



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
JANUARY 14, 2009  
CITY COUNCIL CHAMBERS

## AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 1-9-09 TIME 11:30 am

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

RECEIVED BY Indominguoz

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 December 10, 2008
8. PRESENTATIONS
  - a) Employee of the Month for January 2009 – Jeanne Price, Legislative Liaison. (5 minutes)
  - b) Proclamation – Stalking Awareness Month. (Carol Horwitz) (5 minutes)
  - c) Legislative Update. (Mark Duran) (10 minutes)
  - d) PNM Update. (Ernie Cde Baca, PNM Vice President of Governmental Affairs) (5 minutes)
  - e) American Cancer Society Relay for Life – January 29, 2009. (Elena Tercero and Gloria Martinez) (5 minutes)
  - f) 2007/2008 City Volleyball Champion Trophy – Capital High School Jaguars. (Councilor Trujillo) (5 minutes) **(Postponed to February 11, 2008 City Council Meeting)**
9. CONSENT CALENDAR
  - a) CONSIDERATION OF RESOLUTION NO. 2009-\_\_\_\_\_. (Mayor Coss)  
A Resolution Repealing Resolution No. 2008-1 Relating to the Open Meetings Act; Adopting the State of New Mexico Open Meetings Act by Reference; and Adopting Notice Requirements. (Yolanda Y. Vigil)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
JANUARY 14, 2009  
CITY COUNCIL CHAMBERS

- b) Bid No. 09/15/B – Municipal Court Renovation and Agreement Between Owner And Contractor; AIC General Contractor. (Chip Lilienthal)
- c) Request for Approval of Lease Agreement – Use of Parking Lot by the City for Public Parking; Santa Fe Lodge of Perfection. (Walter Roybal)
- d) Request for Approval of Amendment No. 1 to Professional Services Agreement – Ragle Park Improvements Landscape Design Services; Site Southwest, LLC. (Ben Gurule)
- e) Request for Approval of Change Order No. 1 – Acequia Trail from Baca Railyard to St. Francis Drive; A.S. Horner, Inc. (Leroy Pacheco)
- f) Request for Approval of Procurement Under State Price Agreement and Construction Agreement – Northwest Quadrant Trails Fencing Project; American Fence Company. (Leroy Pacheco)
- g) Request for Approval of Request for Proposals (RFP) – Master Plan/Feasibility Analysis for Siler Road Property and Downtown City Hall Area. (Martin Valdez)
- h) Request for Concept Approval of Sale of Real Estate – Located at Southeast Corner of Intersection of Catron Street and Jefferson Street; Dr. Jorge Oti. (Edward Vigil)
- i) Request for Approval of Amendment No. 2 to Professional Services Agreement – Provide Annual Firefighter Physical Exams for Fire Department; Concentra Medical Centers. (Brian Caldwell)
- j) Request for Approval of Procurement Under Cooperative Price Agreement – Personal Protective Equipment for Fire Department; L.N. Curtis & Sons. (Charlie Velarde)
- k) Request for Approval of Sole Source Procurement and Professional Services Agreement – Hydrogeologic Consulting Services for Water Division; Camp, Dresser and McKee, Inc. (Claudia Borchert)
- l) Request for Approval of Negotiated Articles and Contract Amendment – AFSCME Collective Bargaining Agreement. (Kristine Kuebli and Chris Ortega)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
JANUARY 14, 2009  
CITY COUNCIL CHAMBERS

- m) Request for Approval of Amendment No. 4 to Professional Services Agreement – Engineering Services for Land Use Department; Joe Barela, P.E. CFM. (Jack Hiatt)
- n) Request for Approval of Sole Source Procurement and Professional Services Agreement – Continuation of Phase One Services for Land Use Department Technology Services Project; Kamari G. Gupta (Zia Consulting). (Caryn Fiorina)
- o) CONSIDERATION OF RESOLUTION NO. 2009-\_\_\_\_\_. (Councilor Bushee, Mayor Coss, Councilor Calvert, Councilor Trujillo, Councilor Romero, Councilor Wurzburger and Councilor Dominguez)  
A Resolution Recognizing the Importance of the College of Santa Fe to the Santa Fe Community and Extending the City's Support to the College in its Efforts to Continue Providing Quality Education and Other Activities in Santa Fe. (Kathy McCormick)
- p) CONSIDERATION OF RESOLUTION NO. 2009-\_\_\_\_\_. (Councilor Romero and Councilor Wurzburger)  
A Resolution Directing Staff to Bring Forward a Recommendation to the Governing Body for the Creation of a Historian Laureate Program. (Terrie Rodriguez)
- q) CONSIDERATION OF RESOLUTION NO. 2009-\_\_\_\_\_. (Councilor Dominguez)  
A Resolution Directing Staff to Initiate the Efforts for Legislative Approval of a Special City of Santa Fe License Plate; and if Approved, Designating the City's Revenue from the Sale of Such License Plates for Children and Youth Related Programs. (Terrie Rodriguez)
- r) CONSIDERATION OF RESOLUTION NO. 2009-\_\_\_\_\_. (Councilor Wurzburger, Councilor Bushee, Councilor Dominguez and Councilor Calvert)  
A Resolution Supporting the Rehabilitation of the Atchison, Topeka and Santa Fe Depot. (Bob Siqueiros)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
JANUARY 14, 2009  
CITY COUNCIL CHAMBERS

- s) CONSIDERATION OF RESOLUTION NO. 2009-\_\_\_\_\_. (Councilor Dominguez and Councilor Wurzburger)  
A Resolution Supporting the Efforts of Santa Fe County in Organizing a "Youth Can Do It" Positive Youth Development Conference; and Directing Staff to Work with Santa Fe County to Incorporate a Workshop into the Conference Regarding Cultural Identity/Historic Preservation. (Terrie Rodriguez)
- t) Request for Approval to Publish Notice of Public Hearing on February 11, 2009:
  - 1) Bill No. 2009-2 – An Ordinance Amending Chapter 21 SFCC 1987 Regarding Solid Waste Requirements and Establishing Special Charges for Such Services as Additional Container and Bag Disposal, Disposal of Large Items, and Recyclable/Non-Recyclable Loads. (Councilor Trujillo, Councilor Calvert, Councilor Bushee and Councilor Romero) (Bill DeGrande)
  - 2) Bill No. 2009-3 – An Ordinance Authorizing the Execution and Delivery of a Water Project Fund Loan/Grant Agreement by and Among the New Mexico Water Trust Board and the New Mexico Finance Authority (the "Lenders/Grantors"), and the City of Santa Fe, New Mexico (the "Borrower/Grantee"), in the Amount of Four Million Dollars (\$4,000,000) Evidencing an Obligation of the Borrower/Grantee to Utilize the Loan/Grant Amount Solely for the Purpose of Financing the Costs of Planning Design, Engineering and Construction of the Buckman Surface Water Direct Diversion Project Including an Intake Structure on the East Bank of the Rio Grande, Submersible Pumps, Sediment Removal Station, Booster Pumps, Two Water Treatment Plants and Distribution Lines Throughout the System, and Solely in the Manner Described in the Loan/Grant Agreement; Providing for Payment of the Loan Amount Solely from Pledged Revenues; Certifying that the Loan/Grant Amount, Together With Other Funds Available to the Borrower/Grantee, is Sufficient to Complete the Project; Approving the Form of the Other Details Concerning the Loan/Grant Agreement; Ratifying Actions Theretofore Taken; Repealing All Action Inconsistent with this Ordinance; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan/Grant Agreement. (Councilor Wurzburger) (Alan Hook)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
JANUARY 14, 2009  
CITY COUNCIL CHAMBERS

- a) Request for Approval of Water Project Fund Loan/Grant Agreement – Buckman Direct Diversion Project; New Mexico Water Trust Board, New Mexico Finance Authority and City of Santa Fe. (Alan Hook)
  - b) General and No Litigation Certificate.
  - u) Request for Approval of Recommendation for Termination of Jicarilla Apache Nation Water Lease Issues Summary. (Claudia Borchert)
  - v) Request for Approval of Procurement Under State Price Agreement – Twenty-Four (24) City Wide Vehicles; Various Vendors. (Robert Rodarte)
  - w) Request for Approval to Allocate Recently Acquired Water Rights to Affordable Housing Pool for Water Demand Offset. (Dale Lyons)
- 10. Request for Approval of Amendment No. 1 to Professional Services Agreement – Energy Partnership Loan Fund Program; Homewise. (Nick Schiavo)
  - 11. CONSIDERATION OF RESOLUTION NO. 2009-\_\_\_\_\_. (Councilor Chavez, and Councilor Romero) A Resolution Authorizing the City of Santa Fe Economic Development Division to Fund in Partnership With The Museum of New Mexico Foundation a Seminar on the Basics of Museum Licensing for Potential Local Licensees. (Fabian Trujillo) **(Postponed at December 10, 2008 City Council Meeting)**
    - a) Request for Approval of Amendment No. 1 to Professional Services Agreement – Business Innovation Projects for Artisan Business Development Program; Museum of New Mexico Foundation.
  - 12. MATTERS FROM THE CITY MANAGER
  - 13. MATTERS FROM THE CITY ATTORNEY
  - 14. MATTERS FROM THE CITY CLERK
  - 15. COMMUNICATIONS FROM THE GOVERNING BODY



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
JANUARY 14, 2009  
CITY COUNCIL CHAMBERS

## **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 Star Investment, LLC, for a Transfer of Ownership of Dispenser License #0476 from Lee Investments, Inc., to Star Investment, LLC. The License will Remain at the Liquor Barn, 2885 Cerrillos Road. (Yolanda Y. Vigil)
  - 2) Request from Star Investment, LLC, for a Transfer of Ownership of Dispenser License #0211 from Lee Investments, Inc., to J & L Operating, LLC. The License will Remain at De Arco Liquors, 3875 Cerrillos Road. (Yolanda Y. Vigil)
  - 3) Request from Mangiamo Pronto, LLC., for a Restaurant (Beer & Wine) Liquor License to be located at Mangiamo Pronto!, 312 Read Street. (Yolanda Y. Vigil)
  - 4) CONSIDERATION OF RESOLUTION NO. 2009-\_\_\_\_\_. (Councilor Wurzbarger, Councilor Romero, Councilor Calvert and Mayor Coss)  
A Resolution Endorsing and Adopting the Water Division 10 Year Financial Plan. (Gary Martinez)

