



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JUNE 11, 2008
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 6-6-08 TIME 3:35 pm

SERVED BY _____

RECEIVED BY Hydrominguez

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. INVOCATION
4. ROLL CALL
5. APPROVAL OF AGENDA
6. APPROVAL OF CONSENT CALENDAR
7. APPROVAL OF MINUTES: Reg. City Council Meeting – May 28, 2008
8. PRESENTATIONS
 - a) Employee of the Month for June 2008 – Shirley Rodriguez, Project Specialist; Purchasing. (5 minutes)
 - b) Small Business of the Year Award – Big Jo True Value Hardware (Kate Noble) (5 minutes)
 - c) Proclamation – 10th Annual Relay for Life 2008. (Gloria Martinez, Chair for Relay for Life Committee) (5 minutes)
9. CONSENT CALENDAR
 - a) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Wurzbarger, Mayor Coss, Councilor Dominguez, Councilor Romero and Councilor Ortiz)
A Resolution Adopting the Administrative Procedures for the City of Santa Fe's Affordable Housing Trust Fund. (Lee Depietro)
 - b) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Calvert, Mayor Coss and Councilor Wurzbarger)
A Resolution Directing City Staff to Develop a Program to Reduce Disposable Bag Use. (Katherine Mortimer)



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- c) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Wurzburger)
A Joint Resolution Supporting the Santa Fe Regional Telecommunications Coalition's Efforts to Organize Primary Telecommunications Bandwidth Users in the Santa Fe Region; and Directing Staff to Submit an Application to the New Mexico Lambda Rail. (Fabian Trujillo)
- d) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Calvert)
A Resolution Supporting the Use of Renewable Energy at the City of Santa Fe Wastewater Treatment Plant. (Nick Schiavo)
- e) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Wurzburger and Councilor Bushee)
A Resolution Designating the Land Use Sub-Committee, a Sub-Committee of the Public Works/CIP & Land Use Committee. (Jack Hiatt)
- f) Request for Approval of Procurement Under State Price Agreement – AS400 Computer System for ITT Division; Mainline Information Systems. (Thomas Williams)
- g) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Bushee)
A Resolution Directing Staff to Solicit Names for the City's Sangre De Cristo Water Company Building. (Gary Martinez)
- h) Bid No. 08/32/B – Wastewater Treatment Plant Improvement Project Construction Contract; RMCI, Inc. (Bryan Romero)
 - 1) Request for Approval of Budget Increase – Project Fund.
- i) Bid No. 08/34/B – One (1) Automated Compaction Side-Load Refuse Truck For Solid Waste Management Division; Trucks West, Inc. (Bill DeGrande)
- j) Request for Approval of Amendment No. 2 to Agreement – Design of Replacement Lights, Electrical Update and New Signage for LaFarge Branch Library Remodel; Victor Johnson, Architect. (Chip Lilienthal)
- k) Request for Approval of Amendment No. 2 to Agreement – Bid Negotiations Construction Administration and Warranty Inspection at Fire Station No. 3; Riskin Associates Architecture. (Chip Lilienthal)



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- l) Request for Approval of Land Lease Agreement – City Owned Property for Esperanza Shelter for Battered Families; Santa Fe County. (David Chapman)
- m) Request for Approval of Professional Services Agreement – Management of “Adopt The River Program”; Santa Fe Watershed Association. (David Chapman and Rachel Friedman)
- n) Request for Approval of Sole Source Procurement – Nine (9) Ambulance Gurneys for Fire Department; Ferno, Inc. (Asst. Chief Charlie Velarde)
- o) Request for Approval of Professional Services Agreement – Engineering, Architectural and Planning Consultant Services (RFP #08/26/P); Molzen-Corbin & Associates. (Jim Montman)
- p) Request for Approval of Amendment No. 1 to Contract – City-Wide Water Utility Construction and Repair; Sub Surface Contracting, Inc. (Bill Huey)
- q) Request for Approval of State Land Office Right-of-Way Easement – Buckman Direct Diversion Project; State of New Mexico Commission of Public Lands. (Rick Carpenter)
- r) Request for Approval of Amendment No. 2 to Professional Services Agreement – Continuation of Public Information and Outreach Services for Buckman Direct Diversion Project; Cooney, Watson and Associates, Inc. (Rick Carpenter)
- s) Request for Approval of Amendment No. 2 to Legal Services Agreement – Legal Services for Buckman Direct Diversion Project; Kirkpatrick & Lockhart Preston Gates Ellis, LLP. (Rick Carpenter)
- t) Request for Approval of Amendment No. 5 to Legal Services Agreement – Legal Services for Buckman Direct Diversion Project; Hawkins Delafield & Wood, LLP. (Rick Carpenter)
- u) Request for Approval of Amendment No. 7 to Legal Services Agreement – Legal Services for Buckman Direct Diversion Project; Modrall Sperling, P.A. (Rick Carpenter)



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- v) Request for Approval of Amendment No. 2 to Legal Services Agreement – Legal Services; John C. Bienvenu, Rothstein, Donatelli, Huges, Dahlstrom, Schoenburg & Benvenu, LLP. (Marcos Martinez and Frank Katz)
- w) Request for Approval of Amendment No. 2 to Legal Services Agreement – Legal Services; Alletta D. Belin, Belin & Sugarman. (Marcos Martinez and Frank Katz)
- x) Request for Approval of Legal Services Agreement – Buckman Well #11 Issues; Sheehan, Sheehan & Stelzner, P.A. (Marcos Martinez)
- y) Request for Approval of Sole Source Procurement and Professional Services Agreement – Shelter Stray Animals; Santa Fe Animal Shelter. (Chief Eric Johnson)
- z) Request for Approval of Project Agreement – Traffic Records Improvement and Development/Tracs Statewide Rollout Project; State of New Mexico Department of Transportation. (Chief Eric Johnson)
 - 1) Request for Approval of Budget Increase From Grant Revenue – Grant Fund.
- aa) Request for Approval of Grant Award – Targeting Violent Crime Initiative for Police Department; Department of Bureau of Justice Assistance. (Chief Eric Johnson)
 - 1) Request For Approval Of Budget Increase From Grant Revenue – Grant Fund.
- bb) Request for Approval of 2008/2009 1% Lodgers' Tax Funding Recommendations – Arts Commission Community Arts Promotion Program (RFP #08/10/P) Ten (10) Various Vendors. (Debra Garcia Y Griego)
- cc) Request for Approval of Amendment No. 1 to Professional Services Agreement – Railroad Signal System at Santa Fe Railyard Park; Santa Fe Southern Railway, Inc. (Frank Romero)



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- dd) Request for Approval of Grant Agreements for Fiscal Year 2008/2009 for Department of Housing and Urban Development. (Kathy McCormick)
- 1) Santa Fe Community Housing Trust.
 - 2) The Life Link/La Luz (4 Contracts).
- ee) Request for Approval of Procurement Under State Price Agreement – Transport Ventilators for Fire Department; Tri-Anim Health Services, Inc. (Brian Caldwell)
- ff) Request for Approval of Procurement Under Cooperative Agreement – Modular Classrooms for Fire Department; Anchor Built, Inc. (Asst. Chief Charlie Velarde)
- gg) Adoption of New Fees for Building Permits, Development Review and Administration:
- 1) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Wurzburger)
A Resolution Adopting New Fees for Plan Reviews, Building Permits, Secondary Mechanical Permits, Secondary Plumbing Permits, Secondary Electrical Permits, Grading Plan Reviews, Grading Permits, and Sign Permits. (Jack Hiatt)
 - 2) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Wurzburger)
A Resolution Adopting New Fees for Development Review Applications Such as Annexation Rezoning Subdivision, Development Plans, Special Exceptions, Variances, Appeals, Code Amendments, Etc. Submitted to the Land Use Department. (Jack Hiatt)
- hh) Request for Approval to Publish Notice of Public Hearing on July 9, 2008:
- 1) Bill No. 2008-25 – An Ordinance Amending Section 12-6-12.18 of the City of Santa Fe Uniform Traffic Code 2007 to Repeal Subsection (6) Regarding the Prohibition of Hand-Held Cellular Phone Usage While a Vehicle is in Motion. (Councilor Ortiz) (Chief Eric Johnson)



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- 2) Consideration of Adoption of 2008-2013 Five (5) Year Consolidated Plan. (Melisa Collett)
 - ii) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Bushee and Councilor Calvert)
A Resolution Designating the Fourth Saturday in June Each Year as Pride on the Plaza Day. (Fabian Chavez)
 10. Approval of Name for Santa Fe's New City Facility. (Keith Toler)
 11. Consideration of Approval of Plan and Timeline for Implementing WIFI at City Owned Facilities and Property for Public Internet Access. (Thomas Williams)
(Postponed at April 30, 2008 City Council Meeting – PUBLIC HEARING IS CLOSED)
 12. Discussion of Resolution No. 2005-102 Regarding the Donation of 5.7 Acres of a Vacant Parcel to the Santa Fe National Cemetery. (Jack Hiatt)
 13. MATTERS FROM THE CITY MANAGER
 14. MATTERS FROM THE CITY ATTORNEY
 15. MATTERS FROM THE CITY CLERK
 16. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. INVOCATION
- D. ROLL CALL
- E. PETITIONS FROM THE FLOOR
- F. APPOINTMENTS



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G. PUBLIC HEARINGS:

- 1) Request from Walgreen Co., for a Transfer of Ownership and Location of Dispenser License #943 from James E. Garrett, dba Garrett's Desert Inn, 311 Old Santa Fe Trail, to Walgreen Co., dba Walgreens #12005, 5721 Airport Road. (Yolanda Y. Vigil)
- 2) Pursuant to §60-6B-10 NMSA 1978, a Request for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Sale/Consumption 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 and Located on City Property. The Request is for the Following Event: (Yolanda Y. Vigil)
 - a) The ART Santa Fe 2008 to be held on Wednesday July 9, 2008 from 6:00 – 10:00 p.m. and on Thursday, July 10, 2008, from 5:00-8:00 p.m. (Invitation Only Event).
- 3) CONSIDERATION OF BILL NO. 2008-34: ADOPTION OF ORDINANCE NO. 2008-_____. (Councilor Bushee)
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. (David Rasch)
- 4) Consideration of Adoption of 2008/2009 Community Development Block Grant (CDBG) Entitlement Program. The CDBG Program is Part of the City's Annual Action Plan Submitted to the U. S. Department of Housing and Urban Development. (Melisa Collett)
- 5) CONSIDERATION OF BILL NO. 2008-33: ADOPTION OF ORDINANCE NO. 2008-_____. (Mayor Coss and Councilor Bushee)
An Ordinance Amending Section 14-3.9 SFCC 1987 Regarding Development in Special Flood Hazard Areas, Section 14-8.3 SFCC 1987 Regarding Flood Regulations, Section 14-11.5(c) SFCC 1987 Regarding Penalties For Violations of Flood Regulations; and Making Such Other Related Changes to Chapter 14 SFCC 1987 as are Necessary. (Wendy Blackwell)



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- 6) CONSIDERATION OF BILL NO. 2008-24: ADOPTION OF ORDINANCE NO. 2008-_____. (Councilor Dominguez, Councilor Calvert and Councilor Trujillo)
An Ordinance Amending Sections 22-9.1, 22-9.7 and 22-9.10 SFCC 1987 Regarding Industrial Pretreatment Regulations and Procedures. (Bryan Romero)
- 7) CONSIDERATION OF BILL NO. 2008-30: ADOPTION OF ORDINANCE NO. 2008-_____. (Councilor Calvert and Councilor Bushee)
An Ordinance Amending Table 14-7.1-1 SFCC 1987 Restricting the Maximum Height in RM-1 and RM-2 Districts to 24 Feet. (Jeanne Price)
- 8) CONSIDERATION OF BILL NO. 2008-31: ADOPTION OF ORDINANCE NO. 2008-_____. (Councilor Dominguez)
An Ordinance Creating a New Section 14-8.18 SFCC 1987 Requiring Notification to the Santa Fe Public School District Prior to Submittal of a Development Request. (Jeanne Price)
- 9) CONSIDERATION OF BILL NO. 2008-32: ADOPTION OF ORDINANCE NO. 2008-_____. (Mayor Coss, Councilor Dominguez and Councilor Trujillo)
An Ordinance Amending Section 12-2 SFCC 1987; Adopting the 2006 International Fire Code as Amended by the Governing Body and Making Other Changes Relating to the Fire Code of the City of Santa Fe. (Ted Bolleter)
- a) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Mayor Coss, Councilor Dominguez and Councilor Trujillo)
A Resolution Revising Fees Relating to Fire Prevention and Protection. (Ted Bolleter)
- 10) CONSIDERATION OF BILL NO. 2008-35: ADOPTION OF ORDINANCE NO. 2008-_____. (Councilor Chavez)
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. (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)



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- b) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Chavez)
A Resolution Adopting a Fee Schedule for the Review of Applications for Electric Facilities. (Nick Schiavo)
- 11) CONSIDERATION OF RESOLUTION NO. 2008-_____.
Case #M 2008-05. Hopewell-Third Street (Formerly 1733 Hopewell Street) General Plan Amendment. Richard Horcasitas, Agent for Hunter Wakeman, Requests Approval of a General Plan Future Land Use Map Amendment to Change the Designation of 0.2 Acre More or Less From Industrial to Low Density (3 – 7 Dwelling Units Per Acre). The Area is Located at the Corner of Third Street and Hopewell Street. (Greg Smith)
- 12) CONSIDERATION OF BILL NO. 2008-39: ADOPTION OF ORDINANCE NO. 2008-_____.
Case #ZA 2008-02. Hopewell-Third Street (Formerly 1733 Hopewell Street) Rezoning. Richard Horcasitas, Agent for Hunter Wakeman, Requests Rezoning of 0.2 Acre More or Less From L-1 (Light Industrial) to R-5 (Residential, 5 Dwelling Units Per Acre). The Property is Located at the Corner of Third Street and Hopewell Street. (Greg Smith)
- 13) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Ortiz and Councilor Wurzbarger) A Resolution Designating Water Rights for Low Priced Dwelling Units and Public Amenities in the Northwest Quadrant and for the Low Priced Dwelling Unit Credit Pool. (Kathy McCormick) **(Postponed at April 9, 2008 City Council Meeting)**
- 14) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Ortiz and Councilor Wurzbarger)
A Resolution Amending Resolution No. 2003-106 the Annual Water Budget Administrative Regulations and Procedures Regarding the Designation of Water Rights for Low Priced Dwelling Units. (Kathy McCormick) (Postponed at April 9, 2008 City Council Meeting)
(WITHDRAWN)

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.



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NOTE: New Mexico law requires the following administrative procedures be followed when conducting "quasi-judicial" hearings. In a "quasi-judicial" hearing all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross-examination. Witnesses have the right to have an attorney present at the hearing. Translator for the hearing impaired available through the City Clerk's Office upon 5 days notice.

