



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 11, 2009
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 2-6-09 TIME 2:55 pm

SERVED BY _____

RECEIVED BY Hydomagaz

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 – January 28, 2009
8. PRESENTATIONS
 - a) Employee of the Month for February 2009 – Officer Bruce Pratz. And Kasey. (5 minutes)
 - b) Muchas Gracias – Bianca Garcia and Mary Apodaca – Mayor's Youth Advisory Board. (5 minutes)
 - c) Muchas Gracias – Charlie Baldonado. (5 minutes)
 - d) Proclamation – "Eagle Scout Month in Santa Fe". (Manny Ortiz) (5 minutes)
 - e) Muchas Gracias – City of Santa Fe Receives Top Honors from the New Mexico Water and Wastewater Association: (5 minutes)
 - 1) Most Improved Surface Water Treatment Facility.
 - 2) The Caroline Martinez Achievement Award – Gary Martinez.
 - 3) Surface Water Production Operator of the Year – Danny Martinez.
 - 4) Lab Analysis Facility Operator of the Year – Brian Mascarenas.



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9. CONSENT CALENDAR

- a) Request for Approval of Change Order No. 2 – Fire Station No. 3; Samcon, Inc. (Chip Lilienthal)
- b) Request for Approval of Change Order No. 3 – Santa Fe Plaza Renovations – Phase II; AIC General Contractor. (Chip Lilienthal)
 - 1) Request for Approval of Budget Increase – Project Fund.
- c) Request for Approval of Amendment No. 6 to Professional Services Agreement – Old Pecos Trail Project; Gannet Fleming West, Inc. (John Romero)
- d) Request for Approval of Agreement – Rugby Fields Phase II – Power Supply; Public Service Company of New Mexico. (Mary MacDonald)
- e) Request for Approval of Procurement Under State Price Agreement – Six (6) Vehicles for Transit Division; Zia Bus Sales and Bob Turner's Ford Country. (Jon Bulthuis)
 - 1) Request for Approval of Budget Adjustment – Grant Fund.
- f) Request for Approval of Procurement Under State Price Agreement – Four (4) Street Maintenance and Drainage Vehicles and Equipment for Streets and Drainage Division. (David Catanach)
 - 1) Two (2) One-Ton Trucks; Bob Turner's Ford Country
 - 2) Two (2) Dump Bodies; MCT Industries, Inc.
- g) Request for Approval of Procurement Under State Price Agreement – Two (2) Vehicles for Fire Department; Bob Turner's Ford Country. (Charlie Velarde)
- h) Request for Approval of Amendment No. 4 to Contract – Replace Variable Frequency Drive System at Wastewater Treatment Plant Facility; Alpha Southwest, Inc. (Costy Kassisieh)



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- i) Request for Approval of Procurement Under Cooperative Agreement – One (1) Vactor Sewer Vacuum Truck for Wastewater Division; Pete's Equipment Repair, Inc. (Robert Rodarte)
 - 1) Request for Approval of Budget Increase – Wastewater Enterprise Fund.
- j) Request for Approval of Procurement Under State Price Agreement – One (1) Vehicle for Water Division; Bob Turner's Ford Country. (Robert Rodarte)
- k) Request for Approval of Amendment No. 5 to Professional Services Agreement – Santa Fe Civic Convention Center; Hands Engineering, LLC. (Martin Valdez)
 - 1) Request for Approval of Amendment No. 8 to Professional Services Agreement – Santa Fe Civic Convention Center; Fentress Bradburn Architects, Ltd.
- l) Request for Approval of Fund Reallocation and Budget Adjustment for Cerrillos Road Reconstruction Project Phase II – Cielo Ct. to Camino Carlos Rey. (Eric Martinez)
- m) Request for Approval of Budget Adjustment Requests (Bar) to Implement the General Fund Budget Balancing Strategy for Fiscal Year 2008/2009 Approved at the Special City Council Meeting of January 5, 2009. (Cal Probasco)
- n) Request for Approval of Memorandum of Agreement Formalizing the Establishment of the Santa Fe Regional Telecommunications Coalition. (Lee Depietro)
 - 1) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Dominguez, Councilor Romero and Councilor Wurzbarger)
A Resolution Directing the City Economic Development Division to Carry Out the Activities of the Santa Fe Regional Telecommunications Coalition on Behalf of the City of Santa Fe and Authorizing the Division to Actively Participate in the Planning Deliberations of the Santa Fe Regional Telecommunications Coalition. (Lee Depietro)



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- o) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Wurzburger)
A Resolution Amending Resolution No. 2006-146 Regarding the Sister City Committee. (Tom Maguire)
- p) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Dominguez and Romero)
A Resolution Proclaiming the Month of May This Year and Each Year Forward as "Underage Drinking Prevention Month" and Taking Efforts to Educate the City Employees and the Public Regarding the Dangers of Underage Drinking and Encouraging Parents to Educate their Children Regarding These Dangers. (Terrie Rodriguez)
- q) Adoption of Findings of Fact and Conclusions of Law in the Matter of Governing Body Review of Planning Commission Case #M 2008-26 Approving the La Triada Town Homes Final Development Plan. (Donna Wynant)
- r) Request for Approval to Publish Notice of Public Hearing on March 11, 2009:
 - 1) Bill No. 2009-7 – An Ordinance Creating a New Article 7-4 SFCC 1987, Green Building Codes; Creating a New Section 7-4.1 SFCC 1987, Residential Green Building Code (Single Family Attached and Detached); and Replacing Section 7-15 SFCC 1987 Energy Audits (Councilor Calvert, Mayor Coss, Councilor Wurzburger, Councilor Bushee, Councilor Romero and Councilor Dominguez) (Katherine Mortimer)
 - a) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Calvert, Mayor Coss, Councilor Wurzburger, Councilor Bushee, Councilor Romero and Councilor Dominguez)
A Resolution Adopting the Administrative Procedures For The Santa Fe Residential Green Building Code. (Katherine Mortimer)



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- b) CONSIDERATION OF RESOLUTION NO. 2009-____.
(Councilor Dominguez, Mayor Coss, Councilor Calvert,
Councilor Wurzburger, Councilor Bushee, and Councilor
Romero)
A Resolution Adopting an Education and Outreach Program
for the Implementation of the City of Santa Fe's Residential
Green Building Code. (Katherine Mortimer)
 - c) CONSIDERATION OF RESOLUTION NO. 2009-____.
(Councilor Calvert, Mayor Coss, Councilor Wurzburger
Councilor Bushee, Councilor Romero and Councilor
Dominguez)
A Resolution Establishing Incentives for Green Building that
Exceeds the Requirements of the Santa Fe Residential
Code. (Katherine Mortimer)
 - d) CONSIDERATION OF RESOLUTION NO. 2009-____.
(Councilor Calvert, Mayor Coss, Councilor Wurzburger,
Councilor Bushee, Councilor Romero and Councilor
Dominguez)
A Resolution Establishing Target Goals for the City of Santa
Fe's Residential Green Building Code to Meet the Goals Set
Forth in the U.S. Mayors Climate Agreement. (Katherine
Mortimer)
- 2) Bill No. 2009-8 – An Ordinance Establishing a Rural Residential
Zoning District for that Area Referred to as Area 1 in the Settlement
Agreement and Mutual Release of Claims Entered into by the City
of Santa Fe, Santa Fe County and Other Parties Dated May 19,
2008 and Generally Located West of the Current City Limits and
North of Agua Fria Street; and Making Such Other Related
Changes. (Councilor Wurzburger) (Jeanne Price)
 - 3) Bill No. 2008-64 – An Ordinance Amending Section 6-16.4 SFCC
1987 Regarding Hearings Before the Ethics and Campaign Review
Board; and Amending Various Sections of Article 9-2 SFCC 1987
Campaign Code. (Mayor Coss) (Yolanda Vigil)



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- s) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Calvert, Mayor Coss and Councilor Wurzbarger)
A Resolution Directing the City Attorney's Office and the Land Use Department to Work Cooperatively With the State Capitol Buildings Planning Commission in Order to Initiate the Development of a State Capitol Campus Historic District With Related Standards. (David Rasch)
 - t) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Dominguez and Councilor Ortiz)
A Resolution Amending Article 11 of the City of Santa Fe Rules & Procedures for City Committees Regarding Voting by Committee Chairpersons. (Frank Katz)
 - u) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Trujillo)
A Resolution Amending Rule V of the Governing Body Procedural Rules to Include a Salute to the New Mexico Flag at the Afternoon and Evening Sessions of the Governing Body Meeting. (Yolanda Vigil)
- 10. MATTERS FROM THE CITY MANAGER
 - 11. MATTERS FROM THE CITY ATTORNEY
- EXECUTIVE SESSION:
- Discussion on the Short Term Rental Litigation; Pursuant to §10-15-1 (H) (7) NMSA 1978.
- 12. MATTERS FROM THE CITY CLERK
 - 13. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. INVOCATION



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D. ROLL CALL

E. PETITIONS FROM THE FLOOR

F. APPOINTMENTS

G. PUBLIC HEARINGS:

- 1) Request from Palio, LLC., for a Restaurant (Beer & Wine) Liquor License to be located at Il Palio Ristorante, 440 Galisteo Street. (Yolanda Y. Vigil)
- 2) CONSIDERATION OF BILL NO. 2009-3: ADOPTION OF ORDINANCE NO. 2009-_____. (Councilor Wurzbarger)
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. (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



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- 3) CONSIDERATION OF BILL NO. 2009-2: ADOPTION OF ORDINANCE NO. 2009-_____. (Councilor Trujillo, Councilor Calvert, Councilor Bushee and Councilor Romero)
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. (Bill DeGrande)
- 4) CONSIDERATION OF RESOLUTION NO. 2009-_____.
Case #M 2008-27. Las Soleras General Plan Amendment. Beckner Road Equities, Inc. Requests Approval of a General Plan Future Land Use Map Amendment to Change the Designations of 545.30 Acres. The Area is Located South of Governor Miles Road, East of Cerrillos Road, North of I-25 and West of Richards Avenue. (Lucas Cruse) **(Postponed at January 28, 2009 City Council Meeting)**
- 5) CONSIDERATION OF BILL NO. 2009-4: ADOPTION OF ORDINANCE NO. 2009-_____.
Case #M 2008-28. Las Soleras Annexation. Beckner Road Equities, Inc. Requests Annexation of 545.30 Acres of Land Located South of Governor Miles Road, East of Cerrillos Road, North of I-25 and West of Richards Avenue. Beckner Road Equities, Inc. Additionally Requests Annexation of 16.41 Acres of Cerrillos Road Right-of-Way Adjacent to Las Soleras. (Lucas Cruse) **(Postponed at January 28, 2009 City Council Meeting)**
- 6) **Case #SD 2008-15. Las Soleras Lot Line Adjustment and Road Dedication Plat.** Beckner Road Equities, Inc. Requests Approval of a Plat Providing Lot Line Adjustments and Dedication of Major Streets Allowing Adjustment of Existing Lot Lines to be Consistent with Proposed Zoning Districts. (Lucas Cruse) **(Postponed at January 28, 2009 City Council Meeting)**
- 7) CONSIDERATION OF BILL NO. 2009-5: ADOPTION OF ORDINANCE NO. 2009-_____.
Case #ZA 2008-11. Las Soleras Rezoning. Beckner Road Equities, Inc. Requests Rezoning for 545.30 Acres. The Tracts are Located South of Governor Miles Road, East of Cerrillos Road, North of I-25 and West of Richards Avenue. (Lucas Cruse) **(Postponed at January 28, 2009 City Council Meeting)**



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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.

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SANTA FE CITY COUNCIL MEETING
February 11, 2009**

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CONSIDERATION OF RESOLUTION NO. 2009-23). A RESOLUTION DIRECTING THE CITY ATTORNEY’S OFFICE AND THE LAND USE DEPARTMENT TO WORK COOPERATIVELY WITH THE STATE CAPITOL BUILDINGS PLANNING COMMISSION IN ORDER TO INITIATE THE DEVELOPMENT OF A STATE CAPITOL CAMPUS HISTORIC DISTRICT WITH RELATED STANDARDS ***** END OF CONSENT CALENDAR DISCUSSION *****	Approved [amended]	10-13
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<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
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REQUEST FROM PALIO, LLC., FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT IL PALIO RISTORANTE, 440 GALISTEO STREET	Approved	16-17
CONSIDERATION OF BILL NO. 2009-3 ADOPTION OF ORDINANCE NO. 2009- 4. 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. ETC.	Approved	17-18
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	Approved	17-18
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CONSIDERATION OF BILL NO. 2009-2; ADOPTION OF ORDINANCE NO. 2009-5. 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	Approved	18-21

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CONSIDERATION OF RESOLUTION NO. 2009-5. <u>CASE #M 2008-27.</u> LAS SOLERAS GENERAL PLAN AMENDMENT. BECKNER ROAD EQUITIES, INC., REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATIONS OF 545.30 ACRES. THE AREA IS LOCATED SOUTH OF GOVERNOR MILES ROAD, EAST OF CERRILLOS ROAD, NORTH OF I-25 AND WEST OF RICHARDS AVENUE	Approved [amended]	21-47
CONSIDERATION OF BILL NO. 2009-4; ADOPTION OF ORDINANCE NO. 2009-6. <u>CASE #M 2008-28.</u> LAS SOLERAS ANNEXATION. BECKNER ROAD EQUITIES, INC., REQUESTS ANNEXATION OF 545.30 ACRES OF LAND LOCATED SOUTH OF GOVERNOR MILES ROAD, EAST OF CERRILLOS ROAD, NORTH OF I-25 AND WEST OF RICHARDS AVENUE. BECKNER ROAD EQUITIES, INC., ADDITIONALLY REQUESTS ANNEXATION OF 16.41 ACRES OF CERRILLOS ROAD RIGHT-OF-WAY ADJACENT TO LAS SOLERAS	Approved [amended]	47-52
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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
February 11, 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 February 11, 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 Rebecca Wurzburger, 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

5. APPROVAL OF AGENDA

Mr. Buller said Item 8(c) under Presentations will be postponed to the next meeting.

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, Chavez, Dominguez, Ortiz, Romero, Trujillo and Wurzburger voting for the motion and none against.

6. APPROVAL OF CONSENT CALENDAR

Responding to Councilor Bushee, Mayor Coss said items 9(t) and (u) are on the regular Consent Calendar.

Councilor Bushee said she wants to ensure she is listed as a cosponsor of Item 9(r)(2).

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

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

Against: None.

