



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
DECEMBER 12, 2018
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Regular City Council Meeting – November 14, 2018
9. PRESENTATIONS
10. CONSENT CALENDAR
 - a) CONSIDERATION OF RESOLUTION NO. 2018-____. (Councilor Harris)
A Resolution Adopting the Vision Statement of the Airport Advisory Board for the Santa Fe Regional Airport. (Mark Baca, Airport Manager mbaca@Santafenm.gov, 955-2901)
 - b) CONSIDERATION OF RESOLUTION NO. 2018-____. (Councilor Villarreal, Councilor Ives and Councilor Lindell)
A Resolution in Support of the Appropriation of Funds by the New Mexico Legislature for the "New Mexico Grown Fresh Fruits and Fresh Vegetables for School Meals Program" and Related Education Programs. (Jesse Guillen, Legislative Liaison, jbg Guillen@santafenm.gov, 955-6512)
 - c) CONSIDERATION OF RESOLUTION NO. 2018-____. (Mayor Webber, Councilor Rivera, Councilor Ives, Councilor Lindell and Councilor Villarreal)
A Resolution Urging the New Mexico Legislature to Adopt Community Solar Legislation; and Legislation to Increase the Renewable Portfolio Standards in the New Mexico Renewable Energy Act, NMSA 1978, Sections 62-16-1 Et Seq. (Regina Wheeler, Public Works Director, rawheeler@santafenm.gov, 955-6622)

RECEIVED AT THE CITY CLERK'S OFFICE

DATE: December 7, 2018

TIME: 4:45 p.m.



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- d) CONSIDERATION OF RESOLUTION NO. 2018-____. (Councilor Vigil Coppler and Councilor Ives)
A Resolution in Support of the Installation and Maintenance of Safety Signage in the City for People on Bicycles. (John Romero, Traffic Engineering Division Director, jjromero1@santafenm.gov, 955-6638)
- e) CONSIDERATION OF RESOLUTION NO. 2018-____. (Mayor Webber, Councilor Lindell, Councilor Ives, Councilor Villarreal, Councilor Rivera, Councilor Abeyta and Councilor Vigil Coppler)
A Resolution Renaming Torreon Park the Mike T. Jaramillo Torreon Park. (Richard Thompson, Parks Director rcthompson@santafenm.gov, 955-2105)
- f) Request for Approval of the 2018 Emergency Management Performance Grant Sub-Grant Agreement in the Total Amount of \$64,654.65; New Mexico Department of Homeland Security and Emergency Management. (David Silver, Emergency Manager, dmsilver@santafenm.gov, 955-6537)
- 1) Request for Approval of Budget Amendment
- g) Request for Approval of Sole Source Professional Services Agreement in the Total Amount of \$204,188 for Minimum Revenue Guarantee and Marketing Services for the Santa Fe Regional Airport; Northern New Mexico Air Alliance. (Mark Baca, Airport Manager, mbaca@santafenm.gov, 505.955.2901)
- h) Request for Approval of a Professional Services Agreement in the Amount of \$100,000, Exclusive of NMGRT (Under Exempt Procurement) for Archaeological Services for the Water Division; Office of Archaeological Studies. (Bill Huey, Engineer, bchuey@santafenm.gov, 955-4273)
- i) Request for Approval of Memorandum of Understanding for Santa Fe Basin Update (Study); United States Bureau of Reclamation. (Bill Schneider, Water Resources Coordinator, whschneider@santafenm.gov, 955-4203)
- j) Request for Approval of Amendment No. 1 to Professional Services Agreement for a Time Extension for the Electrical Line Extension Project; Public Service Company of New Mexico. (Alex Gamino, Auto & Security Systems Administrator, aegamino@santafenm.gov, 955-4375)



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- k) Request for Approval of Amendment No. 1 to Professional Services Agreement for a Time Extension for the Electrical and Security Improvements Project at Nicoles/McClure Reservoir; Great Western Electrical, Inc. (Alex Gamino, Auto & Security Systems Administrator, aegamino@santafenm.gov, 955-4375)
- l) Request for Approval of a Change Order No. 3 to Professional Services Agreement for a Time Extension for Support and Maintenance of the Current Utility Customer Information System (UCIS); Denovo Ventures LLC. (Caryn Fiorina, Utility Billing Division Director, cyfiorina@santafenm.gov, 955-4364)
- m) Request for Approval of Procurement of 211 Toilet Retrofit Credits in the Total Amount of \$63,300; Vistas Bonitas LLC. (Andrew Erdmann, Water Resources Coordinator, paerdmann@santafenm.gov, 955-4204)
 - 1) Request for Approval of Budget Amendment
- n) Request for Approval of a Professional Services Agreement for Utility Service Partners to Use the City of Santa Fe Logo on Warranty Services Correspondence; Service Line Warranties of America. (Shannon Jones, Public Utilities Department Director, swjones@santafenm.gov, 955-4267)
- o) Request for Approval of Exempt Procurement in the Projected Amount of \$250,000 for Advertising, Subscriptions, On-Line Information and Publishing Services for all Departments with the City of Santa Fe; Santa Fe New Mexican. (Shirley Rodriguez, Purchasing Manager, sjrodriguez@santafenm.gov, 955-5711)
- p) Request for Approval of the Award of Bid # '18/27/B for Procurement of Uniforms for the City of Santa Fe; Various Vendors. (Shirley Rodriguez, Purchasing Manager, sjrodriguez@santafenm.gov, 955-5711)
- q) Request for Approval of State Price Agreement #700805-17-15677, Expected to Exceed an Amount of \$60,000 for Procurement of Bulk Fuel; Various Vendors. (Shirley Rodriguez, Purchasing Manager, sjrodriguez@santafenm.gov, 955-5711)



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- r) Request for Approval to Use State Price Agreement Numbers 50-000-15-00059, 60-000-16-00050, 20-000-00-00083 A,B,C in an Amount Expected to Exceed \$60,000 for Procurement of General Repairs, Supplies and Maintenance of City Owned Vehicles and Equipment; Multiple Vendors. (Shirley Rodriguez, Purchasing Manager, sjrodriguez@santafenm.gov, 955-5711 and Daniel Garcia, Fleet Manager, dagarcia@santafenm.gov, 955-2351)

 - s) Request for Approval of Nutrition Service Incentive Program (NSIP) Agreement No. 2018-19-60026 in the Total Amount of \$83,354.92 for the Procurement of Raw Food for the Period of October 16, 2018 through June 30, 2019; North Central New Mexico Economic Development District, Non-Metro Area Agency on Aging. (Yvette Sweeney, yasweeney@santafenm.gov, 955-4739).
 - 1) Request for Approval of Budget Amendment

 - t) Request for Approval of the 2019 Holiday Calendar. (Bernadette Salazar, Human Resources Director, bsalazar@santafenm.gov, 955-6591)

 - u) Request for Approval of Seven 2018 State of New Mexico Capital Appropriation Project Agreements for a Total of \$2,247,100. (David Chapman, Grant Administrator-Writer, dachapman@santafenm.gov, 955-6824)
 - 1) Request for Approval to Increase Project Budgets as Indicated
 - 2) Request for Approval of Budget Amendments

 - v) Request for Approval of a Budget Amendment in the Amount of \$303,964, for the Purchase of Four Paratransit Vans for the Transit Division Which was Approved by the Governing Body through the Adoption of Resolution 2016-58. (Keith Wilson, Transit Division Director, kpwilson@santafenm.gov, 955-2223)

 - w) Request for Approval of Lease Agreement for Outdoor Seating, Food Service and Merchandise Display on Portions of Lincoln Avenue and Marcy St. Rights-of-Way Containing Approximately 75 Square Feet Adjoining the Westerly and Southerly Boundaries of 101 W. Marcy Street; D IV, Inc. (Edward Vigil, Property Manager, ejvigil@santafenm.gov, 955-6226)



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- x) Request for Approval of Amendment No. 1 to License Agreement to Allow for Outdoor Seating, Food Service and Merchandise Display on Portions of the Lincoln Avenue and Marcy Street Rights-of-Way Containing Approximately 75 Square Feet Adjoining the Westerly and Southerly Boundaries of 101 W. Marcy St. by D IV, Inc. (Edward Vigil, Property Manager, ejvigil@santafenm.gov, 955-6226)
- y) Request for Approval of the 2018 State Homeland Security Grant Program Sub-Grant Agreement in the Total Amount of \$120,464.00; New Mexico Department of Homeland Security and Emergency Management. (David Silver; Emergency Manager, dmsilver@santafenm.gov, 955-6537)
 - 1) Request for Approval of Budget
- z) CONSIDERATION OF RESOLUTION NO. 2018-____. (Mayor Webber, Councilor Ives, Councilor Vigil Coppler and Councilor Harris)
A Resolution Urging the New Mexico State Legislature to Support and Enact Legislation Related to the Legalization, Decriminalization, and/or Regulation of Cannabis and Cannabis-Related Products for Recreational Use. (Jesse Guillen, Legislative Liaison, jbguillen@santafenm.gov, 955-6518) (**Postponed on November 14, 2018**)
- aa) Request for Approval of Revised City of Santa Fe Schedule for 2019 City Council and Council Committee Meetings. (Yolanda Y. Vigil, City Clerk, [yyvigil@santafenm.gov](mailto:yvigil@santafenm.gov), 955-6521)
- bb) Request for Approval of Amendment 5 to Memorandum of Agreement (#M01439) Between the City of Santa Fe and the New Mexico Department of Transportation to Extend the Term of the Agreement to December 31, 2019. (Keith Wilson, Division Director of Administration and Grants, kpwilson@santafenm.gov, 955-2223)
- cc) CONSIDERATION OF RESOLUTION NO. 2018-____. (Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Rivera, Councilor Vigil Coppler and Councilor Villarreal)
A Resolution Urging the New Mexico Legislature to Support and Enact Legislation Amending the Aviation Act to Allow for the Imposition of Landing Fees. (Mark Baca, Airport Manager mbaca@Santafenm.gov, 955-2901)



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- dd) Request for Approval of Amendment No. 1 to Agreement Between the City of Santa Fe and AFSCME Local 3999 in the Average Amount of \$40,000 per Pay Period Extending Over Three Pay Periods Between January 2019 and July 2019. (Bernadette Salazar, Human Resources Director, bjalazar@santafenm.gov, 955-6591)
- ee) CONSIDERATION OF RESOLUTION NO. 2018-____. (Councilor Ives, Councilor Romero-Wirth and Councilor Rivera)
A Resolution Approving the Exchange and Transfer of One Tract of City-Owned Real Property Located at 4491 Cerrillos Road to the State of New Mexico in Exchange for the Transfer of Multiple Tracts of State-Owned Real Property to the City of Santa Fe. (Sean Moody, Asset Development Manager, sxmoody@santafenm.gov, 955-6213) **(Postponed to February 13, 2019)**
11. Request to Publish Notice of Public Hearing on January 9, 2019:
- Bill No. 2018-24.** An Ordinance Relating to the City of Santa Fe Economic Development Plan Ordinance, Article 11-11 SFCC 1987; Approving and Adopting a Local Economic Development Project Participation Agreement between the City of Santa Fe and Marty's Meals, Inc. for Lease Payments for the Expansion of a New Headquarters and Manufacturing Facility, a Local Economic Development Project. (Councilor Ives, Councilor Romero-Wirth and Councilor Lindell) (Rich Brown, Economic Development Associate, rdbrown@santafenm.gov, 955-6625)
- 1) Local Economic Development Project Participation Agreement Between the City of Santa Fe and Marty's Meals, Inc.
 - 2) Intergovernmental Agreement Between the New Mexico Economic Development Department and the City of Santa Fe, New Mexico for the Purpose of Facilitating the Disbursement of Funds for the Marty's Meals, Inc. Local Economic Development Project.
 - 3) Request for Approval of Budget Amendment.
12. Request for the Approval of Amendment No. 1 to Contract #18-1332 in the Total Amount of \$143,977.84 for Gas Line Repairs and Upgrade Services at the Waste Water Treatment Plant; B&D Industries, Inc. (J. Sam Burnett, Project Administrator, jsburnett@santafenm.gov, 955-5933.)



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13. CONSIDERATION OF RESOLUTION NO. 2018-____. (Mayor Webber)
A Resolution Establishing City of Santa Fe Legislative Priorities for Consideration by the New Mexico State Legislature During the 54th Legislature – State of New Mexico – First Session, 2019. (Jesse Guillen, Legislative Liaison, jbguillen@santafenm.gov, 955-6512)
14. Presentation of the City of Santa Fe Classification and Compensation Study. **(Informational Only)** (Bernadette Salazar, Human Resources Director, bjsalazar@santafenm.gov, 955-6591)
15. MATTERS FROM THE CITY MANAGER
16. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1(H)(7), Quarterly Update and Attorney-Client Privileged Discussion Regarding Threatened and Pending Litigation in Which the City of Santa Fe Is or May Become a Participant. (Erin McSherry, City Attorney, ekmcsberry@santafenm.gov, 955-6961)

17. MATTERS FROM THE CITY CLERK
18. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

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



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CITY COUNCIL CHAMBERS

G. APPOINTMENTS

- Audit Committee
- Immigration Committee
- Capital Improvements Advisory Committee
- Veterans Advisory Board
- Senior Services Advisory Board of Directors
- Planning Commission

H. PUBLIC HEARINGS:

- 1) Request from G.L.A. Santa Fe Hospitality, LLC, for the Following: (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521)
 - a) Pursuant to §60-6B-10 NMSA 1978, Consideration of a Waiver of the 300 Foot Location Restriction to Allow the Sale of Alcohol at Radish & Rye, 505 Cerrillos Road, Suites A101-A103C & A201-A202, Which is Within 300 Feet of the Santa Fe Jewish Center Chabad, 230 W. Manhattan Avenue.
 - b) If the Waiver of the 300 Foot Restriction is Granted, Consideration of a Transfer of Location of Inter-Local Dispenser Liquor License No. 28022, With On-Premise Consumption and Patio Service, From Radish & Rye, 548 Agua Fria Street to Radish & Rye, 505 Cerrillos Road, Suites A101-A103C & A201-A202.
- 2) Request from Los Alamos National Bank for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Alcoholic Beverages at the Los Alamos National Bank, 301 Griffin Street, Which is Within 300 Feet of Carlos Gilbert Elementary School, 300 Griffin Street. The Request is for a Welcome Reception for the Santa Fe Symphony & Chorus on Wednesday, December 19, 2018, with Alcohol Service from 5:00 p.m. to 7:00 p.m. (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521)
- 3) CONSIDERATION OF BILL NO. 2018-22: ADOPTION OF ORDINANCE NO. 2018-___. (Mayor Webber)
An Ordinance Amending Subsection 6-17.2 to Remove References to the Economic Development Review Subcommittee; Repealing Section 6-17.6 Regarding the Economic Development Review Subcommittee; Repealing Subsection 11-11.6 Regarding the Economic Development Review Subcommittee; Amending Subsection 11-11.8 to Remove References to the Economic Development Review Subcommittee; and Repealing Sections 6-8 and 19-10 Regarding the Grievance Review Board. (Jesse Guillen, Legislative Liaison, jbguillen@santafenm.gov, 955-6518)



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- 4) CONSIDERATION OF BILL NO. 2018-19: ADOPTION OF ORDINANCE NO. 2018-____. (Councilor Romero-Wirth, Councilor Ives and Councilor Villarreal)
An Ordinance Amending Section 9-3 SFCC 1987, the Public Campaign Finance Code, to Include a Definition for Qualified Small Contribution; Establishing a Ceiling for the Public Campaign Finance Fund; Establishing a New Section Regarding Qualified Small Contributions; Establishing a New Section Mandating Matching Payments by the City; Establishing a New Section Regarding Reporting of Qualified Small Contributions and Matching Payments; and Replacing all References in Chapter 9 of Municipal Clerk to City Clerk. (Zach Shandler, Assistant City Attorney, zashandler@santafenm.gov, 955-6303)

- 5) **Case #H-16-109.** Appeal of the Historic Districts Review Board's Decision on March 13, 2018 to Deny Exception Requests for Height and Public Visibility to Construct a Rooftop Elevator on the Property Located at 76 East San Francisco Street, Listed as Contributing in the Downtown and Eastside Historic District. Appellant Peter Komis Requests that the Governing Body Rescind the Denial, Grant the Exception Requests and Approve the Proposed Construction. (Theresa Gheen, Assistant City Attorney, tegheen@santafenm.gov, 955-2976) **(Postponed on October 10, 2018)**

- 6) CONSIDERATION OF BILL NO. 2018-23: ADOPTION OF ORDINANCE NO. 2018-____. (Councilor Rivera)
An Ordinance Concerning the Municipal Wastewater Utility System of the City of Santa Fe, New Mexico (The "System"); Providing for the Issuance of the City's Net System Improvement Bonds, Series 2018, in an Aggregate Principal Amount not to Exceed \$16,525,000 for the Enlargement, Betterment, Repair and Other Improvement of the System; Providing that the Bonds Shall be Payable Solely Out of the Net Revenues Derived from the Operation of the System; Providing for the Acquisition of a Reserve Fund Insurance Policy in Connection with the Debt Service Reserve Fund Established in Connection with the Bonds; Providing for the Disposition of the Revenues Derived from the Operation of the System; Providing the Form, Terms and Condition of the Bonds, The Method of Paying the Principal of and Interest on the Bonds and the Security Therefor; Prescribing Other Details Concerning the System Revenues, Bonds and the System, Including but Not Limited to Covenants and Agreements in Connection Therewith and with Future Financing Therefor; Approving Forms of a Preliminary Official Statement and a Continuing Disclosure Undertaking in Connection with the Bonds; Delegating



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Authority to the Mayor, City Manager, and Finance Director of the City to Determine the Exact Principal Amounts, Maturity Dates, Interest Rates, Prices, Redemption Features and Other Final Terms of the Bonds Pursuant to a Final Terms Certificate; Ratifying Action Previously Taken In Connection Therewith; and Repealing All Ordinances in Conflict Herewith. (Brad Fluetsch, Finance Planning & Reporting Officer, bjfluetsch@santafenm.gov, 955-6885) **(Postponed to January 30, 2019)**

I. ADJOURN

Pursuant to the Governing Body Procedural Rules, in the event any agenda items have not been considered prior to 11:30 p.m. such items shall be postponed to a subsequent meeting, provided that the date, time and place of such meeting is specified at the time of postponement.

NOTE: New Mexico law requires the following administrative procedures be followed when conducting "quasi-judicial" hearings. In a "quasi-judicial" hearing all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross-examination. Witnesses have the right to have an attorney present at the hearing.

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521, five (5) working days prior to meeting date.

**SUMMARY INDEX
SANTA FE CITY COUNCIL
December 12, 2018**

ITEM	ACTION	PAGE
1. Call to Order	Convened at 5:00 p.m.	1
5. Roll Call	Quorum Present	1
6. Approval of Agenda	Approved as presented	1-2
7. Approval of Consent Calendar	Approved as amended	2
8. Approval of Minutes – Nov. 14, 2018	Approved as presented	2
9. Presentations:	None	2
10. Consent Calendar Listing	Listed	3-7
Consent Calendar Discussion		
e. Torreon Park Name change	Approved	7
z. Cannabis Regulation	Approved	7-8
dd. AFSCME Amendment 1	Approved	8-9
11. Bill 2018-24 Public Hearing Notice	Approved	9-10
12. Waste Water Plant Repair	Approved	10
13. Legislative Priorities	Approved	11-12
14. Compensation Study Presentation	Informational	12-17
15. Matters from the City Manager	Announcements	17
16. Matters from the City Attorney	Announcements	18
Executive Closed Session	6:17 to 7:03	18
Evening Session at 7:05	Quorum Present	19
15. Matters from the City Clerk	None	20
16. Communications from the Governing Body	Communications made	20-21
F. Petitions from the Floor	Petitions Made	21
G. Appointments	All Approved	21-23
H. Public Hearings		
1. Radish and Rye alcohol service	Approved	23-24
2. Los Alamos National Bank event	Approved	24-25
3. Committees Repeal Ordinance	Approved	25-26
4. Public Campaign Finance Code	Approved	26-34
5. Komis Building Appeal	Reversed HDRB action	34-55
6. Waste Water Improvement Bonds	Postponed	55
I. Adjournment	Adjourned at 11:07 pm	56

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
December 12, 2018**

AFTERNOON SESSION

1. CALL TO ORDER AND ROLL CALL

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Alan Webber, on Wednesday, December 12, 2018, at approximately 5:00 p.m., in the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

Mayor Alan Webber
Councilor Signe I. Lindell, Mayor Pro-Tem
Councilor Roman "Tiger" Abeyta
Councilor Peter N. Ives
Councilor Christopher M. Rivera
Councilor Carol Romero-Wirth
Councilor JoAnne Vigil Coppler

Members Excused

Councilor Mike Harris
Councilor Renee D. Villarreal

Others Attending

Erik Litzenberg, City Manager
Erin McSherry, City Attorney
Yolanda Y. Vigil, City Clerk
Carl Boaz, Council Stenographer

6. APPROVAL OF AGENDA

MOTION: Councilor Ives moved, seconded by Councilor Abeyta, to approve the agenda as presented.

VOTE: The motion was approved on a voice vote with Mayor Webber and Councilors Abeyta, Ives, Lindell, Rivera, Romero-Wirth, and Vigil Coppler voting in favor of the motion and none voting against.

7. APPROVAL OF CONSENT CALENDAR

Councilor Rivera requested discussion on item 10 (z).

Councilor Vigil Coppler requested discussion on item 10 (dd).

Councilor Romero-Wirth requested discussion on item 10 (e).

MOTION: Councilor Ives moved, seconded by Councilor Rivera, to approve the Consent Agenda as amended with items 10 (e), (z) and (dd) removed for discussion.

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

For: Mayor Webber, Councilor Abeyta, Councilor Ives, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Vigil Coppler.

Against: None.

8. APPROVAL OF MINUTES: Regular City Council Meeting B November 14, 2018

MOTION: Councilor Lindell moved, seconded by Councilor Abeyta, to approve the minutes of November 14, 2018 as presented.

VOTE: The motion was approved on a voice vote with Councilors Abeyta, Ives, Lindell, Rivera, Romero-Wirth, and Vigil Coppler voting in favor of the motion and none voting against. Mayor Webber was not present for the vote.

9. PRESENTATIONS

There were no presentations.

10. CONSENT CALENDAR

- a) CONSIDERATION OF RESOLUTION NO. 2018-69. (Councilor Harris) A Resolution Adopting the Vision Statement of the Airport Advisory Board for the Santa Fe Regional Airport. (Mark Baca, Airport Manager mdbaca@Santafenm.gov, 955-2901)

A proposed amendment to item 10 (a) is incorporated here with to these minutes as Exhibit 1.

