



Agenda

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**PUBLIC WORKS/CIP & LAND USE COMMITTEE  
MEETING  
CITY COUNCIL CHAMBERS  
MONDAY, FEBRUARY 25, 2008  
5:15 P.M.**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM FEBRUARY 11, 2008, PUBLIC WORKS COMMITTEE MEETING

**INFORMATION AGENDA**

6. UPDATE ON SUSTAINABLE SANTA FE PLAN PUBLIC OUTREACH AND APPROVAL PROCESS (**KATHERINE MORTIMER**)
7. UPDATE ON RESIDENTIAL GREEN BUILDING CODE (**KATHERINE MORTIMER**)
8. UPDATE TO THE DOG PARK ISSUE (**ROBERT SIQUEIROS AND FABIAN CHAVEZ**)
9. UPDATE ON LAND USE DEPARTMENT (**JACK HIATT**)

**CONSENT AGENDA**

10. REQUEST FOR APPROVAL OF THE TAXILANE CONSTRUCTION PROJECT FINAL QUANTITY ADJUSTMENT CHANGE ORDER IN THE AMOUNT OF \$94,144.46, OF WHICH \$2,353.61 IS THE CITY MATCH (**JIM MONTMAN**)
11. REQUEST FOR APPROVAL OF THE RUNWAY 15-33 RECONSTRUCTION PROJECT FINAL QUANTITY ADJUSTMENT CHANGE ORDER IN THE AMOUNT OF \$38,350.13, OF WHICH \$958.75 IS THE CITY MATCH (**JIM MONTMAN**)
12. REQUEST FOR APPROVAL OF \$100,000 PROFESSIONAL SERVICES AGREEMENT WITH ROXANNE SWENTZELL FOR DESIGN, FABRICATION, AND INSTALLATION OF AN ARTWORK ON THE NORTH WALL OF THE CIVIC CENTER LOBBY (**DEBRA GARCIA Y GRIEGO**)

**DISCUSSION AGENDA**

13. REQUEST FOR APPROVAL OF A RESOLUTION OPPOSING OIL AND GAS EXPLOITATION WITHIN SANTA FE COUNTY **(COUNCILORS BUSHEE AND ORTIZ) (ROBERT GALLEGOS AND JEANNE PRICE)**
14. REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO THE MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE COUNTY OF SANTA FE AND THE CITY OF SANTA FE FOR CERTAIN JOINT REGIONAL OPEN SPACE AND TRAILS PROJECTS **(ROBERT SIQUEIROS)**
15. REVIEW AND REQUEST FOR RECOMMENDATION FOR THE PROPOSED RAILYARD PARKING PROGRAMS **(BILL HON)**
16. REQUEST FOR APPROVAL OF A RESOLUTION ESTABLISHING OVERALL POLICIES FOR USE OF CITY OWNED OUTDOOR SPACE FOR ARTS AND CRAFTS SHOWS **(COUNCILOR CHAVEZ) (SABRINA PRATT)**
17. REQUEST FOR APPROVAL OF AN ORDINANCE CREATING A NEW SECTION 14-5.10 SFCC 1987 REGARDING NEIGHBORHOOD CONSERVATION OVERLAY DISTRICTS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY **(COUNCILORS HELDMEYER AND CHAVEZ) (JEANNE PRICE)**
18. MATTERS FROM STAFF
19. MATTERS FROM THE COMMITTEE
20. NEXT MEETING: MONDAY, MARCH 24, 2008
21. ADJOURN

An interpreter for the hearing impaired is available through the City Clerk's Office upon 5 days notice.

