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SANTA FE CITY COUNCIL MEETING  
Wednesday, August 12, 2015**

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Approved

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Postponed to 09/09/15

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No action

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**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
August 12, 20125**

**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, August 12, 2015, 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 Peter N. Ives, Mayor Pro-Tem  
Councilor Patti J. Bushee  
Councilor Bill Dimas  
Councilor Carmichael A. Dominguez  
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, City Attorney  
Yolanda Y. Vigil, City Clerk  
Melessia Helberg, Council Stenographer

**6. APPROVAL OF AGENDA**

Brian Snyder, City Attorney, asked to remove Item #16, the Executive Session, from the Evening Agenda

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

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

**7. APPROVAL OF CONSENT CALENDAR**

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

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

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

**Against:** None.

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

- a) *[Removed for discussion by Councilor Trujillo]*
- b) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – FIRE STATION NO. 5 REROOFING PROJECT; COOPERATIVE EDUCATIONAL SERVICES/ PROGRESSIVE SERVICES, INC. D/B/A PROGRESSIVE ROOFING. (JASON KLUCK)**
- c) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – ONE DUMP TRUCK, ONE PLOW AND SPREADER BOXES FOR STREETS & DRAINAGE MAINTENANCE DIVISION; SUMMIT TRUCK GROUP AND MCT INDUSTRIES, INC. (DAVID CATANACH)**
- d) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER FEDERAL PRICE AGREEMENT – ONE ELGIN EAGLE STREET SWEEPER FOR STREETS & DRAINAGE MAINTENANCE DIVISION; SUMMIT TRUCK GROUP AND MCT INDUSTRIES, INC. (DAVID CATANACH)**
- e) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENTS – CITY-WIDE UTILITY AND TELECOMMUNICATION SERVICES FOR ITT DEPARTMENT; QWEST D/B/A CENTURYLINK AND VERIZON WIRELESS. (YODEL CATANACH AND RENEE MARTINEZ)**
- f) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – SERVICES FOR WORKFORCE INNOVATION PROGRAM (WIP) FOR DISENGAGED LOCAL YOUTH (RFP) #13/12/P); YOUTHWORKS. (ZACKARY QUINTERO)**
- g) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – STENOGRAPHIC SERVICES FOR GOVERNING BODY MEETINGS (RFP #15/44/P); MELESSIA HELBERG & ASSOCIATES. (MELISSA BYERS)**

- h) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – STENOGRAPHIC SERVICES FOR CITY COMMITTEES (RFP #15/45/P). (MELISSA BYERS)**
- 1) **CARL G. BOAZ, INC.**
  - 2) **CHARMAINE CLAIR**
  - 3) **ELIZABETH MARTIN & ASSOCIATES**
  - 4) **FRANCES LUCERO TRANSCRIPTION SERVICES**
  - 5) **MELESSIA HELBERG & ASSOCIATES**
  - 6) **STENOGRAPHY SERVICES, INC.**
  - 7) **LINDA VIGIL**
- i) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENTS – CITY-WIDE AUTOMOTIVE VEHICLE AND HEAVY EQUIPMENT REPAIRS AND TIRES; VARIOUS VENDORS. (ROBERT RODARTE)**
- j) **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING FOR SEPTEMBER 9, 2015:**
- BILL NO. 2015-33: AN ORDINANCE AMENDING THE DISTRESS MERCHANDISE SALE LICENSE PROVISIONS, SECTION 18-5.1 SFCC 1987, TO REQUIRE ADDITIONAL INFORMATION BE PROVIDED WITH AN APPLICATION FOR A BUSINESS LICENSE; AND TO CLARIFY UNDER WHAT CIRCUMSTANCES A LICENSE WILL BE DENIED (MAYOR GONZALES). (LISA MARTINEZ)**
- k) **CONSIDERATION OF RESOLUTION NO. 72 (COUNCILOR IVES). A RESOLUTION AUTHORIZING AND APPROVING SUBMISSION OF AN APPLICATION FOR PROJECT APPROVAL TO THE NEW MEXICO STATE BOARD OF FINANCE FOR ALLOCATION OF QUALIFIED ENERGY CONSERVATION BONDS FOR THE IMPLEMENTATION OF A GREEN COMMUNITY PROGRAM, ENERGY PERFORMANCE CONTRACT AND OTHER QUALIFIED CONSERVATION PROJECTS; AND DIRECTING THE CITY MANAGER AND CITY STAFF TO TAKE NECESSARY ACTION IN CONNECTION WITH THE APPLICATION TO THE NEW MEXICO STATE BOARD OF FINANCE. (JOHN ALEJANDRO)**
- l) **REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CASE #2015-30, TUNE UP CAFÉ GENERAL PLAN AMENDMENT TO COMMUNITY COMMERCIAL; AND CASE #2015-31, TUNE UP CAFÉ REZONING TO C-2. (ZACHARY SHANDLER)**
- m) **REQUEST FOR APPROVAL OF FINDINGS OF FACTS AND CONCLUSIONS OF LAW FOR CASE #2015-20, 600 GALISTEO STREET GENERAL PLAN AMENDMENT TO OFFICE; AND CASE #2015-21, 600 GALISTEO REZONING TO C-1. (ZACHARY SHANDLER)**



**8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – JULY 29, 2015**

**MOTION:** Councilor Maestas moved, seconded by Councilor Rivera, to approve the minutes of the Regular City Council meeting of July 29, 2015, as presented.

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

**9. PRESENTATIONS**

There were no Presentations.

Mayor Gonzales thanked the Committee Chairs for beginning to host presentations that normally would come to the Council, and for providing time on their calendars to allow members of the public to present to the Committees.

**CONSENT CALENDAR DISCUSSION**

**10(a) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – GUNNISON PRAIRIE DOG LIVE CAPTURE, HOLDING/QUARANTINE AND RELOCATION FOR PARKS AND RECREATION DEPARTMENT (BID NO. 15/30/B); ECO SOLUTIONS. (GARY VARELA)**

Councilor Trujillo said he pulled this item to vote against it, noting the \$100,000 proposed to relocate prairie dogs, could be better spent elsewhere.

**MOTION:** Councilor Dominguez (?) moved, seconded by Councilor Maestas, to approve this request.

*Councilor Bushee arrived at the meeting during the vote*

**VOTE:** The motion failed to pass for lack of a majority vote in favor of the motion on the following Roll Call vote:

**For:** Mayor Gonzales, Councilor Ives, Councilor Lindell and Councilor Maestas.

**Against:** Councilor Dominguez, Councilor Rivera, Councilor Trujillo and Councilor Dimas

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

The resulting vote was a tie vote. Mayor Gonzales said we can wait until after the next vote, or we can make a new motion so Councilor Bushee can cast a vote.

**MOTION:** Councilor Lindell moved, seconded by Councilor Maestas, to approve this request.

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

**For:** Mayor Gonzales, Councilor Bushee, Councilor Ives, Councilor Lindell and Councilor Maestas.

**Against:** Councilor Dominguez, Councilor Rivera, Councilor Trujillo and Councilor Dimas

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**END OF CONSENT CALENDAR DISCUSSION**

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**11. PURSUANT TO RESOLUTION NO. 2015-37, PRESENTATION OF PLAN, PROGRAMMING OPTIONS AND FISCAL IMPACT FOR THE ESTABLISHMENT OF A TEEN CENTER. (CHRIS SANCHEZ)**

A copy of *Teen Survey 2015*, entered for the record by Chris Sanchez, is incorporated herewith to these minutes as Exhibit "1."

Mayor Gonzales asked if this is a presentation only and Mr. Sanchez said it is a presentation only.

Councilor Dominguez said he has no questions, and is unsure if staff wants to make a presentation, but he would like the young ladies here to make their presentation. He said he is prepared to bring legislation forward based on this information at an upcoming Council Meeting.

Mayor Gonzales said there is information in the packet, and presumes everyone has read it, and if there is no objection, he would like members of the Mayor's Youth Advisory Board to address the Council on any of the findings.

Brittany Gurule, Chair of the Board, and Alicia Trujillo, Board Member, reviewed *Teen Survey 2015*. Please see Exhibit "1" to these minutes for specifics of this presentation.

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

- ★ Councilor Rivera thanked them for their presentation, commenting that it is good to see what the youth of the community need. He asked Mr. Sanchez for a copy of the Survey in color, so he can discern some of the answers and what the colors represented. He thanked them again and said, "Great job."
- ★ Councilor Trujillo said they did a great job. He said he serves on the Mayor's Youth Advisory Board and these young people took a lot of time and effort to think about these things. He said it's time that the City Council listened to them. He said it is time for action and we need activities for kids in this community, commenting Santa Fe doesn't have a lot of stuff for kids to do and we definitely need to show our kids we care about them, which we do. He said let's get fun things in

this community instead of the kids having to travel to Albuquerque. Keep the kids and our GRT in Santa Fe. He said, "You guys did a phenomenal job, so good job."

- ★ Councilor Ives thanked everyone for their hard work and efforts. He said they said the largest group of responders were 17 years old. He asked if the total number of responses was 243.
- ★ Mr. Sanchez said that is correct.
- ★ Councilor Ives asked the number of youth in the 13-18 year old age group in Santa Fe.
- ★ Mr. Sanchez said they know in the Santa Fe Public Schools there are approximately 10,000, and they would have to break that out to get those numbers.
- ★ Councilor Ives said this type of work is incredibly valuable for us, as policymakers. He said the more people that participate, the better the information gets. He asked if there is anything that could get more kids participating. He recognizes it is difficult, but with a pool of 10,000 and only 243 responded, we would like that information. He asked if they had any thoughts about that.
- ★ Mr. Sanchez said this was a pilot survey to lead us to Teen Summit in late October, with a goal to get 400-500 kids throughout the City to participate. This is just the beginning to really get down to finding out exactly what the youth of the community need and want, and to prepare for the upcoming Teen Summit.
- ★ Councilor Maestas said he has a few comments. He thanked Mr. Sanchez, Miss Gurule and Miss Trujillo for the presentation which provides a lot of insight of what kids want and need. He said the Hopewell-Mann Center is in his District, noting it is owned by the Civic Housing Authority. He said, in consideration of the cost and target demographics, holds its own against some of the other sites. He said perhaps the survey doesn't support Hopewell-Mann as a location, but they did identify other optional programming for that site. He said it has great potential, and understands an impediment is it is owned by the Santa Fe Civic Housing Authority, and the Executive Director wants a programming plan and something sustainable. He thinks we can come up with that, and he looks forward to working Mr. Sanchez and his office. He said he too will be bringing forward legislation consistent with that.
- ★ Councilor Dimas congratulated them for getting this started, commenting it has been a long time coming. He has been involved with Santa Fe youth for numerous years, and one of the complaints has been that the youth don't have enough to do. He said it is a good beginning to things in the future. It has been a lot of hard work for you, he hopes it pays off and is sure this Governing Body will support the actions with which you come forward after the October Summit.
- ★ Councilor Bushee thanked them. She said the survey questions were salient and very important. She said, "You did a great job. It was right on the mark, so thanks so much."

- ★ Councilor Dominguez thanked them for taking their time to come speak to us, for their time on the Advisory Board, for their care for young people in the community. He said the Governing Body can learn from this bottom-up approach. He said we think we know what youth and the community want. He thinks we need to change the language we're been using. It is apparent that teens don't just want a teen center, they want a resource center. A place to go to be safe, hang out, play games, as well a place to get food, job skills, even a health checkup when needed. He said we get adamant about many things, land use cases for example. However, the reality we face in the community and the nation are right in front of us, and providing the kids those basic necessities – a place to eat, to learn, to recreate and for some a place to live. These are some of the things our community should admire and get involved in.

Councilor Dominguez continued, noting Councilor Ives' request for data, saying there is a “ton of data out there.” He said we should spend our time as a Governing Body looking at that data. He said the Hopewell-Mann area is interested in early childhood care because the numbers of children between 0 and 5 years that live there. He asked Mr. Sanchez for those numbers.

- ★ Mr. Sanchez said it is 500-600 kids age 0 to 5 years living within that certain area.
- ★ Councilor Dominguez said they need resources now and will need resources in the future. He said it is a community in transition, and more and more rentals are popping up in that area. These are things we need to look at, and whether it is a transient community or if there is more stability. He said these are things he's interested in looking at.
- ★ Councilor Dominguez asked if Mr. Sanchez is asking for us to have a debate and then make a recommendation.
- ★ Mr. Sanchez said that is correct. He said the information he provided is for you to debate among yourselves on a potential site for recreation and a resource center.
- ★ Councilor Dominguez asked staff's recommendation based on the information.
- ★ Mr. Sanchez said we have existing structures, and the easiest is the Hopewell-Mann area because of the huge emphasis and focus on early childhood in working with the children and families. There currently is a teen center most people don't know about. That could be a potential site for building resources. He said the only area where we don't have the capacity to house kids would be in the deep south side of Santa Fe where you're looking at 500-800 teens. He said we could utilize Zona del Sol, but it would only handle 65%.
- ★ Mr. Sanchez continued, saying his recommendation would be that we look at existing structures in the beginning which doesn't cost a lot of money, and we could realign current services and build a resource hub for kids within our own structure. We can then look at how we can work with private-public partnerships at the Zona Site, noting the Boys and Girls Club is there. He said the Boys and Girls Club have been able to raise \$200,000 in the first two months. He said there is the ability to leverage money if we work with that site.

