



# Agenda

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

**AFTERNOON SESSION – 5:00 P.M.**

CITY CLERK'S OFFICE

DATE 8/8/08 TIME 9:30 am

SERVED BY \_\_\_\_\_

RECEIVED BY Indomiguez

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 – July 30, 2008
8. PRESENTATIONS
  - a) Employee of the Month for August 2008 – Margaret Baca, Technical Services Director, Santa Fe Public Library. (5 minutes)
  - b) Muchas Gracias- Shayna Lewis, Planning & Zoning Commissioner. (5 minutes)
  - c) National League of Cities Update (Councilor Chavez). (5 minutes)
9. CONSENT CALENDAR
  - a) Bid No. 08/34/B – Procurement of One (1) Automated Side-Load Refuse Truck for Solid Waste Management Division; Trucks West, Inc. (Bill DeGrande)
  - b) Bid No. 08/43/B – Procurement of Chemicals for Wastewater Treatment Plant; Polydyne, Inc. (Luis Orozco)
  - c) Request for Approval of Procurement and Professional Services Agreement – Preparation of McClure and Nichols Emergency Action Plan and Operation and Maintenance Contract for Water Division (RFP #08/31/P); URS Corporation. (Michael Gonzales)



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- d) Request for Approval of Amendment No. 1 to Project Management and Fiscal Services Agreement – Buckman Direct Diversion Project; Buckman Direct Diversion Project Board, Santa Fe County and Sangre de Cristo Water Division of the City of Santa Fe. (Nancy Long and Marcos Martinez)
- e) Request for Approval of Amendment No. 1 to Legal Services Agreement – Affordable Housing Lawsuit; John C. Bienvenu, Rothstein Donatelli Hughes Dahlstrom Schoenburg & Bienvenu, LLP. (Frank Katz)
- f) Request for Approval of Emergency Procurement and Professional Services Agreement – Re-Roofing Project at Fort Marcy Complex; All Seasons Roofing. (Jesus Vega)
- g) Request for Approval of Donation of Fire Engine to Hillsboro Volunteer Fire Department. (Chief Chris Rivera)
- h) Request for Approval of Sole Source Procurement and Professional Services Agreement – Installation of Speed Radar Signs and Repair of In-Ground Light Fixture for Engineering Division; McDade Woodcock, Inc. (Leroy Pacheco)
- i) Request for Approval of Amendment No. 1 to Professional Services Agreement – On-Call Planning and Engineering Design Services for Non-Motorized Trails (RFP #07/26/P); Gannett Fleming West, Inc. (Leroy Pacheco)
- j) Request for Approval of Amendment No. 1 to Professional Services Agreement – Landscape Services Franklin E. Miles Park; Sites Southwest, LLC. (Ben Gurule)
- k) Request for Approval of Procurement Under State Price Agreement – Franklin E. Miles Park – Public Restrooms Building; ROMTEC. (Mary MacDonald)
- l) Request for Approval of Procurement Under State Price Agreement – Equipment for Thirty (30) Police Vehicles; First In, Inc. (Chief Eric Johnson)



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- m) Request for Approval of Amendment to Purchasing Manual - \$30,000 Threshold for Procurement of Gasoline and Diesel Fuels for Purchasing Division. (Robert Rodarte)
- n) CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_. (Councilor Chavez)  
A Resolution Supporting State Legislative Action Related to Revision of The Development Fees Act to Include Libraries and Schools as Eligible Facilities. (Patrick Nicholson)
- o) CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_. (Councilor Dominguez)  
A Resolution Directing Staff to Pursue a Workforce Development Program to Serve Residents in the Southwest Sector of Santa Fe. (Kathy McCormick)
- p) Request for Approval to Publish Notice of Public Hearing on August 27, 2008:

Bill No. 2008-49 – An Ordinance Authorizing the Issuance and Sale of The City of Santa Fe, New Mexico Gross Receipts Tax Refunding Revenue Bonds, Series 2008B in an Aggregate Principal Amount Not to Exceed \$24,000,000 for the Purpose of Defraying the Cost of Refunding, Paying and Discharging the Outstanding City of Santa Fe, New Mexico Gross Receipts Tax Refunding And Improvement Revenue Bonds, Series 1997A; and City of Santa Fe Gross Receipts Tax Revenue Bonds, Series 1999; Providing that the Refunding Bonds will be Payable and Collectible From the Gross Receipts Tax Revenues Distributed to the City; Providing for the Disposition of the Receipts Derived from the Gross Receipts Tax Revenues; Establishing the Form, Terms, Manner of Execution and Other Details of the Refunding Bonds; Authorizing the Execution and Delivery of a Bond Purchase Agreement, in Connection with the Refunding Bonds; Providing for Redemption Of The Series 1997A And 1999 Bonds; Approving Certain Other Agreements and Documents in Connection With The Refunding Bonds; Ratifying Action Previously Taken in Connection With the Refunding Bonds; Repealing All Ordinances in Conflict Herewith; and Related Matters. (David Millican)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
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CITY COUNCIL CHAMBERS

- q) Request for Approval to Publish Notice of Public Hearing on September 10, 2008:
  - 1) Bill No. 2008-50 – An Ordinance Creating New Sections 14-2.10 and 14-2.11 SFCC 1987 Establishing the Santa Fe Extraterritorial Land Use Authority (ELUA) and the Santa Fe Extraterritorial Land Use Commission. (ELUC) (Councilor Romero) (Frank Katz)
  - 2) Bill No. 2008-51 – An Ordinance Creating Article 24-4 SFCC 1987, the Santa Fe Traffic Operations Program or “Stop”, Regarding Violations of the Traffic Code Detected by a Camera or Speed Device. (Councilor Trujillo and Councilor Wurzburger) (Captain Anthony Robbin)
- r) Request for Approval of 2008/2009 Articles of Fire Union Negotiations. (Chief Chris Rivera)

10. MATTERS FROM THE CITY MANAGER

11. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

- a) Discussion Over the Disposition of Certain Real Property to PNM by the Governing Body, an Exception to the Open Meetings Act; Pursuant to §10-15-1 (H) (7) NMSA 1978. (Marcos Martinez)
  - b) Update on Pending Litigation: *Goodman v. City of Santa Fe* (short term rental ordinance); Pursuant to §10-15-1 (H) (7) NMSA 1978.
  - c) Update on Pending Litigation: *Waddell v. City of Santa Fe* (real estate transfer tax ordinance); Pursuant to §10-15-1 (H) (7) NMSA 1978.
  - d) Update on Pending Litigation: *Vista Encantada Neighborhood Association v. SAFE Properties &. City of Santa Fe* (Old Taos Highway Development); Pursuant to §10-15-1 (H) (7) NMSA 1978.
12. Request for Approval of the Disposition of Certain Real Property by PNM by the Governing Body. (Marcos Martinez)



