



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
SEPTEMBER 12, 2012  
CITY COUNCIL CHAMBERS

## 2ND AMENDED AGENDA

Added Items 9-b, 16 and H-12  
Amended Item 14

### AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 9-11-12 TIME 3:30pm

SERVED BY

RECEIVED BY

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – August 28, 2012  
Joint City Council/County Commission Meeting – July 19, 2012
9. PRESENTATIONS
  - a) Employee of the Month for September 2012 – Richard Chavez and Nick Dominguez, Public Utilities Department, Environmental Services.  
(5 minutes)
  - b) Resolution No. 2012-71 – “OPA! Day” in the City of Santa Fe - September 15, 2012; Recognizing and Celebrating the Vast Contributions that Greece and Greeks Have Made Through the Ages to Our Way and Quality of Life.  
(Mayor Coss and Councilor Wurzburger)
10. CONSENT CALENDAR
  - a) Request for Approval of Grant Application and Grant Agreement – Runway 10-28 Medium Intensity Runway Lighting Construction and Construction Engineering, and Aviation Drive Culvert Pipe Installation Project for Santa Fe Municipal Airport; New Mexico Department of Transportation Aviation Division. (Jim Montman)



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- b) Request for Approval of Procurement Under Cooperative Price Agreement – Two (2) Front-Loading and Two (2) Automated Side-Loading Compressed Natural Gas (CNG) Solid Waste Collection Vehicles for Environmental Services Division; Rush Truck Center. (Cindy Padilla)
- c) Request for Approval of Amendment No. 2 to Professional Services Agreement – La Tierra Trails Wilderness Trails Construction of Connector Trails 8 and 9; Donald Hays Trail Contractor, Inc. (Leroy Pacheco)
- d) Bid No. 13/03/B – Runway 10-28 Medium Intensity Runway Lighting (MIRL) at Santa Fe Municipal Airport Contingent on FAA Grant Award; Vis-Com, Inc. (Jim Montman)
  - 1) Request for Approval of Grant Application – Federal Airport Improvement Program for Construction of Runway 10-28 MIRL; U.S. Department of Transportation, Federal Aviation Administration.
  - 2) Request for Approval for Mayor or in His Absence the Airport Manager to Accept the Federal Grant Once Formally Offered to Meet Federal Airport Improvement Program Deadlines.
- e) Request for Approval of Amendment No. 5 to Professional Services Agreement – Santa Fe River and Watershed Improvements and Clean-up Services for Streets and Drainage Maintenance Division; YouthWorks, Inc. (Brian Drypolcher)
- f) Request for Approval of Change Order No. 4 – Santa Fe River Trail Construction and River Channel Improvements; RL Leeder Company. (Brian Drypolcher)
- g) Request for Approval of Grant Application and Award – Santa Fe Trails FY 2012 Operating Assistance Section 5307; U.S. Department of Transportation, Federal Transit Administration. (David Chapman)
  - 1) Request for Approval of Budget Increase – Grant Fund.
- h) Request for Approval of Grant Application and Award – FY 2012 State of Good Repair for Santa Fe Trails; U.S. Department of Transportation, Federal Transit Administration. (David Chapman)
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- i) Request for Approval of North Central Regional Transit District (NCRTD) Intergovernmental Contract – Voting Strength Amendment. (Jon Bulthuis)
- j) Request for Approval of Amendment No. 1 to Purchase and Sale Agreement – Unit 2 in Market Station, a Condominium at Santa Fe Railyard; Railyard Company, LLC. (Judith Amer)
- k) Request for Approval of Revised Amendment No. 1 to Lease Agreement by and Between the City of Santa Fe and Bokum Burro Alley LLC to Allow for Additional Party “San Q LLC” to Become Additional Party to Said Lease, to Reduce and Adjust Leased Premises and Rental Thereto, and to Change Yearly Use Periods as Designated Within Lease Agreement Appurtenant to the Restaurant at 31 Burro Alley by Richard Montoya, Manager for Bokum Burro Alley LLC and Sang Gyoo Park Manager for San Q LLC. (Edward Vigil)
- l) CONSIDERATION OF RESOLUTION NO. 2012-\_\_\_\_: (Councilor Calvert)  
A Resolution Relating to the Health, Safety and Welfare of the Residents of the Montano Street Neighborhood; Directing Staff to Explore and Make Recommendations to the Governing Body Regarding the Options for Constructing a Continuous Street on Montano Street or at a Minimum Providing Limited Access for Public Safety Response. (Isaac Pino)
- m) CONSIDERATION OF RESOLUTION NO. 2012-\_\_\_\_: (Mayor Coss)  
A Resolution Declaring the Establishment of a Sister City Relationship Between the City of Santa Fe and the City of Livingstone, Zambia. (Julie Bystrom)
- n) 2014/2018 Infrastructure Capital Improvements Plan (ICIP) (Isaac Pino)
  - 1) Request for Approval of the 2014/2018 ICIP Plan
  - 2) CONSIDERATION OF RESOLUTION NO. 2012-\_\_\_\_: (Councilor Wurzbarger)  
A Resolution Adopting the 2014/2018 Infrastructure Capital Improvements Plan (ICIP). (Isaac Pino)
- o) Request for Approval of 2013 Employee Holiday Calendar. (Vicki Gage)



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- p) 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 August 28, 2012 City Council Meeting) **(Postponed to October 10, 2012 City Council Meeting)**
11. CONSIDERATION OF RESOLUTION NO. 2012-\_\_\_\_. (Councilor Bushee, Councilor Dominguez and Councilor Wurzburger)  
A Resolution Amending Resolution No. 2012-25 to Modify the Title of the "CHANGE FOR CHANGE" Program to "CHANGE FOR YOUTH". (P.J. Griego)
12. Staff Report Pursuant to Resolution #2012-48 – Directing Staff to Inventory and Assess Unpaid Balances Currently Owed to the City of Santa Fe and Recommend Options for the Governing Body to Consider Relating to Civil Enforcement and Collection of Unpaid Balances. (Mel Morgan and Jamison Barkley)
13. MATTERS FROM THE CITY MANAGER
14. MATTERS FROM THE CITY ATTORNEY
- Executive Session:
- In Accordance with the New Mexico Open Meetings Act §10-15-1(H)(7), NMSA 1978, a Discussion of Threatened or Pending Litigation in Which the City of Santa Fe Is or May Become a Participant Relating to: a) Santa Fe Community Convention Center Design Services Performed by Chavez -Grievess Consulting Engineers, Inc. for the City; b) Discussion Regarding Pending Affordable Housing Litigation; Liberman v. City of Santa Fe, et al Cause No. D-101-CV-2010-04408.
15. Action Regarding Settlement of Threatened or Pending Litigation in Which the City of Santa Fe Is or May Become a Participant Relating to Santa Fe Community Convention Center Design Services Performed by Chavez -Grievess Consulting Engineers, Inc. for the City. (Geno Zamora)
16. Action Regarding Settlement of Pending Affordable Housing Litigation; Liberman v. City of Santa Fe, et al Cause No. D-101-CV-2010-04408. (Geno Zamora)
17. MATTERS FROM THE CITY CLERK



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## 18. COMMUNICATIONS FROM THE GOVERNING BODY

### EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
  - Appointment of Parliamentarian
  - Immigration Committee Chair
- H. PUBLIC HEARINGS:
  - 1) 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) (**Postponed at August 28, 2012 City Council Meeting**)
  - 2) Request from Marble Brewery, Inc. for a Change of Floor Plan / Expansion of Liquor License Premise for Small Brewer (Off-Site) License #6805 (Expansion of More Than 25% of the Current Licensed Premise). The Expansion is for the Marble Brewery Tap Room, 60 E. San Francisco Street, Suites 312, 313, 316, 317, 318, 319 and 320. (Yolanda Y. Vigil)
  - 3) Request from 1233 Ltd. Co. for a Transfer of Ownership of Dispenser License #2768 from Plaza Mercado Limited Co. to 1233 Ltd. Co. This License Will Remain at The Matador, 116 W. San Francisco Street, Suite 113. (Yolanda Y. Vigil)
  - 4) Request from Sweetwater Harvest Kitchen, LLC for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at Sweetharvest Kitchen, 1512 Pacheco Street, Bldg. B. (Yolanda Y. Vigil)



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- 5) Request from Kiva Club, Inc. for a Club License (On-Premise Consumption Only) to be Located at Kiva Club, 345 ½ E. Alameda. (Yolanda Y. Vigil)
- 6) Request from Vivac Winery, L.P. for a Winegrower Off-Site License (On-Premise Consumption and Package Sales) to be Located at Vivac Winery, 1607 Paseo de Peralta, Suite A. (Yolanda Y. Vigil)
- 7) Request from Dog Eyes, LLC for the Following: (Yolanda Y. Vigil)
  - a) Pursuant to §60-6B-10 NMSA 1978, a Request for a Waiver of the 300 Foot Location Restriction to Allow the Sale of Beer and Wine at Dish n' Spoon Café, 616 Canyon Road Which Is Within 300 Feet of The Santa Fe Friends Meeting, 630 Canyon Road and Acequia Madre Elementary School, 700 Acequia Madre Street.
  - b) If the Waiver of the 300 Foot Restriction is Granted, a Request from Dog Eyes, LLC, for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at Dish n' Spoon Café, 616 Canyon Road.
- 8) Request for Approval of Housing and Urban Development (HUD) 2011/2012 Consolidated Annual Performance Evaluation Review (CAPER) for Community Development Block Grant. (Kym Dicome)
- 9) CONSIDERATION OF BILL NO. 2012-26: ADOPTION OF ORDINANCE NO. 2012-\_\_\_\_: (Councilor Trujillo, Councilor Bushee and Councilor Dimas) An Ordinance Amending Section 24-2.6 SFCC 1987 to Extend the Truck Ban Currently in Place on Camino Carlos Rey to Calle de Oriente Norte. (John Romero)
- 10) CONSIDERATION OF BILL NO. 2012-27: ADOPTION OF ORDINANCE NO. 2012-\_\_\_\_.  
**Case #2012-58. 1158 Harrison Road Rezoning from R-2 to R-5.** Rick Chatroop, Agent for Frederick & Norma Jones, Requests Rezoning of 0.67± Acre from R-2 (Residential, 2 Dwelling Units Per Acre) to R-5 (Residential, 5 Dwelling Units Per Acre). The Property is Located Between Agua Fria Street and Cerrillos Road on Harrison Road. (Donna Wynant, Case Manager)



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- 11) CONSIDERATION OF BILL NO. 2012-21: ADOPTION OF ORDINANCE NO. 2012-\_\_\_\_.
- An Ordinance Authorizing the Execution and Delivery of a Loan Agreement and Intercept Agreement by and Between the City of Santa Fe, New Mexico (the "Governmental Unit") and the New Mexico Finance Authority, Evidencing a Special, Limited Obligation of the Governmental Unit to Pay a Principal Amount of \$5,000,000, Together with Interest Thereon, for the Purpose of Defraying the Cost of Purchasing, Furnishing, Equipping, Rehabilitating, Making Additions to and Making Improvements to the Railyard Condo Unit for Existing and Future Municipal Facilities; Providing for the Payment of the Principal and Interest Due Under the Loan Agreement Solely from (1) the Revenues of the Governmental Unit's One-Half of One Percent (1/2%) Municipal Gross Receipts Tax Distributed to the Governmental Unit by the State Taxation and Revenue Department, (2) the Revenues of the Governmental Unit's One-Eighth of One Percent (1/8%) Municipal Infrastructure Gross Receipts Tax Distributed to the Governmental Unit by the State Taxation and Revenue Department, and (3) the Revenues of the State-Shared Gross Receipts Tax Distributed to the Governmental Unit Pursuant to Section 7-1-6.4, NMSA 1978, as Amended; Providing for the Distribution of Certain Gross Receipts Tax Revenues to be Redirected by the State Taxation and Revenue Department to the New Mexico Finance Authority or its Assigns for the Payment of Principal and Interest Due on the Loan Agreement Pursuant to an Intercept Agreement; Approving the Form and Terms of, and Other Details Concerning the Loan Agreement and the Intercept Agreement; Ratifying Actions Heretofore Taken; Repealing all Action Inconsistent with this Ordinance; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan Agreement and Intercept Agreement. (Dr. Melville Morgan and Helene Hausman) (Postponed at August 8, 2012 City Council Meeting) **(Withdrawn)**
- 12) Request from Christus St. Vincent Regional Medical Center for a Waiver of the 300 Foot Location Restriction to Allow the Dispensing and Consumption of Beer and Wine at Christus St. Vincent Cancer Center, 490A W. Zia Road, Which is Within 300 Feet of Capshaw Middle School , 351 W. Zia Road. The Request is for a VIP Open House to be Held on September 18, 2012 from 5:30 p.m. to 8:00 p.m. (Yolanda Y. Vigil)

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



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## AMENDED AGENDA

### Added Items 9-b and H-12

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CITY CLERK'S OFFICE

DATE 9-10-12 TIME 4:45 pm

SERVED BY

RECEIVED BY

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## AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 9-7-12 TIME 11:50am

SERVED BY

RECEIVED BY

A handwritten signature in black ink, likely of the City Clerk, written over the "RECEIVED BY" line.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – August 28, 2012  
Joint City Council/County Commission Meeting – July 19, 2012
9. PRESENTATIONS
  - a) Employee of the Month for September 2012 – Richard Chavez and Nick Dominguez, Public Utilities Department, Environmental Services. (5 minutes)
10. CONSENT CALENDAR
  - a) Request for Approval of Grant Application and Grant Agreement – Runway 10-28 Medium Intensity Runway Lighting Construction and Construction Engineering, and Aviation Drive Culvert Pipe Installation Project for Santa Fe Municipal Airport; New Mexico Department of Transportation Aviation Division. (Jim Montman)
  - b) Request for Approval of Procurement Under Cooperative Price Agreement – Two (2) Front-Loading and Two (2) Automated Side-Loading Compressed Natural Gas (CNG) Solid Waste Collection Vehicles for Environmental Services Division; Rush Truck Center. (Cindy Padilla)
  - c) Request for Approval of Amendment No. 2 to Professional Services Agreement – La Tierra Trails Wilderness Trails Construction of Connector Trails 8 and 9; Donald Hays Trail Contractor, Inc. (Leroy Pacheco)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
SEPTEMBER 12, 2012  
CITY COUNCIL CHAMBERS

- d) Bid No. 13/03/B – Runway 10-28 Medium Intensity Runway Lighting (MIRL) at Santa Fe Municipal Airport Contingent on FAA Grant Award; Vis-Com, Inc. (Jim Montman)
  - 1) Request for Approval of Grant Application – Federal Airport Improvement Program for Construction of Runway 10-28 MIRL; U.S. Department of Transportation, Federal Aviation Administration.
  - 2) Request for Approval for Mayor or in His Absence the Airport Manager to Accept the Federal Grant Once Formally Offered to Meet Federal Airport Improvement Program Deadlines.
- e) Request for Approval of Amendment No. 5 to Professional Services Agreement – Santa Fe River and Watershed Improvements and Clean-up Services for Streets and Drainage Maintenance Division; YouthWorks, Inc. (Brian Drypolcher)
- f) Request for Approval of Change Order No. 4 – Santa Fe River Trail Construction and River Channel Improvements; RL Leeder Company. (Brian Drypolcher)
- g) Request for Approval of Grant Application and Award – Santa Fe Trails FY 2012 Operating Assistance Section 5307; U.S. Department of Transportation, Federal Transit Administration. (David Chapman)
  - 1) Request for Approval of Budget Increase – Grant Fund.
- h) Request for Approval of Grant Application and Award – FY 2012 State of Good Repair for Santa Fe Trails; U.S. Department of Transportation, Federal Transit Administration. (David Chapman)
  - 1) Request for Approval of Budget Increase – Grant Fund.
- i) Request for Approval of North Central Regional Transit District (NCRTD) Intergovernmental Contract – Voting Strength Amendment. (Jon Bulthuis)
- j) Request for Approval of Amendment No. 1 to Purchase and Sale Agreement – Unit 2 in Market Station, a Condominium at Santa Fe Railyard; Railyard Company, LLC. (Judith Amer)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
SEPTEMBER 12, 2012  
CITY COUNCIL CHAMBERS

- k) Request for Approval of Revised Amendment No. 1 to Lease Agreement by and Between the City of Santa Fe and Bokum Burro Alley LLC to Allow for Additional Party "San Q LLC" to Become Additional Party to Said Lease, to Reduce and Adjust Leased Premises and Rental Thereto, and to Change Yearly Use Periods as Designated Within Lease Agreement Appurtenant to the Restaurant at 31 Burro Alley by Richard Montoya, Manager for Bokum Burro Alley LLC and Sang Gyoo Park Manager for San Q LLC. (Edward Vigil)
- l) CONSIDERATION OF RESOLUTION NO. 2012-\_\_\_\_: (Councilor Calvert)  
A Resolution Relating to the Health, Safety and Welfare of the Residents of the Montano Street Neighborhood; Directing Staff to Explore and Make Recommendations to the Governing Body Regarding the Options for Constructing a Continuous Street on Montano Street or at a Minimum Providing Limited Access for Public Safety Response. (Isaac Pino)
- m) CONSIDERATION OF RESOLUTION NO. 2012-\_\_\_\_: (Mayor Coss)  
A Resolution Declaring the Establishment of a Sister City Relationship Between the City of Santa Fe and the City of Livingstone, Zambia. (Julie Bystrom)
- n) 2014/2018 Infrastructure Capital Improvements Plan (ICIP) (Isaac Pino)
  - 1) Request for Approval of the 2014/2018 ICIP Plan
  - 2) CONSIDERATION OF RESOLUTION NO. 2012-\_\_\_\_: (Councilor Wurzbarger)  
A Resolution Adopting the 2014/2018 Infrastructure Capital Improvements Plan (ICIP). (Isaac Pino)
- o) Request for Approval of 2013 Employee Holiday Calendar. (Vicki Gage)
- p) CONSIDERATION OF RESOLUTION NO. 2012-\_\_\_\_. (Councilor Ives and Councilor Wurzbarger)  
Request for Approval of a Resolution Amending and Readopting the *Governing Body Procedural Rules ("Rules")*. (Geno Zamora) (Postponed at August 28, 2012 City Council Meeting) (**Postponed to October 10, 2012 City Council Meeting**)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
SEPTEMBER 12, 2012  
CITY COUNCIL CHAMBERS

11. CONSIDERATION OF RESOLUTION NO. 2012-\_\_\_\_. (Councilor Bushee, Councilor Dominguez and Councilor Wurzbarger)  
A Resolution Amending Resolution No. 2012-25 to Modify the Title of the "CHANGE FOR CHANGE" Program to "CHANGE FOR YOUTH". (P.J. Griego)
12. Staff Report Pursuant to Resolution #2012-48 – Directing Staff to Inventory and Assess Unpaid Balances Currently Owed to the City of Santa Fe and Recommend Options for the Governing Body to Consider Relating to Civil Enforcement and Collection of Unpaid Balances. (Mel Morgan and Jamison Barkley)
13. MATTERS FROM THE CITY MANAGER
14. MATTERS FROM THE CITY ATTORNEY  
  
Executive Session:  
  
In Accordance with the New Mexico Open Meetings Act §10-15-1(H)(7), NMSA 1978, a Discussion of Threatened or Pending Litigation in Which the City of Santa Fe Is or May Become a Participant Relating to Santa Fe Community Convention Center Design Services Performed by Chavez -Grieves Consulting Engineers, Inc. for the City.
15. Action Regarding Settlement of Threatened or Pending Litigation in Which the City of Santa Fe Is or May Become a Participant Relating to Santa Fe Community Convention Center Design Services Performed by Chavez -Grieves Consulting Engineers, Inc. for the City. (Geno Zamora)
16. MATTERS FROM THE CITY CLERK
17. COMMUNICATIONS FROM THE GOVERNING BODY



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
SEPTEMBER 12, 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
  - Appointment of Parliamentarian
  - Immigration Committee Chair
- H. PUBLIC HEARINGS:
  - 1) 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) **(Postponed at August 28, 2012 City Council Meeting)**
  - 2) Request from Marble Brewery, Inc. for a Change of Floor Plan / Expansion of Liquor License Premise for Small Brewer (Off-Site) License #6805 (Expansion of More Than 25% of the Current Licensed Premise). The Expansion is for the Marble Brewery Tap Room, 60 E. San Francisco Street, Suites 312, 313, 316, 317, 318, 319 and 320. (Yolanda Y. Vigil)
  - 3) Request from 1233 Ltd. Co. for a Transfer of Ownership of Dispenser License #2768 from Plaza Mercado Limited Co. to 1233 Ltd. Co. This License Will Remain at The Matador, 116 W. San Francisco Street, Suite 113. (Yolanda Y. Vigil)
  - 4) Request from Sweetwater Harvest Kitchen, LLC for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at Sweetharvest Kitchen, 1512 Pacheco Street, Bldg. B. (Yolanda Y. Vigil)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
SEPTEMBER 12, 2012  
CITY COUNCIL CHAMBERS

- 5) Request from Kiva Club, Inc. for a Club License (On-Premise Consumption Only) to be Located at Kiva Club, 345 ½ E. Alameda. (Yolanda Y. Vigil)
- 6) Request from Vivac Winery, L.P. for a Winegrower Off-Site License (On-Premise Consumption and Package Sales) to be Located at Vivac Winery, 1607 Paseo de Peralta, Suite A. (Yolanda Y. Vigil)
- 7) Request from Dog Eyes, LLC for the Following: (Yolanda Y. Vigil)
  - a) Pursuant to §60-6B-10 NMSA 1978, a Request for a Waiver of the 300 Foot Location Restriction to Allow the Sale of Beer and Wine at Dish n' Spoon Café, 616 Canyon Road Which Is Within 300 Feet of The Santa Fe Friends Meeting, 630 Canyon Road and Acequia Madre Elementary School, 700 Acequia Madre Street.
  - b) If the Waiver of the 300 Foot Restriction is Granted, a Request from Dog Eyes, LLC, for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at Dish n' Spoon Café, 616 Canyon Road.
- 8) Request for Approval of Housing and Urban Development (HUD) 2011/2012 Consolidated Annual Performance Evaluation Review (CAPER) for Community Development Block Grant. (Kym Dicome)
- 9) CONSIDERATION OF BILL NO. 2012-26: ADOPTION OF ORDINANCE NO. 2012-\_\_\_\_: (Councilor Trujillo, Councilor Bushee and Councilor Dimas) An Ordinance Amending Section 24-2.6 SFCC 1987 to Extend the Truck Ban Currently in Place on Camino Carlos Rey to Calle de Oriente Norte. (John Romero)
- 10) CONSIDERATION OF BILL NO. 2012-27: ADOPTION OF ORDINANCE NO. 2012-\_\_\_\_.  
**Case #2012-58. 1158 Harrison Road Rezoning from R-2 to R-5.** Rick Chatroop, Agent for Frederick & Norma Jones, Requests Rezoning of 0.67± Acre from R-2 (Residential, 2 Dwelling Units Per Acre) to R-5 (Residential, 5 Dwelling Units Per Acre). The Property is Located Between Agua Fria Street and Cerrillos Road on Harrison Road. (Donna Wynant, Case Manager)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
SEPTEMBER 12, 2012  
CITY COUNCIL CHAMBERS

11) CONSIDERATION OF BILL NO. 2012-21: ADOPTION OF ORDINANCE NO. 2012-\_\_\_\_\_.

