



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 9, 2008
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 4-4-08 TIME 2:48 pm

SERVED BY _____

RECEIVED BY Aydonaguaz

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 – March 26, 2008
8. PRESENTATIONS
 - a) Employee of the Month for April 2008 – Alicia Roybal, Records Management Specialist – Records & Microfilming, City Clerk's Office. (5 minutes)
 - b) Muchas Gracias – Energy, Minerals & Natural Resources Department. (5 minutes)
 - c) Proclamation – April 17 -27, 2008 Health & Human Service Week. (Fran Mullin Founder, Owner of Vanessie Restaurant) (5 minutes)
 - d) Santa Fe Home & Remodeling Show, April 26 & 27, 2008. (5 minutes)
 - e) Disbursement of Campaign Funds from Councilor Miguel Chavez to the Southside Library, People to People, Relay for Life and Breakthrough. (5 minutes)
9. CONSENT CALENDAR
 - a) Request for Approval To Publish Notice Of Public Hearing On May 14, 2008:
 - 1) Bill No. 2008-26 – An Ordinance Authorizing Issuance and Sale of City of Santa Fe, New Mexico, General Obligation Bonds, Series 2008, in the Principal Amount of \$20,000,000, Payable From Ad Valorem Taxes Levied on All Taxable Property With the City, Levied Without Limit as to Rate or Amount; Providing for the Form, Terms and Conditions of the Bonds, the Manner of Their Execution, and the



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Method of, and Security for, Payment; Providing for The Award and Sale of the Bonds to the Purchaser and The Price to Be Paid by the Purchaser for the Bonds; Providing for Other Details Concerning the Bonds; and Declaring an Emergency. (Kathryn Raveling)

- a) CONSIDERATION OF RESOLUTION NO. 2008-_____.
A Resolution Authorizing Publication of a Notice of Sale of \$20,000,000 City of Santa Fe, New Mexico General Obligation Bonds, Series 2008, and Authorizing the City Council, City Officers and City Employees to Take Further Action Necessary in Connection With the Sale of The Bonds.
- b) Request for Approval to Publish Notice of Public Hearing on May 28, 2008:
 - 1) Consideration of Adoption of 2008/2009 Community Development Block Grant (CDBG) Entitlement Program. The CDBG Program is Part of the City's Annual Action Plan Submitted to the U. S. Department of Housing and Urban Development. (Melisa Collett)
- c) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Bushee, Mayor Coss, Councilor Dominguez, Councilor Trujillo, Councilor Ortiz, Councilor Wurzbarger and Councilor Calvert)
A Resolution Recognizing and Supporting the Efforts of the Santa Fe Civic Housing Authority to Construct and Operate the Hopewell-Mann Multi-Purpose Community Center. (Terrie Rodriguez)
- d) Request for Approval of Lease Agreement – Construction of Hangars for Private and Business Use at the Santa Fe Municipal Airport; Paseo Properties, Inc. (Jim Montman)
 - 1) Request for Approval to Publish Notice of Public Hearing on May 14, 2008:
 - a) Bill No. 2008-27 An Ordinance Repealing Ordinance 2004-35 Regarding Unexecuted Lease with VHD Properties, LLC on Airport Property. (Councilor Trujillo) (Jim Montman)
 - b) Bill No. 2008-28 An Ordinance Ratifying the Lease of Approximately 3.27 Acres of Land at the Santa Fe Municipal Airport that is Owned by the City Of Santa Fe. (Councilor Trujillo) (Jim Montman)



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- e) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Bushee)
A Resolution Soliciting Names for the City's New Facility for Civic, Cultural, Conference and Convention Activities. (Keith Toler)
- f) Bid No. 08/27/B – GCCC Swimming Pool Deck Resurfacing and Agreement Between Owner and Contractor; Vigil Contracting Services, Inc. (Jesus Vega)
- g) Bid No. 08/28/B – Sandoval Bridge Reconstruction Project Construction Agreement; A.S. Horner, Inc. (Desirae Lujan)
- h) Bid. No. 08/30/B – Cerrillos Road Reconstruction Project Phase IIA – Richards Avenue to Cielo Court Construction Agreement; A.S. Horner, Inc. (Eric Martinez)
 - 1) Request for Approval of Amendment No. 3 to Professional Services Agreement – Construction Engineering Services; P.B. Americas, Inc.
 - 2) Request for Approval of Budget Increase – Impact Fees.
- i) Request for Approval of Professional Services Agreement – 2008 Summer Music Festival on the Plaza (RFP #08/27/P); Outside-In. (Sabrina Pratt)
 - 1) Request for Approval of Budget Increase – Arts Lodgers' Tax Fund.
- j) Request for Approval of Amendment No. 2 to Legal Services Agreement – Legal Services; Art Michael. (Frank Katz)
- k) Request for Approval of Procurement Under Federal Price Agreement – Two (2) Turf Mowers for Parks Division; Simpson Norton Corporation. (Fabian Chavez)
 - 1) Request for Approval of Budget Adjustment – Turf Rehabilitation Fund.
- l) Request for Approval of Sole Source Procurement and Professional Services Agreement – Juvenile Justice Program Services; Tamara Dubinsky. (Richard DeMella)
- m) Request for Approval of Sole Source Procurement and Professional Services Agreement – Tree Ring Study to Determine Fire History of Upper Santa Fe River Watershed and Reconstruct a Long Stream Flow Record of Santa Fe River; University of Arizona. (Claudia Borchert and Dale Lyons)



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- n) Request for Approval of Sole Source Procurement and Agreement Between Owner and Engineer for OMCI Fleet Bay Expansion; Hands Engineering, LLC. (Mary MacDonald)
 - 1) Request for Approval of Budget Increase – Project Fund.
- o) Request for Approval of Sole Source Procurement and Professional Services Agreement – Repair Damage and Install Preventive Bird Control Products at GCCC; Adams Bird Control And Consulting, LLC. (Martin Valdez)
- p) Request for Approval of Change Order No. 11 to Construction Contract – Santa Fe Civic Center; Cameron Swinerton. (Martin Valdez)
- q) Request for Approval of Change Order No. 6 – Police Impound Yard Improvements; V.P. Construction. (Chip Lilenthal)
 - 1) Request for Approval of Budget Adjustment – Project Fund.
- r) Request for Approval of Amendment No. 1 to Supplemental Agreement – Office Space in Airport Terminal Building and Control Tower and Utility Building; Federal Aviation Administration. (Jim Montman)
- s) Request for Approval of Change Order No. 1 – Railyard Offsite Improvements Project; A.S. Horner, Inc. (Peter Manzanares)
- t) Request for Approval of Cooperative Price Agreement – Bernalillo County Multi Unit Construction and Maintenance Services Price Agreement – Miscellaneous ADA Improvements Project; Albuquerque Asphalt, Inc. (Leroy Pacheco)
- u) Request for Approval of Lease Agreement – Food and Beverage Services at Marty Sanchez Links de Santa Fe (RFP #08/28/P); Santa Fe Concession. (Larry Lujan)
- v) Request for Approval of Amendment No. 1 to Vendor Agreement – Services for Senior Division; North Central New Mexico Economic Development District Non-Metro Area Agency on Aging. (Terrie Rodriguez)
 - 1) Request for Approval of Budget Increase From Grant Revenues – Grant Fund.



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- w) Request for Approval of Budget Increases – Various Funds (Re-Appropriation of Available Cash Balances in General Fund and Other Funds). (Kathryn Raveling)
- x) Request for Approval of Procurement Under State Price Agreement – Thirty (30) Police Vehicles; Reliable Chevrolet. (Chief Eric Johnson)
- y) Request for Approval of Real Estate Purchase Agreement with Nava Ade Limited Company. (Jack Hiatt) (**Postponed at March 26, 2008 City Council Meeting**)

- 1) Request for Approval of Budget Increase – CIP Reallocation Fund.

10. MATTERS FROM THE CITY MANAGER

11. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

- a) Consideration of Purchase of Real Property in the Siler Road Area; Pursuant to §10-15-1 (H) (8) NMSA 1978.
- b) Discussion of Amicus Curiae Brief in *Lozano v. Hazelton*; Pursuant to §10-15-1 (H) (7) NMSA 1978.

12. Action Regarding the Purchase of Real Property in the Siler Road Area. (Maureen Reed)

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
- C. INVOCATION



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D. ROLL CALL

E. PETITIONS FROM THE FLOOR

F. APPOINTMENTS

G. PUBLIC HEARINGS:

- 1) Request from Gen La Posada Liquor, LLC, for a Transfer of Ownership of Dispenser License #0893 from LPSF Liquor dba/La Posada Hotel to Gen La Posada Liquor LLC. dba/La Posada de Santa Fe. The License will Remain at 330 East Palace Avenue. (Yolanda Y. Vigil)

- 2) CONSIDERATION OF BILL NO. 2008-16: ADOPTION OF ORDINANCE NO. 2008-_____.

An Ordinance Approving and Ratifying an Ordinance of the Santa Fe Solid Waste Management Agency Which Authorizes Execution and Delivery of (1) a Loan Agreement by and Between the Agency and the New Mexico Environment Department in the Amount of \$2,000,000 and (2) A Loan Agreement by and Between the Agency and the New Mexico Finance Authority in the Amount of \$1,000,000, Each for the Purpose of Acquiring, Constructing, Extending, Enlarging, Bettering, Repairing or Otherwise Improving or Maintaining Solid Waste Disposal Equipment, Equipment for Operation and Maintenance of Sanitary Landfills, Solid Waste Facilities or and Combination of the Foregoing; and Ratifying Action Previously Taken in Connection Therewith. (Randall Kippenbrock) (**Postponed at March 26, 2008 City Council Meeting**)

- 3) CONSIDERATION OF BILL NO. 2008-17: ADOPTION OF ORDINANCE NO. 2008-_____.

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



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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. (Rick Carpenter) **(Postponed at March 26, 2008 City Council Meeting)**

- 4) CONSIDERATION OF BILL NO. 2008-15: ADOPTION OF ORDINANCE NO. 2008-_____.
An Ordinance Amending Section 11-2.1 SFCC 1987 Regarding Annual Budget Appropriations; Article 11-3 SFCC 1987 Regarding the Approved Budget; And Article 11-4 SFCC 1987 Regarding Budget Adjustments.
(Kathryn Raveling)
- 5) CONSIDERATION OF BILL NO. 2008-8: ADOPTION OF ORDINANCE NO. 2008-_____. (Councilor Calvert and Mayor Coss)
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. (Jeanne Price) **(Postponed at March 26, 2008 City Council Meeting)**
- 6) CONSIDERATION OF BILL NO. 2008-12: ADOPTION OF ORDINANCE NO. 2008-_____. (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) (Public Hearing Held March 26, 2008) **(PUBLIC HEARING CLOSED)**
- 7) CONSIDERATION OF BILL NO. 2008-23: ADOPTION OF ORDINANCE NO. 2008-_____.
Case #ZA 2007-12. 510 and 510 ½ St. Francis Rezoning. Jennifer Jenkins, Agent for Scott Thomas and Jean-Francois Chabaud, Request Rezoning of .24 +/- Acres of Land From RM-10 (Residential, Ten Dwelling Units Per Acre) to C-4 (Commercial Limited Office And Retail) Including Variances to Front, Side and Rear Yard Building Setbacks and Landscape Buffer Requirements. This Application Includes a Site Plan Showing Two Existing Homes Totaling 2,100 Square Feet and a 710 Square Foot Garage/Storage Structure. The Request is to Allow the Existing Residential Use and Potentially any Allowed Uses in the C-4 District. The Property is Located on the West Side of St. Francis Drive Between Agua Fria and Hickox Streets. (Donna Wynant)



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- 8) **Case # H-07-123.** Appeal of the Historic Design Review Board's Decision on January 8, 2008 Concerning Property Located at 515 and 519 Cerrillos Road in the Historic Transition Historic District. Richard Martinez, Agent for Wiv. Co. Inc., Owner, Requests that the Governing Body Rescind the Denial to Construct a 4,284 Square Foot Building to a Height of 36 Feet Where the Maximum Allowable Height is 15 Feet 6 Inches. (David Rasch) **(Request by Applicant to Postpone to April 30, 2008 City Council Meeting)**
- 9) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Ortiz and Councilor Wurzburger)
A Resolution Amending Resolution No. 2003-106 the Annual Water Budget Administrative Regulations and Procedures Regarding the Designation of Water Rights for Low Priced Dwelling Units. (Kathy McCormick) (Postponed at February 13, 2008 City Council Meeting) **(Request to Postpone to June 11, 2008)**
- 10) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Ortiz and Councilor Wurzburger)
A Resolution Designating Water Rights for Low Priced Dwelling Units and Public Amenities in the Northwest Quadrant and for the Low Priced Dwelling Unit Credit Pool. (Kathy McCormick) (Postponed at February 13, 2008 City Council Meeting) **(Request to Postpone to June 11, 2008)**

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.

