



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JUNE 25, 2008
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 6-20-08 TIME 3:25pm

SERVED BY _____

RECEIVED BY Hydominguez

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 – June 11, 2008
8. PRESENTATIONS
 - a) Student Wellness Action Team. (Shelley Mann-Lev). (5 minutes)
 - b) "City Champions Trophy" – Santa Fe High School Varsity Girls Basketball Team. (5 minutes)
 - c) "City Champions Trophy" – St. Michael's High School Varsity Volleyball Team. (5 minutes)
 - d) Healthy Lifestyles Task Force Report. (Dr. Suzanne Gebhart) (10 minutes)
9. CONSENT CALENDAR
 - a) Request for Approval to Publish Notice of Public Hearing on July 30, 2008:
 - 1) Bill No. 2008-42 – An Ordinance Amending Certain Sections of Article 11-11 SFCC 1987 Regarding the Economic Development Plan Ordinance. (Councilor Wurzbarger and Councilor Dominguez) (Fabian Trujillo)
 - a) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Wurzbarger and Councilor Dominguez)
A Resolution Adopting the City of Santa Fe's Economic Development Strategies for Implementation. (Fabian Trujillo)



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- b) Bid No. 08/36/B – Modular Office Building for Wastewater Management Division; Preferred Building Systems, Inc. (Bryan Romero)
- c) Bid No. 08/37/B – Construction Agreement for On Call Concrete and Miscellaneous Construction Services. (Desirae Lujan)
 - 1) Advantage Asphalt and Seal Coating, LLC.
 - 2) H.O. Construction, Inc.
- d) Request for Approval of Professional Services Agreement – Classification and Compensation Study and Performance Evaluation System (RFP #08/22/P); Evergreen Solutions, LLC. (Kristine Kuebli)
- e) Request for Approval of Additional Part-Time Position for Human Resources. (Kristine Kuebli)
- f) Request for Approval of Administrative Services Agreement – Renewal of United Healthcare for FY 2008/2009; United Healthcare. (Vicki Gage)
- g) Request for Approval of Comprehensive Insurance Program Coverage; Willis of Arizona. (Henry Aranda)
- h) Request for Approval of Claim Service Agreement – Third Party Administrator Services; Crawford and Company. (Henry Aranda)
- i) Request for Approval of Change Order No. 15 to Construction Contract – Santa Fe Civic Center; Cameron/Swinerton. (Martin Valdez)
- j) Request for Approval of Sole Source Procurement and Professional Services Agreement – Genoveva Chavez Community Center Flooring; Robert Cohen Company, LLC. (Martin Valdez)
- k) Request for Approval of License Agreement – On-Street Parking Spaces in Front of Federal Courthouse for General Services Administration Offices; General Services Administration. (Walter Roybal)



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- l) Request for Approval of Amendment No. 1 to Professional Services Agreement – Security Services for Parking Division; Municipal Court, Public Libraries and Santa Fe Community Convention Center Parking Garage; Chavez Security, Inc. (Walter Roybal)
- m) Request for Approval of Amendment No. 1 to Professional Services Agreement – Landscape Design Services for Patrick Smith Park and East De Vargas Park; Sites Southwest, LLC. (Ben Gurule)
- n) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Trujillo)
A Resolution Supporting the New Mexico Litter Control and Beautification Act of 1985 Which Provides Public Funds in the Form of Grants for the Purpose of Enhancing Local Litter Control and Beautification Programs. (Gilda Montano)
 - 1) Request for Approval of Grant Agreement – Keep Santa Fe Beautiful Program; New Mexico State Tourism Department.
 - a) Request for Approval of Budget Increase – Grant Fund.
- o) Request for Approval of 2008 New Mexico Legislative General Fund Appropriations. (David Chapman)
 - 1) Request for Approval of Provider Contracts (Various Vendors).
 - 2) Request for Approval of Budget Increase – Grant Fund.
- p) Request for Approval of Supplemental Lease Agreement – City of Santa Fe Office Space at Montoya Federal Building; United States of America Through General Services Administration. (Edward Vigil)
- q) Request for Approval of Sole Source Procurement and Maintenance Services Agreement – HVAC Equipment Services at GCCC; Travers Mechanical Services. (Liz Roybal)



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- r) Request for Approval of Professional Services Agreement – Printing and Mailing Services of Utility Bills for Utility Billing Division (RFP #08/36/P); Dataprint, LLC. (Peter Ortega)
- s) Request for Approval of FY 2008/2009 Funding Recommendations for Children and Youth Commission Grants (35 Contracts). (Lynn Hathaway)
- t) Request for Approval of Sole Source Procurement and Software License Agreement – Create Form Software for Compatibility with Enterprise 1 Software System; Bottomline Technologies. (Vincent Montoya)
- u) Request for Approval of 2008 Parks Bond Implementation Plan. (Fabian Chavez)
- v) Request for Approval of Grant Awards – State of New Mexico Aging and Long Term Services Department. (Melanie Montoya)
 - 1) Foster Grandparent Program
 - 2) Retired and Senior Volunteer Program
 - 3) Senior Companion Program
 - 4) Request for Approval of Budget Increase from Grant Revenue
- w) Request for Approval of Lease Agreements: (Postponed at April 30, 2008 City Council Meeting) **(Request to Postpone to July 30, 2008 City Council Meeting)**
 - 1) Airline Terminal Building Office; Counter and Floor Space at Santa Fe Municipal Airport; American Eagle Airlines. (Jim Montman)
 - 2) Airline Terminal Building Counter and Floor Space at Santa Fe Municipal Airport; Delta Air Lines. (Jim Montman)
- 10. Request for Final Approval for Water and Sewer Service Under Provisions of SFCC, Section 22-6.2 and 25-1.11 for a Mixed Use Development Requiring 4.7 Acre-Feet Per Year of Water, Located in the Historic Agua Fria Village; Mike Tavelli and Thomas Tavelli. (Antonio Trujillo)



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11. CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Wurzbarger)
A Resolution Terminating Participation in the Intergovernmental Contract for the North Central Regional Transit District and Withdrawing from the District. (Jon Bulthuis)
12. Annual Review of the Code of Ethics, Pursuant to Section 1-7.11 SFCC 1987.
(Councilor Dominguez and Yolanda Y. Vigil)
13. MATTERS FROM THE CITY MANAGER
14. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

- a) Discussion of Threatened Litigation of City of Santa Fe v. Santa Fe Horse Park Regarding Outstanding Water Balance; Pursuant to §10-15-1 (H) (7) NMSA 1978.
 - b) Discussion of Authorization to Joining Amicus Brief Supporting Rio Arriba County's Moratorium on Oil and Gas Drilling; Pursuant to §10-15-1 (H) (7) NMSA 1978.
 - c) Discussion of Pending Litigation of Boggs v. ASW Realty Partners LLC (Andrew Gerber) and City of Santa Fe; Pursuant to §10-15-1 (H) (7) NMSA 1978.
15. MATTERS FROM THE CITY CLERK

Request for Approval of August 2008 City Council Meeting Dates.
 - a) Monday, August 11, 2008
 - b) Wednesday, August 27, 2008
 16. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER



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B. PLEDGE OF ALLEGIANCE

C. INVOCATION

D. ROLL CALL

E. PETITIONS FROM THE FLOOR

F. APPOINTMENTS

G. PUBLIC HEARINGS:

- 1) Request from Max's Late Nite, LLC for a Restaurant (Beer & Wine) Liquor License to be located at Max's, 328½ Montezuma Avenue. (Yolanda Y. Vigil)
- 2) CONSIDERATION OF BILL NO. 2008-38: ADOPTION OF ORDINANCE NO. 2008-_____.
An Ordinance Authorizing the Execution and Delivery of a Loan Agreement by and Between the City of Santa Fe (the "City") and the New Mexico Finance Authority, Evidencing a Special, Limited Obligation of the City to Pay a Principal Amount Not to Exceed \$4,000,000, Together with Interest and Administrative Fees Thereon, for the Purpose of Defraying the Cost of Acquiring Land; Providing for the Payment of the Principal of, Interest and Processing Fees Due Under the Loan Agreement Solely From Certain Gross Receipts Tax Revenues Distributed by the City; Approving the Form and Exact Terms of, and Other Details Concerning the Loan Agreement; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent with this Ordinance; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan Agreement. (Kathryn Raveling)
- 3) CONSIDERATION OF BILL NO. 2008-36: ADOPTION OF ORDINANCE NO. 2008-_____. (Councilor Chavez)
An Ordinance Amending Section 14-8.14 SFCC 1987 Regarding Impact Fees Required to Be Paid Under the "Old" Fee Schedule. (Reed Liming)
- 4) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Wurzbarger, Mayor Coss, Councilor Dominguez and Councilor Romero)
A Resolution Adopting the City of Santa Fe Five-Year Strategic Housing Plan. (Lee Depietro)



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- 5) CONSIDERATION OF BILL NO. 2008-37: ADOPTION OF ORDINANCE NO. 2008-_____. (Councilor Wurzbarger, Mayor Coss, Councilor Romero and Councilor Calvert)

An Ordinance Creating Article 18-19 of the Santa Fe City Code Establishing The Workforce Housing Funding Initiative. (Kathy McCormick)

- a) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Wurzbarger, Mayor Coss, Councilor Romero and Councilor Calvert)
A Resolution Calling for a Special Municipal Election to be Held August 19, 2008 for the Purpose of Submitting a Question to the Qualified Electors of the City of Santa Fe as to Whether an Excise Tax Should be Imposed on the Transfer of Residential Property in the Amount of One Percent (1%) of the Portion of the Purchase Price in Excess of \$650,000. the Tax Would be Imposed on the Buyer and the Revenues Collected from the Tax Would be Used Solely for Affordable Workforce Housing.

Resolución Convocación de Elección Municipal Extraordinaria que Tendrá Lugar el 19 de Agosto 2008 Con el Fin de Someter La Cuestión a Los Votantes Calificados de la Municipalidad de Santa Fe Respecto a si un Impuesto Indirecto se Deberá Imponer Sobre la Transferencia de Propiedad Inmueble Residencial en la Suma de Uno Por Ciento (1%) de la Parte del Precio de Compra Que Exceda \$650,000. El Impuesto se Impondría Unicamente Para Financiar Vivienda Para Trabajadores.

- 1) Request for Approval of Consolidated Precincts.

- 6) CONSIDERATION OF BILL NO. 2008-40: ADOPTION OF ORDINANCE NO. 2008-_____.

Case #M 2008-07. Governor Miles Business Park Annexation. Linda Tigges, Agent for Crowne Santa Fe, LLC Requests Annexation of 6.485± Acres of Land, Located North of Governor Miles Road and East of Cerrillos Road. The Annexation Plat Includes 4.375± Acres of Governor Miles Road. (Donna Wynant)

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- 7) CONSIDERATION OF BILL NO. 2008-41: ADOPTION OF ORDINANCE NO. 2008-____.
- Case #ZA 2008-04. Governor Miles Business Park Rezoning.** Linda Tigges, Agent for Crowne Santa Fe, LLC Requests Rezoning of 6.485± Acres of Land from R-1 (Residential, One Dwelling Unit Per Acre) to C-2 (General Commercial). The Property is Located North of Governor Miles Road and East of Cerrillos Road. (Donna Wynant)
- 8) **Case #A 2008-03. 610 Galisteo Street Building Permits Appeal.** Stephanie Berinato Appeals to the Governing Body of the City of Santa Fe the Board of Adjustment Decision Denying her Appeal of the Issuance of Building Permit Nos. 07-203- 07-204, and 07-205 for the Remodeling and Repair of Two Existing Dwelling Units and the Demolition of an Existing Garage at 610 Galisteo Street. (Dan Esquibel) **(Request by Applicant to Postpone to July 9, 2008 City Council Meeting)**

H. ADJOURN

Pursuant to the Governing Body Procedural Rules, in the event any agenda items have not been addressed, the meeting should be reconvened at 7:00 p.m., the following day and shall be adjourned not later than 12:00 a.m. Agenda items, not considered prior to 11:30 p.m., shall be considered when the meeting is reconvened or tabled for a subsequent meeting.

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

**SUMMARY INDEX
SANTA FE CITY COUNCIL MEETING
June 25, 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]	1-2
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		3-5
APPROVAL OF MINUTES: Reg. City Council Meeting – June 11, 2008	Approved	5
<u>PRESENTATIONS</u>		
STUDENT WELLNESS ACTION TEAM		6
“CITY CHAMPIONS TROPHY” – SANTA FE HIGH SCHOOL VARSITY GIRLS BASKETBALL TEAM		6
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HEALTHY LIFESTYLES TASK FORCE REPORT		6-7
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF 2008 PARKS BOND IMPLEMENTATION PLAN	Approved [amended]	7-8

END OF CONSENT CALENDAR DISCUSSION		

REQUEST FOR FINAL APPROVAL FOR WATER AND SEWER SERVICE UNDER PROVISIONS OF SFCC, SECTION 22-6.2 AND 25-1.11 FOR A MIXED USE DEVELOPMENT REQUIRING 4.7 ACRE FEET PER YEAR OF WATER, LOCATED IN THE HISTORIC AGUA FRIA VILLAGE; MIKE TAVELLI AND THOMAS TAVELLI	Approved	8-12

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF RESOLUTION NO. 2008- ____ . A RESOLUTION TERMINATING PARTICIPATION IN THE INTERGOVERNMENTAL CONTRACT FOR THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT AND WITHDRAWING FROM THE DISTRICT	Postponed to 06/30/08	12
ANNUAL REVIEW OF THE CODE OF ETHICS, PURSUANT TO SECTION 1-7.11 SFCC 1987	Approved	12-13
MATTERS FROM THE CITY MANAGER	None	13
MATTERS FROM THE CITY CLERK	Information/discussion	13
MATTERS FROM THE CITY ATTORNEY EXECUTIVE SESSION	Approved	13-14
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	14
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	15
PETITIONS FROM THE FLOOR		15-16
<u>APPOINTMENTS</u>		
Economic Development Review Subcommittee	Approved	16-17
Sustainable Santa Fe Commission	Approved	17
Transit Advisory Board	Approved	17
<u>PUBLIC HEARINGS</u>		
REQUEST FROM MAX'S LATE NITE, LLC, FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT MAX'S, 328 ½ MONTEZUMA AVENUE	Approved	18

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

CONSIDERATION OF BILL NO. 2008-21;
ADOPTION OF ORDINANCE NO. 2008- 35.
AN ORDINANCE AUTHORIZING THE EXECUTION
AND DELIVERY OF A LOAN AGREEMENT BY AND
BETWEEN THE CITY OF SANTA FE (THE "CITY")
AND THE NEW MEXICO FINANCE AUTHORITY,
EVIDENCING A SPECIAL, LIMITED OBLIGATION
OF THE CITY TO PAY A PRINCIPAL AMOUNT NOT
TO EXCEED \$4,000,000, TOGETHER WITH INTEREST
AND ADMINISTRATIVE FEES THEREON, FOR THE
PURPOSE OF DEFRAYING THE COST OF
ACQUIRING LAND; PROVIDING FOR THE PAYMENT
OF THE PRINCIPAL OF, INTEREST AND
PROCESSING FEES DUE UNDER THE LOAN
AGREEMENT SOLELY FROM CERTAIN GROSS
RECEIPTS TAX REVENUES DISTRIBUTED BY THE
CITY; APPROVING THE FORM AND EXACT TERMS
OF, AND OTHER DETAILS CONCERNING THE LOAN
AGREEMENT; RATIFYING ACTIONS HERETOFORE
TAKEN; REPEALING ALL ACTION INCONSISTENT
WITH THIS ORDINANCE; AND AUTHORIZING THE
TAKING OF OTHER ACTIONS IN CONNECTION WITH
THE EXECUTION AND DELIVERY OF THE LOAN
AGREEMENT

Approved

18-19

CONSIDERATION OF BILL NO. 2008-36; ADOPTION
OF ORDINANCE NO. 3008-36. AN ORDINANCE
AMENDING SECTION 14-8.14 SFCC 1987, REGARDING
IMPACT FEES REQUIRED TO BE PAID UNDER THE
OLD FEE SCHEDULE.

Approved

20

CONSIDERATION OF RESOLUTION NO. 2008-54.
A RESOLUTION ADOPTING THE CITY OF SANTA FE
FIVE-YEAR STRATEGIC HOUSING PLAN.

