



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
SEPTEMBER 10, 2008  
CITY COUNCIL CHAMBERS

## AFTERNOON SESSION – 5:00 P.M.

### CITY CLERK'S OFFICE

DATE 9-5-08 TIME 9:30

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

RECEIVED BY tydominguez

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 – August 27, 2008
8. PRESENTATIONS
  - a) Employee of the Month for September 2008 – Matthew Varela, T & D Pipefitter III, PUD/Water/Transmission and Distribution. (5 minutes)
  - b) City Manager Employee Recognition Awards. (5 minutes)
  - c) 2008 Mayor's Recognition Awards for Excellence in Arts and Youth Artist Award Recipients. (5 minutes)
  - d) Immigration Committee Annual Report. (Maria Cristina Lopez) (10 minutes)
9. Consent Calendar
  - a) CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_. (Councilor Wurzbarger and Councilor Dominguez)  
A Resolution Designating the Economic Development Division as the Authority for the City of Santa Fe's Economic Development Activities in Compliance with the New Mexico Economic Development Department Certified Communities Initiative. (Tony Flores)
  - b) Request for Approval of Change Order No. 1 – La Farge Branch Library Renovations; GEW Mechanical, Inc. (Chip Lilienthal)



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- c) CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_. (Mayor Coss)  
A Resolution Directing the City of Santa Fe Transit Division to Provide Free Rides on All Bus Routes on Election Day, November 4, 2008. (Jon Bulthuis)
- d) Bid No. 09/01/B – Pedestrian/Bicycle Trail Resurfacing at Pueblos Del Sol Subdivision Agreement Between Owner and Contractor; Advantage Asphalt and Seal Coating, LLC. (Ben Gurule)
- e) Bid No. 09/02/B – Zona Del Sol Phase II New Addition Agreement Between Owner and Contractor; Lockwood Construction Company. (Chip Lilienthal)
- f) Request for Approval of Grant Award – Artworks Program in the Santa Fe Public Schools; National Endowment for The Arts. (Sabrina Pratt)
  - 1) Request for Approval of Budget Increase – Grant Fund.
- g) Request for Approval of Professional Services Agreement – Arts Education Coordinator for Artworks Program; Kristin Watson. (Sabrina Pratt)
- h) Request for Approval of Amendment No. 3 to Professional Services Agreement – Meeting Planner Services for International Conference on Creative Tourism; Recursos de Santa Fe. (Tom Maguire)
  - 1) Request for Approval of Budget Increase – Special Uses Lodgers' Tax Fund.
- i) Request for Approval of Procurement Under Federal Price Agreement – Elgin Sweeper for Streets and Drainage Division; Pete's Equipment Repair, Inc. (David Catanach)
- j) Request for Approval of Amendment No. 2 to Professional Services Agreement – Construct, Equip and Furnish Warehouse 21 Facility; Santa Fe Teens Arts Center, Warehouse 21. (Robert Siqueiros)
- k) Request for Approval of Project Overs, Unders and Additional Items – Rodeo Road Bridge Maintenance Project; Qualcon, Inc. (Desirae Lujan)



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- l) Request for Approval of Change Order No. 4 to Agreement – Mager's Field Park Phase 2 Improvements; Accent Landscaping and Sprinklers, Inc. (Ben Gurule)
- m) Request for Approval of Grant Agreement – 2008 Severance Tax Projects Appropriation; State of New Mexico Department of Finance and Administration Local Government Division. (David Chapman)
  - 1) Request for Approval of Budget Increase – Grant Fund.
- n) Request for Approval of Change Order No. 16 – Civic Center Project Construction Contract; Cameron Swinerton. (Martin Valdez)
- o) Request for Approval of Amendment No. 3 to Parking Garage Development Agreement to Include Change Orders No. 2 and No. 3 – Railyard Underground Parking Garage; Railyard Company, LLC. (Walter Roybal)
  - 1) Request for Approval of Budget Increase – Parking Enterprise Fund
- p) Request for Approval of Amendment No. 1 To Professional Services Agreement – Water Treatment Plant Residual (Sludge) Transport and Disposal; Rhino Environmental Services, Inc. (Robert Gallegos)
- q) Request for Approval of Additional Budget Authorization for Debt Service Payments for City of Santa Fe Bonds and Loans. (Helene Hausman)
- r) Request for Approval of Establishment of Brokerage Account at Wells Fargo Bank and Draft Policy and Procedures Regarding Contributions of Stock to The City of Santa Fe. (Helene Hausman)
- s) 2010-2014 Infrastructure Capital Improvements Plan. (Robert Romero)
  - 1) Request for Approval of Plan
  - 2) CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_.  
A Resolution Adopting an Infrastructure Capital Improvements Plan (ICIP). (Councilor Bushee) (Robert Romero)
- t) Request for Approval of Allocation of Funds for Winter Overflow Shelter. (Terrie Rodriguez)



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- u) Request for Approval to Publish of Notice of Public Hearing on October 6, 2008:

Bill No. 2008-53 – An Ordinance Amending Article 18-19 SFCC 1987 Regarding the Workforce Housing Funding Initiative. (Councilor Wurzburger and Mayor Coss) (Kathy McCormick)

- 10. Request for Approval of 2008/2009 Union/Management Negotiations with Fraternal Order of Police Santa Fe Police Officer's Association. (Captain Gary Johnson)
- 11. Consideration of Request for the Governing Body to Review the Decision of the Planning Commission in Case # M 2008-26: La Triada Town Homes Final Development Plan. (Councilor Matthew Ortiz)
- 12. MATTERS FROM THE CITY MANAGER
- 13. MATTERS FROM THE CITY ATTORNEY
- 14. MATTERS FROM THE CITY CLERK
- 15. COMMUNICATIONS FROM THE GOVERNING BODY

## **EVENING SESSION – 7:00 P.M.**

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



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## G. PUBLIC HEARINGS:

- 1) Request from F. Armijo Enterprises, Inc. for a Restaurant (Beer & Wine) Liquor License to be located at El Milagro New Mexican Restaurant, 3482 Zafarano Drive, Suite. C. (Yolanda Y. Vigil)
- 2) Request from Aldana's Restaurant for a Restaurant (Beer & Wine) Liquor License to be located at Aldana's Restaurant, 3875 Cerrillos Road, Space 12. (Yolanda Y. Vigil)
- 3) Request from Caffeine Unlimited L.L.C., for a Restaurant (Beer & Wine) Liquor License to be located at the Aztec Café, 317 Aztec Street. (Yolanda Y. Vigil)
- 4) Request from The Railyard Restaurant and Saloon to Allow the Dispensing/Consumption of Alcoholic Beverages in the Parking Lot of the Railyard Restaurant and Saloon (City Property) on September 12, 2008 – September 14, 2008 for the Railyard Grand Opening. The Requested Hours are from 12:00 noon – 2:00 p.m. and 6:00 p.m. – 10:00 p.m. (Louis Moskow and Yolanda Y. Vigil)
- 5) Request from The Railyard Company LLC to Allow the Dispensing/Consumption of Alcoholic Beverages (Beer & Wine Only) in the Market Station Courtyard (City Property) on September 13, 2008 and September 14, 2008 for the Railyard Grand Opening. The Requested Hours are from 12:00 noon – 6:00 p.m. (Rick Jaramillo and Yolanda Y. Vigil)
- 6) CONSIDERATION OF BILL NO. 2008-50: ADOPTION OF ORDINANCE NO. 2008-\_\_\_\_\_. (Councilor Romero)  
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) (Frank Katz)
  - a) Request for Approval of Extraterritorial Land Use Joint Powers Agreement; Santa Fe County.



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- 7) CONSIDERATION OF BILL NO. 2008-51: ADOPTION OF ORDINANCE NO. 2008-\_\_\_\_\_. (Councilor Trujillo and Councilor Wurzburger)  
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. (Captain Anthony Robbin)
- 8) CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_.  
**Case #M 2007-36. 1312 Agua Fria Street General Plan Amendment.** Derrick Archuleta, Agent for Evangeline Herrera, Requests Approval of a General Plan Future Land Use Map Amendment to Change The Designation of 0.306± Acres of Land From Low Density (3-7 Dwelling Units Per Acre) to Office. The Area is Located Between Agua Fria Street and Hickox Street. (Greg Smith) **(Postponed at July 30, 2008 City Council Meeting)**
- 9) CONSIDERATION OF BILL NO. 2008-19: ADOPTION OF ORDINANCE NO. 2008-\_\_\_\_\_.  
**Case #ZA 2007-13. 1312 Agua Fria Street Rezoning.** Derrick Archuleta, Agent for Evangeline Herrera, Requests Rezoning of 0.306± Acres of Land From R-5 (Residential, Five Dwelling Units Per Acre) to C-1 (Office and Related Commercial). The Property is Located Between Agua Fria Street and Hickox Street. (Greg Smith) **(Postponed at July 30, 2008 City Council Meeting)**
- 10) 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) **(Postponed at August 11, 2008 City Council Meeting)**
- 11) 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) **(Postponed at August 11, 2008 City Council Meeting)**



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- 12) 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 August 11, 2008 City Council Meeting – PUBLIC HEARING IS CLOSED) (**Request to Postpone to October 6, 2008 City Council**)
  - 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)
- 13) CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_. (Councilor Ortiz and Councilor Wurzbarger) A Resolution Designating Water Rights for Low Priced Dwelling Units and Public Amenities in the Northwest Quadrant and for the Low Priced Dwelling Unit Credit Pool. (Kathy McCormick) (Postponed at August 11, 2008 City Council Meeting) (**Withdrawn**)
  - a) CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_. (Councilor Ortiz, Councilor Wurzbarger and Councilor Dominguez)  
A Resolution Designating Water Rights for the City's Northwest Quadrant Project. (Kathy McCormick) (**Substitute Resolution for #G-13 above**) (**Request to Postpone to October 6, 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.**



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THE GOVERNING BODY  
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NOTE: New Mexico law requires the following administrative procedures be followed when conducting "quasi-judicial" hearings. In a "quasi-judicial" hearing all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross-examination. Witnesses have the right to have an attorney present at the hearing.

\*Translator for the hearing impaired available through the City Clerk's Office upon 5 days notice.



**SUMMARY INDEX  
SANTA FE CITY COUNCIL MEETING  
September 10, 2008**

<b><u>ITEM</u></b>	<b><u>ACTION</u></b>	<b><u>PAGE #</u></b>
<b><u>AFTERNOON SESSION</u></b>		
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved	1
APPROVAL OF CONSENT CALENDAR	Approved [amended]	1-2
CONSENT CALENDAR LISTING		2-4
APPROVAL OF MINUTES: Reg. City Council Meeting – August 27, 2008	Approved	4
<b><u>PRESENTATIONS</u></b>		
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CITY MANAGER EMPLOYEE RECOGNITION AWARDS		4-5
2008 MAYOR'S RECOGNITION AWARDS FOR EXCELLENCE IN ARTS AND YOUTH ARTIST 5 AWARD RECIPIENTS		
IMMIGRATION COMMITTEE ANNUAL REPORT		5-7
<b><u>CONSENT CALENDAR DISCUSSION</u></b>		
REQUEST FOR APPROVAL OF ADDITIONAL BUDGET AUTHORIZATION FOR DEBT SERVICE PAYMENTS FOR CITY OF SANTA FE BONDS AND LOANS	Approved	7
REQUEST FOR APPROVAL OF ESTABLISHMENT OF BROKERAGE ACCOUNT AT WELLS FARGO BANK AND DRAFT POLICY AND PROCEDURES REGARDING CONTRIBUTIONS OF STOCK TO THE CITY OF SANTA FE	Approved	7-8
*****		
END OF CONSENT CALENDAR DISCUSSION		
*****		

<b><u>ITEM</u></b>	<b><u>ACTION</u></b>	<b><u>PAGE #</u></b>
REQUEST FOR APPROVAL OF 2008/2009 UNION/MANAGEMENT NEGOTIATIONS WITH FRATERNAL ORDER OF POLICE, SANTA FE POLICE OFFICER'S ASSOCIATION	Approved	8
CONSIDERATION OF REQUEST FOR THE GOVERNING BODY TO REVIEW THE DECISION OF THE PLANNING COMMISSION IN CASE #M 2008-26; LA TRIADA TOWN HOMES, FINAL DEVELOPMENT PLAN	Postponed to 10/06/08	9-10
MATTERS FROM THE CITY MANAGER	Information/discussion	10
MATTERS FROM THE CITY ATTORNEY	None	10
MATTERS FROM THE CITY CLERK	None	10
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	10-13
<b><u>EVENING SESSION</u></b>		
CALL TO ORDER AND ROLL CALL	Quorum	14
PETITIONS FROM THE FLOOR		14-15
APPOINTMENTS Business & Quality of Life Committee	Approved	15
<b>PUBLIC HEARINGS</b>		
REQUEST FROM F. ARMIJO ENTERPRISES, INC., FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT EL MILAGRO NEW MEXICAN RESTAURANT, 3482 ZAFARANO DRIVE, SUITE C	Approved	15-16
REQUEST FROM ALDANA'S RESTAURANT FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT ALDANA'S RESTAURANT, 3875 CERRILLOS ROAD, SPACE 12	Approved	16
REQUEST FROM CAFFEINE UNLIMITED, LLC, FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT THE AZTEC CAFÉ, 317 AZTEC STREET	Approved	17

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

REQUEST FROM THE RAILYARD RESTAURANT AND SALOON TO ALLOW THE DISPENSING/ CONSUMPTION OF ALCOHOLIC BEVERAGES IN THE PARKING LOT OF THE RAILYARD RESTAURANT AND SALOON (CITY PROPERTY) ON SEPTEMBER 12, 2008 – SEPTEMBER 14, 2008, FOR THE RAILYARD GRAND OPENING. THE REQUESTED HOURS ARE FROM 12:00 NOON - 2:00 P.M. AND 6:00 P.M. TO 10:00 P.M.

