



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
OCTOBER 29, 2008
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 10/24/08 TIME 2:35 pm

SERVED BY _____

RECEIVED BY Lydominguez

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 – October 6, 2008
Joint Meeting SFPS Board of Education – July 14, 2008
8. PRESENTATIONS
 - a) 400th Anniversary Plan Update. (Maurice Bonal & Libby Dover)
9. CONSENT CALENDAR
 - a) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Calvert)
A Resolution Establishing a Task Force to Research, Study and Recommend Alternatives to the City's Alarm System Ordinance, Article 20-25 SFCC 1987; and to Recommend a Proposed Ordinance that Would Result in False Alarm Reduction. (Police Chief Eric Johnson)
 - b) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Wurzbarger)
A Resolution Waiving Development Review Fees and Building Permit Fees for Affordable Housing Certified by the City's Office of Affordable Housing. (Jeanne Price)
 - c) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Mayor Coss)
A Resolution Supporting the United States Census Bureau by Creating a Census 2010 "Complete Count Committee" to Provide the City With Assistance and Advice in Obtaining the Most Accurate and Complete Population Count in the Upcoming Decennial Census. (Jeanne Price)



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- d) Request for Approval of Procurement Under State Price Agreement – Plant Mix Bituminous Aggregate for Local Streets for Streets and Drainage Division; Espanola Transit Mix. (David Catanach)
- e) Request for Approval of Procurement Under State Price Agreement – Installation of Traffic Signal Vehicle Detection Loops at Various Street Intersections for Engineering Division; Bixby Electric, Inc. (Rick Devine)
- f) Request for Approval of Professional Services Agreements – Administer and Schedule Meetings for Affordable Housing Roundtable; Enterprise Community Partners. (Kathy McCormick)
- g) Request for Approval of Agreement – Rugby Fields Phase II – Electrical Power Supply; Public Service Company of New Mexico. (Mary MacDonald)
- h) Request for Approval of Grant Contract – Reallocation of Annual Action Plan for CDBG 2008/2009 Funds; Triangle District Group. (Melissa Collett)
- i) Request for Approval of First Amendment to Capital Cooperative Agreement – Legislative Appropriations for Various City Projects; New Mexico Department of Transportation. (David Chapman)
 - 1) Request for Approval of Budget Increase – Grant Fund
- j) Request for Approval of Non-Exclusive License Agreement – Daily Stagecoach City Tours at Santa Fe Railyard off Market Street; City Different Tours. (David Chapman)
- k) Request for Approval of Procurement Under State Price Agreement – Sale and Purchase of Natural Gas for City-Wide Facilities; State of New Mexico and BP Energy Company. (Nick Schiavo)
- l) Request for Approval of Memorandum of Agreement – Planning, Radar Site Construction, Installation, Test and Commissioning of Surveillance Radar System and Cost Sharing at Santa Fe Municipal Airport; Federal Aviation Administration. (Jim Montman)



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- 1) Request for Approval of Providing the City's Share to the FAA as Required by the MOA Contingent on the City Receiving Allocation from the State Legislature. (Jim Montman)
- m) Santa Fe Municipal Airport: (Jim Montman)
 - 1) Request for Approval of Molzen-Corbin & Associates Engineering, Architectural and Planning Services Consultant Contract New Task Order 34 for ARFF Building Construction Observation Services At Santa Fe Municipal Airport.
 - 2) Request for Approval of Molzen-Corbin & Associates Engineering, Architectural and Planning Services Consultant Contract New Task Order 35, for Taxiway F Design Services at Santa Fe Municipal Airport.
- n) Request for Approval of Grant Award – Subscriptions, Books and Data Bases for Library Division; New Mexico State Library. (Patricia Hodapp)
 - 1) Request for Approval of Budget Increase – Grant Fund.
- o) Request for Approval of Sixth Amended and Restated Regional Planning Authority Joint Powers Agreement – Implementation of Santa Fe Regional Future Land Use and Growth Management Plan and Map; City of Santa Fe and County of Santa Fe. (Frank Katz)
- p) Request for Approval of Procurement Under Federal Price Agreement – Seven (7) Roll-Off Tab Containers for Solid Waste Management Division; Wastequip, Inc. (Bill DeGrande)
- q) Request for Approval of Procurement Under Federal Price Agreement – 64 and 95 Gallon Refuse Containers for Solid Waste Management Division; Toter, Inc. (Bill DeGrande)
- r) Request for Approval of Procurement – Automated Side Load Refuse Truck for Solid Waste Management Division; Trucks West, Inc. (Lawrence Garcia)
- s) Request for Approval of Budget Adjustment for Utilities Administration Fund. (Cal Probasco)



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- t) Request for Approval of Budget Adjustments for Carry Forward of Budget for Open/Paid FY 07/08 Purchase Orders. (Cal Probasco)
- u) Request for Approval of 2009 Legislative Priorities. (Robert Romero)
- v) Request for Approval of Budget Adjustments for Project Costs of Oracle/J.D. Edwards "Enterprise One" Enterprise Resource Planning System (E-1 ERP) Upgrade. (David Millican)
- w) Request for Approval of GRT Allocation Adjustment Staff Recommendation for Capital Projects and Convention and Visitors Bureau Budget. (David Millican)
- x) Request for Approval of Professional Services Agreements to Provide Alcoholic Beverages at the Santa Fe Community Convention Center: (Darlene Griego)
 - 1) Cowgirl BBQ
 - 2) La Fonda Hotel
 - 3) Eldorado Hotel & Spa
 - 4) Hotel Santa Fe
 - 5) Hilton Historic Plaza Santa Fe
 - 6) Rodeo Plaza Liquors
 - 7) La Casa Sena
 - 8) Liquor Barn
- y) Request for Approval to Publish Notice of Public Hearing on December 10, 2008:

Bill No. 2008-58: An Ordinance Amending Section 14-8.10(a) SFCC 1987 to Permit City Banners Commemorating the 400 Year Anniversary of the Founding of La Villa Real De La Santa Fe De San Francisco De Asis. (Councilor Trujillo, Councilor Bushee, Councilor Dominguez, Councilor Romero and Councilor Calvert) (Jeanne Price)



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- z) Request for Approval of Professional Services Agreements – Housing and Economic Development. (Ted Swisher) **(Postponed at October 6, 2008 City Council Meeting)**
 - 1) Homewise
 - 2) Santa Fe Housing Trust
 - aa) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Mayor Coss, Councilor Calvert, Councilor Wurzbarger, Councilor Bushee, Councilor Dominguez and Councilor Romero)
A Resolution Adopting the Sustainable Santa Fe Plan. (Katherine Mortimer)
 - bb) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Dominguez)
A Resolution Amending and Re-Adopting the Governing Body Procedural Rules. (Yolanda Y. Vigil)
 - 10. Request for Approval and Consent for Solid Waste Management Agency to Accept Waste from North Central Solid Waste Authority and Los Alamos County. (Randall Kippenbrock and Bill DeGrande) (Postponed at October 6, 2008 City Council Meeting) **(Postponed to November 12, 2008 City Council Meeting)**
 - 11. Request for Approval of Recommendations from Staff Regarding Assistance to Parral, Mexico, Santa Fe's Sister City. (Sevastian Gurule)
 - 12. Update on Homeless Winter Overflow Shelter. (Terrie Rodriguez)
 - 13. MATTERS FROM THE CITY MANAGER
 - 14. MATTERS FROM THE CITY ATTORNEY
- EXECUTIVE SESSION:
- a) Discussion of Potential Amicus Brief to the New Mexico Court of Appeals in the Case of Horace Bounds Jr. v. The State of New Mexico, CV-2005-166; Pursuant to §10-15-1 (H) (7) NMSA 1978.
 - b) Discussion of Northwest Quadrant and Santa Fe Public Schools, Pursuant to §10-15-1 (H) (8) NMSA 1978.



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15. Action Regarding the Amicus Brief to the New Mexico Court of Appeals in the Case of Horace Bounds Jr. v. The State of New Mexico, CV-2005-166. (Marcos Martinez)
16. Action Regarding Northwest Quadrant and Santa Fe Public Schools. (Frank Katz)
17. MATTERS FROM THE CITY CLERK
18. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. INVOCATION
- D. ROLL CALL
- E. PETITIONS FROM THE FLOOR
- F. APPOINTMENTS
- G. PUBLIC HEARINGS:
 - 1) Request from Fred Versailles, LLC for a Restaurant (Beer & Wine) Liquor License to be located at Le Zodiac, 131 Old Santa Fe Trail. (Yolanda Y. Vigil)
 - 2) Request from OCC Holdings, LLC for a Transfer of Ownership of Dispenser License #2594 from Julian's, Inc. to OCC Holdings, LLC. The License will Remain at 221 Shelby Street. (Yolanda Y. Vigil)



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- 3) Request from Tacos Juarez, Inc., for a Restaurant (Beer & Wine) Liquor License to be located at Tacos Juarez, Inc., 3565 Cerrillos Road. (Yolanda Y. Vigil)
- 4) CONSIDERATION OF BILL NO. 2008-56: ADOPTION OF ORDINANCE NO. 2008 - _____. An Ordinance Amending Sections 22-6.2 and 25-.11 SFCC 1987 Regarding City Wastewater and Water Service Outside the City Limits. (Councilor Wurzbarger) (Stan Holland)
- 5) Request for Approval of Economic Development Professional Service Agreement: (Fabian Trujillo) **(Postponed at October 6, 2008 City Council Meeting)**
 - a) Business Innovation Project (RFP# 09/02/P), Mentorship Training Program; Monte Del Sol Charter School.
- 6) 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) (Public Hearing Held June 11, 2008) **(Postponed at October 6, 2008 City Council Meeting – PUBLIC HEARING IS CLOSED)**
 - 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)
- 7) CONSIDERATION OF BILL NO. 2008-12: ADOPTION OF ORDINANCE NO. 2008-_____. (Councilor Chavez)
An Ordinance Creating a New Section 14-5.10 SFCC 1987 Regarding Neighborhood Conservation Overlay Districts; and Making Such Other Changes as are Necessary. (Tamara Baer) **(Postponed at April 9, 2008 City Council Meeting)**