Approved [amended]

21-26

CONSIDERATION OF BILL NO. 2008-37; ADOPTION
OF ORDINANCE NO. 2008- 37. AN ORDINANCE
CREATING ARTICLE 18-19 OF THE SANTA FE CITY
CODE ESTABLISHING THE WORKFORCE HOUSING
FUNDING INITIATIVE

Approved [amended]

26-49

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

CONSIDERATION OF RESOLUTION NO. 2008 - ____ .
A RESOLUTION CALLING FOR A SPECIAL MUNICIPAL
ELECTION TO BE HELD AUGUST 19, 2008, FOR THE
PURPOSE OF SUBMITTING A QUESTION TO THE
QUALIFIED ELECTORS OF THE CITY OF
SANTA FE AS TO WHETHER AN EXCISE TAX
SHOULD BE IMPOSED ON THE TRANSFER OF
RESIDENTIAL PROPERTY IN THE AMOUNT OF
ONE PERCENT (1%) OF THE PORTION OF THE
PURCHASE PRICE IN EXCESS OF \$650,000.
THE TAX WOULD BE IMPOSED ON THE BUYER
AND THE REVENUES COLLECTED FROM THE
TAX WOULD BE USED SOLELY FOR
AFFORDABLE WORKFORCE HOUSING

Postponed to 07/30/08

26-49

RESOLUCIÓN CONVOCACIÓN DE ELECCIÓN
MUNICIPAL EXTRAORDINARIA QUE TENDRÁ
LUGAR EL 19 DE AGOSTO 2008, CON EL FIN
DE SOMETER LA CUESTIÓN A LOS VOTANTES
CALIFICADOS DE LA MUNICIPALIDAD DE SANTA
FE RESPECTO A SI UN IMPUESTO INDIRECTO SE
DEBERÁ IMPONER SOBRE LA TRANSFERENCIA
DE PROPIEDAD INMUEBLE RESIDENCIAL EN LA
SUMA DE UNO POR CIENTO (1%) DE LA PARTE
DEL PRECIO DE COMPRA QUE EXCEDA \$650,000.
EL IMPUESTO SE IMPONDRÍA ÚNICAMENTE PARA
FINANCIAR VIVIENDA PARA TRABAJADORES

Postponed to 07/30/08

26-49

REQUEST FOR APPROVAL OF
CONSOLIDATED PRECINCTS

Postponed to 07/30/08

26-49

CONSIDERATION OF BILL NO. 2008-30; ADOPTION
OF ORDINANCE NO. 2008-38. CASE #M 2008-07.
GOVERNOR MILES BUSINESS PARK ANNEXATION.
LINDA TIGGES, AGENT FOR CROWNE SANTA FE,
LLC, REQUESTS ANNEXATION OF 6.485± ACRES
OF LAND, LOCATED NORTH OF GOVERNOR MILES
ROAD AND EAST OF CERRILLOS ROAD. THE
ANNEXATION PLAT INCLUDES 4.375± ACRES OF
GOVERNOR MILES ROAD

Approved [amended]

49-53

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2008-41; ADOPTION OF ORDINANCE NO. 2008- 39. <u>CASE #za 2008-04.</u> GOVERNOR MILES BUSINESS PARK REZONING. LINDA TIGGES, AGENT FOR CROWNE SANTA FE, LLC, REQUEST REZONING OF 6.485± ACRES OF LAND FROM R-1 (RESIDENTIAL, ONE DWELLING UNIT PER ACRE) TO C-2 (GENERAL COMMERCIAL). THE PROPERTY IS LOCATED NORTH OF GOVERNOR MILES ROAD AND EAST OF CERRILLOS ROAD	Approved [amended]	53-54
<u>CASE #A 2008-03.</u> 610 GALISTEO STREET BUILDING PERMITS APPEAL. STEPHANIE BENINATO APPEALS TO THE GOVERNING BODY OF THE CITY OF SANTA FE, THE BOARD OF ADJUSTMENT DECISION DENYING HER APPEAL OF THE ISSUANCE OF BUILDING PERMIT NOS. 07-203, 07-204 AND 07-205, FOR THE REMODELING AND REPAIR OF TWO EXISTING DWELLING UNITS AND THE DEMOLITION OF AN EXISTING GARAGE AT 610 GALISTEO STREET	Postponed to 07/09/08	55
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	55-57
<u>MATTERS FROM THE CITY CLERK</u>		
REQUEST FOR APPROVAL OF AUGUST 2008 CITY COUNCIL MEETING DATES:		
MONDAY, AUGUST 11, 2008	Approved	57
WEDNESDAY, AUGUST 27, 2008	Approved	57
ADJOURN		57

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
June 25, 2008**

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor David Coss, on June 25, 2008, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance and Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

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

Members Excused

Councilor Carmichael A. Dominguez

Others Attending

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

Mayor Coss welcomed the guests from Santa Fe, Rio Arriba and Los Alamos County.

5. APPROVAL OF AGENDA

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

Councilor Wurzbarger moved, seconded by Councilor Bushee, to amend the agenda to postpone Item #11 to the special City Council Meeting on Monday, June 30, 2008, so we have an opportunity to meet with the people from the County and the State to see if there are other options we haven't considered, and to approve the agenda as amended.

Discussion: Councilor Bushee asked that the special council meeting be at 5:00 p.m., on Monday, June 30, 2008.

Councilor Chavez asked if this item will be an action item and the Council will vote yes or no on the Resolution.

Councilor Wurzburger said this is correct, and the Council will consider any changes that are proposed at that time.

Councilor Chavez asked what will be in the Council packet on Monday. He said we have ample information from the North Central RTD and from staff, a Memorandum of Understanding with a formula and distribution plan and a service plan which has been vetted by all of the participating members of the North Central RTD. He asked if those items will be part of the presentation. He believes that should be the benchmark. If we are going to discuss other options as to what we might do differently, that benchmark and information need to be in the packet.

Councilor Wurzburger said today's packet will be the same on Monday, with any changes which might be presented.

Councilor Chavez said today's packet doesn't contain any of the information to which he is speaking which has been vetted and produced by the Task Force which has been meeting with the NCRTD to produce the funding formula and all the other details. He wants that to be in the packet on Monday along with the amendments which were proposed at Public Works regarding the resolution and the FIR. There needs to be more information in Monday's packet than is in the packet today.

Mayor Coss said staff will ensure that the latest information is in the packet for the Monday meeting.

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

6. APPROVAL OF CONSENT CALENDAR

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

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

Against: None.

CONSENT CALENDAR

- a) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JULY 30, 2008:**
 - 1) **BILL NO. 2008-42 – AN ORDINANCE AMENDING CERTAIN SECTIONS OF ARTICLE 11-11 SFCC 1987 REGARDING THE ECONOMIC DEVELOPMENT PLAN ORDINANCE (COUNCILOR WURZBURGER AND COUNCILOR DOMINGUEZ). (FABIAN TRUJILLO)**
 - a. **CONSIDERATION OF RESOLUTION NO. 2008-_____ (COUNCILOR WURZBURGER AND COUNCILOR DOMINGUEZ). A RESOLUTION ADOPTING THE CITY OF SANTA FE'S ECONOMIC DEVELOPMENT STRATEGIES FOR IMPLEMENTATION. (FABIAN TRUJILLO)**
- b) **BID NO. 08/26/B – MODULAR OFFICE BUILDING FOR WASTEWATER MANAGEMENT DIVISION; PREFERRED BUILDING SYSTEMS, INC. (BRYAN ROMERO)**
- c) **BID NO. 08/37/B – CONSTRUCTION AGREEMENT FOR ON CALL CONCRETE AND MISCELLANEOUS CONSTRUCTION SERVICES. (DESIRAE LUJAN)**
 - 1) **ADVANTAGE ASPHALT AND SEAL COATING, LLC.**
 - 2) **H.O. CONSTRUCTION, INC.**
- d) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – CLASSIFICATION AND COMPENSATION STUDY AND PERFORMANCE EVALUATION SYSTEM (RFP #08/22/P); EVERGREEN SOLUTIONS, LLC. (KRISTINE KUEBLI)**
- e) **REQUEST FOR APPROVAL OF ADDITIONAL PART-TIME POSITION FOR HUMAN RESOURCES. (KRISTINE KUEBLI)**
- f) **REQUEST FOR APPROVAL OF ADMINISTRATIVE SERVICES AGREEMENT – RENEWAL OF UNITED HEALTHCARE FOR FY 2008/2009; UNITED HEALTHCARE. (VICKI GAGE)**
- g) **REQUEST FOR APPROVAL OF COMPREHENSIVE INSURANCE PROGRAM COVERAGE; WILLIS OF ARIZONA. (HENRY ARANDA)**
- h) **REQUEST FOR APPROVAL OF CLAIM SERVICE AGREEMENT – THIRD PARTY ADMINISTRATOR SERVICES; CRAWFORD AND COMPANY. (HENRY ARANDA)**

- l) REQUEST FOR APPROVAL OF CHANGE ORDER NO. 15 TO CONSTRUCTION CONTRACT – SANTA FE CIVIC CENTER; CAMERON/ SWINERTON. (MARTIN VALDEZ)**
- j) REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – GENOVA CHAVEZ COMMUNITY CENTER FLOORING; ROBERT COHEN COMPANY, LLC. (MARTIN VALDEZ)**
- k) REQUEST FOR APPROVAL OF LICENSE AGREEMENT – ON-STREET PARKING SPACES IN FRONT OF FEDERAL COURTHOUSE FOR GENERAL SERVICES ADMINISTRATION OFFICES; GENERAL SERVICES ADMINISTRATION. (WALTER ROYBAL)**
- l) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – SECURITY SERVICES FOR PARKING DIVISION; MUNICIPAL COURT, PUBLIC LIBRARIES AND SANTA FE COMMUNITY CONVENTION CENTER PARKING GARAGE; CHAVEZ SECURITY, INC. (WALTER ROYBAL)**
- m) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – LANDSCAPE DESIGN SERVICES FOR PATRICK SMITH PARK AND EAST DE VARGAS PARK; SITES SOUTHWEST, LLC. (BEN GURULE)**
- n) CONSIDERATION OF RESOLUTION NO. 2008-53 (COUNCILOR TRUJILLO). A RESOLUTION SUPPORTING THE NEW MEXICO LITTER CONTROL AND BEAUTIFICATION ACT OF 1985, WHICH PROVIDES PUBLIC FUNDS IN THE FORM OF GRANTS FOR THE PURPOSE OF ENHANCING LOCAL LITTER CONTROL AND BEAUTIFICATION PROGRAMS. (GILDA MONTANO)**

 - 1) REQUEST FOR APPROVAL OF GRANT AGREEMENT – KEEP SANTA FE BEAUTIFUL PROGRAM; NEW MEXICO STATE TOURISM DEPARTMENT.**

 - a) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- o) REQUEST FOR APPROVAL OF 2008 NEW MEXICO LEGISLATIVE GENERAL FUND APPROPRIATIONS. (DAVID CHAPMAN)**

 - 1) REQUEST FOR APPROVAL OF PROVIDER CONTRACTS (VARIOUS VENDORS).**
 - 2) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- p) REQUEST FOR APPROVAL OF SUPPLEMENTAL LEASE AGREEMENT – CITY OF SANTA FE OFFICE SPACE AT MONTOYA FEDERAL BUILDING; UNITED STATES OF AMERICA THROUGH GENERAL SERVICES ADMINISTRATION. (EDWARD VIGIL)**

- q) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND MAINTENANCE SERVICES AGREEMENT – HVAC EQUIPMENT SERVICES AT GCCC; TRAVERS MECHANICAL SERVICES. (LIZ ROYBAL)**
- r) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – PRINTING AND MAILING SERVICES OF UTILITY BILLS FOR UTILITY BILLING DIVISION (RFP #08/36/P); DATAPRINT, LLC. (PETER ORTEGA)**
- s) **REQUEST FOR APPROVAL OF FY 2008/2009 FUNDING RECOMMENDATIONS FOR CHILDREN AND YOUTH COMMISSION GRANTS (35 CONTRACTS). (LYNN HATHAWAY)**
- t) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND SOFTWARE LICENSE AGREEMENT – CREATE FORM SOFTWARE FOR COMPATIBILITY WITH ENTERPRISE 1 SOFTWARE SYSTEM; BOTTOMLINE TECHNOLOGIES. (VINCENT MONTOYA)**
- u) ***[Removed for discussion by Councilor Calvert]***
- v) **REQUEST FOR APPROVAL OF GRANT AWARDS – STATE OF NEW MEXICO AGING AND LONG TERM SERVICES DEPARTMENT. (MELANIE MONTOYA)**
 - 1) **FOSTER GRANDPARENT PROGRAM;**
 - 2) **RETIRED AND SENIOR VOLUNTEER PROGRAM;**
 - 3) **SENIOR COMPANION PROGRAM; AND**
 - 4) **REQUEST FOR APPROVAL OF BUDGET INCREASE FROM GRANT FUND.**
- w) **REQUEST FOR APPROVAL OF LEASE AGREEMENTS: (Postponed at April 30, 2008 City Council Meeting). (Request to Postpone to July 30, 2008 City Council Meeting)**
 - 1) **AIRLINE TERMINAL BUILDING OFFICE; COUNTER AND FLOOR SPACE AT SANTA FE MUNICIPAL AIRPORT; AMERICAN EAGLE AIRLINES. (JIM MONTMAN)**
 - 2) **AIRLINE TERMINAL BUILDING COUNTER AND FLOOR SPACE AT SANTA FE MUNICIPAL AIRPORT; DELTA AIR LINES. (JIM MONTMAN)**

7. APPROVAL OF MINUTES: Reg. City Council Meeting – June 11, 2008.

Councilor Ortiz moved, seconded by Councilor Romero, to approve the minutes of the Regular City Council Meeting of June 11, 2008, as presented. The motion was approved on a voice vote, with Councilors Bushee, Calvert, Chavez, Ortiz, Romero, Trujillo and Councilor Wurzbarger voting for the motion and none against.

8. PRESENTATIONS

a) STUDENT WELLNESS ACTION TEAM. (SHELLEY MANN-LEV)

Fred Baca, a school senior at St. Michael's, said this summer the students are going through an internship with the Student Wellness Action Team [SWAT], under the leadership of Shelly Mann-Lev and Sue Lucero, and run through the Santa Fe Public Schools.

Mr. Baca presented information on their efforts via power point. He thanked the Mayor and Council for their work to make Santa Fe as tobacco free as possible, noting Santa Fe is the most progressive city in New Mexico regarding this issue with the strictest laws.

Mayor Coss thanked the students and presented them with Muchas Gracias certificates.

Mr. Baca said the Team will have presented information to 1,200 kids by Friday.

b) "CITY CHAMPIONS TROPHY" – SANTA FE HIGH SCHOOL VARSITY GIRLS BASKETBALL TEAM.

Mayor Coss and Councilor Trujillo presented the City Champions Trophy to the Santa Fe High Demonettes and their coaches Bill Dimas and Eric Holmes.

Councilor Trujillo said he started this program so there could be some recognition for the champions in the community.

c) "CITY CHAMPIONS TROPHY" – ST. MICHAEL'S HIGH SCHOOL VARSITY VOLLEYBALL TEAM.

Mayor Coss presented the City Champions Trophy to the St. Michael's High School Varsity Volleyball team.

c)(1) BEATRICE NEVAREZ DAY

Mayor Coss recognized Beatrice Nevarez and friends. Mayor Coss read a Proclamation into the record declaring Wednesday, June 25, 2008, Beatrice Nevarez Day in Santa Fe.

Ms. Nevarez thanked the Mayor and Council for this honor.

d) HEALTHY LIFESTYLES TASK FORCE REPORT. (DR. SUZANNE GEBHART)

Dr. Gebhart presentation via power point after introducing members of the Task Force in attendance today.

Councilor Ortiz thanked Dr. Gebhart, Dr. Johnson and the First Lady and all of the Task Force for their participation, saying he wants to push this agenda in a cooperative effort between the City and the Schools. He noted there was a significant increase in this budget for after school care for some of the schools. He hopes that we approve this Task Force Report. He would like to see the private industries which are part of the nutritional side to contribute corporate dollars to promote the programs recommended by this Task Force.

Councilor Bushee thanked the Task Force, and asked that the City Manager direct City departments to respond to the report. She spoke of some of the related activities being undertaken by the City.

Dr. Gebhart's spoke about the need to be more aggressive in our efforts to be able to turn this thing around.

Councilor Chavez and Councilor Trujillo thanked the Task Force for their efforts and recommendations.

Councilor Chavez would like to see the Legislature revisit the school funding formula so there are adequate funds for physical education, the arts and better nutrition in the schools.

Councilor Trujillo would like for all of the Councilors to be involved in youth sports activities, noting he coaches baseball and Councilor Ortiz coaches soccer.

Councilor Ortiz issued a challenge to all employees and Councilors to decrease their BMI.

Mayor Coss thanked the Task Force, and his wife, Carol for their efforts. He directed Mr. Buller to start to implement what can be done administratively. He suggested we need to adopt a Resolution to formally adopt this report, establishing City policy to move forward on the recommendations. He said this is an issue of national significance and communities are looking at these numbers with alarm, and moving on them.

CONSENT CALENDAR DISCUSSION

9(u) REQUEST FOR APPROVAL OF 2008 PARKS BOND IMPLEMENTATION PLAN. (FABIAN CHAVEZ)

Councilor Calvert said there were more amendments to the Plan than are indicated in the packet, one of which was moving the funds from the Community College Trail to the overpass. Another is the switch in time frames for the Northwest Quadrant and the River trails, and he would like to be sure both are included in the approval.

Councilor Calvert moved, seconded by Councilor Wurzbarger, to approve this request with the amendments he mentioned, the amendment in the packet, and others that were included.

The motion was approved on the following roll call vote:

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

Against: None.

END OF CONSENT CALENDAR DISCUSSION

10. REQUEST FOR FINAL APPROVAL FOR WATER AND SEWER SERVICE UNDER PROVISIONS OF SFCC, SECTION 22-6.2 AND 25-1.11 FOR A MIXED USE DEVELOPMENT REQUIRING 4.7 ACRE FEET PER YEAR OF WATER, LOCATED IN THE HISTORIC AGUA FRIA VILLAGE; MIKE TAVELLI AND THOMAS TAVELLI. (ANTONIO TRUJILLO)

Councilor Ortiz as he recalls, we were going to ask the County for some clarification on this, but there is nothing in the packet. He asked what staff has heard from the County in terms of taking this from the water allocation under its agreement with the County. He asked how this came back to the Council without that information.

Mr. Trujillo said it has been over a year since this request first went through.

Councilor Ortiz said this Council was very clear that this was going to be contingent on a commitment from the County that they credit this water against the allotment from the City. The City isn't in the position of granting water in the traditional historic Agua Fria Village.

Mr. Trujillo said when he reread the minutes, he didn't see that in there, but if he does then it needs to be taken back to the County.

