



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
DECEMBER 14, 2022 5:00 PM
CITY 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> through 1:00p.m. the day 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/89876894577>.

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: 898 7689 4577**

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 Chavez

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

Councilwomen Villarreal

4. **INVOCATION AND REMEMBRANCES**

Councilor Michael Garcia

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; Ricky Bejarano, Chief Accounting Officer, rabejarano@santafenm.gov; 505-629-6988)
- b. State of the Municipal Court (Judge Virginia Vigil, Municipal Court Judge: vmvigil@santafenm.gov; 505-955-5110)

9. **ACTION ITEMS: CONSENT AGENDA**

- a. Request for Approval of the November 2, 2022 Governing Body Study Session Minutes. (Geraldyn Cardenas, Assistant City Clerk: gfcardenas@santafenm.gov; 505-955-6519)

Committee Review:

Governing Body: 12/14/2022

- b. Request for Approval of the November 9, 2022 Regular Governing Body Meeting Minutes. (Geraldyn Cardenas, Assistant City Clerk: gfcardenas@santafenm.gov; 505-955-6519)

Committee Review:

Governing Body: 12/14/2022

- c. Request for Approval of Amendment No. 1 to Telecommunications Agreement Item #19-0871 with Century Link to Increase Compensation by \$45,720 for a Total Amount of \$483,595.20 for a Term of Sixty Months with GEO MAX. (Manuel Gonzales, ITT Department Director: mmgonzales@santafenm.gov, 505-955-5576)

Committee Review:

Finance Committee: 11/28/2022

Quality of Life Committee: 12/07/2022

Governing Body: 12/14/2022

- d. Request for Approval of American Rescue Plan Act (ARPA) Recovery Funds Subrecipient Contract with the New Mexico Coalition to End Homelessness in the Total Amount of \$600,000 for Consuelo's Place Shelter Under the First Statutory Category – to Respond to the COVID-19 Public Health Emergency or its Negative Economic Impacts. (Cody Minnich, Housing Grant Manager: cjminnich@santafenm.gov, 505-955-6574)

Committee Review

Finance Committee: 11/28/2022

Quality of Life Committee: 12/07/2022

Governing Body: 12/14/2022

- e. Request for Approval of Amendment No. 1 to Memorandum of Agreement Item #20-0043 Between the New Mexico Energy, Minerals and Natural Resources Department and the City of Santa Fe Fire Department in the Total Amount of \$30,000 of Reimbursable Expenditures. (Brian Moya, Fire Chief: bjmoya@santafenm.gov, 505-955-3111 and Sten Jonson, Assistant Fire Chief: sajohnson@santafenm.gov, 505-955-3121)

Committee Review:

Finance Committee: 11/28/2022

Public Works and Utilities Committee: 12/12/2022

Governing Body: 12/14//2022

- f. Request for Approval of Amendment No.1 to the Phone Maintenance and Support Agreement Item #20-0041 with Altura Communications Solutions to Increase Compensation by \$583,959.21 Including Gross Receipts Tax for Telecommunications Services through December 31, 2025 in the Total Amount of \$827,600.07. (Manuel Gonzales, mmgonzales@santafenm.gov, 505-955-5576)

Committee Review:

Finance Committee: 11/28/2022

Quality of Life Committee: 12/072022

Governing Body: 12/14/2022

- g. Request for Approval of an Intergovernmental Cooperative Purchasing Agreement with OMNIA Partners for the Utilization of the Cooperative Purchasing Program Administered by OMNIA Partners for the City of Santa Fe. (JoAnn Lovato, Contracts Supervisor: jdlovato@santafenm.gov, 505-469-6045)

Committee Review:

Finance Committee: 11/28/2022

Public Works and Utilities Committee: 12/12/2022

Governing Body: 12/14/2022

- h. Request for the Approval of FY 2023 Grant Contract with Corporation for National and Community Service in the Total Amount of \$89,058 for the Foster Grandparent and Retired Senior Companion Volunteer Programs. (Anya Alarid, Volunteer Program Manager: aalarid@santafenm.gov 505-955-4744)

Committee Review:

Finance Committee: 11/28/2022

Quality of Life Committee: 12/7/2022

Governing Body: 12/14/2022

- i. Request for Approval of Amendment No. 6 to Administrative Services Agreement #15-0757 with Cigna Health and Life Insurance to Extend the Term to June 30, 2025 for City of Santa Fe Employer Sponsored Health and Life Insurance Benefits. (Alvin Valdez Benefits and Wellness Supervisor, aavaldez1@santafenm.gov, 505-955-6075 and Bernadette Salazar, Human Resources Director, bjsalazar@santafenm.gov, 505-955-6591)

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Finance Committee: 11/28/2022

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Governing Body 12/14/2022

- j. Request for Approval of Amendment No. 1 to Professional Services Agreement Item #19-0751 with Santa Fe Engineering Consultants LLC to Increase the Compensation by \$500,000 for a Total Amount of \$1,000,000 Exclusive of NMGR. (Romella Glorioso-Moss, Capital

Projects Manager, rsglorioso-moss@santafenm.gov, 505-955-6623)

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Finance Committee: 11/28/2022

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- k. Request for Approval of Amendment No. 4 to Professional Services Agreement Item #22-0158 with Wilson & Co Inc. to Increase the Compensation by \$4,000,000 to the Total Amount of \$7,000,000 Exclusive of NMGRT. (Romella Glorioso-Moss, Capital Projects Manager: rsglorioso-moss@santafenm.gov, 505-955-6623)

Committee Review:

Finance Committee: 11/28/2022

Public Works & Utilities Committee: 12/12/2022

Governing Body: 12/14/2022

- l. Request for Approval of a Grant Agreement with New Mexico Department of Transportation in the Total Amount of \$83,749 for the Funding of Projects: End Driving While Impaired (ENDWI); Buckle Up (BKLUP)/Click it or Ticket (CIOT); Selective Traffic Enforcement Program (STEP)/Summer Enforcement Period. (Lieutenant Jose Gonzales Support Operations and Traffic: jcgonzales@santafenm.gov)

- 1. Request for Approval of a Budget Amendment Resolution in the Total Amount of \$83,749 to Increase the General Fund Budget to Fund Various Traffic Enforcement Projects with New Mexico Department of Transportation.

Committee Review:

Finance Committee: 11/28/2022

Quality of Life Committee: 12/07/2022

Governing Body Committee: 12/14/2022

- m. Request for Approval of an On-Call Services Contract with San Bar Construction Corp. for City Wide Roadway Marking and Pavement

Striping Not to Exceed \$271,093.75 Inclusive of NMGRT Annually Through June 30, 2026. (Jose Lerma, Traffic Operations Manager: jnlerma@santafenm.gov, 505-955-2341)

Committee Review:

Finance Committee: 11/28/2022

Public Works & Utilities Committee: 12/12/2022

Governing Body: 12/14/2022

- n. Request for Approval of a Memorandum of Agreement between the City of Santa Fe, Santa Fe County, and the Town of Edgewood, Regarding the Regional Emergency Communication Center's Migration to the Statewide Digital Trunked Radio System Cores, Including the City's Commitment to Pay the Initial Costs Associated with the Move Proposal, in the Estimated Amount of \$194,102. (Manuel Gonzales, IT Director: mmgonzales@santafenm.gov; 505-955-5576)

Committee Review:

Public Works and Utilities Committee: 12/12/2022

Governing Body: 12/14/2022

- o. Approval of the Agreement Between the City of Santa Fe and 400 Market Street, LLC to Extinguish Exchange Areas and Remove the City's Right of Exchange of a City Piece of Property for a Piece of Property on 400 Market Street in the Railyard. (Terry Lease, Asset Development Manager: tjlease@santafenm.gov)

Committee Review:

Public Works and Utilities Committee: 12/12/2022

Governing Body: 12/14/2022

- p. CONSIDERATION OF RESOLUTION NO 2022-__ (Councilor Cassutt and Councilwoman Villarreal)
A Resolution in Support of the Appropriation of Funds by the New Mexico Legislature for New Mexico-Grown Fresh Fruits and Vegetables for School and Senior Meals Programs and Related Education Programs for Schools and Farmers. (Jesse Guillen, Policy and Innovation

Manager: jbguillen@santafenm.gov, 505-955-6518)

Committee Review:

Governing Body (Introduced): 11/09/2022

Quality of Life Committee: 12/07/2022

Governing Body: 12/14/2022

10. **ACTION ITEMS: DISCUSSION AGENDA**

11. **MATTERS FROM THE CITY MANAGER**

12. **MATTERS FROM THE CITY ATTORNEY**

13. **MATTERS FROM THE CITY CLERK**

14. **COMMUNICATIONS FROM THE GOVERNING BODY**

15. **INTRODUCTION OF LEGISLATION**

- a. **CONSIDERATION OF RESOLUTION NO. 2022-__.** (Mayor Webber, Councilor Cassutt, Councilor Chavez)
A Resolution Adopting the Midtown Community Development Plan for the Midtown Redevelopment Project. (Lee Logston, Midtown Asset Development Manager: llogston@santafenm.gov, 505-995-6914)

Committee Review:

Governing Body (Introduced): 11/09/2022 (Postponed)

Governing Body (Introduced): 11/30/2022 (Postponed)

