



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MARCH 13, 2013
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 3-8-13 TIME 3:15 pm

SERVED BY

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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 – February 27, 2013
9. PRESENTATIONS
 - a) Employee of the Month for March 2013 – Matilda Shamy-Arguello, Wastewater Management Division. (5 Minutes)
 - b) Proclamation – Henry Romero, Public Works Project Administrator, Public Works Department, Facilities and Maintenance. (5 minutes)
 - c) Preliminary Economic Feasibility Assessment of a Publicly-Owned Electric Utility for the City and County of Santa Fe. (Nick Schiavo, Mitchel Stanfield, MSA Capital Partners and Mariel Nanasi, New Energy Economy) (5 minutes)
10. CONSENT CALENDAR
 - a) Request for Approval of Memorandum of Understanding – Consulting Services to Complete Comprehensive Solid Waste Management Assessment/Study; Santa Fe Solid Waste Management Agency. (Cindy Padilla and Lawrence Garcia)
 - 1) Request for Approval of Budget Adjustment – Solid Waste Management Fund.



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- b) Bid No. 13/12/B – City-Wide Office Supplies, Toner & Furniture; Various Vendors. (Robert Rodarte)
- c) Bid No. 13/13/B – City-Wide Miscellaneous Construction Tools & Hardware Supplies; Various Vendors. (Robert Rodarte)
- d) Request for Approval of Amendment No. 1 to Agreement Between Owner and Architect – Fire Station No. 4 Renovations and Additions; Riskin Associates Architecture. (Chip Lilienthal)
 - 1) Request for Approval of Budget Increase – Project Fund.
- e) Request for Approval to Proceed with Renovations of City Hall Council Chambers; In-House Crews and Outside Vendors. (Jason Kluck)
- f) Request for Approval of Grant Award – 2013 New Mexico Fire Protection Grant Council Communications Project for Fire Department; State Fire Marshal's Office. (Jan Snyder)
 - 1) Request for Approval of Budget Increase – Grant Fund.
- g) Request for Approval of Grant Agreement – Preservation Projects and Training for Historic Preservation Division; State of New Mexico Department of Cultural Affairs Historic Preservation Division. (David Rasch)
 - 1) Request for Approval of Budget Increase – Grant Fund.
- h) CONSIDERATION OF RESOLUTION NO. 2013-____. (Councilor Dominguez)
A Resolution Authorizing the City of Santa Fe to Enter into a Cooperative Project Agreement with the New Mexico Department of Transportation for Phase IIC of the Cerrillos Road Reconstruction Project. (Desirae Lujan)
 - 1) Request for Approval of a Cooperative Agreement – Cerrillos Road Construction Project, Phase IIC, from Camino Carlos Rey to St. Michael's Drive/Osage Avenue; New Mexico Department of Transportation.
 - 2) Request for Approval of Budget Adjustment – Project Fund.



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- i) Request for Approval of Agreement – 2012/2013 Nutrition Service Incentive Program for Senior Services Division; North Central New Mexico Economic Development District Non-Metro Area Agency on Aging. (Ron Vialpando)
 - 1) Request for Approval of Budget Increase – Grant Fund.
- j) CONSIDERATION OF RESOLUTION NO. 2013-____. Councilor Bushee and Councilor Ives)
A Resolution Expressing Support for the Mandatory Labeling of Genetically Engineered Products so Consumers are Informed About the Potential Long-Term Risks of Genetically Engineered Products to Public Health and the Environment Which are Largely Unknown; and Directing Staff to Collaborate with Santa Fe County Staff to Explore the Options for Enacting City/County Legislation that Would Enact a Prohibition on the Propagating, Cultivating, Raising and Growing of Genetically Engineered Organisms and/or Enacting City/County Legislation that Would Provide for the Labeling of Food Sold in the City/County that Contains Genetically Engineered Material. (Katherine Mortimer)
- k) Request for Approval to Re-Establish, Advertise and Fill the Wastewater Management Division Director Position. (Brian Snyder)
- l) Mid-Year Review and Budget Process Update. (Dr. Melville Morgan)
- m) Annual Report Pursuant to Resolution No. 2011-3 Regarding the Programs and Performances Funded by the Professional Services Agreement Between the City of Santa Fe and the Lensic Performing Arts Center. (Sevastian Gurule)
- n) Request for Approval of Amendment No. 1 to Professional Services Agreement – Water Conservation Marketing and Outreach Plan and Implementation for Water Division; PK Public Relations. (Laurie Trevizo)
- o) Quarterly Staff Report on IPRA Requests and Responses Pursuant to Resolution 2012-49. (Bernadette Romero)



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- p) Request to Publish Notice of Public Hearing on April 10, 2013:

Bill No. 2013- 16: An Ordinance Relating to the Land Development Code, Airport Road Overlay District, Section 14-5.5(C) SFCC 1987; Creating a New Subsection 14-5.5(C)(6)(I) to Include a Provision for Commercial Recycling Containers; Amending Subsection 14-5.5(C)(12)(c) to Clarify the Applicability of Existing Building-Mounted Outdoor Advertising of Alcoholic Beverages, to Clarify the Packaging of Alcoholic Beverages of Eight Ounces or Less and Establishing the Effective Date of Such Packaging Provisions; and Making Such Other Stylistic or Grammatical Changes That Are Necessary. (Councilor Dominguez and Councilor Calvert) (Matthew O'Reilly)
- q) Request for Approval of the AAMODT Settlement and the Cost-Sharing and Systems Integration Agreement. (Marcos Martinez)
- 11. Bid No. 13/09/B – City-Wide Plumbing Supplies; Ferguson Company, Santa Fe Winnelson Co. , Dahl Plumbing and Big Jo True Value. (Robert Rodarte)
- 12. CONSIDERATION OF RESOLUTION NO. 2013-____. (Councilor Bushee, Councilor Ives and Councilor Calvert)
A Resolution Accepting the Earth Hour City Challenge of the World Wildlife Fund ("WWF") and Encouraging Governmental Entities, Businesses and the Residents of the City of Santa Fe to Participate in Earth Hour on March 23, 2013 at 8:30 p.m., WWF's Annual Campaign to Raise Awareness of Environmental Challenges. (Katherine Mortimer)
- 13. CONSIDERATION OF RESOLUTION NO. 2013-____. (Mayor Coss)
A Resolution Authorizing the Donation of "La Realidad de Las Capitulaciones" to the Fray Angélico Chávez History Library, New Mexico History Museum.
- 14. MATTERS FROM THE CITY MANAGER
- 15. MATTERS FROM THE CITY ATTORNEY

Executive Session:

- a) In Accordance with the New Mexico Open Meetings Act, §10-15-1(H)(7), NMSA 1978, Discussion of Pending Litigation in Which the City of Santa Fe is a Participant, Qwest Corporation v. City of Santa Fe, Cases No. 10-CV-00617 in the U.S. District Court for the District of New Mexico and No. D101CV2011-1131 in the First Judicial District Court for the State of New Mexico.



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- b) In Accordance with the New Mexico Open Meetings Act, §10-15-1(H)(5), NMSA 1978, Discussion of Collective Bargaining Negotiations Between the City of Santa Fe and All Bargaining Units Representing the Employees of the City of Santa Fe.
 - c) In Accordance with the New Mexico Open Meetings Act, §10-15-1(H)(7), NMSA 1978, Discussion of Pending or Threatened Litigation in Which the City of Santa Fe Is or May Become a Participant, and Consideration of Revisions to the Settlement Agreement and Mutual Release of Claims Between the City of Santa Fe and Santa Fe County Pertaining to Annexation.
- 16. Action Regarding Collective Bargaining Negotiations Between the City of Santa Fe and Bargaining Units Representing the Employees of the City of Santa Fe. (Robert Romero)
 - 17. Action Regarding Consideration of Revisions to the Settlement Agreement and Mutual Release of Claims Between the City of Santa Fe and Santa Fe County Pertaining to Annexation. (Robert Romero and Geno Zamora)
 - 18. MATTERS FROM THE CITY CLERK
 - 19. 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



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G. APPOINTMENTS

- Santa Fe Sister Cities Committee
- Bicycle and Trail Advisory Committee
- Children and Youth Commission

H. PUBLIC HEARINGS:

- 1) Santa Fe Tea House, LLC has Requested the Issuance of a Restaurant Liquor License (Beer and Wine on-Premise Consumption Only) to be Located at The Teahouse, 944 East Palace Avenue. (Yolanda Y. Vigil)
- 2) Request from the National Dance Institute of New Mexico (NDI New Mexico) for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Wine and Champagne at the NDI Dance Barns, 1140 Alto Street Which is Within 300 Feet of Aspen Community Magnet School, 450 La Madera. The Request is for NDI New Mexico's Annual Gala to be held on Saturday, May 4, 2013 from 5:00 p.m. to 11:00 p.m. (Yolanda Y. Vigil)
- 3) CONSIDERATION OF BILL 2013-08: ADOPTION OF ORDINANCE NO. 2013-____. (Councilor Bushee and Councilor Calvert)
An Ordinance Related to Camping on City Property; Amending Section 23-4.11 SFCC 1987 and Creating a New Section 23-4.12 SFCC 1987 to Prohibit Camping or Lodging in Parks, Unless a Permit is Obtained from the City; and Prohibiting Camping on All Other City Property. (Alfred Walker)
- 4) CONSIDERATION OF BILL NO. 2013-12: ADOPTION OF ORDINANCE NO. 2013-____.
Case #2012-104. Aguafina Rezoning to R-3. JenkinsGavin Design and Development, Agent for Aguafina Development, LLC, Requests to Rezone 5.89± Acres from R-1 (Residential, 1 Dwelling Unit Per Acre) to R-3 (Residential, 3 Dwelling Units Per Acre). The Property is Located South of Agua Fria Street and West of Calle Atajo, at 4702 Rufina Street and 4262 Agua Fria Street. (Heather Lamboy)

I. ADJOURN



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

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

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

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March 13, 2013**

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<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF RESOLUTION NO. 2013-24 A RESOLUTION AUTHORIZING THE CITY OF SANTA FE TO ENTER INTO A COOPERATIVE PROJECT AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR PHASE IIC OF THE CERRILLOS ROAD RECONSTRUCTION PROJECT	Approved	9
1) REQUEST FOR APPROVAL OF A COOPERATIVE AGREEMENT – CERRILLOS ROAD PROJECT, PHASE IIC, FROM CAMINO CARLOS REY TO ST. MICHAEL'S DRIVE/ OSAGE AVENUE; NEW MEXICO DEPARTMENT OF TRANSPORTATION	Approved	9
2) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – PROJECT FUND	Approved	9
CONSIDERATION OF RESOLUTION NO. 2013-25. A RESOLUTION EXPRESSING SUPPORT FOR THE MANDATORY LABELING OF GENETICALLY ENGINEERED PRODUCTS SO CONSUMERS ARE INFORMED ABOUT THE POTENTIAL LONG-TERM RISKS OF GENETICALLY ENGINEERED PRODUCTS TO PUBLIC HEALTH AND THE ENVIRONMENT WHICH ARE LARGELY UNKNOWN; AND DIRECTING STAFF TO COLLABORATE WITH SANTA FE COUNTY STAFF TO EXPLORE THE OPTIONS FOR ENACTING CITY/COUNTY LEGISLATION THAT WOULD ENACT A PROHIBITION ON THE PROPAGATING, CULTIVATING, RAISING AND GROWING OF GENETICALLY ENGINEERED ORGANISMS AND/OR ENACTING CITY/COUNTY LEGISLATION THAT WOULD PROVIDE FOR THE LABELING OF FOOD SOLD IN THE CITY/COUNTY THAT CONTAINS GENETICALLY ENGINEERED MATERIAL	Approved	10
***** END OF CONSENT CALENDAR DISCUSSION *****		
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CONSIDERATION OF RESOLUTION NO. 2013- 26. A RESOLUTION ACCEPTING THE EARTH HOUR CITY CHALLENGE OF THE WORLD WILDLIFE FUND ("WWF") AND ENCOURAGING GOVERNMENTAL ENTITIES, BUSINESSES AND THE RESIDENTS OF THE CITY OF SANTA FE TO PARTICIPATE IN EARTH HOUR ON MARCH 23, 2013, AT 8:30 P.M., WWF's ANNUAL CAMPAIGN TO RAISE AWARENESS OF ENVIRONMENTAL CHALLENGES	Approved	11-12
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<u>MATTERS FROM THE CITY ATTORNEY</u>		
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<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	16
PETITIONS FROM THE FLOOR		16-17
<u>APPOINTMENTS</u>		
Sister Cities Committee	Approved	17
Bicycle and Trails Advisory Committee	Approved	17-18
Children and Youth Commission	Approved	18
<u>PUBLIC HEARINGS</u>		
SANTA FE TEA HOUSE, LLC, HAS REQUESTED THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY), TO BE LOCATED AT THE TEAHOUSE, 944 EAST PALACE AVENUE (YOLANDA Y. VIGIL)	Approved w/conditions	18-19
REQUEST FROM THE NATIONAL DANCE INSTITUTE OF NEW MEXICO (NDI NEW MEXICO) FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF WINE AND CHAMPAGNE AT THE NDI DANCE BARN, 1140 ALTO STREET WHICH IS WITHIN 300 FEET OF ASPEN COMMUNITY MAGNET SCHOOL, 450 LA MADERA. THE REQUEST IS FOR NDI NEW MEXICO'S ANNUAL GALA TO BE HELD ON SATURDAY, MAY 4, 2013, FROM 5:00 P.M. TO 11:00 P.M.	Approved w/conditions	19-20
CONSIDERATION OF BILL 2013-08; ADOPTION OF ORDINANCE NO. 2013-11. AN ORDINANCE RELATED TO CAMPING ON CITY PROPERTY; AMENDING SECTION 23-4.11 SFCC 1987, AND CREATING A NEW SECTION 23-4.12 SFCC 1987, TO PROHIBIT CAMPING OR LODGING IN PARKS, UNLESS A PERMIT IS OBTAINED FROM THE CITY; AND PROHIBITING CAMPING ON ALL OTHER CITY PROPERTY	Approved	20-21

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL 2013-08: ADOPTION OF ORDINANCE NO. 2013-12. <u>CASE #2012-104.</u> AGUAFINA REZONING TO R-5. JENKINS GAVIN DESIGN AND DEVELOPMENT, AGENT FOR AGUAFINA DEVELOPMENT, LLC, REQUESTS TO REZONE 5.89± ACRES FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO R-5 (RESIDENTIAL 5 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF AGUA FRIA STREET AND WEST OF CALLE ATAJO, AT 4702 RUFINA STREET AND 4262 RUFINA STREET	Approved a/a w/conditions	21-35
MATTERS FROM THE CITY CLERK	None	35
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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
March 13, 2013**

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, March 13, 2013, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

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

Others Attending

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

6. APPROVAL OF AGENDA

Robert Romero said staff is asking to postpone Item 10(e) on the Consent Agenda, because a funding source has not yet been identified.

Councilor Wurzburger asked to add a new 9(d) under presentations for a special presentation to Theater Grottesco.

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

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

7. APPROVAL OF CONSENT CALENDAR

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

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

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

Against: None.

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, March 11, 2013, regarding Item 10(p) is incorporated herewith to these minutes as Exhibit "1."

- a) **REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING – CONSULTING SERVICES O COMPLETE COMPREHENSIVE SOLID WASTE MANAGEMENT ASSESSMENT/STUDY; SANTA FE SOLID WASTE MANAGEMENT AGENCY. (CINDY PADILLA AND LAWRENCE GARCIA)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – SOLID WASTE MANAGEMENT FUND.**
- b) *[Removed for discussion by Councilor Dominguez]*
- c) *[Removed for discussion by Councilor Dominguez]*
- d) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO AGREEMENT BETWEEN OWNER AND ARCHITECT – FIRE STATION NO. 4 RENOVATIONS AND ADDITIONS; RISKIN ASSOCIATES ARCHITECTURE. (CHIP LILIENTHAL)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND.**
- e) **REQUEST FOR APPROVAL TO PROCEED WITH RENOVATIONS OF CITY HALL COUNCIL CHAMBERS; IN-HOUSE CREWS AND OUTSIDE VENDORS. (JASON KLUCK)**
- f) **REQUEST FOR APPROVAL OF GRANT AWARD – 2013 NEW MEXICO FIRE PROTECTION GRANT COUNCIL COMMUNICATIONS PROJECT FOR FIRE DEPARTMENT; STATE FIR MARSHAL'S OFFICE. (JAN SNYDER)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**

- g) **REQUEST FOR APPROVAL OF GRANT AGREEMENT – PRESERVATION PROJECTS AND TRAINING FOR HISTORIC PRESERVATION DIVISION; STATE OF NEW MEXICO DEPARTMENT OF CULTURAL AFFAIRS HISTORIC PRESERVATION DIVISION. (DAVID RASCH)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- h) ***[Removed for discussion by Councilor Trujillo]***
- i) **REQUEST FOR APPROVAL OF AGREEMENT – 2012/2013 NUTRITION SERVICE INCENTIVE PROGRAM FOR SENIOR SERVICES DIVISION; NORTH CENTRAL NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT NON-METRO AREA AGENCY ON AGING. (RON VIALPANDO)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- j) ***[Removed for discussion by Councilor Bushee]***
- k) **REQUEST FOR APPROVAL TO RE-ESTABLISH, ADVERTISE AND FILL THE WASTEWATER MANAGEMENT DIVISION DIRECTOR POSITION. (BRIAN SNYDER)**
- l) **MID-YEAR REVIEW AND BUDGET PROCESS UPDATE. (DR. MELVILLE MORGAN)**
- m) **ANNUAL REPORT PURSUANT TO RESOLUTION NO. 2011-3, REGARDING THE PROGRAMS AND PERFORMANCES FUNDED BY THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF SANTA FE AND THE LENSIC PERFORMING ARTS CENTER. (SEVASTIAN GURULE)**
- n) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – WATER CONSERVATION MARKETING AND OUTREACH PLAN AND IMPLEMENTATION FOR WATER DIVISION; PK PUBLIC RELATIONS. (LAURIE TREVIZO)**
- o) **QUARTERLY STAFF REPORT ON IPRA REQUESTS AND RESPONSES PURSUANT TO RESOLUTION 2012-49. (BERNADETTE ROMERO)**
- p) **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON APRIL 10, 2013: BILL NO. 2013-16: AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, AIRPORT ROAD OVERLAY DISTRICT, SECTION 14-5.5(C) SFCC 1987; CREATING A NEW SUBSECTION 14-5.5(C)(6)(I) TO INCLUDE A PROVISION FOR COMMERCIAL RECYCLING CONTAINERS; AMENDING SUBSECTION 14-5.5(C)(12)(c) TO CLARIFY THE APPLICABILITY OF EXISTING BUILDING-MOUNTED OUTDOOR ADVERTISING OF EIGHT OUNCES OR LESS AND ESTABLISHING THE EFFECTIVE DATE OF SUCH PACKAGING PROVISIONS; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY (COUNCILOR DOMINGUEZ AND COUNCILOR CALVERT). (MATTHEW O'REILLY)**

- q) **REQUEST FOR APPROVAL OF THE AAMODT SETTLEMENT AND THE COST-SHARING AND SYSTEMS INTEGRATION AGREEMENT**

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – FEBRUARY 27, 2013

MOTION: Councilor Wurzbarger moved, seconded by Councilor Dimas, to approve the minutes of the Regular City Council meeting of February 27, 2013, 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 MARCH 2013 – MATILDA SHAMY-ARGUELLO, WASTEWATER MANAGEMENT DIVISION.**

Mayor Coss read the letter of nomination into the record, and gave Ms. Shamy-Arguello a plaque and a check for \$100 from the Employee Benefit Committee. He thanked her for her good work on behalf of the City.

Ms. Shamy-Arguello thanked everyone for this honor, saying she appreciates it very much.

- b) **PROCLAMATION – HENRY ROMERO, PUBLIC WORKS PROJECT ADMINISTRATOR, PUBLIC WORKS DEPARTMENT, FACILITIES AND MAINTENANCE.**

Mayor Coss read a Proclamation into the record declaring March 13, 2013 as Henry Romero Day in Santa Fe. He thanked him for his work with the City and wished him well in his retirement.

Mr. Romero said he has enjoyed working with the City, saying he met lots of good people, and thanked the City for this honor.

- c) **PRELIMINARY ECONOMIC FEASIBILITY ASSESSMENT OF A PUBLICLY-OWNED ELECTRIC UTILITY FOR THE CITY AND COUNTY OF SANTA FE. (NICK SCHIAVO, MITCHEL STANFIELD, MSA CAPITAL PARTNERS AND MARIEL NANASI, NEW ENERGY ECONOMY)**

Nick Schiavo introduced Mariel Nanasi, ED, New Energy Economy and Mitchel Stanfield, MSA Capital Partners.

Ms. Nanasi said she was given a contract by the RPA to hire a consultant to perform a preliminary economic feasibility study to study a different energy ownership and distribution scenario, particularly shifting from an investor-owned utility to a public power municipal utility. On behalf of New Energy Economy, she hired Mitchel Stanfield who has done a masterful, professional job. She noted there are materials in the packet, including the power point presentation. She said this analysis is consistent with the City of Santa Fe's Sustainable Santa Fe Plan and with the County's Sustainable Growth Management Plan and the County's 2008 Technical Feasibility Study.

Mr. Stanfield presented information in this matter via power point. A copy of the power point presentation is in the Council packet. Please see this document for specifics of this presentation.

Councilor Bushee said she appreciates the presentation, noting not a lot of money was paid for the study, and it is a conceptual study so the details are to be worked out. She is thrilled with the prospect of no coal or nuclear power, and 20% energy savings, and 45% renewable energy up from 20%, and 11.25% customer solar generation over the current 6% with PNM. She said the piece which needs more discussion is the initial start-up cost, as well as the protracted legal battle we might encounter in going against the utility. She would like to know what Dona Ana County spent battling El Paso Electric to come up empty handed. She said from a policy perspective, it is hard to continue to ask for things that you should be able to provide to the community, and that's where she still finds this an interesting concept. She said, as someone who has been around since we bought the Sangre de Cristo Water company, you can increase your projections on acquisition and operation, because you don't know what you will encounter. There are many positive prospects and reasons to look into this. She doesn't think it's a dead issue, but we would have to spend a lot of time talking to legal counsel and looking at the realities. She is hopeful as we move forward with community solar that PNM will be a partner.

Mr. Stanfield said none of them who have been involved in this work envision an appetite in the City or County for a long period of litigation with PNM over the acquisition of a distribution system. The experiment in Dona Ana County didn't work out for a variety of reasons. He isn't sensing an appetite to take on PNM to gain control of the system. He said the word we've been using is "collaborative" with the utility. He said the resources are significant, and if we can capture those to bring solar and wind to the community it is a victory.

Councilor Bushee said you can never underestimate the economic development prospects. She said here we are with sunshine 365 days of the year with space to do renewable energy plans, and yet here we sit, and the State isn't moving as fast as it should be. She said Santa Fe likes to be a leader and this is something we will kick around.

Mr. Stanfield said Santa Fe should be the leader in renewable energy.

Councilor Bushee thanked him for his efforts.

Councilor Wurzbarger thanked Councilor Calvert for sticking with it over the past 4 years, and said it is good to have some kind of analysis in terms of looking for options which is important. She thanked Councilor Calvert and Nick Schiavo for taking the leadership position.

Councilor Calvert said he appreciates her words, but this particular work is something the Energy Task Force contracted with New Energy Economy to do. He said that is where a lot of the thought went in, and there were people on the Energy Task Force, and staff at the City and the County who provided information and input and deserve credit for this study. He said we've been talking about this for a long time, the RPA and the Energy Task Force, and this starts to give us a better idea, definition and framework for further discussion on this issue.

d) THEATER GROTTESCO

Mayor Coss assisted by Councilor Wurzbarger, read a Proclamation into the record declaring March 15, 2013 as Theater Grottesco Day in Santa Fe, noting they are holding a Gala Friday night.

Councilor Wurzbarger thanked the Theater Grottesco for all they do.

Barbara Hatch and Janey Potts accepted the Proclamation on behalf of John Slack and Elizabeth Wiseman, two of the original founders of Theater Grottesco. On Friday, they have the Gala Opening Night Celebration of *Exquisite Absurdity – 30 years of looking forward*. They will be performing through April 7th and the following the two weeks they have some amazing international and national ensemble groups coming in to perform with them, and the CCA closes it out with a couple of performances as well. This runs March 15, through May 4, 2013. People can call 474-8400 for tickets. They thanked the Mayor and Council for the support year round by attending events, shows and support through the Santa Fe Arts Commission.

CONSENT CALENDAR DISCUSSION

10(b) BID NO. 13/12/B – CITY-WIDE OFFICE SUPPLIES, TONER & FURNITURE; VARIOUS VENDORS. (ROBERT RODARTE)

Councilor Dominguez said SFCS Supplies, Inc., is part of Santa Fe, but it got the resident preference and not the local preference, and asked the reason.

Mr. Rodarte said SFCS did not submit the required form specified in the bid packet and the only reason "I didn't put in there."

Councilor Dominguez asked the difference between the local and resident preference.

Mr. Rodarte said the local preference is 10% and it is a program through the City where you must be a resident business in Santa Fe County. The New Mexico resident preference was enacted to be effective 01/01/2012, through the State, which gives a New Mexico 5% preference.

Councilor Dominguez said then the resident preference is the State's definition of local preference.

Mr. Rodarte said this is correct and the reason it was given to Midway Office and Sandia Office which are both Albuquerque businesses which qualified.

Councilor Dominguez said SFCS qualified for New Mexico local but not Santa Fe local.

Mr. Rodarte said yes. SFCS did have the New Mexico Resident Preference form but not the local and the reason it appears here on this bid.

Councilor Dominguez said some time ago the warehouse was closed where employees could go and purchase supplies, and asked if we have a cost analysis to find out if this is a better system and more economical for the City.

Mr. Rodarte said, going back 4 years, when he went to management about closing it, he was looking at it going "this" way with the suppliers. It's more a "just in time" type of purchase where we can order at 4:00 p.m., and have it the next day, with the same pricing that we would have if it was in the warehouse. He said, "We had about \$155,000 in that warehouse. For the amount of volume we were doing, we would have to turn that inventory 14 times a year, and it didn't make sense. We had two employees working in the warehouse."

Councilor Dominguez said then they couldn't keep up with demand.

Mr. Rodarte said, "No. No. No. Only 80% of the total sales out of the warehouse constitutes 20% of the actual product. So 20% is what's turning, the other 80% is not turning. And realistically, in this day and age, everybody's gone to 'just in time' ordering."

MOTION: Councilor Dominguez moved, seconded by Councilor Bushee, to approve this request with direction to staff to do more to educate the local businesses to be sure they submit the proper paperwork so they potentially can get some of these bids.

DISCUSSION: Councilor Dominguez said Creative Interiors was a bidder, and it appears they have an ability to supply the City.

Mr. Rodarte said Creative Interiors strictly bid strictly on furniture.

Councilor Dominguez said then we'll be getting our toner and inkjet from one place, furniture elsewhere, and other supplies from different places.

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

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

Against: None.

10(c) BID NO. 13/13/B – CITY-WIDE MISCELLANEOUS CONSTRUCTION TOOLS & HARDWARE SUPPLIES; VARIOUS VENDORS. (ROBERT RODARTE)

Councilor Dominguez said he was glad to see the 3 businesses. He asked what is meant by “only on items listed and submitted by bidder.”

Mr. Rodarte said this particular category is extremely wide and a lot of these electrical companies can supply us only with certain things. He said they broke out the classifications, noting ‘Construction Materials’ might mean a category of things like nuts, bolts, boards, and such. He said you can’t put a whole category listing of items that fall under electrical supplies because there are too many elements. He said, “So, only the items that were listed, like for Summit Electric, they will only be allowed to buy the items that we authorized them. So anything under the electrical supply category, whether it’s a big lamp, or down to a socket, will get this percentage off of that item. Our people here in town, our employees cannot go over and try to buy cleaning supplies at Summit, naturally they don’t carry that kind of item. But other companies, like Big Jo’s do. They can only buy the things that are listed here from that binder under the umbrella of that particular category.”

Councilor Dominguez said it seems to him that the vagueness leaves room for somebody to better define what fencing material might be and get the produce elsewhere. It means we have to be cognizant of some of these things, noting this is still somewhat confusing to him.

Councilor Bushee said she believes Summit has a large operation in Albuquerque, and if they don’t have it here locally, “can we get that channeled up from Albuquerque and make sure they can get the local bid preference up here.”

Mr. Rodarte said, “Yes. The items would be sent to the Santa Fe home location and at that time, we would “pay all the pricing here, the sales actually would be here in Santa Fe.”

Councilor Bushee said then they can capture the 10% local preference.

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

DISCUSSION: Councilor Calvert said, to Councilor Dominguez’s question, the terminology means that the City will only purchase products from these companies on the items on which they bid, on which they were the low bidder.

Mr. Rodarte said, “Yes. The only items we will be looking for will be from those categories that were accepted by us, the percentage we awarded them. But they will have an option of shopping at all 3 vendors.... but will specifically only buying what has been approved on this contract, in all 12 of these categories.”

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(h) CONSIDERATION OF RESOLUTION NO. 2013-24 (COUNCILOR DOMINGUEZ). A RESOLUTION AUTHORIZING THE CITY OF SANTA FE TO ENTER INTO A COOPERATIVE PROJECT AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR PHASE IIC OF THE CERRILLOS ROAD RECONSTRUCTION PROJECT. (DESIRAE LUJAN)

- 1) REQUEST FOR APPROVAL OF A COOPERATIVE AGREEMENT – CERRILLOS ROAD PROJECT, PHASE IIC, FROM CAMINO CARLOS REY TO ST. MICHAEL'S DRIVE/OSAGE AVENUE; NEW MEXICO DEPARTMENT OF TRANSPORTATION.**
- 2) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – PROJECT FUND.**

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, March 11, 2013, regarding Item 10(h) is incorporated herewith to these minutes as Exhibit "2."

Councilor Trujillo said, "The only reason I pulled this off, Mayor, is just to say that I do work for the New Mexico Department of Transportation, I used to oversee these projects, these agreements. I do no longer oversee this as part of my job, so there is no conflict."

MOTION: Councilor Trujillo moved, seconded by Councilor Bushee, to adopt Resolution No. 2013-24 as presented.

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 Ives moved, seconded by Councilor Trujillo, to approve Items 10(h)(1) and 10(h)(2).

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.

- 10(j) **CONSIDERATION OF RESOLUTION NO. 2013-25 (COUNCILOR BUSHEE AND COUNCILOR IVES, AND COUNCILORS DIMAS, DOMINGUEZ, RIVERA, TRUJILLO AND WURZBURGER). A RESOLUTION EXPRESSING SUPPORT FOR THE MANDATORY LABELING OF GENETICALLY ENGINEERED PRODUCTS SO CONSUMERS ARE INFORMED ABOUT THE POTENTIAL LONG-TERM RISKS OF GENETICALLY ENGINEERED PRODUCTS TO PUBLIC HEALTH AND THE ENVIRONMENT WHICH ARE LARGELY UNKNOWN; AND DIRECTING STAFF TO COLLABORATE WITH SANTA FE COUNTY STAFF TO EXPLORE THE OPTIONS FOR ENACTING CITY/COUNTY LEGISLATION THAT WOULD ENACT A PROHIBITION ON THE PROPAGATING, CULTIVATING, RAISING AND GROWING OF GENETICALLY ENGINEERED ORGANISMS AND/OR ENACTING CITY/COUNTY LEGISLATION THAT WOULD PROVIDE FOR THE LABELING OF FOOD SOLD IN THE CITY/COUNTY THAT CONTAINS GENETICALLY ENGINEERED MATERIAL (KATHERINE MORTIMER)**

Councilor Bushee said she pulled the Resolution for several reasons. She wants to add new sponsors: Councilors Dimas, Rivera, Dominguez, Mayor Coss, Wurzbarger and Trujillo, "so it is unanimous."

Councilor Bushee said the Resolution does 3 things: supports mandatory labeling of all genetically engineered projects, directs the City Clerk to forward copies of the Resolution to the EPA, USDA, FDA and New Mexico Department of Agriculture, the New Mexico Congressional Delegation and Food and Water Watch, and directs staff to collaborate with Santa Fe County staff to do certain things.

Councilor Bushee said there is a good Food Policy Council, and other organizations including Pamela Roy of Farm to Table, to work on a cultivation ban next. She said food labeling is harder to do at the City level, so they are looking into a voluntary labeling program. She said the Whole Foods Corporation is on board with that, the local Coop has been and has had voluntary program, working with their wholesalers. She said we also will be working with Trader Joe's to see if we can expand this into a unique City of Santa Fe Program.

Councilor Bushee asked everyone in favor of the bill to please stand, and she thanked them for all of their hard work.

MOTION: Councilor Bushee moved, seconded by Councilor Dimas, to adopt Resolution No. 2013-25.

DISCUSSION: Councilor Ives said this is a good application of the old adage – think locally, act globally, and represents a very positive and affirmative local action in the right direction.

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.

END OF CONSENT CALENDAR DISCUSSION

11. BID NO. 13/09/B – CITY-WIDE PLUMBING SUPPLIES; FERGUSON COMPANY, SANTA FE WINNELSON CO., DAHL PLUMBING AND BIG JO TRUE VALUE. (ROBERT RODARTE)

Mayor Coss said, "I'll just point out for the public, I don't think it's a conflict, but my brother works at Dahl Plumbing."

Mr. Rodarte said this item is listed for discussion because when the Agenda was developed, he inadvertently left out the 4th company, Big Joe True Value, on the Consent Agenda title of the item.

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

12. CONSIDERATION OF RESOLUTION NO. 2013- 26 (COUNCILOR BUSHEE, COUNCILOR IVES AND COUNCILOR CALVERT AND COUNCILOR WURZBURGER AND COUNCILOR TRUJILLO). A RESOLUTION ACCEPTING THE EARTH HOUR CITY CHALLENGE OF THE WORLD WILDLIFE FUND ("WWF") AND ENCOURAGING GOVERNMENTAL ENTITIES, BUSINESSES AND THE RESIDENTS OF THE CITY OF SANTA FE TO PARTICIPATE IN EARTH HOUR ON MARCH 23, 2013, AT 8:30 P.M., WWF's ANNUAL CAMPAIGN TO RAISE AWARENESS OF ENVIRONMENTAL CHALLENGES. (KATHERINE MORTIMER)

Cindy Padilla presented information regarding this matter, noting there will be publicity to get people to turn off all unnecessary lighting at 8:30 p.m., on March 23, 2013. She suggested perhaps a watch party around the Cross of the Martyrs to see what the City would like and get some photographs. She said they appreciate the Resolution, noting Councilor Bushee will be live on *City Hall Live*, along with any other Councilors who would like, on March 20, 2013, and this would be a great topic for discussion.

MOTION: Councilor Ives moved, seconded by Councilor Wurzbarger, to adopt Resolution No. 2013-26, as presented by staff.

DISCUSSION: Councilor Wurzbarger asked to be added as a cosponsor.

Councilor Calvert said this is a way to raise people's consciousness, and if all we do is turn off lights at 8:30 p.m., on a certain day, it's most symbolic, but this is trying to get people to incorporate changes in their habits and behaviors on a regular basis throughout the year.

Councilor Bushee said it's the younger generation that brings these things to us, who expand our awareness on some level and she is grateful to have our Council to endorse this campaign.

Ms. Padilla reiterated her invitation to City Councilors to be her guest on City Hall Live, noting they also will be doing some radio advertisement, a series of news releases, putting this on the City's website, and other methods available to get the word out.

Councilor Trujillo asked to be added as a cosponsor.

Councilor Trujillo spoke about the TVs that are on at the Convention 24/7, and asked if those are ever turned off.

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.

13. CONSIDERATION OF RESOLUTION NO. 2013- 27 (MAYOR COSS AND COUNCILOR IVES). A RESOLUTION AUTHORIZING THE DONATION OF "LA REALIDAD DE LAS CAPITULACIONES" TO THE FRAY ANGELICO CHAVEZ HISTORY LIBRARY, NEW MEXICO HISTORY MUSEUM.

Mayor Coss said our Sister City provided a high quality copy of the orders, and although they aren't originals, they are very high quality copies, and feels they are better kept at the History Museum in the Fray Angelico Chavez Library.

Councilor Ives asked to be added as a cosponsor.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Rivera, to adopt Resolution No. 2013-27.

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.

Explaining his Vote: Councilor Trujillo said, "Definitely yes. But, I would just make sure, Mayor, that these papers are available to the people here in Santa Fe, that the Museum does allow the people here in Santa Fe to see them and not just stick them there and say 'we can't find them now.' So, I do agree. So yes."

14. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

15. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

- a) IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT, §10-15-1(H)(7), NMSA 1978, DISCUSSION OF PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS A PARTICIPANT, *QWEST CORPORATION V. CITY OF SANTA FE*, CASES NO. 10-CV-00617 IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO AND NO. D101CV2011-1131 IN THE FIRST JUDICIAL DISTRICT COURT FOR THE STATE OF NEW MEXICO;
- b) IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT, §10-15-1(H)(5), NMSA 1978, DISCUSSION OF COLLECTIVE BARGAINING NEGOTIATIONS BETWEEN THE CITY OF SANTA FE AND ALL BARGAINING UNITS REPRESENTING THE EMPLOYEES OF THE CITY OF SANTA FE; AND
- c) IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT, §10-15-1(H)(7), NMSA 1978, DISCUSSION OF PENDING OR THREATENED LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT, AND CONSIDERATION OF REVISIONS TO THE SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF CLAIMS BETWEEN THE CITY OF SANTA FE AND SANTA FE COUNTY PERTAINING TO ANNEXATION.

MOTION: Councilor Calvert moved, seconded by Councilor Dimas, that the Council go into Executive Session for discussion of the following:

- a) In accordance with the New Mexico Open Meetings Act, §10-15-1(H)(7) NMSA 1978, discussion of pending litigation in which the City of Santa Fe is a participant, Qwest Corporation v. City of Santa Fe, Cases No. 10-CV-00617 in the U.S. District Court for the District of New Mexico and No. D101CV2011-1131 in the First Judicial District Court for the State of New Mexico;
- b) In accordance with the New Mexico Open Meetings Act, §10-15-1(H)(5) NMSA 1978, discussion of collective bargaining negotiations between the City of Santa Fe and all bargaining units representing the employees of the City of Santa Fe; and

- c) In accordance with the New Mexico Open Meetings Act, §10-15-1(H)(7) NMSA 1978, discussion of pending or threatened litigation in which the City of Santa Fe is or may become a participant, and consideration of revisions to the Settlement Agreement and Mutual Release of Claims between the City of Santa Fe and Santa Fe County pertaining to annexation.

DISCLOSURE: Councilor Ives said he is recusing himself from participating in the discussion on Item 15(a), "for oft stated reasons."

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.

Recused: Councilor Ives recused himself from voting on and participating in Item 15(a).

The Council went into Executive Session at 6:10 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 7:55 p.m. Councilor Trujillo moved, seconded by Councilor Dimas, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

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

16. ACTION REGARDING COLLECTIVE BARGAINING NEGOTIATIONS BETWEEN THE CITY OF SANTA FE AND BARGAINING UNITS REPRESENTING THE EMPLOYEES OF THE CITY OF SANTA FE. (ROBERT ROMERO)

MOTION: Councilor Calvert moved, seconded by Councilor Ives, that direction has been given to the City Manager and the City's revenues are flat and to bargain within flat revenues.

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

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

Against: None.

Absent for the vote: Councilor Wurzburger.

17. ACTION REGARDING CONSIDERATION OF REVISIONS TO THE SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF CLAIMS BETWEEN THE CITY OF SANTA FE AND SANTA FE COUNTY PERTAINING TO ANNEXATION. (ROBERT ROMERO)

MOTION: Councilor Dominguez moved, seconded by Councilor Dimas, that the Governing Body has reviewed what the City and County staffs have done, and to direct City staff to finalize those agreements and bring them back to the Council for approval.

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

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

Against: None.

Absent for the vote: Councilor Wurzburger.

MAYOR COSS MOVED ITEMS 18 AND 19 TO THE END OF THE EVENING SESSION.

END OF AFTERNOON SESSION AT APPROXIMATELY 8:00 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David Coss, at approximately 8:00 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 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

Members Excused

Councilor Rebecca Wurzbarger, Mayor Pro-Tem

Others Attending

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

F. PETITIONS FROM THE FLOOR

Mayor Coss gave each person 3 minutes to petition the Council.

Sagemaya Dandhi said he is here this evening with regard to service dogs and the failure of the City to protect disabled people with service dogs at City facilities. He said there is no enforcement, even though the City has a leash law. He said New Mexico Statute 28-11-05 said if an unrestrained dog comes up to someone with a service dog, they are guilty of a high misdemeanor. He said people are running their dogs off-leash at Patrick Smith Park all the time. He wants to see some enforcement. He goes to the "water holding tank park," whatever that is, which is part of the bond issue. He said now it's utilized totally by people driving their cars in and taking their dogs and running them off leash. He said on Dale Ball Trail he has encountered people who are saying, 'Well all of us run our dogs off leash up here.' He said they attacked his dog. He said it seems to him, within the prudent behavior of the Council and the City, since you have an ADA coordinator, that we should take part of the \$20 million you got in replacement of the bus and make sure that we start enforcing State, federal and local law. He said the Code and federal regulations and the Justice Department says that when State, federal and local laws overlap, the law which

is most accommodating to the person with a disability takes precedence, noting that NMSA §28-11-05 provides for a year in jail and a \$1,000 fine. He said the City is obligating itself for an indictment if it won't enforce the service dog laws, noting it is on the books on State, federal and local level. He said people are going to continue to violate the law. He said all of us who have service dogs would like to see that change.

David McQuarie, 4997 Calle [inaudible], said he is here to talk about parking at the Courthouse. He said there are no curb cuts to get to the Courthouse and people can't get there. He asked where tourists coming down the Old Santa Fe Trail are supposed to go when you can't get off the sidewalk. He said due to the construction at Paseo de Peralta and Washington/Bishop's Lodge Road, there are detour signs on the sidewalk and he has to go into the street because there is no place to go.

G. APPOINTMENTS

Sister Cities Committee

Mayor Coss made the following appointments to the Sister Cities Committee:

Cathy L. Magni – to fill unexpired term ending 10/2014

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

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

Bicycle and Trails Advisory Committee

Mayor Coss made the following appointments to the Bicycle and Trails Advisory Committee:

Joseph A. Abbatacola – to fill unexpired term ending 06/2013;
Gretchen Grogan – Reappointment – term ending 06/2014;
Frank Herdman – Reappointment – term ending 06/2014;
John W. Longworth – Reappointment – term ending 06/2013;
Lisa Miles – Reappointment – term ending 06/2014;
James Ronald Pacheco – Reappointment – term ending 06/2013;
Tomas Rivera – Reappointment – term ending 06/2014; and
Shelley Robinson – Reappointment – term ending 06/2013.

MOTION: Councilor Bushee moved, seconded by Councilor Dominguez to approve these appointments:

DISCUSSION: Councilor Bushee asked if she also needs to be reappointed.

Ms. Vigil said Councilor Bushee was appointed at the organizational meeting, so she is good until 2014.

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

Children and Youth Commission

Mayor Coss made the following appointment to the Children and Youth Commission:

Jill S. Reichman – to fill unexpired term ending 01/2014

MOTION: Councilor Bushee moved, seconded by Councilor Dominguez and Councilor Rivera, to approve this appointment.

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

H. PUBLIC HEARINGS

- 1) **SANTA FE TEA HOUSE, LLC, HAS REQUESTED THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY), TO BE LOCATED AT THE TEAHOUSE, 944 EAST PALACE AVENUE. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Y. Vigil, City Clerk, noting the location is not within 300 feet of a church or school and there are staff reports in the packet regarding litter, noise and traffic. She said the application includes an outdoor seating area. Ms. Vigil asked that the applicant, as a condition of approval, be required to enclose the proposed outdoor license premise with a 3 foot wall or fence, and the applicant has agreed to that. She said staff recommends the business be required to comply with all City ordinances as a condition of approval.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to approve the issuance of a Restaurant Liquor License (beer and wine on-premise consumption only), to be located at the Teahouse, 944 East Palace Avenue, with all conditions of approval as recommended by staff.

DISCUSSION: Councilor Bushee said it is a very small enclosed space with trees.

Ms. Vigil said one corner isn't enclosed, and the Traffic Engineer signed with a 3 foot wall or fence.

Councilor Bushee noted it is in the Historic District and will have to go through that Board.

Ms. Vigil said it will be approved administratively by Historic 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 and Councilor Trujillo.

Against: None.

- 2) **REQUEST FROM THE NATIONAL DANCE INSTITUTE OF NEW MEXICO (NDI NEW MEXICO) FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF WINE AND CHAMPAGNE AT THE NDI DANCE BARN, 1140 ALTO STREET WHICH IS WITHIN 300 FEET OF ASPEN COMMUNITY MAGNET SCHOOL, 450 LA MADERA. THE REQUEST IS FOR NDI NEW MEXICO'S ANNUAL GALA TO BE HELD ON SATURDAY, MAY 4, 2013, FROM 5:00 P.M. TO 11:00 P.M. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Y. Vigil, City Clerk, noting there are letters in the packet from Danny Pena, Principal Aspen Community Magnet School, stating support for this activity, and from Superintendent Joel D. Boyd, stating no opposition to the request, based on the following requirements: NDI will only serve host liquor (wine and champagne) with limited consumption, that they have general liability with no less than \$2 million aggregate naming the district as an additional insured, that they have Workers Compensation for the employees of the Lessee and that they have auto liability.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Ives, to grant the waiver of the 300 foot location restriction, and approve the dispensing/consumption of wine and champagne at the NDI New Mexico's Annual Gala to be held on Saturday, May 4, 2013 from 5:00 p.m. to 11:00 p.m.