**SUMMARY INDEX
SANTA FE CITY COUNCIL MEETING
April 9, 2008**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
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APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
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PRESENTATIONS		
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ITEM

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CONSENT CALENDAR DISCUSSION

**REQUEST FOR APPROVAL TO PUBLISH NOTICE OF
PUBLIC HEARING ON MAY-14 30, 2008:**

**BILL NO. 2008-26 – AN ORDINANCE
AUTHORIZING ISSUANCE AND SALE OF CITY OF
SANTA FE, NEW MEXICO, GENERAL OBLIGATION
BONDS, SERIES 2008, IN THE PRINCIPAL AMOUNT
OF \$20,000,000, PAYABLE FROM AD VALOREM
TAXES LEVIED ON ALL TAXABLE PROPERTY
WITH THE CITY, LEVIED WITHOUT LIMIT AS TO
RATE OR AMOUNT; PROVIDING FOR THE FORM,
TERMS AND CONDITIONS OF THE BONDS, THE
MANNER OF THEIR EXECUTION, AND THE METHOD
OF, AND SECURITY FOR, PAYMENT; PROVIDING
FOR THE AWARD AND SALE OF THE BONDS TO
THE PURCHASER AND THE PRICE TO BE PAID
BY THE PURCHASER FOR THE BONDS;
PROVIDING FOR OTHER DETAILS CONCERNING
THE BONDS; AND DECLARING AN EMERGENCY**

Approved [amended]

9

**CONSIDERATION OF RESOLUTION NO. 2008- 33.
A RESOLUTION AUTHORIZING PUBLICATION OF
A NOTICE OF SALE OF \$20,000,000 CITY OF
SANTA FE, NEW MEXICO GENERAL OBLIGATION
BONDS, SERIES 2008, AND AUTHORIZING THE
CITY COUNCIL, CITY OFFICERS AND CITY
EMPLOYEES TO TAKE FURTHER ACTION
NECESSARY IN CONNECTION WITH THE SALE
OF THE BONDS**

Adopted

9

**CONSIDERATION OF RESOLUTION NO. 2008- 34. A
RESOLUTION RECOGNIZING AND SUPPORTING THE
EFFORTS OF HE SANTA FE CIVIC HOUSING AUTHORITY
TO CONSTRUCT AND OPERATE THE HOPEWELL-MANN
MULTI-PURPOSE COMMUNITY CENTER**

Adopted

10

**BID NO. 08/27/B – GCCC SWIMMING POOL DECK
RESURFACING AND AGREEMENT BETWEEN OWNER
AND CONTRACTOR; VIGIL CONTRACTING SERVICES, INC.**

Approved

10-11

END OF CONSENT CALENDAR DISCUSSION

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
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REQUEST FROM GEN LA POSADA LIQUOR, LLC, FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #0893 FROM LPSF LIQUOR D/B/A LA POSADA HOTEL TO GEN LA POSADA LIQUOR, LLC, D/B/A LA POSADA DE SANTA FE. THE LICENSE WILL REMAIN AT 330 EAST PALACE AVENUE	Approved	28-29

ITEM**ACTION****PAGE #**

CONSIDERATION OF BILL NO. 2008-16;
ADOPTION OF ORDINANCE NO. 2008- 18.
AN ORDINANCE APPROVING AND RATIFYING
AN ORDINANCE OF THE SANTA FE SOLID
WASTE MANAGEMENT AGENCY WHICH
AUTHORIZES EXECUTION AND DELIVERY OF
(1) A LOAN AGREEMENT BY AND BETWEEN
THE AGENCY AND THE NEW MEXICO
ENVIRONMENT DEPARTMENT IN THE AMOUNT
OF \$2,000,000, AND (2) A LOAN AGREEMENT BY
AND BETWEEN THE AGENCY AND THE NEW
MEXICO FINANCE AUTHORITY IN THE AMOUNT
OF \$1,000,000, EACH FOR THE PURPOSE OF
ACQUIRING, CONSTRUCTING, EXTENDING,
ENLARGING, BETTERING, REPAIRING OR
OTHERWISE IMPROVING OR MAINTAINING
SOLID WASTE DISPOSAL EQUIPMENT,
EQUIPMENT FOR OPERATION AND MAINTENANCE
OF SANITARY LANDFILLS, SOLID WASTE
FACILITIES OR AND COMBINATION OF THE
FOREGOING; AND RATIFYING ACTION
PREVIOUSLY TAKEN IN CONNECTION
THEREWITH

Approved

29

CONSIDERATION OF BILL NO. 2008-17;
ADOPTION OF ORDINANCE NO. 2008- 19. 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, ...

Approved

29-30

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2008-15; ADOPTION OF ORDINANCE NO. 2008- 20. AN ORDINANCE AMENDING SECTION 11-2.1 SFCC 1987, REGARDING ANNUAL BUDGET APPROPRIATIONS; ARTICLE 11-3 SFCC 1987, REGARDING THE APPROVED BUDGET; AND ARTICLE 11-4 SFCC 1987, REGARDING BUDGET ADJUSTMENTS	Adopted	31
CONSIDERATION OF BILL NO. 2008-8; ADOPTION OF ORDINANCE NO. 2008- ____ . 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	Denied	31-35
CONSIDERATION OF BILL NO. 2008-23; ADOPTION OF ORDINANCE NO. 2008- ____ . <u>CASE #ZA 2007-12.</u> 510 AND 510 ½ ST. FRANCIS REZONING. JENNIFER JENKINS, AGENT FOR SCOTT THOMAS AND JEAN- FRANCOIS CHABAUD, REQUEST REZONING OF .24± ACRES OF LAND FROM RM-10 (RESIDENTIAL, TEN DWELLING UNITS PER ACRE) TO C-4 (COMMERCIAL LIMITED OFFICE AND RETAIL) INCLUDING VARIANCES TO FRONT, SIDE AND REAR YARD BUILDING SETBACKS AND LANDSCAPE BUFFER REQUIREMENTS. THIS APPLICATION INCLUDES A SITE PLAN SHOWING TWO EXISTING HOMES TOTALING 2,100 SQUARE FEET AND A 710 SQUARE FOOT GARAGE/STORAGE STRUCTURE. THE REQUEST IS TO ALLOW THE EXISTING RESIDENTIAL USE AND POTENTIALLY ANY ALLOWED USES IN THE C-4 DISTRICT. THE PROPERTY IS LOCATED ON THE WEST SIDE OF ST. FRANCIS DRIVE BETWEEN AGUA FRIA AND HICKOX STREETS	Denied	35-41
<u>CASE #H-07-123.</u> APPEAL OF THE HISTORIC DESIGN REVIEW BOARD'S DECISION ON JANUARY 8, 2008, CONCERNING PROPERTY LOCATED AT 515 AND 519 CERRILLOS ROAD IN THE HISTORIC TRANSITION HISTORIC DISTRICT. RICHARD MARTINEZ, AGENT FOR WIVCO, INC., OWNER, REQUESTS THAT THE GOVERNING BODY RESCIND THE DENIAL TO CONSTRUCT A 4,284 SQUARE FOOT BUILDING TO A HEIGHT OF 36 FEET WHERE THE MAXIMUM ALLOWABLE HEIGHT IS 15 FEET 6 INCHES	Postponed to 04/30/08	41

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF RESOLUTION NO. 2008-____. A RESOLUTION AMENDING RESOLUTION NO. 2003-106, THE ANNUAL WATER BUDGET ADMINISTRATIVE REGULATIONS AND PROCEDURES REGARDING THE DESIGNATION OF WATER RIGHTS FOR LOW PRICED DWELLING UNITS	Postponed to 06/11/08	41
CONSIDERATION OF RESOLUTION NO. 2008-____ A RESOLUTION DESIGNATING WATER RIGHTS FOR LOW PRICED DWELLING UNITS AND PUBLIC AMENITIES IN THE NORTHWEST QUADRANT AND FOR THE LOW PRICED DWELLING UNIT CREDIT POOL	Postponed to 06/11/08	42
MATTERS FROM THE CITY CLERK	None	42
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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
April 9, 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 April 9, 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 Rebecca Wurzburger, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Miguel Chavez,
Councilor Carmichael A. Dominguez
Councilor Matthew E. Ortiz
Councilor Rosemary Romero
Councilor Ronald S. Trujillo

Others Attending

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

5. APPROVAL OF AGENDA

Mr. Buller said staff would like to pull 9(a) from the Consent Calendar for discussion for the purpose of amending the May 14th date to April 30th, so this will need to be pulled, amended and then voted on.

Ms. Vigil noted there will be two votes on that item, one setting the public hearing and one adopting the Resolution.

Councilor Wurzburger would like to add the presentation of the Resolution for Mary Lou Cook for her 90th birthday as the first item on the Evening Session Agenda. She respectfully requested that Item G(6) be moved up on the evening agenda as G(1).

Mayor Coss said there has been a request to power down the wireless at 7:00 p.m., for petitions from the floor, from that community.

Councilor Ortiz moved, seconded by Councilor Wurzbarger, to approve the agenda as amended. The motion was approved on a voice vote with Councilors Bushee, Calvert, Chavez, Dominguez, Ortiz, Romero, Trujillo and Wurzbarger voting for the motion and none against.

6. APPROVAL OF CONSENT CALENDAR

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

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

Against: None.

- a) *[Removed for discussion at the request of staff]*
- b) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON MAY 28, 2008:**
 - 1) **CONSIDERATION OF ADOPTION OF 2008/2009 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENTITLEMENT PROGRAM. THE CDBG PROGRAM IS PART OF THE CITY'S ANNUAL ACTION PLAN SUBMITTED TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (MELISA COLLETT)**
- c) *[Removed for discussion by Councilors Dominguez and Bushee]*
- d) **REQUEST FOR APPROVAL OF LEASE AGREEMENT – CONSTRUCTION OF HANGARS FOR PRIVATE AND BUSINESS USE AT THE SANTA FE MUNICIPAL AIRPORT; PASEO PROPERTIES, INC. (JIM MONTMAN)**
 - 1) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON MAY 14, 2008:**
 - a) **BILL NO. 2008-27. AN ORDINANCE REPEALING ORDINANCE 2004-35 REGARDING UNEXECUTED LEASE WITH VHD PROPERTIES, LLC, ON AIRPORT PROPERTY (COUNCILOR TRUJILLO). (JIM MONTMAN)**
 - b) **BILL NO. 2008-28. AN ORDINANCE RATIFYING THE LEASE OF APPROXIMATELY 3.27 ACRES OF LAND AT THE SANTA FE MUNICIPAL AIRPORT THAT IS OWNED BY THE CITY OF SANTA FE (COUNCILOR TRUJILLO). (JIM MONTMAN)**

- e) **CONSIDERATION OF RESOLUTION NO. 2008- 32 (COUNCILOR BUSHEE).
A RESOLUTION SOLICITING NAMES FOR THE CITY'S NEW FACILITY FOR
CIVIC, CULTURAL, CONFERENCE AND CONVENTION ACTIVITIES. (KEITH
TOLER)**
- f) ***[Removed for discussion by Councilor Dominguez]***
- g) **BID NO. 08/28/B – SANDOVAL BRIDGE RECONSTRUCTION PROJECT
CONSTRUCTION AGREEMENT; A.S. HORNER, INC. (DESIRAE LUJAN)**
- h) **BID NO. 08/30/B – CERRILLOS ROAD RECONSTRUCTION PROJECT
PHASE IIA – RICHARDS AVENUE TO CIELO COURT CONSTRUCTION
AGREEMENT; A.S. HORNER, INC. (ERIC MARTINEZ)**
 - 1) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO
PROFESSIONAL SERVICES AGREEMENT – CONSTRUCTION
ENGINEERING SERVICES; P.B. AMERICAS, INC.**
 - 2) **REQUEST FOR APPROVAL OF BUDGET INCREASE – IMPACT FEES.**
- i) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT –
2008 SUMMER MUSIC FESTIVAL ON THE PLAZA (RFP #08/27/P); OUTSIDE-
IN. (SABRINA PRATT)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – ARTS
LODGERS' TAX FUND.**
- j) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO LEGAL SERVICES
AGREEMENT – LEGAL SERVICES; ART MICHAEL. (FRANK KATZ)**
- k) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER FEDERAL PRICE
AGREEMENT – TWO (2) TURF MOWERS FOR PARKS DIVISION; SIMPSON
NORTON CORPORATION. (FABIAN CHAVEZ)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – TURF
REHABILITATION FUND.**
- l) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND
PROFESSIONAL SERVICES AGREEMENT – JUVENILE JUSTICE PROGRAM
SERVICES; TAMARA DUBINSKY. (RICHARD DeMELLA)**
- m) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND
PROFESSIONAL SERVICES AGREEMENT – TREE RING STUDY TO
DETERMINE FIRE HISTORY OF UPPER SANTA FE RIVER WATERSHED
AND RECONSTRUCT A LONG STREAM FLOW RECORD OF SANTA FE
RIVER; UNIVERSITY OF ARIZONA. (CLAUDIA BORCHERT AND DALE
LYONS).**

- n) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND AGREEMENT BETWEEN OWNER AND ENGINEER FOR OMCI FLEET BAY EXPANSION; HANDS ENGINEERING, LLC. (MARY MacDONALD)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND.**
- o) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – REPAIR DAMAGE AND INSTALL PREVENTIVE BIRD CONTROL PRODUCTS AT GCCC; ADAMS BIRD CONTROL AND CONSULTING, LLC. (MARTIN VALDEZ)**
- p) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 11 TO CONSTRUCTION CONTRACT – SANT FE CIVIC CENTER; CAMERON SWINERTON. (MARTIN VALDEZ)**
- q) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 6 – POLICE IMPOUND YARD IMPROVEMENTS; V.P. CONSTRUCTION. (CHIP LILIENTHAL)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – PROJECT FUND.**
- r) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO SUPPLEMENTAL AGREEMENT – OFFICE SPACE IN AIRPORT TERMINAL BUILDING AND CONTROL TOWER AND UTILITY BUILDING; FEDERAL AVIATION ADMINISTRATION. (JIM MONTMAN)**
- s) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 1 – RAILYARD OFFSITE IMPROVEMENTS PROJECT; A.S. HORNER, INC. (PETER MANZANARES)**
- t) **REQUEST FOR APPROVAL OF COOPERATIVE PRICE AGREEMENT – BERNALILLO COUNTY MULTI UNIT CONSTRUCTION AND MAINTENANCE SERVICES PRICE AGREEMENT – MISCELLANEOUS ADA IMPROVEMENTS PROJECT; ALBUQUERQUE ASPHALT, INC. (LEROY PACHECO)**
- u) **REQUEST FOR APPROVAL OF LEASE AGREEMENT – FOOD AND BEVERAGE SERVICES AT MARTY SANCHEZ LINKS DE SANTA FE (RFP #08/28/P); SANTA FE CONCESSION. (LARRY LUJAN)**
- v) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO VENDOR AGREEMENT – SERVICES FOR SENIOR DIVISION; NORTH CENTRAL NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT NON-METRO AREA AGENCY ON AGING. (TERRIE RODRIGUEZ)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE FROM GRANT REVENUES – GRANT FUND.**

- w) **REQUEST FOR APPROVAL OF BUDGET INCREASES – VARIOUS FUNDS (REAPPROPRIATION OF AVAILABLE CASH BALANCES IN GENERAL FUND AND OTHER FUNDS). (KATHRYN RAVELING)**
- x) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – THIRTY (30) POLICE VEHICLES; RELIABLE CHEVROLET. (CHIEF ERIC JOHNSON)**
- y) **REQUEST FOR APPROVAL OF REAL ESTATE PURCHASE AGREEMENT WITH NAVA ADE LIMITED COMPANY. (JACK HIATT). (Postponed at March 26, 2008 City Council Meeting).**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – CIP REALLOCATION FUND.**

7. APPROVAL OF MINUTES: Reg. City Council Meeting – March 26, 2008.

Councilor Trujillo moved, seconded by Councilor Wurzbarger, to approve the minutes of the Regular City Council Meeting of March 26, 2008, as presented. The motion was approved on a voice vote, with Councilors Bushee, Calvert, Chavez, Dominguez, Romero, Trujillo and Councilor Wurzbarger voting for the motion, none against, and Councilor Ortiz abstaining.