Governing Body (Introduced): 12/14/2022

Finance Committee: 01/03/2023

Quality of Life Committee: 01/04/2023

Public Works and Utilities Committee: 01/09/2023

Economic Development Advisory Committee: 01/11/2023

Governing Body: 01/11/2023

16. **PETITIONS FROM THE FLOOR**

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

18. FINAL ACTION ON LEGISLATION (PUBLIC HEARING)

19. PUBLIC HEARINGS

- a. CONSIDERATION OF RESOLUTION NO. 2022-_____.
Case #2022-5767. Midtown Adjacent Parcels General Plan Amendment. The City of Santa Fe, Agent, Requests that the Governing Body Approve a Resolution to Amend the Existing General Plan Future Land Use Classification for the City of Santa Fe and New Mexico State-Owned Parcels Comprising ±24-Acres Adjacent to 1600 St. Michaels Drive from Public/Institutional to Transitional Mixed Use. (Heather Lamboy, Case Manager, hllamboy@santafenm.gov, 505-955-6598)
- b. CONSIDERATION OF BILL NO. 2022-26. ADOPTION OF ORDINANCE NO. 2022-_____.
Case #2022-5769. Midtown Adjacent Parcels Rezoning. The City of Santa Fe, Agent, Requests that the Governing Body Approve an Ordinance to Rezone the City of Santa Fe and New Mexico State-Owned Parcels Comprising ±24-Acres Adjacent to 1600 St. Michaels Drive from R-5 (5 Residential Dwelling Units Per Acre) to C-2 (General Commercial). The Parcels are within the Midtown LINC Overlay District. (Heather Lamboy, Case Manager: hllamboy@santafenm.gov, 505-955-6598)
- c. CONSIDERATION OF BILL NO. 2022-22. ADOPTION OF ORDINANCE NO. 2022-_____.
Case #2022-5063. 2200 Old Pecos Trail Rezoning. Case #2022-5063. Montoya Land Use Consulting, Inc., Agent for Pierre Amestoy, Applicant, Requests Approval of a Bill to Rezone Approximately 9.59 Acres, Located at 2200 Old Pecos Trail, within the South Central Highway Corridor Overlay District and the Suburban Archaeological Review Overlay District, from R-1 (Residential - One Dwelling Per Acre) to R-3 (Residential-Three Dwellings Per Acre). (Dan Esquibel, Case Manager: daesquibel@santafenm.gov, 505-955-6587)

20. **APPOINTMENTS**

a. Mayor's Youth Advisory Board

- Aseneth Ultreras – Appointment – Term Ending 12/2024
- Cassiana Serna – Appointment – Term Ending 12/2023
- Elissa Wechsler – Appointment – Term Ending 12/2024
- Linnea Farrell – Appointment – Term Ending 12/2024
- Myya Patel – Appointment – Term Ending 12/2023

b. Santa Fe Library Board

- Adele Oliveira – Appointment – Term Ending 07/2025
- Janet Gilchrist – Appointment – Term Ending 07/2024

c. Audit Committee

- Stephanie Woodruff – Appointment – Term Ending 1/2025

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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December 14, 2022**

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**Minutes of the
Special Meeting of the Governing Body
Wednesday, December 14, 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, December 14, 2022, at approximately 5:06 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 Chavez led the Pledge of Allegiance.

3. SALUTE TO THE NEW MEXICO FLAG

Councilor Villarreal led the Salute to the New Mexico Flag.

4. INVOCATION AND REMEMBRANCES

Councilor Michael Garcia gave the Invocation. He asked blessings to Santa Fe this year, to his colleagues as they looked forward to 2023, and to let those blessings continue.

Councilor Lindell remembered and acknowledged the passing of Dan Hamilton and Valerie Hamilton, called to his reward at 52 years old. Hold them in your heart for healing prayers. Secondly, it is 10th anniversary of Sandy Hook. Every day is an anniversary for the parents of those twenty little first-graders. Hope we can commit to the unthinkable – those lost - those little kids. Let's make an effort to hold them close.

Mayor Webber echoed that remembrance for the Hamilton's. Their loss is our loss too. At Sandy Hook, there were 26 lives of children and teachers. An old friend of his, Frances Hesselbein, former head of the Girl Scouts of America. She ended up teaching Leadership at West Point. A great role model for girls. We salute her leadership at every Girl Scout Council. Let's take a moment to remember all of them.

The Governing Body observed a moment of silence for those who have recently died and their grieving families.

5. ROLL CALL

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

Members Present

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

Members Excused

Other Participants Attending

Erin K. McSherry, City Attorney
Kristine Bustos-Mihelcic, City Clerk
John Blair, City Manager
Emily Oster, Finance Director
Lee Logston, Midtown Asset Development Manager
Terry Lease, Asset Development Manager
Kyra Ochoa, Community Health, and Safety Department Director
Heather Lamboy, Case Manager
Carl Boaz, Council Stenographer

6. APPROVAL OF AGENDA

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

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

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

Against: None.

5. **APPROVAL OF CONSENT AGENDA**

Ms. Bustos-Mihelcic said Item A was removed for discussion by Councilor Villarreal.

Councilor Michael Garcia asked for H to be pulled from Consent so he could recuse himself.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Cassutt, to approve the Consent Agenda as amended with Item A and H removed for discussion.

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 Romero-Wirth, and Councilor Villarreal.

Against: None.

8. **PRESENTATIONS**

- a. FY21 Audit Update (Emily Oster, Finance Director, 505-629-3411, ekoster@santafenm.gov.)

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

Director Oster presented the FY21 audit update. They are continuing to work on both FY21 and FY22 with contractors from Clifton Larsen Allen, in the preparations now on Contractors, on FY21 accruals into FY22, fixed assets, and cash. The current audit firm is continuing to work on the analysis of the relationship of BDD and SWMA with the City. Mr. Bejarano contacted them yesterday and, so far everything is going smoothly.

- b. State of the Municipal Court (Judge Virginia Vigil, Municipal Court Judge: vmvigil@santafenm.gov; 505-955-110)

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

Judge Vigil recalled this room was once the speech class for Santa Fe High School.

She noted that Homeless Court no longer exists. He introduced Mr. Chad Chittim has implemented a lot of the changes. He is Staff Attorney and Administrator, who has implemented the Outreach Court that was trying to capture the defendants who need assistance from services available from the City. It is just now beginning and is a diversionary program. Attorneys and many others are happy having it available.

They also adopted language specialist program, hiring bilingual people to communicate in Spanish with those not speaking English. It is now a State requirements and we are required to have staff members who are bilingual in Spanish and part of the goal is to keep them on staff.

Mayor Webber thanked her to presenting her annual report to the Governing Body. He noticed four cell phone violations and asked her to share who would come to court with a cell phone violation.

Judge Vigil said that violation carries a \$256 fine. There are no demographic for it. She explained that officers adhere to the hands-off ordinance that is intended for safety of the people. Even just looking at a GPS, the driver is still liable. When the officer sees them holding their phone, they are a violator.

Mayor Webber saw that shoplifting is also serious violations.

Judge Vigil agreed, especially from Thanksgiving on, shoplifting is high.

Mayor Webber thanked Judge Vigil for the way she swears in officers making it a highlight for them.

Councilor Rivera noted Judge Vigil has been successful at the Legislature. He asked if she was requesting anything now,

Judge Vigil said she was requesting active shooter training through the Administrative Office of the Courts. With funding to promote that safety program during this legislative session.

9. **ACTION ITEMS: CONSENT AGENDA**

The Governing Body discussed this item, pulled by Councilor Villareal.

- a. Request for Approval of the November 2, 2022 Governing Body Study Session Minutes. (Geraldyn Cardenas, Assistant City Clerk: gfcardenas@santafenm.gov; 505-955-6519)

Committee Review:

Governing Body: 12/14/2022

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

Councilor Villarreal noted some corrections needed in the November 2, 2022 Study Session minutes. The minutes indicated Mayor Webber was not present but he was physically present, and Mayor Pro-Tem Lindell chaired that meeting after calling the meeting to order. Councilors Rivera, Garcia, and Villarreal were not on Zoom. The Study Session was not a hybrid meeting. She also requested the members of the CHART Team be listed by name in the minutes.

Ms. McSherry suggested to postpone the minutes until later.

MOTION: Councilor Villarreal moved, seconded by Councilor Michael Garcia, to postpone approval of the November 2, 2022 Governing Body Study Session minutes to the next regular meeting.

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 Romero-Wirth, and Councilor Villarreal.

Against: None.

- b. Request for Approval of the November 9, 2022 Regular Governing Body Meeting Minutes. (Geraldyn Cardenas, Assistant City Clerk: gfcardenas@santafenm.gov; 505-955-6519)

Committee Review:

Governing Body: 12/14/2022

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Finance Committee: 11/28/2022

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- d. Request for Approval of American Rescue Plan Act (ARPA) Recovery Funds Subrecipient Contract with the New Mexico Coalition to End Homelessness in the Total Amount of \$600,000 for Consuelo's Place Shelter Under the First Statutory Category – to Respond to the COVID19 Public Health Emergency or its Negative Economic Impacts. (Cody Minnich, Housing Grant Manager: cjminnich@santafenm.gov, 505-9556574)

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- g. Request for Approval of an Intergovernmental Cooperative Purchasing Agreement with OMNIA Partners for the Utilization of the Cooperative Purchasing Program Administered by OMNIA Partners for the City of Santa Fe. (JoAnn Lovato, Contracts Supervisor:

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Committee Review:

Finance Committee: 11/28/2022

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Discussed

- h. Request for the Approval of FY 2023 Grant Contract with Corporation for National and Community Service in the Total Amount of \$89,058 for the Foster Grandparent and Retired Senior Companion Volunteer Programs. (Anya Alarid, Volunteer Program Manager: aalarid@santafenm.gov 505-955-4744)

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Ms. Bustos-Mihelcic read the caption for this item which was pulled by Councilor Michael Garcia so he could recuse himself.

Councilor Michael Garcia said he wished to recuse himself from consideration of this matter because he works for the federal agency that administers the Foster Grandparent program.

He left the room.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Lindell, to approve the Grant Contract as presented.

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 Romero-Wirth, and Councilor Villarreal.

Against: None.

Councilor Michael Garcia returned to the bench after the vote was taken.

- i. Request for Approval of Amendment No. 6 to Administrative Services Agreement #15-0757 with Cigna Health and Life Insurance to Extend the Term to June 30, 2025 for City of Santa Fe Employer Sponsored Health and Life Insurance Benefits. (Alvin Valdez Benefits and Wellness Supervisor, aavaldez1@santafenm.gov, 505-955-6075 and Bernadette

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Public Works & Utilities Committee: 12/12/2022

Governing Body: 12/14/2022

- l. Request for Approval of a Grant Agreement with New Mexico Department of Transportation in the Total Amount of \$83,749 for the Funding of Projects: End Driving While Impaired (ENDWI); Buckle Up (BKLUP)/Click it or Ticket (CIOT); Selective Traffic Enforcement Program (STEP)/Summer Enforcement Period. (Lieutenant Jose Gonzales Support Operations and Traffic: jcgonzales@santafenm.gov)

1. Request for Approval of a Budget Amendment Resolution in the Total Amount of \$83,749 to Increase the General Fund Budget to Fund Various Traffic Enforcement Projects with New Mexico Department of Transportation.