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- 8) CONSIDERATION OF RESOLUTION NO. 2008-_____
Case # M 2008-21. Vista Bonitas Phase II General Plan Amendment. Linda Tigges, Agent for Dennis Branch, Requests Approval of a General Plan Future Land Use Map Amendment to Change the Designation of a Total of 2.146± Acres of Land from Medium Density to High Density Residential. The Area is Located on the Vacated Access for Calle Griego, North of Airport Road and South of Rufina. (Tamara Baer)
- 9) CONSIDERATION OF BILL NO. 2008-57: ADOPTION OF ORDINANCE NO. 2008-_____
Case # ZA 2008-08. Vista Bonitas Phase II Rezoning. Linda Tigges, Agent for Dennis Branch, Requests Rezoning of 2.146± Acres of Land from MHP (Mobile Home Park) to RM-1 (Residential Multi-Family, 21 Dwelling Units Per Acre). The Property is Located on the Vacated Access for Calle Griego, North of Airport Road and South of Rufina. (Tamara Baer)
- 10) CONSIDERATION OF BILL NO. 2008-49: ADOPTION OF ORDINANCE NO. 2008-_____.
An Ordinance Authorizing the Issuance and Sale of The City of Santa Fe, New Mexico Gross Receipts Tax Refunding Revenue Bonds, Series 2008B in an Aggregate Principal Amount Not to Exceed \$23,930,000 for the Purpose of Defraying the Cost of Refunding, Paying and Discharging the Outstanding City of Santa Fe, New Mexico Gross Receipts Tax Refunding And Improvement Revenue Bonds, Series 1997A; and City of Santa Fe Gross Receipts Tax Improvement Revenue Bonds, Series 1999; Providing that the Refunding Bonds will be Payable and Collectible From the Gross Receipts Tax Revenues Distributed to the City; Providing for the Disposition of the Receipts Derived from the Gross Receipts Tax Revenues; Establishing the Form, Terms, Manner of Execution and Other Details of the Refunding Bonds; Authorizing the Execution and Delivery of a Bond Purchase Agreement, in Connection with the Refunding Bonds; Providing for Redemption of the Series 1997A and 1999 Bonds; Approving Certain Other Agreements and Documents in Connection with the Refunding Bonds; Ratifying Action Previously Taken in Connection with the Refunding Bonds; Repealing All Ordinances in Conflict herewith; and Related Matters. (David Millican) (Postponed at October 6, 2008 City Council Meeting) **(Postponed to November 12, 2008)**

H. ADJOURN



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

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

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

**SUMMARY INDEX
SANTA FE CITY COUNCIL MEETING
October 29, 2008**

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Reg. City Council Meeting – October 6, 2008	Approved	5
Joint Meeting SFPS Board of Education – July 14, 2008	Approved	5
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REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – ADMINISTER AND SCHEDULE MEETINGS FOR AFFORDABLE HOUSING ROUNDTABLE; ENTERPRISE COMMUNITY PARTNERS	Approved	8-9
REQUEST FOR APPROVAL OF SIX AMENDED AND RESTATED REGIONAL PLANNING AUTHORITY, JOINT POWERS AGREEMENT ~ IMPLEMENTATION OF SANTA FE REGIONAL FUTURE LAND USE AND GROWTH MANAGEMENT PLAN AND MAP; CITY OF SANTA FE AND COUNTY OF SANTA FE	Approved as amended by County	9-10

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CONSIDERATION OF RESOLUTION NO. 2008- ____ . A RESOLUTION AMENDING AND RE-ADOPTING THE GOVERNING BODY PROCEDURAL RULES	Postponed to 11/12/08	11-12

END OF CONSENT CALENDAR DISCUSSION		

REQUEST FOR APPROVAL AND CONSENT FOR SOLID WASTE MANAGEMENT AGENCY TO ACCEPT WASTE FROM NORTH CENTRAL SOLID WASTE AUTHORITY AND LOS ALAMOS COUNTY	Postponed to 11/12/08	12
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ACTION REGARDING THE AMICUS BRIEF TO THE NEW MEXICO COURT OF APPEALS IN THE CASE OF HORACE BOUNDS, JR. V. THE STATE OF NEW MEXICO, CV-2005-166	Approved	15
ACTION REGARDING NORTHWEST QUADRANT AND SANTA FE PUBLIC SCHOOLS	Action postponed to 11/12/08	15
MATTERS FROM THE CITY CLERK	None	15
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	16-17

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	18
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REQUEST FROM FRED VERSAILLES, LLC, FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT LE ZODIAC, <u>311</u> 434 OLD SANTA FE TRAIL	Approved	19-20
REQUEST FROM OCC HOLDINGS, LLC, FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #2594 FROM JULIAN'S, INC., TO OCC HOLDINGS, LLC. THE LICENSE WILL REMAIN AT 221 SHELBY STREET	Approved	20
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CONSIDERATION OF BILL NO. 2008-56; ADOPTION OF ORDINANCE NO. 2008- 53. AN ORDINANCE AMENDING SECTIONS 22-6.2 AND 25-11 SFCC 1987, REGARDING CITY WASTEWATER AND WATER SERVICE OUTSIDE THE CITY LIMITS	Approved	21-22
REQUEST FOR APPROVAL OF ECONOMIC DEVELOPMENT PROFESSIONAL SERVICE AGREEMENT BUSINESS INNOVATION PROJECT (RFP #09/02/P), MENTORSHIP TRAINING PROGRAM; MONTE DEL SOL CHARTER SCHOOL	Approved	22-23

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2008-35; ADOPTION OF ORDINANCE NO. 2008- 54. 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	Approved	23-24
CONSIDERATION OF RESOLUTION NO. 2008- 94. A RESOLUTION ADOPTING THE ELECTRIC FACILITIES PLAN AS AN AMENDMENT TO THE CITY OF SANTA FE GENERAL PLAN	Approved	25
CONSIDERATION OF RESOLUTION NO. 2008- 95. A RESOLUTION ADOPTING A FEE SCHEDULE FOR THE REVIEW OF APPLICATIONS FOR ELECTRIC FACILITIES	Approved	25
CONSIDERATION OF BILL NO. 2008-12; ADOPTION OF ORDINANCE NO. 2008- ____ . AN ORDINANCE CREATING A NEW SECTION 14-5.10 SFCC 1987, REGARDING NEIGHBORHOOD CONSERVATION OVERLAY DISTRICTS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY	Postponed to March 2009	25-26
CONSIDERATION OF RESOLUTION NO. 2008- 96. <u>CASE #M 2008-21</u> . VISTA BONITAS PHASE II GENERAL PLAN AMENDMENT. LINDA TIGGES, AGENT FOR DENNIS BRANCH, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF A TOTAL OF 2.146± ACRES OF LAND FROM MEDIUM DENSITY TO HIGH DENSITY RESIDENTIAL. THE AREA IS LOCATED ON THE VACATED ACCESS FOR CALLE GRIEGO, NORTH OF AIRPORT ROAD AND SOUTH OF RUFINA	Approved	26-30
CONSIDERATION OF BILL NO. 2008-46; ADOPTION OF ORDINANCE NO. 2008-55. <u>CASE #ZA 2008-08</u> . VISTA BONITAS PHASE II REZONING. LINDA TIGGES, AGENT FOR DENNIS BRANCH, REQUESTS REZONING OF 2.146± ACRES OF LAND FROM MHP (MOBILE HOME PARK) TO RM-1 (RESIDENTIAL MULTI-FAMILY, 21 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED ON THE VACATED ACCESS FOR CALLE GRIEGO, NORTH OF AIRPORT ROAD AND SOUTH OF RUFINA	Postponed to 11/12/08	30-34

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2008-49; ADOPTION OF ORDINANCE NO. 2008- _____. AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO GROSS RECEIPTS TAX REFUNDING REVENUE BONDS, SERIES 2008B IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$24,000,000 FOR THE PURPOSE OF DEFRAYING THE COST OF REFUNDING, PAYING AND DISCHARGING THE OUTSTANDING CITY OF SANTA FE, NEW MEXICO, GROSS RECEIPTS TAX REFUNDING AND IMPROVEMENT REVENUE BONDS, SERIES 1997A; ETC.	Postponed to 11/12/08	35
ADJOURN		35

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
October 29, 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 October 29, 2008, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance and Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

Mayor David Coss
Councilor Rebecca Wurzbarger, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Rosemary Romero

Members Excused

Councilor Miguel Chavez,
Councilor Carmichael A. Dominguez
Councilor Matthew E. Ortiz
Councilor Ronald S. Trujillo

Others Attending

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

5. APPROVAL OF AGENDA

Mr. Buller said staff has requested to postpone Item 9(J) on the Consent Agenda to the November 12th meeting. The amendment from the Public Works Committee on Item 9(U) on the Consent Agenda, has been given to the Councilors, and he suggested pulling this item from the Consent Agenda to acknowledge this amendment.

Councilor Romero would like to postpone Item G(7) on the Evening Agenda to the first meeting in March 2009.

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

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

6. APPROVAL OF CONSENT CALENDAR

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

For: Councilor Bushee, Councilor Calvert, Councilor Romero, Councilor Wurzburger and Mayor Coss.

Against: None.

Five votes in the affirmative by the Governing Body are required for this action, and Mayor Coss cast a vote in favor of the motion.

- a) *[Removed for discussion by Councilor Bushee]*
- b) **CONSIDERATION OF RESOLUTION NO. 2008- 90 (COUNCILOR WURZBURGER). A RESOLUTION WAIVING DEVELOPMENT REVIEW FEES AND BUILDING PERMIT FEES FOR AFFORDABLE HOUSING CERTIFIED BY THE CITY'S OFFICE OF AFFORDABLE HOUSING. (JEANNE PRICE)**
- c) **CONSIDERATION OF RESOLUTION NO. 2008- 91 (MAYOR COSS). A RESOLUTION SUPPORTING THE UNITED STATES CENSUS BUREAU BY CREATING A CENSUS 2010 "COMPLETE COUNT COMMITTEE" TO PROVIDE THE CITY WITH ASSISTANCE AND ADVICE IN OBTAINING THE MOST ACCURATE AND COMPLETE POPULATION COUNT IN THE UPCOMING DECENNIAL CENSUS. (JEANNE PRICE)**
- d) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – PLANT MIX BITUMINOUS AGGREGATE FOR LOCAL STREETS FOR STREETS AND DRAINAGE DIVISION; ESPANOLA TRANSIT MIX. (DAVID CATANACH)**
- e) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – INSTALLATION OF TRAFFIC SIGNAL VEHICLE DETECTION LOOPS AT VARIOUS STREET INTERSECTIONS FOR ENGINEERING DIVISION; BIXBY ELECTRIC, INC. (RICK DEVINE)**
- f) *[Removed for discussion by Councilor Wurzburger]*
- g) **REQUEST FOR APPROVAL OF AGREEMENT – RUGBY FIELDS PHASE II – ELECTRICAL POWER SUPPLY; PUBLIC SERVICE COMPANY OF NEW MEXICO. (MARY MacDONALD)**