- a) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 2 – FIRE STATION NO. 3; SAMCON, INC. (CHIP LILIENTHAL)**
- b) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 3 – SANTA FE PLAZA RENOVATIONS – PHASE II; AIC GENERAL CONTRACTOR. (CHIP LILIENTHAL)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND.**
- c) **REQUEST FOR APPROVAL OF AMENDMENT NO. 6 TO PROFESSIONAL SERVICES AGREEMENT – OLD PECOS TRAIL PROJECT; GANNET FLEMING WEST, INC. (JOHN ROMERO)**
- d) **REQUEST FOR APPROVAL OF AGREEMENT – RUGBY FIELDS PHASE II – POWER SUPPLY; PUBLIC SERVICE COMPANY OF NEW MEXICO. (MARY MacDONALD)**
- e) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – SIX (6) VEHICLES FOR TRANSIT DIVISION; ZIA BUS SALES AND BOB TURNER'S FORD COUNTRY. (JON BULTHUIS)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – GRANT FUND.**
- f) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – FOUR (4) STREET MAINTENANCE AND DRAINAGE VEHICLES AND EQUIPMENT FOR STREETS AND DRAINAGE DIVISION. (DAVID CATANACH)**
 - 1) **TWO (2) ONE-TON TRUCKS; BOB TURNER'S FORD COUNTRY.**
 - 2) **TWO (2) DUMP BODIES; MCT INDUSTRIES, INC.**
- g) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – TWO (2) VEHICLES FOR FIRE DEPARTMENT; BOB TURNER'S FORD COUNTRY. (CHARLIE VELARDE)**

- h) REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO CONTRACT – REPLACE VARIABLE FREQUENCY DRIVE SYSTEM AT WASTEWATER TREATMENT PLANT FACILITY; ALPHA SOUTHWEST, INC. (COSTY KASSISIEH)
- i) REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE AGREEMENT – ONE (1) VACTOR SEWER VACUUM TRUCK FOR WASTEWATER DIVISION; PETE'S EQUIPMENT REPAIR, INC. (ROBERT RODARTE)
 - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – WASTEWATER ENTERPRISE FUND.
- j) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – ONE (1) VEHICLE FOR WATER DIVISION; BOB TURNER'S FORD COUNTRY. (ROBERT RODARTE)
- k) *[Removed for discussion by Councilor Calvert]*
- l) REQUEST FOR APPROVAL OF FUND REALLOCATION AND BUDGET ADJUSTMENT FOR CERRILLOS ROAD RECONSTRUCTION PROJECT PHASE II – CIELO CT. TO CAMINO CARLOS REY. (ERIC MARTINEZ)
- m) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT REQUESTS (BAR) TO IMPLEMENT THE GENERAL FUND BUDGET BALANCING STRATEGY FOR FISCAL YEAR 2008/2009 APPROVED AT THE SPECIAL CITY COUNCIL MEETING OF JANUARY 5, 2009. (CAL PROBASCO)
- n) REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT FORMALIZING THE ESTABLISHMENT OF THE SANTA FE REGIONAL TELECOMMUNICATIONS COALITION. (LEE DePIETRO)
 - 1) CONSIDERATION OF RESOLUTION NO. 2009-18 (COUNCILOR DOMINGUEZ, COUNCILOR ROMERO AND COUNCILOR WURZBURGER). A RESOLUTION DIRECTING THE CITY ECONOMIC DEVELOPMENT DIVISION TO CARRY OUT THE ACTIVITIES OF THE SANTA FE REGIONAL TELECOMMUNICATIONS COALITION ON BEHALF OF THE CITY OF SANTA FE AND AUTHORIZING THE DIVISION TO ACTIVELY PARTICIPATE IN THE PLANNING DELIBERATIONS OF THE SANTA FE REGIONAL TELECOMMUNICATIONS COALITION. (LEE DePIETRO)
- o) CONSIDERATION OF RESOLUTION NO. 2009-19 (COUNCILOR WURZBURGER). A RESOLUTION AMENDING RESOLUTION NO. 2006-146 REGARDING THE SISTER CITY COMMITTEE. (TOM MAGUIRE)
- p) *[Removed for discussion by Councilor Dominguez]*

- q) **ADOPTION OF FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE MATTER OF GOVERNING BODY REVIEW OF PLANNING COMMISSION CASE #M-2008-26 APPROVING THE LA TRIADA TOWN HOMES FINAL DEVELOPMENT PLAN. (DONNA WYNANT)**
- r) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON MARCH 11, 2009:**
 - 1) **BILL NO. 2009-7 – AN ORDINANCE CREATING A NEW ARTICLE 7-4 SFCC 1987, GREEN BUILDING CODES; CREATING A NEW SECTION 7-4.1 SFCC 1987, RESIDENTIAL GREEN BUILDING CODE (SINGLE FAMILY ATTACHED AND DETACHED); AND REPLACING SECTION 7-15 SFCC 1987 ENERGY AUDITS (COUNCILOR CALVERT, MAYOR COSS, COUNCILOR WURZBURGER, COUNCILOR BUSHEE, COUNCILOR ROMERO AND COUNCILOR DOMINGUEZ). (KATHERINE MORTIMER)**
 - a) **CONSIDERATION OF RESOLUTION NO. 2009- ____ (COUNCILOR CALVERT, MAYOR COSS, COUNCILOR WURZBURGER, COUNCILOR BUSHEE, COUNCILOR ROMERO AND COUNCILOR DOMINGUEZ). A RESOLUTION ADOPTING THE ADMINISTRATIVE PROCEDURES FOR THE SANTA FE RESIDENTIAL GREEN BUILDING CODE. (KATHERINE MORTIMER)**
 - b) **CONSIDERATION OF RESOLUTION NO. 2009- ____ (COUNCILOR DOMINGUEZ, MAYOR COSS, COUNCILOR CALVERT, COUNCILOR WURZBURGER, COUNCILOR BUSHEE AND COUNCILOR ROMERO). A RESOLUTION ADOPTING AN EDUCATION AND OUTREACH PROGRAM FOR THE IMPLEMENTATION OF THE CITY OF SANTA FE'S RESIDENTIAL GREEN BUILDING CODE. (KATHERINE MORTIMER)**
 - c) **CONSIDERATION OF RESOLUTION NO. 2009- ____ (COUNCILOR CALVERT, MAYOR COSS, COUNCILOR WURZBURGER, COUNCILOR BUSHEE, COUNCILOR ROMERO AND COUNCILOR DOMINGUEZ). A RESOLUTION ESTABLISHING INCENTIVES FOR GREEN BUILDING THAT EXCEEDS THE REQUIREMENT OF THE SANTA FE RESIDENTIAL CODE. (KATHERINE MORTIMER)**
 - d) **CONSIDERATION OF RESOLUTION NO. 2009- ____ (COUNCILOR CALVERT, MAYOR COSS, COUNCILOR WURZBURGER, COUNCILOR BUSHEE, COUNCILOR ROMERO AND COUNCILOR DOMINGUEZ). A RESOLUTION ESTABLISHING TARGET GOALS FOR THE CITY OF SANTA FE'S RESIDENTIAL GREEN BUILDING CODE TO MEET THE GOALS SET FORTH IN THE U.S. MAYORS CLIMATE AGREEMENT. (KATHERINE MORTIMER)**
 - 2. **BILL NO. 2009-8 – AN ORDINANCE ESTABLISHING A RURAL RESIDENTIAL ZONING DISTRICT FOR THAT AREA REFERRED TO AS AREA 1 IN THE SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF CLAIMS ENTERED**

INTO BY THE CITY OF SANTA FE, SANTA FE COUNTY AND OTHER PARTIES, DATED MAY 19, 2008 AND GENERALLY LOCATED WEST OF THE CURRENT CITY LIMITS AND NORTH OF AGUA FRIA STREET; AND MAKING SUCH OTHER RELATED CHANGES (COUNCILOR WURZBURGER).
(JEANNE PRICE) Councilor Bushee asked to be added as a cosponsor.

3. BILL NO. 2008-64 – AN ORDINANCE AMENDING SECTION 6-16-4 SFCC 1987, REGARDING HEARINGS BEFORE THE ETHICS AND CAMPAIGN REVIEW BOARD; AND AMENDING VARIOUS SECTIONS OF ARTICLE 9-2 SFCC 1987 CAMPAIGN CODE (MAYOR COSS). (YOLANDA VIGIL)

- s) *[Removed for discussion by Councilor Calvert]*
- t) CONSIDERATION OF RESOLUTION NO. 2009- 20 (COUNCILOR DOMINGUEZ AND COUNCILOR ORTIZ). A RESOLUTION AMENDING ARTICLE 11 OF THE CITY OF SANTA FE RULES & PROCEDURES FOR CITY COMMITTEES REGARDING VOTING BY COMMITTEE CHAIRPERSONS. (FRANK KATZ)
- u) CONSIDERATION OF RESOLUTION NO. 2009- 21 (COUNCILOR TRUJILLO). A RESOLUTION AMENDING RULE V OF THE GOVERNING BODY PROCEDURAL RULES TO INCLUDE A SALUTE TO THE NEW MEXICO FLAG AT THE AFTERNOON AND EVENING SESSIONS OF THE GOVERNING BODY MEETING. (YOLANDA VIGIL)

7. APPROVAL OF MINUTES: Regular City Council Meeting – January 28, 2009.

Councilor Trujillo moved, seconded by Councilor Dominguez, to approve the minutes of the Special City Council Meeting of January 28, 2009, as presented. The motion was approved on a voice vote, with Councilors Bushee, Calvert, Chavez, Dominguez, Ortiz, Romero, Trujillo and Councilor Wurzbarger voting for the motion and none against.

8. PRESENTATIONS

- a) EMPLOYEE OF THE MONTH FOR FEBRUARY 2009 – OFFICER BRUCE PRATZ AND KASEY.

Mayor Coss read the nomination into the record. He presented a plaque to Officer Pratz and Kasey, along with a check for \$200 from the Employee Benefit Committee. Mayor Coss thanked Officer Pratz and Kasey for the exemplary work with school children.

Officer Pratz said this is not a new program, but it is a new approach. It is a system of positive rewards for positive behaviors. He said Kasey opens the kids hearts so he can open their minds.

Councilors Trujillo, Chavez and Dominguez added their thanks and appreciation for the great work being done by Officer Pratz and Kasey.

b) MUCHAS GRACIAS – BIANCA GARCIA AND MARY APODACA – MAYOR'S YOUTH ADVISORY BOARD.

Mayor Coss presented Muchas Gracias certificates to Bianca Garcia and Mary Apodaca for their service to the City as members of the Mayor's Youth Advisory Board for the past five years, saying they are now going to College.

Councilor Dominguez said this is a voice which needs to be heard to help us to be able to build a solid framework and foundation for the work of the youth. He asked them to let the City know of anybody else who is willing to serve on this Board.

c) MUCHAS GRACIAS – CHARLES BALDONADO.

This item was postponed to February 25, 2009.

d) PROCLAMATION – "EAGLE SCOUT MONTH IN SANTA FE." (MANNY ORTIZ)

Mayor Coss thanked Manny Ortiz for his work with the Eagle Scouts. He thanked the Eagle Scouts for their hard work and their parents for their support. Mayor Coss proclaimed February as Eagle Scout Month in Santa Fe, and presented the proclamation to Manny Ortiz.

Councilor Bushee thanked Manny Ortiz for his years of hard work.

Mayor Coss again thanked Mr. Garcia, saying he is a living treasurer.

e) MUCHAS GRACIAS – CITY OF SANTA FE RECEIVES TOP HONORS FROM THE NEW MEXICO WATER AND WASTEWATER ASSOCIATION:

Mayor Coss read the letters of nomination into the record for each of the following, presented each of the winners with a Muchas Gracias Certificate and thanked them for their exemplary work on behalf of the City.

- 1) MOST IMPROVED SURFACE WATER TREATMENT FACILITY**
- 2) THE CAROLINE MARTINEZ ACHIEVEMENT AWARD – GARY MARTINEZ**
- 3) SURFACE WATER PRODUCTION OPERATOR OF THE YEAR – DANNY MARTINEZ.**
- 4) LAB ANALYSIS FACILITY OPERATOR OF THE YEAR – BRIAN MASCARENAS**

Michael Gonzales thanked the City for these honors and for the certificates, saying these individuals are only part of the excellent staff.

Councilors Chavez and Bushee thanked staff for their dedicated service to the City.

CONSENT CALENDAR DISCUSSION

9(k) REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO PROFESSIONAL SERVICES AGREEMENT – SANTA FE CIVIC CONVENTION CENTER; HANDS ENGINEERING, LLC. (MARTIN VALDEZ)

1) REQUEST FOR APPROVAL OF AMENDMENT NO. 8 TO PROFESSIONAL SERVICES AGREEMENT – SANTA FE CIVIC CONVENTION CENTER; FENTRESS BRADBURN ARCHITECTS, LTD.

Councilor Calvert said at the Public Works Committee, staff was asked to follow-up and clarify a dispute on one of the issues by the time this reached the Council. He asked if there has there been a resolution on that particular issue.

Martin Valdez said they did discuss this issue with the architect and the electrical engineer. He said the \$41,000 item can be split into three components. The first is the elevator control cabling and conduit. He said the electrical engineer fees that they specified the cabling and the conduit in the plan, but didn't specify location and that's where the issue comes in. The general contractor, through his subcontractor, states that he included only 100 ft. of the 2,200 feet of cable and conduit, so their position is that the general contractor should have asked.

Mr. Valdez said the second item, which is the electrical power for the elevator oil cooler service, was not included in the general contractor's bid and is required to support elevator operation in the times of high usage. The electrical engineer recognizes this as being an omission and is willing to undertake responsibility for the difference between the bid price and the change order price.

Mr. Valdez said the third item is the additional electrical subpanel which is required to take some of the electrical items which were added or were not included. The electrical engineer believes the owner did receive additional value for the electrical subpanel because it also will provide capacity for any future needs of the City in that building.

Councilor Calvert asked if the electrical subpanel should have been specified on plans, and wasn't, and if someone else has a responsibility in this regard. He said he understands the reimbursement was going to the architectural and design firm.

Mr. Valdez said "it" does address an amendment to the architect's contract for additional services which were required as the result of additional commissioning that the contractor is going to be paying. He said the third item, the electrical subpanel will cost about \$2,5000, and there were some electrical additions which also could have required the additional subpanel.

Councilor Calvert said he understood the total for the item being questioned was about \$40,000.

Mr. Valdez said this is correct, noting the electrical engineer feels he specified the cabling and the conduit for the elevator controls, but didn't indicate where that control should have been and feels the contractor should have asked that question at bid time.

Councilor Wurzbarger asked for a summary, with regard to the \$41,000, with regard to who is taking what responsibility for paying – what piece is the City not responsible for paying at this point.

Mr. Valdez said the electrical engineer will pay \$2,500 of the \$41,000.

Councilor Calvert said it doesn't sound to him as if this issue has been resolved, and would like to table this item until these issues are better resolved.

Councilor Calvert moved, seconded by Councilor Wurzbarger, to table this item until the issues are better resolved.

Clarification of the Motion: Yolanda Vigil, City Clerk asked if the motion is to postpone this item to the next Council meeting.

Discussion on clarification of the Motion: Councilor Calvert said that depends on the negotiation, and he doesn't know whether to specify a date.

Councilor Chavez asked the date to when the item is tabled.

Ms. Vigil said it is postponed until it is resolved.

Councilor Calvert said he is trying to give staff leeway to resolve this issue, and he could postpone to next meeting, but they might not have the answer by then.

Councilor Wurzbarger said she believes this was discussed at Finance and believes it is not correctly resolved and more work needs to be done. She asked if staff believes two weeks would be adequate time to work on this.

Mr. Valdez said he could also have discussions with the legal staff.

Restated Motion: Councilor Calvert moved, seconded by Councilor Wurzbarger, to postpone this item to the Council meeting of February 25, 2009.

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.

Explaining his vote: Councilor Chavez said although he will vote to postpone to the next meeting, there probably are some issues where there is no leeway for discussion.

Responding to Councilor Bushee, Mayor Coss said this item will come back to the Council at the next meeting and won't go back to the Committees.

9(p) CONSIDERATION OF RESOLUTION NO. 2009-22 (COUNCILORS DOMINGUEZ AND ROMERO). A RESOLUTION PROCLAIMING THE MONTH OF MAY THIS YEAR AND EACH YEAR FORWARD AS "UNDERAGE DRINKING PREVENTION MONTH," AND TAKING EFFORTS TO EDUCATE THE CITY EMPLOYEES AND THE PUBLIC REGARDING THE DANGERS OF UNDERAGE DRINKING AND ENCOURAGING PARENTS TO EDUCATE THEIR CHILDREN REGARDING THESE DANGERS. (TERRIE RODRIGUEZ)

Councilor Dominguez said he provided each of the Councilors with a pamphlet on underage drinking in New Mexico, titled *Out of Control*. He said we do have underage drinking in the community, and spoke about the impact on his life when he was young and some people were killed, commenting that Councilor Trujillo probably has the same memories. He said part of what this is intended to do is for his family and others in the community to avoid these kinds of experiences the lasting impacts. He asked Ms. Mandley to make a short statement. He said, even as a City Councilor, he doesn't want his children and family to experience these kinds of impacts.

Ms. Shelley Mandley said she is the Chair of Santa Fe Underage Drinking Prevention Alliance. She said there are many organizations committed to this effort. Ms. Mandley said in New Mexico, drinking starts at a very young age, and New Mexico is first in the nation of young people who report drinking before the age of 13. She said 34% of Santa Fe County high school students say they had their first drink before age 15, and 20% in middle school before age 11. She said underage drinking contributes to DWI, suicide and homicide which are the three leading causes of death for young people. It also harms the brain, and impacts academic performance and violence, sexual assault. Kids who start drinking before age 15 are five times more likely to have problems with alcohol as adults. She appreciates the efforts of Councilors Trujillo and Dominguez in introducing the Resolution, saying this is an opportunity to put this issue before the community and to continue the shift in community norms. We need every adult to say to the young people that alcohol affects teens differently than adults. We need to be concerned about underage drinking.

