aral to the north, thereby adding to a harmonious so	cial balance in the neighborhood. Right-of-way will be dedicated to provide for th
ural to the north, thereby adding to a harmonious so	cial balance in the neighborhood. Right-of-way will be dedicated to provide for th
he Project will provide a new housing option that brural to the north, thereby adding to a harmonious so eossibility of a future East-West roadway connection	cial balance in the neighborhood. Right-of-way will be dedicated to provide for th
ural to the north, thereby adding to a harmonious so	cial balance in the neighborhood. Right-of-way will be dedicated to provide for the

(k) EFFECT UPON SANTA FE'S URBAN FORM For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? The project's effect on intra-city travel; and between employment an residential centers.	
	,
•	
e Project is consistent with the City's policies regarding infill, wh	ich support a compact urban form.
	•
·	
DITIONAL COMMENTS (Optional)	
4 .	
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Santa Fe Public Schools

Property & Asset Management
Residential Development Impact Information Form
School Notification as required by City Ordinance 14-8.18 AFCC 1987

Required for all projects that create six or more new residential lots or dwelling units.

i.	Project Name:	venidos Rezone & General Plan Amendment
2.	Location of Property:	North of Carrillos, South of Rufina, West of Richards
3.	Owner/Agent Name:	Jenkin Garin
	Mailing Address:	130 Grant france, Str 101, Santa Fr. NM 87501
	Phone & Fax:	826-7444 / 820-7445
4.	Unit Matrix	

PROJECT EFFECT ON STUDENT POPULATION			
Unit Type	Unit Quantity	Average Price	
Single Family (detached) Single Family (sttached) Townhome/ Apartment Multi-Family Commercial	40	moderate affordable (ununoun)	

5.	Elementary School Zone for Proposed Development: Kearney	
6.	Middle School Zone for Proposed Development: De Vargas	
7.	Middle School Zone for Proposed Development: Devaras High School Zone for Proposed Development: Capital	
8.	Build-out Timeline (i.e. year(s); #/yr): Infrastructure only complete 201.	

Educational Services Center 610 Alta Vista Santa Fe, NM 87505 Telephone (505) 467-2000 www.sfps.info Submit completed form directly to:
Justin Snyder, Property & Asset Management,
Santa Fe Public Schools, 610 Alta Vista, Santa Fe, NM 87505

City of Santa Fe, New Mexico

PUBLIC MEETING NOTICE

Request to Amend general Plan from Community

Commercial & Trans Mixed Use to Residential Low Density

& Rezone from R-3 to R-5 approximately 7.62 acres

Project Description

Between Cerrillos & Rufina, West of Richards

Project Location

Type of Meeting

N N N

Mar 21, 2012

Date

Time

5:30 PM

Nancy Rodrigues Center - 1 Prairie Dog Loop

Meeting Location

Jenkins Gavin

Refer to Case: Bienvenidos Applicant/Agent

For Information Call: Current Planning 505.955.6585

to Feb 21, 2012 Required to be posted and visible from a public street from Feb 6, 2012

City of Santa Fe



Staff Report:

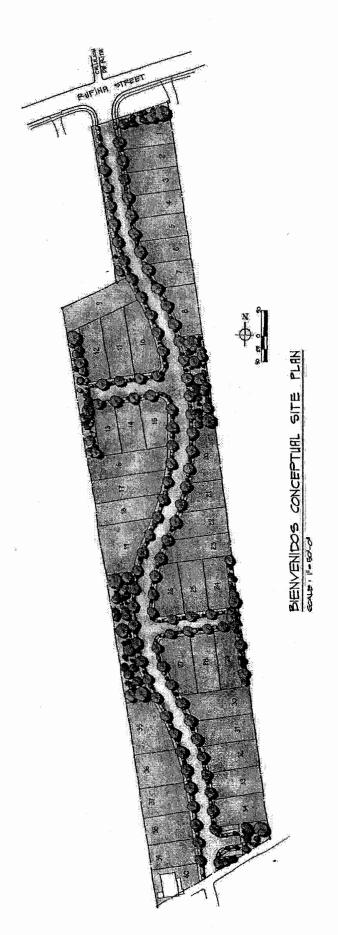
New Mexico

SUBMITTALS CHECKLIST

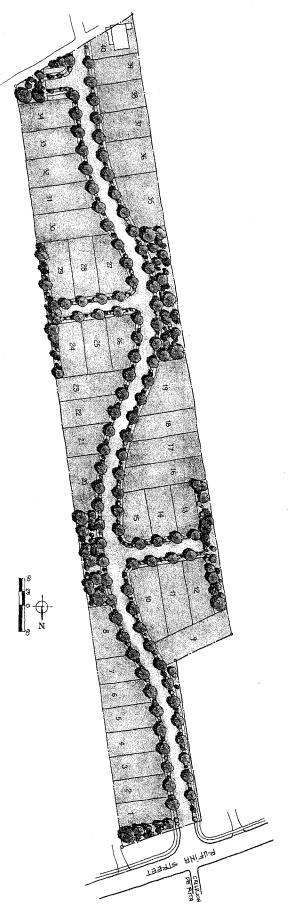
Prior to scheduling an ENN meeting, prospective applicants are required to submit the following information to the Current Planning Division's Neighborhood Planner. To insure the best availability of ENN meeting dates, completed ENN applications are due 21 days prior to requesting an ENN meeting:

	1 Additional in 1944 Westing.
•	Request for Staff Attendance at ENN Meeting form. (Refer to pg. 5) County Parcel Map. (Sample on pg. 6) Available at County Assessors Office, 102 Grant Avenue. Depict parcels within 200 feet of subject parcel excluding R-O-W.
	Early Neighborhood Notification Guidelines. Complete responses to guidelines which are to be utilized in explaining a proposed project's impact. (Refer to pg. 7 & 8)
	Mailing Log. (Refer to pg. 9) List the following information on the mailing log through
	 the use of County Assessors parcel map, tax records and field survey: Lot/Tract Reference No. List parcel map reference number. Alternate numbering system may be used as a cross reference.
	 Physical address of properties 200 feet, excluding right-of-way, of the project site. (A recommended method of identifying physical addresses is to conduct a field survey.) Property owner of record.
	Property owner of record. Property owner mailing address if different from physical address.
	 Registered Neighborhood Association(s). (Name, address and e-mail address of neighborhood association can be obtained from the Neighborhood Planner.)
	• Tenant name if known.
	Note: This information will be required again during public hearing review.
,	Preliminary ENN notice letter. (Refer to pg. 10) Vicinity man
•	Vicinity map Site Plan
C	Expression Fram Copy of completed Santa Fe Public School District notification form. (Refer to pg. 11)
/	Owner Authorization letter
′	Legal Lot of Record information, which indicates current ownership.
	Post ENN meeting Submittals:
	Certificate of ENN Notice - Mailing, E-Mailing, and Posting Affidavit (Refer to Pg.14)
	☐ ENN Sign-in Sheet (Refer to Pg. 15)
	For Staff:
	Staff Assigned:
	Appl.Completed: Page 4