- ★ Councilor Dominguez said the Boys and Girls Club is providing operational money via its programming as well as capital funds. This is a good and interesting relationship and he would be happy to work with Councilor Maestas on legislation to get the ball rolling to get more resources for our youth. Councilor Dominguez said the other vulnerable part of our population are our Senior Citizens, and we need to keep that in mind as well.
- ★ Councilor Lindell said in light of what Councilor Dominguez just said, she wonders if we are limiting ourselves somewhat by calling this the establishment of a teen center. We might broaden our horizons some in looking at the expenditure of these funds more for a community center and not just a teen center. We have many groups with needs.
- ★ Councilor Rivera doesn't want this to see all of this hard work "to feel to the teens as if it's falling on deaf ears." He would like, as we continue this process, for Mr. Sanchez to come up with a few recommendations that would affect teens that we can do as soon as possible.
- ★ Councilor Trujillo asked if we are looking at these 3 sites only, or can we look at other sites as well.
- ★ Mr. Sanchez said the other top visited site was the GCCC which currently is one of the top areas kids visit. A thought was developing a resource hub for kids two nights a week at the GCCC to see how they would take to that.
- ★ Councilor Trujillo asked for the list of the potential sites, and Mr. Sanchez said he will provide it.
- ★ Councilor Dominguez said he thought all potential sites were on the list already.
- ★ Mr. Sanchez said they evaluated 3 sites – Hopewell-Mann, Tino Griego and the Zona del Sol site.
- ★ Councilor Dominguez asked what sites Councilor Trujillo is thinking about.
- ★ Councilor Trujillo said we looked at Tino Griego/LaFarge, and he wants to take that off the table, because the Schools aren't interested in discussions, so he would say to keep that off the table, and look for another place. He said we really need to find a place, especially on the south side. He said it if is in District #3 or #4 that is great, but he wants to find something on the south side for the kids.
- ★ Councilor Dominguez said he would be willing to work with Councilor Maestas on a bill to make sure we recognize the need for programmatic items at the GCCC.
- ★ Councilor Bushee noted the majority in the survey wanted something near Santa Fe High, so she would hate to drop Tino Griego.

- ★ Mayor Gonzales said we can continue this conversation, but we aren't deliberating it yet, but there is the need to address infrastructure to support the programmatic needs of our teens as part of that component. It may not have to be always building a brand new teen center, and it could be just evaluating existing facilities that could be repurposed to support teens throughout the City that can be addressed more timely. He thanked Mr. Sanchez, Miss Gurule and Miss Trujillo. He said, "You are doing an amazing job, and you get an A for tonight. Well done. Good job."

## 12. 311 PILOT PROJECT SUMMARY UPDATE. (SEVASTIAN GURULE)

Mayor Gonzales said we've all read our packets, and asked Mr. Gurule to focus quickly on the recommendations, and the Council can then ask questions based on what is in the packet.

Sevastian Gurule thanked his staff, Jenna and Therese, Brian and Renee, as well as Esther Tenenbaum of Albuquerque 311, the people from Streets Division, David Catanach, Lucretia, Marie, Kevin, Tanya and Michelle from anti-Graffiti and Johnny from Animal services, all of whom have been very helpful and cooperative in this effort.

Mr. Gurule presented information from the packet in this regard. Please see the information in the packet for specifics of this presentation.

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

- ◆ Councilor Maestas said there is a good solid plan for this FY and the next. He said you said you were going to look at full functionality and reliability, and he's thinking about the flow of information and any action protocol, decision-making authority, resource allocation. He would like him to break it down as to how the information flows today through this system. If these are flawed the system won't do well. He asked how that is going to be looked at and if that will be done in this fiscal year.
- ◆ Mr. Gurule said yes. He said the process they need to go through is sitting with each section or division to understand their current work flow. He said a current CRM system can follow that process. He said as they review the process and identify areas for opportunity for greater efficiencies, we'll start addressing that and see how we can better assign work coming through, and what information we need to better analyze the situation to allocate the appropriate resources more logically and efficiently.
- ◆ Councilor Maestas wants us to close that loop, with redundancy on these complaints so we know it's done, with any necessary follow up done.
- ◆ Mr. Gurule said a lot of that goes to staff training, as to how the system works and what is our responsibility to provide updated and final comments so we understand how to use the system to our benefit.

- ◆ Councilor Bushee said she understands he doesn't have the budget to do much more than he has done. She asked how this is different if we can't do the actual 311. She said we saw the presentation from Albuquerque on how they did it, and they started in-house initially without a lot of new staff, and she was hoping that would take place as a pilot project.
- ◆ Mr. Gurule said the difference is that we've advertised and promoted Constituent Services phone number, 6949. What is different now is that we have physically, within our phone system, directed 5 extensions from 3 Divisions that rank into constituent services and they have been put into the BCMS phone system so we can track number of calls made/answered, the time duration in talking to a patron. This wasn't possible previously, and was done successfully with the help of Renee Martinez and ITT. As we move forward, all the extensions advertised in the phone book or on the website, those numbers will be routed into 311, noting they're not right now and they will continue to have to monitor those.
- ◆ Councilor Bushee asked how he promoted Constituent Services, and if the call volume increased.
- ◆ Mr. Gurule said there were 2,000 calls through the pilot project, but 4,000 calls were made in addition to the calls coming in on the 5 extensions. They advertised through the Public Information Office, the website, and in talking to patrons telling them there is one phone number they can call for help.
- ◆ Responding to Councilor Bushee, Mr. Snyder said, "We didn't promote it at all, it was all done behind the scene as Sev said. Basically we rerouted 5 lines from behind the scene. We promoted Constituent Services years ago. For this pilot program, we didn't promote it. The person calling about a pothole didn't know they weren't talking to streets personnel. We were monitoring the number of calls, how fast we could respond to them and getting to some of the data we didn't have at our fingertips previously."
- ◆ Councilor Bushee said, keeping in mind the budget is already \$10 million in the red for the upcoming year, that we keep the price tag in mind. She wants to know if there is shifting of existing staff that can be done to achieve a modicum of some kind of program.
- ◆ Mr. Gurule said they are working through the City Manager to provide quality service.
- ◆ Councilor Ives thanked Mr. Gurule for the information. He likes the chart on page 5 that breaks everything down by type of request. He asked if we can go one level further and tie request type to Districts which would make the information even more useful to him. He said on page 6 in the packet on the website, you state that the content of our City's website is in major need of review, editing and streamlining. The current layout of our website is organized primarily in a departmental orientation rather than a service orientation which makes it difficult to navigate. He doesn't disagree, but since he came on Council, we've been involved in a \$250,000 million rework of our entire website. He asked if there are any funds left over from that effort and if what was promised was delivered. He would like to move toward a more service-oriented rather than department oriented, or create a pathway through the existing contract and asked him to take a look at that.

- ◆ Mr. Gurule said the revamping and streamlining is being done in-house, and will not require funding. It is just a matter of us working with the City Manager, the Department Directors to see how we can simplify, and it is simply a matter of reorganizing the content.
- ◆ Councilor Rivera said the 311 system was designed to take the heat off 911 during emergencies. He asked if this move forward if there will be a plan to address emergencies and how we would handle that situation.
- ◆ Mr. Gurule said as we move forward for a City-wide 311, we will establish solid working relationships and communications with the department directors, so in the event of an emergency, it would be a matter of training the staff, noting we might need additional staff to assist, depending on how large the particular event might be, and be able to have a fact sheet and provide simple information to the constituents as they call in. He said, "It goes back to training and communication."
- ◆ Councilor Rivera assumes a plan will be coming forward to guide City staff on how they would respond in the event of an emergency.
- ◆ Mr. Gurule said as we move forward and preparing for a 311, they will be establishing standing operating procedure that definitely would be included.
- ◆ Councilor Rivera said it sounds like you staff can handle what you've been doing and handling it well, but again, he is concerned as to how it will work when call volume increases tenfold, or potentially more, and that the City is in a good position to handle that.

**13. REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING FOR SEPTEMBER 9, 2015:**

**BILL NO. 2015-34: AN ORDINANCE AMENDING SUBSECTION 23-6.2 SFCC 1987, TO PERMIT THE SALE AND CONSUMPTION OF ALCOHOL IN AN AREA OF THE PLAZA ALONG THE NORTH CURBLINE OF PALACE AVENUE, RUNNING IN FRONT OF THE PALACE OF THE GOVERNORS, BETWEEN WASHINGTON STREET AND LINCOLN AVENUE FOR THE CHRISTUS ST. VINCENT 150<sup>TH</sup> ANNIVERSARY GALA ON SEPTEMBER 19, 2015 (COUNCILOR IVES). (YOLANDA Y. VIGIL)**

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, August 10, 2015, is incorporated herewith to these minutes as Exhibit "2."

Councilor Ives said this is an effort to move to publication the measure which would allow Christus St. Vincent, for its gala on September 19, 2015, to serve alcohol to the gala participants who will be under a tent just off the Plaza, so it's on Palace Avenue, and most of the food service and drink will be coordinated through the Palace of the Governors. He said Christus has been working with the State on this event, noting Robert Glick, President and CEO, Hospital Foundation is in attendance and also can answer questions. He said the annual gala raises funds to support Christus St. Vincent in its operations,



purchase and equipment and other uses he doesn't know, noting it is a non-profit organization whose purpose is to support our Regional Hospital. This is a very special event celebrating 150 years in our community. Councilor Ives described the public presentation on the Plaza by the Mavericks on the bandstand as part that event, and the Hospital is inviting the public to attend. They are trying to make this year's Gala a more public celebration for all people in the City. They are proposing to serve beer and wine under the tent to patrons who participate in the Gala.

Councilor Ives said this is a request to publish and hopefully it will be approved, so it can go to Finance and be considered and discussed further at the Committee level.

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

**DISCUSSION:** Councilor Trujillo said this still has to go to Finance, saying it wasn't approved at Public Utilities on Wednesday, noting that according to a Ordinance sponsored by Councilor Calvert a few years, that if a bill isn't approved by one of the top 3 policy committees it dies. He asked Ms. Brennan if it goes to Finance and dies there, will it come back to the Council.

Ms. Brennan said, "This is on the agenda tonight because of the timing issue. In other words, if it does succeed it would be a date before, if we put off advertising until after the Finance Committee meeting. But yes, it does have to positive vote in one Committee."

Councilor Dominguez asked the reason this is a timing issue, and if staff didn't get it on the agenda in time. Or was it that the sponsor didn't get it to us in time. He is sensitive to the timing issue, and thinks he made his point. He said his question is similar to that of Councilor Trujillo. If this bill dies at Finance, then it does not come to the Governing Body.

Ms. Brennan said, "That is correct, Councilor."

Councilor Dominguez said he probably will support the motion, but "I will say, Councilor Ives, I take a little bit of exception, respectfully, to the comparison to the item that we have later on the Agenda with Ft. Marcy Park. I think that, although Ft. Marcy Park has been compromised, once we start compromising the Plaza, it is a totally different ball game I think, and so I just want to make that comment. Thank you Mayor."

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

**For:** Mayor Gonzales, Councilor Ives, Councilor Lindell, Councilor Maestas, and Councilor Trujillo.

**Against:** Councilor Rivera, Councilor Bushee, Councilor Dimas and Councilor Dominguez.

14. **CASE NO. 2015-51. APPEAL OF THE MAY 7, 2015 DECISION OF THE PLANNING COMMISSION APPROVING THE REQUESTS OF THE BENEVOLENT AND PROTECTIVE ORDER OF THE ELKS LODGE NO. 460 TO DIVIDE ITS PROPERTY AT 1615 OLD PECOS TRAIL INTO TWO LOTS; AND OF MVG DEVELOPMENT/MORNINGSTAR SENIOR LIVING'S REQUESTS FOR A SPECIAL USE PERMIT TO OPERATE A CONTINUING CARE FACILITY ON ONE OF SAID LOTS AND FOR DEVELOPMENT PLAN APPROVAL FOR THE CONSTRUCTION OF AN APPROXIMATELY 73,550 SQUARE FOOT BUILDING ON SAID LOT TO HOUSE SAID FACILITY.**

- a) **MOTION TO RECONSIDER THE JULY 8, 2015 DECISION OF THE GOVERNING BODY DENYING THE APPEAL IN CASE NO. 2015-51 FOR THE PURPOSE OF REMANDING THE MATTER TO THE PLANNING COMMISSION FOR FURTHER CONSIDERATION AND RESPECT TO WHETHER MODIFICATIONS TO THE DESIGN OF THE PROPOSED CONTINUING CARE FACILITY MAY RENDER IT MORE COMPATIBLE WITH AND ADAPTABLE TO NEIGHBORING PROPERTIES, SPECIFICALLY WITH RESPECT TO ADJACENT RESIDENTIAL PROPERTIES, INCLUDING WITHOUT LIMITATION, MODIFICATIONS TO HEIGHT, MASSING, FLOOR STEPBACKS, COLOR AND FENESTRATION AND THE USE OF SCREENING TO PROVIDE VISUAL BUFFERING. (MAYOR GONZALES)**

A copy of an email from Zachary A. Shandler to Frank T. Herdman, regarding this matter, is incorporated herewith to these minutes as Exhibit "3."

**MOTION:** Mayor Gonzales moved, seconded by Councilor Lindell, to postpone Case #2015-51, to the Council Meeting of September 9, 2015, in accordance with the request of the parties to afford them additional time to continue to negotiate an agreement to mediate their differences prior to this body taking further action under its motion to reconsider adopted by this body on July 29, 2015.

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

**For:** Mayor Gonzales, Councilor Bushee, Councilor Ives, Councilor Lindell and Councilor Maestas.

**Against:** Councilor Rivera, Councilor Dominguez, Councilor Trujillo and Councilor Dimas.

Councilor Rivera asked, for clarification on what was just voted on. He said he just read "*to mediate their difference prior to this body taking further action*", so it will come back to this body on September 29, 2015.

Mayor Gonzales said that is correct.

Councilor Bushee asked, for clarification, is this still an appeal at this point because of the reconsidered vote.

Ms. Brennan said, "Yes it is."

Councilor Bushee said then the rules on *ex parte* communications still hold.

Ms. Brennan said that is correct.

Councilor Dominguez said, "Just for the record, no one from the Elks or MorningStar has contacted me, but SENA... however you pronounce it.

Mayor Gonzales said it is the Southeast Neighborhood Association.

Councilor Dominguez said, "Well, however you pronounce it, they keep contacting me. I need them to stop contacting you."

Councilor Maestas said, "They communicated to us, the Southeast Neighborhood Association, and they were very explicit saying, we're not prepared to engage in any mediation until we get a remand on all three Planning and Zoning Commission approval. So if we're postponing, but yet they've already placed a to mediation, requiring that we remand it, how are we going to make progress. How is this going to move forward, or are we still talking about just terms of mediation."

Ms. Brennan said, "I believe we are talking about the terms and conditions of mediation which need to be agreed upon by the parties. With respect to *ex parte* communications, I believe the communication that you received individually, but was not initially provided to the Applicant, has been provided to the Applicant and also has been distributed tonight for the record."