Carl Sommer, representing the Taveillis, said he knows the policy Councilor Ortiz is speaking about which has been applied to other cases. In this case, the minutes don't have that reference.

Councilor Ortiz quoted from the minutes of June 13, 2007, as follows:

"Councilor Chavez moved, seconded by Councilor Bushee, to approve this request with all of the conditions, the new ones which were added and the ones they agreed to.

Councilor Wurzbarger said the City has very limited water for City affordable housing projects in the City. She is comfortable with the compromise with one exception. She doesn't want to use the City's supply of offsets for the affordable units. She would like to include those units in the water they need to acquire for this project. She would like to work with public utilities to develop a logical policy to deduct any water we provide against the Buckman project. She said although this is a good project, she is against using City water which is set aside for affordable housing for this project. She will vote against the motion, but wants to craft a motion which addresses this concern. "

Councilor Ortiz believes when Councilor Chavez moved to approve this request with all the conditions and the new ones which were added, that he added that condition. Councilor Ortiz quoted from page 26 of the minutes as follows:

“Clarification of the Motion: Councilor Wurzbarger asked if this includes her condition that we will not use City affordable housing credit. Councilor Chavez said it doesn’t, because they are going through our homes program, and he can’t accept this as a friendly amendment.

Councilor Ortiz moved, seconded by Councilor Wurzbarger, to amend the main motion to provide that the affordable housing pool is not allowed to this particular project and they have to proceed with getting all of the required offsets for both the affordable and market units.”

Councilor Ortiz said then there is discussion and the motion was approved with Councilors Bushee and Chavez voting against the motion.

Mr. Sommer said he has no problem about this because they aren’t dipping into the City’s affordable housing pool for the water offsets for affordable housing, and are providing the water for the units which are coming into the affordable housing program at the City. He thought Councilor Ortiz was referring to the policy he thought was being developed about this accounting between the City and County on water, and he didn’t see that in the minutes.

Councilor Ortiz said the minutes say we are deducting the water we provide against the Buckman project, and asked if that isn’t the City and County’s agreement.

Mr. Sommer said with respect to affordable housing the applicant is “providing the water on your-all’s system, so you’re not using your water, that’s the way I understood that.” He said he is unsure where the policy is with respect to the deduction between the City and County, but the applicant is providing the water for affordable housing and not using the City’s resources for the affordable housing.

Councilor Ortiz asked staff where do we stand in terms of coming up with policy, logical or illogical, as it relates to the City/County water agreement.

Mr. Trujillo said on that motion the minutes say, “The motion failed to pass on the following roll call vote,” and he thought that didn’t apply. He said, “To address your question of where we sit, we are looking to go ahead and meet, and rework Ordinance No. 2006-60. We’ve got a new city attorney on board and we’ve got a meeting scheduled. We just received the agreement, so we don’t know yet how that will be addressed, but we are looking to address that.”

Councilor Wurzbarger said she met with Roman Abeyta, along with Galen Buller, and Commissioner Vigil, and we did raise this issue at that meeting about three weeks ago. We told him we wanted to have a policy done. She is confused about the minutes as well, saying she thought this was passed with the condition that this be worked out, and she doesn’t see that in the minutes in terms of the final motion which passed, because this is what she thought happened.

Councilors Ortiz and Bushee said they see that this was in the minutes.

Mayor Coss said as he reads the minutes, the main motion was amended, and they have to proceed with getting all of the required offsets for both the affordable and market units. He reads this as meaning they have to get the retrofit offsets for all of the units, rather than get water from the County or offset credit in the Buckman project.

Councilor Chavez said we went back and forth on this, and this morphed into a wholesale water agreement. He said the wheeling agreement was for 300 afy, and the wholesale water agreement is 500 afy. He said we've asked the question over the years regarding whether the County would deduct the water we're allocating for projects in the southwest sector and along Rufina from the wholesale water agreement. He said the existing conditions along Agua Fria and Rufina is that the development primarily has been approved through the EZC and the EZA, always depending on some level of City services. He said we have been establishing, in a *de facto* way, a water and a sanitary district in and around the Agua Fria Village and along Agua Fria. He said Costy is always willing to get someone off a septic system and divert that water to our wastewater treatment plant.

Councilor Chavez said, "I really think it's the best of both worlds. We can probably continue to ask and discuss this with the County, but I don't think it's in the best interest of the residents in the traditional village who are requesting this to wait until something... until there is some conclusion or better results."

Councilor Chavez moved, seconded by Councilor Wurzburger, to approve the request for water and sewer service for a mixed use development requiring 4.7 afy, located in the Historic Agua Fria Village in accordance with Section 22-6.2 and 25-1.11 SFCC.

Explaining her second: Councilor Wurzburger said, "I want to second this because I think we're confused about what we're doing, but I'm going to second the motion for purposes of discussion, with the clarification that the original condition which I put on this and I'm hearing Karl reinforce that, Mr. Sommer, reinforce that we're not providing you water. That you're bringing rights to the table, or you're bringing something else..a retrofit... you're bringing retrofits. So we are not ... we are offsetting the water through the retrofit."

Mr. Sommer said this is correct, the applicant is bringing retrofits.

Councilor Chavez said then we aren't providing water, we're only providing the sewer.

Mr. Sommer said, "When I say... we're getting water service from you all, but we're not getting... we're going to have to offset on your system to make the water available, so that's what I meant, what I said is."

Councilor Chavez said, "So you're responsible for the 4.7 afy."

Mr. Sommer responded, "In offsets, on your system, correct."

Councilor Chavez said, "And that's for both affordable and market."

Mr. Sommer responded, "That's correct."

Councilor Chavez said, "So, it's a twofold request, I guess, because you're asking for both water and sewer."

Mr. Sommer responded, "Yes. The application originally came in with both."

Councilor Chavez said this still makes sense.

Councilor Bushee asked how many affordable units there will be.

Mr. Sommer said, "There are five affordable units coming in, and I think there are ten market rate. Your memo says four, and I think that's a carry-forward from a time when Ron was negotiating. And there is five affordable units coming in under this project."

Councilor Bushee said there was a "full on discussion about where the water was going to come from, and it if was... but it isn't reflected here in these minutes as accurately as I thought. Because, we began.... and Councilor Heldmeyer wouldn't have voted for this without having that discussion about how we take it off."

Councilor Wurzburger said that is shown on page 25, so we obviously did have this discussion.

Councilor Bushee said, "I voted against it because I wasn't into a policy on the fly, and I was getting five units out of it. But, I do remember the discussion. Because we didn't have any kind of discussion as to how we were going to actually hold the County accountable for that, and then we continue to make those kinds of motions later, and we still haven't heard back from the County on that."

Councilor Calvert said those projects are still in abeyance as a result of that.

Councilor Bushee said, "So that's why, I'm not trying to say... it's just not reflected here because I remember the discussion. I mean it is and it isn't."

Councilor Wurzburger asked if we have ever gotten a letter from the County on a project like this, saying she doesn't remember it if we did.

Mayor Coss said we did and they said no.

Councilor Wurzburger said, "At least they're at the table, so I think the question is how do we want to apply this to a project that is sort of in between City-County policy and, I'm reinforcing what Councilor Chavez is saying with respect to, you know, the Village that needs the water... we don't have a precedent for it. At least we know the County's coming to the table. I mean, we could, as Councilor Ortiz said to me a moment ago, make this a condition and hope that we move more quickly to get the County to give us such an agreement. I think they're going to give us some kind of agreement on this, we just don't have it yet."

Councilor Bushee said she doesn't believe they will add this to the accounting.

Councilor Chavez asked, "If they're offsetting, why place that condition. It doesn't make any sense. I can't accept that."

Mr. Trujillo said what was asked of the County is if they would be willing to go ahead and open negotiations on the agreement, and there were County officials here who said they would be amenable to going ahead and opening discussions. They did not say that they would deduct from their allocation, but that was not asked at the time.

Councilor Wurzbarger said, "Okay. I'm comfortable with Councilor Chavez's motion... with the one amendment that has clearly been stated here tonight by the Applicant, that they're not using our very limited water that we have. That they're offsetting it. And I would just make that comment with further direction, encouragement of staff to move these discussions forward, so we can get out of this hole."

The motion was approved on the following roll call vote:

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

Against: Councilor Ortiz.

Explaining his vote: Councilor Calvert said he is voting yes, because, "I think the point that we were trying to make is that whatever these projects that the County keeps saying that they're not providing the water for, that it's not coming from our source of water. And that somehow...I mean in this case, the Applicant is bringing retrofit credits. In a subsequent one we asked... we said it was not going to be approved unless the County agreed to credit that against their... you know, what we wheel to them. With that explanation, I think the critical point is that we're not providing from our supply of water, so that's why I'm voting yes."

Councilor Chavez would like to talk about their 100-year supply requirement too, and how that fits.

**11. CONSIDERATION OF RESOLUTION NO. 2008- ____ (COUNCILOR WURZBURGER).
A RESOLUTION TERMINATING PARTICIPATION IN THE INTERGOVERNMENTAL
CONTRACT FOR THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT AND
WITHDRAWING FROM THE DISTRICT. (JON BULTHUIS)**

This item was postponed to Monday, June 30, 2008.

**12. ANNUAL REVIEW OF THE CODE OF ETHICS, PURSUANT TO SECTION 1-7.11
SFCC 1987. (COUNCILOR DOMINGUEZ AND YOLANDA Y. VIGIL)**

Yolanda Vigil, City Clerk, noted the Code of Ethics Ordinance is in the packet, pursuant to Section 1-7.11 of the Code, which provides, "The Code of Ethics shall be reviewed by the Governing Body on an annual basis." She said the Ethics & Rules Committee reviewed the Code of Ethics Ordinance at their meeting of June 17, 2008, and approved the existing

ordinance with no amendments. This Ordinance is before the Council for approval this evening.

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

13. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

15. MATTERS FROM THE CITY CLERK

Yolanda Vigil, City Clerk, she would like to change the August Council meeting dates, noting the Council had approved moving second meeting in August to the previous Monday. However, the Municipal League has moved its conference to the second week in August. She would like to move the first meeting in August to Monday, August 11, 2008, and the second to the original date of Wednesday, August 27, 2008. She said then we will "flip flop" with Public Works.

Councilor Bushee asked what happens to Public Works on the 11th.

Ms. Vigil said the first meeting of Public Works will be on Wednesday, August 13, 2008, and the Committee will keep its regular meeting date on Monday, August 24, 2008.

Councilor Bushee asked if they could meet Wednesday, August 6, 2008, noting many things go to the Council.

Ms. Vigil believes that Public Utilities is meeting on that day, but she can check.

Ms. Vigil said she can get an answer for this evening so the Council can vote.

Responding to Councilor Bushee, Mayor Coss, Councilor Dominguez, Councilor Ortiz and possibly Councilor Romero will be attending the NMML conference.

Mayor Coss said Ms. Vigil will check the dates, and bring this back after the evening session for a vote.

14. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

- a) DISCUSSION OF THREATENED LITIGATION OF CITY OF SANTA FE V. SANTA FE HORSE PARK, REGARDING OUTSTANDING WATER BALANCE; PURSUANT TO §10-15-1(H)(7), NMSA 1978.**

- b) **DISCUSSION OF AUTHORIZATION TO JOINING AMICUS BRIEF SUPPORTING RIO ARriba COUNTY'S MORATORIUM ON OIL AND GAS DRILLING; PURSUANT TO §10-15-1(H)(7) NMSA 1978.**
- c) **DISCUSSION OF PENDING LITIGATION OF BOGGS V. ASW REALTY PARTNERS, LLC, (ANDREW GERBER) AND CITY OF SANTA FE; PURSUANT TO §10-15-1(H)(7), NMSA 1978.**

Councilor Bushee moved, seconded by Councilor Calvert, that the Council go into Executive Session for the purpose of the discussion of threatened litigation of City of Santa Fe v. Santa Fe Horse Park, regarding outstanding water balance; authorization to join Amicus Brief supporting Rio Arriba County's moratorium on oil and gas drilling; and pending litigation of Bobbs v. ASW Realty Partners, LLC, (Andrew Gerber) and City of Santa Fe, pursuant to §10-15-1(H)(7). The motion was approved on a roll call vote as follows:

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

Against: Councilor Ortiz.

Explaining his vote: Councilor Ortiz said he is going to vote no, and believes we should get on with the 7:00 meeting.

The Council went into Executive Session at 6:42 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

At 7:10 p.m., Councilor Wurzbarger moved, seconded by Councilor Chavez, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

The motion was approved unanimously on a voice vote with Councilors Bushee, Calvert, Romero, Trujillo and Wurzbarger voting for the motion, no one voting against, and Councilors Chavez, Dominguez and Ortiz absent.

END OF AFTERNOON SESSION AT 7:10 P.M.

The Council moved directly into the Evening Session without a break

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David Coss, at approximately 7:10 p.m. Roll Call indicated the presence of a quorum as follows:

Members Present

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

Others Attending

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

E. PETITIONS FROM THE FLOOR

Fred Flatt said the City is taking money away from infrastructure road repairs and putting it into the Creative Cities thing. He talked about the condition of the pavement on Rufina Street, saying the locals drive next to the road in the bike lane because the pavement is subsiding. He said one of his Councilors voted for this. He asked the Council to put funds into the infrastructure, not Creative Cities. Mr. Flatt asked the Council to take care of the poor people that live on that side of town.

Mayor Coss pointed out that there is a Study Session at the Finance Committee on Monday, June 30, 2008, and there has been no final decision on any of those appropriations. He said the Finance Committee meeting will start immediately after the Special Council Meeting which is schedule for 5:00 p.m.

Stefanie Berinato said, "I'm here to ask... I know that you know that I asked for an extension on the appeal from tonight to July 9th. When I did that, I thought I wouldn't have to turn in the packet, which is a new procedure that no one else has done before, until Thursday. Because of July Fourth, I'm told not that it's just one day earlier, but actually 36 hours or less from now, I have to turn it in. So, I have to turn it in, actually six days before I actually thought I would have to turn it in. And I do have a disability of record with the City of Santa Fe, and I do work. And, part of the request, was figuring in that I had that time. I've asked for an extension to turn in the material and the packet until at least 3:00 p.m. on Monday, and Ms. Brennan, who apparently was unaware that I had a disability, refused my request. So, I'm here in front of the

City Council to ask for an extension on filing the material for the appeal until at least Monday at 3:00 p.m. And, I'd also like to hear and participate in this debate on the tax when a house is sold. So, again, I would appreciate it if you could give me that extension, and accommodate my disability under the ADA."

Arthur Firstenburg said, "At the last Council meeting, you all decided that I, and some other people with disabilities, are not protected by the Americans with Disability Act. I am here today to ask you to reconsider and to demand my right and the right of others, to be in these chambers without being injured. That has not yet happened. There's a 100-MW WiFi antenna in the equipment room that has sometimes been turned off for us, but there are usually 100 and 200 MW antennas in laptop computers that people bring into this room that are not turned off. They also cause us pain and injury, and we have been told that the City cannot require them to be turned off. Some of them are, and some of them aren't, and that's also true today. That's not accommodation. That's like building a wheelchair ramp to lift people up one step and not the whole flight of stairs. It's like prohibiting smoking in every other seat. Our group is considering our options. All of them, including our legal options. There must be over 2,000 residents of Santa Fe who are affected by microwave radiation as we are. If other members of the public want to join us, they can call 471-0129. If you Councilors want to help us, please contact us as well. Our backs are against the wall. We don't know how to deal with this."

Sagemaya Dandi, 1492 upper Canyon Road, said he is here speaking on behalf of the disabled as well, and he doesn't believe two days is enough time to give someone who is disabled the opportunity to do all the things are necessary, and thinks the Council should relinquish the rules and give Ms. Beninato the opportunity to file her complaint with the City within an extended period of time. He said he is here primarily to talk about the issue with bicycles. He said, paraphrasing Albert Einstein, the first indication of insanity is when you start doing the same thing over and over and each time expecting a different result. He started riding a bicycle in 1973 during the first oil shortage. Now, countless other people are trying to ride bicycles without an understanding of what is going on. They ride the wrong way on one-way streets. He believes it would be prudent to hire a Bicycle Pedestrian Coordinator and outline a plan. He said the system won't change for bicycles unless there are three types of education: (1) hands on education of bicyclists; (2) education of police officers about laws regarding motorists and bicyclists; and (3) public service announcements to educate motorists about the hazards bicyclists encounter.

F. APPOINTMENTS

Mayor Coss noted that a group of youth who have been participating in Sustainable Santa Fe activities is in attendance this evening, and thanked them for attending.

Economic Development Review Subcommittee

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

Fidel L. Gutierrez – term ending 05/2010;
Lillian Montoya Rael – Appointment as Chair; and
David Miller – Appointment as Vice Chair.

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

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

Sustainable Santa Fe Commission

Mayor Coss appointed the following individual to the Sustainable Santa Fe Commission:

Grace Martinez – to fill unexpired term ending 05/2010.

Councilor Chavez moved, seconded by Councilor Wurzbarger, to approve the appointment.

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

Transit Advisory Board

Mayor Coss appointed the following individuals to the Transit Advisory Board:

Don Bell (Elderly Representative) Reappointment – term ending 03/2009;
Susan A. Maslar (Disabled Representative) – Reappointment – term ending 03/2009;
Colin Messer (At-Large) – Reappointment – term ending 03/2010;
Kay Oliver (At-Large) Reappointment – term ending 03/2010;
Carol Raymond (Business Representative) Reappointment – term ending 03/2009; and
Keith Toler (Visitors Bureau Representative) Reappointment – term ending 03/2010.