Councilor Dominguez moved, seconded by Councilor Bushee, to adopt Resolution No. 2009-22:

Discussion: Councilor Bushee asked to be added as a sponsor.

Friendly amendment: Councilor Bushee suggested the following amendments so the Resolution is very clear and the message is strong:

Page 1, line 14: "...underage drinking of alcohol and..."

Page 2, line 15: "...and no one drinks alcohol and...."

The amendment was friendly to the maker and there were no objections from the other Councilors.

Councilor Romero said she really appreciates all of the work. She is a former Board member of La Nueva Vida and St. Vincent's Hospital, both of which look at issues of prevention. She said it is difficult to fix a problem after the fact. She encourages more "social fabric" funds being used to address underage drinking. She is also a cosponsor of legislation asking the Legislature to add a tax to alcoholic beverage sales. There is a direct correlation between alcohol and domestic violence. She commends all of the hard work to start efforts around prevention, and wants us all to keep working hard at this because we're saving lives.

Mayor Coss thanked Ms. Mandley for her work.

Councilor Trujillo said he and Councilor Dominguez lost three dear friends in a car crash in 1985, and it had an impact on all of their lives. He said we need to tell our children constantly the impacts and consequences of drinking and driving. He thanked Shelley for all she does.

Councilor Dominguez said he spoke with Joe Abeyta about getting with this group to do a creative piece for the TV station.

The motion, as amended, was approved on the following roll call vote:

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

Against: None.

9(s) CONSIDERATION OF RESOLUTION NO. 2009-23 (COUNCILOR CALVERT, MAYOR COSS AND COUNCILOR WURZBURGER). A RESOLUTION DIRECTING THE CITY ATTORNEY'S OFFICE AND THE LAND USE DEPARTMENT TO WORK COOPERATIVELY WITH THE STATE CAPITOL BUILDINGS PLANNING COMMISSION IN ORDER TO INITIATE THE DEVELOPMENT OF A STATE CAPITOL CAMPUS HISTORIC DISTRICT WITH RELATED STANDARDS. (DAVID RASCH) 2009-23

A copy of a map, submitted for the record by David Rasch, is incorporated herewith to these minutes as Exhibit "1."

A copy of the Action Sheet from the Public Works/CIP and Land Use Committee Meeting of February 9, 2009, is incorporated herewith to these minutes as Exhibit "2."

A copy of a proposed amendment from the Historic Design Review Board is incorporated herewith to these minutes as Exhibit "3."

Councilor Calvert said he pulled this item to propose an amendment recommended by the Historic Design Review Board, noting he is going to amend that proposed amendment [Exhibit "3"], and would submit the amended amendment as follows:

1. On page 2, line 15, after the word "commission" insert the words "and a representative from the historic preservation community appointed by the Mayor."

Councilor Calvert moved, seconded by Councilor Bushee, to adopt Resolution No. 2009-23 as amended.

Discussion: Councilor Bushee asked if the City is going to seek an Attorney General's Opinion in terms of the City's authority.

Mr. Katz said there was a resolution last May about working cooperatively with the State to get them to bring their design for the garage to the H-Board to work out, and if we were unsuccessful, we would then seek an opinion from the Attorney General as to whether our ordinance applies. He said he thinks we were quite satisfied with the consultation that we had, so we have not sought that Attorney General's Opinion.

Councilor Bushee said she understood Counselor Katz went to the Legislature in support of SB 360, and she believes there is a split opinion about that bill, in terms of what it would do. She asked the City's position on Speaker Lujan's bill that is moving forward.

Mayor Coss said the City has taken no position, and neither opposes nor supports the bill.

Councilor Bushee said then the newspaper was wrong about Mr. Katz advocating for the bill.

Mr. Katz said he spoke at the Committee. He said the problem is that they tend to break out those speaking into the "for and against" category. He said he praised the process we had with the parking garage. He pointed out that the bill improves on the process by getting us involved considerably earlier which had been a problem.

Councilor Bushee said it is not clear to her as to whether it harms our jurisdictional situation.

Mr. Katz said he has no question in his mind that the City now has a good legal argument that our ordinance applies to the State. It is equally clear to him, that the State never thought about that when they passed the statute which authorizes the City to have a historic district. He said what is being proposed now is that the State will agree to make sure that all of its projects within the historic district generally are

compatible with our ordinance. He said this is a good thing. He said this means to him that the State isn't likely to submit itself to the jurisdiction of the H-Board, nor to agree on every single aspect of it. However, it does mean that the State will not be able to build something which is a story taller than what is allowed in the district, nor destroy significant buildings. These generally aren't compatible with our ordinance, and for the State to do this would be "flying in the face of the ordinance." He believes the State is agreeing to quite a lot in the bill's proposal.

Councilor Bushee asked if there is a definition of "generally compatible," because when it comes to height, we will be in the same situation we've been in. She doesn't believe the State would destroy a building, but lowering a story might not happen if it is generally compatible.

Councilor Wurzbarger asked Mayor Coss and Councilor Ortiz, Parliamentarian, if Councilor Bushee's question is an issue in this Resolution.

Mayor Coss said it is not precisely on the subject of the Resolution and the amendment.

Councilor Bushee said she would like to amend the Resolution if she doesn't get the answers "I'm happy with, so it absolutely is clear." She said the Parliamentarian can rule on this.

Councilor Ortiz said he supposes the answers need to be given to questions which are asked for purposes of possibly amending the Resolution.

Mr. Katz said it is his view that height is so totally crucial and central to the ordinance that if they're going to propose a building that is perhaps two feet higher than the rule, maybe that's generally compliant. However, if they're going to propose a building that is a full story higher, then that is nowhere near compliant, and he doesn't see that as fitting within "generally compatible." Responding to Councilor Bushee, Mr. Katz said "generally compatible" isn't defined.

Councilor Trujillo asked if another building in this District could be as large as the Bataan Building with the tower where the flag flies.

Mr. Katz said this Resolution requests developing the rules for that. He said in the Historic District, the towers generally aren't included in a height calculation, and they are talking about the floors "where you're going to have stuff." He is unsure whether anyone could do a tower as high as the one on the Bataan Building. He said this proposal is to work out the height limits. Currently the H-Board averages the heights in the area, and there are a lot of single story houses, which means, under a strict interpretation of the ordinance, the height limitation probably would be one to one-and-a-half stories. That's not realistic, so the purpose of the proposed Special District is to do something which is compatible with the state buildings in that District.

Councilor Trujillo's concern is that if there is a building which already is that high, can they use that State building height to build another to the same height. He believes the State could use this as an argument.

Mr. Katz reiterated that the object of this Resolution is to have the City work with the State to reach those limits, but ultimately the limits will be set by this Council and not the State.

Councilor Chavez sees this as being similar to the Hospital District we adopted recently, but this one will have a different set of details. He believes this is a step in the right direction, and it sets boundaries and establishes guidelines. He said we just lost one building downtown with the new Courthouse which was at least contributing. We don't want to encourage that practice, and we want to keep what we have intact. He thinks this District and the plan would identify that in a better way so that any changes would fit into the existing streetscape to the extent possible.

Councilor Romero sees this as a positive step in the right direction, hopefully to work cooperatively with our fellow agencies, reminding the Council that the Resolution includes federal, state, county and tribal entities. She said all of these aren't necessarily in the Historic District. She hopes in the future this will be used as a stepping-stone for other properties, including the DOT complex which is "looming" on Cerrillos Road, noting some of those buildings are old John Gaw Meem design style buildings. She thinks the intent is important, which is to work cooperatively with our fellow agencies in whatever manner is possible, and said she is very supportive of the Resolution.

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.

END OF CONSENT CALENDAR DISCUSSION

10. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

11. MATTERS FROM THE CITY ATTORNEY

**EXECUTIVE SESSION: DISCUSSION ON THE SHORT TERM RENTAL LITIGATION;
PURSUANT TO §10-15-1(H)(7) NMSA 1978.**

Councilor Calvert moved, seconded by Councilor Romero, that the Council go into Executive Session for the purpose of the discussion on the Short Term Rental Litigation, pursuant to §10-15-1(H)(7).

The motion was approved on a roll call vote as follows:

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

Against: None.

Absent: Councilor Wurzburger.

The Council went into Executive Session at 6:07 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

At 7:08 p.m. Councilor Bushee moved, seconded by Councilor Romero, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were the item which was on the agenda, and no action was taken.

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

Mayor Coss moved Items #12 Matters from the City Clerk, and #13 Communications from the Governing Body, to the end of the agenda.

END OF AFTERNOON SESSION AT 7:09 P.M.

The Council moved directly into the Evening Session without a break

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

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

Members Present

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

Others Attending

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

E. PETITIONS FROM THE FLOOR

There were no petitions from the floor.

F. APPOINTMENTS

Board of Adjustment

Mayor Coss appointed the following individual to the Board of Adjustment:

Susan E. Rooney, to fill unexpired term ending 9/2011.

Councilor Bushee moved, seconded by Councilor Chavez, 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.

Bicycle and Trail Advisory Committee

Mayor Coss appointed the following individual to the Bicycle and Trail Advisory Committee:

John W. Longworth – to fill unexpired term ending 11/2009.

Councilor Bushee moved, seconded by Councilor Romero, 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.

Archaeological Review Committee

Mayor Coss appointed the following individual to the Archaeological Review Committee:

Jeremy R. Kulisheck – to fill unexpired term ending 6/2010.

Councilor Bushee moved, seconded by Councilor Chavez, 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.

G. PUBLIC HEARINGS

- 1) **REQUEST FROM PALIO, LLC., FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT IL PALIO RISTORANTE, 440 GALISTEO STREET. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil, noting the business isn't within 300 feet of a church or school, and staff recommends 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 Chavez, to grant the request for a Restaurant (Beer & Wine) Liquor License to be located at Il Palio Ristorante, 440 Galisteo 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 Wurzburger.

Against: None.

- 2) CONSIDERATION OF BILL NO. 2009-3 ADOPTION OF ORDINANCE NO. 2009- 4 (COUNCILOR WURZBURGER). 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, SECIMENT 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. (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.**

Alan Hook presented information regarding this matter from the materials in the Council packet.

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. 2009-4, including approval of Items 2(a) and 2(b).

The motion was approved on the following Roll Call vote.

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

Against: None.

Absent: Councilor Ortiz.

- 3) CONSIDERATION OF BILL NO. 2009-2; ADOPTION OF ORDINANCE NO. 2009-5 COUNCILOR TRUJILLO, COUNCILOR CALVERT, COUNCILOR BUSHEE AND COUNCILOR ROMERO). 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. (BILL DeGRANDE)**

Bill DeGrande presented information regarding this matter from the materials in the Council packet.

Councilor Dominguez asked if the City Manager or Mr. DeGrande have noticed an increase in people collecting garbage in the back of their vehicle because they are filling their bins too quickly.

Mr. DeGrande said he hasn't noticed anything, but if people put out extra bags right now, the City picks those up, so he doesn't know why people would put garbage in the back of their truck.

Councilor Dominguez said he has received calls from constituents complaining that their neighbors are throwing garbage in the back of their pickups. He wonders if this is because they don't know the City will pick it up, even though it's not in the bin.

Mr. DeGrande said it could be possible that they don't know, and reiterated if people call the Division they will send a truck to pick up the additional bags.

Mr. Buller said he will ask Mr. Gurule to do a RequestTracker report and see if any complaints show up, and let him know.

Councilor Bushee said she is supportive of the "pay as you throw" system. However, she has some concerns. She asked how he will get the program going so people can get the additional tags easily. She said there have been problems in parts of her District in picking up trash consistently on a weekly basis. She asked what happens when it overflows. She said people need additional space for pickup of green waste. She asked if we can develop a program to pick up green waste seasonally in the summer, rather than having them pay a new monthly fee.

Mr. DeGrande said they plan to sell the tags at the cashier's office and at the water company. He said they will provide service door-to-door for those who are on the physically disabled routes, and they can purchase additional tags.

Councilor Bushee asked if people can do this on line.

Mr. DeGrande said this isn't possible now, but he will certainly consider it.

Councilor Bushee said it should be really easy, because you will see illegal dumping if it's not.

Mr. DeGrande said he will do his best to make it easy and he will look into that.

Mr. DeGrande said, with regard to the additional bags, most of the issues for the past three months have been staffing issues. This program will not work if we do not provide consistent service, which is their goal.

Councilor Bushee said there are people who don't get consistent service.

Mr. DeGrande said he understands. However, he has been critically understaffed for months. He hired five new drivers to go to work over the next three weeks which he thinks will resolve the issue.

Councilor Bushee asked if people can get a credit somehow, or some way to acknowledge that if people don't get their trash picked up they can put it in next month's, or on the side or whatever it takes.

Mr. DeGrande said currently there are no residential credits, although there are for commercial accounts. He said when residential pickups are missed, people can call the Division and they will have somebody out within 24 hours – this is the policy and they try.

Councilor Calvert said his experience has been that generally they follow that policy until recently when they have had staffing shortages. He said it is in their best interest to pick up on regular day, so they don't have to make special trips. He doesn't think we want people holding garbage for the next week's pickup because it isn't nice to have week old garbage sitting in your neighborhood.

Mr. DeGrande said, with regard to green waste, he just went out to bid on a new large item truck to provide large item service which frees the older large item pickup truck. The plan all along, as presented last year, is to develop a seasonal green waste program, using the older truck. It will run the same as the large item pickup program – you call, we come out and pick it up, but you have to make an appointment.

Councilor Bushee asked if the green waste is bagged, can it be used in composting.

Mr. DeGrande said this is an issue for SWMA. He said he is meeting with SWMA and one of the items on the agenda is how to deal with bagged leaves. He said tree trimmings aren't an issue, but leaves are because they always put them in a bag. Responding to Councilor Bushee, Mr. DeGrande said they still are doing composting/shredding.

Councilor Romero said her experience has been that the Division follows-up on complaints and people got their trash picked up. She encouraged Councilors to get complaints into the constituency services data base. She said many times people didn't know the ordinance requires putting trash out before 8:00 a.m., and such, and the educational component has been helpful in District 2. She said it is equally important to get complaints into the constituency services data base so they can be tracked. She said this gives the ability track what happened and follow up with the educational component. She supports this effort, and asked Mr. DeGrande to keep up the good work.

Councilor Chavez said in some situations trash accumulates because of the transient rental situation where people move in and out, and there is a gap where the trash sits there and people complain. He said when this happens, it is hard to get to the owner or the property management company. He asked Mr. DeGrande if there are policies or procedures addressing these situations, and if we can shorten the time trash might sit on the curb. He thinks is a rare occasion.

Mr. DeGrande said when somebody moves out of a house, they often leave broken furniture, busted appliances and such, in addition to bags. He said if the Division isn't working in that neighborhood at the time they won't know about this unless a neighbor calls. If they call, they will come out and pick it up free of charge. Responding to Councilor Chavez, Mr. DeGrande said many people leave without closing out their account.

Councilor Chavez said this needs to be part of the education and outreach.

Councilor Calvert said he doesn't think we need to encourage these kinds of pickups without charge.

Councilor Chavez said, although we don't want to encourage it, people should be educated that we are willing to do this.

Mr. DeGrande said the real issue with these situations is illegal dumping in the arroyo. He said the Division doesn't handle illegal dumping in the Parks, noting Parks handles those. He said if it is in the neighborhood, they will pick it up.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Trujillo moved, seconded by Councilor Romero, to adopt Ordinance No. 2009-5, with the staff amendments on page 7 of the packet.

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. 2009-24. CASE #M 2008-27. LAS SOLERAS GENERAL PLAN AMENDMENT. BECKNER ROAD EQUITIES, INC., REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATIONS OF 545.30 ACRES. THE AREA IS LOCATED SOUTH OF GOVERNOR MILES ROAD, EAST OF CERRILLOS ROAD, NORTH OF I-25 AND WEST OF RICHARDS AVENUE. (LUCAS CRUSE) (Postponed at January 28, 2009 City Council Meeting)**

Items No. G(4), (5), (6) and (7) were combined for purposes of discussion and public hearing, but were voted upon separately.

