



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 27, 2008
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. INVOCATION
4. ROLL CALL
5. APPROVAL OF AGENDA
6. APPROVAL OF CONSENT CALENDAR
7. APPROVAL OF MINUTES: Reg. City Council Meeting – February 13, 2008
8. PRESENTATIONS
 - a) Employee of the Month for February 2008 – Sevastian Gurule, Constituent Services Manager and Carla Lopez, Public Information Liaison.
(5 minutes) **(Postponed at February 13, 2008 City Council Meeting)**
 - b) Introduction of Newly Hired Lateral Officers and the Law Enforcement Academy Graduate. (Chief Johnson and Deputy Chief Montano)
(5 minutes)
 - c) Presentation to Partners in Education for District 2 Elementary Schools.
(Councilor Heldmeyer) (5 minutes)
 - d) Blue Star Mothers, Santa Fe Chapter #7. (5 minutes)
 - e) Legislative Wrap-Up. (Mark Duran) (10 minutes)
9. CONSENT CALENDAR
 - a) Bid No. 08/23/B – Front Loading Collection Units for Solid Waste Management Division; Rush Truck Center, Inc. (William DeGrande)
 - b) Bid No. 08/24/B – Two (2) Roll-Off Refuse Collection Units for Solid Waste Management Division; Roberts Truck Center, Inc. (William DeGrande)

CITY CLERK'S OFFICE

DATE 2-22-08 TIME 2:20 pm

SERVED BY _____

RECEIVED BY Bydominguez



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 27, 2008
CITY COUNCIL CHAMBERS

- c) Request for Approval of Procurement Under Cooperative Agreement – Front Load Containers for Solid Waste Management Division; Wastequip, Inc. (William DeGrande)
- d) Request for Approval of Procurement Under State Price Agreement – Three (3) Support Vehicles for Solid Waste Management Division; Bob Turner Ford Country. (William DeGrande)
- e) Request for Approval of Procurement Under State Price Agreement – Digital Video Systems for Police Department; First-In, Inc. (Robin Contreras)
- f) Request for Approval of Procurement Under Federal Price Agreement – Civic Center – Office Furniture; Creative Interiors, Inc. (Chip Lilienthal)
- g) Request for Approval of Procurement Under State Price Agreement – Heavy Duty Truck for Sign Division; Reliable Chevrolet. (Randy Blake)
- h) Request for Approval of Procurement Under Federal Price Agreement – Heavy Truck Equipment for Streets Division; Bergkamp, Inc., Asphalt Zipper, Inc. and Tom Growney Equipment, Inc. (Robert Romero)
- i) Request for Approval of Procurement Under Cooperative Agreement – Data Communication Computers and Software for Fire Department; ESO Solutions. (Ted Bolleter)
- j) Request for Approval of Joint Powers Agreement – Regional Mobilization Plan for Wildland Fire Protection and Suppression for Fire Department; Energy, Minerals and Natural Resources Department, Forestry Division and City of Santa Fe. (Chief Chris Rivera)
- k) Request for Approval of Professional Services Agreement – Publication of 2009 Santa Fe Visitors Guide for Santa Fe Convention and Visitors Bureau; Southwest Media, LLC. (Keith Toler)
- l) Request for Approval of Amendment No. 3 to Memorandum of Agreement – Various Joint Regional Open Space and Trails Projects; Santa Fe County and City of Santa Fe. (Bob Siqueiros)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 27, 2008
CITY COUNCIL CHAMBERS

- m) Request for Approval of Sole Source Procurement and Professional Services Agreement – Assist with Implementation of H.T.E. Planning and Engineering Application; Zia Consulting. (Caryn Fiorina)
- n) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Heldmeyer, Councilor Chavez, Councilor Ortiz, Councilor Dominguez and Councilor Calvert)
A Resolution Instituting "Cavenous Angioma Awareness Week". (Terrie Rodriguez)
- o) Request for Approval of Change Order No. 4 – Cerrillos Road/St. Michael's/Osage Avenue Intersection Improvements Project for Night Paving and Quantity Adjustment; Star Paving Company. (Leroy Pacheco)
- p) Request for Approval of Governmental Project Funding Agreement – Construction of Storm Management Water System for Alameda Bridge; New Mexico Office of State Engineer. (David Chapman)
 - 1) Request for Approval of Budget Increase – Santa Fe River Fund.
- q) Request for Approval of Amendment No. 1 To Professional Services Agreement – Security Services at Santa Fe Municipal Airport; Akal Security, Inc. (Jim Montman)
- r) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Chavez)
A Resolution Authorizing Staff to Seek Section 595 Environmental Infrastructure and Resource Protection Assistance Funding From The U.S. Army Corps of Engineers for The City's Canyon Road Water Treatment Plant Phase III Residuals Handling Improvement Project. (Brian Snyder)
- s) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Heldmeyer)
A Resolution Directing The City Manager To Develop A Policy Pertaining To Certain Facilities Which Are Used By Non-City Organizations But Which Are Owned, In Whole Or In Part, By The City Of Santa Fe. (Frank Katz)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 27, 2008
CITY COUNCIL CHAMBERS

- t) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Heldmeyer, Councilor Ortiz, Councilor Calvert and Councilor Bushee)
A Resolution Directing Staff to Place Adequate Funding for Parks, Trails and Open Space Maintenance in the City's Budget. (Fabian Chavez)
- u) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Heldmeyer)
A Resolution Supporting the Designation of The United States Park Service's "Old Santa Fe Trail Building" as a National Historic Site. (David Rasch)
- v) Request for Approval of Professional Services Agreement – Employee Housing Assistance Program; Homewise, Inc. (RFP #08/13/P) (Kathy McCormick)
- w) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Heldmeyer)
A Resolution Directing the City Manager to Expand the Existing Program Providing for Employee Background Checks. (Kristine Kuebli)
- x) Request for Approval of Memorandum of Agreement – Certain Joint Regional Water and Wastewater Projects for Buckman Direct Diversion Project; County of Santa Fe. (Rick Carpenter)
- y) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Bushee and Councilor Ortiz)
A Resolution Opposing Oil and Gas Exploitation Within Santa Fe County. (Robert Gallegos)
- z) Request for Approval to Publish Notice of Public Hearing on March 26, 2008:
 - 1) Bill No. 2008-7 – An Ordinance Amending Table 14-7.1-1 and Section 14-7.1(B) SFCC 1987 Regarding the Calculation of Allowable Dwelling Units and Maximum Number of Dwelling Units. (Councilor Calvert and Councilor Bushee) (Jeanne Price)
 - 2) Bill No. 2008-8 – An Ordinance Amending Table 14 -7.1-1 SFCC 1987 so that the Maximum Lot Coverage for RM Districts is Fifty Percent (50%) if Private Open Space is Provided. (Councilor Heldmeyer, Councilor Calvert and Mayor Coss) (Jeanne Price)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 27, 2008
CITY COUNCIL CHAMBERS

- 3) Bill No. 2008-17 – An Ordinance Authorizing the Execution and Delivery of a Drinking Water State Revolving Loan Fund Loan Agreement by and Between The City of Santa Fe, New Mexico (the “City”) and The New Mexico Finance Authority, Evidencing the Special Limited Obligation of The City to Pay a Principal Amount of No More Than \$15,150,000, Together With Interest and Administrative Fees Thereon, for the Purpose of Financing the Costs of a Necessary Drinking Water Project, Being Design, Engineering, Pre-Construction and Construction of the Buckman Direct Surface Diversion Project, Including But Not Necessarily Limited to Engineering and Pre-Construction Work on the Water Treatment Plant; Providing for the Payment of the Principal of, Administrative Fees and Interest Due Under The Loan Agreement Solely From The Net Revenues of The City’s Water and Wastewater Utility System and Revenues Generated by The Capital Outlay Gross Receipts Tax; Approving the Form of and Other Details Concerning The Loan Agreement; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent With This Ordinance; and Authorizing the Taking of Other Actions in Connection With the Execution and Delivery of the Loan Agreement. (Kathryn Raveling)
- 4) Bill No. 2008-18 – An Ordinance Amending Articles 6-17 and 11-11 SFCC 1987 Combining the Duties of the Business and Quality of Life Advisory Committee and the Economic Development Review Committee. (Councilor Wurzburger and Councilor Trujillo) (Kathy McCormick)
- aa) CONSIDERATION OF RESOLUTION NO. 2008-_____ (Mayor Coss)
A Resolution Rescinding Joint Resolution No. 2008-5 Which Established a Food Policy for the City of Santa Fe and Santa Fe County; and Created the City of Santa Fe and County Advisory Council on Food Policy. (Jeanne Price)
 - 1) CONSIDERATION OF RESOLUTION NO. 2008-_____
(Mayor Coss)
A Joint Resolution Establishing a Food Policy for the City of Santa Fe and Santa Fe County; and Creating the City of Santa Fe and County Advisory Council on Food Policy.



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 27, 2008
CITY COUNCIL CHAMBERS

- bb) Request for Approval of Lease Agreements: (Postponed at the January 30, 2008 City Council Meeting) **(Request to Postpone to March 26, 2008 City Council Meeting)**

- 1) Airline Terminal Building Office; Counter and Floor Space at Santa Fe Municipal Airport; American Eagle Airlines. (Jim Montman)
- 2) Airline Terminal Building Counter and Floor Space at Santa Fe Municipal Airport; Delta Air Lines. (Jim Montman)

10. MATTERS FROM THE CITY MANAGER

11. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

- a) Discussion of Settlement Agreement with Santa Fe County on Annexations; Pursuant; Pursuant to §10-15-1 (H) (7) NMSA 1978.
 - b) Discussion of Settlement Agreement in City of Santa Fe v. Laubo Corp, Pursuant to §10-15-1 (H) (7) NMSA 1978.
 - c) Discussion of Alto Eldorado Partners v. City of Santa Fe; Pursuant to §10-15-1 (H) (7) NMSA 1978.
12. Action Regarding Settlement Agreement with Santa Fe County on Annexations. (Frank Katz)
13. MATTERS FROM THE CITY CLERK
14. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 27, 2008
CITY COUNCIL CHAMBERS

