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PLANNING COMMISSION MINUTES  
APRIL 1, 2021**

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**MINUTES OF THE CITY OF SANTA FE PLANNING COMMISSION**  
**Thursday, April 1, 2021 - 6:00 pm**  
**VIRTUAL HEARING**

**CALL TO ORDER**

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair Gutierrez on the above date at approximately 6:00 p.m. at a virtual meeting.

**A. ROLL CALL**

Roll Call indicated the presence of a quorum for the meeting.

**Members Present**

Commissioner Brian Patrick Gutierrez, Chair  
Commissioner Janet Clow, Secretary  
Commissioner Amanda Chavez  
Commissioner Pilar Faulkner  
Commissioner Lee Garcia  
Commissioner Jessica Lawrence  
Commissioner Carly Piccarello  
Commissioner Dominic Sategna

**Members Absent**

Commissioner Mark Hogan, Vice Chair (Excused)

**Others Present:**

Mr. Elias Isaacson, Land Use Director  
Mr. Noah Berke, Planning Manager  
Ms. Sally Paez, Assistant City Attorney  
Ms. Melissa D. Byers, Stenographer

**NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Land Use Department.**

**B. PLEDGE OF ALLEGIANCE**

Commissioner Garcia led the pledge of allegiance.

**C. APPROVAL OF AGENDA**

Mr. Berke requested the following amendments: (1) remove Item D.3 because those minutes were not yet available; (2) remove Item E because the Findings/Conclusions were previously approved on March 18, 2021; (3) postpone Item F.3 contingent on F.1 and F.2 passing; and (4) add the Chair's appointment of subcommittee to Matters from the Commission, Item I.

**MOTION:** Commissioner Faulkner moved, seconded by Commissioner Lawrence to approve the agenda, as amended.

**VOTE:** The motion passed by unanimous roll call vote with Commissioners Chavez, Clow, Faulkner, Garcia, Sategna, Lawrence and Piccarello voting in favor and none voting against.

**D. APPROVAL OF MINUTES**

1. February 18, 2021

**MOTION:** Commissioner Faulkner moved, seconded by Commissioner Chavez to approve the February 18, 2021 minutes as presented.

**VOTE:** The motion passed by unanimous roll call vote with Commissioners Chavez, Clow, Faulkner, Garcia, Lawrence, Piccarello and Sategna voting in favor and none voting against.

2. March 4, 2021

**MOTION:** Commissioner Faulkner moved, seconded by Commissioner Chavez to approve the March 4, 2021 minutes as presented.

**VOTE:** The motion passed by unanimous roll call vote with Commissioners Chavez, Clow, Faulkner, Garcia, Lawrence, Piccarello and Sategna voting in favor and none voting against.

3. March 18, 2021 (REMOVED)

**E. APPROVAL OF FINDINGS/CONCLUSIONS**

1. Case #2020-2999, Santa Fe Pl., Mall Development Plan

Removed

## **F. OLD BUSINESS**

1. Motion to Rescind the Commission's March 4, 2021 decision to deny Case #2020-2999, 4250 Cerrillos Road; Santa Fe Place Mall Apartments Development Plan. (Commissioner Janet Clow)
2. Motion to Rescind the Commission's March 18, 2021 decision to approve Findings of Fact and Conclusions of Law for Case #2020-2999, 4250 Cerrillos Road; Santa Fe Mall Apartments Development Plan. (Commissioner Janet Clow)

Commissioner Clow said the Commission heard this matter about a month ago. Staff recommended approval but the applicant wasn't willing to address the sidewalk on the southside or the 40 undesignated parking spaces required. She felt everyone agreed those were important issues and the applicant should comply. She thought more appropriate would have been to approve the project subject to all of the conditions, including the two mentioned. Instead, they passed a motion to deny the application. After considering the project denial, she thought it unfortunate. From everything they heard last week, this appeared an ideal project. There was no opposition to the project, and it had been discussed a couple of weeks ago that parking lots are good place to add residential development. She wanted to raise the possibility of rescinding their vote and looking at the project again.