Updated July 15, 2008

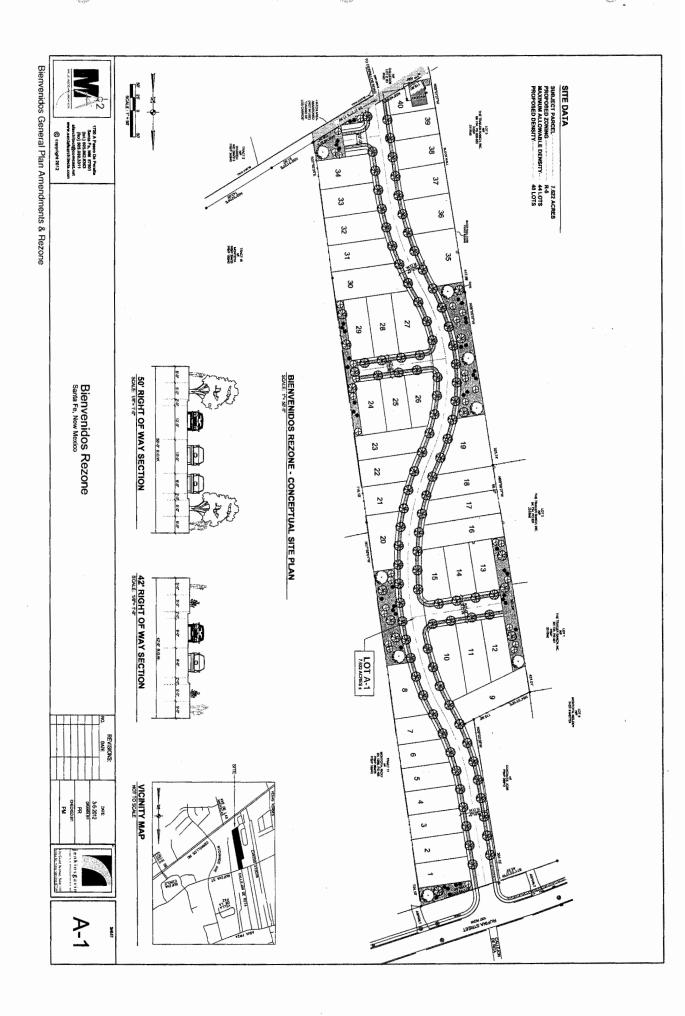


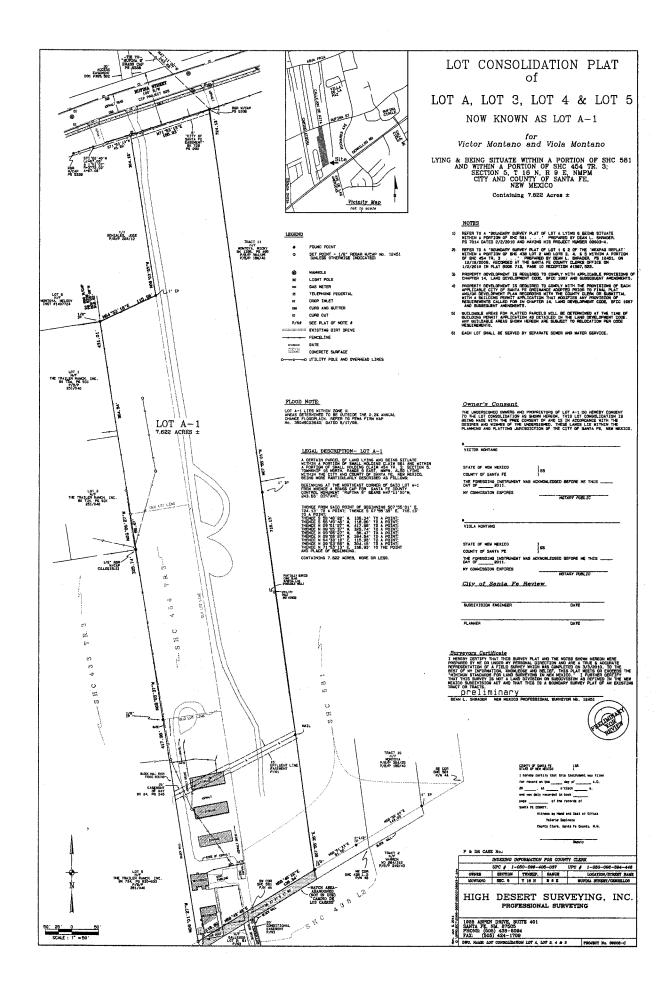
Blenvenidos General Plan Amendment & Rezone Case #2012-30,31

