



# Agenda

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**PUBLIC WORKS/CIP & LAND USE COMMITTEE  
MEETING  
CITY COUNCIL CHAMBERS  
MONDAY, FEBRUARY 23, 2009  
5:15 P.M.**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM FEBRUARY 9, 2009, PUBLIC WORKS COMMITTEE MEETING

**PUBLIC HEARING**

6. DISCUSSION TO THE RECENT FEMA FLOODPLAIN CHANGES AND THE IMPLICATIONS FOR CITIZENS (**WENDY BLACKWELL**)

**CONSENT AGENDA**

7. CIP PROJECT #810A – CERRILLOS ROAD RECONSTRUCTION PROJECT PHASE IIA, RICHARDS AVENUE TO CIELO CT.
  - REQUEST FOR APPROVAL OF CHANGE ORDER NO. 3 – NEW ITEMS NOT PART OF ORIGINAL BID IN THE AMOUNT OF \$28,286.48 PLUS \$2,245.24 (NMGR) FOR A TOTAL AMOUNT OF \$30,531.72 (**ERIC MARTINEZ**)
8. CIP PROJECT #879A – SILER ROAD EXTENSION PROJECT
  - REQUEST FOR APPROVAL OF A GRIP2 COOPERATIVE PROJECT AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR 2007 LEGISLATIVE APPROPRIATIONS IN THE AMOUNT OF \$3,656,300 FOR THE SILER ROAD EXTENSION PROJECT
  - REQUEST FOR APPROVAL OF A MEMORANDUM OF AGREEMENT WITH THE NEW MEXICO FINANCE AUTHORITY REGARDING GRIP2 2007 LEGISLATIVE APPROPRIATIONS IN THE AMOUNT OF \$3,656,300 FOR THE SILER ROAD EXTENSION PROJECT (**DESIRAE LUJAN**)
9. CITY PARKS AND MUNICIPAL AIRPORT PRAIRIE DOGS
  - REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT AMENDMENT NO. 4 WITH ECO SOLUTIONS IN THE AMOUNT OF \$89,022.55
  - REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT REQUESTS (**ROBERT WOOD**)

10. SANTA FE MUNICIPAL AIRPORT

- REQUEST FOR APPROVAL OF FEDERAL AVIATION ADMINISTRATION (FAA) MEMORANDUM OF AGREEMENT NO. DTFASW-09-L-00087 WHICH REPLACES 4 SEPARATE FAA LEASE AGREEMENTS AT THE SANTA FE MUNICIPAL AIRPORT
- REQUEST FOR APPROVAL OF AMENDMENT NO. 7 TO THE CITY OF SANTA FE AIRPORT RESTAURANT TERMINAL LEASE AGREEMENT WHICH ACCOMMODATES 7 ADDITIONAL PAID PARKING SPACES **(JIM MONTMAN)**

11. REQUEST FOR APPROVAL OF A RESOLUTION ESTABLISHING AN ADVISORY WORKGROUP CONSISTING OF CITY DEPARTMENTS, SURROUNDING LOCAL GOVERNMENTS, STATE AGENCIES, FEDERAL AGENCIES, PRIVATE SECTOR AND NON-PROFIT ORGANIZATIONS FOR THE PURPOSE OF ADVISING THE CITY OF SANTA FE OFFICE OF EMERGENCY MANAGEMENT REGARDING THE ONGOING PREPARATION, IMPLEMENTATION, EVALUATION AND REVISION OF THE CITY OF SANTA FE EMERGENCY MANAGEMENT PROGRAM **(COUNCILOR TRUJILLO)**  
**(JOYCE PURLEY)**

12. REQUEST FOR APPROVAL OF A RESOLUTION WITHDRAWING FROM THE JOINT CITY COUNTY DIVISION OF EMERGENCY MANAGEMENT **(COUNCILOR TRUJILLO)**  
**(JOYCE PURLEY)**

13. REQUEST FOR APPROVAL OF A RESOLUTION SUPPORTING THE ADOPTION OF HOUSE BILL 471 ENACTING A NEW SECTION OF THE OIL AND GAS ACT THAT RECOGNIZES THE INHERENT AUTHORITY OF MUNICIPALITIES AND COUNTIES TO REGULATE OIL AND GAS OPERATIONS WITHIN THEIR JURISDICTIONS  
**(COUNCILORS BUSHEE, CALVERT AND ROMERO)** **(JEANNE PRICE)**