**(Item G-4 is continued on next page)**



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
JANUARY 14, 2009  
CITY COUNCIL CHAMBERS

- a) **CONSIDERATION OF BILL NO. 2008-61: ADOPTION OF ORDINANCE NO. 2009-\_\_\_\_\_.** (Councilor Wurzbarger, Councilor Romero and Mayor Coss)  
An Ordinance Amending Chapter 25 SFCC 1987 Exhibit B, Water Rate Schedule 1; Increasing the Monthly Volume Rates and Monthly Service Charge by 9.50 Percent Per Year for Five Years for Residential, Multi-Family and Commercial Customers of the City's Water System. (Gary Martinez)
- b) **CONSIDERATION OF BILL NO. 2008-66: ADOPTION OF ORDINANCE NO. 2009-\_\_\_\_\_.**  
An Ordinance Amending Chapter 25 SFCC 1987 Exhibit B, Water Rate Schedule 1; Increasing the Monthly Volume Rates and Monthly Service Charge by 10.3% Per Year for Five Years for Residential, Multi-Family and Commercial Customers of the City's Water System.
- c) **CONSIDERATION OF BILL NO. 2008-67: ADOPTION OF ORDINANCE NO. 2009-\_\_\_\_\_.**  
An Ordinance Amending Chapter 25 SFCC 1987 Exhibit B, Water Rate Schedule 1; Increasing the Monthly Volume Rates and Monthly Service Charge by 9.15% Per Year for Five Years for Residential, Multi-Family and Commercial Customers of the City's Water System.
- d) **CONSIDERATION OF BILL NO. 2008-68: ADOPTION OF ORDINANCE NO. 2009-\_\_\_\_\_.**  
An Ordinance Amending Chapter 25 SFCC 1987 Exhibit B, Water Rate Schedule 1; Increasing the Monthly Volume Rates and Monthly Service Charge by 8.20% Per Year for Five Years for Residential, Multi-Family and Commercial Customers of the City's Water System.
- e) **CONSIDERATION OF BILL NO. 2008-69: ADOPTION OF ORDINANCE NO. 2009-\_\_\_\_\_.**  
An Ordinance Amending Chapter 25 SFCC 1987 Exhibit B, Water Rate Schedule 1; Increasing the Monthly Volume Rates and Monthly Service Charge by 7.20% Per Year for Five Years for Residential, Multi-Family and Commercial Customers of the City's Water System.



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
JANUARY 14, 2009  
CITY COUNCIL CHAMBERS

- f) Other Options for Implementing the Water Division 10 Year Financial Plan.
- 5) CONSIDERATION OF RESOLUTION NO. 2009-\_\_\_\_\_.  
**Case #M 2008-32. Tract 4-A2 Annexation Master Plan and General Plan Amendment.** JenkinsGavin, Agent for Herrera Associates, Requests Approval of an Annexation Master Plan Amendment and General Plan and Future Land Use Map Amendment to Change the Designation of a Total of 6.9034± Acres from Residential, High Density (12-29 Units Per Acre) to Community Commercial. The Property is Located West of Cerrillos Road at the Intersection of Hernandez Road and Herrera Drive. (Dan Esquibel)
- 6) CONSIDERATION OF BILL NO. 2009-1: ADOPTION OF ORDINANCE NO. 2009-\_\_\_\_\_.  
**Case #ZA 2008-13. Tract 4-A2 Rezoning.** JenkinsGavin, Agent for Herrera Associates, Requests Rezoning of 6.9034± Acres from RM-1 (Residential, Multi-Family - 21 Units Per Acre) to C-2 (General Commercial). The Property is Located West of Cerrillos Road at the Intersection of Hernandez Road and Herrera Drive. (Dan Esquibel)

## H. ADJOURN

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

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

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



**SUMMARY INDEX  
SANTA FE CITY COUNCIL MEETING  
January 14, 2009**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>AFTERNOON SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-4
APPROVAL OF CONSENT CALENDAR	Approved [amended]	4
CONSENT CALENDAR LISTING		4-7
APPROVAL OF MINUTES: Reg. City Council Meeting -- December 10, 2008	Approved	7
<u>PRESENTATIONS</u>		
EMPLOYEE OF THE MONTH FOR JANUARY 2009 -- JEANNE PRICE, LEGISLATIVE LIAISON		8
PROCLAMATION -- STALKING AWARENESS MONTH		8
LEGISLATIVE UPDATE		8-9
PNM UPDATE		9-10
AMERICAN CANCER SOCIETY RELAY FOR LIFE -- JANUARY 29, 2009		10-11
2007/2008 CITY VOLLEYBALL CHAMPION TROPHY -- CAPITAL HIGH SCHOOL JAGUARS	Postponed to 02/11/09	11
<u>CONSENT CALENDAR DISCUSSION</u>		
CONSIDERATION OF RESOLUTION NO. 2009- 6. A RESOLUTION RECOGNIZING THE IMPORTANCE OF THE COLLEGE OF SANTA FE TO THE SANTA FE COMMUNITY AND EXTENDING THE CITY'S SUPPORT TO THE COLLEGE IN ITS EFFORTS TO CONTINUE PROVIDING QUALITY EDUCATION AND OTHER ACTIVITIES IN SANTA FE	Approved [amended]	11

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FOR APPROVAL TO ALLOCATE RECENTLY ACQUIRED WATER RIGHTS TO AFFORDABLE HOUSING POOL FOR WATER DEMAND OFFSET *****	Approved	12-13
END OF CONSENT CALENDAR DISCUSSION *****		
REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – ENERGY PARTNERSHIP LOAN FUND PROGRAM; HOMEWISE	Approved	13
CONSIDERATION OF RESOLUTION NO. 2009- 7. A RESOLUTION AUTHORIZING THE CITY OF SANTA FE ECONOMIC DEVELOPMENT DIVISION TO FUND IN PARTNERSHIP WITH THE MUSEUM OF NEW MEXICO FOUNDATION A SEMINAR ON THE BASICS OF MUSEUM LICENSING FOR POTENTIAL LOCAL LICENSEES	Approved [amended]	13-14
REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – BUSINESS INNOVATION PROJECTS FOR ARTISAN BUSINESS DEVELOPMENT PROGRAM; MUSEUM OF NEW MEXICO FOUNDATION	Postponed to 01/28/09	14
MATTERS FROM THE CITY MANAGER	None	14
MATTERS FROM THE CITY ATTORNEY	None	14
MATTERS FROM THE CITY CLERK	None	14
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	15-17
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	18
PETITIONS FROM THE FLOOR *****		18-19
REQUEST BY COUNCILOR WURZBURGER TO RECONSIDER ACTION TO POSTPONE ITEM G(4)(a), (b), (c), (d), (e) & (f) TO 03/11/09	Approved	19-20

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST BY COUNCILOR WURZBURGER TO POSTPONE ITEM G(4)(a), (b), (c), (d), (e) &(f) TO THE COUNCIL MEETING OF 01/28/09 *****	Approved	20
<u>APPOINTMENTS</u>		
Anti Graffiti Task Force	Approved	20-21
Library Board	Approved	21
False Alarms Task Force	Approved	21
<u>PUBLIC HEARINGS</u>		
REQUEST FROM STAR INVESTMENT, LLC, FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #0476 FROM LEE INVESTMENTS, INC., TO STAR INVESTMENT, LLC. THE LICENSE WILL REMAIN AT THE LIQUOR BARN, 2885 CERRILLOS ROAD	Approved	22
REQUEST FROM STAR INVESTMENT, LLC, FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #0211 FROM LEE INVESTMENTS, INC., TO J & L OPERATING, LLC. THE LICENSE WILL REMAIN AT DE ARCO LIQUORS, 3875 CERRILLOS ROAD	Approved	22-23
REQUEST FROM MANGIAMO PRONTO, LLC, FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT MANGIAMO PRONTOI, 312 READ STREET	Approved	23
CONSIDERATION OF RESOLUTION NO. 2009- ____ . A RESOLUTION ENDORSING AND ADOPTING THE WATER DIVISION 10 YEAR FINANCIAL PLAN	Postponed to 01/28/09	24
a) CONSIDERATION OF BILL NO. 2008-61; ADOPTION OF ORDINANCE NO. 2009- ____ . AN ORDINANCE AMENDING CHAPTER 25 SFCC 1987, EXHIBIT B, WATER RATE SCHEDULE 1; INCREASING THE MONTHLY VOLUME RATES AND MONTHLY SERVICE CHARGE BY 9.50 PERCENT PER YEAR FOR FIVE YEARS FOR RESIDENTIAL, MULTI- FAMILY AND COMMERCIAL CUSTOMERS OF THE CITY'S WATER SYSTEM	Postponed to 01/28/09	24
b) CONSIDERATION OF BILL NO. 2008-66;		

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

ADOPTION OF ORDINANCE NO. 2009- \_\_\_\_ .  
AN ORDINANCE AMENDING CHAPTER 25  
SFCC 1987, EXHIBIT B, WATER RATE  
SCHEDULE 1; INCREASING THE MONTHLY  
VOLUME RATES AND MONTHLY SERVICE  
CHARGE BY 10.3% PER YEAR FOR FIVE  
YEARS FOR RESIDENTIAL, MULTI8-FAMILY  
AND COMMERCIAL CUSTOMERS OF THE  
CITY'S WATER SYSTEM

