



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
SEPTEMBER 28, 2022
5:00 PM
COUNCIL CHAMBERS
CITY HALL
200 LINCOLN AVENUE

PROCEDURES FOR GOVERNING BODY MEETING

Viewing: Members of the public may view the meeting through the Government Channel on Comcast Channel 28 and Comcast HD928 or may stream the meeting live on the City of Santa Fe's YouTube channel at <https://www.youtube.com/user/cityofsantafe>. The YouTube live stream can be accessed at this address from most smartphones, tablets, or computers.

The video recording of this and all past meetings of the Governing Body will also remain available for viewing at any time on the City's YouTube channel at <https://www.youtube.com/user/cityofsantafe>. Staff is available to help members of the public access pre-recorded Governing Body meetings on-line at any time during normal business hours. Please call 955-6521 for assistance.

Radio Broadcast: The meeting can be heard on radio station KSFR 101.1.

Written Public Comment: Members of the public may submit written comments on legislation by clicking on the comment bubble to the right of the meeting on the public portal at <https://santafe.primegov.com/public/portal> three hours prior to the start of the meeting.

Live Public Comment: Members of the public may provide public comment in person during *Petitions from the Floor*, *Public Comment*, *Final Action on Legislation*, or *Public*

Hearings.

Virtual Public Comment: To provide public comment during *Petitions from the Floor*, *Public Comment*, *Final Action on Legislation*, or *Public Hearings* virtually, you must join the Zoom meeting by internet or phone, as follows:

Internet: To join the Zoom meeting on the internet using a computer, laptop, smartphone, or tablet, use the following link: <https://santafenm-gov.zoom.us/j/84466417177>.

Attendees should use the “Raise Hand” function to be recognized by the Mayor to speak at the appropriate time.

Phone: To join the Zoom meeting using a phone, use the following phone numbers and Webinar ID: **US: 1 (346) 248-7799 - Webinar ID: 844 6641 7177**

Phone attendees should press *9 to use the “Raise Hand” function to be recognized by the Mayor to speak at the appropriate time.

The agenda and packet for the meeting will be posted at <https://santafe.primegov.com/public/portal>.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

Councilor Cassutt

3. **SALUTE TO THE NEW MEXICO FLAG**

Councilor Lindell

4. **INVOCATION AND REMEMBRANCES**

Councilor Romero-Wirth

5. **ROLL CALL**

6. **APPROVAL OF AGENDA**

7. **APPROVAL OF CONSENT AGENDA**

8. **PRESENTATIONS**

- a. FY21 Audit Update (Emily Oster, Finance Director, 505-629-3411, ekoster@santafenm.gov and Ricky Bejarano, Chief Accounting Officer, rabejarano@santafenm.gov; 505-629-6988)

9. **ACTION ITEMS: CONSENT AGENDA**

- a. Request for Approval of the September 14, 2022 Regular Governing Body Meeting Minutes. (Geraldyn Cardenas, Assistant City Clerk: gfcardenas@santafenm.gov, 505-955-6519)

Committee Review:

Governing Body: 09/28/2022

- b. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Chapin and Mex Restaurant, LLC, for a Restaurant A (Beer and Wine) Liquor License with On-Premises Consumption, to be Located at Chapin and Mex Restaurant, 6417 Airport Road, Suite 100, Santa Fe. (Alexandria Mares, Marketing & Special Events Coordinator: armares@santafenm.gov, 505-955-6520)

Committee Review:

Liquor Hearing: 09/19/2022

Governing Body: 09/28/2022

- c. Request for Approval of Purchase for Two (2) Automated Side Load (ASL) Collection Vehicles for Residential Recycling, and Residential Waste Collection Services with Bruckner's Truck Sales, Inc. Via Cooperative Education Services in the Total Amount of \$814,406. (Lawrence Garcia, ESD Maintenance Manager, lmgarcia@santafenm.gov, 505-955-2241)

Committee Review:

Public Work and Utilities Committee: 09/12/2022

Finance Committee: 09/19/2022

Governing Body: 09/28/2022

- d. Request for Approval of Professional Services Agreement with the New Mexico Office of Archeological Studies for Archeological Services to the Water Division Construction Projects in the Total Amount of \$100,000 Excluding NMGRT. (Bill Huey, Water Division Engineer: bchuey@santafenm.gov)

Committee Review:

Public Works and Utilities Committee: 09/12/2022

Finance Committee: 09/19/2022

Governing Body: 09/28/2022

- e. Request for Approval of Amendment No. 1 to Item #21-0544 with John Shoemaker and Associates (JSAI) to Provide Water Rights and Hydrogeologic Technical Services for the City of Santa Fe Water Division for FY2023 in the Total Amount of \$197,560 Exclusive of NMGRT. (William Schneider, Water Resources & Conservation Manager: whcschneider@santafenm.gov)

Committee Review:

Public Works and Utilities Committee: 09/12/2022

Finance Committee: 09/19/2022

Governing Body: 09/28/2022

- f. Request for Approval of Amendment No.1 to the Service Agreement, Contract # 22-0205, with B&D Industries for the Complete Replacement of the Ft. Marcy Pool Deck and Unforeseen Structural Issues, Increasing the Compensation in the Amount of \$257,622.08. (Sam Burnett, Facilities Division Director: jsburnett@santafenm.gov; 505-955-5933 and Joshua Bohlman, Project Administrator: jbohlman@santafenm.gov; 505-469-2807)

1. Request for Approval of Budget Adjustment Resolution (BAR) in the Amount of \$250,000 From the Recreation Department Fund.

Committee Review:

Finance Committee: 09/19/2022
Public Works and Utilities Committee: 09/26/2022
Governing Body: 09/28/2022

- g. Request for Approval of Amendment No. 1 to Item #19-0716 with Southwest Landscaping, LLC to Increase the Unit Amount Charged, with No Increase to the Total Contract Amount. (Randy Lopez, Transmission & Distribution Supervisor: rjlopez@santafenm.gov, 505-699-2845)

Committee Review:

Public Works and Utilities Committee: 09/12/2022
Finance Committee: 09/19/2022
Governing Body: 09/28/2022

- h. Request for Approval of Amendment No. 3 to Children, Youth and Families Department (CYFD) Contract Agreement #21-690-3200-20846-3 to Amend ARTICLE III Limitation of Cost to Reflect an Update in Language and a FY23 and FY24 Decrease of Program Growth by \$13,361 for FY23 and FY24 for a Total of \$94,553, for a New Contract Total of \$383,351; Amend to Add Item Y - Trauma Response and Services Training Mandated by KEVIN S., et al. v. BLALOCK, et al., No. 1:18-cv-00896 Settlement Agreement; and Amend Budget Consistent with Amendments to the Cost. (CYFD Alternatives to Detention Grant) (Julie Sanchez, Youth and Family Services Division Director: jjsanchez@santafenm.gov, 505-955-6678).

Committee Review:

Finance Committee: 09/19/2022
Quality of Life Committee: 09/21/2022
Governing Body: 09/28/2022

- i. Request for Approval of American Rescue Plan Act (ARPA) Recovery Funds Subrecipient Contract in the Total Amount of \$900,000 for Early Childcare Job Development Services with the Santa Fe Community College Early Childhood Education Center of Excellence (SFCC-ECCOE) Under the First Statutory Category; to Respond to the COVID-19 Public Health Emergency or its Negative Economic Impacts. (Julie Sanchez, Youth and Family Services Division Director: jjsanchez@santafenm.gov; 505-955-6678)

Committee Review:

Finance Committee: 09/19/2022

Quality of Life Committee: 09/19/2022

Governing Body: 09/28/2022

- j. Request for Approval of General Services Contract with Santa Fe Community College for the Water Conservation Pilot Program in the Total Amount of \$240,000 Including NMGRT, Expiring on June 30, 2026. (Christine Chavez, Water Conservation Manager: cychavez@santafenm.gov, 505-955-4219)

Committee Review:

Public Works and Utilities Committee: 09/12/2022

Finance Committee: 09/19/2022

Governing Body: 09/28/2022

- k. Request for Approval of Amendment No. 2 to Item #20-0306 between the City and Immix/UKG Contract for Support Upgrading Current Kronos Environment to Workforce Dimensions Environment. (Manuel Gonzales, ITT Director: mmgonzales@santafenm.gov, 505-231-1749 and Jaclyn Henley, ITT Project Manager: jlhenley@santafenm.gov; 505- 629-5914)

Committee Review:

Finance Committee: 09/19/2022

Quality of Life Committee: 09/21/2022

Governing Body: 09/28/2022

- l. Request for the Approval of North Central New Mexico Economic Development District, Non-Metro Area Agency on Aging (AAA) State Funding in the Total Amount of \$109,484 for the Nutrition Services Incentive Program (NSIP), Term Ending June 30, 2023; North Central New Mexico Economic Development District, Non-Metro Area Agency on Aging (AAA). (Gino Rinaldi, Senior Services Division Director: earinaldi@santafenm.gov, 505-955-4710)

Committee Review:

Finance Committee: 09/19/2022

Quality of Life Committee: 09/21/2022

Governing Body: 09/28/2022

- m. Request for Ratification of the City Manager's Approval of U.S. Department of Transportation Federal Aviation Administration (FAA) Grant Award No. 3-35-0037-060-2022 in the Amount of \$266,822. (James Garduno, Project Administrator: jdgarduno@santafenm.gov; 505-670-3232)

- 1. Request for Approval of a Budget Adjustment Resolution (BAR) in the Amount of \$266,822.

Committee Review:

Public Works and Utilities Committee: 09/26/2022

Governing Body: 09/28/2022

- n. Request for Ratification of the City Manager's Approval of New Mexico Department of Transportation Aviation Division (NMDOTAD) Grant Award No. SAF-23-01 in the Amount of \$86,500. (James Garduno, Project Administrator: jdgarduno@santafenm.gov; 505-670-3232)

- 1. Approval of a Budget Adjustment Resolution (BAR) in the Amount of \$77,850 to Budget Grant Funds Into the Airport Operating Budget State Grant Revenue.

Committee Review:

Public Works and Utilities Committee: 09/26/2022

Governing Body: 09/28/2022

- o. Request for Ratification of the City Manager's Approval of New Mexico Department of Transportation Aviation Division (NMDOTAD) Grant Award No. SAF-23-02 in the Amount of \$450,000. (James Garduno, Project Administrator: jdgarduno@santafenm.gov; 505-670-3232)

- 1. Request for Approval of a Budget Adjustment Resolution (BAR) in the Amount of \$450,000.

Committee Review:

Public Works and Utilities Committee: 09/26/2022

Governing Body: 09/28/2022

- p. Request for Ratification of the City Manager's Approval of New Mexico Department of Transportation Aviation Division (NMDOTAD) Grant Award No. SAF-23-03 in the Amount of \$1,100,000. (James Garduno, Project Administrator: jdgarduno@santafenm.gov; 505-670-3232)
1. Request for Approval of a Budget Adjustment Resolution (BAR) in the Amount of \$1,100,000 to Budget Grant Funds into the Airport Operating Budget State Grant Revenue.