**SUMMARY INDEX
SANTA FE CITY COUNCIL MEETING
June 11, 2008**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>AFTERNOON SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-5
APPROVAL OF MINUTES: Reg. City Council Meeting – May 28, 2008	Approved	5
<u>PRESENTATIONS</u>		
EMPLOYEE OF THE MONTH FOR JUNE 2008 – SHIRLEY RODRIGUEZ, PROJECT SPECIALIST; PURCHASING		6
SMALL BUSINESS OF THE YEAR AWARD – BIG JO TRUE VALUE HARDWARE		6
PROCLAMATION – 10 TH ANNUAL RELAY FOR LIFE 2008		6-7
<u>CONSENT CALENDAR DISCUSSION</u>		
CONSIDERATION OF RESOLUTION NO. 2008- 49. A RESOLUTION DIRECTING CITY STAFF TO DEVELOP A PROGRAM TO REDUCE DISPOSABLE BAG USE	Approved [amended]	7-8
CONSIDERATION OF RESOLUTION NO. 2008- 50. A RESOLUTION DESIGNATING THE LAND USE SUBCOMMITTEE, A SUBCOMMITTEE OF THE PUBLIC WORKS/CIP & LAND USE COMMITTEE	Approved [amended]	8-9
REQUEST FOR APPROVAL OF GRANT AWARD – TARGETING VIOLENT CRIME INITIATIVE FOR POLICE DEPARTMENT; DEPARTMENT OF BUREAU OF JUSTICE ASSISTANCE	Approved	9-10
REQUEST FOR APPROVAL OF BUDGET INCREASE FROM GRANT REVENUE – GRANT FUND	Approved	

ITEM**ACTION****PAGE #****ADOPTION OF NEW FEES FOR BUILDING PERMITS, DEVELOPMENT REVIEW AND ADMINISTRATION:**

CONSIDERATION OF RESOLUTION NO. 2008- ____ . A RESOLUTION ADOPTING NEW FEES FOR PLAN REVIEWS, BUILDING PERMITS, SECONDARY MECHANICAL PERMITS, SECONDARY PLUMBING PERMITS, SECONDARY ELECTRICAL PERMITS, GRADING PLAN REVIEWS, GRADING PERMITS AND SIGN PERMITS

Postponed to 07/ /08

10-11

CONSIDERATION OF RESOLUTION NO. 2008- ____ . A RESOLUTION ADOPTING NEW FEES FOR DEVELOPMENT REVIEW APPLICATIONS SUCH AS ANNEXATION REZONING SUBDIVISION, DEVELOPMENT PLANS, SPECIAL EXCEPTIONS, VARIANCES, APPEALS, CODE AMENDMENTS, ETC., SUBMITTED TO THE LAND USE DEPARTMENT

Postponed to 07/ /08

10-11

END OF CONSENT CALENDAR DISCUSSION

APPROVAL OF NAME FOR SANTA FE'S NEW CITY FACILITY

Approved

11-12

CONSIDERATION OF APPROVAL OF PLAN AND TIMELINE FOR IMPLEMENTING WIFI AT CITY OWNED FACILITIES AND PROPERTY FOR PUBLIC INTERNET ACCESS
(PUBLIC HEARING IS CLOSED)

Approved

13-18

DISCUSSION OF RESOLUTION NO. 2005-102 REGARDING THE DONATION OF 5.7 ACRES OF A VACANT PARCEL TO THE SANTA FE NATIONAL CEMETERY

Postponed

18

MATTERS FROM THE CITY MANAGER

None

18

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
MATTERS FROM THE CITY ATTORNEY	None	18
MATTERS FROM THE CITY CLERK	None	18
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	19
PETITIONS FROM THE FLOOR		19-22
APPOINTMENTS	None	22
<u>PUBLIC HEARINGS</u>		
CONSIDERATION OF BILL NO. 2008-35; ADOPTION OF ORDINANCE NO. 2008- ____ . 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	Postponed to 08/13/08	22-28
CONSIDERATION OF RESOLUTION NO. 2008- ____ . A RESOLUTION ADOPTING THE ELECTRIC FACILITIES PLAN AS AN AMENDMENT TO THE CITY OF SANTA FE GENERAL PLAN	Postponed to 08/13/08	22-28
CONSIDERATION OF RESOLUTION NO. 2008- ____ . A RESOLUTION ADOPTING A FEE SCHEDULE FOR THE REVIEW OF APPLICATIONS FOR ELECTRICAL FACILITIES	Postponed to 08/13/08	22-28
REQUEST FROM WALGREEN CO., FOR A TRANSFER OF OWNERSHIP AND LOCATION OF DISPENSER LICENSE #943 FROM JAMES E. GARRETT, D/B/A GARRETT'S DESERT INN, 311 OLD SANTA FE TRAIL TO WALGREEN CO., D/B/A WALGREENS #12005, 5721 AIRPORT ROAD	Approved	28-33

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

PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE/CONSUMPTION 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 REQUEST IS FOR THE FOLLOWING EVENT:

THE ART SANTA FE 2008 TO BE HELD ON WEDNESDAY, JULY 9, 2008 FROM 6:00 - 10:00 P.M., AND ON THURSDAY, JULY 10, 2008, FROM 5:00 - 8:00 P.M. (INVITATION ONLY EVENT)

Approved

33-34

CONSIDERATION OF BILL NO. 2008-34 ADOPTION OF ORDINANCE NO. 2008- 28. 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

Approved [amended]

34-40

CONSIDERATION OF ADOPTION OF 2008/2009 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENTITLEMENT PROGRAM. THE CDBG PROGRAM IS PART OF THE CITY'S ANNUAL ACTION PLAN SUBMITTED TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Approved

40-42

CONSIDERATION OF BILL NO. 2008-33; ADOPTION OF ORDINANCE NO. 2008- 29. AN ORDINANCE AMENDING SECTION 14-3.9 SFCC 1987 REGARDING DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS, SECTION 14-8.3 SFCC 1987 REGARDING FLOOD REGULATIONS, SECTION 14-11.5(c) SFCC 1987, REGARDING PENALTIES FOR VIOLATIONS OF FLOOD REGULATIONS; AND MAKING SUCH OTHER RELATED CHANGES TO CHAPTER 14 SFCC 1987 AS ARE NECESSARY

Approved

42-44

CONSIDERATION OF BILL NO. 2008-24; ADOPTION OF ORDINANCE NO. 2008- 30 AN ORDINANCE AMENDING SECTIONS 22-9.1, 22-9.7 AND 22-9.10 SFCC 1987, REGARDING INDUSTRIAL PRETREATMENT REGULATIONS AND PROCEDURES

Approved

44-45

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2008-30; ADOPTION OF ORDINANCE NO. 2008- 31. AN ORDINANCE AMENDING TABLE 14-7.1-1 SFCC 1987, RESTRICTING THE MAXIMUM HEIGHT IN RM-1 AND RM-2 DISTRICTS TO 24 FEET	Approved	45-46
CONSIDERATION OF BILL NO. 2008-31; ADOPTION OF ORDINANCE NO. 2008- 32. AN ORDINANCE CREATING A NEW SECTION 14-8.18 SFCC 1987, REQUIRING NOTIFICATION TO THE SANTA FE PUBLIC SCHOOL DISTRICT PRIOR TO SUBMITTAL OF A DEVELOPMENT REQUEST	Approved	46
CONSIDERATION OF BILL NO. 2008-32; ADOPTION OF ORDINANCE NO. 2008- 33. AN ORDINANCE AMENDING SECTION 12-2 SFCC 1987; ADOPTING THE 2006 INTERNATIONAL FIRE CODE AS AMENDED BY THE GOVERNING BODY AND MAKING OTHER CHANGES RELATING TO THE FIRE CODE OF THE CITY OF SANTA FE	Approved	47-48
CONSIDERATION OF RESOLUTION NO. 2008- 52. A RESOLUTION REVISING FEES RELATING TO FIRE PREVENTION AND PROTECTION	Approved [amended]	47-48
CONSIDERATION OF RESOLUTION NO. 2008- 53. <u>CASE #M 2008-05. HOPEWELL-THIRD STREET (FORMERLY 1733 HOPEWELL STREET). GENERAL PLAN AMENDMENT. RICHARD HORCASITAS, AGENT FOR HUNTER WAKEMAN, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 0.2 ACRE MORE OR LESS FROM INDUSTRIAL TO LOW DENSITY (3-7 DWELLING UNITS PER ACRE). THE AREA IS LOCATED AT THE CORNER OF THIRD STREET AND HOPEWELL STREET</u>	Approved	49-50

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2008-39; ADOPTION OF ORDINANCE NO. 2008- 34. CASE #ZA 2008-02. HOPEWELL-THIRD STREET (FORMERLY 1733 HOPEWELL STREET) REZONING. RICHARD HORCASITAS, AGENT FOR HUNTER WAKEMAN, REQUESTS REZONING OF 0.2 ACRE MORE OR LESS FROM L-1 (LIGHT INDUSTRIAL) TO R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED AT THE CORNER OF THIRD STREET AND HOPEWELL STREET	Approved	50-51
CONSIDERATION OF RESOLUTION NO. 2008- ____ . A RESOLUTION DESIGNATING WATER RIGHTS FOR LOW PRICED DWELLING UNITS AND PUBLIC AMENITIES IN THE NORTHWEST QUADRANT AND FOR THE LOW PRICED DWELLING UNIT CREDIT POOL	Postponed to 08/13/08	51
CONSIDERATION OF RESOLUTION NO. 2008- ____ . A RESOLUTION AMENDING RESOLUTION NO. 2003-106, THE ANNUAL WATER BUDGET ADMINISTRATIVE REGULATIONS AND PROCEDURES REGARDING THE DESIGNATION OF WATER RIGHTS FOR LOW PRICED DWELLING UNITS	Withdrawn	51
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	51-54
ADJOURN		55

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
June 11, 2008**

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Pro-Tem Rebecca Wurzburger, on June 11, 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

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

Members Excused

Mayor David Coss

Others Attending

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

Mayor Pro-Tem Wurzburger said the WiFi has been turned off in the Chambers until the decision regarding the issue on WiFi has been made.

5. APPROVAL OF AGENDA

Councilor Bushee would like to remove Item #12 from the Afternoon Session and remand it back to the Public Works, Finance and BQL Committees.

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

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

6. APPROVAL OF CONSENT CALENDAR

Councilor Calvert moved, seconded by Councilor Romero, 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 Romero, Councilor Trujillo and Mayor Pro-Tem Wurzbarger.

Against: None.

Absent: Councilor Ortiz.

- a) **CONSIDERATION OF RESOLUTION NO. 2008- 44 (COUNCILOR WURZBURGER, MAYOR COSS, COUNCILOR DOMINGUEZ, COUNCILOR ROMERO AND COUNCILOR ORTIZ). A RESOLUTION ADOPTING THE ADMINISTRATIVE PROCEDURES FOR THE CITY OF SANTA FE'S AFFORDABLE HOUSING TRUST FUND. (LEE DePIETRO)**
- b) ***[Removed for discussion by Councilor Bushee]***
- c) **CONSIDERATION OF RESOLUTION NO. 2008- 45 (COUNCILOR WURZBURGER). A JOINT RESOLUTION SUPPORTING THE SANTA FE REGIONAL TELECOMMUNICATIONS COALITION'S EFFORTS TO ORGANIZE PRIMARY TELECOMMUNICATIONS BANDWITH USERS IN THE SANTA FE REGION; AND DIRECTING STAFF TO SUBMIT AN APPLICATION TO THE NEW MEXICO LAMBDA RAIL. (FABIAN TRUJILLO)**
- d) **CONSIDERATION OF RESOLUTION NO. 2008- 46 (COUNCILOR CALVERT). A RESOLUTION SUPPORTING THE USE OF RENEWABLE ENERGY AT THE CITY OF SANTA FE WASTEWATER TREATMENT PLANT. (NICK SCHIAVO)**
- e) ***[Removed for discussion by Councilor Bushee]***
- f) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – AS400 COMPUTER SYSTEM FOR ITT DIVISION; MAINLINE INFORMATION SYSTEMS. (THOMAS WILLIAMS)**
- g) **CONSIDERATION OF RESOLUTION NO. 2008- 47 (COUNCILOR BUSHEE). A RESOLUTION DIRECTING STAFF TO SOLICIT NAMES FOR THE CITY'S SANGRE DE CRISTO WATER COMPANY BUILDING. (GARY MARTINEZ)**
- h) **BID NO. 08/32/B – WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT CONSTRUCTION CONTRACT; RMCI, INC. (BRYAN ROMERO)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND.**

- i) **BIS NO. 08/34/B – ONE (1) AUTOMATED COMPACTION SIDE-LOAD REFUSE TRUCK FOR SOLID WASTE MANAGEMENT DIVISION; TRUCKS WEST, INC. (BILL DeGRANDE)**
- j) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO AGREEMENT – DESIGN OF REPLACEMENT LIGHTS, ELECTRICAL UPDATE AND NEW SIGNAGE FOR LAFARGE BRANCH LIBRARY REMODEL; VICTOR JOHNSON, ARCHITECT. (CHIP LILIENTHAL)**
- k) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO AGREEMENT – BID NEGOTIATIONS CONSTRUCTION ADMINISTRATION AND WARRANTY INSPECTION AT FIRE STATION NO. 3; RISKIN ASSOCIATES ARCHITECTURE. (CHIP LILIENTHAL)**
- l) **REQUEST FOR APPROVAL OF LAND LEASE AGREEMENT – CITY OWNED PROPERTY FOR ESPERANZA SHELTER FOR BATTERED FAMILIES; SANTA FE COUNTY. (DAVID CHAPMAN)**
- m) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – MANAGEMENT OF “ADOPT THE RIVER PROGRAM;” SANTA FE WATERSHED ASSOCIATION. (DAVID CHAPMAN AND RACHEL FRIEDMAN)**
- n) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT – NINE(9) AMBULANCE GUERNEYS FOR FIRE DEPARTMENT; FERNO, INC. (ASST. CHIEF CHARLIE VELARDE)**
- o) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – ENGINEERING, ARCHITECTURAL AND PLANNING CONSULTANT SERVICES (RFP #08/26/P); MOLZEN-CORBIN & ASSOCIATES. (JIM MONTMAN)**
- p) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO CONTRACT – CITY-WIDE WATER UTILITY CONSTRUCTION AND REPAIR; SUB SURFACE CONTRACTING, INC. (BILL HUEY)**
- q) **REQUEST FOR APPROVAL OF STATE LAND OFFICE RIGHT-OF-WAY EASEMENT – BUCKMAN DIRECT DIVERSION PROJECT; STATE OF NEW MEXICO, COMMISSIONER OF PUBLIC LANDS. (RICK CARPENTER)**
- r) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – CONTINUATION OF PUBLIC INFORMATION AND OUTREACH SERVICES FOR BUCKMAN DIRECT DIVERSION PROJECT; COONEY, WATSON & ASSOCIATES, INC. (RICK CARPENTER)**

- s) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO LEGAL SERVICES AGREEMENT – LEGAL SERVICES FOR BUCKMAN DIRECT DIVERSION PROJECT; KIRKPATRICK & LOCKHART, PRESTON, GATES, ELLIS, LLP. (RICK CARPENTER)**
- t) **REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO LEGAL SERVICES AGREEMENT – LEGAL SERVICES FOR BUCKMAN DIRECT DIVERSION PROJECT; MODRALL SPERLING, P.A. (RICK CARPENTER)**
- u) **REQUEST FOR APPROVAL OF AMENDMENT NO. 7 TO LEGAL SERVICES AGREEMENT – LEGAL SERVICES FOR BUCKMAN DIRECT DIVERSION PROJECT; MODRALL, SPERLING, P.A. (RICK CARPENTER)**
- v) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO LEGAL SERVICES AGREEMENT – LEGAL SERVICES; JOHN C. BIENVENU, ROTHSTEIN, DONATELLI, HUGHES, DAHLSTROM, SCHOENBURG & BIENVENU, LLP. (MARCOS MARTINEZ AND FRANK KATZ)**
- w) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO LEGAL SERVICES AGREEMENT – LEGAL SERVICES; ALLETTA D. BELIN, BELIN & SUGARMAN. (MARCOS MARTINEZ AND FRANK KATZ)**
- x) **REQUEST FOR APPROVAL OF LEGAL SERVICES AGREEMENT – BUCKMAN WELL #11 ISSUES; SHEEHAN, SHEEHAN & STELZNER P.A. (MARCOS MARTINEZ)**
- y) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – SHELTER STRAY ANIMALS; SANTA FE ANIMAL SHELTER. (CHIEF ERIC JOHNSON)**
- z) **REQUEST FOR APPROVAL OF PROJECT AGREEMENT – TRAFFIC RECORDS IMPROVEMENT AND DEVELOPMENT/TRACS STATEWIDE ROLLOUT PROJECT; STATE OF NEW MEXICO, DEPARTMENT OF TRANSPORTATION. (CHIEF ERIC JOHNSON)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE FROM GRANT REVENUE – GRANT FUND.**
- aa) ***[Removed for discussion by Councilor Dominguez]***
- bb) **REQUEST FOR APPROVAL OF 2008/2009 1% LODGERS' TAX FUNDING RECOMMENDATIONS – ARTS COMMISSION COMMUNITY ARTS PROMOTION PROGRAM (RFP #08/10/P) TEN (10) VARIOUS VENDORS. (DEBRA GARCIA Y GRIEGO)**

- cc) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – RAILROAD SIGNAL SYSTEM AT SANTA FE RAILYARD PARK; SANTA FE SOUTHERN RAILWAY, INC. (FRANK ROMERO)
- dd) REQUEST FOR APPROVAL OF GRANT AGREEMENTS FOR FISCAL YEAR 2008/2009 FOR DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (KATHY McCORMICK)
 - 1) SANTA FE COMMUNITY HOUSING TRUST.
 - 2) THE LIFE LINK/LA LUZ (4 CONTRACTS).
- ee) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – TRANSPORT VENTILATORS FOR FIRE DEPARTMENT; TRI-ANIM HEALTH SERVICES, INC. (BRIAN CALDWELL)
- ff) REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE AGREEMENT – MODULAR CLASSROOMS FOR FIRE DEPARTMENT; ANCHOR BUILT, INC. (ASST. CHIEF CHARLIE VELARDE)
- gg) *[Removed for discussion by Councilor Bushee]*
- hh) REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JULY 9, 2008:
 - 1) BILL NO. 2008-25 – AN ORDINANCE AMENDING SECTION 12-6-12.18 OF THE CITY OF SANTA FE UNIFORM TRAFFIC CODE 2007, TO REPEAL SUBSECTION (6) REGARDING THE PROHIBITION OF HAND-HELD CELLULAR PHONE USAGE WHILE A VEHICLE IS IN MOTION (COUNCILOR ORTIZ). (CHIEF ERIC JOHNSON)
 - 2) CONSIDERATION OF ADOPTION OF 2008-2013 FIVE (5) YEAR CONSOLIDATED PLAN. (MELISA COLLETT)
- ii) CONSIDERATION OF RESOLUTION NO. 2008- 48 (COUNCILOR BUSHEE AND COUNCILOR CALVERT). A RESOLUTION DESIGNATING THE FOURTH SATURDAY IN JUNE EACH YEAR AS PRIDE ON THE PLAZA DAY. (FABIAN CHAVEZ)

7. APPROVAL OF MINUTES: Reg. City Council Meeting – May 28, 2008.

Councilor Bushee moved, seconded by Councilor Trujillo, to approve the minutes of the Regular City Council Meeting of May 28, 2008, as presented. The motion was approved on a voice vote, with Councilors Bushee, Calvert, Chavez, Dominguez, Romero, Trujillo and Mayor Pro-Tem Wurzbarger voting for the motion, none against, and Councilor Ortiz absent.