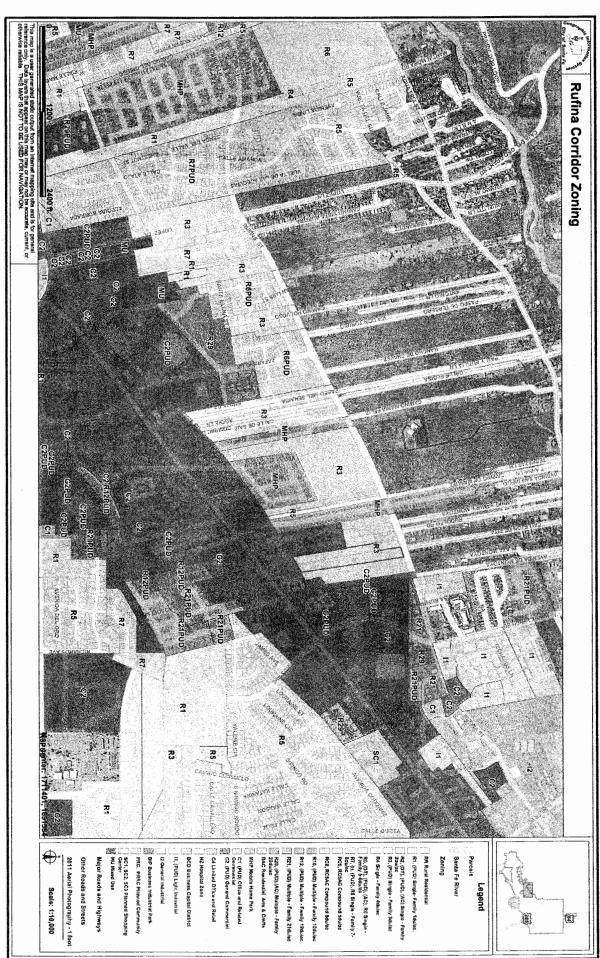


Item H-5 & 6

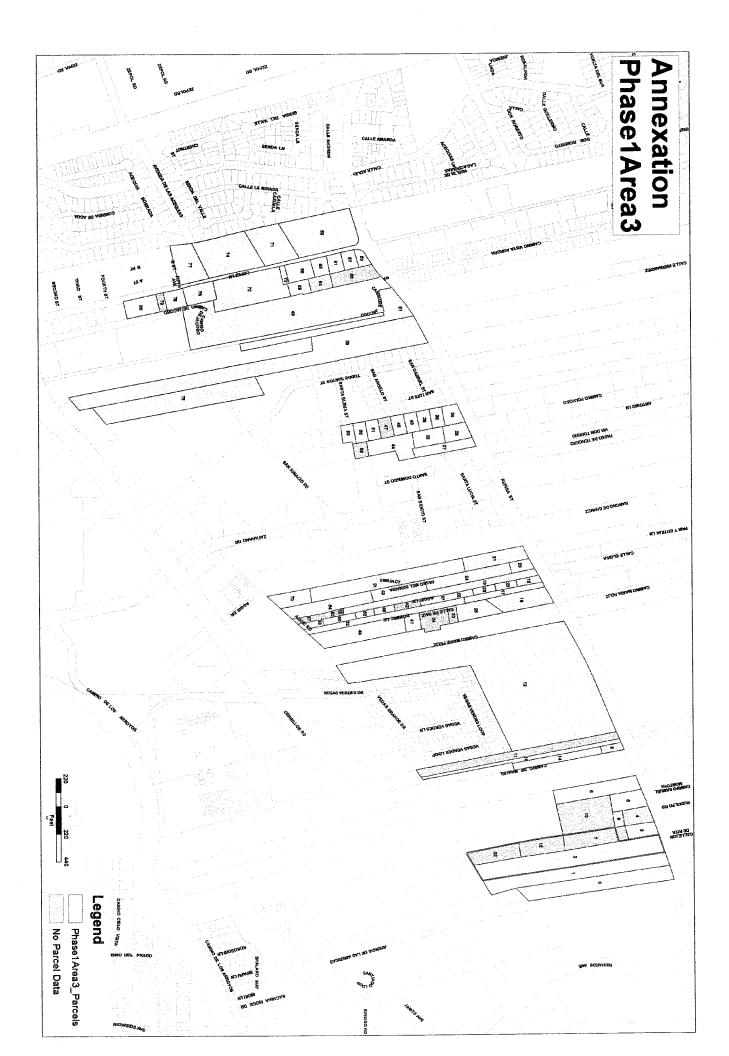
BIENVENIDOS CONCEPTUAL SITE PLAN

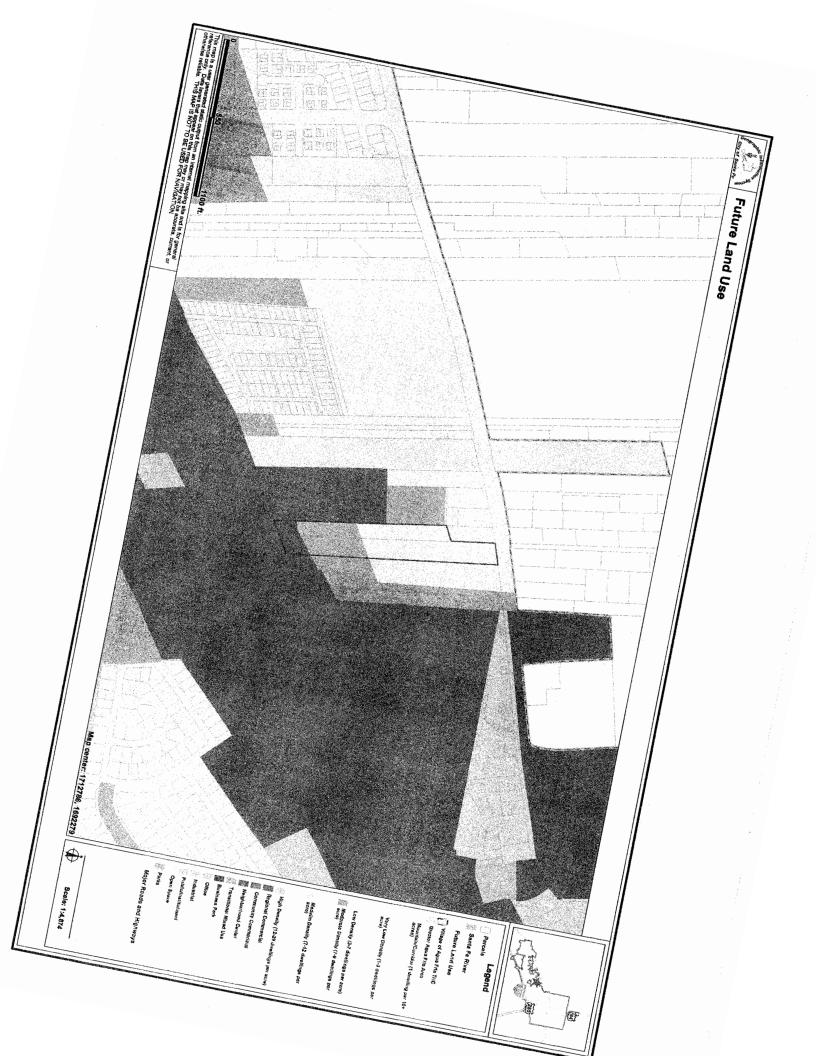


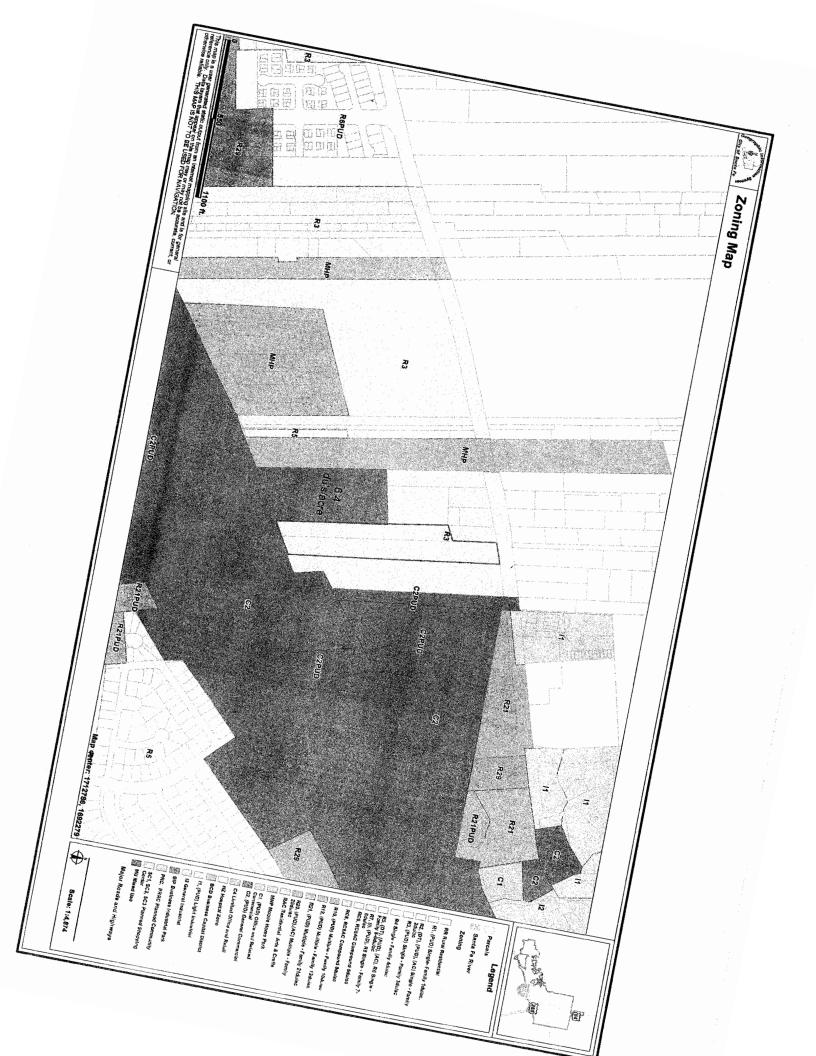




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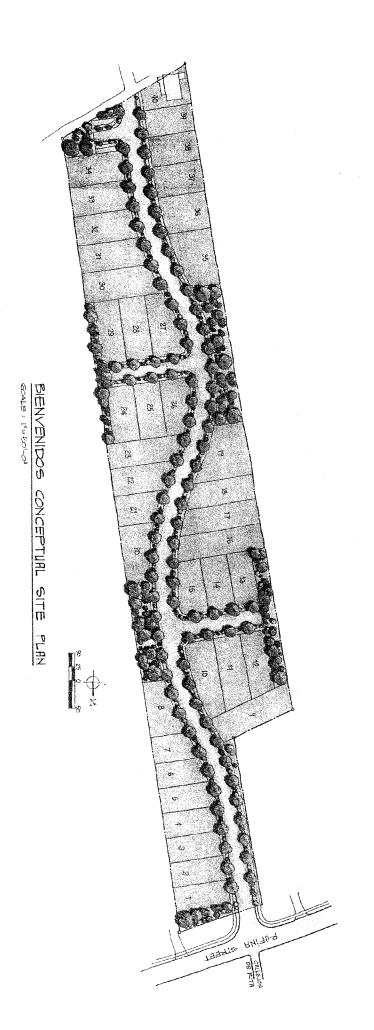