An Ordinance Authorizing the Execution and Delivery of a Loan Agreement and Intercept Agreement by and Between the City of Santa Fe, New Mexico (the "Governmental Unit") and the New Mexico Finance Authority, Evidencing a Special, Limited Obligation of the Governmental Unit to Pay a Principal Amount of \$5,000,000, Together with Interest Thereon, for the Purpose of Defraying the Cost of Purchasing, Furnishing, Equipping, Rehabilitating, Making Additions to and Making Improvements to the Railyard Condo Unit for Existing and Future Municipal Facilities; Providing for the Payment of the Principal and Interest Due Under the Loan Agreement Solely from (1) the Revenues of the Governmental Unit's One-Half of One Percent (1/2%) Municipal Gross Receipts Tax Distributed to the Governmental Unit by the State Taxation and Revenue Department, (2) the Revenues of the Governmental Unit's One-Eighth of One Percent (1/8%) Municipal Infrastructure Gross Receipts Tax Distributed to the Governmental Unit by the State Taxation and Revenue Department, and (3) the Revenues of the State-Shared Gross Receipts Tax Distributed to the Governmental Unit Pursuant to Section 7-1-6.4, NMSA 1978, as Amended; Providing for the Distribution of Certain Gross Receipts Tax Revenues to be Redirected by the State Taxation and Revenue Department to the New Mexico Finance Authority or its Assigns for the Payment of Principal and Interest Due on the Loan Agreement Pursuant to an Intercept Agreement; Approving the Form and Terms of, and Other Details Concerning the Loan Agreement and the Intercept Agreement; Ratifying Actions Heretofore Taken; Repealing all Action Inconsistent with this Ordinance; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan Agreement and Intercept Agreement. (Dr. Melville Morgan and Helene Hausman) (Postponed at August 8, 2012 City Council Meeting) **(Withdrawn)**

I. ADJOURN

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

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

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

SUMMARY INDEX  
SANTA FE CITY COUNCIL MEETING  
September 12, 2012

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>AFTERNOON SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF 2 <sup>ND</sup> AMENDED AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-4
<u>APPROVAL OF MINUTES:</u>		
REGULAR CITY COUNCIL MEETING – AUGUST 28, 2012	Approved	4-5
JOINT CITY COUNCIL/COUNTY COMMISSION MEETING – JULY 19, 2012	Approved	5
<u>PRESENTATIONS</u>		
EMPLOYEE OF THE MONTH FOR SEPTEMBER 2012 – RICHARD CHAVEZ AND NICK DOMINGUEZ, PUBLIC UTILITIES DEPARTMENT, ENVIRONMENTAL SERVICES		5
RESOLUTION NO. 2012-71 – “OPA! DAY” IN THE CITY OF SANTA FE – SEPTEMBER 15, 2012; RECOGNIZING AND CELEBRATING THE VAST CONTRIBUTIONS THAT GREECE AND GREEKS HAVE MADE THROUGH THE AGES TO OUR WAY AND QUALITY OF LIFE		5
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO PROFESSIONAL SERVICES AGREEMENT – SANTA FE RIVER AND WATERSHED IMPROVEMENTS AND CLEAN-UP SERVICES FOR STREETS AND DRAINAGE MAINTENANCE DIVISION; YOUTHWORKS, INC.	Approved	5-6



<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PURCHASE AND SALE AGREEMENT – UNIT 2 IN MARKET STATION, A CONDOMINIUM AT SANTA FE RAILYARD; RAILYARD COMPANY, LLC	Approved	6
***** END OF CONSENT CALENDAR DISCUSSION *****		
CONSIDERATION OF RESOLUTION NO. 2012- 79 A RESOLUTION AMENDING RESOLUTION NO. 2012-25 TO MODIFY THE TITLE OF THE “CHANGE FOR CHANGE” PROGRAM TO “CHANGE FOR YOUTH”	Approved	7
STAFF REPORT PURSUANT TO RESOLUTION #2012-48 – DIRECTING STAFF TO INVENTORY AND ASSESS UNPAID BALANCES CURRENTLY OWED TO THE CITY OF SANTA FE AND RECOMMEND OPTIONS FOR THE GOVERNING BODY TO CONSIDER, RELATING TO CIVIL ENFORCEMENT AND COLLECTION OF UNPAID BALANCES	Information/discussion	7-11
MATTERS FROM THE CITY MANAGER	None	11
<u>MATTERS FROM THE CITY ATTORNEY</u>		
EXECUTIVE SESSION	Approved	11-12
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	12
ACTION REGARDING SETTLEMENT OF THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS, OR MAY BECOME A PARTICIPANT, RELATING TO SANTA FE COMMUNITY CONVENTION CENTER DESIGN SERVICES PERFORMED BY CHAVEZ-GRIEVES CONSULTING ENGINEERS, INC. FOR THE CITY	Approved	12
ACTION REGARDING SETTLEMENT OF PENDING AFFORDABLE HOUSING LITIGATION; LIBERMAN V. CITY OF SANTA FE, ET AL, CAUSE NO. D-101-CV-2010-04408	Approved	12-13

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
MATTERS FROM THE CITY CLERK	Information	13
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	14
PETITIONS FROM THE FLOOR		14-19
<u>APPOINTMENTS</u>		
Appointment of a Parliamentarian	No vote necessary	19
Immigration Committee Chair	Approved	19
<u>PUBLIC HEARINGS</u>		
REQUEST FROM LEVEL 2 INDUSTRIES, LLC, FOR A SMALL BREWERS LIQUOR LICENSE TO BE LOCATED AT DUEL BREWING, 1228 PARKWAY DRIVE, SUITE D	Approved [amended]	19-20
REQUEST FROM MARBLE BREWERY, INC., FOR A CHANGE OF FLOOR PLAN/ EXPANSION OF LIQUOR LICENSE PREMISE FOR SMALL BREWER (OFF-SITE) LICENSE #6805 (EXPANSION OF MORE THAN 25% OF THE CURRENT LICENSED PREMISES). THE EXPANSION IS FOR THE MARBLE BREWERY TAP ROOM, 60 E. SAN FRANCISCO STREET, SUITES 312, 313, 316, 317, 318, 319 AND 320	Approved	20-21
REQUEST FROM 1233 LTD CO., FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #2768 FROM PLAZA MERCADO LIMITED CO., TO 1233 LTD. CO. THIS LICENSE WILL REMAIN AT THE MATADOR, 116 W. SAN FRANCISCO STREET, SUITE 113	Approved	21-22
REQUEST FROM SWEETWATER HARVEST KITCHEN, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT SWEETWATER HARVEST KITCHEN, 1512 PACHECO STREET, BUILDING B	Approved	22

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FROM KIVA CLUB, INC., FOR A CLUB LICENSE (ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT KIVA CLUB 345 ½ E. ALAMEDA	Approved	23
REQUEST FROM VIVAC WINERY, L.P., FOR A WINEGROWER OFF-SITE LICENSE (ON PREMISE CONSUMPTION AND PACKAGE SALES), TO BE LOCATED AT VIVAC WINERY, 1607 PASEO DE PERALTA, SUITE A	Postponed to 09/24/12	23
REQUEST FROM DOG EYES, LLC FOR THE FOLLOWING: PURSUANT TO §60-6B-10 NMSA, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF BEER AND WINE AT DISH N' SPOON CAFÉ, 616 CANYON ROAD, WHICH IS WITHIN 300 FEET OF THE SANTA FE FRIENDS MEETING, 630 CANYON ROAD AND ACEQUIA MADRE ELEMENTARY SCHOOL, 700 ACEQUIA MADRE STREET	Approved	23-24
IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, A REQUEST FROM DOG EYES, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT DISH 'N SPOON CAFÉ, 616 CANYON ROAD	Approved	23-24
REQUEST FROM CHRISTUS ST. VINCENT REGIONAL MEDICAL CENTER FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE DISPENSING AND CONSUMPTION OF BEER AND WINE AT CHRISTUS ST. VINCENT CANCER CENTER, 490A W. ZIA ROAD, WHICH IS WITHIN 300 FEET OF CAPSHAW MIDDLE SCHOOL, 351 W. ZIA ROAD. THE REQUEST IS FOR A VIP OPEN HOUSE TO BE HELD ON SEPTEMBER 18, 2012, FROM 5:30 P.M. TO 8:00 P.M.	Approved	25

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FOR APPROVAL OF HOUSING AND URBAN DEVELOPMENT (HUD) 2011/2012 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REVIEW (CAPER) FOR COMMUNITY DEVELOPMENT BLOCK GRANT)	Approved	25-26
CONSIDERATION OF BILL NO. 2012-26: ADOPTION OF ORDINANCE NO. 2012-27. AN ORDINANCE AMENDING SECTION 24-2.6 SFCC 1987, TO EXTEND THE TRUCK BAN CURRENTLY IN PLACE ON CAMINO CARLOS REY TO CALLE DE ORIENTE NORTH	Approved	26-27
CONSIDERATION OF BILL NO. 2012-27: ADOPTION OF ORDINANCE NO. 2012-28. <u>CASE #2012-58.</u> 1158 HARRISON ROAD REZONING FROM R-2 TO R-5. RICK CHATROOP, AGENT FOR FREDERICK & NORMA JONES, REQUESTS REZONING OF 0.67± ACRE FROM R-2 (RESIDENTIAL, 2 DWELLING UNITS PER ACRE) TO R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE. THE PROPERTY IS LOCATED BETWEEN AGUA FRIA STREET AND CERRILLOS ROAD ON HARRISON ROAD	Approved [amended]	27-28
CONSIDERATION OF BILL NO. 2012-21: ADOPTION OF ORDINANCE NO. 2012- _____. BILL NO. 2012-21: AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AND INTERCEPT AGREEMENT BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF \$5,000,000, TOGETHER WITH INTEREST THEREON, FOR THE PURPOSE OF DEFRAYING THE COST OF PURCHASING, FURNISHING, EQUIPPING, REHABILITATING, MAKING ADDITIONS TO AND MAKING IMPROVEMENTS TO THE RAILYARD CONDO UNIT, ETC.	Withdrawn	28
COMMUNICATIONS FROM THE GOVERNING BODY		29-33
ADJOURN		33

**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
September 12, 2012**

**AFTERNOON SESSION**

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor David Coss, on Wednesday, September 12, 2012, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

**Members Present**

Mayor David Coss  
Councilor Rebecca Wurzbarger, Mayor Pro-Tem  
Councilor Patti J. Bushee  
Councilor Christopher Calvert  
Councilor Bill Dimas  
Councilor Carmichael A. Dominguez  
Councilor Peter N. Ives  
Councilor Christopher M. Rivera  
Councilor Ronald S. Trujillo

**Others Attending**

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

**6. APPROVAL OF 2<sup>ND</sup> AMENDED AGENDA**

Robert Romero, City Manager, said the applicant has requested to postpone Item H(6) on the evening agenda to the next Council meeting on September 24, 2012.

Yolanda Vigil, City Clerk, reminded the Council of the 2<sup>nd</sup> Amended Agenda which added Items 9(b) and 16 and amended Item 14 on the Afternoon Agenda and added Item H(12) to the Evening Agenda.

**MOTION:** Councilor Calvert moved, seconded by Councilor Dominguez, to approve the 2<sup>nd</sup> amended agenda as amended.

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

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

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

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

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

**Against:** None.

## **10. CONSENT CALENDAR**

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

A copy of a Memorandum dated August 28, 2012, to the Finance Committee, from Robert Rodarte, Officer, Purchasing Division, regarding Item 10(b), is incorporated herewith to these minutes as Exhibit "2."

- a) **REQUEST FOR APPROVAL OF GRANT APPLICATION AND GRANT AGREEMENT – RUNWAY 10-28 MEDIUM INTENSITY RUNWAY LIGHTING CONSTRUCTION AND CONSTRUCTION ENGINEERING, AND AVIATION DRIVE CULVERT PIPE INSTALLATION PROJECT FOR SANTA FE MUNICIPAL AIRPORT; NEW MEXICO DEPARTMENT OF TRANSPORTATION AVIATION DIVISION. (JIM MONTMAN)**
- b) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT – TWO (2) FRONT-LOADING AND TWO (2) AUTOMATED SIDE-LOADING COMPRESSED NATURAL GAS (CNG) SOLID WASTE COLLECTION, VEHICLES FOR ENVIRONMENTAL SERVICES DIVISION; RUSH TRUCK CENTER. (CINDY PADILLA)**

- c) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – LA TIERRA TRAILS WILDERNESS TRAILS CONSTRUCTION OF CONNECTOR TRAILS 8 AND 9; DONALD HAYS TRAIL CONTRACTOR, INC. (LEROY PACHECO)
- d) BID NO. 13/03/B – RUNWAY 10-28 MEDIUM INTENSITY RUNWAY LIGHTING (MIRL) AT SANTA FE MUNICIPAL AIRPORT CONTINGENT ON FAA GRANT AWARD; VIS-COM, INC. (JIM MONTMAN)
  - 1) REQUEST FOR APPROVAL OF GRANT APPLICATION – FEDERAL AIRPORT IMPROVEMENT PROGRAM FOR CONSTRUCTION OF RUNWAY 10-28 MIRL; U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION.
  - 2) REQUEST FOR APPROVAL FOR MAYOR, OR IN HIS ABSENCE, THE AIRPORT MANAGER, TO ACCEPT THE FEDERAL GRANT ONCE FORMALLY OFFERED O MEET FEDERAL AIRPORT IMPROVEMENT PROGRAM DEADLINES.
- e) *[Removed for discussion by Councilor Bushee]*
- f) REQUEST FOR APPROVAL OF CHANGE ORDER NO. 4 – SANTA FE RIVER TRAIL CONSTRUCTION AND RIVER CHANNEL IMPROVEMENTS; R.L. LEEDER COMPANY. (BRIAN DRYPOLCHER)
- g) REQUEST FOR APPROVAL OF GRANT APPLICATION AND AWARD – SANTA FE TRAILS FY 2012 OPERATING ASSISTANCE SECTION 5307; U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL TRANSIT ADMINISTRATION. (DAVID CHAPMAN)
  - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.
- h) REQUEST FOR APPROVAL OF GRANT APPLICATION AND AWARD – FY 2012 STATE OF GOOD REPAIR FOR SANTA FE TRAILS; U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL TRANSIT ADMINISTRATION. (DAVID CHAPMAN)
  - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.
- i) REQUEST FOR APPROVAL OF NORTH CENTRAL REGIONAL TRANSIT DISTRICT (NCRTD) INTERGOVERNMENTAL CONTRACT – VOTING STRENGTH AMENDMENT. (JON BULTHUIS)
- j) *[Removed for discussion by Councilor Bushee]*

- k) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO LEASE AGREEMENT BY AND BETWEEN THE CITY OF SANTA FE AND BOKUM BURRO ALLEY, LLC, TO ALLOW FOR ADDITIONAL PARTY "SAN Q LLC" TO BECOME ADDITIONAL PARTY TO SAID LEASE, TO REDUCE AND ADJUST LEASED PREMISES AND RENTAL THERETO, AND TO CHANGE YEARLY USE PERIODS AS DESIGNATED WITHIN LEASE AGREEMENT APPURTENANT TO THE RESTAURANT AT 31 BURRO ALLEY BY RICHARD MONTOYA, MANAGER FOR BOKUM BURRO ALLEY LLC, AND SANG GYOO PARK MANAGER FOR SAN Q LLC. (EDWARD VIGIL)
- l) CONSIDERATION OF RESOLUTION NO. 2012-76 (COUNCILOR CALVERT). A RESOLUTION RELATING TO THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE MONTANO STREET NEIGHBORHOOD; DIRECTING STAFF TO EXPLORE AND MAKE RECOMMENDATIONS TO THE GOVERNING BODY REGARDING THE OPTIONS FOR CONSTRUCTING A CONTINUOUS STREET ON MONTANO STREET, OR AT A MINIMUM PROVIDING LIMITED ACCESS FOR PUBLIC SAFETY RESPONSE. (ISAAC PINO)
- m) CONSIDERATION OF RESOLUTION NO. 2012-77 (MAYOR COSS). A RESOLUTION DECLARING THE ESTABLISHMENT OF A SISTER CITY RELATIONSHIP BETWEEN THE CITY OF SANTA FE AND THE CITY OF LIVINGSTONE, ZAMBIA. (JULIE BYSTROM)
- n) 2014/2018 INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP). (ISAAC PINO)
  - 1) REQUEST FOR APPROVAL OF THE 2014/2018 ICIP PLAN.
  - 2) CONSIDERATION OF RESOLUTION NO. 2012-78 (COUNCILOR WURZBURGER). A RESOLUTION ADOPTING THE 2014/2018 INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP). (ISAAC PINO)
- o) REQUEST FOR APPROVAL OF 2013 EMPLOYEE HOLIDAY CALENDAR. (VICKI GAGE)
- p) 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 August 28, 2012 City Council Meeting) (Postponed to October 20, 2012 City Council Meeting)

**8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – AUGUST 28, 2012; AND JOINT CITY COUNCIL/COUNTY COMMISSION MEETING – JULY 19, 2012.**

**MOTION:** Councilor Wurzburger moved, seconded by Councilor Dominguez, to approve the minutes of the Regular City Council meeting of August 28, 2012, as presented.



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

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Dominguez, to approve the minutes of the Joint City Council/ County Commission Meeting of July 19, 2012, as presented.

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

## **9. PRESENTATIONS**

- a) **EMPLOYEE OF THE MONTH FOR SEPTEMBER 2012 – RICHARD CHAVEZ AND NICK DOMINGUEZ, PUBLIC UTILITIES DEPARTMENT, ENVIRONMENTAL SERVICES.**

Mayor Coss read a letter of nomination into the record. He presented a plaque to Richard Chavez and a plaque to Nick Dominguez, and a check for \$50 each from the Employee Benefits Committee. Mayor Coss thanked them for their hard work on behalf of the people of Santa Fe.

- b) **RESOLUTION NO. 2012-71 – “OPA! DAY” IN THE CITY OF SANTA FE – SEPTEMBER 15, 2012; RECOGNIZING AND CELEBRATING THE VAST CONTRIBUTIONS THAT GREECE AND GREEKS HAVE MADE THROUGH THE AGES TO OUR WAY AND QUALITY OF LIFE. (MAYOR COSS AND COUNCILOR WURZBURGER)**

Mayor Coss said Saturday is Opa Day in Santa Fe, noting the Council adopted a Resolution declaring September 15<sup>th</sup> as Opa Day in the City of Santa Fe, and read the Resolution into the record.

Unidentified said he is proud of the City for doing this and has arranged to have the Resolution publicized across the country of Greece. He gave a history of Greeks in New Mexico. He said on Friday, October 5, 2012, there will be a Greek movie southwest premiere at the NM History Museum, noting the film was filmed in Athens, Greece and in New Mexico.

## **CONSENT CALENDAR DISCUSSION**

- 10 (e) **REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO PROFESSIONAL SERVICES AGREEMENT – SANTA FE RIVER AND WATERSHED IMPROVEMENTS AND CLEAN-UP SERVICES FOR STREETS AND DRAINAGE MAINTENANCE DIVISION; YOUTHWORKS, INC. (BRIAN DRYPOLCHER)**

Councilor Bushee said she has had constituent complaints about work in parts of the watershed, and asked if there is a project manager, commenting she supports the work they do, but wants to be sure there is adequate oversight.

Mr. Drypolcher said he oversees the contract with YouthWorks. He said Streets and Drainage also works with them, and at renewal he will meet with the people from YouthWorks, Streets and Drainage, he will follow up to be sure that there is appropriate direction for the work, as well as adequate supervision.

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

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

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

**Against:** None.

**10 (j) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PURCHASE AND SALE AGREEMENT – UNIT 2 IN MARKET STATION, A CONDOMINIUM AT SANTA FE RAILYARD; RAILYARD COMPANY, LLC. (JUDITH AMER)**

Councilor Bushee said to be consistent, she pulled this item to vote against it, so somebody else will have to make the motion.

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

**DISCUSSION:** Mr. Zamora said, "Just to clarify. Over the last few months, there have been several items relating to the Railyard and Market Station that have been voted on by the members of the Governing Body. This particular item relates directly to the agreement with the Railyard Company. The amendments that are in your packet relate to direct interaction between the City and Railyard Company. I say that because some Councilors may get confused as to whether or not they have a conflict in this matter. Any expressed conflicts with regard to Railyard Company in the past could possibly apply to this, because this is a direct relation with Railyard Company. I wanted to eliminate any confusion that may be out there."

Councilor Bushee said, "Mayor, I don't feel I have a conflict, I feel I can be fair, and I pulled this to vote no."

**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 Councilor Wurzbarger.

**Against:** Councilor Bushee

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**END OF CONSENT CALENDAR DISCUSSION**  
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**11. CONSIDERATION OF RESOLUTION NO. 2012- 79 (COUNCILOR BUSHEE, COUNCILOR DOMINGUEZ AND COUNCILOR WURZBURGER). A RESOLUTION AMENDING RESOLUTION NO. 2012-25 TO MODIFY THE TITLE OF THE "CHANGE FOR CHANGE" PROGRAM TO "CHANGE FOR YOUTH." (P.J. GRIEGO)**

Mr. Griego presented information from his Memorandum of April 21, 2012, which is in the Council packet. He said this is made in response to a request from the national *Change for Change* organization, and City Legal confirmed we should stop using the name. He said after discussions with the committee and Eva Ross, the student who initiated the program, they decided to use *Change for Youth*, noting it was chosen by Eva herself.

**MOTION:** Councilor Bushee moved, seconded by Councilor Dominguez, to adopt Resolution No. 2012-79.

**DISCUSSION:** Councilor Bushee thanked Eva and the other youth who participated.

Councilor Dominguez said he would like the Mayor to send her a muchas gracias, for her efforts, and would like staff to invite her to the next meeting for presentation.

Mr. Griego said he will invite her to the next meeting.

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

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

**Against:** None.

**12. STAFF REPORT PURSUANT TO RESOLUTION #2012-48 – DIRECTING STAFF TO INVENTORY AND ASSESS UNPAID BALANCES CURRENTLY OWED TO THE CITY OF SANTA FE AND RECOMMEND OPTIONS FOR THE GOVERNING BODY TO CONSIDER, RELATING TO CIVIL ENFORCEMENT AND COLLECTION OF UNPAID BALANCES. (MEL MORGAN AND JAMISON BARKLEY)**

Dr. Morgan presented information from his Memorandum of September 6, 2012, with attachments, to the Governing Body, in regard to this item. Please see this Memorandum which is in the Council packet with respect to the specifics of this presentation.

Jamison Barkley, Assistant City Attorney, said on page 5 of the Memo there is an outline of legal issue, noting the chief recommendation we can make is to issue an RFI to find out what the City can do in contracting with a third party collection agency. She said the idea is that we would pay them on a contingency for a portion of receivables, so the City wouldn't expend any money up front. She said they have done some research with other New Mexico municipalities which use collection agencies. However,

they want to go further in terms of what we can do in house. She said the City Attorney's Office has already begun some of the processes. She said the City can file liens in certain instances, issue demand letter and their office is working on a mailing which will include hundreds of demand letters on behalf of the Public Utilities Division for all balances greater than \$1,000. Lastly, the City can file lawsuits.

*The Governing Body commented and asked questions as follows:*

- Councilor Calvert thanked them for their work. He said probably different pieces will have to go through different committees for further discussions, for example Public Utilities will go to the PUC. He is concerned about the number of dollars and the deadlines. He asked how long it would take to do the RFI.

Dr. Morgan said he spoke with Mr. Rodarte and he said can get an RFI out in 7-12 days, and would expect we could have everything in place within 3-4 weeks.

- Councilor Calvert asked what further information we could get that we didn't get from talking to Albuquerque or other municipalities. He believes there is some urgency, and wonders if we can get a good sense through some fairly extensive phone calls to some of our peers in State or other cities, rather than going through this process. He said we might get a recommendation to go through a global collection system, but that will take time, and we don't have a lot of time on some of this.

Dr. Morgan agreed. However, he said every city and situation is slightly different, and one city may have one piece and use "this" collection agency, while another may have another piece and uses "that" agency. He said they have referenced collections agencies and they have looked at their websites and the collection agencies say they can do anything. However, he would like to know, if we go with an agency, that they indeed can do what they say.

- Councilor Calvert said certain options already are available. For example, the STOP program has a collection agency, but 9% isn't what he thinks is a sterling record. He said while we're working on the RFI and other options, we need to avail ourselves of the existing mechanisms and make sure we're fully utilizing those. He said perhaps we should pursue the library collections independently and ASAP.
- Councilor Calvert said he would also like for staff to work up an alternative to what we're doing on collecting parking tickets. He said there's no incentive for people to pay if we're not doing a very good job with it, and it is hard to raise funds otherwise if we aren't maximizing our collections from the other things already available to us.

Dr. Morgan said he and Ms. Barkley plan to follow-up with the entities listed in the report that have collections to see what we can do to do it better, smarter, faster, quicker.

- Councilor Dominguez asked what he is looking for in an RFI, terms of a collection agency.

Dr. Morgan said he wants to hire a company that does everything and does it well, and cheaply, for less than 30% of the collections. He said we have to outline those things we want in the RFI. He said on the websites these companies purport that they have experience in collecting for everything a municipality has. He wants to see proof of that, and he wants to talk with them and know they do this. He also wants to know they aren't incredibly aggressive.

- Councilor Dominguez asked if there is something specific/special to municipalities he wants that differs from other collection efforts.

Dr. Morgan said in doing this, they have discovered that there collection agencies that purport to specialize only in municipal collections. He reiterated that what they purport and put out is really true.