C. INVOCATION

D. ROLL CALL

E. PETITIONS FROM THE FLOOR

F. APPOINTMENTS

G. PUBLIC HEARINGS:

- 1) Request from 4250 Group, LLC, for a Restaurant (Beer & Wine) Liquor License to be located at the Flying Tortilla, 4250-D Cerrillos Road. (Yolanda Y. Vigil)
- 2) Request from CA Santa Fe Beverage, LLC, for a Transfer of Ownership of Dispenser License #2602 from Sunstone Properties Beverage, LLC to CA Santa Fe Beverage LLC. The License will Remain at Café Santa Fe, 3347 Cerrillos Road. (Yolanda Y. Vigil)
- 3) Request from Inn of the Governors, Ltd., for a Transfer of Ownership of Dispenser License #894 from Houlan Development (A Partnership) to the Inn of the Governors, Ltd. The License will Remain at the Inn of the Governors/Del Charro, 101 West Alameda. (Yolanda Y. Vigil)
- 4) CONSIDERATION OF BILL NO. 2008-11: ADOPTION OF ORDINANCE NO. 2008-_____.
An Ordinance Authorizing the Issuance of the City of Santa Fe, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2008, in the Principal Amount Not to Exceed \$34,000,000 for the Purpose of Defraying the Cost of Public Projects Related to Public Utilities, Public Works, Parks and Recreation, and Community Services; Providing that the Bonds Will be Payable and Collectible from the Gross Receipts Tax Revenues Distributed to the City; Providing for the Disposition of the Receipts Derived from the Gross Receipts Tax Revenues; Providing That Certain Terms and Details of the Bonds Will be Provided and Approved in a Subsequent Resolution of the City; Prescribing Other Details Concerning the Bonds and Gross Receipts Tax Revenues, Including But Not Limited to Covenants and Agreements in Connection With the Bonds and The Form and Manner of Execution of The Bonds; Ratifying Action Previously Taken in Connection With the Bonds; and Repealing all Ordinances in Conflict Herewith. (Kathryn Raveling)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 27, 2008
CITY COUNCIL CHAMBERS

- 5) CONSIDERATION OF BILL NO. 2008-5: ADOPTION OF ORDINANCE NO. 2008-_____. (Mayor Coss)
An Ordinance Amending Section 2-3.3 SFCC 1987 Regarding the Salary of the Municipal Judge. (Galen Buller)
- 6) CONSIDERATION OF BILL NO. 2008-9: ADOPTION OF ORDINANCE NO. 2008-_____. (Councilor Calvert and Councilor Bushee)
An Ordinance Amending Section 14-5.6 SFCC 1987 the Escarpment Overlay District, Regarding Landscape Screening in Order to Better Coordinate with Fire Protection Purposes. (Wendy Blackwell)
- 7) CONSIDERATION OF BILL NO. 2008-10: ADOPTION OF ORDINANCE NO. 2008-_____. (Councilor Wurzbarger)
An Ordinance Amending Section 7.2 of Exhibit A of Chapter 22 SFCC 1987 to Correct Waivers to the Wastewater Utility Expansion Fee For Affordable Housing. (Kathy McCormick)
- 8) CONSIDERATION OF BILL NO. 2008-12: ADOPTION OF ORDINANCE NO. 2008-_____. (Councilor Heldmeyer and Councilor Chavez)
An Ordinance Creating a New Section 14-5.10 SFCC 1987 Regarding Neighborhood Conservation Overlay Districts; and Making Such Other Changes as are Necessary. (Jeanne Price)
- 9) CONSIDERATION OF RESOLUTION NO. 2008-_____.
Case #M 2007-31. 518, 520, 526 and 532 Agua Fria Street General Plan Amendment. Steve Rizika, Agent for the Property Owners Requests Approval of General Plan Future Land Use Map Amendment to Change to Designation of .669± Acres of Land to Community Commercial. The Area is Located on the South Side of Agua Fria and West of Montezuma Avenue. (Dan Esquibel) **(Postponed at February 13, 2008 Council Meeting)**
- 10) CONSIDERATION OF BILL NO. 2007-62: ADOPTION OF ORDINANCE NO. 2008-_____.
Case #ZA 2007-07. 518, 520, 526 and 532 Agua Fria Street Rezoning. Steve Rizika, Agent for the Property Owners Requests Rezoning of 4 lots Totalling .669 ± Acres of Land from RM-1 (Residential – Multi-family, 21 Dwelling Unit Per Acre) to BCDWES (Business Capitol District, Westside Townscape Subdistrict). The Property is Located on the South Side of Agua Fria and West of Montezuma Avenue. (Dan Esquibel) **(Postponed at February 13, 2008 Council Meeting)**



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 27, 2008
CITY COUNCIL CHAMBERS

- 11) **Case # BCD 2006 – 02.** Appeal of the Business Capital District Design Review Committee's Action on October 11, 2007 Regarding the Placement of Rooftop Solar Panels and Mechanical Equipment for Building A1 (Art Yard Project) on Parcel A1 of the Santa Fe Railyard Development Project (North Railyard Area at Paseo de Peralta). Mitch Davenport, Agent for the Wivco Co. Requests that the Governing Body Rescinds the Denial. (Robert Siqueiros) **(Request by Applicant to Postpone to March 12, 2008 City Council Agenda)**

H. ADJOURN

Pursuant to the Governing Body Procedural Rules, in the event any agenda items have not been addressed, the meeting should be reconvened at 7:00 p.m., the following day and shall be adjourned not later than 12:00 a.m. Agenda items, not considered prior to 11:30 p.m., shall be considered when the meeting is reconvened or tabled for a subsequent meeting.

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.

*Translator for the hearing impaired available through the City Clerk's Office upon 5 days notice.

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
February 27, 2008**

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor David Coss, on February 27, 2008, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance and Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

Mayor David Coss
Councilor Miguel Chavez, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Carmichael A. Dominguez
Councilor Karen Heldmeyer
Councilor Matthew E. Ortiz
Councilor Ronald S. Trujillo
Councilor Rebecca Wurzbarger

Others Attending

Galen Buller, City Manager
Frank Katz, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

5. APPROVAL OF AGENDA

Councilor Ortiz said at Monday's Public Works Committee meeting there was a recommendation that Item G(8) return to Public Works and to postpone consideration of the Neighborhood District until the last meeting March

Councilor Ortiz moved, seconded by Councilor Dominguez, to approve the agenda with the postponement of Item G(8) to the last Council meeting in March 2008.

Discussion: Councilor Heldmeyer said Item G(8) has been to Public Works twice, and at the last meeting there was a comment by one of the members, that a member still had questions, but didn't want any answers. She said this item has been notified as a public hearing, and believes we should go ahead and hear it this evening.

Councilor Heldmeyer moved, seconded by Councilor Chavez, to amend the motion to hear item G(8) on this evening's agenda.

Discussion: Councilor Calvert said one of the Public Works Committee's concerns was size, and he has an amendment he will be proposing, and he would like to have the hearing this evening and propose that amendment for consideration.

The motion to amend was defeated on the following roll call vote:

For: Councilor Calvert, Councilor Chavez and Councilor Heldmeyer.

Against: Councilor Dominguez, Councilor Ortiz, Councilor Trujillo and Councilor Wurzburger.

Absent: Councilor Bushee.

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

For: Councilor Dominguez, Councilor Ortiz, Councilor Trujillo and Councilor Wurzburger.

Against: Councilor Chavez, Councilor Heldmeyer and Councilor Calvert.

Absent: Councilor Bushee.

6. APPROVAL OF CONSENT CALENDAR

Councilor Chavez asked to be added as a cosponsor on Item 9(u)

Councilor Ortiz moved, seconded by Councilor Calvert, to approve the following Consent Calendar, as amended. The motion was approved on the following Roll Call vote:

For: Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Heldmeyer, Councilor Ortiz, Councilor Trujillo and Councilor Wurzburger.

Against: None.

Absent: Councilor Bushee.

- a) **BID NO. 08/23/B – FRONT LOADING COLLECTION UNITS FOR SOLID WASTE MANAGEMENT DIVISION; RUSH TRUCK CENTER, INC. (WILLIAM DeGRANDE)**
- b) **BID NO. 08/24/B – TWO (2) ROLL-OFF REFUSE COLLECTION UNITS FOR SOLID WASTE MANAGEMENT DIVISION; ROBERTS TRUCK CENTER, INC. (WILLIAM DeGRANDE)**

- c) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE AGREEMENT – FRONT LOAD CONTAINERS FOR SOLID WASTE MANAGEMENT DIVISION; WASTEQUIP, INC. (WILLIAM DeGRANDE)**
- d) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – THREE (3) SUPPORT VEHICLES FOR SOLID WASTE MANAGEMENT DIVISION; BOB TURNER FORD COUNTRY. (WILLIAM DeGRANDE)**
- e) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – DIGITAL VIDEO SYSTEMS FOR POLICE DEPARTMENT; FIRST-IN, INC. (ROBERT CONTRERAS)**
- f) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER FEDERAL PRICE AGREEMENT – CIVIC CENTER – OFFICE FURNITURE; CREATIVE INTERIORS, INC. (CHIP LILIENTHAL)**
- g) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – HEAVY DUTY TRUCK FOR SIGN DIVISION; RELIABLE CHEVROLET. (RANDY BLAKE)**
- h) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER FEDERAL PRICE AGREEMENT – HEAVY TRUCK EQUIPMENT FOR STREETS DIVISION; BERGKAMP, INC., ASPHALT ZIPPER, INC., AND TOM GROWNEY EQUIPMENT, INC. (ROBERT ROMERO)**
- i) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE AGREEMENT – DATA COMMUNICATION COMPUTERS AND SOFTWARE FOR FIRE DEPARTMENT; ESO SOLUTIONS. (TED BOLLETER)**
- j) **REQUEST FOR APPROVAL OF JOINT POWERS AGREEMENT – REGIONAL MOBILIZATION PLAN FOR WILDLAND FIRE PROTECTION AND SUPPRESSION FOR FIRE DEPARTMENT; ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT, FORESTRY DIVISION AND CITY OF SANTA FE. (CHIEF CHRIS RIVERA)**
- k) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – PUBLICATION OF 2009 SANTA FE VISITORS GUIDE FOR SANTA FE CONVENTION AND VISITORS BUREAU; SOUTHWEST MEDIA, LLC. (KEITH TOLER)**
- l) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO MEMORANDUM OF AGREEMENT – VARIOUS JOINT REGIONAL OPEN SPACE AND TRAILS PROJECTS; SANTA FE COUNTY AND CITY OF SANTA FE. (BOB SIQUEIROS)**