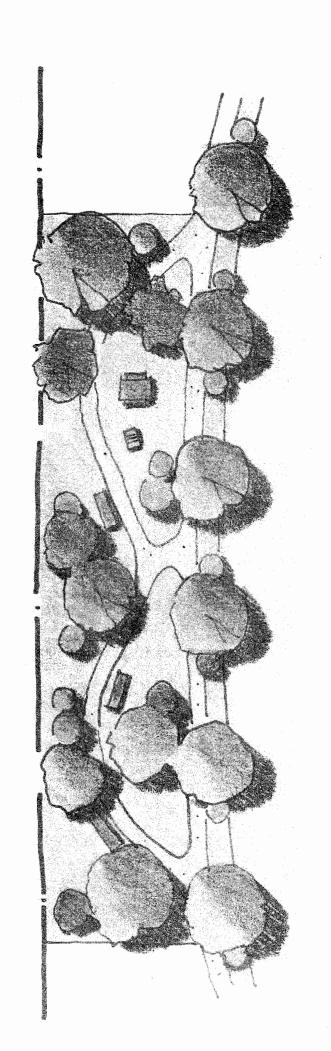


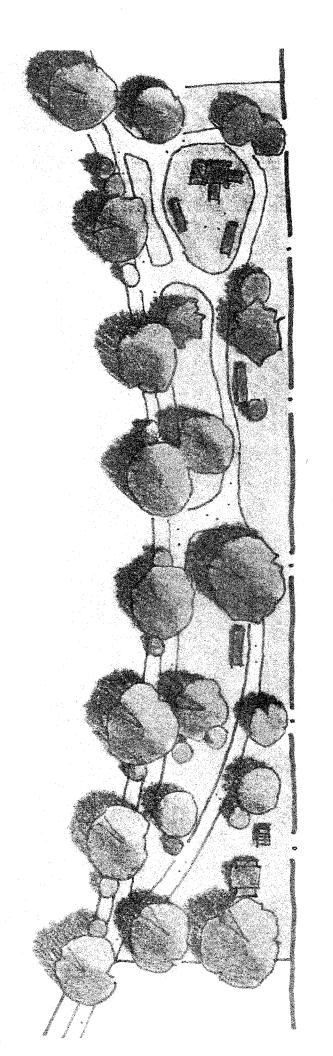


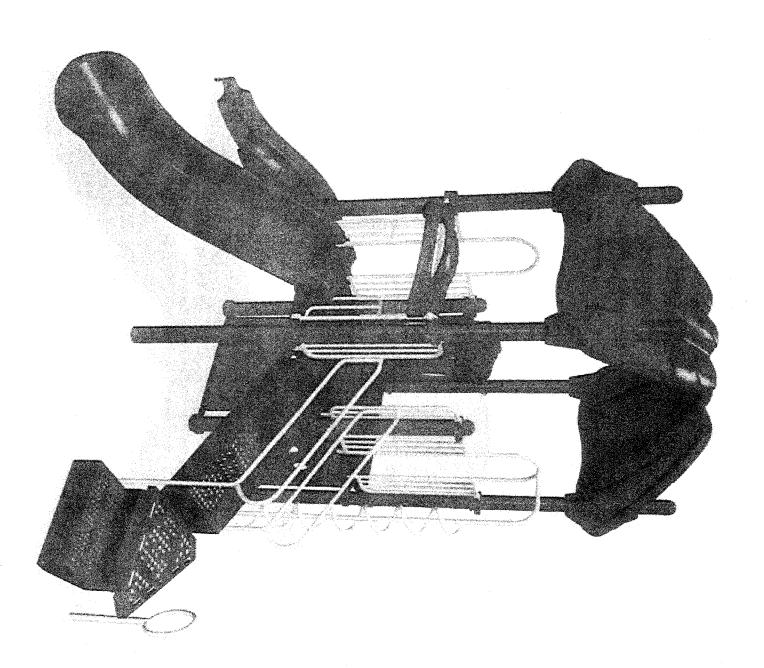


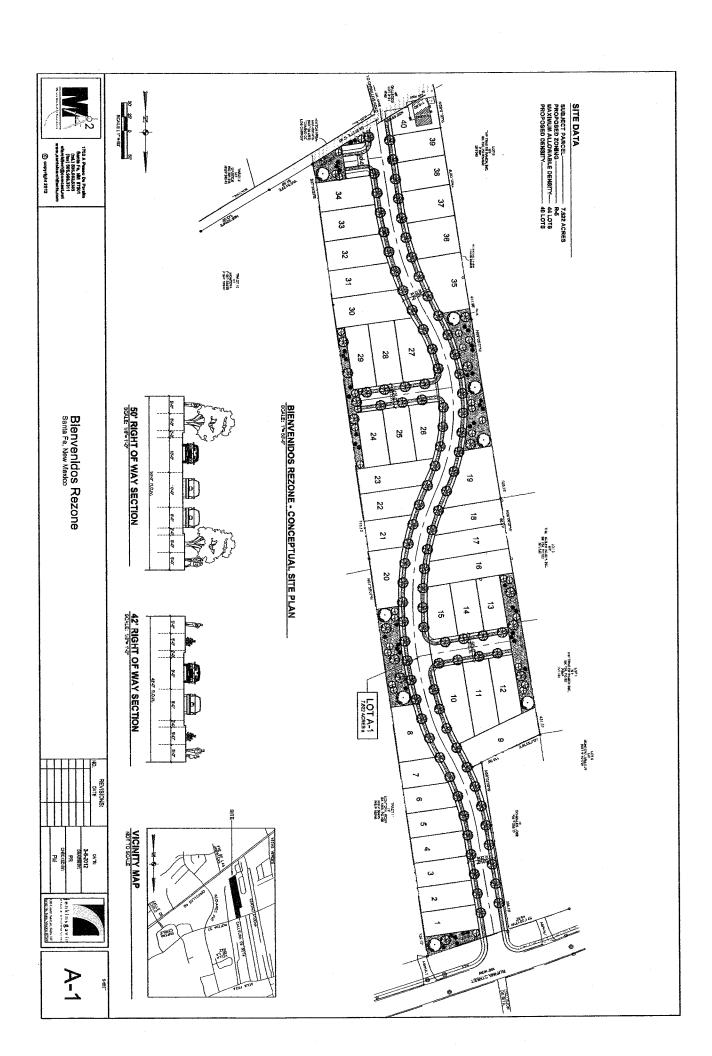












When is a Master Plan required with a rezoning application? (§14.4)

(I) PRC Planned Residential Community District

property as provided in Sections 14-3.8 and 14-3.9. commission and governing body of a master plan or development plan for the (b) Rezoning to PRC requires consideration and approval by the planning

PRRC Planned Resort-Residential Community District

property as provided in Sections 14-3.8 and 14-3.9. commission and governing body of a master plan or development plan for the (b) Rezoning to PRRC requires consideration and approval by the planning

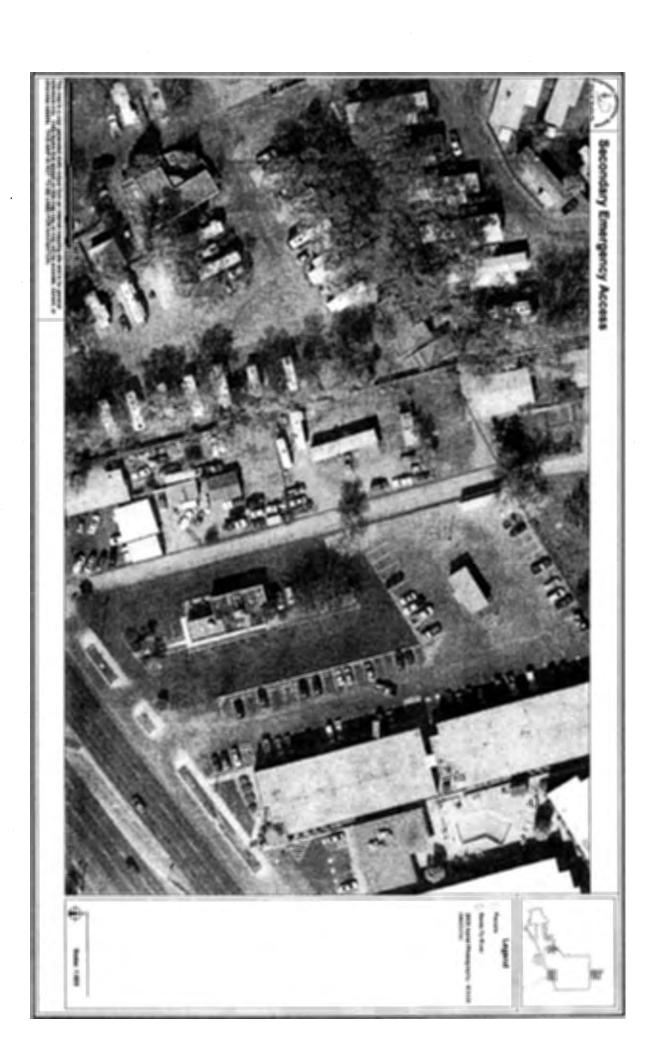
When is a Development Plan required with a rezoning application? (§14.4)

