



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 30, 2008
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 4/25/08 TIME 3:20 pm

SERVED BY _____

RECEIVED BY _____

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 – April 9, 2008
8. PRESENTATIONS
 - a) Muchas Gracias – 2008 Boys & Girls Clubs of Santa Fe Youth and Jr. Youth of the Year. (Al Padilla, Chief Professional Officer Boys & Girls Clubs of Santa Fe) (5 minutes)
 - b) Proclamation – “Municipal Clerks Week” May 4 through May 10, 2008. (10 minutes)
 - 1) Recognition of Yolanda Y. Vigil, as “Clerk of the Year” for the State of New Mexico; Awarded by the New Mexico Municipal Clerk’s and Finance Officer’s Association.
 - c) Proclamation – Mother’s Day as “Peace Day” in Santa Fe. (5 minutes)
 - d) The New Mexico Human Rights Torch Event – Sara Effner. (5 minutes)
9. CONSENT CALENDAR
 - a) Request For Approval To Publish Notice Of Public Hearing On May 28, 2008:
 - 1) Bill No. 2008-24 – An Ordinance Amending Sections 22-9.1, 22-9.7 and 22-9.10 SFCC 1987 Regarding Industrial Pretreatment Regulations and Procedures. (Councilor Dominguez, Councilor Calvert and Councilor Trujillo) (Bryan Romero)



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- 2) Bill No. 2008-30 – An Ordinance Amending Table 14-7.1-1 SFCC 1987 Restricting the Maximum Height in RM-1 and RM-2 Districts to 24 Feet. (Councilor Calvert and Councilor Bushee) (Jeanne Price)
- 3) Bill No. 2008-31 – An Ordinance Creating a New Section 14-8.18 SFCC 1987 Requiring Notification to the Santa Fe Public School District Prior to Submittal of a Development Request. (Councilor Dominguez) (Jeanne Price)
- 4) Bill No. 2008-32 – An Ordinance Amending Section 12-2 SFCC 1987; Adopting the 2006 International Fire Code as Amended by the Governing Body and Making Other Changes Relating to the Fire Code of the City of Santa Fe. (Mayor Coss, Councilor Dominguez and Councilor Trujillo) (Ted Bolleter)
 - a) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Mayor Coss, Councilor Dominguez and Councilor Trujillo)
A Resolution Revising Fees Relating to Fire Prevention and Protection. (Ted Bolleter)
- 5) Bill No. 2008-33 – An Ordinance Amending Section 14-3.9 SFCC 1987 Regarding Development in Special Flood Hazard Areas, Section 14-8.3 SFCC 1987 Regarding Flood Regulations, Section 14-11.5(c) SFCC 1987 Regarding Penalties For Violations of Flood Regulations; and Making Such Other Related Changes to Chapter 14 SFCC 1987 as are Necessary. (Mayor Coss and Councilor Bushee) (Wendy Blackwell)
 - b) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Dominguez, Councilor Trujillo, Councilor Bushee and Councilor Calvert)
A Resolution Supporting the Establishment of an Employee Wellness Initiative to Promote Increased Health Awareness and Well-Being of City Employees through an Employee Wellness Initiative. (Kristine Kuebli)
 - c) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Trujillo, Councilor Bushee and Councilor Calvert)
A Resolution Authorizing the City of Santa Fe to Submit an Illegal Dumping Grant Application to the New Mexico Environment Department For the Purpose of Implementing a "Don't Dump Santa Fe" Program. (Peggy Doolittle)



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- d) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Trujillo, Councilor Bushee and Councilor Calvert)
A Resolution Authorizing the City of Santa Fe to Submit a Recycling Grant Application to the New Mexico Environment Department for the Purpose of Implementing a "Recycle Santa Fe" Program. (Gilda Montano)
- e) Bid No. 08/29/B – Canyon Road Water Treatment Plant Residuals to Sanitary Landfill. (Robert Gallegos)
 - a) Request for Approval of Professional Services Agreement – Rhino Environmental Services, Inc.
 - b) Request for Approval of Professional Services Agreement – Waste Management.
- f) Request for Approval of Procurement Under State Price Agreement – Three (3) Vehicles for Senior Services Division; Reliable Chevrolet. (Terrie Rodriguez)
- g) Request for Approval of Procurement Under Federal Price Agreement – Fire Engine for Fire Department; First In Inc. (Chief Chris Rivera)
- h) Request for Approval of Grant Award – 2006 General Obligation Bond to Benefit New Mexico Libraries; New Mexico State Library (Patricia Hodapp)
 - 1) Request for Approval of Budget Increase – Grant Fund.
- i) Request for Approval of Emergency Procurement and Professional Services Agreement – Independent Analysis and Review of Water Service Line and Meter Setting Freeze-Ups for Water Division; URS Corporation. (Brian Snyder)
- j) Request for Approval of Amendment No. 1 To Professional Services Agreement – Security Services at Santa Fe Watershed and Well Fields; Chavez Security, Inc. (Michael Gonzales)
- k) Request for Approval of Amendment No. 5 to Construction Agreement – Repairs for Phase I of Sewer Rehabilitation Project for Wastewater Management Division; Triman Construction Industries, Inc. (Lisa Sandoval)
 - 1) Request for Approval of Budget Increase – Project Fund.



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- l) Request for Approval of Amendment No. 1 to Legal Services Agreement – Assist Project Manager With Matters Regarding Buckman Direct Diversion Board; Long, Pound & Komer and Harwood Consulting, PC. (Rick Carpenter)
- m) Request for Approval Procurement Under State Price Agreement – Maintenance Support Vehicle for Solid Waste Management Division; Bob Turner Ford Country. (Bill De Grande)
- n) Request for Approval of Amendment No. 2 to Lease Agreement – Facility Maintenance at La Familia Medical Center; La Familia Medical Center. (Martin Valdez)
- o) Request for Approval of Professional Services Agreement – Project Manager for Various Projects and Allocation for Arts in Public Places; Santa Fe Civic Housing Authority. (David Chapman)
- p) Request for Approval of Amendment No. 4 to Professional Services Agreement – The Santa Fe Farmers' Market; Santa Fe Farmers' Market Institute. (Frank Romero)
- q) Request for Approval of Sole Source Procurement and Professional Services Agreement – Engineering Services for Land Use Department; Joe Barela, P.E. CFM. (Jack Hiatt)
- r) Request for Approval of Professional Services Agreement – Support Operation of Santa Fe Community Television, Channel 16; Santa Fe Community College. (Joe Abeyta)
- s) Request for Approval of Parking Rates at the Railyard. (Bill Hon)
- t) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Ortiz)
A Resolution Directing the Mayor and the City Attorney to Enter into Discussions with Santa Fe County and The State Of New Mexico in Order to Achieve Mutually Acceptable Compliance with the City's Historic District Ordinance. (Frank Katz and Jack Hiatt)



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- u) Request for Approval of Lease Agreements: (Postponed at March 26, 2008 City Council Meeting) (**Postponed to May 28, 2008 City Council Meeting**)
 - 1) Airline Terminal Building Office; Counter and Floor Space at Santa Fe Municipal Airport; American Eagle Airlines. (Jim Montman)
 - 2) Airline Terminal Building Counter and Floor Space at Santa Fe Municipal Airport; Delta Air Lines. (Jim Montman)
- 10. Request for Approval of Rail Runner Station Locations and Traffic Control Plan; New Mexico Department of Transportation and Mid Region Council of Governments. (Robert Romero and Tim Harris).
 - 1) New Mexico Department of Transportation Proposed South Capital Rail Runner Station.
 - 2) New Mexico Department of Transportation Proposed Zia Road Rail Runner Station.
 - 3) Traffic Control for the Rail Runner Construction.
- 11. Consideration of Approval of Second Amended and Restated Joint Powers Agreement for the Regional Emergency Call Center (RECC). (Mark Basham)
- 12. MATTERS FROM THE CITY MANAGER
- 13. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

- a) Request for Approval of City/County Annexation Agreement; Pursuant to §10-15-1 (H) (7) NMSA 1978.
- b) Report on Short Term Rental, Affordable Housing Litigation and Buckman Direct Diversion Appeal; Pursuant to §10-15-1 (H) (7) NMSA 1978.
- c) Discussion Regarding Potential Litigation Concerning Lodgers Tax, Pursuant to Pursuant to §10-15-1 (H) (7) NMSA 1978.



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- d) Discussion of Pending Litigation Before the New Mexico Public Regulation Commission in the Matter of the Application of Public Service Company of New Mexico for Revision of its Retail Electric Rates Pursuant to Advice Notice No. 334, Case No. 07-00077-UT; Pursuant to §10-15-1(H)(7) NMSA 1978.
- 14. Action Regarding the City/County Annexation Agreement. (Frank Katz)
- 15. MATTERS FROM THE CITY CLERK
- 16. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. INVOCATION
- D. ROLL CALL
- E. PETITIONS FROM THE FLOOR
- F. APPOINTMENTS
- G. PUBLIC HEARINGS:
 - 1) Request from Asia Bamboo Cuisine, LLC, for a Restaurant (Beer & Wine) Liquor License to be located at Bamboo Asian Cuisine, 2400 Cerrillos Road, College Plaza. (Yolanda Y. Vigil)
 - 2) Request from Argentina Grill, LLC, for a Restaurant (Beer & Wine) Liquor License to be located at the Argentina Grill "El Gauchito", 3877 Cerrillos Road. (Yolanda Y. Vigil)
 - 3) Request from Masa Sushi, LLC, for a Restaurant (Beer & Wine) Liquor License to be located at the Masa Sushi, 927 W. Alameda. (Yolanda Y. Vigil)



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- 4) Request from Church of the Holy Faith and La Posada de Santa Fe Resort for the Following:

Pursuant to §60-6B-10 NMSA 1978, a Request for a Waiver of the 300 Foot Location Restriction to Allow the Dispensing of Alcoholic Beverages at the Church of the Holy Faith, 311 East Palace Avenue. The Requested Waiver is for "Cabaret Night" Being Held on Church Property on Thursday, May 22, 2006 from 6:30 p.m. to 9:30 p.m. (Yolanda Y. Vigil and Gib Mason)

- 5) Consideration of Approval of Plan and Timeline for Implementing WIFI at City Owned Facilities and Property for Public Internet Access. (Thomas Williams)

- 6) CONSIDERATION OF BILL NO. 2008-21: ADOPTION OF ORDINANCE NO. 2008-_____. (Councilor Wurzburger)
An Ordinance Amending Article 23-5.2 SFCC 1987 to Require Vendors Participating in the Major Commercial Events on the Plaza to Provide CRS Tax Returns to the City Indicating Income Received During the Event (Councilor Wurzburger) (Fabian Trujillo)

- 7) CONSIDERATION OF BILL NO. 2008-22: ADOPTION OF ORDINANCE NO. 2008-_____. (Councilor Wurzburger and Mayor Coss)
An Ordinance Amending Section 14-6.2(A)(6)(a)(i)D. SFCC 1987 In Order to Terminate the Category of Existing (Prior to January 30, 2008) Short Term Rental Units on January 1, 2013, Regardless of Change of Ownership and Amending Section 14-6.2(A)(6)(a)(ii)A. SFCC 1987 to Clarify the Minimum Rental Period for Short Term Rental Units. (Jeanne Price)

- 8) CONSIDERATION OF BILL NO. 2008-29: ADOPTION OF ORDINANCE NO. 2008-_____.

Case #ZA 2008-05 Juanita Street and Alarid Neighborhood Rezone.

The City Of Santa Fe Requests Approval to Rezone 35.44± Acres of Land From RM-1 (Residential Multi-Family, 21 Dwelling Units Per Acre) to R-8 (Residential, 8 Dwelling Units Per Acre). The Subject Property is Bounded on the North by West Manhattan Avenue, on the East by the Railyards, on the South by Camino Sierra Vista and on the West by South St. Francis Drive, in Addition West of South St. Francis Drive, South of Hickox Street, North of Mercer Street and Extending Mid-Block Between S. St. Francis Drive and Oñate Street on The West. Within Township 17 North, Range 09 East, SE Quarter of Section 23 and NE Quarter Of Section 26. (Tamara Baer)



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- 9) **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) **(Postponed at April 9, 2008 City Council Meeting)**
- 10) CONSIDERATION OF RESOLUTION NO. 2008-_____.
Case #M 2007-36. 1312 Agua Fria Street General Plan Amendment. Derrick Archuleta, Agent for Evangeline Herrera, Requests Approval of a General Plan Future Land Use Map Amendment to Change The Designation of 0.306± Acres of Land From Low Density (3-7 Dwelling Units Per Acre) to Office. The Area is Located Between Agua Fria Street and Hickox Street. (Lou Baker) (Postponed at March 26, 2008 City Council Agenda) **(Request by Staff to Postpone to May 28, 2008 City Council Meeting)**
- 11) CONSIDERATION OF BILL NO. 2008-19: ADOPTION OF ORDINANCE NO. 2008-_____.
Case #ZA 2007-13. 1312 Agua Fria Street Rezoning. Derrick Archuleta, Agent for Evangeline Herrera, Requests Rezoning of 0.306± Acres of Land From R-5 (Residential, Five Dwelling Units Per Acre) to C-1 (Office and Related Commercial). The Property is Located Between Agua Fria Street and Hickox Street. (Lou Baker) (Postponed at March 26, 2008 City Council Agenda) **(Request by Staff to Postpone to May 28, 2008 City Council Meeting)**

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.

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April 30, 2008**

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CONSIDERATION OF BILL NO. 2008-29; ADOPTION OF ORDINANCE NO. 2008- 21. CASE #ZA 2008-05. JUANITA STREET AND ALARID NEIGHBORHOOD REZONE. THE CITY OF SANTA FE REQUESTS APPROVAL TO REZONE 35.33± ACRES OF LAND FROM RM-1 (RESIDENTIAL MULTI-FAMILY, 21 DWELLING UNITS PER ACRE) TO R-8 (RESIDENTIAL, 8 DWELLING UNITS PER ACRE). THE SUBJECT PROPERTY IS BOUNDED ON THE NORTH BY WEST MANHATTAN AVENUE, ON THE EAST BY THE RAILYARDS, ON THE SOUTH BY CAMINO SIERRA VISTA AND ON THE WEST BY SOUTH ST. FRANCIS DRIVE, IN ADDITION WEST OF SOUTH ST. FRANCIS DRIVE, SOUTH OF HICKOX STREET, NORTH OF MERCER STREET AND EXTENDING MID-BLOCK BETWEEN S. ST. FRANCIS DRIVE AND ONATE STREET ON THE WEST. WITHIN TOWNSHIP 17 NORTH, RANGE 09 EAST, SE QUARTER OF SECTION 23 AND NE QUARTER OF SECTION 26

Approved

29-35

REQUEST FROM ASIA BAMBOO CUISINE, LLC, FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT BAMBOO ASIAN CUISINE, 2400 CERRILLOS ROAD, COLLEGE PLAZA

Approved

36

REQUEST FROM ARGENTINA GRILL, LLC, FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT THE ARGENTINA GRILL "EL GAUCHITO," 3877 CERRILLOS ROAD

Approved

36-37

REQUEST FROM MASA SUSHI, LLC, FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT THE MASA SUSHI, 927 W. ALAMEDA

Approved

37

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

REQUEST FROM CHURCH OF THE HOLY FAITH AND LA POSADA DE SANTA FE RESORT, FOR THE FOLLOWING:

PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE DISPENSING OF ALCOHOLIC BEVERAGES AT THE CHURCH OF THE HOLY FAITH, 311 EAST PALACE AVENUE. THE REQUESTED WAIVER IS FOR "CABARET NIGHT" BEING HELD ON CHURCH PROPERTY ON THURSDAY, MAY 22, 2006 FROM 6:30 P.M. TO 9:30 P.M.

Approved

38-39

CONSIDERATION OF BILL NO. 2008-26; ADOPTION OF ORDINANCE NO. 2008-22. 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

39

CONSIDERATION OF APPROVAL OF PLAN AND TIMELINE FOR IMPLEMENTING WIFI AT CITY OWNED FACILITIES AND PROPERTY FOR PUBLIC INTERNET ACCESS

Postponed to 06/11/08

39-54

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CONSIDERATION OF BILL NO. 2008-21; ADOPTION OF ORDINANCE NO. 2008- ____ . AN ORDINANCE AMENDING ARTICLE 23-5.2 SFCC 1987, TO REQUIRE VENDORS PARTICIPATING IN THE MAJOR COMMERCIAL EVENTS ON THE PLAZA TO PROVIDE CRS TAX RETURNS TO THE CITY INDICATING INCOME RECEIVED DURING THE EVENT

Postponed to 05/14/08

54

CONSIDERATION OF BILL NO. 2008-22; ADOPTION OF ORDINANCE NO. 2008- 23. AN ORDINANCE AMENDING SECTION 14-6.2(A)(6)(a)(i)(D) SFCC 1987, IN ORDER TO TERMINATE THE CATEGORY OF EXISTING (PRIOR TO JANUARY 30, 2008) SHORT TERM RENTAL UNITS ON JANUARY 1, 2013, REGARDLESS OF CHANGE OF OWNERSHIP AND AMENDING SECTION 14-6.2(A)(6)(a)(ii)(A), SFCC 1987, TO CLARIFY THE MINIMUM RENTAL PERIOD FOR SHORT TERM RENTAL UNITS

Approved

54-55

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

Appeal denied

55-63

CONSIDERATION OF RESOLUTION NO. 2008- ____.
CASE #M 2007-36. 1312 AGUA FRIA STREET GENERAL PLAN AMENDMENT. DERRICK ARCHULETA, AGENT FOR EVANGELINE HERRERA, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 0.306± ACRES OF LAND FROM LOW DENSITY (3-7 DWELLING UNITS PER ACRE) TO OFFICE. THE AREA IS LOCATED BETWEEN AGUA FRIA STREET AND HICKOX STREET

Postponed to 05/28/08

63

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2008-19; ADOPTION OF ORDINANCE NO. 2008- _____. <u>CASE #ZA 2007-13.</u> 1312 AGUA FRIA STREET REZONING. DERRICK ARCHULETA, AGENT FOR EVANGELINE HERRERA, REQUESTS REZONING OF 0.306± ACRES OF LAND FROM R-5 (RESIDENTIAL, FIVE DWELLING UNITS PER CRE) TO C-1 (OFFICE AND RELATED COMMERCIAL). THE PROPERTY IS LOCATED BETWEEN AGUA FRIA STREET AND HICKOX STREET	Postponed to 05/28/08	64
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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
April 30, 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 30, 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 there has been a request to remove Item 9(t) from the Consent Agenda because it was postponed at the Public Works Committee of April 28, 2008.

Councilor Wurzburger asked to remove Item G(6) from the evening agenda, and postpone it to the next Council meeting on May 14, 2008, because staff has to do another round of input from the business community on this.

Councilor Wurzburger moved, seconded by Councilor Calvert, to approve the agenda as amended.

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

6. APPROVAL OF CONSENT CALENDAR

Councilor Chavez said he, and probably other Councilors, received phone calls from citizens requesting a public hearing on Item 9(s). He said there is concern among the tenants of the Railyard with regard to how the parking will impact the programs and businesses at the Railyard.