14. REQUEST FOR APPROVAL OF A RESOLUTION ESTABLISHING A PLAZA ROUNDTABLE AND DIRECTING STAFF TO WORK WITH PLAZA EVENT ORGANIZERS TO MITIGATE THE IMPACTS OF PLAZA EVENTS **(COUNCILOR CALVERT)** **(FABIAN CHAVEZ)**

**DISCUSSION**

15. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING STAFF TO CONTINUE CHARGING A REDUCED ANNUAL FEE FOR DOWNTOWN TOUR COMPANIES  
**(COUNCILOR ORTIZ)** **(BILL HON)**

16. GOVERNOR MILES ROAD RIGHT OF WAY

- REQUEST FOR CONCEPT APPROVAL OF SALE OF REAL ESTATE AND VACATION OF RIGHT OF WAY DESIGNATION OF PARCEL 1 CONTAINING 2222.0 SQUARE FEET LOCATED WITHIN THE NORTHERLY PORTION OF GOVERNOR MILES ROAD RIGHT OF WAY WITHIN SECTION 7, T. 16 N., R. 9 E., N.M.P.M. BY CROWNE SANTA FE, A NEW MEXICO LIMITED LIABILITY COMPANY THRU ITS AGENT LINDA TIGGES **(EDWARD VIGIL)**
- REQUEST FOR CONCEPT APPROVAL OF SALE OF REAL ESTATE AND VACATION OF RIGHT OF WAY DESIGNATION OF PARCEL 2 CONTAINING 3266.0 SQUARE FEET LOCATED WITHIN THE SOUTHERLY PORTION OF GOVERNOR MILES ROAD RIGHT OF WAY WITHIN SECTION 7, T. 16 N., R. 9 E., N.M.P.M. BY LAS SOLERAS OESTE, A NEW MEXICO LIMITED LIABILITY COMPANY OF ALBUQUERQUE THRU ITS AGENT LINDA TIGGES **(EDWARD VIGIL)**

17. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO LEASE AGREEMENT DATED OCTOBER 31, 1994 BY AND BETWEEN THE CITY OF SANTA FE AND THE NEW MEXICO DEPARTMENT OF PUBLIC SAFETY REGARDING RIGHTS OF USAGE AND REMOVING A 2 ACRE PARCEL FROM THE ORIGINAL LEASE PREMISES LOCATED ON CAMINO ENTRADA **(EDWARD VIGIL)**
18. PURCHASE OF SCHOOL DISTRICT PROPERTY/LOAN TERMS
  - REQUEST FOR APPROVAL OF THE LOAN TERMS FOR ACQUISITION OF THE 15 ACRES OWNED BY THE SANTA FE PUBLIC SCHOOLS IN THE NORTHWEST QUADRANT **(KATHY MCCORMICK)**
19. REQUEST FOR APPROVAL OF AN ORDINANCE REPEALING SECTIONS 14-8.11(G)(3), 14-8.13, 14-8.16 AND 14-8.17 SFCC 1987 REGARDING ANNUAL WATER BUDGET, WATER RIGHTS TRANSFER REQUIREMENTS AND WATER BANKING; CREATING A NEW SECTION 14-8.13 SFCC 1987 REGARDING DEVELOPMENT WATER BUDGET REQUIREMENTS, A NEW ARTICLE 25-9 SFCC 1987 REGARDING THE CITY WATER BUDGET, A NEW ARTICLE 25-10 SFCC 1987 REGARDING THE CITY WATER BANK, A NEW ARTICLE 25-11 SFCC 1987 REGARDING THE WATER RIGHTS TRANSFER PROGRAM, AND A NEW ARTICLE 25-12 SFCC 1987 REGARDING THE WATER CONSERVATION CREDIT PROGRAM; MAKING SUCH OTHER RELATED CHANGES AS ARE NECESSARY **(COUNCILOR WURZBURGER) (FRANK KATZ)**
20. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTIONS 14-3.14 AND 14-5.2(B) SFCC IN ORDER TO ESTABLISH PROCEDURES FOR THE DEMOLITION OF LANDMARK STRUCTURES AND TO REQUIRE MINIMUM MAINTENANCE OF LANDMARK STRUCTURES; AND MAKING RELATED CHANGES **(COUNCILORS CALVERT, BUSHEE AND ROMERO) (JEANNE PRICE)**
21. MATTERS FROM STAFF
22. MATTERS FROM THE COMMITTEE
23. NEXT MEETING: MARCH 9, 2009
24. ADJOURN

An interpreter for the hearing impaired is available through the City Clerk's Office upon 5 days notice.