8. PRESENTATIONS

- a **EMPLOYEE OF THE MONTH FOR APRIL 2008 – ALICIA ROYBAL, RECORDS MANAGEMENT SPECIALIST – RECORDS & MICROFILMING, CITY CLERK'S OFFICE.**

Mayor Coss read the nomination into the record which describe Ms. Roybal's actions above and beyond in helping a gentleman, Gus Grace, who fell at the bus stop near the Records Center. Mr. Grace died later following surgery, but it was his dying wish to thank the young lady who helped him.

Councilor Bushee thanked Ms. Roybal for assisting Mr. Grace, and for her work day in and day out with the City, saying she is one of the unsung heroes of the City. Responding to Councilor Bushee, Ms. Roybal said she has been employed by the City for 23 years.

The Grace family presented Ms. Roybal with a bouquet of flowers, and thanked her for assisting their loved one, saying Ms. Roybal is the perfect example of the Good Samaritan as described in the Bible.

Mayor Coss presented Ms. Roybal with a plaque and a \$200 gift certificate, and thanks and appreciation for her assistance to a citizen in need.

Ms. Roybal spoke about the incident, saying several other people helped as well, and said she would have done the same for anyone in need. Mr. Roybal presented candles to the Grace family in memory of Gus Grace.

b) MUCHAS GRACIAS – ENERGY, MINERALS & NATURAL RESOURCES DEPARTMENT.

Mayor Coss presented a Muchas Gracias certificate to the Energy, Minerals & Natural Resources Department, with the assistance of Jon Bulthuis, for a grant award to purchase four CNG Honda Civics for use in the Santa Fe Ride Program. He said the Hondas are in front of City Hall this evening, and those will be a great addition to the Santa Fe fleet for the Santa Fe Safe Ride Program. He said these couldn't happen without the cooperation and support we get from the Energy, Minerals and Natural Resources Department. He said the grant funds, along with working with Honda, helped the City to do this. He said the reason it is a 100 % CNG fleet is because of the work Colin did with EMNRD, commenting that Colin is the "grandfather" of the transit system.

Mayor Coss presented a Muchas Gracias to the Department, to Colin and to Louise Martinez.

Ms. Martinez thanked the City for this honor, commenting it is humbling to be acknowledged for work that she does which is part of her job. She said it is their goal to continue to partner with the City to continue to reduce our dependence on foreign oil and to use alternative fuels, and to promote ride sharing.

Mayor Coss thanked Elizabeth Munger of Honda who helped to put this package together.

Councilor Calvert thanked everyone, especially Colin for his service on the Transportation Advisory Board saying he volunteers many hours.

Councilor Chavez acknowledged Don Bell who served on the Transportation Advisory Board, and assisted in dealing with Senior issues and the disabled in our community.

c) PROCLAMATION – APRIL 17-27, 2008 HEALTH & HUMAN SERVICES WEEK. (FRAN MULLIN FOUNDER, OWNER OF VANESSIE RESTAURANT)

Mayor Coss read the proclamation into the record declaring April 17-27, 2008 Health and Human Services Week, and presented the Proclamation to Fran Mullin, Founder of Health & Human Services Week, and owner of Vanessa's Restaurant. Mayor Coss said Mr. Mullin hosts many human services groups at Vanessa's, and helps raise funds for providers.

Mr. Mullin reported on the progress and great success of Health and Human Services Week since it was established.

Robin Smith and Andrea Merrill of Big Brothers/Big Sisters introduced themselves, and thanked the entire community for getting behind this effort.

Councilor Wurzbarger added her thanks for the activities and accomplishments of Health and Human Services Week. She thanked Mr. Mullin for his support of the Creative Santa Fe Program and for hosting the monthly meetings at Vanessie's, saying he is a true visionary and role model for the entire business community.

d) SANTA FE HOME & REMODELING SHOW, APRIL 26 & 27, 2008.

A copy of "Haciendas, Home/Design/Remodel," Resource Guide 2008, is incorporated herewith to these minutes as Exhibit "1."

Gary Ellerd of Santa Fe gave an overview of the Show, and invited everyone to attend on April 26 and 27, noting he has complimentary tickets for the Mayor, Council, staff and stenographer. He said there will be a health and human services area, and La Familia will be attending with its medical staff and offering free medical advice and examination for citizens attending the show. He thanked Mr. Mullin for allowing them to be a part of Health and Human Services Week. He is working with Mr. Toler to set up next year's event at the new Santa Fe convention center. In addition, they are looking to put together an awards ceremony for remodelers on Saturday and the Mayor has agreed to hand out awards.

Mr. Ellerd said this Show is for the citizens of Santa Fe, and invited everyone to attend. He said they are looking to a Green Exposition in November 2008, which will be open to the public and will be a prestigious two-day event for speakers from around the country. He thanked the Water Division and Dan Ransom for allowing them to put tickets in the water bills.

e) DISBURSEMENT OF CAMPAIGN FUND FROM COUNCILOR MIGUEL CHAVEZ TO THE SOUTHSIDE LIBRARY, PEOPLE TO PEOPLE, RELAY FOR LIFE AND BREAKTHROUGH.

Councilor Chavez asked his wife Liz, daughters Elena and Camellia and son Manuel to join him to assist in this presentation. He said the funds being donated are funds which were left over from his recent campaign. He said because of a question about its non-profit status, People to People has been removed as a recipient of funds. He said the left-over funds could have been used to pay rent, but the landlord agreed to provide the space as an in-kind contribution, which allows him to distribute the funds back into the community to worthy non-profits.

Councilor Chavez presented a check for \$5,000 to the Southside Library Endowment Fund, and

Ms. Raveling said there is \$250,000 in the Endowment Fund, and the money has earned interest of almost \$14,000. The Library can spend the interest earnings for something special, and all other contributions to the Endowment Fund are welcomed. It is a City fund which is kept separately from all other funds, and contributions are tax deductible.

Ms. Hodapp asked Angela, the fundraising Chair to join her. She thanked Councilor Chavez for the generous contribution. She spoke about the tremendous success of the Southside Library which just celebrated its first year.

Councilor Chavez's daughter, Elena presented a check for \$400 to Gloria Martinez, American Cancer Society staff person, for the Relay For Life. She thanked her father for doing this and congratulated him on winning his bid for re-election, his third campaign. She said her father is involved with Relay for Life, noting her entire family has been involved for the past four years. She said her grandmother passed away nine years ago with breast cancer which is one of the main reasons she is involved, as well as that her dad's sister was just diagnosed with breast cancer. She also relays for other people in the community, including Denise Villanueva, a Committee member who was diagnosed with breast cancer three years ago. The funds from the event help people with the treatments they receive in Santa Fe. The American Cancer Society awarded a \$100,000 grant to the New Mexico Breast & Cervical Cancer Early Detection Program to expand the contractual capacity for mammography services for low income, uninsured and under insured women in New Mexico. There is also a scholarship program for young cancer survivors.

Elena encouraged the entire community to participate in this most worthy endeavor on June 6-7, 2008, at Santa Fe High School. She thanked the Mayor for serving as the Honorary Chair last year. She asked Mayor Coss to encourage participation by all City employees. She said people can call Gloria Martinez at the Cancer Society or go to the website for more information.

Gloria Martinez thanked the Chavez family for this wonderful gift, which is a reinvestment back to the community to help cancer patients in Santa Fe, thanking Elena for her enthusiastic support and leadership for this event.

Manuel Chavez, Councilor Chavez's son presented a check for \$300 to Breakthrough.

Michael Motari of Breakthrough thanked the Chavez family for this gift, saying Manuel is a part of the Breakthrough program. He said Breakthrough works with kids beginning in the 6th grade to get them on a path toward College. He said once Manuel is in college, he will be considered to be an alumni of the program. He said interested persons can get more information at the website at www.breakthroughsantafe.org. He noted it is a tuition free program, and these funds will help support the youth during this summer.

Camellia Chavez, daughter of Councilor Chavez, presented a check for \$300 to Big Brothers/Big Sisters.

Robin Smith and Andrea Merrill of Big Brothers/Big Sisters, said their biggest fundraiser is the next two Sundays at Solo Lane, "Bowl for Kids Sake," and invited the public to participate. They thanked Councilor Chavez for the contribution, and thanked his landlord as well.

CONSENT CALENDAR DISCUSSION

9(a) REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON ~~MAY 14, 2008~~ APRIL 30, 2008:

- 1) BILL NO. 2008-26 – AN ORDINANCE AUTHORIZING ISSUANCE AND SALE OF CITY OF SANTA FE, NEW MEXICO, GENERAL OBLIGATION BONDS, SERIES 2008, IN THE PRINCIPAL AMOUNT OF**

\$20,000,000, PAYABLE FROM AD VALOREM TAXES LEVIED ON ALL TAXABLE PROPERTY WITH THE CITY, LEVIED WITHOUT LIMIT AS TO RATE OR AMOUNT; PROVIDING FOR THE FORM, TERMS AND CONDITIONS OF THE BONDS, THE MANNER OF THEIR EXECUTION, AND THE METHOD OF, AND SECURITY FOR, PAYMENT; PROVIDING FOR THE AWARD AND SALE OF THE BONDS TO THE PURCHASER AND THE PRICE TO BE PAID BY THE PURCHASER FOR THE BONDS; PROVIDING FOR OTHER DETAILS CONCERNING THE BONDS; AND DECLARING AN EMERGENCY. (KATHRYN RAVELING)

- a) CONSIDERATION OF RESOLUTION NO. 2008- 33. A RESOLUTION AUTHORIZING PUBLICATION OF A NOTICE OF SALE OF \$20,000,000 CITY OF SANTA FE, NEW MEXICO GENERAL OBLIGATION BONDS, SERIES 2008, AND AUTHORIZING THE CITY COUNCIL, CITY OFFICERS AND CITY EMPLOYEES TO TAKE FURTHER ACTION NECESSARY IN CONNECTION WITH THE SALE OF THE BONDS.**

Ms. Raveling said the Request to Publish should be April 30, 2008, instead of May 14, 2008.

Councilor Ortiz moved, seconded by Councilor Trujillo, to approve the Request to Publish as amended. The motion was approved on the following Roll Call vote:

For: Councilor Calvert, Councilor Dominguez, Councilor Ortiz, Councilor Romero and Councilor Trujillo.

Against: None

Absent: Councilor Bushee, Councilor Chavez and Councilor Wurzbarger.

Councilor Calvert moved, seconded by Councilor Dominguez, to adopt Resolution No. 2008-33. The motion was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dominguez, Councilor Ortiz, Councilor Romero and Councilor Trujillo.

Against: None.

Absent: Councilor Chavez and Councilor Wurzbarger.

9(c) CONSIDERATION OF RESOLUTION NO. 2008- ____ (COUNCILOR BUSHEE, MAYOR COSS, COUNCILOR DOMINGUEZ, COUNCILOR TRUJILLO, COUNCILOR ORTIZ, COUNCILOR WURZBURGER AND COUNCILOR CALVERT). A RESOLUTION RECOGNIZING AND SUPPORTING THE EFFORTS OF HE SANTA FE CIVIC HOUSING AUTHORITY TO CONSTRUCT AND OPERATE THE HOPEWELL-MANN MULTI-PURPOSE COMMUNITY CENTER. (TERRIE RODRIGUEZ)

Councilor Bushee said this Resolution was intended to try to direct funds to the center on Hopewell-Mann Street. In the interim there was to be a temporary facility. She said not a lot of work has been done to get the temporary facility up and running. She would like to have this sent back to Public Works and Finance Committees, and have the appropriate staff present with information on how we should proceed. The application had been for \$200,000, and the CDBG Commission had recommended \$30,000, but she's unsure the interim facility is functioning. She said we also need to invite the Civic Housing Authority to the meeting because it is the fiscal agent for this project.

Councilor Dominguez agreed, saying it is clear that \$30,000 isn't adequate for a new facility. There is space available for a temporary facility, and he would like to move the \$30,000 to the temporary facility, and do whatever possible to ensure there is space to start providing services.

Councilor Dominguez moved, seconded by Councilor Bushee, to send this item back to the Public Works and Finance Committees, that staff be available at the meetings to assist the Committees to help navigate through how we can use the money, and that the Housing Authority attend as well.