Councilor Maestas said, "So just to confirm then. The SENA communication and their position is one of their terms for mediation and of course, that has not been agreed upon by the other party."

Mr. Brennan said, "That is how I understood it Councilor, and I believe the parties understand it and have asked for this postponement tonight in order to continue those discussions."

Councilor Dimas said, "Just a real quick comment regarding this whole thing. Having been involved in numerous mediations in the Court system, which mediation is mediation as far as I'm concerned, I can honestly tell you that before we proceeded with mediation in the Court, we had to have two sides who were open minded to that mediation. We went in there open minded and not making demands before they went to mediation. So, quite frankly, I don't see how this can even work, when you've got one party that has already made demands on what exactly it is that they want, and they're not willing to negotiate out what they want. So we can postpone this until the twelfth of never. I don't think it's going to change anything. I think we're going to be right back here in September doing the exact same thing and going nowhere with it, and it's just going to come right back again. I think the proper thing to do this evening would have been to vote on this thing and get it over and done with. And ultimately, the Courts are going to be the ones that are going to make the final decision on this. And those are my feelings. Thank you, Mr. Mayor."

Mayor Gonzales said, "In closing, I just want to reaffirm my belief in the Elks and in the neighborhoods and being able to act as they always have, as neighbors, and try and find some resolution

that works outside of the Courts. So I'm going to keep my faith there and count on that. And hopefully, Councilor Dimas, when September comes, we have something different to consider, and not have to go down a path that will clearly end up in Court, because I think both communities deserve to be able to get to a resolution that is beneficial to both parties."

Councilor Maestas asked, "Mayor, point of order, do we need a motion to postpone approving the Findings of Fact and Conclusions of Law. We did that the last time."

Ms. Brennan said, "I don't think you need to do that. I think final action has not been taken. You've postponed the main action, and I think the Findings and Conclusions will wait upon your ultimate decision."

**b) REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE NO. 2015-51. (ZACHARY SHANDLER)**

No action was taken in this matter.

**15. MATTERS FROM THE CITY MANAGER**

There were no matters from the City Manager.

**16. MATTERS FROM THE CITY ATTORNEY.  
EXECUTIVE SESSION**

**IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT §10-15-1(H)(7)NMSA 1978, DISCUSSION REGARDING PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS A PARTICIPANT, INCLUDING, WITHOUT LIMITATION, DISCUSSION AND UPDATE ON MEDIATION UNDER THE DISPUTE RESOLUTION PROVISION OF THE WATER RESOURCES AGREEMENT BETWEEN THE CITY OF SANTA FE AND SANTA FE COUNTY. (KELLEY BRENNAN).**

This item was removed from the Agenda.

**17. MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk.

## 18. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of August 12, 2015, is incorporated herewith to these minutes as Exhibit "4."

### Councilor Dimas

Councilor Dimas wished his oldest daughter a happy birthday on August 15, 2015. He said his youngest daughter just celebrated her birthday on August 9, 2015, and he wishes both of them a very happy birthday.

### Councilor Bushee

Councilor Bushee said she introduced 3 things on the date of the MorningStar vote, but she doesn't remember the date on that, but thinks it's at least a month ago, "that went into a black hole staff-wise, so there are two sector/corridor plans and also the Land Use Facilitation Program." She said she did receive an email and will communicate with Ms. Martinez, noting staff did not convey any concerns on the Land Use Facilitation program. It's modeled on something in Albuquerque, and she doesn't know why these are being held up and not being sent to the Public Works Committee. She spoke with the Chair as to when she can be available to have those come to the Committee. She said people keep asking her when they are going to be heard, and she was told there were stops somehow at Kate Noble's shop. However, she spoke with her in the hallway and she said she doesn't know what's happening. She said, "So basically, I just need them to get out of the black hole and back in the process. They're Resolutions, all three."

### Councilor Ives

Councilor Ives said this morning he attended an Energy Summit convened by Senator Heinrich and Mayor Gonzales. He said in attendance were a number of experts in different topics from around the country, 5 Pueblo Governors, and people from various national organizations dealing with Micro-grid Smart Energy issues. He said, "I just wanted to make that note and say a thank you on the record to both Senator Heinrich and you, Mayor Gonzales, for your leadership on those issues and for making Santa Fe a place where those issues are important and being considered."

Mayor Gonzales thanked Councilor Ives for his remarks and for attending the Energy Summit.

### Mayor Gonzales

Mayor Gonzales introduced the following:

1. A Resolution adopting the City of Santa Fe as a "My Brother's Keeper Community," to better serve the children and youth of Santa Fe, cosponsored by Councilor Dominguez. A copy of the Resolution is incorporated herewith to these minutes as "5."

Mayor Gonzales said this month, at the federal level, we are expecting \$500 million to be released to communities that have adopted these kinds of programs, commenting much of the work done by this Council over the past several years is in very good alignment with My Brother's Keeper. This Resolution formalizes it in a way that we can pursue as a community – national money that can have a positive effect on our children.

2. A Resolution extending the time period by which staff shall provide a report on the 2012 Parks & Trails Bond pursuant to Resolution No. 2015-50. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6."

Mayor Gonzales announced that his children will be participating in the Santa Fe Schools this year.

### **Councilor Dominguez**

Councilor Dominguez said the Resolution just introduced by the Mayors answers one of his questions, which is when we would start getting reports from the 2012 Parks Bond, but there are outstanding issues on the 2008 bond we still need. He asked Mr. Snyder to correspond with him on when we should be getting the rest of what we requested in the Resolution regarding the 2008 bond.

Councilor Dominguez reminded everyone that School starts next week, and to please be careful, and obey the speed limit in the School Zones and watch for all the youngsters.

Councilor Dominguez asked Ms. Brennan about the rule which allows introductions to be made at Committee. He said he is interested in looking at eliminating that. He said, although it is efficient for some, he doesn't know that it lends to the public process, noting he is getting lots of calls from the public wondering about when something was introduced, not knowing certain things can be introduced at Committee. He is interested in looking at that rule, and asked Ms. Brennan to pull that rule for him so he can take a closer look at it, he would appreciate it.

Councilor Dominguez said on September 19, 2015, will be the grand opening of the SWAN Park, noting they will be doing some PSAs and other things to notify the public. He said members of the Governing Body should have received invitations. He said the public is invited to attend, noting he will be getting invitations to City staff as well.

### **Councilor Lindell**

Councilor Lindell introduced a Resolution directing staff to research options for City departments to initiate collections of delinquent fees and payments for services rendered. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7."

### **Councilor Trujillo**

Councilor Trujillo wished a Happy Birthday to his Uncle Gilbert, and his two brothers-in-law who had a birthday last week.

Councilor Trujillo thanked staff for finally tackling the weeds, especially on the south side. He said a few parks still need to be cleaned, but definitely thanked staff for working on this problem. He said Cerrillos Road looked like a weed forest for a while.

Councilor Trujillo said, "Hats off to our Police Department for handling what happened last Friday. He said a lot of people were bugged about having to reroute through Cerrillos Road during the situation of the escaped convict. It was something that was necessary and the constituents he talked to understood, but there were some that were kind of bugged the situation. Hats off to the New Mexico State Police, and everybody involved, that this ended the way it did. A good job."

Mayor Gonzales said he also thinks the alert system that went out helped as well. He said he was unaware we actually had it until it showed up, the reverse 911.

Councilor Trujillo asked to be added as a sponsor of the Mayor's My Brother's Keeper Resolution.

Councilor Trujillo said in one section from Camino Consuelo to Avenida de Las Campanas, along the arroyo, has a lot of trees that need to be cleared, because a lot of kids use that trail to get to school.

### **Councilor Rivera**

Councilor Rivera said typically on an emergency such as the one last week he would receive a report from Nixle which comes as a text message, but that didn't happen this time. He asked Mr. Snyder if he can look into that and close that gap so we continue to get those messages.

Councilor Rivera wished his daughter Rebecca a happy birthday on August 21, 2015. He wished his daughter Samantha good luck as she starts college on Monday at UNM, commenting they moved here into her dormitory today and she's excited about that.

Councilor Rivera asked to be added as a sponsor to the Mayor's My Brother's Keeper Resolution.

Councilor Rivera said you can't see the School Zone sign about 100 yards west of Jaguar and Paseo del Sol, right before you get to Cesar Chavez Elementary going east, before Caesar, because it is completely covered by trees, and asked the City Manager to take care of this.

### **Councilor Maestas**

Councilor Maestas congratulated his nephew, Carlos Vazquez-Baer who graduated from St. Michael's, and is going to start college at Gonzaga University. He is a singing waiter at La Casa Sena, and his last performance is tomorrow, so the family will be there.

Councilor Maestas said, regarding the Santa Fe Triathlon we had to move it because we're installing the de-humidification system at the GCCC. He said there were assurances from staff at that time, because of the negative reaction. He said Salvador Perez was chosen, but it's not being promoted in all of the triathlon sites. He asked Mr. Snyder to look into that and clarify that we are moving forward with it at Salvador Perez, and clarify all the particulars.

Mr. Snyder said to confirm, it is at Salvador Perez, and understood it was advertised this weekend in the newspaper, noting he has received a couple of calls, commenting that he will follow up on it.

Councilor Maestas introduced the following Resolutions regarding water, noting the following Resolutions speak to the individual issues in SB-665, and these very much affect the City of Santa Fe and other larger cities throughout the State.

1. A Resolution supporting Legislation amending NMSA 1978, §72-1-9 preservation of municipal, county and State university water supplies. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."
2. A Resolution supporting legislation amending NMSA 1978 §72-6-4 Lessee's Application, use before approval. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."
3. A Resolution supporting legislation amending the OSE's hearing procedures, NMSA 1978, §72-7-1 and NMSA 1978 §72-2-16. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10."
4. A Resolution supporting legislation amending NMSA 1978, §§72-12-3(D) and 72-5-5(B), to define the standing of Protestants. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11."
5. A Resolution supporting legislation amending NMSA 1978, §72-12-24 Supplemental Well, and §72-12-22, Replacement Wells. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "12."

Councilor Maestas noted he introduced the aforementioned Resolutions at the New Mexico Municipal League Resolutions Committee from the floor and they were approved without amendment, so we have League support for these Resolutions.

6. A Resolution directing staff to analyze the current Land Development Code, Chapter 14-6.2, and making recommendations with respect to short term rentals. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "13."

Councilor Ives asked to be added as a cosponsor of this Resolution.



Mayor Gonzales said the Land Use case on the Evening Agenda may have quite a number of neighbors in attendance. He said if it moves into the evening when it would be too late to deliberate, he will asked the Councilors to consider continuing the meeting to tomorrow evening.

**END OF AFTERNOON SESSION AT APPROXIMATELY 6:25 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 7:00 p.m. There was the presence of a quorum as follows:

#### **Members Present**

Mayor Javier M. Gonzales  
Councilor Peter N. Ives, Mayor Pro-Tem  
Councilor Patti J. Bushee  
Councilor Bill Dimas  
Councilor Carmichael A. Dominguez  
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, City Attorney  
Yolanda Y. Vigil, City Clerk  
Melessia Helberg, Council Stenographer

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

*Mayor Pro-Tem Ives gave each person two minutes to petition the Governing Body.*

**David McQuarie, 2997 Calle Cerrada**, said there are two points he wants the Governing Body to remember, the first they don't benefit persons, and secondly, and more important is that any improvement you make is maintained. *[inaudible]* He said the City was advised to adopt a key intersection improvement plan, but that hasn't been done. He would implore the Governing Body to please adopt one soon, because as a member of the Mayor's Committee, on final review he can't accurately approve any plan when you keep changing according to the Engineers. He said he wants a set plan or policy, please.

**Rick Martinez, 725 Mesilla Road**, said he has been informed earlier this week by two members of the Advisory Committee that the caboose at the corner of St. Francis and Cerrillos was sold. He called the owners of the caboose who said no, but there is a potential buyer looking at it. He said this is a very important part of that intersection, and part of the plan for the underpass, so he would really urge the Governing Body to look into getting into negotiations with the owners and purchasing it, if not, they can fundraise and perhaps you can help with that. He said he painted the caboose and put a lot of effort into do it, but he didn't paint it so it could get sold. He is hoping you can help to make sure it stays where it is, and is made part of the entrance to Santa Fe. He would appreciate any help you can give.

**Steven Carrillo, 1043 Don Diego**, said he is here to speak about MorningStar. He said there is a new managing partner at the company with which he works who is in Albuquerque. A couple of weeks ago he was coming to Santa Fe for the very first time, so he sent him text telling him, no matter what his GPS says, get off at the third Santa Fe Exit at Old Pecos Trail, because he had never been in Northern New Mexico or to Santa Fe. He said his reason for doing so was because it is so beautiful. He said you can get off at the other two exits and get to where you're going faster, but that is like Anytown USA, until you get into Santa Fe and the neighborhoods, even on the south side until you get into neighborhoods."

Mr. Carrillo continued, saying his son's mother has a house off Calle San Sebastian and he feels strongly that the MorningStar development doesn't belong there. It is too big, it violates Code and it's out of character with the City of Santa Fe. He is happy you are considering mediate, but you need to consider is what you mediate – a 35,000 sq. ft. structure, or a certain number of rooms that goes against its business plan which isn't profitable for them to do the project. He said, "I think we need to just keep that as a scenic entry to Santa Fe with its history and all of its splendor. My managing partner isn't the first person he's told to get off at the third exit. Because, I feel very strongly that you really get a feel for the heart of Santa Fe when you do so. That's it. I would just ask you to reconsider the decision. It's difficult sometimes to say you've made a mistake perhaps, and then go back and right that wrong. I would just encourage a new fresh look. Thank you very much. I'm very happy to be here tonight."

## **G. APPOINTMENTS**

### **PLANNING COMMISSION**

Mayor Gonzales made the following appointment to the Planning Commission:

Roman "Tiger" Abeyta (District #3) – to fill unexpired term ending 06/2017.

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

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

### **PUBLIC WORKS/CIP AND LAND USE COMMITTEE**

Mayor Gonzales said Councilor Rivera has allowed Councilor Ives to take his seat on the Public Works/CIP and Land Use Committee so Councilor Ives is able to participate in the Committee process to see items that make their way onto the Consent Calendar, and made the following change in the membership of the Public Works/CIP and Land Use Committee:

Councilor Ives replacing Councilor Rivera.