DISCUSSION: Councilor Trujillo asked Ms. Vigil if kids are allowed to attend the Gala.

Ms. Vigil said she believes it is stated in their letter that this is an adults only fundraiser.

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

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

Against: None.

- 3) **CONSIDERATION OF BILL 2013-08; ADOPTION OF ORDINANCE NO. 2013-11 (COUNCILOR BUSHEE AND COUNCILOR CALVERT). AN ORDINANCE RELATED TO CAMPING ON CITY PROPERTY; AMENDING SECTION 23-4.11 SFCC 1987, AND CREATING A NEW SECTION 23-4.12 SFCC 1987, TO PROHIBIT CAMPING OR LODGING IN PARKS, UNLESS A PERMIT IS OBTAINED FROM THE CITY; AND PROHIBITING CAMPING ON ALL OTHER CITY PROPERTY. (ALFRED WALKER)**

The staff report was presented by Geno Zamora, noting this bill proposes to amend Section 23-4.11 SFCC 1987, to remove the reference to camping in City parks unless a permit is obtained; and create a new Section 23-4.12 SFCC 1987, to prohibit camping or lodging in City parks unless a permit is obtained from the City and further prohibits camping on all other City property. He said, "To summarize, there must be a permit applied for and obtained, if it is a park under certain conditions, and any other City property, non-park, no camping is permitted."

Councilor Bushee said in rereading the language on page 1, line 19, of the Ordinance it provides *Parks; Other Prohibited Activities*. She asked if a caveat or clause is needed noting, it would seem to prohibit, among other things, skateboarding, noting we have skateboard parks and motorcycles and an MX park. She asked if we need to include language to the effect, "Unless expressly authorized."

Mr. Zamora said the prohibited activities listed are only on tennis courts.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to adopt Ordinance No. 2013-11, as presented by staff.

DISCUSSION: Councilor Bushee explained that this isn't meant to prohibit activities, such as at the Railyard, as long as they get a permit. She said there are quite a few sections of City owned land and rights-of-way along the road off Hyde Park where people are parking and camping unlawfully, and having campfires. She said that is problematic in these dry weather conditions.

Councilor Calvert noted this is also happening in other areas such as in the Northwest Quadrant.

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

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

Against: None.

Explaining his vote: Councilor Trujillo said, "Yes, and Robert being that we just passed this one, I want to tell you right there on the Rail Trail between Alta Vista and 5th Street, right along the middle, there's a little section there where's this little arroyo, I don't know which one it is, deep in the back there are people camping there. People see it every day and we contacted them a few weeks back, but they're back. So, just for your information.

- 4) **CONSIDERATION OF BILL NO. 2013-2: ADOPTION OF ORDINANCE NO. 2013-12. CASE #2012-104. AGUAFINA REZONING TO R-5. JENKINS GAVIN DESIGN AND DEVELOPMENT, AGENT FOR AGUAFINA DEVELOPMENT, LLC, REQUESTS TO REZONE 5.89± ACRES FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO R-5 (RESIDENTIAL 5 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF AGUA FRIA STREET AND WEST OF CALLE ATAJO, AT 4702 RUFINA STREET AND 4262 RUFINA STREET. (HEATHER LAMBOY, CASE MANAGER).**

A Memorandum prepared February 19, 2013, for the March 13, 2013 City Council Hearing, with attachments, to Mayor David Coss and Members of the City Council, from Heather L. Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "3."

A copy of Ms. Lamboy's report statement for the record is incorporated herewith to these minutes as Exhibit "4."

A copy of a letter to the Mayor and City Councilors, with attached email, dated December 2, 2013, from Jennifer Jenkins, entered for the record by Linda Wilder Flat, is incorporated herewith to these minutes as Exhibit "5."

An aerial photograph and an aerial map, entered for the record by Jennifer Jenkins, are incorporated herewith collectively to these minutes as Exhibit "6."

Mayor Coss said, "And I understand this is a *de novo* hearing now, Geno." Mr. Zamora said, "That's correct. It'll be a full hearing, like it was the last time it was heard by this governing body."

Ms. Lamboy read her report [Exhibit "4"] into the record as follows:

Overview for Aguafina

On December 6, 2012, the Planning Commission found that all criteria for a rezoning have been met with the recommendation that the tracts be rezoned to R03 instead of the originally requested R-5.

At the City Council hearing on January 30, 2013, the City Council denied the applicant's request for rezoning, finding that the criteria for a rezoning were not met after hearing the public comment on the case.

At the following Council hearing, on February 13, 2013, the Council voted to rescind the denial and to rehear the case today.

Since the February 13 hearing, the applicant has formally modified the application to request R-3 instead of the originally requested R-5.

Staff would like to remind the Council that what is being considered tonight is a rezoning of the parcels adjacent to Rufina Street from R-1 to R-3. The separate parcel that is currently zoned R-5 (located north of Powerline Road) is not part of this application.

Visual aids may be presented tonight to give the Council an idea of how density may look as the parcels are subdivided. Please be aware that the Planning Commission has not reviewed either a Preliminary or Final Subdivision Plat, nor has the Development Review Team commented on these concept plans. The request before you this evening is only the rezoning of approximately 5.89 acres from R-1 to R-3.

The Planning Commission recommends CONDITIONAL APPROVAL for R-3 for Tract B and Tract C-2 as outlined in the rezoning bill.

Public Hearing

Presentation by the Applicant

Mayor Coss gave the Applicant 10 minutes to present their case.

Jennifer Jenkins and Colleen Gavin, JenkinsGavin Design and Development, 130 Grant Avenue, Suite 101, were sworn.

Ms. Jenkins, referring to Exhibit "6," said, "We are here this evening on behalf of AguaFina Development, LLC, in request for R-3 zoning, of approximately 5.89 acres located adjacent to Rufina Street that is shown 'here.' It's kind of hard to see but they're outlined in blue 'here' and then there's another parcel on the south side of Rufina here. 'This' is a point of contact. 'This' is the Las Acequias Neighborhood 'here,' and Lopez Lane is down 'here.' 'This' is the traffic signal at Calle Atajo."

Ms. Jenkins said, "We would like to show you a visual aid to share with you what our vision is for the property that we would pursue through a subdivision platting process if we are successful in achieving R-3 zoning this evening. And I'm going to go ahead and approach. I think it's difficult to utilize this, so we're going to pull up some boards."

Ms. Jenkins continued, "So this is also up on the screen, but just again, as a point of context, 'these' two parcels 'here' are the subject of tonight's application, 'these' two parcels, 'this' is about 3.4 acres, 'this' one's about 2.4 acres. They are currently zoned R-1. And with the R-3 zoning, the vision would be an 8 lot subdivision 'here' served by a private lot, access driveway, an 8 lot subdivision 'here,' also served by a private lot, access driveway. I'm also showing 'this' parcel 'here,' which is a 5.6 acre parcel that happens to be owned by the same owner of these parcels. And I'm showing this for illustrative purpose to reflect the communications. We've been meeting quite a bit with the Las Acequias Neighborhood, conferring with them to see if there was something we could achieve which was a win-win situation for everybody with respect to the property."

Ms. Jenkins continued, "This parcel, as Heather mentioned, is already zoned R-5. 'This' parcel permissibly would be 32 lots. We don't want to put 32 lots there. It's never been the intent. It's never been the vision. It's never been the program for this particular property owner. With R-3 'here,' we will be able to keep the density down 'here' as well. That's what we are able to accomplish with that."

Ms. Jenkins continued, "And so, in our communications with the neighbors, with the ability to access this property from Agua Fria, which is where it has frontage, the ability to serve this property with a private lot access driveway, we are able to keep the density what we're reflecting here. So, if we are successful this evening, our next step would be a subdivision plat. We plan to take all 3 tracts through the subdivision process simultaneously, and again, the caveat to this plan, obviously is the R-3 zoning 'here,' and again the ability to access these 3 little, 8-lot subdivisions, if you will, to access them via private lot access driveways with base course surfacing."

Ms. Jenkins continued, "We're not proposing any access at the Power Line Easement. That is eliminated. That 'ship has sailed.' The Council was very clear at our hearing in February that they did not want to see any access 'here,' so we have completely removed that from the plan, which sort of informed how this design came about. So, with that, I think we'll just leave it at that for the moment. I think that covers the high points, and be happy to stand for any questions."

Questions from the Governing Body

Councilor Rivera said the Fire Department typically requires two means of egress, and he doesn't see that here.

Ms. Jenkins said, "It's my understanding, Mayor, Councilors, that you can serve up to 30 dwellings with one means of egress and ingress. So, with doing just 8 lots each, there shouldn't be an issue with the emergency access."

Councilor Rivera asked if this has been cleared with the Fire Marshal.

Ms. Jenkins said there are earlier versions of this plan, and Ray Gonzales had looked at those plans, and there were similar concepts to this early on.

Councilor Rivera noted one of the residents on the other side of the property used Power Line Road to get in and out, and asked if he will still have access.

Ms. Jenkins said that is Mr. Tapia. She said, "We actually platted him an easement, just a narrow little 15 ft. easement only for the benefit of his property, so it's something that is private. It does not allow for any sort of cut-through traffic, or anything of that nature, but we have platted that easement to formalize his access."

Councilor Ives said Ms. Lamboy's Memo in the packet, notes that the Planning Commission recommended, "An emergency access shall be provided to the site from Agua Fria Street."

Ms. Jenkins said, "That was an earlier version of the plan where the R-5 parcel to the north only had access from Rufina. So we were accessing that entire stretch of property north of Rufina, only from Rufina. So in that program, they did want a secondary emergency access to Agua Fria. In this scenario, it wouldn't be necessary."

Councilor Dominguez asked Ms. Jenkins, "Do you have a handout of that."

Ms. Jenkins said no, she didn't bring reduced copies of that. She said, "I would be happy to provide that.."

Councilor Dominguez asked, "If there is any way, just for the hearing tonight, Geno, that we can identify that as Exhibit A or something, just to make it very clear."

Mr. Zamora said yes.

Mr. Jenkins said, "And we can provide this. We always provide all of our visual aids to the recorder, so that can be part of the record [Exhibit "6"]."

Speaking to the request

All those speaking were sworn en masse.

Linda Wilder Flatt, Las Acequias, 950 Vuelta del Sur [previously sworn]. Ms. Flatt said the Governing Body just received a letter from the Las Acequias Association and Board [Exhibit "5"].

Ms. Flatt said, "This has been a long process. You guys have seen us quite a bit, and we're hoping this resolves everything. I would like to say this meeting tonight is very important, because this rezoning decision will set the stage for what happens with the 11 ½ acre parcel, Aguafina. You see the 9 listed conditions below [Exhibit "6"]. We believe, and we want to clarify the exact conditions we have set down in order for us to feel safe and guaranteed that the property will be developed as promised when it is rezoned to R-1. Unless all of the conditions listed below be made legally binding and enforceable in this actual plat, we will not have any guarantee that anything will be followed through with, from the owner, the JenkinsGavin Design Team or the buyers that purchase any one or all of the 24 lots as shown in the Jenkins/Gavin new plan."

Ms. Flatt continued, "I'm not going to read any more, but I would like for you to know that the most important thing is Number 1, is that we must be guaranteed that all conditions and restrictions will cover both pieces of land, both north which is R-5 and in the County at this time, and the one that you're deciding on tonight for R-3, which is the southern part. We must be guaranteed that that it will be legally binding and enforceable for being in the plat and that it will be on the record for all 11½ acres as one property. Thank you."

William Mee, 2073 Caminos de la Montoya, Agua Fria Village [previously sworn]. Mr. Mee said, "My concerns have basically been taken care of with Linda Flatt's Las Acequias letter [Exhibit "6"], and it will be on Section 9, which addresses the access to Agua Fria Street. There's a precedent that none of the City subdivisions actually enter Agua Fria Street, but we are willing to break that precedent with this particular subdivision with only 8 lots having access to Agua Fria, and then there would be an emergency gate between those 8 lots and the next 8 lots, which would then access Rufina. And the County Public Works Department has issued a conditional driveway permit to JenkinsGavin based on, if they fill in the plat with restrictions that cover number 9 in the Las Acequias letter [Exhibit "6"]. So, we're okay with it because it is such minimal use. Thank you."

Response by Applicant

Ms. Jenkins said, "I'm seeing this for the first time. A lot of this is not unexpected, but there are a few items that would be important to access. We are absolutely not in agreement to restrict guest houses. These are generous lots. They range from 3/4 acre to 1/3 acre. They're the largest lots in the vicinity. And the City Code permits accessory dwelling, mother-in-law units, and so we do not believe that is a fair request."

Ms. Jenkins said, "We are in agreement to, obviously as you can see from the plan we showed you, that there be no access via Power Line, except for Mr. Tapia and his family. We do not believe it is our responsibility to construct a gate. If that's something that Mr. Tapia chooses to do for his access, I think that would be... I don't think we're in a position to impose something on Mr. Tapia with respect to his access."

Ms. Jenkins said, "We are happy to work out something with respect to #6, regarding, when we go through the subdivision phase, if the City would prefer to provide park area, or would prefer us to provide Impact Fee funds. The City has already said they would prefer land at this point, but we can work that out at the subdivision stage. We do not feel it is our responsibility to fund a wall on Power Line, when we're not even using Power Line."

Ms. Jenkins said, "We are in agreement with the rest of these items, and just making it clear that the visual aid that you see before you, the concept that we would love the opportunity to implement, is contingent on a couple upon a couple of things. It's contingent upon our getting access to Agua Fria from the north parcel which we have already addressed with the County Clerk [inaudible] and we're able to serve each of these 8-lot subdivisions with private base course lot access driveways. That's how this is viable. And so we are in agreement with everything else listed in the letter, so I'd be happy to stand for more questions. Thank you."

Remarks from the Las Acequias Neighborhood Association

Ms. Flatt said, "I would like to explain a little bit further. We felt that, and I talked with Carmichael Dominguez before, that the situation with having park property was a decision that we also had a voice in, because we were right next to the property. And what we are requesting is, rather than having a small park in where they are, we would rather have the money put toward the wall, that would go along.... and that would help our park, if that makes sense."

Mayor Coss said then it would be an improvement to the park.

Ms. Flatt said, "It would be an improvement to the park, and it would certainly help the poor people that would be behind that wall, because it would stop the noise from the park. That is what we're willing to give, or to want for the park, which is what we would be asking for which would be park improvements."

Ms. Flatt continued, "I would like to correct one thing. I don't believe... I was sort of listening to William when he was saying that there would be an emergency exit to the south of those north 8 lots. Is that correct William."

Mr. Mee said, "Yes."

Ms. Flatt said, "Okay. That would go across the driveway from Mr. Tapia, and the other part that I feel is the responsibility of everybody involved, is to help support Mr. Tapia, in that he has the right-of-way across that easement on Power Line Road. And we felt, as an Association, we were trying to support his benefit in saying that there should be fencing along each side of that drive back to where he is and across Aguafina, so there is no access for the Aguafina people to get onto his road. Does that make sense. Okay. The second part to that is, we felt that because of the situation, a part of the money that would have been dedicated for the park preservation or upkeep or whatever, would be the wall and the second part would be that iron gate, because that would keep people from parking along the side of the park, which we've had a great deal of problem with. So part of that money would go toward that gate so that Mr. Tapia would have the ability to be able to get and out or all of his people get in and out. Does that make sense."

Ms. Flatt continued, "Let's see. I think everything else... the other thing is the guest house. One of the things that our Committee was concerned about was, is that we oftentimes see that a guest house ends up being split into another section on the property, where they end up having two individual families living on a one-family unit dwelling property. Does that make sense too. Okay."

Mayor Coss said, "Yes."

Ms. Flatt said, "Yes. The other thing is that we did cross out, as you see, on requiring homes have a permanent foundation, whether it be stick built or modular. Jennifer did say, in her last meeting, that she would attempt to have it set so there would be no manufactured homes if that was written in the covenants and in the information for the subdivision. Was there anything else Jennifer. Okay. We could share."

Ms. Jenkins said, "We are in agreement that obviously stick built homes will be on a permanent foundation. We're also in agreement, if there are modular homes or manufactured homes they will also be on a permanent foundation. We are not discriminating against what people may want to put there, but we have very strict architectural guidelines and covenants that address that. And we talked about those at the last hearing. And so everything will be at-grade and stuccoed and all these types of provisions to make sure it is an attractive neighborhood. And we know we are going to have stick built product in the neighborhood. We may have manufactured or modular homes in the neighborhood – we don't know for sure. But our goal is to make sure all that works cohesively and harmoniously together via the architectural guidelines that we're implementing. I think that's it. Thank you."

Ms. Lamboy said, "I am having a big concern here, because we are considering a rezoning this evening, which, we're trying to determine whether something is appropriate. There has been a lot of work

that the Las Acequias Neighborhood Association has put into this development, and I do laud them for their involvement. However, a lot of these are conditions that are dealt with at a site plan level."

Ms. Lamboy continued, "With reference to the guest house issue, it's quite possible, and actually staff has brought this up with the applicant whether no lots splits would be allowed and a note be placed on the plat. These are some issues that can be solved quite simply. But there's danger there too, that in dealing with the street sizes and the street types, those have not been reviewed by Mr. Romero. Mr. Romero is here tonight to speak to these issues, but we have not had the benefit of the Development Review Team to be completely involved in this."

Ms. Lamboy continued, "Another issue to remember, with reference to parks, is that there is a trail, the Acequia Trail that traverses the Power Line Road and connects to Cielo Azul to the west, where there is an easement that is already dedicated. And so, at some point in the site plan review, it would be appropriate for staff to make sure that there's connectivity, at least pedestrian connectivity up from Agua Fria Road all the way through to Rufina, allowing the residents of this development to connect to the park facility that, if Las Acequias were to benefit from the funds, then the residents ought to benefit from something as well."

Ms. Lamboy continued, "These are all site plan issues that can be worked out, at the Planning Commission level, but what is before the Council tonight is whether the density is appropriate and whether this is right for this part of town. And our Southwest Area Master Plan and our Code does provide for this density and is contemplated in our General Plan."

Kelley Brennan, Assistant City Attorney, said, "I wanted to reinforce what Heather said, that this is a rezoning. A subdivision and development plan approval would come before the Planning Commission, and many of these comments should be addressed in that context. I understand that the Applicant has agreed, as a condition, if zoned to R-3, to develop the other parcel to R-3, and to make some design concessions. Those are things that are being offered up, but you cannot start tonight. It hasn't been advertised. It's not within the jurisdiction, right now, of this Council to impose a lot of these conditions on rezoning."

Mayor Coss said we might want to ask which ones we can impose right now, and which ones we can't.

Councilor Bushee said, "That's where I was headed, before even Heather stood up, is exactly what we can apply as a condition of approval, and also noting they could go out and strike up their own kind of contract or agreement with the applicant or developer, apart from what we can condition. So I guess, I'd like to be really clear before we vote on anything, what exactly we can condition approval on, in terms of the rezoning. "

Ms. Brennan said, "The applicant has offered a number of things, specifically, as I recall to develop the other parcel, now zoned R-5, to the R-3, and then to bring them forward as a single parcel and to address the road issues that were identified at the last hearing for the neighborhood."

Councilor Bushee would like these spelled out very clearly, noting we have the letter from the Neighborhood Association [Exhibit "5"], but we don't have clearly what the applicant has agreed to, to impose as a condition of approval, and how these are carried forward to the plat and development review stage, so we can be sure the thing they want most, which is a guarantee that restrictions would cover both pieces and would be legally binding and legally enforceable. She asked how that will be recorded, noting it would matter in terms of our decision in the rezoning being presented tonight.

Ms. Brennan said, "She has offered that, and you can accept that offer and do a rezoning."

Councilor Bushee asked, "How is that somehow recorded – just through our rezoning vote tonight. Does it go onto the Plat. And then the other road issues. Can you address those as well. I'm assuming we're limited on all the other design issues and park issues and the like."

Ms. Brennan said, "I think the Power Line Road issue is something that is identified as something that the applicant has offered."

Responding to Councilor Bushee, Ms. Brennan said, "I think the applicant is the person who can explain what they are offering, to accept as conditions to the rezoning of the subject parcel to R-3."

Councilor Bushee asked how the Neighborhood Association is guaranteed that those are conditions and how they're placed.

Ms. Brennan said, "It's a condition of the rezoning, and it will be carried forward in the record, and when they come forward for Planning Commission approval, those would be reflected in the application."

Councilor Bushee said, "And so a lot of this other stuff will be dealt with through private contract, through covenants or what have you."

Ms. Brennan said, "And yes, before the Planning Commission Review process."

Councilor Bushee said, "Okay. So maybe I can hear from Jennifer what actually you are willing to impose as conditions."

Mayor Coss asked Councilor Dominguez if he has remarks, and he said no.

Ms. Jenkins said, "I do want to acknowledge staff's concerns. This is a conceptual site plan and we're not here doing subdivision today. However, we all know that with rezone applications, you can't really talk about a rezone until you know what the plan is, and that is why we have tried to be very

transparent and forthcoming throughout this entire process with our concepts, which changed a little as we got feedback from staff about different access requirements and everything."

Ms. Jenkins continued, "So this is where we have sort of ended up, with respect to our request this evening. So, with respect to the parcels that are the subject of tonight's hearing, which are the 3.4 acre parcel "here," and the 2.4 acre parcel on the south side of Rufina. Oh, I'm sorry, can we have the screen on, there we go. So again, this map is also what you see down here, so this is the 3.4 little over acre parcel here and the 2.4 'here.' What we would like the opportunity to do when we come in for subdivision is to two, 8-lot subdivisions that are served by base course lot access driveways. Those two things go together. You can't separate them. That is a critical part of this, and we've been very candid and up front with Las Acequias as well throughout this process about... they like this plan, we like this plan. I think there was some general consensus about this plan here. And with the ability to do that on these parcels we're talking about tonight, it enables us to keep the density low on the northern R-5 parcel as well. And it's just because these parcels happened to be under the same ownership."

Ms. Jenkins continued, "It is my understanding that we can't place a condition on a neighboring parcel as a result of the rezoning, but I have been very candid, and very much on record about this being our intent. And my hope is, that as we move through the subdivision process, we are able to accomplish this. This is what we want to do. This is what the neighbors want us to do."

Councilor Bushee said, "The neighborhood is treating it as one subdivision plan for 11½ acres. Jennifer is mentioning the 3.4 and a 2.4 and not mentioning the other... has this been advertised."

Councilor Dominguez said he heard the Applicant say earlier they would be willing to treat all 3 in one subdivision application.

Councilor Bushee said, then we don't need to rezone the other anyhow.

Ms. Brennan said, "You can't rezone the other right now. It does not need rezoning. They have agreed to develop it to a lower intensity and that will be..."

Councilor Bushee said, "We're a step ahead of ourselves with the discussion of how the neighbors want to proceed. But it is essentially lowering the density overall, which is the main thrust of what the neighborhood would like to get out of this rezoning. Although, I think the road issues are key, and I'm not really getting that in writing anywhere from anybody, other than the Neighborhood Association. I just want something spelled out for the record, for all of us, to know what we're voting on. The conditions of approval. Still not there yet."

Ms. Jenkins said, "With respect to the Power Line easement, we find it incredibly acceptable to say that none of the Aguafina lots would be entitled to access to Power Line easement. And as a condition of the rezone, we would be happy to agree to that, and that's also something we would definitely put on the subdivision plat."

Councilor Bushee said, "Okay. And on Agua Fria."

Ms. Jenkins said, "We currently have a condition, if you will, sort of agreement with the County Public Works Department. Santa Fe County controls that stretch of Agua Fria, so we had to work directly with them about the possibility of accessing this property. And their caveat is, they're comfortable, as Mr. Mee stated, Santa Fe County is comfortable with allowing access to Agua Fria for that northern parcel as long as it is limited to 8 lots."

Councilor Bushee said, "And you're in agreement essentially with the language."

Ms. Jenkins said yes.

Councilor Bushee said, "Thirdly. Do we deal with parks here at all, or are we ahead of ourselves again."

Ms. Jenkins said we probably are a little ahead, noting that is at subdivision.

Councilor Bushee said, "It came up in the last hearing and that's why I'm wondering where we are with that, and I think that's all we can address here."

Ms. Brennan said, "Parks would be part of the planning process. And also, in further answer to your question about how this is embodied, we will do Findings of Fact and Conclusions of Law to embody your decision."

Councilor Bushee said, "I do recall the first hearing discussing parks and parks dedication and the City's request for land, and so I'd like to be as clear as we can be on this."

Ms. Brennan said, "There is a condition in your staff report, relating to parks that requires land to be dedicated for neighborhood parks. The conceptual site plan that has been provided, does not address park dedication. The applicant should provide park area for the development as part of the subdivision plat process, or commit to payment of park impact fees in order to comply with the Land Development Code requirement."

Ms. Flatt said, "Jennifer and her group, we have worked together. I'm not trying to present this and make it sound like we're presenting all this stuff that isn't a part of what we've discussed. The reason that I presented all of this, I was told by several people, legal people, that it is important for us to make sure that during this rezoning process, because it is only for one part of it, that we make it very clear that the whole thing needs to work together as one subdivision. That's one thing. And the second part is, is that all of these conditions are very important to us and it is an integral part, I think, of making it successful, and I

wanted it entered as a part of the record. And what Patti was asking is very true. Even though it's not really applicable to tonight's discussion, it is important and it needs to be recorded, and that's why I did the presentation."

Mayor Coss said, "That helps. Thank you."

Councilor Dominguez asked Ms. Brennan, "In terms of Findings of Fact and all that legalese stuff, would it still be appropriate enough for us to articulate some of these requests that aren't required for rezoning, maybe not accepted, but considered at the next phase. Just so that we make sure that we get it part of the record and it's not just a testimony, but that it be part of the Findings of Fact and Conclusions of Law."

Ms. Brennan said, "I think you can ask the Planning Commission and any other reviewing body to consider the concerns of the neighborhood as expressed tonight." Responding to Councilor Dominguez, Ms. Brennan said you could make a Finding and a recommendation.

The Public Hearing was closed

MOTION: Councilor Dominguez moved, seconded by Councilor Rivera, to Adopt Ordinance No. 2013-12, approving Case #2012-104, and "along with that approval are the conditions that the applicant has agreed to, one of them is that the parcel to the north of Power Line Road be 8 lots as it's been articulated in the presentation by the applicant; limited access to Agua Fria; that Power Line Road also not be used as an access for the applicant or for the development or any other lots actually; essentially that one subdivision plan will be provided for all 11 ½ acres, asking if this is something we can do and Ms. Brennan said the applicant has agreed to that;" and with all conditions of approval as recommended by the Planning Commission, "and if there's anything that's conflicting that they be resolved appropriately."

DISCUSSION: Councilor Ives said, "And on that point, presumably, the emergency access from Agua Fria Street, if we're talking about that design doesn't apply."

Ms. Brennan said, "To the extent that this body's decision creates conditions that conflict with the Planning Commission's, this body's decision would control."

Councilor Dominguez said, "Okay, well then, there you go. Is that clear."

Ms. Brennan said it is clear.

DISCUSSION: Councilor Dominguez said, "So, then I guess, all the other things, I just want to make sure that that they're part of the record and findings, but I'll address those after."

Councilor Dominguez continued, "Let me just continue real quick, and maybe the second wants to speak to that. I just want to make sure that the Planning Commission and the applicant really consider the idea of requiring that all homes be on a permanent foundation, etc., I think that stuff has been articulated by the neighborhood already. I also want for the applicant to consider what the neighborhood has said with regards to the park and the monies that maybe would be allocated for the park, that they be used for some of the other amenities that they're looking at. And the other stuff, like Items #7 and #8, are really part of the covenants. Maybe the applicant can make sure that they work with the neighborhood to strengthen the covenants. We're really going to rely on the neighborhood to make sure that the covenants are followed, and that would even pertain to the idea that we have guest houses. The neighborhood is really going to have to make sure that the City is following the rules that we have in place with regard to guest houses, so I just want to make that part of the record as well. And I think that's it."

Councilor Rivera thanked Ms. Jenkins and the Neighborhood Association for getting together, and really listening to the concerns of this Council, and for you listening to the concerns of the neighbors, and for coming up with "what I think is a very reasonable plan, and for being transparent on what you plan to do with the northern piece is very helpful for my vote personally."

Councilor Rivera said, "What I wanted to do is to clarify and it's something that Councilor Ives brought up, but the emergency access off Agua Fria was only when the road was going to stretch from Rufina all the way to Agua Fria."

Ms. Jenkins said, "Yes. And I actually have a plan in here in my presentation that shows that. But yes, we had an earlier version of this when we were connecting to Power Line Road. We had no access to Agua Fria because of the quantity of lots, and we realized that probably wasn't going to be a reasonable solution, and we would end up creating a through street between Rufina and Agua Fria, and nobody wants that. And so, in the earlier version of the plan, when we met with Ray Gonzales, he said we're going to be serving this property in terms of emergency response from that Agua Fria Station. And so, that's when the emergency access was necessary."

Ms. Jenkins continued, "Under this program we have regular, full access to Agua Fria, so a secondary emergency... and Ray's perfectly comfortable serving 8 lots with a generous emergency turnaround, of course per his standards, and plenty of room to back up."

Councilor Rivera said then the recommendation made by the Planning Commission or staff, is a moot point.

Ms. Jenkins said it is not applicable, based on the program they are showing tonight.

Councilor Rivera said, "Mr. Mee was saying one thing about emergency access between the two turnaround points."

Ms. Jenkins said, "That hasn't come up yet. If that's something that Ray felt was important we could look at that. Based on my experience, I don't see that it's something he's going to want, but he might. And obviously, through the subdivision process, we'll be meeting with Ray and exploring that. What we like about this plan, is it really keeps Power Line Road out of the mix. There's no opportunities for cut-through traffic. And so, if that's something that Fire Marshal Gonzales wanted, we would just have to be very strategic about how we did that, because again, we don't want to encourage any traffic getting onto the Power Line Easement. It hasn't come up at this point, that it's necessary, but again, through the subdivision process, we will work that out with the Fire Marshal."

Councilor Rivera said in Ms. Jenkins initial presentation, she said that was not an option, that you were not going to have emergency access.

Ms. Jenkins said, "No. It's not our preference and I don't believe it will be necessary, per my understanding of the International Fire Code and access provisions."

Councilor Rivera said he believes she is right.

Councilor Ives said, "My recollection from our last time on this matter, was that the Power Line Easement was actually an easement held by the City, is that correct."

Ms. Lamboy said, "The Power Line Easement was recently dedicated through the lot split process that separated the R-5 parcel from that lower tract. And previously, there was no formal easement that was there. There was an informal drive, to the north of Las Acequias Park, was used by Mr. Tapia to access his property. As part of that review, we formalized that access easement so he would have access in perpetuity."

Councilor Ives said, "I'm think more of the Power Line Easement which is part and parcel of the Las Acequias, that's a City owned easement. So, presumably, we have some say or control over what use is made of it. Is that correct."

Ms. Lamboy said that is correct.

Councilor Ives said, "Again, I think it's within the Governing Body's power to deal with that and I appreciate the offer of the applicant to limit the use, but I really think that's probably more an inherent power of the Governing Body than the applicant in the first instance, and that is something that would play out presumably in the subdivision platting process."

Ms. Lamboy said, "I would certainly want to consult Ben Gurule of the Parks Department first to see what the role of that is, before we make any changes."

Councilor Ives agreed. He said, "I note in the letter from the neighborhood, they want no changes to any of the shown plans from the new design, and honestly, this hasn't been through the Land Use Department yet, and they may impose additional requirements, obviously all designed to ensure that the property adheres to applicable City Codes and is safe. So it's not a matter of not necessarily wanting what you want, but there's a whole body of City law out there designed to ensure that any property which gets developed is developed properly, and will need to go through those processes, and I do trust Matt and his office to do the good job that they usually do in addressing any subdivision and plans that are submitted to them. I think that's all I have."

Councilor Dominguez said, "It's really about trying to get an appropriate density, that's really what we're leaning towards, and I think that's something that needs to be considered overall. That's it."

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

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

Against: None.

18. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

19. 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 March 13, 2013, is incorporated herewith to these minutes as Exhibit "7."

Councilor Dimas

Councilor Dimas congratulated the Santa Fe High School Demon girls for making it to the semi-finals, noting St. Michael's won tonight and will be in the semi-finals. He said the Santa Fe Indian School girls will be in the semi-finals as well, but he doesn't know about Capital High. He said we wish everyone the best of luck.

Councilor Calvert

Councilor Calvert introduced a Resolution supporting continued enforcement and funding of the Federal Endangered Species Act. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."

Councilor Rivera

Councilor Rivera introduced the following:

1. A Resolution relating to the health, safety and welfare of the City of Santa Fe businesses that sell firearms to include a trigger lock with every firearm sold and encouraging gun owners to keep trigger locks on all firearms in their possession and stored safely away from children. He said this Resolution was done before, but we haven't looked at in a while, and wanted to reinforce that it is there. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."
2. A Resolution relating to the 2013/2014 Budget; directing the City Manager to include in the 2013/2014 budget projections, the projected cost of acquiring an independent contractor to design, implement and administer a fraud, waste and abuse hotline for City employees to report alleged fraud, waste and abuse being committed by their colleagues and contractors of the City. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10."
3. A Resolution relating to the 2013/2014 budget; directing the City Manager to explore the options for expanding the City of Santa Fe Legislative Services Office during the 2013/2014 budget process and provide such options to the Governing Body for consideration. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11."

Councilor Rivera said he and Councilor Dimas spoke for a while about putting the chamber remodel on hold to address more pressing issues the City has in terms of roofs at other facilities. He said as we get closer to the end of the year, he would like Mr. Romero to move this to the front if he is able to find any unused funds.

Councilor Ives

Councilor Ives introduced the following on behalf of Councilor Wurzbarger:

1. A Resolution directing staff to create and establish an annual award to recognize and honor the accomplishments and contributions of an outstanding woman-owned business that is situated in the City of Santa Fe and establishing a selection committee for the annual award. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "12."

Councilor Ives said he would like to cosponsor the Resolution.

Councilor Ives said Councilor Wurzbarger asked him to remind everyone that the bill relating to the film industry in New Mexico is on the Governor's desk, and everyone is strongly encouraged to call the Governor's Office and let her know we are in favor of her signing that bill.

Councilor Ives said he believes the Governor has said she will sign HB77 if and when it reaches her desk.

Councilor Ives said he would like to Cosponsor Councilor Calvert's introduction on the Endangered Species Act. He said he would like to cosponsor Councilor Bushee's ordinance on discrimination.

Councilor Bushee

Councilor Bushee introduced a series of Resolutions as follows:

1. A Resolution amending the procedures for appeal under Santa Fe City Code Section 14-3.17 to allow members of Land Use Board from which an appeal has been taken to testify in response to questions from members of the Governing Body. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "13."
2. An Ordinance relating to human rights; creating a new Article 6-28 SFCC 1987, to establish the City of Santa Fe Human Rights Commission. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "14."
3. An Ordinance relating to benefits for domestic partners; creating a new Section 19-3.8 SFCC 1987, to require that the City of Santa Fe provide domestic partner benefits for all full-time permanent employees of the City of Santa Fe. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "15."
4. An Ordinance relating to requirements for City contractors; amending the City of Santa Fe Purchasing Manual to establish a new provision to prohibit discrimination. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "16."
5. An Ordinance relating to requirement for City contractors; amending the City of Santa Fe Purchasing Manual to require certain City contractors to provide equal employment benefits. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "17."
6. A Resolution expressing support for the Uniting American Families Act. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "18"

Councilor Bushee thanked staff for their hard work on these Resolutions, noting she will have two resolutions ready for introduction at Finance on Monday.

Councilor Bushee wished everyone a Happy St. Paddy's Day, noting she has been asked why we don't have a St. Paddy's Day Parade.

Councilor Trujillo

Councilor Trujillo introduced an Ordinance relating to the City of Santa Fe Fire Department; amending Section 2-10.3 SFCC 1987, to grant the Fire Chief the full authority to sign agreements with landowners for the purpose of implementing fire hazard mitigation activities. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "19."

Councilor Trujillo sends condolences to the Blea family on the loss of Larry Blea, a really good man who was very active and will be missed.

Councilor Trujillo wished a Happy Birthday to his wife Amber's grandmother who was 102 years this past Sunday.

Mayor Coss

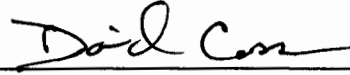
Mayor Coss reiterated for everyone to call on the Film Bill, and to call Senator Martinez HB 77, regarding gun show loopholes. The bill passed the House, and is stuck in Senate Judiciary.

Mayor Coss introduced a Resolution relating to the practice of human trafficking, with a small authorization of \$5,000 to put signs up telling women where to call to get out of sex slavery. He worked with the Attorney General's Office, LifeLink and Carol Horowitz. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "20."

I. ADJOURN

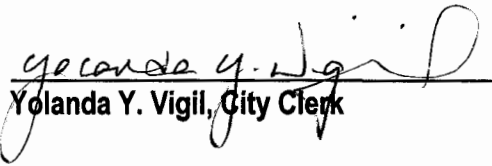
There was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 9:15 p.m.

Approved by:



Mayor David Coss

ATTESTED TO:



Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Council Stenographer

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, MARCH 11, 2013**

ITEM 12

REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, AIRPORT ROAD OVERLAY DISTRICT, SECTION 14-5.5 (C) SFCC 1987, CREATING A NEW SUBSECTION 14-5.5 (C)(6)(I) TO INCLUDE A PROVISION FOR COMMERCIAL RECYCLING CONTAINERS; AMENDING SUBSECTION 14-5.5 (C)(12)(c) TO CLARIFY THE APPLICABILITY OF EXISTING BUILDING-MOUNTED OUTDOOR ADVERTISING OF ALCOHOLIC BEVERAGES, TO CLARIFY THE PACKAGING OF ALCOHOLIC BEVERAGES OF EIGHT OUNCES OR LESS AND ESTABLISHING THE EFFECTIVE DATE OF SUCH PACKAGING PROVISIONS; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY (COUNCILORS DOMINGUEZ AND CALVERT) (MATTHEW O'REILLY)

PUBLIC WORKS COMMITTEE ACTION: Approved with Amendments

SPECIAL CONDITIONS OR AMENDMENTS:**STAFF FOLLOW UP:**

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON WURZBURGER			
COUNCILOR CALVERT	X		
COUNCILOR IVES	X		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	X		

Exhibit "1"

**CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2013-16
(Airport Road Overlay District)**

Mayor and Members of the City Council:

We propose the following amendment(s) to Bill No. 2013-16:

1. On page 2, line 2 *delete* "containers in sufficient quantity" and *insert* "space sufficient" in lieu thereof

Respectfully submitted,

Public Works Committee

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, MARCH 11, 2013**

ITEM 10

CERRILLOS ROAD CONSTRUCTION PROJECT, PHASE IIC FROM CAMINO CARLOS REY TO ST. MICHAEL'S DRIVE/OSAGE AVENUE - COOPERATIVE AGREEMENT

- REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING THE CITY OF SANTA FE TO ENTER INTO A COOPERATIVE PROJECT AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR PHASE IIC OF THE CERRILLOS ROAD RECONSTRUCTION PROJECT (COUNCILOR DOMINGUEZ) (DESIRAE LUJAN)
- REQUEST FOR APPROVAL OF A BUDGET ADJUSTMENT REQUEST (BAR)

PUBLIC WORKS COMMITTEE ACTION: Approved

SPECIAL CONDITIONS OR AMENDMENTS:**STAFF FOLLOW UP:**

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON WURZBURGER			
COUNCILOR CALVERT	X		
COUNCILOR IVES	X		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	X		

Exhibit "2"

City of Santa Fe, New Mexico

memo

DATE: February 19, 2013 for the March 13, 2013 City Council hearing

TO: Mayor David Coss
Members of the City Council

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

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

Case #2012-104. Aguaфина Rezoning to R-3. JenkinsGavin Design and Development, agent for Aguaфина Development, LLC, requests to rezone 5.89± acres from R-1 (Residential, 1 dwelling unit per acre) to R-3 (Residential, 3 dwelling units per acre). The property is located south of Agua Fria Street and west of Calle Atajo, at 4702 Rufina Street and 4262 Agua Fria Street. (Heather Lamboy, Case Manager)

RECOMMENDATION

The Planning Commission recommends **APPROVAL OF REZONING TO R-3** (Residential, 3 dwelling units per acre) with conditions as outlined in this report.

APPLICATION OVERVIEW

On December 6, 2012, the Planning Commission found that all criteria for a rezoning have been met with the recommendation that the tract be rezoned to R-3 (Residential, 3 dwelling units per acre) instead of the originally requested R-5 (Residential, 5 dwelling units per acre).

At the City Council hearing on January 30, 2013, the City Council denied the applicant's request for rezoning.

At the following hearing, on February 13, 2013, the Council voted to rescind the denial.

Exhibit "3"

and to rehear the case at the March 13 City Council meeting.

Since the February 13 hearing, the applicant has modified the application to request R-3 (Residential, 3 dwelling units per acre) instead of the originally requested R-5 (Residential, 5 dwelling units per acre).

The following conditions are recommended by the Planning Commission:

1. Rezone the parcel to R-3 (3 dwelling units per acre).
2. The developer shall provide access to Tract "C" from Rufina Street, aligning the access with Tract B, and the accesses shall be partial right-in, right-out and left-in turns only.
3. A traffic analysis shall be provided at the time of subdivision review to determine the design of the access points to the development.
4. An emergency access shall be provided to the site from Agua Fria Street.
5. Twenty percent (20%) of future residential development shall be affordable, and a Santa Fe Housing Program (SFHP) Agreement shall be signed and recorded with a final subdivision plat. All affordable lots shall be designated on a subdivision plat.
6. Section 14-8.15(C)(2) SFCC 1987 requires land to be dedicated for neighborhood parks. The conceptual site plan that has been provided does not address any park dedication. The applicant shall provide park area for the development as part of the subdivision plat process, or commit to payment of park impact fees, in order to comply with this Land Development Code requirement.

ATTACHMENTS:

EXHIBIT A:

- a) Findings of Fact and Conclusions of Law
- b) Conditions of Approval
- c) Bill

EXHIBIT B: Application Modification Letter from JenkinsGavin Design and Development

EXHIBIT C:

- a) City Council Minutes January 30, 2013
- b) City Council Minutes February 13, 2013

EXHIBIT D: City Council Staff Report Packet January 30, 2013

City of Santa Fe, New Mexico

Exhibit A

**Findings of Fact
Conditions of Approval
Bill**

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

Case #2012-104 – Aguafina Rezoning
Owner's Name – Aguafina Development, LLC
Applicant's Name – JenkinsGavin Design & Development, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on December 6, 2012 upon the application (Application) of JenkinsGavin Design & Development, Inc. as agent for Aguafina Development, LLC (Applicant).

The Applicant seeks to rezone 5.73± acres of land (Property) that comprises the southern part of a single tract of land (the Tract) west of Calle Atajo that runs south from Agua Fria Street to south of Rufina Street. The Property is bisected by Rufina Street and is zoned R-1 (Residential – 1 dwelling unit/acre). The remainder of the Tract (the Remainder) is zoned R-5 (Residential – 5 dwelling units/acre). The Applicant seeks to rezone the Property from R-1 to R-5 so that the Tract is within a single zoning district. The Property is designated as Low Density Residential (3-7 dwelling units/acre) on the General Plan Future Land Use Map.

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. Under SFCC §14-3.5(A)(1)(d) any individual may propose a rezoning.
3. SFCC §§14-3.5(B)(1) sets 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).
4. SFCC §14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings (Rezoning Criteria).
5. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)(1)(a)(i)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(iii)]; and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
6. A pre-application conference was held on May 10, 2012.
7. 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)].

8. An ENN meeting was held on the Application at 5:30 p.m. on July 30, 2012 at the Southside Library at 6599 Jaguar Road.
9. Notice of the ENN meeting was properly given.
10. The ENN meeting was attended by the Applicant, City staff and other interested parties and the discussion followed the guidelines set out in SFCC §14-3.1(F)(6).
11. 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 Rezoning, subject to those conditions contained in the Staff Report (the Conditions).
12. 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)].*

There has been a change in the surrounding area, with an increase in density as the City has expanded southward, altering the character of the Rufina Street corridor. Rezoning will bring the Property into compliance with the General Plan future land use designation for the Property of Low Density Residential (3-7 dwelling units/acre) and with the Plan policy supporting residential development within the future growth areas is built at a minimum gross density of 3 dwelling units/acre, and an average of 5 dwelling units/acre where topography allows.
 - (b) *All the rezoning requirements of SFCC Chapter 14 have been met [SFCC §14-3.5(C)(1)(b)].*

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 General 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 General Plan policy supporting the preservation of the scale and character of established neighborhoods while promoting appropriate infill development in an area already served by public water and wastewater facilities.
 - (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 and sewer is sufficient to serve the increased density resulting from the rezoning. However, impacts on traffic and on other public facilities, especially parks, which are inadequate to serve the area at existing densities, mitigate against R-5 zoning for the Property.

CONCLUSIONS OF LAW

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

1. The Rezoning was 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.
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, although the impacts on traffic and on other public facilities, especially parks, which are inadequate to serve the area at existing densities, mitigate against R-5 zoning for the Property.

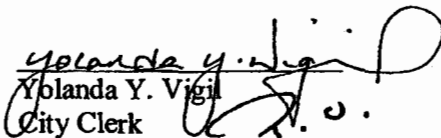
WHEREFORE, IT IS ORDERED ON THE 10TH OF JANUARY 2013 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the rezoning of the Property to R-3, subject to the Conditions.