Committee Review:

Finance Committee: 11/28/2022

Quality of Life Committee: 12/07/2022

Governing Body Committee: 12/14/2022

- m. Request for Approval of an On-Call Services Contract with San Bar Construction Corp. for City Wide Roadway Marking and Pavement Striping Not to Exceed \$271,093.75 Inclusive of NMGRT Annually Through June 30, 2026. (Jose Lerma, Traffic Operations Manager: jnlerma@santafenm.gov, 505-955-2341)
Committee Review:
 Finance Committee: 11/28/2022
 Public Works & Utilities Committee: 12/12/2022
 Governing Body: 12/14/2022
- n. Request for Approval of a Memorandum of Agreement between the City of Santa Fe, Santa Fe County, and the Town of Edgewood, Regarding the Regional Emergency Communication Center's Migration to the Statewide Digital Trunked Radio System Cores, Including the City's Commitment to Pay the Initial Costs Associated with the Move Proposal, in the Estimated Amount of \$194,102. (Manuel Gonzales, IT Director: mmgonzales@santafenm.gov; 505-955-5576)
Committee Review:
 Public Works and Utilities Committee: 12/12/2022
 Governing Body: 12/14/2022
- o. Approval of the Agreement Between the City of Santa Fe and 400 Market Street, LLC to Extinguish Exchange Areas and Remove the City's Right of Exchange of a City Piece of Property for a Piece of Property on 400 Market Street in the Railyard. (Terry Lease, Asset Development Manager: tjlease@santafenm.gov)
Committee Review:
 Public Works and Utilities Committee: 12/12/2022
 Governing Body: 12/14/2022
- p. CONSIDERATION OF RESOLUTION NO 2022-__ (Councilor Cassutt and Councilwoman Villarreal)
 A Resolution in Support of the Appropriation of Funds by the New Mexico Legislature for New Mexico-Grown Fresh Fruits and Vegetables for School and Senior Meals Programs and Related Education Programs for Schools and Farmers. (Jesse Guillen, Policy, and Innovation Manager: jbg Guillen@santafenm.gov, 505-955-6518)
Committee Review:
 Governing Body (Introduced): 11/09/2022
 Quality of Life Committee: 12/07/2022
 Governing Body: 12/14/2022

10. **ACTION ITEMS: DISCUSSION AGENDA**

There were no action items on this agenda.

11. **MATTERS FROM THE CITY MANAGER**

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

Manager Blair thanked all who attended the Legislative breakfast. The delegation was pleased with the event and he looked forward to the upcoming session He thanked Kathy Salazar, Layla Archuleta-Maestas, Deputy City Manager for taking care of the arrangements, and Director Wheeler for taking care of the legislative booklet.

We are working hard to be ready for the IT transition in January with lunch and Learn to update staff on the details. It was great opportunity for all staff to meet who had never before met in person. He thanked Linda Gonzales and HR Director Salazar for making it happen.

He reminded everyone the City Offices would shut down on December 23 and some parts will be closed through Christmas.

12. **MATTERS FROM THE CITY ATTORNEY**

Ms. McSherry announced the second Charter Commission meeting would be held on Thursday where public comment via Zoom or in-person was invited and discussing topics listed in the Resolution. Other 2023 meetings are scheduled on Thursdays semi-monthly in the months of January through May.

She invited any who were interested to attend and all members of Governing Body to comment or make suggestions. Mr. Guillen submitted instructions on how to receive requests that would be helpful or any questions about New Mexico Law. The City will start using the revisions from the Charter Commission soon if no feedback was received.

13. **MATTERS FROM THE CITY CLERK**

Ms. Bustos-Mihelcic thanked her team who have been helping with various things. We had 3 new hires – one was the new multi-media coordinator who starts tomorrow and is training here tonight. Scott Peay and Rachel Medvais both started in Constituent Service Specialist positions. She gave a huge thank you to HR on reclassifying staff positions.

Her team will sponsor a Christmas sweater contest and a door decorating contest next Wednesday with prizes on Thursday and send your Christmas letters for judging too.

14. **COMMUNICATIONS FROM THE GOVERNING BODY**

Councilor Chavez wished all a happy holiday and New Year. She hoped everyone a time to cherish with family and friends.

Councilor Rivera thanked Staff for the breakfast with our Legislators. There was a great attendance of Legislators. Thanks to Youthworks for providing breakfast. Thanks to the Southside Library hosting. Merry Christmas to Staff and Governing Body and have a happy New Year and a good start to the work right away.

He reminded the public about the great New Year's Eve event on the Plaza.

Mayor Webber wished him great luck with the knee physical therapy.

Councilor Michael Garcia thanked those who put together the Legislative Breakfast. It was awesome site visit to the Teen Center at the site. It will be ready soon and looks like a fantastic space. "Happy Christmas, Hanukkah, and Kwanza. Stay safe and healthy and enjoy the season."

Councilor Villarreal thanked Staff and colleagues. It has been a blessing this year and intense with lots happening, We are still in COVID recovery. Just do your best. Be hopeful and happy. And Happy Birthday to Councilor Cassutt who will be turning 21 in December.

Councilor Lindell said, "I have my ugly sweater on. It is the season of naughty and nice. Some may get a pony, and some may not. Perhaps some will get a keychain or something smaller. It is a festive season. People have a little pep in their step this time of year. She was very thankful The year 2023 will be a good year for us. We had some ups and downs this year. We've lost some dear friends who would expect us to carry on and be kind with each other.

Councilor Romero-Wirth wished the Railyard 20th anniversary congratulations. She was glad to attend their event last week. Thanks to Staff for the safe spaces community meeting. It was interesting and informative and well attended.

She clarified some newspaper articles about our public process and there was misunderstanding. When Governing Body adopted new policies and rules at the start of this year, the Governing Body wanted to increase public participation. A bill is introduced and at the very next meeting, there is a public hearing to hear from the public about their thoughts on the legislation so as it moves through the

committees, there are opportunity to address problems or issues and what needs to be changed so that at final passage, that legislation has been given a lot of thought and community input.

We used to do discussion only at final passage but now at introduction time to get better public input. We have worked to make the public process better. There are things in the rules like no cross-examination of witnesses. We did not put that in the rules. It is part of legal proceedings, and it is only if you are a party to the case. At the Governing Body level, you cannot cede time to another person. That was in the rules, but we stated only what has been a longstanding procedure. Anyone can come here and speak for two minutes either in petitions from the floor or on a specific case hearing. We will sit here and listen to as many as want to speak. We need to correct the record because it was misunderstood. On a lighter note, she wished everyone happy holidays. The Plaza lights are spectacular this year.

Councilor Cassutt said she is having a birthday soon. Having a birth right after Christmas C section – who does that now. But that was 38 years ago, and she thought she could get over it now. She thanked those who worked on procedural rules. Thanks for what was changed and what was kept the same. You can also email your comments. It all goes in the packet, and the Councilors do read the packet. And the pandemic brought us Zoom. So the public can address the Governing Body through Zoom also.

She wished everyone a happy holiday season. Downtown is truly beautiful. Her Mom was coming to town for Christmas, Hannukah and her birthday. It is such a wonderful time. But sometimes, the holiday is hard on people. “Please check in on each other. Please be kind. The National Crisis Hotline is always there for you or friends or family. Please reach out to them. Call 988 when it is needed.”

She thanked her colleagues and City Staff as we all got through this year in pandemic lifestyle. And so much has been done. She applauded IT and the City Clerk for getting us through the virus pandemic.

Councilor Lee Garcia wanted to echo all the words of holiday wishes, especially during the events we have. He thanked police, firefighters, park staff. For their endless hours to allow us to enjoy the holiday events. Be kind to others because you don’t know what they are going through.

Councilor Rivera also thanked the employee benefits for the staff holiday party. He heard it was lot of fun. He could not attend because of his surgery.

Mayor Webber agreed it was a great party. Our team worked very hard, and it was quite a celebration. Santa Fe is absolutely magical at this time of year. The Tourism Department had us invited to Meow Wolf for a fundraiser for the hospitality industry training young people to be part of the industry. The Meow

Wolf folks were excited to host us there again. And Councilor Romero-Wirth mentioned the Railyard celebration. Today, two more police officers were sworn in. Judge Vigil did a great job swearing them in. It is difficult to recruit folks who want to do this job and helping the families whose day isn't good.

He mentioned the gift creation at the Santa Fe Public Library on December 16 from 2-4; Teen Night on Friday, December 16 and GCCC from 6-8; free caroling with Desert Chorale, on December 17 11-11:30 and the Railyard Water Tower 1:30 – 2:00. Hanukah on the Plaza, December 18 at 3:00 to light the Menorah.

He recalled that last year, at the celebration of New Year's Eve, it was snowing on the Plaza. The celebration goes from 8:00 p.m. through midnight.

It was hard to realize that this is the last scheduled meeting of the year 2022. He was grateful for all the hard work that was undertaken. This City and this elected group do a tremendous amount of work and he appreciate all of them.

15. INTRODUCTION OF LEGISLATION

- a. CONSIDERATION OF RESOLUTION NO. 2022-___. (Mayor Webber, Councilor Cassutt, Councilor Chavez)
A Resolution Adopting the Midtown Community Development Plan for the Midtown Redevelopment Project. (Lee Logston, Midtown Asset Development Manager: llogston@santafenm.gov, 505-995-6914)
Committee Review:
Governing Body (Introduced): 11/09/2022 (Postponed)
Governing Body (Introduced): 11/30/2022 (Postponed)
Governing Body (Introduced): 12/14/2022
Finance Committee: 01/03/2023
Quality of Life Committee: 01/04/2023
Public Works and Utilities Committee: 01/09/2023
Economic Development Advisory Committee: 01/11/2023
Governing Body: 01/11/2023

Ms. Bustos-Mihelcic read the caption for introduction of this legislation.

Mayor Webber gave his support to the Midtown project overall and especially the Community Development Plan which will help revitalize the Midtown property which the City owns.

Councilor Cassutt spoke to it also, and on how we take care of the surrounding neighborhoods to Midtown. It is something the entire public can access. It is very close to her heart as part of her constituents. The public's involvement is essential for its success and impact on the City.

Councilor Chavez said this plan was very important to her. It is really keeping the community project at heart. It is one the Governing Body continues to listen to the community input and keeping it true to what the community wants there. She urged the community to stay involved in it.

Councilor Villarreal wanted to amend the committee pathway for this item. She wanted it to be heard at the Community Development Commission meeting on Wednesday, January 4, 2023.