[STENOGRAPHER'S NOTE: Exhibits "7," "8," "9," and "10," are carried forward by reference as exhibits to these minutes for these combined agenda items from the City Council meeting of January 28, 2009, as follows:

A Memorandum dated January 16 for January 28, 2009 Santa Fe City Council Meeting, with attachments, to Mayor and City Council, from Lucas Cruse, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "7."

A Memorandum dated January 27 for January 28, 2009 Santa Fe City Council Meeting, with attachments, to Mayor and City Council, from Lucas Cruse, Senior Planner, Current Planning Division, regarding Las Soleras additional submittals, is incorporated herewith to these minutes as Exhibit "8."

A binder containing Exhibit "A", "Las Soleras General Plan Amendment, Annexation, Lot Line Adjustment, Rezoning and Variance Plan Report, including a letter dated January 16, 2009, with attachments, to Mayor David Coss and Santa Fe City Councilors, from Joseph M. Karnes, Sommer, Karnes & Associates, LLP, regarding *Las Soleras Annexation, General Plan Amendment, Rezoning, Lot Line Adjustment and Variance Application*, is incorporated herewith to these minutes as Exhibit "9."

A copy of a power point presentation to the City Council, dated January 28, 2009, "Las Soleras General Plan Amendment, Annexation, Lot Line Adjustment, Rezoning and Variance Plan," is incorporated herewith to these minutes as Exhibit "10." *END OF STENOGRAPHERS NOTE.]*

A copy of "Concerns and Recommendations regarding the Las Soleras Amendments to the General Plan for Future Land Use," submitted for the record by the Nava Ade Homeowners Association Ad Hoc Committee, is incorporated herewith to these minutes as Exhibit "4."

A copy of "NAHOA Summary of Concerns & Recommendations Regarding the Las Soleras General Plan Amendment," updated and revised, February 9, 2009, is incorporated herewith to these minutes as Exhibit "5."

A copy of a map of the area including Oshara Village, submitted for the record by Allen Hoffman, is incorporated herewith to these minutes as Exhibit "6."

A copy of a proposed amendment to Planning Commission Condition #19, submitted for the record by Karl Sommer, is incorporated herewith to these minutes as Exhibit "7."

A copy of a letter dated February 2, 2009, to Mayor Coss from Sheila Ortego, President, Santa Fe Community College, with attached Resolution from the Santa Fe Community College requesting the endorsement of the Richards Avenue/I-25 Site in the feasibility analysis of new Rail Runner Transit stops, entered for the record by Tom Romero, ON behalf of the Community College, is incorporated herewith to these minutes as Exhibit "8."

A copy of Item 09-0035, "City of Santa Fe Planning Commission Findings of Fact and Conclusions of Law," regarding Case #M-2008-27 Las Soleras General Plan Amendment; Case #M-2008-28, Las Soleras Annexation and Master Plan Approval; Case #M-2008-15, Las Soleras Lot Line Adjustment and Road Dedication; Case #ZA-2008-11, Las Soleras Rezoning; and Case #M-2008-44 Las Soleras

Variances" for applicant Beckner Road Equities, Inc., duly executed, with attachments, is incorporated herewith to these minutes as Exhibit "9."

Continuation of Public Hearing

Mayor Coss asked Las Soleras to limit its presentation to five minutes. He gave Mr. Lange of the Nava Ade Association twenty minutes to make their presentation. Following these presentations, he said the public will be invited to comment.

Karl Sommer was sworn. Mr. Sommer said previously the team reviewed the important aspects of this plan. He said first and foremost it is to take advantage of, and respond to the changes which have occurred over the past several years. First, there is a hospital which is a health care provider which has *invested in this community and that changes the nature of the land uses around that site.* The second is that there is now a train in Santa Fe [Rail Runner], and the MPO has designated a train stop in the development, around which a Transportation Oriented Development ["TOD"] could occur and this plan responds to that. Thirdly, the biggest change in the last year is the need for long-term, diverse and continued employment in our community and the availability for that opportunity is needed and the plan responds to that.

Mr. Sommer said part of what we heard at the previous Council Meeting, is that we have a different plan and that the plan qualitatively is better than it was before, because it responds to these changes and takes advantages of these opportunities, as follows:

- 1) The open space has been reconfigured in a way that qualitatively enhances the project from what it used to be and meets the needs of the community as well as the users in the Nava Ade area, in terms of a buffer. He said Baker Morrow can go into this in more depth if the Council would like and answer some of these questions.
- 2) The second issue which has arisen in the past two works is dealing in the manner in which they will treat the highway corridor and the plan for it. They have worked very hard on this. As a consequence of the discussions at the previous meetings, they have honed this to something they believe will be acceptable to the Council and provide the safeguards that have been expressed to them.

Mr. Sommer asked for the opportunity to respond in rebuttal to things which might arise, and would like to answer any questions at any point along the way.

Councilor Bushee asked if the Neighborhood Association has seen the additional submittals and if they have copies.

Mr. Sommer said they have seen the additional submittals, and he assumes they have copies.

Councilor Bushee asked about the setbacks.

Mr. Sommer said an email was sent to the Governing Body by Mr. Lange which specifically references that document, so he knows they have it.

Mr. Richard Lange, Chair, Nava Ade Ad Hoc Committee on Las Soleras, was sworn. Mr. Lange said he worked with the developers in coming up with the General Plan for Future Land Use. He said this presentation is revised from one that was in response to the submittal from the developers in August 2008. He said this presentation was done for more recent changes since the one done two weeks ago.

Mr. Lange thanked Jack Hiatt, City Planning & Land Use Director, for suggesting that he prepare a presentation and show it to staff in August when all of the issues were at hand. He thanked City Planning staff and Reed Liming, and Councilor Ortiz for his direction and counsel.

Mr. Lange presented information vis power point. Please see Exhibit "4" for specifics of this presentation. Mr. Lange commented as follows:

- ** Most of the issues with the developer have been resolved in one degree or the other. However, if the Governing Body would like they can ask questions regarding those issues.
- ** In demonstrating the opposition to a 100 ft. setback, Mr. Lange said in taking these photographs, he wished he had taken a tape recorder so you could hear the experience of being that close to the highway, which removes it from the realm of being a scenic tranquil experience, and you are very aware of the interstate.
- ** He said eight years ago, Robert Romero explained to him when they were dealing with Governor Miles Road, that the rationale for the 265 ft. setback was based on sound. He said at 265 ft. you can still hear traffic, but you can hear when someone is saying across the dinner table during dinner. At 170 feet he had to shout above the then four o'clock traffic.

SUMMARY OF NAHOA RECOMMENDED CONDITIONS FOR APPROVAL.

Provided that the MPO Conditions of Approval are met in regard to the proposed train site and its location:

- Retain 265 ft. minimum setback of Highway Corridor and approximate its amount of open space (105-ac) on the revised "topographical" tract per the current GPFLU; and

- Retain road connectivity between the school and Beckner Road per the GPFLU, and do it when Beckner Road is constructed.

Those speaking to the request

All those speaking were sworn en masse

Tom Romero, on behalf of SF Community College [previously sworn], entered for the record a letter from President Ortego and a Resolution adopted by the College of Santa Fe on January 22, 2009 [Exhibit "8"]. Mr. Romero said they have attended several of the different meetings, but haven't had the opportunity to make this statement, noting he is handing out the letter and Resolution passed by the Community College at its meeting on January 22, 2009, noting they were prepared to make this presentation at the previous meeting. Mr. Romero read the Resolution into the record as follows:.

A RESOLUTION OF THE SANTA FE COMMUNITY COLLEGE GOVERNING BOARD TO ENDORSE INCLUSION OF THE RICHARDS AVENUE/I-25 SITE IN FEASIBILITY ANALYSIS OF NEW RAIL RUNNER TRANSIT STOPS AND TO DIRECT THAT COPIES OF THIS RESOLUTION BE SUBMITTED TO THE METROPOLITAN PLANNING ORGANIZATION, TO GOVERNING BODIES OF SANTA FE COUNTY, THE CITY OF SANTA FE, THE STATE DEPARTMENT OF TRANSPORTATION, AND TO THE OFFICE OF THE GOVERNOR

WHEREAS, the Santa Fe Community College is situated in a rural setting that is remote from most residential areas in the surrounding City/County, is minimally served by bus transportation with service that is infrequent and requires inordinate time to access the campus, and serves a large student population that must rely primarily on auto transportation to access the campus, creating large contributions to carbon emissions directly from commuter traffic; and

WHEREAS, the Santa Fe Community College has made a commitment to reduce its carbon emissions through alternative energy sources and through reduction of commuter transportation; and

WHEREAS, access routes to the Community College and to surrounding developments (Rancho Viejo, Oshara Village, La Pradera, Desert Sage, Mission Viejo, Taurus Property and Las Soleras) and institutions (Institute of American Indian Arts campus, Santa Maria de la Paz Church and regional Catholic school) are limited and principally routed through residential areas, creating traffic congestion, providing limited opportunity for expansion, and subjecting residential, pedestrian, and transit users to increased safety concerns; and

WHEREAS, the new Rail Runner light train facility has potential to accommodate inter-city commuters using the campus, as well as local residents needing to access the campus, when combined with local public transit alternatives, and with strategic planning and development of intra-city transit stops; and

WHEREAS, the Santa Fe Community College has expressed its concerns in open meetings and provided testimony indicating the need to consider access and proximity to the College and surrounding residential developments as part of the criteria in selecting transit stops; and

WHEREAS, the Metropolitan Planning Organization (MPO) has made decisions and designations of future Rail Runner transit stops that do not consider the traffic and access considerations expressed by the Santa Fe Community College, most recently, eliminating consideration of a stop at Richards Avenue and I-25 from feasibility planning, counter to recommendations of the MPO technical teams; and

WHEREAS, the Governing Board of the Santa Fe Community College considers that the previously recommended transit stop location at Richards Avenue and I-25 has strong potential to support the access and transit needs of the Santa Fe Community College and surrounding residential and commercial developments;

NOW, THEREFORE, BE IT RESOLVED by the Board of the Santa Fe Community College to request the Metropolitan Planning Organization that the transit stop location at Richards Avenue and I-25 be included in the feasibility planning analysis that will be conducted along with the analysis of the proposed transit stop at Las Soleras, such that the concerns and interests of the Community College and surrounding residential and commercial developments will be considered as part of the feasibility analysis and that the transit stop selected demonstrably best serve the majority needs in the Community College District; and

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted by the President of the Santa Fe Community College to the Metropolitan Planning Organization, to the governing bodies of Santa Fe County, the City of Santa Fe, the State Department of Transportation, and to the Office of the Governor.

ADOPTED THIS 22 DAY OF JANUARY 2009.

*SANTA FE COMMUNITY COLLEGE BOARD
LINDA SIEGLE, CHAIR*

*ATTEST:
CAROLE BRITO, SECRETARY*

Mr. Romero said the Board wanted to emphasize it will be meeting again on this next week, and probably will come up with further resolutions, and there is a real urgency in dealing with these issues for the College and so this resolution is being presented to all of these bodies.

Allen Hoffman, founder of Oshara Village [previously sworn]. Mr. Hoffman entered a map of the area into the record [Exhibit "6"] He said they just learned the Las Soleras project is proposing a train station. He said he fundamentally is in favor of the project proposed, because he supports TODs. He said if you look at the map which was handed out ["Exhibit "6"] you will see that the location originally in the study maps, proposed by the Department of Transportation, which is on one side or the other of Richards, you will notice that within the half-mile distance that is drawn would service Las Soleras, Mission Viejo, Desert Sage, Taurus property, Oshara property and La Padera. He said the bus presently goes up Richards Avenue and would be able to stop at the site if it was put back into the location proposed by DOT's original study maps, or the location which he proposes. He said he asked why Las Soleras would propose to locate the station where only it could gain access within walking distance, and it "came to me, that's obviously the reason."

Mr. Hoffman said he would request that the City Council approve the proposal with the condition that the train stop return to its original site. He said they have stated in the past there are reasons why it wouldn't work there. However, he believes all of those problems can be solved. He said a statement was made that you can't do it on Richards, because you can't gain access to it. In fact, Santa Fe County proposed originally that there be a series of roundabouts. He said a signal was installed at Dinosaur, and at the time, Eric Worrel, of the DOT Highway Department, wrote a letter stating that signal would have to be removed if there ever was to be an interchange at Richards/I-25, because it would cause stacking which a roundabout would not, and the County is aware of this. In fact, if that signal was moved, you could install a roundabout and there is ample space between the track and the northbound lane of I-25. He said the roundabouts have been very effective on Richards, handling enormous traffic with no stacking or problems. He said although it may not be the moment for them to propose a master plan, a train station at this location which service all these other communities would serve Las Soleras very amply. He requested that the Council make this a condition of approval.

Seth Vierma, Monte Sol Charter School [previously sworn], thanked the City for funds to spread the School's mentorship program to Capital and Santa Fe High Schools, noting it has been very successful and they are moving forward. He said Monte del Sol strongly supports the Las Soleras plan for several reasons: (1) the open space around the school ; (2) the idea of being able to have a baseball field adjacent to the school; (3) they like the idea of a District K-8 School nearby, and the opportunity for the high school students to mentor the younger students, tutor them and connect to the younger students in the District; (4) they are excited about the idea of the train station, because transportation to the school is a problem, and they like that students can travel safely to and from school, noting the bicycle paths will help as well.

Mr. Vierma said a big concern for them is the traffic, and asked Mr. Lange to call him at (505) 577-1828, noting he takes away kids driving privileges when he hears they are speeding. He said on Friday, a student was grazed by a car in their parking lot. He said the emergency vehicles were there within 10 minutes, noting this was within the 4:00 p.m. time when a backup can happen. He believes there is only a problem during the 10 minutes you just have to wait to get out, and the Plan as it exists now isn't a huge issue. They are working on educating their student drivers.

Mr. Vierra said they are building a gymnasium, and when that is finished and they get the baseball fields, the traffic will go down because all of the athletes will be staying after school, and Nava Ade will see that problem reduced. He thanked Las Soleras for the plan.

Anna Hanson, 2008 Kiva Road [previously sworn], said she works for Oshara Village as Director of Community Building. She attended almost all of the meetings that the DOT and the MPO held for the public about location of the stations for the Rail Runner. She said after considerable, considerable, considerable amount of time and input, the station on Richards was the preferred station which was designated by the community. They also have spoken with IAIA, Santa Fe Community College and the surrounding neighbors, all of which think Richards Avenue is the place for the Rail Runner station. She thinks the Governing Body needs to seriously consider this. She said the Federal Highway Administration isn't the MPO, and it is a completely separate entity, noting she has dealt with them. She said it will take a long time for Las Soleras to get access to a federal highway right-of-way (ROW) to put a station in the middle of their ROW which has no access for emergency vehicles and other items. She thinks these are things which the Council has to consider.

Ms. Hanson said this City Council really needs to consider the opening and extension of Richards Avenue all the way to Cerrillos Road. She knows this is a touchy subject, but if you are going to have Beckner Road extend onto Richards from a huge subdivision, then you are going to have more traffic. She said Richards Avenue needs to connect, and you are creating more traffic failure. She completely supports Nava Adé's remarks on open space.

Ms. Hanson said, as a member of the City Parks Advisory Board, she is concerned with open space for the City, and wants to see more parks and open space in this Plan like the original plan. She said in the Community College District ["CCD"], 50% of the land is required to be open space. The City doesn't require that, but you are encroaching on the County and the CCD which has a 50% open space requirement. Therefore, areas for bicycles and trail are very important. She said you need to be aware, regarding the Monte del Sol School, that if they have Beckner Road, they can bike to the Rail Station on Richards Avenue, and it would serve the entire community of the CCD.