## **SUMMARY INDEX**

### **PUBLIC WORK, CIP & LAND USE COMMITTEE**

February 23, 2009

<b>ITEM</b>	<b>ACTION TAKEN</b>	<b>PAGE(S)</b>
2. ROLL CALL	Quorum Present	1
3. APPROVAL OF AGENDA	Approved as amended	1-2
4. APPROVAL OF CONSENT AGENDA	Approved as published	2
5. APPROVAL OF MINUTES - Feb 9, 2009	Approved as presented	2
<b>PUBLIC HEARING</b>		
6. FEMA Floodplain Changes	Discussion	2-6
<b>CONSENT AGENDA LISTING</b>		
	Listed	6-7
<b>DISCUSSION AGENDA</b>		
15. Reduced Fares - Downtown Tours	Denied the extension	8-9
16. Governor Miles Road Right of Way	Approved with conditions	9-10
17. Lease on Camino Entrada	Approved	10
18. School District Property Loan	Approved an alternative	10-12
19. Water Budget/Water Rights Transfer	Postponed	12
20. Landmark Ordinance Changes	Approved	12-13
21. Matters from Staff	Discussion	13
22. Matters from the Committee	Discussion	13
23. Next Meeting	Set for March 9, 2009	13
24. Adjournment	Adjourned at 7:25 p.m.	13-14

**MINUTES OF THE**  
**CITY OF SANTA FE**  
**PUBLIC WORKS/CIP & LAND USE COMMITTEE**

**MONDAY, FEBRUARY 23, 2009**

**1. CALL TO ORDER**

A regular meeting of the Public Works/CIP & Land Use Committee was called to order on the above date by Chair Patti Bushee at approximately 5:15 p.m. in City Council Chambers, City Hall, 200 Lincoln, Santa Fe, New Mexico

**2. ROLL CALL**

Roll Call indicated the presence of a quorum as follows:

**MEMBER PRESENT:**

Councilor Patti Bushee, Chair  
Councilor Christopher Calvert  
Councilor Miguel Chávez  
Councilor Rosemary Romero

**MEMBERS ABSENT:**

Councilor Ronald S. Trujillo [Excused]

**OTHER COUNCILORS PRESENT:**

Councilor Carmichael Dominguez

**OTHERS PRESENT:**

Mr. Robert Romero, Public Works Director  
Ms. Bobbi Mossman, Public Works Staff

**NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Public Works Department.**

**3. APPROVAL OF AGENDA**

Councilor Calvert recommended postponing #19 and noted that the Planning Commission had also postponed it.

Mr. Romero said there were requests to find out what would happen with Camino Carlos Rael after the

Silver Road bridge was constructed. He said it was in accord with the Arterial Roads Task Force that it be closed after Siler Road was constructed and opened.

Chair Bushee said it was not an item listed on the agenda. She suggested it be dealt with on Matters from Staff.

**Councilor Calvert moved to approve the agenda as amended with #19 postponed. Councilor Chávez seconded the motion and it passed by unanimous voice vote.**

#### **4. APPROVAL OF CONSENT AGENDA**

**Councilor Calvert moved to approve the Consent Agenda. Councilor Romero seconded the motion and it passed by unanimous voice vote.**

#### **5. APPROVAL OF MINUTES FROM FEBRUARY 9, 2009, PUBLIC WORKS COMMITTEE MEETING**

**Councilor Chávez moved to approve the minutes of February 9, 2009 as submitted. Councilor Romero seconded the motion and it passed by unanimous voice vote.**

#### **PUBLIC HEARING**

#### **6. DISCUSSION TO THE RECENT FEMA FLOOD PLAIN CHANGES AND THE IMPLICATIONS FOR CITIZENS (WENDY BLACKWELL)**

Ms. Blackwell presented this matter to the Committee. She noted that the FEMA changes were approved by Council in April 2008. The maps went into effect on June 17, 2008. The entire pack was included here. It was not a discussion on whether they should be adopted. They were already adopted. There was a neighbor here to object to part of it. There were public meetings; a hearing process was followed. She included the announcements and some of the emails for the community meetings and how they were conducted. After the presentations, there were three stations where people could give their address and determine if they were in the flood plain or not.