- Councilor Dominguez said he wants to know what these differences are.
- Mayor Coss said the specifics will be reported to the Finance Committee.
- Councilor Wurzbarger thanked staff for their work, and said she is impressed with the idea of going with an RFI and getting further details. She said, building on what Councilor Dominguez said, she doesn't want the City to contract with just any old collection agency. She said it is different when dealing from a City perspective, in terms of our relationship with constituents on a variety of needs, not just those who have paid, but those who haven't paid. She would hope there is information they can bring in the analysis which would show sensitivity with these issues, which she doesn't think will be on the website.
- Responding to Councilor Wurzbarger, Mayor Coss said no vote is needed and this is just for informational purposes only.
- Councilor Ives asked, regarding Section E on Municipal Court and Section F on Parking, if there is any overlap or are those two separate and distinct figures.

Ms. Barkley asked Judge Yalman to speak to this, noting she said there is a slight overlap between the two.

Judge Ann Yalman said when someone appears with parking tickets, and they have a judgment, but are unable to collect, that would be included in what is listed as what they can't collect. She said for people who have never appeared in Court, it isn't included, which is the majority of what the parking tickets amount to.

- Councilor Calvert said one of the items of sensitivity he would be looking for in a collection agency is whether this is reflected on someone's credit history. He said it might be no under a certain threshold, but once it reaches a certain level, perhaps yes. He thinks this needs to be considered in how we approach this.

- Councilor Ives said the report notes that "critically the majority of the fines and fees are satisfied by community service, not money." He said she provides a monthly update of activity at the Municipal Court. He asked if that could include an estimate of the value of the community service in terms of man hours in performing community service of value to Santa Fe.

Judge Yalman said it could be misleading, because people perform community service, both as a part of the judgment which has nothing to do with money, and community service in lieu of funds. Of that group, she tries to send most to City departments to do community service. However, there is a whole group of people, primarily the homeless or people with serious problems. She said there is a short list which is the City and a long list which is non-profits, so some is done for non-profits and some for the City. She said she once ran it, and it looks like there are huge amounts of money as work. She said if you want this, she will try to do this.

- Councilor Ives said it does speak to a lot of the good work accomplished at the Court.

Judge Yalman said they would have to try to distinguish between what goes to the City and what goes elsewhere, noting she is unsure the computer system can do this. She said she can figure out how much community service is turned in monthly, but that won't tell you how much went to the City and how much went to non-profits, and how much was in lieu of money.

- Councilor Ives said to some degree it will tell us the hard work people are doing and the value of that. He said in keeping track of revenue, human capital and peoples efforts that it makes sense to understand as part of that picture.

Judge Yalman said it is important in terms of money that isn't collected, to realize that she can issue bench warrants and suspend licenses, so if you haven't come up with money and allow your license to be suspended or a bench warrant issued, it usually is an indication that you don't have a lot of money. She said a lot of the uncollected money would be community service, because most people don't want to be in that boat.

- Councilor Wurzbarger said she is more interested in knowing the types of non-profit services being provided, in addition to the money, even a list.

Judge Yalman said there is a wide range, and people sometimes come forward with non-profits that aren't on our list, and she will occasionally do that as well. She said she considers a wide range, and she will provide that to the Governing Body.

- Councilor Calvert asked who determines what needs to be done at the City.

Judge Yalman said a few years ago, she met with the City Manager and several departments, because they were noticing an increase in the number of people who really could not pay as the result of the recession. She asks people how long they have been out of work, and a lot of people say 1-2 years. She said if they were working last week and out of work this week, she doesn't have them do community service. However, if they've been out of work a substantial period of

time, she allows community service. She trusts the people, and doesn't have them to fill out forms in this regard. She felt the City was losing a lot of money because of the recession, so she developed two lists indicating who is willing to supervise, commenting many have been in trouble with the law. She reiterated that she met with the City Manager and came up with how it is done, and for the most part it's worked well. She said she gives people the list and they make their own arrangement with the City department or the non-profit. She said people have to sign off on it, and they bring her back to her. She said it is scrutinized closely, because there is cheating.

- Responding to Councilor Calvert, Robert Romero said he met with some of departments where he thought it would be a good fit and came up with a process.
- Responding to Councilor Calvert, Judge Yalman said she determines who gets what list, so if it's part of a sentence, and not in lieu of money they get the long list which includes the City and the non-profits. However, there are people she thinks they will have trouble she will give them the long list, and she will write "long list" on the judgment.

### **13. MATTERS FROM THE CITY MANAGER**

There were no matters from the City Manager.

### **14. MATTERS FROM THE CITY ATTORNEY EXECUTIVE SESSION:**

**IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT §10-15-1(H)(7) NMSA 1978, A DISCUSSION OF THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT RELATING TO:**

- a) **SANTA FE COMMUNITY CONVENTION CENTER DESIGN SERVICES PERFORMED BY CHAVEZ-GRIEVES CONSULTING ENGINEERS, INC. FOR THE CITY, AND**
- (b) **DISCUSSION REGARDING PENDING AFFORDABLE HOUSING LITIGATION; LIEBERMAN V. CITY OF SANTA FE, ET AL, CAUSE NO. D-101-CV-2010-04408.**

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Calvert, that the Council go into Executive Session, in accordance with the New Mexico Open Meetings Act §10-15-1(H)(7) NMSA 1978, to discuss threatened or pending litigation in which the City of Santa Fe is or may become a participant, relating to: a) Santa Fe Community Convention Center Design Services performed by Chavez-Grievess Consulting Engineers, Inc., for the City; and discussion regarding pending affordable housing litigation, Lieberman v. City of Santa Fe, et al, Cause No. D-101-CV-2010-04408..

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

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

**Against:** None.

The Council went into Executive Session at 5:45 p.m.

**MOTION TO COME OUT OF EXECUTIVE SESSION**

**MOTION:** At 6:15 p.m. Councilor Wurzbarger moved, seconded by Councilor Calvert, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

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

**15. ACTION REGARDING SETTLEMENT OF THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS, OR MAY BECOME A PARTICIPANT, RELATING TO SANTA FE COMMUNITY CONVENTION CENTER DESIGN SERVICES PERFORMED BY CHAVEZ-GRIEVES CONSULTING ENGINEERS, INC. FOR THE CITY. (GENO ZAMORA)**

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Dominguez, to approve this request as recommended by staff.

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

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

**Against:** None.

**6. ACTION REGARDING SETTLEMENT OF PENDING AFFORDABLE HOUSING LITIGATION; LIBERMAN V. CITY OF SANTA FE, ET AL, CAUSE NO. D-101-CV-2010-04408**

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Ives, to approve this request as recommended by staff.



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

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

**Against:** None.

**17. MATTERS FROM THE CITY CLERK**

Ms. Vigil said the next Council meeting will be held on Monday, September 24, 2012.

*Mayor Coss moved Items 18, Communications from the Governing Body  
to the end of the evening agenda*

**END OF AFTERNOON SESSION AT 6:20 P.M.**

## **EVENING SESSION**

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

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

#### **Members Present**

Mayor David Coss  
Councilor Rebecca Wurzbarger, Mayor Pro-Tem  
Councilor Patti J. Bushee  
Councilor Christopher Calvert  
Councilor Dimas  
Councilor Carmichael A. Dominguez  
Councilor Ives  
Councilor Rivera  
Councilor Ronald S. Trujillo

#### **Others Attending**

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

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

Mayor Coss gave each person 2 minutes to petition the Governing Body.

**Lark Thomas, Construction Lawyer**, said he holds a GB-98 General Contractors License, and his practice is limited to arbitration and mediations, this "probably isn't going to do my practice much good." Mr. Thomas said, "I want to speak out against the CWA [Community Workforce Agreement] which was entered into by the City of Santa Fe, and very specifically and very briefly, while I'm not anti-union in any way shape or form, I think it's a big problem where we have an agreement that forces general contractors, or anyone for that matter, to have to work with other people because of their affiliations. In this particular case, general contractors must work with union contractors if they're going to bid specific types of jobs for the City of Santa Fe." Mr. Thomas said he thinks there is a big problem with that because you are forcing people to do something they normally wouldn't have to do. He said he doesn't believe it delivers, as it says in the CWA. He said he isn't fussing at the unions about this, it's just there's not evidence to prove that the City will get a project that is on schedule, on time, within budget if you use union help. He doesn't believe it makes any difference whether or not you are union. However, he believes it does make a difference if you are forcing a general contractor to use a certain number of union contractors in trying to participate in a sealed bid process for doing public works project.

Mr. Thomas continued, saying the variables inevitably will be what the subcontractors numbers are, because the general conditions for any local general contractor are about the same, and the wage already are set by Workforce Solutions in this cases. He said the numbers that make the difference will be those given to you by the subcontractors. He believes if a general contractor wants to get the job and does so by using low bid submitted by contractors if they're using nothing but open shop subcontractors and they get the job, they're going to lose a protest and it necessarily is going to cost the City more money to get the job completed. He said, "So my answer is to keep as many people working in construction as possible, whether or not they're affiliated with the union. I think to be fair, it's got to be an open shop practice for public works jobs. It's just not fair to force once set of individuals to work with another, or they just don't get any of the public dollars. That's it. There's no guarantee."

**Matt Lehman, TLC Plumbing Utility**, said he would ask the Governing Body to reconsider the CWA which was entered into by the City. Mr. Lehman said, "As with the previous speaker, when I read the agreement I did not really see any difference between, and I'm comparing TLC to the Agreement. We have excellent paying benefits, our stability, and probably no different than anyone else here. We have probably 60% of our workforce has been with us 5 years or longer, so we have that unity, that team spirit that these guys have, almost like a band of brothers. Benefits. Health insurance. Over 80% of TLC Construction has full paid health insurance benefits, not only to them, but to their families, with health insurance and dental. That comes with the job. Safety record. We take safety number one priority. So when we go and look between the agreement and non-union companies, I think, across the board, you're not looking at much difference. The only difference that you will be looking at is less competition in a competitive bid process, which I believe, over time, will ultimately cost the City of Santa Fe an increase in the cost of construction. Thank you for your consideration."

**Dale Armstrong, TLC Santa Fe**, said they have had a branch here in Santa for about a year, noting they now employ 9 residents of Santa Fe. He said, "This is a market that we believe is a growing market. It's a market that has great capacity for services that we provide. The CWA agreement will indeed cut us out of projects that are available to bid unless we just signed an agreement with the local unions that were on that list of people doing that. We currently do not have that agreement, so we would be faced with an economic choice to completely change our business model which doesn't differ. It's just that you can't have both a signatory company and a non-signatory company working under the same... there would be a violation of the unions areas I believe."

Mr. Armstrong continued, "So for us to come in here and build a workforce that supports the City and provides services to the City, this works backwards towards the momentum that we've already started to pick up and gain that we believe is, the background of that is just community support. And it's a community agreement, but however, I believe there's about 4% of the contractors that are signatory to the Union, so that would make about 96% of the contractors, such as myself, that would be at a disadvantage to provide services to the City of Santa Fe. And, with less competition, I doubt that it's sale day when it's

bid day. If the contractors know they're the only one to be able to provide a price, I believe that changes the way they look at their production and everything else. They don't have to tighten up their belt quite so much. I think it would be in your best interest and the community's best interest, that I am now a part of, to consider the impacts to the community. Thank you."

**Robert Tapia, 41 Los Tapias Lane**, said he has been in construction since he was 13 years old and he is going to be 50 years old. He has worked for the same construction company, Lockwood Construction, which has been in business for more than 43 years. He said a lot of the work that we do can be, I would say, bid as labor or union work. What I would like to bring out this evening is that my uncles, brothers, cousins, have all been contractors whether they passed on or not. I have people who work for me who are multi-task people, multi trade. If we go unionizing, I'd like to give you an instance. Whether it's laying a concrete slab or building form, it would take 5 people in the union to do the task when I have 3 people can do all those four tasks. I'm just again, standing for the community of Santa Fe, representing the young and asking for more that's brought out in this CWA for opportunities for people to go to apprenticeship classes. Where are they in Santa Fe. There's plenty of Santa Fe. There's plenty in Albuquerque. There's plenty in Los Alamos. Where are they in Santa Fe. We have plenty of people that are unemployed that are able to do these tasks. The other thing I'd like to bring up two, what are we going to do about our Mexican nationals who are subcontractors, who may not be able to read English or go to these classes to be unionized. What are we going to do with them. They have foreclosures, they have loans, they have kids going to our schools. The other thing out, not all my kids want to be in the trades. They want to work and live in the buildings that we built for them. Hospitals, Fire Stations, Police Stations, jails, whatever it is. That's what I'm standing up for today, is the young, the citizens, the workforce of Santa Fe. I appreciate you for this time."

**Kari Biernacki, Vice-President, AUI, Inc.** She said AUI, Inc., is a New Mexico owned, heavy highway contractor. She said, "We work in the City of Santa Fe and we work for the City of Santa Fe. We've been in business over 30 years, and at least 20 of those in that time, we've had projects here for the City. I'm here to state my opposition to implementation of the Community Workforce Agreement. We employ over 200 people on average, and currently, we're working on a project here at 599 and County Road 62, 82. We have hired locally as we've needed. We have good, trained workforces. We have good control of our projects. I believe that with 4% of union-affiliated companies, there's going to be, it's fundamentally contrary to implement this workforce agreement, when 96% of the rest of us are not in that world. And it will restrict competition. It will, in my opinion, not improve the outcome of projects and it's actually going to end up costing taxpayers more money. Thank you for your time."

**Jane Jernigen, National Utility Contractors Association of New Mexico.** She said they have been representing utility contractors in the State since 1980. She said, "We oppose the implementation of the Community Workforce Agreement for public works projects for the following reasons. Our open shop contractors should not be forced to sign the collective bargaining agreement. We should not have to hire

50% of the workforce from a union hall which could cause layoffs within their own company. We should not have to pay union dues that will never see a return to the employee. Open shop contractors are well trained through in-house and apprenticeship programs, and are regulated by OSHA, the same as union contractors. Open shop contractors are dedicated to completing work on time with accurate pricing, and with the risk of increased costs to the City of Santa Fe, is one of the main reasons why we do oppose this. [inaudible] contractors work out of Santa Fe and we work in Santa Fe, which means we lend economic activity to the City and we put Santa Fe citizens to work. Thank you."

**Steve Moore, RMCI General Contractors.** Mr. Moore said this is a New Mexico based general contractor, which to date has completed \$50 million of water and wastewater infrastructure for you guys. We've done on-time projects, quality projects. We've not had any recordable accidents on those jobs. We have a well trained workforce. We provide excellent benefits for our employees and all of those without the benefit of the CWA. So, I'm just here to state that I'm in opposition to that.

**Bruce Weatherby** said he lives in Santa Fe. He is not from Santa Fe, but he has been in NM for 12 years. He said he has worked both as a person in construction as a union member and as a non-union carpenter for a long time. Mr. Weatherby said, "Maybe there folks who have spoken against the Community Work Force Agreement are the cream of the crop of their industry, but they aren't what the industry is really about. What we have here, and I really hope that you folks will move ahead on the Community Workforce Agreement, because it doesn't do anything that they say. They are misunderstanding what's happening here. First of all, the numbers show, and you go and it's a DOL number, there's a number of places you can see the numbers, training, the best training for workers for safety, for everything comes in with companies that have associations with unions. These people are not being precluded in any stretch from getting a contract. It basically says they need to treat their people fairly the way other union works are treated. That's what we're talking about. We're talking about public dollars and we're talking about fairness."

Mr. Weatherby continued, "I was a union official, but I didn't get paid. I volunteered. I was the President of the Central Labor Council, because I believed after working the first 40 years of my life as a non-union worker, I saw the difference when I really didn't have to go back to work. I worked in the union where they treated people, and everybody looked out.... I used to climb up on ladders and stand up on the top thing, and all of a sudden I had people coming over to me saying no you can't do that. No one ever told me that in the private sector. And I used to manage construction jobs as well. I remember pulling, I heard people talking about immigrants not be able to... that's false. People in the labor unions welcome the immigrant community more than any group of people, any business, any part of the work force gets welcomed by union folks more than anybody that are non-union people. I'm sorry about this, but I'm really am concerned that you guys don't see the whole side of this. I've seen people abused. And where I come from originally on the east coast, it was the Portuguese that were abused. We need this and I hope you will continue on where you're going with it. Thank you."

**Roxanne Rivera-Weist** said the implementation of the CWA is delayed until October first. She said, "We in the non-union construction community were invited to come to the table. We were told in the meeting that we would be invited to come to the table. We have not been invited to come to the table. Despite our efforts to reach out to the City Council, we have still not been invited to come to the table. All we are asking is to be able to come to the table, to be able to meet with the City Council and to be able to make you aware of our concerns. The City states that it wants to be fair to the construction community in Santa Fe, but I submit to you that if the majority of construction workers in the City can only be allowed to work on a public works project, over a half million dollars, if they agree to pay their employees' fringe benefits into the union where their employees will never see those fringe benefits again. That is not fair. If they are mandated to hire 50% of their employees from the union halls and the remaining 50% of their employees have to sit on the sidelines, that is unfair. And I ask you, please reconsider, please ask the non-union contractors to the table so that we can be able to be given a fair shake. Thank you."

**Jennifer Garcia**, said she is representing her grandfather, the later Marshall Saiz and her father Leonard Saiz. She said, "We have an EE-98. We've had our business over 55 years, located at 411 Water Street. This gentleman here that indicated that he was from Lockwood, my grandfather started out with his business at Lockwood Construction. And we are supporting the CWA, because we feel that this brings to the table any worker to have fair wages, to have the right to grieve the process if they're laid off, if they can't get paid, and to be able to claim fair waters. That's why Marshall Electric is in favor of the CWA this evening. We've been born and raised and we've had our business over 50 years, we continue to have our business, and that's why we're in support of this. Not only it's good for Santa Fe, but it's good for local businesses. It's good for our families here and it's the right thing to do in this time of economic hardship on businesses. To RMCI, to TLC, welcome to Santa Fe. We welcome you, but for businesses that have been here over 50 years with Lockwood Construction, with the hard work that my grandfather has done, that's why we're in support, because we want to invest in Santa Fe. We want fair wages for our employees. We want the right for those employees to grieve if we lay them off, if they're injured, if there's safety issues, to bring those up to their employer. And that's where those discussions begin. And thank you City Council."

**Mike Archuleta, President Central Labor Council**, said he is a proud union member. He said, "I too, have two things to say. We have a PLA agreement in Los Alamos. I've worked up in Los Alamos for 34 years, because I couldn't find a union job here in Santa Fe. I was glad to see the unions have finally come to Santa Fe. It's a choice that we make and it's a good choice. I don't see anybody at TLC I see up in Los Alamos, everywhere. They are doing jobs everywhere, so I don't think our PLA agreement is stopping them from getting work. I do believe that are two things that happens. I had a friend named Steve Fresquez. And I joined the union, he did not. He worked for Giant in Farmington. I saw him about a year ago. He's looking for a State job so he can get a retirement, because he did not get the benefits that he needed to when he was working for Giant. And to me, I tried to get him into the Union and I felt bad for him. 58-59 years old trying to get a job with the State so he can get a nice retirement, or an easier

retirement. And to me that's the difference. They have put money away for me, given me benefits and, I'm glad to know that at age 62 I will have a nice time with my retirement. I'm going to enjoy the rest of my life. That's the difference. It's not profit. They ones that are running this, the guys that are here, trying to shut this down, are going to be the ones making their wallets fat.

## **G. APPOINTMENTS**

### **Appointment of a Parliamentarian**

Mayor Coss appointed Councilor Peter Ives, to serve as Parliamentarian, and Councilor Bill Dimas as backup Parliamentarian.

Mayor Coss said no vote is required for this appointment.

### **Immigration Committee Chair**

Mayor Coss appointed Alejandra Seluja to serve as Chair of the Immigration Committee.

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

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

## **H. PUBLIC HEARINGS**

### **1) 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) (Postponed at August 28, 2012 City Council Meeting)**

The staff report was given by Yolanda Y. Vigil, City Clerk, noting the location is not within 300 feet of a church or school. Ms. Vigil said the leased space currently does not meet building and fire codes for any kind of assembly use. She said, given the current state of the lease space, the applicant only will be able to conduct manufacturing and package sales at this location. If the applicant would like to dispense and allow consumption of alcohol on the premises, they would be required to apply for a building permit which would modify the lease space to meet Code requirements. The request would come back to the Governing Body if the applicant chooses to modify the lease space. She said there are staff reports in the packet, regarding litter, noise and traffic and staff is recommending the business be required to comply with the City ordinances as a condition of doing business in the City.

## **Public Hearing**

There was no one speaking for or against this request.

## **The Public Hearing was closed**

**MOTION:** Councilor Wurzburger moved, seconded by Councilor Calvert, to approve the request from Level 2 Industries, LLC, for a small brewers liquor license, to be located at Duel Brewing, 1228 Parkway Drive, Suite D, with the following additional condition: The Applicant only will be able to conduct manufacturing and package sales at this location, and if the applicant would like to dispense and allow consumption of alcohol on the premise, they would be required to submit for a building permit and modify the lease space to meet Code requirements.

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

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

**Against:** None.

\*\*\*\*\*  
**MOTION:** Councilor Trujillo moved, seconded by Councilor Wurzburger, to reconsider the previous action to approve the 2<sup>nd</sup> Amended Agenda as amended, to hear Item H(12) after Item H(7), and to approve the 2<sup>nd</sup> Amended Agenda as amended.

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

- \*\*\*\*\*
- 2) **REQUEST FROM MARBLE BREWERY, INC., FOR A CHANGE OF FLOOR PLAN/ EXPANSION OF LIQUOR LICENSE PREMISE FOR SMALL BREWER (OFF-SITE) LICENSE #6805 (EXPANSION OF MORE THAN 25% OF THE CURRENT LICENSED PREMISES). THE EXPANSION IS FOR THE MARBLE BREWERY TAP ROOM, 60 E. SAN FRANCISCO STREET, SUITES 312, 313, 316, 317, 318, 319 AND 320 (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Y. Vigil, City Clerk. Ms. Vigil said the existing licensed premises are 2,260 sq. ft., and the proposed addition is 2,012 sq. ft. Ms. Vigil said if this request is approved, the new licensed premises will be 4,878 sq. ft., noting the expansion is for the Marble Brewery Tap Room, 60 San Francisco Street, Suites 312, 313, 316, 317, 318, 319 and 320. She said the location is not within 300 feet of a church or school, noting there are staff reports in the packet regarding litter and



noise, noting staff request the business be required to comply with all City Ordinances as a condition of doing business in the City of Santa Fe.

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

**MOTION:** Councilor Calvert moved, seconded by Councilor Dimas, to grant the request from Marble Brewery, Inc., for a change of floor plan/expansion of liquor license premises for a small brewer (off-site) license #6805, for the Marble Brewery Tap Room, 60 E. San Francisco Street, Suites 312, 313, 316, 317, 319 and 320.

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

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

**Against:** None.

- 3) **REQUEST FROM 1233 LTD CO., FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #2768 FROM PLAZA MERCADO LIMITED CO., TO 1233 LTD. CO. THIS LICENSE WILL REMAIN AT THE MATADOR, 116 W. SAN FRANCISCO STREET, SUITE 113. (YOLANDA VIGIL)**

The staff report was given by Yolanda Y. Vigil, City Clerk. She said it is a request for a transfer of ownership only, of Dispenser License #2768, with the license to remain at the Matador, 116 W. San Francisco Street, Suite 113, noting the location is not within 300 ft. of a church or school, and staff requests that the business be required to comply with all City Ordinances as a condition of doing business in the City of Santa Fe..

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

**MOTION:** Councilor Calvert moved, seconded by Councilor Dominguez, to approve the request from 1233 Ltd. Co, for a transfer of ownership of Dispenser License #2768 from Plaza Mercado Limited Co., to 1233 Ltd. Co, the license to remain at the Matador, 116 W. San Francisco Street, Suite 113.

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

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

**Against:** None.

**4) REQUEST FROM SWEETWATER HARVEST KITCHEN, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT SWEETWATER HARVEST KITCHEN, 1512 PACHECO STREET, BUILDING B. (YOLANDA Y. VIGIL)**

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

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Calvert, to approve the request from Sweetwater Harvest Kitchen, LLC, for a restaurant liquor license (beer and wine on-premise consumption only), to be located at Sweetwater Harvest Kitchen, 1512 Pacheco Street, Building.

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

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

**Against:** None.

- 5) **REQUEST FROM KIVA CLUB, INC., FOR A CLUB LICENSE (ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT KIVA CLUB 345 ½ E. ALAMEDA. (YOLANDA Y. VIGIL)**

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

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

**MOTION:** Councilor Calvert moved, seconded by Councilor Rivera, to approve the request from Kiva Club, Inc., for a Club License (on-premise consumption and package sales) to be located at Kiva Club 345 ½ E. Alameda.