Teresa Cardenas, native of Santa Fe [previously sworn], said she left Santa Fe 20 years ago to become home builder in Albuquerque, and returned 10 years ago, and she now is going to be a builder in Las Soleras. They have been focusing on multi-family and senior housing. She is a Certified Active Adult Specialist in housing, certified by the National Homebuilders Association in Washington, D.C. She is also a Certified Aging in Place Specialist as well as a Certified Green Builder. They are planning to build an age restricted, active community, implementing aging in place design concepts. She described the variety of housing and the possibility of a continuing care retirement community. She said aging in place design principles, combined with current sustainable green building practices from the ground up, will be emphasized. This community will be about maintaining a resident's well being and quality of life. She said to implement these principles, it is critical that the overall master plan provide access to walking trails,

shopping, medical services and public transportation. She supports this project, because these developers have represented all of this criteria for this type of development. She said there is no need to expand the existing open space, the plan is fine as it is. She said adding more open space, changing the existing plan just adds to the cost of housing for seniors and affordability which has to be included in the project.

Ms. Cardenas said, for the Independent living cluster housing, home care services will be emphasized, and public transportation via train will be critical for homecare workers to get to the housing. She said great aging in place design is about creating independence. Its philosophy has an interdisciplinary team approach between the designer, the architects and the home construction professionals with a common partnership with the developer that is critical. On behalf of the National Homebuilders Association, Code of Ethics, she said these developers have demonstrated an absolutely incredible commitment to integrating aging in place design concepts into the overall master plan. They have accepted the obligations inherent in providing services to our aging population.

Karl Sommer distributed copies of proposed amended Condition 19 to the Councilors [Exhibit *7]. Mr. Sommer read the proposed amended Condition #19 into the record as follows:

- "19. The annexation master plan includes a portion of the land directly adjacent to the I-25 right of way that is labeled highway corridor (the "Highway Corridor"). Prior to or in conjunction with the first development plan application adjacent to the Highway Corridor, a comprehensive Highway Corridor Plan shall be submitted to the Planning Commission for review and approval. The Highway Corridor Plan shall identify locations of bundled open space, view corridors, a visual impact analysis of the Las Soleras I-25 corridor, architectural design features, locations of berms (existing and proposed), and landscape lighting standards to be implemented by the Plan. The depth of the Highway Corridor may vary to a minimum of 100 feet provided that the overall area encompassed within the Highway Corridor, outside of the BIP (or Transit Oriented Development) zone, shall be maintained. As part of the Highway Corridor Plan, the Trails Plan shall be revised to identify trail connections between the trail running east-west along I-25 and Beckner Road, making use of the bundled open spaces to create a continuous trail system. ~~The applicant may seek approval of development plans containing improvements located at a depth of less than 100 feet subject to the Planning Commission's discretion.~~

All applications for development plans adjacent to the Highway Corridor shall include visual impact analyses of views from I-25 both northbound and southbound using story poles and/or computer aided visual simulation to address all proposed improvements located within 265 feet of the I-25 right-of-way.

Mr. Sommer said the additions to Condition 19, with the exception of the last paragraph, were originally there, and it is part of the condition. Mr. Sommer noted at the previous meeting, Councilor Bushee indicated problems with the proposed language as discussed and we said less than 100 feet might

be possible, depending on studies. He said they are willing to live with 100 ft. as a hard line, and in addition to do the studies called for in this condition and come back to the Planning Commission with a Corridor Plan which addresses the topography, how this would work and the improvements that would have to be made. He believes this conditions works, and would answer any questions. He noted they worked hard with staff over the last two weeks on this condition to address issues and concerns which were raised.

Jim Siebert and Baker Morrow were sworn.

Jim Siebert, 915 Mercer said, with regard to the Highway Corridor issue, there was a discussion that the depth should be a *minimum* of 265 feet. He said 265 feet is a considerable distance in comparison to the length of a football field which is 100 feet. He said the other recommendation is that 105 acres be retained along the highway corridor. He said, "If you take a look at the other open space within the development, it would total 175 acres which is 32% of the entire project. This is really an urban project. It's not a rural project. It's part of the urban area. It is dense and it will develop in such a manner."

Mr. Siebert said there was discussion of bike paths and that they could be accomplished only if they are within the 265 ft. corridor. He said in the City's Bicycle Plan, east of Richard Avenue there is a planned bicycle path which is within the 100 feet which historically has been reserved from I-25. He said the City seems to think they easily can accomplish a bike path in this same area. He reminded the Council that they are proposing commercial uses along the corridor, noting commercial has a higher level for sound. he said a great deal of planning effort has gone into how to deal with and to protect the corridor, and Mr. Morrow will provide more detail. He said you see two things in the modified Condition 19. First, there will be a plan for the entire corridor dealing with open space, location and bundling of it. Secondly, any improvement within 265 ft. would have to do a very detailed analysis of the relationship of the building to I-25 and the architectural styles to go with that.

Baker Morrow said previously we talked about the edge of the corridor and the importance to maintain it and to develop some of the view sheds. He said "view shed" is landscape architectural jargon for how beautifully the Jemez Mountains can be framed from southbound I-25 in particular and framed from the highway. To be able to do that successfully, they developed the idea of a saw-toothed edge instead of a hard edge as shown in the "movie a couple of weeks ago." In some places just north of Las Soleras there are housing developments and what you see from the highway is another road in front of the houses, and they want to avoid that here. They want to use a series of existing berms along the edge of the road. He said he has the opportunity to do improvements on State Highway Department property to upgrade old road cuts which may be bare and pull those into the proposed development. They would like the opportunity to do that to pull the best views into the site and to take future landscaped areas for projects as they come up in Las Soleras and bundle that open space and tie that into the sawteeth. Most importantly, to tie the open space in as an in and out edge, a sawtooth, which will make the development much more pleasant on all sides. He said they are looking for a dynamic edge bundled with dynamic open space. He said it is a new and exciting idea, and the Las Soleras people have indicated it is a good idea and something they want to work on. He said they are excited about continuing their studies of the edge

and coming back to the Planning Commission and the City with all of these intersecting green spaces and how they work in the future.

Mayor Coss asked Mr. Morrow to wrap up, noting he is repeating testimony from last week.

Mr. Morrow said, "Intersecting and circling bicycle and walking routes, they are located throughout the development in a very impressive pattern, I think."

Karl Sommer said the plan before the Council responds to things which have occurred in the last two years. He said they are here because they have a Settlement Agreement with the City and the County which, to them, represents a new direction which the City, the County and the development community represented by Las Soleras chose to take to move forward. He said previously, we were working at cross purposes, fighting, litigating, debating and going nowhere on any real policy on annexation or proposed development or infrastructure. Now, we are all working together, which came largely because of the efforts of two members of the Council including the Mayor. He said this plan responds to that opportunity, and they are before the City after eight years, working together with the City and the County.

Mr. Sommer said the State has made a \$500 million investment and City can capitalize on it with the right kind of planning. This plan responds to that change. Finally, the other biggest change we're facing is the economy. He said we are a community blessed with much opportunity and haven't seen the catastrophic drops in employment and investment for jobs creation, but we can't sit back and this administration has made it clear that it won't sit back and is instead, taking a proactive approach. This plan responds to that condition. He said the opportunity for this Council is grand and if you take it along the lines we have discussed this evening, you will be doing generations of Santa Fe a great service.

The Public Hearing was Closed

Councilor Chavez moved, seconded by Councilor Romero, to adopt Resolution No. 2009-24 approving the Las Soleras General Plan Amendment with the appropriate staff recommendations, modified Condition #19 and all conditions of approval relevant to the General Plan Amendment.

Discussion: Councilor Chavez said Condition #19 deals with the Master Plan, "include master plan trails sheet page 7 and 18 as part of the City's annexation agreement." He believes that should read "settlement agreement," because this is the term we've been using. He asked Mr. Katz to comment.

Mr. Katz said he believes this is the actual Annexation Agreement between the City and Las Soleras.

Councilor Chavez said then the Annexation Agreement we speak to is the overall Annexation Agreement that brings us to this point, in addition to the work done by the RPA prior to that. He said Mr. Sommer spoke to the eight years and a Settlement Agreement. He would like to reference that the RPA had a role in this as well.

Councilor Ortiz understands there have been changed circumstances and asked if the developer has a response to the removal of park space which is on the approved general plan to now community commercial in C-2 zoning on the southwestern portion of the property. Responding to Councilor Chavez, Councilor Ortiz said he is comparing the last plat on Tab 3(B) to the last plat under Tab 9(A), noting 9(A) is what we approved in 2003 – it's the general plan amendment. He said what is listed on 3(B), was an attachment to the Annexation Agreement which is representatives of the approvals that the EZA/the County gave them. He asked if the developer has a response to the loss of the parks and open space.

Mr. Sommer said they have a rationale and justification which is twofold. The 2003 General Plan, which the City adopted, resulted principally in Las Soleras moving into the County and seeking other approvals which it obtained in the form of a village approval and in the form of a Master Plan for the crossings. The crossings, essentially are represented in that and they believe that the City's General Plan makes an inefficient use of that area of property for the reasons he's discussed. And that is, there is something new to respond to in the form of a TOD and the potential for that and the need for job creation. The General Plan does not respond to those conditions.

Councilor Ortiz said he isn't speaking of the TOD portion which is identified in orange and red on the map, but farther south. He said it is the property which is right across the street from the hospital parcel you just sold to Presbyterian. He said across the street under the City's plan it is colored green and under their plan it is colored as office and community commercial C(2) and C(1) and he doesn't see the green picking up in other parts of the property for that loss. He asked if it is because he thinks the purposes of open space, ball fields and soccer fields are building office buildings which will support the TOD.

Mr. Siebert said if you look at both plans, the idea in 2002 when the General Plan Amendment was originally adopted, was that there is an institutional site and a park site. He said the original park site was 16 acres. What they have done is to go from 16 acres to 21 acres.

Councilor Ortiz said he's not talking about the park on north side of the property which has increased by seven acres, but the 26.56 acres which doesn't show up anywhere else.

Mr. Siebert said he is answering that question. He said in 2002 plan, there is institutional and park side by side. They now have a school site next to the park site which is further to the north, so we've accomplished the same thing. They have also gone from a quantity to a quality concept, with the emphasis on improving the landscape, and Baker Morrow is on board to work out those details.

Councilor Ortiz said the property above Las Soleras, and the representations of the South Beatty Annexation, is that the traffic circulation pattern you have listed in your presentation materials is incorrect. He recalls from that annexation, there was a condition of approval that Beckner Road actually bisect the property line. He said the applicant has Beckner Road terminating on the other side of the property. He said it is supposed to tee up with the development across from Las Soleras, and a stop is supposed to be put at that intersection. He asked someone to respond.

John Romero, Traffic Engineer, said he recalls that it was aligned fully within the Beatty South development and lined up with the Mission Viejo Development.

Councilor Ortiz recalled that one of the problems he raised at the time was the idea of different points of access coming into Richards Avenue and none of them teeing-up, and no safety or traffic control points on any of the intersections. He believes he imposed a condition on Beatty South that it participate in developing a teed intersection on Richards Avenue.

Mr. Romero said the Homewise project was allowed a temporary access on Richards, and it was partial access only right in, right out, although it might have been left in. He said the City reserved ROW for them to connect to the Mission Viejo circulation which they couldn't obtain because Mission Viejo wasn't amenable to that at the time. He said if Mission Viejo annexes, we will be connecting Homewise to them and the Mission Viejo Road will be the one which lines up with Beckner.

Councilor Ortiz said then "these folks," because they're responsible for Beckner, would have to contribute to whatever that intersection is going to be and Mr. Romero said this is correct.

Councilor Ortiz asked if this is part of the Mr. Romero's conditions of approval and Mr. Romero said this is correct.

Councilor Ortiz said in the 2003 Plan, there was a connection into Monte del Sol which would connect in from Beckner Road and it is now removed, and asked the reason for that, other than that you want to develop your property.

Mr. Sommer said Condition No. 30 in Planning Staff's conditions address that specifically, noting it restores the road and the connection, and they have no problem with that condition. He said they do have a problem with Mr. Lange's suggestion that it be built now.

Councilor Ortiz said the proposed condition from the Homeowners Association was that it get built simultaneously with Beckner Road.

Mr. Sommer said this is correct, and they're saying that it ought to be built in accordance with the City's approved and adopted infrastructure completion program.

Councilor Ortiz said, "Isn't it part of our job as a City Council to put conditions of approval as we see fit on annexations, Karl. So, if we think the infrastructure needs to be put into place in the first phase, we can put that as a condition of approval, can't we."

Mr. Sommer said he believes that is more appropriate at development plan stage rather at annexation. He said you don't impose infrastructure requirements in the annexation phase, particularly for roads and infrastructure like this. He said, "We don't have any problem developing the road. It's just a matter of timing."

Councilor Ortiz asked if he has a problem with doing it simultaneously with Beckner Road.

Mr. Sommer said they might, depending on what's being developed on Beckner Road. If nothing is being developed in that area and Beckner is being built through another \$2 million road to nothing on our property, it is expensive and hard to allocate across the property. So, it might be a problem; it might not be a problem.

Friendly amendment: Councilor Ortiz said he sits on the MPO along with other Councilors, and three conditions were imposed on the selection of this site as a Rail stop. He asked that the conditions of approval imposed by the MPO to be included as a part of the General Plan Amendment. **The amendment was friendly to the maker and the second, and there were no objections from the other Councilors.**

Mr. Sommer said he is unsure the first condition would work, with respect to a condition related to the General Plan Amendment, dealing with the development of the Rail station. He asked if it is drafted the same way.

Councilor Ortiz said he assumes we are doing all of the conditions for both the general plan and the annexation, noting that these conditions of approval go toward the annexation agreement. He said then the appropriate time to impose these conditions, since they're accepted is when we vote on the annexation agreement itself.

Mr. Sommer asked how Condition No. 1 would work with respect to the annexation. He read Condition No. 1 from the MPO minutes, "A written commitment from the new State administration to the same extent as issued by the present administration, to locate a staff office or similar commitment from a commercial development."

Councilor Ortiz said at the time, we thought we were going to get a new Governor, but we're not. He presumes they got a letter previously from Governor Richardson before, in support of the selection of this rail stop, so he assumes another letter from Governor Richardson saying he supports it would satisfy that condition.

Mayor Coss asked that those conditions of approval from the MPO minutes be read into the record.

Clarification of the Conditions of Approval which are the subject of the approved Friendly Amendment: Councilor Ortiz said the conditions from the MPO were to approve the Las Soleras location for a train station with three conditions:

- (1) That a written condition from the new State administration, to the same extent as that was issued by the present administration to locate a State office complex or a similar commitment for a commercial development with similar impacts, be submitted;

- (2) that all road improvements necessary for vehicular access to the train station from Cerrillos Avenue [Road] and Richards Road [Avenue] be completed before the train station gets in; and
- (3) that the developer get City approval of an access plan for County residents on the south side of the Interstate [I-25].

Councilor Ortiz said if we wanted to site and locate an actual active park that doesn't have as its significant feature the Arroyo Chamiso, where on the plan that you are proposing to us would you add 15 acres of park land. His inclination is to put it back where it belongs originally, but if that isn't acceptable to the developer, where else would you agree to have this green space.

Mr. Siebert said there is a reason the park site was selected at the location.

Councilor Ortiz said he isn't talking about that park site. He is talking about an additional park site of at least 15 acres for soccer and baseball fields, and asked where the developer would like that placed.

Mr. Siebert said the problem is that the current site is the flattest spot in Las Soleras which will create very little grading to create ball fields.

Councilor Ortiz asked if the property south of Nava Ade, next to Tract 13 which was just given to the School District, isn't just as flat as the proposed park site to the east of the school – currently Tract 15 which is 50 acres and designated RMLD residential.

Councilor Ortiz asked Mr. Siebert to use the map which is identified by tracts, because it is easier to look at and compare. He said this is contained in the additional submittals at the previous meeting. [Please see Exhibit "8" which is brought forward from the Council meeting of January 28, 2009]

Mr. Siebert, using the map referred to by Councilor Ortiz, said if you look at the park, you notice how far apart the contour lines are, noting those are one foot contour lines. It really is the flattest part of Las Soleras. He said on Tract 15 you are in the ridge arroyo pattern. He said you can do parks anywhere, the issue is how much grading you want to do in order to make those parks. He said, "I guarantee you, on Tract 15, that you will be doing a considerable amount of grading in order to create a flat site."