Thomas Spray
Chair

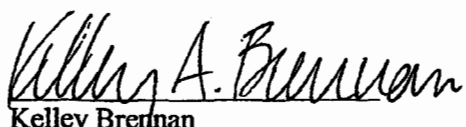
1/19/13
Date:

FILED:


Yolanda Y. Vigil
City Clerk

1.14.13
Date:

APPROVED AS TO FORM:


Kelley Brennan
Assistant City Attorney

1/10/13
Date:

Aguafina Rezoning to Conditions of Approval
City Council
Case #2012-104 – Aguafina Rezoning to R-3

Conditions	Department	Staff
<p>Review comments are based on submittals received on August 15, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:</p> <ol style="list-style-type: none"> 1. The Developer shall provide an access from Tract "C" to Rufina Street, aligning the intersection with the proposed access to Tract B. Both accesses shall be partial accesses providing Right-in, Right-out, and Left-in turns only; 2. The Developer shall provide a traffic analysis of the access points to Rufina Street to determine if deceleration and/or acceleration lanes are needed and if so how long they should be; 3. The Developer shall plan this development so that it allows future access to the west that corresponds with proposed access to the east from the approved Cielo Azul Subdivision. We required the Cielo Azul developers to provide stub-outs so that their roadway network can connect to the east. The Developer shall indicate on the subdivision plat and development plan, the locations of these future Right-of-Way accesses and stub-outs (ghost lines) to the west; 4. We have reviewed a conceptual design of a subdivision that indicates a proposed access and utility easement. At such time as a submittal is made for a subdivision plat and/or a development plan, the proposed roads shall be built to City of Santa Fe standards and dedicated as public right-of-way. 	Traffic Engineering	John Romero/ Sandra Kassens
<p>The Fire Marshal conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to final approval of a subdivision plat.</p> <ol style="list-style-type: none"> 1. Shall Comply with International Fire Code (IFC) 2009 edition. 2. Shall meet fire department access for R-5 zoning as per IFC 2009 edition, and have two points of access. 3. Shall meet fire protection requirements for R-5 zoning as per IFC 2009 edition. 	Fire	Rey Gonzales
<p>The subject property is accessible to the City sanitary sewer system and connection to the City sewer system is mandatory and shall be made prior to any new construction. Additionally, the following notes shall be included on the plat:</p> <p>Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application.</p>	Wastewater	Stan Holland
<p>Based on the latest SFHP requirements, 20% of the proposed subdivision must be designated affordable. Any fractional portion of a lot can be satisfied by providing another lot or paying a fractional fee. The affordable lots must be spread out and not clustered.</p> <p>A completed SFHO proposal is required prior to review of the plans by staff prior to Planning Commission approval of the Final Plat. A Santa Fe Housing Program (SFHP) Agreement shall be signed and recorded with the Final Plat. The affordable lots shall be designated on the plat.</p>	Affordable Housing	Alexandra Ladd

Aguafina Rezoning to Conditions of Approval
City Council
Case #2012-104 – Aguafina Rezoning to R-3

Conditions	Department	Staff
There is no location shown for stormwater ponding as required by the Land Development Code. All applicable requirements of Article 14-8.2 must be met if the project goes forward after the rezoning.	Technical Review	Risana "R.B." Zaxus
Section 14-8.15(C)(2) SFCC 1987 requires land to be dedicated for neighborhood parks. The conceptual site plan that has been provided does not address any park dedication. The applicant shall provide park area for the development as part of the subdivision plat process, or commit to payment of park impact fees, in order to comply with this Land Development Code requirement.	Current Planning	Heather Lamboy

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-12

AN ORDINANCE

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;
CHANGING THE ZONING CLASSIFICATION FOR 2.453± ACRES IDENTIFIED AS
TRACT B AND THE SOUTHERN 3.432± ACRES OF TRACT C (IDENTIFIED AS
TRACT C-2), A PORTION OF SMALL HOLDING CLAIM 435 TRACT 3 WITHIN
SECTION 6, TOWNSHIP 16 NORTH, RANGE 9 EAST, NEW MEXICO PRIME
MERIDIAN, WHICH IS LOCATED WEST OF CALLE ATAJO BETWEEN AGUA FRIA
STREET AND RUFINA STREET, FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT
PER ACRE) TO R-3 (RESIDENTIAL, 3 DWELLING UNITS PER ACRE), AND
PROVIDING AN EFFECTIVE DATE. ("AGUAFINA REZONING," CASE #2012-
104).**

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

Section 1. That a certain parcel of land comprising 5.89± acres (the "Property")
located within Section 6, Township 16N, Range 9E, New Mexico Prime Meridian, Santa Fe
County, State of New Mexico, of which totals approximately 5.89 ± acres are located within the

1 municipal boundaries of the City of Santa Fe, is restricted to and classified as R-3 (Residential, 3
2 dwelling units per acre) as described in the legal description zoning map attached hereto
3 [EXHIBIT A] and incorporated herein by reference.

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

7 Section 3. This rezoning action and any future development plan for the Property is
8 approved with and subject to the conditions set forth in the table attached hereto [EXHIBIT B]
9 and incorporated herein summarizing the City of Santa Fe staff technical memoranda and
10 conditions recommended by the Planning Commission on December 6, 2012.

11 Section 4. This Ordinance shall be published one time by title and general summary
12 and shall become effective five days after publication.

13
14
15 **APPROVED AS TO FORM:**

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17 

18 GENO ZAMORA, CITY ATTORNEY
19
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25

LEGAL DESCRIPTIONS

TRACT C-2

A TRACT OF LAND LYING AND BEING SITUATE WITHIN SECTIONS 6, T16N, R9E, AND BEING A PORTION OF S.H.C. 435, TRACT 3, N.M.P.M., DESIGNATED AS TRACT "C-2" IN SANTA FE COUNTY, STATE OF NEW MEXICO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THIS TRACT FROM WHENCE A U.S.G.L.O. BRASS CAP MARKING TR1 OF P.C. 1255 1/2 AND CLOSING CORNER OF SECTION 6, T16N, R9E, N.M.P.M. BEARS N02°22'20"E, A DISTANCE OF 1646.34 FEET;

THENCE FROM SAID POINT AND PLACE OF BEGINNING S15°28'47"E, A DISTANCE OF 786.35 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1423.08, AND AN ARC LENGTH OF 250.87 FEET TOGETHER WITH A CENTRAL ANGLE OF 10°06'02" TO A POINT; THENCE N16°19'25"W, A DISTANCE OF 563.54 FEET TO A POINT; THENCE N65°27'52"E, A DISTANCE OF 94.09 FEET TO A POINT; THENCE N16°36'58"E, A DISTANCE OF 59.12 FEET TO A POINT; THENCE N64°20'19"E, A DISTANCE OF 135.87 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING AN AREA OF 3.432 ACRES. MORE OR LESS.

TRACT B

A TRACT OF LAND LYING AND BEING SITUATE WITHIN SECTIONS 6, T16N, R9E, AND BEING A PORTION OF S.H.C. 435, TRACT 3, N.M.P.M., DESIGNATED AS TRACT "B" IN SANTA FE COUNTY, STATE OF NEW MEXICO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THIS TRACT FROM WHENCE A U.S.G.L.O. BRASS CAP MARKING TR1 OF P.C. 1255 1/2 AND CLOSING CORNER OF SECTION 6, T16N, R9E, N.M.P.M. BEARS N07°01'17"W, A DISTANCE OF 2532.16 FEET;

THENCE FROM SAID POINT AND PLACE OF BEGINNING S15°29'21"E, A DISTANCE OF 439.82 FEET TO A POINT; THENCE S73°27'17"W, A DISTANCE OF 206.45 FEET TO A POINT; THENCE N16°32'43"W, A DISTANCE OF 564.11 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1321.08 FEET AND AN ARC LENGTH OF 248.36 FEET, TOGETHER WITH A CENTRAL ANGLE OF 10°46'17" TO THE POINT AND PLACE OF BEGINNING.

CONTAINING AN AREA OF 2.453 ACRES. MORE OR LESS.



Exhibit A, Page 1 of 1

A-Z SURVEYING INC.
DECEMBER 13, 2012
L12-032

Comments	Department	Staff
<p>Review comments are based on submittals received on August 15, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:</p> <ol style="list-style-type: none"> 1. The Developer shall provide an access from Tract "C" to Rufina Street, aligning the intersection with the proposed access to Tract B. Both accesses shall be partial accesses providing Right-in, Right-out, and Left-in turns only; 2. The Developer shall provide a traffic analysis of the access points to Rufina Street to determine if deceleration and/or acceleration lanes are needed and if so how long they should be; 3. The Developer shall plan this development so that it allows future access to the west that corresponds with proposed access to the east from the approved Cielo Azul Subdivision. We required the Cielo Azul developers to provide stub-outs so that their roadway network can connect to the east. The Developer shall indicate on the subdivision plat and development plan, the locations of these future Right-of-Way accesses and stub-outs (ghost lines) to the west; 4. We have reviewed a conceptual design of a subdivision that indicates a proposed access and utility easement. At such time as a submittal is made for a subdivision plat and/or a development plan, the proposed roads shall be built to City of Santa Fe standards and dedicated as public right-of-way. 	Traffic Engineering	John Romero/ Sandra Kassens
<p>The Fire Marshal conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to final approval of a subdivision plat.</p> <ol style="list-style-type: none"> 1. Shall Comply with International Fire Code (IFC) 2009 edition. 2. Shall meet fire department access for R-5 zoning as per IFC 2009 edition, and have two points of access. 3. Shall meet fire protection requirements for R-5 zoning as per IFC 2009 edition. 	Fire	Rey Gonzales
<p>The subject property is accessible to the City sanitary sewer system and connection to the City sewer system is mandatory and shall be made prior to any new construction. Additionally, the following notes shall be included on the plat:</p> <p>Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application.</p>	Wastewater	Stan Holland
<p>Based on the latest SFHP requirements, 20% of the proposed subdivision must be designated affordable. Any fractional portion of a lot can be satisfied by providing another lot or paying a fractional fee. The affordable lots must be spread out and not clustered.</p> <p>A completed SFHO proposal is required prior to review of the plans by staff prior to Planning Commission approval of the Final Plat. A Santa Fe Housing Program (SFHP) Agreement shall be signed and recorded with the Final Plat. The affordable lots shall be designated on the plat.</p>	Affordable Housing	Alexandra Ladd

Conditions	Department	Staff
There is no location shown for stormwater ponding as required by the Land Development Code. All applicable requirements of Article 14-8.2 must be met if the project goes forward after the rezoning.	Technical Review	Risana "R.B." Zaxus
Section 14-8.15(C)(2) SFCC 1987 requires land to be dedicated for neighborhood parks. The conceptual site plan that has been provided does not address any park dedication. The applicant shall provide park area for the development as part of the subdivision plat process, or commit to payment of park impact fees, in order to comply with this Land Development Code requirement.	Current Planning	Heather Lamboy

City of Santa Fe, New Mexico

Exhibit B

JenkinsGavin Application Modification Letter



jenkinsgavin
DESIGN & DEVELOPMENT INC.

February 15, 2013

Heather Lamboy
City of Santa Fe Current Planning Division
200 Lincoln Ave.
Santa Fe, NM 87501

RE: Case #2012-104
Aguafina Rezone

Dear Heather,

This letter is respectfully submitted on behalf of Aguafina Development, LLC regarding the above case. The original application, submitted on August 13, 2012, requested to rezone ± 5.89 acres, located at 4702 Rufina Street and 4262 Agua Fria Street, from R-1 (Residential, one dwelling unit per acre) to R-5 (Residential, 5 dwelling units per acre). We hereby amend the rezone request to R-3 (Residential, 3 dwelling units per acre) for these properties.

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

Sincerely,

JENKINSGAVIN DESIGN & DEVELOPMENT, INC.

Jennifer Jenkins

Colleen Gavin, AIA

City of Santa Fe, New Mexico

Exhibit C

City Council Minutes January 30, 2013
City Council Minutes February 13, 2013

City Council Minutes: January 30, 2013

The Public Hearing was closed

MOTION: Councilor Trujillo moved, seconded by Councilor Rivera, to approve the request for a transfer of ownership and location of Dispenser License #2536 from Raytone, Inc., d/b/a Tin Star Saloon, 411-B West Water Street to Alamo Wing Santa Fe, LLC, d/b/a Buffalo Wild Wings, 3501 Zafarano Drive, for on-premise consumption only, with the conditions of approval as recommended by the City Clerk.

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

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

Against: None.

- 2) **CONSIDERATION OF BILL NO. 2013-1: ADOPTION OF ORDINANCE NO. 2013-4. CASE #2012-104. AGUAFINA REZONING TO R-5. JENKINS GAVIN DESIGN AND DEVELOPMENT, AGENT FOR AGUAFINA DEVELOPMENT, LLC, REQUESTS TO REZONE 5.89± ACRES FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO R-5 (RESIDENTIAL 5 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF AGUA FRIA STREET AND WEST OF CALLE ATAJO, AT 4702 RUFINA STREET AND 4262 AGUA FRIA STREET. (HEATHER LAMBOY, CASE MANAGER).**

A Memorandum dated January 14, 2013 for the January 30, 2013 City Council hearing, with attachments, to Mayor David Coss, Members of the City Council, regarding Case #2012-104 Aguafina Rezoning to R-5, is incorporated herewith to these minutes as Exhibit "11."

A copy of a power point presentation *Aguafina Rezone from R-1 to R-5*, entered for the record by Heather Lamboy, is incorporated herewith to these minutes as Exhibit "12."

A copy of the documents used by Jennifer Jenkins in her presentation is incorporated herewith to these minutes collectively as Exhibit "13."

A one page sheet of color photographs of the intersections for the proposed access[s] in this case, entered for the record by Cheryl Odom, is incorporated herewith to these minutes as Exhibit "14"

The staff report was presented by Heather Lamboy via power point. Please see Exhibit "11" for specifics of this presentation. She said, If approved, there will be a minimum of two more public hearings, with a subdivision review, first the preliminary subdivision plat and then the final subdivision plat, so there will be lot of opportunity for thorough vetting as well as another ENN meeting.

Public Hearing

Presentation by the Applicant

Mayor Coss gave the Applicant 10 minutes to make their presentation.

Jennifer Jenkins, JenkinsGavin, was sworn. Ms. Jenkins introduced Coleen Gavin and Mike Gomez, Traffic Consulting Engineer with Santa Fe Engineering.

Ms. Jenkins said, "I am going to be relatively brief. I think Heather covered all of the salient points very effectively. So, just kind of going back, we have the subject property. It's two parcels. It used to be one parcel, but when Rufina Street was built, it was divided up, so the northern piece is just under 3.5 acres, and the southern piece is just under 2.5 acres. And this is directly west of the existing Las Acequias Subdivision, but as you can see there are some large, undeveloped tracts in this area. As part of the central neighborhood area in the Southwest Area Master Plan, which of course we refer to regularly, in studying this of course as we move forward with these types of applications to understand what the intent was. So, we go there first and then we refer to the General Plan to see what is the City's visions for these particular parcels."

Ms. Jenkins continued, "So the General Plan is the bright yellow you see here, is low density residential with a density from 3 to 7 dwelling units per acre. And so based on the zoning that was around the property and the development plan that is around the property, was the impetus behind the request for R-5 zoning. As you can see here, the property directly north is already zoned R-5, and that was a recent action. This property, as Heather pointed out, is in the Phase 2 annexation area so it's part of the SPPAZO [Subdivision, Platting, Planning, And Zoning Ordinance] process. Zoning was assigned to the areas to be annexed, so that R-5 designation for that tract is a relatively recent occurrence. We also have R-6, we have R-5 and R-7 in the Las Acequias neighborhood. The MPH zoning in this area is developed at R-6 densities, on average. We calculated that, just so we could understand that. And as you move a little further west, we have more R-7, R-12, then... and so as you can see there is a nice mix of densities which is great, because in the central neighborhood area they talk about encouraging a mix of housing types and a mix of densities, because that is really the pattern that we see in this part of town and also with respect to Agua Fria Village. Agua Fria Village is our neighbor in this part of the City and so we have more of a rural pattern there."

Ms. Jenkins continued, "And so the vision we had for this related to really more generously sized lots for the project. Before our client even came to us to assist with this process, he did his own market research. He was interested in acquiring the property, what was the best use, what was appropriate here. And what his research told him is there was demand for some more generously sized lots in this area of the City that is so centrally located and access to services and jobs and schools and shopping and everything else, and because, as we see, a lot of things were being developed at much tighter densities. And interestingly, when we sent out the first Early Neighborhood Notice for our ENN meeting, we got a

rash of phone calls right away. All the calls we got were people who wanted to be put on the waiting list to buy a lot. So that was kind of encouraging, and our client was encouraged by that, and it's like, well maybe my market study was... there was some accuracy. So we have a list of people who were very interested in acquiring a lot in this area, and liking the idea of something a little more generously sized, a little more space around them, while being in town."

Ms. Jenkins continued, "So with respect to, obviously, the Southwest Area Master Plan which informs the General Plan designations in this area, we looked at how what we are proposing here is in compliance with the General Plan. The designation right now, we're out of compliance, with the designation of 3-7 dwellings per acre at R-1 zoning, so this request brings the property into compliance with the General Plan."

Ms. Jenkins continued, "Infill. We talk about infill a lot and this is a classic representation of infill in order to prevent sprawling at the edges of our City, utilizing our existing infrastructure in an efficient manner. Again, the compact urban form, that's also something that is a guiding policy that shows up throughout the City's General Plan and which infill is fundamental to the effort."

Ms. Jenkins continued, "And connectivity, neighborhood connectivity. It shows up in the Southwest Area Master Plan in the central neighborhood area. There is specific language that talks about attempts shall be made to connect existing neighborhoods, through the extension of local streets, that sense of connecting our neighborhood so not everything was a dead end, really, that shows up frequently throughout the Southwest Area Master Plan as well. And obviously affordable housing. We will obviously be in compliance with the Santa Fe Homes Program, so as new lots are created, new homes are built, there is obviously the creation of additional affordable homes for our community."

Ms. Jenkins continued, "So, when we first engaged in this process, our very first phone call to the City was to John Romero. First phone call, before we even scheduled our pre-application conference with Tamara and her staff, we went and met with John. We talked about access. We talked about do you need a traffic impact analysis. We talked about the scope of the project, and he said, you're dropping the bucket over here. We do not need a traffic impact analysis, based on the size of this project and the number of homes we're talking about, it's not really warranted at this point. And we talked about access and we talked about Power Line Road and he saw that as a wonderful opportunity to meet that provision for neighborhood connectivity. He loved the idea of not just forcing all of the cars onto the arterial of Rufina Street. That is stated throughout. We have to relieve some of the pressure from all of our arterials. And so, we took a look at traffic, and we're going to talk about traffic tonight. We're going to talk about it a lot, and so I want you to know we looked at it as well, and we looked at, as you probably know, the Metropolitan Planning Organization. They run annual counts all the time to keep track of the traffic volumes. And, interestingly, this right here is the exact point of our proposed access onto Rufina Street, right at the front door of the project."

Ms. Jenkins continued, "So the annual, daily traffic volumes at that location are about 11,500 cars. And that's a lot of cars. Rufina Street is an important arterial in this City. There is traffic on Rufina Street. Absolutely. And Rufina Street is classified as a secondary arterial. It is an important mover of people for our City, especially for that part of town. The City Code says, for secondary arterials, the capacity of those roadways is deemed to be up to about 15,000 cars a day. Once it gets beyond that, that's when the City starts look at, wow we need to improve this road, we need to widen this road, we need to up it to major arterial status, but Rufina is not there yet, based on its current level of improvements and its current traffic loads, it has secondary arterial status. So what this shows us is based on existing traffic volumes, there is still additional capacity on Rufina Street."

Ms. Jenkins continued, "So the projected average daily traffic for this proposed neighborhood is about 1.7% of the total, so as you can see, it's that metric.... when John Romero was looking at this and I don't want to put words into his mouth and I hope that you will speak with him this evening. Again, we're a drop in the proverbial bucket as far as the total volume of traffic that's happening in this area. And as we know, with roadways it's not about the road, it's about the intersections. Intersections are where the improvements need to be made over time to accommodate growth. And also we looked at the a.m. and p.m. peak [times], because when we talk about traffic, we talk about morning rush hour and evening rush hour. Those are the key times that must be looked at.

Ms. Jenkins continued, "Again our project looks at a total of 25 vehicles in an a.m. peak hour, p.m. peak hour, again about 1.7% of the total, so it's really a negligible amount of traffic when you looked at the context of what is happening in the neighborhood. So put that into context, it's about 1 car exiting the neighborhood every 3 minutes in those peak times. So here's a very important thing to understand. Although John Romero said it's part of this process based on the size of this project, the negligible traffic generation, I don't need a TIA right now. It's not warranted. However, we have a condition of approval that when we do our subdivision, absolutely John Romero is requiring a Traffic Impact Analysis. We have to appropriately design our access on Rufina Street. We have to understand what's happening at Calle Atajo. Are there additional improvements warranted at Calle Atajo. It's difficult to do a TIA until you know what your zoning is. It's difficult to do that until you know what your program is and what your [inaudible] count is, because all of that plays into those figures. So yes. A TIA will be conducted, but I think as we've shown here it is a negligible element to what is happening in the corridor."

Ms. Jenkins said, "And lastly, I just want to touch on a couple of other items is with respect to park dedication. You may here this evening, concerns from the Las Acequias neighborhood about their park. They have a very popular, well attended park for this part of town. And of course, as part of our process, we will be dedicating land as well for park open space land. You know we talked to the city and we also talked to the Parks Department to say, well you could have land or you could have money – which makes the most sense. Do you want impact fees where you can make improvements to nearby parks, or would you rather have land. Parks said we'd rather have land, and we said okay. So as part of the subdivision process, we will be meeting with the Parks Department to identify the optimal location for that, so it makes

the most sense for the new little neighborhood we're creating, as well as for the surrounding neighbors. So that will definitely be a part of the process, and is a requirement."

Ms. Jenkins continued, "So with that, I would be happy to stand for any questions. Thank you for your attention."

Councilor Dominguez said he has a question for Ms. Lamboy. He said, "In your presentation, I didn't catch all of it, but you talked about the number of units being from 29 to 17 on the southern tract."

Ms. Lamboy said, "That is correct. For the tract that was outlined in red in my presentation, and I can get back there."

Councilor Dominguez said, "That's from Rufina down to Power Line. Is that considered the southern tract?"

Ms. Lamboy said, "From power line to Rufina and then the tract that is just south of Rufina, which is approximately 3 acres. The tract to the north would allow approximately 25 dwelling units with its current R-5 zoning."

Speaking to the request

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

All those speaking were sworn en masse

Liddy Padilla, President, Las Acequias Neighborhood Association [previously sworn], said they are an established neighborhood for 30 years, with 600 homes in the neighborhood. She said they realize development will happen and they are not opposed to development, but they would like for anything that comes in to reflect the same image they have in the Las Acequias Subdivision. She lives directly across from the park, and would be completely impacted by Power Line Road being made an entrance to Aguafina. She said there are 200 plus vehicles that come to the park, and it would be difficult for the people on the northern side of Las Acequias to get to and from Rufina into their homes. She said currently Las Acequias does not have two entrances/exits, and have only one from Rufina. She said the other neighbors are very concerned about Power Line Road being made a main entrance into that property.

Cheryl Odom, [previously sworn], said she has been a neighbor of the neighborhood for 15 years. She provided a photograph of the intersection of Calle Atajo and Rufina to show that it is a blind intersection. She doesn't know how many accidents have happened at that intersection, but she hears the crashes, and said that information could be interesting. She asked if every development does its own traffic study, and asked if it would be possible to do the entire stretch of Rufina now that it goes all the way

to Meadows and then to the bypass. She would presume traffic in that area has increased, so it is a concern. She is unsure when that traffic count was done. She said they aren't against development, but they are a little gun shy because of what happened on Zafarano and the development there. She said a lot of people use the urban trail on the southern end of the tract. She said they don't have urban trails in their area and it would be nice to have that, and asked if this is approved, what happens to that area. It is a nice little pocket with trees and such. She questions the advantageous quality of a denser zoning with this. She asked if you sell single lots, can all those lots be covered by the same covenants, or does it have to be piecemeal.

Ruth Solomon, 1076 Avenida Line, said Power Line Road runs behind her house. She has owned her home in Las Acequias for 18 years, and has seen the south side develop during that time. Her main concern is having Power Line Road turned into a major artery. She said she doesn't think you know what happens at the Park in the summer. She said people come in big trucks and stand in the middle of the street and talk to one another. She said she would suggest that you forfeit the idea of Power Line Road becoming the entrance, because people will come in through Rufina and cut through your development to get to the park. She said there is only one access into Las Acequias which is Calle Atajo, and there is a lot of activity on that street to service their community which is substantial. She said to have another entrance accessed through Las Acequias will impact them greatly. She said the park is beautiful, but during the summer it is a very big magnet for a lot of activity. She said people play volleyball there, mothers come with their children, but the traffic that comes through their community to get there has been very stressful for the people living there. She said to make Power Line another access to the park would influence your community as well. She said they know development is happening. They are glad to know the Planning Commission supported R-3 instead of R-5, which is a separate issue. She said the traffic and what is going on in their community, because of the park, is of great concern, opening Power Line will be a big big mistake. Power Line should be an access for emergency vehicles, and nothing else.

Katy Douthit [previously sworn], said her neighbor, Ruth Solomon, has said it all. She just wants to reinforce the issues about Power Line Road. They are not opposed to the development, but they are very opposed to opening Power Line Road. She said this is a very small, narrow, dirt road at the moment, and is the driveway for the gentleman in back. She said to have a minimum of 25 additional cars a day on that road is huge. Her back yard is against Power Line, which is a narrow dirt road between her back yard and the park, which already has a "lotta lotta" traffic on it, as Ms. Solomon said, in the summer months during the nice weather. So it's mostly a traffic concern that all of the Las Acequias residents are worried about, and people cutting-through from Rufina, through this new development into their park is their main concern.

Sidney R. Davis [previously sworn], said she has lived in Santa Fe for 28 years, and for the last 7.5 years she has owned and resided in a condominium at 1220 Senda del Valle, Apartment A. She said tonight, she is representing both HOAs for compounds 1 and 2, located respectively at 1220 and 1222

Senda del Valle. She said she has been a member of the Las Acequias Neighborhood Association since 2005, she has been involved in all of the efforts to preserve the character of our community here on the south side. To the south and west of their property, the current zoning is R-1 and they are concerned the about the zoning to R-5, now R-3 for the following reasons: 1) Traffic increase has been significant over the last 6 years causing noise, congestion and increased air pollution. There is gridlock, with increasing regularity, at Lopez and Calle Atajo. No traffic study has been done, but they know there's one on the way, and when done, it should be reviewed to study these kinds of population impacts, because there already is high density, and increasing units per acre will exacerbate the current conditions. 2) Families crossing Rufina from Senda del Valle on foot have more and more difficulty as cars go by at speeds making it dangerous for citizens to access the park. Rezoning to increase the units per acre will make this worse. She has a physical disability and she purchased her unit so she could walk to the park ½ block away. The park has fallen into disrepair. During peak usage there are so many people accessing the park so it is more difficult for someone like herself to walk without worrying about volleyballs and bicycles on the pathways which are so narrow two people can't pass shoulder to shoulder. The walkways are narrowing. Rezoning will make this worse. 3) If the goal is to preserve the character of the neighborhood, then increasing the zoning isn't part of the solution. Besides a traffic study, it would be advisable to take account the green spaces. The proposed development will take place near El Camino Real, and it behooves the community to give attention to managing the increasing populations, traffic and the green spaces or it will lose its character, once and for all.

Rick Martinez, President, Neighborhood Network, [previously sworn], said the Network voted to support Las Acequias neighborhood on this development, saying that Power Line Road is not an option, and the neighborhood has drawn a line in the sand saying Power Line Road should not be a throughway to the park. The park is important and the kids are important in the neighborhood and this should not be developed. He said Power Line Road is an easement that goes across to Calle Cielo, and is concerned it could be a throughway all the way to Lopez Lane. He said you need to consider the safety of the park and the safety of the kids that are there. He said Power Line should be used only as an emergency road, and never be opened for traffic. He thinks the Council should support the whole neighborhood and stay away from opening Power Line Road.

Paul Lucero, 1068 Avenida Linda, [previously sworn], said his property is against the north side of the proposed development and he lives near the park. He is concerned about the traffic congestion, and at times, Calle Atajo is the only entrance to the park. He said part of this development would be adding more traffic and congestion. He said the second issue is crime, noting there is a lot of graffiti, and there have been fights, and at night people are partying and there are a lot of beer bottles in the morning, along with a lot of trash. He asked the Council to consider this in making its decision.

Stefanie Beninato, P.O. Box 1601, Santa Fe, New Mexico [previously sworn], said she understood from the representative for the Applicant that there are supposed to be mixed densities in this

area. And what she heard and saw on the map, is that there is a lot of R-5 and R-6, particularly in this area already, and it's supposed to range from R-3 to R-7. The Planning Commission has recommended that it range from R-1 to R-3, and that is in the plan for the area and in the larger City plan. She said the Planning Commission is your resident expert group and you should rely on their opinion, rather than the Applicant's opinion which is driven by economic gain rather than the best interest of the neighborhood. She said the Planning Commission's decision, hopefully, is based on the best interest of the community, looking at the larger picture and long-term development. She thinks it behooves the City Council to give great weight to the Planning Commission's recommendation which is for R-3 zoning, which would help fulfill the goal of the plan

Linda Flatt, 950 Vuelta del Sur, Board of Las Acequias and Perfect Watch coordinator [previously sworn], said, "I think that I'm the summary, so I'm going to summarize. You've heard that the traffic is really bad, you all know that. I'm going to refer to Councilor Dominguez's statement that in the 4.5 square mile area of Airport Road there are 20,000 people and we are right in the middle of it. We have a lot of people in our community, we have 600 homes. We have one street that services right straight down through the center of our long, narrow community. It is congested. It is heavily trafficked, and it is one that is at a maximum right now. And you know that the park is really bad. Power Line Road, unfortunately, is right beside it. To meet the requirements for the Fire Department, I know that they are saying that there needs to be two entrances. Rufina could be the main entrance and Power Line Road could be only an entrance for emergencies or exits for emergencies. And also Agua Fria also has an emergency entrance and exit. So that would be two of those with the main entrance on Rufina. So if I travel from my house all the way down to Rufina, there is no other exit. I go straight down Calle Atajo to get out of the community, so I see there would be no difference in this community if they were to start and travel down to Rufina to exit."

Ms. Flatt continued, "Las Acequias agrees with the Planning Commission on the R-3. We feel that the zoning should be that. The density is high. What we agree with is that we know this will be a new community. We are asking that it be a community that will have strong deed restrictions, a community to be similar to our established community of over 30 years. Thank you."

Response/Clarification by Applicant

Ms. Jenkins said, "A couple of things I would like to clarify. With respect to... let me just pull up a better image here.... Okay, so this is a very zoomed-in of the Power Line Road easement. So what we have here, this is the Power Line Road easement which is 58 feet wide. It runs from 'here' all the way down to 'here.' This is the Las Acequias Park. This is Calle Atajo. This is the north end of the subject of the rezone. The Power Line Road easement ends right 'here,' and this is Mr. Tapia's home. I'm going to back up to something that maybe... okay. So here it is again. 'Here' is the Power Line Road easement. Mr. Tapia uses this driveway to access his residence, which is right 'here.' It does not extend 'this' way. It

stops. I have plats I would be happy to show you. Power Line Road has nowhere to go, unless it's through Mr. Tapia's living room. It stops right here."

Ms. Jenkins continued, "In the northern section of Las Acequias, that is north of Rufina, there's almost 200 homes there with one way in and one way out. Let's put the emergency issue aside. The City says if you have over 30 homes, you need two ways in and two ways out, and that is from a traffic flow standpoint. In order to give cars more than one way, the Power Line Road connection coming 'here' down to Rufina, actually will relieve congestion at Calle Atajo. That's the point of connectivity. That's the point of not sending all 200 households to one point of access. So, this is a.. if you look at this from a bigger... forget this little project, put that aside. The opportunity here for this level of connectivity is a service to the broader community, and I just want to reiterate the 58 foot easement stops here."

The Public Hearing was closed

Councilor Bushee said, "It seems a misnomer to call Power Line Road a road. So, what's your sense of how this easement is used."

John Romero said, "It's not currently a road. Currently, it is a right-of-way reservation. The condition would be that they would turn it into a road that would be dedicated to the City. It is a reservation of right-of-way that is dedicated to the City, all 58 feet."

Councilor Bushee said, "That little dirt tract that is in there is how wide now."

Mr. Romero said, "The actual roadway that's on there now, I'm not sure, but they will be required to build a City standard road."

Councilor Bushee said, "This is reminiscent to me of Montano Street, which we just assured those neighbors that they would not have a new road bringing traffic into an already very dense neighborhood, and almost an over-used recreational area. So, what I would like to understand and maybe that's where I need Tamara, help me out. For this subdivision to go forward, they need two access points, is that correct."

Tamara Baer said, "That's correct. That's what the Fire Marshal has asked for Mayor and Councilor."

Councilor Bushee said, "Rufina Street doesn't cut it, and so what are the other options if Power Line Road is off the table."

Ms. Baer said, "The way that it was looked at, is that there would be an access all the way out to Agua Fria, but currently, we are looking at that as an emergency access only. And perhaps John Romero can speak to that. The property is owned by a single owner, that includes not just the area that's being

asked to rezone, but the portion above that, as well, which is currently zoned R-5. It's all under single ownership.

Councilor Bushee asked, "Why don't they develop them both at the same time, and give everybody an understanding of what they're intending to put in there."

Ms. Baer said, "I believe that is their intent."

Councilor Bushee asked, "Why are we dealing with it in a piecemeal fashion now?"

Ms. Baer said, "Because this is only is for rezoning. The upper portion is already been zoned R-5."

Councilor Bushee said, "I guess my point is, and you said that was done recently."

Ms. Baer said, "It was done at the time of SPPAZO [Subdivision, Platting, Planning, And Zoning Ordinance] that was approved by ELUC and ELUA."

Councilor Bushee said, "I really do feel for these people. I live in an R-5 zone on the West side. It's very dense, but the traffic concerns are real for people. I have a hard time getting in and out of West Alameda, people are always having accidents. But it sounds like there are no pedestrian amenities whatsoever. There's very little open space and green space for the neighborhood. And so you're asking us to rezone and compound an existing, I consider, problem. And so personally, I don't even consider Power Line a Road. I would suggest the developer look at developing the whole thing together with access from Agua Fria, so they can proceed. I know you want us to determine the rezoning issue here tonight. For my standards, R-3 would be sufficient."

MOTION: Councilor Bushee moved, seconded by Councilor Dominguez, to adopt Ordinance No. 2013-4, approving the Aguafina Rezoning no higher than an R-3 zoning, that we eliminate the option of Power Line easement as an access point, with all conditions of approval as recommended by staff and the Planning Commission.

DISCUSSION: Councilor Bushee said she can't designate Power Line as an emergency access point, because there is no Fire Marshal here to tell me that they will want to build an emergency access there. She asked if that is what they want.

Ms. Baer said, "The Fire Marshal is happy with emergency access on Agua Fria."

Councilor Bushee said, "Then I am not asking for it there at Power Line at all, because once you start with an emergency access, it somehow sneaks itself into something else, so that would be my motion along with all other recommendations and that the Planning Commission recommended."

Councilor Dimas said, "I'm an expert in that area. I used to live just a block away. For 16 years I lived there. And I can tell you that Power Line Road not a road. My sympathy goes out to Mr. Tapia, if that actually is used, because it's going to be like a major highway going through, right by his house there. And I know he uses that driveway to get in and out of his house, so I have a real problem with that. I don't see any way possible of using Power Line Road, even as an emergency access or anything else. So I think I agree with Councilor Bushee and the motion for R-3. I don't have a problem with that, as long as the emergency access is Agua Fria or there is another access. Calle Tajo, I can tell you the traffic on that street is horrible, and we finally got it paved over there, so it's not a dirt road anymore. That was just a little extra thing I thought of to throw in there. The traffic in that area, if you've ever been in there early in the morning or late in the evening, is very heavy. And the park itself, there's a lot of kids in there that are playing, and in Power Line Road they're running out there chasing balls a lot of time and stuff, and we're just asking for a major accident to happen there. Those are my comments, but I would support the R-3."

Councilor Rivera said he agrees that Power Line Road is probably not an option, not even for emergency access. He said, "However, John, I was looking, just thinking of the normal flow of traffic coming out of that neighborhood. Most people would probably take, that are on the north side of that, probably would take a left to go to their work place. I've been on Rufina early in the morning and know that at that light, traffic is usually backed up beyond where this property is at. Have there been any studies as to how people would maneuver coming out of the north side of that property, taking a left onto Rufina."

Mr. Romero said, "When the study occurs, we will most definitely restrict left outs onto Rufina, directly onto Rufina, so that would have one point of the Power Line Access – people would have been able to utilize a signalized intersection to make a left turn onto Rufina."

Councilor Rivera said, "So then, really, the intention was to encourage people to use Power Line Road and then come up Atajo to the signal."

Mr. Romero said, "Yes. In addition to the General Plan, I think it's just good practice to utilize all of our signals to try to get as many people to... the ability to access our signals as possible. So that was the thought behind utilizing that right-of-way reservation.."

Councilor River said, "That makes sense. I also happen to agree with.. I've been in the Park in the evenings when traffic is almost at a stop, so to encourage people then to take Power Line Road onto Atajo to a busy park that has hundreds of kids in it doesn't make sense to me. So, for that, I don't think Power Line Road should be used either. My intention, my hope would be that this stays zoned R-1, but again, I don't want to restrict property owners from doing what they want with their property. I would be okay with R-3, but again, I would prefer that it just stays zoned R-1. That's all I have, Mr. Mayor.

Councilor Dominguez said, "I'm not sure there's much more to add. I know that, Jennifer, I've spoken with you in previous cases about the concern that I have with regard to density. I'm not asking you a question. I also feel like this really should be an R1 development. I said, for discussion, I have no problems, but

anyways, if I was interrupted... You have property to the south of this project that will need to be considered as well, and you're going to have some ingress and egress issues with that one."

Councilor Dominguez said, "So, the question that I have Jennifer for you, it's kind of confusing in the testimony at the Planning Commission. Are these going to be stick built homes, or are you leaving the option open to put manufactured homes in there."

Ms. Jenkins said, "Our client is looking to create and sell lots to individual homeowners."

Councilor Dominguez said, "There could be manufactured houses."

Ms. Jenkins said, "There could be, but there will definitely be stick-built homes here, in addition to, obviously, our affordable homes will be stick-built homes. And in addition to the communications we've had with our waiting list, you know, there will be stick-built homes. But we have developed restrictive covenants that require stucco, and require driveways, require landscaping, I mean, subdivision covenants, that actually, I kind of compared our covenants with Las Acequias and they're very similar in a lot of ways. And so, we want to create a quality community and neighborhood here."

Ms. Jenkins continued, "And if we could turn on the screen real quick, I can just give you a sense of, because Councilor Bushee asked about the vision out here. And so this Plan here, this is Rufina. The subject of the rezone is here. We have 7 lots that are about 1/3 acre each on the south side of Rufina. We have about, on the north side of Rufina in this area, 12 lots that are about 1/4 acre each. So we talk about a variety of housing types, in a variety of density. Our client had a vision, and his desire here, is to not mirror the Las Acequias neighborhood, which one could argue that would not be inappropriate, but to do larger lots. And up here, we have lots that reach up to 1/2 acre in size on the north side, and we are closer to Agua Fria Village. We see this as a transitional neighborhood between the more rural character of Agua Fria Village and R-7 frankly, and R-6."

Councilor Dominguez said, "So speaking of transition, because really the question was whether or not you were going to leave the option to have manufactured homes."

Ms. Jenkins said, "And the answer is yes."

Councilor Dominguez said, "So speaking of transition, I think this is even referenced in the Planning Commission minutes, why wasn't there an attempt then to do a lot split, although it will take an extra step, or a few extra steps, maybe, to facilitate and encourage that transition from high density to low density."

Ms. Jenkins said, "A lot split..."

Councilor Dominguez said, "I can remember at the Planning Commission they were talking about splitting, because it is one lot."

Ms. Jenkins said, "This area here, the northern piece that's been referenced, is a separate tract."

Councilor Dominguez asked if it is north from Power Line.

Ms. Jenkins said, "Between Power Line and Agua Fria, that is a separate tract of land. It has been split. It is zoned R-5."

Councilor Dominguez said, "I'm talking about the southern piece from Power Line."

Ms. Jenkins said, "And so the piece between Power Line and Rufina is a separate tract of land, just under 3.5 acres. It is independent. It is R-1 currently, and the piece on the south side of Rufina is just under 2.5 acres."

Councilor Dominguez asked, "So, why didn't you do a lot split at Rufina."

Ms. Jenkins said, "Rufina already splits these. There's already two tracts as the Rufina right-of-way. Am I not understanding the question. I apologize. The Rufina right of way splits that parcel."

Councilor Dominguez said, "Okay, I guess the other question that I have with regards to Power Line Road and the impact that it might have to the dwelling that's there already at the end of Power Line Road."

FRIENDLY AMENDMENT: Councilor Dominguez would like to amend the motion to require the developer to build a block wall or something in that area just to provide that protection." **THE AMENDMENT WAS FRIENDLY TO THE MAKER, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Dominguez asked John Romero, "I'm not a traffic engineer, but when you consider traffic, when you think about the number of trips that a development is going to have, I know that you look at all kinds of stuff – adjacent roads, feeders, everything that has to do with a particular requirement. Do you also take into consideration uses, in other words, the park. It's not just the traffic that is going to be generated from the project, but the traffic that is already generated by the park, and the space for vehicles in the area, although people shouldn't be using vehicles so much."

John Romero said, "When the study is performed, they will take existing traffic counts. For this type of development, the peak hours are in the morning when you leave for work and the afternoon when you come home from work. So those would be the hours that would be looked at. Those hours may not correlate with the peak hours of the park. If the peak hours of the park are in the evening, more than likely, the peak hours when this is going to affect are not going to overlap that. So these cars, if Power Line Road is opened, would not be using Atajo at the same time as the park-goers."

Councilor Dominguez asked, "Will the Applicant be looking at, when they do the traffic study, they're only going to do it at those two times. Can we mandate that they look at other times where the park is at its peak."

Mr. Romero said, "We can ask to do that, the only thing is we'd have to research to see if there is a way to project residential counts during those times. As it is, like in the p.m. peak, it's about a one to one ratio. For every house, there's one car that is generated. I would think during those off-peaks, it's going to be drastically lower. I don't know if they've ever come up with those. Maybe we'd have to do counts throughout the City...."

Councilor Dominguez said the park is getting vehicles from the neighborhood to that park. That's really the only park on the south side, so you're getting folks from all over Rufina and other places. He said hopefully we get other parks built and continue moving in that direction, so that we can relieve some of that traffic, but if that doesn't happen, we're going to continue to have excess traffic from other places to that park. And so, I just want to make sure that during the traffic study that is considered, and I have no idea how you would do it as a traffic engineer, but I think it needs to be considered."

Mr. Romero said they can ask the Applicant at a minimum, to look at current traffic conditions during the park's peak hours, and see what's happening, and see what we can do to improve it, at least at the signal, if there's a backup at the signal or something like that.

FRIENDLY AMENDMENT: Councilor Dominguez wants to mandate that the traffic study includes park peak hours – whatever traffic study they are going to need to provide. **THE AMENDMENT WAS FRIENDLY TO THE MAKER, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

FRIENDLY AMENDMENT: Councilor Rivera said he would ask the sponsor, the maker of the motion, to amend the motion to provide that the zoning remain at R-1 zoning. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Bushee said it sounds as if I should have deferred to the Councilors from that District to make the motion.

Councilor Bushee said, "I'm wondering out loud how you get more pedestrian amenities, and not at the developers cost necessarily. Do folks use Power Line easement for pedestrian access to the park currently. [There was an inaudible response from the audience] Not really. Is it not comfortable."

The response was from the audience and inaudible.

Mayor Coss asked people to come to the microphone to comment.

Liddy Padilla [previously sworn] said, "People from around the area access actually through the Applicant or the Aguafina. They cut across through that property from all the mobile home parks on foot, because the City actually opened a gate, because they were knocking down the chain link fence all the time to access the park.

Councilor Bushee said, "That's probably going to change if they develop this."

Ms. Padilla said, "Because there aren't any trails."

Councilor Bushee said, "I see, but what I would ask, John, and I know traffic means cars to you, but I would really like the planners that we have to look... and I've been asking for this City-wide..., you know, some kind of analysis on pedestrian... we're not a very pedestrian friendly City. And since the density there, and the park there, it looks like... I know at one point this neighborhood looked at how to have some traffic calming measures, so I think that the City, on its dime, needs to be looking... and I expect the District 3 Councilors to follow up, but I really... It just really looks like... I mean I know, I use Atajo. I'm guilty to cut through to Rodeo Road and I know it's a primary kind of thoroughfare, and so you can't put speed humps, but there has to be better pedestrian access and ways to slow down the existing traffic. And I think that's why you'll see the reason up here tonight that people are willing to keep this at an R-1 zoning, is that it already has plenty of traffic impacts. And so, I'm just looking for a more comprehensive analysis of that area of how to make folks... they deserve to have a safe way to get to the only green spot they have, so I would just add, in whatever way, and we don't have that Trails and Open Space Planner position yet, but I really hope that we can do something out there."

Mr. Romero said the Santa Fe MPO is gearing up to do their pedestrian master plan City-wide, so he will be sure to forward your concerns to them when they look at this are."

Councilor Trujillo asked, "So, okay, if this stays at R-1, how many homes would be allowed on this parcel."

Ms. Jenkins said, "It's just under 6 acres, so it would be 6."

Councilor Trujillo asked if that is with rounding up.