Committee Review:

Public Works and Utilities Committee: 09/26/2022

Governing Body: 09/28/2022

- q. CONSIDERATION OF RESOLUTION NO. 2022-___. (Councilor Michael Garcia)
- A Resolution Accepting a Local Government Road Fund Grant Administered by the New Mexico Department of Transportation for the Planning, Design, Construction, Pavement Rehabilitation, and Improvements to Buckman Road, Identified as Control #L500489. (Romella Glorioso-Moss, Projects Administrator: rsglorioso-moss@santafenm.gov, 955-6623)

Committee Review:

Governing Body (Introduced): 08/31/2022

Quality of Life Committee: 09/07/2022

Public Works and Utilities Committee: 09/12/2022

Finance Committee: 09/19/2022

Governing Body: 09/28/2022

- r. CONSIDERATION OF RESOLUTION NO. 2022-___. (Mayor Webber, Councilor Cassutt, Councilor Chavez)
- A Resolution Affirming the Partnership of Santa Fe County and the City

of Santa Fe to Develop Strategies and Actions to End Homelessness.
(Kyra Ochoa, Community Health and Safety Director:
krochoa@santafenm.gov, 955-6603)

Committee Review:

Governing Body (Introduced): 08/31/2022

Quality of Life Committee: 09/07/2022

Finance Committee: 09/19/2022

Governing Body: 09/28/2022

- s. CONSIDERATION OF RESOLUTION NO. 2022-___. (Councilor Rivera)
A Resolution Assigning Authorized Officer(s) and Agents for Project
SAP21-F2382-STB (Vereda de Valencia). (David Chapman, Technical
and Grant Writer: dachapman@santafenm.gov, 505-955-6824 and Stan
Holland, Engineer: tsholland@santafenm.gov, 505-955-4637)

Committee Review:

Governing Body (Introduced): 08/31/2022

Public Works and Utilities Committee: 09/12/2022

Finance Committee: 09/19/2022

Governing Body: 09/28/2022

10. ACTION ITEMS: DISCUSSION AGENDA

- a. Approval of a Settlement Agreement Between Enterprise Bank and Trust,
the City of Santa Fe, and Santa Fe County to Resolve the Disputes
Alleged in *Enterprise Bank & Trust v. the Board of County
Commissioners of Santa Fe County and the City of Santa Fe*, Case No.
D-101-CV-2021-02309. (Marcos Martinez, Senior Assistant City
Attorney: mdmartinez@santafenm.gov; 505-955-6512)

Committee Review:

Governing Body: 09/28/2022

11. MATTERS FROM THE CITY MANAGER

12. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(7), Attorney-Client Privileged Discussion Regarding Threatened and Pending Litigation in Which the City of Santa Fe Is or May Become a Participant, Including *Mark Edwards, et al. v. Interfaith Community Shelter at Pete's Place and the City of Santa Fe*, D-101-CV-2020-02201. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov; 955-6512)

13. **MATTERS FROM THE CITY CLERK**

14. **COMMUNICATIONS FROM THE GOVERNING BODY**

15. **INTRODUCTION OF LEGISLATION**

- a. **CONSIDERATION OF RESOLUTION NO. 2022-__.** (Councilor Cassutt, Councilor Chavez)

A Resolution Approving the City of Santa Fe's Participation in a Transportation Project Fund Program Administered by New Mexico Department of Transportation for the Arroyo de los Chamisos Crossing Project. (Romella Glorioso-Moss, Senior Project Administrator: rsglorioso-moss@santafenm.gov, 955-6623)

Committee Review:

Governing Body (Introduced): 09/28/2022

Public Works and Utilities Committee: 10/11/2022

Finance Committee: 10/17/2022

Governing Body: 10/26/2022

16. **PETITIONS FROM THE FLOOR**

17. **PUBLIC COMMENT ON BILLS (FIRST PUBLIC COMMENT, NO ACTION)**

- a. **CONSIDERATION OF BILL NO. 2022-__.** (Councilor Lindell, Mayor Webber, Councilor Chavez)

An Ordinance Amending Section 12-10-1.10 of the Uniform Traffic Ordinance Governing Mufflers and Emission Control Devices; and Amending Schedule A of the Uniform Traffic Ordinance to Increase Penalties for Muffler Noise Violations. (Matthew Champlin, Deputy Chief

of Police: mrchamp@lafayetteca.gov, 955-5201)

Committee Review:

Governing Body (Introduced): 09/14/2022

Governing Body (Public Comment): 09/28/2022

Quality of Life Committee: 10/05/22

Public Works and Utilities Committee: 10/11/2022

Finance Committee: 10/17/2022

Governing Body (Public Hearing): 10/26/2022

18. **FINAL ACTION ON LEGISLATION (PUBLIC HEARING)**

19. **PUBLIC HEARINGS**

a. **CONSIDERATION OF RESOLUTION NO. 2022-__.**

Case #2021-4377. Caja del Oro Subdivision General Plan Amendment.

James Siebert, of James W. Siebert and Associates, Inc., Agent, for the Pulte Group of New Mexico, Applicant, Requests Approval of a General Plan Future Land Use Map Amendment to Change the Future Land Use Classification for 16.21 Acres of Land located at 1905, 1950, 0, 0 and 1941 Caja del Oro Grant Road and 4, 5 & 7 Hernandez Lane from Very Low Density Residential (1 to 3 Dwelling Units Per Acre) to Medium Density Residential (7 to 12 Dwelling Units Per Acre) and Community Commercial to Medium Density Residential (7 to 12 Dwelling Units Per Acre). (Heather Lamboy, Assistant Director, Land Use Department: hllamboy@santafenm.gov, 955-6598) **POSTPONED FROM THE AUGUST 10, 2022 REGULAR GOVERNING BODY MEETING.**

b. **CONSIDERATION OF BILL NO. 2022-21. ADOPTION OF ORDINANCE 2022-__.**

Case #2021-4378. Caja del Oro Subdivision Rezoning.

James Siebert, of James W. Siebert and Associates, Inc., Agent, for the Pulte Group of New Mexico, Applicant, Requests Rezoning on 16.21 Acres of Land, Located at 1905, 1950, 0, 0 and 1941 Caja del Oro Grant Road and 4, 5 and 7 Hernandez Lane from R-1 (Residential – 1 Dwelling Unit Per Acre) to R-10 (Residential – 10 Dwelling Units Per Acre) and C-2 (General Commercial) to R-10 (Residential-10 Dwelling Units

Per Acre). (Heather Lamboy, Assistant Director, Land Use Department: hllamboy@santafenm.gov, 955-6598) **POSTPONED FROM THE AUGUST 10, 2022 REGULAR GOVERNING BODY MEETING.**

- c. **CONSIDERATION OF RESOLUTION NO. 2022-__.**
Case #2021-3814. Villas de Las Soleras Tract 13 General Plan Amendment.
James W. Siebert and Associates, Inc., Agent, for Ross's Peak Holding, Ltd., Co., Owner, Requests a General Plan Amendment to Amend the Existing General Plan Future Land Use Classification for Approximately 6.8 Acres within the Las Soleras Master Plan Area from Low Density Residential (3 to 7 Dwelling Units Per Acre) to Medium Density Residential (7 to 12 Dwelling Units Per Acre) at 4601 Rail Runner Road. (Heather Lamboy, Assistant Director, Land Use Department: hllamboy@santafenm.gov, 955-6598). **POSTPONED FROM THE AUGUST 10, 2022 REGULAR GOVERNING BODY MEETING.**
- d. **CONSIDERATION OF BILL NO. 2022-20. ADOPTION OF ORDINANCE 2022-__.**
Case #2021-3815. Villas de Las Soleras Tract 13 Rezoning.
James W. Siebert and Associates, Inc., Agent, for Ross's Peak Holding, Ltd., Co., Owner, Requests a Rezoning of a 6.8-Acre Property within the Las Soleras Master Plan Area from R-6 (Residential- Six Dwelling Unit Per Acre) to R-10 (Residential 10 Dwelling Unit Per Acre) for a Property Located at 4601 Rail Runner Road. (Heather Lamboy, Assistant Director, Land Use Department: hllamboy@santafenm.gov, 955-6598) **POSTPONED FROM THE AUGUST 10, 2022 REGULAR GOVERNING BODY MEETING.**
- e. **CONSIDERATION OF RESOLUTION NO. 2022-__.**
Case #2021-3811. Villas de Las Soleras Tract 13 Master Plan Amendment.
James W. Siebert and Associates, Inc., Agent, for Ross's Peak Holding, Ltd., Co., Owner, Requests Approval of an Amendment to the Las Soleras Master Plan to Reflect an Increased Density from 6 Units Per Acre to 10 Units Per Acre for Approximately 6.8 Acres at 4601 Rail Runner Road. (Heather Lamboy, Assistant Director, Planning and Land Use Department: hllamboy@santafenm.gov, 955-6598)

20. **APPOINTMENTS**

21. **ADJOURN**

Closed captions are provided for this meeting. Persons with disabilities in need for additional accommodations, contact the City Clerk's office at 505-955-6521, five (5) working days prior to meeting date.

**Governing Body
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September 28, 2022**

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**Minutes of the
Regular Meeting of the Governing Body
Wednesday, September 28, 2022
City Hall
Santa Fe, New Mexico
Hybrid Meeting**

1. CALL TO ORDER

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Webber, on Wednesday, September 28, 2022, at approximately 5:04 p.m., at the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico as a hybrid meeting.

2. PLEDGE OF ALLEGIANCE

Councilor Cassutt led the Pledge of Allegiance.

3. SALUTE TO THE NEW MEXICO FLAG

Councilor Lindell led the Salute to the New Mexico Flag.

4. INVOCATION

Councilor Romero-Wirth gave the Invocation.

She recalled the call for kindness from last meeting and read a statement from Maya Angelou.

Councilor Rivera remembered his father who passed on October 1.

Mayor Webber – keep in mind those who we lost and who are suffering and recovering from COVID.

The Governing Body observed a moment of silence for those who have recently died and their grieving families as well as those suffering from COVID or hardships.

5. ROLL CALL

Roll call indicated the presence of a quorum in-person, as follows:

Members Present

Mayor Alan Webber
Councilor Jamie Cassutt
Councilor Amanda Chavez
Councilor Lee Garcia
Councilor Michael Garcia
Councilor Signe Lindell
Councilor Christopher M. Rivera
Councilor Carol Romero-Wirth
Councilor Renee D. Villarreal

Members Excused

None

Other Participants Attending

Erin K. McSherry, City Attorney
Kristine Bustos-Mihelcic, City Clerk
John Blair, City Manager
Emily Oster, Finance Director
Ricky Bejarano, Accounting Officer
Manuel Gonzales, ITT Director
Joe Abeyta, Media Specialist
Frank Ruybalid, Assistant City Attorney:
Andrea Salazar, Assistant City Attorney
Cody Minnich, Affordable Housing Grant Manager
Jonathan Weiss, MRC Manager
Melissa McDonald, Parks Division Director:
Romella Glorioso-Moss; Senior Project Administrator
Matthew Champlin, Deputy Chief of Police
Kevin Nault, Assistant City Attorney
Kyra Ochoa, Community Health, and Safety Department Director
Jesse Guillen, Legislative Liaison
Leila Maestas, Assistant City Manager
Carl Boaz, Council Stenographer

6. APPROVAL OF AGENDA

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Chavez to approve the agenda as presented.

VOTE: The motion was approved on a unanimous voice vote:

For: Mayor Webber, Councilor Cassutt, Councilor Chavez, Councilor L Garcia, Councilor M. Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None.