Discussion: Councilor Bushee said there were some great design charettes which happened around this space. She said this is one of the highest crime areas in the City, and the need is there without question. She said the Resolution had great intentions, but those aren't being met financially. She would like for someone from Finance to attend to assist in looking at other funding possibilities.

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

9(f) BID NO. 08/27/B – GCCC SWIMMING POOL DECK RESURFACING AND AGREEMENT BETWEEN OWNER AND CONTRACTOR; VIGIL CONTRACTING SERVICES, INC. (JESUS VEGA)

Councilor Dominguez would like to make sure a completion date is secured on this particular resurfacing, so we can let the public know when that is going to be complete, so they can begin planning activities.

Councilor Dominguez moved, seconded by Councilor Calvert, to approve this request with the condition that the date be secured, so it can be sent to Laura Banish to get the word to the public.

Discussion: Martin Valdez said the construction project will begin on April 21, 2008, and it will be complete by May 3, 2008. He said they worked closely with GCCC staff to make sure it won't impact any of their activities. It will be complete right before any of the School field trips.

The motion was approved on the following roll call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dominguez, Councilor Ortiz, Councilor Romero and Councilor Trujillo.

Against: None.

Absent: Councilor Chavez and Councilor Wurzbarger.

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) Consideration of Purchase of Real Property in the Siler Road Area; Pursuant to §10-15-1(H)(8). NMSA 1978.**
- b) Discussion of *Amicus Curiae* Brief in Lozano v. Hazelton; Pursuant to §10-15-1(H)(7) NMSA 1978.**

Councilor Bushee moved, seconded by Councilor Calvert, that the Council go into Executive Session for the purpose of consideration of purchase of real property in the Siler Road area, pursuant to §10-15-1(H) (8), and discussion of *Amicus Curiae* Brief in Lozano v. Hazelton, pursuant to §10-15-1(H)(7). The motion was approved on a Roll Call vote as follows:

For: Councilor Bushee, Councilor Calvert, Councilor Dominguez, Councilor Ortiz, Councilor Romero and Councilor Trujillo.

Against: None.

Absent: Councilor Chavez and Councilor Wurzburger.

The Council went into Executive Session at 6:00 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

7:25 p.m., Councilor Wurzburger moved, seconded by Councilor Romero, 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, Ortiz, Trujillo and Wurzburger voting for the motion and no one voting against.

12. ACTION REGARDING THE PURCHASE OF REAL PROPERTY IN THE SILER ROAD AREA. (MAUREEN REED)

Councilor Trujillo moved, seconded by Councilor Calvert, that the City of Santa Fe make a contingent purchase offer for 14 acres of land located at 3002 Agua Fria Street for the price of \$3,660,000, with closing by July 1, 2008, and if the loan from the New Mexico Finance Authority is not available by July 1, 2008, the city of Santa Fe will use cost reserves to be reimbursed when the loan from the New Mexico Finance Authority is available.

Discussion: Councilor Ortiz said he believes we are committing a grave mistake here by even giving authority to staff to come forward with this purchase. While we do need particular space, and we are in a deficit, in terms of office space for City personnel, this deal, at this price, at this location and all the problems attendant thereto will cost us more in the long term than any particular benefit that we could have. We have been negotiating with this one property owner for eighteen months. The price has gone up. We are essentially negotiating against ourselves. This is not a good deal for us, and given the conversation that we still need to have as a Council and as a community about priorities we really want to have as a city, Public Safety being at the top of the list, and the expected cost of financing a loan, or even dipping into cash reserves to purchase a piece of property on which we will then have to spend additional millions of dollars to develop, is a deal that we are not in a position right now to be looking toward. He said he believes we are being myopic as a Council, and so he will be voting against this motion.

Councilor Dominguez said he thinks this community and this Council have other priorities it can spend some of this money on, and so he will be voting against this motion as well.

Councilor Bushee said she will be voting against this motion and said she has stood against this for the twenty-two months we seem to have been negotiating the price upward. She believes these economic times are not the time for expansion, nor do we have the money to develop this, nor have we sat and put this out to some vote to the Community to decide that we have the kinds of revenues to pursue this kind of development at this juncture. She believes the time has come to look at the budget and look where we need to cut, and assess our priorities and send the resources there. She also agrees we should be concentrating on Public Safety.

Councilor Chavez said he would imagine that Public Safety would not be our one and only priority, although we need to pay attention to it. He said there are different ways to invest in the future of the City. He the savings we will realize in renting property in the Federal Building will go a long way toward the purchase of this property. He said we can have foresight and take the chance, and he hopes we are doing this in the best interest of the citizens now and in the future. He said there are deficiencies at City Hall. He believes we can deal with some of these deficiencies with this investment. He said we can be myopic in many ways when we limit our potential. He said we are willing to invest \$30 million in our public parks, but then we're not willing to invest in other areas which need equal attention. He believes this is a step in the right direction, and he will be voting for the motion.

Councilor Trujillo said he has heard a lot about Public Safety which is a priority, but there are a lot of priorities the City needs to address. He said he is most proud about serving on this Council because it has moved forward with a lot of issues which weren't so popular for past Councils to move forward. He said the middle of town is now Siler Road, and City Hall has been on the east side of town for many years, and people from the South side have to come here to get permits and such – everything that happens in the City has to be done on the east side of town. He would like to make a place where the entire community will have to come only to the middle of the town – to Siler Road. He said Public Works is already there. He said to him this is a "no brainer." He said we are here to serve the community and make their lives easier. He said purchasing this property and hopefully in a few years building infrastructure there to serve the community is a "win win" situation for the people of Santa Fe. He said this is a piece of property adjacent to City property in a prime location which will serve this community better in the near future. He hopes this is approved.

Councilor Wurzbarger said she has been supportive of this project idea from the very beginning. She agrees that we need to look at moving more toward a center and having options to the exorbitant prices downtown. She is concerned that the deal has evolved in the economic times we are experiencing right now. She said she is someone who is very loud on finance and believes we have short term issues for the City, but believes we will get through this time. She said perhaps we waited too long for options and didn't do our due diligence in looking at other possibilities. She said the staff did an excellent job on a needs assessment which made very clear that we do need to do this, and we need to do it long term in the next five years. The question for her is the price and the terms of this agreement, and observed she believes this will be approved. However, she won't vote for this and will pass first, and then hopefully vote against it, because she isn't comfortable with the deal points. She doesn't think it represents our being responsible in a fiduciary manner at this point in time in Santa Fe, although she believes there is a lot of potential for the property for us in the long term.

Councilor Romero said she has been focused on the future, on where City staff is now, and where we have our services. It seems to her this is a timely issue about looking for space to serve the needs for more indicated by the needs assessment. She said this is looking to the future to change where people can get their services in a more convenient way, where staff can have space which is much more convenient, and looking to the future, commenting that we don't have to do any building immediately. There is an issue about linking to other City services. She said, in her mind, this a future issue that we need to look at, and make sure we are taking every caution possible, although she agrees there are unknowns, it is our right to look at the unknowns in the context of what we want for our future.

Mayor Coss said staff has done a good job. He said we didn't negotiate up, we have a joint appraisal that was brand new and considered all current economic conditions when we looked at it at the last Council meeting. He said it is lower than they asked for, and it is a little higher than what we originally proposed. He said he doesn't think there's any question that we need the additional space. This is a really good location, and he would appreciate the Councilors supporting this purchase.

The motion was approved on the following Roll Call Vote:

For: Councilor Romero, Councilor Trujillo, Councilor Calvert and Councilor Chavez.

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

The resulting vote was a tie, and Mayor Coss voted in favor of the motion to break the tie vote, and the motion was approved.

Explaining her vote: Councilor Bushee said she would like to clarify that there will be no money saved on rents at the Federal building until we develop the property and move staff out, so don't look to that as a revenue source.

Explaining his vote: Councilor Chavez said in the long run the revenue savings in rent will still be better than staying where we are now, and we certainly can use that as leverage to bond and do some creative financing here for the future of the City.

Explaining his vote: Councilor Ortiz said the City will go for a loan to the New Mexico Finance Authority. This purchase will cost the citizens \$300,000 a year for twenty years to finance just the purchase of this property. In the meantime, we will continue to pay the rents mentioned by Councilor Chavez. Additionally, we spent 18 months in a very public, very open process and let the voters decide that Parks are a priority, and that Parks are an investment. Here, we're approving something we've done behind closed doors.

Explaining her vote: Councilor Wurzburger said she votes no for the reasons she stated earlier.

Mayor Coss moved "Matters from the Clerk," and "Communications from the Governing Body," to the end of the evening session.

END OF AFTERNOON SESSION AT 7:37 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 7:37 p.m. Roll Call indicated the presence of a quorum as follows:

Members Present

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

Others Attending

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

D.(1) AWARD TO MARY LOU COOK

Mayor Coss invited Mayor Pro-Tem Wurzbarger and the other members of the Governing Body to assist him in this presentation. He read a proclamation into the record declaring April 27, 2008, as Mary Lou Cook Day in Santa Fe, and urged everyone to join in the celebration for this extraordinary woman.

Ms. Cook said she has been attending Council meetings for 40 years, and never thought this would be happening. She said she is very touched and honored and thanked the Mayor and Council. She said she really loves Santa Fe, and appreciates the work of the Governing Body to make decisions for all of us. She said she is now 90 years old, and she is happy and having so much fun. She has a wonderful life and wishes the same for everyone. She said the whole idea is to trust, and help everyone to be happy, commenting that our main job is to be happy, and then be kind and help everyone else.

E. PETITIONS FROM THE FLOOR

Stefanie Beninato said, "I've been in front of you several different times, and I did speak a couple of weeks ago on the Neighborhood Conservation Ordinance. And, I've been looking at this issue, because I did file an appeal at City Council for 610 Galisteo. The one thing I realized, in getting ready for that appeal, is that we have an Early Neighborhood Notification Ordinance that's not being enforced, and in particular the special exceptions are not

being subject to early neighborhood notification. And, what I'm asking is that you the Council, direct the head of the Historic Preservation Division to require early neighborhood notification meetings when special exceptions are before the H-Board. I actually came in on a special exception in 06. I wasn't required to do an ENN. My neighbor at 610 was not required to do an ENN, and I think that that is the way that the neighborhood could have input. And, perhaps instead of adding another layer of bureaucracy here, that if you strengthen the ENN and look to Albuquerque's model of how, when they have special use and/or change in zoning, they have a facilitated meeting. There's a report that comes out of that meeting. It is put into the planner's report. The Planning Commission seriously looks at the report. And, again, this is at the very beginning of the process. Sometimes, it just aborts the process, because the developer realizes that they don't have the support of neighborhood. And so, again, I'm asking that the Council tonight require the head of the Historic Preservation Division to comply with 14-3.1(f)(2)(B), which, again requires ENN for special exceptions, except for mobile homes."

Josena Campos said she wants to talk about Harkle Road and Hospital Drive. There is a lot of traffic, a lot of which is being parked on the side of the road that belongs to Physician Medical, and it is creating a problem for the entire area, including emergency vehicles, and anybody needing to get to the hospital. She said there are a lot of gang problems in the Rose Park. More and more neighbors in the area aren't walking to the Rose Park, noting there are 12 neighbors in the area who have problems. They think the new renter at Galisteo Parkway might be a drug dealer. She said Joyce Fox is willing to have an open door with any Councilors and the Mayor on Friday and Saturday. She said she is asking all City Councilor that once a law is passed to make no exemptions to the law. She said she has been harassed by City employees seven times. She doesn't want to see the City play favorites.

Arthur Furstenburger said he attended Public Works on Monday addressing the issue of wireless technology. He is learning what it would take to accommodate people who are sensitive to radiofrequency radiation. He said there were 15 people at the Monday meeting, 11 of which spoke. He said it was difficult. He said he and all of the others that were here were seriously affected by the exposure in here. He said despite the fact that the wireless antenna in the equipment was off, he had heart symptoms all night and didn't sleep Monday night. He said he is uncomfortable again in this room, but he wants to solve the problem. He came back on Tuesday morning and worked with Sevastian Gurule to determine what was happening. He said every laptop in the room has built-in wireless, and the reporter and the Councilors are using laptops and a laptop "over here." He said there is also a wireless microphone in the room.

Mr. Furstenburger said, "We're not going to be comfortable and to some degree health compromised for me, I have a heart condition which does not manifest unless I'm exposed, so this is a serious matter. I came back now to tell you what's going on, and to say we want to work with you to see how we can be accommodated. It's not just a matter of turning off that one antenna, because, and I should have known this, the average wireless access point broadcasts with a power of about 100 milliwatts, each wireless laptop has a power of about 100 milliwatts. So, turning off one, when there is seven others in the room, doesn't work. If we are going to have access to City Hall, especially if there's going to be any other future discussion of the issue, I ended up feeling that I would not feel it was ethical of me to ask everybody to come back into this room unless all wireless was really off. So, that means that when we come back

to testify, we'll notify you that we're coming, we intend to be in City Hall. What we really need is for everybody with a wireless laptop to disable the internal antenna and for that wireless microphone not to be on, in addition to....in other words wireless really needs to be off. That's what I came to say."

Councilor Trujillo said on Monday, we did disable the wireless in the Chambers, and he did accommodate their request. However, in speaking with Mr. Williams, he told me that there is outside wireless coming in from other sections throughout the City. So, there will never be a way to make this chamber completely wireless, because there are outside sources coming into the Chambers. He said he commented when we first had this discussion that he was picking up a signal at the time because of the outside sources, and this was before we even had wifi in the chambers.

Mr. Furstenberger said when he was in the Chambers yesterday with Sevastian he was perfectly comfortable, and "it didn't matter how long I was in this room, as long as the wireless was off and there weren't all these laptops. And, it turns out, and I'm learning things too. It turns out that when you all were in executive session I was sitting here and I was fairly comfortable." He said it is the use of the laptops with the wireless not disabled, and there is bleed through from other locations, but "I can tell you personally, it makes a helluva difference."