**MOTION:** Councilor Bushee moved, seconded by Councilor Lindell to approve this change in membership of the Public Works/CIP and Land Use Committee.

**DISCUSSION:** Mayor Gonzales said he doesn't know a vote is needed.

Ms. Vigil said a vote on this change is needed.

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

**H. PUBLIC HEARINGS**

\*\*\*\*\*  
MOTION: Councilor Bushee moved, seconded by Councilor Dimas, to reconsider the approval of the previous agenda, to move Item H(4) to be heard after Item H(2), and to approve the agenda as amended.

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

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- 1) **REQUEST FROM M2 PRODUCTIONS FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF BEER AND WINE AT EL MUSEO CULTURAL DE SANTA FE, 555 CAMINO DE LA FAMILIA, WHICH IS WITHIN 300 FEET OF TIERRA ENCANTADA CHARTER SCHOOL @ ALVORD, 551 ALARID STREET. THIS REQUEST IS FOR THE FOLLOWING EVENTS:**
  - a) **“OBJECTS OF SANTA FE,” TO BENEFIT NEW MEXICO PBS, WHICH WILL BE HELD ON WEDNESDAY, AUGUST 12, 2015 FROM 6:00 P.M. TO 9:00 P.M.**
  - b) **“THE ANTIQUE AMERICAN INDIAN ART SHOW,” TO BENEFIT NEW MEXICO PBS, WHICH WILL BE HELD ON MONDAY, AUGUST 17, 2015, FROM 6:00 P.M. TO 9:00 P.M.**

The staff report was presented by Yolanda Y. Vigil, City Clerk, from her Memorandum of August 5, 2015, which is in the Council packet, noting there is a letter in the packet from Richard Halford, Santa Fe Public Schools, stating the District will refrain from issuing a decision regarding opposition or non-opposition to these requests.

The Applicant was in attendance.

## Public Hearing

There was no one speaking for or against this request.

## The Public Hearing was closed

**MOTION:** Councilor Bushee moved, seconded by Councilor Lindell, to grant the waiver of the 300 foot location restriction and approve the dispensing/consumption of beer and wine at El Museo Cultural de Santa Fe for the Objects of Santa Fe on Wednesday, August 12, 2015 from 6:00 p.m. to 9:00 p.m., and The Antique American Indian Art Show on Monday, August 17, 2015, from 6:00 p.m. to 9:00 p.m., with all conditions of approval as recommended by staff.

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

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

**Against:** None.

- 2) **REQUEST FROM MOUNTAIN TRAILS GALLERY FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF ALCOHOLIC BEVERAGES AT MOUNTAIN TRAILS GALLERY, 200 OLD SANTA FE TRAIL, WHICH IS WITHIN 300 FEET OF THE LORETTO CHAPEL, 207 OLD SANTA FE TRAIL, WHERE SERVICES ARE HELD BY THE CHURCH OF ANTIOCH AT SANTA FE. THIS REQUEST IS FOR AN ART OPENING TO BE HELD ON FRIDAY, AUGUST 21, 2015, FROM 4:00 P.M. TO 7:00 P.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Y. Vigil, City Clerk, from her Memorandum of August 5, 2015, which is in the Council packet, noting there is a letter of support from Bishop Douglas L. Walker, Pastor of the Church of Antioch at Santa Fe.

The Applicant was in attendance.

## Public Hearing

There was no one speaking for or against this request.

## 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 alcoholic beverages at Mountain Trails Gallery, 200 Old Santa Fe Trail, for an art opening on Friday, August 21, 2015 from 4:00 p.m. to 7:00 p.m.

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

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

**Against:** None.

- 4) **CONSIDERATION OF BILL NO. 2015-28: ADOPTION OF ORDINANCE NO. 2015-28 (COUNCILOR TRUJILLO). AN ORDINANCE AMENDING SUBSECTION 23-6.2 SFCC 1987, TO PERMIT THE SALE AND CONSUMPTION OF ALCOHOL AT FORT MARCY BALLPARK FOR THE FIESTA COUNCIL MARIACHI EXTRAVAGANZA CONCERT. (JESSE GUILLEN)**

A copy of a *Memorandum of Agreement – Fiesta Council, Kiwanis Club and Santa Fe Prevention Alliance*, submitted for the record by Shelley Mann-Lev, is incorporated herewith to these minutes as Exhibit "14."

Councilor Bushee asked if this expected to be an annual event.

Mayor Gonzales said yes.

### **Public Hearing**

**Shelley Mann-Lev, Director, Santa Fe Prevention Alliance**, said they have been involved in the discussion around this, and provided a copy of an agreement with all 3 organizations [Exhibit "14"], building on the harm reduction approach they are taking to sell alcohol as part of the Mariachi Extravaganza on Saturday evening, commenting that Zozobra will be "dry." She said there a list of agreements to address the alcohol issue for our community, noting she is submitting a copy of the Agreement for the record, commenting this has been a very very fruitful collaboration, and the Fiesta Council and Zozobra are deeply committed to addressing alcohol issue. The best practices built into this Ordinance also will be followed by the Fiesta Council at other events it is sponsoring. She thanked Councilor Dominguez for bringing this together, and the Governing Body for its conscientious deliberation of this challenging situation.

Mayor Gonzales said, "I would suggest to members of the Fiesta Council that I know you would like to share your positive support for this. I might be going out on a limb to say that we all understand it, and maybe David, you could speak on behalf of the Council Members that wanted to speak and we can move on."

**David Ortiz, 2097 Calle Contenta, President, Fiesta Council**, thanked the Governing Body said there was a long list of Council members and they are all here to thank you for your support and to thank the Alliance as well with our agreement and the Kiwanis to move this project forward. He said they will stand for any questions you may have.

### The Public Hearing was closed

**MOTION:** Councilor Trujillo moved, seconded by Councilor Dimas, to adopt Ordinance No. 2015-28, as presented.

**DISCUSSION:** Mayor Gonzales said Mr. Ortiz began by thanking the Governing Body, and thanked the Fiesta Council on behalf of the Governing Body and the people of Santa Fe. He said three of us up here had the incredible opportunity to be able to participate in the Fiestas in a very significant and meaningful way that helped all of us to appreciate our heritage and to be able to participate in a very public and important way. He said the Fiesta Council makes that opportunity available to the youth and he thanked them for their leadership for their countless volunteer hours to make Las Fiestas as good as it can be for our community and he looks forward to listening to the mariachis playing at Ft. Marcy Park.

Councilor Dominguez thanked everyone for working together to make this happen. He said it's not easy, and changing social norms and the community practices of many years isn't easy. He said little by little, recognizing the harm that alcohol can do, and doing what you can to be strong and cognizant leaders of the community is really great.

Councilor Dominguez continued saying this is a harm reduction approach. It's not just best practices we are starting to utilize throughout the City whether it be the Fuego games or in this case, the Extravaganza. He said we're trying to change the culture and the climate in the community in recognizing alcohol and the harm that it can do.

Councilor Dominguez said we need to bring forward a bill clarifying what a standard drink is, and he will be working with the Alliance in this regard.

Councilor Trujillo said he likes the way everyone is working together. He thinks it will be a safe and fun event, and thanked the Fiesta Council for reducing the prices, commenting he believes that will get more Santa Fesenos to come to this program and enjoy the Mariachi Concert. He said, "Thank you guys for all you do as well."

Councilor Bushee thanked everybody, commenting it is great that the Kiwanis and the Fiesta Council have come together around this event.

Mayor Gonzales said he shares thanks to the Kiwanis for a good job, well done.

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

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

**Against:** None.

**3) CONSIDERATION OF BILL NO. 2015-31, ADOPTION OF ORDINANCE NO. 2015-29; CASE NO. 2015-46. RIVER TRAILS LOFTS, 2180 AND 2184 WEST ALAMEDA REZONING. SOMMER KARNES & ASSOCIATES, AGENT FOR ALAMEDA LOFTS INVESTMENTS, LLC, REQUESTS REZONING OF 4.25 ACRES FROM R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE) TO R-7 (RESIDENTIAL, 7 DWELLING UNITS PER ACRE). THE APPLICATION INCLUDES A DEVELOPMENT PLAN FOR 32 DWELLING UNITS. (DONNA WYNANT)**

A Memorandum dated May 20, 2015, for the June 4, 2015 Planning Commission Meeting, with attachments, to the Planning Commission, from Donna Wynant, Senior Planner, Current Planning Division, in Case #2015-46, is incorporated herewith to these minutes as Exhibit "15."

A Memorandum dated August 3, 2015 for the August 12, 2015 Meeting of the Governing Body, to Members of the Governing Body, from Greg Smith, Director, Current Planning Division in Case #2015-46, is incorporated herewith to these minutes as Exhibit "16."

A Memorandum dated August 3, 2015, for the August 12, 2015 Planning Commission Meeting, with attachments, to Members of the Governing Body, from Greg Smith, Director, Current Planning Division in Case #2015-46, is incorporated herewith to these minutes as Exhibit "17."

An email communication from Sylvie Obledo, to Melissa Byers, in support of the project, is incorporated herewith to these minutes as Exhibit "18."

An email communication from residents of the Rio Vista Subdivision, to Melissa Byers, in opposition to the project, is incorporated herewith to these minutes as Exhibit "19."

An email communication from Jeanne DiLoreto, to Mayor Gonzales, et al, in opposition to the project, is incorporated herewith to these minutes as Exhibit "20."

A letter to Mayor Gonzales and City Council Members, from Brian Rempel, in opposition to the project, entered for the record by Brian Rempel, is incorporated herewith to these minutes as Exhibit "21."

A statement for the record by Julie DiLoretto, in opposition to the project, entered for the record by Julie DiLoreto, is incorporated herewith to these minutes as Exhibit "22."

A color drawing of the subject site, entered for the record by Richard Cady, is incorporated herewith to these minutes as Exhibit "23."

The staff report was presented by Donna Wynant. Please see Exhibits "16 and "17," for specifics of this presentation.



## Public Hearing

### Presentation by Applicant

*All those speaking for the Applicant were sworn en masse*

**Karl Sommer, Attorney for the Applicant**, introduced the members of his team Rick Brenner and Rachel Watson, owners; Christopher Purvis, Architect, the design consultant; Morrie Walker, Walker Engineer, who has worked closely with John Romero, Traffic Engineer; and his Partner, Joseph Karnes.

Mr. Sommer said he will be brief about the legal aspects, and you have to consider rezoning under your Code and your General Plan, starting with the General Plan and then moving to the Code to make sure all elements have been met. He said, "I can tell you, without equivocation, without any doubt, your General Plan [*inaudible*], in favor of this project, in this location at this scale. The second thing is every requirement of your Code with respect to rezonings and the development plan and all requirements have been met.

Mr. Sommer said he has lived in Santa Fe all his life, and has lived through, just have you, the ups and downs of the real estate market and the effect on housing in Santa Fe. We've all suffered through having housing that was affordable to a wide range of people, not just those at the upper end of the economic ladder, and those at the lower end have always struggled to find affordable housing. He said the General Plan was amended and adopted at the turn of the last century and it militated in favor of infill projects. The key to effective infill is that is appropriate. The General Plan tells you what is appropriate in terms of what it looks for. This project is a "smack-dab" in the middle of an infill area identified in the General Plan which says the preferred density on infill projects is R-7, this currently is zoned R-5, and they are asking for R-7. They aren't asking for any variations and breaks on any part of your Code or plan policy which is critical, and doesn't present you with those issues at all. He knows this because your staff and Planning Commission have said, and they've gone through every element thoroughly, and your Code militates in favor of this rezoning. This is important because it guides your discretionary decision.

Mr. Sommer said our Affordable Housing Ordinance isn't enough to make housing available. This is the kind of project that puts a downward pressure on pricing for middle range housing for people who live and work here – families, young people, retirees.

Mr. Sommer said Rick Brenner and Rachel Watson aren't newcomers, and Mr. Brenner has been in this business for 30 years and Rachel was born and raised in Santa Fe. He said Mr. Brenner developed the Alameda Lofts, of a similar scale and housing, a successful, vibrant development and you can see the kinds of work they do by looking at that project. He said the other project he did was the Lena Street Lofts, which transformed that neighborhood into a vibrant, lively area which continues to thrive and grow, commenting that Councilor Ives had his office over there for a while ago and he can testify and say that is a quality project, creatively done, that is going to be a success in Santa Fe and they are responsible for that. He said this is important because they will make promises about what they intend to do and they are people with a track record of excellence and success. These are the kinds of people we want developing, and this is the kind of project we want developed. He said he would urge the Governing Body, after they

hear everything, to look favorable at this project and grant the rezoning and the preliminary approval. He asked Mr. Purvis to talk about the nature of the design.

**Christopher Purvis, Architect**, said this project is similar to one he did with Mr. Brenner down the street 25 years ago. He said the concept is instead of lining up housing in a row, to cluster the housing together so there is more open space. It is more of a common open space. Instead of having individual houses with individual back yards, they have this idea that the housing is clustered together and there is more of a kind of shared space between the two. The difference between this project and the one they did 25 years ago, is they found out they needed some small amount of private open space, noting back then people were creating them with small fences. So they altered this one slightly to have smaller single units with small bits of yard that directly attaches to them as well as the larger L-shaped spaces. He said he thinks the reason people like it in Santa Fe are the spaces between the buildings, more than the buildings, they really made an effort to take advantages of that on the developer's project to the attention of the way the buildings relate to each other as much as the buildings themselves.

**Morrie Walker, Walker Engineering**, said he wants to address traffic issues, noting there were a lot of comments about traffic at the Planning Commission, and they've worked very hard on traffic, what are the traffic issues in the area and the impact of the project on the traffic. He said this is an innovative project and they have a lot of information on the impact this type of project will generate. The first thing they looked at was how much traffic they anticipate coming in there. He said they actually went out and counted traffic. Mr. Walker, using a map on the overhead, said, "Our site is right 'here,' and what we did, we actually went out on Alameda, set the counter right 'there' and counted the traffic from houses in that area to see what kind of traffic is generated in this type of neighborhood. It's a different neighborhood than most traffic generations. It's not completely an urban, real tight neighborhood, but it is a different type of neighborhood. So we actually went out and physically counted how much traffic actually is coming out of a certain subdivision, so that we would know how much traffic our subdivision is going to generate, so we really have a good idea of what we anticipate our traffic is going to make."

