



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MAY 14, 2008
CITY COUNCIL CHAMBERS

AMENDED (Item #8-f)

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 5-12-08 TIME 12:00

SERVED BY

RECEIVED BY Amelia Carney

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: Spec. City Council Meeting – April 14, 2008
Reg. City Council Meeting – April 30, 2008
8. PRESENTATIONS
 - a) Employee of the Month for May 2008 – Craig Ernst, Police Officer.
(5 minutes)
 - b) 2008 Water Conservation Poster Contest Presentation. (Randy Sugrue)
(5 minutes)
 - c) Proclamation – Dedication of Field #2 at Franklin Miles Park – Charlie
"The Greek" Griego. (5 minutes)
 - d) Edible School Yard – Monte del Sol Charter School. (Adam Minhas and
Hector Galindo) (5 minutes)
 - e) 2008/2009 City Poster. (Sabrina Pratt) (5 Minutes)
 - f) Proclamation – Bike to Work Week -- May 12 – 18, 2008. (Laura Banish)
 - 1) Children's Bicycle Safety Poster Contest Winner.



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9. CONSENT CALENDAR

- a) Request for Approval to Publish Notice of Public Hearing On June 11, 2008:
 - 1) Bill No. 2008-34 – An Ordinance Amending Sections 14-9.10(H)(28)(e) and 14-8.10(H)(29) SFCC 1987 Regarding Price Reduction Signs In Historic Districts. (Councilor Bushee) (David Rasch)
 - 2) Bill No. 2008-35 – An Ordinance Creating a New Section 14-6.2(F) SFCC 1987 Establishing Requirements Regarding Electric Facilities and Making Such Other Changes as are Necessary. (Councilor Chavez) (Nick Schiavo)
 - a) CONSIDERATION OF RESOLUTION NO. 2008-_____.
(Councilor Chavez)
A Resolution Adopting the Electric Facilities Plan as an Amendment to the City of Santa Fe General Plan. (Nick Schiavo)
 - b) CONSIDERATION OF RESOLUTION NO. 2008-_____.
(Councilor Chavez)
A Resolution Adopting a Fee Schedule for the Review of Applications for Electric Facilities. (Nick Schiavo)
- b) Bid No. 08/33/B – La Farge Branch Library Improvements; Gew Mechanical, Inc. (Chip Lilienthal)
- c) Request for Approval of Procurement Under State Price Agreement – Civic Center Magnattach (Dance) Floor; Mity-Lite, Inc. (Chip Lilienthal)
- d) Request for Approval of Amendment No. 1 to Agreement Between Owner and Architect – Genoveva Chavez Community Center; Autotroph, Inc. (Peter Greene)
 - 1) Request for Approval of Reimbursable Expenses.
 - 2) Request for Approval of Budget Adjustment – Project Fund.



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- e) Request for Approval of Amendment No. 3 to Professional Services Agreement – Security Services at GCCC; Chavez Security, Inc. (Liz Roybal)
- f) Request for Approval of Amendment No. 1 to Professional Services Agreement – Phase II of Energy Audit; Mechanical and Electrical Engineering, Inc. (Nick Schiavo)
 - 1) Request for Approval of Budget Increase – Municipal Facility Fund.
- g) Request for Approval of Procurement Under Federal Price Agreement – Two (2) Ambulances for Fire Department; Professional Ambulance. (Charlie Velarde)
- h) Request for Approval of Contracts for Employee Benefit Coverages (RFP #08/30/P). (Kristine Kuebli)
 - 1) Basic and Supplemental Life Insurance; UHC Specialty Benefits.
 - 2) Long Term and Short Term Disability; Standard Plan I.
- i) Request for Approval of Amendment No. 1 To Agreement – Provide Third Party Administrative Services for City's Health Insurance Program; United Healthcare Insurance Company. (Kristine Kuebli)
- j) Request for Approval of Amendment No. 1 to Contract – Senior Companion Program Services; State of New Mexico Aging and Long-Term Services Department. (Ron Vialpando)
 - 1) Request for Approval of Budget Increase – Grant Fund.
- k) Request for Approval of Amendment No. 3 to Lease Agreement – Annual Fair Market Rental Value; La Familia Medical Center. (David Chapman)
- l) CONSIDERATION OF RESOLUTION NO. 2008-_____.
A Resolution of the Governing Body of the City of Santa Fe, New Mexico Declaring its Official Intent to Reimburse Itself With the Proceeds of the Future Tax-Exempt Borrowing for Capital Expenditures and Paid to Purchase 14 Acres of Vacant Land; Identifying the Capital Expenditures and The Funds to be Used for Such Payment; and Providing Certain Other Matters in Connection Therewith. (Kathryn Raveling)



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- m) 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) **(Postponed at April 30, 2008 City Council Meeting)**
 - n) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Calvert)
A Resolution Urging New Mexico's United States Senators to Support Reforms to the 1872 Mining Law.
 - 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). **(Postponed at April 30, 2008 City Council Meeting)**
 - 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) (Postponed at the April 30, 2008 City Council Meeting) **(Postponed to May 28, 2008 City Council Meeting)**
 - 12. MATTERS FROM THE CITY MANAGER
 - 13. MATTERS FROM THE CITY ATTORNEY
- EXECUTIVE SESSION:
- a) Discussion Regarding Potential Litigation Concerning Lodgers Tax, Pursuant to §10-15-1 (H) (7) NMSA 1978.



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- b) Discussion Regarding Potential Public/Private Partnership to Purchase St. Catherine's School, Pursuant to §10-15-1 (H) (8) NMSA 1978.
- 14. MATTERS FROM THE CITY CLERK
- 15. 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 Vinaigrette, Inc., for a Restaurant (Beer & Wine) Liquor License to be located at Vinaigrette, 709-A & B Don Cubero. (Yolanda Y. Vigil)
 - 2) Request from Rodeo Plaza Liquors, for the Following: (Yolanda Y. Vigil)
Pursuant to §60-6B-10 NMSA 1978, a Request for a Waiver of the 300 Foot Location Restriction to Allow the Sale of Alcoholic Beverages at El Museo Cultural de Santa Fe, 1615 B. Paseo de Peralta, Which is Within 300 Feet of Alvord Elementary School, 551 Alarid. The Requested Waiver is for the Santa Fe Summer Antiquities Show, Benefiting the Kitchen Angels; to be Held on Friday, July 4, 2008, from 6:30 p.m. to 8:30 p.m.



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- 3) 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) **(Postponed at April 30, 2008 City Council Meeting)**
- 4) CONSIDERATION OF BILL NO. 2008-27: ADOPTION OF ORDINANCE NO. 2008-_____. (Councilor Trujillo)
An Ordinance Repealing Ordinance 2004-35 Regarding Unexecuted Lease with VHD Properties, LLC on Airport Property. (Jim Montman)
- 5) CONSIDERATION OF BILL NO. 2008-28: ADOPTION OF ORDINANCE NO. 2008-_____. (Councilor Wurzburger)
An Ordinance Ratifying the Lease of Approximately 3.27 Acres of Land at the Santa Fe Municipal Airport that is Owned by the City Of Santa Fe. (Councilor Trujillo) (Jim Montman)
 - a) Request for Approval of Lease Agreement – Construction of Hangars for Private and Business Use at the Santa Fe Municipal Airport; Cielo Azul de Santa Fe, LLC. (Jim Montman)

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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SANTA FE CITY COUNCIL MEETING
May 14, 2008**

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CONSIDERATION OF BILL NO. 2008-21; ADOPTION OF ORDINANCE NO. 2008- 24. 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	Approved [amended]	19-30
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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
May 14, 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 May 14, 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 Wurzbarger, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Miguel Chavez,
Councilor Carmichael A. Dominguez
Councilor Matthew E. Ortiz
Councilor Rosemary Romero
Councilor Ronald S. Trujillo

Others Attending

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

5. APPROVAL OF AGENDA

Mr. Buller said Item 9(m) wasn't moved forward by Public Works, so that needs to be postponed to the next Council meeting, so it can be heard by that Committee.

Mr. Buller asked to correct item 9(g). It should be Professional Ambulance instead of First In, Inc.

Councilor Wurzbarger 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 Wurzbarger voting for the motion and none against.

6. APPROVAL OF CONSENT CALENDAR

Councilor Ortiz moved, seconded by Councilor Wurzburger, 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 Wurzburger.

Against: None.

