



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 25, 2009
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 2/20/09 TIME 2:50pm

SERVED BY _____

RECEIVED BY J. Dominguez

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – February 11, 2009
9. PRESENTATIONS
 - a) Muchas Gracias – Cub Scout Pack 53 and Boy Scout Troops 414, 53 and 28. (Manny Ortiz) (5 minutes)
 - b) Muchas Gracias – Charlie Baldonado. (5 minutes)
 - c) Thornburg Campus. (David M. Miller) (10 minutes)
 - d) Santa Fe Trends 2009. (Reed Liming) (5 minutes)
10. CONSENT CALENDAR
 - a) Bid No. 09/18/B – Police Department Renovations – Phase II and Agreement Between Owner and Contractor; Lockwood Construction Company. (Chip Lilienthal)
 - b) Bid No. 09/19/B – Patrick Smith Park Renovation and Agreement Between Owner and Contractor; Heads Up Landscape Contractors. (Ben Gurule)
 - 1) Request for Approval of Budget Increase – Project Fund
 - c) Request for Approval of Procurement Under State Price Agreement – Materials to Maintain City Streets; J & H Supply Company. (Randy Blake)



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- d) Request for Approval of Amendment No. 1 to Legal Services Agreement – Legal Services; Art Michael, Esq. (Frank Katz)
- e) Request for Approval of Amendment No. 1 to Memorandum of Understanding – Rail Runner Project; Mid-Region Council of Governments. (Robert Romero)
- f) Request for Approval of Water Rights Purchase Agreement – Middle Rio Grande Conservancy District; Estate of Ramona Jaramillo. (Dale Lyons)
- g) Request for Approval of Budget Adjustments for Water, Wastewater and Solid Waste Divisions. (Maya Martinez)
- h) Request for Approval of Joint Powers Agreement – Santa Fe County Day Reporting Program; County of Santa Fe. (Richard DeMella)
- i) Request for Approval of Quarterly Investment Report as of December 31, 2008. (Helene Hausman)
- j) Request for Concept Approval of Sale of Real Estate and Vacation of Right-of-Way Designation – Property Located at 644 W. San Francisco Street; James A. Sleeper. (Edward Vigil)
- k) Neighborhood Stabilization Program (Melissa Collett Dailey)
 - 1) Request for Approval of Grant Award; HUD.
 - 2) Request for Approval of Staff Recommendations for Funding Allocation.
 - 3) Request for Approval to Authorize City Manager to Execute the Contracts with our Housing Partners Based on Outlined Guidelines.
 - 4) Request for Approval to Authorize City Manager to Approve Direct Purchase of Land or Homes by Office of Affordable Housing.
- l) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Calvert, Mayor Coss, Councilor Wurzbarger, Councilor Bushee, Councilor Romero, Councilor Dominguez and Councilor Trujillo)
A Joint Resolution Supporting Healthy Lifestyles Through Earth Knowledge and Sustainable Practices for Santa Fe Youth. (Katherine Mortimer)



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- m) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Bushee, Councilor Calvert and Councilor Romero)
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. (Jeanne Price)
- n) Request for Approval to Publish Notice of Public Hearing on March 25, 2009:
 - 1) Bill No. 2009-9 – An Ordinance Amending Section 23-5.4 SFCC 1987 to Include the Prohibition of Booths or Tables or Similar Objects on the Grassed Areas of the Plaza Park. (Councilor Calvert and Councilor Bushee) (Fabian Chavez)
 - a) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Calvert)
A Resolution Establishing a Plaza Round Table and Directing Staff to Work With the Plaza Event Organizers to Mitigate the Impacts of Plaza Events. (Fabian Chavez)
 - 2) Bill No. 2009-10 – An Ordinance Amending Section 12-6-5.8 Regarding Turning and Stopping Movements and Required Signals; Section 12-6-12.18 Regarding Prohibited Activities While Driving; Section 12-6-13.15 Regarding Injurious Materials on City Streets; Section 12-9-9 Regarding Designated Disabled Parking Spaces; Section 12-12-20 Regarding the Vehicle Immobilization (Boot) Program; the Traffic Violation Penalty Assessment Schedule; and the Parking Violation Penalty Assessment Schedule All of the City of Santa Fe Uniform Traffic Code. (Councilor Trujillo) (Chief Eric Johnson)
- o) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Dominguez)
A Resolution Recognizing and Supporting the Efforts of The Santa Fe Civic Housing Authority to Construct and Operate the Hopewell-Mann Multi-Purpose Community Center. (Robert Romero)



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- p) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Bushee, Mayor Coss, Councilor Trujillo, Councilor Calvert, Councilor Romero and Councilor Dominguez)
A Resolution Directing Staff to Prepare the Necessary Documents to Complete the Donation of Approximately Five Acres of Vacant City Owned Land Located Adjacent to the Santa Fe National Cemetery to The National Cemetery Administration, Department of Veterans Affairs. (Jack Hiatt)
- q) CONSIDERATION OF A RESOLUTION NO. 2009-_____. (Councilor Wurzbarger, Councilor Romero and Councilor Calvert)
A Resolution Authorizing and Approving Submission of an Executed Agreement to the Department of the Army for Design and Construction Financial Assistance for the Canyon Road Water Treatment Plant Upgrades (Brian Snyder)
- 1) Request for Approval of Agreement – Design and Construction Assistance for the Canyon Road Water Treatment Plant Upgrades; Department of the Army. (Brian Snyder)
- a) Request for Approval of Budget Increase – Grant Fund
- r) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Chavez)
A Resolution Supporting Senate Bill 21 that Creates the State of New Mexico Hispanic Affairs Department and the Hispanic Affairs Commission. (Jeanne Price)
- s) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Chavez)
A Resolution Supporting Senate Bill 582 That Would Enact the Local Hispano Arts and Crafts Sales Act. (Jeanne Price)
11. Request for Approval of Amendment No. 5 to Professional Services Agreement – Santa Fe Civic Convention Center; Hands Engineering, LLC. (Martin Valdez)
(Postponed at February 11, 2009 City Council Meeting)
- 1) Request for Approval of Amendment No. 8 to Professional Services Agreement – Santa Fe Civic Convention Center; Fentress Bradburn Architects, Ltd.



