



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MARCH 27, 2013
CITY COUNCIL CHAMBERS

Amended

Item H-6

CITY CLERK'S OFFICE

DATE 3-26-13 TIME 4:00 pm

SERVED BY

RECEIVED BY

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

AFTERNOON SESSION – 5:00 P.M.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – March 13, 2013
9. PRESENTATIONS
 - a) 2012/2013 St. Michael's High School State Wrestling Team Champions. (5 minutes)
 - 1) Muchas Gracias – 2013 St. Michael's High School Wrestling Individual Placements. (5 minutes)
 - b) "Full Court Press" Commendations. (Chief Rael) (5 minutes)
 - c) Santa Fe Trends 2013. (Reed Liming) (5 minutes)
 - d) Update Housing Needs Assessment (2012). (Alexandra Ladd). (5 minutes)
 - e) 2013 Legislative Update. (Mark Duran) (10 minutes)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MARCH 27, 2013
CITY COUNCIL CHAMBERS

10. CONSENT CALENDAR

- a) Request for Approval of Procurement Under State Price Agreement – Low Voltage Wiring Products and Services for Citywide Use; ATI Security. (Robert Rodarte)
- b) Request for Approval of Grant Award and Agreement – Procurement of CNG Paratransit Vehicle Under State Price Agreement for Santa Fe Ride Program; State of New Mexico Energy, Minerals and Natural Resources Department. (David Chapman)
 - 1) Request for Approval of Budget Increase – Grant Fund.
- c) Request for Approval of Grant Application – FY 2013/14 Law Enforcement Protection Fund; State of New Mexico Department of Finance, Local Government Division. (Police Chief Raymond Rael)
- d) Request for Approval of Grant Award and Agreement – JARC Small Urban Section 5409 for Transit Division; U.S. Department of Transportation, Federal Transit Administration. (David Chapman)
 - 1) Request for Approval of Budget Increase – Grant Fund.
- e) Request for Approval of Professional Services Agreement – Workforce Development Services for Santa Fe Economic Development Division; YouthWorks. (Kate Noble)
- f) Request for Approval of Budget Adjustment Request – Santa Fe Trails Operating Expenses for Remainder of FY 2013. (Jon Bulthuis)
- g) Request for Approval of Amendment No. 2 to Solid Waste Management Agency Joint Powers Agreement – Governing Bodies' Rights to Appoint Alternates to Solid Waste Management Agency Board. (Marcos Martinez and Cindy Padilla)
- h) Request for Approval of Financial Assurance Regulatory Compliance – Secure Funds from Environmental Services Division Cash Balance to Comply with Regulatory Requirements for Paseo de Vista Closed Landfill. (Cindy Padilla and Lawrence Garcia)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MARCH 27, 2013
CITY COUNCIL CHAMBERS

- i) Request for Approval of Amendment No. 2 to Professional Services Agreement – McClure Reservoir Stream Gage Project; Amy C. Lewis. (Dale Lyons)
- j) CONSIDERATION OF RESOLUTION NO. 2013-___. (Councilor Bushee)
A Resolution Authorizing the City of Santa Fe to Enter Into an Annual Agreement With the Rodeo de Santa Fe and the New Mexico Gay Rodeo Association ("NMGRA") Zia Regional Rodeo; Subject to Available Appropriations Made by the Governing Body. (Sevastian Gurule)
- k) CONSIDERATION OF RESOLUTION NO. 2013-___. (Mayor Coss, Councilor Bushee and Councilor Wurzbarger)
A Resolution Relating to the 2013/2014 Budget and Subsequent Fiscal Year Budgets, Subject to Available Appropriations Made by the Governing Body; Authorizing the Designation of Convention and Visitor Bureau (CVB) Funds for Agreements that Will Promote Tourist Related Attractions, Facilities and Events with the Santa Fe Fiesta Council, The Lensic and the Santa Fe Bandstand Using Lodgers' Tax Proceeds. (Jim Luttjohann)
- l) CONSIDERATION OF RESOLUTION NO. 2013-___. (Councilor Bushee, Councilor Ives and Councilor Dominguez)
A Resolution Directing Staff to Explore the Legal Options for Providing Relief from Water Utility Billing for 501(C)(3) Local Non-Profit Organizations that Use Water to Provide Services to the Homeless Population in the City of Santa Fe. (Brian Snyder)
- m) CONSIDERATION OF RESOLUTION NO. 2013-___. (Councilor Calvert, Mayor Coss, Councilor Ives, Councilor Bushee, Councilor Dimas and Councilor Rivera)
A Resolution Adopting "Climate Change and the Santa Fe Basin: a Preliminary Assessment of Vulnerabilities and Adaptation Alternatives" and Directing Staff to Include Projected Climate Change Impacts in Subsequent Water Supply and Demand Planning, Policies, and Practices. (Claudia Borchert)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MARCH 27, 2013
CITY COUNCIL CHAMBERS

- n) **CONSIDERATION OF RESOLUTION NO. 2013-__.** (Councilor Calvert and Councilor Bushee)
A Resolution Authorizing and Approving Submission of an Executed Agreement to Authorize Receipt of a Grant from the New Mexico Environment Department, Air Quality Bureau in the Amount of \$114,670 for the Purchase of a Compressed Natural Gas Recycling Collection Unit Through Funding Received Pursuant to the Federal Diesel Emissions Reduction Act (DERA). (Cindy Padilla)
 - 1) Request for Approval of Grant Agreement – Procurement of CNG Recycling Collection Vehicle for the City of Santa Fe Clean Diesel Project; New Mexico Environment Department Air Quality Bureau. (Cindy Padilla and Nick Schiavo)
- o) Request for Approval of Amendment No. 2 to Amended and Restated Lease and Management Agreement – Annual Increase in Deferrals and Revisions to Maintenance Maps for Railyard Development; Santa Fe Railyard Community Corporation. (Bob Siqueiros)
- p) Santa Fe Railyard Community Corporation; Approval of Amendment No. 5 to Professional Services for the Following: (Bob Siqueiros)
 - 1) Funding for Demolition of the Mexico Lindo Building, Baca Railyard Development (CIP Fund).
 - 2) Funding for Stage, Sound & Digital Outdoor Movie Projection Package Rental for Fiscal Year 2013/2014.
 - a) Request for Approval of Budget Adjustment Request – Santa Fe Railyard Project Fund.
- q) **CONSIDERATION OF RESOLUTION NO. 2013-__.** Mayor Coss, Councilor Trujillo and Councilor Wurzbarger)
A Resolution Authorizing a Reallocation of \$2,000,000 Designated for Bus Replacement in the 2012 Gross Receipts Tax Revenue Bond Issue Which Shall be Reallocated for Capital Projects that Include Municipal Facility Repairs, Parks and Median Maintenance, Trail Maintenance, Traffic Calming and Streets Maintenance. (Isaac Pino)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MARCH 27, 2013
CITY COUNCIL CHAMBERS

- r) Request for Approval of Findings of Fact and Conclusions of Law for Case #2012-104, Aguafina Rezoning to R-3. (Kelley Brennan)
- s) Request for Approval of Lease Agreement – Construction of Aircraft Hangar, Fuel Storage Tanks and Related Office Space at Santa Fe Municipal Airport; Tristate CareFlight, LLC. (Jim Montman)
- 11. CONSIDERATION OF RESOLUTION NO. 2013-___. (Councilor Bushee)
A Resolution Directing the City Manager to Establish a Position for the Purpose of Managing and Maintaining the City's Bike-Pedestrian Trail Network, Including Coordinating Volunteer Resources, Monitoring Inter-Agency Efficiency, and Planning Continued Connectivity in Order to Maximize and Protect the Value of Such Community Asset. (Bob Siqueiros) **Note: This Title May be Amended in Accordance With the Amendments Provided in the Packet.**
- 12. CONSIDERATION OF RESOLUTION NO. 2013-___. (Councilor Calvert, Councilor Ives, Mayor Coss, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Rivera, Councilor Trujillo and Councilor Wurzurger)
A Resolution Supporting Continued Enforcement and Funding of the Federal Endangered Species Act. (Melissa Byers)
- 13. CONSIDERATION OF RESOLUTION NO. 2013-___. (Councilor Bushee)
A Resolution Expressing Support for the Uniting American Families Act. (Jamison Barkley)
- 14. MATTERS FROM THE CITY MANAGER
- 15. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

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

- 16. MATTERS FROM THE CITY CLERK
- 17. COMMUNICATIONS FROM THE GOVERNING BODY



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MARCH 27, 2013
CITY COUNCIL CHAMBERS

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
 - Santa Fe Regional Juvenile Justice Board
- H. PUBLIC HEARINGS:
 - 1) CONSIDERATION OF BILL NO. 2013-13: ADOPTION OF ORDINANCE NO. 2013-____: (Councilor Calvert)
An Ordinance Authorizing the Execution and Delivery of a Taxable Drinking Water State Revolving Loan Fund Loan Agreement By and Between the City of Santa Fe, New Mexico (the "Governmental Unit") and the New Mexico Finance Authority, Evidencing a Special Limited Obligation of the Governmental Unit to Pay a Principal Amount of No More Than \$5,050,000, which Includes an Expense Fund Component, Together with Interest and Administrative Fees Thereon, for the Purpose of Financing the Costs of a Necessary Drinking Water Project, Being the Design, Acquisition, Construction, Permitting and Installation of a Solar Photovoltaic System to Serve the Buckman Direct Surface Diversion Project (the "Project"); Providing for the Payment of the Principal of, Costs of Issuance, Administrative Fees and Interest Due Under the Loan Agreement Solely from the Net Revenues of the Governmental Unit's Water Utility System and from Revenues Generated by the Municipal Capital Outlay Gross Receipts Tax; Approving the Form Of and Other Details Concerning the Loan Agreement; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent with this Ordinance; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan Agreement. (Dale Lyons)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MARCH 27, 2013
CITY COUNCIL CHAMBERS

- a) Approval of the Form of a Taxable Drinking Water State Revolving Loan Fund Loan Agreement By and Between the City of Santa Fe, New Mexico (the "Governmental Unit") and the New Mexico Finance Authority, Evidencing a Special Limited Obligation of the Governmental Unit to Pay a Principal Amount of No More Than \$5,050,000 for the Purpose of Financing the Costs of a Necessary Drinking Water Project, Being the Design, Acquisition, Construction, Permitting and Installation of a Solar Photovoltaic System to Serve the Buckman Direct Surface Diversion Project.
- 2) CONSIDERATION OF RESOLUTION NO. 2013-____.
Case #2012-146 - 2823 Industrial Road General Plan Amendment. Jim W. Siebert and Associates, Inc., Agent for Donna and Robert Italiano, Request Approval of a General Plan Future Land Use Map Amendment to Change the Designation of 0.38± Acre of Land from Residential Low Density (3-7 Dwelling Units per Acre) to Business Park. The Property is Located at 2823 Industrial Road. (Heather Lamboy)
- 3) CONSIDERATION OF BILL NO. 2013-14: ADOPTION OF ORDINANCE NO. 2013-____.
Case #2012-147 - 2823 Industrial Road Rezoning. Jim W. Siebert and Associates, Inc. Agent for Donna and Robert Italiano, Request Rezoning of 0.38± Acre of Land from R-2 (Residential, 2 Dwelling Units Per Acre) to I-1 (Light Industrial). The Property is Located at 2823 Industrial Road. (Heather Lamboy)
- 4) CONSIDERATION OF BILL NO. 2013-15: ADOPTION OF ORDINANCE NO. 2013-____.
Case #2012-150 - Santana Rezoning to R-4. Josie Santana Requests Rezoning of 3.188± Acres from R-1 (Residential, 1 Dwelling Unit Per Acre) to R-4 (Residential, 4 Dwelling Units Per Acre). The Property is Located West of St. Francis Drive and South of Siringo Road, in the Vicinity of 1786 Siringo Road. (Heather Lamboy)
- 5) **Case #2013-08 – Appeal.** JenkinsGavin Design & Development, Inc., Agent for Presbyterian Church (USA), a Corporation, Appeals the January 8, 2013 Decision of the Historic Districts Review Board in Case #H-12-101 Designating the Building at 401 Old Taos Highway in the Downtown and Eastside Historic District as Contributing and the West Elevation and the Western Portion of the South Elevation as Primary Facades. (Kelley Brennan)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MARCH 27, 2013
CITY COUNCIL CHAMBERS

6) CONSIDERATION OF BILL NO. 2013-2: ADOPTION OF ORDINANCE NO. 2013-____. (Mayor Coss)

An Ordinance Relating to the Land Development Code, Chapter 14 SFCC 1987 Regarding Technical Corrections and Minor Clarifications Amending Subsections 14-2.3(C)(5)(a) Correct Reference; 14-2.4(C) Correct Reference; 14-2.8(K) Reference Statutes; 14-3.1(F)(2) Applicability of ENN; 14-3.1(H) Public Notice; 14-3.3(A)(1)(a) Text Amendment; 14-3.6(C)(3) Amended Special Use Permits; 14-3.6(E) Special Use Permits and Cross References; 14-3.7(A)(6) Clarify Court-Ordered Land Divisions; 14-3.7(F)(5)(b) Family Transfers; 14-3.8(B) Three-Unit Development Plan; 14-3.8(C)(1)(g) Correct Error; 14-3.8(C)(5) Notice for Development Plans; 14-3.8(C)(6) Correct Reference to County Clerk; 14-3.12(B)(3) Temporary Certificates of Occupancy; 14-3.13(D)(3)(C) Reference to State Medical Investigator; 14-3.16(D) Correct Reference; Repeal 14-3.17(E)(3); 14-3.19(B)(6) Continuing Activity for Master and Development Plans; 14-3.19(C)(2) Time Extensions; 14-4.3(G) Correct Obsolete Text; 14-6.1(C) Table 14-6.1-1 Various Minor Amendments and Corrections to Table of Permitted Uses; 14-6.2(C)(1)(b) Clarify Adoption Date; 14-6.3(B)(2)(a) Correct Reference; **14-6.3(B)(2)(b) Rear Setback for Accessory Structures**; 14-6.3(B)(2)(c) Clarify Commercial Parking; 14-6.3(D)(2)(c) Clarify Home Occupation Residency; 14-6.4(A) Temporary Structures; 14-6.4(C) Temporary Structures; 14-7.1(B) Clarify Lot Coverage; 14-7.2(A) Table 14-7.2-1 Various Minor Amendments and Corrections to Residential Dimensional Standards; 14-7.2(F) Clarify Special Use Permit in R-12 – R-29; 14-7.3(A) Table 14-7.3-1 Maximum Density C-1 and C-4 Districts; 14-7.4(B)(2) Clarify Redevelopment Subdistrict; 14-8.2(C)(2) Terrain Management Submittals; 14-8.2(D)(1)(a) Clarify Cut Slopes; 14-8.3(A)(1) Date of Flood Maps; 14-8.4(B)(1) Landscape Standards; 14-8.4(G)(3) Street Trees in Parkway; 14-8.5(B)(2)(a) Clarify Fence Heights; 14-8.6(B)(4)(c) Joint Parking in BIP District; 14-8.10(D)(5) Correct Reference; 14-8.10(G)(8)(d) Correct Reference; 14-8.14(E)(3) Correct Errors; 14-8.14(E)(5) Clarify Impact Fees; 14-9.2(C)(8) Subcollector Private Streets; 14-9.2(E) Sidewalk Replacement Standards; 14-9.2(K) Street Improvement Standards; 14-9.5(A) Dedications to Homeowner's Associations; 14-9.5(D) Extension of Infrastructure Warranty; 14-10.1(C) Nonconforming Telecommunication Facilities; 14-10.4(A) Clarify Nonconforming Lot Uses; 14-11.5 Correct Reference; Article 14-12 Various Definitions Amended and Inserted; Appendix Exhibit B Parking Space Standards Restored; and Making Such Other Stylistic or Grammatical Changes that are Necessary. (Greg Smith)
(Postponed at February 27, 2013 City Council Meeting)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MARCH 27, 2013
CITY COUNCIL CHAMBERS

I) ADJOURN

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

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

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



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MARCH 27, 2013
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 3-22-13 TIME 4:20 pm

SERVED BY

RECEIVED BY

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

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – March 13, 2013
9. PRESENTATIONS
 - a) 2012/2013 St. Michael's High School State Wrestling Team Champions. (5 minutes)
 - 1) Muchas Gracias – 2013 St. Michael's High School Wrestling Individual Placements. (5 minutes)
 - b) "Full Court Press" Commendations. (Chief Rael) (5 minutes)
 - c) Santa Fe Trends 2013. (Reed Liming) (5 minutes)
 - d) Update Housing Needs Assessment (2012). (Alexandra Ladd). (5 minutes)
 - e) 2013 Legislative Update. (Mark Duran) (10 minutes)
10. CONSENT CALENDAR
 - a) Request for Approval of Procurement Under State Price Agreement – Low Voltage Wiring Products and Services for Citywide Use; ATI Security. (Robert Rodarte)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MARCH 27, 2013
CITY COUNCIL CHAMBERS

- b) Request for Approval of Grant Award and Agreement – Procurement of CNG Paratransit Vehicle Under State Price Agreement for Santa Fe Ride Program; State of New Mexico Energy, Minerals and Natural Resources Department. (David Chapman)
 - 1) Request for Approval of Budget Increase – Grant Fund.
- c) Request for Approval of Grant Application – FY 2013/14 Law Enforcement Protection Fund; State of New Mexico Department of Finance, Local Government Division. (Police Chief Raymond Rael)
- d) Request for Approval of Grant Award and Agreement – JARC Small Urban Section 5409 for Transit Division; U.S. Department of Transportation, Federal Transit Administration. (David Chapman)
 - 1) Request for Approval of Budget Increase – Grant Fund.
- e) Request for Approval of Professional Services Agreement – Workforce Development Services for Santa Fe Economic Development Division; YouthWorks. (Kate Noble)
- f) Request for Approval of Budget Adjustment Request – Santa Fe Trails Operating Expenses for Remainder of FY 2013. (Jon Bulthuis)
- g) Request for Approval of Amendment No. 2 to Solid Waste Management Agency Joint Powers Agreement – Governing Bodies' Rights to Appoint Alternates to Solid Waste Management Agency Board. (Marcos Martinez and Cindy Padilla)
- h) Request for Approval of Financial Assurance Regulatory Compliance – Secure Funds from Environmental Services Division Cash Balance to Comply with Regulatory Requirements for Paseo de Vista Closed Landfill. (Cindy Padilla and Lawrence Garcia)
- i) Request for Approval of Amendment No. 2 to Professional Services Agreement – McClure Reservoir Stream Gage Project; Amy C. Lewis. (Dale Lyons)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MARCH 27, 2013
CITY COUNCIL CHAMBERS

- j) **CONSIDERATION OF RESOLUTION NO. 2013-__.** (Councilor Bushee)
A Resolution Authorizing the City of Santa Fe to Enter Into an Annual Agreement With the Rodeo de Santa Fe and the New Mexico Gay Rodeo Association ("NMGRA") Zia Regional Rodeo; Subject to Available Appropriations Made by the Governing Body. (Sevastian Gurule)
- k) **CONSIDERATION OF RESOLUTION NO. 2013-__.** (Mayor Coss, Councilor Bushee and Councilor Wurzburger)
A Resolution Relating to the 2013/2014 Budget and Subsequent Fiscal Year Budgets, Subject to Available Appropriations Made by the Governing Body; Authorizing the Designation of Convention and Visitor Bureau (CVB) Funds for Agreements that Will Promote Tourist Related Attractions, Facilities and Events with the Santa Fe Fiesta Council, The Lensic and the Santa Fe Bandstand Using Lodgers' Tax Proceeds. (Jim Luttjohann)
- l) **CONSIDERATION OF RESOLUTION NO. 2013-__.** (Councilor Bushee, Councilor Ives and Councilor Dominguez)
A Resolution Directing Staff to Explore the Legal Options for Providing Relief from Water Utility Billing for 501(C)(3) Local Non-Profit Organizations that Use Water to Provide Services to the Homeless Population in the City of Santa Fe. (Brian Snyder)
- m) **CONSIDERATION OF RESOLUTION NO. 2013-__.** (Councilor Calvert, Mayor Coss, Councilor Ives, Councilor Bushee, Councilor Dimas and Councilor Rivera)
A Resolution Adopting "Climate Change and the Santa Fe Basin: a Preliminary Assessment of Vulnerabilities and Adaptation Alternatives" and Directing Staff to Include Projected Climate Change Impacts in Subsequent Water Supply and Demand Planning, Policies, and Practices. (Claudia Borchert)
- n) **CONSIDERATION OF RESOLUTION NO. 2013-__.** (Councilor Calvert and Councilor Bushee)
A Resolution Authorizing and Approving Submission of an Executed Agreement to Authorize Receipt of a Grant from the New Mexico Environment Department, Air Quality Bureau in the Amount of \$114,670 for the Purchase of a Compressed Natural Gas Recycling Collection Unit Through Funding Received Pursuant to the Federal Diesel Emissions Reduction Act (DERA). (Cindy Padilla)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MARCH 27, 2013
CITY COUNCIL CHAMBERS

- 1) Request for Approval of Grant Agreement – Procurement of CNG Recycling Collection Vehicle for the City of Santa Fe Clean Diesel Project; New Mexico Environment Department Air Quality Bureau. (Cindy Padilla and Nick Schiavo)
- o) Request for Approval of Amendment No. 2 to Amended and Restated Lease and Management Agreement – Annual Increase in Deferrals and Revisions to Maintenance Maps for Railyard Development; Santa Fe Railyard Community Corporation. (Bob Siqueiros)
- p) Santa Fe Railyard Community Corporation; Approval of Amendment No. 5 to Professional Services for the Following: (Bob Siqueiros)
 - 1) Funding for Demolition of the Mexico Lindo Building, Baca Railyard Development (CIP Fund).
 - 2) Funding for Stage, Sound & Digital Outdoor Movie Projection Package Rental for Fiscal Year 2013/2014.
 - a) Request for Approval of Budget Adjustment Request – Santa Fe Railyard Project Fund.
- q) CONSIDERATION OF RESOLUTION NO. 2013-___. Mayor Coss, Councilor Trujillo and Councilor Wurzburger)
A Resolution Authorizing a Reallocation of \$2,000,000 Designated for Bus Replacement in the 2012 Gross Receipts Tax Revenue Bond Issue Which Shall be Reallocated for Capital Projects that Include Municipal Facility Repairs, Parks and Median Maintenance, Trail Maintenance, Traffic Calming and Streets Maintenance. (Isaac Pino)
- r) Request for Approval of Findings of Fact and Conclusions of Law for Case #2012-104, Aguafina Rezoning to R-3. (Kelley Brennan)
- s) Request for Approval of Lease Agreement – Construction of Aircraft Hangar, Fuel Storage Tanks and Related Office Space at Santa Fe Municipal Airport; Tristate CareFlight, LLC. (Jim Montman)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MARCH 27, 2013
CITY COUNCIL CHAMBERS

11. CONSIDERATION OF RESOLUTION NO. 2013-___. (Councilor Bushee)
A Resolution Directing the City Manager to Establish a Position for the Purpose of Managing and Maintaining the City's Bike-Pedestrian Trail Network, Including Coordinating Volunteer Resources, Monitoring Inter-Agency Efficiency, and Planning Continued Connectivity in Order to Maximize and Protect the Value of Such Community Asset. (Bob Siqueiros) **Note: This Title May be Amended in Accordance With the Amendments Provided in the Packet.**
12. CONSIDERATION OF RESOLUTION NO. 2013-___. (Councilor Calvert, Councilor Ives, Mayor Coss, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Rivera, Councilor Trujillo and Councilor Wurzurger)
A Resolution Supporting Continued Enforcement and Funding of the Federal Endangered Species Act. (Melissa Byers)
13. CONSIDERATION OF RESOLUTION NO. 2013-___. (Councilor Bushee)
A Resolution Expressing Support for the Uniting American Families Act. (Jamison Barkley)
14. MATTERS FROM THE CITY MANAGER
15. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

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

16. MATTERS FROM THE CITY CLERK
17. 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



Agenda REGULAR MEETING OF
THE GOVERNING BODY
MARCH 27, 2013
CITY COUNCIL CHAMBERS

E. ROLL CALL

F. PETITIONS FROM THE FLOOR

G. APPOINTMENTS

- Santa Fe Regional Juvenile Justice Board

H. PUBLIC HEARINGS:

- 1) CONSIDERATION OF BILL NO. 2013-13: ADOPTION OF ORDINANCE NO. 2013-____: (Councilor Calvert)

An Ordinance Authorizing the Execution and Delivery of a Taxable Drinking Water State Revolving Loan Fund Loan Agreement By and Between the City of Santa Fe, New Mexico (the "Governmental Unit") and the New Mexico Finance Authority, Evidencing a Special Limited Obligation of the Governmental Unit to Pay a Principal Amount of No More Than \$5,050,000, which Includes an Expense Fund Component, Together with Interest and Administrative Fees Thereon, for the Purpose of Financing the Costs of a Necessary Drinking Water Project, Being the Design, Acquisition, Construction, Permitting and Installation of a Solar Photovoltaic System to Serve the Buckman Direct Surface Diversion Project (the "Project"); Providing for the Payment of the Principal of, Costs of Issuance, Administrative Fees and Interest Due Under the Loan Agreement Solely from the Net Revenues of the Governmental Unit's Water Utility System and from Revenues Generated by the Municipal Capital Outlay Gross Receipts Tax; Approving the Form Of and Other Details Concerning the Loan Agreement; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent with this Ordinance; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan Agreement. (Dale Lyons)

- a) Approval of the Form of a Taxable Drinking Water State Revolving Loan Fund Loan Agreement By and Between the City of Santa Fe, New Mexico (the "Governmental Unit") and the New Mexico Finance Authority, Evidencing a Special Limited Obligation of the Governmental Unit to Pay a Principal Amount of No More Than \$5,050,000 for the Purpose of Financing the Costs of a Necessary Drinking Water Project, Being the Design, Acquisition, Construction, Permitting and Installation of a Solar Photovoltaic System to Serve the Buckman Direct Surface Diversion Project.



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MARCH 27, 2013
CITY COUNCIL CHAMBERS

- 2) CONSIDERATION OF RESOLUTION NO. 2013-____.
Case #2012-146 - 2823 Industrial Road General Plan Amendment. Jim W. Siebert and Associates, Inc., Agent for Donna and Robert Italiano, Request Approval of a General Plan Future Land Use Map Amendment to Change the Designation of 0.38± Acre of Land from Residential Low Density (3-7 Dwelling Units per Acre) to Business Park. The Property is Located at 2823 Industrial Road. (Heather Lamboy)
- 3) CONSIDERATION OF BILL NO. 2013-14: ADOPTION OF ORDINANCE NO. 2013-____.
Case #2012-147 - 2823 Industrial Road Rezoning. Jim W. Siebert and Associates, Inc. Agent for Donna and Robert Italiano, Request Rezoning of 0.38± Acre of Land from R-2 (Residential, 2 Dwelling Units Per Acre) to I-1 (Light Industrial). The Property is Located at 2823 Industrial Road. (Heather Lamboy)
- 4) CONSIDERATION OF BILL NO. 2013-15: ADOPTION OF ORDINANCE NO. 2013-____.
Case #2012-150 - Santana Rezoning to R-4. Josie Santana Requests Rezoning of 3.188± Acres from R-1 (Residential, 1 Dwelling Unit Per Acre) to R-4 (Residential, 4 Dwelling Units Per Acre). The Property is Located West of St. Francis Drive and South of Siringo Road, in the Vicinity of 1786 Siringo Road. (Heather Lamboy)
- 5) **Case #2013-08 - Appeal.** JenkinsGavin Design & Development, Inc., Agent for Presbyterian Church (USA), a Corporation, Appeals the January 8, 2013 Decision of the Historic Districts Review Board in Case #H-12-101 Designating the Building at 401 Old Taos Highway in the Downtown and Eastside Historic District as Contributing and the West Elevation and the Western Portion of the South Elevation as Primary Facades. (Kelley Brennan)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MARCH 27, 2013
CITY COUNCIL CHAMBERS

- 6) CONSIDERATION OF BILL NO. 2013-2: ADOPTION OF ORDINANCE NO. 2013-____. (Mayor Coss)
- An Ordinance Relating to the Land Development Code, Chapter 14 SFCC 1987 Regarding Technical Corrections and Minor Clarifications Amending Subsections 14-2.3(C)(5)(a) Correct Reference; 14-2.4(C) Correct Reference; 14-2.8(K) Reference Statutes; 14-3.1(F)(2) Applicability of ENN; 14-3.1(H) Public Notice; 14-3.3(A)(1)(a) Text Amendment; 14-3.6(C)(3) Amended Special Use Permits; 14-3.6(E) Special Use Permits and Cross References; 14-3.7(A)(6) Clarify Court-Ordered Land Divisions; 14-3.7(F)(5)(b) Family Transfers; 14-3.8(B) Three-Unit Development Plan; 14-3.8(C)(1)(g) Correct Error; 14-3.8(C)(5) Notice for Development Plans; 14-3.8(C)(6) Correct Reference to County Clerk; 14-3.12(B)(3) Temporary Certificates of Occupancy; 14-3.13(D)(3)(C) Reference to State Medical Investigator; 14-3.16(D) Correct Reference; Repeal 14-3.17(E)(3); 14-3.19(B)(6) Continuing Activity for Master and Development Plans; 14-3.19(C)(2) Time Extensions; 14-4.3(G) Correct Obsolete Text; 14-6.1(C) Table 14-6.1-1 Various Minor Amendments and Corrections to Table of Permitted Uses; 14-6.2(C)(1)(b) Clarify Adoption Date; 14-6.3(B)(2)(a) Correct Reference; 14-6.3(B)(2)(c) Clarify Commercial Parking; 14-6.3(D)(2)(c) Clarify Home Occupation Residency; 14-6.4(A) Temporary Structures; 14-6.4(C) Temporary Structures; 14-7.1(B) Clarify Lot Coverage; 14-7.2(A) Table 14-7.2-1 Various Minor Amendments and Corrections to Residential Dimensional Standards; 14-7.2(F) Clarify Special Use Permit in R-12 – R-29; 14-7.3(A) Table 14-7.3-1 Maximum Density C-1 and C-4 Districts; 14-7.4(B)(2) Clarify Redevelopment Subdistrict; 14-8.2(C)(2) Terrain Management Submittals; 14-8.2(D)(1)(a) Clarify Cut Slopes; 14-8.3(A)(1) Date of Flood Maps; 14-8.4(B)(1) Landscape Standards; 14-8.4(G)(3) Street Trees in Parkway; 14-8.5(B)(2)(a) Clarify Fence Heights; 14-8.6(B)(4)(c) Joint Parking in BIP District; 14-8.10(D)(5) Correct Reference; 14-8.10(G)(8)(d) Correct Reference; 14-8.14(E)(3) Correct Errors; 14-8.14(E)(5) Clarify Impact Fees; 14-9.2(C)(8) Subcollector Private Streets; 14-9.2(E) Sidewalk Replacement Standards; 14-9.2(K) Street Improvement Standards; 14-9.5(A) Dedications to Homeowner's Associations; 14-9.5(D) Extension of Infrastructure Warranty; 14-10.1(C) Nonconforming Telecommunication Facilities; 14-10.4(A) Clarify Nonconforming Lot Uses; 14-11.5 Correct Reference; Article 14-12 Various Definitions Amended and Inserted; Appendix Exhibit B Parking Space Standards Restored; and Making Such Other Stylistic or Grammatical Changes that are Necessary. (Greg Smith)
- (Postponed at February 27, 2013 City Council Meeting)**



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MARCH 27, 2013
CITY COUNCIL CHAMBERS

I) ADJOURN

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

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

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

**SUMMARY INDEX
SANTA FE CITY COUNCIL MEETING
March 27, 2013**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>AFTERNOON SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AMENDED AGENDA	Approved	1-2
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-4
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – MARCH 13, 2013	Approved	4
<u>PRESENTATIONS</u>		
2012/2013 ST. MICHAEL'S HIGH SCHOOL WRESTLING TEAM CHAMPIONS. MUCHAS GRACIAS – 2013 ST. MICHAEL'S HIGH SCHOOL WRESTLING INDIVIDUAL PLACEMENTS		5
"FULL COURT PRESS" COMMENDATIONS		5
SANTA FE TRENDS 2013		5-6
UPDATE HOUSING NEEDS ASSESSMENT 2012		6-7
2013 LEGISLATIVE UPDATE		8
<u>CONSENT CALENDAR DISCUSSION</u>		
CONSIDERATION OF RESOLUTION NO. 2013-33. A RESOLUTION DIRECTING STAFF TO EXPLORE THE LEGAL OPTIONS FOR PROVIDING RELIEF FROM WATER UTILITY BILLING FOR 501(C)(3) LOCAL NON-PROFIT ORGANIZATIONS THAT USE WATER TO PROVIDE SERVICES TO THE HOMELESS POPULATION IN THE CITY OF SANTA FE	Approved	9

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO AMENDED AND RESTATED LEASE AND MANAGEMENT AGREEMENT – ANNUAL INCREASE IN DEFERRALS AND REVISIONS TO MAINTENANCE MAPS FOR RAILYARD DEVELOPMENT; SANTA FE RAILYARD COMMUNITY CORPORATION	Approved	9-10
SANTA FE RAILYARD COMMUNITY CORPORATION; APPROVAL OF AMENDMENT NO. 5 TO PROFESSIONAL SERVICES FOR THE FOLLOWING: FUNDING FOR DEMOLITION OF THE NEW MEXICO LINDO BUILDING, BACA RAILYARD DEVELOPMENT (CIP FUND)	Approved	10-12
FUNDING FOR STAGE, SOUND & DIGITAL OUTDOOR MOVIE PROJECTION PACKAGE RENTAL FOR FISCAL YEAR 2013/2014	Approved	10-12
REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT REQUEST – SANTA FE RAILYARD PROJECT FUND	Approved	10-12
***** END OF CONSENT CALENDAR DISCUSSION *****		
CONSIDERATION OF RESOLUTION NO. 2013-34. A RESOLUTION DIRECTING THE CITY MANAGER TO ESTABLISH A POSITION FOR THE PURPOSE OF MANAGING AND MAINTAINING THE CITY'S BIKE-PEDESTRIAN TRAIL NETWORK, INCLUDING COORDINATING VOLUNTEER RESOURCES, MONITORING INTER-AGENCY EFFICIENCY, AND PLANNING CONTINUED CONNECTIVITY IN ORDER TO MAXIMIZE AND PROTECT THE VALUE OF SUCH COMMUNITY ASSET	Approved w/amendments	12
CONSIDERATION OF RESOLUTION NO. 2013-35. A RESOLUTION SUPPORTING CONTINUED ENFORCEMENT AND FUNDING OF THE FEDERAL ENDANGERED SPECIES ACT	Approved	12-13

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF RESOLUTION NO. 2013-36. A RESOLUTION EXPRESSING SUPPORT FOR THE UNITING AMERICAN FAMILIES ACT	Approved	13
MATTERS FROM THE CITY MANAGER	None	13
MATTERS FROM THE CITY ATTORNEY EXECUTIVE SESSION	Presentation in open session	14-17
MATTERS FROM THE CITY CLERK	None	17
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	17-20
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	21
PETITIONS FROM THE FLOOR		21-31
<u>APPOINTMENTS</u>		
Santa Fe Regional Juvenile Justice Board	Approved	31
<u>PUBLIC HEARINGS</u>		
CONSIDERATION OF BILL NO. 2013-13: ADOPTION OF ORDINANCE NO. 2013-13 AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A TAXABLE DRINKING WATER STATE REVOLVING LOAN FUND LOAN AGREEMENT BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF NO MORE THAN \$5,050,000, ETC.	Approved	32-33
APPROVAL OF THE FORM OF A TAXABLE DRINKING WATER STATE REVOLVING LOAN FUND LOAN AGREEMENT BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY, ETC.	Approved	32-33

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<p>CONSIDERATION OF RESOLUTION NO. 2013-37. <u>CASE #2012-146</u>. 2823 INDUSTRIAL ROAD GENERAL PLAN AMENDMENT. JIM W. SIEBERT AND ASSOCIATES, INC., AGENT FOR DONNA AND ROBERT ITALIANO, REQUEST APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 0.38± ACRE OF LAND FROM RESIDENTIAL LOW DENSITY (3-7 DWELLING UNITS PER ACRE) TO BUSINESS PARK. THE PROPERTY IS LOCATED AT 2823 INDUSTRIAL ROAD</p>	Approved	34-36
<p>CONSIDERATION OF BILL NO. 2013-14: ADOPTION OF ORDINANCE NO. 2013-14. <u>CASE #2012-147</u>. 2823 INDUSTRIAL ROAD REZONING. JIM W. SIEBERT AND ASSOCIATES, INC., AGENT FOR DONNA AND ROBERT ITALIANO, REQUEST REZONING OF 0.38± ACRE OF LAND FROM R-2 (RESIDENTIAL, 2 DWELLING UNITS PER ACRE) TO I-1 (LIGHT INDUSTRIAL). THE PROPERTY IS LOCATED AT 2823 INDUSTRIAL ROAD</p>	Approved	34-36
<p>CONSIDERATION OF BILL NO. 2013-15: ADOPTION OF ORDINANCE NO. 2013-15. <u>CASE #2012-150</u>. SANTANA REZONING TO R-4. JOSIE SANTANA REQUESTS REZONING OF 3.188± ACRES FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO R-4 (RESIDENTIAL, 4 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED WEST OF ST. FRANCIS DRIVE AND SOUTH OF SIRINGO ROAD, IN THE VICINITY OF 1786 SIRINGO ROAD</p>	Approved	36-38
<p><u>CASE #2013-08</u>. APPEAL. JENKINS GAVIN DESIGN & DEVELOPMENT, INC., AGENT FOR PRESBYTERIAN CHURCH (USA), A CORPORATION, APPEALS THE JANUARY 8, 2013 DECISION OF THE HISTORIC DISTRICTS REVIEW BOARD IN CASE #H-12-101, DESIGNATING THE BUILDING AT 401 OLD TAOS HIGHWAY IN THE DOWNTOWN AND EASTSIDE HISTORIC DISTRICT AS CONTRIBUTING AND THE WEST ELEVATION AND THE WESTERN PORTION OF THE SOUTH ELEVATION AS PRIMARY FAÇADES</p>	Appeal granted	38-49

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2013-2: ADOPTION OF ORDINANCE NO. 2013-16. AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987, REGARDING TECHNICAL CORRECTIONS AND MINOR CLARIFICATIONS, ETC.	Approved [amended]	49-59
ADJOURN		59

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
March 27, 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 27, 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 Wurzbarger, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Bill Dimas
Councilor Peter N. Ives
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Members Excused

Councilor Carmichael A. Dominguez

Others Attending

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

6. APPROVAL OF AMENDED AGENDA

Mr. Romero noted the correction to Item H(6)

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

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

7. APPROVAL OF CONSENT CALENDAR

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

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

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

Against: None.

- a) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – LOW VOLTAGE WIRING PRODUCTS AND SERVICES FOR CITYWIDE USE; ATI SECURITY. (ROBERT RODARTE)**
- b) **REQUEST FOR APPROVAL OF GRANT AWARD AND AGREEMENT – PROCUREMENT OF CNG PARATRANSIT VEHICLE UNDER STATE PRICE AGREEMENT FOR SANTA FE RIDE PROGRAM; STATE OF NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT. (DAVID CHAPMAN)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- c) **REQUEST FOR APPROVAL OF GRANT APPLICATION – FY 2013/14 LAW ENFORCEMENT PROTECTION FUND; STATE OF NEW MEXICO DEPARTMENT OF FINANCE, LOCAL GOVERNMENT DIVISION. (POLICE CHIEF RAYMOND RAE)**
- d) **REQUEST FOR APPROVAL GRANT AWARD AND AGREEMENT – JARC SMALL URBAN SECTION 5409 FOR TRANSIT DIVISION; U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL TRANSIT ADMINISTRATION. (DAVID CHAPMAN)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- e) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – WORKFORCE DEVELOPMENT SERVICES FOR SANTA FE ECONOMIC DEVELOPMENT DIVISION; YOUTHWORKS. (KATE NOBLE)**
- f) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT REQUEST – SANTA FE TRAILS OPERATING EXPENSES FOR REMAINDER OF FY 2013. (JON BULTHUIS)**

- g) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO SOLID WASTE MANAGEMENT AGENCY JOINT POWERS AGREEMENT – GOVERNING BODIES' RIGHTS TO APPOINT ALTERNATES TO SOLID WASTE MANAGEMENT AGENCY BOARD. (MARCOS MARTINEZ AND CINDY PADILLA)**
- h) REQUEST FOR APPROVAL OF FINANCIAL ASSURANCE REGULATORY COMPLIANCE – SECURE FUNDS FROM ENVIRONMENTAL SERVICES DIVISION CASH BALANCE TO COMPLY WITH REGULATORY REQUIREMENTS FOR PASEO DE VISTA CLOSED LANDFILL. (CINDY PADILLA AND LAWRENCE GARCIA)**
- i) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – McCLURE RESERVOIR STREAM GAGE PROJECT; AMY C. LEWIS. (DALE LYONS)**
- j) CONSIDERATION OF RESOLUTION NO. 2013-28 (COUNCILOR BUSHEE). A RESOLUTION AUTHORIZING THE CITY OF SANTA FE TO ENTER INTO AN ANNUAL AGREEMENT WITH THE RODEO DE SANTA FE AND THE NEW MEXICO GAY RODEO ASSOCIATION ("NMGRA") ZIA REGIONAL RODEO; SUBJECT TO AVAILABLE APPROPRIATIONS MADE BY THE GOVERNING BODY. (SEVASTIAN GURULE)**
- k) CONSIDERATION OF RESOLUTION NO. 2013-29 (MAYOR COSS, COUNCILOR BUSHEE AND COUNCILOR WURZBURGER). A RESOLUTION RELATING TO THE 2012/2014 BUDGET AND SUBSEQUENT FISCAL YEAR BUDGETS, SUBJECT TO AVAILABLE APPROPRIATIONS MADE BY THE GOVERNING BODY; AUTHORIZING THE DESIGNATION OF CONVENTION AND VISITORS BUREAU (CVB) FUNDS FOR AGREEMENTS THAT WILL PROMOTE TOURIST RELATED ATTRACTIONS, FACILITIES AND EVENTS WITH THE SANTA FE FIESTA COUNCIL, THE LENSIC AND THE SANTA FE BANDSTAND USING LODGERS' TAX PROCEEDS. (JIM LUTTJOHANN)**
- l) *[Removed for discussion by Councilor Trujillo]***
- m) CONSIDERATION OF RESOLUTION NO. 2013-30 (COUNCILOR CALVERT, MAYOR COSS, COUNCILOR IVES, COUNCILOR BUSHEE, COUNCILOR DIMAS AND COUNCILOR RIVERA). A RESOLUTION ADOPTING "CLIMATE CHANGE AND THE SANTA FE BASIN: A PRELIMINARY ASSESSMENT OF VULNERABILITIES AND ADAPTATION ALTERNATIVES" AND DIRECTING STAFF TO INCLUDE PROJECTED CLIMATE CHANGE IMPACTS IN SUBSEQUENT WATER SUPPLY AND DEMAND PLANNING, POLICIES AND PRACTICES. (CLAUDIA BORCHERT)**

- n) **CONSIDERATION OF RESOLUTION NO. 2013-31 (COUNCILOR CALVERT AND COUNCILOR BUSHEE). A RESOLUTION AUTHORIZING AND APPROVING SUBMISSION OF AN EXECUTED AGREEMENT TO AUTHORIZE RECEIPT OF A GRANT FROM THE NEW MEXICO ENVIRONMENT DEPARTMENT, AIR QUALITY BUREAU, IN THE AMOUNT OF \$114,670, FOR THE PURCHASE OF A COMPRESSED NATURAL GAS RECYCLING COLLECTION UNIT THROUGH FUNDING RECEIVED PURSUANT TO THE FEDERAL DIESEL EMISSIONS REDUCTION ACT (DERA). (CINDY PADILLA)**
 - 1) **REQUEST FOR APPROVAL OF GRANT AGREEMENT – PROCUREMENT OF CNG RECYCLING COLLECTION VEHICLE FOR THE CITY OF SANTA FE CLEAN DIESEL PROJECT; NEW MEXICO ENVIRONMENT DEPARTMENT AIR QUALITY BUREAU. (CINDY PADILLA AND NICK SCHIAVO)**
- o) *[Removed for discussion by Councilor Bushee]*
- p) *[Removed for discussion by Councilor Rivera]*
- q) **CONSIDERATION OF RESOLUTION NO. 2013-32 (MAYOR COSS, COUNCILOR TRUJILLO AND COUNCILOR WURZBURGER). A RESOLUTION AUTHORIZING A REALLOCATION OF \$2,000,000, DESIGNATED FOR BUS REPLACEMENT IN THE 2012 GROSS RECEIPTS TAX REVENUE BOND ISSUE WHICH SHALL BE REALLOCATED FOR CAPITAL PROJECTS THAT INCLUDE MUNICIPAL FACILITY REPAIRS, PARKS AND MEDIAN MAINTENANCE, TRAIL MAINTENANCE, TRAFFIC CALMING AND STREETS MAINTENANCE. (ISAAC PINO)**
- r) **REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CASE #2012-104, AGUAFINA REZONING TO R-3. (KELLEY BRENNAN)**
- s) **REQUEST FOR APPROVAL OF LEASE AGREEMENT – CONSTRUCTION OF AIRCRAFT HANGAR, FUEL STORAGE TANKS AND RELATED OFFICE SPACE AT SANTA FE MUNICIPAL AIRPORT; TRISTATE CAREFLIGHT, LLC. (JIM MONTMAN)**

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – MARCH 13, 2013

MOTION: Councilor Dimas moved, seconded by Councilor Wurzburger, to approve the minutes of the Regular City Council meeting of March 13, 2013, as presented.

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

9. PRESENTATIONS

- a) **2012/2013 ST. MICHAEL'S HIGH SCHOOL WRESTLING TEAM CHAMPIONS.**
 - 1) **MUCHAS GRACIAS – 2013 ST. MICHAEL'S HIGH SCHOOL WRESTLING INDIVIDUAL PLACEMENTS.**

Councilor Rivera, on behalf of the Mayor and Council, and as an alumni of St. Michael's, presented a trophy to the 2013 St. Michaels High School Wrestling team, and Coach Joaquin Garcia and assistant Coaches Fleccer Sievers and Bobby Sanchez. Muchas Gracias Certificates were presented to individual winners in the State Wrestling Tournament to: Kevin Trujillo, Connor McKenna, Cory Windham, Andres Blea, Javier Vigil, Clayton Montoya, Luke Sanchez, Jose Campos, Mario Olivas and Geno Palermo.

Coach Joaquin Garcia, on behalf of St. Michaels thanked the Mayor and Council for this honor and said it is a pleasure to be here.

- b) **"FULL COURT PRESS" COMMENDATIONS (CHIEF RAE).**

Chief Rael said he would like to acknowledge the hard work by some of the officers who engaged in Operation Full Court Press. Chief Rael presented commendations to those who went above and beyond in their efforts to address the burglary problem and who made a significant impact in decreasing property crime numbers: Detective Casey Salazar; Detective Michael McClusky; Detective Jimmy Montoya; Detective Jeff Worth; Detective Abe Mains; Detective Rudy Gallegos; Detective Charlie Ann Martin; Crime Analyst Michaela Gonzales; Lieutenant Luis Carlos; and Sergeant Jerome Sanchez.

Chief Rael said they will do their best to continue this level of efforts in the future.

Mayor Coss thanked them for their hard work.

- c) **SANTA FE TRENDS 2013 (REED LIMING)**

A copy of *Santa Fe Trends 2013*, is incorporated herewith to these minutes by reference. Copies can be obtained by contacting Reed Liming in the Long Range Planning Division.

Mr. Liming reviewed the highlights from *Santa Fe Trends 2013*. Please see *Santa Fe Trends 2013* for specifics of this presentation. Mr. Liming noted *Santa Fe Trends 2013* will be on the City's website as soon as possible.

Councilor Bushee said if commercial development is down, and we eliminated impact fees, she thought there would be a different correlation. She asked somebody to get back to her in this regard.

Mr. Liming said there is a direct correlation. Our impact fees were only \$260,000 last year.

Councilor Bushee said, "I don't mean that they were down, but we waived them."

Mr. Liming said the impact fees were waived only for residential.

Councilor Bushee noted that we only divert 9% of the materials on solid waste recycling. She is disappointed to see that number stay so low.

Councilor Wurzbarger asked if there is a section on the changing demographics, particularly the impact of the aging population.

Mr. Liming said in the census information at the back of the document, the median age is shown, and noted the median age in 2000 and in 2010. He said Santa Fe is older by 7 years than other cities in the State.

Mayor Coss thanked him for the presentation.

d) UPDATE HOUSING NEEDS ASSESSMENT 2012. (ALEXANDRA LADD)

A copy of the *Housing Needs Assessment Update*, for the City of Santa Fe, prepared by BBC Research & Consulting, is incorporated herewith to these minutes by reference. Copies are on file in, and may be obtained from, the Housing and Community Development Department.

Ms. Ladd said the Report looks at some of the 2007 findings in comparison to what the world looks like now. The data presented is based Census data, the American Community Survey and other governmental agencies which collect numbers such as the Department of Labor. It is also based on some qualitative data, interviews with stakeholders, subgrantees and partners and well as community survey results, noting the community survey results are in Section 3.

Ms. Ladd noted page 10 of the Executive Summary, which summarizes what the data says about our community now, and an analysis of his this will affect future policy decisions about housing as well as providing the foundation/data for the consolidation plan. She said we have to submit a consolidated plan to HUD every 5 years as a condition of being an entitlement community to get our CDBG funds, noting it is due this year. She said in two meetings there will be a presentation about the consolidated plan and the data comes from this document.

Ms. Ladd said our community looks differently than it did in 2000 – the households are smaller, older and increasingly are single person households. This means our housing market will look differently than it did in past years when the demand was for single lot, suburban style homes. She said people will want to live in smaller homes, and be closer to things such as bus routes, transportation, health care and other community amenities.

Ms. Ladd said another major finding is, despite the crash in the market values, the gap between what people earn and the prices of the housing in Santa Fe continues to widen and has increased about

65% since 2000, even with the market correction, which is major. She said a subset of that is, in today's market, only 14% of renters can afford the median priced homes, noting in 2000, 30% of the renters could.

Ms. Ladd said the City is faced with a huge challenge, although we have had a lot of success with the great programs in place, noting we need to keep those up. She said this is the recommendation in the consolidated plan for future years of funding is to keep providing support for homebuyers, down-payment assistance and to build the capacity of our current renters to become homeowners.

Ms. Ladd said the distressing data point is that 1/2 of the households, both renters and homeowners, are cost burdened. This means they are paying more than 1/3 of their income for housing cost. She said for very low income renters, this means it takes one major car repair, one illness, one job loss or cut in hours, and they are homeless. She said we know the most effective way to address homelessness is to prevent it in the first place. She said this is a huge policy consideration as well.

Ms. Ladd said we do have a very high rate of home ownership in Santa Fe, but not as high as in the rest of the State. We want to keep offering support in terms of foreclosure prevention help or assistance if they get to that point. The other major finding in the report is the biggest mismatch, which is for very low income renters, households earning less than \$17,000 a year, and what they can afford in rent. They can afford no more than \$500 a month in rent and only 10% of our inventory would be considered affordable to them. It means they're paying more than 1/3 of their incomes toward housing costs which places them in the very vulnerable category. She said rents have gone up 25% since 2000 while renter incomes have only increased by 4%.

Ms. Ladd said what we need to consider as we move forward, in terms of policy decisions, is how to support our very low income renters because they really need it. She said it can be in the form of rental vouchers, supporting multi-family affordable rental projects, different public housing options, and we need to keep moving forward with this which is a recommendation in the consolidated plan.

Ms. Ladd said she will answer questions now, and the Governing Body can call her with any questions later.

Councilor Wurzbarger welcomed Ms. Ladd back to the City, and complimented her on the quality of the report, particularly the policy implications. She said the BQL Committee has taken a look at this, and wants to engage other Councilors in looking at the policy implications and bring forward changes which are clearly necessary to some of our ordinances around affordability.

Councilor Trujillo said there is a trend here that he doesn't like, which is that in 2000, 51% of the workers in Santa Fe lived in Santa Fe, and in 2007, 42% and in 2010 it was 38%. He said Santa Fe workers still are living out of town. He said we keep trying different things to keep people in Santa Fe, but they continue leaving for Albuquerque and other places. He said a lot of jobs are headed to Albuquerque, which we need to stop. He said we need to figure out how to get people to stay here. He complimented her on the good report.

Mayor Coss thanked Alexandra for her work, noting the City has a lot to work on.

e) 2013 LEGISLATIVE UPDATE. (MARK DURAN)

A copy of a letter dated March 26, 2013, with attachments, to Mayor David Coss, from Mark A. Duran, Principal, Mark Duran & Associates, Inc., is incorporated herewith to these minutes, as Exhibit "1."

Mr. Duran presented information from Exhibit "1." Please see Exhibit "1," for specifics of this presentation. He commended the work of Robert Romero and City staff for its work, noting they tracked over 100 pieces of legislation during the Legislature, which includes an analysis of the legislation by City staff.

Mr. Duran said Senator Smith and some members of our own delegation have been warning the hold harmless was too high to carry and at some point we were going to lose it. He said it won't happen for 3 years, and there is a 15 year phase-out. He said, "What I'd like to do with you, moving forward, as you potentially consider some of the policy considerations you might take advantage of, especially in regard to some of the increments available in that bill, is to work side by side with you to match some of the political considerations along the way that I think would be important and critical for you to think about simultaneously as you work on that process."

Mr. Duran said the Film Tax Credit was approved, but we were unsuccessful with the local liquor excise tax. He expressed appreciation for the participation of the members of the Governing Body.

Mr. Duran said we were able to get \$1.2 million in capital outlay funds, and were able to obtain \$900,000 to fund the final phase of the Police facility. He said all of the prioritized local projects were funded, some to a greater degree than others. He said we will continue to ask for funding for those projects which were under-funded.

Mayor Coss asked if funding for the overpass on the Acequia Trail at the Railyard was included in the Capital Outlay funding, and Mr. Duran said yes, noting HB 641 and the Capital Outlay bill are waiting for the Governor's signature, and noting the Capital Outlay bill is subject to line item veto.

Mayor Coss said we held off the hold harmless repeal as long as possible. He said it is always interesting when one political entity cuts taxes on another, and then says to the other "okay, you guys can raise taxes." He said since food and medical is excluded from gross receipts it is not as regressive a tax as it used to be. He said this is something we will have to consider at budget time, because in two years, we will have a \$1 million budget deficit in the budget, and it will grow every year for 15 years, unless the economy really turns around.

Councilor Ives thanked Mr. Duran, noting this was his first opportunity to participate on behalf of the City, and Mr. Duran made it pleasurable and easy one.

Mr. Duran thanked the Santa Fe legislative delegation – Senator Rodriguez, Senator Wirth, Senator Griego, Rep. Varela, Rep. Carl Trujillo, Rep. Jim Trujillo and Rep. Brian Egolf – who really care about the City and are attentive to our needs and overall do a great job for the City.