Postponed to 01/28/09

24

c) CONSIDERATION OF BILL NO. 2008-66;  
ADOPTION OF ORDINANCE NO. 2009- \_\_\_\_ .  
AN ORDINANCE AMENDING CHAPTER 25  
SFCC 1987, EXHIBIT B, WATER RATE  
SCHEDULE 1; INCREASING THE MONTHLY  
VOLUME RATES AND MONTHLY SERVICE  
CHARGE BY 9.15% PER YEAR FOR FIVE  
YEARS FOR RESIDENTIAL, MULTI8-FAMILY  
AND COMMERCIAL CUSTOMERS OF THE  
CITY'S WATER SYSTEM

Postponed to 01/28/09

24

d) CONSIDERATION OF BILL NO. 2008-66;  
ADOPTION OF ORDINANCE NO. 2009- \_\_\_\_ .  
AN ORDINANCE AMENDING CHAPTER 25  
SFCC 1987, EXHIBIT B, WATER RATE  
SCHEDULE 1; INCREASING THE MONTHLY  
VOLUME RATES AND MONTHLY SERVICE  
CHARGE BY 8.20% PER YEAR FOR FIVE  
YEARS FOR RESIDENTIAL, MULTI8-FAMILY  
AND COMMERCIAL CUSTOMERS OF THE  
CITY'S WATER SYSTEM

Postponed to 01/28/09

24

e) CONSIDERATION OF BILL NO. 2008-66;  
ADOPTION OF ORDINANCE NO. 2009- \_\_\_\_ .  
AN ORDINANCE AMENDING CHAPTER 25  
SFCC 1987, EXHIBIT B, WATER RATE  
SCHEDULE 1; INCREASING THE MONTHLY  
VOLUME RATES AND MONTHLY SERVICE  
CHARGE BY 10.3% PER YEAR FOR FIVE  
YEARS FOR RESIDENTIAL, MULTI8-FAMILY  
AND COMMERCIAL CUSTOMERS OF THE  
CITY'S WATER SYSTEM

Postponed to 01/28/09

24

**ITEM****ACTION****PAGE #****f) OTHER OPTIONS FOR IMPLEMENTING THE  
WATER DIVISION 10 YEAR FINANCIAL PLAN****Postponed to 01/28/09****24**

**CONSIDERATION OF RESOLUTION NO. 2009- 8.  
CASE #M 2008-32. TRACT 4-A2 ANNEXATION MASTER  
PLAN AND GENERAL PLAN AMENDMENT. JENKINS GAVIN,  
AGENT FOR HERRERA ASSOCIATES, REQUESTS  
APPROVAL OF AN ANNEXATION MASTER PLAN  
AMENDMENT AND GENERAL PLAN AND FUTURE LAND  
USE MAP AMENDMENT TO CHANGE THE DESIGNATION  
OF A TOTAL OF 6.9034± ACRES FROM RESIDENTIAL,  
HIGH DENSITY (12-29 UNITS PER ACRE) TO COMMUNITY  
COMMERCIAL. THE PROPERTY IS LOCATED WEST OF  
CERRILLOS ROAD AT THE INTERSECTION OF HERNANDEZ  
ROAD AND HERRERA DRIVE**

**Approved****25-27**

**CONSIDERATION OF BILL NO. 2009-1; ADOPTION OF  
ORDINANCE NO. 2009- 1. CASE #ZA 2008-13. TRACT  
4-A2 REZONING. JENKINS GAVIN, AGENT FOR HERRERA  
ASSOCIATES, REQUESTS REZONING OF 6.9034± ACRES  
FROM RM-1 (RESIDENTIAL, MULTI-FAMILY – 21 UNITS  
PER ACRE) TO C-2 (GENERAL COMMERCIAL). THE  
PROPERTY IS LOCATED WEST OF CERRILLOS ROAD  
AT THE INTERSECTION OF HERNANDEZ ROAD AND  
HERRERA DRIVE**

**Approved****27-28****ADJOURN****28**

**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
January 14, 2009**

**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 January 14, 2009, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance and Invocation, roll call indicated the presence of a quorum, as follows:

**Members Present**

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

**Members Excused**

Councilor Rebecca Wurzbarger, Mayor Pro-Tem

**Others Attending**

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

**5. APPROVAL OF AGENDA**

Councilor Bushee moved, seconded by Councilor Ortiz, to postpone Item G(4)(a), (b), (c), (d), (e) and (f) to the Council meeting of March 11, 2009, and to approve the agenda as amended.

**Discussion:** Councilor Bushee said she and Councilor Trujillo were privileged this afternoon to participate in a conference call with newly-elected Congressman Ben Ray Lujan. She said most of the requests for the President's Stimulus Plan are for infrastructure funds. She said County Commissioner Anaya also participated in the conference call. She said the discussion was about the opportunities that await us with the stimulus package. She said the decisions will begin to be formed by the end of the month, and she understands there will be a final decision by President's Day.

Councilor Bushee said the discussion this afternoon was that the Buckman Direct Diversion is our priority project. She wants the opportunity for us to work with the Congressional Delegation. She said her experience is that if we increase the rate, we will never "go back" on that rate. She believes there are funding sources, and believes the stimulus package is a unique opportunity, and she wants to take a little longer to see where that goes.

Councilor Trujillo said it was an honor to speak with Congressman Lujan on this issue. He said he, Councilor Bushee and Councilor Anaya expressed a priority for funds for the Buckman Diversion. He believes it would be good to postpone consideration on the rate increase and see what happens with the package, and hopefully we will get funds to help us with the Buckman Diversion.

Councilor Chavez said he doesn't want to discredit these comments. He said all of us have hopes that the new administration will approve the Energy Recovery Package or Stimulus Package. He also believes that our State government and our Congressional Delegation are hoping that local governments and local communities across the nation will demonstrate a continued commitment and that we are willing to do our part. He said we already have invested heavily to purchase the water company and in the diversion project. He said if we can demonstrate our continued commitment, we will demonstrate that we have and are willing to do our part. He said going above and beyond the "call of duty" sends a stronger message. However, if we wait, it wouldn't send the message we need to send at this time.

Councilor Chavez said, as uncomfortable as this might be, we need to have the discussion and vote it up or down this evening, and hope that the Stimulus Package will provide economic recovery for Santa Fe and other cities. However, we would be derelict in our duty if we wait. He appreciates the conversation and the willingness of Congressman Ben Ray Lujan to help. He said we can do a lot of things and meet a lot of needs when we realize that infusion of cash into the community.

Councilor Romero said she would echo what Councilor Chavez said. She said it is our problem and it's going to take courage to solve our problem. She said Espanola is looking at 40% increases, and lawsuits have been settled with Aamodt. She said there is a lot on the "plate" of federal government just to deal with the water rights issues which have occurred over the last millennium. She said these are difficult issues, and decisions are not made easily. She said it takes a lot of courage to make these decisions. She said we can't wait any longer to vote and move forward on this issue. She said Gary Martinez has said there will be constant review of the water rates, and as we move forward there will be other opportunities. She said it isn't right at this time to depend on the federal government to solve our problem. She believes we need to take our own destiny in our hands and move forward. She said she has heard "if," "when," and "maybe" on the Stimulus Package. She believes something will happen, but this is our problem, and we have an opportunity to move forward to help solve an issue which has been on our plates for the past eight months and longer.

Councilor Calvert said we are hopeful that we get assistance from the federal government, and that might hold down some of the subsequent rate increases, but most of these talk about increases over five years with step increases each year. He said we can't not move forward. He said, as a courtesy to the main sponsor, we should postpone this vote until the evening session so she can weigh in on this decision.

Mayor Coss said he doesn't think we should postpone this item. He said we wanted to start the rate increases in March to be able to issue bonds. He said we want to continue with this necessary infrastructure, noting this isn't a surprise because we've been working on this for more than ten years. He said he introduced a Resolution before Christmas, which was cosponsored by several Councilors, which turned in a stimulus package. He really appreciates Congressman Lujan's outreach and discussing this. However, we know we have asked for \$15 million from the Stimulus Package for the Buckman Direct Division, and we have a \$12 million request in the package to New Mexico Legislature for the Buckman project. He believes those would be jeopardized if the City Council isn't willing to fight for these, and the Congressional Delegation might wonder how big the priority really is.

Mayor Coss said it is incorrect to say we can't take the rate increases back. He said this Council would happily vote to reduce rates when and if we could. He believes we are stalling on the basis of a conference call with Congressman Lujan on a bill we've known has been in the "hopper" for two months. He believes we make our chances worse, not better, to get any of the funding if we fail to do what we have been saying we're going to do for the past ten years. He believes Councilor Calvert makes a strong point about postponing Councilor Wurzburger's legislation when she's not here, as much work as she's done on it.

Councilor Bushee said there was a meeting in Tierra Contenta attended by a lot of neighbors. She said the Councilors in attendance told them that we were seeking other sources of funding. The question was asked what happens if we raise the rates and then get the funding, and if there then would be a roll-back of the rates. She said she has never had a fear or concern about raising rates. She said this is about making sure we put "pen to paper" again and get as creative as we can. She reiterated that, in all likelihood, if we raise the rates it won't turn around quickly. She said when "everybody in Santa Fe County feels our highest priority is our water infrastructure and the building of the Direct Diversion and none of us, by asking for a bit of time, are asking to put off that project." She doesn't believe we have been as creative as we could be. She doesn't believe the federal government under the last administration has been responsive to our needs for infrastructure.

Councilor Bushee said they were asked today what is our shovel-ready project which is the priority, and everybody from Santa Fe County on the conference call said it is the Buckman Direct Diversion. She said she would like the time to pursue this with the new Democratic administration. She said the Stimulus Package has been proposed and will come forward. She said we aren't sending the message that we're not supporting this project and we've already asked the rate base to pay over and over again for all of the aging as well as the new infrastructure improvements. She doesn't see that we'll get much from the State, but believes the federal government will come through.