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12. Request for Approval to Apply to the North Central Regional Transit District (NCRTD) to Receive a Non-Recurring \$100,000 Grant Award for Expansion of "Transit Services that are Regional in Nature". (Jon Bulthuis)
13. CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Calvert, Mayor Coss and Councilor Bushee)
A Resolution Amending Resolution No. 2009-23 – 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 Standards Applicable To State Buildings. (David Rasch)
14. CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Bushee, Mayor Coss and Councilor Calvert)
A Resolution Supporting The House Taxation And Revenue Committee Substitute For House Bill 360 Relating To Local Governments; Providing Procedures For The Application Of Historic District And Landmark Act To State Capital Outlay Projects. (David Rasch)
15. Request for Approval and Consent for Solid Waste Management Agency to Accept Waste from North Central Solid Waste Authority and Los Alamos County. (Randall Kippenbrock) (Postponed at January 28, 2009 City Council Meeting) **(WITHDRAWN)**
16. MATTERS FROM THE CITY MANAGER
17. MATTERS FROM THE CITY ATTORNEY
EXECUTIVE SESSION:
Discussion of Modification of Terms of the Termination of Jicarilla Apache Nation (JAN) Lease, Pursuant to §10-15-1 (H)(8) NMSA 1978.
18. MATTERS FROM THE CITY CLERK
19. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

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



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- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
- H. PUBLIC HEARINGS:
 - 1) Request from Dionne Christian for a Restaurant (Beer & Wine) Liquor License to be located at The Teahouse LLC, 944 East Palace Avenue. (Yolanda Y. Vigil)
 - 2) Request from Masayuki Hattori for a Restaurant (Beer & Wine) Liquor License to be located at Sushi Land – East, 60 East San Francisco Street. (Yolanda Y. Vigil)
 - 3) CONSIDERATION OF RESOLUTION NO. 2009-_____.
Case #M 2008-40. Villa Alegre Office General Plan Amendment. Duty and Germanas Architects, Agent for Santa Fe Civic Housing Authority, Request Approval of a General Plan Future Land Use Map Amendment to Change the Designation of 0.350± Acre from Medium Density Residential to Office. The Property is Located at the Northeast Corner of West Alameda Street and Camino Del Campo. (Lucas Cruse)
 - 4) CONSIDERATION OF BILL NO. 2009-6: ADOPTION OF ORDINANCE NO. 2009-_____.
Case #ZA 2008-16. Villa Alegre Office Rezoning. Duty and Germanas Architects, Agent for Santa Fe Civic Housing Authority, Request Rezoning of 0.350± Acre from RM-2 (Multi-Family Residential, 29 Dwelling Units per Acre) to C-1 (Office and Related Commercial). The Property is Located at the Northeast Corner of West Alameda Street and Camino Del Campo. (Lucas Cruse)
- I. ADJOURN



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

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

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

**SUMMARY INDEX
CITY COUNCIL MEETING
February 25, 2009**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-5
APPROVAL OF MINUTES: Regular Council Meeting – February 11, 2009	Approved	5
<u>PRESENTATIONS</u>		
MUCHAS GRACIAS – CUB SCOUT PACK 53 AND BOY SCOUT TROOPS 414, 53 AND 28		5
MUCHAS GRACIAS – CHARLIE BALDONADO		5-6
THORNBURG CAMPUS		6
SANTA FE TRENDS 2009		6-7
<u>CONSENT CALENDAR DISCUSSION</u>		
NEIGHBORHOOD STABILIZATION PROGRAM: REQUEST FOR APPROVAL OF GRANT AWARD; HUD. REQUEST FOR APPROVAL OF STAFF RECOMMENDATIONS FOR FUNDING ALLOCATION. REQUEST FOR APPROVAL TO AUTHORIZE CITY MANAGER TO EXECUTE THE CONTRACTS WITH OUR HOUSING PARTNERS BASED ON OUTLINED GUIDELINES. REQUEST FOR APPROVAL TO AUTHORIZE CITY MANAGER TO APPROVE DIRECT PURCHASE OF LAND OR HOMES BY OFFICE OF AFFORDABLE HOUSING	All approved	7-8

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<p>CONSIDERATION OF RESOLUTION NO. 2009- 31. A RESOLUTION DIRECTING STAFF TO PREPARE THE NECESSARY DOCUMENTS TO COMPLETE THE DONATION OF APPROXIMATELY FIVE ACRES OF VACANT CITY OWNED LAND LOCATED ADJACENT TO THE SANTA FE NATIONAL CEMETERY TO THE NATIONAL CEMETERY ADMINISTRATION, DEPARTMENT OF VETERANS AFFAIRS</p> <p>*****</p> <p>END OF CONSENT CALENDAR DISCUSSION</p> <p>*****</p>	Approved	8-9
<p>REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO PROFESSIONAL SERVICES AGREEMENT – SANTA FE CIVIC CONVENTION CENTER; HANDS ENGINEERING, LLC.</p>	Approved	9
<p>REQUEST FOR APPROVAL OF AMENDMENT NO. 8 TO PROFESSIONAL SERVICES AGREEMENT – SANTA FE CIVIC CONVENTION CENTER; FENTRESS BRADBURN ARCHITECTS, LTD.</p>	Approved	9
<p>REQUEST FOR APPROVAL TO APPLY TO THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT (NCRTD) TO RECEIVE A NON-RECURRING \$100,000 GRANT AWARD FOR EXPANSION OF “TRANSIT SERVICES THAT ARE REGIONAL IN NATURE.”</p>	Approved	9
<p>CONSIDERATION OF RESOLUTION NO. 2009-32. A RESOLUTION AMENDING RESOLUTION NO. 2009-23 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 STANDARDS APPLICABLE TO STATE BUILDINGS</p>	Approved	10
<p>CONSIDERATION OF RESOLUTION NO. 2009- 33. A RESOLUTION SUPPORTING THE HOUSE TAXATION AND REVENUE COMMITTEE SUBSTITUTE FOR HOUSE BILL 360 RELATING TO LOCAL GOVERNMENTS; PROVIDING PROCEDURES FOR THE APPLICATION OF HISTORIC DISTRICT AND LANDMARK ACT TO STATE CAPITAL OUTLAY PROJECTS</p>	Approved	10-11

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FOR APPROVAL AND CONSENT FOR SOLID WASTE MANAGEMENT AGENCY TO ACCEPT WASTE FROM NORTH CENTRAL SOLID WASTE AUTHORITY AND LOS ALAMOS COUNTY	Withdrawn	11
MATTERS FROM THE CITY MANAGER	None	11
MATTERS FROM THE CITY CLERK	Information	11
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	11-14
MATTERS FROM THE CITY ATTORNEY Executive Session	Approved	15
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	15
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	16
PETITIONS FROM THE FLOOR		16-17
<u>APPOINTMENTS</u>		
Airport Advisory Board	Approved	17-18
Children and Youth Commission	Approved	18
Occupancy Tax Advisory Board	Approved	18
<u>PUBLIC HEARINGS</u>		
REQUEST FROM DIONNE CHRISTIAN FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT THE TEAHOUSE, LLC, 944 EAST PALACE AVENUE	Approved	18-19
REQUEST FROM MASAYUKI HATTORI FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT SUSHI LAND - EAST, 60 EAST SAN FRANCISCO STREET	Approved	19-20

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF RESOLUTION NO. 2009- 34. <u>CASE #M 2008-40.</u> VILLA ALEGRE OFFICE GENERAL PLAN AMENDMENT. DUTY AND GERMANAS ARCHITECTS, AGENT FOR SANTA FE CIVIC HOUSING AUTHORITY, REQUEST APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 0.350± ACRE FROM MEDIUM DENSITY RESIDENTIAL TO OFFICE. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF WEST ALAMEDA STREET AND CAMINO DEL CAMPO	Approved	20-22
CONSIDERATION OF BILL NO. 2009-6; ADOPTION OF ORDINANCE NO. 2009-8. <u>CASE #ZA 2008-16.</u> VISTA ALEGRE OFFICE REZONING. DUTY AND GERMANAS ARCHITECTS, AGENT FOR SANTA FE CIVIC HOUSING AUTHORITY, REQUEST REZONING OF 0.350± ACRE FROM RM-2 (MULTI-FAMILY RESIDENTIAL, 29 DWELLING UNITS PER ACRE) TO C-1 (OFFICE AND RELATED COMMERCIAL). THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF WEST ALAMEDA STREET AND CAMINO DEL CAMPO	Approved	23
ADJOURN		23

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
February 25, 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 25, 2009, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico Flag and Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

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

6. APPROVAL OF AGENDA

Councilor Calvert said he is withdrawing Item 10(n)(1) the Ordinance amendment, but would like to keep Item 10(n)(1)(a) on the agenda.