- b) CONSIDERATION OF RESOLUTION NO. 2018-70. (Councilor Villarreal, Councilor Ives and Councilor Lindell) A Resolution in Support of the Appropriation of Funds by the New Mexico Legislature for the "New Mexico Grown Fresh Fruits and Fresh Vegetables for School Meals Program" and Related Education Programs. (Jesse Guillen, Legislative Liaison, jbg Guillen@santafenm.gov, 955-6512)
- c) CONSIDERATION OF RESOLUTION NO. 2018-71. (Mayor Webber, Councilor Rivera, Councilor Ives, Councilor Lindell and Councilor Villarreal) A Resolution Urging the New Mexico Legislature to Adopt Community Solar Legislation; and Legislation to Increase the Renewable Portfolio Standards in the New Mexico Renewable Energy Act, NMSA 1978, Sections 62-16-1 Et Seq. (Regina Wheeler, Public Works Director, rawheeler@santafenm.gov, 955-6622)
- d) CONSIDERATION OF RESOLUTION NO. 2018-72. (Councilor Vigil Coppler and Councilor Ives) Resolution in Support of the Installation and Maintenance of Safety Signage in the City for People on Bicycles. (John Romero, Traffic Engineering Division Director, jjromero1@santafenm.gov, 955-6638)

A proposed amendment to Item 10 (d) is incorporated herewith to these minutes as Exhibit 2.

An action sheet from the Public Works, CIP and Land Use Committee meeting on Monday, December 10, 2018 is incorporated herewith to these minutes as Exhibit 3.

- e) Pulled for discussion by Councilor Romero-Wirth.
- f) Request for Approval of the 2018 Emergency Management Performance Grant Sub-Grant Agreement in the Total Amount of \$64,654.65; New Mexico Department of Homeland Security and Emergency Management. (David Silver, Emergency Manager, dmsilver@santafenm.gov, 955-6537)

- 1) Request for Approval of Budget Amendment
- g) Request for Approval of Sole Source Professional Services Agreement in the Total Amount of \$204,188 for Minimum Revenue Guarantee and Marketing Services for the Santa Fe Regional Airport; Northern New Mexico Air Alliance. (Mark Baca, Airport Manager, mdbaca@santafenm.gov, 505.955.2901)
 - h) Request for Approval of a Professional Services Agreement in the Amount of \$100,000, Exclusive of NMGRT (Under Exempt Procurement) for Archaeological Services for the Water Division; Office of Archaeological Studies. (Bill Huey, Engineer, bchuey@santafenm.gov, 955-4273)
 - i) Request for Approval of Memorandum of Understanding for Santa Fe Basin Update (Study); United States Bureau of Reclamation. (Bill Schneider, Water Resources Coordinator, whschneider@santafenm.gov, 955-4203)
 - j) Request for Approval of Amendment No. 1 to Professional Services Agreement for a Time Extension for the Electrical Line Extension Project; Public Service Company of New Mexico. (Alex Gamino, Auto & Security Systems Administrator, aegamino@santafenm.gov, 955-4375)
 - k) Request for Approval of Amendment No. 1 to Professional Services Agreement for a Time Extension for the Electrical and Security Improvements Project at Nicoles/McClure Reservoir; Great Western Electrical, Inc. (Alex Gamino, Auto & Security Systems Administrator, aegamino@santafenm.gov, 955-4375)
 - l) Request for Approval of a Change Order No. 3 to Professional Services Agreement for a Time Extension for Support and Maintenance of the Current Utility Customer Information System (UCIS); DeNovo Ventures LLC. (Caryn Fiorina, Utility Billing Division Director, cyfiorina@santafenm.gov, 955-4364)
 - m) Request for Approval of Procurement of 211 Toilet Retrofit Credits in the Total Amount of \$63,300; Vistas Bonitas LLC. (Andrew Erdmann, Water Resources Coordinator, paerdmann@santafenm.gov, 955-4204)
 - 1) Request for Approval of Budget Amendment
 - n) Request for Approval of a Professional Services Agreement for Utility Service Partners to Use the City of Santa Fe Logo on Warranty Services Correspondence; Service Line Warranties of America. (Shannon Jones, Public Utilities Department Director, swjones@santafenm.gov, 955-4267)

- o) Request for Approval of Exempt Procurement in the Projected Amount of \$250,000 for Advertising, Subscriptions, On-Line Information and Publishing Services for all Departments with the City of Santa Fe; Santa Fe New Mexican. (Shirley Rodriguez, Purchasing Manager, sjrodriguez@santafenm.gov, 955-5711)
- p) Request for Approval of the Award of Bid # '18/27/B for Procurement of Uniforms for the City of Santa Fe; Various Vendors. (Shirley Rodriguez, Purchasing Manager, sjrodriguez@santafenm.gov, 955-5711)
- q) Request for Approval of State Price Agreement #700805-17-15677, Expected to Exceed an Amount of \$60,000 for Procurement of Bulk Fuel; Various Vendors. (Shirley Rodriguez, Purchasing Manager, sjrodriguez@santafenm.gov, 955-5711)
- r) Request for Approval to Use State Price Agreement Numbers 50-000-15-00059, 60-000-16-00050, 20-000-00-00083 A, B, C in an Amount Expected to Exceed \$60,000 for Procurement of General Repairs, Supplies and Maintenance of City Owned Vehicles and Equipment; Multiple Vendors. (Shirley Rodriguez, Purchasing Manager, sjrodriguez@santafenm.gov, 955-5711 and Daniel Garcia, Fleet Manager, dagarcia@santafenm.gov, 955-2351)
- s) Request for Approval of Nutrition Service Incentive Program (NSIP) Agreement No. 2018-19-60026 in the Total Amount of \$83,354.92 for the Procurement of Raw Food for the Period of October 16, 2018 through June 30, 2019; North Central New Mexico Economic Development District, Non-Metro Area Agency on Aging. (Yvette Sweeney, yasweeney@santafenm.gov, 955-4739).
 - 1) Request for Approval of Budget Adjustment.
- t) Request for Approval of the 2019 Holiday Calendar. (Bernadette Salazar, Human Resources Director, bjsalazar@santafenm.gov, 955-6591)
- u) Request for Approval of Seven 2018 State of New Mexico Capital Appropriation Project Agreements for a Total of \$2,247,100. (David Chapman, Grant Administrator-Writer, dachapman@santafenm.gov, 955-6824)
 - 1) Request for Approval to Increase Project budgets as Indicated
 - 2) Request for approval of Budget Amendments

- v) Request for Approval of a Budget Amendment in the Amount of \$303,964, for the Purchase of Four Paratransit Vans for the Transit Division Which was Approved by the Governing Body through the Adoption of Resolution 2016-58. (Keith Wilson, Transit Division Director, kpwilson@santafenm.gov, 955-2223)
- w) Request for Approval of Lease Agreement for Outdoor Seating, Food Service and Merchandise Display on Portions of Lincoln Avenue and Marcy St. Rights-of-Way Containing Approximately 75 Square Feet Adjoining the Westerly and Southerly Boundaries of 101 W. Marcy Street; D IV, Inc. (Edward Vigil, Property Manager, ejvigil@santafenm.gov, 9556226)
- x) Request for Approval of Amendment No. 1 to License Agreement to Allow for Outdoor Seating, Food Service and Merchandise Display on Portions of the Lincoln Avenue and Marcy Street Rights-of-Way Containing Approximately 75 Square Feet Adjoining the Westerly and Southerly Boundaries of 101 W. Marcy St. by D IV, Inc. (Edward Vigil, Property Manager, ejvigil@santafenm.gov, 955-6226)
- y) Request for Approval of the 2018 State Homeland Security Grant Program Sub-Grant Agreement in the Total Amount of \$120,464.00; New Mexico Department of Homeland Security and Emergency Management. (David Silver; Emergency Manager, dmsilver@santafenm.gov, 955-6537)
 - 1) Request for Approval of Budget
- z) Pulled for discussion by Councilor Rivera
- aa) Request for Approval of Revised City of Santa Fe Schedule for 2019 City Council and Council Committee Meetings. (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521)
- bb) Request for Approval of Amendment 5 to Memorandum of Agreement (#M01439) Between the City of Santa Fe and the New Mexico Department of Transportation to Extend the Term of the Agreement to December 31, 2019. (Keith Wilson, Division Director of Administration and Grants, kpwilson@santafenm.gov, 955-2223)

An action sheet from the Public Works/CIP and Land Use Committee Meeting on Monday, December 10, 2018 is incorporated herewith to these minutes as Exhibit 6.

- cc) CONSIDERATION OF RESOLUTION NO. 2018-75. (Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Rivera, Councilor Vigil Coppler and Councilor Villarreal) A Resolution Urging the New Mexico Legislature to Support and Enact Legislation Amending the Aviation Act to Allow for the

Imposition of Landing Fees. (Mark Baca, Airport Manager
mdbaca@Santafenm.gov, 955-2901)

An action sheet from the Public Works/CIP and Land Use Committee meeting on Monday, December 10, 2018 is incorporated herewith to these minutes as Exhibit 7.

- dd) Pulled for discussion by Councilor Vigil Coppler
- ee) CONSIDERATION OF RESOLUTION NO. 2018-76. (Councilor Ives, Councilor Romero-Wirth and Councilor Rivera) A Resolution Approving the Exchange and Transfer of One Tract of City-Owned Real Property Located at 4491 Cerrillos Road to the State of New Mexico in Exchange for the Transfer of Multiple Tracts of State-Owned Real Property to the City of Santa Fe. (Sean Moody, Asset Development Manager, sxmoody@santafenm.gov, 955-6213) **(Postponed to February 13, 2019)**

CONSENT CALENDAR DISCUSSION

- e) CONSIDERATION OF RESOLUTION NO. 2018-73. (Mayor Webber, Councilor Lindell, Councilor Ives, Councilor Villarreal, Councilor Rivera, Councilor Abeyta and Councilor Vigil Coppler)
A Resolution Renaming Torreon Park the Mike T. Jaramillo Torreon Park. (Richard Thompson, Parks Director rcthompson@santafenm.gov, 9552105)

An action sheet from the Public Works/CIP and Land use Committee Meeting on Monday, December 10, 2018 is incorporated herewith to these minutes at Exhibit 4.

Councilor Romero-Wirth pulled item e) for Councilor Harris, and she was open to whatever action.

MOTION: Councilor Abeyta moved, seconded by Councilor Lindell, to approve the Resolution No. 2018-73, renaming Torreon Park the Mike T. Jaramillo Torreon Park.

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

For: Mayor Webber, Councilor Abeyta, Councilor Ives, Councilor Lindell, Councilor Rivera and Councilor Vigil Coppler.

Against: Councilor Romero-Wirth

- z) CONSIDERATION OF RESOLUTION NO. 2018-74. (Mayor Webber, Councilor Ives, Councilor Vigil Coppler and Councilor Harris) A Resolution

Urging the New Mexico State Legislature to Support and Enact Legislation Related to the Legalization, Decriminalization, and/or Regulation of Cannabis and Cannabis-Related Products for Recreational Use. (Jesse Guillen, Legislative Liaison, jbg Guillen@santafenm.gov, 955-6518)
(Postponed on November 14, 2018)

A proposed amendment for Item 10 (z) is incorporated herewith to these minutes as Exhibit 5.

Councilor Rivera commented that from personal experience with ambulance service, he saw marijuana use at a different level from most people and Public Safety wanted to have their statement considered.

Mayor Webber took his comments seriously and had researched and found that some of the history is unknown. An interesting piece on the internet speaks to the ongoing unrecognized issues. The reason we call it marijuana instead of cannabis came from the Mexico revolution in 1910 with what they considered their drug of choice and bigotry played a big part in putting on social controls. First in El Paso, it was to keep down Mexican immigrants. He did agree there are significant health issues and where it is legalized, there has not been a huge spike in young people using marijuana, but we need to keep an eye on it. He thought we have seen public safety funds used on this and more should go to drug prevention and health. He appreciated Councilor Rivera pulling it off the consent agenda and for letting us speak to it.

MOTION: Councilor Ives moved, seconded by Councilor Vigil Coppler, to approve Resolution No. 2018-74, Urging the New Mexico State Legislature to Support and Enact Legislation Related to the Legalization, Decriminalization, and/or Regulation of Cannabis and Cannabis-Related Products for Recreational Use.

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

For: Mayor Webber, Councilor Abeyta, Councilor Ives, Councilor Lindell, Councilor Romero-Wirth, and Councilor Vigil Coppler.

Against: Councilor Rivera.

dd) Request for Approval of Amendment No. 1 to Agreement Between the City of Santa Fe and AFSCME Local 3999 in the Average Amount of \$40,000 per Pay Period Extending Over Three Pay Periods Between January 2019 and July 2019. (Bernadette Salazar, Human Resources Director, bjsalazar@santafenm.gov, 955-6591)

Councilor Vigil Coppler pulled this consent item for discussion. She is in full support but had comments to make regarding incentive pay to certain classifications for recruitment issues. She agreed the City needs to pay attention to incentives to keep valuable employees. She helped HR and the City Manager for recruitment and retention through pay. She thought this was a good first step. But her preference, down the road, would be to include measures in our personnel rules to help across the board and make sure we don't leave anything out. We need to be mindful of creating personnel rules to memorialize treating everyone fairly. We should not just create more and more policies but have it in our rules and help the HR Director get caught up to a system of management and rules where everything is laid out and everyone whose situation applies will be treated the same.

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Abeyta, to approve Amendment No. 1 to Agreement Between the City of Santa Fe and AFSCME Local 3999 in the Average Amount of \$40,000 per Pay Period Extending Over Three Pay Periods Between January 2019 and July 2019.

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

For: Mayor Webber, Councilor Abeyta, Councilor Ives, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Vigil Coppler.

Against: None.

11. Request to Publish Notice of Public Hearing on January 9, 2019:

Bill No. 2018-24. An Ordinance Relating to the City of Santa Fe Economic Development Plan Ordinance, Article 11-11 SFCC 1987; Approving and Adopting a Local Economic Development Project Participation Agreement between the City of Santa Fe and Marty's Meals, Inc. for Lease Payments for the Expansion of a New Headquarters and Manufacturing Facility, a Local Economic Development Project. (Councilor Ives, Councilor Romero-Wirth and Councilor Lindell) (Rich Brown, Economic Development Associate, rdbrown@santafenm.gov, 955-6625)

- 1) Local Economic Development Project Participation Agreement Between the City of Santa Fe and Marty's Meals, Inc.
- 2) Intergovernmental Agreement Between the New Mexico Economic Development Department and the City of Santa Fe, New Mexico for the Purpose of Facilitating the Disbursement of Funds for the Marty's Meals, Inc. Local Economic Development Project.
- 3) Request for Approval of Budget Amendment.

Mr. Rich Brown said he and Fabian Trujillo have been working on and launching with the State a manufacturing project called Marty's Meals, whose CEO was present in the

audience along with Peter Mitchell from the New Mexico Economic Development Department who is our investment partner. They are ready for full public hearing on January 9.

MOTION: Councilor Ives moved, seconded by Councilor Lindell, to approve the Request to Publish Notice of Public Hearing on January 9, 2019 of Bill No. 2018-24, to consider an Ordinance Relating to the City of Santa Fe Economic Development Plan Ordinance, Article 11-11 SFCC 1987; Approving and Adopting a Local Economic Development Project Participation Agreement between the City of Santa Fe and Marty's Meals, Inc. for Lease Payments for the Expansion of a New Headquarters and Manufacturing Facility.

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

For: Mayor Webber, Councilor Abeyta, Councilor Ives, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Vigil Coppler.

Against: None.

12. Request for the Approval of Amendment No. 1 to Contract #18-1332 in the Total Amount of \$143,977.84 for Gas Line Repairs and Upgrade Services at the Waste Water Treatment Plant; B&D Industries, Inc. (J. Sam Burnett, Project Administrator, jsburnett@santafenm.gov, 955-5933.)

Mr. Sam Burnett said he was helping Shannon Jones with gas leaks at the wastewater treatment plant. The leaks were discovered several months ago, and he helped them through a process of assessing the system, development of engineering documents and secured a quote from got a quote from *B and D Industries* to make the needed repairs and get the facility back up and running. He first sought approval for \$209,000 as an emergency allocation and was asked to break it up in smaller sections. This is to amend the Purchase Order to bring up to the full amount to allow them to complete their work to conclusion.

MOTION: Councilor Ives moved, seconded by Councilor Lindell, to approve Amendment No. 1 to Contract #18-1332 in the Total Amount of \$143,977.84 for Gas Line Repairs and Upgrade Services at the Waste Water Treatment Plant; B&D Industries, Inc.

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

For: Mayor Webber, Councilor Abeyta, Councilor Ives, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Vigil Coppler.

Against: None.

13. CONSIDERATION OF RESOLUTION NO. 2018-77. (Mayor Webber)
A Resolution Establishing City of Santa Fe Legislative Priorities for Consideration by the New Mexico State Legislature During the 54th Legislature B State of New Mexico B First Session, 2019. (Jesse Guillen, Legislative Liaison, jbg Guillen@santafenm.gov, 955-6512)

A proposed amendment to this resolution by Councilor Romero-Wirth is incorporated herewith to these minutes as Exhibit 8.

A proposed amendment to this resolution by Mayor Weber is incorporated herewith to these minutes as Exhibit 9.

A proposed amendment to this resolution by Councilor Lindell and Councilor Villarreal is incorporated herewith to these minutes as Exhibit 10.

A proposed amendment to this resolution by Councilor Ives is incorporated herewith to these minutes as Exhibit 11.

An Action sheet from the Public Works/CIP and Land Use Committee meeting on Monday, December 10, 2018 is incorporated herewith to these minutes as Exhibit 12.

Mr. Guillen said there were amendments on Councilors' table to approve this it and the four resolutions that were adopted earlier which will be included on Exhibit A as an amendment.

Mayor Webber saw that they are mostly housekeeping corrections that were presented previously and not altering the material.

Mr. Guillen agreed. There was an addition to the question to the Legislature for the municipal courts, the land exchange in District 1 for repaving and a wording change for La Comunidad.

Councilor Ives asked to join the Mayor as a cosponsor.

Councilor Vigil Coppler commended Mark Duran and Jesse Guillen for having this before us today. It has been organized. At first it was all over the place and through the various committee meetings with analysis, it now represents the City as best as possible, before the State Legislature. They have made a very succinct and readable document and kept us in line on the focus. It has morphed a lot to establish our priorities and she appreciated it.

MOTION: Councilor Lindell moved, seconded by Councilor Ives, to approve RESOLUTION NO. 2018-77. (Mayor Webber) Resolution Establishing City of Santa Fe Legislative Priorities for Consideration by the New Mexico State Legislature During the 54th Legislature B State of New Mexico B First Session, 2019.

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

For: Mayor Webber, Councilor Abeyta, Councilor Ives, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Vigil Coppler.

Against: None.

- 14.** Presentation of the City of Santa Fe Classification and Compensation Study. (Bernadette Salazar, Human Resources Director, bjsalazar@santafenm.gov, 955-6591)

Ms. Bernadette Salazar presented the compensation study report. It included a memo with the documents in the study, a final report by the consultant and a listing of all the positions that were affected by the study. She commented that people are the most important part, to make sure the City pays in a manner that is fair, strategic and competitive. This is a good tool to improve our personnel system. It is comparable to the independent verification and validation report that was done with ERP as an outside evaluation of our compensation system.

The previous Council started the effort in 2017 and the study was awarded in October to Princestead, Inc. in Minnesota. The consultant met with City Staff and union leadership and gave an overview of the study process. Employees were invited to participate in a position analysis questionnaire to evaluate existing classifications and then a salary and benefit survey and each classification was assigned to a pay grade.

Three major findings resulted:

- 1) the City has too many (over 475) job classifications due to deferred maintenance on the plan. The approach was a piece meal process instead of systematic and resulted duties with jobs in different pay grades. The study proposes to reduce to 330 classifications, which is still too many.
- 2) The study finding was that overall, Santa Fe pay is pretty competitive with the market with about 1% below market value but compared with classifications, is about 11% below. In order to bring those up to par would require \$1.5 million.
- 3) The pay ranges are very different across different jobs. The average market is typically 50% and is the recommended goal out of the study. Right now, it is 18-84%.

There are no resources allocated and the \$1.5 million is a lot of money. Some classifications need to be brought to the minimum of the pay range.

In the future, she will bring those to the Council for a possible budget adjustment to ensure we compliant with the Collective Bargaining Agreement. We need to establish a

plan that we can implement, and this is another important building block in our efforts to make Santa Fe a great place to work.

Councilor Ives said most of his questions were on a looking forward basis. He expressed his great appreciation to those in the City who have worked on this and he looked forward to taking a deeper dive to understand it better. AHow does all our adoption of enterprise computer system affect this? We should be able to recognize deficiencies and be more transparent. I understand the study was basically upon current circumstances. I heard reduction of classifications. And those changes may be with a city-wide enterprise system. And, as we move forward through those efforts, to make sure our system is keeping up.

Ms. Salazar said we do need to make sure, as we move forward, to keep up with job changes and assign an appropriate pay grade. We will also do more periodic reviews. There are some situations where a job market is in high demand and might need to determine that we are still competitive.

Councilor Ives said he would be interested, as we start the next budget cycle, in how we address it as part of our ongoing system. Thanks for the hard work on this. It gives us serious things to consider in the next cycle.

Councilor Rivera asked why it took so long to get it out.

Ms. Salazar said the study started October 2017. AWhen I came on board, we had a lot of questions. And we found some things were inaccurate and COLA in July was not included. All of that also delayed the process.

Councilor Rivera asked if those job classifications not filled will have to go through the collective bargaining process.

Ms. Salazar said some still have to be considered. She didn't have the length of vacancy for those positions.

Councilor Rivera asked her to talk about the 1% and the 11%.

Ms. Salazar explained it. Those that are far below the minimum range will take more money in the budget to catch up.

Councilor Rivera observed in the list of classifications, that most of them have a changing minimum in the pay range, yet he heard her say they are still within the range.

Ms. Salazar agreed. Those below the minimum would require a salary adjustment to bring them up to the minimum.

Councilor Rivera asked if, when compared with other cities, we were able to truly find any that were truly comparable with Santa Fe.

Ms. Salazar replied that those entities chosen were selected by the previous administration. She had the consultant here, but she was not sure she could answer that.

Mr. T L Cox, consultant, said, "Fundamentally, you have to determine as elected officials what you are willing to pay. That process was open for a lot of employee involvement and they determined the choices for relevant comparisons. Presumably there are other factors they could have considered but those are what they chose.

Councilor Rivera asked if he just accepted what they chose.

Mr. Cox agreed.

Councilor Rivera said he was looking forward to the plan and how that will be paid for.

Councilor Abeyta complimented the Staff on the job done on it. It was very informative and comparing where we are now with where we were then, it is good. As Chair of the Finance Committee, he was looking forward to the implementation.

Councilor Vigil Coppler was totally on board with our consultant. Council has a lot of decisions to make and until or when we do that, it will govern our future and our expectations with the HR Department, City Manager and the Department heads overall. When we get that policy, she hoped it will help us keep up and not get behind. She recalled when she worked here, we did set up the policy. She wondered if the City wants to lead the market by 5% or lag behind 5%. The City previously chose to lag instead of lead because it was cheaper. Now, in order to not get behind, a review of our positions reveals whether we are leading the market or lagging. That procedure is what she strongly advocates for.

She asked how long it has been since the previous study.

Ms. Salazar said the last study was in 2006. She had a difficult time finding the records. The last two studies resulted in no actions and the union leaders never even saw a copy of the report.

Councilor Vigil Coppler concluded that nothing has been done since 2006. And the \$1.5 million should be a priority for the City. "Look at all the money we saved from 2006 until today. We should make it a top priority. I see that classifications were reviewed. I saw a few and don't believe disabilities were considered or those with disabilities accommodated."