Mayor Webber invited her motion to add it to the committee review schedule.

MOTION: Councilor Villarreal moved, seconded by Councilor Cassutt, to postpone this matter until the scheduled meeting on January 11, 2023 and add the Community Development Committee on January 4, 2023 to the Committee review schedule.

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 Romero-Wirth, and Councilor Villarreal.

Against: None.

Agenda Amendment

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Cassutt, to amend the agenda by going next to Item 20, Appointments, and then to Item 19, a and b, Public Hearings a and b, and then return to Petitions from the Floor.

Discussion on the Motion:

Councilor Rivera hoped to take Petitions from the Floor at 7:00 if the Governing Body was not finished with Public Hearings at that time.

Ms. McSherry mentioned that the Governing Body could reopen the Public Hearing, if needed.

Councilor Romero-Wirth agreed. We are pretty much at the voting stage and will make best use of that time.

Councilor Michael Garcia didn't recall discussing it before.

Mayor Webber recalled we lacked the correct documents.

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 Romero-Wirth, and Councilor Villarreal.

Against: None.

The Governing Body went to Appointments.

20. **APPOINTMENTS**

a. Mayor's Youth Advisory Board

- Aseneth Ultreras – Appointment – Term Ending 12/2024
- Cassiana Serna – Appointment – Term Ending 12/2023
- Elissa Wechsler – Appointment – Term Ending 12/2024
- Linnea Farrell – Appointment – Term Ending 12/2024
- Myya Patel – Appointment – Term Ending 12/2023

Ms. Bustos-Mihelcic read the nominees for the Mayor's Youth Advisory Board.

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

Discussion on the Motion:

Councilor Chavez said she sat in on the interviews and said the nominees are all very impressive. It was obvious they were very interested in bettering the City. They came prepared and shared their goals for their service on the Board.

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 Romero-Wirth, and Councilor Villarreal.

Against: None.

b. Santa Fe Library Board

- Adele Oliveira – Appointment – Term Ending 07/2025
- Janet Gilchrist – Appointment – Term Ending 07/2024

Ms. Bustos-Mihelcic read the nominees for the Santa Fe Library Board.

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

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 Romero-Wirth, and Councilor Villarreal.

Against: None.

c. Audit Committee

- Stephanie Woodruff – Appointment – Term Ending 1/2025

Ms. Bustos-Mihelcic read the nominees for the Audit Committee.

Councilor Michael Garcia – didn't see Judge Vigil here and had a question.

Manager Blair apologized and could try to get her on Zoom.
Councilor Michael Garcia deferred. And made a motion to postpone to next meeting /Councilor Villarreal?

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Cassutt, to approve the nominee for the Audit Committee as presented.

Discussion on the Motion:

Councilor Michael Garcia asked if Judge Vigil was still present.

Manager Blair said she was not feeling well and is not present now.

Councilor Michael Garcia asked if there is a rule on how long a committee member can serve. Since the Judge is responsible for appointments to the Audit Committee, he asked if someone else could respond.

Manager Blair said Director Oster could have but she is not present either.

Councilor Michael Garcia said his questions would best be answered by Judge Vigil. So he would move to postpone this until Judge Vigil could return.

MOTION: Councilor Michael Garcia moved, seconded by Councilor Romero-Wirth, to postpone this appointment to the next meeting.

Discussion on the Motion:

Mayor Webber asked if he would share what the questions were.

Councilor Michael Garcia said he had four questions for her. He knew the term for Ms. Woodruff was to begin in January and asked if her previous term had ended.

Mayor Webber turned to the “team” and asked if anyone knew the limitations on term.

Councilor Michael Garcia said he has researched the matter. Judge Vigil had reviewed it and it was her nomination. So, she is the one who should answer the question.

Mayor Webber recalled Ms. Woodruff left after her term expired. We can ask Judge Vigil in January.

Councilor Villarreal wondered if the vacancy was advertised. It would be best to get fresh eyes on the Audit Committee and to get our audit process back in control with a clean slate.

Councilor Romero-Wirth observed that fresh eyes could cut both ways. Fresh eyes were not those who were familiar with where we have been and how we are correcting those problems. We should get those answered from the Judge.

Ms. McSherry, regarding the technical questions, spoke from the rules . Ms. Woodruff was on a three-year second appointment, and there is a limit of four terms of three years each.

Mayor Webber said Judge Vigil shared there were some new people and others who were experienced. We can get the Judge later when she is well and take it up in January.

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

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

Against: None.

The Governing Body went to Item 19 a - Public Hearings.

19. PUBLIC HEARINGS

- a. CONSIDERATION OF RESOLUTION NO. 2022-_____.
Case #2022-5767. Midtown Adjacent Parcels General Plan Amendment. The City of Santa Fe, Agent, requests that the Governing Body Approve a Resolution to Amend the Existing General Plan Future Land Use Classification for the City of Santa Fe and New Mexico State-owned Parcels Comprising ±24-Acres Adjacent to 1600 St. Michaels Drive from Public/Institutional to Transitional Mixed Use. (Heather Lamboy, Case Manager, hllamboy@santafenm.gov, 505-955-6598)

Ms. Bustos-Mihelcic read the caption at 6:22 p.m.

Mayor Webber reminded the Governing Body that the hearing was voted to continue to this meeting. The public hearing portion had already been closed. And the Governing Body was ready to entertain a motion.

Councilor Romero-Wirth agreed that the Governing Body was at the point of voting and realized the needed document (the resolution itself) was not in the packet.

Mayor Webber also noted that Daniel Hernandez was not present at this meeting, but other staff were here.

Ms. McSherry said this case was at Questions of Staff in the previous meeting.

MOTION: **Councilor Cassutt moved, seconded by Councilor Chavez, to approve Case #2022-5767, Midtown Adjacent Parcels General Plan as presented.**

Discussion on the Motion:

There was no discussion on this motion.

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 Romero-Wirth, and Councilor Villarreal.

Against: Councilor Rivera.

- b. CONSIDERATION OF BILL NO. 2022-26. ADOPTION OF ORDINANCE NO. 2022-_____.

Case #2022-5769. Midtown Adjacent Parcels Rezoning. The City of Santa Fe, Agent, Requests that the Governing Body Approve an Ordinance to Rezone the City of Santa Fe and New Mexico State-Owned Parcels Comprising 24± Acres Adjacent to 1600 St. Michaels Drive from R-5 (5 Residential Dwelling Units Per Acre) to C-2 (General Commercial). The Parcels are within the Midtown LINC Overlay District. (Heather Lamboy, Case Manager: hllamboy@santafenm.gov, 505-955-6598)

Ms. Bustos-Mihelcic read the caption for this rezoning ordinance adoption.

MOTION: **Councilor Cassutt moved, seconded by Councilor Chavez, to approve Case #2022-5769, Midtown Adjacent Parcels Rezoning as presented.**

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 Romero-Wirth, and Councilor Villarreal.

Against: None.

Governing Body Recess

At 6:27 p.m., the Governing Body recessed:

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Cassutt, to recess until 7:00 p.m.

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 Romero-Wirth, and Councilor Villarreal.

Against: None.

16. PETITIONS FROM THE FLOOR

The Governing Body reconvened at 7:04 p.m.

Mayor Webber notified the public that the noise ordinance which was originally scheduled to be considered at this meeting, was not ready in time to be properly noticed for this meeting. It will be considered on the agenda for the next regular meeting of the Governing Body.

He explained the procedures for petitions from the floor to the public.

Pans Levin, one of the artists in the Plaza Artisans program. She said she was the one who wrote to the Governing Body about the problem with the jury selection process for the next five years. She thanked those who responded yesterday. This issue is time-sensitive and the City said their licenses will expire on December 31, 2022, seventeen days from now. And the artists will not be able to return to the Plaza until March 1, 2023, when the application process will be completed. According to the ordinance, it specifically states how to administer the licenses when there is a delay such as this. Which is to extend their licenses for an additional six months, and to do it twice if need be. That gives time for the jury to resolve any selection problems and allow the program to continue for the next five years so the artists can continue to sell their works.

The two months the City proposes to need to have it closed will be a financial hardship on all license holders. Please consider this option (Section K) to allow us to continue selling our works on the Plaza until the jury selection process is completed. There is no provision in the ordinance for what the City Staff has chosen to do. Thank you for all that you do.

Patricia Wyatt, living in District 1, was also an artist in the Santa Fe Artisans' program and has been for about 23 years. She has participated in four jurying processes and had never experienced what is happening at the moment. The jurying process has been delayed many times. Artists have been told the City could not find a jury. Because they have not found a jury, all artists have been

told they will not be allowed to sell after December 31, 2022. We could resume selling after jury selection has been complete and licenses awarded during March 2023. She generally sells throughout the entire year, including January, February and March and the amount of time required by the ordinance which March through October and since she was full-time, she needed to be there at least 15 days for every month. So she was at the Plaza at least fifteen days every month. She was worried about the jury process and when it will be complete. That means not only are the jury members seated but that licenses are awarded; that people who have complaints or issues about it, that it has to be dealt with and she was not sure when they would be allowed to sell again. It is a tremendous hardship for her because this is her livelihood. She is a painter and mixed media painting and how she supports herself. She and others were told by email that they would not be able to come out again until at least March. According to the ordinance, it extends our licenses until the jury process is complete. She appreciated that.

Annette Gonzales said her mom is the last of the original artists from the Plaza Park's Program. She has been on the Plaza for 47 years. Her income at the Plaza provides for three households allows all of them to work and be on the Plaza. She asked for their livelihoods to be extended and the City Manager has the authority to extend our licenses, according to the ordinance up to six months two times until this is resolved and need some help because they are unable to go to their buying trip to buy their stones to work the entire year. Without an extension, they would not be able to make the buying trip that would affect their entire year.

Claudia Chavez an artist in the program. She lived in Santa Fe County. Therefore she didn't have a specific representative and she tries to reach out to everybody. We are facing the loss of our licenses to delays in the jury process. She was told she would have an update on Friday and she hoped it would be really good news. She came this evening because she didn't want to lose the opportunity to speak in person to the Governing Body. "I'm asking respectfully that the City extend our licenses as stated in Section K of the Plaza Artisans' Ordinance. I'm hoping to work New Year's Day holiday weekend. It is usually very busy. I also plan on working the three-day holiday at Martin Luther King's Day and President's Day weekend. They are big tourism days as well. Even when it is cold, we still go out. Winter days are needed as this is my livelihood. I am very grateful for the Plaza Artisans' Program. I've been a participant for fifteen years. I am grateful for the opportunity to sell my art in my hometown and to share my culture. Thank you all so much for everything you do for us."