**SUMMARY OF ACTION**  
**CITY OF SANTA FE**  
**PUBLIC WORKS/CIP & LAND USE COMMITTEE**  
**February 25, 2008**

<b><i>ITEM</i></b>	<b><i>ACTION TAKEN</i></b>	<b><i>PAGE(S)</i></b>
2. Roll Call	Quorum Present .....	1
3. Approval of Agenda	Approved as published .....	1
4. Approval of Consent Agenda	Approved as presented .....	2
5. Approval of Minutes – Feb 11, 2008	Approved as submitted .....	2
<b>INFORMATION AGENDA</b>		
6. Sustainable Santa Fe Plan Update	Discussion .....	2
7. Residential Green Building Code Update	Discussion .....	2-3
8. Dog Park Update	Discussion .....	3
9. Land Use Department Update	Discussion .....	3-4
<b>CONSENT AGENDA LISTING</b>		
	Listed .....	4
<b>DISCUSSION AGENDA</b>		
13. Opposing Oil & Gas Exploration Resolution	Approved with amendments .....	4-6
14. City/County MOA Amendment #3	Approved .....	6
15. Railyard Parking Programs Proposal	Postponed to first meeting in April .....	6-7
16. Policies for Arts & Crafts Shows Resolution	Postponed to second meeting in May .....	7-8
17. Neighborhood Conservation Districts	Postponed to second mtg in March .....	8-10
18. Matters from Staff	Not considered .....	10
19. Matters from the Committee	Discussion .....	10
20. Next Meeting	Set for March 24, 2008 .....	10
21. Adjourn	.....	10-11

**MINUTES OF THE**  
**CITY OF SANTA FE**  
**PUBLIC WORKS/CIP & LAND USE COMMITTEE**

**MONDAY, FEBRUARY 25, 2008**

**1. CALL TO ORDER**

A regular meeting of the Public Works/CIP & Land Use Committee was called to order on the above date by Chair Patti Bushee at approximately 5:15 p.m. in City Council Chambers, City Hall, 200 Lincoln, Santa Fe, New Mexico

**2. ROLL CALL**

Roll Call indicated the presence of a quorum as follows:

**MEMBER PRESENT:**

Councilor Patti J. Bushee, Chair  
Councilor Christopher Calvert  
Councilor Carmichael Dominguez  
Councilor Matthew E. Ortiz  
Councilor Ronald S. Trujillo

**MEMBERS ABSENT:**

**OTHER COUNCILORS PRESENT:**

Councilor Karen Heldmeyer

**OTHERS PRESENT:**

Mr. Robert Romero, Public Works Director  
Ms. Bobbi Mossman, Public Works Staff  
Mr. Jack Hiatt, PLUD Director  
Mr. Carl Boaz, Stenographer

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

**3. APPROVAL OF AGENDA**

**Councilor Calvert moved to approve the Agenda as published. Councilor Dominguez seconded the motion and it passed by unanimous voice vote.**

#### **4. APPROVAL OF CONSENT AGENDA**

**Councilor Calvert moved to approve the Consent Agenda as published. Councilor Ortiz seconded the motion and it passed by unanimous voice vote.**

#### **5. APPROVAL OF MINUTES FROM FEBRUARY 11, 2008, PUBLIC WORKS COMMITTEE MEETING**

**Councilor Ortiz moved to approve the minutes of February 11, 2008 as submitted. Councilor Trujillo seconded the motion and it passed by unanimous voice vote.**

#### **INFORMATION AGENDA**

#### **6. UPDATE ON SUSTAINABLE SANTA FE PLAN PUBLIC OUTREACH AND APPROVAL PROCESS (KATHERINE MORTIMER)**

Ms. Mortimer reminded the Committee they heard this in September. She said they had been working on it since then. On the 16<sup>th</sup> at the Southside Library they held a 4-hour workshop, presented the plan, showed slides, and then had stations where people could ask questions and give feedback. She included the response sheets of summary that they used.

She felt they got really good comments. Some people came and went; others stayed the whole time. She said they would fold those comments back into the plan and then begin the formal Committees and Council process of approving the resolution adopting the Plan starting in March.

She said that implementation would be very important and added that they would have a matrix of all implementation actions with concrete goals that were measurable and track it over time.

Chair Bushee asked that she be added as a sponsor.

#### **7. UPDATE ON RESIDENTIAL GREEN BUILDING CODE (KATHERINE MORTIMER)**

Ms. Mortimer said they would implement green building codes if the Council approves them. She said they were beginning with residential codes. A team that included Ann Lovely until she retired had been working on it and they were close to a draft. She said they would get comments from builders and architects next. What was recommended was a rating of 70 or better as a minimum and create incentives for people beyond that. She said they were now working on that package.

Chair Bushee expressed interest in the incentive package and asked if there would be breaks on utilities fees, hookups, etc.

Ms. Mortimer said the City had the right to look at any of those but noted that the Impact Fees now could only be waived for Affordable Housing.

Chair Bushee asked if they would do commercial after residential.

Ms. Mortimer agreed but right after would be multi-family structures and they also would look at remodels.

Chair Bushee asked her to be made a sponsor on it too.

## **8. UPDATE TO THE DOG PARK ISSUE (ROBERT SIQUEIROS AND FABIAN CHÁVEZ)**

Mr. Siqueiros provided the update.