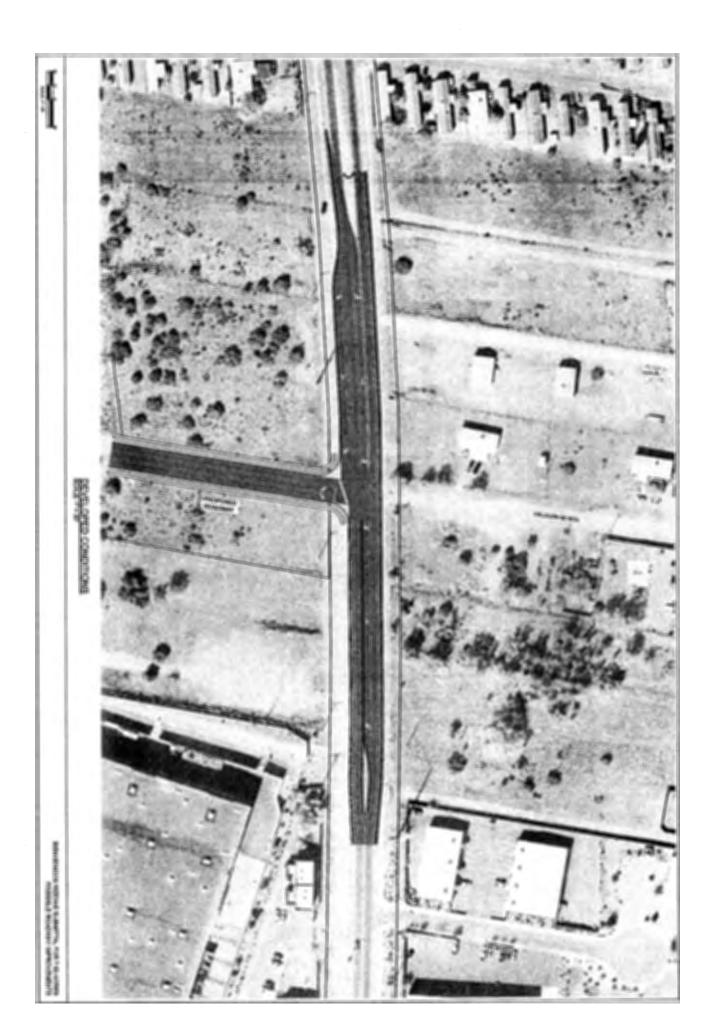
(E) R-7, R-8 and R-9 Residential Districts

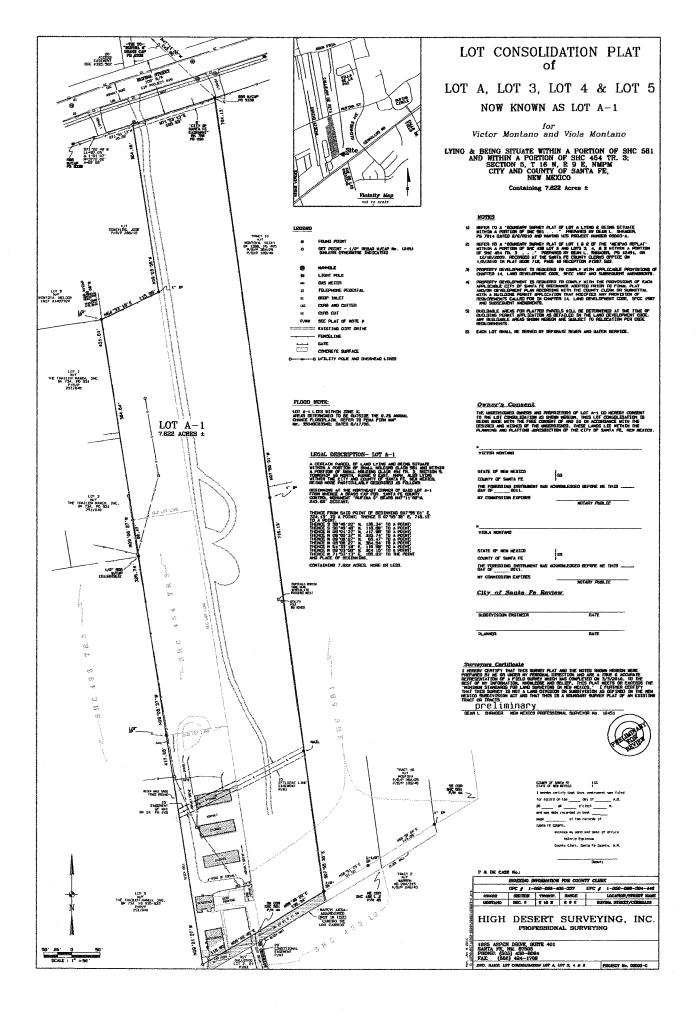
a development plan for the property as provided in Section 14-3.8. consideration and approval by the planning commission and the governing body of Rezoning to R-7, R-8 or R-9, except a city-initiated down zoning, requires