Ms. Salazar agreed.

Mr. Cox said they do have the ADA consideration included.

Councilor Vigil Coppler asked for more to be said about being 1% below the market for beginning ranges and in looking at other things, we are really 11% below the market.

Mr. Cox said they did two comparisons - the 1% below compares those market ranges to your market ranges. You actually have many ranges above that result in the 1% but without those, you are behind 11%.

Councilor Vigil Coppler noted that in here, it says you recommend the requested structures be at market 95% to 93% and allude to the fact that the rest could be negotiated in the union contracts. That is an approach I understand.

Mr. Cox said one of the things the new administration wanted to look at was the cost impact if the City was at the market - 93-95%. And everyone now has the report. Everyone is now working from the same play book in starting negotiations.

Ms. Salazar acknowledged that the comparison, as you can see, is not really comparable to Santa Fe. So, we came up with a cost of living factor and the consultant provided us with the 95% and 93%. We are proposing those figures.

Councilor Vigil Coppler asked if the 100% of market value would be the mid-point of pay ranges.

Ms. Salazar agreed.

Councilor Vigil Coppler asked if there is any one whose pay level is frozen now.

Ms. Salazar replied that there are some with pay that is above the maximum. But she was not recommending that anyone's pay would decrease.

Mr. Cox said there are 81 people above the maximum now.

Councilor Vigil Coppler thought that is something the Council needs to address. The employees need to know that. We need to be cognizant of that situation. Not getting salary increases will affect their PERA benefit. She liked the recommendations offered on how to move through the range. We also have to think about moving people. They need to have that when they are doing a good job. The other way is to set up a performance management plan and we do need that. When there is no mechanism for classification of jobs and without that system, is how weird classifications happen. That has to be coupled with personnel rules,
She really appreciated this work and offered to do whatever she could to help.

Councilor Lindell appreciated that we don't have to look through every page. She had one question on Appendix B and asked what the average FTEs is.

Ms. Salazar said Appendix B was a summary of the positions that were surveyed, and average FTEs was what they got from the participating organizations for how many FTE employees were in those that were surveyed.

Councilor Lindell saw in looking at Airport Manager, that seven responded. Animal control showed seven responded. But the average FTEs was 5.43.

Mr. Cox explained that it was based on the numbers provided to the study.

Councilor Ives heard there were 81 above the line and asked how many were below the line.

Mr. Cox said there were 518 below market value.

Councilor Ives asked if the \$1.5 million amount was to bring those up to the range and none of those above the line were included in that figure.

Ms. Salazar said that was correct.

Councilor Ives asked what was meant by saying "we don't want to be a training ground for other organizations."

Ms. Salazar said when we recruit, we want to be able to keep good employees at the City. So, when other entities offer pay increases, we want to make sure we are competitive with them, so we don't lose employees just on pay issues.

Councilor Ives said he remembered an action that Council had taken to engage in a classification/compensation study every three years. He wondered if Council needs to change that if the industry standard is 5 to 7 years.

Ms. Salazar said she would research past resolutions and find out that detail.>

Mayor Webber thanked Ms. Salazar and Mr. Cox. He hoped the Governing Body could come to terms with the value of the positions and also be allowed to be competitive. They will be assessed and have more flexibility when things change. There is a lot of market volatility. That is true even in public employment. This document gives us a very badly needed benchmark tool that is the next step now that we have the relevant data.

Regarding Councilor Rivera's question about who is comparable to Santa Fe, the cities selected by the prior administration, there was some question if they were the best choices, but we couldn't throw them out. That would invalidate so many data points that we would have to start over. So, applying some kind of economic index like purchasing power or cost of living, gave us more choices in measuring against comparables. At the end of the day 100% is the right way to go to make us competitive. So, in addressing what houses cost and what groceries cost, those things got applied as we looked at

various cities and gave us good policy choices. It was not an attempt to be below the market but an attempt at an accurate comparison.

Councilor Vigil Coppler wanted clarification that 100% was midpoint.

Mr. Cox agreed.

Councilor Vigil Coppler concluded that midpoints are the market average. And if the City doesn't have a plan to move employees through that, we have bad morale. Our compensation policy really is important, and the market is very complex. But we have to move people through to remain okay most of the time.

Mr. Cox said it is going to create compression and was important to acknowledge in the report. While that is what the City can fund right now, the compression issue is one that needs attention, going forward.

Mayor Webber thanked them for the presentation. It was an excellent job bringing it forward.

15. MATTERS FROM THE CITY MANAGER

Mr. Litzenberg said Staff is moving forward on the ERB to keep it fresh. We had to carefully look at the contracts and how we manage the project and the software company and to change them going forward after the evaluation.

Secondly, we are evaluating all of the tax that exists in various departments. In Land Use, we are going through that process to make sure it is at a solid starting point.

The third part was to design a plan with time frames and budget and those adjustments are happening now.

The last part is making sure you get regular reports back. They will be more substantial in the future and get a good plan going forward.

There are a few liquor license items. Last time, we approved the Hearing Officers but don't yet have the contract there.

Thanks to all of you who were able to attend the holiday party. It means a lot to all staff and happy holidays to all of you.

16. MATTERS FROM THE CITY ATTORNEY

There was a case out of the Albuquerque Court of Appeals last week relative to their forfeiture program. For now, we have recommended to the Santa Fe Police Department to put a moratorium on our forfeitures as of December 5.

Secondly, she recommended going into executive session for discussing pending and threatened litigation and an update on litigation pursuant to NMSA 1978, Section 10-15-1(H)(7).

EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1(H)(7), Quarterly Update and Attorney-Client Privileged Discussion Regarding Threatened and Pending Litigation in Which the City of Santa Fe Is or May Become a Participant. (Erin McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6961)

MOTION: Councilor Rivera moved, seconded by Councilor Ives that the Governing Body go into executive session to discuss the matters listed on the agenda according to the recommendation of the City Attorney.

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

For: Mayor Webber, Councilor Abeyta, Councilor Ives, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Vigil Coppler.

Against: None.

The Governing Body went into closed executive session at 6:17 p.m.

The Council ended the executive session at approximately 7:03 p.m.

17. MATTERS FROM THE CITY CLERK – moved to evening session

18. COMMUNICATIONS FROM THE GOVERNING BODY moved to evening session

EVENING SESSION B 7:05 P.M.

A-E. CALL TO ORDER AND ROLL CALL

The regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called back to order for the evening session by Mayor Alan Webber, on

Wednesday, December 12, 2018, at approximately 7:05 p.m., in the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe.

Present at the meeting were:

Members Present

Mayor Alan Webber
Councilor Signe I. Lindell, Mayor Pro-Tem
Councilor Roman "Tiger" Abeyta
Councilor Peter N. Ives
Councilor Christopher M. Rivera
Councilor Carol Romero-Wirth
Councilor Vigil Coppler

Members Excused

Councilor Mike Harris
Councilor Renee D. Villarreal

Others Attending

Erik Litzenberg, City Manager
Erin McSherry, City Attorney
Yolanda Y. Vigil, City Clerk
Carl Boaz, Council Stenographer

RETURN TO OPEN SESSION

MOTION: Councilor Rivera moved, seconded by Councilor Ives that the Governing Body come out of executive session, stating for the record that the discussion in executive session were limited to the matters noted on the agenda.

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

For: Mayor Webber, Councilor Abeyta, Councilor Ives, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Vigil Coppler.

Against: None.

17. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

18. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of the Bills and Resolutions scheduled for Introduction by Members of the Governing Body is incorporated herewith to these minutes as Exhibit 13.

Councilor Vigil Coppler wanted to add her name to Agenda Item 11 as a cosponsor and Agenda Item 10 (a) as a cosponsor.

Councilor Rivera wished a Merry Christmas and Happy New Year to everyone and thanked all City employees for their great work. They do a great job every year. He will be introducing a resolution supporting federal legislation to designate Bandelier National Monument as a National Park and Preserve. On behalf of Councilor Villarreal, he said she would be introducing a resolution in support of legislation at the 2019 Legislative Session to authorize the practice of dental therapy and govern the training and licensing of dental therapists in New Mexico and also a resolution in support of the New Mexico Health Security Act.

Councilor Ives join in Councilor Rivera's resolution and the first two resolutions that Mayor Webber will be introducing, as cosponsor.

Councilor Romero-Wirth announced an appropriation being sponsored by Senator Nancy Rodriguez to the New Mexico Housing Trust Fund. It is a \$10 million appropriation to help build or rehabilitate approximately a thousand affordable homes for low-income New Mexicans; \$5 million request to be included MFA's FY2024 Infrastructure CIP and the New Mexico Housing Trust Fund with an additional appropriation of 10 million subsequent appropriations of 8.7 million in the past so that the MFA has grown the fund to \$26.6 million with loan and investment interest and awarded more than \$45 million by recycling interest and principal payments to help construct or rehabilitate 3,284 homes in 53 housing developments and leveraged \$374 million in other funding. It is a 25:1 return on the State's investment. So, this could benefit our Affordable Housing programs in Santa Fe.

Councilor Lindell asked to list her as a cosponsor on Councilor Rivera's resolution. She thanked everyone for a year where we made a difference and an opportunity to work with wonderful, terrific people. We disagree and find a common ground and work with the public to the most of our abilities. She wished a great holiday season for everyone - especially those who are struggling and would look for everyone on December 31 on the Plaza.

Mayor Webber said he is introducing a task force to evaluate water rate structure and make sure it is appropriate and moving forward in a way that meets City goals and a coalition we wish to join on sustainability, following up on our sustainability plan; and joining other New Mexico communities who have a sustainable agenda for the State and our City and resolution on the Open Meetings Act.

Mayor Webber wanted to join his colleagues on the Governing Body about this great year of generosity of spirit shown to him while he learned how to run a meeting and a great year working with people of Santa Fe and thank you to each other in a Community we are blest to be part of and take into our hearts those who are struggling to be mindful of their needs. And hopefully a season of peace on earth and good will.

F. PETITIONS FROM THE FLOOR

Ms. Sage Bird read a statement on equality. She stated that Santa Fe workers cannot make ends meet with minimum wage rates. Fifteen dollars per hour is needed. Many of us work 2-3 jobs and still can't make ends meet. Tax payers would be relieved of funding them. Please consider reasonable wages and health care. Basic universal income is basic universal health care. No society can survive with crises and poverty wages. No one should have to struggle with inadequate income with no food and no ability to call in sick. It is trickle-down economics and only a driving middle-class can do it. She talked about her grandmother who retired in the 1960's and worked in many jobs. There are 100,000 single parent households in New Mexico. Please raise the minimum wage to \$15 per hour.

There were no other petitions.

G. APPOINTMENTS

- **Audit Committee**

Mayor Webber appointed Stephanie Woodruff, Paul Margetson and Mary Ellen Chacón to the Audit Committee.

MOTION: Councilor Rivera moved, seconded by Councilor Vigil Coppler, to approve the appointments to the Audit Committee.

VOTE: The motion was approved on a voice vote with Mayor Webber and Councilors Abeyta, Ives, Lindell, Rivera, Romero-Wirth, and Vigil Coppler voting in favor of the motion and none voting against.

- **Immigration Committee**

Mayor Webber appointed Javier Rios as chair of the immigration Committee

MOTION: Councilor Ives moved, seconded by Councilor Vigil Coppler, to approve the appointment to the Immigration Committee.

VOTE: The motion was approved on a voice vote with Mayor Webber and Councilors Abeyta, Ives, Lindell, Rivera, Romero-Wirth, and Vigil Coppler voting in favor of the motion and none voting against.

- **Capital Improvements Advisory Committee**

Mayor Webber appointed Rex J. Givens, John B Hiatt, Monica A. Ault, Kim Shanahan, Brian Lewis, Marshall S. Thompson, Margaret B. VeneKlasen, Isaac J. Pino, and Scottie Pierce.

MOTION: Councilor Ives moved, seconded by Councilor Vigil Coppler, to approve the appointments to the Capital Improvements Advisory Committee.

VOTE: The motion was approved on a voice vote with Mayor Webber and Councilors Abeyta, Ives, Lindell, Rivera, Romero-Wirth, and Vigil Coppler voting in favor of the motion and none voting against.

- **Veterans Advisory Board**

Mayor Webber appointed Richard Christiansen Jr. to fill an unexpired term.

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Ives, to approve the appointment to the Veterans Advisory Board.

VOTE: The motion was approved on a voice vote with Mayor Webber and Councilors Abeyta, Ives, Lindell, Rivera, Romero-Wirth, and Vigil Coppler voting in favor of the motion and none voting against.

- **Senior Services Advisory Board of Directors**

Mayor Webber appointed Andres V. Romero, Bernardo C' de Baca, and Virginia M. Lucero.

MOTION: Councilor Abeyta moved, seconded by Councilor Ives, to approve the appointments to the Senior Services Advisory Board of Directors.

VOTE: The motion was approved on a voice vote with Mayor Webber and Councilors Abeyta, Ives, Lindell, Rivera, Romero-Wirth, and Vigil Coppler voting in favor of the motion and none voting against.

- **Planning Commission**

Mayor Webber appointed Brian Patrick Gutierrez, Janet Clow, Jessica Eaton Lawrence and Dominic E. Sategna to the Planning Commission.

MOTION: Councilor Ives moved, seconded by Councilor Vigil Coppler, to approve the appointments to the Planning Commission.

VOTE: The motion was approved on a voice vote with Mayor Webber and Councilors Abeyta, Ives, Lindell, Rivera, Romero-Wirth, and Vigil Coppler voting in favor of the motion and none voting against.

H. PUBLIC HEARINGS:

Ms. Vigil announced that the first Council meeting in January would be the last public hearing for liquor licenses here. They will be heard by hearing officers after that.

- 1) Request from G.L.A. Santa Fe Hospitality, LLC, for the Following:
(Yolanda Y. Vigil, City Clerk, yvigil@santafenm.gov, 955-6521)
 - a) Pursuant to '60-6B-10 NMSA 1978, Consideration of a Waiver of the 300 Foot Location Restriction to Allow the Sale of Alcohol at Radish & Rye, 505 Cerrillos Road, Suites A101-A103C & A201-A202, Which is Within 300 Feet of the Santa Fe Jewish Center Chabad, 230 W. Manhattan Avenue.

Ms. Vigil referenced the letter from the Rabbi for the Santa Fe Jewish Center Chabad that they don't object to serving alcohol at the restaurant at this location. She said that as a condition of approval, the City requests they obtain all necessary permits and licenses and comply with all fire, building, and land use code requirements and to comply with all city ordinances.

Public Hearing

Mr. Maurice Bonal was sworn and said he was the agent for the licensee and that a member of Radish and Rye was also present. He would answer any questions.

MOTION: Councilor Lindell moved, seconded by Councilor Ives, to approve the waiver of the 300 Foot Location Restriction to Allow the Sale of Alcohol at Radish & Rye, 505 Cerrillos Road, Suites A101-A103C & A201-A202, subject to the conditions of approval as stated by the City Clerk.

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

For: Mayor Webber, Councilor Abeyta, Councilor Ives, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Vigil Coppler.

Against: None.

- b) If the Waiver of the 300 Foot Restriction is Granted, Consideration of a Transfer of Location of Inter-Local Dispenser Liquor License No. 28022, With On-Premise Consumption and Patio Service, From Radish & Rye, 548 Agua Fria Street to Radish & Rye, 505 Cerrillos Road, Suites A101-A103C & A201-A202.

MOTION: Councilor Lindell moved, seconded by Councilor Ives, to approve the Transfer of Location of Inter-Local Dispenser Liquor License No. 28022, With On-Premise Consumption and Patio Service, From Radish & Rye, 548 Agua Fria Street to Radish & Rye, 505 Cerrillos Road, Suites A101-A103C & A201-A202.

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

For: Mayor Webber, Councilor Abeyta, Councilor Ives, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Vigil Coppler.

Against: None.

- 2) Request from Los Alamos National Bank for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Alcoholic Beverages at the Los Alamos National Bank, 301 Griffin Street, which is Within 300 Feet of Carlos Gilbert Elementary School, 300 Griffin Street. The Request is for a Welcome Reception for the Santa Fe Symphony & Chorus on Wednesday, December 19, 2018, with Alcohol Service from 5:00 p.m. to 7:00 p.m. (Yolanda Y. Vigil, City Clerk, yvigil@santafenm.gov, 955-6521)

Ms. Vigil read the request for the waiver for a welcome reception for the Santa Fe Symphony and Chorus on December 19, 2018 with alcohol service from 5 pm to 7 pm. She referenced a letter from Veronica Garcia, Superintendent of Santa Fe Public Schools, that indicated no objection to the waiver. The event will take place after school has recessed for the holidays.

Public Hearing:

There were no speakers from the public regarding this matter and the public hearing was closed.

MOTION: Councilor Rivera moved, seconded by Councilor Lindell, to approve the request for waiver for the reception on December 19, 2018 at Los Alamos National Bank, 301 Griffin Street.

Councilor Ives stated that as a member of the Santa Fe Symphony and Chorus, he would recuse himself from this vote.

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

For: Mayor Webber, Councilor Abeyta, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Vigil Coppler.

Against: None.

- 3) **CONSIDERATION OF BILL NO. 2018-22: ADOPTION OF ORDINANCE NO. 2018-27.** (Mayor Webber) An Ordinance Amending Subsection 6-17.2 to Remove References to the Economic Development Review Subcommittee; Repealing Section 6-17.6 Regarding the Economic Development Review Subcommittee; Repealing Subsection 11-11.6 Regarding the Economic Development Review Subcommittee; Amending Subsection 11-11.8 to Remove References to the Economic Development Review Subcommittee; and Repealing Sections 6-8 and 19-10 Regarding the Grievance Review Board. (Jesse Guillen, Legislative Liaison, jbg Guillen@santafenm.gov, 955-6518)

Mr. Guillen explained that the bill, if approved, will repeal some committees that no longer have a function. This is "just cleaning up the books."

Mayor Webber understood. This will make official the end of those committees that are no longer functioning.

Public Hearing:

There were no speakers from the public regarding this matter and the Public Hearing was closed.

Councilor Rivera asked if this is about giving more money to candidates.

Mr. Guillen said no; this is just about committees.

Councilor Vigil Coppler asked if we will continue to do this to streamline all committees and boards.

Mayor Webber said we are streamlining. Some of the existing bodies have ceased to function but still officially exist. It will be an ongoing process to clean things up.

Councilor Vigil Coppler commented that sometimes we eliminate them and create more.

Mayor Webber agreed that might be possible.

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Ives to adopt ORDINANCE NO. 2018-27 as presented.

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

For: Mayor Webber, Councilor Abeyta, Councilor Ives, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Vigil Coppler.

Against: None.

- 4) **CONSIDERATION OF BILL NO. 2018-19: ADOPTION OF ORDINANCE NO. 2018-28.** (Councilor Romero-Wirth, Councilor Ives and Councilor Villarreal) An Ordinance Amending Section 9-3 SFCC 1987, the Public Campaign Finance Code, to Include a Definition for Qualified Small Contribution; Establishing a Ceiling for the Public Campaign Finance Fund; Establishing a New Section Regarding Qualified Small Contributions; Establishing a New Section Mandating Matching Payments by the City; Establishing a New Section Regarding Reporting of Qualified Small Contributions and Matching Payments; and Replacing all References in Chapter 9 of Municipal Clerk to City Clerk. (Zach Shandler, Assistant City Attorney, zashandler@santafenm.gov, 955-6303)

Mr. Shandler introduced this bill. It is an ordinance that was brought before Finance. It does a variety of things regarding public financing of campaigns. It allows a mechanism for public funding and private funding as provided in the substitute bill authorized at Finance and based on a compromise, provides for small contributions of up to \$100, provides for an additional reporting period and allows a 1-to-1 match from city funds when the documents are submitted to the City Clerk.

Councilor Lindell noted on page 11 of the substitute bill, Section 9-3.7 on qualifying contributions, line 4 and 5, the Ethics and Campaign Review Board may, by regulation, allow use of an electronic signature on such forms. She asked for clarification on that about when that would be appropriate or would happen.

Mr. Shandler said that has been idea endorsed by the Ethics and Campaign Review Board in previous proposed legislation. This would allow the ECRB a rule or regulation with electronic signatures and eliminate excess paperwork. There are a variety of ways to use them and e sign them.

Councilor Lindell was concerned that it was not just an electronic signature and questioned what good it would be unless accompanied by a contribution.

Mr. Shandler agreed. It is the paperwork for that process.

Councilor Lindell asked then if it could be an electronic contribution.

Mr. Shandler said that is a potential, but this just deals with the paperwork required and that it could be done electronically.

Councilor Lindell asked if that is to be done by the candidate or the contributor.

Mr. Shandler said this would be done by a contributor.

Councilor Lindell apologized that she could not make sense of this. She could not see how an electronic signature would be needed unless accompanied by a contribution.

Mr. Shandler explained that when a person wanted to be a publicly funded candidate, they must get \$5 contributions. Currently, that is on a half sheet of paper form to fill out. This would be a rule to modernize it to be an email process. This is for the \$5 contributions.

Councilor Lindell was uncomfortable because she thought it is not about an electronic signature but an electronic contribution. Through Pay Pal it would be \$5, less the Pay Pal fee - like \$4.93.

Mr. Shandler said that issue had been discussed before. Ms. Vigil and he have issued a legal ruling on that. This is mainly about signing the form.

Councilor Lindell could not understand an electronic signature.

Councilor Romero-Wirth said, in the alternative, that it does say "by regulation" so that would have to be worked out by the Board to be within the rules and within the legal analysis.

Mr. Shandler got two documents from his notebook to share with the Council on that issue.

Councilor Romero-Wirth clarified that when that Board came up with the regulation, they would have to comply with the laws and regulations and what was intended here.

Councilor Lindell respectfully disagreed.

Mr. Shandler provided the two memos.

Councilor Vigil Coppler saw that it also mentions electronic signatures on page 15. She didn't have a problem with electronic signatures, but all would have to use the same system for authenticity. She asked if the City already has an automated signature system now that could be used.

Mayor Webber surmised if we move to that capacity for electronic signatures, all have to use the same platform or software.

Councilor Vigil Coppler agreed. It has to have authenticity. They have to have signature protection.

Mr. Shandler said the City doesn't currently have that, but this delegates the authority to ECRB to write a rule to cover that. There is not a process in place now for universal software but would delegate authority to ECRB to write a rule to provide the authenticity.

Councilor Vigil Coppler mentioned that in her Real Estate business, she has an electronic signature system. She asked if she could use that if she was a candidate. Having just finished her campaign, she understood Councilor Lindell's concern. A You get the money; you get the signature. She asked if this would give a candidate the authority to receive electronic contributions, as well.

Mr. Shandler said there was nothing expressed in this proposal to talk about that. He had never run a campaign but, as an observer, more and more people are doing things like Pay Pal. It is permitted right now and is in the memo she just shared with Councilor Lindell. Pay Pal does charge a transactional fee.

Councilor Vigil Coppler didn't see it in there. She asked about using their own credit card. There are other ways to pay electronically.

Councilor Romero-Wirth saw that Paul Biderman is here from ECRB. She suggested that maybe he or Jim Harrington from Common Cause could speak to it.