Approved [amended]

17-18

REQUEST FROM THE RAILYARD COMPANY LLC, TO ALLOW THE DISPENSING/CONSUMPTION OF ALCOHOLIC BEVERAGES (BEER & WINE ONLY) IN THE MARKET STATION COURTYARD (CITY PROPERTY) ON SEPTEMBER 13, 2008 AND SEPTEMBER 14, 2008, FOR THE RAILYARD GRAND OPENING. THE REQUESTED HOURS ARE FROM 12:00 NOON – 6:00 P.M.

Approved

18-19

CONSIDERATION OF BILL NO. 2008-50: ADOPTION OF ORDINANCE NO. 2008-46. 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)

Approved

19-21

REQUEST FOR APPROVAL OF EXTRATERRITORIAL LAND USE JOINT POWERS AGREEMENT; SANTA FE COUNTY

Approved

19-21

CONSIDERATION OF BILL NO. 2008-51: ADOPTION OF ORDINANCE NO. 2008- 47. 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

Approved a/a

21-35

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<p>CONSIDERATION OF RESOLUTION NO. 2008- 77.  <u>CASE #M 2007-36.</u> 1312 AGUA FRIA STREET,  GENERAL PLAN AMENDMENT. DERRICK  ARCHULETA, AGENT FOR EVANGELINE HERRERA,  REQUESTS APPROVAL OF A GENERAL PLAN  FUTURE LAND USE MAP AMENDMENT TO CHANGE  THE DESIGNATION OF 0.306± ACRES OF LAND  FROM LOW DENSITY (3-7 DWELLING UNITS PER  ACRE) TO OFFICE. THE ARE IS LOCATED  BETWEEN AGUA FRIA STREET AND HICKOX  STREET</p>	Approved	36-38
<p>CONSIDERATION OF BILL NO. 2008-19;  ADOPTION OF ORDINANCE NO. 2008- 48.  <u>CASE #ZA 2007-13.</u> 1312 AGUA FRIA STREET  REZONING. DERRICK ARCHULETA, AGENT  FOR EVANGELINE HERRERA, REQUESTS  REZONING OF 0.306± ACRES OF LAND FROM  R-5 (RESIDENTIAL, FIVE DWELLING UNITS PER  ACRE) TO C-1 (OFFICE AND RELATED  COMMERCIAL). THE PROPERTY IS LOCATED  BETWEEN AGUA FRIA STREET AND HICKOX  STREET</p>	Approved	38-39
<p>CONSIDERATION OF RESOLUTION NO. 2008- 78.  <u>CASE #M 2008-17.</u> 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</p>	Approved	39-41

<b><u>ITEM</u></b>	<b><u>ACTION</u></b>	<b><u>PAGE #</u></b>
CONSIDERATION OF BILL NO. 2008-48: ADOPTION OF ORDINANCE NO. 2008- 49. <u>CASE #ZA 2008-07</u> . 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 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	Approved	41
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 10/06/08	42
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 10/06/08	42
CONSIDERATION OF RESOLUTION NO. 2008- ____ . A RESOLUTION ADOPTING A FEE SCHEDULE FOR THE REVIEW OF APPLICATIONS FOR ELECTRIC FACILITIES	Postponed to 10/06/08	42
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	Withdrawn	42
CONSIDERATION OF RESOLUTION NO. 2008- ____ . A RESOLUTION DESIGNATING WATER RIGHTS FOR THE CITY'S NORTHWEST QUADRANT PROJECT. (Substitute Resolution for #G-13 above)	Postponed to 10/06/08	42
ADJOURN		42

**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
September 10, 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 September 10, 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 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**

Councilor Rebecca Wurzbarger, Mayor Pro-Tem

**Others Attending**

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

**5.     APPROVAL OF AGENDA**

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

**6.     APPROVAL OF CONSENT CALENDAR**

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

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

**Against: None.**

- a) **CONSIDERATION OF RESOLUTION NO. 2008- 74 (COUNCILOR WURZBURGER AND COUNCILOR DOMINGUEZ). A RESOLUTION DESIGNATING THE ECONOMIC DEVELOPMENT DIVISION AS THE AUTHORITY FOR THE CITY OF SANTA FE'S ECONOMIC DEVELOPMENT ACTIVITIES IN COMPLIANCE WITH THE NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT CERTIFIED COMMUNITIES INITIATIVE. (TONY FLORES)**
- b) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 1 – LA FARGE BRANCH LIBRARY RENOVATIONS; GEW MECHANICAL, INC. (CHIP LILIENTHAL)**
- c) **CONSIDERATION OF RESOLUTION NO. 2008- 75 (MAYOR COSS). A RESOLUTION DIRECTING THE CITY OF SANTA FE TRANSIT DIVISION TO PROVIDE FREE RIDES ON ALL BUS ROUTES ON ELECTION DAY, NOVEMBER 4, 2008. (JON BULTHUIS)**
- d) **BID NO. 09/01/B – PEDESTRIAN/BICYCLE TRAIL RESURFACING AT PUEBLOS DEL SOL SUBDIVISION AGREEMENT BETWEEN OWNER AND CONTRACTOR; ADVANTAGE ASPHALT AND SEAL COATING, LLC. (BEN GURULE)**
- e) **BID NO. 09/02/B – ZONA DEL SOL PHASE II, NEW ADDITION AGREEMENT BETWEEN OWNER AND CONTRACTOR; LOCKWOOD CONSTRUCTION COMPANY. (CHIP LILIENTHAL)**
- f) **REQUEST FOR APPROVAL OF GRANT AWARD – ARTWORKS PROGRAM IN THE SANTA FE PUBLIC SCHOOLS; NATIONAL ENDOWMENT FOR THE ARTS. (SABRINA PRATT)**
  - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- g) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – ARTS EDUCATION COORDINATOR FOR ARTWORKS PROGRAM; KRISTIN WATSON. (SABRINA PRATT)**
- h) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – MEETING PLANNER SERVICES FOR INTERNATIONAL CONFERENCE ON CREATIVE TOURISM; RECURSOS DE SANTA FE. (TOM MAGUIRE)**
  - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – SPECIAL USES LODGERS' TAX FUND.**

- i) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER FEDERAL PRICE AGREEMENT – ELGIN SWEEPER FOR STREETS AND DRAINAGE DIVISION; PETE’S EQUIPMENT REPAIR, INC. (DAVID CATANACH)**
- j) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – CONSTRUCT, EQUIP AND FURNISH WAREHOUSE 21 FACILITY; SANTA FE TEEN ARTS CENTER, WAREHOUSE 21. (ROBERT SIQUEIROS)**
- k) **REQUEST FOR APPROVAL OF PROJECT OVERS, UNDERS AND ADDITIONAL ITEMS – RODEO ROAD BRIDGE MAINTENANCE PROJECT; QUALCON, INC. (DESIRAE LUJAN)**
- l) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 4 TO AGREEMENT – MAGER’S FIELD PARK PHASE 2 IMPROVEMENTS; ACCENT LANDSCAPING AND SPRINKLERS, INC. (BEN GURULE)**
- m) **REQUEST FOR APPROVAL OF GRANT AGREEMENT – 2008 SEVERANCE TAX PROJECTS APPROPRIATION; STATE OF NEW MEXICO, DEPARTMENT OF FINANCE AND ADMINISTRATION, LOCAL GOVERNMENT DIVISION. (DAVID CHAPMAN)**
  - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- n) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 16 – CIVIC CENTER PROJECT CONSTRUCTION CONTRACT; CAMERO9N SWINERTON. (MARTIN VALDEZ)**
- o) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PARKING GARAGE DEVELOPMENT AGREEMENT TO INCLUDE CHANGE ORDERS NO. 2 AND NO. 3 – RAILYARD UNDERGROUND PARKING GARAGE; RAILYARD COMPANY, LLC. (WALTER ROYBAL)**
  - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – PARKING ENTERPRISE FUND.**
- p) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – WATER TREATMENT PLANT RESIDUAL (SLUDGE) TRANSPORT AND DISPOSAL; RHINO ENVIRONMENTAL SERVICES, INC. (ROBERT GALLEGOS)**
- q) ***[Removed for discussion by Councilor Bushee]***
- r) ***[Removed for discussion by Councilor Bushee]***



- s) **2010-2014 INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN. (ROBERT ROMERO)**
  - 1) **REQUEST FOR APPROVAL OF PLAN.**
  - 2) **CONSIDERATION OF RESOLUTION NO. 2008- 76. A RESOLUTION ADOPTING AN INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP) (COUNCILOR BUSHEE). (ROBERT ROMERO)**
- t) **REQUEST FOR APPROVAL OF ALLOCATION OF FUNDS FOR WINTER OVERFLOW SHELTER. (TERRIE RODRIGUEZ)**
- u) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON OCTOBER 6, 2008:**

**BILL NO. 2008-53 – AN ORDINANCE AMENDING ARTICLE 18-19 SFCC 1987, REGARDING THE WORKFORCE HOUSING FUNDING INITIATIVE (COUNCILOR WURZBURGER AND MAYOR COSS). (KATHY McCORMICK)**

**7. APPROVAL OF MINUTES: Reg. City Council Meeting – August 27, 2008.**

Councilor Dominguez moved, seconded by Councilor Calvert, to approve the minutes of the Regular City Council Meeting of August 27, 2008, as presented. The motion was approved on a voice vote, with Councilors Bushee, Calvert, Chavez, Dominguez, Ortiz and Romero voting for the motion, none against, and Councilor Trujillo abstaining.

**8. PRESENTATIONS**

- a) **EMPLOYEE OF THE MONTH FOR SEPTEMBER 2008 – MATTHEW VARELA, T & D PIPEFITTER III, PUD/WATER/TRANSMISSION AND DISTRIBUTION.**

Mayor Coss read the letter of nomination into the record, and presented Mr. Varela with a plaque and a check for \$200 from the Employee Benefit Committee.

Mr. Varela thanked the Mayor, Council, his coworkers and bosses for the award.

- b) **CITY MANAGER EMPLOYEE RECOGNITION AWARDS.**

Galen Buller presented certificates to Fire Department paramedics and ambulance crew for their outstanding assistance to a couple, Justine Shaver and her husband, who were visiting Santa Fe, when Ms. Shaver's husband experienced medical problems: Thomas Wisniewski, Jason Herrera, Reyes Naranjo, Michael Rivera, Gilberto Valenzuela, Elias Frick and Andrew Montoya, and others who were not in attendance.

Galen Buller said Celeste asked to thank the custodial staff for their on work and

assistance on Council night, above and beyond the call of duty: Clara Sweeney, James Ferguson and Ignacio "Tito" Moya. He expressed appreciation for their good work.

**c) 2008 MAYOR'S RECOGNITION AWARDS FOR EXCELLENCE IN ARTS AND YOUTH ARTIST AWARD RECIPIENTS.**

Sabrina Pratt announced the winners of the 2008 Mayor's Recognition Awards as follows:

Nicholas Flores, winner of the Melissa Ingramston Youth Artist Award  
ArtSmart, the non-profit arm of the Gallery Association which raises funds for the Santa Fe Public Schools to get art supplies making the arts curriculum possible  
Arlen Asher, long-time Santa Fe area musician and teacher  
Judith Espinar, for her work in founding the Santa Fe International Folk Art Market  
The Santa Fe Symphony Orchestra  
Juliette Myers, one of the founders of Fine Arts for Children & Teens

Ms. Pratt said this is an annual program we have had for many years. It is an excellent opportunity to honor people who have done something in the arts over the years, or who are artists, so we can recognize the wonderful things that happen in Santa Fe. A dinner honoring the winners is scheduled at the new Santa Fe Community Convention Center on October 30, 2000. Tickets are \$45 and the public is invited.