# Agenda

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

13. MATTERS FROM THE CITY CLERK
14. COMMUNICATIONS FROM THE GOVERNING BODY

## **EVENING SESSION – 7:00 P.M.**

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. INVOCATION
- D. ROLL CALL
- E. PETITIONS FROM THE FLOOR
- F. APPOINTMENTS
- G. PUBLIC HEARINGS:
  - 1) CONSIDERATION OF BILL NO. 2008-45: ADOPTION OF ORDINANCE NO. 2008-\_\_\_\_\_. (Councilor Trujillo)  
An Ordinance Amending Section 24-1.1 SFCC 1987 Regarding the City of Santa Fe Uniform Traffic Code; Amending Section 12-6-12.2 of the City of Santa Fe Uniform Traffic Code Regarding Operating a Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs and Section 12-6-13.13 of the City of Santa Fe Uniform Traffic Code Regarding Mandatory Seat Belt Use. (Chief Eric Johnson)
  - 2) CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_.  
**Case #M 2008-17. 2047 Galisteo Street General Plan Amendment.**  
Linda Tigges, Agent for Linda Marquette, Requests Approval of a General Plan Future Land Use Map Amendment to Change the Designation of 0.628± Acres of Land from Low Density Residential (3-7 Dwelling Units Per Acre) to Office. The Area is Located on the East Side of Galisteo Street South of St. Michael's Drive. (Donna Wynant)



# Agenda

REGULAR MEETING OF  
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CITY COUNCIL CHAMBERS

- 3) CONSIDERATION OF BILL NO. 2008-48: ADOPTION OF ORDINANCE NO. 2008-\_\_\_\_\_.  
**Case #ZA 2008-07. 2047 Galisteo Street Rezoning from R-1 to C-1.** Linda Tigges, Agent for Linda Marquette, Requests Rezoning of 0.628± Acres of Land from R-1 (Residential, One Dwelling Units Per Acre) to C-1 (Office and Related Commercial). The Property is Located on the East Side of Galisteo Street South of St. Michael's Drive. (Donna Wynant)
- 4) **Case #M 2007-39. The Villas at the Lensic Development Plan.** Karl Sommer, Agent for Greer Enterprises, Inc. Requests Approval of a Development Plan for a Commercial Building Comprising Approximately 47,691 Square Feet, Plus 2.5 Levels of Underground Parking Garage. The Property is Zoned BCDLEN (Business Capital District Lensic Block Redevelopment Subdistrict) and is Located Within the Downtown Eastside Historic Overlay District and Historic Downtown Archaeological Overlay District. (Tamara Baer). **(Postponed at July 30, 2008 City Council Meeting – PUBLIC HEARING IS CLOSED)**
- 5) CONSIDERATION OF BILL NO. 2008-35: ADOPTION OF ORDINANCE NO. 2008-\_\_\_\_\_. (Councilor Chavez)  
An Ordinance Creating a New Section 14-6.2(F) SFCC 1987 Establishing Requirements Regarding Electric Facilities and Making Such Other Changes as are Necessary. (Nick Schiavo) (Postponed at June 11, 2008 City Council Meeting – PUBLIC HEARING IS CLOSED) **(Postponed to September 10, 2008 City Council Meeting)**
  - a) CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_. (Councilor Chavez)  
A Resolution Adopting the Electric Facilities Plan as an Amendment to the City of Santa Fe General Plan. (Nick Schiavo)
  - b) CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_. (Councilor Chavez)  
A Resolution Adopting a Fee Schedule for the Review of Applications for Electric Facilities. (Nick Schiavo)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
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CITY COUNCIL CHAMBERS

- 6) CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_. (Councilor Ortiz and Councilor Wurzbarger) A Resolution Designating Water Rights for Low Priced Dwelling Units and Public Amenities in the Northwest Quadrant and for the Low Priced Dwelling Unit Credit Pool. (Kathy McCormick) (Postponed at June 11, 2008 City Council Meeting) **(Postponed to September 10, 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  
August 11, 2008**

<b><u>ITEM</u></b>	<b><u>ACTION</u></b>	<b><u>PAGE #</u></b>
<b><u>AFTERNOON SESSION</u></b>		
<b>CALL TO ORDER AND ROLL CALL</b>	<b>Quorum</b>	<b>1</b>
<b>APPROVAL OF AGENDA</b>	<b>Approved [amended]</b>	<b>1-2</b>
<b>APPROVAL OF CONSENT CALENDAR</b>	<b>Approved [amended]</b>	<b>2</b>
<b>CONSENT CALENDAR LISTING</b>		<b>2-4</b>
<b>APPROVAL OF MINUTES</b>	<b>Approved</b>	<b>4</b>
<b><u>PRESENTATIONS</u></b>		
<b>EMPLOYEE OF THE MONTH FOR AUGUST 2008 – MARGARET BACA, TECHNICAL SERVICES DIRECTOR, SANTA FE PUBLIC LIBRARY</b>		<b>4-5</b>
<b>MUCHAS GRACIAS – SHAYNA LEWIS, PLANNING &amp; ZONING COMMISSIONER</b>	<b>Postponed to 08/27/08</b>	<b>5</b>
<b>NATIONAL LEAGUE OF CITIES UPDATE</b>	<b>Postponed to 08/27/08</b>	<b>5</b>
<b><u>CONSENT CALENDAR DISCUSSION</u></b>		
<b>REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON AUGUST 27, 2008:</b>		
<b>BILL NO. 2008-49 – AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO GROSS RECEIPTS TAX REFUNDING REVENUE BONDS, SERIES 2008B IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$24,000,000 FOR THE PURPOSE OF DEFRAYING THE COST OF REFUNDING, PAYING AND DISCHARGING THE OUTSTANDING CITY OF SANTA FE, NEW MEXICO, GROSS RECEIPTS TAX REFUNDING AND IMPROVEMENT REVENUE BONDS, SERIES 1997A; AND CITY OF SANTA FE GROSS RECEIPTS TAX REVENUE BONDS, SERIES 1999; ETC.</b>	<b>Approved</b>	<b>5-6 &amp; 8-9</b>



<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FOR APPROVAL OF 2008/'2009 ARTICLES OF FIRE UNION NEGOTIATIONS	Approved	6
***** END OF CONSENT CALENDAR DISCUSSION *****		
MATTERS FROM THE CITY MANAGER	None	7
MATTERS FROM THE CITY ATTORNEY		
EXECUTIVE SESSION	Approved	7
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	7-8
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	10
PETITIONS FROM THE FLOOR		10-11
<u>APPOINTMENTS</u>		
Santa Fe River Commission	Approved	11-12
Children and Youth Commission	Approved	12
Parks and Open Space Advisory Commission	Approved	12
<u>PUBLIC HEARINGS</u>		
CONSIDERATION OF BILL NO. 2008-45. ADOPTION OF ORDINANCE NO. 2008- 44 (COUNCILOR TRUJILLO). AN ORDINANCE AMENDING SECTION 24-1.1 SFCC 1987, REGARDING THE CITY OF SANTA FE UNIFORM TRAFFIC CODE; AMENDING SECTION 12-6-12.2 OF THE CITY OF SANTA FE UNIFORM TRAFFIC CODE REGARDING OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS AND SECTION 12-6-13-13 OF THE SANTA FE UNIFORM TRAFFIC CODE REGARDING MANDATORY SEAT BELT USE	Approved	12-13