- a) REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JUNE 11, 2008:**
 - 1) BILL NO. 2008-34 – AN ORDINANCE AMENDING SECTIONS 14-9.10(H)(28)(e) AND 14-8.10(H)(29) SFCC 1098. REGARDING PRICE REDUCTION SIGNS IN HISTORIC DISTRICTS (COUNCILOR BUSHEE). (DAVID RASCH)**
 - 2) BILL NO. 3008-35 – AN ORDINANCE CREATING A NEW SECTION 14-6.2(F) SFCC 1987, ESTABLISHING REQUIREMENTS REGARDING ELECTRIC FACILITIES AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY (COUNCILOR CHAVEZ). (NICK SCHIAVO)**
 - a) CONSIDERATION OF RESOLUTION NO. 2008- _____. (COUNCILOR CHAVEZ). A RESOLUTION ADOPTING THE ELECTRIC FACILITIES PLAN AS AN AMENDMENT TO THE CITY OF SANTA FE GENERAL PLAN. (NICK SCHIAVO)**
 - b) CONSIDERATION OF RESOLUTION NO. 2008- _____. (COUNCILOR CHAVEZ). A RESOLUTION ADOPTING A FEE SCHEDULE FOR THE REVIEW OF APPLICATIONS FOR ELECTRIC FACILITIES. (NICK SCHIAVO)**
- b) BID NO. 08/33/B – LA FARGE BRANCH LIBRARY IMPROVEMENTS; GEW MECHANICAL, INC. (CHIP LILIENTHAL).**
- c) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – CIVIC CENTER MAGNATTACH (DANCE) FLOOR; MITY-LITE, INC. (CHIP LILIENTHAL)**
- d) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO AGREEMENT BETWEEN OWNER AND ARCHITECT – GENOVEVA CHAVEZ COMMUNITY CENTER; AUTOTROPH, INC. (PETER GREENE)**
 - 1) REQUEST FOR APPROVAL OF REIMBURSABLE EXPENSES.**

- 2) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – PROJECT FUND.
- e) REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – SECURITY SERVICES AT GCCC; CHAVEZ SECURITY, INC. (LIZ ROYBAL)
- f) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – PHASE II OF ENERGY AUDIT; MECHANICAL AND ELECTRICAL ENGINEERING, INC. (NICK SCHIAVO)
 - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – MUNICIPAL FACILITY FUND.
- g) REQUEST FOR APPROVAL OF PROCUREMENT UNDER FEDERAL PRICE AGREEMENT – TWO (2) AMBULANCES FOR FIRE DEPARTMENT; ~~FIRST IN;~~ ING. PROFESSIONAL AMBULANCE. (CHARLIE VELARDE)
- h) REQUEST FOR APPROVAL OF CONTRACTS FOR EMPLOYEE BENEFIT COVERAGES (RFP #08/30/P). (KRISTINE KUEBLI)
 - 1) BASIC AND SUPPLEMENTAL LIFE INSURANCE; UHC SPECIALTY BENEFITS.
 - 2) LONG TERM AND SHORT TERM DISABILITY; STANDARD PLAN I.
- i) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO AGREEMENT – PROVIDE THIRD PARTY ADMINISTRATIVE SERVICES FOR CITY'S HEALTH INSURANCE PROGRAM; UNITED HEALTHCARE INSURANCE COMPANY. (KRISTINE KUEBLI)
- j) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO CONTRACT – SENIOR COMPANION PROGRAM SERVICES; STATE OF NEW MEXICO AGING AND LONG TERM SERVICES DEPARTMENT. (RON VIALPANDO)
 - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.
- k) REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO LEASE AGREEMENT – ANNUAL FAIR MARKET RENTAL VALUE; LA FAMILIA MEDICAL CENTER. (DAVID CHAPMAN)
- l) *[Removed for discussion by Councilor Bushee]*
- m) 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) (Postponed at April 30, 2008 City Council Meeting) Postponed to the Council meeting of May 28, 2008.

- n) **CONSIDERATION OF RESOLUTION NO. 2008-37 (COUNCILOR CALVERT).
A RESOLUTION URGING NEW MEXICO'S UNITED STATE SENATORS TO
SUPPORT REFORMS TO THE 1872 MINING LAW.**

**7. APPROVAL OF MINUTES: Spec. City Council Meeting – April 14, 2008
Reg. City Council Meeting – April 30, 2008.**

Councilor Dominguez moved, seconded by Councilor Trujillo, to approve the minutes of the Special City Council Meeting of April 14, 2008, as presented. The motion was approved on a voice vote, with Councilors Bushee, Calvert, Chavez, Dominguez, Ortiz, Romero, Trujillo and Councilor Wurzburger voting for the motion and none against.

Councilor Wurzburger moved, seconded by Councilor Calvert, to approve the minutes of the Regular City Council Meeting of April 30, 2008, as presented. The motion was approved on a voice vote, with Councilors Bushee, Calvert, Chavez, Dominguez, Ortiz, Romero, Trujillo and Councilor Wurzburger voting for the motion and none against.

8. PRESENTATIONS

- a) **EMPLOYEE OF THE MONTH FOR MAY 2008 – CRAIG ERNST, POLICE OFFICER.**

Mayor Coss presented Officer Ernst with a plaque and a certificate for \$200. Mayor Coss read the nomination letter from Sgt. George Ortiz into the record recommending Officer Ernst for employee of the month for May for his actions in removing a person from a burning vehicle without consideration for his own safety.

Officer Ernst thanked Deputy Chief Montano and Deputy Chief Wheeler, and everyone he works with and said it is an honor and he appreciates it very much.

- b) **2008 WATER CONSERVATION POSTER CONTEST PRESENTATION.
(RANDY SUGRUE)**

Mr. Sugrue introduced the winners of the 2008 Water Conservation Poster Contest, which is the 5th annual poster contest, noting they received more than 650 poster entries from students in 1-6 grades in the Santa Fe public and private schools. He expressed thanks to teachers and the judges. Mr. Sugrue introduced the grand prize winner Tatiana Stavrowski, and gave her a trophy, a package, and \$100 savings bond, saying the poster will be on a City bus route for the next year. The winning posters will be used to produce the 2009 Water Conservation Calendar, noting the winning posters are on display in the entry way to the Council Chambers.

c) PROCLAMATION – DEDICATION OF FIELD #2 AT FRANKLIN MILES PARK – CHARLIE “THE GREEK” GRIEGO.

Mayor Coss read a proclamation into the record dedicating Field #2 at Franklin Miles Park as Charlie “The Greek” Griego Field.

Councilor Trujillo displayed the signs which will be at Franklin Miles Park. He said he has known Charlie since he played Little League. He said Charlie touched the lives of many people, and taught baseball fundamentals to a lot of kids, including himself. He spoke about Charlie’s contribution to the community.

Mayor Coss presented a duplicate of the Proclamation, noting there will be a copy of the Proclamation in the City Hall in honor of Charlie.

Councilor Bushee said Charlie did a lot for the youth and kept the Council on its toes, and told her favorite Charlie Griego story.

Councilor Chavez said Charlie gave common sense advice. He said at times when Charlie would say, “Wake up and smell the coffee,” it was really meaningful. He said Charlie made many contributions to this community. He believes we are doing the family of Charlie Griego a great honor by recognizing and placing the plaque at the field, as well as placing a Resolution here at City Hall. He thanked the family for being here this evening as this Mayor and Council honor Charlie Griego, and said Charlie will be remembered.

Councilor Dominguez thanked the family for their dedication to Charlie and for attending to accept this honor on his behalf. He said always enjoyed listening to what Charlie had to say, because much of what he had to say was true. He said his experience with Charlie was when he was a young person, and he had a huge and positive impact on young people. He was a player for one of Charlie’s teams, noting Charlie had very high expectations of his players, but always with a sense of compassion and understanding. In many ways, Charlie has inspired some of the things he has done as a Councilor for young people.

Councilor Romero appreciated the family attending this evening. She recalled seeing Charlie on the Wednesday night “show,” the Council meeting. She remembers the days of Kaune School, and Sarah and the other members of the Griego family and moments of playing ball after school. She knows it is difficult for the family to come here this evening. She wished the family buena suerte.

Councilor Ortiz wished comfort and positive feelings to the Griego family. He was one of the kids Charlie helped, having umpired many of his games. He said Charlie was a regular person in a regular place and touched tens of thousands of lives in Santa Fe. He said the family should be honored that Charlie Griego was a part of the family, because he was a good man, and this is the least this Council can do to honor the impact he had on Santa Fe and on this Council. He thanked the Griego family for attending this evening.

Mayor Coss thanked the family for attending this evening.

d) EDIBLE SCHOOL YARD – MONTE DEL SOL CHARTER SCHOOL. (ADAM MINHAS AND HECTOR GALINDO).

A copy of a packet of information on La Montanita Co-op Trade Initiative is incorporated herewith to these minutes as Exhibit "1" to these minutes.

Councilor Calvert said he was contacted by a teacher at Monte del Sol, Rachel Balcom, about students interested in doing project based on "Edible School Yards." This is one of two accredited programs in the nation. He acknowledged the efforts of Ms. Balcom and "the head learner," Tony Gerlich. He asked students Adam Minhas, Hector Galindo and Emily Wingren to present information regarding this program.

The three students presented information via power point, explaining the program and noting that the food grown is eaten in the school cafeteria. Mr. Galindo noted he found La Montanita Co-op [Exhibit "1"] where they purchase recycled projects and fruits and vegetables grown in New Mexico which will help establish a more healthy eating style for the kids in New Mexico

Mr. Galindo said the Council can assist them financially and ideologically by supporting this idea, helping to develop legislation to create a sustainable food system at the schools, helping them work with the School Board and giving suggestions.

Responding to Councilor Bushee, Mr. Galindo said they will be making a presentation to School Board, and will be asking the Schools for support as well.

Councilor Bushee suggested a joint session, a letter or some sort of support.

Mayor Coss said this was an excellent presentation. He said the Healthy Lifestyles Task Force report will be coming forth and will be recommending edible schoolyards as many places as we can get them. He said when we do water harvesting and agriculture we are also improving the watershed health, and that provides a better wildlife habitat in the urban area and helps to restore the River and the arroyos as well.