8. PRESENTATIONS

a) **EMPLOYEE OF THE MONTH FOR JUNE 2008 – SHIRLEY RODRIGUEZ, PROJECT SPECIALIST; PURCHASING.**

Mayor Pro-Tem Wurzbarger read the letter of nomination into the record, and presented Ms. Rodriguez with a plaque and a certificate for \$200.

Ms. Rodriguez thanked everyone for this honor.

b) **SMALL BUSINESS OF THE YEAR AWARD – BIG JO TRUE VALUE HARDWARE (KATE NOBLE)**

Mayor Pro-Tem Wurzbarger presented the Small Business of the Year Award to Big Jo True Value Hardware, noting that the C de Bacas have owned Big Jo for 25 years.

The Mayor Pro-Tem was assisted by Councilors Bushee, Calvert, Romero, all of whom complimented Big Jo for its outstanding courtesy and customer service, and said it is good to see this award go to a home grown business. Councilors Dominguez, Chavez and Trujillo added their congratulations for the award and appreciation for the excellent quality of service and friendly sales people from a home grown business..

Mr. C de Baca said Big Jo is located at 1311 Siler Road. He said two weeks ago when they received the award they didn't get to thank a lot of people who helped to get them in this place. He said the previous owners and staff made Big Jo Lumber what it was downtown and he is carrying on that tradition and legacy, and pledged to continue the good customer service and to keep expanding. He thanked the City of Santa Fe, the business community and the homeowners in the community.

Councilor Ortiz arrived at the meeting at this time

c) **PROCLAMATION – 10TH ANNUAL RELAY FOR LIFE 2008. (GLORIA MARTINEZ, CHAIR FOR RELAY FOR LIFE COMMITTEE).**

Mayor Pro-Tem Wurzbarger read a proclamation proclaiming June 6, 2008, as the 10th Annual Relay for Life Day.

Councilor Chavez recognized some of the Committee members who attended the Relay, noting there was a good turnout.

Elena Chavez Tercero, On-Line Chair for this year's event, noted they raised about \$60,000 this year, and although they didn't meet their goal, this is more money for cancer research.

Michael Friestad, husband of Gloria Martinez, Cancer Society Director, said she asked him to attend on her behalf and express appreciation to the City, the Fire Department, and the

Schools who assisted with this year's Relay. He thanked Big Jo Lumber for its support of the Relay for Life.

CONSENT CALENDAR DISCUSSION

9(b) CONSIDERATION OF RESOLUTION NO. 2008- 49 (COUNCILOR CALVERT, MAYOR COSS AND COUNCILOR WURZBURGER). A RESOLUTION DIRECTING CITY STAFF TO DEVELOP A PROGRAM TO REDUCE DISPOSABLE BAG USE. (KATHERINE MORTIMER)

Councilor Bushee said she understood that changes or amendments were made to the Resolution, but those aren't reflected. She said the Committee talked a lot about educational components versus taxes or fees. Since it is open ended, she didn't want there to be a lack of direction to staff as to how to proceed, noting it wasn't narrowed to paper and plastic.

Councilor Calvert said the Committee removed anything in the title regarding imposing fees and "stuff," because we didn't want to pre-judge what staff could do. We were going to let staff research this and come back with a proposal they thought would work best and that would go through the committee process.

Councilor Bushee said the Resolution as it stands doesn't say that, and every other Whereas talks about a fee or a tax, and it's still paper or plastic. She thought the Committee direction was not along the lines of a fee, nor was it for paper instead of plastic.

Councilor Calvert said it has been paper and plastic from the beginning, and he heard no discussion otherwise. He said we did delete the notion of a fee in the title, and in the Whereas it just says those have been considered by other communities.

Councilor Bushee would like the "Now, Therefore Be It Resolved," to say that "Staff will research and develop a fair and equitable program." She asked if that would be enough direction.

Mr. Schiavo said the text Ms. Mortimer left behind is, "The Resolution has been revised to direct staff to look into options to reduce disposable bag use, opening up the options of how the goal could be accomplished, without dictating the means to get there. It also broadens the definition of the bags affected, making the end result potentially more effective."

Councilor Bushee wants to be sure the approach that Public Works wanted is more of an educational approach. She would like to add "education" after "equitable."

Councilor Calvert moved, seconded by Councilor Romero, to adopt Resolution No. 2008-49.

Friendly amendment: Councilor Bushee would like to insert "including but not limited to an educational program." **The amendment was friendly to the maker and second.**

Discussion: Councilor Chavez asked if this means we would eliminate the possibility of a green fee or a tax for plastic bags.

Councilor Calvert said we are leaving it to staff to develop what works best and how we think we can implement whatever program they design.

Councilor Chavez would be in favor of eliminating the bags completely and not considering the possibility of a tax.

Friendly amendment: Mayor Pro-tem Wurzburger said, "I'd like to respond, even as Mayor Pro-Tem, as the cosponsor on the Legislation, and wonder whether we would include "or eliminate" where we say "to reduce." **The amendment was friendly to the maker and second.**

The motion, as amended, was approved on the following roll call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo and Mayor Pro-Tem Wurzburger.

Against: None.

9(e) CONSIDERATION OF RESOLUTION NO. 2008- 50 (COUNCILOR WURZBURGER AND COUNCILOR BUSHEE). A RESOLUTION DESIGNATING THE LAND USE SUBCOMMITTEE, A SUBCOMMITTEE OF THE PUBLIC WORKS/CIP & LAND USE COMMITTEE. (JACK HIATT)

Councilor Bushee said some of the things she and Mayor Pro-Tem Wurzburger discussed didn't make it into the Resolution accurately, so she is proposing the following amendments:

Page 2, instead of the proposed amendment which eliminated terms, amend as follow on page 2, line 22, "Section 5. TERMS: The term of each member shall be six months to one year ~~two years~~.

Page 2, line 11, amend as follows: "...and building permit processes including but not limited to implementing the recommendations from the Building Permit Development Review Task Force presented to the Governing Body in 2006, and a compliance review of the Building and Permit Department's Audit."

Page 3, line 3, amend as follows: "...as may be required, and shall report their findings to the Public Works Committee as a whole. "

Councilor Bushee moved, seconded by Councilor Ortiz, to adopt Resolution No. 2008- 50 with these proposed amendments.

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 Mayor Pro-Tem Wurzbarger.

Against: None.

- 9(aa) REQUEST FOR APPROVAL OF GRANT AWARD – TARGETING VIOLENT CRIME INITIATIVE FOR POLICE DEPARTMENT; DEPARTMENT OF BUREAU OF JUSTICE ASSISTANCE. (CHIEF ERIC JOHNSON)**
- 1) REQUEST FOR APPROVAL OF BUDGET INCREASE FROM GRANT REVENUE – GRANT FUND.**

Councilor Dominguez moved, seconded by Councilor Romero, to approve this request.

Discussion: Councilor Dominguez said in the Memorandum, you said there are some performance measures reported to the Bureau of Justice which are required by grantees, such as biographical information, narrative and numerical data. He asked if other is reported in addition to that, and what is done with the information.

Deputy Chief Montano said, "We share the information with the entire law enforcement community."

Councilor Dominguez asked if they get other information, other than the three items.

Deputy Chief Montano said no.

Councilor Chavez said the purchase of wireless phones and the other data terminals will help you to collect and share the information related to violent crime, gang activity and such. He asked if this is tied into the Graffiti Task Force in any way in documenting the graffiti that we are removing.

Deputy Chief Montano said no.

Councilor Chavez asked if we are internally documenting and photographing the graffiti that we are removing, and asked if this information could be shared, but not under the proposal which is before us now.

Deputy Chief Montano said we are documenting and photographing the graffiti, but that information can't be shared under this proposal.

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 Mayor Pro-Tem Wurzbarger.

Against: None.

9(gg) ADOPTION OF NEW FEES FOR BUILDING PERMITS, DEVELOPMENT REVIEW AND ADMINISTRATION:

- 1) CONSIDERATION OF RESOLUTION NO. 2008- ____ (COUNCILOR WURZBURGER). A RESOLUTION ADOPTING NEW FEES FOR PLAN REVIEWS, BUILDING PERMITS, SECONDARY MECHANICAL PERMITS, SECONDARY PLUMBING PERMITS, SECONDARY ELECTRICAL PERMITS, GRADING PLAN REVIEWS, GRADING PERMITS AND SIGN PERMITS. (JACK HIATT)**
- 2) CONSIDERATION OF RESOLUTION NO. 2008- ____ (COUNCILOR WURZBURGER). A RESOLUTION ADOPTING NEW FEES FOR DEVELOPMENT REVIEW APPLICATIONS SUCH AS ANNEXATION REZONING SUBDIVISION, DEVELOPMENT PLANS, SPECIAL EXCEPTIONS, VARIANCES, APPEALS, CODE AMENDMENTS, ETC., SUBMITTED TO THE LAND USE DEPARTMENT. (JACK HIATT)**

Councilor Bushee asked Ms. Price, regarding the sign issue, if it is in this packet of things, or just in the ordinance.

Ms. Price said the way it has been arranged is that in the ordinance this evening on price reduction there is an amendment saying the one permit would be for six times. That one permit would still be \$60, which is reflected in this Resolution under gg(1).

Councilor Bushee said she asked for a comparison, noting there is something on her desk that says June 11th. She said when they first came to the Committee they said that Santa Fe is higher than any place in the State and higher than Boulder, Colorado. She said they may not meet those goals because of the projections under current economic conditions, because the funding will not be received and the positions will not be filled.

Councilor Bushee said her heartburn has to do with the fact that she doesn't see any kind of benchmarks, timelines, measurements by which we will achieve the additional efficiency we are expecting from the increased fees and adding staff. She asked for a comparison by population as well as staffing levels, building permit fees and the number of permits issued in a year. She is trying to get productivity levels and efficiency goals which the Department intends to meet with these increases. In the past, when there were increases, it was vetted in hearings with the community, and measurements and goals were produced which had to be achieved. She was told in Committee that we are now getting a permit out in 30 days, but several years ago, we established a 10 day limit on getting a permit out.

Councilor Bushee said all of the calls she gets is that there aren't enough inspectors, and that is the first person who should be hired, but that isn't on the list until phase two. She doesn't think there has been enough conversation, nor has she received the requested

information. She said, "Nor do I think it is addressing the hue and cry out there in the community for more inspectors.

Councilor Bushee moved, seconded by Councilor Ortiz for purposes of discussion, to deny Items 9(gg)(1) and (2).

Discussion: Councilor Ortiz said he also asked for a copy of that information.

Mr. Hiatt said there are three handouts. On June 5, 2008, the timeline and the performance standards were distributed; on June 9, 2008 he provided projected improvements for the reduction of time; and today the ones which were handed out today. ***[Note: the last handout was not provided for the record]***.

Councilor Bushee said she didn't receive the June 5th handout and would like a copy of the other one.

Councilor Bushee rescinded her motion to deny.

Councilor Ortiz moved, seconded by Councilor Bushee, to postpone Items 9(gg)(1) and (2) to the second Council meeting in July, and send it back to the Public Works and Finance Committees with all of the information which was just handed out.

Discussion: Councilor Chavez said, for the record, with regard to inspectors, a lot has to do the with training, as well as the lack of inspectors and can they get to the site quickly enough. He said, secondly now that's going back to Finance, he would like to discuss how we could supplement their budget during the mid-year adjustments, and not have a complete hit on the budget.

Councilor Bushee said she is all for training.

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.

END OF CONSENT CALENDAR DISCUSSION

10. APPROVAL OF NAME FOR SANTA FE'S NEW CITY FACILITY. (KEITH TOLER)

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, June 9, 2008, is incorporated herewith to these minutes as Exhibit "1."

Darlene Griego said the recommendation from the Public Works Committee is incorrectly stated on Exhibit "1," and it should be the Santa Fe Community Convention Center.

Councilor Calvert moved, seconded by Councilor Ortiz, to approve the recommendation of the Public Works Committee.

Discussion: Councilor Ortiz said, although it is included in the Resolution, he would like to publicly acknowledge the work done by Former Mayor Larry Delgado, his uncle, in the creation of this convention center. Councilor Ortiz said he is quietly hopeful that we will come in on the operation and maintenance budget proposed by the center. He said he opposed Mayor Delgado, but he was dogged in his pursuit of this convention center, and he believes a plaque honoring him in the convention center is appropriate. He said the convention center is coming in on time and under budget which is a very good thing.

Councilor Romero thanked Ms. Griego for her hard work, saying this is coming to fruition after many years and trials and tribulations. She said Ms. Griego brought forward the names for the rooms in the convention center which were unanimously approved, without any opposition or controversy. She believes that the Public Works Committee endorsing this name is a big plus, and she looks forward to the opening of the center.

Councilor Bushee quoted from the Resolution adopted on April 9, 2008, "Be it further resolved that a plaque be created and prominently mounted in the new facility, recognizing Mayor Larry A. Delgado for his leadership in undertaking the creation of the new facility." She said she believes the new facility will be for the community and we will have many conventions as well as community opportunities.

Councilor Trujillo thanked the people of Santa Fe for all of the submittals which were overwhelming, some were very creative, but he enjoyed going through those to come up with this proposal. This is a community center where we will have proms, weddings, fiestas, Indian Market as well as conventions. This is for the community of Santa Fe and believes the name reflects that.

Councilor Bushee said she forgot to thank Davis Rasch for his submittals, one of which was chosen.

Councilor Dominguez said it is interesting to him that when he was young it was known as Sweeney Center to him and his father, and now it will be known to him and his children by the new name.

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 Mayor Pro-Tem Wurzbarger.

Against: None.

Explaining her vote: Mayor Pro-Tem Wurzbarger said she votes yes, saying she put a lot of work into this, and took a lot of "beating up," in supporting the Mayor. She thanked Darlene Griego for all of her work.

11. CONSIDERATION OF APPROVAL OF PLAN AND TIMELINE FOR IMPLEMENTING WIFI AT CITY OWNED FACILITIES AND PROPERTY FOR PUBLIC INTERNET ACCESS. (THOMAS WILLIAMS). (Postponed at April 30, 2008 City Council meeting – PUBLIC HEARING IS CLOSED)

Councilor Trujillo moved, seconded by Councilor Ortiz, to approve the Plan and Timeline for implementing the WiFi at City owned facilities and property for public internet access.

Discussion: Councilor Ortiz said he asked the City Attorney for a legal opinion and he gave him one. He received a letter from a lawyer purporting to represent members of a class affected by wireless technology. He reviewed the opinion of the City Attorney and he finds it acceptable, and he is basing his decision on the legal research which was conducted.

Frank Katz said, "I was just going to briefly review, recap what I had said. The ADA statute that bars cities from denying access to their city services to those with a disability, and disability is very broadly defined as a physical or mental impairment that substantially limits one or more of one's major life activities. He said what the research showed, that Councilor Ortiz is referring to, is that there has been no case that has held that electromagnetic hypersensitivity is a disability or that WiFi is the cause of that. So the City is not inhibited by current ADA precedent to implement WiFi. But, this lack of precedent doesn't mean that somebody couldn't bring a case, and I would make a couple of comments on that. How likely is it would Santa Fe face a case and how likely is it that it would be successful."