Councilor Ortiz said, "So my original question then stands Jim. If we were to ask you to put 15 acres of green somewhere on your parcel, where would you want to have that 15 acres of green be, in addition to the park that you've already identified."

Mr. Siebert said, "This has been in the works for eight years. We've been working on this with staff for ten years. I would hate to say something off the top of my head that I would regret."

Councilor Ortiz asked if he would like to talk to his clients and come back to a decision while other questions get asked.

Mr. Siebert said, "I don't think so, no. I think it's inappropriate to make an instantaneous decision on this particular matter.

Councilor Ortiz asked if he would like to have this postponed for another two weeks so you can consider a different open space and parks plan, so you would have the proper time to consult with your clients.

Mr. Siebert said he will have to discuss this with his client.

Councilor Ortiz passed the floor, saying he will come back for additional conditions.

Councilor Dominguez asked what is the total number of single family dwelling units projected for the project, or density. He said he has a number of 1,600 and in another memorandum 2,000.

Mr. Siebert said the range will be 1,500 and 2,000. The reason there is such a range, is because each of the tracts has a range to it which is part of the General Plan. For example, in medium density, it is 7-12 units per acre, in low density is 3-6 units per acre, and high density is 16-21 units per acre.

Councilor Ortiz said then there is a spread of about 500 units, and Mr. Siebert said yes.

Councilor Dominguez said everyone believes education is very important and each of us have a responsibility, and it isn't just the responsibility of the applicant or the City. He would like to establish dialogue for the record so rationale can be proposed so that we know what we've done and that we've done our part.

Councilor Dominguez said Justin Steiner prepared a Memorandum dated December 8th saying the Public School Financing Authority requires 28 acres for a K-8 school site, and later it says there is the potential to reduce that to 18, given the conditions stated. In the Beatty Annexation, there was a statement that the ideal student population for a K-8 school is 600-750. So, there is a 500 unit gap which potentially could fit into the category of another K-8 school site. In the Northwest Quadrant we accommodated that, based on these calculations, 606 students K-12, and 30-40 acres was appropriated. He said the City did its best to accommodate what the School District felt it needed.

Councilor Dominguez said with regard to this particular case, the School has used a formula in the past that each affordable home generates 1.5 students and a market rate home generates .5 students. So, at 1,600 homes there are 1,280 K-12 students. Yet, Mr. Steiner's Memorandum indicates it will generate only 800 K-12 students. He asked Mr. Steiner if the City should use the formula he's used in the past to determine the numbers of students this project will generate, or use the number indicated in his Memorandum which is 800 students.

Justin Steiner, Santa Fe Public Schools was sworn. Mr. Steiner said, "The formulas that you mention aren't necessarily the standards by what the schools are exclusively using. It's a starting point. Another starting point that I like to use is the Santa Fe... the Housing Needs Assessment which was brought forth in the 2007 Report. And I think these are, off the top of my head, I think it was 38% of homes have children and those average size of those homes... or the children in those homes is 1.8. That gives you a factor, and it pretty much comes out with the same number. I think that gives you a factor of .685, multiply that by 2,000, you're looking at 1,400 children between the age of 0 and 16. That's a little more than 100 per grade level if you break that down. And, that's right. That's the factor that we came to, so a K-8 school would be 800-900 students. That may be a little larger than what we necessarily want in the ideal that you mentioned."

Councilor Dominguez said in the documentation that's been provided, it is recommended by the Strategic Planning Oversight Committee that it only go to 600-750 students. He doesn't want the School District or anyone else to come back and say the City allowed a poor plan to proceed and didn't give the School District enough tools to make the right kinds of choices.

Mr. Steiner said this is the starting point, and they're looking at 800 students in K-8. He said they do have to pass the inner schools in Capital and Santa Fe High School to absorb the high school age students. So, where they fell behind ten years ago, and where they're catching up, is in the Southwest Quadrant where all the families are moving. He said, "I would say that the Housing Needs Assessment, those numbers I quoted you, I think it's probably fair to say those are on the low end... because this is going to be the type of development that attracts the families. So, we have a starting point of what we're looking at and the Public Schools Facilities Authority, they provide us guidelines. And for a K-8 school, we would need 20 base acres, plus one acre for every 100 additional students. With 800 students, that's 28 acres, but that is a guideline and the PSFA is very involved and enthusiastic about trying to make the schools more a part of the community. We could have 20 acres isolated out there and that would meet our needs, but if we could be more in tune with the community, at the art of the community there is benefits to the students being able to walk."

Councilor Dominguez said then the PSFA didn't consider the location of the parcel.

Mr. Steiner said they do in the final planning, about what we can put into that. He said if we were on the outskirts, and not near and there is no cooperation with the City and using those efficiencies, we would need the additional stand along acreage.

Councilor Dominguez asked how many students this project will generate.

Mr. Steiner said, "Your numbers are about right. I'm looking at 1,300 to 1,400 K-12 students."

Councilor Dominguez asked where the 800 figure came from.

Mr. Steiner said, "I apologize. 1,300 to 1,400 children up to the age of 16. There will be less school age children for the K-8."

Councilor Dominguez asked if this is 1,300 K-12 or K-8 students.

Mr. Steiner said, "1,400 to 1,500 total children. Because my number came to about 100 per grade level, so that is between 0 to 16. Out of that you have K-12 which are school age children which we're factoring. And then our main concern, our main focus right now is the elementary school and the middle school children. We have to pass here right now in Santa Fe at the high school level."

Councilor Dominguez said then not all of those students will go to that one particular school, some of them will go to other schools.

Mr. Steiner said this is likely, but they are looking at 800 students from this development in the K-8 school, with the other 300-400 students going to the high school level.

Councilor Dominguez said then you are planning on putting in a school and not selling the land.

Mr. Steiner said all indications are that there will be plenty of population and we need a school site there.

Councilor Dominguez said he hasn't seen this in writing, and asked if it is here somewhere.

Mr. Steiner said this would be addressed in the terms of the transfer with the developer.

Councilor Dominguez said he can understand that a K-8 or K-12 school would need fields. Typically in junior high or mid-school you have football teams, track and the space is needed to conduct this activity. He said there is a 21.5 acre community park, and asked if the School is comfortable with the definition of community park in accommodating what it is you think your school children will need.

Mr. Steiner said, "As we indicated in our letter, we'd want to work closely with the City and make sure that the facilities that would be necessary for program needs would cooperate and build those facilities in that community park."

Councilor Dominguez said there is an MOU with the Public Schools regarding use of indoor facilities and outdoor space. He asked Fabian Chavez, Parks Director, if he anticipates creating another MOU or a different MOU or just roll it into the existing MOU.

Mr. Chavez said he has been talking with Mr. Steiner over the past two months regarding this issue. He said, "If we can build the school contiguous to the park and capture as much level space as possible, one of the things we can do is to enter another MOU, similar to something that we have Wood Gormley. We have an MOU with the Schools that speaks generally about all facilities of the fields all over

the District. What we have an opportunity to do here, and I think it makes a lot of sense, is develop an MOU with schools..... and if we can locate the school on top of some of these knolls and wrap as much of the flat open space as possible around... I think what I'm trying to get at is, between using the flat open park space and some of the park and some of the flat space in the schools, we could get a two for one deal, so that we have joint use fields for that community and the people living in this area."

Councilor Dominguez asked Mr. Chavez if he is comfortable with the terrain and the topography and that you can generate sufficient space for the activities that K-8 students need.

Mr. Chavez said yes.

Councilor Bushee asked in which quadrant you are looking at placing the school, the fields and other amenities.

Mr. Chavez said h can't speak for the schools. However, in talking with Mr. Steiner tonight, he has the colored plats and the topography he overlaid on that with City GIS. He said, "So what we would do is try to capture as much of this flat space as possible down here...."

Councilor Bushee suggested he use the black and white map [referred to previously as Exhibit "8" from the January 28th Council meeting] which is the most recent and has the topological lines on it.

Mr. Chavez said, "Mine has topos on it too, I had this laid out last month. So, if we're looking at Tract 13, Justin tells me that is the one that they're looking to put the school on. And, if we were to capture all of the park space that is just to the left or west of that, if the school could build the school on top of where 13 is... you see where the little square is, is your map marked 13 with that... if the school is there, and then we took or asked the schools to cooperate with an MOU and captured just to the right of that block... do you see where those topography lines begin to spread out, and make that part of the park also, even though it's on school land, we could have athletic fields that were on school land and park land that would be joint use for the schools and the community."

Councilor Bushee asked how many acres the school land would be, noting Councilor Ortiz is looking for 15 acres additional park land or active park land. She noted that quadrant is residential R-6, 21 acres.

Mr. Chavez said this is correct.

Councilor Bushee said the developer has to keep the balance of the residential to commercial. She noted we haven't heard where the developer wants to put additional park space. She said as we map this, she wants to see the school indicated on the map. She said a school is needed here, and the opinion on the Council is that we need additional park land. So, if you want them tied together, somebody has to decide where.

Councilor Bushee said with regard to Mr. Siebert's comment that they have worked on this for 10 years, since we got this book in January you've changed things here as well. She asked Mr. Siebert how there is a view corridor in the middle of the neighborhood center, and how did it get smaller.

Mr. Siebert used the enlarged drawing to indicate the commercial site, which would be the center of the TOD. He said a neighborhood commercial center is proposed at Richards and I-25 as well. The concept is that this would be the center of the TOD, so there would be a combination of retail uses and housing in association with the Rail Stop.

Councilor Bushee said "this" map no longer has the neighborhood center down the corner, and asked if that is "still to be."

Mr. Siebert said the neighborhood center has been part of the plan since the Planning Commission.

Councilor Bushee said then it isn't needed on "this" map.

Mr. Siebert said he believes she is referring to the map which was prepared by Baker Morrow, and the intent of that map was to show the concept of the highway corridor and the bundling of open space. He said when he prepared that originally, it was on an old map.

Councilor Bushee said, "I have less objection to your having your open space be right along the highway, based along the north corridors, because generally speaking, the Highway Corridor Plan and the noise corridor concept was for those who were going to live near there, and you've got most of your commercial there. But I do have a vested interest in seeing the trail network and the open space and I believe it's probably best set back anyhow, as to far as how folks are going to interact and doesn't know that they want to be right up against the highway anyway. But I want to understand with your sawtooth sort of thing, you've got this... so that's your transit oriented development or the rail center and you've got a view corridor through it... I'm assuming that's what those triangles are.

Mr. Siebert said no. The concept here is that it's not a view corridor, but something we refer to as La Rambla. The concept is that there is a walking connection from "here" to "here" and La Rambla has a totally different concept. He said this is the concept of La Rambla, and the idea would be both landscape and hardscape.

Councilor Bushee said we are still waiting for Councilor Ortiz's question to be answered, and in relationship to that, she is "connecting a school site."

Councilor Calvert said on page 47 of the packet there is a Memorandum from Reed Liming concerning the Las Soleras General Plan Amendment. Mr. Liming talks about jobs per housing unit, and an analysis was done with the initial memo. Then the land uses changed, and he didn't see that corresponding analysis continued through. He asked, with regard to the original version, the point of the

discussion about jobs per housing unit, and if we were looking for some desirable ratio. If so, once we changed the land use types, how was that ratio of jobs per housing impacted.

Mr. Liming said, "I think what I was trying to show there was that with the change in the General Plan Amendment, as brought forward in this application, it was very heavy in terms of a balance of commercial to residential. But I think what the applicant showed, and I think Jim Siebert had covered this actually in his presentation to Planning Commission is that this looked at just Las Soleras. But, if you factor in Nava Ade and the Beatty Annexation, you start getting a better balance of jobs and housing units. My analysis looked just as Las Soleras."

Councilor Calvert said part of the discussion about this development was that it is integrated so that you have all of the different uses, and it is sort of a community unto itself. However, Mr. Liming is saying that how they make it look not so "heavy," is by considering the surrounding development.

Mr. Liming said this is correct and he thinks that's valid. He said when the City was doing the planning in the General Plan for this area, we were looking at Rodeo, Richards, I-25 and Cerrillos, and trying to make that area, as a future growth area for the City, to be as self contained, as balanced as possible. He said, "I will admit, in this analysis, I was looking at just the Las Soleras Master Plan, their land uses, what we plug in versus housing units. I had not factored in the others right around them."

Councilor Calvert quoted from the end of the paragraph from Mr. Liming's Memorandum, "Based on the General Plan Amendment submitted, the applicant has a 3.09 jobs per housing unit ratio." He asked if Mr. Liming is saying that they included the surrounding areas to come up with that ratio.

Mr. Liming said, "No, that's what I came up with which seemed a little out of balance. But that was not including the other housing units and the other developments. So, I think..."

Councilor Calvert said then in December there were different land use allotments and a different mix, and asked how that analysis then plays out. He said, "In other words, we've changed the amount of... Community Regional Commercial has increased from 68.5 to 145, and he's not seeing it get any less."

Mr. Liming said, "No, I don't think the land uses between the memos changed appreciably. I think the November 3rd [Memorandum] was based on their submittal, and I'm not sure that the overall residential to non-residential mix has changed that much from what I was first responding to."

Councilor Calvert said it looks as if they've changed, because he put in a new chart that has different acreages in it. However, if this isn't the case, he said this is fine. He said he was just trying to understand what is a desired ratio, and asked if Mr. Liming is saying that the higher the ratio is, the more preferable.

Mr. Liming said, "Not necessarily. I think what we were trying to determine was a good balance. That if the ratio gets too low, you've got a lot of residential and not much employment. And if you go the

other way, unless you think your entire area doesn't have enough employment... you know we were looking for something probably in the area of 1.52, something like that. And we were trying to show, based on just Las Soleras, that they had gone much more commercial, the higher commercial. But, when you factor in Nava Ade and Beatty, I think that brought it down to closer to 2 to 2.5 jobs per housing unit."

Councilor Calvert said on page 2 of his Memorandum, Mr. Liming put in his recommendation regarding the hospital site. He said Mr. Liming's Memorandum was addressing the General Plan Amendment which we're currently discussing. He quoted from page 2 of the Memorandum, "That portion of the low residential tract, not designated as institutional, should remain as low density residential." He is unsure to what this applies, and asked if we would want low density residential next to an institutional use – does this seem like the best transitional zoning or land use that we would accept.

Mr. Liming said, "I think that's been pretty much preempted by the plan that's been put forward."

Councilor Calvert said, "In other words, you're saying uses have in fact changed to this. That's why I'm having trouble following here, because your analysis was based on a Memo we got in November and now we get a different one, I think in December, and I'm not sure what still is relevant."

Mr. Liming said, "Councilor, in all honesty, I don't know exactly how that area specifically changed, the hospital site."

Councilor Calvert said, "I see on the December 8th memo that the park land has changed from 62.6 to 33.2 which is a reduction of a half, and the open space went from 138 to 95, so that's a fairly significant reduction as well. So, I am concerned about the overall density. I can appreciate that the parks and open space... there has been an attempt to connect these to make them usable, but I think your memo talked to the density of the development, and with the reduction of park land and open space, it seems to intensify that. So, I guess that's my concern on this particular issue."

Councilor Chavez said on page 2 of 5, Condition 18 speaks to the institutional designation on the future Land Use Map. He quoted from Condition 18, "Las Soleras General Plan will show a public school site shown as institutional on the future land use map of a size equal to the set aside agreed to between the applicant and the Santa Fe Public School District."

Councilor Chavez noted there is a letter dated December 8th which also speaks to the Las Soleras/ public school collaboration and discussion. He said as it relates to the intent, most notably "gaining efficiencies by positioning the property contiguous to a neighborhood park and creating a shared use agreement between the City of Santa Fe and Santa Public Schools." He said, "That would be the MOU that Councilor Dominguez was speaking to earlier." He said the commitment to the school site seems to be fairly well explained in Condition of Approval #18.

Councilor Chavez said, "The discussion, as it relates to open space and school site, I think both are important, but both are going to be competing for space. If that's the case, it makes sense to put those

uses together, as Fabian suggested earlier, and maximize the potential for both. It creates some problems, because the school has to agree that that's going to operate under the community school concept and that open space, that park space will be shared use for the community. So, it's a mixed use and has to meet the needs of the school and also meet the needs of the community. So, it seems to me that that's the best of those two worlds."