**d) IMMIGRATION COMMITTEE ANNUAL REPORT. (MARIA CRISTINA LOPEZ)**

Betty Ann Shinas, Vice Chair, Immigration Committee, spoke about the work of the Committee during the past year, which has been a difficult and challenging time for immigrant families because of the lack of comprehensive immigration reform and the presence of Immigration and Customs Enforcement [ICE] in Santa Fe which has brought fear and hardship. She said many children are facing the possibility of separation from their parents and an uncertain future. She said it is the Committee's role to monitor the human rights status of non-citizens and to report its findings to the Governing Body.

Maria Christina Lopez, Chair, highlighted the issues with which the Committee deals as follows:

- ◆ Complaints about ICE tactics. They wear jackets that say police and knock on doors and say this is the police and people think they are City police and open the door. ICE went to one home wearing jackets that said Gas Company and told them there was a gas leak to get them to open the doors. This is misleading so ICE can questions and detain people just because they are there.
- ◆ ICE tells the press they are looking for fugitive aliens, but when questioned, they said this means they are looking for people who hadn't appeared at deportation hearings because their visa or permits had expired. She said "fugitive aliens" implies something else.

- ◆ After two years, the procedures and guidelines were approved by the Council and the Police Department. Sgt. Julian Alessio conducted a six week training, inviting representatives from the Committee to attend and speak about the Resolution. She said the guidelines will permit the Police to do their police work and not the work of ICE, so the immigration community can feel safe in calling the police and not be afraid of being deported.
- ◆ Complaints from families whose relatives or loved ones had been in the County Detention Center for weeks and sometimes months beyond the release time, and they had no idea why. She said the Committee looked into it because these were people who live in the City and happened to have committed infractions in the County. She said they spoke with Detention Center officials, Magistrate Judges, the Municipal Judge, bonds people and lawyers, and there was a lot of misinformation and confusion about what an ICE hold is, as well as to how to deal with immigrants in the criminal justice system. She said representatives of the Committee along with Somos un Pueblo Unido and volunteer lawyers well versed in this subject have been going to these different entities to give them information and answer their questions.
- ◆ The U.S. Conference of Mayors on June 23, 2008, unanimously approved a Resolution introduced by Mayor David Coss, which supports immigration reform which includes the reunification of families, provides legal status with a path to earn citizenship for undocumented workers and designs a plan for current and future immigrant workers, and it calls for a stop to raids by Immigration and Customs Enforcement. She said without reform, these terrorism tactics will continue.
- ◆ The Committee met with Dr. Carpenter at the Schools to discuss the district policy regarding law enforcement agencies, including ICE on school grounds. Dr. Carpenter told them that law enforcement officials have to seek permission from school administrators to perform any duties on school grounds. She also said the Schools do not ask about immigration status of a child or their family, and the administration wants all kids to feel safe at school. She told us the incident at Chaparral was very unfortunate.
- ◆ After an immigrant student was attacked at Santa Fe High, the Committee was asked to endorse the Student Dialogue Campaign 2020, which is an opportunity for youth to come together and talk about issues in their community including safety, racism, rebuilding communications, and trust between adults and youth.
- ◆ Committee Vice-Chair Shinas and Committee member Marcela Diaz attended the Heartland Presidential Forum "Community Values in Action" in Des Moines on December 1, 2008. The focus of the forum was to address health care, low wage worker and immigration issues. Major Democratic Candidates were present.
- ◆ Committee Chair Lopez, Vice-Chair Shinas and Committee member Irwin Rivera attended the "Peoples Voices Candidates Forum," at El Museo Cultural on May 6, 2008.

- ◆ The Committee, through the Council on International Relations, met with visitors from Eastern Europe, Turkey and Italy who are interested in learning about Santa Fe's approach to immigrants.
- ◆ Two new members were appointed to the Committee this year: Reverend Chester Topple of Westminster Presbyterian Church and Amparo Guerrero from the Rape Crisis Center.

Chair Lopez invited the Governing Body to attend the Committee meetings which are held the first Tuesday of each month, noting they alternate between the City Hall and the Genoveva Chavez Community Center. The meeting next month will be at the Chavez Center

Mayor Coss thanked the Committee for its work. He said the Resolution was unanimously approved by all the Mayors in attendance which represent 70% of the population of the country. He said they are looking for practical solutions to these issues, and he believes this Committee really helps in Santa Fe. He said Councilor Bushee introduced this Resolution in 1999, and he is sure she didn't know at the time that the federal government would let us down so badly in this area. He thanked the Committee for its work to do the best we can to build and grow community here, despite such a massive failure on the national level to deal with this issue.

Chair Lopez thanked Mayor and City Council for their support.

## **CONSENT CALENDAR DISCUSSION**

### **9(q) REQUEST FOR APPROVAL OF ADDITIONAL BUDGET AUTHORIZATION FOR DEBT SERVICE PAYMENTS FOR CITY OF SANTA FE BONDS AND LOANS. (HELENE HAUSMAN).**

Councilor Bushee said she has no questions on this item.

**Councilor Bushee moved, seconded by Councilor Calvert, 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 and Councilor Trujillo.**

**Against: None.**

### **9(r) REQUEST FOR APPROVAL OF ESTABLISHMENT OF BROKERAGE ACCOUNT AT WELLS FARGO BANK AND DRAFT POLICY AND PROCEDURES REGARDING CONTRIBUTIONS OF STOCK TO THE CITY OF SANTA FE. (HELENE HAUSMAN)**

Councilor Bushee asked why Wells Fargo Bank was chosen instead of a local bank.

Mr. Millican said all of the City's current banking relationships are with Wells Fargo.

Councilor Bushee asked why.

Mr. Millican understands this was the result of a bid for banking services two years ago. He said when there is a larger set of financial transactions to manage, the large banks like Wells Fargo give us things such as positive pay, a lot of anti-fraud prevention as well as significant bond management and investment management capability.

Councilor Bushee asked if the local preference was applied in the bid.

Mr. Millican said, although he was not here at the time, he understands the local banks were not able to offer the services which were required in order to bring our banking arrangements to the local requirements.

Responding to Councilor Bushee, Mr. Millican said First National Bank was the only local bank which bid, but the Bank was unable to meet the requirements of the bid.

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

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

**Against: Councilor Bushee.**

\*\*\*\*\*  
**END OF CONSENT CALENDAR DISCUSSION**  
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**10. REQUEST FOR APPROVAL OF 2008/2009 UNION/MANAGEMENT NEGOTIATIONS WITH FRATERNAL ORDER OF POLICE, SANTA FE POLICE OFFICER'S ASSOCIATION. (CAPTAIN GARY JOHNSON)**

Mayor Coss thanked Captain Johnson and others for their work in this regard.

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

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

**Against: None.**

**Absent: Councilor Bushee.**

**11. CONSIDERATION OF REQUEST FOR THE GOVERNING BODY TO REVIEW THE DECISION OF THE PLANNING COMMISSION IN CASE #M 2008-26; LA TRIADA TOWN HOMES, FINAL DEVELOPMENT PLAN. (COUNCILOR MATTHEW ORTIZ)**

Councilor Ortiz said, consistent with past practice, he saw that the Planning Commission gave approval for this case, and the Governing Body has the authority to take action and hear this Appeal *de novo*. However, after speaking with the City Attorney, he understands the City Attorney has a sequencing issue, and asked Mr. Katz to address this.

Mr. Katz said Councilor Ortiz is correct to bring this forward, because there is a little uncertainty as to when the decision is the final approval. He said we are complying with the requirement of the Ordinance and the Resolution to have the Planning Commission to do Findings of Fact and Conclusions of Law, which generally are done at the next meeting of the Planning Commission. He has reviewed those Findings of Fact and Conclusions of Law which will be going before the Planning Commission at its next meeting, which will then make the decision final. There is then a 30-day period during which the Governing Body can vote to bring the case to the Council and schedule a hearing and then hear it.

Councilor Ortiz said then so long as the Planning Commission has not adopted the Findings of Fact and Conclusions of law, it is Mr. Katz's opinion that the decision is not final, therefore the Council doesn't have the ability to pull that case for hearing.

Mr. Katz said this is correct, and he believes we need to wait until it is final and the Planning Commission has signed the Findings and Conclusions.

**Councilor Ortiz moved, seconded by Councilor Dominguez, to postpone this request to the first meeting in October 2008, to give the Planning Commission the time to adopt the Findings of Fact and Conclusions of Law, and the Council can take action at that time as to whether or not to pull the case for hearing.**

**Discussion:** Councilor Chavez said he received a few emails from some of the residents in this neighborhood, even though it isn't in his District. He said it was hard to understand their concerns, but it appears to be a flawed ENN.

Councilor Ortiz said he can't comment on the merits of the case, saying this is just a decision as to whether or not to pull it for Council consideration. If we decide to do so, then all those concerns would be heard by the Governing Body, and it would be an appeal *de novo*.

Councilor Chavez said the appeal would have to be based on 2-3 points which would be the main point of the appeal.

Councilor Ortiz said it would be an appeal *de novo*, and based on the Findings of Fact and Conclusions of law, and whatever other issues arrive in a public hearing.

Councilor Calvert noted the Findings of Fact and Conclusions of Law aren't in the packet for Cases G(8) and G(9), and asked if we should be hearing those two. He said they are in the packet for G(10) and G(11).

Councilor Ortiz said this is a relevant question when we get to those items in the evening.

Councilor Calvert said he wants to know now to prevent everyone from showing up if we're not going to hear the cases. Responding to Councilor Chavez, Councilor Calvert said he isn't speaking to the merits of the cases, but to the procedure. He said if it isn't right for one case, if it shouldn't be right for another.

Mayor Coss asked Frank Katz to research this question prior to the Evening Session, so we don't keep the people here all evening and then not hear these cases.

Councilor Dominguez asked if the Planning Commission has voted on the Findings of Fact and Conclusions of Law.

Councilor Calvert said he doesn't know.

Mayor Coss reiterated his request to the City Attorney, along with Land Use Staff to advise us on this, commenting he doesn't think we should continue to talk about those cases on this motion.

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

## **12. MATTERS FROM THE CITY MANAGER**

Mr. Buller read a letter from the Santa Fe Public Schools in response to the City's letter sent by the Council, and the Schools have responded in part, "Respecting time is of the essence to the City, SFPS will have a full response to the offer presented to the City no later than Thursday, September 18, 2008."

## **13. MATTERS FROM THE CITY ATTORNEY**

There were no matters from the City Attorney.

## **14. MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk.

## **15. COMMUNICATIONS FROM THE GOVERNING BODY.**

### **Councilor Calvert**

Councilor Calvert introduced a Resolution amending Table 37 of the City "Impact Fees Capital Improvements Plan and Land Use Assumptions, 2007-2012," to include the Railyard

Park and Plaza as an eligible project to receive impact fee funds. He asked that it go to the Impact Fee Committee, and the Public Works and Finance Committees. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "1."

### **Councilor Dominguez**

Councilor Dominguez introduced a Resolution Amending and Re-Adopting the Governing Body Procedural Rules. He asked that it go to the Ethics and Rules Committee and the Finance Committee. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "2."

Councilor Dominguez said, through his involvement with the Santa Fe Fiesta, he had the opportunity to see the City employees working over the weekend. He thanked Mr. Buller for allowing them to do the work they need to do. He thanked the City employees for all of their hard work during Fiestas.

Councilor Dominguez said the Santa Fe High School Class of 1988 had their 20 year reunion, noting this was the last year Santa Fe High was the only high school.

Councilor Dominguez thanked Councilor Chavez for the information, and Celeste for getting a packet of information after the last meeting which had a good number of NLC Resolutions supporting children and youth.

### **Councilor Ortiz**

Councilor Ortiz said he has a Resolution he wanted to introduce regarding the Railyard and the process we're going to undergo regarding the granting or not granting of liquor licenses at the Railyard. However, it isn't drafted, but once drafted, he'll distributed it by email to everyone.

### **Councilor Trujillo**

Councilor Trujillo introduced a Resolution directing staff to implement a Plaza Bench Public Art Project to commission artist-designed benches for the Santa Fe Plaza.

Councilor Trujillo said his son, Hunter, was elected Mayor of his class at school, and wished his son congratulations.

### **Councilor Romero**

Councilor Romero asked to be added to Councilor Trujillo's Resolution for art on the Plaza benches. She thanked the staff and Mr. DeGrande for their great job during fiestas.

Councilor Romero announced that the DOT is proposing to close St. Michael's and Cerrillos beginning Sunday, September 14, 2008, from 9:00 a.m. to 6:00 p.m., and daily



through Thursday, traffic will be rerouted. She said the Public Works Committee encouraged staff to get the word out to the public and every affected neighborhood.

### **Councilor Bushee**

Councilor Bushee said she will be gone for a month, and will stay in touch via laptop and cell phone.