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

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

Against: None.

a) REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON MAY 28, 2008:

- 1) BILL NO. 2008-24 – AN ORDINANCE AMENDING SECTIONS 22-9.1, 22-9.7 AND 22-9.10 SFCC 1987, REGARDING INDUSTRIAL PRETREATMENT REGULATIONS AND PROCEDURES (COUNCILOR DOMINGUEZ, COUNCILOR CALVERT AND COUNCILOR TRUJILLO). (BRYAN ROMERO)**
- 2) BILL NO. 2008-30 – AN ORDINANCE AMENDING TABLE 14-7.1-1 SFCC 1987, RESTRICTING THE MAXIMUM HEIGHT IN RM-1 AND RM-2 DISTRICTS TO 24 FEET (COUNCILOR CALVERT AND COUNCILOR BUSHEE). (JEANNE PRICE)**
- 3) BILL NO. 2008-31 – AN ORDINANCE CREATING A NEW SECTION 14-8.18 SFCC 1987, REQUIRING NOTIFICATION TO THE SANTA FE PUBLIC SCHOOL DISTRICT PRIOR TO SUBMITTAL OF A DEVELOPMENT REQUEST (COUNCILOR DOMINGUEZ). (JEANNE PRICE)**
- 4) BILL NO. 2008-32 – AN ORDINANCE AMENDING SECTION 12-2 SFCC 1987; ADOPTING THE 2006 INTERNATIONAL FIRE CODE AS AMENDED BY THE GOVERNING BODY AND MAKING OTHER CHANGES RELATING TO THE FIRE CODE OF THE CITY OF SANTA FE (MAYOR COSS, COUNCILOR DOMINGUEZ AND COUNCILOR TRUJILLO). (TED BOLLETER)**
 - a) CONSIDERATION OF RESOLUTION NO. 2008- ____ (MAYOR COSS, COUNCILOR DOMINGUEZ AND COUNCILOR**

**TRUJILLO). A RESOLUTION REVISING FEES RELATING TO
FIRE PREVENTION AND PROTECTION. (TED BOLLETER)**

- 5) BILL NO. 2008-33 – AN ORDINANCE AMENDING SECTION 14-3.9 SFCC 1987 REGARDING DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS, SECTION 14-8.3 SFCC 1987, REGARDING FLOOD REGULATIONS, SECTION 14-11.5(c) SFCC 1987, REGARDING PENALTIES FOR VIOLATIONS OF FLOOD REGULATIONS; AND MAKING SUCH OTHER RELATED CHANGES TO CHAPTER 14 SFCC 1987 AS ARE NECESSARY (MAYOR COSS AND COUNCILOR BUSHEE). (WENDY BLACKWELL)**

- b) CONSIDERATION OF RESOLUTION NO. 2008- 34 (COUNCILOR DOMINGUEZ, COUNCILOR TRUJILLO, COUNCILOR BUSHEE AND COUNCILOR CALVERT). A RESOLUTION SUPPORTING THE ESTABLISHMENT OF AN EMPLOYEE WELLNESS INITIATIVE TO PROMOTE INCREASED HEALTH AWARENESS AND WELL-BEING OF CITY EMPLOYEES THROUGH AN EMPLOYEE WELLNESS INITIATIVE. (KRISTINE KUEBLI)**

- c) CONSIDERATION OF RESOLUTION NO. 2008- 35 (COUNCILOR TRUJILLO, COUNCILOR BUSHEE AND COUNCILOR CALVERT). A RESOLUTION AUTHORIZING THE CITY OF SANTA FE TO SUBMIT AN ILLEGAL DUMPING GRANT APPLICATION TO THE NEW MEXICO ENVIRONMENT DEPARTMENT FOR THE PURPOSE OF IMPLEMENTING A “DON’T DUMP SANTA FE” PROGRAM. (PEGGY DOOLITTLE)**

- d) CONSIDERATION OF RESOLUTION NO. 2008- 36 (COUNCILOR TRUJILLO, COUNCILOR BUSHEE AND COUNCILOR CALVERT). A RESOLUTION AUTHORIZING THE CITY OF SANTA FE TO SUBMIT A RECYCLING GRANT APPLICATION TO THE NEW MEXICO ENVIRONMENT DEPARTMENT FOR THE PURPOSE OF IMPLEMENTING A “RECYCLE SANTA FE” PROGRAM. (GILDA MONTANO)**

- e) BID NO. 08/29/B – CANYON ROAD WATER TREATMENT PLANT RESIDUALS TO SANITARY LANDFILL. (ROBERT GALLEGOS)**
 - 1) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – RHINO ENVIRONMENTAL SERVICES, INC.**
 - 2) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – WASTE MANAGEMENT.**

- f) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – THREE (3) VEHICLES FOR SENIOR SERVICES DIVISION; RELIABLE CHEVROLET. (TERRIE RODRIGUEZ)**

- g) REQUEST FOR APPROVAL OF PROCUREMENT UNDER FEDERAL PRICE AGREEMENT – FIRE ENGINE FOR FIRE DEPARTMENT; FIRST IN, INC. (CHIEF CHRIS RIVERA)**
- h) REQUEST FOR APPROVAL OF GRANT AWARD – 2006 GENERAL OBLIGATION BOND TO BENEFIT NEW MEXICO LIBRARIES; NEW MEXICO STATE LIBRARY. (PATRICIA HODAPP)**
1) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.
- i) REQUEST FOR APPROVAL OF EMERGENCY PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – INDEPENDENT ANALYSIS AND REVIEW OF WATER SERVICE LINE AND METER SETTING FREEZE-UPS FOR WATER DIVISION; URS CORPORATION. (BRIAN SNYDER)**
- j) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – SECURITY SERVICES AT SANTA FE WATERSHED AND WELL FIELDS; CHAVEZ SECURITY, INC. (MICHAEL GONZALES)**
- k) REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO CONSTRUCTION AGREEMENT – REPAIRS FOR PHASE 1 OF SEWER REHABILITATION PROJECT FOR WASTEWATER MANAGEMENT DIVISION; TRIMAN CONSTRUCTION INDUSTRIES, INC. (LISA SANDOVAL)**
1) REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND.
- l) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO LEGAL SERVICES AGREEMENT – ASSIST PROJECT MANAGER WITH MATTERS REGARDING BUCKMAN DIRECT DIVERSION BOARD; LONG. POUND, KOMER & HARWOOD CONSULTING, PC. (RICK CARPENTER)**
- m) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – MAINTENANCE SUPPORT VEHICLE FOR SOLID WASTE MANAGEMENT DIVISION; BOB TURNER FORD COUNTRY. (BILL DeGRANDE)**
- n) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO LEASE AGREEMENT – FACILITY MAINTENANCE AT LA FAMILIA MEDICAL CENTER; LA FAMILIA MEDICAL CENTER. (MARTIN VALDEZ)**
- o) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – PROJECT MANAGER FOR VARIOUS PROJECTS AND ALLOCATION FOR ARTS IN PUBLIC PLACES; SANTA FE CIVIC HOUSING AUTHORITY. (DAVID CHAPMAN)**

- p) **REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – THE SANTA FE FARMERS’ MARKET; SANTA FE FARMERS’ MARKET INSTITUTE. (FRANK ROMERO)**
- q) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – ENGINEERING SERVICES FOR LAND USE DEPARTMENT; JOE BARELA, P.E. CFM. (JACK HIATT)**
- r) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – SUPPORT OPERATION OF SANTA FE COMMUNITY TELEVISION, CHANNEL 16; SANTA FE COMMUNITY COLLEGE. (JOE ABEYTA)**
- s) ***[Removed for discussion by Councilor Bushee]***
- t) **CONSIDERATION OF RESOLUTION NO. 2008- ____ (COUNCILOR ORTIZ). A RESOLUTION DIRECTING THE MAYOR AND THE CITY ATTORNEY TO ENTER INTO DISCUSSIONS WITH SANTA FE COUNTY AND THE STATE OF NEW MEXICO IN ORDER TO ACHIEVE MUTUALLY ACCEPTABLE COMPLIANCE WITH THE CITY’S HISTORIC DISTRICT ORDINANCE. (FRANK KATZ AND JACK HIATT)**
This item was removed from the Consent Agenda, and postponed to the Council meeting of May 14, 2008.
- u) **REQUEST FOR APPROVAL OF LEASE AGREEMENTS: (Postponed at March 28, 2008 City Council Meeting) (Postponed to May 28, 2008 City Council Meeting)**
 - 1) **AIRLINE TERMINAL BUILDING OFFICE; COUNTER AND FLOOR SPACE AT SANTA FE MUNICIPAL AIRPORT; AMERICAN EAGLE AIRLINES. (JIM MONTMAN)**
 - 2) **AIRLINE TERMINAL BUILDING COUNTER AND FLOOR SPACE AT SANTA FE MUNICIPAL AIRPORT; DELTA AIR LINES. (JIM MONTMAN)**

7. APPROVAL OF MINUTES: Reg. City Council Meeting – April 9, 2008.

Councilor Wurzbarger moved, seconded by Councilor Trujillo, to approve the minutes of the Regular City Council Meeting of April 9, 2008, as presented. 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.

8. PRESENTATIONS

- a) **MUCHAS GRACIAS – 2008 BOYS & GIRLS CLUBS OF SANTA FE YOUTH AND JR. YOUTH OF THE YEAR. (AL PADILLA, CHIEF PROFESSIONAL OFFICER, BOYS & GIRLS CLUBS OF SANTA FE)**

Mayor Coss presented Muchas Gracias certificates to Amber Hopper, 2008 Youth of the Year and Benjamin Martinez, 3008 Junior Youth of the year for the Boys & Girls Clubs of Santa Fe.

Amber and Benjamin thanked the Boys & Girls Club for this honor, and thanked the Mayor and City Council for their support.

Al Padilla, Executive Director, said the Boys & Girls Clubs of Santa Fe are celebrating its 70th year in providing services to boys and girls in Santa Fe, serving 4,500 members throughout the City. He spoke about a competition recently in Ruidoso where there were 30,000 youth competing and Amber and Benjamin were runners up in their competition. He said both are positive role models of youths raised by single parents. He thanked the City for its long time support of the Boys & Girls Club.

b) PROCLAMATION – “MUNICIPAL CLERKS WEEK” MAY 4 THROUGH MAY 10, 2008.

Mayor Coss read the Proclamation into the record declaring May 4-10 as Municipal Clerks Week in the City of Santa Fe, and presented the proclamation to Yolanda Vigil, City Clerk.

1) RECOGNITION OF YOLANDA Y. VIGIL AS “CLERK OF THE YEAR” FOR THE STATE OF NEW MEXICO; AWARDED BY THE NEW MEXICO MUNICIPAL CLERK’S AND FINANCE OFFICER’S ASSOCIATION.

Mayor Coss said he is proud and honored to introduce Yolanda Vigil, who was chosen City Clerk of the Year by the New Mexico Clerks & Finance Officer’s Association.

Councilor Bushee, who nominated Ms. Vigil, complimented her and the wonderful work she has done through the years, saying she and her staff work hard and smart.

Councilors Chavez, Wurzbarger, Calvert, Dominguez, Trujillo and Romero complimented Ms. Vigil, saying she is most deserving of this honor, and the award is well earned. She is very professional, hard working with a good heart and dedication to her position, complimenting her staff as well. They spoke about her efficient, effective and trouble free administration of Santa Fe Elections, and her ability to stay above the fray and her equal treatment of, and fair dealings with, the Mayor and Council. They complimented her integrity and said she and her staff treat the public with respect.

Councilor Ortiz said the City Clerk’s office exemplifies what is great about City Hall in that they are very professional, very knowledgeable and friendly, and have treated the Councilors and the public with class, and that comes from the top. He congratulated Ms. Vigil for this deserving recognition of all she does for the City.

Ms. Vigil thanked Councilor Bushee for nominating her, and the City Clerks for choosing her for this honor. She introduced the members of her staff and thanked them for their

excellent work. She thanked the Mayor and Council for allowing her to do her job.

Mayor Coss thanked Ms. Vigil for her professionalism, dedication and hard work.

c) PROCLAMATION – MOTHER’S DAY AS “PEACE DAY” IN SANTA FE.

Mayor Coss said this Resolution takes Mother’s Day back to the original tradition as a day of Peace, and read the Resolution into the record, declaring May 11, 2008 .

Mayor Coss presented the Resolution to Virginia, who invited everyone to the activities scheduled on the Plaza on May 11, 2008.

Councilor Bushee thanked the League of Women Voters and the women on the Council as well, for their assistance on the Resolution.

d) THE NEW MEXICO HUMAN RIGHTS TORCH EVENT – SARAH EFFNER.

A copy of a flyer, “Human Rights Torch Relay,” is incorporated herewith to these minutes as Exhibit “1.”

Mayor Coss read a portion the proclamation into the record as follows:

“NOW, THEREFORE, I David Coss, Mayor of the City of Santa Fe, do hereby urge leaders of the international community to call on Chinese authorities to give immediate access to Tibet and surrounding areas, to United Nations Investigators and independent observers, disclose the names, whereabouts and legal status of all those detained in Tibet, release anyone detained solely for peaceful protest, release all prisoners of conscience, allow full and free reporting across the whole of China for all journalists, and reform the criminal and criminal procedure laws to include, but not be limited to, reduce the number of capital crimes as a step toward abolition, cease arbitrary detention, intimidation and harassment of activities and in punitive administrative detention.

“FURTHER, I hereby proclaim Sunday, May 18, 2008, as Human Rights Torch Relay Day.”

Mayor Coss thanked Ms. Effner for her work on this most important effort.

Sarah Effner spoke about the goals and objectives of the Human Rights Torch Event, and the horrendous treatment and violations of the basic human rights against the Chinese and Tibetan people by the government of China. She invited the Council and the public to attend the activities for this event on the Plaza on May 18, 2008, where Mayor Coss will receive the torch and address those attending.

e. Muchas Gracias

Mayor Coss said he will be sending a Muchas Gracias Certificate to Ingresson [?] to commemorate his retirement from UNESCO and for his service to Creative Cities worldwide

CONSENT CALENDAR DISCUSSION

9(s) REQUEST FOR APPROVAL OF PARKING RATES AT THE RAILYARD. (BILL HON)

Councilor Bushee said she and other Councilors have received emails from a good number of people. She is hoping we can come up with some compromises for the next short period of time, noting she would like to have a review by the end of the year with anything we do.

Councilor Bushee said Mr. Hon knows she has hoped from the beginning for a lot less metered parking at the Railyard. She acknowledged Mr. Hon needs to ensure payment of debt service on the garage. She said businesses in the area will begin charging for parking and the City is going to help manage it. She said Mr. Hon has asked her to offer the following and see if the Council can agree: Parking meter rates downtown will be \$1 per hour, the same as in Sanbusco and other private parking areas.

Councilor Bushee said she understood the transient rates in the Railyard Garage would be \$1.20 per hour, and Mr. Hon has asked her to suggest \$1.80 per hour. She asked if that keeps it consistent with the other garages.

Mr. Hon said this is correct, this would make it even across the board.

She asked Mr. Hon if this would impact getting people into the garage and off the street.

Mr. Hon said parking should be designed so the meter parking would be a higher cost than the facility parking, which gets people off the short term meters and into long term facilities if they're staying long time. Meters are designed for people to shop short term. He said we are seeing this happening downtown where people circle for meter parking before going into a facility. He did run the numbers and is confident if we change the rates to what is currently charged in the downtown area there wouldn't be much of a difference in the loss of revenue.

Councilor Bushee asked Mr. Hon to define "short duration high turnover," which is \$2, and if this can apply to the Farmers Market events and other events as El Museo.

Mr. Hon said the proposal for Farmers Market differs from that of other special events. The proposal was \$1 prepaid on Saturday to noon, then \$2 prepaid after that until closing time. Those rates would carry over on Sunday. He is comfortable with that, \$3 for the entire day and people could use the park. They would pay as they come in, prepay the meter and stay until noon for \$1, and then after noon they would have to pay another \$2 if they were going to stay longer.

Councilor Bushee asked if this would involve a parking attendant.

Mr. Hon said in the facility it would involve regular staff, and on the infrastructure above

at the meters it would involve meter enforcement. The \$2 short duration high turnover was designed for special events such as Indian Market, Fiesta, Antiquities at El Museo, Whitehawk and others. That rate can roll over for any event at Site Santa Fe, Warehouse 21, El Museo, Santa Fe Clay. All they need is to contact his office and advise they are having an event and he can revert to that rate for those users.

Responding to Councilor Bushee, Mr. Hon said the Special Users Group Permit would include Farmers Market and staff, Warehouse 21 and staff, and so forth, at \$10 per month. He said, for example, if the Council decided to keep the rate of \$60 per month currently in the downtown area for the Railyard parking on a monthly permit, that means the maximum amount a person would pay for a day would be \$2 per day to park at the Railyard with this permit – at the meters or in the facility. However, if they are having a special event, or classes, he can design a permit for purchase from \$10 to \$60, depending on how long they will use the facility, which would be thirty cents per day. He said \$60 per month is the parking garage rate, but for the Railyard it is \$80. However, if you are keeping the rates consistent with all of the downtown, then that monthly rate would be in effect.

Councilor Bushee asked why there would be something different.

Mr. Hon reiterated he has run the numbers, and if the rates are reduced to \$1 per hour and \$1.80 in the facility, with the debt service, maintenance and operation, he would have a deficit of \$215,000 for that year. If \$1.80 is charged at the meters and \$1.20 in the facility, he would lose an additional \$50,000 a year. He noted there are only 100 meters available around the Railyard, and believes most will be occupied and the rest of the flow will go into the parking garage.

Councilor Bushee said it seems to her that he would make money if he goes to \$1.80.

Mr. Hon said he is making some, but the short term parking is on the surface and where those funds would be generated. Responding to Councilor Bushee, Mr. Hon said if we charge \$80 per month for a monthly parking permit at the entire Railyard surface area and garage, the revenue just for monthly parking would be \$192,000, based on numbers given by Walker Engineers. He said we really don't know for sure what will happen, and all of this is a guess, so he is using their numbers.

Responding to Councilor Bushee, Mr. Hon said if monthly parking rates were \$60, it would add \$126,000 to the revenue. This means we would still be "going in the hole" for the first year, based on operating costs and debt service. He said debt service will end in 2010/2011.

Councilor Bushee said in the short term, the Railyard is "kicking off," and already there is a sense we are catering too much to this being a commercial enterprise, rather than the public to enjoy. She is trying to strike a balance.

Councilor Bushee moved, seconded by Councilor Calvert, to approve the parking fee schedule in the Memorandum, with an amendment to reverse the parking meter rates to \$1 per hour, the garage transient rates to \$1.80 per hour, the monthly parking rates to start at \$60, the parking for Farmers Market at \$1 event prepaid from 7:00 a.m. to noon,

and \$2 event prepaid from noon until closing, and that Mr. Hon work with the special user groups to custom design a permit which fits their needs.

Discussion: Councilor Bushee said Mr. Hon needs to point out that we really are trying to get people out of their cars, and that we have motorcycle parking for twenty-five cents an hour, below a certain size for free, and also encourage bicycles.

Mr. Hon said with this, the City is running a free shuttle from the Railyard anywhere in the downtown area.

Councilor Chavez said this was heard by the Parking Advisory, Public Works and Finance Committees and it has been changed at every Committee. He said he expressed his concerns at the Finance Committee. He said we did want to keep it affordable, and this might be the last piece of affordability left because of the rents on the Railyard, which he believes has gotten away from us a little bit.

Councilor Chavez said there is no Fiscal Impact Report in this packet, nor was there one at Public Works or Finance. He can understand how that would be difficult since it is a moving target and a work in progress. He said we will do the FIR six months after the fact.

Mr. Hon said the only way he can get an accurate fiscal impact is to let the patterns establish themselves and then he will come back with a financial analysis on those impacts.

Councilor Chavez said this is probably why we're doing things in an unorthodox way, because usually there is a FIR. He said the park and ride wasn't mentioned a lot in the parking debate. He doesn't know how this will work for the other tenants and neighbors on the Railyard. He said the City was looking for equity and fairness and doesn't know that we have reached that yet, but we'll know in 8 months how affordable the Railyard is, and how workable the parking plan and programs are.

Councilor Calvert said we are looking for equity. One reason for his support of this motion is because we are making the Railyard rates the same as for those downtown. He said if we offer free parking, it would soon fill up with employees, with no parking for customers, so that wouldn't work very well.

Councilor Calvert said this is specifically mentioned in the master plan for the Railyard, which talks about paid parking as part of the original plan when this started. He said part of that was to get people to use alternative means of transportation. He said it doesn't accommodate everybody, but it's late in the process since the garage is almost complete and everything is almost in place. Right now, we can strive for the best equity we can, evaluate it in six months and make corrections if needed to make it more fair and equitable for everyone.

Councilor Wurzbarger asked for a comparison between the proposed motion and what was approved by the Finance Committee.

Mr. Hon said if we go with this plan staff recommended, we're still looking at a loss of \$215,000 out of the Enterprise Fund to cover losses at the Railyard. He reiterated these figures are based on Walker Parking Consultants recommendations.

Councilor Wurzbarger said Mr. Hon referenced \$215,000 and \$50,000. She asked if this switch will cost an additional \$50,000, for a total of \$265,000.

Mr. Hon said by switching, he believes, based on the numbers, that we can reduce the loss of revenue by \$50,000.

Councilor Wurzbarger said this gives her clarity and she will support this motion.

Councilor Romero thanked everyone who emailed and called her about issues around parking rates. She is please with the motion because it is a middle of the road approach with a loss, with an opportunity to evaluate what happens in 6-8 months. She said we have deviated from our usual practice of having a fiscal impact report up front. She is supportive of the motion because it tests "unknown waters." She said this has become an equity issue, and she supports the direction we are going.

Councilor Chavez said there was another "spin" presented by the Farmer's Market in a letter which wasn't part of the Finance packet. He said the concept has been discussed over the years. He said the vendors will drive to the outdoor vending space, unload goods, set up their tents and move the vehicles to a parking lot across the street. He said they said Farmer's Marker had found parking for about 50 vehicles which would free additional parking space for customers. He asked where this is in the mix.

