



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
APRIL 9, 2014  
CITY COUNCIL CHAMBERS

## AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 4/4/14 TIME 3:00 PM

SERVED BY \_\_\_\_\_

RECEIVED BY [Signature]

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – March 26, 2014
9. PRESENTATIONS
  - a) Keep Santa Fe Beautiful's Great American Cleanup Events. (Gilda Montano) (5 minutes)
  - b) Proclamation – "National Service Recognition Day". (5 minutes)
  - c) Muchas Gracias – Maurice Lierz. (5 minutes)
  - d) 2014 Fire Season Outlook and Overview. (Porfirio Chavarria) (5 minutes)
10. CONSENT CALENDAR
  - a) Request for Approval of Amendment No. 2 to Professional Services Agreement – Advertise and Promote City of Santa Fe Recreation Division and Genoveva Chavez Community Center; Hutton Broadcasting, LLC. (Ivie Vigil)
  - b) Request for Approval of Amendment No. 1 to Professional Services Agreement – Construction and Engineering Services for Baca and North Railyard Districts; Santa Fe Railyard Community Corporation. (Robert Siqueiros)
    - 1) Request for Approval of Budget Increase – Santa Fe Railyard Project Fund.



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- c) Request for Approval of Amendment No. 2 to Memorandum of Understanding – Use of Parking Permits for County Employees; Santa Fe County. (PJ Griego)
- d) Request for Conceptual Approval of Sale of Real Estate – Approximately 139 Square Feet with a Portion of Designated Park Parcel of the Evelyn H. Lischke Subdivision Located at 2119 Rancho Siringo Road; Mary E. Schruben. (Edward Vigil)
- e) Request for Approval of Amendment No. 1 to Lease Agreement – Incorporating Additional Requirements of Lessee Regarding Services Provided in Lieu of Rent and Better Collaboration with City Staff to Provide Services to the Public at 201 W. Marcy Street by Aggie Damron-Garner, Managing Director; Lensic Performing Arts Center d/b/a Tickets Santa Fe Box Office. (Edward Vigil)
- f) Request for Approval of Grant Application and Award – FY 2013 Section 5307 Urbanized Area Appropriation for Transit Division; Federal Transit Administration. (Ken Smithson)
  - 1) Request for Approval of Budget Increase – Grant Fund.
- g) Request for Approval of Grant Application and Award – FY 2014 Section 5307 Urbanized Area Appropriation for Transit Division; Federal Transit Administration. (Ken Smithson)
  - 1) Request for Approval of Budget Increase – Grant Fund.
- h) Request for Approval of Professional Services Agreements – 2014-15 Affordable Housing Trust Fund Allocation; Six (6) Various Vendors. (Alexandra Ladd)
  - 1) Life Link (Rental Assistance)
  - 2) Santa Fe Habitat for Humanity (Solar Installation)
  - 3) Santa Fe Habitat for Humanity (Emergency Home Repair)
  - 4) Homewise (Down Payment Assistance)
  - 5) Homewise (Home Improvement)
  - 6) The Housing Trust (Down Payment Assistance)



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- i) Request for Approval of Professional Services Agreements – 2014-15 Community Development Block Grant (CDBG) Funds Allocation; Eleven (11) Various Vendors. (Alexandra Ladd)
  - 1) Esperanza Shelter (Emergency Assistance Program)
  - 2) Homewise (Down Payment Assistance)
  - 3) Santa Fe Habitat for Humanity (Down Payment Assistance)
  - 4) Homewise (Home Improvement)
  - 5) Santa Fe Recovery Center (Accessibility Improvement)
  - 6) Santa Fe Youthworks (Facility Improvements)
  - 7) Kitchen Angels (Home Delivery Service of Meals)
  - 8) SFPS Adelante Program (Deferred Action Project)
  - 9) SFPS Adelante Program (Graduation Project)
  - 10) St. Elizabeth's Shelter (Syringe Facility Improvement)
  - 11) The Housing Trust (Down Payment Assistance)
- j) Request for Approval of Professional Services Agreement – Santa Fe Metropolitan Planning Organization Public Transit Master Plan (RFP #14/25/P); KRH Group, Inc. (Erick Aune)
  - 1) Request for Approval of Budget Increase – Grant Fund.
- k) Request for Approval of Amendment No. 1 to Professional Services Agreement – Completion of Phase II of Santa Fe Metropolitan Pedestrian Master Plan for Metropolitan Planning Organization; Design Office. (Mark Tibbetts)
  - 1) Request for Approval of Budget Increase – ½% GRT Income Fund.
- l) Request for Approval of Grant Award – FY 2014 Santa Fe Metropolitan Planning Organization Work Authorization; New Mexico Department of Transportation. (Mark Tibbetts)
  - 1) Request for Approval of Budget Increase – Grant Fund.
- m) CONSIDERATION OF RESOLUTION NO. 2014-\_\_\_\_. (Councilor Dimas, Councilor Bushee and Councilor Lindell)  
A Resolution Authorizing the Establishment of a LEAD Policy Committee and LEAD Case Coordination Subcommittee to Ensure the Efficient and Ethical Operations of the LEAD Santa Fe Program. (Terrie Rodriguez)



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- n) CONSIDERATION OF RESOLUTION NO. 2014-\_\_\_\_. (Councilor Dominguez and Councilor Rivera)  
A Resolution Directing Staff to Explore Potential City of Santa Fe Taxpayer Empowerment Policies Related to Outsourced City Services that Would Promote Transparency, Accountability, Shared Prosperity and Competition. (Judith Amer)
- o) CONSIDERATION OF RESOLUTION NO. 2014-\_\_\_\_. (Councilor Bushee, Councilor Ives, Councilor Rivera and Councilor Lindell)  
A Resolution Directing Staff to Study the Feasibility and Fiscal Impact of Establishing a Single-Stream Recycling Program for the City of Santa Fe. (Nick Schiavo)
- 11. In Accordance with the Request of the Mayor at the March 26, 2014 Meeting of the Governing Body, Report of the City Manager and the City Attorney on the Development of the Railyard; the Construction of the Underground Parking Garage, Market Station Building and Adjacent Infrastructure; and the Settlements with the Construction Contractor and with Railyard Company LLC. (Brian Snyder and Kelley Brennan)
- 12. MATTERS FROM THE CITY MANAGER
- 13. MATTERS FROM THE CITY ATTORNEY
- 14. MATTERS FROM THE CITY CLERK
- 15. COMMUNICATIONS FROM THE GOVERNING BODY

## EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR





# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
APRIL 9, 2014  
CITY COUNCIL CHAMBERS

## G. APPOINTMENTS

- Public Safety Committee
- Capital Improvements Advisory Committee
- City Business and Quality of Life Committee
- Economic Development Review Subcommittee

## H. PUBLIC HEARINGS:

- 1) Request from Santa Fe University of Art and Design (SFUAD) for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Beer and Wine at SFUAD's Marion Center, 1600 St. Michaels Drive. The Request is for a Santa Fe Alumni Reunion to be Held May 2, 2014 from 7:00 p.m. to 9:00 p.m. (Yolanda Y. Vigil)
- 2) CONSIDERATION OF BILL NO. 2014-13: ADOPTION OF ORDINANCE NO. 2014-\_\_\_\_\_.  
**Case #2013-128. Homewise Rezoning.** JenkinsGavin Design & Development, Inc., Agent for Homewise, Inc., Requests Rezoning of 2.39± Acres of Land from I-2 (General Industrial) to I-1 (Light Industrial) to Accommodate a Proposed 20,000± Square Foot Office Building. The Property is Located at 2868 Rufina Street. (Donna Wynant)
- 3) CONSIDERATION OF RESOLUTION NO. 2014-\_\_\_\_\_.  
**Case #2013-130. 311-317 Camino Alire General Plan Amendment.** David Schutz, Agent for Desert Academy, Requests Approval of a General Plan Future Land Use Map Amendment to Change the Designation of 1.38± Acres of Land from Residential Low Density (3-7 Dwelling Units per Acre) to Office. The Property is the Former Desert Academy Campus, and is Located on the East Side of Camino Alire Between Agua Fria and Alto Street. (Donna Wynant)
- 4) CONSIDERATION OF BILL NO. 2014-14: ADOPTION OF ORDINANCE NO. 2014-\_\_\_\_\_.  
**Case #2013-131. 311-317 Camino Alire Rezoning.** David Schutz, Agent for Desert Academy, Requests Rezoning of 1.38± Acres of Land from R-5 (Residential, 5 Dwelling Units per Acre) to C-1 (Office and Related Commercial). The Property is the Former Desert Academy Campus, and is Located on the East Side of Camino Alire Between Agua Fria and Alto Street. (Donna Wynant)



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- 5) CONSIDERATION OF BILL NO. 2013-42: ADOPTION OF ORDINANCE NO. 2014-\_\_\_\_. (Mayor Coss)  
An Ordinance Relating to the City of Santa Fe Economic Development Plan Ordinance, Article 11-11 SFCC 1987; Amending Ordinance No. 2013-2 for the Purpose of Approving and Adopting a Second Amended Local Economic Development Project Participation Agreement Between the City of Santa Fe and Rodeo Property, Inc. for an Indoor Multipurpose Facility, a Local Economic Development Project. (Fabian Trujillo) (Postponed at February 12, 2014 City Council Meeting) **(Withdrawn by Staff)**
- a) Request for Approval of Economic Development Second Amended Project Participation Agreement Between the City of Santa Fe and Rodeo Property, Inc. (Postponed at February 12, 2014 City Council Meeting) **(Withdrawn by Staff)**
- b) Request for Approval of Memorandum of Understanding Between the City of Santa Fe and Santa Fe County. (Postponed at February 12, 2014 City Council Meeting) **(Withdrawn by Staff)**

## G. 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  
April 9, 2014

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APPROVAL OF AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-4
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – MARCH 31, 2014	Approved	4
<u>PRESENTATIONS</u>		
KEEP SANTA FE BEAUTIFUL'S GREAT AMERICAN CLEANUP EVENTS		5
PROCLAMATION – "NATIONAL SERVICE RECOGNITION DAY"		6
MUCHAS GRACIAS – MAURICE LIERZ		6
PROCLAMATION BATAAN REMEMBRANCE DAY FOR THE BATAAN DEATH MARCH		6-7
2014 FIRE SEASON OUTLOOK AND OVERVIEW		7-11
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – ADVERTISE AND PROMOTE CITY OF SANTA FE RECREATION DIVISION AND GENOVEVA CHAVEZ COMMUNITY CENTER; HUTTON BROADCASTING, LLC	Approved w/direction to staff	11-13

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – CONSTRUCTION AND ENGINEERING SERVICES FOR BACA AND NORTH RAILYARD DISTRICTS; SANTA FE RAILYARD COMMUNITY CORPORATION	Approved	13-14
REQUEST FOR APPROVAL OF BUDGET INCREASE – SANTA FE RAILYARD PROJECT FUND	Approved	13-14
REQUEST FOR APPROVAL OF GRANT AWARD – FY 2014 SANTA FE METROPOLITAN PLANNING ORGANIZATION WORK AUTHORIZATION; NEW MEXICO DEPARTMENT OF TRANSPORTATION	Approved	14-15
IN ACCORDANCE WITH THE REQUEST OF THE MAYOR AT THE MARCH 26, 2014 MEETING OF THE GOVERNING BODY, REPORT OF THE CITY MANAGER AND THE CITY ATTORNEY ON THE DEVELOPMENT OF THE RAILYARD; THE CONSTRUCTION OF THE UNDERGROUND PARKING GARAGE, MARKET STATION BUILDING AND ADJACENT INFRASTRUCTURE; AND THE SETTLEMENTS WITH THE CONSTRUCTION CONTRACTOR AND WITH RAILYARD COMPANY, LLC	Information/discussion	15-19
MATTERS FROM THE CITY MANAGER	None	19
MATTERS FROM THE CITY ATTORNEY	None	20
MATTERS FROM THE CITY CLERK	None	20
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	20-26
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	27
PETITIONS FROM THE FLOOR		27-29

ITEMACTIONPAGE #APPOINTMENTS

Public Safety Committee	Approved	29
Capital Improvements Advisory Committee	Approved	30
City Business and Quality of Life Committee	Approved	30
Economic Development Review Subcommittee	Approved	30-31

PUBLIC HEARINGS

REQUEST FROM SANTA FE UNIVERSITY OF ART AND DESIGN (SFUAD) FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF BEER AND WINE AT SFUAD'S MARION CENTER, 1600 ST. MICHAEL'S DRIVE. THE REQUEST IS FOR A SANTA FE ALUMNI REUNION TO BE HELD MAY 2, 2014 FROM 7:00 P.M. TO 9:00 P.M.	Approved	31-32
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CONSIDERATION OF BILL NO. 2014-13: ADOPTION OF ORDINANCE NO. 2014-16. <u>CASE #2013-128. HOMEWISE REZONING.</u> JENKINS GAVIN DESIGN & DEVELOPMENT, INC., AGENT FOR HOMEWISE, INC., REQUESTS REZONING OF 2.39± ACRES OF LAND FROM I-2 (GENERAL INDUSTRIAL) TO I-1 (LIGHT INDUSTRIAL) TO ACCOMMODATE A PROPOSED 20,000± SQUARE FOOT OFFICE BUILDING. THE PROPERTY IS LOCATED AT 2868 RUFINA STREET	Approved	32-36
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CONSIDERATION OF RESOLUTION NO. 2014-27. <u>CASE #2013-130. 311-317 CAMINO ALIRE</u> GENERAL PLAN AMENDMENT. DAVID SCHUTZ, AGENT FOR DESERT ACADEMY, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 1.38± ACRES OF LAND FROM RESIDENTIAL LOW DENSITY (3-7 DWELLING UNITS PER ACRE) TO OFFICE. THE PROPERTY IS THE FORMER DESERT ACADEMY CAMPUS, AND IS LOCATED ON THE EAST SIDE OF CAMINO ALIRE BETWEEN AGUA FRIA AND ALTO STREET	Approved	36-40
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<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<p>CONSIDERATION OF BILL NO. 2014-13:  ADOPTION OF ORDINANCE NO. 2014-17.  <u>CASE #2013-131</u>. 311-137 CAMINO ALIRE  REZONING. DAVID SCHUTZ, AGENT FOR  DESERT ACADEMY, REQUESTS REZONING  OF 1.38± ACRES OF LAND FROM R-5  (RESIDENTIAL, 5 DWELLING UNITS PER ACRE)  TO C-1 (OFFICE AND RELATED COMMERCIAL).  THE PROPERTY IS THE FORMER DESERT  ACADEMY CAMPUS, AND IS LOCATED ON  THE EAST SIDE OF CAMINO ALIRE BETWEEN  AGUA FRIA AND ALTO STREET</p>	Approved	36-40
<p>CONSIDERATION OF BILL NO. 2013-42: ADOPTION  OF ORDINANCE NO. 2014- ____ (MAYOR COSS).  AN ORDINANCE RELATING TO THE CITY OF  SANTA FE ECONOMIC DEVELOPMENT PLAN  ORDINANCE, ARTICLE 11-11 SFCC 1987;  AMENDING ORDINANCE NO. 2013-2 FOR THE  PURPOSE OF APPROVING AND ADOPTING A  SECOND AMENDED LOCAL ECONOMIC  DEVELOPMENT PROJECT PARTICIPATION  AGREEMENT BETWEEN THE CITY OF SANTA  FE AND RODEO PROPERTY, INC., FOR AN  INDOOR MULTIPURPOSE FACILITY, A LOCAL  ECONOMIC DEVELOPMENT PROJECT.</p>	Withdrawn by staff	41
<p>REQUEST FOR APPROVAL OF ECONOMIC  DEVELOPMENT SECOND AMENDED  PROJECT PARTICIPATION AGREEMENT  BETWEEN THE CITY OF SANTA FE AND  RODEO PROPERTY, INC.</p>	Withdrawn by staff	41
<p>REQUEST FOR APPROVAL OF  MEMORANDUM OF UNDERSTANDING  BETWEEN THE CITY OF SANTA FE AND  SANTA FE COUNTY</p>	Withdrawn by staff	41
ADJOURN		41

**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
April 9, 2014**

**AFTERNOON SESSION**

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Javier M. Gonzales, on Wednesday, April 9, 2014, 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 Javier M. Gonzales  
Councilor Patti J. Bushee  
Councilor Bill Dimas  
Councilor Carmichael A. Dominguez  
Councilor Peter N. Ives  
Councilor Signe I. Lindell  
Councilor Joseph M. Maestas  
Councilor Christopher M. Rivera  
Councilor Ronald S. Trujillo

**Others Attending**

Brian K. Snyder, City Manager  
Kelley Brennan, Interim City Attorney  
Yolanda Y. Vigil, City Clerk  
Carl Boaz, Council Stenographer

**6. APPROVAL OF AGENDA**

Mr. Snyder requested that Item 10(m) on the Afternoon Agenda be postponed to the Council meeting of April 30, 2014

Councilor Dominguez requested that Item 10(n) on the Afternoon Agenda be sent to the CBQL. He asked Ms. Vigil to send him an email about the next CBQL meeting date.

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

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

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

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

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

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

**Against:** None.

## **10. CONSENT CALENDAR**

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, March 24, 2014, regarding item 10(f), is incorporated herewith to these minutes as Exhibit "1."

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, March 24, 2014, regarding item 10(k)(1), is incorporated herewith to these minutes as Exhibit "2."

- a) *[Removed for discussion by Councilor Ives]*
- b) *[Removed for discussion by Councilor Ives]*
- c) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO MEMORANDUM OF UNDERSTANDING – USE OF PARKING PERMITS FOR COUNTY EMPLOYEES; SANTA FE COUNTY. (P.J. GRIEGO)**
- d) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 3 – CITY OF SANTA FE RESERVOIRS CONCEPTUAL APPROVAL OF SALE OF REAL ESTATE – APPROXIMATELY 139 SQUARE FEET WITH A PORTION OF DESIGNATED PARK PARCEL OF THE EVELYN H. LISCHKE SUBDIVISION, LOCATED AT 2119 SIRINGO ROAD; MARY E. SCHRUBEN. (EDWARD VIGIL)**



- e) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO LEASE AGREEMENT – INCORPORATING ADDITIONAL REQUIREMENTS OF LESSEE REGARDING SERVICES PROVIDED IN LIEU OF RENT AND BETTER COLLABORATION WITH CITY STAFF TO PROVIDE SERVICES TO THE PUBLIC AT 201 W. MARCY STREET BY AGGIE DAMRON-GARNER, MANAGING DIRECTOR; LENSIC PERFORMING ARTS CENTER D/B/A TICKETS SANTA FE BOX OFFICE. (EDWARD VIGIL)**
- f) **REQUEST FOR APPROVAL OF GRANT APPLICATION AND AWARD – FY 2013 SECTION 5307 URBANIZED AREA APPROPRIATION FOR TRANSIT DIVISION; FEDERAL TRANSIT ADMINISTRATION. (KEN SMITHSON)**
  - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- g) **REQUEST FOR APPROVAL OF GRANT APPLICATION AND AWARD – FY 2014 SECTION 5307 URBANIZED AREA APPROPRIATION FOR TRANSIT DIVISION; FEDERAL TRANSIT ADMINISTRATION. (KEN SMITHSON)**
  - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- h) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – 2014-15 AFFORDABLE HOUSING TRUST FUND ALLOCATION; SIX (6) VARIOUS VENDORS. (ALEXANDRA LADD)**
  - 1) **LIFE LINK (RENTAL ASSISTANCE)**
  - 2) **SANTA FE HABITAT FOR HUMANITY (SOLAR INSTALLATION)**
  - 3) **SANTA FE HABITAT FOR HUMANITY (EMERGENCY HOME REPAIR)**
  - 4) **HOMEWISE (DOWN PAYMENT ASSISTANCE)**
  - 5) **HOMEWISE (HOME IMPROVEMENT)**
  - 6) **THE HOUSING TRUST (DOWN PAYMENT ASSISTANCE)**
- i) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – 2014-15 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS ALLOCATION; ELEVEN (11) VARIOUS VENDORS. (ALEXANDRA LADD)**
  - 1) **ESPERANZA SHELTER (EMERGENCY ASSISTANCE PROGRAM)**
  - 2) **HOMEWISE (DOWN PAYMENT ASSISTANCE)**
  - 3) **SANTA FE HABITAT FOR HUMANITY (DOWN PAYMENT ASSISTANCE)**
  - 4) **HOMEWISE (HOME IMPROVEMENT)**
  - 5) **SANTA FE RECOVERY CENTER (ACCESSIBILITY IMPROVEMENT)**
  - 6) **SANTA FE YOUTHWORKS (FACILITY IMPROVEMENTS)**
  - 7) **KITCHEN ANGELS (HOME DELIVERY SERVICE OF MEALS)**
  - 8) **SFPS ADELANTE PROGRAM (DEFERRED ACTION PROJECT)**
  - 9) **SFPS ADELANTE PROGRAM (GRADUATION PROJECT)**
  - 10) **ST. ELIZABETH'S SHELTER (SIRINGO FACILITY IMPROVEMENT)**
  - 11) **THE HOUSING TRUST (DOWN PAYMENT ASSISTANCE)**

- j) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – SANTA FE METROPOLITAN PLANNING ORGANIZATION PUBLIC TRANSIT MASTER PLAN (RFP #14/25/P); KRH GROUP, INC. (ERICK AUNE)
  - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.
- k) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – COMPLETION OF PHASE II OF SANTA FE METROPOLITAN PEDESTRIAN MASTER PLAN FOR METROPOLITAN PLANNING ORGANIZATION; DESIGN OFFICE. (MARK TIBBETTS)
  - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – ½ % GRT INCOME FUND.
- l) *[Removed for discussion by Councilor Trujillo]*
- m) CONSIDERATION OF RESOLUTION NO. 2014- \_\_\_\_ (COUNCILOR DIMAS, COUNCILOR BUSHEE AND COUNCILOR LINDELL). A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A LEAD POLICY COMMITTEE AND LEAD CASE COORDINATION SUBCOMMITTEE TO ENSURE THE EFFICIENT AND ETHICAL OPERATIONS OF THE LEAD SANTA FE PROGRAM. *This item is postponed to the April 30 2014 Council Meeting.*
- n) CONSIDERATION OF RESOLUTION NO. 2014- \_\_\_\_ (COUNCILOR DOMINGUEZ AND COUNCILOR RIVERA). A RESOLUTION DIRECTING STAFF TO EXPLORE POTENTIAL CITY OF SANTA FE TAXPAYER EMPOWERMENT POLICIES RELATED TO OUTSOURCED CITY SERVICES THAT WOULD PROMOTE TRANSPARENCY, ACCOUNTABILITY, SHARED PROSPERITY AND COMPETITION. (JUDITH AMER)  
Referred to the Business & Quality of Life Committee.
- o) CONSIDERATION OF RESOLUTION NO. 2014-26 (COUNCILOR BUSHEE, COUNCILOR IVES, COUNCILOR RIVERA AND COUNCILOR LINDELL). A RESOLUTION DIRECTING STAFF TO STUDY THE FEASIBILITY AND FISCAL IMPACT OF ESTABLISHING A SINGLE-STREAM RECYCLING PROGRAM FOR THE CITY OF SANTA FE. (NICK SCHIAVO)

**8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – MARCH 31, 2014.**

**MOTION:** Councilor Trujillo moved, seconded by Councilor Maestas, to approve the minutes of the Regular City Council meeting of March 31, 2014, as presented.

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

## 9. PRESENTATIONS

### a) **KEEP SANTA FE BEAUTIFUL'S GREAT AMERICAN CLEANUP EVENTS. (GILDA MONTANO)**

Gilda Montano reviewed what is happening during the Great American Cleanup. She said the Annual Great American Spring Cleanup is scheduled for April 26, 2014, and invited the neighborhoods, individuals and anyone needing community service to come and help. She said Keep Santa Fe Beautiful will provide bags, gloves and tee-shirts. She said the Parks Crews and Environmental Services Division crews help them to clean up, pick up all the trash after it is collected. She said this year, we will have some of fire department grant employees helping picking up green waste.

Ms. Montano said they also have asked the Schools to do campus cleanup. We've sent them flyers and we've offered them the bags and any other materials they need. She said BuRRT is having an amnesty day on April 26<sup>th</sup> as well, for City and County residents. This is a good opportunity for people to take large appliances, furniture, mattresses, any remodeling materials, electronic waste – computers, printers, monitors, televisions and small appliances. They also will be accepting household cleaners, automotive products, paint, solvents, poisons, fertilizer, batteries, etc. They also are going to allow residents to take any tires they might have, and the tires and green waste will be accepted on Saturday and Sunday. She said all of the information is in the packet she gave them. She invited the Governing Body to come out and help them to clean up, and they can assign them, or they can just do a cleanup in their own district, which also would be great.

Ms. Montano said on that same day, there will be a prescription drug drop-off at different places around the City where people can take old medications or those that have expired.

Ms. Montano said the Earth Day event will be at the GCCC on Sunday, April 27, 2014, and they will be giving away 125 trees, first come first served. They will also be serving appetizers and giving out recycling bins as well.

Ms. Montano said this is a great opportunity to clean up Santa Fe, especially since they won't be charged at BuRRT on that day.

Councilor Dominguez thanked Gilda for all her work this year and in years past, and especially for working with the Sidewalk Angels in Tierra Contenta. They are excited to participate again this year. He thanked her for meeting with him Councilor Rivera and the Sidewalk Angels.

Ms. Montano said Keep Santa Fe Beautiful is celebrating its 30 year anniversary. She thanked the Governing Body for allowing this program to continue.

**b) PROCLAMATION – “NATIONAL SERVICE RECOGNITION DAY.”**

Mayor Gonzales asked Councilor Maestas to read the proclamation.

Councilor Maestas, assisted by Mr. Dykstra, read the proclamation into the record, and provided a copy of the Proclamation to Mr. Dykstra.

**c) MUCHAS GRACIAS – MAURICE LIERZ**

Councilor Ives read the Muchas Gracias into the record and presented the Muchas Gracias Certificate to Maurice Lierz for his service with the City Audit Committee, which has become a permanent part of our Charter. He said the elevation of the Committee to that status and the impact of its transparency reflects the work of the Audit Committee.

Mr. Lierz said he has participated in a number of new beginnings, including the City Audit Committee. He noted the Committee members were appointed by the Municipal Judge. He said they met this afternoon, without him, so they are continuing their work. He said he has been impressed with the city's endeavor this year to get the audit submitted on time.

Councilor Ives said this the first time Santa Fe's audit has been on time, which will stand us in good stead with the State.

Mr. Lierz said he appreciates the City Manager's support in making this happen this year.

Councilor Bushee said she is the one who brought forward the idea of the Audit Committee and to make sure the Municipal Judge was doing the appointing. She is appreciative of Mr. Lierz's expertise, knowledge and independence, and that he brought forward issues to the Council.

**c(2) PROCLAMATION BATAAN DEATH MARCH**

Mayor Gonzales said today is the Bataan Remembrance for the Bataan Death March. He said many people from Santa Fe and New Mexico were in the march, and it is important to commit to remembering their sacrifices and what they did for their country.

Mayor Gonzales read the Proclamation into the record, declaring April 9, 2014, as the Bataan Remembrance Day, and presented the proclamation to General Salas.

General Salas shared a poem written by a war correspondent. He said the few remaining survivors of that Death March, who are 95, 96, 97 years old, met today to tell their story, and it is a beautiful story of courage, and of faith and of love. He said, "As far as nobody giving a damn, Alcalde it is clear that you, members of the Council and fellow citizens, it is clear to me that you give a damn. And I salute you and thank you for that."

**d) 2014 FIRE SEASON OUTLOOK AND OVERVIEW. (PORFIRIO CHAVARRIA)**

Mr. Chavarria said each year we have a fire season and but it depends on how severe it is, and how well prepared the City is to address that threat. He said this year, forecasters are calling for moisture impulses almost weekly, and forecasting snow possibly next week. He said this trend will continue until mid May or end of May. He said June will be hot and dry. He said the moisture will grow the fire fuels, and in June it will start to dry out, so we'll probably have a pretty severe season, especially with the continued drought. He said snowpack levels are 50% below normal, and in the Jemez at 1% of normal. We currently are at high fire danger and can go to very high and extreme.

Mr. Chavarria said we have an 8-person hand crew from the City that is doing some fuels work on private and public lands throughout the City. We also have two seasonal engine operators we hired to do home assessments on approximately 10,000 parcels in the City, noting this is a 7-10 year project. He said they just finished interviews to hire 12 youths from a Youth Conservation Corps grant we received, and they will be starting on April 21, 2014. He said we will then have a 20 person hand crew available to fight wildland fires in the State and City.

Mr. Chavarria said all of the departments are trained in wildland preparedness and they have a couple of brush trucks and tenders in the event we have a big event in the City. The other big component is preparedness, and using the Ready/Set/Go program from the International Association of Fire Chiefs and getting the message to homeowners with regard to what they can do to prevent fires, and in the event of evacuation, to know the necessary items they will need for an evacuation.