- m) **REQUEST FOR APPROVAL OF SOLD SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – ASSIST WITH IMPLEMENTATION OF H.T.E. PLANNING AND ENGINEERING APPLICATION; ZIA CONSULTING. (CARYN FIORINA)**
- n) **CONSIDERATION OF RESOLUTION NO. 2008-19 (COUNCILOR HELDMEYER, COUNCILOR CHAVEZ, COUNCILOR ORTIZ, COUNCILOR DOMINGUEZ AND COUNCILOR CALVERT). A RESOLUTION INSTITUTING “CAVERNOUS ANGIOMA AWARENESS WEEK.” (TERRIE RODRIGUEZ)**
- o) **REQUEST FOR APPROVAL OF CHANGE ORDER NO.4 – CERRILLOS ROAD/ ST. MICHAEL’S/OSAGE AVENUE INTERSECTION IMPROVEMENTS PROJECT FOR NIGHT PAVING AND QUANTITY ADJUSTMENT; STAR PAVING COMPANY. (LEROY PACHECO)**
- p) **REQUEST FOR APPROVAL OF GOVERNMENTAL PROJECT FUNDING AGREEMENT – CONSTRUCTION OF STORM MANAGEMENT WATER SYSTEM FOR ALAMEDA BRIDGE; NEW MEXICO OFFICE OF STATE ENGINEER. (DAVID CHAPMAN)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – SANTA FE RIVER FUND.**
- q) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – SECURITY SERVICES AT SANTA FE MUNICIPAL AIRPORT; AKAL SECURITY, INC. (JIM MONTMAN)**
- r) **CONSIDERATION OF RESOLUTION NO. 2008- 20 (COUNCILOR CHAVEZ). A RESOLUTION AUTHORIZING STAFF TO SEEK SECTION 595 ENVIRONMENTAL INFRASTRUCTURE AND RESOURCE PROTECTION ASSISTANCE FUNDING FROM THE U.S. ARMY CORPS OF ENGINEERS FOR THE CITY’S CANYON ROAD WATER TREATMENT PLANT PHASE III RESIDUALS HANDLING IMPROVEMENT PROJECT. (BRIAN SNYDER)**
- s) **CONSIDERATION OF RESOLUTION NO. 2008- 21 (COUNCILOR HELDMEYER). A RESOLUTION DIRECTING THE CITY MANAGER TO DEVELOP A POLICY PERTAINING TO CERTAIN FACILITIES WHICH ARE USED BY NON-CITY ORGANIZATIONS BUT WHICH ARE OWNED, IN WHOLE OR IN PART, BY THE CITY OF SANTA FE. (FRANK KATZ)**
- t) **CONSIDERATION OF RESOLUTION NO. 2008- 22 (COUNCILOR HELDMEYER, COUNCILOR ORTIZ, COUNCILOR CALVERT AND COUNCILOR BUSHEE). A RESOLUTION DIRECTING STAFF TO PLACE ADEQUATE FUNDING FOR PARKS, TRAILS AND OPEN SPACE MAINTENANCE IN THE CITY’S BUDGET. (FABIAN CHAVEZ)**

- u) **CONSIDERATION OF RESOLUTION NO. 2008- 23 (COUNCILOR HELDMEYER AND COUNCILOR CHAVEZ) A RESOLUTION SUPPORTING THE DESIGNATION OF THE UNITED STATES PARK SERVICE'S "OLD SANTA FE TRAIL BUILDING" AS A NATIONAL HISTORIC SITE. (DAVID RASCH)**
- v) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – EMPLOYEE HOUSING ASSISTANCE PROGRAM; HOMEWISE, INC. (RFP #08/13/P). (KATHY McCORMICK)**
- w) *[Removed for discussion by Councilor Wurzbarger]*
- x) *[Removed for discussion by Councilor Wurzbarger]*
- y) *[Removed for discussion by Councilor Bushee]*
- z) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON MARCH 26, 2008:**
 - 1) *[Removed for discussion by Councilor Calvert]*
 - 2) **BILL NO. 2008-8 – AN ORDINANCE AMENDING TABLE 14-7.1-1 SFCC 1987 SO THAT THE MAXIMUM LOT COVERAGE FOR RM DISTRICTS IS FIFTY PERCENT (50%) IF PRIVATE OPEN SPACE IS PROVIDED. (COUNCILOR HELDMEYER, COUNCILOR CALVERT AND MAYOR COSS). (JEANNE PRICE)**
 - 3) **BILL NO. 2008-17. AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A DRINKING WATER STATE REVOLVING LOAN FUND LOAN AGREEMENT BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE "CITY") AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING THE SPECIAL LIMITED OBLIGATION OF THE CITY TO PAY A PRINCIPAL AMOUNT OF NO MORE THAN \$15,150,000, TOGETHER WITH INTEREST AND ADMINISTRATIVE FEES THEREON, FOR THE PURPOSE OF FINANCING THE COSTS OF A NECESSARY DRINKING WATER PROJECT, BEING DESIGN, ENGINEERING, PRE-CONSTRUCTION AND CONSTRUCTION OF THE BUCKMAN DIRECT SURFACE DIVERSION PROJECT, INCLUDING BUT NOT NECESSARILY LIMITED TO ENGINEERING AND PRE-CONSTRUCTION WORK ON THE WATER TREATMENT PLANT; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, ADMINISTRATIVE FEES AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE NET REVENUES OF**

THE CITY'S WATER AND WASTEWATER UTILITY SYSTEM AND REVENUES GENERATED BY THE CAPITAL OUTLAY GROSS RECEIPTS TAX; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT. (KATHRYN RAVELING)

- 4) BILL NO. 2008-18 – AN ORDINANCE AMENDING ARTICLES 6-17 AND 11-11 SFCC 1987, COMBINING THE DUTIES OF THE BUSINESS AND QUALITY OF LIFE ADVISORY COMMITTEE AND THE ECONOMIC DEVELOPMENT REVIEW COMMITTEE. (COUNCILOR WURZBURGER AND COUNCILOR TRUJILLO). (KATHY McCORMICK)**

- aa) CONSIDERATION OF RESOLUTION NO. 2008- 25 (MAYOR COSS). A RESOLUTION RESCINDING JOINT RESOLUTION NO. 2008-5 WHICH ESTABLISHED A FOOD POLICY FOR THE CITY OF SANTA FE AND SANTA FE COUNTY; AND CREATED THE CITY OF SANTA FE AND COUNTY ADVISORY COUNCIL ON FOOD POLICY. (JEANNE PRICE)**

- 1) CONSIDERATION OF RESOLUTION NO. 2008- 26 (MAYOR COSS). A JOINT RESOLUTION ESTABLISHING A FOOD POLICY FOR THE CITY OF SANTA FE AND SANTA FE COUNTY; AND CREATING THE CITY OF SANTA FE AND COUNTY ADVISORY COUNCIL ON FOOD POLICY.**

7. APPROVAL OF MINUTES: Reg. City Council Meeting – February 13, 2008.

Councilor Chavez moved, seconded by Councilor Ortiz, to approve the minutes of the Regular City Council Meeting of February 13, 2008, as presented. The motion was approved on a voice vote, with Councilors Calvert, Chavez, Dominguez, Heldmeyer, Ortiz, Trujillo and Wurzburger voting for the motion, none against, and Councilor Bushee absent.

Councilor Bushee arrived at the meeting at this time

8. PRESENTATIONS

- a) EMPLOYEES OF THE MONTH FOR FEBRUARY 2008 – SEVASTIAN GURULE, CONSTITUENT SERVICES MANAGER AND CARLA LOPEZ, PUBLIC INFORMATION LIAISON. (Postponed at February 13, 2008, City Council Meeting)**

Mayor Coss read the nominations into the record. Mayor Coss presented both Mr. Gurule and Ms. Lopez with a plaque and a gift certificate for \$100 each.

Ms. Lopez said she thoroughly enjoys her job and she is working with a great team.

Mr. Gurule said he has a great staff and has enjoyed working with the City all these years. He thanked his wife and family for their patience with the long work hours over the years.

Councilor Heldmeyer thanked Mr. Gurule for all of his work over the years, commenting that he is the troubleshooter for the City and 99% of the time he gets the problem solved. She said he is dedicated to the idea that City Hall is here to serve. She said Jenna Martinez and Therese Prada work with him and help him in his efforts. She believes the addition of Constituency Services Office at City Hall is the most positive, big change in the past two years.

Councilor Chavez said he enjoys working with Mr. Gurule and staff, and commented on his musical talent as well.

Councilors Bushee and Dominguez thanked Mr. Gurule and Ms. Lopez for their hard work and dedication on behalf of the City.

Councilor Calvert thanked Sev and Carla for their hard work and excellent attitude.

b) INTRODUCTION OF NEWLY HIRED LATERAL OFFICERS AND THE LAW ENFORCEMENT ACADEMY GRADUATE. (CHIEF JOHNSON AND DEPUTY CHIEF MONTANO)

Chief Johnson introduced the newly hired lateral officers and the law enforcement academy graduate, giving a short bio on each as they were introduced.

Chief Johnson said currently there eight officers attending the New Mexico Law Enforcement Academy and will graduate in mid-July. There are four lateral hires in the background phase, one out of state lateral and seven cadets. He hopes to fill the eight vacancies shortly.

Mayor Coss commended Chief Johnson and asked him to introduce the recruiting team.

Chief Johnson introduced the recruiting team and commended them for the work they're doing.

Responding to Councilor Bushee, Chief Johnson said there are seven cadets in background phase.

Councilor Chavez believes the Department is moving in the right direction and wants to build on this. He knows the new group of officers will work diligently to address public safety needs.

Chief Johnson said he is looking for the best fits for the community. He noted a new commercial is coming up as part of the recruiting efforts.

Mayor Coss said he wants to get police officers in homes in Santa Fe.

**c) PRESENTATION TO PARTNERS IN EDUCATION FOR DISTRICT 2
ELEMENTARY SCHOOLS. (COUNCILOR HELDMEYER)**

Councilor Heldmeyer said four years ago, the rules governing campaign financing were somewhat different than they are now, and Candidates were allowed to keep the funds they got four years ago. She said she received a contribution of \$4,000 from AFSCME a few days before the campaign which she returned because she wasn't going to spend it. However, she could hold the funds from four years ago. She said in consultation with her Campaign Treasurer Eleanor Bovay, they decided to give the money to the five elementary schools in District 2 – about \$475 each – to use for whatever they would like – Atalaya, Wood Gormley, E.J. Martinez, Kaune and Acequia Madre.

Councilor Heldmeyer introduced those in attendance from each of the schools and presented them with a check. She introduced her Campaign Treasurer, Eleanor Bovay. She said there are great schools in District 2 and asked the public to support the fundraising efforts of these schools. She disclosed that she received an Atalaya cook book and an Atalaya tote bag for her contribution to that school.

d) BLUE STAR MOTHERS, SANTA FE CHAPTER #7

Ms. Garcia of Blue Star Mothers, distributed a copy of "Santa Fe Chapter #7 of Blue Star Mothers of America, Inc.," a copy of which is incorporated herewith to these minutes as Exhibit "1."

Ms. Garcia said the Blue Star Mothers is an organization of parents of service men and women. She said they plan a 100-box mail-out in March, and will be doing three more during the year, and are looking for contributions and volunteers to do these mail-outs. The organization meets on the third Saturday of every month.

Mayor Coss thanked the women for their service.

Councilor Wurzbarger asked that they leave information about the organization with the City Clerk.

e) LEGISLATIVE WRAP-UP. (MARK DURAN)

A copy of a letter dated February 15, 2008, to Mayor Coss from Mark A. Duran, Mark Duran & Associates, Inc., which includes a Legislative Report, is incorporated herewith to these minutes as Exhibit "2."