Mr. Hon said it is in the mix, noting the vendors like to park as close as possible to their booth so they can replenish the goods out of the vehicle. He has already included in his calculations how much Farmers Market would generate for parking and how much money we would lose. He said at \$1 prepay until noon, and \$2 for the rest of the day which is also a prepay, if the Farmers Market figures hold true, it will generate 1,850 cars every Saturday morning, and at \$1 per car that \$1,850, and is \$96,200 for a year. He said the additional parking space Farmers Market acquired is for the vendors. Any space used by a vendor won't have the turnover, but there will be turnover in parking by the patrons of the event. He said moving the vendors won't provide additional space.

Councilor Chavez said then the idea of moving the vendors wouldn't provide additional parking.

Mr. Hon said it won't provide additional parking, because if they move the vehicles to a parking lot, then somebody attending the market will park in that space.

Chair Chavez believes this is a step in the right direction.

Councilor Calvert recommended that tenants and people on the Railyard meet with Mr. Hon to look at the kinds of custom parking arrangements they can make, commenting that Mr. Hon is very cooperative with all of the programs at the Railyard and meeting special needs.

Councilor Bushee asked if this is built into the motion tonight – that Mr. Hon will sit with people and customize special users groups permits.

Councilor Bushee said, to clarify for Councilor Romero, Mr. Hon suggested we review this in December.

Mr. Hon said it is possible that the Railyard will not be open for any kind of charged parking until August 1, 2008, and it wouldn't benefit coming back in December, but certainly six months from the date it opens.

Responding to Councilor Bushee, Mr. Hon said in the Memorandum addressed to the City Council, under Item and Issue, it indicates that the Finance Committee approved \$1 event prepaid from 7:00 a.m. to noon, and \$2 event prepaid from noon until closing.

Clarification of the motion: Councilor Bushee said the motion should include the parking rates for special event parking.

Councilor Bushee said if there were a "Parking Division Director of the Year Award," she believes Mr. Hon would be in line for that. She said Mr. Hon has been willing to work with people over the years and to try to make things work. She hopes this works, noting we will be revisiting it in six months and changing whatever needs to be changed.

Councilor Calvert said for clarity, the meters at the Railyard will operate only until 6:00 p.m., just like those downtown.

Mayor Coss said Councilor Bushee and Mr. Hon have done an admirable job of negotiating and working with all sides on this.

The motion was approved on the following roll call vote:

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

Against: None.

Absent: Councilor Ortiz.

10. REQUEST FOR APPROVAL OF RAIL RUNNER STATION LOCATIONS AND TRAFFIC CONTROL PLAN; NEW MEXICO DEPARTMENT OF TRANSPORTATION AND MID-REGION COUNCIL OF GOVERNMENTS. (ROBERT ROMERO AND TIM HARRIS)

- 1) NEW MEXICO DEPARTMENT OF TRANSPORTATION PROPOSED SOUTH CAPITAL RAIL RUNNER STATION.**
- 2) NEW MEXICO DEPARTMENT OF TRANSPORTATION PROPOSED ZIA ROAD RAIL RUNNER STATION.**
- 3) TRAFFIC CONTROL FOR THE RAIL RUNNER CONSTRUCTION.**

A copy of a letter dated April 29, 2008, to David Coss, Mayor, from Rhonda G. Faught, Cabinet Secretary, DOT, is incorporated herewith to these minutes as Exhibit "2."

A copy of "New Mexico Rail Runner Express Summary of Commitments & Actions," is incorporated herewith to these minutes as Exhibit "3."

A copy of a booklet, "Public Transportation: Benefits for the 21st Century," is incorporated herewith to these minutes as Exhibit "4."

Robert Romero, Public Works Director, said the list of requests which staff made to the DOT is in the packet. He said the Finance Committee asked for some sort of commitment from the DOT by the Council meeting. He said the Councilors received an email this morning with the DOT response, and it was also handed out before the meeting. He said he made it clear to DOT that this list is the request from staff and that the Council hasn't acted on it and may have other concerns of which staff isn't aware.

Councilor Chavez said the action sheet from the meeting of April 21, 2008, indicates he wasn't present, but he was at the Finance Committee and made a motion to sever the Traffic Control Plan from the rail station locations.

Gerard Martinez, NMDOT, thanked the neighbors for their patience and understanding. He said staff is in attendance along with the MR COG representatives to answer questions. He spoke about meetings which have been held over the past five months with City Transit, Public Works, Parks, Trails, area public safety personnel, the Mayor and Council, Legislators, County Commissioners and staff, businesses, the Santa Fe Chamber of Commerce and with the public through large meetings and with individuals. He thanked the public for its involvement, especially those whose property abuts the Rail Runner. He said the construction has been difficult and the impact has been tremendous and he assured them this will soon be over and we'll have something to benefit everyone.

Chris Blewett, MR COG, noted the commitments in Secretary Faught's letter [Exhibit "2"] and reviewed the information in Exhibit "3," with the aid of an overhead projector. Please see Exhibit "3" for specifics of this presentation. Mr. Blewett said the Santa Fe MPO made a decision in December to place a station at Zia, noting their traffic analysis identified existing issues in the corridor whether or not the Rail Runner would be built.

Mr. Blewett said in discussing the station with the MPO, part of the discussion was whether the DOT could afford to build two stations, which it can, but there is another issue. The decision to place a station has created a lot of interest on the part of the developer who owns the property to bring a development to the City. This creates opportunities to develop a better solution to some of the traffic issues in the area. It is not known at this point what additional traffic impacts this development will have for the area. The developer has indicated he is willing to work through all of this to come up with solutions to the traffic issues, especially since the State is committed to building a station there.

Mr. Blewett said, "What we would submit to you is, we can do the traffic improvements, but that won't leave enough money to put in the station. We can do the station and you all can contend with the developer, since there are traffic impacts that are unknown at this point, maybe come up with better solutions that we can put on the table right now with what we know."

Mr. Blewett continued his review of the information in Exhibit "3."

Mr. Blewett noted that the downtown circulator is an important part of any solution to serving the markets coming to and from Santa Fe, and has identified that extending Route 2 to the #599 station from its end at Santa Fe Place is a really good idea. It will give people who have access to any Santa Fe bus route access to a Rail Runner station if they are going south, and provides bus access to a growing area of Santa Fe.

Mr. Blewett continued his review of the information in Exhibit "3."

Mr. Blewett said he would be happy to answer questions about the Zia Station which currently is a proposed platform, and they will have to do more work with the City and the developer of the property to precisely locate the station.

Mr. Blewett said the Traffic Control Plan is in the packet, and he will answer questions on that plan, rather than make a formal presentation, unless the Council would like him to do so.

Councilor Chavez said it seems there are some sticking points and a few unknowns in Mr. Blewett's presentation. He said there is a gap in the traffic operation commitments regarding Zia and Galisteo, which has been presented as an either/or situation at Zia, and doesn't believe this was considered previously.

Mr. Blewett said part of this depends on the timing of the development. He said one of "our" hesitations is to put in infrastructure which in eight months could be obsolete because of "what comes down the pike." He said the City will have considerable influence over the development. He said the DOT's commitment for the station significantly increases the value of that property, and "what we're saying here is, it's more of an equity issue, but it's also a, you know, how do we deal with the unknown. Why should we spend money right now on something that could change, based on whatever comes in as part of that proposed development. And putting that station in, like I said, is a considerable benefit to the adjacent property owner, and that property owner ought to be very interested, and I think he is, in not only dealing with the situation as it is, but as it will be, based on whatever that person ends up proposing for this site. It's a very large site."

Councilor Chavez said he understood Mr. Blewett to say it would be a wash if the DOT does all of the street improvements or build the station at Zia.

Mr. Blewett said he forgot to mention that the DOT's other commitment is not to stop at the Zia station until the City gives it's permission. The DOT estimated that building the Zia Station will cost between \$900,000 to \$1 million. He said it would cost approximately \$500,000 to install traffic signals at Galisteo and Rodeo and extend the left turn bays on Zia, so building the station will be more expensive.

Councilor Chavez said then this is a decision we will have to discuss and choose between the two, noting in some cases the City has used impact fees for street improvements, and perhaps this could be done here for the street improvements and let the DOT and the project build the station. In most other areas, the City's requests were fairly well addressed, and this is the only area where there is an either/or scenario, which puts a different spin on this discussion.

Councilor Wurzbarger thanked Mr. Blewett for the information, which is an improvement over what was available at the Finance Committee. She particularly appreciates the letter from Secretary Faught. She still has two concerns. She said she remains concerned about the issue of transit and the connectivity which has been partially addressed. She asked Mr. Bulthuis if this is what he expected from his negotiations with the State noting this is the bare minimum. In his negotiations did he give the DOT other options we didn't see, and how does this jive with what we need.

Mr. Bulthuis said we have been working on a wide variety of service enhancements to support the Rail Runner system, which have been prioritized in discussions. The initial work he discussed at Finance would be to nail down the top priority projects, the basic elements, and Mr. Blewett mentioned a few – rerouting of routes 2 and 4 which has no operating or capital costs. However, adding services such as going from Santa Fe Place to the new Rail Runner station would be new service which would require new buses, with all new cost to the city, and additional services in the vicinity of the DOT station. He said the costs for the top priority projects were specified and the State has agreed to participate in those costs, but not to the full extent of the requirement to provide those services. The discussion is ongoing, we've made our recommendation, and we have a response.

Councilor Wurzbarger understands the DOT's proposal is for a portion of the bare minimum, and asked how the City will pay for the balance, and what happens to the service.

Mr. Bulthuis said we could either scale back what is being proposed, but he wouldn't recommend that. He said what he has brought forward is what he wants at start up. He could look at other areas in the system where we could be more effectively place our resources to support the Rail Runner, or go back to the State and say we need full participation, at least for these priority elements. Responding to Councilor Wurzbarger, Mr. Bulthuis said the request was made for full participation.

Councilor Wurzbarger said she understands the City asked for full participation for what we considered to be the absolute minimum.

Mr. Bulthuis said funding was requested for the top priority projects.

Responding to Councilor Wurzbarger, Mr. Bulthuis said for the South Capital Railyard Area \$230,000 was requested, and we got a commitment from the State to pay 75% of that cost. Therefore, the other costs would be borne by the City, or other revenue such as a new tax.

Councilor Wurzbarger asked if he has a plan for that at this time.

Mr. Bulthuis said no, because he just got this information today and he hasn't spoken in detail with Mr. Romero about it.

Councilor Wurzbarger asked if the same is true for the \$1 million for the buses, and the State has agreed to pay 50%, and we have no plan for coming up with the 50% for the other half of this bare minimum request.

Councilor Wurzbarger is concerned about Zia, we have nothing, even though we don't

know what will happen in terms of the street configuration. We know that DOT will stop the train and people will get off or on, or you wouldn't stop, and the reason we're talking about having a stop there. She said, "It seems to me that some concept, in terms of an ask, should have been made just with a ball park. We've got \$230,000, why would it be that much different, I don't knowand you're probably done analysis in terms of ridership. But, I'm most uncomfortable with the idea that, oh, we'll just look at that later, because we know right now that when the train stops, people need to go somewhere, some way."

Mr. Bulthuis said staff did request the Zia connection in its request as a phase 2. He said when the train stops there will be at the direction of the Council. However, when that happens, we do see the need for transit services. Responding to Councilor Wurzbarger, Mr. Bulthuis said he doesn't remember the dollar amount of the request, but there would be buses to meet every train which stops at that location, and then provide some trip or service along Route 6 to the major employment destinations.

Councilor Wurzbarger said she understood one of the questions before the Council this evening was approval of the stop at Zia, on the assumption that the DOT needed the approval and then you would do it after tonight. She confused about the statements, "when the Council decides," and "when it's actually built." She doesn't see how it is different in process from South Capital.

Mr. Bulthuis said the difference is between construction and the decision to move forward with construction at the location of the platform, and the actual service – stopping at the platform. At present, the DOT and COG are saying is that it is up to the City to decide when it wants the train to stop there and have local bus system service. This doesn't have to happen on day one when the Rail Runner begins to come into Santa Fe, and can happen later when there is more detail related to what the development will be, the parking requirements are resolved, and these kinds of things.

Councilor Wurzbarger said, nevertheless, with respect to connectivity, it will stop at some point in the future and there will be a cost to provide services.

Mr. Bulthuis said there will be and the reason staff requested funding for that stop location as a phase 2 element in the letter Mr. Romero sent.

Councilor Wurzbarger said then the State's position is that because there are so many unanswered questions, they don't want to do that right now. Mr. Bulthuis said this is correct.

Councilor Wurzbarger asked if the idea of the initial funding is that it will come from the federal government. She said having been to Washington for the past six years on the diversion project, she doesn't see that as a viable option. She asked if this is the plan between the two divisions at this point.

Mr. Bulthuis said there is always the possibility to request federal funds, but it wouldn't come in time to be used to purchase buses for the start of the Rail Runner.

Councilor Wurzbarger is concerned about jointly pursuing funding, and doesn't see this as a real viable option, and believes this needs to be solved locally – State and City level. She is thinking about a set-aside of funds, like an escrow, which would make her more comfortable.

Councilor Wurzbarger spoke about the station at St. Francis/Zia and the tradeoff as to whether the DOT pays for the station or for the traffic improvements, in terms of shared responsibility. She is comfortable with saying that now belongs totally with the developer which makes sense and the DOT move forward with the platform. She said we can then go through the community process and decide what we want to do and the developer can pay for it. However, she is concerned that the MPO had an understanding that this was not the case, and asked for clarification of that position from someone who is on the MPO.

Mayor Coss said he can't give the details on the station, but Councilor Ortiz sits on the MPO.

Councilor Ortiz said the answer to the question is consistent with what Councilor Chavez was explaining which is that this information coming to us now from the State, that it is an either/or proposition, isn't information which was presented at the MPO when the train selection sites were done. The MPO got information from the DOT, and the DOT made representations to the neighbors in public meetings that they were going to find the money to build a platform, and have the developer do the station – the development surrounding the platform. It was always their understanding this was the relationship being worked out. He said hearing for the first time at Finance committee the option of either/or – that the DOT can do the improvements on Galisteo, but it will cost even the installation of the platform – was never discussed or even mentioned by the State at the MPO, and was never raised as a potential contingency.

Councilor Wurzbarger said then it was never in the policy discussion at the MPO that there would be sharing of both costs.

Councilor Ortiz said there was a discussion and an understanding that the developer and the State, in developing whatever will happen at Zia/St. Francis, would have to coordinate that development. He said he never understood that in order to do the station it would come at a cost of putting in necessary traffic improvements. He said this is the first he's heard that one takes the place of the other.

Responding to Councilor Wurzbarger, Mr. Blewett said this is part of a sequence of events thing.

Mr. Blewett said, "The State never committed to doing these for a couple of reasons, and I'm talking about the traffic light at Galisteo and the extension of the left turn lane. Those are existing deficiencies. Our solution to making up for the... you know... one hundred and ten seconds an hour that the Rail Runner takes out of the traffic capacity is to provide more green time on those streets, which is what we've committed to in the timing plan. Robert and I have discussed these and, you know, I certainly... appreciate the interest in getting these kinds of things done as part of this project, but the State never said we will fix these two problems. I think we were talking about this prior to a station being there. I think a station at that location and a proposed development on top of it kind of changed the mix a little bit. Because not only now are we talking about a station that has never been reflected in anybody's traffic analysis and a development that has never been reflected in any of the traffic analysis for that area, and the timing of which is uncertain. I mean, we're nervous about putting money into a station and then a development or no site improvements occurring there for three or four years. We're putting money into traffic improvements, and then a development gets approved there six

months from now that makes those improvements obsolete. And, we thought this was a good way, I think, to work it out."

Mr. Blewett continued, "We would certainly prefer to build the station and work with the developer, but we cannot require the developer to make these improvements. You all certainly can, and we think that's a pretty good way to manage this process."

Councilor Chavez said he believes, as an MPO member, that Mr. Blewett touched on the sequence of events which is part of the "moving target scenario," where it changes and one set of expectations changes because a different set of questions are asked. He said the MPO wasn't looking at these specific details, and didn't get into this level of detail. However, in the MPO process, the County has moved forward with its station location at #599, and so what we're doing now is identifying station locations, understanding that there are a set of conditions with which we will have to deal, some known, some unknown. He said, "I presented the either/or situation because it was different from what was presented before, but I think it's the DOT's best effort at hitting that moving target which is the Committee process and us and the public debate about where these station locations should be, and you know, should they be park and ride or not, and all those other details. So, I think there's the concept and then there's the details which are always part of the debate."

Councilor Bushee said she isn't on the MPO, but has seen these plans at a few Committees. Her concerns have more to do with how the DOT is going to move people safely and effectively, including pedestrians, bicycles and others outside of vehicular traffic. She understands the details still need to be resolved. However, wherever the stations are located, particularly at Zia, lot of different things will be impacted, and she hopes the State can participate in ameliorating some of these situations. She said the State is the developer of the new complex, and she wants people to get safely from the Railyard on Baca, across a busy intersection safely, to any developments the State puts together. She does see the State needing to participate.

Councilor Calvert is concerned about connectivity. He asked where the State will be participating in this.

Mr. Blewett said, "When we looked at the request, and keep in mind we just saw that list of things, although we were familiar with many of them. The downtown Railyard circulator service was always kind of represented to us as something the City was doing anyway."

Councilor Calvert said the City is doing the Railyard circulator at a deficit to the Parking Fund, but are not asking to continue it at a deficit to ourselves. He believes it is essential to the success of this operation. He said the City started shuttles in the downtown area because of projects the City started and felt responsible for getting those people to destinations. The Railyard is part of the City's project, but the State is bringing people to that station which will need to get to another place, so he believes the State needs to be part of the solution as well. The City has responsibility for part of it, but he would hope the DOT would share in that responsibility as well.

Mr. Blewett said, "I think we're obviously interested in discussing this further. I think, you know, that what we tried to do was respond as quickly as we could since the Finance Committee meeting to... okay, here's a list, let's put together a response. I don't look at that list

as anything other than, you know, we've committed to a bunch of stuff on that list, and I think that we're interested in discussing more areas where you think what we've proposed really isn't sufficient. We tried to do that in response to some of the discussion at the France Committee, which was why should we approve the station concepts and the traffic control plan until we have some more commitments from the developer. So, I would certainly assure you that we're willing to discuss this more. We're trying to respond to the list, and respond the best we could in the time that we had."

Councilor Calvert said he would appreciate the DOT considering this one further, because the connecting points are a key element of the success, and if people will be using the shuttle to destinations downtown, this connector will be essential to the success of the whole project.

Mr. Blewett said, "And we certainly agree with that. "

Councilor Trujillo likes Councilor Wurzbarger's idea about an escrow account for future development. He doesn't like that he is now hearing either/or. He said the State is bringing the Rail Runner to Santa Fe, and the responsibility is the State's to make the improvements, even if a future development does happen. He doesn't want the State to say, "Okay, it's built, it's done and we're out of here, and future development is the City's problem." He wants the State to come back and help the City, even if the development doesn't happen for ten years.

Mr. Blewett said, "I think our dilemma is, we don't know what those might be. And, I think, like I said it... I think part of the solution of this problem depends on how quickly something might happen there. If nothing happens, then there's no point in putting a station there near term. Because I can tell you, at the MPO, and I think as a result of our public meetings, there are some pretty significant concerns about a station being there and how that site's all going to work. I can tell you, if the station wasn't in the mix, and this development wasn't in the mix, I don't think the State would have any problem at all committing to those traffic improvements, because there isn't looming on the horizon something that might make them obsolete you know. On the other hand, you know, building a station there makes sense. That certainly was the indication that the MPO gave us, I think the City agrees that that should be a station, but we don't really know what we're dealing with. And, I guess our solution, in terms of responding to the list that we got last week, and having these items on there is really deferring to you all about how we can best deal with this situation, since the timing and the full impacts of either one aren't known at this time, and you all really control, or will control, the timing and the final look of that development, and we don't."

Councilor Trujillo said we heard Santa Fe Southern was talking about putting a spur on the track near Zia Road

Mr. Blewett said Santa Fe Southern was looking to develop a spur track right off Galisteo, south of Zia on the west side of the track. He said DOT has been talking to them about using the old track which would be accessed from Sawmill in that same area as a place to do its boxcar offloading, noting they aren't doing anything there right now. He said the DOT thought having the spur come off the west side wasn't a good place. Responding to Councilor Trujillo, he said keeping it at Alta Vista isn't good, and it needs to move because there is station, track and trail in the way.

Councilor Trujillo said some of his constituents have called him asking why it would be located near Zia and he wants to be involved in that discussion.

Mr. Blewett said the difference is access and rather than accessing Galisteo, this would provide an opportunity to come off at Sawmill with uses which are more consistent with non-residential uses on Galisteo.