- h) **REQUEST FOR APPROVAL OF GRANT CONTRACT – REALLOCATION OF ANNUAL ACTION PLAN FOR CDBG 2008/2009 FUNDS; TRIANGLE DISTRICT GROUP. (MELISSA COLLETT)**
- i) **REQUEST FOR APPROVAL OF FIRST AMENDMENT TO CAPITAL COOPERATIVE AGREEMENT – LEGISLATIVE APPROPRIATIONS FOR VARIOUS CITY PROJECTS; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (DAVID CHAPMAN)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- j) **REQUEST FOR APPROVAL OF NON-EXCLUSIVE LICENSE AGREEMENT – DAILY STAGECOACH CITY TOURS AT SANTA FE RAILYARD OFF MARKET STREET; CITY DIFFERENT TOURS. (DAVID CHAPMAN)**
[Removed from the agenda and postponed to 11/12/2008]
- k) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – SALE AND PURCHASE OF NATURAL GAS FOR CITY-WIDE FACILITIES; STATE OF NEW MEXICO AND BP ENERGY COMPANY. (NICK SCHIAVO)**
- l) **REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT – PLANNING, RADAR SITE CONSTRUCTION, INSTALLATION, TEST AND COMMISSIONING OF SURVEILLANCE RADAR SYSTEM AND COST SHARING AT SANTA FE MUNICIPAL AIRPORT; FEDERAL AVIATION ADMINISTRATION. (JIM MONTMAN)**
 - 1) **REQUEST FOR APPROVAL OF PROVIDING THE CITY’S SHARE TO THE FAA AS REQUIRED BY THE MOA CONTINGENT ON THE CITY RECEIVING ALLOCATION FROM THE STATE LEGISLATURE. (JIM MONTMAN)**
- m) **SANTA FE MUNICIPAL AIRPORT: (JIM MONTMAN)**
 - 1) **REQUEST FOR APPROVAL OF MOLZEN-CORBIN & ASSOCIATES ENGINEERING, ARCHITECTURAL AND PLANNING SERVICES CONSULTANT CONTRACT NEW TASK ORDER 34 FOR ARFF BUILDING CONSTRUCTION OBSERVATION SERVICES AT SANTA FE MUNICIPAL AIRPORT.**
 - 2) **REQUEST FOR APPROVAL OF MOLZEN-CORBIN & ASSOCIATES ENGINEERING, ARCHITECTURAL AND PLANNING SERVICES CONSULTANT CONTRACT NEW TASK ORDER 35, FOR TAXIWAY F DESIGN SERVICES AT SANTA FE MUNICIPAL AIRPORT.**
- n) **REQUEST FOR APPROVAL OF GRANT AWARD – SUBSCRIPTIONS, BOOKS AND DATA BASES FOR LIBRARY DIVISION; NEW MEXICO STATE LIBRARY. (PATRICIA HODAPP)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**

- o) [Removed for discussion by Councilor Wurzbarger]**
- p) REQUEST FOR APPROVAL OF PROCUREMENT UNDER FEDERAL PRICE AGREEMENT – SEVEN (7) ROLL-OFF TAB CONTAINERS FOR SOLID WASTE MANAGEMENT DIVISION; WASTEQUIP, INC. (BILL DeGRANDE)**
- q) REQUEST FOR APPROVAL OF PROCUREMENT UNDER FEDERAL PRICE AGREEMENT – 64 AND 95 GALLON REFUSE CONTAINERS FOR SOLID WASTE MANAGEMENT DIVISION; TOTER, INC. (BILL DeGRANDE)**
- r) REQUEST FOR APPROVAL OF PROCUREMENT – AUTOMATED SIDE LOAD REFUSE TRUCK FOR SOLID WASTE MANAGEMENT DIVISION; TRUCKS WEST, INC. (LAWRENCE GARCIA)**
- s) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT FOR UTILITIES ADMINISTRATION FUND. (CAL PROBASCO)**
- t) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENTS FOR CARRY FORWARD OF BUDGET FOR OPEN/PAID FY 07/08 PURCHASE ORDERS. (CAL PROBASCO)**
- u) [Removed for discussion by Councilor Calvert]**
- v) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENTS FOR PROJECT COSTS OF ORACLE/J.D. EDWARDS “ENTERPRISE ONE” ENTERPRISE RESOURCE PLANNING SYSTEM (E-1 ERP) UPGRADE. (DAVID MILLICAN)**
- w) REQUEST FOR APPROVAL OF GRT ALLOCATION ADJUSTMENT, STAFF RECOMMENDATION FOR CAPITAL PROJECTS AND CONVENTION AND VISITORS BUREAU BUDGET. (DAVID MILLICAN)**
- x) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS TO PROVIDE ALCOHOLIC BEVERAGES AT THE SANTA FE COMMUNITY CONVENTION CENTER. (DARLENE GRIEGO)**

 - 1) COWGIRL BBQ**
 - 2) LA FONDA HOTEL**
 - 3) ELDORADO HOTEL & SPA**
 - 4) HOTEL SANTA FE**
 - 5) HILTON HISTORIC PLAZA SANTA FE**
 - 6) RODEO PLAZA LIQUORS**
 - 7) LA CASA SENA**
 - 8) LIQUOR BARN**
- y) REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON DECEMBER 10, 2008; BILL NO. 2008-58; AN ORDINANCE AMENDING SECTION 14-8.10(a) SFCC 1987, TO PERMIT CITY BANNERS COMMEMORATING THE 400 YEAR ANNIVERSARY OF THE FOUNDING OF**

**LA VILLA REAL DE LA SANTA FE DE SAN FRANCISCO DE ASIS
(COUNCILOR TRUJILLO, COUNCILOR BUSHEE, COUNCILOR DOMINGUEZ,
COUNCILOR ROMERO AND COUNCILOR CALVERT). (JEANNE PRICE)**

- z) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS
– HOUSING AND ECONOMIC DEVELOPMENT. (TED SWISHER) (Postponed
at October 6, 2008 City Council Meeting)**

- 1) HOMEWISE**
- 2) SANTA FE HOUSING TRUST**

aa) *[Removed for discussion by Councilor Calvert]*

bb) *[Removed for discussion by Councilor Calvert]*

**7. APPROVAL OF MINUTES: Reg. City Council Meeting – October 6, 2008; and
Joint Meeting SFPS Board of Education – July 14, 2008**

Councilor Wurzbarger moved, seconded by Councilor Calvert, to approve the minutes of the Regular City Council Meeting of October 6, 2008, as presented. The motion was approved on a voice vote, with Councilors Bushee, Calvert, Romero and Wurzbarger voting for the motion and none against.

Councilor Wurzbarger moved, seconded by Councilor Calvert, to approve the minutes of the Joint Meeting with the SFPS Board of Education on July 14, 2008, as presented. The motion was approved on a voice vote, with Councilors Bushee, Calvert, Romero and Wurzbarger voting for the motion and none against.

8. PRESENTATIONS

Mayor Coss said the City's redesigned website is now an award winning website. The City's website was given the Savy Award, sponsored by the City, County and Marketing Association in cooperation with the National League of Cities. This is the highest honor given by that Association. He noted the rebuild and redesign of the website was done in December 2007 in partnership with Civic Plus. On October 23, 2008, during the CCCMA Conference, the award to the City was announced in the category of communication technology in our population group of 41,000 to 93,000.

Mayor Coss presented the Savy Award to Carla Lopez who was instrumental in the redesign of the website.

Ms. Lopez thanked all of the 80 people around the City in all departments who now can make changes to the website. She said this is a great honor for all of us.

a) 400TH ANNIVERSARY COMMITTEE UPDATE. (MAURICE BONAL AND LIBBY DOVER)

A copy of the text of the power point presentation, "Santa Fe 400th Anniversary It's our birthday and we're inviting the world," is incorporated herewith to these minutes as Exhibit "1."

Committee Chair Bonal introduced the members of the Board in attendance: Troy Fernandez, Vice-President; Tony Lopez, Chair of the PR & Marketing Task Force; Jose Garcia, member of the History Task Force; Paul Margetson, Finance; and Greg Heltman, Board member. He said members appointed by the City to the 400th Committee become members of the Board.

Libby Dover presented information via power point. Please see Exhibit "1" for specifics of this presentation.

Councilor Wurzbarger asked what portion of the budget is being devoted to getting international visitors here which involves paying international visitors to come, and if there is someone who will be responsible for the international marketing.

Ms. Dover said they are concentrating more on PR efforts in the international press as opposed to advertising in the international press. She said initially there was discussion about doing a summit and bringing students from sister cities and doing a lot of travel with dignitaries, but that's not on the table any more. They are concentrating fully on putting money into the PR agencies, with some budget in advertising, and this is how they will get international press. She said they are putting a lot of effort into getting the royal family here.

Councilor Wurzbarger asked if there is a focus now only on press, and if they are inviting people in tourism and people who want to come here – is the outreach for tourists rather than press people.

Ms. Dover this is what she means by press.

Councilor Wurzbarger said the creative cities network is now at 14 cities worldwide. When she was in Japan, she spoke to 300 people in four days and spoke about the 400th Celebration. She said interest can be generated through this network. She said money isn't in the United States right now, but the money is "there." She believes if this is a clear agenda we can tap it. She wants to pull more people to Santa Fe. For example, two weeks after the Creative Cities conference, a local artist has been asked to go to Nagoya. She wants to know how money will be spent specifically in this area.

Ms. Dover said she can get that information, noting she is still fleshing out the advertising and marketing campaign.

Councilor Romero congratulated the 400th Committee, noting it is a milestone to get to this point. She noted the second goal is very tough, "Create market accessible programming that is inclusive of both residents and visits." She said we need to honor the people here with some community-based programming. She agrees it is good to get the international people here, but given the market, she believes it is more of a national market along with making the

local people feel included because this is our celebration. She asked how much Jamestown spent on its celebration.

Ms. Dover said Jamestown spent more than \$130 million, and it was reported that it had a \$1.3 billion economic impact. She said Quebec spent \$35 million without the cost of public projects.

Councilor Romero said when she was in Quebec one of the lasting legacies were their parks, trails, flowers and the cleanup of some of the historic areas. She said Quebec had almost ten years to plan and raise the funds. She said our goals are very ambitious, given the time and the relatively slim budget. She commended the Committee for its work, reiterating that she believes the national and local perspectives are really our markets.

Councilor Bushee asked how the fundraising is looking.

Ms. Dover this is all they're focusing on right now. She spoke about the challenges of fundraising, because contributions, such as corporate sponsorships, will come, but they won't until there are details of the event and the economic viability of the project. She said we really won't see the dollars until 2-3 months before the event. The current challenge is raising funds for sponsor packets, press packets, donor packets – the cash flow to get there. She said they are pursuing funding every place possible, including City, County, State, National funds, as well as grants and sponsorships.

Mayor Coss commended the Committee, saying it has done two years of very hard work to get to this point. He believes the investments will come through partnerships and pooling of resources, so it's not just all new money. He is very excited that the King of Spain may attend, and that we will reach out to Mexico as well as to the Native American Communities to make this a great commemoration.