Mayor Webber asked him to speak.

Mr. Biderman said this was not something ECRB spent a lot of time on, but it goes back to early days of his ordinance and is simply for convenience to the public to provide them easily.

Councilor Vigil Coppler said this was intended to be a simple process for contributions. Maybe it would not be simultaneous any longer. To get five bucks, you go knock on doors. She did not understand its purpose if the candidate didn't get the contribution at the same time. That is not in here.

Councilor Romero-Wirth said ECRB would have to clarify what was meant here. It could have some abuse and she was not enough of a techie to know how that could be dealt with.

We would be delegating authority to ECRB to work it out. Clearly no one wants the system to be abused and we would have to figure out how it would not be abused.

Councilor Vigil Coppler thought it was more for the candidate. Right now, she didn't see the usefulness of collecting the \$5 or the \$100. Also, the other thing to this argument is that there is no enforcement or penalty for people who don't follow it. What she saw on the campaign trail, if you see a violation, you just rat them out.

Ms. McSherry pointed out that there is a complaint process that goes to ECRB who has authority to investigate violations of campaigning or election codes.

Councilor Vigil Coppler asked how often the ECRB meets.

Ms. McSherry said they meet promptly upon a complaint.

Mayor Webber added that an investigation can be done, or an audit requested after a campaign.

Ms. McSherry said it could be done any time up to one year after.

Ms. Vigil explained that provision is in a different section of the code - Chapter 16.

Ms. McSherry said the ECRB is authorized to investigate violations of this code. There is only one reference to ECRB in the other code section.

Councilor Vigil Coppler said it appears there is no avenue for punishment.

Mr. Shandler said it is in section 3.17 and does have enforcement and review.

Councilor Romero-Wirth pointed out that the only sections in front of us are the ones we are making changes to. And if approved, it would be codified as whole acts if you are a candidate and you would know what the rules are. There are other codes not here today because there are no changes to them.

Councilor Vigil Coppler asked for clarification that no payment can be made to a candidate's family. But what if a brother is the campaign manager? Should a candidate not choose a family member to be campaign manager?

Councilor Romero-Wirth said yes.

Councilor Vigil Coppler thought this is like sawing off the table legs to make it fit. I think we have a cap here, but can we ever compete with PAC money with public financing? I don't know that it meets the goal. We whittled it down from before and she was not sure how much money we are talking about, if this comes out of the General Fund.

Councilor Romero-Wirth clarified that this is a matching system and included in the original 2009 bill. The Supreme Court said our matching system was unconstitutional. We have a provision allocating \$150,000 per year to the public financing fund and the Finance Committee has looked carefully to make sure there would not be a run on it. It is capped, and we are trying to make this the option of accepting public financing, something candidates would choose. Only one candidate chose it and the rest said they could not make it competitive for them. We will never keep up with PACs that come in from the outside or candidates that can raise exorbitant amounts of money and that is what we are trying to do.

Councilor Vigil Coppler asked if this match comes out of the General Fund.

Councilor Romero-Wirth said up to \$150,000 is in the fund. For Council campaigns, the City has to have \$300,000 and for the mayoral campaigns, the City has to have \$600,000. And that is only if it is spent down. Any unused money would just carry over. This caps the fund at \$800,000 and can never grow more than that. It is apportioned according to the number of candidates. This bill would allow Council candidates to get \$100 contributions. There are lots of protections so that no one could run away with the bank and allows candidates to be publicly financed.

Councilor Rivera said he has been opposed to this since the beginning and appreciate Councilor Romero-Wirth's work on it. It was established to keep big money out of politics here. This is a response to how publicly candidates respond to non-public funded with PAC money. And this says we will throw money to public-funded candidates. But he didn't think that is what this is all about. Part of it originally was to give some funds to public financed candidates and had a requirement to get out there for the \$5 contributions. So, it makes the candidates get out and meet the public. He understood why Councilor Romero-Wirth is doing this, but he was against the principle of it.

Councilor Abeyta thought the City does need electronic signatures in the ordinance because we see it as a trend in society. If we want to attract younger people into the process, this is the way to do it. It is not just knocking on doors but about those who communicate by social media and electronics. So, he supported this. They still have to create regulations Other communities are embracing this. He thanked Councilor Lindell and Councilor Romero-Wirth for working on it. Given the amount of money in campaigns here, if we don't do this, it would lessen the number of people running. Otherwise it would be hard for good candidate to raise enough money.

Councilor Ives noted we have been considering amendments of this type for at least 3-4 years. He brought forth a similar measure but not with the refinements in this one and

appreciated the work of those who brought it. For him, this comes down to how we can encourage more people to be involved in the electoral process, particularly young people. We are all being moved into a world using electronics and electronic signatures that are available to us in the market place. So, he is a cosponsor and in favor of it.

Councilor Lindell noted on page 11, it refers on line 4-5 to permit use of electronic signature on such forms. If it is only a signature, she had no problem. But if it is also contributions, she questioned it. She pointed out that it said "contributors."

Mr. Shandler said it is only signatures.

Councilor Lindell went to page 11, lines 6 and 7, and quoted from item b. she said that doesn't seem helpful. For Mayoral candidates, 600 qualifying signatures and contributions would be needed. This means you can't have any paid staff to help collect those qualifying contributions.

Mr. Shandler pointed out that is existing language.

Councilor Lindell said that makes it difficult to not have any paid staff at all to help get those contributions. Just a comment. She acknowledged that Councilor Abeyta and Councilor Romero-Wirth worked on this a fair amount. And she was not asking for the electronic signature part to be deleted. But she said Pay Pal contributions are not acceptable. She asked Mr. Shandler to read he last sentence and he did.

Public Hearing:

Paul Biderman said he had a few points to raise. As a member of ECRB, he supported it. His first thought was about people going out to get contributions, and he was convinced two elections ago - all of them took public contributions and one got outside support without asking for it. It seemed so unfair to us. The previous ECRB had tried to deal with that by matching funds for someone who is outspent, and it was ruled unconstitutional. It isn't perfect, and he would like no limitation on public, but this was the best we could come up with - a small enough contribution of not more than \$100 and that will at least give an opportunity for those opposed, for a fighting chance.

Jim Harrington, Common Cause New Mexico, said he didn't realize all these technical questions, but two minutes won't allow a response to that. So, he just thanked those who worked on it. A lot of people contributed and above all, to Councilor Romero-Wirth who guided it through a committee process and members of Finance Committee who spent three hearings on it and made important changes and ECRB who had it four times and made many refinements. He was grateful for the questions that came up and dealt with and to City Attorney and City Clerk. It is a good bill and there are answers to all the questions. "I hope you vote for it."

Ms. Salahad said, "My name is Ishwary Salahad. I am a Santa Fe resident. I'm very interested in this topic. And I want to thank those of you who have worked so hard on compromising and working through this really complex issue. I had no idea when it started in this that it would be as complex as it is, and I have learned a lot. I just want to go on the record in support of this."

Maria Perez, District 1, said this is complex but the nutshell of it is that this is important. There are lots of people in our community who want to get involved, who want to run for office, who absolutely feel they cannot do it without public financing. It is not going to make PAC money disappear, but it does mitigate the issue a little bit and allows for those who want to get involved to give it a shot and run for office. It also allows for people to get involved at the community level who want to make these small contributions and know there will be a one-to-one match from the City and that their contributions will matter that much more in supporting a candidate that is a community leader that is not backed by political machine or independent wealth. I really encourage you all to vote for this bill to make it accessible to those who want to get involved and are not able to even try at this point. Thank you.

There were no other speakers from the public regarding this matter and the public hearing portion was closed.

Councilor Vigil Coppler said most of the concern is about the mayor race. There were two public candidates for Council but the election for mayor seems to be where it originated. I don't know why the Mayor's race needs more money. She thought it would be more effective with an opportunity for the public to make electronic contributions. She asked how electronic signatures would work and why have it if there is no opportunity for the public to make electronic contributions to candidates.

Mr. Harrington said the public does have the capacity to make contributions on line in this state. Privately funded candidates have this ability too. But all to publicly financed candidates do not because all contributions have to be signed by the contributor. So, these candidates felt that form should be able to be completed on line too.

Councilor Vigil Coppler said, as a candidate, you ask a person for a \$5 contribution and then physically get the money. And then tell the contributor, "Now go home and sign this form electronically." She didn't understand how that is practical. But it would help to be able to accept electronic money.

Mr. Harrington said nothing would bar people from giving the contributions on line.

Councilor Romero-Wirth said this happens all the time in law. The State passed a statute delegating regulatory authority to various bodies and agencies who have the expertise to put the details and rules in place to answer all the questions around whatever the details of giving the higher-level statutory thing achieved. These are good questions. We heard tonight that there is a memo that you cannot accept money electronically.

Mayor Webber clarified that it said you cannot accept money from Pay Pal because it has a deduction from the contribution. But if one uses a way that has no deduction, that is different. So, a method that does not bring you below the \$5 limit would be okay.

Councilor Romero-Wirth agreed. These are all the technical things that would have to be worked out by regulation. We are delegating that authority to the ECRB, who will figure it out to accomplish it. And if they need a statutory tweak to accomplish that, they will come back to us. And we are trying to put a matching system in place, delegating authority to the proper people to work out the details and if other changes are needed down the line, we can do it. This is the 21st century. Every single one of us has a screen in front of us and young people are much more tech savvy with that than me. There are people who can answer those technical questions and we will figure it out.

Councilor Vigil Coppler asked if she, as a candidate, could have accepted electronic money in her campaign.

Ms. McSherry said she had not looked into that. The memo is only about Pay Pal.

Mr. Shandler believed a privately funded candidate could receive electronic contributions. A public funded candidate could receive \$5 contributions with electronic limitations. He thought most have not used electronic funds. He thought the \$100 seed money could be received by electronic means, but most are probably from family members.

Mayor Webber said, hypothetically, if he was running for Council and had a Square technology and ask someone for a credit card that he could run it through his Square, is that was a potentially allowable mechanism for getting his \$5 contribution?

Ms. McSherry explained that the example is beyond the scope of this legislation and not something anyone is prepared to discuss so she hesitated to deal with it.

Councilor Vigil Coppler said she just went through a campaign and it would have been wonderful to know that she could have used her Square with a contributor's Visa card.

Ms. Vigil pointed out that there is a processing fee for using Square. The contribution must be no more and no less than five dollars.

Councilor Vigil Coppler asked, if someone handed her their Visa card, would that have been okay to use? Some of them don't have transaction fees. She asked if the rules of ECRB will come back to the Council.

Councilor Romero-Wirth said no.

Mr. Shandler agreed. There is nothing in this ordinance that would require it to come back to Council.

Ms. McSherry said there would have to be a public hearing on the proposed rules before adoption.

Councilor Romero-Wirth added that if Council saw something we did not like, we could add additional legislation. She didn't have a Square, but we also get seed money that can be used for our campaign and would assume a Square would be a campaign expense.

Councilor Abeyta agreed with Councilor Romero-Wirth. As a campaign expense for an electronic way to collect money. It should be. As far as the electronic signature is concerned, he asked if someone could mail the \$100 check to him.

Mr. Shandler agreed.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Ives, to approve BILL NO. 2018-19: ADOPTION OF ORDINANCE NO. 2018-28, amending Section 9-3 SFCC 1987, the Public Campaign Finance Code, to Include a Definition for Qualified Small Contribution; Establishing a Ceiling for the Public Campaign Finance Fund; Establishing a New Section Regarding Qualified Small Contributions; Establishing a New Section Mandating Matching Payments by the City; Establishing a New Section Regarding Reporting of Qualified Small Contributions and Matching Payments; and Replacing all References in Chapter 9 of Municipal Clerk to City Clerk.

VOTE: The motion was approved on the following (5-2) Roll Call vote:

For: Mayor Webber, Councilor Abeyta, Councilor Ives, Councilor Lindell, and Councilor Romero-Wirth.

Against: Councilor Rivera, Councilor Vigil Coppler.

- 5) **Case #H-16-109.** Appeal of the Historic Districts Review Board's Decision on March 13, 2018 to Deny Exception Requests for Height and Public Visibility to Construct a Rooftop Elevator on the Property Located at 76 East San Francisco Street, Listed as Contributing in the Downtown and Eastside Historic District. Appellant Peter Komis Requests that the Governing Body Rescind the Denial, Grant the Exception Requests and Approve the Proposed Construction. (Theresa Gheen, Assistant City Attorney, tegheen@santafenm.gov, 955-2976) **(Postponed on October 10, 2018)**

Ms. Vigil read the appeal from the agenda.

Mayor Webber asked for a disclosure of any documents received by a Councilor.

There were no documents received and nothing to disclose.

Mayor Webber said the process is:

- Presentation of the Staff Report of up to ten minutes,
- Opening statement of appellant for up to 15 minutes,
- Cross examination of sworn testimony, as needed,
- Sworn Public Comment of up to two minutes each
- Questions by the Governing Body,
- Closing statements,
- Close the Public Hearing,
- Council's deliberation of the matter.

Ms. Theresa Gheen, Assistant City Attorney, presented the Staff Report. This is an appeal by the Appellant, Mr. Peter Komis to determine whether the Appellant would be allowed to construct an enclosed elevator/massing, including storage in the vestibule on the rear of his building at 76 East San Francisco Street. The massing would be approximately 200 square feet and would go from the base of the building to the top of the roof with an opening onto the roof adjacent to the existing roof and approximately 13' 11" above the current roofline. The building borders the south end of the Plaza to be seen by tourists and close to intersection with Old Santa Fe Trail. The massing would replace the existing stairwell that is smaller and is adjacent to the existing roof. A couple of weeks ago, the LUD Director Johnson took pictures of the visibility of the story pole, with the appellant present, and those are at the end of your packet. And you can see it on pages 269 and 260 the pictures show the visibility from the alley and on pages 261 and 262 the visibility of the story pole from both sides of Water Street. That shows what is proposed.

The appeal has three claims: 1) that the Board erred in requiring a height exception, which the Appellant claims is not required for rooftop appurtenances, and as only a rooftop appurtenance, only the visibility exception is required; 2) that whether the exception criteria are met, if the governing Body deems this to be an addition, it must meet all six criteria or a height exception to conclusively demonstrate all six for the exception to be met, and 3) that if the proposed massing is also a rooftop appurtenance they appeal that it requires a public visibility exception.

It was heard by the HDRB two times - once in January 2017 and then in February 2018, as revised with the elevator moved to the south of the building.

In the letter, the Appellant indicated that two exceptions were required, and the Applicant acquiesced to the two exception requests and the Board didn't decide but Historic Preservation Staff made the decision. The Appellant really didn't go through the appeal process. Although the Governing Body could dismiss it on procedural grounds, she

suggested that if the Governing Body decides to do that, that it nevertheless would discuss the substantive issue for what exception(s) is required.

After the new Land Use Director came on Staff in July, she did an oral determination that this is really an addition. The reasoning is in the memo. If you look at what is being proposed, it is basically a stuccoed three-dimensional massing that looks like a three-story structure "glommed" onto the current existing building and has a roof and is enclosed and "all that stuff." And it even has a vestibule and a storage area. It is not just an elevator overrun that would service the story below it. It actually pops out on the roof and allows people to exit onto the roof. It is also not just an elevator. It serves as a storage area in the vestibule and it doesn't cut into the existing roof; it is an addition on the outside. So, the Land use Director and also the City Attorney's Office believe it is an addition and the Historic Preservation Staff thought so, as well. "We don't believe it is just a rooftop appurtenance because it is not contemplated in the definition in 14-12. It is not just mechanical equipment that would be on top of a roof but an actual structure next to it." That was her analysis of whether or not an exception is required. We do believe it is an addition and requires a height exception. A public visibility exception is not required. But it is up to the Governing Body to make a final interpretation of Code.

She went through the exception criteria. The public visibility exception has three criteria and a height exception overlaps and has six criteria. She directed Councilors to her memo on the responses.

1 - does it damage the streetscape? In this case, does it damage the Water Street streetscape. It requires for them to prevent an injury to the Appellant and in their appeal memo, states that he has a disability and needs an elevator to access his roof. So, the Governing Body could solicit testimony on why access to the roof is necessary.

2 - Why an option that does not need a height exception like an elevator hatch - is not available and why the addition at that height is actually needed. So, testimony can be elicited to meet that and perhaps the Governing Body could determine that it is conclusively demonstrated.

Also, the Governing Body should take a look at the criteria number six for the height exception is whether or not something smaller, even assuming the height exception would be required, whether not something smaller would really be available, like, taking the storage room off. Why is that necessary for accessibility to the roof? Or taking the vestibule off. Is that actually necessary. The Land Use Director says it is not absolutely necessary.

And last, but not least, whatever the Governing Body decides, I would recommend that they correct some errors that were in the decision. Number one is that this Application would require a variance by the Board of Adjustment for zoning and that was incorrectly stated. In addition, the maximum allowable height was incorrect. There was a calculation error, as well. And that can be fixed as well.

I also believe that the decision stated was visible from San Francisco Street and the Plaza. Of course, that is a determination of fact. And the photographs the Land Use Director took did not reflect that. But there was high visibility on Water Street.

I do have some suggested motions at the end of the memo and could direct you to that, as well. The handy, dandy decision tree. Thank you very much. I will stand for questions.

Appellant's Testimony

Mr. Frank Herdman, Mr. Peter Komis, and Mr. Eric Enfield were sworn.

A copy of Appellant's Materials is incorporated herewith to these minutes as Exhibit 14.

Mr. Herdman said he would speak, Mr. Komis will speak. And Mr. Enfield will speak. He introduced himself as the attorney for the Appellant and said he would rush through it as quickly as possible. Mr. Enfield is the architect and Mr. Komis is the owner. He handed out a packet of materials to try to simplify it dramatically. The packet in front of you is labeled "Appellant's Materials." He would go through them or them, so the Council can render an informed decision. On page 1, you see the two-story property at 76 San Francisco that was built in 1883 and remodeled significantly twice - in 1915 and in the 1950's. The building has been in the Komis family since 1969 and is where Overland Sheep is located now. The second floor has been vacant for at least 8 years.

So, on page two is the photo where the proposed elevator will be located. The aerial shows the Plaza to the north and shows the rear of the building where the elevator is to be located. It was originally proposed at the front and HDRB rejected that proposal and asked for an alternative plan to limit the elevator's visibility from the Plaza. So, the proposal was revised and now the elevator is at the rear of the building.

On page 3 is a photo taken from Water Street that shows a little alley way that shows just a little of the rear of the building off in the distance. From this perspective, you can't actually see that part of the building where the elevator will be located. Page 4 shows walking down that alley and now looking at the entirety of the rear of the building. He focused on an area he had noted in red which is existing stairwell to which Staff just referred. And is only to the second floor. What is proposed is to demolish that stairwell and locate the elevator there. This building has no roof access. The yellow arrow points to the step ladder to the roof. That is important and relevant as we go along.

Page five shows the proposed rear, south elevation that shows the enclosed elevator and the proposal is to include an ADA accessible elevator from basement to roof. The access to the roof is needed for accommodating Mr. Komis and his physical condition. The

elevator enclosure will extend approximately 13' 11" above the highest point of the building, being the parapet of this structure. And it was placed at the rear in this way to limit visibility from the Plaza.

Ms. Gheen mentioned that there were three types of exceptions at issue. There is actually only one. First is this issue about whether a public visibility exception is required. There are standards in the Code that deal with old Santa Fe Style types of buildings. This is an old Santa Fe Style building. It is the classical style seen in the core historic district. Staff determined that there was a requirement for an exception from the first bullet point, which is a provision from the Code, and it basically says you can't have the types of rooftop structures if that can be viewed by anyone standing in the street on which the building fronts.

When the elevator was proposed to be at the front of the building, this was relevant. It no longer became relevant once the elevator was moved to the back. For reasons we don't understand, HDRB still proceeded to address this particular exception. As Ms. Gheen confirmed and as the Staff Report confirms, we put a story pole where the elevator will be located to evaluate conclusively whether it will be viewable from San Francisco Street or the Plaza.

Mr. Herdman quoted from Ms. Gheen's memo, "A story pole was not visible from San Francisco Street nor from the Plaza." So it is not going to be visible from anyone standing on the street on which the building fronts, which is San Francisco Street. So that visibility exception is not required.

Second, Staff newly rates in a memo to you that there was another public visibility exception that was required. This was not raised below to the HDRB, and that pertains to the fourth bullet point on page 6. There is a provision in the Code that says for a Contributing building, solar collectors, clerestories, or mechanical equipment that are publicly visible, shall not be added. The elevator enclosure is not mechanical equipment. Yes, it has mechanical equipment within, like almost all buildings do. Staff's interpretation would prohibit mechanical equipment in any Contributing building, even if you cannot see it from the outside. The elevator enclosure will house mechanical equipment, but it will be a stuccoed exterior, so there will be no publicly visible mechanical equipment associated with it. So that public visibility exception is also not required. So that disposes that issue.

Going on to the second issue as to whether this is a rooftop appurtenance. On page 7, I have included the definition of a rooftop appurtenance included in the Code. And you can see it includes "vertical transportation." The definition of rooftop appurtenance does not designate whether that vertical transportation protrudes from the interior of the building footprint or is appended to the side of the building. This elevator is obviously vertical transportation. And as a consequence, it is a rooftop appurtenance.

The next bullet point explains it is also a provision in the Code and explains that in calculating the height of a structure, you exclude rooftop appurtenances. The third bullet point explains, and this is another provision in the Code that says, yes, but you only exclude them up to 8' for nonresidential structures. So, in this particular case, you have a rooftop appurtenance where the first eight feet is allowed and the remaining 5' 11" is the that portion for which we are asking a height exception. I want to be clear. We have recognized that, for purposes of this appeal and also was presented to the HDRB, a height exception is required. So, there is no issue of whether it was waived because in the proceedings before the HDRB, it was understood that a height exception was required.

That takes us to page 8, which is really the heart of the matter. And really, it is the only issue that needs to be decided, and that is, the application for a height exception beyond the eight feet that is permitted for the rooftop appurtenance. And I would add that if you decide that this isn't a rooftop appurtenance, in the alternative, we request a height exception for 13' 11" above the parapet.

He went through the exception criteria for a height exception.

1. Height exceptions will be granted if they do not damage the character of the streetscape. So, let's go to page 9 and evaluate what is the applicable streetscape in this case. I've included two provisions from the Code. The first bullet point explains that if a project is located on a street that extends linearly with no interruptions, the street will include the buildings or yardwalls or fences on both sides of the street on which the proposed building or project is proposed to be located. That is what we have here. We have East San Francisco Street. The next bullet point says, if the proposed building- importantly, building - fronts more than one street, then you look at both streets that it fronts. This building only fronts San Francisco Street. It does not front Water Street. Therefore, Water Street is not part of the streetscape. And as again confirmed by Staff that the story pole that was placed on the building at the height of the proposed elevator will not be visible from San Francisco Street nor from the Plaza. Therefore, there is no damage to the applicable streetscape.