Councilor Calvert thanked Adam, Hector and Emily, their teacher and head learner, and students for attending today and making this presentation. He believes this fits with so many of the City's initiatives such as healthy lifestyles, nutrition, sustainability, local food production and the connection with the land, water conservation. He said this is daily reinforcement and hands on which is the best way to learn many of these things. He asked how many Councilors would be willing to sponsor a Joint Resolution with the Schools to promote this program. He said the students will be presenting to the School Board next Tuesday. He said the Council will try to help in many ways for this project.

Councilor Wurzbarger suggested the students expand the presentation to look at how this can be a model to be transferred to other schools, and the steps involved in that.

Terrie Rodriguez suggested it would be good for young persons from Monte del Sol participate on the Food Policy Board, because gardens in schools are one of the initiatives they would like to look to coordinate.

e) 2008/2009 CITY POSTER. (SABRINA PRATT)

Julie Bystrom, Board Member of Arts Commission, spoke about this annual competition. This year's winner is Thea Witt. Ms. Witt's entry "If Clouds Could Dance," was chosen to be the 2008-2009 Santa Fe Poster. She said the poster is used to promote Santa Fe nationally and globally.

Mayor Coss read a proclamation into the record declaring May 14, 2008, as Thea Witt Day in Santa Fe. Mayor Coss congratulated Ms. Witt, and thanked her for doing this for the City of Santa Fe.

Ms. Witt said she is very honored to be the artist chosen to represent the City on the poster, and expressed thanks and appreciation for being chosen.

Councilor Wurzbarger thinks the piece is beautiful, loves the whimsy and the connection between the old and the new and said it perfectly expresses where we are now in Santa Fe.

Mayor Coss thanked Ms. Pratt and the Arts Commission for their work, and for allowing him to substitute the First Lady to be a judge this year instead of him.

f) PROCLAMATION – BIKE TO WORK WEEK – MAY 12-18, 2008. (LAURA BANISH)

Mayor Coss read a proclamation into the record declaring May 16, 2008, as Bike to Work Day in Santa Fe.

Mayor Coss said the members of BTAC and the Bicycle Coalition of New Mexico are in attendance today.

Mayor Coss presented one copy of the Proclamation to the BTAC and one to the Bicycle Coalition.

1) CHILDREN'S BICYCLE SAFETY POSTER CONTEST WINNER

Mayor Coss said the winner of the 2008 Bicycle Safety Poster contest is Reina Wellman, with the poster, "Wear a Helmet. Protect Your Head." He presented Ms. Wellman with a bicycle, a bike light and a bike bell. He said Walmart donated the bicycle, and BTI Bicycles donated the light and bell.

Mayor Coss invited the community to join him on the Plaza on Friday, 7:00 a.m. to 10:00 a.m., for free food, giveaways, bicycle trivia and more. He said there is a pinata that looks like a goathed, the greatest enemy of bicycles. He said Councilor Calvert will be leading a ride to the Plaza from Alto Park Tennis Courts at 7:00 a.m., and he will be part of a ride from St. John's Church on Osage at 7:20 a.m.. He said for more information about Bike to Work Day visit the City's website. He thanked Laura Banish, the sponsors, MPO staff, the BTAC, the Bicycle Coalition and all the bicycle shops who have participated to make this a very fun week.

Mark Tibbetts talked about the bikeways map. He said it will be on the City's website and hanging in the Mayor's office. This project began 2½ years ago as a redo in BTAC to get the City and County together to do a bikeways map. He thanked BTAC Chair Patti Bushee and member Gail Riba for their efforts. He thanked Lucas Cruise, Senior Planner at MPO, who "carried the ball," to get this done.

Councilor Chavez said this map is part of the effort to make Santa Fe a Pedestrian-Friendly Program, along with the Wayfinder Program, for residents and visitors.

Ms. Banish said it will be on the City's website, www.santafenm.gov. It will also be on the Coalition's website at www.bikenm.org.

Mr. Tibbetts said it is in a pdf version if people want an electronic version. The City also printed 2,500 copies of the maps which are at all of the bicycle shops, the Visitor's Bureau, the libraries and other place.

Councilor Bushee thanked the BTAC, the County counterpart and the respective support staff for their hard work to get this done.

CONSENT CALENDAR DISCUSSION

- 9(I) CONSIDERATION OF RESOLUTION NO. 2008- 38. A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF SANTA FE, NEW MEXICO, DECLARING ITS OFFICIAL INTENT TO REIMBURSE ITSELF WITH THE PROCEEDS OF THE FUTURE TAX-EXEMPT BORROWING FOR CAPITAL EXPENDITURES AND PAID TO PURCHASE 14 ACRES OF VACANT LAND; IDENTIFYING THE CAPITAL EXPENDITURES AND THE FUNDS TO BE USED FOR SUCH PAYMENT; AND PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH. (KATHRYN RAVELING)**

Councilor Bushee said she removed this item for discussion because she is going to vote against it. She said she does not believe we should be purchasing or bonding for this land.

Councilor Wurzburger moved, seconded by Councilor Calvert, to adopt Resolution No. 2008-38. The motion was approved on the following roll call vote:

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

Against: Councilor Bushee and Councilor Dominguez.

Absent: Councilor Ortiz.

END OF CONSENT CALENDAR DISCUSSION

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). (Postponed at April 30, 2008 City Council Meeting).

Mayor Coss welcomed DOT Secretary Rhonda Faught, and thanked her for attending this evening.

Robert Romero said the Finance Committee asked staff & the DOT to look at three issues, one of which was to continue work with the RTD on future bus and shuttle costs. He said staff worked on the nighttime construction schedule related to school openings, prioritized areas for nighttime construction, how to mitigate noise at intersections adjacent to the neighborhoods and worked with the neighborhoods. He said DOT staff is here to talk about what they've done to improve the Traffic Control Plan.

Secretary Faught said she is excited about the progress the last two weeks. They have worked very closely with City staff, and she believes the DOT has addressed all of the City's concerns. She said they have worked very closely with Jon Bulthuis.

Secretary Faught said, "We've been able to pretty much come to conclusion that we would be able to free up some of our Park and Ride buses to help offset some of the costs and also your bus situation right now. Like I said, Jon can go into more detail about that if you'd like. Also, on the Traffic Control Plan, we have Paul Lemberg here, who's been working very closely with your staff as well, and he can go into the details about that. I just wanted to say how important it is that.... or how much I would respectfully request your approval for both the station conceptual design and location as well as the Traffic Control Plan, so we can stay on schedule and get this train down the track. So, thank you, and I'll just turn it back over to Paul Lemberg to go over the Traffic Control Plan. "

- 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.**

Items 10(1), (2) and (3) were combined for purposes of presentation, discussion and action.

A packet of information "Schedule for Crossings (Traffic Control) – Tentative for the Rail Runner III," with attachments, entered for the record by the DOT, is incorporated herewith to these minutes as Exhibit "2."

Councilor Trujillo moved, seconded by Councilors Wurzbarger and Chavez, to approve items 10(1), (2) and (3).

Discussion: Councilor Chavez said he is willing to support the motion, noting his support of the project in the past. He said the station locations have been discussed, noting a letter drafted by staff reflecting the position of the MPO in support of the station locations. He said those locations were approved in Committees, but the sticking point seems to be the construction plan and schedule, specifically the night time schedule. He said his support for the project and the motion does not ignore the short term "pain" and the inconvenience during construction, noting Councilor Ortiz brought that issue forward. He said Councilor Romero had concerns about the impact on her neighborhood adjoining the tracks, noting a neighborhood meeting was conducted. He believes the short term convenience will be offset by the long term gain provided for current and future residents, observing he believes this is more about transportation for future generations.

Councilor Chavez said service by Santa Fe Trails once the Rail Runner is up and running will be critical, noting that those components were part of this discussion. He hopes we can move forward with this.

Councilor Chavez asked the Mayor to allow two seconds to the Motion for approval, noting his hand was up as well to second the Motion.

Councilor Trujillo asked what time construction will stop in the morning.

Mr. Lemberg said currently they are looking to work 7:00 p.m. to 7:00 a.m., as the time frame, but they are flexible, noting this is the criterion they received from City staff.

Councilor Trujillo said he wonders what St. Francis Drive will be at 7:00 a.m.

Mr. Romero said although the request was to be finished by 7:00 a.m., it is his understanding they would complete work by 3:00 to 4:00 a.m. to be sure to be out by 7:00 a.m. He said he is hoping they can accommodate a request to be complete by 6:00 a.m., if this is the wish of the Council.

Councilor Trujillo asked if there will be any daytime construction.

Mr. Lemberg said there also will be daytime construction. He referred to the schedule handed out [Exhibit "2"], noting yellow displays night time closures. He said there was concern by the City that Rodeo, Zia and Siringo would be closed at night time at the same time, but they will not, and only one will be closed at any time. He said there is a commitment from concrete providers to pour concrete at 3:00 a.m., and definitely to be out by 7:00 a.m. He said this is a 12-hour window to do 10-hours of work. He said if there is a location where that won't work, and they need to back off, they are willing to do that.