Councilor Bushee asked if these items are for approval to publish notice of public hearings, saying she doesn't believe a public hearing is needed for the Resolution regarding the Roundtable.

Mayor Coss said Item 10(n)(1)(a) will stay on consent but Item 10(n)(1) is withdrawn.

Councilor Calvert said this is correct and the Resolution should stand on its own for approval.

Responding to Councilor Bushee, Mayor Coss reiterated that Item 10(n)(1) is withdrawn and Item 10(n)(1)(a) would stay on the agenda, but not for publication.

Frank Katz said this item hasn't been noticed for adoption this evening, but it has been noted for a public hearing. He understands the ordinance has been withdrawn. The problem is taking any action on the Resolution.

Mayor Coss said then it is advertised incorrectly under the Open Meetings Act.

Councilor Calvert asked to pull Items 10(n)(1) and 10(n)(1)(a) from the agenda.

Mayor Coss asked that Item 10(n)(1)(a) the Resolution be sent to the March 11, 2009 Council meeting.

Councilor Trujillo moved, seconded by Councilor Bushee, to approve the agenda as amended.

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

7. APPROVAL OF CONSENT CALENDAR

Councilor Bushee asked that she be added as a sponsor to Item 10(o).

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

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

Against: None.

Absent: Councilor Chavez.

- a) BID NO. 09/18/B – POLICE DEPARTMENT RENOVATIONS – PHASE II AND AGREEMENT BETWEEN OWNER CONTRACTOR; LOCKWOOD CONSTRUCTION COMPANY. (CHIP LILIENTHAL)**
- b) BID NO. 09/19/B – PATRICK SMITH PARK RENOVATION AND AGREEMENT BETWEEN OWNER AND CONTRACTOR; HEADS UP LANDSCAPE CONTRACTORS. (BEN GURULE)**
 - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND**

- c) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – MATERIALS TO MAINTAIN CITY STREETS; J & H SUPPLY COMPANY. (RANDY BLAKE)
- d) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO LEGAL SERVICES AGREEMENT – LEGAL SERVICES; ART MICHAEL, ESQ. (FRANK KATZ)
- e) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO MEMORANDUM OF UNDERSTANDING – RAIL RUNNER PROJECT; MID-REGION COUNCIL OF GOVERNMENTS. (ROBERT ROMERO)
- f) REQUEST FOR APPROVAL OF WATER RIGHTS PURCHASE AGREEMENT – MIDDLE RIO GRANDE CONSERVANCY DISTRICT; ESTATE OF RAMONA JARAMILLO. (DALE LYONS)
- g) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENTS FOR WATER, WASTEWATER AND SOLID WASTE DIVISIONS. (MAYA MARTINEZ)
- h) REQUEST FOR APPROVAL OF JOINT POWERS AGREEMENT – SANTA FE COUNTY DAY REPORTING PROGRAM; COUNTY OF SANTA FE. (RICHARD DEMELLA)
- i) REQUEST FOR APPROVAL OF QUARTERLY INVESTMENT REPORT AS OF DECEMBER 31, 2008. (HELENE HAUSMAN)
- j) REQUEST FOR CONCEPT APPROVAL OF SALE OF REAL ESTATE AND VACATION OF RIGHT-OF-WAY DESIGNATION – PROPERTY LOCATED AT 644 W. SAN FRANCISCO STREET; JAMES A. SLEEPER. (EDWARD VIGIL)
- k) *[Removed for discussion by Councilor Bushee]*
- l) CONSIDERATION OF RESOLUTION NO. 2009- 25 (COUNCILOR CALVERT, MAYOR COSS, COUNCILOR WURZBURGER, COUNCILOR BUSHEE, COUNCILOR ROMERO, COUNCILOR DOMINGUEZ AND COUNCILOR TRUJILLO). A JOINT RESOLUTION SUPPORTING HEALTHY LIFESTYLES THROUGH EARTH KNOWLEDGE AND SUSTAINABLE PRACTICES FOR SANTA FE YOUTH. (KATHERINE MORTIMER)
- m) CONSIDERATION OF RESOLUTION NO. 2009- 26 (COUNCILOR BUSHEE, COUNCILOR CALVERT AND COUNCILOR ROMERO). 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. (JEANNE PRICE)

- n) REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON MARCH 25, 2009:
- 1) BILL NO. 2009-9 – AN ORDINANCE AMENDING SECTION 23-5.4 SFCC 1987 TO INCLUDE THE PROHIBITION OF BOOTHS OR TABLES OR SIMILAR OBJECTS ON THE GRASSED AREAS OF THE PLAZA PARK (COUNCILOR CALVERT AND COUNCILOR BUSHEE). (FABIAN CHAVEZ)
This item was removed from the agenda
 - a) CONSIDERATION OF RESOLUTION NO. 2009- ____ (COUNCILOR CALVERT). A RESOLUTION ESTABLISHING A PLAZA ROUND TABLE AND DIRECTING STAFF TO WORK WITH THE PLAZA EVENT ORGANIZERS TO MITIGATE THE IMPACTS OF PLAZA EVENTS. (FABIAN CHAVEZ)
This item was removed from the agenda to be heard at the March 11, 2009 Council meeting.
 - 2) BILL NO. 2009-10 – AN ORDINANCE AMENDING SECTION 12-6-5.8 REGARDING TURNING AND STOPPING MOVEMENTS AND REQUIRED SIGNALS; SECTION 12-6-12.18 REGARDING PROHIBITED ACTIVITIES WHILE DRIVING; SECTION 12-6-13.15 REGARDING INJURIOUS MATERIALS ON CITY STREETS; SECTION 12-9-9 REGARDING DESIGNATED DISABLED PARKING SPACES; SECTION 12-12-20 REGARDING THE VEHICLE IMMOBILIZATION (BOOT) PROGRAM; THE TRAFFIC VIOLATION PENALTY ASSESSMENT SCHEDULE; AND THE PARKING VIOLATION PENALTY ASSESSMENT SCHEDULE ALL OF THE CITY OF SANTA FE UNIFORM TRAFFIC CODE (COUNCILOR TRUJILLO). (CHIEF ERIC JOHNSON)
- o) CONSIDERATION OF RESOLUTION NO. 2009- 27 (COUNCILOR DOMINGUEZ AND COUNCILOR BUSHEE). A RESOLUTION RECOGNIZING AND SUPPORTING THE EFFORTS OF THE SANTA FE CIVIC HOUSING AUTHORITY TO CONSTRUCT AND OPERATE THE HOPEWELL-MANN MULTII-PURPOSE COMMUNITY CENTER. (ROBERT ROMERO) *[Councilor Bushee asked to be added as a sponsor]*
- p) *[Removed for discussion by Councilor Bushee]*
- q) CONSIDERATION OF RESOLUTION NO. 2009- 28 (COUNCILOR WURZBURGER, COUNCILOR ROMERO AND COUNCILOR CALVERT). A RESOLUTION AUTHORIZING AND APPROVING SUBMISSION OF AN EXECUTED AGREEMENT TO THE DEPARTMENT OF THE ARMY FOR DESIGN AND CONSTRUCTION FINANCIAL ASSISTANCE FOR THE CANYON ROAD WATER TREATMENT PLANT UPGRADES. (BRIAN SNYDER)
 - 1) REQUEST FOR APPROVAL OF AGREEMENT – DESIGN AND CONSTRUCTION ASSISTANCE FOR THE CANYON ROAD WATER TREATMENT PLANT UPGRADES; DEPARTMENT OF THE ARMY. (BRIAN SNYDER)