Going on, the next few pages, although not technically relevant to the criteria, I took some time to do a little tour around downtown Santa Fe. And, it is not my habit to look up and probably not most of our habits to look up to evaluate what we see around the downtown area, when it comes to how structures are actually positioned and constructed in such a way that includes enclosures similar to what is being proposed here. But if you do that tour, you will see that the downtown area is replete with similar building portions that include and house mechanical equipment, vertical transportation, rooftop access, and other parts of the building. For example, on page ten, we have the Lensic; on page 11 and 12, we have a very conspicuous stairwell on top of what is the Ore House. On page 13 we have a protrusion above the Lensic Theater. On page 14, we see a very conspicuous protrusion above the building on Lincoln Street. On page 15, we see something similar to the City

parking lot. On page 16 we see another similar protrusion on the City parking lot including a stairwell. On page 17, we have the St. Francis Hotel, on page 18 we have a very conspicuous protrusion on the La Fonda Hotel. On page 19 we have something similar on the very historic First Presbyterian Church. On page 20, we have a protrusion that houses an elevator shaft on my office building on Marcy Street. On page 21 we see something similar; on page 22, we have the First Northern Plaza Building that has an elevator on the side of the building, similar to our proposal and it is a vertical transportation structure that provides rooftop access. We walk by that building every day and find that structure is harmonious with the historical architectural characteristics of downtown. Nothing dissimilar is proposed by the Applicant.

On page 24, the HDRB objected to the fact that the elevator at the roof level, included a storage area. Mr. Enfield can explain that the elevator has to be set back a little bit from the building because the elevator shaft below cannot sit on the foundation of this more than one-hundred-year-old building. So, because of that gap and that separation, he decided to make use of that area because it was structurally necessary. It was called storage. The HDRB said because it was storage, it was not an elevator. That is not true. So, to appease anybody who has a concern, we are proposing to block that off, so it will no longer be called storage. So, we have resolved that issue, hopefully to your satisfaction.

The next question the HDRB also had a concern that the elevator has a vestibule. Mr. Enfield can confirm to you and I included on page 25 an excerpt from the 2015 International Fire Code that confirms why it has to have a vestibule. If it serves more than three floors and the building is not sprinkled, you don't want a situation where someone opens the elevator door and walks into a fire. So, a vestibule is a mandatory part of this elevator. It cannot be eliminated. It must be an integral part of it.

2. He went back to the criteria. He had talked about streetscape and visibility. We are now on hardship. Mr. Komis will speak to you briefly about the physical condition he suffers from. He is responsible for maintaining this building and needs an elevator that will allow him access and serviceability of the roof. HDRB Staff found that that exception criteria had been met because of that particular condition.
3. Going on to number three, I won't leave it to you in whether the time constraints but again, HDRB Staff found that criterion #3 had been satisfied because alternative design options were examined.
4. and 5 - I want to address those simultaneously. They require proof of special conditions and circumstance peculiar to the land or structure and not the result of the Applicant. We saw that ladder on page 4 that was perched atop that stairwell. I want to take you inside that stairwell. If you flip to page 26, this is what goes on within that stairwell. These are ancient wooden stairs that are approximately 30" wide. You don't get access to the top of the roof but to the top of the stairwell. So

you go up these stairs and then at the top, on page 27, you have- a rickety set of stairs that takes you ten to this small hatch that is about 30" by 30" wide. On page 28, you can see me standing in that hatch. Imagine trying to service this roof with that condition. But we are not done. That hatch leads you out to this small rooftop platform that is on page 29. From there, you take this ladder and perch it against, not the Komis building but the building next door, which has rotten wood which the Komises can do nothing about and you hope and pray that you are actually going to make it to the top of the roof. Again, imagine trying to service air conditioning equipment or anything else on this roof with this condition. It is not appropriate for a physically fit person. It is especially not appropriate for Mr. Komis, who suffers a significant physical disability. That takes care of 4 and 5.

6. Mr. Enfield is going to elaborate briefly on criterion # 6. It entails the least restrictive ... (the timer said his time was up). Mr. Mayor, I request your indulgence and need 5 more minutes for our two speakers. I will brief to conclude. On page 30, we have the general purpose of the Historic Districts which pertains to that last factor. This elevator will service those purposes, it will allow for the serviceability and the economic vitality to be instilled in that particular building.

Mr. Enfield said concerns on # 6 do provide the least negative impact. After four meetings with the HDRB, we felt we had continued to reduce its negative impact with every meeting. The impacts reduced include moving the elevator to the rear of the building to not be visible from the streetscape, San Francisco Street and the whole Plaza and is not visible anywhere; minimizing its visual impact by locating it where there is an existing stair tower as shown in the picture on #4. Thirdly, we only increased the elevator footprint from the present stair structure by 25 square feet from 175 to a 200 square foot footprint.

He noted that in the last HDRB hearing, we discussed the option of an elevator hatch similar to what he showed you in the photographs that exists, which would require either a code compliant stair to the hatch which would increase the footprint substantially as an addition and would be a hardship to our client. You could do a ladder going up to the hatch, which the owner couldn't use. We could provide another mechanical lift of some kind implied by one of the Board members and would also be cost prohibitive and would increase the footprint and the overall impact to the structure. By locating the elevator to the rear, we also minimize impact to the historic structure. The elevator addressed the general purposes section of the historic overlay district.

Mr. Komis said this building has been in my family for 50 years. My parents were Greek immigrants and restaurateurs, who purchased this building in 1969. I'm the one responsible for everything pertaining to Komis Enterprises - all maintenance of the building and on the roof for cleaning of gutters, supervising of contractors and inspecting mechanical equipment. Four years, two months, and 12 days ago, I was attacked by three masked men during a robbery attempt and as a result, I now suffer from a neurological condition that makes it difficult for me to walk. I have poor balance and have difficulty with

stairs. I have difficulty with ladders. You saw photos of how to get to the roof through a precarious staircase. I barely fit the staircase. It is not safe. And it is a hardship for me because ladders are difficult for me with balance issues. It is a hardship for maintenance people. There is no parapet; no platform. It is not safe for anyone. It is not safe from me because I suffer from a particular hardship. I broke my wrist falling from a ladder a week and a half ago while using a ladder to put up Christmas lights. If it was that ladder, I would be dead, and this building doesn't have an elevator as most do. I respectfully ask you to allow me to put this elevator, as we have designed it, in our building. A new ladder with a hatch won't help me. It won't bother anybody, it won't hurt the streetscape on the Plaza; and it is hidden in the back where it can only be seen when entering a back alleyway fifty feet from east Water Street.

Cross Examination

Mayor Webber asked if the appellant wishes to cross examine.

Mr. Herdman said they don't.

Ms. McSherry said cross examination is not required; it is optional.

Public Comment

Four people were sworn together.

Mr. Owen López said, "I've served on the Komis Enterprise Board for several years. I've been intimately involved with this elevator as it was moved from one place to the next, to the next. It is a challenge. The second floor of the building has not been used since a gallery moved out. There is a beautiful space on the second floor, but because of no elevator access, it has not able to rent it. So, we have gone through lots of hoops to get to what is now recommended. The family has gone to every length possible to get an elevator in this building to be able to utilize the whole building. I would appreciate your consideration of their appeal.

Mr. Jerry Archuleta said, "I've known Mr. Komis for 24 years. I was a police officer when I met Mr. Komis and we became really good friends. Anyone who knows Mr. Komis and his family, knows that he is Santa Fe - born and raised here. I know that he has put a lot of effort and caring to the design of the elevator because it is his family legacy. He really cares about everything that affects his family name on it. Secondly, I've known Mr. Komis since his injury he sustained, and I know his limits and capabilities are. He can't function in the way that he needs to function. I have a service-related injury that is similar to Mr. Komis's and when I was younger and healthy, Mr. Komis and I used to get on his roof often and neither of us can any more. The second floor is a beautiful space that is empty. We need to make accommodations and I ask the Governing Board to approve the elevator."

Mr. Ianunder Komis, 610 Don Gasper Avenue, said, "Peter is my dad. I respectfully ask

the Governing Body to allow my father to build the elevator, so he can safely access the roof when he needs to maintain rooftop equipment. He doesn't have good balance anymore and, as you can see, he fell two Sundays ago while getting off a ladder outside, putting Christmas lights up on a tree, and shattered his wrist. Thank you for your consideration

Ms. Deringa Komis said, "I am Peter's wife and I do respectfully ask that you allow us to put the elevator in. We have fantastic space and have not been able to lease the second floor. A lot of people come to look at it are concerned and ask how they access it. How to get people up there. There is a very narrow and steep stairs from San Francisco Street and this is his livelihood. He has been working on this project for many years. I do hope you will allow us to build this elevator for our family and our business and for our son's legacy to continue having business on the Plaza.

Ms. Terra Block Archuleta - a native of Santa Fe, said, "I do work on the Plaza and do lots of business with Plaza owners and do commercial lending. So, when I send business owners to various locations and accessibility is a major factor in what I do. I have been to the building. I have an injury on my knee and to access the second floor is very difficult for me to go into the building and can imagine what it is like for Mr. Komis to do what he does. So, I ask respectfully that you approve it."

There were no other speakers from the public regarding this case and the public hearing portion was closed.

Questions by the Governing Body

Councilor Ives asked Staff, looking at page 4 in the packet, which is under Section VII claim one, subsection b, and contains a definition of rooftop appurtenances, which has skylights, air conditioner units, solar collectors, stairwells, vertical transportation or other roof-mounted electrical or communications equipment. He asked if there is anything that requires all of these, or any and all rooftop appurtenances to come out of the existing space of the building, as opposed to being attached to the side or mounted to the side of the building. He didn't see anything that suggests that it has to come out of the building. That suggests it could be on the side and qualify as a roof top appurtenance.

Ms. Johnson said when an attachment or an addition to a building may have its own top appurtenance, if that makes sense. So, the proposed tower that contains the elevator does have an overrun of 18' between the floor plate, which is the same as the roof and the top of the elevator tower to accommodate the cab but also the overrun for additional mechanical equipment. There could be... anything that projects above the plane of the roof that is of a mechanical nature and is in an occupied space, would be considered a rooftop appurtenance.

Councilor Ives said he didn't really follow all of that.

Ms. Johnson restated the last part. Anything above the roof plane, either on top of it or next to it that doesn't contain occupiable space, habitable space would be considered a rooftop appurtenance - any kind of mechanical equipment.

Councilor Ives said that in his estimation it is a rooftop appurtenance in the instance because it certainly is mechanical in nature and certainly not habitable in the sense that people would be occupying it. And it is for vertical transportation, obviously in the nature of an elevator and that would include a stairwell. It does talk about other roof mounted mechanical or communications equipment which presumably could be adjacent. Mr. Enfield said there was an existing stairwell structure occupying about 175 square feet and this is 200 so it is a little larger. So, it seems to be about visual impact only from the front of the building.

Ms. Johnson repeated the criteria.

Councilor Ives assumed it is rooftop, so he asked what the visual impact was.

Ms. Johnson said City Assistant Attorney Gheen said the street frontage is San Francisco Street and Staff looked more broadly at property frontage on Water Street, as well.

Councilor Ives asked if there is Water Street frontage. He thought he heard that was not the case.

Mr. Herdman said if you go to page 9, there are two things in play here. One is the definition of streetscape which is what Staff relies on. It you look at page 11 at the bottom, the definition of the streetscape is there. He read it again. The other provisions on page 9 explain where the streetscape is that is applicable to the project and the definition says what it is. All provisions of an ordinance need to be harmonized. For assessing visually, is there damage to the streetscape, but it doesn't say where you go to evaluate the visual impact. The definition provides no guidance on where to stand. The provisions on page 9 serve that purpose. It goes a distance of 500 feet in both directions on the street.

The second bullet point says if the building fronts both streets. But in this instance, the building fronts only one street - San Francisco Street.

Mr. Enfield said in all four meetings, the streetscape was San Francisco Street and the Plaza.

Mr. Herdman went to page 128 and said we don't have the benefit of David Rasch, who was on City staff for over 10 years and he understood this to be a rooftop appurtenance and on page 128 is David's worksheet not only for evaluating damage but also for determining maximum height of the structure, which is an average of heights of other buildings. You can see he went up and down San Francisco Street. He is the guru of this code. No position was taken by him to include Water Street. The code does provide some

of it. He said if we go there, it is into the land of arbitrary and capricious.

Councilor Ives asked of Staff if it was their contention that it also fronts on Old Santa Fe Trail at La Fonda or Shelby Street.

Ms. Gheen asked for a moment to look at her notes.

Ms. Gheen said this is a de novo hearing to independently weigh the facts and get new evidence. In conversations with Director Johnson before this - in July or August, maybe while David Rasch was still here, we went to microscopes as preservation staff did. The principle in the code says when there are two provisions, the more restrictive shall prevail and govern other standards. So Historic staff erred when considering public visibility that they required a less restrictive decision on criterion #1. In the more restrictive provision, in assuming it is a rooftop appurtenance which is on page six of my memo. In 14-5.3 D b, entitled remodeling to increase height of appurtenances. That should have been cited instead for rooftop appurtenance visibility section. For Contributing buildings, it says what is publicly visible shall not be added at the building front.

She believed the maximum height calculation was determined by both sides of the street. They erred in the actual calculation itself, and she noted that in her memo that actually the height calculation should be corrected. The Appellant (Eric Enfield) states that he was unhappy that it was done at the last minute. However, in a July email to the Appellant's attorney, this was emailed so it was not at the last minute. We've had it from July until now to think about this. So, the streetscape, in terms of looking at applicable height, was interpreted by Land Use Director as requiring looking at the height calculation on both sides of the street on which the property fronts. I'll leave that argument there.

Councilor Ives pointed out that in the materials in the packet, the photo on page 261, it has a label on it of Water Street. The building is in the background there and we can see the story pole in the existing stairwell area and the building itself doesn't appear to come all the way to Water Street. So, it clearly doesn't front on Water Street and doesn't appear to front on Shelby or Old Santa Fe Trail either.

Director Johnson agreed. That picture was taken from the northeast corner of Old Santa Fe Trail and Water Street.

Councilor Ives concluded that the building does not front on Old Santa Fe Trail or Water Street.

Director Johnson agreed, in terms of the actual building.

Councilor Ives added that in the packet on page 77, it has some of the plans and depicts the tower structure there and he compared it with the existing viewshed and saw the tower structure is a little more visible than what is there now.

Councilor Vigil Coppler said she could make a motion but would wait.

Councilor Lindell asked why the second floor could not be used without the elevator.

Mr. Enfield clarified that, right now, there is a single, noncompliant stairs that would not allow a handicapped person to get to the second floor. They are saying the elevator would facilitate that and be ADA compliant. Unlike other buildings and part of our presentation was going to show other buildings that do have interior circulation with interior stairs and internal elevators because they were built recently. There is no common area for this building. We were originally going to create that common area with an elevator in the front.

Councilor Lindell said that doesn't really answer her question. Why couldn't it have an interior elevator?

Mr. Enfield explained that the other tenants couldn't access the elevator because of the configuration of its interior.

Councilor Lindell noted on page 77, the size of the addition looked huge to her and she didn't see why it has to be so far above the parapet.

Mr. Enfield said Code allows 8 feet above the parapet. The extra 5' 11" allows for the overrun and to go to the roof.

Councilor Romero-Wirth observed that you could build the elevator to access to the second floor without going to the roof.

Mr. Enfield said the Board already approved the elevator going to the second floor but not to the roof level. And that was not what we requested. I don't know why they didn't measure the parapet, but we can go 8 > without an exception.

Councilor Romero-Wirth had no other questions.

Councilor Rivera said the Applicant kept mentioning both the HDRB and Staff, which is confusing. They originally applied for an elevator at the front.

Ms. Gheen said the elevator at the front was a different proposal.

Councilor Rivera wanted to know who asked the elevator to be moved to the back.

Ms. Gheen said the Board postponed the application for a redesign and that was by the Board that initiated the redesign to move to the back.

Councilor Rivera asked if it was to gain roof access.

Ms. Gheen thought so.

Councilor Rivera understood that the Applicant did what the Board asked - to move the elevator to the back of the building. Was the Board aware of the 13' 11' height exception?

Ms. Gheen referred to the minutes on page 208.

Mr. Herdman said the height was the same in both motions.

Councilor Rivera saw that the motion allowed them to go to the roof. He asked Mr. Komis if he could go up ladders.

Mr. Komis said he couldn't but would like to continue his work at Komis Enterprises.

Councilor Ives asked, out of curiosity, if the elevator in the back as proposed provided access to the second floor, would the existing stairwell not exist.

Mr. Herdman said the stairwell terminates at the second floor and above is the precarious platform for a step ladder and the elevator is proposed to be at that location.

Councilor Romero-Wirth asked if it would be possible to build the elevator to the second floor and make it less precarious with an elevator hatch.

Mr. Enfield said the Staff doesn't measure to the top of elevators and stairs. So, all the other things are not measured. They used a stair at the Ore House, but they are not measured as part of the height calculations - just to the top of parapets. And that is for one reason, you must be able to access the equipment on the roof. We were told to move it to the back, so it would not be visible. That is in the meeting notes. But most do have access through the roof. We have that now with a ladder. But if we put a stair there, the enclosure would have to be 4 feet wide and 12 feet long with a stair. That would be twice as big as the elevator.

Councilor Lindell was trying to come up with some way it could move forward, but she cannot support 13' above that parapet. She asked what they could do with 8' above the parapet.

Mr. Enfield said he wasn't sure why it was 8'. Eight feet is the legal ceiling height, but it requires more structure above the 8'.

Councilor Ives said the question is if there is any way to bring down the height down from 13' and still be able to maintain an elevator to the roof.

Mr. Enfield tried to find the smallest they could find and 13' was the height needed. He thought he could take it down a couple of feet.

Councilor Ives asked if you could get away with 13' and eliminate the parapet where we

could take two feet off the structure. There would be no parapet height at the elevator.

Mr. Enfield said the lowest elevator he could find was 13' 2".

Councilor Vigil Coppler said she saw somewhere that the building must be kept in good repair. If you can't get up and fix your roof and whether you hire people to do it or not, it is not ADA compliant with workers trying to find that ladder. I saw my plumbers installing A/C and could not imagine the physical issues for it. I do have concerns with ADA and this is a commercial building and they have to comply with the law. I cannot imagine how to maintain the roof even by a person in good health. And I wonder about the fire department with all kinds of issues there for safety.

I'm convinced this qualifies as vertical transportation and it qualifies and the exception to height is not a problem and all the others that are visible and provide service and this is in the actual character. So, I'm in favor of allowing the building owner to install an elevator and it does qualify as a roof top appurtenance and only needs a height exception.

Councilor Vigil Coppler moved to allow the height exception and overturn the Board's decision.

Ms. McSherry explained that there are a couple of other steps needed prior to a motion. If the Governing Body has finished questions, there would next be staff response and closing statement by the Appellant.

Councilor Lindell commented that she lives in a single-story house and has to hire someone with a bucket on their truck and didn't take anything up on a ladder. Her neighbor has a 3-story home and they have to hire a bigger truck. She didn't think it is practical to carry big things up on a ladder. That is not a reasonable or practical thing to accommodate on roofs of this height. I can't support that height. But for something less and a compromise to that, I'm all ears.

Mayor Webber said it is a question of fact. The roof is just the roof. There are not reasons to function other than that.

Mr. Herdman agreed. The elevator is not going to the roof to have parties on the roof/.

Mayor Webber agreed that it is for maintaining the roof for the building and nothing more.

Mr. Herdman agreed and the added fact that Mr. Komis has a limitation and asking for a reasonable accommodation.

Councilor Rivera asked Mr. Enfield to clarify the height and referred to page 5 in the packet where it says 13' 11" above the parapet. So, the whole structure above the roof is 11' 11".

Mr. Enfield agreed.

Councilor Rivera asked if that would provide full ADA accessibility -

Mr. Enfield said it would, from basement to roof.

Councilor Abeyta asked Staff, in looking at the photos of other buildings on pages 10-23, if those buildings meet code or had exceptions given when they were built.

Ms. Gheen explained that this packet of information was given to us this evening. She deferred to Director Johnson.

Director Johnson said we don't have addresses for all of those pictures to be able to pull up their records for how those added rooftop projections were approved. And no floor plans to show if it was a stairwell and just to go back to the determination in July about whether this is a rooftop appurtenance or a building addition, we looked at the floor plan that showed the vestibule and the storage area went beyond just a vertical transportation itself.

Councilor Abeyta asked if they are in the same district.

Director Johnson said she couldn't find that information without addresses and we don't know if they are elevators or something else.

Councilor Abeyta said they look higher than what is proposed here and probably in the Downtown Historic District.

Director Johnson added that we don't know the approval process.

Councilor Abeyta was looking at the height and they are at least as high as what is proposed. Thank you, Mayor.

Councilor Romero-Wirth went back to why access to the roof is needed. What is on the roof for which access is needed?

Mr. Komis said, I am responsible for everything pertaining to Komis Enterprises. including maintenance of the roof and inspection of mechanical equipment, cleaning of gutters, supervision of contractors. It has been in my family for 50 years and you saw the third generation now. He testified today that he wanted me to have safe access to that roof.

Councilor Romero-Wirth - so you need to get up there to clean the gutters, patch the roof or take a contractor up there if you need a new roof. You might need to take someone up there to maintain the air conditioner.

Mr. Komis said, if I need to replace a filter, I can do that myself. The stairwell itself is difficult and I can't go through the hatch any more. I still have a lot of years ahead of me to keep it in the family. It is not safe for any contractor either.

Councilor Rivera asked Staff if any consideration was given to raise the parapet, so it doesn't seem to appear so much higher.

Ms. Gheen didn't think raising the parapet to 13' 11" was considered. It is already several feet high.

Councilor Rivera was trying to minimize such a high thing sticking up above the roof.

Councilor Abeyta pointed out that it won't be visible anyway.

Ms. Gheen suggested that the Code already allows for 8'. So that might mean an 8' elevator was anticipated in the Code. Of if that seems to be unusual, perhaps an elevator was not contemplated.

Councilor Abeyta asked Staff of solar panel installations are allowed in the historic district.

Ms. Gheen said they are allowed, and Director Johnson had said solar panels are referenced as rooftop appurtenances, so that is possible.

Director Johnson agreed. They are mentioned in the definition of rooftop appurtenances. Councilor Abeyta said if we want to encourage those things, perhaps an elevator is appropriate.

Councilor Ives echoed Councilor Abeyta's point. On the backside of their materials, the continued existence of historic buildings, we have to be able to use them or they won't be occupied and would crumble and fail. To ensure adequate access for maintenance seems reasonable and to allow it to be rented. And the woman from the bank said accessibility for old buildings is critical to make sure they are relevant into the future.

As a reasonable response, he would limit the height to the minimum amount to install an elevator by lowering it two feet. That seemed reasonable to him.

Mayor Webber said he was entirely sympathetic with Mr. Komis' condition. It was a tragedy what happened to him. If I were attacked and disabled, falling off a ladder is a problem and I'd look for any reason not to get on the roof and not seek a very expensive architectural solution just so I could continue to get on the roof. Are we trying to solve a small problem with a giant mechanical solution?

Mr. Komis replied, AThis is my livelihood; a legacy my parents left me. They purchased it in 1969. It also means those three bastards won. And I'm not going to let them win. I'm going to continue to live and take care of my family as best as I can. On page 10, you see the Lensic building. It is a big eyesore for those who like theater. What Mr. Enfield proposed will look much better than what is there. Most tourists walk on the Plaza and on San Francisco Street. And the building doesn't front on Old Santa Fe Trail but only on San Francisco Street. You can see part of it on Water. I'm not going to do anything that

disrespects my City or my family.