Councilor Chavez noted Condition #18 and the letter from the Asset Manager of the Santa Fe Public Schools.

Friendly amendment: Councilor Ortiz said, "I do have an amendment and it is on the General Plan Amendment. I would add as a condition of approval that the developer come back to the Planning Commission, and to increase a designation for park space of at least 20 acres, and in addition to the green space that's already been allocated, the developer can decide whether to place that additional 20 acres of green park space either in Tract #10 which is just north of the identified park site, or on Tract 15, adjacent to the school tract, and it will be at the developer's choice where that additional 20 acres of park space would come. It is active park. It's not just passive park, it's an active park designation, at the developer's choice – 20 acres on Tract #10 or 20 acres on Tract #10, and I ask that this be made as a condition of approval on the General Plan as well as on the Annexation Agreement.

Discussion on the Friendly Amendment: The maker of the motion, Councilor Chavez, said he has no objection to the Friendly Amendment if it is left to the applicant and the School Board to determine this.

Amended Friendly Amendment: Councilor Ortiz asked, "How about if the condition says "at the request of the developer in consultation with the school Board." **The Amended Friendly Amendment was friendly to the maker and second and there were no objections by the other Councilors.**

Councilor Dominguez said regarding Condition of Approval #18, we are trying to be sure that there is appropriate space for the School District to do the right thing and build a school. He wants to be sure we have the correct numbers which will be used to determine whether or not it is an appropriate space, whether or not the site is big enough. He appreciates Condition #18, but he wants to be sure that the number "jives with everyone," and we're going to "generate a number of students, and I don't want the School District to come back in 10-15 years and say, well guess what, we need another elementary school somewhere in that area." He said he isn't a School Board member and doesn't know what kinds of space the School needs, so he has to take the word of the School representative in this regard. a park mixed with school.

Councilor Dominguez said it isn't just a matter of having a park next to a school and making it a community park. The terrain has to be appropriate for the kinds of activity that happens at a school. He said in the past, arroyos have been given as park space and he wants to be sure we're avoiding that so our school children have the appropriate space. He looks forward to seeing what comes from the friendly amendment.

Councilor Dominguez said getting the School District this involved in some our development plans is long overdue. He asked Mr. Steiner to reiterate the total number of students he believes this project will generate.

Mr. Steiner said, "The formula was used as a stepping stone as a starting point, and they got comfort with..."

Councilor Dominguez asked which formula.

Mr. Steiner said, "Any of the different formulas that we used. The one that came from the Santa Fe Housing Needs Assessment of 2007, that I'd mentioned earlier... the formula that you've used, where you mention that there's a different ratio for affordable housing."

Councilor Dominguez said, "That formula was actually mandated by the School District."

Mr. Steiner said, "Well, and you'd know better than I, that has not been my understanding on that for the formula. But, you know, we came up with an area."

Councilor Dominguez said, "If you look at the June 21st memo that we've actually not obtained in this packet, but in previous cases... the School District is pretty adamant about applying the School Impact Formula to that project. The reason I'm asking is that I want to make sure that you and the School District is comfortable, and that the applicant isn't here later on and say, oops, we miscalculated and we should have used the other formula."

Mr. Steiner said, "I appreciate that. To the best of my knowledge, we have not adopted a standard formula. We haven't been able to come to a consensus as to how that best works. But, there are multiple ways to understand the amount of students, and we do believe there are going to be anywhere from 1,200 to 1,800 students.... 1,300 to 1,800 students of all grade levels. We are comfortable with meeting the needs of the students of Santa Fe, of this community, of Las Soleras and Capital High. We are concerned and will absolutely need to address the K-8 programming needs of those students, and we are comfortable that the 18 acres will give us the space we need to properly serve those students. And, look forward to further cooperating with the City and making those efficiencies on the fields and the joint use of the park. But, we are comfortable with 18 acres. It is 18 developable acres and there is not an arroyo coming through it. It is a good 18 acres."

Councilor Dominguez said, regarding the January 27th Memo from the School District, there was no indication that there was a discussion about the total numbers of students that this project is going to generate. He assumes that the Board has heard or understands that this project will generate anywhere from 1200 to 1600 students.

Mr. Steiner said correct, and as he said that is used as a stepping stone to get them into the neighborhood of what kind of facility will be needed, and then based on the facility, which is K-8, we are comfortable with the 18 acres.

Councilor Dominguez said then your Board is comfortable with the fact that you're going to generate up to 1,600 students and you're going to put them on 18 acres.

Mr. Steiner said the 1,600 is an awfully high number and he was using that as a variance, noting 2,000 homes would generate 110 students per grade level.

Councilor Dominguez asked, "Then the Board understands that x number of students will be generated and they will be placed on 18 acres, because it doesn't say that it in the Memo. It just says they're comfortable with 18 acres."

Mr. Steiner said the Board has been proceeding under the impression that we're looking at a K-8 facility.

Councilor Wurzbarger said she has been intrigued by this development from the perspective of introducing the notion of transit oriented development. She asked, of the total number of jobs which will be created by the TOD, how many will be filled by people living here, as opposed to taking the train to the new train station, earning the money and then going back to Albuquerque and spending the money. She is talking about the long term issue of people working here, but living in Albuquerque because it costs less money. She asked the correlation between living here, working here and the egress problems which will be greatly facilitated by having a State station where people come in from Rio Rancho, stop, earn their money and go home.

Mr. Sommer said the numbers in the range of jobs that will be created on site, are all jobs that we didn't break out that way. So, we didn't say where people filling the 5,000 to 8,000 estimated jobs would be living. He said there would be living opportunities here. He said the DOT has done an analysis that there are between 4,500 and 6,000 people traveling here daily from the south, many of whom work for the State. We don't know, if there is a state consolidation of the campus, how many of those people would be coming here that are traveling already.

Councilor Calvert said, given the numbers, somebody must have an idea of the salary ranges those people are earning, and you have an idea of the housing prices that you will be putting in here. He asked if those match up, and if there are opportunities for those currently commuting who may be relocated to a State office building there. He asked if the salaries will match with the price of the housing that you are developing.

Mr. Sommer said they are talking about high and medium residentials, and not low residential which is the higher priced homes. He said the opportunities to match incomes and housing in this location will be provided by the housing that they plan.

Councilor Wurzbarger said she didn't hear a lot from the developer on the connections which will be provided for those who live there to go downtown.

Mr. Sommer said the trail network, road network and bicycle network are designed so they access the Rail Stop. The pedestrian, bicycling, roads, as well as buses from other parts of the City and development will all focus at the Train Stop.

Councilor Wurzbarger said then the transit is not solely defined by the Rail Runner, and there actually is a bus turn around or something.

Mr. Sommer said, with regard to Councilor Ortiz's proposed amendment, he would like a few minutes to go outside and talk with his client about it, and he believes they can clear up the situation. He has been unable to talk to his clients and participate in the public hearing.

Break from 9:34 to 9:46

Response by the developer to Councilor Ortiz's amendment: Mr. Sommer said, as he understands the current motion with the friendly amendment in place, it includes the three conditions from the MPO, an additional 20 acres of active park, and they have been discussing the specific condition as to whether it is Tract 10 or 15. He said, "Skip and John are committed to and can do 20 additional acres of active park, but they would like to work with the Planning Commission and the Planning staff as to the appropriate location for the park, and not just on those two tracts." He said the reason is that the road network which has to be laid out may interfere with where the park could go. And in Tract #10, there land uses which are low density residential which might be impacted by placing it there, which changes the mix of residential and it is very difficult to plan where that back. He said the concept of 20 additional acres of active park somewhere in Las Soleras approved by the Planning Commission and Planning staff would work for them, if the conditions specifically to Tract 10 and 15 were to be removed.

Councilor Ortiz said the reason Tracts 10 and 15 were chosen for you to make the decision was because of the proximity to the school. He said if you don't want to have those particular tracts designated, but instead have a condition which said you are going to provide an additional 20 acres of open, active park space in close proximity to the existing school site and the proposed school site that you're giving is the same condition.

Mr. Sommer said he didn't understand that the school site was part of the amendment.

Councilor Ortiz said it was absolutely germane to the selection to either of the two tracks in consultation with the School District.

Mr. Sommer said, with respect to the proximity of the school site and working with the schools, he thought it was an additional 20 acres, but if you want it in a condition and how it works with the schools,

that will work for them. They will go back to the Planning Commission and work with Planning staff about that.

Councilor Ortiz said he would like to leave the condition as it is noted.

Mayor Coss said then that is in coordination with the schools and City staff

Councilor Ortiz said if there is another option, he can come back.

Clarification: Mr. Smith said, "As a point of order, if there's not any further direction from the Council on the procedure, then staff will assume that the decision is to be made by the Planning Commission at a public hearing prior to approval of a development plan for any phase of the project."

Councilor Ortiz said that is correct.

Clarification on the Motion: Mayor Coss said the vote is just on the motion to adopt Resolution No. 2009-24, to approve the Las Soleras General Plan Amendment, including all applicable staff amendments, Planning Commission amendments, the MPO amendments, the friendly amendment for 20 additional acres, and the revised Amendment #19.

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

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

Against: None.

- 5) **CONSIDERATION OF BILL NO. 2009-4; ADOPTION OF ORDINANCE NO. 2009-6. CASE #M 2008-28. LAS SOLERAS ANNEXATION. BECKNER ROAD EQUITIES, INC., REQUESTS ANNEXATION OF 545.30 ACRES OF LAND LOCATED SOUTH OF GOVERNOR MILES ROAD, EAST OF CERRILLOS ROAD, NORTH OF I-25 AND WEST OF RICHARDS AVENUE. BECKNER ROAD EQUITIES, INC., ADDITIONALLY REQUESTS ANNEXATION OF 16.41 ACRES OF CERRILLOS ROAD RIGHT-OF-WAY ADJACENT TO LAS SOLERAS. (LUCAS CRUSE) (Postponed at January 28, 2009 City Council Meeting)**

Councilor Chavez moved, seconded by Councilor Romero, to adopt Ordinance No. 2009-6, approving Case #M-2008-28, including all applicable staff amendments, and the conditions of approval which we approved with the General Plan Amendments, including revised Amendment #19.

Friendly Amendment: Councilor Ortiz would like to add the following language to the proposed Amended Condition #19 as follows: "That the developer designate and provide a pedestrian or bike trail within the highway corridor from the proposed rail station up to Richards Avenue and down to the proposed Beckner Road where it comes closest to the highway corridor." Mr. Sommer said the developer has no problem with that amendment. **The amendment was friendly to the maker and second, and there were no objections by the other Councilors.**

Discussion: Councilor Bushee would hope that this would be part of the Bike Sharing Program once that is up and running.

Councilor Calvert said in the Planning Commission's Findings of Facts and Conclusion of Law, under Annexation on page 5 of 13, Section 23(C), one of the things we operate under for annexation says, "Generally the development should not impose an economic burden on citizens or result in an indirect subsidy of services by the City." It continues...." public facilities including, but not limited to fire stations and parks and operating services such as ongoing garbage collection, police and fire...." He asked what has been the discussion with regard to the necessity for a fire station as we're annexing these additional properties, and what is the closest fire station which will be servicing this development.

Mayor Coss said it would be the one on Airport Road or the one by Genoveva Chavez.

Greg Smith said this would be in the attachments to the Planning Commission packet. He said, "I'm not sure we have a specific response other than the Memo you've apparently found on page 38 of the packet. I assume that they reviewed it for response times, but I don't have that documentation."

Councilor Calvert said this is the first in a series of annexations and we're definitely expanding our borders, and asked if any fire station locations were factored into this.

Mr. Smith said, "I don't have a specific response to that. My experience is that the Fire Marshal's staff does always consider that, and where there are problems, they are specifically identified for the Commission and the Council's consideration."

Councilor Calvert is unsure whether this is something for the Fire Marshal, and believes it is more an issue of long range and strategic planning by the Fire Chief. He said the Fire Marshal isn't specifically looking at those factors.

Mr. Smith said, "My experience is, Councilor, is that the staff of the Fire Department always reviews cases for a four-minute response time, and where there are deficiencies they are identified. Again, I'm sorry the Fire Marshal and Fire Chief aren't here tonight and I don't have documentation of that, but I assume that they have done it."

Councilor Calvert said he's thinking of the locations of the stations and four minutes response time, and he is having problem with that. He would like to hear from the Fire Department on this issue, because it will become more of an issue as we proceed in the annexation process.

Friendly amendment to the annexation: Mr. Smith said since the Council is asking the Planning Commission to review the final boundaries and open space, that the Council also ask the Planning Commission to verify compliance with the access standards at the same time. **The amendment was friendly to the maker, saying this is just general plan amendment and annexation and there will be time for those details and believes the Planning Commission will have that chance and this is appropriate. The amendment was friendly to the second, and there were no objections from the other Councilors.**

Councilor Calvert said there is the issue of water. He said water fits into the category of "might be imposing a burden." He knows there are ordinances which provide that the developer has to bring the water. He said the developer thinks they have 37 afy for the hospital which isn't going to be one of the things which will be developed first and is a long way off. He said according to the documents, there is an estimation that upwards of 500 afy of water will be needed. He is concerned about that, citing the experience of the City in trying to purchase water. He said the developer talks about using City effluent for parks and open space, but he didn't see a specific amount proposed to be used. He is concerned about the sheer amount of water they need and where they will get it. He understands this will be done in phases and the developer can't proceed without the water. He is concerned about how this relates to the integrity of the project, and what will happen if they are unable to move forward with all phases of this project because they can't get all of the needed water.

Mr. Sommer said they share the same concern in terms of phasing and acquiring the necessary water rights and getting them transferred. He said, "The only thing I can say is, we have a plan in place, we're proceeding along those lines, and planning short of that doesn't help the issue. If we have the same issue with respect to the water that we think that we've estimated here, that issue about the availability of water exists, even if we scale it back, it all raises the issue about water. And I don't think that we're at a level we can say, well it doesn't make sense to say we won't be able to get this. We don't think that's true. We think there is a market there for water rights and we're active in that market and, with respect to the hospital, we have clear obligations to them with respect to transferring the needed water rights for that facility in the long term. That's how we intend to proceed and do the best we can as we go. And I think you've stated quite accurately, the City's current ordinances address the phasing issues making sure that that's the case. I guess we're at the point of saying, this is what we think is the best plan, this is how we'd like to proceed, and we have to follow the City's policies with respect to acquiring water."

Councilor Calvert said some of the estimates are based on standard City formulas. He would certainly encourage that the developer come up with a very creative Plan B which would use a lot of the available and maybe future best practices on harvesting, recycling of water. He observed that among the hospital uses would be laundry and there are ways to recycle the water. He commends the use of effluent, but wants to be sure it fits with the City's ability to meet its obligations.

Councilor Bushee asked if can we be assured at some point as part of this annexation that the sources of water supply that you are seeking will be sustainable.

Mr. Sommer said the City's current policy, is the strictest one there is in terms of what it will accept in terms of the water right itself and sustainability and what the City Attorney's Office will accept. He said the City has rejected leased rights in the past as not being long term sustainable. He doesn't know of anyone who has tried to transfer the deep water, noting the City's policy is stricter than the County's. He said the City is protected in the sense that we can't tender things which aren't acceptable under the City's conservative standards.

Councilor Chavez said, with regard to effluent, a Resolution has expanded the Tierra Contenta Effluent line and it is now the Southwest Area Effluent line. He asked Mr. Sommer if he would be willing to do cost sharing for the effluent line, saying it is proposed to run in the general proximity of this development.

Mr. Sommer said it is in the plan in two ways. One, is providing the necessary easements. The other is that they have talked with Costy about the funding design in place and what they're trying to do. He said Costy has assured them he will get back to them in how we can participate in the extension of the line to Las Soleras. He said they have design and cost on part of it and they are seeking funding for that. He said with respect to the extension of the line to Las Soleras, he believes they will be required to participate in that extension. He can't be specific about the cost sharing at this time, because they don't know how many will participate. They have proposed to bring the effluent line because (1) it saves on the use of potable water which is expensive; and (2) it makes sense from a sustainability standpoint. They have every intention of trying to get the line to La Soleras and make that part of their water budget.