Commissioner Clow said in the interim she has learned that the applicant is willing to put a sidewalk on the south side and to designate all of the required parking. She thought as the Planning Commission, even if the applicant were not willing, it is more prudent to approve the project with conditions that the applicant has to meet.

**MOTION:** In case #2020-2999, 4250 Cerrillos Road Commissioner, Santa Fe Pl. Mall Development Plan, Commissioner Clow moved to rescind the decision to deny and review the project and the Findings and have the matter presented again at the next meeting. The motion was seconded by Commissioner Piccarello.

Commissioner Sategna asked if appropriate for the members who were not present at that meeting to vote on the case, given they were not provided the evidence.

Ms. Paez replied all of the Commission members could vote on the motion to rescind. Everyone received the packet of materials and the Findings and if comfortable doing so can either vote or abstain.

Commissioners Faulkner and Chavez both said they would abstain.

Commissioner Garcia clarified the motion is to rescind the denial for the

project to bring back to the Commission for possible approval at the next meeting and includes F1 and F2.

Ms. Paez asked clarification that Commissioner Clow's motion encompassed both items.

Commissioner Clow acknowledged that her motion is to rescind both the decision and the Findings. She clarified a vote on the issue would be a vote to have the case presented again and for the Commission to consider a new vote to approve or deny. She thought Commissioners Faulkner and Chavez could vote as this is not to approve or deny the project but to have it presented again for consideration.

Commissioner Piccarello agreed with the motion as stated that included F1 and F2.

Mr. Esquibel added that the applicant will provide new documentation of meeting the conditions. The two Commissioners, who were not at the meeting will see a full presentation.

**VOTE:** The motion passed by majority roll call vote with Commissioners Chavez, Clow, Garcia, Lawrence, Piccarello and Sategna voting in favor, none voting against and Commissioner Faulkner abstaining.

3. **Case #2020-2999. 4250 Cerrillos Road Santa Fe Place Mall Apartments Development Plan.** JenkinsGavin, Inc., Agent, for Santa Fe Mall Property, LLC, Owner, requests approval of Development Plan to construct a 161,433 square foot residential structure for 141 dwelling units. The property is approximately 3.25 acres and is zoned SC3 (Regional Shopping Center District). (Dan Esquibel, Case Manager, [daesquibel@santafenm.gov](mailto:daesquibel@santafenm.gov), 955-6587)

Item postponed to April 15, 2021.

## **G. NEW BUSINESS**

1. **Case #2021-3177. 4262 Agua Fria Street and 4701 Rufina Street Aguafina Final Subdivision.** Liaison Planning Services, Inc., Agent, for Aguafina Development, LLC, Owner, requests final subdivision approval for 46 single-family residential lots located at 4262 Agua Fria Street and 4701 Rufina Street. The properties are zoned R-5 (Residential- five dwelling units per acre) and total approximately 9.05 acres. (Lee Logston, Case Manager, [llogston@santafenm.gov](mailto:llogston@santafenm.gov), 955-6136).

2. **Case #2021-3183. 4702 Rufina Street Aguafina Final Subdivision.** Liaison Planning Services, Inc., Agent, for Aguafina Development, LLC, Owner, requests final subdivision approval for 15 single-family residential lots located at 4702 Rufina Street. The property is zoned R-6 (Residential-six dwelling units per acre) and is approximately 2.42 acres. (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136).

## **STAFF REPORT**

Lee Logston provided the staff report and explained this is a two-part case.

Case #2021-3177 is just for final subdivision approval and the applicant has been working with the residents on the wall. There is material in the packet that will be addressed by one of the residents.

Mr. Logston noted an error in the Commission packet regarding stick-built homes in the covenant. There is one line about stick-built homes, but later references manufactured and modular homes. That has been fixed in the document but remains in the packet materials. He assured both the Commission and the residents that stick built homes are intended. He noted in his Staff Report that Condition #1 is a restrictive covenant for site built homes. Also, the homeowners' association covenant will be corrected. He displayed on screen the final plat with signatures of approval and the recommendation. He noted the line that stated that only site built homes are permitted in the subdivision and manufactured homes are not permitted.

Staff recommends approval of the subdivision and the Findings of Fact and Conclusions of Law are in his report.