- a) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- r) **CONSIDERATION OF RESOLUTION NO. 2009- 29 (COUNCILOR CHAVEZ). A RESOLUTION SUPPORTING SENATE BILL 21 THAT CREATES THE STATE OF NEW MEXICO HISPANIC AFFAIRS DEPARTMENT AND THE HISPANIC AFFAIRS COMMISSION. (JEANNE PRICE)**
- s) **CONSIDERATION OF RESOLUTION NO. 2009- 30 (COUNCILOR CHAVEZ). A RESOLUTION SUPPORTING SENATE BILL 582 THAT WOULD ENACT THE LOCAL HISPANO ARTS AND CRAFTS SALES ACT. (JEANNE PRICE)**

7. APPROVAL OF MINUTES: Regular Council Meeting – February 11, 2009

Councilor Bushee moved, seconded by Councilor Trujillo, to approve the minutes of the regular City Council Meeting of February 11, 2009, as presented. The motion was approved on a voice vote, with Councilors Bushee, Calvert, Dominguez, Ortiz, Romero, Trujillo and Wurzbarger voting for the motion, none against and Councilor Chavez absent.

Councilor Chavez arrived at the meeting

8. PRESENTATIONS

- a) **MUCHAS GRACIAS – CUB SCOUT PACK 53 AND BOY SCOUT TROOPS 414, 53 AND 28. (MANNY ORTIZ)**

Mayor Coss, assisted by Manny Ortiz, presented Muchas Gracias certificates to Cub Scout Pack and Boy Scout Troops 414, 53 and 28 and their parents as well as to civilians Mark Zamora and his son.

Mark Zamora thanked the City for this honor, and praised the work done by Manny Ortiz and the Cub Scouts and Boy Scouts.

Mayor Coss thanked Mr. Ortiz and others who were involved in this effort, and congratulated the Cub Scouts and Boy Scouts for their hard work.

- b) **MUCHAS GRACIAS – CHARLIE BALDONADO**

Mayor Coss presented a Muchas Gracias certificate to Charles Baldonado, and read Mr. Baldonado's accomplishments into the record, noting Mr. Baldonado has served on the Board of Adjustment for the past 24 years, and served for 17 years as the Chair. He congratulated Mr. Baldonado on his recent appointment as the Chief Deputy District Attorney.

Mr. Baldonado thanked the City for this honor, and for the opportunity to serve on the Board of Adjustment and as Chair of that Board.

c) THORNBURG CAMPUS (DAVID M. MILLER)

A copy of "Thornburg Campus, from Vision to Reality," a presentation to the City of Santa Fe Governing Body, dated February 25, 2009, is incorporated herewith to these minutes as Exhibit "1."

David M. Miller presented information regarding this matter via power point. Please see Exhibit "1." for specifics of this presentation. Mr. Miller thanked the City for its assistance in getting its industrial revenue bonds.

Councilor Bushee looks forward to a tour of the new facility. She said she does have a concern, in addition to the financial concerns which he has addressed, which was expressed to her which is that the building lights seem to be on all of the time.

Mr. Miller said the community "jumped the gun," when they had already told them that the lights were being tested at full force, and they were following City Code in doing this. He said many of the lights are turned off at night, noting they are on timers. He said Thornburg is an international company and does trading throughout the evenings, but many of the lights are turned down. He has received many positive telephone calls since that happened in mid-January. He said what Councilor Bushee is reporting are premature concerns which have been addressed.

Mr. Miller said a large part of the community is used to wilderness and has lived there for years. He said it will never be what it used to be, but Thornburg has followed City Code, noting they have down lighting and have no outward lighting. He said they believe they have addressed the problem adequately and more so.

Councilor Bushee said then the exterior parking lights are turned off at a certain time.

Mr. Miller said yes, but because they do have international traders that have to leave, they also are concerned about safety. He said of the 23 aisle lights they are leaving only 3-4 on.

d) SANTA FE TRENDS 2009 (REED LIVING)

A copy of Santa Fe Trends 2009, is incorporated herewith to these minutes as Exhibit "2."

Mr. Liming highlighted the information in Trends. Please see Exhibit "2," for specifics of this presentation. He noted that the document is on the website and people can print a copy.

Mr. Liming commended Valerie in City Graphics who put the magazine together.

Councilor Chavez said he looks forward to Santa Fe Trends each year. He said, with regard to the Arts and Culture Section on pages 16-17, it is appropriate that we expand in this area and feature everything which we have accomplished. He said one feature which isn't included is the new Community+ Gallery in the new Community Convention Center. He said this is an asset, and a demonstration that the City is committed to supporting the local artists and craftsmen. He asked this be included in next year's Trends and perhaps add this feature to the City's web page. He congratulated staff for this effort.

CONSENT CALENDAR DISCUSSION

10(k) NEIGHBORHOOD STABILIZATION PROGRAM (MELISSA COLLETT DAILEY)

- 1) REQUEST FOR APPROVAL OF GRANT AWARD; HUD.**
- 2) REQUEST FOR APPROVAL OF STAFF RECOMMENDATIONS FOR FUNDING ALLOCATION.**
- 3) REQUEST FOR APPROVAL TO AUTHORIZE CITY MANAGER TO EXECUTE THE CONTRACTS WITH OUR HOUSING PARTNERS BASED ON OUTLINED GUIDELINES.**
- 4) REQUEST FOR APPROVAL TO AUTHORIZE CITY MANAGER TO APPROVE DIRECT PURCHASE OF LAND OR HOMES BY OFFICE OF AFFORDABLE HOUSING.**

Councilor Bushee said the way it was published, she had a constituent to call her and say "you are going to allow the OAH to approve and buy houses, but it's just specific to this fund. Correct."