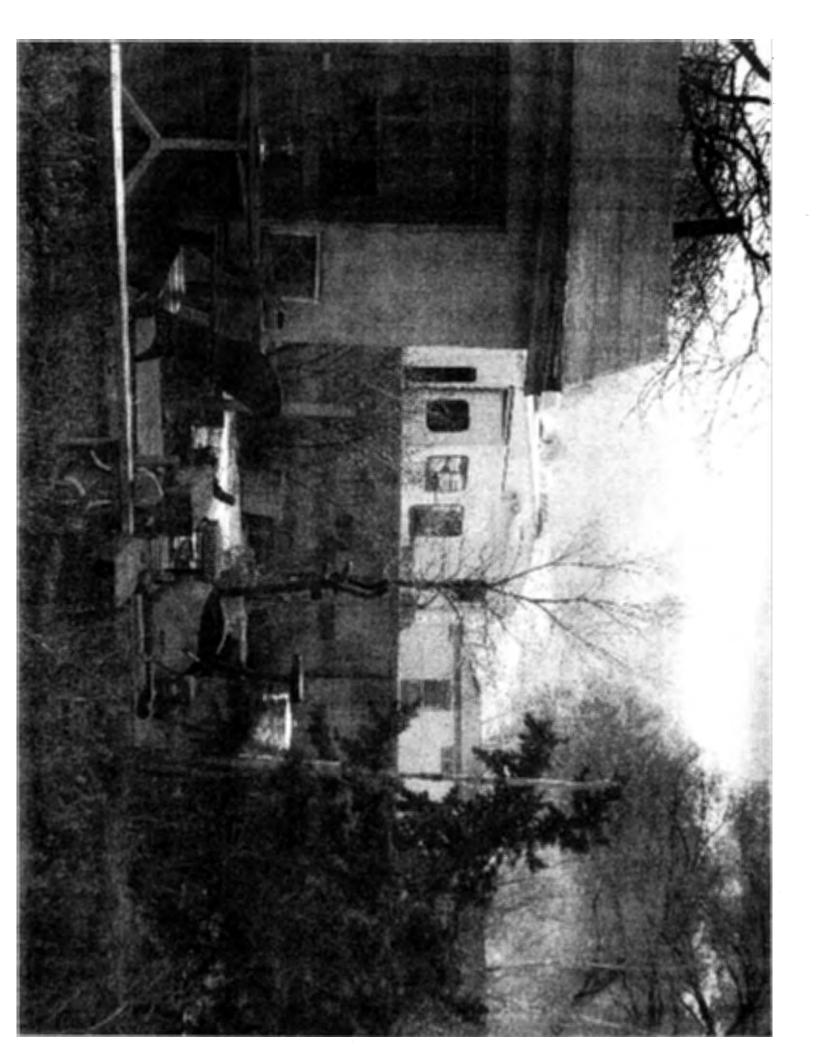
(J) MHP Mobile Home Park District

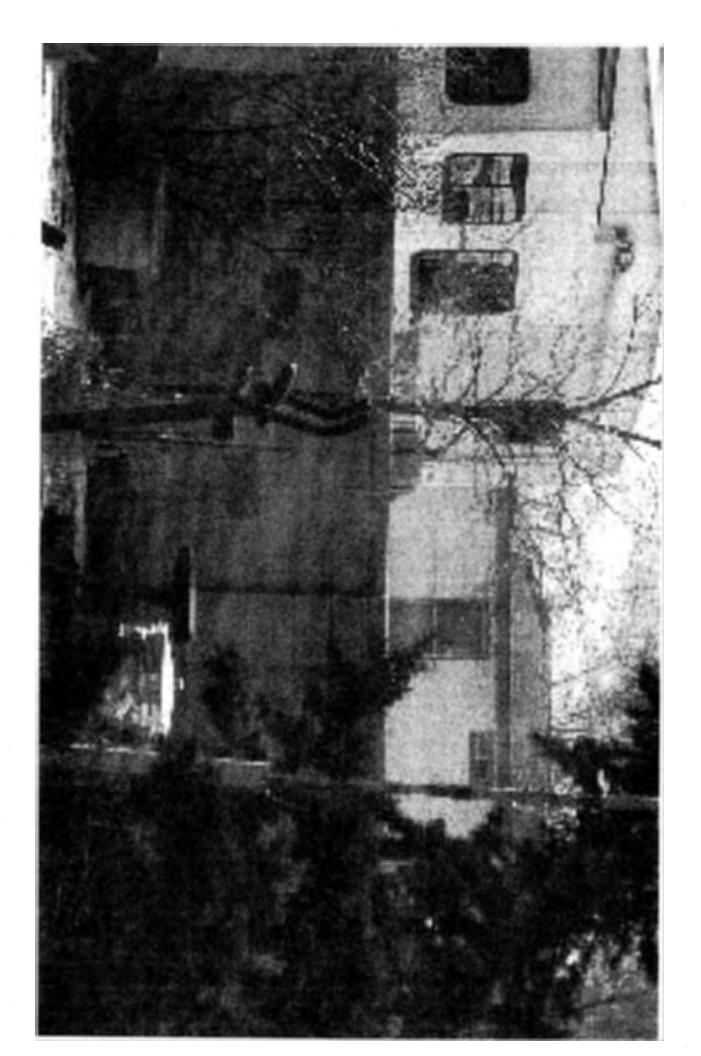
provided in Section 14-3.8 commission and governing body of a development plan for the property as (b) Rezoning to MHP requires consideration and approval by the planning