CONSENT CALENDAR DISCUSSION

- 10 (l) CONSIDERATION OF RESOLUTION NO. 2013-33 (COUNCILOR BUSHEE, COUNCILOR IVES AND COUNCILOR DOMINGUEZ). A RESOLUTION DIRECTING STAFF TO EXPLORE THE LEGAL OPTIONS FOR PROVIDING RELIEF FROM WATER UTILITY BILLING FOR 501(C)(3) LOCAL NON-PROFIT ORGANIZATIONS THAT USE WATER TO PROVIDE SERVICES TO THE HOMELESS POPULATION IN THE CITY OF SANTA FE. (BRIAN SNYDER)**

Councilor Trujillo said he removed this item to recuse himself from voting, because his wife serves on the Board for the Interfaith Shelter. He said on the Public Utility Committee minutes from the last meeting, it shows him voting yes on this item when he abstained from voting on this issue at that meeting.

MOTION: Councilor Bushee moved, seconded by Councilor Wurzbarger, to adopt Resolution No. 2013-33, as presented.

DISCUSSION: Councilor Bushee thanked Councilor Trujillo and his wife for all the volunteering they do at the shelter.

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

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

Against: None.

Recused: Councilor Trujillo.

- 10 (o) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO AMENDED AND RESTATED LEASE AND MANAGEMENT AGREEMENT – ANNUAL INCREASE IN DEFERRALS AND REVISIONS TO MAINTENANCE MAPS FOR RAILYARD DEVELOPMENT; SANTA FE RAILYARD COMMUNITY CORPORATION. (BOB SIQUEIROS)**

A copy of an Action Sheet in this matter from the Public Works/CIP and Land Use Committee meeting of Monday, March 25, 2013, is incorporated herewith to these minutes as Exhibit "2."

Councilor Bushee said she understands why this is before us from the Railyard Community Corporation. She said, "But I have to say, given where City is budgetarily, and we just had this discussion on our hold harmless, I would really like a more thorough discussion, so I guess I didn't want this to just pass on consent and have everybody think that that was what the plan was for the long term. I would really like to see a larger discussion reflecting a little bit more input as to really how we're going to fill some of the spaces over there if we have some failing tenants. I just overall have a concern that we discuss this a little bit more throughout the budget cycle. I had discussions after Finance Committee with the City

Manager. So I guess, I understand in the short term that this may go through, but I brought it off so we could talk about, perhaps in a few months, a little bit larger, long-range plan for how we're going to fill some of these properties, if we need to amend anything in the master plan and in general, how healthy we are over there in terms of new entities coming in. And then, there was a quick question for Richard Czoski as well, I didn't get to ask at finance. I forgot. This movie theater that's coming in. Would that be considered a chain as well."

Mr. Czoski said it depends on which of the four prospects that the Board chooses. There is a variety, and we will be announcing that on April 16, 2013, noting that they vary in size.

Councilor Bushee asked Mr. Czoski if he would need a master plan amendment to bring that into the Railyard. She is still trying to understand the makeup of local companies and national companies.

Mr. Czoski said the master plan establishes a leasing tier which gives preference to local businesses, local artists and local cultural institutions. At the bottom of the tier are chain stores or national companies. The master plan allow us, being SFRCC, allows our Board a certain amount of discretion. For example, we did approve REI to lease space in the Market Station Building, because that was the only way that building was going to get financed, because a building that large couldn't be financed based on the credit of the local business. So, we do have the discretion to approve national businesses. He said they've only done that in 6% of the case, noting only 6% of the square footage is occupied by national companies. He said there really aren't any local cinema operators that could build a cinema. So, whether regional or national, remains to be seen, depending on which proposal is chosen.

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

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

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

Against: None.

Explaining her vote: Councilor Bushee said, "I'll vote yes for now."

10 (p) SANTA FE RAILYARD COMMUNITY CORPORATION; APPROVAL OF AMENDMENT NO. 5 TO PROFESSIONAL SERVICES FOR THE FOLLOWING:

- 1. FUNDING FOR DEMOLITION OF THE NEW MEXICO LINDO BUILDING, BACA RAILYARD DEVELOPMENT (CIP FUND).**
- 2. FUNDING FOR STAGE, SOUND & DIGITAL OUTDOOR MOVIE PROJECTION PACKAGE RENTAL FOR FISCAL YEAR 2013/2014.**
 - A. REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT REQUEST – SANTA FE RAILYARD PROJECT FUND.**

A copy of an Action Sheet in this matter, from the Public Works/CIP and Land Use Committee meeting of Monday, March 25, 2013, is incorporated herewith to these minutes as Exhibit "3."

Councilor Rivera thanked Robert Romero for getting the requested information as quickly as he did. He said he pulled this to have a brief discussion and comment on what he brought up at Public Works which was the stage, sound and digital movie projection system. He said, then for this year, the request is for \$49,500 for these items for the next FY. He asked how many years has this been requested.

Mr. Siqueiros said this is the second year.

Councilor Rivera asked how much was paid last year.

Mr. Siqueiros said it was the same, \$49,500.

Councilor Rivera said then the cost probably will stay the same or increase in the next few years.

Mr. Siqueiros said it might be a little higher, noting most of the weekends are booked either for a concert or a movie, so it probably wouldn't be that much more.

Councilor Rivera asked if we were to purchase the most expensive stage and sound system, we probably could pay for it within 4 years if we were to decide to do that, and Mr. Siqueiros said that is correct.

Councilor Rivera said we would own it ourselves and not have to pay again.

Mr. Siqueiros said there are quite a few variables, in terms of owning our own equipment, and having the proper labor to run the equipment, equipment maintenance, and if the equipment were to fail when there is an event, there would be no backup such as we would if we had a vendor providing that service.

Councilor Rivera said he doesn't want to hold this up, because it's important to the community and the railyard and all the events.

MOTION: Councilor Rivera moved, seconded by Councilor Wurzbarger to approve Item 10(p) [Amendment No. 5 to PSA] for: 10(p)(1) [funding for demolition of the Mexico Lindo Building], 10(p)(2) [funding for stage, sound & digital outdoor movie projection package rental for FY 13/14], and 10(p)(2)(a) [budget adjustment], as presented by staff, with the caveat that he wants to have a discussion during the budget process where we look at purchasing this equipment.

DISCUSSION: Councilor Rivera believes it would be a savings if we purchased the equipment, and didn't have to rent for many years after that.

Councilor Wurzbarger thanked the members of the Public Works Committee that spent substantial time discussing this, and thinks it is appropriate to look at it long term from the perspective of the budget process.

Mr. Siqueiros thanked Sandy Wise for putting most of this information together for tonight's meeting.

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

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

Against: None.

Explaining her vote: Councilor Bushee said, "Yes, and I agree with Councilor Rivera's line of thinking. Perhaps we can own that one day and stop renting it."

END OF CONSENT CALENDAR DISCUSSION

11. **CONSIDERATION OF RESOLUTION NO. 2013-34 (COUNCILOR BUSHEE). A RESOLUTION DIRECTING THE CITY MANAGER TO ESTABLISH A POSITION FOR THE PURPOSE OF MANAGING AND MAINTAINING THE CITY'S BIKE-PEDESTRIAN TRAIL NETWORK, INCLUDING COORDINATING VOLUNTEER RESOURCES, MONITORING INTER-AGENCY EFFICIENCY, AND PLANNING CONTINUED CONNECTIVITY IN ORDER TO MAXIMIZE AND PROTECT THE VALUE OF SUCH COMMUNITY ASSET (COUNCILOR BUSHEE). (BOB SIQUEIROS). NOTE: This title may be amended in accordance with the amendment sheet provided in the packet.**

MOTION: Councilor Bushee moved, seconded by Councilor Ives, to adopt Resolution No. 2013-34, with the Finance Committee and BTAC amendments.

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

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

Against: None.

12. **CONSIDERATION OF RESOLUTION NO. 2013-35 (COUNCILOR CALVERT, COUNCILOR IVES, MAYOR COSS, COUNCILOR BUSHEE, COUNCILOR DIMAS, COUNCILOR DOMINGUEZ, COUNCILOR RIVERA, COUNCILOR TRUJILLO AND COUNCILOR WURZBURGER). A RESOLUTION SUPPORTING CONTINUED ENFORCEMENT AND FUNDING OF THE FEDERAL ENDANGERED SPECIES ACT. (MELISSA BYERS)**

A copy of an amendment sheet regarding the Endangered Species Act, is incorporated herewith to these minutes as Exhibit "4."

Councilor Calvert noted there is an amendment on the Councilor's desks, substituting language for one of the WHEREAS on page 2, lines 15-17. He said this is an important issue, especially in light of climate change and its effect on all of the plants and animals that inhabit this planet.

MOTION: Councilor Calvert moved, seconded by Councilor Wurzbarger, to adopt Resolution No. 2013-35, with the amendment, as presented by staff.

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

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

Against: None.

Explaining her vote: Councilor Bushee, "Yes. And please make sure I'm a cosponsor."

Explaining his vote: Councilor Calvert said, "Yes. And I think everybody on the Governing Body is a cosponsor, so thank you."

13. CONSIDERATION OF RESOLUTION NO. 2013-36 (COUNCILOR BUSHEE). A RESOLUTION EXPRESSING SUPPORT FOR THE UNITING AMERICAN FAMILIES ACT. (JAMISON BARKLEY)

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to adopt Resolution No. 2013-36, as presented.

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

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

Against: Councilor Rivera.

14. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

15. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

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

A power point presentation prepared by Michael Rozell, Travelers Insurance, San Antonio, Texas is incorporated herewith to these minutes as Exhibit "5."

Mr. Zamora said, "Mayor, members of the Governing Body, in a February meeting, Councilor Rivera asked for a litigation related presentation, demonstrating the claims and payouts regarding the City of Santa Fe and it's liabilities. This was in response to a public report regarding another City in New Mexico. Therefore, we have prepared that report to provide today and we can provide that report either in executive session or in public session, whatever the will of the Governing Body is. It's prepared for either way. In addition, if we do not go into Executive Session, then I've provided the normal monthly litigation reporting to your desks for your review, and you can return those back to the City Attorney's Office when you're completed studying those."

Mayor Coss said then that report is subject to attorney-client privilege.

Mr. Zamora said, "Correct. The handout with the table regarding existing, pending litigation, the normal table that we review in Executive Session, that is subject to attorney-client privilege. The presentation that you'll be receiving this evening from Travelers, our insurance company, has been prepared to be disseminated as a public document."

Mayor Coss said, if it's going to be disseminated, we won't need to go into executive session. I would assume we would stay here, but that up to the council.

It was the consensus among the members of the Governing Body not to go into executive session and to receive the presentation from Travelers in open session.

Mr. Zamora said, "At this time, Mayor, members of the Governing Body, we'll have a presentation by Michael Rozell, Claim Account Executive, with Travelers who is assigned to the City of Santa Fe and has been an incredible partner with us as we manage the claims and liability issues that face the City of Santa Fe."

Michael Rozell, Travelers, San Antonio Texas, presented information via power point. Please see Exhibit "5" for specifics of this presentation.

Mr. Rozell noted that the numbers presented are point-in-time numbers and change constantly, so the Governing Body should be careful in drawing any concrete trends from this, other to say that they are

always subject to anything that can happen in catastrophic range. And a catastrophic situation can literally make one side a little bit to show way above the rest. He said, "I would tell you, for example, in auto, all the public sector auto claims, those claims that I mentioned, they themselves accounted for 31% of all the dollars expected for all of public sector that we write as a company – 8 claims – because of the nature of those claims. So, the impact of catastrophic needs to be taken into account for any public entity, because it can really just change the way a graph looks, but literally change the whole picture."

Mr. Rozell continued, "And the last thing I'll mention, is law enforcement with traffic and so on, that has been the number 1 driver, unfortunately, for law enforcement fatality, except for last year. Last year is the first year of all law enforcement, where shootings exceeded the traffic accident deaths. And I think that's something we need to work on, all of us, for the safety of our officers. Anything we can do to make that number drive down from the shootings. It's kind of a sad reflection, but it's an interesting statistic, with unfortunately, we have to deal."

Mr. Rozell said, "I would appreciate the opportunity to work with you, with Geno and Mark and Bob, and if there is specific information that you'd like, I know they're more than willing to provide that to you."

The Governing Body commented and asked questions as follows:

- Mayor Coss asked if there is a year that stands out or is it about the same every year.

Mr. Rozell said the one claim you're seeing in terms of dollar impact is a matter that involves the [inaudible] case, and it's still open.

- Mayor Coss said that is for legal fees and Mr. Rozell said yes.
- Councilor Rivera said then for the Santa Fe auto claims, you only cover claims of \$50,000 and above.

Mr. Rozell said correct. Some of the claims reporting the data were zeroed out because they weren't above \$50,000. They might have been reported to us and they become part of the data, but there are a lot of them that were probably handled by the City under \$50,000 that we're not aware of, and never were reported to us.

- Councilor Rivera said you mentioned that your law enforcement liability claims start at zero, and Mr. Rozell said this is correct.
- Councilor Rivera said, then all those items are reported.

Mr. Rozell said they are. We call those professional claims, and professional claims would include law enforcement, public entity management, public officials. Employment related claims are also considered professional claims, so that's a grouping.

- Councilor Rivera asked about the rest of them, the employment related claims, the public entity management liability claims – do all these start at a certain number, or all of those are at zero.

Mr. Rozell said they also start at zero. He said we are your third party administrator for the professional out claims, all of them, as well as your insurance carrier. He said, "What's nice about that is we get notice from the beginning, we work with your folks here locally in investigating those, and then we get an opportunity to work in partnership in managing those claims to a resolution."

- Councilor Rivera said, since this is 3 years of data, he would imagine most of the open claims are from 2012.

Mr. Rozell said probably most of them are, but he would have to look that up, and provide that information if you would like.

- Councilor Rivera said and that is the reason the data will change ultimately.

Mr. Rozell said this is correct, noting it is what they call development, because sometimes it takes 2-3 years to develop to conclusion, before we know that one year is finally completed.

- Councilor Rivera said he assumes Mr. Zamora put the other list together.

Mr. Zamora said yes, and that is the confidential list.

- Councilor Rivera said perhaps he wasn't clear with his request. However, he didn't want 3 months of data, he wanted substantial data to look at which would have been all of 2012, and 2013 between January and March. He said this is a partial list of what he requested, and it is good information. However, he would like to expand the information to include all of 2012 so he can see what is open.

Mr. Zamora said he will put that together. He said, "To clarify what that report is before you, that is the report required by Resolution... it is the quarterly report required by Resolution No. 2012-31. What we tried to do was to have the presentation by Mr. Rozell address the trends over several year. But what we can do is take the quarterly reports that we provide to you, pursuant to that Resolution, aggregate the information into a year, and update them to show what is open and what is closed."

- Councilor Rivera asked for a report of auto claims of less than \$50,000 for 2012 and January-March 2013.
- Councilor Dimas asked if there is a percentage paid by the City or a deductible for the claims over \$50,000 which are paid by Travelers.

Mr. Rozell said for general liability and auto, the City is responsible for the first \$50,000, the self-insured retention level. For the other lines of coverage, the responsible for claims less than \$100,000, and Travelers pays above that. He said they administer for the professional claims, regardless of the amount, but the responsibility levels are at those thresholds.

- Councilor Dimas asked if this paid from the General Fund.

Mr. Romero said the City has a Risk Fund, and every year, every department pitches in to the Risk Fund. It is something charged to all departments which goes into the Risk Fund, and that Fund is used to pay the City's share.

- Councilor Dimas asked the amount in that fund.

Mr. Romero doesn't know off the top of his head, and during the budget we list anticipated fund balance at the end of the year.

- Councilor Dimas said he would like that information.

Mr. Romero said this fund is being depleted and we're trying to build it, noting Barbara Boltreck can answer the question.

- Councilor Dimas said he also would like to see how the fund has been paid and where they have been paid.

Mr. Romero said he can get a list of everything we've paid for the past year and present it to the Council.

- Mayor Coss said we always look at the fund balance during the budget, and we want to know how many claims under \$50,000 have been paid.

Mayor Coss thanked Mr. Rozell for the report.

16. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

17. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of March 27, 2013, is incorporated herewith to these minutes as Exhibit "6."

Councilor Dimas

Councilor Dimas had no communications.

Councilor Calvert

Councilor Calvert had no communications.

Councilor Rivera

Councilor Rivera wished a Happy Birthday to his father on March 29th, noting he is a recent cancer survivor, so his birthday this year is a lot more important. He wished a Happy Birthday to his wife Angela who has a birthday on April 3rd and to his sister, who has a birthday on April 5th.

Councilor Ives

Councilor Ives had no communications.

Councilor Bushee

Councilor Bushee said she will let the Mayor start and then she will chime in.

Councilor Trujillo

Councilor Trujillo introduced: An Ordinance approving a Lease and Services Agreement between the City of Santa Fe and the Boys and Girls Club for lease of City-owned building and improvements located at 730 Alto Street, Santa Fe, New Mexico, for the Boys and Girls Clubs to use and occupy the building and improvements to operate after school and summer community services programs for City youths age six through eighteen and other related purposes. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "7."

Councilor Wurzbarger

Councilor Wurzbarger introduced a Resolution supporting the conversion of Santa Fe Civic Housing Authority public housing units to long term Section 8 contracts under the RAD (Resident Assistance Demonstration) Program. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."

Mayor Coss

Mayor Coss noted there was a delegation visiting from the USS Santa Fe, and they brought us the sign that was in their Mess Hall. He said the wood is mahogany. He said it was a pleasure to have them visiting the City. He thanked Rick Carver and his Committee for being a great host, as well as Elmer and Deborah Torres for hosting a feast day at San Ildefonso for them, which was very enjoyable, other than for the wind and the dust.

Mayor Coss introduced the following:

1. An Ordinance authorizing the issuance and sale of the City of Santa Fe, New Mexico Gross Receipts Tax Refunding Revenue Bonds, Series 2013A, in an aggregate principal amount not to exceed of \$12,135,000 for the purpose of defraying the cost of refunding, paying and discharging the outstanding City of Santa Fe, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2006; providing that the bonds will be payable and collectible from the Gross Receipts Tax revenues distributed to the City; establishing the form, terms, manner of execution and other details of the bonds; authorizing the execution and delivery of a Bond Purchase Agreement and an Escrow Agreement; providing for redemption of the series 2006 bonds; approving certain other agreements and documents in connection with the bonds; ratifying action previously taken in connection with the bonds; repealing all ordinance in conflict herewith; and related matters. *A copy of the Resolution was not available at the time of introduction by Mayor Coss.*
2. An Ordinance authorizing the issuance and sale of the City of Santa Fe, New Mexico Subordinate Lien Gross Receipts Tax Refunding Revenue Bonds, series 2013B in an aggregate principal amount not to exceed of \$14,195,000, for the purpose of defraying the cost of refunding, paying and discharging the City's outstanding New Mexico Finance Authority loan (parking structure), dated March 28, 2006, providing that the bonds will be payable and collectible from the Gross Receipts Tax revenues distributed to the City; establishing the form, terms, manner of execution and other details of the bonds; authorizing the execution and delivery of a bond purchase agreement; providing for prepayment of the NMFA loan; approving certain other agreements and documents in connection with the bonds; ratifying action previously taken in connection with the bonds; repealing all ordinances in conflict herewith; and related matters. *A copy of the Resolution was not available at the time of introduction by Mayor Coss.*
3. A Resolution recognizing that same-sex marriage is legal in New Mexico; encouraging New Mexico's County Clerks to issue marriage licenses to same-sex couples; encouraging the New Mexico Attorney General to issue an opinion regarding marriage licenses for same-sex couples; and supporting efforts to enforce the marriage laws of New Mexico. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."

Councilor Bushee said she is a strong cosponsor of this legislation, and she is proud to serve with

the Governing Body, noting there are two other sponsors, Councilor Trujillo and Calvert. She said there is a lot exciting happening at the national level. She said it is just as important that we give this thoughtful consideration in New Mexico. She is glad that Santa Fe will be a leader in this effort.

Mayor Coss said this will come before the Council for a vote on April 24, 2014, noting both he and Mayor Pro-Tem Wurzbarger will be out of town for the April 10, 2013 Council meeting, so they moved the vote to the April 24th meeting

END OF AFTERNOON SESSION AT APPROXIMATELY 6:30 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David Coss, at approximately 7:15 p.m. Following the Pledge of Allegiance, salute to the New Mexico Flag, and Invocation, Roll Call indicated the presence of a quorum as follows:

Members Present

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

Members Excused

Councilor Carmichael A. Dominguez

Others Attending

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

F. PETITIONS FROM THE FLOOR

A letter to Mayor David Coss from Pat Davis, transmitting a sample petition and a written summary of the approximately 3,600 persons in support of this issue, entered for the record by Marcia Garcia, is incorporated herewith to these minutes as Exhibit "12."

Each person was given 2 minutes to petition the Governing Body.

David McQuarie, 2997 Calle Cerrado, said he has two items this evening with regard to access for the disabled in Santa Fe. The first is a recent curb ramp which reviewed by a subcommittee of the Mayor's Committee on Disability. He said Joe received written report that in its present form that it does not pass. The reason is that it does not provide minimum safe access and even sites. He said he was one of 6 people that drew up this document for New Mexico, and it passed. He said he believes the current project decision plan for curb ramps doesn't follow, even remotely, the regulations. He strongly feels that if it is built as planned, it won't be eligible for any sovereign immunity for design. He said, "So hang tight. You might be getting some things." He was informed on March 2, 2013, the City would not follow the

federal guidelines for dealing with intersections because they're still confused, unless they were directed specifically. He said they have been specifically directed by FHWA or the DOD. He questioned that the City wants the DOJ to come in and audit your process of all your federal requirements. He said, secondly the City is getting ready to do the budget, and asked if there is any item on the budget for transition plan funding. He said according to federal regulations, it cannot be part of any existing bond or existing CIP project. It has to be separate. Right now, the incomplete parts of the transition plan you voted on in 2011, was incomplete, and was only a sampling. The City staff was supposed to pick up the remainder, but they haven't done that, including the model of the first one, which he understands you have money for. He said they had redone a little bit of the Las Acequias Trail near Bellamah, and that is not even close to ADA standards. [Inaudible].

Monica Steinhoff, 1298 Tejano Lane, said she has had a business on the railyard for two years, and is disturbed with the cell tower going up on the Hotel Santa Fe. She walked the neighborhood, and talked with 90 of the businesses, with another 90 to go, and was pleasantly surprised, because there is a lot more groundswell and resistance to microwaves. She isn't going to submit a petition tonight, because it's already been submitted to the Court because someone else has a lawsuit against the Hotel. She is happy people are more aware. She said the industry hasn't informed people about any dark side of the cell tower. She said they actually can start a fire, noting she read in The York Magazine, that if they try to do a 6G it will explode because it has so much energy. She bought an electro-smog meter, and the United States has a limit that is astronomically high of 4.3. She said this cell tower is out of compliance, a T-mobile cell tower. She said it already radiates high radiating. She said the Methodist Church neighborhood isn't doing well. She said the Children's Museum is struggling and two years ago began failing. She said the businesses are being impacted by the cell tower. Look at the situation, and the neighborhood at the Railyard. You spent a lot of money acquiring that land and a lot of those businesses are severely impacted by this cell tower if it continues.

Karl Sommer said, "I am here on behalf of 11 people who are not going to speak, in lieu of my comments, so I'll be as brief as I can. I don't think I can keep it to 2 minutes, but I will do as quick a job as I can. I'm here tonight because we are petitioning on behalf of an industry that is, one, critical to the well being of many people, some of whom are here tonight, and that is the towing industry. They work on behalf of this City's law enforcement and public safety officials. The City has passed an Ordinance that was effective March 2012 that prohibits two truck drivers from being able to keep their vehicles at their houses. The City also, simultaneously, has an Ordinance that requires these two truck drivers to respond to emergencies within 30 minutes, or they get taken off that rotation. It is a conflict, unintentional, I think, but it has produced a very very serious effect on this group of people. I have Anaya's Towing here tonight, Mr. G's towing, Mr. Chris Padilla and Linda Padilla, the Montoya Family and Expert Towing in the back there. There are just some of the folks that are having to deal with this. Mr. Padilla and Ms. Padilla are in court right now over this issue. Their livelihood is threatened. But more importantly, the public safety of the City is threatened."

Mr. Sommer continued, "Here is the basic bottom line. The City passed an Ordinance in March 2012 that says you cannot park temporarily or otherwise a commercial vehicle, with a definition, in a residential area. Simultaneously, the City has an Ordinance that requires tow truck drivers to here to, one of those is a 30 minute response time, and if they don't get there in 30 minutes as Councilor Rivera can testify to, you can have a serious problem if two truck drivers are not there on time. These people work hard. They're mom and pop shows, they're families, they have been in the business for generation after generation, they work hard and they're there all hours of the night. Now what's happening is the City is prosecuting Mr. and Ms. Padilla because he keeps his tow trucks at his house, as he has always done. It's compounded by the following fact. In 2009, the City incorporated the presumptive City limits. The City is now regulating areas in the County with business licenses and home occupations for folks who are dealing with County regulations. They were caught unawares. Mr. Padilla was caught unawares. He is now in a position where he is having to defend his business and his livelihood. And I think it's a mistake on the Council's part not to address this immediately, because we are going to have a serious problem. And I know that as a former Judge, former Public Safety official, as Councilors as attorneys, this is serious. It needs immediate attention. I think that's where we're at."

Mr. Sommer continued, "That's my two minute mark. I have a lot more to say. But I'm telling you this is a serious, serious problem. Small families are affected and the public safety is at issue. And I request that the Council direct the Land Use Planning staff, the City Attorney's staff, the Public Safety staff to sit down and work this out to make an exception for the tow truck industry, because they are imbued with an aspect of public safety that is critical to the operations of the City. Thank you very much."

Councilor Trujillo said, "On that point Mayor, thank you, Geno can we start this process as soon as possible, and I'll take the lead on it, if we can do this, to find out what is happening, so we can start working on this, so we can get to the Council to see if we can make the tweaks that are needed."

Mr. Zamora said, "I will follow up with Mr. O'Reilly to define the issues and the problems that have been created and identify some possible solutions. Thank you."

Michael Koleman, 1501 Montano Street, said he is here concerning the issue of Montano Street. He said, "Well here it is again and I still am here on behalf of a few hundred people who will be affected by any thoroughfare or emergency road being put in that are. What concerns me is that there is one party that wishes to develop their land and how negatively that will impact hundreds of people. I've also heard there will be a petition brought here tonight, and I have gotten calls from people who have said that they were lied to and cajoled to get their name on this petition. I would like that petition investigated. However, I would like your cooperation in this matter. Again, this concerns crime, safety, quiet, all these issues, pollution that do affect the neighborhood. And I wish for your positive consideration concerning this."

Kim Kyle and partner Rose Griego, said they want to petition the Council to support the Resolution introduced tonight by Mayor Coss, Councilors Bushee, Trujillo and Calvert, to support same sex marriage in Santa Fe. They've been together for 8 ½ years, and they have had a wedding ceremony, but it is not legally binding in New Mexico, and they would like to have it legally binding. They would encourage the City to be supportive in filing amicus briefs of legislation [lawsuits ?] which currently have been filed in the State by the ACLU, noting she and Ms. Griego are petitioners in that lawsuit, and they appreciate any support the City can give on that lawsuit.

Roberta Duran and Lisa Stone, her partner of 18 years, said they are here to support the Resolution introduced by Mayor Coss, Councilors Bushee, Trujillo and Calvert. Ms. Duran is a native Santa Fean. She said they have been in a committed relationship and are part of the Sandoval 64, so as far as they are concerned, they are legal in New Mexico, and would like other people to have the opportunity. She said Santa Fe ranks 5th in nation in same sex relationships and couples. She said this is unfinished business of civil rights in the United States, and we should not let religious ideologies get in the way of making laws, and "we thank you."

Marsha Garcia, Progress Now New Mexico, which is a New Mexico based non-profit working to engage the community and media in social issues. She said, "I would like to present to you a petition [Exhibit "10"] that we launched just week in support of this Resolution. In less than one week, we have had over 3,600 people sign on the petition in support of the City of Santa Fe' Resolution to recognize same sex marriage as legal in New Mexico. Progress Now New Mexico, and one of 3600 petition signers that I hold in my hands, asks that you think of those whose are counting on you to lead the way in our State's pursuit of equality. All families matter and we urge you to pass this Resolution. Thank you."

Justin Hatfield and wife Ashley, are in support of a Resolution recognizing same sex marriage as legal in New Mexico, and encouraging the County Clerks to issue marriage licenses to same sex couples, and encouraging the New Mexico Attorney to issue an opinion regarding marriage licenses for same sex couples and supporting efforts to enforce the marriage laws of Mexico. **Ashley Hatfield** said nothing makes us any better than any of our gay brothers and sisters here this evening. She spoke about the problems experienced by her gay friend, and his struggles, commenting she just watched him get married. He had to travel to another state which is crazy. She said this really affects her in her adulthood. She is a social worker and she works with all kinds of people and she sees the tough things every day. She supports this cause moving forward. She said she and her husband moved to Santa Fe from Cincinnati, Ohio two years ago, because they want to start a family, and she wants to raise her children in a place which is loving and accepting. She asked those who are undecided to please, please support this cause.

Hallie Brennan, said she is a proud resident, and she is here tonight to stand with the Resolution recognizing same sex marriage is legal in New Mexico, and encouraging the County Clerks to issue marriage licenses to same sex couples, and encouraging the New Mexico Attorney to issue an opinion regarding marriage licenses for same sex couples and supporting efforts to enforce the marriage laws of Mexico.

Christa Talley, native Santa Fean, said she is here asking for her rights, people are fighting for their rights. She said she thought rights are something we are guaranteed, and she encourage this Governing Body to take the lead in the country, and that what she was raised to believe about guaranteed rights is actually and indeed the truth.

Amado Gutierrez, native Santa Fean, said, "I have a question for the City Council, if it is legal, gay marriage, why did Brian Egolf waste so much time during the Legislature for this. Anybody going to answer me."

Mayor Coss said no.

Mr. Gutierrez said he has the solution for gay marriage. It should be based on semantics, noting everything has a name. He said, "Gay marriage is something that's been in the last few years, like Supreme Court Justice. Marriage between a man and a woman has been a tradition for thousands of years. Why don't we... I'm all for giving gays all the benefits of marriage and make it legal, if they're willing to sign a contract, more power to them. But, we should give it a different name. Don't call it marriage. That's all. Pure semantics. This should have been ended a long time away. I've always contended that if the Democrats could come up with an idea for world peace, the Republicans wouldn't approve it, because they don't want the Democrats to get credit for it and *vice versa*. I'm an Independent. This is the first Presidential election I did not vote. I am fed up with both parties. But this here should have been solved just by semantics, purely, nothing more. If it's legal, Brian Egolf sure wasted a lot of people's time up there."

Wendy Weighton and her sweetheart Sia, thanked the Governing Body for your service to the community. They thanked Mayor Coss and Councilor Bushee for the Resolution recognizing same sex marriage as legal in New Mexico, and encouraging the County Clerks to issue marriage licenses to same sex couples, and encouraging the New Mexico Attorney to issue an opinion regarding marriage licenses for same sex couples and supporting efforts to enforce the marriage laws of Mexico. Ms. Weighton said, "I have served this community for almost 20 years as a teacher, and I have worked with dozens, and dozens and dozens of numbers of the youth in the community. You have the opportunity tonight to make history and to make a major impact on the lives of the youth in this state. I work with may people every day that

suffer tremendously and are one of the at risk groups for suicide. This can send a message tonight that when they fall in love, it's not a crime, there's nothing wrong with them and they have chance for the future. And that can mean a lot in the eyes of teens that suffer every day. My partner and I exchanged our vows almost 5 years ago, but I don't have the same rights as my brother and sister who are able to express their love in front of their family and friends, and were accepted and have the rights that we are denied. And we have to worry if one of us is sick, or in the hospital, that we could be denied seeing each other. So we please urge you to consider passing this Resolution, and we thank you so much for your service to this community."

Doug Nava, Vice-President, Santa Fe Pride said, "To the gentleman who wanted to know about Brian Egolf. It wasn't a waste of time, because he took the time. To other Councilors that are undecided, I'm a little surprised, because the City of Santa Fe has been at the top of the nation for the GBLT community. We might not be the largest, but we're some of the strongest if we're making such things. So, those Council members who are undecided, think about the people you talk to every day that are members of the GBLT community. And I hope when you are talking with them and smiling that it's not fake, and that you do support who they are, when they invite you to their homes, and ask them to sit down with you for meals. But to Ron, and Patti and Mayor Coss and Chris, I'm proud to say that my District stands up for it, because I'm District 1." He said he and Councilor Bushee have had differences, but he puts that aside today, because they stand together and he thanks her, and asked the Council to support the Resolution.

Mark England said he is Doug Nava's partner. He wants the Council to pass the Resolution. He said, "One thing that I can say about me, is I am not gay, I am not straight, I am not bi, I am not heterosexual, homosexual. I'm not anything or any label that society puts on me. I am me. And God created me to be me. And that's all I want to be is to be able to do that in this community."

Michael Licola and his partner Gabriel Bustamante, thanked the Mayors and Councilors who are in support of the Resolution. He said he and his partner, Gabriel, have been together for 33 years, and have lived in Santa Fe for the last 20. They have fought for the rights of many others in Los Angeles and in Santa Fe. Mr. Licola said, "We find it very peculiar to have to stand in front of people who are judging us based on what their perceptions are of who we are. We don't want to have a gay marriage. We don't want to be acknowledged as having a same sex marriage. We just want to have a marriage. We would like, after 33 years to be able to celebrate our first anniversary as a married couple. And we ask for your support. And for you who are not decided yet, to please stand in our shoes and imagine what it would be like if you were us and having to ask people for a basic right to just love and be acknowledged, and be taken care of and be respected by the community at large." He said they chose not to go back to California when married was legal in the brief window, when both their sisters got married. They chose to stay in New Mexico because they feel there is no reason they should have to leave to go elsewhere to get married. He said, "Please keep us in your heart when you try to make this decision."

Dona Hatch said there is nothing she can say that hasn't been said already, and she doesn't have anything to add, except that you should vote for it. [Inaudible here]. She asked them to think of all of the people on the floor on April 24th when you're getting ready to vote. She thanked Mayor Coss, Councilor Bushee and councilors signed on to support this. She said Santa Fe should be the first City to pass this Resolution.

Richard Peters, said he is from St. Louis, and his partner is from Taos, and they have been together for 12 years. He loves Santa Fe, the mountains, the adobe houses, the culture, the music and the art and his partner. He said he deserves to live here where he wants to live, and be with the person that "I want to be with." He has been with him for 12 years, and he's not allowed to call him "my husband." He said all he wants is the right that everyone else has, this is all he wants, and doesn't believe it is wrong to want this. He said, "I will stand up and I will fight, and I will want to live in Santa Fe with my hope to be husband for the rest of my life. Thank you."

Chris Yearman and partner Mark Frossard, said they are 8 ½ year residents of Santa Fe, and own a home, and both own businesses. They are both employing and supporting this community. He said one of the many reasons they chose to move to Santa Fe is its reputation as an open, inclusive and welcoming community. He praised Mayor Coss and Councilors Bushee, Trujillo and Calvert for introducing this Resolution, because it reaffirms his believe that this is a forward-thinking, welcoming and inclusive place. He said times are changing around the world and this country, and we need to be on the right side of history, and with this Resolution you have given us the option to do this. He urged undecided Councilors to please consider the wonderful affirmation of everyone's right to love who they want to love, that is included in this Resolution.

Greg Threlkeld and his partner of 17 years Louis Lopez, said they are here to ask to support for the Resolution introduced this evening.

Shelley Murray and her partner Suzanne Sloan, said they were married spiritually in a ceremony 3 years ago. She said they want to thank Mayor Coss and the Councilors for introducing this Resolution and encourage all of the Councilors to support the Resolution. Ms. Sloan said, "We are asking for our civil rights to be married in the eyes of the law as we are in the eyes of God, and we're not asking to be married in anyone's church, just to have our right to life, liberty and the pursuit of happiness. Thank you all. **Ms. Murray** said I just want to say that I did try to be straight and I just couldn't do it. She said, "I was born this way. I'm one of 14. I'm the only one in my family. I was born gay and I love my wife."

Unidentified said, "My grandfather was born in Santa Fe, and the question I want to bring before you is this. Is the way you do business. If you look at your schedule this evening, this Resolution isn't on there. It wasn't there at five o'clock, it's not there at seven o'clock. We had people, good Christian people driving up from Los Lunas driving from Farmington, and we said there's nothing here tonight. As a matter of fact, we heard this particular piece of business is going to be delayed. We could have filled these little red seats with Christian people who believe in that sign that is right behind you: La Villa Real, the royal city, de Santa Fe of holy faith. We would have filled this auditorium with people of holy faith. The problem is this, we have the same number of people that came before you tonight to say, poor me, multiply that by thousands and they are praying for this chamber this very evening. They believe something that you and your proposal are not suggesting. The very simple fact is this, the reason they can't marry is they because they can't give back to society. One word: babies."

Unidentified continued, "A family consists of babies. The issue is this. You haven't the authority. We went to the New Mexico State Legislature. We argued with them, we talked with them and we asked them what the issue would be, and consistently the Legislature, not you, the lawmaking body of the land, has said no. No babies. No family. No marriage."

An unidentified woman, said, "I just quickly want to say thank you Mayor Coss and Councilor Bushee for your concern for this community, and we don't agree with what you are trying to do, and we think that the County Clerks could be in trouble for doing what you say. But we think you did it with a good heart so God bless you. And we're praying for you."

Christine Eslund said I think they just proved our point. She said, "I am supporting the Resolution recognizing that same sex marriage is legal in New Mexico, etc. She said this is my fiancé of 25 years, **Joanna Griffin**, we have lived in Santa Fe for most of this time. And take it away." **Joanna Griffin** said, "I have spent a great time of my life in attending weddings a flower girl, bridesmaid, maid of honor, as friend as relative, always buying wedding presents. Always wishing the good health and happiness. I would like to have my turn. The other thing I want to say is in the early 1990's I was in the tourist business in Santa Fe, and just as a crash note, bringing money into Santa Fe. If this passes you will have people coming from Texas, Arizona, Oklahoma, Colorado and California coming here and bringing money to this place. I don't know why Las Vegas hasn't glommed onto this yet. **Christine Eslund** said, "I would also like to add that I feel that marriage stabilizes society in terms of people being willing and able to take responsibility for taking care of each other, and I think anytime society can encourage that, it's a good thing. Thank you."

Sean Menhaus, said he is here with his wife Colleen who is in the back. He said in this country, there was a day he and Colleen couldn't get married because she's white and he isn't. He is glad this country caught up and said interracial marriages are possible. He said gays and lesbians are in the same shoes which they used to be. He said 8 years ago he came to Santa Fe and went to the Plaza there is a

sign saying it is for the people who died fighting savage Indians. He said, "Today, we don't believe that. We don't believe that they were savages. And I think it's the same with the lesbian and gay members of society, that they're just like us, so I'm here to support this Resolution also, and I hope you guys pass it. Thank you."

Carmen Stone said she is considered a straight ally to her lesbian and gay friends. She said, "Of all of the relationships that I have observed, and there have been many, and this includes my own, the relationships that have lasted the longest, that have endured the most, that operate from the most integrity and respect and love, are those of my lesbian and gay friends, not my straight friends. As far as giving back to society, when I watch my lesbian and gay friends parent their children, yes, they have the same love, caring that my other friends do. There is something special I see there in their eyes, when they look at their children, there is a total acceptance. They love their children just as they are. That is giving back to society the greatest gift you can give to society – a well nurtured child with self-esteem. As a human rights activist, this is not a religious issue. This is a civil rights issue."

Brad Malone and his partner Michael Carter from Taos. He said they live in Taos, and he has been with his partner for 13 years. He said he is on the Board of the Chamber of Commerce. He said the U.S. Supreme Court is going to make up its mind quickly, and he is confident that they've already stated many times that marriage is a fundamental right. And that's all you need to act on today. As you go forward, think about what fundamental rights are, and then think about the economics. He said when New York allowed same sex marriage a year or more ago, a study was done indicating \$600 million in economic benefits to the State would accrue in the first year. We won't get that much money, but we are surrounded by states with millions and millions of people, hundreds of thousands of gay couples who will come to New Mexico to get married and have their honeymoons, and they will spend money. He said he happens to be a gay Christian.

Kate Walgans, resident of District 2. She is a dedicated voter, and she's been giving back to her community for the last 30 years by voting, paying taxes and being a volunteer. She would like the same right to marry that she had in 1998, when she married her husband. I would like to maintain that right. She thanked the Councilors supporting the Resolution, and hopes those on the fence will be persuaded by the good people here tonight, if you hear with your heart.

Gail Kinney said she supports the Resolution and urges the Council to listen to people in your hears and listen to everything everyone has said tonight. She said, "We work hard in this community, we give back to this community, we pay taxes, support parks, schools and support everything that Santa Fe is all about. I'm just asking you to look at this deep from within your hearts."

Dr. Robin Silverman said she has been in Santa Fe for 20. She said she is a single lesbian mother. She raised her daughter here, who lives a happy life in Santa Fe. She is having a hard time getting her to go away to college. She said this is a issue for the youth. She has met some of her gay friends who still who are afraid. She said it is amazing to be talking openly about this issue around the gay community. She said if her daughter decides she is a lesbian, she can marry someone of her own sex, as well as a man if she chooses. This should be a choice. She said we have fought very strongly for the last 40 years, and is glad to see this come full circle from stonewall in the 1960's to getting married, and stand in front of the altar in front of her family. She supports this Resolution, and "I hope that you do what is right."

Ron Shaw and his partner Tim Fisher, 711 South St. Francis, have been together for 13 years, and would like the Council to support the Resolution. He said he knows a lot of gay people who raise children. He said if the State continues to sanction this kind of discrimination, how can we ask children not to bully those children in our community who might appear to be gay or lesbian, if the State says there's something separate and different about us that has to be kept apart and separate. He said they have earned the right to their civil rights. They pay taxes and give back to the community. He hopes you think about what this decision means. He said, "There is a chance to err on the right side of history, and to make this place a beacon that can show the rest of the world and have fear based in bigotry that this isn't such a bad thing. It's happening in Santa Fe, and look the sky isn't falling. It doesn't hurt anyone, it only helps people. And isn't that really what the law is set up to do. Who would be hurt by me and Tim getting married. I thank you." **Tim Fisher** said, "I agree with him."

Maggie O'Dell, 726 Allendale Street, District 2, said she would like to ask all of the City Councilors to support this wonderful Resolution.

S. Ricon and his partner Walter Rincon, said they changed their names legally in San Francisco to the same last name, because they couldn't get married there. And they moved here because the love of his life loves Santa Fe, commenting he didn't really want to come here. He said it broke his heart to leave San Francisco. He said, "You can make that right today. Okay. Thanks."

Amber Trujillo, said she would like to thank Geno Zamora for really reading the law well, because this is going to be an awesome thing, and I really do think it's going to happen. She said, "If any of you get arrested, I'll be happy to bail you out. First of all, I would like to say I've been married for 15 years, and we have two children. And we have friends that are gay that have children, and they put us to shame as parents, because they're more understanding, more caring and they get what it's like to be judged, in a big way, every day. And they don't allow that for their children. First of all, I congratulate them as parents. You don't have to have a child to be a parent, and having a child doesn't make you a good parent. The other thing is I used to run school based health for the Teen Health Centers. And I can't tell you how many

children came to us contemplating suicide, just wanting to die. 'Hispanic kids, saying that my family will never accept that I'm gay. I can't be gay this is wrong.' They struggled with it for so long. And now that they've accepted who they are, they're the happiest people I've ever seen. I really applaud you guys in your efforts, especially to my favor Councilor, Ron Trujillo. I just hope that it passes, and I just think it's the right thing to do, and you guys are doing it for all the right reason. I'm a Catholic, I contribute to the church, but I also contribute to equality in New Mexico."

Deborah Heppler said she wasn't planning on speaking tonight, but she feels inspired to do so. First and foremost, she calls herself a Christian and she is saddened that the term Christian has been hijacked by people who feel that Jesus may not have said that the greatest commandment is to love one another. Ms. Heppler said, "And I think that we all should love one another, we should support one another, we should help one another in all situations. And I speak to this. And I hope that you don't run away from it because you think it is against what my Lord and Savior taught as the greatest commandment ever. And I am proud to call myself a Christian, and I will not let other hijack the term Christianity in this City, in this State and in this Country. Thank you for listening to me."

John Landstrom, said he is a 19 year resident of Santa Fe. He supports the Resolution, and asked the Council to please accept it. He said, "In 1988, my late partner Rob Eichberg was the cofounder of an organization called National Coming Out Day, which is now funded and directed by the Human Rights Campaign out of Washington, D.C. This has been a civil rights journey, and we are here in the forefront of that with this Resolution. He said, "I am, we are, active and contributing members of this community. I'm a gay Christian man, I'm a pray chaplain in my church. I sit on the Board of Trustees. We are contributing members of our community, and our equality, our fairness, marriage should be granted to all of us."

G. APPOINTMENTS

Santa Fe Regional Juvenile Justice Board

Mayor Coss made the following appointment to the Santa Fe Regional Juvenile Justice Board:

Linda M. Trujillo, Esq. – to fill unexpired term ending 10/2014.

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

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

H. PUBLIC HEARINGS

- 1) **CONSIDERATION OF BILL NO. 2013-13: ADOPTION OF ORDINANCE NO. 2013-13 AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A TAXABLE DRINKING WATER STATE REVOLVING LOAN FUND LOAN AGREEMENT BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF NO MORE THAN \$5,050,000, WHICH INCLUDES AN EXPENSE FUND COMPONENT, TOGETHER WITH INTEREST AND ADMINISTRATIVE FEES THEREON, FOR THE PURPOSE OF FINANCING THE COSTS OF A NECESSARY DRINKING WATER PROJECT, BEING THE DESIGN, ACQUISITION, CONSTRUCTION, PERMITTING AND INSTALLATION OF A SOLAR PHOTOVOLTAIC SYSTEM TO SERVE THE BUCKMAN DIRECT SURFACE DIVERSION PROJECT (THE "PROJECT"); PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, COSTS OF ISSUANCE, ADMINISTRATIVE FEES AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE NET REVENUES OF THE GOVERNMENTAL UNIT'S WATER UTILITY SYSTEM AND FROM REVENUES GENERATED BY THE MUNICIPAL CAPITAL OUTLAY GROSS RECEIPTS TAX; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT (COUNCILOR CALVERT). (DALE LYONS)**
 - a) **APPROVAL OF THE FORM OF A TAXABLE DRINKING WATER STATE REVOLVING LOAN FUND LOAN AGREEMENT BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF NO MORE THAN \$5,050,000 FOR THE PURPOSE OF FINANCING THE COSTS OF A NECESSARY DRINKING WATER PROJECT, BEING THE DESIGN, ACQUISITION, CONSTRUCTION, PERMITTING AND INSTALLATION OF A SOLAR PHOTOVOLTAIC SYSTEM TO SERVE THE BUCKMAN DIRECT SURFACE DIVERSION PROJECT.**

Dale Lyons presented information from his Memorandum of March 22, 2013, with attachments, which is in the Council packet. Please see this Memorandum for specifics of this presentation.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Calvert moved, seconded by Councilor Wurzbarger, to adopt Ordinance No. 2013-13, approving Item H(1) as presented.

DISCUSSION: Councilor Wurzbarger asked Mr. Lyons to clarify the resources which will be used for the repayment of the loan.

Mr. Lyons said he resources which will be used to repay the loan, will come from both the County and the City. He said, "In talking with Nancy Long, the BDD Board's attorney, it sounds like the preferred method is to have both the City and the County assess, in their monthly operational cost, for the BDD project overall. So at the same time, both the County and the City will be receiving a break on electric utility bills because of the electric power that's going to be generated from this facility. The costs of the repayment alone, which will be approximately \$5,000 per month, should be covered by that amount.

Councilor Wurzbarger said this is the clarification she wanted in the record.

Mr. Lyons said, "It is projected that in the first month, the project will be cash positive."

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

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

Against: None.

Absent for the vote: Councilor Bushee.

MOTION: Councilor Calvert moved, seconded by Councilor Wurzbarger, to approve Item H(1)(a), as presented.

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

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

Against: None.

Absent for the vote: Councilor Bushee.

- 2) **CONSIDERATION OF RESOLUTION NO. 2013-37. CASE #2012-146. 2823 INDUSTRIAL ROAD GENERAL PLAN AMENDMENT. JIM W. SIEBERT AND ASSOCIATES, INC., AGENT FOR DONNA AND ROBERT ITALIANO, REQUEST APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 0.38± ACRE OF LAND FROM RESIDENTIAL LOW DENSITY (3-7 DWELLING UNITS PER ACRE) TO BUSINESS PARK. THE PROPERTY IS LOCATED AT 2823 INDUSTRIAL ROAD. (HEATHER LAMBOY).**

Items H(2) and (3) were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.

A copy of a Memorandum prepared March 11, 2013, for the March 27, 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, regarding Case #2012-146, 2823 Industrial Road General Plan Amendment, and Case #2012-147, 2823 Industrial Road Rezoning, is incorporated herewith to these minutes as Exhibit "11."

A power point presentation *Industrial Road General Plan Amendment & Rezoning*, entered for the record by staff, is incorporated herewith to these minutes as Exhibit "12."

The staff report was presented by Heather Lamboy. Please see Exhibits "12" and "11" for the specifics of this presentation.

Public Hearing

Presentation by the Applicant

Mayor Coss gave Mr. Siebert the requested 5 minutes for presentation

Jim Siebert, Agent for the Applicant, 915 Mercer, was sworn. Mr. Siebert said, "This building actually has, from the best that we can tell, because we couldn't find any long term history on it, has been around since about the mid-1990's, which makes it about 20 years old. As you see, from the type of structure it is, it's always been a commercial structure, the building is a commercial structure. It has been occupied... we've done a little history going back to various occupants, it's been occupied by a plumbing supply, plumbing contractor's yard, an auto repair shop, most recently a carpentry shop and now, the current owner, is a contractor specializing in water harvesting systems, recently it purchased from bankruptcy. He is the kind of young person everyone wants to see in Santa Fe, is ambitious and wants to be able to grow his business here."

Using an enlarged map, Mr. Siebert spoke about the subject site. Mr. Siebert said, "To give you an idea how this property is oriented, the site sits right 'here.' This area 'here' that you see all these cars, or vehicles, are an area where they dismantle and crush the vehicles. The crushing machine sits right

down 'here.' And I've been to the site 3 different times, and from about seven o'clock in the morning to four o'clock in the afternoon, this is a very very noisy place. Also, you have one of the main gas distributions 'here.' There's a storage area 'here,' and then across the street is a concrete batch plant."

Mr. Siebert, "The staff said it is consistent with the general plan and consistent with the rezoning criteria. But let me say, this is a reasonable transition between the very intensive uses that you see on the south side of the property and the uses that will develop on the north side of the property over time. I'll answer any questions you may have."

Speaking to the request

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Wurzbarger moved, seconded by Councilor Ives, to adopt Resolution No. 2013-37, approving Case #2012-146 Industrial Road General Plan Amendment, as presented by staff.

DISCUSSION: Councilor Ives asked who is the owner.

Mr. Siebert said the current owner is Mr. Kessler, noting his son Jesse Kessler is here tonight.

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

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

Against: None.

- 3) **CONSIDERATION OF BILL NO. 2013-14: ADOPTION OF ORDINANCE NO. 2013-14. CASE #2012-147. 2823 INDUSTRIAL ROAD REZONING. JIM W. SIEBERT AND ASSOCIATES, INC., AGENT FOR DONNA AND ROBERT ITALIANO, REQUEST REZONING OF 0.38± ACRE OF LAND FROM R-2 (RESIDENTIAL, 2 DWELLING UNITS PER ACRE) TO I-1 (LIGHT INDUSTRIAL). THE PROPERTY IS LOCATED AT 2823 INDUSTRIAL ROAD. (HEATHER LAMBOY).**

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to adopt Ordinance No. 2013-14, approving Case #2012-147, 2823 Industrial Road Rezoning, with all conditions of approval as presented by staff.

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

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

Against: None.

- 4) **CONSIDERATION OF BILL NO. 2013-15: ADOPTION OF ORDINANCE NO. 2013-15. CASE #2012-150. SANTANA REZONING TO R-4. JOSIE SANTANA REQUESTS REZONING OF 3.188± ACRES FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO R-4 (RESIDENTIAL, 4 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED WEST OF ST. FRANCIS DRIVE AND SOUTH OF SIRINGO ROAD, IN THE VICINITY OF 1786 SIRINGO ROAD. (HEATHER LAMBOY)**

A copy of a Memorandum prepared March 12, 2013, for the March 27, 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 "13."

A power point presentation *Santana Rezoning*, entered for the record by staff, is incorporated herewith to these minutes as Exhibit "14."

The staff report was presented by Heather Lamboy. Please see Exhibits "14" and "13," for the specifics of this presentation.

Councilor Calvert asked Ms. Heather to show more illustratively the secondary emergency access.

Ms. Lamboy said, "The secondary emergency access would come via an adjoining street. There is emergency access that goes across these properties 'here,' all the way to this street 'here,' this residential street to the west. So the public access, the utility and emergency access easement, that would go 'that way,' so that would be just only for emergency access. The primary access to the property would be directly from Siringo Road."

Councilor Trujillo said, "I see Calle Ensenada, I just don't see... where is the access. I don't see another road there. I can see the dirt roads. I'm actually looking through google maps. That's where I'm looking at. I just don't see where the access is."

Ms. Lamboy said, "It is sort of the dirt road that you see there. That is the access easement."

Councilor Trujillo said, "Then I'm looking at the one right next to Calle Ensenada, right."

Ms. Lamboy said that is correct.

Councilor Trujillo said, "Then I see that little dirt road right there. And I'm seeing the access that comes to 'this' section. What I'm looking at through here, is I see the terrain. I just don't see you're getting a road 'there,' and my concern is with emergency access."

Ms. Lamboy said that is something that would have to be vetted thoroughly at the site plan level. The Fire Department took a look. They went and did a site visit and they determined that it could be possible with some improvements. That would be the responsibility of the property owner to make sure that those improvements are done."

Public Hearing

Speaking to the request

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Trujillo moved, seconded by Councilor Calvert for purposes of discussion, to adopt Ordinance No. 2013-15, approving Case #2012-150, Santana Rezoning to R-4, with all conditions of approval as recommended by staff.

DISCUSSION: Councilor Calvert asked if the motion includes the conditions of approval and Councilor Trujillo said yes.

Councilor Calvert said one of the conditions says, "The subject property is accessible to the City Sanitary Sewer System...." He asked if it also is accessible to City water, or what is the water situation.

Ms. Lamboy she said water is required at the time of permit, although staff does comment on it when they come in for development plan.

Councilor Calvert said he isn't talking about water rights, he is talking about accessibility to the water system. He asked what kind of water delivery system do they have, and would they be on City water or do they have a well.

Ms. Lamboy said City water is available at Siringo Road, and there is City water delivery to the existing house on the property and they would be responsible for developing water infrastructure for any redevelopment on the site.

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

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

Against: None.

- 5) **CASE #2013-08. APPEAL. JENKINS GAVIN DESIGN & DEVELOPMENT, INC., AGENT FOR PRESBYTERIAN CHURCH (USA), A CORPORATION, APPEALS THE JANUARY 8, 2013 DECISION OF THE HISTORIC DISTRICTS REVIEW BOARD IN CASE #H-12-101, DESIGNATING THE BUILDING AT 401 OLD TAOS HIGHWAY IN THE DOWNTOWN AND EASTSIDE HISTORIC DISTRICT AS CONTRIBUTING AND THE WEST ELEVATION AND THE WESTERN PORTION OF THE SOUTH ELEVATION AS PRIMARY FAÇADES. (KELLEY BRENNAN)**

Councilor Bushee's disclosure: *Councilor Bushee said, "Mayor, I want to disclose that Frank Herdman has represented me on a personal matter and that it is completely unrelated to this case. I have not had any communications with him regarding this appeal, and I will make my decision based solely on the information presented in a completely unbiased and neutral manner."*

A copy of a Memorandum dated March 18, 2013, with attachments, to Members of the Governing Body, from Kelly Brennan, Assistant City Attorney, in this matter, is incorporated herewith to these minutes as Exhibit "15."