Mr. Chavarria said they are working with the Canyon Neighborhood area and Monte Serrano area, and they have created small fire committees within their community to address this problem. He is assisting them to create wildfire action plans which will go through all high fire danger areas, and getting the community involvement and buy-in to create plans which address their built environment, their structures, the natural environment of what fuels they have, what trees, vegetation, and how they can address those issue and the social aspect of getting people engaged in wildland fire awareness and then how we can better respond as the Fire Department to an incident.

Mr. Chavarria said some of the fuels projects they're working on through the action plans and some of the other cooperators, are working on the river corridor from Camino Pequeno to Cerro Gordo which provides 45% of our water. He said the loss of the watershed would be devastating to the City. He said they are working with the Nature Conservancy on some of their land and with Santa Fe Beautiful on the green waste pickup day on April 26<sup>th</sup>, and will be providing pickup in some communities for green

waste during the summer. Homeowners can leave green waste on the side of the road, through a coordinated event, through his office for pickup throughout the summer.

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

- Mayor Gonzales commended the Council for their efforts to create a model for wildland protection with the watershed. He said there has been great work by the Watershed Association with the support of the City Council. He said we know our watershed goes well beyond the City limits and is more broad than what we define in that area. He asked if we prepare requests for federal appropriations for more money for the City to expand our efforts in the watershed and to move further out to create more of a buffer and defense zone.

Mr. Chavarria said we have applied through the Assistance to Firefighters Grant for funds, but if you're talking about the Forest Service itself, there is a Good Neighbor Authority which isn't money, but allows us to do some of those projects on their property they have on the books that we may be able to address through the Hazard Mitigation Grant, and through the Office of Emergency Management, there are opportunities there that we have been pursuing.

- Mayor Gonzales said he would like to set a time he can meet with Mr. Chavarria and some of the non-profits focused in that area to see if there is more of a collective strategy we can do at the federal level.

Mr. Chavarria said he has been working with his department, the Watershed Association, Forest Service and the Water Department. They are now working toward the upper upper watershed and the wilderness area to see if there is any possibility of doing some fuels mitigation projects there, not necessarily chainsaws, but perhaps for fire.

- Mayor Gonzales said the work that has been done in the watershed has helped to protect the water supply, but we know it is still under threat, so we have to expand it. He asked if there is technology used by the Forest Service to determine the various levels of drought so we know where the danger spots are that are susceptible to getting this started. He said many times fires are started by humans, many times by lightning strikes.

Mr. Chavarria said there is plenty of modeling that addresses those issues – a whole host of software. He said they have worked with groups to initiate a model for lots of landscape to point out the potential impacts for fire at various locations.

- Mayor Gonzales commended Mr. Chavarria for the work he and the teams do, and said the Council is gratified with their funding and focusing on this area, because it is a tinderbox. He said the Watershed Association took on that responsibility and did an incredible job.

Mr. Chavarria said fire is part of the ecosystem, and we won't eliminate fire but we need to use it when it is appropriate, and try and benefit from that use. He said continued prescribed burns in the watershed will further protect us from a catastrophic fire in there and destroying our water resources.

- Councilor Bushee thanked Mr. Chavarria for his years of efforts in this regard. She said she promoted having green waste pickup twice a season throughout the City, and asked "would your pickup just be the folks you have been helping doing chopping and grinding and areas in foothills, or would you just be helping throughout the City."

Mr. Chavarria said they are trying to concentrate on the high hazard areas, using the green waste pickup as an incentive for people to protect their properties. He said the best impact we've had is people doing stuff 30 feet around their house. It saves lives and homes.

- Councilor Bushee asked, "Do you still have the funds or the potential to do what you were doing in the past few seasons, where you helped folks... you had shredding days with a grinder in the area."

Mr. Chavarria said yes, they have been chipping as well, and picking it up and hauling it to BuRRT which is one of the most effective ways, but using the portable chipper on site is another great way to do it. He said some of the action committees with whom he has been working have been asking if there is a way to create a grant program where the City would pay ½ of the cost of removal to a contractor and they can pick up the other half. There are other discussions on what we can do, other than what our City crews do, as well as what we can do in terms of Code enforcement and what Codes should we be adopting for our wildland fire areas.

- Councilor Bushee said some of the concerns are the homeless who are camping in the foothills and having campfires. They were at the point of wanting to pay for their own security guards. She hopes there is some help to them through the high fire seasons – to have some eyes and ears out there trying to make sure the human potential for causing fires is very limited.

Councilor Bushee would like a status report on what is left to do in the forest.

Mr. Chavarria said we have a really solid program, and part of the assessment will be done by the two people we hired, noting he hopes to do 1,000 property assessments this year. He said if people won't let them, then they do an assessment from the curb. That assessment will show up on our mobile data terminals, and they can pull up information.

- Responding to Councilor Bushee, Mr. Chavarria said we can arrange with the Forest Service for their fuels folks to come and let us know where they are with their projects. He said the lower section has been thinned, and now it is just continuing with the prescribed burns.

- Councilor Bushee suggested a map which shows what has been done and what is remaining. She appreciates his efforts. She said we need to continue the effort. She said Mr. Chavarria and his team have been great with the constituents in District 1.
- Councilor Rivera thanked Mr. Chavarria for his work and for being proactive, and for expanding the program which started many years ago, and it has evolved into something really great.

Councilor Rivera asked Mr. Chavarria to describe the burn process used by the Forest Service.

Mr. Chavarria said, "The Forest Service and federal agencies are required to prepare a burn plan based on 48 different criteria which ends up in a document that is 80 pages or more, detailing the fuels, the soil temperatures, the soil moistures that need to be there, what the weather conditions need to be on that day. So they set up parameters for each of the burns, which are approved by the Forest Supervisor, and/or the Regional Office, to see if the burn plan meets the stated objectives and is doable. It is also peer reviewed by other burn bosses who have done similar plans, to see the parameters are within acceptable limits. On the day of the burn, the District Ranger goes through a check list with the team, etc."

- Councilor Rivera asked if that continues even with the moisture levels are well below normal this year.

Mr. Chavarria said, "Yes. And they go through the plan, and if it exceeds those levels, then they don't do the burns. Those burns need to be in compliance with the plan, and the moisture levels are indicated in the plan, and they can only do them on certain days, certain wind directions. A lot of time it's even what is the lift on the smoke and which direction it is going to go. There are a lot of parameters that go into that decision on that day. And during the burns, those conditions continue to be monitored, and if things start to change, they will reevaluate and decide whether to continue the burn or to stop the ignitions."

- Councilor Rivera said there is a perception that, when there is a forest fire, that anyone that wants to help can do so, and that's not the case. We're part of the program that means you can't self-dispatch, and you have to be invited to participate.

Mr. Chavarria said this is correct. He said, "The Incident Commander at the fire says, I need 5 engines and it goes to the dispatcher, and they go, okay, here's our list, and they call us. You can't just show up to a fire and say, hey I'm ready, put me to work. This is to ensure that the credentials are correct and people have taken the necessary training, have the experience and are qualified to do the work they say they're qualified to do. And it's an accountability system, so the person in charge of the fire knows the personnel out there, and that people don't get lost or get hurt, and are accounted for."

- Councilor Rivera asked how many slash piles are in the reservoir area.



Mr. Chavarria said he is unsure, noting they have added some small thinning projects.

- Councilor Rivera asked if they still will burn those slash piles.

Mr. Chavarria said, "Yes. When conditions and resources allow it."

- Councilor Rivera said last year the Governing Body imposed burn restrictions, and we started fairly early and went month by month. He said although it was a tedious process, it gave us the flexibility if we received a lot of moisture we could stop it at any time. He asked when Mr. Chavarria things we should start that process this year.

Mr. Chavarria said he has discussed this with the Chief, and it seems to be a daily question. He said he thinks creating the process sooner rather than later is the best way to go.

Mr. Chavarria we are at an elevated fire restriction status in the City, more than the County or the Forest Service every day, no matter whether or not there is high fire danger or not.

- Mayor Gonzales said we are all very grateful for the work Mr. Chavarria does, a job well done. He said he has one of the most critical positions in the city to protect water shed and water supply. He said we are ready to support him with whatever he needs to do his job. He looks forward to spending more time with him, and "learning what you are doing and what I can do for you."

## **CONSENT CALENDAR DISCUSSION**

### **10(a) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – ADVERTISE AND PROMOTE CITY OF SANTA FE RECREATION DIVISION AND GENOVEVA CHAVEZ COMMUNITY CENTER; HUTTON BROADCASTING, LLC. (IVIE VIGIL)**

Councilor Ives said he pulled this item for a general request, especially in regard to those contracts on which we are looking at a series of amendments over ensuing years. He said, "The notion of the metrics we use to evaluate whether or not they've been successful, in producing the results we're looking for, is not a topic we cover thoroughly or well enough in our memos coming to Council, but I know I would be interested as these come, and this is really perhaps more directed toward Brian than anybody else, if it is possible to get from staff, as they're bringing these memos on multi-year contracts forward, just some statement of the efficacy of the contract in first instance."

Councilor Ives continued, "I know the Memo here recites that, 'In order to effectively advertise,' we've created all these different platforms to do it on, and to me that doesn't necessary speak to, we know it's been effective because. And that's sort of what I'm looking for. And I don't know if you have an explanation like that here today. If you did, I would love to hear it quickly, and know that I'm going to move to approve this in a moment."

Ivie Vigil said, "To gather the information of how our outreach is, I can speak to Hutton. They have a lot of those reports, and I can ask them for that kind of detail of the audience and so forth. I am currently new at this marketing and so I am learning on a daily basis, but I can gather that information, or find a way to get it."

Councilor Ives said it would be helpful to him, and would make the request, going forward, to have this kind of information in the packet, as we look at renewing multiple year contracts, we have some sense we're actually accomplishing what we hope to do.

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

**DISCUSSION:** Mayor Gonzales said the point made by Councilor Ives is something which should be practiced broadly across the enterprise, and in terms of any type of professional service contracts, should have the outcomes. So the input, in this case, we need money for advertising but we need to know what are the metrics for evaluating success and what is the outcome. The outcome obviously is to get more people to show up at our community centers, but how do we measure that. He said you can take that standard template and apply it where you can, especially when dealing with tourism.

Councilor Dominguez said it sounds like it might be a proper discussion for the taxpayer impoundment agenda that is moving forward. He asked if he would ask staff look at how we can roll that process into some of the legislation that is going to the BQL fairly soon. He would be happy to look at that and see if there is a way to roll it into that piece of legislation.

Councilor Dominguez asked Ms. Vigil if she is going to be doing all of the marketing for all of the recreation.

Ms. Vigil said it is a joint effort with Debbie Jo Almager, Recreation Division Director, herself, and Philip Lujan, the Administrative Assistant. She said they are all doing the marketing piece.

Councilor Dominguez asked if this is the team that has been doing marketing in the past.

Ms. Vigil said, "No, not in the past, just in the current year."

Councilor Dominguez said, then you're coming on board now to do the marketing.

Ms. Vigil said, "No. I've started it since the person who did it previously moved on."

Councilor Dominguez said then you're new relative to the year.

Ms. Vigil said, "I'm a numbers person, so I'm the Administrative Manager."

Mayor Gonzales said, as discussed with Councilor Trujillo, he would like to have the marketing plan presented to the Public Works Committee, and to make that marketing plan available to the rest of the Council, without you having to come to the full Council, so we can be briefed on the various ways you are wanting to increase participation at Parks and Recreation.

Ms. Vigil said they are working on that currently.

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

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

**Against:** None.

- 10 (b) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – CONSTRUCTION AND ENGINEERING SERVICES FOR BACA AND NORTH RAILYARD DISTRICTS; SANTA FE RAILYARD COMMUNITY CORPORATION. (ROBERT SIQUEIROS)**
- 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – SANTA FE RAILYARD PROJECT FUND.**

Councilor Ives said he has a quick question for Robert Siqueiros. He asked, when it comes to amendments of our agreement with SFRCC, if he can draw the line in that agreement where revenues brought in by the SFRCC revenue are to cover various expenses, versus when they come back to the City for amendments of those amounts.

Mr. Siqueiros said, for the most part, the revenues given to the City by SFRCC for the Leases is used to pay our debt service, and none of those funds are used to improve the Railyard as it is, or to fulfill the Master Plan. He said we are now focusing on the infrastructure, and it is approximately \$17 million.

Councilor Ives said he just wants to be clear on this, noting there have been amendments in the past dealing with modifications because revenues haven't been covering the debt service, so we've changed the terms of the debt service.

**MOTION:** Councilor Ives moved, seconded by Councilor Dimas, to approve this request.

**DISCUSSION:** Councilor Bushee said, "It says that it's an approval of the amount of \$192,385, not to exceed a total amount of \$858,000, and asked if that study would rise to the level of \$1 million."

Mr. Siqueiros said, "No. The previous amount was the original contract, the \$858,000, is used right now to waterproof the south end of the parking structure, to make improvements to the south end of the parking structure and to prepare the site for the cinema structure. And we're currently doing that now."

Councilor Bushee asked the cost of the waterproofing and for preparing the site for the cinema.

Mr. Siqueiros said the short answer is, "Probably split down the middle."

Councilor Bushee said, "And those were things that were part of the original contract."

Mr. Siqueiros said the original contract was the developer that was going to previously build the theater.

Councilor Bushee said, "Right, so they didn't water proof it, or it didn't work."

Mr. Siqueiros said, "No, they didn't waterproof the first and level of the parking structure. The reason being is the previous design for the cinema was going to butt-up right against the parking structure, and there was going to be a tunnel from the parking structure to the theater. We are now fixing it. We're not fixing it, we're closing the tunnel and taking all the soil out, and then waterproofing it. Right now, we have a 45 foot hole there with properly engineered shoring which protects all the people that are working down in there. And that was what I include as part of the waterproofing, which is a big expense."

Councilor Bushee said, "Is it because you're finding water coming in, or it's just in preparation for the new theater."

Mr. Siqueiros said it is in preparation for the back-filling and building of Alcadesa Street.

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

**For:** Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

**Against:** Councilor Bushee.

**Explaining her vote:** Councilor Bushee said, "To be consistent, I'm going to vote no, and I'm also going to say, once again, that I don't feel this should be on the taxpayers dime."

**10(I) REQUEST FOR APPROVAL OF GRANT AWARD – FY 2014 SANTA FE METROPOLITAN PLANNING ORGANIZATION WORK AUTHORIZATION; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (MARK TIBBETTS)**

Councilor Trujillo said, "As always, anything dealing with the New Mexico Department of Transportation, I do pull off just to say I do work for the New Mexico Department of Transportation, there is no conflict of interest, because I do not work dealing with any of these funds, so I'll move for approval."

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

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

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

**Against:** None.

**11. IN ACCORDANCE WITH THE REQUEST OF THE MAYOR AT THE MARCH 26, 2014 MEETING OF THE GOVERNING BODY, REPORT OF THE CITY MANAGER AND THE CITY ATTORNEY ON THE DEVELOPMENT OF THE RAILYARD; THE CONSTRUCTION OF THE UNDERGROUND PARKING GARAGE, MARKET STATION BUILDING AND ADJACENT INFRASTRUCTURE; AND THE SETTLEMENTS WITH THE CONSTRUCTION CONTRACTOR AND WITH RAILYARD COMPANY, LLC. (BRIAN SNYDER AND KELLEY BRENNAN)**

A Revised Memorandum dated April 9, 2014, to Members of the Governing Body from Brian Snyder, City Manager and Kelley Brennan, Interim City Attorney, regarding Chronology – Railyard Development, is incorporated herewith to these minutes as Exhibit "3."

Ms. Brennan said she put a revised Memorandum on the desks. She said, "There was a Memo in your packet that was a chronology for the Railyard, this is revised, and its marked 'Date: April 9, 2014 (Revised)' As you will see, I've added what you could call a bright line beginning of the project with the acquisition of the property in 1995. Some of my dates will be more specific than others. There's a lot of material out there. I went through a small slice of this project and I've already dead filed boxes and boxes of material."

Ms. Brennan continued, "Going through this process made me think that I want to develop a book of all these documents, minutes and so forth, over time, so there will be a record of what happened, and we won't have to keep going through this kind of exercise. There were a couple of years of work before the acquisition and negotiation, so this, as I say is a bright line beginning, but there was work before that. So this has really been going on for a long time."

Ms. Brennan said, "I'm going to continue to update and improve this chronology, because I do think it's necessary."

Ms. Brennan reviewed the Chronology. Please see Exhibit "3" for specifics of this presentation.

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

- Mayor Gonzales said, "I appreciate that you brought this forward. I asked because there are three of us that are brand new and a few that just joined over the past two years. Obviously, this has a long history, there's a settlement involved, and I just wanted to be able to hear from you, or get from you, as the result of that settlement, what we are able to ask, how we're able to behave

regarding this relationship with RYCO as we go forward. And I say that, because, I've reached out to the SFRCC with the City Manager, and have asked them for a marketing plan to fill the rest of the railyard. One where we can jointly work with them. And I don't want to move down a path that could hurt potential agreements that were in place. So I guess, maybe if you could give us the do's and don't's as the result of the settlement, that might be helpful.

Ms. Brennan said, "I think that basically, the settlement was... amounted to a purchase of a condominium and established the condominium documents or generally formed the condominium documents that were eventually executed. And those condominium documents defined the relationship with the building owners going forward. And so, the Settlement Agreement, most of the provisions of the Settlement Agreement have been executed by the execution of the condominium documents, and the relationship is now governed by those documents. And those documents set a number of specific performance standards that both condo owners have to meet. Otherwise, what survives really, is the releases of the parties, whereby we released each other of all claims arising out of the construction projects essentially, and that would include the threat of litigation on the \$13 million."

Ms. Brennan continued, "Also, there were a number of provisions that are boilerplate, one of which you recently heard about, the anti-disparagement clause. And I'm not sure all of you had an opportunity to read it. I forwarded to you the letter that I wrote to the owner, pointing out that while you were exercising your legitimate legislative powers in talking about a matter before you, you are immune under legislative immunity. And that private utterances are private, but that truth is always an absolute defense. So that provision is outstanding, and I think we always have to be careful in any context not to disparage others."

Mayor Gonzales said, "The legislative process, if there was a point of view that was expressed in that area, we have the freedom, if you will, free of any settlement obligation to state an opinion or a point of view."

Mr. Brennan said, "And legitimately proceed in the public interest, while acting in your legislative capacity, absolutely. And staff does as well while responding to you asking questions. I would not want to say something that might be deemed disparaging as a matter of just saying it. But if someone asked me a question and my answer might be thought to be disparaging by someone else, nevertheless the immunity extends to staff answering questions and responding to your inquiries."

- Councilor Bushee said, "I just want to clarify, at the beginning when you were winding down the history, you referenced the lawsuit, and I think you meant to reference the letter that was threatened litigation, just in your long history. I just wanted to correct the record for you, you referenced a lawsuit, but we really just were dealing with threatened litigation, throughout all that history. Yes."

Ms. Brennan said, "No. The lawsuit I referenced, I believe is the lawsuit filed by Byrne. Yes. Otherwise, it was threatened."

- Councilor Bushee said, "Right. I know I asked you for lots of things. I could not open any of those documents that you sent me. And so, again, we're just talking about a Committee hearing. I read the minutes on Monday. No mention of RYCO in specific at all, but there was an assertion made by your City Attorney Judy Amer, that the Council had dealt with subsidence directly in some written manner, or some manner. And I, not being able to open those documents, want you to tell me if we had actual knowledge of subsidence in any of the discussions in the long history that you just delineated."

- Ms. Brennan said, "Councilor, I can say that you did, in a privileged document"

- Councilor Bushee said, "Something you referenced and sent me that I couldn't open."

Ms. Brennan said, "No. No ma'am. It is in a privileged document presented at an executive session."

- Councilor Bushee said, "Again, I have some previous documents that were attorney-client privileged and there was no written reference, and that is what I called you about. And so, I'm still looking to find that written reference, because I have no recall of it."

Ms. Brennan said, "Generally, Councilor, as you know, at the end of an executive session I will collect briefing memos."

- Councilor Bushee said, "Well then, maybe you and I can review it in private."

Ms. Brennan said yes.

- Councilor Bushee said, "That would help me, because nobody that I know of has any recollection. And back to disparaging. I mean I think we are back to the same place where there is always the potential for someone to threaten litigation and then there is the reality. You know, we were in a public hearing of a Committee discussing expenditure of public dollars to remedy a situation that was conducted by private contractors and none of those names are even actually mentioned. But I think it is everybody's right on this body to discuss things in public, and I hope that we tend to do that in public and not in private, in executive session."

Councilor Bushee continued, "That's where the majority of my votes against the entire purchase, and project and settlement of things came from. I felt we did too much of it, at least initially, behind closed doors. And for me, a bad result in spending, continuing to have to spend public dollars. So I will continue to say and offer my opinion as a representative of that District actually where the Railyard is, that, if I continue to have concerns, I hope staff will bring forward... I would like for myself, as time goes on, an actual accounting of additional funds that had to be spent or expended

for repairs as we move forward. And so I hope it's Bob or somebody else that keeps that record, and that is a public document, so people can also track that. I think that should be on our website."

- Councilor Dominguez thanked Ms. Brennan for putting this together, noting some was previous to his tenure as a City Councilor beginning in 2006. He said, "Nonetheless, I guess the question that I have is, I know that in this timeline, you referred to several letters or some letters that were sent. Are those part of the public record."

Ms. Brennan said, "Yes Councilor, they are."

- Councilor Dominguez said, "So the May 18, 2006 letter and the April 29, 2010 letter are part of the public record."

Ms. Brennan said, "Yes, Councilor, they are. I believe they became part of the record on April 27, 2011 [?]. I would have to check, but they were part of the record at the Settlement on April 25, 2012, but I do think they were in both the Council minutes as exhibits, and we discussed, and I believe distributed at the meetings or soon thereafter."

- Councilor Dominguez said, "So they were part of the record as part of the settlement."

Ms. Brennan said, "That is correct."

- Councilor Dominguez asked, "Have all members of the Governing Body, particularly the new members, have they been given copies of any of those letters."

Ms. Brennan said, "I'm not aware that they have, but I can certainly provide any of the documents that are listed here. It is very noticeable. I made some notes about who was voting at different times, and in fact, the Council has changed substantially in composition over the period that this has developed. And I think that, as a major project of the City with economic impact, I think it's important for Councilors to know that. And I would be happy to give you any of these documents, or discuss it further with you."

- Councilor Dominguez said, "I guess, just a minor request Mayor, if I can get a copy of the May 18, 2006 letter, I think that's the one that goes as far back as I can remember, anyway. So I'd just like a copy of that. Thank you Mayor."
- Councilor Maestas said, "Thank you for the timeline. It was very informational to me. But, you mentioned that the anti-disparagement was a boilerplate. And my question is, for these long term, contractual relationships that we have, do we have an alternative dispute resolution that we put in some of these agreements, to ensure that people don't blow their stacks right away, that we have a mechanism to resort to a more low level means to resolving conflicts, whether it's contractual or otherwise. Do we do that in some of our contracts, and is it in this one."



Ms. Brennan said, "Councilor Maestas we do it in many of our contracts I believe, and no, it is not in this one."

- Councilor Maestas asked, "Can we amend it to add it, only because... you look at the history with these organizations, and whether we like it or not, they are our partners. I think the Mayor mentioned he's going to try to talk to them about working together to fully develop that property. So, I would urge you approach them and see if they're willing to amend, whether it's the condo agreement, if that really is the correct mechanism, to maybe add an alternative dispute resolution section."

Ms. Brennan said, "Councilor, you reminded me. I was thinking about the Settlement Agreement. The condominium documents may have that kind of provision. I actually was not involved in the settlement at that stage. I resolved the construction claim, but I can check that and find out. I think we can always suggest mediation or even just a facilitated discussion by another party who may have some interest but is not a divisive interest. We can always take that step, and we frequently have."

- Mayor Gonzales said, "Councilor Maestas, the direction I gave to the City Manager, and one that I'm involved in, is moreso developing a marketing plan with the Santa Fe Railyard Corporation, which still has parcels of land in development, and I want to see either more job opportunities through businesses that are building there, or even some type of housing that could go on there. So it was in that vein that I spoke to the City Manager and the SFRCC, and along the way came the issue of the Market Station and the Settlement Agreement with the Market Station folks. And obviously, for all of us, we want to see that Railyard live up to the promise that we sold the public on back in 1995, that public ownership was far better than private ownership."
- Mayor Gonzales continued, "And so I think we have an obligation as a Governing Body to work collectively with the SFRCC and the tenants inside the Railyard to really continue to see it move forward and to see it be a place for all people. That's why I'm getting involved in that, and certainly hope we will be able to report back to you and the Governing Body the progress we're making in terms of marketing the property. And I know in speaking with the SFRCC, their focus is on continuously trying to provide opportunities for local businesses and people from Santa Fe to be able to have access there. But sometimes, that just can't be done, so we need to look at alternatives."

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

There were no matters from the City Manager.

**13. MATTERS FROM THE CITY ATTORNEY**

There were no matters from the City Attorney.

**14. MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk.

**15. 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 April 9, 2014, is incorporated herewith to these minutes as Exhibit "4."

**Councilor Lindell**

Councilor Lindell said she provided the Governing Body with two different flyers [*copies were not provided for the record*]. One is for a screening of *The Anonymous People* at St. Vincent's on May 20, 2014, about addiction problems in this city. She thinks it is an important event to attend, noting it is sponsored by the UNM School of Medicine. The second flyer is about a presentation by Norma Volkroft, Director of the National Institute on Drug Abuse. She said we are fortunate to have these two events and it is important for us to move forward on the problems we face here on addiction.

**Councilor Rivera**

Councilor Rivera wished his father Happy Birthday on March 29<sup>th</sup>, his wife a Happy Birthday on April 3<sup>rd</sup>, and a Happy Birthday to his sister on April 5<sup>th</sup>.

**Councilor Trujillo**

Councilor Trujillo introduced an Ordinance relating to the City of Santa Fe Economic Development Plan Ordinance, Article 11-11 SFCC 1987; amending Ordinance No. 2013-2 for the purpose of approving and adopting a Second Amended Local Economic Development Project Participation Agreement between the City of Santa Fe and Rodeo Property, Inc., for an indoor multipurpose facility, a local economic development project. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "5."

Councilor Trujillo said he got calls and emails and calls dealing with the car show that passed through the City, and they did an article in the paper. He said, "I'm just going to be frank on what I feel. I understand we want these things to come to the City, and it does bring some economic development. At

the same time, when I see someone driving a \$500,000 Bentley, about 10 or 15 standing around, I don't know how many can afford to pay that kind of price for police escorts. I commend you on what you did when you escorted the Santa Fe High Demons Basketball Team. To me, that's something great. What I've heard from a few people, is that's a wonderful thing because those parents pay taxes constantly, are here 24/7, and these people are just passing through. I'm not discouraging stuff like this, I just think we need to look at a lot of some of the other policies we have. There's one, for instance, I'm going to bring up. We talk about escorts. One we haven't done in a long time is escorting the fallen Santa Feans to their final resting place, something I've discussed with the families and funeral homes. I just want you to be aware of what I had hear from some people. I think we need to look at a lot of policies we have on the books right now and try to improve on it."

Councilor Trujillo said this weekend he went to Phoenix, Arizona, where his daughter was in a Cheerleading competition. He said the New Mexico All Stars, the Little Red Hots were Grand National Champions, and his daughter's team, the Hot Shots, took fourth in their respective groups – so he wanted to send a shout out to them, congratulations, we're all very proud of you and keep up the good work.

### **Councilor Dominguez**

Councilor Dominguez asked Finance Committee members to contact Yolanda Green regarding the dates of the budget hearings. He said we have a study session scheduled for April 23, 2014, and the Mayor will be chairing that.

Councilor Dominguez said, "I want to give a shout out to my nephew, Jose Tapia, who is not only the State Wrestling Champion at 106 [pounds], but is the National Wrestling Champion at 106. So congratulations to him. He wanted me to let the Council know if wrestling was any easier, they would call it basketball."

Councilor Dominguez asked Mayor Gonzales and Brian Snyder, to ask the Police Department its plan for dealing with things at Las Acequias Park. He said he thinks Councilor Rivera has reached out already on this issue, but he has seen no follow up. He said both of them want to know what the Police plan to do to deal with the issues at Las Acequias Park they have been experiencing for a number of years, so they can relay that information to their constituents.

### **Mayor Gonzales**

Mayor Gonzales said, "To Councilor Trujillo. I did not order the escort, that was in place. I think the request went to the CVB and they granted it. I think one of the reasons they granted it, if you look at the individuals that were here and the need for Santa Fe to grow more international tourism to get more gross receipts into the community, I think the feeling was it was marked toward that effort. But understanding your point, I will sit with the City Manager to determine a policy based on when it is

appropriate to use the police in escorting individuals and making sure it matches to some overall goal or value of the governing body, so when this kind of information comes out, people will understand why it was done.

Mayor Gonzales introduced the following:

1. A Resolution declaring the Governing Body's intention to bring people to the Santa Fe Plaza by providing a safer environment and increased economic development opportunities. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6."