7. APPROVAL OF CONSENT AGENDA

Ms. Bustos- Mihelcic said requests for discussion were requested on item j and item r to come off the consent agenda.

MOTION: Councilor Cassutt moved, seconded by Councilor Lindell, to approve the consent agenda as amended with items j and r removed for discussion.

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

For: Mayor Webber, Councilor Cassutt, Councilor Chavez, Councilor M Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None. Councilor Lee Garcia was not present for the vote.

8. PRESENTATIONS

- a. FY21 Audit Update (Emily Oster, Finance Director, 505-629-3411, ekoster@santafenm.gov and Ricky Bejarano, Chief Accounting Officer, rabejarano@santafenm.gov; 505-629-6988)

Ms. Bustos-Mihelcic read the caption for this presentation.

Officer Bejarano presented the update on the audit. He said the entrance conference would be scheduled by the end of next week with the auditors and their schedule is to start October 3 and they wanted to hold the entrance conference during that week. They will audit both FY21 and FY22 to the extent possible. CLA remains as the remediation accounting and audit preparation firm. On September 27, they were already interviewing with staff, reviewing the work that had already been done for FY21 and moving forward with FY22.

Director Oster gave a brief report on the Piñon Ventures issue. The report is track for finalizing that report in October as reported at the last meeting. It would first go to the Finance Committee in October. >>

9. **ACTION ITEMS: CONSENT AGENDA**

- a. Request for Approval of the September 14, 2022 Regular Governing Body Meeting Minutes. (Geraldyn Cardenas, Assistant City Clerk: gfcardenas@santafenm.gov, 505-955-6519)
Committee Review:
Governing Body: 09/28/2022
- b. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Chapin and Mex Restaurant, LLC, for a Restaurant A (Beer and Wine) Liquor License with On-Premises Consumption, to be Located at Chapin and Mex Restaurant, 6417 Airport Road, Suite 100, Santa Fe. (Alexandria Mares, Marketing & Special Events Coordinator: armares@santafenm.gov, 505-955-6520)
Committee Review:
Liquor Hearing: 09/19/2022
Governing Body: 09/28/2022
- c. Request for Approval of Purchase for Two (2) Automated Side Load (ASL) Collection Vehicles for Residential Recycling, and Residential Waste Collection Services with Bruckner's Truck Sales, Inc. Via Cooperative Education Services in the Total Amount of \$814,406. (Lawrence Garcia, ESD Maintenance Manager, lmgarcia@santafenm.gov, 505-955-2241)
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- d. Request for Approval of Professional Services Agreement with the New Mexico Office of Archeological Studies for Archeological Services to the Water Division Construction Projects in the Total Amount of \$100,000 Excluding NMGRT. (Bill Huey, Water Division Engineer: bchuey@santafenm.gov)
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Finance Committee: 09/19/2022
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for FY2023 in the Total Amount of \$197,560 Exclusive of NMGRT. (William Schneider, Water Resources & Conservation Manager: whcschneider@santafenm.gov)

Committee Review:

Public Works and Utilities Committee: 09/12/2022

Finance Committee: 09/19/2022

Governing Body: 09/28/2022

- f. Request for Approval of Amendment No.1 to the Service Agreement, Contract # 22-0205, with B&D Industries for the Complete Replacement of the Ft. Marcy Pool Deck and Unforeseen Structural Issues, Increasing the Compensation in the Amount of \$257,622.08. (Sam Burnett, Facilities Division Director: jsburnett@santafenm.gov;505-955-5933 and Joshua Bohlman, Project Administrator: jbohlman@santafenm.gov; 505-469-2807)

1. Request for Approval of Budget Adjustment Resolution (BAR) in the Amount of \$250,000 From the Recreation Department Fund.

Committee Review:

Finance Committee: 09/19/2022

Public Works and Utilities Committee: 09/26/2022

Governing Body: 09/28/2022

- g. Request for Approval of Amendment No. 1 to Item #19-0716 with Southwest Landscaping, LLC to Increase the Unit Amount Charged, with No Increase to the Total Contract Amount. (Randy Lopez, Transmission & Distribution Supervisor: rjlopez@santafenm.gov, 505-699-2845)

Committee Review:

Public Works and Utilities Committee: 09/12/2022

Finance Committee: 09/19/2022

Governing Body: 09/28/2022

- h. Request for Approval of Amendment No. 3 to Children, Youth and Families Department (CYFD) Contract Agreement #21-690-3200-20846-3 to Amend ARTICLE III Limitation of Cost to Reflect an Update in Language and a FY23 and FY24 Decrease of Program Growth by \$13,361 for FY23 and FY24 for a Total of \$94,553, for a New Contract Total of \$383,351; Amend to Add Item Y - Trauma Response and Services Training Mandated by KEVIN S., et al. v. BLALOCK, et al., No. 1:18-cv-00896 Settlement Agreement; and Amend Budget Consistent with Amendments to the Cost. (CYFD Alternatives to Detention Grant) (Julie Sanchez, Youth and Family Services Division Director: jjsanchez@santafenm.gov, 505-955-6678).

Committee Review:

Finance Committee: 09/19/2022

Quality of Life Committee: 09/21/2022
Governing Body: 09/28/2022

- i. Request for Approval of American Rescue Plan Act (ARPA) Recovery Funds Subrecipient Contract in the Total Amount of \$900,000 for Early Childcare Job Development Services with the Santa Fe Community College Early Childhood Education Center of Excellence (SFCC-ECCOE) Under the First Statutory Category; to Respond to the COVID19 Public Health Emergency or its Negative Economic Impacts. (Julie Sanchez, Youth, and Family Services Division Director: jjsanchez@santafenm.gov; 505-955-6678)

Committee Review:

Finance Committee: 09/19/2022
Quality of Life Committee: 09/19/2022
Governing Body: 09/28/2022

THIS ITEM WAS PULLED FOR DISCUSSION by Councilor Romero-Wirth

- j. Request for Approval of General Services Contract with Santa Fe Community College for the Water Conservation Pilot Program in the Total Amount of \$240,000 Including NMGRT, Expiring on June 30, 2026. (Christine Chavez Water Conservation Manager, cychavez@santafenm.gov, 505-955-4219)

Committee Review:

Public Works and Utilities Committee: 09/12/2022
Finance Committee: 09/19/2022
Governing Body: 09/28/2022

Ms. Bustos-Mihelcic read the caption for this item. Manager Chavez was present.

Councilor Romero-Wirth wanted the City to be aware of the project that was done by the Water Conservation Committee, and she lauded the Water Conservation Committee for the work they have done and also congratulated Manager Chavez to speak about its impact for the City.

Mayor Webber welcomed her to provide a briefing on it.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Villarreal to approve the contract as presented.

Discussion on the Motion:

Manager Chavez said she is managing the water conservation program, She introduced Robert Boyd, the Water Conservation Coordinator, and Ramon Coriz, the Education and Compliance Specialist, both of whom came to the Water Conservation Program during the pandemic. She recognized all of their hard work. She also recognized Glenn Schiffbauer in the audience, who is the Executive Director of the Santa Fe Green Chamber of Commerce, who is a partner in the program and available to answer questions.

Manager Chavez shared slides with the Governing Body regarding the pilot program and invited questions about the program. She echoed the reports from Jesse Roach that the City has reduced water consumption by 33% while the population increased by 25%.

The program is completely public input driven. Things to include in the plan include a different approach to the effort and got much community buy-in. First an aggressive input process was developed by the Committee. Over 2,100 input pieces were incorporated into the plan (most items mentioned). They compared them with the City's existing plans on water. It produced a score card to outline yearly activities and progress with them in a 5- year score card and annual score cards with an annual report in July. We also integrated them across City programs.

The current programs are a Rebate Program, Public Outreach, K-12 Educational programming, Pilot Programs and approved by the Water Conservation Committee.

Rebates are on things like washing machines and they used all the budget last year by spring.

Public outreach includes marketing. Their platforms are Facebook, Instagram, monthly articles in the Real Estate Guide and on radio. Garden tours are demonstration gardens.

The educational programs include the City's Passport program where kids get tours at Buckman and other water-related places – attaching to the next Water Summit. Lots of work has been involved.

All programs go through a public input process, through the WCC, and become pilot programs.

The WCC is made up of ten people in the City and another from the County. They serve 3-year staggered terms. They currently have three vacancies. They seek people with expertise and skills. The deadline is next Friday.

The Committee has four subcommittees which she described. They also have small groups to look at recruitment and serve as public input for the program. They are really extended staff.

She listed the current pilot projects – STOP leak (waste of water), Nava Ade Neighborhood Pilot, and the TreeSmart Giveaway Pilot in three neighborhoods. The Neighborhood Raingarden Pilot will be complete 2023, Next Generation Water Summit, and WaterWise Business Program.

She described what the water audit is and does. Ms. Bustos-Mihelcic sent out an example of the audit to Governing Body members. Participants are interviewed on the radio program. All that is learned in the pilots steer the Committee's work. Five staff took 30 days to audit 30 restaurants. It was a full-time job. Santa Fe has over 300 restaurants so they could not do them all. In shopping centers, no individual meters are used. So, the Committee addressed that.

A Social Media toolkit was distributed. They found there is over 389 million gallons to be saved.

The WaterWise Business Program establishes partnerships with water efficiency training and certification and micro-credentials. Their partner is the Santa Fe Green Chamber of Commerce. They found a submeter program for restaurants located in shopping centers.

She spoke about endorsements and people who have been trained. They audited 73 restaurants, and a total of 41 businesses. They also did a campaign two weeks ago on the radio show and had a great response to it. Now they are looking at vacation rentals. They save about 2.3 million gallons with two days' work in the audits. Many are taking advantage of their on-line training program. YouthWorks has helped with the audit of Nava Ade landscapes.

Councilor Villarreal asked how they addressed the submetering challenge.

Manager Chavez said they used a product introduced there as a super water leak detector. They are still working through it.

Councilor Villarreal asked if the restaurants have to be of a certain size for selection in the pilot.

Manager Chavez said in the pilot phase they chose the 30 restaurants based on certain criteria. Now, it is not a limiting factor. Hotels are different.

Councilor Villarreal asked if they followed up after the evaluation to see what they implemented.

Manager Chavez said one of their vacant positions is to fulfill that follow up.

Mayor Webber asked for a plug for Ion Water, which is a personal way to take responsibility for water conservation.

Manager Chavez supported Ion Water.

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

For: Mayor Webber, Councilor Cassutt, Councilor Chavez, Councilor L Garcia, Councilor M. Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None.