A series of color photographs of the subject site, used by David Rasch in his presentation, are incorporated herewith to these minutes collectively as Exhibit "16."

A power point presentation used by Jennifer Jenkins, Agent for the Appellant, in her presentation, entered for the record by Jennifer Jenkins, JenkinsGavin Design and Development, Inc., is incorporated herewith to these minutes as Exhibit "17."

The staff report was presented by Kelley Brennan, Assistant City Attorney. Please see Exhibit "15" for the specifics of Ms. Brennan's presentation.

Ms. Brennan said, "The Appellant claims that the designation of the building as contributing, was not supported by substantial evidence and that the Findings didn't adequately state the basis for the decision. I believe that the record was support of the decision. I think the Findings could have been better. You have my memorandum, I won't reiterate it in detail."

Ms. Brennan said the definition of contributing is on page 4 of her Memorandum as follows:

SFCC §12-1 defines a "contributing structure" as "[a] structure, located in an Historic District, approximately 50 years old or older, that helps to establish and maintain the character of the Historic District. Although the structure is not unique in itself, it adds to the historic associations and/or historical architectural design qualities for which a district is significant. The structure may have had minor alterations, however, its integrity remains."

Ms. Brennan said on page 4, under Paragraph B, there is the beginning of the analysis of the definition and how that building meets that definition. She said it is an Historic District, it's in the Downtown and East Side District, it is approximately 50 years old, or older, it was apparently designed in 1960 and completed in 1964. Ms. Brennan said, "I would point out that the criterion is approximately 50 years of age or older. We assume construction commenced prior to construction completion and therefore, we believe it meets the criterion. Helps to maintain the character of the District, we believe it does. It complies with District standards, and you will find those outlined in detail on page 5 in Paragraph 3. It adds to the historic associations and/or historic architectural designs for which the District is significant, and we believe the integrity remains."

Ms. Brennan continued, "However, if there is a reason it would not be contributing, it would be because the additions may impair the integrity of the building. David will you show you some photographs and describe where the additions have been made. I believe you actually have a packet of photographs and he'll go through those with you."

Ms. Brennan continued, "The Appellant's other claims are that the HDRB improperly relied on an association with Philippe Register to establish status, that mid-twentieth style is not defined and is not a basis for status and the status designation is an unacceptable constraint on future development. I also address those issues in the Memo. And I call your attention in the Memo to the development of the Old St. Vincent's Hospital and Marian Hall buildings. Those were contributing buildings and in fact have been approved for additions and renovations for an adaptive reuse of the hotel. David [Rasch] will give you a brief tour of the building and then the Appellant will speak."

A series of color photographs, numbered 1 through 13, demonstrating the features of the subject site, were presented by David Rasch. Please see Exhibit "16" for specifics of this presentation.

Mr. Rasch said he will give a virtual tour of the property, using the overhead projector, as follows:

The Map	A conglomeration of two exhibits in the packet on pages 53 and 56. It shows the street frontage along Old Taos Highway, along Paseo de Peralta and the footprint of this very large, 30,000 sq. ft. plus structure. The primary elevations are designated by the Historic Districts Review Board [HDRB] with the dots and the lines. The 3 additions are identified in red and pink, and the Council will be looking at the addition which faces on Paso de Peralta specifically.
---------	---

Mr. Rasch said there was once an entry to the building on Paseo de Peralta, which is now obscured by the addition. It is hard to see the Paseo de Peralta side of the property because there is a mature landscape, a sculpture garden, notable giant Sequoias, several large Ponderosa pines.

- Photo #1 Starting on the east side of the property you see one of the separate wings at the back of the structure, and I could characterize this part of the structure as not very characteristic. It has a symmetrical pattern of windows. Very simple massing. This is an historic part of the building, but not part of the historic elevations.
- Photo #2 As we go around in the corner you see this addition we're talking about. "In my opinion, this addition is a very harmonious addition to that building we just looked at. And in the H-Code, contributing buildings can have additions that are sensitive. And I would consider this a sensitive and harmonious addition, but it's not an historic part of this building."
- Photo #3 And as we go further to the west, you start seeing that main southwest corner. At the southwest corner, this block of the building is the tallest part and it really does anchor this building at the corner of Old Taos Highway and Paseo de Peralta. He said the H-Board looks at the character of the Historic District and the buildings make up that character. He said Philippe Register is known to successfully blend traditional Santa Fe Style building with modern design elements, and we start seeing here in the southwest corner.
- Photo #4 The typical elements of Santa Fe Style is the massive adobe-like structure where the walls predominate, the windows do not, but in this case, these very narrow windows are not a traditional element of Santa Fe Style. So as a contributing building, the Board can now look at this narrow linear window and say this is now a traditional design element that can be applied to other structures in this District. He said, "For that reason, I find that these modern design elements add a lot to the tradition of recent Santa Fe Style. So in this case, this narrow, long window, it has this nice beveled sill and these carved corbels at the top, but the fact that it's this very narrow window, is quite modern, a nice mid-century interpretation of design elements. So that's on the southwest corner."

Councilor Wurzbarger asked, "So, is this an addition." Mr. Rasch said, "This is part of the original building and not an addition."

Mr. Rasch continued with his presentation:

- Photo #5 West side. Here is the southwestern mass. The portal is part of the primary elevation that was designated by the Board, and in the portal there are numerous features of design that blend traditional Santa Fe Style with modern interpretations.

- Photo #6 The portal beam, corbels and posts have very traditional design elements here. Beautiful painted florets, carved corbels quite traditional.
- Photo #7 The door leading into the southwest corner, has beautiful beveled angle on the wall. A nice historic door, exposed header, very traditional Santa Fe Style elements.
- Photo #8 Further into the portal, there is a modern door, an interesting interpretation of historic doors, where the panels would be are now lights, there are windows. An interesting mid-century interpretation of Santa Fe Style.
- Photo #9 A beautiful mosaic mural.
- Photo #10 Several plaques identifying the site of the former school as well as the Presbyterian plaque, identifying this as an historical site.
- Photo #11 North end of the west façade, a loading dock, garbage receptacles. You also see the Santa Fe style brought in with the change in parapet height. A nice change in the massing of the building.
- Photo #12 Behind the wall are traditional and modern elements. A beautiful header with florets, carved corbels, very typical historic door with very large windows, another interesting interpretation of sidelights.
- Photo #13 This is the leader of the building, and you see these additions, the little portal, and the addition with the portal, very traditional, very sensitive, very harmonious additions to this building.

Mr. Rasch said, "For that reason, I think this is a good example that gives the Board flexibility to allow these modern elements into Santa Fe Style."

Public Hearing

Presentation by the Appellant

Mayor Coss gave Ms. Jenkins the requested 20 minutes for her presentation

Jennifer Jenkins, JenkinsGavin Design & Development and Gayla Bechtel were sworn.

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

Ms. Jenkins said, "I am here tonight on behalf of the Presbyterian Church, to request that the building before you this evening, 401 Old Taos Highway, be designated as non-contributing to the Downtown and Eastside Historic District. And as the owner of the property, the Church is opposed to this designation [the H-Board designation?] and this evening, we intend to show that this building does not meet the standards for contributing status."

Ms. Jenkins continued, "And I think it's worthwhile to go ahead and review quickly the definitions in the City's Land Development Code regarding historic status. The first definition is for Non Contributing, 'A structure, locate in an H District, that is less than fifty years old or that does not exhibit sufficient historic integrity to establish and maintain the character of the H District. Very important words, establish and maintain. We will demonstrate that this building does not exhibit sufficient historic integrity.'"

Ms. Jenkins continued, "The contributing definition as Kelly already touched on and referenced in her packet, 'A structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that district.' And again, we will demonstrate that this building does not do that. And it also states that, 'The contributing structure may have had minor alterations, but it's integrity remains.' We will demonstrate that the alterations to this building have definitely impacted it's integrity."

Ms. Jenkins continued, "And lastly, it is important to point out that only in the definition of significant status, is the Board authorized to utilize 'association with events or persons that are important on a local, regional, national or global level,' as a basis for significant status. That language was purposely not included in the contributing definition. So we contend that the Board relied heavily on the association with the building's architect. Throughout the minutes, the name is repeated repeatedly. But for significant status, yes, it clearly states that it is explicit that is permitted. It is not explicit in the contributing definition, so we believe that was an inappropriate reliance on the part of the Board."

Ms. Jenkins said, "With that, I'm going to hand it to Gayla Bechtel. Gayla actually performed the recent historic inventory of the building. Gayla is a certified Historic Architect in the State of New Mexico, with experience in the planning theories, methods and practices of architecture that enable professional judgments to be made about the identification, evaluation, documentation, registration or treatments of historic properties in New Mexico. She has practiced architecture in New Mexico since 1991, after education on both coasts, including the University of Southern University and Harvard University Graduate School of Design. So with that, I would like to hand it to our expert and I will come up with a few closing comments and that will conclude our presentation."

Gayla Bechtel [previously sworn] presented information via power point [Exhibit "17"]. Ms. Bechtel said, "As Jennifer said, the Presbyterian engaged me to complete the historic cultural properties inventory. When I am engaged privately by clients, I do a thorough investigation, physically of the building, as well as at the Library, including the History Library, to look for associations. I do a lot of aerial photograph

research to understand when things are changed and so forth. After I completed my survey, I determined that this building I didn't feel like had enough integrity or enough features to be considered as maintaining the historic district."

Ms. Bechtel continued, "One of the main reasons I feel like the integrity is lacking is because of the entry sequence which, in my mind, was obliterated by that sensitive addition that David called sensitive. I don't know how to actually point to this. What I want to show you, in terms of the entry sequence is that the entry faced Paseo de Peralta and that there was a courtyard that the entry opened onto, which then opened onto the next courtyard and so forth. So it was a very pleasing entry sequence that is no longer existing in this building. So that was the integrity for me, that that was a significant enough change to make it have to have lack of integrity. One of the other reasons that I considered it to be non-historic or non-contributing, was because of its dominant featureless architecture. That certainly the building has features that are Santa Fe Style, the corbels and things that David pointed out, but they are very few and far between. They are just at the ends of some of the wings, but not all of them. And now, with the recessed portal gone, the main portal, now there is only the side portal which is now the front door."

Ms. Bechtel continued, "The other reason is its lack of contribution to the streetscape. And I think I'll go back to 'that one.' You can see that the building really doesn't front any more onto Paseo, and it's also set way back. So, for those reasons, the front door became the back door or the back door became front door. The primarily featureless architecture and its lack of contribution to the streetscape."

Ms. Bechtel continued, "So here's a site plan. You can see, the sidewalks led to Paso and then the courtyard kept going through. This is a 1968 aerial photograph, again showing the sidewalks and the entry sequence, again to Paseo. And then the next photograph will be of the same thing, only from 1976. What you will notice also from this photograph to the next one, is that the most northern wing was added, so it was built after 1968 but before 1976, so another non-historic addition. And, as David pointed out, when the H-Board determined that this building was indeed contributing, this was the primary façade, most of the primary façade. And I want to point out some of the features that David didn't. The one façade that you can see the step to massing on, except for the corner that faces Paseo, the portal and the canales, and that's pretty much it, except for the lintel over the doorway that is Santa Fe Style."

Ms. Bechtel continued, "So 'here's' Santa Fe Style. This is the building that defines Santa Fe Style for most of us, if some you are [inaudible]. As you can see, it's on the street. It contributes to the streetscape. It has projecting vigas, rounded walls, recessed portals, projecting buttresses. It has the picturesque Pueblo massing, the stepped walls. It's what we emulate as Santa Fe Style. Here's our building and there is the canale and it's brown and in my opinion, it really does not establish or maintain any character in the District. This is continuing to walk around the building, but again, this is the most publicly visible façade, and as David said, there's a nice tree in front of it, which is good, because it's 96 feet long, completely flat and would never be approved by the H-Board today. Again, there's a nice carved lintel in the very recessed portal. This is not publicly visible from the street. And then we have the non-recessed windows. One of the primary characteristics of Recent Santa Fe Style, is that the windows are deeply recessed. But we do have some canales."

Ms. Bechtel continued, "And this is, as David said, a harmonious nineties addition, except for the windows in this addition are actually fake mullions, metal aluminum windows. This is the addition that was built between 1968 and 1976, which is... you can see the vinyl windows with the AC units, and also characteristic recessed portal with very little detail. And the canales is another feature of Santa Fe Style. Here are the non-recessed windows. And so we get to the primary façade of this building, and as David pointed out, there is a nice feature at the corner, and I don't disagree with his description of it as an anchor for this building. And Philippe Register certainly knew what he was doing when he designed this building to front both Paseo and Old Taos Highway."

Ms. Bechtel continued, "I guess this brings me back to this 32,000 sq. ft. building, which has some architectural features. The portal that you see here is about 30% of this one façade, and it is predominantly a featureless building. And you can see that here, we've drawn a red line around what we consider to be where the features that are Santa Fe Style that exist on this building. And we can see that it's a very small portion of the whole 32,000 sq. ft."

Ms. Bechtel continued, "These few slides are of some other contributing building in the District that do contribute.... that have been determined to maintain and establish the character of Downtown Eastside Santa Fe. This is across the street. Again, we can see the rounded buttresses, the portal, the chimney, the fireplace, projecting vigas and the very nicely mullioned Old Santa Fe Style windows. This is on Guadalupe. This is in the westside Guadalupe District, but it is Santa Fe Style, projecting vigas, lintels on all sides of the building and not just a few parts of the building. These are some more in the Downtown Eastside District. This is obviously a house, projecting portals, windows, the rounded corners and so forth. Same 'here.' Which brings me to a building that is the Villa Therese Building that Jennifer will speak to a little bit more, but again it has very similar features that our building does, which is that there are very few features that are actually Santa Fe Style. Thank you."

Ms. Jenkins said, "I just have a few closing comments, and then will wrap it up. And as Gayla mentioned, what you see before you, some of you will recall the Villa Therese Clinic. In 2006, this Council designated this 1930's era building as non-contributing. And, as Gayla mentioned, this building shares a lot of features with the subject building that is before you this evening. In fact, I'm reading from the minutes from that night in 2006, where this building was described as "devoid of Pueblo Revival characteristics. No projecting vigas, no exposed lintels, no picturesque Pueblo massing. No chimneys or bancos or curved linear parapets or other structural elements. The building is featureless.' Those words could just as aptly describe the building that is before you this evening."

Ms. Jenkins continued, "And so we think it's relevant that we have a building that is significantly older, tucked behind the Cathedral, yet this body deemed this to be a non-contributing building. And, as Gayla mentioned, what we see on the right side of the slide is what absolutely the building that establishes the character of the Downtown and Eastside District. This is the standard-bearer. When you are designing a Pueblo Revival building in the Downtown and Eastside, these are the elements. And as you

can see, we've clearly demonstrated this building does not convey those elements. We have a couple of elements. Yes, there's a couple of nice things about the building. It's a 32,000 sq. ft. building. One portal and one nice corner massing does not a contributing building make."

Ms. Jenkins continued, "And Gayla and I, as we were preparing for this evening, she and I spent a lot of time presenting and stewarding cases before the Historic Districts Review Board. I can tell you there is not a chance, even if it remains a contributing building, there is not a chance you could get it approved today by the HDRB. It's not going to happen. It would be an impossibility. I could never walk in front of the H-Board today and get it approved. It's not possible."

Ms. Jenkins continued, "So, we've entered an interesting time in Santa Fe's history. We've entered a time where we have buildings built in the early 1960's that are becoming eligible for historic status designation. It's a very interesting time, and it's a really important time, because now is the time when we need to be especially discerning, and especially selective, about buildings that receive historic status. If they are not, then we risk diluting and diminishing Santa Fe's architectural heritage. We have to ask ourselves are we comfortable with this building becoming the standard-bearer for architectural design in the Downtown and Eastside District for new construction. Are these buildings going to maintain the character. So as new buildings are built, old buildings are renovated. What do we want to see. Do we want to see more of what we have on the left. Or do we want to make sure our new buildings emulate our current standard bearer for the Historic District. Thank you very much for your time, and we'd be happy to stand for questions."

Questions from the Governing Body

Councilor Calvert said in Mr. Rasch's presentation, there was a plaque, American Presbyterian and Reformed Historical Site, registered by the Presbyterian Historical Society, Philadelphia, Pennsylvania. He asked the criteria for that plaque.

Ms. Jennifer said she doesn't know, but there may be historical context with respect to the Presbyterian Church's use of this building. She said there is a representative from the Presbyterian Church who might be able to speak to that.

Deborah Heppler, Executive Director, Ghost Ranch, and employee of the Presbyterian Church USA, was sworn. Ms. Heppler said she said she doesn't know the criteria of the Reformed Presbyterian Church which is an ancestor of the Presbyterian Church, USA, noting the criteria is never applied to a building. It is applied to the use of a building. The Presbyterian Church has had the use of the Church since it was first a Presbyterian School in 1908.

Councilor Bushee said we're just talking about the Church and not the surrounding residential buildings, and Ms. Heppler said this is correct.

Councilor Bushee asked if they were built at same time.

Ms. Bechtel said, "This came first. This was a retirement home or a rest home, and then those residences came after. They were built later."

Councilor Trujillo said for clarification for Councilor Calvert, the Presbyterian Reformed Historical Society is to "honor and celebrate places of special significance in the Presbyterian Reformed traditions in America. The Presbyterian Historical Society established the American Presbyterian Reformed Historical Society Registry. The Registry recognizes those sites that are unique, and relate to important events, institutions in American Presbyterian Reformed History. Additions to the Registry have been suspended."

Speaking to the request

Susan Stephens, 657 Garcia, was sworn. Ms. Stephens said she has been a homeowner in Santa Fe for 12 years. Ms. Stephens read a statement into the record as follows: "A community is a reflection of its history, and those respect the past and care about the future. Philippe Register, the architect of the Ghost Ranch Complex was such a man. As a peer respected architect, he was cognizant and respectful of the historic providence and historic when designing architectural structures. The Building Code and Permit Department, also respected the integrity of his work. He was devoted to maintaining the flavor and history and continuity of Santa Fe. All too often, newcomers and corporate entities lack the perspective or awareness of our cultural history. Ideally, they would choose stewardship over personal agendas. Please make every effort to keep the Ghost Ranch Complex, which has historic standing and continuity, intact. It's a silent tribute to Philippe who contributed to this community in many ways for many years. And because it also has many attributes and possibilities as it now stands. All adobes are not created equal, and we need to be mindful and remember what made Santa Fe the town we now love. Thank you."

The Public Hearing was closed

Councilor Calvert said Ms. Jenkins referenced that her interpretation of the Code is that the reference to the architect was not relevant to this because it related to significant and not contributing.

Ms. Brennan said, "I would say that it is true that that cannot be the reason, and there is a distinction between contributing and significant status in that sense. However, I think the real question, this is a *de novo* hearing, I think the real question is whether you believe it meets the contributing standard. And I would also add, that it always is a challenge I think for people to look at more modern buildings and find the qualities that make them worthy. One of the purposes of all historic preservation is to preserve things of their time and place, and this clearly is a more modern structure. And I moved here from a place where a lot of structures were destroyed to build modern structures that now everybody hates and wants to [inaudible]. And I think context is everything. The Museum of Art is a significant building and is clearly the apogee of a certain style. And so, I just say that the comparison really should be with the building itself and whether meets the standards.

Councilor Ives asked, regarding the notion of a mid twentieth century style, if this is the first case that has dealt with that as trying to define this style.

Ms. Brennan said, "I think the controlling style would be Recent Santa Fe Style, which is a use of old Santa Fe Style elements to harmonize more modern buildings with older buildings. I think the fact that it's built in the 1960's, means it's referred to as mid-twentieth century style, but again, that's a time and place designation to my mind. I don't believe the Board was looking at it as some kind of style designation. I think it's indisputably a mid-twentieth century building. My parents were architects."

Councilor Ives said he heard someone say that this building provides an opportunity to recognize new design elements as part of the Historic District. He questions that as a basis for ruling in favor of the decision that was made. He said he is not sure that it sits right in his thought process that we want to preserve this, because it will allow us to argue in other cases, and referring to the southwest corner with the elongated windows and massing which was arguably unique and new and different, but not necessarily part of any style. That it was simply being used as a methodology. He said, "It's sort of a teleological argument of why this should be approved, as opposed of evaluating it against the standards."

Ms. Brennan said, "I'm not sure that David meant that he would see this, and he can speak to that, but I think what he meant is that it is integrating both traditional style and modern style, it is of it's place in time, and that there's some.... well, it would be lovely if everything looked like the Museum of Art. It might be, not a tapestry as people describe the City often, that there are varied places and times represented in its architecture. And whether you believe it meets the standard or not, should not be based on that."

Responding to Councilor Rivera, Ms. Brennan said the architect was Philippe Register.

Councilor Rivera asked if he did any other work in and around the area.

Mr. Rasch said there are 2 or 3 at the College of Santa Fe, now the University of Santa Fe. He also designed the Church of the Desert in Abiquiu, noting these are the ones about which he knows.

Councilor Rivera asked if Mr. Register designed any buildings in the vicinity of the subject building, and Mr. Rasch said there may be, but he is not aware of any.

Councilor Bushee said she keeps rereading the conclusion page 6 of Ms. Brennan's Memo, which says, "The building appears to meet the definition of contributing. However, if the Governing Body concludes that the non-historic addition associated with the relocation of the main entrance impaired the Building's fundamental integrity, then the Building does not meet the definition of contributing." She said, "I haven't heard a whole lot of discussion on that, David, but I see there's been several alterations and you were pointing out aspects you felt were good, but you think it's had enough alterations that perhaps it has defeated its contributing place."

Mr. Rasch said, "The Historic Districts Design Code for a contributing building allows an applicant to add up to 50% of the historic footprint to the building. So it allows for substantial additions. One addition, which is publicly visible is where the front entrance was enclosed on Paseo de Peralta. In my opinion, that addition not only meets the definition of how you can add to a contributing historic building, but it is a sensitive and harmonious addition as well."

Councilor Wurzbarger disclosure: *Councilor Wurzbarger disclosed that she has known Gayla Bechtel for a long time, and she recently referred a client to her, but said that she is not hiring her, and only spoke to her briefly in the hall. She said, "I am disclosing that I do intend to vote on this, because I do not feel that I have either an ethics violation or an inability to apply my judgment without bias. Thank you, Mayor."*

Councilor Ives asked, if the Council approved the appeal, what status does that put the building in, in terms of what becomes of it.

Ms. Brennan said, "I think you would be designating it as non-contributing. A non-contributing structure is a structure located in an Historic District, less than 50 year old and/or does not exhibit sufficient historic integrity to establish and maintain the character this Historic District. So, the two issues are age and integrity establishing character.

MOTION: Councilor Ives moved, seconded by Councilor Trujillo, to approve/grant the appeal in Case #2013-08, with direction to staff to bring back new Findings and Conclusions.

EXPLANATION OF THE MOTION BY THE MAKER: Councilor Ives said, "In my mind, in part what we're doing here is putting a little bit of the cart before the horse, in the sense that the design of this building certainly has many features that are not of terrible interest. The large façade, which is very box like, in my mind, really doesn't carry on the integrity of the design within the District, maintain the character of the District. I think the building itself is unique and pleasurable in terms of that southwest corner, but I don't think that's ultimately the issue here. So, for those reasons, I would approve the appeal."

DISCUSSION: Councilor Rivera said it does bring up an interesting issue about new designs that are just now getting into the 50-year timeframe where there are buildings that don't look like the old Pueblo Style, like what we saw downtown, but are still historic and are similar to those buildings that they are surrounded by. And it does bring up an interesting time for us. He said this is his comment.

Councilor Wurzbarger said she appreciates Councilor Rivera's comment, "but it immediately caused me, however, to think of Palace Avenue, and there you have every other building is different. And yet, in context they all provide a very historic feeling when you're driving up Palace. And again, I never disagree with staff, because it's hard for me, maybe one time in 12 years, and maybe twice, but not more, so that is hard. However, I too feel that this building... I found some of the additions more interesting architecturally than the actual building itself. That's why I probed, and I did ask the questions if this is added or was it old. So, for that reason, I'll be voting in support of the appeal."

Councilor Bushee said she is struggling with this one. She said, "First I have to reveal that Councilor Rivera once had a paper route in that area, he revealed to me tonight. Whether it's one of those buildings... that's sort of my route. And I drive by it all the time, and I've been in and around there for functions. It doesn't stand out to me, that building, but I'm also really glad it's there. I understand that at different times we have been looking at doing something in this area. I'm not the HDRB. I'm not the expert, and I don't like to go counter to our staff and to the HDRB all that often, but I am struggling. Because if I take it just on the building's merits alone, not on Mr. Register's history and name, it's a less remarkable building for me, so I am kind of struggling with this."

VOTE: The motion was approved on the following Roll Call vote, with Mayor Coss voting to establish the 5 votes need to approve the motion.

For: Councilor Calvert, Councilor Ives, Councilor Trujillo, Councilor Wurzbarger and Mayor Coss.

Against: Councilor Dimas, Councilor Rivera and Councilor Bushee.

Explaining his vote: Councilor Calvert said, "I would vote yes, but I would ask if that includes direction to staff to bring back new Findings and Conclusion to support that decision." Councilor Ives said yes.

Explaining his vote: Councilor Trujillo said, "Yes, and I'm intrigued that there is actually a Sequoia in Santa Fe, so I want to look at it. I didn't know that."

Explaining her vote: Councilor Bushee said, "I'm going to vote no. I'm just going to go with my heart."

Councilor Wurzbarger departed the meeting

- 6) **CONSIDERATION OF BILL NO. 2013-2: ADOPTION OF ORDINANCE NO. 2013-16 (MAYOR COSS). AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987, REGARDING TECHNICAL CORRECTIONS AND MINOR CLARIFICATIONS AMENDING SUBSECTIONS 14-2.3(C)(5)(a) CORRECT REFERENCE; 14-2.3(C)(5)(a) CORRECT REFERENCE; 14-2.4(c) CORRECT REFERENCE; 14-2-8(K) REFERENCE STATUTES; 14-3.1(F(2) APPLICABILITY OF ENN; 14-3.1(H) PUBLIC NOTICE; 14-3.3(A)(1)(a) TEXT AMENDMENT; 14-3.6(C)(3) AMENDED SPECIAL USE PERMITS; 14-3.6(E) SPECIAL USE PERMITS AND CROSS REFERENCES; 14-3.7(A)(6) CLARIFY COURT-ORDERED LAND DIVISIONS; 14-3.7(F)(5)(b) FAMILY TRANSFERS; 14-3.8(B) THREE-UNIT DEVELOPMENT PLAN; 14-3.8(C)(1)(g) CORRECT ERROR; 14-3.8(C)(5) NOTICE FOR DEVELOPMENT PLANS; 14-3.8(C)(6) CORRECT REFERENCE TO COUNTY CLERK; 14-3.12(B)(3) TEMPORARY CERTIFICATES OF OCCUPANCY; 14-3.13(D)(3)(c) REFERENCE TO**

STATE MEDICAL INVESTIGATOR; 14-3.16(D) CORRECT REFERENCE; REPEAL 14-3.17(E)(3); 14-3.19(B)(6) CONTINUING ACTIVITY FOR MASTER AND DEVELOPMENT PLANS; 14-3.19(C)(2) TIME EXTENSIONS; 14-4.3(G) CORRECT OBSOLETE TEXT; 14-6.1(C) TABLE 14-6.1-1 VARIOUS MINOR AMENDMENTS AND CORRECTIONS TO TABLE OF PERMITTED USES; 14-6.2(C)(1)(b) CLARIFY ADOPTION DATE; 14-6.3(B)(2)(a) CORRECT REFERENCE; 14-6.3(B)(2)(b) REAR SETBACK FOR ACCESSORY STRUCTURES; 14-6.3(B)(2)(c) CLARIFY COMMERCIAL PARKING; 14-6.3(D)(2)(c) CLARIFY HOME OCCUPATION RESIDENCY; 14-6.4(A) TEMPORARY STRUCTURES; 14-6.4(C) TEMPORARY STRUCTURES; 14-7.1(B) CLARIFY LOT COVERAGE; 14-7.2(A) TABLE 14-7.2-1 VARIOUS MINOR AMENDMENTS AND CORRECTIONS TO RESIDENTIAL DIMENSIONAL STANDARDS; 14-7.2(F) CLARIFY SPECIAL USE PERMIT IN R-12 - R-29; 14-7.3(A) TABLE 14-7.3-1 MAXIMUM DENSITY C-1 AND C-4 DISTRICTS; 14-7.4(B)(2) CLARIFY REDEVELOPMENT SUBDISTRICT; 14-8.2(C)(2) TERRAIN MANAGEMENT SUBMITTALS; 14-8.2(D)(1)(a) CLARIFY CUT SLOPES; 14-8.3(A)(1) DATE OF FLOOD MAPS; 14-8.4(B)(1) LANDSCAPE STANDARDS; 14-8.4(G)(3) STREET TREES IN PARKWAY; 14-8.5(B)(2)(a) CLARIFY FENCE HEIGHTS; 14-8.6(B)(4)(c) JOINT PARKING IN BIP DISTRICT; 14-8.10(D)(5) CORRECT REFERENCE; 14-8.10(G)(8)(D) CORRECT REFERENCE; 14-8.14(E)(3) CORRECT ERRORS; 14-8.14(E)(5) CLARIFY IMPACT FEES; 14-9.2(C)(8) SUBCOLLECTOR PRIVATE STREETS; 14-9.2(E) SIDEWALK REPLACEMENT STANDARDS; 14-9.2(K) STREET IMPROVEMENT STANDARDS; 14-9.5(A) DEDICATIONS TO HOMEOWNER'S ASSOCIATIONS; 14-9.5(D) EXTENSION OF INFRASTRUCTURE WARRANTY; 14-10.1(C) NONCONFORMING TELECOMMUNICATION FACILITIES; 14-10.4(A) CLARIFY NONCONFORMING LOT USES; 14-11.5 CORRECT REFERENCE; ARTICLE 14-12 VARIOUS DEFINITIONS AMENDED AND INSERTED; APPENDIX EXHIBIT B PARKING SPACE STANDARDS RESTORED; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY. (GREG SMITH) (Postponed at February 27, 2013 City Council Meeting)

A Memorandum prepared March 19, 2013, for the March 27, 2013 Meeting, with attachments, to Mayor and City Council, from Greg Smith, Director, Current Planning Division, is incorporated herewith to these minutes as Exhibit "18."

A proposed amendment sheet to this bill, submitted by staff, is incorporated herewith to these amendments, as Exhibit "19."

Mr. O'Reilly said, "What is before you this evening are some technical corrections and clean-up to the Land Development Code. This process started in 2008, when the current Director was the Chair of the Planning Commission. This is finally the end of that process. When the City Council finally approved the new Land Use Code in November 2011, the then Councilors asked if we would take a look at this in about a year. That Ordinance went into effect in March 2012. It is now March 2013, and that is the reason this

technical correction bill is before you. They asked us to look at if there were any errata or corrections that needed to be made to the Ordinance, so that's the reason that we're here."

Mr. O'Reilly continued, "I wanted to point out that Section 32 of this bill, which is on page 44 of the packet, addresses commercial vehicles that are parked in neighborhoods. And this was something that was brought up early under matters from the floor. And so, if it is the intention of the Council to allow commercial vehicles to be parked in neighborhoods, or to study that issue further, then the Council may wish to, if indeed it is the Council's intention to approve this bill to remove Section 32 from the bill as part of a motion."

Councilor Rivera asked if there is a definition of commercial vehicle.

Mr. O'Reilly said there is, in the bill before the Council, noting the current Code simply prohibits industrial and commercial vehicles from being parked in neighborhoods. Also, the current Code in the section on Home Occupations, has general language about those home occupations having to be compatible with neighborhood uses, and residential uses, but there is no strict definition of a commercial or industrial vehicle in the Code as it currently exists, and that is the reason Section 32 was put in this Ordinance.

Councilor Dimas questioned the necessity of removing the entire Section 32, and asked if it would suffice just to remove tow trucks.

Mr. O'Reilly said, "That section as proposed, goes on. It lists certain vehicles. These are some of the vehicles we have the most complaints about. And just to clarify, the Land Use Department gets a lot of complaints from neighbors about this kind of thing. But, in the proposed language, it lists a few things, but it also said, 'or other vehicles designed by the manufacturer for business purposes.' And so, taking out tow trucks, if that was the intention to allow tow trucks, it could be interpreted that other vehicles designed for business purposes, someone could later say, well tow trucks are designed for business purposes. So I think we might want to, suggestion, if the Council wants to get into this issue, and start getting into detail about which commercial vehicles should be allowed, it might be easier just to take out this section of the bill, and work on this as a separate Ordinance."

Councilor Bushee said, just to be clear, you're calling most of this clean-up language, and asked if there is anything else he wants to point out that is more than clean-up language.

Mr. O'Reilly said that is what Greg Smith is about to do for the Governing Body.

Councilor Bushee said, with regard to the vehicle issue, the City already has an ordinance in this section that defines, but not clearly, commercial vehicles. She said, "As I understand the two truck issue, even though it is residential zoning, they're allowed to park off street. Is that not right?"

Mr. O'Reilly said, "The current language of the Ordinance states that storage or parking, either continuous or intermittent of commercial or industrial vehicles is prohibited. That's what the current Ordinance says. The issue that has come up is what is a commercial vehicle, and how we review that, define that when we get a complaint from a neighborhood."

Councilor Bushee asked, "On the street or off the street period."

Mr. O'Reilly said the language says "either continuous or intermittent of commercial or industrial vehicles." He said staff has interpreted that to mean it cannot be on your private property anywhere, and we've also interpreted it to mean that it can't be in your neighborhood as part of a home occupation business. He said when someone wants a home occupation business, we will review it, find out what kind of business it is. He noted that home occupation businesses are designed to be very limited in what they do, because by definition, they are in the middle of a neighborhood. So, for example, we won't permit a tire retreading service in the middle of the neighborhood. He said if someone applies and says they're going to park 6 school buses on his property and on the street, staff would tell them they would be happy to give a home occupation business licenses, but a condition is that you can't put the school buses on the street or on their property, because it isn't compatible with a neighborhood use."

Councilor Bushee said "I get it. And I have to be honest, I have the most complaints in residential areas around commercial intrusion, and that's generally around the vehicles, whether a roofer, a large landscaping firm, or a tow truck."

Mr. O'Reilly said, "The language that we put here, we spent quite a bit of time on this, not only with the City Attorney's office, but with the Planning Commission itself. The goal here was not to prohibit the kinds of vehicles that people might otherwise have on their property, like a pickup truck. I think half the people in Santa Fe drive a pickup truck. And if someone has a pickup that has Joe's Plumbing on the side, that isn't necessarily out of keeping of the neighborhood. But when you start to put vehicles into neighborhoods that their only uses are for commercial purposes, that's where we tried to make the distinction between vehicles designed by the manufacturer strictly for business purposes, and other kinds of vehicles like a pickup truck, that might be used by someone like a roofer or a builder, and they just happen to park it on their lot." He said staff thinks that's normal in Santa Fe, as what people expect and are accepting of those vehicles. He talked about specific instances, noting this is a real struggle, and the intention is not to do this in a way to put people out of business, but to give staff a way to respond to the neighbors while being fair to people with businesses.

Mr. O'Reilly suggested, if the Governing Body really wants to study this, perhaps we could pull it out as a unit, and staff will come back later with a separate ordinance, after we have worked on it with the Councilors and neighborhood groups and others.

Councilor Rivera said he agrees with Mr. O'Reilly. He asked if the tow truck was on a regular truck chassis, could it be parked in a neighborhood, versus a tow truck that was a slider, a flatbed.

Mr. O'Reilly said, not having a definition in the Code, staff has tried to use its best judgment on what constitutes a commercial industrial vehicle. He said the way staff has tried to do this. Today, if this was a pickup truck and someone somehow modified it, a passenger vehicle you can buy at Capital Ford, and modified in a way it could tow something, it probably would be okay under the Code as written. However, a standard style tow truck, you don't buy those at Capital Ford, you don't drive to the supermarket or to church on Sunday – those are only for commercial purposed. He said it would depend, and you can see the difficulty in determining where to draw the line.

Councilor Rivera asked if the Ordinance, as written, differentiates between home occupancies, hours of business.

Mr. O'Reilly said the Home Occupation Ordinance speaks to hours of operation and such. This is a separate part of the Land Development Code, not related to home occupations, noting there is a list of things you can and can't do in a residentially zoned district, one of which is the storage of commercial or industrial vehicles, or park them.

Councilor Rivera asked if it takes hours of operation into consideration if you are a tow truck driver, versus a roofer, where your hours are from eight to five.

Mr. O'Reilly said not in this section of the Ordinance, but there is in the Home Occupation section of the Ordinance, and there are limits of hours of operation currently in that section of Code, commenting he believes after nine o'clock you can't be doing business as a home occupation in a residential neighborhood. So if there are tow truck drivers that were leaving at three in the morning, in their tow trucks, potentially, they would be in violation of the Home Occupation Ordinance.

Councilor River said then that would need to be changed as well.

Mr. O'Reilly said, "Yes. Again, what we do in situations like that, when someone wants to apply, is we tell them you're welcome to run the business operations of your home occupation out of you house. You can get your mail there, people can call there, you can advertise that that's your address, and you can do business there up to the end of the hours of operation. But if you want to do business after those hours of operation, you have to have another place to do that business." He said this means if it is a towing company, they have to drive to the yard to get the tow truck, and drop wrecked vehicles at the yard and not bring them back to your house. He reiterated they try to craft conditions of home occupations which meet the intent of the Ordinance and each business is different. Some companies tow and don't bring vehicles to their house, while others, including some of those in the audience, have been found to bring wrecked vehicles back to their house.

Councilor Trujillo said he wouldn't want to see graders, loaders and traditional tow trucks – sliders – in neighborhoods. He thinks we do need to work on the Ordinance. He said some of the people here this evening do have yards where they put their stuff. He is hoping after discussion, we do remove Section 32 so we can study it, because it definitely needs to be studied.

Mr. O'Reilly said staff is looking for direction and we are asked by neighborhoods to do something about this issue. It is a policy decision as to what this Council is comfortable with having happen in residential neighborhoods, and would love Council input on this and talk about it further. He said he sees a lot of interest in this issue, he said tweaking language tonight "may not cut it."

Greg Smith reviewed the information in the Memorandum in the Committee packet. Please see Exhibit "18" and "19" for specifics on this presentation.

The Governing Body commented and asked questions as follows:

- Councilor Calvert asked Mr. Smith to clarify, with regard to 14-10.1(c) non-conforming telecommunication facilities, with the minor fix.

Mr. Smith said there are about 4 parts to the non-conforming regulations in 14-10. The first rule is new construction meets new standards. Second rule is if it's legally nonconforming you can keep it until it dies a natural death, falls down on its own, but you can't expand it. There is also a provision that if a part of your building or structure is non-conforming and you modify that part of your structure, you can't put it back in a non-conforming way. He said there are a couple of special points. There is a special provision with regard to signs currently, which says that each sign is considered an individual, non-conforming structure. So that, for example, somebody can't say, well I don't have to take down my non-conforming sign, because it's part of the building that's worth a million dollars, so it's not 66 2/3 damaged and so on. In effect, that approach to treating signs is almost always more restrictive than if it was not there."

Mr. Smith continued, "The language that we are proposing to add, applies that same provision to telecommunication towers and antennas. It would prevent someone from claiming that, with regard to replacement of non-conforming uses, his telecommunication antenna was part of a larger building. And so all that it does is just say that when and if a telecommunication antenna or tower itself becomes non-conforming, it's treated individually, solely by a facility, rather than as part of the bigger structure that it might be attached to."

- Councilor Calvert said, "Then, if it's free-standing, then this doesn't apply at all, as part of the larger structure. I mean, in other words, if it's a free-standing tower not attached to a building, then this applies without that condition about being part of, attached to a structure or part of a larger structure.

Mr. Smith said you can hypothesize that there would be a situation where perhaps the tower itself is non-conforming, but the antennas might not have been, although that's a pretty strange situation to think about.

- Councilor Ives said, regarding Section 66 which deals in part with the expansion of the definition of a legal lot of record, when he looked at the section that has been created by Court Order as provided in Subsection 14.3.7(A)(6) or for which a certificate of compliance has been issued pursuant to 14.3.7(A)(b), those provisions certainly don't seem to have been modified. The language immediately before the insertion was created in accordance with all applicable laws or ordinances. He is trying to figure out why the insertion was made, because it seems to be contained in existing language.

Mr. Smith said the amendments done last year changed the procedures for creating lots in the City. Before last year's amendments, it was unclear that a partition by a judge was recognized as a legal lot of record. It was not clear that a lot created by the Planning Commission at a certificate of compliance procedure would be a legal lot of record. This simply cleans up the fact that in some cases, not only may they be treated as legal lots of record, there are situations where they might also be treated as legal, non-conforming lots.

- Councilor Ives asked previously, if a Judge entered an Order, there would not be compliance with City Ordinance.

Mr. Smith said, arguably, before the amendment last year, the Judge could not create a legal lot by a partition unless it was presented to the Planning Commission or the Summary Committee for approval.

- Councilor Rivera said now that we are looking at annexation and moving forward with this, are there other sections we need to revisit that are going to affect County residents who now will be thrown into the City and have to comply with certain rules.
- Mr. O'Reilly said in November 2009, the SPAAZO [Subdivision, Platting, Planning, And Zoning Ordinance] was adopted and the City was given full land use jurisdiction for all annexation areas, the presumptive City limits. So for 3 years, all of the residents of the presumptive City limits have been subject to the City development code, so they already are subject to it even if though they haven't yet been annexed.

Mr. O'Reilly said one of the things that was part of that, is that the City was given jurisdiction to issue business licenses in those areas. He said how they handled existing businesses which were licensed by the County and were operating in those area, when the City took over jurisdiction, was that we didn't put those people out of business, even if they were non-compliant with the new City Code they were subjected to. The City has allowed those business to continue to operate if they were in operation continuously during that time. After a period of time, one of those businesses might go out of business. If a new business came in, the current zoning code is applied, and this is the way we tried to be fair.

Mr. O'Reilly said the only other thing which will have to be handled by the Land Use Department when the areas are actually annexed, is that the City will then get Chapter 10 authority, which is the Environmental Code. And the City will have to start enforcing junk vehicles, trash and debris, weeds, noise ordinances, smoking ordinances, all those things which we currently don't enforce because they haven't been annexed yet. He said, "But Councilor, nothing in Chapter 14. Nothing in the Land Development Code."

Public Hearing

Speaking to the request

Each person was given 2 minutes to speak to this request.

Eric Schultz said he is a resident in Tesuque, but his family owns property in Santa Fe. He said they are concerned about the section of the Ordinance, which Councilor Calvert asked about, pertaining to telecommunication facilities. He said Mr. Smith said the section in question could pertain to what he described as a far fetched hypothetical situation, to a tower that was a non-conforming structure, and that the additional antennas would be considered separate structures. He said, "My concern is, that it is my understanding that the radio tower on Marcy Street at Radio Plaza is a non-conforming structure in the City of Santa Fe. And the concern is that this part of the ordinance could allow, it's my understanding that, as a non-conforming structure it can't be modified or enlarged. And one could argue that adding antennas to it would be a significant modification, and this Ordinance in question would be a way around that, because it would be saying new antennas are not part of the actual non-conforming structure so they don't cause that structure to be altered. In other words, they don't challenge its status as a non-conforming structure, which is allowed to exist on the condition that it not be modified. I think the situation may not be as hypothetical and far fetched as Mr. Smith suggests, and it might be worthy of further clarification, because it could open a door to perhaps widespread and unlimited additions of telecommunications antennas to existing non-conforming structures. Thank you."

David Steuben said he has lived here 37 years, and he is here to support Mr. Schultz's statement. He said, "I watched over the long period of the City Historical Codes and the way it established rules and regulations to reserve the ambiance of our City and I really appreciate it. City government has done a marvelous job about this. And I'm concerned about this tower and it being modified. It's probably the ugliest structure in downtown Santa Fe. If you're on a hill outside the City, one thing you see is this radio tower, and I really wouldn't like to see more antennas sprouting from it. I think it would be awful. So thank you and I hope you have a nice evening."

Audrey Whitesides said she is here to say that she doesn't want the tower expansion. She would like the law, the Ordinance, everything to be worded, so tower people aren't able to expand the towers.

The Public Hearing was closed

Councilor Calvert asked Mr. O'Reilly or Mr. Smith to clarify his understanding that the tower on Marcy Street is a non-conforming structure and asked if this is correct.

Mr. Smith said he would be hesitant to give a specific opinion as to the non-conforming status on that particular tower without consulting with legal staff. In part, because there is a provision in the telecommunications regulations that say that towers as old as the Marcy tower are not subject to those regulations. He said, "So, I'm not sure I would be comfortable in saying specifically that it is conforming or non-conforming, without getting some details on that tower. I would say that the current general provisions with regard to non-conforming structures say that you may make conforming additions to a non-conforming structure. And I don't think what we are discussing tonight would change that general provision. But again, with regard to any particular tower, any particular exist in the future antennas, I would want to review the facts with the City Attorney's office before I advised the Council."

Councilor Calvert said, "Let me back up and say, not a specific tower, but say we have a non-conforming tower, because that's what this provision applies to, right, that we're talking about. It's a non-conforming structure, it could be a building, it could be a tower, it could be whatever, right."

Mr. Smith said, "That's correct."

Councilor Calvert said, "If it was a tower, my understanding was that you could take an antenna off and put a new one on, but you couldn't necessarily add more antennas. Is that correct?"

Mr. Smith said, "I think generally that is going to be true, generally it's true. But if you got approval for an antenna under the current Telecommunications Ordinance, and there are just a very few of the antennas that exist in the City are in that category, then, a new antenna that was in there before, you can replace in kind without any special approval under the current regulations. It's hard for me to envision a scenario, I can't say 100% categorically, I'm not aware of a scenario where a tower would be non-conforming and there would be any way to add an antenna... I'm not sure I know of a way that you could add an antenna to a non-conforming tower, let me put it that way."

MOTION: Councilor Calvert moved, seconded by Councilor Trujillo, to adopt Ordinance No. 2013-16 as presented by staff, with the exclusion of Section #32, and with the proposed amendments in the packet and the one on the desk this evening [Exhibit "19"].

CLARIFICATION OF THE MOTION: Mr. O'Reilly asked if the motion includes the proposed amendment in the packet and the one on the desk, and Mayor Coss said yes.

Councilor Bushee said then we don't need to remove the tower piece for further discussion. She said she never understood how that tower got in there in the first place. She asked if is grandfathered into historic status now.

Mr. Smith said his understanding is that the permits for additional equipment attached to the tower were issued before the telecommunication regulations were adopted by the City Council in 1998.

Councilor Bushee asked if it fell under historic zoning or something.

Mr. O'Reilly said, "The Telecommunications Ordinance passed two years ago, lays down some guidelines for how telecommunication facilities are approved. It also deals somewhat with existing telecommunication facilities. And I think that's why Greg was hesitant to say whether this tower, all of the tower, pieces of the tower, or antennas of the tower are absolutely non-conforming or not. And part of it has to do with dates of construction and esthetic impacts of things. So, I am also hesitant to say exactly anything about the Marcy Street tower, without the Assistant City Attorney who we look to for these kinds of questions and that's Kelley Brennan. As you know the Telecommunications Ordinance is complicated."

Councilor Bushee said she just wondered "if the H-laws kick in for that one."

Mr. O'Reilly said a new tower that was to be created in an Historic District, for instance the one that may be proposed to be built at the Burger King, would have to go before the Historic Districts Review Board for approval. This tower, I believe, predated all of that."

Mr. Zamora said, "I also agree with Mr. O'Reilly that Kelly Brennan is the expert in telecommunications issues. But one thing to keep in mind as you consider this section, is the newly adopted Telecommunications Ordinance, or two years old, which encourages collocation. So, if you're going to be putting restrictions on putting additional antennas on existing towers, it may create more applications for more towers is the first thing. The second thing is that we have already faced lawsuits regarding the changing out of transmitters, antennas, etc., when converting from 3G to 4G. And I would advise that we avoid contributing to potential litigation against the City when equipment gets changed out on a tower."

Councilor Calvert said, "I was addressing this, not in terms of existing towers, but in terms of non-conforming towers, because this is what this section is about, is non-conforming uses. I'm not talking about existing towers, because I understand that provision, and I think I was specific in saying that my understanding was, as long as it was a swap-out, it was okay. But, adding more antennas to a non-conforming tower would not necessarily be allowed. That's a distinction from what you just said."

Mr. Zamora said, "You are correct. There is a clear distinction. Going back to my first point, I would like the Council to remain mindful of the policy passed in the Telecommunication Ordinance, whether it's a conforming or non-conforming tower, existing or non-existing tower, there is a policy of having collocation where possible. So if there is a non-conforming tower proposed in the future, rather than having another tower proposed, the policy of the Telecommunication Ordinance, would be considering collocation on the tower, whether it's conforming or non-conforming."

Mr. O'Reilly said, "To try to get to your question, in a different way, Geno. Generally in the non-conforming section of the Code, we don't require that non-conformities be removed, but we don't allow them to be expanded. So if there were, say, certain antennas on a non-conforming tower, and someone wanted to swap them out, let's say there were 4 huge antennas and they wanted to replace them with 5 very much smaller antennas, we would probably consider that not an expansion of the non-conformity, because it improves the situation. So I don't want to say, flat out, that we wouldn't allow new antennas, but we would want to see that those antennas improve the situation and do not expand the non-conformity. And so, that's part of what we would look at. It also calls for that in the Telecommunications Ordinance specifically as well. Again, I would also say, this particular section could be removed and looked at separately, if there is enough concern about this particular part of the bill, or if there is heartache with this particular section going away, or this particular change on a section of the bill going away." He apologized that Ms. Brennan is not in attendance.

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

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


Against: None.

****Additional Verbatim Minutes regarding a portion of this item are attached.***

I. ADJOURN

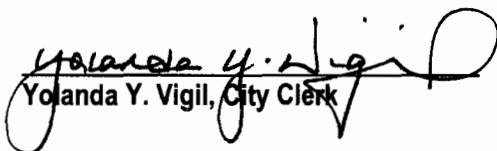
The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 10:15 p.m.

Approved by:



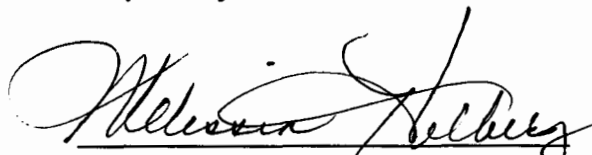
Mayor David Coss

ATTESTED TO:



Yolanda Y. Vigil, City Clerk

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Melessia Helberg". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Melessia Helberg, Council Stenographer

**VERBATIM TRANSCRIPT OF REQUESTED PORTIONS
OF ITEM #H(6) RELATING TO
TELECOMMUNICATIONS FACILITIES AND THE MARCY STREET TOWER
City Council Meeting
March 27, 2013**

MAYOR

COSS: Councilor Calvert, Councilor Ives.

COUNCILOR

CALVERT: Yes. So, could you clarify on the 14-10.1(c) non-conforming telecommunication facilities, what that that minor fix is.

GREG

SMITH: Okay. Thank you. Councilor Calvert. There is... how much explanation... there's about four parts to the non-conforming regulations in 14-10. The first rule is new construction meets new standards. Second rule is if it's legally nonconforming you can keep it until it dies a natural death, falls down on its own, but you can't expand it. There is also a provision that if a part of your building or structure is non-conforming and you modify that part of your structure, you can't put it back in a non-conforming way. There are a couple of special points. There is a special provision with regard to signs currently, which says that each sign is considered an individual, non-conforming structure. So that, for example, somebody can't say, well I don't have to take down my non-conforming sign, because it's part of the building that's worth a million dollars, and so it's not sixty-six and two-thirds damaged and so on and so forth. In effect, that approach to treating signs is almost always more restrictive than if it was not there. The language that we are proposing to add, applies that same provision to telecommunication towers and antennas. It would prevent someone from claiming that, with regard to replacement of non-conforming uses, his telecommunication antenna was part of a larger building. And so all that it does is just say that when and if a telecommunication antenna or tower itself becomes non-conforming, it's treated individually, solely by a facility, rather than as part of the bigger structure that it might be attached to.

CALVERT: Then if it's free-standing, then this doesn't apply at all. I mean, as part of a larger structure. I mean, in other words, if it's a free-standing tower not attached to a building, then this applies without that condition about being part of, you know, attached to a structure or part of a larger structure.

SMITH: You can hypothesize that there would be a situation where perhaps the tower itself is non-conforming, but the antennas might not have been, although that's getting pretty strange situations to think about that.

Public Hearing

Speaking to the request

MAYOR

COSS: All right. This is a public hearing. Anyone to address the Council. Please come forward. Let's do 2 minutes, Yolanda. You don't need to be sworn in, because it's just an Ordinance.

ERIC

SCHULTZ: Thanks Mayor, City Council members. My name is Eric Schultz. I'm actually a resident in Tesuque, but my family does own property in Santa Fe. I'm speaking because of concern about this section of this Ordinance, that Councilor Calvert asked about, pertaining to telecommunication facilities. And we heard from Mr. Smith, I believe his name is, that he said the section in question could pertain in a, what he described as a kind of far fetched hypothetical situation, to a tower that was a non-conforming structure, and that the additional antennas would be considered separate structures. My concern is, that it is my understanding that the radio tower on Marcy Street at the location called Radio Plaza is a non-conforming structure in the City of Santa Fe. And the concern is that this part of the ordinance could allow, well, it's my understanding that as a non-conforming structure it cannot be modified. It cannot be enlarged. And that one could argue that adding antennas to it would be a modification, a significant modification, and that this part of the Ordinance in question would be a way around that, because it would be saying new antennas are not part of the actual non-conforming structure so they don't cause that structure to be altered. In other words, they don't challenge its status as a non-conforming structure, which is allowed to exist on the condition that it not be modified. So, I think the situation may not be as hypothetical and far fetched as Mr. Smith suggests, and that it might be worthy of further clarification, because it could open a door to perhaps widespread and unlimited additions of telecommunications antennas to existing non-conforming structures. Thank you.

DAVIE

STEUBEN: Mr. Mayor, Councilors, my name David Steuben. I've lived in Santa Fe 37 years, and I'm here to support Mr. Schultz's statement. I watched over the long period of development of the City Historical Codes and the way that it established rules and regulations to reserve the ambiance of our City and I really appreciate it. This City government has done a marvelous job about this. And I'm concerned about this tower and it being modified. It's probably the ugliest structure in downtown Santa Fe. If you're on a hill outside the City, and you look, one thing you see is this radio tower, and I really wouldn't like to see more antennas sprouting from it. I think it would be awful. So thank you and I hope you have a nice evening.

MAYOR

COSS: Thank you very much, sir.

AUDREY

WHITESIDES: Hi. I'm Audrey Whitesides, and I'm just here to say that I don't want the tower expansion. I would like the law to be, you know, the Ordinance, everything to be worded, so the tower people aren't able to expand the towers.

MAYOR

COSS: Okay then, the Hearing is closed. Councilor Calvert

CALVERT: If I may ask either Greg or Matt to clarify, my understanding with the Marcy Street [tower], is it is a non-conforming structure. Is that correct.