Ms. Dailey said this is correct.

Councilor Bushee asked how the Council will know what the Office of Affordable Housing is contemplating, and asked if staff will present a status report through the committee process and how funds are being spent.

Ms. Dailey said she does have an outline as to how they would like to spend the funds, which has been approved by HUD. She said they had one week to submit their plan for spending when they received the notice from the State DFA. She said once the contract is signed, they have 18 months to spend the money. The ideal situation is to have Homewise and the Housing Trust purchasing these homes. However, they believe there may be times when there are homes which might need rehabilitation to be added to the pool of affordable housing.

Councilor Bushee said she simply wants an update at some point, and not to bring every purchase before the Governing Body.

Ms. Daily said they have to provide updates to the DFA every two months.

Councilor Bushee would like to get those reports, and on occasion have Ms. Daily appear before the committees.

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

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

Against: None.

10(p) CONSIDERATION OF RESOLUTION NO. 2009- 31 (COUNCILOR BUSHEE, MAYOR COSS, COUNCILOR TRUJILLO, COUNCILOR CALVERT, COUNCILOR ROMERO, AND COUNCILOR DOMINGUEZ). A RESOLUTION DIRECTING STAFF TO PREPARE THE NECESSARY DOCUMENTS TO COMPLETE THE DONATION OF APPROXIMATELY FIVE ACRES OF VACANT CITY OWNED LAND LOCATED ADJACENT TO THE SANTA FE NATIONAL CEMETERY TO THE NATIONAL CEMETERY ADMINISTRATION, DEPARTMENT OF VETERANS AFFAIRS. (JACK HIATT)

Councilor Bushee moved, seconded by Councilor Calvert, to adopt Resolution No. 2009-31 with the inclusion of the two amendments from the Public Works Committee.

Discussion: Councilor Bushee asked those in attendance for this agenda item to stand and be recognized. She said hopefully we can communicate our message clearly to the federal government.

Councilor Trujillo is in favor of the Resolution. He said, "Robert, at the last Public Works meeting, when we do transfer this land, how we say the 0.7 acres of the City parcel we're not including. I just want to make sure that piece of property is utilized by the cemetery to get as many burials there as possible. I don't want this coming back, be it your father, my father, anybody's father, that you can't be buried here because we're protecting this ridge line. I want to make sure that we work with, and I don't know how it has to be put, that we get as many burials there as possible... that cemetery's going to be packed in a few years, and I'm sorry, our veterans mean a lot to this community. To me they do. My father's buried there at the National Cemetery, and for them to say one day that, sorry you can't be buried here, there's not enough room, and we had the chance to put more burials."

Councilor Bushee clarified that 0.7 acres is not included in the donation, but there are 5 acres which will be given, not sold, to the cemetery.

Councilor Ortiz asked if you're saying that we're donating everything but the ridge line.

Councilor Bushee said this is correct, and the way it's been all the way through committees.

The motion was approved on the following roll call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Ortiz, Councilor

Romero, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Absent: Councilor Dominguez.

END OF CONSENT CALENDAR DISCUSSION

- 11. REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO PROFESSIONAL SERVICES AGREEMENT – SANTA FE CIVIC CONVENTION CENTER; HANDS ENGINEERING, LLC. (MARTIN VALDEZ) (Postponed at February 11, 2009 City Council Meeting)**
1) REQUEST FOR APPROVAL OF AMENDMENT NO. 8 TO PROFESSIONAL SERVICES AGREEMENT – SANTA FE CIVIC CONVENTION CENTER; FENTRESS BRADBURN ARCHITECTS, LTD.

Councilor Calvert moved, seconded by Councilor Chavez, to approve these requests, Item 11 and Item 11(1). 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. REQUEST FOR APPROVAL TO APPLY TO THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT (NCRTD) TO RECEIVE A NON-RECURRING \$100,000 GRANT AWARD FOR EXPANSION OF "TRANSIT SERVICES THAT ARE REGIONAL IN NATURE." (JON BULTHUIS)**

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

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

Against: None

Absent: Councilor Bushee.

Councilor Romero thanked Jon Bulthuis for his hard work to get this item to the Council as quickly as possible.

13. **CONSIDERATION OF RESOLUTION NO. 2009-32 (COUNCILOR CALVERT, MAYOR COSS AND COUNCILOR BUSHEE). A RESOLUTION AMENDING RESOLUTION NO. 2009-23 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 STANDARDS APPLICABLE TO STATE BUILDINGS. (DAVID RASCH)**

Councilor Calvert moved, seconded by Councilor Bushee, to adopt Resolution No. 2009-32.

Discussion: Councilor Calvert said this is a resolution we've had since the last Council meeting and we're amending it to track with HB360, and to further the cooperation with the State in this matter.

Councilor Wurzbarger supports the Resolution and asked to be added as a cosponsor. She acknowledged the tremendous work done by staff, Marilyn Bane, Karen Walker, Paula Tackett and others.

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.

14. **CONSIDERATION OF RESOLUTION NO. 2009- 33 (COUNCILOR BUSHEE, MAYOR COSS AND COUNCILOR CALVERT). A RESOLUTION SUPPORTING THE HOUSE TAXATION AND REVENUE COMMITTEE SUBSTITUTE FOR HOUSE BILL 360 RELATING TO LOCAL GOVERNMENTS; PROVIDING PROCEDURES FOR THE APPLICATION OF HISTORIC DISTRICT AND LANDMARK ACT TO STATE CAPITAL OUTLAY PROJECTS. (DAVID RASCH)**

Councilor Bushee moved, seconded by Councilor Calvert, to adopt Resolution No. 2009-33.

Discussion: Councilor Bushee said she would like to thank the Speaker's Office, Mark Duran and others for their willingness to create a new model for these relationships. She asked Marilyn Bane to give a brief status of the bill.

Marilyn Bane thanked everyone who worked so hard on this bill this year. The substitute bill passed the House 65-0 and it now goes to the Senate Indian & Cultural Affairs and then to the Senate Public Affairs Committee. She said Peter Wirth said he will do everything he can to assist. She said this bill has official historic oversight, which eventually will be shared by the State and the City. This is an unprecedented collaboration. She would like everyone on the Governing Body to sign onto this bill.

Mayor Coss thanked Marilyn Bane, Karen Walker and Sharon Wood, Chair of the Historic Design Review Board as well as David Rasch and Jeanne Price for their work on this bill.

Councilors Wurzbarger and Romero asked to be added as cosponsor 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.