### **Councilor Chavez**

Councilor Chavez said he just distributed a Memorandum from Lynn Hathaway, which is a follow-up to his NLC presentation. *[STENOGRAPHER'S NOTE: A copy of this Memorandum was not entered for the record]* Councilor Chavez reviewed the Memorandum.

Councilor Chavez said he introduced a Resolution distributed two months ago questioning the policy of the Museum of New Mexico in its licensing agreement to have New Mexico furniture manufactured out of state. He believes this goes against Creative Cities and the Economic Development policy of supporting local businesses. He would like it to go through the Committee process, including Business & Quality of Life, Public Works and Finance Committees.

Councilor Chavez thanked Mr. Buller for the traffic sign at Sierra Vista, noting that it helps to address some of the safety concerns.

Councilor Chavez said there will be a meeting of the Sierra Vista Neighborhood Association at the B.F. Young Center, with a focus on starting to develop a neighborhood plan as a part of a pilot program

Councilor Chavez noted that mid-September to mid-October, the City is acknowledging National Hispanic Heritage Month. Staff has been working to put a program together and identify local artists and craftsmen who would be willing to participate in the month long show. This is one way we can put our best foot forward in promoting products produced locally. He thanked staff for their efforts in this regard.

### **Mayor Coss**

Mayor Coss extended our thoughts and prayers to our Sister City of Parajal in Mexico who experienced extreme flooding last month. He said the Fiesta Council set up an account at the State Employee Credit Union to help them, and donations can be made through the credit union. He will be working with Rudy Fernandez in this regard.

Mayor Coss thanked the City employees and the Fiesta Council for their hard work in a successful Fiesta.

Mayor Coss said the Railyard opening is this weekend, and REI is opening tomorrow. On Sunday evening, the City and the Mexican Consul General are sponsoring a 16<sup>th</sup> of

September function at Franklin Miles Park.

Mayor Coss said he attended the City/County groundbreaking on the BCC Project, and thanked Rick Carpenter. He also attended the Los Alamos National Bank groundbreaking at the corner of Vegas Verdes/Cerrillos for what will be another LEED certified building in Santa Fe.

Mayor Coss wished Councilor Bushee a great trip to Maine.

**END OF AFTERNOON SESSION AT 6:00 P.M.**

## **EVENING SESSION**

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

The Evening Session was called to order by Mayor David Coss, at approximately 7:00 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**

**Gloria Mendoza** said a few years ago, included with the rate hike on sewer and refuse, was money to pay for trash bags which the City has increased in price. She asked if the City is going to reduce the sewer and refuse rates since the City no longer provides garbage bags. She said she wants her money back. She said during Fiestas the City workers were lining bins with the same trash bags and asked how the City can continue to use these trash bags. She suggested the City do without bags and use the money from the Red Light cameras to purchase trash bags. She said her second issue is with regard to the Diversion Project and asked why the public has to pay for that Project since she believes that will be used for new development and not for locals. She is concerned that the City hasn't made the Living Wage a "complete" reality, while making money on the red light cameras and saving money on garbage bags. She asked if the Council thinks everyone in Santa Fe is wealthy and can afford to give the City tax money any time you want it. She said the Council keeps saying they want to make it affordable to live here while taxing people who are struggling. She expressed concern with the Master Plan as adopted, and the Council's approval of almost every development, and letting water flow down the River.

**Donato Coviello** said the fountainhead rock on the corner of Water and Don Gaspar hasn't been working for seven years, noting he advised the City Manager and Sev Gurule about it. He said the City paid \$50,000 for the fountain, and when filled it uses the equivalent of two toilet flushes a day. He said the City has plenty of water, and he would like to see this fountain

work again. He is said since the City employees are over-worked, he would like to see the City repeal several ordinances it doesn't enforce for whatever reason. He would like to repeal Section 23-5 which is the Plaza Vendor Ordinance. He said he will be presenting a petition under the Code and the City can endorse it or put it before the people. He wants to see the City eliminate pesky ordinances such as speed bumps, cell phones and red light cameras.

## **F. APPOINTMENTS**

### **Business & Quality of Life Committee**

Mayor Coss appointed the following individuals to the Business & Quality of Life Committee:

Dena Aquilina – Reappointment – term ending 03/2010;  
Anthony J. Martinez – Reappointment – term ending 03/2010;  
Gary Ehlert – Reappointment – term ending 03/2010;  
Vicki Pozzebon – to fill unexpired term ending 03/2010; and  
Alan O. Austin – to fill unexpired term ending 03/2010.

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

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

## **G. PUBLIC HEARINGS**

- 1) REQUEST FROM F. ARMIJO ENTERPRISES, INC., FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT EL MILAGRO NEW MEXICAN RESTAURANT, 3482 ZAFARANO DRIVE, SUITE C. (YOLANDA Y. VIGIL)**

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

### **Public Hearing**

**Gloria Mendoza was sworn.** Ms. Mendoza said, "Again, this is another thing. Both sides of the mouth. All of you are against DWI and you continue to approve the requests for liquor licenses around Santa Fe."

### **The Public Hearing was closed**

**Councilor Ortiz moved, seconded by Councilor Trujillo, to grant the request for a Restaurant (Beer & Wine) Liquor License from F. Armijo Enterprises, Inc., to be located at El Milagro New Mexican Restaurant, 3482 Zafarano Drive, Suite C.**

**The motion was approved on the following Roll Call Vote:**

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

**Against: None.**

**Absent: Councilor Bushee**

- 2) REQUEST FROM ALDANA'S RESTAURANT FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT ALDANA'S RESTAURANT, 3875 CERRILLOS ROAD, SPACE 12.  
(YOLANDA Y. VIGIL)**

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

**Public Hearing**

**Gloria Mendoza [previously sworn] said, "Ditto, again. I'd like to know when, one time, just one time on the liquor licenses, which Councilor is going to have the guts to say no."**

**The Public Hearing was closed**

**Councilor Wurzbarger moved, seconded by Councilor Ortiz, to grant the request from Aldana's Restaurant for a Restaurant (Beer & Wine) Liquor License to be located at Aldana's Restaurant, 3875 Cerrillos Road, Space 12.**

**The motion was approved on the following Roll Call Vote:**

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

**Against: None.**

**Absent: Councilor Bushee.**

**3) REQUEST FROM CAFFEINE UNLIMITED, LLC, FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT THE AZTEC CAFÉ, 317 AZTEC STREET. (YOLANDA Y. VIGIL)**

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

**Public Hearing**

**Gloria Mendoza [previously sworn]** said, "I just want to let the people know who are listening to your council meeting on television and on the radio, I really want them to know that all of you speak from both sides of your mouth, and I want to know when you guys are going to get gutsy enough to stand up for what you really believe in, to stand up for your platforms. And that's all I have to say for tonight. Thank you."

**The Public Hearing was closed**

**Councilor Calvert moved, seconded by Councilor Romero, to approve the request from Caffeine Unlimited LLC, for a Restaurant (Beer & Wine) Liquor License to be located at the Aztec Café, 317 Aztec Street.**

**The motion was approved on the following Roll Call Vote:**

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

**Against: None.**

**Absent: Councilor Bushee.**

**4) REQUEST FROM THE RAILYARD RESTAURANT AND SALOON TO ALLOW THE DISPENSING/CONSUMPTION OF ALCOHOLIC BEVERAGES IN THE PARKING LOT OF THE RAILYARD RESTAURANT AND SALOON (CITY PROPERTY) ON SEPTEMBER 12, 2008 – SEPTEMBER 14, 2008, FOR THE RAILYARD GRAND OPENING. THE REQUESTED HOURS ARE FROM 12:00 NOON - 2:00 P.M. AND 6:00 P.M. TO 10:00 P.M. (LOUIS MOSKOW AND YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil. Ms. Vigil said the applicant came to her office this afternoon to change the hours of operation, so they would no longer request from 12:00 noon to 2:00 p.m., and they would like to dispense all calls from 4:00 p.m. to 10:00 p.m. She said this function will be in the parking lot of the Railyard Restaurant and Saloon, which is located on City property, September 12, 13, 14, 2008, for the Railyard grand opening.

Councilor Chavez asked by using the language "dispensing," does it mean it won't be for sale.

Ms. Vigil said it will be dispensed, sold, consumed.

Councilor Chavez said in some cases it can be dispensed without a sales transaction, and asked if this is the case with this application.

Ms. Vigil said no, they will be selling the liquor along with meals.

### **Public Hearing**

There was no one speaking for or against this request.

### **The Public Hearing was closed**

**Councilor Ortiz moved, seconded by Councilor Wurzbarger, to approve the request from the Railyard Restaurant and Saloon allow the dispensing/consumption of alcoholic beverages in the parking lot of the Railyard Restaurant and Saloon (City property), on September 12, 2008 to September 13, 2008, for the Railyard Grand Opening, amending the hours as requested to 4:00 p.m. to 10:00 p.m.**

**The motion was approved on the following Roll Call Vote:**

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

**Against: None.**

**Absent: Councilor Bushee.**

- 5) REQUEST FROM THE RAILYARD COMPANY LLC, TO ALLOW THE DISPENSING/CONSUMPTION OF ALCOHOLIC BEVERAGES (BEER & WINE ONLY) IN THE MARKET STATION COURTYARD (CITY PROPERTY) ON SEPTEMBER 13, 2008 AND SEPTEMBER 14, 2008, FOR THE RAILYARD GRAND OPENING. THE REQUESTED HOURS ARE FROM 12:00 NOON – 6:00 P.M. (RICK JARAMILLO AND YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, noting this request is also for the Railyard grand opening, noting the alcohol will be served at the Market Station Courtyard on City property, 12:00 noon to 6:00 p.m., and the Coyote Café will be the dispenser.

## **Public Hearing**

There was no one speaking for or against this request.

## **The Public Hearing was closed**

**Councilor Calvert moved, seconded by Councilor Ortiz, to approve the request from The Railyard Company, LLC, to allow the dispensing/consumption of alcoholic beverages (beer & wine only) in the Market Station Courtyard (City property) on September 13, 2008 and September 14, 2008 for the Railyard Grand Opening, 12:00 noon to 6:00 p.m.**

**The motion was approved on the following Roll Call Vote:**

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

**Against: None.**

**Absent: Councilor Bushee and Councilor Wurzbarger.**

- 6) CONSIDERATION OF BILL NO. 2008-50: ADOPTION OF ORDINANCE NO. 2008-46 (COUNCILOR ROMERO). 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). (FRANK KATZ)**
  - a) REQUEST FOR APPROVAL OF EXTRATERRITORIAL LAND USE JOINT POWERS AGREEMENT; SANTA FE COUNTY.**

Frank Katz presented information regarding this matter to the Governing Body. Mr. Katz said this has gone through several of the committees. This is the product and the result of the Annexation Settlement Agreement reached with the County to establish the Extraterritorial Land Use Authority and Commission. He said the basic change we are getting with the Annexation Agreement is that within the next five years, the City will be annexing all of the territory within #599 and I-25.

Mr. Katz said "The intent of this particular ordinance is to recognize that fact, recognize that then the City will not in all likelihood be annexing anything out that area without agreement from the County, so that these will be fairly firm boundaries. And the purpose of the Extraterritorial Zoning Ordinance which has been to allow the City to take part in planning areas in the County that may well be expected to come into the County [City?] later on by annexation, was no longer being served, so that the provisions that you see before you in the Ordinance would establish the Extraterritorial Land Use Authority and Commission that's allowed under the



State statute to handle land use decisions in that area. And the purpose of establishing these committees would not be to rule on every development has been the past situation, but to delegate essentially from the Land Use Authority to the County to decide all of those issues of land use, zoning, platting, planning, subdivision approval in the area that will remain in the County outside the #599/I-25 boundaries. And delegate to the City, under what will be all of the City rules of zoning, platting, planning, etc., within those areas to be annexed. So, those are items 1 and 2 Delegation to the County, Delegation to the City. And then Item 3, that the Authority and the Commission will deal with the annexation petitions that are presented to the City Council. Annexation petitions that are not brought forward by the owners of the majority of the land in the district can come to the Council, but only after going through the Extraterritorial Land Use Commission and Authority. So they will first vet them and then they will come to Council. That's the only three things that these organizations will do."

Mr. Katz continued, "Also attached, but you'll need to deal with it separately, is a Joint Powers Agreement with the County, actually establishing these and specifying these particular duties. The Ordinance is pretty much the statutory language, and also getting rid of the EZA and the EZC."

#### **Public Hearing**

There was no one speaking to the proposed Ordinance or Resolution.