Mark Duran reviewed the information in Exhibit "2." He noted a correction – the total for Council District priorities is \$185,000, instead of \$471,500.

Mayor Coss complimented Mr. Duran for the great work in defeating the bill which would have prevented the City from adopting a real estate transfer tax. He thanked Councilors Heldmeyer and Wurzburger, as well as the citizens of Santa Fe who worked hard to keep this bill from coming out of Committee.

Mr. Duran thanked Mayor Coss for always being available during the legislature, along with the City Councilors, as well as City staff who did such a great job, were always accessible and always there. He gave special thanks to Robert Romero who was a great help during the Legislature. He thanked the Santa Fe delegation – Senators Rodriguez, Griego and Grubesik, and Representatives Varela and Trujillo, and Speaker Lujan – who do a tremendous job for the City.

Responding to Councilor Bushee, Mr. Duran said all bills passed during the session must be signed by the Governor on March 5, 2008, commenting the Governor likely will sign all of the bills which will benefit Santa Fe.

Responding to Councilor Bushee, Mr. Duran said he will prepare a full list of capital outlay funds approved for Santa Fe, including the funds for non-profits, noting he knows of no projects which were originally funded for Santa Fe and then removed in this session.

Mr. Duran spoke about the Santa Fe handrail which originally was listed as a guard rail.

Mr. Romero said this was a request last year from a constituent who called it a guard rail, but they really wanted a handrail, so the City couldn't build it, and the wording was changed so we can now do that.

Responding to Councilor Bushee, Mr. Duran said he is hearing that if the Governor decides to call a special session, it will be before the June primary. A series of meeting will take place to explain the health care bill and validate the data.

Councilor Wurzburger thanked Mr. Duran for his work during the session, and asked if he is confident that the City will get the program money.

Mr. Duran believes the City's projects are safe because of the work which was done with the Governor's Office, noting that none of these came from the Governor, but came from the Legislators.

Councilor Wurzburger asked Mr. Duran's guidance on strategy in the City's competition for funds in the future.

Mr. Duran said this continues to be a refining process, especially as funds become more scarce. He believes it was a good strategic move not to include non-profits in the City's request, noting the non-profits still got funded at a fairly decent level. He said the City was able to zero in on just a few priorities and then high priorities. He said a number of non-profits competing for programmatic funds, also get City funds and use those funds as leverage to the Legislators to obtain matching funds.

Councilor Wurzbarger thanked Mayor Coss for being at the legislature so frequently, particularly on the Real Estate Transfer Tax. She thanked Councilor Heldmeyer for her work on this extremely difficult issue.

Councilor Heldmeyer asked about the funds for the MRC.

Mr. Duran said it could be on the list, but he doesn't know.

Mr. Romero understands the City was awarded \$20,000 for cart paths, from Senator Shannon Robinson.

Responding to Councilor Heldmeyer, Mr. Romero said the entire paths aren't paved and are paved just at the t-boxes and greens. There are a lot of areas in between where the City spends a lot of time grading, regrading, adding base course and such. He said the \$20,000 will be used to add base course and repair and improve the paths.

Responding to Councilor Chavez, Mr. Duran said the effluent line was on the list and was requested, but it wasn't funded.

Mr. Romero said the priority for District 3 was the effluent line, and they asked every Legislator in District 3 to fund it, and submitted the forms. However, they decided not to fund this request.

Mr. Duran said there were several District priorities which weren't funded, and it was an area which suffered because there was only ½ the funds available that we had in the past.

Responding to Councilor Trujillo, Mr. Romero said Representative Trujillo told him it was his understanding that the funding was for a handrail, but it was called a guardrail. He said there are needs for guardrails in several locations around town. He said J & H is a state-wide contractor who does these, but he hasn't done it. He said currently the Locals crew is installing the guardrail, which will take the available safety funds twice as far. He asked Councilors to let him know of other locations for guardrails. He noted this was only a \$20,000 appropriation.

Councilor Trujillo said if it is a handrail along Rodeo Road, where is the protection if a car goes out of control.

Mr. Romero said there is a curb and in most cases a guardrail isn't placed behind a curb, so this is a handrail in an area behind the sidewalk as you go down through the arroyo just west of Ragle on Zia Road. He wouldn't recommend a guardrail in this situation because there is a curb.

Councilor Trujillo said the section he has been discussing is at Plaza Estates.

Mr. Romero said he will meet with Councilor Trujillo to get that installed as soon as possible.

CONSENT CALENDAR DISCUSSION

9(w) CONSIDERATION OF RESOLUTION NO. 2008- 27 (COUNCILOR HELDMEYER). A RESOLUTION DIRECTING THE CITY MANAGER TO EXPAND THE EXISTING PROGRAM PROVIDING FOR EMPLOYEE BACKGROUND CHECKS. (KRISTINE KUEBLI)

Councilor Wurzburger said she has received a lot of emails with concerns about this bill, and asking for an opportunity to speak. Since this is on consent, she would like to postpone consideration until people can speak to this Resolution.

Ms. Kuebli described the current policy which requires background checks for employees who are hired in positions which work with seniors, children, youth and public safety. She said, excluding Public Safety, the background check is conducted for these positions after a job has been offered to someone. She said people with certain kinds of convictions would not be allowed to work with a child. There is a completely separate policy on motor vehicle checks which resulted from an issue several months ago, requiring annual motor vehicle checks on employees who are required to drive for the City. She said it is her personal opinion as the Human Resources Director, that the City's policy meets expectations related to safety involving youth, children and senior. This is a request to expand this to every position which would be hired for the City.

Mayor Coss said the Resolution asks the City Manager to develop a policy, but it doesn't do the policy automatically. He suggested asking the City Manager to bring the policy back for Council approval.

Councilor Wurzburger moved, seconded by Councilor Calvert, to amend the Resolution to require that the policy developed by the City Manager be brought back to the City Council for approval as a public hearing, and to adopt Resolution No. 2008-27 as amended.

Discussion: Councilor Heldmeyer said she spoke with the union representatives in the hall just now, and the union is taking no position on this Resolution. The union has been approached by another group asking them to speak up. She said the union hasn't seen this Resolution. She said the Resolution says "work, in concert with the union, that's number six, to develop a policy." She said the policy could stay as is, or change. She said the Resolution does not dictate any policy. She suggested that the outside group which is interested in dealing with this issue contact Ms. Kuebli and work with her as the policy is developed. She said when she introduced this Resolution, three other Councilors indicated they wanted to cosponsor it, but hers is the only name on the Resolution.

Councilor Chavez said he also received phone calls on this issue, and he got mixed signals from the union. He asked, if a public hearing is warranted, if that would be in addition to the Committee discussions which already has taken place, noting it has already gone through the Committee process.

Ms. Kuebli said no, this is actually a human resource policy which is written and approved in cooperation with Human Resources and signed by the City Manager, so this isn't

even a rule or regulation. It is an internal policy which has existed for many years, and only affects safety sensitive positions.

Councilor Heldmeyer clarified that Councilor Chavez is asking whether the Resolution went through the Committee process.

Ms. Kuebli said there is an action sheet from the Finance Committee in the packet, but those were not public hearings.

Councilor Chavez said concerns were expressed from the community and he wants to be sensitive to that. He said a public hearing might bring clarity, and assist in defining policy in a different way, which he doesn't think would be of harm.

Councilor Trujillo requested a copy of the current policy. He said there is something wrong with the policy, and believes something needs to change, citing the incident which happened two months ago.

Councilor Chavez said a public hearing would be an opportunity for the unions to work with H.R. and express specific concerns.

Ms. Kuebli said she received a call today from Rena with the Drug Policy Alliance New Mexico, and she has shared documents from other cities which could be considered if there is to be an expansion or revision of current policy.

The motion was approved on the following roll call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Ortiz, Councilor Trujillo and Councilor Wurzburger.

Against: None.

Abstain: Councilor Heldmeyer.

Clarification prior to voting: Councilor Ortiz asked if this is a vote on the Resolution as amended by Councilor Wurzburger that before the City Manager promulgates any policy, there has to be a public hearing on any proposed policy, and voted yes.

9(x) REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT – CERTAIN JOINT REGIONAL WATER AND WASTEWATER PROJECTS FOR BUCKMAN DIRECT DIVERSION PROJECT; COUNTY OF SANTA FE. (RICK CARPENTER)

Councilor Wurzburger said she pulled this because there was a typographical error as previously approved.

Mr. Carpenter said the Memorandum of Agreement was approved by the Board of County Commissioners yesterday. However, they made a slight grammatical change and introduced the words "the funds," which is what the MOA is addressing.

Mr. Carpenter asked to amend Section 1(A) as follows: "...Authority, shall be dedicated to the Buckman Direct Diversion Project and shall be credited to the County's obligations under sections sixteen (16) and seventeen (17) of the BDD Joint Powers Agreement. The funds will be dispersed to..."

Councilor Wurzbarger moved, seconded by Councilor Calvert, to approve the Memorandum of Agreement as amended. The motion was approved on the following roll call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Ortiz, Councilor Trujillo and Councilor Wurzbarger.

Against: Councilor Heldmeyer.

Explaining her vote: Councilor Heldmeyer said to be consistent with her every vote on this issue, she votes no.

Councilor Bushee said she would like to pull Item 9(y) from the Consent Agenda, to be sure it was the amended version which came from Public Works, noting it was included in the packet, but the title should have been changed.

Councilor Bushee moved, seconded by Councilor Calvert, to reconsider approval of the agenda to remove Item 9(y) from the Consent Agenda for discussion, and to approve the Agenda as amended. The motion was approved on a voice vote, with Councilors Bushee, Calvert, Chavez, Dominguez, Heldmeyer, Ortiz, Trujillo and Wurzbarger voting in favor of the motion, and none against.

9(y) CONSIDERATION OF RESOLUTION NO. 2008- 24 (COUNCILOR BUSHEE AND COUNCILOR ORTIZ). A RESOLUTION OPPOSING OIL AND GAS EXPLOITATION WITHIN SANTA FE COUNTY. (ROBERT GALLEGOS)

A copy of Amended Fiscal Impact Report No. 1619 with Public Works Amendments attached, is incorporated herewith to these minutes as Exhibit "3."

Councilor Bushee moved, seconded by Councilor Ortiz, to adopt Resolution No. 2008- 24, as amended by the Public Works Committee.

Discussion: Councilor Heldmeyer asked why we are "pussy-footing" with the word "exploitation," and don't just say "drilling."

Councilor Bushee said because that is the word that is in the Resolution and the word that the industry uses.

Councilor Heldmeyer said she can think of other kinds of oil exploitation which aren't what she is trying to address.

Councilor Bushee said she believes the Resolution is clear.