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

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

**Against:** None.

- 6) **REQUEST FROM VIVAC WINERY, L.P., FOR A WINEGROWER OFF-SITE LICENSE (ON PREMISE CONSUMPTION AND PACKAGE SALES), TO BE LOCATED AT VIVAC WINERY, 1607 PASEO DE PERALTA, SUITE A. (YOLANDA Y. VIGIL)**

This item is postponed to the Council meeting of September 24, 2012.

- 7) **REQUEST FROM DOG EYES, LLC FOR THE FOLLOWING:**

- a) **PURSUANT TO §60-6B-10 NMSA, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF BEER AND WINE AT DISH N' SPOON CAFÉ, 616 CANYON ROAD, WHICH IS WITHIN 300 FEET OF THE SANTA FE FRIENDS MEETING, 630 CANYON ROAD AND ACEQUIA MADRE ELEMENTARY SCHOOL, 700 ACEQUIA MADRE STREET.**

- b) IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, A REQUEST FROM DOG EYES, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT DISH 'N SPOON CAFÉ, 616 CANYON ROAD.

(YOLANDA Y. VIGIL)

The staff report was given by Yolanda Y. Vigil, City Clerk, noting there is a letter in the packet from Bob Gains, Co-Clerk, Santa Fe Monthly Meeting of Friends indicating no objection to the application, and a letter received this afternoon, and handed out before the meeting, from Superintendent Boyd of the Santa Fe Public Schools indicating no opposition to this request [Exhibit "3"].

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

**MOTION:** Councilor Calvert moved, seconded by Councilor Wurzbarger, to grant the request for a wavier of the the 300 foot location, and to allow the sale of beer and wine at the Dish n' Spoon Café at 616 Canyon Road.

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

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

**Against:** None.

**MOTION:** Councilor Calvert moved, seconded by Councilor Dimas, to approve the request for a Restaurant Liquor License, Beer and Wine on-premise consumption only, to be located at Dish n' Spoon Café, 616 Canyon Road.

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

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

**Against:** None.

- 12) **REQUEST FROM CHRISTUS ST. VINCENT REGIONAL MEDICAL CENTER FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE DISPENSING AND CONSUMPTION OF BEER AND WINE AT CHRISTUS ST. VINCENT CANCER CENTER, 490A W. ZIA ROAD, WHICH IS WITHIN 300 FEET OF CAPSHAW MIDDLE SCHOOL, 351 W. ZIA ROAD. THE REQUEST IS FOR A VIP OPEN HOUSE TO BE HELD ON SEPTEMBER 18, 2012, FROM 5:30 P.M. TO 8:00 P.M. (YOLANDA Y. VIGIL)**

A Memorandum dated September 10, 2012, with attachments, to Mayor Coss and City Councilors, from Yolanda Y. Vigil, City Clerk, regarding this request, is incorporated herewith to these minutes as Exhibit "4."

Councilor Rivera recused himself from discussion and the vote on this item, since he is an employee with Christa St. Vincent. Councilor Rivera left the room for Council consideration of this item.

The staff report was given by Yolanda Y. Vigil, City Clerk, noting there is a letter in the packet from Superintendent Boyd of the Santa Fe Public Schools indicating no opposition to this request [Exhibit "4"].

#### **Public Hearing**

There was no one speaking for or against this request.

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

**MOTION:** Councilor Calvert moved, seconded by Councilor Dimas, to grant the request for a wavier of the the 300 foot location, and to allow the dispensing and consumption of beer and wine at the Christus St. Vincent Cancer Center, 490-A W. Zia Road, for an open house to be held on Tuesday, September 18, 2012, from 5:30 p.m. to 8:00 p.m.

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

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

**Against:** None.

**Recused:** Councilor Rivera.

- 8) **REQUEST FOR APPROVAL OF HOUSING AND URBAN DEVELOPMENT (HUD) 2011/2012 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REVIEW (CAPER) FOR COMMUNITY DEVELOPMENT BLOCK GRANT)**

The staff report was presented by Kym Dicome from her Memorandum of August 10, 2012, with attachments, to the Finance Committee and City Council, regarding this matter, which is in the Council packet. She said this report is required by HUD every year, and it summarizes the accomplishments of the 2011-2012 CDBG funding and other issues which are incorporated into the report such as homelessness and other issues. She said the report is standardized by HUD and she can't change any of the issues, and can only add how the issues have been addressed by the City during 2011-2012. She noted the CDC unanimously approved this report this afternoon and there were no comments from the public during the public comment period. She requested approval of the Report.

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

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

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

**Against:** None.

**Explaining her vote:** Councilor Bushee said, "Yes. I raised some concerns, but at this time.. Yes."

- 9) **CONSIDERATION OF BILL NO. 2012-26: ADOPTION OF ORDINANCE NO. 2012-27 (COUNCILOR TRUJILLO, COUNCILOR BUSHEE AND COUNCILOR DIMAS). AN ORDINANCE AMENDING SECTION 24-2.6 SFCC 1987, TO EXTEND THE TRUCK BAN CURRENTLY IN PLACE ON CAMINO CARLOS REY TO CALLE DE ORIENTE NORTH. (JOHN ROMERO)**

Councilor Trujillo presented information regarding this matter, commenting that this extends the current truck ban on Camino Carlos Rey to Calle de Oriente Norte which is right before where the Salvation Army used to be located.

#### **Public Hearing**

#### **Speaking to the request**

There was no one speaking for or against this request.

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

**MOTION:** Councilor Trujillo moved, seconded by Councilor Dimas, to adopt Ordinance No. 2012-27.

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

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

**Against:** None.

- 10) **CONSIDERATION OF BILL NO. 2012-27: ADOPTION OF ORDINANCE NO. 2012-28. CASE #2012-58. 1158 HARRISON ROAD REZONING FROM R-2 TO R-5. RICK CHATROOP, AGENT FOR FREDERICK & NORMA JONES, REQUESTS REZONING OF 0.67± ACRE FROM R-2 (RESIDENTIAL, 2 DWELLING UNITS PER ACRE) TO R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE. THE PROPERTY IS LOCATED BETWEEN AGUA FRIA STREET AND CERRILLOS ROAD ON HARRISON ROAD. (DONNA WYNANT, CASE MANAGER)**

A Memorandum prepared August 20, 2012, for the September 12, 2012 City Council Hearing, with attachments, to Mayor David Coss and Members of the City Council, from Donna Wynant, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "5."

The staff report was presented by Donna Wynant from the materials in the packet via the overhead projector. Please see Exhibit "5" for the specifics of this presentation.

Councilor Calvert, referring to packet page 5, #16, said the Planning Commission voted to, "(a) delete the condition which reads, "Final Subdivision Plat approval subject to a certificate of dissolution of the condominium association (per the Office of the Public Regulation Commission)." He asked Ms. Wynant to indicate what that entailed.

Ms. Wynant said that language is a mistake, and must have been part of different Findings and that should not be there, noting it was for a different case and not this one, and it will be removed from the Findings of Fact and Conclusions of law as presented by staff.

#### **Public Hearing**

##### **Speaking to the request**

There was no one speaking for or against this request.

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

**MOTION:** Councilor Dominguez moved, seconded by Councilor Wurzbarger, to adopt Ordinance 2012-28, approving Case #20120-58, 1158 Harrison Road Rezoning from R-2 to R-5, with all conditions of approval recommended by staff, and to approve the Findings of Fact and Conclusions of Law in this case, as amended.

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

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

**Against:** None.

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



## 17. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of September 12, 2012, is incorporated herewith to these minutes as Exhibit "6."

### Councilor Dimas

Councilor Dimas wished his beautiful wife Candy a very happy birthday today.

Councilor Dimas asked if there is a way to move the desks in the Council Chambers so that he, Councilor Rivera and Councilor Bushee might be able to see the audience.

Mayor Coss said having sat in that seat, he understands the concern.

Councilor Rivera said Melissa Byers is preparing something for him for introduction at the next meeting.

### Councilor Calvert

Councilor Calvert said he would like to acknowledge the Transit Division which recently was featured in the Community Transportation Association of America magazine, in an article on Santa Fe Trails, titled *Santa Fe Trails – the Commitment to Clean Air and Connectivity*. He sends kudos to the staff at the Transit Division for all their good work.

### Councilor Rivera

Councilor Rivera wished his eldest daughter happy birthday, noting on Monday she was 17 years old.

Councilor Rivera said his father had surgery recently, and he would like to wish him well, and my hope for a quick recovery.

Councilor Rivera thanked the City crews for their great job on Fiestas, commenting on the quick removal of the amazing volume of trash by the next morning, and asked Mr. Romero to extend his thanks to them.

Councilor Rivera wished his mother a happy birthday, commenting her birthday was on September 7<sup>th</sup>.

7<sup>th</sup>. Yolanda Vigil wished a Happy Birthday to Melessia Helberg who also had a birthday on September

### **Councilor Ives**

Councilor Ives sent birthday wishes to Candy Dimas, Councilor Rivera's daughter and to his son who will turn 20 on Saturday, noting he is a Sophomore at UNM. Go Lobos!

### **Councilor Bushee**

Councilor Bushee said she and Councilor Calvert are introducing two resolutions as follows:

1. A Resolution amending Table 22 of the Impact Fees Capital Improvement Plan for planned major road improvements to include the Camino de las Crucitas Bicycle and Pedestrian Improvements Project for funding in the amount of \$400,000. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7."
2. A Resolution in support of DeFourri and Guadalupe Street Bridge Improvements funded through a Municipal Arterial Program Cooperative Agreement with the New Mexico Department of Transportation. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8"

Councilor Bushee said she is sorry she missed Fiestas, commenting she heard it was a long delayed one with a few unhappy ticket holders, although she understood it was a safe one. She said she has no interest in trying to change the date of Zozobra back to Friday, commenting that was unclear in the newspaper.

Councilor Bushee said she caught up on some of the articles in the newspaper while she was away. She said she saw we had the new apartment building which was the first to receive the waiver of the Impact Fees. She said she would like is a way to track how local any of these jobs are. She doesn't know if the contractor for the apartment building is going to stay as the Branches or if it is going to be sold. She wants a way to require that. She said often when a benefit is given or a waiver is given it is said to create jobs, and she wants to make sure as many of the jobs are local as possible. She asked what mechanism can be used to do this. She got a report from Mr. Liming on the waiver of the fees and what the City is not receiving as the benefit of impact fees, but she doesn't know what we are receiving in terms of local jobs. She would like the legal department to come up with a mechanism which requires that this be tracked.

### **Councilor Trujillo**

Councilor Trujillo wished his mother a Happy Birthday, noting yesterday was his mother's birthday.

Councilor Trujillo said, with regard to Zozobra, he received calls and emails from constituents, and a lot of people are blaming the City for all of the issues. He said he saw a posting on Face Book which said, "Thank you Santa Fe City Councilors, past and present, for taking Fiestas away from the locals." He said it isn't the Governing Body and the City did not do this. He said we didn't charge the Kiwanis for the use of Fort Marcy Park. He said we have ordinances and things in place for the parks. His concern that there is an organization using the park and they're creating their own rules and regulations. He said he doesn't recall any time when Ft. Marcy didn't allow strollers in the park, commenting that isn't included in any Ordinance. He said the security company told people they couldn't bring in strollers. He said people told him they had to carry their children and grandchildren, and had to find a place to hide their stroller. Councilor Trujillo asked would they have allowed people in wheelchairs to come in.

Councilor Trujillo said we had volunteers from Keep Santa Fe Beautiful to clean the park after Zozobra, but they had to pay to go into the park, noting they usually get free entrance. He said he also heard the Kiwanis were saying some of our City trucks needed a pass to get into certain places. He said this is a City park, and we have rules. He said organizations using Ft. Marcy shouldn't be making up rules that aren't already in place.

Councilor Trujillo said we can't do anything about the price of admission, because the Kiwanis set the price. However, the Kiwanis took the family aspect out of Zozobra and it's been happening for years. He said we, as a City, need to sit with the Kiwanis and figure something out. He said we need to discuss the best way to do this. He said this is the worst reaction by people to fiestas, even with the tragedy we had in 1997. He said, "People are pissed with what happened." He said we need to sit with the Kiwanis and discuss how they and the City can make it better and bring it back for the people of Santa Fe, which is what it was intended for, and what it should be for. He said he believes it has become too commercialized. It is now an elaborate pageantry, perhaps if they cut down on some of these things, maybe the prices could be reduced as well.

Councilor Trujillo said there is a fun parade, but afterward people leave everything on the street and expect the City workers to go clean it up. He said we have great workers that do that, as Councilor Rivera said. He said it was totally cleaned up by 6:00 p.m. He said next year, we need to have more trash containers throughout the route and make people use them. He said it is ridiculous that our City workers have to clean up a mess like that every year, and believes it is unfair to our workers. He said people should have the decency to dispose of their own trash.

### **Councilor Dominguez**

Councilor Dominguez asked Robert Romero extend thanks to the City staff for the great job they did during Fiestas. He said it was a little bit more difficult, noting problems came up with the Fiesta and the event at Ft. Marcy Park. He is amazed every year how quickly City crews clean up and how well they do it, and the support they provide during the events.

Councilor Dominguez said he is glad Councilor Trujillo brought up some of the things with the Kiwanis. He said he wants to make it very clear that Zozobra has nothing to do with Fiesta. There are two difference organizations with two different missions, and it just happens that Zozobra is on the same weekend as Fiestas are celebrated. He wants to be sure that distinction is made very clear for the public. He said, however, there are some issues the Kiwanis might have, and he would encourage them to humble themselves, and to continue to work with the City. He is sure the City did a great job in working with them, even though there were some issues. However, we have to have that conversation with the Kiwanis and have a good collaboration. It is a huge event which takes a lot of resources, and the community expects it, and "quite frankly, needs it and enjoys it."

Councilor Dominguez introduced the following:

1. An Ordinance creating an overlay zone for Airport Road so we can start to introduce architectural integrity into the area, among other things. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "9."
2. A Resolution directing staff to explore the options for incorporating healthy food zone legislation into the Airport Road Overlay District Ordinance. He wants to move forward with this with more urgency as it relates to the overlay zone. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10."

Councilor Dominguez said this is the beginning of a number of pieces of legislation he will be introducing which relate to Airport Road and healthy communities.

Councilor Dominguez said in terms of the schedule, he will work with Mr. O'Reilly, noting he may be out of town for the Planning Commission meeting of October 4, 2012. He said it is his turn to take his son back to school,

### **Councilor Wurzbarger**

Councilor Wurzbarger said she and her family moved to Santa Fe 25 years ago, and they made that decision because of Fiestas. She said they experienced the parades and Zozobra. She said this is the first year she was extremely saddened by what happened. She said she invited a young person and her mother to attend Zozobra with her this year, and by 9:00 p.m. the girl was asleep as were many people there. She said we have a lot of work as a City with the Kiwanis. She believes we need to sit with them, and we can no longer say it is totally the Kiwanis' event and they can do what they want to do. She said we need to look at it in the context of what it was 25 years ago, even 15 years ago, and the conversation needs to start with this is a family event, and what do we need to ensure that this is a family event. She said perhaps we need a family event which differs from a fundraiser. She appreciates the article in *The Santa Fe New Mexican* today, and does not waver from other conversations she heard about how staff retreated. She said there are a litany of issues which need to be addressed in a systematic way under the

umbrella of how we return this to the community as an important we all look to after the tourists have gone home and the beginning of fall, and how do we make it for the City again. She is willing to work with Matt and Councilor Trujillo. She doesn't think a resolution is needed, just to sit with the City Manager with the leadership of the Mayor. She wants to have a meeting before we forget the specifics and list the 16 things that we think really didn't work which we did not do and that we need to have changed, including the date. She thinks it's a disadvantage to children and families to try to do an event when kids need to go to school the next morning.

Councilor Wurzbarger wished her son Morgan and his wife Karen, who live in Denver, a happy 7<sup>th</sup> Wedding Anniversary.

### **Mayor Coss**

Mayor Coss introduced an Ordinance, cosponsored by Councilor Wurzbarger, relating to the establishment of the City of Santa Fe Internal Audit Department, noting it will go to the Finance Committee on September 18<sup>th</sup>. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "11."

Mayor Coss thanked the Fiesta Council, which is separate from the Kiwanis, for operating the 300<sup>th</sup> Fiesta. He said it was a nice Fiesta which was well done, commenting Fiestas do not start with Zozobra. It starts with the Mass at 6:00 a.m. He said it was a nice event and everybody did a good job including the City workers. He said the 300<sup>th</sup> Fiesta was a very good Fiesta and he thanked everyone involved.

Mayor Coss said he wants to recognize and echo the concerns we've been hearing from the community and Councilors about Zozobra and ask the City Manager to set a meeting with the Kiwanis. He said everyone is want to weigh in, so it probably will have to be at a Public Works Committee. He said Councilors Trujillo and Wurzbarger have lined out some of the problems, and we need to have the meeting with the Kiwanis sooner rather than later. He agrees with Councilor Trujillo that in the past it happened quickly, and agrees we need less pageantry and more family.

Mayor Coss said there was a really nice family event on Sunday which was Grandparents Day at Jackalope. He said they did a very nice job. It was very low key, with great music and good inexpensive food. He had a really good time, and hopes that becomes an annual event as well.

### **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 8:30 p.m.

Approved by:

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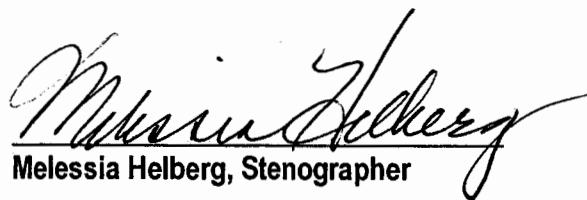
Mayor David Coss

ATTESTED TO:

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Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Stenographer

**ACTION SHEET  
ITEM FROM THE  
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING  
OF  
MONDAY, SEPTEMBER 10, 2012**

**ITEM 6**

**SANTA FE MUNICIPAL AIRPORT**

- REQUEST FOR APPROVAL OF RUNWAY 10-28 MEDIUM INTENSITY RUNWAY LIGHTING (MIRL) RFP '13/03/B BID AWARD TO VIS-COM INC, IN THE AMOUNT OF \$400,185.56 CONTINGENT ON FAA GRANT AWARD
- REQUEST FOR APPROVAL OF AN APPLICATION FOR A FEDERAL AIRPORT IMPROVEMENT PROGRAM (AIP) GRANT IN THE AMOUNT OF \$477,366 FOR THE PURPOSE OF CONSTRUCTION OF RUNWAY 10-28 MIRL
- REQUEST FOR APPROVAL OF THE MAYOR OR IN HIS ABSENCE THE AIRPORT MANAGER TO ACCEPT THE FEDERAL GRANT ONCE FORMALLY OFFERED IN ORDER TO MEET FEDERAL AIRPORT IMPROVEMENT PROGRAM DEADLINES  
(JIM MONTMAN)

**PUBLIC WORKS COMMITTEE ACTION: Approved on Consent**

**SPECIAL CONDITIONS OR AMENDMENTS:**

**STAFF FOLLOW UP:**

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON WURZBURGER			
COUNCILOR CALVERT	X		
COUNCILOR IVES	X		
COUNCILOR RIVERA	Not present		
COUNCILOR TRUJILLO	X		

*Exhibit "1"*

# City of Santa Fe, New Mexico

## memo

**DATE:** August 28, 2012

**TO:** Finance Committee

**FROM:** Robert Rodarte, Officer  
Purchasing Division *RR*

**VIA:** Dr. Melville L. Morgan, Director *mel*  
Finance Department

**SUMMARY:** Purchase of (2) Automated Side Loading and (2) Front Loading CNG Refuse Trucks:  
Vendor: Rush Truck Center (Albuquerque):  
Contract# 358-10: Buy Board Cooperative Government Purchasing:

The Purchasing Division is requesting to purchase four Automated Loader Refuse Trucks for the Solid Waste Division, from the aforementioned Buy Board Contract in the total amount \$1,013,471.20. The funding for this purchase is available in Business Units 52255 and 52262.571000 (Solid Waste Collections (Capital Outlay Vehicles > 1.5 ton).

Authorized Vendor for Buy Board Contract #358-10-Rush Truck Center:

	<u>UNIT COST</u>	<u>AMOUNT:</u>
Item:2012 Peterbuilt/Pendpac Front Loader: Quantity (2)	\$251,223.60	\$ 502,447.20
Item:2012 Peterbuilt/Pendpac SideLoader: Quantity (2)	\$255,512.00	\$ 511,024.00
<b>TOTAL:</b>		<b><u>\$1,013,471.20</u></b>

By City policy, the City can use State or Federal Price Agreements without having to bid the items on its own. By City policy, procurement from State or Federal Price Agreements over \$50,000, require City Council approval (City Purchasing Manual Section 11.1).

### ACTION REQUESTED:

It is requested that this purchase award to Rush Truck Center, from Buy Board Contract # 358-10, in the total amount of \$1,013,471.20, be reviewed, approved and submitted to the City Council for its consideration.

*Exhibit "2"*





September 12, 2012

Mayor David Coss  
City Councilors  
City of Santa Fe  
200 Lincoln Ave.  
Santa Fe, New Mexico 87501

Dear Honorable Mayor Coss and City Councilors,

This letter is in regard to the request from Dog Eyes LLC, DBA Dish and Spoon's for a beer and wine license at 616 Canyon Road. The restaurant is less than 300 feet from Acequia Madre Elementary School; however, there is no direct access to Acequia Madre from the location, and is therefore not in proximity. As Superintendent of Santa Fe Public Schools, I do not have opposition to this request.

Sincerely,

A handwritten signature in cursive script that reads "Joel Boyd".

Joel D. Boyd  
Superintendent  
Santa Fe Public Schools

cc: Yolanda Vigil, City Clerk  
Bill Beacham, Acequia Madre Elementary School Principal  
Daniel Palmer, Mirador Gallery

*Exhibit "3"*

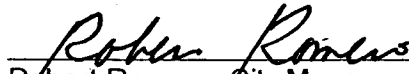
# City of Santa Fe, New Mexico

# memo

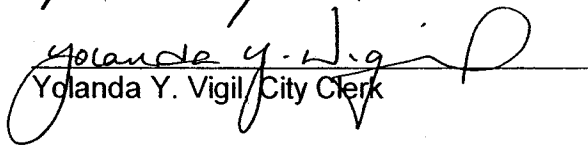
DATE: September 10, 2012

TO: Mayor Coss & City Councilors

VIA:

  
Robert Romero, City Manager

FROM:

  
Yolanda Y. Vigil, City Clerk

## ITEM & ISSUE

Request from Christus St. Vincent Regional Medical Center for a waiver of the 300 foot location restriction to allow the dispensing and consumption of beer and wine at Christus St. Vincent Cancer Center, 490A W. Zia Road. This location is within 300 feet of Capshaw Middle School, 351 W. Zia Road.

## BACKGROUND AND SUMMARY

Pursuant to §60-6B-10 NMSA 1978, a request for a waiver of the 300 foot location restriction has been submitted to allow the dispensing and consumption of beer and wine at Christus St. Vincent Cancer Center, 490A W. Zia Road. The request is for a VIP Open House to be held from 5:30 p.m. to 8:00 p.m. on Tuesday, September 18, 2012.

Attached is a letter from Superintendent Joel D. Boyd, Santa Fe Public Schools stating that he has no opposition to this request.

## ACTION REQUESTED

I hereby request that the City Council indicate its decision on the request for a waiver of the 300 foot location restriction to allow the dispensing and consumption of beer and wine from 5:30 p.m. to 8:00 p.m. on Tuesday, September 18, 2012 at Christus St. Vincent Cancer Center, 490A W. Zia Road. This location is within 300 feet of Capshaw Middle School, 351 W. Zia Road.

Attachments:      Applicant Letter of Request  
                         Letter/Santa Fe Public Schools  
                         Special Dispenser Permit Applications  
                         §60-6B-10 NMSA 1978

*Exhibit "4"*



To the Mayor and City Councilors,

CHRISTUS St Vincent Regional Medical Center will be hosting an open house on September 18<sup>th</sup>, 2012 with beer and wine service at the CHRISTUS St. Vincent Cancer Center at 490A W Zia Road. Understanding the proximity to Capshaw Middle School, we request council's permission for Cowgirl Catering to provide alcohol service between the hours of 5:30 and 8:00pm within the Cancer Center building.