#### **The Public Hearing was closed**

**Councilor Romero moved, seconded by Councilor Calvert, to adopt Ordinance No. 2008- 46.**

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

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

**Against: None.**

**Absent: Councilor Bushee.**

**Councilor Wurzbarger moved, seconded by Councilor Romero, to approve the request for approval of the Extraterritorial Land Use Joint Powers Agreement with Santa Fe County.**

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

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

**Against: None.**

**Absent: Councilor Bushee.**

Mayor Coss thanked all those who have served, or are serving, on the Regional Planning Authority, the EZA and the EZC for getting us to this point. It is fairly remarkable.

**7) CONSIDERATION OF BILL NO. 2008-51: ADOPTION OF ORDINANCE NO. 2008- 47 (COUNCILOR TRUJILLO AND COUNCILOR WURZBURGER). 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. (CAPTAIN ANTHONY ROBBIN)**

A copy of "Santa Fe Police Department, Santa Fe Traffic Operations Program," prepared by Captain Anthony Robbin, is incorporated herewith to these minutes as Exhibit "4."

Captain Anthony Robbin presented information regarding this matter from Exhibit "4." Please see Exhibit "4" for specifics of this presentation. He noted that the preliminary study recommends the following intersections for the program: Cerrillos/St. Michaels, Cerrillos/Richards, Cerrillos/Zafarano and Cerrillos/St. Francis.

Councilor Dominguez thanked Captain Robbin for the data he provided to him. He asked, with regard to the data indicating there are crashes which occur because of red light violators, and the 59% at Cerrillos/Richards, if that is northbound/southbound traffic, or turning off a side street onto Cerrillos.

Captain Robbin said those are the total crashes at the intersection which were caused by red light violations, and he didn't isolate the crashes with regard to direction.

Councilor Dominguez asked, regarding the rear end collision data, if the number is an average throughout that period, or by month.

Captain Robbin said that is the total number of rear end collisions during that time frame that occurred at those intersections. He said there were 400 rear end collisions throughout the City during that time, but the breakout is for each of the intersections.

Councilor Dominguez said then all ten could have been in one month, or 1-2 per month for that time period, and this is just a total for the time period.

Captain Robbin said this is correct.

**Public Hearing**

### **Speaking to the Ordinance**

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

**Joe Alvarez** said he would like the Council to consider the effect of the red light cameras on the bus system, especially at the intersection of Osage and Cerrillos. He said when he pulls up for those passengers, for example, at a green light, he loads 4-5 people. He isn't aware of how long he's been there, so when he pulls out it could be the ending of a green light, and he is going through a red light. He understands there will be sensors, but he is concerned about the guarantee they will be in the position he has been told, which is 22 feet from the intersection, and asked where the intersection starts. He said he understands there is bus preeminence equipment which can be placed on the buses to prolong a green light, but he doesn't know the cost for that equipment. He said there is a great lack of courtesy by drivers in Santa Fe. He said in other cities it is a serious crime to "run a red light without cameras, it's old fashioned police work when they catch you. It's a serious deal." He said the City doesn't enforce the minimum speed limit going through intersections, noting in rural areas it is 45 mph, and in the City, it depends whether it is a commercial or neighborhood road. He said he sees this as a need for old fashioned police work in writing tickets. He believes this is a money grab by the corporations.

**Rick Gutierrez**, said on October 11, 2004, a City bus driver driving a City bus ran a red light at Yucca/Rodeo Road, and his killed wife and seriously injured his daughter. Since that time, he has personally witnessed 5 different incidents where people ran the red light at that intersection. He said running a red light/stop sign in Santa Fe is not the exception, but the norm. He said something needs to be done, and this is a good step moving in that direction. He suggested, if the City is concerned about the revenue, throwing them in jail for 90 days, which is the same length of time that his killer was assessed.

**Octavio Sagun, City bus driver**, said he drives throughout the day, and at intersections, the lights change too quickly from green to red – about three seconds. He said it would be good if two more seconds could be added. It said it is very dangerous because it's not enough time. He said he has gone through intersections at the speed limit, but he couldn't clear the intersection before the light changed. He said this is consistent throughout the City. He said at the left turn arrows, for example at Zia and St. Francis, the second car can't clear the intersection before it turns red. He believes a lot of the accidents are happening because people go while it's green, but they don't have enough time to get across and it causes accidents. He would like to extend the timing from green to red, saying it would prevent accidents. He said if the cameras help the police, and stop people from running red lights, it is good.

**Dave McQuarie, 2997 Calle Serada**. Mr. McQuarie said he is in favor of trying this as an experiment. However, he believes the yellow light time needs to be increased by three seconds minimum to give ample time to clear the intersection.

**Dan Esquibel** spoke about his personal experiences while driving with his family in the car where people run red lights. He believes this is a good option for the City of Santa Fe to deter accidents, and hopes the Governing Body will consider these as an option.

**Sagemaya Dandi, 1492 Upper Canyon Road**, said in his opinion this Ordinance is unconstitutional, but believes the Council should pass it to make the roadways safe for bicyclists and pedestrians, although he doesn't believe this is the solution. He said Cerrillos/St. Francis isn't a place where pedestrians cross, but they cross instead at Cordova/St. Francis which is a horrible intersection. He said the Police Department didn't take into consideration what is safe for pedestrians. He is in favor of the red light cameras if it also considers people that don't come to a full stop before taking a right turn, noting Cordova/St. Francis is dangerous because people turn without coming to a stop and go through the intersections at 30 mph. He believes the City needs to develop a comprehensive plan to solve this problem.

**Rick Martinez** said we should move more toward mobile speed units rather than red light cameras, noting we need more enforcement in neighborhoods as well. He believes the mobile units would be more effective in the school zones and in all parts of town, because they move around and people don't know where they will be next. He said people are rolling through stop signs and speeding in the neighborhoods, and she upports more mobile units as the answer, rather than red light cameras.

**Jason Martinez** said the red light camera is the worst decision the Council has done in two weeks. He said to say this is for safety, is like George W. Bush saying the war in Iraq is to fight for freedom here in the United States. This is ridiculous. It is not right. It is for profit and not for safety. He said the companies administer these and get money for every ticket that is issued, which doesn't create safety, it only increases the tax base. He believes this is the wrong way to go about fixing the problem. He believes the police should be on site and personally site the person if they see them. He said with cameras, there is always the possibility for error, and computers aren't 100% right.

**Stephanie Sloman** said she is also against the red light cameras. She believes the Police have a thankless job, and understands they are short staffed, but this is not the solution. She said these will be at Richards/Cerrillos where a lot of kids drive going to the Community College, "and of course, they're not abiding by the rules. That's why those intersections have more accidents." She believes we need to focus at sites which educate and inform new/young drivers of the consequences of what they're doing. She would rather get a ticket in person from an officer any day, rather than get it in the mail. She said Albuquerque was shortening the light time. She doesn't want to be in the middle of the intersection when the light turns to yellow, then red "within a moment's notice," and she is hit from behind. She doesn't believe this is the solution. She said many of her coworkers said they would like to come and protest this evening, but they know that you are going to vote yes anyway, so she really hopes you consider voting no on this issue.

**Richard Varela** said he is opposed to this ordinance. He is concerned about the short notice of this public hearing, and thought there would be another hearing before the Finance Committee before it came to the City Council. He was gathering petitions, but he read in the paper today it was to be heard before the Council tonight. He said, "I have not talked to anybody I know, and I think I know a lot people in Santa Fe... and nobody I've talked to is for this program." He said these are the factors he used to get people to sign the petition. He is opposed to this program because of the loss of our civil liberties by an over-reaching, intrusive City government, wielding unjustifiable, stalking cameras over the lives of its working citizens. He said this camera program reminds him of George Orwell's book *1984* which warned of these cameras. It took 24 years to get here in Santa Fe. He said, "Basically, this is a disguised tax on its working class citizens. If the measure was to be brought to its citizens as a vote, where you would say, would you vote for a red light camera program which will provide whatever percentage you're going to take, but what percentage you're going to give to RedFlex, I believe that it would not pass. Because there'll be tricks used by this RedFlex – short lights, yellow lights. Sometimes, in Albuquerque, you approach an intersection, and you say, well it's green, is it going to turn... these are the things that I think might cause rear end crashes. If you do approve this, I think you ought to give the citizen a chance to avoid this tax. In Mexico, they have the green lights kinda blinking before the yellow comes on, and then the red. So, I think that would give the citizen more of a chance than this letter that's he's going to get later on a 'Got You Tax.' The only big money winner here is RedFlex, plus why aren't there any other bids, you know. Why aren't there any other bids. But, I'm really troubled that a public corporation is going to benefit from a program which our citizens are paying into. That's really not right. Government is not supposed to be partnering with a corporation so that it will benefit. There's no doubt it's going to benefit. This is a no loss situation for it. Also, if you want to raise taxes, like I say, put it to a vote."

Mr. Varela continued, "And I really think that one of the things that I find ironic is that we had somebody... the Maloof family wanted to contribute \$1 million to the City for a library. And at that time, the main cheerleader of this program, Ron Trujillo here, said that the City was not for sale. Well the City's for sale with RedFlex with this program, because they're definitely going to make quite a bit of money here. And, so, for that reason, I oppose it, and I hope that it's not approved."

**George Heidke** said he is here this evening to share his experience during the last Legislature. He was in the Judicial Committee when the State statute was discussed. He said the original statute didn't contain the 200,000 population cap for the statute to trigger. He said that was amended by the Committee to address the only City with this program at that time, which was Albuquerque. He said the Committee asked Senator Sanchez, the sponsor how he feels about amending it just to address the City of Albuquerque. He said, "And basically his response was, well if any other city does this, enters a program like this, they do it at their peril, and that's paraphrasing what he said, which leads me to believe that it would be very easy for them to amend the statute to take away the population cap, which would make this statute, the current state statute applicable all the way across the State of New Mexico. Therefore, the caps on the fines that are in the state statute would be applicable to the City of Santa Fe, and any revenue that the City might be looking forward to using would be gone and lost. And in this

program, if this funding... now, I'm not privy to any of the amendments, I haven't seen those, but if the amendments lower these fines, then it might be a moot point. But if they did not lower the fines, if the City was planning on using the proceeds from this program to, say, fund more police officers, which I'm totally in support of, being a former police officer, I think the City needs a lot more police officers. If that revenue source goes away because of an amendment that might come either this January, or next January during the Legislative Session, that revenue stream is lost. How is the City now going to pay for whatever programs or whatever police officers that were hired as a part of this revenue source, which is very likely to happen from the discussions I heard during that Legislative Council meeting, and the uproar that was raised in the City of Albuquerque, when it was learned that the City of Santa Fe, the City of Espanola and Las Cruces was looking at installing a red light camera, but that the law that impacts the City of Albuquerque wouldn't impact these other cities. And there is a lot of outcry because of that. And I wouldn't be surprised if a Councilor from Albuquerque, or a Senator or a Representative from Albuquerque, entered an amendment to the State statute to take away the population cap, which would mean that the statute that is in effect now would be in effect here in the City of Santa Fe. And, so I wanted to raise that issue for your consideration before you vote."

#### **The Public Hearing was closed**

Councilor Trujillo said when he brought this to Council in 2006, the City did a pilot study because of the Santa Fe driving habits which are bad. He said many years ago he and his wife[ then his girlfriend] were hit by a driver at Airport/Cerrillos going 80 mph, and the light was red and he was stopped. He said it hurt both him and his wife. He said every day he witnesses people running red lights. He asked, "What makes people think that their time is more important than my time. It's not." He said something has to be done.

Councilor Trujillo said he has heard that this is a disguised tax, and it is all for revenue. He said it isn't for revenue, although people may think that, but that isn't his intention. He said, "I am plebe. I was born and raised here. I know what affects the community. I didn't just get off the bus. I've given to this community for forty years. My family has given to it even longer. So when these people come and say, oh, it's all about that. You want to tax the plebe. That's not what it's about. It's about the safety. I'm looking out for my family, your family, your granddaughters, your mother, your father. That's what scares me, is one of my family, your family is going to be a statistic. I don't want to be a statistic. I don't want my family to be a statistic. That's the reason I brought this forward."

Councilor Trujillo continued, "You know I heard this one gentleman say, you know, that's like calling George Bush... I'm not George Bush, I'm Ronald Trujillo. You may think it's that, you know, and the thing that's sad, but I do see a lot of young drivers with disregard for the speed limit and for the red light. I'm sorry, I do. And that bugs me. I live on a street where people just run down it. Something has to be done. You know, we talk about technology. This is technology which has been proven to help. It has stopped red light runners in other parts of the United States. It's shown in Albuquerque. You know, people say, well here you'd rather have a police officer pull you over. Well, what's the difference between a police officer and a radar gun. Are we now going to take away a radar gun off a police officer and have them drive

up next to you to see how fast you're going. It's not going to happen. You know, one of the things I've always said, you know, there's technology out there, we need to embrace it. The City is finally embracing a lot of technology that is going to help this community, help our police officers. For the longest time you know, we have done nothing to help our police officers. We're finally doing it now. You're seeing the results. I just don't see how, you know, there are people who are against this, because why – they run red lights. They don't stop at intersections. They make a right turn on a red light. That's the reason they're against it. They don't want to get caught. They don't want to face the consequences that, hey, I broke the law, you know, I'm going to have to pay a fine. The number one thing is, hey guys, don't run the red lights, you won't get a fine. Stop at a red light. Yellow does not mean accelerate, and that's the thing that people here in Santa Fe think it means. It means, slow down, you're getting to an intersection, there's going to be a red light, stop."