She included in the packet two colored maps to compare the old flood plain with the new one with the pink for the old and blue for the new one.

The received numerous calls from concerned people. Staff told them if they wanted to refute what was shown; they would need to have a survey to submit to FEMA.

Chair Bushee commented that it was fairly expensive to do that and they would have to battle Washington. She asked if there was anything our staff could do to help and if they had a model to follow.

Ms. Blackwell said staff were providing advice on how to fill out the forms and shared the steps involved. Staff referred them to private contractors for the data. The City didn't have staff for engineering

assistance. She had two files with over a hundred requests. Many people were calling for printouts. They were doing about 6-8 of them each week. But gathering the hydrologic analysis was not something the City could provide.

She showed a full scale map to the public and the committee. It was done countywide and there were 15 arroyos highlighted that were unnumbered on which FEMA had not yet done studies. They had received calls on 13 of those arroyos asking for help. People could ask FEMA for an amendment without going through the City if they submitted a one-foot contour map. A challenge of the conclusions was much more complicated and would require hiring an engineer to do it at a cost of \$15-20,000. Also there was a \$4,000 fee to FEMA for processing. There was no fee for a letter of amendment.

Ms. Blackwell explained that they started this project as a nationwide effort after the 1992 Midwest floods. FEMA contracted in 2004-2005. Santa Fe didn't have to put up any money for it. The Archdiocese was one of the five that appealed. Two were dismissed outright. One was included. The archdiocese was integrated into other appeals.

Chair Bushee asked if any City projects were impacted.

Ms. Blackwell agreed. There were sections along the river where base lines were modified.

Councilor Calvert quoted from the packet some information about flood insurance being affected by the dams upstream. He asked how FEMA factored those in when they did the mapping.

Ms. Blackwell said it was part of the grandfather rule (Page 113) that would allow homeowners to keep their flood insurance based on the old maps. Regarding the question about the safety of the dam, she spoke with Michael Gonzales who manages the releases from the reservoir. Apparently when it was breached, they did some remediation work on it. The current mapping took those two dams into account and they met the FEMA standards. There was a high hazard study being done on the dams right now under a contract. So the study recognized that they existed and were calculated in.

She said there were projects that could be funded thru mitigation grants. Last year \$500,000 was given to each state. No one really applied for the money. So the City could likely get funds to do the studies.

She explained that if a flood happened in New Mexico, money would be made available to all counties for projects listed in the mitigation plan. It was a 75%/25% funding.

Councilor Calvert heard there was more information to be gathered and asked when it might be available.

Ms. Blackwell said it was up to the Hazard Mitigation Coordinator for the State.

Councilor Chávez asked about the need for variances.

Ms. Blackwell said the current City ordinance did not allow construction in the flood plain area without a variance. The federal rule book said in the one-foot fringe area the construction could be elevated one foot.

Councilor Chávez raised the issue of existing structures that now would be in the floodplain. The Committee realized in its discussion that if those non-conforming structures in those areas were destroyed or severely damaged, they could not be rebuilt at those locations. Ms. Blackwell said even interior construction would trigger a requirement for bringing the structure into conformance.

Ms. Brennan confirmed that any such construction would require that the whole structure meet current building codes. Building in the flood plain also required proof that the building would not affect the volume or velocity of the water in a flood.

## **PUBLIC HEARING**

Mr. Courtenay Mathey, 2 Camino Pequeño, appreciated the hearing and the complexity. Most of the neighbors found out about this last April. They received individual letters for property owners within the new flood plain area. The City was helpful and had computer stations. At the time, the new flood plain was a hundred year floodplain. There was also a 1% floodplain and also one with base elevations.

Most of it was the river from the reservoir to downtown. The 1% flood plain was also considered a flood way. He showed a bigger map of the flood plain and pointed out that there were a lot of properties that were affected.