- k. Request for Approval of Amendment No. 2 to Item #20-0306 between the City and Immix/UKG Contract for Support Upgrading Current Kronos Environment to Workforce Dimensions Environment. (Manuel Gonzales, ITT Director: mmgonzales@santafenm.gov, 505-231-1749 and Jaclyn Henley, ITT Project Manager: jlhenley@santafenm.gov; 505- 629-5914)

Committee Review:

Finance Committee: 09/19/2022

Quality of Life Committee: 09/21/2022

Governing Body: 09/28/2022

- l. Request for the Approval of North Central New Mexico Economic Development District, Non-Metro Area Agency on Aging (AAA) State Funding in the Total Amount of \$109,484 for the Nutrition Services Incentive Program (NSIP), Term Ending June 30, 2023; North Central New Mexico Economic Development District, Non-Metro Area Agency on Aging (AAA). (Gino Rinaldi, Senior Services Division Director: earinaldi@santafenm.gov, 505-955-4710)

Committee Review:

Finance Committee: 09/19/2022

Quality of Life Committee: 09/21/2022

Governing Body: 09/28/2022

- m. Request for Ratification of the City Manager's Approval of U.S. Department of Transportation Federal Aviation Administration (FAA)

Grant Award No. 3-35-0037-060-2022 in the Amount of \$266,822. (James Garduño, Project Administrator: jdgarduno@santafenm.gov; 505-670-3232)

1. Request for Approval of a Budget Adjustment Resolution (BAR) in the Amount of \$266,822.

Committee Review:

Public Works and Utilities Committee: 09/26/2022

Governing Body: 09/28/2022

- n. Request for Ratification of the City Manager's Approval of New Mexico Department of Transportation Aviation Division (NMDOTAD) Grant Award No. SAF-23-01 in the Amount of \$86,500. (James Garduño, Project Administrator: jdgarduno@santafenm.gov; 505-670-3232)

1. Approval of a Budget Adjustment Resolution (BAR) in the Amount of \$77,850 to Budget Grant Funds Into the Airport Operating Budget State Grant Revenue.

Committee Review:

Public Works and Utilities Committee: 09/26/2022

Governing Body: 09/28/2022

- o. Request for Ratification of the City Manager's Approval of New Mexico Department of Transportation Aviation Division (NMDOTAD) Grant Award No. SAF-23-02 in the Amount of \$450,000. (James Garduño, Project Administrator: jdgarduno@santafenm.gov; 505-670-3232)

1. Request for Approval of a Budget Adjustment Resolution (BAR) in the Amount of \$450,000.

Committee Review:

Public Works and Utilities Committee: 09/26/2022

Governing Body: 09/28/2022

- p. Request for Ratification of the City Manager's Approval of New Mexico Department of Transportation Aviation Division (NMDOTAD) Grant Award No. SAF-23-03 in the Amount of \$1,100,000. (James Garduño, Project Administrator: jdgarduno@santafenm.gov; 505-670-3232)

1. Request for Approval of a Budget Adjustment Resolution (BAR) in the Amount of \$1,100,000 to Budget Grant Funds into the Airport Operating Budget State Grant Revenue.

Committee Review:

Public Works and Utilities Committee: 09/26/2022

Governing Body: 09/28/2022

- q. CONSIDERATION OF RESOLUTION NO. 2022-___. (Councilor Michael Garcia)

A Resolution Accepting a Local Government Road Fund Grant Administered by the New Mexico Department of Transportation for the Planning, Design, Construction, Pavement Rehabilitation, and Improvements to Buckman Road, Identified as Control #L500489.

(Romella Glorioso-Moss, Projects Administrator:
rsgloriosomoss@santafenm.gov, 955-6623)

Committee Review:

Governing Body (Introduced): 08/31/2022

Quality of Life Committee: 09/07/2022

Public Works and Utilities Committee: 09/12/2022

Finance Committee: 09/19/2022

Governing Body: 09/28/2022

THIS ITEM WAS PULLED FOR DISCUSSION by Councilor Cassutt

- r. CONSIDERATION OF RESOLUTION NO. 2022-___. (Mayor Webber, Councilor Cassutt, Councilor Chavez)

A Resolution Affirming the Partnership of Santa Fe County and the City of Santa Fe to Develop Strategies and Actions to End Homelessness.

(Kyra Ochoa, Community Health, and Safety Director:
krochoa@santafenm.gov, 955-6603)

Committee Review:

Governing Body (Introduced): 08/31/2022

Quality of Life Committee: 09/07/2022

Finance Committee: 09/19/2022

Governing Body: 09/28/2022

MOTION: Councilor Cassutt moved, seconded by Councilor Villarreal, to approve the resolution as presented.

Director Ochoa deferred to County Commissioner Hank Hughes who said the recent sweeps have been very helpful, largely led by the City. He noted the projects underway now to eliminate homelessness including the Consuelo Place Shelter mostly by the City with some help from the County, and Lamplighter on Cerrillos Road and the Nueva Acequia Project with the County taking the lead to provide more affordable housing. He is enjoying being involved in the work and the support of both governing bodies in the effort of caring for this people.

Councilor Michael Garcia thanked Commissioner Hughes and Director Ochoa for being here tonight. He referred to page 4, Item 3 regarding building housing units and asked if the goals are at least 100-200 units per year. Item 4 talked about the vouchers. He has been hearing that folks do have vouchers but there are no available units where they can use them. So, he asked if that should be expanded. He asked if 100-200 was enough each year.

Commissioner Hughes said it took a while to get this written to everyone's satisfaction. There are about 50 people on the waiting list now. Santa Fe Suites and Lamplighter need renovations to make them housing, instead of a motel. At one time, local landlords accepted vouchers but that is disappearing with our shortage of overall units, and it was more advantageous for them to take market rate renters instead.

Councilor Cassutt asked Commissioner Hughes to share his background and work.

Commissioner Hughes said he is CEO of the New Mexico Coalition to End Homelessness and formerly was Director of St. Elizabeth's Shelter.

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

For: Mayor Webber, Councilor Cassutt, Councilor Chavez, Councilor L Garcia, Councilor M. Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None.

- s. CONSIDERATION OF RESOLUTION NO. 2022-___. (Councilor Rivera) A Resolution Assigning Authorized Officer(s) and Agents for Project SAP21-F2382-STB (Vereda de Valencia). (David Chapman, Technical and Grant Writer: dachapman@santafenm.gov, 505-955-6824 and Stan Holland, Engineer: tsholland@santafenm.gov, 505-955-4637)

Committee Review:

Governing Body (Introduced): 08/31/2022

Public Works and Utilities Committee: 09/12/2022

Finance Committee: 09/19/2022

Governing Body: 09/28/2022

10. ACTION ITEMS: DISCUSSION AGENDA

- a. Approval of a Settlement Agreement Between Enterprise Bank and Trust, the City of Santa Fe, and Santa Fe County to Resolve the Disputes Alleged

in Case No. D-101-CV-2021-02309. (Marcos Martinez, Senior Assistant City Attorney: mdmartinez@santafenm.gov; 505-955-6512)

Committee Review:

Governing Body: 09/28/2022

Ms. Bustos-Mihelcic read the caption for the next item. Senior Assistant City Attorney Marcos Martinez was available for this item.

MOTION: Councilor Lindell moved, seconded by Councilor Cassutt to approve the settlement as presented.

Discussion on the Motion:

Mr. Marcos Martinez presented this matter to the Governing Body. To clear the title the Bank foreclosed on. And get the money to Affordable Housing programs of the City and County. And it allows the bank to try to market them. He recommended the Governing Body approve the settlements and stood for questions.

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

For: Mayor Webber, Councilor Cassutt, Councilor Chavez, Councilor L Garcia, Councilor M. Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None.

11. MATTERS FROM THE CITY MANAGER

Ms. Bustos-Mihelcic read the caption.

Manager Blair said there was progress in getting Art for Life leadership to come back to the table to follow up on the recommendations. The Director works at night, so she was not available at this meeting. He proposed meeting on October 11 or 15 from 11:00 a.m. to 2:00 p.m. with lunch provided as they met. He asked members to email their preference. He is still working on the parameters with the planners. It would be a study session (special meeting) with the goal of dealing with the Governing Body's unanswered questions on the final report and the process and begin to discuss how to move forward on any or all recommendations.

Councilor Lee Garcia and he participated in the swearing in ceremony for seven new police officers and he was pleased with the increase of police officers.

He is continuing to hold stakeholder meetings for the upcoming impending deadline in January.

IT Division is taking the lead with Staff training with the new system in the coming months to educate users in City Hall.

He is working on the JPA for RECC in dealing with settlement issues to rewrite it.

The interviews for new Airport Manger are underway.

He mentioned a really productive table-top exercise for dealing with an active shooter scenario. It felt it was a great first step and they do have online training for all City employees to complete.

He congratulated City Clerk Bustos-Mihelcic for getting the new City website up and running.

He lauded three City employees who are recently named in the top 40 under 40 business list: Ms. Bustos-Mihelcic, Cody Minnich, and Julie Sanchez. The event will be event on Friday.

12. **MATTERS FROM THE CITY ATTORNEY**

Ms. McSherry announced good news in two cases – the Santa Fe Reporter case and IPRA. And today a case was dismissed in Federal District Court – one of NM Serve Cases, finding that our ordinance is legal and allowing our fee.

She thanked all who sent in nominations for the Charter Commission. She will follow up for those who haven't submitted their nominations or if their nominee has not submitted their application yet.

The appointments will be done at the next meeting.

Our new Policy Analyst Connie Murphy, who starts Monday. Almost everyone has signed up for the interviews with him and she asked any who didn't to sign up.

She met with the County Attorney, Greg Shaffer, this week for lunch. That had not happened in last 22 years.

Ms. McSherry recommended an executive session for the Governing Body to discuss a matter as shown on the agenda.

EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(7), Attorney-Client Privileged Discussion Regarding

Threatened and Pending Litigation in Which the City of Santa Fe Is or May Become a Participant, Including D-101-CV-2020-02201. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov; 955-6512)

MOTION: Councilor Rivera moved, seconded by Councilor Cassutt, to enter executive session pursuant to the Open Meetings Act, Section 10-15-1 (H) (7) to discuss threatened or pending litigation in which the Governing Body is or may become a participant.

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

For: Mayor Webber, Councilor Cassutt, Councilor Chavez, Councilor L Garcia, Councilor M. Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None.

The Governing Body went into executive session at 6:09 p.m.

The Governing Body reconvened at 6:52

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Romero-Wirth, pursuant to the Open Meetings Act, Section 10-15-1 (J) that the Governing Body reconvene in open session, and state for the record that matters discussed in the closed session were limited to those specified in the motion for closure.

VOTE: The motion was approved on a unanimous voice vote:

For: Mayor Webber, Councilor Cassutt, Councilor Chavez, Councilor L Garcia, Councilor M. Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None.

13. MATTERS FROM THE CITY CLERK

Ms. Bustos-Mihelcic reported the website did launch and finally we are getting to the other side. She asked Councilors of anything needed to be on the website to let her know. Her Staff has been amazing on this project.

She said we have started looking at vendors to help transition to electronic filing and with IT to make sure we have the infrastructure in place for the Electronic Records Center.

Also, she is working with Procurement on an online signatures and contributions for campaign financing in the next election cycle.

She attended a national conference on campaign financing across the country to get with online signatures, nominating petitions, and online \$5 contributions.

14. **COMMUNICATIONS FROM THE GOVERNING BODY**

Councilor Chavez recognized Ms. Bustos-Mihelcic on the 40 under 40 award and was looking forward to Friday with the Hispanic Chamber of Commerce. She noted that she went to high school with all three individuals who are making a difference in Santa Fe.

Councilor Rivera had no communications.

Councilor Michael Garcia announced their son turned one year old on Friday. He is amazing and fun.

He also gave a shout out to the three employees for 40 under 40 recognition. He apologized that he cannot be at the ceremony.