Councilor Trujillo commended Captain Robbins on all of the hard work you've done, and the research you've done. He hopes this passes. He said, "To the community of Santa Fe, this is about the safety of our people. We want to keep them here for a long time. We've been here almost 400 years, let's make it another 400 years, but let's be a safe community."

**Councilor Trujillo moved, seconded by Councilor Wurzbarger, to adopt Ordinance No. 2008-47, with the amendments on page 5 of the Council packet.**

**Discussion:** Councilor Wurzbarger said, "I want to comment on a couple of issues that I think are misunderstandings or misrepresentations and get those cleared up. The first of which is that this is not for purposes of revenue generation. It is for the purposes of making the community more safe. Your comment, Councilor, about what makes you think your time is more important than my time, I think from our earlier testimony, the way we phrased that is 'What makes you think your time or where you're going is more important than my life or the life of my family.' That's what this is about."

Councilor Wurzbarger continued, "Now, the second point of information I think is that, to my knowledge and I need staff to clarify this if I'm incorrect, setting of lights is not something that would be done by whichever subcontractor we pick. That remains the responsibility of the City of Santa Fe. I do believe that one of the things we've learned as we've gone through this process, is that we do need to work with staff, and make sure there is not... that changes that could be made to make the intersections more safe by changing the time of the yellow light, or a blinking green light, or whatever, I think that is worth looking at. That is not in lieu of moving forward with this program."

Councilor Wurzbarger continued, "I guess the last thing I'll say, that being a former futurist and spending a lot of time looking at George Orwell's 1984, even though I was only four at the time, I realize the issue of individual freedom is a key issue to all of us. But I think part of our job is defining the public good sometimes in ways that have to make individual freedom... the individual freedom of choosing to run a red light and killing someone. We need to make those decisions, and the individual freedoms have to be subservient to the common good."

**Clarification:** Councilor Dominguez asked about the amendments on page 5 of the



packet which do two things: provide that all excess revenues from the program are to be allocated to the City so we can resynchronize lights and make sure any effect of this program on the signals is mitigated with this resynchronization; and because we won't have solid data to measure the effectiveness, the second amendment provides for a report to the Public Safety Committee on a monthly basis evaluating the effectiveness with hard, solid data. **Councilor Trujillo and Councilor Wurzbarger said these are included in the motion.**

Councilor Dominguez asked, with regard to the cost and fiscal impact of the program, if we have determined the cost for a hearing officer.

Captain Robbin said they are looking at \$150 per hour for a hearing officer.

Councilor Dominguez said we don't know how many hearings we will have.

Captain Robbin said this is correct, but we can look at other cities that have 1% hearings, and estimate 2,000 violations, with 20 hearings per month, at \$3,000 per month, and \$36,000 per year. He said all expenditures of the program would come from the Red Light revenue.

Councilor Dominguez asked how he knows those costs will be absorbed by the contractor. How do we know there will be no cost to the City, because as discussed at the Finance Committee, we haven't negotiated a contract with any contractor, and we have to go through the bidding process to determine whether or not a particular contractor can meet the values or standards of our contract. He asked Captain Robbin the basis when he says there are no costs to the City.

Captain Robbin said there is no extraneous cost to the City of Santa Fe.

Councilor Dominguez asked if that is based on the assumption that the contractor will pick up some or all of the costs.

Captain Robbin said yes. Any cost associated with the program will be "self-generated from any of the monies that come from the program. How do we know we can get a hearing officer for \$150 per hour, of course with the amendments they have to be bar certified. A lot of detail, until we start the program, we can assume that certain facts will happen. But, until we get into the program and have done it for months or even six months, then we can really realize exactly what's going to happen, yes."

Councilor Dominguez said, "The point that I'm trying to make with this is that it almost seems like much of the information that has been given to the Governing Body, is based on this assumption that there is one particular company that can do a lot of things, and quite frankly, they're good things. One of them is that and it's a lesson that they learned in Albuquerque, and that is that there has been a lack of pre-implementation public relations, and this is straight from your report, 'RedFlex will assist and encourages advance implementation of public relations and public notification of the project.' You know, I think that goes without saying, because I think that, regardless of whether it's RedFlex or any other company, any other contractor, that we



have to have that public education component put in there. And, so, I want you to clarify for me that many of the assumptions that are made are assumptions that are based or made based on the program itself, and not necessarily particular, not necessarily contingent on any one particular contractor."

Captain Robbin said, "As far as, like the pre-implementation publicity, certainly Council has the discretion to review any company that does red light studies, and irregardless if they choose RedFlex or any other company, what we've learned is that pre-implementation publicity greatly helps the program, no matter which company is chosen."

Councilor Dominguez said but we don't necessarily know that the company, the contractor will pay for it, and the City may have to pay for it.

Captain Robbin said, "I can only tell you that, through the one company, yes that's part of the program. The other companies which we've solicited and tried to talk to, have not called us back. We sent information out there explaining the program, and our problems and what we need, the last one being from Canada, and they have not even given us the time to contact us back, so there have been about four companies that we've contacted. And, actually, RedFlex wasn't even the first company."

Councilor Dominguez thanked Captain Robbin and the public and staff members who have worked on the program to get the data and information we needed.

Councilor Dominguez said, "I've got some mixed feelings about this and, quite frankly the responses from my constituents have been somewhat mixed. In fact, the only consistent comment that I received was that for those people who live on the far Southwest and South side of town, they have a chance of getting caught, and I use that term loosely, more of a chance, three or four times more of a chance of getting caught than a lot of other people in the community because of where it has been preidentified locations for this program. I mean, that is primarily along Cerrillos Road. I can tell you that driving along Cerrillos Road myself every day, on a daily basis, at all hours of the day, that there is some synchronization and signaling problems that exist. And, so I'm hoping that through this program, we can get some of that fixed."

Councilor Dominguez continued, "As I said before, some of my constituents have indicated that they support this, and some of them say they don't. The fundamental issue that I have with this is that there are good people, well intended, honest people who run red lights. That's just a fact. They don't do it on purpose, it's not that they aren't law abiding or that they have a disregard for the law. It's because they get caught in that predicament where, although they're going the speed limit, and sometimes below the speed limit, they're just going too fast to stop. And, they're not going slow, because people behind them, especially on Cerrillos Road, people are just pushing them. They're on their tails and they're really, really pushing them. The point is that you're going to get good, honest, well intended people who are going to get caught and they're going to do what, probably, every one of us on this Council would do, and that is pay the fine. We are going to admit the fact that we broke the law and submit the monies and pay the fine."

Councilor Dominguez continued, "You have people who have a disregard for the law, who don't care about the law, who are blatant violators of red light cameras, or stop signs, or whatever the case may be. And, many of those people are not going to pay the fine. The two things that could happen is that they get sent to a credit agency. Their credit's probably already ruined, so they're just not going to pay the fine. Second of all, they could possibly get their vehicle impounded if they ever get stopped again. And hopefully, not hopefully, but we've tried to impound cars for DWI and we've all seen how successful that is, it's not going to solve the problem. So, I guess it's just that fundamental issue that I have that honest people are going to be paying the fines and [inaudible] dishonest people may not."

Councilor Dominguez continued, "I know that Councilor Wurzbarger has made the comment and Councilor Trujillo has as well, that this is not about making money and this is about safety. But, I want to remind the Council and remind the public that there are two instances where red light cameras were mentioned as revenue-makers for the City. The first was that the City Police Department actually looked at red light cameras as a way to generate revenue to pay for their three year plan. There wasn't the safety component necessarily in that. It was identified as a way to pay for the three year three plan, so that means that we have to generate revenues. The second time was during our strategic planning process, it was identified as a way to generate revenue then as well. So, we should honestly say that may have been the case at one time – that it was primarily a way to generate revenue. Now, it's kinda flipped. And when I first thought about this, I thought of using the term, painting the pig with... or putting lipstick on a pig, but that term has been used quite a bit lately. Now, it's public safety. It's about public safety. And that's great. That's a wonderful thing. How can anybody argue really against public safety, but the jury isn't in, and there is no evidence that there will be a significant improvement from this program in driver habits. And, we don't have fresh data that says there's going to be a decrease, etc. So, I'm really looking to see that evidence."

Councilor Dominguez continued, "And I think that if this is really about public safety, and it's really not about making money, that the Council be given the opportunity to be able to evaluate that data on an annual basis and that the contract be worded in a way that gives the Council that opportunity so that we can, you know, if it's not working, we can scrap the program. I think what I remember before is that it was a three-year commitment. I know we review it every year, but the contractor required a three-year commitment. And I know that we're not going with any one particular contractor, but those are things that I think we need to consider. So, with regard to public safety, like I said before, how can you argue against public safety if it's going to save just one life. And it could be my life. It could be the life of my children. That's something that you can't argue against, and so I'm going to stand in support of this, but I'm glad that the amendments are in and I'm really looking forward to the details of the contract."

Councilor Chavez said, "I, like many of us, have had mixed feelings about this component. This is really one component of public safety. It's one component, one tool, that the Police Department might be able to use to change peoples' behavior habits. We have stood in support of public safety over the last couple of years, and we have increased the funding in the Police Department for them to be able to do a better job. Captain Robbin earlier alluded to the fact that there has been an increase in traffic over the last five, ten, fifteen years. That goes along with the growth that has occurred in the City. So, we have a problem with... well we have an increase in growth. We have drivers, and maybe not a majority of them, but

drivers that are not willing to do the speed limit anywhere, anytime, you know, they just don't, and it's maybe 20-30% of the population. So, that is one problem that I see."

Councilor Chavez continued, "The other problem that I see is that we have not kept up with growth as it relates to the Police Department or as it relates to our infrastructure. So, we have an aging street network that's congested, it's saturated. It can't handle any more traffic. It was not designed to carry the level of traffic that's it's carrying. So, we have an aging infrastructure that more and more people are depending on. Many people drive into the City to work, to drop off their children at schools... and you know the school zones. They are really impacted with this congestion. They're really acting as regional schools."

Councilor Chavez continued, "So, I think that there are other solutions. If we want to do a PR campaign, we can do a PR campaign with or without the red light camera. If we want to continue to synchronize the traffic signals, we can do that with or without the red light camera program. We could do saturation patrols, we could do a speeding blitz, and I think these are solutions that we could do immediately. And I'm listening to both sides. I've received phone calls and emails as well. To me, it seems that it's not really a minority of the public that has questions about this. It's more than just a minority. Many of them are not here because they are working, it's hard for them to attend meetings. I know that the Police Department has tried to go out to the public as much as possible. I really think that more needs to be done to work on a street system, focus on completing the Siler crossing, make improvements to Rufina and Airport, you know, possibly connect Richards to Rodeo. Let's think about the interchange at Richards and I-25. These are not popular, but if we're going to continue to depend on cars to move us around, then we also have to be committed to make the investment in that infrastructure to move people around in a safe and efficient manner. And, I don't think we've done all of that, unfortunately. And so, at this time, I am not in support of the program as it exists, and I think I explained some of my concerns and my reasons, I'll leave it at that."

Councilor Romero said, "Well, I'm not ambivalent about this. I have a driver's license and it gives me the right to drive. And, with this right, comes the responsibility. And when you sign when you are going to follow the laws of the State of New Mexico, it doesn't matter that we're congested. It doesn't matter what else is going on, that we're in a hurry. The fact is, a law is a law, and we're all put in the place of not being safe in our own town. So, let's use the other resources and figure out what the other options are to look at our traffic situation. But, this is something that we can do right now to improve the safety and the quality of life of the people that live here. And, this does give me the right to drive and it gives me the responsibility, which means I stop at a red light. It doesn't mean I speed through it. It doesn't mean that I, oh, because I'm in a hurry or some other lame excuse... Mr. Gutierrez, thank you for coming. I know that's really really hard to come and talk about the loss of life. Unless you've lost somebody, you really don't know what that's like. So, we're talking about loss of life and it means that we really have to pay attention. I signed that I was going to follow the rules, and I am going to follow.. And I hope that everybody else doesn't speed behind me, but if they do, it's their fault. Let's all try to be better drivers. And, I think we're looking at a year time limit to see if this going to work, and if behavior changes, hallelujah. I think there's ways to get red of the red light. We are looking for changing behavior and that's really, really hard, but it'll apply to all of us and it'll be a safer place. So, I'm in support of this."