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

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

G. PUBLIC HEARINGS

- 1) REQUEST FROM MAX'S LATE NITE, LLC, FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT MAX'S, 328½ MONTEZUMA AVENUE. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, noting that the location is not within 300 feet of a school or church, and staff recommends this business be required to comply with all City ordinances.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Bushee moved, seconded by Councilor Calvert, to grant the request for a Restaurant License, to be located Max'S, 328 ½ Montezuma Avenue.

The motion was approved on the following Roll Call Vote:

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

Against: None.

Absent: Councilor Ortiz, Councilor Wurzbarger and Councilor Dominguez.

- 2) CONSIDERATION OF BILL NO. 2008-38; ADOPTION OF ORDINANCE NO. 2008-35. AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND BETWEEN THE CITY OF SANTA FE (THE "CITY") AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE CITY TO PAY A PRINCIPAL AMOUNT NOT TO EXCEED \$4,000,000, TOGETHER WITH INTEREST AND ADMINISTRATIVE FEES THEREON, FOR THE PURPOSE OF DEFRAYING THE COST OF ACQUIRING LAND; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF INTEREST AND PROCESSING FEES DUE UNDER THE LOAN AGREEMENT SOLELY FROM CERTAIN GROSS RECEIPTS TAX REVENUES DISTRIBUTED BY THE CITY; APPROVING THE FORM AND EXACT TERMS OF, AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT. (KATHRYN RAVELING)**

A copy of the final copy of the proposed Ordinance is incorporated herewith to these minutes as Exhibit "1."

Dwayne Brown, bond counsel, presented information regarding this matter to the Governing Body.

Public Hearing

There was no one speaking for or against the Ordinance.

The Public Hearing was closed

Councilor Calvert moved, seconded by Councilor Romero, to adopt Ordinance No. 2008- 35.

The motion was approved on the following Roll Call vote.

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

Against: Councilor Bushee.

Absent: Councilor Dominguez and Councilor Ortiz.

Explaining her vote: Councilor Bushee voted against this because she voted against the project and doesn't want to see it funded.

Councilor Ortiz arrived at the meeting

Mr. Brown pointed out that the adoption of this ordinance requires a 3/4 majority vote of all members of the Governing Body voting in favor of the Ordinance, but there are now only five votes in favor. He asked if Councilor Ortiz would like to vote on this matter. [There was no audible response from Councilor Ortiz]

Mayor Coss voted in favor of the motion giving a 3/4 majority vote of all members of the Governing Body needed to approve this ordinance.

Responding to Councilor Bushee, Mayor Coss said the Charter amendment allows him to vote when a vote is need to adopt an ordinance, even if there is not a tie vote.

Mayor Coss introduced Dave Milligan, the new Finance Director.

Mr. Milligan said it is a challenge to step into Kathryn's shoes, and he looks forward to working with the City.

3) CONSIDERATION OF BILL NO. 2008-36; ADOPTION OF ORDINANCE NO. 2008- 36 (COUNCILOR CHAVEZ). AN ORDINANCE AMENDING SECTION 14-8.14 SFCC 1987, REGARDING IMPACT FEES REQUIRED TO BE PAID UNDER THE "OLD" FEE SCHEDULE. (REED LIMING)

Reed Liming presented information regarding this matter to the Governing Body.

Public Hearing

There was no one speaking for or against this Ordinance.

The Public Hearing was closed

Councilor Chavez moved, seconded by Councilor Wurzburger, to adopt Ordinance No. 2008-36.

The motion was approved on the following Roll Call vote.

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

Against: None.

Absent: Councilor Calvert and Councilor Dominguez.

Councilor Wurzburger thanked Councilor Chavez for continuing to track this issue for years.

At the time the Council was ready to consider Items G(4) and G(5), neither Ms. DePietro nor Ms. McCormick was in attendance, so the Council decided to move to item G(6).

Councilor Bushee moved, seconded by Councilor Wurzburger, to amend the agenda to hear Item G(6) next, and to approve the agenda as amended. The motion was approved on a voice vote with Councilors Bushee, Calvert, Chavez, Ortiz, Romero, Trujillo and Wurzburger voting for the motion, none against and Councilor Dominguez absent.

Following the vote on the motion, and prior to consideration of Item G(6), Ms. DePietro and Ms. McCormick arrived at the meeting. Councilor Wurzburger pointed out that most of the people in the audience are here for Item G(5), and as a courtesy to them, she would like to go back to the original agenda and hear Items G(4) and (5) next.

Councilor Wurzburger moved, seconded by Councilor Calvert, to amend the agenda to go back to the original agenda and hear Items G(4) and (5) next, and to approve the agenda as amended. The motion was approved on a voice vote with Councilors Bushee, Calvert, Chavez, Ortiz, Romero, Trujillo and Wurzburger voting for the motion, none against and Councilor Dominguez absent.

4) CONSIDERATION OF RESOLUTION NO. 2008- 54 (COUNCILOR WURZBURGER, MAYOR COSS, COUNCILOR DOMINGUEZ AND COUNCILOR ROMERO). A RESOLUTION ADOPTING THE CITY OF SANTA FE FIVE-YEAR STRATEGIC HOUSING PLAN. (LEE DEPIETRO).

A copy of the text of the power point presentation, "Five-Year Strategic Housing Plan," is incorporated herewith to these minutes as Exhibit "2."

Presentation by Lee DePietro via power point. For specifics of this presentation please see Exhibit "2."

Councilor Chavez asked the current balance in the Trust Fund.

Ms. DePietro said there is approximately \$1 million.

Councilor Chavez said then those funds would be used for some of the policies and initiatives outlined in this plan.

Ms. DePietro said yes.

Councilor Chavez asked how much of the plan can be implemented with the \$1 million.

Ms. DePietro said it would depend on the priorities the Council sets for staff. She said on page two of the handout [Exhibit "2"], staff has noted four major priorities within the plan, and the plan is based on the findings of the need assessment.

Public Hearing

There was no one speaking for or against the Ordinance.

The Public Hearing was closed

Councilor Bushee asked if staff will be soliciting subcontractors to do the rehabs and the green homes.

Ms. DePietro said there are several ways it could be done, including issuing an RFP directly from the Affordable House Trust Fund. She said we also could do a joint venture with a nonprofit, particularly if we receive funds from the New Mexico Mortgage Finance Agency.

Councilor Bushee said she doesn't want the City to get in the rehab business.

Councilor Bushee said on page 8 of the packet, under Housing for very low income seniors, the disabled and families, it indicates "preserve existing rental housing," and asked how you propose to do that.

Ms. DePietro said staff contacted the owners about their intentions, and learned they are going to renew their Project base Section 8 for five years instead of for one year. The first step was to identify what is affordable, the program, what year it was in affordability, its exposure, try to find out who owns it and the top priorities. She said they could choose not to renew and do a private conversion.

Councilor Bushee said the second to last bullet under "Housing for the Workforce," says, "providing monies for the construction of new, affordably priced housing in addition to that provided through the homes program." She doesn't want the City to get into the business of building housing. She is looking for details which aren't in the plan.

Ms. DePietro said it goes to the direction given to us by the Council in terms of initiatives and then who we can work with, privately and publicly, to develop the housing you would like to see.

Councilor Bushee said on page 8, under "Housing for very low income seniors and the disabled," it says "creating a rental voucher program." She said the Civic Housing Authority has a model and asked if we are assuming that.

Ms. DePietro said when that was written, there were issues about that of which she was unaware, but which have been recently brought to their attention and which need to be investigated further.

Councilor Dominguez arrived at the meeting

Councilor Wurzbarger asked how much money would be needed to implement this plan.

Ms. McCormick said it is estimated that there is a \$32 million gap in addressing/meeting the goals they've established of doing 450 units per year.

Councilor Bushee asked how long has the \$1 million been in the Affordable Housing Trust Fund.

Ms. McCormick said for the past 1½ years.

Councilor Bushee asked if there is a list of how you plan to spend those funds and by when.

Ms. McCormick said staff is waiting for the Council to establish priorities. She said they have received approval from MFA to request the RFP which has to be done first. She said if

the Council establishes priorities this evening, staff will issue an RFP for projects and programs which fulfill those priorities established by the Council. The four priorities before the Council this evening were recommended through the public process staff has engaged in for the past year.

Councilor Bushee said this has been a big task for staff for the past year. She said last year, we tried at Committee to get a very specific list of priorities, how we would spend money and what staff thought was priority. What they got were generalities. She said this feels like a "scatter shot" approach. She said, "If we are going to ask the voters for an ongoing revenue stream for the Affordable Housing Trust Fund, that we're going to specifically.... because I can tell you the priorities I heard every time the Committee met, at least my committee was, priority is we're losing city employees, we're losing State employees, we're losing citizens to other places. It's impacting our economy. We want to see 'em come back. We want to see what we can do. We want to see employee housing.. Assistance housing programs be established. We want to try to get people in homes. I'm not saying this is not an approach, but for me, this does not narrow down anything. This adds more things. Now, we're going to go over in Casa Alegre and start green rehabs. It's not something I want to see the city get in the middle of. We've got loan programs that we're talking about setting up. We've got other ways that individuals can come forward and look for resources. But, when I look at this, you know, providing monies for the construction of new housing. We've got people... I mean this is not the market for the City to go into. I'm not even sure we're going to get through with our Northwest projects, our Northwest Quadrant project."

Councilor Bushee continued, "I look at 'preserve existing rental housing.' For me, that just means redo the homes program, so that within 15 years all of those great apartment buildings that we build don't go into condo conversions. Or do some kind of policy changes. But I don't see you know, this isn't honed in enough for me to feel comfortable to say that I can assure you, like what we did when we sent to the public the Parks Plan, that this is how the money's going to get spent and by what time frame. And, so the same for me on the rental voucher program. I mean, the housing authority has all of that already organized and the same for rehabbing. I mean, if we can access more money through NMFA, but Open Hands does it, Homewise does it on a smaller scale. I'm concerned that this is not I mean, tonight is not the time to say, well, what are our priorities, without a line item very specifically attached to the idea or concept... I'm not assured that we're actually saying what we're going to achieve in the next five years. And so, I'm unhappy with this. You know, we saw this last go round and it was kinda too late at that point to... but I've been asking for a while for a very specific we got one for a minute and then it went away, and then, you know this is gonna cost this, this is gonna cost this, and what we got back were very nice concepts, but not a lot of specificity and you know.... I mean, and every other approach, at least through these budget processes, we've been saying what are your benchmarks, goals, timelines, how are we getting there, and this isn't close to achieving that in my estimation, and I'm not going to be able to support it.

Councilor Calvert said to clarify, this is a five-year strategic housing plan, and not to be confused with the Workforce House Initiative which is only a specific part of this. This is not intended to be what that money will be used for. That money will be for the specific issues that

are itemized in the Ordinance we will be considering. He said there are other things which will need to be developed over time.

Councilor Wurzbarger moved, seconded by Councilor Calvert, to adopt Resolution No. 2008-54.

Discussion: Councilor Wurzbarger said this is the first time we've had a plan, and if you look at the last page there are very specific things we're doing. This is the first time this Department has actually produced the plan. She said, to reinforce Councilor Calvert's remarks as to how this ties to the next discussion item, it is imbedded in this plan and that particular piece can be implemented only through that tax. In contrast, she doesn't understand the lack of specificity, commenting we can always be more specific. She said the Council could set the four priorities this evening.

Councilor Chavez asked if the motion includes listing or identifying priorities, and if it accepts the four priorities suggested.

Clarification of the motion: Councilor Wurzbarger said she is accepting the four priorities as listed, and would accept an amendment that Workforce Housing is the #1 priority on the list.

Councilor Chavez said he just wanted clarification. He asked about the amendment in the packet which he brought forward. It follows the thinking that we would buy existing homes that already are a part of the inventory. He said he is focusing on the existing single family homes that have been processed through either the HOP or Home Program.

Councilor Chavez said, "If the first time homebuyer lives in that home for whatever the specified time is, instead of that going out into the open market, we could capture that, retain that unit for the next family or individual in line, and hopefully, for doing that we don't have to continue to, you know, replace units as they go on the market. I didn't see that... I mean I see the amendment, but it just says 'capture affordable housing if sold.' So, I think that that needs to be clarified that the units have been processed through our programs."

Ms. DePietro said that was added as one of the eligible uses of funds under the Affordable Housing Trust Fund guidelines, specifically as Councilor Chavez requested, and is in the final publication of the guidelines. She will put a copy of that in his box.

Councilor Ortiz said he had the same concerns as Councilor Bushee at the Finance Committee on this plan. His concerns on the plan were addressed by limiting the scope of the next item. He said his objection isn't to the broadness of the plan, insofar as it is to the concerns he has with the next item. He supports the plan, but he does have specific questions about the revenue source on the next item. He said if we do some of the elements of the plan, except for the Workforce Housing Initiative, we will have to come up with a revenue source. His concern at the time was if the proposal for tax were to pass "they'll be able to fund everything under the sky, and that, from the other language in the next item, doesn't seem to be the case." He said it does leave us with a very serious hole in funding and how to fund other priorities not

related to workforce housing initiatives. Those funding sources haven't been identified, or if identified, have been identified in the same, broad general approach that they've taken with the plan which will create a problem. He said adopting this plan doesn't necessarily mean that the initiatives within the plan will actually get done, unless more work is done to identify other sources of funding.

Councilor Ortiz said he supports the plan, but there are major gaps in getting the plan actually completed.

Councilor Bushee said she doesn't want to pass another plan will be so general and sit on the shelf. She said, "If you look on page 18, it says the Purpose of the Housing Plan. The City of Santa Fe's Housing Plan is designed to provide a framework of housing policies and implementation strategies to cover a wide spectrum of opportunities from renting to home ownership for all income levels. This will guide our effort to develop new housing opportunities while preserving our existing housing stock."

Councilor Bushee quoted from page 24, "Potential sources, funding sources, Real Estate Transfer Tax, bond issues.." She said in the Action Plan Section on page 31, it says, "Action Plan – Rehab of existing housing. It says, major renovation of at least ten homes owned by low to moderate income homeowners at a total cost of \$250,000 annually." She said she doesn't mind a strategic plan which is Blue Sky that says we want to achieve certain things. However, she likes to do planning where she knows the source of funding, more or less, and "you say I want to achieve this, these are my priorities and I will achieve this in this time frame." However, she doesn't see that anywhere in this plan. She said this isn't a strategic plan, it's the "kitchen sink."

Mayor Coss said it is a lot more specific than just the "kitchen sink." He said we had a Trails Master Plan in 1990 with no idea where we would get the funding, but now it's happening. He said the focus on housing in the four priorities are the right four priorities, and even in the right order in terms of importance to this Governing Body and the community. He said we did Tierra Contenta, then HOP then Homes, and now we've put this in a plan and done an assessment of everything we've done. He said this plan is good roadmap for us, but it doesn't say where all the funding will come from.

Councilor Romero said in strategic planning efforts it often is better to dream big and set our goals and where we want to be in 5-7 years, and we often don't get the money until we have a plan. She believes the community did do the dream through the focus group, the public outreach. There was a tremendous effort which went into creating the vision and the plan. Now, once this is approved, we have a plan in place to go forth and get money to meet the dreams we've set forward, and these are community dreams.

Councilor Bushee said, with regard to the Parks Bond analogy, we spent a long time going through multiple committees and affixing an exact price tag for each park or trail. And, that was a plan people could count on, and we said we won't go back on our word, we will pass this plan. She said this is what she wanted in this plan.

The motion was approved on the following Roll Call vote.

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

Against: Councilor Bushee.

5) CONSIDERATION OF BILL NO. 2008-237; ADOPTION OF ORDINANCE NO. 2008- 37 (COUNCILOR WURZBURGER, MAYOR COSS, COUNCILOR ROMERO AND COUNCILOR CALVERT). AN ORDINANCE CREATING ARTICLE 18-19 OF THE SANTA FE CITY CODE ESTABLISHING THE WORKFORCE HOUSING FUNDING INITIATIVE. (KATHY McCORMICK)

a) CONSIDERATION OF RESOLUTION NO. 2008 - ____ (COUNCILOR WURZBURGER, MAYOR COSS, COUNCILOR ROMERO AND COUNCILOR CALVERT). A RESOLUTION CALLING FOR A SPECIAL MUNICIPAL ELECTION TO BE HELD AUGUST 19, 2008, FOR THE PURPOSE OF SUBMITTING A QUESTION TO THE QUALIFIED ELECTORS OF THE CITY OF SANTA FE AS TO WHETHER AN EXCISE TAX SHOULD BE IMPOSED ON THE TRANSFER OF RESIDENTIAL PROPERTY IN THE AMOUNT OF ONE PERCENT (1%) OF THE PORTION OF THE PURCHASE PRICE IN EXCESS OF \$650,000. THE TAX WOULD BE IMPOSED ON THE BUYER AND THE REVENUES COLLECTED FROM THE TAX WOULD BE USED SOLELY FOR AFFORDABLE WORKFORCE HOUSING.

RESOLUCIÓN CONVOCACIÓN DE ELECCIÓN MUNICIPAL EXTRAORDINARIA QUE TENDRÁ LUGAR EL 19 DE AGOSTO 2008, CON EL FIN DE SOMETER LA CUESTIÓN A LOS VOTANTES CALIFICADOS DE LA MUNICIPALIDAD DE SANTA FE RESPECTO A SI UN IMPUESTO INDIRECTO SE DEBERÁ IMPONER SOBRE LA TRANSFERENCIA DE PROPIEDAD INMUEBLE RESIDENCIAL EN LA SUMA DE UNO POR CIENTO (1%) DE LA PARTE DEL PRECIO DE COMPRA QUE EXCEDA \$650,000. EL IMPUESTO SE IMPONDRIA UNICAMENTE PARA FINANCIAR VIVIENDA PARA TRABAJADORES.