Mr. Bonal said things are looking very positive that the royal family will come to Santa Fe for the 400th Anniversary, and it is just a matter of when. We would like them to come in October 2009 to headline the opening week ceremonies. He said invitations have been extended to the President of Mexico, and an invitation will be sent to the new President.

Mayor Coss said the 400th Anniversary Committee and Executive Director are willing to do a study session with the Council to go more in depth with the plans. He said we can consider doing that before the holidays.

CONSENT CALENDAR DISCUSSION

- 9(a) CONSIDERATION OF RESOLUTION NO. 2008- 92 (COUNCILOR CALVERT).
A RESOLUTION ESTABLISHING A TASK FORCE TO RESEARCH, STUDY
AND RECOMMEND ALTERNATIVES TO THE CITY'S ALARM SYSTEM
ORDINANCE, ARTICLE 20-25 SFCC 12987; AND TO RECOMMEND A
PROPOSED ORDINANCE THAT WOULD RESULT IN FALSE ALARM
REDUCTION. (POLICE CHIEF ERIC JOHNSON)**

A Memorandum dated October 29, 2008, with attached revised Resolution, to the Governing Body from Jeanne Price, is incorporated herewith to these minutes as Exhibit "2."

Councilor Bushee said she received a call from a constituent that we're not collecting some particular fee.

Chief Johnson asked if she is referring to the Permit Fee, and Councilor Bushee said it probably is, but she isn't sure. Chief Johnson said there is a Permit Fee, noting there have been issues in collecting the fees, but the attempt is being made. He said the purpose of the Task Force is to look at all problems.

Councilor Bushee said it is possible we could generate more money to be able to respond to the false alarms. She would like an accounting of the collection of these fees, other potential fees, and what we need to do to resolve the issues so we collect these fees.

Councilor Bushee moved, seconded by Councilor Calvert, to adopt Resolution No. 2008-92, with added direction to staff as suggested, if possible. The motion was approved on the following roll call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Romero, Councilor Wurzburger and Mayor Coss.

Against: None.

Five votes in the affirmative by the Governing Body are required to adopt a Resolution, and Mayor Coss cast a vote in favor of the motion.

9(f) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – ADMINISTER AND SCHEDULE MEETINGS FOR AFFORDABLE HOUSING ROUNDTABLE; ENTERPRISE COMMUNITY PARTNERS. (KATHY McCORMICK)

Councilor Wurzburger said she knows Enterprise does much more for the City than to run ten meetings for \$47,000. However, this is what the staff report implies. She would like a further explanation of how the money will be spent. She would like a report from the Affordable Housing Roundtable.

Ms. McCormick said this is the way this PSA traditionally has been written. She said Enterprise tracks all of the federal and state legislation which will affect housing and to some extent economic development. Enterprise also provides a lot of technical assistance to the nonprofits which should be part of the contract. She said it is also running interference on our behalf with the MFA to try to get some MFA dollars for the Energy Loan Program, noting there will be a contract at the next Finance Committee meeting. She said the \$47,000 gives her someone to whom she can go and ask for assistance. Enterprise has also been a strong partner with the City in the Northwest Quadrant planning.

Councilor Wurzburger said she would like a one page, written report of all of the things that Enterprise does for the City.

Councilor Wurzburger moved, seconded by Councilor Calvert, to approve this request.

Discussion: Councilor Wurzburger said she wants a report from the Roundtable. She said in the future when contracts are up for renewal, she would like a one page report on what the contracts do.

The motion was approved on the following roll call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Romero, Councilor Wurzburger and Mayor Coss.

Against: None.

Five votes in the affirmative by the Governing Body are required to approve this action, and Mayor Coss cast a vote in favor of the motion.

9(o) REQUEST FOR APPROVAL OF SIX AMENDED AND RESTATED REGIONAL PLANNING AUTHORITY, JOINT POWERS AGREEMENT – IMPLEMENTATION OF SANTA FE REGIONAL FUTURE LAND USE AND GROWTH MANAGEMENT PLAN AND MAP; CITY OF SANTA FE AND COUNTY OF SANTA FE. (FRANK KATZ)

Councilor Wurzburger said she is pulling this item at the request of the City Attorney, who has two corrections.

Frank Katz said this was approved by the County yesterday, but they made two small changes as follows:

Page 10, Item F, line 2: "...Regional Transit Gross Receipts Tax..."

Page 11, Item G, line 1: "The RPA Director shall ~~initially~~ work closely with a Santa Fe Trails Transit Service Development Planner who shall initially staff..." .

Councilor Wurzburger moved, seconded by Councilor Romero, to approve this request as amended.

The motion was approved on the following roll call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Romero, Councilor Wurzburger and Mayor Coss.

Against: None.

Five votes in the affirmative by the Governing Body are required to approve this action, and Mayor Coss cast a vote in favor of the motion.

9(u) REQUEST FOR APPROVAL OF 2009 LEGISLATIVE PRIORITIES. (ROBERT ROMERO)

Councilor Calvert said he pulled this because it was amended, and the Council has been provided with the amended version of Item 9(u).

Councilor Calvert moved, seconded by Councilor Bushee, to approve this request as amended.

The motion was approved on the following roll call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Romero, Councilor Wurzburger and Mayor Coss.

Against: None.

Mayor Coss decided to cast a vote in favor of the motion.

9(aa) CONSIDERATION OF RESOLUTION NO. 2008- 93 (MAYOR COSS, COUNCILOR CALVERT, COUNCILOR WURZBURGER, COUNCILOR BUSHEE, COUNCILOR DOMINGUEZ AND COUNCILOR ROMERO). A RESOLUTION ADOPTING THE SUSTAINABLE SANTA FE PLAN. (KATHERINE MORTIMER)

Councilor Calvert said he pulled this item to acknowledge the efforts of those involved in bringing this forward to the Council. He thanked Ms. Mortimer for her efforts in moving this through this process as quickly as possible. He appreciates that it was taken to the community for more participation and buy-in.

Councilor Wurzburger said this item was pulled jointly to give thanks to the various community groups who were involved in this effort.

Katherine Mortimer thanked the Chair of the Commission and the members of the Commission. She thanked the Water Conservation Committee, BTAC, SF Alliance, Sierra Club and the Home Builders Association and others. She acknowledged the work of the Youth Advisory Board which is a parallel group which worked with the Sustainable Santa Fe Commission, with one member as a voting member on the Commission. This is a standing Board which will be ongoing throughout the implementation of the plan and for other sustainable items and issues which may come up in the future.

Councilor Bushee added her thanks. She asked that Ms. Mortimer work as closely as possible from this point forward with the County staff who would deal with these issues, and try to make this a semi-regional effort where possible.

Councilor Calvert moved, seconded by Councilor Bushee, to adopt Resolution No. 2008-93, as amended. The motion was approved on the following roll call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Romero, Councilor Wurzburger and Mayor Coss.

Against: None.

Five votes in the affirmative by the Governing Body are required to adopt a Resolution, and Mayor Coss cast a vote in favor of the motion.

9(bb) CONSIDERATION OF RESOLUTION NO. 2008-___ (COUNCILOR DOMINGUEZ). A RESOLUTION AMENDING AND RE-ADOPTING THE GOVERNING BODY PROCEDURAL RULES. (YOLANDA VIGIL)

Councilor Calvert said in reading the Rules, there was one that "stuck out" with him which is the delayed vote referenced on page 13 of the Resolution, which provides, "A Council member may pass his or her turn to vote, in which case, the Council member's name will be called again in rotation..." He said the Rules provide people will vote "yes, no or abstain," and how that is done. He said this is a "weasel clause," where people can wait to see how others vote before they do. He said, given the other provisions, he doesn't think it adds anything to the Rules and he would like to delete it.

Councilor Bushee said it is part of Robert's Rules of Order.

Councilor Calvert said we already are doing things which differ from Robert's Rules of Order, so we can do differently than that in this regard. He said unless we specify differently, Robert's Rules of Order is applied, but we can specify things that are different.

Councilor Bushee noted that the Council Parliamentarian nor the sponsor are in attendance. She said the Council has adopted the use of Robert's Rules of Order, which allows members to "pass" and vote later. She believes this would be a hard practice to break just because someone doesn't like how it works.

Councilor Wurzburger said she has seen the "weasel" approach. However, she has experienced personally, as well seen others, actually needing a little more time to think about how they really want to vote for many reasons – long debate, late hour and such. She said it does have a function and she would be concerned about changing something with respect to Robert's Rules of Order.

Councilor Bushee moved, seconded by Councilor Romero, to adopt the Resolution amending and re-adopting the Governing Body Procedural Rules.

The motion failed to pass for lack of five votes in the affirmative on the following roll call vote:

For: Councilor Romero, Councilor Wurzburger and Councilor Bushee.

Against: Councilor Calvert.

Councilor Bushee moved, seconded by Councilor Wurzbarger, to postpone this item to the Council meeting of November 12, 2008. The motion was approved on a voice vote, with Councilors Bushee, Calvert, Romero and Wurzbarger voting for the motion and none against.

END OF CONSENT CALENDAR DISCUSSION

- 10. REQUEST FOR APPROVAL AND CONSENT FOR SOLID WASTE MANAGEMENT AGENCY TO ACCEPT WASTE FROM NORTH CENTRAL SOLID WASTE AUTHORITY AND LOS ALAMOS COUNTY. (RANDALL KIPPENBROCK AND BILL DeGRANDE) (Postponed at October 6, 2008 City Council Meeting) (Postponed to November 12, 2008 City Council Meeting)**

This item was postponed to the meeting of November 12, 2008.

- 11. REQUEST FOR APPROVAL OF RECOMMENDATIONS FROM STAFF REGARDING ASSISTANCE TO PARRAL, MEXICO, SANTA FE'S SISTER CITY. (SEVASTIAN GURULE)**

A copy of a letter to Mayor David Coss from Oscar Gonzalez Luna, Presidente Municipal, of Parral, Chihuahua, Mexico, dated October 24, 2008, is incorporated herewith to these minutes as Exhibit "3."

Sevastian Gurule thanked many people, both City employees and community volunteers, for their assistance in his efforts to assist Parral, Chihuahua, at the direction of the Council.

Mr. Gurule reviewed the information in his Memorandum of October 23, 2008, to the Governing Body, which is in the Council packets.

Mr. Gurule said he has received a letter from Parral, which he entered for the record (Exhibit "3"), apologizing that he hasn't had the opportunity to translate the letter into English. He said the letter essentially expresses gratitude and thanks for the assistance from the City. He said the last page lists building materials which the City needs.

Mr. Gurule said he has prepared recommendations which are in the Memorandum [Exhibit "3"], most in the spirit of trying to unite the community of Santa Fe so this can be a community effort to help Parral. He said there are questions and concerns about some of the recommendations because they do require a significant amount of City staff time and resources which could be in violation of the anti-donation clause. He said the last recommendation speaks to financial support to Parral, and we would have to research to ensure we're not violating the anti-donation clause.