Mayor Coss asked those on the conference call with the junior Congressman, how much he promised in funding. He said it would have to be a significant amount of money, \$50 to \$60 million to avoid the need for a rate increase this year.

Councilor Dominguez said he agrees with Councilor Bushee that the City has done a lot, and this Governing Body and past Governing Bodies have shown their commitment to this project, and people are mistaken if there is any doubt about that. He doesn't think this is the question. He is hopeful that no one on the Governing Body questions the courage of the Councilors to make these kinds of tough decisions. He said we owe it to our constituency to be



as cautious as possible in raising the rates. He doesn't know the impact of any funds we might receive, which may or may not be significant, but he is hopeful it will be significant. He is in favor of postponement, saying this is with all due respect to the Mayor Pro-tem and the Councilors.

Mayor Coss said he hopes no one on the Council is questioning the people who are supporting this legislation and trying to get this done, and that we haven't been careful with the public's money, nor that we haven't designed good projects or haven't tried our best to be creative. He believes we have been extraordinarily creative. He said this has been in Public Utilities since the summer, and he's waiting for any creative ideas. He said he supposes letting the federal government pay for it is part of a creative idea.

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

**For: Councilor Bushee, Councilor Dominguez, Councilor Ortiz and Councilor Trujillo.**

**Against: Councilor Calvert, Councilor Chavez and Councilor Romero.**

**6. APPROVAL OF CONSENT CALENDAR**

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

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

**Against: None.**

- a) CONSIDERATION OF RESOLUTION NO. 2009- 1 (MAYOR COSS). A RESOLUTION REPEALING RESOLUTION NO. 2008-1 RELATING TO THE OPEN MEETINGS ACT; ADOPTING THE STATE OF NEW MEXICO OPEN MEETINGS ACT BY REFERENCE; AND ADOPTING NOTICE REQUIREMENTS. (YOLANDA Y. VIGIL)**
- b) BID NO. 09/15/B – MUNICIPAL COURT RENOVATION AND AGREEMENT BETWEEN OWNER AND CONTRACTOR; AIC GENERAL CONTRACTOR. (CHIP LILIENTHAL)**
- c) REQUEST FOR APPROVAL OF LEASE AGREEMENT – USE OF PARKING LOT BY THE CITY FOR PUBLIC PARKING; SANTA FE LODGE OF PERFECTION. (WALTER ROYBAL)**

- d) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICE AGREEMENT – RAGLE PARK IMPROVEMENTS LANDSCAPE DESIGN SERVICES; SITE SOUTHWEST, LLC. (BEN GURULE)**
- e) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 1 – ACEQUIA TRAIL FROM BACA RAILYARD TO ST. FRANCIS DRIVE; A.S. HORNER, INC. (LEROY PACHECO)**
- f) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT AND CONSTRUCTION AGREEMENT – NORTHWEST QUADRANT TRAILS FENCING PROJECT; AMERICAN FENCE COMPANY. (LEROY PACHECO)**
- g) **REQUEST FOR APPROVAL OF REQUEST FOR PROPOSALS (RFP) – MASTER PLAN/FEASIBILITY ANALYSIS FOR SILER ROAD PROPERTY AND DOWNTOWN CITY HALL AREA. (MARTIN VALDEZ)**
- h) **REQUEST FOR CONCEPT APPROVAL OF SALE OF REAL ESTATE – LOCATED AT SOUTHEAST CORNER OF INTERSECTION OF CATRON STREET AND JEFFERSON STREET; DR. JORGE OTI. (EDWARD VIGIL)**
- i) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – PROVIDE ANNUAL FIREFIGHTER PHYSICAL EXAMS FOR FIRE DEPARTMENT; CONCENTRA MEDICAL CENTERS. (BRIAN CALDWELL)**
- j) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT – PERSONAL PROTECTIVE EQUIPMENT FOR FIRE DEPARTMENT; L.N. CURTIS & SONS. (CHARLIE VELARDE)**
- k) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – HYDROGEOLOGIC CONSULTING SERVICES FOR WATER DIVISION; CAMP, DRESSER AND McKEE, INC. (CLAUDIA BORCHERT)**
- l) **REQUEST FOR APPROVAL OF NEGOTIATED ARTICLES AND CONTRACT AMENDMENT – AFSCME COLLECTIVE BARGAINING AGREEMENT. (KRISTINE KUEBLI AND CHRIS ORTEGA)**
- m) **REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – ENGINEERING SERVICES FOR LAND USE DEPARTMENT; JOE BARELA, P.E. CFM. (JACK HIATT)**
- n) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – CONTINUATION OF PHASE ONE SERVICES FOR LAND USE DEPARTMENT TECHNOLOGY SERVICES PROJECT; KAMARI G. GUPTA (ZIA CONSULTING). (CARYN FIORINA)**

- o) *[Removed for discussion by Councilor Bushee]*
- p) **CONSIDERATION OF RESOLUTION NO. 2009- 2 (COUNCILOR ROMERO AND COUNCILOR WURZBURGER). A RESOLUTION DIRECTING STAFF TO BRING FORWARD A RECOMMENDATION TO THE GOVERNING BODY FOR THE CREATION OF A HISTORIAN LAUREATE PROGRAM. (TERRIE RODRIGUEZ)**
- q) **CONSIDERATION OF RESOLUTION NO. 2009- 3 (COUNCILOR DOMINGUEZ). A RESOLUTION DIRECTING STAFF TO INITIATE THE EFFORTS FOR LEGISLATIVE APPROVAL OF A SPECIAL CITY OF SANTA FE LICENSE PLATE; AND IF APPROVED, DESIGNATING, THE CITY'S REVENUE FROM THE SALE OF SUCH LICENSE PLATES FOR CHILDREN AND YOUTH RELATED PROGRAMS. (TERRIE RODRIGUEZ)**
- r) **CONSIDERATION OF RESOLUTION NO. 2009- 4 (COUNCILOR WURZBURGER, COUNCILOR BUSHEE, COUNCILOR DOMINGUEZ AND COUNCILOR CALVERT). A RESOLUTION SUPPORTING THE REHABILITATION OF THE ATCHISON, TOPEKA AND SANTA FE DEPOT. (BOB SIQUEIROS)**
- s) **CONSIDERATION OF RESOLUTION NO. 2009- 5 (COUNCILOR DOMINGUEZ AND COUNCILOR WURZBURGER). A RESOLUTION SUPPORTING THE EFFORTS OF SANTA FE COUNTY IN ORGANIZING A "YOUTH CAN DO IT" POSITIVE YOUTH DEVELOPMENT CONFERENCE; AND DIRECTING STAFF TO WORK WITH SANTA FE COUNTY TO INCORPORATE A WORKSHOP INTO THE CONFERENCE REGARDING CULTURAL IDENTITY/HISTORIC PRESERVATION. (TERRIE RODRIGUEZ)**
- t) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON FEBRUARY 11, 2009:**
- 1) **BILL NO. 2009-2 – AN ORDINANCE AMENDING CHAPTER 21 SFCC 1987, RE SOLID WASTE REQUIREMENTS AND ESTABLISHING SPECIAL CHARGES FOR SUCH SERVICES AS ADDITIONAL CONTAINER AND BAG DISPOSAL, DISPOSAL OF LARGE ITEMS, AND RECYCLABLE/NON-RECYCLABLE LOADS (COUNCILOR TRUJILLO, COUNCILOR CALVERT, COUNCILOR BUSHEE AND COUNCILOR ROMERO). (BILL DeGRANDE)**
  - 2) **BILL NO. 2009-3 – AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A WATER PROJECT FUND LOAN/GRANT AGREEMENT BY AND AMONG HE NEW MEXICO WATER TRUST BOARD AND THE NEW MEXICO FINANCE AUTHORITY (THE "LENDERS/GRANTORS"), AND THE CITY OF SANTA FE, NEW MEXICO (THE "BORROWERS/GRANTEE"), IN THE AMOUNT OF FOUR MILLION DOLLARS (\$4,000,000) EVIDENCING AN**

OBLIGATION OF THE BORROWER/GRANTEE TO UTILIZE THE LOAN/GRANT AMOUNT SOLELY FOR THE PURPOSE OF FINANCING THE COSTS OF PLANNING, DESIGN, ENGINEERING AND CONSTRUCTION OF THE BUCKMAN SURFACE WATER DIRECT DIVERSION PROJECT INCLUDING AN INTAKE STRUCTURE ON THE EAST BANK OF THE RIO GRANDE, SUBMERSIBLE PUMPS, SEDIMENT REMOVAL STATION, BOOSTER PUMPS, TWO WATER TREATMENT PLANTS AND DISTRIBUTION LINES THROUGHOUT THE SYSTEM, AND SOLELY IN THE MANNER DESCRIBED IN THE LOAN/GRANT AGREEMENT; PROVIDING FOR PAYMENT OF THE LOAN AMOUNT SOLELY FROM PLEDGED REVENUES; CERTIFYING THAT THE LOAN/GRANT AMOUNT, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE BORROWER/GRANTEE, IS SUFFICIENT TO COMPLETE THE PROJECT; APPROVING THE FORM OF THE OTHER DETAILS CONCERNING THE LOAN/GRANT AGREEMENT; RATIFYING ACTIONS THERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN/GRANT AGREEMENT (COUNCILOR WURZBURGER). (ALAN HOOK)

a) REQUEST FOR APPROVAL OF WATER PROJECT FUND LOAN/GRANT AGREEMENT – BUCKMAN DIRECT DIVERSION PROJECT; NEW MEXICO WATER TRUST BOARD, NEW MEXICO FINANCE AUTHORITY AND CITY OF SANTA FE. (ALAN HOOK)

b) GENERAL AND NO LITIGATION CERTIFICATE.

u) REQUEST FOR APPROVAL OF RECOMMENDATION FOR TERMINATION OF JICARILLA APACHE NATION WATER LEASE ISSUES SUMMARY. (CLAUDIA BORCHERT)

v) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – TWENTY-FOUR (24) CITY WIDE VEHICLES; VARIOUS VENDORS. (ROBERT RODARTE)

w) *[Removed for discussion by Councilor Bushee]*

**7. APPROVAL OF MINUTES: Reg. City Council Meeting – December 10, 2008**

Councilor Ortiz moved, seconded by Councilor Bushee, to approve the minutes of the Regular City Council meeting of December 10, 2008, as presented. The motion was approved on a voice vote, with Councilors Bushee, Calvert, Chavez, Domínguez, Ortiz, Romero and Trujillo voting for the motion and none against.