Councilor Trujillo reiterated that right now the wireless is off on his laptop, and he did the same thing last Monday.

Mr. Furstenberger said not everybody did.

F. APPOINTMENTS

Community Development Commission

____ Mayor Coss appointed the following individuals to the Community Development Commission:

John A. Padilla – Reappointment – term ending 03/11;
Lisa Adler, Ph.D. – Reappointment – term ending 3/11; and
Betty Vega – term ending 3/11.

Councilor Chavez moved, seconded by Councilor Dominguez, to approve these appointments. The motion was approved unanimously on a voice vote, with Councilors Bushee, Calvert, Chavez, Dominguez, Ortiz, Romero, Trujillo and Wurzbarger voting for the motion and none against.

Water Conservation Committee

_____ Mayor Coss appointed the following individual to the Water Conservation Committee:

Mitch Davenport.

Councilor Calvert moved, seconded by Councilor Wurzbarger, to approve this appointment. The motion was approved unanimously on a voice vote, with Councilors Bushee, Calvert, Chavez, Dominguez, Ortiz, Romero, Trujillo and Wurzbarger voting for the motion and none against.

G. PUBLIC HEARINGS

- 6.) CONSIDERATION OF BILL NO. 2008-12; ADOPTION OF ORDINANCE NO. 2008- _____ (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). (PUBLIC HEARING HELD MARCH 26, 2008). (PUBLIC HEARING CLOSED)**

Mayor Coss said the agenda actually says "Public Hearing Closed," but he didn't say that, so he is willing to allow some additional testimony if we need it.

Councilor Calvert said his understanding is that the public hearing was closed at the last meeting, and he has told that to people who were talking about coming here. He doesn't feel it is fair if we said the public hearing is closed, that we open it tonight when there are people who might have wanted to testify, but aren't going to be here because we told them it was closed.

Mayor Coss said he understands, but he never said it was closed that evening. It was postponed.

Councilor Calvert said I think we said we would postpone the decision, and said we would hold the public hearing and the decision would be made at the next meeting.

Mayor Coss said on page 30 of the March 26th minutes it says, "Councilor Wurzbarger asked, since the public hearing is closed..."

Councilor Wurzbarger said she recalled asking if we would be able to ask questions of Councilor Heldmeyer.

Councilor Bushee said on page 30, it says "The Public Hearing was Closed," and "Mayor Coss said Councilors can ask questions, but he would prefer not to have discussion or debate until the full Council discussion and debate at the next meeting."

Mayor Coss said Councilor Chavez reminded him that this is the way the meeting is noticed, so he will take Councilor Calvert's points. It doesn't mean you can't ask questions.

Councilor Wurzburger asked if Councilors can ask questions of audience members who may have information that we think we want to hear, or is that considered to be testimony.

Councilor Chavez said that is public testimony.

Mayor Coss said the public hearing is closed.

Councilor Chavez moved, seconded by Councilor Calvert, to approve the proposed Ordinance with the staff amendments on page 4, and public works committee amendments.

Councilor Romero moved, seconded by Councilor Wurzburger, to postpone consideration of Bill No. 2008-12 for six months in order for the Council to report, further study and focus their efforts with the newly appointed Neighborhood Planner on developing a specific neighborhood plan which could serve as a further basis for evaluating this proposal, and this would be with staff [Note: Councilor Romero later clarified that she proposes to hear this item at the October 29, 2008 Council meeting].

Discussion: Mayor Coss said a Motion to Table supercedes the main motion, and asked if there is additional discussion on this motion.

Councilor Chavez said there is also information in the Council packet which indicates that this was part of a general plan. Staff has worked on this. He said he really doesn't see any benefit in waiting another six months. The Council is in discussion currently about changing the zoning for lot density, and for upzoning and for height. He believes these components could be part of a neighborhood plan or a neighborhood conservation district.

Councilor Chavez said the neighborhood conservation district concept has been around for some time although relatively new to Santa Fe, but it has been used in other areas, and he believes it could benefit the neighborhoods if we are willing to give them the consideration in changing the other land use designations and densities for one neighborhood. He believes the neighborhood conservation district could work for all neighborhoods in the City, and the changes to RM-1 and RM-2, the 50% lot coverages could be part of that district and a neighborhood plan and could move forward together at the same time. He is speaking against the motion to table.

Councilor Ortiz said he came prepared to talk about some of the flaws in the proposed ordinance as well as to suggest amendments. However, because of the motion to table, and an approach to take more comprehensive look at developing a neighborhood plan to sit in lieu of what is being proposed as a City-wide ordinance, he is willing to give it the additional time.

Councilor Ortiz said we received some thoughtful comments, emails and position papers, in particular from the Sierra Club and from the Santa Fe Alliance. He would hope as

we are studying this proposal and as we are studying a neighborhood plan that we take a hard look at whatever plan that might be and emphasize the goals we set out City-wide, which is to make us more energy efficient, to have mixed uses throughout the City, particularly in neighborhoods and to emphasize and to give priority to energy efficiencies. He said the Sierra Club and the Santa Fe Alliance in their position papers to us "drove these points home." He hopes we actually fold into this process, not the regressive or status quo protectionism of the neighborhood conservation district, but a forward thinking approach as to how we can make our neighborhoods mixed use, feasible and affordable for residents, and maximize energy efficiencies. He is in support of the motion to table, and looks forward to staff doing the work.

Councilor Bushee said she wants to understand the second piece of the motion, to direct the neighborhood planner to further work on evaluating the proposal and working with a specific neighborhood.

Councilor Bushee asked on what ordinance this is based, if we don't have one.

Mr. Hiatt said he spoke with Councilor Romero about the possibility of doing an experiment, using her neighborhood to see how staff would react and the time and commitment it would take to do this. He said he has talked about the staff allocation to accomplish this if it is adopted. He said he is willing to offer the neighborhood planner if Councilor Romero is willing to offer her neighborhood for an experiment. Responding to Councilor Bushee, Mr. Hiatt said he would try to follow the ordinance in draft form as amended.

Councilor Bushee is concerned that there is no ordinance on the books, and we haven't had a debate, for example, she is uncomfortable with the two-block definition.

Mr. Hiatt said he would use the ordinance, as currently proposed, with the amendments, and try to implement that in Councilor Romero's neighborhood.

Responding to Councilor Bushee, Councilor Wurzbarger said she had hoped that Suby Bowden could speak, noting "we" spent time with her talking about the conservation district which actually was proposed, put into legislation, and put into the general plan with respect to the Railyard area. What we are discussing here is doing a neighborhood plan, according to what was approved years ago and people want, and part of this process is looking at the kinds of questions which have been raised on neighborhood conservation districts, such as the size of the neighborhood, how much staff it takes, the normative questions with respect to the purpose, to what degree you can do a neighborhood plan, and the questions raised in the Sierra Club and Alliance letters. She said the idea is to implement what is already on the books, but not to take something which hasn't been approved, but it is to take the discussions and questions of the past three months about how to implement this in Santa Fe and look at those from the framework of an actual neighborhood plan being done.

Councilor Wurzbarger said what she particularly likes about Councilor Romero's strategy is that we go back and are responsive to the neighborhoods and do what we said we would do, and this gives very clear staff direction that within six months they will do a test case on doing a neighborhood plan. We will use that as the case experience for evaluating how

conservation districts might evolve in Santa Fe which is different from Dallas.

Councilor Bushee said neighborhoods have adopted plans, but we don't do anything with them. She wants to emphasize that in doing this, we are delaying this conversation for six months. She would like staff to look at this as a neighborhood overlay in some form than just a neighborhood plan. She wants to know how a neighborhood is defined, how we got to this definition, and to see if the percentages are prohibitive or are easy to achieve. She wants more tools for neighborhoods to use and are achievable, and have less unintended consequences, and actually arrive at some results and actually try to define neighborhoods and complement what exists as a neighborhood, rather than an artificial delineation.

Councilor Trujillo said we're trying to create another ordinance that is supposed to help neighborhoods. He said the majority of the ordinances we've already passed are usually for Districts 1 and 2. He asked which neighborhoods we are trying to protect this time: District 1, 2, 3 or 4. He said too many times this Council has passed ordinances that are supposed to help neighborhoods, and instead of making new ordinances which sometimes are redundant, we should enforce the ordinances we already have on the books. We have a neighborhood planner, and we need to have the neighborhoods work with that planner to find solutions for those neighborhoods. He said the Council passed a Neighborhood Bill of Rights, and we need to start using it and the planner to help the neighbors. The reason he sees for not approving this Neighborhood Conservation District bill is that in Santa Fe there are neighborhoods which, if given that District, would hurt those people who want to stay and live in Santa Fe. He said he is speaking of locals, born and raised in Santa Fe who would like to have a bigger home. He would, but he can't afford a new house. However, if he borrows against his house he can afford to build up and expand his house. If you give an overlay district to Dale Bellamah, where he lives, the neighborhoods don't want a two-story house or a house bigger than 1,700 sq. ft. He asked where that puts him. He said families in Santa Fe care for their elderly – mother, father, sister, brother. He asked where they will put these family members when it comes the time to care for them. Sometimes they need to expand their houses to take care of the family members. He said if you give a Conservation District to some of the neighborhoods where these people live, we would be hurting these people.

Councilor Trujillo reiterated that we need to start enforcing the ordinances on the books and use that neighborhood planner and put him to work with the neighborhoods.

Councilor Romero said this was a hard decision for her in many ways; trying to balance the interests while looking for success. She believes, as written, the ordinance can't be successful. She said the 67% is really stringent to do. She is looking for neighborhood plans which will bring people together, not to choose their neighbors, but to articulate their values, and what their neighborhood would look like. She believes we already have things in place to accomplish that. She said she worked on the general plan in late 1997-1998, and we said we wanted these neighborhood plans, and she wants to see one. She would like to see a neighborhood walk through the process, see the bumps in the road. She said former Councilor Heldmeyer noted her [Romero's] neighborhood as a very middle class neighborhood as a possibility. She said this is A possibility. This is about our whole community and having neighbors articulate values. She believes through a neighborhood planning effort in six months

we could come back and say, 'this worked, this didn't work, here were the bumps in the road.'" We could look at the percentage then. She believes it buys us time to really work with the neighborhood planner to get something which is focused on success, rather than something which would be piecemeal. She knows we are dealing with other piecemeal issues, because we are looking backwards at 2001 and 2002 and we are having to undo some things. She said we have a general plan, the Chapter 14 revisions, and we are on the track for getting ready for the future. She hopes the neighborhood plans with the neighborhood planner would develop something which would be useful for all of us to learn from. This is the reason she wants the six months – to see if we really can be successful at this.

Councilor Wurzbarger agreed with Councilor Romero. She said yesterday she and Councilor Romero discussed the initial idea of the neighborhood plan and the conservation district for the railyard. This started with the premise of looking at the culture of the neighborhood which has to do with who lives there, and the people, as well as what we've already described as the larger scale issues which impact the entire City

Councilor Dominguez said he doesn't have much more to add in terms of what people are very hopeful will happen. He is concerned about the unintended consequences, because all of us value the neighborhoods and the neighborhood in which we grew up and the one where we live now. He wants these kinds of things to be addressed in the pilot program. He is concerned about how this really could undermine the values which those in the historic district have. He said the ordinance, as written, would allow neighbors to reduce the height by two feet. He asked where any appeals would go, because the Ordinance says it will go to the Board of Adjustment. There is no opportunity for the HDRB to provide its input. He also has a problem that the Ordinance allows the regulation of uses. He said neighborhoods could prohibit play structures or basketball goals. He is really concerned that it could limit the number of people who can live in a house. He said this seems to infringe on federal laws which govern our nation and in being fair. He said this community traditionally doesn't recognize international boundaries, but here we are, as a community, wanting to create a bunch of little boundaries which contradicts what we should be about. Hopefully, the neighborhood plans will move in a direction where we can all live together.

Councilor Dominguez asked what ever happened to individuality, commenting that this Ordinance doesn't allow that individuality to occur. He said, for example, what if he doesn't want to put up a wall, but he wants to put up a nice fence, the Ordinance doesn't give him the opportunity to do that. He hopes some of his concerns are addressed as we move through this process. He said we want to protect neighborhoods, but we want to be reasonable about it as well.

Councilor Calvert said he has concerns about the pilot concept, because he is unsure what it will tell us, except what might work for that neighborhood. All neighborhoods are somewhat different and have formed differently, come together differently historically. He believes we'll learn what happens in the particular neighborhood, but he is concerned about how well that will be translated into other areas. He asked if we are just going to be looking at issues of process, or substantive issues, which would be mostly for that neighborhood. He asked why we fear letting the neighborhoods take the lead in designing what they want,

commenting that nobody knows better what the neighborhoods want, than the people who live there. He believes this smacks of top down planning, although he is hopeful it will give us something which is more workable. He remains concerned that it doesn't allow the individuality of the neighborhoods to be expressed by those that live there in a bottom up type of planning which was envisioned by this Ordinance the general plan in 2001. He said we don't seem to have confidence in our neighborhood planner to work with these people to come up with things which is reasonable, nor confidence in ourselves to be the final arbiter of whether we will approve the things which would be allowed by the ordinance. He doesn't believe this is in the spirit of the Ordinance, nor what the general plan envisioned, and remains cautious.

Councilor Chavez said he too could have gone to Mr. Hiatt with an idea for a pilot neighborhood, and asked then what would happen.

Mr. Hiatt said he is looking for one test neighborhood with which to experiment, only one.

Councilor Chavez said this isn't what he's looking for, nor hoping for. If we pass the ordinance, and the planner is directed to develop the conceptual framework which would develop neighborhood plans for different neighborhoods in different parts of the City – that's what we should be doing, saying he agrees with Councilor Calvert on this point. He said we talk a lot about recognizing neighborhoods. However, we're not willing to pass an Ordinance and direct staff and the Neighborhood Planner to work with neighborhoods, not just one neighborhood. He wants to look at a comprehensive approach, and put the time and energy into doing that. He doesn't understand why we can't do this.