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

CONSIDERATION OF RESOLUTION NO. 2008- \_\_\_\_.  
CASE #M 2008-18. 2047 GALISTEO STREET,  
GENERAL PLAN AMENDMENT. LINDA TIGGES  
AGENT FOR LINDA MARQUETTE, REQUESTS  
APPROVAL OF A GENERAL PLAN FUTURE  
LAND USE MAP AMENDMENT TO CHANGE  
THE DESIGNATION OF 0.628± ACRES OF  
LAND FROM LOW DENSITY RESIDENTIAL  
(3-7 DWELLING UNITS PER ACRE) TO OFFICE.  
THE AREA IS LOCATED ON THE EAST SIDE  
OF GALISTEO STREET, SOUTH OF ST.  
MICHAEL'S DRIVE

Postponed to 09/10/08

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CONSIDERATION OF BILL NO. 2008-48;  
ADOPTION OF ORDINANCE NO. 2008- \_\_\_\_.  
CASE #ZA 2008-07. 2047 GALISTEO STREET  
REZONING FROM R-1 TO C-1. LINDA TIGGES,  
AGENT FOR LINDA MARQUETTE, REQUESTS  
REZONING OF 0.628± ACRES OF LAND FROM  
4-1 (RESIDENTIAL , ONE DWELLING UNIT PER  
ACRE) TO C-1 (OFFICE AND RELATED  
COMMERCIAL). THE PROPERTY IS LOCATED  
ON THE EAST SIDE OF GALISTEO STREET  
SOUTH OF ST. MICHAEL'S DRIVE

Postponed to 09/10/08

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CASE #M 2007-39. THE VILLAS AT THE LENSIC  
DEVELOPMENT PLAN. KARL SOMMER, AGENT  
FOR GREER ENTERPRISES, INC., REQUESTS  
APPROVAL OF A DEVELOPMENT PLAN FOR  
A COMMERCIAL BUILDING COMPRISING  
APPROXIMATELY 47,691 SQUARE FEET, PLUS  
2.5 LEVELS OF UNDERGROUND PARKING GARAGE.  
THE PROPERTY IS ZONED BCDLEN (BUSINESS  
CAPITAL DISTRICT LENSIC BLOCK  
REDEVELOPMENT SUBDISTRICT) AND IS  
LOCATED WITHIN THE DOWNTOWN EASTSIDE  
HISTORIC OVERLAY DISTRICT AND HISTORIC  
DOWNTOWN ARCHAEOLOGICAL OVERLAY  
DISTRICT. (PUBLIC HEARING IS CLOSED)

Approved [amended]

14-17

<b><u>ITEM</u></b>	<b><u>ACTION</u></b>	<b><u>PAGE #</u></b>
CONSIDERATION OF BILL NO. 2008-35; ADOPTION OF ORDINANCE NO. 2008- ____ . AN ORDINANCE CREATING A NEW SECTION 14-6.2(F) SFCC 1987, ESTABLISHING REQUIREMENTS REGARDING ELECTRIC FACILITIES AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY	Postponed to 09/10/08	18
CONSIDERATION OF RESOLUTION NO. 2008- ____ . A RESOLUTION ADOPTING THE ELECTRIC FACILITIES PLAN AS AN AMENDMENT TO THE CITY OF SANTA FE GENERAL PLAN	Postponed to 09/10/08	18
CONSIDERATION OF RESOLUTION NO. 2008- ____ . A RESOLUTION ADOPTING A FEE SCHEDULE FOR THE REVIEW OF APPLICATIONS FOR ELECTRIC FACILITIES	Postponed to 09/10/08	18
CONSIDERATION OF RESOLUTION NO. 2008- ____ . A RESOLUTION DESIGNATING WATER RIGHTS FOR LOW PRICED DWELLING UNITS AND PUBLIC AMENITIES IN THE NORTHWEST QUADRANT AND FOR THE LOW PRICED DWELLING UNIT CREDIT POOL	Postponed to 09/10/08	18
MATTERS FROM THE CITY CLERK	None	18
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	18-21
ADJOURN		21

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

**AFTERNOON SESSION**

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Pro-Tem Rebecca Wurzbarger, on August 11, 2008, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance and Invocation, roll call indicated the presence of a quorum, as follows:

**Members Present**

Councilor Rebecca 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

**Members Excused**

Mayor David Coss

**Others Attending**

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

**5. APPROVAL OF AGENDA**

Yolanda Vigil, City Clerk, said the Applicant has requested to postpone Item #G(2) on the Evening Agenda to the meeting of September 10, 2008.

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

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

Ms. Vigil said Item G(3) on the Evening Agenda also will need to be postponed to the meeting of September 10, 2008.

**Councilor Calvert moved, seconded by Councilor Ortiz, to amend the agenda to postpone Item G(3) on the Evening Agenda to the meeting of September 10, 2008, and to approve the agenda as amended.**

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

**Councilor Chavez would like to postpone Item 8(c) on the Afternoon Agenda to the Council meeting of August 27, 2008.**

**Councilor Calvert moved, seconded by Councilor Chavez, to amend the agenda to postpone Item 8(c) on the Afternoon Agenda to the meeting of August 27, 2008, and to approve the agenda as amended.**

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

#### **6. APPROVAL OF CONSENT CALENDAR**

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

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

**Against: None.**

- a) BID NO. 08/34/B – PROCUREMENT OF ONE (1) AUTOMATEC SIDE-LOAD REFUSE TRUCK FOR SOLID WASTE MANAGEMENT DIVISION**
- b) BID NO. 08/43/B – PROCUREMENT OF CHEMICALS FOR WASTEWATER TREATMENT PLANT; POLYDYNE, INC. (LUIS OROZCO)**
- c) REQUEST FOR APPROVAL OF PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – PREPARATION OF McCLURE AND NICHOLS EMERGENCY ACTION PLAN AND OPERATION AND MAINTENANCE CONTRACT FOR WATER DIVISION (RFP #08/31/P); URS CORPORATION. (MICHAEL GONZALES)**