SMITH: Mayor and Council, I would be hesitant to give a specific opinion as to the non-conforming status on that particular tower without consulting with the legal staff. In part, because there is a provision in the telecommunications regulations that say that towers as old as the Marcy tower are not subject to those regulations. So, I'm not sure that I would be comfortable in saying specifically that it is conforming or non-conforming, without getting some details on that tower. I would say that the current general provisions with regard to non-conforming structures say that you may make conforming additions to non-conforming structures. And I don't think that what we are discussing tonight would change that general provision. But again, with regard to any particular tower, any particular existing or future antennas, I would want to review the facts with the City Attorney's office before I advised the Council.

CALVERT: Okay, let me back up and say, I won't give a specific tower, but say we have a non-conforming tower, because that's what this provision applies to, right, that we're talking about. It's a non-conforming structure, it could be a building, it could be a tower, it could be whatever, right.

SMITH: That's correct. Any towers or antennas.....

CALVERT: If it were a tower, would... I mean my understanding is that you could take an antenna off and put a new one on, but you could not necessarily add more antennas. Is that correct.

SMITH: I think generally that is going to be true. Generally it's true. But if you got approval for an antenna under the current Telecommunications Ordinance, and all but just a very few of the antennas that exist in the City are in that category, then, a new antenna is the one that wasn't there before. And you can in kind without any special approval under the current regulations. It's hard for me to envision a scenario, I can't say 100% categorically, I'm not aware of a scenario where a tower would be non-conforming and there would be any way to add an antenna that was.... I'm not sure I know of a way that you could add an antenna

to a non-conforming tower, let me put it that way.

CALVERT: So with that Mayor, I'll move for approval with the extraction of Section 32.

COUNCILOR
TRUJILLO: Second.

MAYOR
COSS: A motion and a second. Councilor Bushee, or Matt.

MATTHEW
O'REILLY: Mayors, Councilors, just to clarify does that include the proposed amendments that are in the packet.

MAYOR
COSS: Yes.

YOLANDA
VIGIL: And the one on the desk.

MAYOR
COSS: Councilor Bushee.

O'REILLY: And the one that's on the desk, Yolanda.

CALVERT: Yes.

COUNCILOR
BUSHEE: Then we don't need to remove the tower piece and have any further discussions. No. Okay. I still never understood how that tower got in there in the first place. Is it grandfathered into historic status now, or something.

SMITH: The permits issued by staff for additional equipment attached to the tower, my understanding was that permits were issued before the telecommunication regulations were adopted by the City Council in 1998.

BUSHEE: I mean, it didn't fall under any Historic Zoning, nothing.

O'REILLY: Mayor, Councilors, the telecommunications Ordinance passed a couple of years ago, lays down some guidelines for how telecommunication facilities are approved. It also deals somewhat with existing telecommunication facilities. And I think that's why Greg was hesitant to say whether this tower, all of the tower, pieces of the tower, or antennas of the tower are absolutely non-conforming or not. And part of it has to do with dates of construction and esthetic impacts of things. So, I am also hesitant to say exactly anything

about the Marcy Street tower, without the Assistant City Attorney who we look to for these kinds of questions and that's Kelley Brennan. As you know the Telecommunications Ordinance is complicated.

BUSHEE: No, I guess I wondered didn't the H-laws kick in for that one.

O'REILLY: Mayor, Councilors, a new tower that was to be created in an Historic District, for instance the one you may have read about in the paper that may be proposed to be built at the Burger King, would have to go in front of the Historic Districts Review Board for approval. This tower, I believe, predated all of that.

BUSHEE: Yeah. We're going to [inaudible] it soon. Right.

MAYOR
COSS: Geno.

GENO
ZAMORA: Mayor, members of the Governing Body, if I may, I also agree with Mr. O'Reilly that Kelly Brennan is the expert in telecommunications issues. But one thing to keep in mind as you consider this section, is the newly adopted Telecommunications Ordinance, or two years old, which encourages collocation. So, if you're going to be putting restrictions on putting additional antennas on existing towers, it may create more applications for more towers, is the first thing. The second thing is that we have already faced lawsuits regarding the changing out of transmitters, antennas, etc., when you're converting from 3G to 4G. And I would just avoid us... I would advise that we avoid contributing to potential litigation against the City when equipment gets changed out on a tower.

CALVERT: Geno, on that point, I was addressing this, not in terms of existing towers, but in terms of non-conforming towers, okay. Because this is what this section is about, is non-conforming uses, okay. So, I'm not talking about existing towers, because I understand that provision, and I think I was specific saying that my understanding was, as long as it was a swap-out, that it was okay. But adding more antennas to a non-conforming tower would not necessarily be allowed. That's a.. I think it's a distinction from what you just said.

ZAMORA: Mayor, Councilor Calvert, you are correct. There is a clear distinction between that. Going back to my first point, I would just like the Council to remain mindful of the policy passed in the Telecommunication Ordinance, whether it's a conforming or non-conforming tower, existing or non-existing tower, a policy of having collocation where possible. So if there is a non-conforming tower proposed in the future, rather than having another tower proposed, the policy of the Telecommunication Ordinance, would be considering collocation on the tower, whether it's conforming or non-conforming.

O'REILLY: Mayor, Council, to try and get at your question Councilor, in a different way, Geno.

Generally in the non-conforming section of the Code, we don't require that non-conformities be removed, but we don't allow them to be expanded. So if there were, say certain antennas on a tower, a non-conforming tower, and someone wanted to swap them out, let's say there were 4 huge antennas and they wanted to replace them with 5 very much smaller antennas, we would probably consider that not an expansion of the non-conformity, because esthetically it improves the situation. So I don't want to say, flat out, that we wouldn't allow new antennas, but we would want to see that those antennas improve the situation and do not expand the non-conformity. And so that's part of what we would look at. And that, I believe, is... it also calls for that in the Telecommunications Ordinance specifically as well. Again, I would also say that this section of the bill could be removed and considered separately, if here's enough concern about this particular part of the bill, or if there is enough heartache with this particular section going away, or this particular change on this section of the bill going away.

MAYOR

COSS: Okay.

O'REILLY: Again, I apologize that Ms. Brennan isn't here right now. She could certainly address these issues better than I.

MAYOR

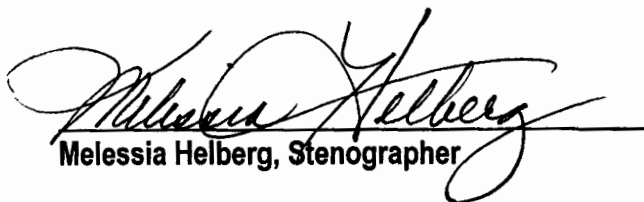
COSS: All right, we have a motion and a second, roll call Yolanda.

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

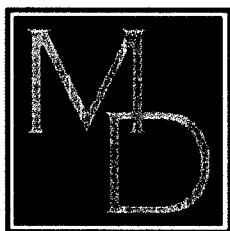
For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Ives, Councilor Rivera and Councilor Trujillo

Against: None.

I certify that this is a true and accurate transcript of the requested portions of Agenda Item H(6), relating to telecommunications facilities and the Marcy Street Tower, in the Evening Session of the City Council meeting on March 27, 2013.



Melessia Helberg, Stenographer



Mark Duran & Associates, Inc.

March 26, 2013

Mayor David Coss
200 Lincoln Avenue
P.O. Box 909
Santa Fe, NM 87504-0909

Dear Mayor Coss,

The 2013 Legislative Session has concluded with the Legislature approving a \$5.9 Billion budget for fiscal year 2014, a capital outlay measure over \$100 million, major tax legislation, and a reduction of the NM Corporate Income Tax Rate from 7.6 to 5.9%. The Legislature also debated major legislation dealing with Film and other tax credits, as well as immigrant driver's licenses and guns. All passed legislation, including the budget has been acted on by the Governor or is awaiting action until the April 5th deadline.

Following you will see sections titled Legislative Work Product, Events, and Promotional/Work Materials Attachments. Legislative Work Product lists the specific objectives our joint team worked on during the session and the associated results; Events were any specially planned meetings or legislative calendar items; and Promotional/Work Materials are items that were developed by the Mark Duran & Associates, Inc. professional team as marketing or objective support materials and are attached to this email.

Legislative Work Product

Statutorily, the lobbying team was not able to prevent the City's number one defensive priority, which was the retention of the "hold-harmless" provisions for New Mexico's cities and counties, from passing. With one more vote, the tax package bill that eliminated the hold harmless provision would have failed. The provision begins in 2016 and phases out the hold harmless over 15 years.

Other statutory priorities involved passage of the Film Tax Credit (same tax package that included elimination of the hold harmless) and the Local Liquor Option Excise Tax which failed in committee. We also identified dozens of bills that were negative to the City which failed (with our assistance) to get approved by the Legislature. Overall, the City Lobbying team, including the Mayor and City Manager, tracked and worked on over 100 pieces of legislation. The tracking system used during the legislative session is attached for your review.

From a capital outlay perspective, the City was very successful having secured funds for the completion of the Police Station and the other following capital outlay funding (see attached).

Exhibit "1"

Events

- 12/12/2012 City of Santa Fe Pre-Session Legislative Delegation Meeting
- 1/23/2013 City of Santa Fe Day at the Legislature
- Introduction of Mayor, Council Members and City Staff on House and Senate Floor
- Legislative Day Script for Rep. Varela
- Legislative Day Script for Sen. Rodriguez
- HM 4 City of Santa Fe Day at the Legislature
- SM 4 City of Santa Fe Day at the Legislature

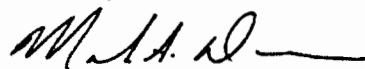
Promotional/Work Materials Attachments (attached to this email)

- CofSF Bill Tracker – 2013 Session
- City Council & House District Map Overlay
- City Council & Senate District Map Overlay
- 12-13-12 Recap Letter to CofSF Legislative Delegation RE: Legislative Delegation Meeting
- 12-18-12 Mayor David Coss Letter to Governor Martinez RE: #1 Capital Outlay Priority – SF Police Main Facility Renovation
- 12-19-12 Recap Letter to Mayor & City Councilors RE: Legislative Delegation Meeting
- 12-21-12 Rep. Jim Trujillo Letter to Governor Martinez RE: #1 Capital Outlay Priority – SF Police Main Facility Renovation
- 2-6-13 Capital Outlay Priorities Email to City Councilors
- 2-14-13 Reminder Letter to CofSF Legislative Delegation RE: Capital Outlay Priorities of City & City Council Districts

Overall, we were very successful and we are very appreciative of your support during the session and we continue to be appreciative of your business. Please call with any questions.

Thank you.

Sincerely,



Mark A. Duran, Principal
Mark Duran & Associates, Inc.

Client	Rank	Project Title	Category	Requested Amount	House Sponsor	Senate Sponsor	Money Obtained with Help of SF Lobbying Team
CofSF	1	Police Main Facility - Phase III	Public Safety	\$1,000,000.00	J. Trujillo, C. Trujillo, Varela, Egolf	Rodriguez, Wirth, Griego	\$900,000.00
CofSF	2	Santa Fe River Restoration - Phase III	Infrastructure	\$1,000,000.00	J. Trujillo, C. Trujillo, Varela, Egolf	Rodriguez, Wirth, Griego	
CofSF	Dist. 1	Larragoite Park Improvements - Phase II	Infrastructure	\$100,000.00	Rep. Varela	Sen. Rodriguez	\$20,000.00
CofSF	Dist. 1	Acequia Trail	Infrastructure	\$1,000,000.00	Rep. C. Trujillo & Rep. Varela	Sen. Wirth & Sen. Rodriguez	
CofSF	Dist. 1	Wildland Urban Interface Improvements	Infrastructure	\$100,000.00	Lucky Varela	Nancy Rodriguez	
CofSF	Dist. 2	Sun Mountain Trails Improvements	Infrastructure	\$150,000.00	Rep. Egolf	Sen. Wirth	
CofSF	Dist. 2	Water History Park & Museum Improvements	Infrastructure	\$150,000.00	Rep. Egolf	Sen. Wirth	\$150,000.00
CofSF	Dist. 3	Road Improvements	Infrastructure	\$100,000.00	Rep. Garcia Richard	Phil Griego	
CofSF	Dist. 3	Construction of Trails	Infrastructure	\$100,000.00	Rep. J. Trujillo	Sen. Rodriguez	
CofSF	Dist. 3	Southwest Activity Node Park Construction	Infrastructure	\$100,000.00	Rep. J. Trujillo	Sen. Rodriguez	\$35,000.00
CofSF	Dist. 4	Landscape Improvements on Zia Road	Infrastructure	\$50,000.00	Rep. J. Trujillo	Sen. Rodriguez	
CofSF	Dist. 4	Traffic Calming Improvements	Infrastructure	\$50,000.00	Rep. J. Trujillo	Sen. Rodriguez	
CofSF	Dist. 4	Median Sidewalk Improvements	Infrastructure	\$100,000.00	Rep. J. Trujillo	Sen. Rodriguez	\$35,000.00
CofSF	Dist. 4	Safe Routes from Chapparal to Zia Station	Infrastructure	\$100,000.00	Rep. J. Trujillo	Sen. Rodriguez	
CofSF		SF Citywide Sr Centers Meal Equip.	Equipment				\$82,072.00
CofSF		SF Theater & Convention Equipment	Equipment				\$65,000.00
CofSF		Siringo Rd & Other Road Improve to Higher Learn Ctr.	Road				\$54,500.00

Projects highlighted in yellow indicate District Priorities as stated by City Councilors in response to February 6, 2013 email correspondence with Mark Duran.

Projects highlighted in blue indicate projects which were outside of the City's priorities that obtained money with help of SF Lobbying Team.

Bill Tracker - City of Santa Fe



Bill	Res. No.	Short Title	Summary	Current Location	Sponsor
HB 2		GENERAL APPROPRIATION ACT OF 2013	Making general appropriations and authorizing expenditures by state agencies required by law.	Governor's Office	Rep. Henry Kiki Saavedra (D - 10 - Albuquerque)
HB 12		NM WORKS ASSISTANCE SPENDING RESTRICTIONS	Places spending restrictions on cash assistance issued pursuant to the NM Works Act (no spending on liquor, gaming, or adult entertainment).	Died	Rep. Nate Gentry (R - Dist. 30 - Bernalillo)
HB 18		DRINKING WATER SYSTEM FINANCING	(For the New Mexico Finance Authority Oversight Committee) Appropriates \$2 million (nonreverting) from the public project revolving fund to the drinking water state revolving fund for use in FY 2014 and subsequent years. The appropriation provides state matching funds for federal Safe Drink Water Act projects.	Died	Rep. Bobby J. Gonzales (D - 42 - Taos)
HB 21		PUBLIC MEETING AGENDA 572 HOURS IN ADVANCE	(Similar to HB35 in 2012) Amends the Open Meetings Act to require that an agenda be available to the public and posted on the public body's web site (if maintained) at least 72 hours, rather than 24 hours, prior to a meeting, except in the event of an emergency	Governor's Office	Rep. James E. Smith (R - Dist. 22 - Bernalillo)
HB 30		REGIONAL TRANSIT GROSS RECEIPTS DISTRIBUTION	(For the Revenue Stabilization and Tax Policy Committee) Transfers authority from the "county governing body" to the Taxation and Revenue Department to distribute proceeds from the County Regional Gross Receipts Tax imposed on businesses operating in several northern counties that lie within the Regional Transit District.	Died	Rep. Jim R. Trujillo (D - Dist. 45 - Santa Fe)
HB 42		CITY ORDINANCE VIOLATION APPEALS	Providing that a municipality may appeal to the Court of Appeals from any decision of the District Court relating to the violation of a city ordinance.	Died	Rep. Zachary J. Cook (R - Dist. 56 - Lincoln & Otero)
HB 65		STATE AND LOCAL GOVERNMENT FEE REFUNDS	Applies to fees paid to a local or state government agency more than 15 days in the past. Agencies are prohibited from requiring a personal appearance of proof that a check used to pay the fee has cleared, when the fee refund is requested more than 15 days after the fee was paid.	Died	Rep. Bill Rehm (R - Dist. 31 - Albuquerque)
HB 73		EXPANDS THE CONVENTION CENTER FINANCING ACT	Expands the Convention Center Financing Act to include any civic center or similar facility intended for public use; expands the pool of qualified municipalities to include any incorporated municipality or Los Alamos County.	Governor's Office	Rep. Bobby J. Gonzales (D - 42 - Taos)
HB 77		FIREARM TRANSFER ACT	Requires background checks by the Department of Public Safety prior to the transfer of firearms by persons other than licensed dealers; prohibits certain persons from purchasing or receiving firearms; addresses private transfers and transfers at gun shows.	Died	Rep. Miguel P. Garcia (D - 14 - Albuquerque)
HB 99		DEDUCTION FOR DURABLE MEDICAL EQUIPMENT	(For the Revenue Stabilization and Tax Policy Committee) (Similar to 2012's HB192) and SB188) Expands the existing deduction for prescription drugs and oxygen to encompass receipts of certain providers from rental or sale of prescribed durable medical equipment and prescribed medical supplies. The expansion is effective July 1, 2013 to June 30, 2024.	Died	Rep. Jim R. Trujillo (D - Dist. 45 - Santa Fe)
HB 106		UPS DOLLAR LIMITS ON SALES OF MUNICIPAL PROPERTY	Allows municipalities to lease, sell or exchange municipal utility facilities or real property up to \$250,000 in value without being subject to referendum requirements. The present limit is \$25,000. Similarly, a municipality may sell personal property with value up to \$25,000 without being subject to certain notice and private or public sale requirements. The limit is now \$2,500.	Governor's Office	Rep. Zachary J. Cook (R - 56 - Ruidoso)
HB 107		CORRECTIONS FEES FOR LAW ENFORCEMENT FACILITIES	Allows receipts from the \$20 corrections fee collected as court costs by a municipal judge to be used for the construction planning, construction, operation and maintenance of a law enforcement facility as well as a jail or juvenile detention facility.	Governor's Office	Rep. Stephanie Garcia Richard (D - 43 - Los Alamos)
HB 114		PROHIBITS ENFORCEMENT OF FEDERAL FIREARM LAWS	Prohibits enforcement of any federal law, rule, regulation or order seeking to restrict or ban ownership of a semi-automatic gun or magazine or require any manner of firearm registration. Specifies that any New Mexico public officer or firearm dealer, or any agent of the United States government who enforces or attempts to enforce any act, law, statute, rule or regulation of the federal government relating to a firearm, firearm accessory, or ammunition within the borders of New Mexico is guilty of a third degree felony punishable by a fine of \$5,000 or a prison term of three years.	Died	Rep. Nora Espinoza (R - 59 - Roswell)
HB 153		DIALYSIS FACILITY SERVICES GROSS RECEIPTS	Provides for a deduction from gross receipts of payments by Centers for Medicare & Medicaid Services (CMS) to Medicare-eligible patients of dialysis facilities and clarifies the definition of dialysis facility.	Died	Rep. Bobby J. Gonzales (D - Dist. 42 - Taos)
HB 161	2011-5	DRIVER'S LICENSES AND IDENTIFICATION CARDS FOR FOREIGN NATIONALS	This bill limits the issuance and validity of a driver's license or identification card to a foreign national to the authorized period of admission or extension of stay within the US and requires that such licensee or card state that it is term limited. It also requires the mandatory cancellation of all drivers' licenses issued prior to the effective date of this proposed legislation. Penalties for violations of the act range from misdemeanors to felonies.	Died	Rep. Bill R. Rehm (R - 31 - Albuquerque)

Bill	Res. No.	Short Title	Summary	Current Location	Sponsor
HB 211		CAPITAL EXPENDITURES SEVERANCE TAX BONDS AND GENERAL FUND APPROPRIATIONS	A 49-page bill that provides funding for a multitude of statewide projects ranging from equipment and vehicles for senior centers, to energy systems and renovations for public buildings, to infrastructure improvements at state parks, to railroad maintenance, a water dam project, Indian water rights settlement, to higher education technology and infrastructure improvements, corrections facilities, Homeland Security, etc.	Died	Rep. Jim R. Trujillo (D - Dist. 45 - Santa Fe)
HB 212	2009-98 2011-65 2012-93	ALLOW COUNTIES TO IMPOSE LOCAL LIQUOR TAX	Authorizing counties to impose a local liquor excise tax; limiting rates of local excise taxes.	Died	Rep. Edward C. Sandoval (D - Dist. 17 - Albuquerque)
HB 216		FAIR PAY FOR WOMEN	Proposes the Fair Pay for Women Act to prohibit wage discrimination based on sex; also prohibits retaliation for asserting a wage discrimination claim.	Signed by Governor	Rep. Brian F. Egolf, Jr. (D - 47 - Santa Fe)
HB 240		SMALL BUSINESS DEVELOPMENT FUND ACT	To encourage and promote economic development, creates a new non-for-profit governmental instrumentality to be known as the small business economic development fund, operated by a newly authorized small business development fund board. Permits investment of up to \$100 million of the Severance Tax Permanent fund in this new Fund, of which not more than \$5 million may be used to set up and house the Fund; the remainder must be used for the loan program.	Died	Rep. Brian F. Egolf, Jr. (D - 47 - Santa Fe) & Sen. Peter Wirth (D - 25 - Santa Fe)
HB 328		SCHOOL BUS FUEL GROSS RECEIPTS	Providing for an exemption from the gross receipts tax for receipts for the sale of fuel for school buses; Providing for an exemption from the compensating tax for fuel used in a school bus.	Died	Rep. Bobby J. Gonzales (D - Dist. 42 - Taos)
HB 337		WORK NEW MEXICO ACT	Cited as the Work New Mexico Act, the HTRC substitute to HB337 authorizes the issuance of about \$122.5 million in Severance Tax Bonds and \$51 million in Other State Funds for many shovel-ready projects to perform construction and facility upgrades throughout the state:	Died	Rep. Jim R. Trujillo (D - Dist. 45 - Santa Fe)
HB 348		STATEWIDE CONSTRUCTION INSPECTORS AND MANDATORY COMPLAINT INVESTIGATIONS	(Duplicate of 2013 SB 249) Amends the Construction Industries Licensing Act to clarify what constitutes a trade bureau; creates certifications for "inspector," "statewide inspector certificate," and "certified building official" at the state and local levels that will be administered by the Construction Industries Division (CID). Persons currently acting in the capacity of a certified building official are given five years from the effective date of this act to become certified. Makes it mandatory for the CID director to assign an investigator to investigate the merits of every complaint brought against an inspector and report to the Construction Industries Commission within 30 days and to issue a list of statewide inspector's certificates to the commission for review and approval.	Governor's Office	Rep. Debbie A. Rodella (D - 41 - Espanola)
HB 351		PROHIBITS MANDATORY LABOR UNION MEMBERSHIP	Proposes the Employee Preference Act to prohibit membership in a labor organization as a condition of employment; prohibit the deduction of dues or fees payable to a labor organization from employee compensation without written authorization; provide for investigation, enforcement and penalties; and amends a section of the Employee Bargaining Act.	Died	Rep. Candy Spence Ezzell (R - Dist. 58 - Roswell)
HB 379	2012-93	FILM PRODUCTION TAX CREDIT CHANGES	Makes a series of changes to the film production tax credit. Most importantly, grants a 30 percent film production credit for qualified expenditures of certain commercial television series, allows any tax credit authorization not used in one year to carry-forward to future fiscal years and allows the film production company to sell, transfer or assign any film production tax credit refunds it is due.	Vetoed by the Governor	Rep. Moe Maestas (D - 16 - Albuquerque)
HB 401		AUTHORIZES STATE INVESTMENTS IN TECHNOLOGY	Authorizes the State Investment Council to invest in New Mexico businesses that perform technology transfer, research and development, research commercialization, manufacturing, training, marketing or public relations in any field of science or technology	Governor's Office	Rep. Carl P. Trujillo (D - 46 - Santa Fe)
HB 402		ASSAULT WEAPON BAN	Proposes a misdemeanor penalty for the unlawful possession or transport of an assault weapon or a large-capacity (more than 10 rounds) ammunition-feeding device. Exceptions to the ban are specified and other safeguards required for those who lawfully may possess such weapons.	Died	Rep. Stephen Easley (D - 50 - Bernalillo)
HB 415		CONTAMINANT TESTING UNDER PUBLIC WATER SUPPLY PROGRAM	Mandates the Department of Environment to establish a list of contaminants that require testing under the Public Water Supply Program. Requires the department to establish by rule procedures to compile the list and the circumstances under which additional contaminants will be tested, even if the testing of these contaminants is not required by federal law. Appropriates money from the Water Conservation Fund for these purposes.	Governor's Office	Rep. George Dodge (D - 63 - Santa Rosa)
HB 420		MOVE DEPT. OF INFO TECHNOLOGY TO GSD	Senate Bill 420 eliminates the DoIT and creates the Information Technology Division in the GSD.	Died	Sen. Stuart Ingle (R - 27 - Portales)
HB 507		SALES APPORTIONMENT FACTOR FOR MANUFACTURERS	(Duplicates SB508) Replaces the existing election allowed eligible manufacturers to calculate New Mexico's corporate income taxes by using a "double-weighted" sales apportionment formula with an election to use an apportionment formula based solely on New Mexico sales as a proportion of total sales. The new election is phased in over five years.	Died	Rep. Jim R. Trujillo (D - Dist. 45 - Santa Fe)

Bill	Res. No.	Short Title	Summary	Current Location	Sponsor
HB 515		TRAINING & SUSPENSION OF MUNICIPAL OFFICERS	Amending sections of the NMSA 1978 to provide for training of municipal elected officers by the DFA; Providing for suspension of an elected municipal officer by the Secretary of the DFA for failure to complete training.	Died	Rep. Mary Helen Garcia (D - 34 - Las Cruces)
HB 527		LOCAL DWI GRANT FUND DISTRIBUTION INCREASE	HBIC substitute for HB0527 retains the intent of the original bill to boost the monthly distribution to the Local DWI Grant Fund. However, the substitute lowers and phases in the proposed shift of liquor excise tax receipts to the DWI Grant Fund.	Died	Rep. Jim R. Trujillo (D - Dist. 45 - Santa Fe)
HB 576		RETURN FLOWS DURING IRRIGATION SEASON	Adds a new section to Chapter 72, water law. Specifies that during the growing seasons from May through September, when the flow of natural surface waters is diverted for a beneficial use from a stream and can be recycled, the appropriator shall be required to return flow to the stream as treated effluent and recycled water.	Died	Rep. Stephanie Garcia Richard (D - 43 - Los Alamos)
HB 578		BAN FIREARMS IN STATE CAPITOL	Bans an individual from carrying a firearm on state capitol premises under the Weapons and Explosives Act with the exception of safety officers, security personnel or active duty members of the armed services or National Guard, the Governor and Lieutenant Governor, and under certain other circumstances. Amends the Concealed Handgun Carry Act to reflect these changes and provides definitions. Makes violation of this section a petty misdemeanor.	Died	Rep. Stephen Easley (D - 50 - Bernalillo)
HB 612		CUTS GROSS RECEIPTS TAX RATE; ELIMINATES CERTAIN HEALTH CARE EXCEPTIONS	(For the Revenue Stabilization and Tax Policy Committee) Reduces the rate of the gross receipts and compensating taxes by one-eighth percent for each of five years, beginning July 1, 2015. By July 1, 2019, the rates would be 4.5 per cent.	Died	Rep. Jim R. Trujillo (D - Dist. 45 - Santa Fe)
HB 641		BROAD TAX PACKAGE: FILM TAX CREDIT, LOCAL GRT, CORPORATE TAX CUT, UNITARY TAX & MANUFACTURERS' SALES FACTOR ONLY BASIS	Senate Floor Amendment 1 to HB 641 is close to a substitute in amendment form that retains the original film production tax changes and incorporates similar provisions as those contained in a comparable tax bill that surfaced around midnight in an SFC substitute for SBs 538, 540, 13, and 277, where a tax package is assembled from the following elements: changes to local government distributions, corporate income tax rate cuts, requiring big box chains to file corporate income tax returns on a unitary basis, allowing manufacturers to apportion net income to New Mexico on sales factor-only basis. Declares an emergency.	Governor's Office	Rep. Moe Maestas (D - 16 - Albuquerque)
HJM 33		WATER FOR DOWNSTREAM USERS IN SANTA FE AND SANDOVAL COUNTIES	Calls upon the City of Santa Fe to give priority to the release of sufficient reclaimed water during the growing season to downstream users of La Cieneguilla, La Cienega and La Bajada and the Pueblo of Cochiti to sustain historic agricultural traditions.	Governor's Office	Rep. Stephanie Garcia Richard (D - 43 - Los Alamos)
HJR 4		CA: DEFINING MARRIAGE AS THE UNION OF ONE MAN AND ONE WOMAN	Proposes to Amend Article 20 of the Constitution of New Mexico by adding a new section to read: "Marriage in this state shall consist only of the union of one man and one woman."	Died	Rep. Nora Espinoza (R - 59 - Roswell) & Sen. Pat Woods (R - 7 - Broadway)
SB 4		DIALYSIS FACILITY SERVICES GROSS RECEIPTS	Providing a deduction from gross receipts for sales or rentals of durable medical equipment and medical supplies.	Governor's Office	Sen. Carlos R. Cisneros (D - Dist. 6 - Questa)
SB 13	2013-6	CORPORATE INCOME TAX RATES & REPORTING	SCORC substitute for SB13 retains the intent of the original bill to cut corporate income tax rates on net income and to require unitary corporations to file combined tax returns as though one corporation. Just as in last year's version (SFC substitute for SB9), this substitute limits the mandate to file combined returns to "big box" retailers selling goods in a facility of more than 30,000 square feet under one roof.	Died	Sen. Peter Wirth (D - 25 - Santa Fe)
SB 14	2013-7	EXTEND SUSTAINABLE BUILDING TAX CREDIT	SFC substitute for SB0014 lowers the cap on aggregate annual amount of sustainable building tax credit, loosens restrictions on the amount a single taxpayer may claim annually and extends the tax credits only through 2015, not 2023 as in the original bill.	Governor's Office	Sen. Peter Wirth (D - 25 - Santa Fe) & Rep. Carl P. Trujillo (D - 46 - Santa Fe)
SB 15	2013-8	CAMPAIGN FINANCE REPORTING AND ADVERTISING REQUIREMENTS	SJC substitute for SRC substitute to SB15 continues the intent of the original measure and the first substitute to provide reporting requirements for independent campaign expenditures and requirements for disclaimers in campaign advertising. The SJC substitute makes minor revisions to certain reporting procedures and definitions.	Died	Sen. Peter Wirth (D - 25 - Santa Fe)
SB 16		PUBLIC CAMPAIGN FINANCING CHANGES	With minor differences, SB16 closely resembles 2012 SB 12, also introduced by Sen. Wirth. Amends provisions of the Voter Action Act and the Campaign Reporting Act by altering the mechanism for public financing of elections for Public Regulation Commissioner and any office of the judicial department subject to statewide elections.	Governor's Office	Sen. Peter Wirth (D - 25 - Santa Fe)
SB 18	2013-11	LABEL GENETICALLY MODIFIED FOOD AND COMMERCIAL FEED	Changes to the NM Food Act and the Commercial Feed Law require labeling of food and commercial feed containing genetically modified material. Conditions under which food may be deemed misbranded are specified.	Died	Sen. Peter Wirth (D - 25 - Santa Fe)
SB 27		PUBLIC EMPLOYEE RETIREMENT CHANGES	Amending the Public Employees Retirement Act; reducing the cost-of-living adjustments for all retirees; delaying the cost-of-living adjustment for certain future retirees; suspending the cost-of-living adjustments for certain return-to-work retirees; providing an increase in employee and employer contributions, etc.	Governor's Office	Sen. George K. Munoz (D - Dist. 4 - Gallup) & Rep. Lucky Varela (D - 48 - Santa Fe)

Bill	Res. No.	Short Title	Summary	Current Location	Sponsor
SB 27	2012-9	PUBLIC EMPLOYEE RETIREMENT CHANGES	SFC substitute for SB27 makes a number of revisions to the original measure. The substitute is a 104-page bill that makes numerous changes in provisions for pension benefits and administration of the Public Employee Retirement Act.	Governor's Office	Sen. George K. Munoz (D - Dist. 4 - Gallup) & Rep. Lucky Varela (D - 48 - Santa Fe)
SB 60		SEVERANCE BOND TAX PROJECTS	SFC substitute for SBs 60 and HB 337 is a 153 page bill that combines two similar measures that propose creation of the Work New Mexico Act and funding for state-owned and local projects throughout the state, including institutions of higher learning. The earlier versions contained more than \$200 million in funding and it appears that this substitute exceeds that amount. (Detailed listing will be posted on NMLR Welcome Page by 03/11/13.)	Combined w/ HB 211 Passed Capital Outlay Bill w/ CSF Projects Included on Governor's Desk	Sen. Carlos Cisneros (D - Dist. 6 - Questa)
SB 71		RETIREE HEALTH CARE CONTRIBUTIONS	SFC substitute continues as a measure that amends the Retiree Health Care Act to provide graduated increases in the contributions paid by participating public employers and employees into the Health Care Fund for the purchase of health insurance.	Died	Sen. George K. Munoz (D - Dist. 4 - Gallup)
SB 102		RE-DEINES BASE OF LODGERS' TAX	Expands and makes more precise the definitions of "gross taxable rent," "lodging" and "vendor" in the Lodgers' Tax Act.	Died	Sen. Peter Wirth (D - 25 - Santa Fe)
SB 182		PROCUREMENT CODE; SOLE SOURCE, PROTESTS, PENALTIES	(Endorsed by the Legislative Finance Committee) (Similar to 2012 SB 287) Requires additional procedures for sole source and emergency procurement, expands the group entitled to protest a procurement award, and increases penalties for violating the Procurement Code.	Governor's Office	Sen. Sander Rue (R - 23 - Albuquerque) & Rep. Lucky Varela (D - 48 - Santa Fe)
SB 220		SANTA FE WOMEN'S HEALTH SERVICES	Appropriates \$600k to the Dept. of Health for women's services in Santa Fe.	Died	Sen. Nancy Rodriguez (D - 24 - Santa Fe)
SB 224		PUBLIC WORKS CONTRACTOR AGREEMENT WITH OR WITHOUT LABOR ORGANIZATIONS	(Identical to 213 HB188) Prohibits a state agency or local public body from either requiring or prohibiting contractors from entering into or adhering to an agreement with a labor organization. Applies to public works contracts for the construction, repair, remodeling or demolition of a facility.	Died	Sen. Sander Rue (R - 23 - Albuquerque)
SB 233		WORKERS' COMP ACTIONS ATTORNEY FEE INCREASES	Increase the amount of attorney fees allowed for Workers' Compensation Act and Occupational Disease and Disablement Law Cases.	Governor's Office	Sen. John M. Sapien (D - 9 - Corrales)
SB 249		STATEWIDE CONSTRUCTION INSPECTORS AND MANDATORY COMPLAINT INVESTIGATIONS	Amends the Construction Industries Licensing Act to clarify what constitutes a trade bureau; creates certifications for "inspector," "statewide inspector," and "certified building official" at the state and local levels that will be administered by the Construction Industries Division. Persons currently acting in the capacity of a certified building official are given five years from the effective date of this act to become certified. Makes it mandatory for the CID director to assign an investigator to investigate the merits of every complaint brought against an inspector and report to the Construction Industries Commission within 30 days.	Governor's Office	Sen. Mary Kay Papen (D - 38 - Las Cruces)
SB 266		INCREASES PROCUREMENT LIMIT FOR ARCHITECTURAL AND DURABLE MEDICAL EQUIPMENT GROSS RECEIPTS	Increases the dollar amount limit of multiple-source contracts for procurement of architectural or engineering services.	Governor's Office	Sen. Phil A. Griego (D - 39 - Santa Fe)
SB 269			Providing a deduction from gross receipts for sales or rentals of durable medical equipment and medical supplies.	Governor's Office	Sen. Mary Kay Papen (D - 38 - Las Cruces)
SB 317		PUBLIC EMPLOYEES RETIREMENT COST-OF-LIVING	Proposes a number of changes to the Public Employees Retirement Act, including reducing or delaying the cost-of-living adjustment for certain retirees; providing that beginning July 2030, the cost-of-living adjustment shall be dependent on the actuarial funded ratio of a retirement fund; clarifying how service credit will be calculated under multiple plans; and amending provisions applicable to Municipal Fire Coverage Member Coverage Plan 5.	Died	Sen. Michael S. Sanchez (D - 29 - Belen)
SB 340		DESIGN AND BUILD PUBLIC WORKS PROJECTS	Removes the \$10 million minimum that is one condition for the authorization of a design and build project delivery system for public works projects.	Governor's Office	Sen. Stuart Ingle (R - 27 - Portales)
SB 351		LIQUOR CONTROL ACT: MANY LICENSING CHANGES	A broadly premised and complex measure that creates new liquor license classifications and deals with license transfers, license issuance limitations and license fees. Without so stating it appears that the purpose of the bill is to make more liquor licenses available where appropriate, substantially reduce the price of dispenser and retail licenses and to provide more local control over license issuance.	Died	Sen. Ron Griggs (R - 34 - Alamogordo)
SB 355		LIQUOR CONTROL ACT: DISPENSER'S LICENSE CHANGES	Allows a dispenser's license to continue the privilege of package sales, under certain conditions, after the license is transferred to another local option district. Under present law that privilege is lost upon such a transfer.	Died	Sen. John C. Ryan (R - 10 - Albuquerque)
SB 397		INCREASES LOCAL LIQUOR EXCISE TAX RATE; EXPANDS USES	SFC substitute for SB397 increases the local liquor excise tax maximum rate only to six percent and eliminates the guarantee of \$1.4 million to a certain detoxification center.	Governor's Office	Sen. George K. Munoz (D - Dist. 4 - Gallup)
SB 424		ALCOHOLIC BEVERAGES TASTING PERMITS	Authorizes the director of the Alcohol and Gaming Division to issue a tasting permit upon application by any licensed dispenser, retailer, resident manufacturer wholesaler or winegrower to conduct tasting of wine, beer or spirituous liquor on licensed premises.	Governor's Office	Sen. Phil A. Griego (D - 39 - Santa Fe)
SB 434		MUNICIPAL ELECTED OFFICER TRAINING	Amending sections of the NMSA 1978 to provide for training of municipal elected officers by the DFA; Providing for suspension of an elected municipal officer by the Secretary of the DFA for failure to complete training.	Died	Sen. Joseph Cervantes (D - 31 - Las Cruces)

SB	Bill No.	Short Title	Summary	Current Location	Sponsor
SB 435		MUNICIPAL DISINCORPORATION	Providing avenues to disincorporation other than by petition; Providing for automatic disincorporation of a municipality under certain circumstances; providing for elections; requiring findings of the State Board of Finance.	Died	Sen. Joseph Cervantes (D - 31 - Las Cruces)
SB 438		MUNICIPAL INCORPORATION REQUIREMENTS	Providing additional requirements to be met for the incorporation of a municipality; Requiring the Local Government Division of the DFA and Administration to convene to a review team to consider petitions for municipal incorporation; Requiring petitioners to present a municipal services and revenue plan that demonstrates the services to be provided to residents and how those services will be paid for; Limiting attempts to incorporate if a review team rejects the municipal plan.	Governor's Office	Sen. Joseph Cervantes (D - 31 - Las Cruces)
SB 468		FILM PRODUCTION TAX CREDIT	Makes multiple changes to the film production tax credit, principally allowing acceleration of payment of certain tax credit claims and excluding expenditures on listed goods and services supplied by nonresidents, whether hired or subcontracted. Declares an emergency, though most provisions are effective July 1, 2013.	Died	Sen. Phil A. Griego (D - 39 - Santa Fe)
SB 477		UTILITIES: LOCAL RIGHT-OF-WAY ACCESS FEES	Authorizes counties to charge right-of-way access fees to public utilities for access to or use of public roads, structures, places and other public rights of way.	Died	Sen. Linda M. Lopez (D - 11 - Albuquerque)
SB 515		CERTIFIED CITY BUILDING OFFICIALS	Providing for certified building officials	Died	Sen. Mary Kay Papen (D - 38 - Las Cruces)
SB 540	2009-98 2010-4 2012- 14	ENDS FOOD, MEDICAL SAVE-HARMLESS DISTRIBUTIONS AND DECOUPLES DEDUCTIONS	For municipalities 10,000 or more in population and counties 48,000 or more in population, phases out over ten years the existing save-harmless distributions related to the gross receipts deductions for food and certain medical services. Annual ten percent cuts start July 1, 2014. Amount of distributions will continue, however, if a cut would impair an obligation to repay revenue bonds outstanding on July 1, 2013.	Died	Sen. John Arthur Smith (D - 35 - Deming)
SJM 19		SFCC: PROPOSED HIGHER LEARNING CENTER	Requests that Santa Fe Community College and the City of Santa Fe study the need for road improvements to provide adequate ingress and egress to the proposed Higher Learning Center.	Died	Sen. Nancy Rodriguez (D - 24 - Santa Fe)

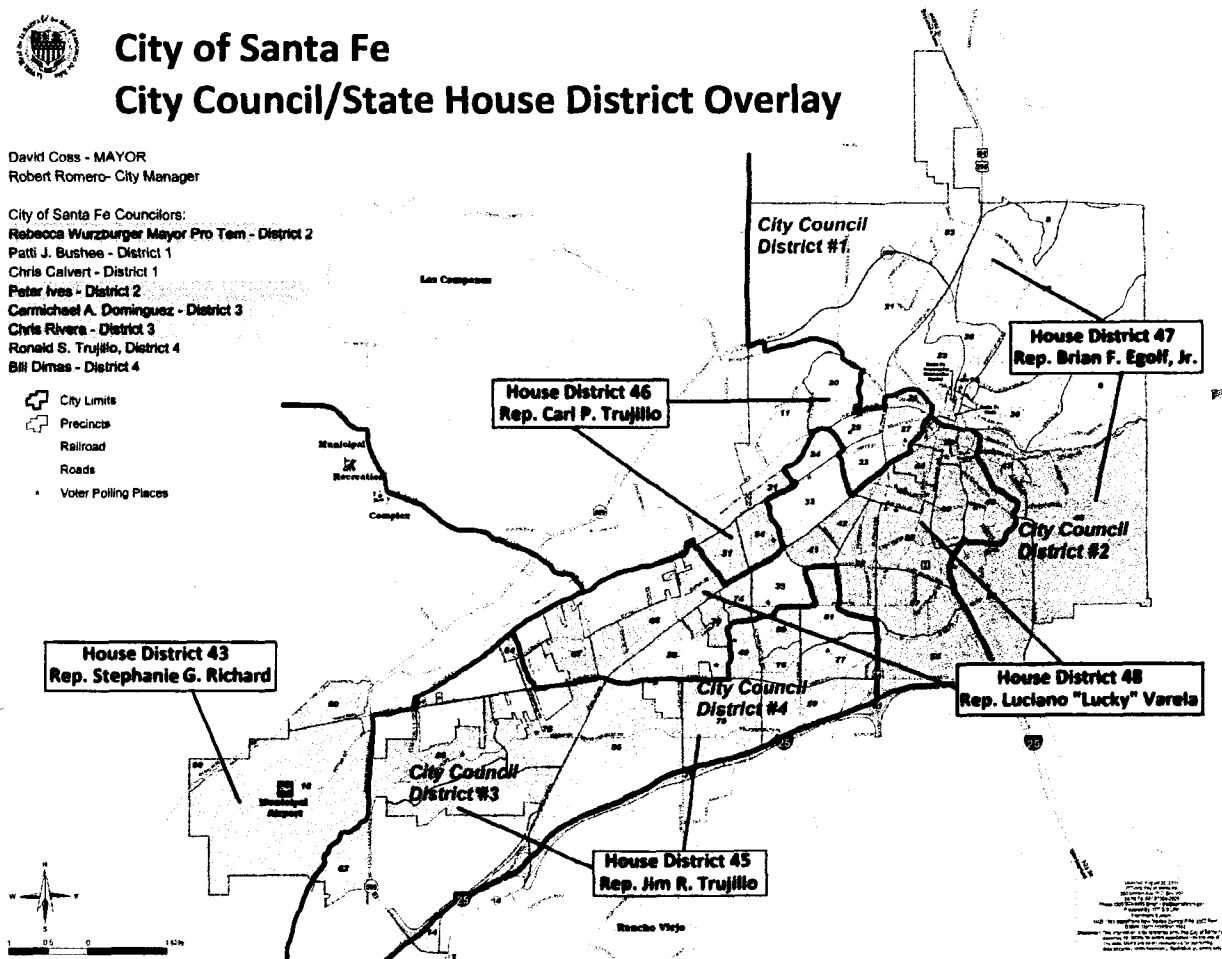


City of Santa Fe City Council/State House District Overlay

David Coss - MAYOR
Robert Romero - City Manager

City of Santa Fe Councilors:
Rebecca Wurzbarger Mayor Pro Tem - District 2
Patti J. Bushee - District 1
Chris Calvert - District 1
Peter Ives - District 2
Carmichael A. Dominguez - District 3
Chris Rivera - District 3
Ronald S. Trujillo, District 4
Bill Dimas - District 4

- City Limits
- Precincts
- Railroad
- Roads
- Voter Polling Places





City of Santa Fe City Council/State Senate District Overlay

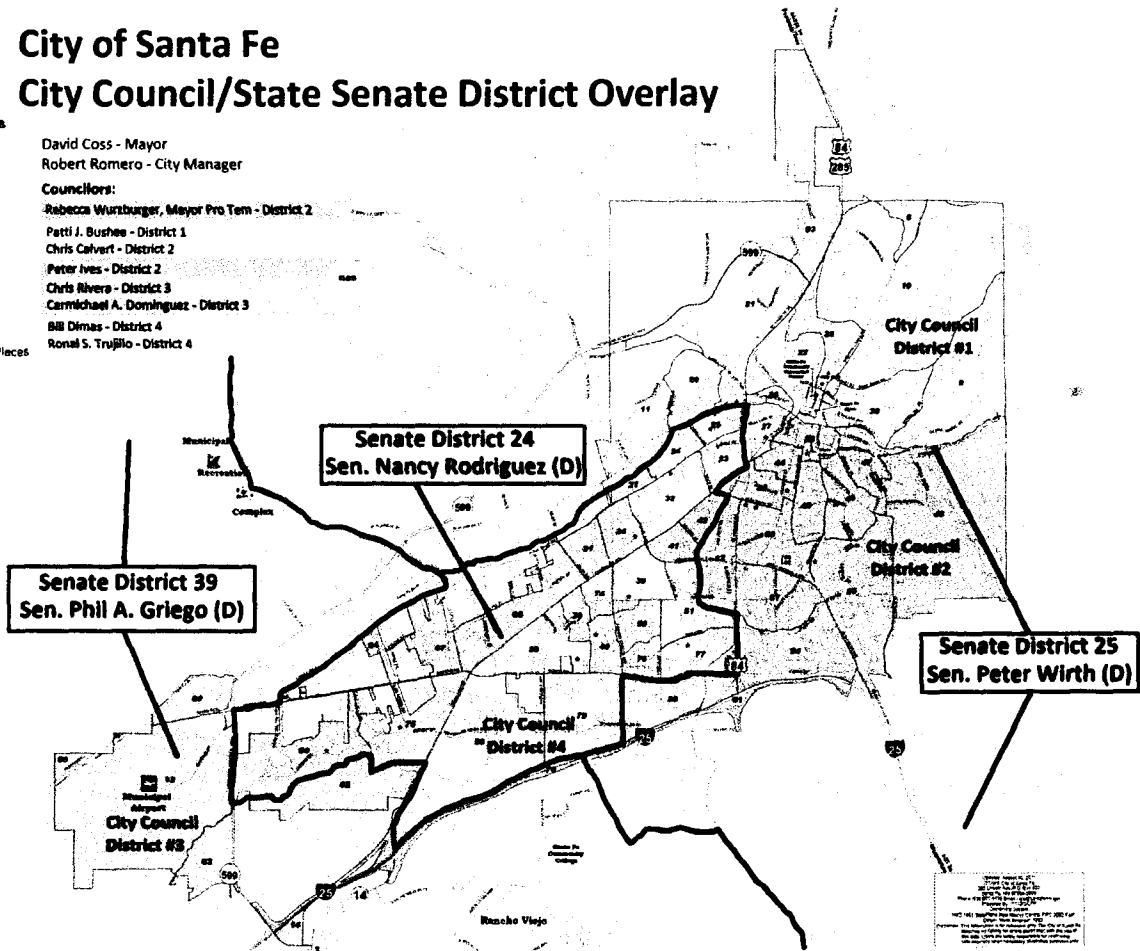
Council Districts

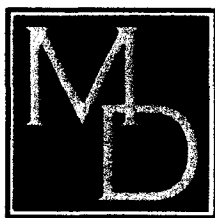
- District 1
- District 2
- District 3
- District 4
- Precincts
- Santa Fe River
- City Limits
- Railroad
- Roads
- Voter Polling Places

David Coss - Mayor
Robert Romero - City Manager

Councillors:

Rebecca Wurzbarger, Mayor Pro Tem - District 2
Patti J. Bushue - District 1
Chris Calvert - District 2
Peter Ives - District 2
Chris Rivera - District 3
Carmichael A. Dominguez - District 3
Bill Dimas - District 4
Ronald S. Trujillo - District 4





Mark Duran & Associates, Inc.

December 13, 2012

Dear _____,

Thank you for attending the City of Santa Fe Legislative Delegation meeting this past Wednesday, December 12, 2012. Santa Fe is our home, and I hope that you found the meeting as helpful as I did to ensuring that the City remains a place in which all New Mexican's can be proud.

Enclosed you will find copies of the City Council/State Legislative District Overlay map for both the House and the Senate. We worked with the Secretary of State's Office as well as the GIS Department from the City of Santa Fe to give you an idea of what City Council Districts fall in each Legislative District. As far as we know, we are the first organization to do so.

In addition to the District Map Overlay, enclosed is a spreadsheet listing the City's non-capital outlay priorities. Also, as a reminder, below is a list of the priorities that we discussed last Wednesday, followed by overall City capital outlay priorities, and ending with the City Council district capital outlay priorities of the Council Districts that fall within your Legislative District:

City-Wide Capital Outlay Priority Projects

- Plan, design and renovation of the Police Main Facility – Phase III
Amount Requested – \$1,000,000
- Plan, design and construction of improvements from Guadalupe Street to Old Santa Fe Trail for the Santa Fe River Restoration including improving connectivity between Railyard and Plaza – Phase III
Amount Requested – \$1,000,000

Capital Outlay Projects Located in City of Santa Fe Council District #1

- Plan, design and construction of Larragoite Park Improvements, Phase II
Amount Requested – \$100,000
- Plan, design and construction of underpass at St. Francis Crossing from the Acequia Trail to the Railyard
Amount Requested – \$1,000,000
- Wildland Urban Interface Improvements
Amount Requested – \$100,000

Capital Outlay Projects Located in City of Santa Fe Council District #2

- Plan, design and construction of trail improvements for Sun Mountain Trails
Amount Requested – \$150,000
- Plan, design and construction improvements to Water History Park and Museum
Amount Requested – \$150,000

Capital Outlay Projects Located in City of Santa Fe Council District #3

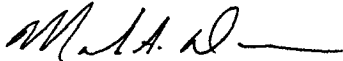
- Plan, design and construction of road improvements
Amount Requested – \$100,000
- Plan, design and construction of trails
Amount Requested – \$100,000
- Construction for Southwest Activity Node Park
Amount Requested – \$100,000

Capital Outlay Projects Located In City Of Santa Fe Council District #4

- Plan, design and construction of landscape improvements on Zia Road
Amount Requested – \$50,000
- Plan, design and construction of traffic calming improvements
Amount Requested – \$50,000
- Plan, design and construction of median sidewalk improvements
Amount Requested – \$100,000
- Plan, design and construction of safe routes to school from Chapparal to Zia Station
Amount Requested – \$100,000

We respectfully ask for your support during this coming Legislative Session to ensure that these projects receiving the funding they need to make the City of Santa Fe great.

Sincerely,



Mark A. Duran, Principal
Mark Duran & Associates, Inc.

December 18, 2012

To: The Honorable Governor Susana Martinez
Office of the Governor
490 Old Santa Fe Trail
Room 400
Santa Fe, NM 87501

Honorable Governor Martinez,

The City of Santa Fe is respectfully requesting your support for our number one capital priority, the Santa Fe Police Main Facility Renovation, Phase III. The City is requesting one million (\$1,000,000) to complete the final phase of our City Police Facility.

This facility has been one of our capital priorities since 2006 and has been included in our Infrastructure Capital Improvement Plan (ICIP). Funding for Phases I and II - totaling about \$4 million - has come from the City of Santa Fe as well as the State of New Mexico, and the City has been diligent about not leaving these prior phases unfinished. The City is also committed to provide funding for this final phase, but is in need of assistance from the State of New Mexico.

Because this is the final phase of the project, this capital request will complete the Police Facility. We did not have complete funding for this phase and have not started construction; consequently we were not included in last year's "unfinished" projects capital outlay funding. Our feeling was that it would be irresponsible to use tax payer money to begin a phase just to leave it unfinished until additional funding was found. We would ask that you consider unfinished "Phased Projects" as important as "unfinished projects" in determining your statewide capital outlay priorities for the 2013 Session.

Thank you very much for your consideration of this very important project.

Sincerely,

David Coss, Mayor
City of Santa Fe
200 Lincoln Avenue,
P.O. Box 909
Santa Fe, NM 87504-0909

Cc: Debbie Romero



Mark Duran & Associates, Inc.

December 19, 2012

Dear Mayor/Councilor,

I wanted to take this opportunity to follow up with you regarding the recent City of Santa Fe Legislative Delegation meeting, as well as remind you of some important dates for the upcoming Legislative Session and the items that were included in the in the 2012 GO Bond Package and 2012 Severance Tax Bond Project legislation.

I would like to first thank those of you who attended the delegation meeting Wednesday, December 12, 2012. The meeting was extremely successful and is one of the first steps that we must take to ensure that those who represent our City's interests in the State Legislature are aware of the City's priorities. We will continue to work with the State Legislators to ensure that the interests of the City are continually given a voice in the State House, Senate, and beyond.

Enclosed you will find a sample copy of a packet that was recently mailed to each State Legislator in the Santa Fe Legislative Delegation on behalf of the City. Inside this packet was a letter that thanked the Legislator for attending the meeting and listed the overall city-wide capital outlay priorities and the capital outlay priorities for each City Council district that sits in the particular Legislator's district. Each letter that was sent was individualized and customized to each State Legislator, but rather than print multiple copies of the same letter, what we have included is the template which should give you an accurate picture of what was included in the letter.

In addition to the letter, included in the packet was the Statutory Legislative Priorities of the City and also the City Council/Legislative District Overlay maps that showed the State Legislative districts on top of the City Council districts, giving the legislators a better idea of the shared areas between their district and the City Council districts within. We worked with the Secretary of State's Office as well as the GIS Department from the City of Santa Fe to give each legislator and councilor an idea of what City Council Districts fall in each Legislative District. As far as we know, we are the first organization to do so.

Both the Statutory Legislative Priorities of the City and the maps are also enclosed for your review.

Just as a reminder, during the last legislative session, the City of Santa Fe was able to secure over \$440 thousand for the Santa Fe Police Main Facility. Because the money was not enough to complete the final phase of the project as was requested, the funds have been utilized in different capacities that still go towards supporting the facility. Part of the success of obtaining these funds was convincing the Governor not to veto the project as was done with the County's Courthouse money. We believe that our continued justification of the project through participating in the various Executive Capital Review Processes was a factor in receiving approval from the Governor's Office.

During the 2013 Legislative Session, we feel confident that we will be successful in obtaining the \$1 Million for the final phase of the Police Facility Phase III.