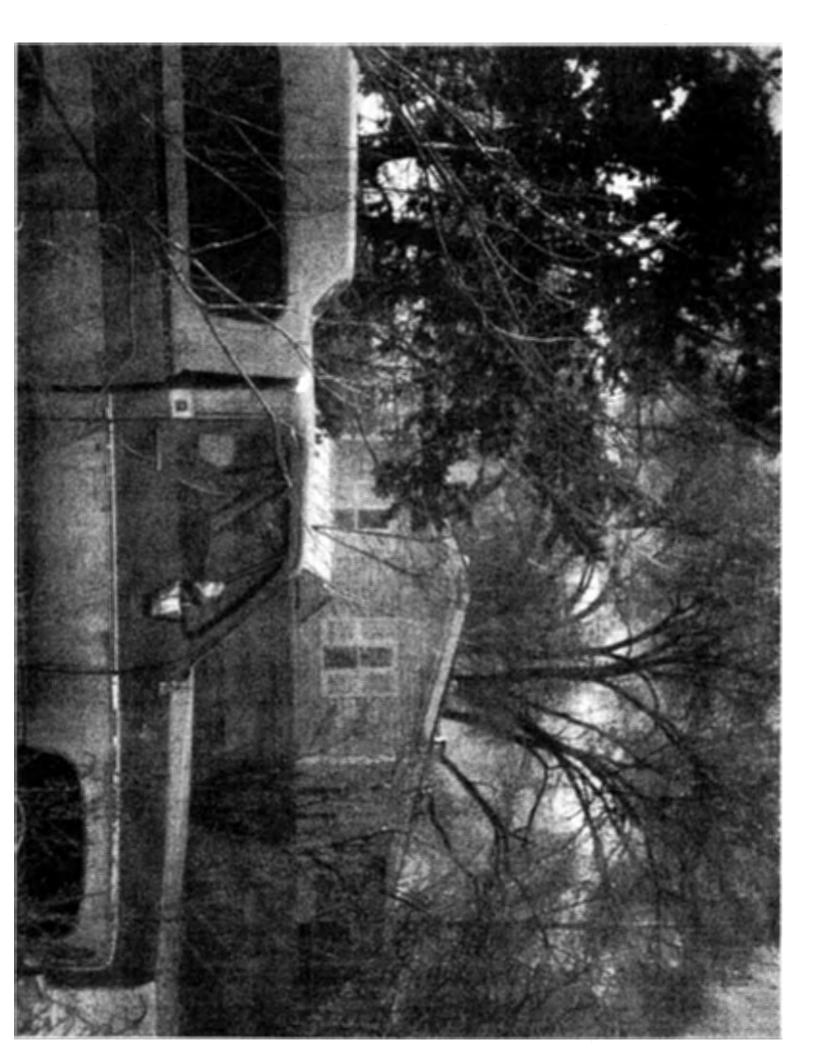


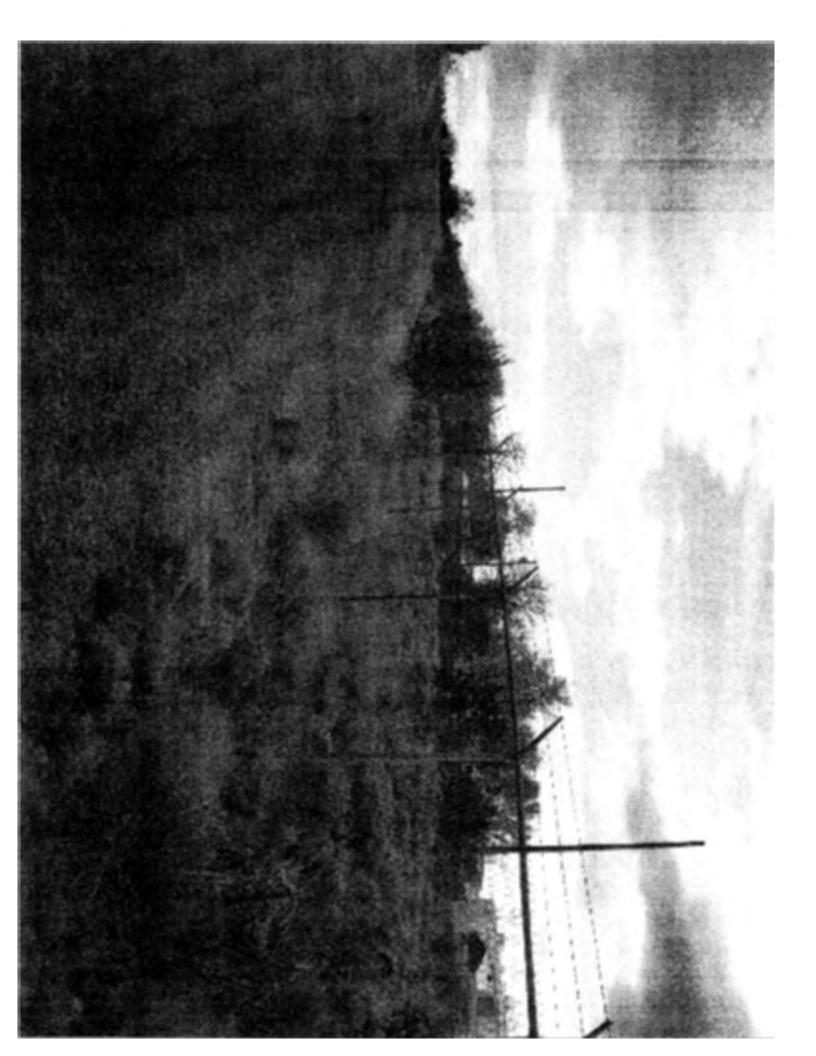


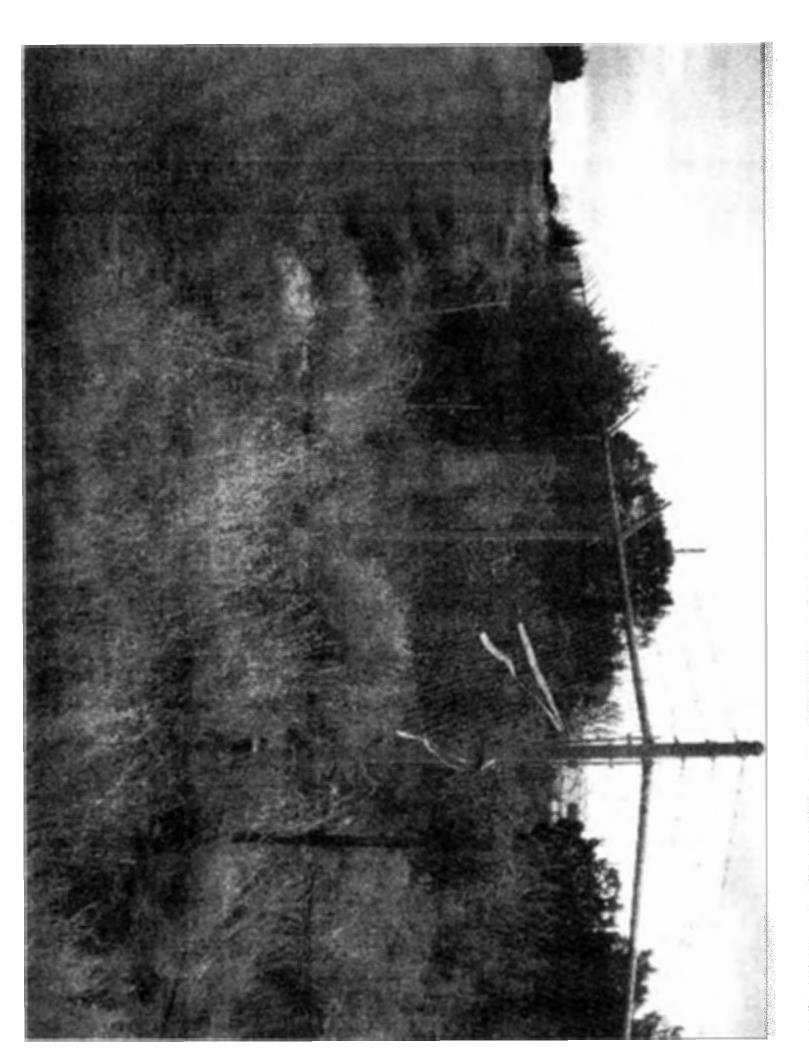


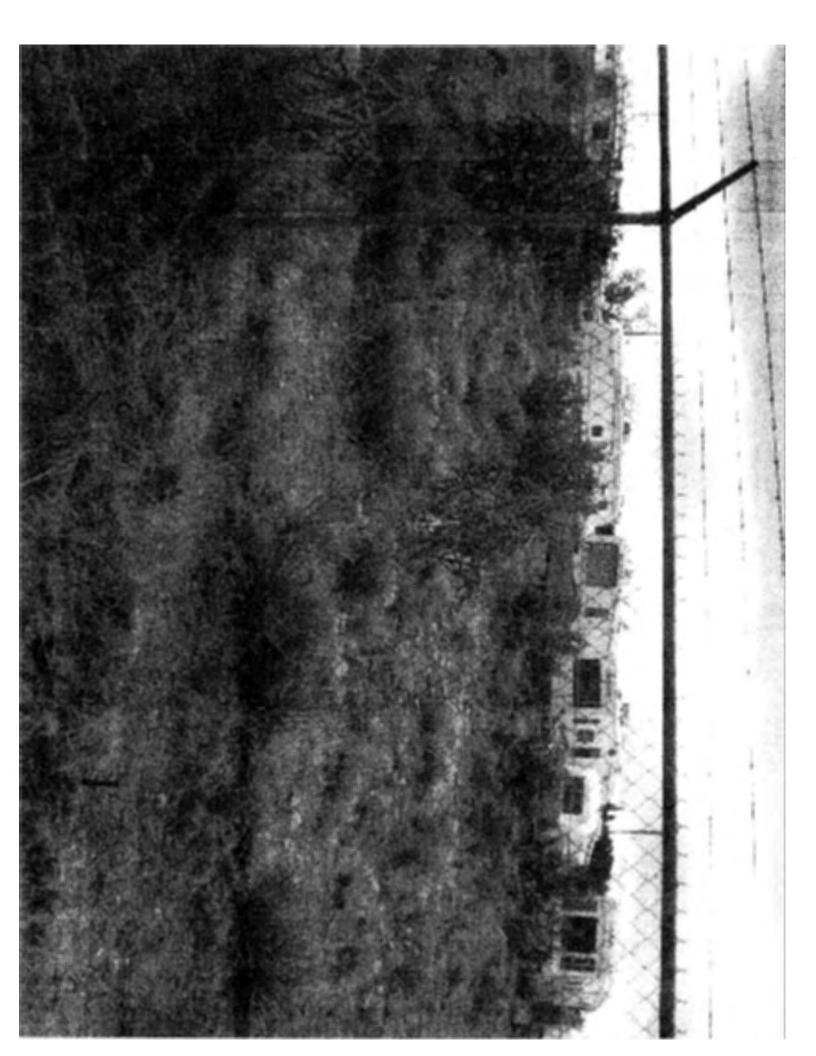














Exhipit "20"

August 27, 2012

Mayor David Coss City Councilors City Manager, Robert Romero Land Use Administrator, Matt O'Reilly City of Santa Fe P.O. Box 909, 200 Lincoln Avenue Santa Fe, NM 87504

RE: Case #2012-30 & #2012-31, Bienvenidos General Plan Amendment and Rezoning from R-3 to R-5.

Dear Mayor Coss, Councilors and City Staff,

My name is Charlie Gonzales, I live at 2042 Callejon De Rita within the Village of Agua Fria and I represent the property of Manuel Gonzales (my father) which is located at 3458 Rufina Street, to the west and adjacent to the proposed Bienvenidos Subdivision. This property is zoned R-3 and there is an existing coral, barn and two horses on the property which I own.