Councilor Heldmeyer asked if she would be willing to amend the Resolution to insert drilling in parenthesis behind it.

Councilor Bushee said she is not.

The motion was approved on the following roll call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Heldmeyer, Councilor Ortiz, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

9(z) REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON MARCH 26, 2008:

- (1) BILL NO. 2008-7 – AN ORDINANCE AMENDING TABLE 14-7.1-1 AND SECTION 14-7.1(B) SFCC 1987, REGARDING THE CALCULATION OF ALLOWABLE DWELLING UNITS AND MAXIMUM NUMBER OF DWELLING UNITS. (COUNCILOR CALVERT AND COUNCILOR BUSHEE. (JEANNE PRICE)**

A copy of a proposed amendment to Bill No. 2008-7, submitted by Councilor Calvert is incorporated herewith to these minutes as Exhibit "4."

A copy of "Density Calculations with or without Rounding Up," is incorporated herewith to these minutes as Exhibit "5."

Councilor Calvert said he removed this item for discussion, because, as promised, he worked on the amendments requested by the Finance Committee and some table information to understand the context. He said the amendments would not rescind the rounding up for family transfers and would permit rounding up if the additional unit was an affordable unit per the Santa Fe Homes Program.

Councilor Calvert moved, seconded by Councilor Wurzbarger, to approve this request as amended. The motion was approved on the following roll call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Heldmeyer, Councilor Ortiz, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

END OF CONSENT CALENDAR DISCUSSION

10. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

11. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

- a) Discussion of Settlement Agreement with Santa Fe County on Annexations; Pursuant to §10-15-1(H)(7). NMSA 1978.
- b) Discussion of Settlement Agreement in City of Santa Fe v. Laubo Corp.; Pursuant to §10-15-1(H)(7) NMSA 1978.
- c) Discussion of Alto Eldorado Partners v. City of Santa Fe; Pursuant to §10-15-1(H)(7) NMSA 1978.

Councilor Chavez moved, seconded by Councilor Calvert, that the Council go into Executive Session for the purpose of discussing the Settlement Agreement with Santa Fe County, the Settlement Agreement in City of Santa Fe v. Laubo Corp. and Alto Eldorado Partners v. City of Santa Fe, pursuant to §10-15-1(H) (7). The motion was approved on a Roll Call vote as follows:

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Heldmeyer, Councilor Ortiz, Councilor Trujillo and Councilor Wurzburger.

Against: None.

Mayor Coss asked the Council to stay for a minute for a presentation by the City Manager's staff.

City Staff Albert Martinez, Sevestian Gurule and his father sang Las Mañanitas to Councilor Heldmeyer since this is her last Council meeting as a City Councilor.

Following the serenade, the City Manager and staff served cake and punch to all in attendance.

The Council went into Executive Session at 6:34 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

At 8:00 p.m., Councilor Heldmeyer moved, seconded by Councilor Trujillo, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

The motion was approved unanimously on a voice vote with Councilors Bushee, Calvert, Chavez, Dominguez, Heldmeyer, Trujillo and Wurzbarger voting for the motion, no one voting against, and Councilor Ortiz absent.

12. ACTION REGARDING SETTLEMENT AGREEMENT WITH SANTA FE COUNTY ON ANNEXATIONS. (FRANK KATZ)

No action was taken on this agenda item.

END OF AFTERNOON SESSION AT 8:01 P.M.

The Council moved directly into the Evening Session without a break

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David Coss, at approximately 8:03 p.m. Roll Call indicated the presence of a quorum as follows:

Members Present

Mayor David Coss
Councilor Miguel Chavez, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Carmichael A. Dominguez
Councilor Karen Heldmeyer
Councilor Matthew E. Ortiz
Councilor Ronald S. Trujillo
Councilor Rebecca Wurzbarger

Others Attending

Galen Buller, City Manager
Frank Katz, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

E. PETITIONS FROM THE FLOOR

Peter Komis spoke about Karen Heldmeyer as being "Mother Bear Protecting Her Cubs," in protecting the Santa Fe neighborhoods. As President of the Don Gaspar Neighborhood Association, he presented her with a plaque of appreciation from the Association for her years of dedicated service as City Councilor, and a gift certificate for \$50 from Pasqual's, 121 Don Gaspar which he said she can't use it until after March 6th.

Ann Peterson ACSYL said she is here to thank Councilor Heldmeyer for years of dedicated service to the City and her tireless advocacy for the neighborhoods. She said the City should have more public servants like her.

Ouida MacGregor thanked Councilor Heldmeyer for her eight years of service to Santa Fe, and acknowledged what she was to the City and what she was not. She did not become a Councilor for personal benefit, nor use her position to advance her family's professional or financial interests. She was a Councilor because she valued community, neighborhoods and Santa Fe's history. She didn't seek popularity, but acted on her personal convictions even if she was the lone vote on an issue. She did not quickly arrive at conclusions, and was a dedicated researcher. She did not view all development proposals as positive, and examined those with an eye toward their impact on the City. She gave prime weight to history and neighborhoods.

Ms. MacGregor said she most appreciated Councilor Heldmeyer when she didn't agree

with her, and Councilor Heldmeyer never attempted to ingratiate herself by pretending to take a position, and explained why she disagreed and she always knew where she stood. She thanked Councilor Heldmeyer for her dedication, honesty, service and for "being you."

Mary Dikton said she agrees with everybody. She thanked her for being "No B.S." She thanked her for her work in closing down the pumice plant. She said has always "been there for us," teaching people how to get things done. She said, "You are tough, you are no B.S., and you have brought about something big for this neighborhood just in this one area for us...you are incredible and we love you."

Jody Larson, President League of Women Voters, said Councilor Heldmeyer is a member of the League, noting the first woman to sit on the City Council was also a member. She thanked Councilor Heldmeyer for her selfless service to the City and for remaining an active and loyal member of the League. She thanked her for helping the League to appreciate the kinds of issues with which the City has to deal.

Blair Cooper, Don Gaspar Association, thanked Councilor Heldmeyer for her consistent support of neighborhoods, and her work to pass a Neighborhood Conservation District ordinance. She said Councilor Heldmeyer is an inspiration and source of strength throughout the City and she will be missed.

Michael Colms, Agua Fria, said he uses 50 gallons of water weekly which he hauls. He would like to propose that people moving here from wet districts must wait a year to be hooked up to running water. He said he built a house 30 years ago for \$1,000, and spoke about high interest rates. He would like to see an annual surcharge of \$2,500 on absentee homeowners and on people with more than one home, and use that for affordable housing.

Michael Moquin said he is a historic preservationist and he has been monitoring the 400th Anniversary Celebration Committee. He gave a history of Santa Fe. He is disappointed that the Committee won't discuss his version of the history of Santa Fe according to his research. He would like the Council to look into this.

Marie Higarot said she concurs with all the previous remarks regarding Councilor Heldmeyer's integrity and selflessness, hard work and her brilliance.

Marilyn Bane, President, Old Santa Fe Association, said a lot of us came out to thank Councilor Heldmeyer at her last Council meeting. She said she has raised the bar for being a City Councilor. She is very grateful for her continuous support for historic preservation, and for the neighborhoods and hopes she will continue with these. Mostly, she just wanted to say thank you.

Reggie Cox, District 2, member of the Historic Neighborhood Association, said she came to see Councilor Heldmeyer sit in that chair just one more time, because she will really miss her. She said it has been an honor to have her represent her. She expressed thanks and appreciation from the Association as well as from herself.

Deanna Einspar said she is here to express appreciation to Councilor Heldmeyer for all of her hard work and years of sometimes thankless service. She looks on this more as a

commencement rather than a beginning, and looks forward to what's happening next. She is a member of the Neighborhood Network which is extremely grateful for all of Councilor Heldmeyer's work over the years. She is looking forward to the next chapter.

Rick Martinez thanked Councilor Heldmeyer for being "the first at large Councilor in the City. He thanked her for giving the neighborhoods a "bill of rights." He also is a member of the Board of the Neighborhood Network.

Nicole D., Casa Solana Neighborhood HOA, thanked Councilor Heldmeyer for all of her work on behalf of so many who don't live in her District, and for her integrity and caring for the City and its people. She said everyone will miss her advocacy, honesty, concern and professionalism.

Harriet Heltman, representing the Lovato Grand Subdivision, which is part of the Don Gaspar Neighborhood Association, said she wants to thank Councilor Heldmeyer for her help and support to her and her family, and the members of the Subdivision in trying to continue to have a single subdivision in Santa Fe with ½ acre lots. This is an important part of Santa Fe which was vacant land for so long. She said we need our Council to support the neighborhoods and the purchases people made in good faith. She said Councilor Heldmeyer has been a stalwart supporter of neighborhoods, and thanked her for all she has done.

Fred Rowe said he has worked with Councilor Heldmeyer for the past 12 years since the foundation of the Neighborhood Network in which she played a leadership role. He said although they have had "ups and downs," through the years, he never doubted her commitment, diligence, intelligence and dedication to improving the quality of life for all neighborhoods in Santa Fe. He thanked her for this public service, and wished her the best in her future endeavors.

Barbara Fix said she respects the respect that Councilor Heldmeyer has shown to people, places and community, and told her to continue that.

Sam Irving said Councilor Heldmeyer became acquainted with his mother who has multiple sclerosis, and Councilor Heldmeyer championed her cause with the City and the Transportation Division. He thanked her on behalf of his mother.

Stefanie Beninato thanked Councilor Heldmeyer. She said Councilor Heldmeyer listens to people and tries to help them with resolution, and she always felt she listened to her.

Councilor Heldmeyer was then given a standing ovation by all in attendance.

Councilor Heldmeyer thanked Mayor for allowing her to speak this evening. She said the Neighborhood Conservation District Ordinance was postponed to the second Council meeting in March, and hopes everyone is back here then. She urged them to talk to their Councilors before it is heard.

Councilor Heldmeyer said she is overwhelmed, because what she does is what she thinks public service should be. To be told it is unusual or different is surprising. She spoke about her role models here this evening – Ouida MacGregor who served District 2 before she did and had the same kind of energetic compassion which she applied to the job; the League of Women Voters who conducted a one day seminar, which she attended before she ran, on how to be a woman candidate which was very helpful. She said all of you have worked so hard in your neighborhoods and in other peoples' neighborhoods which is the idea behind the neighborhood network. She hopes this outpouring also will lead to all of you working with each other, commenting that if you join together as a group and work together as a unified voice, you will see responsiveness by the Governing Body, and you well may get your issues heard. She expressed appreciation for those who spoke this evening, and again urged everyone to attend the second Council meeting in March.

Councilor Heldmeyer thanked Phil and Eleanor Bovay, noting Eleanor has been her campaign Treasure since the beginning, and a tremendous sounding board on issues. She thanked her husband Russ who has sacrificed so much for her service to the City, which hopefully will change in the future. She said she will be around for a long time. She reiterated her thanks for those who came and spoke this evening.