1) REQUEST FOR APPROVAL OF CONSOLIDATED PRECINCTS.

A copy of a list of "Organizations and Individuals that Support Santa Fe's Workforce Housing Funding Initiative, as of June 25, 2008," is incorporated herewith to these minutes as Exhibit "3."

Kathy McCormick presented information regarding this matter to the Governing Body.

Councilor Chavez asked Ms. McCormick to explain what is keeping this initiative from being on the ballot in November.

Ms. McCormick said her understanding is that the precincts are different for the November election than for a City election.

Councilor Chavez said we have two County Commission Districts with City Council precincts in them. He asked if this is a community-wide tax, why couldn't it be Countywide, and why doesn't it include commercial sales.

Ms. McCormick understands the County Board of Commissioners would have to adopt a similar resolution and ballot initiative to the one being considered by the Council.

Councilor Chavez believes that would be a good thing if we really want this community-wide.

Councilor Wurzbarger said, after discussions with the County, it is her understanding that Santa Fe can do this as a Charter City, but counties aren't authorized to do this.

Mr. Katz said that is correct.

Councilor Chavez said that is a good explanation, but it still doesn't do it for him. He said both the City and County have affordable housing ordinances which are similar. He said we are both trying to address affordable housing. He said he believes if we can work in those policy areas we could find ways to work in this area as well.

Councilor Bushee said proposed amendment #6 provides, "On page 4, line 3, insert a new definition as follows: "Workforce housing means housing for those with at least one full-time worker who earns between the living wage and the amount needed to afford to live in the area." She said then it's not based on AMI.

Ms. McCormick said it is not based on AMI. She said this is a tax which, if approved, would be in place for quite a time. We know that income doesn't increase as fast as home prices. She said when she started in this business, 80% of the AMI was considered very high, while today you are lucky to buy a home. So, this says at least one member of the household is employed full time. The intention is that it would be someone wanting to purchase a step up home, but could not. However, they would have to qualify under the affordable housing guidelines.

Councilor Bushee asked the reason commercial properties weren't included, given that this is about workforce housing.

Ms. McCormick said this was the direction from the City Council two years ago when we first began discussing this issue – to look only at residential transactions.

Councilor Bushee said this is very different from what started two years ago, and she is asking Ms. McCormick's opinion.

Ms. McCormick said she doesn't have a good handle on commercial transactions to know what it would generate. She believes you really need to understand what is in the nexus relationships in a commercial tax.

Councilor Bushee asked if she explored commercial when she was looking at what other states and cities were doing, and Ms. McCormick said she did not.

Councilor Bushee asked if there were other mixes of funding.

Ms. McCormick said she found nothing about imposing the tax only on second homeowners. She said there are variances in the amount of tax, and some communities use the proceeds only for housing, others for the general fund. This one is written that it can be used only for housing and housing for the workforce. Responding to Councilor Bushee, Ms. McCormick said it also can be used for costs associated with green building which she sees as making housing available for the workforce.

Councilor Ortiz asked why we are being asked to put this to the voters now, and not in March 2010.

Ms. McCormick said there is a concern that the Realtors have introduced legislation two years in a row to prohibit a real estate transfer tax from happening in Santa Fe. The general feeling is that this is the time to do this.

Councilor Ortiz asked who made that political calculation.

Councilor Wurzbarger said she did, along with others who worked on this. She said it has been said, as reported to the press, that we did not meet with the realtors which isn't true. She and the Mayor met with the Realtors twice in the last few months, and the Mayor can reinforce that we were told this legislation would be pursued at the state and national level.

Mayor Coss said this is correct.

Councilor Ortiz said then the political calculation was made to have this election now as a special election, rather than as an initiative at a general election, because of a fear that the Realtors were going to introduce legislation in the next session which failed in the last two.

Councilor Wurzbarger said yes, that was one reason, and the other was the study we referenced with respect to the McCune Report, and we felt it was time to move forward with this.

Mayor Coss said, in addition to the real likelihood of legislative action, there is the fact that about 640 employees are leaving Santa Fe each year that we don't move forward with this plan.

Responding to Councilor Ortiz, Mayor Coss said that figure came from the Needs Assessment done in 2006.

Councilor Bushee asked how we determined the date of August 19, 2008, saying everyone is still on vacation at that time.

Ms. McCormick said she worked closely with the City Clerk, and it had to do with when the General Election is occurring and when the machines could be made available. She said they tried to hold it in September.

Yolanda Vigil, City Clerk, said the machines for the General Election will be programmed in early September 2008.

Councilor Bushee said she thought this would be a paper ballot election.

Ms. Vigil said it is, but the ballots are fed into an M-100 tabulator, so those machines have to be programmed.

Responding to Councilor Bushee, Ms. Vigil said she called the County this afternoon, one last time, and they told her that August 19, 2008 is our drop dead date for an election.

Councilor Chavez spoke about the missed opportunity to put this on the March 2008 ballot, but Councilor Ortiz wanted only the G.O. Parks Bond on the March ballot, and the majority of the Council agreed. He said it will cost \$90,000 to have a special election now.

Councilor Dominguez asked the rationale for the cutoff at \$650,000.

Ms. McCormick said they looked at the median home value at \$350,000, and what we wanted to achieve in providing more housing opportunities for the general workforce, and it was felt that was too low, and would generate more income than we actually needed. So, we looked at the distribution of home sales in the community where home values had risen the fastest, and that was \$500,000 and up. A decision was made to set the \$650,000 as the threshold benchmark which wouldn't affect the low to moderate income homeowners in the community

Public Hearing

Mayor Coss said he will give each person three minutes to speak to the ordinance, and asked people not to be repetitive in their remarks and to stay within the time frame. He asked the audience to hold their applause, show respect for the speakers, and allow us to move through the hearing in an orderly fashion.

Those speaking in opposition to the Ordinance

Kathy Garduno said she can't afford a \$650,000 home. The people she knows who have these kinds of houses worked hard for them. She doesn't believe they should be penalized by paying this tax. She said these people, including her family, give to charities and help their families. She suggested taxing Hummers and large cars, not on their style of living.

Theodore Waddell, Architect, retired, said there seems to be a confusion between affordable housing and this tax, admitting there is no question that affordable housing is

needed. Affordable housing serves everyone. He said luxury home sales are a tiny percentage of home sales in Santa Fe. He questions asking these people to subsidize the whole town to keeping 650 people from leaving, which he believes is ridiculous and completely unfair. It is a purchase tax. If he was just moving here and this is the way he's greeted, perhaps he might think about moving elsewhere. A purchase tax is a seller's tax because it is negotiated. He said many people selling their homes may be going into a retirement home, and the home is a large part of their wealth, and taxing them is very unfair. He said in the advertisement in the paper it says, "According to the City, taxes collected would be used for affordable housing, but could be used for any general purpose fund." She said staff indicated this is an error.

Richard Abeles said there is already a 2/3% tax on all house sales when you figure the GRTs the sellers pay on their title insurance and other closing costs, so this piles another tax on top of that. He said it is difficult to comment on the proposed ordinance because it is very unclear what the ordinance says. He said he hears it will be on improved property and on residential property. He doesn't know what this means. He asked if it is a tax on residential property which has a residence on it. If so, someone could sell vacant property for \$5 million and there is no tax paid. The newspaper talked about housing prices driving out middle class families. One of the reasons the prices have increased is because of the 30% requirement for affordable housing, which means they have to raise the prices on the market priced homes. This is an example of the law of unintended consequences. He talked about Aspenization, noting that Santa Fe has almost the highest GRT in New Mexico. This tax should be indexed in some way as COL. This is a classic case of taxation without representation. The people who own these homes as second homes can't vote on this, but will have to pay. The City has an untapped reservoir in the Northwest Quadrant which is worth hundreds of millions of dollars, and asked why that isn't being used to address this problem to raise money. This is an ill-conceived tax, vague and a "wish list." He is concerned it is going on the ballot without knowing exactly what it will be which he believes isn't a good idea.

Marta Nystrom said one of the consequences of imposing a tax which is meant to be focused on a certain segment of the population is that it has a trickle down effect, particularly in housing, where what buyers and sellers pay is negotiable. This will force higher end homes to rise in cost, and lower and middle priced homes will rise in turn. This creates a greater expense in the long for the people you are trying to protect, who have a more difficult time obtaining financing, and will have to pay for the transfer tax in their mortgage. Additionally, you can't control the rising cost of labor or building materials, so it is an artificial exercise to totally control housing costs and to create affordable housing. She said the "deep pockets" are held by financial institutions. She suggested the Council look at more creative things such as rezoning certain areas of land in conjunction with the County to create very small plots for mobile homes where people actually own a small tract of land. She suggested expanding the definition of the down payment program, to allow lease purchase options so they wouldn't need a large down payments, and the interest would flow back into the nonprofit for additional funding for future affordable housing ventures.

Sagemaya Dandi, 1492 Upper Canyon Road, said kudos to Councilor Bushee for her comment regarding the last issue. This is far too premature. We have singled out one particular group and you are looking for a "bag of money" to implement it. He has been homeless since the first three months he was in Santa Fe, partly due to being an automobile

victim. He is a Libertarian and against taxes and doesn't want something taken from someone else. He would like to see the City give land, and he will get adobe bricks and build his own house. He doesn't think this is a good idea. This eliminates a lot of other deserving people.

Lauren Abby, Vice-Chair, SF Association of Realtors, Government Affairs Committee. Ms. Abby read a statement into the record in opposition to the proposed ordinance, saying the Association is not against affordable housing and housing for everyone, and the Association offers the following suggestions:

- (1) Reduce the regulatory burden faced by developers building affordable housing;
- (2) Use money from the impact fee fund to provide water for affordable housing;
- (3) expand the ability of sites for development by using land swaps, exchange high value City owned land for less expensive land;
- (4) when using City owned property for affordable housing developments, consider using land leases to reduce land costs;
- (5) help promote a proposed new federal temporary \$7,000 credit for the purchase of homes used as principal residences;
- (6) Aggressively implement the City's new fee-in-lieu program to raise funds;
- (7) Help promote the existing market rate affordable housing units currently on the market in Santa Fe;
- (8) Better utilize creating financing tools available through State authority to support affordable housing developments; and
- (9) launch a City-wide bond initiative similar to the one we passed in Albuquerque in 2007 which generates \$10 million.

Ms. Abbey said the Association requests advancing these suggestions before begin levying new taxation which will seriously affect buyers and sellers in this troublesome economic climate.

Mary Schroeder, SF Association of Realtors, President-elect, said this is a home ownership issue not a realtor issue. She said the Association is in favor of workforce and affordable housing and wants a rich, sustainable economy, but feel there are "blindness" on right now and people are seeing only one path. She said when her 23-year-old son comes home from Iraq he will be working in Santa Fe, but living and buying a home in Rio Rancho because there is nothing to do here. She appreciates that you are bringing this to everyone's attention, but would like the City to consider the other sources that Lauren has mentioned. They will work with the City in any way possible to find other solutions.

Gary Wallace, SF Association of Realtors, First Vice-President, said it is very unlikely that the lenders for the buyers would finance the tax on the homes of \$650,000 and above, and most likely the tax would have to be a cash payment by the homebuyer. He said Councilor Wurzbarger has said she is afraid the Realtors would fight this measure locally and state-wide. He said the reason they do is because it is their product, and they've seen what a transfer tax can do in other places and could happen here. He said most of the realtors don't own homes of \$650,000 and above, and many are here tonight in opposition to the tax because they know it will hurt the industry and Santa Fe as a whole.

Aaron Moscowitz said he is a future homeowner. He is familiar with inflation, and in 20

years, \$650,000 won't be that much money. By the time he can buy a home, he is concerned that if the dollar is weaker, the median home price could be \$650,000 or more. Housing prices could increase so much that regular people will have to deal with this tax.

Joshua Gaans, homeowner, said he is not a realtor, developer or builder. He is opposed to this tax, but if it is adopted, he would suggest two amendments. He believes the \$650,000 threshold should be indexed to inflation using the CPI, because that won't be much money in a few years. He also would like the Ordinance to be renamed to an "honest name," saying it is a 1% house excise tax, and please call it what it is. He opposes the tax, saying it will drive up the cost of home, since sellers would attempt to raise home prices making Santa Fe more expensive which is opposite of what the Council is trying to do. Houses are priced relative to each other. The tax won't be imposed outside the City where many of the high income homes are located. It will make it more attractive to buy homes outside the City, relative to prices in the City. He said the middle income homeowners in the South Capital area, De Vargas Heights, Villa Caballero and Sol y Lomas will be hurt the most, because most of the transactions are in these areas in the \$650,000 to \$750,000. He suggested raising the threshold to \$1 million. He said people spend years building equity in their homes to be used for retirement, college educations, and this is coming from the Homeowners equity if the sellers pay the bill. There are better ways to subsidize affordable housing, and he spoke about the density restrictions, long permit delays, the 30% housing affordable requirement. He said without these restrictions, there would be plenty of affordable housing.

James Atwood said he has lived here for two years. He opposes this tax, and believes it is irrational, unfair and discriminatory, and asks why a tiny segment is being asked to fund this tax. He said newcomers already are seriously discriminated against here in taxes, because of grandfather provisions, out of date assessments and such, noting when you move to Santa Fe you are likely to pay 2-4 times more taxes than your neighbor with a comparable tax. This tax adds to the discrimination against new residents, in a completely irrational way. He said if you are going to do this tax, he would suggest a low threshold and reduce the tax.

Jim Hays, developer, said he opposes this tax. He is mindful that we have to more to make Santa Fe affordable for working people. He said to date, the effort has been to load the burden of that on the home building, development and housing industries. He believes there are more creative ways to do this. In the past 10 years, housing costs have "gone through the roof," much beyond our control. He said the cost of a building permit for a million-dollar home was \$1,200 ten years ago, and now it is about \$12,000, including the toilet retrofits, plan review fees, permit fees, impact fees and such. If we are building in a new lot there is the 30% requirement for affordable housing. He said if we could reduce transportation by one car per household per year, at \$5,000 per car for 30,000 households, that would be \$150 million each year. He said many people are unaware that full GRTs is paid on a new house, so the purchasers already are paying an 8% tax. He said builders are doing good to make a 10% profit. The tax will become part of the negotiation in home sales. He is concerned that we don't know how much money this tax will produce. He asked the Council to pause and consider other alternatives.

Mark Williams, 2500 Sawmill Road, said he has lived in all three districts over the past 11½ years. He fears this will hurt the very people you want to help, and we will continue to

drive out our high school graduates and other institution graduates. He spoke about the Jacobson family who moved here in the mid-1850s and bought a farm which now sits at the corner of Agua Fria and St. Francis, and in 2006, the family had to sell the last of the farm, 9/10 acre. That family who has served Santa Fe would have been penalized by this tax. He asked the Council to consider the newcomers as well as the old families who have faithfully served our community and not to penalize their children with this unneeded tax.

Ashley Margetson, real estate broker, said she is here as someone who loves the City and as an American citizen who is concerned about the freedoms we're losing. Ms. Margetson said she has two quotes as follows:

"We have the right as individuals to give away as much of our own money as we please in charity, but as members of Congress we have no right so to appropriate a dollar in another man's money. *Davy Crockett.*"

She said the second quote is, "To each according to his need, from each according to his ability. *Karl Marx.* This is the basis is communism."

She believes this is relevant because people think if you have a \$650,000 house you owe it to your neighbor who doesn't have a \$650,000 house, to pay for his house. This is the basis of communism and we don't live in a communist country. We are supposed to live in a free society where you can work as hard as you can, achieve whatever you want to in this country, and supposedly do whatever you want with your money until Congress takes it away. She believes you cannot be free if you are beholden to someone else who pays your way, and you cannot be free if you are obligated to pay someone else's way. She believes an unintended consequence of this bill could be that people could decide not to spend \$650,000 but to spend \$595,000 or less, and buy the very houses you are trying to save for the work force, and put the people who need the low-end houses out of the market completely. She asked, "If you seek to punish success, who will strive to be successful."

Emily Medvic said she is wearing two hats, the first is as a 15-year resident of Santa Fe, and the second as a realtor. She had to pay a transfer tax to move to Santa Fe and it didn't work for her. She said taxes always create unintended consequences. She asked the Council to look at what kind of city they want 2-15 years from now, and try to develop solutions other than a knee-jerk reaction to a particular industry or profession. Real estate, tourism and State and local governments are industries in Santa Fe. She said real estate has been seriously impacted, and people across the country haven't had access to the value of their investments. She spoke about gas prices and the devalued dollar, noting housing is valued in dollars. She wants the Council to think about this, and not just come up with a political solution with a deadline date for an election because you are afraid of the Realtors. She said she became a realtor because there were no other jobs here, noting she was and still is an artist. The ordinance doesn't include the creative people in this community which seem to generate a lot of the traffic and dollars from visitors to Santa Fe. She is Chair of the SF Association of Realtors Marketing and PR Committee. There is a misconception that realtors own \$650,000 homes or more, but the average income for realtors is less than \$40,000 annually, and many would qualify for assistance to purchase a home. They don't support the ordinance because it makes no sense. The sole data from 2006-2008 for homes priced greater than \$650,000 reveals that

in 2006 there were 97 such homes in the City, in 2007 there were 80 and in 2008 there are 51.

[inaudible] said it is important to distinguish between support of affordable housing and the right funding source. She said property taxes in Santa Fe are completely unfair. The multimillionaire who bought their house before 2001 had their property taxes frozen. A family who now moves into Rancho Viejo and buys a \$650,000 home will pay more in property taxes than someone with millions of dollars. She said Proposition 13 was passed to save families from tax lightening, but it has no means test. There is a huge amount of money which could be a funding source for all kinds of things, and no one is talking about trying to go back and take a look at means testing or Proposition 13, this is similar to California's Proposition 13. She is opposed to any property tax increase unless or until everybody pays their fair share.