Ms. Jenkins said, "Yes, that's rounding up, so with the density bonus, maybe 6 or 7."

Councilor Trujillo said, "Six at the most I think."

Ms. Jenkins said, "Or seven. Yes."

Councilor Trujillo said, "I'm going to go on with the Councilors from District 3." He said the way we, at the City, over the past few years, taking it back, we put the burden of traffic on ourselves. He said he was looking a buying a home in Las Acequias, and the traffic put me off and that's why he ended up moving to Bellamah. You look at some of these subdivisions we have built, and the biggest one is Tierra Contenta.

He said, "You have these tiny, tiny, tiny streets that one car can fit through. And I think that's something we as a Council need to start looking at when we're building subdivisions. Let's build some roads where cars can actually fit through. You look at Bellamah, we have 24 foot wide roads. We've got roads, and that's the way subdivisions should have built all the time. Bellamah is probably one of the best subdivisions built in the City and it was built right. We try to put so much into such a small space and that's the problem that I think that we as a City, as Councilors need to look at. Nobody wants all this huge development. The East side seems not to [inaudible] and shift everything to the South side. And I hate that. I've always hated that. I'm not a NIMBY – Not In My Back Yard. And Las Acequias was once in somebody's back yard, and it's a thriving community. I'm going to go along with the R-1 as proposed now."

Mayor Coss said, "Clarification, Geno. I think for an R-1 we just take no action, or deny the request. Right now the motion is for R-3."

Councilor Trujillo said, "But I have one question John. And I don't want to open up the can of worms, but via Calle Atajo, for years there has been, as it's going [inaudible] it just stops right there. And we're talking about connectivity in making the traffic flow throughout here. Are there plans to connect Calle Atajo with Agua Fria. Have we even discussed that. I'm not trying to open up a can of worms, but I just want to know – is that in the plan, because that's the whole plan, making Santa Fe work for everybody. I don't know where this is going to be somewhere in the future, I just don't know what are the plans for that section of District 3."

Mr. Romero said there are no current plans to connect Atajo to Agua Fria. The two planned connections, one of them for South Meadows, the second one is Calle P'o-Ae'Pi. That one is in the MPO's Master Transportation Plan."

Councilor Trujillo said Rufina is going to be exceeding in a few years, and we just built it up, and he already sees the traffic on it. He wants to look at ways to move traffic throughout the City, because everybody knows the grill is heavy to the south side.

Councilor Bushee said, "We made these narrow roads for Tierra Contenta, that was the wave of the day. But you go back to Casa Solana in the 1950's, they made these wide boulevards, and they're all complaining that the traffic's too fast and we had to start traffic calming programs, so we really have to... the planners change the vision from year to year it seems, so I don't know what is the highest and best practice on that front.

WITHDRAWAL OF THE MOTION: Councilor withdrew her Motion, and said she needs to restate her motion, given that she accepted a friendly amendment.

RESTATED MOTION: Councilor Bushee moved to deny this request.

EXPLAINING HER MOTION: Councilor Bushee said, "This way it will stay the same, and it does not have to accept then the Planning Commission conditions, because there is no rezoning if this motion passes.

DISCUSSION PRIOR TO SECOND. Councilor Bushee said, "And for the record, I don't believe I have to do anything around Power Line easement, because it is the City's easement, and so, it's in the future when you have those plans and studies through the MPO, it wants to be looked at for pedestrian access or something else, but do I need to do anything to make sure that it does not turn into a road."

Mr. Zamora said, "You are not able to do so in a denial."

Councilor Bushee said, great, but down the road, the Councilors from District 3 could look at something there. Okay, that's the restatement.

SECOND: Councilor Dominguez seconded the motion, commenting he wants to make sure that when the subdivision plan gets considered that these comments and that these potential conditions get considered by the Planning Commission at that time.

CLARIFICATION OF ACTION: Mayor Coss said Councilor Bushee has withdrawn her Motion, and restated it as a motion to deny the request.

CONTINUATION OF DISCUSSION ON THE RESTATED MOTION: Councilor Ives said he has questions of staff. He said, "I think you fairly effectively covered this, but I just want to go back to it. As part of the master planning process, what were properties like this to be zoned."

Ms. Lamboy said the area that is under consideration, the General Plan Amendment that was conducted after the Southwest Area Master Plan was adopted for a variety of densities, varying between 3 and 7 dwelling units per acre. So the resulting zoning would vary, according to the Southwest Area Master Plan, in that range, therefore the Planning Commission considered an R-3 zoning district as appropriate, given that information."

Councilor Ives said then the R-1, in that sense, would not comply with was called for under that master plan, and asked if this correct.

Ms. Lamboy said that is correct.

Councilor Ives noted the zoning of the properties surrounding this parcel to the east, he sees R-7 PUD, and asked what density that allows for.

Ms. Lamboy said that would be 7 dwelling units per acres, so in some areas of Las Acequias, in that portion of the neighborhood, there are some areas which are a little more dense, and some a little less dense. The MHP zoning district was analyzed by the Southwest Master Plan with 9.3 dwelling units per acre.

Councilor Ives said, "Then we have R-7 dwelling units to the east, 9 to the west in a Master Plan that calls for R-3 as a minimum. I will say that my own point of view is that compelling this landowner to continue at

an R-1 does not see appropriate, given all those considerations, especially as the property to the north, which I was believe was indicated to be part of the annexation, has already been zoned preliminarily as R-5 and R-6. Is that correct."

Ms. Lamboy said, "The zoning for the tract that is owned by the same property owner is R-5, just simply R-5, 5 dwelling units per acre."

Councilor Ives asked if Mr. Tapia's property is zoned R-4, and Ms. Lamboy said that is correct.

Councilor Ives said, "And I note that the Planning Commission, when they were considering this matter, indicated that... to reconsider a rezoning, one of the following conditions had to exist: *'that there was a mistake in the original zoning, there had been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning, or a different use category is more advantageous to the community as articulated in the plan or other adopted City plans.'*"

Councilor Ives continued, "And the Findings of Fact noted that there has been a change in the surrounding area with an increase in density as the City has expanded southward. It goes on to state that, *'With the plan policy supporting residential development within the future growth areas, is built at a minimum gross density of 3 dwelling units per acre and an average of 5 dwelling units per acre where topography allows.'* What does the topography allow here, out of curiosity."

Ms. Lamboy said, "There's a lot of things that go into how density can be determined. Topography can impact where you're going to place the roads. It can impact where you can place your lots and how you organize the lots. So the highest and best use is expressed in the zoning, and then typically you get less of an actual layout in the end, but that's the highest and best use."

Councilor Ives said, "Presumably the topography immediately to the east, allows for an R-7, and the topography to the immediate west allows for an R-9."

Ms. Lamboy said that is correct.

Councilor Ives asked, "Is the topography here any different to your knowledge."

Ms. Lamboy said, "No. It is not."

Councilor Ives said, "I note that the findings indicated that impacts on traffic and other public facilities, especially parks, which are inadequate to serve the area at existing densities, mitigate against R-5 zoning for the property, which I presume was why they opted for the R-3 density in the particular instance. The inadequacy of parks in area have nothing to do with this particular property, do they."

Ms. Lamboy said, "The only way it has affected this particular subdivision, is that there is a condition on this rezoning that it comply with a zoning requirement there either be impact fees or park lands that we dedicated. We consulted with Ben Gurule of our Parks Division, to determine whether lands or impact fees would be the better option. And he suggested land, and we are going to follow up on that when we get a subdivision phase."

Councilor Ives asked how much does the amount of land to be dedicated to parks relate to the density that is allowed on the property.

Ms. Lamboy said it is determined based on the density, so the more units you have, the larger the area that is required.

Councilor Ives said, "Allowing an R-3 or R-5 zoning for this property would actually increase the amount of park space the Applicant would have to set aside for park uses. Am I understanding that correctly."

Ms. Lamboy said, "You are correct."

Councilor Ives said, "By allowing the greater density, we'd actually be, presumably, increasing the amount of park space available in this area."

Ms. Lamboy said this is correct.

Councilor Ives said, "I'm interested in the impact on traffic here, just generally. The Applicant indicated that Rufina Street, as a secondary arterial, is designed for a capacity of 15,000 cars per day. And they indicated the effect of building out this subdivision, and I presume it was at the R-5 level, although I'm not totally clear on that, would increase the traffic impact by 1.7%."

Ms. Lamboy said that is correct.

Councilor Ives said, "And increasing 11,000 odd cars by 1.7% will not put you anywhere close presumably to its designed capacity of 15,000 cars. Is that correct."

Ms. Lamboy said, "We will still meet our levels of service for Rufina with this subdivision."

Councilor Ives asked when Power Line Road was created and dedicated to the City as a public street.

Ms. Lamboy said, "The Las Acequias Subdivision was developed in the 1980s, and Power Line was actually dedicated to the City. And a long time ago it was initially, possibly visualized as our western connection, and I think Rufina and its construction sort of made things change for that part of the City. And Power Line also is associated with the power lines as well, so there are certain limits on construction in that area. Now, just for your information, there is a multi-purpose trail that is proposed on the Master Plan. It's

called the Acequia Trail, and it's already been indicated on other master plans in the area like the Cielo Azul master plan, and would continue through this section of the right-of-way the City already."

Ms. Lamboy continued, "And for your information, with the lot split that the Applicant did to split the R-5 from the R-1 tract, there was no legitimate connection to Mr. Tapia's property. It was just sort of a gentleman's agreement, and now that right-of-way has been extended and dedicated to the City so that however it's going to be used, Mr. Tapia is guaranteed access to his property in perpetuity."

Councilor Ives said, "And so the Applicant, essentially, provided permanent secure access to Mr. Tapia is that correct."

Ms. Lamboy said that is correct.

FRIENDLY AMENDMENT: Councilor Ives said, "I will only say that I don't think that R-1 is appropriate here, given all those factors. The Southwest Area Plan calls for a minimum density of R-3, and that would be below the R-7 to the east and the effective R-9 through the Mobile Home Park designation to the west. Increased densities would result in additional park space. Additional park space was one of the issues that the Planning Commission indicated was lacking here. So, I can't support the motion as indicated, and would propose an amendment to allow for R-3 zoning there, as recommended by the Planning Commission, as called for by the Southwest Area Master Plan, and would make that as a friendly amendment."

MAYOR COSS SAID THAT AN AMENDMENT CAN'T BE MADE TO A MOTION TO DENY. He said we would have to have the motion fail and then make another motion.

Councilor Dominguez said, "I certainly respect and appreciate Councilor Ives your comments, and I certainly also respect and appreciate the work that Jennifer has done for many, many, many years. My problem though with some of this is that if we continue to allow density based on adjacent densities that exist, we are behind the 8-ball big time. Then we're going to not be able to build enough of anything for the amount of people that we will have in that area. At one time there was almost 50% of the property that was in the Southwest Area Master Planning Area, was vacant. And I would assume that it's, although it's probably decreased, there's still a lot of vacant land in the area that needs to be developed. And again, if we continue with the existing densities that are there now, we certainly will not be able to support that amount of people, that population."

Councilor Dominguez continued, "And with regard to the park space, what I submit is that again, I'm not sure where you're going to put more park space. They already have additional park space to the north of the existing park and what they need are resources or revenue or cash, really, to develop that park. So, I appreciate the argument that you're making that with higher density you're going to get more park space, but the reality is that in that particular area, there's not really much place you can put additional park space. So I just wanted to make those comments just for the record."

Councilor Ives said, "On that point. Really what, in my mind, is being proposed here, are amendments to the Southwest Area Master Plan to remove the minimum R-3 zoning that was recommended and adopted in that plan. I think considering it at that larger level will probably bring in all the folks who have undeveloped property who might have something to say to us about that as a group, rather than imposing it upon this one landowner, where I think and R-3 at a minimum is certainly appropriate."

Councilor Bushee said, "I just want to clarify a few things, and I'm sure that the attorneys will be writing new Conclusions of Law and Findings of Fact for this if there is an appeal of some sort. I think you started off Councilor, with saying this landowner had a right to more of some sort, or the implication was there. I don't know what the exact wording was."

Councilor Ives said, "I simply was pointing out that the Southwest Area Master Plan for this area calls for a minimum R-3 zoning, so in moving to that, it seemed to be complying with the requirements that we, as a City, had in fact imposed."

Councilor Bushee said, "Yeah, but, you made another statement and I don't recall exactly, I should have written it down, but it had more to do with, you know, depriving the landowner of something. When the landowner bought this land, it was R-1. And so, he was well aware of what the current zoning was. And when you look at the criteria, which you did list again for us, you will read, it says, *'There needs to be certain criteria in order to qualify for a rezoning.'*

Councilor Bushee continued, "So certainly, the attempt was to rezone on the basis that the Southwest Area Plan or the General Plan would encourage higher densities, more affordable housing and such. But when you look at, it says, the main reason they relied on for criteria in order to approve a rezoning is, *'The most significant change to the surrounding area is the pending annexation of many County properties along Rufina and Airport Road Corridors based on the future land use designations approved for this area by the City.'* And remember this is the City, not the County, part of the annexation process. *'The primary intent is to encourage low density residential development along the Rufina Corridor.'* I think R-1 is absolutely apropos here."

Councilor Bushee continued, "So I would say... and staff... and then, when you get back in the packet, when it says, then there's another one that says, *'Rezoning the southern portion of Tract C and B to R-5 will bring them into compliance with the General Plan.'* Well you can pretty much, if you read that General Plan of ours, you can find anything you want to justify one way or the other. But then it says, *'The two tracts that comprise the subject property are bordered by the Las Acequias Subdivision to the east, undeveloped property to the west, Agua Fria Village to the north and Roadrunner West Mobile Park to the west and south. The proposed generously sized lots [this is from the applicant] will serve as a transition between the semi-rural environment of Agua Fria Village and the dense surrounding subdivisions.'* So I think you can find what you want to find in that area, and think we're completely in line in terms of trying to recognize the intense development that's already gone on in that area, and that R-1 zoning is particularly appropriate to this lot."

Councilor Bushee continued, "And so I would suggest Councilor, when you go back and look. Forever, I've always wondered how Sol y Lomas stayed as wide open as it is, what is it, R-2 zoning or R-1. R-1. And large large lots, really lovely for folks that live there, very kind of rural in many ways. Right in the heart of the City, over near the hospital in kind of a busy area. And so I would just suggest that the R-1 zoning is very appropriate here."

Councilor Ives said, "And on that point, I would simply note that..."

Councilor Bushee said, "We're having a debate."

Councilor Ives said, "It's presumably why we're here. It does state in the Findings and Conclusions that, 'The General Plan Future Land Use Designation for the property of low density residential (3-7 dwelling units per acre), and with the Plan policy supporting residential development within the future growth areas is built at a minimum gross density of 3 dwelling units per acre.' So, while I agree R-1 is certainly lower than that, my point was it's lower than what's called for in the master plan that was adopted."

Councilor Bushee said, "Mayor, I had not finished with my first statement, and that the rezoning criteria that the Applicant chose not to apply was that there was a mistake in the original zoning, that said not applicable here. So I just... and staff also said not applicable. So I would just be really clear about that for the record."

Councilor Rivera said, "Again in looking at the property, I think had the property in question been the only property that the owner had in the area, I think I would have been a little more inclined to go to R-3, but in hearing that this same property owns all the property to the north, all the way to Agua Fria, that is already zoned R-5, I think keeping the property at R-1 gives quite adequate mixed use for the same property owner for the entire piece of land owned all the way to Agua Fria. So I just wanted to make that clear."

Mayor Coss said, "And I just would add onto that, I think Councilor Rivera makes a good point. And perhaps, if this going to be denied, the landowner might want to look at matching mixed zoning and take the R-5 down to R-3 and look at the overall thing. Why would he do that. To get that done, to spread the density out, to spread the housing out. That's okay, no responses, just a suggestion."

Mayor Coss continued, "The other thing I want to point out is what kind of flipped me, is hearing that we might need to broaden Calle Atajo, because I think that neighborhood has been through enough. And the one thing I'll point out, is when the Fire Marshal says I'm happy with an exit onto Agua Fria, then that's a County decision. Because then you're going into Agua Fria Village. And the reason that Las Acequias is one way in and one way out, is because of Agua Fria Village and what the County imposed back in the eighties. And I don't expect that will change. So, if my suggestion was illegal, okay. You'll have R-5 here and R-1 there, if the vote goes the way it looks like it's going to."

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

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

Against: Councilor Ives.

Councilor Rivera said, "In talking to the City Attorney, and having voted in the majority on Item 10(w)(7), again and this is just a motion to publish."

MOTION: Councilor Rivera moved, seconded by Councilor Bushee, to reconsider Item 10(2)(7), in an attempt to keep everything open for consideration with regard to the CWA.

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

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

Against: None.

MOTION: Councilor Bushee moved, seconded by Councilor Ives, to approve publication of Item 10(w)(7) from the afternoon agenda, with the amendments and the substitute bill that was proposed.

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

For: Councilor Bushee, Councilor Dimas, Councilor Ives and Councilor Rivera.

Against: Councilor Trujillo and Councilor Dominguez.

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 9:05 p.m.

City Council Minutes: February 13, 2013

- f) **CONSIDERATION OF RESOLUTION NO. 2013-18 (COUNCILOR BUSHEE). A RESOLUTION SUPPORTING PROPOSED STATE LEGISLATION, SENATE BILL 42 ("SB 42"), RELATING TO AN APPROPRIATION TO THE NEW MEXICO STATE ECONOMIC DEVELOPMENT DEPARTMENT FOR CERTIFIED BUSINESS INCUBATORS STATEWIDE. (MELISSA BYERS)**
- g) **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON MARCH 13, 2013:**

BILL NO. 2013-8: AN ORDINANCE RELATED TO CAMPING ON CITY PROPERTY; AMENDING SECTION 23-4.11 SFCC 1987, AND CREATING A NEW SECTION 23-4.12 SFCC 1987 TO PROHIBIT CAMPING OR LODGING IN PARKS, UNLESS A PERMIT IS OBTAINED FROM THE CITY; AND PROHIBITING CAMPING ON ALL OTHER CITY PROPERTY (COUNCILOR BUSHEE AND COUNCILOR CALVERT). (ALFRED WALKER)
- h) *[Removed for discussion by Councilor Dominguez]*

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – JANUARY 30, 2013

MOTION: Councilor Wurzbarger moved, seconded by Councilor Dimas, to approve the minutes of the Regular City Council meeting of January 30, 2013, as presented.

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

9. PRESENTATIONS

There were no presentations.

CONSENT CALENDAR DISCUSSION

- 10 (h) **REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CASE #2012-104, AGUAFINA REZONING TO R-5. (KELLEY BRENNAN)**

MOTION: Councilor Dominguez moved, seconded by Councilor Wurzbarger, to table the findings in Case #2012-104, pending the outcome on a motion to rescind the Council's decision on the case and to rehear it.

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: None.

END OF CONSENT CALENDAR DISCUSSION

- 11. **CONSIDERATION OF MOTION TO RESCIND THE ACTION TAKEN BY THE GOVERNING BODY AT ITS MEETING ON JANUARY 30, 2013, IN CASE #2012-104, CONSIDERATION OF BILL NO. 2013-1: ADOPTION OF ORDINANCE NO. 2013-4, AGUAFINA REZONING TO R-5, AND TO REHEAR SAID CASE AT THE MARCH 13, 2013 MEETING OF THE GOVERNING BODY (COUNCILOR DOMINGUEZ).**

MOTION: Councilor Dominguez moved, seconded by Councilor Calvert, to rescind the action taken by the Governing Body at its meeting on January 30, 2013, in Case #2012-104, denying the application of the Aguafina Development, LLC, to rezone its property at 4702 Rufina and 4262 Agua Fria Streets to R-5, and to rehear the case at the March 13, 2013 City Council meeting.

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: None.

MOTION: Councilor Dominguez moved, seconded by Councilor Wurzbarger, to take the Findings in Case #2012-104, from the table.

DISCUSSION: Mayor Coss asked Ms. Brennan if this is the correct motion.

Ms. Brennan said yes, and if approved, then the Findings die without further action of the Council.

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

City of Santa Fe, New Mexico

Exhibit D

City Council Staff Report Packet 1-30-13

City of Santa Fe, New Mexico

memo

DATE: January 14, 2013 for the January 30, 2013 City Council hearing

TO: Mayor David Coss
Members of the City Council

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

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

Case #2012-104. Aguaфина Rezoning to R-5. JenkinsGavin Design and Development, agent for Aguaфина Development, LLC, requests to rezone 5.73± acres from R-1 (Residential, 1 dwelling unit per acre) to R-5 (Residential, 5 dwelling units per acre). The property is located south of Agua Fria Street and west of Calle Atajo, at 4702 Rufina Street and 4262 Agua Fria Street. (Heather Lamboy, Case Manager)

I. RECOMMENDATION

The Planning Commission recommends **APPROVAL OF REZONING TO R-3 (RESIDENTIAL, 3 DWELLING UNITS PER ACRE)** with conditions as outlined in this report.

On December 6, 2012, the Planning Commission found that all criteria for a rezoning have been met with the recommendation that the tract be rezoned to R-3 (Residential, 3 dwelling units per acre) instead of the requested R-5 (Residential, 5 dwelling units per acre).

II. APPLICATION OVERVIEW

The applicant is requesting to rezone a tract of land that is bisected by Rufina Street between Calle Atajo and Camino del Griego. The tract of land is generally surrounded by low density residential housing, with the exception of the Roadrunner and Sierra Vista

Manufactured Home communities (which have MHP zoning, with a maximum of 8 dwelling units per acre).

Staff found that the proposed zoning category of R-5 was comparable and compatible with the surrounding densities in the area and recommended the rezone to R-5 to the Planning Commission. At the Planning Commission hearing, public comment from adjoining property owners related to increased traffic, impacts on the Las Acequias neighborhood and increased use of the Las Acequias Park, opposition to the use of Powerline Road to access the new development, and concerns about the quality of the housing proposed in the development. Based on this testimony, the Planning Commission recommended a lower density for the application. In explaining their motion, members of the Commission stated that there will be several more reviews of the property if the rezoning is successful, including the preliminary and final subdivision plat reviews that will give the public more opportunity for review and comment.

The following conditions are recommended by the Planning Commission:

1. Rezone the parcel to R-3 (3 dwelling units per acre).
2. The developer shall provide access to Tract "C" from Rufina Street, aligning the access with Tract B, and the accesses shall be partial right-in, right-out and left-in turns only.
3. A traffic analysis shall be provided at the time of subdivision review to determine the design of the access points to the development.
4. An emergency access shall be provided to the site from Agua Fria Street.
5. Twenty percent (20%) of future residential development must be affordable, and a Santa Fe Housing Program (SFHP) Agreement shall be signed and recorded with a final subdivision plat. All affordable lots shall be designated on a subdivision plat.
6. Section 14-8.15(C)(2) SFCC 1987 requires land to be dedicated for neighborhood parks. The conceptual site plan that has been provided does not address any park dedication. The applicant shall provide park area for the development as part of the subdivision plat process, or commit to payment of park impact fees, in order to comply with this Land Development Code requirement.

III. ATTACHMENTS:

EXHIBIT 1:

- a) Findings of Fact and Conclusions of Law
- b) Conditions of Approval
- c) Bill

EXHIBIT 2: Planning Commission Minutes December 6, 2012

EXHIBIT 3: Planning Commission Staff Report Packet

City of Santa Fe, New Mexico

Exhibit 1

**Findings of Fact
Conditions of Approval
Bill**

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

Case #2012-104 – Aguaфина Rezoning
Owner's Name – Aguaфина Development, LLC
Applicant's Name – JenkinsGavin Design & Development, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on December 6, 2012 upon the application (Application) of JenkinsGavin Design & Development, Inc. as agent for Aguaфина Development, LLC (Applicant).

The Applicant seeks to rezone 5.73± acres of land (Property) that comprises the southern part of a single tract of land (the Tract) west of Calle Atajo that runs south from Agua Fria Street to south of Rufina Street. The Property is bisected by Rufina Street and is zoned R-1 (Residential – 1 dwelling unit/acre). The remainder of the Tract (the Remainder) is zoned R-5 (Residential – 5 dwelling units/acre). The Applicant seeks to rezone the Property from R-1 to R-5 so that the Tract is within a single zoning district. The Property is designated as Low Density Residential (3-7 dwelling units/acre) on the General Plan Future Land Use Map.

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. Under SFCC §14-3.5(A)(1)(d) any individual may propose a rezoning.
3. SFCC §§14-3.5(B)(1) sets 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).
4. SFCC §§14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings (Rezoning Criteria).
5. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)(1)(a)(i)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(iii)]; and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
6. A pre-application conference was held on May 10, 2012.
7. 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)].

8. An ENN meeting was held on the Application at 5:30 p.m. on July 30, 2012 at the Southside Library at 6599 Jaguar Road.
9. Notice of the ENN meeting was properly given.
10. The ENN meeting was attended by the Applicant, City staff and other interested parties and the discussion followed the guidelines set out in SFCC §14-3.1(F)(6).
11. 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 Rezoning, subject to those conditions contained in the Staff Report (the Conditions).
12. 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)].*

There has been a change in the surrounding area, with an increase in density as the City has expanded southward, altering the character of the Rufina Street corridor. Rezoning will bring the Property into compliance with the General Plan future land use designation for the Property of Low Density Residential (3-7 dwelling units/acre) and with the Plan policy supporting residential development within the future growth areas is built at a minimum gross density of 3 dwelling units/acre, and an average of 5 dwelling units/acre where topography allows.
 - (b) *All the rezoning requirements of SFCC Chapter 14 have been met [SFCC §14-3.5(C)(1)(b)].*

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 General 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 General Plan policy supporting the preservation of the scale and character of established neighborhoods while promoting appropriate infill development in an area already served by public water and wastewater facilities.
 - (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 and sewer is sufficient to serve the increased density resulting from the rezoning. However, impacts on traffic and on other public facilities, especially parks, which are inadequate to serve the area at existing densities, mitigate against R-5 zoning for the Property.

CONCLUSIONS OF LAW

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

1. The Rezoning was 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.
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, although the impacts on traffic and on other public facilities, especially parks, which are inadequate to serve the area at existing densities, mitigate against R-5 zoning for the Property.

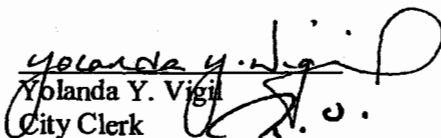
WHEREFORE, IT IS ORDERED ON THE 10TH OF JANUARY 2013 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the rezoning of the Property to R-3, subject to the Conditions.


Thomas Spray
Chair

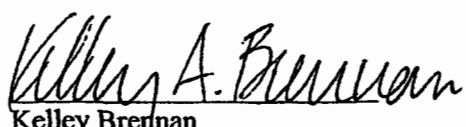
1/19/13
Date:

FILED:


Yolanda Y. Vigil
City Clerk

1.14.13
Date:

APPROVED AS TO FORM:


Kelley Brennan
Assistant City Attorney

1/10/13
Date:

Aguaфина Rezoning to Conditions of Approval
City Council
Case #2012-104 – Aguaфина Rezoning to R-5

Conditions	Department	Staff
<p>Review comments are based on submittals received on August 15, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:</p> <ol style="list-style-type: none"> 1. The Developer shall provide an access from Tract "C" to Rufina Street, aligning the intersection with the proposed access to Tract B. Both accesses shall be partial accesses providing Right-in, Right-out, and Left-in turns only; 2. The Developer shall provide a traffic analysis of the access points to Rufina Street to determine if deceleration and/or acceleration lanes are needed and if so how long they should be; 3. The Developer shall plan this development so that it allows future access to the west that corresponds with proposed access to the east from the approved Cielo Azul Subdivision. We required the Cielo Azul developers to provide stub-outs so that their roadway network can connect to the east. The Developer shall indicate on the subdivision plat and development plan, the locations of these future Right-of-Way accesses and stub-outs (ghost lines) to the west; 4. We have reviewed a conceptual design of a subdivision that indicates a proposed access and utility easement. At such time as a submittal is made for a subdivision plat and/or a development plan, the proposed roads shall be built to City of Santa Fe standards and dedicated as public right-of-way. 	Traffic Engineering	John Romero/ Sandra Kassens
<p>The Fire Marshal conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to final approval of a subdivision plat.</p> <ol style="list-style-type: none"> 1. Shall Comply with International Fire Code (IFC) 2009 edition. 2. Shall meet fire department access for R-5 zoning as per IFC 2009 edition, and have two points of access. 3. Shall meet fire protection requirements for R-5 zoning as per IFC 2009 edition. 	Fire	Rey Gonzales
<p>The subject property is accessible to the City sanitary sewer system and connection to the City sewer system is mandatory and shall be made prior to any new construction. Additionally, the following notes shall be included on the plat:</p> <p>Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application.</p>	Wastewater	Stan Holland
<p>Based on the latest SFHP requirements, 20% of the proposed 21 lot subdivision must be designated affordable which is 4.2 (21x.2=4.2). The 0.2 lot can be satisfied by providing another lot or paying a fractional fee. The affordable lots must be spread out and not clustered.</p> <p>A completed SFHO proposal is required prior to review of the plans by staff prior to Planning Commission approval of the Final Plat. A Santa Fe Housing Program (SFHP) Agreement shall be signed and recorded with the Final Plat. The affordable lots shall be designated on the plat.</p>	Affordable Housing	Kym Dicome/ Alexandra Ladd

Aguafina Rezoning to Conditions of Approval
City Council
Case #2012-104 – Aguafina Rezoning to R-5

Conditions	Department	Staff
There is no location shown for stormwater ponding as required by the Land Development Code. All applicable requirements of Article 14-8.2 must be met if the project goes forward after the rezoning.	Technical Review	Risana "R.B." Zaxus
Section 14-8.15(C)(2) SFCC 1987 requires land to be dedicated for neighborhood parks. The conceptual site plan that has been provided does not address any park dedication. The applicant shall provide park area for the development as part of the subdivision plat process, or commit to payment of park impact fees, in order to comply with this Land Development Code requirement.	Current Planning	Heather Lamboy

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-1

AN ORDINANCE

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;
CHANGING THE ZONING CLASSIFICATION FOR 2.453± ACRES IDENTIFIED AS
TRACT B AND THE SOUTHERN 3.432± ACRES OF TRACT C (IDENTIFIED AS
TRACT C-2), A PORTION OF SMALL HOLDING CLAIM 435 TRACT 3 WITHIN
SECTION 6, TOWNSHIP 16 NORTH, RANGE 9 EAST, NEW MEXICO PRIME
MERIDIAN, WHICH IS LOCATED WEST OF CALLE ATAJO BETWEEN AGUA FRIA
STREET AND RUFINA STREET, FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT
PER ACRE) TO R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE), AND
PROVIDING AN EFFECTIVE DATE. ("AGUAFINA REZONING," CASE #2012-
104).**

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

Section 1. That a certain parcel of land comprising 5.89± acres (the "Property")
located within Section 6, Township 16N, Range 9E, New Mexico Prime Meridian, Santa Fe
County, State of New Mexico, of which totals approximately 5.89 ± acres are located within the


1 municipal boundaries of the City of Santa Fe, and is restricted to and classified as R-5.
2 (Residential, 5 dwelling units per acre) as described in the legal description zoning map attached
3 hereto [EXHIBIT A] and incorporated herein by reference.

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

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

11 **Section 4.** This Ordinance shall be published one time by title and general summary
12 and shall become effective five days after publication.
13
14

15 **APPROVED AS TO FORM:**

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18 GENO ZAMORA, CITY ATTORNEY
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LEGAL DESCRIPTIONS

TRACT C-2

A TRACT OF LAND LYING AND BEING SITUATE WITHIN SECTIONS 6, T16N, R9E, AND BEING A PORTION OF S.H.C. 435, TRACT 3, N.M.P.M., DESIGNATED AS TRACT "C-2" IN SANTA FE COUNTY, STATE OF NEW MEXICO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THIS TRACT FROM WHENCE A U.S.G.L.O. BRASS CAP MARKING TR1 OF P.C. 1255 1/2 AND CLOSING CORNER OF SECTION 6, T16N, R9E, N.M.P.M. BEARS N02°22'20"E, A DISTANCE OF 1646.34 FEET;

THENCE FROM SAID POINT AND PLACE OF BEGINNING S15°28'47"E, A DISTANCE OF 786.35 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1423.08, AND AN ARC LENGTH OF 250.87 FEET TOGETHER WITH A CENTRAL ANGLE OF 10°06'02" TO A POINT; THENCE N16°19'25"W, A DISTANCE OF 563.54 FEET TO A POINT; THENCE N65°27'52"E, A DISTANCE OF 94.09 FEET TO A POINT; THENCE N16°36'58"E, A DISTANCE OF 59.12 FEET TO A POINT; THENCE N64°20'19"E, A DISTANCE OF 135.87 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING AN AREA OF 3.432 ACRES. MORE OR LESS.

TRACT B

A TRACT OF LAND LYING AND BEING SITUATE WITHIN SECTIONS 6, T16N, R9E, AND BEING A PORTION OF S.H.C. 435, TRACT 3, N.M.P.M., DESIGNATED AS TRACT "B" IN SANTA FE COUNTY, STATE OF NEW MEXICO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THIS TRACT FROM WHENCE A U.S.G.L.O. BRASS CAP MARKING TR1 OF P.C. 1255 1/2 AND CLOSING CORNER OF SECTION 6, T16N, R9E, N.M.P.M. BEARS N07°01'17"W, A DISTANCE OF 2532.16 FEET;

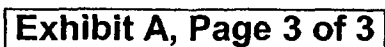
THENCE FROM SAID POINT AND PLACE OF BEGINNING S15°29'21"E, A DISTANCE OF 439.82 FEET TO A POINT; THENCE S73°27'17"W, A DISTANCE OF 206.45 FEET TO A POINT; THENCE N16°32'43"W, A DISTANCE OF 564.11 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1321.08 FEET AND AN ARC LENGTH OF 248.36 FEET, TOGETHER WITH A CENTRAL ANGLE OF 10°46'17" TO THE POINT AND PLACE OF BEGINNING.

CONTAINING AN AREA OF 2.453 ACRES. MORE OR LESS.



Exhibit A, Page 1 of 3





Aguafina Rezoning to R-5—Conditions of Approval
City Council
Case #2012-104 – Aguafina Rezoning to R-5

Conditions	Department	Staff
<p>Review comments are based on submittals received on August 15, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:</p> <ol style="list-style-type: none"> 1. The Developer shall provide an access from Tract "C" to Rufina Street, aligning the intersection with the proposed access to Tract B. Both accesses shall be partial accesses providing Right-in, Right-out, and Left-in turns only; 2. The Developer shall provide a traffic analysis of the access points to Rufina Street to determine if deceleration and/or acceleration lanes are needed and if so how long they should be; 3. The Developer shall plan this development so that it allows future access to the west that corresponds with proposed access to the east from the approved Cielo Azul Subdivision. We required the Cielo Azul developers to provide stub-outs so that their roadway network can connect to the east. The Developer shall indicate on the subdivision plat and development plan, the locations of these future Right-of-Way accesses and stub-outs (ghost lines) to the west; 4. We have reviewed a conceptual design of a subdivision that indicates a proposed access and utility easement. At such time as a submittal is made for a subdivision plat and/or a development plan, the proposed roads shall be built to City of Santa Fe standards and dedicated as public right-of-way. 	Traffic Engineering	John Romero/ Sandra Kassens
<p>The Fire Marshal conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to final approval of a subdivision plat.</p> <ol style="list-style-type: none"> 1. Shall Comply with International Fire Code (IFC) 2009 edition. 2. Shall meet fire department access for R-5 zoning as per IFC 2009 edition, and have two points of access. 3. Shall meet fire protection requirements for R-5 zoning as per IFC 2009 edition. 	Fire	Rey Gonzales
<p>The subject property is accessible to the City sanitary sewer system and connection to the City sewer system is mandatory and shall be made prior to any new construction. Additionally, the following notes shall be included on the plat:</p> <p>Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application.</p>	Wastewater	Stan Holland
<p>Based on the latest SFHP requirements, 20% of the proposed 21 lot subdivision must be designated affordable which is 4.2 (21x.2=4.2). The 0.2 lot can be satisfied by providing another lot or paying a fractional fee. The affordable lots must be spread out and not clustered.</p> <p>A completed SFHO proposal is required prior to review of the plans by staff prior to Planning Commission approval of the Final Plat. A Santa Fe Housing Program (SFHP) Agreement shall be signed and recorded with the Final Plat. The affordable lots shall be designated on the plat.</p>	Affordable Housing	Kym Dicome/ Alexandra Ladd

Aguaфина Rezoning to R- Conditions of Approval
City Council
Case #2012-104 – Aguaфина Rezoning to R-5

Conditions	Department	Staff
There is no location shown for stormwater ponding as required by the Land Development Code. All applicable requirements of Article 14-8.2 must be met if the project goes forward after the rezoning.	Technical Review	Risana "R.B." Zaxus
Section 14-8.15(C)(2) SFCC 1987 requires land to be dedicated for neighborhood parks. The conceptual site plan that has been provided does not address any park dedication. The applicant shall provide park area for the development as part of the subdivision plat process, or commit to payment of park impact fees, in order to comply with this Land Development Code requirement.	Current Planning	Heather Lamboy

City of Santa Fe, New Mexico

Exhibit 2

**Planning Commission Minutes
December 6, 2012**

The Tierra Contenta Subdivision, Phase 2B, Tract 50 Final Subdivision and Development Plans are incorporated herewith to these minutes by reference, and are on file with and can be obtained from the Planning and Land Use Department.

The Staff Report was presented by Heather Lamboy. Please see Exhibits "10" and "11," for specifics of this presentation.

RECOMMENDATION: The Land Use Department recommends approval with conditions as outlined in this report [Exhibit "10"].

Public Hearing

Presentation by the Applicant

David Thomas, Project Engineer, Tierra Contenta Corporation, agent for the Community Housing Trust, was sworn. Mr. Thomas said the Community Housing Trust is doing the development on this particular subdivision. He said they have reviewed the conditions of approval imposed by staff and accept "every last one of them and will comply."

Speaking to the Request

There was no one speaking for or against this request.

The Public Testimony Portion of the Public Hearing Was Closed

MOTION: Commissioner Lindell moved, seconded by Commissioner Pava, to recommend to the City Council the approval of Case #2012-117 Arroyo Central (Tierra Contenta Tract 50) Final Subdivision Plat, with all conditions of approval as recommended by staff.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Lindell, Ortiz, Pava, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [6-0].

5. **CASE #2012-104. AQUAFINA REZONING TO R-5. JENKINS GAVIN DESIGN AND DEVELOPMENT, AGENT FOR AQUAFINA DEVELOPMENT, LLC, REQUESTS TO REZONE 5.73± ACRES FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF AGUA FRIA STREET AND WEST OF CALLE ATAJO, AT 4702 RUFINA STREET AND 4262 AGUA FRIA STREET. (HEATHER LAMBOY, CASE MANAGER)**

A Memorandum dated November 16, 2012, for the December 6, 2012 Meeting, with attachments, to the Planning Commission, from Heather L. Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "12."

A copy of a power point presentation *Aguafina Rezone from R-1 to R-5*, is incorporated herewith to these minutes as Exhibit "13."

A Memorandum dated December 6, 2012, with attached letter of concern from William Mee, President, Agua Fria Village Association dated December 5, 2012, to the Planning Commission, from Current Planning Division, is incorporated herewith to these minutes as Exhibit "14."

A copy of *Aguafina Rezone Conceptual Site Plan* is incorporated herewith to these minutes as Exhibit "15."

A copy of an email dated December 5, 2012, from Ken Kast to Liddy Padilla, entered for the record by Joanna Nesboy, is incorporated herewith to these minutes as Exhibit "16."

A copy of the documents used by Hillary Wells in her presentation is incorporated herewith to these minutes as Exhibit "17."

The Staff Report was presented by Heather Lamboy via power point. Please see Exhibits "12" and "13," for specifics of this presentation. Ms. Lamboy reminded the Planning Commission that a zoning is not a final action for the Planning Commission to recommend to the Governing Body, so there will be an additional hearing beyond this one tonight.

RECOMMENDATION: The Land Use Department recommends approval with conditions as outlined in this report [Exhibit "12"].

Ms. Baer said there is a letter on the Commissioners' desk from the Agua Fria Village Association [Exhibit "14"] regarding this case, which was received this morning by email.

Public Hearing

Presentation by the Applicant

Jennifer Jenkins previously sworn, said she is here this evening on behalf of the property owner and said the request is for the rezoning which was most adequately described by Ms. Lamboy.

Ms. Jenkins presented information via power point. Please see Exhibit "17" for specifics of this presentation.

Ms Jenkins said, "This is an aerial that shows the vicinity, and the subject property is outlined in blue. The subject of the rezone this evening relates to the southern portion here. A couple of things I would like to point out. This tract of land that is north of Rufina is one lot. It has split zoning. The Northern 2/3 of that lot is zoned R-5 right now. The lower 1/3 here is zoned R-1, and this property on the south side of Rufina, about 2½ acres is also zoned R-1. So what we have here is a need to correct a split zoning issue that was in place when the current owner purchased the property. As you know, City Code does not

allow properties to maintain two different zoning categories if they are to be developed comprehensively as one neighborhood, and that is our intent."

Ms. Jenkins continued, "So what you see here is the City zoning map. And as you can see, this parcel has R-5 zoning to the north, so our request here is really to correct a split zoning to bring this entire 9 acres into compliance with City Code to bring it all into R-5 zoning and to also place R-5 zoning on the parcel south of Rufina. So this is what the General Plan Land Use Designation Map looks like. And as you can see, the yellow that you see predominately in this area is residential low density, calling for a range of density from 3 dwellings per acre to 7 dwellings per acre. And the so the R-1 zoning... the subject property is out of compliance with your General Plan. It doesn't even comply. So we have a two-fold intent here. Correct a split zoning issue on an existing lot of record and bring these parcels into compliance with the City's General Plan."

Ms. Jenkins continued, "So, Heather touched on some of these points. I will just reiterate a few of them. Again, we are bringing the property into compliance with the General Plan. It is currently not in compliance. We're talking about one of the ideas and themes which you've seen in the General Plan which are transitional neighborhoods. This part of town has a lot of variety in land use and types and densities. We have Agua Fria Village to the north on the other side of Agua Fria, that is also developed at a variety of densities, but could be described as semi-rural in some areas. We have residential suburban densities in the Las Acequias neighborhood to our east. We have pretty significantly denser mobile home communities to our west. The Cielo Azul project is zoned R-6. Our vision here is to create more generous sized lots than you see in our neighboring communities. And we see this as creating a transitional neighborhood that can bridge among a variety of land use intensities that we have in this area."

Ms. Jenkins continued, "Connectivity. We worked very closely with City staff to determine how this property is going to be addressed, and I imagine it will be some of our focus of our discussion this evening. And we are proposing a connection to an existing neighborhood, as well as a connection to an existing arterial. So in addition to Power Line Road, we also are connecting at Rufina Street. And then, with respect to the urban form here, although we are proposing lots that are a little more generously sized than what you see as typical in neighborhood communities, this is classic infill development and very sensitive infill development in terms of trying to relate to what is around us in a very sensitive way. We have availability of infrastructure in Agua Fria as well as in Rufina. It is a very efficient use of the City's infrastructure resources. And obviously there is affordable housing, more opportunities for affordable housing in our community. So this is not a comprehensive list, but I think these are the high points."

Ms. Jenkins continued, "With respect to the vision, this is just a rezone, but I think it's important to be transparent about, once you get the rezone, then what are you going to do. And so we felt it was important as we engage with the neighborhood to share with them what we were thinking as far as a residential community here. Just so we have our bearings, this is Rufina Street here, this is Agua Fria, as I mentioned, our access points. Again we worked very closely, and the first phone call I made when we started working on this was to John Romero, to talk about what we were going to do here. And we talked about it, and then we submitted, and there were modification and dialogue with staff and we worked very

closely with them. Where we are now as far as accessing this future neighborhood is Rufina here, and obviously the little 2.5 acre piece down on the south side of Rufina, that's the only opportunity for access which is pretty obvious."

Ms. Jenkins continued, "We worked very closely with staff to see if that point of connection would be appropriate and advisable. And they were like, yes we like that. Neighborhood connectivity is something we hear about a lot. It was in the General Plan, most of the time and most of the places, the City saw this as an appropriate connection point in addition to Rufina. And right now, as you can see, it's kind of a dirt road that's been there a long time. It's on the north side of Las Acequias Park."

Ms. Jenkins continued, "We had our original ENN and subsequently we were invited to speak to the Las Acequias Neighborhood Association, which we were happy to do. So we were able to have some follow up discussions with Las Acequias. Some of the concerns expressed about Power Line Road, of course, is a connection to a new neighborhood and what does that mean in terms of traffic and how is that potentially going to impact our neighborhood and those are all legitimate questions and concerns. But interestingly, a lot of what we also heard about Power Line Road, is Power Line Road the way it is right now is a problem. People park there to get access to the park. They're not suppose to park there. These are peoples' back yards right here. There are activities of ill repute that go on there. People dump trash there. People park and drink beer and there's beer bottles. And that little section here can be somewhat problematic. And what we shared with the neighborhood is that, in my experience doing this work for many many years, places like this that don't have a sense of place and don't have a purpose, tend to attract that kind of activity, but when you purpose it and very strategically purpose it, you can really eliminate a lot of those issues. Our vision here, as far as creating a developed, true City roadway connection from Calle Tajo into the neighborhood is a City standard, two-lane road, no parking. There is a City standard street that does not allow on-street parking, with street trees, so there's no way to get off the road to park. And so the cars can't stop. So as we go through the subdivision process, we want to work closely with the neighborhood to design something here that solves a lot of the concerns that they have been experiencing in its current condition."