Mr. Walker continued saying, they actually have hard numbers and found out that there won't be as much traffic as thought, and it actually increased it about 7% and they have good backup on it. He said they counted traffic at Calle Nopal and West Alameda, noting that is the intersection most people worry about, which has a two-way stop sign. He said the neighborhood has always wanted the stop sign. They did a count at the intersection, too, so they have two counts. He said roughly, we're getting 400-500 cars in each direction during the peak hours, so there is a good amount of traffic. He said for our subdivision, "This chart here shows how much our traffic is generating versus how much traffic is out there. We're only about 1-2% of the actual traffic in the area. When we actually build, we are only increasing it here about 1-2%, so we will have a very low impact on the traffic there. I am comfortable that the impact will be minimal."

Mr. Walker said the next thing they did was to look at whether or not to keep the stop sign. He said, as far as our subdivision, we could have that stop sign or not. He said their impact on that intersection and that roadway is very minimal with or without the stop sign. He said they analyzed it without a stop sign. He used a drawing from the Metropolitan Planning Organization on the overhead,

noting it is classified as a principal arterial collector. He said this means you try to make the traffic move better. So they ran the study with and without the stop sign and the intersection works fine with or without the stop sign, depending on how the Council wants to go.

**Rachel Watson**, said she grew up in Santa Fe, noting her family owned Tiles of Santa Fe and they tiled a lot of houses and hotels in Santa Fe, and she's seen the growth and change in Santa Fe, so she knows the neighbors and what they are feeling. She said she is proud of the communities her husband, Rick Brenner, has developed in Santa Fe, two in particular are the Lena Street Lofts and Alameda Street Lofts. She would encourage the Council to visit, commenting it is a wonderful, creative community. She feels that both communities are the most creative in Santa Fe. She said she shows rental properties every day and hears from people asking for rentals just like they have built. She looks forward to the development of River Trail Lofts, a really creative community and believes it would benefit Santa Fe. She said to the neighbors, it is important they understand these aren't apartments. She said with regard to the private road they talked about, she wants to be clear they don't want that road used just like the neighbors don't want it to be used.

**Rick Brenner, owner**, said his last two projects were to be his swan song to exit from being a builder to other things. He said he did survive the real estate depression in Santa Fe "while treading water," and is now living off the assets they have. He said at the end of last year he was brought to this property and it was a rare opportunity for a project for which they received congratulations and support. He said it clearly fills the need in Santa Fe, as did the Lena Street Lofts. He said the Alameda Lofts are residential, this one will be residential. It is designed to have big open spaces and isn't the typical mid-entry housing style. He said it's one that a lot of people in Santa Fe want, and the feedback we get is, why isn't there more of this in Santa Fe. He said if you do a standard subdivision and divide the lots and do the required setbacks, the big corporation can't fit it into their game plan because they don't take risks and don't necessarily have contacts in Santa Fe with the locals. He said Homewise does, but not a broad cross section of Santa Fe. This gave him the opportunity to do something successful. He said his wife told him he just had to do this project.

Mr. Brenner said he went to City staff, to view the Code to compare it today to how it was when we did the other project, looked at the long range zoning map, what's anticipated and it became clear if we added some more units that we could have a great product mix, with some small units which would appeal to the whole crowd that want this type of housing that can't afford the Alameda lofts, or to afford to rent on Lena Street. So they decided to move ahead and do the project and ask for the relatively small increase in zoning.

Mr. Brenner said staff warned him that it wouldn't be easy, but he assumed everybody would rally around this project that met every aspect of the Code. He said, "Boy was I wrong." He said at the ENN somebody walked in without looking at the plans saying, I'm here to squash this monstrosity. He thought they were talking about the Faust Brothers apartment project down the way. He asked them if they have been to the projects they did and he said no, but that he lives right here, right next to this vacant land and said, "You're going to create a lot of housing and it's going to change my life."

Mr. Brenner said, "I get it. I absolutely get it. Change is disturbing." He finds it selfish that people in that area want to completely close down a community development to preserve their own view or sense of open space, even though they clearly bought it know the zoning and eventually the family would sell. He said sure enough this person showed up at the Planning Commission and, he felt, questioned our integrity and the issue of what is community. He said you chose to get involved in these kinds of things as arbitrators when you ran for office, but it was a surprise to him. He said then, "To see what I call the Fox News method of communication, which is taking things and completely distorting them. As Murray Walker just pointed out. We're not making the traffic safe on Alameda, we're adding almost nothing to the amount of traffic."

Mr. Brenner said there has been a lot of change and they suffered because of the unit they held onto at Alameda Lofts. He said the bridge at Siler has dramatically increased the amount of traffic on Alameda, but this project isn't going to increase it much as shown by the graphics, and it's not going to make anything dangerous.

Mr. Brenner continued saying, the other concern is that somehow we would lower property values. He said he doesn't believe that, and every project he has done has raised property values. He said there are concerns we are going to connect the road. The issue is there is a public road that dead ends at this property. He said, "Initially, staff said we were going to have to put in a full City road, connected to Alameda. However, they realized it wouldn't benefit anybody and would be a negative, a lose-lose, so they said you can close it, with your roadway advanced to driveway standards and put in a fire emergency access gate. We figured the neighbors would be happy, but now we hear people saying that the gate is coming down." He said they won't be taking down the gate. The community doesn't want it down because they don't want the traffic from the adjoining neighborhood.

Mr. Brenner said they are confident they will build a community which is a positive addition to the community of Santa Fe, as are the others they have done.

Mr. Sommer said they will now stand for questions, and thanked the Governing Body for the time.

Mayor Gonzales would like to finish the public hearing before asking questions.

### **Speaking to the Request**

*All those speaking were sworn en masse*

*Mayor Gonzales gave each person 1 minute to speak to the issue, and asked those speaking to try to just add something new. He said he will strictly enforce the one minute given for each speaker, noting written comments can be submitted for the record.*

**Reverend Talitha Arnold, 146 Calle Don Jose, [previously sworn]**, a senior minister at the United Church of Santa Fe, and an advocate for affordable housing. She said she is not opposed to the development, but she is opposed to the rezoning request. She said her church was the founding congregation for Santa Fe Habitat for Humanity, noting she served on the Habitat Board, and served on

the Board of the first Housing Roundtable. She has lived in her house since 1998 on Calle de Don Jose, a small house she can afford on a pastor's non-profit salary. Her concern is about the rezoning. There are a number of reasons it shouldn't happen, in terms of exacerbating an already dangerous traffic situation on Calle Nopal as well as the street into the Rio Vista Subdivision. It perpetuates a piecemeal approach to overall planning needed in the area. She said an overall plan needs to be developed for the West Alameda corridor, but this isn't a good way to do it. *[inaudible]*. There is a way of providing affordable housing and wonderful neighborhoods that does not affect the density to the level this request for rezoning does. She wants to leave the zoning at R-5 so it doesn't impact a very wonderful and well established Santa Fe neighborhood.

**David A. Sena, 1729 River Road, [previously sworn]**, said he lives on the corner where they plan to put in the emergency gate. He has lived there since 1980, and there is one entrance and egress to get in and out. He is concerned about them coming in and out of the fire gate and bringing more cars into the area. He said there are problems at Nepal and Alameda, and the traffic is bad already. He isn't saying their traffic will add much more to the problem, but it will make a problem getting on Alameda during rush hour. He suggests putting in a stop light to allow their people to get in, and give us access while they are stopped at the light.

**Brian Rempel, 159 Calle Don Jose, [previously sworn]**, said his back yard is 10 feet from the nearest 2-story, 24 foot tall building proposed in the development and there is a 5 foot retaining wall separating his years from the proposed development with a 5 foot elevation difference with his yard on the high side. He said the view from his yard to the west will be approximately 19 feet of condo walls. This will obstruct the line of sight, and will obstruct solar gain in the afternoon. He said anyone can come to his place to look first hand to understand the issues. He said their property values will suffer from this as well as their quality of life. He said this was ignored or not taken into account accurately in the Planning Commission memo to the Council, noting it reads, *Finding of Fact 23(c) Code 14-3.8, that the project use and any associated buildings are compatible and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the project*. He said regarding the Code, the Planning Commission stated, *The project is compatible and adaptable to the buildings and uses of abutting property and other properties in the vicinity, because properties along the south side of West Alameda have been developed over the years as multi-family type housing*. That assessment only addresses other properties, but not the abutting property or my property portion of the Code.

Mr. Rempel said, "In closing, I would like to say that growth is inevitable. We all know this. We aren't here to point that out or to argue that point. However, irresponsible growth is not inevitable. As a matter of fact, it is 100% preventable. I would hope as elected officials you will vote for what is in your constituents' best interests. It's my belief that those who spoke before me and those after, and I have adequately expressed to you what is in our best interests, which is keeping the zoning as it currently is, R-5."

Mayor Gonzales said the Council has received emails and we've reviewed the minutes of the Planning Commission, so testimony given throughout this whole process is something we've been able to consider. He said one minute may seem difficult, but we have a lot of information that's been provided by the community prior to this evening that we had the opportunity to look at. He said moving to any salient point or hasn't been addressed, would be the best use of your one minute.

**Nancy Fay, 728 Mesilla Road, [previously sworn]**, read a statement into the record in opposition to the record because it is out of scale with the character of the surrounding R-1 to R-5 zoning, and is not congruent in its design with the proposed site. It includes traffic at an already risky intersection with limited sight distance which would compromise their safety, and the proposed multi-story buildings imposed in the semi-rural neighborhood, would obliterate the solar gain rights and disrupt the character and quality of the River Corridor neighborhood. In *Euclid v. Ambler*, a landmark Supreme Court case in 1926, establishing the constitutionality of zoning laws, in a crucial ruling written by Justice Brandeis that, "Benefit for the public welfare must be determined in connection with the circumstances, the conditions and locality of this case." We must ask who benefits from approval.

Ms. Fay continued, saying, the long documented history of speeding crashes that destroy property and endanger life, the lack of traffic safety and impaired visibility at this intersection must be considered. Sand filled yellow barrels have served as a partial remedy to slow speeding and crashing cars, and the barrels bear evidence of unreported crashes. She asked how increasing the volume of traffic at a documented dangerous intersection benefit the public. Our lives, our safety and investment in our homes and neighborhoods are being used as capital for developers profit plans, also this same developer asks to violate the boundaries of our neighbors. The developer has evaded our attempts to elicit clear details of the proposed project and has only complied with one required ENN. She said, "Vote no."

**Marcos Sena, 2191 West Alameda, [previously sworn]**, said he lives north of the development, and owns property at 102 Calle Nopal. He isn't against the development, he is against the rezoning. He said north of this property, everything R-1 and R-2, and they have restrictions on height of buildings. He would like to see one-story development and not two-story. He is concerned about the exit from this property which is only 50-75 feet and it will cause problems. He said now that school has started, he sees the buses stopped, cars pass on the opposite, and they have called the police to be there, and sometimes they are, sometimes not. He would greatly encourage the Mayor and Councilors to visit the area before making any decision tonight so see what we're talking about, noting that Alameda is 19 feet wide where this development is happening.

**Mia Fong, 1701 SF River Road, [previously sworn]**, said she has lived in Santa Fe for 30 years, and supports conservation and preservation rather than development. She said West Alameda is a special historic region and represents Santa Fe charm with houses, horses and chickens which she enjoys. She said to rezone from R-5 to R-7 will disrupt the character.

**Joyce Hardaway, 143 Calle don Jose, [previously sworn]**, said she has lived there for 32 years and really enjoys the area. It seems now it is getting too crowded and she strongly opposes the R-7 zoning and it should stay at R-5 or less. She said the stop sign on Alameda is 25-40 feet from the driveway entrance to the property and goes down steeply, so it is a very awkward way to approach Alameda. She agrees with everything everyone else has said.

**Rob Turner, 1703 River Road, [previously sworn]**, said he lives near the River confluence, an extraordinary area. It is quiet, rural and almost all the houses up and down the River are single story. He pointed out again, that the entrance and exit to the proposed development is quite precipitous and will be very dicey in the Winter when it is icy, and maybe that will be addressed. He said he doesn't think we welcome the precedent of the R-7 development in the area, and most of the area is R-5 and less, and it is not a high end area. It is very comfortable for people as is, and it's a really remarkable atmosphere. He thinks this development is well intention, well designed, and thinks we can honor the intent of the City infill plan and the intent of the development at R-5.

**Annie McDonell, 161 Calle Don Jose, [previously sworn]**, said she lives next door to Brian Rempel. She said she could be characterized as selfish. She bought her house there partly because there is a big field behind it and a sense of space and quiet, which is valuable in the neighborhood. There is a lot of talk about accessible, diverse income neighborhood which is what this neighborhood is. She said this development will fundamentally change their quality of life. She said it's not going to be stopped, and we're on a "big train of development," everywhere, which is the sad story of our time. In addition to looking about how the houses relate to each other, we should hear more about the houses will relate to the neighborhood we're living next to, and protect our sense of space, quiet and privacy, and she advocates for staying at R-5 and protecting our neighborhood.

**Yolanda Soler Gutierrez, 161 Calle Don Jose, [previously sworn]**, said she agrees with her neighbors and hopes it stays at R-5 instead of R-7.

**Paula Matthews, 155 Calle Don Jose [previously sworn]**, said she likes this project and the people and the lofts. She said her problem is her property backs to it, and the proposed building will be 24 feet tall from the property line. She thinks there is a very real possibility will block our solar with our one-story windows and tile floor that get heat which is a problem. She asked if there any way you could ask them if there is some way not to put the two-story buildings to their houses, and in putting some garden space and putting the two-story buildings on the other side. She said there is one street in their area which is R-7. She said their neighborhood is one-story attached houses. The Lofts is lovely, but not when it will block solar gain for our houses.