- d) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROJECT MANAGEMENT AND FISCAL SERVICES AGREEMENT – BUCKMAN DIRECT DIVERSION PROJECT; BUCKMAN DIRECT DIVERSION PROJECT BOARD, SANTA FE COUNTY AND SANGRE DE CRISTO WATER DIVISION OF THE CITY OF SANTA FE. (NANCY LONG AND MARCOS MARTINEZ)**
- e) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO LEGAL SERVICES AGREEMENT – AFFORDABLE HOUSING LAWSUIT, JOHN C. BIENVENU, ROTHSTEIN, DONATELLI, HUGHES, DAHLSTROM, SCHOENBURG & BIENVENU, LLP. (FRANK KATZ)**
- f) REQUEST FOR APPROVAL OF EMERGENCY PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – REROOFING PROJECT AT FORT MARCY COMPLEX; ALL SEASONS ROOFING. (JESUS VEGA)**
- g) REQUEST FOR APPROVAL OF DONATION OF FIRE ENGINE TO HILLSBORO VOLUNTEER FIRE DEPARTMENT. (CHIEF CHRIS RIVERA)**
- h) REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – INSTALLATION OF SPEED RADAR SIGNS AND REPAIR OF IN-GROUND LIGHT FIXTURE FOR ENGINEERING DIVISION; McDADE WOODCOCK, INC. (LEROY PACHECO)**
- i) REQUEST FOR APPROVAL OF CHANGE ORDER NO. 2 – POLICE DEPARTMENT RENOVATIONS; SAMCON, INC. (CHIP LILIENTHAL)**
- j) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – ON-CALL PLANNING AND ENGINEERING DESIGN SERVICES FOR NON-MOTORIZED TRAILS (RFP #07/26/P); GANNETT FLEMING WEST, INC. (LEROY PACHECO)**
- k) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – FRANKLIN E. MILES PARK – PUBLIC RESTROOMS BUILDING; ROMTEC. (MARY MacDONALD).**
- l) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – EQUIPMENT FOR THIRTY (30) POLICE VEHICLES; FIRST IN, INC. (CHIEF ERIC JOHNSON)**
- m) REQUEST FOR APPROVAL OF AMENDMENT TO PURCHASING MANUAL – \$30,000 THRESHOLD FOR PROCUREMENT OF GASOLINE AND DIESEL FUELS FOR PURCHASING DIVISION. (ROBERT RODARTE)**
- n) CONSIDERATION OF RESOLUTION NO. 2008- 68 (COUNCILOR CHAVEZ). A RESOLUTION SUPPORTING STATE LEGISLATIVE ACTION RELATED TO REVISION OF THE DEVELOPMENT FEES ACT TO INCLUDE LIBRARIES AND SCHOOLS AS ELIGIBLE FACILITIES. (PATRICK NICHOLSON)**

- o) **CONSIDERATION OF RESOLUTION NO. 2008- 69. (COUNCILOR DOMINGUEZ). A RESOLUTION DIRECTING STAFF TO PURSUE A WORKFORCE DEVELOPMENT PROGRAM TO SERVE RESIDENTS IN THE SOUTHWEST SECTOR OF SANTA FE. (KATHY McCORMICK)**
- p) *[Removed for discussion by Councilor Bushee]*
- q) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON SEPTEMBER 10, 2008:**
  - 1) **BILL NO. 2008-50 – AN ORDINANCE CREATING NEW SECTIONS 14-2.10 AND 14-2.11 SFCC 1987, ESTABLISHING THE SANTA FE EXTRATERRITORIAL LAND USE AUTHORITY (ELUA) AND THE SANTA FE EXTRATERRITORIAL LAND USE COMMISSION (ELUC) (COUNCILOR ROMERO). (FRANK KATZ)**
  - 2) **BILL NO. 2008-51 – AN ORDINANCE CREATING ARTICLE 24-4 SFCC 1987, THE SANTA FE TRAFFIC OPERATIONS PROGRAM OR “STOP,” REGARDING VIOLATIONS OF THE TRAFFIC CODE DETECTED BY A CAMERA OR SPEED DEVICE (COUNCILOR TRUJILLO AND COUNCILOR WURZBURGER). (CAPTAIN ANTHONY ROBBIN)**
- r) *[Removed for discussion by Councilor Bushee]*

**7. APPROVAL OF MINUTES: Regular City Council Meeting – July 30, 2008**

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

**8. PRESENTATIONS**

- a) **EMPLOYEE OF THE MONTH FOR AUGUST 2008 – MARGARET BACA, TECHNICAL SERVICES DIRECTOR, SANTA FE PUBLIC LIBRARY.**

Mayor Pro-Tem Wurzburger, assisted by Library Director Pat Hodapp, introduced Margaret Baca as the Employee of the Month for August 2008, and read the letter of nomination into the record. Mayor Pro-Tem Wurzburger presented Ms. Baca with a plaque and \$200 from the Employee Benefit Fund.

Coworkers presented Ms. Baca with flowers.

Ms. Baca thanked the Council for this honor and for nominating her. She said this job is a “dream come true,” thanking her good director Pat Hodapp and her coworkers. She said Ms.

Hodapp ensures she gets the resources to be able to do her job. She said, "Tech Services rocks!"

**b) MUCHAS GRACIAS – SHAYNA LEWIS, PLANNING & ZONING COMMISSIONER.**

Ms. Lewis was not in attendance, so this item was postponed to the meeting of August 27, 2008.

**c) NATIONAL LEAGUE OF CITIES UPDATE (COUNCILOR CHAVEZ)**

This item was removed from the agenda and postponed to the meeting of August 27, 2008.

**CONSENT CALENDAR DISCUSSION**

**9(p) REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON AUGUST 27, 2008:**

**BILL NO. 2008-49 – AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO GROSS RECEIPTS TAX REFUNDING REVENUE BONDS, SERIES 2008B IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$24,000,000 FOR THE PURPOSE OF DEFRAYING THE COST OF REFUNDING, PAYING AND DISCHARGING THE OUTSTANDING CITY OF SANTA FE, NEW MEXICO, GROSS RECEIPTS TAX REFUNDING AND IMPROVEMENT REVENUE BONDS, SERIES 1997A; AND CITY OF SANTA FE GROSS RECEIPTS TAX REVENUE BONDS, SERIES 1999; PROVIDING THAT THE REFUNDING BONDS WILL BE PAYABLE AND COLLECTIBLE FROM THE GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; PROVIDING FOR THE DISPOSITION OF THE RECEIPTS DERIVED FROM THE GROSS RECEIPTS TAX REVENUES; ESTABLISHING THE FORM, TERMS, MANNER OF EXECUTION AND OTHER DETAILS OF THE REFUNDING BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT, IN CONNECTION WITH THE REFUNDING BONDS; PROVIDING FOR REDEMPTION OF THE SERIES 1997A AND 1999 BONDS; APPROVING CERTAIN OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION WITH THE REFUNDING BONDS; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE REFUNDING BONDS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND RELATED MATTERS. (DAVID MILLICAN)**

Councilor Bushee asked what bonds are to be reissued.

Mr. Millican said this is for the 1997 and 1999 CIP bonds which are supported by the GRTs. This will save \$200,000 per year until the bonds mature, and the savings will go to the



credit of the CIP fund. He said the last bond matures in four years, and the total savings are for four years for both issues.

Responding to Councilor Bushee, Mr. Millican said this is being done at the recommendation of bond counsel. He said he sent an inquiry for another bond, and asked if there were other bonds which it would be feasible to do, noting that he decided not to do all those recommended for refinancing.

Councilor Bushee asked the cost to do the Refunding.

Mr. Millican said he doesn't recall offhand, noting he did receive a memorandum from First Southwest estimating the cost. He can get that information.

Councilor Bushee asked if there is any urgency in doing this right now.

Mr. Millican said the most important reason is to take advantage of the current interest rates which can change quickly.

Councilor Bushee said without the information, she will vote against this request.

**Councilor Bushee moved, seconded by Councilor Ortiz, to move this item to the end of the Afternoon Agenda to allow Mr. Millican to provide the requested information prior to voting on this item.**

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

**9(r) REQUEST FOR APPROVAL OF 2008/'2009 ARTICLES OF FIRE UNION NEGOTIATIONS. (CHIEF CHRIS RIVERA)**

Councilor Bushee said she pulled this item because, generally, items of this nature are not placed on the Consent Agenda. She asked in the future that such items not be placed on the Consent Agenda.