Councilor Ortiz said, "I'm against this proposal, and I'm against it for really two reasons. But, before I get into... Really four reasons, but two of them are really technical with the program as it's going to exist I think, and two sort of more philosophical. But, before I get into this, I just want to say that the sponsors of this bill, Councilor Trujillo and Councilor Wurzbarger, there are not two other Councilors who stand by their principles and stand by their word more. Without Councilor Wurzbarger here, none of the seminal really historic ordinances that we passed in the last years would have been passed. So Councilor Trujillo was a man of his word, and a man of his convictions and he stands by what he says, and he campaigned on this issue."

Councilor Ortiz continued, "And, so that is to be commended, and their efforts have to be commended. And yet on this particular bill, on these particular ordinances, I've got problems. And I've got problems, because as it relates to public safety, there is no guarantee that this program is going to guarantee or increase public safety. What it's going to do is it's going to put an administrative fine and burden, not on everyone, but only at certain intersections. There's no guarantee that that program is going to result in the kind of public safety promises that have been made. And, I will say that if you look at the calculations that were even put forward on a draft basis, we are expecting, the Police Department is expecting that people are not going to follow the law, even with these red light cameras. Because, if people were following the laws, how could we project 2,000 violations per month. 2,000 violations per month, times \$60 per violation, is \$120,000 a month. \$120,000 a month times twelve months is a potential fiscal impact, a potential fiscal increase of \$1.34 million. We're expecting people to continue to break the law, so while we put up these red light cameras and we say we're putting it up so that people can drive safer, in fact we are banking on the fact that this revenue is going to be collected. So, that's the one concern."

Councilor Ortiz continued, "The second concern I've got, which is a point that is similar to Councilor Dominguez's, is that this is not going to be put up at every intersection. We are selling this large goal, increasing public safety throughout the city, and it is going to be narrowly focused on a relatively small geographic area. And that small geographic area is not going to increase public safety on those people who are running red lights on Paseo de Peralta, and it's not going to increase public safety on St. Francis Drive every day, and it's not going to increase public safety at Siringo Road and Rodeo Road. It's just not, because the program as it's being proposed is to only hit a relatively small number of intersections. And so, to say that we're going to have this program and it's going to increase public safety city-wide, it's not."

Councilor Ortiz continued, "On a more philosophical level, it is interesting how the sort of sequencing of events pass. We are a day removed from September eleventh, and last night on Charlie Rose, Tom Friedman, who is a New York Times writer and author, he wrote *The World is Flat*. He was talking about how we, as an American society, in response to September 11<sup>th</sup> are doing something as a society that thirty or fifty years from now, we are going to be able to look back and say, it's at this point when we started shifting society. And I think that we're at that point as a City. "

Councilor Ortiz continued, "We say that we have to do something, something has to be done. We even hear that the individual freedoms that we have, have to be subservient to the common good. That's something that we hear and have been hearing for years now. And what

we are doing, is we are chipping away at what we are as a society. I agree with Councilor Romero. Driving is not a right, it's a privilege. And when we sign our card, it's a privilege to drive. Well you know that privilege extends from the moment that you sign that card, whether or not there is a red light camera or not. And, what are we saying about ourselves as a society when we say we have to install cameras to watch over us because we don't trust each other. And, we don't trust the fact that we are not driving the way that we are supposed to be driving. It is very similar to the kinds of things that we're experiencing nationwide, where we are spending billions of dollars on securities while our national infrastructure is crumbling. That philosophical question is the kind of philosophical question that, at times like these, on decisions like we make, have an effect."

Councilor Ortiz continued, "I know from experience that when you pass a law with the best of intentions and you pass a law thinking that you're going to do the best for the community and you review it in a year, it is tough to repeal a law. It is tough to, in a year, say this law is not working and we need to change it, because by then, revenue is flowing in, we have based our budgets upon revenues that are actually in, or projections that have been made. It is tough to change a program. And we are doing that. We are on the precipice right now of doing the same thing that we've done on many other occasions, and it's maybe with the experience that we've received, or that I've received, where I can say, this red light camera program, if we start it now, it's going to take on a life of it's own. There will be, when we asked for a private contractor to come in and administer the program, there will be private sector incentives to keep this program moving. There will be a profit motive, by whichever company comes in, to make sure that those red light cameras, and it's not just red light cameras, it's going to be mobile units to do essential speed traps to catch speeders that will pay for this program itself. And, it's going to be the citizens who are going to pay for it."

Councilor Ortiz continued, "Do we need to be better drivers? Yes. Do we need to take actions or steps to improve peoples' driving? I don't know. I think that it's one of those things that, for each of you who signed that driver's license, you have that responsibility. It's a personal responsibility. And, is it for the government to put up the cameras or to install a program and administer that program? Is that the kind of approach that we want to take, so that we can have more police officers on the streets? Because this fund as it passes is going to go for public safety, and you're going to have more people patrolling the streets. And we are going to have cameras at more and more intersections."

Councilor Ortiz continued, "Are we going to come up with a program like we did with the speed humps, where it starts out as a pilot program, and it starts out as a response to small groups of people who say we need to do something, or god forbid, a tragedy has occurred and we need to address that tragedy with a city-wide program so that no other family has to suffer the loss that we suffered. And then the program gets put into place, and then it takes a life of it's own, and then it becomes per request of a neighborhood to put street lights on an intersection, and then we are in a position where we have this thing, and ten years from now, or twenty years from now, we've got cameras in places where we didn't think we would have to have cameras and we're getting citations for things we didn't think we were going to get citations for. Where does it end? Where does that chain of unintended consequences stop? We're here at this point now where this program is in its embryotic stage. I for one, after sort of

thinking about that on a philosophical level, besides the concerns I've got with the actual programs, I can't in good conscience vote in favor of this ordinance."

Councilor Bushee said, "I also will be voting against this proposal, and although I have no doubt of the sponsors' intentions, I have not been convinced that this actually improves public safety. There are equal amounts of studies. For every study that says these things work, there are studies that counter that and say that crashes are increased. I think my preference would have been that if the hue and cry were that this is one of our biggest problems in the City, that we would start with working with the timing of the lights, an educational program. I understand that we need to change the way people drive in a more positive way here in the community. I mean, it's not a community known for using even turn signals, and we have real serious issues and conflicts between pedestrians, bicyclists and automobiles. But, it is yet to be proven to me that this program, the way it is to be implemented is actually going to achieve what we all hope for. And, I know the votes are here, or it really wouldn't be before us, but I can only say in my good conscience that I am not certain of the results and would be more in favor if this were not conducted by a private contractor, that seems, at the moment, to have a monopoly in the State. But, I just don't think this has been proven yet to me."

Councilor Trujillo thanked Mr. Gutierrez for his testimony, saying he can't imagine what he goes through every day, and extended condolences to him and his family.

Jeannie Price said, "I just want to clarify for the record, that some of the amendments are replacing other amendments, so everybody is comfortable with that, okay. We all understood it."

Mayor Coss said, "Well, you know I think I should go on record a little bit. I have a couple of questions, because I think I understood that a citation would only go forward, or a fine, if you, and maybe Captain Robbin can answer this, if you entered the intersection when the light was red, not because you were in it when it was yellow and it didn't stay yellow long enough and it caught you. You would have to enter that intersection when the light was red."

Captain Robbin said, "That is correct. Actually that question has come up quite a bit. If you're right at the light when it turns red, is that a fine violation. Actually, the way the system is set up is, with the twenty-two foot activation sensor that's before the light, that you would have to actually cross that sensor and then go through the light when it was red. So, you actually run it almost twenty-two feet before. If you're past that sensor and it turns red, as some people have mentioned, that is actually a no vote for a citation, even though all the video is reviewed, that is a no vote for that violation. So, again if you're past the strip and it turns red, it's not recorded as a violation. "

Mayor Coss said, "And then the citation wouldn't be issued by the company until a Santa Fe Police Officer reviewed the incident."

Captain Robbin said, "Well, actually all video comes back to us where the Police Department has to physically review each video to assure that it is a violation. At that point, if we say that it is a violation by viewing the video, then when we click on the 'accept' part of the

citation, we're signing our name as police officers that we viewed the video and that it's a violation. Yes."

Mayor Coss said, "Some ideas that came out in the hearing that I like, is to increase that yellow light to a full three seconds, because I've been on the bus and seen that happen, that they can't get through those intersections. But I would also say we've been working on synchronization for a long, long time, and there's too many driveways on Cerrillos Road to really get synchronization to work, but that's not an excuse for running red lights, and it's just going to be a problem that we're going to continue to have. Another question is that \$60 fine. Isn't that below the State caps that were set in that Legislation that the State passed last year that applied to Albuquerque only."

Captain Robbin said our fines are exactly the fines that are in our fine table, plus the \$15 processing fee, so that the fine that an officer would give you isn't an arbitrary \$100 or \$200 or \$300 fine that Albuquerque first had. Our fines are what a current speed table or red light table have plus a \$15 processing fee, and that is below the \$69 fine Albuquerque has. Ours are \$66.

Mayor Coss said, "The last thing I'm going to say is that Councilor Trujillo and Councilor Wurzbarger, I know Councilor Trujillo has worked on this for 2 ½ years and I've never, ever heard him say anything about the fees. He's been totally focused on the public safety aspect. That was me. It wasn't even the Police Department. I just said if it's going to generate this type of revenue, I'd like to see it go back into public safety. That was never... that was the furthest thing from Councilor Trujillo's mind. It wasn't anything the Police Department came up with. I think it is a testament to how bad the situation is, and it's not the only thing we're going to try to improve driving and to improve traffic safety. We've reinstituted our Traffic Division. Traffic calming helps. It's a pain in the neck for people that want to cut through neighborhoods, but every neighborhood I know that has it, likes it. And that works. And like I said in the beginning, we've been working on signalization and synchronization for a decade that I know of. So, we're doing a lot in Santa Fe to improve traffic safety, and I think this is one step. I just wanted to get some of these technical issues out there, and also to just make it very very clear that the sponsors have never looked at the revenue generation as a reason for pursuing this."

Councilor Bushee said that helps her a little in terms of this particular program.

Responding to Councilor Bushee, Captain Robbin said by City statute to turn right on red you have to come to a complete stop before making a turn, unless you have an arrow. So, if you fail to make a stop, and it is a red light before you turn right, then that is a violation for the red light.

Councilor Bushee asked what would classify as stopping at the red light before you turn right.

Captain Robbin said they agreed to use the first line of the crosswalk, the stop part is before that, and you shouldn't enter the crosswalk, particularly if there are pedestrians, without stopping. "So, if we use the first line of the crosswalk, that would actually give the driver also extra time to stop, then the stop bar that is several feet before that, which actually they should stop at."



Councilor Bushee said she has seen quite a few bicyclists run through red lights, and asked what we can do about that.

Captain Robbin said the reality is that a bicycle being issued a citation under the program isn't going to happen, because everything goes on the license plate to find the registered owner. He said bicyclists are supposed to obey the same laws as any other person the road.

Councilor Bushee asked if there are warnings with the mobile units.

Captain Robbin said portable signs can be placed up before the speed vehicles.

Councilor Bushee asked if this is the plan, to have signs.

Captain Robbin said yes.

Jeanne Price said, "I just want to make sure that we all understand that you will not be adopting the sheet from the Finance Committee, and instead, you will be adopting Councilor Dominguez's sheet. Is that correct." *There was non-verbal indication that they understand.*

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

**For: Councilor Calvert, Councilor Dominguez, Councilor Romero, Councilor Trujillo and Councilor Wurzbarger.**

**Against: Councilor Bushee, Councilor Chavez and Councilor Ortiz.**

*There was a short recess at this time*

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**Mayor Coss asked to return to Communications from the Governing Body so Councilor Wurzbarger can present an item.**

Councilor Wurzbarger said she received an email today from Carol Robertson Lopez, New Mexico Sister Cities Coordinator, and last night at a meeting of the Council for International Relations, they announced that our Sister City, Holguin, Mexico, was severely hit by the hurricane. She gave the email to staff. She said seven groups have been identified that can take donations to get them to the correct places. She said this is a way anyone who is interested could help our Sister City of Holguin. She said it is appropriate to advertise this on our television station and in our regular announcements in the newspaper.



- 8) **CONSIDERATION OF RESOLUTION NO. 2008- 77. CASE #M 2007-36. 1312 AGUA FRIA STREET, GENERAL PLAN AMENDMENT. DERRICK ARCHULETA, AGENT FOR EVANGELINE HERRERA, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 0.306± ACRES OF LAND FROM LOW DENSITY (3-7 DWELLING UNITS PER ACRE) TO OFFICE. THE ARE IS LOCATED BETWEEN AGUA FRIA STREET AND HICKOX STREET. (GREG SMITH). (Postponed at July 30, 2008 City Council Meeting).**

*Items 8 and 9 were combined for purposes of presentation public hearing and discussion, but were voted upon separately.*

A copy of the City of Santa Fe City Council Findings of Fact and Conclusions of Law for Case #M2007-36, 1312 Agua Fria Street General Plan Amendment, are incorporated herewith to these minutes as Exhibit "5."