**Jeanie DiLoreto, 149 Calle Don Jose [previously sworn]**, said she supports the development of the Lofts, but at R-5 zoning. She supports the comments made previously. She has one additional comment. She said, "With all due respect to the traffic problems, my neighbors helped and we got together and prepared a handout for you on the nature of West Alameda [Exhibit "22"]", and distributed copies to the Governing Body. She said it's more than traffic counts, West Alameda is a dangerous street, with 25 accidents a year, not counting all the accidents on parallel streets generated from West Alameda. The distance from Calle Nopal to Siler Road, less than 3 miles, with traffic signs, horseback riders. She said she will let them read the handout for the information.

**Gaia DiLoreto said she is the daughter of Jeannie DiLoreto** and she is a graduate of Capital High in 1992. Although she no longer lives in Santa Fe, she was born and raised here, and spent her formative years at 149 Calle Don Jose, because it was an affordable subdivision that was build that her mother could buy into. She is in full support of affordable housing and in full support of maintaining the existing zoning without increase to R-7. That density doesn't benefit the existing community, and she hasn't heard support for the housing here today from anyone, although the developer keeps saying he has support.

**Rick Martinez, 725 Mesilla Road, [previously sworn]**, said he wants to protest the one minute given to speak to this issue, noting the neighbors came here with practiced two-minute speech. He thinks that should have been known ahead of time, and this neighborhood should be given more time, commenting "these guys had a lot more time to do their presentation, and it is unfair for the neighbors to be given only one minute. He said he is part of the Santa Fe River Alliance who is trying to make the Santa Fe River Corridor, Alameda, Agua Fria Street, special. He said when you bring in projects like this with a cookie cutter two-story buildings is not a way to move forward with a River Corridor Plan. He asked if this is the future. This is not suburbia, it is the Santa Fe River Corridor. It is Alameda. He said Del Rio is a single-story development. He wanted to bring visuals, but knew he wouldn't have time to finish his speech. He said the neighborhood wants R-5 zoning. He said these guys are giving nothing back to the neighborhood. He said, "Once again, it's a bad process. Thank you."

**Sydney Cooper, 1610 A Lena Street [previously sworn]**, said she lives in the Lofts. She lived in Chimayo in a rural situation for 15 years, and has lived in The Lofts for 6 years, and has had experience in dense situations and rural situations, so she has great empathy for the concerns of people who spoke here. She said she wants to speak on behalf of Rick Brenner and Rachel Watson who have made this incredible community, commenting that they choose people to live in their community and are really discerning. She said there are a lot of renters, an incredible place, where she lives. She is a decorative painter, a mother, a single parent, and the space at The Lofts suits her very well. She is interested in community, but she is private and doesn't like people just dropping away. She said in this dense environment, she has managed to have her privacy as well as living in a community.



**Todd Christensen, 111 La Joya Road [previously sworn]**, said his reservation on this project is the zoning change because it may create a precedent, and believes they want the zoning for profit which isn't a good enough reason to change zoning and affect an area with the particular distinction for Santa Fe and the way they feel about the community. He thinks the zoning should be kept at R-5 and they can build houses at one story, and be part of the community, rather than separating us.

**Stefanie Beninato, PO. Box 1601 [previously sworn]**, said she agrees that one minute to speak is really short and if you want people to participate, you need to them enough time to say something. She doesn't know whether or not she is in support of the project, she has known Rachel Watson for a very long time, and would say whatever she is involved in would be of high quality. She said the question is what the General Plan calls for in the area, and if it calls for infill and more density, then perhaps you need to allow this. It will be 28 units on the 4 acres. She said two-story is allowed, and this is not in a historic zone, so the height limitation is set by the zoning, and it allows two-story, 24 feet, with setbacks. She understands there are many houses near the site that are built with solar design. She said there is a State law that says if you want to preserve your solar rights, you have to record the solar rights and notify your neighbors.

**Richard Cady property, 2190-B West Alameda [previously sworn]**, said he is upset that we have only one minute, when he was led to believe we could speak for more time. He said they were able to speak to the Planning Commission for 2 minutes. He is here to let the Council know the ingress/egress around development isn't tenable in terms of the traffic. He submitted a map showing the ingress/egress for the property surrounding The Lofts.

Mayor Gonzales said the Council packet includes all the minutes of the Planning Commission and we were able to review the input.

Karl Sommer said they would stand for questions, noting you have before you all of the issues.

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

Councilor Rivera said he has questions of staff. He asked if this remains R-5, can there be two-stories in R-5.

Ms. Wynant said yes, 24 feet is the maximum height in R-5, and 10 feet from the property line.

Councilor Rivera asked Fire Marshal Gonzales about traffic through an emergency gate, noting we have these in many places. He asked if there are any issues regarding these gates.

Rey Gonzales, Fire Marshal, said in reviewing the proposal, an Opticon is required, so it would be the responsibility of the subdivision.

Councilor Rivera asked if the gates have been vandalized or been allowed as a usable roadway.

Fire Marshal Gonzales said there have been issues at the one on Richards Avenue with the sensors because there were some broken, but those have been repaired.

Councilor Rivera said there were questions as to whether the gate would remain open or remain lock.

Fire Marshal Gonzales said they would be required to have an Opticon gate and for them to maintain it. It will be just for emergency vehicles.

Councilor Rivera asked Mr. Sommer if the developer could consider the configuration suggested.

Mr. Sommer said these homes are at a lower elevation and they are pushed away from the property line. So the view across from these houses doesn't look at a two-story 24 ft. building, and they look at about a story and a third of the property, so it's not much different than the elevation of a single story. He said, "But we will have to come back with a Final Development Plan to the Planning Commission, and we'll address that issue if they can, but they've put a lot of time and effort into the project in terms of its sensitivity in that regard. I don't want to make any promises."

Councilor Trujillo said he has a question for staff. The neighborhood directly north, Calle Don Jose en Medio, what is that zoned.

Ms. Wynant said it's R-5, commenting about everything around there is R-5. She asked if he is speaking of across Alameda.

Councilor Trujillo said it's Calle Don Jose en Medio, that's R-5 as well.

Councilor Lindell asked if these properties will be rentals or condos.

Mr. Sommer said they haven't decided whether they will be for sale or for rent at this point, and asked Mr. Brenner if this is accurate and he nodded yes.

Councilor Lindell said it is a bit surprising to her that this far into the project that the developer doesn't know if they're developing condos or rentals, commenting she is sure that the bank would have some idea if they're financing rentals or condos.

Mr. Sommer said, "Rick and Rachel have maintained ownership in the projects they've done, so parts have been for rent and parts have been owned by them over the course of their development. I'm not trying to be cagey. That has been their history with their projects, and he hasn't decided which will dominate in this particular project."

Councilor Lindell said she has a rhetorical question. She said almost every project we see is looking for a little more zoning, sometimes a lot more zoning. It doesn't seem that we ever see a project come before us where the property as it sits, as it's purchased, is developed that way. It always seems to be just a little more reach. It is frustrating to her that happens continuously. She said Mr. Brenner said the

neighbors don't like change, and she is sure they don't, but Mr. Brenner is asking for a change that is pretty sizable to them. She said everything she hear from the neighborhood and people in the neighborhood is they're satisfied to see this development R-5, and even welcoming of it. It is really the little bit of over reach that is frustrating for people. She said the neighbors said nicely, and eloquently by some, that this property was purchased as R-5. She is sure *pro formas* were done on the property at R-5.

Councilor Lindell continued, noting on page 52 of the Staff Report, regarding zoning, she is unclear where under Staff Response it says, '*The subject property is currently developed with one single-family house and various accessory structures on 4.25 acres. Properties along the south side of Alameda have developed over the years as multi-family type housing, rather than single-family subdivisions.*' She honestly doesn't think that's true, noting she knows of no multi-family subdivisions on that side of Alameda.

Mr. Sommer said, "You are incorrect. To the west of this project as several multi-family projects, all the way down. If you have an aerial, look at the projects to the west and you'll see many projects that are multi-family structures."

Councilor Lindell said then they aren't mostly single-family homes.

Mr. Sommer said, "They are not."

Councilor Lindell asked, "How about to the east."

Mr. Sommer said to the east, you have the developed subdivision where Camino Don Jose is, which is an R-5.

Councilor Lindell asked approximately how many homes are in there.

Mr. Sommer said there are 100 homes, according to Ms. Matthews.

Councilor Lindell when she looks at the Zoning Map, the houses along that side of Alameda mostly appear to be single-family homes, "But you're telling me that I'm not correct about that."

Mr. Sommer said, "When you say mostly appears, I'm telling you there are projects to the west of this project and they are the more recent projects that are multi-family and you are correct that the subdivision to the east is a single-family sort of 'stand like' development."

Councilor Lindell said on her Zoning Map, the only place she sees R-7 is on only one street, Del Rio, off West Alameda. She said across the street it is all R-1 and R-2. She said she is just making a point about this. She said the General Plan does ask us for consistency and compatibility. She isn't feeling that this is consistent and compatible. She knows two-story homes are allowed in R-5 and R-7 and other places. She understands there is a sizable elevation change, and that it's just a story and a third.

She said she thinks that's a discouraging thing to happen to you 10 feet from your property line. She said 10 feet is a very very short distance to have that happen. She is sorry this wasn't presented to us in such a way that the two stories sat a little further from the neighbors' property lines. She said, "I think that's really a rather bitter pill for people to have to swallow."

Councilor Lindell asked the square footage and price point.

Mr. Purvis said they are 20 ft. x 50 ft. footprint for the basic unit, but there is a two-story nature to it, some of which is open, some of which is not and it will be configured differently, depending how that lot's going to be. So it could be as much as 1600 sq. ft. of floor space in our 1,000 sq. ft. footprint, and then we have smaller units of 750 to 800 sq. ft. footprint, and some will be lofts, so more like 1,200 sq. ft. He said regarding the two-story, because these are pitched, 24 feet is the top of the pitch, which means adjacent to the 10 feet, they actually are only 17 feet off the floor. So if the housing next door is 8 or 9 feet higher, then they're only looking, at that point, 10 feet off their property line, then it slopes back to the 9 and 12 foot pitched. He said he doesn't know the price point.

Mr. Sommer said, "It's difficult to pin down with specificity, but the range we're looking at is from \$250,000 to \$350,000."

Councilor Dominguez said, "Real quickly, for the record, procedure wise, what is the next step in this project, assuming it gets approved. We know if it doesn't get approved, it's a different story."

Ms. Wynant said, "It's going to the Planning Commission for a Final Development Plan."

Councilor Dominguez said, "I'll get to that point in a minute. Most of these questions are for staff. In the Memo that you have, there's a sentence here that's interesting to me. It talks about projects at or above existing neighborhood densities. And I've seen it cited twice, not only in your report, but in the minutes as well. Where does that come from. Does that come from the General Plan."

Mr. Sommer said, "Yes it does."

Councilor Dominguez asked where in the General Plan commenting he can't find it.

Mr. Sommer said it is in *Section 4-4.16 The target density for new infill development, in order to address affordable housing goals is a minimum of 5 per acre with 7 per acre preferred.*

Councilor Dominguez said he is speaking of the language where it specifically says "*Projects at or slightly above the existing neighborhood density.*" He said he's asking because he has seen it twice, and perhaps a third time in the entire packet, but there's a reason for it, and he's trying to figure out if it's because of the affordable housing component and wanting to achieve more affordable housing.

Mr. Sommer said the goals of the General Plan are to utilize efficiently, existing infrastructure in infill projects. He said, "Increasing in density has a slightly more number of houses for that and that also, according to the General Plan, makes a wider range of housing types available, not just affordable, but a range of housing types."

Councilor Dominguez said, "For staff, in the Staff Report you talk about condos. All of the units will be located on one lot of record and will be rented or condo. This is consistent with Councilor Lindell's question. Are we just going to use the standard definition of condo. I don't think there is one in our Land Use Code, is there."

Mr. Smith said, "The General Plan *[inaudible]* in Chapter 14 standards distinguish between single, multi-family in terms of the number of units per lot of record. There are no specific standards with regard to rentals versus condo ownership, rather in subcategories within condominium ownership."

Councilor Dominguez said, "For the Applicant. Is that to just signify the difference between sale and rental."

Mr. Sommer said, "Sale and rental, because these are not individual lots, you would have to create a condominium."

Mr. Smith said he made a mistake and indicated that it was *[inaudible]*.

Councilor Dominguez said he didn't ask anything about that.

Mr. Smith said you didn't.

Councilor Dominguez said, "Just two more questions if I can Mayor, I think two more. When I look at Finding #14(a) under Rezoning, it talks about, 'The Commission has considered the criteria established by Code, (c) and (a). There's two sites there that I think fit with this project. There has been a change in the surrounding area altering the character, that's #2. And #3 is a different use category is more advantageous to the community. First let me ask, the motion itself from the Planning Commission doesn't include those two specific findings in the body of the motion, so I'm guessing staff was able to take those two findings just from the context of the discussion."

Mr. Smith said, "The Assistant City Attorney prepared these based on the record and the Commission *[inaudible]*. The goal that they indicate as a basis for recommending approval was a finding of one of the criteria that states that a different type of use is beneficial to the community because of the General Plan Policy."

Councilor Dominguez Dominguez said during the course of the record, one of those was talked about generally speaking, but it wasn't in the body of the motion. He said, "I guess the other question is density. I live in a high density development, it's not so bad, but I just want to kind of do some math here real quickly. If I read this correctly, we're talking about 5 additional units than what is already allowed. Staff."

Mr. Smith said that would be a maximum of 32, versus 23 under R-5.

Mr. Sommer said, "That is the total number and includes the affordable units. The other thing about the density is these buildings, the structures on the plan you saw are going to get built. The question is, are the smaller units going to be housing or accessory buildings. So in terms of the intensity, we're talking about having housing or not housing on those additional structures."

Councilor Dominguez said he asks because it seems to him that during the testimony, quite a few people talked about liking the project but felt the density was too high. He guesses if you live there and see things every day, he can understand that, but from a planning perspective, it's a different story. He said, "The other reason I wanted to ask that question is because if we comply with the existing zoning, how many affordable units can you get."

Ms. Wynant said as mentioned in her presentation, the R-5 would yield 4 affordable, and R-7 would yield 6 affordable.