Councilor Trujillo said he has worked projects in Santa Fe and understands the ramifications of doing a project at night. He said he would rather impact the constituents for three instead of six months, and the reason he will go with this plan. He asked that wherever there is construction please to ensure the barricades are up. He said kids are curious and he doesn't want kids on the construction side, and he will be checking when he goes through the site for safety.

Councilor Ortiz thanked the DOT. He said when this first arose, one concern was that

two major arterials, Rodeo Road and Zia Road, would be closed at the same time for periods during June and July. He said the tentative schedule addresses that particular issue.

Clarification of the motion: Councilor Ortiz asked if the motion included the adoption of the tentative schedule as proposed for the night time. **The maker, with concurrence of seconds, said it does.**

Continuation of discussion: Councilor Ortiz said, with regard to the night construction, he continues to get complaints. He said if the City could get a commitment from the State that it will be responsive to, and to the greatest extent, work with those neighborhoods – Candlelight and the area next to the pumice mill, Las Estancias, 5th Street, and Councilor Romero's neighborhood – who will hear the beeping of the concrete trucks at 3:00 a.m., and will be awakened by the lights. He would like the contractor and the DOT, to the extent possible, to modify the night construction to mitigate those impacts to these neighborhoods. He understands the State's and Councilor Trujillo's desire to shorten the impact on the community. However, these people will hear, feel and see this construction for a period of time. He would appreciate all efforts to mitigate these effects and to the extent possible, to do work during the day on those parts of the track abutting neighborhoods

Mr. Lemberg said most of the track work will be done during the day, noting "this" just shows the crossing. He said they have put their backup alarms on low and tried to redirect the lights, which has made things better for the neighborhoods by I-25.

Councilor Ortiz said then he is saying that the only night construction which will occur on the interior lines will occur only at intersections, and the rest of the tracks will be worked on during the day.

Mr. Lemberg said, "That's the current schedule."

Councilor Ortiz asked if this is part of the condition for approval. Mr. Lemberg said this is just for traffic control at the crossings.

Councilor Ortiz asked if the construction which will occur inside the City only will occur at the intersections at night and there won't be any night construction on the rest of the line.

Mr. Blewett said, "Mayor and Council, that's correct. That's how we've always planned it, and that's what's embedded in our construction schedule now."

Councilor Ortiz asked if we need a condition of approval in this regard, because it is embedded in the construction schedule.

Mr. Lemberg said, "That's correct. That's a restriction that they have."

Councilor Ortiz thanked Mr. Valencia and the Regional Transit District. He said it appears we are making progress on the issue with regard to, once the Rail Runner line opens, whether the City will have sufficient connections with the City's Transit system. He said it is his understanding that we are working toward a solution so the City is not hit in a "double hit" way, in terms of working out what needs to happen between our transfer points and our transit service.

Councilor Chavez said this is correct. He said we are discussing two station locations, and there will be a third station location at #599. He said the internal structure of Santa Fe Trails is being explored to provide that connectivity, and the City is planning for that. He said there will be a cost to the City, and we are working toward a compromise.

Councilor Ortiz said there is a potential for a funding compromise through the State and through the Regional Transit District, and thinks these are helpful steps. He apologized to State officials for the delay, but he is positive and optimistic that the delay resulted in a better construction schedule, and he will be supporting the motion.

Councilor Romero said her neighborhood is really impacted for great periods of time. She said the DOT staff has been wonderful in working with them, and held one neighborhood meeting where they came to some understanding that the neighbors would rather have a shorter time period of impact, than a longer period of time. She said there will be another meeting on June 1st for the neighborhood to come to a consensus on a landscaping plan, which she thinks will set the tone for other neighborhoods in how to reach a consensus on something which is challenging. She thanked DOT staff for working with them to provide the access of which they thought they would be deprived. She said they understand the issues around dust and the berms, and appreciates the time and effort

Councilor Wurzbarger thanked the DOT and City staff for working so diligently on this. She believes the delay has been good, in that has ratcheted up our level of communication on important issues. She thanked Secretary Faught for attending this evening, and for the opportunity to talk with her one on one to consider issues of connectivity.

Councilor Bushee added her support to the efforts by DOT and City staff to resolve the issues in disagreement. She thanked Robert Romero for his efforts as well. She looks forward to the final result.

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 congratulated staff, saying it's been a long haul and hopes to be one of the first passengers, and votes yes.

Secretary Faught said, "I just want to say thank you for your vote tonight. We won't disappoint you. We understand that there's always going to be something. If there's a communication problem that we are certainly committed to working on that communication, and will work very hard with your constituents to make sure that they are up to speed with what's going to happen, probably before it happens, and not after it happens. And, so we'll work hard at trying to make that reality."

11. CONSIDERATION OF APPROVAL OF SECOND AMENDED AND RESTATED JOINT POWERS AGREEMENT FOR THE REGIONAL EMERGENCY CALL CENTER (RECC). (MARK BASHAM) (Postponed at the April 30, 2008 City Council Meeting). (Postponed to May 28, 2008 City Council Meeting).

Councilor Calvert said previously there was a concern about getting this done by this meeting.

Councilor Trujillo said he spoke to the RCC and Mr. Basham, and advised them that he was unable to get a quorum of the Public Safety Committee, so it will be postponed until May 20, 2008, and it will come back to the Council on May 28, 2008. He said Mr. Basham advised that the four days would be enough time for them to act on it.

12. MATTERS FROM THE CITY MANAGER

Mr. Buller read a letter from Phil Bovay, Commissioner of the Acequia Madre, thanking the City for its assistance in this year's cleaning of the Acequia Madre and asked him to express thanks to City staffers David Catanach, Mark Pacheco, Isaac Griego, John Ortega, Tim Vigil and Matthew Melchuski who were cooperative and worked hard. Mr. Buller noted this was the 398th annual cleaning of the Acequia. Mr. Buller thanked David Catanach and staff on behalf of the City as well.

13. MATTERS FROM THE CITY ATTORNEY

Mr. Katz said an executive session is needed for the following matters, stating that both are proper matters to be discussed in an executive session, noting in negotiating for property that shouldn't be done in an open session.

EXECUTIVE SESSION

- a) **Discussion Regarding Potential Litigation Concerning Lodgers Tax, Pursuant to §10-15-1(H)(7), NMSA 1978.**
- b) **Discussion Regarding Potential Public/Private Partnership to Purchase St. Catherine's School, Pursuant to §10-15-1(H)(8) NMSA 1978.**

Councilor Bushee said she won't sit in executive session for the second matter, stating that she objects to hearing this behind closed doors. She said this is a policy decision and we already have adopted a Resolution with regard to the National Cemetery property. She said we have had no discussions individually or collectively about what this is. This has come to this Council previously as a zoning matter, and she does not believe it is ripe for discussion in a closed door session. She asked that we have individual meetings for information, noting this is in her District and she cares about it greatly, reiterating she doesn't understand the need to go behind closed doors. She thinks the City is setting itself up for a violation of the Open Meetings Act.

Councilor Chavez said we have discussed this in the past in other situations.

Councilor Chavez moved, seconded by Councilor Wurzburger, that the Council go into Executive Session for the purpose of the discussion of potential litigation concerning Lodgers Tax pursuant to §10-15-1(H)(7), and discussion regarding potential public/private partnership to purchase St. Catherine's School, pursuant to §10-15-1(H)(8).

Discussion: Councilor Bushee said she would like to separate the issues for executive session.

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

For: Councilor Calvert, Councilor Chavez, Councilor Trujillo, Councilor Wurzburger, and Mayor Coss.

Against: Councilor Bushee and Councilor Ortiz.

Absent: Councilor Dominguez and Councilor Romero.

Explaining his vote: Councilor Ortiz said without details on the proposal, he can't speak, as Parliamentarian, to whether or not this should be considered in closed session. He is willing to hear the first in executive session, but not the second, so he votes no.

The Council went into Executive Session at 6:35 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

At 7:16 p.m., Councilor Wurzburger moved, seconded by Councilor Romero, that the City Council come out of Executive Session, and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken. The motion was approved on a voice vote with Councilors Calvert, Chavez, Dominguez, Romero, Ortiz, Trujillo and Wurzburger voting for the motion and Councilor Bushee voting against.

Mayor Coss said he would like to state for the record that because there was disagreement regarding Item 13(b) the only discussion was that we weren't going to discuss it, given the objections of several Councilors.

14. ACTION REGARDING LAND SWAP WITH NEW MEXICO DEPARTMENT OF TRANSPORTATION. (ROBERT ROMERO)

There was no action on this item.

Mayor Coss moved items from the City Clerk and Communications from the Governing Body to the end of the Evening Session agenda.

END OF AFTERNOON SESSION AT 7:17 P.M.

The Council moved directly into the Evening Session without a break

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David Coss, at approximately 7:17 p.m. Roll Call indicated the presence of a quorum as follows:

Members Present

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

Others Attending

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

E. PETITIONS FROM THE FLOOR

Margaret Josena Campos, 1609 Galisteo, said she is requesting the Council to give more regard and respect to historical areas, saying she is concerned about the old part of the cemetery. She said a lot of descendants are having difficulties with their wheelchairs at the cemetery because it is gravel. She said she has been told by Lea that the City has requested they get more water rights. She said this cemetery was established May 1, 1872 by people who served in City Government and people in the community who owned the Caja del Rio which was contributed for St. Catherine's and this area. She is asking the Councilors to find water rights for the old section so this area by the Mandeville Mausoleum and the Christian Brothers would have grass. She said Lea said there is an old trailer on the cemetery land and they're looking for a caretaker. She believes this would be a good place to house one of the Santa Fe Police Officers, because she has found people having wine and dinner at the cemetery plots which is devastating. She said this isn't a picnic area nor a dog park. She said the City needs to meet with the teens who use the Rose Park who are not from the area and who are calling the elders names and making unkind remarks to them. She believes the people who live the closest to the parks have more rights. She said Fabian Chavez has been a great help, but they need more help from the Council to meet with these kids and have them go home at 10:00 p.m.