F. APPOINTMENTS

Board of Adjustment

_____ Mayor Coss said he is postponing these appointments to be made at a later time.

Archeological Review Committee

_____ Mayor Coss appointed the following individual to the Archeological Review Committee:

Teresa M. "Tess" Monahan – to fill unexpired term ending 06/2008.

Councilor Bushee moved, seconded by Councilor Calvert, to approve this appointment.

The motion was approved unanimously on a voice vote, with Councilors Bushee, Calvert, Chavez, Dominguez, Heldmeyer, Ortiz, Trujillo and Wurzbarger voting for the motion and none against.

G. PUBLIC HEARINGS

1) REQUEST FROM 4250 GROUP, LLC, FOR A RESTAURANT (BEER & WINE)

**LIQUOR LICENSE TO BE LOCATED AT THE FLYING TORTILLA, 4250-D
CERRILLOS ROAD. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, noting there is an existing restaurant liquor license there which is owned by the same entity. However, the company structure has changed, and restaurant licenses are not transferrable, and a new application is required. The location is not within 300 feet of a church or school, and staff is recommending that this business be required to comply with all of the City's ordinance.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Bushee moved, seconded by Councilor Wurzbarger, to grant the request for a Restaurant License, to be located at the Flying Tortilla, 4250-D Cerrillos Road.

The motion was approved on the following Roll Call Vote:

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Ortiz, Councilor Trujillo, and Councilor Wurzbarger.

Against: None.

Absent: Councilor Heldmeyer.

Explaining his vote: Councilor Ortiz said the Flying Tortilla is the place where he and his in-laws go because we have little children, and in the closed room, they are allowed to "yell and scream," so he enthusiastically votes yes.

- 2) REQUEST FROM CA SANTA FE BEVERAGE, LLC, FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #2602 FROM SUNSTONE PROPERTIES BEVERAGE, LLC TO CA SANTA FE BEVERAGE LLC. THE LICENSE WILL REMAIN AT CAFÉ SANTA FE, 3347 CERRILLOS ROAD. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, and said staff is recommending that they be required to comply with all of the City's ordinance.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Ortiz moved, seconded by Councilor Bushee, to grant the request for the transfer of ownership of Dispenser License #2602 from Sunstone Properties Beverage, LLC, to CA Santa Fe Beverage LLC. (Yolanda Vigil).

The motion was approved on the following Roll Call Vote:

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Ortiz, Councilor Trujillo, and Councilor Wurzbarger.

Against: None.

Absent: Councilor Heldmeyer.

- 3) REQUEST FROM INN OF THE GOVERNORS, LTD., FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #894 FROM HOULAN DEVELOPMENT (A PARTNERSHIP) TO THE INN OF THE GOVERNORS, LTD. THE LICENSE WILL REMAIN AT THE INN OF THE GOVERNORS/DEL CHARRO, 101 WEST ALAMEDA. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil. Ms. Vigil said staff is recommending that this business be required to comply with all City ordinances.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Bushee moved, seconded by Councilor Calvert, to grant the request for the transfer of ownership of Dispenser License #894 from Houlan Development to the Inn of the Governors, Ltd. (Yolanda Vigil)

Discussion: Councilor Bushee said the restaurant has good food, is open late and has reasonable prices.

The motion was approved on the following Roll Call Vote:

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Heldmeyer, Councilor Ortiz, Councilor Trujillo, and Councilor Wurzbarger.

Against: None.

- 4) **CONSIDERATION OF BILL NO. 2008-11; ADOPTION OF ORDINANCE NO. 2008- 11. AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF SANTA FE, NEW MEXICO GROSS RECEIPTS TAX IMPROVEMENT REVENUE BONDS, SERIES 2008, IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$34,000,000 FOR THE PURPOSE OF DEFRAYING THE COST OF PUBLIC PROJECTS RELATED TO PUBLIC UTILITIES, PUBLIC WORKS, PARKS AND RECREATION AND COMMUNITY SERVICES; PROVIDING THAT THE BONDS WILL BE PAYABLE AND COLLECTIBLE FROM THE GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; PROVIDING FOR THE DISPOSITION OF THE RECEIPTS DERIVED FROM THE GROSS RECEIPTS TAX REVENUES; PROVIDING THAT CERTAIN TERMS AND DETAILS OF THE BONDS WILL BE PROVIDED AND APPROVED IN A SUBSEQUENT RESOLUTION OF THE CITY; PRESCRIBING OTHER DETAILS CONCERNING THE BONDS AND GROSS RECEIPTS TAX REVENUES, INCLUDING BUT NOT LIMITED TO COVENANTS AND AGREEMENTS IN CONNECTION WITH THE BONDS AND THE FORM AND MANNER OF EXECUTION OF THE BONDS; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; AND REPEALING ALL ORDINANCES IN CONFLICT HERewith. (KATHRYN RAVELING)**

A copy of the pricing booklet dated February 27, 2008, prepared by the First Southwest Company, is incorporated herewith to these minutes as Exhibit "6."

Kathryn Raveling, Finance Director, presented information regarding this matter to the Governing Body. She noted that George Wiliford, First Southwest, Dwayne Brown, Modrall Firm and John Archuleta, George K. Baum Company, are in attendance to answer any questions.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Heldmeyer said yesterday was a good time to sell bonds, while today was not. She spoke about the portion which will be repaid by Lodger's Tax, which is guaranteed by GRTs, noting that recently the Lodger's Tax hasn't met the projected 2% annual increase budgeted. She asked Ms. Raveling if there will be adequate funds to repay the bonds, and if there will be a need to use GRTs to repay these bonds.

Mr. Raveling said she reran the Lodger's Tax projections this week, using the 1.2% currently being received instead of the 2%, assuming that when the Convention Center is completed, we will be back to the 2%. So, she used the 1.2% for this fiscal and then 2% for

next fiscal year, and the numbers still work. She met with CVB and Convention Center staff, shared the numbers, and told them they need a balanced budget. She is sure the projected revenues and expenditures will take some tweaking over the months after the Center is open. She said there is no guarantee. However, she is comfortable with the numbers, but she can't guarantee that it will work for the next thirty years.

Councilor Heldmeyer moved, seconded by Councilor Calvert, to adopt Ordinance No. 2008-11,

The motion was approved on the following Roll Call vote.

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Heldmeyer, Councilor Ortiz, Councilor Trujillo and Councilor Wurzburger.

Against: None.

5) CONSIDERATION OF BILL NO. 2008-5; ADOPTION OF ORDINANCE NO. 2008- 12 (MAYOR COSS). AN ORDINANCE AMENDING SECTION 2-3.3 SFCC 1987, REGARDING THE SALARY OF THE MUNICIPAL JUDGE. (GALEN BULLER)

Galen Buller presented information regarding this matter to the Governing Body from his Memorandum of February 19, 2008, which is in the Council packets.

Public Hearing

There was no one speaking for or against this ordinance.

The Public Hearing was closed

Councilor Wurzburger moved, seconded by Councilor Calvert, to adopt Ordinance No. 2008-12.

Discussion: Councilor Ortiz said he agrees with the department head analogy, and that it has sway and would justify an increase in salary. However, it has never been his position to give a 30% increase to a department head. There are other needs and other employees in the City who need raises as well. He said it is for these employees, and not to disparage the very excellent and good work the Judge is doing, that he will be voting against this.

Councilor Bushee asked about research done in other cities, such as in Las Cruces.

Judge Yalman said there are two judges in Las Cruces, both of whom are attorneys, and the Presiding Judge earns \$98,000, and the other Judge, because of the timing, makes

less and the plan is to make that salary \$92,000, both of which are above the \$85,000.

Responding to Councilor Bushee, Judge Yalman said Albuquerque has Metro Judges which are required to be attorneys, and earn \$103,000.

Responding to Councilor Bushee, Mr. Katz said the average attorney's salary in Santa Fe is close to \$80,000, mostly about \$75,000.

Responding to Councilor Bushee, Mr. Buller said Judge Yalman supervises 18 employees. The average salary for a department head in Santa Fe is \$85,000 to \$90,000.

Councilor Bushee said she hopes in the future, the City will require that the Municipal Judge will be a lawyer, commenting there are very few lawyers willing to do this kind of public service. She believes the proposed salary isn't on the high end for lawyers in Santa Fe. She sees the justification and understands why this is being done now.

Councilor Chavez expressed support for this salary increase which he believes is warranted.

Responding to Councilor Chavez, Judge Yalman said she is okay with the deletion of the City vehicle as a benefit.

The motion was approved on the following Roll Call vote.

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Heldmeyer, Councilor Trujillo and Councilor Wurzbarger.

Against: Councilor Ortiz

- 6) CONSIDERATION OF BILL NO. 2008-9; ADOPTION OF ORDINANCE NO. 2008-13 (COUNCILOR CALVERT AND COUNCILOR BUSHEE). AN ORDINANCE AMENDING SECTION 14-5.6 SFCC 1987, THE ESCARPMENT OVERLAY DISTRICT, REGARDING LANDSCAPE SCREENING IN ORDER TO BETTER COORDINATE WITH FIRE PROTECTION PURPOSES. (WENDY BLACKWELL)**

Wendy Blackwell presented information regarding the proposed ordinance.

Public Hearing

There was no one speaking for or against this Ordinance.

The Public Hearing was closed

Councilor Calvert moved, seconded by Councilor Wurzbarger, to adopt Ordinance No. 2008-13.

The motion was approved on the following Roll Call vote.

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Heldmeyer, Councilor Ortiz, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

- 7) **CONSIDERATION OF BILL NO. 2008-10; ADOPTION OF ORDINANCE NO. 2008- 14 (COUNCILOR WURZBURGER). AN ORDINANCE AMENDING SECTION 7.2 OF EXHIBIT A OF CHAPTER 22 SFCC 1987, TO CORRECT WAIVERS TO THE WASTEWATER UTILITY EXPANSION FEE FOR AFFORDABLE HOUSING. (KATHY McCORMICK)**

Jeannie Price presented information regarding the proposed ordinance from her Memorandum of February 19, 2008, which is in the Council packets.

Public Hearing

There was no one speaking for or against the proposed ordinance.

The Public Hearing was closed

Councilor Wurzbarger moved, seconded by Councilor Calvert, to adopt Ordinance No. 2008-14.

The motion was approved on the following Roll Call vote.

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Heldmeyer, Councilor Ortiz, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

- 8) **CONSIDERATION OF BILL NO. 2008-12; ADOPTION OF ORDINANCE NO. 2008- ____ (COUNCILOR HELDMEYER AND COUNCILOR CHAVEZ). AN ORDINANCE CREATING A NEW SECTION 14-5.10 SFCC 1987, REGARDING NEIGHBORHOOD CONSERVATION OVERLAY DISTRICTS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY. (JEANNE PRICE)**

This item was postponed to the Council meeting of March 26, 2008.