He said recently observed that Acting Secretary at DOH rescinded all the public health emergency orders we have been under for the last two years. He asked for clarification from Ms. McSherry how that affects our emergency provision for the City Manager signing contracts over \$200,000. He asked for that update to be provided to him and also a list of the contracts that had been signed during that time. He had not been updated since last April.

On the Midtown Update, he was concerned on the path it is currently taken. The Governing Body was scheduled for an official presentation on August 10, 2022 and nothing has taken place yet for the Community Development Plan. He had reached out to the team who told him the Governing Body would receive a report at this meeting. His concern was that if it was a private entity going through the process, the property owner would need to know what was going on. In this instance the property owner is the public who are being kept in the dark on it. The Midtown Team said there would be delays and voting on things in December. Given that reporting is two months behind, he was worried that now it would become a rushed process without sufficient time for the public to consider it.

Around the update on the CHART meeting in October, he knew a letter had been submitted regarding demands to be met. He wanted to ensure any demands made are brought to Governing Body who decide on them.

Councilor Villarreal had no communications.

Councilor Lindell remembered her mother who would have her 105th birthday today. At age 102, she had asked her mother, "How is life?" and she responded, "Are you kidding me? It has taken forever!" Councilor Lindell wished her a happy birthday by letting her know she still makes her laugh on almost a daily basis.

Councilor Romero-Wirth echoed congratulations to all receiving the 40 under 40 awards and especially to our City team. That is exciting.

She reminded everyone of the three vacancies on the Water Conservation Committee. The deadline was extended to next Friday. She asked Councilors to please contact her or Manager Chavez with any suggestions.

Councilor Cassutt observed that it was just Rosh Hashanah and – the Jewish New Year, and now are in the high holy days. She described what Jewish people are to do in the ten days until Yom Kippur to be reflecting on the year and working on forgiving those who have wronged you. Also working on getting forgiveness from those you have wronged. The emotion of it or morals that you owe, to see how we can improve is wonderful. She loved that established reset for one week and a half on this focus. The road is not always happy but a good year ahead.

She wished a Happy Birthday to her father tomorrow, who is turning 70. Many of you know him for when he was here in the City. She was so grateful to have him as her father.

Councilor Lee Garcia also congratulated all 40 under 40 recipients. Thanks for Manger Blair mentioned their attending the swearing in ceremonies. He hoped for a fully staffed Police Department soon.

Before the meeting, he asked about the dialogue for the study session and how to prepare for it.

He gave best wishes to his wife for their wedding anniversary on October 18th. Happy anniversary!

Councilor Chavez honored two important men in her life: her husband's 37th birthday tomorrow and her father's 70th birthday on Friday.

Mayor Webber ran through several notable events in our community. He wished everyone a happy Jewish New Year. He mentioned two Santa Fe restaurants made the Best of the Best Fine Dining List in America, Santa Fe Walk to End

Alzheimer's on October 1, Santa Fe PNM is sponsoring an electric car show on the Plaza also on October 1, NAMI Walk for Mental Wellness on October 8, Indigenous People's Day on October 10, and National Freedom from Hunger Day today.

15. **INTRODUCTION OF LEGISLATION**

- a. **CONSIDERATION OF RESOLUTION NO. 2022-__.** (Councilor Cassutt, Councilor Chavez)

A Resolution Approving the City of Santa Fe's Participation in a Transportation Project Fund Program Administered by New Mexico Department of Transportation for the Arroyo de los Chamisos Crossing Project. (Romella Glorioso-Moss, Senior Project Administrator: rsglorioso-moss@santafenm.gov, 955-6623)

Committee Review:

Governing Body (Introduced): 09/28/2022

Public Works and Utilities Committee: 10/11/2022

Finance Committee: 10/17/2022

Governing Body: 10/26/2022

Ms. Bustos-Mihelcic read the caption.

Councilor Cassutt said this resolution is a million dollar grant for the design of the Arroyo de los Chamisos Crossing. With it, they will continue to explore connectivity in the District.

16. **PETITIONS FROM THE FLOOR**

Ms. Bustos-Mihelcic invited public comments.

There were no petitions from the floor.

17. **PUBLIC COMMENT ON BILLS (FIRST PUBLIC COMMENT, NO ACTION)**

- a. **CONSIDERATION OF BILL NO. 2022-__.** (Councilor Lindell, Mayor Webber, Councilor Chavez)

An Ordinance Amending Section 12-10-1.10 of the Uniform Traffic Ordinance Governing Mufflers and Emission Control Devices; and Amending Schedule A of the Uniform Traffic Ordinance to Increase Penalties for Muffler Noise Violations. (Matthew Champlin, Deputy Chief of Police: mrchamplin@santafenm.gov, 955-5201)

Committee Review:

Governing Body (Introduced): 09/14/2022

Governing Body (Public Comment): 09/28/2022

Quality of Life Committee: 10/05/22
Public Works and Utilities Committee: 10/11/2022
Finance Committee: 10/17/2022
Governing Body (Public Hearing): 10/26/2022

Ms. Bustos-Mihelcic read the caption on this Bill.

Public Comment:

Neil Rosenshein said compared with rest of world, we live in paradise, and he apologized, but the noise issue is out of hand. He had no idea how to solve it. It is incredibly stressful, going on 24 hours each day. "We have tried lots of things that have not worked. I'm looking for help. The petition has over 700 signatures, but they are not here tonight. I'm just looking for advice and a solution."

Fitz Sergeant said Cars and Coffee is on Paseo on the first Saturday morning at 9:00 am, and if you come, most of the people there have some pleasure putting their foot on the pedal to hear the sound and roar down the street - a really nice feeling. But what is going on right now really started at the beginning of the pandemic to go out and blow off steam. He described a new Mustang at Capital Ford on a legal switch to change the exhaust level, and much more than that is what you can buy on the internet. You can spend about \$5,000 to do it. He continued speaking after his time was up.

Cindy Kuhnhausen runs a place on Montezuma across from Jean Cocteau. "We have a group of aggressive drivers and have a petition online with over 800 signatures who are concerned about the excessive noises. It affects people with PTSD, and she has PTSD. As a City that puts so much recognition for our veterans, we should make the environment safer and allow us to enjoy the ambience in town.

Joe Schepps, 303 East Alameda, apologized to Mayor Webber for any rudeness in the paper and some of his columns maybe being too critical of the Mayor and the City Council on this very difficult situation. He is a hotel owner and there and at his home, – all the neighborhoods are being impacted. It is such a crisis in his opinion. Now is the time to aggressively deal with the noise makers with tickets.

Rick Weiss at La Fonda Hotel and part owner of Galisteo Inn said he was fortunate to be here in downtown Santa Fe for the last five years 99% of the time, except when he gets a call from a guest in Room 294 along the street who cannot sleep for the noise on San Francisco Street. They have to be moved out of those rooms because they cannot sleep. It usually happens on weekend nights, mostly in the summer. He described the shock of a

tourist who asked him if that noise was allowed here. The police on the Plaza cannot get them. He asked the Governing Body to do whatever they could do to make Santa Fe more pleasurable without the noise.

The E. D. of an organization dedicated to counseling people, including those who are sleep deprived from the loud noise from cars at night. Many of his clients have complained of sleep deprivation and anxiety that the noise caused for them. This is a very large and disturbing situation. We hope you will help us resolve it.

There were no other public comments at 7:23 p.m.

18. **FINAL ACTION ON LEGISLATION (PUBLIC HEARING)**

There was no final action on Legislation.

19. **PUBLIC HEARINGS**

- a. **CONSIDERATION OF RESOLUTION NO. 2022-__.**
Case #2021-4377. Caja del Oro Subdivision General Plan Amendment.

James Siebert, of James W. Siebert and Associates, Inc., Agent, for the Pulte Group of New Mexico, Applicant, Requests Approval of a General Plan Future Land Use Map Amendment to Change the Future Land Use Classification for 16.21 Acres of Land located at 1905, 1950, 0, 0 and 1941 Caja del Oro Grant Road and 4, 5 & 7 Hernandez Lane from Very Low Density Residential (1 to 3 Dwelling Units Per Acre) to Medium Density Residential (7 to 12 Dwelling Units Per Acre) and Community Commercial to Medium Density Residential (7 to 12 Dwelling Units Per Acre). (Heather Lamboy, Assistant Director, Land Use Department: hllamboy@santafenm.gov, 955-6598) **POSTPONED FROM THE AUGUST 10, 2022 REGULAR GOVERNING BODY MEETING.**

Ms. Bustos-Mihelcic read the caption. Ms. Heather Lamboy was available for the item.

Mayor Webber reviewed the process for this item. Disclosures, Staff Report, Applicant Opening Statement, Sworn Testimony, public, Questions, motion, discussion, and vote.

Disclosures:

Councilor Lee Garcia said this came to the Planning Commission while he was a Commissioner. But that did not come until after he was off the Commission. He recused himself from consideration of this case and left the room.

There were no other disclosures.

Councilor Romero-Wirth asked the City Attorney to explain the Governing Body's role here.

Ms. Pat Feghali explained the quasi-judicial process. "You are acting as judges and apply the law to the case."

Staff Report:

Ms. Lamboy said this is the Caja del Oro for a General Plan Amendment (GPA) to change the land categories from Very Low and from Community Commercial to Medium Density (7-12 units per acre).

She showed the use map on both sides of Caja del Oro Road. There is a planned commercial node on site and to the south. There is a need for commercial in this area. There are also residential, multi-family, and institutional (school) in the area. The rezoning sought is R-10 that allows design of the plan. The product types proposed have some unique characteristics. So, it provides innovative design for the lots. Design is tied to the Development Plan. The Planning Commission approved it and recommended both the GPA and the Rezoning.

She reviewed the development plan and showed the site plan. Heights, setbacks, 14' high is the maximum. Some will be two-story that doesn't fit that zoning category, which is why they requested rezoning. Parking areas are designated in the plan. Nearby schools can handle the increase in students, as confirmed by the school district. The Park review had some concerns. Bike lanes and regional connections will be provided.

The Traditional Agua Village density is higher than what is proposed here. The Planning Commission recommended approval of the GPA and the Rezoning to R-10 to the Governing Body.

Applicant's Opening Statement

Mr. James Seibert, 915 Mercer Street, was sworn in.

He showed an aerial view of the west side and described it. Lotline adjustments were described in a map. Various lot lines were lightly noted to be removed. Consolidation plat was handled administratively.

On South Meadows, there were about 500 apartment units either under construction or planned for soon being constructed. Carlos Garcia was leaving about 20.5 acres for shopping purposes.

The action tonight is the GPA with Planning Commission unanimously recommending approval. And the Rezoning was recommended by the Planning Commission.

An issue came up on Unit 3 at Los Soleras on the basis of quality of life.

Mayor Webber cautioned not to jump ahead to a different case.

Mr. Seibert compared C-2 with R-10 zoning. He indicated the lot coverage is to be 40%, with a maximum 24' height. Traffic peaks were compared in the TIA. He also pointed out the open space areas.

He showed the development plan submitted to the Planning Commission and described it. An issue that arose at the meetings was how pedestrian access took place. The side yards set back at 5' was considered insufficient by the Planning Commission. So, they increased it to 10 feet on either side or 20' between houses.

The City trail needs to be 8' wide per the MPO, and that can be done, but they will request that 3' of that 8' be on DOT property.