Chair Bushee noted that District 1 had one, District 2 had 2, District 4 had one but there were none in District 3.

Mr. Siqueiros said that Anne McLaughlin had done a survey in District 3 and did not get support from neighborhoods.

Chair Bushee urged him to not give up.

Mr. Siqueiros said after these two new ones were completed, the residents of District 3 might consider having one in their neighborhood.

Chair Bushee asked him to report back in a couple of months.

Mr. Siqueiros agreed.

## **9. UPDATE ON LAND USE DEPARTMENT (JACK HIATT)**

Mr. Hiatt said he was reporting on short term rentals and it was going well. He said the applications were on the web and they had received several already. Many people were asking for business licenses and reminded them that business licenses were already included in the \$1,000 fee. He said they anticipated about 750 applications and had been meeting with people in the industry.

Chair Bushee asked how many were completed so far.

Mr. Hiatt said there were three or four now. He said the end of March was the deadline and it would go into effect in late May. They would start the inspections next week and looked forward to a lot of paper work.

Chair Bushee said she received a complaint from the Chamber Music people who didn't fit the mold. The thousand dollar fee was too high for them.

Mr. Hiatt asked that she direct them to him and he would check his e-mail.

## **CONSENT AGENDA**

- 10. REQUEST FOR APPROVAL OF THE TAXILANE CONSTRUCTION PROJECT FINAL QUANTITY ADJUSTMENT CHANGE ORDER IN THE AMOUNT OF \$94,144.46, OF WHICH \$2,353.61 was THE CITY MATCH (JIM MONTMAN)**
  
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## **DISCUSSION AGENDA**

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Chair Bushee asked the people making the presentation to come forward.

Bill Manns said his group came together last summer and they were totally concerned about oil and gas development, mostly in the Galisteo basin that comprised about 135 square miles. He said he knew the City was considering regulation as a protection for the City and commended the Council for it.

He explained that they had spent thousands of hours studying this issue, including geology and putting together the county ordinance. He said it was difficult because they were fighting a well organized and very wealthy industry.

He shared how the County, had been working on a draft ordinance for six months, and realized that they really needed to bring in an outside expert. So they hired a specialist and were starting on a new ordinance that would include a year moratorium. He added that if it were allowed, the drilling would impact tourism, aquifers, and the economic condition of the local government. He said there was no upside to this at all. Other members would explain more technical aspects.

He introduced Mr. Craig Wingate who would give a presentation on the economic impact upon all of us.

Mr. Wingate said he was sharing a condensed version from a longer presentation he made to the County Commission and staff. He said he thought it would be valuable here for the City. He explained that he put it together with the help of 12 realtors and several other contributors. Data came from county offices and MLS

He explained that half of the City of Santa Fe was over a large geologic formation with potential petroleum resources. He said the geologic system was highly fractured and would require certain spacing. Tecton said they needed 10 acre spacing for their wells.

He said Bruce Black was a consulting geologist with Tecton.

He pointed out that property taxes paid by the owners of surface rights was more than \$1 billion over the last ten years but the taxes paid by the owners of the minerals rights during that same period was zero.

He explained that it was not known where Tecton had secured leases because they only had to announce those where they planned to do exploration and didn't have to disclose any others.

He concluded by asking Councilors to think about the losses to various industries in Santa Fe and a total property tax loss over 30 years of \$2 billion.

The next speaker was Kim Sorvig, who pointed out the areas that could have future exploration.

He said that the Oil & Gas Industry has bought its way to exemption from all the Acts protecting citizens.(Clean Air, Clean Water, Safe Drinking Water, Superfund, Resource Recovery, Emergency Preparedness and Public Right to Know Acts.

He shared that in the old days, drilling went straight down and the new technology was directional drilling that could go away from vertical as far as six miles. It also allowed for clustering of wells. He said that because of this technology, the City needed a geographically based ordinance.

He said it was possible to regulate the Oil and Gas Industry without being sued. The industry tries to bully communities and threatens law suits to the point of forcing entities to do nothing. He said his group wanted to help however they could.

Chair Bushee handed out an amendment to the resolution (Exhibit)

**Councilor Ortiz moved approval with the amendments. Councilor Calvert seconded the motion.**

Councilor Ortiz amended by adding paragraph F: "To the greatest extent possible, the City of Santa Fe will dovetail its efforts with the ongoing efforts of Santa Fe County.

He thought they should track with their efforts. He felt this was a serious issue for the larger community and hoped the City could stand side by side with the County.