Karl Sommer said this is set up as "for and against," which is unfortunate because it points to nature of the problem with this tax. He applauds the work of the affordable housing office and Councilors who are seeking ways to fund affordable housing initiatives that the City wants. It is crucial, it has to be done, it has to be funded, and the money will come from the public in some way or another. He is in favor of going after funds necessary to produce affordable housing. The problem with the tax is that it pits one sector of community against another sector of the community, and creates another division in our community which doesn't serve us in the long run. He believes taxes should be imposed in a way that does not pit one group of property owners against another. He asked if there is a way to impose a tax across the board that affects the entire community, because it is a community problem.

Stephanie Beninato, homeowner, said she hit the middle class by good luck last year for the first time in her life. She has been fortunate in finding vacant property which she's built houses on with a lot of sweat equity, including the house where she lives now, noting she paid a reasonable amount for it in 2001 because it needed a lot of work. She believes she would be subject to this tax at this point, and she is opposed to this tax, and opposed to increases in taxes in Santa Fe because they hit the middle class. She hasn't asked for assistance from any entity because of her income or disability. She isn't demeaning people who need to participate in these programs. She thinks it's horrible the way the middle and lower middle class people are being pushed out of Santa Fe, and we are no longer as diverse and open as we used to be. There needs to be another way to fund affordable housing. She is concerned about the date of the election, and doesn't think it's fair to have a very small percentage of citizens determining something like this tax. In addition, she would like the Council to consider taxing people who turn over houses every 6-12 months, but not people who hold their houses for a certain period of time. She would rather not be forced to pay something to this effort, and would like the City to find other means to support affordable housing.

Pat French asked, in light of the fact that there are foreclosures in Santa Fe, why don't we have members of the lending institutions here. She applauds the work, and asked if perhaps there don't need to be further studies. She asked if there has been a study on the state of what is happening right now in Santa Fe, in terms of the economy, particularly the working people of Santa Fe. If not, that needs to be done. She asked for an answer now.

Mayor Coss asked Ms. McCormick to speak with Ms. French during the break.

There was a break from 9:17 p.m. to 9:36 p.m.

Those speaking in favor of the ordinance

Hank Hughes, NM Coalition to end homelessness, thanked the Council for their courage to do something different to address affordable housing. He thinks this is a very fair way to fund affordable housing, noting the gap between the rich and the poor is growing every year. He believes it is fair to ask people who have more to pay for the affordable housing for people who have less. He noted he asked Ms. McCormick to hand out a list of those in favor of the ordinance [Exhibit "3"].

Gail Hurley, former teacher and public school employee, said 12 years ago, she was able to buy a new home with the help of the Santa Fe Community Trust. She still owns this home and couldn't have bought it without this help. She was in the same position at that point as many teachers and school employees are now in Santa Fe. She said we need the Council to put this issue to an election of the people in August. She said we can't wait two years to find these funds for rentals and/or purchase. She said it is important that the Councilors have had the courage to bring this forward in the face of a lot of well-organized opposition. She said if she were able to afford a house for \$700,000, and if her house could be sold for that amount, she would be more than glad to spend her \$500 to help somebody else get the kind of consideration and respectful assistance her family received.

Mike Mellows, 10 Hacienda Court, said he doesn't know if he is for or against this tax. He is a realtor as well as an advocate for the homeless efforts in Santa Fe. He said this has been dubbed the "Robin Hood," proposal although here we're taking from the rich and giving it to the middle class. He said these aren't Santa Fe's poor. He said the poor have a hard time coming up with \$100 to get a roof over their head and to keep it. He said there is a poor population in Santa Fe, noting the homeless population has been well documented in the five-year plan and he hasn't seen a lot of eagerness to move that plan forward. He doesn't understand the \$650,000 exemption, or any exemption for that matter. He said someone suggested the tax be applied evenly across the board on a percentage. He said when people sell their houses they should have the funds to pay this tax. He said people buying a house could add the tax to their monthly payment. He asked if it will be easier to pass this tax if the majority of people aren't affected by it. With regard to not lowering the threshold because it would produce too much money, he said if there is money left over give it to the homeless people.

Nick Lovato, AFSCME, said AFSCME supports the transfer tax because employees are living in Rio Ranch, Albuquerque, Espanola and such. He said we are losing GRTs to those other towns. He spoke about the Living Wage which was passed in spite of all of the opposition, and yet things are fine, and he believes this will be fine as well.

Michael Combs moved here as a teenager, has raised 6 children, four of whom have moved away, due in large part to the fact that they could never own a home here in Santa Fe. He has a lot of friends who have paid rent for 35-40 years, and have no equity. He asked if the system we're using now is working. He supports this because you are trying to do something. He is proud of Santa Fe because it has been a leader in doing good things. The system is not

working as well for low income and working class people, which bodes ill for the future. We have a culture in northern New Mexico which cherishes community and family, and deeper values. In this new value system, networks replace communities and in a network everyone is disposable, while in a community everyone is precious and irreplaceable. He wants us to cherish what makes us the City different and to make this a Santa Fe for everyone. He would rather see a \$2,500 annual tax on absentee landowners and second homeowners.

David Thompson, Chair, Santa Fe Living Wage Network, said arguments against the tax are the same as the ones against the living wage. He said the Living Wage Network supports the transfer tax. He said we need to make sure that Santa Feans can afford to live and work here, and affordable housing is an obvious area of need. They believe the transfer tax is fair and its impact is on those most able to put a roof over their heads. It is proportionate and reaches only one half of one percent of the total purchase price for a \$1.3 million home. The Living Wage Network members urge the Council to continue its support for the living wage by also supporting this transfer tax.

Jose Valencia, Interim President, Santa Fe Police Officers Association, said he represents a group of City employees sworn to protect the citizens of Santa Fe, and who draw their wages from tax money. He said it would be inappropriate for him, representing the interests of his association, to comment either way about a tax increase. He said the Association advocates affordable housing for the work force, with the philosophy that the more emergency responders who live in our city, the more benefit it will be to the citizens they are sworn to protect.

Elise Noble said she and her husband moved here in 1969 and opened Noble Real Estate in 1976. Their children were born here, grew up here, and graduated from Santa Fe High. Her daughter works for the City and her son is a Santa Fe County Paramedic and Firefighter. She supports the initiative because it will help us to keep the police, fire and teachers in our community which they serve. She said there are a lot of fees and expenses in real estate. She said the title insurance on a sale of \$700,000 is \$3,241, and the fee on the sale would be \$500, which is far from a deal breaker. She pays dues to several organizations, one of which is using those dues to work against this tax. She spoke about the costs of the ads in the newspaper which contain misinformation and diatribes against the Initiative. She said the talking points on their website say these fees are "dream breakers for homeowners, children and grandchildren who will be the ones most hurt." She said the talking points say that the home tax "disproportionately affects low income workers, working families and first time homebuyers, essentially hitting those with the least amount of disposable income the hardest." She said this is untrue, because there is no tax on homes of \$650,000 or less. The website actually has a chart on the fees based on a threshold of nothing and completely different percentages. She said this is "voodoo real estate," and ignores the fact that the money will be earmarked for workforce housing.

Carolyn Luna Anderson, Executive Director, LifeLink, spoke about the work of LifeLink, and said they have 110 supported housing units which are subsidized through funding. She strongly is pleased that the Council adopted the plan, and she will be coming back to speak strongly about affordable rental and subsidized housing for people. She said her

agency employs 67 people, so they are a contributor to the community. There is a real challenge in behavioral health services in that there aren't enough workforce professionals who choose to stay here because they can live in another community, earn the same salary, but they can afford to live there. She said people want to live here, but can't afford to buy a house.

Rev. Holly Beaumont, expressed appreciation to this Council which has been progressive again and again, and has caught the attention of New Mexico and the nation, and most recently Japan who sent a news crew here to do a spot about the living wage in Santa Fe. This Council has won awards for its efforts. She believes the real estate industry will be back in 2009 trying to preempt our right to take this to the voters. She believes statewide organizations wrestling with housing will be proposing legislation for a state-wide real estate transfer tax, and the ceiling on the exemption will be considerably lower than \$650,000, commenting that this threshold works only in Santa Fe. If Santa Fe doesn't take this opportunity, we may have a transfer tax imposed on us by the Legislature with an exemption of perhaps \$250,000. People who are interested in investing in Santa Fe will look at a list of fees, and when they see the transfer tax, they will be pleased to move to this community which is investing in the quality of life for everyone. These are the people we want to attract to Santa Fe.

Lima Chavarro, member of **Somos un Pueblo Unida**, said last year she and her husband bought a house through the City's affordable housing program, or they couldn't live here where her husband was born and raised. She asked the Council to support this Resolution because members of the community will benefit and stay here in their hometown.

Toby Botlines, said what he has heard this evening struck a note with him and moved him a lot. He grew up in Santa Fe, and is now a Santa Fe educator and proud homeowner with the assistance of Homewise and the affordable housing program. He said he is unique among his friends in having a job he loves and owning a house in Santa Fe. He wants to live out his life in Santa Fe among the people he's grown up with. He is concerned that won't be possible because more and more of them are leaving. He said many of his generation and the upcoming generation feel hopeless. He said many people believe you have three options if you grow up here: You can die, you can leave or you can go to jail. He said this tax and other steps such as this, is a fourth option we need to create a future for our young people in Santa Fe. He said many of his friends feel that the City is unwilling to invest in them, and don't care about their future.

Bianca Belnap is a Santa Fe native, lives in a rental unit and her parents rent as well, because they can't afford to buy a house here. She would have to rely on these efforts for her to be able to purchase a house here. She supports the resolution, and said it is an important first step. She is an educator, works with young people and coordinates the Youth Advisory Board for the Sustainability Committee. She said she talks to young people about what they want for their future and what they think would create a healthy community. She said they told her that they want to be able to work here, provide for their family and find a good house they can afford. She said the youth always say they would like to see a community where economic justice is valued and this Council is working toward that. They talk about a growing disparity in the community which is creating tension and hopelessness. She commended the Council for

its courage in taking affordable housing measures as well as taking steps toward economic justice.

Carolyn Cook, teacher at SF High, and currently a realtor, said sometimes in living in a community we are asked to do things we might think unfair, but we can and should do because we want a better community. She believes a healthy community is a place where people can afford to live. She urged the Council to put this on the ballot. It is a healthier community issue and she believes the community should vote on it.

Marilyn Bane, 622½ B Canyon Road, said she is speaking on her behalf only and not as a member of any organization. She said she is concerned about neighborhoods and believes the transfer tax will be a first step in helping the situation. This is an opportunity to have affordable housing and to integrate affordable housing in every district in Santa Fe. She takes umbrage that the words "construction," "building" and "development" arise consistently in talking about affordable housing. She urged the Council to please consider undoing some of the harm done by infill, noting it was meant well, but we have ended up with short term rentals, second homes, casitas and other things. However, it did not result in affordable housing where we would like to have it. She would like to have a fireman, a policeman, a teacher and other service people living next to her on Canyon Road. She said not so long ago, Santa Fe was a place where we all lived together in harmony. She believes affordable housing is an issue for the neighborhoods and the community. She would like to lower the threshold to \$350,000 which she believes is more equitable, but that's not going to happen. She would like to see commercial to be involved in this. She believes the tax should be implemented.

Maggie Castle, Habitat for Humanity, a homeowner, said she supports the ordinance, but she is not here as the Executive Director for Santa Fe Habitat. She said we are here this evening to get the Council to put this issue to a vote of the people. She urged the Council to adopt the ordinance and let the community battle this out, and learn from each other in that battle.

Juan [inaudible], student at Santa Fe Community College and an active and proud member of Somos un Pueblo, said he has live here for the past 13 years, living in trailer parks and apartment complexes. He graduated from Santa Fe High on May 13, 2007. On that day, he had the privilege to walk into the house he and his parents purchased through Homewise. He would like to see his colleagues, classmates and friends to have that same opportunity.

Tomas Rivera, Community Organizer for the Santa Fe Living Wage Network, said they are familiar with the many arguments we've heard tonight. There is a lot of "doom and gloom" talk, and he heard the same thing during consideration of the Living Wage. He said, because of the courage of this Council, Santa Fe is strong because of the living wage. He commended the Council for its courage on this issue. His family has lived in Santa Fe for generations, but very few of his relatives still live in Santa Fe because they can't afford to live here. He feels lucky still to be living in Santa Fe, and he is the exception. He encouraged the Council to consider that the working people in Santa Fe who want to live here have the right to live in the community in which they work. This tax would allow people to keep families together in the way he is with his family right now.

Ed Rosenthal, Director, New Mexico Office of Enterprise Community Partners, said he is also the director of all of the national, rural and Native American affordable housing activities throughout the country. He said they have been involved with the State and the City for fourteen years, assisting positively in promoting affordable workforce housing. He said there is a real need for the City to enact this ordinance to raise these kinds of funds. The most compelling reason is that over the years the national commitment to affordable and workforce housing has shrunk to the point that it is an insignificant piece of the pot for local communities to use for affordable housing. He said the country is almost bankrupt, and local governments have to take action. He said for its size, this City has enacted many innovative and compelling ordinances compared to other Cities of much larger size, so a lot has been done. However, there is an even greater need. His mantra is "in the end it takes cash to provide the subsidy," the deep subsidy needed for working class people to afford a home in Santa Fe. He said it won't happen without a funding source. He said as the percentage of second homes increases in a community, the disparity between the cost of housing and income continues to grow in a significant way. He doesn't believe the threshold of \$650,000 is unfair, commenting that people can take a huge mortgage interest deduction on the second home.

Daniel Werworth on behalf of Sharon Welch, Santa Fe Community Housing Trust, said he is here to speak in favor of the Workforce Housing Initiative, and to speak on behalf of Sharon Welch who couldn't be here. The Housing Trust supports sending this to a vote, and believes this will be a potential valuable resource for the work they do in the community. They look forward for the opportunity for the community to decide this.

Mike Lofton, Homewise, gave a history and overview on affordable housing in New Mexico. There is a broad spectrum of housing needs from the homeless needing emergency shelter to those needing a stable rental, to people who want to buy a home but can't, to people who already own a home, but can't afford to fix the roof and need help. He said one of the criticisms of the proposal before the Council is that it's not a "silver bullet" and won't solve the whole problem and it's not enough money, which is true. It is just one other option to pursue. He said we've made a lot of progress since the Regional Planning Authority Report came out. The City passed the Santa Fe Homes Program, the County passed a similar ordinance, and we do have some truly affordable homes now, and we are dealing with the need for affordable rentals. Mr. Lofton spoke about some of the things Homewise is doing in the community right now. This ordinance is only one piece of the solution. He said an argument against it is that it will increase the cost of housing for the middle class, noting there are other alternatives which would be better. He said one alternative proposal is to increase property taxes across the board instead. The President of the Homebuilders is proposing a \$100 million property tax increase, which he thinks would be a disaster and would increase the burden on the middle class. He said just because home values increase doesn't mean the owners have more income or cash flow, or the means to pay. He said when you sell a home, you have the most ability to pay the transfer tax, and there should be ample funds to pay the \$500 on a \$700,000 transaction, which isn't true of the property tax.

Virginia Miller, West Alameda, said she strongly supports the Workforce Housing Initiative. She wants the Council to let the people vote on this and work on the issues, saying it is important to do this now. She spoke with Senator Grubesik last year who told her if the City

had gone ahead and put this on the ballot in March, he would not have introduced the bill. She said we can't wait, and urged the Council to support putting this on the ballot in August. The workers of this community would benefit, and they deserve to be able to live here. This is a good source of funding, will improve the quality in the community and asked to "give it a try."

Fire Chief Chris Rivera said he is a lifelong resident of Santa Fe, and is here to speak in favor of the ordinance. He said there is a department of 136 people including firefighters, administrative staff, chief officers, of which 43% live either in Albuquerque or Rio Ranch and 17% live somewhere in Santa Fe County. Of the 43% living in Albuquerque or Rio Rancho, almost half are local kids who went to school here, but couldn't afford a home and were forced to move. The other half are people who live here who inherited a house from a family member, or had to borrow large sums of money from family to purchase a home here. His said Rio Rancho and Albuquerque just finished the hiring process and we only lost one to Rio Rancho and one to Albuquerque, although three others applied. He is afraid we will lose more and more people as fuel costs increase and people can't afford to live in this community. He said the people we did lose had no issue with the department here, it was because they couldn't afford to live here coupled with the rising cost of fuel. He has spoken with Dave Jenkins, Union President, who couldn't be here this evening, so he is also representing the Union. He would like to be able to use this initiative as a recruiting tool and tell potential recruits that we have a way for them to own a home in Santa Fe and we want them to stay here.

Brian Patterson said he grew up here, and he has seen a lot of changes in Santa Fe. He said many people can't afford to live here anymore. He is studying Epidemiology at UNM Medical School. He said he has learned there, in terms of public health, that the discrepancy between the "haves and have nots" is growing. He said this ordinance attempts to level that playing field a little. He said it isn't a just a question of hard work and you can buy a house. He said he supports this ordinance.

Harriet Heltman, 1150 Don Gaspar, said she has heard a lot about this transfer tax. She said there is a group of retired people who have lived here for years and years who purchased property at a reasonable cost. With the increase in the population and the attractiveness of Santa Fe, the property values have gone sky high, which means it is a greatly inflated proposition. She said she would propose the City consider waiving the transfer tax for people who have lived in their homes for 30 years or more and hope to leave their homes to their children, until the last member of any family who has owned property for 30 years or more who has continued to occupy that house, if or when the children might like to sell that property.