Councilor Trujillo asked Mr. Blewett to relay any discussions in this regard to him as well as Councilor Ortiz because this is in their District.

Mr. Blewett said he would be happy to do so.

Councilor Romero is looking at the fiscal impact for the City to pay for the station. She said the South Capital Complex station is her back yard, noting the Zia station is across the street from Albertsons which is in District 2. She feels the greatest impact is the South Capital Complex station, and has great implications for the neighbors on Pacheco and her neighborhood Casa Linda. She said they are losing access to the trail. She understands this is a moving target, and they are talking about it on Monday with the NMDOT staff. It isn't clear how the trail will reconnect, so accessibility is an issue. She said the convenience to get to Albuquerque is attractive, but access won't be convenient. She we really aren't getting the connectivity and access she though we would have, and they are losing privacy in the neighborhood. She said her neighborhood feels it is taking the brunt of a lot of the development in many ways. She said the huge issues for her neighborhood are the loss of connectivity, privacy access and not knowing what the landscaping plan will be, and it is a huge change for her. She said they haven't seen the gains, but they are feeling right now on the deficit side of the project.

Councilor Dominguez said he is glad the conversation about "either/or" was brought up, commenting that anything done, especially in writing, makes it difficult to navigate and almost sets it up as an ultimatum. He said we really are talking about the difference between concept and detail. He said it seems as if we need to have a study session or dialogue with regard to the stations, because we're talking about details which are different from the concept. He is hoping we are in some agreement with the concept. He said Councilor Chavez spoke about severing the traffic improvement at the intersections from the discussions on the stations. He was under the impression that there were time sensitive issues to deal with, and asked if the time sensitive elements deal with the improvements at the intersection and not with the stations.

Mr. Blewett said the "either/or" wasn't meant as an ultimatum, but it really depends on how you, as a City, think you will contend with the proposed development. He said they can't access the station without crossing the private property, so the station and the development go together. If the Council believes there is no way the City will approve a development in the next five years, it probably isn't a good use of DOT funds to build a station there right now, because it will sit unused for five years. If you think it will happen soon, it makes sense to build it now, and it would give the City the opportunity to see what the additional impacts associated with the development would be, and then develop solutions for the existing problems in the proposed developments. This is more how it was meant.

Councilor Dominguez said this is some of the detail we need to understand and discuss. However, the issue of traffic control is totally different. He said some pertains to the stations, and we're talking about traffic control during construction and such.

Mr. Blewett said traffic control in this context and in the context on the agenda is related strictly to the construction of the rail line.

Councilor Ortiz said the Finance Committee wanted to have this item to come back to the Finance Committee at its next meeting, because some members anticipated there would be these discussions. As a concession to the State, because it wanted to move forward, the Committee asked for DOT's response to deal with its commitment in writing. While the commitment is in writing, the commitment still needs work. The only way we can work on this is with more time. He said the issues would have been sorted out through the committee process at Public Works and Finance. We would have that level of detail there. He said the sensitivity on timing always has been on the part of the State. He believes we need another two weeks on this and the State needs to focus on getting commitments "hammered down," and getting a final list of what will and what will not be done. He said for nine months, the DOT has promised certain things to the public and to this Governing Body and the MPO. And now that the State is getting close on its construction schedule, you need to decide whether or not you will deliver on your promises. This issue could be placed on the Finance Committee agenda as well as on the Public Works agenda for discussion prior to the next Council meeting.

Councilor Ortiz moved, seconded by Councilor Bushee, to postpone all three items, 10(1), (2) and (3), to the meeting of May 14, 2008, that these items go back through the Committees, and that we get an actual commitment list from City staff and from the DOT on some of the issues which have been raised.

Discussion: Councilor Bushee said she did not attend the last Public Works Committee meeting, but understands from the members, that it wasn't an either/or situation and the traffic control details weren't forthcoming. She said this isn't a punishment for DOT, it is the City wanting to be very clear. She said during construction of #599, we were told there would be a grade separated interchange without any traffic counts in the Las Campanas area, and at grade access at others. She said this resulted in some fairly unsafe crossing situations. She said in the end if the voters will have to "chip in," and she wants to be sure she has done all of the due diligence, commenting that she doesn't like the either/or situation. This is why she will vote to send it back through the committee process and hope the details will be forthcoming.

Councilor Chavez apologized for presenting the either/or scenario and said he didn't think it would unravel to this extent. He said the either/or was presented because we asked for it. We didn't want to make the improvements that the development would make when it happened. He said, "We put you in that situation, now it's working against you." He said we can keep taking it back to the drawing board, but until we pick the station locations we won't know the impact. Unless we know where the development will be, we won't know what the improvements to the intersections will be.

Councilor Chavez moved, seconded by Councilor Dominguez, to sever Item 10(3) Traffic Control for the Rail Runner Construction from the other two for consideration.

Point of Order: Councilor Ortiz, Parliamentarian, said, as a point of order, what Councilor Chavez is trying to do is to have an underlying motion on the merits of the case by motion to sever. **He said a motion to postpone has higher priority than a substantive motion, which is a motion to sever, therefore the Motion to Postpone takes precedence.**

Councilor Dominguez wants clarification with regard to the traffic control, because it seems to him a train already can go through those intersections, and some of those intersections will be improved through this effort. He said having a traffic control plan approved at some level benefits the public because the improvements will be made, and a train may not go through there.

Friendly amendment: Councilor Romero asked if the maker and second would be amenable to postponing Items 10(1) and (2) and sending those to the committees to go through the committee process in time for hearing at the May meeting, but moving forward with Item 10(3) the traffic control as noted by Councilors Dominguez and Chavez because those will be happening anyway. **The amendment was not friendly to the maker.**

Explanation on refusal of the Friendly Amendment. Councilor Ortiz said the whole purpose of the traffic control plan is to start putting in the improvements. We have been told there is still no consensus between the State and City on those improvements. The list before us is a list developed by City staff, noting it isn't exhaustive, and we haven't received a commitment in writing from the State that it will do these improvements. In fact, we are being told by the State on one of the substantive parts of the proposal that if we want this to be done it will come at a cost, and the cost is something else. These are the kinds of things which we need to continue to work on, with involvement from State officials and it needs to be hashed out by us through the City committee process. He said these are the reasons he believes the three need to stay together as a package, commenting it is only two weeks.

Councilor Chavez said this is two weeks in addition to the previous month, noting it was heard by BTAC, the TAB Board, Public Works and Finance, and we can keep running it through that cycle.

Mayor Coss asked what this delay will do to the construction schedule.

Mr. Blewett said it will delay the DOT, and part of putting the traffic control plan in place was to try and sequence it so the State isn't "messing up" major intersections at real key times for the City, particularly later in the summer. He said he isn't trying to put pressure on the City, noting he has been working with the City for some time on these traffic control plans and tried to build a sequence so we can manage the situation the best we can. He said the longer it goes, the harder it will be to manage the situation before the impacts get more severe. He said the station issues are more easily resolved over time.

Mayor Coss said he would like to see the motion fail and to have the traffic plan approved. He said this has been worked out with Public Works, and he hasn't heard any of the Councilors say that the traffic control for construction doesn't work. We can tell the developer he won't get a station at Zia Road. However, he is concerned we are treating the DOT like a developer, while it is trying to bring one of the biggest public works projects into Santa Fe which

he believes the public wants. He thinks this is an effort to see what we can leverage out of them to get here. He said the DOT is negotiating with the City of Santa Fe and with other cities, while Legislators are watching. He recalled that while Santa Fe was talking about the land use questions and held things up, Governor Johnson took all the money for the Relief Route and spent it in Carlsbad. He is concerned that "here we go again." He believes we can hash out the neighborhood issues, saying we have the total authority to cancel the Zia Road Station if we don't like it.

Councilor Bushee reiterated her understanding from the previous Public Works Committee meeting is that Public Works did not deal with the traffic control issue at all, nor did BTAC. She said no details were forthcoming. She doesn't believe anyone is asking to delay or to stall the project, but nobody wants to be "railroaded" either. We just want the details and we are asking for those to be brought as a package.

The motion was approved on the following roll call vote:

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

Against: Councilor Chavez and Councilor Romero.

Explaining his vote: Councilor Dominguez said he wants to vote no in the sense he thinks we should be able to move forward to some degree, but in the spirit of ensuring we get some of this on the table and have this dialogue, he will vote yes.

Explaining her vote: Councilor Wurzburger said she will vote yes, and she wants information from the Council to go to staff on what, if any questions we have about the traffic operations. She said her initial reaction on looking at that plan is that she has no problem, knowing the train is coming, but since we haven't seen it previously, maybe there is something else. She will provide specific questions to staff prior to the next meeting.

11. CONSIDERATION OF APPROVAL OF SECOND AMENDED AND RESTATED JOINT POWERS AGREEMENT FOR THE REGIONAL EMERGENCY CALL CENTER (RECC). (MARK BASHAM)

Councilor Trujillo said this item never went to the Public Safety Committee nor through the Committee process, so before it comes to Council he wants that to be done.

Councilor Trujillo moved, seconded by Councilor Romero, for purposes of discussion, to send this item back to go through the Committee process before being heard by the Council.

Discussion: Mr. Basham said it didn't go to the Public Safety Committee, but it went to the RECC Board of Directors. He said the RECC Board consists of the Santa Fe Police Chief, Fire Chief and City Manager, the County Manager, the Sheriff and the County Fire Chief as well as an at-large member. He said the Town of Edgewood approached the RECC saying it is forming its own police force, and their contract with the New Mexico State Police will expire at

the end of June. The Town came before the RECC Board and he told him it requires an amendment to the JPA and can't be done on an interim basis. He said there is a time constraint on this issue. He said the Mayor and Police Chief from Edgewood are here, and this is of paramount importance to them and public safety is the overriding issue.

Councilor Wurzbarger said the Council has never approved any kind of Joint Powers Agreement at any level if none of the Councilors have seen it. She said hopefully we can expedite it and get it back to the Council by May 14th. She asked asked Councilor Trujillo if it can be heard at the next Public Safety meeting, commenting it would be fine if it just went to Public Safety and back to the Council.

Responding to Councilor Trujillo, Chief Rivera said the next meeting of the Committee is at the discretion of the Chair, but previous Chairs have set the meeting on the second or third Tuesday of the month.

Councilor Trujillo said he would like to hear this, even if we have to hold a special meeting to expedite this request, so the Council can hear it on May 14th. He asked Chief Rivera to work with Chief Johnson to hold a special meeting as quickly as possible.

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

13. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

- a) **REQUEST FOR APPROVAL OF CITY/COUNTY ANNEXATION AGREEMENT; PURSUANT TO §10-15-1(H)(7). NMSA 1978.**
- b) **REPORT ON SHORT TERM RENTAL, AFFORDABLE HOUSING LITIGATION AND BUCKMAN DIRECT DIVERSION APPEAL; PURSUANT TO §10-15-1(H)(7). NMSA 1978.**
- c) **DISCUSSION REGARDING POTENTIAL LITIGATION CONCERNING LODGER'S TAX, PURSUANT TO §10-15-1(H)(7) NMSA 1978.**
- d) **DISCUSSION OF PENDING LITIGATION BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY NEW MEXICO FOR REVISION OF ITS RETAIL ELECTRIC RATES, PURSUANT TO ADVICE NOTICE NO. 334, CASE NO. 07-00077-UT; PURSUANT TO §10-15-1(H)(7) NMSA 1978.**

Councilor Romero moved, seconded by Councilor Chavez, that the Council go into Executive Session for the purpose of the discussing the request for approval of City County Annexation Agreement; receiving a report on Short Term Rental Affordable Housing Litigation and Buckman Direct Diversion Appeal; discussion regarding potential litigation concerning Lodgers' Tax and discussion of pending litigation before the New Mexico Public Regulation Commission, 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, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Absent: Councilor Chavez.

The Council went into Executive Session at 7:23 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

At 8:31 p.m., Councilor Calvert moved, seconded by Councilor Calvert, 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, Romero, Ortiz, Trujillo and Wurzbarger voting for the motion and no one voting against.

14. ACTION REGARDING THE CITY/COUNTY ANNEXATION AGREEMENT. (FRANK KATZ)

Councilor Chavez moved, seconded by Councilor Romero, to approve the action regarding the City/County Annexation Agreement.

The motion was approved on a Roll Call vote as follows:

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

Against: None.

Mayor Coss said Items #12, #15 and #16 will be moved to the end of the evening agenda.

END OF AFTERNOON SESSION AT 8:32 P.M.

The Council moved directly into the Evening Session without a break

The motion was approved on a Roll Call vote as follows:

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

Against: None.

Absent: Councilor Chavez.

The Council went into Executive Session at 7:23 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

At 8:31 p.m., Councilor Calvert moved, seconded by Councilor Calvert, 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, Romero, Ortiz, Trujillo and Wurzbarger voting for the motion and no one voting against.

14. ACTION REGARDING THE CITY/COUNTY ANNEXATION AGREEMENT. (FRANK KATZ)

Councilor Chavez moved, seconded by Councilor Romero, to approve the action regarding the City/County Annexation Agreement.

The motion was approved on a Roll Call vote as follows:

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

Against: None.

Mayor Coss said Items #12, #15 and #16 will be moved to the end of the evening agenda.

END OF AFTERNOON SESSION AT 8:32 P.M.

The Council moved directly into the Evening Session without a break

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David Coss, at approximately 8:33 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
Tina Y. Dominguez, City Clerk
Melessia Helberg, Council Stenographer

E. PETITIONS FROM THE FLOOR

Ernie Rael said he came before the Council on January 25, 2006, on his neighbor's appeal of Mr. Rael's variance pertaining to a wall he built. He said, "At that time, Councilor Matt Ortiz made a motion, it was pertaining to a wall that I built. He made a motion for me to continue taking my wall from Section 4 straight across, not come down, not go up, straight across, all the way across. In essence that's what I did." Mr. Rael said he received his permit in August and constructed his wall and it is complete. He said now an Assistant City Attorney won't let him have a final approval from the inspector, because she wants him to bring the wall down somewhat. He said this isn't the motion that was made, and if there is a copy of the televised Council meeting, it will reflect that.

Mr. Rael distributed information to the Council for their inspection, but it was not entered for the record.

Mr. Rael said this is an ongoing thing, and he spoke about a situation on Saturday when his neighbor hosed his radio, saying he [Rael] called the police and he is waiting for a police report to file criminal charges. He spoke about an incident on March 31, 2008, at around midnight when his dog started barking and he went outside to find his neighbor on his property.

Mayor Coss asked Mr. Rael to tell the Governing Body what he is requesting.

Mr. Rael said he is asking the City Council to get someone out there to approve his wall

so he can continue with "these criminal cases against these guys." They are harassing him, and crawling at night. He said the Assistant City Attorney seems to think the wall should come down, and the section she is requesting to be lowered is where "this kind of activity goes on and I will not have it." He said his building permit is legitimate, signed, approved, stamped. He said he is in the process of seeking a permanent injunction and restraining order against his neighbor because he is being held hostage. He said he has lived in this house for 30 years, and the property has been in his family for 150 years, while his neighbors are renters with total disregard for the family and have no respect.

Mayor Coss said he met with Mr. Rael and he will continue to work with the City Attorney to resolve the fence issue, because he remembers it the way Mr. Rael does.

Mr. Rael said they keep referring to the minutes, but the minutes are not correct. He said look at the video which tells the whole story, and if you go by that you will come with a good outcome on his behalf.

Sagemaya Dandi, 1492 Upper Canyon Road, said they are having a serious problem with one of the people the City tried to evict from the 244 acres of City property off Arroyo Polai. He doesn't know his name, but he calls him "Tim the Ninja." Mr. Dandi said he and his service dog were on Art & Cheryl Roth's property at 1481, and this man crossed 400 yards of private property, owned by Matias Rivera, although he has been asked not to trespass. However, the man has serious psychological problems. He said the man walked across Bill Carpenter's property which is west of Arroyo Polai, and started throwing rocks and a stick at his dog for no reason. He said other people have told him the man "talks to himself," and circled them and pulled a knife from his backpack. He said Carmen Padilla's son who lives in Nashville told him he happened to stumble on the guy's property thinking it was Mr. Dandi's property, and this guy comes out swinging a sword. He said the man needs to be taken into custody and evaluated. Mr. Dandi said he is asking the Canyon Association and other people who have had contact with him to write letters, and he will get those to the City. He is petitioning the Council about what he can do if the person attacks his service dog again, given that he has certain exalted rights because of the service dog.

Ray Herrera, said he has been here since 5:00 p.m. for the parking issue at the Railyard. He said he and others called some of the Councilors to remove this issue for a public hearing. He believes it is sad that an issue which is as important as this wasn't considered at a public hearing so the public could have input into what is happening at the Railyard. He said at this stage of the Railyard development he feels, and others do as well, that there should be an audit of the Railyard Corporation about what is happening at the Railyard. He said the procedures and development at the Railyard in his estimation, should be public information and there should be more public input. The Railyard was purchased for the needs of the community, and at the rate the Railyard Corporation is going, it is being sold to the highest bidder and he believes it is leaving the people of Santa Fe without a place to congregate as was proposed in the original plan. He said "little by little, we're being displaced, and I just wanted you know that I'm very disappointed."

Anna Llobet said she is one of the neighbors in the Railyard area on the Juanita Street issue, and asked if the Council will hear her now because she needs to take her children home to bed.

Councilor Bushee said she is going to try to move it up if she can wait for a while.

Ms. Llobet said she will disturb others because her children are fussy, under 3 years old and need to go home to bed.

Councilor Bushee moved, seconded by Councilor Romero, to amend the Agenda to move Item G(8) to be heard after Item G(4.1) on the Agenda, and to approve the Agenda as amended. The motion was approved unanimously on a voice vote with Councilors Bushee, Calvert, Chavez, Dominguez, Romero, Ortiz, Trujillo and Wurzbarger voting for the motion and no one voting against.

F. APPOINTMENTS

Human Services Committee

Mayor Coss appointed the following individual to the Human Services Committee:

Suzanne Otter – term ending 3/2010.

Councilor Bushee moved, seconded by Councilor Calvert, to approve the 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.

Parks Advisory Committee

Mayor Coss appointed the following individuals to the Parks Advisory Committee:

Sandra J. Taylor – term ending 6/2011; and
Tom Agard – term ending 6/2009.

Councilor Bushee moved, seconded by Councilor Chavez, to approve the appointments.

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

Long Range Planning Subcommittee

Mayor Coss appointed the following individuals to the Long Range Planning Subcommittee:

Jim Hays – term ending 5/2010; and
Peter Brill – term ending 5/2010.

Councilor Bushee moved, seconded by Councilor Wurzbürger, to approve the appointments.

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

G. PUBLIC HEARINGS

- 8) **CONSIDERATION OF BILL NO. 2008-29; ADOPTION OF ORDINANCE NO. 2008- 21. CASE #ZA 2008-05. JUANITA STREET AND ALARID NEIGHBORHOOD REZONE. THE CITY OF SANTA FE REQUESTS APPROVAL TO REZONE 35.33± ACRES OF LAND FROM RM-1 (RESIDENTIAL MULTI-FAMILY, 21 DWELLING UNITS PER ACRE) TO R-8 (RESIDENTIAL, 8 DWELLING UNITS PER ACRE). THE SUBJECT PROPERTY IS BOUNDED ON THE NORTH BY WEST MANHATTAN AVENUE, ON THE EAST BY THE RAILYARDS, ON THE SOUTH BY CAMINO SIERRA VISTA AND ON THE WEST BY SOUTH ST. FRANCIS DRIVE, IN ADDITION WEST OF SOUTH ST. FRANCIS DRIVE, SOUTH OF HICKOX STREET, NORTH OF MERCER STREET AND EXTENDING MID-BLOCK BETWEEN S. ST. FRANCIS DRIVE AND ONATE STREET ON THE WEST. WITHIN TOWNSHIP 17 NORTH, RANGE 09 EAST, SE QUARTER OF SECTION 23 AND NE QUARTER OF SECTION 26. (TAMARA BAER)**

Memorandum dated April 23, 2008 for April 30, 2008 meeting, to Mayor and City Council, with attachments, from Lou Baker, AICP, Senior Planner Development Review, is incorporated herewith to these minutes as Exhibit "5."

Staff report was presented by Tamara Baer, which is contained in Exhibit "5."

Recommendation: Staff and the Planning Commission recommend approval of Case #ZA2008-05. The proposed rezoning would provide consistency with the 1999 General

Plan Future Land Use Map, and would provide protection for the existing neighborhood character supported by the majority of neighborhood residents. No conditions of approval are recommended.