Ms. Jenkins continued, "And so, like we are... as you can see these lots are very generously sized. We have 1/4 acre lots, 1/3 acre lots, things that go up to 4/10 of an acre lot. My client did his market analysis and what he discovered is that this right in the middle of town, it's very populated, but there was a desire for larger lots and to be close to services, jobs, schools, close to all those things in the City. Interestingly, when the notices for the ENN meeting first went out, we got a rash of phone calls in the first week. All the phone calls we got were from people who wanted to be on the waiting list, because they were interested in a lot when the signs went up. So it was interesting, and of course the client was delighted and we kept a list. And was, like maybe my market research was accurate. Maybe this is something that is going to be desirable. So obviously the final configuration... we have a preliminary plat process, we have a final plat process with a lot of details to work out. We're not at the place. This is not about details here tonight. This is about is R-5 zoning appropriate in this location."

Ms. Jenkins continued, "And also, I wanted to point out, in the Staff Report there was mention of how are we going to address our park dedication requirements. For a small project like this, there's a couple of options. We can actually dedicate some land, and some of the neighbors suggest it would be

nice maybe you dedicated some land that maybe could augment and enlarge our existing park. And so we talked about that. Also there's impact fees as another alternative. We want the opportunity to work closely with Parks & Recreation as well as the neighborhood as we move into the subdivision process, to say what makes more sense. If we're paying impact fees upwards of \$30,000 to \$40,000, that could go a long way to improving amenities in the existing Las Acequias Park, or in this little more passive open space area, where there aren't any amenities in that. Maybe that money could be earmarked and dedicated to that. Or maybe a piece of land is a better option, but we want the opportunity to explore that and come up with a solution that really makes the most sense and we get the most bang for our buck. And with that, I will be happy to stand for any questions, and I appreciate your time."

Speaking to the Request

All those speaking were sworn en masse

Chair Spray gave everyone two minutes to speak to the request.

Liddy Padilla, President, Las Acequias Neighborhood Association [previously sworn], asked if the Commissioners received their letter of November 28, 2012, with regard to the proposed rezoning, and Chair Spray said yes.

Ms. Padilla said she attended the ENN and made a presentation to address this process and there are several people here who want to speak this evening to share their concerns.

Sidney Davis, 1220, Senda del Valle, Apartment #A [previously sworn], said she owns her apartment. She is here to speak on behalf of the Homeowners Association for both Senda del Valle Compounds 1 and 2, located at 1220 Senda del Valle. She is also a member of the Las Acequias Neighborhood Association. The owners of HOA Compounds 1 and 2 are opposed to the zoning request at this time as proposed by the developers. To the west or south of Rufina the zoning is R-1. They feel it needs to remain there for the following reasons:

- (1) traffic increase has been significant over the last 10 years, causing noise, congestion and pollution. They have witnessed gridlock with increasing regularity at Lopez and Calle Tajo. No traffic study has been made at this point. Increasing units per acre would exacerbate this existing study, and a traffic study is imperative before further development can be considered.
- (2) families crossing Rufina from Senda del Valle on foot have more and more difficulty as cars go by at speed making it dangerous for citizens to access the park, and more traffic will make it worse for the neighborhood. The park has fallen into disrepair as the result of increased use by rising populations and they legitimately need a place to gather on hot afternoons during the summer. The increase has made it difficult for senior citizens like herself, noting she has a physical disability, to walk without worrying about sports objects hitting her. The walkways are narrowing and in some places two people can't walk side by

side on the walkway. Increased population will burden the small park even more.

- (3) the developer has stated they need to increase the number of lots per acre because they do not have the funds with which to meet the City's requirement for standard improvements such as gutters, sidewalks, etc. If the developer does not have the funds to meet these requirements, it isn't their neighborhood's problems. She said for these reasons they are opposed to any change in zoning at this time.

Cheryl Odom, 1152 Vuelta de Las Acequias, the Las Acequias Subdivision [previously sworn], said she attended the ENN and read the letter of suggested covenants proposed by the developer. She has several major concerns, including the park over use. She understands there would be no parking on Power Line Road which will cause all of the traffic which would have parked there to now park on Calle Tajo which already on the weekends is solid traffic parked all the way up and down the street. She is the next street over from Calle Tajo and her back yard backs onto Calle Tajo, and once a month there is a collision, noting she is a pedestrian in the neighborhood. The NE corner of that intersection, even though there is a traffic signal, is a blind corner. No one coming down Rufina can see traffic or pedestrians on Calle Tajo. She said increasing traffic from Power Line Road to Rufina will increase the likelihood of a problem with the traffic in that neighborhood. She asked if a traffic study has been done of that intersection. She said she hears from the developer that the new category is more advantageous to our community. However, based on the covenants they have seen, there is a mention of exteriors being metal siding, which says to her that these will be mobile homes and trailers.

Amy Caplan, 915 Vuelta de Sur [previously sworn], said she lives at the very end of the establishment of the neighborhood, and has lived in her house for 17 years. When she first moved in it was considered a pretty fine home, and it still is. Within the past year, she refinanced her house, an appraisal was done, and the value of her home has gone down considerably. One, because from her back yard you can see Agua Fria, and on the other side of the fence there is now a big trailer, which is not within their neighborhood. That trailer is a very big part of the reason her property value went down. Also, when she first moved there, none of the trailers were there. They were all moved once they closed John's Trailer Park which previously located where they now have PetSmart and all those place. Those people all moved to the park.

Ms. Caplan continued, "And now the park, you see the park and you look all the way down and there's, I mean... and it's all mobile homes and trailers. And you go down Rufina toward the elementary school, when my kids went there, there wasn't overcrowding, but now they have kids in portables and they're popping out of the windows and everything else because the neighborhood is packed. And the supposed Power Line Road is not a road, to me it is a walking path, okay. And just bear with me... And Power Line Road is about this wide, maybe a little wider to the beginning of that step. And on one side of it are all homes with a fence and they're all backed up on the park and they really have problems from the over-use of the park and the noise and all that. And this past summer, we've had a lot more police come in to help that, but there's cars parked all the way up and down Calle Tajo, people that want to use our tiny little park, which is the only park on the south side. So if you want to put in a vision and you have this

wonderful vision for the south side of Santa Fe, this completely blows it, because the park boundary ends right there. So, basically it's a little buffer zone between the houses and the park where you could ride a bike, I could ride my bicycle down there and I can turn around and come back without hitting anything. I'm not an athlete, and that's about as wide as it is and they don't have any access road and they want to make this into an access road, which I don't think can safely be done because they're going to have to cut into part of the park and they're going to have to be backed up against all those backyards of all those neighbors who now have a hard time enjoying their back yard."

Joanna [inaudible], Vice-President of the Las Acequias Neighborhood Association [previously sworn] said she has lived there since 1991, when she had an affordable house built. She is representing Kenneth Kast a Board member who couldn't be here this evening, but he sent a letter via email [Exhibit "16"]. Joanna read his letter into the record expressing his concerns with this proposal. Please see Exhibit "16" for the text of this communication. Joanna said her concern is the amount of traffic since Rufina has opened, and because of this the traffic has become so intense on Calle Tajo it is impossible to cross the road at times when she walks her dog.

Elizabeth Wilds, 1130 Senda del Valle [previously sworn], said she lives next to the northern portion where the development is proposed. She said she has programmed the emergency number for the police into her phone so she can report the animals she has seen get hit on the road, noting she has seen a child on a bicycle get hit on the road. This is where they are proposing a 4-way intersection, and with the speeds and the design with a curve and an elementary school down the road, there is a lot of precariousness about this. She thinks the population and traffic have not been looked at very well. She is concerned with what she sees out her back window. She doesn't live by Power Line Road, but she does know people walk through that area through these properties as a walkway. She asked how the City's General Plan incorporates green space, noting on Siringo they have nice park benches, paths, etc. She said if this property is to be developed in a way that is attractive to people – healthy lifestyles and such – she wants to incorporate more green space on this or other properties in the area and consider the traffic, safety, pollution and the lifestyle they want to incorporate in the City. She said there are other proposals and they've come up with a number of houses if this is approved. A cul de sac is proposed. She has visited other areas where these things are developed and these things become thoroughfares and gridlike structures. She is from California and she has seen places bought by the cities and they would tear down places. She doesn't see a photo shop from stopping a thoroughfare from Airport all the way to Agua Fria. She said the developer said it will be a road only for emergencies now, but that may change 10 years from now with another Council that might decide differently. She doesn't want any more four-way intersections.

Paul Lucero, 1068 Avenida Linda, Las Acequias Subdivision [previously sworn], said he has lived there for 18 years and he lives close to the park and Power Line Road. He said the road is a one lane dirt road which is the access for 3 houses across from the short, narrow strip of land, and the north side of the project that we're talking about, which is accessed constantly. He said there was a mobile home there but it was updated. There are people living in the back side area. The traffic has really grown and it has to be addressed. He attended the Neighborhood Planning meetings, and the developer has

said Power Line will be a dirt road, and also the roads to the proposed homes also will be dirt. He said it is dusty and it will bring a lot of dust and dirt if it isn't addressed correctly. He said he just wanted to bring this to the attention of this Commission.

Linda Flatt, 950 Vuelta del Sur, Board of Las Acequias [previously sworn], said they live in Phase 4, and they "are past going north from the Power Line Road." She also is the coordinator for the Neighborhood Watch for the past 10 years. She said the park is a problem. Every summer cars are parked for blocks on both sides. She has counted up to 200 people in that park in one evening. Power Line Road is right beside it, which is their main concern. She said they know what happens in the summers, but it is not as bad in the winter – in the summer it is horrendous. There are police there all the time. She is working with several officers to do as much as they can to protect the people in the neighborhood from all that happens in and around the park. She said if Power Line Road is put through as the main entrance into this development, it is going to create a massive problem. She said the part they're talking about is the part being rezoned from R-1 to R-5 which is 11.5 acres. She said there may be as many as 50 to 60 cars once it is all developed, and those cars will begin going in and out, and in the summer it will be a big problem.

Ms. Flatt continued, "A lot of people had to leave, they had families here. We had 16 people representing Las Acequias. One of the women did mention, and it's a very good point, if they develop Power Line Road, it sounds lovely, to make it a double lane road. It is quite narrow, but they perhaps could squeeze it out and put trees on either side. The problem that we're going to have is we have what they call cruisers that go by the park continually every night during the week. They have their radios loud. They go back and forth and back and forth, and how do they get back and forth, they come past the park and make a U-turn right in front of our poor neighbors to the north – they make a U-turn and go back around. So what are they going to do if Power Line goes through as a major thoroughfare. They're going to go through and Rufina will also be an entrance to this development. They're going to come down past the park, zoom down that road, go down through the community that they're trying to develop, go back out on Rufina, come back around and make a big circle, continually, because I know how those guys are. The mentality is let's cruise. Power Line Road is a very serious problem. I want you to think about that."

Chair Spray said Ms. Flatt's two minutes are up and asked her to wrap up.

Ms. Flatt said, "The point is Carmichael Dominguez made a very good presentation about trying to build higher quality communities in the south side. That's what Las Acequias is looking for. We don't mind having neighbors. We like having houses there, that's fine, but we want high quality houses that are equal to what we have, which are stick built homes. Thank you."

Chair Spray said he would give Ms. Jenkins 3 minutes to respond, and then he will declare the Public Hearing closed.

Response by the Applicant

Ms. Jenkins said, "A couple of points I want to make, just really clarifications. The public access

and easement that is in Power Line Road is 58 feet wide. In addition, there is a 20 foot power line easement adjacent to that for a total of 78 feet, but the public access and utility easement portion is 58 feet wide which is plenty, and actually exceeds City standards for a collector like this, a two-lane road, a neighborhood street, frankly is what we're talking about. Because there was some concern about, is there enough room to even build the extension of a neighborhood street here, and so I just wanted to clarify that. And I have documentation if any of you are interested in seeing that."

Ms. Jenkins continued, "And with respect to how that neighborhood street connection gets designed, like I said, we can design it where you can't park on it. But if they want to be able to park on it, we can design it so they can park on it. These are the types of details that we look forward to designing as we move forward with a subdivision process. And, as was mentioned, the way discussions have gone with staff with the Fire Marshal, as well as John Romero, is that access to Agua Fria will be emergency only. Everybody recognizes that Agua Fria is overly accessed, so there is agreement among the Traffic Engineer and the Fire marshal that there is no need for any kind of regular access connection to Agua Fria, and what we are showing with the two access points is adequate. And that was really it. I'd be happy to stand for further questions."

The Public Testimony Portion of the Public Hearing Was Closed

The Commission commented and asked questions as follows:

- Commissioner Lindell said we are looking at a stated 21 lots here, and asked if that is correct.

Ms. Jenkins said, "I would like to clarify that. When they originally submitted the application, we had a conceptual site plan of that, but it turned out that the way we were calculating our affordable housing requirement, we had to recalculate that, because we were treating the 7 lots on the south side of Rufina, this area here, as a stand-alone project, so we did an affordable calculation on that. And then we had a separate one on the portion of the project north of Rufina. And so it was explained that this is being looked at as one comprehensive subdivision, so we had to recalculate that. And originally, when we first... our initial conversations prior to an ENN, our initial conversations with John Romero, we looked at just Power Line Road for being the access for a very reasonable number of lots, only 15 lots on the north side of Rufina. And 15 lots and one point of access is considered adequate, and reducing the amount of access points on Rufina seemed to be of interest."

Ms. Jenkins continued, "But after we submitted, and there was more discussion among the Land Use staff and John Romero, it was determined that in addition to Power Line we should also access at Rufina Street. So that changed our program a little bit, so we had to take a step back and say, okay, we have two access points and we're looking at a different level of infrastructure standards that would need to be built to accommodate those two access points. So, when we went back to the Las Acequias Neighborhood Association, we showed a variety of site plan options of how this property might be subdivided and built in the future, depending on the roadway requirements, the connection requirements, the improvements on Rufina Street and such. So those are factors that we don't have all the answers for right now. We will be conducting the

Traffic Impact Analysis for Rufina when we do the subdivision. So that was our initial proposal, but it's likely that we will be looking at more lots than that, but I think our density is probably going to be about 3 lots per acre when all is said and done, is probably the range we're going to be in."

- Commissioner Lindell said that wasn't her question. She said her question is are these stick built house.

Ms. Jenkins said the developer isn't a homebuilder, and is creating a neighborhood. He did a market study about offering larger lots. She said these obviously will be stick built homes in the neighborhood because of the affordable housing requirement. She said with respect to the restrictive covenants, if this neighborhood is going to have stick built homes that may be 100% stick built homes. It may have a manufactured housing element if there is a homeowner who chooses to buy a lot and chooses to put a manufactured home or pre-fabricated home on the lot. She said they have restrictive covenants to govern that.

Ms. Jenkins said when they talked about the metal siding, that was to allow more contemporary style architecture to allow it as an architectural element. It was not intended to allow for substandard housing. They will bring lots to the market with the requisite infrastructure and street trees in place, and the lots will be for sale. The lots will be governed restrictive covenants - landscaping, fencing, architectural standards, home maintenance. However, it is possible there may be manufactured homes in this. She said their goal is to establish a livable neighborhood that is well maintained.

- Commissioner Pava said Cielo Azul is the large undeveloped parcel to the west, and there was reference in the Staff Report that there is a development plan for that. He asked, if Power Line Road is to be used as the ingress/egress, and Cielo Azul is required to build tub-outs for when this property is developed, what kind of traffic would be generated from this area. He asked if it will be resolved if and when Cielo Azul will be developed,

Ms. Lamboy said the Cielo Azul Subdivision is already is on an extension which is due to expire in early 2013, noting she had inquired recently. She said it is coming to a point where they either are going to do it or not, commenting they may be before this Commission again. She said the comments in the development review process at that time, as you can see, the roadway at the center part near the open space, there is intended connection across the property to the east. The intent was to provide connectivity, because we don't want to funnel all the traffic onto Agua Fria and Rufina, and there is a request for a stub-out on the subject property for Agua Fria as well. She said there is an intervening property which hasn't been part of this whole discussion, so they are uncertain as to when that would occur.

- Commissioner Pava asked, regarding manufactured homes, if it is true that one can place a manufactured home on a lot in any residential district in the City.

Ms. Lamboy said, "That is correct. And it's also considered a single family residence, and so the references in the proposed covenants does not really clearly define whether it's going to be stick

built or whether it's going to be a manufactured home. And a manufactured home could comply with the architectural standards as well. It would be reviewed further in the subdivision approval process, if we ever get to that point."

- Commissioner Pava asked if there is a zone we could use or consider that would specify that manufactured homes would not be permitted, or does that contravene State law.

Ms. Brennan said, "It contravenes federal law. You cannot discriminate against manufactured housing. If the lot is qualified for a single family home, a manufactured housing unit can be put on it."

- Responding to Commissioner Pava, Ms. Brennan said the covenants could [prohibit manufactured housing], but the City cannot require or regulate that type of discriminatory home choice."

- Commissioner Pava noted we received, at the 11th hour, something from the Agua Fria Village Association from Mr. Mee. He said he checked people who were copied on the letter against the ENN notice, and Ms. Odom did attend the ENN and she was copied on the letter. He asked Ms. Odom if the statement, "Our neighborhood received no notification on the proposed rezoning," is accurate in her mind and asked how she found out about this meeting.

Ms. Odom said she is involved in a different project with Agua Fria Village, and has gotten to know Mr. Mee in that capacity. And in that capacity, she attended their Neighborhood Association meeting on Monday. She said, "I'm not aware of any of this. I don't know if they got notification. I have no way of knowing that."

Ms. Baer said, with regard to notice, the part that is being rezoned is not within 300 feet of that Neighborhood Association. She said when the entire project comes back for subdivision, that Neighborhood Association and anyone who lives within 300 feet of the Agua Fria property line would be notified.

- Chair Spray said Ms. Jenkins mentioned that one of the things they are trying to do here is correcting a split zoning. He asked if we are under any obligation to correct any zoning. He said, "The fact that there is R-1 here and R-5 there, that could be developed by her client today.

Ms. Baer said, "That's correct. Typically we don't like to see split zoning on any piece of land, but it's not your issue to correct. You don't have to."

- Chair Spray asked, with regard to being in compliance with the General Plan; where we talk about 3-7 units per acre, we're not obligated to make any change to comply with the plan. He asked if this is correct.

Ms. Baer said, "That is correct. It would have been incumbent on the applicant to request to change to the General Plan if that had been necessary."

- Chair Spray said the proposal is for 11.5 acres with 21 lots, and asked Ms. Jenkins if this correct.

Ms. Jenkins said she tried to clarify that with Commissioner Lindell. She said, "Initially, when they submitted a conceptual site plan.... we don't have a proposal for lots. We have a conceptual site plan."

- Chair Spray quoted from the 4th paragraph on page 5, 6 of the ENN report, "A neighbor asked why Ms. Jenkins chose the R-5 zoning district, if the goal is only for 18 lots on the 9 acres. Why not R-3 or R-2 if that was truly the intention. Ms. Jenkins responded that it just seemed to make sense to continue the R-5 zoning like that which is already in place in the northern portion. She said that she would discuss the possibility of a lower density zoning district with her client." Chair Spray asked Ms. Jenkins if she has had that discussion.

Ms. Jenkins said, "Here's what we discovered, is that this is the current General Plan designation that you see there. And on this, the northern 2/3 of the property, and it has two General Plan designations. A General Plan designation of 3 to 7 dwellings per acre is the yellow. And up at the top, along Agua Fria, there's a General Plan designation of transitional mixed use. And so, if we were to... I can't just rezone this portion here to R-3, because I would be creating a split zoning, so I would have to downzone the rest of the property. And I would have to amend the General Plan which would be based on the transitional mixed use designation at the top. And typically in my field, I avoid General Plan designations unless they are necessary."

Ms. Jenkins continued, "And secondly, with respect to zoning and looking down the road at a future subdivision, it is pretty much impossible to design a subdivision in terms of what is your lot count, what is your density, what is your access points, how are your roads going to be developed, to what standard are your roads going to be developed, are they going to be public or are they going to be private. There are a myriad of issues that get resolved at the subdivision stage. I would not be representing my client if I had to back him into a corner in terms of his lot count, if we did not know what our infrastructure requirements and expenses are going to be. Okay. That would not be being... I have my fiduciary responsibility to my client. We have been transparent, unbelievably transparent about our intention here to create the most lots in the entire neighborhood. The largest lots in the entire neighborhood. That is our intent. That is our vision, and we have been very transparent about that. However, I'm not in a position to tell my client to leave density on the table until I can tell him what his infrastructure costs are going to be. I hope... that's kind of a long winded answer to your question."

- Chair Spray said if the section is 3-7, 3 seems to fit within that, so that could be changed for the General Plan at that point. It all could be at R-3. So any change like that would make the property less valuable to your client, which he thinks is the real essence, commenting that is what he would do. If he was looking to go to R-5, he would try to make as much on them as he possibly could, because he could make as much money as possible.

Ms. Jenkins said, "That's never been our intent, to put as much... if we were going to put as much on here as we possibly could, then I would just mirror the Las Acequias development pattern. I would just put houses and back yards up against back yards. That would be the approach if we were trying to milk every lot out of this project. That has never been our intention."

- Chair Spray said, "I would never suggest that. It's just that you can get more on R-5 than you could on R-3, that's all. That's the point of that. I guess my feeling on those kinds of rezonings is that we do have an obligation, in my opinion, to do not only do what's right for the City but to do what's right by the neighborhood which has an expectation, in most cases, of having stable zoning. And we always talk about, well the area has changed, but who changes that. We change that right here by adding to it and that's what makes it... every time we make a change someone like yourself or another developer comes through and says, the neighborhood has changed, it's all different, so that's why you should do it. So I guess my personal feeling is that I think at an R-5 and R-1, I think your client could still be well served and could still make some money off it. And even at a lower density, it seems to me, could do extremely well. And that's all I've got for that one."

- Commissioner Villarreal asked Traffic Engineer John Romero if he knows about a thorough traffic study, not just for this particular neighborhood area, but for Rufina, Agua Fria and capturing the situation and future growth – has there been a comprehensive traffic study for this area.

John Romero, Traffic Engineer said, "No. I think Rufina was... that was the intent on Rufina was to do that." He said on all these streets – Rufina, Agua Fria, Alameda – we have infill, and infill does add more traffic to our streets. He said, "I don't what a comprehensive study would tell us, other than you build more houses, you make more babies, you create more people you get more cars. That's just the way it goes."

- Commissioner Villarreal said the letter the Commission received from the Agua Fria Village Association referenced a study done by the BBER at UNM and they were referring to a commissioned study on the annexation studies. She asked Mr. Romero if he is aware of that, or has staff seen the study to which they refer.

John Romero said, "Yes. That study was really to analyze the physical effect on the City of annexing in the County, including operation, maintenance, staff. All that type of stuff."

- Commissioner Villarreal, "And not necessarily having a focus on traffic."

Mr. Romero said no.

- Commissioner Villarreal said, "This is a difficult situation because there have been multiple opportunities for development in this area, because we need areas for more people to live in Santa Fe. That's really what it comes down to. And I guess I'm always curious and interested in what people say about, well we don't any more people to live in our area because it's at capacity. Well, I prefer to have more of a robust community, rather than seeing the areas in northeast Santa Fe

where we have part time residents. To me, that's pretty depressing. But I guess I'm still worried about this traffic issue and it's always coming up every time we look at this area for possible development. One of the residents, or a few of the residents said that the park in this area, Las Acequias Park, is over-used. I don't think there's such a thing as an over-used park. The issue is... the issue is... listen to me, the issue is that we don't have enough green space, open space in the south side part of town. And that, to me, is the bigger issue. And I'm hoping when the Southwest Area Park comes to fruition, that that will alleviate the situation. They are going to that park, because there's no other park to go to. So I think it's not an over-used park, I think it's that we don't have enough parks in this area. And I actually find it offensive saying cruisers are problematic. I think if people don't have enough to do, and there's not enough for community, it's not because cruisers are the problem. We had the problem in the downtown area of cruising, they eliminated it, and now there's no local people that actually go downtown, so to speak."

Commissioner Villarreal continued, "But back to the main issue. I'm having a problem with this traffic thing and it keeps coming up and so I'm feeling like there needs to be more analysis of how this is going to develop, particularly if we have this pending Cielo Azul development. So, I'd like to hear from other Commissioners. I'll yield to them."

- Commissioner Schackel-Bordegary said, "Spurred by my fellow Commissioner's comments, I just want to echo her sentiment, concerns about traffic and the park. And I have less objection to a rezoning in this case, because I recognize that it would go through rigorous development review further. But I'm troubled by these proposals we keep seeing for this side of town, and it's like we can't figure out how to grow more places for our people to live. And so, it sort of broadens the scope to the need for greater planning. We heard earlier this evening about an overlay vision for the Airport Road corridor. This is that. And I am troubled that we would even call a park over-used. I share that. We have acres and acres of Ragle Park at Yucca and Zia."

Commissioner Schackel-Bordegary continued, "What I'm getting at, is this is an issue for all of us to think about how we grow. I'm also troubled to not hear a definitive answer that these won't be stick built homes. I have my own opinions about longevity, and so I'm troubled by that. And I don't like that possibility, and I don't want to put residents of this part of our City in the position of having more manufactured housing shoe-horned in. That said, I don't believe this is the intent, from what I've heard about development standards, but we don't have guarantees of that. That's it. I am troubled by the fact that we have a community of people that want to use a park and we don't have enough green space. What is wrong with our City if we aren't providing enough park spaces for our children and families, that some people would actually think a park is over-used. I'm going to go home a little sad about that tonight."

- Chair Spray said we are at the point where we would have to either choose to make a recommendation or choose not to recommend this to the City Council. He asked the wishes of the Commission.

Ms. Lamboy said, "I would just offer up an idea that I've been brainstorming back here, as I've been hearing all these comments. And one of the things that the applicant can also do, is a lot

split for that Tract C which is north of Rufina, if she were to choose to do so. And that would give, possibly, the opportunity for the R-5 zoning to stay where it is, and potentially an opportunity for a lower zoning category to be looked at for the southern tract. But of course, the lot split would be an extra action that would have to take place. Additionally, if this committee were to consider a lower zoning category, I would just like to let the Commission know it would not have to be rezoned because it is a lower category. Only if they were to go higher, would we have to start the whole process again."

- Chair Spray asked if she is suggesting a modification in terms of a motion. He asked Ms. Brennan if we don't have to deal with the matter right in front of us here.

Ms. Brennan said, "Certainly, if there were a lot split proposed, action would have to be postponed so the lot split could be advertised independently, so that would be the outcome of a desire to do that."

- Chair Spray said then we wouldn't take action on this at this time, if they're even interested in doing that in any way, and Ms. Brennan said this is correct.

Mr. O'Reilly said to the second question, or Ms. Lamboy's suggestion, this Commission could choose to recommend this to a different zoning category lower than R-5. The Commission has done that in the past. This is an option.

- Chair Spray said that would be on the R-5, to downzone that.

Ms. Baer said the matter before the Commission tonight is the lower piece that is R-1. They're asking for rezoning for that piece.

- Commissioner Pava asked Ms. Jenkins if the Commission would propose a recommendation to Council of a lesser zoning, say R-3, if she is in a position to speak as to whether or not that would be acceptable on behalf of her client.

Ms. Jenkins said, "Probably not technically, but I think that we would be open to that. Like I said, we've been very clear about what our vision is here for this property, and so I appreciate Ms. Lamboy trying to think creatively so we can all move forward, and I like that. I like the opportunity to collaborate and come up with a win-win solution. What does trouble me a little bit, is when we look at zoning and we look at consistency, and we look at connectivity, to be surround by R-6, R-7, R-5, R-4 Mobile Home Park, and then to somehow designate this little acreage as somehow different and less worthy of this is... I'm interested in your thoughts on, because I need to come back to my client to weigh that. I'm very curious, when you look at this map and it's like hmmm, you know. And so I would love to hear your thoughts on what about this little piece here in the midst of a fully developed community is somehow unique when we're talking about 20, 15, 25 lots, is a small little neighborhood. So I would be very interested in that and very open to ideas."

Commissioner Pava said, "Since you asked, it's late, but okay. I heard that there's 220 lots proposed on Cielo Azul, for example. And when I look at this as a planner, from my training, I see this as the last piece in a puzzle. And it's not altogether a great puzzle at this point, based on what we've been hearing, whether you think parks are over subscribed, or there are cruisers or this and that. And I've heard this throughout my career, that it's too many people, over-subscribed and what are we going to do about the street and this and that. And yet, something here rings true to me that there's a problem. This is unique because it is about the last piece in the puzzle. If I could wave a magic wand I would probably say, let the City buy it. Wouldn't that be nice. And we'll extend and make this part of a park and a parkway, but that's not going to happen. Absent that, what I think I would like to propose, Chair Spray, is to make a motion based on Ms. Jenkins' response.

MOTION: Commissioner Pava moved, seconded by Commissioner Schackel-Bordegary, to recommend the approval of Case #2012-104, Aquafina Rezoning to R-5, with a recommendation for R-3 zoning, with all conditions of approval as recommended by staff.

VOTE: The motion was approved on a roll call vote, with the Chair voting in favor of the motion to break the tie vote, [4-3] as follows:

For: Commissioner Ortiz, Commissioner Pava, Commissioner Schackel-Bordegary and Chair Spray.

Against: Commissioner Bemis, Commissioner Lindell and Commissioner Villarreal.

6. **CASE #2012-123, WINDMILL HILL AT LAS PLACITAS COMPOUND PRELIMINARY SUBDIVISION PLAT WITH VARIANCE. JENKINS GAVIN DESIGN AND DEVELOPMENT, AGENT FOR DOUG AND PEGGY McDOWELL, REQUESTS PRELIMINARY SUBDIVISION PLAT APPROVAL FOR FOUR SINGLE FAMILY RESIDENTIAL LOTS ON 1.48± ACRES. A VARIANCE IS REQUESTED TO REDUCE THE MINIMUM STREET WIDTH FROM 38 FEET TO THE WIDTH OF EXISTING ACCESS EASEMENTS OF 29 FEET AND 20 FEET. THE PROPERTY IS LOCATED AT 623½ GARCIA STREET, AND IS ZONED R-3 (RESIDENTIAL, THREE DWELLING UNITS PER ACRE). (DONNA WYNANT, CASE MANAGER)**

A Memorandum dated November 26, 2012 for the December 6, 2012 meeting, with attachments, to the Planning Commission, from Donna Wynant, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "18."

A copy of a power point presentation *Windmill Hill Preliminary Subdivision Plat*, is incorporated herewith to these minutes as Exhibit "19."

The Preliminary Subdivision Plat with attachments, is incorporated herewith to these minutes by reference, and copies are on file with and can be obtained from the Planning and Land Use Department.

City of Santa Fe, New Mexico

Exhibit 3

**Planning Commission Staff Report Packet
December 6, 2012**

City of Santa Fe, New Mexico

memo

DATE: November 16, 2012 for the December 6, 2012 Meeting

TO: Planning Commission

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

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

Case #2012-104. Aguafina Rezoning to R-5. JenkinsGavin Design and Development, agent for Aguafina Development, LLC, requests to rezone 5.73± acres from R-1 (Residential, 1 dwelling unit per acre) to R-5 (Residential, 5 dwelling units per acre). The property is located south of Agua Fria Street and west of Calle Atajo, at 4702 Rufina Street and 4262 Agua Fria Street. (Heather Lamboy, Case Manager)

I. RECOMMENDATION

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

The Planning Commission will make a recommendation to the City Council for final action.

II. APPLICATION OVERVIEW

The applicant is requesting to rezone a portion of a tract of land that is bisected by Rufina Street, between Agua Fria Road and Airport Road. Currently, the tract has split zoning. This application is requesting a rezoning of the tract only, a subdivision plat will be reviewed in the future if this rezoning is approved. The northern portion of the Tract is zoned Residential-5 (R-5) and the southern portion of the property is zoned Residential-1 (R-1). This parcel is located in a part of Santa Fe that has experienced dramatic growth over the past decade. The northern portion of the tract is part of the Phase 2 Annexation Area.

The area includes single family residential development, large lot residential development, and mobile home parks in the immediate vicinity. Zoning districts surrounding the subject property include Residential-7 PUD (R-7 PUD) in the Las Acequias neighborhood, Mobile Home Park (MHP) on either side of Rufina to the west (maximum density permitted in MHP zoning is 8 dwelling units per acre), and Residential-5 and Residential-6 to the north of the site. The

proposed R-5 zoning category will be compatible with and comparable to the existing development pattern in the vicinity.

In initial meetings with Development Review Team staff, the City's Traffic Engineer discussed the need to limit access on Agua Fria due to the large amount of traffic on that roadway. Access was determined appropriate via Rufina Street, with additional access via Powerline Road. In order to comply with the International Fire Code, the access point at Agua Fria Street will be for emergency vehicles only.

The Early Neighborhood Notification (ENN) meeting was held on July 30, 2012. Those in attendance exhibited concern about the character of the development and how it would integrate with adjoining neighborhoods. Questions were asked about the access, and concerns were raised about utilizing Powerline Road as an access point. Additional discussion included the type of housing permitted. For additional detailed information regarding the meeting, refer to the ENN Meeting Summary in Exhibit C.

III. APPROVAL CRITERIA

14-3.5 REZONINGS

(C) Approval Criteria

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

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

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

Applicant Response: Not applicable.

Staff Response: Not applicable. This property was zoned residential by Santa Fe County. It is part of the Phase 2 Annexation area as established by the Subdivision, Planning, Platting and Zoning Ordinance (SPPAZO). When it was zoned R-1, the density was appropriate for the area. However, the density of the area has changed as the City has expanded southward.

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

Applicant Response: The most significant change to the surrounding area is the pending annexation of many County properties along the Rufina Street and Airport Road corridor. Based on the Future Land Use designations approved for this area by the City as part of the annexation process, the primary intent is to encourage low density residential development along the Rufina Corridor.

Staff Response: As noted by the applicant, the character of the Rufina Corridor has changed. Additionally, the General Plan, which is the long-range guiding policy plan, indicates a future land use of Low Density Residential (3-7 dwelling units per acre). The proposed rezoning request to 5 dwelling units per acre is consistent with the General Plan.

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

Applicant Response: Rezoning the southern portion of Tract C and all of Tract B to R-5 will bring both lots into compliance with the City's General Plan designation of Low Density Residential. The two tracts that comprise the subject property are bordered by the Las Acequias subdivision to the east, undeveloped property to the west, Agua Fria Village to the north, and Roadrunner West Mobile Home Park to the west and south. The proposed generously-sized lots will serve as a transition between the semi-rural environment of Agua Fria Village and the dense surrounding subdivisions. From the standpoint of connectivity, the General Plan encourages roadway connections between neighborhoods, which reduces stress on the arterial road network and promotes community integration. Accessing Tract C via Powerline Road complies with the General Plan by promoting a connection with the neighboring Las Acequias subdivision.

Staff Response: As stated by the applicant, the General Plan provides for a more dense land development pattern than one dwelling unit per acre within the City limits. While the proposed R-5 zoning district increases the permitted density on the subject property, it will be compatible with surrounding densities in the vicinity. The development of the tract will include more opportunities for affordable housing within the city. The Land Development Code also requires park amenities either through a land dedication or payment of impact fees. The applicant is encouraged to dedicate park area in the Aguafina development adjacent to one of the Las Acequias parks in order to complement these existing park facilities. If the impact fee option is chosen, an estimate of park impact fees for 24 single-family dwelling units (approx. size 1500-2000 square feet each) would total \$29,136.

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

Applicant Response: Yes.

Staff Response: All requirements for rezoning, including public notice requirements, have been met.

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

Applicant Response: The proposed project exemplifies a compact urban form as encouraged by the General Plan, while respecting the semi-rural nature of nearby properties with the Low Density Residential Designation. Section 17.1 of the General Plan calls for the development of more affordable housing in Santa Fe. The General Plan also calls for the City to actively participate in the creation of affordable housing: "Opportunities are provided for housing of all income segments of the population in all areas of the city, while restricting the supply of large lot housing, which belongs in rural areas outside the city and not inside it. Housing affordability will also be aided by not artificially limiting the supply of land or the rate of growth. Active efforts to increase the supply of affordable housing are outlined. Affordable housing is provided close to jobs to promote transit use." In addition, Section 9.1.6 states, "The city should take a proactive role to ensure an adequate supply

of land is available so there are no artificial constraints on easily developable land.”

Staff Response: *In addition to the applicant’s response, other General Plan policies support this rezoning, including Policy 4-4-I-3, which states, “Ensure that all residential development within the future growth areas is built at a minimum gross density of three units per acre, and an average of five units per acre, where topography allows.”*

The site is part of the Central Neighborhood Pattern Area of the Southwest Santa Fe Area Master Plan. The Plan identified this area as having the greatest potential to integrate future development with existing residential development. That is why it is critical that this application integrates with its surrounds through parks, pedestrian and vehicular connections. Additionally, the Master Plan calls for a broad range of residential densities in these areas in an effort to promote diversity, housing affordability, and community identity.

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

The area surrounding the subject property comprises high density mobile home communities, single family homes, and semi-rural residential. The proposed subdivision and accompanying Future Land Use Designation of Low Density is an appropriate bridge between the two extremes of existing residential development and is consistent with the City’s intent to encourage this type of development pattern along Rufina Street. Furthermore, the project is adjacent to Rufina Street, a minor arterial roadway that contains the water and sewer infrastructure necessary to serve the project.

Staff Response: *The General Plan prioritizes growth for infill areas that are already served by public water and wastewater facilities. In the case of Aguafina, an opportunity is presented for infill development that provides for efficient use of City infrastructure.*

- (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: *There is adequate public infrastructure available adjacent to the site to serve the proposed subdivision.*

Staff Response: *Staff agrees with the applicant, the site is served by City streets, water and wastewater facilities.*

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

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

Staff Response: *The proposal will not change the character of the area will be consistent with the prevailing uses in the area.*

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

Staff Response: *Not applicable. The size of the site proposed for rezoning is 11.51± acres.*

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

Staff Response: *With the construction of adequate infrastructure as required by the Land Development Code, this proposal will not benefit one or few landowners at the expense of surrounding landowners.*

IV. CONDITIONS OF APPROVAL

Many of the conditions presented by staff relate to future development on the property. An important issue that was raised by the Traffic Engineer was access to the site via a newly-constructed Powerline Road and a Rufina Street access for both tracts that are bisected by Rufina. The applicant has agreed to the Traffic Engineer's requirements for these access points, in addition to dedicating right-of-way for future cross access to properties to the west. The Fire Marshal asked for access to the site from Agua Fria due to the location of the closest fire station. The applicant has agreed to emergency access only via Agua Fria Street in order to address concerns from the Agua Fria Village Association regarding the number of access points along Agua Fria Road.

Many of the aforementioned issues will be further refined as part of the subdivision plat review. This application only requests the rezoning of the property from R-1 to R-5, and the applicant has provided a conceptual site plan in order to help the Commission understand how future single-family residential development may look on the site. In order to further control the character of development on the site, the applicant has provided proposed restrictive Covenants that will be recorded with the Final Subdivision Plat.

V. ATTACHMENTS:

EXHIBIT A: Conditions of Approval

1. Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

1. Request for Additional Information, Heather Lamboy
2. Traffic Engineering Comments, John Romero
3. Fire Marshal Comments, Reynaldo Gonzales
4. Affordable Housing Comments, Kym Dicome
5. Technical Review Division Memorandum, Risana "RB" Zaxus
6. Metropolitan Transportation Organization, Keith Wilson
7. Solid Waste Division Memorandum, Randall Marco
8. Wastewater Division Memorandum, Stan Holland

EXHIBIT C: ENN Meeting Materials

1. ENN Public Notice Materials
2. ENN Meeting Notes

EXHIBIT D: Maps

1. Future Land Use Map
2. Zoning Map
3. Aerial
4. Aerial with Phase 2 Annexation Area

EXHIBIT E: Applicant Submittals

1. Transmittal Letter
2. Proposed Subdivision Covenants
3. Conceptual Site Plan

EXHIBIT F: Correspondence from the Public

1. Las Acequias Neighborhood Association Letter 11-28-12

City of Santa Fe, New Mexico

Exhibit A

Conditions of Approval

Aguafina Rezoning to Conditions of Approval
Planning Commission
Case #2012-104 – Aguafina Rezoning to R-5

Conditions	Department	Staff
<p>Review comments are based on submittals received on August 15, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:</p> <ol style="list-style-type: none"> 1. The Developer shall provide an access from Tract "C" to Rufina Street, aligning the intersection with the proposed access to Tract B. Both accesses shall be partial accesses providing Right-in, Right-out, and Left-in turns only; 2. The Developer shall provide a traffic analysis of the access points to Rufina Street to determine if deceleration and/or acceleration lanes are needed and if so how long they should be; 3. The Developer shall plan this development so that it allows future access to the west that corresponds with proposed access to the east from the approved Cielo Azul Subdivision. We required the Cielo Azul developers to provide stub-outs so that their roadway network can connect to the east. The Developer shall indicate on the subdivision plat and development plan, the locations of these future Right-of-Way accesses and stub-outs (ghost lines) to the west; 4. We have reviewed a conceptual design of a subdivision that indicates a proposed access and utility easement. At such time as a submittal is made for a subdivision plat and/or a development plan, the proposed roads shall be built to City of Santa Fe standards and dedicated as public right-of-way. 	Traffic Engineering	John Romero/ Sandra Kassens
<p>The Fire Marshal conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to final approval of a subdivision plat.</p> <ol style="list-style-type: none"> 1. Shall Comply with International Fire Code (IFC) 2009 edition. 2. Shall meet fire department access for R-5 zoning as per IFC 2009 edition, and have two points of access. 3. Shall meet fire protection requirements for R-5 zoning as per IFC 2009 edition. 	Fire	Rey Gonzales
<p>The subject property is accessible to the City sanitary sewer system and connection to the City sewer system is mandatory and shall be made prior to any new construction. Additionally, the following notes shall be included on the plat:</p> <p>Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application.</p>	Wastewater	Stan Holland
<p>Based on the latest SFHP requirements, 20% of the proposed 21 lot subdivision must be designated affordable which is 4.2 (21x.2=4.2). The 0.2 lot can be satisfied by providing another lot or paying a fractional fee. The affordable lots must be spread out and not clustered.</p> <p>A completed SFHO proposal is required prior to review of the plans by staff prior to Planning Commission approval of the Final Plat. A Santa Fe Housing Program (SFHP) Agreement shall be signed and recorded with the Final Plat. The affordable lots shall be designated on the plat.</p>	Affordable Housing	Kym Dicome/ Alexandra Ladd

Aguafina Rezoning to –Conditions of Approval
 Planning Commission
 Case #2012-104 – Aguafina Rezoning to R-5

Conditions	Department	Staff
There is no location shown for stormwater ponding as required by the Land Development Code. All applicable requirements of Article 14-8.2 must be met if the project goes forward after the rezoning.	Technical Review	Risana "R.B." Zaxus
Section 14-8.15(C)(2) SFCC 1987 requires land to be dedicated for neighborhood parks. The conceptual site plan that has been provided does not address any park dedication. The applicant shall provide park area for the development as part of the subdivision plat process, or commit to payment of park impact fees, in order to comply with this Land Development Code requirement.	Current Planning	Heather Lamboy

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2012-__

AN ORDINANCE

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;
CHANGING THE ZONING CLASSIFICATIONS FOR TRACT B AND THE
SOUTHERN 9.06± ACRES OF TRACT C, A PORTION OF S.H.C. 435 TRACT 3
WITHIN SECTIONS 6 & 7, TOWNSHIP 16 NORTH, RANGE 9 EAST, NEW MEXICO
PRIME MERIDIAN, FROM RESIDENTIAL-1 (RESIDENTIAL, 1 DWELLING
UNIT PER ACRE) TO RESIDENTIAL-5 (RESIDENTIAL, 5 DWELLING UNITS
PER ACRE), AND PROVIDING AN EFFECTIVE DATE. ("AGUAFINA
REZONING," CASE #2012-104).**

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

Section 1. That a certain parcel of land comprising 11.51± acres (the "Property")
located within Township 16N, Range 9E, Sections 6 & 7, New Mexico Prime Meridian, Santa Fe
County, State of New Mexico, of which approximately 11.51± acres are located within the
municipal boundaries of the City of Santa Fe, and are restricted to and classified as Residential-5
(R-5) as described in the zoning map attached hereto [EXHIBIT A] and incorporated herein by
reference.

1 **Section 2.** The official zoning map of the City of Santa Fe adopted by
2 Ordinance No. 2001-27 is hereby amended to conform to the changes in zoning
3 classifications for the Property set forth 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 [EXHIBIT B]
6 and incorporated herein summarizing the City of Santa Fe staff technical memoranda and
7 conditions recommended by the Planning Commission on [December 6, 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 2011-26 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
14
15 **APPROVED AS TO FORM:**

16
17 _____
18 GENO ZAMORA, CITY ATTORNEY
19
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25


City of Santa Fe, New Mexico

Exhibit B

Development Review Team Memoranda



City of Santa Fe Land Use Department Request for Additional Submittals

<i>Project Name</i>	Aguafina
<i>Project Location</i>	West of Rufina and Calle Atajo
<i>Project Description</i>	Case #2012-104. Aguafina Rezoning to R-5. JenkinsGavin Design and Development, agent for Aguafina Development, LLC, requests to rezone 5.73± acres from R-1 (Residential, 1 dwelling unit per acre) to R-5 (Residential, 5 dwelling units per acre). The property is located south of Agua Fria Street and west of Calle Atajo, at 4702 Rufina Street and 4262 Agua Fria Street. (Heather Lamboy, Case Manager)
<i>Applicant / Owner</i>	Jennifer Jenkins, JenkinsGavin Design and Development
<i>Application Type</i>	Rezone to R-5
<i>Land Use Staff</i>	Heather L. Lamboy, AICP 

Comments:

In general, the request to rezone the parcel from R-1 to R-5 is not inconsistent with the general plan or the general development pattern in the neighborhood. With the public comment given at the Early Neighborhood Notification (ENN) meeting, it became obvious that a lower density than 5 dwelling units per acre was desired by the neighborhood.