Councilor Dominguez said then it would be 2 additional affordable units. He said some people might say that's better for the community, but he isn't going to weigh that right now, except to say that perhaps more affordable is better than not, and there's plenty of people out there who need it.

Councilor Dominguez said, "I just want to clarify real quick, because this has to go for a Final Development Plan, the two-story, the elevations, all of those details still have to be worked out in that Development Plan. The reason I ask that is because during the testimony you had some people that really were more concerned about the height, setbacks and such. I just want to clarify that some of those details, elevation, where they're going to be seen and from how far, all will be debated, not resolve, but debated at the *[inaudible because Mr. Sommer interrupted Councilor Dominguez.]*

Mr. Sommer said, "They have to go to the Planning Commission for approval. They have to be presented for approval and considered by the Planning Commission."

Councilor Ives said, "We're talking a lot about affordable housing, and it was just indicated the price point for these units is \$250,000 to \$350,000. Tell me, given that, how does affordability come into play here."

Mr. Smith said, "It's my impression that those at the market rate comply with the affordability criteria, but I don't have the current numbers to report to the Council as to what the sales and regular prices would be."

Councilor Ives asked Mr. Sommer to elucidate.

Mr. Sommer said you're asking what would be the affordable housing price for the units that will be built under the Santa Fe Homes Program.

Councilor Ives said yes, because we're talking dedication for the 6 units to affordable housing, didn't seem to fall within the broad scope you put forth.

Mr. Sommer said, "The income range under the Santa Fe Homes Program, the top price under the Plan is \$245,000, that's the highest, income range 3 is \$179,500, so basically \$180,000 which is a 3-bedroom. And income range 2, currently the lowest income range, must be sold at \$138,000, and those have a distribution at the highest income range, 5%, middle income range 10%, and the lowest income range 5%. So the distribution of affordable housing would be in those distributions at those prices.":

Councilor Ives said possibly 1 or two in the lower, 3 or 4 in the middle and 1-2 in the highest.

Mr. Sommer said, "If you were doing six, it would be one, four and one. The four in the middle would be the four at \$179,500."

Councilor Ives said otherwise, it would be one, two one, and Mr. Sommer said, "I believe so."

Councilor Ives said we talked about whether these will be rental or condos, and asked about affordability on the rental side.

Mr. Sommer said there is a similar scale, but he doesn't have it in front of him, noting you would have to follow the distribution and the income range and the price point.

Councilor Ives asked where the units will be within the development.

Mr. Sommer said the requirement is that you disburse them throughout the development, and you can't put them in one building or in one corner, so they will be disbursed throughout the development in the picture you saw.

Councilor Ives said presumably no more than one in any particular unit and Mr. Sommer said, "Probably so."

Councilor Ives asked if the buildings to the east along Calle don Jose are one story or two story.

Mr. Smith said he believes the existing houses are only one story, but the zoning in that subdivision would not prevent two-stories, but the predominant pattern is one-story in the subdivision currently.

Councilor Ives said on packet page 78, it says it's on contract, but as he understands it's actually been acquired at this point in time, and Mr. Sommer said that's correct.

Mr. Smith asked what fences and/or walls are proposed for the development as any type of separation between any of the continuity in the neighborhood.

Mr. Smith said he doesn't believe they have anything at that level of detail in the plan which was submitted so far.

Mr. Sommer said, "If I understand the question, you're asking if there are going to be perimeter walls along the property boundaries. At this point we don't have perimeter walls planned. So there are no big walls going up."

Councilor Ives noted that on one of the plats, it indicates a wire fence potentially along the western boundary.

Mr. Sommer said he thinks there is a barbed wire fence already along the western boundary.

*[Mr. Sommer's remarks here are inaudible because he was away from the microphone when he approached the Governing Body to demonstrate something on the subject site].* He said, "You can see the wall that is there is a retaining wall. Those houses are above that and set back a bit. So we're not proposing any walls along that side that would be visible."

Councilor Ives asked in terms of access to the pedestrian walkways proposed for the interior of the project, if those will be public walkway and to everyone walking from the River Trail up to Alameda, for example, back and forth or east and west.

Mr. Sommer said there is public pedestrian access through the sidewalks through this property to the River Trail. He said, "It actually has to go onto the other property through a public access that already exists."

Councilor Ives said under the General Plan there are requirements for sustainability and water conservation. He asked what is anticipated here in this regard.

Mr. Sommer said they will have to comply with whatever the requirement is, but he will defer to Mr. Brenner or Mr. Purvis to let you know if there is a particular catchment program in place or planned.

Mr. Brenner said, "At the very least there would be a whole series of pumice wicks. We're not going to let water off the site, and we'll use all the water that we can."

Councilor Ives said there was statement earlier that these are not going to be apartments, but if you have 900 sq. ft. that's being rented out, that sounds like an apartment to him. He said, "Explain that distinction if you can."

Mr. Brenner said, "The apartments you refer to, the Del Rio Project, is the project behind Lowe's that the Branches did. Typically, apartments have units stacked above the other, they're very small, common corridor. If you look at our development plan, these are separate units completely. There are no units stacked above the other. There's nothing that's going to feel like an apartment. That's why it's a desirable community to a lot of the people that have approached us."



Councilor Ives said, "In the Development Plan in the packet, I suppose that the walls facing to the east and west, there seems to be, I'm not sure if reorienting your buildings would cut down the amount of sort of the back of the building space that faces to the east and the west. And that's just the orientation of the buildings that are there in terms of the L-shapes, in almost every instance, except for 2, the larger side of the L-shape faces a neighbor either to the east or west. Is this a fixed plan, in terms of building location or is that something that could be modified without terribly affecting the project in any way."

Mr. Brenner said, "I would say it would terribly affect the project. I can defer to the architect. We worked long and hard on that. The idea is to create a compound feel and if we did that, it would destroy the internal sense. The other thing that should be made clear is that in terms of the rezoning, that doesn't affect the Site Plan. If we didn't come to the Council, if we just went to the Planning Commission for Development Plan approval, this is the plan that we would propose, and that complies with all existing laws and ordinances."

Councilor Ives said, "One of the persons who spoke this evening, spoke about you choosing people to live in your communities, and that makes me a little nervous. Can you comment on that."

Mr. Brenner said Sydney should respond, "I don't know what she means. Rachel can, she does the leasing. Let me be clear that would only apply for units we're renting. Clearly, we're not going to be able to violate housing codes and discriminate."

Responding to Councilor Ives, Mr. Brenner said, "I understand, as an attorney, that would make your ears prick up."

Ms. Watson said, "Just as when you were working for the Trust for Public Lands, and because it was a very creative community, and they loved the building. And the economy, they had to leave and go somewhere else. But clearly it is people who like that kind of creative community who come there, and no we don't particularly choose people to come there because they like that, just as you enjoyed it when you were there."

Councilor Bushee said she doesn't think there are any questions left to ask at this point, except John Romero could earn his dime and come on down her for a second. She asked, "What's about this stop sign and why do we have to take it away. I was here when we put those stop signs in. I know your boss doesn't like them, he considers them political stop signs. And it was 10-11 years those stop signs came in on Galisteo, and I read the minutes and you referenced political stop signs that don't really serve the purpose. Why does it need to be removed."

Mr. Romero said, "I don't recall labeling it as a political stop sign."

Councilor Bushee said, "Your boss did."

Mr. Romero said, "I don't recall labeling it as a political stop sign. My opinion is that it's unwarranted. It doesn't meet federal guidelines for its placement. And when you have an unwarranted stop sign, you make people stop when they don't need to. It increases emissions, travel time, frustration

and it doesn't provide the traffic calming effect that people think, all based on a national study. We did do a post study in this area and were able to dig up old requests to put a stop sign. There were several of them, there were 3 requests which staff denied, until finally the stop sign was placed. All those studies evaluated speed in the area. So we had document speeds previous to the stop sign. We evaluated the speed after the stop signs and the speeds remain the same or are slightly increased. This is consistent with what national studies have shown, that when you place a stop sign, people will slow down, roll through it and try to speed up and make up for lost time for what they consider to be a nuisance stop sign."

Councilor Bushee asked Mr. Romero why, with a development that could potentially increase traffic, "would you take on that stop sign."

Mr. Romero said, "The reason, quite frankly, is I've gotten several requests to do so. And I wouldn't do it without a formal public hearing. My sense is this is going to have all the effect to residents and it was going to be a fishy use of not only our time, but the resident's time so they don't have to come down here for a second public hearing to talk it over. So they did voice concerns about it, and I understand that, but in my opinion it should be taken down. If it does, it does, if it doesn't, then we'll live with what we have."

Councilor Bushee asked, "Would you say the same for the signs for the stop signs on Osage Avenue, which also probably aren't warranted."

Mr. Romero said he hasn't studied those.

Councilor Bushee said they put traffic calming in on top of it, but they still didn't want their stop signs to go away.

Mr. Romero reiterated he hasn't looked at those in detail, so he doesn't know if those stop signs met warrants or what reasoning was used to place those stop signs.

Councilor Bushee said, "So I have no more questions, but I have some statements. I live off West Alameda in an R-5 zone. I developed a small compound in my area. I have one space that sold at R-5, so they're originally 50 x 100 lots, 5,000 sq. ft. lots, they're tiny relatively speaking. And folks keep referencing the 1999 General Plan. The hope was that infill would turn that into affordability, but it certainly didn't from my experience. But what I can say to you that we're stuffed into these little lots. They are affordable, and in fact the General Plan in 1999 wanted to go for 2,000 sq. ft. lots, that's pretty darned small."

Councilor Bushee continued, "Alameda has exponentially increased its traffic, once we opened Siler Road. I like the connectivity. I use it myself all the time. It's genuinely going to suffer some serious problems. And I know, from an engineering perspective, John, you would like to say... in fact I argued the same for one of the stop signs on Alameda and then gave up the ghost, because I had Ike and [inaudible] giving me the engineering this isn't warranted. The traffic is backed up for days at certain times of the day and it's very fast at other times of the day. And when we don't break it up with the stop signs, the speeding is pretty significant. There's no real enforcement. On top of this, the newly annexed areas are work horse

properties. So people have who have suffered for years have just continued to be developed, and I understand that. And I understand that you aren't going to see very many empty spaces for very long. But I have to say, it's significant, and I adore Rachel and Rick, and I think they're some of the better developers we have here in town. I like the Lena Street Lofts and their Lofts project on West Alameda, they've done a nice job."

Councilor Bushee continued, "My hope is that you'll be able to develop this in an R-5 zoning and still make your numbers. The 10 foot setback is all the City requires if you're building a two-story. So yes, folks are going to start to see a loss in their light, never mind their solar gain. I like the compound aspect. I like the difference from the cookie-cutter residential zoning. I would like the idea of a little bit of water harvesting if you can in some form or another and I like the pitched roofs. I don't see the public gain, incredibly going from 4 to 6 affordable units. And I also don't see.... these folks live in an area that's affordable right now. When I first bought into it in my neighborhood, a little east of that, they were very affordable so folks could get in the first time lease. She knows it's numbers, it's money. I have that it can be a good R-5 development and fit into the neighborhood, so that's my hope."

Councilor Bushee said she would like to see the stop signs stay, and doesn't want to have to open that can of worms.

Councilor Maestas said his questions are for staff. He said there is kind of a bench in the northeast corner of the development, and in the existing plat it says "manmade fill," which raises some flags for him. He asked if there is any history on the fill area, is it just soil, were there questions on the part of the DRT to ask if we need to characterize it and what is the history of the manmade fill area, noting it is the highest point of the development.

Ms. Wynant said what they are trying to do is work with the existing topography, it does slope down from West Alameda with that high spot there. She said, "If you look at the topo map, it shows how that's arranged. I think I would have to defer to the applicant because I don't know the history of that fill."

Councilor Maestas said the proposal is to have a more gradual slope than the actual which will expose more of the material, and he doesn't know how stable the material is, what's in the fill. He realizes we don't require a full blown environmental assessment, noting when he sees man-made fill it can be 100% soil or something else. He wanted staff insight to see if there was staff discussion in this regard.

Ms. Wynant said the DRT didn't get into the details of that, and thinks we probably will see more of that with the Final Development Plan. She spoke about a development where they had to provide engineering studies on the fill and show how they would support a structure and such. She imagines that is the same case here with the Permit Division as well as Technical Review that looks at terrain management. She said she would have to defer to the applicant for history on that fill.

Councilor Maestas understands the lot is long and narrow and to maximize street access you have to have this meandering street. He has an issue with access by a fire truck, and asked if the two-story nature of the development would require a ladder truck.

Fire Marshal Gonzales said, "We do respond with ladder trucks, however the Code requires only a 26 foot drive with anything over 30 feet, so a 20 foot width would suffice for a two-story.

Councilor Maestas said the street design has what he sees as difficult maneuvering by a ladder truck, and asked if it is satisfactory as long as there is enough room to back out.

Fire Marshal Gonzales said that is the purpose and intent of the emergency egress on the opposite side so we have a through-way and won't have to back up. He said the Code says that anything that is under 100 feet is acceptable, and anything over 150 feet would require a turnaround.

Councilor Maestas noted the DRT entry that says, "*shall meet the 150 feet driveway requirements.*"

Fire Marshall Gonzales said, "Yes and that would all be done in the permitting process."

Councilor Maestas asked what happens if the parking lot is fully occupied and we need to access it with a ladder truck.

Fire Marshall Gonzales said, "We shouldn't have to back up if we have the emergency egress on the opposite side. I'm not exactly seeing what you're referring to."

Councilor Maestas said he is concerned about getting a fire truck in and out, even turning off to the main street.

Mayor Gonzales said there seems to be a little bit of indecision on what the market is going to bear, whether you're going to be able to sell or rent this. He said part of the Affordable Housing Ordinance he assumes was to incentivize a developer, through density, to put up housing that would be available for purchase to people at lower incomes. He is a little worried if the product goes up and the market is a rental market and not an acquisition market and those 6 units become rental as opposed to a purchase unit, and then this was all basically for naught in the name of producing affordable housing. He asked if there is any commitment that the affordable units will be put into a sale program versus being put up and then rented. He asked, "How do we have assurances that the densities you are pursuing under the Affordable Housing Ordinance will actually yield affordable homes."