He explained that it was a serious problem for the homeowners on Camino Pequeño because they could only use that property for agriculture, levees or detention ponds and that was it.

He said this was a rezoning and now they could not do anything about it. The City ordinance required an ENN for that. They were at it two years and property owners were just now finding out about it. It needed to be addressed now. .

Mr. Brad Perkins, 3 Camino Pequeño said that on the back of an envelope, they estimated that this change would affect \$607 million worth of property. That was a serious issue. If we spent the money, we would take a chance we could prove the FEMA studies wrong but what if we were unsuccessful?

If there was ever a catastrophic event they could not build and their property would be worth nothing. The City didn't cause this but Mother Nature did. If the maps were correct, it just seemed there ought to be some help in there.

He pointed out that for the whole down town, everything south of downtown would be in the flood plain. He didn't see how that could happen without the City jumping in. And it meant no development was possible to the south. The consequences of this remapping could spread far beyond six homeowners. There were commercial properties too. How likely was that wipe out? They say there was a 29% chance of a 30 year event in any 30 year period.

He said they could have flood insurance but could not fix it if they were flooded, so what was the benefit of the insurance.



He said Ms. Blackwell mentioned pre-catastrophe mitigation funds. All the allocations were fairly minor amounts except for two or three in the low millions. The city should be aggressively proactive to get their hands on that money to mitigate the program for everyone in Santa Fe, homeowners and businesses. That certainly would help.

FEMA also looked at our two reservoir dams as potential hazards. That was not a happy situation. Some of the money should address that. He pointed out that they made their home here and paid their property taxes here and now they would not be able to rebuild if wiped out. So he hoped their consideration would go beyond this one meeting to see what they might be getting.

Chair Bushee asked Ms. Brennan to respond to the issue of de facto downzoning.

Ms. Brennan said it was not a downzoning but adopting the FEMA boundary. It was not the eminent domain power so it was not a taking.

Regarding the ordinance, she was not sure brining it entirely in line with federal about not building in the floodway might not be beneficial. There might be something that could be done for repairing buildings already in existence. With insurance there was the expectation that there would be rebuilding. There were a bunch of questions they were just beginning to explore. The program would be rational to be acceptable.

Chair Bushee asked what the next steps would be.

Ms. Brennan offered to talk with Ms. Blackwell about any changes to Code that would help. She agreed to explore the legal ramifications of all of this.

Chair Bushee asked who was working on this.

Ms. Blackwell said the City could apply for grants from FEMA. There was the mitigation fund and another for declared disasters. Getting the City's plan updated was important. These funds elsewhere have been used for waterproofing and money for helping with rebuilding. Etc.

Funds could also be used for buyout and relocation. There were a lot of options. She and Ms. Brennan met with neighbors and had discussions with the FEMA representative who said he wanted to see more discussions before issuing the final version.

Federal rule 65-12 said there were seven steps to do construction.

She said she could develop a list of questions and have conference calls with him. He wanted to see specific numbers. There was already a contract to an Albuquerque engineering firm for high hazard study.

When the archdiocese project finally appealed to FEMA in 2006, they tried to get some city funds because there was city-owned land in that area. The City decided not to contribute to this private development. That was decided in 2006.

The City's obligation to participate in the FEMA program and remaining in good standing with the program required adopting the maps and implement the flood plain areas. There were 504 structures in the

flood plain. We were currently doing the inventory to determine the ones that were non-conforming and then would work on mitigation measures.

She clarified what Mr. Mathey said - FEMA was obligated in 2006 to take care of that process. They had a community meeting on Aug 1<sup>st</sup>. There were 70 notices sent out although they were not obligated to do that.

Councilor Chávez thought the maps should be reconciled.

Mr. Mathey said they got the maps from GIS. He pointed out that the maps on the website did not show the flood way.

Councilor Calvert recapped that staff would follow up on 1) what was happening with the dam; 2) what they might be able to do with code revisions; 3) work with Joyce Purley to see what funds the City could apply for; 4) identify some of the other affected properties by studying the maps and do outreach with them.

He also commented that the insurance claim would allow them to rebuild somewhere.

Chair Bushee hoped the City could find a way to help with this problem.