Stefanie Beninato, District 2, said she agreed with Councilor Rivera's initial comment about public hearings. There are two Midtown cases the Governing Body had hearings on already. But you didn't really expect them to allow them and it would have been nice to reopen for people couldn't stay up past eleven because they have actual jobs they must get up early for. She also thought it

would be good because she did not think everyone understood the process that you were following. City Land Use assistants are out there and the City Attorney has now decided that quasi-judicial recommendations from the H Board in prior public hearings means it would take a couple of months to decide that if the policy is for transparency, it needs to be very clear from administrative that quasi-judicial is moved onto public hearings. She brought it up again for the Governing Body's attention.

She also felt that a quorum of four or five people meant a majority was three. That meant some improper votes because of the mathematical problem.

Lastly, she noted there is new management in Recreation, and the pools in particular. She asked why the one supervisor spent all his time at Fort Marcy when he was assigned to oversee staff at Salvador Perez also.

There were no other petitions from the floor at 7:15 p.m.

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

There were no bills for public comment.

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

There was no legislation for final action on this agenda.

19. **PUBLIC HEARINGS**

c. **CONSIDERATION OF BILL NO. 2022-22. ADOPTION OF ORDINANCE NO. 2022-_____.**

Case #2022-5063. 2200 Old Pecos Trail Rezoning. Case #2022-5063. Montoya Land Use Consulting, Inc., Agent for Pierre Amestoy, Applicant, Requests Approval of a Bill to Rezone Approximately 9.59 Acres, Located at 2200 Old Pecos Trail, within the South-Central Highway Corridor Overlay District and the Suburban Archaeological Review Overlay District, from R-1 (Residential - One Dwelling Per Acre) to R-3 (Residential-Three Dwellings Per Acre). (Dan Esquibel, Case Manager: daesquibel@santafenm.gov, 505-955-6587)

Mayor Webber shared the expectations for giving public testimony- decorum and respect. He restated the process for the hearing. He then asked Ms. McSherry to clarify the differences under quasi-judicial processes.

Ms. McSherry also informed the public of a correction of published information which had incorrect statements.

Ms. Bustos-Mihelcic read the caption for this case hearing.

Disclosures

There were no disclosures.

Staff Report

Mr. Dan Esquibel provided the Staff Report for this case. There were two prerequisites for the applicant. The first was that the Applicant was required to attend a pre-application meeting which was regulated by 14-31-e. The Applicant attended that meeting on July 7, 2021. The pre-application meeting was attended by several members of the City Development Review Team (DRT). The meeting allows the City to determine the type of application, the application the Applicant needs to submit, and the process it must follow. The Applicant can also ask questions of the attending members of the DRT to help them prepare the Application.

The Applicant is also required to attend an Early Neighborhood Notification (ENN) meeting as the second prerequisite, as regulated by 14-31-F. The Applicant held their first ENN meeting on December 9, 2021. However, the Planning Manager at the time, Mr. Noah Burke, required a second ENN meeting with a high attendance and concerns raised at the first meeting. The second ENN was held on February 10, 2022. Unfortunately, the Applicant experienced some technical issues on the Zoom capacity and had to hold a third ENN on March 8, 2022. The third ENN did comply with 14-31-F.

The Application was submitted on March 21, 2022 and was processed into the system and handed off to the Case Manager. The Case Manager then presents and distributes the project to the appropriate DRT, which was made up of various professions and engineers from City Departments and Divisions. The Case was presented with the other, but they were voted on separately.

For the rezoning case, the Planning Commission was provided with the analysis to identify that the Applicant addressed the rezoning criteria pursuant 14-3-5c. He reviewed each of the criteria and commented briefly on each. He summarized that the Applicant has met all of the zoning criteria.

The City granted archaeological clearance of December 2, 2021. He described the limitations on development because it was wholly within the South-Central

Hwy Corridor. The Applicant has met all the standards for the South-Central Highway Corridor as well.

The Planning Commission determined the proposal also met all standards for infrastructure also. On August 18, 2022, the decision of the Planning Commission found this case was in compliance with 14-35c for rezoning and recommended the Governing Body approve Case #2022-5063.

On that same date, the Planning Commission found that Case #2022-5064 was in compliance with Chapter 14-37c and 14-37d and approved Case225604, preliminary plat approval, including Affordable Housing. And there were no appeals on the preliminary plat. That window has closed.

Lastly, the Planning Commission recommended the Governing Body approve Case 2022-5063, 2200 Old Pecos Trail Rezoning. One motion was required for this case.

Applicant's Presentation

Ms. Bustos-Mihelcic announced the sworn requirement for testimony.

Ms. Monica Montoya was sworn and presented for the Applicant.

She described her qualifications. With her were Karl Sommer and Joseph Karnes. Of Sommer and Karnes Associates and Orallynn Guerrerortiz of Design Engenuity, and Michael Gomez, the Traffic Engineer Consultant. Ms. Montoya shared the project design. Her intent was to show how the project respected the corridor standards and adheres to the General Plan. She said Joseph Karnes will describe how the rezoning implements the planned zoning for this property. She will then go over the specifics of the plan the Planning Commission approved. Mr. Sommer will discuss the policy issues.

Mr. Karnes, He reviewed the City's major annexation in 1961 that included this property. Then he went to the 1990's when the Governing Body took a step by adopting advice to all of their intent with the rezoning that took it for R-1 to R-3. The policy clarified the guidance that would lead to the appropriate zoning in alignment with the General Plan. He was thus, asking the Governing Body to approve the clearing of the mismatch.

Ms. Montoya said the preliminary plat was approved and she described the location of the lots, including affordable lots interspersed among the rest. And 50% of each lot would be dedicated to open space. No mass grading would be done and some trees that would be relocated.

She said the Traffic Study was accepted by Staff and there would be minimal impact. All were within the City's requirements. There will be much landscaping within the 75-foot setback.

There were extensive conversations with the neighborhood and they promised to honor the wildlife corridor already there by keeping it open space. The west boundary setback was increased from required 15 feet to 25 feet.

From neighbors' feedback, they decided to limit this property to single-story construction. Also from feedback, they agreed to build into the covenant architectural standards that honor the area designs.

Mr. Sommer was sworn. He asked the Governing Body to consider three points: whether 2.6 dwellings per acre more advantageous than the existing zoning as articulated in the General Plan. The answer clearly is yes. Second, under the policy, is R-3 more appropriate for an infill development. The answer is yes. The development policy has been in place for decades in infill development properties. What makes it advantageous is because the General Plan said it shall support the growth of affordable housing. That is the express language of the Code. Construction on R-1 property allows no affordable housing. This project will allow five houses spread throughout.

Mr. Sommer used the overhead projector to demonstrate how it would be done.

The plan is to have 2 for the very low-income range, two for the low-income range, and one at the 100% range.

He referred to a provision in the Charter that was some sort of super policy that said, "Public officials shall at all times exercise their powers with sensitivity to and respect for that cultural and neighborhood heritage." That is a statement of the values of our community. It informs what we do, particularly that militate in favor of what is more advantageous for the community.

Mr. Sommer urged the Council to follow what is the existing General Plan, the existing policy just because it is unpopular with the people who live in the Sol y Lomas area.

Sworn Public Comment

Ms. Bustos-Mihelcic had an order for the organized testimony and noted their time clock would be on the screen.

Rhonda Payne was sworn. She explained why her family was giving this land to the community. She briefly described what this property meant to her parents and siblings.

Teo Wurss was sworn and told the Council how he felt coming home to their property as a child on his BMX bike.

Ms. Fisher was sworn. She was the eldest child of the family and talked about them. She hoped their plan would come alive.

Josie Wilson was sworn. As trustee, she said her father passed away 15 years ago and her mom 8 years ago. It has taken this much time to finalize our plans for the property. As trustee, it was hoped the land could be developed as we envisioned and hoped people would not dismiss us because we have a financial interest in it.

Kenneth Guide was sworn. He did not understand the relevance of a 75-foot setback on the west side since Old Pecos Trail was on the east side. His concern was this is one of four parcels and this is not infill but the beginning of sprawl. They are moving into an undeveloped area. I support the existing land use policy and oppose the approval of increased density.

Elia Romero was sworn.

Carl Vigil was sworn.

These two people developed a video and showing it was their testimony.

After showing, Mr. Romero said this urban sprawl project shows indifference to wildlife. Its too dense. We need true affordable houses for our community, not million-dollar homes. The cost of building a home there will not be affordable anyway.

Randall Bell was sworn. He spoke as President of the Old Santa Fe Association, supporting many residents. OSFA showed visualizations of the project to others. The buildout will be highly visible with many large trees removed – dozens of mature Pinon, Juniper. His written letter is in the packet. We ask the Governing Body to reject the rezoning request.

Elizabeth West was sworn. She didn't feel adversarial, but all people live with the same open space. OSFA does not believe what is alleged in the developer's application are sufficient to show that the R-3 higher zoning within the Old Pecos Trail scenic corridor and South-Central Highway Corridor Protection Overlay District is more advantageous for the Santa Fe community, than the current R-1. In the 1999 plan, it was described as iconic and irreplaceable. A mismatch is an invitation to keep open space.

Bruce Throne was sworn. He submitted 45 pages of written comments with exhibits and citations to the Code, the General Plan. And he urged Councilors to read it. At the April 18 hearing, the applicant did not satisfy the burden of proof

under the criteria that Mr. Sommer said they were relying on this case that the R-3 zoning was more advantageous to the community as articulated in the General Plan in the existing R-1 zoning. He quoted from the section that demonstrates the policy for development has not been implemented up until now.