I had concerns about the traffic congestion on Rufina Street and how it appears to be getting worse. One of the issues I questioned, was the purchase of the Rufina Street right-of-way by the City. The City purchased right of way from my father to construct a four lane road and this was not built.

I have recently attended meetings with the developer, the Traditional Village of Agua Fria Association, County and City Staff about the traffic situation on Rufina Street. At these meetings John Romero of the City provided information, supported with traffic counts indicating that Rufina Street does not warrant a four lane road. Even with the Agua Fria Elementary School traffic included. I was very surprised with these results, especially with traffic lined up in the morning to my property. I also thank John Romero for answering the lingering question on why Rufina Street was not built with four lanes.

In light of this information, it appears that the Rufina Street and the Richards Avenue intersection is what needs to be improved to accommodate the flow of traffic. I understand that the developer of the proposed Bienvenidos Subdivision along with future projects in this area will be required to put funds in escrow with the City in order to pay for their share of improvements of this intersection.

I also have concerns about the safety of the public from my horses and the safety of my horses from the public. The developer has agreed to disclose the existence of my horses to potential buyers of the lots within the subdivision. Recently, I incurred a \$9,000.00 Vet bill on one of my horses which appears to be due to feeding by strangers. The

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developer is working with me to protect my horses from being fed or bothered by residents of the subdivision and has addressed all my concerns therefore;

With this letter, I express support of the Gonzales Family for the amendment and rezoning as mentioned above. We look forward into utilizing the proposed public improvements including water and sewer.

Thank you for you consideration.

Charlie D. Gonzales, CFM

OFFICIAL SEAL Hillary Welles NOTARY PUBLIC - STATE OF NEW MEXICO

State of New Mexico)

) SS

County of Santa Fe

The foregoing instrument was acknowledged before me

tuguet, 2012 by Charlie D. Ganzales.

The Trailer Ranch

3471 Cerrillos Rd. Santa Fe, NM 87507 PH 505 471-9970

August 27, 2012

Mayor David Coss City Councilors City Manager Robert Romero City of Santa Fe P.O. Box 909 Santa Fe, NM 87504-0909

Re:

City Planning Commission for Case #2012-30 and 31 for the Bienvenidos General Plan Amendment and

Rezoning to R-5.

Dear Ladies and Gentlemen:

My husband and I own the Trailer Ranch which abuts the property referenced in the above appeal. We object to the zoning request being made by the current owners of the Property.

As owners of the Trailer Ranch Senior Mobile Home Community along with approximately 100 of its senior residents request that you uphold the denial of the City Planning Commission for Case #2012-30 and 31 for the Bienvenidos General Plan Amendment and Rezoning to R-5.

Approximately one year ago the previous owners of the subject property, Purple Horizon Mobile Home Park, requested a zoning change with an actual development plan asking for a density of 44 homes which was unanimously denied by this very council. This new application is basically asking for that same density increase with a R-5 zoning which allows for up to 43 homes on the subject property. None of the density issues or concerns that plagued the subject property in the previous application have been changed in any way except that the traffic onto Rufina has continued to increase.

The major concerns with the application from the current applicant is that the applicant has failed to provide a fully engineered development plan at this time. While we understand that City code does not require a development plan for a change of zoning, without a development plan neither you nor the neighbors have a way to accurately determine the feasibility on the subject property. Spot zoning of this nature provides no benefit to the neighborhood except to create uncertainty about the future by possibly increasing the density on this property. Allowing this sort of spot zoning will create a breach in the character of this rural area. I have included an aerial map of this corridor along Rufina Street with the subject property highlighted in blue that undoubtedly shows the primarily rural nature of fewer homes dotted on larger parcels of land.

Once again, it is vital to clarify that this zoning request is NOT being accompanied by a development plan but it is being presented as a development plan approach without actually having to provide valid answers to the multiple questions required by a actual development plan. Most importantly it does not address any of the important concerns for the surrounding neighbors or even provide any support for how this zoning will benefit the city and particularly this neighborhood.

The applicant's agent, Jenkins-Gavin, presented this basic sketch plan using words like "our vision is" or "we hope to", "we will endeavor to", and "we are proposing to" but the only issue that pertains to this application is the issue of density and how it will impact the overall character of the immediate surrounding area, especially as it relates to the traffic issues, safety issues, quality of life issues, grading and drainage issues, etc. The applicant's agent, Jenkins-Gavin, is very well aware of all of these concerns due to the fact that this agent stood with us as our representative last year against the density presented in the application by Purple Horizon.

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We've heard the applicant's agent argue that 3-7 dwellings per acre along the Rufina Corridor is acceptable but yet the future land use map created by the City specifically limits an R-3 zoning on the bulk of the subject property as well as most of the area surrounding the property. We simply don't agree that the 3-7 dwellings is truly within the city's so-called vision as the applicant continues to infer on the city's behalf. The applicant's agent makes it sound like it's no big deal to just toggle between that 3-7 dwellings per acre so the applicant has chosen the middle number of 5 dwellings per acre. But the fact remains that the current R-3 zoning is in place so that rural character remains intact and therefore discourages the increase of overly dense development. If an increase to R-5 zoning is granted to this small parcel, then there will most likely be a influx of other property owners asking for the very same privilege. Furthermore, the primary reason for the installation of Rufina Street was so that it would help to alleviate the traffic from Cerrillos Road, and please do not allow Rufina to be over used by allowing this type of spot zoning.

The applicant has every right to develop the property with its current R-3 zoning which will allow for 26 homes. The increase to R-5 would allow for 43 homes or rather a 65% increase in density on a very small piece of land. So that also equates to a 65% increase in impact to the city for police and emergency service needs, school access, water & sewer needs. At the joint city/county meeting in July of this year, the annexation of Phase II was discussed and a main point of concern that the police & emergency services are currently understaffed and are not ready to support the undertaking of additional coverage. An increase in density on the subject property would also constitute additional coverage.

If there was a current need for more housing on Rufina, then an application for this type of spot zoning might be prudent; however, there is currently plenty of housing available at Rufina and Zafarano and still plenty of houses yet to be built. If the demand increases in the future, then the applicant should come back with a fully engineered development plan in order for us all to make a fully informed decision and more appropriately address the overall benefits such zoning would provide to the city. We ask you to please help to preserve the existing quality of life for the surrounding neighbors.

Thank you for your careful consideration of the matter.

Sincerely,

Johi Miller

bwner/Manager

Trailer Ranch Senior Mobile Home Community

3471 Cerrillos Road Santa Fe. NM 87507

505-471-9970

trailerranch@aol.com

cc: AGUA FRIAASSOCIATION MEMBERS:

William Henry Mee, President AFVA WilliamHenryMee@aol.com
Charlie Gonzales, Vice President AFVA; cdGonzales@comcast.net,
Gilda Montaño, Secretary AFVA, gimontano@msn.com,
Catherine Baca, Treasurer AFVA; catsfe@msn.com,
Chris Tercero, Community Representative AFVA: mcteducator@yahoo.com,
Tamara Lichtenstein, former Secretary AFVA; tamaralichtenstein@mac.com,
Jenifer Hackett, jeniferhackett@yahoo.com,
Lois Mee, LoisBmee@aol.com,

Santa Fe New Mexican Julie Ann Grimm

igrimm@sfnewmexican.com,

Dan Esquibel, daesquibel@ci.santa-fe.nm.us, daesquibel@santafenm.gov Tamara Baer, tbaer@santafenm.gov

Santa Fe County Property Map



This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of these data. Users are solely responsible forconfirming data accuracy.

WARNING:
Two (2) foot contour data sets are NOT SUITABLE FOR ENGINEERING WORK.
These data are appropriate for PLANNING PURPOSES ONLY.