Sagemaya Dandi, 1492 Upper Canyon Road, said, regarding 1433 Upper Canyon Road, the man who is renovating that house has dammed up the River, noting Jack Hiatt had assured him he would get information on this. He said when someone goes beyond their

building permit and do things they're not authorized to do, he would ask this Council to impose the severest penalties. He said he can't get down to the River now, and it has always been a "public highway," since Tito Griego told him he used to drive cattle there before they closed the watershed.

Mr. Dandi said he also continues to have a problem with the gentleman he spoke about at the last Council meeting. The man was front of Jennifer Wise's house at 1435 last Friday, and she called the City Police about this man, Ninja Tim, who was breaking limbs off her property. He said the Police were very nice, but they said there is nothing they can do. He said the Police have asked for \$40,000 more dollars for more officers, and he can't understand how the Police Department Administration can say there's nothing they can do when this man has threatened to kill him, pulled a knife from his backpack on another gentleman, thrown sand in the face of a senior citizen, all unprovoked. He said it is time the City takes some action and he would like to know when.

F. APPOINTMENTS

Genoveva Chavez Community Center Advisory Committee

Mayor Coss appointed the following individual to the Genoveva Community Center Advisory Committee:

Irene Vold – term ending 10/2008

Councilor Ortiz moved, seconded by Councilor Trujillo, to approve this appointment.

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

Economic Development Review Subcommittee

Mayor Coss appointed the following individuals to the Economic Development Review Subcommittee:

Lillian Montoya-Rael (BQL Member) – term ending 5/2010;
Gary Ehler (BQL Member) – term ending 5/2009;
Simon Brackley – term ending 5/2010; and
David Miller – term ending 5/2009.

Councilor Wurzbarger moved, seconded by Councilor Trujillo, to approve these appointments.

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

Historic Design Review Board

Mayor Coss appointed the following individuals to the Historic Design Review Board:

Sharon Woods, Chair (At Large) – Reappointment – term ending 01/2010;
Karen Walker (Old Santa Fe Association) – Reappointment – term ending 01/2010; and
Robert Frost (At-Large) – Reappointment – term ending 01/2010

Councilor Wurzburger moved, seconded by Councilor Calvert, to approve these appointments.

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

G. PUBLIC HEARINGS

1) REQUEST FROM VINAIGRETTE, INC., FOR A RESTAURANT (BEER & WINE LICENSE TO BE LOCATED AT VINAIGRETTE, 709-A & B DON CUBERO. (YOLANDA Y. VIGIL)

The staff report was given by Yolanda Vigil, noting that it is not within 300 ft of a school or a church, and staff recommends the business be required to comply with all City ordinances, including the City's litter and noise ordinances as a condition of doing business with the City.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Bushee moved, seconded by Councilor Calvert, to grant the request for a Restaurant License, to be located at Vinaigrette, 709-A & B, Don Cubero, Santa Fe, New Mexico.

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 Wurzburger.

Against: None.

- 2) REQUEST FROM RODEO PLAZA LIQUORS, FOR THE FOLLOWING: PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES AT EL MUSEO CULTURAL DE SANTA FE, 1615 B PASEO DE PERALTA, WHICH IS WITHIN 300 FEET OF ALVORD ELEMENTARY SCHOOL, 551 ALARID. THE REQUESTED WAIVER IS FOR THE SANTA FE SUMMER ANTIQUITIES SHOW, BENEFITTING THE KITCHEN ANGELS; TO BE HELD ON FRIDAY, JULY 4, 2008, FROM 6:30 P.M. O 8:30 P.M. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, noting the event is within 300 feet of Alvord Elementary School, and it the summer break. The event is scheduled for Friday, July 4, 2008, when school is not in session, so there will be no issue with the waiver.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Calvert moved, seconded by Councilor Bushee, to grant the request for a waiver of the 300-foot location restriction to allow the sale of alcoholic beverages at El Museo Cultural, 1615B, Paseo de Peralta.

The motion was approved on the following Roll Call Vote:

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

Against: None.

Absent: Councilor Dominguez

- 3) CONSIDERATION OF BILL NO. 2008-21; ADOPTION OF ORDINANCE NO. 2008- 24 (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). (Postponed at April 30, 2008 City Council Meeting)

Fabian Trujillo presented information regarding this matter to the Governing Body.

Councilor Wurzbarger asked Mr. Trujillo to report on the background of this bill from the perspective of the Business and Quality of Life Committee [BQL] from which this bill came.

Mr. Trujillo said BQL reviewed this and felt the taxes should be captured because apparently there are a lot of vendors who may or may not be paying these taxes. This issue was reviewed by the BQL and staff met with the vendors and this bill is the result of that work.

Councilor Wurzbarger said when BQL was first formed, it brainstormed issues which were affecting, particularly downtown merchants and activities around the Plaza about which the downtown merchants were concerned. This was one of the early issues which was identified. She said the Committee made more than a minor slip. A survey was requested by the Plaza Vendors, but it wasn't done and her Committee didn't catch that. She said this is something she wants to hear more about from the vendors. She said somehow that was dropped as a part of the process, but she will address that later.

Councilor Chavez said this issue regarding the collection of GRTs goes back to at least 2003, during the Angelou Economic Development Plan and in 2004 in the BBER follow-up survey regarding the arts economy in Santa Fe, relative to GRTs. He said the Council discussed the concept of capturing GRTs for sales of arts out of state, saying there has been discussion about whether GRTs should be assessed if the sale is out of state. He said in April 2008, in the Winners/Losers column of The Santa Fe Reporter, this issue also arose regarding Santa Fe's tax scofflaws and the fact that this is on Taxation & Revenue's "radar screen," not only for arts and craftsmen selling during the eight major events, but in general. TRD has identified a group of businesses which have outstanding GRTs they're trying to collect, so this problem goes beyond just the eight major events. He noted there are other public spaces where the City accommodates arts and craftsmen, some local, some not. He would like to know where we're going with this.

Mayor Coss said that discussion can be held after the Public Hearing.

Public Hearing

Mayor Coss gave each person two minutes to speak to this issue.

Dorothy Massey, 939 Acequia Madre, said she is wearing four hats this evening – citizen, independent business owner of Collective Works Bookstore, Plaza vendor because Collective Works runs the book tent for the Spanish Colonial Art Market on the Plaza during the Market and as a Member of the BQL. She said as a citizen she is mindful of the money which doesn't come into the City coffers to maintain streets, infrastructure, security, fire, promote affordable housing and other things for which the Council fights on a regular basis. As a downtown business person, she is aware of the unfair competition from vendors who do not file

tax, including vendors on and off the Plaza she is told. Under her third hat as a Plaza vendor, she is anxious not to see her fellow vendors feeling suspect in their transactions by being unfairly intimidate, or accused of perhaps withholding taxes of which we have no physical proof. As a member of the BQL, she encourages the Council to help the Plaza non-profit vendors to encourage their sub-vendors to pay their sales tax through education and encouragement, as well as to work with the State to encourage the State to fulfill its tax obligations. She said her opinion basically is that the problem is that the State has neither the inclination nor the ability, or perhaps both, to pursue its own taxation system upon which the City has to depend.

Karen Gala, Program Director, Southwestern Association for Indian Art [SWAIA], the Santa Fe Indian Market. Ms. Gala said in January they met with City staff and the BQL to discuss this issue, and event coordinators were allowed to give input regarding their thoughts about this proposal. She said, "We were pretty much all not in favor of collecting gross receipts taxes. We felt that this was the individual relationship between the City, State Taxation and Revenue Department and the artists. And, we also suggested that if the City wanted this statistical information that they conduct a survey. And, we were assured that we would be giving our input on that survey. We were also told there would be a follow up to the meeting, and yet we didn't receive any phone calls, and we didn't receive any, you know, emails or anything else."

Ms. Gala said there have been two meetings since on the special events, and she was really surprised how fast this took place with no further discussion.

Ms. Gala said, "So, we at SWAIA feel that this ordinance is an unfunded mandate to small, nonprofit arts organizations which will burden us by performing the City's work. It puts the organization in serious legality issues of confidentiality and enforcement. If this task proves to be too large for SWAIA, or any other special event, what other ramification or penalties we will face. The City needs to be responsible for enforcing its own rules and ordinances, not the nonprofit organizations. Indian Market and other special events held on the Plaza are unique in the sense that we don't get involved in any of the artists's sales. We're a nonprofit organization that is simply providing an economic opportunity for artists. An ordinance such as this, would put a real strain between arts organizations and the artists. SWAIA already observes costs in preparing other paperwork for the City, such as business licenses. We send out the business licenses to the artists, we take them in, we send in the payment. So, I just wanted to say that this ordinance will create an antagonistic relationship between the City and SWAIA, and the artist, which would be one of mutual cooperation. So, we're special event organizers, we're not tax collectors. And, we ask that this ordinance not be passed, and we stress that in order to collect statistics, the City needs to work directly with the artists. Thank you."