Pat Lewis was sworn. She opposed rezoning. Since July, she submitted three IPRA requests and visited libraries and archives, museums and staff for the original 1999 Future Land Use Map. She wanted to see it for two reasons: first in July when she saw Staff had removed Scenic Corridor from the Future Land Use Map. It was there on January 28. That meant Land Use Staff, without any authorization, removed the Old Pecos Trail Scenic Corridor after the Applicant has begun this process. The second reason was because in the 1999 General Plan, the Future Land Use Map was not readable. It appears to have been deliberately altered with the removal of the text from the legend and the map was folded oddly to cover the corridor. Why? She believed that Land Use and the Applicant know the Old Pecos Trail Scenic Corridor has not been assigned the R3-7 zoning. Land Use contacted her yesterday and told her the 1999 Scenic Corridor map had been found. The good news was that the scenic corridor was clearly marked on that map. There was a yellow R-3-7 on the map. That designation must have been added by Staff, as there is no amendment and the text in the General Plan clearly states that standards were never set, meaning that R-3-7 does not apply to this property. The evidence is written in the General Plan. She added that she downloaded the Future Land Use Map which shows the Old Pecos Trail has been downgraded from a scenic corridor to a normal road that is unimportant. She asked if Staff is allowed to pick and choose what will be put on the map.

Debbie Burkhouser was sworn. She is President of Plazas Homeowners' Association and testifying on behalf of the Plazas HOA. It has 40 homes just north of West Zia Road and the subject property. They conducted a survey of the 40 homes and 84% responded. 85% oppose a rezoning because it would result in oversaturating that property and would forever replace the openness in character of the OPT scenic corridor. Our HOA does not oppose development at the property's existing R-1 density or innovative PUD Subdivision there. The Plazas is zoned PUD 2 as an example how a planned unit development with 2 homes per acre, can maintain visual openness and character of the OPT scenic corridor. She said the Plazas asked the Governing Body to do two things; one, deny this rezoning request, and two, ask to do what was called for in the 1999 General Plan by codifying the density with other requests to protect this scenic corridor.

Lucia Dightman was sworn. She addressed Finding of Fact #12 which says the Commission conducted a site visit on August 18, 2022. This statement stopped short of the full description. This was a request of four Commissioners to be given a site visit by the Planning Department and the request gave an outline for the site visit – to see the adjoining neighborhood, Sol y Lomas, Arroyo Chamiso

to the west, to see Zia Road which extends through Sol y Lomas, and to see the Old Pecos Trail Scenic Corridor running between St. Michaels and Rodeo Road. The visit did happen on August 18, but none of those items mentioned occurred on that visit. It was a very abbreviated walk. As a group, we walked on the sidewalk across Old Pecos Trail, on the other side of the development, down the sidewalk and back. Then we crossed Old Pecos Trail and walked down Zia about 125 feet. No one was allowed to go on the subject property and no one could see the arroyo which bisects the property. Eighteen poles had been erected by the developer's team. We discovered at that meeting that instead of the poles being placed at the 75-foot setback, they had been placed further into the property, distorting the setback and making it look like it was deeper than it actually was. This was important because the condition of law adopted by the Commission indicates 5063 expressly relied in part on the Finding of Fact #12. But that fact does not describe the limited scope and the poles were ??

John Pen LaFarge was sworn. He said, "It is imperative that the Council recognize the importance of the last unspoiled entrance to our town. In 1912, our foresighted leaders decided that the way for Santa Fe to be successful was to emphasize that its history and identity are directly to its authenticity and integrity. The unique mixture of three cultures and the beginnings of the art colony. This is how we have become world-famous by people traveling thousands of miles to visit. And in 1999, the Old Pecos scenic trails in the corridor were made part of the General Plan because the Governing Body saw that the entrances into our town are irreplaceable. There are three entrances from Interstate 25. There is no loveliness on Cerrillos Road as it conveys our unique heritage and sensibility. To the City's discredit, the second entrance, St. Francis Drive, is to be ruined by the building that's tall, view-blocking apartments. Our last unspoiled entrance is Old Pecos Trail. We have blocked several times to save this entrance already. Saving the entrances to our town is not an academic exercise. It is because we have preserved our special qualities that out of the entire world, in 2017, Santa Fe won the National Geographic Society won the Sense of Place Award. If we try hard enough, we will manage to ruin our sense of place. The goose that laid the golden egg is fortunate to have lasted this long. But she will take only so much abuse before she dies. Twenty years from now when Santa Feans ask, "What happened?" I do not want to answer from my grave, "I told you so." I ask you to deny this application.

Diana Guest was sworn. "Please accept my previous written comments and attachments as sworn testimony. I live in District 2 and speaking to support the 1,343 people representing every district in Santa Fe who signed a petition to protect Old Pecos Trail scenic corridor from piecemeal rezoning. Those present at the Planning Commission meeting on July 21, heard Commissioner Pava specifically ask Staff if it had suggested alternatives to the Developer such as the R-2 PUD, similar to the Plazas development. His response was that the Staff interpreted its job s to support the Developer in whatever zoning he requests. And because he pays a fee. However, it is up to Staff and this Governing Body to

follow the implementing policy – the City Policy 3-1-9, as articulated on pages 3-12 and 3-4 of the City’s General Plan and reiterated in City Resolution 2015-92. The City committed to maintaining Old Pecos Trail as an unspoiled scenic corridor. The General Plan described it as iconic and irreplaceable. It directed Staff to immediately engage in a public participation process to establish and codify appropriate development that would visually protect the scenic corridor, provide trails and open space and maintain the historic nature of Santa Fe. This has not been done. The community at large supports appropriate infill development, consistent with that articulated in the General Plan and reiterated in City Resolution 2015-92, lest the Governing Body to follow through on its promise to consult the required implementing policy of public participation to develop specific density and other development standards and to reject this premature rezoning application which endangers the entire corridor and the character of Santa Fe. It is not advantageous to the community at large as articulated in the General Plan.

Peter Ives was sworn. He had an objection on the rules for due process. I submitted written comments by email on October 11 which unfortunately have not appeared in the packet materials and would object on that basis as well. What he submitted was addressed to the issue of the commitments made by the City. Bruce Throne, a little while ago, quoted from the General Plan and he quoted a different section in the 1999 Summary. It stated there under Implementing Policies on page 2 which at the end of each chapter, represent commitments to specific actions one of which was 3-1-9 – *Adopt an Old Pecos Trail scenic Corridor Designation and Development Standards for Old Pecos Trail and Cordova Road and I-25.*

He urged the Governing Body to pause this process; not approve the development, engage in the planning that is called for and committed to by the City in the General Plan before considering any further development within the corridors from I-25 to Cordova. Thank you.

Alavis Sara was sworn. She submitted her written testimony as part of her sworn testimony. She pointed out that this upgraded zoning was not more advantageous to our community than the current R-1 zoning. It has adverse public impact. The community public safety on West Zia Road in this section of Old Pecos Trail in my experience and observation of walking or bicycling during the past ten years... Staff’s memo to you says you should dismiss community safety testimony because that is not supported by an independent traffic engineer. The baseline traffic counts along Old Pecos Trail relied on image developer’s Traffic Impact Analysis for its ten-year analysis was conducted on three days in November of 2021, which he and City Staff said was post-pandemic. You don’t need to be an engineer to know those counts are not reliable for ten-year projects in that analysis. Many government employees ever today continue to work remotely. The crash data from 2016 to 2019 is stale. It assumes one car per household when national averages are 2.6. There are

numerous unfounded assumptions, making it unreliable and unreasonable. She urged the Governing Body to deny this rezoning application and implement the Old Pecos Trail Scenic Corridor Implementing Policy in the 1999 General Plan as this body did directed in Resolution 2015-92. "If this rezoning were approved, I would no longer feel safe walking my dogs there. Nor would anyone else."

Lily O'Leary was sworn. She said, in addition to being the only scenic and historic entrance to Santa Fe, Old Pecos Trail has become an on and off ramp to I-25. Motorists often are well above the posted 45 mph speed limit. As stated in the Applicant's development proposal, allowing and even promoting U-turns across four lanes of traffic are accidents waiting to happen. She spoke earlier with Max Valero at the State Department of Transportation regarding her concerns on the traffic impact of this proposed development. At the end of their conversation, Mr. Valero stated an intersection is not considered hazardous until a fatality has occurred. On Monday evening, December 5th, there was an accident on Old Pecos Trail and West Zia intersection in which two vehicles required police attention and an ambulance. She didn't know the cause of the accident but one of the vehicles went over the embankment and landed in one of the proposed building lots. West Zia is a poorly designed rural residential road with no shoulders or separate sidewalks. It is heavily used by cyclists, pedestrians, and drivers. The degree of curve length and stopping site distances are not conducive for the addition of egress and ingress to a development. Traffic analysis done in November 2021 during the peak in COVID, when many people were telecommuting vs. actual roadway and neighborhood anecdotal evidence, they work on paper but not necessarily work on implementation. The Zia/Old Pecos Trail intersection is not an isolated intersection. The traffic pictured is much less than the actual flow. And their traffic engineer stated the St Mikes/OPT intersection was already at capacity and near failure.

It was for traffic and safety concerns that she requested the Governing Body reject the developer's plan and the request for up-zoning.

Ricardo Martinez was sworn. He asked the Governing Body why we are selling our corridor for 20 expensive homes and 5 affordable units. You are the Governing Body and have the authority to protect this corridor. He also asked that the Governing Body remind speakers to mute their microphone after speaking.

John Pound was sworn. He said, "MaryAnn and I joined in opposition to the application. Section 14-3.5c of the Land Use Code speaks to the criteria for approval of zoning changes. The Code says the Developer has the burden of providing facts showing that adding about 16 homes, mostly in the \$900,000 range, is more advantageous to the community than protecting the scenic corridor. The Developer's Application report, a has been pointed out, doesn't even mention the Old Pecos Trail scenic corrido implementing policy in the 1999 General Plan, or that the City has not yet implemented density standards to

protect the scenic corridor. You (Governing Body) are being asked tonight to ignore the burden of proof imposed on the Applicant; you are also being asked to ignore the applicant's burden in Section 14-7.1 of City Code to demonstrate with facts tonight that the proposed development complies with the 50% open space requirement for each projected lot. Tonight, a representative of the Developer told you what the City Council's state of mind was in the 1960's while acknowledging he was not here in the 1960's. The City Council expresses its intent in its official documents. He thought what was happening was the Applicant was trying to throw a fast ball past the City Council. But the City Council has the ability to recognize and hit a fast ball. Thank you.