## **APPLICANT'S PRESENTATION**

Dolores Vigil, PO Box 1835, Santa Fe with Liaison Planning Services, was sworn in. She said they agree with all the conditions. She provided staff with answers to all of the questions that were requested. She wanted to put on the record that this application is for an affordable housing subdivision that will only allow stick built homes on site. She added that the applicant and Mr. Sommers met with the Las Acequias Neighborhood Association on March 27<sup>th</sup> to discuss a barrier between the subdivision and Las Acequias. She said they appreciate the Commission's approval.

## **PUBLIC HEARING**

Fabian Trujillo, 1157 Vuelta de Las Acequias, President of the Las Acequias Neighborhood Association had a presentation. He asked for time to set up his screen.

William Mee, 2073 Camino San Miguel Montoya, President of Agua Fria Village Association, was sworn in. He said he read the Land Use Department's staff report which included his letter from January 5, 2019 on planning issues along Rufina. It also included the resolution from the Agua Fria Village Association. He appreciated that. He said his hope is that the Village Association could participate in the policy committee being formed by the Commission. Also, the Association appreciates that there will be a locked emergency gate for the 28 lots entering onto Agua Fria. The Association is now thinking the proposal may be tolerable and not as bad as when they first addressed the issues.

Chair Gutierrez recognized Mr. Trujillo, who was having technical difficulties and agreed to send the presentation to Mr. Berke to display. Chair Gutierrez recognized Ms. Odom.

Cheryl Odom, 1152 Vuelta de Las Acequias was sworn in. She said she was thrilled that there would be a locked gate on Agua Fria. She added she understood the need for grids but there are places in Santa Fe where that should not be a goal. She believed Agua Fria Village should remain sacred as an historic area and roads should not be pushed through. She was excited that a solution was found to the problem.

Mr. Logston asked to clarify for Ms. Odom that a locked gate on Agua Fria is not proposed. Mr. Mee was referring to a fire gate at the south end of the road which prevents traffic from coming north and entering directly into the Village.

Mr. Trujillo began his presentation. He said LANA (the Las Acequias Neighborhood Association) appreciates City staff and the Commission for listening to their requests. He thanked Director Isaacson for facilitating many of the meetings and Mr. Logston and staff for helping with the process. A brief overview of Las Acequias and LANA was provided with the history of the Association that was formed in 1990. It is all volunteer. Demographics of the neighborhood were provided; over 92% minority with a median income of \$41,000.

Mr. Trujillo noted the economic disparity. The Association wanted to talk about the economic and quality-of-life considerations. Chapter 14, provision 3.2-6M says the applicant has to state how the provisions for the Economic Development Plan and General Plan are compatible with the neighborhood. Improving the quality of neighborhoods impacts Santa Fe's economic base and allows people to buy homes. The disparity between the City's eastside and southside were noted. The Association wanted when approving subdivisions on the South side that there be site built homes, compatibility with the neighborhood, things to deter or prevent crimes such as attractive barriers and walls that also increases the equity citywide.

The Association believes there should be a wall between the north and southside to improve the equity and that meets the General Plan and Economic Development Plan. It should enhance the look for new subdivisions and not deteriorate for 20 to 30 years, it would deter crime and improve security. The costs for the wall of approximately \$65 per

linear, would be about \$3500 added to the cost of a home. In addition, this would honor Mr. Rodriguez's promise made at the ENNs. He said he would put in a wall in support of Las Acequias for the rezoning of Aguafina.

Mr. Trujillo provided examples of homes surrounding the site and noted the Jaxson Subdivision on Lopez and Rufina and walls on the south side of town. In conclusion he summarized his points again of why the Association felt the Planning Commission should ensure all neighborhoods have a block wall.

Vicky VinHatton 4360 Paseo de la Acequia, was sworn in. She said many of her neighbors agree with Mr. Trujillo's presentation. The neighborhood was told two things; the wall would be built and there would be stick built homes and 60 to 80 neighbors were present with the developer. She thought it unfortunate the developer reneged on their word and was not willing to negotiate. She also found it unfortunate as a longtime resident of the southside that they are treated in **this manner**. She has wonderful neighbors; they take care of one another. Building the wall as promised would help them maintain their property values and quality-of-life.