As you know, the electorate passed the statewide GO Bond package in November. That bond package included nearly \$400 thousand in funding for the following city senior facilities:

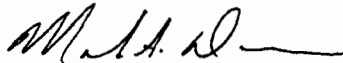
- \$146,940 to plan, design, renovate and equip the Luisa senior center in Santa Fe in Santa Fe county;
- \$134,880 to plan, design, renovate and equip the Mary Esther Gonzales senior center in Santa Fe in Santa Fe county;
- \$8,500 to make improvements for building code compliance, including purchase and installation of equipment, to the Pasatiempo senior center in Santa Fe in Santa Fe county; and
- \$111,900 to purchase and install meals equipment for citywide senior centers in Santa Fe in Santa Fe county.

The following are important dates to keep in mind for the 2013 session and please pay particular note to the City of Santa Fe Day at the Legislature date which is January 23, 2013 where the day will be proclaimed City of Santa Fe Day at the Legislature, and Councilors, along with the Mayor, will be introduced in the House and Senate. Logistics on the event will be forthcoming.

- December 17, 2012 - January 11, 2013 - Legislation may be prefiled
- January 15, 2013 - Opening Day (noon)
- January 21, 2013 - Martin Luther King, Jr. Day (Federal & State Holiday – Legislature in Session)
- January 23, 2013 – City of Santa Fe Day at the Legislature
- February 14, 2013 - Deadline for Bill Introduction
- February 18, 2013 - President's Day (Federal & State Holiday – Legislature in Session)
- March 16, 2013 - Session Ends (noon)
- April 5, 2013 - Legislation not acted upon by governor is pocket vetoed
- June 14, 2013 - Effective date of legislation not a general appropriation bill or a bill carrying an emergency clause or other specified date

From our family to yours, we wish you a happy holiday season and we appreciate the opportunity to represent such a great city.

Sincerely,



Mark A. Duran, Principal
Mark Duran & Associates, Inc.

December 21, 2012

To: The Honorable Governor Susana Martinez
Office of the Governor
490 Old Santa Fe Trail
Room 400
Santa Fe, NM 87501

Honorable Governor Martinez,

I am respectfully requesting your support for the City of Santa Fe's number one capital priority, the Third Phase of the Santa Fe Police Main Facility Renovation. This project has been phased, and to date, Phases 1 and 2 have been completed. The City is requesting one million (\$1,000,000) to complete the third and final phase of this project.

The renovation of the Santa Fe Police Main Facility has been one of the City's main capital outlay priorities since 2006, and has been included in their Infrastructure Capital Improvement Plan (ICIP). Funding for Phases I and II totaled around \$4 million and was a joint effort from the City of Santa Fe as well as the State of New Mexico. The City is also committed to providing funding for this final phase and did receive \$440,000 last year - which was a collaborative effort by all Santa Fe Legislators - but is in need of further assistance from the State of New Mexico.

As this is the final phase of this worthwhile project, this capital request will complete the Police Facility. Because the City did not have complete funding for this phase and have not started construction, they were unfortunately not included in last year's "unfinished" project's capital outlay funding request. It was their feeling - and I would agree - that it would be careless to use tax payer money to begin a phase and leave it unfinished until additional funding was found. I would ask that when determining your statewide capital outlay priorities for the 2013 Session, you consider unfinished "Phased Projects" as important as "unfinished projects."

Thank you very much for your consideration of this very important project.

Sincerely,

Representative Jim R. Trujillo, District 45
1901 Morris Place
Santa Fe, NM 87505
(505) 438-8890
jimtrujillo@msn.com

Cc: Debbie Romero

Duran, Mark – Example of Capital Outlay Email to Santa Fe City Councilors

From: Mark Duran
To: pjbush@sanrafaelcity.gov; ccalvert@sanrafaelcity.gov
Sent: Wed 2/6/2013 7:54 PM
Subject: City of Santa Fe Capital Outlay District Priorities

Dear Councilor Bushee and Councilor Calvert,

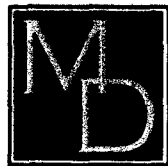
The city-wide capital outlay priorities for the City of Santa Fe are the Police Main Facility Phase III and the Santa Fe River Restoration Phase III. The capital outlay priorities for your City Council District (District #1) are:

- 1) Plan, design and construction of Larragoite Park Improvements, Phase II - Amount Requested – \$100,000
- 2) Plan, design and construction of underpass at St. Francis Crossing from the Acequia Trail to the Railyard - Amount Requested – \$1,000,000
- 3) Wildland Urban Interface Improvements - Amount Requested – \$100,000

While we will initially focus on the Police Main, if amongst yourselves you could single out a project as a priority project, it would help me maximize lower level capital outlay dollars. Would you mind talking amongst yourselves and give me a priority project?

A reply to this email with the project or with any other comment will be received and processed by me.

Thank you,
Mark Duran
Mark Duran & Associates, Inc.
505-280-8425
MarkD@nmmha.com



Mark Duran & Associates, Inc.

February 14, 2013

Dear _____,

I first want to thank you for the outstanding work you have done for the City of Santa Fe halfway through this 60-day Legislative Session. Your tireless work is an invaluable contribution to ensuring our city remains great.

As you probably know, the city-wide capital outlay priority that the City of Santa Fe has primarily been concentrating on this Legislative Session is the completion of the Police Main Facility, Phase III. The City is requesting one million (\$1,000,000) to complete the final phase of our City Police Facility.

This facility has been one of our capital priorities since 2006 and has been included in our Infrastructure Capital Improvement Plan (ICIP). Funding for Phases I and II - totaling about \$4 million - has come from the City of Santa Fe as well as the State of New Mexico, and the City has been diligent about not leaving these prior phases unfinished. Phase III of the project has been awaiting for funding completion funds for four years.

Because the City did not have complete funding for this phase and have not started construction, they were unfortunately not included in last year's "unfinished" projects capital outlay funding request. It was the City's feeling that it would be careless to use tax payer money to begin a phase and leave it unfinished until additional funding was found. I would ask that when determining your statewide capital outlay priorities for the 2013 Session, you consider unfinished "Phased Projects" as important as "unfinished projects."

You may remember that last year the City deferred to the County's need to furnish the County Courthouse building. Unfortunately, that appropriation was vetoed by the Governor. **We would ask you again, as we did during our legislative meeting with you in the fall, to please consider the completion of the Police Facility to be your top capital priority this session.**

From a more local perspective, however, the City has communicated with City Councilors from each City Council District within the City of Santa Fe and asked them which capital outlay project within their district they would identify as their priority. The priority projects that fall within your Legislative District are:

- **District #1** - Councilors Patti Bushee & Chris Calvert
 - Plan, design and construction of underpass at St. Francis Crossing from the Acequia Trail to the Railyard – Amount Requested: \$1,000,000
- **District #2** - Councilors Peter Ives & Rebecca Wurzburgner
 - Plan, design and construction improvements to Water History Park and Museum – Amount Requested: \$150,000
- **City Council District #3** - Councilors Chris Rivera & Carmichael Dominguez
 - Construction for Southwest Activity Node Park – Amount Requested: \$100,000
- **City Council District #4** - Councilors Bill Dimas & Ronald S. Trujillo
 - Plan, design and construction of median sidewalk improvements – Amount Requested: \$100,000

We hope to continue to work with you during this legislative session to ensure that these very important projects get the funding they need to keep the City of Santa Fe great.

Thank you,

Mark Duran, Principal
Mark Duran & Associates, Inc.
505-280-8425
MarkD@nmmha.com

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, MARCH 25, 2013**

ITEM 11

SANTA FE RAILYARD COMMUNITY CORPORATION (SFRCC)

- REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO AMENDED AND RESTATED LEASE AND MANAGEMENT AGREEMENT – ANNUAL INCREASE IN DEFERRALS AND REVISIONS TO MAINTENANCE MAPS FOR RAILYARD DEVELOPMENT WITH THE SANTA FE RAILYARD COMMUNITY CORPORATION (BOB SIQUEIROS)

PUBLIC WORKS COMMITTEE ACTION: Approved on Consent

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

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

Exhibit '2'

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, MARCH 25, 2013**

ITEM 12**SANTA FE RAILYARD COMMUNITY CORPORATION (SFRCC)**

- REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF SANTA FE AND THE SANTA FE RAILYARD COMMUNITY CORPORATION FOR THE FOLLOWING ITEMS:
 - FUNDING FOR THE DEMOLITION OF THE MEXICO LINDO BUILDING, BACA RAILYARD DEVELOPMENT (CIP FUNDS) IN THE AMOUNT OF \$36,400
 - FUNDING FOR THE STAGE, SOUND AND DIGITAL OUTDOOR MOVIE PROJECTION PACKAGE RENTAL FOR FISCAL YEAR 2013/2014 IN THE AMOUNT OF \$49,500
 - REQUEST FOR APPROVAL OF A BUDGET ADJUSTMENT REQUEST – SANTA FE RAILYARD PROJECT FUND (BOB SIQUEIROS)

PUBLIC WORKS COMMITTEE ACTION: Approved

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP: Staff to look into cost of temporary stage, sound and support staff to be utilized here and other areas within the city.

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

Exhibit "3"

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2013-__
(Endangered Species Act)

Mayor and Members of the City Council:

We propose the following amendment to Resolution No. 2013-__:

On page 2, *delete* lines 15-17 and *insert* the following provision in lieu thereof:

“WHEREAS, the ESA contains multiple provisions that offer private landowners flexibility in complying with the Act, including provisions that allow landowners to work cooperatively with the Service to minimize adverse impacts to listed species and avoid penalties or legal liabilities for their cooperation; and”

Respectfully submitted,

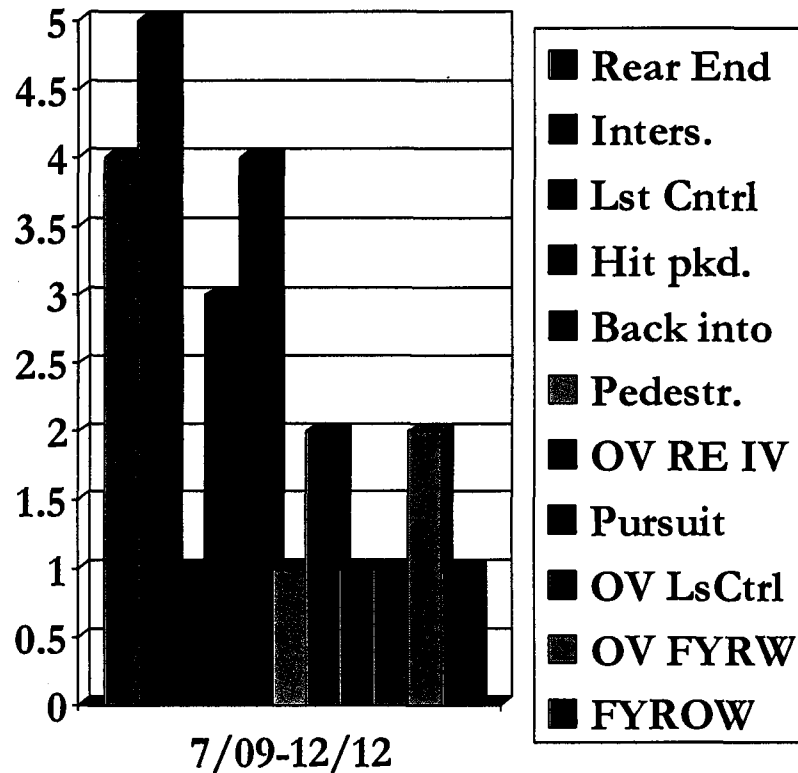
Chris Calvert, Councilor

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk

*\$50K + below
total*

City of Santa Fe Auto Claims 7/1/2009-12/31/2012



Policy Year	Total Paid	# Claims	Largest Paid Claim
2009	\$0	7	\$0
2010	\$403,572	10	\$403,550
2011	\$0	8	\$0
2012 (7/1/12-12/31/12)	\$0	3	\$0
Totals	\$403,572	28	\$403,550

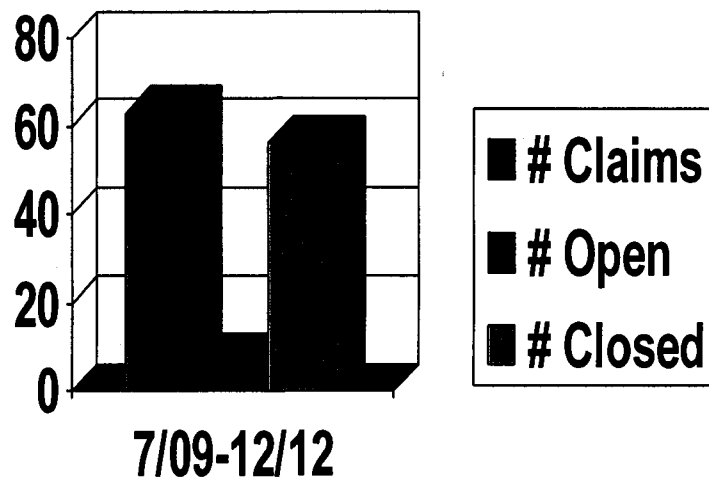
Largest claim is closed: A3V9668,8/15/10 ,(\$403,550 total pd) Pedestrian Berssenbrugge struck while on foot in parking lot by City vehicle (backing)
Claim settled at mediation \$450,000

Exhibit 113

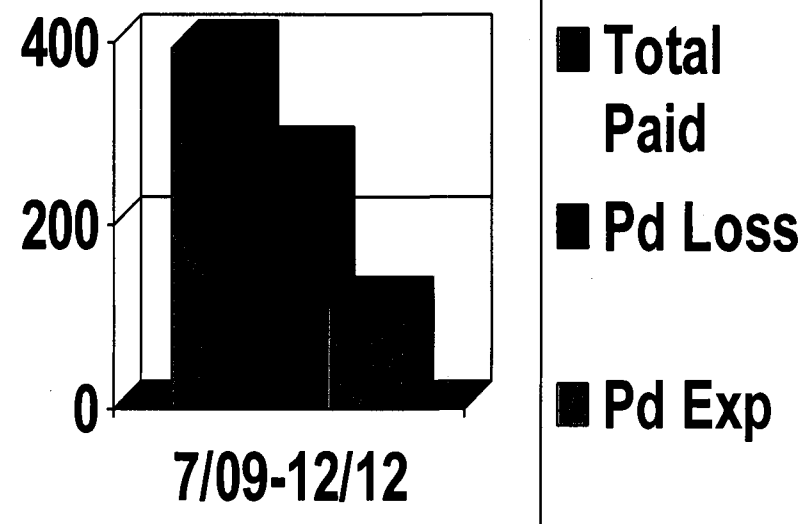
City of Santa Fe Law Enforcement Liability Claims

7/1/2009-12/31/2012

Frequency



Severity



* In Thousands

Largest claim is closed— Diaz- Excessive force allegations; \$201,401 -- 95,000 paid Loss and \$106,401 paid expense, 1/11/2010

Second largest claim is closed-Schaefer—Excessive force allegations; \$92,987 -- \$92,500 paid Loss \$487 paid expense, 3/16/2010

City of Santa Fe Law Enforcement Liability Claims

7/1/2009-12/31/2012

Policy Year	Total Paid	# Claims	Largest Paid Claim
2009	\$301,919	14	\$201,401
2010	\$74,657	19	\$50,000
2011	\$9,572	21	\$8,550
2012	\$6,787	6	\$6,787
Totals	\$392,935	60	\$201,401

City of Santa Fe Law Enforcement Liability Claims

7/1/2009-12/31/2012

Claim Allegations* &
Financial Impact

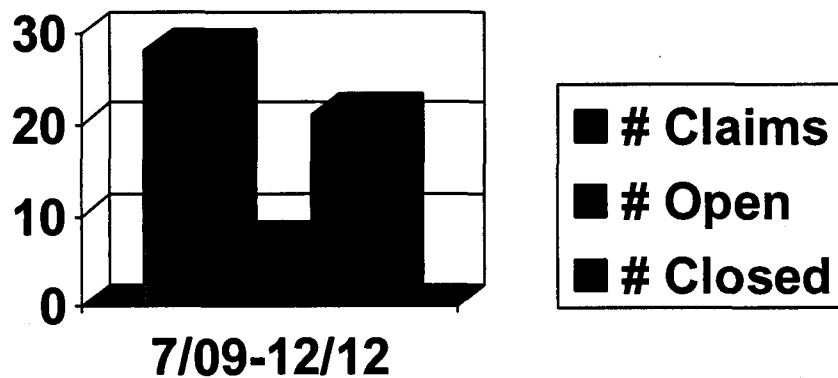
Claim Theory	# Claims	Pd Loss	Pd Expense
False Arrest	9	\$24,000	\$1,032
Excess Force	12	\$237,500	\$113,086
Violate Rights	4	0	0
Property Damage-vehicles	4	\$700	0
Property damage- Other	18	\$20,479	\$691
Personal Injury	2	0	0
Traffic Contrl	1	0	0
Assault	1	0	0
Harass	3	0	0
Neglig Services	9	\$146	0

** When multiple allegations were made, the main allegation was chosen in sorting these claims

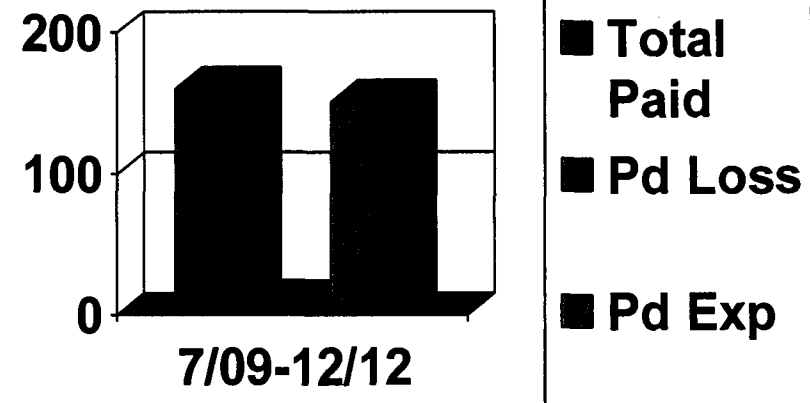
City of Santa Fe Employment Related Claims

7/1/2009-12/31/2012

Frequency



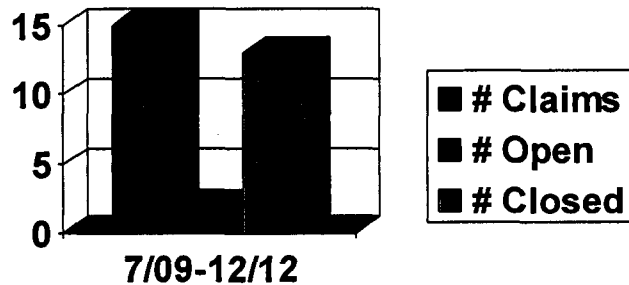
Severity



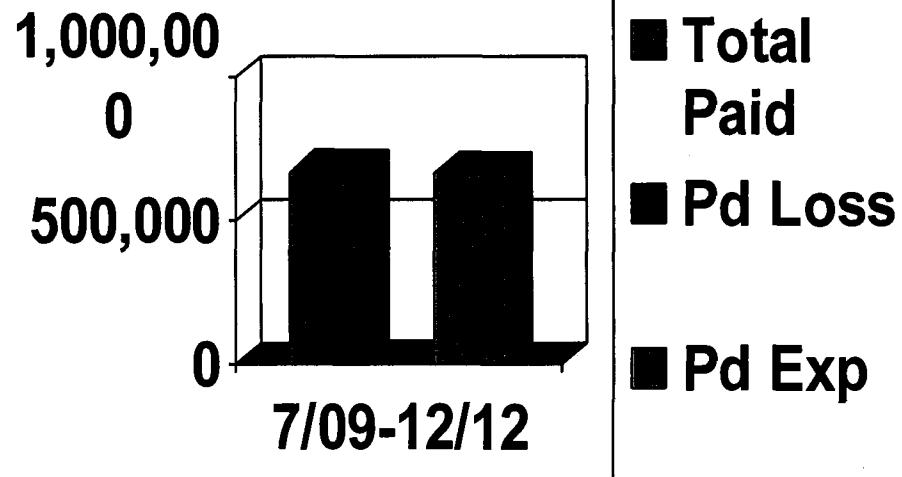
- Largest loss payments \$4,500 on two claims -Wrongful termination allegation and age discrimination allegation
- 15 of the EPL claims were discrimination-related allegations usually asserting age, gender, disability, or race. 5 claims stated wrongful termination. Other claims included allegations of interference with collective bargaining ; harassment, rights violations; unfair treatment

City of Santa Fe Public Entity Management Liability Claims 7/1/09- 12/31/12

Frequency



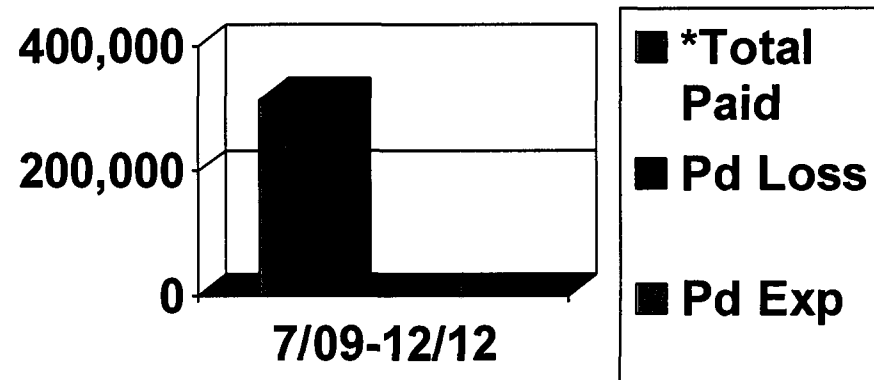
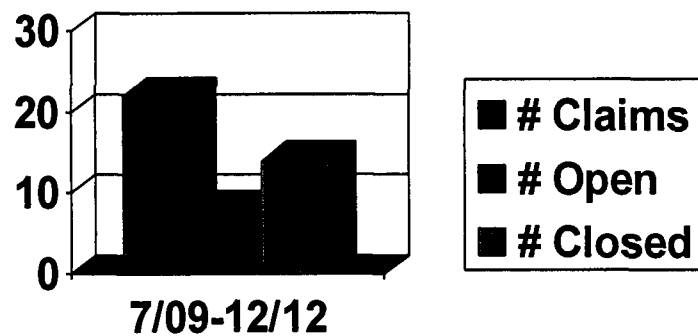
Severity



- ❑ The most common claim theory has been contracts dispute (6 claims/ \$0 incurred); Other claims were based on injunctive relief (3); land use, permits disputes (2); inverse condemnation (1)
- ❑ \$628,226 paid expense as of 12/31/12 on the Q West claim which is a taxation discrimination dispute

City of Santa Fe General Liability Claims

7/1/09-12/31/12

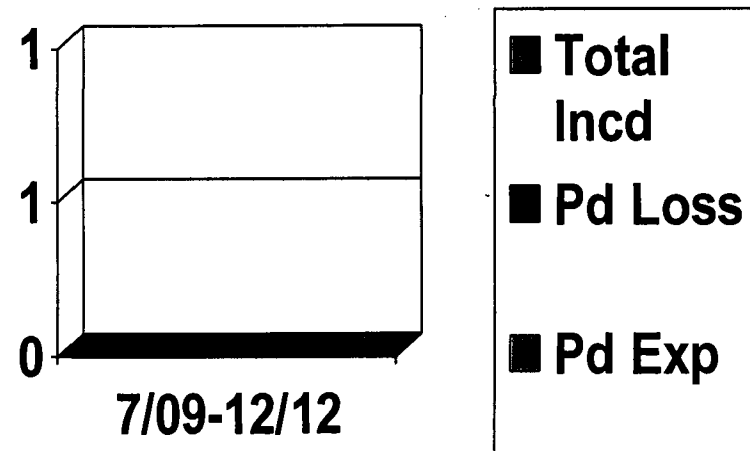
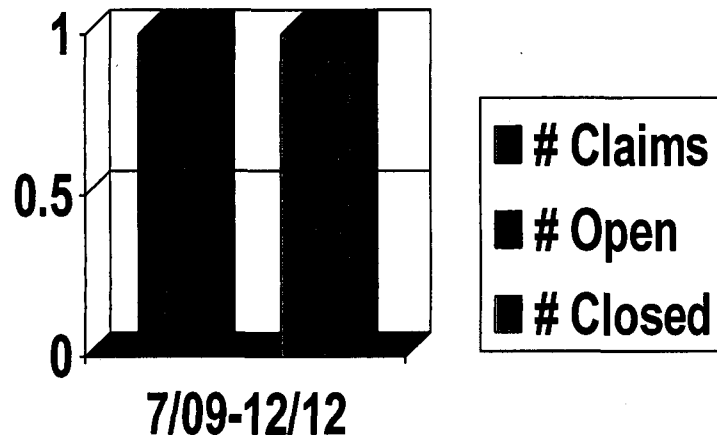


*In thousands

Main causes include : 9 sewer back up claims; 8 slip, trip or fall ;2 Assault ; 1 EMT response; 2 street and road. The largest claim is closed =\$256,728 Paid – water damages to residence from flushing sewer line 3/22/10 /Goodman

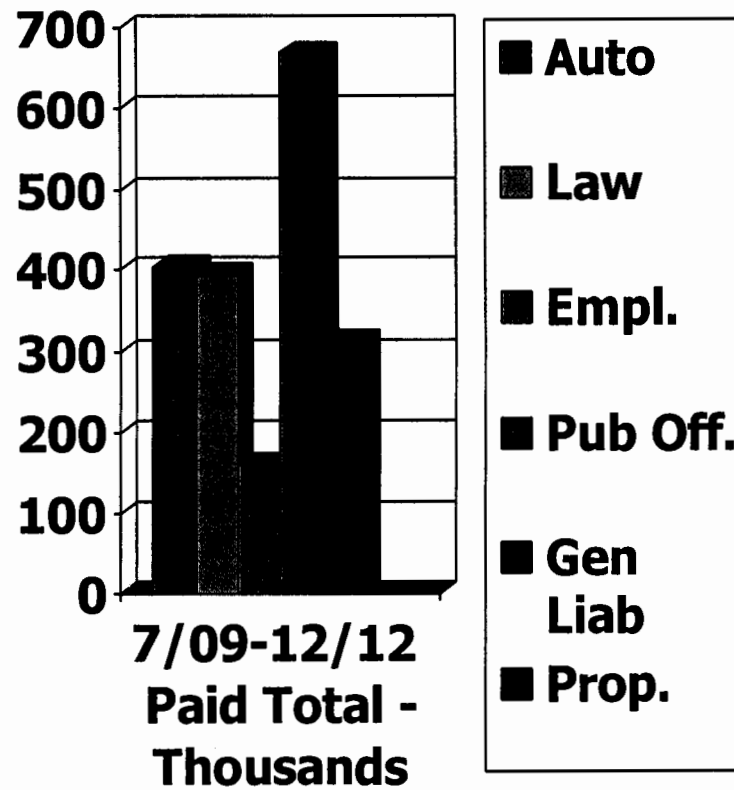
City of Santa Fe Property Claims

7/1/09-12/31/12



10/15/12- 1 hail claim \$0 paid- Fort Marcy Recreational Facility—roof damages—claim is closed

City of Santa Fe Paid Total By Coverage Line
7/1/09-12/31/12





**CITY COUNCIL MEETING OF
MARCH 27, 2013
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY**

Mayor David Coss		
Co-Sponsors	Title	Tentative Committee Schedule
Bushee Trujillo Calvert	A RESOLUTION RECOGNIZING THAT SAME-SEX MARRIAGE IS LEGAL IN NEW MEXICO; ENCOURAGING NEW MEXICO'S COUNTY CLERKS TO ISSUE MARRIAGE LICENSES TO SAME-SEX COUPLES; ENCOURAGING THE NEW MEXICO ATTORNEY GENERAL TO ISSUE AN OPINION REGARDING MARRIAGE LICENSES FOR SAME-SEX COUPLES; AND SUPPORTING EFFORTS TO ENFORCE THE MARRIAGE LAWS OF NEW MEXICO.	Council – 4/24/13
	AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO GROSS RECEIPTS TAX REFUNDING REVENUE BONDS, SERIES 2013A IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED OF \$12,135,000 FOR THE PURPOSE OF DEFRAYING THE COST OF REFUNDING, PAYING AND DISCHARGING THE OUTSTANDING CITY OF SANTA FE, NEW MEXICO GROSS RECEIPTS TAX IMPROVEMENT REVENUE BONDS, SERIES 2006; PROVIDING THAT THE BONDS WILL BE PAYABLE AND COLLECTIBLE FROM THE GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; ESTABLISHING THE FORM, TERMS, MANNER OF EXECUTION AND OTHER DETAILS OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT AND AN ESCROW AGREEMENT; PROVIDING FOR REDEMPTION OF THE SERIES 2006 BONDS; APPROVING CERTAIN OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION WITH THE BONDS; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND RELATED MATTERS.	Finance – 4/1/13 Council (request to publish) – 4/10/13 Council (public hearing) – 5/8/13

Mayor David Coss Continued		
	AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO SUBORDINATE LIEN GROSS RECEIPTS TAX REFUNDING REVENUE BONDS, SERIES 2013B IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED OF \$14,195,000 FOR THE PURPOSE OF DEFRAYING THE COST OF REFUNDING, PAYING AND DISCHARGING THE CITY'S OUTSTANDING NEW MEXICO FINANCE AUTHORITY LOAN (PARKING STRUCTURE) DATED MARCH 28, 2006, PROVIDING THAT THE BONDS WILL BE PAYABLE AND COLLECTIBLE FROM THE GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; ESTABLISHING THE FORM, TERMS, MANNER OF EXECUTION AND OTHER DETAILS OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT; PROVIDING FOR PREPAYMENT OF THE NMFA LOAN; APPROVING CERTAIN OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION WITH THE BONDS; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND RELATED MATTERS.	Finance – 4/1/13 Council (request to publish) – 4/10/13 Council (public hearing) – 5/8/13
Councilor Patti Bushee		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Chris Calvert		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Bill Dimas		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Carmichael Dominguez		
Co-Sponsors	Title	Tentative Committee Schedule

Councilor Peter Ives		
Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Ron Trujillo		
Co-Sponsors	Title	Tentative Committee Schedule
Calvert	AN ORDINANCE APPROVING A LEASE AND SERVICES AGREEMENT BETWEEN THE CITY OF SANTA FE AND THE BOYS AND GIRLS CLUBS FOR LEASE OF CITY-OWNED BUILDING AND IMPROVEMENTS LOCATED AT THE 730 ALTO STREET, SANTA FE, NEW MEXICO, FOR THE BOYS AND GIRLS CLUBS TO USE AND OCCUPY THE BUILDING AND IMPROVEMENTS TO OPERATE AFTER SCHOOL AND SUMMER COMMUNITY SERVICES PROGRAMS FOR CITY YOUTHS AGES SIX THROUGH EIGHTEEN AND OTHER RELATED PURPOSES.	Public Works – 4/8/13 Council (request to publish) – 4/10/13 Finance – 4/15/13 Council (public hearing) – 5/8/13
Councilor Wurzbarger		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION SUPPORTING THE CONVERSION OF SANTA FE CIVIC HOUSING AUTHORITY PUBLIC HOUSING UNITS TO LONG TERM SECTION 8 CONTRACTS UNDER THE RAD (RESIDENT ASSISTANCE DEMONSTRATION) PROGRAM.	Council – 4/10/13

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.

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

2 **BILL NO. 2013-__**

3 **INTRODUCED BY:**

4 Councilor Ron Trujillo

5 Councilor Chris Calvert

6
7
8
9
10 **AN ORDINANCE**

11 **APPROVING A LEASE AND SERVICES AGREEMENT BETWEEN THE CITY OF**
12 **SANTA FE AND THE BOYS AND GIRLS CLUBS FOR LEASE OF CITY-OWNED**
13 **BUILDING AND IMPROVEMENTS LOCATED AT THE 730 ALTO STREET, SANTA**
14 **FE, NEW MEXICO, FOR THE BOYS AND GIRLS CLUBS TO USE AND OCCUPY THE**
15 **BUILDING AND IMPROVEMENTS TO OPERATE AFTER SCHOOL AND SUMMER**
16 **COMMUNITY SERVICES PROGRAMS FOR CITY YOUTHS AGES SIX THROUGH**
17 **EIGHTEEN AND OTHER RELATED PURPOSES.**

18
19 **BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

20 Section 1. The City of Santa Fe hereby approves a certain lease and services
21 agreement dated _____, entered into between the City of Santa Fe and Boys and Girls
22 Clubs of Santa Fe, which is attached hereto as Exhibit "A" and made a part hereof, for building
23 and improvements located at 730 Alto Street, Santa Fe, New Mexico, for a term of four years (the
24 "Lease and Services Agreement").

25 Section 2. This Ordinance shall be effective forty-five days after the date of

1 adoption, unless a referendum is held pursuant to Section 3-54-1 NMSA 1978.

2 Section 3. This Ordinance shall be published as required by Section 3-17-3 NMSA
3 1978 and such publication shall contain the following information:

4 A. Property to be Leased. The City of Santa Fe shall lease to the Boys and Girls
5 Clubs of Santa Fe ("the Club"), the building and improvements located at the 730 Alto Street,
6 Santa Fe, New Mexico, and more fully described under the Lease and Services Agreement.

7 B. Market value of the Leasehold Premises. The appraised value of the building and
8 improvements is three hundred and twenty thousand dollars (\$320,000).

9 C. Payment terms of the Lease. The rental payment for the leasehold premises shall
10 be in an amount \$32,000 per year ($10\% \times \$320,000 = \$32,000$) which shall be payable by the
11 yearly provision of in-kind, after school and summer services to City youths ages six (6) through
12 eighteen (18) by the Club for the City, and more fully described under the Lease and Services
13 Agreement.

14 D. The Lessee is The Boys and Girls Clubs of Santa Fe, 730 Alto Street, Santa Fe,
15 New Mexico.

16 E. Purpose of the Lease. The purpose of the lease and services agreement is for the
17 Club to use and occupy the building and improvements to operate after school and summer
18 community services programs for City youths ages (6) six through (18) eighteen and other related
19 purposes.

20 APPROVED AS TO FORM:

21
22 _____
23 GENO ZAMORA, CITY ATTORNEY

24
25 *CAO/M/Melissa/Bills 2013/Boys and Girls Club Lease*

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-__

INTRODUCED BY:

Councilor Rebecca Wurzbarger

A RESOLUTION

**SUPPORTING THE CONVERSION OF SANTA FE CIVIC HOUSING AUTHORITY
PUBLIC HOUSING UNITS TO LONG TERM SECTION 8 CONTRACTS UNDER THE
FEDERAL RESIDENT ASSISTANCE DEMONSTRATION (RAD) PROGRAM.**

WHEREAS, the United States Department of Housing and Urban Development released the *Capital Needs in the Public Housing Program* study; the 2011 study found that the nation's 1.2 million public housing units need 26 billion dollars to keep homes in safe and decent condition; and

WHEREAS, most of Santa Fe's public housing units were built between 1964 and 1991, making them from 49 to 22 years old; and

WHEREAS, the Santa Fe Civic Housing Authority (SFCHA) assessed the condition of each public housing site and determined that all of the sites need extensive infrastructure upgrades and architectural improvements and a majority of units need extensive internal improvements, up to \$60,000 per unit at the Cerro Gordo site; and

WHEREAS, the *2012 Housing Needs Assessment* shows that the greatest mismatch in housing needs and available inventory in Santa Fe is for rental housing for people with very low incomes and that over 3,000 renter households are likely not to be able to find rental housing that they

1 can afford; and

2 **WHEREAS**, the RAD Program, which is part of the Obama administration's comprehensive
3 strategy to preserve public and HUD-assisted housing will facilitate the renovation and rebuilding of
4 119 public housing units and the construction of 30 new units in Santa Fe, rented to residents earning
5 less than 50% of the area median income; and

6 **WHEREAS**, the SFCHA estimates that the RAD Program will bring \$10,000,000 of
7 construction funding into Santa Fe and create 100 – 200 jobs for the two years of the project's
8 duration; and

9 **WHEREAS**, the SFCHA studied the requirements and effects of the RAD Program, held
10 meetings with Housing Authority residents, met with city staff to discuss the RAD Program and
11 organized a joint discussion with HUD Albuquerque Field Office staff and City representatives
12 without any expressed opposition; and

13 **WHEREAS**, the SFCHA will cover all relocation costs and temporary housing as needed for
14 existing housing authority residents displaced by construction who will get priority to move back into
15 the improved units; and

16 **WHEREAS**, the Governing Body recognizes that current public housing stock in the city of
17 Santa Fe is aging and requires extensive updates and repair and recognizes that low income Santa Fe
18 residents have a high need for subsidized rental housing.

19 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
20 **CITY OF SANTA FE** that the Governing Body supports the conversion of SFCHA public housing
21 units to long term Section 8 contracts under the RAD Program.

22 PASSED, APPROVED and ADOPTED this ____ day of _____, 2013.

23
24 _____
25 DAVID COSS, MAYOR

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ATTEST:

YOLANDA VIGIL, CITY CLERK

APPROVED AS TO FORM:

GENO ZAMORA, CITY ATTORNEY

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

2 **RESOLUTION NO. 2013-__**

3 **INTRODUCED BY:**

4
5 **Mayor David Coss**

6 **Councilor Patti J. Bushee**

7 **Councilor Ronald S. Trujillo**

8 **Councilor Chris Calvert**

9
10 **A RESOLUTION**

11 **RECOGNIZING THAT SAME-SEX MARRIAGE IS LEGAL IN NEW MEXICO;**
12 **ENCOURAGING NEW MEXICO'S COUNTY CLERKS TO ISSUE MARRIAGE**
13 **LICENSES TO SAME-SEX COUPLES; ENCOURAGING THE NEW MEXICO**
14 **ATTORNEY GENERAL TO ISSUE AN OPINION REGARDING MARRIAGE**
15 **LICENSES FOR SAME-SEX COUPLES; AND SUPPORTING EFFORTS TO ENFORCE**
16 **THE MARRIAGE LAWS OF NEW MEXICO.**

17
18 **WHEREAS,** the Charter of the City of Santa Fe recognizes that Santa Fe has "a history
19 of tolerance towards all people, cultures, traditions, and lifestyles;" and

20 **WHEREAS,** the Charter also acknowledges that "the human and civil rights of the
21 residents of the City of Santa Fe are inviolate and shall not be diminished or otherwise infringed;"
22 and

23 **WHEREAS,** the struggle for equality among lesbian, gay, bisexual, and transgender
24 people is the modern face of the Civil Rights Movement; and

25 **WHEREAS,** nine states and the District of Columbia currently extend marriage licenses

1 to same-sex couples; and

2 **WHEREAS**, Santa Fe has always been a proud leader in recognizing basic human rights
3 and in fighting against discrimination; and

4 **WHEREAS**, New Mexico's statutory definition of marriage is gender-neutral and does
5 not define marriage as between a man and a woman, NMSA 1978, Section 40-1-1 (1862-63); and

6 **WHEREAS**, the only marriages prohibited by statute in New Mexico include those
7 between relatives within a specified degree of relation and those with minors, Section 40-1-9, and
8 New Mexico County Clerks are required by statute to issue marriage licenses when they are
9 satisfied that the parties are not relatives and are at least eighteen years of age, Sections 40-1-10
10 to -13; and

11 **WHEREAS**, New Mexico already recognizes same-sex marriages from other
12 jurisdictions, Section 40-1-4; N.M. AG Op. No. 11-01 (2011); and

13 **WHEREAS**, the Constitution of the State of New Mexico requires that equal rights shall
14 not be denied on account of the sex of any person, N.M. Const. art. II, Section 18; and

15 **WHEREAS**, pursuant to NMSA 1978, Section 8-5-2(D) (1933, as amended through
16 1975), the Attorney General of the State of New Mexico shall give an opinion in writing upon
17 any question of law submitted to him by the legislature and the Attorney General has received a
18 legislative request for an opinion regarding the marriage laws of the state as they apply to same-
19 sex marriage;

20 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF**
21 **THE CITY OF SANTA FE** that we, the members of the Santa Fe governing body, do hereby
22 recognize that, under New Mexico law, same-sex marriage is legal in our State and that our
23 State's citizens have the right to marry the partner of their choice for the following reasons:

- 24 1. New Mexico marriage laws do not define marriage as between a man and a
25 woman;

- 1 2. Although our State statutes prohibit certain marriages, same-sex marriage is not
2 prohibited;
3 3. Pursuant to New Mexico marriage statutes, a valid same-sex marriage from
4 another state is recognized in New Mexico; and
5 4. To discriminate against same-sex couples would violate the New Mexico
6 Constitution, which requires equality under law regardless of sex.

7 **BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF**
8 **SANTA FE** that we strongly encourage New Mexico's County Clerks to follow state law and
9 issue marriage licenses to loving, committed couples who have the right to marry the person that
10 they love, including those of the same gender.

11 **BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF**
12 **SANTA FE** that we strongly encourage New Mexico's Attorney General to promptly issue an
13 official opinion confirming the legal obligations of County Clerks to issue marriage licenses to
14 same-sex couples.

15 **BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF**
16 **SANTA FE** that the City will support legal efforts to obtain marriage equality under the law of
17 New Mexico, including filing amicus briefs in any same-sex marriage litigation to represent the
18 City of Santa Fe's interest in protecting citizens from discrimination and denial of equality in
19 marriage rights.

20
21 PASSED, APPROVED and ADOPTED this ____ day of _____, 2013.
22
23

24 _____
DAVID COSS, MAYOR

25 ATTEST:

1

2

3

YOLANDA Y. VIGIL, CITY CLERK

4

5

APPROVED AS TO FORM:

6

7

8

GENO ZAMORA, CITY ATTORNEY

9

10

Dear Mayor David Coss,

We are pleased to present you with this petition affirming one simple statement:

"I support the City of Santa Fe's memorial to recognize same-sex marriages as legal in New Mexico.

Sign me up as a citizen co-sponsor of this important civil rights legislation."

Attached is a list of individuals who have added their names to this petition, as well as additional comments written by the petition signers themselves.

Sincerely,
Pat Davis

*** PLEASE GO TO THE FOLLOWING LINK TO VIEW EXHIBIT "10" IN IT'S ENTIRETY:**

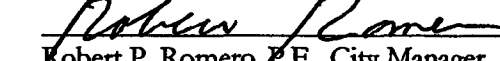


<http://www.santafenm.gov/Archive.aspx?ADID=7611>


City of Santa Fe, New Mexico

memo

DATE: March 11, 2013 for the March 27, 2013 City Council meeting

TO: Mayor David Coss
Members of the City Council

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

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

Case #2012-146 - 2823 Industrial Road General Plan Amendment. Jim W. Siebert and Associates, Inc., agent for Donna and Robert Italiano, requests approval of a General Plan Future Land Use map amendment to change the designation of 0.38± acres of land from Residential Low Density (3-7 dwelling units per acre) to Business Park. The property is located north of the PNM substation at 2823 Industrial Road. (Heather Lamboy, Case Manager)

Case #2012-147 - 2823 Industrial Road Rezoning. Jim W. Siebert and Associates, Inc. agent for Donna and Robert Italiano, requests rezoning of 0.38± acres of land from R-2 (Residential, 2 dwelling units per acre) to I-1 (Light Industrial). The property is located north of the PNM substation at 2823 Industrial Road. (Heather Lamboy, Case Manager)

I. RECOMMENDATION

The Planning Commission recommends **APPROVAL** to the Governing Body.

On February 7, 2013, the Planning Commission found that the application meets all code criteria for a General Plan Amendment and Rezoning. No redevelopment of the building or property is anticipated at this time.

Two motions will be required in this case, one for the General Plan Amendment and another for the Rezoning.

II. APPLICATION OVERVIEW

A. Application Request Summary

The applicant is requesting to rezone the property from R-2 (Residential, 2 dwelling units per

Exhibit "11"

acre) to I-1 (Light Industrial). The applicant states that this property has been used for small scale local businesses from the early 1990s. The 0.38-acre site is surrounded by a variety of uses, residential to the north, a Public Utility Company of New Mexico (PNM) substation to the south, a vehicle dismantling and crushing operation to the west, and a vacant residential tract to the east (which was recently approved as the Corazon Santo rezoning and development plan).

B. History

An analysis of the zoning maps for this tract reveals that, although there is a functional relationship with the tract to the south which is zoned I-1, this tract has always held an R-2 zoning designation. The industrial zoning district to the south of the site developed between 1981 and 1985, when the current zoning district boundary was established. Despite the fact that the subject property is located in an R-2 zoning district, a Business License was granted for an auto repair shop at the site in 2001. Subsequent non-residential users operated without benefit of business licenses or Certificates of Occupancy.

The Southwest Sector Plan, Plan 83, and the 1999 Santa Fe General Plan all discuss this area in terms of a mix of uses, with both housing and employment opportunities. The 1999 General Plan discusses the Siler Road Redevelopment District as "intended to allow this industrial area, located in close proximity to expanding residential areas, to develop uses compatible with housing..." An implementing policy, intended to address the unique situation found in the Siler Road area, was to create a special infill zoning classification for small tracts of land that can include employment opportunities in addition to residential uses (Policy 3-I-3).

In addition, Policy 5-3-G-4 discusses how it is important to provide for appropriately located areas for a broad range of manufacturing, warehousing, and service uses to strengthen the city's economic base and provide employment opportunities for residents. The General Plan discusses the Siler Road area as a major employment center, and estimates that approximately 3,400 jobs are located in the area (which may have fluctuated since 1999 due to the changes in the economy).

ATTACHMENTS:

EXHIBIT 1:

- a) Findings of Fact and Conclusions of Law
- b) General Plan Amendment Resolution
- c) Rezoning Bill

EXHIBIT 2: Planning Commission Minutes February 7, 2013

EXHIBIT 3: Planning Commission Staff Report Packet

City of Santa Fe, New Mexico

Exhibit 1

**Findings of Fact
General Plan Amendment Resolution
Rezoning Bill**

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

Case #2012-146

2823 Industrial Road General Plan Amendment

Case #2012-147

2823 Industrial Road Rezoning to I-1

Owner's Name – Los Alamos National Bank

Applicant's Name – James W. Siebert and Associates, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on February 7, 2013 upon the application (Application) of James W. Siebert and Associates, Inc. as agent for Los Alamos National Bank (Applicant).

The subject site is located north of the PNM substation at 2823 Industrial Road (Property) and is comprised of 0.38± acres zoned R-2 (Residential – 2 dwelling units/acre).

The Applicant seeks (1) approval of an amendment to the City of Santa Fe General Plan Future Land Use Map (Plan) changing the designation of the Property from Low Density Residential (3-7 dwelling units/acre) to Business Park and (2) to rezone the Property from R-2 to I-1 (Light Industrial).

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

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Santa Fe City Code (Code) §14-3.2(D) sets out certain procedures for amendments to the Plan, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.2(E).
3. Code §§14-3.5(B)(1) through (3) set out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.5(C).
4. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)(1)(a)(i)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(iii) and (xii)]; and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
5. A pre-application conference was held on November 8, 2012.

6. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
7. An ENN meeting was held on the Application on November 26, 2012 at the Southside Public Library on 6599 Jaguar Drive.
8. Notice of the ENN meeting was properly given.
9. The ENN meeting was attended by the Applicant and City staff; there were no members of the public in attendance.
10. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the proposed Plan amendment and the rezoning, subject to the conditions set out in the Staff Report (Conditions).

The General Plan Amendment

11. Code §14-3.2(B)(2)(b) requires the City's official zoning map to conform to the Plan, and requires an amendment to the Plan before a change in land use classification is proposed for a parcel shown on the Plan's land use map.
12. The Commission is authorized under Code §14-2.3(C)(7)(a) to review and make recommendations to the Governing Body regarding proposed amendments to the Plan.
13. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts:
 - (a) *Consistency with growth projections for the City, economic development goals as set forth in a comprehensive economic development plan for the City, and with existing land use conditions, such as access and availability of infrastructure [§14-3.2(E)(1)(a)].*
The Property is oriented to and accessed from an existing I-1 zoned property off Industrial Road and despite the R-2 zoning has historically been used for non-residential uses. The General Plan acknowledges the mix of uses in the Siler Road area and encourages the continued development of compatible businesses to provide employment opportunities in close proximity to residential uses. Water, sanitary sewer, stormwater, electrical, and natural gas utilities are available to serve the Property, with access via Industrial Road.
 - (b) *Consistency with other parts of the Plan [§14-3.2(E)(1)(b)].*
The proposed amendment is consistent with provisions of the General Plan that call for redevelopment and employment opportunities in the Siler Road Redevelopment Area, including Policy 3-I-3 and Policy 5-3-G-4.
 - (c) *The amendment does not: (i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character of the area; (ii) affect an area of less than two acres, except when adjusting boundaries between districts; or (iii) benefit one of a few landowners at the expense of the surrounding landowners or the general public [§14-3.2(E)(1)(c)].*
The amendment will not allow a use or change that is inconsistent with the prevailing uses of the area and if there is any change in use, buffering to adjacent residential areas will be required. The proposed amendment addresses an area of less than two acres, but adjusts the boundaries between the existing I-1 and residential-zoned properties. Based

upon the foregoing, the amendment would not benefit the Property owner at the expense of the surrounding landowners and the general public.

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

This is not applicable, as, based upon paragraph 13(d) above, the proposed amendment conforms with Code §14-3.2(E)(1)(c).

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

This is not applicable.

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

The proposed amendment will contribute to a coordinated, adjusted and harmonious development of the City in that it is consistent with the policies of the Plan as set forth in paragraph 13(a)-(c) above.

The Rezoning

14. Under Code §14-3.5(A)(1)(d) any person may propose a rezoning (amendment to the zoning map).
15. Code §§14-2.3(C)(7)(c) and 14-3.5(B)(1)(a) provide for the Commission's review of proposed rezonings and recommendations to the Governing Body regarding them.
16. Code §14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings.
17. The Commission has considered the criteria established by Code §14-3.5(C) and finds, subject to the Conditions, the following facts:
 - (a) *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [SFCC §14-3.5(C)(1)(a)].*

The Siler Road area has long been considered to be a transition area, where both employment and housing opportunities exist and over the last twenty years has changed to become predominantly industrial in character. The rezoning of the Property will not alter that character.
 - (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 Plan [Section 14-3.5(A)(c)].*

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

The Property consists of 0.38± acres and its proposed use is consistent with the cited City policies in that it expands an existing district.

- (e) *The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development [Section 14-3.5(C)(e)];*
Water, sanitary sewer, stormwater, electrical, and natural gas utilities are available to serve the Property, with access via Industrial Road.

CONCLUSIONS OF LAW

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

General

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

The General Plan Amendment

3. The Commission has the power and authority at law and under the Code to review the proposed amendment to the Plan and to make recommendations to the Governing Body regarding such amendment.

The Rezoning

5. The Applicant has the right under the Code to propose the rezoning of the Property.
6. The Commission has the power and authority at law and under the Code to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body based upon that review.

WHEREFORE, IT IS ORDERED ON THE 7TH OF MARCH 2013 BY THE
PLANNING COMMISSION OF THE CITY OF SANTA FE:


1. 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 Plan amendment, subject to the Conditions.
2. 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 I-1, subject to the Conditions.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

Case #2012-146 – 2823 Industrial Road General Plan Amendment

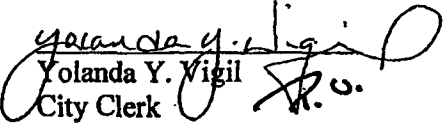
Case #2012-147 – 2823 Industrial Road Rezoning to I-1

Page 5 of 5


Thomas Spray
Chair

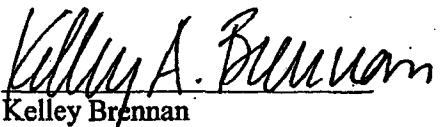
3/7/12
Date:

FILED:


Yolanda Y. Vigil
City Clerk

3-8-13
Date:

APPROVED AS TO FORM:


Kelley Brennan
Assistant City Attorney

3/7/13
Date:

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-__

A RESOLUTION

**AMENDING THE GENERAL PLAN FUTURE LAND USE CLASSIFICATION FROM
RESIDENTIAL LOW DENSITY TO BUSINESS PARK FOR AN 0.38± ACRE PARCEL
OF LAND LOCATED IN THE VICINITY OF CALLE DE COMERCIO AND
INDUSTRIAL ROAD (2823 INDUSTRIAL ROAD) IDENTIFIED AS GOVERNMENT
LOT 37 AND LYING WITHIN SECTION 33, TOWNSHIP 17 NORTH, RANGE 9 EAST,
NEW MEXICO PRIME MERIDIAN, SANTA FE COUNTY, NEW MEXICO. ("2823
INDUSTRIAL ROAD" GENERAL PLAN AMENDMENT, CASE #2012-146).**

**WHEREAS, the agent for the owner of that certain parcel of land comprising 0.38± acre
identified as Government Lot 37, in the vicinity of the Calle de Comercio and Industrial Road
intersection and lying within Section 33, Township 17 North, Range 9 East, New Mexico Prime
Meridian, Santa Fe County, State of New Mexico (the "Property") has submitted an application to
amend the General Plan Future Land Use Map classification of the Property from Residential
Low Density to Business Park; and**

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

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

5 WHEREAS, the reclassification of the Property will be substantially consistent with the
6 General Plan themes and policies for Land Use (General Plan, Chapter 3) and Growth
7 Management (General Plan, Chapter 4).

8 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
9 CITY OF SANTA FE:

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

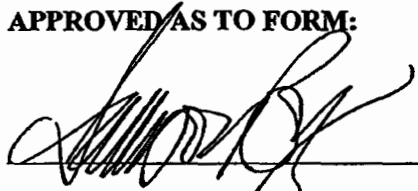
13 PASSED, APPROVED and ADOPTED this ____ day of March, 2013.

14
15 _____
16 DAVID COSS, MAYOR

17 ATTEST:

18
19 _____
20 YOLANDA Y. VIGIL, CITY CLERK

21
22 APPROVED AS TO FORM:

23 
24 _____
25 GENO ZAMORA, CITY ATTORNEY

2823 INDUSTRIAL ROAD

LEGAL DESCRIPTION

Government Lot 37 lying within Section 33, Township 17 North, Range 9 East, New Mexico Prime Meridian, Santa Fe County, New Mexico, containing 0.38± acres more or less.

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-14

AN ORDINANCE

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;
CHANGING THE ZONING CLASSIFICATION FOR 0.38± ACRE OF LAND LOCATED
IN THE VICINITY OF CALLE DE COMERCIO AND INDUSTRIAL ROAD (2823
INDUSTRIAL ROAD) AND IDENTIFIED AS GOVERNMENT LOT 37 AND LYING
WITHIN SECTION 33, TOWNSHIP 17 NORTH, RANGE 9 EAST, NEW MEXICO
PRIME MERIDIAN, SANTA FE COUNTY, NEW MEXICO, FROM R-2
(RESIDENTIAL, 2 DWELLING UNITS PER ACRE) TO I-1 (LIGHT
INDUSTRIAL), AND PROVIDING AN EFFECTIVE DATE. ("2823
INDUSTRIAL ROAD REZONING," CASE #2012-147).**

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

Section 1. That a certain parcel of land comprising 0.38± acre (the "Property")
located within Section 2, Township 17 North, Range 9 East, New Mexico Prime Meridian, Santa
Fe County, State of New Mexico, of which totals approximately 0.38 ± acres are located within
the municipal boundaries of the City of Santa Fe, is restricted to and classified as I-1 (Light

1 Industrial) as described in the legal description attached hereto [EXHIBIT A] and incorporated
2 herein by reference.

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

6 Section 3. This Ordinance shall be published one time by title and general summary
7 and shall become effective five days after publication.