## **8. PRESENTATIONS**

### **a) EMPLOYEE OF THE MONTH FOR JANUARY 2009 – JEANNE PRICE, LEGISLATIVE LIAISON**

Mayor Coss read the letter of nomination from Stan Holland, on behalf of Jeanne Price, into the record and presented Ms. Price with a plaque and a check for \$200 from the Employee Benefit Committee.

Ms. Price thanked Mr. Holland for the nomination, saying that she doesn't do all that he enumerated, and thanked those who do other things. She acknowledged her coworkers who keep the meeting agendas in order so the resolutions and ordinances are timely processed: Tina Dominguez, Yolanda Green, Bobbie Mossman, Stephanie Trujillo, Geraldine Gurule, Shannon Cantu and Jessica Sandoval. She thanked Melissa Byers her coworker who deserves the award as well, and her wonderful boss.

Councilors Bushee, Chavez, Trujillo, Dominguez, Romero and Calvert congratulated Ms. Price and thanked her for all she does for the City.

### **b) PROCLAMATION – STALKING AWARENESS MONTH. (CAROL HORWITZ)**

Mayor Coss declared January 2009 Stalking Awareness Month in Santa Fe, and presented the proclamation to Ms. Horwitz.

### **c) LEGISLATIVE UPDATE. (MARK DURAN)**

Mark Duran spoke about the difficulties facing the Legislature in terms of funding for local governments, the political environment and the number of new Legislators. He said we have two strategies for the Legislature. One is to keep the "old money" from the Legislature. He said one of the solutions the Legislature is suggesting to cover the deficit for FY 2009-2010 has been to look at old Capital Outlay projects which have not been started or executed. He said there are proposals to take back about \$200 million of these projects.

Mr. Duran said Robert Romero and staff have worked hard to assist him in identifying State funded projects. He said 80% of the City's Legislatively funded projects are already under contract, so they focused on remaining 20%, which now is 3-5% of the projects. He is working with the LFC and the Executive to justify continuance of the funding as well as to participate in the State strategies. He said the State needs General Fund money, noting in the past, Capital Outlay was funded from the General Fund. He said they can go ahead and take those funds back, but still decide to fund the current projects using severance tax bond money – old or new. He said none of the City projects are on the "take list" to his knowledge, but he said we will have to watch that closely during the session.

Mr. Duran said the second strategy is to position the new projects and position the new money. He believes we have done a good job in this regard. He said, with the leadership of Speaker Lujan, Mayor Coss, the County delegation and City staff, we have been successful in

having the Buckman Direct Division Project labeled as a state-wide priority, which is at the top of the "food chain." He said the "straw man" dollar attached to the Buckman Project is \$12 million.

Mr. Duran said next on the priority list is to position Phase 3 of the Police renovation and talk to the Legislature about that, noting it is a priority among the County delegation and the Legislative leadership. He said it has a strong marketing story: It is Phase 3, it's in close-out, all previous phases have been funded and the money has been set, the planning and design is done and we are now ready to go to construction.

Mr. Duran said they took a lobbying approach with the State Highway Commission and the Department of Transportation to ensure the \$3.6 million for the Siler Road project. He noted that nothing is automatic in this environment.

Mr. Duran said, with regard to the Legislature, that you "execute, execute, execute." He said there are entities trying to eliminating the cities' ability to have an election on the transfer tax, and it is likely there will be legislation on that. He said they will be there to work to protect funds and acquire additional funding.

Mayor Coss expressed appreciation for Mr. Duran's and Speaker Lujan's work to get the BDD on the statewide priority list, which we have agreed is a number one priority.

**d) PNM UPDATE. (ERNIE C DE BACA, PNM VICE PRESIDENT OF GOVERNMENTAL AFFAIRS).**

A copy of "Empowering New Mexico's Future," distributed to the Council by PNM, is incorporated herewith to these minutes as Exhibit "1."

Ernie C de Baca, Vice-President of Governmental Affairs, introduced Carol Radosevich who will be replacing Rhonda Mitchell who is moving to the Gas Company of NM. He introduced Angel Evans.

Mr. C de Baca reviewed the information in Exhibit "1." He noted PNM probably will be having these kinds of rate increases until it can find a way to get its rates and costs at the same area. He noted the rate increase approved this year is for two year old costs. He said another rate increase has been filed, but it will take 18 months to get it approved. He said they will be approaching the Legislature to get their rates and costs in a more current time frame.

Mr C de Baca said he is here to inform the Governing Body about the proposed increase which is 18% overall, and is 24% for residential customers. He said PNM most probably will not get the entire requested increase.

Mr. C de Baca said he gave everyone two of the compact florescent light bulbs, noting each bulb will save \$20 per year in energy costs. He said this is one way to reduce the impact of the proposed increase. He said the way people manage their electricity and their energy, will be important during this time.

Mayor Coss said the City is remodeling the Senior Center and needs PNM to run the power line, and asked Mr. C de Baca to get that message to the appropriate people.

Councilor Romero said PNM is doing a Fair at the end of February, and asked if this is a weatherization/energy fair.

Mr. C de Baca said he believes that is scheduled for February 5-6, and they will be doing things relating to weatherization and low income. He said Ms. Radosevich will get the specific information to the Governing Body. He said they've done this in Albuquerque and its been quite successful.

Councilor Calvert said PNM put out RFPs for renewable energy projects, and the City submitted several proposals, but the City got nothing. He asked Mr. C de Baca if he knows the reason.

Mr. C de Baca said there two proposals, one for concentrated solar. He believe there is a short list which was notified on the other RFPs, but he is unsure about the City proposal.

Councilor Calvert said the City had partnership proposals.

Mr. C de Baca said then they have been talking to the partners because of the confidentiality agreements.

Mr. C de Baca said PNM has a new program through the PRC for distributive generation which allows large commercial users to install rooftop solar and get about 15 cents back per kWh. He said this is a good opportunity to pursue. Responding to Councilor Calvert, Mr. C de Baca said it is capped at 1 MW which is large.

Councilor Calvert said the City has several water processing facilities which use considerably more than that amount, and were hoping to offset some of that usage.

**e) AMERICAN CANCER SOCIETY RELAY FOR LIFE – JANUARY 29, 2009.  
(ELENA TERCERO AND GLORIA MARTINEZ)**

Elena Tercero of the American Cancer Society appeared for Gloria Martinez who couldn't be here this evening. She thanked the Council and public for their past and continued support of the Relay for Life. She said the Relay for Life event is an opportunity for people to assist by participating in the event as well as to raise funds for the American Cancer Society. Ms. Tercero gave a brief overview of the Relay, noting it is done through the American Cancer Society. She said this is its 25<sup>th</sup> year, noting it is held nationally.

Ms. Tercero urged the Council to attend and participate in the activities. She said they also need Committee members and people to contribute funds for this activity. She said the kickoff will be on January 29, 2008, at the Courtyard, noting she has invitations for the Governing Body with all the details. She said the Relay for Life is scheduled for June 12, 2009. She said people wanting more information can call Gloria Lopez at 820-3538 or go to the website at [www.relayforlife.org/santafenm](http://www.relayforlife.org/santafenm). She suggested perhaps the Mayor could be a team captain.

Councilor Bushee said we should have a City team. She said this cause is very dear to her because her mother is a 20 year breast cancer survivor.

- f) **2007/2008 CITY VOLLEYBALL CHAMPION TROPHY – CAPITAL HIGH SCHOOL JAGUARS. (Postponed to February 11, 2009 City Council Meeting)**

This item is postponed to the Council Meeting of February 11, 2009.

#### **CONSENT CALENDAR DISCUSSION**

- 9(o) **CONSIDERATION OF RESOLUTION NO. 2009- 6 (COUNCILOR BUSHEE, MAYOR COSS, COUNCILOR CALVERT, COUNCILOR TRUJILLO, COUNCILOR ROMERO, COUNCILOR WURZBURGER AND COUNCILOR DOMINGUEZ). A RESOLUTION RECOGNIZING THE IMPORTANCE OF THE COLLEGE OF SANTA FE TO THE SANTA FE COMMUNITY AND EXTENDING THE CITY'S SUPPORT TO THE COLLEGE IN ITS EFFORTS TO CONTINUE PROVIDING QUALITY EDUCATION AND OTHER ACTIVITIES IN SANTA FE. (KATHY McCORMICK)**

A copy of the Action Sheet from the Public Works/CIP and Land Use Committee Meeting of Monday, January 12, 2009, is incorporated herewith to these minutes as Exhibit "2."

**Councilor Bushee moved, seconded by Councilor Trujillo, for approval with the amendments, and the following changes:**

1. **Page 1, line 13, of the Resolution, change as follows: ".. the College Department of Higher Education and New Mexico Highlands University...**
2. **Amendment No. 1 of the Finance Committee amendment, change as follows: " a four year public college university.**

**Discussion:** Councilor Bushee said everyone on the Council understands the importance of educational institutions in our community, noting the College of Santa Fe has a long history here. It is important to our economy and our culture. She said the Council will work with the Legislature to make this happen.

Councilors Romero and Dominguez expressed their support for this request. They look forward to helping to facilitate this effort and to its impact in the community.

**The motion was approved on the following roll call vote:**

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

**Against: None.**



**9(w) REQUEST FOR APPROVAL TO ALLOCATE RECENTLY ACQUIRED WATER RIGHTS TO AFFORDABLE HOUSING POOL FOR WATER DEMAND OFFSET. (DALE LYONS)**

Councilor Bushee said in the future she would like these kinds of requests with land use and affordable housing implications to come before the Public Works, CIP and Land Use Committee.