Councilor Calvert said the list primarily is composed of building materials. He said in Recommendation #6 it indicates that there is a Walmart and Home Depot in Parral, and perhaps we can work through the local Walmart and Home Depot to get this done, rather than trucking the items to Parral. He said we might want to take the smaller things to Parral if we have the funds to do so.

Mr. Gurule said he is waiting for final approval from the State Auditor, while working with the City Attorney and Robert Rodarte in purchasing. He said Mr. Rodarte suggested that we coordinate efforts between the local Walmart and Home Depot and the ones in Parral, to establish a purchase order for pick up in Parral.

Mr. Gurule said he could not find an actual dollar amount which was tied to the Resolution, and given our current financial situation, the Governing Body would need to give direction in this regard.

Councilor Wurzbarger would like to go with Recommendation #2 and provide space to do a community supported fundraiser in conjunction with Recommendation #6 using our powers as a City to contact Walmart and Home Depot about making donations or providing materials at cost, rather than establishing a purchase order.

Mayor Coss said this is a good suggestion and he will work with Mr. Gurule on this, and to communicate with Parral about what we're planning, and to build on what the Caballeros have done with the bank account as the credit union. He believes the most direct support will be cash.

Councilor Calvert said he doesn't see the numbers of the requested items – how much they need isn't clear – so more detail is needed to ensure the best use of funds.

Councilor Romero asked if Recommendations #2 and #6 give enough direction to staff.

Mr. Gurule said yes.

Councilor Bushee asked, with regard to #5, if we are we in touch with Habitat for Humanity and the Home Builders Association.

Mr. Gurule said no, because he wants direction from the Governing Body before he proceeds. He said Habitat has access to discounts on materials.

Responding to Councilor Bushee, Mr. Gurule said he can incorporate Recommendation #5 as well, to see if we can use their assistance and guidance.

Councilor Calvert said, regarding Recommendation #1, he doesn't see any of those items on the list and asked if they need these things.

Mr. Gurule said #1 was specifically to assist with the short term needs to provide blankets, clothes and such. Unfortunately, the letter from the Presidente Municipal of Parral, did not identify any specific short term needs, other than in conversations he, Alan and Jesus have had with Parral. He said we're trying to get those things to them because winter is

approaching. Responding to Councilor Calvert, Mr. Gurule said just because something isn't on the list doesn't mean it isn't needed.

Mayor Coss said he will work with Mr. Gurule on this effort.

12. UPDATE ON HOMELESS WINTER OVERFLOW SHELTER. (TERRIE RODRIGUEZ)

Ms. Rodriguez was not in attendance at the meeting.

Ms. McCormick said this is just an informational item, and it can be presented later when Ms. Rodriguez is in attendance to report on the facility being considered.

It was the consensus among the Governing Body to come back to Item #12 after the Executive Session.

Following the Executive Session, Mr. Buller said there was a miscommunication about Ms. Rodriguez's need to postpone this item because of some questions that came from the Fire Marshal.

Councilor Bushee moved, seconded by Councilor Romero, to postpone this item to the Council meeting of November 12, 2008. The motion was approved on a voice vote, with Councilors Bushee, Calvert, Romero and Wurzbarger voting for the motion and none against.

13. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

14. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

- a) **DISCUSSION OF POTENTIAL AMICUS BRIEF TO THE NEW MEXICO COURT OF APPEALS IN THE CASE OF HORACE BOUNDS, JR. V. THE STATE OF NEW MEXICO, CV-2005-166; PURSUANT TO §10-15-1(H)(7) NMSA 1978.**
- b) **DISCUSSION OF NORTHWEST QUADRANT AND SANTA FE PUBLIC SCHOOLS, PURSUANT TO §10-15-1(H)(8) NMSA 1978.**

Councilor Bushee moved, seconded by Councilor Calvert, that the Council go into Executive Session for the purpose of the discussion of the potential amicus brief to the New Mexico Court of Appeals in Horace Bounds, Jr. v the State of New Mexico, Case CV-2005-166, pursuant to §10-15-1(H)(7), and discussion of Northwest Quadrant and Santa Fe Public Schools, pursuant to §10-15-1(H)(8). The motion was approved on a roll call vote as follows:

For: Councilor Bushee, Councilor Calvert, Councilor Romero and Councilor Wurzburger.

Against: None.

The Council went into Executive Session at 6:20 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

At 6:45 p.m. Councilor Calvert moved, seconded by Councilor Wurzburger, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

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

15. ACTION REGARDING THE AMICUS BRIEF TO THE NEW MEXICO COURT OF APPEALS IN THE CASE OF HORACE BOUNDS, JR. V. THE STATE OF NEW MEXICO, CV-2005-166. (MARCOS MARTINEZ)

Councilor Wurzburger moved, seconded by Councilor Romero, to approve joining in litigation to file an *Amicus* brief in Horace Bounds, Jr. vs. the State of New Mexico, as recommended by staff. The motion was approved on a roll call vote as follows:

For: Councilor Calvert, Councilor Romero and Councilor Wurzburger.

Against: None.

Abstain: Councilor Bushee,

16. ACTION REGARDING NORTHWEST QUADRANT AND SANTA FE PUBLIC SCHOOLS. (FRANK KATZ)

Councilor Wurzburger moved, seconded by Councilor Romero, to postpone Item 16 to the next Council meeting on November 12, 2008. The motion was approved unanimously on a voice vote with Councilors Bushee, Calvert, Romero and Wurzburger voting for the motion, and none voting against.

17. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

18. COMMUNICATIONS FROM THE GOVERNING BODY.

Councilor Bushee

Councilor Bushee had no communications.

Councilor Calvert

Councilor Calvert introduced the following Ordinance and Resolutions, relating to the Green Building Code, asking that these go to the Business & Quality of Life Committee, the Planning Commission, the Public Works and Finance Committees and then to the Council:

- a) An Ordinance creating a new Residential Green Building Code. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "4."
- b) A Resolution establishing incentives for green building that exceed the requirements of the Santa Fe Residential Green Building Code. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "5."
- c) A Resolution adopting the administrative procedures for the Santa Fe Residential Green Building Code. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6."
- d) A Resolution establishing target goals for the Santa Fe Residential Green Building Code to meet the goals set forth in the U.S. Mayors Climate Agreement. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7."
- e) A Resolution adopting an education and outreach program for the implementation of the Santa Fe Residential Green Building Code. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."

Councilor Wurzbarger

Councilor Wurzbarger introduced a Resolution supporting the rehabilitation of the Atchison, Topeka and Santa Fe Depot. A copy of this Resolution is incorporated herewith to these minutes as Exhibit "9."

Councilor Wurzbarger introduced a Resolution on behalf of Councilor Ortiz, noting she is a cosponsor, taking certain and immediate actions to safeguard City finances and requesting follow-up actions to ensure City financial stability. She said the Resolution is based on the concerns which have been addressed at Finance over the past few months, noting there are specific recommendations to be more prudent with respect to how to proceed.

Councilor Romero

Councilor Romero introduced a Resolution focusing on the Boulevards Project, noting the cosponsors include Councilor Wurzbarger. She asked that it go to Public Works, Finance and then Council. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10."

Councilor Romero introduced a Resolution urging the New Mexico State Legislature to pass the Health Security Act. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11."

Councilor Romero said in reviewing Resolutions from 2006 and 2007 there is an overlapping of Resolutions. She would like for us to develop a system which would encourage more coordination of Resolutions. She said at one of the previous Council meetings she supported a Resolution on No New Mexico Child Left Inside, which she believes has some contradictions with the Healthy Life Styles Resolution. She is looking for coordination between resolutions, particularly with getting children outside.

Mayor Coss

Mayor Coss introduced a Resolution directing staff to make recommendations to the Governing Body regarding the creation of a Memorial to honor Tony Hillerman, cosponsored by Councilors Calvert, Wurzbarger, Romero and Bushee. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "12."

END OF AFTERNOON SESSION AT 6:54 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 Rosemary Romero

Members Absent

Councilor Miguel Chavez,
Councilor Carmichael A. Dominguez
Councilor Matthew E. Ortiz
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

Dave Grunfeld, Director, SF Watershed Association, said he is taking literally the invitation for petitions from the floor. Mr. Grunfeld submitted 31 pages of a petition containing 245 signatures from all districts, which they have been gathering/circulating since the River Festival May 31, 2008, with a petition heading as follows:

PETITION to Santa Fe Mayor David Coss & City Councilors: The Santa Fe River needs water! As a resident of the Santa Fe Watershed who depends on the water of the river, I recognize that the river itself also has a right to survive. As a citizen of the City of Santa Fe, I am a part-owner of the river water which the City manages. I want our river to have some of that water. I urge the Mayor and City Councilors to recognize our river's right to flow, and to commit 1,000 acre feet of water (10% of our total water use) to keep our river flowing throughout the year. During droughts, the amount of water would, of course, be reduced, but the principle of sharing some water with the river should remain. It is time to bring our river back to life. Let our river live!"

The 31 pages of petitions are incorporated herewith to these minutes as Exhibit "13."

Mr. Grunfeld said this is not a "mass movement petition," which tries to force the Governing Body's hand. These are symbolic petition signatures which represent real sentiment

of the people to support allocating our scarce water for the purpose of bringing our river back to live.

F. APPOINTMENTS

Public Campaign Financing Advisory Committee

Mayor Coss appointed the following individual to the Public Campaign Financing Advisory Committee:

Jane Gaziano – term ending 12/2008.

Councilor Bushee moved, seconded by Councilor Calvert, to approve the appointment.

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

Santa Fe Civic Housing Authority Board

Mayor Coss appointed the following individuals to the Santa Fe Civic Housing Authority Board:

Michael Gonzales – Reappointment – term ending 3/2013; and
John W. Wheeler – to fill unexpired term ending 3/2012.

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

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

G. PUBLIC HEARINGS

- 1) REQUEST FROM FRED VERSAILLES, LLC, FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT LE ZODIAC, 311 ~~434~~ OLD SANTA FE TRAIL (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, noting the location is not within 300 ft. of a church or school, and staff is requesting that this business be required to comply with all City ordinances. She noted the correct address is "311" Old Santa Fe Trail.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Bushee moved, seconded by Councilor Calvert, to grant the request for a Restaurant (Beer & Wine) Liquor License to be located at Le Zodiac, 131 Old Santa Fe Trail.

The motion was approved on the following Roll Call Vote:

For: Councilor Bushee, Councilor Calvert, Councilor Romero, Councilor Wurzbarger and Mayor Coss.

Against: None.