Mr. Katz continued, "The first thing is the ubiquity of various forms of electromagnetic radiation. I think WiFi is in something like 73% of the libraries, so one has to ask why would there suddenly be a lawsuit here if there hasn't been elsewhere. The second factor is, that while there is no doubt that the symptoms that have been described to us are real, the issue is really the proof of the cause. And, most of the studies do not find that WiFi is a cause. You have the World Health Organization, you have the British version of OSHA, that I note on my memo. And the other part of it is, there has been... the testimony that the Council heard is that there are just so many causes: the florescent lights, dimmer switches, radios, tv screens, and it's really hard to say... certainly cell phones... that WiFi is the cause."

Mr. Katz continued, "The third point I would make, and this, I think is very interesting. Those who are opposing WiFi in City facilities are asking for a very different level of a consideration than other disabled persons. When a wheelchair ramp is built into a building, it doesn't make that building less accessible to other people. And, when we put up signs in braille for people who are blind, that doesn't mean we remove the other signs. Here, the accommodation that is being sought is that there would be no WiFi in the City facilities. And, this is like something that would disaccommodate very very many people. And, I think that the alternative of providing wires would be very unrealistic and unsafe. I mean, could you imagine there being wires in each of the rows here in City Hall so people could used wired WiFi."

Mr. Katz continued, "Finally, the fact that this is not covered by ADA does not mean that we shouldn't be mindful that there are people who do experience problems, and just as we are doing now, and have turned off the WiFi for a certain presentation at City Hall, and I am sure that the libraries can make efforts to provide their services to deliver books and stuff to people

who are uncomfortable coming inside. I think we can make those kinds of accommodations, and ultimately, if there ever were a finding that the electromagnetic hypersensitivity is a disability, the likelihood is that any reasonable accommodation would not be to remove that WiFi from the facilities or cell towers or [inaudible] that, but just to make some other alternative ways of providing the City services."

Councilor Romero thanked Mr. Katz for his guidance. She said this has been a challenging thought process and discussion. She said it has been commendable for those who came and publicly talked about their health in this type of forum, and she appreciates those people who have spoken to the Council. She said there is a national and state movement around precaution, and the precautionary principle will help to guide us in the future. She said in the future we will be looking at the precaution that common sense is behind many of our ideas and it would better to be safe than sorry. She said there is a lot of thinking about how we protect the health of everyone, and she believes that will be a discussion for another time and not today, because it is clear where our decision is heading. She is pleased with the work that was done to get us here, but believes there is more work to be done in the future to protect the health of our whole community.

Councilor Bushee relayed a story about the son of a coworker who had headaches, and "they shut off the WiFi signal and the child's headaches stopped." She said, "I truly don't know why we need to consider having it here in City Hall chambers." She said we can check email and phone messages on breaks. She is asking for a compromise since this is the local seat of democracy, and participation. She understands WiFi is all around, and she herself wonders about cell phones and mobile phones at home and wireless. She said, "I really would ask, you know, do we really need to check our emails right here in the chambers, and could we at least concede and make some compromise there."

Councilor Chavez said that point merits discussion. He can see there are buildings, such as libraries and the civic centers, where it is a must. However, he thinks we could argue maybe in a spirit of public participation and democracy that you would want to allow more people and not exclude anyone for any reason at any point in time.

Councilor Chavez said Mr. Katz said if something was to be found, that the City wouldn't discontinue the service, and asked why. If we knew it was causing health problems, or potential health problems, and if there are other options for services, wouldn't we want to consider those other options.

Mr. Katz said, "I don't know what the finding would be. What we've read is that cell phones, for instance, are much more likely to be the culprit than wireless because of the power increments. But, this is science and I haven't a clue, it's just the legal precedent. I think that if it were found to be very damaging, I think that they would probably ban it completely, of course. But, if it is found that a certain percentage, or a few percentage of folks are harmed by it and therefore can't have access, then I think the accommodation would be that I had described."

Councilor Chavez asked Mr. Williams if he will continue to work with the Mayor's Committee on Disabilities and track any potential health risk as well as tracking current research and information on this topic.

Mr. Williams said he intends to do that as part of the process.

Councilor Dominguez said he would like to thank people for the “tons” of information we have received on this issue, both for and against, commenting it was very interesting. He appreciates Councilor Romero’s comments about what he said last time, which is access to knowledge. He believes access to knowledge is very important. He appreciates Councilor Bushee’s remarks as well. However, with all due respect, having access is more than having access to email. It is also about being able to look up information on a particular issue on the internet, and having that information at his fingertips has been beneficial. He said he can’t open his Google Earth Map because the WiFi is off. The maps are beneficial in being able to understand the dynamics of a particular case and how it affects the area. His decision is based on being able to have access to this knowledge, which is more than just checking emails. It is about being able to educate yourself about different things as they come up in a Council meeting.

Councilor Trujillo said, with regard to Councilor Bushee’s remarks about emails, it is not just about emails. He said there are a lot of issues which come before the Council from the Historic Review Board. They provide pictures and we look at those, and at times this is the only way we see things. He said he and Councilor Dominguez get on Google Earth and we can see the demographics of the entire neighborhood, and how that building will impact and what will happen in that neighborhood. He said this is a tool to him which he uses for much more than checking email. He said at times he doesn’t understand a comment, and he will Google so he can understand what it is. This is a tool which has been very helpful to him. He said he isn’t trying to deny people access here. He believes this technology is happening around us every day. He does understand that people do have these sensations, but as our City Attorney said, at this time there is no proof that the WiFi is causing this. He said hopefully it will go to the libraries.

Councilor Trujillo said now we’re hearing it may be taken out of the Council chambers. He said if you remove it here, but put it in the convention center, there will be bleed off from there, noting we have bleed off right now from the entire downtown area. He can pick up 3-4 signals right now on his computer. He said the signals are here, and were here, prior to us getting WiFi in this chamber, which he has said from the beginning.

Councilor Bushee moved, seconded by Councilor Chavez , to separate out the City Hall Chambers and to have it to be WiFi free.

Discussion: Councilor Calvert asked Mr. Katz to comment on Councilor Trujillo’s comment, saying he understands if we are actually hearing evidence in a case, he doesn’t think we can be looking outside what we are being presented here and that be admissible information. He said, “We’re supposed to be hearing it as a sort of quasi-judicial function, and that’s why we can’t go look at it ahead of time, and I don’t think we can be looking up information on the side while we’re being presented, and hearing that case in front of us.”

Mr. Katz said he thinks that could be a problem. He said he uses the WiFi to look up State statutes, City ordinance which sometimes referred to at meetings. He said there clearly are things which one shouldn’t be looking up that would be evidence in the case, but there is other information which probably is appropriate. But, that is a caution.

Councilor Ortiz said then this is just a motion to sever and then we vote on the motion.

The motion to sever was approved on a voice vote with Councilors Bushee, Chavez, Ortiz and Calvert voting in favor of the motion, and Councilors Dominguez, Trujillo and Romero voting against.

Discussion: Councilor Ortiz said he understands the compromise is fine to give the appearance that we are taking our roles and responsibilities seriously. However, he believes if wireless technology is embraced in one public facility as a matter of policy, then it should be embraced in all public facilities. He, like Mr. Katz and the other Councilors are not scientists, so none of this discussion is passing judgment on scientific fact – the merits or not of any of the information which they have been given. He asked, as a City, if we want to develop a policy that says wireless technology is going to be available in public buildings. He said by creating this artificial separation, we are coming up with a political compromise, but we aren't necessarily creating good or rational policy.

Councilor Ortiz fails to see the rationale for having WiFi in some City facilities and not others, except for making a grand gesture to these people and almost inviting them to come up with a legal case against the City. He said as these kinds of cases go, if we prohibit it in one place, yet allow it in another, it raises the fact question: why did we do it one place and not in another for the same kinds of arguments. He said he has previously represented people who have alleged environmental sensitivity to molds and those who have epilepsy with a problem in the workplace because of these kinds of lights above us, who have asked for reasonable accommodation under both federal and state law. He has seen it from the eyes of the affected employees. He wonders as a City if we want to invite that fight, he doesn't. He is opposed to severing of this motion for that reason.

Councilor Chavez agrees in part with Councilor Ortiz, and he believes his statement was to err on the side of caution and to remind the Council that we need to embrace this with caution, and to consider having this room "unplugged" for the Council meetings.

Councilor Dominguez said he is trying to be sensitive to everyone's comments and understand those. However, as a policy, what Councilor Ortiz said is absolutely correct. When we are talking about policy, those statements he made were "on the money." One of the things which isn't too difficult for him to accept is to turn off the Wi-Fi with the proper kind of notice which we've had recently regarding this, when people who are sensitive to wireless give notice they are going to be here, and we turn it off for that period of time. This isn't unreasonable to him. However, he's not quite ready to support the amendment yet.

Councilor Trujillo he said the wireless is off right now in the chambers, yet we are still getting bleed-off. When it is in the convention center, we will get bleed-off. He said he can pick up something on the other side of the street, and yet the convention center is less than 100 feet away. He asked the difference in that bleed-off.

Mr. Williams said we obviously would have to have a meter to measure that, but certainly there would be bleed-over. He said we are talking about electromagnetic radiation, and not just about WiFi. We are talking about florescent lights, and everything in the chambers that is electrical as well. He said if you cut off the WiFi, there still are all the other sources of electromagnetic radiation.

Councilor Trujillo said that also includes cell phones, which means everyone would have

to turn off their cell phones.

Mr. Williams said that would be at the pleasure of the Council, but if you're just talking about electromagnetic radiation, it would include all of these things.

Councilor Trujillo said radio waves are the same, and we would need to call all of the radio stations and turn off the radios as well. He said the waves are here and there is no way to avoid those, and eliminating WiFi would not eliminate those from the Chambers.

Councilor Bushee said, "You know, this is a motion that's not really a policy, it's a plan, it's an administrative plan, and so I don't really know where you would insert this. But, I do think that Councilor Dominguez's suggestion of a policy of a governing body... I don't know if you would put it under the rules, or where would you put it Matt."

Councilor Ortiz said it could be part of the administrative plan we're adopting.

Councilor Bushee said, instead of debating this point tonight, she will bring some suggested changes to the Governing Body Rules of operation, that we have a courtesy or a policy that, if requested with appropriate notice, we will turn off the WiFi operations.

Mayor Pro-Tem Wurzbarger asked if she is withdrawing her motion.

Councilor Bushee said it was actually an amendment to the motion, and she was surprised on the severing action.

The motion to amend the motion failed on a roll call vote as follows:

For: Councilor Bushee and Councilor Chavez.

Against: Councilor Romero, Councilor Trujillo, Mayor Pro-Tem Wurzbarger, Councilor Dominguez, Councilor Calvert and Councilor Ortiz.

Friendly amendment: Councilor Romero would like to add language to encourage signage indicating that WiFi is in use wherever there is WiFi in City facilities. **The amendment was friendly to the maker and second.**

Friendly amendment: Councilor Romero would like to add language to encourage staff to work with the Mayor's Committee and others to develop policy on WiFi. **The amendment was friendly to the maker and second.**

Councilor Chavez said he had asked staff earlier to work with the Mayor's Committee in this regard.

The motion, as amended, was approved on the following roll call vote:

For: Councilor Trujillo, Mayor Pro-Tem Wurzbarger, Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Ortiz and Councilor Romero.

Against: None.

- 12. DISCUSSION OF RESOLUTION NO. 2005-102 REGARDING THE DONATION OF 5.7 ACRES OF A VACANT PARCEL TO THE SANTA FE NATIONAL CEMETERY. (JACK HIATT)**

This item was postponed and remanded to the Public Works, Finance and Business and Quality of Life Committees.

- 13. MATTERS FROM THE CITY MANAGER**

There were no matters from the City Manager.

- 14. MATTERS FROM THE CITY ATTORNEY**

There were no matters from the City Attorney.

- 15. MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk

Mayor Pro-Tem Wurzbarger moved Item #16 Communications from the Governing Body to the end of the Evening Agenda.

There was a break from 6:18 p.m. to 7:09 p.m.

END OF AFTERNOON SESSION AT 7:09 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 Pro-Tem Rebecca Wurzburger, at approximately 7:10 p.m. Roll Call indicated the presence of a quorum as follows:

Members Present

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

Members Excused

Mayor David Coss

Others Attending

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

E. PETITIONS FROM THE FLOOR

A copy of "Why WiFi is the wrong way to provide internet access," entered for the record by Dr. William Bruno, is incorporated herewith to these minutes as Exhibit "2."

Mayor Pro-Tem Wurzburger reminded people that petitions from the floor are to be on an item which is not on the agenda, and gave three minutes for each person to present their petition.

Stefanie Beninato, 604 ½ Galisteo Street, said, "I'm here for a couple of reasons, three in particular. One, I believe I have read the Code of Ethics very carefully, and I don't see anything in there about City officials having to be honest with the public. I also don't see anything in there about appearance of impropriety, which I'm really amazed that a City official can engage in a behavior that looks...whatever that would be...improper, but it's not in the Code of Ethics, and I'm going to read that again. But, if it isn't, then I'm going to ask that you address that, because it seems to me to be a basic part of ethics in government. The other thing is, I just got some information about this appeal that I have to City Council on the twenty-fifth of June, and I know that some of my neighbors want to come in a speak too, and it's limited to thirty minutes both for presentation and rebuttal. And I know that you are really busy that night, because you have the Transfer Tax that you're going to be talking about. And I really know that people would like to think that you have enough focus and energy left to pay attention to what's

being said, that they're hoping they can actually be heard, having waited for a long time to come to City Council. So, I'm wondering if a postponement to the next meeting might not be appropriate, and so I just ask you to consider that. And, then the third thing is, I've been trying to meet with the City Manager now for over two weeks and I keep getting put off. And, it's not necessarily about, and in fact it's not about 610, it's about my own property and also about this ethics question, and I just keep getting put off. And, so I would like it if the Council would direct the City Manager to meet with me again. I am not a second class citizen. I pay taxes here. I am a land owner, and if I would like to meet with the City Manager, I think that that's appropriate and shouldn't be run around, especially when entities that have sued the City of Santa Fe get to talk directly to City officials who are involved in the lawsuit that that entity has. So, again, I would appreciate it if you would direct the City Manager to meet with me."

Arthur Firstenberg said, "I would like to request accommodation. Some of us are planning to speak to Item 10, tenth public hearing, and we have yet to be accommodated in City Hall. I stay because it's important. I get sick. I go home and I regret it later, but I do it, but we're not being accommodated. The access point set off in the equipment room is a minor component of it. Councilor Dominguez, Councilor Trujillo, if you have wireless laptops, if the wireless is not disabled, you're broadcasting and it's just as powerful as the antenna in the equipment room, and I would request that they be disabled so that we can speak to Item 10 in comfort."

Mr. Firstenberg continued, "I wanted to respond to some things that the City Attorney said earlier. We're not asking anybody to remove a barrier to access, we're asking you not to erect a barrier to access and that's a different thing. We presently have access in many City buildings. The City Attorney alleged that there is no record of federal recognition of electromagnetic sensitivity. I have here a document from the Social Security Administration regarding me. I'm on disability from Social Security, a federal agency, and I'm going to read from it, 'The administrative record shows that the beneficiary is disabled on the basis of multiple chemical sensitivities and electromagnetic sensitivity.' And, I'll read down. 'The record contains several letters from the beneficiary's treating physician, Peter Wittick, M.D., that describes the beneficiary's symptoms and corroborates the beneficiary's allegation that he was forced to flee his home in Mendocino, California, after high speed internet services became available there in 2004. ' It is not true, I'm not the only one, it is not true that none of us have been recognized as disabled on the basis of electromagnetic sensitivity or that WiFi is not a barrier to access for some of use. And, if we're not accommodated in City Hall, the City of Santa Fe is violating not only the ADA, but the Santa Fe Municipal Charter which says, 'No City ordinance, resolution or policy shall be enacted or adopted, nor shall any action be condoned which discriminates on the basis of physical or mental disability.' It will violate the City Code, which says, 'Section 1-8.2. All persons have the right to the full and equal accommodates, advantages, facilities and privileges of any place of public accommodation, and it will violate the First Amendment to the Constitution, which guarantees all citizens the right to petition their government for the redress of grievances and guarantees them access on that basis to City Hall."

Mayor Pro-Tem Wurzbarger said she would request, as a courtesy, that the WiFi be turned off just for Item G(10).