15. REQUEST FOR APPROVAL AND CONSENT FOR SOLID WASTE MANAGEMENT AGENCY TO ACCEPT WASTE FROM NORTH CENTRAL SOLID WASTE AUTHORITY AND LOS ALAMOS COUNTY. (RANDALL KIPPENBROCK) (Postponed at February 25, 2009 City Council Meeting). (WITHDRAWN)

A copy of a Memorandum dated February 20, 2009, to the City Clerk's Office from Randal Kippenbrock, Executive Director, requesting to withdrawn this item from the agenda, is incorporated herewith to these minutes as Exhibit "3."

16. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

Mayor Coss said he would like to move to Items #18 and #19 prior to going into Executive Session

18. MATTERS FROM THE CITY CLERK

Yolanda Vigil reminded everything that they can vote absentee in her office through next Friday.

19. COMMUNICATIONS FROM THE GOVERNING BODY.

A copy of "Bills and Resolutions Scheduled for Introduction by Members of the Governing Body, for the City Council Meeting of February 25, 2009," is incorporated herewith to these minutes as Exhibit "4."

Councilor Chavez

Councilor Chavez said he appreciates the Council approving the Resolutions supporting SB 21 and SB 582. He said one Resolution creates the Office of Hispanic Affairs. The other would enact the Local Hispano Arts & Crafts Sales Act. He would like to send copies to the local Legislative Delegation.

Councilor Chavez said there is another possible option to place police office and City workers in neighborhoods. He said a portion of the Baca Street Railyard was designed for housing on City-owned land for single-family units, probably a condo of some kind. He thinks we can revisit that to see if this is something in which our housing providers would be interested, and asked Councilor Ortiz to add that to his list.

Councilor Romero

Councilor Romero said the Casa Linda Neighborhood Association is bringing forth its pilot Neighborhood Plan tomorrow evening, 6:00 to 8:00 p.m., at Kaune School. She is unable to attend but Councilor Wurzbarger will be attending on her behalf. She will make the plan available to the Councilors and continue to move forward.

Councilor Romero encouraged people to look at the landscaping by DOT along the Rail Trail. It looks really great, that and the new fencing. She said the neighbors' concerns about noise haven't been fully resolved at this point.

Councilor Bushee

Councilor Bushee introduced two Resolutions as follows:

- 1) A Resolution authorizing the City of Santa Fe to support a living Santa Fe River by allowing water to pass through McClure and Nichols Reservoirs in 2009. A copy of this Resolution is incorporated herewith to these minutes as Exhibit "5."
- 2) A Resolution Supporting the Adoption of HB5972 which would Enact the Solar Energy Improvement Special Assessment Act. She said Dona Ana County tried something similar, noting it hasn't moved far in the House. A copy of this Resolution is incorporated herewith to these minutes as Exhibit "6."

Councilor Bushee said we haven't moved on the transportation hub at the Railyard. She understands the State wants to use the back side of the building. She is referring people to Bill Hon who have asked about setting up to rent scooters, etc. She said we never sent out an RFP because we were waiting to hear from the State. She would like a status update so we can move forward.

Councilor Bushee said BTAC will be meeting at the Nambe Room in Thursday instead of here in the Chambers.

Councilor Bushee said the graffiti up and down the river is very bad, including the stone area near the St. Francis intersection. She wants to get that graffiti cleaned right away, noting it has been two weeks since she first called in a complaint.

Councilor Ortiz

Councilor Ortiz said he has introduced an Ordinance amendment to reduce the pay for the members of the Governing Body for FY 2009-2010. He said, "This is an era of sacrifice and we're asking the staff to come up with a budget that is significantly different from what we've had in the past. And, we have to lead by example, and so I've proposed a 15% reduction in our pay which has to be done by Ordinance." He said paragraph 2 is a clarifying paragraph which requires that all part time and full time City Attorneys have to be exempt employees. He said this needs to go through the Finance Department and then come back through the ordinance process.

Councilor Ortiz said we lost the Cops in Parks Program because of complaints that happened in smaller pocket parks. However, the funds are still available. He said Franklin Miles Parks needs a police presence. He said houses are available which have been foreclosed, and he would like to see what we can do to switch some of that existing funding to see if we can start acquiring some of these properties, and placing our police force in those parks. He said there is an available home on the corner at Franklin Miles where the problems are happening. He said he is directing the City Manager and Ms. McCormick to initiate the process to try to purchase that home.

Councilor Trujillo

Councilor Trujillo said he and Councilor Ortiz have been contacted by the Santa Fe National Little League. He said because of the renovations at Franklin Miles, a lot of things are being displaced. The League is looking at the possibility of playing their games at Herb Martinez Park. He would like the City Manager to see what we can do about putting the Girls Softball there. He said he understands there has been an issue with the lights being on at the field. He would like this communication to begin before the season starts, noting practice begins in March, so the season probably begins in April.

Councilor Wurzbarger

Councilor Wurzbarger said she is introducing the Ordinance authorizing the execution and delivery of a Water Project Loan Agreement. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "7."

Councilor Wurzbarger said she was unaware that she had to introduce this Ordinance since it was on the list of bills to be introduced.

Councilor Dominguez

Councilor Dominguez said a constituent called him and told him he has four children and went to Genoveva Chavez and was unable to get all of his children in the Center. He asked Mr. Buller to follow up on this.

Councilor Dominguez said as we move forward in the budget process, he hopes Mr. Buller is giving staff the time they need to get things done, so we're not getting stacks of documentation at the last minute which we have to read and make decisions about.

Councilor Dominguez said his office hours at Miklo's Coffee House was successful. The next office hours will be at Miklo's at 10:00 a.m. on March 7, 2009. He said he will have a date and new location for additional office hours in the Hickox area, and that information will be forthcoming.

Councilor Dominguez will be hosting a Public Safety Town Hall Meeting in the Southwest Sector in the beginning of April, and is looking for cooperation from the City Manager and the Police Department to conduct that meeting.

Councilor Calvert

Councilor Calvert would like to send a note to the DOT thanking them for their extensive work on the sidewalks on Paseo de Peralta, and ADA improvements they built from St. Francis to Washington.

Mayor Coss

Mayor Coss said he received a letter from the College of Santa Fe regarding a mass layoff. He wants to assure the public that the City is working with Representative Varela and the Richardson administration to pass legislation to make the College a four-year public institution.

He encouraged everyone to get out and vote early for the Workforce Housing Initiative. He said literature is being passed out which is wrong and not what this Governing Body passed. He said it is off base to say we will just put out a blank check. He said this Governing Body knows exactly how much the tax will produce and exactly what we will be doing with it.

Mayor Coss said the Department of Veterans Affairs is holding a Veterans ceremony at 11:30 a.m. on Friday at the Roundhouse especially to honor Vietnam Veterans.

Mayor Coss said he would like to cosponsor the pay reduction bill.

Yolanda Vigil, City Clerk said, for clarification, the list which is given to the Governing Body which contains the introductions is so the Governing Body will know what is being introduced so you can go to the website to look at those. However, they still need to be entered into the record during Communications from the Governing Body. She said the list is provided to eliminate providing hard copies of all of the Resolutions.