Chris Werhan, Executive Director, Challenge New Mexico, located at 74 Caja del Rio Road, under a lease with the City. He said Challenge runs the first major event on the Plaza, Father's Day Weekend, and has for the past thirty years. He wants to be clear that they certainly aren't against every artist and every business paying their fair share of GRTs, because they receive funds through the Children & Youth Commission, and the more money that is

received, the more money the Commission has to distribute. So, certainly they want that. He said the ordinance, as written, will not work, noting his own CPA and Accountant said a person can file a CRS Report, and still not pay the GRTs, and it could be years before the person pays the State. Therefore, even with that Report, the City won't know whether or not is paid.

Mr. Werhan said his accountant also informed him there is no way the City will be able to get the information it would like from that Report, but will receive a quarterly report of how much was paid in that quarter. He doesn't know how that can be related specifically to the 2-3 days. He pointed out that are about 2,500 vendors for the major Plaza events, and asked what staff person will have the time to open the envelopes, look at the reports and enter the information in the City system, observing he thinks that would take an entire year. He said the way the ordinance is written, the vendors collect a sealed envelope, saying he is unsure about his liability in accepting that and something happening to it between that time and he submits it to the City. He said it seems like added work for everyone, and it doesn't get us what you really want: A statement that the taxes were paid.

Kelly Fowler, Development & Events Coordinator for Girls, Inc., and is the Show Director for the Girls, Inc., Arts and Crafts Show. She said she would like to echo what others have said previously, in that she agrees the vendors should be responsible for paying GRTs, but she believes it should not involve the sponsors of the Arts & Crafts Show directly, namely Girls, Inc. She said as a small nonprofit, their goal is to serve the girls, and the Arts & Crafts Show is their #1 fundraiser. It is a huge burden on her to coordinate the show, and any further burden to collect the sealed envelopes with GRT returns would take away money and resources for the Girls which would ripple out to the community.

John Torrez-Nez, Artist Service Coordinator for SWAIA Santa Fe Indian Market. He is here to support what Ms. Gala had to say. He said at the meeting in January, a question he kept asking was what is the motivation for this, what was the City trying to get from this, and was the City really trying to get statistics to take to the State to get information. He said the reason they proposed a survey, was so they could develop a simple questionnaire which would come from the City to find out what kinds of sales the vendors are having at our events. He said they also heard people compare the native treasures or the markets held on State land on Museum Hill which is a very confined geographic space where there are checkouts where taxes can be collected formally. He said, however, the Santa Fe Indian Market goes for blocks and blocks with multiple access points, and a million people coming through the Plaza during the market. He said it makes it infeasible to do that kind of tax collection. Mr. Torrez-Nez said, with regard to confidentiality, there is a tax bill of rights which is supposed to be a confidential agreement between the person applying for the CRS Number and the State of New Mexico. He said it sounds as if the City is just going to review these, noting it doesn't say these will be forwarded to the State. [Someone indicated this isn't correct.] He asked Councilor Wurzburger to clarify that part of the process.

Sheryl James, Director of Administration & Finance, SWAIA. Ms. James said she

handles liability and tax concerns as a big part of her duties. She reiterated that SWAIA is in favor of everyone paying their taxes. She said SWAIA educates its artists in a variety of ways and their responsibility to collect and accurately report GRTs collected. She said they are concerned that the City isn't working with SWAIA to ensure that the artists coming to Santa Fe are being encouraged to do the right thing, and is just assuming they aren't doing the right thing. She said labeling people is of great concern to them. She said SWAIA are advocates for Native American artists and would hate for anyone to think their artists aren't collecting taxes, and would like to work with the City to dispel the misconception which seems to be a part of this. She said they also don't want any of their artists isolated with this punitive ordinance, when there are many other activities happening in Santa Fe the same week as Indian Market which aren't being asked for this same information. She said this is a very large concern for them.

Ms. James said, "We support the City, we're with the City, we're working with you all. And, we realize that we're just not the only ones that should be included in this ordinance. My only other concern is that artists, and I'd like to add this one more thing, and their CRS's, they are reporting for either a whole quarter, or biannual or a yearly amount. They're being asked to pull out one bit of information, how much of this is this market or this special event, or this special event. But you're getting to see the whole package and that information might not be something that you should be aware of, if that's, you know, you want to know special events. What if they're living outside of Santa Fe? Are you... do you have a right to access to that information? From an artist's standpoint, I'm concerned about that. Because that's going to come back on us, that's a question we're going to be asked. Thank you."

George Toya, Jemez Pueblo, a SWAIA artist, and member of the SWAIA Board.

Mr. Toya said he has done the Girls Club Show, the Challenge Show and he makes a living doing art. He said he does shows all over the country and State. He said some places do collect taxes on the spot, but that is usually in an auditorium or some such place. He said he wouldn't feel right giving this information to SWAIA or Challenge, and the majority of artists wouldn't be comfortable in doing that either. He said the relationship the artists have should be with the State, and they shouldn't have to give this information to the people who put on the shows. He said the majority of artists with whom he associates wouldn't be comfortable in doing this. T

Margaret Josena Campos, said as a community member "I see it the other way." She said City staff works hard. She thinks this is a great idea, and doesn't agree with the nonprofits, and believes any government can facilitate that information and bring it to City government. She pointed out that non-profits use our Plaza, our Police Officers, City Works, and believes that "you all have a right to look at these papers." She said the Fiesta Council has a way of looking at out-of-state vendors and vendors from the Pueblos, and they basically know how much they're making and how much they're taking in, and how much they spend here in the City of Santa Fe, which helps to pay our City workers and our Police Officers. She would ask Councilor Ortiz and other Councilors to really look at this and "don't put it in the trash can, because I believe this was a good idea." She believes Mr. Sebastian Gurule works very hard

and goes from one meeting to another, and really tries to relate to the vendors. She said most of this is public information and can go to a City government.

The Public Hearing was closed

Councilor Wurzbarger said as she explained to the representatives of the Plaza vendors for special events, our first preference is to get the taxes collected. She said everyone acknowledges that we have difficulty with the State in doing that, particularly with groups who come from outside of the City and may be here only 2-3 days. This is the context for this ordinance. She completely understands the position that people don't want to be seen as tax collectors. She believes there could be "twenty places" where people could pay their taxes and then go back and pick up their piece of art. She said Frank Katz had guided them through the process as someone who had worked in tax collection, and he said we can do this legally. She asked if each of the 2,500 vendors is required to obtain a Business license from the City.

Mr. Katz said that is correct, they get a Special Vendor Permit for these events.

Councilor Wurzbarger asked if a signature line could be added to the City's Special Vendor Permit to be signed, so the City takes the responsibility for notifying them that they are subject to GRTs, and asked if there is a legal reason this couldn't be done, commenting that wouldn't necessarily result in taxes.

Mr. Katz said this can be done. The City could have a process where the person gets the Special Event Permit, instead of through the organizer/sponsor.

Councilor Wurzbarger said the rationale for this was that the event coordinator would be bringing information for the Special Event Permit, and could bring the other information at the same time without a lot of extra work, although there is a perception that it will be a lot of additional work.

Councilor Chavez asked what would prohibit the Council from sending that same message to anyone else doing business in the City. He understands we need to collect the GRTs and we need GRTs to pay for the Police and other City expenses. However, we are singling out eight major nonprofit events on the Plaza. He said for the Fiesta that means GRTs on the food vendors and all the other vendors as well.

Mr. Katz said it would be any vendor selling at that special event.

Councilor Chavez said if we are sending this message to these events, to be fair, we need to send it to everyone so there is a more broad approach. He said the one piece of the puzzle that is missing is regard to the quality and authenticity of goods being sold by anyone using public space.

Councilor Bushee said she is unsure why the Plaza is targeted as the area where we begin this social experiment, saying we have the Railyard Plaza, Cathedral Park, the Civic

Center, contract vendors at Genoveva Chavez and the golf course. She asked why the line is drawn here, and said she doesn't understand the emphasis. She is unsure why we have Fabian Trujillo here, because he's from Economic Development and she is unsure that they review any of this. She said when you get a business license you provide a CRS number. It is then the State's job to follow up to ensure the taxes are paid.

Mr. Katz said there is a clear difference between the events on public space versus those elsewhere. He said at the Convention Center and Genoveva Chavez the people doing business often are doing that over a long period of time. He said the initial impetus for this was a twofold concern. One is that the events on the Plaza are using this incredibly advantageous public space to raise money for their events, and the vendors make money from the vending. In return for that we wanted to know two things. One, is that they were in fact paying taxes on the GRTs as required by law, and how much taxes the City was seeing from these events, and if it is advantageous to the City to be doing this. This was the impetus for requiring them to deliver a copy of the return to the City, noting in some situations, this is the only income in New Mexico that these people will earn, in others it is only a small part. In this situation they would indicate the portion of the receipts which came from the market sales.