Annie Campbell was sworn. She read her statement. She has lived in Santa Fe for 37 years and reside in the former home of the Wirth Family. Who could afford one of the \$700,000+ homes? Five affordable homes don't begin to solve the City's problem and distracts from the important issues involved in this rezoning request. It will destroy the beauty and visual openness of the Old Pecos Trail Scenic Corridor and set precedent for increased rezoning along the only appealing entrances to Santa Fe. Secondly, it will destroy 116 healthy mature trees and the wildlife habitat those groves provide. She asked why. This Council passed Resolution 2021-18 that said trees provide significant benefits to the City moderating our [??], improving air quality, conserving water, and harboring wildlife. Trees provide benefit for our future generations in this community. The neighborhoods are angry and she asked Mayor Webber to uphold the resolution and deny this applicant the application for rezoning.

Bob Dunn was sworn. He said the people objecting to this are a little big older and came here because of the beauty of Santa Fe. These are your constituents and you've got to listen to them. When he gets friends to come to Santa Fe, he always routes them via Old Pecos Trail because it's beautiful. It isn't crowded with homes that are really only gong to benefit the wealthy, although he hasn't heard any pricing on it. The builder will say he can't afford to build a home at that price. You have to realize this is not a time to try to get around some wall. Quail Run started long ago, knowing the 1999 General Plan was going to come along. And they did a beautiful job. We can't see Quail Run, but you can see homes are going to be built here. If this is approved, what is next? I've lived here for 43 years. I am more emotional about this than I have for a lot of other things. We've god to protect the last remaining corridor in Santa Fe.

Delia Craig Kimball was sworn. She urged the Governing Body to deny the rezoning. The proposed development would redesign Old Pecos Trail, creating serious negative impacts on traffic safety. The TIA primarily assesses whether this proposal would add to congestion but did not adequately assess the impact on safety by requiring all traffic to merge into traffic, cross four lanes and make a U turn where there are no traffic signals an make unprotected U turns at one of two locations, imperiling themselves and others. The southern location at Calle Espejo is currently marked "No U Turns." This poorly designed exit ignores

safety. It is alarming to consider this development without consideration of safer alternatives. It is the foremost community responsibility to protect our community and all travelers on Old Pecos Trail. The Governing Body must not rezone this property allowing more unsafe travel to be realized.

Gerald Wise was sworn. He asked the Governing Body to deny this rezoning request. It doesn't meet the three criteria for a rezoning request. There was no error in the original zoning. The use of the surrounding area has not changed. He has walked his dogs there for over 30 years. The neighborhood hasn't changed. And third, if it isn't advantageous to neighbors and City, it will have a negative impact on traffic, on the wildlife corridor, and the effect on the scenic corridor once described by people sitting in your seats as the only unspoiled entryway into downtown as an iconic and irreplaceable asset to all of Santa Fe will be lost. And once lost, could never be replaced. The zoning request, if granted, will surely be used as a precedent for other zoning requests. It should remain R-1.

Ann Wrinkle was sworn. She has lived at Sol y Lomas for 17 years. Her definition of precedent was doing something that establishes a standard, a pattern, a policy that will be used in the future. This request to change from R-1 to R-3, if granted, to allow for developing 25 houses plus up to 25 accessory dwellings sets a alarming precedent for future development along this historical, scenic corridor. The higher density will threaten the important scenic and historic benefit to the Santa Fe community at large. It was one of the implementing plans in the General Plan of 1999, adopted by City Resolution 1999-45 and read it again. She asked if the City Council wanted to be responsible for the obliteration of the Old Pecos Trail scenic corridor – the last remaining open space historically associated with the sense of arrival into Santa Fe? She urged the Governing Body to vote no on rezoning at 2200 Old Pecos Trail.

Edward Louis Phifer was sworn. He opposed to the rezoning and specifically the failure of the Applicant to submit all required data in this request, including the proof for the 50% open space on each lot. He said Staff Gessner reported that the Application did not identify the stormwater ponding area on each lot. That is required by Code to address drainage, due to changes in impervious surfaces such as driveways and walkways. Furthermore, a driveway cannot be counted as open space according to our own Code. These requirements were identified by A City Staff member and have not been met.

The Applicant's significant tree survey in plan #4, submitted on March 21st, indicates that he intends to remove 116 trees defined as significant trees. Those are deciduous trees that are six inches in diameter or more. And evergreen trees that are eight feet tall or greater. He plans to replace them with only 46 new trees.

"I know you all love Santa Fe and this may be a tough decision for some of you. And I am not opposed to development. That is what enables us to buy homes here. Its easy to characterize this as NIMBY. But the point I want to leave you with is that this is nota backyard problem but a front yard problem. This is your front yard and our front yard. It is not just Sol y Lomas neighborhood but is the whole darn City. Please don't change the character of this neighborhood.

Eric Aaboe was sworn. He first requested the Governing Body to not grant the request of the applicant and developer to rebut. They had many bites at the apple, and I've got a minute 48 left. He opposed the rezoning request. Rezoning on the Old Pecos Trail should stop until City Staff completes the work directed by the Governing Body in the General Plan in the Resolution you now know the number of 2015-92. Exclusive direction has now twice been given to City Staff to convene a public process, develop standards for adoption into the Code to protect the iconic entrance into the City. I've worked in Santa Fe Government for more than 30 years. And I've learned to do what my bosses tell me to do, even if its hard. And especially if my bosses are elected officials. In the Staff memo for the July 21 Planning Commission meeting, the importance of the corridor was dismissed with a single sentence because "no boundaries or design standards exist." On August 18, Maggie Moore of Land Use let him know that Land Use was not going to complete the process. I is hard but that is what former Governing Bodies have ordered Staff to do. Until language is drafted and presented for adoption into Code, Staff must keep trying. Without standards, future incompatible projects may be proposed in the corridor in a piecemeal manner. Please ask yourself these questions: Resolutions adopted by you have meaning? Should Staff follow directives given by them? Should Staff only be expected to complete those directives that are not too difficult? Should you continue to set policies and issue directives if they are to be ignored by Staff? Please reject this proposal.

Beverly Spears was sworn. She spoke about the process here and has participated in several before including the Zia Station project. It is important to point out that the developers and landowners are motivated almost entirely by profit. They ask for suspensions of the rules (variances) or they ask for the rules to be changed (rezoning) in order to maximize their profit. Santa Fe Citizens, on the other hand, often oppose these proposed variances or rezonings because the existing zoning rules are there for a purpose – to protect the character of neighborhoods, natural vegetation, streetscape, traffic safety, noise control, privacy and views of the sky and mountains. These are quality of life issues which are important to all of us.

But in hearing at Planning Commission or City Council, the Developer and landowners are given unlimited time to present their project and whitewash it gloriously and sometimes falsely to omissions and distorted representations. But the public only gets one particular moment to speak. Because the developer is not following the rules, but rather trying to suspend them or change them, the

public should have much more opportunity to oppose these suspensions or changes. But the developer or landowner is always given the last word while the Council or Commission is discussing the matter after the public comment period is closed. This is a grave injustice which has resulted in damage to the quality of life in Santa Fe. And the unique character of our beloved city

Charley O'Leary was sworn. He read tonight how unfair the process has been for our public participation over this 12 months. It feels like we are in the Matrix here. Because it has been so one-sided and so difficult for the public and the neighborhood to make its case why we think neighborhoods are important.

He noted that we are just hearing for the first time about a plan to subdivide with as many lots as possible with some covenants and the power invested in you, you will be able to double the number of homes. Ut it should be a complicated project if a beautiful one. But you don't get to vote on the plat. That's already been approved. Yet we don't even know what it is going to look like. He reminded the Governing Body that this is just a request by the applicant.

Some of the points like not building in the arroyo. I urge you not to approve this request.

Sue Renfel was sworn. She opposed the rezoning from R-1 to R-3. Because of the number of dwellings that are being proposed. The impact on traffic and degradation of wildlife and corridor and the arroyo. And the impact it would have on the Old Pecos Trail scenic corridor. Her grandparents lived here and in Albuquerque. She always thought it was a beautiful entrance. Cerrillos Road is no longer beautiful.

Kristie Henspetter was sworn. She opposed the rezoning of this property. She agreed with others that approval of this rezoning would constitute piecemeal zoning and contrary to the Future Use Map. She believed the public process was injected into the process a little late. Her friend had invested a lot of time and energy in this process and was only allowed two minutes to present it. There was a lot more to share. This is really a community-wide issue and affects all the residents of Santa Fe, not just those in adjacent neighborhoods. How could this beautiful landscape and wildlife be replaced by a few homes?

Phillip Crump was sworn. He was fearful that approval of this dismal application will set a precedent allowing rezoning of major parcels south and east of the subject property and result in further degradation of our community's last inviting noncommercial and semirural entry. I ask you to deny rezoning. On a larger scale in regard to citizen participation which will have impact on this project and relevant to future applications, for over 20 years, I have contracted as a neutral facilitator with parties in Albuquerque's Land Use Facilitation Program and since 1994 was providing a robust voice that is sadly lacking in Santa Fe, as with the ENN process, which was inspired by the Albuquerque program. It encourages

communication between developers and residents who are potentially impacted by the proposed projects. But they are facilitated by a professional facilitator instead of a hired hand of the developer as they are in the ENN. And at no additional cost to the residents or developers. They continually express satisfaction with that process. The neutral report of the facts are then distributed to the parties, participants and other interested parties. It would give our citizens a stronger voice and more satisfaction with their involvement.

Steven Farber was sworn. He said he would provide to the recorder the comments he made in the public comment portion with legal objections under which this hearing is being held. I am a former City Councilor. I served on Council from 1992 to 1996. And I remember well the controversy regarding the Old Pecos Trail widening project. In fact I campaigned and promised that I would fight the OPT widening. Even though we lost that vote on a divided vote. Was the cardinal understanding that gateway into Santa Fe would not be disturbed. So it was widened but was supposed to be kept beautiful for the benefit of the citizens of Santa Fe. And that is what we are here talking about. Now the developers and their representatives did not mention one time the Old Pecos Trail Scenic Corridor. But that is what we are here to preserve and protect. And I keep my promises and I promise to the community that I would fight to preserve that gateway. I am keeping my promise after all these years. And I honor my oath a City Councilor. It was to speak the truth. And what you have here is the fact that only a resolution which is a statement of the will of the Council, not an ordinance. There is nothing that dictates that it is 3-7 units. It is zoned R-1. There has been no public participation process. The 2-minute limit is an unfair process and I stated it here. I know what it is like to read a thousand pages. I used to have binders. I don't see any of you having binders. I understand it is all online and how difficult that is. Remember please, this Body has not implemented the Old Pecos Trail Scenic Corridor, implementing Policy 3 I 9 as articulated in the 1999 General Plan because of the City Staff. The Staff does not even use the term "implementing policy" in the General Plan in its memo to you. We should allow Bruce Throne to address all on the hours and hours he has invested.