- 9) **CONSIDERATION OF RESOLUTION NO. 2008- _____. Case #M-2007-31. 518, 520, 526 AND 532 AGUA FRIA STREET, GENERAL PLAN AMENDMENT. STEVE RIZIKA, AGENT FOR THE PROPERTY OWNERS REQUESTS APPROVAL OF GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE TO DESIGNATION OF .669± ACRES OF LAND TO COMMUNITY COMMERCIAL. THE AREA IS LOCATED ON THE SOUTH SIDE OF AGUA FRIA AND WEST OF MONTEZUMA AVENUE. (DAN ESQUIBEL) (Postponed at February 13, 2008 Council Meeting)**

Items #9 and #10 were combined for purposes of presentation and discussion.

A memorandum dated February 20, 2008 for February 27, 2008 City Council meeting, to the Governing Body, with attachments, from Daniel A. Esquibel, Land Use Planner Senior, is incorporated herewith to these minutes as Exhibit "7."

Councilor Wurzbarger asked Greg Smith if there any new information, because she can't find any in her packet.

Mr. Smith said the Applicant had provided some information to the City Clerk on Friday, and believes this is at the back of the Council packet for these agenda items. He said staff was not aware of this additional material until today. Staff reviewed that information and found that the Applicant's new material proposes that the Council retain jurisdiction over development plans if it adopts the rezoning application. The Land Use staff and the Attorney's staff typically do not recommend approval of this practice, while recognizing there are precedents which have been set by the Council in the past where the Council did impose similar conditions on rezoning. Mr. Smith said, "Reminder from the staff that the Council report initially urged the Council to decide the matter based on consistent application of land use patterns, based on General Plan and other approval criteria." He said this is all the additional information from staff. He noted that the Applicants' representatives are present this evening.

Councilor Calvert asked if the staff recommendation has changed.

Mr. Smith said no, the staff continues to note the position that staff had at the Planning Commission. It's not clear that the rezoning criteria for these parcels is met. He said the staff's general recommendation, in evaluating General Plan policies in the amendment criteria is, on close calls, that the policy suggests that we err in favor of preserving residential aspects of the neighborhood. He said, "Again, I think staff does recognize that this is a judgment call. There are arguments on both sides on this matter."

Councilor Wurzbarger recalled that at the last meeting, the Council requested additional information to explain the use.

Mr. Smith said it was staff's understanding that the Council had encouraged the Applicant to make additional proposals as to what the type or nature of the uses would be.

Councilor Wurzbarger said she understands the Council is being given the agreement to a process, but not the use, which "more or less says give us the zoning and later we'll tell you the use. Would that be an incorrect interpretation of what's before us?"

Mr. Smith said, "I think that concurs generally with staff's evaluation, although we'd note that the language proposed is from the Applicant and not from staff."

Mayor Coss said at the previous meeting, the Council was going to leave it open for public hearing if there was additional information.

Public Hearing

Steve Rizika, representing the Applicants, was sworn. Mr. Rizika said they were asked to provide some uses, but they are struggling with the difficulty of providing what those specific uses might be. He said, "We feel, once again, that there is an inherent value in having contiguous, harmonious zoning within a particular district or neighborhood, and that's basically the sole basis of our application in here. It's hard to predict certain uses that might or might not happen, or be proposed in the future. We also contend that uses would have to be appropriate or severely limited, in terms of other Code requirements for things to happen there, in terms of parking, loading, unloading, the historic status and the inclusion in the West Side Guadalupe District, and feel that there is an enormous amount of public and municipal oversight into what may or may not occur on those parcels. Again, it comes down, really, to a matter of having a contiguous section of zoning in a neighborhood and not penalizing four properties that can't have the same use rights as their surrounding neighbors on all three sides and the street on the fourth side. We're willing to certainly talk if there are specific uses that Council feels is inappropriate. You know, we'd talking about batting those outright, because they probably would not be allowed by other sections in the Code anyways. In terms of uses, we did submit a section, a table of permitted uses for that zoning district and, you know, just excluded some that we felt would be very inappropriate.

Rick Martinez, 725 Lucero, was sworn. Mr. Martinez said, in discussing uses and what's going on in the commercial and residential, most of this is a residential neighborhood on the north side and there is no commercial. Further down Agua Fria, it is still a lot of residential. Mr. Martinez said, "My question is to you guys, is let's define uses all the way down through St. Francis Drive, because what I see happening there, is that if these guys are to be treated fairly, the same as everyone else is, what's the rest of the residential houses going to start saying – it's to commercialize. We're looking at turning Agua Fria into Canyon Road. I'm just really concerned about the residential neighborhood that's in there now, to be a residential neighborhood as it now, instead of keep following the domino effect all the way all the way down Agua Fria, all the way to St. Francis Drive. So, I just wish you guys would either come up with a basic master plan for what we're looking at for Agua Fria, all the way through there and how we're going to start dealing with residential houses from then on."

The Public Hearing was closed

Councilor Calvert said the direction given by the Council at the last meeting is that we were hoping you would narrow the list, without asking for the specific use for each property, to ones which were more appropriate for that setting. He doesn't believe that information was provided, although there is a list of "possibles," commenting this is a rather broad spectrum of uses in the BCD.

Mr. Smith clarified that the original document had certain uses highlighted in yellow, but he is unsure whether the Council has that.

Mayor Coss said his copy has yellow highlighting.

Mr. Rizika said some of the uses are very similar in terms of what the use could be.

Responding to Mayor Coss, Mr. Rizika said the information was submitted by the Applicant, him.

Mayor Coss said, then the appropriate uses are highlighted in yellow.

Mr. Rizika said yes.

Mayor Coss asked if the Applicants would be willing to have a condition imposed that the other uses would not be permitted.

Mr. Rizika said yes.

Mayor Coss said if the uses aren't highlighted yellow, then the Applicants would be agreeable to a condition providing that all of those uses are not allowed.

Mr. Rizika said, "Very much so. Yes."

Councilor Heldmeyer said at the bottom of the Memorandum which came with the information, it says, "Any use not highlighted would be allowed only by special exception or prohibited outright." She said the Applicants aren't saying they wouldn't have those uses, but are saying if they wanted to apply for those uses, it would have to be a special exception, which is different.

Mr. Rizika said, "The Applicant would be willing to amend that, and would also just like to point out that some of the uses, like the food and beverage, there's no parking to support on any of the parcels."

Councilor Calvert asked then why it wasn't eliminated.

Mr. Rizika said it might have been a small oversight in going through it to try to determine what would constitute food and beverage, for example, if someone had a small shop and wanted to sell some sodas or something out of it. However, there just isn't enough parking to support a restaurant, noting most of these parcels have 2-4 parking spaces. He said stacked parking would not be allowed for commercial uses under the current Code, so it would make a

lot of those uses “basically non-descript.” However, the uses are broad in description and it was difficult to narrow those down. He said they are willing to hear suggestions of other things which should be prohibited outright and “might be very willing to knock them off the list.”

Mayor Coss said the Council might not be willing to do that.

Councilor Calvert said it seems to him that the list is not as narrowed as he had hoped and expected it would be, and he is not comfortable with “this” list. He proposed that the Council either deny the Application, or postpone it and let the applicant narrow the list sufficiently. However, he believes the Council made that clear the last time this was before it.

Mayor Coss said it has been postponed it once, and believes the choices might be for the Council to deny, or for the Applicant to withdraw the application.

Councilor Calvert moved, seconded by Councilor Ortiz, to deny, the request in Item G(9), Case #M 2007-31.

Discussion: Councilor Heldmeyer said one of the things which was suggested last time is the issue of development plan, and asked Mr. Smith to address the issue of where uses come in, if at all, with a development plan.

Mr. Smith said the rules in Chapter 14 are not clear as to the scope of a development plan, but the Planning Commission and the Council often approve development plans which have a specific use or range of uses listed as either allowed or prohibited. So, there is the practice in approving a development plan that the Planning Commission or Council narrows the range of allowed uses through that mechanism. He said staff has noted in the additional memorandum, which the City Clerk distributed to the Council just before the meeting, that the Code typically does not require a development plan. On these properties, the trigger would be 10,000 sq. ft. gross floor area. The typical development plan track would be to go through the Business Capital Design Review Committee, and that would be the only step on a development plan under the current Code provisions.

Councilor Heldmeyer said she can’t think of a case where the development plan addressed uses as well as the physical buildings and the relationship between the buildings. She can think of some development plan where specific uses were written on the plan and then people were told that those really weren’t uses, were suggested uses, and the City would allow other uses which were in what the City viewed as the same general category.

Mr. Smith said, although he hasn’t researched this issue, he believes it is typical that general categories of uses, such as retail, office, are specifically addressed in the development plan in terms of the parking requirements and things of that nature. He said there are a handful of precedents over the years where the Council has wound up exercising its jurisdiction and has approved or restricted certain uses which might otherwise have been allowed as part of their development plan approval process, or their rezoning process.

Councilor Heldmeyer asked if there are eating and drinking establishments in the future, how do they deal with the issue of parking.

Mr. Smith said there is a range of different, possible solutions which might apply to any given issue. Some of the eating and drinking establishments predate the 1962 zoning regulations, and some were established during a brief period during the 1970s and 1980s when there was a C-3 zoning district which had a zero parking requirement, and anticipated the creation of a parking district. He said when the BCD regulations were first adopted in the 1980s, and there was a brief window where there was not a specific parking requirement required in the BCD. There also are a variety of uses which have been established since that time under the current parking regulations, where the Certificate of Occupancy is issued based on the commitment by the property owner to provide, in perpetuity, off site parking spaces within 600 feet of eating and drinking establishments. Also, in accordance with the current Code provisions, it does allow off site parking in the Business Capital District.

Councilor Heldmeyer said some of those businesses lease space from Sanbusco, and pointed out that Sanbusco's parking will be administered by the City when the whole Railyard parking district comes on board. She asked if that change will affect the private leases between Sanbusco and specific eating and drinking establishments.

Mr. Smith said he isn't familiar with the specific arrangements under study for the Sanbusco parking, nor can he confirm that it provides off site parking for other businesses at Sanbusco.

Councilor Calvert said, without some good justification, this runs counter to what the City is doing generally in this area. He said the City has done things such as traffic calming, and intensifying the use would be counter to that initiative as well. He said without some argument on what the uses would be which would fit in that neighborhood, he doesn't think there is any reason to approve this.

Councilor Bushee would like to give the applicants the opportunity to bring more specific reasons for the rezoning to the Council. She suggested that each individual property owner come forward once they have a plan. She said this isn't the way the City does mass rezonings, noting this still is a residential area.