A handwritten signature in black ink, appearing to read "Arturo Delgado". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Arturo Delgado | Director  
Marketing, Communications & Public Relations  
CHRISTUS St. Vincent Regional Medical Center



September 10, 2012

Mayor David Coss  
City Councilors  
City of Santa Fe  
200 Lincoln Ave.  
Santa Fe, New Mexico 87501

Dear Honorable Mayor Coss and City Councilors,

This letter is in regard to the request from Christus St. Vincent's Medical Center to serve alcohol for an event at The Cancer Center – 490 W Zia Road. The date and time for the event is September 18, 2012 from 5:30 to 8:00 p.m. The Cancer Center is less than 300 feet from Capshaw Middle School; however, the function is after school hours, and meets all security requirements. As Superintendent of Santa Fe Public Schools, I do not have opposition to this request.

Sincerely,

A handwritten signature in black ink that reads "Joel Boyd". The signature is fluid and cursive.

Joel D. Boyd  
Superintendent  
Santa Fe Public Schools

cc: Yolanda Vigil, City Clerk  
Todd Bibiano, Capshaw Middle School Principal  
Nicholas Ballas, Cowgirl BBQ

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

Fee Per day: X \$50.00 Public Celebration

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

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

LICENSE HOLDER INFORMATION

Business Name (DBA) 225 hudo corp dba Cagirl BB&B Owner Name 22 Studio corp Liquor License # 2508

Street Address 319 S Guadalupe ST. Mailing Address same Local Option District Santa Fe

City, State & Zip Santa Fe, NM 87501 Telephone # 505 982 2545 Fax # 505 982 4047

EVENT INFORMATION

Description of Event VIP Open House Date(s) of Event Just 9/18/12 Begin Time 5:30 pm End Time 8:00 pm

Physical Address of Event 490 W. Zia Rd Santa Fe Number of Persons expected 125

Description of Security Chriskus St Vincent Security Number of Security personnel to be at this function 2

Security Contact Name Tam Greene Telephone # 913 5256

SPONSOR INFORMATION

Sponsor of Event ACTUO DEGADO Contact Name ACTUO DEGADO Telephone # 695-6400

BUILDING/PROPERTY OWNER APPROVAL

Name (print) Armando DeGado Signature [Signature] Telephone # 695-6400 Date 8/15/12

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

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

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

Licensee Name (print) Nicholas Becas Signature [Signature] Date 9/12/12  
All profits derived from the sale of liquor will go only to the licensee. Only the owner or authorized person under this license may sign the permit.

Subscribed and Sworn before me this 9 day of Sept, 2012 Notary Public [Signature] Exp. 7-29-15

NOTARY INFORMATION

LOCAL GOVERNING BODY APPROVAL

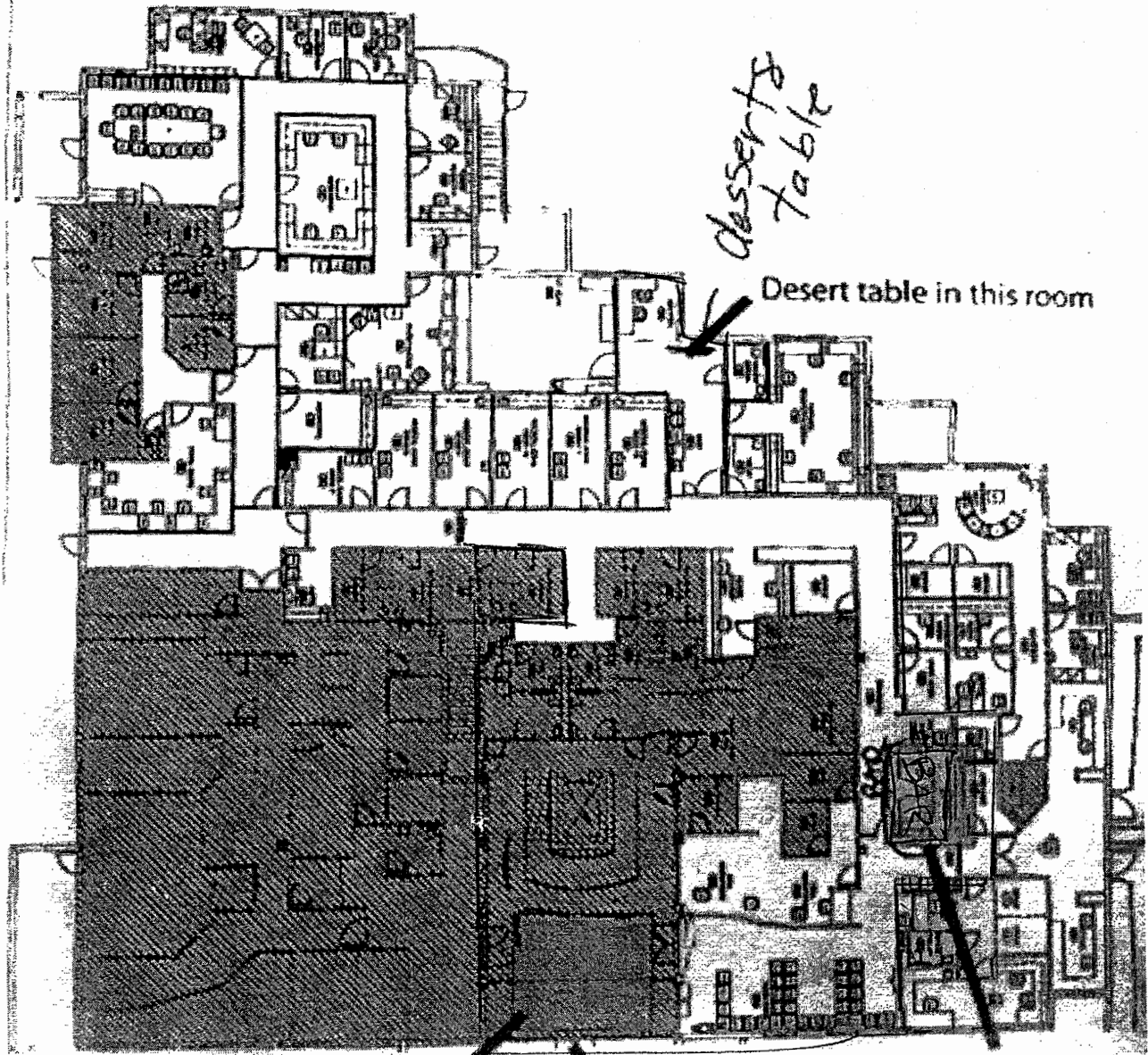


OFFICIAL SEAL  
Pamela A. Mayfield  
NOTARY PUBLIC-STATE OF NEW MEXICO  
My commission expires: 7-29-15

Print Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_ Signature \_\_\_\_\_  
ALCOHOL & GAMING DIVISION USE ONLY  
Approved by: \_\_\_\_\_ Attachments: 1) Floor plan -- (Pictures) 2) Fees (listed on top of page) 3) Server information list

Zia Road

facing north



Lobby with  
food tables

Main Entrance

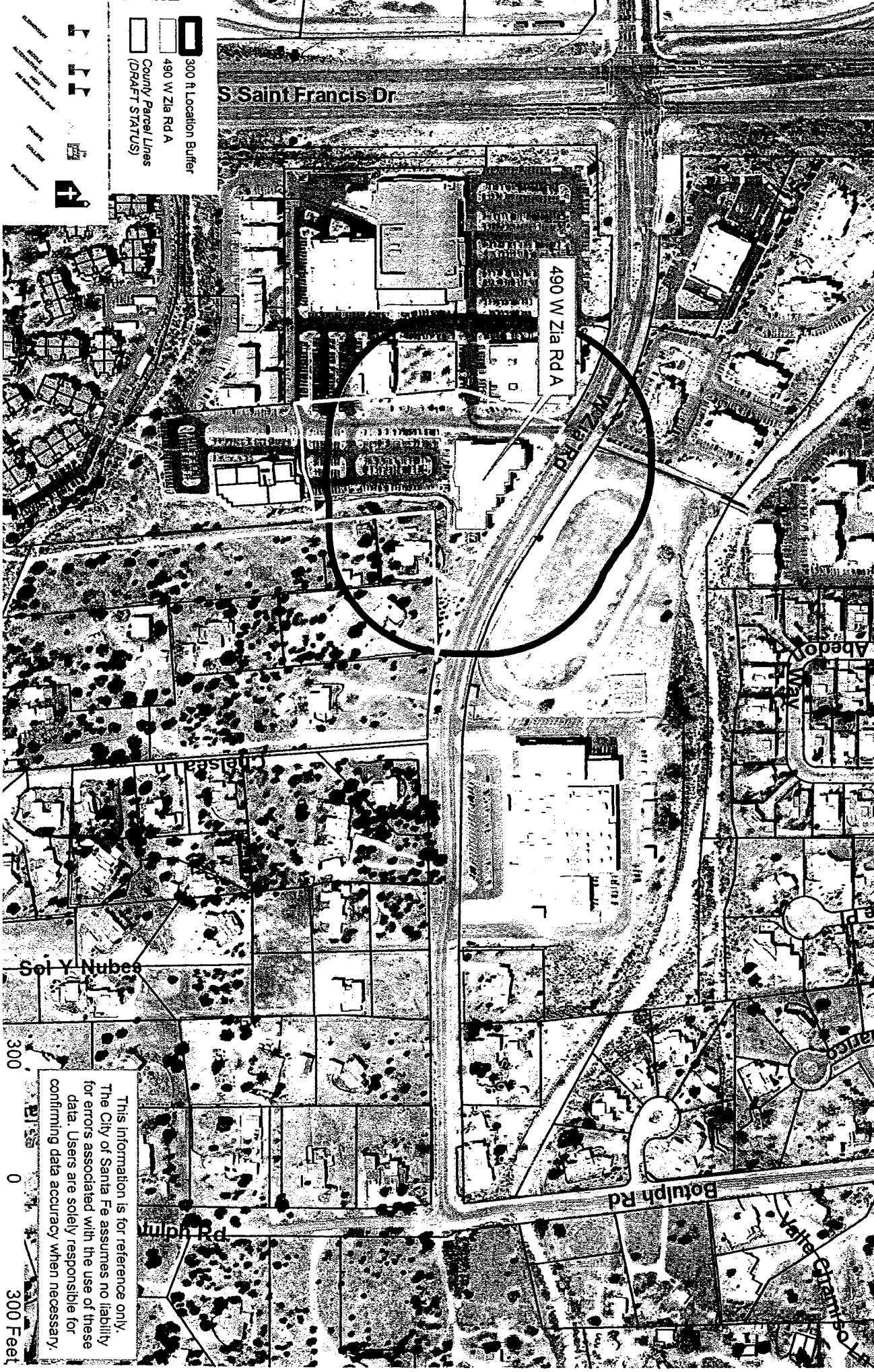
Bar area

facing south

alcohol service  
perimeter

RE: Liquor License Application – Level 2 Industries, LLC  
Description – Small Brewers Liquor License  
Date of Public Hearing – August 8, 2012  
Location – Duel Brewing – 1228 Parkway Dr Unit D

Note: Above location is within 300ft buffer to a Church and/or School (Caphshaw MS)



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



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

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



# City of Santa Fe, New Mexico

# memo

**DATE:** August 20 for September 12, 2012 City Council Meeting

**TO:** City Council

**VIA:**

*Robert Romero*  
Robert Romero, City Manager

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

Tamara Baer, Planning Manager, Current Planning Division *TB*

**FROM:** Donna Wynant, AICP, Senior Planner, Current Planning Division *D.W.*

## 1158 HARRISON ROAD REZONE.

**Case #2012-58.** 1158 Harrison Road Rezoning from R-2 to R-5. Rick Chatroop, agent for Frederick & Norma Jones, requests rezoning of 0.67± acre from R-2 (Residential, 2 dwelling units per acre) to R-5 (Residential, 5 dwelling units per acre). The property is located between Agua Fria Street and Cerrillos Road on Harrison Road. (Donna Wynant, Case Manager)

## RECOMMENDATION

The Planning Commission on July 19, 2012 recommended **APPROVAL WITH CONDITIONS** for Rezoning of 0.67± acre located between Agua Fria Street and Cerrillos Road at 1158 Harrison Road.

An Early Neighborhood Notification meeting was held May 1, 2012. The two neighbors in attendance had basic questions about the proposal and both appeared to be in support of the rezone and lot split request.

## SUMMARY

The property at 1158 Harrison Road is 0.67± acre in size and zoned R-2 (Residential, 2 dwelling units per acre). The applicant proposes to split the property into two lots, but must first rezone the property to R-5 Residential (Residential, 5 dwelling units per acre) to meet the

*Exhibit "5"*

density requirements. Lot 1, to include the existing single family house, will be 0.483± acre in size (21,058± sq ft). Lot 2 will be 0.183± acre in size (7,981 sq. ft.).

Surrounding properties include industrial development to the west and single family homes to the north and east. Recent changes to the area include a 15-lot subdivision immediately to the south with lots averaging 4,200 square feet and the recently approved Corazon Santo subdivision and mixed use development, zoned R-6 (Residential, 6 dwelling units per acre) and MU (Mixed Use) further to the north at Harrison and Agua Fria. The character of the surrounding area has therefore changed to more dense residential and mixed use development that justifies changing the zoning of the subject property. In addition, the rezoning request is consistent with the future land use designation of Low Density Residential (3-7 dwelling units per acre) and with the General Plan policy supporting the preservation of the scale and character of established neighborhoods while promoting appropriate infill development.

If the City Council approves the Rezoning, the Applicant will then submit a lot split plat for staff review and recordation.

**Attachments:**

- Exhibit 1      Planning Commission Findings of Fact, Approved 8/2/12  
                    (Case #2012-58, #2012-59)
- Exhibit 2      Draft Rezoning Bill- R-5
- Exhibit 3      Planning Commission Staff Report w/attachments- 7/3/12
- Exhibit 4      Planning Commission Minutes – 7/19/12

\*File copies available for public review at Permit and Development Review offices, First Floor, City Hall

ITEM # 12-0704

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

Case #2012-58 – 1158 Harrison Road Rezoning  
Case #2012-59 – 1158 Harrison Road Lot Split  
Owner's Name – Frederick and Norma Jones  
Applicant's Name – Richard A. Chatroop

THIS MATTER came before the Planning Commission (Commission) for hearing on July 19, 2012 upon the application (Application) of Richard A. Chatroop as agent for Frederick and Norma Jones (Applicant).

The Applicant seeks to (1) rezone 0.67± acres of land located at 1158 Harrison Road between Agua Fria Street and Cerrillos Road (Property) from R-2 (Residential – 2 dwelling units/acre) to R-5 (Residential – 5 dwelling units/acre) (the Rezoning) and (2) divide the Property into two lots of 0.48± acres and 0.18± acres (Lot 2) respectively (the Subdivision).

After conducting a public hearing and having heard from staff, the Applicant, and all other 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. SFCC §§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 SFCC §14-3.5(C).
3. SFCC §14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings (Rezoning Approval Criteria).
4. SFCC §14-3.1(F)(2)(a)(iii) requires an Early Neighborhood Notification (ENN) meeting for rezonings.
5. Under SFCC §14-2.3(C)(1) the Commission has the authority to review and approve or disapprove subdivision plats.
6. Pursuant to SFCC §14-2.3(E)(1), the Commission has delegated to the Summary Committee its authority to hear and decide applications for the division of land into two lots (a Lot Split), except for those powers retained by the Commission.
7. Where a Lot Split is part of another request requiring Commission review, the Commission retains its authority to review and approve or disapprove the subdivision.
8. Pursuant to SFCC §14-3.7(D), Lot Splits are subject to the procedural requirements, approval criteria and development standards that apply to other subdivisions, except that no preliminary plat hearing is required and certain other exceptions that do not apply in this matter.

9. SFCC §14-3.7(B) sets out certain procedures required for the review and approval of Lot Splits, including, without limitation:
  - (a) A pre-application conference [SFCC §14-3.7(B)(1)]; and
  - (b) An ENN meeting [SFCC §14-3.7(B)(2)].
10. SFCC §14-3.7(C) sets out the approval criteria for subdivisions, including Lot Splits (Subdivision Approval Criteria).
11. A pre-application conference was held on March 8, 2012.
12. SFCC §14-3.1(F) establishes procedures for the ENN meeting, including, without limitation:
  - (a) Scheduling and notice requirements [SFCC §14-3.1(F)(4) and (5)];
  - (b) Regulating the timing and conduct of the meeting [SFCC §14-3.1(F)(5)]; and
  - (c) Setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
13. An ENN meeting was held on the Application on May 1, 2012 at the La Cieneguita Center at 1601 La Cieneguita Unit A.
14. Notice of the ENN meeting was properly given.
15. The ENN meeting was attended by the Applicant, City staff and other interested parties and the discussion followed the guidelines set out in SFCC §14-5.3.1(F)(6).
16. Commission staff provided the Commission with a report (the Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the Subdivision and the Rezoning, subject to those conditions contained in the Staff Report, modified to (a) delete the condition which reads "Final Subdivision Plat approval subject to a certificate of dissolution of the condominium association (per the Office of the Public Regulation Commission)" and (b) add a condition requiring the Applicant to provide a 10-foot wide drainage easement along the south side of Lot 2 for possible future drainage improvements (as modified, the Conditions).

#### The Rezoning

17. Under SFCC §14-3.5(A)(1)(d) any individual may propose a rezoning (amendment to the zoning map).
18. SFCC §§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.
19. The Commission has considered the Rezoning Criteria and finds, subject to the Conditions, the following facts:
  - (a) *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [SFCC §14-3.5(C)(1)(a)].*

The rezoning of land immediately to the south of the Property to R-7 (Residential – 7 dwelling units/acre) created a 15-lot subdivision with lots averaging 4,200 square feet, which is smaller than the lots created by the Subdivision and the rezoning to MU (Mixed Use) and R-6 (Residential – 6 dwelling units/acre) of 8.7± acres of land located to the north of the Property has changed the character of the surrounding area to more dense residential and mixed use development that justifies changing the zoning of the Property. In addition, the rezoning is consistent with the future land use designation established by the General Plan (Plan) for the Property of Low Density Residential (3-7 dwelling

units/acre) and with the Plan policy supporting the preservation of the scale and character of established neighborhoods while promoting appropriate infill development.

- (b) *All the rezoning requirements of SFCC Chapter 14 have been met [SFCC §14-3.5(C)(1)(b)].*

The two lots to be created by the Subdivision will comply with R-5 density requirements and minimum lot size requirements and the larger lot, which is improved with a house, also complies with applicable setback and lot coverage requirements. All the rezoning requirements of SFCC Chapter 14 have been met.

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

The proposed rezoning is consistent with the Plan's Low Density future land use designation for the Property.

- (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 proposed rezoning is consistent with the Plan's Low Density future land use designation for the Property and with the Plan policy supporting the preservation of the scale and character of established neighborhoods while promoting appropriate infill development

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

Existing infrastructure, including water, sewer and public roadways, is sufficient to serve the New Lot, including changed uses resulting from the rezoning. In addition, the Applicant will dedicate a 7.5-foot wide pedestrian access easement along the Property line adjacent to Harrison Road and construct a 5-foot sidewalk within said easement in accordance with the Conditions.

#### The Subdivision

20. The Applicant has complied with the submittal requirements of SFCC §14-3.7(B)(4)(b).  
21. Based upon the information contained in Section III of the Staff Report, the Subdivision complies with the Subdivision Approval Criteria, subject to the Conditions.

#### CONCLUSIONS OF LAW

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

##### General

1. The Subdivision and Rezoning were properly and sufficiently noticed via mail, publication, and posting of signs in accordance with SFCC requirements.
2. The ENN meetings complied with the requirements established under the SFCC.

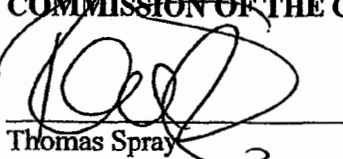
The Rezoning

3. The Applicant has the right under the SFCC to propose the rezoning of the Property.
4. The Commission has the power and authority at law and under the SFCC to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body based upon that review.
5. The proposed rezoning meets the Rezoning Criteria and the Commission recommends that it be approved by the Governing Body, subject to the Conditions.

The Subdivision

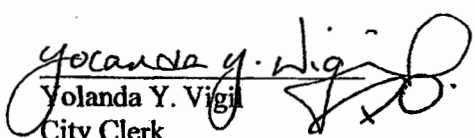
6. The Subdivision plat is approved, subject to the Conditions.

IT IS SO ORDERED ON THE 2<sup>ND</sup> OF AUGUST 2012 BY THE PLANNING  
COMMISSION OF THE CITY OF SANTA FE

  
Thomas Spray  
Chair


8/2/12  
Date:

FILED:

  
Yolanda Y. Vigil  
City Clerk

8/3/12  
Date:

APPROVED AS TO FORM:

  
Kelley Brennan  
Assistant City Attorney

8/2/12  
Date:

**CITY OF SANTA FE, NEW MEXICO**

**BILL NO. 2012-27**

**AN ORDINANCE**

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;  
CHANGING THE ZONING CLASSIFICATION FROM R-2 (RESIDENTIAL, 2  
DWELLING UNITS PER ACRE) TO R-5 (RESIDENTIAL, 5 DWELLING UNITS PER  
ACRE); AND PROVIDING AN EFFECTIVE DATE WITH RESPECT TO A CERTAIN  
PARCEL OF LAND COMPRISING 0.67± ACRE LOCATED BETWEEN AGUA FRIA  
AND CERRILLOS ROAD ON HARRISON ROAD ("1158 HARRISON ROAD"  
REZONING CASE NO. 2012-58).**

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

**Section 1.** The following real property (the "Property") located within the municipal  
boundaries of the city of Santa Fe, is restricted to and classified R-5 (Residential, 5 dwelling  
units per acre):

A parcel of land comprising 0.67± acre generally located between Agua Fria and  
Cerrillos on Harrison Road and more fully described in "Exhibit A" attached hereto and  
incorporated by reference, located in Section 33, T17N., R9E, N.M.P.M., Santa Fe  
County, New Mexico,

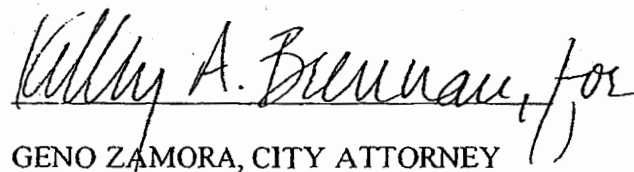
1           **Section 2.**     The official zoning map of the City of Santa Fe adopted by Ordinance No.  
2 2001-27 is amended to conform to the changes in zoning classifications for the Property set forth  
3 in Section 1 of this Ordinance.

4           **Section 3.**     This rezoning action and any future development plan for the Property is  
5 approved with and subject to the conditions set forth in the table attached hereto as EXHIBIT B  
6 and incorporated herein summarizing the City of Santa Fe staff technical memoranda and  
7 conditions recommended by the Planning Commission on July 19, 2012.

8           **Section 4.**     This rezoning action is subject to the time restrictions set forth in Section  
9 14-3.5(D)(1) SFCC 1987 (Two-year Review/Rescission). Resolution 2010-26 has extended  
10 zoning approvals for a limited duration of time.

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

13 **APPROVED AS TO FORM:**

14   
15  
16 GENO ZAMORA, CITY ATTORNEY



**BILL NO. 2012-27**  
**Exhibit A**  
**1158 Harrison Road**  
**Legal Description for R-5 Zoning**

A parcel of land lying within section 33, T.17 N., R.9 E., N.M.P.M., Santa Fe County, New Mexico. And being more particularly described as follows:


Commencing at the southeast corner of the parcel hereon described from whence the City of Santa Fe control monument #1043 bears S 86°20'52" E, 398.62' distant; Thence from said point and place of beginning S 74°50'40" W, 116.44'; Thence N 15°09'36" W, 250.47'; Thence N 74°54'51" E, 115.51'; Thence S 15°22'18" E, 250.33' to the point and place of beginning.

Containing 0.67± acre more or less.