Councilor Chavez said, "I really don't understand why, if the general plan mentioned it, we have an ordinance that's directing staff to develop a program, if you will, to develop conservation districts and plans. I would imagine that you and your staff could do that. The Neighborhood Planner is going to be pulled in 3-4 different directions. He's going to be expected to work on this and all of the other individual neighborhood concerns. If this pilot project does move forward, I can't wait for the neighborhood planner to work on that and leave all of the other neighborhood concerns behind in the meantime. Those are going to have to be dealt with, and that neighborhood planner is going to have to deal with those issues as well. So, it seems to me it would make sense... and even you mentioned earlier Jack...you said if this ordinance doesn't pass, we'll use it as part of the pilot program, right, in its entirety with the amendments. Why not just pass it then, and direct staff to work under the ordinance for all the neighbors."

Mr. Hiatt said he would refer the Council to the FIR. He said he originally estimated four additional people would be needed if this Ordinance was adopted. However, after talking with former Councilor Heldmeyer, he reduced that to two. He said, "It is a crap shoot, at best, to try and figure out how many neighborhood conservation districts may be coming to us, and this is a very trying time for the Department, as you well know. Even with what we have existing, I think one trial neighborhood would be helpful to the Council to know what it costs us in time before we even get to you, in terms of rezoning. There are nine separate steps in the Neighborhood Conservation District Ordinance before we get to the traditional rezoning."

Councilor Chavez said we're going to rezone Juanita Street, and suggested that the City invest in these other neighborhoods.

Mr. Hiatt said, "I'm sure we're investing. We estimate that we are going to spend \$125,000 in hard and soft costs by the time we get to Juanita Street, to the end."

Councilor Chavez said it can be a cost or an investment, and he looks at it as an investment, because we need to invest in these neighborhoods. For example, in the best case scenario if we had followed the general plan on Juanita Street and had done what the general plan expected, maybe there wouldn't be the issues to this extent.

Mr. Hiatt agreed. He said we aren't disagreeing with the end result, it's the process to get there with which he has concerns. He believes that his obligation to the Council is to make sure we have the resources to implement whatever you pass and "throw our way." He doesn't know how many people he needs. The Neighborhood Planner will be working on this exclusively and on the other items you mentioned in terms of other neighborhoods. He said he will add whatever staff is needed to make this experiment work and to be able to bring back more specific information to the Council so you can make an informed judgment in six months.

Councilor Chavez said, "Well do my neighborhood too in the six months."

Mr. Hiatt said, "You organize it Councilor, and we'll do it."

Councilor Chavez said, "Sure. You've got it."

Councilor Bushee told Mr. Hiatt she really doesn't believe the inflated figures on the Juanita rezoning, and "we'll have a long talk about that for the Juanita Street, let me tell ya." She said the parking issues would still remain on Juanita, even if there a rezoning is done, commenting that there are other related issues.

Friendly amendment: Councilor Bushee would like to amend the motion that in six months when we hear this again, that we open it to a public hearing. **The amendment was friendly to the maker and second.**

Councilor Romero stressed that she believes neighborhood plans are "bottoms up" planning and that the RUDAT Plan [Regional Urban Design Assistance Team] for that south Railyard area, really was door-to-door, checking with people. She believes there is an opportunity here to do the ground-up type of planning and learn from it. She reiterated that 67% is difficult to achieve, and there is a lot to be learned. She said, "And I think staff could be directed to say, 'and the neighborhood planner will' work with a neighborhood. She believes if there is momentum in a neighborhood to do this, and the neighborhood planner is directed to work with the neighborhoods, this is a great opportunity to something at the grass roots level and learn from it so we can refine and have the public hearing and learn, and come back with some information. Right now, people fear what they don't know, and all the what ifs. She said once we do this, we will know the costs, the time allocations, and we have a better idea about all of this.

Councilor Romero said at the neighborhood meetings she attended during her campaign, people kept saying over and over, "You don't enforce what you've already got on the books. You don't do what you said you were going to do." This is an opportunity to back to the general plan, neighborhood planning, and test it and bring it back in six months.

Councilor Bushee said in the Guadalupe area, the RUDAT process was paid by private funds, and it is important to stress that the City has no idea what they are undertaking financially.

Councilor Dominguez said he is glad Councilor Romero brought up the time implications. He said one of his concerns is how difficult it is to get to 51% or 67%. If it is relatively easy to get 51%, he would really like for the Council to consider another number. He said 67% on the front end seems much more a mandate, and the neighborhoods absolutely want something and this is what it is. He would hate to have 51% to buy in at the front end, go through this process which costs money and time, and the end result is that they can't get to 67%. This would be very defeating if he were on the staff. We need to look at how long it takes to get to some of these figures.

Councilor Romero said she believes everyone has spoken and, as the maker of the motion, including Councilor Bushee's friendly amendment, she would like to call for the question.

Mayor Coss said he can see where this is going, and understands the reason for it. He said he does hope the City enacts conservation districts soon. He said since we are starting with Councilor Romero's neighborhood, he hopes 51% of the neighbors want to get involved in it, otherwise nothing will happen. He shares Councilor Chavez's concern that there are a whole lot of neighborhoods where the real estate speculation – buy it, develop it, flip it – is going to continue while we continue to study this. He believes the 67% in the ordinance is a very steep democratic challenge for anyone, and that guards against some of the unreasonable outcomes everyone fears. He is glad we now have a Neighborhood Planning. He understands the six months delay, but pointed out this leaves a lot of neighborhoods dealing with the *status quo* which includes a lot of speculation, and a six-year absence of neighborhood planning on the part of the City.

Mr. Katz pointed out this is not a motion to table, but it is a motion to postpone for six months.

Mayor Coss said it is a Motion to Postpone for six months, reopen the public hearing in six months with direction to staff.

Councilor Chavez asked if it is six months after the pilot project is done.

Councilor Romero said it is her intention to hear this on October 29, 2008, which will be six months.

Councilor Chavez said then it is postponed to October 29, 2008.

Councilor Romero said this is correct.

Councilor Chavez asked if the Council will be approving the pilot project, or approving the Ordinance – what will be doing in six months.

Councilor Romero said it is hoped that we will have updates in the interim with regard to where we are, with a plan for a hearing if we have someone coming forward, so she would expect we would get updates every month.

Councilor Chavez reiterated his question about what we will do in six months, because this has already been postponed twice, we are postponing it now for a pilot project, and asked if the pilot project will be done in six months, and if it is for one neighborhood or more than one neighborhood.

Mr. Hiatt said he has in mind that it's one project, and that it will be done in six months, and we will be back to the Council with recommendations, which means it has to be done before six months in order to give recommendations.

Councilor Chavez said then we will be discussing recommendations on what might be a neighborhood plan for one neighborhood, and we will not be discussing the Neighborhood Conservation District Ordinance which would apply City-wide.

Mr. Hiatt said he won't try to direct the Council as to what they want to do on October 29th. However, he will be trying to give the Council whatever staff has learned on the pilot project. He said he is unsure whether the pilot project would be one this Council would want to approve or not. He said they want to give the Governing Body recommendations and advice on the Neighborhood Conservation District Ordinance.

Clarification: Ms. Vigil clarified that the motion, as amended, is to postpone to October 29, 2008. **Councilor Romero said this is correct.**

The motion, as amended, to postpone to October 29, 2008, with direction to staff, was approved on the following roll call vote:

For: Councilor Wurzbarger, Councilor Bushee, Councilor Dominguez, Councilor Ortiz, Councilor Romero and Councilor Trujillo.

Against: Councilor Calvert and Councilor Chavez.

Explaining her vote: Councilor Bushee said she had expected to vote on this tonight, and had a few questions about size, and to see if the threshold was achievable. She said staff has had every opportunity to tell us if they had concerns about enforcing and implementing the Ordinance. She cautioned staff to please proceed with the ordinance before us, in terms of some of the criteria, not applying it, because it has been vetted; and that staff have no biases about not wanting to see this ordinance adopted. Staff has an opportunity to apply this concept

in a way which is beneficial to everyone. She supports this motion because of Councilor Romero's background in planning and she respects her thoughtfulness on this.

Explaining his vote: Councilor Ortiz said he too was prepared to discuss this Ordinance and give his comments on its deficiencies. He said, especially when we have only one new person on the Council, it is okay to sometimes take a fresh look, and he believes this is a fresh look. In deference to that fresh look, he is going to support the motion.

Explaining his vote: Councilor Trujillo said this is being done only because it's District 1 and 2. If it was District 3 or 4, there would be a historic district in some place. Knowing Councilor Romero's vast knowledge in planning, he is going to support the motion to see where this takes us.

Councilor Wurzbarger left the meeting at this time

- 1) REQUEST FROM GEN LA POSADA LIQUOR, LLC, FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #0893 FROM LPSF LIQUOR D/B/A LA POSADA HOTEL TO GEN LA POSADA LIQUOR, LLC, D/B/A LA POSADA DE SANTA FE. THE LICENSE WILL REMAIN AT 330 EAST PALACE AVENUE. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, noting that although it is within 300 feet of the Church of Holy Faith, a waiver is not required because the liquor license has been at this location prior to 1981. Staff requests that the Applicant comply with all of the City's ordinances.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Ortiz moved, seconded by Councilor Dominguez, to grant the request for a transfer of ownership of Dispenser License #0893 from LPSF Liquor, d/b/a La Posada Hotel to Gen La Posada Liquor, LLC, d/b/a La Posada de Santa Fe.

The motion was approved on the following Roll Call Vote:

For: Councilor Calvert, Councilor Dominguez, Councilor Ortiz, Councilor Romero, and Councilor Trujillo.

Against: None.

Absent: Councilor Bushee, Councilor Chavez and Councilor Wurzbarger.

Explaining his vote: Councilor Calvert said he will vote yes with the hopes that La Posada continues to work cooperatively with the local neighborhoods on issues such as parking.

- 2) **CONSIDERATION OF BILL NO. 2008-16; ADOPTION OF ORDINANCE NO. 2008-18. AN ORDINANCE APPROVING AND RATIFYING AN ORDINANCE OF THE SANTA FE SOLID WASTE MANAGEMENT AGENCY WHICH AUTHORIZES EXECUTION AND DELIVERY OF (1) A LOAN AGREEMENT BY AND BETWEEN THE AGENCY AND THE NEW MEXICO ENVIRONMENT DEPARTMENT IN THE AMOUNT OF \$2,000,000, AND (2) A LOAN AGREEMENT BY AND BETWEEN THE AGENCY AND THE NEW MEXICO FINANCE AUTHORITY IN THE AMOUNT OF \$1,000,000, EACH FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, EXTENDING, ENLARGING, BETTERING, REPAIRING OR OTHERWISE IMPROVING OR MAINTAINING SOLID WASTE DISPOSAL EQUIPMENT, EQUIPMENT FOR OPERATION AND MAINTENANCE OF SANITARY LANDFILLS, SOLID WASTE FACILITIES OR AND COMBINATION OF THE FOREGOING; AND RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION THEREWITH. (RANDALL KIPPENBROCK). (Postponed at March 26, 2008 City Council Meeting)**

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Calvert moved, seconded by Councilor Romero, to adopt Ordinance No. 2008- 18,

The motion was approved on the following Roll Call vote.

For: Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Ortiz, Councilor Romero and Councilor Trujillo.

Against: None.

Absent: Councilor Bushee and Councilor Wurzbarger.

- 3) **CONSIDERATION OF BILL NO. 2008-17; ADOPTION OF ORDINANCE NO. 2008-19. 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. (RICK CARPENTER) (Postponed at March 26, 2008 City Council Meeting)

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Calvert moved, seconded by Councilor Ortiz, to adopt Ordinance No. 2008-19.

The motion was approved on the following Roll Call vote.

For: Councilor Bushee, Councilor Calvert, Councilor Dominguez, Councilor Ortiz, Councilor Romero and Councilor Trujillo.

Against: None.

Absent: Councilor Chavez and Councilor Wurzbarger.

- 4) **CONSIDERATION OF BILL NO. 2008-15; ADOPTION OF ORDINANCE NO. 2008- 20. AN ORDINANCE AMENDING SECTION 11-2.1 SFCC 1987, REGARDING ANNUAL BUDGET APPROPRIATIONS; ARTICLE 11-3 SFCC 1987, REGARDING THE APPROVED BUDGET; AND ARTICLE 11-4 SFCC 1987, REGARDING BUDGET ADJUSTMENTS. (KATHRYN RAVELING)**

Kathryn Raveling presented information regarding this matter to the Governing Body from her Memorandum of January 29, 2008, to the Finance Committee, which is in the Council packet.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Calvert moved, seconded by Councilor Romero, to adopt Ordinance No. 2008- 20.

The motion was approved on the following Roll Call vote.

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

Against: None.

Absent: Councilor Wurzbarger.

- 5) **CONSIDERATION OF BILL NO. 2008-8; ADOPTION OF ORDINANCE NO. 2008- (COUNCILOR CALVERT AND MAYOR COSS). 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. (JEANNE PRICE). (Postponed at March 26, 2008 City Council Meeting)**

Jeanne Price presented information regarding this matter from her Memorandum of April 2, 2008, for the meeting of April 9, 2008, to the Mayor and Members of City Council, which is contained in the Council packet. She asked that the motion to adopt the Ordinance would include the proposed amendment from staff which is in the Council packet.

Councilor Bushee said she wanted information on where there have been problems as the result of this ordinance, and she doesn't see that information in the packet.

Ms. Price said staff has no data it can generate which says there was a maximum lot coverage of 70% because lot coverage isn't entered in the permit calculation.