A Memorandum dated August 9, 2008 for September 10, 2008 City Council Meeting, to the City of Santa Fe Mayor and City Council, with attachments, from Lou Baker, AICP, Senior Planner Development Review, is incorporated herewith to these minutes as Exhibit "6."

The staff report was presented by Lou Baker, AICP, Senior Planner, Development Review, which is contained in Exhibit "6."

**Recommendation Case #M-2007-36, 1312 Agua Fria Street General Plan Amendment:** General Plan Amendment for this property from Low Density Residential (3 to 7 units per gross acre) to Office is contrary to the General Plan Future Land Use map. While the subject property is designated as Low Density Residential (3 to 7 units per gross acre) on the Future Land Use map, the requested Office land use designation may be appropriate since the properties to the west and north have been zoned C-2 since 1962, and include a variety of community commercial uses.

On January 3, 2008, the Planning Commission recommended the City Council approve Case #M2007-36, 1312 Agua Fria Street General Plan Amendment. Staff concurs with the Planning Commission's recommendation for approval based on City Code of the City of Santa Fe, New Mexico Article 14-3.2(D) Amendments to the General Plan Amendment Approval Criteria. Staff has no conditions of approval.

**Recommendation Case #ZA-2007-13, 1312 Agua Fria Street Rezoning:** Initially, the applicant applied for rezoning from R-5 to C-2. The requested C-2 rezoning is inconsistent with the City of Santa Fe 1999 General Plan as the subject property is designated as Low Density Residential (3 to 7 units per gross acre). The Planning Commission considered the benefits to the community, the effect on neighborhood character, and the future possibility the tract could be developed with a more water and traffic intensive project. The decision to recommend approval to the City Council for rezone from R-5 to C-1 was based on determination of appropriate development patterns for the Agua Fria Street corridor and neighborhoods, and not just the applicant's property.

On January 3, 2008, the Planning Commission recommended the City Council approve Case #ZA 2007-13, 1312 Agua Fria Street Rezoning. Staff concurs with the Planning Commission's recommendation, subject to the following Commission and staff conditions of approval:

1. *"This application proposes the ability to maintain commercial activity historically located on this site."* Any change to this proposal shall require submittal of a development plan to the Planning Commission.
2. Applicant shall work with the City of Santa Fe GIS staff to correct the addressing error and submit documentation when completed to the City of Santa Fe Land Use Department.
3. Applicant shall work with the City of Santa Fe GIS staff to correct parcel boundaries and submit documentation when completed to the City of Santa Fe Land Use Department.
4. Applicant shall work with the City of Santa Fe GIS staff to correct property owner information and submit documentation when completed to the City of Santa Fe Land Use Department.

### **Public Hearing**

#### **Presentation by the Applicant**

**Derrick Archuleta, agent for the Applicant, was sworn.** Mr. Archuleta said the subject site consists of one legal lot of record. The property is developed with one single family residence and with a detached garage which is the building in question and until recently was the home of a barber shop. In 1997, the Applicant's husband secured a building permit for the purpose of the conversion of the detached garage into a barber shop. As part of the building permit review, the design reflected landscaping, handicapped parking and paving to accommodate clients. Upon securing review and approval from the City, which included inspections, the Applicant's husband received a Business License from the City and State to operate his barber shop. The barber shop operated at this location until his death in 2004.

Mr. Archuleta said earlier this year, the Applicant attempted to lease the former barber shop space. The prospective tenant attempted to obtain a Business License from the City, when it was determined that the property did not have the proper zoning to support commercial activity. The intent of the application is to allow for the option of leasing the former barber shop space for commercial uses, while continuing to retain the single family residence intact.

#### **Those speaking to the request**

There was no one speaking to this request.

### **The Public Hearing was Closed**

**Councilor Chavez moved. Seconded by Councilor Romero, to adopt Resolution No. 2008-77 as recommended by staff.**

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

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

**Against: None.**

**Absent: Councilor Dominguez, Councilor Bushee.**

Mayor Coss asked if we should adopt the Findings of Fact and Conclusions of Law.

Mr. Katz said if the Council is willing to do so, that would be great and we could just expedite the matter.

**Councilor Chavez moved, seconded by Councilor Romero, to adopt the Findings of Fact and Conclusions of Law in Case #M-2007-36 [Exhibit "5"]. The motion was approved on a voice vote with Councilors Calvert, Chavez, Ortiz, Romero, Trujillo and Wurzbarger voting for the motion, none against, and Councilors Bushee and Dominguez absent.**

- 9) CONSIDERATION OF BILL NO. 2008-19; ADOPTION OF ORDINANCE NO. 2008- 48. CASE #ZA 2007-13. 1312 AGUA FRIA STREET REZONING. DERRICK ARCHULETA, AGENT FOR EVANGELINE HERRERA, REQUESTS REZONING OF 0.306± ACRES OF LAND FROM R-5 (RESIDENTIAL, FIVE DWELLING UNITS PER ACRE) TO C-1 (OFFICE AND RELATED COMMERCIAL). THE PROPERTY IS LOCATED BETWEEN AGUA FRIA STREET AND HICKOX STREET. (GREG SMITH). (Postponed at July 31, 2008 City Council Meeting)**

A copy of the City of Santa Fe City Council Findings of Fact and Conclusions of Law in Case #ZA2007-13, 1312 Agua Street Rezoning, is incorporated herewith to these minutes as Exhibit "7."

**Councilor Chavez moved, seconded by Councilor Romero, to adopt Ordinance No. 2008-48, with conditions as recommended by the staff and the Planning Commission, and to adopt the Findings of Fact and Conclusions of Law in Case #ZA-2007-13, 1312 Agua Street Rezoning [Exhibit "7"].**

**Discussion:** Councilor Calvert said on page 3 of the packet it says, "Current regulations require the barber shop revert to a garage." Then, on page 26 of the packet, #6 it says current regulations apparently allow conversion of the building back of the garage. He asked which is correct.

Ms. Baker said it is required because it's zoned R-5, and it will be a home occupation.

Councilor Calvert said the ENN for this project was held at 5:30 p.m., downtown at the City Library. He said although he isn't saying this location was intended to discourage participation, he believes there are much more convenient locations to hold an ENN for the people in the vicinity, such as the Mary Ester Gonzales, Larragoite Elementary and other schools which are closer. He said we should make the locations for ENN meetings as convenient as possible to the people from whom we're trying to get comments, so we encourage attendance.

Ms. Baker said she agrees wholeheartedly with Councilor Calvert, noting he has made this comment in the past. She said staff has started to ask the Applicants to look for a location closer to the subject property. She said as of 5:00 p.m. today, she has not received one phone call, an email, or a hard copy letter in favor of or in opposition to this project.

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

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

**Against: None.**

**Absent: Councilor Bushee**

- 10) CONSIDERATION OF RESOLUTION NO. 2008- 78. 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). (Postponed at August 11, 2008 City Council Meeting)**

*Items 10 and 11 were combined for purposes of presentation public hearing and discussion, but were voted upon separately.*

Memorandum dated September 3, 2008, for September 10, 2008 City Council Meeting, to Mayor and City Council, with attachments, from Donna Wynant, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "8."

Color aerial photographs entered for the record by Linda Tigges, are incorporated herewith to these minutes as Exhibit "9."

The staff report was presented by Lou Baker, AICP, Senior Planner, Development Review, which is contained in Exhibit "8." Ms. Baker noted that as of 5:00 p.m. today, neither

she nor Ms. Wynant have received any phone calls, emails or hard copy letters in support of, or in opposition to, this project.

**Recommendation:** This case was postponed on August 11 to allow the Planning Commission to formally approve finding of fact. Those findings are attached as Exhibit A; other background material from August 11 (including the draft bills) is attached as Exhibit B.

As noted in the August 11 packet, the Planning Commission on 6/5/08 recommended approval of the request for General Plan Amendment and Rezoning from R-1 to C-1 based on Approval Criteria in Sections 14-3.2 and 3.5 SFCC 2001, respectively and in compliance with requirements as provided in the following City Department review memos at the time of application for permits

- Public Works Dept. Traffic Review Memo
- Fire Dept. Review Memo
- Technical Review Division - Engineer Review Memo
- Technical Review Division – Landscape Review Memo
- Wastewater Division Review Memo
- Trails and Open Space Review Memo

## **Public Hearing**

### **Presentation by the Applicant**

**Linda Tigges, Agent for Applicant, was sworn.** Ms. Tigges said the property owner, Linda Marquette, apologizes that she couldn't be here this evening. Ms. Tigges said the applicant agrees with the conditions of approval. She said an ENN was held, and there were two persons in attendance. The Applicant is requesting C-1 rezoning for the property, which is now zoned R-1. The site previously was a Montessori school for 24 years. She said the Applicant decided to request C-1 so she could use the property as an extension of her office, noting she owns Southwest Title. The idea would be that some of her office personnel would be there doing day to day work, not her customers.

Ms. Tigges said one of the criteria for rezoning is a change in the surrounding conditions, which criteria particularly relates to this project. Mr. Tigges demonstrated the subject site using an overhead projection of an aerial photograph of the area [Exhibit "9"]. She noted the property is surrounded by C-1 zoning – noting the location of the subject site and the surrounding C-1 zoning, including the Magistrate Court, County Health Services, Social Services and DWI, Sobering and Drug Abuse Center with 24 hour caretaker on camera, the State Treasurer, a pediatric center and other offices. There is one residence, and one of the daughters of the property owner came to the ENN and said they have a mariachi business in there in addition to other things. Ms. Tigges said it seemed that the property is appropriate for a rezoning.

Ms. Tigges said Traffic Engineer has looked at the report and said the rezoning to the office use would be of lesser traffic impact than that of the previous Montessori School and he had no problem with the application.

**Those speaking to the request**

There was no one speaking to this request.

**The Public Hearing was Closed**

**Councilor Wurzbarger moved, seconded by Councilor Romero, to adopt Resolution No. 2008-78, with conditions as recommended by staff and adopting the findings of fact and conclusions of law from the Planning Commission which are in the Council packet.**

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

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

**Against: None.**

**Absent: Councilor Bushee and Councilor Chavez.**

- 11. CONSIDERATION OF BILL NO. 2008-48: ADOPTION OF ORDINANCE NO. 2008- 49. 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 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). (Postponed at August 11, 2008 City Council Meeting)**

**Councilor Wurzbarger moved, seconded by Councilor Romero, to adopt Ordinance No. 2008-49, with conditions as recommended by staff, and adopting the findings of fact and conclusions of law from the Planning Commission which are in the Council packet.**

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

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

**Against: None.**

**Absent: Councilor Bushee and Councilor Chavez.**

- 12) 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 August 11, 2008 City Council meeting – PUBLIC HEARING IS CLOSED) (Request to postpone to October 6, 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 October 6, 2008.**

- 13) CONSIDERATION OF RESOLUTION NO. 2008- \_\_\_\_ (COUNCILOR ORTIZ AND COUNCILOR WURZBURGER). A RESOLUTION DESIGNATING WATER RIGHTS FOR LOW PRICED DWELLING UNITS AND PUBLIC AMENITIES IN THE NORTHWEST QUADRANT AND FOR THE LOW PRICED DWELLING UNIT CREDIT POOL. (KATHY McCORMICK). (Postponed at August 11, 2008 City Council Meeting) (Withdrawn)**
- a) CONSIDERATION OF RESOLUTION NO. 2008- \_\_\_\_ (COUNCILOR ORTIZ, COUNCILOR WURZBURGER AND COUNCILOR DOMINGUEZ). A RESOLUTION DESIGNATING WATER RIGHTS FOR THE CITY'S NORTHWEST QUADRANT PROJECT. (KATHY McCORMICK). (Substitute Resolution for #G-13 above). Request to Postpone to October 6, 2008 City Council Meeting)**

**This item was postponed to the City Council meeting of October 6, 1008.**

## **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 9:20 p.m.**

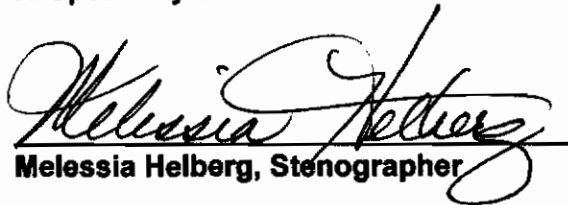
**Approved by:**

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

**ATTESTED TO:**

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

**Respectfully submitted:**

  
**Melessia Helberg, Stenographer**