Delia Garcia, 1234 Senda del Valle, in Las Acequias, said she agrees. They take pride in their homes and the safety of their children is important. The block wall was agreed to and will increase home values and is a safety factor. She supports that.

Tom Gomez, 1028 Avenida Linda, Las Acequias, was sworn in. He also agreed with Mr. Trujillo's presentation and the neighbors' comments. The block wall is the best scenario for long-term and property values. Especially at the time of construction, it will be a few feet from his fence. A wall was agreed to as a barrier and he wants the developers to keep their word. If that promise is not kept, how can he be sure the developer will keep other things agreed upon. He hoped that the Planning Commission could help.

Chair Gutierrez closed the public hearing.

## **COMMISSION DISCUSSION**

Chair Gutierrez asked Mr. Sommer and Ms. Vigil if they wanted to add anything, and they had nothing to add.

Commissioner Garcia indicated Mr. Trujillo had shown the Jaxson Subdivision with a wall around it. Consensus at a previous meeting was that the Commission should not require the developer to put the wall, especially because of costs. On the other hand, he could see a barrier that lasts longer than wood fencing would be better. He wanted to know if the developer could work more closely with a hybrid version, like brick and coyote fencing. He asked staff if the Commission required a wall for approval in the Jaxson Subdivision or did the developer offer to do that.

Mr. Berke explained the wall was not a requirement and was built by the developer. He suggested Ms. Guerrero-Ortiz, the engineer on that project as well, address the costs of the wall. He reminded the Commission that their decisions and conditions are bound by Code and they cannot require a block wall.

Oralynn Guerrero-Ortiz, 1421 Luisa Street, with Design Enigenuity, was sworn. She is the project engineer for Jaxson (Next Generation) referenced. In that case, they are the contractors/owners/developers and can build walls at reasonable prices. They do not have to hire outside contractors because they use their own employees. Generally, their developments have walls around them. They proposed that prior to staff seeing the project.

Chair Gutierrez clarified there would be a big cost difference because of in-house versus subcontracting. He asked if Ms. Guerrero-Ortiz knew the cost.

Ms. Guerrero-Ortiz replied without stucco they could probably hit the \$65 per linear foot Mr. Trujillo stated, but typically it's by the height of the wall. The price she normally sees her clients pay for a 6 foot wall is about \$120 a linear foot.

Commissioner Garcia confirmed with Mr. Berke, the Commission is not allowed by Code to require a wall as a condition of approval. He asked as a quasi-judicial board, if they wanted to approve a wall for the Association as a condition, could the Commission deny the project. He said although a stretch, it is within the range of the Commission to discuss. Most of the public comment has been about the wall and the amount of crime in the neighborhood. This isn't the first infill project that has come before the Commission. The majority of them have a wall. He asked what makes this project different.

Commissioner Faulkner asked Ms. Paez if Code allows the Commission to require a wall.

Ms. Paez responded there was nothing in the subdivision requirements that contemplates this. The Code could be amended to meet subdivision standards and design requirements to require a wall.

Commissioner Faulkner asked since Code doesn't specifically address this if the Commission is prohibited from making the wall a condition.

Ms. Paez explained that would be an appropriate condition if the infrastructure is not sufficient to support the subdivision based on Code requirements.

Commissioner Faulkner asked about the criteria language that addresses public safety, welfare and the good of the public.

Ms. Paez said the development plan criteria addresses public interest, but subdivision criteria doesn't have a similar concept. All ordinances are adopted for the

furtherance of public health, safety and welfare and Code should be interpreted to meet those goals.

She reviewed all of the subdivision criteria applying to a project and what the criterion addresses. She wasn't sure outside of required infrastructure, there is a place to add a condition such as this.

Commissioner Faulkner indicated there appeared to be specific criteria that applies to different types of development. The Commission is charged with the consideration of broader concepts such as public safety and in the public interest.

Ms. Paez agreed in terms of long-range planning, recommendations to the Governing Body, and ways to amend the Code and bigger policy issues. The Commission's duties include concepts such as growth and infrastructure management. In reviewing a project with specific criteria, they would look at the subdivision approval criteria for reviewing and evaluating a subdivision.