Staff's evaluation is based on circumstances in this particular neighborhood, and any proposed rezoning in a different neighborhood would require a separate, detailed evaluation. Staff's evaluation and the findings of the Planning Commission conclude that the likely positive effects of the rezoning outweigh possible negative effects.

The decision of the Governing Body must be based on findings per §14-3-5(C) SFCC 2001. The findings of the Planning Commission are attached.

Councilor Bushee said then staff is recommending the same as the Planning Commission did.

Ms. Baer said this is correct.

Public Hearing

Mayor Coss said each person will have two minutes to speak to the issue.

All those speaking to this request were sworn en masse

Those speaking to the request

Anna Llobet, 527 Alarid said she is a physicist working in Los Alamos. She said she decided to live in Santa Fe because she was told it is the City Different. She is amazed that we aren't learning from the mistakes of other "cities different." She lives on the Railyard, and sacrificed bedrooms, a yard and grass so she can have a neighborhood. She said by allowing more and more properties we are creating a beehive-like neighborhood. She knows her neighbors, buys locally, walks to the store, goes to the Farmers Market and takes her kids to the park and the Plaza. She said if we continue to propagate the building around the neighborhood and allowing more and more buildings on small lots we will end up being Albuquerque-2, where the kids can't play on a dead end street. She said if we really want to be the City Different and raise kids thinking green and being good neighbors, we need to promote neighborhoods.

Rose Selene Lopez said she has lived on Juanita for more than 50 years. All of the streets in the area are very narrow and we don't need any more condos or vehicles. When the Farmers Market was on Guadalupe, people parked on Juanita Street and would walk to the Market. She guesses they will always have a problem.

Enrique Montoya, owns property at 1710 Paseo de Peralta said his family is in favor of rezoning to R-8, but would like in the future to be able to apply to the Council for RAC zoning,

which is Residential Arts and Crafts. He said, although Paseo de Peralta still has residences on it, it is now more of a business corridor. At this point, he said 80% of his neighbors would be in favor of the RAC.

Joann Werger, 1715 Paseo de Peralta, said she owns her home and has lived there for 30 years, and loves the neighborhood. She said the neighborhood has been lucky with RM-1 zoning for a long time, and developers weren't interested in the neighborhood until the development of the Railyard. She said the first development which started the rezoning process were three multi-story structures built on one lot on Juanita. This is an example of overfill not infill. She is concerned that if they retain the RM-1 zoning, a lot more properties will be purchased by speculators and developers, and there will be huge structures all around, and those who love a small neighborhood will be forced out. She strongly urged the Council to approve the R-8 zoning. It provides a neighborhood much like the one now – people with yards, gardens and a wonderful quality of life. She wants the Railyard to enhance not destroy the neighborhood.

Eric Gent, 621 Alarid, spoke in favor of the zoning change. He said everybody agrees that this is to prevent more 3-story buildings in this neighborhood which is important to him. He said RM-1 is 21 units per acre and R-8 is 8 units per acre with a guest house allowed. Mr. Gent said he and his wife just came back from Brazil where there are smaller living units. He believes the R-8 will allow for an economy of our culture. He said there not many rental units of 500 sq. ft., and the neighborhood could use more of those.

Allen Capling, 531 Juanita, said he is here to speak in favor of R-8 instead of RM-1. He said like his neighbors, he feels this is an area of town which is already as dense as it needs to be. Parking is becoming dire and will get worse with the Railyard development. He urged approval of the R-8 zoning.

Rosemary Mennard, 534 Alarid, thanked all of people who have appeared many times to speak in favor of the Code amendments, and especially those who don't live in their neighborhood, particularly Rick Martinez. To her, this is an expression of what community is about, because they are thinking about the whole community. The zoning change boils down to two things: What do we want this neighborhood to look like and who do we want to live there. She believes the RM-1 will see condo development very rapidly, obliterating the character of the neighborhood. This will be investment for resale. She said the people who move there will be good people and good citizens, but condos are owned mostly by part time residents and retirees – people who don't have children. She said with R-8 zoning, change will occur in a natural and organic fashion, and the changes will come individually and the neighborhood will retain its character.

Robert Vigil, 130 Fiesta, property owner at 519 Lolita Street since the 1960s. He hates to see such density in the neighborhood, but he fears developers will come in and build high rises and ruin the character of this neighborhood. He would like to see the R-8 zoning adopted. He said if developers build, they will sell everything, and it will become a slum area. He said many of the neighbors would like to see the drug rehab programs moved out of the neighborhood. He wants to keep it as a neighborhood, not as a commercial area. He said the

Rail Runner will be coming in and the possibility of crime will increase. He wants to keep it down as much as possible, and supports the R-8 zoning.

Rick Martinez, spoke in favor of the downzoning. He has seen what is happening in this neighborhood, and can remember how large the neighborhood was before St. Francis Drive came through. He said there are now two neighborhoods east and west of St. Francis. He said the General Plan provides for a downzoning, a Resolution in 2002 called for the downzoning, and now this Resolution. He asked the Council to support the downzoning. He said he has never seen such an enthusiastic neighborhood. He said the neighborhood is leaving it to the Council to do right thing, which he believes is this downzoning. He said there are groups who want to keep the higher density. However, this neighborhood has been here for generations and we need to respect these families and what they have in this neighborhood, and newcomers should respect that as well. He believes the downzoning will make this neighborhood better.

Bernie Mennard, 534 Alarid said there are number of young families in the neighborhood, and this is the reason they love the neighborhood and want to keep it that way. He said some of them had to leave before this item was heard. He agreed to make a statement on behalf of **Yolanda Romero and Julie Dean**, both of whom live on Manhattan, as follows:

"We wholeheartedly support the zoning change proposed by the Council. Our neighborhood is more than just buildings. We have lived in the area for three generations and 18 years respectively. We know our neighbors and consider them friends, as community. There are so many changes happening in the Railyard area. Things are moving very quickly. We know the streets cannot accommodate the traffic of such intense infill. Take time to consider the integrity of the neighborhood. Currently the area is filled with families who are homeowners, some renters, some second homeowners. It is one of the most diverse areas in Santa Fe. Consider the transition from the Guadalupe Historic District which is West Manhattan to the drastic R-1 zoned area currently. It would create a radical shift in building density and in turn, destroy the character of the neighborhood. So please give your approval to change our zoning to R-8 and let this neighborhood transition gracefully."

Ruben Vasquez, 815 Ninita Street, Condo No. 8, said he has lived at this address for two years. He is a homeowner who has seen many changes in his neighborhood over the past two years. He is mostly concerned about safety, parking and where the people from the new condos will park. He said Resolutions were passed by past Councils and nothing has been done. He said today is a golden opportunity to help the people who live in this neighborhood and who have nothing to gain except their existing neighborhood. He implored the Council to please help these people, listen to their concerns and adopt this R-8 change to keep neighborhood intact.

Jennifer Kierkgaard, 842 West Manhattan, said she fully supports all of the people who have spoken before her, and totally supports the downzoning to R-8, and would really appreciate the Council adopting this change. She thanked Councilor Bushee for her help.

Raymond M. Herrera, said the showing of the people here tonight represent a neighborhood which needs your help and he would appreciate the Council taking the concerns of the people affected and work on the downzoning.

Elmer Longacre, thanked Councilor Bushee for her work in getting the project to this point. He said a strange phenomena he has observed is that a speculator, developer or realtor walks in City Hall and asks the first person he sees how to get the Planning Department, which establishes a vested interest. His property at 533 Juanita has been in his family since 1939, and his daughter lives there now. He said the street is only 15 ft. wide and won't accommodate additional parking. He said they went before the Council about the parking, and thought it had been settled. However, one of the staff persons told them because the developer had been "promised something by some third echelon clerk upstairs in the Planning Department," that the City was obligated to provide this parking variance. He said they believed them, and then came this three-story monstrosity. He said the developers' vested interests are recognized, but the vested interests of residents for 75 years aren't recognized. He said old families and old neighborhoods are torn up because developers have vested interest.

Richard Valiant, property owner at 819 Ninita Street, said his family has owned this property since 1942, and he grew up in that neighborhood. He and his wife bought the property when his mother died in 1980. There are two separate buildings on the same lot, and they have been contemplating adding to the small house in the back, but haven't done so because a sickly elderly man has been living there for the past 15 years and they don't want to displace him. He said he is unsure whether or not he is for or against the zoning change. Perhaps he is for a zoning change, but for something not quite so extreme as R-8. He said with the zoning change, there is a question as to whether they can increase the footprint of the houses they own there. He likes the idea of restricting development, but not the possibility they can't do anything with their property. He asked the Council to find a compromise between R-1 and RM.

Mary Miner Porter, property owner at 714 West Manhattan, said she has lived there for more than 20 years. She is an active member of the neighborhood, and supports the general philosophy of protecting it with this proposed ordinance. She is here to request the Council amend the proposed ordinance in the following way. She said some property owners, like hers are at the edge of the neighborhood, noting she shares a boundary with Santa Fe Clay, El Museo, the new theater and the REI parking garage. She said some of them want to remain RM-1, so she is requesting that the City move the boundaries. She believes this would create a smooth transition between a mega commercial development, some of which is very wonderful, and the neighborhood. She believes her request does not harm the intent to protect the area and believes it enhances it. They have had meetings with staff and Councilor Bushee and thought their requests would be honored in this proposal and may be, but she is here to request it again. She said on paper, and in memory, the map of the neighborhood looks the way it used to be. However, the reality on the ground is that those on the edge have been dramatically affected by the Railyard development. She said one good solution is to move the boundary so there is a smooth transition. She requested that her property not be included in this change.

Michael Smith, 710 and 712 West Manhattan. Mr. Smith said his property is also right

along the Railyard. In philosophy he supports the downzoning. However, because his property is so significantly different from the interior properties, he would like to keep the zoning at RM-1 for several reasons. (1) He said there is the issue of spot zoning, but it should be consistent with all properties along the Railyard to the north which are RM-1. (2) This would create a buffer zone. (3) His property already has a 24 foot height restriction, so he could never build a 36 foot building.

Mr. Smith said his property is right at the end of Manhattan and the Railyard. He purchased the property two years ago and investigated what the buildings would be. He said at the time he wasn't concerned about a building which was 10-12 feet higher, but the building completely blocks his view. His house faces the building, so the windows will look right into his house and on his property. He would like to keep the zoning at RM-1 so he can build something to protect his property to keep it private and separate. He said the movie theater has yet to be built, and he didn't consider that when he investigated the property. The commercial traffic won't end at 9:00 p.m., and if there is a movie at 10:30 p.m., it might last until 12:00 to 1:00 a.m., noting his bedroom is only 6 feet from the property line. He would like to be able to build some sort of buffer structure, but if it is downzoned to R-8, he would have no other options there. He knows this is a property issue and all very personal. He was assured by Councilor Bushee and staff that it would be recommended to carve them out because of these reasons and it would be consistent with the buffer zone in other RM-1 zones. His issue is that this came about because of a 36 ft. structure on Juanita and wanting to protect the neighborhood. However, he doesn't believe anybody is paying attention to the other properties or his property and protecting him from the City's 36 foot structures. They need protection as well. He doesn't know what to do with his property.

Rey Montes, 727½ Montes Place and representing 620 and 701 Alarid Street represents two others. Mr. Montes said for 401 year we have been very good stewards of this land, saying 1607 is the true birth date of Santa Fe. He said his great grandfather build his home before the beginning of the past century. He said the local people are asking the city to downsize, and they want to keep Santa Fe as pure as they possibly can. He said the Planning Commission voted unanimously in favor of the rezoning. He would like to go back to one-story dwellings because this is the way this neighborhood existed and the way we've always lived. He said the concept of over-developing Santa Fe and infill has gotten "way out of hand." He said one of the Planning Commissioners who voted in favor of R-8 said at the last hearing, "Just because you can build three stories doesn't mean that you should." He looks forward to the end of greed in Santa Fe.

Estevan Trujillo said he is speaking against rezoning. He demonstrated the carbon footprint of the United States which he said is a giant red circle. He said the reason Santa Fe is so big is that we keep providing more suburban sprawl. He believes we need to have more compact cities done in an esthetic way. The rezoning is too extreme, and believes we need to lighten our carbon footprint. He said if we continue with this consumption, we will over consume ourselves, and at some point we will leave our future generations with little but a dead, suburban sprawl city. This is an opportunity for us here to work with the neighborhood to make it more walkable. He challenged the Council to walk in his neighborhood on West San Francisco and see how they feel walking there. We are promoting car driven cities and that is

part of the argument of why we should allow the density to continue at this location, because we need to be promoting more walkable cities, less driving. And things might change.

The Public Hearing was closed

Councilor Bushee moved, seconded by Councilor Calvert, to adopt Ordinance No. 2008-21, approving Case No. ZA 2008-05.

Discussion: Councilor Bushee thanked Rick Martinez and the neighbors who brought this to our attention. She said this Council has considered infill and its benefits. However, people came to the Council and told us their neighborhood is being overbuilt because of what is happening at the Railyard, and the impact is unbearable. They wanted to ban parking on either side of the street, commenting the parking hasn't been addressed. She said this zoning category is a compromise. At some point, she would like the City Attorney to speak to the two people who want to be left out of the zoning, although she believes the R-8 zoning will allow them to consider an additional guest house. She said she has heard powerful testimony, commenting that people need to drive through the neighborhood and see some of the recent development. She said a decade ago the general plan provided that the zoning category is inappropriate and should come down. She said it is rare that people come together and request a downzoning for their neighborhood. She hopes the people who are unhappy with this decision will get with Planning staff to look at the possibilities.

Councilor Chavez believes if this is passed, it could be the beginning for good things for all neighborhoods in all parts of the City. We need to continue to monitor all neighborhoods throughout the City and not wait for this flash point and perhaps be more pro-active. He said if there is a direct benefit to this neighborhood, other neighborhoods can benefit as well. He said we need to expand protection of neighborhoods as we move forward for all neighborhoods in the City. He hopes the individuals abutting the Railyard can have some relief from that development.

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.

Explaining his vote: Councilor Calvert said this action is long overdue.

Explaining his vote: Councilor Chavez said on behalf of this neighborhood and all neighborhoods throughout the City he votes yes.

Mayor Coss thanked Councilor Bushee, Councilor Calvert, staff and the neighborhood and the neighborhood activists for helping to get this done.

1) REQUEST FROM ASIA BAMBOO CUISINE, LLC, FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT BAMBOO ASIAN CUISINE, 2400 CERRILLOS ROAD, COLLEGE PLAZA. (YOLANDA Y. VIGIL)

The staff report was given by Tina Y. Dominguez, noting that the establishment is not within 300 feet of a church or school, and staff is recommending that the business comply with all of the City's ordinances, including the litter and noise ordinances as a condition of doing business in the City, and staff anticipates no unacceptable traffic impacts due to the approval of this request.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Wurzbarger moved, seconded by Councilor Romero, to grant the request for a Restaurant License, to be located at Bamboo Asian Cuisine, 2400 Cerrillos Road, College Plaza.

The motion was approved on the following Roll Call Vote:

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

Against: None.

Absent: Councilor Bushee.

2) REQUEST FROM ARGENTINA GRILL, LLC, FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT THE ARGENTINA GRILL "EL GAUCHITO," 3877 CERRILLOS ROAD. (YOLANDA Y. VIGIL)

The staff report was given by Tina Y. Dominguez, noting that the establishment is not within 300 feet of a church or school, and staff is recommending that the business comply with all of the City's ordinances, including the litter and noise ordinances, as a condition of doing business in the City, and staff anticipates no unacceptable traffic impacts due to the approval of this request.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Wurzbarger moved, seconded by Councilor Dominguez, to grant the request for a Restaurant Liquor License to be located at the Argentina Grill “El Gauchito,” 3877 Cerrillos Road.

The motion was approved on the following Roll Call Vote:

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

Against: None.

Absent: Councilor Bushee.

3) REQUEST FROM MASA SUSHI, LLC, FOR A RESTAURANT (BEER &WINE) LIQUOR LICENSE TO BE LOCATED AT THE MASA SUSHI, 927 W. ALAMEDA. (YOLANDA Y. VIGIL)

The staff report was given by Tina Y. Dominguez, noting that the establishment is not within 300 feet of a church or school, and staff is recommending that the business comply with all of the City's ordinances, including the litter and noise ordinances, as a condition of doing business in the City, and staff anticipates no unacceptable traffic impacts due to the approval of this request.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Dominguez moved, seconded by Councilor Trujillo, to grant the request for a Restaurant Liquor License to be located at the Masa Sushi, 927 W. Alameda.

The motion was approved on the following Roll Call Vote:

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

Against: None.

Absent: Councilor Bushee.

4) REQUEST FROM CHURCH OF THE HOLY FAITH AND LA POSADA DE SANTA FE RESORT, FOR THE FOLLOWING:

PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE DISPENSING OF ALCOHOLIC BEVERAGES AT THE CHURCH OF THE HOLY FAITH, 311 EAST PALACE AVENUE. THE REQUESTED WAIVER IS FOR "CABARET NIGHT" BEING HELD ON CHURCH PROPERTY ON THURSDAY, MAY 22, 2006 FROM 6:30 P.M. TO 9:30 P.M. (YOLANDA Y. VIGIL AND GIB MASON)

The staff report was given by Tina Dominguez, noting the request is for a waiver of the 300 foot location restriction, and for issuance of a Special Dispenser Permit, pursuant to §60-6B-10 NMSA, to allow the dispensing of alcoholic beverages at the Church of Holy Faith at 311 E. Palace Avenue on Thursday, May 22, 2008, 6:30 to 9:30 p.m. She said if the waiver is approved, there will need to be a second vote to issue the Special Dispenser Permit.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Calvert moved, seconded by Councilor Wurzbarger, to grant the request for a waiver of the 300 foot location for Cabaret Night to be held on church property on Thursday, May 22, 2006 from 6:30 p.m. to 9:30 p.m.

The motion was approved on the following Roll Call Vote:

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

Against: None.

Absent: Councilor Bushee.

Councilor Calvert moved, seconded by Councilor Wurzbarger, to grant the request to allow the dispensing of alcoholic beverages at the Church of the Holy Faith, 311 East Palace Avenue for Cabaret Night to be held on church property on Thursday, May 22, 2006 from 6:30 p.m. to 9:30 p.m.

The motion was approved on the following Roll Call Vote:

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

Against: None.

Absent: Councilor Bushee.

- 4.1) CONSIDERATION OF BILL NO. 2008-26; ADOPTION OF ORDINANCE NO. 2008- 22. 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 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 copy of the bond book for the City of Santa Fe's issuance of \$20,000,000 in General Obligation Bonds, Series 2008, is incorporated herewith to these minutes as Exhibit "6."

Kathryn Raveling presented information regarding this matter to the Council from Exhibit "6."

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Wurzbarger moved, seconded by Councilor Ortiz, to adopt Ordinance No. 2008- 22.

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.

- 5) CONSIDERATION OF APPROVAL OF PLAN AND TIMELINE FOR IMPLEMENTING WIFI AT CITY OWNED FACILITIES AND PROPERTY FOR PUBLIC INTERNET ACCESS (THOMAS WILLIAMS)**

A handwritten note in opposition to this request from Forrest Reed, submitted by Ms.

Reed for the record, is incorporated herewith to these minutes as Exhibit "7."

Thomas Williams presented information from his Memorandum of February 4, 2008, to the Public Works Committee, which is contained in the Committee packet.

Mr. Williams said the key finding of staff throughout all of the exhaustive research brought us to one simple conclusion on which to base our recommendation, which is that the deployment of WiFi is not in violation of FCC, ADA or any other federal, state or local laws, ordinances, rules or guidelines, and therefore the recommendation of the Committee is as follows:

Wireless technologies have proven to be vital for business, government, education, health care, personal communications and information exchange. The demand for anywhere, anytime access to the internet will only increase as more applications and data services are delivered over the WIN. The utilization of WiFi technologies has allowed many cities and government agencies to serve the public more economically, effectively and efficiently. As a recognized travel destination, the capital city of New Mexico and a location attempting to attract high tech industries, Santa Fe is obligated to explore the opportunities that new technologies, such as WiFi can afford its citizens, its business community and its visitors. In the interest of economic development, the City of Santa Fe should take steps to ensure that its technological infrastructure accommodates the demands of growth and future technological advances. Providing WiFi internet access to the public at City facilities would be an important step toward achieving the City Council's stated strategic initiative to embrace technology.

Mr. Williams said a question was raised at the Public Works Committee hearing on this issue which related to the infrared wireless communication technology. He researched this, spoke with staff and people in the industry, and concluded:

"The pros of this particular infrared wireless technology is that it offers higher security because it can't penetrate walls. It also has no RF interference because it operates at a frequency in the light band of the frequency and not in radio frequency. The cons of this particular technology is that it has limited range. If it can't penetrate walls, you will have to deploy more of it. It offers lower band width than the typical radiofrequency WiFi technology and it is susceptible to light interference in that it operates in the light frequency spectrum."