## **CONSENT AGENDA LISTING**

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**DISCUSSION**

**15. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING STAFF TO CONTINUE CHARGING A REDUCED ANNUAL FEE FOR DOWNTOWN TOUR COMPANIES (COUNCILOR ORTÍZ) (BILL HON)**

Mr. Hon reported. He said the traffic pattern downtown would be changing with the full opening of Lincoln. But it would not result in an impact on the tour companies. Since this resolution was introduced, Lincoln has changed back to two-way traffic and the tour operators would be able to keep their old place.

There should be quite a bit of traffic.

The financial impact that was included in the hand out and he quoted from it. The prices were based on the studies. The prices for the tour companies were based on projected revenues lost at their pickup sites on the Plaza. The services the Parking Division provided in shuttle services would not impact the tour operators. He didn't think they would be impacted by the fees. This would not take effect until May.

Chair Bushee asked how he came up with fees and if it was that what parking would generate.

Mr. Hon said they did a study on meters in that area and placed a premium on it because it was reserved for that purpose.

Chair Bushee was surprised it had been done by resolution before because it should be an amendment to the ordinance.

Councilor Chávez thought it was because of the temporary construction going on and now the request was to make that permanent.

Mr. Hon clarified that it was not built into the ordinance.

Chair Bushee said it was like a vendor arrangement. She would like to see some uniformity of enforcement.

Mr. Romero said parking fees had been set administratively. There were lots of situations where people wanted permits. They had tried to be reasonable with the fees. If they had an ordinance, they couldn't be as flexible.

Councilor Chávez asked how many tour operators used it.

Mr. Hon said there were two operating from Lincoln and Palace. There was a third at San Francisco and Old Santa Fe Trail. They once had only one operating out of that spot but others who came wanted the same spot. They added a spot for the second one but now they advertised now each year for it and had a lottery in the Clerk's office.

Councilor Calvert thought the original conditions leading to this had been resolved.

**Councilor Calvert moved to not approve the extension. Councilor Romero seconded the motion.**

Councilor Romero felt times had changed. The Santa Fe PickUp was now free. They needed time to evaluate that.

Chair Bushee asked if it was working okay now.

Mr. Hon agreed that it was.

Councilor Chávez felt it was a good service but not sustainable as free forever.

**The motion passed by unanimous voice vote.**

**16. GOVERNOR MILES ROAD RIGHT OF WAY**

- **REQUEST FOR CONCEPT APPROVAL OF SALE OF REAL ESTATE AND VACATION OF RIGHT OF WAY DESIGNATION OF PARCEL 1 CONTAINING 2222.0 SQUARE FEET LOCATED WITHIN THE NORTHERLY PORTION OF GOVERNOR MILES ROAD RIGHT OF WAY WITHIN SECTION 7, 5. 16 N., R. 9 E., N.M.P.M. BY CROWNE SANTA FE, A NEW MEXICO LIMITED LIABILITY COMPANY THROUGH ITS AGENT LINDA TIGGES (EDWARD VIGIL)**

Mr. Ed Vigil presented this matter to the Committee. He requested concept approval for vacation of the right-of-way. Public Works Division recommended that the two parcels be sold and combined with the larger portions the corporations hold and reserve easements for the City. He explained it had been in the works for a few years. Governor Miles was still in the development stage at Las Soleras.

Councilor Calvert asked if the trail situation was accounted for in it.

Mr. Vigil said it wasn't because it was not up against the right of way.

Councilor Calvert was concerned about connecting the trails down there.

Ms. Linda Tigges explained that the trail was the Arroyo Chamiso toward the east side.

**Councilor Chávez moved for conceptual approval with condition that it include all the exhibits listed on page three. Councilor Romero seconded the motion and it passed by unanimous voice vote.**

- **REQUEST FOR CONCEPT APPROVAL OF SALE OF REAL ESTATE AND VACATION OF RIGHT OF WAY DESIGNATION OF PARCEL 2 CONTAINING 3266.0 SQUARE FEET LOCATED WITHIN THE SOUTHERLY PORTION OF GOVERNOR MILES ROAD RIGHT OF WAY WITHIN SECTION 7, 5. 16 N., 4. 9 3., N.M.P.M. BY LAS SOLERAS OESTE, A NEW MEXICO LIMITED LIABILITY COMPANY OF ALBUQUERQUE THROUGH ITS AGENT LINDA TIGGES (EDWARD VIGIL)**

Mr. Vigil said this was a similar situation and tied to the Las Soleras situation.