The Public Hearing was closed

Councilor Wurzbarger moved, seconded by Councilor Calvert, to adopt Ordinance No. 2008- 37.

Discussion: Councilor Wurzbarger read a statement into the record, containing part of an Op Ed by some of the Councilors, as follows:

"The workforce housing initiative is needed to maintain housing opportunities for a wide cross section of our community and to stop the costly egress of Santa Fe earned income from our City. The significant new factor in this issue is a study in which we recognize this isn't just a social issue, not just a community issue in terms of quality of life, it is also an economic issue. We are losing millions, millions and millions of dollars when people buy their diapers, their food, clothes and gas in another City. We believe that this initiative is needed to reflect the goal of many Santa Feans to bring the working people, their children, their grandchildren and their friends back home. And, more importantly, to help keep them from leaving in the first place. We believe our initiative will work, and most importantly, we believe that the citizens of Santa Fe deserve the opportunity to express their views on this important issue by a public vote.

John Nesbitt, noted author of *Megatrends* observes: 'Trends are like horses. They are best ridden in the direction in which they are headed.' As your elected representatives in bringing this initiative forward, we want to make it very clear that we are unwilling to ride the clearly destructive trends associated with the increasing loss of work force housing in our city, and the impact that this has socially, culturally and also economically. I am asking the rest of the Council to please join us in supporting this initiative because we truly believe this is just one tool. It is an important tool. There is a connection between what we're doing and why we're doing it and who is affected by this. We believe that the vibrancy, the diversity and the economic health of our community depend upon this, and I ask you for your support."

Councilor Bushee said page 2 of the Ordinance talks about the Affordable Housing Trust Fund as a dedicated source of revenue and that the real estate transfer tax will fund the Affordable Housing Trust Fund for workforce housing needs. She said this is the same fund which was in the five-year strategic plan. She asked how these funds would be distinguished from the monies which will be used to achieve the goals of the five-year strategic plan.

Ms. McCormick said part of the goals identified in the five-year plan do provide for workforce housing initiatives, so there is some crossover there. This is just one of many revenue sources. It is a restricted revenue which can be used only for workforce housing initiatives, and is similar to the CIP infrastructure funds which also are in the Trust Fund and subject to the program requirements. It is subject to a request for proposal as part of the Affordable Housing Trust Fund requirement.

Councilor Bushee wants to ensure that the funds from this Initiative will be kept separately through the RFP process or another process.

Ms. McCormick said the funds will be accounted for separately as they come in, so we will know how much was collected and it can be used only for the workforce initiative. Those will be funded through an RFP.

Councilor Bushee asked why staff and policymakers considered putting this tax on high end homeowners.

Ms. McCormick said she misspoke earlier that we didn't want a threshold at \$350,000 because there would be too much revenue. She said they looked at the spectrum of sales for two years. It was determined there would be sufficient revenue at \$650,000 and above. She said there is a tendency for people living in \$650,000 homes and above to have more income to spend in a community on different services. She said the workers employed in these services tend to make wages which are insufficient to live in Santa Fe without some kind of assistance. She said it is a community value for people to be able to live and work in Santa Fe. She said staff calculated it would be necessary to plant 52 trees and let them grow for 25 years to absorb the carbon from one employee commuting for a full year from Albuquerque to Santa Fe. This speaks to some of the other initiatives we have for a sustainable, green workforce.

Councilor Bushee asked if this is the reason Amendment #6 defines Workforce Housing in terms of a connection with the living wage.

Ms. McCormick said yes, it is to ensure those dollars specifically are directed toward people employed in the community, or at least one member is employed in the community.

Councilor Bushee asked if we have a dollar amount for Amendment #7.

Ms. McCormick said in an earlier version, staff recommended limiting administrative cost to no more than 15% of the fund. The intention was to pay for any staff or overhead. This would produce about \$200,000 on \$1.5 annually. She suggested an amendment establishing a percentage limit for administrative costs and define it to say that would include any staff or outside contracts needed to administer the fund.

Councilor Bushee asked if that would be in the administrative procedures that oversee the section of the Workforce Housing Funding Initiative out of the Affordable Housing Trust Fund.

Ms. McCormick believes it also could be included in the ordinance, and recommended including language which establishes the limitation in dollars which could be used for administrative overhead.

Friendly amendment: Councilor Bushee would like to amend Amendment #7 to the Ordinance to limit the administrative cost to no more than 10%. **The amendment was friendly to the maker and second, and there were no objections from the other Councilors.**

Continuation of discussion: Responding to Councilor Bushee, Mr. Katz said the conveyance through inheritance is not covered and is excepted under the ordinance. So, if you have lived in your house for a long time and you leave it to your kids, there is no tax.

Councilor Wurzbarger quoted from page 5, line D of the ordinance, "Any conveyance of ownership of real property as a gift, where no consideration other than love and affection,

charitable donation or nominal compensation is evidenced by the terms of the instrument of transfer." She said this is an exemption to this transfer tax.

Ms. McCormick reviewed the exemptions to the Ordinance at the request of Councilor Bushee.

Responding to Councilor Bushee, Ms. McCormick said she doesn't have the exact revenue if the threshold was to be increased to \$750,000. However, she said staff believes the tax still would generate approximately \$1.2 to \$1.3 million at that threshold.

Friendly amendment: Councilor Bushee would like to amend the Ordinance to raise the threshold to \$750,000. **The amendment was friendly to the maker and second, and there were no objections from the other Councilors.**

Councilor Bushee understands the rush to get this issue on the ballot. However, she is concerned about what the turnout would be for an election in August, and would like to see a date that makes sense.

Friendly amendment: Councilor Bushee would like to move the election on the Workforce Housing Funding Initiative to the first Tuesday in March 2009. **The amendment was friendly to the maker and second, and there were no objections from the other Councilors.**

Councilor Bushee said what we saw this evening was a philosophical community debate. She said it has been disappointing to her that we can't stem the tide of service workers who don't live here. She said she is viewing this tax more as a community creation tax, and as one tool in the toolkit to do this, and just one more piece of the affordable housing picture. She said this kind of tax has happened in 35 states and isn't unique and we may be back "tinkering" with this if we need to. She would like to see a unanimous vote which sends a message to the Legislature that we are sending what we believe to be a fair product to the voters, that we support this concept and that we need help and need our community to kick in. She said we may look at how the commercial sector could fit in the picture in the future, or other ways to resolve the problem.

Councilor Romero said we need strategies to address affordable housing, and we need partners because we can't do it alone. She heard someone asked the vision this evening. She said her visions for the future are, "Santa Fe is a model for innovative solutions to address our housing needs. We are a place where our sons and daughters can live in homes and build equity, and we're a place where people who serve our community, live in our community." She believes we can all agree on the visions, but the strategies are numerous. This is only one piece of the puzzle. She appreciates the many emails and phone calls which were helpful in crafting the information in moving forward.

Councilor Chavez asked if there was any thought as to how much funds would be generated if this was to be applied to businesses as well.

Ms. McCormick said it was decided by the Council early in the process not to include commercial, so she didn't gather information about commercial sales.

Councilor Chavez said he believes that should be considered, but without numbers, it would be hard to propose that as an amendment.

Responding to Councilor Chavez, Ms. McCormick said this tax will be before the voters at a special election the first week in March 2009, at a cost of approximately \$90,000.

Councilor Chavez said we always will be dealing with market forces, and he hopes this will do what it is intended to do.

Councilor Chavez said there was an issue earlier about taxing the people for public transportation. The Council is debating withdrawing from the North Central Regional Transportation District on an issue of double taxation which has been removed, and in that case we want to let that go to the voters as well, as we do in this case. He said the election turnout in March might be better, depending on how the public is informed. He said a low turnout is always disappointing and means the community isn't fully represented.

Councilor Dominguez apologized to the Council and the public for arriving late to the meeting. He said he is lucky that his family supports his efforts to serve this community and thanked his family.

Mayor Coss, along with the other Councilors, wished Councilor Dominguez's son a happy birthday.

Councilor Dominguez thanked the public and everyone who stayed late this evening to speak to this issue, both for and against. He especially thanks staff for their hard work to get us all of the information we needed to make the best decision possible. He thanked Councilor Wurzbarger for her efforts to "keep on going," and all the other sponsors of this bill.

Councilor Dominguez said he has studied this issue and has listened to the people and the debate. He said there is a suggestion that there are other ways to fund affordable housing in our community which is true, and the City has done a lot to fund affordable housing. One, is to allocate 80% of the CDBG funds for housing related projects. He said all of us have a responsibility for affordable and workforce housing.

Councilor Dominguez said he likes the proposed threshold because he doesn't want to impact the middle class, and he likes that family transfers aren't subject to the tax. He said he likes that there is now specific purpose and detail to where the money is going and that it is built into the ordinance. He said we have to pay attention to the economic impacts from the fact that 44% of the workforce commutes from outside of Santa Fe. He also likes the finding that "Approximately 65% of employers noted that the availability of workforce housing was one of the more serious or critical problems in the City of Santa Fe."

Councilor Dominguez said the one thing Santa Fe has, which no other New Mexico community has, is a soul, and that soul is here because of the people who live in this

community, the deep-rooted, indigenous people who are a part of this community. These people are the working class – firefighters, police, teachers. He said it is important to afford our children and the youth of Santa Fe an opportunity to work and live in Santa Fe.

Councilor Dominguez what he really likes about this is that it is about democracy and giving people an opportunity to say whether this is a good idea or not. He would encourage people to educate themselves about this issue, and not just take what people say as fact. Councilor Dominguez said the truth is the truth and we have to find the truth within ourselves and how important that is to the community. He is in support of the ordinance.

Councilor Trujillo thanked Councilor Bushee for moving the threshold to \$750,000, as well as moving the election to March and believed this will benefit the community. He is glad this is going to a vote of the people, noting if he was on the Council during the Living Wage debate, he would have wanted that to go to a vote of the people because it affects the entire City.

Councilor Trujillo is concerned that we are losing 640 people a year to Rio Rancho, Albuquerque and Espanola. It is sad because many of these people are his friends and they aren't coming back to Santa Fe. He doesn't enjoy our GRTs going to other communities because so many employees live elsewhere and spend their dollars elsewhere. With regard to putting this on the ballot at the March general election, he believes it more than likely that all the issues would have failed, noting he voted not to do that. He supports sending this to a vote of the people to make the decision as to whether this is good for Santa Fe.

Councilor Calvert thanked everyone who spoke this evening. He spoke with several people who want to assist the City with this. He said we can always work to refine this before it goes on the ballot. He wants to work with the community to make it work better for all of us. He said we talk about sustainability, which he believes also means the people of the community. We have to look at making our City sustainable through diversity in the community.

Councilor Calvert hopes what we emphasize in the plan is down-payment assistance for many existing homes, currently on the market. He said this could help to give the market a boost. It would be good for the community to put people in existing homes, because it doesn't require additional water. He said some of the effort will go for new homes, but those will require additional water.

Councilor Calvert said some of those who emailed him and spoke with him who are against this, were urging him some time ago to hire more police. He hopes they can see the connection between these two. One of the problems in recruiting additional police officers is the high cost of housing. He said these people will help to get this resource they have been requesting.

Councilor Calvert said this Council isn't making the decision for you, but we're putting it on the ballot so you can make that decision. He hopes you spend the time it deserves to make that reasoned decision.

Councilor Ortiz said he supports the changes which have been proposed. He said the

scheduling of the special election in March gives more time for the public to digest this very important issue. It gives people a familiarity because City elections typically occur in March, and although it is a special election, it gives us a chance to continue the debate.

Councilor Ortiz said the comparison of this issue to the living wage is incorrect. He said the living wage ordinance was done over three years and many public hearings, some contentious, and it was implemented in stages. A commission was formed of four people from labor, four from the business community and one neutral person. He said economists came in on competing sides and we had very open public hearings. However, we didn't do any of that on this issue, nor on the affordable housing plan. That plan was drafted, crafted by bureaucrats, by our employees and stakeholder groups. We did not have a larger community discussion about this.

Councilor Ortiz said there were calls for a referendum to send this initiative to the voters, but that didn't have sufficient support among the Council, and there wasn't the political will on this issue which is equally important. He said the courage of some Councilors allowed this ordinance to come to reality, chief among those is Councilor Wurzbarger who fought back a lot of pressure in supporting the ordinance.

Councilor Ortiz said this tax will generate a small amount of revenue from a speculative source, given the market downturn, and we don't have a particular program to be funded with these monies. He said we have been investing for years on any number of different initiatives, including funds from CIP and operational funds. He said to put this into a larger perspective is, he believes, false. He said the longer time period will give more people a chance to decide whether this is the direction that this community wants to take, and how to allocate the revenue stream from this tax. Or, do we want to do as Albuquerque has done, and pass just one G.O. bond. Do we want to say that we need to start looking on the supply side, or at other alternatives. All of this could not have been discussed and debated in a two-month window for an election.

Councilor Ortiz is in favor of letting the public decide in March 2009, whether it wants to support this.

Councilor Ortiz spoke to the concern about doing this quickly because the Legislature was going to preempt our ability to do this. The 2009 Legislature will be a 60-day session, and will be in session at the time of the election. He said, given the strength of our delegation, if this passes unanimously and gets the same support as the Parks bond, he thinks the Legislature would be hard pressed to pass legislation that would preempt it. If it fails, which there is a possibility, while the Legislature is in session, the larger community has spoken.

Councilor Ortiz doesn't believe in megatrends, noting a book by Mark Penn *Microtrends*, talks about the ability of a relatively small group of people to effect changes on a societal or political level. He spoke about the very poor turnout for special elections, predicting only 15-20% of the population will be deciding this issue. And of those voting, 85-90% may not be affected by this tax. These are other issues which the general public will decide. He believes on issues such as this one, we need more time, not less, and more disclosure, not less, and more concrete avenues as to where these funds will be spent, not more generalities. He thinks

the additional time and these amendments make this a more palatable bill. He will vote in favor of sending this to the public.

Councilor Ortiz said he probably would have voted against this tax at a special election in August, but "now, there's additional time to convince me, and it's incumbent on those people to convince not only me, but the people who are going to be voting in march, because this issue is far from decided. And this tax is far from the solution to the migration of people out of Santa Fe. People who are out of Santa Fe may not come back. If you're living in Rio Rancho, how are you going to sell your house there to come back here. And, I'm as local as they come, and there are some of us here who were born and raised here, and there are some of us who decided to stay, some of us who decided not to stay. And to put that all as a part of a justification for this tax, you know, that's a slippery slope, slippery even than the slope that was put forward on other issues. And, I think that's hard to hang a position on it. It struck me the wrong way and I'm from here, born and raised, and it just didn't resonate to me. It seemed false in some ways, and I think false issues in an election. I think the public is smart enough to see through those. So, I hope that better arguments come out in favor of this tax than what I heard here tonight."

Mayor Coss said he will have many, many, many opportunities to speak to this issue before the March election, so he will hold his comments now. He thanked Ms. McCormick and staff for the work they've done on this, and it's been great work. He thanked the cosponsors, especially Councilor Wurzbarger, for having the courage to bring this forward, commenting that nobody is claiming this is the "silver bullet." We're just saying this is a next step. He knows the amendments were hard to accept, but it will be good if it gets us a unanimous vote from the Council which will be good and will help us at the Legislature. He said it's not conjecture that the real estate industry is going to go after Santa Fe in the next Legislature. It's a certainty. So, we're going to be fighting while we work with the public, and fighting this in the Legislature one more time. He said we fought the living wage three times in the Legislature, and this in the Legislature twice. He believes we can do it again, and he believes the real estate industry will have spent more on full page ads before the Legislature ends than the revenues generated by this tax in any year.

Mayor Coss said we got into a little "red baiting," tonight. This evening, someone offered a quote often attributed to Marx, "From each according to their ability, and to each according to their need." Although Marx may have said that, he knows for sure it was said in the New Testament as instructions to Christians on how to live together.

Mr. Katz said the Resolution, as currently written, anticipated an August election and the dates reflect that. He said a number of dates need to be changed.

Mayor Coss said the Resolution could come back with the proper dates, so it would be postponed to the next meeting.

Councilor Wurzbarger said that is acceptable.

Councilor Ortiz said in the ordinance there was concern that family transfers are covered. He said his reading of the ordinance is that only gift conveyances are covered. It

doesn't take into account the situation where a person has more than one child and the children inherit the house, but only one child wants to stay in the house. There would have to be some sort of equity accounting between the heirs.

Friendly amendment: Councilor Ortiz would like to amend the Exemptions to the ordinance on page 5, Paragraph D to include family transfers. **The amendment was friendly to the maker and second, and there were no objections from the other Councilors.**

Mr. Katz said that is covered on page 5 of the ordinance in Paragraph F, which provides for family transfers.

Councilor Ortiz withdrew his friendly amendment.

Clarification of the motion: Ms. Vigil asked if the motion includes the seven amendments on page 2, as well as the Public Works Committee amendments on page 13, of the Council packet.

Discussion on the clarification: Councilor Wurzburger said her motion does include the amendments on page 2.

Councilor Ortiz understood that the Public Works Committee amendment which broadened the definitions was specifically left out in the conditions imposed by the Finance Committee. He said the Public Works amendment said, "for any of the purposes identified in the Affordable Housing Strategic Plan." The Finance Committee amendments provide "just for the purposes as outlined."

Councilor Wurzburger said this is correct.

Clarification of the Motion, as amended, by the maker of the motion: Councilor Wurzburger said the motion includes only the amendments on page 2 of the Motion.

Councilor Chavez asked if there is a provision in the Ordinance to review or amend this ordinance once it is adopted, noting there usually is a one year review and asked if that would be appropriate in this case.