Public Hearing

Mayor Coss said each speaker will be given two minutes to address the issue because of the late hour and the number of people who want to speak.

Edward Keller said their Committee was approached by people who felt their life was going to be severely impacted by WiFi being in this building, and a few of those people are here tonight. He was told that one of the questions on Mr. Williams' list was: What does the Mayor's Committee on Disability feel about this. However, no one from his Committee was ever asked.

He said there were people who wanted WiFi to come in and didn't really want to look at how it might affect people. He said he will be in bed all day because the fluorescent lights are a headache trigger for him, commenting that this is not in the ADA. However, his doctors have proven that this is a headache and migraine trigger for him. He felt it important to be here because he had brought information to the Council that the people standing behind him brought to him. He said the United States is behind Europe in technical learning about the effect WiFi has on people. He said, "And I still don't think that was what our committee asked for. Our Committee said there's not something particularly in place that says this is harmful under this basis, and we asked, which I don't think has been done, for it please to be investigated before any further money was going to be outlaid for it. So, I hope that be done, and that was what the Mayor's Committee on Disability had brought to your group a year ago and asked for that to occur."

Arthur Furstenburg, said, "Mayor Coss, at a lecture Friday night at the College of Santa Fe, you told your audience that the City must base its economy on equality, sustainability and most importantly human rights. That's the basis of Santa Fe's success you said. Mayor, there are a bunch of people in this room tonight who don't have any human rights. We can't go into a hospital when we're sick. We can't call on the police for protection. We can't ride in the front of the bus. We can't even get on the bus. They're building a commuter train from Albuquerque to Santa Fe. It's going to have WiFi. We won't be able to ride. We can't eat in restaurants. We can't go to the movies. We can't walk in safety on the sidewalk. We can't prevent our neighbors from forcing us out of our own homes. Many of our circle are committing suicide, and now you're voting on whether to bar us from City Hall, the libraries, the Airport, the Municipal Court. Mayor, an estimated 3% of the population, or 2,000 residents of Santa Fe will be barred from public buildings that have WiFi because they have epilepsy or heart conditions or asthma or another disability that cannot tolerate these levels of exposure to microwave radiations. There are disabled visitors and tourists who pass through the libraries and the airport and the rec centers all day long, some of whom cannot withstand direct exposure to WiFi systems."

Mr. Furstenburg continued: "Mayor, did you mean what you said Friday night. That the City must base its economy on equality and human rights. Councilors, what are you going to do to make sure that hundreds of your citizens who now have fewer rights than dogs, can once again live in your city like human beings. How can you even think of putting microwave based wireless networking in even a single City-owned building. Thank you."

Julie Tambourine, speaking for Constance Solderberg, who can't be here tonight because she is legally blind and suffers from Parkinson's. She said Ms. Solderberg is a senior citizen who recently lost her home when she was illegally evicted for having a service dog. Ms. Solderberg asked that she read the following statement on behalf of her and all disabled U.S. citizens:

"Tonight's hearing is not about whether or not electromagnetic sensitivity is recognized as a disability. The fact is Doctors state patients with many different disabilities covered under ADA and federal law such as lung disease, cardiac, visual, neurological, seizure and other disorders are, in fact, adversely affected by exposure to microwave radiation

such as is emitted by the WiFi antennas the City just installed right here, next to you in City Hall in this room. Under federal law, a person in a wheelchair is not required to tell the City details about his disability, such as whether he has a broken back and if he has ADD, ED, incontinence or Alzheimer's. Our City needs to respect peoples' rights and stop soliciting and judging the confidential medical information concerning peoples' disabilities. What is required of a person who is disabled is for them to inform the city of the specific accommodations needed to accommodate their disability. Advocates, and people with disabilities spoke to the City before the antennas were installed and made repeated requests for accommodations but have been refused. A letter was sent to the City by an attorney representing over 30 individuals and organizations, requesting the WiFi antennas be removed and the City comply with U.S. Federal anti-discrimination laws. Why is the City refusing to accommodate people with disabilities so they can access City Hall and other facilities which is their right to do under federal law. And, why weren't public hearings held before WiFi antennas were purchased and installed by the City."

Julie Tambourine, said she runs the CUSH Crisis Team and Street Outreach for the homeless in Santa Fe, noting some of the people she helps are environmentally sensitive and struggle with various disabilities. These people are ill equipped to survive homeless on the street. They cannot go into hotels or any of the shelters because exposure to chemicals, allergens or electromagnetic or microwave fields can trigger life threatening physical illness. They have difficulty eating the standard food available at the food banks and can't wash their clothes in a washing machine which has had regular detergent used in it. They struggle without their air filters and oxygen masks and don't fit with the other homeless people. They can't be near anyone who smokes or uses fragrances. Unable to network or socialize, they are isolated from people and services they need. They are in great danger living on the street. She said she was left homeless on July 20, 2006, when Terminex went to the wrong address and treated the home she owned with pesticides she is allergic to. She lost her house and has been homeless in Santa Fe ever since. Many don't survive being homeless in Santa Fe. She said Karen Stern, an environmentally sensitive woman, committed suicide recently because she couldn't bear to face another winter living outside in the cold feeling sick every day. She said if WiFi is installed in City buildings or City-wide, people who have no choice will be exposed to its microwave fields. If people are forced out of their homes onto the street, we will have more people like Karen who have nowhere to go except out.

Ms. Tambourine said some here tonight are advocates for the elderly, disabled and disadvantaged, are working to overcome disabilities and love serving the people of Santa Fe. She said, "If you bar us from access to City Hall, the voices for whom they speak will fall silent."

John McFee, Department of Health, and the Consumer Product Safety Commission, said he is not here on behalf of either agency, but he is a **Safety officer and safety specialist consultant**. Mr. McFee said the principal issue here, as with the design of protocol for all things in the U.S., businesses are allowed to introduce any product and then the risks are assessed and concerned with at another time. When he goes to Consumer Product Safety Commission meetings it's really to listen to the lectures from the lawyers of the toy industry to report after there are a few fatalities. There's no prerequisite for regulating any of

this stuff. The same is true of computers which fifteen years ago had five times the radiation they have now, they now admit, but they were not curtailed or controlled because it would have disturbed the market in which we're competing with Asia.

Mr. McFee said he had radiation sickness until he was able to get goggles to wear with a word processor 10-15 years ago. Mr. McFee said, "Now, fortunately we're all going to liquid crystal which is a wonderful condition." He noted that florescent lights are less than 60 cycle and none of us should have our eyesight in these, but we have continued to use them for 50 years. He said Europe employs the precautionary principle on everything it does. We do WiFi until there are proper grounding mechanisms to protect the people, commenting there are towers at the dog park, by the landfill, on Nepal Road. His ears ring all the time and he knows it's specific to the City, because he travels the rural areas for the DOH, and the second he leaves the City his ears stop ringing. This has come on him the past 3-4 years as "we continue to layer in more and more electronic pollution." He said we really don't know what's going on and haven't employed adequate research and the business community is able to control the situation. He said people which are chemically sensitive are very parallel to what's happening to the children, saying the autism rates and ADD kids are off the charts and we don't know why. He said the kids are being bombarded with chemicals, electronic pollution and things we haven't regulated.

Rachel Cogent said these lights are painfully bright for her, saying the City needs healthy ones. She is not here opposing WiFi in public places *per se*. She is here as an advocate and someone who knows something about radio. She said, "This fine lady here using an ethernet cable plugged into the wall, it doesn't use wireless....well there's an ethernet cable coming out of the wall, that's all I'm pointing to. It's old technology that doesn't use wireless, no radiation is involved. There's no reason at public libraries that there can't be a bank of ethernet ports which every portable computer is equipped with a port and that's suitable technology that will work as a work around for the problem."

Ms. Cogent said she also wants to point out that the WiFi band is 2.4 gigahertz [GHz] which is the same frequency used by the microwave oven. She said, "The reason for that is that the 2.4 GHz is basically a junk band which was not wanted by industry because the water molecule resonates with that frequency because is why industry didn't want it. And so it got dumped on the public and it was a free band available to the public which industry began using in the making of wireless internet, and it's also used for other devices, like cordless phones which incidentally emit much less radiation energy. But, what I'm trying to get at is our neighborhoods are saturated with this 2.4 GHz frequency, which in computer talk is called 80211 B and G, and it's an increasing problem in neighborhoods, because as people compete for a wireless reception, they're getting more powerful WiFi routers and they're boosting up their power and this is sort of this arms race going on in the WiFi band width. I would like to see Santa Fe to take the initiative to recognize the problem to send a message to the rest of the United States to possibly deal with the problem of WiFi proliferation in the future that affects our neighborhoods, and also to institute ethernet connectivity in public spaces rather than WiFi."

Ms. Tambourine said she was asked to request everyone to turn off their computers and cell phones. She thanked everyone for turning off the WiFi on the computers and antennas.

Oshana Spring, trained as a naturopathic doctor, said there are lots of people here affected by radiation, EMFs and WiFi as it now is. She said, "And if we add more, what you may not realize is this is just the tip of the iceberg. These people are like canaries in a mine and we need to look at them to see what may happen to us in the future if... because these effects are cumulative. So, if we're going to propel all of these WiFi's everywhere into the air and into our bodies, and especially into our children who have enough to deal with, with vaccines and all the things, the chemical sensitivities, there really won't be many healthy people left. And we are the City Different, so why don't we try the best we can to maintain our health and integrity in those areas, and keep WiFi out of the cities. And, like the lady before me said, get it so that we can still operate, we just possibly won't have the ultra convenience that you think you might want, but what comes with it, you definitely don't want. So, please vote no on WiFi in Santa Fe.

Brenda Sanchez, lives off Jaguar Drive, said its nice to know who her representatives are. She said, "I'm an aberration because I'm not here to urge you not to institute WiFi. I've listened with interest and curiosity to some of the people who spoke before me. I have a grandson who is autistic and my daughter has lupus, and I can't stand here and say that all of the technological advances that we celebrate might not have something to do with both of those. But, there is also the issue of what it means to encourage people to move to Santa Fe to develop neighborhoods like mine, and us not to be able to access WiFi is difficult for me to understand, because my taxes are paying for some things too. We live in a time in which Santa Fe is losing young people. I'm not as new as I look, I was here in the nineties and I was here in the eighties. So, we're losing young people. We have all this technology that a lot of us don't know anything about, so I'd like to see Santa Fe institute some WiFi public access, so that people don't have to leave their homes and drive and put more carbon emissions into the air, so that people who don't have access otherwise could maybe huddle around a computer." Ms. Sanchez said as a child there was only one TV on her block, and there are populations where there is only one computer in a neighborhood. She would like the City Council consider what it means to institute WiFi and to respect the concerns raised by some of the people this evening. She doesn't know the answer, but doesn't think we should reject out of hand the application of WiFi for public access.

Katie Singer said, "Since 1997, I have taught and written about natural birth control and enhancing a couples' chances of getting pregnant. 25% of my Santa Fe students, women between the ages of 17-35 are not ovulating. If a woman doesn't ovulate or doesn't ovulate regularly, she has an increased risk of diabetes, heart disease, stroke, polycystic ovarian syndrome, infertility and uterine cancer. In helping these women know more about their menstrual cycles, I have learned that health problems are rarely caused by one thing, like eating too much sugar, drinking too much caffeine, having mercury amalgams, being downwind of pesticide sprays or cigarette smoke. They are caused by repeated exposure and by combined exposure to several hazards. These days, most people I know, experience insomnia, depression, anxiety, debilitating headaches, multiple sclerosis, asthma, skin cancer, breast cancer, prostate cancer and many reproductive health problems besides in ovulation. People tell me that they have an ongoing, unshakable sense of unwellness. Positive attitudes, medications, anti-depressants, sleep medications, support groups and good movies don't help. The speedier technology becomes, the less time people have to talk, hang out and listen to

each other. People think it's normal to have more work than we can handle, to say we are desperate for faster access to the internet, which a letter to the editor claimed in this morning's paper, rather than desperate for real health or real community. How is all this relevant to Wi-Fi. The human body has no defense against microwave technology. Adding Wi-Fi to the library, would add another significant hazard to the stew that is compromising everyone's health. I urge you to vote for health, rather than for increasing the speed of our lives. The human body cannot defend itself against microwave technology. I hope you will vote in our defense."

Erica Elliott, Family Practice Physician and also practices environmental medicine, said 15 years ago she didn't know what electromagnetic hypersensitivity syndrome was, but she had to learn because she had a growing number of patients who had become sensitized to electromagnetic pollution in their homes and public places. She said, "You have seen cases where people have extreme reactions, seizures, neurological problems and so forth, but sometimes these symptoms begin with more mild symptoms and then progress downhill, sometimes very rapidly. I often see formerly healthy patients develop an array of symptoms, like ringing in the ears, headaches, dizziness, confusion, short term memory loss, sleep disturbances and I often, in order to try to sort out the cause of these, I, we look at many different things – chemical exposures, mold and so forth, allergies. But, in a growing number of people, these symptoms are related to electromagnetic exposure. When they go away from the wireless technology out into the country or in the mountains and camp, these symptoms completely resolve. I have patients who, when around wireless technology, they go to high functioning to barely being able to function at all."

Dr. Elliott continued, "So, I urge you not to just write off this problem as belonging to a small group of people, that is not the case. I believe that we're all affected on some level or another, some are more obvious and extreme than others, but I believe we're all affected, and each cell in our body is surrounded by an electromagnetic field and the wireless technology interacts with our own electromagnetic field in often harmful ways. And, when I was first learning about electromagnetic hypersensitivity syndrome, I had to do a lot of research. I had to dig hard, because I noticed that in the states, a lot of information was kept from us, and that the information was out there, but I often had to look to Europe and Russia to find credible research. And, it seems like over there, they're taking this problem much more seriously which I think is deserved. And I urge us to be careful in the name of convenience and public pressure that we not throw caution to the wind."

Dr. Elliott read the following statement from **Paula Baker LePorte, a well known architect, building non-toxic, healthy homes and is the co-author with her [Dr. Elliott] of "Prescriptions for a Healthy House," which is often used as a reference manual for builders who want to build green, non-toxic homes:**

"Ever seen the ads they used to run on the back of Life Magazine, it read, more doctors smoke Camels than any other cigarette. Flash-forward fifty years, and of course no doctor would think of recommending tobacco. There is credible research available now linking radiofrequency to health effects. There are also viable, safe alternatives for obtaining internet access. Why rush into a decision that could cause potential harm for the sake of convenience."

Dr. Elliott said, "I implore you to use the precautionary principle."

Kitty Farmer said she was in graduate school 25 years ago, and after three hour classes at night she would walk away with a headache from the lights, so she avoids graduate school. She said ten years ago, when cell phones came into play, she was excited and began using a cell phone and realized she would get a headache after more than five minutes use, and she couldn't think, so she avoids cell phones. She recently tried to attend workshops, one at the State Library which she had to leave because she couldn't be in that environment without completely losing her ability to track thoughts and she had a headache. She was at the Community College in its IT Department and she had to leave. She said, "It's real. I know for people who don't understand it, it must be very odd. But, it's real. And I am like Dr. Elliott, I think it's the tip of the iceberg."

Alana McGrattin said she is here to support WiFi in public buildings in Santa Fe. Ms. McGrattin said she has been a resident and educator here since 1979, recently retired. She said, "I think the issue is that WiFi is already here. Florescent lights are already here. Cell phones are already here. And the issue is, are we going to have the comparable thing to public transportation for the citizens of Santa Fe by having WiFi available in the public libraries. Because to have to pay what you have to pay to have internet at home is very expensive. And our students and middle income families need to be able to use the library to access that information which is really very important for them to access. So, I'm here to support it."

Tim Greer, Main Library Services Director, said he represented the Library when the ITT steering committee met to discuss the implementation of wireless, and when they considered the comments of the community representatives, Mr. Firstenberg and Mr. Lowenberg. He also attended a follow-up steering committee when Dr. Bruno offered his comments. He said, "Since the implementation of wireless internet is such an important issue for the libraries, I carefully considered the objections of opponents to the implementation of WiFi in public buildings. I just want to state why, despite the objections that have been presented to the ITT Steering Committee and to the Governing Body, I continue to support the Committee's plan to deploy WiFi here in the City. Opponents to WiFi presented to the ITT Committee a number of studies and news stories as they claim demonstrate that wireless technology is a public health hazard and a clear source of illness to individuals who are hypersensitive to electromagnetic fields. I found that these studies tended to focus primarily on cell phones and cell phone technology and their claims about WiFi seemed to be extrapolated from the studies about cell phones and cell phone towers."

Mr. Greer continued, "For an alternative viewpoint, I would like to point out a report on the website of the Committee on "Man and Radiation" from the Institute of Electrical and Electronic Engineers. The report is entitled the "IEEE Exposure Limits for Radiofrequency and Microwave Energy," and it discusses how experts, including physicians, physicists and engineers associated with the Institute of Electrical and Electronic Engineers develop and review the standards that sets exposure limits to radiofrequency and microwave energy. The standard represents a consensus of scientific opinion about safe levels of exposures to radiofrequency and microwave energy. The report also addresses several concerns that opponents to wireless often bring up, and that is that it represents only industry points of view,

that it ignores the effects of long term exposure and non thermal effects and that other countries enforce stricter standards on radiofrequency and microwaves.”

Mr. Greer continued, “As a layperson, I can only rely on the opinions and the conclusion of experts. But, in weighing the evidence and concerns presented by opponents to wireless in Santa Fe, I’m not compelled to reject the consensus of experts who developed and reviewed safety standards for the Institute of Electrical and Electronic Engineers. Other nongovernmental organizations such as the American National Standards Institute, the National Council on Radiation Protection and Measurements, have issued recommendations for human exposure to electromagnetic fields are comparable to the IEEE. The FCC endorses these recommendations and forces compliance.”

Mr. Greer continued, “The City rightly listens to the concerns of those individuals who attribute their adverse health symptoms to wireless technologies, and I don’t question the reality or the severity of their symptoms. I also personally believe that as a community and as a society, we need to be aware of what we put into our environment, whether it’s chemicals, CO2 or radio frequencies. But, before official action is taken to provide accommodation for persons who are electromagnetically hypersensitive, I feel there is a need for a medical or scientific consensus that their illness is indeed due to the exposure of electromagnetic fields. At this time, I don’t see that there is such a consensus.”

Mr. Greer continued, “Again, my purpose here tonight is to make clear to the Council that as a staff person who participated on the ITT Steering Committee, I carefully evaluated the evidence presented by these community members who oppose the implementation of WiFi. My continued support for its implementation is because I feel that it will enhance the services that the library and the City provide. Implementation of the wireless internet for its users will help the libraries advance its technological mission and implementation of wireless internet in City buildings support the City of Santa Fe’s Strategic Initiative to embrace technology.”

Rebecca Azen, Professional Librarian in the City, said she has a very different opinion on the WiFi issue. She has researched it extensively and determined there is very definitely a cause for concern. Many studies have been done over 50-75 years and all of that material is available. She said, “The one thing that we do have in common is that we all want access to information. As a librarian, as all librarians want, we want access to information, we want it fast, we want the best, we want what’s out there. That’s what we have in common. And what I want to say to you is that we can do it, and we can do it without WiFi. As I mentioned earlier, the French National Library dismantled its WiFi system just weeks ago, based on the arguments of our own health issues.”

Ms. Azen read parts of a letter into the record as follows

“As a professional librarian, I feel the need to write and tell you that you are receiving inadequate information about how public libraries ought to function and the question of whether or not to install WiFi in public libraries should not be a matter of convenience or opinion, or trendy and short-sighted decision making, but based rather upon the long held traditions and professional values that are a [inaudible] part of our profession as librarians. Only people who are rightly informed can uphold the democracy that is a

fundamental tenet of librarianship and is their obligation as librarians to provide uncensored information to all people. Succinctly stated, these two fundamental ideals, no censorship and no barriers to access are rooted in this profession. The American Library Association Bill of Rights and many other documents, policies and legislative efforts enshrine these ideals that have a very long history.

"In the reckless and thoughtless pursuit to install WiFi in the Santa Fe Public Library system, the Board and administration of the Santa Fe Public Library are operating in complete disregard of the fundamental principles of librarianship. A responsible Board and administration would not only investigate the matter fully in themselves without seizing upon the WiFi solution, closing all doors to open communication on this issue, but would make it their duty to collect materials and books on the topic of electromagnetic pollution, so the public has a basis from which to make informed decisions. How can the public possibly make informed decisions when they have no information to base their decisions on.