Councilor Trujillo moved, seconded by Councilor Romero, to amend the Agenda to hear Item G(10) as the first Public Hearing, and 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

Sagemaya Dandi, 1492 Upper Canyon Road, said the past three times he has been before the Council has been regarding Ninja Tim. He wants to give kudos to the City Manager and the Police Department, because at 3:00 p.m. this afternoon Ninja Tim was taken into custody. Mr. Dandi thanked them for their efforts. He is here to petition the Council regarding the untenable situation at Camino del Monte Sol. He said there was a car going the wrong way, and he knocked on his window, he was irritated but backed up, and Mr. Dandi followed him to Creative Design in the back of the building. Mr. Dandi asked him what happened and the man was curt with him. He said later that evening, another car was going the wrong way at that intersection. He said the intersection needs to be redesigned. He said as people look for alternative transportation, he sees a lot of people on bicycles. However, there needs to be some sort of education for the Council and the Police Department. He said Marilyn Bane saw a bicyclist going full speed the wrong way down Canyon Road, when a little girl stepped into the street and was whammed by the bicyclist. He said riding against the traffic is the single worst thing people can do. He is petitioning the Council to undertake educational programs for bicyclists.

Julie Tamborine, said she is an advocate for years for the elderly, disabled and homeless, and she thanked the Council for their sincere consideration of the issue concerning the removal and insulation of WiFi in City facilities. Although she is grateful we have addressed the issue of whether it is an accepted disability under ADA, she is concerned about other people who have very well established disabilities. She said she has been 100% physically disabled for years, and several of the disabilities in her diagnosis in her medical records are listed under the examples ADA gives of disabilities. She said there is nothing in her record that she is has been disabled from electromagnetic sensitivity, but she is impacted, and it absolutely, according to her doctors, aggravates her disability medical conditions.

Ms. Tamborine said, "Are we going to accommodate people who are disabled with disabilities that are clearly recognized under ADA. And, too, we need to remember that it only take one person requesting accommodation. It isn't how many people in Santa Fe are here requesting accommodation. It's not a popularity vote under ADA and federal law. It only takes one person requesting accommodation. Yes, as Frank Katz mentioned, the ADA guidelines are broad, that is true. You can actually be perceived as having a disability and not actually have a disability, and you can qualify for protection under ADA, so it is very broad. ADA, reading from the federal register, Part 4, Department of Justice, Office of Attorney General, 28 CFR Part 35 'Nondiscrimination on the basis of disability in state and local services final rule, July 20, 1991, The term disability means with respect to an individual (a) a physical or mental impairment that

substantially limits one or more of the major life activities of such individual. (b) a record of such impairment, or (c) being regarded as having such disability.”

Mayor Pro-Tem Wurzbarger asked Ms. Tamborine to submit the information for the record.

Ms. Tamborine said she would submit a copy. *[Stenographer's note: Ms. Tamborine did not have a copy for the record at that time, but said she would submit a copy to the City Clerk for attachment to the record. At the time these minutes were submitted, that copy had not been received.]*

William Bruno, Ph.D., said he would like to call attention to the fact that there is a microwave transmitter, a cell phone tower, mounted on part of Santa Fe High School, and a pending application to add more at Santa Fe High School. He thought a decision had been made not to have cell phone antennas on school grounds. He believes the City should be able to tell the Schools that they should not have microwave towers and not tell them why. He believes this would be a good investment for the students not to have to go to school and get additional microwave exposure from the cell phone towers. Mr. Bruno entered a document for the record [Exhibit "2"]. He said there were 3 or 4 doctors on CNN who said they had stopped using cell phones except with a little wire so they don't put it next to their head. He said people shouldn't be holding a cell phone next to their head, nor stand in front of a cell phone tower longer than necessary. He said at the British Public Health Service website it says that you should keep the cell phone away from you even when you're not using it, because every now and then it "checks in" with the tower and this wasn't a safe condition.

F. APPOINTMENTS

There were no appointments.

G. PUBLIC HEARINGS

- 10) **CONSIDERATION OF BILL NO. 2008-35; ADOPTION OF ORDINANCE NO. 2008- 28 (COUNCILOR CHAVEZ). 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. (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 ELECTRICAL FACILITIES. (NICK SCHIAVO)

A copy of the statement of Arthur Firstenberg dated June 11, 2008 regarding the Electric Facilities Ordinance, entered for the record by Arthur Firstenberg, is incorporated herewith to these minutes as Exhibit "3."

A copy of a Memorandum to City Councilors from the Santa Fe Alliance for Public Health and Safety, dated June 9, 2008, containing its recommendations for changes to the proposed bill, entered for the record by Arthur Firstenberg, is incorporated herewith to these minutes as Exhibit "4."

A copy of the Resume of Daniel Stih, entered for the record by Daniel Stih, is incorporated herewith to these minutes as Exhibit "5."

A copy of "Extremely Low Frequency Fields, Environmental Health Criteria Monograph No. 238," entered for the record by Daniel Stih, is incorporated herewith to these minutes as Exhibit "6."

A copy of "Relationship of Electric Power Quality to Milk Production of Dairy Herds," from the Society for engineering in agricultural, food and biological systems, entered for the record by Daniel Stih, is incorporated herewith to these minutes as Exhibit "7."

A copy of "The Electrical Consumers Bill of Rights," entered for the record by Daniel Stih, is incorporated herewith to these minutes as Exhibit "8."

Nick Schiavo presented information regarding this matter to the Council

Councilor Chavez said the Fee Schedule and the Facilities Plan are two components we have been working on for some time.

Councilor Bushee said on page 2, line 21, there is a new definition of what is included as telecommunication facilities, and what this indicates.

Mr. Schiavo said this is a break-out into paragraphs, and the modifications deal strictly with electric facilities and not telecommunications, and it adds nothing new.

Responding to Councilor Bushee, Mr. Schiavo said if the utility intends to make modifications to existing transmission facilities, move them greater than 50 feet, upgrade them it any way it will come before the Council, and if they plan to build new transmission facilities it comes to the City Council after going to the Planning Commission. This is for any location, including the Historic District.

Responding to Councilor Bushee, Mr. Schiavo said any facility covered under this, three poles or greater, in the Historic District must go before the Historic Board. He said with regard to Historic, if it's any facility, distribution, transmission, substation, anything greater than three poles, new or modifications, it goes before the Historic Board. If it is a transmission distribution, any facility, it would go to the Planning Commission, and if it is for transmission it will go to the City Council. He said if it is a modification to existing transmission, a move greater than 50 feet or an upgrade to a transmission line, or a new transmission line it will go to the Council.

Councilor Bushee said the really big transmission lines at Zafarano, Siler and Rufina never came before the Council.

Mr. Schiavo said this is correct, and these changes have been made to address that.

Councilor Bushee understands that the Council really can never say no to those.

Mr. Schiavo said this document is our chance to hear about things well in advance, work with the utility and find out about all alternative routes, and make sure that he and the utility make a good presentation, and then the Council will make the decision.

Public Hearing

Mayor Pro-Tem Wurzbarger said each person will have two minutes to speak to the issue.

Arthur Firstenberg distributed copies of a document to the Council [Exhibit "4."] Mr. Firstenberg read his statement into the record. Please see Exhibit "3" for the text of Mr. Firstenberg's statement.

Caroline Walker said she concerned about the children, animals and plants in the future, and hopes the Council considers those.

Dr. William Bruno said there is a comparable health issue with AC power lines, substations. He said everyone has 60 Hz magnetic fields in their house, but when you are near a substation, you get radiofrequency fields and very strong low frequency fields. He said Mr. Firstenberg is correct that there are a lot of proven effects above 1 milligauss. Specifically, experiments conducted around the world of 6-9 milligauss showing that melatonin's ability to inhibit cancer cell growth is inhibited. He said the bottom line is that you do not want to have a substation near your house, nor a transmission line. If you do, you're probably not sleeping well, and are at risk for cancer, and if you get cancer you are at a higher risk of dying from cancer instead of recovering, so you should move. He said this ordinance seems to endorse the idea that it is okay to have these things right next to houses. It mentions that magnetic and electric fields should be taken into account, but it doesn't say what level of field is unacceptable. Dr. Bruno said, "Unfortunately, what PNM thinks is acceptable is something like 1,000 milligauss, and the Bioinitiative Report says is acceptable is 1 milligauss. He said for someone like him who has become sensitized, with even 1 milligauss, he would sell his house and move.

Dan Stih, Healthy Living Spaces, LLC, entered his resume for the record as a testimonial [Exhibit "5"]. He said Mr. Firstenberg has referred to some of the effects of magnetic fields, which he believes is important because people tend to think this isn't a hazard. He said there is an assessment of health effects from the National Institute of Environmental Health & Sciences, our government, which says this is a possible carcinogen. He said we then have the power company's own book, Questions and Answers about Electric Magnetic Fields Associated with Electric Power, which mentions the non-cancer biological effects. He said there are all kinds of effects – changes in hormones, effect on the immune system, brain activity, heart rate. He said there is the latest World Health Organization's report on electromagnetic fields which says, "It's essential to implement precautionary procedures to reduce exposure and policymakers should establish protection where possible and improve the planning of electromagnetic field emitting facilities."

Mr. Stih said, with regard to substations, 70% of the power doesn't return to the power company on the power lines, it goes through the ground which is the reason why actual substations are potentially more of a problem.

Mr. Stih submitted a study done with dairy cows in Wisconsin [Exhibit "7"] where they found that the dairy cows milk production would go down and some animals would die from the ground current, which nobody has mentioned as a reason you wouldn't want a substation by your house, or to make changes to the policy. He suggested we follow Mr. Firstenberg's recommendations and suggestions for amendments, and take steps to stop the utility from using the ground, the earth that we walk on and our pets walk on as well, as part of the electrical distribution system.

The Public Hearing was closed

Mr. Schiavo said quite a few comments were made. One stated that a switching station receives less energy than a substation which is incorrect. A switching station takes in large volumes of power and moves them around, a substation takes in high voltage and drops it to power levels that you would use at a home or business.

Mr. Schiavo said with respect to EMFs, he isn't a physician and he won't debate on that. He went to the World Health Organization's website, which said it is a potential mutagen, but they are calling it a carcinogen. He can't remember the level of exposure.

Mr. Schiavo noted PNM is in attendance and may want to speak about some of the statements which were made.

Councilor Chavez said in some projects the discussion about electromagnetic pollution was extensive, and whether there is less pollution with a buried transmission line versus an overhead transmission line. There was also discussion about the height of the transmission lines to reduce or lessen the electromagnetic pollution. He asked Mr. Schiavo to comment in this regard.

Mr. Schiavo said it has been stated in the past that a line would be buried about four feet below the surface and the ground/soil isn't necessarily a great barrier to the electromagnetic waves. If it is very close to a sidewalk or a park area, you could receive more exposure than having a transmission line 70-100 feet in the air. He said the utility should speak to further details on that.

Councilor Chavez reiterated that this is a plan and the facilities and fee structure have been worked on for two years, and we probably could spend more time on that. He said we are talking about embracing technology. He said he would like to be unplugged, but unfortunately it doesn't work all the time.

Councilor Bushee asked Mr. Schiavo to address the claim is the one that says this facilities plan is expanding the use of electrical substations, or permitting the use further into residential areas.

Mr. Schiavo said currently there is no facilities plan. If the utility made a request right now to put it into a residential neighborhood it would be up to the Planning Commission to make that decision, so this does not expand anything except the purview of the Council to review these decisions without an appeal from the Planning Commission.

Councilor Ortiz asked who proposed the particular change that these substations and distribution lines would be allowable use in residential areas, as opposed to being a special variance. Was this proposed by the staff, the sponsor, the industry or who.

Mr. Schiavo said this process started before he took the position and he can't answer this question.

Councilor Ortiz asked if the ordinance sponsor knows.

Councilor Chavez said he recalls that we were attempting to identify a process if the utility determined that it needed to do expansion in any one area. This would give the Council purview as well as open it to an ENN process.

Councilor Ortiz said as he reads the Ordinance, if this is a permitted use, then the power company would only have to apply for permit and there would be no public hearing or ENN. He said an ENN would be triggered only for a variance or special exception process.

Councilor Chavez said it might not have been a standard ENN, but in the last set of improvements there was an extensive public participation, vetting process.

Greg Smith said prior to the drafting of a facilities plan there were provisions in Chapter 14 only with regard to substations in some residential districts requiring approval of a special exception by the Board of Adjustment. A provision in State statute provides that the expansion, upgrading or creation of new utility facilities must be reviewed by the Planning Commission for conformance to the general plan. He said the existing provisions in Chapter 14 are much more "explicit and broad" and now have specific rules that apply to the transmission lines in addition

to the utility substations and have specific procedures for neighborhood notification prior to the various hearings.

Councilor Ortiz said Paragraph 9 on page 7 seems to allow for administrative approval, and then there is a Planning Commission process which is set out in the next paragraph. He said Paragraph 7(b) provides the "modification or addition of equipment control units or electric substructures within a substation, to the extent that there is no significant outside visual impact."

Mr. Smith said this is correct.

Councilor Ortiz said then if this ordinance is adopted, there could be the addition of any number of electrical structures, so long as there is no visual impact, the look of it has changes, there would be public process at all, and that would just be an administrative approval.

Mr. Smith believes that minor changes would be subject to approval administratively, but to significantly upgrade would require it to go through the process.

Councilor Ortiz quoted from the bill, "Modification or addition of equipment, control units or electrical structures, within a substation, to the extent that there is no significant visual impact," can be done by administrative approval.

Mr. Smith said this is correct, but it provides if the voltage is increased or new lines are coming into that substation, it would go through the review process.

Councilor Ortiz said that is Paragraph (f) which provides, "upgrade of line capacity that does not increase the total number of electrical structures by 10% added electrical structures, or more than 10 added feet of height on any individual electric structure, or any additional new conductor on the electrical structure." He said this is one of the exceptions which requires only administrative review without a public process.

Mr. Smith said the intent of the staff in drafting the regulation was to allow them to do changes which did not significantly affect the capacity or the function of the station, so it would be clear that the utility would not have to go to the Planning Commission and the Council each time it replaced a particular piece of electrical equipment and such, but without changing the function of the station with regard to its capacity.

Councilor Ortiz asked what would be the particular language changes to the bill, given that staff deals with special exceptions all the time, if we wanted to make sure that these additional electric structures needed to get some public process and to go through an approval process.

Mr. Smith said it has been several months since he worked on this draft, and feels that staff might want to do a detailed review and develop a careful response after reviewing all of the different provisions.

Councilor Ortiz asked Councilor Chavez, as sponsor of the ordinance, if he would be

willing to have this matter go back to Public Utilities for further refinement, given that the work done didn't consider the new information which has come up.

Councilor Chavez said this would be fine.

Councilor Ortiz moved, seconded by Councilor Bushee, to close the public hearing and to postpone this item to the first Council meeting in August, and direct staff to go back and do a review in light of the concerns which were raised and to have some response.

Discussion: Councilor Chavez believes the company needs to be allowed to do some general maintenance, and there does need to be general upgrades to the system as a whole which is why we have been trying to work on the Facilities Plans to answer many of these questions.

Councilor Ortiz asked staff to contact PNM and ask them to give us a presentation, either at committee or at Council, to tell us what they have in mind in terms of some of these definitions.

Councilor Bushee asked, for clarification, if the motion includes anything presented to us tonight, including consideration of electromagnetic fields in locating transmission lines.

Councilor Ortiz said it includes a thorough staff review of the ordinance in light of the additional information we received.

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.

- 1) REQUEST FROM WALGREEN CO., FOR A TRANSFER OF OWNERSHIP AND LOCATION OF DISPENSER LICENSE #943 FROM JAMES E. GARRETT, D/B/A GARRETT'S DESERT INN, 311 OLD SANTA FE TRAIL TO WALGREEN CO., D/B/A WALGREENS #12005, 5721 AIRPORT ROAD. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil, noting that staff is requesting that the business be required to comply with all City ordinances, including the litter and noise ordinances, as a condition of doing business with the City. She said staff does not anticipate any unacceptable traffic impacts due to the approval of this request. She said there is a letter of opposition from the Agua Fria Village Association in the Council Packet.

Public Hearing

Mayor Pro-Tem Wurzbarger said each person will have two minutes to speak to the issue.