Five votes in the affirmative by the Governing Body are required to approve this action and Mayor Coss cast a vote in favor of the motion.

- 2) REQUEST FROM OCC HOLDINGS, LLC, FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #2594 FROM JULIAN'S, INC., TO OCC HOLDINGS, LLC. THE LICENSE WILL REMAIN AT 221 SHELBY STREET. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, noting the license will remain at 221 Shelby Street which presently is Amavi.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Bushee moved, seconded by Councilor Calvert, to grant the request for the transfer of ownership of Dispenser License #2594 from Julian's, Inc., to OCC Holdings, LLC, with the license to remain at 221 Shelby Street.

The motion was approved on the following Roll Call Vote:

For: Councilor Bushee, Councilor Calvert, Councilor Romero, Councilor Wurzbarger and Mayor Coss.

Against: None.

Five votes in the affirmative by the Governing Body are required to approve this action, and Mayor Coss cast a vote in favor of the motion.

3) REQUEST FROM TACOS JUAREZ, INC., FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT TACOS JUAREZ, INC., 3565 CERRILLOS ROAD. (YOLANDA Y. VIGIL)

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

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Bushee moved, seconded by Councilor Romero, to approve the request for a Restaurant (Beer & Wine) Liquor License to be located at Tacos Juarez, Inc., 3565 Cerrillos Road.

The motion was approved on the following Roll Call Vote:

For: Councilor Bushee, Councilor Calvert, Councilor Romero, Councilor Wurzburger and Mayor Coss.

Against: None.

Five votes in the affirmative by the Governing Body are required to approve this action, and Mayor Coss cast a vote in favor of the motion.

4) CONSIDERATION OF BILL NO. 2008-56; ADOPTION OF ORDINANCE NO. 2008- 53. AN ORDINANCE AMENDING SECTIONS 22-6.2 AND 25-11 SFCC 1987, REGARDING CITY WASTEWATER AND WATER SERVICE OUTSIDE THE CITY LIMITS (COUNCILOR WURZBURGER). (STAN HOLLAND)

Stan Holland presented information regarding this matter. He said when the Settlement Agreement was completed between the City and County, staff was asked to look at current City policy regarding water and sewer outside the City limits to see if it was in compliance with the Settlement Agreement. He said staff decided it wasn't, and have proposed changes to the Ordinance to bring it into compliance. He said it has gone through the Committee process, and Councilor Calvert introduced one amendment to change the wording to reflect "not to oppose annexation in the future." The current Ordinance contains a provision to consider properties outside the presumptive City agreements where an agreement is reached between the City and the County for those properties.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Wurzburger moved, seconded by Councilor Romero, to adopt Ordinance No. 2008-53, with the amendment.

Discussion: Councilor Bushee asked if a hearing is no longer required for these kinds of request.

Mr. Holland said that is still in place for properties outside of the presumptive City limits. One of those we're going to have to consider "right off the bat," is Agua Fria Village, because by definition it is outside the presumptive City limits and isn't covered by the Settlement Agreement.

Councilor Bushee asked if it changes the process to provide water and sewer outside the City limits.

Councilor Wurzburger said this is being done to comply with the Annexation Agreement.

Mr. Holland said this will deal with the presumptive City boundaries under the Settlement Agreement, and Agua Fria Village was excluded from that. He said the County Fairgrounds is another one we need to deal with. He said anyone requesting water and wastewater outside the presumptive City limits will have to go through a committee of County and City staff, and then be approved by the County Commissioners and then by the City Council.

The motion was approved on the following roll call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Romero, Councilor Wurzburger and Mayor Coss.

Against: None.

Five votes in the affirmative by the Governing Body are required to adopt an Ordinance, and Mayor Coss cast a vote in favor of the motion.

- 5) REQUEST FOR APPROVAL OF ECONOMIC DEVELOPMENT PROFESSIONAL SERVICE AGREEMENT. (FABIAN TRUJILLO) (Postponed at October 6, 2008 City Council Meeting).**
 - a) BUSINESS INNOVATION PROJECT (RFP #09/02/P), MENTORSHIP TRAINING PROGRAM; MONTE DEL SOL CHARTER SCHOOL.**

Kate Noble presented information regarding this matter from Mr. Trujillo's Memorandum of October 29, 2008, which is in the Council packets. She said representatives from Monte del Sol Charter School and Capital High School are in attendance to answer any questions. She said staff worked with Superintendent Bobbie Gutierrez, and the traditional School representatives who are very enthusiastic about this opportunity. Ms. Noble said staff recommends approval of this Professional Services Agreement.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Wurzbarger moved, seconded by Councilor Bushee, to approve the request to approve the Economic Development Professional Service Agreement for the Business Innovation Project (RFP #09/02/P), Mentorship Training Program at Monte del Sol Charter School.

Discussion: Councilor Wurzbarger thanked the staff who worked to make the changes which reflect the concerns Councilors expressed at the previous meeting.

Councilor Bushee said this is a great program and a great fit.

Councilor Romero thanked staff. She said this program addresses the harsh realities of the drop-out rates, although it is really focused on economic development. She said given the recent report from "Think New Mexico," on the high dropout rates, this helps to address that issue by mentoring young people.

The motion was approved on the following Roll Call vote.

For: Councilor Bushee, Councilor Calvert, Councilor Romero, Councilor Wurzbarger and Mayor Coss.

Against: None.

Five votes in the affirmative by the Governing Body are required to approve this action, and Mayor Coss cast a vote in favor of the motion.

- 6) CONSIDERATION OF BILL NO. 2008-35; ADOPTION OF ORDINANCE NO. 2008- 54 (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) (PUBLIC HEARING HELD JUNE 11, 2008) (Postponed at October 6, 2008 City Council Meeting – PUBLIC HEARING IS CLOSED)**

Items 6, 6(a) and 6(b) were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.

Mr. Schiavo presented information regarding this matter from his Memorandum of October 22, 2008 (for October 29, 2008), to the City Council, which is in the Council packets.

Councilor Calvert moved, seconded by Councilor Romero, to adopt Ordinance No. 2008- 54.

Discussion: Councilor Bushee again asked, "How is it possible that we still don't have a chance to have a say in how those big... I guess they're transmission or distribution lines, I don't know...the big uglies as I call them... in this community. I think they've just become a blight, and it's still not in our purview to change those."

Mr. Schiavo said he has addressed that previously. He said the pathway for transmission line approval just came before the Planning Commission, and the Facility Plan now reads that it goes through the Planning Commission and the Council will have the opportunity to review all transmission lines.

Councilor Bushee said as she understands it, we can review those, but we don't get to change them.

Mr. Schiavo said he would beg to differ. He said if the Council has the opportunity to review, then there is a chance to propose changes and talk about different options. However he is unsure if the City could stop them from being put up, but "you would certainly have an opportunity see what they're going to look like, and again, propose some different options."

Councilor Bushee asked, regarding the ones on Siler and Zafarano by the San Isidro development, if the City would have a say on those.

Mr. Schiavo said those are kind of past tense, but the Council would have input on something similar.

The motion was approved on the following roll call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Romero, Councilor Wurzbarger and Mayor Coss.

Against: None.

Five votes in the affirmative by the Governing Body are required to adopt an Ordinance, and Mayor Coss cast a vote in favor of the motion.

- a) **CONSIDERATION OF RESOLUTION NO. 2008- 94 (COUNCILOR CHAVEZ). A RESOLUTION ADOPTING THE ELECTRIC FACILITIES PLAN AS AN AMENDMENT TO THE CITY OF SANTA FE GENERAL PLAN. (NICK SCHIAVO)**

Councilor Calvert moved, seconded by Councilor Wurzburger, to adopt Resolution No. 2008-94.

The motion was approved on the following roll call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Romero, Councilor Wurzburger and Mayor Coss.

Against: None.

Five votes in the affirmative by the Governing Body are required to adopt a Resolution, and Mayor Coss cast a vote in favor of the motion.

- b) **CONSIDERATION OF RESOLUTION NO. 2008- 95 (COUNCILOR CHAVEZ). A RESOLUTION ADOPTING A FEE SCHEDULE FOR THE REVIEW OF APPLICATIONS FOR ELECTRIC FACILITIES. (NICK SCHIAVO)**

Councilor Calvert moved, seconded by Councilor Romero, to adopt Resolution No. 2008- 95.

The motion was approved on the following roll call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Romero, Councilor Wurzburger and Mayor Coss.

Against: None.

Five votes in the affirmative by the Governing Body are required to adopt a Resolution, and Mayor Coss cast a vote in favor of the motion.

- 7) **CONSIDERATION OF BILL NO. 2008-12; ADOPTION OF ORDINANCE NO. 2008- ____ (COUNCILOR CHAVEZ). AN ORDINANCE CREATING A NEW SECTION 14-5.10 SFCC 1987, REGARDING NEIGHBORHOOD CONSERVATION OVERLAY DISTRICTS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY. (TAMARA BAER) (Postponed at April 9, 2008 City Council Meeting)**

This item was postponed to the first meeting in March 2009.

- 8) **CONSIDERATION OF RESOLUTION NO. 2008- 96. CASE #M 2008-21. VISTA BONITAS PHASE II GENERAL PLAN AMENDMENT. LINDA TIGGES, AGENT FOR DENNIS BRANCH, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF A TOTAL OF 2.146± ACRES OF LAND FROM MEDIUM DENSITY TO HIGH DENSITY RESIDENTIAL. THE AREA IS LOCATED ON THE VACATED ACCESS FOR CALLE GRIEGO, NORTH OF AIRPORT ROAD AND SOUTH OF RUFINA. (TAMARA BAER)**

Items G(8) and G(9) were combined for purposes of presentation and public hearing, but were voted upon separately.

A Memorandum dated October 17 for October 29, City Council Meeting, to the City Council, with attachments, from Donna Wynant, Senior Planner, Current Planning Division, regarding Case #M-2008-21 and Case #ZA-2008-08, is incorporated herewith to these minutes as Exhibit "14."

A letter dated July 30, 2008, to "Dennis" from Maggie Monroe-Cassel, Executive Director of New Mexico Habitat for Humanity, entered for the record by Dennis Branch, is incorporated herewith to these minutes as Exhibit "15."

A copy of "New Duplex Units for Vermejo Park Construction," entered for the record by Dennis Branch, is incorporated herewith to these minutes as Exhibit "16."

A black and white photo of the road in the area, with attachments, entered for the record by Dennis Branch, are incorporated herewith to these minutes as Exhibit "17."

The staff report was presented by Tamara Baer, Planner Manager, Current Planning Division, which is contained in Exhibit "14." Ms. Baer said staff also recommends approval based on the Findings, noting that any motion for approval on Case #M-2008-21 and Case #ZA-2008-08, should include a correction to the Findings, which inadvertently identified the Sierra Vista Mobile Home Park as having been zoned R-7, and it is zoned "Mobile Home Park."