**Councilor Calvert moved for conceptual approval with the draft on page 37. Councilor Chávez seconded the motion and it passed by unanimous voice vote.**

**17. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO LEASE AGREEMENT DATED OCTOBER 31, 1994 BY AND BETWEEN THE CITY OF SANTA FE AND THE NEW MEXICO DEPARTMENT OF**

**PUBLIC SAFETY REGARDING RIGHTS OF USAGE AND REMOVING A 2 ACRE PARCEL FROM THE ORIGINAL LEASE PREMISES LOCATED ON CAMINO ENTRADA (EDWARD VIGIL)**

Mr. Vigil said the storage lot would be landlocked so it was reconfigured to allow access for expansion there.

**Councilor Calvert moved to approve the request. Councilor Chávez seconded the motion and it passed by unanimous voice vote.**

**18. PURCHASE OF SCHOOL DISTRICT PROPERTY/LOAN TERMS**

- **REQUEST FOR APPROVAL OF THE LOAN TERMS FOR ACQUISITION OF THE 15 ACRES OWNED BY THE SANTA FE PUBLIC SCHOOLS IN THE NORTHWEST QUADRANT (KATHY MCCORMICK)**

Ms. McCormick recalled that the Council approved the purchase of 15 acres and staff was asked to come back with the terms in case it didn't go forward. What was in the packet was staff's recommendation. It currently stated that if the Master Plan was adopted and a developer was on board, it would start about 2010 or 2011 although the economy had a lot to do with it. If there was no ground broken for five years, it would be repaid every year for five years out of that fund.

Councilor Chávez concluded they were basically lending the sums and would close out the CIP at \$140,000. Otherwise it would go to the trust fund.

Ms. McCormick clarified they were paying the School District \$840,000 for 15 acres and they were asking the City to set aside ten acres for a school on Buckman. The reason the staff felt comfortable with it was that it had a ten year horizon. The school would have to decide in ten years and if they didn't, the City would not have to reserve it for a school and the schools could not be sold for something else. She said the terms were satisfactory to the schools.

Councilor Chávez said it was not on his list of priorities since there were other pressing needs.

**Councilor Chávez moved to deny the request to purchase the school district property and deny the terms of the request. The motion failed for lack of a second.**

Councilor Calvert asked if they had a choice here. He asked if there was a legal opinion on it.

Mr. Buller said he wouldn't speak as a lawyer but the Councilors had to be concerned about the good faith issue since the letter the City sent to the school said the City would do it and had the funding to do it.

Councilor Chávez noted there had been good faith measures in the past. There were things that were different about this but not everything agreed to had come to fruition. He had never supported it in the past.

Mr. Buller clarified that he was talking about political good faith and not legal issues.

Chair Bushee said she would be more comfortable with 2010 for beginning repayment. It now said 2013.

**Councilor Romero moved to approve the request. Councilor Calvert seconded the motion.**

Councilor Romero thought 2013 was a placeholder. The Master Plan had not been approved. She asked Ms. McCormick to speak to it. Right now they don't have anything in place and this just targeted it out there in the future. She reminded them the City did it with the water company.

Ms. McCormick felt this was a reasonable expectation about when the homes would start being sold there. If the program didn't start by then, this would start a repayment back out of the Affordable Housing Trust Fund.

Chair Bushee didn't think that was right.

Councilor Chávez thought they also needed to reevaluate point one. He didn't think any money had gone back from the water company loan. It was getting too easy to do this. He thought it should be rethought in light of the economy and markets.

Councilor Calvert said this was not something they could afford to do until three years. So they were agreeing to do what they agreed to do.

**Councilor Calvert moved as amend the motion to pursue an alternate approach to delay the payment for three years. Councilor Romero agreed to it as a friendly amendment.**

Councilor Chávez said they needed cash just as much or more than the City. The reason for keeping it was to reduce the overpayment but this \$140,000 was to reduce overcrowding in the schools in the southwest sector but would not accomplish that. They didn't need the school in the northwest area but in other places.