17. MATTERS FROM THE CITY ATTORNEY

Frank Katz said the Supreme Court ruled on the Summum case, noting the City joined an *amicus* brief in this case. He said a group was suing the Town of Pleasant Grove, Utah, to have its own monument on the public grounds and there was a Ten Commandment monument there. The Supreme Court found that when a city decides to put a monument in a park, that is the government speaking and the government can choose to speak how it wishes, and affirmed the right of the City in that case to decide what it wanted and did not want to put in the park.

EXECUTIVE SESSION:

- a) DISCUSSION OF MODIFICATION OF TERMS FOR THE TERMINATION OF JICARILLA APACHE NATION (JAN) LEASE, PURSUANT TO §10-15-1(H)(8) NMSA 1978.**

Councilor Calvert moved, seconded by Councilor Ortiz, that the Council go into Executive Session for the purpose of the discussion of the modification of terms for the termination of the Jicarilla Apache Nation (JAN) Lease, pursuant to §10-15-1(H)(8). The motion was approved on a roll call vote as follows:

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

Against: None.

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

MOTION TO COME OUT OF EXECUTIVE SESSION

At 7:00 p.m. Councilor Chavez moved, seconded by Councilor Trujillo, that the City Council come out of Executive Session and stated that the only item which was discussed in executive session was 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 Wurzbarger voting for the motion and no one voting against.

END OF AFTERNOON SESSION AT 7:00P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David Coss, at approximately 7:00 p.m. Following the Pledge of Allegiance, Salute to the New Mexico Flag, and Invocation, Roll Call indicated the presence of a quorum as follows:

Members Present

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

F. PETITIONS FROM THE FLOOR

Sagemaya Dandi, 1492 Upper Canyon Road, said he has two items. He asked the Council what it is trying to hide. He has gone to David Millican several times during the last six weeks to try to find out how our tax dollars are being spent. He said the last time he went to see him, Mr. Millican told him he would have to make a written request for the information. Mr. Dandi said it takes 4-5 weeks to get an answer. He suggested perhaps hiring an accountant to relay this information to the public. He wants to follow how the funds are being spent on the bond issue. Secondly, he attended the meeting about building a bridge across St. Francis to the Railyard. He said money is being spent to develop these projects and hire architects. Two years ago, Mayor Coss committed to hiring a bicycle pedestrian coordinator. He said these are life and death decisions which need to be made by a professional. He is concerned about the design of the parking garage at the Convention Center. He spoke about what happened in Florida in 1989 when adequate funds were made available which resulted in bicycle pedestrian coordinators being hired in 21 of the 25 metropolitan areas. He said New Mexico is the only State capital in the United States that doesn't have a bicycle pedestrian coordinator.

Dan Stone, 1412 Santa Rosa, said he was looking at the City's website today looking for codes which would help residents along the Rail Runner Express route. In the process, he noted that the

Railyard has a new link on the website, with a statement that says, "Now in the 21st Century, the resurgence of rail travel as a more economic and environmentally friendly means of travel comes to the Railyard with the arrival of the New Mexico Rail Runner Express." He said the only thing he's seen which is environmentally friendly with the Rail Runner thus far, is that it reduces impact of rush hour traffic on Cerrillos and St. Francis in the morning and afternoon from the people who come up here from Albuquerque to work jobs which he thinks are meant for people in Santa Fe. He said you might want to tell the author of the Railyard site that they might want to change that statement. He said the Rail Runner is anything but environmentally friendly. He said the noise impacts to residents living near the Rail Runner are abusive. The low frequency sound keeps them awake and wakes them at 5:40 a.m. or earlier, and sometimes keeps them up past 10:00 p.m.

Mr. Stone said the Rail Runner is going back and forth through the City twenty-two times a day. He said he and Councilor Ortiz were told by the New Mexico DOT on numerous occasions last year that the Rail Runner would only be going through the City 16 times per day. He said the reason for the six additional trips is that there are 6 out of service trains that leave the City and come back into the City six times a day. He said they park at the Richards Avenue spur until time to come back into town 2-3 hours later to start their route.

Mr. Stone believes there is a resolution to this issue if the City would work with the Rail Runner people and get it to go back to the original 16 trips per day. He understands from the DOT that the Rail Runner has no access to the downtown Railyard. He said there are four tracks in the downtown Railyard. He said NMDOT told him the City owns the downtown Railyard tracks from Alcalde to the Santa Fe Depot and they are restricted to using Track 1, and that Santa Fe Southern is allowed to use Tracks 2, 3 and 4. However, over the past two months, he has noticed Santa Fe Southern uses only Track 3 and 4, and Track 2 is open almost all the time.

Mr. Stone petitioned the City, if possible, to work a deal with NMDOT, so the out of service trains will park on Track 2 for the 2-3 hours they're out of service, and they can restart the routes from there. This would reduce the impact of the train running back and forth through the City by six times per day. He said the residents living near the tracks, would really appreciate your help in this matter.

G. APPOINTMENTS

Airport Advisory Board

Mayor Coss appointed the following individuals to the Airport Advisory Board:

Carolyn Cook, Chair – Reappointment - term ending 02/2012; and
Philip A. Sweeney – Reappointment – term ending 02/2012.

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

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 none against.

Children and Youth Commission

Mayor Coss appointed the following individuals to the Children and Youth Commission:

Ernestine B. Gallegos de Hagmen – Reappointment – term ending 01/2012; and
Exilda Trujillo Martinez – Reappointment – term ending 01/2012.

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

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 none against.

Occupancy Tax Advisory Board

Mayor Coss appointed the following individuals to the Occupancy Tax Advisory Board:

Mary Bonney (Tourism Related) – to fill unexpired term ending 02/2010;
Miguel Castillo (Tourism Related) – Reappointment – term ending 02/2010;
Jon Hendry (At-Large) – Reappointment – term ending 02/2010; and
Paul A.C. Margetson (Lodgers) – Reappointment – term ending 02/2010.

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

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 none against.

H. PUBLIC HEARINGS

- 1) REQUEST FROM DIONNE CHRISTIAN FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT THE TEAHOUSE, LLC, 944 EAST PALACE AVENUE. (YOLANDA Y. VIGIL)**

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

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Bushee moved, seconded by Councilor Wurzbarger, to grant the request for a Restaurant (Beer & Wine) Liquor License to be located at The Teahouse, LLC, 944 East Palace Avenue.

Discussion: Councilor Bushee said it is a great location.

Councilor Wurzbarger said it is a great facility, and she is personally happy that they will have wine which we know will be reasonable.

The motion was approved on the following Roll Call Vote:

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

Against: None.

- 2) REQUEST FROM MASAYUKI HATTORI FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT SUSHI LAND - EAST, 60 EAST SAN FRANCISCO STREET. (YOLANDA Y. VIGIL)**

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

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Calvert moved, seconded by Councilor Bushee, to grant the request for a Restaurant (Beer & Wine) Liquor License to be located at Sushi Land - East, 60 East San Francisco Street.

The motion was approved on the following Roll Call Vote:

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

Against: None.