Mayor Gonzales said he supports the City Manager's request for more police presence to bring more people to the Plaza by limiting traffic around the Plaza, so families with children can moved around the Plaza safely. That will go into effect on April 12, 2014.

2. An Ordinance amending the *City of Santa Fe Uniform Traffic Ordinance* to double the penalty assessment for using a mobile telephone while operating a vehicle and to triple the penalty assessment for using a mobile telephone while operating a vehicle in a school zone. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "7."

Mayor Gonzales said Councilor Ives was already working on doubling the fines for people using mobile phones in their car, and along the way he was asking staff to work on an ordinance which would triple penalties for texting in school zone, which is absolutely the worst things drivers can do. He will be working with Councilor Ives on that effort.

Mayor Gonzales said he has asked for a City meeting so we can come together and talk about our priorities. He said he and Councilor Maestas talked, prior to coming into office, of the importance of each of the members of the Governing Body having the opportunity to share our priorities, so we can find, and coalesce around, a set of priorities upon which we can build a budget. He said Councilor Dominguez is already working on that, but it would be helpful to the Finance Committee if the Governing Body could set some priorities so that as you work through the budget, the Finance Committee can keep those in mind.

### **Councilor Ives**

Councilor Ives said he would like to Cosponsor the Mayor's Resolution to bring people to the Plaza.

## **Councilor Bushee**

Councilor Bushee introduced the following:

1. A Resolution authorizing an amendment to the fare structure of the City of Santa Fe's Public Transportation System to include an annual pass option; establishing a buss pass partnership program authorizing a discount bus pass sale program for non-profit social service organizations who purchase bus passes in volume for distribution to indigent clients. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."
2. A Resolution supporting pedestrian improvements along East Alameda and the Santa Fe River with funding support provided through a cooperative agreement with the New Mexico Department of Transportation. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."
3. A Resolution directing staff to study the feasibility, fiscal impact and potential funding mechanisms, including grants for establishing and implementing advanced technology applications to benefit users of the Santa Fe Trails Transit System. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10."

*Councilor Bushee commented and asked questions as follows:*

- Councilor Bushee said she haven't seen the full text of the Plaza Resolution. She made a similar effort after a fatality and a bad accident around the Plaza several years ago. She asked if the Resolution is intended to be year-round or season. **Mayor Gonzales** said it is intended to be year-round, but we will ask staff to come back after the first of the year to be able to address a few things. One, is it meeting its stated intentions by more people coming onto the Plaza, are we seeing the economic benefits by an increase in gross receipts in the area and obviously the safety standpoint. I asked staff to create series of benchmarks so we can measure whether closing the Plaza actually is going to amount to something meaningful for the people of the community..
- Councilor Bushee said at the time, we sent it to a Plaza Task Force that existed at the time and discussed a lot of different issues, and we did make some changes around the Old Santa Fe Trail, just turn right, and that was in the heyday when we really had a lot of pedestrians and tourists..
- Councilor Bushee said she was pleased to see Ms. Montano talk about a free day/amnesty day at the Household Hazardous Waste Facility to accept batteries for free and the same in other locations for prescription drugs. She wants to work for a year-round place where people can drop off batteries and prescription drugs so they are diverting from our facility. She said some physicians will take back the drugs. She would hope we would have a brochure or some way to promote year-round drop-off spots for folks.

- Councilor Bushee asked if we are going to be okay around the silvery minnow. Are we going to need to do some kind of negotiation with BLM and others to be sure we are providing enough of our reservoir releases to go to the fish, and she wants an advance warning on that.
- Councilor Bushee said she tried to call several offices during the noon hour, including the Clerk's office, which we've talked about making sure they are open for the public, but none were open. She was calling to find out if Redflex is the only one who has bid on the speed vans. **Mr. Snyder** said Redflex did bid, but he doesn't know if it was the only bid. He said he will look into that and get her an answer.
- Councilor Bushee said several people have written to her about the issue of the woman taxi driver and if she [Councilor Bushee] would be willing to participate in a meeting, and asked who to contact since we don't have a Police Chief. **Mr. Snyder** said he is the Acting Police Chief and she can set a meeting with him and Deputy Chief Schaerfl.
- Councilor Bushee said she understands the people that protest at funerals, the Phelps family, are coming to Santa Fe on the 23<sup>rd</sup> of this month. She asked staff to look into that and be sure we do have adequate police presence, and find out what they're protesting. **Mr. Snyder** said he is unaware of what she is speaking about, but he'll look into it.
- Councilor Bushee said she would like to be kept in the loop on Las Acequias Park.
- Councilor Bushee said, "On the overtime issue, it ends up becoming a fiscal impact that I guess it would be great to know, and we didn't have a lot of notice I guess ahead of time. But what struck me a little bit was just the amount of folks and some of the overtime that was expended. There was even a PSA it seemed that had 10 hours in overtime. And I guess I just don't know when and how you decide to have a dozen people as an escort. But it just seems, if there's a way to avoid overtime, that would be better. And at least have an understanding of what groups are coming that might need an escort and have a process for that, that might be good."

Mayor Gonzales said in answer to Councilor Trujillo, one thing that I wanted to add on your question regarding the Resolution, it will have a parking component to it, where the staff is currently doing an FIR, but we do think there should be an opportunity to provide free parking at both the Railyard and here at the Convention Center, at least for ½ day Saturday and all of Sunday, so local people would have a place to park without having to spend money when they're in the downtown area.

Councilor Bushee said, "I've been trying to get free parking in the Railyard in particular, and down on particular occasions, and we have amnesty and I'm all for that. I just think you're going to find, as much as I'm still personally interested in seeing a pedestrian friendly downtown and Plaza, I just think you're going to run into some opinions, anyhow."

### **Councilor Maestas**

Councilor Maestas said most of you saw the email from Jodi regarding the scheduled public meetings tomorrow here in the Council Chambers at 5:30, noting we will have a facilitator to assist in the dialogue. He said the Buskers Alliance has met twice and it seems we're converging on some issues, and we may have some agreements even before the meeting starts, so the focus is going to be on those issues that are still contentious and acrimonious. He urges the Councilors to attend, noting we will be observers. The facilitator has asked for us to help kick off the meeting, but the facilitator will lay out the process. It's really his meeting and will work with the attendees to come up with ground rules. He thinks we are moving forward in a positive direction, and hopes they can come up with a piece of legislation with which everyone will be pleased and Chris Calvert's work will not be in vain.

Councilor Maestas said he attended the groundbreaking ceremony at the Chabad Center for a multimillion dollar facility, which was attended by Rabbi Levertov, Former Governor Toney Anaya and U.S. Congressman Ben Ray Lujan. He said the Chabad Center provides a good service to the community, using private money to provide community services.

Councilor Maestas asked if it would be possible to bring in the LEAD Task Force and Operations Team and recognize them. He said an opportune time would be when the Resolution creating the LEAD Policy Committee is ready for action.

Councilor Maestas said he is starting to tour some of the divisions and meet staff, not to talk shop, just to meet these folks, noting Mr. Pino will be giving him a tour of his shop at the Market Station on Friday. He said, "I wanted to let all of you know there is a little apprehension on the part of staff regarding the transition, and I think with change. People are very nervous about change. I think it would be good for you Mr. Mayor, and maybe you can deputize some of us to talk about, okay, this is the objective of the team, don't worry, this is just to improve government. But there is a lot of apprehension, and people have a lot of questions. They don't know what's going to happen, but I think again, it's just change, the very nature of change. But maybe perhaps if you could launch this charm offensive and maybe meet with some of the division staff on a division-by-division basis, just to I think to calm their nerves, so to speak. So I just wanted to put that out there. And I think it's just a matter of articulating it and explaining, hey don't worry, we're just trying to improve government. This is not about taking your job or anything. So anyway, I just wanted to offer that up. I've been hearing that a lot."

Mayor Gonzales said, "That means a lot. I did communicate that personally to all the department heads two weeks ago. There is a letter that will go out tomorrow from Brian to the Department Head. It's just really laying it out the... making it very clear that this is more about gathering information, offering advice. This isn't about determining who should stay and who should go and that has been reiterated from day 1. So, it really is what you've said, and what we said is just to allow for outside people who were willing to serve to offer us ideas and input on what we can do over the next 4 years to help improve things. We can dismiss it, or we can look at some of it and say, yes, that makes some sense and we like it."

Councilor Bushee asked in relation to that, if the department and division directors have met with you all on the budget before we have the study session. She asked, "Are you including staff, because that's where I'm getting some unease communicated to me that perhaps not everybody is being asked to participate, to give their input, and I don't know if that's true or not."

Mr. Snyder said, "I have met with every department as of yesterday, actually this morning, and discussed the budgets. And at this April 23<sup>rd</sup> meeting, all department directors will be invited to listen and participate as necessary. And then to follow up on Councilor Dominguez's budget hearings, we're looking at scheduling on the 28<sup>th</sup> and that week, and the appropriate personnel will be there at that time as well."

### **Councilor Dimas**

Councilor Dimas would like to cosponsor the Mayor's Plaza resolution. He said they did that back in 1984 when he was on the Plaza, and it remained closed for years and then it was opened back up again. He is in favor of the Resolution, commenting there will be some opposition as always, but overall he thinks it's a great plan and will stimulate the Plaza.

Councilor Dimas said, "I would cosponsor on the second bill that you have for the Traffic Ordinance, but I will tell you, being a former law enforcement officer, and knowing a lot of the law enforcement officers, and talking to them, it's going to be next to impossible to enforce. They're not giving citations now on a first offence, much less doubling and tripling the fines, because if you double and triple nothing, it still equals nothing. It's going to be very difficult to enforce that particular Ordinance, I can tell you right now. So that's where your problems are going to come in. I think it's a great idea and if it was a little bit more enforceable, I think it would be great. It's going to be a tough one."

Councilor Dimas said he would like to follow-up on what Councilor Trujillo was talking about, funeral escorts. He has attended a few funerals recently, and thinks it's time we started utilizing our PSA's for funeral escorts again like we have in the past. He said what is happening now is that private individuals are parking their cars to block traffic. He is concerned who would be at fault if there was an accident. He said we have to be very careful with this.

Councilor Dimas wished his mother a Happy Birthday on celebrating her 83<sup>rd</sup> birthday on Saturday, April 12, 2014.

Mayor Gonzales said he has asked Carl Moore to work with him for the meeting of April 23, 2014. He said everyone will be called before that so he can interview the Governing Body with a series of questions that will help us bring into perspective where we all stand when we come in on the 23<sup>rd</sup>. So, hopefully we can keep our meeting under 3 hours and not have to extend it through the whole day. He asked the Governing Body to look for calls from Celeste and others asking for some time on your side.

**END OF AFTERNOON SESSION AT APPROXIMATELY 6:50 P.M.**



## **EVENING SESSION**

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

The Evening Session was called to order by Mayor Javier M. Gonzales, at approximately 7:10 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 Javier M. Gonzales  
Councilor Patti J. Bushee  
Councilor Bill Dimas  
Councilor Carmichael A. Dominguez  
Councilor Ives N. Ives  
Councilor Signe I. Lindell  
Councilor Joseph M. Maestas  
Councilor Christopher M. Rivera  
Ron Trujillo

#### **Others Attending**

Mr. Snyder K. Snyder, City Manager  
Ms. Brennan, Interim City Attorney  
Yolanda Y. Vigil, City Clerk  
Carl Boaz, Stenographer

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

**Dave McQuarie, 2997 Calle Cerrada** said recently you sponsored the Vietnam Wall replica, as a Vietnam era veteran he really appreciates it, because he had friends and colleagues listed on the wall. He said, "Thank you very much." He said he wishes the Governing Body would walk down to Water Street, the southwest corner of Galisteo, and look at the curb ramp they put on. They put in a curb ramp on the southwest corner of Don Gaspar and Water, which is ridiculous and a hazard. These are just two examples of what the City has done. He asked why these couldn't have been done the same, instead of making one a ridiculous liability to the City and nothing but a hazard for people with a little disability. He asked why hasn't the City staff started on the transition plan mitigation which you approved. He said the Main Library people came to the Mayor's Committee asking for assistance on one of the door openers. He said this was covered in the 2011 proposal but city staff has not moved on any of the 1,100 pages of that. He asked who is holding back the money, and why don't they act on it. He asked what is happening to our money.

**Former Councilor Frank Montano** thanked the Governing body for the opportunity to speak this evening, and for their dedicated and hard work, and thanked Councilor Rivera for his invocation. He said, "It is a fond memory of mine as a youth, to have had the opportunity to have cruised the Plaza in my 1971 bumblebee yellow Dodge Charger with slapstick transmission, 383, and air shocks and beautiful rims and big white tires. And that is what brings me to this Council meeting this evening. I am very concerned that the Plaza would be closed to vehicular traffic. It is a time honored tradition for many Santa Feans. If you want to bring back Santa Feans to the Plaza, certainly closing it to vehicular traffic isn't one of those things that you ought to be doing, because it's something that many of us Santa Feans enjoy doing still today. I still enjoy it."

Former Councilor Montano continued, "This issue came up once before in 2002 when, unfortunately there was an incident when a drunk driver had critically injured a pedestrian on Palace Avenue, and it wasn't an event that occurred on the Plaza, but it certainly led to a discussion of safety of the downtown area. And it also led to a Committee being set up by the Council. At that time, I was not on the Council and I was appointed to that Committee. And we deliberated for many months, two times a month, and we gathered information, and we gathered various scenarios of how we might either close off the Plaza completely to vehicular traffic, or do it on a partial basis, on a part time bases and on a full time basis. And the scenario that you see there today is the scenario that was ultimately recommended to the Council and its Mayor, and it was adopted by the Council and the Mayor."

Former Councilor Montano continued, "One of the issues that came up at the time is that the roads leading to the Plaza are historic roads which have been used by the wheel since Santa Fe was founded 404 years ago. Historic Route 66 is found on the Plaza. Why would you deny a visitor who is reliving the experience of driving from Chicago to L.A. via Route 66, why would you not allow them the opportunity to driving Route 66 on the Plaza. Or those that are traveling The Santa Fe Trail, or those that are retracing the Camino Real. Those are things that people very much enjoy. And there are still many Santa Feans in this community that still come to the Plaza, not only in their classic cars, but also on their motorcycles. For Christmas the Plaza could not be enjoyed by many people, if there were not the opportunity to drive a car around it, in the comfort of your care in heated conditions. So I urge you to please consider this issue with due diligence. And I can tell you that there will be many Santa Feans disappointed if you close the Plaza to vehicular traffic. Thank you."

**John Dressman, owner of a shop on the Plaza**, said I was on that committee with Frank Montano, and after a lot of consideration, we came up with the current plan and we think that it works pretty well. There were safety issues, issues dealing with the vendors and all of those kinds of things. The City has rules that they use for making changes in historic districts. When the City doesn't obey those rules, we end up with things like the \$400,000 electric box. Right now, there some signs on the bandstand, paper signs wrapped in plastic. I'm certain they didn't go through the Historic Styles. Without going through Historic Styles, it's a lack of respect for the National Historic Site that is the Plaza. It is complete disrespect for the rules of the City. I thought we had already been through this, that the City needs to follow its own rules. And that brings us to the idea of what the Mayor is proposing. He is proposing a grand change to the Plaza. And we need to think this through very very carefully, because again, Pedro Peralta did design the Plaza as a terminus for El Camino Real. It was a terminus for the Old

Santa Fe Trail. It was a terminus for the Santa Fe Railroad, not the Plaza itself, but Santa Fe was. And the buildings that surrounding the Plaza were always used for commerce. And if you cut off that particular thing, it becomes a ghost town, which it was for the year and a half it was closed before it was reopened in its current configuration."

Mr. Dressman continued, "The City Council in the late 60's decided to take parking off the Plaza. This is the idea of unintended consequences of things that can happen. Within 5 years of taking the parking off the Plaza, the two pharmacies were gone, the grocery store was gone. The shoe stores and local clothing stores were gone and with my family, the flower shop was gone, so you ended up with a tourist shop. That's what the unintended consequences were. It forced the downtown into being just for tourists. So we have a lot of locals who say, well there's nothing downtown for us, and I think that the Mayor's idea for some of these things is probably good, to bring things downtown. The idea of the bandstands has much local appeal. But I wanted to warn about the law of unintended consequences, to be sure, as we go forward, that these things don't tend to and bite us and make it a whole other thing that we weren't intending to do."

**Craig Allen** said he is new and has been here since July last year, working on the Plaza. He said he is in charge of operations for Tega Enterprises. He said, "I'm here this evening to let you know, we understand there is a proposed motion that might be proposed this evening about closing the Plaza. We do feel, as a merchant, it would be a great travesty to the businesses if you shut down car traffic to the Plaza. That helps give us more visibility to people traveling through this City. If you rely just solely on foot traffic. I've worked across this nation in L.A., D.C., Las Cruces and other areas that have tried this, and businesses do drop down. With the economic times we've had, we all fight for sales. And when you cut down our traffic flow exposure, it hurts us all. We hope you don't go through with this. Thank you."

## **G. APPOINTMENTS**

### **Public Safety Committee**

Mayor Gonzales made the following appointments to the Public Safety Committee:

David E. Trujillo – term ending 03/2018; and  
Eric B. Johnson – term ending 03/2018

**MOTION:** Councilor Dimas moved, seconded by Councilor Maestas, to approve these appointments.

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

### **Capital Improvements Advisory Committee**

Mayor Gonzales made the following appointments to the Capital Improvements Advisory Committee:

Edmundo Lucero (Councilor Trujillo) – Reappointment – term ending 12/2015; and  
Maria Higuera Pope (Councilor Ives) – Reappointment – term ending 12/2015.

**MOTION:** Councilor Bushee moved, seconded by Councilor Dimas, to approve these appointments.

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

### **City Business and Quality of Life Committee**

Mayor Gonzales made the following appointments to the City Business and Quality of Life Committee:

Tony F. Ortiz – term ending 03/2016;  
Dr. Almudena Guajardo Abeyta – term ending 03/2016;  
William C. Sisneros – to fill unexpired term ending 03/2015;  
Cervantes "Buddy" Roybal – term ending 03/2016; and  
Damian Taggart – to fill unexpired term ending 03/2015.

**MOTION:** Councilor Rivera moved, seconded by Councilor Ives, to approve these appointments.

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

### **Economic Development Review Subcommittee**

Mayor Gonzales made the following appointments to the Economic Development Review Subcommittee:

Simon Brackley, Chair – Reappointment – term ending 05/2016;  
Kathy Keith, Vice-Chair – Reappointment – term ending 05/2016;  
Cervantes "Buddy" Roybal – term ending 05/2016;  
Damian Taggart – to fill unexpired term ending 05/2015; and  
Julia Castro – to fill unexpired term ending 05/2015.

**MOTION:** Councilor Rivera moved, seconded by Councilor Ives, to approve these appointments.

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

Mayor Gonzales said he spoke with Councilor Bushee, and would like to bring forward the names she has presented for appointment to the BTAC at the next Council meeting.

Councilor Maestas said he received a copy of a letter from the League of Women Voters. He said they have had a long standing partnership with the City and our Open Meetings Resolution was an outgrowth of that partner with the League. He said, "They made a suggestion to you and to us, and that was to consider adopting an appointment process that closely resembles that of Santa Fe County, where they actually vacancies for certain committees and boards. And it's not going to affect your prerogative you to appoint, nor ours to ratify, but it will make it known to the community at large, the thought being that it would really broaden the pool of people that want to devote the time and bring some incredible expertise and add value to some of these Committees." He urged the Governing Body to consider this, which he thinks is a great idea. He said he would be in favor of such a process.

Mayor Gonzales said it is a good idea, and in the short term, we could ask Jodi to make sure we are able to advertise, and that there is a process for people to submit their resumes, so they're not just being dropped in his hands and are coming into a place where we all could look at them. He said, "From my perspective, the more people that can have input into the appointments, the better off we are. And we would invite all of you to reach out to your own constituents who would like to serve on some of the various committees, bring their names forward and we can definitely work to try to accommodate everyone's request to have more participation from your Districts and from the people you support on these committees."

## **H. PUBLIC HEARINGS**

- 1) REQUEST FROM SANTA FE UNIVERSITY OF ART AND DESIGN (SFUAD) FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF BEER AND WINE AT SFUAD'S MARION CENTER, 1600 ST. MICHAEL'S DRIVE. THE REQUEST IS FOR A SANTA FE ALUMNI REUNION TO BE HELD MAY 2, 2014 FROM 7:00 P.M. TO 9:00 P.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil, City Clerk, from her memorandum of April 3, 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet, noting the event will utilize Alumni Hall, but that building has a permanent alcohol waiver, therefore it is not included in this request.

## Public Hearing

**Lauren Eichman, Public Relations Manager, SFUAD**, was sworn. Ms. Eichman said she is working two of their alums on the event.

## The Public Hearing was closed

**MOTION:** Councilor Bushee moved, seconded by Councilor Dimas, to grant the waiver of the 300 foot location restriction and approve the dispensing/consumption of beer and wine at SFUAD's Marion Center, 1600 St. Michaels Drive, for a Santa Fe Alumni Reunion to be held May 2, 2014, from 7:00 p.m. to 9:00 p.m., with all conditions as recommended by staff.

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

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

**Against:** None.

\*\*\*\*\*

*Councilor Lindell said, "I will be recusing myself on the next three items, inasmuch as I've already heard those items as a Planning Commissioner, and I've already voted on those items as a Planning Commissioner. So I think that it would be appropriate, considering that external information that I have on these items, to recuse myself. Is that true Ms. Brennan."*

*Ms. Brennan said, "Yes, Councilor Lindell it is."*

*Councilor Lindell left the room.*

\*\*\*\*\*

- 2) **CONSIDERATION OF BILL NO. 2014-13: ADOPTION OF ORDINANCE NO. 2014-16. CASE #2013-128. HOMEWISE REZONING. JENKINS GAVIN DESIGN & DEVELOPMENT, INC., AGENT FOR HOMEWISE, INC., REQUESTS REZONING OF 2.39± ACRES OF LAND FROM I-2 (GENERAL INDUSTRIAL) TO I-1 (LIGHT INDUSTRIAL) TO ACCOMMODATE A PROPOSED 20,000± SQUARE FOOT OFFICE BUILDING. THE PROPERTY IS LOCATED AT 2868 RUFINA STREET. (DONNA WYNANT)**

A Memorandum dated March 28, 2014, for April 9, 2014 City Council meeting, with attachments, is incorporated herewith to these minutes as Exhibit "11."

The overhead presentation used by Ms. Wynant, is incorporated herewith to these minutes as Exhibit "12."

A copy of the Conceptual Site Plan, Homewise, Inc., with attachments, is incorporated herewith to these minutes as Exhibit "13."

Ms. Wynant presented information regarding this matter. Please see Exhibits "11" and "12" for specifics of this presentation.

Councilor Ives said, "Just one question in terms of the I-1 versus I-2, and whether or not, within I-2, although office space may not be a primary use, is that a subsumed use under I-2, i.e., does I-2 include all of I-1."

Ms. Wynant said, "The recent amendments to the Code actually took that out of the I-2, and I believe that the idea was really make that zoning district for general industrial types of uses. This I-1 is necessary to construct this building at that location, so it is not a permitted use in the I-2 District."

### **Public Hearing**

#### **Presentation by the Applicant**

**Jennifer Jenkins, JenkinsGavin Design & Development, on behalf of Homewise, was sworn.** Ms. Jenkins is here on behalf of Homewise in request for a rezone from I-2 to I-1, for the subject property referenced by Ms. Wynant.

Ms. Jenkins introduced Mike Lofton, Executive Director of Homewise and Robb Gibbs, Director, Development and Construction for Homewise.

Ms. Jenkins, using the overhead for her presentation, said, "This is Homewise's existing office building in the Siler Studios Complex, which is on the corner of Siler and Rufina. And this property, the Siler Studios Property is zoned I-2, and under the previous Land Development Code, they did, as you mentioned Councilor Ives, they did have a thing where everything that was permitted in a lower zoning category was also permissible in the more intensive zoning category that was the next one on the list. So, the Siler Road Studios, even though they are strictly an office park, that was permissible in I-2 prior to March 2012, when the Land Development Code was updated."

Ms. Jenkins continued, "The subject property became available and it was a really fantastic opportunity for Homewise. They are outgrowing their space which is a wonderful problem for an organization like this to have. And when the property next door became available, they really wanted to maintain their current location. They are kind of in a geographic center of the City and their clients and customers know how to find them, and the opportunity just to kind of segue and be right next door. And

we really see this as sort of a natural continuation of the Siler Road Studios project. As Donna mentioned, we are going to be sharing an existing driveway that kind of comes in the rear of the buildings. It doesn't make sense for a narrow parcel like this to dump another access point into Rufina. And so we have worked with the owners there to create a shared access, and then we'll just have another access off Clark. And so, again, it was a great opportunity, but a straight-up office building is not permissible in I-2, so that is why we are requesting the down zone to I-1 to allow Homewise to expand into this neighboring parcel."

Ms. Jenkins said Mr. Lofton has a couple of quick comments and that will conclude their presentation.

Councilor Ives asked, in terms of the block where the current building is, that's currently I-2.

Ms. Jenkins said it is zoned I-2, but it was permissible for office in I-2 previously.

**Mike Lofton, Homewise, was sworn**, said, "We're pleased to be here asking for this, because this is solving a good problem to have as Jennifer said. We have been growing, and obviously things went, especially in home ownership, slowed down after the great recession began. In the fiscal year we just completed, we helped 190 families buy a home last year. The high point of us helping homeowners was 202 right before the crash, so we're almost back to that, and this year we are projecting we are going to be over 220. Not to Santa Fe, but the economy of America is coming back and we're excited to be poised to help people pursue the dream that some people gave up on after the recession began."

Mr. Lofton continued, "So we really want to stay in the Siler Road area. We like it because it is in the middle of Santa Fe. What's really important for a lot of our clients is to be able to get to use at lunch hour or take an hour off of work, so we always want to be central to where people work. We find Siler is a really good location for that, it's kind of in the middle of everything. We really would like to stay there, but we really need more space to accommodate what we're doing."

Mayor Gonzales said, "So the 20,000 sq. ft. would handle all of Homewise.

Mr. Lofton said, "Yes. Initially, we're not going to need all of that square footage right away. We may lease part of that if we don't use all of it."

Mayor Gonzales asked if Homewise owns the development there, or is it owned by a different party.

Mr. Lofton said, "Our current building, we own it. It's an office condo. We're the only other owner there. Everybody else is leasing from Siler Street Studios, all of which are State buildings right now."

Councilor Dominguez said, "This is a question for the Applicant and staff. So what are you planning on doing with the vacant parcel."



Ms. Jenkins said, "We don't know."

Councilor Dominguez said, "So you could split it, right."

Ms. Jenkins said, "We could. And so, as you can see, obviously their needs right now are not taking up the entire parcel. That may just be reserved for potential future office needs. Potentially, that could be split off. We're still kind of resolving how that's going to work right now."

Councilor Dominguez said, "So I guess, just for the record, is you own the whole entire parcel."

Ms. Jenkins said, "Yes. They own the whole parcel, 2.4 acres."

Councilor Dominguez said, "So Donna, a question for you. So, if the applicant decides to develop that parcel as a different use that is allowed in I-1, there is no requirement for them to propose or provide a development plan. Is that correct?"

Ms. Wynant said, "The trigger point really is 30,000 sq. ft. for a development plan. If they do any other development there on that same property, they will need to go back and apply for a development plan to be reviewed by the Planning Commission. If they decide to split it, which is a possibility, if they are under that 30,000 sq. ft., I don't believe they will need to go through that development plan review. That's a public review. They will just go through the Permit Review which is administrative through the Land Use Department."

Councilor Dominguez said, "So you're not planning on opening up a nightclub there are you Mike. I guess the point is there will be other.... well, depending on what the applicant proposes to do with that parcel or that part, if it becomes a separate parcel, or if they decide to keep it as just one tract, there will be another public process for that. An opportunity for that to come before the public."

Ms. Wynant said, "I believe if the overall property is kept intact, and they do other development for homewise, I believe that they will have to come back to do a development plan review, which would go to the Planning Commission."

Councilor Ives said, "Just one quick question for clarity, in terms of the 30,000 sq. ft. trigger, is that lot size or is that improvements on the lot."

Ms. Wynant said, "That's improvements on the lot."

### **Speaking to the Request**

There was no one speaking for or against this request.

**Public Hearing was closed**

**MOTION:** Councilor Dominguez moved, seconded by Councilor Rivera, to adopt Ordinance No. 2014-16, approving Case #2013-128, the Homewise Rezoning, with all conditions of approval as recommended by staff, and adopting the Findings of Fact and Conclusions of Law of the Planning Commission.

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

**For:** Councilor Maestas, Councilor Rivera, Councilor Trujillo, Councilor Dimas, Councilor Dominguez, and Councilor Ives

**Against:** None.

**Recused:** Councilor Lindell.

**Absent for the vote:** Councilor Bushee.

- 3) **CONSIDERATION OF RESOLUTION NO. 2014-27. CASE #2013-130. 311-317 CAMINO ALIRE GENERAL PLAN AMENDMENT. DAVID SCHUTZ, AGENT FOR DESERT ACADEMY, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 1.38± ACRES OF LAND FROM RESIDENTIAL LOW DENSITY (3-7 DWELLING UNITS PER ACRE) TO OFFICE. THE PROPERTY IS THE FORMER DESERT ACADEMY CAMPUS, AND IS LOCATED ON THE EAST SIDE OF CAMINO ALIRE BETWEEN AGUA FRIA AND ALTO STREET. (DONNA WYNANT)**

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

Mayor Gonzales said, "let the record reflect that Councilor Dimas has told me he would be recusing himself from these items."