Commissioner Faulkner asked Ms. Paez to read the criteria for this specific case mentioning public interest and welfare.

Ms. Paez explained she referred to a section of the Code giving due regard to the opinions of public agencies, *"...shall not approve the plats if it determines that in the best interest of the public health, safety and welfare the land is not suitable for platting and development purposes of the kind proposed."*

Commissioner Faulkner addressed the developer and the Association and said because the development is going in does not necessarily mean crime will increase. Some argue that walls are divisive and prevent community building as much a good way to protect neighborhoods against crime, etc. The developer doesn't have to build a wall, and there is nothing saying the Commission has authority to require a wall. The cost of a fence versus a wall is considerable, especially spread throughout the project. That becomes very costly. She asked if Mr. Sommers and Mr. Trujillo, representing the Association requesting a wall, had discussed sharing the cost.

Commissioner Garcia responded this had already been discussed at a previous meeting and the Association stated they have no funds to share costs.

Mr. Berke noted Code states that quasi-public improvements can be required. Those are stipulated in Code and the section on infrastructure discusses walls. A wall, a fence or a combination of both can only be required for use in screening when a residential zone abuts a non-residential zone. The promotion of health and safety is an area of the General Plan and this is a final subdivision plat. The evaluation criteria are consistent with the preliminary plat proposed and approved by the Commission January 7, 2021.

Commissioner Faulkner said the Code has nothing that would prohibit the Commission from requiring the wall.

Mr. Berke said the Powers and Duties of the Planning Commission are written in the Code. They do not require any type of improvements beyond those not already required by Code. He asked Ms. Paez to weigh in on the specifics of the legality.

Ms. Paez indicated she reads the criterion about public safety and welfare as it speaks to the type of development proposed. She wasn't sure that gets down to whether it requires a wall.

Commissioner Faulkner pointed out that some laws are purposely written to exclude meaning. If it is not mentioned, it cannot be done.

Ms. Paez replied that nothing precludes the City from adopting further regulations on walls, but there are none currently.

Commissioner Clow said this had to be looked at not only from the perspective of the residents who live there, but also the developer. Legally the Commission does not have the authority to impose added costs on developers because neighbors think it provides a better environment. The Commission cannot impose things on the developer to do what Code does not require.

She noted that two weeks ago the Commission had listened to three presentations on the need for affordable housing in Santa Fe. Dragging out these projects adds more costs. First the neighbors wanted affordable homes instead of manufactured homes, which the developer legally has every right to build. The developer worked with neighbors and the City and agreed not to allow manufactured homes.

Commissioner Clow said at some point it is time to move on and stop adding costs. Walls are extremely expensive. They cannot say a wall is required for health and safety when a fence will do. The developer has agreed to a Japanese cedar fence, and again is something they are not legally required to do. A fence may not last as many years but does provide the barrier the neighbors say they want.

She thought it problematic they are continuing to add projects that add to the costs and making projects return to the drawing board and more time goes by. We heard how the developers have compromised, they have listened to the neighbors' requests. Each time they do that it increases the cost of the homes. She asked how many of the over 200 homes in the development have stonewalls between them. She couldn't understand the reason this neighborhood could not be part of the old neighborhood.

Commissioner Clow said she is opposed to any kind of block wall. The developer has made many big concessions. And legally she doesn't think the Commission can

make them provide a block wall. She said they should be thanking the developer for agreeing to do a wooden fence.

Commissioner Faulkner agreed with Commissioner Clow. Fences last a long time and serve the same purpose and are not as cost prohibitive. The difference in cost between a fence and a wall is huge. She asked the developer when they agreed to a barrier, did they commit to a wall or a barrier.

Ms. Vigil said they did not discuss a barrier when they first met. Mr. Rodriguez, the owner of the Casa de Toro subdivision, met with the neighborhood association. At that time, Mr. Rodriguez Jr. mentioned putting up a wall, but after determining the cost, it didn't make sense. They had made other concessions such as the manufactured housing to stick built and smaller lots with more infrastructure. This was discussed many times and the developer decided on a barrier based on recommendations of a Japanese cedar fence. That will last many years longer than a normal cedar fence. They are happy to provide that without any cost sharing as well as the affordable housing.