Responding to Councilor Bushee, Ms. Price said Mr. Esquibel's recollection is that no one has approached the 70%.

Mr. Smith said for two reasons, he doesn't recall anyone approaching the 70% lot coverage, anecdotally and speaking with Mr. Esquibel and in memory of the period when he [Smith] supervised, noting there were two reorganizations and there were plan reviews which he did not supervise in 2005, 2006 and 2007. First, there is no way to access that data through building permit records, Planning Commission records, H-Board records. Secondly, in talking with staff who was involved, we could not think of any case where private open space was used to qualify for a coverage factor greater than 50%. However, that doesn't mean categorically that there were no such permits, but it does mean those were very rare if they did exist.

Councilor Bushee said this proves her point. She said all kinds of modifications were included by Councilor Heldmeyer in the ordinance requiring private open space. She feels many times we do things in a "knee-jerk" ways and she is concerned. She said, from what Mr. Smith just said, this has no real justification.

Mr. Smith said staff's analysis anecdotally is that we are unclear of the reason it was so infrequently used. It may be that it is unworkable in its current form, and no one could take advantage of it, and it was a tool that had no demand behind it to use. Anecdotally, it is staff's analysis that it is very difficult, especially in the RM District, to achieve a lot coverage higher than 60%, because of the parking and other requirements in those districts. He said one of the cases in the Juanita Street neighborhood rezoning, which is pointed to by the neighbors as being excessively intensive, has a 40% lot coverage.

Councilor Bushee said she favors a process of looking at the policies which have generated out of the overall general plan intention, and she doesn't understand why so much time has been spent on this to date.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Ortiz thanked staff for obtaining the Council minutes when this was adopted. He said when this was going through Committee, certain representations were made that the intention of this bill was for a particular purpose. The minutes say it was for another purpose entirely. He said the information from staff is that no one has availed themselves of this process tells him that the ordinance on the books is sufficient to achieve both purposes. He said to come back and strip the earlier rationale without convincing evidence would seem an

exercise in the past practice in which we've engaged, which is to create a problem and create a statutory response to that problem. He believes this is a created problem, and believes it is unnecessary to revisit this ordinance at this time. He said if the "parade of horrors" put forward as justification for this bill were actually true and we had data to support that, then it might give some "legs" to this bill. He believes the law on the books is fine as is, and he will be voting against this Ordinance amendment.

Councilor Chavez asked if this proposes to change the lot coverage for all RM districts, and asked if it includes RM-1 and RM-2, because it's really not specific.

Mr. Smith said yes.

Responding to Councilor Chavez, Ms. Price said the height in RM Districts is limited to RM-1 and RM-2, and this bill will be coming to the Council shortly. She said the 50% lot coverage would apply to all RM Districts 1 and 2.

Councilor Chavez said all of these changes could be considered reasonable, depending on the neighborhood. He said it seems that these would be components which would be part of what the neighborhood planner would be doing, and part of a neighborhood conservation district or a plan. He said we are doing this out of context in reaction to one project which maybe got out of hand, and changing the zoning. There are still unintended consequences because there will be non-conforming units, and this isn't the way to solve problems. He believes these would be better discussed in the context of the larger comprehensive plan. He said he spoke against the 24 ft. restriction, and he is against this proposed change.

Councilor Calvert said, in terms of anecdotal, he suggested a few areas to Mr. Hiatt, such as Del Norte Lane, although he doesn't know if that was passed along to staff. He quoted Commissioner Lindel, Planning Commissioner, from the minutes where this was considered:

"... agree that since this went into effect in 2001, the corridor between Palace Avenue and Cerro Gordo has seen a dramatic amount of inappropriate infill. She has seen some lots where the coverage is a little overwhelming. She said she will support this."

Councilor Calvert said whether those exceeded the limits, he doesn't know, nor to what extent staff checked Del Norte Lane and some of those on Sunset and Callecita. He believes there are some instances where this has been employed. He said he mostly wants to point out, when all of these ordinances were passed in 2001, and he doesn't question the motives, the general plan was cited with regard to income and affordability. He said a part of that general plan discussed neighborhood plans and looking out for the character of the neighborhoods, none of which was acted on. Also in the general plan was the future land use map which was never acted on, which certainly would obviate the need for this ordinance and some of the others. He said the general plan was a package deal, and in selectively implementing only parts of it, then you get things being done out of balance, which is what we've seen. So, if you want to say this is a reaction, perhaps. He said it is a caution to us to look at things comprehensively.

Councilor Calvert said the question was asked where is the proof this has worked. He said he could ask the question on the other hand, he would ask for proof we have achieved

affordability, if the purpose of this ordinance in the first place was infill and affordability. He believes what you get are high priced casitas and additions to homes which aren't affordable already, and make them even more unaffordable. He doesn't believe the purpose for which this ordinance was enacted has shown great results. He said, "And I might remind you that in the original proposal, actually this before you tonight was the original proposal in 2001, by the Council. And, it was only the CPPC that upped the ante and recommended this provision which the Council eventually adopted, so this is not a whole lot different than what was being proposed originally in 2001."

Councilor Calvert said if we have a general plan which we are always citing it in terms of doing infill or other things for certain reasons, we have to look at what the general plan says on the other side of the coin as well and balance those things as it directs, and not just choose one thing out of it and go "whole hog" with that.

Councilor Bushee said we can find anything we want in the general plan. She believes our time would have been better spent if we had looked at how condos and condoization are impacting the buildout in this community, because she believes that is what he is seeing on Del Norte Lane, Callecita and perhaps even on Palace. She doesn't believe it has been proved to be true that this change to the ordinance in 2001 has done anything or had any real impact. She doesn't want to change something until we have a good idea of what is helpful and had a comprehensive look. She said the five changes in 2001 probably were the only changes which came to support the idea of infill. She believes we need to look at anything we've done as we proceed into trying to change the general plan, to look at what harm we might have done and what, proactively, we can do to have the infill which achieves sustainability. She includes character of existing neighborhoods in that sustainability.

Councilor Bushee moved, seconded by Councilor Chavez, to deny the request to adopt Bill No. 2008-8.

Discussion: Councilor Calvert said he disagrees that it wasn't worth the effort, because it has brought forth a lot of issues which we need to consider when we decide issues and do planning, and when we emphasize one thing and disregard all the other things which are part of the general plan. He said perhaps this is a reaction, but he can't fault the neighborhoods too much for that, because they've been living with this part of the ordinances which were targeted at their neighborhoods without the protection which the general plan calls for in terms of neighborhood planning, and such. He said Juanita Street has been living with these without the protections of neighborhood planning. It has been important to look at these issues so we can learn from them, and keep those lessons in mind as we move forward.

The motion was approved on the following Roll Call vote.

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

Against: Councilor Romero and Councilor Calvert.

Absent: Councilor Wurzbarger

- 7) **CONSIDERATION OF BILL NO. 2008-23; ADOPTION OF ORDINANCE NO. 2008-____. CASE #ZA 2007-12. 510 AND 510 ½ ST. FRANCIS REZONING. JENNIFER JENKINS, AGENT FOR SCOTT THOMAS AND JEAN-FRANCOIS CHABAUD, REQUEST REZONING OF .24± ACRES OF LAND FROM RM-10 (RESIDENTIAL, TEN DWELLING UNITS PER ACRE) TO C-4 (COMMERCIAL LIMITED OFFICE AND RETAIL) INCLUDING VARIANCES TO FRONT, SIDE AND REAR YARD BUILDING SETBACKS AND LANDSCAPE BUFFER REQUIREMENTS. THIS APPLICATION INCLUDES A SITE PLAN SHOWING TWO EXISTING HOMES TOTALING 2,100 SQUARE FEET AND A 710 SQUARE FOOT GARAGE/STORAGE STRUCTURE. THE REQUEST IS TO ALLOW THE EXISTING RESIDENTIAL USE AND POTENTIALLY ANY ALLOWED USES IN THE C-4 DISTRICT. THE PROPERTY IS LOCATED ON THE WEST SIDE OF ST. FRANCIS DRIVE BETWEEN AGUA FRIA AND HICKOX STREETS. (DONNA WYNANT)**

Memorandum dated March 28, 2008 for the April 9, 2008 City Council Meeting, to City Council, with attachments, from Donna Wynant, Senior Planner, is incorporated herewith to these minutes as Exhibit "2."

A copy of "Permitted Uses in C-4 Districts," distributed to the Council by Donna Wynant, is incorporated herewith to these minutes as Exhibit "3."

The staff report was presented by Donna Wynant which is contained in Exhibit "2."

Recommendation: The Planning Commission on 12/6/07, recommended approval of the application to rezone the subject property to C-4 (Commercial Limited Office and Retail), including variances to front, side and rear yard building setbacks and landscape buffer requirements based on existing conditions. The Planning Commission recommended approval based on rezoning approval criteria in Section 14-3.5 SFCC 2001.

If the City Council approves the C-4 zoning and site plan, the approval could be given subject to the administrative review of the site plan with the ordinance reference on the rezone plat for permissible uses and development criteria in the C-4 district. An Early Neighborhood Notification Meeting was held on 9/14/07, where no objections were raised regarding the proposal.

Ms. Wynant noted an amendment was proposed by Matthew O'Reilly, to restrict commercial uses to office, and the amendment was approved by the Planning Commission. The minutes of the Planning Commission in this regard are included in the Committee packet [Exhibit "2"].

Councilor Bushee asked who wanted to keep the use to office, and asked if that would include a veterinary office, saying the question really comes around to egress and ingress.

Ms. Wynant said the amendment was proposed by Matthew O'Reilly, and the concern was all the many things which are permitted in this district. The properties currently are used residentially, and the purpose of the site plan is to see what is proposed, and the whole layout could be accommodated with the existing seven parking spaces.

Responding to Councilor Bushee, Mr. Smith said, in reviewing the minutes and recommendation of the Planning Commission, they did not differentiate specifically as to whether they were concerned with noise, traffic generation, hours of operation or what. He said veterinary establishments are in a different category than office. He said business and professional offices would be what the Commission seems to have intended and medical offices are in a different category than businesses and professional offices.

Responding to Councilor Bushee, Mr. Smith said this is the only entrance from St. Francis.

Councilor Bushee asked if the applicant would agree to limit to the use to office use.

Mr. Smith said the applicant could testify on that.

Councilor Bushee asked if it runs with the plat, and if a change is needed for the general plan recommendation.

Mr. Smith said this is correct.

Councilor Bushee said she wouldn't want to live there now, so she sees the use as being fine.

Mr. Smith said he doesn't know if the existing veterinary office off St. Francis predates the regulations, or it might be that some of the development on St. Francis has C-1 zoning, which differs from the C-4 zoning before the Council.

Public Hearing

Presentation by the Applicant

Jennifer Jenkins, 130 Grant Avenue, Suite 101, was sworn. Ms. Jenkins is appearing on behalf of Scott Thomas and Jan Francois Chaubaud, the owners of the subject property.

Ms. Jenkins demonstrated the proposed project and the subject site using an enlarged aerial photograph. She said there are two curb cuts to the property on St. Francis, but the one on the north is substandard and not use, noting it is very narrow and won't be used. There will

be one point of ingress and egress which is adequate onto St. Francis.

Ms. Jenkins said the intent of the Planning Commission's condition of approval was around a professional office situation. She said there are no plans for additions or improvements to the property, which is only suitable to convert the residences to quite lovely professional office space. She said they recognize that not all permitted C-4 uses are appropriate. She said the applicant can comply completely with the parking requirements for professional office space. She said there are higher parking requirements for medical office use as well as a retail office.

Ms. Jenkins said Mr. Thomas, who owns lot 6, is a psychotherapist in private practice, and lives there and has a home occupation. He said the C-4 overlay would empower him to keep his office there and move his residence to the country if that was his preference. She said the purpose of the C-4 overlay was a recognition of the impact of St. Francis, in terms of the significant potential negative impact on property values for residences along St. Francis Drive, giving them the alternative to have commercial use on a major arterial.\

Ms. Jenkins said the intent is the uses would have a very low profile, low impact and not high traffic generating type of things, and would blend nicely with some of the C-4 activity already happening on St. Francis as well as the existing residential activity.

Ms. Jenkins said the Applicants are in agreement with the conditions of approval, and would appreciate Council support.

Speaking to the Ordinance

Josena Campos was sworn. Ms. Campos said she understand why these people are trying to get things for profit. However, there are too many commercial buildings along that side, and too many people still live in the neighborhoods whose back yards are on these properties such as Owl Liquors. All the houses built since before 1920 are being bought up so everything can become commercial. The Council needs to look at the height of these things and the security of these buildings, which causes problems for the neighbors when there are break-ins. She is concerned about having no off-street parking. She said some of these commercial uses in residential areas should stop. This was not meant to be. There are still some neighbors and we're not leaving then any back yards or scenery, and we're bring more commercial to St. Francis Drive which is causing problems. She suggested these people look at the density, and asked how much they will build on the property, and if they're going to change their minds halfway through the project.

The Public Hearing was closed

Councilor Bushee asked how we will enforce the conditional approval on office use.

Mr. Smith said the C-4 District requires a site plan which functions as a development plan does in larger scale cases. The site plan would be filed for record in the basement and would be submitted with each application for a building permit. It also would be reviewed each

time each time anyone files for a Certificate of Occupancy to change the use on this property, and we would require whatever use restrictions the Council adopts to be noted clearly on the face of that site plan on file with the City and is the basis for the building permit and occupancy permit actions taken by staff.

Councilor Bushee said since there isn't an ENN for rezoning the neighbors won't know anything is changed unless a nonconforming use pops up.

Mr. Smith said there was an ENN for this proposed rezoning. At the time the ENN for this project occurred there was not a specific proposal to restrict the uses. He said if the Council adopts the restriction, and the property owner were to apply to have that changed, that would trigger an ENN process as an amendment to a type of application that initially requires the ENN process.