Councilor Bushee said she assumes the City has no other pressing needs for these water rights in terms of offsets.

Mr. Lyons said yes.

Councilor Bushee said she recalls that the last time the available pool was allocated to the Northwest Quadrant it went to the affordable homes as well as the market price homes.

Mr. Lyons said he doesn't know how that was allocated.

Ms. McCormick said it went to those homes allocated under the Santa Fe Homes Programs, 37%, and then the step-up homes. She said the market rate homes are bringing their own water.

Councilor Bushee asked Mc. McCormick to describe step-up homes.

Ms. McCormick said the step-up homes are priced between \$200,000 and \$350,000. She said as established, for every step-up home, once the home sells, up to \$10,000 goes back to "these folks" to buy additional water rights for affordable housing.

Councilor Bushee said she doesn't believe the water rights should be going to homes between \$200,000 and \$350,000. She wants to establish a policy to prevent that in the future.

Ms. McCormick understands the Northwest Quadrant was a special circumstance for that water. She said the way the water is governed for this pool, it is for only for new homes done under the Santa Fe Homes Program.

Councilor Bushee said she knows that. She understands that the policy seems to be as we acquire new water rights we're putting them in the affordable housing pool, with which she has no large problem if there are no other offset requirements. However, she does have a problem with them going to homes between \$200,000 and \$350,000.

Ms. McCormick said that can't happen under the Homes Program because there is nothing priced that high.

Councilor Bushee said she wants to make sure this doesn't happen, and said she will bring a policy forward to the Council in this regard.

**Councilor Chavez moved, seconded by Councilor Ortiz, to approve this request.**

**The motion was approved on the following roll call vote:**

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

**Against: None.**

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**END OF CONSENT CALENDAR DISCUSSION**  
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**10. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – ENERGY PARTNERSHIP LOAN FUND PROGRAM; HOMEWISE. (NICK SCHIAVO)**

**Councilor Ortiz moved, seconded by Councilor Dominguez, to approve this request..**

**The motion was approved on the following roll call vote:**

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

**Against: None.**

Councilor Bushee would like to track how these funds are used, and hopes that they are used in some way to promote solar and energy, rather than weatherization and other efforts we've already done.

**11. CONSIDERATION OF RESOLUTION NO. 2009- 7 (COUNCILOR CHAVEZ AND COUNCILOR ROMERO). A RESOLUTION AUTHORIZING THE CITY OF SANTA FE ECONOMIC DEVELOPMENT DIVISION TO FUND IN PARTNERSHIP WITH THE MUSEUM OF NEW MEXICO FOUNDATION A SEMINAR ON THE BASICS OF MUSEUM LICENSING FOR POTENTIAL LOCAL LICENSEES. (FABIAN TRUJILLO) (Postponed at December 10, 2008 City Council Meeting)**

A copy of an amendment page with amendments proposed by Councilor Chavez, is incorporated herewith to these minutes as Exhibit "3."

Councilor Chavez thanked Councilors Romero, Dominguez, Trujillo and Ortiz for cosponsoring this Resolution. He said there were some questions, pointing out that this is a substitute resolution. He said there is an amendment sheet containing proposed amendments on the Councilors' desks.

**Councilor Chavez moved, seconded by Councilor Ortiz, to adopt Resolution No. 2009-7, with his proposed amendments.**

**Discussion:** Councilor Chavez reviewed and explained the proposed amendments in Exhibit "3." He believes we should be able to do this in conjunction with the Museum system and develop programs and events which will use the 400<sup>th</sup> Anniversary theme.

**The motion was approved on the following roll call vote:**

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

**Against: None.**

- a) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – BUSINESS INNOVATION PROJECTS FOR ARTISAN BUSINESS DEVELOPMENT PROGRAM; MUSEUM OF NEW MEXICO FOUNDATION.**

Councilor Chavez said he hopes the PSA will help us to set the stage, in conjunction with the Museum and the foundation, to coordinate our efforts in the best way possible. He said the PSA needs more work, and he would like to bring this back to the next Council meeting.

**Councilor Romero moved, seconded by Councilor Ortiz, to postpone consideration of this request to the Council meeting of January 28, 2009.**

**Discussion:** Councilor Chavez said if we need more time we can postpone it again, but hopefully in the next two weeks we can get this done.

Mr. Trujillo said staff can get this done in the next two weeks.

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

**12. MATTERS FROM THE CITY MANAGER**

There were no matters from the City Manager.

**13. MATTERS FROM THE CITY ATTORNEY**

There were no matters from the City Attorney.

**14. MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk.

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

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the City Council meeting of January 14, 2009, is incorporated herewith to these minutes as Exhibit "4."

### **Councilor Calvert**

Councilor Calvert introduced an Ordinance Amendment to establish procedures for the demolition of landmark structures. A copy of the Ordinance Amendment is incorporated herewith to these minutes as Exhibit "5."

Councilor Calvert introduced a Joint Resolution with the Santa Fe School Board of Education supporting healthy lifestyles through earth knowledge and sustainable practices for Santa Fe Youth, noting the Schools adopted the Resolution in December. A copy of the Joint Resolution is incorporated herewith to these minutes as Exhibit "6."

Mayor Coss and Councilors Bushee, Trujillo, Dominguez and Romero asked to be added as a cosponsor of the healthy lifestyles Joint Resolution.

### **Councilor Dominguez**

Councilor Dominguez said he will begin conducting office hours at the beginning of February at the Coffee House in Tierra Contenta, on the 1<sup>st</sup> and 3<sup>rd</sup> Saturdays, 10 a.m. to 12 noon. He will be sending a press release in this regard.

Councilor Dominguez introduced a Resolution directing City Economic Development Division to carry out the activities regarding the Regional Telecommunications Coalition and authorizing staff to actively participate in the planning deliberations of the Santa Fe Regional Telecommunications Coalition. He asked that it go to the Business & Quality of Life, Public Works and Finance Committees and then to the Council. A copy of the proposed Resolution is incorporated herewith to these minutes as Exhibit "7."

Councilor Dominguez introduced Resolution proclaiming the month of May this year and each year forward as Underaged Drinking Prevention Month. A copy of the proposed Resolution is incorporated herewith to these minutes as Exhibit "8."

### **Councilor Ortiz**

Councilor Ortiz asked when the ordinance on public financing will be coming to the City Committees, noting he has heard that the Advisory Committee is trying to push the effective date of public financing to 2012.

Mr. Katz said the Committee was under an injunction to complete the ordinance in six months. He said the report is finished and they are ready to move forward. He said he can

provide that to any of the Council, and is going to put it on the Council Agenda at the next meeting.

Councilor Ortiz said then it will be introduced at the next meeting, so we could adopt it at a public hearing in March 2009.

Mr. Katz said it first needs to go through the Committee process. He said the recommendation is to begin funding now, but recognizes that funding needs to build up, so the recommendation is to implement public financing for the 2012 election which will be a Councilor and Judge election which generally is less expensive than the Councilor/Mayor election.

Councilor Ortiz said he believes, given the mandate with the Charter review, it would be better to have this effective sooner, rather than later. He would like to implement it in 2010 if we can identify resources, because this is in the spirit of the Charter provision which passed.

#### **Councilor Trujillo**

Councilor Trujillo introduced a Resolution amending the Governing Body Procedural Rules to include a salute to the New Mexico State flag at the Governing Body meetings. A copy of this Resolution is incorporated herewith to these minutes as Exhibit "9."

#### **Councilor Romero**

Councilor Romero said she has no communications.

#### **Councilor Bushee**

Councilor Bushee said she and the Mayor are introducing a Resolution in favor of House Bill 21 and Senate Bill 12, the Domestic Partner Rights and Responsibilities Act. She said Councilors Calvert and Trujillo want to cosponsor the Resolution. She asked that it go straight to the Council. A copy of the proposed Resolution is incorporated herewith to these minutes as Exhibit "10."

Councilor Bushee quoted from a favorable article in *The New York Times*, noting the next day the City was dinged for the loss of service at the Airport.

Councilor Bushee would like to do something to recognize John Gooch, noting he passed away recently.

Mayor Coss said he understands some of his friends are working with the City to do a New Orleans Jazz Style parade and John Gooch Day. He said it has been postponed, but they are still working on it.

**Councilor Chavez**

Councilor Chavez said he has no communications.

**Mayor Coss**

Mayor Coss introduced a Resolution for protection of pets in domestic violence situations. A copy of this Resolution is incorporated herewith to these minutes as Exhibit "11."

Mayor Coss introduced a Resolution urging the State of New Mexico to do everything in its power to avert layoffs, and to work collaboratively with cities, counties, public school districts, universities and employee organizations to find ways to continue supporting existing services, employment and benefits. A copy of this Resolution is incorporated herewith to these minutes as Exhibit "12."

Mayor Coss said the Governor, the Lt. Governor, himself and others are sponsoring an inauguration watch at the Convention Center on Tuesday, from 9:00 a.m. until people leave for the State of the State address at the Roundhouse. He invited everyone to join them to see the inauguration of the President on the big screen TV.

**Councilor Wurzbarger**

*Councilor Wurzbarger arrived at the meeting. Responding to the Mayor, said she would like to submit her communications in the Evening Session.*

**END OF AFTERNOON SESSION AT 6:25 P.M.**

## **EVENING SESSION**

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

The Evening Session was called to order by Mayor David Coss, at approximately 7:20 p.m. Roll Call indicated the presence of a quorum as follows:

#### **Members Present**

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

#### **Others Attending**

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

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

**Stephanie Beninato**, 604½ Galisteo, said she is here to petition Councilor Ortiz, as the lawyer on the Council, to explain how an LLC resides anywhere. She said in March she told the Council about owner/builder permits being issued to LLCs. One of the conditions is that the owner has to reside on the property. She thought it was universal corporate law that artificial entities do not reside anywhere. They are registered, incorporated and licensed to do business, but they don't reside and it doesn't say or principal CEO or major stockholder, it says owner. She asked how an LLC gets an owner/builder permit like they did at 610 Galisteo, especially an LLC which doesn't have a license to do business in the City of Santa Fe in 2006, 2007 or 2008. She said, additionally, there are two photos which were in the in packet on appeal, clearly showing an original house with an offset window #3. She said in the packet is the new facade and #3 is no longer offset. This is a primary facade and according to the ordinance, no window can be moved on the primary facade.