8
9
10 APPROVED AS TO FORM:

11 
12 _____

13 GENO ZAMORA, CITY ATTORNEY
14
15
16
17
18
19
20
21
22
23
24
25

2823 INDUSTRIAL ROAD

LEGAL DESCRIPTION

Government Lot 37 lying within Section 33, Township 17 North, Range 9 East, New Mexico Prime Meridian, Santa Fe County, New Mexico, containing 0.38± acres more or less.

City of Santa Fe, New Mexico

Exhibit 2

**Planning Commission Minutes
February 7, 2013**



3. **CASE #2012-146. 2823 INDUSTRIAL ROAD GENERAL PLAN AMENDMENT. JIM W. SIEBERT AND ASSOCIATES, INC., AGENT FOR LOS ALAMOS NATIONAL BANK, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 0.38± ACRES OF LAND FROM RESIDENTIAL LOW DENSITY (3-7 DWELLING UNITS PER ACRE) TO BUSINESS PARK. THE PROPERTY IS LOCATED NORTH OF THE PNM SUBSTATION AT 2823 INDUSTRIAL ROAD. (HEATHER LAMBOY, CASE MANAGER)**

Agenda Items E(3) and E(4) were combined for purposes of presentation, discussion and public hearing, but were voted upon separately.

A Memorandum dated January 18, 2013 for the February 7, 2013 Planning Commission meeting, with attachments, to the Planning Commission, from Heather L. Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "7."

A power point presentation *Industrial Road General Plan Amendment & Rezoning*, dated February 7, 2013, is incorporated herewith to these minutes as Exhibit "8."

An aerial photograph of the area *Agua Fria Compound: Looking south and emergency access in southwest corner*, with attached aerial map from Google Earth Pro, entered for the record by Jim W. Siebert, is incorporated herewith to these minutes as Exhibit "9."

The Staff Report was presented by Heather Lamboy via power point. Please see Exhibits "7" and "8," for specifics of this presentation.

Public Hearing

Presentation by the Applicant

Jim Siebert, 915 Mercer, Santa Fe, was sworn. Mr. Siebert said, "This is a rather a unique situation that you have a commercial building that is not zoned, either for C-2 General Commercial or I-1 Light Industrial purposes. It was interesting. We did the research to try to find out exactly when this structure was built. Unfortunately, the City has a gap in their aerial photography. We estimate it was somewhere in the mid-1990's, so the age of this particular building, looks like it's about 20 years old. We did find, and it said in the packet, a Certificate of Occupancy that dated to 2001. We couldn't find anything before that, and we couldn't find anything in terms of building permit records, because they only maintain them for ten years, and then they destroy them."

Mr. Siebert said, "I can explain to you some of the prior uses. We did talk to, we could find some of the prior owners and kind of went back on the prior uses for the property. And they included a plumbing supply and plumbing contractor's shop, an auto repair shop and then most recently, it was a carpentry shop."

Mr. Siebert said, "I think you need a better idea how this fits into the industrial area, and I'm going to have Joaquin hand out some aerial photos, one of which may actually be in your packet [Exhibit "9"]... well, it's another one, that was supplied by staff. What the first photograph shows is the subject property. The two metal roofed buildings you see there in the foreground. And to the right, is an auto dismantling operation, which is rather extensive in terms of the storage of the vehicles. And directly in front of it, is the PNM Gas Distribution Station. I don't know how many had the opportunity actually to go to the site, but I've been there few times. And what happens is during the daytime, from 7:00 a.m. on, there is a constant noise that takes place in the process of smashing the vehicles up and getting them ready to take off. And, frankly, it's hard to describe, and this is a very heavy industrial area that is immediately adjacent to it. Across the street is a concrete batch plant. So, actually, what I'm trying to say is, because this is a small operation and kind of historically, it had smaller businesses located in it, it seemed like it was a pretty good transition between what is rather heavy industrial to what would be either mixed use or residential behind it."

Mr. Siebert continued, "Ms. Lamboy raised the particular issue of economic development, and the fact that this particular area is an area of economic development. But the thing that I think I would like to emphasize, that over the years it really has been a building where a small business could get a start, and hopefully grow their business, and then locate in other places that are larger and have the ability to continue and expand their business. It is served by City water and sewer, and it does have a platted access easement back to the site adjacent to the Gas Company distribution area. And with that, I'll answer any questions you may have."

Speaking to the Request

There was no one speaking for or against this request.

The Public Testimony Portion of the Public Hearing Was Closed

The Commission commented and asked questions as follows:

- Commissioner Schackel-Bordegary said, "In the staff report, page 3 of 3, of the ENN questionnaire, the statement, the questions about the effect on the opportunities for community integration and social balance through mixed land use, pedestrian oriented design, and linkages among neighborhoods, this sentence just jumped out at me: '..Residential development is situated north of this lot, but pedestrian interaction between the commercial uses and residential neighborhoods has been restricted.' She asked, "Does that mean there's literally fencing up or no possible way to get through. I'm just curious what that means."

Mr. Siebert said, "What I meant by "restricted," is that within the entire kind of industrial subdivision, you don't see pedestrian access that would take you from say Industrial Road to Agua Fria. That just was never part of the platting process that took place at the time."

- Commissioner Schackel-Bordegary asked Mr. Siebert, "And in your opinion, and I would understand that, is it possible someone can walk in the area, like you just described. And the

reason I'm asking, I'm just thinking bigger picture, global, people who don't have cars. I'm just curious about circulation and possibilities. I don't know the site, and it could be very well that there isn't."

Mr. Siebert said, "I don't think, in this particular area, it's been an issue. It's always been commercial and major [?], and I think probably the pedestrian access would be, I would assume it would be toward Agua Fria. It does have access, obviously, pedestrian and vehicular access to Industrial Road."

- Commissioner Villarreal asked Mr. Siebert, "I'm just curious if you all had an idea in mind of what would actually relocate there. Is there a business already active that would continue."

Mr. Siebert said it is under contract and the purchaser is here tonight if you want to ask him what the business would be.

- Commissioner Villarreal said she is curious, because of the access issue, the only way to get is Industrial, and it's so close to Agua Fria. She said, "I don't that will ever open out. That's what Commissioner Schackel-Bordegary was talking about. Just curious about what kind of business and if they've thought what this means for business access."

Jesse Cassler, owner, was sworn. He said, "The company is A & E Stoneworks, 1018 Siringo Rondo East, Santa Fe, New Mexico. Basically, we're a construction company and we'd basically just use the property to store equipment. We also do rain catchment, that kind of stuff, but it would just basically be for storage of construction equipment."

Ms. Lamboy said, "I would like to just remind the Commission, when Corazon Santo came through for its approval process, there was a right of way that was going to be dedicated as part of that plat off Harrison Road, which eventually would come just north of this property. So ultimately, there may be opportunity for that pedestrian connectivity, because sidewalks are required as part of any type of road. So hopefully, in the long term, maybe there will be some opportunities along the northern part of this property to have some access, better access that there is now."

- Commissioner Pava noted the mixed use zoning which is adjacent to this property, and asked Ms. Lamboy if there is a development plan, or something pending on the use of that land, and if it is going to be residential at some point – do we know..

Ms. Lamboy said, "There is an approval that was granted, but it is due to expire in this year, so we are not sure what's going to happen with that project. It's been on hold. As to the numbers in terms of how exactly that development plan looked, it was before me, so maybe Tamara can help you with that one."

Ms. Baer said, "I happen to know the property is for sale. It's on the market right now, so I don't anticipate that development plan is going to come to fruition, but I don't know that."

- Commissioner Harris noted that no one was in attendance at the ENN meeting, other than Mr. Siebert and the bank and staff. He asked if there been any contact with Corazon Santo to have a discussion generally about what's being proposed.

Mr. Siebert said they sent it to the property owner, but it is his understanding the property is in foreclosure right now.

Ms. Baer said, "I was talking about the mixed use property, but I can verify what Mr. Siebert says about Corazon Santo as well."

- Chair Spray asked staff about the criteria, with respect to zoning approvals, since this is less than two acres. He quoted from pages 8-9 in packet, "... we cannot do anything that affects an area of less than two acres, which this is, unless adjusting boundaries between districts." He said the response is, "We're adjusting the boundary between Industrial and R-2 zoning districts. He asked if there is another way to change the boundary other than changing what the zoning would be. Is there another way to do that. Because it appears to me that when you change the zoning, you've changed the boundary, so what is the purpose of the criteria, unless I'm missing something there."

Ms. Lamboy said, "The other opportunity here that would present itself is, potentially, if they wanted to adjust the R-6 boundary, they could do that, because that abuts [their property], or the mixed use boundary, they could do that as well."

- Chair Spray asked who is "they."

Ms. Lamboy said it is these applicants.

- Chair Spray said, "If you're adjusting the boundary, how else would you adjust it, short of drawing a different plat map, or acquiring another piece of the property. Would that be likely to happen."

Ms. Lamboy said, "That would be shifting the zoning district boundary, not necessarily changing the shape of the property itself, or expanding the property, just the particular zoning district boundary."

- Chair Spray said, "In that case, it seems to me that every time you would make... , to justify this, all you would have to say is, 'I am adjusting the boundary, because this was R-2 and now I'm adjusting it to I-1, and I've met the criteria.' So you have to do the change before you can justify the change."

Ms. Baer said, "What you're getting at is that this is one of the criteria for rezoning. And this one speaks to the size of the parcel for which you're asking for the rezoning under 2 acres. And if it's under 2 acres, it can be under two acres as long as the adjacent property has the same zoning that you're asking for. And so what Ms. Lamboy was getting at, an applicant, an owner of this parcel could have asked for this to be rezoned to any of the adjacent districts, and it wouldn't have to be two acres in size. If, for example, they wanted to rezone to I-2, as an example, then you

couldn't use that criterion because the parcel is too small, but this is an adjustment of the zoning district boundaries."

- Chair Spray said he now understands, and thanked her for this clarification.

MOTION: Commissioner Pava moved, seconded by Commissioner Schackel-Bordegary, to recommend to the Governing Body, the approval of Case #2012-146, 2823 Industrial Road General Plan Amendment as recommended by staff, based on this hearing and the Staff Report.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Harris, Lindell, Ortiz, Pava, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [7-0].

4. **CASE #2012-147. 2823 INDUSTRIAL ROAD REZONING. JIM W. SIEBERT AND ASSOCIATES, INC., AGENT FOR LOS ALAMOS NATIONAL BANK, REQUESTS APPROVAL OF 0.38± ACRES OF LAND FROM R-2 (RESIDENTIAL, 2 DWELLING UNITS PER ACRE) TO I-1 (LIGHT INDUSTRIAL). THE PROPERTY IS LOCATED NORTH OF THE PNM SUBSTATION AT 2823 INDUSTRIAL ROAD. (HEATHER LAMBOY, CASE MANAGER)**

MOTION: Commissioner Pava moved, seconded by Commissioner Bemis, to recommend to the Governing Body the approval of Case #2012-147, 2823 Industrial Road Rezoning as recommended by staff, based on this hearing and the Staff Report.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Harris, Lindell, Ortiz, Pava, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [7-0].

5. **CASE #2012-150. SANTANA REZONING TO R-4. JOSIE SANTANA REQUESTS REZONING OF 3.19 ± ACRES FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO R-4 (RESIDENTIAL, 4 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED WEST OF ST. FRANCIS DRIVE AND SOUTH OF SIRINGO ROAD, IN THE VICINITY OF 1786 SIRINGO ROAD. (HEATHER LAMBOY, CASE MANAGER)**

A Memorandum dated January 23, 2013 for the February 7, 2013 Planning Commission meeting, with attachments, to the Planning Commission, from Heather L. Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "10."

A power point presentation *Santana Rezoning: Rezone from R-1 to R-4*, dated February 7, 2013, is incorporated herewith to these minutes as Exhibit "11."

City of Santa Fe, New Mexico

Exhibit 3

**Planning Commission Staff Report Packet
February 7, 2013**

City of Santa Fe, New Mexico

memo

DATE: January 18, 2013 for the February 7, 2013 Planning Commission meeting

TO: Planning Commission Members

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

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

Case #2012-146 - 2823 Industrial Road General Plan Amendment. Jim W. Siebert and Associates, Inc., agent for Los Alamos National Bank, requests approval of a General Plan Future Land Use map amendment to change the designation of 0.38± acres of land from Residential Low Density (3-7 dwelling units per acre) to Business Park. The property is located north of the PNM substation at 2823 Industrial Road. (Heather Lamboy, Case Manager)

Case #2012-147 - 2823 Industrial Road Rezoning. Jim W. Siebert and Associates, Inc., agent for Los Alamos National Bank, requests rezoning of 0.38± acres of land from R-2 (Residential, 2 dwelling units per acre) to I-1 (Light Industrial). The property is located north of the PNM substation at 2823 Industrial Road. (Heather Lamboy, Case Manager)

I. RECOMMENDATION

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

The application meets all code criteria for a General Plan Amendment and Rezoning, as discussed below. No redevelopment of the building or property is anticipated at this time.

Two motions will be required in this case, one for the General Plan Amendment and another for the Rezoning.

II. APPLICATION OVERVIEW

A. Application Request Summary

The applicant is requesting to rezone the property from R-2 (Residential, 2 dwelling units per acre) to I-1 (Light Industrial). The applicant states that this property has been used for small scale local businesses from the early 1990s. The 0.38-acre site is surrounded by a variety of uses, residential to the north, a Public Utility Company of New Mexico (PNM) substation to the south,

a vehicle dismantling and crushing operation to the west, and a vacant residential tract to the east (which was recently approved as the Corazon Santo rezoning and development plan).

B. History

An analysis of the zoning maps for this tract reveals that, although there is a functional relationship with the tract to the south which is zoned I-1, this tract has always held an R-2 zoning designation. The industrial zoning district to the south of the site developed between 1981 and 1985, when the current zoning district boundary was established. Despite the fact that the subject property is located in an R-2 zoning district, a Business License was granted for an auto repair shop at the site in 2001. Subsequent non-residential users operated without benefit of business licenses or Certificates of Occupancy.

The Southwest Sector Plan, Plan 83, and the 1999 Santa Fe General Plan all discuss this area in terms of a mix of uses, with both housing and employment opportunities. The 1999 General Plan discusses the Siler Road Redevelopment District as "intended to allow this industrial area, located in close proximity to expanding residential areas, to develop uses compatible with housing...". An implementing policy, intended to address the unique situation found in the Siler Road area, was to create a special infill zoning classification for small tracts of land that can include employment opportunities in addition to residential uses (Policy 3-I-3).

In addition, Policy 5-3-G-4 discusses how it is important to provide for appropriately located areas for a broad range of manufacturing, warehousing, and service uses to strengthen the city's economic base and provide employment opportunities for residents. The General Plan discusses the Siler Road area as a major employment center, and estimates that approximately 3,400 jobs are located in the area (which may have fluctuated since 1999 due to the changes in the economy).

C. Early Neighborhood Notification

An Early Neighborhood Notification (ENN) meeting was held on November 26, 2012. No members of the public attended the meeting, and no comments were received regarding this case.

III. CHAPTER 14 GENERAL PLAN AMENDMENT CRITERIA

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

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

(1) Criteria for All Amendments to the General Plan

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

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

Applicant Response: Since the property with the building has been in existence for at least 20 years the proposed rezoning would have been part of a data base dating back to approximately 1990. This building has provided an opportunity for small scale, local business to start or grow their business. The various businesses that have occupied the building include a plumbing supply and yard for a plumbing business, auto repair shop, and most recently a carpentry shop.

Staff Response: This property is oriented to and accessed from the existing industrial property located on Industrial Road. The size of the site (0.38 acre) limits the potential uses that can occur on the site, as is evidenced by the history provided by the applicant. The Santa Fe General Plan acknowledges the mix of uses in the Siler Road area and encourages the continued development of compatible businesses to provide employment opportunities within close proximity to residential uses. Infrastructure is available for this site.

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

Applicant Response: The City General Plan shows this property as residential, low density, 3-7 dwelling units per acre. Since this industrial use has been around since at least 1990, either this was a mistake in the mapping or an oversight on the use that existed on the property when the existing land uses were compiled in 1999. The parcels of land on either side have received a general plan amendment, with the tract on the east being designated medium density residential and the tract of the west being designated mixed use.

Staff Response: Staff does not concur with the applicant's assertion that there was a mistake in the mapping or an oversight when the General Plan was formulated. This property has been designated as residential since Plan 83 due to its R-2 zoning category (which has been in place since 1966, when this property was annexed into the City). The current zoning boundary of the industrial district was established in 1981. However, the General Plan calls for redevelopment and employment opportunities in the Siler Road Redevelopment Area (Policy 3-I-3 and Policy 5-3-G-4); therefore, the proposal is consistent with other parts of the General Plan.

- (c) the amendment does not:

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

Applicant Response: The building on this property has been used for commercial purposes since the early 1990s. Rezoning of the property to I-1, Light Industrial would make the property consistent with the uses that have occupied the land for over 20 years.

Staff Response: The proposed use will not be significantly different from the prevailing uses in the area. If there is any change in use, buffering will be required to the adjacent residential uses/zoning district.

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

Applicant Response: This property is less than two acres. It is an extension of the existing, contiguous I-1, light industrial zoning and does adjust the boundary between the light industrial and single family residential zoning districts.

Staff Response: Staff agrees with the applicant that this request simply adjusts the boundaries between the existing light industrial and single family zoning districts.

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

Applicant Response: Any rezoning will have some benefit to a single landowner or the land owner would not request the rezoning. In this case the benefit is to bring the zoning in line with the use that has existed on the property for over 20 years. The landowners to the west and east have rezoned their properties to a higher density knowing that this use existed adjacent to their property boundaries.

Staff Response: The proposed use for the property and category is not significantly different from that found in the area. Although the property is less than 2 acres, the Code makes provision for a rezoning when the boundary between districts is adjusted. This request will adjust the Business Park Boundary northward, providing more flexibility for this tract of land which is oriented to Industrial Road through its access and infrastructure. The proposed change will not benefit one landowner at the expense of the public, because if there is a change in use, additional buffering and other site improvements may be required.

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

Applicant Response: There is a proven need for land and buildings for small scale industrial uses located in areas with adequate access and utilities. This building has been used by a variety of small businesses over the last 20 years.

Staff Response: Providing for additional opportunity for small scale business and redevelopment in the Siler Road area is an advantage in that it will provide additional job opportunities in close proximity to transportation, housing, and retail uses.

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

Applicant Response: This criterion is no longer relevant since the adoption of SPaZZO and the relinquishment of the land use regulatory authority outside the city limits and the transfer of authority from extraterritorial jurisdiction to the City. This property has been part of the City limits since 1966.

Staff Response: Not applicable.

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

Applicant Response: Since the building on this property has been in existence for more than 20 years the development of the property will have little to do with the "coordinated, adjusted and harmonious development of the municipality." Failure to rezone the property will deprive the small scale business the opportunity to start a business or grow a business at this location. The property is served with City water and sewer and all municipal utilities and services are available for this site. Additional fire stations or police substations are not required in order to serve the existing use.

Staff Response: This type of development was envisioned for the Siler Road Redevelopment Area as outlined in the Santa Fe General Plan. Economy is provided in the process of development as this is an infill site that already has all infrastructure and City services, and this site would provide opportunity for small scale business to grow and flourish with easy access to all parts of Santa Fe.

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

Staff Response: The proposed change to Business Park will conform to all land use policies and City plans, including Economic Development Plan policies that call for the diversification of Santa Fe's economy to provide for all different types and sizes of businesses in Santa Fe. The Economic Development Strategy for Implementation calls for the creation of high-wage jobs and startups. This property is well situated to provide the opportunity for higher wage startup business.

IV. CHAPTER 14 REZONING CRITERIA

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

(C) Approval Criteria

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

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

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

Applicant Response: When the existing General Plan was adopted in 1999 it seems that the General Plan failed to recognize this industrial use that existed as of the date of the adoption of the General Plan. It is our contention that the General Plan land use designated was applied in error for this property.

Staff Response: No mistake was made in the original zoning for the subject site. After annexation in 1966, the Siler Road area transformed over 20 years into becoming

predominately industrial in character. The General Plan provides for a mix of uses in order to provide flexibility for employment and housing opportunities in the future.

- (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: *Over the last 20 years the Siler Road industrial area has filled in to the point that very little vacant land remains for building construction. There is a greater need and demand for land in the Siler Road industrial area than existed when the building was originally constructed over 20 years ago.*

The properties to the east and west of this subject parcel have been rezoned. At the time of the rezoning the property owners were aware that this building was used for industrial uses and in particular that it was used as a carpentry shop. Although the properties to the east and west have been rezoned they are currently vacant and subsequent development plans have not been submitted to the City.

Staff Response: *The Siler Road area has long been considered a transition area, where both employment and housing opportunities exist. The character of the surrounding area is mixed in nature, as explained in the introduction to this report. The change in zoning will not alter the character of the area, and it will only provide more flexibility of uses. The I-1 zoning district also provides for live/work opportunities.*

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

Applicant Response: *Based on aerial photography commercial/light industrial uses have existed on this property since approximately 1985. A City business license for a commercial use has been issued by the City although the current business license has not been renewed due to foreclosure action; there is a certificate of occupancy from 2001. A longer history of business licenses is not possible since that is the limit of the archive for this type of license. The issuance of a business license provides proof of a legal lot of record and conformance with the use with the underlying zoning. One can assume that the usual city inspection and review was conducted at the time of issuance of the first business license. In rezoning the property to I-1 the applicant is requesting to maintain the same use of the property, that use which has existed since the issuance of the first business license. A rezoning to I-1 would recognize the use that has existed on this property for over 20 years.*

Staff Response: *Staff does not concur with the applicant that the issuance of the business license verifies the conformance of the use with the zoning. If the use is permitted in the R-2 zoning district, then the conformance to the zoning district is verified. Staff does not find this as sufficient evidence to justify the rezoning.*

On the other hand, the I-1 zoning category provides for both employment and live/work opportunities on the site. The General Plan articulates the need for employment opportunities in a variety of locations within the city, and also calls for the efficient use of land through infill development. Allowing for a diversity of uses on this property will provide flexibility in how it is used in the future.

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

Applicant Response: Currently the existing zoning is R-2, Single Family Residential, two dwelling units per acre. Rezoning of the property to I-1, Light Industrial would bring the use into conformance with the historic uses that have taken place on this property.

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

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

Applicant Response: The City General Plan shows this tract as "Low Density Residential, 3-7 dwellings/acre," which is inconsistent with the use of the property and the surrounding uses for the area. An amendment to the City General Plan has been approved for the parcel to the west, changing the General Plan status from "Low Density Residential" to "Transitional Mixed Use." Given this parcel's adjacency to the auto and scrap metal salvage yard and other industrial/commercial uses this would be a reasonable land use recommendation for this area. The properties to the south of the subject parcel have a "Business Park" Future Land Use Map designation.

A request for a Business Park designation is consistent with the City General Plan land use recommendation and the commercial uses of this property for 20 plus years.

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

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

Economic Diversity: Permitting business and live/work opportunities on the site increases job opportunities and promotes diversification and startup of small businesses.

Character: Maintain and respect Santa Fe's unique personality, sense of place, and character. The personality of the Siler Road area is mixed; it is anticipated as the market value of these properties increase over time due to its close proximity to transportation corridors and the town center the properties will redevelop to higher wage uses and/or live/work uses.

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

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

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

Applicant Response: *This 0.38-acre tract would have little impact on the availability and sufficiency of commercial and industrial land in the City, especially since this property has historically been included in that land use category. The availability of land for light industrial uses has significantly diminished over the last 10 years, with such Business Parks as the Valdes Park and Rodeo Road Business Park beginning to approach a built-out condition. This property provides an affordable opportunity for smaller, local companies to start their business and grow their business. The plumbing supply, auto repair and carpentry shop are examples of the small local businesses that have previously occupied this property.*

Staff Response: *Staff agrees that the subject parcel would have little impact on the availability of industrial land in the City. However, the site is located adjacent to one of the city's major employment centers, the Siler Road area, and the General Plan calls for a mix of uses, including housing and employment.*

Staff disagrees with the assertion that the amount of industrial land has decreased – on the contrary, industrial lands have increased with the approvals of Las Soleras (10.7 acres), Pavilion (285 acres), and others. On the other hand, no additional industrial land has been approved in the Siler Road area, which is centrally located and has ready access to infrastructure and services. This site would provide an opportunity for a startup business to locate centrally and proximate to other established industries. Therefore Staff finds that this proposal is consistent with city policy regarding the provision of urban land for efficient growth in the business industrial park sector.

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

Applicant Response: *The impact from this development occurred several years ago, most likely when there was minimal infrastructure. Currently, developed infrastructure is in place with improved roads, water and sewer serving the area and this property. The closest fire station to this site is located on Cerrillos Road near Third Street within a five minute service radius to this property. Since this is a commercial use the proximity to parks is not a significant consideration from a policy standpoint.*

Staff Response: *Staff concurs with the applicant.*

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

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

Staff Response: *The use will not change the character of the neighborhood.*

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

Staff Response: The proposed rezoning will affect an area of 0.38 acres, and proposes to adjust a boundary between the I-1 and R-2 zoning districts.

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

Staff Response: This application, although it will benefit one landowner, does not do so at the expense to the surrounding landowners or the general public.

(D) Additional Applicant Requirements

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

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

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

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

VI. CONCLUSION

Based on the analysis above, Staff recommends **APPROVAL** for the proposed General Plan Amendment and Rezoning.

ATTACHMENTS:

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

1. List of Industrial (I-1) Uses
2. Traffic Engineering Memorandum, Sandra Kassens
3. City Engineer for Land Use, RB Zaxus
4. Wastewater Division Memorandum, Stan Holland
5. Solid Waste Division Memorandum, Randall Marco

EXHIBIT B: Maps

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

EXHIBIT C: ENN Materials

1. ENN Meeting Notice
2. ENN Responses to Guidelines
3. ENN Meeting Summary 11-26-2012

EXHIBIT D: Applicant Submittals

1. Transmittal Report

City of Santa Fe, New Mexico

Exhibit A

**List of I-1 Uses
Development Review Team Memoranda**

I-1 Light Industrial District

The I-1 district is intended primarily for light manufacturing, processing, storage, warehousing, distribution and similar commercial uses. Regulations are intended to prevent friction between uses within the district and also to protect nearby *residential* districts.

Permitted Uses

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

36. Medical & dental offices & clinics
37. Mini-storage units
38. Museums
39. Non-profit theaters for production of live shows
40. Office equipment sales & service; retail sale of office equipment
41. Offices; business & professional, excluding medical, dental & financial services
42. Outdoor storage lots & yards, except wrecking yards, junkyards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage or second-hand building materials, junk automobiles or second-hand automobile parts
43. Personal care facilities for the elderly
44. Personal service establishments including cleaning & laundry, appliance repair & similar services
45. Pharmacies or apothecary shops
46. Photographers studios
47. Public parks, playgrounds & playfields
48. Religious Assembly (all)
49. Religious educational & charitable institutions (no schools or assembly uses) ☼
50. Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area ☼
51. Restaurant with drive-through or drive-up ☼
52. Restaurant; fast service, take out, no drive-through or drive-up
53. Restaurant; full service with or without incidental alcohol service
54. Retail & service uses intended to serve the primary uses & do not exceed 5,000 square feet
55. Retail establishments not listed elsewhere
56. Sexually oriented businesses (all)
57. Storage areas – individual within a completely enclosed building
58. Tailoring & dressmaking shops
59. Time share vacation projects
60. Tire recapping & retreading
61. Transit transfer facilities
62. Utilities (all, including natural gas regulation station, telephone exchange, water or sewage pumping station, water storage facility)
63. Veterinary establishments, pet grooming
64. Vocational & trade schools (light industrial)
65. Vocational & trade schools (non-industrial)
66. Wholesaling & distribution operations; 3,000 square feet or less of storage
67. Wholesaling & distribution operations; over 3,000 square feet of storage

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

Special Use Permits

The following uses may be conditionally permitted in I-1 districts subject to a Special Use Permit:

1. Daycare & preschool for infants & children
2. Schools; Elementary & secondary (public & private)

Accessory Uses

The following accessory uses are permitted in I-1 districts:

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

Dimensional Standards

Minimum district size	None; except as may be needed to satisfy other I-1 district limitations
Maximum height:	65; provided that any part of the building exceeding 36 feet in height shall be set back from each yard line at least one foot for each two feet of additional building height above 36 feet
Minimum setbacks:	Street 5; side 0, rear 10 Where rear yard abuts a residential neighborhood no less than 25 feet rear yard setback shall be provided or 20% of the depth of the lot, whichever is less. A 15 foot buffer is required for non-residential uses adjacent to residential uses.
Max lot cover:	50

LAMBOY, HEATHER L.

From: KASSENS, SANDRA M.
Sent: Monday, January 14, 2013 2:33 PM
To: LAMBOY, HEATHER L.
Cc: ROMERO, JOHN J
Subject: 2823 Industrial Road

Heather,
The Traffic Engineering Division has no comments on the 2823 Industrial Road Rezoning and General Plan Amendment, case # 2012 – 146/147.

*Sandra Kassens, Engineer Assistant
Traffic Engineering Division, PWD
City of Santa Fe
PO Box 909
Santa Fe, NM 87504*

*Office 505-955-6697
Fax 505-955-6439*

LAMBOY, HEATHER L.

From: ZAXUS, RISANA B.
Sent: Friday, January 18, 2013 10:36 AM
To: LAMBOY, HEATHER L.
Subject: 2823 Industrial Road

Heather,

I have no review comments on the 2823 Industrial Road General Plan Amendment and Rezoning, case # 2012-146/7.

RB Zaxus

City of Santa Fe, New Mexico

memo

DATE: December 31, 2012
TO: Heather Lamboy, Senior Planner
FROM: Stan Holland, Engineer, Wastewater Division
Case #2012-146 & 147 2823 Industrial Road General Plan Amendment and
SUBJECT: Rezoning

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

Additional Comments:

None.

LAMBOY, HEATHER L.

From: MARCO, RANDALL V.
Sent: Friday, December 21, 2012 9:20 AM
To: LAMBOY, HEATHER L.
Subject: Cases

Heather,
Cases 2012-146 & 2012-147 "no solid waste issues at this time.

Randall Marco
Community Relations / Ordinance Enforcement
Environmental Services Division
Office : 505-955-2228
Cell : 505-670-2377
Fax : 505-955-2217
rvmarco@santafenm.gov

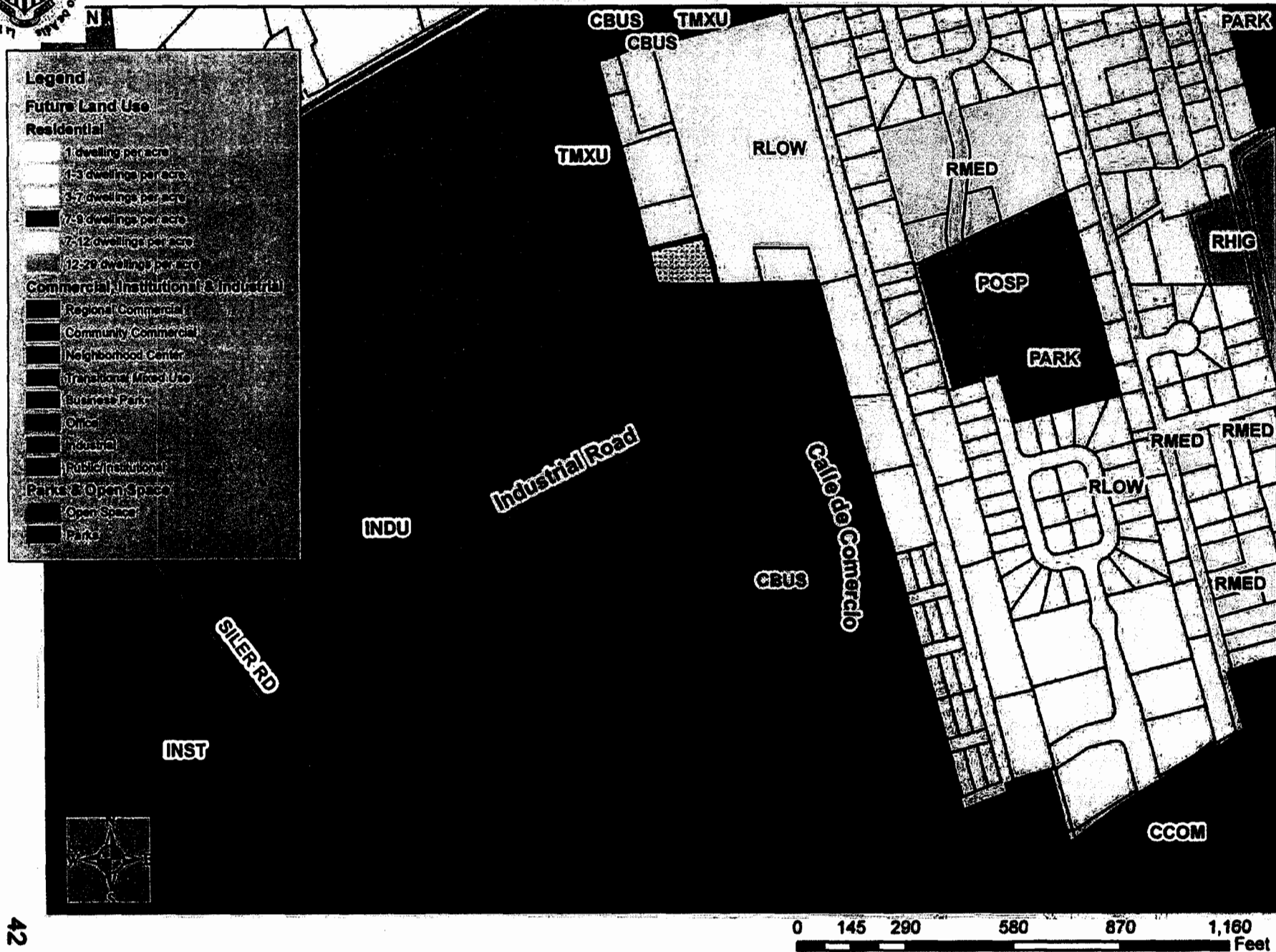
City of Santa Fe, New Mexico

Exhibit B

Maps

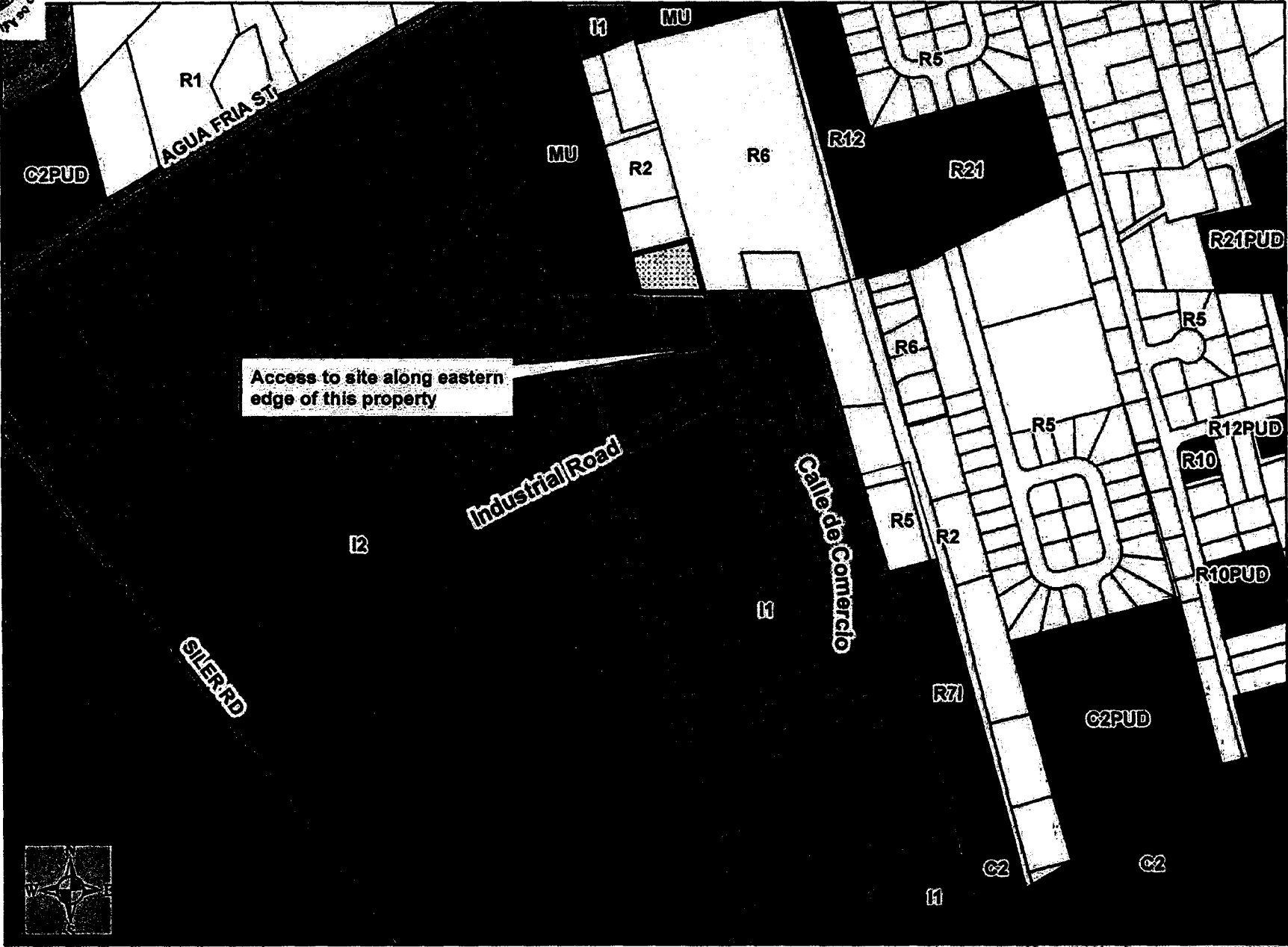


Case #2012-146: 2823 Industrial Road Future Land Use Map





Case #2012-147: 2823 Industrial Road Zoning Map





Case #2012-146 & 147: 2823 Industrial Road Aerial



Area outlined in pink is part of the Phase 3 Annexation Area

City of Santa Fe, New Mexico

Exhibit C

**Early Neighborhood Notification (ENN)
Meeting Materials**



EARLY NEIGHBORHOOD NOTIFICATION MEETING

Request for Staff Attendance

Project Information		
Project Name:	2823 Industrial Road General Plan Amendment and Rezoning <i>Boliminary Dev Plan</i>	
Address:	2823 Industrial Road	Parcel Size: 0.38 Acres
Zoning:	R-2	Future Land Use: R-Low
Preapplication Conference Date:	November 8, 2012	
Detailed Project Description:	Request for General Plan Amendment from R-Low to Business Park (CBus) and to rezone property from R-2 to I-1	
Property Owner Information		
Name:	Las Alamos National Bank	
Address:	301 Griffin Street, Santa Fe, NM 87501	
Phone:	E-mail Address:	
Applicant/Agent Information (if different from owner):		
Name:	James W. Siebert & Assoc. Inc	
Address:	915 Mercer Street Santa Fe, NM 87504	
Phone:	(505) 983-5588	E-mail Address: jim@jwsiebert.com
Agent Authorization (if applicable):		
I am/We are the owner(s) and record title holder(s) of the property located at: 2823 Industrial Road		
I/We authorize <i>James W. Siebert & Assoc. Inc</i> to act as my/our agent to execute this application.		
Signed:	Date:	
Signed:	Date:	
Proposed ENN Meeting Dates:		
Provide 2 options:	Preferred Option	Alternative
DATE:	November 26 th , 2012	
TIME:	6:00-7:00	
LOCATION:	Southside Public Library	



ENN GUIDELINES

Applicant Information

Project Name: 2823 Industrial Road General Plan Amendment and Rezoning Prelim Dev Plan
Name: Las Alamos Natl. Bank
C/O James W. Siebert & Associates
Address: 915 Mercer Street
Santa Fe
City: Santa Fe State: NM ZIP Code: 87505
Phone: (983-5588) E-mail Address: jim@jwsiebert.com

Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 2001, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about the criteria, consult the Land Development Code.

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

The building housing the various commercial and light industrial uses has existed on this site since 1985. This is a single story structures which is in keeping with other uses in the area. The property to the southwest consists of an auto and metals salvage yard. A PNM substation is located immediately south of the subject site. To the southeast of the requested rezoning is a storage yard for rocks and recycled lumber and a plumbing supply shop. All of the above properties are zoned I-1, light industrial. The land to the east, north and west is currently vacant with the closest residential building situated approximately 330 feet from the subject property line. The land to the north is currently R-2 and the land to the east R-6, single family residential, six dwellings per acre. The land to the west is zoned MU, mixed use. The building has limited exterior lighting, including an absence of pole-mounted lighting. There are no public parks, open space or trails within close proximity to this property.

- (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.

There is an access easement to the property adjacent to the PNM substation from Industrial Road to the property.

(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.*

There are no acequias located on the property. An archaeological survey has not been prepared for this property nor, given the size of the lot, would it be required. The entire property has been disturbed at some point in its history. This area is a heavily used industrial area with intensive land uses permitted to the south of this lot. There are no known historic or cultural sites to the north of the subject property.

(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.*

The City General Plan recommends lower density residential uses for this property with one to three dwellings per acre. Given the Intensity and types of uses in the area the land use recommendation is inconsistent with the other uses in the area. The property has been used for commercial and industrial purposes for 25+ years with commercial business licenses issued by the City on a regular basis.

(e) EFFECTS ON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES *For example: increased access to public transportation, alternate transportation modes, traffic mitigation, cumulative traffic impacts, pedestrian access to destinations and new or improved pedestrian trails.*

There is a platted access easement from Industrial Road to the property that allows for access from a public road. The prior user for the property was a carpentry shop and prior to that occupant it was used as a yard and shop for a plumbing contractor. These uses have lower traffic generation patterns, since there are few clients that visit the site and workers are often off the site working on jobs around the City. There is not a sidewalk on Industrial Road and this area is auto oriented.

(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.*

This building has served as an affordable base for small local businesses. Research indicates that a wood shop and plumbing contractor previously occupied the building. Since the building has not been occupied for 180 days and the business license is not current its legal non-conforming status has been revoked. In order to permit small local businesses to occupy the building a rezoning is necessary. Several small local businesses have expressed an interest in the building, but a business license and occupation permit will not be issued until the zoning status is resolved.

(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.*

Since this building has always been used for commercial purposes and a light industrial (I1) zoning designation along with business park General Plan Amendment is requested. The availability of affordable housing does not apply to this rezoning and General Plan Amendment request.

- (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 will be no impact on the school system since the proposed project does not generate children of school age that attend Santa Fe's public schools. The City has been providing police and fire protection and solid waste pick to this building and the general area for several years. City water, sewer, electric and gas is available on Industrial Road. A bus route does not currently serve Industrial Road.

- (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 need for water offsets will have to be determined at such time that there is an occupant for the building. It is assumed that given the historical uses for this building the water use will be limited, but until such time as a business occupies the building it will be impossible to estimate annual water use. This property does have a water meter and is served by City water from a water line located in the Industrial Road right-of-way.

- (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 area east of Rufina Street has historically been a commercial and industrial area, including such uses as auto salvage yards, concrete plants and warehousing. Residential development is situated north of this lot but pedestrian interaction between the commercial uses and residential neighborhoods has been restricted and easements do not exist that would allow for future interaction between the two land uses.

- (k) EFFECT ON SANTA FE'S URBAN FORM** *For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? Discuss the project's effect on Intra-city travel and between employment and residential centers.*

This building and lot existed prior to the adoption of the current City General Plan adopted in 1997. It would be unrealistic to apply the City General Plan policies to a building that pre-dated the current General Plan. This would be considered an infill property since it is served by existing water and sewer and dry utilities and a public roadway from Industrial Road. There is an interconnectedness of roadways through the access to Siler and Industrial Road.

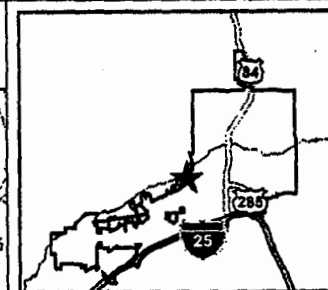
- (l) ADDITIONAL COMMENTS (optional)**

Mailing Log






2823 Industrial Road Rezoning Adjoiners

UPC #	Physical Address	Assessed Property Owner	Property Owner Mailing Address	Property Occupancy Status
1-051-097-292-322	2820 Industrial Road Santa Fe, NM 87501	Clark Street Business Park LLC	Same as Physical	Same as Assessed owner
1-051-097-341-326	1142 Harrison Road Santa Fe, NM 87501	Murray Norbeck	Same as Physical	Same as Assessed owner
1-051-097-288-364	Unassigned	Public Service Company NM	PO Box 1268 Santa Fe, NM 87504	Same as Assessed owner
1-051-097-279-359	Unassigned	Robert R Witt (Trustee)	2549 Avenida de Isidro Santa Fe, NM 87505	Vacant
1-051-097-280-409	2765 Agua Fria Street Santa Fe, NM 87501	Lawrence Boyd	1453 Diolinda Road Santa Fe, NM 87505	Vacant
1-051-097-278-421	Unassigned	Santa Montoya ETAL	1638 Camino McMillin Santa Fe, NM 87507	Vacant
1-051-097-275-431	Unassigned	Marc Bertram ETAL	906 Trail Cross Court Santa Fe, NM 87505	Vacant
1-051-097-285-395	2764 Agua Fria St.	Lawerence Boyd	1453 Diolinda Rd	Vacant
1-051-097-280-430	Rt 6 Box 144 Agua Fria Santa Fe, NM 87501	Maclovio Montoya	2746 Auga Fria Street Santa Fe, NM 87507	Occupied
1-051-097-257-387	1162 Cooks Lane Santa Fe, NM 87507	Robert R. Witt (Trustee)	2549 Avenida Isidro	Occupied
1-051-097-256-320	1162 Cooks Lane Santa Fe, NM 87505	Robert R. Witt (Trustee)	2549 Avenida Isidro	Occupied
1-051-097-248-401	1162 Cooks Road Santa Fe, NM 87505	Robert R. Witt (Trustee)	2549 Avenida Isidro	Vacant
1-051-097-254-394	1162 Cooks Road Santa Fe, NM 87505	Robert R. Witt (Trustee)	2549 Avenida Isidro	Vacant
1-051-097-313-349	2818 Industrial Road Santa Fe, NM 87501	John & Betty Onstad	P.O Box 8363 Santa Fe, NM 87504	Occupied

UPC #	Physical Address	Assessed Property Owner	Property Owner Mailing Address	Property Occupancy Status
1-051-097-263-335	2871 Industrial Road Santa Fe, NM 87507	Heritage Trust Company of NM	630 Paseo del Pueblo Sur Ste170 Taos, NM 87571	Occupied
1-051-097-246-351	2871 All Trades Road Santa Fe, NM 87505	Robert R. Witt (Trustee)	2549 Avenida Isidro	Occupied
1-051-097-328-356	2810 Industrial Road Santa Fe, NM 87505	Marie, Joseph & Angelo Turiciano Trustees	6409 Rogers NE Albuquerque, NM 87110	Occupied
1-051-097-256-365	Unassigned	Robert R. Witt (Trustee)	2549 Avenida Isidro	Vacant
1-051-097-264-364	Unassigned	Robert R. Witt (Trustee)	2549 Avenida Isidro	Vacant
1-051-097-255-358	2871 All Trades Road	Robert R. Witt (Trustee)	2549 Avenida Isidro	Occupied
1-051-097-315-369	2815 Industrial Road Santa Fe, NM 87501	Dealers Electrical Supply Co	2320 Columbus Avenue Waco TX, 76702	Occupied
1-051-097-307-368	Unassigned	431 LLC C/O Varela Real Estate Inc.	1526 Cerrillos road Santa Fe, NM 87505	Vacant
1-051-097-324-372	2811 Industrial Road Santa Fe, NM 87501	Ben Mendiola	P.O. Box 6160 Santa Fe, NM 87502	Occupied
1-051-097-320-380	Unassigned	Anasazi MVJV LLC	PO Box M Santa Fe, NM 87504	Vacant



Legend

-  City Limits
 Parcels
 Santa Fe River
 Major Roads and Highways
 Other Roads and Streets

Scale: 1:2,528

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.



**JAMES W. SIEBERT
AND ASSOCIATES, INC.**

915 MERCER STREET * SANTA FE, NEW MEXICO 87501
(505) 983-5588 * FAX (505) 989-7313
siebert.associates@comcast.net

November 9, 2012

RE: EARLY NEIGHBORHOOD NOTIFICATION MEETING

Dear Resident;

In accordance with the requirements of the City of Santa Fe's Neighborhood notification ordinance, this is to inform you that a meeting is scheduled for Monday, November 26th at 6:00 p.m. at **Southside Public Library** located at 6599 Jaguar Drive, Santa Fe NM 87507. The meeting will consist of a request for a general plan amendment to amend the existing land uses from Residential Low Density to Business Park and to rezone 0.38 acres of land from R-2 (two dwellings per acre) to I-1 (light industrial).

The subject property consists of .38± acres and is located at 2823 Industrial Road.

The Early Neighborhood Notification ordinance provides for an exchange of information between applicants for development projects and the people who will be neighbors to the project.

Attached, please find a vicinity map. If you have any questions or comments, please contact James W. Siebert & Associates at (505)983-5588.

Sincerely,

Attachments:

Vicinity Map (reverse side)

SITE

AGUA FRIA ROAD

SILER ROAD

CERRILLOS ROAD

JAMES W. SIEBERT

AND ASSOCIATES, INC.

915 WARDEN STREET - SUITE 101 NEW MEXICO 87501



(505) 881-3500

FAX (505) 888-0800-7313

2823 INDUSTRIAL ROAD

VICINITY MAP

SCALE

1" = 1,000'

NORTH



Legal Lot of Record Documentation

The United States of America

To all whom these presents shall come, Greeting: COUNTY OF SANTA FE
STATE OF NEW MEXICO 982330

NMNM 92939

I hereby certify that this instrument was filed for
record on the 2 day of May A.D.
19 97 at 2:50 o'clock P.M. and
was duly recorded in book 1365 page
197-443 of the records of Santa Fe County.
Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, NM

WHEREAS

Wilderness Estates Development

Alexandra Clough
Deputy

in exchange for certain land conveyed to the United States, has selected
and is entitled to a Land Patent pursuant to Section 206 of the Act of
October 21, 1976 (43 U.S.C. 1716), as amended by the Federal Land Exchange
Facilitation Act of August 20, 1988, for the following described land:

New Mexico Principal Meridian, New Mexico.

T. 17 N., R. 9 E.,

sec. 33, lot 38.

Containing 4.22 acres.



together with an existing road right-of-way, 30 ft. wide and 1500 ft. long,
Serial No. NMNM 71438, within SWSE, sec. 24, as reserved in Patent No.
30-88-0073 dated September 8, 1988.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES
unto the above-named claimant(s) the land above described; TO HAVE AND TO
HOLD the said land with all the rights, privileges, immunities and appurtenances,
of whatsoever nature, thereunto belonging unto the said claimant(s), and its
successors and assigns forever, and

EXCEPTING AND RESERVING TO THE UNITED STATES a right-of-way
thereon for ditches or canals constructed by the authority of the United States pursuant
to the Act of August 30, 1890 (43 U.S.C. 945).

SUBJECT TO:

1. Valid existing rights-of-way and easements;

Patent Number **30-97-0014**

2. Those rights for highway purposes granted to the Federal Highway Administration, its successors or assigns, by right-of-way NMNM 83356, pursuant to the Act of August 27, 1958, (23 U.S.C. 317 (A)) as to lot 38, sec. 33, T. 17 N., R. 9 E.



IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 stat. 478), has, in the name of the United States, caused these letters to be made patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Santa Fe, New Mexico the TWELFTH day of DECEMBER in the year of our Lord one thousand nine hundred and NINETY-SIX and of the Independence of the United States the two hundred and TWENTY-FIRST.

By Stephen L. Fosberg
Stephen L. Fosberg
Acting Deputy State Director
Resource Planning, Use and Protection



DEDICATION AND AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED CERTAIN, HAVE CHOSEN TO BE REPRESENTED THEREAFTER SHOWN HEREON, THIS DEED IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE WILLS AND SENSES OF SAID CERTAIN, LIVING COMPANIES ARE GRANTED ENDOWMENTS AS SHOWN AND FOR EXISTING INTEREST. OTHER ENDOWMENTS ARE GRANTED AS SHOWN. THE OF & AS, OR SUBSTANTIAL, AS, IS HEREBY CERTIFIED TO THE EYES OF CERTAIN, ETC.

THE REPLAS CONTAINS SIXTY-ONE, AND LIES WITHIN THE PLAYING AND PLANTING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO.

Robert Earl Hunter

NOTED THIS 11th 2nd 1964

STATE OF NEW MEXICO
COUNTY OF SANTA FE
THE FOREGOING INSTRUMENT WAS SHOWN, ACKNOWLEDGED AND
SUBSCRIBED BEFORE ME BY
HIS ²²⁴ HONORABLE JUDGE OF THE 15-41-2008 Arbuckle Chisla
MY COMMISSION EXPIRES 11-01-2008 MY NOTARY PUBLIC

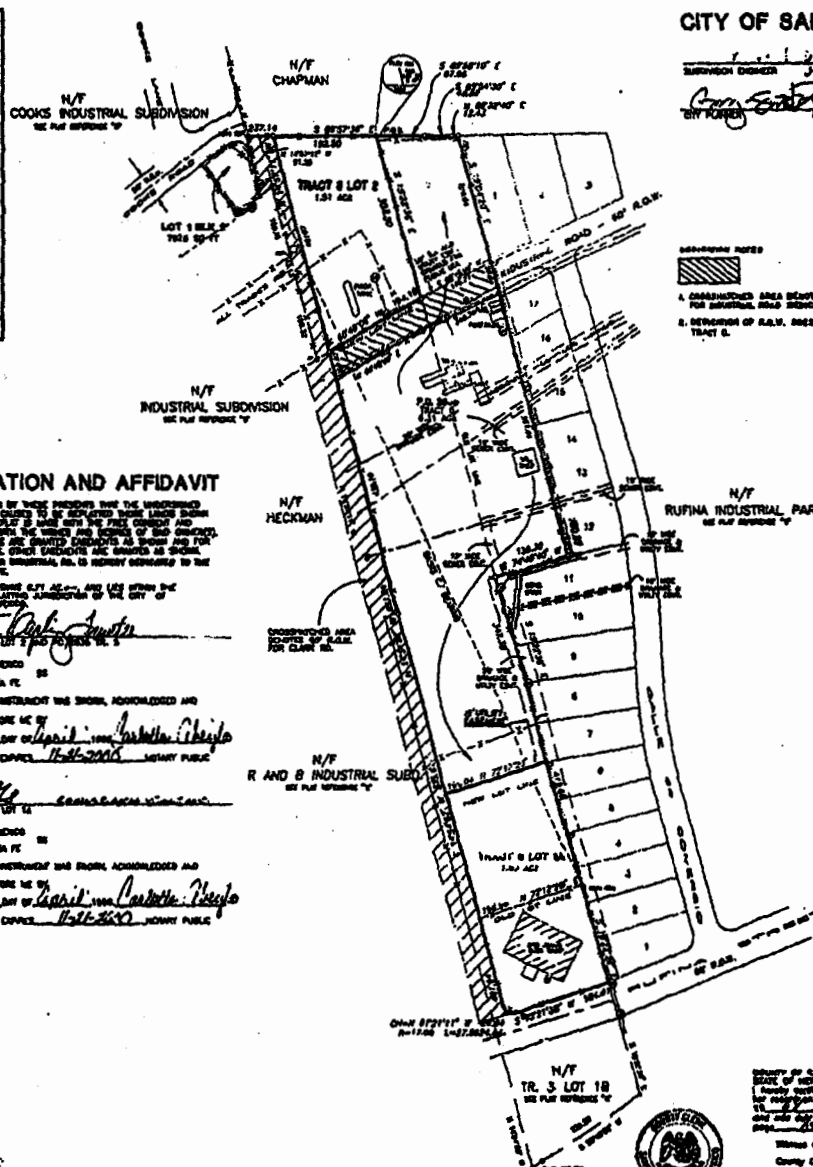
Clerk
JAMES HENRY 3 1ST 14
COUNTY OF SANTA FE
THE FOREGOING INSTRUMENT WAS READ, ACKNOWLEDGED AND
SIGNED before me by
THE *2nd* of *David* 1900 *Bartholme* *Wright*
BY *Walter* *Wright* COUNTY CLERK



SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAN AND THE OFFICE MEMORANDUM ARE AN ACCURATE REPRESENTATION OF A FIELD SURVEY CONDUCTED BY ME OR UNDER MY SUPERVISION ON MAY 1ST, 1968, AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND MEET THE STANDARDS FOR PROFESSIONAL LAND SURVEYING PRACTICES IN NEW MEXICO.