Councilor Dimas said, "Yes, Mr. Mayor, in order to avoid any appearance of impropriety to the slightest degree, I am recusing myself on Items #H(3) and #H(4)." Councilor Dimas left the Council Chambers.

A Memorandum dated March 28, 2014, for April 9, 2014 City Council meeting, with attachments, is incorporated herewith to these minutes as Exhibit "14."

The overhead presentation used by Ms. Wynant, is incorporated herewith to these minutes as Exhibit "15."

*Mayor Gonzales left the Chambers and Mayor Pro-Tem Ives assumed the duties of the chair*

Ms. Wynant presented information regarding this matter. Please see Exhibits "14" and "15," for specifics of this presentation.

Mayor Pro-Tem Ives said, "I only had one question which is a small matter on the two maps. 'This' one shows an extension of the C-1 out from the property boundary line, which is sort of reflected, well it's not reflected on the other map. So I'm just trying to make sure I'm clear where the C-1 boundary, if it does extend beyond the property line to the east on that C-1 parcel that is north of the parcel at issue."

Ms. Wynant said, "I believe you are referring to the future land use map, 'this' one 'here,' that shows that designation as low density residential. Is that what you're saying, is that it doesn't show up there."

Mayor Pro-Tem Ives said, "Yes, the other map just shows on that parcel immediately to the northwest.."

Ms. Wynant asked, "The property to the northwest of 'this' one 'here.' I think we've got a better one."

Mayor Pro-Tem Ives said, "Yes. That one. You see how it extends on the northwest corner out beyond the property line, the property at issue, and on the other map it doesn't. So I was just wondering which map is correct."

Ms. Wynant said, "You're saying that the line for the property or for the zoning district."

Mayor Pro-Tem Ives said, "It is the northwest point. The C-1 extends out beyond the property line on the other one and on 'this' one it doesn't."

Ms. Wynant said, "This is a zoning map which really accurately depicts where that C-1 is located, and 'this' is a smaller one. This one here, the Future Land Use Map."

Mayor Pro-Tem Ives said, "That one doesn't show the extension out from that same northeast corner."

Ms. Wynant said, "That's I think is probably kind of a quirk with the mapping system. Actually the future land use designations pretty much follow straight lines. I don't know how else to explain it other than it doesn't take in that little jog in the property. I don't think there's anything special about that being an institutional designation right there in the corner. It's just how it was mapped."

## **Public Hearing**

### **Presentation by the Applicant**

**David Schutz, Agent for Desert Academy, was sworn.**

Mr. Schutz introduced James Wheeler, Realtor, and a parent of a student at Desert Academy; Paul Hartsock, President, Board of Trustees; Monica Scarborough, Board of Trustees and parent of a student at Desert Academy; Leslie Livingston, Executive Director of Operations; Judd Osborne, Finance Director and Kay Wise, Director of Advancement.

Mr. Schutz said Ms. Wynant did an excellent job in presenting the case, so he will be brief.

Mr. Schutz said the request is to change the designation from R-5 (Residential 5 dwelling units per acre) to C-1 (office and related commercial), which is lighter use.

Mr. Schutz said, "Over the years in this area, the Council has approved various non-residential activities along the Camino Alire corridor, and they did that, because they felt there was minimal impact to the existing neighbors, and the traffic system could accommodate the increased traffic. And, in this case, a traffic impact analysis was performed by Morrie Walker, and I apologize, Morrie Walker, our Engineer, is in the audience. The traffic impact analysis was presented to Mr. John Romero, Traffic Engineer, and he concurs with the conclusion in that report that the existing street network can accommodate the proposed use."

Mr. Schutz said, "This is the subject property right 'here,' and immediately adjacent to the north is zoned C-1. 'This' is zoned C-1. 'This' is zoned C-1. 'This' is zoned C-1. 'This' is zoned C-1. 'This' is the National Dance Institute and Alameda Middle School, and the football field is directly behind the property. 'This' is Alto Street with the Mary Esther Gonzales Senior Center. So there are a lot of non-residential activities that have been approved there over the years."

Mr. Schutz continued, "I would like to reiterate one more point and then will stand for any questions you might have. We did have a preliminary, non-formal ENN meeting in the Fall of 2013 and, then we had a formal ENN meeting on August 22, 2013, and two immediately adjacent property owners attended that meeting. We sent out over 140 certified letters to folks within 300 feet of the property. And the 2 folks that did show up were not in opposition, and in fact they are supportive of our request."

Councilor Rivera asked, "Are you are required to have a certain amount of parking spaces for the size of the building."

Mr. Schutz said, "Yes."

Councilor Rivera said, "The plan that... on page 56 of the packet, which is the one Mr. Willard just showed, has parking on the back site. From past experience with the Fire Department, I know it was already difficult to get emergency vehicles through that back road. If you had to lose those parking spaces, how would that affect you."

Mr. Schutz said, "The Code requires that we have 40 spaces for the square footage of the building and we have 43. If we lost any more, than 3 of those, we wouldn't be in compliance. And I might add that the proposal and this request has been reviewed by the Fire Marshal. And the reason he hasn't voiced any opposition is because the building is fully sprinklered."

Councilor Rivera asked, "If you park vehicles there, is there still 20 feet between vehicles in the parking spaces and the building."

Mr. Schutz said, "In what direction are you looking, Councilor."

Councilor Rivera said he is speaking of the spaces on the back side.

Mr. Schutz said, "There is a 12 foot driving lane and then we have 45 degree angled parking there. And then there is a setback from the building 'here' of about 3 feet, so we have 15 feet before you get to the parking lot.

Councilor Rivera said, "Like you said, the Fire Department looked at it. I assume there is nothing on that back side that we may need to get to, and I assume it will get reviewed by them once again, several times before anything actual happens, so just a question of curiosity on my side."

Mayor Pro-Tem Ives said, "I only had one question which relates to what looks like a track facility to the east."

Mr. Schutz said, "It is the school football field, immediately adjacent to that school property."

Mayor Pro-Tem Ives said, "So that's the track that abuts on the back side of the building there."

Mr. Schutz said, "Correct."

Mayor Pro-Tem Ives asked if that is public school property and Mr. Schutz said yes.

### **Speaking to the Request**

There was no one speaking for or against this request.

### **Public Hearing was closed**

**MOTION:** Councilor Dominguez moved, seconded by Councilor Rivera, to adopt Resolution No. 2014-27, approving Case #2013-130, the Camino Alire General Plan Amendment, with all conditions of approval as recommended by staff, and adopting the Findings of Fact and Conclusions of Law of the Planning Commission.

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

**For:** Councilor Maestas, Councilor Rivera, Councilor Trujillo, Councilor Dominguez, and Councilor Ives

**Against:** None.

**Recused:** Councilor Lindell and Councilor Dimas

**Absent for the vote:** Councilor Bushee.

- 4) **CONSIDERATION OF BILL NO. 2014-13: ADOPTION OF ORDINANCE NO. 2014-17. CASE #2013-131. 311-137 CAMINO ALIRE REZONING. DAVID SCHUTZ, AGENT FOR DESERT ACADEMY, REQUESTS REZONING OF 1.38± ACRES OF LAND FROM R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE) TO C-1 (OFFICE AND RELATED COMMERCIAL). THE PROPERTY IS THE FORMER DESERT ACADEMY CAMPUS, AND IS LOCATED ON THE EAST SIDE OF CAMINO ALIRE BETWEEN AGUA FRIA AND ALTO STREET. (DONNA WYNANT)**

**MOTION:** Councilor Dominguez moved, seconded by Councilor Rivera, to adopt Ordinance No. 2014-17, approving Case #2013-131, 317-137 Camino Alire Rezoning, with all conditions of approval as recommended by staff, and adopting the Findings of Fact and Conclusions of Law of the Planning Commission.

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

**For:** Councilor Maestas, Councilor Rivera, Councilor Trujillo, Councilor Dominguez, and Councilor Ives

**Against:** None.

**Recused:** Councilor Lindell and Councilor Dimas

**Absent for the vote:** Councilor Bushee.

- 5) **CONSIDERATION OF BILL NO. 2013-42: ADOPTION OF ORDINANCE NO. 2014- \_\_\_\_ (MAYOR COSS). AN ORDINANCE RELATING TO THE CITY OF SANTA FE ECONOMIC DEVELOPMENT PLAN ORDINANCE, ARTICLE 11-11 SFCC 1987; AMENDING ORDINANCE NO. 2013-2 FOR THE PURPOSE OF APPROVING AND ADOPTING A SECOND AMENDED LOCAL ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND RODEO PROPERTY, INC., FOR AN INDOOR MULTIPURPOSE FACILITY, A LOCAL ECONOMIC DEVELOPMENT PROJECT. (FABIAN TRUJILLO). (POSTPONED AT FEBRUARY 12, 2014 CITY COUNCIL MEETING). (WITHDRAWN BY STAFF)**
- a) **REQUEST FOR APPROVAL OF ECONOMIC DEVELOPMENT SECOND AMENDED PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND RODEO PROPERTY, INC. (POSTPONED AT FEBRUARY 12, 2014 CITY COUNCIL MEETING) (WITHDRAWN BY STAFF)**
  - b) **REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA FE AND SANTA FE COUNTY. (POSTPONED AT FEBRUARY 12, 2014 CITY COUNCIL MEETING). (WITHDRAWN BY STAFF)**

This item was withdrawn by staff.

*Mayor Gonzales returned to the meeting*

**I. ADJOURN**

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 8:10 p.m.

**Approved by:**

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**Mayor Javier M. Gonzales**

**ATTESTED TO:**

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**Yolanda Y. Vigil, City Clerk**

Respectfully submitted:

  
Melessia Helberg, Council Stenographer



**ACTION SHEET  
ITEM FROM THE  
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING  
OF  
MONDAY, MARCH 24, 2014**

**ITEM 8**

REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO AGREEMENT BETWEEN OWNER AND ARCHITECT FOR THE MARY ESTHER GONZALES SENIOR CENTER (MEG) WITH ELLIS/BROWNING ARCHITECTS, LTD. IN THE AMOUNT OF \$15,930 PLUS \$1,304.27 NMGR FOR A TOTAL OF \$17,234.27 (LEANN VALDEZ)

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

**SPECIAL CONDITIONS OR AMENDMENTS:**

**STAFF FOLLOW UP:**

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON TRUJILLO			
COUNCILOR DIMAS	X		
COUNCILOR DOMINGUEZ	X		
COUNCILOR LINDELL	Excused		
COUNCILOR RIVERA	X		

*Exhibit "1"*

**ACTION SHEET  
ITEM FROM THE  
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING  
OF  
MONDAY, MARCH 24, 2014**

**ITEM 14**

REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO TOURNAMENT FEES AND ADULT LEAGUE FEES AT THE MRC AND CITY SPORTS FIELDS; AMENDING SUBSECTION 23-4.12 SFCC 1987 TO ESTABLISH TOURNAMENT FEES, AMEND THE ADULT LEAGUE FEES AND TO INCLUDE YOUTH LEAGUE REQUIREMENTS TO BE CONSISTENT WITH SUBSECTION 23-7.5 SFCC 1987; AMENDING SECTION 23-7.5 SFCC 1987 TO ESTABLISH TOURNAMENT FEES AND TO AMEND THE ADULT LEAGUE FEES; AND MAKING SUCH OTHER STYLISTIC AND GRAMMATICAL CHANGES THAT ARE NECESSARY  
(COUNCILOR TRUJILLO) (JENNIFER ROMERO)

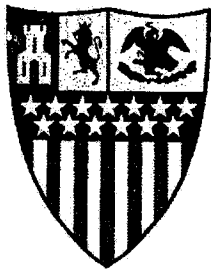
**PUBLIC WORKS COMMITTEE ACTION:** Approved on Consent

**SPECIAL CONDITIONS OR AMENDMENTS:**

**STAFF FOLLOW UP:**

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON TRUJILLO			
COUNCILOR DIMAS	X		
COUNCILOR DOMINGUEZ	X		
COUNCILOR LINDELL	Excused		
COUNCILOR RIVERA	X		

*Exhibit "2"*



# City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

[www.santafenm.gov](http://www.santafenm.gov)

*Javier M. Gonzales, Mayor*

## Councilors:

Peter N. Ives, Mayor Pro Tem, Dist. 2  
Patti J. Bushee, Dist. 1  
Signe I. Lindell, Dist. 1  
Joseph M. Maestas, Dist. 2  
Carmichael A. Dominguez, Dist. 3  
Christopher M. Rivera, Dist. 3  
Ronald S. Trujillo, Dist. 4  
Bill Dimas, Dist. 4

## Memorandum

To: Members of the Governing Body

From: Brian Snyder, City Manager  
Kelley Brennan, Interim City Attorney

Re: Chronology – Railyard Development

Date: April 9, 2014 (Revised)

In accordance with the request of the Mayor at the March 26, 2014 meeting of the Governing Body, the City Manager and the City Attorney will make a summary report at the Governing Body's April 9, 2014 meeting on the development of the Railyard; the construction of the underground parking structure (UPS), the Market Station building and adjacent infrastructure; and the settlements with Thos. S. Byrne, Ltd. (TSB), the construction contractor for the garage, and with Railyard Company LLC (RYCO). The chronology of key events that follows will guide our report.

**1995** – City acquires the 50-acre Railyard property

**1997** – Council creates the Metropolitan Redevelopment Commission

**February 25, 1998** – Council approves Resolution 1998-16 adopting a Memorandum of Agreement to lease the Railyard property to SFRCC

**January 31, 2001** – Council approves Resolution 2001-12 establishing financing parameters for the Railyard master planning effort and Resolution 2001-13 directing staff to pursue and implement non-profit management of the Railyard.

**January 31 2001** – Council approves a budget increase to a professional services agreement relating to the development of the Railyard master plan and approves an RFP seeking a non-profit to design and develop the Railyard park.

*Exhibit "3"*

**January 16, 2002** – Council approves land leases for existing tenants at the Railyard.

**February 13, 2002** – Council approves Resolution 2001-10 adopting the Railyard Master Plan on the recommendation of the Metropolitan Redevelopment Commission.

**February 27, 2002** – City and the non-profit Santa Fe Railyard Community Corporation (SFRCC) sign a Lease and Management Agreement (L&M) to implement the Railyard Master Plan. City leases the Railyard property to SFRCC for SFRCC to lease to other entities and manage in accordance with the Master Plan.

**September 1, 2005** – SFRCC and the RYCO enter into a lease for the Market Station parcels (M-1, M-2, M-3, M-4 and G).

**April 27, 2005** – City enters into a professional services agreement with Lloyd & Associates Architects (A/E) for design of the UPS.

**April 28, 2005** – The City and RYCO enter into the Parking Garage Development Agreement (PGDA) for the development of the UPS and defining City's right to revenues and maintenance duties and RYCO's duty to cause UPS to be constructed.

**December 26, 2005** – Project Contracting Plan defining the contracting process for UPS

**March 8, 2006** – RYCO enters into a contract with TSB for construction of the UPS.

**May 18, 2006** – Letter from Leonard Katz, attorney for RYCO, to City, countersigned on May 19, 2008 by then City Manager Asenath Kepler stating that RYCO will, to facilitate the commencement of construction on the UPS, waive certain conditions to the PGDA if the City agrees it will be responsible for, among other matters, "all additional costs and expenses incurred by [RYCO] under the Construction Contract arising from such claim, impairment, interference, interruption, responsibilities and liabilities."

\_\_\_\_\_ – Notice to Proceed with construction of UPS issues from RYCO to TSB.

**2007-2008** – SFRCC commenced and completed the construction of infrastructure in the North Railyard.

\_\_\_\_\_ – UPS substantially complete.

**October 28, 2009** – Council passes Resolution 2009-104 directing the City Manager to initiate discussions with SFRCC, RYCO, Santa Fe Southern and others to explore options for completing the development of the public and private spaces within the Railyard in accordance with the Master Plan.

**April 27, 2010** – CAO *attorney-client privileged memo* to Council on process since Resolution 2009-104 apparently prepared for discussion in executive session at the May 12, 2010 meeting of the Governing Body.

**April 29, 2010** – Letter from Attorney Lenny Katz to City Attorney Geno Zamora threatening to sue the City for \$13,662,354.19 based upon the signature of Ms. Kepler on May 18, 2006 letter which Mr. Katz refers to as an “Indemnification Agreement”.

**May 12, 2010** – Executive session on pending and threatened litigation. No action item was on the agenda following the executive session.

**December 8, 2010** – Council votes to settle with TSB on vote following executive session, reserving its rights against RYCO in accordance with the CAO *attorney-client privileged memo* presented in executive session.

**February 1, 2011** – City, TSB and RYCO sign Compromise Settlement Agreement and Mutual Release whereby City pays TSB \$300,000 to settle all claims by TSB against RYCO and TSB against the City regarding TSB’s construction of the UPS.

**April 27, 2011** – Council approves a contingent settlement agreement between City, SFRCC and RYCO, and approves a contingent 15 year sublease between RYCO and City for Suite 200, Market Station. Both the lease and the settlement are contingent upon RYCO securing \$1.4 million in funds to make the City’s tenant improvements. Settlement agreement proposes that RYCO shall terminate its sublease with SFRCC for the theatre parcels Tract G and M6 within 2 years if RYCO does not have signed development agreement for the design and construction of the theatre parcels. Three months were given to accomplish contingencies. *The matter was discussed in executive session, with further discussion in public regarding the action item and with the settlement documents reviewed in executive session disclosed upon the Council’s waiver of the attorney-client privilege.*

**August 29, 2011** – Council grants an additional three month extension for RYCO to secure financing for the tenant improvements and to complete April 2011 settlement.

**November 2011** – Council grants an additional six months, until May 1, 2012, to accomplish contingencies. RYCO agrees, for the first time, as a revision to the settlement, to amend its sublease with SFRCC to immediately relinquish rights to theatre parcels Tract G and M6.

**April 11, 2012** – Council agenda item for executive session: “Discussion of the Purchase, Acquisition or Disposal of Real Property by the City of Santa Fe, Office Space Purchase Agreement, 5000 market Street, Suite 200 at the Railyard, with [RYCO]...” and discussion of threatened litigation. Pending and threatened litigation was discussed in executive session, but after Mayor Coss asked for public discussion of the condominium purchase, it was agreed that that item would be heard in public at the April 25, 2012 Council meeting after RYCO asked for a postponement to that date.

**April 25, 2012** – Council approves settlement agreement whereby RYCO agrees to amend its sublease with SFRCC to immediately relinquish rights to theatre parcels Tract G and M6 in return for the City purchasing, for \$3.6 million, a condominium interest of 21.464 square feet in the market station condominium, created simultaneous with the settlement. Both RYCO and the City released each other from all claims arising out of their prior agreements and the construction projects, including the claims reserved by both parties against the other at the time of the settlement with TSB.



**CITY COUNCIL MEETING OF**  
**April 9, 2014**  
**BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION**  
**BY MEMBERS OF THE GOVERNING BODY**

<b>Mayor Javier Gonzales</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
	A RESOLUTION DECLARING THE GOVERNING BODY'S INTENTION TO BRING PEOPLE TO THE SANTA FE PLAZA BY PROVIDING A SAFER ENVIRONMENT AND INCREASED ECONOMIC DEVELOPMENT OPPORTUNITIES.	Public Safety Committee 4/15/14 City Business Quality of Life 4/16/14 Public Works Committee 4/28/14 Finance Committee 5/5/14 City Council (scheduled) 5/14/14
Peter Ives	AN ORDINANCE AMENDING THE <i>CITY OF SANTA FE UNIFORM TRAFFIC ORDINANCE</i> TO DOUBLE THE PENALTY ASSESSMENT FOR USING A MOBILE TELEPHONE WHILE OPERATING A VEHICLE AND TO TRIPLE THE PENALTY ASSESSMENT FOR USING A MOBILE TELEPHONE WHILE OPERATING A VEHICLE IN A SCHOOL ZONE.	Public Safety Committee 5/20/14 Finance Committee 6/2/14 City Council (request to publish) 6/11/14 City Council (public hearing) 7/9/14
<b>Councilor Patti Bushee</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
	A RESOLUTION AUTHORIZING AN AMENDMENT TO THE FARE STRUCTURE OF THE CITY OF SANTA FE'S PUBLIC TRANSPORTATION SYSTEM TO INCLUDE AN ANNUAL PASS OPTION; ESTABLISHING A BUS PASS PARTNERSHIP PROGRAM AUTHORIZING A DISCOUNT BUS PASS SALE PROGRAM FOR NON-PROFIT SOCIAL SERVICE ORGANIZATIONS WHO PURCHASE BUS PASSES IN VOLUME FOR DISTRIBUTION TO INDIGENT CLIENTS.	Transit Advisory Board 4/22/14 Public Works Committee 4/28/14 Finance Committee 5/5/14 City Council (scheduled) 5/14/14

<b>Councilor Patti Bushee - Continued</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
	A RESOLUTION SUPPORTING PEDESTRIAN IMPROVEMENTS ALONG EAST ALAMEDA AND THE SANTA FE RIVER WITH FUNDING SUPPORT PROVIDED THROUGH A COOPERATIVE AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION.	Finance Committee 4/21/14 Public Works Committee 4/28/14 City Council (scheduled) 4/30/14
	A RESOLUTION DIRECTING STAFF TO STUDY THE FEASIBILITY, FISCAL IMPACT AND POTENTIAL FUNDING MECHANISMS, INCLUDING GRANTS, FOR ESTABLISHING AND IMPLEMENTING ADVANCED TECHNOLOGY APPLICATIONS TO BENEFIT USERS OF THE SANTA FE TRAILS TRANSIT SYSTEM.	Transit Advisory Board 4/22/14 Public Works Committee 4/28/14 Finance Committee 5/5/14 City Council (scheduled) 5/14/14
<b>Councilor Bill Dimas</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Carmichael Dominguez</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Peter Ives</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Signe Lindell</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Joseph Maestas</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Chris Rivera</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>



<b>Councilor Ron Trujillo</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
Gonzales	<p>AN ORDINANCE</p> <p>RELATING TO THE CITY OF SANTA FE ECONOMIC DEVELOPMENT PLAN ORDINANCE, ARTICLE 11-11 SFCC 1987; AMENDING ORDINANCE NO. 2013-2 FOR THE PURPOSE OF APPROVING AND ADOPTING A SECOND AMENDED LOCAL ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND RODEO PROPERTY, INC. FOR AN INDOOR MULTIPURPOSE FACILITY, A LOCAL ECONOMIC DEVELOPMENT PROJECT.</p>	<p>Finance Committee 4/21/14</p> <p>City Council (request for hearing) 4/30/14</p> <p>EDRC _____</p> <p>City Business Quality of Life 5/14/14</p> <p>City Council (public hearing) 5/28/14</p>

Introduced legislation will be posted on the City Attorney's website, under legislative services. If you would like to review the legislation prior to that time or you would like to be a co-sponsor, please contact Melissa Byers, (505)955-6518, [mdbyers@santafenm.gov](mailto:mdbyers@santafenm.gov) or Rebecca Seligman at (505)955-6501, [rxseligman@santafenm.gov](mailto:rxseligman@santafenm.gov) .

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

2 **BILL NO. 2014-\_\_**

3 **INTRODUCED BY:**

4  
5 Councilor Ron Trujillo

6 Mayor Javier Gonzales

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9  
10 **AN ORDINANCE**

11 **RELATING TO THE CITY OF SANTA FE ECONOMIC DEVELOPMENT PLAN**  
12 **ORDINANCE, ARTICLE 11-11 SFCC 1987; AMENDING ORDINANCE NO. 2013-2 FOR**  
13 **THE PURPOSE OF APPROVING AND ADOPTING A SECOND AMENDED LOCAL**  
14 **ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN**  
15 **THE CITY OF SANTA FE AND RODEO PROPERTY, INC. FOR AN INDOOR**  
16 **MULTIPURPOSE FACILITY, A LOCAL ECONOMIC DEVELOPMENT PROJECT.**

17  
18 **BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

19 **Section 1. Short Title.** This Ordinance shall be known as the "Rodeo Property, Inc.  
20 Local Economic Development Project Ordinance for the 2013 funds."

21 **Section 2. Recitals.**

22 A. The Local Economic Development Act, Sections 5-10-1 *et. seq.* NMSA 1978  
23 explicitly permits municipalities to assist qualifying entities with economic development projects  
24 through the use of public resources; and

25 B. The City of Santa Fe has complied with the requirements of the Local Economic

1 Development Act by adopting an economic development plan ordinance (11-11 SFCC (1987)),  
2 incorporating within that ordinance its community economic development plan and its economic  
3 development strategy for implementation dated May 21, 2008; and

4 C. On December 14, 2011 the City approved the Economic Development Project  
5 Participation Agreement ("PPA") between the City and Rodeo Property, Inc., and designated the  
6 Rodeo Property, Inc., as a "Qualifying Entity," to receive \$100,000 in funding from the City for the  
7 Rodeo Project that would support the City's Economic Development Plan; and

8 D. The Rodeo Property, Inc. Economic Development Project is an indoor multipurpose  
9 facility that shall be designated for rodeo events, sports events, and entertainment events as well as  
10 serve as a disaster relief facility for animals (hereinafter referred to as the "Project"); and

11 E. Pursuant to the December 14, 2011 PPA, the dispersal of \$100,000 by the City was  
12 contingent on Rodeo Property, Inc. securing sufficient matching funds in the amount of \$100,000 to  
13 fully fund the feasibility study;

14 F. In 2012, to partially fulfill the match, the State Legislature appropriated \$81,000 in  
15 severance tax bonds to plan, design, construct, equip and furnish an indoor multiuse arena and  
16 regional disaster relief facility at the Rodeo de Santa Fe grounds in Santa Fe. The Local Government  
17 Division of the Department of Finance and Administration granted to the Rodeo Property, Inc.  
18 \$81,000 for the Project; and

19 G. In order to complete the match requirement, and pursuant to Santa Fe County  
20 Resolution 2012-78, Rodeo Property, Inc., the City of Santa Fe and Santa Fe County executed a  
21 Memorandum of Understanding ("First MOU") for the County to transfer \$19,000 to the City. After  
22 execution of the MOU and the Grant Agreement, Rodeo Property, Inc.'s match required under the  
23 December 14, 2011 PPA, consisted of the \$81,000 State Appropriation and \$19,000 in funds from the  
24 County which together provided a full match for the City's \$100,000 contribution toward the  
25 completion of the Project; and

1           H.     In the 2013 Legislative Session, the State Legislature appropriated \$230,000 in  
2 Severance Tax Bonds to the Local Government Division, to be granted to the City, for Project 13-  
3 1778 "to plan, design, construct, purchase, furnish and equip the Rodeo Indoor Arena and Disaster  
4 Relief Facility in Santa Fe..."

5           I.     At the City Council meeting held on January 9, 2013, the Council approved  
6 Ordinance 2013-2 which approved the original December 14, 2011 PPA and approved the First  
7 Amended PPA, to add the 2012 State Appropriation and the County contributions of \$19,000 to the  
8 Project;

9           J.     The City and County are now entering into a second Memorandum of Understanding  
10 ("Second MOU") providing for the County to transfer to the City an additional \$35,000 in funding for  
11 the Project.

12           K.     The First Amended PPA is now being amended to add the 2013 State Appropriation  
13 of \$230,000 and the County's contribution of \$35,000 per the Second MOU.

14           L.     Under the First Amended PPA, the City's total contribution of \$100,000 was applied  
15 towards the completion of the feasibility and architectural design phase of the Rodeo Project and was  
16 matched by the State's contribution of \$81,000 for the architectural design phase and the County's  
17 contributions of \$19,000 for the planning phase on a dollar for dollar basis.

18           M.     Under the Second Amended PPA, the State will contribute the 2013 STB  
19 appropriation of \$230,000 by way of a grant to the City and the County will contribute \$35,000 by  
20 way of a MOU between the County and the City for the purpose of planning, designing, and  
21 constructing the Rodeo Economic Development Project.

22           **Section 3. Findings.** The governing body hereby finds:

23           A.     The City of Santa Fe has determined that it is in the interest of the welfare of the  
24 citizens of Santa Fe to enter into the Second Amended Economic Development Project Participation  
25 Agreement for the purposes of effectuating its Economic Development Plan and the Project.