**Councilor Bushee moved, seconded by Councilor Ortiz, to approve this request. The motion was approved on the following roll call vote:**

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

**Against: None.**

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**END OF CONSENT CALENDAR DISCUSSION**  
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**10. MATTERS FROM THE CITY MANAGER**

None.

**11. MATTERS FROM THE CITY ATTORNEY**

**EXECUTIVE SESSION**

- a) DISCUSSION OVER THE DISPOSITION OF CERTAIN REAL PROPERTY TO PNM BY THE GOVERNING BODY, AN EXCEPTION TO THE OPEN MEETINGS ACT; PURSUANT TO §10-15-1(H)(7)(8), NMSA 1978.
- b) UPDATE ON PENDING LITIGATION: GOODMAN V. CITY OF SANTA FE, (SHORT TERM RENTAL ORDINANCE); PURSUANT TO §10-15-1(H)(7), NMSA 1978.
- c) UPDATE ON PENDING LITIGATION: WADDELL V. CITY OF SANTA FE, (REAL ESTATE TRANSFER TAX ORDINANCE); PURSUANT TO §10-15-1(H)(7), NMSA 1978.
- d) UPDATE ON PENDING LITIGATION: VISTA ENCANTANDA NEIGHBORHOOD ASSOCIATION V. SAFE PROPERTIES & CITY OF SANTA FE; (OLD TAOS HIGHWAY DEVELOPMENT); PURSUANT TO §10-15-1(H)(7), NMSA 1978

Councilor Calvert moved, seconded by Councilor Chavez, that the Council go into Executive Session for the purpose of the discussion of the disposition of certain real property to PNM by the Governing Body pursuant to §10-15-1(H)(8), and updates on pending litigation in Goodman v. City of Santa Fe, Waddell v. City of Santa Fe, and Vista Encantanda Neighborhood Association v. SAFE Properties & 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 Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo and Mayor Pro-Tem Wurzbarger.

Against: None.

The Council went into Executive Session at 5:25 p.m.

**MOTION TO COME OUT OF EXECUTIVE SESSION**

At 7:05 p.m. Councilor Calvert moved, seconded by Councilor Trujillo, 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 Mayor Pro-Tem Wurzbarger voting for the motion, no one voting against, and Councilors Chavez, Dominguez and Ortiz absent.

Councilor Calvert moved, seconded by Councilor Romero to approve the disposition of certain real property to PNM by the Governing Body listed on the Agenda as 11(a). The motion was approved on a roll call vote as follows:

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

Against: None.

Absent: Councilor Chavez.

#### **CONSENT CALENDAR DISCUSSION**

**9(p) REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON AUGUST 27, 2008:**

**BILL NO. 2008-49 – AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO GROSS RECEIPTS TAX REFUNDING REVENUE BONDS, SERIES 2008B IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$24,000,000 FOR THE PURPOSE OF DEFRAYING THE COST OF REFUNDING, PAYING AND DISCHARGING THE OUTSTANDING CITY OF SANTA FE, NEW MEXICO, GROSS RECEIPTS TAX REFUNDING AND IMPROVEMENT REVENUE BONDS, SERIES 1997A; AND CITY OF SANTA FE GROSS RECEIPTS TAX REVENUE BONDS, SERIES 1999; PROVIDING THAT THE REFUNDING BONDS WILL BE PAYABLE AND COLLECTIBLE FROM THE GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; PROVIDING FOR THE DISPOSITION OF THE RECEIPTS DERIVED FROM THE GROSS RECEIPTS TAX REVENUES; ESTABLISHING THE FORM, TERMS, MANNER OF EXECUTION AND OTHER DETAILS OF THE REFUNDING BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT, IN CONNECTION WITH THE REFUNDING BONDS; PROVIDING FOR REDEMPTION OF THE SERIES 1997A AND 1999 BONDS; APPROVING CERTAIN OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION WITH THE REFUNDING BONDS; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE REFUNDING BONDS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND RELATED MATTERS. (DAVID MILLICAN)**

Councilor Bushee moved, seconded by Councilor Trujillo, to approve the Request to Publish Notice of a public hearing on August 27, 2008, for Bill No. 2008-49. The motion was approved on a roll call vote as follows:

**For: Councilor Bushee, Councilor Calvert, Councilor Domínguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo and Mayor Pro-Tem Wurzbürger.**

**Against: None.**

**Absent: Councilor Chavez.**

Mayor Pro-Tem Wurzbürger moved Item 14, Communications from the Governing Body, to the end of the Evening Agenda.

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

## **EVENING SESSION**

### **A. CALL TO ORDER AND ROLL CALL**

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

#### **Members Present**

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

#### **Members Excused**

Mayor David Coss  
Councilor Miguel Chavez,

#### **Others Attending**

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

### **E. PETITIONS FROM THE FLOOR**

Mayor Pro-Tem Wurzbarger said all those speaking would have three minutes to petition the Governing Body.

A copy of "Motion for Reconsideration of Findings of Fact and Conclusions of Law Adopted by Santa Fe City Council, in Its Quasi-Judicial Capacity," entered for the record by Stefanie Beninato, is incorporated herewith to these minutes as Exhibit "1."

**Stefanie Beninato** said, "I'm here today to ask for a reconsideration of your decision on the appeal, and I'm asking for that as a quasi judicial body, and I'm asking for it because of either inadvertent mistake or fraud. The findings of fact and conclusions of law adopted by the Board of Adjustment and by the City Council do not reflect the testimony given and the evidence presented at either of these hearings and therefore are arbitrary and capricious. Findings of fact and conclusions of law adopted do not reflect the conclusions of law stated in the record at the time of either of those hearings, and therefore are arbitrary and capricious. Findings of fact and conclusions of law are based on personal preferences and subjective standards as reflected in Mr. Chavez's and Ms. Romero's remarks. The decision therefore is arbitrary, capricious and not in accordance with the law. The District Court has been clear that the ends do not justify the means. Judge Hall, in a case involving affordable housing on Old Taos Highway has stated that we citizens have a right to rely on predictable, stable land use policies, that's a quote, and quote, the City may not ignore or revise its stated policies and

procedures for a single decision no matter how well intentioned the goal may be. This is also in keeping with the New Mexico Supreme Court's ruling concerning the plain text of a law, ordinance or written policy."

Ms. Beninato continued, "I'd like to show you some pictures. I'm sorry. Who's the person in the booth? Joseph? Joe, can you show this here? Thank you. I also believe that you are engaging... uh, that you deprived me of due process by limiting my right to cross examination as required by Marchiando vs. Brown, by allowing affidavits of witnesses who are not present for cross examination, and by allowing in hearsay in the affidavits. I also believe that you are engaging in reckless and wilful endangerment or aiding the developers in reckless and wilful endangerment, because here is a wall in the main unit. This wall, this photo was taken on eight o eight, the first inspection of the footings was on eight twenty-eight. As you see to the left as you look at it, there's no footing here, and again, this small window here represents this window here, and as you see on the plan it has never been shown to be... the wall being taken down, yet the wall is clearly down beyond that small window."