Mayor Webber told him several times that his time was up as he continued to speak. Mayor Webber told him to sit down – that he was out of order.

Mr. Farber asked that this argument back and forth be part of the record of this meeting.

James Dightman was sworn. He agreed with other comments of opposition. Rezoning to R-3 would be less advantageous than R-1. Increase would tantamount to rezoning – piecemeal rezoning counter to the Resolution 2015-93. It would have a detrimental effect – a cascading effect on this iconic entry into Santa Fe Community. The owner of this property already has a right to subdivide and infill with nonprimary dwelling units will be done under existing R-1 zoning. Without creating these adverse community in parts and would be consistent with

the general infill and affordable housing provisions articulated in the General Plan. I ask you to deny this applicant.

John Howard Bemis was sworn. He said his friend once said , “Developers would pave the canals of Venice to get to a cup of coffee.” After the debacle we had with MorningStar a couple of years ago, I don’t think Land Use is up to the task of protecting anything. They have bent over backwards for developers. That’s their job I think, and they do it.

So it is up to Council to decide if there is anything in Santa Fe that is worth preserving and protecting. And we’ve been here before. At one point large homes started appearing on the ridges. Council back then had the wisdom and foresight to say “we need a ridge eater ordinance and we have preserved and protected our beautiful ridges and some of the hills and views in Santa Fe because of that. And that is all we are asking here today is for this Council to decide whether or not, the Old Pecos Trail is worth preserving and protecting. As others have said, it is beautiful. The properties are R-1. Nobody is saying don’t develop. They are just saying develop it as is which is consistent with other things in that neighborhood.

Robin Rosdugan was sworn. She said in October , 2019, another deer with two babies came onto my property. I live on East Zia about a quarter mile from the proposed site. The next afternoon, I noticed a large lump under some trees. It was the doe, and she was dead. The babies were hiding under the bushes. The Game Warden came and checked foul play and determined she had been hit by a car, most likely on Zia. In January, 2020, I was driving home at dusk on Old Pecos Trail. A large doe ran in front of my car, and I clipped her. I waited on the side of the road for the Game Warden to come while she was still alive. Her head sheered off her front leg. It was the traffic hour. The character of Old Pecos Trail is semi-rural and a sense of wild is still there. The 25-unit proposed development at Old Pecos Trail and Zia is not a good use of infill planning. To be blunt, it is too dense. The Capital Flags at Pen and Cordova are good examples of infill. The property could be developed at it current designation of R-1 and infill much better suited to the environment at large. Last, the target area has a City Resolution irreversibly attached to it. Passed by the Governing Body in 2015 – the Old Pecos Trail Scenic Corridor Resolution to protect it from short-sighted development, creating standards reaching forward into the future. This resolution predated the developers’ subdivision requests and demands public participation which has not happened yet. I respectfully ask the Governing Body and the Mayor to revive the 2015 Resolution on public participation, to delay or deny the developer’s request as proposed, stating it is more advantageous to the community at large and an example of good land use mainly infill it is not. What is your hurry? Take your time please.

Gelda Ward was sworn. I just bought my first house in the Sol y Lomas neighborhood a couple of weeks ago. I like the wilderness of the area, most still

being inside the City limits. I know a lot of other Santa Feans value the beauty of the area too. So I felt it was important to come here today and say no to the rezoning on the Old Pecos Trail Corridor. I don't want to see this wilderness area changed by overbuilding in an area that would be mismatched by denser homes. It is held in place by R-1 zoning which makes it so beautiful, "

Robinson Kirk was sworn. You've heard a lot and heard not all were met. We are all attached to the land. It is not that we are about developing. It is this corridor – this type of development and how it is being done at this time – especially if you are not used to having public input. Do that first. Allow more public involvement. Get collaboration from all sorts of people before you just do this piecemeal stuff and you see it is not in my back yard. We all know growth is going to happen. But in this case, we want well designed and thoughtful growth. So we want to protect the important aesthetic values that we have for Santa Fe for the long term. This is probably not the best development for this important, scenic corridor area. This is not the best way or method to meet our housing needs. Let's seek alternative ideas and designs in the very least. Think about long term.

Jim Hayes was sworn. He urged the Governing Body to not approve it.

Afsme Balzo was sworn. She said she had asked Dan Esquibel why the suggested PUD zoning was not supported instead of the developers' nonconforming plan. His response was that Staff interpreted their job as to help developers to attain whatever rezoning developers request rather than suggest the Developer consider more thoughtful alternatives. The primary goal of planning is to maximize health, safety and economic well-being at residents with help from developers who respect the integrity and values of the community and whose requests reflect the unique needs, desires, and culture of those who live and work there.

Our community deserves a proactive voice defending its values and needs rather than passive response and conceding to developers' self-serving requests. This developer, under existing zoning of R-1 can develop the property. I ask you to reject this request.

Mayor Webber asked Ms. Bustos-Mihelcic to swear in those who show up on the screen.

Ron Trujillo was sworn. Mr. Trujillo referenced the rezoning of residential properties in order for the MorningStar project to proceed. The vote was 4 to 4 and Mayor Gonzales broke the tie to allow for this facility to be built. At the next City Council meeting, the Mayor changed his mind and decided to refer it back to the Council, he changed his vote. His concern was, if this was approved with a decision already made, there was to be no more construction on Old Pecos Trail. At a further subsequent Council meeting, friends and allies had convinced other Councilors to vote in favor of the developers and thus allowed the Morningstar

facility to be built. He urged the Governing Body to stick to their decision and not ask for another vote. He pointed out that Districts 1 and 2 always get special treatment while Districts 3 and 4 bear the brunt of what is left.

Stefanie Beninato was sworn. Twenty three years ago, no residents of Sol y Lomas and those who had lived there all this time, had pressed for a designated Pecos Trail standards or seven years ago when MorningStar was there and was going to be built. Where were the people every meeting, demanding about protection. She pointed out that Sol y Lomas and the other development were R-2 and R-1 cc. This is an odd 2.6-unit development.

She offered suggestions that might work. One was a height limit of 15 feet. She said she thought part of the conditions or exceptions could meet some of the objections. What should be looked at was the U turn that was necessary when you exit to have to go south, U turn and then go north.

Ann Lacy was sworn. She said some residents have come here for the last 24 years in attempts to preserve this trail. We are all passing through and what do we want to leave of significance in our wake. The value of the Old Pecos Trail Scenic Corridor, like the Plaza, is that it is our commons, not to be messed with by an out of town developer. And three out of state owners who are also passing through – much more quickly than the rest of us. The corridor must be selectively considered as something of significance because it's distance and definition is written into our Code. R-1 turns out to be a placeholder. It holds in place for all of us what is the last uncommercialized, historic and naturally beautiful entry into our very unique city. An international cultural treasure.

Tonight you have heard more facts from the Community than the Apple has been able to present. But one fact is that the New Mexico State Legislature, Santa Fe County, and the City of Santa Fe, along with hundreds of residents, raised \$650,000 to preserve a few acres at Old Pecos Trail and I-25 as a gateway to Santa Fe with the intent that it be the start of preserving the entire corridor. She hoped that tonight on your (Council's) watch, you will keep R-1 as a placeholder and move to preserve it for the next generations. Thank you.

Reina Romero was not audible.

Charlene Sunny was sworn. She asked if it could be put in the record how many were on Zoom and she asked the Governing Body to reject this rezoning request.

Mayor Webber said he City would honor the request.

Ms. Bustos-Mihelcic said there were 30 on Zoom.

Elizabeth Lee was sworn. She wanted to be on record opposing this rezoning application. She did provide comments through the portal and asked that it be

part of the record. She asked the Governing Body to protect the corridor and vote no on the rezoning.

Kathy Shat was sworn. Those of us who value preservation in Santa Fe believed the Old Pecos Trail Scenic Corridor was protected. We were caught flat footed when the property was sold to a developer with the intention of enduring the current zoning. The owners have the right to sell their property. The buyers knew the zoning was R-1. A motivated developer could do that within the guidelines of R-1 zoning Let's go for that and work in unison. The City with the community and landowners to create something truly worthy of the Pecos Trail corridor – not another cookie cutter development. Thank you for your consideration. I appreciate your time.

Dan Citro was sworn. Thank you for your time. He submitted testimony through the porta and spoke in opposition of the request from R-1 to R-3. He wrote about the proposed U turn which was prohibited at that intersection. Mr. Sommer said the opposition was from the neighborhood but it is really from around the City. Tripling the density is not appropriate.

Reina could not be heard and was encouraged to email her testimony to the City Staff.

John Williams said the Wirth family are true Santa Fe New Mexican family. He described the family They would like to get this resolved and if the family want to buy it, they would work with them.

There was no other public testimony for this case. The public portion was closed at 10:33 and took a break until 10:45

Questions from the Governing Body

MOTION: **Councilor Romero-Wirth moved, seconded by Councilor Cassutt, to postpone the remainder of this hearing until the first meeting in January 2023.**

Discussion on the Motion:

Councilor Rivera asked if the postponement could be set more specifically on the agenda.

Ms. McSherry agreed.

Councilor Michael Gonzales said if we know from whom we wish to ask a question to make sure they are invited. No Councilor could contact that person directly.

Mayor Weber - if we provide that name, we could mention it before adjourning.

Councilor Michael Gonzales wanted to ask one of Pat Lewis and Peter Ives.

Councilor Cassutt wanted to ask of Peter Ives also. She wanted to know if we can still accept written comment.

Ms. McSherry said the deadline has passed today at 1 p.m.

Councilor Rivera had a question to ask of Lucia Dightman.

Mayor Webber mentioned Robert Dunn, and Randall Bell.

Councilor Cassutt suggested Zoom is also an option.

Motion to amend:

Councilor Rivera moved, seconded by Councilor Cassutt, to amend the motion to have it heard right after Petitions from the Floor.

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

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

Against: None.

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

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

Against: None.

21. **ADJOURN**

Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 11:00 p.m.

Approved by:



Mayor Alan Webber

ATTESTED TO:



Kristine Bustos Mihelcic, City Clerk

Respectfully submitted by:



Carl G. Boaz, Council Stenographer