1           B.     In compliance with the City's economic development ordinance, 11-11 SFCC (1987),  
2 the December 14, 2011 Project Participation Agreement, the First Amended Project Participation  
3 Agreement between Rodeo Property, Inc. and the City and the Second Amended Project Participation  
4 Agreement all clearly state the following:

- 5                   (1)     The economic development goals of the project;
- 6                   (2)     The contributions of the City and Rodeo Property, Inc.;
- 7                   (3)     The specific measurable objectives upon which the performance review will  
8 be based;
- 9                   (4)     A schedule for project development and goal attainment;
- 10                  (5)     The security being offered for the City's investment;
- 11                  (6)     The procedures by which the Project may be terminated and the City's  
12 investment recovered;
- 13                  (7)     The time period for which the City shall retain a security interest in the  
14 Project; and
- 15                  (8)     A "sunset" clause after which the City shall relinquish interest in and  
16 oversight of the project;
- 17                  (9)     The designation of the Rodeo Property, Inc. as a qualifying entity.

18           **Section 4.     Approval and Adoption of Second Amended Project Participation**  
19 **Agreement and Approval of the Second Memorandum of Understanding between the City and**  
20 **County.**

21           A.     The governing body hereby approves the Second Amended PPA which adds  
22 additional State funding contribution of the 2013 STB appropriation \$230,000 by way of a grant to  
23 the City and additional County funding contribution of \$35,000 by way of a MOU between the  
24 County and the City for the purpose of planning, designing, and constructing the Rodeo Economic  
25 Development Project. The Second Amended Project Participation Agreement, attached hereto as

1 Exhibit "A", is hereby adopted. The MOU attached as Exhibit "B" is hereby adopted.

2       **Section 5. Severability Clause.** If any section, paragraph, clause, or provision of this  
3 Ordinance, or any section, paragraph, clause, or provision of any regulation promulgated hereunder  
4 shall for any reason be held to be invalid, unlawful, or unenforceable, the invalidity, illegality, or  
5 unenforceability of such section, paragraph, clause, or provision shall not affect the validity of the  
6 remaining portions of this Ordinance or the regulation so challenged.

7       **Section 6. Effective Date.** This Ordinance shall become effective immediately upon  
8 adoption.

9 APPROVED AS TO FORM:

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12 KELLEY A. BRENNAN, INTERIM CITY ATTORNEY  
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25 *M/Melissa/2014 Bills/Rodeo PPA\_Second Amended Ordinance 040114*

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

2                                   **RESOLUTION NO. 2014-\_\_**

3                                   **INTRODUCED BY:**

4  
5                                   Mayor Javier M. Gonzales

6                                   Councilor Peter Ives

7                                   Councilor Bill Dimas

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10                                  **A RESOLUTION**

11       **DECLARING THE GOVERNING BODY'S INTENTION TO BRING PEOPLE TO THE**  
12       **SANTA FE PLAZA BY PROVIDING A SAFER ENVIRONMENT AND INCREASED**  
13       **ECONOMIC DEVELOPMENT OPPORTUNITIES.**

14  
15               **WHEREAS,** the Santa Fe Plaza has been the commercial, social and political center of Santa  
16       Fe since 1610; and

17               **WHEREAS,** in 1960 the Secretary of the Interior designated the Santa Fe Plaza a National  
18       Historic Landmark, and subsequently listed the Plaza in the National Register of Historic Places; and

19               **WHEREAS,** in 2002 the Governing Body adopted Resolution 2002-50 creating a Plaza Task  
20       Force for the purpose of developing specific options for a policy on traffic control in the Santa Fe  
21       Plaza area; and

22               **WHEREAS,** the Plaza Task Force completed its effort in March 2003 and unanimously  
23       approved certain concepts and recommendations related to traffic control in the Santa Fe Plaza area;  
24       and

25               **WHEREAS,** a safer environment for pedestrians and traffic passing in front of vendors at the

1 Palace of the Governors on Palace Avenue were deemed the two highest priority safety concerns by  
2 the Plaza Task Force; and

3       **WHEREAS**, as a result, Palace Avenue in front of the Palace of the Governors was closed to  
4 vehicular traffic with the exception of loading and unloading and emergency vehicle access resulting  
5 in a safer pedestrian environment; and

6       **WHEREAS**, in 2006 the Governing Body unanimously approved the Santa Fe Plaza Cultural  
7 Landscape Report, a joint effort of the City, the State Historic Preservation Office, and the National  
8 Park Service; and

9       **WHEREAS**, the scope of the Santa Fe Plaza Cultural Landscape report did not include the  
10 streets immediately adjacent to the Plaza Park, and therefore included no treatment recommendations  
11 for these streets; and

12       **WHEREAS**, Section 23-5 of the City of Santa Fe Municipal Code (23-5 SFCC 1987)  
13 regulates the use of the Plaza, Plaza Park and Plaza periphery area and states that the usage of the  
14 Plaza and the Plaza Park should be creative, evolving, and non-institutionalized; and

15       **WHEREAS**, as Section 23-5 SFCC 1987 expressly defines the Plaza, the Plaza Park and the  
16 Plaza periphery area as follows:

17               *"Plaza* means that inclusive area bounded on the north by the north curblin  
18               Palace Avenue running in front of the Palace of the Governors, and on all other sides by  
19               the facades of the buildings, excluding portals, or property lines lying to the east, south  
20               and west of the Plaza."

21               *"Plaza Park* means that inclusive area bounded by the inside back of the curb  
22               surrounding the Plaza as outlined in the map prepared by the city."

23               *"Plaza periphery area* means an area outside the Plaza Park, not including the  
24               Plaza Park, bounded by Sandoval and Grant Streets on the west, Alameda Street on the  
25               south, Paseo de Peralta on the east and Marcy Street on the north. This area includes both



sides of the boundary streets.”

**WHEREAS**, the Plaza is a destination for many visitors interested in Santa Fe history and culture; and

**WHEREAS**, the Plaza belongs to all of Santa Fe and is home to many annual events that draw residents and visitors to the Plaza and create social connections, economic development and funding for community non-profits, including, but not limited to, the eight major events authorized by Subsection 23-5.2 SFCC 1987; and

**WHEREAS**, the duty and responsibility of the City of Santa Fe is to preserve, protect and maintain the Plaza, Plaza Park and the public places in the Plaza periphery area; and

**WHEREAS**, many cities have found that reducing vehicle traffic and creating pedestrian-friendly city centers benefits economies by improving the experience for shopping, dining, sightseeing and other activities; and

**WHEREAS**, many cities are reducing vehicle traffic as a way to preserve and protect historic areas; and

**WHEREAS**, in an effort to enhance the enjoyment and beauty of the Plaza area, the Governing Body desires to eliminate vehicular traffic in the Plaza and increase public safety presence in the Plaza and the Plaza periphery area.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE** that the Governing Body hereby declares its desire to bring people to the Santa Fe Plaza and provide a safer environment and increased economic development opportunities; provide for creative and evolving usage of the Santa Fe Plaza; and increase public safety presence on the Plaza, the Plaza Park and throughout the Plaza periphery area.

**BE IT FURTHER RESOLVED** that the Governing Body hereby authorizes:

1. The following street closures to unauthorized vehicular traffic, around the Plaza Park:
  - (a) Continuation of the closure of Palace Avenue; and

1 (b) Closure of the Lincoln Avenue, San Francisco Street and Old Santa Fe Trail.  
2 Staff is directed to make accommodations for the provision of accessible parking spaces and loading  
3 zones for deliveries to the merchants on the Plaza.

4 2. An increased public safety presence in the Plaza, the Plaza Park and the Plaza  
5 periphery.

6 **BE IT FURTHER RESOLVED** that the Governing Body directs the City Manager to  
7 designate a staff team to:

8 1. Analyze the effects of the street closures, which shall include at a minimum:

9 (a) The economic impact of the street closures; and

10 (b) Modifications to fee structures to make downtown parking more  
11 practical for the greatest number of residents and visitors and increase the use of  
12 underutilized parking facilities.

13 2. Within six months of adoption of this resolution, bring forward additional  
14 recommendations to the Governing Body that would:

15 (a) Enhance the experience of the Plaza for residents and visitors;

16 (b) Increase economic development and public safety in the Plaza area;

17 (c) Provide additional parking opportunities in the Plaza area, if necessary; and

18 (d) Ultimately bring people to the Plaza.

19 **BE IT FURTHER RESOLVED** that the authority granted by the adoption of this resolution  
20 shall be effective on May 24, 2014.

21 PASSED, APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2014.  
22  
23

24 \_\_\_\_\_  
JAVIER M. GONZALES, MAYOR  
25

1 ATTEST:

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4 YOLANDA Y. VIGIL, CITY CLERK

5 APPROVED AS TO FORM:

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8 KELLEY A. BRENNAN, INTERIM CITY ATTORNEY

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25 M/Melissa/Resolutions 2014/People to the Plaza\_040814

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**CITY OF SANTA FE, NEW MEXICO**

**BILL NO. 2014-\_\_**

**INTRODUCED BY:**

Mayor Javier Gonzales

Councilor Peter Ives

Councilor Bill Dimas

**AN ORDINANCE**

**AMENDING THE *CITY OF SANTA FE UNIFORM TRAFFIC ORDINANCE* TO DOUBLE  
THE PENALTY ASSESSMENT FOR USING A MOBILE TELEPHONE WHILE  
OPERATING A VEHICLE AND TO TRIPLE THE PENALTY ASSESSMENT FOR USING  
A MOBILE TELEPHONE WHILE OPERATING A VEHICLE IN A SCHOOL ZONE.**

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

**Section 1. Section 12-6-12.18 of the Uniform Traffic Ordinance (being Ord. #2006-  
34, as amended) is amended to read:**

**12-6-12.18 PROHIBITED ACTIVITIES WHILE DRIVING.**

**A. No person shall:**

- (1) drive a vehicle while engaged in any activity which interferes with the safe operation of the vehicle;
- (2) drive while having in his lap any adult person, adult or minor, or any animal;
- (3) drive while seated in the lap of another person while the vehicle is in motion;
- (4) drive a vehicle while having either arm around another person;

1           (5)     operate a motor vehicle's equipment, including but not limited to the vehicle  
2     horn or lights, in such a manner as to distract other motorists on the public way or in such a  
3     manner as to disturb the peace; or

4           (6)     except as provided in subsection D. below, operate a vehicle upon a public  
5     street or highway while:

6                 (a)     using a mobile telephone to engage in a call or create, send or read  
7     text messages; and

8                 (b)     using a mobile telephone to engage in a call or create, read or send a  
9     text message when passing through a school zone.

10    B.     For the purposes of Section 12-6-12.18, the following definitions apply:

11           (1)     ENGAGE IN A CALL. Talking into, dialing or listening on a hand-held  
12     mobile telephone.

13           (2)     HAND-HELD MOBILE TELEPHONE. A mobile telephone with which a  
14     user engages in a call using at least one hand (or prosthetic device or aid in the case of a  
15     physically disabled person).

16           (3)     HANDS-FREE MOBILE TELEPHONE. A mobile telephone that has an  
17     internal feature or function, or that is equipped with an attachment or addition, whether or not  
18     permanently part of such mobile telephone, by which a user engages in a call without the use  
19     of either hand (or prosthetic device or aid in the case of a physically disabled person),  
20     whether or not the use of either hand (or prosthetic device) is necessary to activate, deactivate  
21     or initiate a function of such telephone.

22           (4)     MOBILE TELEPHONE. The device used by subscribers and other users of  
23     wireless telephone service to access such service and shall include personal digital assistants.

24           (5)     NON-TRAVEL LANE. The berm or shoulder of a street or highway.

25           (6)     PERSONAL DIGITAL ASSISTANT. A device operated using a wireless

1 telecommunications service that provides for data communication other than by voice.

2 (7) WIRELESS TELEPHONE SERVICE. Two-way real time voice  
3 telecommunications service that is interconnected to a public switched telephone network and  
4 commonly referred to as cellular service or personal communication service.

5 C. An operator of a motor vehicle who holds a mobile telephone to, or in the immediate  
6 proximity of, his or her ear is presumed to be engaging in a call within the meaning of this Section.  
7 The presumption established by this Section is rebuttable by evidence tending to show that the  
8 operator was not engaged in a call. Immediate proximity shall mean that distance as permits the  
9 operator of a mobile telephone to hear telecommunications transmitted over such mobile telephone,  
10 but shall not require physical contact with such operator's ear.

11 D. Subsection A.(6) above shall not apply to:

12 (1) The use of a mobile telephone for the sole purpose of communicating with  
13 any of the following regarding an emergency situation: an emergency response operator; a  
14 hospital, physician's office or health clinic; an ambulance company or corps; a fire  
15 department, district or company; or a police department;

16 (2) The use of a hands-free mobile telephone when being used in a hands free  
17 manner; or

18 (3) The use of a hands-free mobile telephone when being used in a non-travel  
19 lane.

20 **Section 2. Traffic Violation Penalty Assessment, Schedule A of the City of Santa Fe**  
21 **Uniform Traffic Ordinance (being Ord. #2006-34, as amended) is amended to include the**  
22 **following amendments:**

Prohibited Activities While Driving (including hand held mobile telephone use)	12-6-12.18	<del>[\$100.00]</del> <u>\$200.00</u>
<u>Mobile Telephone Use While Driving in a School Zone</u>	<u>12-6-12.18(A)(6)(b)</u>	<u>\$300.00</u>

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APPROVED AS TO FORM:

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KELLEY A. BRENNAN, INTERIM CITY ATTORNEY

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**INTRODUCED BY:**

## A RESOLUTION

**AUTHORIZING AN AMENDMENT TO THE FARE STRUCTURE OF THE CITY OF SANTA FE'S PUBLIC TRANSPORTATION SYSTEM TO INCLUDE AN ANNUAL PASS OPTION; ESTABLISHING A BUS PASS PARTNERSHIP PROGRAM AUTHORIZING A DISCOUNT BUS PASS SALE PROGRAM FOR NON-PROFIT SOCIAL SERVICE ORGANIZATIONS WHO PURCHASE BUS PASSES IN VOLUME FOR DISTRIBUTION TO INDIGENT CLIENTS.**

**WHEREAS**, the City of Santa Fe delivers both fixed-route and paratransit services to the community that connect passengers with jobs, medical services, shopping opportunities, recreational centers, and wherever else life may take them; and

**WHEREAS**, the Governing Body has established a fare structure that encourages youth ridership by eliminating the fare requirement for passengers aged 18 years or younger; and

**WHEREAS**, the current fare structure encourages regular passengers to purchase passes that progressively reduce per trip costs with the duration of the pass with two fixed-route pass options – daily pass for \$2.00 and a 31-day pass for \$20.00; and

Exhibit "8"



1       **WHEREAS**, an annual pass option is not currently included in the approved fare structure,  
2       however, the non-profit entity Chainbreakers and regular transit users alike, have advocated for the  
3       addition of a progressively priced annual pass; and

4       **WHEREAS**, the City of Santa Fe has a long history of providing grant funding to many  
5       local social service agencies who work with, and support the needs of, indigent members of our  
6       community with concerns specifically addressed by the services and programs delivered by such  
7       organizations; and

8       **WHEREAS**, one need often cited by the indigent clients of such non-profit organizations is  
9       that of transportation that provides access to goods and services; and

10       **WHEREAS**, the City of Santa Fe desires to partner with local social service agencies in  
11       formally establishing a discount bus pass program to address the transportation needs of their indigent  
12       clients; and

13       **WHEREAS**, the City of Santa Fe Transit Advisory Board fully supports and has endorsed a  
14       discount bus pass program and the addition of an annual pass option and encourages the Governing  
15       Body to authorize such initiatives.

16       **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
17       **CITY OF SANTA FE** that the Governing Body hereby:

18             1.       Authorizes and endorses the Bus Pass Partnership Program as detailed on the attached  
19       flyer, attached hereto as Exhibit "A", for indigent clients of nonprofit social service organizations.

20             2.       Directs staff to provide notice of the Bus Pass Partnership Program to all social  
21       service organization grantees.

22             3.       Directs staff to promote the program through display ads in the Albuquerque Journal  
23       North, the Santa Fe New Mexican, and the Santa Fe Reporter.

24             4.       Directs staff to place copies of the promotional flyer in display racks at the Transit  
25       Division front office.

1           5.       Directs staff to amend the fare structure for the City of Santa Fe's transit system to  
2 include a \$200 annual pass option, while maintaining the remainder of the fare structure currently in  
3 effect.

4           PASSED, APPROVED, and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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JAVIER M. GONZALES, MAYOR

ATTEST:

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YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
KELLEY BRENNAN, CITY ATTORNEY

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

2 **RESOLUTION NO. 2014-\_\_**

3 **INTRODUCED BY:**

4  
5 Councilor Patti Bushee

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10 **A RESOLUTION**

11 **SUPPORTING PEDESTRIAN IMPROVEMENTS ALONG EAST ALAMEDA AND THE**  
12 **SANTA FE RIVER WITH FUNDING SUPPORT PROVIDED THROUGH A**  
13 **COOPERATIVE AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF**  
14 **TRANSPORTATION.**

15  
16 **WHEREAS**, the City of Santa Fe, New Mexico (City), has the legal authority to apply  
17 for, receive and administer federal funds; and

18 **WHEREAS**, the Santa Fe Metropolitan Planning Organization (SFMPO) solicited a call  
19 for project proposals through the Federal Fiscal Year (FFY) 2014/2015 Transportation  
20 Alternatives Program (TAP), a new federal program authorized under the federal legislation,  
21 Moving Ahead for Progress in the 21st Century (MAP-21); and

22 **WHEREAS**, the City submitted an application for the Santa Fe River Trail/East  
23 Alameda Pedestrian Improvements Project (Project), an eligible project under TAP, for  
24 pedestrian enhancements such as sidewalk, retaining structures, handrail and necessary  
25 appurtenances from El Alamo St. to Canyon Rd.; and

1       **WHEREAS**, the City was awarded funding for the Project by the New Mexico  
2 Department of Transportation (NMDOT), and must adopt a resolution of support for the Project  
3 and enter into a cooperative project agreement with NMDOT to receive this funding; and

4       **WHEREAS**, the SFMPO Transportation Policy Board approved the project for  
5 placement in the FFY 2014-2017 Transportation Improvement Program and is programmed in the  
6 NMDOT's Statewide Transportation Improvement Program approved by the New Mexico State  
7 Transportation Commission and Federal Highway Administration, for funding in the amount of  
8 \$70,000.00 in FFY 2014 for design and \$385,000.00 in FFY 2015 for construction requiring a  
9 14.56% local government match; and

10       **WHEREAS**, the City acknowledges availability of the required local matching funds and  
11 the ability to pay all upfront costs, since TAP is a cost reimbursement program; and

12       **WHEREAS**, the City agrees to maintain the project constructed with TAP funding for  
13 the useable life of the project.

14       **NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
15 **CITY OF SANTA FE** that the City of Santa Fe, New Mexico:

- 16       1. Supports design and construction of the Project (NMDOT Project Control  
17       Number S100281) funded through a cooperative project agreement with  
18       NMDOT;
- 19       2. Accepts responsibility for the project;
- 20       3. Assumes the lead role for the design development and construction of the project;
- 21       4. Agrees to the terms, conditions and certification and reporting requirements of  
22       the cooperative project agreement; and
- 23       5. Assumes ownership, liability, maintenance, and related amenities of the Project,  
24       and assures the NMDOT that sufficient funding for the local match and for  
25       upfront project costs are available..

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PASSED, APPROVED, and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
JAVIER M. GONZALES, MAYOR

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
KELLEY A. BRENNAN, INTERIM CITY ATTORNEY

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2014-\_\_

3 INTRODUCED BY:

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5 Councilor Patti Bushee

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10 A RESOLUTION

11 DIRECTING STAFF TO STUDY THE FEASIBILITY, FISCAL IMPACT AND POTENTIAL  
12 FUNDING MECHANISMS, INCLUDING GRANTS, FOR ESTABLISHING AND  
13 IMPLEMENTING ADVANCED TECHNOLOGY APPLICATIONS TO BENEFIT USERS  
14 OF THE SANTA FE TRAILS TRANSIT SYSTEM.

15  
16 WHEREAS, the City of Santa Fe provides transit services by means of the Santa Fe Trails  
17 transit system; and

18 WHEREAS, in an effort to keep transit users informed, the City provides a wealth of  
19 information on its website, including route maps, schedules and fares; and

20 WHEREAS, there is a need for the City to provide real-time information to Santa Fe Trails  
21 users; and

22 WHEREAS, there are transit applications available in the marketplace that have the means to  
23 provide real-time information as to whether buses are running on schedule and whether the bus will  
24 arrive at the stop at the scheduled time; and

25 WHEREAS, with the increased dependency on mobile technology, mobile transit

1 applications would benefit the users of Santa Fe Trails; and

2       **WHEREAS**, research has shown that merely providing certainty to passengers as to when a  
3 bus will arrive can increase ridership; and

4       **WHEREAS**, in an effort to create increased ridership and convenience for residents of and  
5 visitors to Santa Fe, there is a need to implement and establish advanced technology applications that  
6 would provide real-time information to Santa Fe Trails users.

7       **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
8 **CITY OF SANTA FE** that staff is directed to study the feasibility, fiscal impact and possible funding  
9 mechanisms, including grants, for establishing and implementing advanced technology applications  
10 that would benefit the users of the Santa Fe Trails Transit System.

11       **BE IT FURTHER RESOLVED** that staff is directed to include in their study the  
12 possibilities of implementing the following:

- 13       1. An application to be accessible by computer and mobile device that would provide real-  
14       time information;
- 15       2. An application for Google transit maps;
- 16       3. A QR Code (quick access to information) accessible by mobile device;
- 17       4. Text short codes to retrieve information; and
- 18       5. A Kiosk at Sheridan Station.

19       **BE IT FURTHER RESOLVED** that staff is directed to report their findings, including the  
20 fiscal impact and potential funding mechanisms for implementing advanced technology applications  
21 for Santa Fe Trails, to the Governing Body within 60 days of the adoption of this resolution.

22       PASSED, APPROVED, and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2014.

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25 JAVIER M. GONZALES, MAYOR

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ATTEST:

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YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
KELLEY A. BRENNAN, INTERIM CITY ATTORNEY



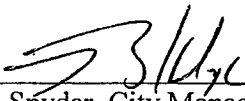
# City of Santa Fe, New Mexico

# memo


**DATE:** March 28, 2014 for April 9, 2014 City Council Meeting

**TO:** City Council

**VIA:**

  
Brian Snyder, City Manager

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

Tamara Baer, Planning Manager, Current Planning Division 

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

**Case #2013-128. Homewise Rezoning.** JenkinsGavin Design & Development, Inc., agent for Homewise, Inc., requests rezoning of 2.39± acres of land from I-2 (General Industrial) to I-1 (Light Industrial) to accommodate a proposed 20,000± sq. ft. office building. The property is located at 2868 Rufina Street. (Donna Wynant, Case Manager)

## I. RECOMMENDATION

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

On February 6, 2014, the Planning Commission found that the application meets all code criteria for a Rezoning. The Applicant intends to build the proposed office building if the Council approves the Rezoning.

## II. APPLICATION OVERVIEW

The property at 2868 Rufina Street is 2.39± acres in size and zoned I-2 (General Industrial). The applicant proposes to rezone the property to I-1 (Light Industrial) to accommodate a 20,000± sq. ft. office building since the I-2 does not allow office as a primary use. The request is in compliance with the General Plan which designates the property for Industrial without any distinction between light or heavy industrial use. The property is unimproved and currently houses temporary structures and vehicles. Trees are located along Rufina Street, Clark Road and along the north lot line. Properties in this area that are generally located west of Clark Road are zoned I-2 (General Industrial) and I-1 (Light Industrial) east of Clark Road.

*Exhibit "11"*

The applicant identified the various businesses in the surrounding I-1 and I-2 districts. Capitol Plumbing and A-1 Self Storage are located to the east, across Clark Road in the I-1 district. To the north across Rufina is a gravel yard in the I-2 district which was recently subdivided as the Classic Rock Subdivision into five lots. Three businesses, including Big Jo Hardware, are in the I-1 district to the south.

The proposed building will house Homewise Inc. which has outgrown their office building in the Siler Studios office complex, located immediately to the west at 1301 Siler Road. Although a development plan is not required since the building is less than 30,000 square feet, the applicant has provided a conceptual plan to show their proposed layout. The plan shows their building facing Rufina Street, with a 44 space parking lot to the rear of the building. Access is provided via a shared entrance from Rufina Street located on the adjacent property that currently gives access to the rear of the Siler Studios office development and onto Clark Road that runs along their east property line. Existing infrastructure, including water and sewer, is sufficient to serve the proposed development. All site improvements, including required sidewalks along Rufina and Clark, will be more thoroughly detailed and reviewed at the time of construction permit application.

An Early Neighborhood Notification meeting was held on December 9, 2013. The conceptual plan for the proposed office development was reviewed and discussed. Of particular interest was the shared entrance/drive into the site off of Rufina, to be shared with an easement along the rear lot line of the Siler Studios office development. Merritt Brown and Mark Bertrum, owners of the Siler Studios, were in attendance and appeared to be in agreement with the shared use of the drive. There was no neighborhood opposition to the project.

#### **ATTACHMENTS:**

- |           |  |
|-----------|--|
| Exhibit 1 | Planning Commission Findings of Fact, Approved 3/13/14 |
| Exhibit 2 | Draft Rezoning Bill – I-1                              |
| Exhibit 3 | Planning Commission Staff Report Packet                |
| Exhibit 4 | Planning Commission Minutes – 2/6/14                   |

ITEM # 14-0163

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

Case #2013-128 – Homewise Rezoning

Owner's Name – Homewise, Inc.

Applicant's Name – JenkinsGavin Design & Development, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on February 6, 2014 upon the application (Application) of JenkinsGavin Design & Development, Inc. as agent for Homewise, Inc. (Applicant).

The Applicant seeks to rezone 2.39± acres of land located at 2868 Rufina Street (Property) from I-2 (General Industrial) to I-1 (Light Industrial) to accommodate a proposed 20,000± square-foot office building. The Property is designated as Industrial on the General Plan Future Land Use Map.

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

FINDINGS OF FACT

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Under Santa Fe City Code (Code) §14-3.5(A)(1)(d) any individual may propose a rezoning.
3. Code §§14-3.5(B)(1) sets out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.5(C).
4. Code §§14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings (Rezoning Criteria).
5. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)(1)(a)(i)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(iii)]; and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
6. A pre-application conference was held on November 14, 2013.
7. Code §14-3.1(F) establishes procedures for the ENN meeting, including, without limitation:  
(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 [Code §14-3.1(F)(6)].
8. An ENN meeting was held on the Application at 5:30 p.m. on December 9, 2013 at the Homewise office.
9. Notice of the ENN meeting was properly given.
10. The ENN meeting was attended by the Applicant, City staff and other interested parties and the discussion followed the guidelines set out in Code §14-3.1(F)(6).

EXHIBIT 1

11. Commission staff provided the Commission with a report (the Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the Rezoning, subject to those conditions contained in the Staff Report (the Conditions).
12. The Commission has considered the Rezoning Criteria and finds, subject to the Conditions, the following facts:
  - (a) *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [Code §14-3.5(C)(1)(a)].*

There has been a change in the surrounding area, with uses changing from heavier to lighter industrial and office, reflected in I-1 zoning on two adjacent parcels. In addition, prior I-2 zoning permitted office uses, which are no longer permitted in I-2 zones, and existing development on I-2 zoned parcels includes Siler Studios, which is completely built out as office space and office and retail uses on parcels to the west. Rezoning will consolidate an area of office and retail uses which might otherwise be negatively affected by the introduction of heavy industrial use. Further, the rezoning is consistent with the Plan, which does not distinguish between heavy and light industrial uses and permits office use.
  - (b) *All the rezoning requirements of Code Chapter 14 have been met [SFCC §14-3.5(C)(1)(b)].*

All the rezoning requirements of Code Chapter 14 have been met.
  - (c) *The proposed rezoning is consistent with the applicable policies of the General Plan [Code § 14-3.5(A)(c)].*

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

The proposed rezoning is consistent with the Plan's Industrial future land use designation for the Property and reflects existing office and retail development in the area.
  - (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 [Code § 14-3.5(C)(e)];*

Existing infrastructure, including water and sewer, is sufficient to serve the proposed development.

#### CONCLUSIONS OF LAW

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

1. The Rezoning was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The ENN meetings complied with the requirements established under the Code.
3. The Applicant has the right under the Code to propose the rezoning of the Property.

4. 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.
5. The proposed rezoning meets the Rezoning Criteria.

WHEREFORE, IT IS ORDERED ON THE 13<sup>th</sup> OF MARCH 2014 BY THE  
PLANNING COMMISSION OF THE CITY OF SANTA FE:

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the rezoning of the Property to I-1, subject to the Conditions.