He displayed the landscape plan and described what it contained with trails and walkways.

He ended the presentation at 7:49 p.m.

Sworn Public Comment:

There were no public comments.

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Governing Body Questions:

Councilor Cassutt wanted to confirm that the remaining property would be considered for commercial uses.

Mr. Seibert agreed. Those 20.5 acres will remain at C-3.

Councilor Cassutt was concerned about a loss of commercial space.

Mr. Seibert noted that neighborhood shopping centers are usually about 20 acres.

Councilor Cassutt asked about parking details. She asked where the additional parking would be located.

Mr. Seibert said the Planning Commission was concerned about party parking. There is one-half average parking space per lot for party purposes. Overall, they have exceeded the City requirement.

Councilor Cassutt knew of concerns in other developments of families with four cars. So she asked how many spaces are at each unit.

Mr. Seibert said they have two-car garages and in front there is room for two more and on-street for another. That is five.

Councilor Cassutt had seen in the original zoning, having commercial with higher factors. In larger cities there is discussion on how close apartments to freeways affects people's health. The 5-foot buffer is essential for trees. But knowing how much development is in this area, she wondered about further negative effects.

Mr. Seibert said the property boundary is against Alameda and that is not the same as against Highway 599. It is a great distance to the homes. The trees will also help buffer from noise.

Councilor Cassutt had some concern with other developments already in the pipeline.

Mr. Sheldon Greer was sworn in to address the traffic study. He said the requirements were compliant, including the future growth projection on the horizon. The adjacent developments were all included in the traffic study.

Councilor Villarreal asked for clarification on the packet material. On page 16 in Exhibit 3, it talked about being indeterminate if the road was maintained by the City or by the County. She asked for any added information on that issue.

Mr. Seibert said the County agrees it is a City roadway. There was supposed to be a transfer of ownership that never took place.

Councilor Villarreal asked City Staff about it. She wondered why it was not decided.

Ms. Feghali agreed It should have been annexed with the property. There is no way this would still be a County roadway.

Ms. McSherry saw some of the maps were not clear and the state statute requires the annexed property be in City jurisdiction.

Ms. Feghali agreed. It should be clearly City property and apparently the maps were not updated. It would be City responsibility to update the map.

Councilor Rivera said the agreement was that City Public Works would have to accept it.

Ms. McSherry said the Public Works has accepted all of the roads as city roads.

Councilor Villarreal thought it needs to be affirmed.

Ms. McSherry had a written memo from Public Works indicating that.

Mr. Nathan Manzanares (with the developers) was sworn in. He said they were going to build the road up to City standards and dedicate it to the City.

Councilor Villarreal was okay with it. Her next question was on covenants. She wondered if the HOA fees applied to everyone, noting that AH residents have a different structure. City Staff reviewed the covenants and asked if there was a clause for a different calculation for them.

Ms. Lamboy deferred to Director Ladd.

Director Ladd said typically, our ordinance requires the fees be adjusted to be considered affordable. HOAs set up different payments over time.

Councilor Villarreal asked if there are things in the covenants that clarify that.

Mr. Seibert said it was not in the covenants. There must be a signed AH agreement. And that is taken care of in the agreement between the developer and the City.

Director Ladd said nothing in Code requires a different payment. The sales prices are dictated by that agreement and must be adjusted if the

fee is not considered affordable. The City does not have jurisdiction over those payments but does on the time of purchase. This was discussed in the past and there were a variety of ways to understand the ordinance

Councilor Villarreal asked about preventing homes from becoming STRs.

Director Ladd said covenants are not enforceable by the City so that is in Chapter 14.

Councilor Villarreal asked if it was in the covenants.

Mr. Seibert said the prohibition of renting for less than 30 Days is in covenants.

Councilor Rivera saw on page 62 an email on the TIA and refers to other areas and talks about appendices and data. He asked where that information was located.

Mr. Seibert noted there were two rounds on the TIA with questions that came up. A supplement to the traffic analysis is in the packet. It was submitted with the GPA.

Councilor Rivera thought he heard there was no impact on traffic, but the Traffic Engineer here proclaimed the intersection was a failing intersection.

Mr. Seibert said the Engineer suggested adding right turn and left turn lanes there. That brought the intersection into compliance with the City standards.

Councilor Rivera asked about other traffic counts.

Mr. Seibert agreed they had to do other traffic counts

Councilor Rivera asked if the TIA took the two large apartment complexes into account.

Mr. Seibert apologized that he didn't have the Traffic Engineer present, but very little traffic would come in on Alameda. Most of the traffic is going toward Agua Fria.

Councilor Rivera asked why there will be a HOA there.

Mr. Seibert said it was because the trails must be maintained, and open spaces and two parks are all under the HOA. The Caja del Oro road will

be improved to City standards and once completed, must be accepted, and maintained by the City, so none of the roads would be under HOA.

Councilor Rivera asked if it says the parks are not maintained by the City.

Mr. Seibert clarified the identification is carried from covenants to the HOA.

Councilor Romero-Wirth saw on page 17 of 22 it talks about water. The landscape plan mentioned trees. When the City does their water budget, is that just for inside or also with your landscaping?

Mr. Seibert said they must include landscaping over a 3-year period. All of that was prepared by the landscape architect. It includes the .09 factor for line loss.

Councilor Romero-Wirth noticed it says the 12" line about county property within the City.

Mr. Seibert agreed that was odd.

Councilor Villarreal asked if they decided on a roundabout and if it was on Caja del Oro.

Mr. Seibert agreed. The MPO raised that issue. He confirmed it would have no roundabout. The Traffic Engineer said it was not warranted and the City agreed.

Councilor Cassutt said in the landscaping plan, the DOT notes talked about replacing the honey locust trees. She wondered how SmartTree Santa Fe interacts with the development.

Ms. Lamboy didn't think it would. The plan will follow the Code.

Councilor Cassutt suggested interactions with SmartTrees to select tree species.

Councilor Cassutt asked if the picture represented the architecture style.

Mr. Seibert said it was for one model façade.

Councilor Cassutt considered the architectural designs not to be part of Santa Fe's vocabulary. She asked where the Governing Body leverage would pertain to that - to think how we are creating a sense of place on the south side and our ability to mold our City.

Ms. Lamboy said the architectural stands are normally done at Staff level and Planning Commission level. The Governing Body does not usually see those, unless there is an appeal, to understand how Recent Santa Fe style and Modern Santa Fe style allow.

Councilor Villarreal, on that point, asked if this will come back later to the Governing Body.

Ms. Lamboy said the GPA and Rezoning are final tonight. The Development Plan was approved, and the final plan is approved by the Planning Commission.

Councilor Villarreal – so the preliminary develop plan is contingent of GPA and rezoning vote tonight.

Councilor Lindell pointed out this case was brought to Planning Commission with a recommendation from Staff for approval.

Ms. Lamboy agreed.

Councilor Lindell assumed Staff went through the entire plan and did believe it met the Code.

Ms. Lamboy agreed.

Councilor Lindell asked if there was a design overlay for this property.

Ms. Lamboy said only the Chapter 14 standards.

Mayor Webber closed the public hearing at 8:40 p.m.

Motion:

MOTION: Councilor Lindell moved, seconded by Councilor Cassutt, on Case 2021-4377, to approve the request to amend the General Plan and the Future Land Use classification from Very Low Density Residential to Medium Density Residential, and Community Commercial to Medium Density Residential, located at 1905, 1950 00 and 1941 Caja del Oro Grant Road, and 45 and 7 Hernandez Road.

Discussion on the Motion:

There was no discussion the motion.

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

For: Mayor Webber, Councilor Cassutt, Councilor Chavez, Councilor M. Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None. Councilor Lee Garcia was not present for the vote, having recused himself from this matter.

b. CONSIDERATION OF BILL NO. 2022-21. ADOPTION OF ORDINANCE 2022-__.

Case #2021-4378. Caja del Oro Subdivision Rezoning.

James Siebert, of James W. Siebert and Associates, Inc., Agent, for the Pulte Group of New Mexico, Applicant, Requests Rezoning on 16.21 Acres of Land, Located at 1905, 1950, 0, 0 and 1941 Caja del Oro Grant Road and 4, 5 and 7 Hernandez Lane from R-1 (Residential – 1 Dwelling Unit Per Acre) to R-10 (Residential – 10 Dwelling Units Per Acre) and C-2 (General Commercial) to R-10 (Residential-10 Dwelling Units Per Acre). (Heather Lamboy, Assistant Director, Land Use Department: hllamboy@santafenm.gov, 955-6598) **POSTPONED FROM THE AUGUST 10, 2022 REGULAR GOVERNING BODY MEETING.**

MOTION: Councilor Lindell moved, seconded by Councilor Chavez, on Case 2021-4378, to approve the rezone from R-1 to R-10 for a property located at 1905, 1950, 00 and 1941 Caja del Oro Road and 4, 5, and 7 Hernandez Road.

Discussion on the Motion:

There was no discussion the motion.

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

For: Mayor Webber, Councilor Cassutt, Councilor Chavez, Councilor M. Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None. Councilor Lee Garcia was not present for the vote, having recused himself from this matter.

Councilor Lee Garcia returned to the bench after the vote.

- c. CONSIDERATION OF RESOLUTION NO. 2022-___.
Case #2021-3814. Villas de Las Soleras Tract 13 General Plan Amendment.

James W. Siebert and Associates, Inc., Agent, for Ross's Peak Holding, Ltd., Co., Owner, Requests a General Plan Amendment to Amend the Existing General Plan Future Land Use Classification for Approximately 6.8 Acres within the Las Soleras Master Plan Area from Low Density Residential (3 to 7 Dwelling Units Per Acre) to Medium Density Residential (7 to 12 Dwelling Units Per Acre) at 4601 Rail Runner Road. (Heather Lamboy, Assistant Director, Land Use Department: hllamboy@santafenm.gov, 955-6598). **POSTPONED FROM THE AUGUST 10, 2022 REGULAR GOVERNING BODY MEETING.**

Ms. Bustos-Mihelcic read the caption for this item. Ms. Lamboy is staff for this one.

Mayor Webber explained this case has the same procedure as the previous two cases.

Disclosures

Councilor Lee Garcia said he was previously on the Planning Commission when the matter first came, and he recused himself. Councilor Lee Garcia left the room during consideration of this case.

Staff Report

Ms. Lamboy provided the Staff Report. The applicant is Pulte Homes, and their product is proposed at Villas de Las Soleras as well. She reminded the Council that a majority of the Planning Commission for this case had recommended denial of the project. A majority of the Governing Body members must vote in favor of the project here in order for it to be approved. So, it would need five voting yes in this case.

Ms. McSherry clarified that is a statutory requirement only for rezoning cases and termed a "majority of the whole" regardless of how many are present when the recommendation is not to approve rezoning.

Ms. Lamboy said the reference to Las Soleras is threefold. The project, located within Las Soleras, is controlled by the Las Soleras Master Plan so there is a request for Master Plan amendments, as well as rezoning, as well as General Plan Amendments - three motions.

The GPA was requested to change the land category from low density residential to medium density residential. She showed a screen of the map that showed residential abutting on the east of the project, but across Roadrunner Road was medium residential to the north, community commercial and park amenity provided as part of the Las Soleras development. So, while it is higher density, it can be considered comparable and compatible with adjacent developments. That means it is up to the Governing Body to decide whether this proposal will be comparable and compatible with surrounding developments.