Linda Akin, 1952 Thomas, was sworn. Ms. Thomas said she has represented Walgreens for 20 years in New Mexico, and her experience is that Walgreens is a very good corporate citizen, extremely stable, well organized with a lot of capable people. She said the manner in which Walgreen's sells liquor is better than most businesses in many ways. One is that liquor is displayed separate from the rest of a store, with a wall between the liquor department and the store with a gate which is closed during hours when liquor cannot be sold. Minors can't just stroll through the liquor area without being noticed, and it is more difficult for someone to steal a six-pack and run out without paying.

Ms. Akin said at this location, Walgreens will operate from 8:00 a.m. to 10:00 p.m., which is less than is allowed by State law. Walgreens has a very strict policy about sales to minors and intoxicated persons, and Walgreen's asks each employee to sign in at the beginning of the shift that they understand the liquor laws. Walgreen's also has employees which go from store to store pretending to be intoxicated to see if the clerks would sell them liquor. Everyone under 40 is carded, and they have a scanner which calculates whether the purchaser is of legal age.

Ms. Akin said she would like to respond to some objections in the letter in the packet. She said one of the objections is that Mr. Mee does not want to have liquor on Airport Road at all. She said the public hearings are held for more specific objectives and it would be unfair to deny a liquor license for the sole reason that the neighbors in the area state that they don't want it in their area. She said the law provides that objections for this liquor application need to be made about Walgreens or the specific location we are discussing and not the entire area. She said if the City should consider that Airport Road isn't a good place for the sale of liquor, she thinks that should be done as a planning decision, because it is about a whole area and not a specific location.

Ms. Akin said a lot of these people come to Walgreen's at Cerrillos and Camino Carlos Rey. That store is way too busy and this store is really needed as an outlet for some of the customers that come there. She doesn't agree that availability is related to the alcohol problems. She thinks if people really want liquor they will drive a mile or so further to get it, and this will not make the DWI problem any worse.

Ms. Akin said the Manager from the St. Francis store and the developer are here and they could talk about construction. She asked for an opportunity to address any other objections which might arise.

Dolores Darnell, Jemez Road was sworn. Ms. Darnell said she is close to Airport Road. She said there was a sign on Airport about this liquor store, but it has been removed. She suggested tabling this item at this time.

Johnny Smith, Morning Drive off Agua Fria, was sworn. Mr. Smith said he thinks the City should check with the School Board to see if it conflicts with any of its laws, check the distances from property corner to property corner. He said a new traffic study should be done. He said there is a new driving school right across Jemez which wasn't there in the planning stages. He said the traffic study should address the effects of the traffic on Jemez as well as

South Meadows. He said Jemez is a low volume traffic street. He said he is a retired Highway Designer from the State Highway Department, so he is very interested in the volume of traffic on Jemez.

Joanna Garcia, President of the Tiempos Lindos Homeowners Association, was sworn. Ms. Garcia said a few issues haven't been investigated or researched properly. She said there is an Alcohol Rehabilitation Center (RAP) about four blocks away by McDonalds, and believes there would be an impact in having alcohol in the area. She said the proposed Walgreen's is about four blocks from another liquor establishment at Allsup's. She is concerned about the traffic. She said there is an elementary school, a middle school and a high school and she doesn't know the impact of that. She said liquor is sold at the Shell and Allsup's and other liquor establishments within four blocks. She said people don't have to drive a mile to get liquor because it is right around the corner. She said Jemez is a residential area and she doesn't know what the impact would be on Jemez, and suggested researching that.

Connie Salazar 3129 Jemez Road, was sworn. Ms. Salazar is a 50 year resident of Jemez Road, and she said the residents were never notified of any commercial business being opened in their area. She said the first they knew was when there was a publication of the request for the transfer of this license from Garrett's to Walgreens. She said they aren't opposed to a Walgreens, they are opposed to the selling of liquor. She said this is of great concerns to the neighbors. She said they understand the entrance or exit would be on Jemez Road, which will add more traffic and possibly more drunks. She said there already are two Allsup's selling liquor on Airport Road. She said previously, Albertson's and Smith's have requested to add a business, but couldn't sell liquor because they were within 300 feet of the public schools, and those requests were denied by previous Councils. She said in addition to RAP, there is a young men's rehabilitation program just a few feet from the Walgreen's.

William Mee, Agua Fria Village Association, was sworn. Mr. Mee said he inadvertently sent the letter to a former Councilor, and she responded that the city has only rejected one liquor license in her memory. He said it is sad that the generation of liquor sales is the only reason this business wants to relocate to their area, and that the tax collections is the only reason the city would turn down a liquor license transfer. He asked if Walgreens wouldn't like to put an alcohol free store on Airport Road so people would have the convenience of getting prescriptions there, and believes this is the primary focus of the business, but if they can't have a liquor license they don't want to be in the neighborhood. He said at the Walgreens on Cerrillos/Richards, he has been accosted by homeless men with alcohol on their breath asking for money for gas, and when he says no they become belligerent and try to follow him in the store. If Walgreens can't address this issue at an existing store, how can they address it at an additional store. He would like the Council to table this until the neighborhood has had time to address it and provide public input.

The Public Hearing was closed

Councilor Dominguez said there is nothing in the packet which identifies the distance from the school.

Ms. Vigil said on page 14 of the packet, it states that it is 700 feet from Sweeney Elementary, but she doesn't know how it was measured, although she believes it is property line to property line.

Ms. Akin said the distance was walked off, it is not a survey. She said they measured 200 feet more, and decided they would rather round down than up.

Councilor Dominguez said then you can't say for certain that this is beyond the 300 location limitation.

Ms. Akin said she feels very certain it is more than 300 feet and Mr. Duran, the developer can elaborate.

Steve Duran, developer was sworn. Mr. Duran said Southwest Mountain Survey surveyed the property and verified the distance and a copy of the plat was submitted with the development plan to the City.

Councilor Dominguez recalled that Walgreens has liquor free establishments.

Ms. Akin said there are a few which were built without liquor, but the majority do sell liquor.

Responding to Councilor Dominguez, Ms. Akin said there is no requirement to notify the schools and she didn't notify the schools.

Councilor Calvert asked if we know of any problems with Walgreens at any location within the City or problems at this location with the other liquor facilities.

Ms. Vigil said she did not call Alcohol & Gaming to verify whether there were problems with Walgreens, but to her knowledge no problems have ever been reported to her office.

Councilor Calvert said this is one of the areas where we do have some leeway in making our determination. He asked if there is a process issue if the sign didn't remain in place for the required time.

Frank Katz said the City doesn't require the posting of a sign, but there is a State requirement for a sign. He said the sign was up because the State put it up.

Councilor Chavez asked if the applicant would consider limiting the hours of sales of alcohol.

Ms. Akin said they are already limiting the hours.

Councilor Chavez asked if the Applicant would consider limiting the hours of sale even more.

Ms. Akin said she doesn't have the authority to answer, and she hasn't discussed this with her client.

Councilor Bushee said during her 15 years on the Council, each time the Council has refused to approve a license, it has been overturned by the Court or the State. She said the Council is extremely limited with regard to the reasons we can deny a license. There would have to be proof that the applicant has a bad history in selling liquor, that the site is a bad location or it is within 300 feet of a school. She wants to be clear to the public that if the Council were to deny the request without the right reasons, we would not be successful.

Councilor Ortiz said the gas station next to the Walgreen's was approved by the County, and asked if that Giant store sells alcohol.

Mr. Katz said it doesn't sell liquor. He called them today to ask whether they sell beer and they said no. He said the reason is that they are within 300 feet of a school and decided not to ask for a variance and this applicant is beyond the 300 feet.

Councilor Ortiz asked the applicant if they have been cited for any violations by the State Liquor Board.

Ms. Akin said she knows of none, nor does the St. Francis store manager.

Councilor Ortiz noted there are several Walgreens – St. Francis, Zia and St. Francis and Cerrillos and Richards Avenue.

Ms. Akin said no liquor is sold at Zia and Francis, but she doesn't know the reason.

Councilor Ortiz asked if that was a condition of approval by the prior Council.

Ms. Akin said no, that there was no request at that time for a liquor license at that location.

Councilor Ortiz asked if the 300 feet location is done building to building, or property line to property line.

Ms. Akin said there have been only District Court cases, not appellate cases on this subject. She said the argument has been that the property line of the licensed premise does not include the parking lot because you are not licensed to sell liquor in the parking lot. Therefore, the 300 foot line generally is measured by the State from the property line, or the dirt line of a church or school to the building on the side of the licensed premise.

Councilor Ortiz said then it is measured from the property line of the school to the proposed building pad for the store.

Ms. Akin said that is how Alcohol & Game deems it to be measured.

Councilor Romero moved, seconded by Councilor Bushee, to grant the request for a transfer of ownership and location of Dispenser License #943 from James E. Garrett, d/b/a Garrett's Desert Inn, 311 Old Santa Fe Trail to Walgreen Co., d/b/a Walgreens #12005, 5721 Airport Road.

Discussion: Councilor Dominguez said he is thankful for Walgreen's services in this section of the City. In Albuquerque and Santa Fe there are Walgreens' without the sales of property. He appreciates everything Walgreen's does in going above and beyond what is required in liquor sales. He said a lot of alcohol is sold by Walgreen's on a daily basis. However, there is a statement in the letter which says that 60% of the enforcement actions on Airport Road are alcohol related, and he believes this. He said given his experience, and that he lives in the area, he doesn't want to subject himself or his family and other constituents to some of the harm that comes from alcohol, he can't support the motion.

Friendly amendment. Councilor Calvert would like the approval of the motion to be subject to a check with the State to be sure there are no violations for Walgreens. **The maker said she can't accept the amendment because she believes Walgreen's has "crossed every T" on the application.**

Councilor Bushee said she believes if there was a bad history we would know or the State would be able to deny the application.

Ms. Vigil said she doesn't know if the State would deny an application based on a record of complaints.

Councilor Bushee said she isn't opposed to the condition of approval, noting there are only three Walgreens, one of which has been here a long time.

The motion was approved on the following Roll Call Vote:

For: Councilor Bushee, Councilor Chavez, Councilor Romero, Councilor Trujillo, and Mayor Pro-Tem Wurzbarger.

Against: Councilor Calvert, Councilor Dominguez and Councilor Ortiz.

- 2) **PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE/CONSUMPTION 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 REQUEST IS FOR THE FOLLOWING EVENT:**
 - a) **THE ART SANTA FE 2008 TO BE HELD ON WEDNESDAY, JULY 9, 2008 FROM 6:00 - 10:00 P.M., AND ON THURSDAY, JULY 10, 2008, FROM 5:00 - 8:00 P.M. (INVITATION ONLY EVENT)**
(YOLANDA Y. VIGIL)

The staff report was given by Yolanda Vigil, City Clerk.

Public Hearing

Tom Romero, President of El Museo, was sworn. He said there will be a whole series of events this summer, and there will be a few requests to have liquor sales, said he would like approval, noting this is an invitation only event, and there will be no other sales of liquor throughout the event.

Charlotte Jackson, President Arts, was sworn. Ms. Jackson reiterated that the Wednesday night event is for 59 exhibitors who setting up their booths that evening, and we will be serving food along with beer and wine. She said the opening night is a high ticket private event, with donated champagne which will be given away. They do not sell nor offer liquor during the event to the public.

The Public Hearing was closed

Councilor Chavez moved, seconded by Councilor Calvert, to grant the request for the 300 foot location restriction to allow the sale/consumption 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 Mayor Pro-Tem Wurzbarger.

Against: None.

Absent: Councilor Dominguez.

Mayor Pro-Tem Wurzbarger said this will be one of the most important international, contemporary events in this community this summer, and she encourages people to support it.

Councilor Chavez said the request is to allow the sale and consumption of alcoholic beverage, but you will only be serving, not selling.

3) CONSIDERATION OF BILL NO. 2008-34 ADOPTION OF ORDINANCE NO. 2008- 28 (COUNCILOR BUSHEE). 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. (DAVID RASCH)

Jeanne Price presented information regarding this matter, noting that the BQL and the H-Board determined that the sign should remain at smaller size.

Councilor Bushee said there is one controversial thing which came from the BQL on page 2, line 6. She said it is spelled out somewhere in the ordinance that the 8 ½ X 11 sign could only deal with the word "sale" and not "percentage" nor "reduction."

Ms. Price said this is not the way it is written. She said the 8 ½ x 11 would be a price reduction sign.

Councilor Bushee said she thought it was covered, and that language was included.

Councilor Bushee said she would like to amend the language to provide it can only be with the word "sale" on it.

Public Hearing

Valerie Fairchild said she has a jewelry business in town and she has been in business for 32 years. She said her problem with this particular ordinance is what Councilor Bushee just said. She said, "If you keep legal a sign which says 70% off, if you legalize that again, we are going to have a continued plethora or an abundance of stores which have "percentage off" all the time. Because if you don't need a permit for it, and it's 8 ½ x 11, people will, businesses in town will abuse the "percentage off" sign. We can't bring this back again, okay, because the town has cleaned up some. I am okay with "sale" in the window, but the 70% off signs? Please. Let's not do that again, okay. It degrades the whole city."

Mayor Pro-Tem Wurzbarger commented that this is where we started with this two years ago.

Norma Sharon said she has owned the business Norma Sharon for 9 years, and has also become very involved in this signage dispute. She said as the ordinance stood prior to this time, the process for getting the permit and such was difficult, and they did discuss it in the meeting with Goler. She also said, with regard to (ii), there is no purpose in having the ordinance because this defeats the purpose of the original ordinance. Anybody can put up a sign at any time for "70% or off," or "closing in 3 days," noting you can get this on an 8 ½ x 11 sheet of paper. This was not what was agreed upon when we had this meeting at Goler's. So, she too believes it is very unclear.

Tony Melman, owner of Spirit of the Earth, for 26 years. Mr. Melman said he knows the reason for the sign regulation coming up was because there were so many abuses by one group of stores which are doing a lot of fake discounting of fake merchandise. He doesn't know that the ordinance really has addressed the problem that those stores have created for the other downtown merchants and for the City. He said he knows Guadalupe wouldn't abuse this, no matter how the ordinance is passed. He said even if a sign that big is allowed which says "sale," this other group probably will have a perpetual "sale" sign in the window. He said he doesn't believe this really addresses the problem. He said legitimate business don't have continuous sales, and when they do, they should be permitted to have a sale sign. He said the people who have abused the ordinance all the way can continue to stay "one step ahead," and

will continue to find a way to do that. He said he knew nothing about the meeting at Goler's, and believes it would be a good idea to address this in another way with a group of the downtown merchants who are the legitimate businesses to address the real issues in terms of protecting the City.

Alfonso Camarena said he has worked at Goler Shoes for the past 24 years. He thanked Councilor Bushee for her support on this issue. Mr. Camarena said a year ago, Goler was the business cited for having a sale sign, but since that time they have played by the rules along with almost everybody else downtown. The question here is "good kind of merchant or bad kind of merchant," and doesn't believe this ordinance will resolve that issue. He said the merchants have been working hard to clean up the downtown and present a good image to the customers. He said in November, he and his sister Guadalupe, collected signatures from 50 plus merchants who are not happy with this ordinance. He said they want to make it more business-friendly. He said several merchants met twice at Goler's to get ideas from different merchants and he is bringing those ideas to the Council. He said they are proposing that they get two more sign permits during the year, without having to pay \$47 every time they get a permit. He said there is confusion among the merchants about the 8 ½ x 11 signs and if that can be done without a permit. He said spoke about the cost of doing business downtown. Mr. Camarena said he supports this ordinance and he hopes the Council does as well.

Bob Andriotti, owner of Onorato Home & Ambiance, East Palace Avenue. Mr. Andriotti thanked Councilor Bushee for her efforts in revising the ordinance, because the revised version alleviates a lot of the burdens which were imposed on businesses by the original ordinance, particularly the provision that any sign which can be seen from the public right of way is subject to the ordinance. He moved a 30% off sign inside so it couldn't be seen from the street. He said if the Council decides that subparagraph (ii) regarding the 8 ½ x 11 sign is ambiguous, he would suggest they modify the language to specify it isn't a miniature version of what we are trying to prohibit.

Guadalupe Goler said she supports this ordinance, but doesn't know how much it will impact the community if you don't get the revenue from the Real Estate Taxes. She has been in business for 24 years and downtown for another 8 years. She said we need to promote our stores, and understands that shouldn't be abused. She hopes the Council take this into consideration.

The Public Hearing was closed

Councilor Bushee moved, seconded by Mayor Pro-Tem Wurzbarger, to adopt Ordinance No. 2008-28 with an amendment on page 2, line 6, section (ii) as follows: Each business is permitted one sign not to exceed 8 ½ inches by 11 inches with only the word sale on it.