The concept plan proposal initially submitted with this application called for lot sizes varying from 0.15-acre to 0.90-acre. Attached in the comments the need has been identified to provide more access points than just the proposed Powerline Road access to the northern tract. Other possible access points include a right-in, right-out at Rufina Street and access via Agua Fria Road. To be consistent with General Plan policies regarding roadway and pedestrian connectivity throughout the city, it is suggested that the roadway connect from Agua Fria through the northern and southern tracts (across Rufina Street) to a hammerhead which can be extended in the future to Airport Road.

The Traffic Engineer has identified the need for a Traffic Analysis of the access points to Rufina Street to determine whether deceleration and/or acceleration

lanes will be required. The engineer has also identified the need to provide connectivity to the west with the Cielo Azul development.

The Affordable Housing Planner has identified a higher number of affordable units than provided on the plan. Review the math and ensure that the affordable units are distributed evenly throughout the development.

The City Engineer commented that no stormwater ponding has been provided. As this is a rezoning request without an accompanying Development Plan or Plat, no requirement to illustrate stormwater ponding will be made at this time. However, it is important to plan accordingly when undertaking the platting process for the parcel.

Please provide revised submittals by September 7, 2012 so we can stay on track for the October 4, 2012 Planning Commission public hearing. Two (2) copies of the traffic analysis must be provided, one for the master file and another for the traffic engineer. With reference to the drawings, please provide four (4) paper copies and one (1) CD copy for distribution to the Development Review Team.

If you have any questions, please feel free to contact me at 955-6656.

City of Santa Fe, New Mexico

memo

DATE: August 22, 2012

TO: Heather Lamboy, Planning and Land Use Department

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

FROM: Sandra Kassens, Traffic Engineering Division *SMK*

SUBJECT: Aguafina Rezoning to R-5. (Case #2012-104)

ISSUE

JenkinsGavin Design and Development, agent for Aguafina Development, LLC, requests to rezone 5.73± acres from R-1 (Residential, 1 dwelling unit per acre) to R-5 (Residential, 5 dwelling units per acre). The property is located south of Agua Fria Street and west of Calle Atajo, at 4702 Rufina Street and 4262 Agua Fria Street.

RECOMMENDED ACTION:

Review comments are based on submittals received on August 15, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:

1. The Developer shall provide an access from Tract "C" to Rufina Street, aligning the intersection with the proposed access to Tract B. Both accesses shall be partial accesses providing Right-in, Right-out, and Left-in turns only;
2. The Developer shall provide a traffic analysis of the access points to Rufina Street to determine if deceleration and/or acceleration lanes are needed and if so how long they should be;
3. The Developer shall plan this development so that it allows future access to the west that corresponds with proposed access to the east from the approved Cielo Azul Subdivision. We required the Cielo Azul developers to provide stub-outs so that their roadway network can connect to the east. The Developer shall indicate on the subdivision plat and development plan, the locations of these future Right-of-Way accesses and stub-outs (ghost lines) to the west;
4. We have reviewed a conceptual design of a subdivision that indicates a proposed access and utility easement. At such time as a submittal is made for a subdivision plat and/or a development plan, the proposed roads shall be built to City of Santa Fe standards and dedicated as public right-of-way.

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

City of Santa Fe, New Mexico

memo

DATE: August 22, 2012

TO: Case Manager: Heather Lamboy

FROM: Reynaldo Gonzales, Fire Marshal 

SUBJECT: Case #2012-104. Aguaфина Rezoning to R-5.

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

1. Shall Comply with International Fire Code (IFC) 2009 edition.
2. Shall meet fire department access for R-5 zoning as per IFC 2009 edition, and have two points of access.
3. Shall meet fire protection requirements for R-5 zoning as per IFC 2009 edition.

City of Santa Fe, New Mexico

memo

DATE: August 16, 2012
TO: Heather Lamboy, Case Manager
FROM: Kym E. Dicome, Senior Housing Planner, OAH
SUBJECT: Case #2012-104 Aquafina Rezoning to R-5

The applicant submitted a Letter of Application (dated August 13, 2012) that states that three of the 21 lots will be affordable based on the Santa Fe Homes Program (SFHP). Based on the latest SFHP requirements, 20% of the proposed 21 lot subdivision must be designated affordable which is 4.2 ($21 \times .2 = 4.2$). The 0.2 lot can be satisfied by providing another lot or paying a fractional fee. The affordable lots must be spread out and not clustered.

A completed SFHO proposal is required prior to review of the plans by staff or plat by the City's Planning Commission. After final approval has been granted by the City's Planning Commission, a SFHP Agreement is signed and recorded with the plat or development plan. The affordable lots will be designated on the plat or plan.

These comments apply to the plan or platting phase of the project which is contingent upon approval of the rezoning request.

City of Santa Fe, New Mexico

memo

DATE: August 22, 2012

TO: Heather Lamboy
Case Manager

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

RE: Case # 2012-104
Aquafina Rezoning to R-5

I reviewed a 1-sheet Rezone Plan and the Letter of Application, and have the following review comment:

*There is no location shown for stormwater ponding as required by the Land Development Code. All applicable requirements of Article 14-8.2 must be met if the project goes forward after rezoning.

LAMBOY, HEATHER L.

From: WILSON, KEITH P.
Sent: Friday, August 24, 2012 8:52 AM
To: LAMBOY, HEATHER L.
Cc: MARTINEZ, ERIC B.
Subject: Case #2012-104 Aguafina Rezoning to R5

Hi Heather

RE: Case #2012-104. Aguafina Rezoning to R-5. \\file-svr-1\Public\$\Land Use\2012-104 Aguafina Subdivision Plat

We have no Multi-Use trails in the Bicycle Master Plan that impact this project.

Let me know if you have additional questions.

Keith P. Wilson
MPO Senior Planner
Santa Fe Metropolitan Planning Organization
P.O. Box 909
Santa Fe, NM 87504-0909
Phone: 505-955-6706
Fax: 505-955-6332
kpwilson@santafenm.gov

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City of Santa Fe, New Mexico

Exhibit C

**Early Neighborhood Notification (ENN)
Meeting Materials**



Early Neighborhood Notification Meeting

Request for Staff Attendance

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

DEVELOPMENT/PROJECT NAME: Agua Fina Rezoning
(The same name shall be used throughout the ENN & application submittal process)

PROJECT LOCATION/ADDRESS: Tract B 4702 Rufina St. & Tract C 4262 Agua Fria St.
(Attach vicinity map and site plan)

APPLICATION TYPE:

- ☐ General Plan Amendment: From : _____ To: _____ ☐ Annexation: _____
- ☒ Rezoning From R-1 To: R-5 ☐ Preliminary Subdivision: Number of lots _____
- ☐ Preliminary Development Plan ☐ Final Subdivision: Number of lots _____
- ☐ Final Development Plan ☐ Variance _____
- ☐ Development Plan ☐ Special Exception _____
- ☐ Amended Development Plan ☐ Other _____

Detailed Project Description: Rezone the southern portion of Tract C & all of Tract B so zoning is consistent with the northern portion of Tract C.

DEVELOPMENT/PROJECT INFORMATION:

Neighborhood Association(s) w/in 200' of project (exclude R-O-W): Las Acequias NA & Roadrunner West HOA

Acreage: ± 11.51 Zone District: R-5, R-1 Future Land Use: Transitional mixed use / Low Density Residential

Date of Pre-application meeting: May 10, 2012

AGENT/OWNER INFORMATION:

AGENT: Jenkins Gavin Address: 130 Grant Avenue, Suite 101

City: Santa Fe State: NM Zip Code: 87501 Phone: 505-820-7444

OWNER: Agua Fina Development LLC Address: _____

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

	Preferred Option	Alternative 1	Alternative 2
DATE:	<u>July 30, 2012</u>		
TIME:	<u>5:30 p.m.</u>		
LOCATION:	<u>Southside Library 6599 Jaguar Drive Santa Fe, NM 87507</u>		

Received by LUD on: Current Date 6/20/12

LUD Initials: _____

REYNALDO VARELA

2A Los Tres Vecinos
Santa Fe, New Mexico 87507
(505) 690-5965

June 7, 2012

RE: 4262 Agua Fria St. (Tract C)
4702 Rufina St. (Tract B)

To Whom It May Concern:

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

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

Thank you.

Sincerely,

Reynaldo Varela
Reynaldo Varela
for Aguafina Development LLC



jenkinsgavin
DESIGN & DEVELOPMENT INC

EARLY NEIGHBORHOOD NOTIFICATION MEETING

July 13, 2012

Dear Neighbor:

This letter is being sent as notice of a neighborhood meeting to discuss an application to rezone 4702 Rufina St. (Tract B, totaling ± 2.45 acres) and a portion of the property at 4262 Agua Fria Street (Tract C, totaling ± 9.06 acres). The northern portion of Tract C is zoned R-5 (5 dwelling units per acre), while the southern portion of Tract C and all of Tract B are zoned R-1 (one dwelling unit per acre). To resolve the split zoning issue, the applicant is requesting a change to R-5 zoning for the southern 3.2 acres of Tract C and all of Tract B, with the intent to create an 18-lot single family subdivision.

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

Time: 5:30 PM
When: Monday, July 30, 2012
Where: Southside Library
6599 Jaguar Drive
Santa Fe, NM 87507

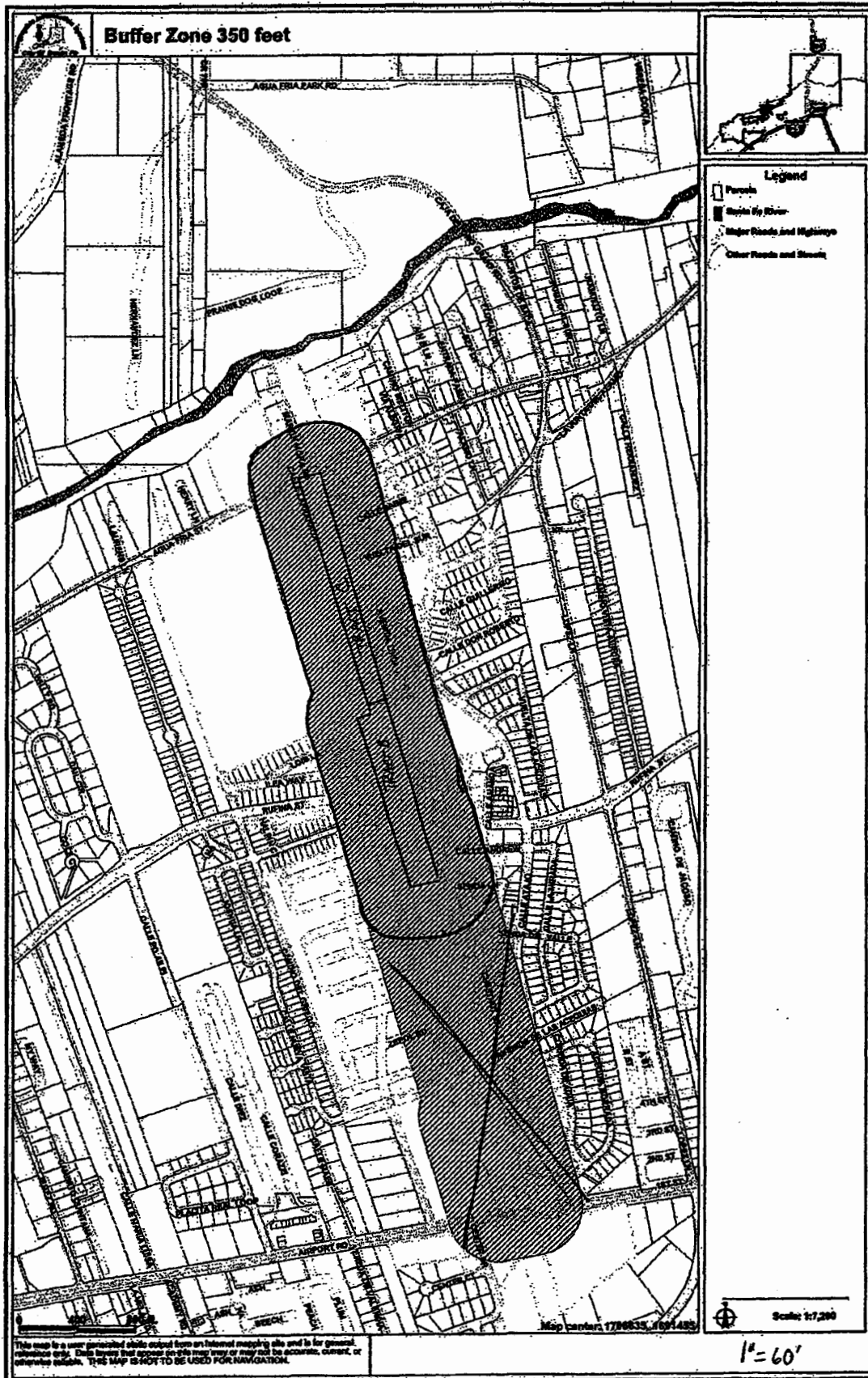
Early Neighborhood Notification is intended to provide for an exchange of information between prospective applicants for development projects and the project's neighbors before plans become too firm to respond meaningfully to community input.

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

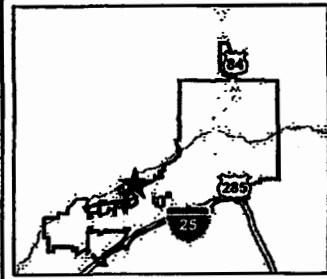
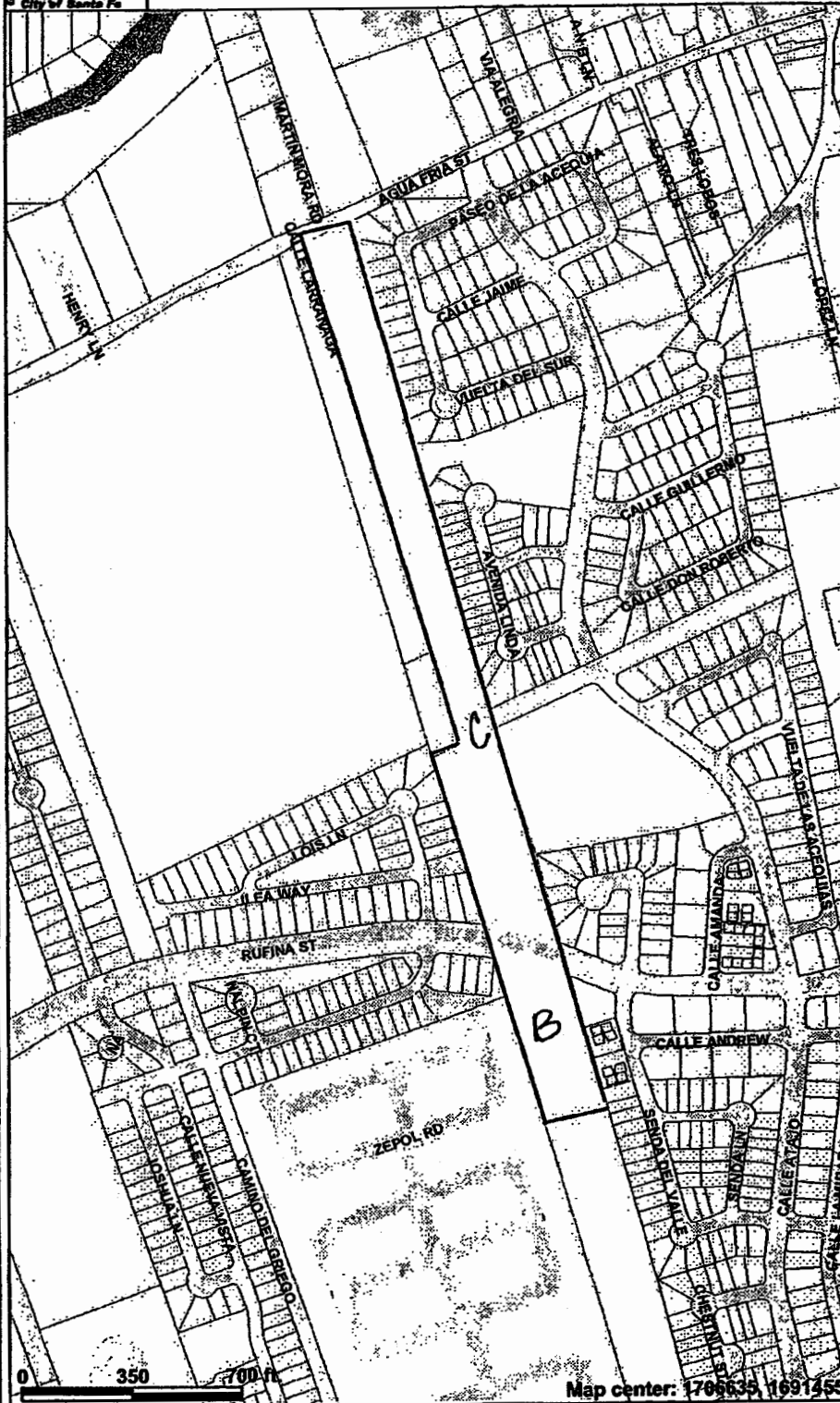
Sincerely,

Jennifer Jenkins





Attachments: Vicinity map
Site plan



Vicinity Map



Legend

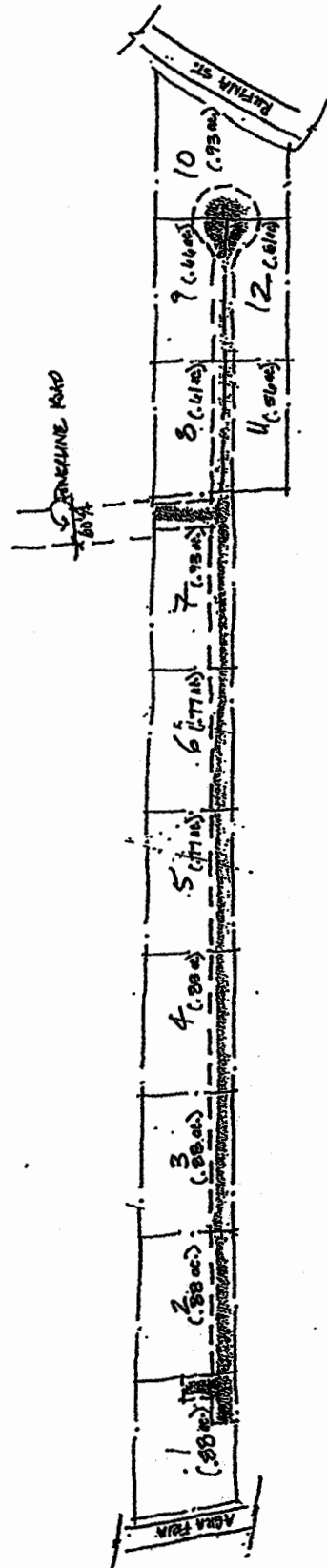
-  Parcels
 Santa Fe River
 Major Roads and Highways
 Other Roads and Streets



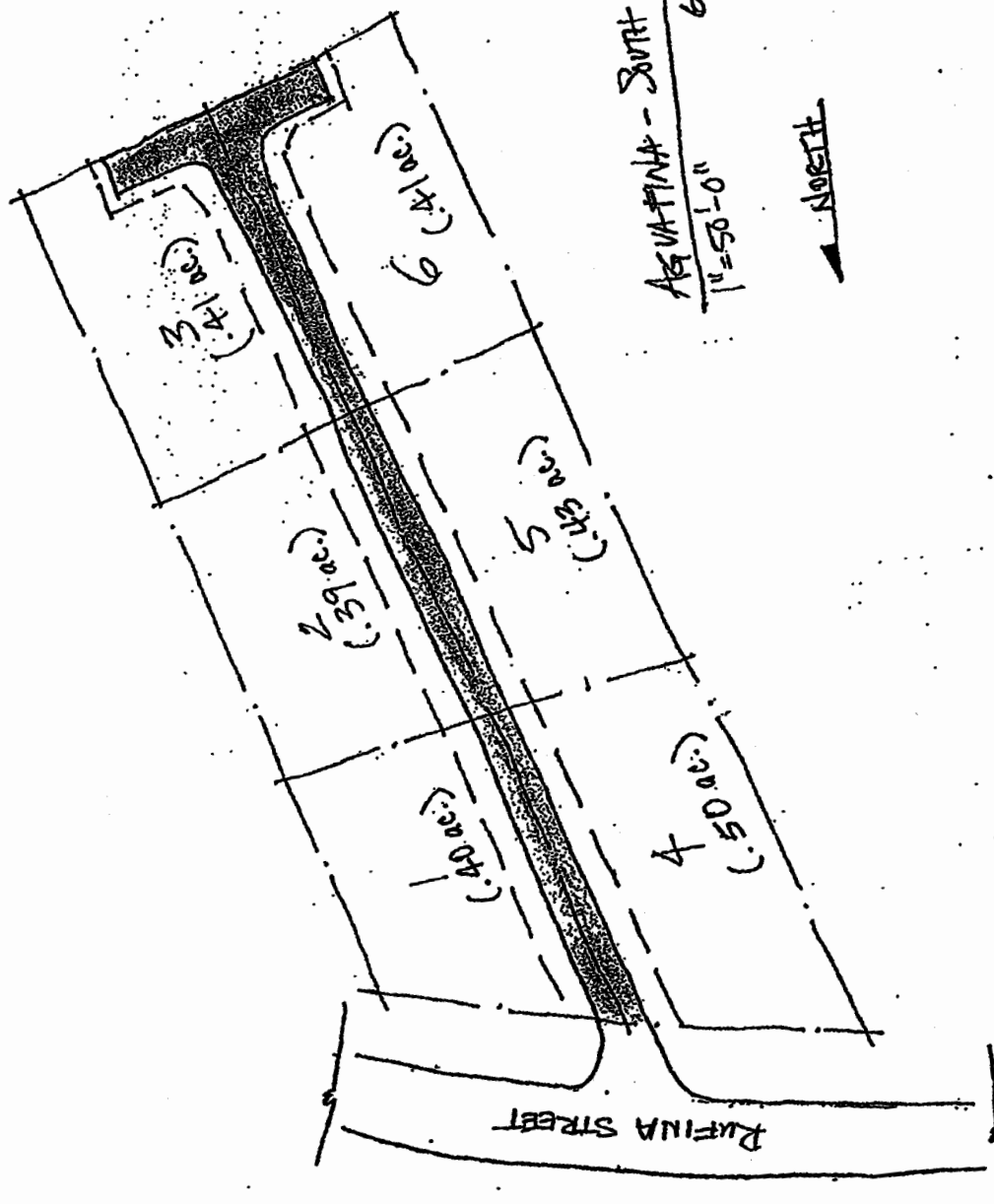
Scale: 1:6,000

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.





ASHTON - NORTH DRIVE (TRACT C)
 12-18-60
 62412
 NORTH



AQUATUNA - SOUTH PHASE - (TRACT B)

1" = 50'-0" 6.20.12





Submit by Email

Print Form

Early Neighborhood Notification (ENN) Guidelines

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

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

(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS For example: number of stories, average setbacks, mass and scale, architectural style, landscaping, lighting, access to public places, open spaces and trails. (Ord. No. 2008-29 § 3)

A rezone is requested for 4702 Rufina St. (Tract B, totaling ± 2.45 acres) and a portion of the property at 4262 Agua Fria Street (Tract C, totaling ± 9.06 acres). The northern portion of Tract C is zoned R-5 (5 dwelling units per acre), while the southern portion of Tract C and all of Tract B are zoned R-1 (one dwelling unit per acre). To resolve the split zoning issue, the applicant is requesting a change to R-5 zoning for the southern 3.2 acres of Tract C and all of Tract B, with the intent to create an 18-lot single family subdivision. This change to R-5 zoning will not only resolve the split zoning issue but will bring the property into greater compliance with surrounding density, which includes R-5, R-7, MHP (Mobile Home Park), and R-6 zoning. The requested rezone is less dense than the surrounding neighborhoods.

(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 terrain management regulations will be met. The lots are generously sized, providing open space and outdoor recreation opportunities. The property is not in an escarpment, flood plain, or environmentally sensitive area. Trash and fire will be under the jurisdiction of the City of Santa Fe. There will be no hazardous materials onsite.

(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.*

Most of Tract C is in the River and Trails Archaeological Review District. Per Land Development Code requirements, an archaeological clearance permit will be obtained prior to final plat approval. Tract B and a small portion of Tract C are located in the Suburban Archaeological Review District. Since Tract B comprises only ±2.45 acres, no archaeological clearance permit will be necessary.

(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.*

Surrounding and adjacent parcels are variously zoned R-5, R-7, MHP (Mobile Home Park), R-6, RMLD (Multiple Family-12 dwelling units per acre), C-1 (Office and Related Commercial), and C-2 (General Commercial). The City's General Plan designations for the surrounding neighborhood include Transitional Mixed Use and Low Density Residential (3-7 dwelling units per acre). Therefore, a rezone to R-5 is consistent with the land use and density of the surrounding areas and complies with the General Plan's Future Land Use designation.

(e) EFFECTS UPON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR 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.*

Agua Fria and Rufina streets are already overly accessed. In an effort not to exacerbate the existing access issues on Rufina and Agua Fria, the proposed subdivision will concentrate access at the signalized intersection at Calle Atajo and Rufina Street. The lots on Tract C will be accessed via Calle Atajo to Powerline Road. Since there will be only 12 lots with no through traffic between Rufina and Agua Fria streets, no significant traffic impact is anticipated. Powerline Road will be improved and will connect to a driveway ending in a "Y" turnaround to the north and a cul-de-sac to the south. Tract B will be accessed via Rufina Street via a short driveway ending in a hammerhead turnaround. Access to these 6 lots will not significantly impact the traffic patterns on Rufina. Adequate parking will be provided for all lots.

(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE *For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.*

The Project will positively impact the economic base of Santa Fe by providing needed housing in the Rufina/Agua Fria area, which will in turn positively impact local businesses. Initially, the Project will provide jobs in the construction and real estate services.

(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS
For example: creation, retention or improvement of affordable housing; how the project contributes to serving different ages, incomes and family sizes; the creation or retention of affordable business space. (Ord. No. 2005-30(A) § 4)

The Project will contribute to housing choices for Santa Fe residents by serving families of varying incomes. The Project will provide affordable units in compliance with the Santa Fe Homes Program, thereby increasing the availability of affordable housing in the neighborhood.

(h) EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES
For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services.

There is currently adequate fire and police protection. The Project will be served by existing utility infrastructure, which is available adjacent to the site.

(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.*

The Project will comply with the City's Water Budget Ordinance, thereby offsetting any increased demand on the water system.

(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.*

The Project will link to the existing Las Acequias neighborhood. The generously sized lots will provide ample outdoor recreation areas.

(K) EFFECT UPON SANTA FE'S URBAN FORM *For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? The project's effect on intra-city travel; and between employment and residential centers.*

The Project is consistent with the City's policies regarding infill, which support a compact urban form.

ADDITIONAL COMMENTS (Optional)



Santa Fe Public Schools

Property & Asset Management

Residential Development Impact Information Form

School Notification as required by City Ordinance 14-8.18 AFCC 1987

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

1. Project Name: Agua Fria Rezoning
2. Location of Property: 4702 Rufina St & 4262 Agua Fria St.
3. Owner/Agent Name: Jenkins Garin
Mailing Address: 130 Grant Ave, Ste 101, Santa Fe 87501
Phone & Fax: 820-7444
4. Unit Matrix

PROJECT EFFECT ON STUDENT POPULATION		
Unit Type	Unit Quantity	Average Price
Single Family (detached)	18	\$200,000
Single Family (attached)		
Townhome/ Apartment		
Multi-Family		
Commercial		

5. Elementary School Zone for Proposed Development: Ramirez Thomas
6. Middle School Zone for Proposed Development: Ortiz
7. High School Zone for Proposed Development: Capital
8. Build-out Timeline (i.e. year(s); #/yr):

2017 - 3.6 units/year

Educational Services Center
610 Alta Vista
Santa Fe, NM 87505
Telephone (505) 467-2000
www.sfps.info

Submit completed form directly to:
Justin Snyder, Property & Asset Management,
Santa Fe Public Schools, 610 Alta Vista, Santa Fe, NM 87505



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

<i>Project Name</i>	Aguafina
<i>Project Location</i>	4702 Rufina Street & 4262 Agua Fria Street
<i>Project Description</i>	Rezone from R-5 and R-1 to R-5
<i>Applicant / Owner</i>	Jennifer Jenkins, JenkinsGavin Design and Development
<i>Pre-App Meeting Date</i>	May 10, 2012
<i>ENN Meeting Date</i>	Monday, July 30, 2012
<i>ENN Meeting Location</i>	Southside Library
<i>Application Type</i>	Rezoning
<i>Land Use Staff</i>	Heather L. Lamboy, AICP
<i>Other Staff</i>	
<i>Attendance</i>	49 members of the public

Notes/Comments:

Ms. Lamboy began the meeting by introducing herself and explaining the Early Neighborhood Notification process. She encouraged meeting participants to feel free to ask questions and offer suggestions. She explained that the applicant has not yet applied for the rezoning and now was a good time to have input on the project. Then Ms. Lamboy explained the public hearing review process and gave estimated hearing dates. Finally, she introduced Ms. Jennifer Jenkins.

Ms. Jenkins started the meeting by stating that she would give a short overview of the proposal, and then would open up a question and answer period. She noted that there were a lot of people present, and asked that the question and answer period be handled in an orderly manner. She stated that she would do her best to ensure that everyone had been heard. Ms. Jenkins gave an overview of the project.

The project straddles Rufina Street, with the piece north of Rufina consisting of 9 acres and south of Rufina 2.5 acres. At the northern portion of the tract, the current zoning district is R-5 (Residential, 5 dwelling units per acre) and the

southern portion of the tract is R-1 (Residential, 1 dwelling unit per acre). Ms. Jenkins stated that the City has a requirement that zoning should follow parcel boundaries, which it does not in this case. She stated that it was the applicant's intent to "fix this problem," and rezone so that the entire site will have an R-5 zoning district. Ms. Jenkins reviewed the zoning districts around the site, which includes R-5 and R-7. Ms. Jenkins stated that she felt that there was a strong sense of neighborhood on this part of Rufina.

A neighbor asked for clarification on the zoning change request. Ms. Jenkins clarified that the request was to change the R-1 portion of the property to R-5, to match that existing portion already zoned R-5. Ms. Jenkins further clarified that the City of Santa Fe has a General Plan which calls for a residential land use of 3 to 7 dwellings per acre. She commented that the proposal would be right in the middle of the General Land Use category.

Ms. Jenkins then oriented the group to the location of Calle Atajo in Las Acequias.

A neighbor commented that when Rufina was opened Calle Atajo had become very loud, and cars can be heard at all times of the day and the impact has been enormous, especially for those who live close to Rufina.

Ms. Jenkins then provided a conceptual site plan to illustrate the vision for the property. She stated that the first step in the review process will be to change the zoning, which involves a public hearing in front of the Planning Commission and City Council, and then there will be additional review on the details of the site plan through the subdivision review process, which involves two public hearings in front of the Planning Commission.

A neighbor asked the width of the parcel, and Ms. Jenkins stated that she would have Ms. Gavin get that information and report back.

Ms. Jenkins then commented that, at the preapplication meeting with the City, the City's traffic engineer commented on how to access the site. The Traffic Engineer stated that Powerline Road is a dedicated right-of-way, and recommended that the northern site be accessed via an improved Powerline Road (which is located on the northern portion of Las Acequias Park, currently a dirt road). Ms. Jenkins stated that the Traffic Engineer is looking for alternate routes to access properties in order to reduce the overcrowd both on Rufina and Agua Fria.

Ms. Jenkins stated that 18 lots are planned, ranging in size from ½ to 1 acre. There will be a lane to serve the 12 lots on the north (which will only be accessed through Powerline Road, no access via Agua Fria or Rufina Road) and a cul-de-sac on the south to serve 6 lots. The parcel south of Rufina will be accessed via Rufina. Ms. Jenkins commented that there is already access to all public utilities

and infrastructure. She added that her client wanted to create larger lots in order to have a more rural character within the City.

A neighbor asked who the property owner is for the parcels. Ms. Jenkins responded that Mark Zappelin is her client. The neighbor asked if Ms. Jenkins' client had any relationship with Jeff Branch or his company. Ms. Jenkins responded that there was no relationship between Mr. Zappelin and Mr. Branch. The neighbor asked how long had Mr. Zappelin owned the property and Ms. Jenkins responded not very long.

A neighbor asked whether Ms. Jenkins had been to Powerline Road. The neighbor commented that the road was not very wide and it did not appear that there would be enough room to build a proper road. The neighbor asked why not access both the north and south tracts via Rufina. Ms. Jenkins responded that she could look into that.

A neighbor commented about the large amount of trash on this site and the Cielo Azul site, and commented that no land use applications should be permitted until the sites are cleaned up. The neighbor complained that the City has done nothing to address the sound problem from the traffic along Rufina.

Ms. Jenkins responded to an earlier question that the easement width is 58 feet for Powerline Road. She stated that the proposal would be to widen to 20 feet with base course. She commented that she did not want to change the character of the area with a large roadway.

A neighbor asked whether there would only be one unit/house per lot. Ms. Jenkins responded that was correct. The neighbor asked whether there would be a turnaround at the end of the road, and Ms. Jenkins responded yes. Ms. Jenkins added that the road is proposed on the west side of the homes. A neighbor asked whether any house plans were available. Ms. Jenkins responded that, at this point, her client was only creating lots and is not a builder. She commented that the City would require her to develop restrictive covenants.

A neighbor asked why not make the entire property R-1 instead of R-5. Ms. Jenkins responded that they are proposing 12 lots on 9 acres, and that already a portion of the property is zoned R-5.

A neighbor asked that if Powerline Road is approved, can some sound walls be built to cut down on noise. He stated that already there is a lot of noise from the park, and road noise would aggravate that situation.

A neighbor asked whether fences would be constructed around the subdivision. Ms. Jenkins responded that at this point, they did not have that level of detail. She stated that it is likely that at least the back yards would be fenced.

Ms. Jenkins commented that it could be possible that the construction of a road along the Powerline Road easement could help with the situation of loitering at the park. If a road is built, there will be more activity in the area and will discourage illicit activity in the park.

A neighbor commented that when mobile homes are moved, they always use Calle Atajo south of Rufina to Airport Road. Another neighbor added that there is a lot of cut-through traffic via Calle Atajo to Airport Road, and did not want more stress on their neighborhood street. Ms. Jenkins responded that the proposed development will not likely stop cut-through traffic.

A neighbor asked whether Powerline Road would be extended across Calle Atajo from the development. Ms. Jenkins responded no. She stated that she felt that, with the proposed development, there would be a low impact to the neighborhood.

A neighbor asked whether one of the lots could be used to expand the Las Acequias Park or the park to the north for the benefit of both developments. Ms. Jenkins responded that they would try to make Rufina work for access in order to respect the concerns raised by the neighborhood. She stated that if one looks at the big picture, what has happened is that there are a series of neighborhoods with dead ends and no connectivity, which then creates a few roads that are overburdened with vehicular traffic. Ms. Jenkins commented that it is the City's job to uphold the vision, and she reminded the group that only 12 houses were being proposed north of Rufina, which will be accessed via Powerline Road.

Ms. Jenkins provided an illustration of ~~what~~ the proposed Powerline Road. She stated that the roadway would be 20 feet wide with drainage swales and vegetation on either side. She stated that there would be no parking signs along the roadway, and that it would become a private street to create barriers to illegal parking.

A neighbor asked about whether any additional parks were planned for the south side of Santa Fe. Ms. Lamboy responded that the SWAN park has been planned, and was recently funded through the bond election. She stated that the timeline for completion of Phase 1 will be by the end of 2013, early 2014.

Ms. Jenkins then gave the group information that was requested earlier in the meeting. Relative to the width of the tract, at its skinniest it is 140 feet wide. Ms. Jenkins stated that if you allow 15 to 20 feet for a driveway, then the lots will be at least 125 feet deep. Ms. Jenkins commented that typical lots are 100 feet deep.

A neighbor asked whether the houses would be built up to the eastern property line, adjacent to the Las Acequias neighborhood. Ms. Jenkins replied that regular setbacks would be required for the lots, and the minimum setback at the

rear of the lots is 15 feet. The neighbor asked about the location of parking for the proposed lots, and Ms. Jenkins responded that parking would be located at the front or side of the proposed lots, with garages and driveways.

A neighbor asked what would happen to the existing homes to the west of Las Acequias. Ms. Jenkins clarified that those homes would not be part of this project.

A neighbor commented that if there were to be development right behind Las Acequias, they want it to be attractive, and hope that the homes on big lots are built.

A neighbor asked why Ms. Jenkins chose the R-5 zoning district if the goal is only for 18 lots on the 9 acres. Why not R-3 or R-2 if that was truly the intention? Ms. Jenkins responded that it just seemed to make sense to continue the R-5 zoning, like that which is already in place on the northern portion of the tract. She said that she would discuss the possibility of a lower density zoning district with her client.

A neighbor commented that the biggest concern is the traffic impact. Will there be access to Agua Fria. Ms. Jenkins replied that there will be no access to Agua Fria with this development. Ms. Linda Flatt commented that the Traditional Village of Agua Fria has standards regarding access to Agua Fria Road.

A neighbor asked what the average price of the lots will be. What is the targeted consumer? Ms. Jenkins stated that the targeted consumer will be families in search of larger lots within the City.

A neighbor asked whether something could be done for Las Acequias. The construction of a sound wall along Rufina was a suggestion, similar to that found at Colores. Another neighbor asked about the installation of speed bumps in the neighborhood, and Ms. Flatt replied that 80% of the neighborhood has to approve of the bumps according to the City's Traffic Division. Ms. Flatt added that the neighborhood association would be working on this issue in the near future.

There was discussion about the proposed density and how important it is to the Las Acequias neighborhood that it look attractive. A neighbor commented that this is an opportunity to get 12 homes (north of Rufina) as a buffer to a mobile home park (Cielo Azul). The neighbor stated that Las Acequias would like to see reassurance in writing, but it would possibly look very pretty.

Ms. Flatt commented that Las Acequias has been through a lot when it comes to surrounding development, and out of the choices offered this one looks good. She asked about the type of homes that would be built, and asked that they be stick built and not be mobile homes or manufactured homes.

Ms. Jenkins then wrapped up the meeting and commented that they would be making application so that the case could be heard at the October 4 Planning Commission hearing. She stated that if the Planning Commission recommends approval for the rezoning, then it must be heard by the City Council, which would likely occur in November or December. If the rezoning is approved, then Ms. Jenkins would apply for subdivision plat the beginning of 2013, where the details of the project can be handled. Ms. Jenkins promised to take the ideas raised tonight back to her client for consideration, especially those dealing with density and additional park space.

The meeting concluded at 7:00pm.

COMMENT CARD

Early Neighborhood
Notification Meeting

Date: 7-31-12 Project: ARQUATINA

Please let us know your thoughts:

I would be apposed to
accessing property throug
powerline Rd.
would like to see across
through PUTINA RD

Your Contact Information (optional):

Name: Katie Douthett

Phone: 505 690 0619

Email: KDmakeup@AOL.com



COMMENT CARD

Early Neighborhood
Notification Meeting

Date: _____ Project: _____

Please let us know your thoughts:

Not to develop Powerline Rd,
reduce traffic at Las Agaves Park

Your Contact Information (optional):

Name: Amy Kaplan

Phone: 690-7510

Email: AmyJ.Kaplan@yahoo.com



COMMENT CARD

Early Neighborhood
Notification Meeting

Date: 7/30/12 Project: Rezone 9702 Redwood & 9202 Aqueduct
Please let us know your thoughts.

The two proposed neighborhoods
currently filled to capacity with
housing. The trucks and other
equipment are filling all the
streets and making it more
difficult to move cars & trucks.

Your Contact Information (optional):

Name: _____
Phone: _____
Email: _____



COMMENT CARD

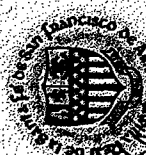
Early Neighborhood
Notification Meeting

Date: 7/31/2012 Project: Aqueduct
Please let us know your thoughts.

WANT WATER ON POWER LINE
IN ALONG DRAIN & BACK OF
BUS LINES PLUS ACCESS FROM
BUS LINES TO POWER LINE AND
WILL SUPPORT THIS

Your Contact Information (optional):

Name: KARL MOFFATT
Phone: _____
Email: KARLMOFFATT@GMAIL.COM



COMMENT CARD

Early Neighborhood
Notification Meeting

Date: 7/30/12 Project: Aqueduct
Please let us know your thoughts.

THIS AREA IS TOO DENSE ALREADY
INSTEAD OF MAKING IT ALL R-5 ZONING
IT SHOULD BE ALL R-1 OR THIS
PROPOSED SUBDIVISION SHOULD
BE PURCHASED BY THE CITY AND
TURNED INTO GREEN SPACE ONLY
(AT DO THE SAME WITH CLEVELAND)

Your Contact Information (optional):

Name: EVA TAYLOR
Phone: _____
Email: ETEMAIL@COMCAST.NET



COMMENT CARD

Early Neighborhood
Notification Meeting

Date: 7/30/12 Project: Aqueduct
Please let us know your thoughts.

R-5 IS TOO DENSE TO REZONE!!!
RIGHT NOW I AM SAYING TO
ESTABLISH WHO IS RESPONSIBLE FOR
MAINTENANCE OF THE HIGHWAY
BEHIND MY HOME WHICH THE CITY
CLAIMS IS MY PROPERTY

Your Contact Information (optional):

Name: FERRY MALLON
Phone: 505.474.5777
Email: FERRYMALLON@MIDWAYMAIL.COM



1343 Aegean Breeze



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

Project Name: Aguafina Rezoning

Meeting Date: July 30, 2012

Meeting Place: Southside Library, 6599 Jaguar Drive

Meeting Time: 5:30 p.m.

Applicant or Representative Check Box below

		Name	Address	Email
<input type="checkbox"/>	1	Maria M. Padilla	1091 Avenida Linda	Tafogam@2001yahoo.com
<input type="checkbox"/>	2	Richard L. Montano	5204 Joshua Lane	
<input checked="" type="checkbox"/>	3	Hilary Welles	130 Grant Ave #101	hillary@jenkinsgen.com
<input checked="" type="checkbox"/>	4	Colleen Quinn	" "	colleen@ " " "
<input checked="" type="checkbox"/>	5	Jenmita Jenkins	" "	jenmita@ " " "
<input type="checkbox"/>	6	LeeAnne Clokey	935 Vuelta Del Sur	lclokey@aol.com
<input type="checkbox"/>	7	Cheryl Odum	1152 Vuelta de las Arbores	cheryldee@aol.com
<input type="checkbox"/>	8	Dwight Ramos	4421 Calle Jaime	dwrightramos@gmail.com
<input type="checkbox"/>	9	MARTIN SANCHEZ	3665 Cerillos Rd #12	Martsnch6@aol.com
<input type="checkbox"/>	10	Michelle Montman	4424 Calle Jaime	mlmontman@msn.com
<input type="checkbox"/>	11	JOANNA NEDBOY	1297 Chestnut St	yas2mina@gmail.com
<input type="checkbox"/>	12	Nadia Rincon	1201 Zepol Rd. SE NM	cierravista@shpro.com

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

Heather Lamboy

Printed Name of City Staff in Attendance

Signature of City Staff in Attendance

7/30/12

Date

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



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

Project Name: Aguafina Rezoning

Meeting Date: July 30, 2012

Meeting Place: Southside Library, 6599 Jaguar Drive

Meeting Time: 5:30 p.m.

Applicant or Representative Check Box below

		Name	Address	Email
<input type="checkbox"/>	1	Immy Kaplan	915 Vuelta Del Sur	—
<input type="checkbox"/>	2	Sharon Demcsak	925 Vuelta Del Sur	Demcsak@comcast.net
<input type="checkbox"/>	3	Daniel Forrest	1443 Arroyo Borrada W	—
<input type="checkbox"/>	4	ELFA ARCHULETA	923 Vuelta del Sur	elfa.archuleta@msn.com
<input type="checkbox"/>	5	MARY E YAMASHIN	1238 Senda An.	
<input type="checkbox"/>	6	TOMAS CLOKEY	935 VUELTA DEL SUR	
<input type="checkbox"/>	7	ADAMINA PINO	1164 Vuelta de las Acequias	
<input type="checkbox"/>	8	ROSEMARY PEREZ MONTERO	1139 2a SENDA DEL VALLE	—
<input type="checkbox"/>	9	Sydney Davis	1220 Senda Del Valle 'A'	an @ mediuse cyo smac.com
<input type="checkbox"/>	10	Liddy Padilla	4304 Arroyo Lm	liddy.p@9.com
<input type="checkbox"/>	11	FRANCES MARTINEZ	917 Vuelta del Sur	francesm@cuddy-mccarthy.com
<input type="checkbox"/>	12	Chip Conway	1019 Calle San Roberto	—

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Heather Lamboy

Printed Name of City Staff in Attendance

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Signature of City Staff in Attendance

7/30/12 Date

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

Project Name: Aguafina Rezoning

Meeting Date: July 30, 2012

Meeting Place: Southside Library, 6599 Jaguar Drive

Meeting Time: 5:30 p.m.