"Is it not improper, if not unethical, for our public library system to be handing out yes or no questionnaires concerning WiFi without informing the public of the substantial scientific and medical literature which demonstrates harm. What duty is it of the public library to censor information and try to control public opinion. It is not antithetical to our mission. I am very disturbed by the actions of the Board and administration of the Santa Fe Public Library system. The Public Library is a model, democratic institution that continually demonstrates and reminds us of our commitment to create a more open and inclusive society and we need to stand by these historic values and not trample upon them.

"Isn't it uncanny that a national library the size of our Library of Congress of the United States, the Grand National Library of France unhooked, dismantled and said goodbye to WiFi just recently. It's not a magical feat, it's a matter of simply unplugging WiFi and plugging in the old wires. Why here in little Santa Fe in our little library system can we not conceive of doing the same and with that symbolic action, refuse any sort of censorship and barrier to access. Let's retain and protect the essence of our public library system and not exchange the riches we possess for a fleeting glimmer of fool's gold."

William Bruno, said he would echo what Dr. Elliot said, and everything she described about her patients sounds very familiar to him with his own experience of his own health. He said there are scientific papers backing up those symptoms. He said he brought along books, and if you are a Scientists you will heard of the CRC Press which writes a lot of very well respected books, and they wrote the Handbook of Biological Effects of Electromagnetic Fields, the new edition in 2007, noting it is two volumes. He said one volume is written by people from the Military Research Institutes and Military Contractors, that says there have been experiments that find problems, but there are always more experiments that find there are no problems. The other volume is stuff written by the professors at universities who say there are these problems, and although we haven't exactly figured it out, but here are some theories that might explain it. He believes this is the state of affairs right now.

Mr. Bruno said "With regard to IEEE, it is easy for a Committee to sit and say everyone in this room agrees, therefore it is the consensus view. He said he has a Ph.D. in Biophysics and he is a scientist telling you that he is at odds with the IEEE on this. He said "we gave you a list of other scientists throughout the world, mostly, I think from this country on our list, who agree with us."

Mr. Bruno read a letter from a person who is too disabled to stay here this long, **Helen Roehrig**, as follows:

"I am opposed to WiFi in Santa Fe. I am constantly ill from the delivery of microwaves to our environment. "

Mr. Bruno said these books talk about whether this illness is psychosomatic or whether it's real, and he can point to several experiences that show it's real, and others could point to other experiments where they claim to have looked objectively and couldn't show that it's real. He said it reminds him of global warming. There's a controversy and which way will it turn out, and which way will you wish you would have "bet your money" before it was too late.

Chris Wells said as he was reading about the controversy in the Newspaper, he realized we live in amazing times where new technologies and new medications come along every few months which surround our lives and within another few months we feel we can't live without them, which he believes is happening with WiFi. Mr. Wells said, "If the librarians would research the fact that the French National Library just shut down and dissembled their Wi-Fi, a very expensive Wi-Fi system, and the German Environmental Department and the European Union Environmental Department have issued warnings to stay away from WiFi. I think we should look further into this. It very much merits further consideration."

Michael Blanchard said two things he's heard a lot about tonight. One is the ability to prove something, asking if you really can prove anything, commenting for every study showing there is harm with Wi-Fi there are three produced by industry which says there's no harm. He said, "It's really difficult to prove anything. Mark Twain said there are three types of lies: lies, damned lies and statistics. I mean, it's really difficult, so we have to just use our own good judgment and look at all these people. Clearly, they're not making it up. I can't believe this many people would be delusional. The second thing is the theory that technology, if we don't jump on the band wagon, that we're going to get left behind. This is the same thing that got us in the arms race. We thought we were going to get left behind, and all of a sudden we turned into this crazy nation. My partner's currently in the Middle East. She's on a trip. Her favorite thing about being over there is that she can go into a café and people talk to each other, they have conversations and they're relaxed. When you go into an airport, and you've seen American Airports, in another country, people have a different way about them, they're not stressed." He spoke about a situation in Fall 2000 when there was a City-wide blackout and the electricity was off for about an hour, and "there was this hum in the air that was just gone. I didn't notice it, I never knew the hum was there until it was gone. It was wonderful. So, I think a lot of us don't realize what is happening."

Mr. Blanchard continued, "This sounds extreme, but if we're really considering these

things, I think if it's good enough for the public at large, it's good enough for the children. So I would suggest that if people really want to do this with the Wi-Fi that we put it in the schools first, half of the elementary schools, and monitor the children for six months or a year. See what happens. It's a crazy idea, I know. I absolutely don't advocate this, but they've done this with MSG when they were trying to determine if these things are safe for kids. The teachers monitor. They can tell what's happening. If you really have doubts about WiFi, give it to the children, keep it in their bedrooms, see what happens to these kids."

Ann McCampbell, Physician and Chair of the Multiple Chemical Sensitivities Task Force of New Mexico. Dr. McCampbell read a short note from Randa Phillips who had to leave:

"I am opposed to WiFi in Santa Fe. The long term health effects are as yet unknown, and there are already many of us experiencing severe negative effects in the short term. Our experience is relevant to the general population and that we are the early indicators, the canaries in the mine."

Dr. McCampbell said she believes, with regard to Wi-Fi, there is the potential public health threat, especially for children and that it is an access barrier for people with electromagnetic sensitivities who are covered by the Americans with Disabilities Act. People with this disability have a legal right to access libraries and other City buildings even if it is "just a few." The whole point of the ADA is to protect the civil rights of the disabled even though outnumbered and outvoted by able bodies people. She said, "I believe that WiFi is a classic precautionary issue of our time. There is already evidence of harm, even if all of the science is not in, it is better to take a 'better safe than sorry' approach. It would be unethical to wait until many more people get sick from WiFi which has happened with asbestos, lead and mercury, before taking action."

Dr. McCampbell said we know enough to take prudent action. She noted that AOL offers free internet at home. Anyone with a land line and a computer can get onto the internet at home. She said there is already enough bleed over signal at the main Library that many already can access wireless, so there is absolutely no need to install additional wireless there. For this reason, the Council should reject plans to install more WiFi and discontinue the WiFi in City Hall. She said some City staff describe the Wi-Fi as a gift, a service to the public, but since WiFi is so proliferated in the community, the best gift the City could give citizens is a haven from WiFi exposures in libraries, a safe place to be. And the price is right. It would cost nothing.

Tina Dominguez, Assistant City Clerk, said **Forrest Reed**, was here earlier and left a note with Ms. Helberg [the stenographer] to be read into the record:

"My name is Forrest Reed, my address is P.O. Box 5813, Santa Fe. I am opposed to Wi-Fi."

The Public Hearing was closed

Councilor Ortiz said a number of people raise the issue that by putting in WiFi, the City would be creating an access barrier, and they raised an issue about the Americans with Disabilities Act, noting this was raised in a minority report on page 18 of the Council packet. He asked Mr. Katz if he or his office looked at the legal issue regarding this argument.

Mr. Katz said no, they have not.

Councilor Ortiz said on page 18 of the packet, claims were made that the U.S. Architectural and Transportation Barriers Compliance Board, the federal agency charged with developing accessibility guidelines under the ADA, has not yet drafted reasonable accommodations for persons with electromagnetic hypersensitivity, EHS. And then the statement is made that the Steering Committee "fails to advise you that the Access Board has already recognized EHS as a disability." He asked Mr. Katz if he has any opinion on whether or not EHS is a disability as defined under either federal or state law.

Mr. Katz said he has no opinion, and has not researched it, so he wouldn't hazard an opinion.

Councilor Ortiz said none of us on the Council are scientists. He said his only concern is what exposure we have as a City for any of these claims being posited by these citizens. He doesn't think we're in a place now to have any kind of decision until we get a legal opinion as to whether or not this is a disability. If it is a disability, then are we going to make a reasonable accommodation, a so-called creation of quiet zones, or are we going to have some other kind of problem. He doesn't want us to be in the situation where we have to install something, and then be forced to remove it under actual or threatened litigation, commenting he believes on the whole it probably is a good thing. He doesn't believe this plan is ready to be decided at this point, because we need a legal opinion first.

Councilor Ortiz asked how long it would take to get a legal opinion from the City Attorney or from a civil rights or ADA attorney.

Mr. Katz said he would hope he could do it in two weeks, but he is uncertain that can be done.

Councilor Ortiz moved, seconded by Councilor Romero, to postpone consideration of the approval of this plan until the first City Council meeting in June 2008, to allow the Governing Body to get a legal opinion on the accessibility issue and whether or not EHS is defined as a disability under either federal or state law, and that the public hearing is closed.

Discussion: Councilor Ortiz said once we get the opinion and are more informed, he believes the Council would be in a better situation to make a decision. He is amenable in the interim, to including more items, but these are the two items we have to see before we can make a decision.

Councilor Trujillo reiterated that Councilor Ortiz said not all of the Councilors are scientists, although Councilor Ortiz is a lawyer, and believes he is looking at the best interest of the City. He said he is not debating that the sickness is real. He said WiFi is to give the children of this community the technology that we haven't embraced. He said we were founded in 1692, but it is now 2008 and this City needs to embrace technology to give to our children and to the people. He said in 1986 when he was in school he was using an encyclopedia from 1963. He said if this technology was available back then, "just think of the report I could have written." He said, "I am looking out for the future of our children. Right now, I mean it's true, if you put something on the internet, wireless, boom, it's there. The library, it's a place for learning, and that's what it is. The kids want to go there. They're going to access the internet and get the information they need."

Councilor Trujillo said the information provided by Ms. Hodapp is that there are 150 requests per month from patrons for wireless. He said one lady said it is free, noting he is paying for it at his home, and didn't know it was free on AOL. He said there are a lot of families in this community that can't afford it. They can access it at the library. He wants to give this opportunity to those families and people who want the opportunity to use the internet, and if this frees more computers by people bring their laptops, the better for the kids and the more people can access it.

Councilor Romero said this is a difficult decision and she appreciates Councilor Ortiz helping the Council to think through the legal implications. She said she takes her laptop with her to different places. She hopes when this is considered in June there will be limitations on what we look at, commenting that what we have looked at is what we consider public demand and what we consider value added. She doesn't believe we have looked at the value added services which would pay for themselves, and there would be some parameters when we look at this again. She appreciates people staying. She said the fluorescent lights give her a headache

Councilor Wurzbarger would like information on the French and German studies and the reason they closed down WiFi at their libraries.

Councilor Bushee said, "I think... I don't understand why we need to have it in specific buildings. I'd like to limit the discussion to some degree, and I think the Library lends itself to a little bit more of a valid discussion. I honestly don't know why we have to have it here in the chambers. I mean every Councilor [applause]... I only say that because you know, this is a place where you want to make sure you provide access. I mean, I truly think we're supposed to be this place that democracy happens here in the local arena. And so, I'm... sorry Ron, I know you guys like to get your emails here, but you know, we've got our disks.

Councilor Bushee continued, "And, so, I'm just saying I would like us to narrow down very clearly what we're thinking of doing and why, and you know, if it includes places like the GCCC or any of the other health facilities, I don't really understand that either. Because almost every staff person is plugged in and can access that way, so I would really like to have staff, perhaps, focus their attention on the libraries, and you know, if we can.... Because, I do understand the access issues, although I have to say, I mean, I'm someone who really likes to make sure I can go to my cabin up north and not... my cell phone doesn't work and my

computer doesn't work and boy it's great, so I'm not saying that you can't consider that as a valid discussion for libraries which is access to knowledge, and certainly free access to the internet would be something to consider, both for our youth and for our economy. But, I want to hear all the arguments, but I really would like to limit it to the libraries."

Councilor Dominguez thanked everyone for taking the time to speak to the Council and to tell us what they know and how they feel about this issue. He is glad we've taken the time to study it and have it go through a process to get information about this issue. He is sympathetic to peoples' concern, and believes some people are affected by this, and said perhaps all people are affected, so he thinks the concerns are real.

Councilor Dominguez said, "Just to chime in on the whole issue about children. The Santa Fe Public Schools, pretty much every school, if not every school, has WiFi. And the reason that decision was made, and it was not because there was any intent to do harm to anyone, to do harm to children especially, but because it's about knowledge, and knowledge is power. And I think that anytime we begin to limit that access to knowledge, that sets us up to some degree to limit ourselves in any forward or progressive movements."

Councilor Dominguez continued, "With regard to the location of these, I'm not necessary sold or adamant about having it at any one or all locations. I will say this though, at the Chavez Center it is in it's name and how it's marketed is as a community center. It is not just a recreation center. It is a place where a level of learning does happen. And so, I think that that's something that needs to be considered as well. It's not just about people, even though they should go and recreate and exercise because it's the right thing to do and it's healthy. But some parents go and pick up or wait for their kids who are playing in league play and use that time to gain access to knowledge. In fact, I think at one time, the Chavez Center did have wireless and the patrons there, from what I understand, loved it and really enjoyed having that access. And, quite frankly, the kids that go to the Chavez center who maybe do recreate and spend a little bit of time with their friends do their homework there. And having access to that information is something that I think would be beneficial. So, although I'm glad that we're actually going to take the time to do the right thing and make sure we go through the legalities of it, I think that's a smart move and I respect that, and so I'll be in favor of the motion."

Councilor Chavez said, "I think the discussion about maybe limiting the number of facilities I think is good. And, in addition to finding out what the French Library has done in dismantling their Wi-Fi, I'm also wondering if we could ask staff to pursue other alternative technology, other than WiFi [applause] so that we don't put all of our eggs in one basket, and look at all of the options that are out there in the time...since we're taking time, since we're postponing, let's look at all of the options that are out there."

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.

Explaining his vote: Councilor Chavez said with all of the suggestions and directions to staff, he votes yes.

- 6) CONSIDERATION OF BILL NO. 2008-21; ADOPTION OF ORDINANCE NO. 2008- ____ (COUNCILOR WURZBURGER). AN ORDINANCE AMENDING ARTICLE 23-5.2 SFCC 1987, TO REQUIRE VENDORS PARTICIPATING IN THE MAJOR COMMERCIAL EVENTS ON THE PLAZA TO PROVIDE CRS TAX RETURNS TO THE CITY INDICATING INCOME RECEIVED DURING THE EVENT. (FABIAN TRUJILLO)**

This item was removed from the agenda, and postponed to the Council meeting of May 14, 2008.

- 7) CONSIDERATION OF BILL NO. 2008-22; ADOPTION OF ORDINANCE NO. 2008- 23 (COUNCILOR WURZBURGER AND MAYOR COSS). AN ORDINANCE AMENDING SECTION 14-6.2(A)(6)(a)(i)(D) SFCC 1987, IN ORDER TO TERMINATE THE CATEGORY OF EXISTING (PRIOR TO JANUARY 30, 2008) SHORT TERM RENTAL UNITS ON JANUARY 1, 2013, REGARDLESS OF CHANGE OF OWNERSHIP AND AMENDING SECTION 14-6.2(A)(6)(a)(ii)(A), SFCC 1987, TO CLARIFY THE MINIMUM RENTAL PERIOD FOR SHORT TERM RENTAL UNITS. (JEANNE PRICE)**

Frank Katz presented information regarding this matter to the Council.

Public Hearing

There was no one speaking for or against the ordinance.

The Public Hearing was closed

Councilor Wurzbarger spoke in support of the changes, particularly the first one with respect to the seven days, because that was the original intent of the legislation which was drafted months ago.

Councilor Wurzbarger moved, seconded by Councilor Bushee, to adopt Ordinance No. 2008- 23.

The motion was approved on the following Roll Call vote.

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

Against: None.

Absent: Councilor Chavez.

- 9) **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). (Postponed at April 9, 2008 City Council Meeting)**

A copy of "Additional Materials Submitted by WivCo, Inc., submitted for the record by Frank Herdman, Esq., is incorporated herewith to these minutes as Exhibit "8."

A computer generated color photograph of the final project, submitted for the record by Frank Herdman, Jr., is incorporated herewith to these minutes as Exhibit "9."

Memorandum dated April 30, 2008, to Mayor Coss and City Council Members, with attachments, from David Rasch, Supervising Planner, Historic Preservation Division, is incorporated herewith to these minutes as Exhibit "10."

The staff report was presented by David Rasch which is contained in Exhibit "10."

Mr. Katz pointed out that in compliance with the wishes of the Governing Body, there are in the packet, findings and conclusions from the H-Board, just as you had on the zoning from the Planning Commission.

Councilor Ortiz said, "Mayor can we take administrative notice that we're read your report David, so we don't need you to read it to us."

Mr. Rasch pointed out that the appeal is on the new building, not on the approval for the two buildings that occurred, and a height exception was requested where the building was proposed at 36 ft. high. The maximum allowable height is 15 ft. 6 in., and he wants to be sure the Council understands that the height exception is for approximately 20 ft., which is taller than the maximum allowable height, the amount of exception requested. He said the H-Board postponed action on the new building, finding that the height exceptions were not met, and the Board additionally found that the light emitting at night from the subgrade parking garage would create the illusion that the new building will hover over its site and that the cantilever construction does not comply with the Historic District Standards.

Staff Recommendation: Staff recommends denial of this appeal based upon the attached Findings of Fact and Conclusions of Law unless the Governing Body has a positive finding of fact to grant the necessary height and design requests for this project.

The proposed new building exceeds the maximum allowable height to accommodate solar panel screens, a second story, and sufficient parking without substantial underground parking garage redesign. Additionally, the new building does not comply with upper floor step back and no cantilever standards.

Public Hearing

Presentation by the Appellant

Frank Herdman, attorney for the Appellant, was sworn. Mr. Herdman distributed copies of additional materials and a photograph of a cantilever design to the Council [Exhibits "8" and "9" respectively]. He said the location of the project is on an oddly shaped, triangular lot which currently includes the old Healy Matthews building and the Luna Building at the intersection of Cerrillos and Manhattan. The access to the lot is off Manhattan Street. He said the project is located in the Cerrillos Road Subdistrict of the Business Capital District and that Subdistrict has its own design objections he would ask the Council to bear in mind as it considers this appeal. Mr. Herdman said the goals stated in the Code for this Subdistrict, the City is supposed to do the following:

- (1) Recognize this area as undergoing renewal;
- (2) Provide flexible and permissive standards to encourage redevelopment and imaginative design;
- (3) Develop the area as a gateway to the downtown area.

Mr. Herdman said the first display board is an enlarged photograph of the property as it exists today, and its current condition obviously is a blight on the neighborhood and does not satisfy the goals he just stated. The lot includes an unsightly parking lot at the intersection of Cerrillos and Manhattan as demonstrated in the photograph.

Mr. Herdman said the project, as proposed, is supported by the neighborhood, noting a petition signed by 17 business representatives within 1-2 blocks of the site expressing support, including support for the height of the structures is included in the additional materials he submitted [Exhibit "8"]. He said some of those people intended to speak, but due to the late hour had to leave.

Mr. Herdman said the 3-D model before the Council, is the one which was presented to the HDRB.

Mr. Herdman said the building which is the subject of the appeal is part of a three building project, with renovations to the two existing buildings with new additions as shown in the model. It includes a new addition at the rear of the Luna Building. The new third building is located at the back of the lot and is the only building that is at issue in this appeal. The entrance for the three building complex is off Manhattan Street. The new building and the new addition to the Luna Building will be raised about eight feet off the ground to accommodate 76 parking spaces for the entire project, and the parking is cut a bit into the grade, but it is not

underground parking. The new building, as well as the renovated Luna Building will have 13-15 new residential units which will include the required number of affordable units, and the rest of the project will include retail and office space. All three buildings will have solar panels on the roofs.

Mr. Herdman emphasized that the three buildings, including the new building only work as an integral whole in terms of their design and overall feasibility, including the economic feasibility. This was not intended as a two-building project, but as a three-building project. One of the reasons it is feasible only as a three-building project has a lot to do with the costs associated with providing affordable units.

Mr. Herdman said the BCD DRC has given its approval, including its design approval to all three buildings and expressed its recommendation to grant the height exception by the HDRB.

Mr. Herdman said the HDRB approved a height exception as well as design associated with two of the buildings. The Board approved a height exception of 26½ feet for the renovated Healy Matthews Building and a height exception of 31½ feet for the renovated Luna Building.

Mr. Herdman said Mr. Rasch mentioned a streetscape calculation of 15 feet, but they submit that wasn't done in requirements of the Code, because staff went all the way up Manhattan to look at buildings in the direction of Guadalupe, when Manhattan is truncated. The Code provides you go up and down the streets where the street is truncated, which they did to come up with a new height calculation which he submits is more accurate and better representative of the heights of buildings in this area. Their proposed calculation indicates approximately 20 ft. which is 4½ ft. higher than staff's calculation, and because their slope has a 2 foot increase in slope over the foundation of the building, the Code provides that they get an additional 4 feet. They believe with their revised and more accurate height calculation they are up to approximately 24 feet. He said they aren't asking for much more than that.