Ms. Beninato continued, "Excuse me. We also have this wall here, which is reckless endangerment, because again, what we have is the owner saying that he poured it... that he did it according to engineer specs which required rebar according to his testimony, and was supposed to be poured under pressure. This is the other side of that picture you just saw. So, on neither side of this wall has there been inspections and are not done accordingly."

Mayor Pro-Tem Wurzbarger said, "Thank you Ms. Beninato."

Ms. Beninato said, "I have just one more I wanted to show you."

Mayor Pro-Tem Wurzbarger said, "Just one."

Ms. Beninato said, "Just one. And here again, I'm sorry this is not my photo, so it's not very good, but there is rebar here. This is Unit A and you had this in your packet. And this wall here, this is not a wall, this is stucco. And here is Unit A. It starts here. And again, this wall is gone. It's not shown on the plans as being taken down. It's shown as being repairing a hole in the wall. And again, a falsification of the record. So, again, I'm asking that you reconsider. You have these in front of you, there's a few more points, but I'm asking that you reconsider and take it under consideration and make a decision or announce your decision at the next Council meeting."

## **F. APPOINTMENTS**

### **Santa Fe River Commission**

Mayor Pro-Tem Wurzbarger, on behalf of Mayor Coss, submitted the following appointments to the Santa Fe River Commission:

Dana Vackar Strang – to fill unexpired term ending 02/2010;  
Matthew McQueen – to fill unexpired term ending 02/2010; and  
Richard D. Ellenberg – to fill unexpired term ending 02/2010.

**Councilor Calvert moved, seconded by Councilor Romero, to approve these appointments.**

**The motion was approved unanimously on a voice vote, with Councilors Calvert, Dominguez, Ortiz, Romero, Trujillo and Mayor Pro-Tem Wurzbürger voting for the motion, none against and Councilor Bushee absent.**

#### **Children and Youth Commission**

**Mayor Pro-Tem Wurzbürger, on behalf of Mayor Coss, submitted the following appointment to the Children and Youth Commission:**

**Suzanne S.P. Gebhart, M.D. – to fill unexpired term ending 01/2011.**

**Councilor Ortiz moved, seconded by Councilor Calvert, to approve this appointment.**

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

#### **Parks and Open Space Advisory Commission**

**Mayor Pro-Tem Wurzbürger, on behalf of Mayor Coss, submitted the following appointments to the Santa Fe River Commission:**

**Oralynn Guerrerortiz – to fill unexpired term ending 06/2009; and  
Valentina Gonzalez – to fill unexpired term ending 06/2011.**

**Councilor Calvert moved, seconded by Councilor Dominguez, to approve these appointments.**

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

### **G. PUBLIC HEARINGS**

- 1) CONSIDERATION OF BILL NO. 2008-45. ADOPTION OF ORDINANCE NO. 2008- 44 (COUNCILOR TRUJILLO). AN ORDINANCE AMENDING SECTION 24-1.1 SFCC 1987, REGARDING THE CITY OF SANTA FE UNIFORM**

**TRAFFIC CODE; AMENDING SECTION 12-6-12.2 OF THE CITY OF SANTA FE UNIFORM TRAFFIC CODE REGARDING OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS AND SECTION 12-6-13-13 OF THE SANTA FE UNIFORM TRAFFIC CODE REGARDING MANDATORY SEAT BELT USE. (CHIEF ERIC JOHNSON).**

The staff report was given by Deputy Chief Montano who said this is an alignment with New Mexico State Statute.

Councilor Trujillo said he has no comment, and reiterated that this Ordinance will bring City Code up to par with the State of New Mexico.

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

Councilor Trujillo moved, seconded by Councilor Dominguez, to adopt Ordinance No. 2008-44.

The motion was approved on the following Roll Call Vote:

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

Against: None.

Absent: Councilor Calvert

- 2) **CONSIDERATION OF RESOLUTION NO. 2008- \_\_\_\_\_. CASE #M 2008-18. 2047 GALISTEO STREET, GENERAL PLAN AMENDMENT. LINDA TIGGES AGENT FOR LINDA MARQUETTE, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 0.628± ACRES OF LAND FROM LOW DENSITY RESIDENTIAL (3-7 DWELLING UNITS PER ACRE) TO OFFICE. THE AREA IS LOCATED ON THE EAST SIDE OF GALISTEO STREET, SOUTH OF ST. MICHAEL'S DRIVE. (DONNA WYNANT)**

This item was removed from the agenda and postponed to the meeting of September 10, 2008.



- 3) **CONSIDERATION OF BILL NO. 2008-48 ADOPTION OF ORDINANCE NO. 2008- \_\_\_\_ . CASE #ZA 2008-07. 2007 GALISTEO STREET REZONING FROM R-1 TO C-1. LINDA TIGGES, AGENT FOR LINDA MARQUETTE, REQUESTS REZONING OF 0.628± ACRES OF LAND FROM R-1 (RESIDENTIAL, ONE DWELLING UNIT PER ACRE) TO C-1 (OFFICE AND RELATED COMMERCIAL). THE PROPERTY IS LOCATED ON THE EAST SIDE OF GALISTEO STREET SOUTH OF ST. MICHAEL'S DRIVE. (DONNA WYNANT)**

This item was removed from the agenda and postponed to the meeting of September 10, 2008.

- 4) **CASE #M 2007-39. THE VILLAS AT THE LENSIC DEVELOPMENT PLAN. KARL SOMMER, AGENT FOR GREER ENTERPRISES, INC., REQUESTS APPROVAL OF A DEVELOPMENT PLAN FOR A COMMERCIAL BUILDING COMPRISING APPROXIMATELY 47,691 SQUARE FEET, PLUS 2.5 LEVELS OF UNDERGROUND PARKING GARAGE. THE PROPERTY IS ZONED BCDLEN (BUSINESS CAPITAL DISTRICT LENSIC BLOCK REDEVELOPMENT SUBDISTRICT) AND IS LOCATED WITHIN THE DOWNTOWN EASTSIDE HISTORIC OVERLAY DISTRICT AND HISTORIC DOWNTOWN ARCHAEOLOGICAL OVERLAY DISTRICT. (TAMARA BAER). (Postponed at July 30, 2008 City Council Meeting – PUBLIC HEARING IS CLOSED)**

Mayor Pro-Tem Wurzbarger said, for the record, the public hearing is closed on this Agenda item.

Kathy McCormick said she is speaking to the issue of the fee-in-lieu, how it might apply to fractionals, and to this particular project. She said to this point the Santa Fe Homes Program did not apply to time shares, vacation time share, or fractionals. However, an amendment is going through the process which would allow for that, and for a fee-in-lieu price. She said staff has been talking with representatives for this project about this fee-in-lieu, but they have been careful to say that a fee-in-lieu should apply to any project which is seeking an alternative means of compliance, or any other time share project which might be coming before this Governing Body at some point in the future.

Ms. McCormick said she looked at the fee-in-lieu calculation which was done in a Governing Body study session about a year ago, and determined a fee-in-lieu amount of \$109,000, which currently is in the Ordinance. This would have applied to any project seeking an alternative means of compliance.