Mayor Webber concluded that obviously that maintenance is a critical factor.

Mr. Komis said "One other thing to mention - we did come before the Board and they sent us away and said they wanted a historical survey of the building, which was very pricey. They suggested expensive things as obstacles and we did everything we could. This is all we could do."

Councilor Romero-Wirth said the thing she struggled with is not so much ... we could grant this. But building height is very important in our community. She asked if this will open the door so everyone else can build the height up to get on their roof. I'm struggling with that.

Mr. Herdman said he was the attorney for the Drury project and all these concerns were raised with that project. That building was designed by John Gaw Meem and there were lots of exceptions granted to that rat-infested property. Al've been doing this for 27 years in this town and each case is considered on a case-by-case basis and I applaud the Council for doing that.

The Drury is a great case example that allow for some modernization and it brings as an example, a pride of ownership that will bring pride to the third generation. It is intangible, but it is primarily what we are talking about. Drury is another good example to change something of a John Gaw Meem designed building to another level.

Councilor Romero-Wirth said, "I'm all for breathing life into historic buildings, but I still find it hard to believe you could not build an elevator to use the inside all of the building and breathe new life into and make it vital again and then use something with an elevator hatch that doesn't have the same impact. That there is not some other architectural way to do that."

Mr. Komis said they have already compromised by moving it to the back. It was impossible to do it in the front with a big tower right on the plaza, so we moved it to the back. I did listen to Stefanie Beninato and others who opposed me. I think we got the best architect in town. It is the specs on others.

Councilor Romero-Wirth said there is an opportunity for City Attorney to respond and then a closing statement and then vote.

Ms. Gheen said, Alt is not my role to advocate one side over another, but to have a decision that is responsible. So, let me focus your attention on how it should be addressed.

The first question is what exceptions are required. Is it rooftop appurtenance or addition.? Whoever makes the motion should make that in the motion. Also, the question of precedent and discussion of ADA accessibility. I can see why the public should have

access to the second story. The public doesn't need to go to the roof. I wish you would consider whether the hardship criterion has been made for height and visibility. Is supervision of a contractor a hardship or is it a hardship for a hatch system. We don't know the price difference in style. Economic is not the sole consideration for hardship. For the definition, should the streetscape include Water Street. I do think it is up to you but including the lot on which an elevator is to be constructed is under the reasonable definition of what streetscape is. And staff did include Water Street. Perhaps that was an oversight.

I ask you to focus on whether the exception criteria have been met and look at each of them because all must be met to be granted.

And lastly, the City is the author of its own code and interpreter of its own code. And how you interpret the code is what decides.

Closing Statement

Mr. Herdman said, on behalf of Mr. Komis. I am deeply grateful for the attention you gave us. You did go over the parts of it.

The staff said 3 of the six criteria were met and the remaining dealt with visibility and staff made an error, because it has no public visibility. So, there is no visibility exception required here. The second involves mechanical equipment. There is no mechanical equipment visible in this project. If so, an elevator would not be approvable. So, the height exception is the only one, whether you consider it a rooftop appurtenance or not. I believe the exception has been met and ask you to reverse the HDRB decision and grant the exception.

Mayor Webber said the Governing Body could have discussion here or in closed session - whichever you wish.

Councilor Ives said -based on the materials presented and testimony, this appears to fall within rooftop appurtenance and the issues related to design on page 24 of the Appellant's materials on construction of elements. Storage has been removed but space with opening in the vestibule makes it a rooftop appurtenance. When I look at the question there was a visibility issue, and looking at the definition of streetscape, it applies to San Francisco Street instead of any other street so it is a height exception and for purposes of the criteria on page 8, that they have been met in each instance and it would be reasonable to have the elevator go to the roof but have it at the minimal height above the parapet at two feet less than the original request which allows the least amount of visible impact.

It is such that the back side is visually improved. Those are my comments.

Councilor Lindell said she just heard not much about the hatch system. "I don't know why.

Just a statement that it would be more expensive. But we don't have that information to make a decision on." She thought that would have been a good answer regarding height. It seems way too high. In comparing it with other buildings nearby that the Applicant said were ugly or unattractive. I don't think adding one more addition makes any difference compared with others. It just seems too big and too high. I'm also sorry that in this conversation, it seemed to get off on personal consideration instead of the code. I know these three guys and interact with them and that has nothing to do with this decision.

There were no other comments.

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Ives, that in **Case #H-16-109**, the Governing Body determines that the elevator is an appurtenance and that the height exception for an additional 3' 11" is granted, including that which is already allowed by Code.

Friendly Amendment: Councilor Ives requested a friendly amendment to say "3' 11" or that amount minimally necessary to put an elevator to the roof." Councilor Vigil Coppler accepted the amendment as friendly to the maker.

Mayor Webber wanted to make sure all the boxes were included in the motion to fulfill the legal requirements as laid out.

Ms. Gheen said it is part way there. What needs to be added is a statement that all exception criteria were met or minimally need be granted. If the Councilor could further state that all exceptions were met for the visibility exception and to explain the three criteria and whether it is also an addition and lastly to correct errors in the decision that zoning has not yet been approved.

Amendment: Councilor Vigil Coppler amended her motion to say all exception criteria have been met for height and as also an addition which requires a height exception and all six criteria have been met; and it is a rooftop appurtenance and that the three criteria for a visibility exception is not required as it does not apply; and to grant an exception of 3' 11" in addition to the eight feet already allowed by code above the parapet.

Councilor Ives seconded the amended motion and make sure it is clear as a rooftop appurtenance and an addition, he asked Ms. Gheen to clarify that difference.

Ms. Gheen said a rooftop appurtenance has two potential exceptions.

Mr. Enfield said one was for having a flat roof without parapet and the other was height. Visibility from Water Street came later.

Mr. Herdman referred to his page 6, to explain it as clearly as possible. The first bullet point has definition of old Santa Fe style with a list of requirements. It was not to prevent a

rooftop appurtenance but to be concealed from view by persons on the street. There was a concern that it could be seen if elevator was at the front but at the back it was undisputed that an elevator would not have visibility from anywhere on the streetscape and was agreed the visibility exception was not required. And mechanical equipment would not be visible. Those are not required and should not be addressed because they are not required.

Councilor Lindell suggested looking at page 11 in the packet we were supplied with as option 1 and option 2. If the maker and seconder would be acceptable to choose.

Councilor Vigil Coppler clarified that in making the motion, she was looking at the decision tree on page 12.

Mayor Webber said it appears Councilor Vigil Coppler is opting for Option 2 - that the Governing Body wishes to grant the appeal with the elevator as rooftop appurtenance and all criteria are accepted and the new is to correct the prior visibility finding the height is at 22' 4" and accepting them.

Councilor Vigil Coppler added to her motion that the height was reduced 2 feet lower. And accepting the height adjustment of the Board of Adjustment and correcting the Findings of Fact.

Ms. Gheen clarified that this has not been determined to meet the underlying zoning. HDRB is only a design code. We need a variance from Board of Adjustment for that to happen.

Councilor Ives asked if that was the appellant's understanding.

Ms. Gheen commented that this is an unusual case. The Land Use Director said it was not determined by the Board and not part of this appeal.

Mr. Herdman said no decision by the HDRB addressed that, so he would resist including it here. It is beyond the scope of this appeal and felt it would create a train wreck.

Ms. Gheen agreed and didn't want to reproduce that error. So, don't include that in the motion.

Mayor Webber asked if we have a workable motion.

Ms. McSherry suggested the one thing that could assist is to identify the evidence you want to support.

Councilor Ives said he could probably do that in five hours. But based on materials presented and testimony of the parties presented, the motion given seems to be sufficient.

Ms. McSherry said regarding the testimony, whether there is a hardship and whether there is damage to the streetscape, there are criteria on a range of options and being able to reside in the district.

Ms. Gheen said criteria 4, 5, and 6 as well.

Councilor Ives stated: "The Governing Body concludes that the Board [HDRB] did not act in accordance with law, or acted arbitrarily or capricious. After weighing the evidence, the Governing Body concludes differently than the Board and determined that the proposed elevator is an addition and a rooftop appurtenance, and approves the Application, finding that all exception criteria either one of those two items: rooftop appurtenance or addition, have been met in providing the condition with regards to the maximum height being three feet, eleven inches above the eight foot allowed currently under the Code or the minimum height that an elevator could be installed, which might be a little more or less than that."

Mayor Webber asked if Ms. McSherry got what was needed for Findings of Fact.

Ms. McSherry said she did.

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

For: Mayor Webber, Councilor Abeyta, Councilor Ives, Councilor Rivera, and Councilor Vigil Coppler.

Against: Councilor Lindell and Councilor Romero-Wirth.

- 6) CONSIDERATION OF BILL NO. 2018-23: ADOPTION OF ORDINANCE NO. 2018-____. (Councilor Rivera) An Ordinance Concerning the Municipal Wastewater Utility System of the City of Santa Fe, New Mexico (The "System"); Providing for the Issuance of the City's Net System Improvement Bonds, Series 2018, in an Aggregate Principal Amount not to Exceed \$16,525,000 for the Enlargement, Betterment, Repair and Other Improvement of the System; Providing that the Bonds Shall be Payable Solely Out of the Net Revenues Derived from the Operation of the System; Providing for the Acquisition of a Reserve Fund Insurance Policy in Connection with the Debt Service Reserve Fund Established in Connection with the Bonds; Providing for the Disposition of the Revenues Derived from the Operation of the System; Providing the Form, Terms and Condition of the Bonds, The Method of Paying the Principal of and Interest on the Bonds and the Security Therefor; Prescribing Other Details Concerning the System Revenues, Bonds and the System, Including but Not Limited to Covenants and Agreements in Connection Therewith and with Future Financing

Therefor; Approving Forms of a Preliminary Official Statement and a Continuing Disclosure Undertaking in Connection with the Bonds; Delegating Authority to the Mayor, City Manager, and Finance Director of the City to Determine the Exact Principal Amounts, Maturity Dates, Interest Rates, Prices, Redemption Features and Other Final Terms of the Bonds Pursuant to a Final Terms Certificate; Ratifying Action Previously Taken In Connection Therewith; and Repealing All Ordinances in Conflict Herewith. (Brad Fluetsch, Finance Planning & Reporting Officer, bjfluetsch@santafenm.gov, 955-6885) **(Postponed to January 30, 2019)**

I. ADJOURNMENT

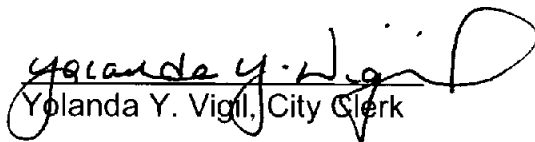
Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned approximately at 11:07 p.m.

Approved by:



Mayor Alan Webber

ATTESTED TO:


Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Carl G. Boaz, Council Stenographer

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2018-__
Airport Vision Statement

Mayor and Members of the City Council:

I propose the following amendment(s) to Resolution No. 2018-__:

- 1. On page 1, line 16 after "grow" *insert* "in a safe and secure environment,"
- 2. On page 1, line 22 after "airport" *insert* "in the United States"

Respectfully submitted,

Mike Harris, Councilor

ADOPTED: _____

NOT ADOPTED: _____

DATE: _____

Yolanda Y. Vigil, City Clerk

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2018-__
Bicycle Safety Signs

Mayor and Members of the City Council:

I propose the following amendment(s) to Resolution No. 2018-__:

- On page 2, after line 25 *insert*
 “WHEREAS, people on bicycles within the City should be educated on their legal requirements to be safe bicycle riders, sharing the road with vehicle drivers and following the same traffic laws per the Uniform Traffic Ordinance; and”

Respectfully submitted,

Renee D. Villarreal, Councilor

ADOPTED: _____

NOT ADOPTED: _____

DATE: _____

Yolanda Y. Vigil, City Clerk

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, DECEMBER 10, 2018**

ITEM 12

REQUEST FOR APPROVAL OF A RESOLUTION IN SUPPORT OF THE INSTALLATION AND MAINTENANCE OF SAFETY SIGNAGE IN THE CITY FOR PEOPLE ON BICYCLES (COUNCILORS VIGIL COPPLER AND IVES) (JOHN ROMERO, ENGINEERING DIVISION DIRECTOR, JJROMERO1@SANTAFENM.GOV, 955-6638)

PUBLIC WORKS COMMITTEE ACTION: Approved as amended

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON IVES			
COUNCILOR ABEYTA	X		
COUNCILOR VIGIL COPPLER	X		
COUNCILOR HARRIS	Excused		
COUNCILOR VILLARREAL	X		

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, DECEMBER 10, 2018**

ITEM 15

REQUEST FOR APPROVAL OF A RESOLUTION RENAMING TORREON PARK THE MIKE T. JARAMILLO TORREON PARK (MAYOR WEBBER, COUNCILORS LINDELL, IVES, VILLARREAL, ROMERO-WIRTH, HARRIS, ABEYTA, RIVERA, AND VIGIL COPPLER) (RICHARD THOMPSON, PARKS DIVISION DIRECTOR, RCTHOMPSON@SANTAFENM.GOV, 955-2105)

PUBLIC WORKS COMMITTEE ACTION: Approved on consent

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP: Remove Councilors Romero-Wirth and Harris from sponsors

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON IVES			
COUNCILOR ABEYTA	X		
COUNCILOR VIGIL COPPLER	X		
COUNCILOR HARRIS	Excused		
COUNCILOR VILLARREAL	X		

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2018-__
State Regulation of Cannabis

Mayor and Members of the City Council:

I propose the following amendment(s) to Resolution No. 2018-__ :

- 1. On page 2, *delete* “nine states (Alaska, Washington, Oregon, California, Nevada, Colorado, Massachusetts, Vermont, and Maine)” and *insert* “10 states (Alaska, California, Colorado, Massachusetts, Maine, Michigan, Nevada, Oregon, Vermont, and Washington)” in lieu thereof
- 2. On page 2, *delete* “29” and *insert* “31” in lieu thereof

Respectfully submitted,

Alan Webber, Mayor

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk

EXHIBIT 6

ITEM #10(bb)

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, DECEMBER 10, 2018**

ITEM 9

REQUEST FOR APPROVAL OF AMENDMENT 5 TO MEMORANDUM OF AGREEMENT (#M01439) BETWEEN THE CITY OF SANTA FE AND THE NEW MEXICO DEPARTMENT OF TRANSPORTATION TO EXTEND THE TERM OF THE AGREEMENT TO DECEMBER 31, 2019 (KEITH WILSON, TRANSIT DIVISION DIRECTOR, KPWILSON@SANTAFENM.GOV, 955-2223)

PUBLIC WORKS COMMITTEE ACTION: Approved on Consent

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON IVES			
COUNCILOR ABEYTA	X		
COUNCILOR VIGIL COPPLER	X		
COUNCILOR HARRIS	Excused		
COUNCILOR VILLARREAL	X		

EXHIBIT 7

ITEM #10(cc)

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, DECEMBER 10, 2018**

ITEM 11

REQUEST FOR APPROVAL OF A RESOLUTION URGING THE NEW MEXICO LEGISLATURE TO SUPPORT AND ENACT LEGISLATION AMENDING THE AVIATION ACT TO ALLOW FOR THE IMPOSITION OF LANDING FEES (COUNCILORS HARRIS, IVES, LINDELL, RIVERA AND VIGIL COPPLER) (MARK BACA, AIRPORT MANAGER, MDBACA@SANTAFENM.GOV, 955-2901)

PUBLIC WORKS COMMITTEE ACTION: Approved on Consent

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP: Add Councilor Villarreal as sponsor

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON IVES			
COUNCILOR ABEYTA	X		
COUNCILOR VIGIL COPPLER	X		
COUNCILOR HARRIS	Excused		
COUNCILOR VILLARREAL	X		

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2018-__
Legislative Priorities - 2019

Mayor and Members of the City Council:

I propose the following amendment(s) to Resolution No. 2018-__:

- 1. On page 2, *delete* lines 19-24 in their entirety

Respectfully submitted,

Carol Romero-Wirth, Councilor

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2018-__
Legislative Priorities - 2019

Mayor and Members of the City Council:

I propose the following amendment(s) to Resolution No. 2018-__:

1. On page 1, pages 21-22, *delete* "a City of Santa Fe Water Trust Board priority,"
2. On page 2, insert a new paragraph on line 19 to read:
"4. For any statewide capital outlay initiative associated with the upgrade to public safety facilities, the City of Santa Fe requests the funding in the amount of \$56,000 to install bulletproof windows for employees in the front lobby at the Santa Fe Municipal Court."

Respectfully submitted,

Alan Webber, Mayor

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2018-__
Legislative Priorities - 2019

Mayor and Members of the City Council:

We propose the following amendment(s) to Resolution No. 2018-__:

- 1. On page 2, line 16, after "Osage Avenue" *insert* "and Palace Avenue"

Respectfully submitted,

Signe I. Lindell, Councilor

Renee D. Villarreal, Councilor

ADOPTED: _____

NOT ADOPTED: _____

DATE: _____

Yolanda Y. Vigil, City Clerk

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2018-__
Legislative Priorities - 2019

Mayor and Members of the City Council:

I propose the following amendment(s) to Resolution No. 2018-__ :

1. *Delete* page 5, line 25 and page 6, line 1 and *insert* the following in lieu thereof:
 "2. For improvements to the building occupied by La Comunidad de Los Niños, located at 1121 Alto Street, in the total amount of \$100,000 to plan, design and construct plumbing for sewage line hookup with the city's system, upgrade of sewage lines, replacement of pipes and flooring in the kitchen area and other repairs and flooring improvements."

Respectfully submitted,

Peter N. Ives, Councilor

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk

EXHIBIT 12

ITEM #13

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, DECEMBER 10, 2018**

ITEM 14

REQUEST FOR APPROVAL OF A RESOLUTION ESTABLISHING CITY OF SANTA FE LEGISLATIVE PRIORITIES FOR CONSIDERATION BY THE NEW MEXICO STATE LEGISLATURE DURING THE 54TH LEGISLATURE – STATE OF NEW MEXICO – FIRST SESSION, 2019 (MAYOR WEBBER) (JESSE GUILLEN, LEGISLATIVE LIAISON, JBGUILLEN@SANTAFENM.GOV, 955-6518)

PUBLIC WORKS COMMITTEE ACTION: Approved as amended

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON IVES			
COUNCILOR ABEYTA	X		
COUNCILOR VIGIL COPPLER	X		
COUNCILOR HARRIS	Excused		
COUNCILOR VILLARREAL	X		



CITY COUNCIL MEETING OF
December 12, 2018
**BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
 BY MEMBERS OF THE GOVERNING BODY**

Mayor Alan Webber		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION REPEALING RESOLUTION NO. 2018-1 RELATING TO THE OPEN MEETINGS ACT; ADOPTING THE STATE OF NEW MEXICO OPEN MEETINGS ACT BY REFERENCE; AND ADOPTING NOTICE REQUIREMENTS.	City Council – 1/9/19
	A RESOLUTION AUTHORIZING THE JOINING OF THE COALITION OF SUSTAINABLE COMMUNITIES NEW MEXICO (“CSC”) AS A FOUNDING MEMBER.	Sustainable Santa Fe Commission - TBD Finance Committee – 1/21/19 City Council – 1/30/19
	A RESOLUTION ESTABLISHING A TASK FORCE TO EVALUATE THE CURRENT WATER RATE STRUCTURE TO ASSURE THE RATE STRUCTURE SUPPORTS CAPITAL AND OPERATIONAL COSTS OF THE WATER UTILITY AND THAT THOSE COSTS ARE DISTRIBUTED BETWEEN RATE CLASSIFICATIONS THAT ALIGN WITH THE OVERALL VISION AND MISSION OF THE UTILITY AND THE CITY OF SANTA FE AND PROPOSING RECOMMENDATIONS FOR MODIFICATIONS TO THE WATER RATE STRUCTURE.	Finance Committee – 1/21/19 Public Utilities - Committee – 2/6/19 City Council – 2/13/19
Councilor Roman Tiger Abeyta		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Mike Harris		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Peter Ives		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Signe Lindell		
Co-Sponsors	Title	Tentative Committee Schedule

Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION SUPPORTING FEDERAL LEGISLATION TO DESIGNATE BANDELIER NATIONAL MONUMENT AS A NATIONAL PARK AND PRESERVE.	Finance Committee – 1/21/19 City Council – 1/30/19
Councilor Carol Romero-Wirth		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Renee Villarreal		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION IN SUPPORT OF LEGISLATION IN THE 2019 LEGISLATIVE SESSION TO AUTHORIZE THE PRACTICE OF DENTAL THERAPY AND GOVERN THE TRAINING AND LICENSURE OF DENTAL THERAPISTS IN NEW MEXICO.	Finance Committee – 12/17/18 City Council – 1/9/19
	A RESOLUTION IN SUPPORT OF THE NEW MEXICO HEALTH SECURITY ACT.	Finance Committee – 1/21/19 City Council – 1/30/19
Councilor JoAnne Vigil Coppler		
Co-Sponsors	Title	Tentative Committee Schedule

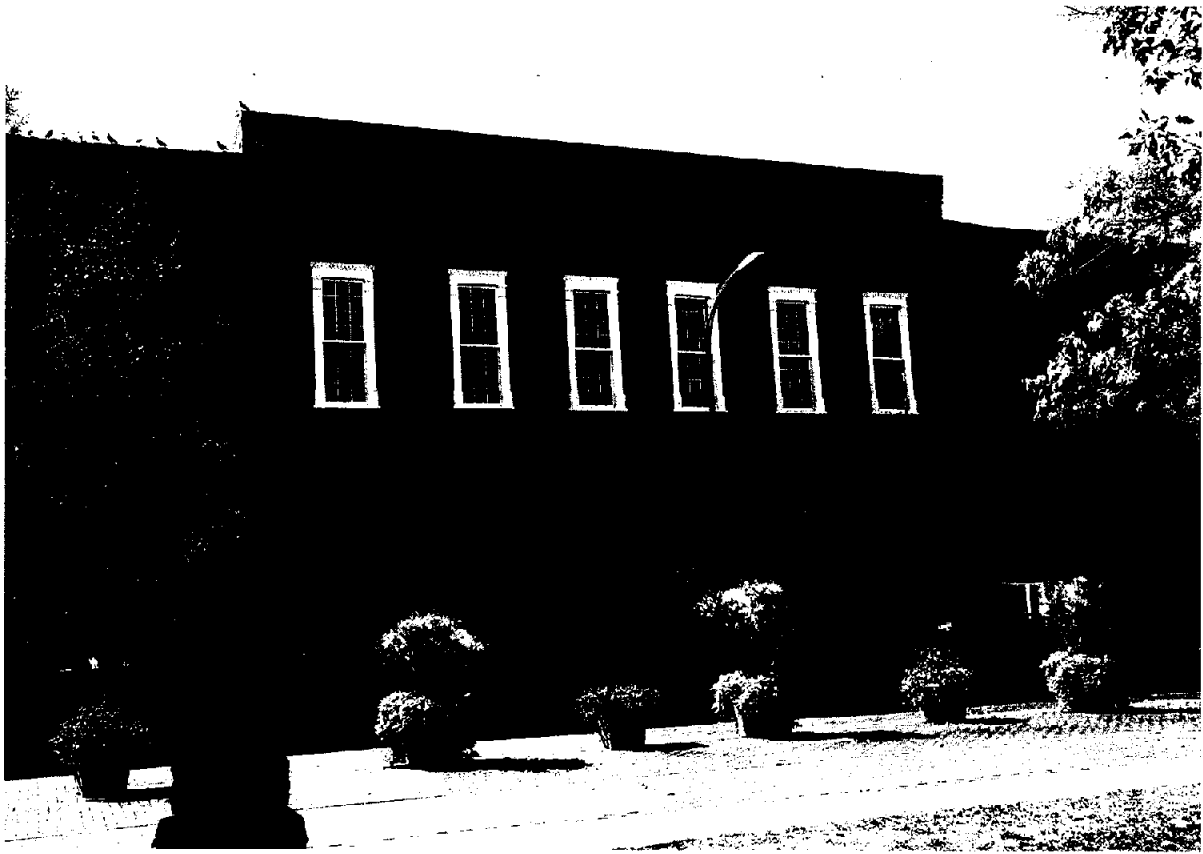
Introduced legislation will be posted on the City Attorney's website, under legislative services. If you would like to review the legislation prior to that time or you would like to be a co-sponsor, please contact Jesse Guillen, (505) 955-6518, jbg Guillen@santafenm.gov or Linda Vigil at (505) 955-6501, lfvigil@santafenm.gov.