EXHIBIT A

**1158 Harrison Road  
Rezone and Lot Split (Case #2012-58 and #2012-59)**

DRT Conditions of Approval	Department	Staff
<p>Below are comments for the 1158 Harrison Road Rezoning and Lot Split. These comments are based on the proposed Lot Split Plat prepared by Rick Chatroop.</p> <p>The project is not within the Escarpment Overlay District nor the Mountainous and Difficult Terrain Boundary.</p> <p><u>Floodplain</u> The lot does not contain floodplain property, and the floodplain status is shown correctly for the current effective FIRM. However, a statement must be added to the Plat regarding the floodplain status based on the February 17, 2011 Preliminary DFIRM.</p> <p><u>Address</u> Obtain address for new lot. Contact Marisa Struck, Planner Technician Senior (955-6661) for addressing. Show addresses on the Plat.</p> <p><u>Drainage Easement</u>: Provide a 10' wide drainage easement along the south side of proposed Lot 2, for possible future drainage improvements.</p>	Tech Review Div/Land Use	RB Zaxus
<p>1. No fences, walls, or other obstructions shall be placed or constructed across or within public sanitary sewer easements.</p> <p>2. Each lot shall be served by a separate sewer service line.</p> <p>3. Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application.</p> <p>Additional Comments: 1. There is an existing active public sanitary sewer line and easement that are located within this property.</p>	Wastewater Management Division	Stan Holland

EXHIBIT 

**1158 Harrison Road**  
**Rezone and Lot Split (Case #2012-58 and #2012-59)**

<p>Review comments are based on submittals received on May 16, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:</p> <ol style="list-style-type: none"> <li>1. The Developer shall dedicate to the City of Santa Fe, a pedestrian access easement, that measures 7.5 feet in width and extends from the southern boundary of Tract 10-A to the northern boundary of Tract 10-A along the eastern property line of Tract 10-A, (adjacent to Harrison Road).</li> <li>2. The Developer shall construct a 5 ft. wide sidewalk per Santa Fe City Code Article 14-9.2(E) along the eastern boundary of the proposed Tract 10-A, Lot 1 (lot with the existing residence) or provide the City of Santa Fe with a financial guarantee to cover the cost of sidewalk placement prior to recordation of the Lot Split plat.</li> <li>3. The Developer of Tract 10-A, Lot 2 shall be required to construct a sidewalk at the time of building permit application.</li> </ol>	<p>Traffic Engineering</p>	<p>Sandy Kassens</p>
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# City of Santa Fe, New Mexico

## memo

**DATE:** June 22, 2012 for the July 5, 2012 meeting

**TO:** Planning Commission

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

**FROM:** Donna Wynant, AICP, Senior Planner, Current Planning Division

---

### 1158 HARRISON ROAD LOT SPLIT AND REZONE.

**Case #2012-58. 1158 Harrison Road Rezoning from R-2 to R-5.** Rick Chatroop, agent for Frederick & Norma Jones, requests rezoning of 0.67± acres from R-2 (Residential, 2 dwelling units per acre) to R-5 (Residential, 5 dwelling units per acre). The property is located between Agua Fria Street and Cerrillos Road on Harrison Road. (Donna Wynant, Case Manager)

**Case #2012-59. 1158 Harrison Road Lot Split.** Rick Chatroop, agent for Frederick & Norma Jones, requests a lot split of 0.67± acres. The property is located between Agua Fria Street and Cerrillos Road on Harrison Road. (Donna Wynant, Case Manager)

### RECOMMENDATION

Staff recommends **approval** of the request to rezone property at 1158 Harrison Road from R-2 to R-5 and to split the property into two lots with all staff conditions as outlined in this report.

#### I. EXECUTIVE SUMMARY

The property at 1158 Harrison Road is 0.67± acres in size and zoned R2 (Residential, 2 dwelling units per acre). The applicant proposes to split the property into two lots, and rezone the property to R5 Residential to meet the density requirements. Lot 1, to include an existing single family house, will be 0.483± acre in size (21,058± sq ft). Lot 2 will be 0.183± acre (7,981 sq. ft.). The request to rezone and split the property into two lots complies with the future land use designation of the property as Low Density (3-7 dwelling units per acre).

A 15 foot wide drain and utility easement runs east/west alongside the south edge of the house. No fences, walls, or other obstructions shall be placed or constructed across or within the easement as stipulated by the Wastewater Management Division.

### **Early Neighborhood Notification Meeting**

An Early Neighborhood Notification meeting was held May 1, 2012. Those in attendance included two neighbors, the applicants Fred and Norma Jones and their agent Rick Chatroop and one city staff person. The neighbors had basic questions about the proposal and both appeared to be in support of the rezone and lot split request.

## **II. CHAPTER 14 REZONING CRITERIA**

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

### **(C) Approval Criteria**

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

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

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

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

- (a) allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area;
- (b) affect an area of less than two acres, unless adjusting boundaries between districts; or
- (c) benefit one or a few landowners at the expense of the surrounding landowners or general public.

### **Applicant response:**

*With the recent approval of a R5 subdivision on the northwest side of Harrison and the existing R6 zoning on the northeast side of Harrison together with existing R5 ½ block to the east and R7 being the south adjoiner, with II as the west adjoiner only a few R2 designated parcels exist along Harrison Rd. which indicates a change in the surrounding area and neighborhood character to seek the zoning change from R2 to R5.*

Staff response:

Staff concurs with the applicant's response

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

Applicant response:

*There are no non-conforming structures or uses of the subject property, which currently meets the requirements of Chapter 14 for rezoning.*

Staff response:

Staff concurs with the applicant's response.

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

Applicant response:

*The density of the subject property is in line with the proposed zone change for current and future land use.*

Staff response:

Staff concurs with the applicant's response.

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

Applicant response:

*The proposed Development is sufficient for future growth and provides in-fill along the lines of current city policy.*

Staff response:

Staff concurs with the applicant's response.

- (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:

*Harrison Rd. is a city R.O.W. and existing city & public utilities adjoin the subject property and all public facilities will accommodate the minimal impact of this change.*

Staff response:

The applicant shall dedicate a pedestrian access easement and construct a 5' wide sidewalk per the Traffic Engineering Division.

### **III. CONCLUSION**

Staff supports the proposed rezone and lot split, which is in keeping with all code requirements.

### **IV. ATTACHMENTS:**

#### **EXHIBIT A: Conditions of Approval**

#### **EXHIBIT B: Development Review Team Memoranda**

1. Technical Review Division – City Engineer memorandum, Risana Zaxus
2. Wastewater Management Division memorandum, Stan Holland
3. Solid Waste Division form, Randall Marco
4. Traffic Engineering Division memorandum, Sandra Kassens

#### **EXHIBIT C: Maps**

1. Current Zoning
2. Aerial Photo

#### **EXHIBIT D: ENN Materials**

1. ENN Meeting Notes
2. ENN Responses to Guidelines

#### **EXHIBIT E: Applicant Materials**

1. Letter of Application
2. Rezoning & Lot Split Plat

#### **EXHIBIT F: Other Material**

1. Photographs of site

**1158 Harrison Road**  
**Rezone and Lot Split (Case #2012-58 and #2012-59)**

DRT Conditions of Approval	Department	Staff
<p>Below are comments for the 1158 Harrison Road Rezoning and Lot Split. These comments are based on the proposed Lot Split Plat prepared by Rick Chatroop.</p> <p>The project is not within the Escarpment Overlay District nor the Mountainous and Difficult Terrain Boundary.</p> <p><u>Floodplain</u>  The lot does not contain floodplain property, and the floodplain status is shown correctly for the current effective FIRM. However, a statement must be added to the Plat regarding the floodplain status based on the February 17, 2011 Preliminary DFIRM.</p> <p><u>Address</u>  Obtain address for new lot. Contact Marisa Struck, Planner Technician Senior (955-6661) for addressing. Show addresses on the Plat.</p> <p><u>Drainage Easement</u>: Provide a 10' wide drainage easement along the south side of proposed Lot 2, for possible future drainage improvements (7/17/12 memo from RB Zaxus).</p>	<p>Tech Review  Div/Land Use</p>	<p>RB Zaxus</p>
<ol style="list-style-type: none"> <li>1. No fences, walls, or other obstructions shall be placed or constructed across or within public sanitary sewer easements.</li> <li>2. Each lot shall be served by a separate sewer service line.</li> <li>3. Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application.</li> </ol> <p><u>Additional Comments</u>:</p> <ol style="list-style-type: none"> <li>1. There is an existing active public sanitary sewer line and easement that are located within this property.</li> </ol>	<p>Wastewater  Management  Division</p>	<p>Stan Holland</p>



**1158 Harrison Road**  
**Rezone and Lot Split (Case #2012-58 and #2012-59)**

<p>Review comments are based on submittals received on May 16, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:</p> <ol style="list-style-type: none"> <li>1. The Developer shall dedicate to the City of Santa Fe, a pedestrian access easement, that measures 7.5 feet in width and extends from the southern boundary of Tract 10-A to the northern boundary of Tract 10-A along the eastern property line of Tract 10-A, (adjacent to Harrison Road).</li> <li>2. The Developer shall construct a 5 ft. wide sidewalk per Santa Fe City Code Article 14-9.2(E) along the eastern boundary of the proposed Tract 10-A, Lot 1 (lot with the existing residence) or provide the City of Santa Fe with a financial guarantee to cover the cost of sidewalk placement prior to recordation of the Lot Split plat.</li> <li>3. The Developer of Tract 10-A, Lot 2 shall be required to construct a sidewalk at the time of building permit application.</li> </ol>	<p>Traffic Engineering</p>	<p>Sandy Kassens</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------	----------------------

DATE: May 24, 2012  
TO: Donna Wynant  
Case Manager  
FROM: Risana B "RB" Zaxus, PE  
City Engineer for Land Use Department  
RE: 1158 Harrison Road Rezoning and Lot Split  
Cases # 2012-58 and # 2012-59

---

Below are comments for the 1158 Harrison Road Rezoning and Lot Split. These comments are based on the proposed Lot Split Plat prepared by Rick Chatroop.

The project is not within the Escarpment Overlay District nor the Mountainous and Difficult Terrain Boundary.

Floodplain

The lot does not contain floodplain property, and the floodplain status is shown correctly for the current effective FIRM. However, a statement must be added to the Plat regarding the floodplain status based on the February 17, 2011 Preliminary DFIRM.

Address

Obtain address for new lot. Contact Marisa Struck, Planner Technician Senior (955-6661) for addressing. Show addresses on the Plat.

**DATE:** July 17, 2012  
**TO:** Donna Wynant  
Case Manager  
**FROM:** Risana B "RB" Zaxus, PE  
City Engineer for Land Use Department  
**RE:** 1158 Harrison Road Rezoning and Lot Split  
Cases # 2012-58 and # 2012-59

---

Below is an additional review comment for the 1158 Harrison Road Rezoning and Lot Split, to be considered a condition of approval:

Drainage Easement: Provide a 10' wide drainage easement along the south side of proposed Lot 2, for possible future drainage improvements.



# MEMO

## Wastewater Management Division DEVELOPMENT REVIEW COMMENTS

### E-MAIL DELIVERY

Date: May 31, 2012

To: Donna Wynant, Case Manager

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

Subject: Case 2012-058 & 59 Harrison Road Rezoning and Lot Split

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#### The subject properties are accessible to the City sanitary sewer system:

Connection to the City sewer system is mandatory and shall be made prior to any new construction on the lot. Additionally, the following notes shall be included on the plat:

1. No fences, walls, or other obstructions shall be placed or constructed across or within public sanitary sewer easements.
2. Each lot shall be served by a separate sewer service line.
3. Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application.

#### Additional Comments:

1. There is an existing active public sanitary sewer line and easement that are located within this property.

# City of Santa Fe, New Mexico

## memo

**DATE:** June 22, 2012  
**TO:** Donna Wynant, AUCP, Senior Planner  
**FROM:** Randall Marco  
**SUBJECT:** Case #2012-58 & 59: 1158 Harrison Road, Rezoning & Lot Split

---

No solid waste issues at this time.

EXHIBIT B-3

Revised draft memo

# City of Santa Fe, New Mexico

# memo

**DATE:** May 25, 2012

**TO:** Donna Wynant, Planning and Land Use Department

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

**FROM:** Sandra Kassens, Traffic Engineering Division *SK*

**SUBJECT:** Jones LS and Rezone from R-2 to R-5 at 1158 Harrison Road. Case # 2012-58 & 59.

## ISSUE

Rick Chatroop, agent for Frederick & Norma Jones, requests rezoning of 0.667± acres of land from R-2 (Residential, 2 dwelling units per acre) to R-5 (Residential, 5 dwelling units per acre). They are also requesting a lot split of Tract 10-A into 2 parcels containing 0.483± acres and 0.183± acres. The property is located between Agua Fria Street and Cerrillos Road.

## RECOMMENDED ACTION:

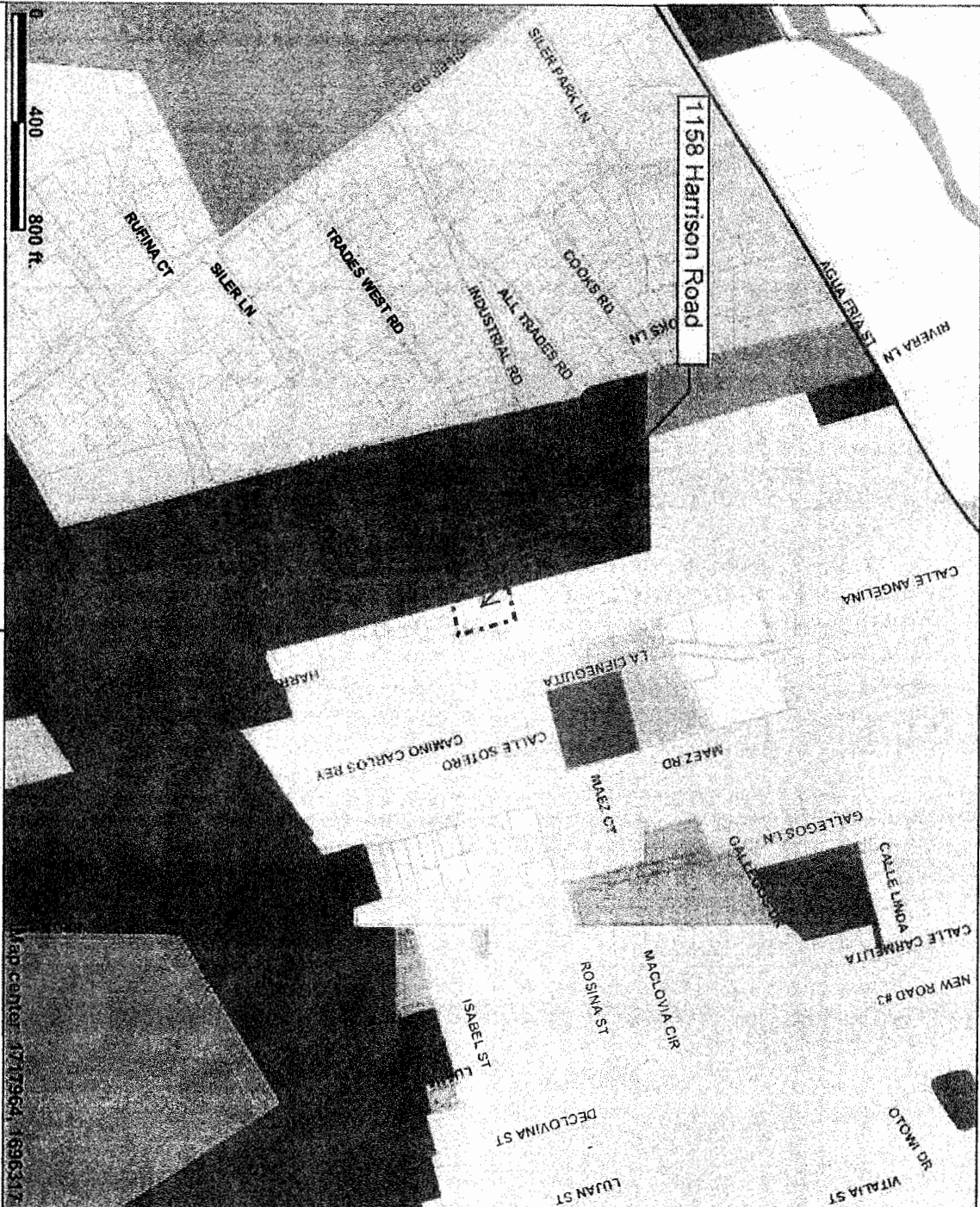
Review comments are based on submittals received on May 16, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:

1. The Developer shall dedicate to the City of Santa Fe, a pedestrian access easement, that measures 7.5 feet in width and extends from the southern boundary of Tract 10-A to the northern boundary of Tract 10-A along the eastern property line of Tract 10-A, (adjacent to Harrison Road).
2. The Developer shall construct a 5 ft. wide sidewalk per Santa Fe City Code Article 14-9.2(E) along the eastern boundary of the proposed Tract 10-A, Lot 1 (lot with the existing residence) or provide the City of Santa Fe with a financial guarantee to cover the cost of sidewalk placement prior to recordation of the Lot Split plat.
3. The Developer of Tract 10-A, Lot 2 shall be required to construct a sidewalk at the time of building permit application.

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

EXHIBIT *B4*

# Future Land Use

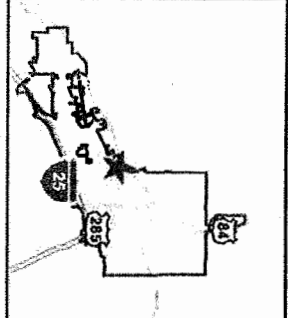


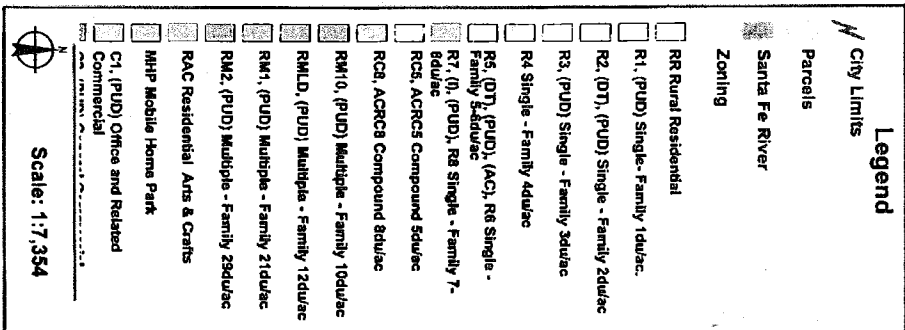
This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

**Legend**

- City Limits
- Parcels
- Santa Fe River
- Future Land Use
- Village of Agua Fria THC
- Greater Agua Fria Area
- Mountain/Corridor (1 dwelling per 10+ acres)
- Very Low Density (1-3 dwellings per acre)
- Low Density (3-7 dwellings per acre)
- Moderate Density (7-9 dwellings per acre)
- Medium Density (7-12 dwellings per acre)
- High Density (12-29 dwellings per acre)
- Regional Commercial
- Community Commercial

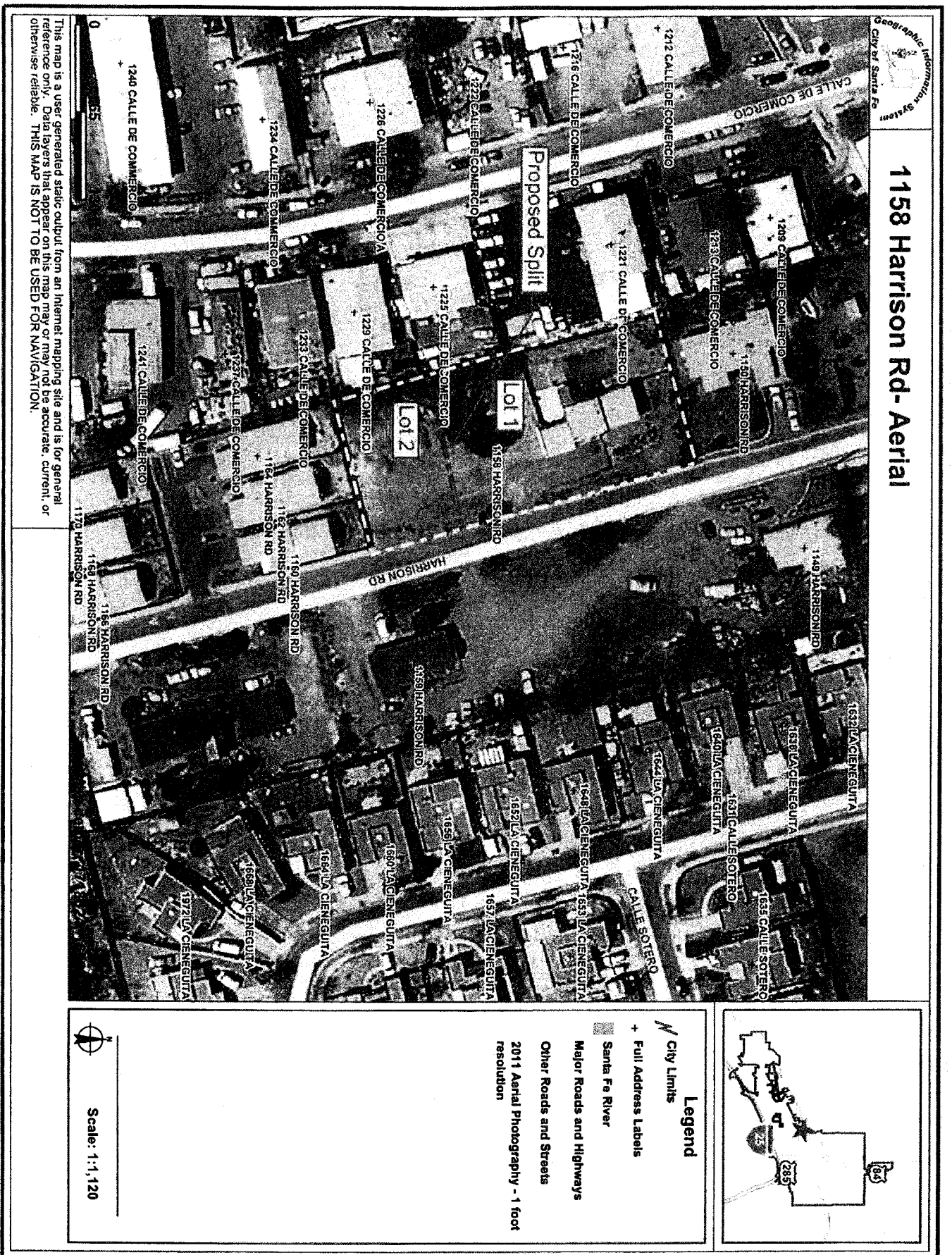
Scale: 1:6,801





Scale: 1:7,354







**EARLY NEIGHBORHOOD NOTIFICATION  
MEETING NOTES**

**Project Name:**

1158 Harrison Road Lot Split and Rezone

**Project Address:**

1158 Harrison Road

**Project Description:**

Lot Split and Rezone from R2 to R5

**Agent:**

Rick Chatroop

**Applicant/Owner:**

Fred and Norma Jones

**Pre-application Meeting Date:**

March 8, 2012

**ENN Meeting Date:**

**ENN Meeting Location:**

La Cieneguita Center – 1601 La Cieneguita Unit A

**ENN Meeting for (application type):**

Lot Split and Rezone

**Staff:**

Donna Wynant

**Notes/Comments:**

The applicant, Fred & Norma Jones, and their agent Rick Chatroop were in attendance. The two neighbors to the site had basic questions regarding the proposal and appeared to be in support of the rezoning and lot split.



## ENN GUIDELINES

### Applicant Information

Project Name: FREDERICK & NORMA JONES

Name: JONES FREDERICK D

Address: 1158 HARRISON Rd M.I.

Street Address: SANTA FE Suite/Unit #: NM 87507

City: SANTA FE State: NM ZIP Code: 87507

Phone: (505) 690 2410 (505) 626-1115 E-mail Address: NORMA JONES 2001 @ YAHOO.COM

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 2001, 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 the criteria, consult the Land Development Code.

(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS For example: number of stories, average setbacks, mass and scale, landscaping, lighting, access to public places, open spaces and trails.

THIS WILL BE AN EMPTY LOT. NO CONSTRUCTION IS PLANNED

(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.

ALL TREES, OPEN SPACE WILL BE MAINTAINED BY MYSELF AS THE BOUNDARIES THAT BORDER THIS PROPERTY (ALREADY MAINTAINED BY US) WILL BE CREATED.

(c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.

THIS SHOULD NOT IMPACT ANY SITES OR STRUCTURES.

(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.

IF ANYTHING THIS MAY TIE IN THIS SIDE OF THE ROAD TO BE MORE PLEASING TO THE EYE (IF DEVELOPED)

(e) EFFECTS ON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES 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.

THIS SHOULD NOT IMPACT AT ALL

(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.

IF DEVELOPED JOBS WILL BE CREATED

(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.

THERE IS AFFORDABLE HOUSING BUILT NEXT TO THIS LOT

(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.