Michael D. Spray  
Thomas Spray  
Chair

3/13/14  
Date:

FILED:

Yolanda Y. Vigil  
Yolanda Y. Vigil  
City Clerk

3/14/14  
Date:

APPROVED AS TO FORM:

Kelley A. Brennan  
Kelley Brennan  
Interim City Attorney

3/10/14  
Date:

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2014-13

AN ORDINANCE

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;  
CHANGING THE ZONING CLASSIFICATION FROM I-2 (GENERAL INDUSTRIAL)  
TO I-1 (LIGHT INDUSTRIAL); AND PROVIDING AN EFFECTIVE DATE WITH  
RESPECT TO A CERTAIN PARCEL OF LAND COMPRISING 2.39± ACRES  
LOCATED AT 2868 RUFINA STREET ("HOMEWISE" REZONING CASE NO. 2013-128).  
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. The following real property (the "Property") located within the municipal  
boundaries of the city of Santa Fe, is restricted to and classified I-1 (Light Industrial):

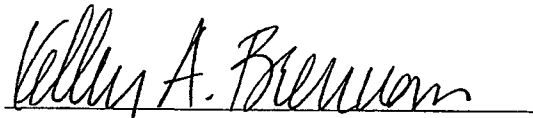
A parcel of land comprising 2.39± acre generally located at the southwest corner of  
Rufina and Clark Road at 2868 Rufina Street and more fully described in EXHIBIT A  
attached hereto and incorporated by reference, located in Section 23, T17N., R9E,  
N.M.P.M., Santa Fe County, New Mexico,

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

1           **Section 3.**     This rezoning action and any future development plan for the Property is  
2 approved with and subject to the conditions set forth in the table attached hereto as EXHIBIT B  
3 and incorporated herein summarizing the City of Santa Fe staff technical memoranda and  
4 conditions recommended by the Planning Commission on February 6, 2014.

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

7 **APPROVED AS TO FORM:**

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10 **KELLEY BRENNAN, INTERIM CITY ATTORNEY**  
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Bill No. 2014-13

EXHIBIT A  
2868 Rufina Street (Homewise)  
Legal Description for I-1 Zoning

*A parcel of land lying and being situate at 2868 Rufina Street, within Lot 1, Block 2 of the R & B Industrial Subdivision, Section 33, Township 17 North, Range 9 East, N.M.P.M., City of Santa Fe, State of New Mexico being more particularly described as follows:*

*Beginning at a point marked by Santa Fe Control aluminum cap stamped "CD-5" from whence S.20°00'30"W. a distance of 7,655.65 feet to a point on a curve at the northeast corner of the parcel described the true point and place of beginning marked by a number 4 rebar with NMPS 10988 cap;*

*Thence along a curve to the right having a radius = 25.0 feet, length = 39.27 feet, delta angle = 90°00'00", chord bearing S.59°37'47"E. a distance of 35.36 feet to a point marked by a number 4 rebar with NMPS 10988 cap;*

*Thence along the east boundary adjacent to the west right of way of Clark Road S.14°37'47"E. a distance of 480.50 feet to the southeast property corner of the parcel described marked by a number 4 rebar with NMPS 10988 cap;*

*Thence along the south boundary S.61°46'13"W. a distance of 198.00 feet to the southwest property corner of the parcel described marked by number 4 rebar with NMPS 10988 cap;*

*Thence along the west boundary N.15°35'58"W. a distance of 547.65 feet to the northwest corner of the parcel described marked by Mag nail with NMPS 10988 shiner and being south of the Rufina Street right of way;*

*Thence along the north boundary common to the south right of way of Rufina Street along a curve to the right having a radius = 1112.92 feet, length = 98.31 feet, delta angle = 05°03'41", chord bearing N.72°50'22"E. a distance of 98.28 feet;*

*Thence continuing along the north boundary N.75°15'51"E. a distance of 78.53 feet to the true point and place of beginning.*

*Described parcel contains 2.39 Acres more or less and is subject to all access, and utility easements of record, as depicted on the Boundary Survey Plat prepared for John W. Lim and Maude Lim (Trustees of the Lim Revocable Trust) Land Surveying Company, LLC project number*

*L-2547 as certified by Salvador I. Vigil, NMPS 10988 as filed for record in Book 767, page 034, Instrument No. 1725730 in the Office of the Santa Fe County Clerk.*

EXHIBIT A



**2868 Rufina Street (Homewise)**  
**Rezone from I-2 (General Industrial) to I-1 (Light Industrial)**  
**Case #2013-128**  
**Bill No. 2014-13**

DRT Conditions of Approval	Department	Staff
<ul style="list-style-type: none"> <li>If this project moves forward to application for a building permit, curb, gutter, and sidewalks must be constructed on Rufina Street and Clark Road in accordance with Article 14-9.2(E) of the Land Development Code. If adequate right-of-way is not available, sidewalk shall be located in a public access easement dedicated to the City on an approved Plat. Sidewalk construction is not required to exceed twenty percent of the value of the other construction covered by the permit.</li> </ul>	Tech Review Div/Land Use	RB Zaxus
<ul style="list-style-type: none"> <li>Connection to the City public sewer system is mandatory when the property is in the City limits and is being developed or improved is accessible to the City sewer system. Prior to the development or improvement of the property, owners and developers of the property shall obtain a technical sewer evaluation review by the City of Santa Fe Wastewater Division.</li> <li>Wastewater UEC charges shall be paid at the time of building permit application</li> </ul>	Wastewater Management Division	Stan Holland
<ul style="list-style-type: none"> <li>The developer shall dedicate Right-of-Way or grant a sidewalk easement along Clark Road in accordance with the provisions of Chapter 14 of the Land Use Code.</li> <li>At the time of development of any portion of the subject property, the developer shall construct sidewalk and curb and gutter along the entire length of the property lines that adjoin Rufina Street and Clark Street.</li> </ul>	Traffic Engineering	Sandy Kassens
<ul style="list-style-type: none"> <li>Shall comply with IFC requirements.</li> <li>Fire Department Access shall not be less than 20 feet width.</li> <li>Fire Department shall have 150 feet distance to any portion of the building on any new construction.</li> <li>Shall have water supply that meets IFC requirements.</li> </ul>	Fire Marshal	Reynaldo Gonzales

EXHIBIT B  
Page 1 of 2

**2868 Rufina Street (Homewise)**  
**Rezone from I-2 (General Industrial) to I-1 (Light Industrial)**  
**Case #2013-128**  
**Bill No. 2014-13**

<ul style="list-style-type: none"> <li>• No pedestrian access is shown from the adjoining streets (Rufina or Clark). Pedestrian Walkways connected to adjoining streets should be provided.</li> <li>• Bicycle Parking facilities should be clearly identified on the site plan and meet the requirements outlined in Chapter 14 and guidance provided in the Bicycle Master Plan.</li> </ul>	MPO	Keith Wilson
There are no issues with water service for the subject case. A main extension may be required to serve the site. Fire protection requirements are addressed by the Fire Department.	Water Division	Antonio Trujillo

*Page 2 of 40*

# City of Santa Fe, New Mexico

## memo

**DATE:** January 24, 2014 for the February 6, 2014 meeting

**TO:** Planning Commission

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

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

**Case #2013-128. Homewise Rezoning.** JenkinsGavin Design & Development, Inc., agent for Homewise, Inc., requests rezoning of 2.39± acres of land from I-2 (General Industrial) to I-1 (Light Industrial) to accommodate a proposed 20,000± sq. ft. office building. The property is located at 2868 Rufina Street. (Donna Wynant, Case Manager)

### RECOMMENDATION

Staff recommends **approval** of the request to rezone property at 2868 Rufina Street from I-2 to I-1 with all staff conditions as outlined in this report.

### I. EXECUTIVE SUMMARY

The property at 2868 Rufina Street is 2.39± acres in size and zoned I-2 (General Industrial). The applicant proposes to rezone the property to I-1 (Light Industrial) to accommodate a 20,000± sq. ft. office building since the I-2 no longer allows office as a primary use. The request is in compliance with the General Plan which designates the property for Industrial without any distinction between light or heavy industrial use. The property is unimproved and currently houses temporary structures and vehicles. Trees are located along Rufina Street, Clark Road and along the north lot line. Properties in this area that are generally located west of Clark Road are zoned I-2 (General Industrial) and I-1 (Light Industrial) east of Clark Road.

The applicant identified the various businesses in the surrounding I-1 and I-2 districts. Capitol Plumbing and A-1 Self Storage are located to the east, across Clark Road in the I-1 district. To the north across Rufina is a gravel yard in the I-2 district which was recently subdivided as the Classic Rock Subdivision into five lots. (See Exhibit C-4, Siler/Rufina Area Uses). Three businesses, including Big Jo Hardware, are in the I-1 district to the south.

The proposed building will house Homewise Inc. which has outgrown their office building in the Siler Studios office complex, located immediately to the west at 1301 Siler Road. Though a development plan is not required since the building is less than 30,000 square feet, the applicant has provided a conceptual plan to show their proposed layout. The plan shows their building facing Rufina Street, with a 44 space parking lot to the rear of the building. Access is provided via an entrance from Rufina Street located on the adjacent property that currently gives access to the rear of the Siler Studios office development. This will eliminate an unnecessary curb cut on Rufina Street. (See Exhibit E-3: Letter regarding Access Easement.) Access is also shown onto Clark Road that runs along their east property line. The applicant proposes landscaping near the building and throughout the parking lot although no landscaping is shown for the remainder of the site. All site improvements, including required sidewalks along Rufina and Clark, will be more thoroughly detailed and reviewed at the time of construction permit application.

### **Early Neighborhood Notification Meeting**

An Early Neighborhood Notification meeting was held on December 9, 2013. The conceptual plan for the proposed office development was reviewed and discussed. Of particular interest was the shared entrance/drive into the site off of Rufina, to be shared with an easement along the rear lot line of the Siler Studios office development. Mr. Merritt Brown and Mark Bertrum, owners of the Siler Studios, were in attendance and appeared to be in agreement with the shared use of the drive.

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

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

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

#### **(a) One or more of the following conditions exist:**

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

Applicant response: N/A

Staff response:

No mistake was found. Properties generally located east of Clark Road in this area are zoned I-1 (Light Industrial) and west of Clark Road are zoned I-2 (General Industrial).

##### **(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;**

Applicant response:

The surrounding area is evolving. Originally oriented toward heavy industry, it now encompasses a wide spectrum of uses, from the traditional auto repair shops and industrial storage yards to office, studios, and retail stores (see attached Siler/Rufina Area Uses Map). Adjacent to the subject property is Siler Studios, an office development approved under the pre-2012 Land Development Code as a permissible use under I-2 zoning. Continuing this pattern of office use is in keeping with the changes to the surrounding area. Just north on Siler Road is the Creative Arts Plaza, home to small businesses including NetPros Computer Repair Service, Healthy Lifestyles, Janitor Supply, the Church of Christ, and Roadrunner Screen Printers. Across from the Creative Arts Plaza is Back on the Rack, a retail thrift shop, while Rufina Lane houses small galleries in addition to automobile repair shops. Small offices, including a professional accounting business, are also located east of the project at 1274 Rufina Street. Harrison Road, at the east of Rufina, is home to many small studios and offices as part of the C-2 zoning district along the Cerrillos Road corridor. In summary, the vicinity around the subject property comprises a lively mix of uses including office, industrial, retail, and art studios. The requested rezone is in keeping with the character of this continually evolving area of Santa Fe.

Staff response:

As stated by the applicant, uses in the Siler Road area have changed from heavier to lighter industrial and office. While the City recognizes the importance of protecting the limited amount of I-2 zoning in the city, in this case, the property is already bordered on two sides by I-1 (Light Industrial), so that the rezoning would reflect an expansion of the adjacent I-1 district. To the west, the existing Siler Studios, developed under prior regulations that permitted office uses in I-2, is completely built out as office space. To the south, the uses are also fully built out as office and retail. Therefore, the proposed rezoning would consolidate an area of office and retail uses which might otherwise be negatively impacted by the introduction of a heavy industrial use in their immediate proximity.

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

Applicant response:

The project will be advantageous to the community on several levels. It will align with the General Plan by promoting community integration and social balance through mixed land use. It will also serve as a transition between the offices to the west and the industrial uses to the east. Moreover, Homewise is an organization that has benefited the community for decades. The new, larger building will allow Homewise to expand and serve an ever-growing base of local residents in need of affordable housing options.

Staff response:

The subject 2.39 acre site is currently used for construction type vehicles, construction trailers, and other temporary structures. The development as proposed will result in an improved attractive site.

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

Applicant response:

Yes

Staff response:

The size of the proposed structure is 20,000± and therefore does not require a development plan. The plan is therefore conceptual in nature. The placement of the structure on the site as shown on the conceptual plan with the 44 parking spaces complies with code. A large portion of the site remains vacant and could easily support additional parking if needed. A sidewalk along both street frontages is required.

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

Applicant response:

An office building provides an appropriate transitional use between the surrounding industrial uses and the commercial uses along the Cerrillos Road corridor. The subject property has a Future Land Use designation of Industrial, which encompasses both I-1 and I-2 zoning designations. Since offices are permissible uses in I-1 districts, the rezone is consistent with the Future Land Use designation. Moreover, the adjacent property to the west houses Siler Studios, an office complex that was approved under the previous Land Development Code which allowed office uses in an I-2 zone.

Staff response:

Staff concurs. The property is adjacent to existing office use, and other office and light industrial types of uses. It is located on the southern edge of an area zoned for heavier types of industrial use, rather than in the middle of the I-2 area. The General Plan designation of 'Industrial' does not distinguish between heavy and light industrial uses. The latter has historically included office use.

- (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;*

Applicant response:

Per Section 4.4 of the General Plan, the subject property is located within the Urban Area Boundary and is also in Staging Area One, which "encompasses the highest priority for urban growth" (Section 4.5.1) The proposed rezone to I-1 will

allow for a new office building on a currently underused property, which exemplifies the General Plan's intent of establishing a compact urban form and desired infill development.

Staff response:

Recent amendments to Chapter 14 included the elimination of office development as a primary use in the I-2 (General Industrial) in order to reserve such areas for heavier industrial uses. The only other area in Santa Fe that is zoned I-2 (General Industrial) is located just north of Airport Road, west of 599. The subject property has not been developed for heavy industrial use and is now situated between office development to the west and a plumbing supply company and self-storage units to the east. This rezoning request and proposed development will expand the I-1 zoning to the west and south and serve as a good transition to the development further to the east.

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

Applicant response:

There is adequate public infrastructure available adjacent to the site to serve the proposed office building.

Staff response:

Utilities are available in the area to serve the site. Sidewalks along both street frontages, Rufina Street and Clark Road, are required in accordance with Article 14-9.2(E).

### III. CONCLUSION

The Land Use Department acknowledges and supports the need for I-2 zoning within the City. The subject property is in an unusual location surrounded by I-1 (Light Industrial) zoning on two sides, and immediately adjacent to an office complex (Siler Studios) that was a permitted use prior to recent code changes that eliminated office as a permitted use in the I-2 district. The Land Use Department can support this proposal that expands the adjacent I-1 district and ties in well with the office and retail development to the west and south, subject to the attached DRT Conditions of Approval.

#### IV. ATTACHMENTS:

##### EXHIBIT A: Conditions of Approval

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

1. Technical Review Division – City Engineer memorandum, Risana Zaxus
2. Technical Review Division – Landscape memorandum, Noah Berke
3. Wastewater Management Division memorandum, Stan Holland
4. Traffic Engineering Division memorandum, Sandra Kassens
5. Fire Marshal, Reynaldo Gonzales
6. Metropolitan Planning Organization email, Keith Wilson
7. Water Division memorandum, Antonio Trujillo
8. Solid Waste Division email, Randall Marco

##### EXHIBIT C: Maps

1. Aerial Photo
2. Future Land Use
3. Current Zoning
4. Siler/Rufina Area Uses

##### EXHIBIT D: ENN Materials

1. ENN Meeting Notes
2. ENN Responses to Guidelines

##### EXHIBIT E: Applicant Materials

1. Letter of Application
2. Conceptual Site Plan
3. Letter regarding Access Easement

##### EXHIBIT F: Other Material

1. Photographs of site



**2868 Rufina Street**  
**Rezone from I-2 (General Industrial) to I-1 (Light Industrial)**  
**Case #2013-128**

DRT Conditions of Approval	Department	Staff
<ul style="list-style-type: none"> <li>If this project moves forward to application for a building permit, curb, gutter, and sidewalks must be constructed on Rufina Street and Clark Road in accordance with Article 14-9.2(E) of the Land Development Code. If adequate right-of-way is not available, sidewalk shall be located in a public access easement dedicated to the City on an approved Plat. Sidewalk construction is not required to exceed twenty percent of the value of the other construction covered by the permit.</li> </ul>	Tech Review Div/Land Use	RB Zaxus
<ul style="list-style-type: none"> <li>Connection to the City public sewer system is mandatory when the property is in the City limits and is being developed or improved is accessible to the City sewer system. Prior to the development or improvement of the property, owners and developers of the property shall obtain a technical sewer evaluation review by the City of Santa Fe Wastewater Division.</li> <li>Wastewater UEC charges shall be paid at the time of building permit application</li> </ul>	Wastewater Management Division	Stan Holland
<ul style="list-style-type: none"> <li>The developer shall dedicate Right-of-Way or grant a sidewalk easement along Clark Road in accordance with the provisions of Chapter 14 of the Land Use Code.</li> <li>At the time of development of any portion of the subject property, the developer shall construct sidewalk and curb and gutter along the entire length of the property lines that adjoin Rufina Street and Clark Street.</li> </ul>	Traffic Engineering	Sandy Kassens
<ul style="list-style-type: none"> <li>Shall comply with IFC requirements.</li> <li>Fire Department Access shall not be less than 20 feet width.</li> <li>Fire Department shall have 150 feet distance to any portion of the building on any new construction.</li> <li>Shall have water supply that meets IFC requirements.</li> </ul>	Fire Marshal	Reynaldo Gonzales

EXHIBIT A

**2868 Rufina Street**  
**Rezone from I-2 (General Industrial) to I-1 (Light Industrial)**  
**Case #2013-128**

<p>I do not have any comments on the requested rezoning for Case #2013-128, Homewise Rezoning.</p> <p>I do have the following comments on the Conceptual Site Plan.</p> <ul style="list-style-type: none"> <li>• No pedestrian access is shown from the adjoining streets (Rufina or Clark). Pedestrian Walkways connected to adjoining streets should be provided.</li> <li>• <b>Bicycle Parking facilities should be clearly identified on the site plan and meet the requirements outlined in Chapter 14 and guidance provided in the Bicycle Master Plan.</b></li> </ul>	MPO	Keith Wilson
<p>There are no issues with water service for the subject case. A main extension may be required to serve the site. Fire protection requirements are addressed by the Fire Department.</p>	Water Division	Antonio Trujillo

DATE: January 14, 2014  
TO: Donna Wynant, Case Manager  
FROM: Risana "RB" Zaxus, PE  
City Engineer for Land Use Department  
RE: Case # 2013-128  
Homewise Rezoning

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I reviewed a one-sheet Conceptual Site Plat and have the following comment to be regarded as a condition of approval:

\*If this project moves forward to application for a building permit, curb, gutter, and sidewalks must be constructed on Rufina Street and Clark Road in accordance with Article 14-9.2(E) of the Land Development Code. If adequate right-of-way is not available, sidewalk shall be located in a public access easement dedicated to the City on an approved Plat. Sidewalk construction is not required to exceed twenty percent of the value of the other construction covered by the permit.

EXHIBIT B-1

# City of Santa Fe, New Mexico

# memo

DATE: January 27, 2014  
TO: Donna Wynant, AICP, Land Use Planner Senior  
FROM: Noah Berke, CFM, Planner Technician Senior *NCB*  
SUBJECT: Final Comments for Case #2013-128. Homewise Rezoning

---

Below are conditions of approval for the Homewise rezoning request. These comments are based on documentation and plans that were submitted to staff:

**At the time of construction permit, the applicant shall show compliance with all applicable sections of the Site and Landscape Design Standards as set forth in Article 14-8.4 of the Land Development Code.**

EXHIBIT *B-2*

# City of Santa Fe, New Mexico

# memo

DATE: January 6, 2014  
TO: Donna Wynant, Case Manager  
FROM: Stan Holland, Engineer, Wastewater Division  
SUBJECT: Case #2013-128 – 2868 Rufina Street-Homewise Rezoning

---

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

**The following shall be conditions of approval:**

- Connection to the City public sewer system is mandatory when the property is in the City limits and is being developed or improved is accessible to the City sewer system. Prior to the development or improvement of the property, owners and developers of the property shall obtain a technical sewer evaluation review by the City of Santa Fe Wastewater Division.
- Wastewater UEC charges shall be paid at the time of building permit application

EXHIBIT B-3

# City of Santa Fe, New Mexico

# memo

**DATE:** January 24, 2014

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

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

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

**SUBJECT:** Homewise Rezoning Case # 2013-128

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**ISSUE:**

JenkinsGavin Design & Development, Inc., agent for Homewise, Inc., requests rezoning of 2.39± acres of land from I-2 (General Industrial) to I-1 (Light Industrial) to accommodate a proposed 20,000 sq. ft. office building. The property is located at 2868 Rufina Street.

**RECOMMENDED ACTION:**

Review comments are based on submittals received on January 2, 2014. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:

1. The developer shall dedicate Right-of-Way or grant a sidewalk easement along Clark Road in accordance with the provisions of Chapter 14 of the Land Use Code.
2. At the time of development of any portion of the subject property, the developer shall construct sidewalk and curb and gutter along the entire length of the property lines that adjoin Rufina Street and Clark Street.
3. The traffic generated by the proposed development is not expected to adversely affect the surrounding roadways.

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

EXHIBIT *B-4*

# City of Santa Fe, New Mexico

## memo

**DATE:** January 9, 2014  
**TO:** Donna Wynant , Case Manager  
**FROM:** Reynaldo Gonzales, Fire Marshal *RDG*  
**SUBJECT:** Case #2013-317 313-317 Camino Alire

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) Edition. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

**Prior to Zoning R-5 to C-1 These requirements must be able to be met with any new construction as per IFC:**

1. Shall comply with IFC requirements.
2. Fire Department Access shall not be less than 20 feet width.
3. Fire Department shall have 150 feet distance to any portion of the building on any new construction.
4. Shall have water supply that meets IFC requirements.

**WYNANT, DONNA J.**

---

**From:** WILSON, KEITH P.  
**Sent:** Monday, January 06, 2014 11:02 AM  
**To:** WYNANT, DONNA J.  
**Cc:** MARTINEZ, ERIC B. (ebmartinez@ci.santa-fe.nm.us); BAER, TAMARA (tbaer@ci.santa-fe.nm.us)  
**Subject:** Case #2013-130 and #2013-130

1. **Case #2013-130. 313-317 Camino Alire General Plan Amendment.** David Schutz, agent for Desert Academy, requests approval of a General Plan Future Land Use map amendment to change the designation of 1.38± acres of land from Residential Low Density (3-7 dwelling units per acre) to Office Use. The property is the former Desert Academy campus, and is located on the east side of Camino Alire between Agua Fria and Alto Street. (Donna Wynant, Case Manager)\\file-svr-1\Public\$\Land Use\2013-130 & 131 Desert Academy Gen Plan Amend & Rezoning
2. **Case #2013-131. 313-317 Camino Alire Rezoning.** David Schutz, agent for Desert Academy, requests rezoning of 1.38± acres of land from R-5 (Residential, 5 dwelling units per acre) to C-1 (Office and Related Commercial). The property is the former Desert Academy campus, and is located on the east side of Camino Alire between Agua Fria and Alto Street. (Donna Wynant, Case Manager)\\file-svr-1\Public\$\Land Use\2013-130 & 131 Desert Academy Gen Plan Amend & Rezoning

Dona:

I do not have any comments on the requested General Plan Amendment or Rezoning for Case #2013-130 and #2013-131, 313-317 Camino Alire.

I do have the following comments on the Conceptual Site Plan.

- No pedestrian access is shown from the adjoining street. On-site Pedestrian Walkways should connect to the adjoining sidewalk on Camino Alire.
- The design and location of the Bicycle Parking facilities shown on the Site Development Plan should be reviewed to ensure they meet the requirements outlined in Chapter 14 and guidance provided in the MPO Bicycle Master Plan.

Let me know if you have any questions.

**Keith P. Wilson**  
**MPO Senior Planner**  
**Santa Fe Metropolitan Planning Organization**

Mailing: P.O. Box 909

Santa Fe, NM 87504-0909

Office: 500 Market St, Suite 200 (Above REI Store)

Santa Fe, NM

Map: <http://tinyurl.com/l6kejeg>

Directions & Parking: <http://www.railyardsantafe.com/north-railyard/>

Phone: 505-955-6706

Email: [kpwilson@santafenm.gov](mailto:kpwilson@santafenm.gov)

Please Visit Our Website at: [www.santafemppo.org](http://www.santafemppo.org)



*City of Santa Fe*  
**memo**

**DATE:** January 15, 2014  
**TO:** Donna Wynant, Land Use Planner, Land Use Department  
**FROM:** Antonio Trujillo, *A* Water Division Engineer  
**SUBJECT:** Case #2013-128. Homewise Rezoning

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There are no issues with water service for the subject case. A main extension may be required to serve the site. Fire protection requirements are addressed by the Fire Department.

EXHIBIT *B-7*

**WYNANT, DONNA J.**

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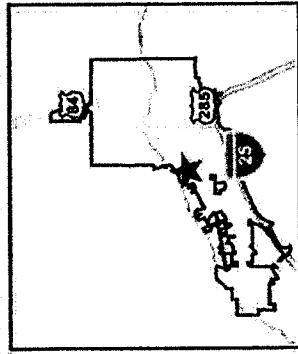
**From:** MARCO, RANDALL V.  
**Sent:** Friday, January 03, 2014 7:59 AM  
**To:** WYNANT, DONNA J.  
**Subject:** case 2013-128

Donna,  
Please note no provisions for solid waste or recycling noted on drawings.