Chair Gutierrez asked Mr. Logston if he found the section stating manufactured homes in the documents.

Mr. Logston displayed an exhibit of the covenant. He noted article 3, showing that all residences shall be site built homes, but in article 4, the old language referring to *modular manufactured* homes. He assured them the language will be corrected.

**MOTION:** In Case #2021-3177 and Case #2021-3183, Commissioner Clow moved to approve the final subdivision, subject to conditions of approval and technical corrections recommended by staff and with the added condition of a red cedar Japanese fence on the east side of the property which the developer has voluntarily agreed to do.

Mr. Logston noted there is no requirement in the conditions for a fence or wall and that should be included the motion. The location is on the east side of the subdivision.

The motion was seconded by Commissioner Faulkner.

Commissioner Lawrence requested a friendly amendment that the motion be made for both case, #2021-3177 and #3183 at the same time.

Commissioners Clow and Faulkner accepted the friendly amendment.

Commissioner Sategna said for the record he would not vote in favor. He explained he does not believe the project complies with criteria #3, that all plats comply with Chapter 14, article 9 regarding connectivity and the preliminary subdivision plat approval.

**VOTE:** The motion passed by majority roll call vote with Commissioners Chavez, Clow, Faulkner, Garcia, Lawrence and Piccarello voting in favor and Commissioner Sategna voting against.

**MOTION:** In Case #2021-3177 and #2021-3183, Commissioner Clow moved to approve the Findings of Fact and Conclusions of Law for the above cases with the added provision that the conditions of approval include a Japanese Cedar fence on the east property line as the applicant voluntarily agreed to do. The motion was seconded by Commissioner Faulkner.

**VOTE:** The motion passed by majority roll call vote with Commissioners Chavez, Clow, Faulkner, Garcia, Lawrence, Piccarello voting in favor and Commissioner Sategna voting against.

Commissioner Faulkner asked to explain her vote. She wanted the community to understand that the Commission is charged with not only considering the wants and needs of the community, but the realities of development as well. She thought this a good compromise because the neighborhood received a barrier they have requested, and the developer wasn't penalized by adding excessive costs.

## **H. STAFF COMMUNICATIONS**

1. Ethics and Open Government Training (Sally Paez, Assistant City Attorney) **(POSTPONED FROM MARCH 4, 2021)**

Ms. Paez presented a PowerPoint. She said the training is done annually and she invited Commissioners to ask questions. A summary follows of the presentation.

- The Open Meetings Act (OMA) ensures public policy and conduction of government business is open to the public. Areas covered were quorum requirements, public comment, public noticing of agendas for public hearings; requirements for minutes of a meeting; Executive Sessions; postponement and reconvening meetings; remote attendance; the State Rioting Act and declaration of State of Emergency; enforcement and penalty provisions.
- The Inspection of Public Records Act (IPRA) statute and its purpose to provide the greatest possible information on government affairs and access of official acts and records by officials and employees. Exceptions such as attorney/client privilege; inclusion of emails, text messages; the Records Custodian responsibilities; written requests and enforcement were reviewed. Also covered was the Commissioners' role in the process of a

written request; violations and penalties and litigation; requirements for providing documentation such as electronic copies and copies in existing formats.

- Code of Ethics: Public officials should be independent, impartial, responsible to the public and avoid conflicts of interest and the use of public office for personal gain and ensure public confidence in the integrity of the government.
  - The City Ethics and Campaign Review Board enforces and advises the Code of Ethics. They receive and investigate violation complaints; issue public reprimands, imposes fines; and have authority to refer matters to the District Attorney for prosecution.
- Meeting procedures reviewed were the State Law, City Ordinances and Regulations, the Appeals process, Roberts Rules of Order.
- Quasi-judicial Acts; Constitution requirements for actions of officials in a public capacity; board communication on the case outside the hearing; staff comments, preclusion of site inspection of a subject property to ensure decision is from information presented in the hearing. Code allows discussions with staff outside the public hearing as subject matter experts; publicly noticed site visits and asking the City Attorney for legal advice and recommendations.
- Recusals - disclosures.
- Roberts' Rules of Order; main motions; motion with a second followed by a debate; recognition of speakers, amount of time and how many people speak; addressing germane topics and issues. Secondary motions, amending the main motion, postponement, etc. of main motion. Motion to limit debate, ending/limiting debate; calling the question, rescinding something not on the agenda (requires 2/3 vote). Chair vote, proxy vote. Correction of mistakes through motion to reconsider (made at the same meeting); motion to rescind (made at subsequent meeting). Point of Order, redirecting debate to follow the rules; appeal of chair ruling. Custom: the habit of doing something such as friendly amendments.