Ms. Beninato said, "You had Ryan Allen swear under oath over and over that no window was ever moved. Not only did Mr. Allen perjure himself on that date, but seemingly the lawyers who submitted these documents to the City and in the packet have suborned perjury, and that is a really, very serious charge. And I think again, if the City wants the State to obey the Historic Ordinance then the City staff needs to stop ignoring the ordinances and actually enforce them for everybody as they are written. Thank you very much. And I would really like Mr. Ortiz to address that issue with you about where an LLC resides, or if they reside.

Because, again, I think it's an abuse to allow LLCs to get owner/builder permits, and it's really, I believe, done for individuals who are actually going to reside on the property afterward."

**Sagemaya Dandi, 1492 Canyon Road**, said he has been here for 25 years and he's seen GRTs increase by 60%. He said you need to draw the line, and if you have a lot of new buildings, then the people who move into the buildings or whoever constructs those should pay for it, and stop just raising taxes on everyone. He is here to address the issue of the bicycle pedestrian coordinator. He said, in light of the tragedy on Guadalupe and Mr. Tenorio's death, he would encourage this body to follow-up on what's been talked about, with the support of the Mayor, about hiring a Bicycle Pedestrian Coordinator. He said a rail fence has been put up next to La Unica, and the sidewalk is out to the roadway and it is hazardous. He believes there is no reason to have the rail fence there. He said we need to get someone here full time to address how we move people by foot and by bicycle. He said they have been ignored by the City and there is no concern about the safety of bicyclists and pedestrians. He encouraged the City to hire the Bicycle Pedestrian Coordinator and get a plan in place.

**Karl Sommer** said he came to speak on the water issue which he understands was tabled. He said he sat through years of growing up and as a professional and watched what PNM didn't do on the water system. PNM didn't invest nor responsibly plan for the future of this water system for our community, and unfortunately we are paying the price. He said Councilor Sanchez worked tirelessly to purchase the system. He said the City was faced with having to acquire and invest and continue to plan for our future on water issues. He said, unfortunately, there was a great delay in bringing the system up to speed and planning for the future. He said we need to continue to plan for our future on the water system, and that means investment by the community which comes in the form of borrowing and direct investment. He said there is only one way to fund this, which is by the ratepayers paying or finding another way to do it. He said there were serious matters to consider on tonight's agenda. He said there is lots to be debated about the levels and timing of rate increases. He said the time has long passed for us, as a community, to quit delaying this investment in our future. He believes we are paying a heavy price for that, and any further delay is dangerous for the community in his opinion, and doesn't help us. He understands there are two sides to the story, but he believes we need to do this now, and invest now, which means we have to pay the price now. He said he will be back when the Council continues this issue. He supports this community's investment in its water future.

\*\*\*\*\*

Councilor Wurzbarger said she was the primary sponsor of the legislation which was to be heard tonight, and said she had surgery and this is the reason she wasn't here earlier. She understood we would be hearing this at 7:00 p.m., and she was watching and didn't hear the change to the agenda or she would have been here to vote against that. She requested a courtesy reconsideration of this matter at the next meeting so she would have the opportunity to explain why she does not think we should postpone this. She said, "I understand from our City Attorney this cannot be debated tonight again, but I would like that opportunity as a courtesy. And I do understand that it is within the power of this Council to grant me this as the person who has sponsored this and tried to bring it forth for consideration for the past eight months."



**Councilor Wurzburger moved, seconded by Councilor Calvert, for reconsideration of the motion to postpone Item G(4)(a), (b), (c), (d), (e) and (f) on the Evening Agenda to the Council meeting of March 11, 2009.**

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

**For: Councilor Calvert, Councilor Chavez, Councilor Romero and Councilor Wurzburger.**

**Against: Councilor Bushee, Councilor Dominguez, Councilor Trujillo and Councilor Ortiz.**

**The resulting vote was a tie, and Mayor Coss cast a vote in favor of the Motion.**

**Frank Katz advised that it will be necessary for the Governing Body to decide the date to which the item is to be postponed.**

**Councilor Wurzburger moved, seconded by Councilor Romero, to postpone Item G(4)(a), (b), (c), (d), (e) and (f) on the Evening Agenda to the Council meeting of January 28, 2009.**

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

**For: Councilor Calvert, Councilor Chavez, Councilor Romero and Councilor Wurzburger.**

**Against: Councilor Bushee, Councilor Dominguez, Councilor Trujillo and Councilor Ortiz.**

**The resulting vote was a tie, and Mayor Coss cast a vote in favor of the Motion.**

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## **F. APPOINTMENTS**

### **Anti Graffiti Task Force**

**Mayor Coss appointed the following individual to the Anti Graffiti Task Force:**

**Jennifer N. Romero – to fill unexpired term ending 06/2009.**

**Councilor Bushee moved, seconded by Councilor Trujillo, to approve the appointment.**

Y

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

#### **Library Board**

Mayor Coss appointed the following individual to the Library Board:

Grace Brill – to fill unexpired term ending 07/2010.

Councilor Ortiz moved, seconded by Councilor Trujillo, to approve the appointment.

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

#### **False Alarms Task Force**

Mayor Coss appointed the following individuals to the False Alarms Task Force:

Councilor Chris Calvert, Chair  
Raymond H. Brito  
Joseph E. Salazar  
Robert E. Montoya  
Rick A. Martinez  
Rich Headley  
Lydia Lioce  
Captain Gilbert C de Baca (Police Department)

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

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

**G. PUBLIC HEARINGS**

- 1) REQUEST FROM STAR INVESTMENT, LLC, FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #0476 FROM LEE INVESTMENTS, INC., TO STAR INVESTMENT, LLC. THE LICENSE WILL REMAIN AT THE LIQUOR BARN, 2885 CERRILLOS ROAD. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, noting that there are staff reports in the packet and staff recommends that this business be required to comply with all of the City's ordinances.

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

Councilor Bushee moved, seconded by Councilor Trujillo, to grant the request for transfer of ownership of Dispenser License #0476 from Lee Investments, Inc., to Star Investment, LLC, with the license to remain at the Liquor Barn, 2885 Cerrillos Road.

The motion was approved on the following Roll Call Vote:

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

**Against: None.**

- 2) REQUEST FROM STAR INVESTMENT, LLC, FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #0211 FROM LEE INVESTMENTS, INC., TO J & L OPERATING, LLC. THE LICENSE WILL REMAIN AT DE ARCO LIQUORS, 3875 CERRILLOS ROAD. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, noting that there are staff reports in the packet regarding litter, noise and traffic, and staff recommends that this business be required to comply with all of the City's ordinances.

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

**Councilor Chavez moved, seconded by Councilor Calvert, to grant the request for the transfer of ownership of Dispenser License #0211 from Lee Investments, Inc., to J & L Operating, LLC, with the license to remain at De Arco Liquors, 3875 Cerrillos Road.**

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

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

**Against: None.**

**3) REQUEST FROM MANGIAMO PRONTO, LLC, FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT MANGIAMO PRONTO!, 312 READ STREET. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, noting that the location is not within 300 feet of a church or school. She said there are staff reports in the packet regarding litter, noise and traffic, and staff recommends that this business be required to comply with all of the City's ordinances.

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

**Councilor Bushee moved, seconded by Councilor Calvert, to approve the request for a Restaurant (Beer & Wine) Liquor License to be located at Mangiamo Pronto!, 312 Read Street.**

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

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

**Against: None.**

- 4) **CONSIDERATION OF RESOLUTION NO. 2009- \_\_\_\_ (COUNCILOR WURZBURGER, COUNCILOR ROMERO, COUNCILOR CALVERT AND MAYOR COSS). A RESOLUTION ENDORSING AND ADOPTING THE WATER DIVISION 10 YEAR FINANCIAL PLAN. (GARY MARTINEZ)**
- a) **CONSIDERATION OF BILL NO. 2008-61; ADOPTION OF ORDINANCE NO. 2009- \_\_\_\_ (COUNCILOR WURZBURGER, COUNCILOR ROMERO AND MAYOR COSS). AN ORDINANCE AMENDING CHAPTER 25 SFCC 1987, EXHIBIT B, WATER RATE SCHEDULE 1; INCREASING THE MONTHLY VOLUME RATES AND MONTHLY SERVICE CHARGE BY 9.50 PERCENT PER YEAR FOR FIVE YEARS FOR RESIDENTIAL, MULTI8-FAMILY AND COMMERCIAL CUSTOMERS OF THE CITY'S WATER SYSTEM. (GARY MARTINEZ)**
  - b) **CONSIDERATION OF BILL NO. 2008-66; ADOPTION OF ORDINANCE NO. 2009- \_\_\_\_ . AN ORDINANCE AMENDING CHAPTER 25 SFCC 1987, EXHIBIT B, WATER RATE SCHEDULE 1; INCREASING THE MONTHLY VOLUME RATES AND MONTHLY SERVICE CHARGE BY 10.3% PER YEAR FOR FIVE YEARS FOR RESIDENTIAL, MULTI8-FAMILY AND COMMERCIAL CUSTOMERS OF THE CITY'S WATER SYSTEM. (GARY MARTINEZ)**
  - c) **CONSIDERATION OF BILL NO. 2008-67; ADOPTION OF ORDINANCE NO. 2009- \_\_\_\_ . AN ORDINANCE AMENDING CHAPTER 25 SFCC 1987, EXHIBIT B, WATER RATE SCHEDULE 1; INCREASING THE MONTHLY VOLUME RATES AND MONTHLY SERVICE CHARGE BY 9.153% PER YEAR FOR FIVE YEARS FOR RESIDENTIAL, MULTI8-FAMILY AND COMMERCIAL CUSTOMERS OF THE CITY'S WATER SYSTEM. (GARY MARTINEZ)**
  - d) **CONSIDERATION OF BILL NO. 2008-68; ADOPTION OF ORDINANCE NO. 2009- \_\_\_\_ . AN ORDINANCE AMENDING CHAPTER 25 SFCC 1987, EXHIBIT B, WATER RATE SCHEDULE 1; INCREASING THE MONTHLY VOLUME RATES AND MONTHLY SERVICE CHARGE BY 8.20% PER YEAR FOR FIVE YEARS FOR RESIDENTIAL, MULTI8-FAMILY AND COMMERCIAL CUSTOMERS OF THE CITY'S WATER SYSTEM. (GARY MARTINEZ)**
  - e) **CONSIDERATION OF BILL NO. 2008-69; ADOPTION OF ORDINANCE NO. 2009- \_\_\_\_ . AN ORDINANCE AMENDING CHAPTER 25 SFCC 1987, EXHIBIT B, WATER RATE SCHEDULE 1; INCREASING THE MONTHLY VOLUME RATES AND MONTHLY SERVICE CHARGE BY 7.20% PER YEAR FOR FIVE YEARS FOR RESIDENTIAL, MULTI8-FAMILY AND COMMERCIAL CUSTOMERS OF THE CITY'S WATER SYSTEM. (GARY MARTINEZ)**
  - f) **OTHER OPTIONS FOR IMPLEMENTING THE WATER DIVISION 10 YEAR FINANCIAL PLAN.**