Recommendation: The Planning Commission and staff, on August 7, 2008, recommended approval of the request for General Plan Amendment and Rezoning from MHP to RM-1 based on approval criteria in Sections 14-3.2 and 14-3.5 SFCC 2001, respectively, and in compliance with requirements as provided in the following City Department review memos at the time of application for permits.

- 1) Public Works Dept. – Traffic Review Memo.
- 2) Technical Review Division – Engineer Review Memo.
- 3) Fire Department Review Memo.

- 4) Technical Review Division – Landscaping Review Memo.
- 5) Trails and Open Space Review Memo.
- 6) Wastewater Division Review Memo.
- 7) Solid Waste Division Review Memo.

Public Hearing

Presentation by the Applicant

Linda Tigges, Tigges Planning Consultant, Agent for the Applicant, was sworn. Ms. Tigges introduced the Applicant, Dennis Branch, noting Mr. Branch has some handouts [Exhibits "15," "16," and "17."] Ms. Tigges said the applicant agrees with the conditions of approval. She said one neighborhood meeting was held on April 28th and four persons attended.

Ms. Tigges gave a short history of the subject site, and demonstrated location of the subject site on enlarged maps and drawings, noting it is in an area where there are several developments which have come before the Council, and is between Airport Road and Rufina. She said "this" road was brought to City standards when the Vista Bonitas development came in for approval.

Ms. Tigges said the road next to the Vista Bonitas is not a public road and yet it is a private access easement, and part of this property. She said when the Sierra Vista Mobile Home Park came in, it did meet City Terrain Management Standards and put in the ponds. Then there was a drought, and the ponds sat dry, and they were paved over and used as a place to park RV's and other vehicles. She said when it rained there were no ponds, even though the drainage was designed for the ponds, and the water ran into the private portion of Camino Griego and created a huge pothole. She said this can be seen in the photograph in Exhibit "17." She said the pothole is about 3 feet deep, and people were driving through it and getting stuck, commenting that there are residual car parts in the hole.

Ms. Tigges said attached to the photo in Exhibit "17" are letters which relate to people trying to get somebody to fix it, but it isn't the City's, it belongs to the Mobile Home Park and they didn't fix it. She said the road is no longer needed. She said this is a problem area in building a subdivision next to it, because it is set up to be a place for vandalism and other unwanted activities. She said it is planned to purchase this strip and *build affordable housing*.

Ms. Tigges demonstrated the Vistas Bonita development on enlarged drawing, noting it is being built out. The area of the road to the north, which the applicant purchased from the Sierra Vista Mobile Home Park is 50 feet wide. She said this is a conceptual plan for single family attached townhouses, and they will be coming back with a subdivision. She said this is a conceptual plan showing how that area could be developed, and, with regard to the pothole, there is a conceptual drainage plan to show drainage of the water into ponds in the park.

Councilor Wurzbarger noted there are no comments in the packet with regard to the people attending the ENN, and asked if those people spoke at the meeting.

Ms. Tigges said no, and they were interested in hearing what would be done with the project, and were not against the project. They were interested in the Vista Bonitas area which was already built. She said they handed out some elevations and floor plans for the proposed houses, and they were interested in the plans for that.

Councilor Wurzbarger asked if this is a 100% affordable project, noting the applicant is aligned with Habitat for Humanity on this project.

Dennis Branch, 511 Camino Pinones, Applicant [previously sworn]. Mr. Branch said this was a blighted piece of property and he didn't know what to do with it. He wanted to finish his project and build a wall, but he didn't want to leave a "50 foot hole that was, you know, 2,000 feet long, it would have been a mess." He said they created easements on the current property. He had talked with Habitat in the past about helping them to get some lots, noting they need a three-year inventory of land, so Habitat is entitled to buy as many lots as she wants in the project, noting currently she wants at least 20 lots. He said this is the only way they can see to resolve the problem. He said it is a "win win" for everybody. It gets rid of the problem for his Vistas Bonitas Subdivision and solves the problem for the Mobile Home Park that owned it, noting it was threatened with lawsuits every time a transmission fell in the "lake."

Councilor Wurzbarger said she understands, commenting that usually when there is an affordable proposal it is more clear as to the percentage.

Mr. Branch it is about 75% affordable, but if Habitat wants to buy them all, it certainly can do so.

Ms. Tigges said the Council has been provided with an Affordable Housing Agreement as a proposal, and at this time, City staff has it at 30%, which is what staff felt comfortable writing.

Those speaking to the request

Maggie Monroe Cassel, 2337 Camino Rancho Siringo [previously sworn]. Ms. Cassel said this Council has been very supportive of Habitat and for the past few weeks, your staff has been incredibly supportive of Habitat. She said they are in need of land, and if they got 30%, if the project goes through, it would be very helpful to Habitat. She supports moving forward with this project.

Leroy Romero, 5316 Sercito del Norte, Vista Bonita Subdivision [previously sworn]. Mr. Romero said he lives there. He asked what are you going to do with the water that is already there. He said there has been standing water since July, and they now have mosquitos and migrating ducks. He has a river running through the front of his yard. He asked if the water is going to the proposed park which isn't there. He wants the Applicant to "finish what's on your plate before you go to the dessert booth." He wants this part of the project finished right now and get it done right before going to the next phase and selling more property. He said there weren't many people living in the area in April. He thinks this should be put on hold until April when the Neighborhood Conservation Overlay District ordinance is in

effect. He believes the people living there now, and those who will be living there, would like to have input about what is going to happen in this neighborhood. He said it is a wonderful neighborhood.

The Public Hearing was Closed

Councilor Wurzburger moved, seconded by Councilor Calvert, to adopt Resolution No. 2008- 96 as recommended by staff, with the proposed corrections to the Findings as recommended by staff.

Discussion: Councilor Calvert would like a response to Mr. Romero's question.

Mr. Branch said it was "Lake Vista Bonitas" which started the problem, and they've been trying to solve that for two years. He said there is a letter from Mark Brooks in the packet [Exhibit "17"]. He said there is a pond on his property and he is going to build a park. He said he consulted Morrie Walker about engineering the park to "include what's there, our pond, but all of that." He said they will build a retaining wall about 3,000 feet along the two mobile home parks. He will be consulting with the City and have them fix the problem they created by taking it over. They will also create an overflow from the mobile home park into a pond in the middle which is the size of two lots. He said they have installed a 18-24 inch culvert in the event that overflows the overflow. So, it will be almost a three-pond system and eventually into our pond in the park, which is sufficient to cover all of that.

Councilor Calvert asked Mr. Branch when he plans on doing all of this.

Mr. Branch said as soon as it approved and the plat is recorded, they will immediately start. He said it has been dug out with his equipment and blocked off on both sides. He said the problem was created with the relocation of the Zafarano Mobile Home Park. He said Rufina wasn't complete at the time, and the City wanted an additional road "going back," so it purchased another piece of property and attached "it to it," to get another way to get to Cerrillos Road. He said the road was built and it wasn't accepted by the City because it was poorly built. He said this still has to go back to the Planning Commission, and do all of the final engineering, probably late winter or early spring. He said Ms. Cassel will need lots beginning in May. He said this is a \$600,000 to \$700,000 project, and it is a problem he had to resolve.

Councilor Calvert asked Mr. Branch if there is something he can do to the existing project to at least temporarily remedy the problem until he can do the permanent fix.

Mr. Branch said he probably could go in and pump it onto some of his empty lots. He has been unable to build on the 40 lots along Calle Nueva Vista because of the problem.

The motion was approved on the following Roll Call vote.

For: Councilor Bushee, Councilor Calvert, Councilor Romero, Councilor Wurzburger and Mayor Coss.

Against: None.

Five votes in the affirmative by the Governing Body are required to adopt a Resolution, and Mayor Coss cast a vote in favor of the motion.

- 9) **CONSIDERATION OF BILL NO. 2008-57; ADOPTION OF ORDINANCE NO. 2008- ____ . CASE #ZA 2008-08. VISTA BONITAS PHASE II REZONING. LINDA TIGGES, AGENT FOR DENNIS BRANCH, REQUESTS REZONING OF 2.146± ACRES OF LAND FROM MHP (MOBILE HOME PARK) TO RM-1 (RESIDENTIAL MULTI-FAMILY, 21 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED ON THE VACATED ACCESS FOR CALLE GRIEGO, NORTH OF AIRPORT ROAD AND SOUTH OF RUFINA. (TAMARA BAER)**

Councilor Wurzbarger moved, seconded by Councilor Romero, to adopt Ordinance No. 2008- 55 as recommended by staff, with the proposed correction to the Findings as recommended by staff, and with the condition that the project, as the Applicant has stated, will be 100% affordable, whether it is Habitat or another organization.

Discussion: Mr. Branch said this is fine, but he would like a definition of what is 100% affordable. He said, "Our goal was that whatever Habitat didn't take, and this is a public hearing, so I want everybody to hear it from me, that my goal was... these are small lots, they're very small lots. That's why we designed product for it that would give us the two bedrooms, and three bedrooms. We feel that they can be affordable markets or even affordable homes in the \$130,000 to the \$150,000 range, the range \$160,000, the range type.. Some of them are small enough they can be some tier one, but then we're going to... so tier two. And tier two is the one that so many people are qualified for and they just can't get them. My project now is 70% that I'm doing, but it's all tier 3. So, there's a lot of people who want the houses, they just can't stretch that extra \$20,000 to \$30,000. So, I understand what you're saying, I have no problem with it, we just have to define that. I can't... I can't come back later..."

Councilor Wurzbarger asked for staff clarification, with respect to our program, and what would be a solution here. She understands Mr. Branch isn't developing or building on the lots, and his intention was to use it for other purposes and then make it available to the community for affordable housing, however it's defined.

Ms. McCormick said, "The most consistent definition, would be affordable under the Santa Fe Homes Program, because that's where we have the three tiers. The other clarification I would like to make is that Dennis's project that he's currently building now, Vista Bonitas Phase 1 is a HOP agreement, it is not a Santa Fe Home Program agreement. It is being done under a 70% Type A, which is 70% affordable, which has a higher price point than we allow under the Santa Fe Homes Program. The \$120,000 to \$130,000 works well within the Santa Fe Homes Program. Our highest unit is \$194,000 for a four-bedroom home, so he should be fine, if he's willing to accept that."

Mr. Branch said, "That's correct. We're currently building \$194,000, four-bedrooms. The customer has the choice of the three-bedroom with a garage or a four-bedroom at the same price. So, we're building that tier 3, the high end of tier 3. And, as she mentioned.... I also have an adjoining project on the same property that I own, next door, that is a Santa Fe Homes Program that has.. It's 30 lots, so it's 30% affordable, and we have tier 1, 2 and 3 in that project. I think we have one tier 4. So, that's our intention, and I guess what we'll do."