Responding to Councilor Chavez, Mr. Sommer said they are willing to commit to a fair and reasonable pro rata share for your portion of the effluent line.

Councilor Chavez said we have to meet our downstream users needs and we may need some of the effluent when we get to the point of return flow credits.

Friendly amendment: Councilor Chavez would like an additional condition of approval that Las Soleras will commit to a fair and reasonable pro rata share for its portion of the effluent line. **The amendment was friendly to the maker and second, and there were no objections by the other Councilors.**

Friendly amendment: Councilor Ortiz asked for an additional condition of approval as follows: "As part of the development, the developer agrees to build the arterial connection from Beckner Road to Monte del Sol School, simultaneously with the buildout of that particular segment of Beckner Road."

Discussion: Mayor Coss, responding to Councilor Chavez, said it is a condition of approval, but it is not a simultaneous decision.

Mr. Smith said the staff would view that as a collector rather than an arterial.

Amendment to the Friendly Amendment: Councilor Ortiz said he would change it from arterial to collector. **The amendment was friendly to the maker and second, and there were no objections from the other Councilors.**

Councilor Dominguez said he is comfortable with the conditions of approval.

Mr. Sommer commented on the last condition by Councilor Ortiz. He said Mr. Lange said the problem exists today and needs to be addressed as soon as possible. The problem that you have in building the connector road to a City standard is that you won't have utilities or anything going into the road, nor will you know the size or location of the utility road. He asked if they could have some relief as to the standard to which the road is build. The current City standard is curb and gutter, utilities, storm sewers and all of that in a road where you don't know what you're going to need. He understands from Mr. Lange that they need a passable road so that traffic can exit.

Councilor Ortiz said as part of the phasing of its development, the developer agrees to build a connector standard connection from Beckner Road to the Monte del School, simultaneously with the buildout of that particular segment of Beckner Road.

Mr. Sommer said, "You are asking us to finish that road out at a connector standard... or whatever a connector standard is. What I'm saying is you're asking us to finish a road that's going to need utilities under it at some point, water lines, storm sewers."

Councilor Ortiz said, "I assume that the need to have utilities under the road is going to be dependent on whatever your development phasing plan is for that particular segment of your development."

Mr. Sommer said, "That section of Beckner might get built before anything gets built up there and you won't know what the utility or other requirements are on that road. That's the point I'm making, is that you're tying it to Beckner."

Mayor Coss said then you're asking for perhaps a more rural profile road, cold millings or something that makes it a safe, driveable road.

Mr. Sommer said yes, he wants a driveable, safe surface which we don't have to rip up later and it's not a finished road. He said this would help to alleviate a problem for them only for that connector.

Amendment to the Friendly Amendment: Mr. Sommer requested that they permit them to build a more rural profile road with a safe, driveable surface. **The maker and second were agreeable to the amendment to Councilor Ortiz's friendly amendment and there were no objections from the other Councilors.**

Friendly amendment: Councilor Bushee would like the additional community center which the Planning Commission added to be reflected in the Annexation Agreement itself under the master planning and zoning. **The amendment was friendly to the maker and second and there were no objections by other members of the Governing Body.**

Mr. Katz said it is his hope that the motion would include Findings of Fact and Conclusions of Law from the Planning Commission.

Restated Motion: Councilor Chavez moved, seconded by Councilor Romero, to adopt Ordinance No. 2009-6, approving Case #M-2008-28, including all applicable staff amendments, and the conditions of approval which we approved with the General Plan Amendments, including revised Amendment #19, and to adopt the Findings of Fact and Conclusions of Law from the Planning Commission [Exhibit "9"].

Discussion: Councilor Calvert noted we failed to do this in the previous action.

Councilor Ortiz said we don't need Findings of Fact for a General Plan Amendment.

Councilor Katz said we could add this as an amendment.

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

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

Against: None.

- 6) **CASE #SD-2008-15. LAS SOLERAS LOT LINE ADJUSTMENT AND ROAD DEDICATION PLAT. BECKNER ROAD EQUITIES, INC., REQUESTS APPROVAL OF A PLAT PROVIDING LOT LINE ADJUSTMENTS AND DEDICATION OF MAJOR STREETS ALLOWING ADJUSTMENT OF EXISTING LOT LINES TO BE CONSISTENT WITH PROPOSED ZONING DISTRICTS. (LUCAS CRUSE) (Postponed at January 28, 2009 City Council Meeting)**

Councilor Chavez moved, seconded by Councilor Wurzbarger, to approve Case #SD-2008-15, the Las Soleras Lot Line Adjustment and Road Dedication Plat, with applicable staff conditions and Findings of Fact and Conclusions of Law.

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. 2009-5; ADOPTION OF ORDINANCE NO. 2009-7. CASE # ZA-2008-11. LAS SOLERAS REZONING. BECKNER ROAD EQUITIES, INC., REQUESTS REZONING FOR 545.30 ACRES. THE TRACTS ARE LOCATED SOUTH OF GOVERNOR MILES ROAD. EAST OF CERRILLOS ROAD, NORTH OF I-25 AND WEST OF RICHARDS AVENUE. (LUCAS CRUSE) (Postponed at January 28, 2009 City Council Meeting)**

Councilor Chavez moved, seconded by Councilor Ortiz, to adopt Ordinance No. 2009-7, with applicable staff conditions and adopting the Findings of Fact and Conclusions of Law..

Discussion: Councilor Ortiz clarified that the particular rezoning should reflect the changes to the General Plan which are contained in Item G(4).

Councilor Calvert said Paragraph C, on page 8 of the Findings of Facts, provides, "Residents and owners of neighboring properties will have the opportunity to be heard on the development of these parcels, having specific and immediate impact upon them." He asked if this will be done through the ENN process.

Mr. Sommer said through both the ENN and public hearing process at Planning Commission.

Friendly amendment: Councilor Calvert spoke about the issue dealing with the air ambulance. He wants some assurance that the flight path which is chosen for the helipad will minimize noise and overflight of populated areas, and asked if we can impose a condition on the Annexation that this will occur. **The amendment was friendly to the maker and second and there were no objections from the other Councilors.**

Mayor Coss said he believes the FAA prescribes this fairly closely.

Mr. Sommer said Presbyterian controls that site, but the uses on that site with respect to helicopters shall be done in a way that minimizes the overflight on populated areas so as to reduce the noise and disturbance, and it is a fine condition worded that way.

Councilor Bushee discussed the idea of additional park space and trails. She asked at what juncture the developer will be able to contribute by way of improvements to those parks and trails, such as playing fields, tennis courts, etc.

Mr. Sommer said the City has a long list of items in the ordinance which are required. The ordinance specifies what goes into a community park and that the developer will pay for them.

Councilor Bushee said we just added the additional playing fields.

Mr. Sommer said we're talking about the additional 20 acres, and Fabian Chavez's list will provide what those are, which will be in conjunction with the School's uses and needs. He said the mix will have to be worked out. With regard to the trails, every parcel will be required to develop its own trail and the developer is developing the master trail system on a phased basis and to the standards shown in the plans. The developer is paying for the master trail, but individual owners of each parcel will be required to make the connector trails.

Councilor Bushee wants to make sure that the additional 20 acres are active playing fields. She is looking for details.

Mr. Sommer said a community park deals with active playing fields. The additional 20 acres of active park he didn't understand to be additional ball fields necessarily. They have to be active park and those are things Fabian can talk to. However, he doesn't want to say that the only things that can go in the parks are ballfields.

Councilor Bushee said she wants to be sure there is a mix in the improvements, because she understands they are looking to complement the school.

Mr. Sommer said the schools will make those uses clear to Fabian Chavez as part of this, and they will work with him as to how that gets developed.

Councilor Bushee wants to be sure there are integrity of uses in the TOD.

Mr. Siebert said they have spent a great deal of time with Bob Siqueiros discussing how the trails are laid out and how they tie into the City's trail system and what they look like. There are clear standards and one of the conditions in the 44 conditions is that we have to build those trails to ASTO standards.

Councilor Calvert said the City is in the process of adopting a green building code, noting the first part will apply only to single family residential. He hopes the first part will be in place before they start moving on the project, noting the requirements increase over time. He wants to advise the developer of this and that the developer is planning on complying with that. He said it is hoped to move next into commercial. He doesn't know if that will be done before the project begins. He would like a commitment on the subsequent phases to do something beyond the norm right now, some sort of LEED minimum to which he would commit if they start before they finish that section of the Code.

Mr. Sommer said the developer can't commit to this, because they're not building anything and are only developing the property to bring in people who will build. The most they could do is to say, if

somebody on the property comes in to build prior to the adoption of the Green Code which would apply to that structure, that they would be required to work with staff on details which are anticipated to apply to commercial in their standards for construction.

Councilor Calvert asked if there is a point in the process where you could commit to that, as you go through the development phases and if that would be a better point to insert that type of condition.

Mr. Sommer said there are things they know they are going to do, one of which is water harvesting.

Council Calvert said he is looking for something beyond the norm commitment on this particular front if the City doesn't have those standards already in place. He said, "There are standards in place, they just aren't ours right now." He would like them to commit before the Planning Commission to a certain level, he would be satisfied with that. However, he can't get his hands around asking you to comply with something that is a work in progress on the part of the City.

Mr. Sommer said Mr. Skaarsgard is in the business of building office buildings in Albuquerque, and he has done geothermal construction and such. He said this is a group which is doing things like this, but they're not going to be the builder on all of this. He said, "What we could say, at a development level, no later than the building plan level, that the person or party going to construct the building, if there is no Code in place, will sit down with City staff and come up with a set of green principles that would apply to the construction to the degree that it's feasible. It's vague, and like I said, I don't think it's going to satisfy you, but I don't know what else we can do." Mr. Sommer said they intend to be involved in the process of how that gets adopted and moves along because they have ideas about it.

Mr. Siebert said he spent some time with Catherine Mortimer going over the green build program for residential and he understands Councilor Calvert's concern. He said the standards aren't national standards, they have a derivation of national standards, but they are tailored to local circumstances. He said you can do adobe and that counts. He said it is difficult for them to say that they will comply with standards which are going to be so unique. He said doesn't think the green build program will stop with residential and will go on to commercial development.

Councilor Calvert asked how soon he intends to start building some of the phases.

Mr. Siebert said to get the annexation plat recorded will take 6-9 months. After that, you are looking at putting in infrastructure which will take 1-2 years.

Councilor Calvert said, "Okay. Then maybe I'll just leave it at that, because hopefully in that amount of time we will have that standard in place."

Councilor Trujillo said so you're saying we will get a 20 acre park, and there will be grass and no ball fields. He wants to know what's going to be there. He is looking at this park possibly as a regional

park, noting the closest park to that park is probably Ragle or Franklin Miles. He said this park will serve both District 4 as well as District 3. He wants to know exactly what is going to be put in this park.

Mr. Siebert said the City Code requires them to do a community park and there's a laundry list of things that goes into a community park.

Mr. Sommer said we have been asked to do 20 acres of additional active park. He said this can't be just plain open space and it has to have active recreational opportunities.

Councilor Trujillo asked if that is baseball, soccer and football, which is what he considers to be an active park.

Mr. Sommer said you are asking us to design a park and commit to things in a park when we don't know its site, what the appropriate uses are going to be. He said it is impossible for them to specify the field at the annexation level.

Mr. Smith read the portion of the Code on "park dedication," as follows: "The developer shall be responsible for the development of all neighborhood and regional park land dedicated to the City. Park land shall be developed in accordance with the City's minimum landscaping and equipment standards (playgrounds, ball courts, sports fields, paved trails, benches, picnic tables, etc) for each type of park created."

Mr. Smith said the typical process as a tract of land is subdivided or a development plan comes in, is that the City staff, including primarily the Parks staff, will review a plan for improvement of the particular park and will make a recommendation to the Planning Commission and will resolve the actual details of how many ball fields, in which park. He said at the point that the land is dedicated to the City, the dedication will be accompanied with an improvement plan for the park that's being dedicated.

Councilor Trujillo asked if it would be accepted if staff comes up with a plan.

Mayor Coss said they have to under the Code.

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.

Clarification of the motion: Responding to Councilor Calvert, Mayor Coss said the motion includes all of the relevant conditions and adopts the Findings of Fact and Conclusions of Law.

Councilor Ortiz moved, seconded by Councilor Wurzbarger, with regard to Items G(4), (5), (6) and (7), to the extent that we did not have in any of the approvals on G(4) to G(7) inclusive, any of the Findings and Conclusions of Law from the Planning Commission, to have those included and incorporated by reference as if we would have acted on including them into any of these particular items.

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.

12. MATTERS FROM THE CITY CLERK

Yolanda Vigil, City Clerk reminded everyone that Absentee Voting began today and will continue through Friday, March 6, 2009.

13. COMMUNICATIONS FROM THE GOVERNING BODY.

A copy of "Bills and Resolutions Scheduled for introduction by members of the Governing Body, is incorporated herewith to these minutes as Exhibit "10."

Councilor Calvert

Councilor Calvert introduced a Resolution establishing a Plaza Roundtable and directing staff to work with Plaza event organizers to mitigate the impacts of Plaza events. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11."

Councilor Ortiz

Councilor Ortiz introduced the Public Financing Ordinance, with the regulations, which is cosponsored by Councilor Wurzbarger and Councilor Bushee. He said there are changes to what has been proposed by the Ethics & Campaign Review Board. He said hopefully it will go into the 2010 Mayoral election. He said it should go to Ethics & Rules, but after it goes through the other Committees. A copy of the proposed Resolution is incorporated herewith to these minutes as Exhibit "12."

Councilor Ortiz introduced an Ordinance amending certain provisions of Article 6-16 SFCC 1987 regarding the Ethics and Campaign Review Board as it relates to the Public Campaign Finance Code. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "13."

Councilor Chavez

Councilor Chavez thanked Senator Michael Sanchez for sponsoring SB21 setting up a Spanish Affairs Department under the Office of Cultural Affairs. There will be an accompanying bill relating to business, enacting the local Hispano Arts & Crafts Sales Act.

Councilor Chavez reported on the Relay for Life meeting he attended. The event is scheduled June 12-13, 6:00 p.m. to 10:00 a.m. He said we committed for a team, noting they generally need between 8 and 15 members. There were 34 teams last year, and they want 8 new teams this year. He said each team member is responsible for being a team member and raising \$100 each which will go toward the goal of \$74,000.

Mayor Coss suggested Councilor Chavez be the Captain of this Governing Body Team, and said he will serve on the team.

Councilor Chavez distributed Resolutions in support of SB21 and the new bill on the local Arts & Crafts Sales Act.

Councilor Bushee

Councilor Bushee introduced a resolution supporting the adoption of HB471, enacting a new section of the Oil & Gas Act that recognizes the inherent authority of municipalities and counties to regulate oil and gas operations within their jurisdictions. She would like it fast tracked for the next Council meeting. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "14."

Councilor Dominguez

Councilor Dominguez introduced two resolutions as follows:

- 1) A Resolution accepting the donation of a small statue of Don Diego de Vargas. A copy of the resolution is incorporated herewith to these minutes as Exhibit "15."

- 2) A Resolution amending Rule 9.20 of the City of Santa Fe Personnel Rules and Regulations so that City employees who are candidates for political office may take annual leave during a political campaign. A copy of the resolution is incorporated herewith to these minutes as Exhibit "16."

Councilor Dominguez wished everyone a Happy Valentines Day.

Councilor Romero

Councilor Romero had no communications.

Councilor Trujillo

Councilor Trujillo would like to cosponsor the Resolution on Don Diego DeVargas.

He wished everyone a Happy Valentines Day.

Mayor Coss

Mayor Coss said tonight we accomplished some significant work which had been in the process for eight years. He said the Council did a great job on it as well as the staff, the neighborhood and the developer. He thanked everyone for that work.

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 10:45 p.m.

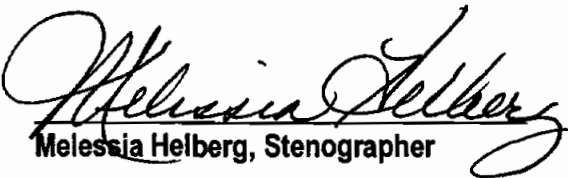
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Stenographer