Applicant or Representative Check Box below

	Name	Address	Email
<input type="checkbox"/>	1 Katie Dougherty	1080 Avenida Linda	KDMahup@AOL.com
<input type="checkbox"/>	2 Michael Damcsak	925 Vuelta Del Sur	michael@artisan-santafe.co
<input type="checkbox"/>	3 Holly Randall	1296 Chestnut St	riverran@earthlink.net
<input type="checkbox"/>	4 Carmen Celisado	1280 Chestnut	cmcelisado2@hotmail.com
<input type="checkbox"/>	5 Jonathan Morales	" "	" "
<input type="checkbox"/>	6 Richard Russell	" "	" "
<input type="checkbox"/>	7 Loretta Martinez / Mike Saly	1253 Sendera del Valle	brettmartinez@gmail.com
<input checked="" type="checkbox"/>	8 Wren Propp	1084 Ave. N. 1150	wpropp@ymail.com
<input type="checkbox"/>	9 KARL FMOFFAT	" "	KARLFMOFFAT@GMAIL.COM
<input type="checkbox"/>	10 Maria Badilla	1274 Sendera del Valle SF	mapjfb@g.com
<input type="checkbox"/>	11 Lita Pacheco	1299 Zepol Rd Sp 115	MAYKA@YAHOO.COM
<input type="checkbox"/>	12 Josh Rappaport	942 Vuelta del Sur SF, NM	JOSH@SINGINGTURTLE.COM

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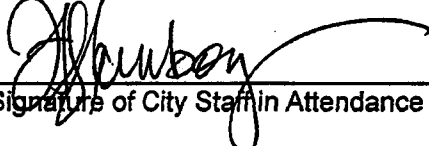
Applicant or Representative Check Box below

↓		Name	Address	Email
<input type="checkbox"/>	1	Paul Lucero	1068 Avenida Linda	
<input type="checkbox"/>	2	Abc Tapia	Pob 159444 SFNM 87592	
<input type="checkbox"/>	3	Veronica Flores	1299 Zepeda Rd #120	Guineps@hotmail.com
<input type="checkbox"/>	4	EVA TAYLOR	4416 Calle Loma	etemail@comcast.net
<input type="checkbox"/>	5	RUTH Solomon	1076 AVENIDA LINDA	ruthtsolz@comcast.net
<input type="checkbox"/>	6	Susan Crespi	1064 Avenida Linda	screspi@a.com
<input type="checkbox"/>	7	LARRY Hudgins	1443 ACEQUIA BORRADA W	HLARRYOUS@Q.COM
<input type="checkbox"/>	8	TERRY Malone	1343 Alcega Portada	terry.malone+ma@gmail.com
<input type="checkbox"/>	9	LINDA WILDER FLETCHER	950 VUELTA del SUR	linda@safequadsf.com
<input type="checkbox"/>	10	Alfred Flores	950 Vuelta del Sur SF	
<input type="checkbox"/>	11	Anabel & Luis Avitia	2957 Lois Ln #24	avitiaanabel@yahoo.com
<input type="checkbox"/>	12	Doug Taylor	947 Vuelta del Sur	tdetail@cs.com

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Heather Lamboy

Printed Name of City Staff in Attendance


Signature of City Staff in Attendance

7/30/12
Date

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

<i>Project Name</i>	Aguafina
<i>Project Location</i>	4702 Rufina Street & 4262 Agua Fria Street
<i>Project Description</i>	Rezone from R-5 and R-1 to R-5
<i>Applicant / Owner</i>	Jennifer Jenkins, JenkinsGavin Design and Development
<i>Pre-App Meeting Date</i>	May 10, 2012
<i>ENN Meeting Date</i>	Monday, July 30, 2012
<i>ENN Meeting Location</i>	Southside Library
<i>Application Type</i>	Rezoning
<i>Land Use Staff</i>	Heather L. Lamboy, AICP
<i>Other Staff</i>	
<i>Attendance</i>	49 members of the public

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The project straddles Rufina Street, with the piece north of Rufina consisting of 9 acres and south of Rufina 2.5 acres. At the northern portion of the tract, the current zoning district is R-5 (Residential, 5 dwelling units per acre) and the

southern portion of the tract is R-1 (Residential, 1 dwelling unit per acre). Ms. Jenkins stated that the City has a requirement that zoning should follow parcel boundaries, which it does not in this case. She stated that it was the applicant's intent to "fix this problem," and rezone so that the entire site will have an R-5 zoning district. Ms. Jenkins reviewed the zoning districts around the site, which includes R-5 and R-7. Ms. Jenkins stated that she felt that there was a strong sense of neighborhood on this part of Rufina.

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Ms. Jenkins then oriented the group to the location of Calle Atajo in Las Acequias.

A neighbor commented that when Rufina was opened Calle Atajo had become very loud, and cars can be heard at all times of the day and the impact has been enormous, especially for those who live close to Rufina.

Ms. Jenkins then provided a conceptual site plan to illustrate the vision for the property. She stated that the first step in the review process will be to change the zoning, which involves a public hearing in front of the Planning Commission and City Council, and then there will be additional review on the details of the site plan through the subdivision review process, which involves two public hearings in front of the Planning Commission.

A neighbor asked the width of the parcel, and Ms. Jenkins stated that she would have Ms. Gavin get that information and report back.

Ms. Jenkins then commented that, at the preapplication meeting with the City, the City's traffic engineer commented on how to access the site. The Traffic Engineer stated that Powerline Road is a dedicated right-of-way, and recommended that the northern site be accessed via an improved Powerline Road (which is located on the northern portion of Las Acequias Park, currently a dirt road). Ms. Jenkins stated that the Traffic Engineer is looking for alternate routes to access properties in order to reduce the overcrowd both on Rufina and Agua Fria.

Ms. Jenkins stated that 18 lots are planned, ranging in size from ½ to 1 acre. There will be a lane to serve the 12 lots on the north (which will only be accessed through Powerline Road, no access via Agua Fria or Rufina Road) and a cul-de-sac on the south to serve 6 lots. The parcel south of Rufina will be accessed via Rufina. Ms. Jenkins commented that there is already access to all public utilities

and infrastructure. She added that her client wanted to create larger lots in order to have a more rural character within the City.

A neighbor asked who the property owner is for the parcels. Ms. Jenkins responded that Mark Zappelin is her client. The neighbor asked if Ms. Jenkins' client had any relationship with Jeff Branch or his company. Ms. Jenkins responded that there was no relationship between Mr. Zappelin and Mr. Branch. The neighbor asked how long had Mr. Zappelin owned the property and Ms. Jenkins responded not very long.

A neighbor asked whether Ms. Jenkins had been to Powerline Road. The neighbor commented that the road was not very wide and it did not appear that there would be enough room to build a proper road. The neighbor asked why not access both the north and south tracts via Rufina. Ms. Jenkins responded that she could look into that.

A neighbor commented about the large amount of trash on this site and the Cielo Azul site, and commented that no land use applications should be permitted until the sites are cleaned up. The neighbor complained that the City has done nothing to address the sound problem from the traffic along Rufina.

Ms. Jenkins responded to an earlier question that the easement width is 58 feet for Powerline Road. She stated that the proposal would be to widen to 20 feet with base course. She commented that she did not want to change the character of the area with a large roadway.

A neighbor asked whether there would only be one unit/house per lot. Ms. Jenkins responded that was correct. The neighbor asked whether there would be a turnaround at the end of the road, and Ms. Jenkins responded yes. Ms. Jenkins added that the road is proposed on the west side of the homes. A neighbor asked whether any house plans were available. Ms. Jenkins responded that, at this point, her client was only creating lots and is not a builder. She commented that the City would require her to develop restrictive covenants.

A neighbor asked why not make the entire property R-1 instead of R-5. Ms. Jenkins responded that they are proposing 12 lots on 9 acres, and that already a portion of the property is zoned R-5.

A neighbor asked that if Powerline Road is approved, can some sound walls be built to cut down on noise. He stated that already there is a lot of noise from the park, and road noise would aggravate that situation.

A neighbor asked whether fences would be constructed around the subdivision. Ms. Jenkins responded that at this point, they did not have that level of detail. She stated that it is likely that at least the back yards would be fenced.

Ms. Jenkins commented that it could be possible that the construction of a road along the Powerline Road easement could help with the situation of loitering at the park. If a road is built, there will be more activity in the area and will discourage illicit activity in the park.

A neighbor commented that when mobile homes are moved, they always use Calle Atajo south of Rufina to Airport Road. Another neighbor added that there is a lot of cut-through traffic via Calle Atajo to Airport Road, and did not want more stress on their neighborhood street. Ms. Jenkins responded that the proposed development will not likely stop cut-through traffic.

A neighbor asked whether Powerline Road would be extended across Calle Atajo from the development. Ms. Jenkins responded no. She stated that she felt that, with the proposed development, there would be a low impact to the neighborhood.

A neighbor asked whether one of the lots could be used to expand the Las Acequias Park or the park to the north for the benefit of both developments. Ms. Jenkins responded that they would try to make Rufina work for access in order to respect the concerns raised by the neighborhood. She stated that if one looks at the big picture, what has happened is that there are a series of neighborhoods with dead ends and no connectivity, which then creates a few roads that are overburdened with vehicular traffic. Ms. Jenkins commented that it is the City's job to uphold the vision, and she reminded the group that only 12 houses were being proposed north of Rufina, which will be accessed via Powerline Road.

Ms. Jenkins provided an illustration of what the proposed Powerline Road. She stated that the roadway would be 20 feet wide with drainage swales and vegetation on either side. She stated that there would be no parking signs along the roadway, and that it would become a private street to create barriers to illegal parking.

A neighbor asked about whether any additional parks were planned for the south side of Santa Fe. Ms. Lamboy responded that the SWAN park has been planned, and was recently funded through the bond election. She stated that the timeline for completion of Phase 1 will be by the end of 2013, early 2014.

Ms. Jenkins then gave the group information that was requested earlier in the meeting. Relative to the width of the tract, at its skinniest it is 140 feet wide. Ms. Jenkins stated that if you allow 15 to 20 feet for a driveway, then the lots will be at least 125 feet deep. Ms. Jenkins commented that typical lots are 100 feet deep.

A neighbor asked whether the houses would be built up to the eastern property line, adjacent to the Las Acequias neighborhood. Ms. Jenkins replied that regular setbacks would be required for the lots, and the minimum setback at the

rear of the lots is 15 feet. The neighbor asked about the location of parking for the proposed lots, and Ms. Jenkins responded that parking would be located at the front or side of the proposed lots, with garages and driveways.

A neighbor asked what would happen to the existing homes to the west of Las Acequias. Ms. Jenkins clarified that those homes would not be part of this project.

A neighbor commented that if there were to be development right behind Las Acequias, they want it to be attractive, and hope that the homes on big lots are built.

A neighbor asked why Ms. Jenkins chose the R-5 zoning district if the goal is only for 18 lots on the 9 acres. Why not R-3 or R-2 if that was truly the intention? Ms. Jenkins responded that it just seemed to make sense to continue the R-5 zoning, like that which is already in place on the northern portion of the tract. She said that she would discuss the possibility of a lower density zoning district with her client.

A neighbor commented that the biggest concern is the traffic impact. Will there be access to Agua Fria. Ms. Jenkins replied that there will be no access to Agua Fria with this development. Ms. Linda Flatt commented that the Traditional Village of Agua Fria has standards regarding access to Agua Fria Road.

A neighbor asked what the average price of the lots will be. What is the targeted consumer? Ms. Jenkins stated that the targeted consumer will be families in search of larger lots within the City.

A neighbor asked whether something could be done for Las Acequias. The construction of a sound wall along Rufina was a suggestion, similar to that found at Colores. Another neighbor asked about the installation of speed bumps in the neighborhood, and Ms. Flatt replied that 80% of the neighborhood has to approve of the bumps according to the City's Traffic Division. Ms. Flatt added that the neighborhood association would be working on this issue in the near future.

There was discussion about the proposed density and how important it is to the Las Acequias neighborhood that it look attractive. A neighbor commented that this is an opportunity to get 12 homes (north of Rufina) as a buffer to a mobile home park (Cielo Azul). The neighbor stated that Las Acequias would like to see reassurance in writing, but it would possibly look very pretty.

Ms. Flatt commented that Las Acequias has been through a lot when it comes to surrounding development, and out of the choices offered this one looks good. She asked about the type of homes that would be built, and asked that they be stick built and not be mobile homes or manufactured homes.

Ms. Jenkins then wrapped up the meeting and commented that they would be making application so that the case could be heard at the October 4 Planning Commission hearing. She stated that if the Planning Commission recommends approval for the rezoning, then it must be heard by the City Council, which would likely occur in November or December. If the rezoning is approved, then Ms. Jenkins would apply for subdivision plat the beginning of 2013, where the details of the project can be handled. Ms. Jenkins promised to take the ideas raised tonight back to her client for consideration, especially those dealing with density and additional park space.

The meeting concluded at 7:00pm.

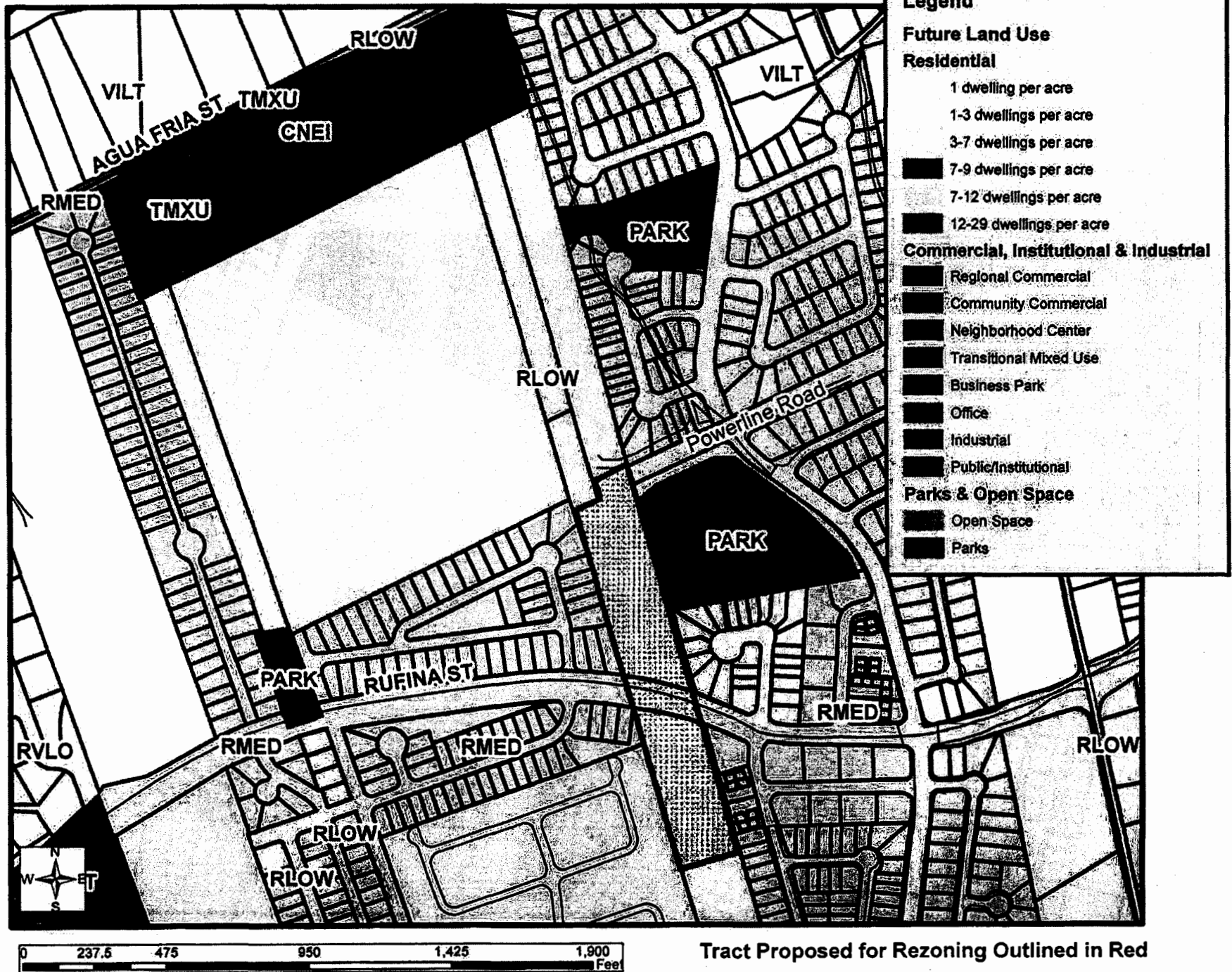
Note: The applicant met with the neighborhood at their regular annual meeting to present a refined version of the proposed plan in order to have additional dialogue before the public hearing.

City of Santa Fe, New Mexico

Exhibit D

Maps

AGUAFINA FUTURE LAND USE



Tract Proposed for Rezoning Outlined in Red

AGUAFINA ZONING



Tract Proposed for Rezoning Outlined in Red

AGUAFINA AERIAL WITH PHASE 2 ANNEXATION AREAS



City of Santa Fe, New Mexico

Exhibit E

Applicant Submittals



August 13, 2012

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

**RE: Letter of Application
Aguaфина Rezone**

Dear Tamara,

This letter is respectfully submitted on behalf of Aguaфина Development, LLC in application to to rezone 4702 Rufina St. (Tract B, totaling ± 2.45 acres) and a portion of the property at 4262 Agua Fria Street (Tract C, totaling ± 9.06 acres), for consideration by the Planning Commission on October 4, 2012. We are requesting a rezone to R-5 (five dwelling units per acre) for the southern portion of Tract C and all of Tract B.

Property Description

The northern portion of Tract C is in the Presumptive City Limits, Phase 2 Annexation Area. The remainder of Tract C and all of Tract B are within the City Limits. Tract C currently has split zoning; the northern portion of the tract is zoned R-5 (5 dwelling units per acre), while the southern portion of Tract C and all of Tract B are zoned R-1 (one dwelling unit per acre). The Future Land Use Designation for both tracts is Low Density Residential (3-7 dwellings per acre), with a small section of Transitional Mixed Use at the northern boundary of Tract C (see attached Future Land Use map). To resolve the split zoning issue and bring the property into compliance with the General Plan, the applicant is requesting a change to R-5 zoning as stated above.

Conceptual Development Scenario

A Conceptual Site Plan is submitted herewith describing how the owner intends to subdivide the property in accordance with the requested R-3 zoning. A 21-lot single family subdivision is proposed. This low density subdivision will maintain a semi-rural environment while providing appropriate connectivity with the Las Acequias neighborhood to the east. Per discussions with City Traffic Engineer John Romero, the 14 lots on Tract C will be accessed from Calle Atajo via Powerline Road, providing signalized access to Rufina Street at Calle Atajo. The 7 lots on Tract

B will be accessed directly from Rufina Street. Lastly, pursuant to the provisions of the Santa Fe Homes Program, three affordable lots (20%), two on Tract C and one on Tract B, will be provided as part of the Project.

Rezone Criteria

This request is to rezone the southern portion of Tract C and all of Tract B to R-5 zoning (please see attached Zoning Map). The responses to the approval criteria are outlined below:

(a) *One or more of the following conditions exist:*

(i) there was a mistake in the original zoning. N/A

(ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning. The most significant change to the surrounding area is the pending annexation of many County properties along the Rufina Street and Airport Road corridor. Based on the Future Land Use designations approved for this area by the City as part of the annexation process, the primary intent is to encourage low density residential development along the Rufina Corridor.

(iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans. Rezoning the southern portion of Tract C and all of Tract B to R-5 will bring both lots into compliance with the City's General Plan designation of Low Density Residential. The two tracts that comprise the subject property are bordered by the Las Acequias subdivision to the east, undeveloped property to the west, Agua Fria Village to the north, and Roadrunner West Mobile Home Park to the west and south. The proposed generously sized lots will serve as a transition between the semi-rural environment of Agua Fria Village and the dense surrounding subdivisions. From the standpoint of connectivity, the General Plan encourages roadway connections between neighborhoods, which reduces stress on the arterial road network and promotes community integration. Accessing Tract C via Powerline Road complies with the General Plan by promoting a connection with the neighboring Las Acequias Subdivision.

(b) *all the rezoning requirements of Chapter 14 have been met.* Yes.

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

The proposed Project exemplifies a compact urban form as encouraged by the General Plan, while respecting the semi-rural nature of nearby properties with the Low Density Residential designation.

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

- (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.*

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

The area surrounding the subject property comprises high density mobile home communities, single family homes, and semi-rural residential. The proposed subdivision and accompanying Future Land Use Designation of Low Density is an appropriate bridge between the two extremes of existing residential development and is consistent with the City's intent to encourage this type of development pattern along Rufina Street. Furthermore, the Project is adjacent to Rufina Street, a minor arterial roadway that contains the water and sewer infrastructure necessary to serve the Project.

- (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.*

There is adequate public infrastructure available adjacent to the site to serve the proposed subdivision.

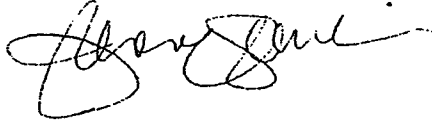
In support of these requests, the following documentation is submitted herewith for your review and consideration:

- Rezone Application
- Letter of Owner Authorization
- Warranty Deed
- Lots of Record
- Zoning Map
- Future Land Use Map
- Conceptual Site Plan
- Application fees in the amount of \$2,241.00, as follows:
 - Rezone \$2,151.00
 - Posters \$90.00

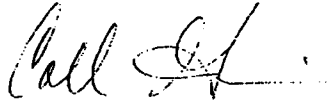
Please let us know if you have any questions or need additional information. Thank you.

Sincerely,

JENKINS GAVIN DESIGN & DEVELOPMENT, INC.

A handwritten signature in cursive script, appearing to read "Jennifer Jenkins".

Jennifer Jenkins

A handwritten signature in cursive script, appearing to read "Colleen Gavin".

Colleen Gavin, AIA



Aerial Map

Legend

- Roads
- Parcels

2008 Orthophotography



1:1,200

1 inch = 100 feet

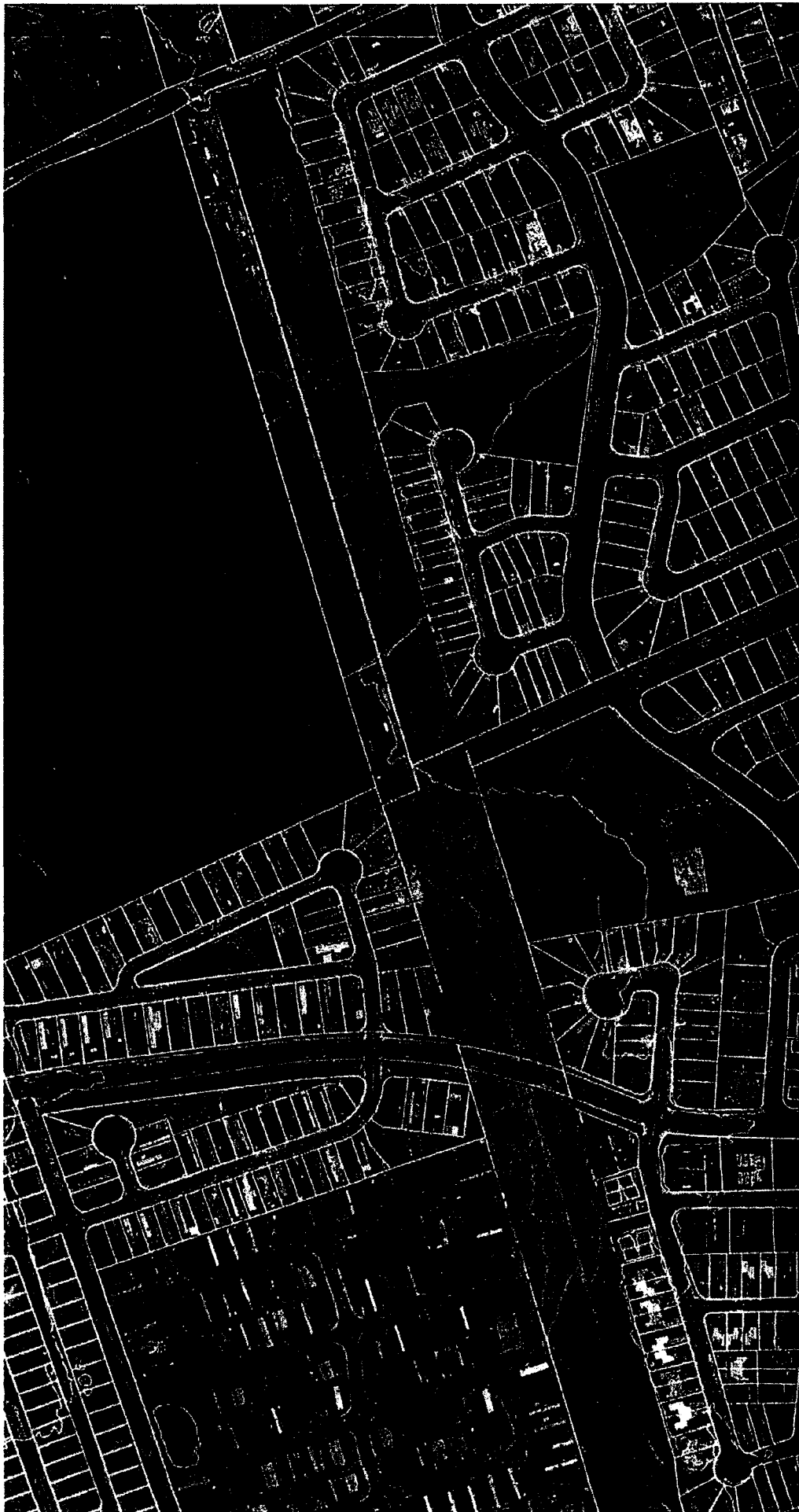
0 30 60 120 180 240 feet

0 0.0125 0.025 0.05 0.075 Miles

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



May 8, 2012



Aerial Map

Legend

— Roads

Parcels

2008 Orthophotography



1:1,200

1 inch = 100 feet

0 30 60 120 180 240 Feet

0 0.0125 0.025 0.05 0.075 Miles

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confirming data accuracy.



May 8, 2012

Aguafina
Proposed Restrictive Covenants

Use and Occupancy. All Lots and dwellings will be used and occupied primarily for single-family residence purposes only. No Lot or dwelling may be used for commercial, institutional or other non-residential purpose, except for permissible home occupations approved and licensed by the City of Santa Fe. This prohibition will not apply to "yard sales" conducted entirely on an Owner's Lot.

Architectural Standards. All dwellings constructed on any Lot shall comply with the following standards:

1. Building exteriors, including that of detached accessory structures, shall be stucco, metal siding (i.e. corrugated panels, stainless steel, galvanized panels, etc.), natural wood siding, or a combination of these materials.
2. Exterior colors shall be predominantly earth-toned (except for permissible metal materials). Accent colors for window and door trim are permitted.
3. Roofs may be flat, shed, or pitched. Shed and pitched roofs shall have a minimum pitch of 3:12. Roofing materials shall be non-reflective.
4. The maximum allowable height for primary dwellings is twenty-four feet. Detached accessory structures shall be single story and limited to fourteen feet in height.

Rezoning Prohibited. No Lot may be rezoned to any classification allowing commercial, institutional or other non-residential use without the express consent of the Association and Declarant, which may be withheld in Declarant's sole discretion. Declarant or the Association may enforce this covenant by obtaining an injunction against any unapproved rezoning at the expense of the enjoined party.

Drainage Alteration Prohibited. The surface water drainage contours of each Lot will conform to the grading plan established by the Declarant and approved by the City of Santa Fe. No Owner will fill or alter any drainage swale or structure established by the Declarant, nor will any Owner install landscaping or other improvements that may damage or interfere with the installation and maintenance of utilities or which may obstruct or divert surface water runoff from the drainage patterns, swales and easements established by the Declarant.

Nuisances. No noxious or offensive activity will be carried on upon any Lot, nor will anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. No Owner shall engage in any activity which materially disturbs or destroys the vegetation, wildlife, or air quality within the Community or which results in unreasonable levels of sound or light pollution. Nothing shall be done or maintained on any part of a Lot which emits foul or obnoxious odors outside the Lot or creates noise or other conditions which tend to disturb the

peace, quiet, safety, comfort, or serenity of the occupants and invitees of other Lots. No noxious, illegal, or offensive activity shall be carried on upon any portion of the Community, which in the Board's reasonable determination tends to cause embarrassment, discomfort, annoyance, or nuisance to the occupants and invitees of other Lots.

Vehicles. No abandoned, derelict or inoperable vehicles may be stored or located on any Lot.

Animals and Pets. Each Unit shall be permitted a reasonable number of usual and common household pets, as determined in the Board's discretion. Pets which are permitted to roam free, or, in the Association's sole discretion, endanger the health, make objectionable noise, or constitute a nuisance or inconvenience to other Owners or residents of any portion of the Community shall be removed upon the Board's request at the Owner's expense. If the Owner fails to honor such request, the Board may cause the pet to be removed at the Owner's expense. No pets shall be kept, bred, or maintained for any commercial purpose.

Garbage and Refuse Disposal. No Lot will be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall be kept in enclosed containers designed for that purpose. Materials incident to construction of improvements may be stored on Lots during construction by Declarant and Owners.

Driveways. Prior to or upon completion of the construction of the dwelling, a driveway must be constructed on each Lot, that will accommodate a minimum of two vehicles parked either side-by-side or in tandem. Driveways must be surfaced with base course, gravel, concrete, or asphalt and must be constructed to maintain positive drainage.

Parking. Vehicles may only be parked in a Lot's designated driveway and/or garage or on the street where on-street parking is permitted. Vehicles may not be parked in any yard area on a Lot.

Commercial or Institutional Use. No Lot, and no building erected or maintained on any Lot, will be used for manufacturing, industrial, business, professional, commercial, institutional or other non-residential purposes, except for permissible home occupations approved and licensed by the City of Santa Fe.

This Section shall not apply to restrict Declarant's activities in the Community, nor shall it restrict the activities of persons approved by Declarant involved with the development and sale of property in the Community.

Detached Buildings. Detached accessory buildings, such as detached garages, storage buildings and greenhouses, must be compatible with the dwelling to which it is appurtenant in terms of its

design and material composition. Exterior materials and roofing materials of such outbuildings shall be consistent with the existing exterior and roofing materials of the dwelling.

Fences. All fences and walls must comply with City requirements. The maximum allowable height for fences and walls is six feet. No chain-link, metal cloth or agricultural fences may be built or maintained on any Lot unless such fence is located within the perimeter fence in such a manner that it is not visible from any street. Unless otherwise agreed between Owners, side and rear yard fences that separate adjacent Lots will be owned and maintained by the Owner on whose Lot the fence exists, or if the location is indefinite, such fence will be maintained by the Owners whose Lots are involved jointly with expenses being shared equally. All block walls must be stuccoed to match the color of the dwelling.

Sidewalks. All sidewalks will conform to City specifications and regulations. If a homeowner, its representative, agent or employee, causes damage to any sidewalk located on or adjacent to such homeowner's Lot, the homeowner must repair or replace the sidewalk so that it will be returned to its original condition.

Landscaping and Exterior Maintenance. The Declarant will install street trees along each Lot frontage in accordance with City requirements. The Lot Owner is responsible for maintaining and watering street trees on or adjacent to the Owner's Lot. Prior to or upon completion of construction of an Owner's residence on a Lot, the Owner shall install front yard landscaping on the Lot. All landscaping located on any Lot will be properly maintained at all times by the Lot Owner. Each Lot Owner will keep all shrubs, trees, grass, and plantings of every kind on his Lot cultivated, pruned, free of trash, and other unsightly material. The minimum front yard landscaping requirements are as follows:

1. Ground surfacing in the form of native grasses, plant ground cover, sod, gravel, or combination thereof. A maximum of 30% of a front yard, exclusive of the driveway, may be covered in gravel.
2. A minimum of one shrub per 100 square feet and one tree per 500 square feet.

All improvements upon any Lot, including driveways, fences, and walls, must be kept in good condition and repair and adequately painted or otherwise maintained by the Lot Owner at all times. Declarant and the Association will have the right at any reasonable time to enter upon any Lot to replace, maintain, and cultivate shrubs, trees, grass, or other plantings as deemed necessary; and to paint, repair, or otherwise maintain any improvements in need thereof, and to charge the cost thereof to the Lot Owner.

Antennae, Satellite Dishes and Solar Collectors. Except with the written permission of the Association Board or as provided herein, no Owner may erect or maintain (a) any direct

broadcast satellite ("DBS") antenna greater than one meter (39 inches) in diameter, or (b) any multi-channel multipoint distribution service (wireless cable) ("MMDS") antenna greater than one meter (39 inches) in diameter; provided, however, such DBS or MMDS antenna being less than one meter in diameter may be placed in the least conspicuous location on a Lot where an acceptable quality signal can be received as long as such DBS or MMDS antenna is screened from view (for aesthetic reasons) of any street, unless otherwise approved in writing by the Association Board. Solar collector panels may be placed on or around the residential structure, as long as they are screened from view by the roof parapet or, in the case of ground mounted panels, screened by landscaping or walls/fencing or a combination thereof.

Clothes Hanging Devices. No clothes hanging devices exterior to a dwelling are to be constructed on the Lot except those of a temporary nature that are screened from view from the front of the Lot.

Window Treatment. No aluminum foil, reflective film or similar treatment will be placed on windows or glass doors. Temporary window treatments must be removed within forty-five (45) days.

Burning. Except for enclosed outdoor fireplaces and outdoor cooking, no burning of anything will be permitted anywhere on the Property.

Utilities. Except as to special street lighting or other aerial facilities which may be required by the City or by the franchise of any utility company or which may be installed by the Declarant pursuant to its subdivision approval, no aerial utility facilities of any type (except meters, risers, service pedestals, transformers and other surface installations necessary to maintain or operate appropriate underground facilities) will be erected or installed on the Property, whether upon individual Lots, easements, streets or rights-of-way of any type, either by the utility company or any other person or entity, including, but not limited to, any person owning or acquiring any part of the Property, and all utility service facilities (including, but not limited to, water, sewer, gas, cable, electricity and telephone) will be buried underground unless otherwise required by a public utility. No individual water supply system or sewage disposal system will be permitted on any Lot, including, but not limited to, water wells, cesspools or septic tanks.

Construction Activities. This Declaration will not be construed so as to unreasonably interfere with or prevent normal construction activities during the remodeling of or making of additions to improvements by a Lot Owner (including Declarant) upon any Lot within the Property. Specifically, no such construction activities will be deemed to constitute a nuisance or a violation of this Declaration by reason of noise, dust, presence of vehicles or construction machinery, posting of signs or similar activities, provided that such construction is pursued to completion with diligence and conforms to usual construction practices in the area. If construction upon any

Lot does not conform to usual practices in the area as determined by the Association Board or the Declarant in their sole good faith judgment, the Association Board or the Declarant will have the authority to obtain an injunction to stop such construction. In addition, if during the course of construction upon any Lot, there is an excessive accumulation of debris of any kind that is offensive or detrimental to the Property or any portion thereof, then the Association Board or the Declarant may contract for or cause such debris to be removed, and the Lot Owner will be liable for all expenses incurred in connection therewith.

City of Santa Fe, New Mexico

Exhibit F

Public Correspondence

L.A.N.A.
Las Acequias Neighborhood Association
P.O. Box 28062
Santa Fe NM 87592
(505) 424-6929

November 28, 2012

Planning Commission
City of Santa Fe
Santa Fe, New Mexico

To Whom It May Concern:

The Las Acequias Neighborhood Association (LANA) and Board recognize that Jenkins Gavin Design and Development are presenting the proposal for the Agua Fina Rezoning. We feel there are many questions that need to be answered. We would like to clarify the issues that still concern us about the proposed project and their "proposed restrictive covenants". We realize that at this time the only concern is the proposed change in zoning so that the entire parcel is R-5. The Las Acequias Neighborhood Association would agree to this change in zoning if the Planning Commission and City Council address our concerns.

1. Clarify what type of structures will be allowed in the community and that all dwellings be built on permanent foundations; hopefully this community will be all permanent stick built homes.
2. Guaranteeing that the north section of the project, which is presently in the county, will be covered by the City's regulations, ordinances and infrastructure. If for some reason, annexation does not go forward and lots are sold in Agua Fina, what happens?
3. The maximum height for primary dwellings should be single story and limited to 14 feet in height because many of the homes in Las Acequias are just one story, especially at the northern end, and two story structures would block the view and the afternoon sun.
4. The Agua Fina developers should be responsible for providing an open park or green area.
5. The Planning Commission and City Council will protect the existing communities surrounding this new proposed community by helping enforce the covenants of the planned community.
6. The District 3 Councilors and the City of Santa Fe Police are very aware of the problems that exist within the Las Acequias Community and the Las Acequias city park and the issues that come into play with Powerline Road being made an access road for this development. The L.A. community does not want that road to be the access road for Agua Fina because it is so vulnerable being right next to the park. This would cause even more traffic and congestion in that area. The families who live around the park put up with enough, as it is. We request that the access road into the development be off of Rufina and if a second entrance is required for safety, that Powerline Road ONLY be used for an Emergency entrance/exit.
7. In the developer's covenants they state that pets are permitted to roam free, isn't that against city code?

The Planning Commission meeting is just the first step in the approval process of this property and there will be more opportunities to discuss the details of their proposal. The purpose of this letter is to inform you officially and to go on record that the Las Acequias Community has concerns which need to be addressed.

Thank you for taking our points into consideration and reviewing them as we proceed through these steps in the coming weeks and months.

Sincerely,

LANA Officers: Liddy Padilla, Pres., Joanna Nedboy, Vice Pres., Sharon Shaheen, Secretary and Larry Hudgins, Treas. and The Las Acequias Executive Board

LAMBOY, HEATHER L

From: William Mee <williamhenrymee@aol.com>
Sent: Wednesday, December 05, 2012 9:32 PM
To: GURULE, GERALDINE A.; LAMBOY, HEATHER L
Cc: cdGonzales@comcast.net; LoisBMee@aol.com; Ray.Olguin@state.nm.us; marie.anaya@state.nm.us; cheryldee@aol.com; gjmontano@msn.com; catsfe@msn.com
Subject: Opposition to Case 2012-104 Agua Fina

Agua Fria Village Association

2073 Camino Samuel Montoya
Santa Fe, NM 87507

City Planning Commission Members
City of Santa Fe
P.O. Box 909
Santa Fe, NM 87504-0909

December 5, 2012

Dear Honorable Planning Commission Members:

The Agua Fria Village Association (AFVA) is the County-recognized neighborhood association for the state-authorized Agua Fria Village Traditional Historic Community (THC) requests that you deny Case# Case 2012-104 for the Agua Fina Rezoning.

Denial should be based on the following factors:

1. Our neighborhood received no notification on the proposed rezoning or the Early Neighborhood Notification meeting although we are bordering the subject lot on the north and are on file as a neighborhood association with the City.
2. The City-commissioned study of the annexation areas by UNM's Bureau of Business and Economic Research released 3-2012 states that the City is not in a position to provide adequate services to the Proposed Annexation Area 2 where the subject property exits. Increasing the density from R-1 to R-5 will exacerbate these problems.
3. City and County have begun a series of Annexation negotiations that the AFVA has requested to be a part of in our letter of July 15, 2012 to the City and County Managers, the Mayor, and the 8 City Councilors and 5 County Commissioners. We do not get an invitation to the meetings and they are not noticed in the legal ads or under the city or county meeting notice bulletins in the New Mexican. We have written to the City and County Managers and the City and County Land Use Administrators requesting that a "Gap Plan" be done jointly by City and County staffs to see what long term traffic control should be done on Rufina Street. City Engineering staff had recommended to residents that they contact the County and City to request such a study back in 2008. Case #2012-104 should be denied or tabled until such joint planning is done.

4. There are a number of impacts that this development will make on the surrounding neighborhoods and community at large: traffic, solid waste, litter, school crowding, increased water and sewer use, temporary construction jobs, increased park usage, an increase to the base rate of property taxes for the subject property and adjoining properties. It is interesting to note that these factors all negatively impact the quality of life of the surrounding neighbors (they take something away from existing taxpayers), but they all increase the need for bureaucratic systems provided for by the City of Santa Fe, which from the perspective of city officials mean this is positive and progress; leading to the adage of: growth for growth's sake.

Something we can agree on is making Agua Fria Street an emergency only access.

Thank you for your attention to this matter.

Sincerely,

William Henry Mee, President AFVA
(505) 473-3160
WilliamHenryMee@aol.com

CITY OF SANTA FE:

Chairperson Tom Spray
Vice Chair Renee Villareal
Secretary Lisa Bemis
Signe I. Lindell
Angela Schackel Bordegaray
Lawrence Ortiz
Michael Harris
Dan Pava

Planning Commission Liaison:
Geraldine Gurule
gagurule@santafenm.gov

Case Manager hllamboy@santafenm.gov

CC:

AGUA FRIA ASSOCIATION MEMBERS:
cdGonzales@comcast.net, LoisBMee@aol.com,
Ray Olguin, Marie Anaya, Cheryl Odom, Catherine Baca

Overview for Aguafina

On December 6, 2012, the Planning Commission found that all criteria for a rezoning have been met with the recommendation that the tracts be rezoned to R-3 instead of the originally requested R-5.

At the City Council hearing on January 30, 2013, the City Council denied the applicant's request for rezoning, finding that the criteria for a rezoning were not met after hearing the public comment on the case.

At the following Council hearing, on February 13, 2013, the Council voted to rescind the denial and to rehear the case today.

Since the February 13 hearing, the applicant has formally modified the application to request R-3 instead of the originally requested

R-5.

Staff would like to remind the Council that what is being considered tonight is a rezoning of the parcels adjacent to Rufina Street from R-1 to R-3. The separate parcel that is currently zoned R-5 (located north of Powerline Road) is not part of this application.

Visual aids may be presented tonight to give the Council an idea of how density may look as the parcels are subdivided. Please be aware that the Planning Commission has not reviewed either a Preliminary or Final Subdivision Plat, nor has the Development Review Team commented on these concept plans. The request before you this evening is only the

rezoning of approximately 5.89 acres from R-1 to R-3.

The Planning Commission recommends CONDITIONAL APPROVAL for R-3 for Tract B and Tract C-2 as outlined in the rezoning bill.

L.A.N.A.
Las Acequias
Neighborhood Association
P.O. Box 28062, Santa Fe, NM 87592

Dear Mayor and City Councilors

This meeting tonight is very important and the re-zoning decision will set the stage for what happens with the 11 ½ acre parcel, Aguafina. The community of Las Acequias and the Association wish to clarify what exact conditions we have set down in order for us to feel safe and guaranteed that the property will be developed as is promised when it is re-zoned to R-3. Unless all of the conditions listed below will be made legally binding and enforceable in the actual plat, we will have no guarantee that anything will be followed through with from this owner, the JenkinsGavins Design team or the buyers who purchase any one or all of the 24 lots as shown in JenkinsGavin "new plan".

1. The council must make sure that all of the conditions stated below for the lower piece of property (two sections of land with a total of 5.7 acres with 16 single family homes/lots), which will be changed tonight to R-3 zoning, will also be legally binding for the northern parcel of 5.6 acres which is R-5 (with 8 single family homes). At this time, although under the city's 2nd Phase of Annexation, this northern parcel is still in the county and because of the lot split is a separate piece of land. We must be guaranteed that all conditions/restrictions will cover both pieces and will be legally binding and enforceable by being in the plat and on record for all 11 ½ acres. And, that whether a lot or lots be sold next week, next year or even 5-10 years from now, must all follow the same legally binding conditions.
2. As JenkinsGavin has stated, that there will be ONE subdivision plan for all 11 ½ acres with no changes to any of the shown plans from her "new" design.
3. Only one single family dwelling per lot (8 in each of the three sections a total of 24 single family homes) with no secondary "guest" house.
4. Require all homes have a permanent foundation whether it be stick built or modular covered with stucco to blend with our established community. No low quality out-buildings but one with proper siding.
5. Strict legal regulations so that Powerline easement will NEVER be a road connected with or be a part of this development or any property beyond that. The entrance into the Tapia property that goes through Aguafina must be separate with a high quality fence on both sides of the easement directly from Calle Atajo all the way to his property. To ensure safety and protection there should be a metal gate with electronic openers for the people living on that property.
6. Rather than accepting some small token park area, we would rather have that money to be used to help with our park problem. We want a 7' high adobe wall running along the backside of the houses next to Powerline from Calle Atajo to the Aguafina property line so that it will lessen the extreme noise from the park into those homes.
7. ALL property owners will ALWAYS be responsible for the upkeep of their property as well as the private driveway area for each of the three sections. This, plus other strict conditions and requirements should be followed as were presented by JenkinsGavins earlier in this process ie. no junk cars, no trash (trash removal when in the county is required by the owner and until it is in the city they must abide by county rules), no loose animals, continued maintenance and upkeep on all of the property and the other agreeable rules as was outlined early on.
8. Each home is responsible for planting and designing landscaping.
9. JenkinsGavin and the owner made an agreement with the county to limit the number of homes to 8 single family dwellings on the northern portion of the Aguafina property in order to get the Private Driveway status for access onto Agua Fria. If they do not follow through, that will not be an open access but will only be an emergency exit with a locked gate.

Thank you for consideration of all these conditions that we feel are necessary to protect our established community of Las Acequias.

Sincerely,

The Las Acequias Neighborhood Association and Board

Exhibit "5"

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

From: "Jennifer Jenkins" jennifer@jenkinsgavin.com
To: liddyp@q.com, linda@safeguardsf.com
Sent: Tue 12/02/13 4:31 PM
Subject: Fwd: RE: Aguafina

Hadies,

To follow up once again, I would like be very clear that, if the decision is rescinded tomorrow, we will offer the following to the Council as conditions of approval for R-3 zoning when the case is reheard:

1. The 5.6-acre R-5 tract north of the subject parcels will be developed with 8 single family lots and accessed from Agua Fria via a dead-end Lot Access Driveway.
2. The 3.4-acre subject parcel north of Rufina would be developed with 8 single family lots and accessed from Rufina via a dead-end Lot Access Driveway.
3. The 2.4-acre subject parcel south of Rufina would be developed with 8 single family lots and accessed from Rufina via a dead-end Lot Access Driveway.
4. There would be no access from Powerline Road.
5. We will NOT construct a through street from Agua Fria to Rufina.
6. A single subdivision application will be submitted to the City in accordance with these conditions, which will include all three parcels for a total of 24 lots.