Chair Gutierrez thanked Ms. Paez for the presentation.

Commissioner Piccarello asked Ms. Paez about getting the presentation. Ms. Paez offered to email it.

Commissioner Sategna said Ms. Paez is awesome.

Mr. Berke said at the Board of Adjustment training, the policy of talking with the media came up.

Ms. Paez explained the Chair has authority to speak on behalf of the Commission.

She gave an example of the Santa Fe New Mexican asking the Chair why the Commission rescinded the Escarpa Apartments. The Chair can speak to that if comfortable or refer to staff. Also, they can request questions be in writing and staff can respond in writing.

She noted there is a new Public Information Officer, Dave Herndon who should also be kept in the loop. Questions can also be referred to him.

Commissioner Faulkner said Ms. Paez should do the presentation at the State Legislature. Her presentation was so much faster and more concise.

Commissioner Sategna asked when the ten minute limit applies.

Ms. Paez explained Robert's Rules are not tailored to public hearings and quasi-judicial proceedings. Also, there are Governing Body procedural rules the Commission should follow in a resolution outlining public hearing procedures. The Zia Station hearing was structured as such and is a separate question-and-answer period, followed by a motion and then debate. That separates the fact gathering time and doesn't limit it. The limitation is more on the debate.

Mr. Berke reported the agenda for the April 15<sup>th</sup> meeting will have a consent item, the item that was postponed this evening and a presentation on water usage from the Water Department. Members can email him questions prior to the hearing, and he will forward them to the Water Department.

## **I. MATTERS FROM THE COMMISSION**

Chair Gutierrez explained he had asked at the last meeting for Commissioners interested in the Ad Hoc Committee to express interest. He received four email responses of interests and they have been appointed to the Committee. The Committee will be comprised of Secretary Clow, Commissioner Faulkner, Commissioner Sategna and Commissioner Lawrence and Commissioner Faulkner will be the chair.

Commissioner Faulkner said she was excited and looking forward to chairing the committee. She has worked on policy at the State level and could tell them it is something that has to be considered deliberately with a lot of reflection and caution. She said she doesn't intend to do anything outside the team, which includes staff.

She will start with a meeting to set a purpose/mission statement and reasonable jurisdiction on code, and a work plan, including a schedule of meetings. If everyone agrees, she will present the broad scope of what the committee will pursue to the Commission. Then they will try to hit their objectives. The members she talked with all want to set priorities, objectives and goals. Those will be brought to the Commission when timely.

The committee will also need to identify where to bring in the public and the community should be part of it. But initially the committee should meet and set boundaries about what they want to accomplish and their purpose. She said she considers herself as the chair more of a facilitator. She appreciated any feedback from Commissioners or staff.

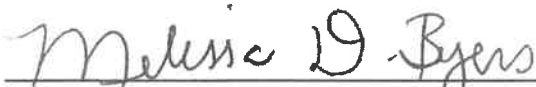
Chair Gutierrez asked for a summary of what the subcommittee is working on prior to meetings for the full Commission to have an idea. He wished them the best of luck and thanked them for showing interest in the subcommittee.

Ms. Paez suggested a report from the committee be an ongoing agenda item.

#### **J. ADJOURNMENT**

Chair Gutierrez adjourned the meeting at 8:15 pm.

Submitted by:



Melissa D. Byers, Stenographer for  
Byers Organizational Support Services

Approved by:



Brian Gutierrez, Chair