Discussion: Mayor Pro-Tem Wurzbarger noted that she was a cosponsor of the bill, but that appears to have been lost.

Councilor Bushee said this has been a long process, noting she was the sponsor of the first changes which tried to reduce the ongoing sale sign issue. She found there were businesses which abused the privilege of having ongoing Going out of Business sales. She said Councilor Heldmeyer introduced the ordinance we are amending tonight without a lot of input from the downtown merchants, and without a good enforcement mechanism in place.

Councilor Bushee thanked Goler with different businesses for several meetings, noting there were a lot of unhappy people there. She said everyone worked to come up with the proposed amendment and to change the ordinance so they could get a permit once for one fee. She asked if the 8 ½ x 11 sign came out of BQL.

Ms. Price said when the Business and Quality of Life Committee discussed this a long time before any of the ordinances, even the original one, they talked about always allowing a small sign.

Councilor Bushee said she hopes whatever funds are collected will go for the correct kind of enforcement, noting more of the violations happen on weekends when no one is monitoring. She would like a good way to enforce the ordinance.

Frank Katz said the section talks about price reduction signs and says, "Except as in paragraph ii below, signs expressing a price reduction stated in terms, either percentage reduction or dollar amount reductions are prohibited." He said the way Councilor Bushee is changing it wouldn't do that, so he is unsure it makes sense to have (ii).

Councilor Bushee asked if this proposed ordinance change has been through his office.

Mr. Katz said the way she has amended it now causes the problem. He said (i) prohibits price reduction signs, and she is amending (ii) to not be a price reduction sign, so it doesn't make sense to say except for ii, you can't have price reduction signs since ii isn't price reduction signs any more.

Councilor Bushee said she personally would strike that language, commenting that she didn't put it in there, and doesn't understand what Mr. Katz is saying in terms of where it could work. She doesn't want to get into the price reduction "game" year round.

Mr. Katz said a sign that just says "Sale" would be allowed and there is no need to say that it is allowed here.

Councilor Bushee said the rest of the ordinance says you can have sale signs of a certain size six times a year.

Mr. Katz said that is "price reduction signs."

Mayor Pro-Tem Wurzbarger said she believes what has been done with the ordinance is that you can have a "Sale" sign any time of the year, but not "drastic sale," or "going out of business sale," and such.

Councilor Bushee said people were getting cited for having signs which said "sale," which could be seen from the street.

Mayor Pro-Tem Wurzbarger said her understanding is that this particular ordinance provides that people can have a "sale," sign, but people will need a permit for a sign which indicates the percentage and such.

Councilor Bushee said the reason for the meetings was that people were being cited for because the "sale" sign could be seen from the street.

Mayor Pro-Tem Wurzbarger said with this rewrite of the ordinance, that won't happen.

Responding to Mayor Pro-Tem Wurzbarger, Councilor Bushee said the intent of the ordinance was to restrict "going out of business," and "70% reduction" signs.

Ms. Price said, "This ordinance has only to do with "price reduction," which means that it has a specific amount off – 70% off, \$10 off. It does not address "going out of business" or "bankruptcy sales," or anything like that. That's a difference ordinance. That's the Distress Sales Ordinance. This is now, as written, not as amended, but as written, it does not address just the word "sale." So I agree with our attorney that if you want to restrict the size of a sign that says "sale" visible from the outside, then that would have to be put in some other part of the Code, and we wouldn't deal with it the way you amended this."

Councilor Bushee asked Mr. Gurule to tell us how we are enforcing this ordinance.

Mr. Gurule said, prior to the approval of this ordinance, all kinds of signs were coming through – "merchandise distress," "lost our lease," – and we were able to deal with that with the distress merchandise sale ordinance. He said we are receiving complaints that there is a sign which says "sale," and some of the merchants were confused about the policy.

Councilor Bushee said then we weren't citing people just for a "sale" sign.

Mr. Gurule said there was also the question about the size of the sign, but to his knowledge there was nothing which said anything about "sale" that was of concern.

Responding to Councilor Bushee, Mr. Gurule said Goler was cited because they had a "price reduction," but not the sign in back that says "sale" that you can see from the public right of way.

Friendly amendment: Councilor Bushee would like to amend the motion to strike ii.
The amendment was friendly to the second.

Councilor Bushee said there was "mass confusion" when people were trying to get a permit with regard to what was allowed, so hopefully this will clarify that.

Councilor Romero asked Mr. Katz if the friendly amendment makes sense to him.

Mr. Katz said yes.

Councilor Calvert said this was heard by four committees, and three of those – Historic Design Review Board, BQL and Finance Committees – decided to keep the sign at 18 x 24 inches. He believes that size is adequate to gather someone's attention from the street.

Friendly amendment: Councilor Calvert would like to amend the motion to provide that it will be 18 x 24 inches, instead of the 2 ft. x 3 ft. **The amendment was not friendly to the maker.**

Councilor Calvert moved, seconded by Mayor Pro-Tem Wurzbürger, to insert the original language for a sign of 18 x 24 inches.

Discussion: Responding to Councilor Chavez, Councilor Calvert said if people want a larger sign, and instead of 18 x 24 there is a more standard sign size, it is okay as long as it is in the 3 square foot ballpark.

Councilor Bushee said it would have been good to have that put to the public before everyone made their comments, because the conversations she had with more 50 merchants at each meeting was that this was the compromise size that everyone felt was suitable. She said she has to stick with the dialogue she had with the people who discussed this issue.

Councilor Chavez said during the committee process, David Rasch said the 18 x 24 could work as well, and he thought at that time that it had been shared by the merchants because some of them were here as well as Mr. Rasch. He doesn't think the 18 x 24 inch sign is anything new and he doesn't know when that changed.

The motion to amend failed to pass on the following Roll Call vote, for failure to get a majority vote.

For: Councilor Calvert, Councilor Chavez, Councilor Dominguez, and Mayor Pro-Tem Wurzbürger.

Against: Councilor Ortiz, Councilor Romero, Councilor Trujillo and Councilor Bushee.

[Stenographer's note: Although there was already a motion on the floor with a friendly amendment, Councilor Bushee made another motion without disposing of the previous main motion.]

Councilor Bushee moved, seconded by Mayor Pro-Tem Wurzbürger, to adopt Ordinance No. 2008-28, striking section ii, lines 6 and 7 on page 2 of the ordinance.

Clarification of the motion: Ms. Vigil asked if Councilor Bushee would like to include the amendment on amendment page 4. Councilor Bushee said yes.

Discussion: Councilor Chavez said on amendment page 5 there is also an amendment which says, "the sign shall not exceed 18 x 24," and asked if that is in the bill. *[There was no audible response to this question.]*

The motion, as amended, was approved on the following Roll Call Vote:

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo, and Mayor Pro-Tem Wurzbarger.

Against: None.

Councilor Ortiz said he doesn't think item G(13) was removed from the agenda, noting this is a resolution designating water rights and public amenities for the Northwest Quadrant. He said a new water ordinance has been introduced that is going through the Committee process and a substitute resolution was introduced, but that substitute resolution is different than the other resolutions.

Councilor Ortiz moved, seconded by Councilor Calvert, to amend the agenda to postpone consideration of Item G(13) until the first meeting August, and ask that the substitute resolution go back through the committee process to Public Works, Public Utilities and Finance Committees, and 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.

- 4) CONSIDERATION OF ADOPTION OF 2008/2009 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENTITLEMENT PROGRAM. THE CDBG PROGRAM IS PART OF THE CITY'S ANNUAL ACTION PLAN SUBMITTED TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (MELISA COLLETT)**

Melisa Collett said the Office of Affordable Housing is asking approval of the Annual Action Plan for CDBG funding.

Public Hearing

Mayor Pro-Tem Wurzbarger said each person will have two minutes to speak to the issue.

Concha Garcia Allen said she is here on behalf of the Santa Fe Community Housing Trust. They had a dream of owning a house, and they gave us the seed of a dream, and that seed grew. She said when you are given responsibility for something you take that responsibility, and they are trying to keep this responsibility alive. She said the most important aspect is that not only has this seed been planted in them, it has been planted in their children and their grandchildren. They are wonderful people and she said she would like the Council to consider refunding the Housing Trust and keep this moving forward, so other people will have this opportunity.

Sharon Welch, Santa Fe Community Housing Trust, said she would like to recommend that the Committee support the recommendation of staff and the Community Development Advisory Committee. She acknowledged the staff and board members in attendance as well as their business partners with whom they work in delivering housing programs. She said they have helped more than 1,000 with mortgage assistance, and have built 454 units, 368 of those have been for people earning less than 80% of the median income. They have a very strong partnership in the financial community in Santa Fe, and they enable many people to get into homes, and many participate in the Homebuyers Training Program.

Daniel Rowe, Housing Trust, introduced **Carlos Casias**, a law enforcement officer who came to the Housing Trust four years ago for assistance to get a house. He said Mr. Casias is in line for some CDBG funding and he and his son will be getting in a house very soon.

Carlos Casias said he has been with the program for four years, and this program has really helped him. He has now been approved for a home, and all he is asking is "don't mess with the program because it helps a lot of people like me that are trying to work for the City."

Beverly Mack said she is a client of the Santa Fe Community Housing Trust. She is her to speak on her own behalf as well as her two neighbors, all of whom are beneficiaries of the affordable housing program through the City, the state and the Santa Fe Community Housing Trust. She said she and her neighbors had similar experiences with Homewise as well as the Housing Trust. They applied to both programs. After two year, Homewise did nothing for them. On the other hand, the Santa Fe Community Housing Trust worked closely with her and her neighbors, providing financial training. She said Charter Bank educated them with regard to how to qualify for a loan. She said there are substantial differences between the two programs and they assist different clientele. She said the Housing Trust works with a broader spectrum of the public, and Sharon has knowledge and experience with VA loans, MFA and other sources, including grant monies, to assist people such as her and her neighbor to get into homes, reiterating Homewise did not assist them. She said there is a large difference between the monies and fees collected. She said the Housing Trust collects a modest sum to cover the cost of the programs, which for her was \$800. She said Homewise collects 5%, which on a \$2,000 home would be \$10,000. She asked the Council to wholeheartedly support Sharon and the Santa Fe Community Housing Trust.

The Public Hearing was closed

Councilor Ortiz said he is concerned about the comparison of services that we are providing with the two nonprofit housing providers in Santa Fe. He is thankful to the members of the public who spoke this evening and provided anecdotal evidence of differences between the two programs. He said the Finance Committee will be quantifying the differences between the two programs and how to utilize our resources so more "seeds can be planted," commenting that this analogy is very appropriate. He said the City's job to provide for the maximum number of seeds from the entity or group that can do it best, and not just from both groups just because we have them. He looks forward to that discussion at Finance Committee by the end of June 2008.

Councilor Ortiz moved, seconded by Councilor Calvert, for approval of this request, with an amendment to the Plan on page 21, to add "ALL funds will be used for CDBG eligible activities," to the paragraph on the Santa Fe Community Housing Trust.

Discussion: Councilor Ortiz thanked the Community Development Commission, and Rusty for all of her work in this regard, and for her work with the Santa Fe youth.

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 Mayor Pro-Tem Wurzbarger.

Against: None.

- 5) CONSIDERATION OF BILL NO. 2008-33; ADOPTION OF ORDINANCE NO. 2008- 29 (MAYOR COSS AND COUNCILOR BUSHEE) AN ORDINANCE AMENDING SECTION 14-3.9 SFCC 1987 REGARDING DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS, SECTION 14-8.3 SFCC 1987 REGARDING FLOOD REGULATIONS, SECTION 14-11.5(c) SFCC 1987, REGARDING PENALTIES FOR VIOLATIONS OF FLOOD REGULATIONS; AND MAKING SUCH OTHER RELATED CHANGES TO CHAPTER 14 SFCC 1987 AS ARE NECESSARY. (WENDY BLACKWELL)**

Wendy Blackwell said the changes proposed have gone through the various committees. The primary issue is to adopt the new flood plain maps from FEMA, noting she has a set of maps and there is a printout which shows the grid over the City, and the comparison between the current and the new flood plain maps.

Ms. Blackwell said there is a Substitute bill in the packet because there were so many individual word changes and it was becoming confusing to read it clearly.

Chair Bushee said, "That's a marked up bill with the same language, the substitute bill. Well, when you say substitute bill, it usually means you've made some changes."

Ms. Blackwell said the substitute bill is 33 pages, and on the page following are all of the one word changes done by Ms. Price.

Chair Bushee said, "I really wouldn't refer to it as a substitute bill other than you just went and marked up a bill with the changes so it was clear and legible, because there are no changes to the intent of what you've done, you've just cleaned up the bill. Is that right."

Ms. Blackwell said Ms. Price told her to use "substitute" bill.

Ms. Price said they had the bill which was published. After the bill was published a month ago, they received a number of comments from FEMA, some from the Planning Commission and staff which totaled 40 different amendments and that is on the sheet in the packet which lists 40 different items. She took those 40 different items and put them in one document, along with what had already been published, and called it the substitute and this is the document the Council is being asked to approve.

Mayor Pro-Tem Wurzbarger said the Council is trying to clarify whether these were substantive changes.

Ms. Price said no. The Memorandum from Ms. Blackwell in the packet does describe completely what these 40 changes are all about, and "I would pretty much call them all technical."

Councilor Bushee asked if the substitute bill went through the Committee process.

Ms. Price said the bill which was published went through the process, and some of the amendments were from that process. She reiterated that FEMA needs this bill by tomorrow.

Councilor Bushee asked if there is anything in the bill that the public would need to know that has really changed.

Ms. Price said the changes recommended by the Planning Commission were incorporated.

Ms. Blackwell said the Memorandum and the substitute bill have been mailed to the list of eighty interested people.

Councilor Bushee said many people in her District live near a flood plain, and many of them are confused as to what this bill actual due, so there is some fear and or panic that this will take away some property rights, and prevent them from doing certain things. She would like Ms. Blackwell to try to clarify.

Ms. Blackwell said in these revisions there is nothing new which would change the laws about what you can or can't do in the 100 year or 1% chance flood plain, and it is what is

current federal rule and local law, just hopefully made more clear based on all the comments they received.

Councilor Bushee said there are people in her District who are disturbed by building which has happened near or on an arroyo and that the City doesn't seem to enforce very much. She wants to be very clear about what we are going to regulate, for what reason, how this is being changed and what other enforcement capabilities we will have.

Ms. Blackwell asked if it would be possible to refer these people to her and she can explain individually. She said they have letter of map amendment and letter of map revisions, noting they are sending letters to approximately 50 people to let them know their official letters have been recertified under these new maps.

Public Hearing

Jim Levy, President, Santa Fe Hills Homeowners Association, said he attended the meeting hosted by Wendy at the Chavez Center. He said she articulated the existing records versus the new revised FEMA records, noting a dramatic difference between the two. He said because they didn't use GPS signaling and modern technology, many of the homeowners were "under water," but with the new map they're not "under water." He recommends adoption.

The Public Hearing was closed

Councilor Bushee moved, seconded by Councilor Calvert, to adopt Ordinance No. 2008- 29, as amended with the 40 different changes.

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 Mayor Pro-Tem Wurzbarger.

Against: None.

- 6) CONSIDERATION OF BILL NO. 2008-24; ADOPTION OF ORDINANCE NO. 2008- 30 (COUNCILOR DOMINGUEZ, COUNCILOR CALVERT AND COUNCILOR TRUJILLO). AN ORDINANCE AMENDING SECTIONS 22-9.1, 22-9.7 AND 22-9.10 SFCC 1987, REGARDING INDUSTRIAL PRETREATMENT REGULATIONS AND PROCEDURES. (BRYAN ROMERO)**

Bryan Romero presented information regarding this matter from his Memorandum in the Council packet.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Dominguez moved, seconded by Councilor Trujillo, to adopt Ordinance No. 2008-30.

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 Mayor Pro-Tem Wurzbarger.

Against: None.

- 7) CONSIDERATION OF BILL NO. 2008-30; ADOPTION OF ORDINANCE NO. 2008- 31 (COUNCILOR CALVERT AND COUNCILOR BUSHEE). AN ORDINANCE AMENDING TABLE 14-7.1-1 SFCC 1987, RESTRICTING THE MAXIMUM HEIGHT IN RM-1 AND RM-2 DISTRICTS TO 24 FEET. (JEANNE PRICE)**

Jeannie Price presented information regarding this matter to the Council from her Memorandum of June 3, 2008, in the Council packet.