FOR A GUARD



CITY OF SANTA FE REVIEW

1 1 1 1
SUPERSONIC ENGINEER DATE
C. S. S. 4/10/94
CITY WORKER DATE

LEGEND AND NOTES 0325035

- DENOTES POINT FOUND
- DENOTES 1901 SHIPPED AHEAD OF THE SURVEY
- DENOTES POINT GALCRATED
- DENOTES BRICK MONUMENT
- DENOTES UTILITY POLE
- DENOTES TELEPHONE POLE
- DENOTES GAS METER
- DENOTES SS MANHOLE

- - - - - DEMOTES EDGE OF EASIMENT
 - - - - - DEMOTES OVERHEAD LINE
 - - - - - DEMOTES FENCE LINE

1. BASIS OF SEARCHING IS FROM PLAT ENTITLED "WELDON SUBDIVISION
REPLAT OF TRACT J" BY ROBERT SCHWARTZ MAP#1562-4, DATED MAY
1982, AND BEING FILED IN THE OFFICE OF THE SANTA FE
COUNTY CLERK IN BK. 132, PG. 632.
2. DATA IN () IS FROM PLAT OF MAP #1.
3. THIS PLAT IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS
AND COVENANTS OF RECORD.

CITY NOTES

THE PROPERTY IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS
AND COVENANTS OF RECORD WITHIN JURISDICTION.
NO PART OF THIS PROPERTY LIES WITHIN ANY DESIGNATED FLOOD
ZONE ACCORDING TO F.I.M.A. FLOOD INSURANCE RATE MAP PANEL
00.
RECORDING OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL
BY THE CITY OF ANY ENCROACHMENTS INTO PUBLIC PROPERTIES.

PLAT REFERENCES

- A. "WILDERNESS MANAGEMENT REPORT OF TRAIL 1 LOT 1" BY GEORGE BROWN AND FILED IN PLAT 8146, PL8146, IN THE OFFICE OF THE SANTA FE CO. CLERK.
- B. "INDUSTRIAL SUBSIDENCE" BY GEORGE BROWN AND FILED IN PLAT 8146, PL8146, IN THE OFFICE OF THE SANTA FE CO. CLERK.
- C. "RURAL INDUSTRIAL TRAIL" BY GEORGE BROWN AND FILED IN PLAT 8146, PL8146, IN THE OFFICE OF THE SANTA FE CO. CLERK.
- D. "GOODS INDUSTRIAL SUBSIDENCE" BY GEORGE BROWN AND FILED IN PLAT 8146, PL8146, IN THE OFFICE OF THE SANTA FE CO. CLERK.
- E. "2 AND 3 INDUSTRIAL SUBSIDENCE" BY GEORGE BROWN AND FILED IN PLAT 8146, PL8146, IN THE OFFICE OF THE SANTA FE CO. CLERK.

LOT LINE ADJUSTMENT OF
TRACT 3 LOT 2,
TRACT 3 LOT 1A
-
PC 2838 TR. 5.

LYING WITHIN SECTION 33, T17N, R9E, NMPM, SANTA FE COUNTY,
NEW MEXICO.

RICK CHATROOP
PROFESSIONAL LAND SURVEYOR
NEW MEXICO REGISTRATION NO. 11011

(800) 470-8007 412 E. SAN FRANCISCO ST. SUITE 700 SAN FRANCISCO, CA 94102

COMMUNIST INFORMATION FOR THE COUNTY CLERK

LABORATORY LINGUISTICS SECTION 22, 117th, ONE, WASH. STATE PG. CO., N.Y.

1

10

58



KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED
DIRECTOR, HAVE CAUSED TO BE ADJUSTED THESE (LARGE SHOWN
HEREON) THIS ADJUSTMENT IS MADE WITH THE FREE CONSENT AND
IN ACCORDANCE WITH THE WISHES AND DESIRES OF SAID OWNER(S).
UNLESS OTHERWISE IS GRANTED AGREEMENT AS SHOWN AND FOR
EXISTING UNLAWFUL. OTHER AGREEMENTS ARE GRANTED AS SHOWN.

THIS ACRESMENT COVERS 8.89 AC.---, AND LIES WITHIN THE PLANNING AND PLATING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO.

AMERICAN BOND CO.

MELVIN WARD, PRESIDENT

STATE OF NEW MEXICO 25
COUNTY OF SANTA FE

THE FOREGOING INSTRUMENT HAS BEEN ACKNOWLEDGED AND
SIGNED BEFORE ME, WILSON VARELA, PRESIDENT AND CO. U.S.C.

THIS 17th DAY OF Nov 1975 7:30 PM
MY COMMISSION EXPIRES 2-2-76 NOTARY PUBLIC

MY COMMISSION EXPIRES 2-2-75 NOTARY PUBLIC

Barbara Smith 5/1/11
CITY ENGINEER FOR LAND USE DATE

James Baker 5-9-11
CITY PLANNER DATE

2. THIS PROPERTY IS SUBJECT TO ANY ORDINANCES, RESTRICTIONS AND COVENANTS OF RECORD HEREIN PERTINENT.
3. THIS PROPERTY LIES WITHIN THE CITY OF CHICAGO ACCORDING TO I.R.S.A. PLACED INSUREANCE MAP PINK NO. 204-000-1110, 6/17/70.
4. RECORDING OF THIS PLAN DOES NOT CONSTITUTE THE APPROVAL BY THE CITY OF ANY ZONING ORDINANCES AND PLANNING PROPOSALS.
5. EACH LOT SHALL BE COVERED BY INSURANCE AGAINST FIRE AND THEORICALS AND SHALL BE MAINTAINED IN ACCORDANCE WITH THE CITY OF CHICAGO.
6. PROPERTY DEVELOPMENT IS RESTRICTED TO COMPLY WITH APPLICABLE PROVISIONS OF CHICAGO, I.L. LAND DEVELOPMENT CODE, SPEC. 204 AND SUBSEQUENT AMENDMENTS.
7. PROPERTY DEVELOPMENT IS REQUIRED TO COMPLY WITH THE PROVISIONS OF THE CITY OF CHICAGO, I.L. LAND DEVELOPMENT CODE, SPEC. 204 AND SUBSEQUENT AMENDMENTS, AND THE CITY OF CHICAGO, I.L. LAND DEVELOPMENT CODE, SPEC. 204 AND SUBSEQUENT AMENDMENTS.
8. BUILDING AREA FOR PLANNED PROJECTS WILL BE DETERMINED AT THE TIME OF BUILDING PERMIT APPLICATION AS REQUIRED IN THE LAND DEVELOPMENT CODE.

- DENOTES POINT FOUND AS NOTED
- DENOTES POINT SET THIS SURVEY
- DENOTES POINT CALCULATED
- DENOTES MANHOLE OR AS NOTED
- DENOTES URM POLE
- DENOTES UTILITY POLE
- - - - - DENOTES OVERHEAD POWER LINES
- ===== DENOTES EDGE OF RIGHT-OF-WAY BOUNDARY FROM POINTS FOUND AND ADJUSTED TO MATCH PROJECT CENTERLINE SIZE WITH DATA FROM PLAT BEARING NO. 62 & 63.

1. BASIS OF BEARING IS GPS OBSERVATION WGS 84 COORDINATE

1. "TRAIL OF REMEDIATION SURVEY FOR ALHAMBRA HILL,"
BY TRACY B. & MICHELE BUCHHEITZ, SHEET 6-1 BY PHILIP B. WHEELER, SHEETS 60070
AND RECORDED FIRST IN PLAT 61, PG. 646, ON 3/20/77 FOR THE
COUNTY OF SAN JUAN.


2. "NEW MEXICO STATE HIGHWAY CONSTRUCTION HISTORY OF WEST
NEW MEXICO PROJECT NO. RES-60-47992(C) PLAT, 653 SANTA FE COUNTY
SHEET 3 OF 6 AND LAST DATED DEC. 1976, 1980.

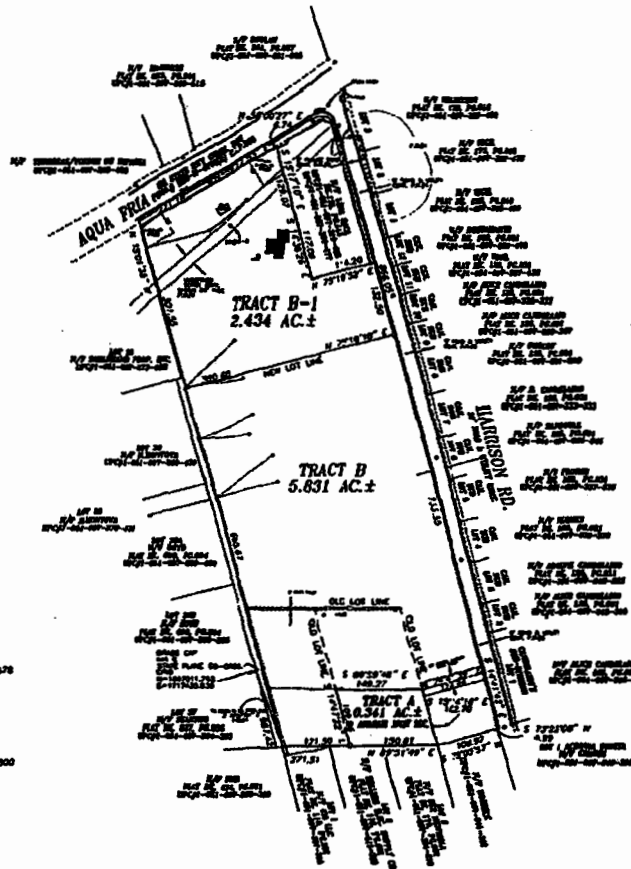
3. "CONCRETE'S SUB-SURFACE" BY CRISTINA WATKINS HARRIS/2005
AND RECORDED IN PLAT 100, PG. 021.

4. "PLAT OF SURVEY FOR CHARLES & CYNTHIA VOEL" BY MONROE A. PITCHER, RECORDED/2000
AND RECORDED IN PLAT 100, PG. 018.

5. "TRAIL REMEDIATION SURVEY OF TRACT 'B' AND TRACT 'C' FOR RALPH L. WALKER"
BY TRACY B. & MICHELE BUCHHEITZ, SHEETS 6-1 AND 6-2 BY PHILIP B. WHEELER
2/28/1980 RECORDED/2028, 164 SANTA FE COUNTY CLERKS OFFICE.

I, HOWARD A. CHURCHOP, A NEW JERSEY PROFESSIONAL SURVEYOR NO. 11001, DO HEREBY CERTIFY THAT THIS SURVEY PLAT AND THE ACTUAL FIELD SURVEY UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECTION ON DEC. 31ST, 2010; THAT I AM RESPONSIBLE FOR THIS SURVEY AND THAT I MEET THE MINIMUM STANDARDS FOR SURVEYORS IN NEW JERSEY; AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.


RICHARD A. CHATSOOP W.M.P.L.S. #11011



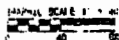
LIVING WITHIN SECTION 32, 71794, REC.
100000, SANTA FE CO., NM.

NEW MEXICO REGISTRATION NO. 18911

REPORTING REQUIREMENTS REGARDING THE COMPANY'S POLICY

FROM: JAMES W. WILSON, JR.,
PRESIDENT, WILSON JONES & COMPANY, INC.

LYING AND BEING SITUATE IN PROJECTED SECTION 33.
TOWNSHIP 17 NORTH, RANGE 9 EAST, N.W.P.M.,
CITY AND COUNTY OF SANTA FE, NEW MEXICO



Rising 240 us 09/15/08
SUBDIVISION REVIEW DATE
Yaman One 09/01/08
CITY PLANNER DATE

~~APPROVED BY THE SUMMARY COMMITTEE AT THEIR~~

MEETING ON APRIL 30, 2008, CASE #B-2007-38

8-1-08

SUMMARY COMPILED BY: [Signature] DATE: 7-24-08

SUMMARY COMPILED BY: [Signature] DATE: [Blank]

- a) PROPERTY DEVELOPMENT IS REQUIRED TO COMPLY WITH APPLICABLE PROVISIONS OF CHAPTER 14, LAND DEVELOPMENT CODE, SFC 1987 AND SUBSEQUENT AMENDMENTS.
- b) PROPERTY DEVELOPMENT IS REQUIRED TO COMPLY WITH THE PROVISIONS OF EACH CITY OF SANTA FE ORDINANCE ADOPTED PRIOR TO PLAT AND/OR DEVELOPMENT PLAN ACCORDING WITH THE COUNTY CLEAR OR SUBMITTAL FOR A BUILDING PERMIT APPLICATION TO THE COUNTY FOR THE PROVISION OF CHAPTER 14, LAND DEVELOPMENT CODE, SFC 1987 AND SUBSEQUENT AMENDMENTS.
- c) BUILDABLE AREAS FOR PLATTED PARCELS SHALL BE DETERMINED A) THE TIME OF BUILDING PERMIT APPLICATION, B) RETAINED THE LAND DEVELOPMENT CODE, AND C) BUILDABLE AREAS BEING HEREIN ARE SUBJECT TO REZONATION PER PLAN CODE REQUIREMENTS. EACH LOT SHALL BE SERVED WITH SEPARATE SEWER AND WATER SERVICES.
- d) AS INDICATED BY THE FINE MANUAL'S REPORT REGARDING SLOPE, A CONDITION OF APPROVAL, FOR THE CITY OF SANTA FE, THAT THE CITY OF SANTA FE SHALL CONSIDER, A FINE ACCESS ROAD IN CONFORMANCE WITH CHAPTER 12, SANTA FE CITY CODE SHALL BE PROVIDED. FINE ACCESS ROAD REQUIREMENTS SHALL AGREE WITH PLAT AND REQUIRED "TYPICAL" AND "NOTES".
- e) THE PROPERTY OWNER IS REQUIRED TO CONSULT AND COMPLETE A PUBLIC SEWER MAIN EXTENSION REVIEW BEFORE A PLAN SET IS PREPARED TO BE SUBMITTED TO THE FINANCIAL DEPARTMENT. THE FINANCIAL DEPARTMENT SHALL REVIEW THE PLAN SET FOR THE MATTER AND THE FINANCIAL DEPARTMENT FOR PERMANENT MAINTENANCE.

THE UNDERSIGNED OWNERS DO HEREBY ATTEST THAT THE LOT SPLIT AND PLATTING ARE SHOWN CORRECT AS MADE WITH THEIR FREE CONSENT AND IS IN ACCORDANCE WITH THEIR WISHERS AND DESIRES. THE UNDERSIGNED OWNERS DO HEREBY GRANT EASEMENTS TO ALL EXISTING PUBLIC UTILITIES. THESE LANDS LIE WITHIN THE PLATTING AND PLANNING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO.

11. THOMAS E. BEECHER, N.Y.P.D., NO. 10010 DC MEMPHIS CERTIFY TO LAWRENCE BOTO
THAT THIS BUREAU RECOMMENDS THAT THE ACUAL SUBJECT ON THE CHARGE UPON WHICH
IT IS NAMED WERE PLACED ON MY CHARGE BY DIRECT SUPERVISION ON FEB. 8, 1968.
THAT I AM RESPONSIBLE FOR THIS SUBJECT THAT THIS SUBJECT MEETS THE MINIMUM STANDARDS
FOR SURVIVING IN NEW ORLEANS; AND THAT I' IS HIRE AND CURET TO THE BEST OF MY
KNOWLEDGE AND BELIEF.

80-48
U.S. L. B. No. 17201

- SURVEY MONUMENT FOUND (AS NOTED)
- 1/2" REBAR W/ CAP 17321 IN
- CALCULATED POINT
- 1/8" ILM MONUMENT
- UTILITY POLE
- BOUNDARY LINE
- ADJUNCTION LINE
- EASEMENT LINE
- EDGE OF DRIVEWAY, ACCESS
- FENCE LINE
- OVERHEAD WIRES

VICINITY MAP (N.T.S.)

5900004

QUEST COMMUNICATIONS, INC. DATE 3-30-78
B Bayard
FROM BAYARD (CASH) DATE 3-30-78
ONCAST CABLE DATE 3-30-78

12 BASIS OF MEASUREMENT IS TAKEN FROM AUTOMATIC GPS OBSERVATIONS OF ASTRONOMIC NAME ON APR 28, 2007.

13 REFER TO A PLAY OF SURVEY ENTITLED, "BOUGHMAN SURVEY JOHN A. OTZLA QUINLAN LOT 36," BY PAUL A. BOUGHMAN, MAP# 118375 DATED MAY 12, 2005, AT THE SANTA FE COUNTY CLERK'S OFFICE AT PLAY BOOK 767, PAGE 647.

14 REFER TO A PLAY OF SURVEY ENTITLED, "PROPERTY LINES OF THE MONTANA, BY HEALY TERRY, FC & LS FILED, DATED MAY 21, 1982, NOT RECORDED.

15 REFER TO A WARRANTY DEED BETWEEN ISMAEL S. E. GARCIA S. VENTURA, (DOW) AND LUCRINE BOLIVIANETS, RECORDED WITH THE SANTA FE COUNTY CLERK'S OFFICE AT INSTRUMENT #1405260


16 LANDS SHOWN HEREIN LIE WITHIN ZONE C-1, AREA OF "URBAN FLOODING, ACCORDING TO PERMIT, EMERGENCY MANAGEMENT AGENCY PANEL NO. 000070 0007 E DATED JULY 8, 1990, ALSO SEE THE "OFFICIAL MAP OF THE FLOOD PLAIN SHOWING THAT THE AREA OF THE LOT 36 & 36A ARE IN ZONE "E-1" AREA DETERMINED TO BE OUTSIDE THE 0-25 ANNUAL CHANCE FLOODING

17 THIS SURVEY IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND COVENANTS, BOTH RECORDED AND UNRECORDED.

COUNTY OF SANTA FE
STATE OF NEW MEXICO
I HEREBY CERTIFY THAT THIS INSTRUMENT IS
65-2-157 WAS FILED FOR RECORD ON THE
15 DAY OF FEBRUARY, A.D. 2008, AT 11:15 A.M.
BY CLERK AND WAS ONLY RECORDED IN PLAT BOOK
694 PAGE 004 OF THE RECORDS OF
SANTA FE COUNTY.

WILLIAM H. HARRIS, JR. DEPT. OF JUSTICE
VALERIE ESPINOZA
COUNTY CLERK, SANTA FE COUNTY, N.M.
Valerie Espinoza

NAME LAWRENCE BOYD
FILE# INSTRUMENT #1400229
SUBDIVISION N/A
SECTION# SECTION 22, T17N, R02E
WFO 1-051-007-000-003




SOUTHWEST MOUNTAIN SURVEYS
 1114 HICKOK ST., SANTA FE, N.M. 07505
 PHONE 909-5400 FAX 909-5413
 DATE 05: MAY 15 2008 PROJECT NO. C-2008

LEGEND AND NOTES

- DENOTES PORT FOLD FROM PIPE
- DENOTES 11011 CHIPPED NEAR SET THE SURVEY
- DENOTES PORT CALCULATED
- DENOTES BRANCH OR ALTERNATE WORKLOAD
- ⊙ DENOTES UTILITY POLE
- DENOTES ELEC. MTL.
- △ AS NOTED

PUBLIC NOTICE

THIS SURVEY IS BASED ON THOSE RECORDED DOCUMENTS NOTED HEREON. CITY OF SANTA FE STAFF MUST APPROVE ALL DOCUMENTS SUBMITTED WITH AN APPLICATION FOR A BUILDING PERMIT AND MAY REQUIRE SUBMITTAL OF ADDITIONAL DOCUMENTATION TO PROVE LEGAL LOT OF RECORD.

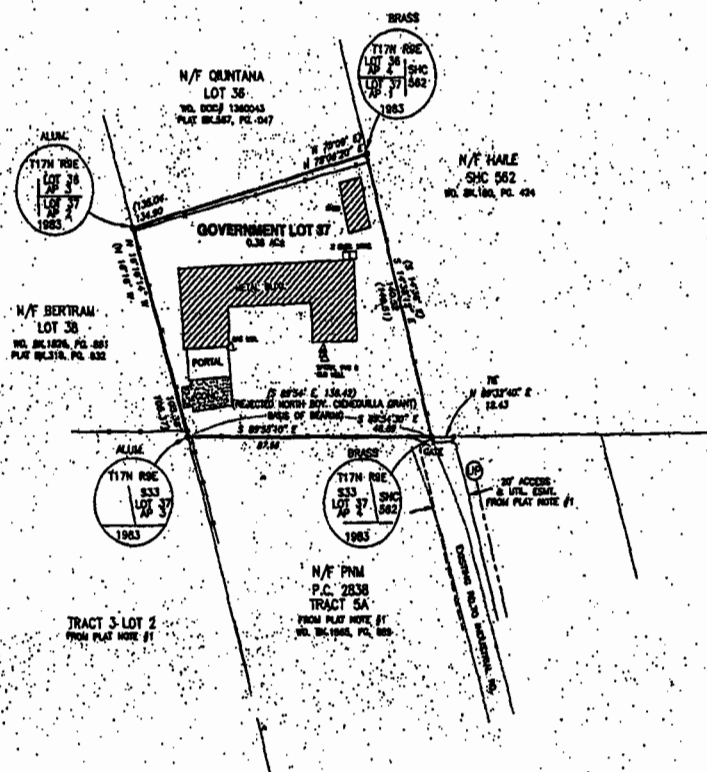
 DENOTES EDGE OF EASEMENT
 DENOTES OVERHEAD LINES
 DENOTES FENCE LINE

PLAT REFERENCE

1. BASIS OF BEARING IS FROM PLAT ENTITLED "LOT SPLIT FOR MONTOYA CHILDREN AND GRANDCHILDREN SURREVOCALE TRUST OF PG 2838 TRLS" STREET BUSINESS PARK, LLC" BY RICHARD A. CHATBOOP MAPLES 11011 AND BEING FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN BK.414, PG.811.

2. DATA IN () IS FROM PLAT REFERENCE
3. THIS PLAT IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS
AND COVENANTS OF RECORD.

*TOWNSHIP 17 NORTH, RANGE 9 EAST, OF THE NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO
SURVEY OF LOTS* ACCEPTED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF
LAND MANAGEMENT SANTA FE, NEW MEXICO ON MARCH 12, 1964.



SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAN AND THE NOTES HEREON ARE AN ACCURATE DELINEATION OF A FIELD SURVEY COMPLETED BY ME OR UNDER MY DIRECTION ON MAY, 31ST, 2008, AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND MEET THE STANDARDS FOR PROFESSIONAL LAND SURVEYORS.

RECEIVED

702575

BOUNDARY SURVEY FOR
MONTOKA IRREVOCABLE CHILDRENS
INSURANCE TRUST
AND
MONTOKA IRREVOCABLE GRANDCHILDRENS
INSURANCE TRUST
OF
GOVERNMENT LOT 37

LYING WITHIN SECTION 33, T17N, R9E, NMPM, SANTA FE COUNTY,
NEW MEXICO.

COUNTY OF SANTA FE
STATE OF NEW MEXICO
I hereby certify that this instrument was filed
for record on the 21st day of July A.D.
1917 at 10:07 o'clock
and was duly recorded in book 127
page 112 of the records.

Witness my Hand and Seal of Office
 Notary Public
 County Clerk, Santa Fe County, N.M.

County Clerk, Santa Fe County, N.M.
Patricia A. Acuña

RICK CHATROOP
PROFESSIONAL LAND SURVEYOR
 NEW MEXICO REGISTRATION NO. 11011
 (505) 476-0087 415 E. SAN FRANCISCO ST. SUITE 715, RM 5700

RECORDING INFORMATION FOR THE COUNTY CLERK
CHARGE: MONTANA INDEMNIFIABLE CHILDREN'S DR. TRUST
LOCATION: 13903 WITHIN SECTION 23, T17N, R9E, MAPS, SANGRE DE CO. N.M.

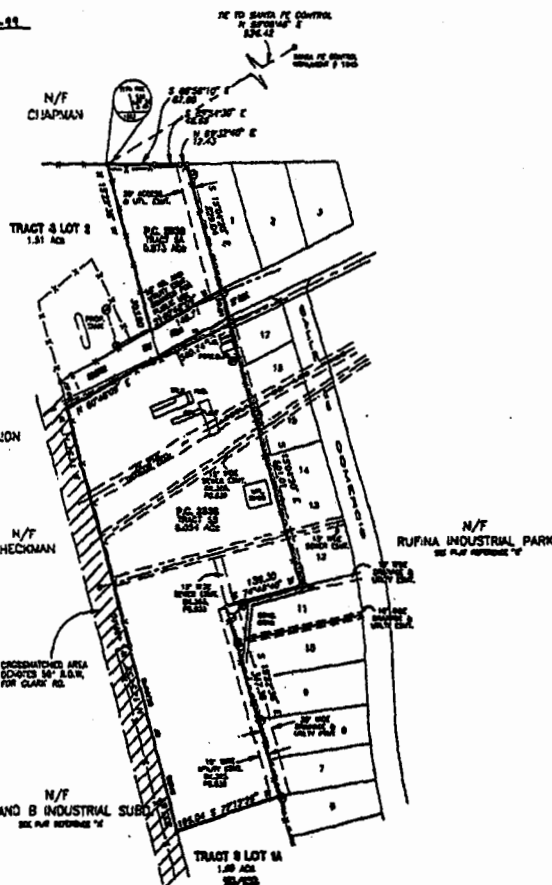


[Signature]
 SUBSTANTIAL EVIDENCE REVIEW DATE 5/17/99
 [Signature]
 CITY MANAGER DATE 5/13/99

APPROVED BY THE BUREAU COMMITTEE AT THEIR MEETING OF 5-4-99

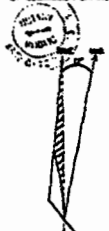
L-111p 5/2/99
 CHANDRASEKHAR SAFE

7-11-2-111p 5-12-99
 CHANDRASEKHAR SAFE



now at 14 by their property that the defendants owned. They caused to be moved those large heavy wooden tables in such a way that the first comfort was in accordance with the wishes and desires of said defendants. Utility companies are granted easements as shown and for existing utilities. Other easements are granted as shown.

WE HEREBY CERTIFY AS SAF AND AS WITH THE
PLANNING AND PLATING ASSISTANCE OF THE CITY OF
SANTA FE, NEW MEXICO.
Charles R. Copling
OWNER OF SANTA FE COUNTY PERSONAL REPRESENTATIVE
STATE OF NEW MEXICO
COUNTY OF SANTA FE
THE FOREGOING ATTESTED AND SHOWN, ACKNOWLEDGED AND
SUSCRIBED BEFORE ME BY Charles R. Copling
ON THE 24th DAY OF May 1994 Quinta Real City
IN FORECLOSURE PURSUANT TO 11-41-2-000 NOTARY PUBLIC




SCALE 7-50

I HEREBY CERTIFY THAT THIS PLAN AND THE NOTES HEREON ARE AN ACCURATE REPRESENTATION OF A FIELD SURVEY COMPLETED BY ME OR UNDER MY DIRECTION ON MARCH 1ST, 1946, AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND MEET THE STANDARDS FOR PROFESSIONAL LAND SURVEYORS PRACTICING IN NEW YORK.

ROBERT A. GILMORE MAY 2 1961

- SIGNETS POINT FOUND
- SIGNETS 11915 GUNNED DEBAR GET THE SURVEY
- SIGNETS POINT ORIGINATED
- SIGNETS BRASS MONUMENT 041401Z
- SIGNETS UTILITY POLE
- SIGNETS TELEPHONE RACK
- SIGNETS GAS METER
- SIGNETS SS MONUMENT

 DOTTED EDGE OF SHEET
 DOTTED OVERHEAD LINE
 DOTTED PEACE LINE

1. BASIS OF SURVEY IS FROM PLAT ENTITLED "LOT LINE ADJUSTMENT OF TRACT 3 LOT 2, TRACT 3 LOT 14, AND PG 3638 TRUL" 1981, AND BY ARMAND A. CHATFIELD MAP/PLAT 11011 DATED MAY 1ST, 1988, AND BEING FILED IN THE OFFICE OF THE BARRA PÉ COUNTY CLERK IN BK. 368, PG. 638.
2. DATA IN () IS FROM PLAT OF NOTE #1.
3. THIS PLAT IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.

A. "IN AND S INDUSTRIAL SUBSIDIARY"
BY GEORGE BIVAN AND FILED IN PLAT 584.
PLATE, IN THE OFFICE OF THE SANTA FE CO. CLERK.

B. "INDUSTRIAL SUBSIDIARY"
BY GEORGE BIVAN AND FILED IN PLAT 584.
PLATE, IN THE OFFICE OF THE SANTA FE CO. CLERK.

C. "IN AND S INDUSTRIAL SUBSIDIARY"
BY CLAY ANDSON AND FILED IN PLAT 584.
PLATE, IN THE OFFICE OF THE SANTA FE CO. CLERK.

LOT SPLIT FOR
MONTAYA CHILDREN AND GRANDCHILDREN
IRREVOCABLE TRUST OF
PC 2838 TR. 5

LYING WITHIN SECTION 33, T17N, R9E, N28PM, SANTA FE COUNTY,
NEW MEXICO.

RICK CHATROOP
PROFESSIONAL LAND SURVEYOR

NEW MEXICO REGISTRATION NO. 11011
(800) 476-0887 412 E. SAN FRANCISCO ST. SANTA FE, NM 87501

BOOKING INFORMATION FOR THE COUNTY CLERK

LOCATION: 1746 WYOM SECTION 33, T13N, R9C, WPM, SANTA FE CO., N.M.

COUNTY OF SANTA FE
 STATE OF NEW MEXICO
 I hereby certify that the within and foregoing was read
 for record on the 11 day of March A.D.
 1944 at 11 o'clock A.M.
 and was duly recorded in book _____ of the records of
 page _____ Santa Fe County.
 Witness my Hand and Seal of Office
 Notary Public
 County Clerk, Santa Fe County, N.M.

Witness my Hand and Seal of Office
 at the County Clerk's Office
 County Clerk, Santa Fe County, N.M.

Kim Chaff County



CITY OF SANTA FE

EARLY NEIGHBORHOOD NOTIFICATION MEETING SIGN-IN SHEET

Development Name	2823 Industrial Rd Bezone & General Plan Amendment		
Meeting Date	11/26/12	Time:	6:00
Meeting Location	Southside Public Library		

	Name	Address	Phone # / E-mail
<input checked="" type="checkbox"/> If Applicant's Representative	James Siebert	915 Mercer St. SE. NM. 87505	983-5588 Jim@jwsiebert.com
<input type="checkbox"/>	Joaquin Sanchez	301 Griffin St. 87501	662-1062 joaquin@lunb.com
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			

FOR CITY USE: I hereby certify that the ENN meeting for the above named development took place at the time and place indicated.

Donna Nymant
Print Name of City Staff in Attendance

Donna Nymant
Signature of City Staff in Attendance

11/26/12
Date



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

<i>Project Name</i>	2823 Industrial Road
<i>Project Location</i>	2823 Industrial Road
<i>Project Description</i>	Rezone from R-2 to I-1
<i>Applicant / Owner</i>	Las Alamos National Bank
<i>Agent</i>	Jim Siebert
<i>Pre-App Meeting Date</i>	11/26/12
<i>ENN Meeting Date</i>	9/26/12
<i>ENN Meeting Location</i>	Southside Library
<i>Application Type</i>	Rezoning
<i>Land Use Staff</i>	Donna Wynant, AICP
<i>Other Staff</i>	
<i>Attendance</i>	Owner's rep (from LANB), Agent & City Staff

Notes/Comments:

Meeting started at 5:30.

No neighbors attended the meeting. The representative from Las Alamos National Bank (owner of the subject property), his agent and City Staff discussed the property and the approvals of various other developments in the area (i.e Corazon Santo to the north and Agua Fria Compound to the northwest).

The meeting ended at 6:00.

City of Santa Fe, New Mexico

Exhibit D

Applicant Submittals

**2823 INDUSTRIAL ROAD
GENERAL PLAN AMENDMENT**

&

REZONING REPORT

PREPARED FOR

LANB

PREPARED BY

JAMES W. SIEBERT & ASSOC., INC

DECEMBER 2012

Table of Contents

Project Description and Location	1
Ownership and Legal Lot of Record	1
Development Request.....	1
Project Description and Location	1
ENN Meeting.....	1
Existing Conditions	3
Archaeology	3
Adjoining Land Uses	3
Utilities.....	3-4
<i>Water</i>	
<i>Sewer</i>	
<i>Dry Utilities</i>	
Response to General Plan Amendment Criteria.....	4-6
Response to Rezoning Criteria	6-7

FIGURES

Figure 1 Vicinity map

APPENDICES

Appendix A	Warranty deed
Appendix B	Proof of Legal Lot of Record through Exclusion
Appendix C	ENN Sign-in Sheet
Appendix D	Photos of Building & Property
Appendix E	Access Easement Plat
Appendix F	Aerial Description of Location & Subject Tract
Appendix G	Certificate of Occupancy

Project Description and Location

The subject property is located at 2823 Industrial Road and consists of approximately .38 acres. The property is currently zoned R-2 with an existing metal building that has been used several years for commercial purposes. The applicant is requesting a general plan amendment to amend the existing land uses from Residential Low Density to Business Park and to rezone the subject .38 acres from R-2 (two dwellings per acre) to I-1 (light industrial).

Figure 1 is a vicinity map indicating the location of the subject property relative to the City street system and other land marks.

Ownership and Legal Lot of Record

The subject property is owned by Los Alamos National Bank (LANB). A warranty deed for the property in the name of LANB can be found in Appendix A to this report.

The legal lot of record for this property is through exclusion. Reductions of the adjoining plats that have been approved and signed by the City are found in Appendix B to this report. This property is surrounded on all sides by legal lots of record, which by default or "exclusion" make this property a legal lot of record.

Development Request

The application includes a rezoning of the property from R-2, (two dwellings per acre) to I-1, (light industrial). A request for an amendment to General Plan, Future Land Use Map also accompanies this application. The change to the Future Land Use Map is from Residential Low Density 3-7 dwellings per acre, to Business Park.

ENN

An Early Neighborhood Notification (ENN) meeting was held on November 26, 2012 at the Tierra Contenta Library. None of the land owners notified of the meeting attended the ENN. No comments were received either orally or in writing on the requested general plan amendment or rezoning. The sign in sheet for the meeting is provided in Appendix C.

CERRILLOS ROAD

Existing Conditions

The property consists of .38 acres of land and a metal building approximately 3,263 square feet in size. The exterior of the building is clad in sheet metal and the windows are metal casement type. Los Alamos National Bank, which is the current owner of the property, after acquiring it through foreclosure, is cleaning up the exterior of the building. Various photos of the building and property are included in the report in Appendix D.

The access to the property is from a 20 foot access and utility easement adjacent to and parallel to the PNM substation. This easement is recorded in Book 414 Page 011 the plat for which is attached as Appendix E.

Archaeology

This tract of land is located in the River and Trails district. Per City code an archaeological study is not required for parcels of land more than two acres in size. An archaeology study is not required for a lot of this size.

Adjoining Land Uses

A PNM substation is located immediately south of the subject property. A vehicle dismantling and crushing operation is located to the southwest of the requested rezoning. This is an exceptionally intensive operation with a considerable amount of noise associated with the moving and crushing of vehicles. A storage yard for recycled lumber and rocks is the most adjacent tract of land to the southeast. The property to the east and northeast is the Corazon Santo project, which is zoned R-6. This property is vacant. The land immediately north of this lot is vacant and zoned R-2, single family residential. The property to the west and northwest is vacant but has been approved for Mixed Use zoning as part of an approved master plan. Appendix F is an aerial photograph describing the location of the subject tract and adjoining land uses.

Utilities

Water

An 8 inch water line is located in Industrial Road. Apparently a yard line has been extended to the building for water service. The location and size of the yard line is unknown. The knowledge about City water service is based on a telephone conversation with billing section of the City Water Division that an account does exist for water service to this address.

Sewer

There is an 8 inch sewer line in Industrial Road. This line is a dedicated City sewer line. There is a lateral line to the 2823 building that provides sewer service to building. The knowledge about City sewer service is based on a telephone conversation with the billing section of the City Water Division that an account does exist for sewer service to this address.

Response to General Plan Amendment Criteria

The Land Development Code lists the criteria for addressing an amendment to the General Plan. Each of these criteria is addressed below.

(1) Criteria for all amendments to the general plan:

- (a) Consistency with growth projections for the City using a data base maintained and updated on an annual basis by the City, with economic development goals as set forth in a comprehensive economic development plan for the City, and with existing land use conditions, such as access and availability of infrastructure.*

Since the property with the building has been in existence for at least 20 years the proposed rezoning would have been part of a data base dating back to approximately 1990. This building has provided an opportunity for small scale, local business to start or grow their business. The various businesses that have occupied the building include a plumbing supply and yard for a plumbing business, auto repair shop, and most recently a carpentry shop.

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

The City General Plan shows this property as residential, low density, 3-7 dwellings per acre. Since this industrial use has been around since at least 1990, either this was a mistake in mapping or an over-sight on the use that existed on the property when the existing land uses were compiled in 1999. The parcels of land on either side have received a general plan amendment, with the tract on the east being designated medium density residential and the tract of the west being designated mixed use.

- (c) The amendment does not:*

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

The building on this property has been used for commercial purposes since the early 1990's. Rezoning of the property to I-1, Light Industrial would make the property consistent with the uses that have occupied the land for over 20 years.

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

This property is less than two acres. It is an extension of the existing, contiguous I-1, light industrial zoning and does adjust the boundary between the light industrial and single family residential zoning districts.

- (iii) *Benefit one or a few landowners at the expense of the surrounding landowners of the general public.*

Any rezoning will have some benefit to a single landowner or the land owner would not request the rezoning. In this case the benefit is to bring the zoning in line with the use that has existed on the property for over 20 years. The landowners to the west and east have rezoned their properties to a higher density knowing that this use existed adjacent to their property boundaries.

- (d) *An amendment is not required to conform with Subsection 14-3.26(1)© if it promotes the general welfare or has other adequate public advantage or justification*

There is a proven need for land and buildings for small scale industrial uses located in areas with adequate access and utilities. This building has been used by a variety of small businesses over the last 20 years.

- (e) *Compliance with extraterritorial zoning ordinances and extraterritorial plans;*

This criterion is no longer relevant since the adoption of SPaZZo and the relinquishment of the land use regulatory authority outside the city limits and the transfer of authority from extraterritorial jurisdiction to the City. This property has been part of the City limits since 1966.

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

Since the building on this property has been in existence for more than 20 years the development of the property will have little to do with the "coordinated, adjusted and harmonious development of the municipality". Failure to rezone the property will deprive the local small scale business community the opportunity to start a business or grow a business at this location. The property is served with City water and sewer and all municipal utilities and services are available for this site. Additional fire stations or police substations are not required in order to serve the existing use.

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

(2) Additional Criteria for Amendments to Land Use Policies

In addition to complying with the general criteria set forth in Subsection 14-3.2E(1), amendments to the land use policies section of the general plan shall be made only if evidence shows that the effect of the proposed change in land use shown on the future land use map of the general plan will not have a negative impact on the surrounding properties. The proposed change in land use must be related to the character of the surrounding area or a provision must be made to separate the proposed change in use from adjacent properties by a setback landscaping or other means, and a finding must be made that:

- a) The growth and economic projections contained within the plan are erroneous or have changed; or:*

When the existing General Plan was adopted in 1999 it seems that the General Plan failed to recognize this industrial use that existed as of the date of the adoption of the General Plan. It is our contention that the General Plan land use designated was applied in error for this property.

- b) No reasonable locations have been provided for certain land uses for which there is demonstrated need; or*

There is a proven need for land and buildings for small scale industrial uses located in areas with adequate access and utilities. This building has been used by a variety of small businesses over the last 20 years.

- c) Conditions affecting the location or land area requirements of the proposed land use have changed, for example, the cost of land space requirements, consumer acceptance, market, and building technology; and*

Over the last 20 years the Siler Road industrial area has filled in to the point that very little vacant land remains for building construction. There is a greater need and demand for land in the Siler Road industrial area than existed when the building was originally constructed over 20 years ago.

The properties to the east and west of this subject parcel have been rezoned. At the time of the rezoning the property owners were aware that this building was used for industrial uses and in particular that it was used as a carpentry shop. Although the properties to the east and west have been rezoned they are currently vacant and subsequent development plans have not been submitted to the City.

The properties to the east and west of this subject parcel have been rezoned. At the time of the rezoning the property owners were aware that this building was used for industrial uses and in particular that it was used as a carpentry shop. Although the properties to the east and west have been rezoned they are currently vacant and subsequent development plans have not been submitted to the City.

Response to Criteria for Rezoning of the Property

This section of the report addresses the rezoning criteria set forth in Section 14-3.5(C) of the Land Development Code.

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

(iii) *A different use category is more advantageous to the community as articulated in the general plan or other adopted plans.*

Based on aerial photography commercial/light industrial uses have existed on this property since approximately 1985. A City business license for a commercial use has been issued by the City although the current business license has not been renewed due to the foreclosure action, there is a certificate of occupancy from 2001, found in Appendix G. A longer history of business licenses is not possible since that is the limit of the City's archive for this type of license. The issuance of a business license requires proof of a legal lot of record and conformance with the use with the underlying zoning. One can assume that the usual city inspection and review was conducted at the time of issuance of the first business license. In rezoning the property to I-1 the applicant is requesting to maintain the same use of the property that use which has existed since the issuance of the first business license. A rezoning to I-1 would recognize the use that has existed on this property for over 20 years.

(b) *All the rezoning requirements of Chapter 14 have been met.*

Currently the existing zoning is R-2, Single Family Residential, two dwellings per acre. Rezoning of the property to I-1, Light Industrial would bring the use into conformance with the historic uses that have taken place on this property.

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

The City General Plan shows this tract as "Low Density Residential, 3-7 dwellings/acre", which is inconsistent with the use of the property and the surrounding uses for the area. An amendment to the City General Plan has been approved for the parcel to the west, changing the General Plan status from "Low Density Residential" to "Transitional Mixed Use". Given this parcel's adjacency to the auto and scrap metal salvage yard and other industrial/commercial uses this would be a reasonable land use recommendation for this area. The properties to the south of the subject parcel have a "Business Park" Future Land Use Map designation.

A request for a Business Park designation is consistent with the City General Plan land use recommendation and the commercial uses of this property for 20 plus years.

(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.

This .38 acre tract would have little impact on the availability and sufficiency of commercial and industrial land in the City, especially since this property has historically been included in that land use category. The availability of land for light industrial uses has significantly diminished over the last 10 years, with such Business Parks as the Valdes Park and Rodeo Road Business Park beginning to approach a built-out condition. This property provides an affordable opportunity for smaller, local companies to start their business or grow their business. The plumbing supply, auto repair and carpentry shop are examples of the small local businesses that have previously occupied this property.

(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.

The impact from this development occurred several years ago, most likely when there was minimal infrastructure. Currently, developed infrastructure is in place with improved roads, water and sewer serving the area and this property. The closest Fire Station to this site is located on Cerrillos Road near Third Street within a five minute service radius to this property. Since this is a commercial use the proximity to parks is not a significant consideration from a policy standpoint.

APPENDIX A
WARRANTY DEED

WARRANTY DEED

ANDRAS SZANTHO, a married man dealing in his sole and separate property, for good and valuable consideration, the receipt of which is hereby acknowledged, grants to LOS ALAMOS NATIONAL BANK, a National Bank, whose address is 1200 Trinity Drive, Los Alamos, New Mexico, 87544, the following real property located in Santa Fe County, New Mexico at 2823 Industrial Road, Santa Fe, NM 87507, more particularly described as follows:

Government Lot 37, as shown on plat entitled "Boundary Survey for Montoya Irrevocable Children's Insurance Trust and Montoya Irrevocable Grandchildren's Insurance Trust...lying within Section 33, T17N, R9E, N.M.P.M.,..." filed in the office of the County Clerk, Santa Fe County, New Mexico on June 27, 2006 in Book 627, Page 36 as Document No. 1439459,

with warranty covenants.

SUBJECT TO patents, reservations, restrictions, encroachments and easements of record, and property taxes.

WITNESS my hand and seal as of the date indicated below.

Andras Szantho
Andras Szantho

10-22-12
Date

ACKNOWLEDGMENT

STATE OF NEW MEXICO)
COUNTY OF SANTA FE) ss.

On October 22nd, 2012, before me Andras Szantho personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same in his individual authorized capacity.

Witness my hand and official seal

Karen E. Abeysa
Notary Public

My commission expires: 5/30/2014



OFFICIAL SEAL
KAREN E. ABEYSA
NOTARY PUBLIC - STATE OF NEW MEXICO
My commission expires: 5/30/2014



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

WARRANTY DEED
PAGES: 2

I Hereby Certify That This Instrument Was Filed for
Record On The 22ND Day Of October, 2012 at 03:44:01 PM
And Was Duly Recorded as Instrument # 1885385
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valeria Espinoza

Deputy Tom Barry County Clerk, Santa Fe, NM

APPENDIX B

**PROOF OF LEGAL LOT OF RECORD THROUGH
EXCLUSION**

City of Santa Fe

2774 AGUA FRIA ST B 2 2774 AGUA FRIA ST A
2774 AGUA FRIA ST B 1 2774 AGUA FRIA ST B 4
2774 AGUA FRIA ST B 1 2774 AGUA FRIA ST B 3
2775 AGUA FRIA ST A 2775 AGUA FRIA ST
2775 AGUA FRIA ST C A 2775 AGUA FRIA ST C
2775 AGUA FRIA ST C B 2775 AGUA FRIA ST D A

2786 AGUA FRIA ST
+2725

2778

2774

2746 AGUA FRIA ST
+
2750 AGUA FRIA ST

2748 AGUA FRIA ST

Tract 8

Book 732 Page 008

Lot 36 A

Lot 38

4.22ⁿ Acres

2762
Book 690 Pg 004
2748 AGUA FRIA ST

2785 AGUA FRIA ST A

1162 COOKS LN

1162 COOKS LN

created by US Patent

Recorded May 7 1997

2786 AGUA FRIA ST C 1

2786 AGUA FRIA ST C 3

2788 AGUA FRIA ST C 2

2786

1162 COOKS LN

2758 AGUA FRIA ST B 1

2766 AGUA FRIA ST E 2 1162 COOKS LN

2788 ÁGUA FRIA ST B 3

1162 COOKS LN

1162 COOKS LN

1182 COOKS LN

1191 COOKS RD

1161 COOKS RD

1161 COOKS RD

2834 COOKS RD

2871 ALL TRADES RD

Lot 36 B

2764
Bk 690 Pg 004

Subject lot

2823
Lot by [REDACTED]
Exclusion 2823 INDUSTRIAL RD
BK 627 Pg 036

Tract 5A

Bk 414 Pg011

Tract 3 Lot 2

Bk 385 Pg 035

• INDUSTRIAL RD

2823 INDUSTRIAL RD

2815 INDUSTRIAL

The United States of America

To all whom these presents shall come, Greeting:

NMNM 92939

WHEREAS

Wilderness Estates Development

in exchange for certain land conveyed to the United States, has selected
and is entitled to a Land Patent pursuant to Section 206 of the Act of
October 21, 1976 (43 U.S.C. 1716), as amended by the Federal Land Exchange
Facilitation Act of August 20, 1988, for the following described land:

New Mexico Principal Meridian, New Mexico.

T. 17 N., R. 9 E.,

sec. 33, lot 38.

Containing 4.22 acres.

together with an existing road right-of-way, 30 ft. wide and 1500 ft. long,
Serial No. NMNM 71438, within SWSE, sec. 24, as reserved in Patent No.
30-88-0073 dated September 8, 1988.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES
unto the above-named claimant(s) the land above described; TO HAVE AND TO
HOLD the said land with all the rights, privileges, immunities and appurtenances,
of whatsoever nature, thereunto belonging unto the said claimant(s), and its
successors and assigns forever, and

EXCEPTING AND RESERVING TO THE UNITED STATES a right-of-way
thereon for ditches or canals constructed by the authority of the United States pursuant
to the Act of August 30, 1890 (43 U.S.C. 945).

SUBJECT TO:

1. Valid existing rights-of-way and easements;

Patent Number **30-97-0014**

COUNTY OF SANTA FE
STATE OF NEW MEXICO
I hereby certify that this instrument was filed for
record on the 27th day of 1997 at 2:50 p.m. and
was duly recorded in Book 1369494 page
149-495 of the records of Santa Fe County.
Witness my Hand and Seal of Office
Rebecca Gutierrez
County Clerk, Santa Fe County, N.M.

Alexandra Clough
Deputy



NMNM 92939

1369495

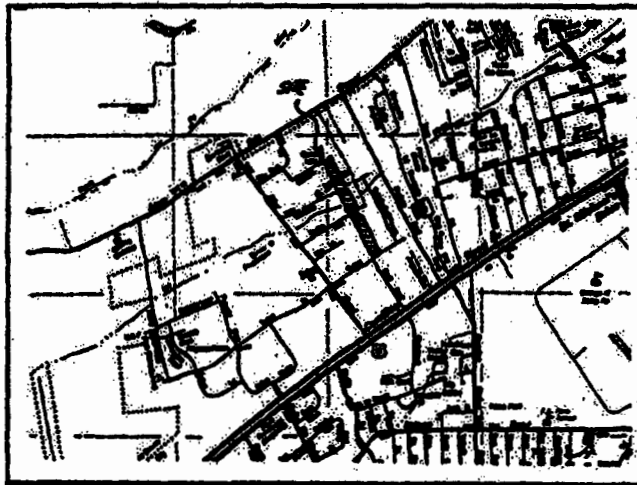
2. Those rights for highway purposes granted to the Federal Highway Administration, its successors or assigns, by right-of-way NMNM 83356, pursuant to the Act of August 27, 1958, (23 U.S.C. 317 (A)) as to lot 38, sec. 33, T. 17 N., R. 9 E.



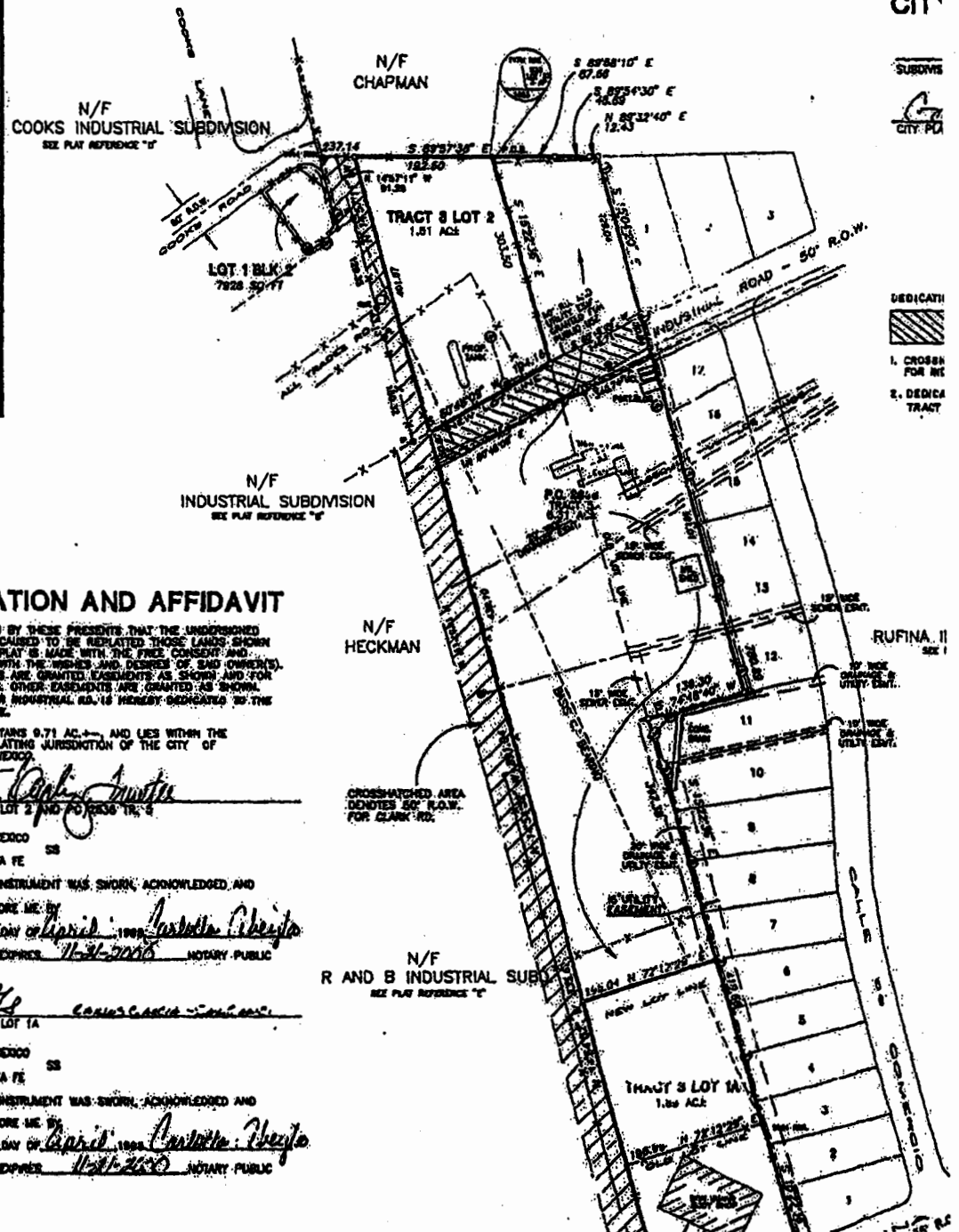
IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1890 (26 Stat. 476), has, in the name of the United States, caused these letters to be made patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Santa Fe, New Mexico the TWELFTH day of DECEMBER in the year of our Lord one thousand nine hundred and NINETEEN and of the Independence of the United States the two hundred and TWENTY-FIRST.