Randall Marco  
Community Relations / Ordinance Enforcement  
Environmental Services Division  
Office : 505-955-2228  
Cell : 505-670-2377  
Fax : 505-955-2217  
[rvmarco@santafenm.gov](mailto:rvmarco@santafenm.gov)

EXHIBIT B-8

# Aerial Photo- 2011

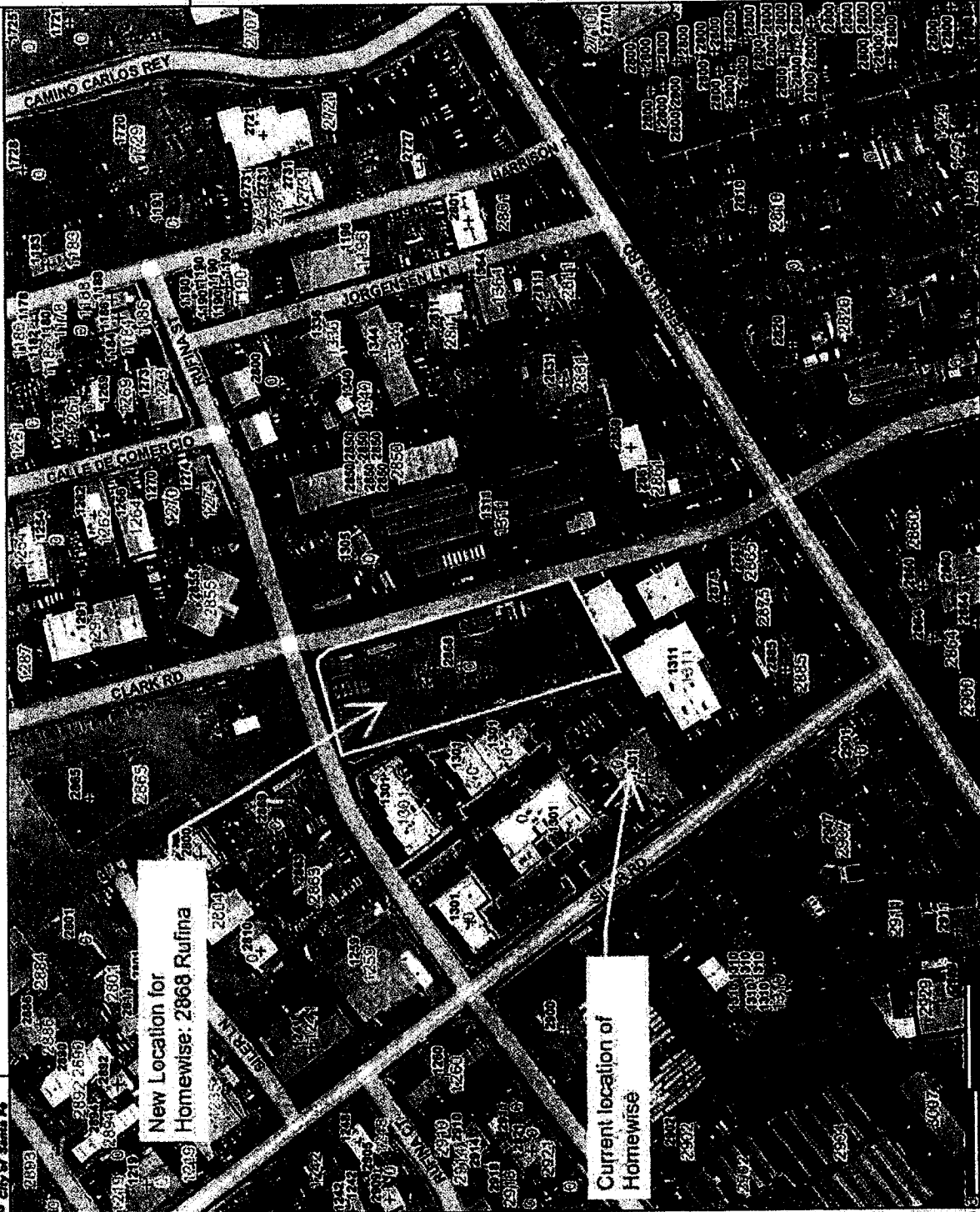


## Legend

- City Limits
- Address Points
- Parcels
- Airport Clear Zones
- Santa Fe River
- Major Roads and Highways
- Other Roads and Streets
- 2011 Aerial Photography - 1 foot resolution



Scale: 1:3,474



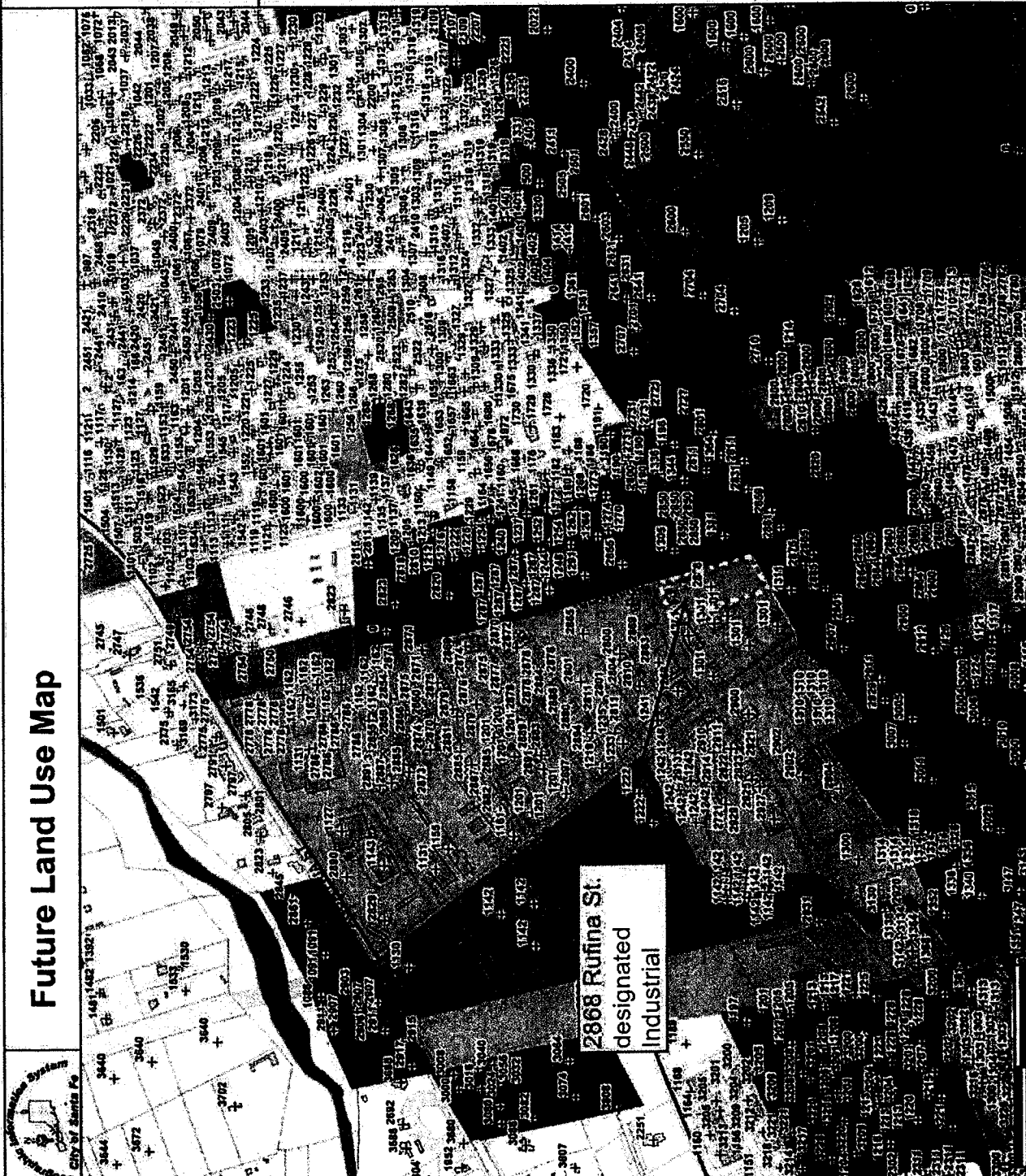
New Location for  
Homewise: 2868 Rufina

Current location of  
Homewise

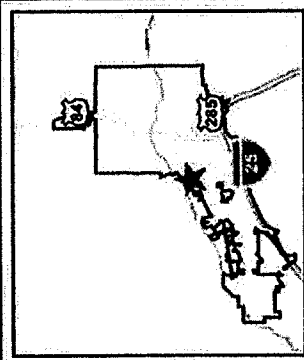
This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



# Future Land Use Map



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

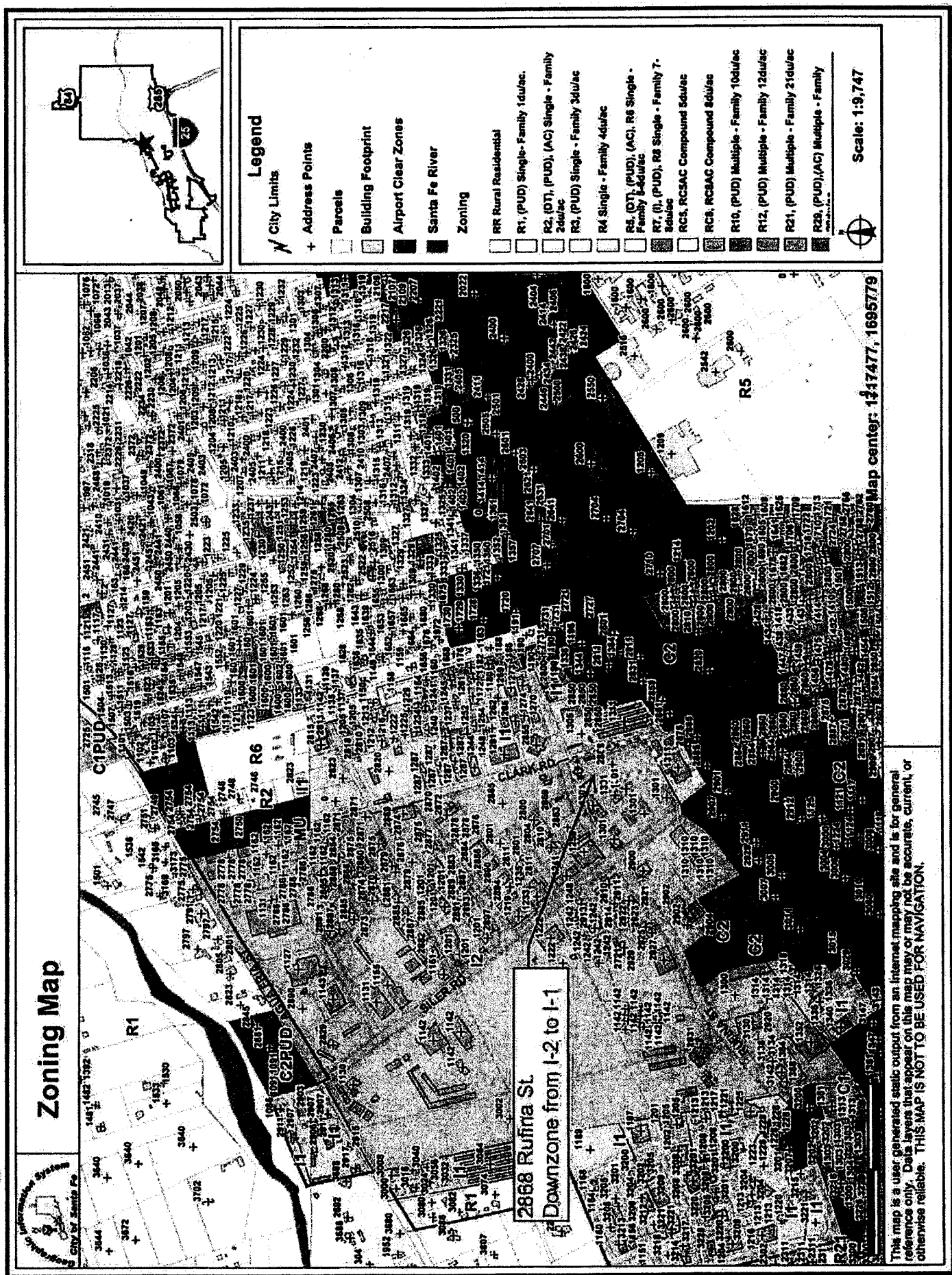


## Legend

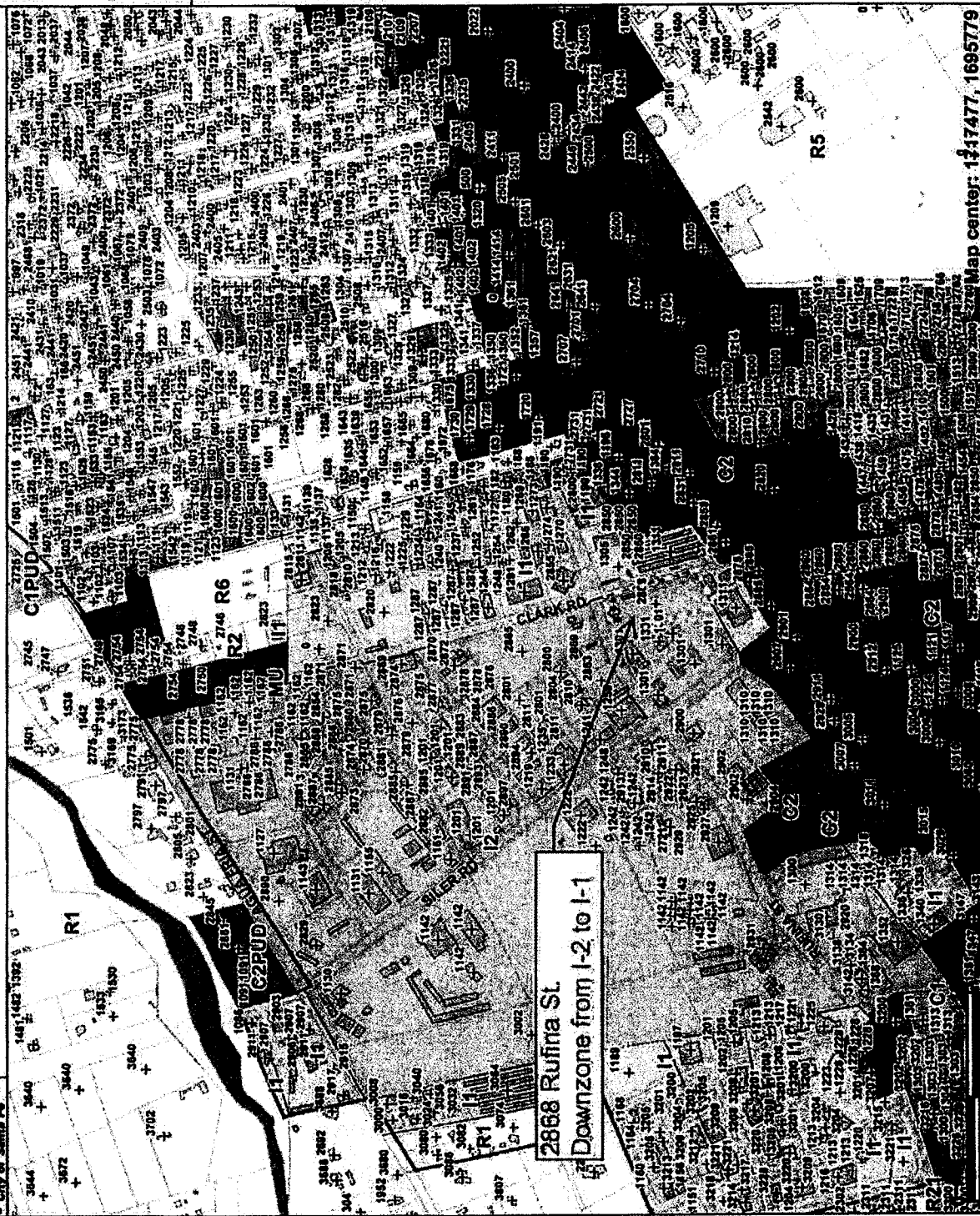
- City Limits
- Address Points
- Parcels
- Building Footprint
- Airport Clear Zones
- Santa Fe River
- Future Land Use
  - Mountain/Corridor (1 dwelling per 10+ acres)
  - Very Low Density (1-3 dwellings per acre)
  - Low Density (3-7 dwellings per acre)
  - Moderate Density (7-9 dwellings per acre)
  - Medium Density (9-12 dwellings per acre)
  - High Density (12-29 dwellings per acre)
  - Regional Commercial
  - Community Commercial
  - Neighborhood Center
  - Transitional Mixed Use
  - Business Park
  - Office
  - Industrial



Scale: 1:9,747



# Zoning Map



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

## Legend

- City Limits
- Address Points
- Parcels
- Building Footprint
- Airport Clear Zones
- Santa Fe River
- Zoning
- RR Rural Residential
- R1, (PUD) Single-Family 1du/ac.
- R2, (DT), (PUD), (AC) Single - Family 2du/ac
- R3, (PUD) Single - Family 3du/ac
- R4 Single - Family 4du/ac
- R5, (DT), (PUD), (AC), R6 Single - Family 5du/ac
- R7, (I), (PUD), R8 Single - Family 7-8du/ac
- RCS, RCSAC Compound 8du/ac
- RCS, RCSAC Compound 8du/ac
- R10, (PUD) Multiple - Family 10du/ac
- R12, (PUD) Multiple - Family 12du/ac
- R21, (PUD) Multiple - Family 21du/ac
- R29, (PUD), (AC) Multiple - Family



Scale: 1:9,747



EXHIBIT C-4  
30



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

<i>Project Name</i>	Homewise Rezoning
<i>Project Location</i>	2868 Rufina St
<i>Project Description</i>	Rezone from I-2 to I-1
<i>Applicant / Owner</i>	Homewise
<i>Agent</i>	JenkinsGavin Design & Development
<i>Pre-App Meeting Date</i>	11/14/13
<i>ENN Meeting Date</i>	12/9/13
<i>ENN Meeting Location</i>	Homewise Office
<i>Application Type</i>	Rezoning
<i>Land Use Staff</i>	Donna Wynant
<i>Attendance</i>	2 neighbors in attendance and 5 people representing applicant

### Notes/Comments:

Meeting started at 5:30 and was informal since everyone in attendance was already familiar with the request. Three people from JenkinsGavin and two from Homewise were attendance. The SF Brown company who owns the adjacent property, Siler Studios where Homewise is currently located was represented by Merritt Brown and Marc Bertram.

The conceptual plan for the proposed office development, particularly the shared entrance/drive into the site off of Rufina, was discussed. Jennifer Jenkins stated that they anticipate going to Planning Commission on February 6<sup>th</sup> for public hearing.

Meeting ended at 6:00 pm.

EXHIBIT D-1





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

Project Name: Homewise Rezone

Meeting Date: December 9, 2013

Meeting Place: 1301 Siler Road, Bldg D

Meeting Time: 5:30 p.m.

Applicant or Representative Check Box below

<input type="checkbox"/>		Name	Address	Email
<input checked="" type="checkbox"/>	1	Donna Wynant	City of Santa Fe	d.wynant@santafe.nm.gov
<input checked="" type="checkbox"/>	2	Jennifer Jenkins	JenkinsGarin	jennifer@jenkinsgarin.com
<input checked="" type="checkbox"/>	3	Colleen Garin	"	colleen@jenkinsgarin.com
<input checked="" type="checkbox"/>	4	Hillary Wiles	"	hillary@jenkinsgarin.com
<input checked="" type="checkbox"/>	5	Mike Loftin	Homewise	mloftin@homewise.org
<input type="checkbox"/>	6			
<input type="checkbox"/>	7			
<input type="checkbox"/>	8			
<input type="checkbox"/>	9			
<input type="checkbox"/>	10			
<input type="checkbox"/>	11			
<input type="checkbox"/>	12			

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

Donna Wynant

Printed Name of City Staff in Attendance

Signature of City Staff in Attendance

Date

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





Submit by Email

Print Form

## Early Neighborhood Notification (ENN) Guidelines

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

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

(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS *For example: number of stories, average setbacks, mass and scale, architectural style, landscaping, lighting, access to public places, open spaces and trails. (Ord. No. 2008-29 § 3)*

The applicant is requesting to rezone a ±2.39-acre property at 2868 Rufina Street from I-2, General Industrial, to I-1, Light Industrial, to accommodate a proposed ±20,000 square foot office building. The property is currently unimproved and houses temporary structures and vehicles. The proposed office building will be similar in scale and style to the adjacent Siler Studios. Improvements will include landscaping, lighting, and open space that will serve to enhance the experience of the adjacent industrial neighborhoods.

(b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT *For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.*

A Phase I Environmental Assessment is being performed to determine whether any remediation is necessary. Significant landscaped open space areas will be created and all terrain management requirements will be satisfied.

(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.

The subject property is located in the Suburban Archaeological Review District. No known historic, cultural, or archaeological sites exist. Per City Code §14-3.13(B)(3)(a), as the property is less than 10 acres in size an archaeological survey is not required.

(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 surrounding area comprises a mix of I-1 and I-2 zoning, transitioning to C-2 zoning along the Cerrillos Road corridor. The adjacent properties to the east and south are zoned I-1 with a Future Land Use Designation of Business Park. The adjacent properties to the north and west are zoned I-2 with a Future Land Use designation of Industrial. The property immediately west of the subject parcel, while zoned I-2, contains an office park approved under the previous City Code that allowed I-1 uses in an I-2 zoning district. Therefore, a rezone to I-1 is consistent with surrounding zoning and Future Land Use designations.

(e) EFFECTS UPON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES *For example: increased access to public transportation, alternate transportation modes; traffic mitigation, cumulative traffic impacts, pedestrian access to destinations and new or improved pedestrian trails.*

The project will be accessed from Rufina Street via an existing driveway in the adjacent parcel to the west. The requisite driveway and roadway improvements will be made per City requirements. Sidewalk improvements will be added along Rufina and Clark Streets as required by City code.

(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE *For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.*

The project will have a positive impact on the economic base of Santa Fe through the employment of Santa Fe residents for the construction phase. Once completed, the Project will provide an expanded work venue for an existing local business, allowing the company to employ more local residents and adding to the City's economic base as well as generating tax revenue.

(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS  
*For example: creation, retention or improvement of affordable housing; how the project contributes to serving different ages, incomes and family sizes; the creation or retention of affordable business space. (Ord. No. 2005-30(A) § 4)*

The project will house offices for Homewise, a local a full-service agency promoting affordable home ownership through financial counseling and educational classes designed to help Santa Fe's moderate income residents become homeowners. Thus, although the project itself is not residential, it will serve to increase the availability of affordable housing and housing choices for all Santa Fe residents.

(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 SERVICE ; 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.*

The project will use existing City public services and will maximize the efficient use of existing infrastructure by connecting to existing City water and sewer lines in Rufina Street. [is the property already set up with utilities?]

(i) IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS *For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.*

The Project will be served by City water. Improvements will include water harvesting for passive irrigation purposes and water conserving plumbing fixtures.

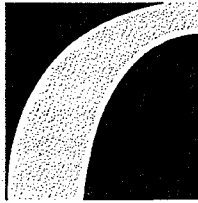
(j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS *For example: how the project improves opportunities for community integration and balance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

The project will promote community integration and social balance through mixed land use, and will serve as a link between the offices to the west and the industrial uses to the east. Moreover, an office building provides an appropriate transitional use between the surrounding industrial uses and the commercial uses along the Cerrillos Road corridor.

(k) EFFECT UPON SANTA FE'S URBAN FORM *For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? The project's effect on intra-city travel; and between employment and residential centers.*

The project is consistent with the General Plan's vision of promoting a compact urban form through appropriate infill development. Furthermore, it follows the General Plan's theme of providing a mix of land uses in all areas of the city.

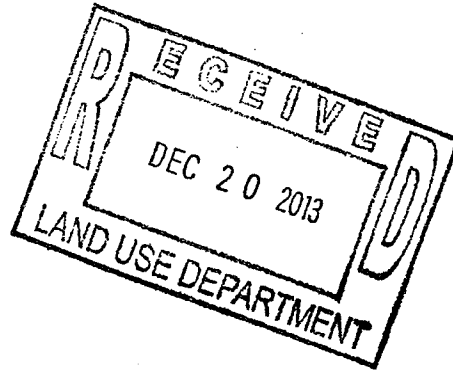
ADDITIONAL COMMENTS (Optional)



**jenkinsgavin**  
DESIGN & DEVELOPMENT INC

December 20, 2013

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



**RE: Letter of Application  
Homewise Rezone**

Dear Tamara,

This letter is respectfully submitted on behalf of Homewise Inc. in application to rezone a  $\pm 2.39$ -acre property at 2868 Rufina Street, for consideration by the Planning Commission at their meeting of February 6, 2014. We are requesting a rezone from I-2, General Industrial, to I-1, Light Industrial, to accommodate a proposed  $\pm 20,000$  s.f. office building.

Project Description

The proposed project will house offices for Homewise, a local a full-service agency promoting affordable home ownership through financial counseling and educational classes designed to help Santa Fe's moderate income residents become homeowners. Homewise has purchased the subject property, which is adjacent to the current Homewise offices, with the intent to construct a larger building to house their growing staff. Relocating in the same vicinity is critical to maintaining their site recognition for clients, as well as remaining central and easily accessible to all Santa Fe residents.

The subject property is currently unimproved and houses only temporary structures and vehicles. The property is located in the Suburban Archaeological Review District. Per City Code §14-3.13(B)(3)(a), as the property is less than 10 acres in size, an archaeological survey is not required.

The proposed office building will be similar in scale and style to the adjacent Siler Studios. Improvements will include landscaping, lighting, and parking areas (see attached Conceptual Site Plan). The intent of the conceptual site layout is that the building will relate to Rufina Street, with parking in the rear. The main access will be from Rufina Street via an existing driveway that currently serves Siler Studios. This proposed shared access driveway will avoid the necessity of an additional curb cut on Rufina Street. Additional access will be provided from Clark Road. The project will connect to existing sewer and water lines.

The surrounding area comprises a mix of I-1 and I-2 zoning, transitioning to C-2 zoning along the Cerrillos Road corridor (see attached Zoning Map). The adjacent properties to the east and south are zoned I-1 with a Future Land Use Designation of Business Park. The adjacent properties to the north and west are zoned I-2 with a Future Land Use designation of Industrial. Immediately west of the subject property is Siler Studios, which contains an office park approved under the previous Land Development Code that allowed I-1 uses in an I-2 zoning district. Therefore, a rezone to I-1 is consistent with surrounding uses, zoning, and Future Land Use designations.

#### Rezone Criteria

This request is to rezone the subject property from I-2 to I-1. The responses to the approval criteria are outlined below:

*(a) One or more of the following conditions exist:*

*(i) there was a mistake in the original zoning. N/A*

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

The surrounding area is evolving. Originally oriented toward heavy industry, it now encompasses a wide spectrum of uses, from the traditional auto repair shops and industrial storage yards to offices, studios, and retail stores (see attached Siler/Rufina Area Uses Map). Adjacent to the subject property is Siler Studios, an office development approved under the pre-2012 Land Development Code as a permissible use under I-2 zoning. Continuing this pattern of office use is in keeping with the changes to the surrounding area. Just north on Siler Road is the Creative Arts Plaza, home to small businesses including NetPros Computer Repair Service, Healthy Lifestyles, Janitor Supply, the Church of Christ, and Roadrunner Screen Printers. Across from the Creative Arts Plaza is Back on the Rack, a retail thrift shop, while Rufina Lane houses small galleries in addition to automobile repair shops. Small offices, including a professional accounting business, are also located east of the project at 1274 Rufina Street. Harrison Road, at the east end of Rufina, is home to many small studios and offices as part of the C-2 zoning district along the Cerrillos Road corridor. In summary, the vicinity around the subject property comprises a lively mix of uses including office, industrial, retail, and art studios. The requested rezone is in keeping with the character of this continually evolving area of Santa Fe.

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

The project will be advantageous to the community on several levels. It will align with the General Plan by promoting community integration and social balance



through mixed land use. It will also serve as a transition between the offices to the west and the industrial uses to the east. Moreover, Homewise is an organization that has benefited the community for decades. The new, larger building will allow Homewise to expand and serve an ever-growing base of local residents in need of affordable housing options.

- (b) *all the rezoning requirements of Chapter 14 have been met. Yes.*
- (c) *the rezoning is consistent with the applicable policies of the general plan, including the future land use map.*

An office building provides an appropriate transitional use between the surrounding industrial uses and the commercial uses along the Cerrillos Road corridor. The subject property has a Future Land Use designation of Industrial, which encompasses both I-1 and I-2 zoning designations. Since offices are a permissible use in I-1 districts, the rezone is consistent with the Future Land Use designation. Moreover, the adjacent property to the west houses Siler Studios, an office complex that was approved under the previous Land Development Code which allowed office uses in an I-2 zone.

- (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.*

Per Section 4.4 of the General Plan, the subject property is located within the Urban Area Boundary and is also in Staging Area One, which "encompasses the highest priority for urban growth" (Section 4.5.1). The proposed rezone to I-1 will allow for a new office building on a currently underused property, which exemplifies the General Plan's intent of establishing a compact urban form and desired infill development.

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

There is adequate public infrastructure available adjacent to the site to serve the proposed office building.

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

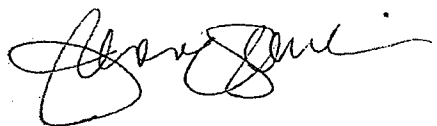
- Rezone Application
- Letter of Owner Authorization
- Warranty Deed
- Lot of Record
- Zoning Map
- Future Land Use Map
- Siler/Rufina Area Uses Map
- Conceptual Site Plan

- Application fees in the amount of \$1,000.00; Poster \$30.00  
\$1,030.00, as follows: Rezone

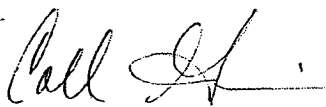
Please let us know if you have any questions or need additional information. Thank you.