Councilor Wurzbarger said her condition remains that it would be consistent with the Santa Fe Homes Program, which we recognize has a range of levels.

Councilor Bushee said she didn't get a clear agreement to that, and asked Mr. Branch, "You're agreeing 100% affordable according to the Homes Program."

Mr. Branch said, "Well the Santa Fe Homes Program is a 30% program. We are currently going with... if you take 20 lots, a minimum of 20 lots, that's about 66% of... So, the goal with the rest of them, they're very small, they'll be attached."

Councilor Bushee asked if he is saying 100% affordable.

Mr. Branch said, "100% I understand, but she's not... 100% of what am I building."

Councilor Bushee said the whole thing is going to be affordable according to the Homes Program.

Mr. Branch said, "Correct, and that's fine as...."

Councilor Wurzbarger said, "If you decide you're going to split the lots up and do, if there are 30 lots, that you're going to do, you know, so many four bedrooms, whatever, as long they're as affordable with the Homes Program."

Mr. Branch said, "Yes we can, as long as we have all of the HOP, excuse me, all of the Habitat houses fit into that criteria also."

Councilor Bushee said, although Habitat is one of her favorite organizations, she isn't tying this to Habitat because something could happen. She said, "But, we're tying your project to our Homes Program and saying it needs to be 100% affordable."

Ms. McCormick said, "Just so... for clarification Dennis, it would be tied 100% to the Santa Fe Homes Program, which means you look at coming across the street here. If Dennis strikes a deal with Habitat that they are going to take 20 of those units, then Habitat would build it under their program which is well within the Santa Fe Home Program Units. It would leave the developer in this case the ability to build at the highest tier. Let's say he said, Maggie, you're going to build my tiers 2 and 3, then he could build tier 4. I mean it's however they want to work it out, but that's what the Homes Program would allow."

Councilor Wurzbarger said there are plenty of other builders, other than Habit. She was uncomfortable with the initial notion that if Habitat couldn't do this, then what would happen.

Mr. Branch said, "If... I plan to probably build them out all myself. And we would build them.."

Councilor Wurzbarger said that is okay, with the Homes Program regulations.

Mr. Branch said, "Just like we're doing now. We have a Type A Program, we have a Homes Program and we'll have another Homes Program."

Councilor Bushee said these are very small lots with pretty large houses on them. She doesn't agree with this density with this size of lots. She said the drainage is already an issue. She doesn't agree with the size of the lots and believes it will cause problems, noting these lots are less than 3,000 sq. ft. lots.

Ms. Baer said it is a very strange piece of land, and she did visit the site, along with Kim Shanahan and Mr. Branch. They discussed it and looked at how the lots would be configured. It is an unusual situation and an unusual configuration, and seems odd on paper. However, when she visited the site, she could understand what they're doing, and she believes it could work. She said the Mobile Home Park is at a higher elevation, with a retaining wall at one side of the former easement and the Mobile Home Park is on one side, the Vista Phase 1 is on the other. It leaves this strange piece of land in between. She believes they have come up with a creative solution, and they did show model homes and what they might look like, and they seemed attractive and it seems doable.

Councilor Bushee said she's glad for the motion for 100%, but she said "it looks like a trailer park of homes," from the lot sizes. She said can't support this request.

Ms. Baer said this will go back to the Planning Commission for both preliminary and final subdivision review.

Councilor Bushee wants affordable homes, but she wants them with yards where kids can play and not reach over and touch the neighbor's house. She said people live in Rio Ranch because they actually get a little bit of land. She doesn't think we should be building on these tiny, tiny little lots. She said she can't support this request.

Councilor Wurzbarger asked how wide are the side yards.

Mr. Branch said, "The project is surrounded by... our current property that we're building now is... and I purchased that from someone else... It is R-7 attached. You know, we don't have them attached, but we've zero lot-lined them because.. and that's the way it was approved by someone else... but, we've got only the end ones attached, because we're trying to get solar gain on every house. So, we moved the houses over to the lot line in order that they have 15 to 17 foot side yards. These won't. These will have the standard City setbacks in the back, sides... the only thing is... and those drawings we had an architect do were concept drawings. Habitat have their own architects and build their own. They may have some one stories, some two stories."

Councilor Wurzbarger said, "Dennis, answer the question. So, they're standard side yards."

Mr. Branch said, "Five foot side yards."

Councilor Wurzbarger said, "Maggie may I ask you a question. Please come forward. How do these side yards compare to the projects that you build in Tierra Contenta and the size of the property."

Ms. Cassel said, "We've built various sizes in Tierra Content, but our most recent project in Tierra Contenta had very small side lots... side yards, and in some cases, next to no back yard. And I would, Councilor Bushee, respond to your concern from a Habitat perspective, that our homes, our three bedroom homes, are just a little bit over 1,100 sq. ft. and, so that thrust still leaves a sizeable yard. Again, Habit builds simple, decent, affordable. And an interesting thing we have discovered with our particular demography, is that the families don't really use the yards. And they don't really go outside in the yards, even though our architect has designed houses with a kind of social engineering to try to get them to go outside, so that's been an interesting little reality. I don't know if that's the computer age and the television age, or what. I do know that it is either planned or already a really nice park for the kids to go to. So, from a Habitat perspective, it's comfortable to us and in fact is closer to our purpose."

Councilor Wurzbarger said it meets Code and it does respond to issues of smaller homes, being more green, taking up less space, etc.

Councilor Romero said she is seeing a transition of families and they are using more community parks. She asked what kind of park is planned and how it will look.

Mr. Branch said the park is already designed, planned and improved, and the City owns the park and he is going to build it. It has all facilities of a standard park.

Councilor Romero asked if it is a passive park.

Ms. Tigges said the park was designed with Randy Thompson, when he was with the City. The park doesn't have playing fields because it isn't large enough, but it has a lot of playground equipment. It is a pretty traditional kind of park.

Mayor Coss asked Mr. Branch what he wanted to ask Councilor Bushee.

Mr. Branch said, "Out density issue is interesting, because, and it's true, it's a ... I've been thinking three years even before I bought the Vistas Bonitas, what are we going to do with this mess here. So, the City only has.... a mobile home density is I think, is it R-11. It's about approximately R-10 or 11, I think, mobile home density. So it is currently zoned R-11. I think our project calls for R13... R-14, right there, but we have no choice. There is no R-13, so we have to jump up to RM-1 which is 21-27. So, that was kind of the question I was just explaining. If there was such a thing as an R-13 or 14, that's what we'd be asking for. And we met with sewer, we met with water, we met with everyone to see how can we make this work, this product work and still be homogenous with everything is there. Remember, we are

surrounded by one, two, three, four mobile home parks, and we're trying to change what's there and everybody there is enjoying... you know, we're building some very green first class houses. We know Habitat does a beautiful job."

Councilor Calvert asked Mr. Branch if he would mind a condition that all of these would be built to an Energy Star minimum rating.

Mr. Branch said no, noting they have a current HERS rating average of 53-56, so they are three times better than an 85 on an Energy Star rated house, and this is their plan.

Councilor Calvert asked if we need to condition approval on resolving the drainage problem, or is this part of the plan. He asked if have the ability to make a condition to resolve this in the short term.

Ms. Baer said the long term grading and drainage issues will be reviewed thoroughly by the Technical Review Staff and addressed at the time of subdivision. The Council certainly could impose a condition remediating the problem in the short term, noting Mr. Branch said something about pumping.

Friendly Amendment: Councilor Calvert would like a condition of approval that the Applicant will remediate the drainage problem now, and manage it until it is corrected permanently. **The amendment was friendly to the maker.**

Ms. Tigges said the Applicant said this would be acceptable.

Ms. Tigges asked if the Motion requires a majority.

Mayor Coss said yes, five votes are needed, so if Councilor Bushee votes no, it won't be approved this evening.

Ms. Tigges requested that this be tabled so they can work with Councilor Bushee to try to remedy her concerns and develop a density with which she might be comfortable.

Councilor Wurzbarger rescinded her previous motion, as amended, with the concurrence of the second.

Councilor Wurzbarger moved, seconded by Councilor Romero, to postpone this item to the meeting of November 12, 2008, and that the Public Hearing is closed.

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

- 10) **CONSIDERATION OF BILL NO. 2008-49; ADOPTION OF ORDINANCE NO. 2008- ____ . AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO GROSS RECEIPTS TAX REFUNDING REVENUE BONDS, SERIES 2008B IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$24,000,000 FOR THE PURPOSE OF DEFRAYING THE COST OF REFUNDING, PAYING AND DISCHARGING THE OUTSTANDING CITY OF SANTA FE, NEW MEXICO, GROSS RECEIPTS TAX REFUNDING AND IMPROVEMENT REVENUE BONDS, SERIES 1997A; AND CITY OF SANTA FE GROSS RECEIPTS TAX REVENUE BONDS, SERIES 1999; PROVIDING THAT THE REFUNDING BONDS WILL BE PAYABLE AND COLLECTIBLE FROM THE GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; PROVIDING FOR THE DISPOSITION OF THE RECEIPTS DERIVED FROM THE GROSS RECEIPTS TAX REVENUES; ESTABLISHING THE FORM, TERMS, MANNER OF EXECUTION AND OTHER DETAILS OF THE REFUNDING BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT, IN CONNECTION WITH THE REFUNDING BONDS; PROVIDING FOR REDEMPTION OF THE SERIES 1997A AND 1999 BONDS; APPROVING CERTAIN OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION WITH THE REFUNDING BONDS; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE REFUNDING BONDS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND RELATED MATTERS. (DAVID MILLICAN). (Postponed at October 6, 2008 City Council meeting) (Postponed to November 12, 2008)**


This item was postponed to the meeting of November 12, 2008.

H. ADJOURN

Mayor Coss said the Veteran's Day Parade is Saturday, November 9, 2008, at 10:00 a.m. He encouraged the people of Santa Fe to come out and support our veterans.

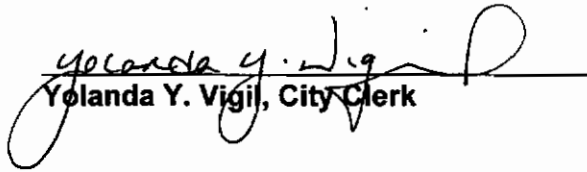
There was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 8:15 p.m.

Approved by:

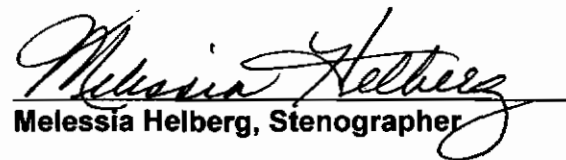


Mayor David Coss

ATTESTED TO:


Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Stenographer