Ms. McCormick said when timeshares were added, staff was asked to look at the fee-in-lieu and to determine what they believe would be defensible in the fee-in-lieu, noting that is in the Memorandum in the packet. She said staff believes a fee-in-lieu of \$213,000 is defensible, but would counsel the Governing Body to consider adopting a fee-in-lieu which is slightly lower than the \$213,000. She said she has been talking with Mr. Sommer about this so he

understands the approach we are taking with these issues. It is her understanding this project would have an affordable housing requirement of 3.6 units, and the Applicant is amenable to paying a fee-in-lieu of up to \$200,000, to meet the affordable housing requirement for the Lensic.

**Councilor Bushee moved, seconded by Councilor Calvert, to adopt Ordinance No. 2008- 44, with conditions as recommended by staff, conditions which were agreed to by the Applicant at the meeting of July 30, 2008, and the following condition: subject to adoption of an amendment to the Santa Fe Homes Program applying the fee-in-lieu provision to timeshare dwelling units, Applicant agrees as a condition of approval that they will pay such fee up to \$200,000 per dwelling unit without legal challenge.**

**Friendly amendment:** Councilor Calvert would like, as a condition of approval, to require the Applicant to meet the Silver LEED standard, noting they don't have to get that certification, but the Applicant should meet that standard. **The amendment was friendly to the maker.**

**Karl Sommer, P.O. Box 2476, Santa Fe, New Mexico, attorney for the Applicant was sworn.** Mr. Sommer said the condition as specified is acceptable, and clarified that it isn't necessary to get the certification and the monitoring that go along with that certification, but they have to meet the essential standards of it, related to where you would get the points for it.

Councilor Calvert said this is correct, and he would have to show that to staff.

Mr. Sommer said the Applicant has no objection to doing that.

**Clarification of the Condition of Approval in the Motion:**

Mr. Sommer said, "If I may, with respect to the other condition, clarify my understanding of it so there is no confusion, the affordable housing."

Mayor Pro-Tem Wurzbarger said yes.

Mr. Sommer said, "I worked with Mr. Katz this afternoon and earlier today, and what was stated was a little different than what I had seen in writing, so at risk of confusing things, can I give you my understanding of what that was."

Mayor Pro-Tem Wurzbarger said, Yes, please give your interpretation of what you think we are all doing here.

Mr. Sommer said, "My understanding was that, and working with Ms. McCormick, that as a condition of approval we would agree to pay up to the \$200,000 figure. If the ordinance came in less than that, we would be covered by paying less than that."

Mayor Pro-Tem Wurzbarger said this is correct.

Mr. Sommer said, "That's one thing. The second thing is that we would agree that we would not make the legal challenge only if you all were agreeing that once the fee was paid that we were done, that there would be an exemption under the ordinance, and I discussed that with Ms. McCormick this afternoon. And that would be... so let's say, we come in at the time of building permit, we imposed a fee of \$200,000. We paid the fee. Then, if you didn't have an ordinance, or something changed in our project, with respect to being a time share or a fractional or converting back to wholly owned, we would have complied with the Ordinance. That's the way I understood it. If I'm wrong about that, then I need some clarification."

Mayor Pro-Tem Wurzbarger asked Mr. Katz to respond to that.

Mr. Katz said, "I'm a little puzzled as to, I mean I can understand a scenario where we go down the road a piece and it turns out that timeshares are not going to work for this project, and you just want to sell them outright."

Mr. Sommer said, "We would have paid the fee. I don't want to have to come back and say, oh well, now we're subject to some new requirement."

Mayor Pro-Tem Wurzbarger said, "Oh, you're not asking for the fee back."

Mr. Sommer said, "I'm not asking for the fee back. One we've paid the fee, we'll be deemed to comply with the Ordinance, even if there's a conversion. And the reason I say that, as some of you know, when you go to a bank to finance these, the bank always wants to know what happens if we have to foreclose on this and sell them as wholly owned units, or whatever. They will not finance it if they don't have a back up plan. It's difficult to accomplish that. I want to make sure that once we pay the fee, we have complied, that's my understanding."

Mayor Pro-Tem Wurzbarger said, "But you're not implying that you would have more units than the twelve units. I just want to make sure that that is clear."

Mr. Sommer said, "No. No. No. We would have paid....[someone else here talking over Mr. Sommer] So, it would be \$200,000 times 3.6 units. In this development, that would be \$720,000, and my understanding is it would be due at the time of building permit. This is all one project, so there would be a building permit. Once we pay, we're done. If the Ordinance isn't in place by that time and we pay, we pay it any way. If the Ordinance is in place, then we pay what the Ordinance says up to \$200,000. That's the way I understand the condition."

Mayor Pro-Tem Wurzbarger said, "That's the way I understand it. However, are there any questions or comments from other Councilors."

**End of Clarification of Condition of Approval in the Motion.**

**Friendly amendment:** Mr. Sommer said, "I just have one other question if I may. This

process has put us six months longer than we otherwise would have done, and Ms. Girard and I have talked about asking the Council, as a condition of approval, asking that the time period for us to begin.. Under your ordinance there is a sunset clause I think, again Gary could tell us, I think it's twenty-four months, before you have to begin construction. And, we would like an additional six months beyond that, so that we don't have to come back and ask for an extension. The process that the Council has put us through in the approval of the Lensic project has been [inaudible] back to the Council, and it's extended our time period longer than we would have otherwise had to do. So, in consideration of the longer time period, we are asking that the time period be extended for six months beyond what the ordinance allows."

**Discussion on the friendly amendment:**

Councilor Bushee asked if the Land Use Director or other staff can speak to this request.

Tamara Baer said that would be fine, noting typically it is twenty-four months, and after that they would have to come back and ask for an extension of six months to the time they would be allowed to start.

Mayor Pro-Tem Wurzburger said they are asking for that decision to be made now, and asked if staff a problem with making that decision now.

Ms. Baer said there is no problem.

Councilor Bushee asked Mr. Katz if this can be done this way.

Mr. Katz indicated it would be okay with a nod of his head.

**The amendment was friendly to the maker and the second.**

Councilor Bushee said she believes none of the Councilors were wanting to discourage the project at the previous meeting, but they wanted to ensure there is an appropriate contribution to affordable housing. She said, "I have my own concerns down the road. I'm hoping they don't bear out with regard to traffic." She said it is a much improved project and she looks forward to seeing these results.

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

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

**Against: None.**

5. **CONSIDERATION OF BILL NO. 2008-35; ADOPTION OF ORDINANCE NO. 2008- \_\_\_\_ (COUNCILOR CHAVEZ). AN ORDINANCE CREATING A NEW SECTION 14-6.2(F) SFCC 1987, ESTABLISHING REQUIREMENTS REGARDING ELECTRIC FACILITIES AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY. (NICK SCHIAVO) (Postponed at June 11 2008 City Council meeting – PUBLIC HEARING IS CLOSED) (Postponed to September 10, 2008 City Council meeting)**

- 1) **CONSIDERATION OF RESOLUTION NO. 2008- \_\_\_\_ (COUNCILOR CHAVEZ). A RESOLUTION ADOPTING THE ELECTRIC FACILITIES PLAN AS AN AMENDMENT TO THE CITY OF SANTA FE GENERAL PLAN. (NICK SCHIAVO)**
- 2) **CONSIDERATION OF RESOLUTION NO. 2008- \_\_\_\_ (COUNCILOR CHAVEZ). A RESOLUTION ADOPTING A FEE SCHEDULE FOR THE REVIEW OF APPLICATIONS FOR ELECTRIC FACILITIES. (NICK SCHIAVO)**

This item is postponed to the Council meeting of September 10, 2008.