Sincerely,

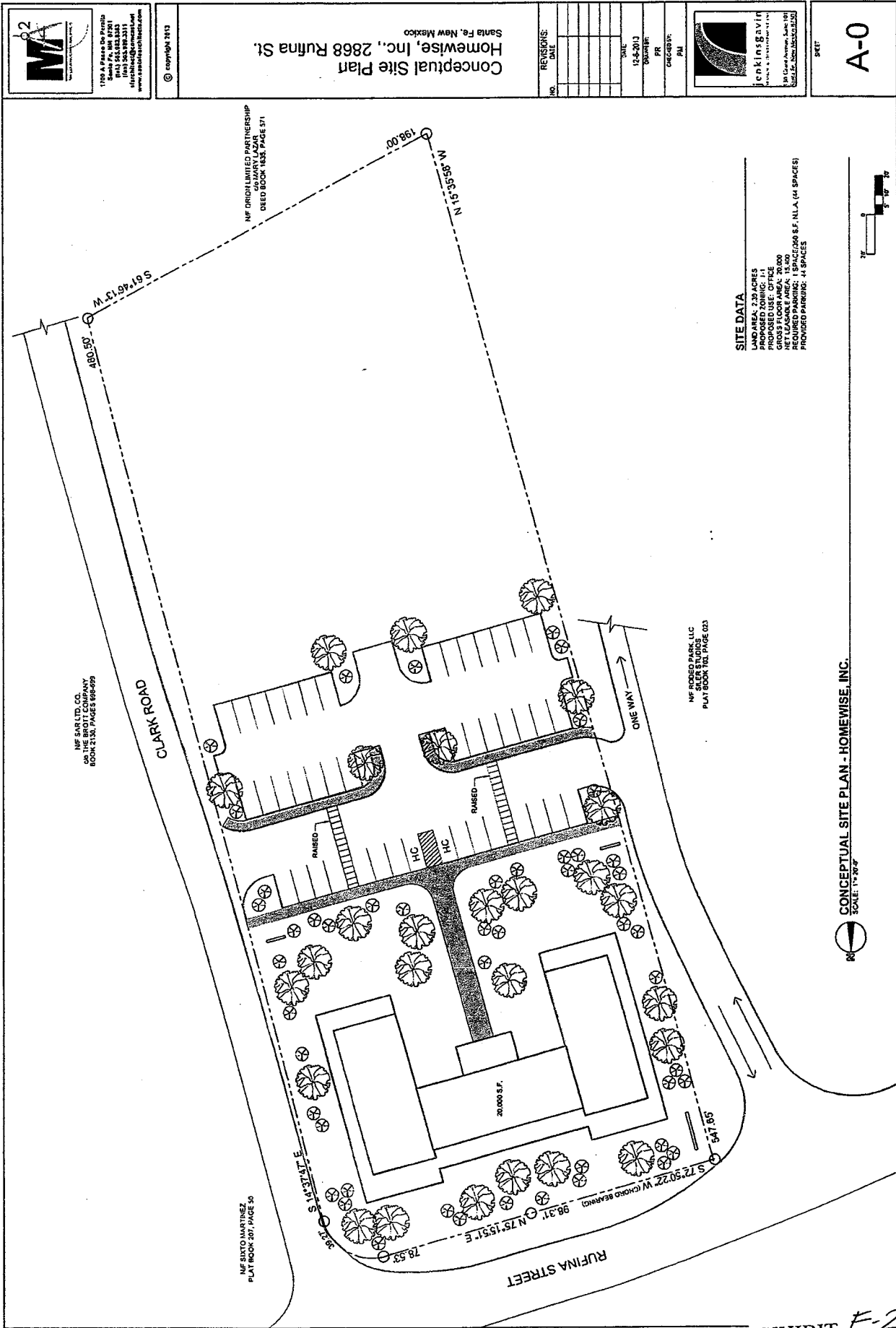
**JENKINS GAVIN DESIGN & DEVELOPMENT, INC.**



Jennifer Jenkins



Colleen Gavin, AIA



1100 A Street, Suite 200  
 Santa Fe, NM 87501  
 (505) 442-2243  
 info@maarchitects.com  
 www.maarchitects.com

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Conceptual Site Plan  
 HomeWise, Inc., 2868 Rufina St.  
 Santa Fe, New Mexico

REVISIONS:	
NO.	DATE

12-3-2013  
 12-3-2013  
 PR  
 C:\Users\jenkinsgavin\Documents\2868 Rufina St. 12-3-2013.dwg

A-0

3/4" = 1' - 0"

**SITE DATA**  
 LAND AREA: 2.30 ACRES  
 PROPOSED FLOOR AREA: 20,000 S.F.  
 GROSS FLOOR AREA: 20,000 S.F.  
 NET LEASABLE AREA: 15,000 S.F.  
 PROPOSED OFFICE: 10,000 S.F.  
 PROPOSED PARKING: 44 SPACES

CONCEPTUAL SITE PLAN - HOMEWISE, INC.  
 SCALE: 1" = 20'

January 27, 2014

Rob Gibbs  
Homewise, Inc.  
1301 Siler Road, Bldg. D  
Santa Fe, NM 87507

RE: 2868 Rufina Street – Access Easement

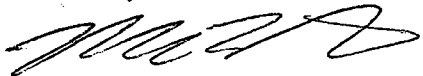
Dear Rob,

As the Manager of the majority owner of the Siler Studios office park, RodeoPark, L.L.C., I am writing to confirm our willingness to work out a shared access agreement and/or easement with Homewise at our easternmost driveway along Rufina to provide an access point to your neighboring property at 2868 Rufina Street. The details of the agreement and/or easement can be formalized when you proceed with development of your parcel.

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

Thank you.

Sincerely,



Marc Bertram, Manager  
RodeoPark, L.L.C.


	SF Brown Real Estate ▪ SF Brown Ltd. Co. ▪ Beta Development, LLC ▪ RodeoPark, LLC		TEL	505 / 473-7800
		Post Office Box 5735	FAX	505 / 473-7840
		Santa Fe, New Mexico 87502	WEB	sfbrown.com

EXHIBIT E-34

**Case #2013-128: 2868 Rufina. Homewise Rezoning Case, I-2 to I-1**  
**View of north side of Rufina, looking towards Clark Rd. Existing entrance to be closed.**



**Case #2013-128: 2868 Rufina. Homewise Rezoning Case, I-2 to I-1  
View of Rufina at Clark**



2. **CASE 2013-102. 2791 AND 2797 AGUA FRIA ROAD (RIVERA) REZONING. JAMES W. SIEBERT, AGENT FOR STELLA RIVERA, REQUESTS REZONING OF 4.65± ACRES FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO C-2 (GENERAL COMMERCIAL). THE APPLICATION INCLUDES A DEVELOPMENT PLAN FOR EXISTING RESIDENTIAL AND NON-RESIDENTIAL USES OF THE PROPERTY. (CAN ESQUIBEL, CASE MANAGER)**

**MOTION:** Commissioner Pava moved, seconded by Commissioner Villarreal, to recommend to the Governing Body, the approval of Case #2013-102, 2791 and 2797 Agua Fria Road (Rivera) Rezoning, as recommended by staff.

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

3. **CASE #2013-128. 2868 RUFINA STREET (HOMEWISE) REZONING. JENKINS GAVIN DESIGN & DEVELOPMENT, INC., AGENT FOR HOMEWISE, INC., REQUESTS REZONING OF 2.39± ACRES FROM I-2 (GENERAL INDUSTRIAL) TO I-1 (LIGHT INDUSTRIAL) TO ACCOMMODATE A PROPOSED 20,000± SQ. FT. OFFICE BUILDING. (DONNA WYNANT, CASE MANAGER).**

A Memorandum, with attachments, dated January 24, 2014 for the February 6, 2014 meeting, to the Planning Commission from Donna Wynant, Senior Planner, Senior Planning Division, is incorporated herewith to these minutes as Exhibit "5."

A series of aerial photographs and drawings of the subject site, used by Jennifer Jenkins in her presentation, and entered for the record by Jennifer Jenkins, are incorporated herewith to these minutes collectively as Exhibit "6."

The staff report was presented by Donna Wynant. Please see Exhibit "5" for specifics of this presentation.

**Recommendation:** Staff recommends approval of the request to rezone property at 2868 Rufina Street from I-2 to I-1, with all staff conditions as outlined in the report.

#### Public Hearing

#### Presentation by the Applicant

Jennifer Jenkins and Colleen Gavin, JenkinsGavin Design & Development, Agent for the Applicant, were sworn. Ms. Jenkins said, "We are here this evening on behalf of Homewise, Inc., in request a 2.39 acre parcel, at the corner of Clark Road and Rufina."

Ms. Jenkins continued, "Homewise's current headquarters is at the Siler Road Studio, and they are running out of space which is a wonderful problem for a non-profit like Homewise to have. They are growing. They love their location, and I think really in a lot of ways this is really the heart of Santa Fe, the geographic center of Santa Fe, and this location works really well for them and they really want to remain here in a big way, partly for wayfinding. People are very accustomed to their presence in that area of the Siler Road corridor and they really want to continue that."

Ms. Jenkins continued, "So when the property next door became available, it seemed like a prime opportunity for homewise to acquire the property to allow for the construction of a new headquarters, a larger building to serve them. So what I'm showing you here on the screen [Exhibit "6"] is 'this' is the Siler Road Studios Project which is... 'here's' Rufina and 'this' is Siler Road. And as Donna mentioned, prior to the 2012 Chapter 14 Code Amendment, uses that were permitted in less intensive zoning categories in more intense zoning categories — if it was permissible in I-1 you could do it in I-2, which seemed to make sense. That is no longer the case under the current Code. Because that is what was very confusing for us and I remember calling Tamara when we were first assisting Homewise with this, like, so there's offices next door and it's zoned I-2, so why can't we do offices on where we are. And she explained it to me very cogently and I understood."

Ms. Jenkins continued, "The interesting thing about this particular area is we're on the edge of what is the gray area. What you'll see here is the I-2 zoning, and we're really on the edge of that, and what is surrounding us, are offices and not heavy industrial uses. To put something heavy industrial right here on this parcel would have a great impact, I think, on the neighboring properties. So we're really looking to create an organic extension of the Siler Road Studios Project. We've been working closely with Merritt Brown and Mark Bertram with respect to this project. And we're working with them to create an opportunity for a shared access. So, we really see this as a natural extension of that project."

Ms. Jenkins continued, "So again, 'this' is Rufina 'here,' and 'this' is their driveway that kind of runs along the back side. And the proximity to the Clark Road intersection 'here,' it doesn't really make sense for us to drop another driveway into Rufina right 'there,' and so we are working with them to have a shared driveway 'here,' that would be our Rufina access and then we would have another access... and this is oriented differently, I apologize. So Rufina is 'here,' Clark is 'here,' and 'these' are the Siler Road Studios 'here.' So we have 'this' shared access here which is very efficient and then we have an access point directly onto Clark Road 'there'."

Ms. Jenkins said they would be happy to stand for questions, are in agreement with all staff conditions, have nothing further to add and respectfully request the Commission's recommendation for approval this evening.

#### **Speaking to this request**

There was no one speaking for or against this request.

#### **The Public Testimony Portion of the Public Hearing Was Closed**



Commissioner Harris he it seems like the mixed use district would be a more appropriate zoning classification for this project. He said in reading the goals of the mixed used districts, it even gets to the point of promoting shared parking areas which is similar to what she described. He asked the reason for the request for the industrial designation instead of mixed use.

Ms. Jenkins said primarily because offices are permitted in industrial, and "we are surrounded on two sides by I-1 zoning, so it seemed logical just to match up what is already there and , as stated in the staff report, to be an extension of the adjacent I-1 zoning, instead of introducing a zoning category that does not currently exist in the vicinity. I am not an expert on the mixed use zoning category, I've never taken a project forward under that zoning. But it is my understanding it mandates a specific residential component in terms of percentage, and we are not proposing any residential development as part of that."

Commissioner Harris said, "I am familiar as well. We've not seen a mixed use, and just seems the way it's structured, it seemed like this type of development would be more appropriate."

Ms. Baer said, "I would agree with what Ms. Jenkins had to say, that in the first place we like to expand existing districts and that's what this would represent, rather than introduce a new zoning category where it doesn't already exist in adjacency. And the second reason that we would not probably recommend a mixed use, we would have considered it certainly, but it wouldn't have come to the top of our idea plate, because as Ms. Jenkins said, mixed used requires a residential component, and it makes it more difficult as a zoning district to work around."

Commissioner Harris said the zoning category allows office, commercial and residential uses in the same building. He said he hasn't read everything, but he has seen nothing that requires residential.

Ms. Baer said, "Mixed use requires a residential component of 40% residential if the property is adjacent to any residential zoning, and it is 20% if it is not adjacent."

Commissioner Harris said, "And this kind of gets to the other point I had. And I realize that in the... I want to make sure I get this stated correctly .....a development plan is not required because it does not meet the 30,000 sq. ft. criteria benchmark. Correct."

Ms. Baer said this is correct.

Commission Harris said, "But we've seen a conceptual plan that at most, kind of develops half of the property. And then as I read the language for applicability of development plans, particularly no. 4 where it talks about.... the section applies to the cumulative square footage, and it refers to basically phasing projects. Again, I wonder why a development plan wouldn't be applicable for this project."

Ms. Baer said, "The trigger is the 30,000 sq. ft. And if they don't know what they're going to do on the remainder of the lot, then it's difficult to force them into something that they would then be committed to or would have to come back and change. This allows them to forward to building permit to meet their current needs. The way that the Code has been applied, is that if you exceed the 30,000 sq. ft. on any construction after 1999, which is when development plans came into being in the Code, that would trigger

a development plan. If they were to put another 20,000 sq. ft. on the property, they would have to come back and do a development plan that would include all portions."

Commissioner Harris said, "It's cumulative. Even though... it's logical that there's going to be another building there, but it's pushed out to that that second phase."

Ms. Baer said this is correct.

Commissioner Ortiz said, "I'm looking at Exhibit B-4, John Romero's conditions of approval here. Could you please elaborate a little bit about 'the developer shall dedicate a right of way or grant a sidewalk easement along Clark Road.' And on Number 2, it say, 'At the time of development any portion of subject property, the developer shall construct the sidewalk and curb and gutter...' Is it the easement we're going to dedicate, or are we going to construct the sidewalk."

John Romero said, "We're asking them to dedicate an easement or right-of-way, either one, which is allowed by Code, for a sidewalk. We're requiring them to construct the sidewalk at the time they develop the property. So as part of their building permit they'll have to include sidewalk construction."

Commissioner Ortiz asked, "Okay. And do you feel comfortable with the width. I know that Clark Road, in particular, is really narrow at the intersection with Rufina, and I know the two roadways are in pretty poor shape in terms of condition. Do you feel comfortable with that without expanding on improving the roadway also. I'm sure you'll develop that a the development time."

Mr. Romero said, "We weren't asking them to reconstruct the roadway. Basically what they're going to have to do is build a curb and gutter along that side, and then their sidewalk. The road relative to the right-of-way is pushed up against their property. So there is a bunch of vacant property to the east and I didn't think it would be reasonable to ask them to expand the road on that side just to build what they needed to on their side."

Commissioner Ortiz said, "The reason I ask is that there is a photo in here and it shows the roadway on Rufina that's really in poor condition. I know the drainage is kind of lax, kind of funny in there also, but I'm sure you'll evaluate all those things as we go on further."

Mr. Romero said, "We'll definitely look at the drainage and how the proposed improvements would affect that."

Commissioner Padilla said, "Question of staff, Tamara. Question in reference to, just for clarification, 30,000 sq. ft. is the trigger for development plan. Correct."

Ms. Baer said, "Only in the commercial district and only if it isn't adjacent to residential – well commercial and industrial, in other words, not in a residential district."

Commissioner Padilla said, "So the question is, is there any reason why staff... when I look at their conceptual site plan, it appears than an easy flip of their 20,000 sq. ft. building could be accommodated on the southern side of that property, therefore giving the ability to do 40,000 sq. ft. or so, maybe let's just call it 15,000, is what they could do there. So it would put it about 35,000 sq. ft. Is there any reason why staff would not have recommended a lot split for this property, so that, one we've got the property identified as to what they're doing and then a separate submittal with the other southern parcel."

Ms. Baer said, "There are probably a couple of reasons at least that we wouldn't. First of all, it is not incumbent on us to look for people dividing their land if that's not what they're interested in doing. They're purchasing the property in entirety. They may not know what they're going to be doing with it in the future. If it turns out that they have no further expansion plans for Homewise, you know, it may be in their interest to divide in the future, and then develop the two parts separately. But that's not something that we would anticipate. We simply don't know what will happen in the future, so that's one reason. And the second reason is, we're not necessarily against the fact that they might go forward and construct something under a building permit for Homewise specifically. And we have many conditions in place to safeguard the development of the property in a way that we feel is appropriate and required by Code."

Commissioner Padilla said, "So the question is, back to Mr. Ortiz's question about the development and the concern along Clark Road as well as Rufina Street, the requirement for improvement of sidewalk, curb and gutter, etc., would be reviewed in the development plan. A development plan is not required for this, so would it still be reviewed in the permitting phase."

Ms. Baer said that is correct. She said, "And it's a requirement. It's going to be part of the requirement of the building permit when they come in to build this building."

Commissioner Padilla said then that would handle drainage and so forth. He said, "That area is known for its issues when we do get rain."

Ms. Baer said, "We do a very thorough building permit review that includes technical review for grading and drainage, sidewalk requirements, landscape requirements, architectural requirements – everything that would be on a development plan and then some is reviewed at the building permit stage."

Commissioner Padilla asked if the 20,000 sq. ft. building is proposed for a single story, or is it a two story. [Someone responded from the audience, but was not identified.]

Commissioner Padilla said, "So it is proposed as two-story development. I didn't pick that note up either on the site plan or in the packet, so we've got a two-story development which is what we have in the Siler Studios, correct. Okay. Thank you."

Mr. Pava said, "As I look at this area and the zoning maps, what impresses me is that there is an abundance nearby with zoning that allows for offices, either in an office and/or a commercial zone. And I think I use the word abundance reasonably. So, my question is, why this lot, which requires a zone change."

Ms. Jenkins said, "Homewise, when they realized that they did need to seek out a location for a new facility, they did look around for sure. And, looking at an aerial and seeing possibilities is one thing, but not everything's on the market, not everything's for sale, and there's very little vacant land in the vicinity. So, in the midst of their search for an opportunity..... they looked at existing buildings as a possibility. They looked at raw land. They looked at a lot of different options. But when the property next door to the existing facility became available, it was just too good to pass up."

Commissioner Pava said, "That answers my question. The follow up question would be... I presume there's an option on this piece of property, contingent on the rezoning."

Ms. Jenkins said, "No. They own it. They have acquired this property. They purchased this property fairly recently, yes."

Commissioner Pava said, "Currently the offices they occupy are rental space."

Ms. Jenkins said, "No they own their building."

Commissioner Pava said, "And a question for staff, Ms. Baer. How much I-2 land is there in Santa Fe, and what percentage of this diminishes that, if we rezone this. This is like 2½ acres. I recall recently we were told as a Commission, the value of I-2 and preserving it and all that, so I'm a little concerned about the pool, the availability of raw I-2 land remaining."

Ms. Baer said, "I don't have a precise number for you, but we did feel we were making an exception in this particular case. We understand that we need I-2 land and I hope we addressed that in the staff report. We felt that there were enough circumstances surrounding this request that warranted our support for the rezoning. Also the fact that there are really heavy industrial use on... really all three sides. On the west side it's already developed as an office park. There's a non-profit, I believe, that has their offices on the south, and then there are storage units and a plumbing supply on the east. So it didn't feel as though, necessarily, an I-2 or heavy industrial use was going to come in appropriately into this kind of pocket that was already surrounded by less intensive uses. So we recognize the need for I-2. We felt the circumstances warranted support for I-1 in this particular case."

**MOTION:** Commissioner Lindell moved, seconded by Commissioner Bemis, to recommend to the Governing Body, the approval of Case #2013-128, 2858 Rufina Street (Homewise) Rezoning, with all conditions of approval as recommended by staff.

**DISCUSSION:** Commissioner Harris asked what level of impact fees and overall fees will apply to this project for Homewise.

Ms. Baer said they are applied at the time of building, and Mr. O'Reilly will describe those.

Mr. O'Reilly said, "Impact fees will be required, as will development water budget offsets for any new construction on this property. The impact fees depend on what the use is when the construction is done. So there are different impact fees for office use, warehouse use, residential use. I don't have the fees

memorized, except for the residential, and since this isn't residential I couldn't tell you. But there will be significant impact fees for this project."

Commissioner Harris said, "Since Homewise operates under a not for profit umbrella, but they do have a for profit subsidiary, I just wanted to make sure that they would be asked to pay the same level of fees that a for-profit company would."

Mr. O'Reilly said, "There is no waiver of impact fees under the Code for non-profit or for-profit status. The only thing you can receive a waiver of impact fees for is the construction of an affordable residential dwelling unit."

Ms. Jenkins said, "I pulled it up, so I have a figure."

Commissioner Harris said he would like to hear that.

Ms. Jenkins said, "Office use is about \$2,600 per 1,000 sq. ft., so there's 20,000 sq. ft., so it's going to be about \$52,000 in impact fees at building permit."

**VOTE:** The motion was approved on a voice vote, with Commissioners Bemis, Harris, Lindell, Ortiz, Padilla and Villarreal voting in favor of the motion and Commissioner Pava voting against [6-1].

4. **CASE #2013-130. 313-317 CAMINO ALIRE (DESERT ACADEMY) GENERAL PLAN AMENDMENT. DAVID SCHUTZ, AGENT FOR DESERT ACADEMY, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 1.38± ACRES OF LAND FROM RESIDENTIAL LOW DENSITY (3-7 DWELLING UNITS PER ACRE) TO OFFICE. THE PROPERTY IS THE FORMER SITE OF DESERT ACADEMY. (DONNA WYNANT, CASE MANAGER)**

*Items F(4) and F(5) were combined for purposes of presentation, public hearing and discussion but were voted upon separately.*

A Memorandum dated January 24, 2014 for the February 6, 2014 meeting, with attachments, to the Planning Commission from Donny Wynant, Senior Planner, Current Planning Division, regarding Case #2013-130, 313-317 Camino Alire General Plan Amendment, and Case #2013-131, 313-317 Camino Alire Rezoning, is incorporated herewith to these minutes as Exhibit "7."

The staff report was presented by Donna Wynant. Please see Exhibit "7 for specifics of this presentation.

#### Public Hearing



**Case #2013-128. Homewise Rezoning.** JenkinsGavin Design & Development, Inc., agent for Homewise, Inc., requests rezoning of 2.39± acres of land from I-2 (General Industrial) to I-1 (Light Industrial) to accommodate a proposed 20,000± sq. ft. office building. The property is located at 2868 Rufina Street. (Donna Wynant, Case Manager)

*Exhibit "12"*

## Good Evening Mayor Gonzales and City Councilors

You should have before you an 11" x 17" enlarged version of the site plan for the proposed development (which is actually p. 43 in your report). This should be easier for you to read.

### **Case #2013-128. Homewise Rezoning, located at 2868 Rufina Street.**

JenkinsGavin Design & Development, Inc., agent for Homewise, Inc., requests rezoning of 2.39± acres of land from I-2 (General Industrial) to I-1 (Light Industrial) to accommodate a proposed 20,000± sq. ft. office building.

The applicant proposes to rezone the property to I-1 for an office building since the I-2 does not allow office as a primary use. **(FLU Map)** The request is in compliance with the General Plan which designates the property for Industrial without any distinction between light or heavy industrial use. **(Aerial Map)** The property is unimproved and currently houses temporary structures and vehicles. **(Zoning Map)** Properties in this area that are generally located west of Clark Road are zoned I-2 (General Industrial) and I-1 (Light Industrial) east of Clark Road.

The applicant identified the various businesses in the surrounding area. Capitol Plumbing and A-1 Self Storage are located to the east, across Clark Road in the I-1 district. To the north across Rufina is a gravel yard in the I-2 district which was recently subdivided as the Classic Rock Subdivision into five lots. Three businesses, including Big Jo Hardware, are in the I-1 district to the south.

**(Conceptual Plan)** The proposed building will house Homewise which has outgrown their office building in the Siler Studios office complex, located immediately to the west at 1301 Siler Road. Although a Development Plan is not required with this proposal, the applicant has provided a conceptual plan to show the proposed layout with a two story building to face Rufina Street and the proposed 44 space parking lot to the rear of the building. The property will be accessed by Rufina and Clark Street. The entrance to the site from Rufina Street is actually shown on the adjacent Siler Studios property and therefore to function as a shared entrance. A letter from the adjacent property owner which expresses their willingness to do a shared access agreement or easement is on page 44 in your packet. Existing infrastructure, including water and sewer, is sufficient to serve the proposed development. All site improvements, including required sidewalks along Rufina and Clark, will be more thoroughly detailed and reviewed at the time of construction permit application.

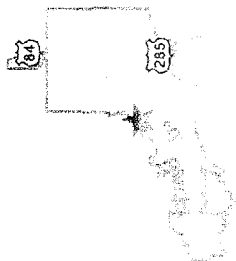
Two adjacent property owners attended the Early Neighborhood Notification who were in support of the proposal.

The Planning Commission found that the application meets all code criteria for a rezoning and recommends approval with conditions to the Governing Body.

With that, I'll stand for questions. Thank you.



Geographic Information System  
City of Santa Fe



### City Limits

## Parcels

### Building Footprint

### Airport Clear Zones

### Future Land Use

Mountain/Corridor (1 dwelling per 10+ acres)

Very Low Density (1-3 dwellings per acre)

Low Density (3-7 dwellings per acre)

Moderate Density (7-9 dwellings per acre)

Medium Density (7-12 dwellings per acre)

**High Density (12-29 dwellings per acre)**

Regional Commercial

Community Commercial

Neighborhood Center

### Transitional Mixed Use

Business Park

Office

Industrial

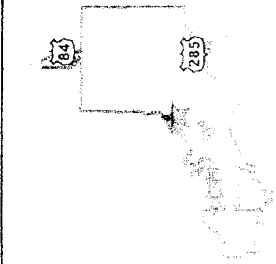
Public/Institutional

## Open Space



Scale: 1:9,559

Geographic Information System  
City of Santa Fe



## City Limits

### Address Points

## Parcels

## Airport Clear Zones

**Santa Fe River**

## Major Roads and Highways

### Other Roads and Streets

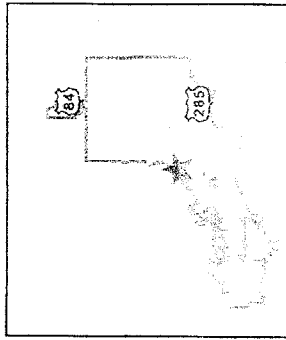
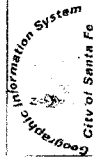
2011 Aerial Photography - 1 foot resolution



Scale: 1:3,474

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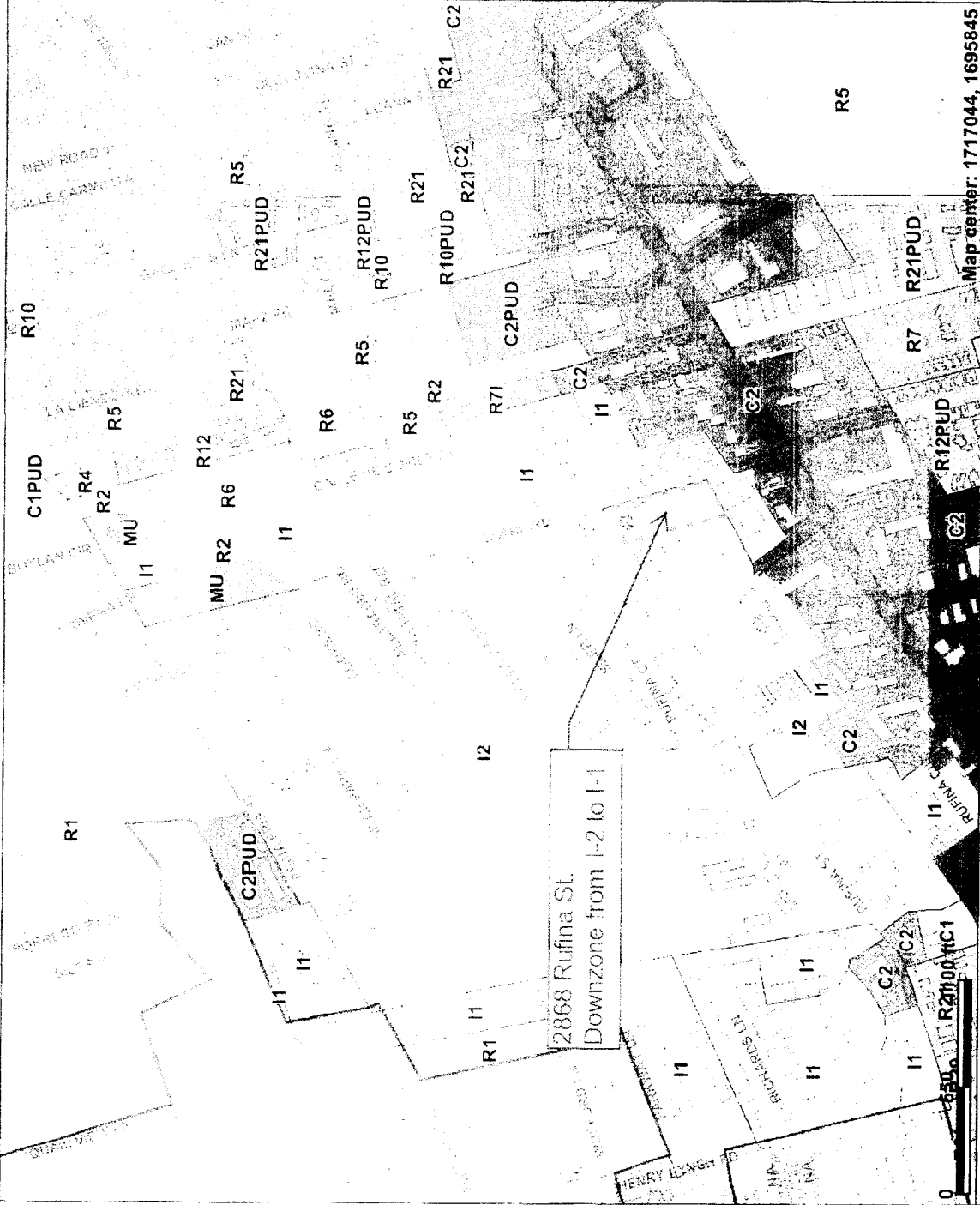
# 2868 Rufina Street-Zoning



## Legend

- City Limits
- Parcels
- Building Footprint
- Airport Clear Zones
- Zoning
  - RR Rural Residential
  - R1 (PUD) Single - Family 1du/ac
  - R2 (DT), (PUD), (AC) Single - Family 2du/ac
  - R3 (PUD) Single - Family 3du/ac
  - R4 Single - Family 4du/ac
  - R5 (DT), (PUD), (AC), R6 Single - Family 5-6du/ac
  - R7 (I), (PUD), R8 Single - Family 7-8du/ac
  - RC5 RC5AC Compound 5du/ac
  - RC8, RC8AC Compound 8du/ac
  - R10, (PUD) Multiple - Family 10du/ac
  - R12, (PUD) Multiple - Family 12du/ac
  - R21, (PUD) Multiple - Family 21du/ac
  - R29, (PUD), (AC) Multiple - Family 29du/ac
  - RAC Residential Arts & Crafts
  - WHP Mobile Home Park

Scale: 1:9,559



Map center: 1717044, 1695845

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