Chair Bushee asked if the motion was 2013.

Councilor Calvert agreed to 2013. His intent was not to use this approach but to begin making a payment in 2013.

**Chair Bushee asked for Councilor Calvert's motion to be a separate motion. Councilor Chávez seconded the motion.**

Councilor Romero asked Ms. McCormick if she would have to renegotiate with the schools.

Ms. McCormick agreed because the letter said it would be a lump sum payment to be paid by March 1<sup>st</sup>. It was signed and sent to them.

Councilor Romero said it based on the fact that they had economic hard times.

Councilor Calvert added that the City was going to borrow the money.

**The motion passed by unanimous voice vote.**

- 19. REQUEST FOR APPROVAL OF AN ORDINANCE REPEALING SECTIONS 14-8.11(G)(3), 14-8.13, 14-8.16 AND 14-8.17 SFCC 1987 REGARDING ANNUAL WATER BUDGET WATER RIGHTS TRANSFER REQUIREMENTS AND WATER BANKING; CREATING A NEW SECTION 14-8.13 SFCC 1987 REGARDING DEVELOPMENT WATER BUDGET REQUIREMENTS, A NEW ARTICLE 25-9 SFCC 1987 REGARDING THE CITY WATER BUDGET, A NEW ARTICLE 25-10 SFCC 1987 REGARDING THE CITY WATER BANK, A NEW ARTICLE 25-11 SFCC 1987 REGARDING THE WATER RIGHTS TRANSFER PROGRAM, AND A NEW ARTICLE 25-12 SFCC 1987 REGARDING THE WATER CONSERVATION CREDIT PROGRAM; MAKING SUCH OTHER RELATED CHANGES AS were NECESSARY (COUNCILOR WURZBURGER) (FRANK KATZ)**

This item was postponed under consideration of the Agenda.

- 20. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTIONS 14-3.14 AND 14-5.2 (B) SFCC IN ORDER TO ESTABLISH PROCEDURES FOR THE DEMOLITION OF LANDMARK STRUCTURES AND TO REQUIRE MINIMUM MAINTENANCE OF LANDMARK STRUCTURES; AND MAKING RELATED CHANGES (COUNCILORS CALVERT, BUSHEE AND ROMERO) (JEANNE PRICE)**

Mr. Rasch explained the demolition of landmarks had been left out of the ordinance so this was to address that delinquency. It addressed applications for demolition and minimum maintenance to avoid demolition by neglect. The Governing Body would have final authority upon HDRB recommendations.

Chair Bushee asked with respect to neglect, what would enable the City to go in and address a cemetery with high weeds.

Mr. Rasch explained that this was limited only to landmark historic structures. He assumed weeds were under the nuisance law. He added that the City would first cite them as a violation. The citation would require a hearing before the HDRB and require the repair to be done.

**Councilor Calvert moved to recommend approve of the amendment. Councilor Romero seconded the motion and it passed by unanimous voice vote.**

## **21. MATTERS FROM STAFF**

Mr. Romero said regarding Camino Carlos Rael that the project would close the street. They were waiting for the Siler bridge project right now. They got \$3.6 million from DOT and were about \$1.5 million short. They were going through the RPA to secure the rest. He thought it would be done by the end of the year. He said it was consistent with the Arterials & Roads Task Force and was on the Council's budget.



Chair Bushee asked how they were we going to pay for the shuttle.

Councilor Chávez felt Santa Fe Pick Up should have a charge built in.

Mr. Romero said if they did charge, it would be a drop in the bucket and might be more of a hassle to collect it. With the economic downturn, they should do something.

## **22. MATTERS FROM THE COMMITTEE**

Chair Bushee said the six month review for the Parking Advisory Committee would be heard the second Tuesday in March and they would have a public hearing here.

Councilor Calvert said he received three emails about Santa Fe Clay and thought they had worked that out.

Chair Bushee suggested they could bring their petitions to the hearing.

## **23. NEXT MEETING: MARCH 9, 2009**

## **24. ADJOURN**

Having completed the agenda and with no further business to come before the Committee, the meeting was adjourned at 7:25 p.m.

Approved by:

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Patti Bushee, Chair

Submitted by:

  
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Carl Boaz, Stenographer