Clarification of the motion: Mayor Coss said this is a motion to deny the resolution amending the General Plan, and asked if this makes G-10 a moot point.

Councilor Calvert said that depends on the vote.

The motion was approved on the following Roll Call Vote:

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Heldmeyer, Councilor Ortiz, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

- 10) **CONSIDERATION OF BILL NO. 2007-62; ADOPTION OF ORDINANCE NO. 2008- ____ . CASE #M-2007-31. 518, 520, 526 AND 532 AGUA FRIA STREET REZONING. STEVE RIZIKA, AGENT FOR THE PROPERTY OWNERS, REQUESTS REZONING OF 4 LOTS TOTALING .669± ACRES OF LAND FROM RM-1 (RESIDENTIAL – MULTI-FAMILY, 21 DWELLING UNITS PER ACRE) TO BCDWES (BUSINESS CAPITOL DISTRICT, WESTSIDE TOWNSCAPE SUBDISTRICT). THE PROPERTY IS LOCATED ON THE SOUTH SIDE OF AGUA FRIA AND WEST OF MONTEZUMA AVENUE. (DAN ESQUIBEL) (Postponed at February 13, 2008 Council Meeting)**

See Item G(9).

- 11) **CASE #BCD 2006-02. APPEAL OF THE BUSINESS CAPITAL DISTRICT DESIGN REVIEW COMMITTEE'S ACTION ON OCTOBER 11, 2007, REGARDING THE PLACEMENT OF ROOFTOP SOLAR PANELS AND MECHANICAL EQUIPMENT FOR BUILDING A1 (ART YARD PROJECT) ON PARCEL A1 OF THE SANTA FE RAILYARD DEVELOPMENT PROJECT (NORTH RAILYARD AREA AT PASEO DE PERALTA). MITCH DAVENPORT, AGENT FOR WIVCO CO., REQUESTS THAT THE GOVERNING BODY RESCIND THE DENIAL. (ROBERT SIQUEIROS) (Request by Applicant to Postpone to March 12, 2008 City Council Agenda)**

This item was postponed to March 12, 2008.

13. MATTERS FROM THE CITY CLERK

Ms. Vigil said absentee voting in her office will end Friday at 5:00 p.m. She said election day is Tuesday, March 4, 2008, and asked everyone to vote. She said there have been some changes in the polling places from previous elections, and reviewed those changes. She asked voters with questions about their polling places to call her office.

Ms. Vigil invited the community to the inauguration on Monday, March 10, 2008, at 6:00 p.m. at the Lensic Performing Arts Center.

14. COMMUNICATIONS FROM THE GOVERNING BODY.

Councilor Calvert

Councilor Calvert wished his beautiful wife Carol a Happy Anniversary.

Councilor Calvert thanked Councilor Heldmeyer for her hard work and dedication, as well as her reservoir of knowledge. He said she is one of the most well versed Councilors among all of the Councilors. He thanked her for all of her service to the City.

Councilor Dominguez

Councilor Dominguez said he has no communications.

Councilor Dominguez extended his thanks to Councilor Heldmeyer, saying he respects and admires the diligence she has for her constituents and for the community in general. He also respects and admires her intelligence, and he looks forward to the accountability to which she will hold this Council.

Councilor Wurzbarger

Councilor Wurzbarger thanked Councilor Heldmeyer, saying it has been her honor to share representation of District 2 with her. She has learned a lot from Councilor Heldmeyer, and said she will really miss her. She hopes Councilor Heldmeyer will consider helping the City to rewrite Chapter 13.

Councilor Trujillo

Councilor Trujillo introduced an Ordinance repealing Ordinance 2004-35, regarding the unexecuted lease with VHD Properties, LLC, on the Airport property. A copy of the ordinance is incorporated herewith to these minutes as Exhibit "8."

Councilor Trujillo introduced an Ordinance ratifying the lease of approximately 3.27 acres of land at the Airport owned by the City. A copy of the ordinance is incorporated herewith to these minutes as Exhibit "9."

Councilor Trujillo asked that the Ordinances go to the Public Works and Finance Committees.

Councilor Trujillo said it has been an honor to serve with Councilor Heldmeyer. He said, "You are one in a million, Councilor, and you stood up for your constituents. And this is something that I'd always see when I watched you before I was a Councilor. You fought for your constituents and that is an honorable thing. You will be missed." He thanked her for what she has done for her constituents and for the City.

Councilor Trujillo congratulated the Kearney Raiders C-Squad who took third place last week, saying his son plays on the team.

Councilor Trujillo said he won't be in attendance at the inauguration on March 10th because he will be out of town.

Councilor Ortiz

Councilor Ortiz said the Planning Commission approved Case No. M-2008-01 last night in a special session, and he would like to call that case before the Council. This is a request by PNM to move its transmission line 50 feet into the City limits because of the Rail Runner construction.

Mr. Katz understands the Governing Body can choose to bring a matter from the Planning Commission before the Governing Body, but that requires a vote of the Governing Body.

Councilor Ortiz asked that this vote of the Governing Body be scheduled at the next Council meeting.

Councilor Ortiz introduced the following:

- a) A Resolution which talks about seeking some sort of an answer with regard to what is the effect of the City's zoning authority, particularly the effect of the Historic Design Review ordinance as it relates to the Santa Fe County project as well as all of the State projects which will be within the H-District. The Resolution directs the Mayor and City Attorney to pursue either compliance, or some sort of declaratory judgment such as we did with Las Campanas. He asked that it go to the Public Works Committee.
- b) A Resolution which sets a goal to reduce the government's carbon footprint on the environment, and establishes a goal to reduce our carbon footprint of 50% over the next five years. He asked that it go to the Public Utilities and Finance Committees.
- c) An Ordinance repealing the City's cell phone ban. He said we were told the cell phone ban was needed because it would make our driving safer. However, we haven't had any statistics on what kinds of citations have been issued, nor those who have had their citations upheld in Municipal Court. He said there has been wide non-enforcement of the law, and if we aren't going to enforce a law and it doesn't serve a purpose, perhaps we consider repealing that law. He asked that it go to the Public Safety Committee and to the Municipal Court to obtain the statistics on citations.

Councilor Ortiz said he will miss Councilor Heldmeyer, saying they have agreed in principle in most issues, but have disagreed on process and strategy. He said, "of all of us," Councilor Heldmeyer is the most diligent Councilor with whom he has worked, and is the hardest working and most selfless Councilor with whom he has served. He said he will miss her intelligence. He said she is a rare public servant, and all of the Councilors and District 2 will miss her. He wished her the very best.

Councilor Bushee

Councilor Bushee asked to cosponsor Councilor Ortiz's Resolutions on primacy of

zoning and reducing carbon. She is thinking about cosponsoring the ordinance on repealing the cell phone ban, but needs to see more information.

Councilor Bushee said she is looking for \$10,000 to ensure the City can continue the Summer Bandstand Programs through Inside Out.

Responding to Councilor Bushee, Mr. Katz said he didn't want the BCD to decide as it did, and it has been appealed. He thinks they are right on their right to have solar collectors, and the new State law forbids municipalities from restricting solar collectors. He was asked a question as to his position, and this is his position.

Councilor Bushee said it seems futile to have an appeal heard when the City Attorney has already told us that we have no jurisdiction.

Mr. Katz said, unfortunately, what you have is an applicant who didn't get the decision below, and we want them to get the correct decision from the Governing Body, and we don't want them to ignore us.

Councilor Bushee wants clarification before March 12th as to how we're really supposed to proceed. She said this does not uphold the decision of the BCDDRC and it has not been scheduled as an appeal.

Councilor Ortiz said then the City Attorney is asking for some finality in the appeal process.

Councilor Bushee said he's not asking for anything, he just issued an opinion. She is concerned about March 12th.

Mr. Katz said it's not that the BCDDRC didn't have the jurisdiction to hear the matter, they made what he believes to be the wrong decision, and the developer has appealed to the City Council to get the right decision made.

Councilor Bushee asked, when the nation goes to digital, is the City prepared to dispose of an onslaught of analog TVs at the landfill, and is there something we can do in advance.

Councilor Calvert said most people who are on either cable or satellite won't be affected.

Councilor Bushee would like Solid Waste to decide the wisdom of going to a weekly recycle pickup, and how well that is working.

Councilor Bushee reflected on Councilor Heldmeyer's eight years of service, saying it's been a long ride, and it isn't easy. She said generally she has agreed with Councilor Heldmeyer on the main issues, although it hasn't been an easy process. She said Councilor Heldmeyer has done an exceptional job for her constituents.

Councilor Heldmeyer

_____ Councilor Heldmeyer said if it could be done, she would be glad to cosponsor Councilor Ortiz's Resolutions on historic preservation, and the jurisdiction of the County and the State.

Councilor Heldmeyer thanked everyone for their remarks this evening. She said the staff to the Committees aren't the people who are seen by the public on TV, but are the people who put out an enormous amount of work on which the Councilors rely. She said she will talk more about that on March 10th. She thanked the patrons and staff of the Pasa Tiempo Senior Center who gave her some beautiful handmade ceramic statues today. She thanked everyone for the fete this evening, including Constituent Services staff, Sev, Albert and Sev's father who sang this evening, and the people from the public who came to say nice things. It is nice that people have noticed that work has been done.

Councilor Chavez

Councilor Chavez advised the City Manager that there has been illegal dumping at the dead end of Jaguar Road and South Meadows in the Tierra Contenta area. He said construction vehicles are also washing concrete at the dead end.

Councilor Chavez said in the same area, construction vehicles are going off road into the open space.

Councilor Chavez said a lot of backhoes have been driving on City streets and he would the City Manager to check on this.

Councilor Chavez said the ADA exit at Genoveva Chavez doesn't seem to be working, and asked the City Manager to look into this.

Councilor Chavez thanked Councilor Heldmeyer. He said he always appreciated her interest and willingness, as someone who wasn't raised in Santa Fe, to understand and educate herself about the built environment as well as the people. He said he has agreed with Councilor Heldmeyer more often than not.

Mayor Coss

Mayor Coss introduced three resolutions:

- a. A Resolution regarding Senior Services and the City and the County, cosponsored by Councilors Calvert and Bushee. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10."
- b. A Resolution Amending the Fire Code. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11."
- c. A Resolution Amending Fees relating to fire prevention and protections. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "12."

H. ADJOURN

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

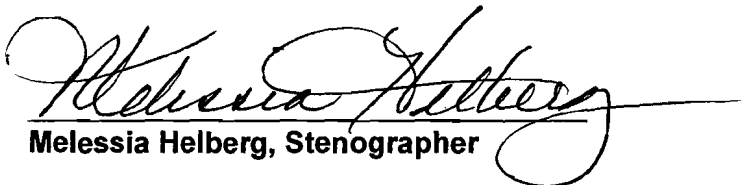
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Stenographer