Public Hearing

Rick Martinez, 725 Mesilla Road, said he is in favor of this Ordinance because he believes it is important to the existing neighborhood, noting this is where a lot of this is happening and where there is a lot of anger about the three-story condos and apartments coming into existing neighborhoods. He believes this will require developments to conform better with the neighborhoods. He believes we need to look at the criteria. He urges approval of this ordinance.

The Public Hearing was closed

Councilor Calvert moved, seconded by Councilor Bushee, to adopt Ordinance No. 2008- 31.

Discussion: Councilor Bushee said the next step is to have adequate steps to start reviewing the zoning maps and categories to see that things match up. She said this is an easy fix for the problem and a good move. She wants to follow up with more neighborhood planning in terms of matching zoning categories with existing neighborhoods.

Councilor Romero said she likes this idea, and supports it. She thanked Mr. Martinez for his hard work on this. She believes this will make development be more accountable to the existing neighborhoods, and will assure a more appropriate development in the existing neighborhoods.

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 Mayor Pro-Tem Wurzbarger.

Against: None.

- 8) CONSIDERATION OF BILL NO. 2008-31; ADOPTION OF ORDINANCE NO. 2008- 32 (COUNCILOR DOMINGUEZ). AN ORDINANCE CREATING A NEW SECTION 14-8.18 SFCC 1987, REQUIRING NOTIFICATION TO THE SANTA FE PUBLIC SCHOOL DISTRICT PRIOR TO SUBMITTAL OF A DEVELOPMENT REQUEST. (JEANNE PRICE)**

Jeanne Price presented information regarding this matter to the Council from her Memorandum of June 3, 2008, in the Council packet.

Public Hearing

There was no one speaking for or against this request

The Public Hearing was closed

Councilor Dominguez recognized Justin from the Santa Fe Public Schools, the new Assets Manager, who is in attendance to answer any questions. He said this is part of a resolution with two parts: the first dealt with fee in lieu and the second dealt with notification.

Councilor Dominguez moved, seconded by Councilor Romero, to adopt Ordinance No. 2008- 32.

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 Mayor Pro-Tem Wurzbarger.

Against: None.

- 9) **CONSIDERATION OF BILL NO. 2008-32; ADOPTION OF ORDINANCE NO. 2008- 33 (MAYOR COSS, COUNCILOR DOMINGUEZ AND COUNCILOR TRUJILLO). AN ORDINANCE AMENDING SECTION 12-2 SFCC 1987; ADOPTING THE 2006 INTERNATIONAL FIRE CODE AS AMENDED BY THE GOVERNING BODY AND MAKING OTHER CHANGES RELATING TO THE FIRE CODE OF THE CITY OF SANTA FE. (TED BOLLETER)**
- a) **CONSIDERATION OF RESOLUTION NO. 2008- 51 (MAYOR COSS, COUNCILOR DOMINGUEZ AND COUNCILOR TRUJILLO). A RESOLUTION REVISING FEES RELATING TO FIRE PREVENTION AND PROTECTION. (TED BOLLETER)**

Deputy Chief Bolleter presented information regarding this matter to the Committee, noting with the adoption of this bill, this will be the first time in the City's history that we would have a correlated Fire and Building Code.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Trujillo moved, seconded by Councilor Romero, to adopt Ordinance No. 2008-33.

The motion was approved on the following Roll Call vote.

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Ortiz, Councilor Romero, Councilor Trujillo and Mayor Pro-Tem Wurzbarger.

Against: None.

Absent: Councilor Dominguez.

Councilor Trujillo moved, seconded by Councilor Calvert to adopt Resolution No. 2008-51.

Discussion: Councilor Ortiz said he understands the reason we passed it the first time is because it was new, and asked the justification for this increase of fees.

Deputy Chief Bolleter said one of the directives was to come up with deficiencies and efficiencies. He said our fee structure is less than any other City in the region. He said these fees go directly to the General Fund and the Department does not recover any of these fees.

Councilor Ortiz said it really isn't an efficiency, and wouldn't it be better to tie this money to a particular purpose within the Department.

Deputy Chief Bolleter said in the past they have tried to get some of these funds dedicated for public fire education for both children and adults, and believes this should be the area targeted.

Councilor Ortiz asked if there has been any fee or permit application for which staff has not asked for an increase. He said we have spent the last two years increasing the cost of doing business at the City with really no tied to an increase in efficiency or performance or some other item which benefits the public in some way. We are just increasing taxes and fees, noting his remarks are directed at the general philosophy. He is comfortable in adding a Section 4 which specifically allocates any money generated from these fees to the Fire Department for purposes outlined by the Fire Department. He believes we need to start tying the revenue collected to the specific use for which we are collecting it, such as in Land Use on impact fees.

Friendly amendment: Councilor Ortiz would like to add a New Section 4 that says that all monies generated from all fees collected from this Resolution shall go only to the Fire Department. **The amendment was friendly to the maker and second.**

Discussion. Councilor Calvert asked how this impacts the budget we just approved, and if some of these fees were already allocated, noting that these aren't new fees. He could see the increase going to this purpose.

Councilor Ortiz said this increase will produce \$32,925 in additional funds for the next fiscal year.

Revised Friendly amendment: Councilor Ortiz would like to add a new Section 4 which provides that the additional revenues collected shall be dedicated specifically to the Fire Department. **The revised friendly amendment was friendly to the maker and the second.**

Councilor Ortiz said in the intervening year, we can work on changing this so that all of the fees are diverted to the Fire Department.

Councilor Bushee asked if the funds have to be used for a specific purpose.

Councilor Ortiz said no, just to the Fire Department and the Department can decide.

The motion, as amended, was approved on the following Roll Call vote.

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo and Mayor Pro-Tem Wurzbarger.

Against: None.

- 11) **CONSIDERATION OF RESOLUTION NO. 2008- 52. CASE #M 2008-05. HOPEWELL-THIRD STREET (FORMERLY 1733 HOPEWELL STREET). GENERAL PLAN AMENDMENT. RICHARD HORCASITAS, AGENT FOR HUNTER WAKEMAN, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 0.2 ACRE MORE OR LESS FROM INDUSTRIAL TO LOW DENSITY (3-7 DWELLING UNITS PER ACRE). THE AREA IS LOCATED AT THE CORNER OF THIRD STREET AND HOPEWELL STREET. (GREG SMITH)**

A memorandum prepared June 3, for the June 11, 2008 City Council meeting, with attachments, to the City Council, from Greg Smith, Current Planning Division Director, regarding Case #M 2008-05 and Case #ZA 2008-0-2, is incorporated herewith to these minutes as Exhibit "9."

Gregg Smith presented the staff report which is contained in Exhibit "9." .

RECOMMENDATION: The Planning Commission and staff recommend approval of the plan amendment and rezoning applications, which comply with applicable approval criteria. No conditions are recommended for the plan amendment. The following conditions are recommended for the rezoning:

1. The applicant shall work with the City of Santa Fe GIS staff to correct the addressing error and submit documentation when completed to the City of Santa Fe Land Use Department.
2. The applicant shall work with the City of Santa Fe GIS staff to correct property owner information and submit documentation when completed to the City of Santa Fe Land Use Department.
3. This property lies within the 1% chance floodplain. In accordance with Section 14-8.2(C)(2) SFCC 2001, no construction is allowed on lands within a flood hazard area. A letter of Map Amendment will be required in order to determine the exact location of the flood plain boundary and the impact on potential building sites.
4. For any construction proposed within the flood fringe, a variance shall be required (Section 14-8.3(C)(4)(f) SFCC 2001. Prior to any building permit submittal for property within the flood fringe, a variance will be obtained.

Public Hearing

Richard Horcasitas, 421 St. Michael's, was sworn. Mr. Horcasitas said this is a remnant of two different zonings on one lot. The zoning originally was I-1 on the south side of the arroyo. This remnant is left over from the original zoning maps. He said he is here to clean this up to make it one zoning on one lot, so the applicant can build his house when he gets there. He asked for Council approval, noting the applicant is comfortable with the conditions of approval.

The Public Hearing was closed

Councilor Romero said the ENN was held in January 2008, and the neighbors asked that whatever had been stored on the property be removed. She said it is unclear as to the status of the removal of the equipment.

Mr. Horcasitas said a lot of equipment has been moved, and it isn't entirely clear. He said the applicant would like to start building his house as soon as possible.

Councilor Romero said then the equipment isn't related to the building of the house, and it is old stuff left from many years.

Mr. Horcasitas said the applicant lives in Rowe Mesa and is in the process of moving to Santa Fe to build his house. He has two old cars that need to be sold and things like that.

Councilor Romero said this is in her "back yard," and her concern is about cars stored in yards for years, and neighbors having no recourse to get rid of those or old equipment.

Mr. Horcasitas said once the house is built, there won't be anything left there.

Councilor Chavez moved, seconded by Councilor Ortiz to adopt Resolution No. 2008-52, approving Case #M 2008-05.

Discussion: Councilor Chavez said the I-1 zoning is obsolete for a residential neighborhood.

Councilor Bushee asked what is next to the property, and asked if there is any light industrial or industrial.

Mr. Horcasitas said the I-1 zoning is across the street. An arroyo runs next to the road and the I-1 zoning is on the other side.

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 Mayor Pro-Tem Wurzbarger.

Against: None.

- 12) **CONSIDERATION OF BILL NO. 2008-39; ADOPTION OF ORDINANCE NO. 2008- 34. CASE #ZA 2008-02. HOPEWELL-THIRD STREET (FORMERLY 1733 HOPEWELL STREET) REZONING. RICHARD HORCASITAS, AGENT FOR HUNTER WAKEMAN, REQUESTS REZONING OF 0.2 ACRE MORE OR LESS FROM L-1 (LIGHT INDUSTRIAL) TO R-5 (RESIDENTIAL, 5 DWELLING**

UNITS PER ACRE). THE PROPERTY IS LOCATED AT THE CORNER OF THIRD STREET AND HOPEWELL STREET. (GREG SMITH)

Councilor Chavez moved, seconded by Councilor Ortiz, to adopt Ordinance No. 2008- 34, approving Case #ZA 2008-02, with conditions as recommended by staff.

Friendly Amendment: Councilor Romero would like to amend the motion to provide that the area must be cleaned up before the Building Permit is issued, and that there is verification that it has been cleaned up. **The amendment was friendly to the maker and second.**

The motion, as amended, was approved on the following Roll Call vote.

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo and Mayor Pro-Tem Wurzburger.

Against: None.

- 13) CONSIDERATION OF RESOLUTION NO. 2008- ____ (COUNCILOR ORTIZ AND COUNCILOR WURZBURGER). A RESOLUTION DESIGNATING WATER RIGHTS FOR LOW PRICED DWELLING UNITS AND PUBLIC AMENITIES IN THE NORTHWEST QUADRANT AND FOR THE LOW PRICED DWELLING UNIT CREDIT POOL. (KATHY McCORMICK) (Postponed at the April 9, 2008 City Council Meeting)**

This item was postponed to the first Council meeting in August, 2008.

- 14) CONSIDERATION OF RESOLUTION NO. 2008- ____ (COUNCILOR ORTIZ AND COUNCILOR WURZBURGER). A RESOLUTION AMENDING RESOLUTION NO. 2003-106, THE ANNUAL WATER BUDGET ADMINISTRATIVE REGULATIONS AND PROCEDURES REGARDING THE DESIGNATION OF WATER RIGHTS FOR LOW PRICED DWELLING UNITS. (KATHY McCORMICK). (Postponed at April 9, 2008 City Council Meeting) (WITHDRAWN)**

This item was withdrawn from the Agenda.

16. COMMUNICATIONS FROM THE GOVERNING BODY.

Councilor Dominguez

Councilor Dominguez invited everyone to the Anti-Graffiti and Safety Celebration in Tierra Contenta this weekend.

Councilor Dominguez said he will be meeting with the Evergreen Homeowners Association in Tierra Contenta, and asked Mr. Buller if the neighborhood planner could attend so they can officially register as a Neighborhood Association. He will provide the details about that meeting to Mr. Buller tomorrow.

Councilor Dominguez said the Roadrunner West Mobile Home Park will be holding its annual meeting very soon, and they have a number of issues including Code enforcement and public safety. He thanked them for their assistance in cleaning up some of the graffiti. He would like the Neighborhood Planner to attend this meeting as well.

Councilor Dominguez has received inquiry from people in the Southwest sector about getting bus routes on weekends and Sundays.

Councilor Dominguez introduced three resolutions as follows:

- a. A Resolution to encourage the State of New Mexico to develop an affordable housing program for its employees. He would like this to go to the Public Works Committee.
- b. A Resolution which would evaluate the possibility of paying the living wage to State employees living in Santa Fe. He would like for this to go to the Public Works Committee.
- c. A Resolution which speaks to the unexpected GRT revenues. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10." He would like this to go to the Finance Committee.
- d. A Resolution directing staff to pursue a workforce development program to serve the southwest sector. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11." He would like this to go to the Finance Committee.

Councilor Calvert

Councilor Calvert reminded the campaigns to remove their signs.

Councilor Trujillo

Councilor Trujillo thanked Public Works for their work on last weekend's Fishing Derby, noting there were 200-300 kids participating and it was a great success.

Councilor Trujillo said he and Councilor Ortiz received an email from a member of the family of Jerry Lovato who was killed in a motorcycle accident, asking if it would be possible to place a memorial at the corner of Siringo/Camino Carlos Rey at Franklin Miles Park where Mr.

Lovato was instrumental in planting trees and building the flower bed. If it is possible, he would like staff to work with the family in this regard.

Councilor Ortiz

Councilor Ortiz thanked Mayor Pro-Tem Wurzburger for running this meeting very smoothly.

Councilor Ortiz introduced a substitute resolution designating water rights for the City's Northwest Quadrant Project, which differs from the two resolutions in the packet. It needs to go back through the Committee process for review, noting the Resolution is cosponsored by Councilors Wurzburger and Dominguez. He asked that it be sent to the Public Works, then Public Utilities and the Finance Committee. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "12."

Councilor Ortiz would like, within the next month, either at the Finance Committee or the City Council in executive session, an update on how we manage our Risk Management cases, including the number of outstanding cases, the amount paid to outside counsel to defend the City, and what our settlement posture has been on these outstanding cases.

Councilor Ortiz wished everyone a Happy Father's Day.

Councilor Bushee

Councilor Bushee introduced two Resolutions:

- a. A resolution recognizing and supporting the efforts of the Santa Fe Civic Housing Authority to construct and operate the Hopewell-Mann multi-purpose community center. A copy of this Resolution is incorporated herewith to these minutes as Exhibit "13."
- b. A resolution directing staff to research the possibility of a carsharing program. Councilor Wurzburger would like to cosponsor the Resolution. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "14."

Councilor said people are confused about the action tonight on signs, and the question still remains if we allow an 8½ x 11 inch sign which says "sale." She needs this clarified by the City Attorney to be able to answer that question.

Councilor Bushee said would like a report with regard to the oil and gas legislation by the County.

Councilor Bushee said she has been asked how to name a City building for someone who is not deceased.

Mr. Katz said he will get back to her on this.

Councilor Bushee wished everyone a Happy Father's Day.

Councilor Romero

Councilor Romero introduced a resolution establishing the Santa Fe Extraterritorial Land Use Authority and the Santa Fe Extraterritorial Land Use Commission. A copy of the resolution is incorporated herewith to these minutes as Exhibit "

Councilor Romero announced that she is officially a grandmother.

She wished everyone a Happy Fathers Day.

Councilor Chavez

Councilor Chavez thanked staff for their assistance with the June 4th neighborhood meeting in Las Acequias. He said he will be meeting next with the Hickox Subdivision/Sierra Vista area in the first part of July, and would like staff and neighborhood planners to attend that meeting.

Councilor Chavez introduced a Resolution recognizing Hispanic Heritage month. He asked that it go to the Finance, Public Works and Business & Quality of Life Committees. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "16."

Mayor Pro-Tem Wurzbarger

Councilor Wurzbarger introduced two resolutions:

- a. A Resolution calling for a Special Election on August 19th on the Workforce Housing Initiative. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "17."
- b. A Resolution terminating participation in the Intergovernmental Contract for the North Central Regional Transit District and withdrawing from the District. She would like it heard as quickly as possible by the Public Works and Finance Committees. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "18."

H. ADJOURN

There being no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 10:15 p.m.

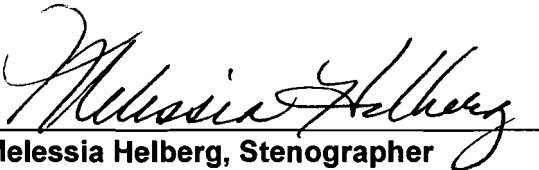
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Stenographer