It is our sincere hope to create a win-win situation for all concerned. If these conditions meet with your approval, I would ask that you contact City Council and voice your support for the rescission tomorrow.

Please let me know if you have any questions or need additional information.

Thank you.

Jennifer Jenkins

JenkinsGavin Design & Development, Inc.

130 Grant Avenue, Suite 101

Santa Fe, New Mexico 87501

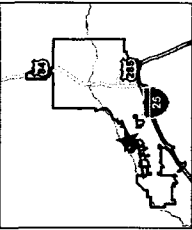
Ph. (505) 820-7444

jennifer@jenkinsgavin.com <jennifer@jenkinsgavin.com>

www.jenkinsgavin.com <<http://www.jenkinsgavin.com/>>;

From: Jennifer Jenkins [jennifer@jenkinsgavin.com]
Sent: Tuesday, February 12, 2013 3:49 PM
To: p@q.com; linda@safeguardsf.com
Cc: leen@jenkinsgavin.com
Subject: Aguafina

Augafina Rezone

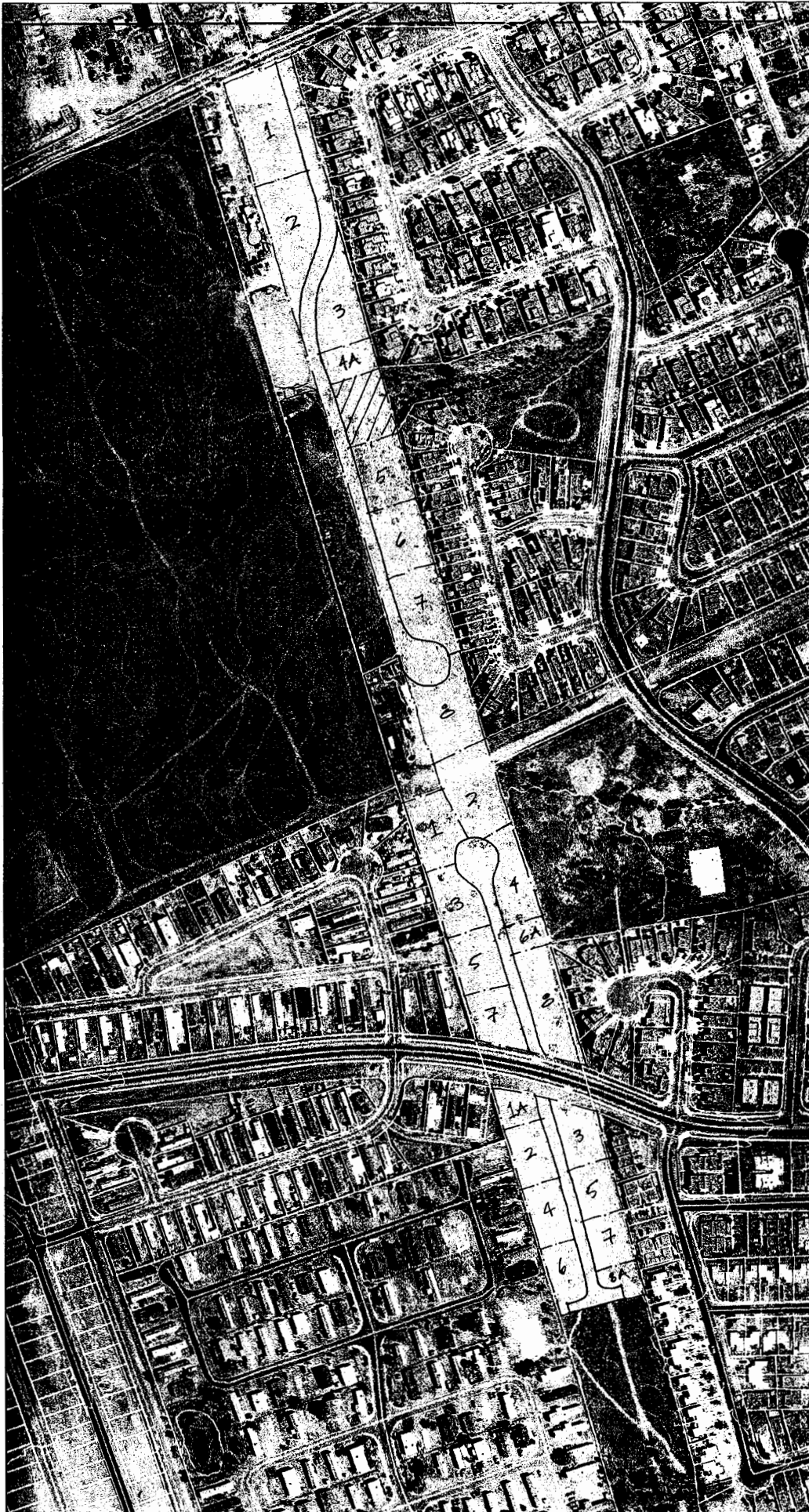


- Legend**
- Pinpoints
 - Santa Fe River
 - Major Roads and Highways
 - Other Roads and Streets
 - 2011 Aerial Photography - 1 foot resolution

Scale: 1:4,800

This map is a user generated sketch, which is not an official map of the City of San Jose and is for general information only. Data users and anyone on this map are responsible for their own interpretation, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Exhibit "6"



Aerial Map

Legend

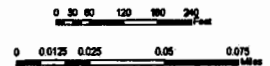
- Roads
- Parcels

2008 Orthophotography



1:1,200

1 inch = 100 feet



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



May 8, 2012



**CITY COUNCIL MEETING OF
MARCH 13, 2013
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY**

Mayor David Coss		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Patti Bushee		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION AMENDING THE <i>PROCEDURES FOR APPEAL UNDER SANTA FE CITY CODE SECTION 14-3.17</i> TO ALLOW MEMBERS OF LAND USE BOARDS FROM WHICH AN APPEAL HAS BEEN TAKEN TO TESTIFY IN RESPONSE TO QUESTIONS FROM MEMBERS OF THE GOVERNING BODY.	Public Works – 3/25/13 Finance – 4/1/13 Council – 4/10/13
	AN ORDINANCE RELATING TO HUMAN RIGHTS; CREATING A NEW ARTICLE 6-18 SFCC 1987 TO ESTABLISH THE CITY OF SANTA FE HUMAN RIGHTS COMMISSION.	Finance – 4/1/13 Council (request to publish) – 4/10/13 Council (public hearing) – 5/8/13
	AN ORDINANCE RELATING TO BENEFITS FOR DOMESTIC PARTNERS; CREATING A NEW SECTION 19-3.8 SFCC 1987 TO REQUIRE THAT THE CITY OF SANTA FE PROVIDE DOMESTIC PARTNER BENEFITS FOR ALL FULL-TIME PERMANENT EMPLOYEES OF THE CITY OF SANTA FE.	Finance – 4/1/13 Council (request to publish) – 4/10/13 Council (public hearing) – 5/8/13
	AN ORDINANCE RELATING TO REQUIREMENTS FOR CITY CONTRACTORS; AMENDING THE CITY OF SANTA FE PURCHASING MANUAL TO ESTABLISH A NEW PROVISION TO PROHIBIT DISCRIMINATION.	Finance – 4/1/13 Council (request to publish) – 4/10/13 Council (public hearing) – 5/8/13
	AN ORDINANCE RELATING TO REQUIREMENTS FOR CITY CONTRACTORS; AMENDING THE CITY OF SANTA FE PURCHASING MANUAL TO REQUIRE CERTAIN CITY CONTRACTORS TO PROVIDE EQUAL EMPLOYMENT BENEFITS.	Finance – 4/1/13 Council (request to publish) – 4/10/13 Council (public hearing) – 5/8/13

Councilor Chris Calvert		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION SUPPORTING CONTINUED ENFORCEMENT AND FUNDING OF THE FEDERAL ENDANGERED SPECIES ACT.	Council – 3/27/13
Councilor Bill Dimas		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Carmichael Dominguez		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Peter Ives		
Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION RELATING TO THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE CITY OF SANTA FE; ENCOURAGING SANTA FE BUSINESSES THAT SELL FIREARMS TO INCLUDE A TRIGGER LOCK WITH EVERY FIREARM SOLD AND ENCOURAGING GUN OWNERS TO KEEP TRIGGER LOCKS ON ALL FIREARMS IN THEIR POSSESSION AND STORED SAFELY AWAY FROM CHILDREN.	Public Safety – 3/19/13 Finance – 4/1/13 Council – 4/10/13
	A RESOLUTION RELATING TO THE 2013/2014 BUDGET; DIRECTING THE CITY MANAGER TO INCLUDE IN THE 2013/2014 BUDGET PROJECTIONS, THE PROJECTED COST OF ACQUIRING AN INDEPENDENT CONTRACTOR TO DESIGN, IMPLEMENT AND ADMINISTER A FRAUD, WASTE AND ABUSE HOTLINE FOR CITY EMPLOYEES TO REPORT ALLEGED FRAUD, WASTE AND ABUSE BEING COMMITTED BY THEIR COLLEAGUES AND CONTRACTORS OF THE CITY.	Finance – 4/1/13 Council – 4/10/13

Councilor Chris Rivera Continued		
	A RESOLUTION RELATING TO THE 2013/2014 BUDGET; DIRECTING THE CITY MANAGER TO EXPLORE THE OPTIONS FOR EXPANDING THE CITY OF SANTA FE LEGISLATIVE SERVICES OFFICE DURING THE 2013/2014 BUDGET PROCESS AND PROVIDE SUCH OPTIONS TO THE GOVERNING BODY FOR CONSIDERATION.	Finance – 4/1/13 Council – 4/10/13
Councilor Ron Trujillo		
Co-Sponsors	Title	Tentative Committee Schedule
	AN ORDINANCE RELATING TO THE CITY OF SANTA FE FIRE DEPARTMENT; AMENDING SECTION 2-10.3 SFCC 1987 TO GRANT THE FIRE CHIEF THE FULL AUTHORITY TO SIGN AGREEMENTS WITH LANDOWNERS FOR THE PURPOSE OF IMPLEMENTING FIRE HAZARD MITIGATION ACTIVITIES.	
Councilor Wurzburger		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION DIRECTING STAFF TO CREATE AND ESTABLISH AN ANNUAL AWARD TO RECOGNIZE AND HONOR THE ACCOMPLISHMENTS AND CONTRIBUTIONS OF AN OUTSTANDING WOMAN- OWNED BUSINESS THAT IS SITUATED IN THE CITY OF SANTA FE AND ESTABLISHING A SELECTION COMMITTEE FOR THE ANNUAL AWARD.	City Business & Quality of Life – 4/9/13 Finance – 4/15/13 Council – 4/24/13

Introduced legislation will be posted on the City Attorney's website, under legislative services (<http://www.santafenm.gov/index.asp?nid=320>). If you would like to review the legislation prior to that time or you would like to be a co-sponsor, please contact Melissa Byers, (505)955-6518, mdbyers@santafenm.gov.

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-____

INTRODUCED BY:

Councilor Chris Calvert

Councilor Peter Ives

A RESOLUTION

**SUPPORTING CONTINUED ENFORCEMENT AND FUNDING OF THE FEDERAL
ENDANGERED SPECIES ACT.**

WHEREAS, this year marks the 40th anniversary of the adoption of the Endangered Species Act (ESA); and

WHEREAS, the purpose of this visionary law is to save imperiled plants and animals from extinction and protect vital habitat that provides us with clean water, food, medicines, and other valuable products and services; and

WHEREAS, the ESA has been more than 99% effective in meeting its purpose – i.e., since the ESA became law in 1973, less than 1% of the species protected under the ESA have ever been delisted due to extinction; and

WHEREAS, due to the success of the ESA, iconic species such as the bald eagle, the peregrine falcon, gray wolves, grizzly bears, Florida manatees and the American alligator are once again thriving; and

WHEREAS, due to the success of the ESA, here in the southwest, species such as the

1 Aplomado falcon, Apache trout and whooping crane have been brought back from brink of
2 extinction; and

3 **WHEREAS**, the ESA contributes directly and indirectly to our economy, in many ways,
4 such as outdoor recreation and nature based tourism, agriculture, modern medicine, industry, and
5 ecosystem services, which purify water, control climate, recycle nutrients and protect us against
6 flooding; and

7 **WHEREAS**, the benefits of the ESA come at very little cost – all federal spending on land,
8 freshwater, ocean and wildlife conservation programs totals little more than 1% of the federal budget,
9 and programs that protect endangered species make up only a tiny fraction of that amount; and

10 **WHEREAS**, the ESA ensures all these benefits, and some as yet unknown, not only now, but
11 for generations to come; and

12 **WHEREAS**, the City, itself has taken steps to factor in the effects of climate change; the
13 importance of the ESA in the face of climate change takes on added significance.

14 **NOW THEREFORE BE IT RESOLVED** that the City of Santa Fe fully supports the the
15 landmark ESA and strongly urges its continued application with adequate funding.

16 **BE IT FURTHER RESOLVED** that the City Clerk shall forward a copy of this resolution
17 to the City's Federal Congressional Delegation.

18 **PASSED, APPROVED, and ADOPTED** this ____ day of _____, 2013.

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20 _____
21 DAVID COSS, MAYOR

22 ATTEST:
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24 _____

25 YOLANDA VIGIL, CITY CLERK

1 APPROVED AS TO FORM:

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3 GENO ZAMORA, CITY ATTORNEY

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25 *M/Melissa/Resolutions 2013/Endangered Species Act*

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

2 **RESOLUTION NO. 2013-____**

3 **INTRODUCED BY:**

4 Councilor Chris Rivera

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10 **A RESOLUTION**

11 **RELATING TO THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE**
12 **CITY OF SANTA FE; ENCOURAGING SANTA FE BUSINESSES THAT SELL FIREARMS**
13 **TO INCLUDE A TRIGGER LOCK WITH EVERY FIREARM SOLD AND ENCOURAGING**
14 **GUN OWNERS TO KEEP TRIGGER LOCKS ON ALL FIREARMS IN THEIR**
15 **POSSESSION AND STORED SAFELY AWAY FROM CHILDREN.**

16
17 **WHEREAS**, on May 27, 1998, the then Governing Body adopted Resolution No. 1998-32
18 to encourage gun shop owners to sell trigger locks with every firearm sold and encouraged owners of
19 firearms to keep trigger locks on the firearm and stored safely away from children; and

20 **WHEREAS**, a trigger lock is a gun safety mechanism used by gun owners to eliminate or
21 minimize the risks of unintentional death, injury or damage caused by improper possession, storage,
22 or handling of firearm; and

23 **WHEREAS**, according to the U.S. General Accounting Office, a federal government study
24 of unintentional shootings found that 8% of such shooting deaths resulted from shots fired by children
25 under the age of six; and

1 **WHEREAS**, the U.S. General Accounting Office has estimated that such unintentional
2 deaths might have been prevented by the addition of a child-proof safety lock; and

3 **WHEREAS**, the Governing Body desires to affirm the 1998 action of the Governing Body to
4 encourage gun shop owners to sell trigger locks with every firearm sold, but would also encourage
5 not only gun shop owners but all Santa Fe businesses that sell firearms to include a trigger lock with
6 every firearm sold.

7 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
8 **CITY OF SANTA FE** that in the interest of the health, safety and welfare of the residents of Santa
9 Fe:

- 10 1. The Governing Body affirms the 1998 action of the then Governing Body and further
11 encourages all Santa Fe businesses that sell firearms to include a trigger lock with
12 every firearm sold; and
- 13 2. The Governing Body encourages gun owners to keep trigger locks on all firearms in
14 their possession and stored safely away from children.

15 **PASSED, APPROVED and ADOPTED** this ____ day of _____, 2013.

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18 **ATTEST:**

DAVID COSS, MAYOR

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21 _____
YOLANDA Y. VIGIL, CITY CLERK

22 **APPROVED AS TO FORM:**

1 GENO ZAMORA, CITY ATTORNEY

M/Melissa/Resolutions 2013/trigger locks

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-_____

INTRODUCED BY:

Councilor Chris Rivera

A RESOLUTION

**RELATING TO THE 2013/2014 BUDGET; DIRECTING THE CITY MANAGER TO
INCLUDE IN THE 2013/2014 BUDGET PROJECTIONS, THE PROJECTED COST OF
ACQUIRING AN INDEPENDENT CONTRACTOR TO DESIGN, IMPLEMENT AND
ADMINISTER A FRAUD, WASTE AND ABUSE HOTLINE FOR CITY EMPLOYEES TO
REPORT ALLEGED FRAUD, WASTE AND ABUSE BEING COMMITTED BY THEIR
COLLEAGUES AND CONTRACTORS OF THE CITY.**

WHEREAS, there is currently a mechanism in place, through the City Constituent Services
Office, for the community to report fraud, waste or abuse through the request tracker system; and

WHEREAS, Constituent Services staff monitors the request tracker system on-line and are
available to receive phone calls so the public can submit complaints related to fraud, waste or abuse
by public officials, City employees and contractors of the City; and

WHEREAS, there is not a mechanism in place designated specifically for City employees to
report fraud, waste or abuse by their colleagues or City contractors, either fully disclosing their
identity or anonymously; and

1 **WHEREAS**, so that employees are not intimidated when reporting alleged fraud, waste or
2 abuse by their colleagues or City contractors, an independent contractor should be acquired to design,
3 implement and administer a fraud, waste and abuse hotline for employees; and

4 **WHEREAS**, the Internal Audit Department was created to insure that the actions of public
5 officials, employees and contractors of the City are carried out in the most responsible manner
6 possible; and

7 **WHEREAS**, the Internal Audit Department should take an active role in requesting
8 proposals for a third-party contractor to design, implement and administer a fraud, waste and abuse
9 hotline for City employees.

10 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
11 **CITY OF SANTA FE** that the City Manager is directed to include in the 2013/2014 budget
12 projections, the projected cost of acquiring an independent contractor to design, implement and
13 administer a fraud, waste and abuse hotline for city employees to report alleged fraud, waste and
14 abuse being committed by their colleagues and contractors of the city.

15 **BE IT FURTHER RESOLVED** that if the Governing Body approves funding to acquire an
16 independent contractor for the hotline, the Internal Audit Department shall begin the process to
17 acquire RFPs and oversee the contract on behalf of the City.

18 **BE IT FURTHER RESOLVED** that in the event an independent contractor is acquired,
19 prior to implementation of the hotline, the Internal Auditor shall arrange to have the independent
20 contractor make a presentation to the Finance Committee and Governing Body on the implementation
21 and administration of the hotline.

22 PASSED, APPROVED and ADOPTED this ____ day of _____, 2013.

23
24 _____
25 DAVID COSS, MAYOR

1 ATTEST:

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3 _____
4 YOLANDA Y. VIGIL, CITY CLERK
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8 APPROVED AS TO FORM:

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11 GENO ZAMORA, CITY ATTORNEY
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25 *M/Melissa/Resolutions 2013/Fraud_Waste_Abuse_Employees*

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-_____

INTRODUCED BY:

Councilor Chris Rivera

A RESOLUTION

**RELATING TO THE 2013/2014 BUDGET; DIRECTING THE CITY MANAGER TO
EXPLORE THE OPTIONS FOR EXPANDING THE CITY OF SANTA FE LEGISLATIVE
SERVICES OFFICE DURING THE 2013/2014 BUDGET PROCESS AND PROVIDE SUCH
OPTIONS TO THE GOVERNING BODY FOR CONSIDERATION.**

WHEREAS, during the 2011/2012 fiscal year budget process, the position of legislative
liaison assistant was eliminated from the budget due to budget constraints the City was facing; and

WHEREAS, since that time the legislative services office has been functioning with one
designated staff member who performs a variety of professional, administrative, technical and
organizational duties related to drafting, analyzing and revising legislation for the Governing Body;
and

WHEREAS, one staff person to perform the variety tasks required for legislative action often
delays important immediate issues facing each member of the Governing Body; and

WHEREAS, adopting legislation to amend laws or policies of the Governing Body as well
adopting new legislation to establish new laws and policies is an important function of the Governing

Body which oftentimes requires that legislation be drafted and reviewed by committee within short timeframes; and

WHEREAS, the Governing Body finds that there is a need to expand the Legislative Services Office.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the City Manager is directed to explore the options for expanding the City of Santa Fe Legislative Services Office during the Fiscal Year 2013/2014 budget process and provide such options to the Finance Committee and Governing Body for consideration.

PASSED, APPROVED and ADOPTED this ____ day of _____, 2013.

DAVID COSS, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

GENO ZAMORA, CITY ATTORNEY

M/Melissa/Resolutions 2013/Legislative Office

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-__

INTRODUCED BY:

Councilor Rebecca Wurzbarger

A RESOLUTION

**DIRECTING STAFF TO CREATE AND ESTABLISH AN ANNUAL AWARD TO
RECOGNIZE AND HONOR THE ACCOMPLISHMENTS AND CONTRIBUTIONS OF AN
OUTSTANDING WOMAN-OWNED BUSINESS THAT IS SITUATED IN THE CITY OF
SANTA FE AND ESTABLISHING A SELECTION COMMITTEE FOR THE ANNUAL
AWARD.**

WHEREAS, in New Mexico, the number of women-owned businesses increased 41.8%
between 1997 and 2012; and

WHEREAS, the 2007 Economic Census: Survey of Business Owners, published by the U.S.
Census Bureau, indicated that 33.7% of firms in Santa Fe County are owned by women; and

WHEREAS, according to the U.S. Census Bureau "women-owned firms are those owned by
sole proprietors who identified themselves as female, or, in the case of firms with multiple owners,
where 51 percent or more of stock interest, claims or rights were held by females;"

WHEREAS, a firm may operate one place of business or more, such as a chain of
restaurants, or have no fixed business location, such as the firm represented by a self-employed

1 carpenter or salesperson; and

2 **WHEREAS**, women-owned businesses have the strongest presence in health care and social
3 assistance industries, accounting for 52.9% of all businesses in the sector nationally; and

4 **WHEREAS**, woman-owned businesses make up 45.2% percent of all companies in the
5 educational services industry; and

6 **WHEREAS**, women-owned businesses contribute to the community and the local economy
7 and are examples and mentors to aspiring female entrepreneurs; and

8 **WHEREAS**, the Governing Body desires to recognize and honor the accomplishments and
9 contributions of an exemplary woman-owned business that has led the way in the women's business
10 community and is building a legacy for the next generation of entrepreneurs.

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

- 13 1. Staff shall create and establish an annual award to recognize and honor the
14 accomplishments and contributions of an outstanding woman-owned business that is
15 located within the city of Santa Fe.
- 16 2. The selection criteria for the Santa Fe Woman-Owned Business of the Year Award
17 shall include, without limitation, the following:
 - 18 • The business is located within the municipal boundaries of Santa Fe
 - 19 • At least 51% of the business is owned by a woman
 - 20 • The business is a for-profit business with employees
 - 21 • The business has created jobs or has the potential of creating jobs
 - 22 • The pay scales are higher than industry average and are equal to or exceed
23 living wage levels
 - 24 • The business promotes career advancement, as demonstrated by training and
25 promoting from within the business

- The business provides good benefits, such as health insurance, retirement and leave
- Family-friendly employee policies, including flex time for childcare and family emergencies
- Community involvement – the level of participation in schools, community events and non-profits
- Inspirational and visionary – the whole business operates at a level that inspires others – a business that goes beyond “business as usual”
- Diversity of workforce

3. Staff shall develop a rating system based on the established criteria for use by the Selection Committee in selecting the Santa Fe Woman-Owned Business of the Year Award.

BE IT FURTHER RESOLVED that the Governing hereby establishes a Woman-Owned Business of the Year Award Selection Committee (“Selection Committee”).

Section 1. PURPOSE: The purpose of the Selection Committee is to select, on an annual basis, the recipient of the Woman-Owned Business of the Year Award.

Section 2. DUTIES AND RESPONSIBILITIES: The Selection Committee shall:

- A. Review all nominations received by the City for the Woman-Owned Business of the Year Award.
- B. Rate each nomination based on the established criteria and rating system.
- C. Select the recipient of the award.

Section 3. MEMBERSHIP; OFFICERS; TERM:

- A. Within one month of the adoption of this resolution, the City Business and Quality of Life Committee (“CBQL”) shall provide Selection Committee member nominations to the Mayor for appointment, with the approval of the Governing

- B. The Selection Committee shall consist of seven members who are representatives of WESST, locally-owned businesses, women-owned businesses, labor organizations, educators and civic organizations.
- C. The Selection Committee shall select its own Chairperson from the appointed members.
- D. Members shall serve without compensation.

Section 5. VACANCIES: Vacancies shall be filled in the same manner as initial appointments and shall be for the remainder of the unexpired term. Any member of the Selection Committee may be removed by the Mayor with the approval of the City Council, with or without

Section 7. STAFF LIAISON: Economic Development staff shall serve as the liaison to the Workforce.

DAVID COSS, MAYOR

1 ATTEST:

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3 _____
4 YOLANDA Y. VIGIL, CITY CLERK

5 APPROVED AS TO FORM:

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8 GENO ZAMORA, CITY ATTORNEY

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25 *M/Melissa/Resolutions 2013/Woman-Owned Business*

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-__

INTRODUCED BY:

Councilor Patti Bushee

A RESOLUTION

**AMENDING THE *PROCEDURES FOR APPEAL UNDER SANTA FE CITY CODE*
SECTION 14-3.17 TO ALLOW MEMBERS OF LAND USE BOARDS FROM WHICH AN
APPEAL HAS BEEN TAKEN TO TESTIFY IN RESPONSE TO QUESTIONS FROM
MEMBERS OF THE GOVERNING BODY.**

WHEREAS, the New Mexico Supreme Court has determined that municipalities shall ensure that all zoning and other adjudicative proceedings conform to legal standards of fairness, impartiality, and administrative due process; and

WHEREAS, Section 14-3.17(H) SFCC 1987 states "Appeals shall be conducted in accordance with administrative procedures to be adopted by resolution of the *governing body*"; and

WHEREAS, on April 13, 2011, Resolutions No. 2011-24 was adopted and set forth the *Procedures for Appeals Under Santa Fe City Code (SFCC) Section 14-3.17* ("*Procedures for Appeals*"); and

WHEREAS, an amendment to the *Procedures for Appeals* is necessary in order to allow

1 members of land use boards from which an appeal has been taken to testify in response to
2 questions from members of the governing body.

3 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
4 **CITY OF SANTA FE** that Article VIII, Paragraph H of the *Procedures for Appeal* is amended
5 as follows:

6 H. Order of hearing.

7 Subject to the reasonable requirements of the Presiding Officer, the Appeal

8 Hearing shall proceed as follows:

- 9 1. If requested by the Presiding Officer, City staff shall provide a summary
10 of the staff report included in the Record.
- 11 2. The Appellant shall make his or her opening statement, and then
12 introduce his or her evidence through sworn testimony.
- 13 3. The Applicant shall make his or her opening statement, and then
14 introduce his or her evidence through sworn testimony.
- 15 4. The Presiding Officer shall cross examine the Appellant and the
16 Appellant's witnesses on behalf of the parties, or permit direct cross
17 examination.
- 18 5. The Presiding Officer shall cross examine the Applicant and the
19 Applicant's witnesses on behalf of the parties, or permit direct cross
20 examination.
- 21 6. The Appellant shall address questions to staff.
- 22 7. The Applicant shall address questions to staff.
- 23 8. All members of the public wishing to speak shall be sworn and public
24 comment shall be admitted.
- 25 9. The members of the Land Use Board hearing the appeal or the

1 Governing Body, as the case may be, may ask such questions of the
2 Appellant and the Appellant's witnesses, of the Applicant and the
3 Applicant's witnesses, or staff or of members of the public who testified
4 at the public hearing, as they choose.

5 10. On appeal to the Governing Body, members of Land Use Boards from
6 which an appeal has been taken may testify in response to questions from
7 members of the Governing Body and so long as the member does not
8 impeach the record below.

9 11. If requested by the Presiding Officer, City staff shall respond to the
10 Appellant's and Applicant's evidence and testimony.

11 ~~[44]~~12. The Appellant shall make his or her closing argument including any
12 objections to the testimony, witnesses, or procedural matters.

13 ~~[42]~~13. The Applicant shall make his or her closing argument including any
14 objections to the testimony, witnesses, or procedural matters.

15 ~~[43]~~14. The public hearing shall be closed.

16 ~~[44]~~15. The Land Use Board hearing the appeal or the Governing Body, as the
17 case may be, may deliberate upon the matter in executive session in
18 accordance with Section 10-15-1.H(3) NMSA 1978, provided that the
19 decision shall be made in open session immediately following the
20 conclusion of such deliberations.

21 ~~[45]~~16. The Land Use Board hearing the appeal or the Governing Body, as the
22 case may be, shall decide upon the matter by roll-call vote.

23 PASSED, APPROVED, and ADOPTED this ____ day of _____, 2013.
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DAVID COSS, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

GENO ZAMORA, CITY ATTORNEY

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-__

INTRODUCED BY:

Councilor Patti J. Bushee

AN ORDINANCE

**RELATING TO HUMAN RIGHTS; CREATING A NEW ARTICLE 6-18 SFCC 1987 TO
ESTABLISH THE CITY OF SANTA FE HUMAN RIGHTS COMMISSION.**

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

Section 1. A new Article 6-18 SFCC 1987 is ordained to read:

6-18 HUMAN RIGHTS COMMISSION.

6-18.1 Legislative Findings. The governing body of the City of Santa Fe finds that:

- A. New Mexico has more than 6,000 same-sex couples; and
- B. Since the year 2000, the number of same-sex couples living in New Mexico has increased by seventy-three percent; and
- C. Santa Fe has one of the highest national concentrations of same-sex couple households, both with and without children; and
- D. Santa Fe's lesbian, gay, bisexual, and transgender ("LGBT") population is an important part of the fabric of its culture of diversity; and
- E. Santa Fe recognized in its charter that the human and civil rights of its residents are

1 inviolate and shall not be diminished or infringed; and

2 F. Pursuant to the city charter, the governing body desires to create an official city
3 commission to address the human rights of its LGBT citizens.

4 **6-18.2 Creation; Duties and Powers.**

5 A. There is created the "Human Rights Commission." The commission shall be
6 advisory to the governing body and shall investigate human rights issues and evaluate the status of
7 Santa Fe's LGBT population to report specific suggested reforms to the governing body that would
8 improve LGBT quality of life and help to ensure greater inclusivity and equality in Santa Fe.

9 B. The commission shall meet as necessary to accomplish its purpose and shall follow
10 applicable policy and procedures, including the New Mexico Open Meetings Act, NMSA 1978,
11 Section 10-15-1 through -4, and the city's Rules and Procedures for City Committees.

12 C. The commission shall follow Robert's Rules of Order as the procedural rules in
13 carrying out its duties.

14 **6-18.2 Membership, Officers, and Staff Liason.**

15 A. The commission membership shall consist of fifteen representatives residing in the
16 city or annexation areas two or three and representing a variety of ages, economic backgrounds, and
17 life experiences. The members shall be appointed by the mayor with the approval of the governing
18 body. The chairperson shall be appointed by the mayor and the vice-chairperson shall be designated
19 by the commission.

20 B. The members shall serve for a period of two years.

21 C. The city manager shall designate a member of city staff with knowledge of issues
22 facing the LGBT population as staff liaison to the commission.
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1 APPROVED AS TO FORM:

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4 GENO ZAMORA, CITY ATTORNEY

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25 *m/Melissa/Bills 2013/Human Rights Commission*

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2013-____

3 INTRODUCED BY:

4 Councilor Patti J. Bushee

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10 AN ORDINANCE

11 RELATING TO BENEFITS FOR DOMESTIC PARTNERS; CREATING A NEW
12 SECTION 19-3.8 SFCC 1987 TO REQUIRE THAT THE CITY OF SANTA FE PROVIDE
13 DOMESTIC PARTNER BENEFITS FOR ALL FULL-TIME PERMANENT
14 EMPLOYEES OF THE CITY OF SANTA FE.

15
16 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

17 Section 1. A New Section 19-3.8 SFCC 1987 is ordained to read:

18 19-3.8 [NEW MATERIAL] Domestic Partner Benefits.

19 A. The city shall offer employment benefits to the domestic partners of all of its full-
20 time permanent employees in the same manner the benefits are offered to the spouses of all of its
21 full-time permanent employees.

22 B. "Domestic partners" are two individuals who live together in a long-term
23 relationship of indefinite duration, and have shared an exclusive relationship for the twelve month
24 period prior to application for the domestic partner's benefits. There must be an exclusive mutual
25 commitment analogous to that of marriage, in which the partners agree to be financially

1 responsible for one another's welfare and share financial obligations. Proof of a lawful marriage
2 or civil union in another jurisdiction suffices to establish a domestic partnership.

3 C. The Human Resources Department shall adopt policies for implementation of
4 this ordinance as soon as practicable.

5 **Section 2. Effective Date.** This Ordinance shall become effective July 1, 2013.

6 APPROVED AS TO FORM:

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9 GENO ZAMORA, CITY ATTORNEY
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25 *M/Melissa/Bills 2013/Domestic Partner Benefits_Employees*

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-____

INTRODUCED BY:

Councilor Patti J. Bushee

AN ORDINANCE

**RELATING TO REQUIREMENTS FOR CITY CONTRACTORS; AMENDING THE CITY
OF SANTA FE PURCHASING MANUAL TO ESTABLISH A NEW PROVISION TO
PROHIBIT DISCRIMINATION.**

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

**Section 1. A New Section 1.6 of the City of Santa Fe Purchasing Manual is
ordained to read:**

1.6 [NEW MATERIAL] NON-DISCRIMINATION. No contractor, nor any agent of any
contractor, shall engage in any discriminatory employment practice on the basis of race, color,
national origin, religion, ancestry, sex, age, physical or mental handicap, serious medical condition,
spousal affiliation, sexual orientation, or gender identity.

1.6.1 All Contracts Subject to this Section. All contracts awarded by the city shall
contain provisions prohibiting discrimination in the provision of employee benefits, including
provisions containing appropriate remedies for the breach thereof as prescribed by this section.
However, in the instance such terms are inadvertently omitted from any City contract, the contractor

1 nonetheless is subject to the requirements of this section as a condition of doing business with the
2 City.

3 1.6.2 Protection from Retaliation. It shall be unlawful for any contractor or contractor's
4 agent or representative to take any action against any individual in retaliation for the exercise of or
5 communication of information regarding rights under this section. Protection from retaliation is
6 extended to any individual that mistakenly, but in good faith, alleges noncompliance with this section.
7 Taking adverse action against an individual within sixty (60) days of the individual's assertion of or
8 communication of information regarding rights against discrimination shall raise a rebuttable
9 presumption of having done so in retaliation for the assertion of rights.

10 1.6.3 Enforcement. The City Manager or his designee shall have the authority to:

11 1. Adopt rules and regulations in accordance with this ordinance, establishing standards
12 and procedures for effectively carrying out this ordinance;

13 2. Determine and impose appropriate sanctions and/or liquidated damages for violation
14 of this chapter by contractors including, but are not limited to:

15 A. Disqualification of the contractor from bidding on or being awarded a City
16 contract for a period of up to five years; and

17 B. Contractual remedies, including, but not limited to, liquidated damages and
18 termination of the contract.

19 3. Examine contractor's benefit programs covered by this ordinance;

20 4. Allow for remedial action after a finding of non-compliance, as specified by this
21 ordinance; and

22 5. Perform such other duties as may be necessary to implement the purposes of this
23 ordinance.

24 6. This subsection does not limit the City's pursuit of any other remedy it may have at
25 law or in equity for enforcement of its code.

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Section 2. This Ordinance shall become effective July 1, 2013.

APPROVED AS TO FORM:

GENO ZAMORA, CITY ATTORNEY

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2013-____

3 INTRODUCED BY:

4 Councilor Patti J. Bushee

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10 AN ORDINANCE

11 RELATING TO REQUIREMENTS FOR CITY CONTRACTORS; AMENDING THE
12 CITY OF SANTA FE PURCHASING MANUAL TO REQUIRE CERTAIN CITY
13 CONTRACTORS TO PROVIDE EQUAL EMPLOYMENT BENEFITS.

14
15 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

16 Section 1. A New Section 1.7 of the City of Santa Fe Purchasing Manual is
17 ordained to read:

18 1.71 [NEW MATERIAL] EQUAL BENEFITS. Contractors and subcontractors for the
19 city shall offer employment benefits to the domestic partners of all of their full-time workers
20 performing work under the contract to the same extent that such benefits are offered to the
21 spouses of their full-time workers. This section does not apply where the total contract amount,
22 including amendments, is less than fifty thousand dollars (\$50,000).

23 1.72 Condition Precedent. The City shall reject an entity's bid or proposal or terminate the
24 contract if the City determines that the entity will not, or is not, in compliance or is being used for
25 the purpose of evading the intent of this ordinance.

1 1.73 Scope. The requirements of this ordinance shall apply to those portions of a contractor's
2 operations that occur:

- 3 1. Within the City;
- 4 2. On real property outside of the City if the property is owned by the City or if the
5 City has a right to occupy the property, and if the contractor's presence at that location is
6 connected to a contract with the City; and
- 7 3. Anywhere that work related to a City contract is being performed.

8 1.74 Equal Benefits Compliance Declaration. No contract shall be awarded unless
9 such contractor has agreed in writing that the contractor will not discriminate in the provision of
10 employee benefits as provided for in this ordinance. A signed Equal Benefits Compliance
11 Declaration shall be completed by the contractor for all contracts awarded.

12 1.75 Exceptions. The City may waive the requirements of this ordinance where:

- 13 1. Award of a contract or amendment is necessary to respond to an emergency;
- 14 2. No contractors are capable of complying while providing goods or services that
15 respond to the City's requirements;
- 16 3. The contractor is a public entity;
- 17 4. The requirements are inconsistent with a grant or agreement with a public
18 agency; or
- 19 5. The City is purchasing through a cooperative or joint purchasing agreement.

20 1.76 Enforcement. The City Manager or his designee shall have the authority to:

- 21 1. Adopt rules and regulations in accordance with this ordinance, establishing
22 standards and procedures for effectively carrying out this ordinance;
- 23 2. Determine and impose appropriate sanctions and/or liquidated damages for
24 violation of this chapter by contractors including, but are not limited to:
25 A. Disqualification of the contractor from bidding on or being awarded a

1 City contract for a period of up to five years; and

2 B. Contractual remedies, including, but not limited to, liquidated damages
3 and termination of the contract.

4 3. Examine contractor's benefit programs covered by this ordinance;

5 4. Allow for remedial action after a finding of non-compliance, as specified by this
6 ordinance; and

7 5. Perform such other duties as may be necessary to implement the purposes of this
8 ordinance.

9 6. This subsection does not limit the City's pursuit of any other remedy it may have
10 at law or in equity for enforcement of its code.

11 **Section 2.** This Ordinance shall become effective July 1, 2013.

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13 APPROVED AS TO FORM:

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16 GENO ZAMORA, CITY ATTORNEY

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25 *m/Melissa/Bills 2013/Equal Benefits Krs*

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

2 **RESOLUTION NO. 2013-__**

3 **INTRODUCED BY:**

4
5 **Councilor Patti J. Bushee**

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9
10 **A RESOLUTION**

11 **EXPRESSING SUPPORT FOR THE UNITING AMERICAN FAMILIES ACT.**

12
13 **WHEREAS**, a driving goal under U.S. immigration law is family unification and the
14 ability of families and individuals to reside legally in the U.S., engaging fully in our country's
15 rich civil traditions and form of government; and,

16 **WHEREAS**, the City of Santa Fe celebrates and respects all immigrant groups and all
17 families, including those of same-sex gay and lesbian partners; and,

18 **WHEREAS**, current U.S. immigration law discriminates against gay and lesbian U.S.
19 citizens by not allowing them to sponsor their foreign partners for immigration benefits, while
20 heterosexual individuals are allowed to sponsor their foreign partners for immigration benefits;
21 and,

22 **WHEREAS**, this form of discrimination and unfair treatment under the law has
23 devastating and life-altering consequences for same-sex partners; and,

24 **WHEREAS**, the limited legal options for same-sex partners to keep their relationship
25 unified exacts an enormous emotional, financial, and mental toll, disproportionate to opposite-sex

1 couples in bi-national relationships; and,

2 **WHEREAS**, beyond the personal challenges to same-sex couples, the City of Santa Fe
3 and the entire country risk a great loss of talent should the foreign partner and/or the U.S. citizen
4 or lawful permanent resident be forced to depart the U.S. to keep the relationship whole in
5 another country; and,

6 **WHEREAS**, the Uniting American Families Act (H.R. 519/S.296) is currently pending
7 in the U.S. Congress which would amend the Immigration and Nationality Act to permit
8 permanent partners of United States citizens and lawful permanent residents to obtain lawful
9 permanent resident status in the same manner as spouses of citizens and lawful permanent
10 residents and to penalize immigration fraud in connection with permanent partnerships; and,

11 **WHEREAS**, the Uniting American Families Act would allow same-sex relationships to
12 be treated no differently from opposite sex relationships and all legal requirements of qualifying
13 under the statute and proving the good faith nature of their relationship would remain; and,

14 **WHEREAS**, the Uniting American Families Act would bring U.S. immigration law in
15 line with the thirty-one other countries that already recognize same sex partnerships for
16 immigration purposes, including: Australia, Austria, Belgium, Brazil, Canada, Czech Republic,
17 Denmark, Finland, France, Germany, Iceland, Ireland, Israel, the Netherlands, New Zealand,
18 Norway, Portugal, South Africa, Spain, Sweden, Switzerland, and the United Kingdom; and,

19 **WHEREAS**, the City of Santa Fe fully supports the measures of Congress to allow gay
20 and lesbian partners to access immigration benefits in an equal and fair manner, equivalent to
21 opposite sex partners who currently enjoy such legal rights;

22 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
23 **CITY OF SANTA FE** that we, the members of the Santa Fe governing body, do hereby express
24 our strong support for the passage of the Uniting American Families Act, and other laws that will
25 end discrimination for bi-national same-sex partners under the immigration laws and will allow

1 gay and lesbian residents of the City of Santa Fe fair and equal access to immigration benefits
2 through their permanent partnerships.

3 **BE IT FURTHER RESOLVED** that copies of this resolution be prepared and sent to
4 the Santa Fe Congressional Delegation, Honorable Tom Udall, United States Senator; Honorable
5 Martin Heinrich, United States Senator, Honorable Ben Ray Lujan, United States Representative,
6 Honorable Steve Pearce, United States Representative, Honorable Michelle Lujan Grisham,
7 United States Representative; as well as Honorable John Boehner, Speaker of the United States
8 House of Representatives; Honorable Harry Reid, Leader of the Senate, and Honorable Joseph
9 Biden, Vice-President of the United States and President of the United States Senate.

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11 PASSED, APPROVED and ADOPTED this ____ day of _____, 2013.

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13 _____
14 DAVID COSS, MAYOR

15 ATTEST:

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17 _____
18 YOLANDA Y. VIGIL, CITY CLERK

19
20 APPROVED AS TO FORM:

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22 _____
23 GENO ZAMORA, CITY ATTORNEY
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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-___

INTRODUCED BY:

Councilor Ron Trujillo

AN ORDINANCE

RELATING TO THE CITY OF SANTA FE FIRE DEPARTMENT; AMENDING SECTION 2-10.3 SFCC 1987 TO GRANT THE FIRE CHIEF THE FULL AUTHORITY TO SIGN AGREEMENTS WITH LANDOWNERS FOR THE PURPOSE OF IMPLEMENTING FIRE HAZARD MITIGATION ACTIVITIES.

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

Section 1. Section 2-10.3 SFCC 1987 (being Code 1953, §9-2, as amended) is amended to read:

2-10.3 Department Authority and Powers.

A. The fire department shall have full and complete authority in connection with fighting any fire that may arise within the city, with the power to do and perform all necessary or expedient acts for the fighting of fire. When called to a fire, the fire department shall have full and complete authority of the premises to which it has been summoned until the fire has been extinguished and the premises are deemed safe by the fire department.

B. The fire department shall have full and complete authority in connection with the

1 provision of prehospital emergency medical services within the city, with the power to do and
2 perform all necessary or expedient acts for the provision of these services.

3 C. The fire chief shall have full authority to sign agreements, approved by the city
4 attorney's office, with landowners to implement fire hazard mitigation activities.

5 APPROVED AS TO FORM:

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7 _____
8 GENO ZAMORA, CITY ATTORNEY

CITY OF SANTA FE, NEW MEXICO
RESOLUTION NO. 2013-
INTRODUCED BY MAYOR DAVID COSS

A RESOLUTION

RELATING TO THE PRACTICE OF HUMAN TRAFFICKING.

WHEREAS Santa Fe, New Mexico is a free city; and

WHEREAS the New Mexico Attorney General's Office and The Life Link recognize that human trafficking in labor and sexual services is a criminal act; and

WHEREAS the New Mexico Attorney General's Office and The Life Link have joined forces in establishing a 1-505-GET-FREE hotline to facilitate support for victims of human trafficking.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that

- 1. Funds in the amount of \$5,000 shall be devoted to signage informing the public of the 1 505-GET-FREE hotline.**
- 2. That the signage shall follow the best practice signage attached herein.**

PASSED, APPROVED AND ADOPTED this 13th day of March, 2013.

David Coss, Mayor

ATTEST:

Yolanda Y. Vigil, City Clerk

APPROVED AS TO FORM:

Geno Zamora, City Attorney

Exhibit "20"