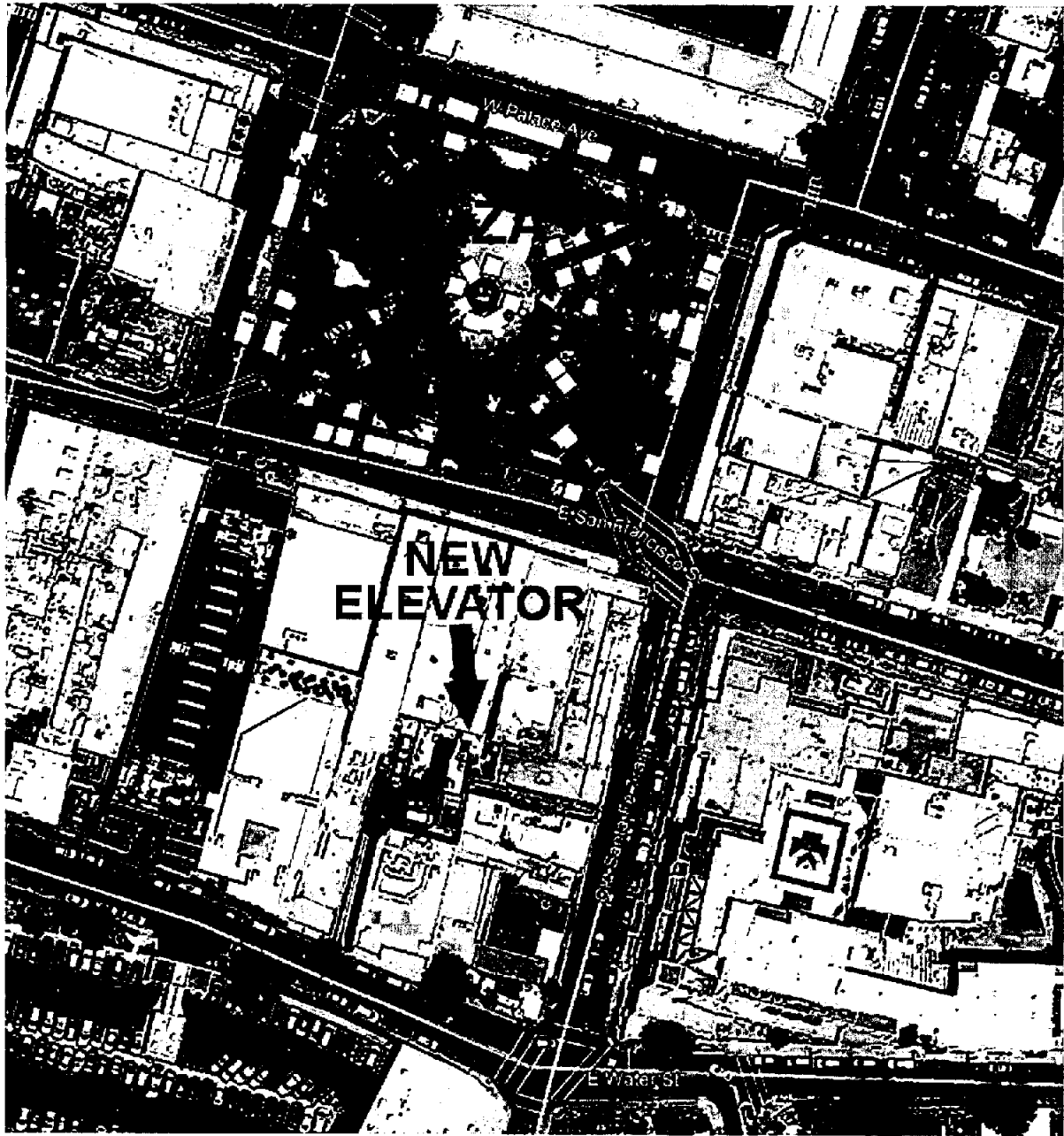
EXHIBIT 14

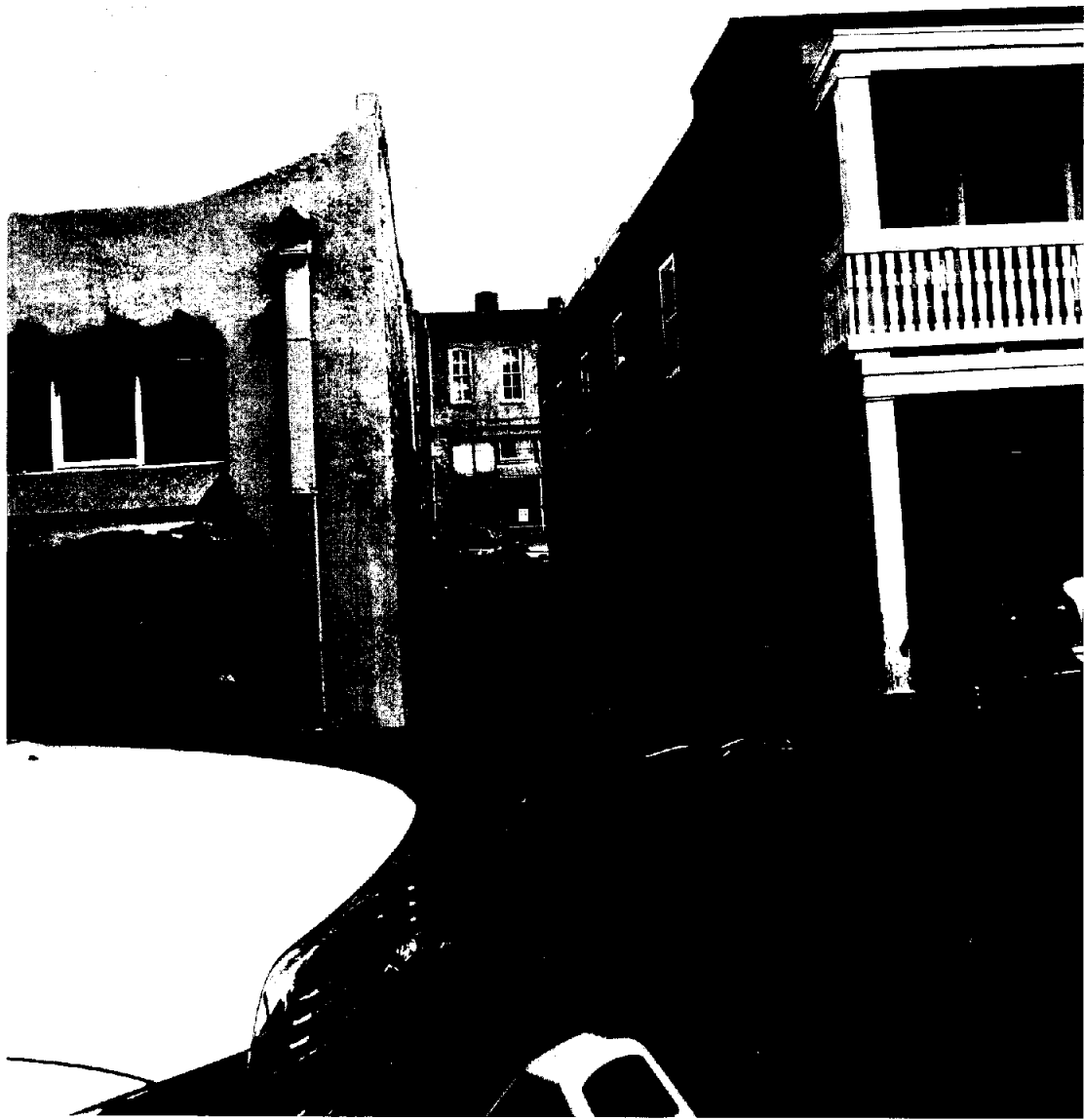
APPELLANT'S MATERIALS

Case #H-16-109

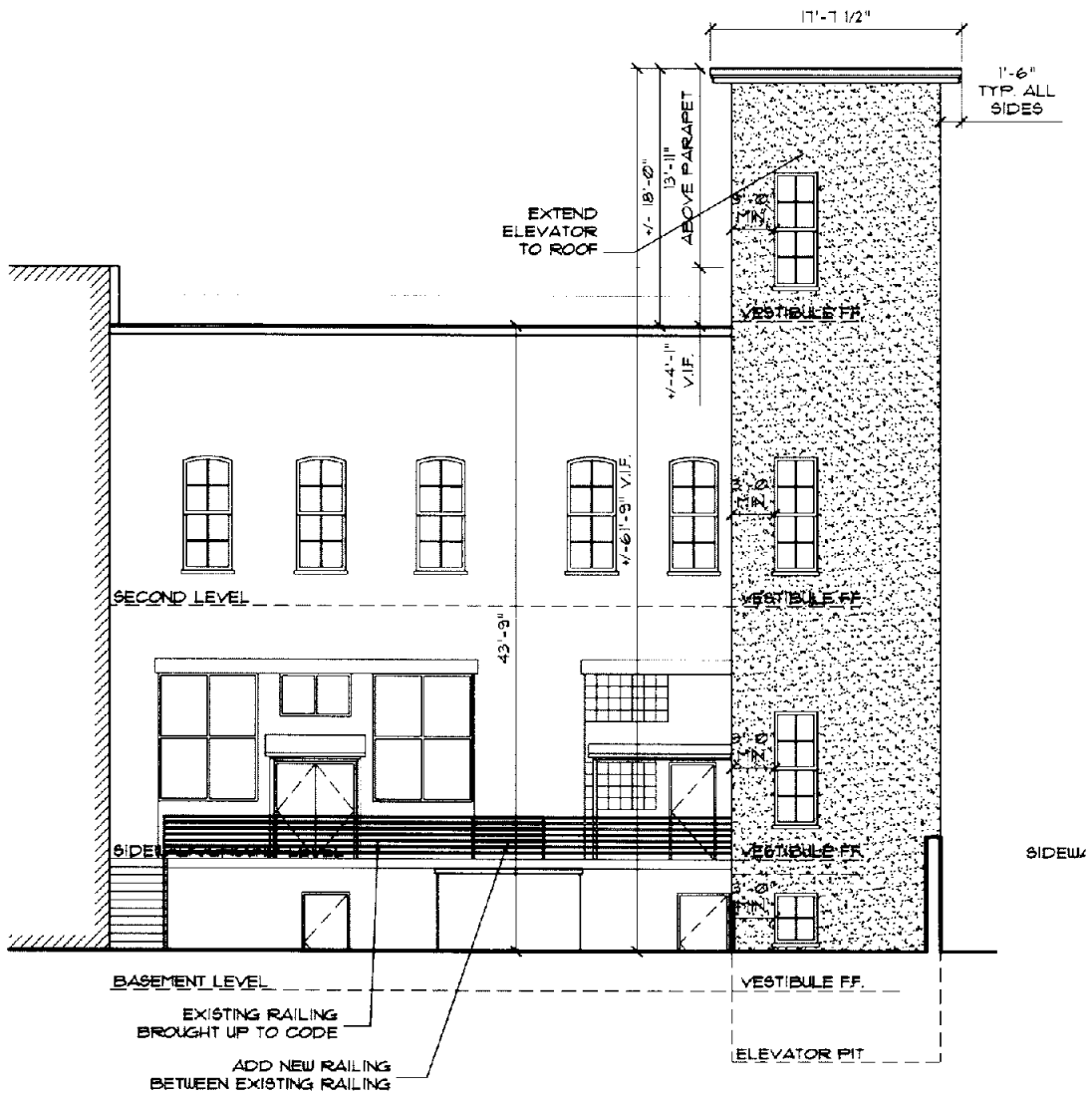
76 EAST SAN FRANCISCO STREET











PROPOSED REAR (SOUTH) ELEVATION

IS A “PUBLIC VISIBILITY” EXCEPTION REQUIRED?

- “The rule [requiring] flat roofs [on Old Santa Fe Style buildings] shall not be construed to prevent the construction of skylights or the installation of air conditioning devices, or any other necessary roof structures, but such structures other than chimneys, flues, vents and aerals, shall be so placed is to be concealed by the firewall *from the view of anyone standing in the street on which the building fronts.*” SFCC 14-5.2(E)(1)(d) (emphasis added).
- “On November 26, 2018, the LUD Director photographed from many vantage points the storey pole on the north-east corner of the proposed elevator. *The storey pole was not visible from San Francisco Street nor from the Plaza.*” Memo from Theresa Gheen to the Governing Body, p. 6 (emphasis added).
- “HDP staff *incorrectly* determined that an exception from (E)(1)(d) was required.” Memo from Theresa Gheen to the Governing Body, p. 6 (emphasis added).
- “For contributing buildings, solar collectors, clerestories, decks, or *mechanical equipment* if publicly visible shall not be added.” SFCC § 14-5.2(D)(3)(b) (emphasis added).

CONCLUSION:

A public visibility exception is not required because (1) the proposed elevator enclosure will not be visible from the front of the building and (2) the mechanical equipment that is part of the elevator will not be exposed or visible.

IS THE ELEVATOR ENCLOSURE A “ROOFTOP APPURTENANCE”?

- “ROOFTOP APPURTENANCE--Skylights, air conditioning units, solar collectors, stairwells, *vertical transportation* or other roof-mounted mechanical, electrical or communications equipment.” SFCC § 14-12.1 (emphasis added).
- “In historic districts, height shall be the vertical distance measured between the highest part of a structure and the existing grade or finish grade, whichever is more restrictive, at the midpoint of the street facing facade, *excluding rooftop appurtenances...*” SFCC 14-5.2(D) (emphasis added).
- “Except as further restricted by Section 14-5.2 (Historic Districts), the height limitations set out in Chapter 14 may be exceeded for chimneys, antennas, ventilators, *elevator housings* or other non-freestanding structures placed on and anchored to the roof of a building and not intended for human occupancy, by up to four (4) feet for residential structures and *eight (8) feet for mixed use and nonresidential structures.*” SFCC § 14-7.1(C)(2) (emphasis added).

CONCLUSIONS:

The proposed elevator enclosure is a rooftop appurtenance and an “elevator housing” that is subject to the foregoing exclusions from maximum permitted height.

The applicant is requesting a height exception for the additional height (5 feet, 11 inches as measured from the top of the parapet) beyond the permitted 8 feet that is allowed for a rooftop appurtenance.

The applicant is not claiming that height exception is not required, so there was no failure to timely appeal staff’s position that a height exception was necessary.

**WHAT IS THE CRITERIA FOR
THE REQUESTED HEIGHT EXCEPTION?**

Height exceptions will be granted if they:

- (1) Do not damage the character of the streetscape;
- (2) Prevent a hardship to the applicant or an injury to the public welfare;

Staff to HDRB: "Staff finds that this exception criterion has been met because the owner cannot access the roof without an elevator."

- (3) Strengthen the unique heterogeneous character of the city by providing a full range of design options to ensure that residents can continue to reside within the historic districts;

Staff to HDRB: "Staff finds that the exception criterion has been met because design options have been examined, including a roof-mounted elevator further towards the front of the building, which has already been discussed by the HDRB."

- (4) Are due to special conditions and circumstances which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the related streetscape;
- (5) Are due to special conditions and circumstances which are not a result of the actions of the applicant; and

Staff to HDRB: "Staff finds that this exception has been met because the stairs are a problem for accessibility and moving heavy or large items."

- (6) Provide the least negative impact with respect to the purpose of this section as set forth in Subsection 14-5.2(A)(1).

SFCC §14-5.2(C)(5)(c).

WHAT IS THE APPLICABLE “STREETSCAPE”?

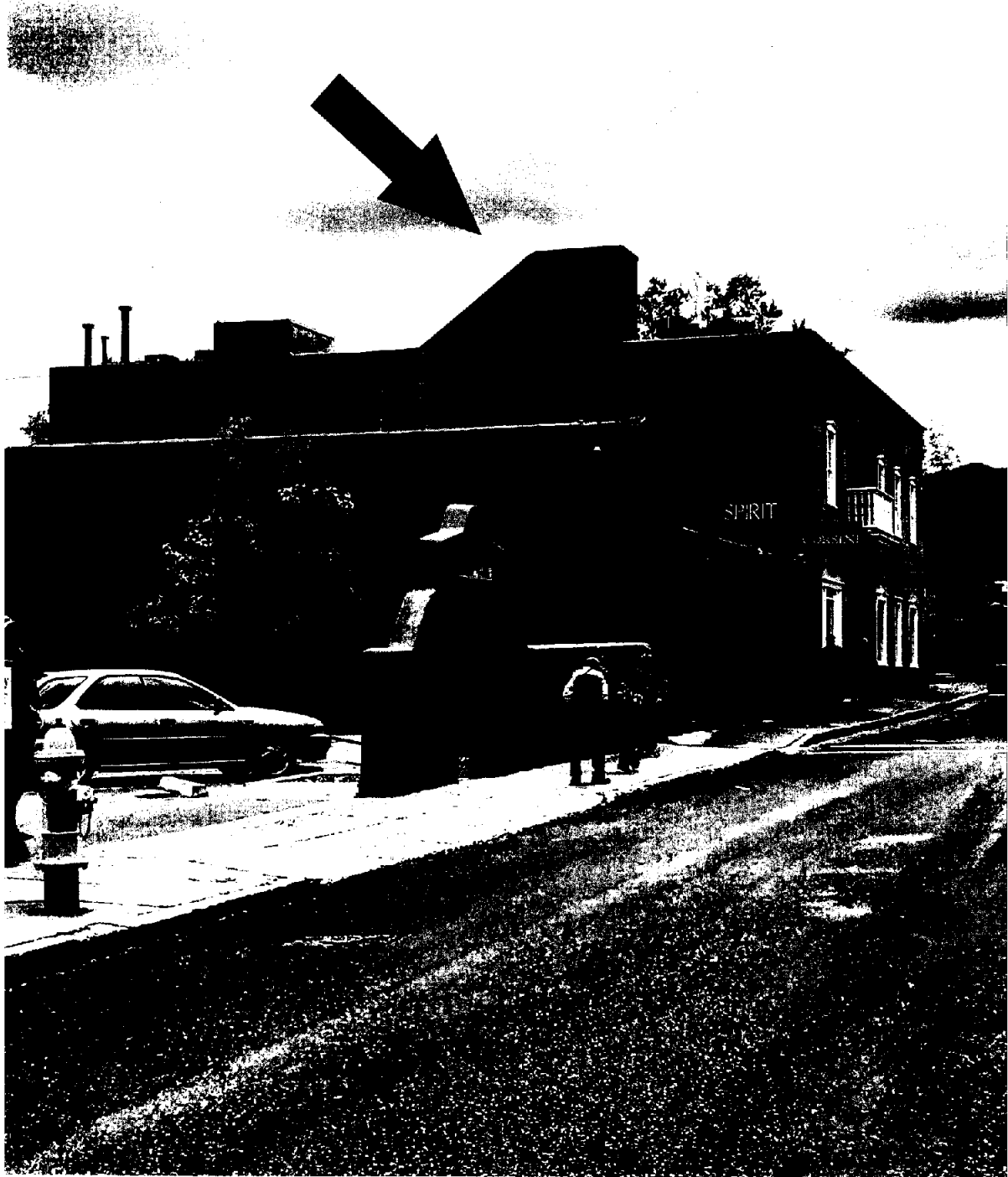
- “If the project location is sited on a street which extends linearly with no interruptions or truncations, the streetscape shall include buildings, yard walls, and fences on both sides of the street on which the proposed building, yard wall, or fence is to be located...” SFCC § 14-5.2(D)(9)(a)(ii)(A).
- “If the proposed *building*, yard wall, or fence fronts more than one street, the streetscape on each street frontage as determined in Subsection (ii)A above shall be considered.” SFCC § 14-5.2(D)(9)(a)(ii)(C) (emphasis added).
- “On November 26, 2018, the LUD Director photographed from many vantage points the storey pole on the north-east corner of the proposed elevator. *The storey pole was not visible from San Francisco Street nor from the Plaza.*” Memo from Theresa Gheen to the Governing Body, p. 6 (emphasis added).

CONCLUSIONS:

Water Street is not a part of the applicable “streetscape” because the building at 76 East San Francisco Street does not front Water Street.

The elevator enclosure will not damage the streetscape because, as staff has confirmed, it will not be visible from San Francisco Street or the Plaza.