She repeated the rationale for R-10 in this design so setbacks and other development standards could be determined by the development plan and not by a rigid zoning standard, making accommodations for the kinds of homes being proposed here.

The zone districts are C-2 along the Cerrillos Road corridor, an R-12 district across Railrunner Road under development with town homes, and to the east is R-3 large lot development left over from the County when it was a rural area, and to the east of the tracks is Nava Ade and then to the south is more Las Soleras but not controlled by the Soleras Master Plan.

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The Master Plan Amendment covers all of Las Soleras which includes Presbyterian Hospital, a residential development to the east, and other commercial uses abutting Cerrillos Road. There are community amenities in the Master Plan to serve the development. When the Master Plan was developed, the lower density would be a gradual transition.

If designed well, a higher density would have no impact. There was lots of discussion on the design impacts, setbacks and distance between buildings, availability of parking for residents and guests, access to amenities, etc.

The recommendation of the Planning Commission for denial to Governing Body and to deny the Preliminary Development Plan and the Preliminary Subdivision Plat. If the Governing Body finds the criteria are met, then an additional plan review must be considered before it is finalized.

Applicant Opening Statement.

Mr. James Seibert was sworn again.

Mr. Seibert pointed out the area map, showing what surrounded the subject site. The Assessors' Map showed the variety of activity that takes

place in their area. The Covenants and HOA proposed will be the same in Unit 3 as they were in Units 1 and 2.

He showed the Community Commercial and General Commercial to the north and west. Units 1 and 2 were zoned R-12. This property is R-6, and the R-3 portions were largely vacant, and property was zoned R-1 to the east. They probably will be developed in the future.

He pointed out the trails approved for Las Soleras development. The trail along Governor Miles Road and a majority of the other trails have been constructed now. The interconnections have already taken place with Nava Adé. The trail going north is not constructed yet. It is a city trail connecting with the Arroyo Chamiso Trail.

A bus stop was pointed out at the north end. So public transportation is available.

The park has two soccer fields, a dog park and a children's park have been recently completed and a small neighborhood park with shelters completed. Unit 3 will have access to those just like Units 1 and 2.

What is considered here is the General Plan Amendment, the Las Soleras Master Plan, and the Rezoning from R-6 to R-10.

This is the same products as in previous case. Out of 171 lots developed in units 1 and 2, all have been built, occupied, or under contract. so Pulte Homes is out of product. Originally, it was a 44-lot subdivision and development plan. Tonight, they propose to reduce it to 40 lots in accord with the Planning Commission directive with the Caja del Oro project. It will have a 10' side yards, 20' between dwellings, a common walkway between units that connect with all trails and all other sidewalks. It has substantial off-lot parking spaces. Because the plat and subdivision were not approved by the Planning Commission, we have to go back and start over with them. And this time, he thought they would get a favorable recommendation from the Planning Commission.

He showed how the new 40-unit lots will look. Units will directly connect to City sidewalks. Emergency access was worked out with SFFD. This was a challenge because it was a fairly narrow parcel. This could not have alley-loaded units. With the 40 units, the density is 5.5 units per acre. So, it is the same as now allowed but the zoning must go higher to do this kind of design. The zoning component of the Code is about 15 years old and needs to be updated.

Mr. Siebert concluded at 9:08 p.m.

Public Comment:

Dennis Dodson, who lived on Rail Runner Road was sworn. He said he lived at 4804 where the low-income AH units were located. The folks living in these dwellings are disabled, elderly, and poor. They generally don't have any political capital or a voice in these matters. He was concerned about public health issues. He has lived at Soleras Station for three years now. He was awarded a unit because of disability and veteran's status. While living there, he said the air quality has diminished and had what was left behind after construction. There was still trash from that construction. He never had sinus infections before but does now. He has to clean his floors every day from the dust in the air that comes into his apartment. He understood developers needed to earn a profit, but he would like to see things slow down a little bit. There were many problematic issues. He rode his bicycle here (City Hall) and almost got struck by an automobile. Traffic has increased and the roundabouts are seen as a place to race.

He said his neighbors have expressed similar concerns. He said his concluding thought was to slow it down for public health concerns.

On Zoom:

Edmond Kibble, living on Rail Runner Road was sworn. He said he was at the meeting a year ago when the Planning Commission rejected these proposals. And now they were trying to get the Mayor and Councilors to approve the change in the new plan. He got nothing other than they were going to present it again. He didn't see anything that would make it better. The density was very high there. And what they are doing to get additional units. He showed a Unit one front drive and one in Unit 2 was shown. That is six feet. The Unit one drive was 9.5 feet. The driveways are not full size. There were no full driveways. He said Pulte would not give them detailed plans. "The little people have no right to see any of it. It is horrendous to have 40 units in less than seven acres. I urge you to reject their appeal."

Connie Overly, living on Rail Runner Road, was sworn. She said she had a large concern with the density and parking was becoming difficult. There was no square footage to support two cars in the garage. They are now parking on the gravel part. Because they were so close to the park, they were getting a lot of park traffic parking alongside the border in Las Soleras, causing further congestion. Emergency vehicles could not get by there. She said the traffic will increase tremendously with no guest parking in that area.

Ms. Bustos-Mihelcic said there were no public speakers.

Ms. Feghali observed they were all concerns with density, but the pictures shown were not what the Governing Body was voting on in this case.

Governing Body Questions:

Councilor Michael Garcia -asked if there was a reason why they were not going back to the Planning Commission. The concerns were heard loud and clear. They have challenges with the potential plan they saw. Going back to Planning Commission would allow for another ENN and a full process.

Mr. Seibert said it was a reasonable question. Part of it is that a timeline was provided by the owner that Pulte needs to proceed forward. We felt the Planning Commission provided sufficient direction that we could prepare a plat that satisfied their concerns. Doing that is very much like starting the process all over again. That would take 5-7 months and in that interim, the current owner could just say he could not wait that long for Pulte. That sense of urgency forced them to take the plat they had.

Councilor Michael Garcia saw that this was denied over a year ago.

Mr. Kevin Patton, 7601 Jefferson Street, Albuquerque, was sworn in.

He agreed both projects had significant delays and a financial impact. Now they came with the same layout with Caja del Oro, and the comments were well received but they had no opportunity to revise them. They took the opportunity with Caja del Oro to revise it with the Planning Commission and came up with a plan that got unanimous approval. But that was in February. It didn't get heard from February to May and then deferred to June and now we are here before you tonight. We wanted to make sure the Planning Commission and Governing Body approved what we did at Caja del Oro. This one works hand-in-hand. We felt if both were approved, we could proceed. We know we must go back to Planning Commission for this case but felt we would still have the opportunity for the Planning Commission to represent their concerns if they feel we did not address those concerns adequately.

If denied, we would work until we get it right.

Councilor Michael Garcia understood the previous one had a development plan and this one does not.

Ms. Lamboy said there was a big difference. The earlier case was approved and this one was denied.

Councilor Michael Garcia agreed.

Ms. Feghali clarified what the Governing Body is approving is only the density tonight, so it doesn't require a develop plan.

Councilor Michael Garcia understood. But the plan ultimately helps to determine if the community will support it or not. This was not getting community support.

Nathan Manzanares was sworn in again. He explained they could not present the design without the rezoning. Rezoning is just for dimensional purposes and that must be achieved from the rezoning standards.

Ms. Lamboy said the Governing Body can vote on the matters before you.

Councilor Michael Garcia knew usually the track is a plan first but here is a rezone without a plan. He didn't want to set a dangerous precedent because it is not proper planning.

Ms. Feghali said in the previous case the development plan approval was contingent on the rezoning. But here, they still must go back to Planning Commission for approval on what they decide.

Mr. Manzanares said it might appear we are trying to bypass a step, but we worked closely with the Planning Commission to come up with the design and why we came for rezoning first.

Councilor Romero-Wirth asked Staff how often do we get asked to make these changes without a development plan. She thought the Governing Body has seen several of these.

Ms. Lamboy said there always must be a justification for a GPA and Development Plan. Some of it is just to see what is compatible with the area. The City Code does not require a preliminary develop plan or subdivision plat to allow a vote. This should be considered on its own merits regardless of whether there is a Development Plan.

Councilor Romero-Wirth opined that precedent was too strong a word. Precedent is a strong legal word, and she was not sure we are diverging from our standard.

Ms. Lamboy agreed, The Governing Body can act without a Development Plan. It is a plan with change of density, but it has no requirement for a Development Plan approval first.

Ms. Feghali agreed. There are criteria but we do not require a development plan.

Councilor Romero-Wirth asked how to address the public concerns brought tonight. She thought there was still a chance for public comment to be made.

Ms. Lamboy agreed. The public concerns can still be heard at Planning Commission.

Councilor Romero-Wirth asked about the driveway widths. We don't have that information before us. But that could still be worked out at Planning Commission.

Ms. Lamboy agreed, and they must have an ENN where the comments can also be heard.

Councilor Villarreal saw this as a leapfrog approach with changes in design. It ordinarily goes back to the Planning Commission and is cleaner. She would rather the Planning Commission hear it as a whole case as it related to design. The timeline did not make sense to her. It should have gone back to the Planning Commission then. And there were other issues people felt were not being heard regarding the park, dust, construction debris, etc.

Mr. Patton just didn't feel like we should have to go back before rezoning. [His microphone was not working, and his comment was mostly inaudible.].

He explained Pulte's purchase sales agreement is going to expire soon, and we may not have the opportunity to go back. You just heard a similar plan in the previous case. He was sharing with the GB tonight that the Villas de Las Soleras plan was exactly the same plan as just approved. "We have shared a plan and the details have to be worked out. All driveways are 20' long. [unheard the rest]

Councilor Cassutt said normally we do hear the preliminary and then changes made at the Planning Commission after we approve the rezoning.

Ms. Feghali agreed that was normally the sequence.

Councilor Cassutt was curious if we could hear the case and approve it with conditions. We won't approve a development plan anyway. But the GPA and Rezoning we do approve.

Ms. Feghali said the Governing Body cannot put conditions on zoning or a GPA.

Mr. Patton said they do have a preliminary plan. Another developer could come in with zoning out just approved so in essence. Someone else could come in and submit a different plan.

Ms. Feghali agreed.

Councilor Cassutt asked if the Governing Body could say we want the plan to come back to the Governing Body.

Ms. Feghali said there was a process for taking cases from the Planning Commission to hear them. It only gets heard once.

Councilor Lindell wanted to clarify that we are here to vote on a GPA, a rezoning, and a Master Plan Amendment.

Ms. Lamboy agreed.

Councilor Lindell understood these homes are essentially starter homes for which we have a pent-up demand in this City. And she heard that all the small ones that were approved now are under contract or sold, and we have a paucity of starter homes now. She asked if Staff approved the GPA, the Rezoning, and the Master Plan Amendment.

Ms. Lamboy agreed. Staff did recommend approval of them.

Councilor Lindell concluded that Staff felt this does meet our Code. The Code doesn't have subjective ideas about quality of life in it.

Ms. Lamboy said it is a subjective term that is defined or informed by our approval criteria. There is certainly opportunity for interpretation.

Councilor Lindell reiterated that Staff felt what was presented for the GPA, Rezoning and Master Plan Amendment did meet our City Code, correct?