Councilor Calvert referred to the amendment of #7 and asked if they had any idea within the city limits to what extent residents did not own their mineral rights.

Chair Bushee said it was hard to find out. It could take time and a lot of money. So she thought they could start with City-owned properties.

Mr. Wingate clarified that some people made lots of money tracking down mineral rights. He said none of the homeowners were informed that they did not own mineral rights. He said he tried to pursue it with a title company and hit a dead end and the people who do it work for the Oil & Gas industry.

Councilor Calvert asked if the deeds specified it.

Mr. Wingate said it was difficult to tell. Most title companies could not tell you either.

Chair Bushee concluded that there was investigative work just with city-owned properties and it would behoove the City to do it especially around city wells. She hoped this would get City staff to talk with the County. She thought they could borrow quite a bit from them and was grateful they were not being shy under threat of lawsuits. She hoped it would pass. She thought they would find that the County had done a lot of leg work.

**The motion passed by unanimous voice vote.**

**14. REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO THE MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE COUNTY OF SANTA FE AND THE CITY OF SANTA FE FOR CERTAIN JOINT REGIONAL OPEN SPACE AND TRAILS PROJECTS (ROBERT SIQUEIROS)**

Chair Bushee asked if this came through the RPA.

Mr. Siqueiros said that was right.

**Councilor Dominguez moved to approve the request. Councilor Ortiz seconded the motion and it passed by unanimous voice vote.**

**15. REVIEW AND REQUEST FOR RECOMMENDATION FOR THE PROPOSED RAILYARD PARKING PROGRAMS (BILL HON)**

Mr. Hon presented the request and noted they had been over this several times. He wanted to go over the changes from the Parking Advisory Committee.

Councilor Ortiz asked if these were the same changes as presented at the Finance Committee.

Mr. Hon agreed. He explained that he would like to take it back to the Parking Advisory Committee to determine how it would work and still meet the strategic planning constraints.

**Councilor Ortíz moved to postpone this to the first meeting in April.**

Chair Bushee asked if he could bring back what they had resolved with them. Mr. Hon agreed.

**Councilor Trujillo seconded the motion and it passed by unanimous voice vote.**

**16. REQUEST FOR APPROVAL OF A RESOLUTION ESTABLISHING OVERALL POLICIES FOR USE OF CITY OWNED OUTDOOR SPACE FOR ARTS AND CRAFTS SHOWS (COUNCILOR CHÁVEZ) (SABRINA PRATT)**

Ms. Pratt presented the request. She said this was separate from what Richard Czoski brought. It was shown on city-owned properties and would give guidance on how to operate such shows on city properties. She said they had policies for the Plaza and Cathedral Park but not overall goals and policies.

Chair Bushee asked if there was an oversight group. She said she didn't understand encouraging northern New Mexico artists to show.

Ms. Pratt explained that the amendment would strike "Northern" from that line. (From the Business & Quality of Life Committee).

She said the arts group would still run the show but the City would check in through the Arts Commission and the Parks people. She added that there was a meeting of preparation for permits that happened before each event.

Chair Bushee asked about #7.

Ms. Pratt explained that the Arts and Crafts shows were labor intensive for city staff.

Chair Bushee noted that the resolution also included the Railyard so it duplicated.

Ms. Pratt said they thought it was broad enough.

Chair Bushee asked why they didn't have Railyard policies before the Committee.

Ms. Pratt said she met with Richard Czoski and he planned to have something in April.

Councilor Calvert had a concern about it. He noted that Councilor Wurzburger had or would introduce something on GRT taxes. She was looking at something where they had a central point for Folk Art.

Chair Bushee said it was like the galleries not paying GRT.

Councilor Dominguez asked what constituted a major event; if Girls Inc's fund raising would fall under the major show category. Ms. Pratt agreed.

Councilor Dominguez asked if in #2, they were relying on the organization to provide the professional jury or was it from the City.

Ms. Pratt said the Arts Division did not intend to take on that charge. By the amendment, the non-profit needed to set that up and city would stay out of the shows.

Chair Bushee commented that the Farmer's Market was on city-owned land and asked if they were to do the jury.

Ms. Pratt said that was a good point.

Councilor Ortiz thought the resolution was premature and would move to deny it. He asked if it was going to be on Council's agenda on Wednesday.

Ms. Pratt said it was not. She suggested postponing it until Railyard proposal.