Mr. Herdman said they have an alternative which lowers the height of the building to 32 feet. He said the screen around the solar panels is four feet tall. He used an enlarged computer generated graphic showing the building without the screen. He said the panels are slightly visible from Sandoval Street, but would disappear as you get closer to the building and from the streetscape on Cerrillos as well as Manhattan.

Mr. Herdman pointed to enlargements of four photographs taken of representative buildings in the Historic Transition District which shows an abundance of rooftop, mechanical equipment with no screen. He said this demonstrates the manner in which the City has interpreted this requirement of screening rooftop equipment, noting this is only four representative examples among many more in this district.

Mr. Herdman pointed to an enlargement of the project as submitted to HDRB for approval. It shows the screen and the solar panels are now completely hidden. He said they would offer an option to approve without the screen or without the screen, either of which is acceptable to the Applicant, asking the Council to consider the issue of whether sustainable

design should be held to a different standard than buildings where HVAC equipment is far more visible and not screened.

Mr. Herdman said, with regard to the concern of the HDRB that the building would hover in the air, they are mystified by that particular concern. The additions which will be added to the rear of the Luna Building have the exact same design in that the parking is located under the building and the building is raised approximately 8 feet. It is lit in exactly the same manner, and that was approved by HDRB.

Mr. Herdman said the fact that the building is raised off the ground about 8 feet will not be apparent from the street. Pointing to the enlarged drawing, Mr. Herdman said "this " is the view from Manhattan Street, and what is seen is a wall like feature with two entrances where vehicles come and go from the parking lot under the building. As a consequence, you do not see that the building is elevated approximately 8 feet above the ground. Similarly, in the upper left hand corner is the view from Cerrillos, which is the new addition to the Healy Matthews building and the renovated version of the existing Healy Matthews building, but you do not see that the building is elevated off the ground.

Mr. Herdman, referring to the enlarged drawing, said this shows the lighting plan which was approved by BCD DRC, and this lighting plan shows circles which are intended to indicate where the light will be spotted on the ground, the circumference of where the light will illuminate the ground. As you can see, there is no spillage beyond the parking area. Additionally, the surface of the parking area will be asphalt, so there will be little to no reflection.

Mr. Herdman said he would like to respond to the notion that the building does not comply with standards governing cantilever design in the Code. Mr. Herdman read the definition of "cantilever," from Webster's Dictionary as follows:

"A projecting beam or member, supported only at one end."

Mr. Herdman referred to the photograph [Exhibit "9"] showing an example of cantilever design. He said there are no cantilever designs or features on the building, so the issue is a non issue.

Mr. Herdman said, with regard to the manner in which the building meets the requirements for a height exception under the Code, an important criteria for a height exception under the Code is as follows:

"To strengthen the unique heterogeneous character of the city by providing a full range of design options to ensure that residents can continue to reside within the historic districts."

Mr. Herdman said the new building will comply with this requirement because it provides new residential units within the historic districts.

Mr. Herdman said the proposed new building height of either 36 ft. or 32 ft. also makes sense in this particular context. He pointed to a photograph of the Anaya Building which is located next to where the new building will be situated, and it is almost 50 feet tall. He said if

you look at the model, you will see how the new building works in the overall context. He said the renovated Healy Matthews building with the new addition on the north is 26½ feet, behind it is the new building at either 32 ft. or 36 ft., depending on whether you include the screen, and behind that is a 50 ft. building. He said next to it, there is the revised and renovated Luna Building at 31½ feet. He said this is a building situated appropriately within its context, and overall, going from the streetscape, you see a stepping-up effect that breaks up the cliff-like feature of the Anaya Building, which is what you see today abutting the parking lot.

Mr. Herdman said we ask that you grant the requested height exception, with or without the screen as you consider appropriate, and as part of the motion request that you incorporate the proposed findings which are included on the second page of the additional materials that we handed out [Exhibit "8"], noting the architect and the applicant are present to answer questions. Mr. Herdman requested time for rebuttal if necessary.

Speaking Against the Appeal

All those speaking were sworn en masse

Marilyn Bane, 622 ½ B Canyon Road, President of the Old Santa Fe Association, said the building is too high, it doesn't look good, and the Council needs to deny the appeal. She said the most important part of this is that three times the Historic Design Review Board has tried to work with the developer to come to a way that they could agree that some of this would be mitigated. She said three times, the developer was intransigent on that. She thinks it's a very bad policy not to encourage as much communication and working with the Historic Design Review Board as is possible. She said the H-Board was willing to do it, and it would speak better for the developer if they had worked better with the H-Board. The Old Santa Fe Associations asks you to deny this appeal. If you feel there is a reason you don't want to deny the appeal, we ask that you remand it to the Historic Design Review Board.

Sagemaya Dandi, 1492 Upper Canyon Road, said he walks everywhere he goes. He said the particular property to be developed is at a horrible intersection. He said the idea of putting more density and higher buildings makes it dangerous for pedestrians. He said it is one thing to have the Hotel Santa Fe at 4-5 stories set way back off the road, as well as the Anaya Building. However when you put huge buildings against the roadway, you take away the character. He said people tell him what they like best about Santa Fe and what brings them here to visit is the architecture, that there are no high buildings. He expressed displeasure with the idea of no screening on the building.

Lance Armer demonstrated where he work on the enlarged photograph, which is near the subject site. He said many places wouldn't be developed if it was based on whether or not the traffic flow makes sense, especially downtown. He said this is a horrible intersection. In the last week, Mr. Armer said he replaced two windows in his building, at considerable expense, from drive-by shootings, commenting he believes pellet guns were used. He said he was here in October when this was considered and said there is nothing the developer could do that would be worse than what is already there, and he still agrees with that. He said he likes the

design and believes the development would be an improvement, and urged approval. He said someone's going to build it sometime.

Kiersten Griffin, owner of Café Café, a neighbor of the site, said she has lived in Santa Fe for 15 years, and during that time the only purpose the corner has served is as a place for youth to gather before beginning their nightly cruise. She said, considering the buildings and heights in the area, she has no issues with the height or size and believes the project will be a renewal and an improvement to the already expanding area, both visually and energetically. It will fill a dead space awaiting to be a vibrant and lively space, part of our beloved Santa Fe.

Mr. Herdman said all of the traffic impacts of the project at this particular intersection has been studied and approved by BCD DRC, and that issue is not before the Council this evening, it is just a matter of the height as well as the design related approval of the building.

The Public Hearing was closed

Councilor Chavez clarified that the variance and building in question have to do with the new building.

Mitch Davenport, the Architect, said that sounds correct, the footprint.

Councilor Chavez said that isn't the entire footprint of the complex which is three buildings.

Mr. Herdman said, "Let the record reflect that I walked away from the microphone." Mr. Herdman demonstrated the subject site on the model, but his remarks were inaudible.

Councilor Chavez said it is the rectangular portion, and Mr. Herdman is saying that footprint is the 4,284 sq. ft.

Mitch Davenport said his records show that the building has a footprint of 6,700 sq. ft., noting the whole complex has a square footage of 45,300 square feet.

Councilor Chavez said he is trying to understand what percentage of the full complex is subject to the height variance.

Mr. Herdman said just this building, pointing to the model, and the height exception would run to this particular building "right here," and whatever its footprint may be.

Councilor Chavez said then the footprint is somewhere between 4,000 and 6,000 square feet.

Mr. Herdman said because the BCD DRC approved the entire project, what it also confirmed is that this three building complex complies with all applicable lot coverage

requirements, open space, etc., things of that the nature. The only issue before the Council this evening is the height and design of this third new building which doesn't exist today.

Councilor Chavez said we are presented with another either/or situation which baffles him somewhat, because we are discussing screening solar panels. He asked the rationale in this, and asked Mr. Herdman, to his knowledge, how effective the solar panels will be if they are screened.

Mr. Herdman said in some situations they lose efficiency.

Mr. Davenport said we have designed those, and they will show up on the site plan and he thinks on the model, along with the mechanical equipment. He said through this process they have learned how far away these solar panels need to be from each other, how far away they need to be from the screen, and how far away they need to be from the mechanical equipment to be effective. He said they have designed those accordingly. At one point, they were hoping to move them closer to the middle of the building so they would be less visible, but that's when they started to drop in efficiency. He said they can show with the model and site plans the locations where they need to be placed to be effective. He said this is reflected on the 3-D model, where standing 100 feet away, you could see the top of the solar panels, so they wanted to be sure that you know if the screen is removed you will see the top of the solar panels. It is the Council's choice.

Councilor Chavez said then you don't lose efficiency.

Mr. Davenport said that is a complicated question, but the simple answer is that their goal is to make them as efficient as they possibly can be. He said the loss of efficiency by screening has been calculated, and they understand it is very minimal. There is a certain point of the day where the screen will shield the solar panel, but it is for a short period of time just as the sun is setting.

Councilor Chavez asked if these are passive, or collectors for a photovoltaic, or hot water.

Mr. Davenport said they are hot water.

Councilor Wurzbarger said, "Frank, you finally did it. And I want to acknowledge the work of the H-Board. I do believe this is the best presentation of finding of facts that we've ever had."

Councilor Wurzbarger moved, seconded by Councilor Chavez, to deny the appeal in this case on the basis of the Findings of Fact and Conclusions of law found by the Historic Design Review Board.

Discussion: Councilor Bushee said she would like to ask Sharon Woods, Chair of the H-Board a question. She is trying to understand the cantilever issue, saying the minutes were scant and it sounds like there wasn't a lot of dialogue.

Ms. Woods said they did talk about it quite a bit. She said for the applicant to provide the required parking spaces, they raised the building 8 feet above the ground on poles, so the parking goes out past the building. She said basically the building is cantilevering past its support. She said it works for a building to float if it's steel and glass, but it doesn't work with adobe. Ms. Woods said if we start to have walls covering architecture which doesn't comply with the ordinance, we will set precedent and everybody will just build walls and do whatever they want behind the walls.

Ms. Woods said at first, it was hard to understand the elevations. However, once they brought in the model, you can see how this building floats and the parking extends past it, and that was the biggest objection of the Board. It is a very high building, and the Board continued to try work with them on the solar panels. The Board asked them to sink the parking, they said it wasn't feasible. The Board asked them to try and anchor the building by having supports, and they said they would lose too many parking spaces. She said all of that refers to this cantilever and how the building is hovering.

Councilor Bushee asked it a function of needing a higher building because they can get more parking, or a function of wanting to install the panels, so you have to go higher to screen it.

Ms. Woods said it is both. She said the Board worked very hard to deal with the solar issue, because we want a green Santa Fe, noting the Board has worked time and again with applicants on solar panels. She said the Board has not turned down one building with solar panels since she has chaired the Board. She said it is compounded on two things. One, because the building floats, noting they asked them to sink the parking, put it underground, and they said they couldn't because it is too expensive. She said to provide the required parking, the building sticks up another 8 feet, and they are asking for 20 ft. more than staff says is allowed under the ordinance as an exception. This is a lot. She said the applicant says it is a 2½ story building, but it's 36 ft., and that is a three-story building.

Councilor Bushee asked Ms. Woods if this were to be sent back to the H-Board, does she think they would be able to work out something.

Ms. Woods reiterated the Board worked hard to try to and work with the other two buildings, noting the height exceptions on those was because of the solar. She said at this point, something has to give: they somehow anchor the building so it's not hovering with the parking extending beyond it, or the City allows them to "take off" a few parking spaces so we can anchor it, they come up with the money to sink it. She said we are at an impasse. She said the Board kept tabling it to try to work it out, but they said, "No more. We're not doing it. It's up to the Council." She said they have affordable housing to deal with, parking to deal with and the H-Board, and it's not working together for this guy. She said she can only work within the Board's jurisdiction.

Councilor Bushee said the Findings of Fact were well done. She said it's not the Council's job to worry about the developer's parking, but it is our job to uphold the ordinance when it is appropriate, and she feels this is appropriate.

Councilor Ortiz asked if the Anaya Building is in the historic district.

Mr. Rasch said yes.

Councilor Ortiz asked when it was built.

Mr. Rasch said he doesn't know the date, but it probably is pre-1996, before the height ordinance.

Councilor Ortiz asked Mr. Rasch if he agrees that the heights as represented on the model are accurate, and that's how it would look if the building were to be approved.

Mr. Rasch said he believes the model is accurate.

Councilor Ortiz said then the new building would be smaller in height than the building to which it is right next door.

Mr. Rasch said this is correct.

The motion was approved on the following Roll Call Vote:

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Romero and Councilor Wurzbarger.

Against: Councilor Trujillo, Councilor Dominguez and Councilor Ortiz.

- 10). CONSIDERATION OF RESOLUTION NO. 2008-____. CASE #M 2007-36. 1312 AGUA FRIA STREET GENERAL PLAN AMENDMENT. DERRICK ARCHULETA, AGENT FOR EVANGELINE HERRERA, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 0.306± ACRES OF LAND FROM LOW DENSITY (3-7 DWELLING UNITS PER ACRE) TO OFFICE. THE AREA IS LOCATED BETWEEN AGUA FRIA STREET AND HICKOX STREET. (LOU BAKER) (Postponed at March 26, 2008 City Council Meeting) (Request by Staff to Postpone to May 28, 2008 City Council Meeting)**

A Memorandum dated April 22, 2008 for April 30, 2008 City Council, from Lou Baker, Senior Planner Development Review, recommending postponement of Case #ZA-2007-13 and #M-2007-36 [Items #10 and #11], to the meeting of May 28, 2008, is incorporated herewith to these minutes as Exhibit "11."

This item was postponed to the City Council meeting of May 28, 2008.

- 11) **CONSIDERATION OF BILL NO. 2008-19; ADOPTION OF ORDINANCE NO. 2008-____. CASE #ZA 2007-13. 1312 AGUA FRIA STREET REZONING. DERRICK ARCHULETA, AGENT FOR EVANGELINE HERRERA, REQUESTS REZONING OF 0.306± ACRES OF LAND FROM R-5 (RESIDENTIAL, FIVE DWELLING UNITS PER CRE) TO C-1 (OFFICE AND RELATED COMMERCIAL). THE PROPERTY IS LOCATED BETWEEN AGUA FRIA STREET AND HICKOX STREET. (LOU BAKER). (Postponed at March 26, 2008 City Council Meeting). (Request by Staff to Postpone to May 28, 2008 City Council Meeting)**

This item was postponed to the City Council meeting of May 28, 2008.

12. MATTERS FROM THE CITY MANAGER

Mr. Buller said Friday is Bill Tallman's last day with the City. He thanked him for the experience he brought to the office, and for all of his work with the City over the past year. He said Mr. Tallman has been a real help to him.

15. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

16. COMMUNICATIONS FROM THE GOVERNING BODY.

Councilor Calvert

Councilor Calvert introduced two Resolutions:

- a) A Resolution supporting the use of renewable energy at the Wastewater Treatment Plant, noting Councilor Wurzburger and the Mayor are cosponsors. He asked that it go to the Public Utilities and Finance Committees. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "12."
- b) A Resolution urging New Mexico's U.S. Senators to support reforms to the 1872 Mining Law. He asked that it come directly back to the Council. He said although some say the City has no jurisdiction, this might pertain to us some day because of the local mining in the vicinity. A copy of the resolution is incorporated herewith to these minutes as Exhibit "13."

He would like City staff, perhaps Laura Banish, to prepare a press release reminding all of the candidates for office to site their campaigns signs appropriately, and not put them where they don't belong. Mr. Buller said he will work on this.

Councilor Dominguez

Councilor Dominguez had no communications.

Councilor Ortiz

Councilor Ortiz, on behalf of Councilor Wurzburger, introduced her Joint City/County Resolution supporting the SF Regional Telecommunications Coalitions' efforts to organize primary telecommunications bandwidth users in the SF region, directing staff to submit an application to the NM Lambda Rail. He assumes this will go to the Public Utilities Committee. A copy of the resolution is incorporated herewith to these minutes as Exhibit "14."

Councilor Trujillo

Councilor Trujillo introduced an Ordinance creating a Santa Fe Traffic Operations Program or "Stop," [red light camera program]. He asked that it go to the Public Utilities, Finance, Business & Quality of Life and Public Safety Committees, and to the Mayor's Youth Advisory Board. A copy of the ordinance is incorporated herewith to these minutes as Exhibit "15."

Councilor Trujillo said he had the opportunity today to ride with Donald Marquez, Parks Division, and he saw a lot of the Parks in District 3 and 4, as well as Fort Marcy. He said Mr. Marquez asked him to extend a personal invitation to any Councilor who would like to do so, to ride with him to see what staff does on a daily basis. Councilor Trujillo said it was a real "eye opener" for him.

Councilor Romero

Councilor Romero introduced two Resolutions:

- a) A Resolution directing staff to apply for a one year extension to the existing MAP Funding Agreement between NM DOT and the City for the Old Pecos Trail Reconstruction Project. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "16."
- b) A Resolution establishing the Public Campaign Financing Advisory Committee. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "17."

Councilor Romero said at the April 9, 2008, meeting the Council postponed the Conservation District issue. She and Councilor Wurzburger have been working with the Land Use Department and Patrick Nicholson, the new neighborhood planner. She said a letter is being prepared from Councilor Wurzburger and her to the District, announcing that Patrick

Nicholson has been hired as the City Neighborhood Planner, with a copy of his resume attached. She said they note they are working closely with the Neighborhood Network and Realtor's Association to update the neighborhood and homeowner condo association, noting a copy of the correspondence will be sent to the other Councilors. She said they have decided to work with the Casa Linda Neighborhood in District 2, which is near Kaune School on the neighborhood planning efforts.

Councilor Bushee

Councilor Bushee introduced a Resolution, cosponsored by Councilor Calvert, designating the fourth Saturday in June each year as Pride on the Plaza Day. She asked that it go to the Public Works Committee. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "18."

Councilor Bushee spoke about several issues and concerns as follows:

- a) When will the naming of the convention center be coming to the Council again. Mr. Buller said he will check with Mr. Toler and ask him to contact her with the timeline and progress.
- b) She asked if feasible, if staff could begin an investigation to explore what potential building sites related to water could be named after former Councilor Art Sanchez, suggesting perhaps the BDD future buildings.
- c) She asked that Mr. Schiavo look at shutting off every other one of the florescent lights in the Council Chambers, and/or changing the kind of light used. Mr. Buller said Mr. Schiavo has looked at it, and he will ask him to speak to her about his conclusions, and there are issues as to why this can't be done.
- d) She asked that they take the "smelly thing" out of the bathroom that shoots perfume, noting some people can't tolerate scents.
- e) She would like to take the Highway Corridor Ordinance "out of mothballs" and reactivate it, and asked someone to get back to her in this regard.
- f) She reminded everyone that "Bike to Work Week" starts the week of May 12, with a kickoff at Melo Velo at Noon, and the main event is Friday, May 16th on the Plaza, 7:00 a.m. to 10:00 a.m.
- g) She said quite a few things were tabled at Public Works, and she needs to know where they are going – are they being pulled, going forward, because Public Works will begin looking at the Parks bonds and BTAC will be looking at the trails.
- h) Councilor Bushee reminded everyone of the Mother's Day rally on the Plaza for peace and mothers on Mother's Day.

Councilor Chavez

Councilor Chavez thanked staff who attended the Pueblo Alegre/Casa Alegre HOA on April 22nd at Frenchy's Barn, noting 40 residents attended.

Councilor Chavez said on May 20, 2008, at 7:00 p.m., there will be a neighborhood meeting in the Tierra Madre Common House, 4521 Calle Turequesa. He would like the same staff who attended the meeting on April 22nd to attend that meeting as well.

Councilor Chavez expressed appreciation of Councilor Romero's observation on the neighborhood plan. He said when the pilot project was approved, he was challenged by Jack Hiatt, Director, Planning & Land Use, to identify another area which could fall under the pilot project. He said the area he has identified is the Hickox Subdivision, which borders St. Francis Drive, Agua Fria, Hickox and Sierra Vista, as well as the Baca Street portion of the railyard property, and proposes it go all the way to Osage Avenue.

Councilor Chavez said a resident at 100 Juan de Dios called him requesting speed limit signs, and will provide the telephone number to Mr. Buller.

Mayor Coss

Mayor Coss had no communications.

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 11:50 p.m.

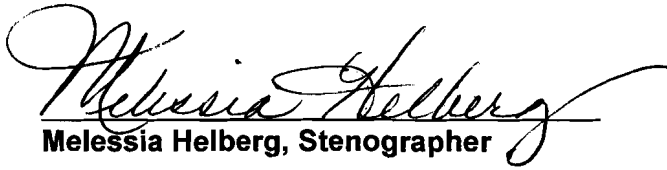
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Stenographer