Councilor Bushee said if you want to use the Economic Development Department to gauge the impact of the Indian Market on the City's GRTs, you don't start with the vendors. You start with the hotel rooms, restaurants and such. She said for the 4th of July Pancake Breakfast they just sell \$5 tickets to generate funds for a nonprofit. She said the logic and process doesn't make sense to her here. She believes this makes the City vulnerable to single out these events and to play enforcer when it isn't the City's job, noting we don't have the enforcement staff, reiterating it isn't the Economic Development staff that would be doing that. She said she just doesn't get it.

Councilor Dominguez said he is glad Councilor Chavez said we need to cast the net far and wide. He said in talking about the eight major events, noting 7 and 8 are "connected at the hip," the difference between those two and the rest is that is strictly a volunteer organization. He said other organizations have paid staff. We need to keep these things in mind, observing that one of our questions is how much more work this will be. He said some organizations can compensate themselves for the extra work, but some can't because they are purely volunteer organizations.

Councilor Wurzbarger moved, seconded by Councilor Calvert to adopt Ordinance No. 2008-24, and modify the Ordinance so the vendors are not required to do this, and to modify the application so people can sign that they acknowledge that they're supposed to be paying GRTs, and add that we require from each sponsoring agency who has the privilege of using the Plaza, that they, like SWAIA have a program.

Discussion: Councilor Wurzbarger said people can provide the information they give to their vendors. She said this is an economic issue for the City. She asked how many times people have attended an event, purchased items, but don't pay the GRTs. She said this issue arose because of people who pay high rents to be in space downtown on the Plaza, and the impact on their businesses during these events when people can't get into these businesses.

She said it was an issue of looking at the economic impacts on the City, and she agrees 100% with Councilor Chavez's remarks. She said when BQL was started, concerns were expressed by the paying businesses on the Plaza of how these events impacted them, including the impact of not paying taxes.

Restatement of the motion: Councilor Wurzburger moved, seconded by Councilor Calvert, to adopt Ordinance No. 2008-24, and to modify the motion to strike any language with respect to the responsibility of the groups who don't want to do anything with respect to this and that the City will take responsibility for pursuing the education in two ways (1) change the special use permit to add a line where people have to sign acknowledging they are aware they are supposed to paying the taxes to the State, and (2) for the privilege of using the public space give the City something in writing explaining what notice they have given vendors with respect to this issue for a one year trial period; and this ordinance has a one year review.

Clarification: Councilor Bushee asked if Councilor Wurzburger is striking lines 6-15 on page 4, and if she is submitting exact substitute language.

Councilor Wurzburger asked Mr. Katz to confirm this for her.

Mr. Katz said there are several ways this can be done. One would be to remove the sponsors from any responsibility and simply require that the vendors give this information directly to the City, and leave the rest of the Ordinance as is. Or, you could strike all of the language and reduce it to simply that they say that they know they have the obligation and that the sponsors produce some sort of document they have given their vendors.

Councilor Wurzburger said she is suggesting the latter for a one year trial period to see what happens.

Councilor Bushee asked Councilor Wurzburger to explain what the ordinance will contain now.

Mr. Katz said his understanding is that it would strike the new language in lines 5-15, and substitute language which would read something along the lines of (saying he doesn't have the exact language), "That the Special Permit Application would require that the Applicant sign that they know their obligation to pay Gross Receipts Tax, and secondly, that the sponsors provide their vendors with directives and information about the obligation to pay New Mexico Gross Receipts Tax at these events and provide the City a copy of that.

Councilor Bushee asked if the enforcement mechanism is that the City will then go and inspect each booth to see that they have a CRS number or business permit, or what.

Councilor Wurzburger said the enforcement mechanism is that we have started the process of tying it to the Business Permit and not assuming that because they got the Permit and have the CRS number. They are at least signing that they understand they are supposed

to pay their tax. She said there is no enforcement by staff going around to the booths to check, because we don't have the staff to do that.

Councilor Bushee asked if this now means people will shy away from getting permits, or are they required to have a Business Permit, and who enforces that.

Councilor Wurzbarger said currently they are required to have a Business Permit, and that doesn't change.

Councilor Bushee said, "So, someone tell me, the enforcement part is they're required to have a Business Permit, and we verify that how?"

Mr. Katz said for Indian Market, there is a stamp that goes on the sign which indicates the artist has obtained a City vendor permit, but doesn't know how it works with the other markets.

Councilor Bushee said Mr. Trujillo isn't the one that has anything to with enforcement, and the reason she is surprised Economic Development staff is here.

Councilor Wurzbarger said Mr. Trujillo is here because he staffs BQL.

Councilor Bushee said with the amendment, the Ordinance is now as is, with an educational recognition on the business firm.

Councilor Wurzbarger said it asks for something specific from the vendors, it has a one year review. She said we will do more research on how we can get the money from out of state.

Councilor Bushee asked Ms. Gala her thoughts about this, and does that change how the City does business currently with SWAIA.

Mayor Coss said the Public Hearing is closed.

Councilor Chavez said the Public Hearing is closed and she is asking a question of the public.

Councilor Ortiz said it is his understanding that if there are questions of staff, staff can answer those, and if the Council wants to ask a question of the public, that would be at the discretion of the Mayor, saying he thinks we have done this in the past.

Mayor Coss, at the insistence of Councilor Bushee, said he will allow Councilor Bushee to ask anybody a question about how she thinks this will work, but first recognized Councilor Chavez for an opportunity at the debate and discussion.

Councilor Chavez said if the Mayor wants to allow the question of the public, that his discretion, and he will yield the floor for that question, and will continue after that.

Councilor Bushee asked, since there is no City staff here, if this changes from how SWAIA currently operates, assuming Ms. Gala can speak for the rest of the nonprofits.

Councilor Bushee said, "You'll now, if you understand this, be signing that you recognize that they need to pay gross receipts, but this does not mean that you are the enforcer. Is this... just means that... I don't know what this means, so that's why I'm trying to understand."

Ms. Gala said when the artist signs, they have to sign the business license, so if a question is added to that it wouldn't make much difference. The second part, of SWAIA making sure, like the followup, is again putting it on SWAIA.

Councilor Bushee said she doesn't know what the "followup" is.

Mayor Coss said point two is to ask the organization to tell the City what kind of educational program it follows to inform its vendors that the vendor is liable for taxes under the State system, and he believes they are doing that already.

Councilor Bushee said it might be good to restate the exact language of the motion before voting, so everyone will know what we are voting on.

Ms. Gala said the tax information is sent out in the Artist packet, and throughout the year SWAIA provides business seminars to educate the artists to pay their taxes, and said they encourage that. She said once the Artist has a CRS number, then it becomes a relationship strictly between the artist and the Taxation & Revenue Department.

Councilor Bushee reiterated that it pretty much is that a line is going to be added that says the vendor recognizes that they are to pay GRTs.

Councilor Wurzbarger said that is number one. Number two, is that we are asking for proof that the sponsor of the event has provided information directly to the vendor which explicates their responsibility to pay CRS tax for participation in their event. She said SWAIA does this now, and they should be able to provide a copy of that, although we're not sure about everyone else. This will be brought to the City at the time of application of the Special Use Permit.

Councilor Bushee said, "I know we... this is on the Plaza right now, but is it something BQL will look at for all other public spaces where we do this kind of vending."

Councilor Wurzbarger said we can think about it, and suggested Councilor Bushee come forward with an idea on that.

Councilor Bushee said she just wants parity.

Councilor Chavez said there are other City owned and control properties where other vendor programs are being permitted, and they also are supposed to be collecting GRTs. He asked if this language will be attached to the Special Use Permit or the Business License itself. If it is on the Business License, then we are telling everyone they are supposed to be paying

GRTs on the sales of their goods or services, or is it just for the Special Use Permits.

Mr. Katz said it is whatever this Council would like to do. He said this bill was focused on this section of the use of the Plaza and only discusses that.

Councilor Chavez said if we are serious about this, we need to collect GRTs from merchants renting indoor and outdoor space as well. He sees no difference between the two.

Councilor Romero said she understands that vendors will apply for a Special Use Permit, as noted in the first part of the motion, and the vendor will sign an additional line acknowledging they will pay gross receipts. She said this applies to everyone who does business in Santa Fe. She doesn't believe it would be that big an onus just to have a line for everybody to sign who does business in the City. She said it is not up to the City to verify whether they've paid the GRTs, but to educate people that they are obligated to pay GRTs for doing business in Santa Fe.

Councilor Calvert pointed out that all this Council can act on this evening is the amendment to the Ordinance before the Council which is the only thing which was noticed, and all we're talking about tonight that we can act on is the Special Use Permit which is governed by this ordinance. All of the other things you may want to do will have to be brought forward through the Committee process at another time.

Councilor Bushee asked how galleries get around charging taxes by mailing things out of state and does that occur here, for example, at Indian Market.

Mr. Katz said yes it does occur at Indian Market. He said the reason that is given for not paying tax on a sale which is shipped out of state, is that title doesn't pass to that sale until it is delivered to the party in, for example, Yonkers, New York, so the sale isn't a New Mexico sale, but one that occurs in Yonkers, New York. He said he doesn't really like that theory, but it is the theory which is used to avoid paying taxes on those sales. He said if a vendor, for example at Indian Market, ships a pot to the customer in Yonkers, New York, there would be the same rationale for not charging GRTs.