Councilor Bushee moved, seconded by Councilor Romero, for approval of Bill No. 2008-23, Case #ZA-2007-12, as recommended by staff and with the condition of approval imposed by the Planning Commission.

Clarification: Mr. Smith asked if the Council's intention is to approve it with the restriction of a prohibition against uses with the exception of professional offices and excluding medical office uses. Councilor Bushee said that is correct.

Discussion: Councilor Calvert said Mr. Smith just said C-4 requires a site plan with certain details. He quoted from page 13 of the packet which provides, "Shall be accompanied by a development plan drawn to scale....and uses to be included." He believes it will require more than just the site plan we've seen.

Mr. Smith said he assumes this language about development plan is correct, and believes there are references in other places in that Section to site plan, rather than development plan. However, based on that, he will amend his testimony and will process it as a development plan as indicated in this Subsection 4(A).

Councilor Calvert said he understands the reason for the overlay, but currently this is surrounded on three sides by residential, as the record states and the maps show.

Mr. Smith said this is correct.

Councilor Calvert said he understands that the owners of the subject site may not want to continue to use the property as residential, but the others next to the property may want to continue to live there. He said if the values are depreciating, these might be considered affordable housing of some sort, so we're reducing that. He said if we're going by the requirements of the application, we might want to look at the height of the buildings as another thing which we restrict or specify.

Councilor Calvert noted there is a request for variance on the setbacks, because they don't meet the criteria for C-4. He asked if the applicants meet the criteria for the residential zone they currently are in.

Mr. Smith said the existing building at the rear of the property would be nonconforming with regard to the setback requirements in the RM District as well. The issue on the building height, in that we do have a development plan as part of the rezoning action amendment to the development plan to allow modifications to the building, would also go back through a public hearing process when the development plan was amended.

Councilor Calvert asked if we can alter the zoning on something which already is non-conforming.

Mr. Smith said yes. The effect of the Council approval on the variance for the existing building would be treated as though it were conforming. The practical impact would be that if the building were damaged to less than 2/3 of its floor area, it could be rebuilt to its original configuration. Any new building would have to meet the standards in effect when the new building was built. Any addition to that building would have to meet the standards in effect when the addition was built.

Responding to Councilor Calvert, Mr. Smith said the nonconforming provisions are set up with two independent categories. The structure's nonconformity depends on the continued existence of the structure. A non conforming use depends on the continued existence of the use. There is not a provision which triggers interaction between the nonconforming status of the use and the nonconforming status of the structure. In this case, the use of the structure could change, but the nonconforming status of the structure itself does not change.

Councilor Calvert said then we will continue the nonconformity even though it is surrounded by three residential properties, at least one of which abuts this.

Mr. Smith said this is correct, noting that the residential properties to the north and south are themselves eligible to apply for C-4 zoning, and it's the nature of this C-4 overlay district that the Council didn't rezone up and down St. Francis wholesale, but set this process which allows case by case evaluation of the compatibility

Councilor Calvert said we could be hastening the process, and it might be the domino effect if we do this and the other parties felt they no longer want to live there as well since this now is a commercial establishment, which seems to be the trend along St. Francis.

Mr. Smith said the C-4 overlay zoning has been in effect for about 25 years, and during that time we have handled about two to four C-4 property rezonings each year. There is a transition and the trend is toward more commercial and less residential, so staff's evaluation of this is consistent with the intent of the C-4 overlay district. If the Council believes this is not an appropriate trend, then staff would take direction from the Council on that issue.

Councilor Calvert asked if the Council could restrict the height, and asked if the applicant has a problem with that.

Mr. Smith said the maximum height limit is 24 feet in that district. The Board of Adjustment or Planning Commission, on an amendment to the development plan, would have the authority to restrict the height if they believe it's necessary, and could restrict it to lower than 24 feet.

Councilor Chavez said his questions are similar to Councilor Calvert's regarding the variances. He said we have existing conditions with which we are dealing, and Mr. Smith explained that. He said it also ties into the nonconforming uses. No matter what we do, we will have some of those nonconforming uses, especially in a corridor such as the St. Francis Drive corridor. It seems to him that the C-4 would be somewhat better than forcing the residential component where it doesn't quite fit anymore. He asked, if the C-4 category has limits on height and types of business, if it could create some sort of buffer between St. Francis Drive and the back streets such as Onate, Franklin and such, as long as the C-4 doesn't spill further into the residential neighborhoods. On the east side of St. Francis drive, the pressure is going to be to move it to the west side of St. Francis and the market and economy will take care of part of that. He said individual needs or desires will take care of the rest. He remembers a time when St. Francis Drive wasn't there and playing in back yards which are no longer there, but we can't replace that, and the reason the residential component may not be the best fit this close to the street, especially with that interface. He said it will be difficult for a business, because getting in and out won't be easy. He believes with the right business, however, it could work, and he will support this request.

Councilor Trujillo asked how long have Mr. Thomas and Mr. Chaubaud owned the property.

Ms. Jenkins said Mr. Thomas bought the lot in front last year, and occupies and lives in the home as his primary residence. She said the back piece has been owned for four years by Mr. Chaubaud and he is renting it to a family and it also currently is used residentially.

Councilor Dominguez asked, with regard to nonconformities, will this intensify any existing nonconformities, or has that evaluation been made.

Mr. Smith said the way the staff normally evaluates the situation, no. Staff would change the use of a nonconforming structure from residential which would be legally allowed to occupy the structure for its "natural life," to perhaps an office use which would be allowed to occupy the structure for its natural life. The Code anticipates that eventually the building will no longer be sound to maintain at some point in the future, and that's the point at which that nonconformity is intended to be removed the way staff understands the Code.

Councilor Dominguez said he read in the report that there was no neighborhood opposition at the ENN.

Mr. Smith said this is correct, and staff's evaluation as well.

Councilor Chavez asked if there was one or two ENN meetings.

Mr. Smith said only one, and there was very little participation.

The motion failed to pass for lack of a super majority voting in favor of the motion to adopt the ordinance on the following Roll Call Vote:

For: Councilor Bushee, Councilor Chavez, Councilor Dominguez and Councilor Romero.

Against: Councilor Trujillo, Councilor Ortiz and Councilor Calvert.

Absent: Councilor Wurzbarger.

Explaining his vote: Councilor Trujillo said his wife's grandmother lives right off St. Francis Drive, and he hears stories about how before the road came they had all this property, and what it was like to live there back then. He said we're losing more and more of our residents because of businesses coming in. He said it is true that St. Francis Drive is becoming like another Cerrillos Road, and he applauds all those families who have stayed and not sold their houses. He doesn't believe this is needed on St. Francis and we need to keep as many families as we can on that street, so he votes no.

Explaining his vote: Councilor Calvert said he also has mixed feelings. He understands the commercialization of St. Francis, but he also appreciates Councilor Trujillo's remarks about the families trying to make a go of it, and supports them being able to do that. He said what we are seeing is basically a "flip job" on this piece of property to higher and more intense use, so he is going to vote no.

- 8) CASE #H-07-123. APPEAL OF THE HISTORIC DESIGN REVIEW BOARD'S DECISION ON JANUARY 8, 2008, CONCERNING PROPERTY LOCATED AT 515 AND 519 CERRILLOS ROAD IN THE HISTORIC TRANSITION HISTORIC DISTRICT. RICHARD MARTINEZ, AGENT FOR WIVCO, INC., OWNER, REQUESTS THAT THE GOVERNING BODY RESCIND THE DENIAL TO CONSTRUCT A 4,284 SQUARE FOOT BUILDING TO A HEIGHT OF 36 FEET WHERE THE MAXIMUM ALLOWABLE HEIGHT IS 15 FEET 6 INCHES. (DAVID RASCH). (Request by Applicant to postpone to April 30, 2008 City Council Meeting)**
- 9) CONSIDERATION OF RESOLUTION NO. 2008- ____ (COUNCILOR ORTIZ AND COUNCILOR WURZBURGER). A RESOLUTION AMENDING RESOLUTION NO. 2003-106, THE ANNUAL WATER BUDGET ADMINISTRATIVE REGULATIONS AND PROCEDURES REGARDING THE DESIGNATION OF WATER RIGHTS FOR LOW PRICED DWELLING UNITS. (KATHY McCORMICK). (Postponed at February 13, 2008 City Council Meeting). (Request to postpone to June 11, 2008)**

- 10) **CONSIDERATION OF RESOLUTION NO. 2008- ____ (COUNCILOR ORTIZ AND COUNCILOR WURZBURGER). A RESOLUTION DESIGNATING WATER RIGHTS FOR LOW PRICED DWELLING UNITS AND PUBLIC AMENITIES IN THE NORTHWEST QUADRANT AND FOR THE LOW PRICED DWELLING UNIT CREDIT POOL. (KATHY McCORMICK). (Postponed at February 13, 2008 City Council Meeting). (Request to postpone to June 11, 2008)**

13. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

14. COMMUNICATIONS FROM THE GOVERNING BODY.

Councilor Romero

Councilor Romero had no communications.

Councilor Chavez

Councilor Chavez told Mr. Buller he wants to schedule another neighborhood association meeting on May 20, 2008, at 7:00 p.m., with the Tierra Madre Neighborhood Association, which is a small neighborhood association within Tierra Contenta. The meeting will be held in the common house there. He will need a full complement of staff to attend the meeting from the Neighborhood Planner on down. He said he will have a well established list of expected staff at these meetings.

Responding to Councilor Chavez, Mayor Coss said the City-wide Spring cleanup is April 19, 2008.

Councilor Chavez said YouthWorks and the Acequia Madre Association have done preliminary work to set the stage for the City-wide Spring Cleanup. He said YouthWorks and the Streets Division have been cleaning the sidewalks on the major arterials. In conjunction with what staff is doing on the major arterials, he would like to work with residents, for example along Baca, Agua Vista, Sierra Vista, and ask the residents to sweep their sidewalks into the street and hopefully the Streets crew can pick that up.

Councilor Chavez said the Acequia Madre Association has done work along the Acequia Madre Trail behind the Indian School and the School for the Deaf, and they have left garbage bags for the City to pick up. He is sure the City can do that between now and the spring cleanup.

Councilor Chavez said at the corner of Hopewell-Mann, there are 2-3 addresses which are generating some negative activity, abandoned cars and such. He said 1828 Hopewell and

1821 Mann are the ones which stand out the most, and requested a Code enforcement check on those.

Councilor Ortiz

Councilor Ortiz thanked staff, Fabian, Ben and Jackie, for a wonderful parking opening, and thanked Mayor Coss and Councilor Trujillo for their attendance in the Las Estancias. He said there is more work to be done, but this was a great beginning.

Councilor Ortiz said a Special Finance Committee meeting is scheduled on Monday at 5:15 p.m., and the entire Council is invited. He said the Mayor, the administration and the Police Chief will be presenting their proposal on Public Safety for additional officers. He hopes we get the information in a clear and unobstructed way so we can ask the questions which need to be asked and do the follow-up. He said it isn't scheduled as a public hearing, because we will just be getting a presentation, and we can ask questions on that. Then, he would like to us time to digest that presentation, so we can have a fuller more public discussion and a public hearing at a future time.

Councilor Bushee

Councilor Bushee introduced a Resolution designating \$600,000 from the current CIP funds in trying to move forward the Creative Complex. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "4." She asked that it go to the Public Works, Finance and the Business and Quality of Life Committees.

Councilor Calvert

Councilor Calvert introduced two resolutions:

- 1) A Resolution directing City staff to develop a program to reduce disposable grocery bag use through the implementation of a Green Fee. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "5." He asked that it go to the Sustainable Santa Fe Commission, and the Business and Quality of Life, Public Utilities and Finance Committees. He noted that Mayor Coss and Councilor Wurzbarger are cosponsors of the Resolution.
- 2) A Resolution expanding the membership of the Water Conservation Committee to include two new members. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6." He asked that it go to the Public Utilities and Finance Committees.

Councilor Trujillo

Councilor Trujillo added his thanks to staff and Public Works for the parks opening.

Councilor Trujillo introduced two resolutions:

- 1) A Resolution authorizing the City to submit a recycling grant application to the Environment Department to introduce a "Recycle Santa Fe" Program. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7." He asked that it go to the Public Works and Public Utilities Committee and to SWMA.
- 2) A Resolution authorizing the City to submit an illegal dumping grant application to the Environment to implement a "Don't Dump Santa Fe" Program. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8." He asked that it go to the Public Works and Public Utilities Committee and to SWMA.

Councilor Dominguez

Councilor Dominguez said he received a call from a constituent in Tierra Madre who was concerned about parking at the end of a dead end street at Camino San Juan. There is an apartment complex, and at the end of the street people are hanging out, making noise, drinking beer and such.

He said he toured some of the public housing in the Hopewell-Mann area, and he believes we can do a better job of helping clean up the area, commenting that there is blatant graffiti and it is pretty blighted. He would like to increase the Police patrol in the area.

Mayor Coss

Mayor Coss thanked Public Works, YouthWorks and the Corrections Department for the great job they're doing on cleaning up the arterials.

H. ADJOURN

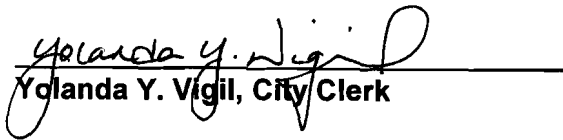
There being no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 9:55 p.m.

Approved by:

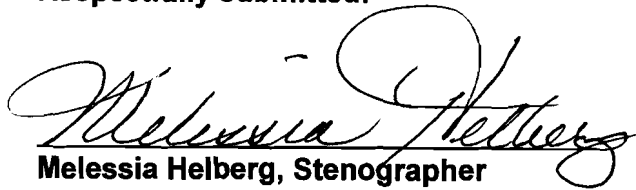


Mayor David Coss

ATTESTED TO:


Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Stenographer