Mr. Sommer said, "The Affordable Housing Ordinance, with respect to rental in this town, is just as much in crisis as the market rate. It is difficult for people in those lower income brackets to find affordable rental housing."

Mayor Gonzales said he understands, "but you're not here under that ordinance."

Mr. Sommer said they would have to comply with whichever one of the Ordinances would apply to us with an affordable housing plan. So if we come in with rental properties we have to declare that and follow through with that with our affordable housing plan.

Mayor Gonzales asked if the density bonus have been the same, if all 32 came in as rental units, the density would have been the same.

Mr. Sommer said, "It's a dwelling yes. I understand the concern you're voicing Mayor, it's just difficult at this point..."

Mayor Gonzales said we do know there is a need for low income housing purchase, there are lines that exist today.

Mr. Sommer said the thing about this project that Rick has made clear is these are not designed as apartments, so there is more likelihood these properties will be sold rather than rented because of the way they are being designed. They are not designed as apartments with common entrances and exits and such. They are designed to stand alone as individual homes and to be occupied that way, whether that be for rent or not, "I'm not sure. The Code is a little bit vague about when you have to declare that and what you have to comply with. I understand the concern, I just wish I had better information."

Mayor Gonzales asked Mr. Brenner if there is a commitment he can make to the Council tonight, if they approve this tonight, or at least give an indication that those would be available for sale to people of low income.

Ms. Brennan said, "In considering zoning, we don't usually address form of ownership. The applicant has put this into the mix, but it's not a typical zoning consideration."

Mayor Gonzales said, "I am struggling with this density, because of the lack of commitment or knowledge of whether those would be made available for sale or just rental. I agree with Karl that there is a need for rental stock for many income areas. But the way I understood this coming forward and many of your great product that you put up has been for sale housing, not so much rental *per se*, so as Kelley indicated, you don't have to make any commitments as part of this effort. I just want to share with you right now what I'm struggling with, is approving because of the issue of not knowing for certain whether those units will actually be sold or rented."

Mr. Brenner said, "What I can say, I don't know if it's appropriate or not, but what I can say as the developers will not object to a condition of approval that requires that affordable be sold in accordance with the Affordable Housing Program, the City's program."

Ms. Brennan said, "Mayor, if the applicant makes an offer to accept a condition, you can impose the condition."

Councilor Ives said, in terms of the buildings, there is a reference to pitched roofs, and asked if that is with a peak in the center, pitched across the entire building, and if it is pitched across the entire building does it run to those portions of the buildings that face out to the east and west as opposed to facing interior to the courtyard concept.

Mr. Purvis said most of the buildings a standard 9 and 12 pitch that start at the edges and go toward the middle. All of the smaller buildings you see are single pitch, "so they are more like a 3½ or 4 inches to 12."

**MOTION:** Councilor Bushee moved, seconded by Councilor Lindell, to deny the rezoning to R-7, at 2180 and 2184 West Alameda.

**VOTE:** The motion failed to pass on the following Roll Call vote:

**For:** Councilor Bushee and Councilor Lindell.

**Against:** Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Mayor Gonzales.

**Explaining his vote:** Councilor Ives said, "No, but I would say that I would prefer to impose some additional conditions on the Development Plan.

**MOTION:** Councilor Rivera moved, seconded by Councilor Trujillo, to adopt Ordinance No. 2015-49, approving Case #2015-46, River Trail Lofts, 2180 and 2184 West Alameda Rezoning.

**FRIENDLY AMENDMENT:** Mayor Gonzales asked if Councilor Rivera would agree to a friendly amendment which was offered by the developer, that the affordable units will be sold, as opposed to rented. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

**DISCUSSION ON THE MOTION AS AMENDED:** Mr. Smith said, "If I might suggest that the condition would also be conditioned and subject to entry by the Applicant into a Santa Fe Homes Contract that conforms with the applicable Ordinance standards. Our housing staff is not here. I'm not entire comfortable with the idea that we have the possibility of a mixed sale and rental type of project. I'm not sure how the Ordinance would apply to that."

Mayor Gonzales said it seems as if this is approved at the densities, that there is flexibility in for sale or for rental, and I'm assuming at some point, the rental could be converted to a for sale as opposed to apartments.

Mr. Smith said, "Its also possible that the condition that you require, would require separate approval by the Council, as an alternative means of compliance, at some point the future in order to comply with the Affordable Housing Chapter."

Ms. Brennan said, "They will have to comply with the Affordable Housing Ordinance, and this may make some kind of adjustment necessary, but I think we can probably cope with that as the project is developed."

Mayor Gonzales asked if this can be done at the Planning Commission level, or does it have to come all the way back up.

Ms. Brennan said, "If it modifies the Ordinance it would have to come all the way back up."

Mr. Sommer said, "The Ordinance speaks in predominately for sale or predominantly for rental, and there is that flexibility in the Ordinance. If there is some question, we will bring that particular question back for approval of that."

Mayor Gonzales said, "And I'm not necessarily... if this is... I want to make it as easy as possible, so that the homes become available to members of this community that need access to home ownership. So hopefully, there is that consideration when the staff considers how to make sure that condition is actually met."

Councilor Ives asked, in terms of our action here tonight, how much of an expressed or tacit approval would a favorable vote on the rezoning be as to the Development Plan that has been submitted so far.

Mr. Smith said, "You have, as part of your action tonight, approval of the Preliminary Development Plan that is in your packet. The Planning Commission would have authority over the Final Development Plan, and the Commission could approve the development plan they found to be consistent with the Preliminary Development Plan. It would then have to be identical. The Commission could establish height limits and setback requirements which differed slightly from the Preliminary Development Plan. They could not add units in their approval process. Staff would advise that the Planning Commission would need to leave a substantial public policy *[inaudible]* if they intended to adopt the restrictive setbacks and height limits as provided in the Code."

**FRIENDLY AMENDMENT:** Councilor Ives asked to amend the Motion to provide that that the Development Plan be reworked to attempt to lessen the façades that face the adjoining properties to the east and west, which he thinks the layout as proposed would allow for, simply by reorienting a number of the buildings in order break up the solidity of the viewshed perceived by neighbors to the east and west. .  
**THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

**DISCUSSION ON THE MOTION AS FURTHER AMENDED:** Councilor Ives said if you reorient the facades of the building facing east and west so the buildings aren't massed against the property line, but to the interior of the property.

Mayor Gonzales said he wonders what that does from a development standpoint to reorient the buildings, and if that creates a kind of *de facto* stop.

Mr. Sommer said, "It is an absolutely substantial redesign of the project. And I think the impression you have is that the homes to the east, and that's what we're talking about, because it's not to the west we're talking about, are up against their property lines and they're 10 feet away from a two-story building. That isn't the case. Their houses are set back on top of a ridge, that's what that picture shows you. And so

there is this distance between these houses up 'here' and these houses that are going to be over 'here.' So that's the setback. So reducing the height, flipping the buildings, all messes with just about every aspect of the project. So I'm being a little bit more strident than probably I should be, but it is a substantial redesign of the project."

Councilor Ives said, "Nothing I said talked about reducing the height of the buildings. It is simply reorienting the angle at which they are located."

Mr. Sommer said, "Which affects all of the parking on the interior."

Mayor Gonzales asked, "Is there some direction that could be given to the Planning Commission that would address the concerns that you have, Councilor Ives, in terms of, through design, minimizing the amount of obstruction of the sun that was brought forward, so that at least there can be some testing of the design to make sure that that has it, as opposed to mandating that there be *[inaudible because Mr. Sommer interrupted the Mayor]*

Mr. Sommer said, "If I may say something. This is rather serious, because Mr. Brenner has just told me he would rather accept the R-5 and do this same project, than to redesign it for the reasons I've just described. If I may approach just briefly."

Councilor Bushee said, "I think we already voted on the project, the rezoning."

Mayor Gonzales said, "No."

Mayor Gonzales said, "Just go ahead and come up real quick so you can show Councilor Ives."

*[Mr. Sommer was inaudible here because he was away from the microphone]*

Councilor Ives said, "Let me just ask you this question as long as you are standing right here."

Mayor Gonzales asked Councilor Ives and Mr. Sommer to please speak into the microphone so everyone can hear what you're saying.

Councilor Ives said, "If this were oriented so that the long edge was 'here,' and the small thing was 'here,' you wouldn't have to change the parking lot at all, it would simply be moving the relative location of the buildings, creating a broken viewshed to the neighbors to the neighbors to the east and west if you did that consistently."

Councilor Rivera said, "Mayor, point of order. Shouldn't this discussion be involving all of us so we're all aware."

Mayor Gonzales said, "The reason I allowed for it, because it's Councilor Ives' concern on the conditions, so I just wanted to make sure the Applicant understood what he was trying to achieve with, but I understand your point."



Councilor Ives said, "And I can certainly explain it. If you look at, and this is from the plans submitted, and just look at L-1 which I think is the last page in your packet. And up in the upper left hand corner of that plat, if you come inside the property to the first sort of quadrant area, if you look at the building that's on the northwest corner of that quadrant. The last one, it's marked as L-1 in the lower right hand corner."

Mr. Sommer said, "Councilor Ives, I posed your question to the architect who is very familiar with this, those distances that you're talking about moving and flipping them. One distance is 90 feet where the little houses, the little units are, from end to end, that is a 90 foot distance. The other distance is 70 feet along the line 'there,' so they don't fit that way. Can I show you."

Councilor Ives said, "Well, I know what you're saying, because of the pond there, it doesn't seem, at least looking at the plat, that it would be a tremendously difficult change to put in."

Mr. Sommer said, "What I'm saying is, they don't fit. You can't fit 90 feet into 70 feet."

Mayor Gonzales said, "Councilor Maestas, I think he might have suggested... Councilor were you talking about maybe a wider buffer, because I was thinking the same thing. Is there any room for additional setback. There's no room because of the property in the internal roads."

*[The response was inaudible because it was from the audience and away from the microphone]*

Mayor Gonzales said, "Got it, okay. I want to make sure we stay focused on the friendly amendment that was proposed that can severely alter the design in such a way that it *de facto* cuts out the project from taking place, so we should stay on that issue."

**COUNCILOR RIVERA WITHDREW HIS AGREEMENT TO THE FRIENDLY AMENDMENT.** Councilor Rivera said, "I won't accept the amendment as friendly."

Mayor Gonzales asked Councilor Ives if he would like to propose it now just as a separate amendment, because Councilor Rivera withdrew his acceptance of your friendly amendment.

Councilor Ives said, "I'm not sure what good restating it would be, quite frankly."

Mayor Gonzales said, "So the issue of altering the design is not on the table. Councilor Dominguez. So we're still on the regular motion, correct."

Councilor Dominguez said, "So I guess maybe the Applicant is going to everything they can to try to minimize the impact to the neighbors. Correct."

Mr. Brenner said, "Yes." *[The balance of the statement is inaudible here because the individual was speaking from the audience and away from the microphone]*

Councilor Dominguez said, "Well, what that would be, would depend on a lot of different things. I think you would have to go out into the field. You actually have to do some surveying and take some slope distances even, and that was one of the technical questions that I had, with regards to setbacks. Is that on a slope distance, or is that on a horizontal design."

Mr. Sommer said, "The setback is horizontal, it's just straight flat."

Councilor Dominguez said, "So that makes a huge difference when you have slope and elevations at a different height in adjacent properties. And so I think these are some of the things that need to be considered as you try to minimize that impact. And to try to legislate that now, I think that's why they have planning commissions, so they can look at those slopes, distances, and all those other things. And so, we don't have that level of detail here. That's the question that I had."

Mayor Gonzales said, "Right. And in line with what I stated earlier, and I need the Counsel to help me on this. Generally, do you make part of the motion some of the direction to the Planning Commission to address those issues without any definitiveness or is it pretty clear, based on our statements, that we're expecting that the Planning Commission will address the issues of impact to the neighborhoods through design."

Ms. Brennan said, "Mayor, Councilors, I think that's the Planning Commission's charge, and I do think they will take what you have said to heart, but that is what the Planning Commission does."

Mayor Gonzales said, "Got it."

Councilor Bushee said, "It's a quick question and I know you're not going back to R-5 at this point, but would the R-5 design, because there was nothing in the packet that reflected that change of anything in terms of the buffering to the neighbors."

Mr. Sommer said, "No there is not."

Councilor Bushee asked, "How is it reconfigured as an R-5?"

Mr. Sommer said, "It would be exactly as you see it here. It would just be less housing."

Councilor Bushee asked, "So, but where, which L's or little..."

Mr. Sommer said, "The little small units would all be accessory buildings."

Councilor Bushee asked, "What do you mean by accessory buildings?"

Mr. Sommer said, "They would be garages or studios. Not dwellings. When I say studios, that is like artists's studios, that kind of thing."

Councilor Bushee said, "Okay. So not part of the live/work concept. I see."

Councilor Maestas said, "Just for clarification, I don't recall us including in the motion an adoption of the Findings of Fact and Conclusions of Law of the Planning Commission."

Mayor Gonzales asked Councilor Rivera if he would agree with that.

Councilor Rivera asked, "Is that necessary. After one of the last land use hearings we had, the Findings of Fact and Conclusions of Law come back."

Ms. Brennan said, "We do try to do them... it avoids repetition if you adopt them. Then when we draft Findings for this Body we include the additional elements you've added and recite your authority, but rely on those existing conditions, yes."

Councilor Rivera said, "And then they come back to us again, then."

Ms. Brennan said, "That's correct, you approved two tonight, as a matter of face."

Councilor Rivera said, "So yes, including the Findings of Fact and Conclusions of Law."

**FRIENDLY AMENDMENT.** Councilor Maestas asked to include the Findings of Fact and Conclusions of Law of the Planning Commission in the motion to approve. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

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

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

**Against:** Councilor Lindell and Councilor Bushee.

## **I. ADJOURN**

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 10:00 p.m.

**Approved by:**

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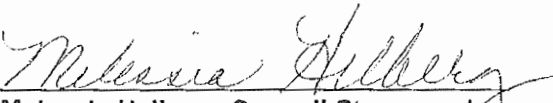
**Mayor Javier M. Gonzales**

ATTESTED TO:

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Yolanda Y. Vigil, City Clerk

Respectfully submitted:

  
Melessia Helberg, Council Stenographer