Responding to the Mayor question as to whether or not the Councilors understand the language and meaning of the Motion, it was the consensus among the Councilors that they are comfortable with the language and concepts being voted upon to become an Ordinance, and they understand the language proposed by Councilor Wurzbarger.

Mr. Katz said he understands the language, but it is important for the Governing Body to understand it.

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: Councilor Chavez.

Explaining her vote: Councilor Wurzbarger said she votes yes with the understanding that there will be a one year review.

Explaining her vote: Councilor Bushee said she votes yes, clarifying that she is glad Councilor Wurzbarger made the changes to the proposed Ordinance amendment, and hopes that the BQL Committee will consider that for parity's sake for other public spaces – just an educational/informational piece.

Explaining his vote: After clarification that the motion will apply only to the Special Use Permits for the eight events on the Plaza, Councilor Chavez said he votes no.

Explaining his vote: Councilor Dominguez said some organizations do a better job at educating than others, and he would encourage all organizations to do the best job they can, and he votes yes.

4) CONSIDERATION OF BILL NO. 2008-27; ADOPTION OF ORDINANCE NO. 2008- 25 (COUNCILOR TRUJILLO). AN ORDINANCE REPEALING ORDINANCE 2004-35, REGARDING UNEXECUTED LEASE WITH VHD PROPERTIES, LLC, ON AIRPORT PROPERTY. (JIM MONTMAN)

Items G(4) and G(5) were combined for purposes of presentation and discussion, but were voted upon separately.

Jim Montman presented information regarding this matter to the Governing Body.

Public Hearing

There was no one speaking for or against this Ordinance.

The Public Hearing was closed

Councilor Bushee asked why the 2004 lease was never consummated.

Mr. Montman said the developer was involved in another business deal in Bernalillo at the same time, and got to point of signing the lease, and had enough money to do one or the other, and made the decision on short notice not to renew and served notice of that decision.

Councilor Bushee asked the number of hangar leases at the Airport.

Mr. Montman said there are five lease agreements under the umbrella of the SF Air Center, one under the umbrella of Capital Aviation, and Invest Air has a private hangar, Santa Fe New Mexico is a private hangar, Santa Fe Hangar Association is a condominium group of hangars and the Royal City complex. He said since 1993 only two new hangar complexes have

been built – a single hangar known as Invest Air just recently approved, and the Royal City Complex which are five buildings nested together.

Councilor Bushee said then there is diversity of ownership.

Mr. Montman said yes.

Councilor Trujillo moved, seconded by Councilor Chavez, to adopt Ordinance No. 2008-25.

The motion was approved on the following Roll Call vote.

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

Against: None.

Absent: Councilor Romero.

- 5) CONSIDERATION OF BILL NO. 2008-28; ADOPTION OF ORDINANCE NO. 2008- 26 (COUNCILOR WURZBURGER). AN ORDINANCE RATIFYING THE LEASE OF APPROXIMATELY 3.27 ACRES OF LAND AT THE SANTA FE MUNICIPAL AIRPORT THAT IS OWNED BY THE CITY OF SANTA FE (COUNCILOR TRUJILLO). (JIM MONTMAN)**
 - a) REQUEST FOR APPROVAL OF LEASE AGREEMENT – CONSTRUCTION OF HANGARS FOR PRIVATE AND BUSINESS USE AT THE SANTA FE MUNICIPAL AIRPORT; CIELO AZUL DE SANTA FE, LLC. (JIM MONTMAN)**

Councilor Trujillo moved, seconded by Councilor Chavez, to adopt Ordinance No. 2008-26.

Discussion: Councilor Bushee asked about the removal of the prairie dogs.

Mr. Montman said there are prairie dogs on the site which will be handled as they have been with the last two developments, which is with “kid gloves.”

The motion was approved on the following Roll Call vote.

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

Against: None.

Absent: Councilor Romero.

Councilor Calvert moved, seconded by Councilor Wurzburger, to approve the Lease Agreement.

The motion was approved on the following Roll Call vote.

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

Against: None.

Absent: Councilor Romero.

16. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

17. COMMUNICATIONS FROM THE GOVERNING BODY.

Councilor Calvert

Councilor Calvert had no communications.

Councilor Dominguez

Councilor Dominguez introduced two resolutions as follows:

- a. A Resolution requesting the establishment of a no-cost bus pass program for Santa Fe Youth. He asked that this go to the Transit Advisory Committee, Mayor's Youth Advisory and Finance Committees. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "3."
- b. A Resolution directing staff to develop a program to recognize and promote child-friendly businesses and organizations in the community. He asked that it be sent to the Business & Quality of Life Committee and the Mayor's Youth Advisory Board. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "4."

Councilor Wurzburger

Councilor Wurzburger introduced two ordinance amendments and one resolution as follows:

- a. An ordinance amendment, cosponsored by Councilor Dominguez, amending certain sections of the Economic Development Plan Ordinance. A copy of the proposed ordinance amendment is incorporated herewith to these minutes as Exhibit "5."
- b. An ordinance, cosponsored by Mayor Coss and Councilor Romero, establishing the Workforce Housing Initiative. She asked that it go directly to the Finance Committee. A copy of the proposed ordinance is incorporated herewith to these minutes as Exhibit "6."
- c. A resolution, cosponsored by Councilor Dominguez, adopting the City of Santa Fe's Economic Development strategies for implementation. A copy of the proposed Resolution is incorporated herewith to these minutes as Exhibit "7."

Councilor Trujillo

Councilor Trujillo said he has been contacted by many parents about the prairie dogs at Fields 2 and 3 at Franklin Miles Park, noting it is a "disaster area." He said these prairie dogs moved across from the State Motor Pool property. He is concerned that a kid is going to step in a hole and seriously damage a leg. He wants to get the prairie dogs out of the park. He said Fabian Chavez told him the State was supposed to be taking care of their part, but never did. He asked Mr. Buller to contact the State about this.

Mr. Buller said he will work with Robert Romero and Fabian Chavez.

Mayor Coss said the State needs to "wake up and smell the coffee," and remove the prairie dogs from Charlie Griego Field.

Councilor Ortiz said if the City removes them, we should send the bill to the State of New Mexico.

Councilor Ortiz

Councilor Ortiz noted that at the next Finance Committee meeting, they will be doing the final budget hearings, and asked when the packets will be available.

Mr. Buller said Ms. Raveling said the packets will be done by tomorrow and will be distributed either late tomorrow or Friday morning.

Councilor Ortiz would like all Councilors to get the packets by Friday morning so they are available to them, and invited all of the City Councilors not on Finance Committee to attend that meeting.

Councilor Ortiz requested an Executive Session at the next Council meeting to talk about collective bargaining negotiations, particularly in regard to AFSCME 3999 and the Firefighters Local 2379, to give management direction on what to do with collective bargaining.

Councilor Ortiz noted two years ago a request was submitted and the prairie dogs were removed from Franklin Miles Park by City staff, but the prairie dogs from the State property across the street have moved into the park and torn up the field again. He said we need to develop a more pro-active way to get the State to take responsibility to remove the prairie dog colony from City property.

Councilor Bushee

Councilor Bushee introduced a resolution directing staff to solicit names for the City's Sangre de Cristo Water Company Building, and a letter of nomination, noting Councilor Art Sanchez was serving on the Council when the water company was purchased. She asked that the Resolution go to the appropriate committees. A copy of the resolution is incorporated herewith to these minutes as Exhibit "8."

Councilor Bushee read the nomination letter into the record as follows:

"We suffered a great loss on April 27th with the passing of Art Sanchez. He served on the Governing Body for twelve years. We served with Art from 1992 to 1996. He persevered and we saw the purchase of the water company."

She said since we have the naming criteria which asks us to solicit nominations, the Resolution speaks to that, to name the Sangre de Cristo Water Company after Art Sanchez.

She reminded everyone that Community Days are Friday-Sunday. She said she thought we would make changes since last year. She is concerned about Community Days, and doesn't want to spend time and effort on this and not have good results. She wants to do it either differently, or not do it at all, commenting a half-hearted effort isn't worth doing. She said we might want to consider doing it at the Railyard or somewhere else in the future.

Councilor Chavez

Councilor Chavez introduced a resolution supporting State legislative action to revise the Development Fees Act to include libraries and schools as eligible facilities. He asked that it go to the Business & Quality of Life, Capital Improvements and Finance Committees. He asked, if adopted, that a copy be furnished to the City's lobbyist. A copy of the proposed resolution is incorporated herewith to these minutes as Exhibit "9."

Mayor Coss

Mayor Coss introduced a resolution, cosponsored by Councilors Romero, Trujillo, Chavez and Calvert, requesting reallocation of \$1.6 million from the 2008 CIP funds originally designated for turf rehabilitation, parks water management and trails city wide to be used for paved street and sidewalk rehabilitation. He asked that the Resolution go to the Public Works and Finance Committees. A copy of the resolution is incorporated herewith to these minutes as Exhibit "10."

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 8:45 p.m.

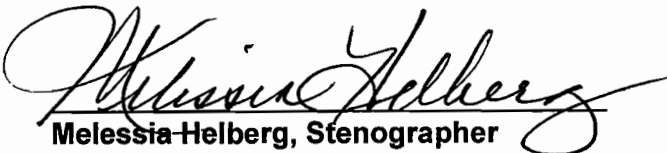
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Stenographer