ALL PUBLIC SERVICES ARE AVAILABLE  
SHOULD NOT IMPACT ANYTHING

**(i) IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS** *For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.* **NO IMPACT.**

**(j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS** *For example: how the project improves opportunities for community integration and balance through mixed land uses; neighborhood centers and/or pedestrian-oriented design.*

**NO EFFECTS**

**(k) EFFECT ON 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? Discuss the project's effect on intra-city travel and between employment and residential centers.* **NO IMPACT**

**(l) ADDITIONAL COMMENTS (optional)**

City Planning and Review  
Santa Fe City  
William Lamboy  
Senior Planning Tech

May 14th, 2012

Dear William:

On behalf of Frederick and Norma Jones, I am submitting the following Rezoning & Lot split of tract 10A for review and approval. These lots lie on Harrison Road within projected Section 33, T17N, R9E, NMPM, City of Santa Fe, New Mexico. And contains 0.667 acres which we are proposing to Rezone to R5 from the existing R2 and create one 0.483 acre lot and one 0.183 acre lot at this time.

Approval Criteria

- 1(a) (ii) With the recent approval of a R5 subdivision on the northwest side of Harrison and the existing R6 zoning on the northeast side of Harrison together with existing R5 ½ block to the east and R7 being the south adjoiner, with I7 as the west adjoiner only a few R2 designated parcels exist along Harrison Rd. which indicates a change in the surrounding area and neighborhood character to seek the zoning change from R2 to R5.
- 1(b) there are no non-conforming structures or uses of the subject property, which currently meets the requirements of chapter 14 for rezoning
- 1(c) the density of the subject property is in line with the proposed zone change for current and future land use.
- 1(d) the proposed Development is sufficient for future growth and provides in-fill along the lines of current city policy.
- 1(e) Harrison Rd. is a city R.O.W. and existing city & public utilities adjoin the subject property and all public facilities will accommodate the minimal impact of this change.

This property lies within R2 zoning which a new R5 zoning is proposed and contains one residential unit which will be within the 0.483 Acre lot (21,058 sq.ft.), the new lot will contain 0.183 acres (7,981 sq.ft.) which is in compliance With the R5 minimum lot size.

Thank you for your consideration.

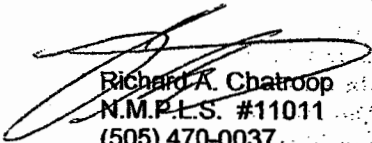
  
Richard A. Chatroop  
N.M.P.L.S. #11011  
(505) 470-0037

EXHIBIT E-1

Exhibit E-2  
32

**1158 Harrison Road**  
**Case #2012-58: Rezone R-2 to R-5.**  
**Case #2012-59: Lot Split**



**View of existing house.**



**View of property to the south of site.**



**View of Harrison Road, looking south. Subject site on the right.**



*Commissioner Harris moved to approve Findings/Conclusions for Case #2012-46 – 424 Acequia Madre Lot Split, seconded by Commissioner Lindell, motion carried by unanimous voice vote.*

*Commissioner Villarreal moved to approve Findings/Conclusions for Case #2012-45 – 424 Acequia Madre Rezoning to RC8-AC, seconded by Commissioner Lindell, motion carried by unanimous voice vote.*

#### **F. OLD BUSINESS**

None

#### **G. NEW BUSINESS**

1. **Case #2012-58. 1158 Harrison Road Rezoning from R-2 to R-5.** Rick Chatroop, agent for Frederick & Norma Jones, requests rezoning of 0.67± acres from R-2 (Residential, 2 dwelling units per acre) to R-5 (Residential, 5 dwelling units per acre). The property is located between Agua Fria Street and Cerrillos Road on Harrison Road. (Donna Wynant, Case Manager) **(POSTPONED FROM JULY 5, 2012)**

Ms. Wynant: This is a two part case to rezone from R-2 to R-5 and a lot split. *(Refers to Exhibits included in packet)*. The location is to the east and the surrounding area is a variety of zoning districts. One thing that has not changed is the R6 mixed use at Harrison and Agua Fria. *(Aerial photo showing surrounding development)*. The applicant would like to split the remaining area for future development of a new home. We did get a late communication from the City Engineer and I met with David Catanach and we found out there were some drainage issues there. With a good hard rain you can see some ponding. It was called to our attention and according to the memo it was decided that one way to take care of that issue is to put into place an easement to catch water and direct it to the west. It would take care of water issues that are bound to happen. After discussion with the applicant, I believe this is agreeable. Some of the fencing is where the future easement would be for future improvements. *(Shows illustration and speaks of drainage issues)*. There is an arroyo which would carry the water and take care of the problem in the future. Staff is in support of his request. There have been enough changes in that area to justify the higher zoning. They need the R5 in order to split that property into two lots.

Chair Spray: Please have the record show that Commissioner Bordegaray is now present.

**Mr. Richard Chatroop – 110 Wagon Trail Road, Cerrillos, NM.**

We have met with staff members and I spoke with David Catanach and clarified the easement on the south edge of 10 feet. Ms. Jones is in agreement of that. The sidewalk on the existing lot and proposed lot will be accommodated. Everyone is in agreement with all conditions.

Chair Spray: This is a public hearing. Is there anyone from the public wishing to speak on this issue?

**No interested party, therefore, the public portion is closed.**

Commissioner Harris: In reviewing the packet I didn't think I had any questions. However, for clarification – if this is approved and the 10' drainage easement is created, who would make the improvements and who would maintain them?

Ms. Wynant: This is something that would be in place – there is a legal mechanism to provide for the infrastructure to carry that water. We asked David Catanach what type of improvements would be required. He said the City would put in that infrastructure in the future. It would be done at the time of building permit and it would be at the cost of the City. He wants to make sure the easement is in place. There is so much water coming into the area that it is best to direct it to the existing drainage facility. So it would be at the cost to the City.

Commissioner Harris: Who would be responsible for maintenance?

Ms. Wynant: I am not sure about that. We did look at the area and what David Catanach said is they have to make sure it is clear of debris. I believe it is the property owner.

Ms. Baer: If the City is putting in the facilities I believe the City is responsible for maintenance. But we can check and get back to you.

Mr. O'Reilly: The easement is granted to the City for drainage and the City would be responsible for infrastructure and maintenance.

Commissioner Harris: The timing would be determined by the City?

Mr. O'Reilly: That's correct.

Commissioner Ortiz: I recollect any time that there was a need for drainage, we tried to put that burden back on the developer for infrastructure and improvements – but I always thought the developer would do any improvements that needed to be made and they would take responsibility for that. That was the policy way back. That is the one thing I thought of in this particular case. I had a follow up on the conditions of approval on page 2 of 2. Number 2 says "The Developer shall construct a 5 ft. wide sidewalk, or provide the City of Santa Fe with a financial guarantee to cover the cost... prior to recordation of the Lot Split plat." If it is a financial guarantee what kind of time frame is it before that sidewalk is put in place and is it done by the City of Santa Fe?

Ms. Wynant: I cannot answer that question. I will defer to Ms. Baer or Mr. O'Reilly. I did talk with the Traffic Engineering Division and we wanted to make sure sidewalks are put into place as development occurs. We wanted to give them some flexibility as to

when they absolutely had to do that. They can either do it now or make a financial guarantee so we would have a continuous sidewalk.

Mr. O'Reilly: When there is no development we do not require that sidewalks be installed until they come in for building permits. If this was a larger development we would require a financial guarantee. The drainage facility – you are correct – if a development is being done and excess runoff is being created by that development the developer is responsible for maintaining. This is city drainage water coming from offsite so it is the responsibility of the city. That is why the city would be responsible for those pipes and any work.

Commissioner Ortiz: I remember that now. You will have less water on this now as the improvements on Cerrillos Road have helped this dramatically. The reason I asked on the financial guarantee is I remembered them doing that in the past but sometimes it never got built and I wonder where the money went. Is there a special fund for that?

Mr. O'Reilly: You are correct, that did sometimes happen. We have seen a vacant lot with no sidewalk. Up until recently the Vista Primera subdivision had situations like that. In relatively modern times at the City those sidewalks had financial guarantees. When the development is complete and the city is required to accept the final development we are sometime asked to keep the guarantee. We may go along with something like that. If it may be 20 years before the homes are to be completed we don't want the residents to go without sidewalks that amount of time. It can be made a condition that sidewalks are built now. It would be up to this Commission. I do not think our staff is uncomfortable with the conditions recommended.

Commissioner Lindell: On Lot 1 could that, if this rezoning happens, be split again?

Ms. Wynant: Yes, it is up for review for a lot split into two lots. If there is a request for another split that would be regarded as a serial subdivision and we would put a note on the actual plat that this cannot exceed two lot units within a certain time frame. The R5 could potentially yield a higher density. What they are asking for is two lots and that is what is up for review. The restriction will be on the plat. This is in line with the surrounding zoning.

Ms. Baer: The density that would be allowed on the entire property would allow for 3 separate lots. The new amendment as of March 1, 2012, we have defined and put a time limit on when another lot could be split without creating a serial subdivision - that is 5 years. They could request before 5 years but they would then have to go through the entire subdivision rather than lot split process. It would require preliminary and final subdivision design.

Commissioner Lindell: Would that bring forward affordable housing requirements?

Ms. Baer: That starts with the construction of 2 new units. Santa Fe Homes Program applies after 2 new constructions.

Commissioner Bemis: The view of the property on the south side – what are the piles of dirt?

Ms. Wynant: Those are piles of dirt – I will have to defer to the applicant to give background on that. I think there has been some filling.

Commissioner Pava: If we approve the zone change is there any change with the zoning regulations regarding the kind of single homes that can be on the lot? Can a manufactured home be placed on the lot?

Ms. Wynant: Yes, that is possible to do a manufactured home. There are certain setbacks and restrictions. A mobile home is a different story but a manufactured home is allowed.

Commissioner Pava: So we have affordable housing?

Ms. Wynant: It could qualify.

Commissioner Bordegaray: In some areas of the city is manufactured housing not allowed? Is that a particular zoning category?

Mr. O'Reilly: Manufactured homes are allowed anywhere except historical districts.

Chair Spray: About Chapter 14 zoning criteria, can we be specific about the reason for your proposal for the rezoning change? We would say we recommend the change based on a certain portion of the law. The primary reason is under Section C1A2 – there has been a change in the surrounding area – would you say that would be the primary reason for making a recommendation to approve the zoning change?

Ms. Wynant: That would be the primary reason that there have been enough changes in the area. It is a drastic shift in that area to Harrison Road. That would, yes, be the primary reason.

Chair Spray: When I see your map (Ex. C2) where we had R2 changing to R6 – what about the R7 – was that a recent change?

Ms. Wynant: I do not know how long that dates back. I believe it is a recent development.

Chair Spray: Is there a particular reason why the R2 was stripped in there between all these R5s and industrial use?

Ms. Baer: A lot of the zoning assigned was based on what was there. There was no great analysis that went into that.

Chair Spray: I take it very seriously and assume someone has thought it through. It seems to me that every time we make a change we open a door to another change. Is that really how we want to develop? We continue to change the character of the neighborhood and it should not be done on an *ad hoc* basis.

Mr. O'Reilly: There has been some thought about what this area should be. It is part of the General Plan in the city's land use map. The plan calls for R3-R7. Further, if you look at Ex. C2 you see the preponderance of R5. It may seem to the committee that because we receive requests one at a time it seems piece meal, but it has been planned in the General Plan to be zoned R3 – R7. There has been very few times that the city has initiated a large rezoning of areas in town. It was done at Juanita Street when it was changed from R1 to R8.

Chair Spray: When we are making our decision is future land use proposal part of the criteria that we should use in making these decisions?

Mr. O'Reilly: Criteria in the staff report under Section C, Item 3, calls for a different use. Future land use map is part of our General Plan. In addition to Item C1A2 there is also C1A3. How things change in the community over time is something that the planning commission becomes aware of. Your recommendation one way or the other is your acknowledgement when it goes before council. If you feel that making this additional change further validates those changes – you are the Planning Commission and you get to make those decisions.

Chair Spray: Part of my feeling is that people of the neighborhood have been able to have input and it is incumbent of all of us to say the plan is good and we think it fits and for the rest of you it can still work and not be difficult for the rest of you.

Mr. O'Reilly: Zoning is to protect property values. People have an expectation of stability on what is going to happen around them. The future land use map is an idea of how an area can develop. That is why a General Plan amendment is not a part of this application. This complies without a General Plan. If they wanted to rezone to R21 it would be a different thing.

Commissioner Bordegaray: This is the system working. This is our General Plan where thought was given and this change is consistent with that. I appreciate your thoughts on this and the idea that piecemeal change can contribute to an erosion of the neighborhood character. Such a change actually makes sense. This is an industrial area and it is hard to blend areas after the fact. If this brings more residential development to the area it improves the neighborhood character. This is the voice of planning coming through.

***Motion by Commissioner Villarreal to approve case 2012-58 – 1158 Harrison Road Rezoning from R-2 to R-5 with staff conditions, seconded by Commissioner Pava, motion passes by unanimous voice vote.***

CITY NUMBER	DATE
CITY COMMISSION FOR LAND USE	DATE
CITY OF SANTA FE APPROVAL,	
NOTES AND CONDITIONS:	
APPROVED BY THE CITY OF SANTA FE PLANNING COMMISSION AT THEIR MEETING ON _____, 2017, AS ORDERED BY _____.	
PLANNING COMMISSION OVERSIGHT	DATE
PLANNING COMMISSION RESOLUTION	DATE

[illegible]

RECEIVED A CHAIRMAN, A NEW METHOD PROFESSIONAL, SINCERITY  
HE, I USED TO BE A CHAIRMAN, A NEW METHOD PROFESSIONAL, SINCERITY  
FIELD QUALITY PROGRAM. AND IT'S BASED, WERE PRODUCED BY THE  
SIGNED MY DIRECTION. ON FEB. 20TH, 2012. THAT I AM RESPONSIBLE FOR  
THE BEST METHOD AND THAT IT'S THE SAME STANDARD FOR SOMEONE  
IN THE METHOD AND IS TRUE AND CORRECT TO THE BEST OF MY  
KNOWLEDGE AND BELIEF.

**FORWARD A CHAIRTOP** **NUM.P. 9/11 D1**

**FREDERICK & NORMA JONES**

LYING WITHIN THE CITY AND COUNTY OF

# FRAC 10-A

FOR

**RICK CHATROOP**

# PROFESSIONAL LAND SURVEYOR

(b6) 470-0657 110 WAGON TRAIL BL. CERRILLOS, N.M. 85115

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LYING WITHIN THE CITY AND COUNTY OF  
SANTA FE NM

NAME \_\_\_\_\_



**CITY COUNCIL MEETING OF  
SEPTEMBER 12, 2012  
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION  
BY MEMBERS OF THE GOVERNING BODY**

<b>Mayor David Coss</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
Wurzbarger	AN ORDINANCE RELATING TO THE ESTABLISHMENT OF THE CITY OF SANTA FE INTERNAL AUDIT DEPARTMENT; ORDAINING A NEW ARTICLE 2-22 SFCC 1987.	Finance – 9/18/12 Council (request to publish) – 9/24/12 Council (public hearing) – 10/30/12
<b>Councilor Patti Bushee</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
Calvert	A RESOLUTION AMENDING TABLE 22 OF THE IMPACT FEES CAPITAL IMPROVEMENT PLAN FOR PLANNED MAJOR ROAD IMPROVEMENTS TO INCLUDE THE CAMINO DE LAS CRUCITAS BICYCLE AND PEDESTRIAN IMPROVEMENTS PROJECT FOR FUNDING IN THE AMOUNT OF \$400,000.00.	Public Works – 9/24/12 Finance – 10/1/12 Council – 10/10/12
Calvert	A RESOLUTION IN SUPPORT OF DEFOURI AND GUADALUPE STREET BRIDGE IMPROVEMENTS FUNDED THROUGH A MUNICIPAL ARTERIAL PROGRAM COOPERATIVE AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION.	Public Works – 9/24/12 Finance – 10/1/12 Council – 10/10/12
<b>Councilor Chris Calvert</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Bill Dimas</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>

<b>Councilor Carmichael Dominguez</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
	AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987 REGARDING AIRPORT ROAD; CREATING A NEW SECTION 14-5.11 SFCC 1987 TO ESTABLISH AN AIRPORT ROAD OVERLAY DISTRICT AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY.	Planning Commission – 10/4/12 Public Works – 10/9/12 Council (request to publish) – 10/12/12 Council (public hearing) – 11/14/12
	A RESOLUTION DIRECTING STAFF TO EXPLORE THE OPTIONS FOR INCORPORATING HEALTHY FOOD ZONE LEGISLATION INTO THE AIRPORT ROAD OVERLAY DISTRICT ORDINANCE.	Planning Commission – 10/4/12 Public Works – 10/9/12 Council (request to publish) – 10/12/12 Council (public hearing) – 11/14/12
<b>Councilor Peter Ives</b>		
<b>Councilor Chris Rivera</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Ron Trujillo</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Wurzbarger</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>

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](mailto:mdbyers@santafenm.gov).



1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2012-\_\_\_\_**

3 **INTRODUCED BY:**

4 Councilor Patti Bushee

5 Councilor Chris Calvert

6  
7  
8  
9  
10 **A RESOLUTION**

11 **AMENDING TABLE 22 OF THE IMPACT FEES CAPITAL IMPROVEMENT PLAN FOR**  
12 **PLANNED MAJOR ROAD IMPROVEMENTS TO INCLUDE THE CAMINO DE LAS**  
13 **CRUCITAS BICYCLE AND PEDESTRIAN IMPROVEMENTS PROJECT FOR FUNDING**  
14 **IN THE AMOUNT OF \$400,000.00.**

15  
16 **WHEREAS**, on January 9, 2008, the governing body approved Resolution No. 2008-7  
17 adopting the development impact fees capital improvements plan for the city of Santa Fe; and

18 **WHEREAS**, Table 22 of the capital improvements plan included planned major road  
19 improvements, 2007-2012, specifying roads to be improved and eligible to receive impact fee funds;  
20 and

21 **WHEREAS**, proposed improvements, located along the north side of Camino de las Crucitas  
22 (Graham Avenue to Michelle Drive), include a bike lane/shoulder, curb and gutter, concrete sidewalk  
23 and an earth retaining wall to benefit a variety of users including vehicular, bicycle and pedestrian;  
24 and

25 **WHEREAS**, improvements will enhance capacity and safety of the roadway by providing

1 separate facilities for bicyclists and pedestrians while providing connectivity from residential and  
2 downtown areas to the Frank Ortiz Dog Park and the Northwest Quadrant La Tierra Trails network.

3 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
4 **CITY OF SANTA FE** that Table 22, page 23, "Planned Major Road Improvements 2007-2012" of  
5 the Impact Fees Capital Improvements Plan is amended to include the Camino de las Crucitas Bicycle  
6 and Pedestrian Improvements Project and be eligible to receive impact fee funding in the amount of  
7 \$400,000 for project construction.

8 PASSED, APPROVED, and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

9  
10  
11 \_\_\_\_\_  
12 DAVID COSS, MAYOR

13 ATTEST:

14  
15 \_\_\_\_\_  
16 YOLANDA Y. VIGIL, CITY CLERK

17  
18 APPROVED AS TO FORM:

19  
20 \_\_\_\_\_  
21 GENO ZAMORA, CITY ATTORNEY

22  
23  
24  
25 *M/Melissa/Resolutions 2012/Camino de las Crucitas*

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2012-\_\_\_\_\_**

3 **INTRODUCED BY:**

4 Councilor Patti Bushee

5 Councilor Chris Calvert

6  
7  
8  
9  
10 **A RESOLUTION**

11 **IN SUPPORT OF DEFOURI AND GUADALUPE STREET BRIDGE IMPROVEMENTS**  
12 **FUNDED THROUGH A MUNICIPAL ARTERIAL PROGRAM COOPERATIVE**  
13 **AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION.**  
14

15 **WHEREAS**, the City of Santa Fe applied for funds for improvements to the Defouri and  
16 Guadalupe Street Bridges ("Project") through the Municipal Arterials Program (MAP) administered  
17 by the New Mexico Department of Transportation (NMDOT); and

18 **WHEREAS**, the NMDOT awarded the City of Santa Fe \$150,000 in MAP project funding  
19 for Fiscal Year 2012/2013 for the Project and must enter into a cooperative project agreement with  
20 the NMDOT to receive this funding; and

21 **WHEREAS**, the MAP cooperative agreement, Project No. MAP-7649(901), CN L500056,  
22 requires a local match of \$50,000 (25%), to NMDOT state share of \$150,000.00 (75%).

23 **NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
24 **CITY OF SANTA FE** that the Governing Body supports the Project funded through a MAP  
25 cooperative project agreement with the NMDOT.

1       **AND BE IT FURTHER RESOLVED** that the City of Santa Fe shall accept responsibility  
2 for the Project; assumes the lead role in design development and construction of the Project; agrees to  
3 the terms, conditions, and certification and reporting requirements of the MAP cooperative project  
4 agreement; and assumes ownership, liability and maintenance responsibilities for all amenities related  
5 to the completion of the Project.

6       PASSED, APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2012.

7  
8 \_\_\_\_\_  
9       DAVID COSS, MAYOR

10    ATTEST:

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12 \_\_\_\_\_  
13    YOLANDA Y. VIGIL, CITY CLERK

14  
15    APPROVED AS TO FORM:

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17 \_\_\_\_\_  
18    GENO ZAMORA, CITY ATTORNEY

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24  
25    *M/Melissa/Resolutions 2012/Defouri Bridge(MAP)*

**CITY OF SANTA FE, NEW MEXICO**

**BILL NO. 2012-\_\_**

**INTRODUCED BY:**

Councilor Carmichael Dominguez

**AN ORDINANCE**

**RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987  
REGARDING AIRPORT ROAD; CREATING A NEW SECTION 14-5.11 SFCC 1987 TO  
ESTABLISH AN AIRPORT ROAD OVERLAY DISTRICT AND MAKING SUCH OTHER  
STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY.**

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

**Section 1. A new Section 14-5.11 SFCC 1987 is ordained to read:**

**14-5.11 [NEW MATERIAL] AIRPORT ROAD OVERLAY DISTRICT**

**(A) Purpose and Intent**

The purpose and intent of the Airport Road Overlay District is to:

- (1) Establish an attractive, street-oriented character on this multi-use corridor to encourage development and redevelopment on Airport Road;
- (2) Create a unique sense of place and identity for this major arterial that serves the southwest part of the city;
- (3) Promote a healthy and safe environment through the development of

walkable neighborhoods, less dependence on the automobile, street-oriented building design; and the reduction of crime, nuisances, and public health harms associated with alcohol sales and advertising.

**(B) District Boundaries**

The Airport Road Overlay District is established. The provisions of the overlay district shall apply to all property with frontage on the Airport Road right-of-way. The overlay district shall extend from the intersection of Airport Road and NM 599 to the intersection of Airport Road and Cerrillos Road.

**(C) General**

- (1) Unless otherwise specified, permitted uses and *development* standards within the Airport Road Overlay District shall conform to the requirements of the underlying zoning district of a property.
- (2) The *land use director* may permit alternate means of compliance when strict compliance with the provisions of this Section is not possible, or when alternate compliance satisfies the purpose and intent of the overlay district and meets or exceeds the requirements of this Section.
- (3) In the event of conflicts between the requirements of this Section and platted *building setbacks* or easements, the requirements of this Section shall apply.

**(D) Site Design, Circulation and Parking**

- (1) New construction or additions to existing buildings shall be oriented to Airport Road or to integral courtyards that shall be oriented toward Airport Road.
- (2) No more than one single-loaded row of parking is permitted adjacent to Airport Road.
- (3) A solid hedge, approximately three feet high at maturity or a *wall* three feet

high shall be used for *screening* any parking from view from Airport Road.

(4) New sidewalks adjacent to Airport Road shall be a minimum of six feet in width.

(5) Vehicular access shall be from the side or rear of the lot.

(6) New *nonresidential* site development shall have at-grade and accessible pedestrian connections to all buildings adjacent to Airport Road.

(7) Loading docks shall be located at the side or rear of buildings and shall be fully screened so that the equipment is not visible from the public right-of-way. The *screening* shall be integrated with the building architecture, materials and construction.

(8) Vehicular access between and among adjacent lots shall be provided where possible.

(9) Electrical transformers and water system hot boxes shall be screened from view of public roadways and sidewalks by walled enclosures or landscape *screening*. Water system hot boxes and *wall* mounted utility boxes shall be painted the same color as the building.

**(E) Architecture**

In addition to requirements found in 14-8.7 SFCC 1987, Architectural Design Review, the following provisions shall apply:

(1) The principal entrance to any new *building* shall be visible from Airport Road.

(2) Lot configuration permitting, the longest *façade* of all new buildings shall be aligned with Airport Road.