- 6) **CONSIDERATION OF RESOLUTION NO. 2008- \_\_\_\_ (COUNCILOR ORTIZ AND COUNCILOR WURZBURGER). A RESOLUTION DESIGNATING WATER RIGHTS FOR LOW PRICED DWELLING UNITS AND PUBLIC AMENITIES IN THE NORTHWEST QUADRANT AND FOR THE LOW PRICED DWELLING UNIT CREDIT POOL. (KATHY McCORMICK). (Postponed to September 10, 2008 City Council Meeting)**

This item is postponed to the Council meeting of September 10, 2008.

**13. MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk.

**14. COMMUNICATIONS FROM THE GOVERNING BODY**

**Councilor Dominguez**

Councilor Dominguez said he had requested that the Police Department provide a breakout of crashes at intersections due to red light violations. He hasn't received that information, and he would like that information as the ordinance moves forward.

### **Councilor Calvert**

Councilor Calvert said he had no communications.

### **Councilor Trujillo**

Councilor Trujillo said about a month ago he asked that Public Works clean the arroyo between Avenida las Campanas and Camino Consuelo. He said the kids use it as a trail to get home and it is really overgrown, and he would like the cleanup as soon as they can do it.

### **Councilor Ortiz**

Councilor Ortiz said he has two items. The first is regarding a meeting that the development neighborhood wants to have around Nava Elementary School. They would like to have representatives from Code Enforcement, Graffiti, Traffic Calming and Neighborhood Watch. He said the meeting originally was scheduled in June, but there were problems in getting the school site. He believes Sev Gurule has worked that out. He believes the meeting will be on August 25, 2008, and he will get the details to Mr. Buller, reiterating that he wants a number of different staff and departments to attend to address their concerns.

Councilor Ortiz said Mayor Montano, who just passed away, was a good and decent man. He said one of his contributions as Mayor was to put together the first rendition of what eventually became the Arts Commission. He asked that Sabrina Pratt ask the Arts Commission for guidance on an award and/or some sort of memorial to recognize the achievements of Mayor Louis Montano in creating Santa Fe's first rendition of the Arts Commission as a small token of the work and legacy he provided to Santa Fe.

### **Councilor Bushee**

Councilor Bushee introduced a Resolution adopting an Infrastructure Capital Improvements Plan (ICIP), which needs to be adopted by the first meeting in September. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "2."

Councilor Bushee gave a picture of a sculpture to Mr. Buller, and would like to see if we could use the Arts funding to put the sculpture at the Railyard Park, noting it is called "A Circular Bike," designed by an L.A. artist. It is for free use, but she doesn't know the cost of the design.

Councilor Bushee asked, with regard to the Report from the Judge, if it would be possible for the Judge to break out the cell phone violations, since we are looking at an increase in fees.

Councilor Bushee asked the status of the Neighborhood Conservation [ordinance].

Mr. Buller said it is in some committee, and he will check and get back with her.

Councilor Bushee said she is still trying to track the Oil & Gas Ordinance.

Mr. Katz said staff is staying in touch with the County, noting they have a lot of very expensive experts working on it, and they will be coming up with something. Hopefully, it will be something which would work for the City as well. He said we still have the State Moratorium which is giving us space to get this done, but he is unsure when that Moratorium will expire.

Councilor Bushee would like Mr. Katz to provide her with a one page written report on this issue.

### **Councilor Romero**

Councilor Romero said the Casa Neighborhood Association has been meeting with Patrick Nicholson and another City Planner, and they are moving forward on a neighborhood plan. An issue which has arisen recently is the development of a master plan for the DOT twenty-five acres. She suggested that the Land Use Committee, at its meeting on August 20<sup>th</sup>, start to look at issues where the City gets more involved in working with the State. She noted several Resolutions were adopted in 2007 which lend themselves to how to work better with the State, and we can build on the good work we did with the parking facility, for example.

Councilor Romero said, due to the recent rains, the City is covered with weeds, especially on the far west side. She suggested perhaps we can work with Santa Fe Beautiful and the neighborhood associations to inform the public, and address this problem.

Councilor Romero said at the last Council meeting, she cosponsored a Resolution with the Mayor on the use of 2% of the Parks Bond for the arts. She said there is a public process we need to follow with these kinds of resolutions, and she believes public art is about utilizing the City committees and commissions. She is removing her name from the Resolution. She is totally in support of the 400<sup>th</sup> Anniversary and making Santa Fe a more beautiful, wonderful City. However, there are processes to follow, and she wants to reconsider how we go about getting the important art into our neighborhoods.

Councilor Romero said, "SWMA needs more Councilors to participate." She said on August 21, 2008, at the regular SWMA meeting at noon at the County Offices, there will be a short presentation on the reuse of landfill materials and the work being done by Highlands University through a grant. She invited everyone to attend.

### **Mayor Pro-Tem Wurzbarger**

Mayor Pro-Tem Wurzbarger introduced resolutions and an ordinance change as follows:

1. A Resolution adopting the goal of reaching a 33% recycling rate by the year 2013. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "3."
2. A Resolution cosponsored by Councilor Dominguez, designating the Economic Development Division as the authority for the City's economic development activities in compliance with the New Mexico Economic Development Department Certified Communities Initiative. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "4."
3. A Resolution endorsing and adopting the Water Division 10-Year Financial Plan. She said this came from the Public Utilities Committee, noting there is some confusion and the cosponsors need to be clarified. It currently is cosponsored by Councilors Calvert and Councilor Romero and she asked anyone who would like to cosponsor to please let her know. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "5."
4. An Ordinance amending the Water Rates, noting there are no cosponsors, and asked anyone who would like to cosponsor this to let her know. Councilor Romero said she would like to cosponsor the ordinance. A copy of the Ordinance amendment is incorporated herewith to these minutes as Exhibit "6."

Mayor Pro-Tem Wurzbarger reminded everyone that the International Conference on Creative Tourism is scheduled for September 28-October 21, in Santa Fe. She invited the Mayor and Council to attend the opening session and reception.

Mayor Pro-Tem Wurzbarger would like to have flowers planted and a cleanup around City Hall.

Councilor Bushee said Fabian Chavez put together a plan to do this, but nothing was done. She suggested that no annuals be planted.

Mayor Pro-Tem Wurzbarger said she would rely on Councilor Bushee in this regard, and reiterated that she would like some colorful flowers and plants around City Hall before September 28<sup>th</sup>.

## **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 7:40 p.m.



**Approved by:**

\_\_\_\_\_  
**Mayor David Coss**

**ATTESTED TO:**

\_\_\_\_\_  
**Yolanda Y. Vigil, City Clerk**

**Respectfully submitted:**

  
**Melessia Helberg, Stenographer**