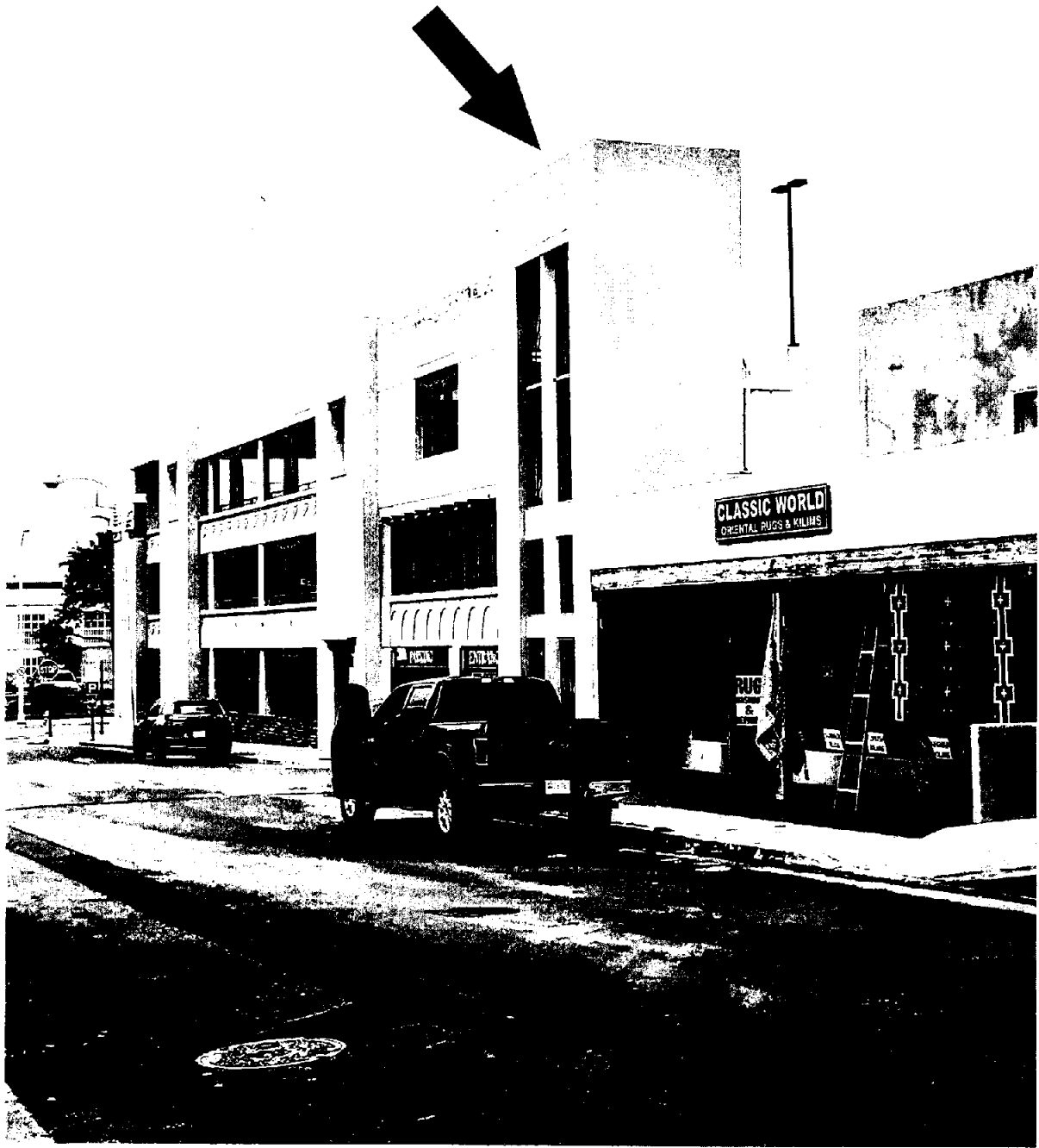


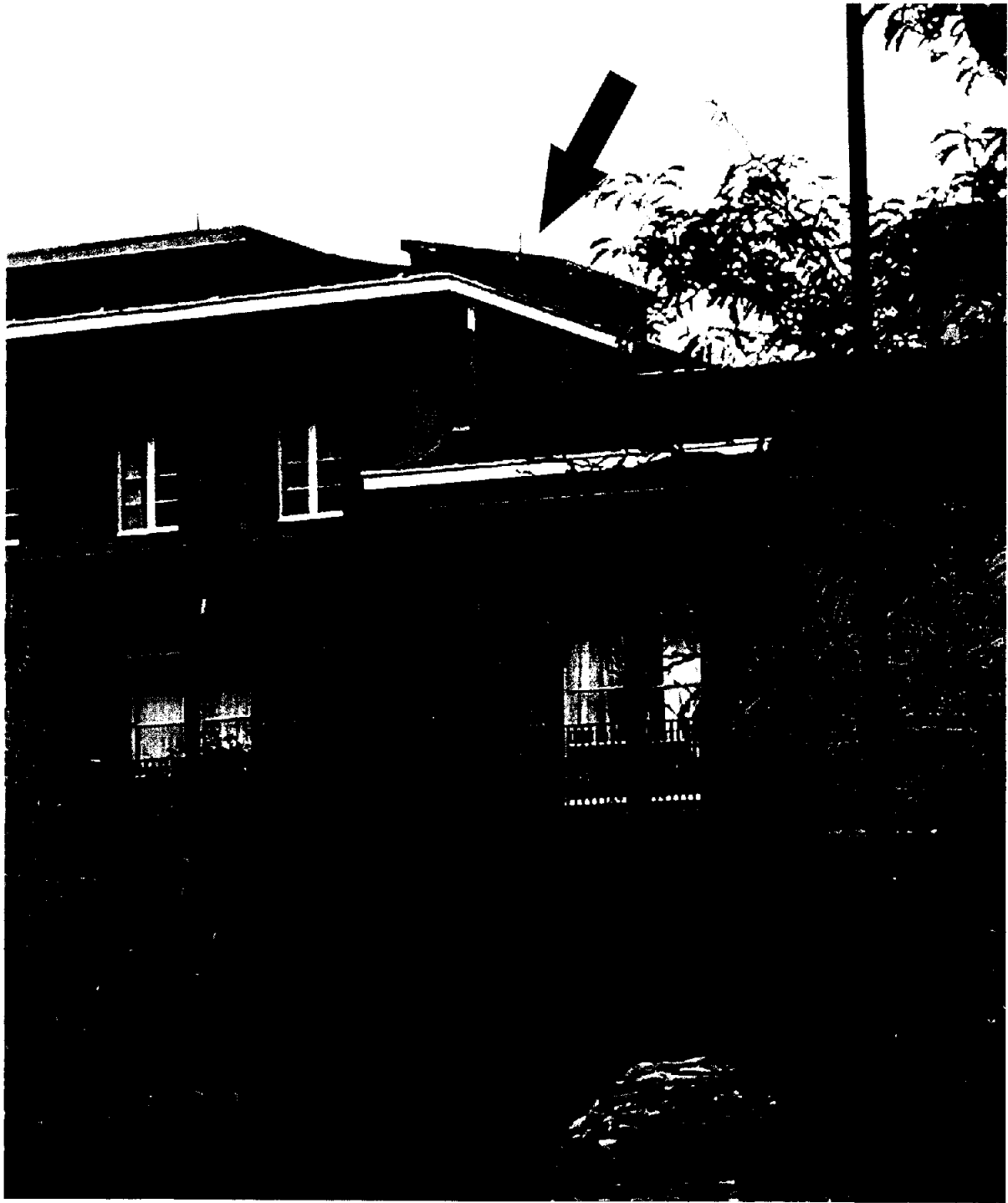




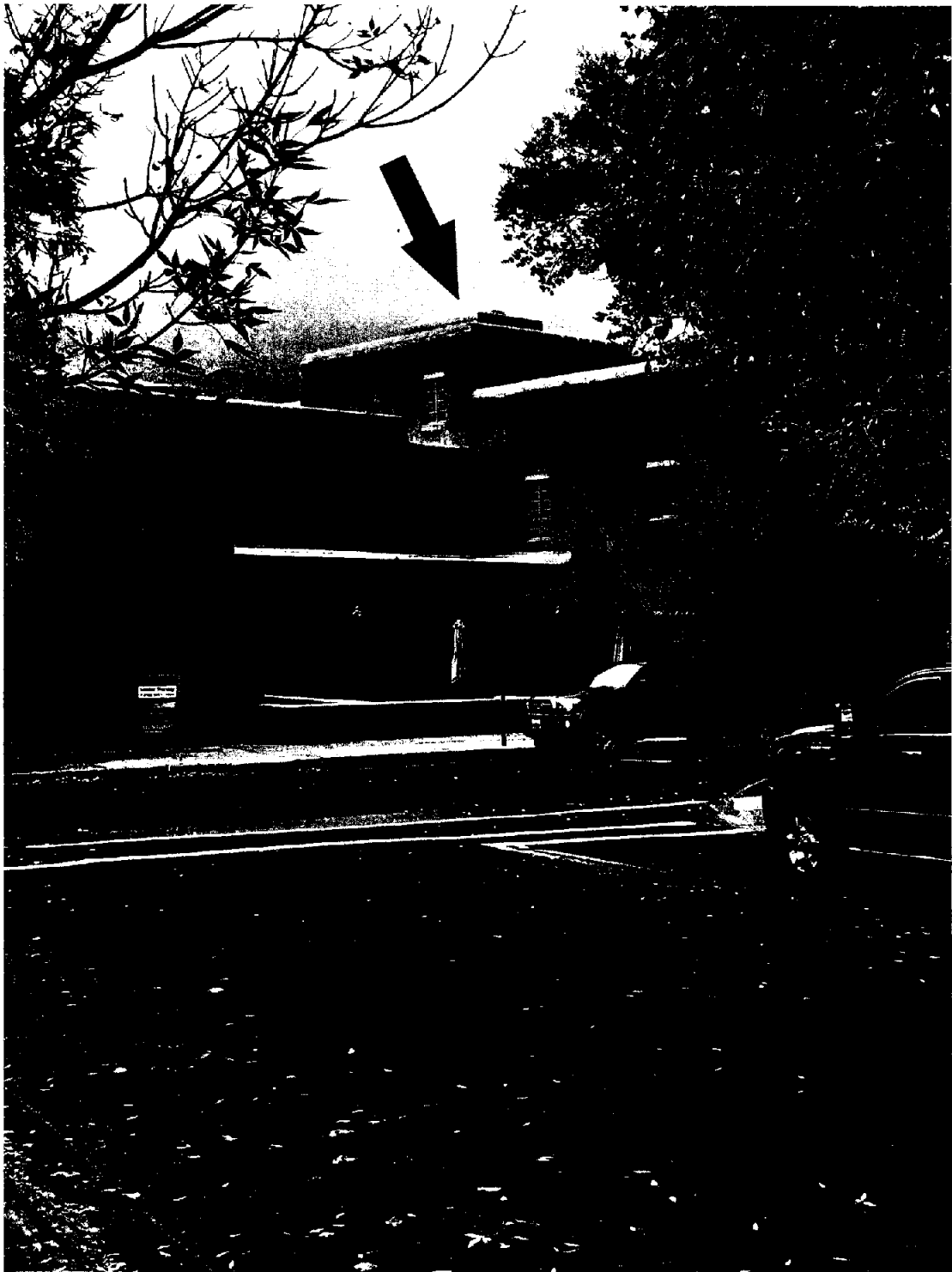














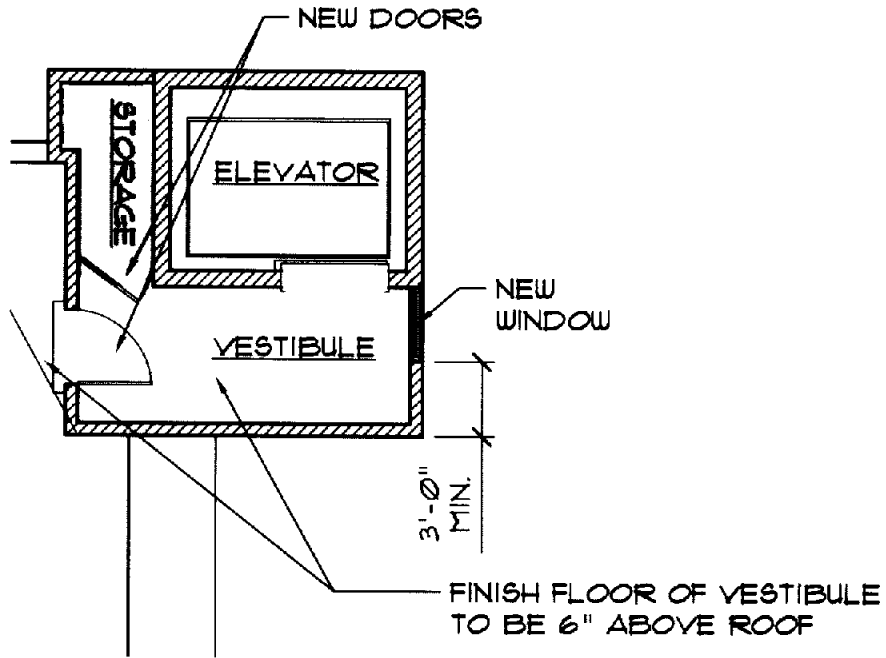




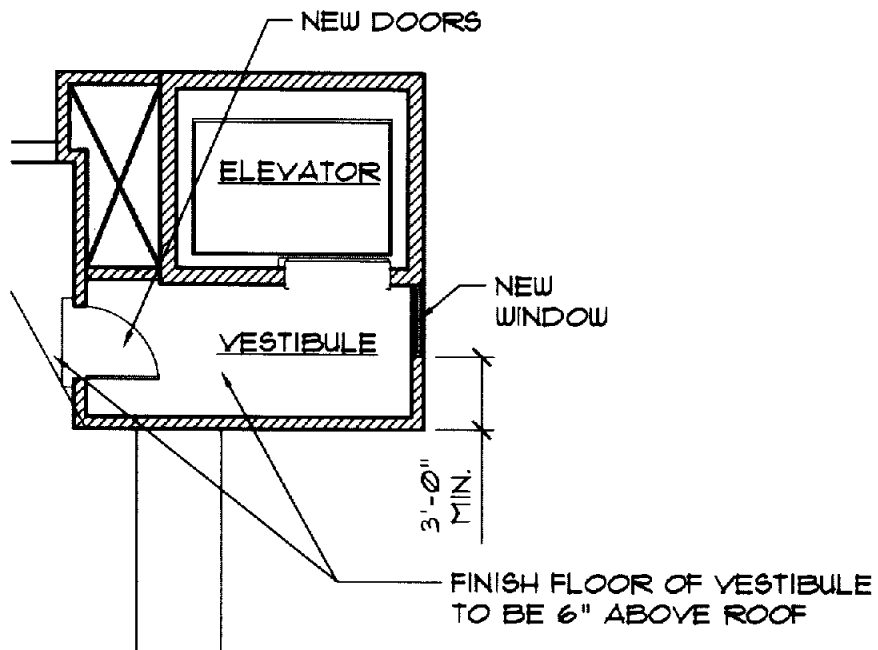


REVISED ROOF PLAN

ORIGINAL:



REVISED:



WHY DOES THE ELEVATOR INCLUDE A VESTIBULE?

Excerpts from Section 3006 of the 2015 International Building Code:

3006.2 Hoistway opening protection required. Elevator hoistway door openings shall be protected in accordance with Section 3006.3 where an elevator hoistway connects more than three stories, is required to be enclosed within a shaft enclosure in accordance with Section 712.1.1 and any of the following conditions apply:

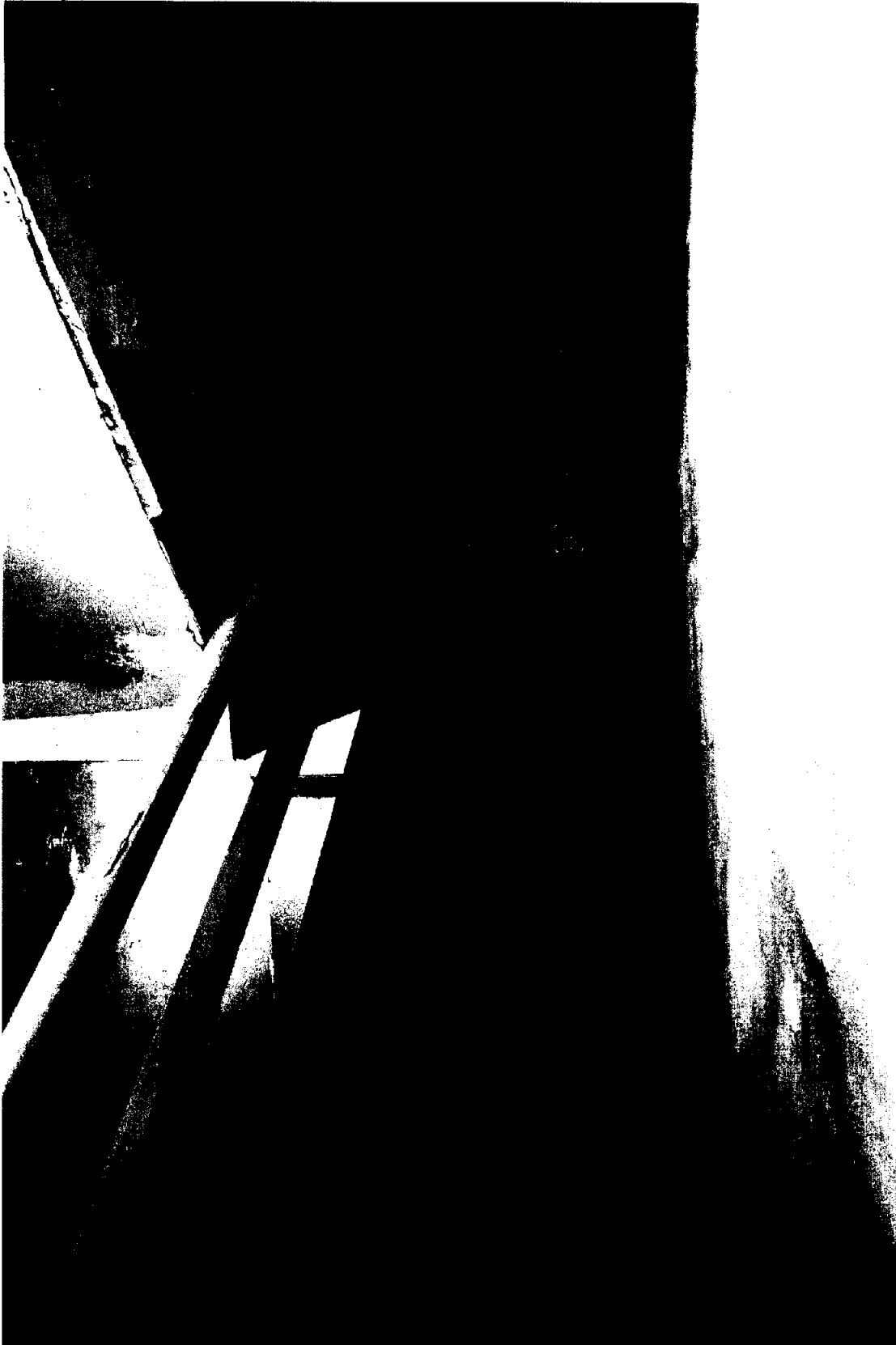
1. The building is not protected throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or 903.3.1.2.

3006.3 Hoistway opening protection. Where Section 3006.2 requires protection of the elevator hoistway door opening, the protection shall be provided by one of the following:

1. An enclosed elevator lobby shall be provided at each floor to separate the elevator hoistway shaft enclosure doors from each floor by fire partitions in accordance with Section 708. In addition, doors protecting openings in the elevator lobby enclosure walls shall comply with Section 716.5.3 as required for corridor walls. Penetrations of the enclosed elevator lobby by ducts and air transfer openings shall be protected as required for corridors in accordance with Section 717.5.4.1.

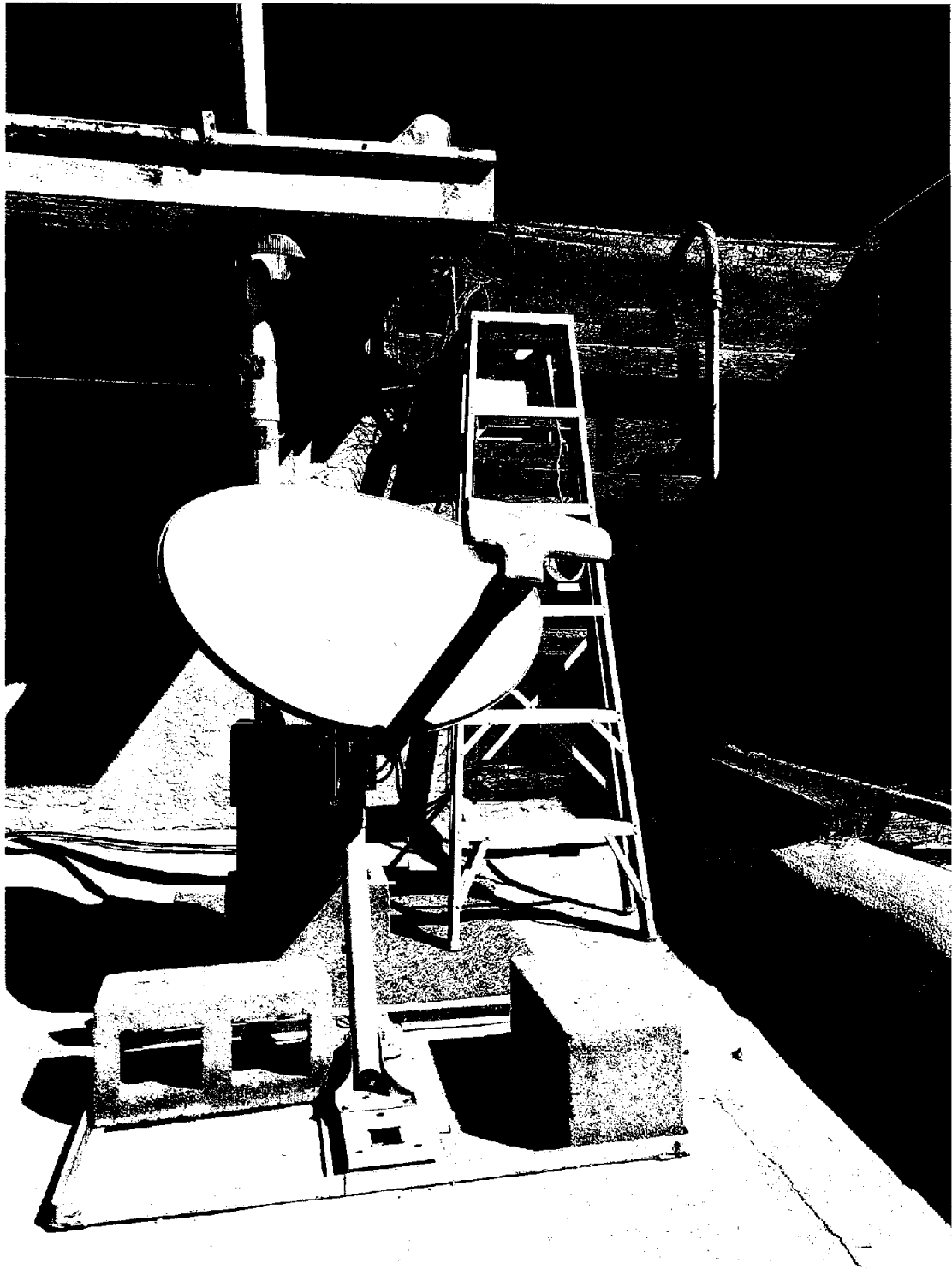
CONCLUSION:

The vestibule is required by the fire code and cannot be eliminated.









WHAT ARE THE GENERAL PURPOSES OF THE HISTORIC DISTRICTS?

“General Purpose--In order to promote the *economic*, cultural, and general welfare of the people of the city and to ensure the harmonious, orderly and efficient growth and development of the city, it is deemed essential by the governing body that the qualities relating to the history of Santa Fe, and *a harmonious outward appearance, which preserve property values and attract tourists and residents alike*, be preserved, some of these qualities being:

- (a) *The continued existence and preservation of historical areas and buildings;*
- (b) The continued construction of buildings in the historic styles; and
- (c) A general harmony as to style, form, color, height, proportion, texture and material between buildings of historic design and those of more modern design.

SFCC §14-5.2(A)(1) (emphasis added).

CONCLUSION:

The addition of the proposed elevator will enhance the access, use and serviceability of the building (including serviceability of the roof) in a manner that promotes the economic vitality of the downtown area and does not damage the streetscape.