(3) No garage doors shall face Airport Road.

(4) Between thirty percent and sixty percent of the square-footage of any

1 building *façade* facing Airport Road or any abutting street shall be comprised  
2 of clear windows. Storefront glazing systems may be used to meet this  
3 requirement and shall not exceed fifty percent of the *façade*.

4 (5) A *façade* exceeding one hundred feet, measured horizontally, shall  
5 incorporate *wall* plane projections or recesses of at least twenty-four inches  
6 in depth encompassing at least fifty percent of the *façade* length.

7 (6) A *façade* exceeding one hundred feet, measured horizontally, shall be of at  
8 least two different colors or materials with each color or material applied to  
9 an entire projection or recess.

10 (7) Except when covered by a *portal* or other permanent shade structure,  
11 windows shall be recessed a minimum of eight inches.

12 (8) No portion of any *wall* facing Airport Road or any street shall extend more  
13 than twenty feet, measured horizontally, without openings. Doors, windows  
14 or display windows shall be considered openings.

15 (9) Rooftop equipment shall be fully screened so that the equipment is not  
16 visible from the public right-of-way. The *screening* shall be integrated with  
17 the building architecture, materials and construction.

18 (10) As of [*effective date of ordinance*] drive-through facilities are prohibited at  
19 restaurants. All other drive-through and *drive-in* facilities shall be located to  
20 the rear of *buildings*. Otherwise, the drive-through portion of the *building*  
21 shall be architecturally integrated to limit its visual impact and shall be  
22 *screened* from Airport Road by a masonry *wall*, not less than four feet high,  
23 measured from finish grade. *Wall* materials and colors shall complement the  
24 main building.

25 (F) **Landscape**



1 In addition to requirements found in 14-8.4 SFCC 1987, Landscape and Site Design,  
2 the following provisions shall apply:

- 3 (1) On-site storm water *detention* or *retention* facilities shall be integrated with  
4 landscape development on the site.
- 5 (2) Street trees shall be planted at a minimum of twenty feet on-center along the  
6 Airport Road property line. The same number of trees may be clustered or  
7 located elsewhere on the site in addition to any other required plant material.
- 8 (3) Required street trees shall be 2 ½ inches minimum caliper at time of planting  
9 and a minimum mature height of thirty feet.
- 10 (4) A minimum of thirty percent of required plant material shall be evergreen.

11 **(G) Signage**

12 In addition to the requirements found in 14-8.10 SFCC 1987, Signs, the following  
13 provisions shall apply:

- 14 (1) Pole signs are prohibited.
- 15 (2) Monument signs shall not exceed eight feet in height.
- 16 (3) Signs shall be set back a minimum of ten feet from any public right-of-way.
- 17 (4) *Wall* or *building* mounted signs shall not extend above the roofline or  
18 parapet.
- 19 (5) Roof mounted signs are prohibited.

20 **(H) Site Furnishings**

- 21 (1) A minimum of one bench per ten thousand gross square feet of building is  
22 required on the exterior of buildings and shall be located adjacent to the  
23 sidewalk, or to the building entrance, or to a public or private amenity  
24 provided by the development.
- 25 (2) At least one bench per development shall be shaded by a tree or a shade

structure.

(3) Where multiple benches are required, a trash receptacle shall be provided adjacent to one of the benches.

(4) All site furnishings, including bicycle racks, benches, trash receptacles and light fixtures, shall be of a coordinated design style and color.

**(I) Outdoor Lighting**

In addition to compliance with 14-8.9 SFCC 1987, Outdoor Lighting, the following provisions apply:

(1) Pole-mounted lights shall not exceed twenty feet in height.

(2) Building-mounted light fixtures shall not exceed twelve feet in height.

**(J) Incentives**

(1) Permit Fees

(a) Construction *permit* fees are waived for the following uses:

(i) Grocery stores

(ii) Farmer's markets

(iii) Medical practitioners including physicians, dentists, chiropractors, alternative medicine providers and clinics

(iv) Schools, day-care centers

(v) Recreational facilities including martial arts studios, dance studios, gymnasiums, fitness centers, aquatic centers, sports centers and miniature golf courses.

(b) Construction *permit* fees are reduced by fifty percent for the following uses:

(i) Restaurants, including bakeries, coffee shops, tea shops, and other shops selling food for on-site or take-away

consumption, without drive-through service, provided that  
food and beverage services constitute the primary use of the  
establishment

(ii) Adult day-care

(iii) Local arts and crafts studios, galleries and shops

(iv) Gift shops for the sale of arts and crafts

(v) Bookshops

(vi) Floral shops

(vii) Laundromats

(viii) Stores that commit a minimum of fifteen percent of the total  
floor area for the sale of fresh produce.

(2) Public Art; Active Play Opportunities.

Applicants for a *permit* for new construction, redevelopment or additions  
who provide public art or active play opportunities accessible to the public  
shall have their total construction *permit* fees reduced in an amount equal to  
the cost of the amenity provided.

**(K) Mobile Food Vendors**

(1) Purpose

The purpose of this Subsection is to support the efforts of local public  
schools by promoting the health of children by regulating the location and  
operation of *mobile food vendors* near public schools and public parks,  
libraries, youth centers and recreation centers.

(2) *Mobile food vendors* are prohibited within five hundred feet of public schools  
and public parks, libraries, youth centers and recreation centers.

**(L) Alcoholic Beverage Sales Activities**

- 1 (1) New alcoholic beverage sales activities are prohibited in the following  
2 locations:
- 3 (a) Within five hundred feet of an existing alcoholic beverage sales  
4 activity; and
- 5 (b) Within five hundred feet of any of the following:
- 6 (i) A public or private accredited school;
- 7 (ii) A public park, playground or recreational area;
- 8 (iii) A nonprofit youth facility;
- 9 (iv) A place of worship;
- 10 (v) A hospital;
- 11 (vi) An alcohol or other drug abuse recovery or treatment  
12 facility; and
- 13 (vii) A county social service office.
- 14 (c) A location where the new alcoholic beverage sales activity would  
15 lead to the grouping of more than four alcoholic beverage sales  
16 activities within a five hundred foot radius from the new alcoholic  
17 beverage sales activity.
- 18 (e) For the purposes of this Subsection, all measurements taken in order  
19 to determine the location of new alcohol sales activity shall be the  
20 straight-line distance from the property line of the alcohol sales  
21 activity to the property line of any of the following:
- 22 (i) A public or private accredited school;
- 23 (ii) A public park, playground or recreational area;
- 24 (iii) A nonprofit youth facility;
- 25 (iv) A place of worship;

- 1 (v) A hospital;
- 2 (vi) An alcohol or other drug abuse recovery or treatment
- 3 facility;
- 4 (vii) A county social service office; or
- 5 (viii) Other alcohol sales activities.
- 6 (2) No more than thirty-three percent of the square footage of the windows and
- 7 clear doors of an alcohol retail outlet shall bear advertising or signs of any
- 8 sort, and all advertising and signage shall be placed and maintained in a
- 9 manner that ensures that law enforcement personnel have a clear and
- 10 unobstructed view of the interior of the premises, including the area in which
- 11 the cash registers are maintained, from the exterior public sidewalk or
- 12 entrance to the premises. This requirement shall not apply to premises where
- 13 there are no windows, or where existing windows are located at a height that
- 14 precludes a view of the interior of the premises by a person standing outside
- 15 the premises.
- 16 (3) Outdoor advertising of alcoholic beverages is prohibited within five hundred
- 17 feet of any of the following:
- 18 (a) A public or private accredited school;
- 19 (b) A public park, playground or recreational area;
- 20 (c) A nonprofit youth facility;
- 21 (d) A place of worship;
- 22 (e) A hospital;
- 23 (f) An alcohol or other drug abuse recovery or treatment facility; and
- 24 (g) A county social service office.

1 Notwithstanding the foregoing, any restaurant with a beer and wine license  
2 may post outside its building but only on the property occupied by the  
3 restaurant, a copy of its menu, including beer and wine offered and their  
4 prices, in type no larger than any menu posted or provided to patrons inside  
5 the restaurant.

6 (4) Unless contained in packages of four or more, single serving containers of  
7 alcoholic beverages, in sizes of 8 ounces or less, shall not be sold or offered  
8 for sale in the Airport Overlay District.

9 (5) Each alcoholic beverage licensee who sells *alcoholic beverages* in unbroken  
10 packages for offsite consumption and not for resale off the licensed premises  
11 and whose sales are less than sixty percent of its total sales shall comply with  
12 the following regulations:

13 (a) All *alcoholic beverages* shall be consolidated in an *alcoholic*  
14 *beverage display area* located within a clearly designated and  
15 marked area of the licensed premises. No *alcoholic beverages* may  
16 be displayed or stored outside the designated *alcoholic beverage*  
17 *display area*; and

18 (i) Signs saying "Liquor Department – No One Under 21  
19 Unless Accompanied by Parent, Legal guardian or Adult  
20 Spouse" shall be conspicuously posted around the  
21 boundaries of the *alcoholic beverage display area*;

22 (ii) An employee of the licensee who is at least twenty-one years  
23 of age and has an alcohol server permit shall be responsible  
24 for the overall supervision of both the receiving and sale of  
25 *alcoholic beverages*, including supervision of the *alcoholic*

1 *beverage display area.* For purposes of this Subsection,  
2 “supervision” means the ability to observe who enters and  
3 leaves the *alcoholic beverage display area* and means  
4 actively checking identification of those who may be under  
5 the age of twenty-one years who attempt to enter the  
6 *alcoholic beverage display area.* The licensee shall  
7 designate employees within the licensed premises to serve in  
8 this capacity as part of their job description and shall ensure  
9 that such a designated employee is on duty on the licensed  
10 premises during alcoholic beverage sales hours; and

11 (iii) Small displays of chips, snacks, or similar items may be  
12 displayed for sale in the *alcoholic beverage display area* so  
13 long as those items are also available in other parts of the  
14 licensed premises outside the *alcoholic beverage display*  
15 *area.* Except for such small displays, displays of food or  
16 other merchandise that would require shoppers to enter the  
17 *alcoholic beverage display area* for food or other  
18 merchandise are not permitted; or

19 (b) Alternatively, *alcoholic beverages* shall be stored and displayed in  
20 such a manner that only the licensee’s employees have access to the  
21 *alcoholic beverages*, and the licensee’s employees shall deliver the  
22 *alcoholic beverages* to customers only at the point of sale; and

23 (c) The floor plan of the licensed premises shall be submitted to the *land*  
24 *use director* for review and approval. The *land use director* has the  
25 authority to require changes to the floor plan.

(i) The floor plan shall show the area where the alcoholic beverages are displayed within the licensed premises or show that only the licensee's employees have access to the *alcoholic beverages*.

(ii) The licensee shall notify the *land use director* at least ten business days prior to making any changes to the floor plan.

**(M) Severability**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The governing body hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, including those in any amendment to the Ordinance, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases may be declared unconstitutional.

**Section 2. Article 14-12 SFCC 1987 (being Ord. #2011-37, §15, as amended) is amended to include the following definitions:**

**ALCOHOLIC BEVERAGE DISPLAY AREA**

The portion of an alcoholic beverage licensee's premises in which all alcoholic beverages on display for sale are contained.

**ALCOHOLIC BEVERAGES**

Distilled or rectified spirits, potable alcohol, brandy, whiskey, rum, gin and aromatic bitters bearing the federal internal revenue strip stamps.

**MOBILE FOOD VENDOR**

Any person who sells food or beverages for human consumption via any temporary or readily transportable means, including from a mobile food facility, such as a catering truck, cart, pushcart,



wagon, trailer, or other wheeled conveyance; any portable table or stand; or on foot.

APPROVED AS TO FORM:

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GENO ZAMORA, CITY ATTORNEY

**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2012-\_\_\_\_**

**INTRODUCED BY:**

Councilor Carmichael Dominguez

**A RESOLUTION**

**DIRECTING STAFF TO EXPLORE THE OPTIONS FOR INCORPORATING HEALTHY  
FOOD ZONE LEGISLATION INTO THE AIRPORT ROAD OVERLAY DISTRICT  
ORDINANCE.**

**WHEREAS**, communities from across the Country have incorporated healthy food zones into their communities by giving incentives to lure supermarkets and farmers' markets to "food deserts," or encourage corner stores to stock fruits and vegetables and establishing "healthy food zones" near schools to ban the fast-food restaurants that so often tempt students to skip school meals; and

**WHEREAS**, on \_\_\_\_\_, 2012, the Governing Body adopted Ordinance No. 2012-\_\_\_\_ which established the Airport Road Overlay District in Section 14-5-11 SFCC 1987; and

**WHEREAS**, as part of the Airport Road Overlay District, the Governing Body desires to incorporate a healthy food zone to make it easier for the residents of the Airport Road area to buy fresh, nutritious food close to home, school, and work.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**

1 **CITY OF SANTA FE** that staff is directed to explore the options for incorporating healthy food zone  
2 legislation into the Airport Road Overlay District Ordinance. Such legislation shall include, without  
3 limitation, incentives to lure supermarkets, farmers' markets and healthy food restaurants to the  
4 Airport Road area and to encourage convenience stores to stock fruits and vegetables and to limit  
5 fast-food restaurants near schools.

6 PASSED, APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2012.

7  
8 \_\_\_\_\_  
9 DAVID COSS, MAYOR

10 ATTEST:

11  
12 \_\_\_\_\_  
13 YOLANDA VIGIL, CITY CLERK

14 APPROVED AS TO FORM:

15  
16 \_\_\_\_\_  
17 GENO ZAMORA, CITY ATTORNEY

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19  
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22  
23  
24  
25 *M/Melissa/Resolutions 2012/Airport Road Healthy Food Zone*

**CITY OF SANTA FE, NEW MEXICO**

**BILL NO. 2012-\_\_**

**INTRODUCED BY:**

Mayor David Coss

Councilor Rebecca Wurzbarger

**AN ORDINANCE**

**RELATING TO THE ESTABLISHMENT OF THE CITY OF SANTA FE INTERNAL AUDIT  
DEPARTMENT; ORDAINING A NEW ARTICLE 2-22 SFCC 1987.**

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

**Section 1. A new Article 2-22 SFCC 1987 is ordained to read:**

**2-22 [NEW MATERIAL] INTERNAL AUDIT DEPARTMENT**

**Section 2. A new Section 2-22.1 SFCC 1987 is ordained to read:**

**2-22.1 [NEW MATERIAL] Short Title.** Article 2-22 SFCC 1987 shall be cited as the  
"Internal Audit Department Ordinance".

**Section 3. A new Section 2-22.2 SFCC 1987 is ordained to read:**

**2-22.2 Findings; Purpose; Goals.**

**A.** The governing body finds that good governance, transparency and accountability are  
critical in the public sector for the effective and credible functioning of a healthy democracy, and in  
fulfilling the government's responsibility to citizens and taxpayers.

**B.** Transparent and reliable reporting and effective auditing in government serve to

1 promote accountability, enhance the effectiveness of government services to its citizens, and increase  
2 the public's confidence in their government.

3 C. The members of the governing body share a duty to insure that the actions of public  
4 officials, employees and contractors of the city are carried out in the most responsible manner  
5 possible and that city policies, budgets, goals and objectives are fully implemented.

6 D. To accomplish this, the city requires the services of an independent office to provide  
7 independent, objective assurance and review services designed to promote transparency,  
8 accountability, efficiency and effectiveness of city government.

9 E. The governing body does hereby establish the internal audit department, an  
10 independent city department of city government reporting to the city manager, which shall oversee  
11 the internal auditor and the functions hereby established.

12 F. The governing body also directs the finance department, in cooperation with the audit  
13 committee, to establish a job description, a code of ethics, internal audit plan of work guidelines,  
14 operating procedures and a departmental risk analysis.

15 **Section 4. A new Section 2-22.3 SFCC 1987 is ordained to read:**

16 **2-22.3 [NEW MATERIAL] Definitions.** For the purpose of this article, the following  
17 definitions shall apply unless the context clearly indicates or requires a different meaning.

18 *Auditees* mean the city related departments, programs, activities, agencies, vendors,  
19 contractors, employees, public officials or other city related entities affected by an audit or  
20 investigation.

21 *Committee* means the city of Santa Fe audit committee.

22 *Contractors* mean all city contractors.

23 *Internal auditor* means the internal auditor who is the head of the internal audit department.

24 *Employee* means a city employee.

25 *Official* means the mayor or a city councilor.

1       *Special audits* mean additional audits because the need for the audit was not foreseen.

2       **Section 5.       A new Section 2-22.4 SFCC 1987 is ordained to read:**

3       **2-22.4 [NEW MATERIAL] Creation of the Internal Audit Department; Resources;**  
4       **Staff.**

5       A.       The internal audit department is created as an independent office of city government.  
6       The internal auditor is the head of the internal audit department and shall report to the city manager.

7       B.       If necessary, the internal auditor shall recommend to the city manager for hire,  
8       employees for the efficient and effective administration of the internal audit department or may hire  
9       independent contractors for assistance.

10       C.       The city manager shall receive applications from candidates, interview candidates  
11       and select an internal auditor based on the candidates' integrity, capability for strong management and  
12       demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public  
13       administration, investigation, criminal justice administration or other closely related fields.

14       D.       In accordance with law, the city manager's publicly disclosable personnel matters  
15       relating to the internal auditor, such as hiring and termination of employment, shall be presented as  
16       information items to the \_\_\_\_\_ [*insert finance committee, governing body or audit*  
17       *committee or other*]. At the request of the chair of the \_\_\_\_\_ [*insert finance committee,*  
18       *governing body or audit committee or other*] or the city manager, any protected privileged personnel  
19       matters relating to the internal auditor may be presented to the \_\_\_\_\_ [*insert finance*  
20       *committee, governing body or audit committee or other*] in executive session in accordance with the  
21       New Mexico Open Meetings Act.

22       **Section 6.       A new Section 2-22.5 SFCC 1987 is ordained to read:**

23       **2-22.5 [NEW MATERIAL] Internal Auditor's Duties; Responsibilities; Authority;**  
24       **Administrative Subpoena Power.**

25       A.       If the internal auditor detects apparent or potential violations of law or apparent

1 instances of misfeasance or nonfeasance by an auditee, he shall report the irregularities in writing to  
2 the governing body via the finance committee, the auditee, the city manager, and the audit committee.  
3 If the irregularity is criminal in nature, the internal auditor shall immediately refer the irregularity to  
4 the appropriate prosecuting authority. If the irregularity warrants an investigation, audit, and/or  
5 special audit, then the internal auditor shall conduct an investigation, audit and/or special audit. The  
6 internal auditor shall not accept complaints related to discrimination or labor law matters, or other  
7 matters that are the subject of pending litigation.

8       B.       The internal auditor shall have the power to subpoena witnesses, administer oaths and  
9 require the production of records subject to the New Mexico Rules of Civil Procedure. In the case of  
10 a refusal to obey a subpoena issued to any person, the internal auditor may make application to any  
11 district court in the state that shall have the jurisdiction to order the witness to appear before the  
12 internal auditor and to produce evidence if so ordered, or to give testimony touching on the matter in  
13 question.

14       C.       The internal auditor shall adhere to generally accepted government auditing standards  
15 and the Institute of Internal Auditors' (IIA) international standards in conducting its work and will be  
16 considered independent as defined by those standards.

17       **Section 7.       A new Section 2-22.6 SFCC 1987 is ordained to read:**

18       **2-22.6 [NEW MATERIAL] Scope Of Audits.**

19       A.       The internal auditor is authorized to conduct the following audits:

20               (1) Based on a yearly internal audit plan developed in accordance with the internal  
21 audit plan of work guidelines;

22               (2) Forensic audits;

23               (3) Management audits; and

24               (4) Special audits of any auditees recommended by the city manager, the governing  
25 body and the audit committee.

1           B.     The goals of the audits conducted by the internal auditor are to independently  
2 determine whether:

3               (1)     The city, state or federal law authorizes the implemented activities and  
4 programs that are the subject of the audit;

5               (2)     The objectives intended by city, state or federal law are efficiently and  
6 effectively accomplished in the implementation of activities and programs;

7               (3)     The expenditure of funds was or is in compliance with applicable laws;

8               (4)     The revenues were or are properly collected, deposited and accounted for;

9               (5)     Resources, including funds, property and personnel, were or are adequately  
10 safeguarded, controlled and used in a faithful, effective and efficient manner;

11              (6)     Financial and other reports fairly and fully disclosed all information as  
12 required by law necessary to evaluate and ascertain the nature and scope of programs and  
13 activities;

14              (7)     Management established operating and administrative procedures and  
15 practices, accounting internal control systems and internal management controls were and are  
16 adequate and functioning as intended; and

17              (8)     City policies, budgets, goals and objectives were and are fully implemented.

18     **Section 8.     A new Section 2-22.7 SFCC 1987 is ordained to read:**

19     **2-22.7 [NEW MATERIAL] Reports.**

20           A.     The internal auditor, following the yearly internal audit plan, shall report all results of  
21 the audits, forensic audits, management audits and/or special audits to the governing body via the  
22 finance committee, the auditees, the city manager, and the audit committee. All audits shall contain  
23 the professional opinion of the internal auditor or the contract auditor concerning the financial  
24 statements issued by the auditees, or if the audit is a management audit, the report shall contain the  
25 professional conclusions of the auditor regarding the management activities audited.



1           B.       The internal auditor's audit reports shall include:

2                   (1)       A precise statement of the scope encompassed by the audit;

3                   (2)       A statement that the audit was performed in accordance with generally  
4                   accepted government auditing standards and IIA international standards;

5                   (3)       A statement that an examination for compliance with applicable laws,  
6                   policies and regulations was conducted, and a presentation of the findings associated with  
7                   that examination;

8                   (4)       A statement of significant audit findings, including a statement of the  
9                   underlying causes, evaluative criteria used and the current and prospective significance of the  
10                  findings;

11                  (5)       A statement that internal control systems were examined and a report of any  
12                  material weaknesses found in the internal control systems;

13                  (6)       Statements of response submitted by the auditees relevant to the audit findings;

14                  (7)       A concise statement by the auditees of the corrective actions previously taken or  
15                  contemplated as a result of the audit findings and a timetable for their accomplishment; and

16                  (8)       Recommendations for additional necessary or desirable action.

17       **Section 9.       A new Section 2-22.8 SFCC 1987 is ordained to read:**

18       **2-22.8 [NEW MATERIAL] Reporting.** The internal auditor shall, follow the internal audit  
19       plan, report to the governing body via the finance committee, the auditees, the city manager, and the  
20       audit committee regarding all audit activities, results, and conclusions. Depending on the type of  
21       audit, the Internal Auditor shall report more frequently when requested.

22       **Section 10.     A new Section 2-22.9 SFCC 1987 is ordained to read:**

23       **2-22.9 [NEW MATERIAL] Contract Auditors, Consultants, And Experts.** Upon  
24       approval by the city manager, the internal auditor may obtain the services of certified public  
25       accountants, qualified management consultants, certified fraud examiners, forensic auditors or other

1 professional experts necessary to perform the functions of the internal audit department. Contractors  
2 performing an audit shall not have any financial interest in the affairs of the auditees, officials or  
3 employees. The internal auditor shall coordinate and monitor auditing performed by persons under  
4 contract to the internal auditor.

5 **Section 11. A new Section 2-22.10 SFCC 1987 is ordained to read:**

6 **2-22.10 [NEW MATERIAL] Penalty; Cooperation; Retaliation Prohibited.**

7 A. All city officials, employees and contractors shall provide the internal auditor full and  
8 unrestricted access to all city offices, employees, records, information, data, reports, plans,  
9 projections, matters, contracts, memoranda, correspondence, electronic data, property, equipment and  
10 facilities and any other materials within their custody. At the internal auditor's request, an official,  
11 employee or contractor shall prepare reports and provide interviews. If an auditee, official, employee,  
12 vendor or contractor fails to produce the requested information, the internal auditor shall notify the  
13 city manager requesting his assistance in causing a search to be made and germane exhibits to be  
14 taken from any book, paper or record, written or electronic, excepting personal property. The city  
15 manager shall require the officials, employees, vendors or contractors to produce the requested  
16 information.

17 B. No person shall retaliate against, punish or penalize any other person for complaining  
18 to, cooperating with or assisting the internal auditor in the performance of his office.

19 C. Any official or employee who violates this Ordinance may be subject to discipline as  
20 may be specified in applicable city ordinances or any applicable collective bargaining agreement.

21 APPROVED AS TO FORM:

22  
23 \_\_\_\_\_  
24 GENO ZAMORA, CITY ATTORNEY

25 *M/Melissa/Bills 2012/Internal Audit Dept(JA9\_11\_12)*