- 3) CONSIDERATION OF RESOLUTION NO. 2009- 34. CASE #M 2008-40. VILLA ALEGRE OFFICE GENERAL PLAN AMENDMENT. DUTY AND GERMANAS ARCHITECTS, AGENT FOR SANTA FE CIVIC HOUSING AUTHORITY, REQUEST APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 0.350± ACRE FROM MEDIUM DENSITY RESIDENTIAL TO OFFICE. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF WEST ALAMEDA STREET AND CAMINO DEL CAMPO. (LUCAS CRUSE)

Items H(3) and (4) were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.

A memorandum dated February 13 for February 25, 2009 Santa Fe City Council Meeting, to Mayor and City Council, with attachments, from Lucas Cruse, Senior Planner, Current Planning Division, regarding Case #M-2008-40 and Case #ZA-2008-16, is incorporated herewith to these minutes as Exhibit "8."

The staff report was presented by Lucas Cruse which is contained in Exhibit "8." Mr. Cruse clarified that this is the Santa Fe Civic Housing Authority and not the Community Housing Trust, and apologized for some discrepancies in the Staff Report. Mr. Cruse pointed out that the Findings of Fact and Conclusions of Law for the General Plan Amendment stated that there were conditions of approval, but no conditions of approval were imposed by the Planning Commission.

Recommendation: On November 6, 2008, the Planning Commission moved to recommend the City Council approve the two Villa Alegre applications without conditions. The Findings of Fact and Conclusions of Law are attached in Exhibit A.

Public Hearing

Those speaking to the request

Ray Herrera, 379 Hillside, was sworn. Mr. Herrera said he is opposed to this request. He is concerned that they are asking for exceptions to change the zoning. His concern is that from the beginning things have sort of changed. The original plans didn't include going before Planning

Commission nor the City Council for a zoning change. He believes we are sacrificing part of that property for commercial use. He said, for the record, "My concern is for the entire project, being that it's a Senior Citizen project and that putting in more commercial development will, in my opinion, deter from the original concept of the project for the Senior Citizens."

Lois Taylor, West Guadalupe Historic District Neighborhood Association, was sworn. Ms. Taylor said the Association is in favor of this. She said the architects and Mr. Romero met with them many times, and the consensus was that this would be a good idea.

The Public Hearing was Closed

Councilor Chavez said the request is for 0.350± acres, and asked if that about 1/3 of an acre, and Mr. Cruse said this is correct.

Councilor Chavez said then we're changing 1/3 acre from medium density residential to office, but the office space will be somewhat limited because of the footprint and the area for which it is being designed. He asked for more information about the footprint of some of the office spaces and some of the suggested uses for the space.

Mr. Cruse said the Applicant is here and can talk about the site planning design.

Mike Duty, Architect, was sworn.

Councilor Chavez asked the percentage of the 1/3 acre to the overall area.

Mr. Duty said the area of the building proposed is a total area of about 4,000 sq. ft., of which, up to 2,000 sq. ft. or more will be on the ground floor for market rate office use, noting they have no user in mind at this point. The upstairs of the proposed development would be two residential units – two live/work units, so it is a mixture of residential and office space.

Mr. Duty said he presumes Councilor Chavez is asking the percentage of this parcel to the entire Santa Fe Civic Authority holdings, and Councilor Chavez said right. Mr. Duty said the total holdings of the Authority are about 9 acres in three different sites: a large site to the west, another site immediately across the street and this small site which is closest to the current BCD area. He said this site would be approximately 3-4% of the total holdings.

Councilor Chavez said then you're saying that the footprint of the building on that 1/3 acre is 4,000 sq. ft., it is a two-story building.

Mr. Duty said the total building area is about 4,000 sq. ft., and this includes the first and second floors.

Responding to Councilor Chavez, Mr. Duty said the upstairs would be residential and the ground floor would be offices.

Councilor Chavez asked if those two will be connected, and if person renting the office space would be the one living in the unit on the second floor.

Mr. Duty said no. He said on live/work developments it is prudent to not actually connect them. If they are connected, then it is fairly limited to someone living and working in that combined environment. If you put a residential on top of a commercial unit, it is prudent not to connect them, but to have an exterior or separate stairs which gives flexibility. He said frequently people who live downstairs work upstairs, although that's not required. He said this is the highest most desirable arrangement. He said there are Building code advantages to not connect those. However, they will be accessible from the ground floor and potentially will be available to anyone who works in the ground floor area to live upstairs.

Councilor Chavez said if they're not connected, then your definition of live/work would allow someone renting an upstairs portion of the building to have their own business under the Home Occupation Ordinance, and asked Mr. Duty his definition of "live/work."

Mr. Duty said there is home occupation in the Santa Fe Zoning Code. He said anyone living in any subdivision of the City in a residential zone can, within certain limitations, have a home occupation. The home occupation is limited to 25% of the building area and limited relative to whether or not someone can have employees. He said this isn't what is meant by the term live/work. He said, regarding live/work, it is possible to find office uses and it is possible to find residential uses. He said he did a live/work at the corner of St. Francis and St. Michaels where there are residential uses and there are office uses and they usually are zoned C-1 and sometimes C-2 which allows both uses. There is no requirement in these developments that if someone has an office that they have to live there or that they get special rights, although it is possible, nor is there a requirement if you live there that you have to work there. It's an opportunity to have mixed use which is considered, generally, to be a very vibrant use in cities and gives additional alternative ways of living and working.

Councilor Wurzbarger moved, seconded by Councilor Romero, to adopt Resolution No. 2009-34, approving Case #M 2008-40 the General Plan Amendment, with no conditions of approval, and the 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.

- 4) **CONSIDERATION OF BILL NO. 2009-6; ADOPTION OF ORDINANCE NO. 2009-8. CASE #ZA 2008-16. VISTA ALEGRE OFFICE REZONING. DUTY AND GERMANAS ARCHITECTS, AGENT FOR SANTA FE CIVIC HOUSING AUTHORITY, REQUEST REZONING OF 0.350± ACRE FROM RM-2 (MULTI-FAMILY RESIDENTIAL, 29 DWELLING UNITS PER ACRE) TO C-1 (OFFICE AND RELATED COMMERCIAL). THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF WEST ALAMEDA STREET AND CAMINO DEL CAMPO. (LUCAS CRUSE)**

Councilor Wurzbarger moved, seconded by Councilor Ortiz, to adopt Ordinance No. 2009-8, approving Case #ZA-2008-16 the Office Rezoning, with no conditions of approval and the 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.

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 7:30 p.m.

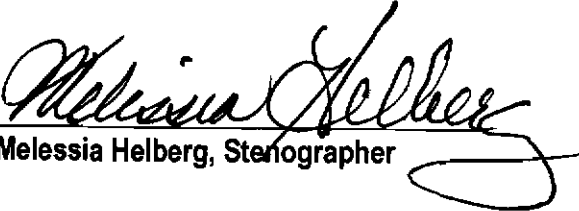
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Stenographer