Mr. Katz said that can be added. However, because an election is required to impose this tax, he doesn't believe you could raise the rate, or increase the tax, or tax a greater number of people without going back to the voters.

Councilor Chavez said then we won't be able to come back on the commercial component for a while.

Councilor Wurzburger said a completely different ordinance would have to be introduced to do that.

Councilor Chavez said there was discussion about changing the Ordinance and doing things differently. He said then once this Ordinance is adopted and it goes to the voters for approval, we will be locked into the narrow parameters. Councilor Chavez said he really wanted to suggest language for a review, but that doesn't seem to be appropriate. He said the changes made with regard to the threshold and the date of the election will be better. He will vote yes on the Ordinance.

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 Councilor Wurzburger.

Against: None.

Councilor Bushee would like to have an open and honest community-wide debate, noting there has been a lot of misinformation to this point, and hopes we don't see much more of that.

Councilor Wurzburger moved, seconded by Councilor Chavez, to postpone consideration of the Resolution for one month. The motion was approved on a voice vote with Councilors Bushee, Calvert, Chavez, Dominguez, Ortiz, Romero, Trujillo and Wurzburger voting for the motion and none against.

There was a break from 11:37 p.m. to 11:51 p.m.

Councilor Wurzburger departed the meeting during the break

- 6) **CONSIDERATION OF BILL NO. 2008-40; ADOPTION OF ORDINANCE NO. 2008- 38. CASE #M 2008-07. GOVERNOR MILES BUSINESS PARK ANNEXATION. LINDA TIGGES, AGENT FOR CROWNE SANTA FE, LLC, REQUESTS ANNEXATION OF 6.485 ± ACRES OF LAND, LOCATED NORTH OF GOVERNOR MILES ROAD AND EAST OF CERRILLOS ROAD. THE ANNEXATION PLAT INCLUDES 4.375± ACRES OF GOVERNOR MILES ROAD.**

Councilor Chavez moved, seconded by Councilor Bushee, to suspend the rules to continue past midnight. The motion was approved on a voice vote with Councilors Bushee, Calvert, Chavez, Dominguez, Ortiz, Romero and Trujillo voting for the motion, none against, and Councilor Wurzburger absent.

Items 6 and 7 were combined for purposes of presentation and discussion, but were voted upon separately.

A memorandum prepared June 16, for the June 25, 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 "4."

Greg Smith presented the staff report which is contained in Exhibit "4."

RECOMMENDATION:

The Planning Commission and staff recommend approval of Annexation and Rezoning based on approval criteria in corresponding code Sections 14-3.4 and 14-3.5 SFCC 2001. The Planning Commission reviewed the applications on May 1, 2008 and recommended the applicant comply with requirements as provided by the following City Departments at the time of final development plan:

- 1) Public Works-Engineering Division traffic review
- 2) Fire Department
- 3) Technical Review Division Subdivision Engineer
- 4) Technical Review Division Landscaping review
- 5) Wastewater Division
- 6) Water Division
- 7) Trails and Open Space
- 8) Solid Waste Division
- 9) Land Use Department: Applicant shall pursue approval of vacation of "surplus" Governor Miles right-of-way, or obtain a license for use of the right-of-way, concurrently with development plan approval.

The EZ Authority approved the master plan/rezoning for community commercial zoning which anticipated a mix of office and office/warehouse space on August 30, 2007. The EZ master plan estimated a mix of office and office/warehouse space. The subject property was not part of the EZ Las Soleras Village plan.

Public Hearing

Presentation by the applicant

Linda Tigges, 1925 Aspen Drive, agent for the Applicant, was sworn. Ms. Tigges introduced the Applicant, John Mahoney, and a member of the team, Karl Sommer. Ms. Tigges said the location is just south of the Santa Fe Auto Park and north of Governor Miles, and demonstrated the subject site on the enlarged map.

The Public Hearing was closed

Councilor Chavez moved, seconded by Councilor Romero, to adopt Ordinance No. 2008- 38, with conditions of approval as recommended by staff as listed on Exhibit D.

Discussion: Councilor Chavez asked Mr. Smith to speak to the conditions of approval. Mr. Smith said the conditions for the annexation case are in the packet as Exhibit D to the bill, page 20 of the Council packet. He said there will be a separate hearing process before the Planning Commission and the Council concerning several thousands of square feet of Governor Miles right-of-way which was acquired with the intention of creating a roundabout and the Traffic Engineer will recommend to the Council at a future date that this portion is surplus, now that the roundabout has been constructed without using the land in question.

Councilor Chavez said the surplus referenced in Exhibit D is also referenced in the title of the annexation, and references 4.375 ± acres, and asked if this is also Condition #9.

Mr. Smith said the 4.375 ± acres includes the right-of-way which might eventually be vacated and other right-of-way which will not be vacated. The 4.375 ± acres is the long stretch of Governor Miles, and the portion which might be vacated is less than 1 acre of that amount.

Councilor Bushee asked if there are any other trails out that way that it could connect to, to try to increase the connectivity on that side of town.

Mr. Smith said he believes there is a trail which parallels Governor miles, and the Arroyo Chamiso Trail that runs along that arroyo. He said Ms. Tigges can indicate those on the map.

Ms. Tigges said in working with City staff, they felt this was the optimum location for the Arroyo Chamiso Trail to hook up on both ends as such time that it does come there, but there is no existing trail that goes out that far on the Arroyo Chamiso now.

Councilor Bushee asked how far away it is to connect to that, commenting she wants that connection.

Ms. Tigges said it is quite a way, about ½ mile. She said it is mapped, but it doesn't exist.

Councilor Bushee asked if there is any way we can get that to connect up.

Councilor Ortiz said there are no plans for it. He said where it connects on the bridge at Nava Ade, there is a proposal in the Parks Bond Plan to have the trail from Sam's Club to connect over to Jaguar Drive. It would follow an alignment on the south side of the Arroyo Chamiso so that it hits Jaguar Drive, noting the north side is the Auto Park. He said the Council imposed a condition of approval on the apartment complex, noting Sam Gerber and Jennifer Jenkins were agents, that they had to contribute to a bridge and pay for the trail access to the Dog Park. He said this could be about ½ mile from there.

Mr. Smith said the memo from the Parks & Trails planner indicates that the condition would require the detail of the alignment and such to be worked out by the Planning Commission with the development plan for the property.

Councilor Ortiz asked if the "blue" on the map is a drainage pond.

[Ms. Tigges' response here is inaudible because she was away from the microphone.]

Responding to Councilor Ortiz, Ms. Tigges said these units would be for office, warehouse and business use.

Ms. Tigges said the drainage ponds are placed because of the slope of the land and the runoff, the idea was to slow it down for 24 hours before it is allowed to drain into the arroyo.

Friendly amendment: Councilor Ortiz proposed a condition of approval to require a trail easement along the western boundary of the property for a trail connection. **The amendment was friendly to the maker and second, agreeable to the Applicant, and there were no objections from the other Councilors.**

Responding to Councilor Bushee, Councilor Ortiz said we need to connect Nava Ade which will have the trail built on Arroyo Chamiso, and we need to get it to Jaguar Drive.

Councilor Calvert said on page 42, the City Engineer says the excess right-of-way to be returned to the City will be evaluated by City Legal, and asked Mr. Katz if this is his understanding.

Mr. Katz said they have talked about the excess right-of-way and the fact that we don't need it for the road, and that it could be returned to them.

Councilor Calvert said it sounds like some determination was going to be made, but he wanted to be sure who would be doing that and if Mr. Katz would be part of that group.

Mr. Katz said he will be consulted to make sure it is legal, but the policy decision will be made by the Council.

Mr. Smith said the Land Use staff anticipates that the procedures prescribed in Chapters 14 and 25 will be followed, which involves a public hearing at Public Works, Planning Commission and the City Council in a typical case.

Councilor Bushee said she knows these are conceptual plans, but she is looking at a sea of parking and a lot of roof, and asked plans for roof cachement.

Ms. Tigges said Jim Siebert prepared these plans and the idea is that the runoff would go into the ponds, and the ponds would be used for the landscaping along the road.

Councilor Bushee said she does not believe the State Engineer will let them do that.

Ms. Tigges believes it can be done with a 24-hour runoff.

Councilor Bushee asked if there are plans to water the plant material from the rooftop.

Ms. Tigges said they would be glad to consider this as part of the development plan, noting they don't have a tenant and this is conceptual.

Councilor Bushee doesn't want the rooftop water wasted if possible. Councilor Bushee asked if staff has done its review of the ponds.

Ms. Tigges said they did a conceptual drainage plan, but since it's conceptual, these are just estimates since they don't know what the building area will be. That will be determined when they come back with the development plan, and it will be reviewed by City staff and the Planning Commission.

Mr. Smith said the extent of the review is conceptual at this point, noting the Memorandum on page 42 of the packet indicates some conceptual review by the engineering staff of the drainage concept.

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 and Councilor Trujillo.

Against: None.

Absent: Councilor Wurzbarger.

- 7) CONSIDERATION OF BILL NO. 2008-41; ADOPTION OF ORDINANCE NO. 2008- 39 . CASE #ZA 2008-04. GOVERNOR MILES BUSINESS PARK REZONING. LINDA TIGGES, AGENT FOR CROWNE SANTA FE, LLC, REQUEST REZONING OF 6.485± ACRES OF LAND FROM R-1 (RESIDENTIAL, ONE DWELLING UNIT PER ACRE) TO C-2 (GENERAL COMMERCIAL). THE PROPERTY IS LOCATED NORTH OF GOVERNOR MILES ROAD AND EAST OF CERRILLOS ROAD. (DONNA WYNANT)**

Mr. Smith noted the bill drafted by staff contains substantially the same conditions for the rezoning as were recommended for the annexation in this case.

Councilor Chavez moved, seconded by Councilor Bushee, to adopt Ordinance No. 2008-39, with conditions of approval as recommended by staff as listed on Exhibit D.

Friendly amendment: Councilor Ortiz proposed a condition of approval to require a trail easement along the western boundary of the property for a trail connection with the Arroyo Chamiso Trail, existing and proposed, with connections onto Jaguar Drive. **The amendment**

was friendly to the maker and second, agreeable to the Applicant, and there were no objections from the other Councilors.

Amendment to the Friendly Amendment: Karl Sommer, attorney for Applicant was sworn. Mr. Sommer said, "If we could put language in the... when we go to plat this, that it is movable to make that connectivity. Because what we're going to do is record an annexation plat and a zoning. If we could make it so it could that it could be moved with staff's approval, so they don't have to do an alignment until it is time." **The amendment was friendly to the maker and second. Councilor Ortiz said he would have no objection so long we aren't moving it to the other side of the Arroyo because that is not where the trail is going to go. There were no objections from the other Councilors**

Mr. Sommer said if, for any reason it did go to the other side of the Arroyo, we would want your staff to be able to say put it over there. If it doesn't, and it stays where it is, just so as long as they don't have to draw the alignment and we can make that note on the plat so we can get the alignment approved later by staff, that would be fine with us.

Friendly amendment: Councilor Calvert would like to amend the ordinance to add a condition of approval to incorporate rain water harvesting from the roof as a component of the project. **The amendment was friendly to the maker and second, and there were no objections by the other members of the Council.**

Mr. Sommer said the Applicant would agree to incorporate rain harvesting from the roof as a component of the project. The issue is how big and to make sure it works. He said they would like to work out the details with staff as to what does and doesn't work – size, location, functionality and such.

Councilor Chavez asked if this could be considered part of their water budget.

Councilor Bushee said yes, if they did a Plan B.

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 and Councilor Trujillo.

Against: None.

Absent: Councilor Wurzbarger.

Mr. Sommer thanked the Council for fulfilling and executing the Settlement Agreement which brings them here, noting they are here rather quickly after that was done. He said on the "heels of this," they will be submitting an application for the larger annexation which is called for by that Agreement. This was the first step, and he believes we are well on the way of fulfilling that relationship building component between "us, the County and the City."

- 8) **CASE #A 2008-03. 610 GALISTEO STREET BUILDING PERMITS APPEAL. STEPHANIE BENINATO APPEALS TO THE GOVERNING BODY OF THE CITY OF SANTA FE, THE BOARD OF ADJUSTMENT DECISION DENYING HER APPEAL OF THE ISSUANCE OF BUILDING PERMIT NOS. 07-203, 07-204 AND 07-205, FOR THE REMODELING AND REPAIR OF TWO EXISTING DWELLING UNITS AND THE DEMOLITION OF AN EXISTING GARAGE AT 610 GALISTEO STREET. (DAN ESQUIBEL). (REQUEST BY APPLICANT TO POSTPONE TO JULY 9, 2008 CITY COUNCIL MEETING)**

This item was postponed to the meeting of July 9, 2008.

16. COMMUNICATIONS FROM THE GOVERNING BODY.

Councilor Dominguez

Councilor Dominguez wished his son Cameron a happy birthday.

Councilor Dominguez will be meeting with the Roadrunner West Mobile Home Park tomorrow. This is an association but not yet formally recognized by the City.

Councilor Dominguez said he wants to stress public transportation in those discussions saying he has had calls from constituents wanting that service on sundays. He is going to challenge himself to ride the bus all next week.

Councilor Dominguez said the Graffiti Task Force's meeting held in Tierra Contenta was a success, and asked the Chief to pass his thanks to the Gang Task Force, the Graffiti crew, the SWAT team and Fire Department for their attendance.

Councilor Dominguez would encourage any constituent who has questions about his position on any issue to feel free to call him and contact him anytime, and he is willing to give them his position.

Councilor Dominguez said he is planning to try something different with the Sierra Club which is an attempt to reclaim some of the open space in Tierra Contenta. A meeting has been scheduled tentatively in mid August to initiate and engage with the constituents who are impacted by the damage which has been done to the open space. He said he will ask Mr. Buller closer to the date to have staff available to participate in that as well.

Councilor Calvert

Councilor Calvert distributed a proposed Ordinance change and an accompanying Resolution to amend the Santa Fe Homes Program to include vacation timeshare projects, noting Councilors Bushee and Romero are cosponsors. He asked the Ordinance amendment to go to the Planning Commission, then Public Works, Finance and City Council. He asked that

the Resolution just go to Public Works, Finance and City Council. A copy of the proposed ordinance is incorporated herewith to these minutes as Exhibit "5," and the Resolution is incorporated as Exhibit "6."

Councilor Trujillo

Councilor Trujillo congratulated his baseball team, the Predators, who finished the season and took third in last week's tournament, saying he is very proud of them.

Councilor Ortiz

Councilor Ortiz introduced a resolution, cosponsored by Councilors Trujillo and Bushee, supporting the efforts to donate 1.5 acres of City for the expansion of the food bank. The Resolution directs City staff to donate the parcel, to throw in this parcel as part of the Brownfield Study so they don't have to bear that cost. He asked that it go to Public Works and Finance Committees. A copy of the Resolution, with attached letter from the Food Depot, is incorporated herewith to these minutes as Exhibit "7."

Councilor Bushee

Councilor Bushee said, with regard to Councilor Calvert's Ordinance regarding timeshares, she presumes Frank Katz ruled that this could not be made to happen administratively.

Mr. Katz said he doesn't believe this could be done administratively and it would have to be done by ordinance.

Councilor Bushee spoke about all of the Santa Feans she met during her stay in Stonington, Maine.

Councilor Romero

Councilor Romero introduced a Certificate of Correction regarding Short Term Rentals on behalf of Councilor Wurzbarger, and said Councilor Wurzbarger has asked that it be on the Consent Agenda at the meeting of July 9, 2008. A copy of the Certificate of Correction is incorporated herewith to these minutes as Exhibit "8."

Councilor Chavez

Councilor Chavez said Los Alamos County Councilor West said on June 24, 2008, the Commission passed an ordinance approving the County Regional Transit GRT (7-0), and will place it on the ballot to support transportation.

Councilor Chavez said he received correspondence from Susan Waller from Tierra Contenta, and gave it to Mr. Buller.

Councilor Chavez said he received a letter from Maxine Neely Davenport, Maclovía Street, expressing concerns about the park at Maclovía. A neighbor of hers across the street, Leo Vigil who lives on Declovina, is requesting a table and cover at the pocket park and for street maintenance and traffic calming, and gave that to Mr. Buller.

Councilor Chavez referenced an article in the Journal North of March 18, 2005, dealing with the Museum of New Mexico and the Museum of New Mexico Foundation and their licensing agreements. He would like to meet with Economic Development and Arts Commission staff to see what can be done to provide programs and compensate our local arts and craftsmen for what the museum is doing.

Mayor Coss

Mayor Coss had nothing to report.

15. MATTERS FROM THE CITY CLERK

Request for Approval of August 2008 City Council Meeting Dates:

- a) Monday, August 11, 2008**
- b) Wednesday, August 27, 2008**

Yolanda Vigil asked the Council to vote on the Council meeting dates as proposed on the agenda, and said she, Councilor Bushee and Mr. Romero will work out the date for the Public Works Committee meeting.

Mayor Coss moved, seconded by Councilor Calvert, to approve the dates as proposed this afternoon. The motion was approved on a voice vote with Councilors Bushee, Calvert, Chavez, Ortiz, Romero and Trujillo voting for the motion, none against and Councilor Wurzbarger absent.

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 12:25 a.m.

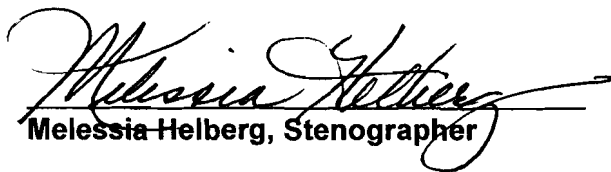
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Stenographer