Ms. Lamboy agreed Staff found it met City Code. The Planning Commission disagreed. The development plan is not before the Governing Body tonight.

Councilor Lindell thanked Ms. Lamboy for making her point. We are not being asked to approve a Plan tonight That is not our job. We need to stay within what we are asked to do and allow the Planning Commission to do their work on a development plan. We got a little into the weeds hearing changes in the development plan.

If Pulte walks away, someone else could do something very different. But we need a plan for starter homes – a big demand for them. “I don’t think we should deny that opportunity and should put trust in the Planning Commission to determine what is a good development plan. Those are the things we are asked to vote on and are very clear in the Code what criteria applies.”

Councilor Rivera said if we are not here to approve a development plan, it makes me wonder why that was presented to us. The Governing Body must also consider quality of life in our responsibility. To Ms. Lamboy, he said he heard Mr. Siebert say they changed some setbacks. He asked her to clarify that for the Governing Body.

Mr. Seibert began to explain it to him. His microphone was still breaking up badly. He clarified the new setback dimensions.

Councilor Rivera said it is a new plan that the Planning Commission did not hear.

Ms. Lamboy agreed. The Development Plan he is proposing has not been heard at the Planning Commission.

Councilor Rivera asked then why it would not go back to Planning Commission first.

Ms. Lamboy said there is not one order required. It can be in any order.

Mayor Webber said the process tangled his mind up. He asked if the Governing Body is deviating from normal process or if there was a normal process.

Ms. Lamboy said there is a difference in practice from what is required. This Board can act without a Development Plan or independent from a Development Plan. It is not demanded by Chapter 14.

Mayor Webber asked if this is the first time, we have ever done this.

Ms. Lamboy was not sure.

Councilor Cassutt wondered whether to table it and the notes say the Planning Commission denied giving an opportunity for the applicant to appeal.

Ms. McSherry explained that there is no appeal tonight or to overturn anything. Planning Commission just makes a recommendation to the Governing Body.

Councilor Cassutt understood but they did discuss process. And no one here was from the Planning Commission.

Ms. Feghali added that if the applicant wanted, they could appeal the two cases that were denied. And the applicant decided not to appeal but then go back with a new case. If they had tabled indefinitely the applicants would be stuck.

Mr. Seibert explained that when the Master Plan was established, there were no develop plans for this area. The Council did not look at detailed plans. It was a standard practice established by the City. It was not a unique process.

Councilor Chavez asked if the public comments, as valuable as they were, was not relevant for our agenda. She wondered how much information the Planning Commission will get from this meeting. Will our discussion be included in their packet?

Ms. McSherry clarified the Planning Commission testimony would need to be sworn at the Planning Commission meeting for it to be included for that submission. It will be an entirely new matter.

Councilor Romero-Wirth said the same people can testify there in the new case also.

Ms. Lamboy said the minutes of this meeting could be in their packet.

Councilor Villarreal said the Governing Body could require hearing the development plans after the Planning Commission hearing. She said that has happened before.

Ms. Feghali affirmed the Planning Commission has final approval on develop plans.

Councilor Villarreal sad the Chapter 14 discussion tonight was a natural process, not because the Planning Commission decided it needed to be discussed tonight.

Ms. Feghali pointed out they came with a recommendation, not a final vote. They could have postponed it for further recommendation.

Councilor Romero-Wirth agreed that was exactly what they did and decided to deny them. Our decision tonight is whether to agree or reverse the recommendation. She asked for help with the decision tree.

Ms. Feghali explained that if the Governing Body agreed with the Planning Commission recommendations, the request would be denied, and the rezoning could not be brought back for one year.

Councilor Romero-Wirth asked what happens if we reversed the Planning Commission decision.

Ms. Feghali said if the Governing Body approved them, then the applicant could go back to the Planning Commission with a new or same Development Plan for the Planning Commission to decide.

Mayor Webber noted one thing mentioned in the absence of a Development Plan was the Governing Body was not getting the full package. Our own internal logic prevents us seeing a development plan.

Ms. Feghali agreed.

Councilor Rivera asked if we could remand these three cases back to the Planning Commission.

Ms. Feghali said the information was not relevant to the Planning Commission.

Councilor Rivera pointed out they changed the setback distances.

Ms. McSherry said that would not be a reason to remand to the Planning Commission.

Ms. Feghali added that the Planning Commission heard all five cases at once. The Governing Body is hearing only three that are not related to the Development Plan.

The applicant requested if they are to go to Planning Commission, they requested a postponement.

Councilor Romero-Wirth suggested it might be useful to go back to our packet and the Staff memo (report) to look at what is in front of us - Master Plan Amendment, Rezoning to R-10 ad GPA. It lists the general plan approval criteria. That is what we are supposed to be doing here. And the

recommendation from the Planning Commission is to deny these three things, based on the fact that the quality-of-life elements were inadequate.

Ms. Feghali agreed.

Councilor Romero-Wirth thought if it meets the criteria, the Governing Body should approve it.

Councilor Cassutt noted one of the challenges was the R-10 zoning that allows developer designs. We are really looking at six units per acre because of the Planning Commission ability to do different setbacks. So, a remand back to Planning Commission is a good action. She believed an R-7 would be approvable.

Councilor Romero-Wirth said we don't have to remand back because it is in front of us now. We can say no, based on the new information. And it goes back to work out the details.

Mayor Webber suggested if we want the whole package at one time, we can postpone this and wait for the rest of the process to get back to us.

Mr. Patton responded that the Governing Body could agree or not. But we cannot wait a year for that. We would fall out of the agreement and might not ever be invited back.

Councilor Michael Garcia understood the rezoning is binding but not the development plan.

Ms. Feghali agreed.

Councilor Romero-Wirth added that it wouldn't come back to us except on appeal.

Ms. Feghali agreed. She referred to the place in the Code that dealt with that.

Mr. Patton said they would accept R-7 and could still do what they needed to do.

Councilor Rivera asked if we could do that. He thought we were just remanding to the Planning Commission.

Ms. Feghali said the Governing Body could approve R-7 if you want.

Councilor Villarreal saw a third option – For the Planning Commission to make the decision on these pieces as stated in the notes to make

something happen in density for the design. They do go hand -in-hand. They are related and a decision made on density and rezoning. None of us want that one year delay.

Ms. Lamboy said the postponement option timeline for approval of a new development plan with the new information would be six to eight weeks with an ENN probably in eight weeks.

Councilor Villarreal thought a purchase agreement could be modified.

Ms. Lamboy said that was up to them.

Mayor Webber thought it was no one's desire to kill this project and make them wait a year to come back. The Governing Body could decide to approve the rezoning or to change the order of approvals. The vote before the Governing Body is to act on the recommendations of the Planning Commission.

Councilor Romero-Wirth said we could approve the three parts and trust that the Planning Commission could approve the new Development Plan which would address those quality-of-life concern.

Councilor Chavez agreed with Councilor Romero-Wirth but also saw not all Governing Body members were ready to approve tonight. So, she thought postponing was appropriate.

Ms. McSherry said Councilor Chavez was correct. It could be done that way.

Councilor Cassutt was still concerned about the R-10 rezoning from R-6.

Councilor Romero-Wirth said the reason for the request was to accommodate the housing model design of duplex-attached units which could not be done with R-6. And the Developer acknowledged that the design could be done with R-8 or R-7.

Ms. Lamboy clarified that R-10 is what allows the setbacks the Planning Commission asked them to provide. R-7 would not allow that.

Councilor Romero-Wirth thought the Developer would need to know what the design would be before getting an approval.

Mr. Seibert said this is at an impasse. He proposed the Governing Body merely postpone this. They would go back to the Planning Commission and get a preliminary development and subdivision plat approved and

then return to the Governing Body with their approval and the rezoning could be acted upon.

Mayor Webber agreed that has been an option.

Mr. Patton said, "Absolutely we need it. That was the reason why we didn't go back yet."

Councilor Chavez felt we could all use more information and felt a postponement was most appropriate.

There were no other questions and Mayor Webber closed the public portion.

MOTION: Councilor Michael Garcia moved, seconded by Councilor Chavez to postpone Agenda items 19 c, d, and e until after the Planning Commission has heard the revised preliminary development plan and made a recommendation.

VOTE: The motion was approved on a unanimous voice vote:

For: Mayor Webber, Councilor Cassutt, Councilor Chavez, Councilor L Garcia, Councilor M. Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None

d. CONSIDERATION OF BILL NO. 2022-20. ADOPTION OF ORDINANCE 2022-__.

Case #2021-3815. Villas de Las Soleras Tract 13 Rezoning.

Mr. Seibert W. Siebert and Associates, Inc., Agent, for Ross's Peak Holding,

Ltd., Co., Owner, Requests a Rezoning of a 6.8-Acre Property within the Las Soleras Master Plan Area from R-6 (Residential- Six Dwelling Unit Per Acre) to R-10 (Residential 10 Dwelling Unit Per Acre) for a Property Located at 4601 Rail Runner Road. (Heather Lamboy, Assistant Director, Land Use Department: hllamboy@santafenm.gov, 955-

6598) **POSTPONED FROM THE AUGUST 10, 2022 REGULAR GOVERNING BODY MEETING.**

e. CONSIDERATION OF RESOLUTION NO. 2022_____.

Case #2021-3811. Villas de Las Soleras Tract 13 Master Plan

Amendment. James W. Siebert and Associates, Inc., Agent, for Ross's Peak Holding, Ltd., Co., Owner, Requests Approval of an Amendment to

the Las Soleras Master Plan to Reflect an Increased Density from 6 Units Per Acre to 10 Units Per Acre for Approximately 6.8 Acres at 4601 Rail Runner Road. (Heather Lamboy, Assistant Director, Planning and Land Use Department: hllamboy@santafenm.gov, 955-6598)

These two cases were postponed in the motion above.

20. **APPOINTMENTS**

There were no appointments.

21. **ADJOURN**

Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 11:10 p.m.

Approved by:



Mayor Alan Webber

ATTESTED TO:



Kristine Bustos Mihelcic, City Clerk

Respectfully submitted by:



Carl G. Boaz, Council Stenographer

**GOVERNING BODY MEETING
EXECUTIVE SESSION
September 28, 2022**

The Governing Body of the City of Santa Fe met in an executive session duly called on September 28, 2022, beginning at 6:17 p.m.

The following was discussed:

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(7), Attorney-Client Privileged Discussion Regarding Threatened and Pending Litigation in Which the City of Santa Fe Is or May Become a Participant, Including *Mark Edwards, et al. v. Interfaith Community Shelter at Pete's Place and the City of Santa Fe*, D-101-CV-2020-02201. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov; 955-6512)

PRESENT

Mayor Webber
Councilor Cassutt
Councilor Chavez
Councilor L. Garcia
Councilor Lindell
Councilor Romero-Wirth
Councilwoman Villarreal
Councilor M. Garcia
Councilor Rivera

STAFF PRESENT

John Blair, City Manager
Erin McSherry, City Attorney
Kristine Bustos Mihelcic, City Clerk
Andrea Salazar, Assistant City Attorney
Kyra Ochoa, Community Health and Safety Director

There being no further business to discuss, the executive session adjourned at 6:47 p.m.



Kristine Bustos Mihelcic, City Clerk