**Councilor Ortiz moved to postpone this request to the first meeting in May. Councilor Calvert seconded the motion and it passed by unanimous voice vote.**

**17. REQUEST FOR APPROVAL OF AN ORDINANCE CREATING A NEW SECTION 14-5.10 SFCC 1987 REGARDING NEIGHBORHOOD CONSERVATION OVERLAY DISTRICTS; AND MAKING SUCH OTHER CHANGES AS were NECESSARY (COUNCILORS HELDMEYER AND CHÁVEZ) (JEANNE PRICE)**

Chair Bushee asked if this was heard while she was gone.

Councilor Ortiz agreed and said they forwarded it without recommendation. He briefly summarized his concerns that were about family transfers.

He said that while the survey was illuminating, it seemed they needed more information. He asked if Ms. Price took their suggestions into account.

Ms. Price agreed but for density transfer, not for family transfers. She said they would hear it at the end of March.

Councilor Ortiz asked if all Councilors got the packet on comparisons with other cities. Ms. Price agreed.

Councilor Ortiz hoped they would keep all these ordinances together and hear them all at one time. Then the questions could be worked out in the committee process.

Ms. Price explained in the issue of Affordable Housing that they could not make special rules restricting the market price of the house. Regarding Family Transfer, it was not in this bill but she came up with calculations.

Councilor Ortíz asked if the language for family transfers could be equally applied and stuck into this conservation district.

Ms. Price said it might be. This just created the framework and was a little awkward.

Councilor Ortíz said it seemed clear to him that you could not create a conservation district that excluded a family transfer because it could be used to prevent them.

Ms. Price said she understood.

Councilor Heldmeyer asked if the Committee wanted something with greater power than current family transfers or have them exempt from everything.

Councilor Ortíz said he didn't know but they could recognize as a core principle that the City wanted to keep families in core neighborhoods and recognize those priorities by writing them into the ordinances.

Councilor Heldmeyer said it could be done in two ways. She asked if they would also want to strengthen what they just talked about. She said they already passed a resolution on it for staff to work on it.

The Committee discussed what the minimum size should be.

Councilor Calvert commented that two of the other cities said they had conditions. One said 40 years old and the other said 25 years old. Philadelphia said 2x2 blocks. He felt there needed to be some common characteristics.

Councilor Heldmeyer used Kaune neighborhood as an example.

Councilor Calvert said he would like to see a minimum that was larger than one block face. He agreed with Councilor Ortíz that if defined too small, it might be divisive.

Councilor Heldmeyer said if the Council wanted a bigger minimum, she could go with it. There were exceptions in there already and some of them might not fit a rigid definition.

Councilor Dominguez said his biggest concern was the potential for pitting neighbor against neighbor. At public hearings, that was one of the questions asked of him. So three people could require a fourth to do something that might be very expensive. He asked where they would draw the line.

Ms. Price said Council always had the final say in it.

Chair Bushee was concerned that they not wind up with an ordinance on covenants.

**Councilor Ortiz moved to postpone this to the second meeting in March and see in amendment form some language addressing the concerns of the Committee. Councilor Dominguez seconded the motion and it passed by unanimous voice vote.**

#### **18. MATTERS FROM STAFF**

None.

#### **19. MATTERS FROM THE COMMITTEE**

Councilor Trujillo asked if there was paving to the soccer fields.

Mr. Romero explained that there was a bank between the road and the field and they were going to pave a path to the field. In the meantime, they would put in something for now.

Councilor Dominguez said he got a call about adults taking over the fields.

Mr. Romero said he talked to the kids' leagues and told the managers to take their copy of their permit and if there was any trouble to call the person on call immediately. He said they were putting more phone numbers on the permits and had someone on call 24/7.

Chair Bushee said she was still getting emails on the Guadalupe situation. The common complaint was from merchants that parking was blocked at the worst time possible.

Mr. Romero said they wanted to make sure they were done at the Railyard by April 1<sup>st</sup>. He said they would pave southbound lanes this week and should be done by March 25.

Chair Bushee said she was also interested in what got into BTAC.

Mr. Romero said they did what was in the plan. He said he guessed they could have eliminated parking on one side but people would not like that either.

#### **20. NEXT MEETING: MONDAY, MARCH 24, 2008**

#### **21. ADJOURN**

Having completed the agenda and with no further business to come before the Committee, the meeting was adjourned at 7:15 p.m.

Approved by:

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Patti J. Bushee, Chair

Submitted by:

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Carl Boaz, Stenographer