This request was postponed to the Council meeting of January 28, 2009.

- 5) **CONSIDERATION OF RESOLUTION NO. 2009- 8. CASE #M 2008-32. TRACT 4-A2 ANNEXATION MASTER PLAN AND GENERAL PLAN AMENDMENT. JENKINS GAVIN, AGENT FOR HERRERA ASSOCIATES, REQUESTS APPROVAL OF AN ANNEXATION MASTER PLAN AMENDMENT AND GENERAL PLAN AND FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF A TOTAL OF 6.9034± ACRES FROM RESIDENTIAL, HIGH DENSITY (12-29 UNITS PER ACRE) TO COMMUNITY COMMERCIAL. THE PROPERTY IS LOCATED WEST OF CERRILLOS ROAD AT THE INTERSECTION OF HERNANDEZ ROAD AND HERRERA DRIVE. (DAN ESQUIBEL)**

*Items #G(5) and #G(6) were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.*

A Memorandum dated January 5, 2009, for the January 14, 2009 City Council Meeting, to the City Council, with attachments, from Daniel A. Esquibel, Land Use Planner Senior, is incorporated herewith to these minutes as Exhibit "13."

A packet of photographs used in Mr. Esquibel's presentation on the overhead projector are incorporated herewith to these minutes as Exhibit "14."

A copy of Item 08-1092, "City of Santa Fe Planning Commission Findings of Fact and Conclusions of Law," is incorporated herewith to these minutes as Exhibit "15."

A packet of photographs used in Jennifer Jenkins' presentation on the overhead projector are incorporated herewith to these minutes as Exhibit "16."

The staff report was presented by Dan Esquibel, which is contained in Exhibit "13."

#### **Recommendation:**

On October 2, 2008, the Planning Commission met and acted on the above referenced cases. The decision of the Commission was to recommend approval subject to the following conditions:

1. Compliance with DRT Comments:
  - a. Antonio Trujillo, Water Division, August 30, 2008 Memorandum.
  - b. John Romero, Public Works/Engineering Division/Traffic Engineering Section, September 15, 2008 Memorandum.
  - c. Barbara Salas, Fire Marshal, August 25, 2008 Memorandum.
  - d. Risana Zaxus, M.S., PE, CFM, City Engineer for Land Use Department, August 28, 2008 Memorandum.
  - e. Stan Holland, P.E., Wastewater Management Division, September 22, 2008.

- f. Comments from Bob Siqueiros regarding trails and open space.
- 2. A comprehensive development plan shall be submitted in accordance with §14-3.8 SFCC, at the time of development plan submittal for Tract 4-A2 before the Planning Commission showing:
  - a. Pedestrian, bicycle and vehicular traffic connectivity between Phase 1 (referenced as the proposed Wal-Mart) and Phase 2 (Trace 4-A2).
  - b. The development plan shall also promote avoidance between pedestrian, bike and vehicular circulation.

Councilor Chavez said then this could expand the C-2 portion to include the shaded area [Exhibit "14"].

Mr. Esquibel said this correct.

Councilor Chavez asked how many acres.

Mr. Esquibel said the extension property is 6.9 acres. He said the proposed site currently is zoned RM-1.

### **Public Hearing**

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

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

**Jennifer Jenkins and Coleen Gavin of JenkinsGavin, Agent for Applicant were sworn.** She said she is here this evening on behalf of the Herrera family to request an annexation and master plan amendment as well as a rezoning of the subject property. Ms. Jenkins gave a brief overview and history of the property. Ms. Jenkins used the overhead, to project various maps and aerial photograph of the subject site [Exhibit "16"]. She said the proposed road to connect with Cerrillos and Tierra Contenta, created rectilinear parcels, but the neighborhood really necessitates regular shaped parcels. She said the roadway out was modified as part of the approval for the Tierra Contenta project. She said several developers have looked at this property and have been unsuccessful in bringing in developers to do a multi-family development because the shape of the parcel creates major obstacles. She said the proximity and the way this parcel relates to the Tierra Contenta development creates the most viable or attractive solution for residents of the development directly sharing the common property line.

Ms. Jenkins said they developed a site plan as to how it can be developed. She said the odd shape of the parcel resented challenges as well as opportunities. There are 69,000 sq. ft. of single story buildings with two entrances. There are smaller building blocks with good pedestrian circulation throughout the project, and the development provides a transitional buffer

to Tierra Contenta. She said they also are proposing a pedestrian path to the Entrada Contenta site.

**The Public Hearing was Closed**

**Councilor Chavez moved, seconded by Councilor Wurzbarger, to adopt Resolution 2009-8, approving Case #M 2008-32, as recommended by staff.**

**Discussion:** Councilor Dominguez asked how this relates to the Southwest Area Master Master Plan.

Mr. Esquibel said the site is 3/4 miles south of the southern boundary of the Southwest Sector Master Plan, so it does not fall under that Plan.

Councilor Dominguez said, although he has no objections to this project, he wants to know if this is consistent with the planning principles in that Master Plan.

Ms. Jenkins said there are two areas which are key to the fit of this project. She said there is a need to create transitions to lower density commercial. She said it doesn't meet the test for multi-family transitional use in this area, although that could be considered. She said based on the nature of Tierra Contenta she would say that the single story buildings, decentralized parking and lots of space as satisfying that transitional intent.

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

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

**Against: None.**

- 6) **CONSIDERATION OF BILL NO. 2009-1; ADOPTION OF ORDINANCE N. 2009- 1. CASE #ZA 2008-13. TRACT 4-A2 REZONING. JENKINS GAVIN, AGENT FOR HERRERA ASSOCIATES, REQUESTS REZONING OF 6.9034± ACRES FROM RM-1 (RESIDENTIAL, MULTI-FAMILY – 21 UNITS PER ACRE) TO C-2 (GENERAL COMMERCIAL). THE PROPERTY IS LOCATED WEST OF CERRILLOS ROAD AT THE INTERSECTION OF HERNANDEZ ROAD AND HERRERA DRIVE. (DAN ESQUIBEL)**

**Councilor Chavez moved, seconded by Councilor Dominguez, to adopt Ordinance No. 2008-1, approving Case #ZA 2008-13, as recommended by staff.**

Responding to Councilor Bushee, Ms. Jenkins said they chose "this area" because this is where we match grade, so there would be an opportunity for bicycles.



Responding to Councilor Bushee, Ms. Jenkins said they absolutely are considering water harvesting and infiltration, pointing out that this is a conceptual plan and they will come back to the City for final plan approval.

**Clarification of the Motion:** Councilor Chavez said the Motion includes the recommendations as indicated by staff, as well as amendments, if any.

Councilor Calvert asked if the energy efficiency of the buildings will be built to a certain standard.

Ms. Jenkins said they don't have specific ideas about that. However, she said energy efficiency is the smart thing to do and they anticipate a high level of energy efficiency with respect to the building and the HVAC system, commenting that the construction will have to comply with City's Green Code.

Councilor Calvert said it would be nice if they would be willing to commit to a certain standard – LEED silver or equivalent standard at a minimum. Since this won't come back to the Council, he would recommend that they would present whatever that would be to the Planning Commission for its consideration.

Councilor Bushee said the development is not large so there is no large debate, and she can't mourn the loss of Affordable Housing given the difficulties of the site. She would hope that the owner/developer would try to be unique and original in whatever they do here.

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

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

**Against: None.**

#### **H. ADJOURN**

There was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 8:00 p.m.

**Approved by:**

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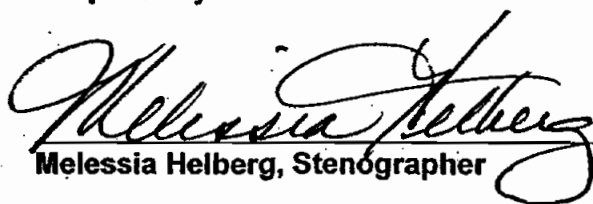
**Mayor David Coss**

**ATTESTED TO:**

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**Yolanda Y. Vigil, City Clerk**

**Respectfully submitted:**

  
**Melessia Helberg, Stenographer**