By Stephen L. Fanning
Stephen L. Fanning
Acting Deputy State Director
Resource Planning, Use and Protection



VICINITY MAP



DEDICATION AND AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS, HAVE CAUSED TO BE REPLATED THOSE LANDS SHOWN HEREON. THIS REPLAT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE WISHES AND DESIRES OF SAID OWNERS. UTILITY EASEMENTS ARE GRANTED EASEMENTS AS SHOWN AND FOR EXISTING UTILITIES. OTHER EASEMENTS ARE GRANTED AS SHOWN. THE 50' R.O.W. FOR INDUSTRIAL RD. IS HEREBY DEDICATED TO THE CITY OF SANTA FE.

THIS REPLAT CONTAINS 9.71 AC., AND LIES WITHIN THE PLANNING AND PLATING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO.

Christina Cepeda
OWNER TRACT 3 LOT 2 AND 70 PERCENT TR. 3

STATE OF NEW MEXICO SS

COUNTY OF SANTA FE

THE FOREGOING INSTRUMENT WAS SHOWN, ACKNOWLEDGED, AND

SUBSCRIBED BEFORE ME BY

THE 22nd DAY OF April, 1988, *Christina Cepeda*
MY COMMISSION EXPIRES 11-21-2000 NOTARY PUBLIC

Celia
OWNER TRACT 3 LOT 1A

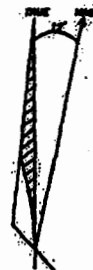
STATE OF NEW MEXICO SS

COUNTY OF SANTA FE

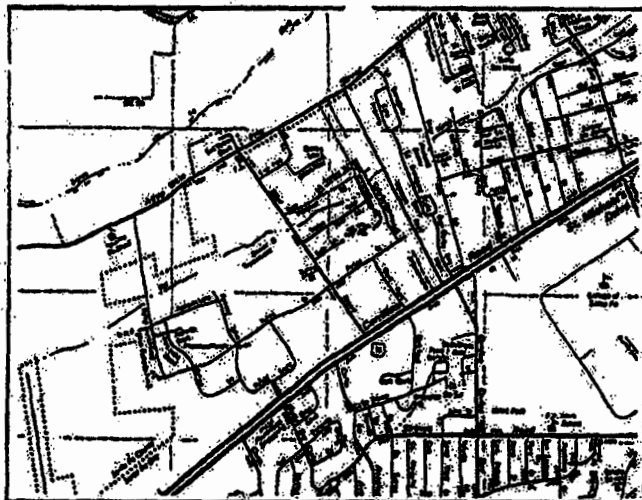
THE FOREGOING INSTRUMENT WAS SHOWN, ACKNOWLEDGED, AND

SUBSCRIBED BEFORE ME BY

THE 22nd DAY OF April, 1988, *Christina Cepeda*
MY COMMISSION EXPIRES 11-21-2000 NOTARY PUBLIC



SCALE 1"=100'



VICINITY MAP

DEDICATION AND AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER(S), HAVE CAUSED TO BE DIVIDED THOSE LANDS SHOWN HEREON. THIS DIVISION IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE WISHES AND DESIRES OF SAID OWNER(S). UTILITY COMPANIES ARE GRANTED EASEMENTS AS SHOWN AND FOR EXISTING UTILITIES. OTHER EASEMENTS ARE GRANTED AS SHOWN.

THIS DIVISION CONTAINS 5.83 AC. AND LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO.

Charlotte M. Capling
OWNER PO 2838 TR. 5 CONTRAST PERSONAL REPRESENTATIVE

STATE OF NEW MEXICO

COUNTY OF SANTA FE

THE FOREGOING INSTRUMENT WAS SHOWN, ACKNOWLEDGED AND

SUBSCRIBED BEFORE ME BY *Charlotte M. Capling*

THIS *10th* DAY OF *May* 1999 *Spencer M. Doty*

MY COMMISSION EXPIRES *11-11-2000* NOTARY PUBLIC



SCALE 1"=100'

CITY OF SANTA FE REVIEW

Paul J. Doty 5/17/99
SUBDIVISION ENGINEER (REVIEW) DATE

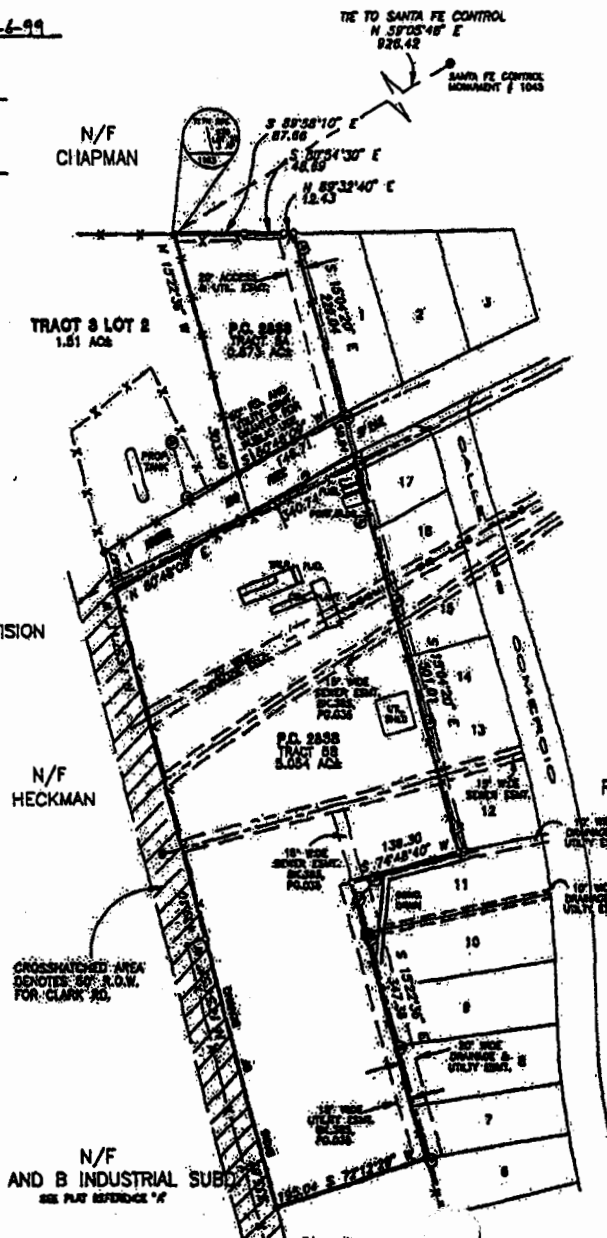
Carol S. Doty 5/13/99
CITY PLANNER DATE

APPROVED BY THE SUMMARY COMMITTEE AT THEIR MEETING OF *5-6-99*

L. Doty 5/12/99
CHAIRPERSON DATE

Paul J. Doty 5-12-99
SECRETARY DATE

N/F
INDUSTRIAL SUBDIVISION
SEE PLAT REFERENCE "D"



BANGOR DE CREST WATER CO. *Paul J. Doty* DATE *5-10-99*
U.S. WEST COMMUNICATIONS *Paul J. Doty* DATE *5-10-99*

GRAPHIC SCALE 1" = 40'

Rising 247 us 09/15/08

SUBDIVISION REVIEW DATE
James J. [Signature] 08/01/08
 CITY PLANNER DATE

APPROVED BY THE DUNBAR COMMITTEE AT THEIR MEETING ON APRIL 11, 2008. CASE #SP-2007-30

DATE _____

7-64-68

- OWNER'S CONSENT**

THE UNDERSIGNED OWNERS DO HEREBY ATTEST THAT THE LOT SPLIT AND PLATTING AS SHOWN HEREON IS MADE WITH THEIR FREE CONSENT AND IS IN ACCORDANCE WITH THEIR WISHES AND DESIRES. THE UNDERSIGNED OWNERS DO HEREBY GRANT EASEMENTS TO ALL EXISTING PUBLIC UTILITIES. THESE LOTS LIE WITHIN THE PLATTING AND PLANNING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO.

LAWRENCE BOTO

STATE OF NEW MEXICO
COUNTY OF SANTA FE.

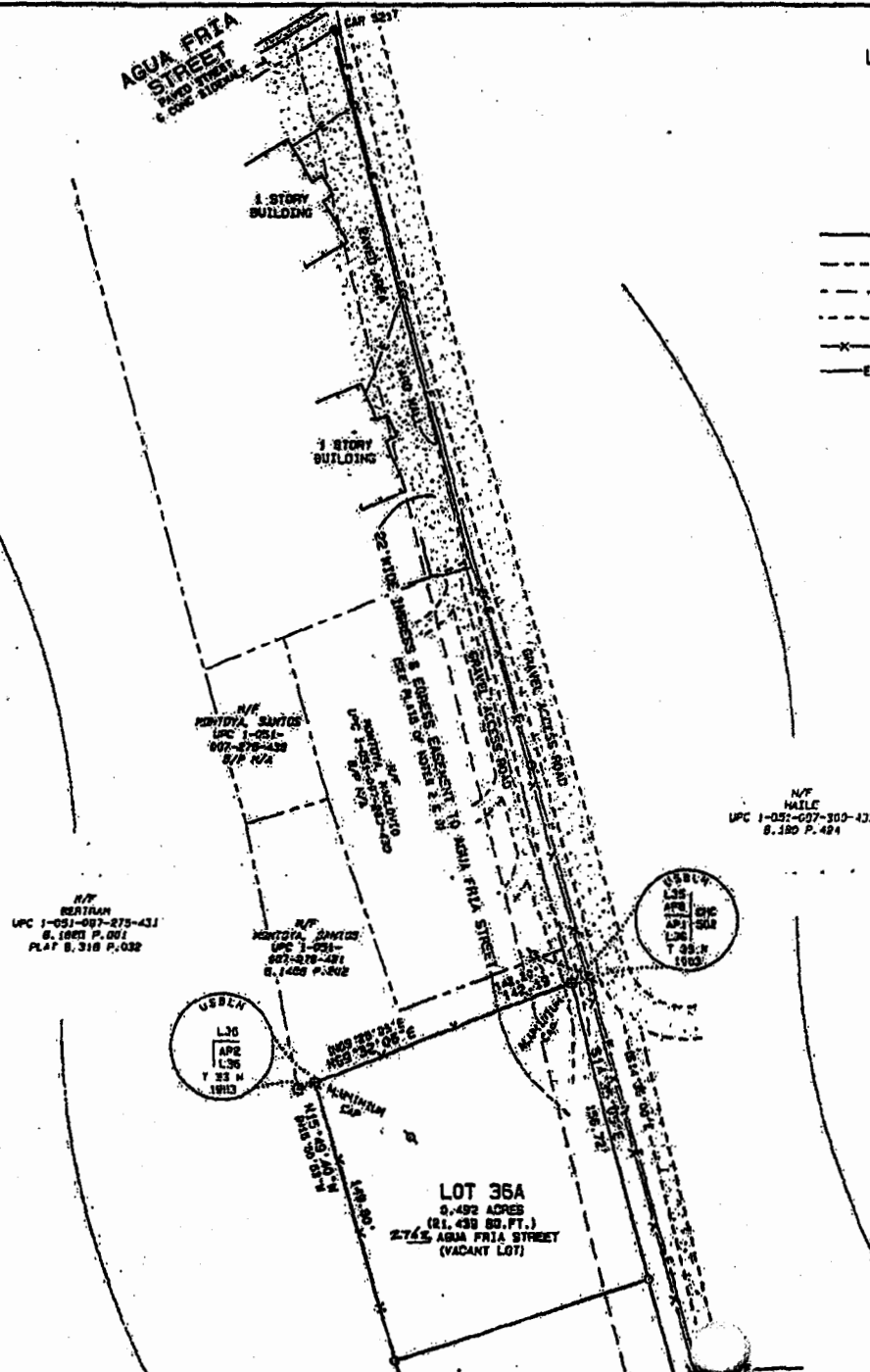
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED
DAY OF JUNE 2008 BY LAWRENCE DOTT

Deborah E. Larkin
NOTARY PUBLIC

8628/2018

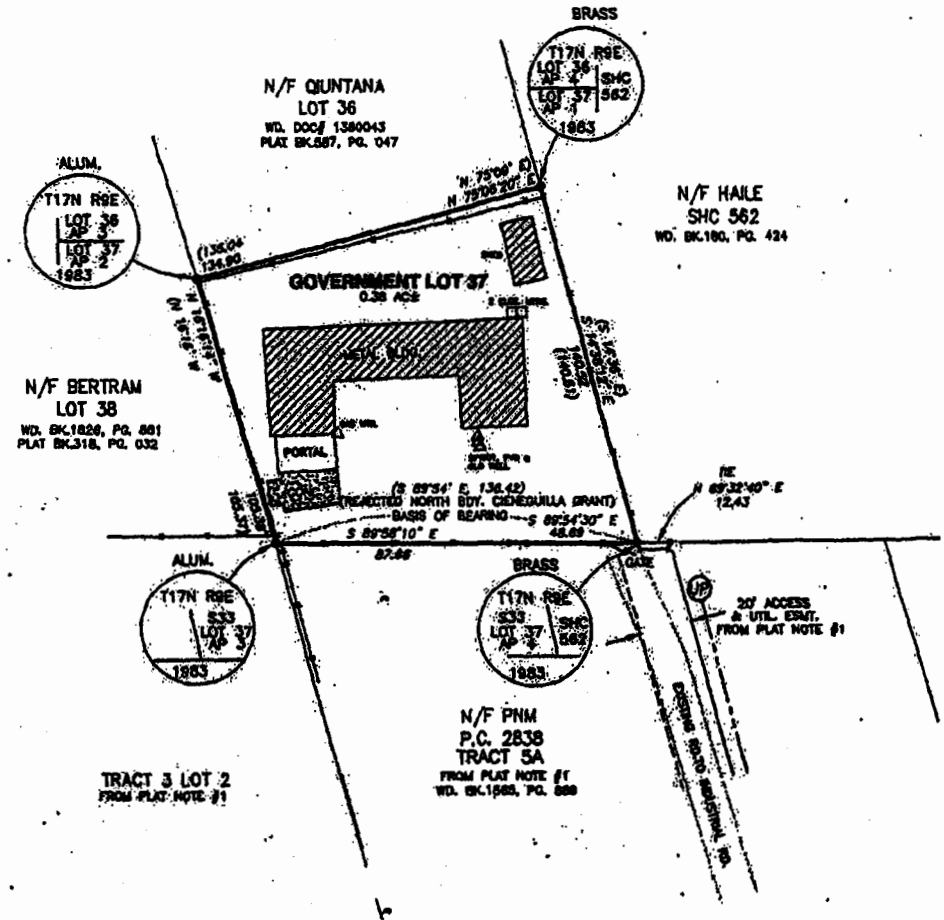
BY COMPARISON EXPLORES

421



PUBLIC NOTICE

THIS SURVEY IS BASED ON THOSE RECORDED DOCUMENTS NOTED HEREON.
CITY OF SANTA FE STAFF MUST APPROVE ALL DOCUMENTS SUBMITTED WITH
AN APPLICATION FOR A BUILDING PERMIT AND MAY REQUIRE SUBMITTAL
OF ADDITIONAL DOCUMENTATION TO PROVE LEGAL LOT OF RECORD.



APPENDIX C

ENN SIGN IN SHEET



CITY OF SANTA FE

EARLY NEIGHBORHOOD NOTIFICATION MEETING SIGN-IN SHEET

Development Name 2823 Industrial Rd. Rezone & General Plan Amendment
Meeting Date 11/26/12 Time: 6:00 Meeting Location Southside Public Library

Name

Address

Phone # / E-mail

✓ If Applicant's Representative

- | | | | | |
|---|-----------------|------------------------------|----------|-------------------|
| ✓ | James Siebert | 915 Mercer St. SE. NM. 87505 | 983-5588 | Jim@jwsiebert.com |
| □ | Joaquin Sanchez | 301 Griffin St. 87501 | 662-1062 | joaquin@lunb.com |
| □ | | | | |
| □ | | | | |
| □ | | | | |
| □ | | | | |
| □ | | | | |
| □ | | | | |
| □ | | | | |
| □ | | | | |
| □ | | | | |

FOR CITY USE: I hereby certify that the ENN meeting for the above named development took place at the time and place indicated.

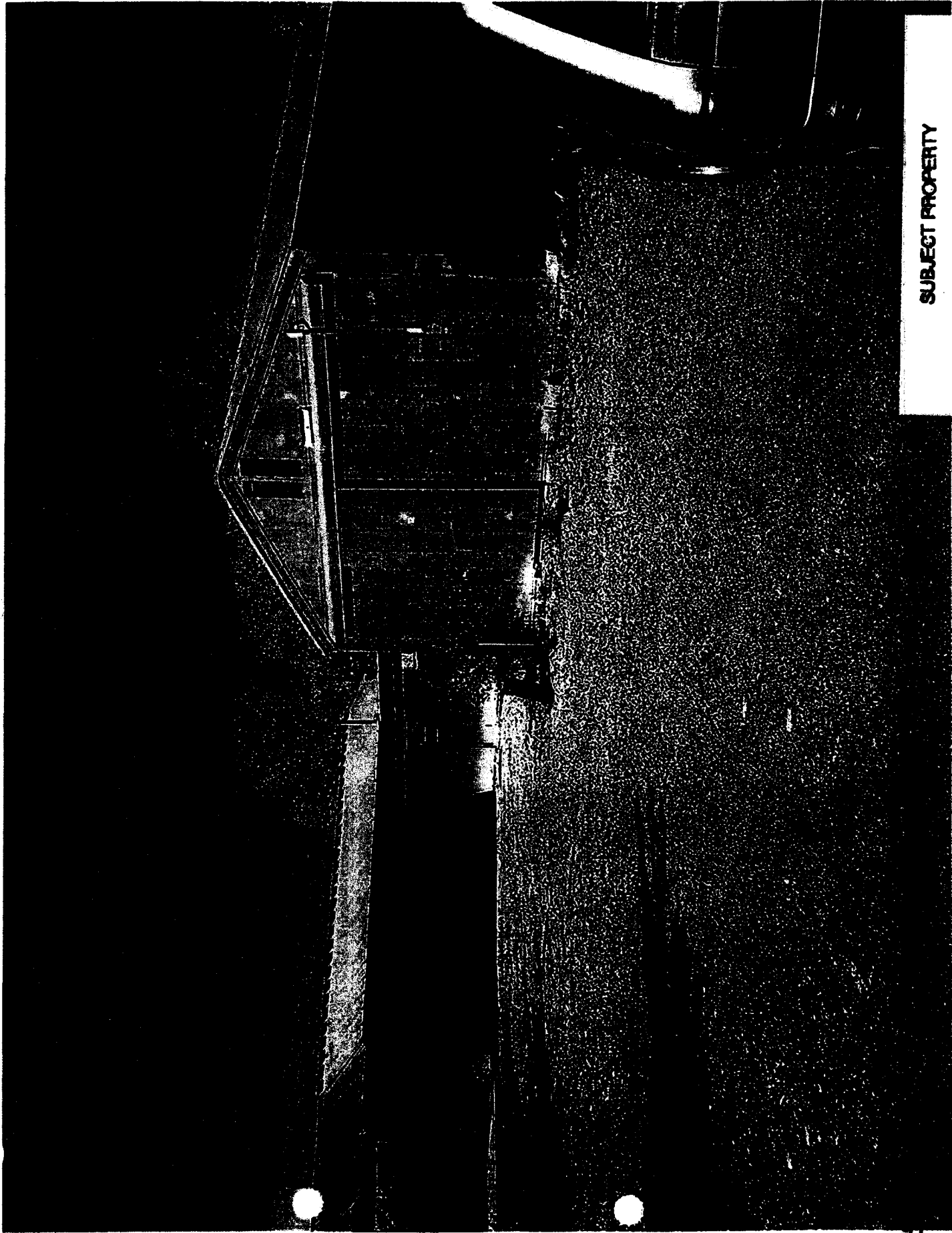
Danna Nunn
Print Name of City Staff in Attendance

[Signature]
Signature of City Staff in Attendance

11/26/12
Date

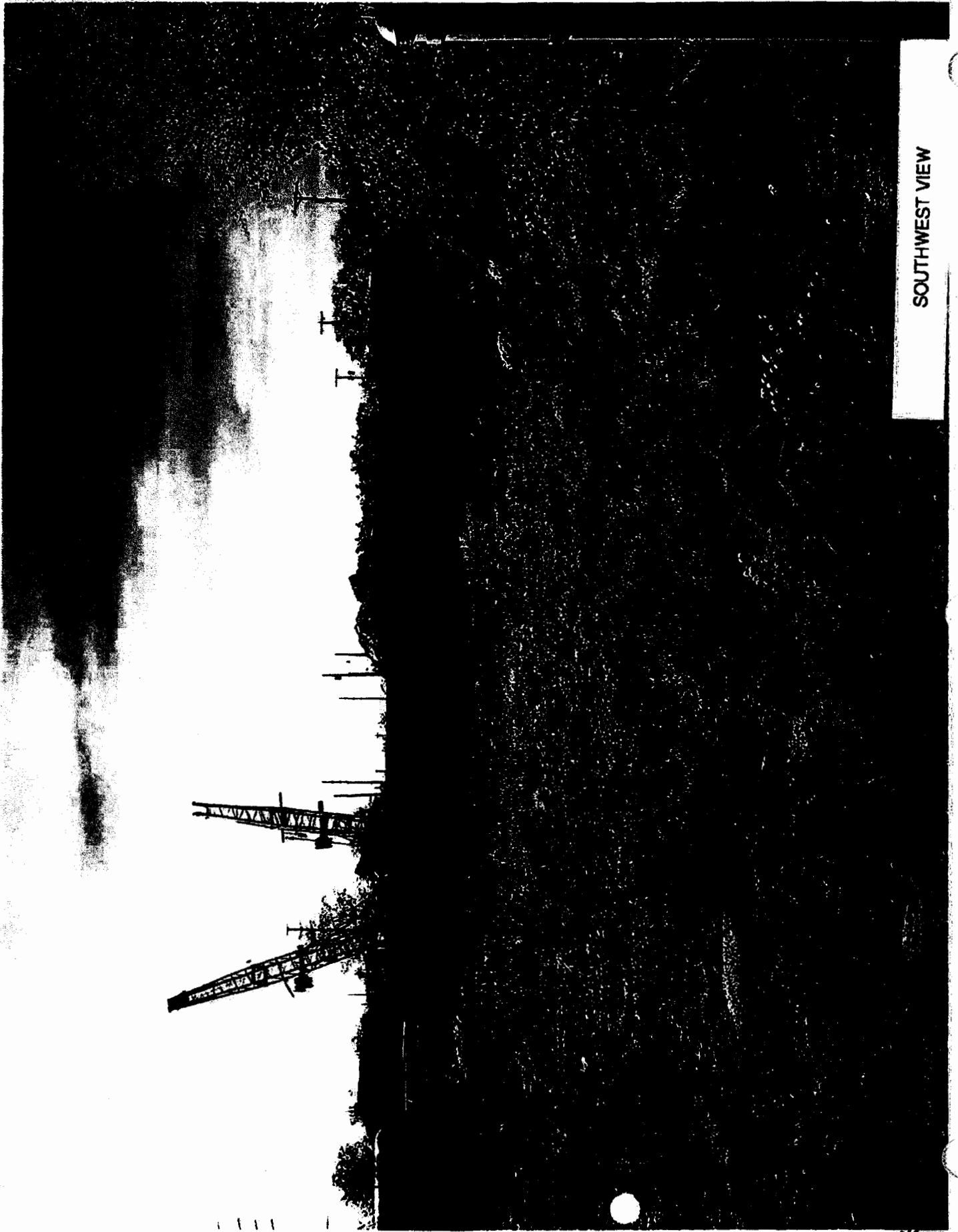
APPENDIX D

PHOTOS OF BUILDING & PROPERTY



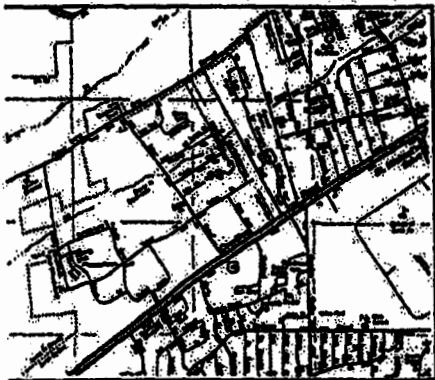
SUBJECT PROPERTY

SOUTHWEST VIEW



APPENDIX E

ACCESS EASEMENT PLAT



VICINITY MAP

CITY OF SANTA FE REVIEW

[Signature] 5/17/99
 SUPERVISOR REVIEW DATE
[Signature] 5/13/99
 CITY ENGINEER DATE

APPROVED BY THE BOARD OF ALDERMEN AT THEIR MEETING OF 5-6-99

[Signature] 5/10/99
 CHAIRMAN DATE
[Signature] 5-12-99
 SECRETARY DATE

LEGEND AND NOTES

- DENOTES POLE FOUND
- DENOTES 110V1 CAPPED NEAR SET THE SURVEY
- DENOTES POINT CALCULATED
- DENOTES MARK MONUMENT 6614011
- ② DENOTES UTILITY POLE
- DENOTES TELEPHONE REED
- △ DENOTES ONE METER
- DENOTES 20 MANHOLE

- DENOTES EDGE OF EASEMENT
- DENOTES OVERHUNG LINES
- DENOTES POLE LINE

1. BASE OF BEARING IS FROM PLAT DIVIDED "LOT LINE ADJUSTMENT OF TRACT 3 LOT 2, TRACT 3 LOT 1A, AND PC 2838 TR. 5" 1983, AND BY REWARD A. CHATROOP MAPLE 11811 DATED MAY 1ST, 1984, AND BEING FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN NEW MEXICO, P.M. 654.
2. OVER IN () IS FROM PLAT OF NOTE #1.
3. THIS PLAT IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.

CITY NOTES

1. THIS PROPERTY IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD WHICH PERTAIN.
2. NO PART OF THIS PROPERTY LIES WITHIN ANY DESIGNATED FLOOD ZONE ACCORDING TO FEMA FLOOD INSURANCE RATE MAP PANEL 40.
3. RECORDING OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL BY THE CITY OF ANY ENCROACHMENTS INTO PRIVATE PROPERTY.
4. EACH LOT SHALL BE SERVED BY SEWER AND WATER SERVICE AT THE TIME OF DEVELOPMENT.
5. TOWNSHIP MANAGEMENT REGULATIONS, SECS 14-20, SHALL BE COMPLIED WITH AT THE TIME OF BUILDING PERMIT APPLICATION.
6. PURSUANT TO SECS 14-20, A CAPITAL IMPROVEMENT FEE HAS BEEN ASSESSED ON THESE LOTS. ANYONE DESIRING TO BUILD SHOULD CONTACT STAFF AT CITY HALL.

PLAT REFERENCES

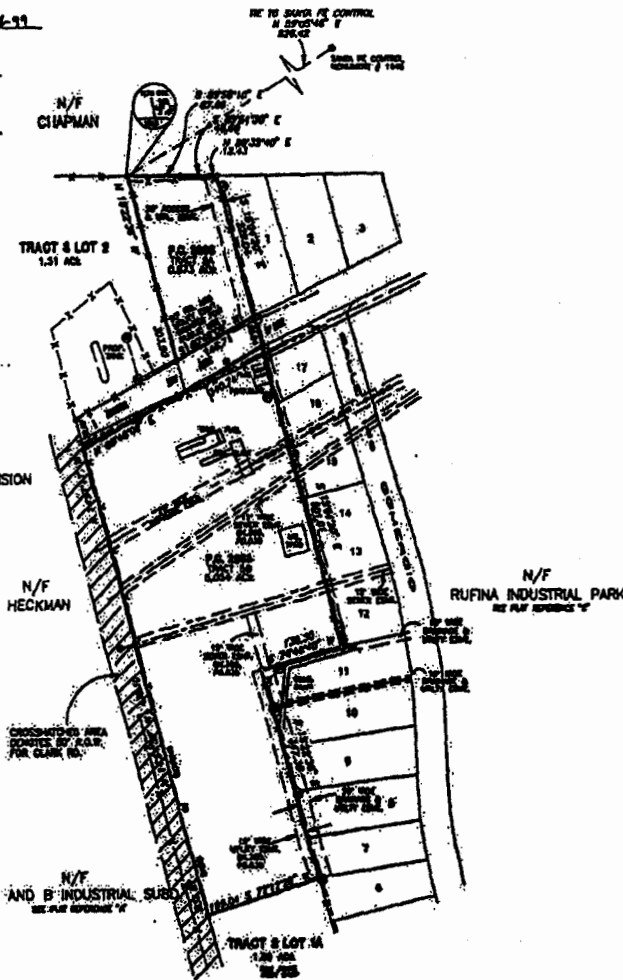
- A. "R AND B INDUSTRIAL SUBDIVISION" BY GEORGE BROWN AND FILED IN PLAT 284, 1943, IN THE OFFICE OF THE SANTA FE CO. CLERK.
- B. "INDUSTRIAL SUBDIVISION" BY GEORGE BROWN AND FILED IN PLAT 284, 1943, IN THE OFFICE OF THE SANTA FE CO. CLERK.
- C. "RUFINA INDUSTRIAL PARK" BY RUFINA INDUSTRIAL PARK AND FILED IN PLAT 284, 1943, IN THE OFFICE OF THE SANTA FE CO. CLERK.

LOT SPLIT FOR
 MONTOYA CHILDREN AND GRANDCHI
 IRREVOCABLE TRUST OF
 PC 2838 TR. 5

LYING WITHIN SECTION 33, T17N, R2E, NMPL, SANTA FE CO NEW MEXICO.

RICK CHATROOP
 PROFESSIONAL LAND SURVEYOR
 NEW MEXICO REGISTRATION NO. 116
 (800) 470-0007 410 N. SAN RAFAEL ST. SANTA FE

BOOKING INFORMATION FOR THE COUNTY CLERK
 ORDERED MONTOYA
 APPROVED LYING WITHIN SECTION 33, T17N, R2E, NMPL, SANTA FE



DEDICATION AND AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS HAVE CAUSED TO BE DEDICATED THESE LANDS SHOWN HEREON. THIS DEDICATION IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE POWERS AND DUTIES OF SAID OWNERS. UTILITY EASEMENTS ARE GRANTED INDEMNITIES AS SHOWN AND FOR EXISTING UTILITIES. OTHER EASEMENTS ARE SHOWN AS SHOWN.

THE UNDERSIGNED CERTIFY THAT THEY ARE THE OWNERS OF THE PLANNED AND PLATTED SUBDIVISION OF THE CITY OF SANTA FE, NEW MEXICO.

[Signature]
 GEORGE BROWN, JR. COUNTY PUBLIC ENGINEER

STATE OF NEW MEXICO
 COUNTY OF SANTA FE

THE FOREGOING INSTRUMENT WAS SHOWN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY *[Signature]*
 TITLE TO THE DAY OF *[Signature]* 1999 *[Signature]*
 MY COMMISSION EXPIRES 11-15-2000 NOTARY PUBLIC



SCALE 1"=100'

SANJAE DE CONSTRUCTION CO. *[Signature]* DATE 5-10-99
 LANDSCAPE ARCHITECTURE *[Signature]* DATE 5-10-99
 PUBLIC SERVICE CO. OF NEW MEXICO *[Signature]* DATE 5-10-99
 GAS CO. OF NEW MEXICO *[Signature]* DATE 5-10-99

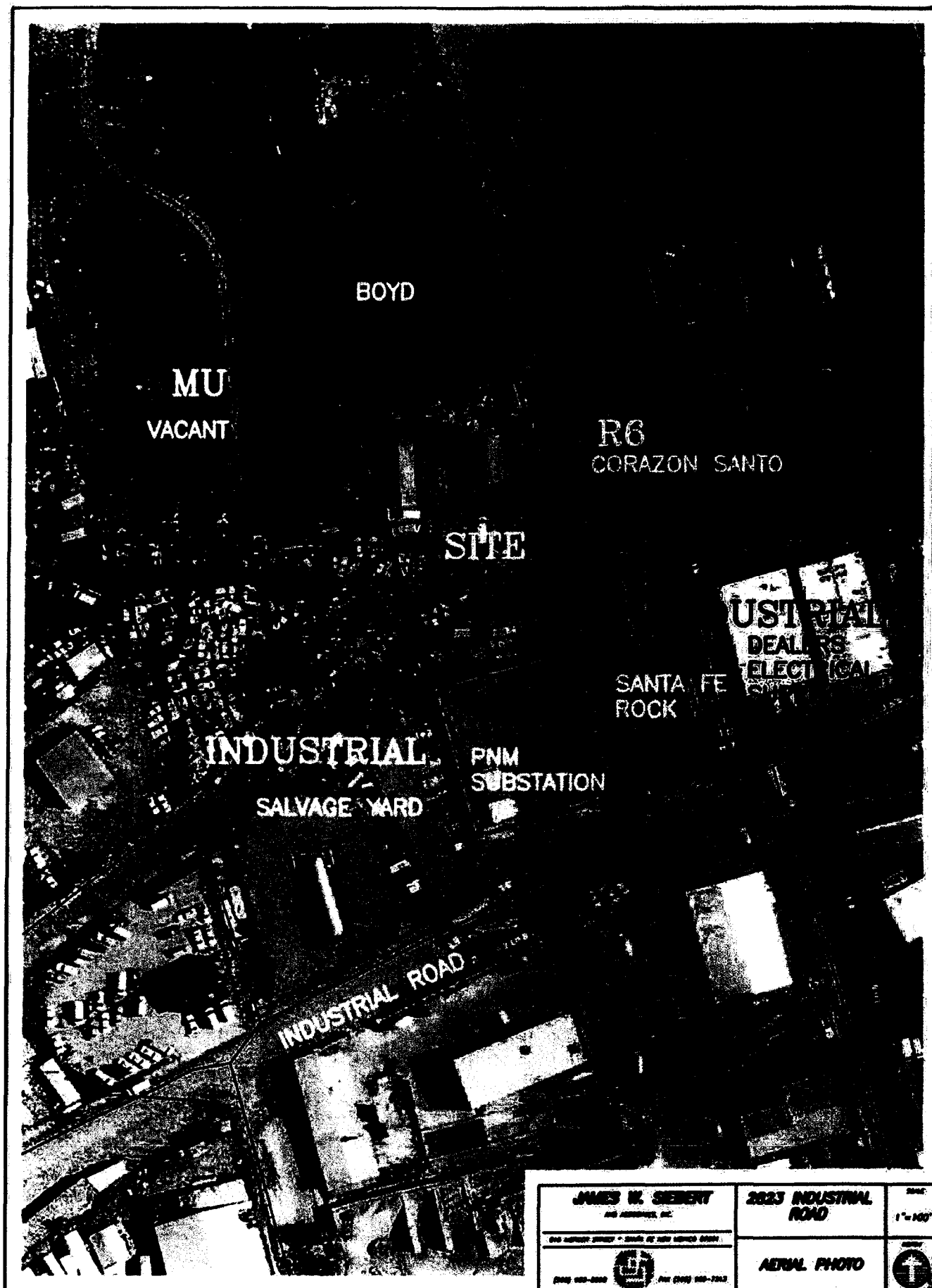
SURVEYORS CERTIFICATE



I HEREBY CERTIFY THAT THIS PLAT AND THE NOTES HEREON ARE AN ACCURATE REPRESENTATION OF A FIELD SURVEY COMPLETED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THE SURVEYOR HAS PROFESSIONAL LAND SURVEYING EXPERIENCE IN NEW MEXICO.

[Signature] 12/15/2011
 RICK CHATROOP

APPENDIX F

AERIAL DESCRIPTION OF LOCATION AND SUBJECT TRACT



JAMES H. SIEBERT AND ASSOCIATES, INC. <small>ONE HUNTER STREET • SUITE 401 NEW BRUNSWICK, NJ 08901</small>  <small>(908) 850-8800 Fax (908) 850-7343</small>	2023 INDUSTRIAL ROAD AERIAL PHOTO	<small>SCALE</small> 1" = 100' 
---	--	---

APPENDIX G

CERTIFICATE OF OCCUPANCY

0LS00U01

City of Santa Fe *LIVE*
Business Miscellaneous Information Maintenance

11/07/12
09:31:48

Business: GILS PROFESSIONAL AUTO REPAIR
Type information, press Enter.

41858

Seq	Code (F4)	Freeform Information	Date	Display in BP			
				AP	PP	IN	CR
1.00	SRVC	CO ON FILE FOR 2823 INDUSTRIAL RD	81501				
2.00	SIC	75	81501				
3.00							
4.00							
5.00							
6.00							
7.00							
8.00							
9.00							
10.00							
11.00							
12.00							
13.00							
14.00							

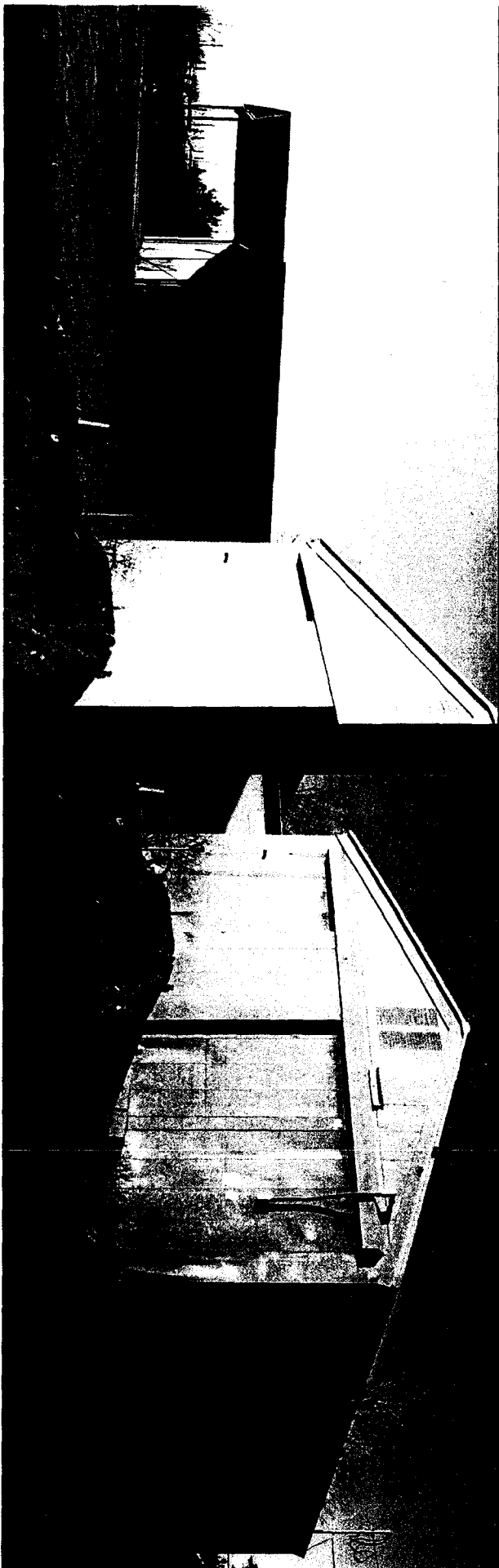
More...

F3=Exit F4=Prompt F12=Cancel



Industrial Road General Plan Amendment & Rezoning

- General Plan Amendment from Residential Low Density to Business Park
- Rezone from R-2 to I-1



Industrial Road

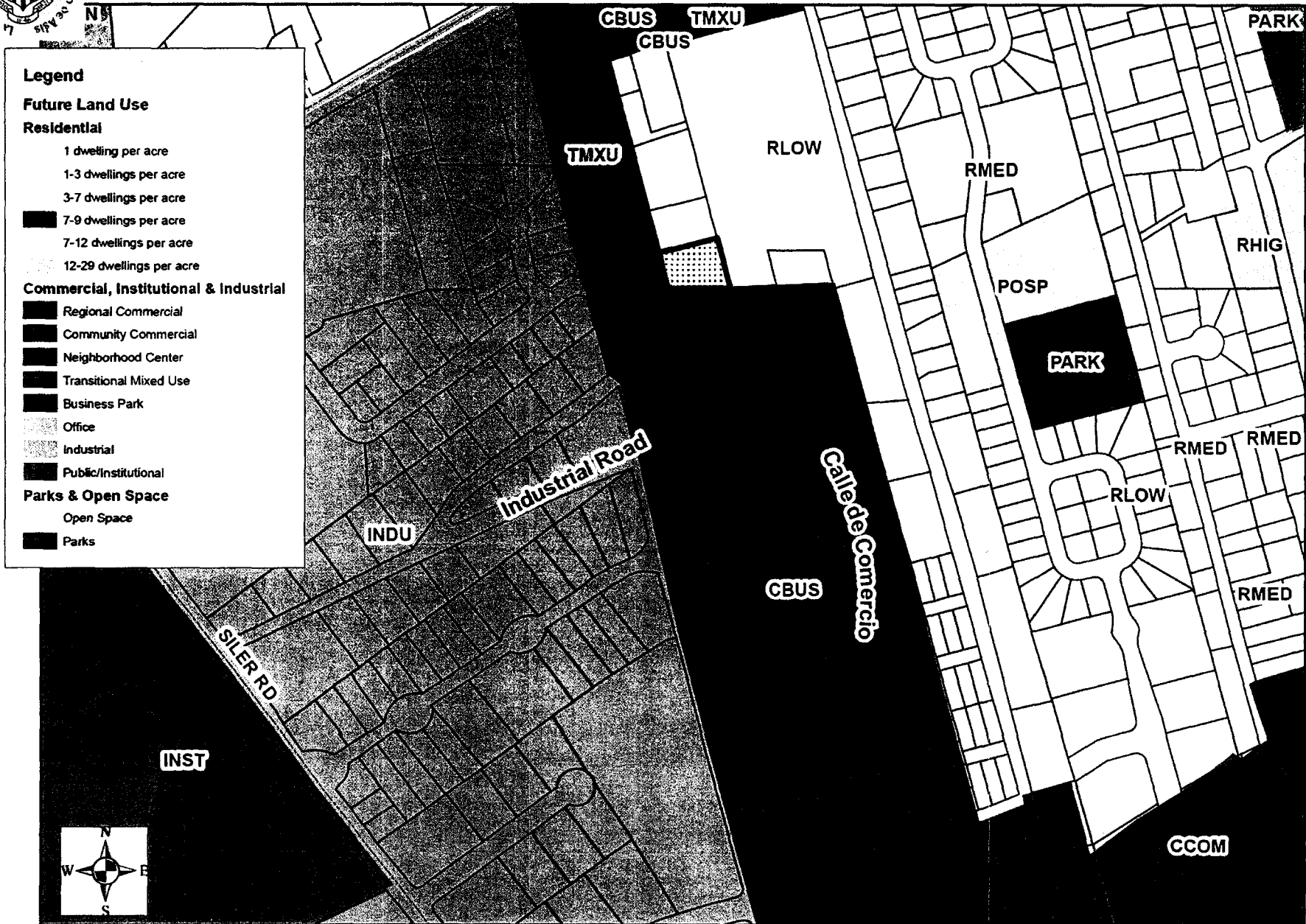


Request:

- 0.38± acre site
- Located in vicinity of Industrial Road and Calle de Comercio
- Accessed via a tract owned by Public Utility Company of NM (PNM)



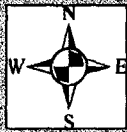
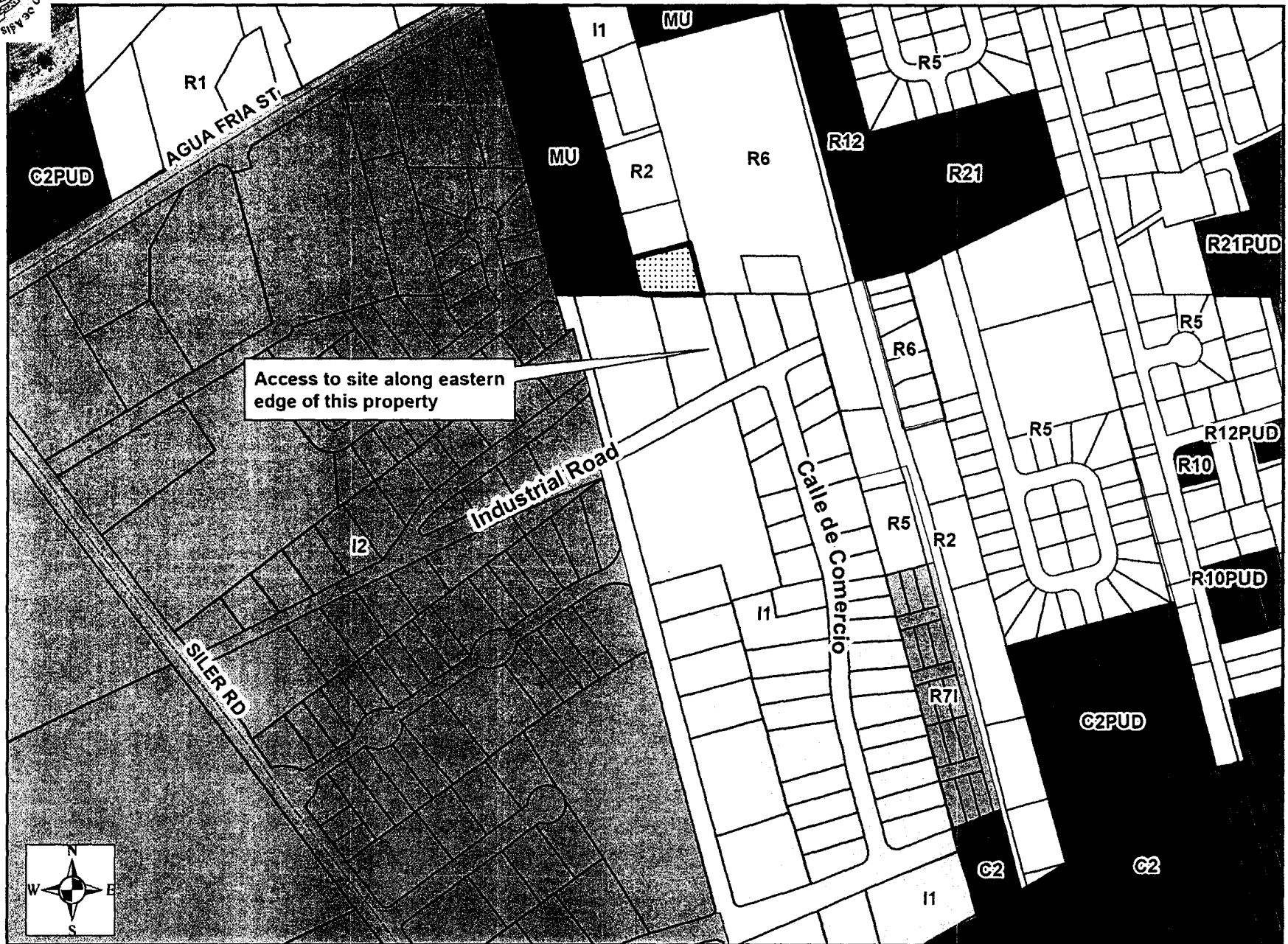
Case #2012-146: 2823 Industrial Road Future Land Use Map



0 145 290 580 870 1,160 Feet



Case #2012-147: 2823 Industrial Road Zoning Map



0 145 290 580 870 1,160 Feet

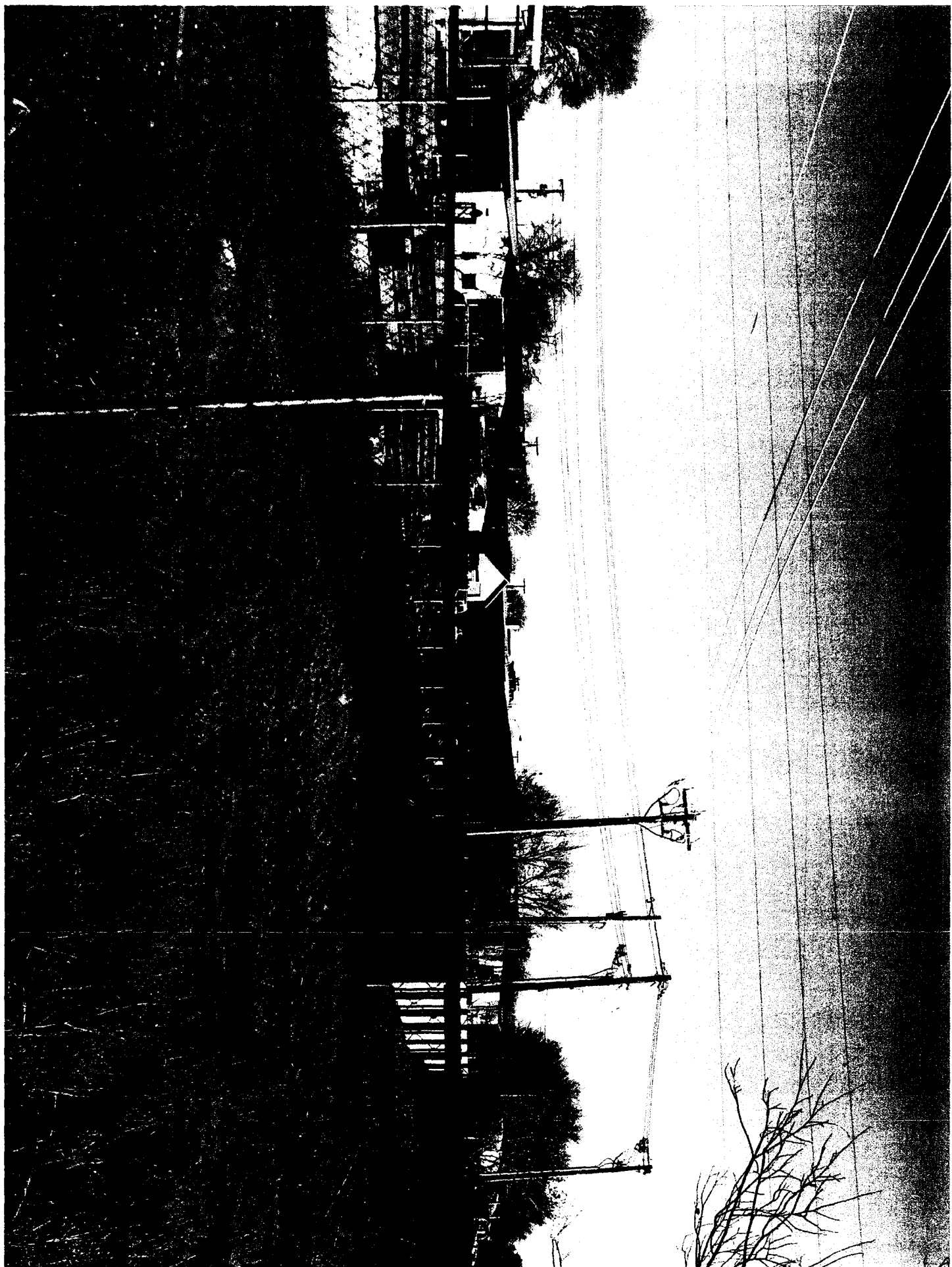


Case #2012-146 & 147: 2823 Industrial Road Aerial



Area outlined in pink is part of the Phase 3 Annexation Area

0 145 290 580 870 1,160 Feet



Industrial Road

- No comments of substance from the Development Review Team
- Site is currently served by water, wastewater, and road infrastructure



Industrial Road

Criteria for a General Plan Amendment:

1. Consistency with growth projections, economic development goals
2. Consistency with other parts of the plan
 - a. Southwest Master Plan



Industrial Road

Criteria General Plan (Con't):

3. Uses significantly different from character of the area;
4. Adjusts boundaries between districts
5. Contributes to coordinated development in Santa Fe
6. Considers other city policies and plans



Industrial Road

Criteria for judging whether a rezoning is appropriate:

- Mistake in original zoning
- Change in the area
- Is the new category more advantageous to the community?



Industrial Road

- Consistent with General Plan
- Infrastructure can accommodate proposed uses

- All criteria for the General Plan Amendment and Rezoning have been met



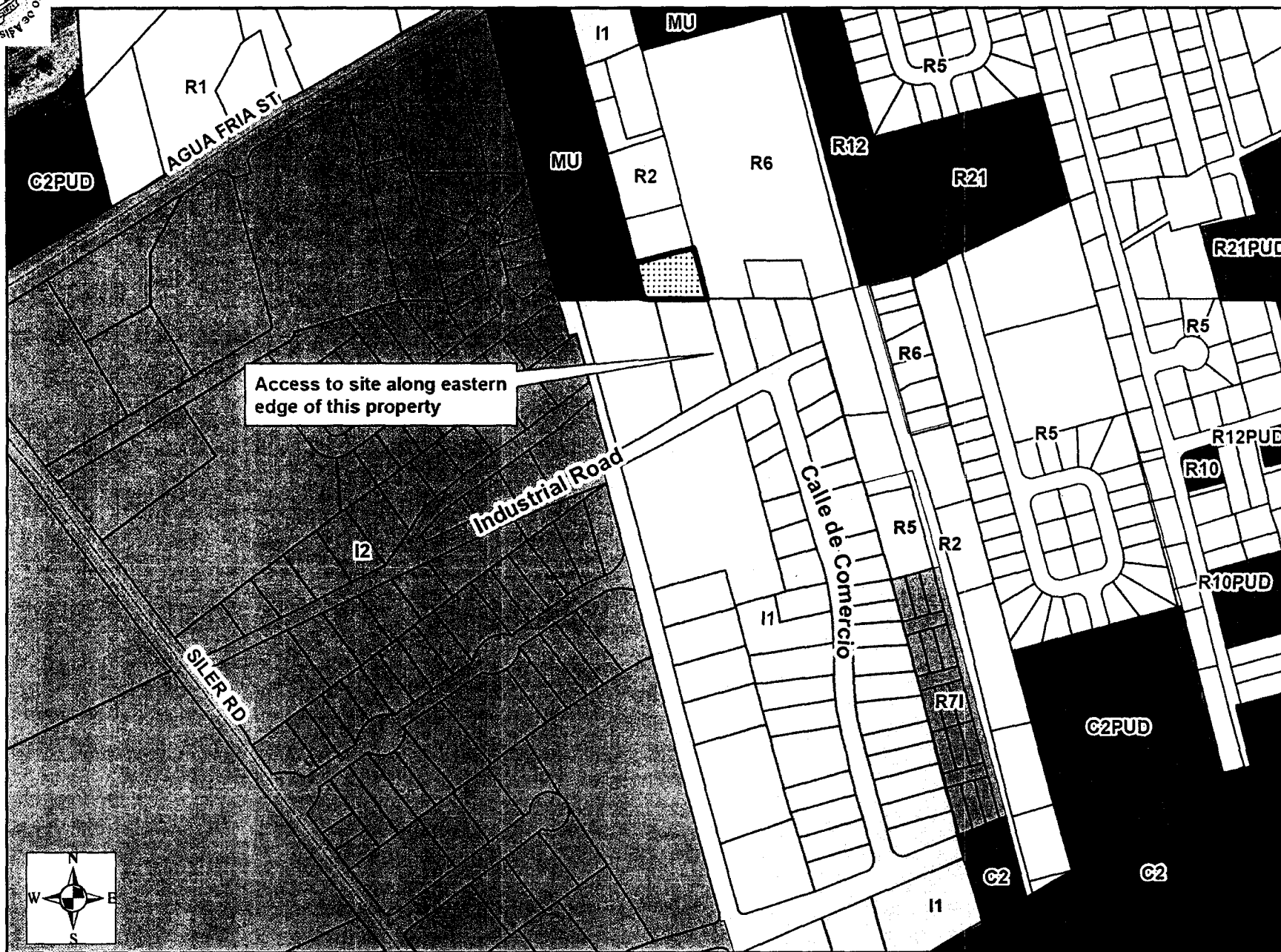
Industrial Road

**The Planning Commission
recommends APPROVAL to the
Governing Body.**





Case #2012-147: 2823 Industrial Road Zoning Map



0 145 290 580 870 1,160 Feet